UNITED STATES OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS
SECOND SESSION

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## SENATE—*Thursday, February 7, 2008*

*(Legislative day of Wednesday, February 6, 2008)*

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

### PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rabbi Cheryl Jacobs of the Jewish Healing Center, Plantation, FL.

The guest Chaplain offered the following prayer:

Dear God, what do I desire for my country? How do I vision the land I love? Let it be a land where knowledge is free, where the mind is without fear and men and women hold their heads high, where words come out from the depths of truth, where our leaders have the courage and the permission to lead, where Americans have faith in our land, in our leaders, and in themselves.

Let it be a land where we live free of fear, a land safe for our children and for the generations that have yet to be, where our Nation has not been broken up into fragments by narrow domestic walls, where the brave men and women who fight for our country are revered and honored for the heroes they are.

And let it be a land where tireless striving stretches its arms toward perfection and where there are limitless opportunities for all people. Into that heaven of freedom, let my country awake.

May the Lord bless us and keep us. May the Lord cause His face to shine upon us. May the Lord bless our country with peace. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 7, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Mr. President, on the stimulus package, I have had a number of conversations with the Republican leader this morning. I have a way forward, but we don't have a way forward yet. We are going to see if we can continue working so that we have a way forward. We are having some discussions. He is indisposed for an hour. When he gets back, we will meet again.

All Senators should know that we have to finish FISA this week. Hopefully, we can finish it today and, if not, tomorrow. We have to finish it this week. As for the stimulus package, it would be good to finish it today, but we may not be able to. Procedurally, we may have to wait until tomorrow or maybe even Tuesday. But we are working on that.

Like I said, I have a way forward, but we don't have a way forward. I will try to see if we can have a situation where it is "we" rather than "I." I hope that works out well.

As I indicated last night, we had a good bipartisan vote. It would have been better if we had one more bipartisan vote, but it was still something we should all feel good about. We are trying to move this country forward. The economy is in real trouble now, as indicated in today's press. Now the Fed is worried about inflation, and in addition to that, we have other countries worried about inflation—European countries. It is really a time of trouble. That is why we have to continue to work on the stimulus package to see if we can come up with something.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be 1 hour of morning business, with Senators permitted to speak therein for 10 minutes each.

The Senator from Florida is recognized.

### THANKING THE VISITING CHAPLAIN

Mr. MARTINEZ. Mr. President, I was running in late. I am devastated that I missed the prayer by Rabbi Cheryl Jacobs, from Broward County, FL. I am honored to have her here. I was at a Banking Committee hearing and could not make it on time.

Rabbi Jacobs does an amazing amount of work in the Broward County area, helping people in need in all walks of life. She is always there to help. I am tremendously honored to

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

have her here today. We are pleased that she was able to honor us with her prayer. We thank her for coming.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## STIMULUS PACKAGE

Mr. CORKER. Mr. President, as you know, I very seldom come to the floor. Last week, I came to the floor to talk a little bit about the stimulus package that is before us now. Last night, we had a vote that blocked the Senate Finance Committee package. I know that probably sometime during the course of this day—or very soon—we will be voting on the House version of the stimulus package. I have to say that I realize I am a voice in the wilderness—actually more of a voice in the wilderness this week than last—but I continue to be almost shocked at the lack of debate regarding this stimulus package and its nature and effect on our economy.

This is a roughly $150 billion package. Most of this package is oriented toward sprinkling, if you will, checks around our country. I know there are many people in our country in need, and there have been attempts to add various groups that "have been left out" of the package. I really feel for people around our country who are in tremendous economic distress. But I have to say that, to me—and this is just one opinion, and I have tremendous respect for this body and the various opinions that exist here—this has to be, in my humble opinion, one of the most irresponsible things we have done since I have been in the Senate.

I think about all the debate we have had here, for instance, regarding earmarks, the wasteful spending that can sometimes take place over congressional earmarks. I know the public has been focused on that particular item now for over a year, as that issue has been debated on the floor and as people have tried to weed out, if you will, wasteful earmarks.

In one fell swoop today—or tomorrow—we are going to be taking $150 billion and, from the standpoint of having an effect on our economy for the long term, in essence, wadding it up and throwing it, for lack of a better expression, into a mud bowl. I have heard no serious economists—and I have not read every economist—speak to the virtues of this stimulus package.

I think you know the President just put forth a budget that shows a $410 billion budget deficit next year. All of us know that is not even close to the real number because operations in Afghanistan and Iraq are not fully funded by that budget.

We are talking about in 2009 a half-a-trillion-dollar budget deficit, money that none of us will ever, of course, pay for. Mr. President, you and I will never have anything to do with paying back this money. Our grandchildren and their children will pay this back.

As I mentioned last week on the floor, $150 billion becomes in a generation, 20 years, $322 billion. We, in essence, are borrowing this money. All of us know much of this money will be lent to us from countries such as China and other places. Most of us know that between the fiscal policy we are talking about today and the monetary policy that has been followed recently by the Fed, the U.S. dollar has devalued. Companies in our country are becoming greater bargains for people in other countries. There has been tremendous investment by other countries buying up companies in our country.

Many of the products people will spend this money on, if they spend it on items other than electricity bills and those kinds of items, will be products that are made in other countries.

All of us—and, Mr. President, I know you are new to this body as I am—came here recognizing the tremendous recklessness that has occurred as it relates to our country's fiscal and financial matters. I think all of us came here wanting to rectify that situation. I find it truly hard to believe there is such a rush in this Congress to take $150 billion and sprinkle it around America as if we feel that is going to do something to stimulate our economy.

I know that much of this—again, I am not saying by any measure this relates to every Senator, but I know much of this is politically motivated, to make sure people in our country think we are doing something, even if it is wrong. I know this is an election year. In some ways, to some constituent groups, this might build political favor. I certainly have not had private conversations with every Senator, so that should be noted. But I have to tell my colleagues, in private, I have not found one Senator—not one—who believes what we are getting ready to do is going to do anything to stimulate this economy. Again, economists around the country are mentioning the fact daily that this will have little or no effect.

Recently a well-respected person I know, whom I will not quote, said: Look, this is an awful lot of money. It probably will not do any harm. I think about what $150 billion would do invested in ways that actually created jobs for the long haul, whether it is in research, whether it is in promotion of energy security, maybe doing something to solve some of the health issues we have in our country. Certainly, there are other ways for us to spend $150 billion.

I have listened to some of the debates on the floor that go on for days, if you will, over spending $1 billion or over spending $10 billion maybe at a university or something such as that. I realized that in the very near future, this body, without any real debate, is getting ready to spend $150 billion we will never pay back.

I will close with this, and I said this the last time I spoke. There are children all over America today in classrooms. We have some who got up this morning who are in front of us—our pages—at 5 in the morning and went to class at 6. They come here every day and work with us. They are looking to their parents, their teachers, their coaches, their Sunday school teachers to help teach them life principles and to help make decisions that hopefully will cause their lives to be more whole and more full, and hopefully from time to time they look to those of us in Washington to do the same—their elected officials.

I hope, and I say this with all due respect to the Members in this body who have a different opinion—this is solely my opinion, and I have deep respect for the other 99 Members of this body, but from my own personal vantage point, I hope they are not looking at us this week. I do not think there are many Members in this body who believe this $150 billion these young people and their children will pay back is being spent in a meaningful way. I think many Members of this body realize this is an election-year stunt, if you will, to make it look as if we are addressing a problem when, in my humble opinion, we are not.

I do hope that sometime, in a bipartisan way, all of us can work together and address the fundamental fiscal problems which our country has to deal with. I know there is a bill that is going to be debated on the floor, hopefully in the near future, the Conrad-Gregg bill, to get us together and focus on Social Security and Medicare. Again, we have not even begun to see the stresses those programs are going to create for our country. Yet in this next fiscal year, we are looking at half a trillion dollars in a 1-year annual budget deficit.

We have been fiscally reckless as a country. As they say back in my home State, the chickens are going to come home to roost. I am tremendously discouraged that we in this body are getting ready to spend $150 billion the way that we are and to ask these young pages and the young people across our country and the young people coming after them to pay the tap on that money so that in this election year, we can act like we have actually done something to solve a problem, when I think there are many in this body who know that is not what we are doing.

Obviously, it has been made clear, I am going to vote against the House package, the Senate package, and any other package that focuses on sprinkling money around America in a way we know is not going to affect our economy in any meaningful way.

Mr. President, as you know, it is a tremendous pleasure for me to serve with you in the Senate.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I wish to proceed for 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

## ECONOMIC STIMULUS

Ms. MIKULSKI. Mr. President, I wish to talk about the stimulus package and I wish to talk about our economy and I wish to talk about the Senate.

I am very frustrated with the Senate. We spent a week maneuvering and twisting over parliamentary procedure. Our processes are slowing us down in meeting the day-to-day needs of the American people and the long-range needs of our country.

Our country is at risk. We are fighting a global war against terrorism. Our dollar is worth a box of Kleenex. We need an economic stimulus and an economic recovery package, and we are fooling around on motions to proceed and clotures and backward and forward, and so on. The American people wonder what are we doing. They believe that when all is said and done, more gets said than does get done. And guess what. Put me in the column with the American people.

I am very frustrated with this institution. The rules were designed to make sure the minority party could always be able to express their view. That should happen. But it was not to bottle up progress. It was not to stifle the opportunity to get our economy back on track. It was not to tie up the Senate so we could not help 250,000 vets, 20 million senior citizens, and actually get money in the pocketbooks of people so we can start getting our economy back on the track.

Everyone agrees we need to jumpstart our economy, everyone agrees we need to do it now—everybody but the other side of the aisle who is sitting on their hands and sitting on parliamentary procedure and sitting on you know what. I think it is time they get up, and I call out to the people: Flood our phones, get them off this, and get this economy going.

We know we are being very hard hit. Last month, we lost 17,000 jobs in the service sector. That was supposed to be job-loss proof. Families all over the country are losing their homes to the subprime crisis. The price of food, gas, and health care is going up.

We voted last night on a parliamentary procedure that would have moved this legislation on the economic stimulus forward. It lost. It lost by one vote. But did it lose on a majority? No. Under the rules of the Senate, we need 60 votes to win a majority or we need 67 votes to win a majority. I thought a majority used to be a majority. Now we find that one vote—one vote—is standing in the way of moving the economic stimulus package.

I say to America: You watch cable TV, you listen to the chattering class, you read the newspapers. You know where that one vote lies. You see those empty chairs over there? One vote lies there. Flood our phones with calls, flood our Internet, flood our fax machines so we can get moving.

Last night what we had was a plan to move the economy forward. It was a well-thought-out plan of tax rebates to help families. We included not only that but 250,000 disabled veterans and 20 million seniors. At the same time, we extended unemployment insurance for an extra 13 weeks because for people who lost their job, it is now taking a longer time to find another job. And we help small business.

Last night, we Democrats voted to stand up for those disabled vets, for those senior citizens, for those people who have lost their jobs to make sure they will have the opportunity to benefit from the stimulus, and as they benefit from the stimulus, because they have such modest incomes, the money they get will go right into the economy. It will not go into paying the bar bill for somebody who has a fifth home in the Hamptons. It will go into the economy.

This bill helps 250,000 disabled vets. They say they did not qualify; they did not have earned income. My God, my God. I have a veterans advisory board. I meet with the disabled vets. Some of them belong to the Purple Heart Association, some come in wheelchairs, some come with canes because they bear the permanent wounds of war.

We always say a grateful nation never forgets, but we forgot them in the stimulus package. We forgot 250,000 of them. If a grateful nation never forgets, let's say we think you earned that. We think you earned that at Iwo Jima. We think you earned it at Normandy and Porkchop Hill and the Mekong Delta. If you have worn the uniform, you have earned it.

Now we want to help 20 million seniors who are left out because they said those Social Security benefits are not earned income. You pay your Social Security based on your wages. I think that is earned income. Every day there are people out there working, or who have worked every day. They have spent their whole lives building our economy, building our Nation, and they are ready to do it again. All they need right now is to qualify for what they should be entitled to.

People say: Well, there she goes again. You know, BARB has a master's degree in social work. Well, you bet I do. And that social work took me into the neighborhoods and families of our constituents, and as a Senator I often try to think that way. While everybody here likes to talk about the macroeconomics and they take codels to Davos to hang out with the rich and famous, who want to be even more rich and more famous, I worry about the macaroni and cheese issues. And the macaroni and cheese issues that we have to focus on are what is happening in our economy.

But I just don't want to be a bleeding heart—though I am happy to be a bleeding heart. I am happy to be a bleeding heart, but I know that something called Moody's Economy.com—Moody's Economy.com—tells us where we get the most stimulus from the techniques used to do the stimulus, and what do they tell us? They tell us to give it to the people who need it the most—to extend unemployment benefits and to extend other benefits, such as LIHEAP, which helps people with their energy costs.

Now, 41 Republicans blocked this bill. They called it a Christmas tree. They said it was loaded with pet projects. Well, yes, disabled vets are a pet project with me. I stand guilty. Disabled veterans are a pet project with me. Clean up the mess at Walter Reed, clean up the compensation system, and include them in the stimulus package. You bet. But I also resent that. Disabled veterans are not ornaments or decorations, they are heroes, and they are the backbone of our country. So one vote stands between the American people and some help during these tough times.

I thank the eight Republicans who voted with us last night to move the bill forward so we could vote up or down on amendments. We need one more Senator to join us, one more Senator who will stand up for the people, for families, for seniors, for wounded warriors, one more vote against politics as usual. I say over there to those empty chairs: Will one of you come forward and join this very important effort?

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I wanted to rise briefly to express my concerns at the process as it presently stands here in the Senate. I am tempted to say: Wherefore art thou the stimulus package, because there is no reason there should not be action on it now.

I had some very serious reservations about this whole effort on the stimulus package. I believe very strongly that we need some sort of stimulus to this economy, that the economy is beginning to slow fairly dramatically, but that the present framework of the stimulus packages, as they were agreed to in the House and certainly the Senate Finance Committee, have very distinct flaws. But that does not mean we should not bring the packages up and vote on them. Last night we voted on the Finance package. It did not pass. It did not pass because it added $44 billion of additional money to an agreement which had already been reached between Speaker PELOSI, Republican Leader BOEHNER, and the administration, a bipartisan agreement which was reached with the tacit approval of the leadership of the Senate, as I understand it.

Although I was not intimately involved in the negotiations, my understanding is the way this proceeded was that the Senate basically said to the House—the Senate leadership in the sense of Senator REID and Senator MCCONNELL said to the administration and the House: You see if you can reach an agreement on this stimulus initiative. And the administration, in good faith, under the leadership of the Secretary of Treasury, negotiated with Speaker of the House PELOSI and with Congressman BOEHNER, and they reached an agreement. It was an agreement that involved very distinct compromises, compromises which basically reflected a classic political process where you basically put on the table your ideas, the other side puts on the table their ideas, then you work to the middle and come up with a concept that both sides can at least be comfortable with, even if they do not accept all of the details.

This package, as we all know, is a $150 billion package, the majority of which is a rebate, to people who pay taxes, of $600 to $1,200, and the balance of which is an incentive, especially to small businesses to go out and invest and as a result create hopefully more jobs and a more efficient economy.

When it got to the Senate, for reasons which I still do not understand, the Senate decided it wanted to assert some prerogative here, even though the Senate leadership had said: Let the House leadership and the administration do the basic negotiations. We got a package out of the Finance Committee which took a $450 billion package and increased it by $44 billion.

A lot of that package was basically baggage being thrown on a train leaving the station. It had clearly nothing to do with stimulating the economy over the short run. There were tax benefits for the coal industry, tax benefits for the wind industry; there were a whole variety of things that had nothing at all to do with stimulus. They simply were there due to the fact that certain groups around here had enough influence to be able to put their baggage on this train.

What we have to remember is every dollar that is being spent on the stimulus package is being borrowed from our children and our children's children, because we do not have a surplus now. We do not have money to rebate. I mean "rebate" is the wrong term. This is basically money being borrowed from our children being paid to us, people who are working today or people who are paying taxes today under the House package.

Then on the Senate package, it is another $44 billion of money being borrowed from our children and our children's children to be sent out the door today, for the purposes of different interest groups who have put their points forward.

The majority leader said we would take the Senate package or we take no package, which makes no sense at all. The House package was a bipartisan, negotiated package, which had the Speaker of the House, who nobody can accuse of being a conservative—she comes from San Francisco. I do not think she is a conservative—the Speaker of the House, and the majority leader, the Republican leader of the House, Mr. BOEHNER, whom nobody can accuse of being a liberal, comes from someplace in Ohio, but he has quite a track record around here, Mr. BOEHNER, of being a conservative of note.

They reached an agreement. It was not as though it was the Republicans saying, "This is the package," or Democrats saying, "This is the package." It was an agreement.

So when it came over here, yes, there might have been adjustments that needed to be made, but to add $44 billion to it and say: Take that $44 billion addition or leave it, makes no sense at all in the context of reaching some agreement quickly and moving it out the door.

In fact, Senator MCCONNELL, I think, had the best idea. He said: Let's take the House package and add three things to it, three things that there seems to be consensus on around here: One was to make sure that seniors got a rebate so they could also participate in the stimulus initiative; two was to make sure that disabled veterans got a rebate so they could participate; and, three, to correct the technical error in the bill relative to illegal immigrants.

So Senator MCCONNELL said: Let's do those three things; add them to the House package, send it to back to the House, the House has agreed to approve that, we will send it to the President, and we will be done quickly, which is the whole purpose here.

I am not arguing for the stimulus package. We know a stimulus of this nature, which is pure Keynesian economics, where you take money and you throw it at the economy without any sort of discretion on how the money is going to be used in order to produce long-term productive forces in the economy, which is simply saying to consumers: Here is the money, go out and spend it, hopefully that will raise the economy—we know under classic Keynesian approaches, which is what this stimulus package is, that the essence of that is to get it out the door, get those dollars into the consumers' hands quickly. So every day, every week of delay only aggravates the relative effectiveness of this stimulus exercise.

We also know that because of the way our Internal Revenue Service is structured, the earliest they are going to be able to get these rebate checks out the door, if we were to act today, this week, would probably be May, middle of May; more likely that they are going to get out in June and, according to the economists who testify around here and give us our counsel—for example, Dr. Orszag, head of the CBO, said that the impact of those dollars going out the door, those $600 or $1,200 rebates under the House bill will not be felt probably until the late third quarter of this year.

That is the fast track. Who knows what the late third quarter of this year will bring. I hope it will bring some turnaround in the economy. And certainly with monetary policy being changed in this country, where you are seeing significant reductions in the interest rates by the Fed, it is very likely we will see some uptick in our economy as we head into the third and fourth quarter of this year. I certainly hope that will occur; that the housing industry which has created this problem, as a result of having a housing bubble, will have begun to work its way through.

But in any event, we know that to delay this further, so we push these stimulus events, such as giving people $600 to go out and spend, farther and farther into the year, potentially into the Christmas season or into next year, is not going to address the underlying problem, which is the next two to three quarters, which look as if they are going to be extremely soft, potentially extraordinarily soft relative to economic activity.

So action should be taken now. What has been suggested here to accomplish action—it is a very reasonable suggestion—is to take the House package, which was negotiated between the Speaker of the House, the Republican leader in the House, and Secretary Paulson, add to it the two or three things which there is consensus on over here, which is the payment to seniors, payment to veterans, and correcting the illegal immigration language, and passing it, and then move forward.

If you accept this concept that we should do this sort of Keynesian stimulus event, that is what we should do. I must, as a matter of disclosure, say I have serious reservations about not only—I think the Senate package is terribly irresponsible, because it adds $44 billion to an agreed-to bipartisan agreement, but I also have problems with the underlying package. Because, for me, I believe we do need to stimulate the economy, but I think we need to focus the dollars on the problem, and the problem is the credit lockdown that is occurring generally in the economy but that is specifically being driven by the housing market problems. We know that for the last few years there has been an expansion in lending in the housing arena which was not supported by the underlying collateral or by the ability of people who were getting these loans to pay those loans under the terms of those loans. These were called subprime loans.

What happened was people were attracted into buying a house, which had been built on speculation, and they were attracted in on an interest rate on the mortgage on that house which was very low, with the understanding that 2 or 3 years later that mortgage rate would jump fairly considerably.

Well, unfortunately in many instances what happened here was, we built a lot of housing stock that could not be purchased, or if it was purchased, it was being purchased at costs which were below the real value of production, and on top of that, we were saying to people who did not have the incomes necessary to support the higher interest rate which was going to hit them in 2 or 3 years, the 2 or 3 years being now: You take the loan, we will worry about that later.

Well, the "later" is today. The bubble is bursting. People are being put under extreme stress because many people who bought these homes cannot afford the increase on what is known as their ARM, their adjustable rate mortgage.

It is severe. In parts of this country it is extremely severe—in Florida, Arizona, California. What is happening is you see a classic bubble where as the housing market starts to contract, lending generally starts to contract. Lenders who have these housing loans on their books, or who have sold these housing loans and cannot figure out how to get out of their contracts, are now trying to figure out how to get their books in order, to rebuild their capital and restructure themselves.

As a result, good loans in other areas that are being repaid are starting to be chilled, as is new lending. Consequently, the entire economy starts to lock up because it is hard to get loans for anything, especially in distressed housing areas. The people who have these loans and live in these homes are finding themselves under the pressure of foreclosure. In many instances, these people are hard-working Americans who can pay a reasonable rate, but because the adjustment is not reasonable—it is very high under ARM agreements—they are not able to meet the obligations of the mortgage. So we should be focusing our efforts on that part of the economy.

I congratulate the Secretary of the Treasury because he has tried to do that both through jawboning, the lending community, and by setting up the new HOPE proposal which has put a big chunk of money out there, over $100 billion, the purpose of which is to help people restructure those loans so that people who can make their payments under the original loan agreement or something near to the original loan agreement, because they have good jobs and they can make their interest payments, aren't forced out of their homes as a result of a jump in their mortgage rate. Progress is being made there. Over 370,000 people have been helped.

But the problem is so large that that is not necessarily going to stabilize the market and free up the lending machines in America. So additional things should be done. For example, Senator ISAKSON of Georgia has suggested we have a one-time focused tax credit given to people who buy one of these homes in the inventory within the next year and that the home has been produced during this period of excess production and allow that to incentivize people to go back in the market and start to get this market going again. That is what we need to do.

There are other ideas. The expansion of the FHA is an idea which—I don't quite understand why we haven't seen that bill come back to the Senate. It is in conference. It should be done soon. Increasing the lending limits on Freddie Mac and Fannie Mae is a dangerous step unless it is coupled with reforms necessary to make sure Freddie Mac and Fannie Mae have the underlying capital to support an expansion, but it is certainly something that should be considered. There are initiatives that could be focused much more in a targeted way and would actually do something to correct the problem and would, in the long and short run, from my viewpoint, have a much better effect on the economy.

In addition, if we are going to try to stimulate the economy through classic Keynesian activity, I am not too excited about that, but we ought to put it on the productive side so we actually create a more efficient economy that is more productive and, therefore, capable of producing more jobs as we move into the future. Our problem may be that we don't have enough jobs as we move into the future. The way you get around that is to create an attitude in the marketplace so people are willing to go out and invest, take risks, be entrepreneurs, and create more jobs. There are ways to do that other than just giving people $600 to go out and spend arbitrarily, which they may spend on a product that is not even manufactured in the United States, in which case there has been no stimulus to the economy. If somebody buys a TV made in China with their $600, that has no stimulus effect on our economy because the dollars end up in China.

It is important to understand that all this money comes from our children. We don't have a surplus to fund this stimulus package. Therefore, when we do stimulate, we need to do it in a much more focused way which is going to strengthen our economy and is going to address the underlying problem of the credit lockup which has been fed by the housing bubble. I hope we will take that up first. But, obviously, we will not take that approach. There is a significant majority that is going to support a stimulus package which is Keynesian based. So be it. But if we are going to do it, let's do it in the way which causes the least harm. The way to do that is to get it out the door quickly, have it be the package which essentially left the House, and not have the Senate throw in another $44 billion which we have to borrow from our children on top.

Those are my concerns. I appreciate the courtesy of the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I understand morning business has ended.

The PRESIDING OFFICER. It is about to close.

## EXTENSION OF MORNING BUSINESS

Mr. MENENDEZ. I ask unanimous consent that the period for morning business be extended until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECESS

Mr. MENENDEZ. I further ask unanimous consent that the Senate stand in recess from 12:30 to 1:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## STIMULUS PACKAGE

Mr. MENENDEZ. Mr. President, our Nation needs to take a critical step to move our economy forward. We had a chance last night to make that happen. We had a chance in the Senate to make that happen. We had a chance to pass a package that would provide relief to more Americans, would put rebates in the hands of more taxpayers, would give checks to more than 20 million seniors who were not in the House bill, would have taken the opportunity to put money in the hands of 250,000 disabled veterans, would extend unemployment benefits for those who are looking to find work but cannot in this economy and who are on the verge of finding themselves without unemployment compensation benefits, and would provide important relief for businesses suffering and help those most in need with the cost of heating their homes this winter.

Enough to stop the process, many of our Republican colleagues bucked that opportunity. They said they wanted to deliver relief as quickly as possible, but when they had the chance to provide that relief to the most Americans, far more than the House bill, they said no.

I listen to our colleagues and I ask myself: What is it that says so many in our country—seniors on fixed incomes with increasing demands in their fuel and heating costs, those who still own their homes or those who pay utility bills, rising prescription costs, so many different elements of their lives, and they have fixed incomes, they have worked a lifetime and find themselves with challenges they cannot meet economically—why do those 20 million not deserve to be part of a stimulus package, especially when they will put that money right back into the economy quickly, which is the whole purpose of a stimulus in the first place? If we can have a stimulus that also helps a broad section of our universe, those who have worked hard, played by the rules, helped build families and communities and now find themselves struggling, why wouldn't we do that?

Why wouldn't we take care of disabled veterans and have them be part of helping meet their challenges? They have served their Nation with honor and dignity and now find themselves challenged. Why wouldn't we have them be part of a solution that also helps to stimulate the economy?

For all this talk about quickness, it is also quickness in the ability to make this happen in a way that will have a real impact on our economy but a real impact, also, in the lives of Americans who are struggling. Far too many Americans have already suffered at the hands of an economy that is sliding backward. Far too many have seen their homes taken away from them on the brink of foreclosure. Far too many have been in search of work or have been waiting in vain for their paychecks to increase.

For those who have not yet felt the effects of an economy that is sputtering, they fear and worry, wondering when they will feel the squeeze. That worry is understandable. The signs are less than good.

Last Friday, we learned that 17,000 jobs were lost in January alone—the first monthly loss of jobs in more than 4 years. Growth slowed to a near halt at the end of last year, coming in under 1 percent. We saw the biggest increase in unemployment rates since after September 11.

We all overwhelmingly agree on the need to take action to stimulate our economy, and fast. It is wonderful to have come to that type of consensus on the need. What we need is a genuine spirit of bipartisanship in the Senate to bring us forward to conclusion. We had that opportunity yesterday.

Certainly, what the House did is a solid start. It would largely achieve what we would hope to see in a stimulus plan. But, as with many first attempts, there are clearly some significant holes. The House plan would get us almost but not quite where we should be. This was our chance—hopefully, we will revisit it—to get it right. We are not talking about adding a load of new provisions, as some are implying. We are talking about making sensible changes to make sure we will have the most benefit for those most in need, and at the same time, because we are providing a benefit for those who are most in need, we are helping achieve the goal we want: stimulating the economy in a way that we will either avoid a recession—although certainly Wall Street is telling us they are convinced there is a recession—or at least narrow the time, the scope, and the impact of a recession.

The value of any plan we consider should be based on one simple benchmark: the number of people we can reach and how effectively we can put needed dollars into the economy. Based on that benchmark, the Senate clearly has a better plan. The economic stimulus package we have before us is a plan the Senate and the country can get behind. It will get money into the hands of people who have basic needs to cover, people who will spend it immediately. That is the first goal of a stimulus.

Our plan puts rebates in the hands of 20 million seniors. It may not have been intentional, but the fact is, the House plan leaves out millions of seniors who are low income, whose primary source of income is Social Security. In my State of New Jersey, more than 1 million seniors are eligible for a rebate under the Senate plan. Under the House bill, they would not receive a dime. If we think there is no economic link to including seniors, the fact is, seniors spend much more of their income than any other age group. People over the age of 65 are responsible for a full 14 percent of all consumer spending.

The bottom line is, a true stimulus package would help those who spend the most and are most in need. The Senate plan does just that.

The Senate plan also reaches another group that is excluded from the House bill—disabled veterans. Under our plan, we ensure that a quarter million disabled veterans who would not otherwise receive a rebate will get a check. When those veterans went to war, they never forgot whom they were fighting for, and we cannot forget them now.

In several ways, the Senate plan puts resources toward where economists agree they are most effective—extending unemployment benefits. It isn't just common sense, because it helps those who are suffering most. That is, of course, common sense, but it also gets the best bang for the buck in economic terms. For every dollar we invest in extending unemployment benefits, we generate $1.64 in economic activity.

This universe is known. They are out there. They are facing an immediate challenge. They will have the resources in their hands much quicker than formulating a rebate check. It is another reason—timeliness. Despite broad consensus that such a stimulus plan must include additional benefits for those who have been out of work for an extended period of time, such benefits are absent from the House bill.

There is no question unemployed workers are facing tough times. Long-term unemployment is far higher than usual and nearly twice what it was when we were facing our last recession in the year 2001.

In New Jersey, more than 66,000 workers will be exhausting their unemployment benefits by June of this year, joining more than a million workers nationwide facing long-term unemployment.

Last week, almost 70,000 new workers filed for unemployment benefits—the highest level since Hurricane Katrina.

The need to address the economic hardships facing unemployed workers is real. We have seen in the past that unemployment benefits have stimulated the economy in times of hardship, and they should be part of this plan this time around.

The Senate plan also includes important extensions of tax credits for energy efficiency and the production of alternative energy, including solar energy. Credits such as these help consumers purchase new appliances and greener sources of energy for their home. We also extend the solar energy credit, which helps drive the purchase of solar panels. In New Jersey, which is only second to California in the number of solar installations, this has an enormous impact. This provision could save more than 40,000 jobs, at a time when we see increasing job losses, and it can do something to help stimulate the economy by the purchase of these products immediately—so save jobs, purchase products, make the investments and, at the same time, stem the tide of the movement toward greater unemployment that we see in the country.

Finally, our plan provides needed relief to industries that are hurting and may have to lay off employees in the coming months. I am pleased this package takes into account the unique challenges facing the housing industry right now. We all know this is a sector of our economy that is under incredible strains right now. The Senate plan would ensure they are able to spread out their losses so hopefully we can stop some of the bleeding in the housing sector and, in the process, prevent thousands from losing their jobs.

This stimulus package we have before us is not perfect. Some of us would have liked to have included increased Medicaid payments to States, which would have provided a needed boost to States struggling to provide health care. But the fact is, if we only pass the House version, we would be falling far short.

All of what I have talked about—20 million seniors, a quarter million disabled veterans, the essence of how the provisions on the housing components were included, the whole question of the universe of the unemployed seeking to get a job, not being able to find it, and not having the resources to sustain themselves and their families—all of that would not be in the plan. All of that would not be in the plan.

We can do this. Of course, that is in addition to the rebates for both single people and married couples and married couples who have children who are already a part of our package as well, building upon the House proposals.

So let's pass a package that has the widest possible impact. Let's pass a package that does not leave out 20 million seniors, that takes care of a quarter million disabled veterans, and provides rebates to as many Americans as possible.

That is acting wisely, and it can be done quickly. We need our colleagues to join with us in the sense of urgency that exists, and to say to those 20 million seniors, those quarter of a million veterans, the millions who are unemployed: We stand with you as fellow Americans in this time of need in turning our economy around for all of us.

That was the choice we had yesterday. I hope we will have that choice again. I hope the hearts of some will be softened in this process and that they will cast a vote to move in a much different direction.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

## WIRED FOR HEALTH CARE QUALITY ACT

Mr. WHITEHOUSE. Mr. President, today I rise to speak for a few moments about health care and to recognize the extraordinary work four Members of this body have done to promote an integrated, interoperable health information technology infrastructure in this country. Senators KENNEDY and ENZI on the HELP Committee, Senator HILLARY CLINTON, and Senator HATCH, along with their talented staffs, have balanced a tremendous number of interests to put forward a very promising first step in our long journey toward reforming our ailing health care system. I commend their tremendous effort in drafting the Wired Act. I look forward to working to see strong health information technology legislation passed in the Senate, in the House, and signed into law by the President.

Adoption of health information technology is a vital part of saving lives and lowering costs in our health care system. The RAND Corporation estimates, in its most conservative estimation, that a national, interoperable HIT system could save $81 billion per year. As Senators KENNEDY, ENZI, CLINTON, and HATCH are so aware, America's health care information infrastructure is decades behind where it should be. We are losing billions and billions of dollars—I sound like Carl Sagan: billions and billions of stars—billions and billions of dollars to waste, inefficiency, and poor quality care as a result of that failure. Ultimately, and most tragically, lives are lost to preventable medical errors because health care providers do not have adequate decision support for their determinations on medical treatment, medication, and so forth.

I am an enthusiastic supporter of health IT as one mechanism of fixing our broken health care system. In fact, one of the first bills I introduced as a Senator was the National Health Information Technology and Privacy Advancement Act, in which I proposed a national not-for-profit entity with Presidential appointment subject to advice and consent of the Senate, possessing rulemaking power to set national standards under the Administrative Procedures Act, and with the ability to set licensing and access fees to raise capital for necessary investments outside the Federal budget process.

I still believe that is the best and most effective kind of authority. I also recognize there are many good ideas out there. But time is short. We cannot snap our fingers and be an IT-enabled health care environment. Development, testing, buildout, and adoption will all take time. We do not have much time. A tsunami of health care costs is sweeping down on us, inevitably, as baby boomers age and costs increase.

The Comptroller General of the United States has warned us of what he called "unprecedented stormy seas ahead that threaten to swamp the ship of state." He testified that "we've never seen anything like what we're headed into"—never in our history. Our present Federal health care liability, if nothing changes, is $34 trillion. That is a "34" with 12 zeros behind it. It comprises the bulk of the $53 trillion in Federal liabilities we are presently obliged to pay in coming years. Now—now—is the time to get started in humane ways to avert this fiscal crisis. Health IT is a baseline platform necessary to even try to respond humanely to the looming crisis.

Unfortunately, in moving toward our ultimate objective, we must realize that health IT adoption alone will not stop the tidal wave of health care costs. As I think we all know, our health care system is broken in more ways than one. Look at the signs of its failure.

The number of uninsured Americans is climbing and will soon hit 50 million. Despite the best doctors, the best nurses, the best equipment and procedures, and the best medical education in the world, as many as 100,000 Americans are killed every year by unnecessary and avoidable medical errors. Life expectancy, obesity rates, and infant mortality rates are a cause for national embarrassment compared to other industrialized nations. The annual cost of the system exceeds $2 trillion, and is expected soon to double.

We spend more of our country's GDP on health care than any other industrialized country: 16 percent—double the average of the European Union. More American families are bankrupted by health care costs than any other cause. There is more health care than steel in Ford cars. There is more health care than coffee beans in Starbucks coffee.

Hospitals are broke. Doctors are furious. Paperwork is choking the system. This system is crying out for reform.

I believe that comprehensive restructuring of our health care system must rapidly address three critical issues. As I have already said, the first is the development of a national, interoperable, secure health information technology infrastructure. But there are two other equally important issues: One, the American health care system must invest properly in quality and prevention, promising areas where better care actually lowers cost; and, two, the way we pay for all this, the way we pay for health care, sends perverse price signals that drive market behavior away from the public interest, that drive behavior away from what we want.

So these are the three critical issues at the core of the health care crisis in this country—inadequate health information technology, inadequate attention to quality and prevention, and a perverse price signal system.

Let us look first at how improved quality of care can lower cost. That intersection of where improved quality of care and lower cost intersect should be our national holy grail in health care. The Keystone Project in Michigan shows how effective this can be. It went into a significant number of Michigan ICUs—not all of them but a significant number—to improve quality and reduce, for instance, line infections and respiratory complications. Between March 2004 and June 2005, the project saved 1,578 lives—in just that year and 2 months. It saved 81,000-plus patient days that otherwise would have been spent in the hospital, saving over $156 million. It is a win-win.

The Rhode Island Quality Institute in my State took this model statewide, with every hospital participating, and we are already seeing the number of hospital-acquired infections declining, and the costs declining as well. The same principles can be applied to prevention, as well as to quality improvement.

Local efforts around the country, such as the Rhode Island Quality Institute, Washington State's Puget Sound Health Care Alliance, and Utah's Health Information Network, are leading the way. We need, as a nation, to get behind these State and local efforts. As many Members of the Chamber know, any good business needs to do research and development and these local efforts are the R&D on which we can base reform of our broken health care system.

All across America, in local communities, where people know and trust each other, the reforms of our system are being dreamed, negotiated, tested, and implemented. We need to nourish this effort, and I thank my 15 bipartisan cosponsors for supporting a small grant program I proposed to do just that.

Now, consider why this quality reform is not happening spontaneously all over the country if those big savings are there waiting to be tapped. Think of Michigan: In 15 months, in one State, with not even all of the intensive care units participating, $156 million was saved. A report out of Pennsylvania showed they spent over $2 billion a year on hospital-acquired infections.

Why is quality reform not happening everywhere? Well, primarily because the economics of health care punish you if you try. For example, a group of hospitals in Utah began following guidelines of the American Thoracic Society for treating community-acquired pneumonia. Significant complications fell from 15.3 percent to 11.6 percent. Inpatient mortality—a nice way of saying fewer people died—fell from 7.2 percent to 5.3 percent, and the resulting cost savings exceeded $500,000 per year.

Sounds like another success story. But the net operating income of the facilities participating dropped by over $200,000 a year because the treatment that resulted in the healthier patients was reimbursed at $12,000 per case less.

In Rhode Island, we saw the same thing. When we started the ICU reform, I talked to the Hospital Association of Rhode Island, and they estimated a $400,000 cost per intensive care unit, but as much as $8 million in savings—a 20-to-1 payback. I said: Why not go for this? They said: You don't understand. All the savings go to the insurers. For us, this is $400,000 cash out of our pockets, and potentially $8 million out of our top line in revenues.

Name a business that will sensibly invest $400,000 out of its cash to lose $8 million in revenues. With reimbursement incentives like those, it is no wonder reform is such an uphill struggle.

We are at such a primitive stage in developing cost-saving, quality measures, and the economics work against us, so we have to tackle this now. An idea that will get us started: In my Improved Medical Incentive Act, I propose that State medical societies and specialty groups be allowed to present "best practices" to their local State health departments. If they do, and a Health Department determines this is a best practice that will save money and save lives, then two consequences follow. CMS would be obliged to create a pricing differential favoring those best practices, and private insurers would be forbidden to deny claims for services consistent with the approved best practices. If people want to object, fine. Go to the hearing. Let's do this in a regular fashion.

The determination of what gets paid for in our health care system right now is made in back rooms of the claims denial operations of insurance companies in scattered fashion, largely without oversight or review and laboring under heavy conflict of interest. If we move that determination toward proper formal hearings, we can expand statewide best practices in a way that the economics will support.

Our health care problem is serious, it is vast, and it is looming. Health care IT is a crucial instrument in the health care reform toolbox, but it is not an end in itself. To fully realize its benefits, it must be coupled with a focus on quality improvement and a realignment of payment incentives. These three elements must move forward together.

Let me emphasize in conclusion as energetically as I can: The time is now. Time is wasting now. The need is urgent. It may not feel like it, but solving this problem with system reforms such as this will take several years. If we don't start now, when the fiscal tsunami hits, we will be left with only fiscal solutions to the problem. It is immediate ones but unpleasant ones, including massive tax hikes or massive benefit cuts. If we are standing here, and if I am standing here 5 or 10 years from now having that tragic choice in front of me, well, shame on us if in our folly, in our improvidence, we were too intellectually lazy and too bereft of basic foresight to have taken the steps now that could have averted that sickening choice.

As my colleagues know, we are seeing the beginnings of this debate now. The Bush administration has squandered its opportunity for meaningful health information technology reform, has squandered its opportunity for meaningful quality reform, and has squandered its opportunity for meaningful reimbursement design reform. Now, in the 2009 budget the President presented, he is proposing deep cuts in Medicare. We have to get ahead of this problem. This is a wake-up call. The time is now.

I look forward to working with my colleagues on both sides of the aisle to get this important work done.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 1:17 p.m., when called to order by the Presiding Officer (Mrs. MCCASKILL).

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CELEBRATING BOY SCOUT DAY

Mr. BROWN. Madam President, 98 years ago today, William Dickson Boyce created one of this country's longest standing and most important community organizations—the Boy Scouts of America. Today, we join Scouting groups across the country and Ohio—Toledo and Cincinnati, Chillicothe and Lakewood—in celebrating Boy Scout Day.

The Boy Scouts of America has a rich tradition of teaching valuable skills to the young men of this country. The values which Scouting instills—fairness, honor, courage, and respect for others—prepare young men to serve their families and their Nation.

There are more than 3 million boys in the Scouting program, and in the past year alone Scouts have earned nearly 2 million merit badges and completed more than 33 million hours of community service.

As an Eagle Scout, I recognize the hard work involved in Scouting and commend the dedication and commitment of Boy Scouts and the Scouting movement across our country. The journey to Eagle is sometimes difficult, often fun, occasionally disappointing, and always rewarding. My time as a Boy Scout, in the end, provided me with opportunities to develop leadership and organizational skills, helped me to clarify and articulate my guiding principles, and instilled a commitment to public service.

The emphasis on community service I learned with Troop 110 in Mansfield, OH, has strongly influenced my lifelong commitment to public service. The memories and lessons of Camp Avery Hand and Philmont Scout Ranch, of success and failure in earning merit badges, will always remain with me.

The Scout Law is a framework that continues to inspire my work to this day:

> A Scout is Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent.

I am a proud supporter of the Boy Scouts of America. I hope my colleagues will join me in celebrating Boy Scout Day.

## TRADE POLICY

Mr. BROWN. Madam President, the United States should not be playing Russian roulette with our Nation's economy and our Nation's future. We need to craft trade policies that deliver the long-term results we need, not just the short-term profits which a few multinational corporations want and which those multinational corporations incessantly lobby this institution to get.

In his State of the Union Address, the President advocated signing more free-trade deals. Given where past trade deals have led this country, the President's dogged pursuit of outdated trade deals would be perplexing if it weren't simply more of the same and par for the course. When it comes to trade, it is often the case that ideology trumps outcomes, and it is always the case that special interests trump American interests. Looking at where our Nation is headed, advocating common sense is a luxury we can no longer afford. We need to confront the problems our lax trade policies have engendered, and we need to do it now.

We are running a huge trade deficit. When I was elected to the House of Representatives in 1992, our trade deficit was $38 billion. In 2007, it exceeded $800 billion. The first President Bush said that a billion-dollar trade deficit translated into 13,000 jobs. Do the math and see what damage these trade deficits—from $38 billion a decade and a half ago to over $800 billion today—have caused us. We are bleeding jobs, and we are letting dangerous products cross our borders and land in the hands of our families and children.

When we write trade deals that favor gains for multinational corporations over evenhanded competition for both trading partners, we shouldn't be surprised when U.S.-based companies are crippled. Our current trade policy betrays our Nation's middle class, it cripples America's small business—especially manufacturing—and it destroys communities across the country.

I was recently in Tiffin, OH—a community of about 20,000 people about an hour from Toledo in northwest Ohio—talking with workers from American Standard. American Standard is a company that makes plumbing fixtures and that most Americans are familiar with. These workers' jobs have recently gone to Mexico and China. A venture capitalist—in this case, Bain Capital out of Boston, MA—came in and bought the company, shut it down, and moved the production overseas. Many workers lost much of their pension and their health care that they had worked for decade after decade. Many of these workers are in their fifties and won't be able to find jobs in Tiffin that pay anything close to the money they had earned. Many of them lost their pensions, their health care, while enriching Bain Capital to the tune of tens of millions of dollars.

These are not trivial matters. These are workers in Ohio and across the country, workers who are often in small towns and don't have the option of finding comparable jobs anyplace nearby to support their families and ultimately to benefit from the pension and the health care they have earned—they have earned.

Free trade is a dangerous myth—a false idol. Trade has never been free. Even the most basic of barter systems have been guided by rules. Today's free-trade agreements are ripe with rules, rules that are clearly producing the wrong results for our Nation—deficits, job loss, dangerous imports, and compromised manufacturing capabilities.

Again, there are rules. The North American Free Trade Agreement was sold to us a decade and a half ago simply by saying this will reduce tariffs and open markets in Mexico and in Canada for U.S. goods. But it was 2,000 pages. So it wasn't simply a free-trade agreement; it was a trade agreement replete with rules that supported and helped those special interests—special interest investors and companies that wanted to privatize, that wanted to outsource, that wanted to use these rules to make more money for the companies at the expense of workers in Mexico, in Canada, and in Gallipolis, Portsmouth, and Cleveland, OH.

I am proud to join with Senator DORGAN of North Dakota, who has been a leader on trade policy. He even wrote a book called "Take This Job and Ship It" about trade and is proposing that we take a far more pragmatic approach to U.S. trade policy, one based on achieving positive results and on accountability. Thanks to his leadership, we have legislation that would focus trade policy away from the blind adherence to outdated trade agreements and toward policies that increase U.S. trade, that bolster U.S. jobs, that lift our communities, and that will reinforce U.S. manufacturing in the days and years ahead, and toward a trade policy that builds our Nation's middle class.

His bill establishes concrete benchmarks for trade bills. It is a commonsense idea, a prescription for U.S. success in a global trade arena that will help us bring back the manufacturing base in this country. We should pass this bill and also take immediate steps to address the dysfunction that has infiltrated virtually every aspect of our trade relationship with China.

China is manipulating its currency, it is low-balling the price of its exports through Government subsidies, it is sending our Nation dangerous toys and contaminated food, it is generating unheard of levels of pollution, and the list goes on and on.

Last month, New Page, a paper manufacturing company based in Miamisburg, a town in southwest Ohio, announced it was shutting down plants in Wisconsin, in Maine, and in my State of Ohio, in the city of Chillicothe, once the State capital.

Heavily Government-subsidized Chinese paper producers account for 50 percent of the world's market. Fifty percent of the world's paper producing is in China and is heavily Government subsidized in China. It has meant the loss of jobs in places such as Chillicothe and Dayton and all over my State and this country. It is not free trade. The Chinese have benefited. And when I say the Chinese, I don't mean Chinese workers, I mean the Communist Party of China, the Government, the People's Liberation Army, and too often U.S. investors who are so often complicit with the Communist Party and the People's Liberation

Army and the Chinese Government. Think about that. It is not free trade with China; it is a wreck.

These factors, in addition to low wages, in addition to unsafe working conditions, and the absence of worker rights have contributed to the loss of millions of manufacturing jobs and our country's reliance on imports.

What does that mean for the future? When I look around this Chamber, I see seven young pages, high school students who work here—and several on the other side, too, whom I can't see; I apologize—and I think about what their world is going to look like in 20 years. Are we going to look back and say: Why did we give away our country? Why did we sacrifice our national security and our economic security and outsource all these jobs and outsource all this wealth and watch a middle class decline? Is that what we are going to look back on in 20 years and say? Why did we let this happen? How did we let this happen?

Madam President, restoring sanity to our trade relationship with China should be an immediate, No. 1 domestic and international priority for this Nation.

Last week I was joined by seven freshmen colleagues affirming that our trade policy should focus on China; that is, our trade priority. We need to imagine 20 years from now, as I said, what is manufacturing in our country going to look like? This country's wealth—much of it—has been dependent on manufacturing, on making everything from newsprint to airplanes, being able to manufacture and create wealth in small towns and large cities alike.

Instead of littering our Nation's path with more flawed trade agreements, we should say: Time out. No more trade agreements. Look back, establish this commission we have discussed that will look at both parties, both houses, look back at what our trade policy—what NAFTA, what CAFTA, PNTR with China, what our other bilateral smaller trade agreements have done, what they have done to our country, what have they done for our country, make that analysis and then fix those trade agreements and move forward.

It is not in the Nation's best interests to rely on other nations for our defense infrastructure, for our transportation infrastructure, for our industrial infrastructure, for creating the wealth in our communities that manufacturing does. In this country, we do the best research and development in the world. Yet multinational corporations often take that research and development and do the production in other countries.

Sure, there are great jobs in research and development. It is good for our country. We should continue to give tax incentives for that research and development, but it is more than that. It is also what do you do afterwards, in commercializing, in producing and manufacturing those products the research and development has generated? That is the larger number of jobs, that is the greater part of the wealth creation, that is what is essential to providing the goods and services in our communities for police and fire and education and all of what that means.

We cannot simply continue to do the R&D and then farm out the production to exploit low-wage workers, exploit the consumer product and food safety net. Because that is what happens. When this research and development is done in the United States, and the production is moved to China, it is moved there to exploit low-wage labor, and it is moved there as a way, frankly, in many cases, or at least it becomes that, that we end up with inferior, less safe, less high-quality products back into our country.

We need to take responsibility for the consequences of our inaction when it comes to trade policy and take responsibility for the mistake we have made in formulating trade policy. We need to do it now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

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## RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

Mr. REID. Madam President, I ask unanimous consent that the Senate now resume consideration of H.R. 5140 and that the pending motion and all amendments be withdrawn; that the amendment, which is at the desk, be the only amendment in order; that there be 20 minutes of debate with respect to the amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to vote on the amendment; that upon disposition of the amendment, the bill, as amended, if amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, let me mention, it is a bipartisan amendment—Reid-Baucus-Grassley-McConnell-Stevens.

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 5140, which the clerk will report.

The bill clerk read as follows:

A bill (S. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

### AMENDMENT NO. 4010

(Purpose: To revise the eligibility criteria for the 2008 recovery rebates for individuals.)

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. McCONNELL, Mr. BAUCUS, Mr. GRASSLEY, and Mr. STEVENS, proposes an amendment numbered 4010.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Madam President, I ask that the vote occur at a time to be determined. We will decide what time the vote will occur because there are people who are not ready to vote right now. They are wandering around town.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader.

Mr. McCONNELL. Madam President, I ask unanimous consent that in addition to myself, Senator REID, Senator BAUCUS, and Senator GRASSLEY, Senator STEVENS be added as an original sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader.

Mr. REID. Madam President, a key provision in the Senate Finance Committee package was an extension of unemployment benefits. This is one of the most effective ways to stimulate the company. These benefits can be distributed quickly, and they are likely to be spent.

This is not a matter of ideology; it is matter of economics. And a broad range of economists agrees with this. Even Alan Greenspan, hardly a liberal Democrat, has testified in favor of expanding unemployment benefits during periods of economic slowdown. Expanding unemployment benefits works, and this is a matter of basic compassion.

The long-term unemployed are among those Americans with the most pressing needs. Unfortunately, there are well over a million Americans who are expected to exhaust their regular unemployment benefits between January and June of this year. They need our help. If we extend the same assistance to them that we have to the long-term unemployed in the past, our entire economy will benefit.

So I ask unanimous consent that, notwithstanding the previous unanimous consent agreement, the unemployment insurance provision of the Senate Finance Committee package be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I simply note that when unemployment exceeds a certain level, there is reason to extend it, but this Nation's unemployment now is under 5 percent which is deemed to be full employment. There is no trigger attached to this proposal.

In a State such as New Hampshire where unemployment is at 3.6 percent, an extension might have an opposite effect. Rather than stimulating the economy, it might undermine the ability to create more productivity. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, the State of Nevada is 5 percent, as is Michigan and a number of other States. It would not apply to every State but some States. I am disappointed my friend objected to the request, but I understand.

The stimulus package I introduced earlier this week included a $1 billion increase for the Low-Income Home Energy Assistance Program, or LIHEAP. I commend my colleagues, my friend JACK REED, BERNIE SANDERS, SUSAN COLLINS, and a number of others, for their strong advocacy for LIHEAP and for the broad support that they have helped build for the program. They know LIHEAP is critical for many Americans who otherwise will be forced to choose between heating their homes, putting food on the table, or buying medicine or gas for their car. These are people who will spend any additional assistance and help stimulate the economy.

So I ask unanimous consent that, notwithstanding the previous unanimous consent agreement, the LIHEAP provision in the previously withdrawn first-degree amendment be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I note that I strongly supported LIHEAP and have supported it on numerous occasions and continue to support its expansion. I happen to believe it should be paid for. I don't think we should pass on to our children and our grandchildren the cost of the oil bills today. We should expand LIHEAP, but as part of expanding LIHEAP, we should offset that with an offsetting savings somewhere else. So at this time I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I am on my best behavior today, so I am not going to dwell on the fact that the war has cost us about $800 billion, all borrowed money. But I understand the objection to this LIHEAP amendment.

Mr. GREGG. Madam President, if the Senator will yield, I also am on my best behavior today, I can assure the majority leader. I have other unanimous consent requests I wish to make, but I am reserving my energy.

Mr. REID. Madam President, the Senate Finance Committee package contained tax incentives to encourage the development of alternative and renewable sources of energy, as well as investments in energy efficiency.

Senator CANTWELL has been a champion of these provisions. There is not enough I can say to commend her for her good work. It is outstanding.

These tax incentives make sense from the standpoint of our economy and our Nation. They would create jobs for Americans and, in the process, they would reduce our dependence on foreign sources of energy.

I have seen the importance of developing alternative renewable sources of energy in Nevada. The geothermal industry has taken off in my State, providing hundreds of jobs for Nevadans and increasing Nevada's energy independence.

So I ask unanimous consent that, notwithstanding the previous unanimous consent agreement, the energy tax provisions in the Senate Finance Committee package be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I am very sympathetic to the work of the Senator from Washington. She does exceptional work. As a practical matter, I am always interested in areas where we can develop energy and alternative energy, but that is not part of a stimulus package.

These tax credits would essentially not kick in for literally years, in many instances, and are not going to do a great deal of stimulating and should not be added to the package. So on behalf of the leadership, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, the Finance Committee, rightfully so, by an overwhelming bipartisan vote, agreed to include a provision in this legislation that is designed to help homeowners avoid foreclosures by allowing them to refinance. The President of the United States proposed this in his State of the Union Address, and this proposal has been championed by my friend, the distinguished junior Senator from Massachusetts, Mr. KERRY. It also would add $10 million in bonds that States could use to help address the serious housing crisis facing our country. They can sell homes that are in foreclosure or refinance loans.

I commend Senator KERRY for getting this proposal added in the Finance Committee. It makes tremendous sense. I suggest it would be the right thing to do. The President supports it—or said he did in the Finance Committee—and I hope we can get agreement on it.

I therefore ask, Madam President, that, notwithstanding the previous unanimous consent agreement, the mortgage revenue bond provision in the Finance Committee package be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I think this proposal makes a great deal of sense, but in the name of the Speaker of the House, I would have to object. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I don't know if there is an economist who disagrees—there could be; I don't know who it would be—that the best way to stimulate the economy is to get money into the hands of those who will spend it immediately and the people who need it the most. That is why, according to more than one economic study, the absolutely best way to stimulate the economy is to increase food stamp benefits. According to that study, for every $1 allocated to food stamps, economic activity is increased by $1.84. That is the best thing we could do. It is the best bang for the buck.

I therefore ask unanimous consent that notwithstanding the previous unanimous consent agreement, the underlying bill be modified by adding a provision that would appropriate $5 billion to increase nutritional assistance for the rest of the calendar year.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Again, this package was worked out between the House Republican leadership, the House Democratic leadership, and the administration, and basically the purpose here is to move the package quickly. That was not part of the package. Therefore, on behalf of the leadership, I would have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, it is my understanding that there is now 20 minutes allocated, 10 minutes for me and 10 minutes for Senator MCCONNELL; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID. Madam President, 2 weeks ago, the majority of Senate Republicans was quick to endorse the House stimulus bill with no revisions, even though they knew it was inadequate and that the Senate had an obligation to improve the bill and to deliver a timely, temporary, and targeted bill by Presidents Day weekend. We have done that. Senate Democrats, and with the help of a number of Republicans in the Senate, joined to move forward. It is our responsibility to pass the strongest bill we can, and we have done that.

If we had listened to the advice of the House, we would have 21½ million seniors with nothing out of this package. If we had listened to the advice of the House, 250,000 disabled veterans and their widows would have been left behind. We have been able to make the House bill better, and I am pleased with that result.

There is much more to do, and that is why we focused today, as we did for a few minutes, on what is not being done. But I think we all have to acknowledge that the House bill has been improved significantly. We have gotten the President to agree the House bill was not perfect. I have said before that I wish there had been another vote. There wasn't, and I accept that. But I think we have to look at the good work that has been done.

I can't leave this floor without expressing my appreciation to the Finance Committee, led by Senator BAUCUS and Senator GRASSLEY. They have been champions of the American people. The American people have witnessed the last couple of weeks a lot of disagreements here on the Senate floor. We have had two difficult issues, the Senate stimulus package and the Foreign Intelligence Surveillance Act. We are basically about ready to finish the stimulus package, but we will be back and do more to help stimulate the economy.

Today, though, I think we should feel good about what we have done. Fifty-nine of us believe the country needs an economic stimulus, and we voted that way yesterday. Everybody in the Senate, I believe—and I am confident, with rare exception, that it is true—we cannot have an economic stimulus package and leave behind senior citizens and our wounded veterans, and we haven't done that. We have picked them up. I am confident we will do better.

I extend my appreciation to the distinguished Republican leader. It has been difficult to work through all this. And while it didn't work through the way I wanted it, it worked through a lot better than if we had accepted the House bill. I feel better today. The American people are going to be better off as a result of the work done in the Finance Committee by Senators BAUCUS, GRASSLEY, and the entire Finance Committee.

Madam President, I reserve my time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, let me say to my good friend, the majority leader, we are on the verge here of an important bipartisan accomplishment. The American people looked with incredulity to a press conference a couple of weeks ago among the Speaker of the House, the House Republican leader, and the Secretary of the Treasury indicating they had reached an agreement for a stimulus package that would be timely, targeted and, as the Speaker said, temporary. We have now, after going through the legislative process here in the Senate, been able to reach an important bipartisan agreement that will be supported by the majority leader, myself, Senator BAUCUS, Senator GRASSLEY, and Senator STEVENS, who was the principal cosponsor of an amendment I had indicated a couple of days ago we would offer.

This is the Senate at its finest, recognizing that this was an opportunity to demonstrate to the public that we could come together, do something important for the country, and do it quickly. The legislative process is frequently time consuming, complicated, laborious, and slow, and I think we have demonstrated today, or will demonstrate shortly, when we cast this vote, that we were able to put aside our differences, not only here in the Senate but with our colleagues in the House, as well, and the administration, to make an important statement that we are concerned about the slowing of our economy and we want to do something significant about it very quickly. So I think this is a fine day, a great day for the Senate, and something we can all feel good about.

I again commend the majority leader for his spirit in working this out, and congratulate the Senate and both parties for what I think will be perceived by the American people as a significant accomplishment for our country.

Mr. McCAIN. Madam President, I want the record to be clear that I fully support swift enactment of an economic stimulus measure. Having spent the past weeks and months traveling across America, I have heard first-hand of the difficulties facing so many hard-working families. I am pleased that the majority and the minority have finally reached an agreement to allow us to improve the underlying bill to address the needs of seniors and disabled veterans, and to close a loophole in the bill concerning the distribution of rebates. Now, we will be able to pass this measure today.

The bill pending before the Senate—a compromise product between the House and the President—is not perfect. Certainly we can all agree on the important yet limited improvements I mentioned such as ensuring our senior citizens and disabled veterans are not left out of this stimulus package. While perhaps none of us will be fully satisfied with the final measure, we simply cannot afford to include every member's wish list in this package. I believe the measure we will send to the President is one that almost all of us can and will support.

Beyond the short-term economic fix being debated, we must also consider the best long-term economic approach and to take action accordingly. In my judgement, there is no question that Congress must reign in wasteful porkbarrel spending. We need to make permanent the 2001 and 2003 tax cuts at our soonest opportunity and avoid a crippling tax increase for millions of Americans. We should eliminate the AMT, the poster child for the notion of unintended consequences, which threatens to affect millions of middle class families. These are steps we should take now to end the uncertainty facing American families and businesses.

America has the second highest corporate tax rate in the world. Cutting corporate taxes will spur economic growth immediately and over the long run. We need to allow first year expensing of technology and equipment investment for businesses, which would further simplify our code and provide incentives for capital expenditure. We must also work to reform and make permanent the research and development tax credit so that our businesses can do what they do best—create jobs and expand innovation—without the continued uncertainty of the whims of Congress. These are important and necessary steps toward reforming our tax code to make it simpler, flatter, and fairer for all Americans.

Clearly, we have much ahead of us to do and the American public is counting on us to fulfill the jobs that they sent us here to do. I, for one, have heard the voters. They want us to work together to stimulate and strengthen our economy and promote our Nation's long-term economic growth. Let's finally pass the economic stimulus plan and send it to the President. After all, time is of the essence if this effort is to be successful. The American public is waiting.

Mr. FEINGOLD. Madam President, I will support the bipartisan stimulus package today. It is better than doing nothing at all but not as good as we might have made it.

I commend the Finance Committee chair and ranking member, as well as our majority leader, Senator REID, for their untiring efforts to make improvements to the House-passed stimulus package. In the last few weeks, there has been a broad consensus that a properly crafted fiscal stimulus package could help ease the economic downturn we are experiencing. The measure passed by the House was a step in the right direction, and the amendment we will adopt today will improve on the House bill. Notably, the bipartisan amendment will ensure that 20 million lower income seniors who rely primarily on Social Security will be included in the tax rebate program, and it will do the same for a quarter of a million wounded veterans with lower incomes.

I regret that a particularly effective and desperately needed provision from the Finance Committee proposal was dropped from this agreement; namely, an extension of unemployment insurance benefits for the long-term unemployed. Not only was that provision the right thing to do to cushion the impact of this economic downturn on those who have been out of work for half a year or more, but we know from past experience that such a provision was one of the most effective ways to stimulate the economy. Another provision we should have included in this package, expansion of food stamps benefits, also shares those attributes. I very much hope that soon Congress will act on those two ideas.

Finally, I was disappointed that little or no effort was made to ensure the cost of this stimulus package would not add to our already mountainous public debt that will be borne by our children and grandchildren. Make no mistake; there is no free lunch here. Even though no offsetting savings were included in this package to defray its cost, the bill will be paid—if not by this generation, then certainly by coming generations. Our children and grandchildren will pay for our stimulus package.

Congress owes those future generations some consideration. We should return to the fiscally responsible budgeting of the 1990s, when we actually balanced the Federal books and began to pay down the Federal debt. We need not do so in a way that hurts the present economy, but paying for this stimulus package over the next 5 years or so would not undermine current economic growth, and Congress should consider such an approach.

Mr. LEVIN. Madam President, for too long the Federal Government has stood idle as Michigan's unemployment rate has soared, 3 million manufacturing jobs have been lost, and working families have felt the squeeze of the rising costs of energy, health care and food. I am glad that we are moving today on these short-term measures to stimulate our lagging economy—heaven knows we can't afford not to. But there is more we must do to fight for American jobs, and I am disappointed that the Republican Leadership blocked our attempt to significantly improve this package. I look forward to addressing the shortcomings of this bill with additional legislation in the near future.

At a minimum, we need to pass the provisions that were in the amendment offered yesterday that was based on the work done by the Senate Finance Committee. Unfortunately, that amendment with bipartisan support fell only 1 vote shy of the 60 it needed to overcome the Republican filibuster. I am hopeful that under new circumstances we can get those provisions done.

The Finance Committee amendment would have made this a much better package for stimulating the economy. Extending unemployment insurance, raising the cap on mortgage revenue bonds to help keep people in their homes, and funding the LIHEAP program to help people heat their homes are all timely provisions that offer temporary assistance that precisely targets the people who need this help the most. Putting money into their hands is the most effective way to kick-start our economy in the shortest time possible.

There are a number of reasons it is important that we ultimately approve the extension of much-needed unemployment insurance, which most economists agree is one of the most effective ways to stimulate the economy, dollar for dollar. Workers who receive these unemployment benefits—which could reach them in as few as 2 weeks from enactment of the stimulus—are likely to spend them quickly, making this one of the fastest ways to infuse money into our economy in the shortterm. In my own State of Michigan, about 145,000 residents have exhausted their unemployment benefits and can't find jobs. Between now and June, 72,000 more people will face the same difficult situation. Extending unemployment insurance during times of recession is nothing new. In the past 30 years, the Congress has acted three times to establish temporary extended unemployment benefits, each time during a recession. Studies indicate that extending unemployment insurance during tough times provides the best return of economic benefits compared to other stimulus options, and this money can be distributed within weeks. Extending unemployment insurance is essential to provide much-needed support to those who have lost their jobs and are struggling to reenter the job market.

To achieve success, the second economic stimulus package now being formulated must also help families stand up against the intensifying wave of housing foreclosures. More than 89,000 Michigan home loans are currently in foreclosure and over 40,000 subprime loans have scheduled rate increases this year. Across the Nation, too many families are at risk of losing their homes, with devastating consequences. Beyond the personal impact, rampant foreclosures can decimate communities. Home ownership is a central tenet of the American dream, but with the number of home foreclosures increasing at an alarming rate, that dream is slipping away from Americans across the country.

I am pleased that the bill we will pass today will increase the loan limits for the Federal Housing Administration, Freddie Mac and Fannie Mae. These are modest moves in the midst of a full-blown crisis, but it is better than nothing.

I am hopeful that soon we can also pass the measure included in the Finance Committee amendment that would have raised the volume cap on State-issued tax-exempt mortgage-revenue bonds by $10 billion. The proceeds from these bonds would allow State and local agencies to provide additional mortgage refinancing options to homeowners so that they could keep their homes. It is critical that we help prevent the further deepening of the foreclosure crisis, keep families in their homes, and protect neighborhoods from the blight which results from large numbers of vacant houses.

On a positive note, I am glad that we have adopted the Senate's improvements to what we are calling a "tax rebate" program. This bill will give a tax credit to be sent out as quickly as possible to provide fast cash for many struggling families, thereby ameliorating their hardship at the same time as giving a boost to spending. Today's bill is a package of inclusion, one that recognizes the importance of giving our Nation's aging citizens and disabled veterans their share of stimulus support. These tax rebates will give $600 to individual taxpayers with at least $3,000 of qualifying income, or $1,200 for married couples filing jointly, and an additional $300 for each qualifying child. A prudent stimulus package should not neglect the elderly and disabled veterans, and the tax rebate program we have adopted includes social security and disabled veterans' benefits as qualifying income for the purpose of determining eligibility for the rebate, thereby putting money directly into the hands of some of our nation's neediest some 20 million seniors and 250,000 veterans. Not only will this help these folks attend to their families' most basic needs, but it will further stimulate the economy for the betterment of the whole Nation.

I am also pleased this package includes tax provisions to stimulate small businesses, which are the heart of America's economic strength. It allows small businesses to double the amount they can expense, meaning immediately write off, their taxes for certain capital investments made in 2008 from $125,000 to $250,000. It also provides immediate tax relief for all businesses to invest in new machinery and equipment by speeding up depreciation provisions, so that firms can write off an additional 50 percent depreciation in the first year.

However, given the importance of small businesses' contribution to the economy and to job creation, much more needs to be done to help small businesses find access to credit in this slowing economy. For instance, as a member of the Senate Small Business Committee, I have joined some of my colleagues in calling for a temporary reduction of fees on small business loans to help reverse the recent decline in SBA guaranteed lending to small businesses. I think a temporary reduction in the fees charged to borrowers will put more money in the pockets of small businesses by lowering their monthly loan payments. Equally important is reducing the fees SBA charges lenders because we need to take steps to make lending to small businesses more profitable and thus more appealing so that banks will continue to be willing to make these important loans.

We should also make a one-time enhancement of $10 million to the SBA microloan program's revolving fund to increase credit availability for very small business concerns, especially those who face additional barriers to economic opportunity. The SBA's microloan program provides funding for small-scale business loans, which banks are typically reluctant to service.

When the economy is slowing, the Federal Government should be doing all it can to keep America's small businesses viable so that they can continue to be the economic engine of our economy that they have been in the past. I hope some of these ideas will be included in the longer term stimulus package.

I am also disappointed that this stimulus package does not include the 1-year extension of the production tax credit for renewable energy, which was included in the Senate Finance package. Current law provides a 1.8 cent per kilowatt tax credit for electricity produced from renewable sources including wind, solar, and biomass, but this provision will expire at the end of 2008. An effort was made to extend it for 2 years in the energy bill last year, but that effort also failed. This tax credit is critical to many developers of renewable energy projects—without an extension, many projects will be put on hold because they will be less financially viable. With the tax credit, these projects can go forward, and provide both investment in the economy and creation of new jobs.

Failure to approve yesterday's amendment also means that the stimulus package will not include an additional $1 billion for the LIHEAP program, which provides energy assistance to many low-income families. This program has been seriously underfunded for the current fiscal year, and this additional infusion of LIHEAP funding would have put money quickly and directly into the hands of individuals who need it. LIHEAP funds would be spent quickly and immediately, thus stimulating the economy and providing a vital safety net to families and seniors so they do not need to choose between eating and paying their energy bill. In addition to being targeted to those most in need, LIHEAP funding would provide benefits to the economy. Studies have shown that every LIHEAP dollar distributed generates up to five $5 of economic activity. By helping to offset home heating costs, these low-income households will be able to spend money on other vital essentials that will in turn help to stimulate the economy.

Beyond needing to ultimately pass the provisions in the Finance Committee package, it is also important that we take up legislation in the near future to target Federal spending on infrastructure, advanced technology and redevelopment projects that will create jobs. Our long-term economic growth requires investments by the Federal Government to create jobs and help our businesses grow and compete. Infrastructure and advanced technology should be our top priorities. Businesses that are successful are more inclined to hire new workers and expand. In Michigan, we know that success for many of our industries requires good roads, safe bridges, and harbors that are dredged to promote dependable shipping. Immediate Federal spending on infrastructure and dredging projects can put people to work and lay the foundation for future economic growth.

Investments in advanced technology can have similar long-term benefits. For example, developing the next-generation advanced batteries for hybrid cars could lead to enormous growth of our auto industry. I have proposed public-private partnerships for research and development of a host of technologies that offer much potential for job creation.

No State is struggling more than Michigan in this tough economy, and, unfortunately, evidence is growing by the day to indicate that families and workers all across the Nation are facing tougher economic challenges. I will support this short-term stimulus package as a start, but I will also continue to push for further, stronger efforts to address the problems on a broader level.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that any votes regarding H.R. 5140—and there will be either one or two votes, whatever is determined—we could get by with one vote, but there may be someone who wants two votes, and if that is in fact the case, we will have two—that we not start voting until 4:10 this afternoon. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I also ask unanimous consent that the time between now and then be divided between the majority and the minority, and I would ask the chairman how much time he needs out of the half hour.

Mr. BAUCUS. Six or seven minutes.

Mr. REID. With 5 minutes to Senator DURBIN, 5 minutes to Senator MURRAY, 3 minutes to Senator BOXER, and 4 minutes to Senator SALAZAR.

Mr. GRASSLEY. Mr. Leader, I don't know, but we might want to have time.

Mr. REID. You have it. I gave it to you.

Mr. McCONNELL. The time is divided.

Mr. REID. And that Senator SCHUMER have 5 minutes. Does that add up to more than my half hour?

The PRESIDING OFFICER (Ms. KLOBUCHAR). We are calculating it.

Mr. REID. I don't think it does, but if it does, let's trim it a little bit.

Mr. McCONNELL. Madam President, parliamentary inquiry: How much time is on this side?

Mr. REID. A half hour.

The PRESIDING OFFICER. A half hour.

The majority leader has allocated 29 minutes.

Mr. REID. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I think in the spirit of bipartisanship today, we will alternate back and forth, Democrat and Republican. The first will be Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, this is a big one. The victory before us is a victory for 20 million seniors who came of age during the Great Depression and World War II. They have been called the Greatest Generation. They fought for their country. They gave a lifetime of labor. They gave a lifetime of service. They paid a lifetime of taxes. They contribute to our economy today. And now they will get stimulus checks, too, like other Americans. Today is another victory for the Greatest Generation.

Today's agreement is a victory for a quarter million disabled veterans. No one can question their sacrifice. No one can question their contribution. They have fought for America. Today is a victory for disabled veterans.

Today's agreement is a victory for the rule of law. That is because the agreement ensures that the stimulus checks will go to Americans. It guards against sending checks to people who have violated our Nation's immigration laws.

Today's agreement is a victory for the Founding Fathers, who created the Senate and who created the Finance Committee. There were those who said we should take what the House of Representatives told us to take. There were those who said we should take what the White House told us to take. But our Founding Fathers created a legislature with two Chambers. The Founding Fathers created a government with checks and balances. Today is a victory for those of us who want the Congress to work as the Founding Fathers intended it.

Today's agreement is a victory for open government. The elements of this agreement came out of the open process of the Senate Finance Committee.

Americans need not settle for the products of back-room deals. Legislation gets better when people meet in the open and debate it in the open this way. That is what we did in the Senate Finance Committee, and today's agreement is a victory for open government.

Today's agreement is a victory for moderates. Today's agreement is a victory for men and women of good will, such as CHUCK GRASSLEY, BLANCHE LINCOLN, and OLYMPIA SNOWE. Today's agreement is a victory for people who are willing to reach across the aisle and work with other people of good will, even if they belong to another political party.

Today's agreement is a victory for people of courage, who were willing to buck their party's leadership, to buck the administration, for a better America. Today's agreement is a victory for people willing to stand up for what they think is right. Senator GRASSLEY and I will remember who stood with us.

Today's agreement is a victory for a better, more effective economic stimulus. Economists agree that consumer spending, fueled by tax rebates, can boost America's economy. Americans over age 65 spend 92 percent of their incomes in any given year. They will spend their rebate checks quickly, and that will boost the economy quickly.

Most of all, today's agreement is a victory for the American people. Today's agreement will speed rebate checks to the overwhelming majority of Americans, giving them needed tax relief. Today is a victory for the American people.

I thank my colleagues who have supported this package. I thank my colleagues for their help in crafting it along the way, and I urge the Senate to adopt it right away.

Madam President, I ask unanimous consent that Senator LINCOLN be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Finally, Madam President, I say again how proud I am to work with my colleague from Iowa, Senator GRASSLEY. He, more than any other Senator I can think of, always does what is right for his home State of Iowa and for the country. I know of no Senator with greater courage than the Senator from Iowa, and I say to everyone, anyone listening, that we are here today in large part because this is a bipartisan agreement. We stood together. We did not want to buckle down, we did not want to cave in to the House and the White House, because we wanted something a little better—something a little bit better—and we stood together, worked hard on this Finance Committee package, with our hearings and amendments we adopted, and we did it very quickly. So we are going to finally have an agreement by both bodies and by the White House, and I am quite certain very quickly, so Americans can get those rebate checks they expected and they deserve to receive.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. First, Madam President, following on where Senator BAUCUS left off, I thank him for his remarks, and I would be glad to associate myself with them and put his words in my mouth so that I would say the same thing about him. It is a pleasure to work with him but, more importantly, a pleasure to have this opportunity to say that a product we have worked on, that was an expression of 59 Members of the Senate, is finally going to go to the President of the United States.

So I say that about Senator BAUCUS personally, but I also say, for those people who are listening, and who think that nothing in this city ever gets done in a bipartisan way, we are proving to the rest of the Nation that everything in Washington is not partisan and we eventually get things worked out in a bipartisan way. I will add to that: Nothing gets done in the Senate unless it is bipartisan.

I would add a second point, and that second point is that a week before the House of Representatives passed their product, the House of Representatives, Republican and Democratic leaders, reached an agreement with the White House of a so-called perfect package that was going to stimulate the economy. They wanted to get it to the President immediately, and it was something that the Senate ought to go along with, without question. Then in a speech a week ago, I spoke here about the functions of the Senate—to distill and cool and observe and put in a laboratory the legislation that comes from the other body—and that it wasn't the function of the Senate to rubberstamp the House of Representatives.

I mean, we are not, I guess you would say, like the Senate of France, as an example, or the House of Lords of London, we are the United States Senate representing our constituents and are not a rubberstamp body.

And the Constitution was written with the Senate to give greater deliberation to legislation than what the House of Representatives does. This action right now is a perfect example of what we are set up to do as the Senate, and that perfect piece of legislation that we were told was so perfect, after it went through the process of 21 members of the Senate Finance Committee looking at it, came to the conclusion there were about three things wrong with it: 20 million seniors citizens left out. If you want to stimulate the economy, including low-income seniors as consumers in America who need to spend money as one of the chief stimulants; and then the House of Representatives did not honor the disabled veterans of America the way they should have—I should say the low-income disabled veterans of America the way they should. And then the second one was the possibility, very real possibility, of people who are here illegally maybe being able to qualify for a rebate check. So all of those are shortcomings in that perfect piece of legislation worked out between the White House and the Democratic leadership of the House of Representatives.

As intelligent as those people are, and they are intelligent, it was not so perfect. So the Senate did its work. Here we are. I am pleased we are prepared to finish the job on the economic stimulus package this very day—in fact, within a few minutes.

One week ago today, I spoke at length about the improvement the Finance Committee made in the House bill. The key improvements were on the structure of the rebate. The Finance Committee members added 20 million low-income seniors, and several hundred thousand disabled veterans are now about to be able to participate in the rebate checks.

Illegal immigrants will not benefit from the rebate checks, and they should not. I know that is a no-brainer, but it is something you have to make certain is in law because it will happen.

All these changes are a result of the work, under the leadership of Senator BAUCUS, of 21 members coming together to do what needed to be done to correct the House bill. Now, this took a while. But my leaders saw the light of the Finance Committee improvements.

My understanding is the House and the White House agree with us as well. Through the process, we will approve a truly bipartisan, bicameral bill. The American people will witness, in this process, a deliberative body, deliberating as we should but doing it in an expeditious way.

The best bill would be the full Finance Committee bill. That bill would have provided more business tax relief, more incentive for investment with probably longer—the certainty of the creation of more jobs. And, of course, we had an energy investment package in it.

Well, those will come up another time. My colleagues who favor those issues are not going to be left out in the cold. The House and the White House did not want these provisions in this bill. So in the interests of compromise, those provisions are dropped but not dropped out of sight.

I wish to thank our leaders for accepting, after some reluctance, the Finance Committee changes. We have a better product because the chairman and the committee process has worked. The committee members made this a better deal, and I thank Chairman BAUCUS for his leadership.

Madam President, I ask unanimous consent when we come back to this side, Senator ALEXANDER would have 5 minutes.

Mrs. BOXER. Reserving the right to object, I will not object, If we are doing it this way, I would ask unanimous consent to follow Senator ALEXANDER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent that Senator SNOWE be added as an original cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. SALAZAR. Madam President, I ask unanimous consent that I be added as an original cosponsor of the amendment as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, this is a fine moment for the Senate because it is a group of Senators coming together and saying we need to jump-start the economy, we cannot delay, we need to move forward very quickly.

Because of the action this Chamber will take later today, we will see 100 million Americans receive tax rebate checks in the mail that then will help us jump-start the economy. But as Senator BAUCUS and Senator GRASSLEY have pointed out, we have taken a package from the House and have significantly improved it, significantly improved it in two major ways.

First, the 21 million seniors who receive Social Security who were left out of the House package will now be receiving those tax rebates in the mail. So it is important to note this is a very important step in us standing up for the elders of America, for whom we have so much respect.

The second major improvement in this legislation is we also have honored our disabled veterans, 250,000 disabled veterans, who were left out of the House package, out of the package negotiated by the White House. We have included those in this legislation.

So in that way, this legislation represents a very significant improvement upon the package that came over from the House. Let me also say this is a business-friendly package because the product of the Finance Committee will put money in the pockets of small businessmen and women, as well as large businesses so they can invest in equipment, so they can create jobs and they can help start getting our economy from going further into the ditch and back on solid track.

Having said that, I also think it is incumbent upon all of us to understand this is a short-term fix and that there are longer term economic and fiscal problems that face this country that need to be grappled with. It would be my hope, as one Senator, in the days ahead, we move forward and embrace a phase two of economic recovery for this Nation.

I believe No. 1 on that agenda of this recovery program should be a focus on housing legislation that will help us address the major issues that are being faced across the country, including so poignantly in the State of California, where my good friend, Senator BOXER, was describing to us what is happening with the foreclosure rate, which is going to be six times higher than it was last year.

In my State of Colorado, 1 in 375,000 homes is in foreclosure. In my State of Colorado, there is a significant decline in real estate values. Across the country it is projected that everyone's home is going to decline on average by 14 percent.

So housing, I hope, is immediately on our agenda; that we move from there and get a good farm bill passed for our food and fuel security for our country; and, thirdly, that we embrace the Finance Committee package on energy legislation that will help us get to that new frontier of a clean energy economy for the 21st century.

So while I applaud this package and support it 100 percent, our work has just begun. This is simply a first step.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, there is one message we hear consistently from the people we represent in this country. It is: They would like for us to change the way we do business in Washington, DC. They would like for us to come and focus our attention on big problems that affect everyday Americans—whether it is helping each American have health care insurance, whether it is keeping our jobs from going overseas, whether it is the $3 price of gasoline—and work together in a principled way to solve it.

They do not mind our having big debates on big issues, about big principles such as liberty versus security or terrorism. What they do not like is the "playpen" politics, when we bring out the charts and hire the campaign strategists and degenerate into what ought to be in a kindergarten or in a political campaign.

I am pleased to say this is a good way to begin the year the way that this has worked out, because the President and the House of Representatives deserve great credit for agreeing quickly on a timely, targeted proposal to help our economy be stimulated and move along.

They made it temporary, so it was not anymore of an infringement on the budget, and they sent it to us. I am very proud of the Senate. But I do not think it is such a bad idea, every now and then, to concede that even President Bush and the House of Representatives are not wrong all the time. They actually sent us an excellent package and gave us a good start. What we have done is essentially accept the House package that Speaker PELOSI, Mr. BOEHNER, and the President negotiated, and we have improved on it in a couple ways involving seniors and disabled veterans.

All of us agreed about that, almost all of us. The Republican leader suggested we do that a couple days ago. So I think there is plenty of credit to go around. I would start by giving it to the President and the House of Representatives. Of course we should thank the Finance Committee for the work it did, the Republican leader for his suggestion, with Senator STEVENS, that we add the disabled veterans and seniors, which he made a couple days ago. And we should feel good that, by the end of this week, as Senator MCCONNELL said earlier this week, we will have sent to the House and hopefully to the President a piece of legislation that will help taxpayers keep more of their own money, help small businesses keep more of their own money, and in doing that, help create jobs and help create additional spending that will stimulate our economy.

We had a disagreement, in actually a very good way. The Finance Committee recommendations included a number of proposals that many of us felt amounted to an excuse to spend, rather than economic stimulus. We voted on that yesterday, and we took most of those off. But that does not mean the Finance Committee was wrong to make the suggestion; it meant we did not agree with them. So we put those things aside for now. We will debate them later, and we will go forward with this bill.

A number of us on this side of the aisle, the Republican side, have some things we would like to add to any bill that has to do with economic stimulus. And Senator HUTCHINSON of Texas and Senator VITTER of Louisiana and Senator ISAKSON today talked about a number of those such as including long-term lower tax rates whether it is marginal rates or dividends or capital gains.

Those include Senator ISAKSON's proposal to give a tax credit to those who would buy foreclosed homes, $5,000 for 3 years so we can get the consumer back into the housing market. It would include the proposals, as Senators HUTCHINSON and ENSIGN and others have made in the America Competes Act, which we passed together, Democrats and Republicans. Now we need to implement it so we can give more incentives to outstanding teachers, help low-income students take more advanced placement courses, bring in more talented people from other countries who get graduate degrees in science and technology, and allow them to have a green card and stay here and create jobs in the United States instead of going overseas.

We have some work to do on controlling runaway litigation. All of that has to do with job creation in America. We could have said: Yes, we would like to have that on this. But we agree, we will set that aside for now. But those are the long-term objections we have. We look forward to the debate on those issues and those steps.

I wish to congratulate the majority leader and the Republican leader, the Finance Committee, and the others who worked hard on this. I wish to thank the House and the President for sending us a good piece of legislation. I would ask my colleagues to consider this: We may want to send the House something sometime we hope they pass. So why not give them some credit for sending us something that substantially we agree with, and with a couple of improvements, we believe is better for the people of this country.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I had asked for 3 minutes. I ask unanimous consent for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, yesterday we were all very saddened when we failed to get the Senate Finance Committee stimulus package passed. We lost by one vote because Republicans filibustered, and they forced us to get 60. We got 59 votes for that package, but it was not good enough. So now today our Republican friends happily are joining us on two elements of that package, and we are adding it to the House proposal.

I am pleased that 20 million senior citizens will get a check as part of the stimulus package, our stimulus package, the Senate's. I thank the senior citizens and their organizations for calling all Senators and telling them it is outrageous to leave out the seniors. I am beyond pleased as well that 250,000 disabled veterans will get a check as part of the Senate's stimulus package. I thank the veterans and their organizations for calling Senators constantly in their offices to say: Make us part of the package. To have left them out would have been outrageous on its face, just as it was outrageous that when the President suggested his package, he wanted to leave out more than 30 million Americans who didn't file tax returns, just paid payroll taxes, and acted as if those working Americans don't deserve to have a check. I thank Speaker PELOSI for fixing that problem. That was a huge problem. She did fix that problem, and now we fixed some more problems.

Democrats want to do more. We were stopped again today from doing more. Let me go into that because I stood here on the floor as the Republicans objected to request after request after request to add the rest of the Senate Finance package to the stimulus bill.

Senator REID said: We need to have low-income energy assistance. We know the cost of heating is high, and we know people are suffering under the burden of paying it. No, that was objected to. That was objected to. Then we said, there are some States that have very high unemployment rates, and we see a high unemployment rate beginning to hit many States. We want to extend unemployment insurance to the long-term unemployed. Those are the people who would go right out and spend those checks at the corner store, which is just what we wanted to do. No, our Republican friends said, no. Then we asked unanimous consent to help the homebuilders get a tax break. They are struggling under the horrendous situation we find ourselves in today in the housing market. No, there was objection from our Republican friends. Then we asked, through Senator REID, for green energy tax breaks so the folks who are out there who are trying to build this economy and get us off foreign oil can get those tax breaks. Republicans said no. Then we were asking if they would allow us to put in here a program President Bush himself endorses—housing revenue bonds to help with the housing crisis. The Republicans said no.

We are all very happy that seniors and the disabled veterans are going to have a smile on their face tonight, but we are far from done. We Democrats are going to fight.

I come from a State that has 25 percent of the defaults. When I go to towns in my State, we have five roundtable discussions about the terrible situation that our mayors are facing, that our States are facing, that our counties are facing. We need to do more, and we Democrats are not going to give up. This is phase 1.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I yield myself 2 minutes to say to my distinguished friend from California, who is chairman of one committee on which I serve: I am a little puzzled about why, when we come to a good conclusion and we stand up and compliment the Democratic members and the majority leader for a good job and adopt the provision, when we compliment the recommendations of Speaker PELOSI, a great friend of the Senator from California and someone I admire greatly for her work on this stimulus package, why she feels it necessary to stand up and begin to make a political speech about Republicans saying no. Republicans have said yes. Democrats have said yes. We are saying it to the country.

Mrs. BOXER. Will the Senator yield for an answer since he mentioned me?

Mr. ALEXANDER. Yes, I am glad to yield.

Mrs. BOXER. Madam President, I speak the truth. I speak the truth. I stood next to Senator REID, and he made requests on all those issues I outlined—LIHEAP, extended unemployment benefits, tax breaks for solar, et cetera—and the Republican side objected. I speak the truth. I am happy we have joined together on two aspects of the proposal, but the truth is, there is more to the story. We have more work to do. The fact that I mentioned this is to sort of spur you on, to say: Come to the table with us again, and let's do more. That is the reason I said what I said.

Mr. ALEXANDER. Well, if I may say, the Senator is certainly entitled to say whatever she wishes to say, but if she wants to bring it up, we will begin with the fact that the Speaker of the House and the Republican leader and almost 400 Members of the House sent us this bill. It was not the intention of the Speaker of the House, I assume, to throw grandma from the train by sending us an economic stimulus package. It was her intention to send us a targeted, timely proposal that would be temporary and that the American people could look at and say: The Congress has come to a good result in a bipartisan way. They have many opinions, but they decided what to do. And they will discuss the other issues on down the road.

I would like to give the Speaker of the House credit for that, not criticize her for leaving out seniors, not criticize her for leaving out disabled veterans, not criticize our friends on the other side of the aisle on the Finance Committee for leaving out widows of disabled veterans, which would have happened in their first draft. I see no benefit to that. It is much better to do what my friend, the late Alex Haley, used to say: Find the good and praise it. I think there is a good deal to praise here.

I am certainly not objecting to the Senator's right to say whatever she wishes. She is eloquent, she is effective, and she works in her committee in a very good way. I would just like to see the tone of the debate on this Senate floor change so that it is possible from time to time, when we do accomplish something together, that we recognize we have different opinions but we can give credit to other people. When we do, we often succeed. I think the majority leader and the Republican leader, the Finance Committee, the Speaker of the House, the President, and the Republican leader in the House deserve a pat on the back for this. There are many other issues to discuss down the road. I can think of some things I would criticize the Democratic majority for spending on, but I see no need to do that. There is nothing constructive to be gained by it, and we will defer that for another time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, like all of our colleagues, I have gone home, I have listened to my constituents who are deeply concerned about the state of the economy today. We are concerned about the housing crisis, about the rising cost of fuel and gas, about the rising cost of health care. The economic crisis that is facing many people today was reflected in the economic numbers we have seen coming in over the last quarter. We came back here a month ago united to make sure we did what everyone agreed to—a temporary, targeted package to get money back into the economy quickly. Today, we are about to do that.

But I have to say—and I heard my colleague from California say it—the Speaker of the House did a good job in the limited amount of time with the agreement she had to do to get a package here. The Senate, in doing its job of looking at it carefully and asking, What do we need to do to improve this to make sure it works, was highly commendable.

The package we voted on last night had a number of very important provisions: extension of unemployment insurance; LIHEAP for millions of families who are very concerned about being able to heat their homes; the energy package that my colleague, Senator CANTWELL, worked hard to put in to stimulate jobs and bring jobs in critical regions of the Nation and deal with the energy crisis as well. We are all disappointed on this side that but for one vote those would be part of this package which would then go back to the House and, we would hope, be signed by the President. But because we were stymied by one vote, we are here today saying: What can we do?

We are delighted that our Republican colleagues have come with us to say we can do better, and we added money to make sure millions of seniors as well as thousands of disabled veterans would be part of this economic stimulus, families that are really struggling today.

We did agree with the Republicans, and I commend our leader, Senator HARRY REID, as well as MAX BAUCUS, the minority leader, as well as Senator GRASSLEY, who have worked hard over the morning hours to come to this. But I would say to the Senator from Tennessee, we can express our disappointment that but for one vote, we feel we could have had a better package. But we are pragmatic on this side. We believe we need to move forward. We know we cannot face days and days of delay. We know we need to get this done, and we have come together with Democrats and Republicans to move a package that I believe is in the best interest of the country at this time.

This is not the end of this debate. This is our answer to get quickly a short economic stimulus. But we are committed on this side—and with a number of Republican Senators who joined us last night in that vote—to continue to work to do a long-term economic stimulus.

This crisis started with a housing issue that became the face of this crisis as millions of homeowners were losing their homes across the country and facing foreclosure. We are committed to continue to move forward to address that housing crisis in a smart, pragmatic way to make sure we can do everything to help those families and to get this economy back on its feet. We are committed to work with our colleagues from Michigan and California and other States that are facing high unemployment to get extended unemployment insurance benefits for those families that are now facing a very real crisis in their homes and with their ability to put food on the table. We are committed to continue to try to get that one last vote for an energy package that will mean our jobs will be brought here to the United States to create new alternative energy that will help not only job creation but our energy crisis as well.

I commend all of us for coming together and, in a few short minutes, voting to pass quick, temporary relief that is well needed but also a commitment from all of us to continue to work to make sure we address the long-term economic stimulus as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I join my colleagues in saying this is a very fine day for the American people. It is a good day. I thank everybody who came together on this issue, particularly Senator REID and Senator BAUCUS, who were steadfast leaders as we began to put together a stimulus package. I also thank my colleagues in the House, led by Speaker PELOSI.

We do have a serious economic crisis. Most economists would say we are headed to recession. It is unfortunate; that recession could have been avoided because the housing crisis is at the bull's-eye of that recession. Unfortunately, this administration, with ideological handcuffs around its wrists, was unable to intervene. So the crisis spread. Housing prices declined, and then consumers stopped buying. We had a very weak Christmas season. Housing prices declined. Foreclosures increased. And there is a credit freeze, so many who wish to build and create commercial projects, factories, businesses that wish to borrow can't get the lending they need. As a result, we stand here at the precipice of a fairly severe economic downturn. We must do everything we can to make sure the severe effects of that downturn are mitigated. Today's package does that.

Early on, we enunciated on our side three goals—that a stimulus package be timely, targeted, and temporary.

The package today meets all three of those goals. Leader REID promised that we would get a package to the President's desk on February 15, that we would not let squabbles, dilatory effects get in the way. The package is on track to be signed by February 15 so that checks can be sent out to the American people as quickly as possible, and they, because they are—most of them—hard pressed, will spend those checks and get the economy revved up.

We added to the package. The House gave us a very good start. Make no mistake about it, the Senate package is based on the House's basic structure. But we fought hard to include 21 million senior citizens and 250,000 disabled veterans. They are now included in the package, and it is a better package than the one that passed the House.

The package in the House was good. The package that is passing the Senate is better. It could have been better still. It could have been best. But our colleagues on the other side of the aisle—again, in those ideological handcuffs—said: We cannot spend money. Tax cuts are OK, spending is not. Well, I know that is part of the old-time, hard-right philosophy. It is outdated now, but it is there.

Economists tell us, for instance, that spending on unemployment insurance is the quickest way to get the money into the economy. The checks will flow, hopefully, in the spring, but they cannot flow more quickly because the IRS needs to gear up its computers, and they are busy with tax returns and tax refunds. If we were to extend unemployment insurance, we would mainstream money into the economy much more quickly. Unemployment insurance gives the biggest bang for the buck: $1.74 for every $1 spent. Tax breaks are good, but they give about $1.19.

So if one were not ideological, did not care if the money went to the rich, the middle class, or the poor but just said, "Let's get the economy going," unemployment insurance and nutrition assistance would be included in the package. But the ideological predispositions of the other side, not listening to economists—Martin Feldstein testified before our Finance Committee, a conservative economist who worked for Republican Presidents, and said unemployment insurance makes sense. They refused to do it. We made a valiant attempt. We tried. We were blocked by the other side by one vote.

We tried to bring in LIHEAP funds. Those of us from Northern States know how hard it is to heat your home with the price of oil and gas through the roof. They said no.

Housing, as I said, is at the bull's-eye of this crisis. We tried to bring in mortgage revenue bonds, which the President himself supported. But those on the other side said no.

So good, better, best. The House package: good; the Senate package: better. It could have been best, except our colleagues on the other side of the aisle decided to block it.

Let me say two other things in conclusion.

Madam President, I ask unanimous consent for 2 additional minutes, not to come out of Democratic time, just 2 minutes added on.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Madam President, if you want to delay the vote and add 2 minutes to the Republican time, that would be fine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Madam President, two other points quickly.

We will come back. There are structural problems in this economy that rebate checks will not solve. There are problems with housing, and we are putting together a good housing package that will include not only mortgage revenue bonds but assistance for loan supervisors, loan counselors, who will help people restructure, and it will encourage Fannie and Freddie to get money so mortgages can be refinanced. There are the conforming loan limits, which should pass in this package. That will help our housing area.

We also will put together a package that deals with infrastructure—a time-honored way of getting the economy moving. Hopefully, there will be some local assistance to help States with their increased Medicaid burden and energy assistance—not just LIHEAP but also the kinds of things the Senator from Washington State, Ms. CANTWELL, has pioneered: Tax breaks for green energy to create jobs and keep jobs here.

We will put together a package that will do all of that. We expect there will be resistance from the other side. The only thing that will probably stop that is if the economy hurdles south even further.

The second thing I want to say is this: Some asked me outside: Well, did you do this for politics? Absolutely not. We tried to craft—and I know it because I am on the Finance Committee and worked closely with Senator BAUCUS—we tried to craft the package that would give the economy bang for the buck. But if today Members on the other side of the aisle are squirming because they voted no, that is what democracy is all about. There were real choices here—real choices. Some said yes; some said no. We each should be held accountable by our constituents for that. That is what democracy is all about. So while it was substance—totally substance; I can tell you that, having been there—that motivated our package, the political chips will fall where they may.

This is a great day for the American people, a day to try to improve our economy. I am proud of what we have done and will work hard to make it better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, in response to the comments of the Senator from New York, I simply would say that it is reassuring to see the chairman of the Democratic Senatorial Campaign Committee come to the floor and hear him say: Let the political chips fall where they may, while denying he had any political motives in his comments.

I tried to begin the remarks here, after the majority leader made an excellent talk and the Republican leader made an excellent talk, by complimenting Speaker PELOSI, by complimenting Mr. BOEHNER, by complimenting the President, by saying Senator BAUCUS and Senator CHUCK GRASSLEY deserve a lot of credit for bringing to our attention some things that needed to been done. Then, by complimenting Senator STEVENS and Senator MCCONNELL—who a few days ago offered an amendment to add seniors and disabled veterans and to fix a problem that apparently needed fixing by leaving out widows of disabled veterans. They offered that, and we all agreed that was a good result.

I guess the Senate floor is always appropriate for whatever any individual Senator may wish to say. But sometimes I wish it were more about substance and less about politics.

This is an opportunity when we can talk more about substance. We have our principled differences of opinion on where we go from here, but we have agreed on the temporary. As the Senator from New York said: Good from the House; better from the Senate. I agree with that. Now, when we get to "best" we will have a different kind of debate.

Mr. SCHUMER. Madam President, will my colleague yield?

Mr. ALEXANDER. Madam President, I will be glad to complete my remarks and turn the floor over to the Senator in just a moment.

But when we get to the question about "best," I assume we are going to be arguing from principles, and we are going to say: To make this economy better for the long term, we need to limit runaway lawsuits. And he may say we do not. I do not mean that will make him politically squirm. I assume he actually believes that.

We may say we want to continue tax cuts, and he may want to raise taxes. Should he say that, I do not intend to try to make him politically squirm. I assume he just believes that.

Perhaps we can agree that we ought to implement the America COMPETES law which we worked together to pass last year. Perhaps we can agree that we ought to increase the number of HB-2 visas so talented foreign people can come do research and work and then stay here and create jobs here instead of creating them overseas in India.

When it comes to an energy package, I may say more nuclear power, and someone on the other side may say less. But I do not say that to make them squirm politically.

So I like the fact that we can come here and compete. I like his characterization, if I may say so, of "good," "better," "best" because I think if we have an economic stimulus package, the right kind of competition is to say they have an even better one, and then we will have to go to work and come up with an even better one than that. But I reject the notion that what has been done here is to cause Republican Senators to squirm. We feel pretty good about avoiding turning this bill into an excuse to spend more money. But we respect the fact that those on the other side have a genuine belief that spending more money is the way they would prefer to go over the long term.

So I guess I am expressing a little bit of disappointment in the tone of the debate here at the end. That is all I am expressing. But I thought I ought to express it instead of letting this go on and on in the same tone.

The PRESIDING OFFICER. Just so everyone knows, the Republican side has 11 minutes 17 seconds remaining; the Democratic side has 8 minute 6 seconds.

The Senator from Michigan.

Ms. STABENOW. Madam President, I ask unanimous consent for 1 minute from the majority's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Thank you very much.

Madam President, certainly we come here today supportive of what has been done to this point, congratulating the House for beginning this process, on which we can build. But I think it is very important we make it clear what has happened.

We had the majority of the Senate that supported something that would have gone further, something that would have been better, in my judgment, and it was stopped by a filibuster and our inability to get one vote—one Republican vote—to join with us to stop the filibuster. So what does that mean? It means millions of unemployed middle-class Americans are left out. Unemployment benefits—one of the top two areas that economists have agreed upon to stimulate the economy—were left out because of one vote from our Republican colleagues. We just needed one more vote to include that.

Jobs from alternative energy production—we literally have businesses saying they will bring jobs back from overseas to this country—we lost that by one vote. Those jobs will stay away. Plants, we are told, will not improve and may, in fact, close certain projects because of the lack of one Republican vote. Help for homebuilders and homeowners—at the heart of this crisis—help for other employers struggling to invest and keep Americans employed, we lost this by one vote. That is what is so unfortunate here today.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, how much time is remaining on our side?

The PRESIDING OFFICER. Six minutes 17 seconds.

Mr. DURBIN. Madam President, under the agreement, I have 5 minutes. I will just take 4 minutes, and if the Chair will notify me when I have used that time so the Senator from Arkansas can have her 2 minutes-plus.

It is interesting here that the American economy is suffering from some ailment that leads us to believe it is headed to recession. So how are we going to treat this ailment, this fever? Well, we are trying to come up with some medicine in a hurry before it gets worse.

The Federal Reserve lowered the interest rates, and then we understood we could do our part in Congress on a bipartisan basis: Let's try to do something now before something worse happens. We know how bad it is: all of the people who are unemployed, the stock market in trouble, housing in shambles across America, the housing industry flat on its back. So we tried to come up with something quick, temporary, and targeted to get this economy back on its feet.

I give credit to both the House Republicans and Democrats for reaching agreement and sending us a bill. Then we sat down in the Senate and said: Can we improve it? Is there a way to put a little more medicine in this package so it will work?

Senator MAX BAUCUS and Senator CHUCK GRASSLEY—Democrat and Republican—on a bipartisan basis came up with a really good package. We tried to pass that last night. We missed it by one vote. We needed one more Republican vote. We had all the Democrats and eight Republicans. We needed one more. We could not get it done. So today we decided we had to take the best parts of it that we could on a bipartisan basis and pass it. I am glad we are going to do that.

As I go around this country, people say the same thing over and over: Will you stop squabbling on Capitol Hill and get down to work? Will you try to work together? Today, we will. What the Senate Finance Committee did was improve the House bill and give us a chance to help this ailing economy get back on its feet.

What if this is not enough medicine? What if it is the wrong medicine? I think we are going to go back to some of the things that were rejected last night.

Unemployment insurance—boy, read the list. Madam President, 1.2 million Americans are going to see their unemployment insurance benefits end this month. We want to extend their protection. There are some who came to the floor on the other side who argued against that. Oh, they say if somebody is unemployed, you have to punish them, you have to pressure them to go back to work. Ever try to live on an unemployment check? I have run into people who do it, and it is not a rosy life. I think people are looking for jobs and finding them very difficult to locate.

I think we are going to return, and many of the things rejected last night by the Republican side will be part of the second dose of medicine for this economy. This economy needs to get well. We need to give the right medicine in the right amounts for it to happen. This is a good start. With one more Republican vote last night, I think we could have given that full spectrum of medicine to put this economy on the right track.

If our efforts fail now with this stimulus package, we need to come back and put back into the law the things that were defeated last night by the Republicans, and more. We need an economic recovery package for America. I am sick and tired of sending billions of dollars to Iraq to rebuild hospitals and schools and highways and not do the same thing in America.

We have to focus on putting Americans to work with good-paying jobs, with decent benefits, so they will be spending again and this economy starts chugging forward again. For too long, we have ignored working families, and any economic recovery plan has to focus on those working families first. That is why I hope we pass this soon, monitor it carefully, and if we do more, let us respond as quickly as we can.

I reserve the remainder of my time for the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I say to those who have discussed this before me that we received a package, the Pelosi-Bush package that started in the House, and it was done very quickly. They bypassed their committees and they bypassed the consideration of the Senate until we got the package. So what we tried to do was to do our very best to improve upon that package in ways that we felt would not only stimulate the economy but do justice to the American people.

To the conversation that happened before me from the Senator from Tennessee and the Senator from New York, I don't think what we are talking about here is whether we are going to take up whatever we can do; we owe it to the American people to do our very best, to do the very best we can to stimulate the economy and make sure we are including every American in a part of that stimulus package.

I think that is what we tried to do in the Senate Finance Committee under the tremendous and thoughtful leadership of Chairman BAUCUS and Senator GRASSLEY. We came up with a plan that, yes, not only looked at what we could do with those rebate checks and making sure we equitably distributed those dollars—not only to those included in the Pelosi-Bush plan, but also to include seniors. The chairman and ranking member found a way to include seniors, qualifying their Social Security income for the rebate income threshold, but they also looked at the crisis epicenter: the home mortgage issue. They looked at the unemployed who are getting ready to fall off the rolls and who are working families trying to take care of their kids and their aging parents. They looked at new job creation, the renewable energy sources. What an incredible way for us to begin to reinvigorate the economy, to make a quick hit on jobs that were already in existence that were probably going to leave if we didn't do something about it.

I joined my colleague Senator SNOWE, and I was very proud to join Senator SNOWE, as I regularly am, to offer an amendment to add veterans' disability income as well. We wanted to add veterans' disability income to make sure our disabled veterans would also get a rebate check, because I know, looking out there, they need it as well.

The PRESIDING OFFICER (Mr. WEBB). The Senator's time has expired. Who yields time?

Mr. ALEXANDER. How much time remains on the Republican side?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mrs. MURRAY. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. No time remains on the Democratic side.

Mr. ALEXANDER. Mr. President, I am glad to yield 1 minute of our time to the Senator from Arkansas if she wishes to finish her remarks.

Mrs. MURRAY. Mr. President, if the Senator would be so gracious, that would be very much appreciated on our side, so that the Senator could finish her remarks. We thank the Senator from Tennessee for that.

Mr. ALEXANDER. Of course. Is 2 minutes enough?

Mrs. LINCOLN. That is unbelievably gracious from my neighbor in Tennessee.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mrs. LINCOLN. Mr. President, as always, my neighbor from Tennessee is gracious and a gentleman.

Here in Washington, we often get into the business of debating specific policies and we lose sight of what it is all about. Before we finish this debate, I want to remind people what it is about.

There is a gentleman named James Free who lives in West Memphis, right across the border from the Senator from Tennessee. He served in the U.S. Army from 1972 to 1977. His service led him around the world 2 or 3 times, he said. But James' disability makes it hard for him to work and to get by day to day. He gets $314 in a disability check that he receives from the VA each month, which is his primary source of income. Now, because of the modifications we have made here in the Senate, James and other folks like him will qualify for the rebate. How could any of us argue that James Free, who has served our Nation very courageously and proudly, should not be included in this package today, that he would not appreciate the opportunity to receive a stimulus check, and that he would not put it back, right back, into the economy.

This is a good package. We had hoped we would do our very best, but it is a good package, and we want to make sure that as we take this step to stimulate the economy in this great Nation, we will prepare ourselves for the next piece of recovery we can offer, a recovery piece that will be more long term, more substantial in making sure that we deal with job creation and some of the other crises that exist. It is going to be good for our economy now. It is going to be good for our working families and good for seniors, good for our veterans, and due to some additions I think from the other side, also good for the widows of veterans. I appreciate the fact we are moving forward on behalf of the American people.

I want to say thanks to my colleague from Tennessee for yielding time so I could finish my comments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I believe all the Democratic time is used and most of ours is used and the vote is scheduled for 4:10, if I am not mistaken.

Let's start from the beginning, once again. The first order of business when Congress convened and the President made his State of the Union Address was to say to the American people: We see that the economy is slowing down, and we want to do whatever we can from Washington. Even though we realize this is a huge economy—15 trillion or so dollars a year—we want to see if there is something we can do quickly that will stimulate the economy.

The President, the Democratic Speaker of the House, and the Republican leader of the House, with the agreement of the majority and minority leader of the Senate, took the first stab at it. In very short order, they reported, and the House passed with only 35 or so dissenting votes, provisions that would give about $150 billion—two-thirds of it straight to individual taxpayers, middle and low income, so they could keep more of their own money, spend it, and stimulate the economy; and about a third of it to small businesses in America so they could keep more of their own money and create new jobs. That package was sent to us. The Senate Finance Committee worked hard on that and came up with some additional recommendations. One of those recommendations was to add seniors. Another was to add disabled veterans. That recommendation was an idea that Senator STEVENS of Alaska and Senator McCONNELL of Kentucky thought was a good idea, and in their own amendment offered that on the floor.

We then had a vote yesterday which represented a philosophical difference of opinion. Most on the other side wanted to spend another $40 billion. Most on this side thought that was an excuse to spend, so we resolved that, as the Senate always does: Unless you can get 60 votes or a consensus, we can't go ahead. So the ones who wanted to spend more didn't win for now, and we kept the package at about the same spending level that it was, adding, as virtually all wanted to do, seniors and disabled veterans and their widows. So in a very short order, we have a result.

I wish to end my remarks as we come toward the vote about where I started earlier, which is that this is a conclusion that deserves—and I hope will earn—the respect of the people of the United States. It was fashioned in the House, and the Senate has largely respected the work they have done. We believe we have improved it. We are sending it back. We are doing this with a provision that is timely and targeted in a temporary way, and then we will move on, both sides will, to offer our long-term solutions for how we can continue to make this economy stronger.

There will be differences of opinion. There may be more spending there and there may be more tax cuts here. There may be more reservation of runaway lawsuits here and less there. But we can have those arguments. They will be principled arguments. Hopefully, it will show that the Senate and the House, when they set their minds to it, can work with the President on big issues and get results.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I believe all time has expired on this side.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, unless there are other Republican Senators who wish to speak, we yield back our time.

The PRESIDING OFFICER. All time has expired.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4010.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA), are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. NELSON) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 6, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—91

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—6

Allard
Coburn
Corker
Craig
Gregg
Hagel

NOT VOTING—3

Clinton
Nelson (NE)
Obama

The amendment (No. 4010) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. McCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announced that, if present and voting, the Senator from Nebraska (Mr. NELSON) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 16, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—81

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—16

Allard
Barrasso
Coburn
Corker
Craig
Crapo
DeMint
Ensign
Enzi
Gregg
Hagel
Inhofe
Kyl
Murkowski
Sessions
Shelby

NOT VOTING—3

Clinton
Nelson (NE)
Obama

The bill (H.R. 5140), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION TO AMENDMENT NO. 4010

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the passage of H.R. 5140, the Reid-McConnell amendment No. 4010 be modified with the technical change at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

tion. Such term shall not include a TIN issued by the Internal Revenue Service.".

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking "and 53(e)" and inserting "53(e), and 6428".

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking "or 32" and inserting "32, or 6428".

(c) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSION.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not

## ORDER OF PROCEDURE

Mr. REID. Mr. President, my mind was on FISA. What we have done is, the staffs are working out a consent agreement where we are going to have three recorded votes. We are going to be able to dispose of two other votes by voice. Then we are working toward—and it is not done yet—we are working toward where that may be all the votes we will have tonight.

Then what we will try to do—not try, it is the only way we can get from here to there to get it done—is tomorrow we still have a lot of debate left in this matter because of the time we have spent dealing on the stimulus package. So today we will do all the votes we can. We are going to have, as I have indicated, at least five amendments we will get rid of. I think that will leave about five. We will then have debate—there are a number of amendments where I think there is still like 6 hours of debate left on those, and they would complete that debate, hopefully get rid of a lot tomorrow, and what we can't, on Monday, and Tuesday morning we will start final votes.

We will have a cloture vote involved in this also, but I think we can work out the time factor on the cloture vote and have final passage on this sometime on Tuesday. I have asked Senator ROCKEFELLER to have a pretty good idea of what will be in the final package as it comes out here. So I think it would be to everyone's benefit that he and Senator LEAHY, Senator BOND, and Senator SPECTER work with their House counterparts to see if they can work on a package to bring back to us.

What we are facing with this, because of the constraint of time, is that the House has to work with the Senate to come up with something. If that doesn't work out, then the legislation expires. There will be no law on the 15th, and I don't think there is anyone who wants that. No one, with all that has gone on, even though I have complained a few times—well, I think there is no need to point fingers now. We are where we are, and we have to move as quickly as we can and try to finish this bill, including the conference report, next week. We have to do that.

The unanimous consent is not ready yet, so I ask unanimous consent that my friend from Illinois, Senator DURBIN, be allowed to speak for 10 minutes as in morning business; and if one of my colleagues on the other side wants to speak before the vote starts, that is appropriate.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, if I can say so, it sounds like a good game plan to me. My understanding is we are going to get started voting here very shortly. Is my understanding correct?

Mr. REID. Well, now, Mr. President, we lost one of them, so we are now down to two rollcall votes and two that can be accepted by voice. So we are two steps forward and one back. So the answer is: Yes, we will have two votes that will be recorded. We should be able to start those in a few minutes.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. REID. I would be happy to yield.

Mr. DORGAN. Mr. President, I think most Senators will feel good about the significant progress on FISA, and hopefully we will get that completed.

Senator THUNE and I were speaking a moment ago about the other piece of legislation we hope we might finish, when FISA is completed next Tuesday or Wednesday, and that is the Indian Health Care Improvement Act, which we started on the floor of the Senate.

I would ask the Senator: Might we expect to be able to bring that up for a day? We believe we can finish that in a day next week.

Mr. REID. I say to my friend: Is there anything that can be done on that tomorrow or Monday? Has the debate on all the amendments been completed?

Mr. DORGAN. Mr. President, I believe we have worked through most all areas of controversy, where we are waiting on some amendments that I believe Senator COBURN wishes some votes on. But I think we have made a lot of progress on both sides of the aisle to resolve items of controversy. I think if we could get it on the floor for 1 day, we can finish it. And, frankly, there is some urgency to Indian health care issues. As I said, Senators MURKOWSKI, THUNE, and others join me in hoping we can include that next week to be completed on the floor of the Senate.

Mr. REID. I ask my friend, the Senator from North Dakota: Is there a way we could have a consent agreement that would give us specific time for any amendments and votes on amendments, and after they are all done, final passage?

Mr. DORGAN. Mr. President, I have been working with Senator KYL and others to try to see if we can reach an agreement on any amendments. I believe there will be very few votes required. I think Senator COBURN has some that may require a couple of votes, but by and large I think we have worked through most of the issues. Senator KYL and Senator THUNE, on that side of the aisle, have been working with me.

But I would very much like to get whatever list or whatever time agreements we need so that we can bring that up. We really do need to finish that next week, following the disposition of FISA, if it is possible.

Mr. REID. I ask my good friend, during those two votes we are going to have in a short time, if we can go to work to see if we could have a specific numbers of amendments, how much time is left on them, we will complete it to final passage.

Mr. KYL. Mr. President, I have been working with the Senator from North Dakota. While we have not surveyed all of the Members on this side, I believe the issues are well known to us; they have surfaced. The three key issues have mostly been worked through, as I understand, and I believe Senator COBURN is willing to put a time agreement on the amendments he has. All of which is to say that I believe, unless there are some votes on our side that have not come forward—and we will certainly inquire—it should be possible to get a time agreement with specific amendments that is not very long and that would result in the bill being concluded in a relatively short time. But we do need to survey the rest of our Members.

Mr. THUNE. Mr. President, I would just echo what my colleague from North Dakota said and would agree that now we will have dealt with FISA and the economic stimulus bill, which I know are matters of great importance and urgency—this is a matter of great urgency to the people we represent. It is long overdue that we get this done. So I will do everything I can on our side to make it possible for us to limit any further amendments or anything that might further delay moving to a final vote.

I appreciate the leader's indulgence, along with my colleague from North Dakota, and would simply ask that when we complete action on this, we move to this bill.

Mr. REID. If I can respond to my three colleagues, originally we thought this bill would take 1 day, and we know it has been bifurcated because of other issues. But I would really think that before we spend another few days on this, we have to do everything we can to see if we can come up with a time agreement to give us a way to get to the end so we can have final passage.

We do not need to speak, as I have, about the drastic needs in Indian territory. We need to do this. So I hope that—my friends, this is certainly a bipartisan piece of legislation—we can work out some time agreements, and part of that will be final passage.

Mr. KYL. I do not know of any reason that cannot be done. There is certainly no intention on our side to take a long time or slow it down. I think the Senator from North Dakota would verify that I have worked to try to resolve issues that are outstanding. It is my belief that this can be done within a time period that is acceptable to the majority.

The PRESIDING OFFICER (Mr. PRYOR.) The majority leader has a unanimous consent request pending. Is there objection? Without objection, it is so ordered.

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## DOJ STAFF MEMO ON THE FUTURES MARKETS

Mr. DURBIN. Mr. President, I thank the majority leader for requesting 10 minutes for me in morning business.

The State of Illinois is home to some of the most dynamic and innovative financial services firms in the world. For the futures markets, Chicago is a global leader. I pay particularly close attention to the vitality of these markets. It is an important part not only of the economy of my home State but of the economy of our Nation. The work in the futures markets has a direct impact on everything from pork bellies to currencies to the price of oil.

I am deeply disturbed with what has taken place this week within the Department of Justice relative to those futures markets. As we have been told, the staff at the Justice Department recently wrote a memo to the Department of Treasury questioning the structure of clearing and settlement services in the U.S. futures industry. The staff has referred to concerns about restraint on competition and other issues.

What is troubling about this disclosure is that the Department of Justice staffers apparently are claiming that they were simply commenting on a Treasury proposal regarding the overall competitiveness of America's financial markets. But the comment period on the Treasury proposal ended 2 months ago, 2 months before the Department of Justice released this memo, and it is been more than 6 months since that same Department of Justice approved the merger of the Chicago Mercantile Exchange and the Chicago Board of Trade.

Well, people say: So what? Bureaucrats release memos. Who pays any attention to those? Well, let me tell you what happened yesterday. When this memo became public, the price of the Chicago Mercantile Exchange stock declined by over $100 in 1 day. That reduced shareholders' market capitalization by almost $6 billion. A memo from the Department of Justice to the Department of Treasury leaked to the Dow Jones Press Service, which became public, cost the Chicago Mercantile Exchange, in 1 day, market capitalization of almost $6 billion. There was no justification for this memo. The comment period was closed, the Department of Justice had acted on the merger, and there was no reason to release it.

I have joined with my colleague, Congressman RAHM EMANUEL, in sending a letter to Attorney General Mukasey and Secretary Paulson calling on them to not only look at the substance of this memo but also the circumstances. By what right was this staff memo issued in the first place or released to the press?

I want to quote one of the Commissioners of the Commodity Futures Trading Commission. That is the Government agency responsible for regulating these markets. This is what the Commissioner said:

> The Department of Justice staffer letter has unfortunately roiled the markets, and this is precisely the kind of behavior that Government regulators are supposed to take ordinary care and attention to avoid.

He is right. I think that letter was entirely inappropriate, and the fact that it was the leaked to the press—and I do not know whether it was leaked at Justice or at Treasury—is something that should be investigated. I do not want to read too much into this, but someone who understood the impact of the market and decided to short the stock could have made a lot of money yesterday. I am not saying that occurred, but that is how serious it is, that the stock would go down $100 in 1 day because of this action. Today, the stock has started to recover. I am glad. But still we have to answer, at the Federal level, why this ever occurred.

These markets are ready to be regulated and examined, and they should be. We want transparency and public trust at every single level. And we know that competition in this market goes far beyond the United States. These are now international and global markets, and the Chicago Mercantile Exchange is the one of the leaders in these markets. They should be closely regulated, closely watched, and should be subject to all of the laws and regulations concerning transparency. But when some staffer at the Department of Justice can take a potshot at this global market and cost them almost $6 billion in market capitalization in 1 day, I think we have a right to demand accountability.

I am joining with my colleagues in the Senate and in the House in calling on this administration to look into this matter as quickly as possible. I hope to find out why this comment letter was filed 2 months after the Treasury Department deadline if the memo was meant to be related to that effort. I hope to find out if the Department of Justice considered its influence on the markets prior to drafting this letter or leaking this letter, whatever was done.

I hope there is not more to this story than the Justice Department staffers are claiming, but I wonder. That is the reason I have written to these two leaders in the administration asking for a timely response.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I understand that the bill is to be called back up, the FISA bill; is that correct?

The PRESIDING OFFICER. That would be the regular order.

Mr. BOND. If the proponent of the amendment is ready, I would suggest that we begin the final lap on these amendments.

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## FISA AMENDMENTS ACT OF 2007—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Pending:

Rockefeller-Bond amendment No. 3911, in the nature of a substitute.

Whitehouse amendment No. 3920 (to amendment No. 3911), to provide procedures for compliance reviews.

Feingold amendment No. 3979 (to amendment No. 3911), to provide safeguards for communications involving persons inside the United States.

Feingold-Dodd amendment No. 3915 (to amendment No. 3911), to place flexible limits on the use of information obtained using unlawful procedures.

Feingold amendment No. 3913 (to amendment No. 3911), to prohibit reverse targeting and protect the rights of Americans who are communicating with people abroad.

Feingold-Dodd amendment No. 3912 (to amendment No. 3911), to modify the requirements for certifications made prior to the initiation of certain acquisitions.

Dodd amendment No. 3907 (to amendment No. 3911), to strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government.

Bond-Rockefeller modified amendment No. 3938 (to amendment No. 3911), to include prohibitions on the international proliferation of weapons of mass destruction in the Foreign Intelligence Surveillance Act of 1978.

Bond-Rockefeller modified amendment No. 3941 (to amendment No. 3911), to expedite the review of challenges to directives under the Foreign Intelligence Surveillance Act of 1978.

Feinstein amendment No. 3910 (to amendment No. 3911), to provide a statement of the exclusive means by which electronic surveillance and interception of certain communications may be conducted.

Feinstein amendment No. 3919 (to amendment No. 3911), to provide for the review of certifications by the Foreign Intelligence Surveillance Court.

Specter-Whitehouse amendment No. 3927 (to amendment No. 3911), to provide for the substitution of the United States in certain civil actions.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

### AMENDMENT NO. 3915

Mr. FEINGOLD. Mr. President, this is the amendment we call Use Limits Amendment, amendment No. 3915.

This amendment gives the FISA Court the option of preventing the Government from using information on U.S. persons that it has collected using targeting or minimization procedures that are later found to be illegal.

As the legislation now stands, if the Government uses procedures that are later declared unlawful, there is nothing to stop it from using the information it collected illegally. This does not make any sense, and it takes away any incentive for the Government to develop lawful procedures the first time around. It is also not consistent with the approach FISA takes with other illegally collected information.

If the Government conducts emergency surveillance that is later found to be improper, FISA already prohibits the Government from using that information. Importantly, under my amendment, information about foreigners or information that indicates a threat of death or bodily harm could always be used by the Government, even if it were collected under illegal procedures. The FISA Court also has the discretion to allow the Government to use illegally collected information about U.S. persons.

So it is an extremely modest safeguard, a very reasonable amendment. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I strongly urge my colleagues to defeat amendment 3915. It creates a superexclusionary rule on the intelligence community. The Attorney General and the DNI have advised they will recommend a veto.

It says: By requiring analysts to go back through relevant databases and exact certain information as well as to determine what other information is derived, this requirement places a tremendous burden, an unsurmountable operational burden on the intelligence community. I agree and yield the remainder of my time to the chairman.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I would say to the Presiding Officer that this amendment would prevent disclosure or dissemination of any collected information by U.S. persons if the FISA Court finds there are deficiencies in the Government's targeting or minimization procedures under the new authority.

There is no need to add another penalty to ensure compliance with the requirement of the statute. The amendment gives the court very little discretion to determine whether nondisclosure is the appropriate remedy. Nondisclosure could be required even if the information is particularly significant foreign intelligence information, or if there is only a minor deficiency in the procedure that cannot be corrected within 30 days.

It is a very short way of saying that I oppose this amendment strongly.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the Senate now resume consideration of the following Feingold amendments, Nos. 3915 and 3913, and that the time until 5:25 p.m. be for debate with respect to these amendments en bloc; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendments in the order listed above; that there be 2 minutes of debate prior to the second vote, with all time equally divided and controlled in the usual form, and the second vote 10 minutes in duration; that when the Senate resumes S. 2248 on Friday, February 8, and on Monday, February 11, all remaining amendments be debated and all time used; that on Tuesday, February 12, at a time to be determined, the Senate then proceed to vote in relation to the amendments in an order specified later, with 2 minutes of debate prior to the votes, equally divided and controlled in the usual form, and any succeeding votes in the sequence be limited to 10 minutes; that no further amendments be in order Tuesday; and that upon disposition of all amendments, the Senate vote on the motion to invoke cloture on S. 2248; and that if cloture is invoked on the bill, Senator DODD be recognized to speak for up to 4 hours, Senator FEINGOLD for up to 15 minutes; that upon the conclusion of these remarks and the recognition of the managers for up to 10 minutes each, the Senate then proceed to vote on passage of the bill, and any other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, if I could ask the majority leader, I had talked with Senator FEINGOLD and suggested we have 4 minutes equally divided on the next vote so he can have 2 minutes and the chairman and I may each have a minute.

Mr. REID. I accept the modification.

The PRESIDING OFFICER. Is there objection to the request as so modified?

Without objection, it is so ordered.

### AMENDMENT NO. 3915

Mr. FEINGOLD. How much time do I have?

The PRESIDING OFFICER. The Senator from Wisconsin has 2 minutes.

Mr. FEINGOLD. Mr. President, I wish to respond to the argument of the Senator from West Virginia that this amendment would somehow impose a burden because it would require the Government to identify information about U.S. persons. I wish to be clear, these use limits kick in only if the Government proposes to disseminate and use the information, in which case the bill's minimization procedures already require the Government to identify information about U.S. persons. So I can't for the life of me figure out what the Senator is referring to when he refers to new burdens. My amendment imposes no additional burden at all.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROCKEFELLER. I have already spoken on this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have made our point that it makes no sense to exclude the use of information simply because there is a deficiency, any deficiency in the certification and procedures used to target foreign terrorists overseas.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 3915.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent. The Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 56, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—40

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Reed
Reid
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—56

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Lieberman
Lugar
Martinez
McConnell
Murkowski
Pryor
Roberts
Rockefeller
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—4

Clinton
McCain
Nelson (NE)
Obama

The amendment (No. 3915) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that Senators LEAHY and SPECTER, managers on the part of the Judiciary Committee, be recognized for up to 20 minutes on Tuesday, February 12, postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

There is now 4 minutes equally divided before the next vote.

Who yields time?

The Senator from Wisconsin is recognized.

### AMENDMENT NO. 3913

Mr. FEINGOLD. Mr. President, the reverse targeting amendment No. 3913 was approved by the Senate Judiciary Committee and is cosponsored by several of my colleagues. It simply ensures that the new authorities contained in this bill are not used to engage in what is known as reverse targeting of Americans here at home. FISA requires the Government to get a court order when it is wiretapping Americans on American soil. Reverse targeting refers to the possibility that the Government will try to get around this requirement by using these new authorities to wiretap someone overseas, when what the Government is trying to do and is interested in is the American with whom that foreign person is communicating.

The bill pretends to ban reverse targeting, but this ban is so weak as to be meaningless. It would allow reverse targeting as long as the Government can claim it has some interest, however minor, in the foreigner it is wiretapping. The amendment says the Government needs an individualized court order when a significant purpose of the surveillance is to acquire communications of a person inside the United States.

The Director of National Intelligence has testified that this practice, reverse targeting, is a violation of the fourth amendment. That is what the DNI says. This amendment merely codifies that constitutional principle.

I strongly urge my colleagues to support this important amendment.

Mr. BOND. Mr. President, I yield 1 minute on our side to the chairman of the committee.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, this turns the bill on its head. This says if we are targeting folks overseas, that in effect we have to get a FISA Court approval for each and every time that happens.

Let me say the amendment causes enormous operational problems for intelligence professionals. They are very serious about it. The DNI and the Attorney General say it will hamper U.S. intelligence authorizations currently authorized because every single person would have to have a court order, and when you are collecting overseas, that becomes kind of a burden.

While the technical details concerning such intelligence operations are classified, the concern is that the restriction would prevent the Government from doing intelligence collection against a foreign city, or a neighborhood in a foreign city, in advance of a military operation or perhaps in pursuit of a terrorist cell.

The amendment is unnecessary, and I urge its defeat.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, there is an explicit bright-line prohibition against reverse targeting in the current bill. As the DNI said, it would be in violation of the fourth amendment. But Senator FEINGOLD wants to replace this test with one that would make analysts engage in mental gymnastics, trying to figure out if "a significant purpose" is to target someone inside the United States. This significant purpose throws in an additional concern: The analysts who gather and examine intelligence need clear rules, not an ambiguous significant purpose standard.

The adoption of this amendment is seriously detrimental to the operation of our analysts and the DNI and the Attorney General would recommend a veto if it is adopted.

We worked hard, and we have a good bipartisan bill that significantly adds to the protections of civil liberties. We need to pass this bill. I join with my colleague from West Virginia, the chairman of the committee, in urging our colleagues to oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have made progress on FISA. We have more progress to make. It appears to me that this will be the last recorded vote. We have a number of other measures we are going to try to dispose of on this bill. I know we have at least one of Senator BOND's amendments that will be disposed of by voice vote. We have an agreement that we will move this bill forward for passage on Tuesday.

On Tuesday, everyone, there will be no morning business. We will come in at 10 o'clock on Tuesday and start right on FISA, and hope by that time to have all of the debate completed on this legislation.

Again, this will be the last vote today. I appreciate everyone's good, hard work this week and look forward to next week.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), and the Senator from North Dakota (Mr. DORGAN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent. The Senator from Arizona, (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—38

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dodd
Durbin
Feingold
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Reed
Reid
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—57

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McConnell
Murkowski
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—5

Clinton
Dorgan
McCain
Nelson (NE)
Obama

The amendment (No. 3913) was rejected.

Mr. BENNETT. I move to reconsider the vote.

Mr. SALAZAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SALAZAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3941, AS MODIFIED

Mr. BOND. Mr. President, I call up amendment No. 3941, as modified, the Rockefeller-Bond amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. BOND. Mr. President, this amendment modifies a provision of the Protect America Act. I think, along with my colleague, the chairman of the committee, it makes a lot of sense. It lays out a process for the FISA Court to conduct a review of a petition from an electronic communication service provider challenging a directive from the Government in review of a petition by the Government to enforce compliance with its directive. Having the court conduct expedited reviews of these petitions, whether from the provider or from the Government, is in everyone's best interest.

These questions are essential to be resolved one way or the other for the protection of the private partners, as well as the protection of our national security. As long as challenges of enforcement proceedings remain pending before the court, the intelligence community cannot intercept terrorist communications through that provider. Those are not unreasonable requirements. Rather, it reflects the judgment of this body and the other in the area of national security that important decisions that go to the heart of our intelligence production should be made on an expedited basis.

The DNI and the Attorney General advised us they strongly support this amendment because it would "ensure challenges to directives and petitions to compel compliance with directives are adjudicated in a manner that avoids undue delays in critical intelligence collection." We could not agree more.

I hope we will be able to accept this amendment.

I yield the floor to my distinguished chairman.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, my remarks are only to indicate strong support for this amendment. It is a wise modification. As far as I know, there are none who are in dissent. I hope it will be accepted.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 3941, as modified.

The amendment (No. 3941), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we have made some progress today. We have laid out, through the good work of the leadership of this body, with Senator REID and Senator MCCONNELL, a means of going forward on Tuesday. We have now had over 2 weeks of debate on FISA. I think not only the fact that everything that could be said pro and con of all the amendments has been said, but I believe we have given everybody a chance to say it.

The good news is that when Tuesday comes around, we will have short time agreements and proceed to vote on these critically important amendments, and then we hope cloture and, if cloture is invoked, final passage, with everybody having an opportunity to express themselves.

Again, I personally express my thanks to the leadership, to the members of the committee who stood with us and our staff, and I thank our colleagues for letting us come to this position where we see the end in sight.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, in every respect, I second the words of the vice chairman of the Senate Intelligence Committee. Speaking for this Senator, in the course of last year, this Senator has spent 6 months working on the children's health insurance bill with staff who do so much work that they sleep 2 or 3 hours a night, including the weekends, and achieved nothing. We have had, in a sense, the same process on the FISA bill. It is very complicated because it is a very delicate subject and requires this very difficult balance between intelligence collection for the security of the Nation and civil liberties of the people.

I am extremely proud of the way the vice chairman and others, particularly the majority leader and the minority leader, have conducted this affair. It took quite some time to get it going. I do believe I also see light at the end of the tunnel. I think if we do our work on Tuesday, we will have time to conference this bill with the House and send a bill to the President. In any event, I am grateful, particularly to the staff whose work is never mentioned enough.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that I might be allowed to proceed as in morning business for the next 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONGRATULATIONS TO SENATOR JOHN McCAIN AND GOVERNOR MITT ROMNEY

Mr. BENNETT. Mr. President, this afternoon, I and a number of others who have been supporting Gov. Mitt Romney for the Presidency of the United States met with the Governor and his good wife Ann to have a postmortem following his announcement that he was suspending his campaign.

I was perhaps the first Member of this Chamber to announce my public endorsement of Governor Romney, so I wish to be among the first to extend my congratulations to Senator McCAIN, who has now, by virtue of Governor Romney's suspension of his campaign, locked up the Republican nomination.

We all have our understanding of Senator McCAIN's persistence and his determination to go forward in what he considers to be a good cause. There has never been a demonstration of the importance of that persistence quite as dramatic as his comeback from this campaign.

We can remember the time when all of the pundits and, frankly, all the rest of us, myself very much included, wrote off the McCain campaign, assuming that Senator McCAIN was lying dead in the gutter by the side of the road. I remember talking with some of his supporters in this Chamber at that time who said the McCain campaign is reeling and we don't know whether it is going to ever come back. I remember the rumors that flowed around this town, where people said: We cannot raise any money for the McCain campaign. No one wants to contribute to a lost cause.

JOHN McCAIN, perhaps alone—maybe he had the support of his wife; I assume he did—said: No, I am going to go forward. He picked himself off, took himself off to New Hampshire, and did the same kind of thing he did 8 years ago when he ran against President Bush. In this case, he not only won New Hampshire, but he was able to expand that to wins elsewhere, to the point where we have the result today. So he deserves our congratulations as we recognize this truly extraordinary political accomplishment on his part.

I share with my colleagues this comment from Governor Romney. As those of us were supporting him from both the House and the Senate were gathered around him and talking about this, he shared with us this particular insight. He looked at what has happened. He sat down with his supporters. He looked for all the reasons why he should feel good. They pointed out he had won 4 million votes in the various primaries and caucuses and Senator McCAIN had won 4.7 million. So in terms of the voters who supported him, he was not that far behind. He had won 11 States. Senator McCAIN had won 13. So on that basis, he was not that far behind.

But the cold calculating reality of it was he was very far behind as far as the delegates were concerned. So he said to his advisers and his political consultants: What would it take for me to win the nomination? And they said to him very bluntly: You must destroy JOHN McCAIN. That was not his word. I don't remember his exact word, but you must go negative, to use the vocabulary of the political consultant, in such a way as to make it impossible for JOHN McCAIN to proceed with the confidence of the American people. Governor Romney said: I am not going to try that. Even if it might work, I don't want to try that. I don't want to do that. And he made the decision that was announced today.

Along with my congratulations to Senator McCAIN on his extraordinary achievement and his assuming the position now as the obvious Republican nominee, I also congratulate my friend, Mitt Romney, on the graciousness with which he recognized what was happening and his willingness to withdraw now rather than drag the party on into a protracted fight that would make it very difficult for Senator McCAIN to take control of the levers of power in the party and organize himself for the fight in the fall.

These are two good men, each one of different views, each one of very different background, each one of which would bring a different set of talents to the Presidency, each one of which has now exposed himself to the fire of the primary process. One has emerged victorious; the other has recognized that and stepped aside. I think it is a demonstration that the American political system, however messy, works.

Again, I extend my congratulations to Senator McCAIN.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SERVICE OF PAGE SAM WOHNS

Mr. LEVIN. Mr. President, the Senate Page Program has been an intregral part of the functioning of the Senate since its inception in 1829. Senate pages are always on the Senate floor when the Senate is in session, helping to ensure that the proceedings in the Chamber run smoothly and efficiently. Pages also are asked to complete a variety of other tasks when the Senate is not in session. We ask a lot of our Senate pages, and they always respond. A page is not only expected to serve the needs of the Senate, which is an important and time-consuming task, but also is expected to attend school and complete the necessary requirements of a high school junior.

Senator Daniel Webster selected the first Senate page. In those days, as is the case today, a page was chosen and sponsored by a Senator. There is a long and fine tradition of pages chosen by Michigan Senators, and I am proud to have sponsored many pages that have ably and responsibly served the Senate.

Sam Wohns, Michigan's most recent Senate page, completed his service as a Senate page last month with dedication and enthusiasm. Sam is a part of a fine tradition and a select group that has had the privilege to serve as a Senate page. He has proven through his hard work in the Senate and through his many successes in the past that he, like many of his peers, are some of our ation's best and brightest. This experience has prepared him well to meet future challenges, as it has for the many that have preceded him.

Each semester the Senate Page School conducts an essay competition. Every page is given the opportunity to submit an essay that reflects their thoughts about their experience as a page. The winner earns the right to deliver that essay at the closing ceremony for his or her page class. Sam Wohn's essay was selected as the winning essay last month, and it is clear from his essay that this past semester has had a positive and inspirational impact on him and his fellow pages.

It is a distinct honor to be chosen as a Senate page, and the work that this page class has done is valued by all of us in the Senate. I know my colleagues join me in thanking each Senate page for a job well done. I look forward to hearing about their many successes in the future.

I ask unanimous consent to have the text of Sam Wohn's speech at the closing ceremony of his page class last month printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Good morning. It's hard for me to believe that today is our last day of Paging. Part of me feels like I just arrived. I still have so much to learn about our political process and there is still so much more that I want to do in DC. On the other hand, part of me feels like I've been here for years. I'm fully adjusted to dorm life, shortened class periods, and the demands of working at the Senate.

While I had dreamt of nearly every aspect of being a Page before I first stepped foot in Webster Hall, I hadn't imagined having to leave. Knowing that I'll never again have the opportunity to bring a senator a glass of water or to rush back early from dinner to open doors during a rollcall vote is disheartening, but knowing that I'll have the friendship of my fellow Pages for years to come is encouraging.

The other Pages from all around the country have enriched my experience more than anything else. And while I did learn the particulars of parliamentary procedure, the proper way to set up an easel, and how to operate on five hours of sleep a night, the most important lesson of this semester has been the value of teamwork. The bond between all of the Pages made no challenge insurmountable and made no hardship unbearable. Without that support network, I think my experience as a Page would have been very different.

As I was preparing this speech, I came across an email that I sent to my parents in the summer after my freshman year. I described the Page Program as a "flawless utopia" in that email. After taking Advanced Composition this semester I know that my word choice, "flawless utopia," was a little redundant, but I think you get the idea—I had high expectations. I expected nothing short of an amazing experience, and my experience was nothing short of amazing.

Yet, it wouldn't have been as rewarding if it wasn't as challenging as it was. The weeks when I didn't get done with work until ten o'clock at night were the most memorable. I'll never forget the last night of rollcall votes when the senate was in session until after midnight or the last day of legislative business when Senator Levin showed all of the Pages his favorite signatures inside the desks on the floor. I worked long hours, but it certainly didn't seem like work.

I consider this semester a gift. I feel so fortunate to have been a student in each of my teacher's classrooms, to have made so many great friends, and to have played a role in the functioning of the world's most powerful legislative body. This semester has been a gift of knowledge from my teachers, a gift of friendship from all of the other pages, and a gift of new awareness and perspective that I gained from the many responsibilities all of us Pages shared at the Senate and at Webster Hall.

Like most gifts in Washington, this one has strings attached. As former Pages, we'll have obligations that we didn't have before. Our firsthand knowledge of the legislative process obligates us to stay informed of current events, our new awareness of some of the deep injustices in the world obligates us to do what we can to address them, and our work experiences obligate us to share our many stories with friends and family.

Many people have told me that a semester of Paging is similar to the first semester of college. I can only hope that my college experience is as memorable as the last four and a half months. It has been an honor and privilege to serve with you all. I will miss you and yet I know that we are inexorably connected for a lifetime.

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## TRIBUTE TO ROBERT BALL

Mr. KENNEDY. Mr. President, all of us who knew Robert Ball are saddened by his death last week. For many of us in Congress and for tens of millions of Americans in recent decades, Bob Ball was Mr. Social Security. He deserves immense credit not only for his indispensable leadership in making it the most successful and most beloved social program in the nation's history, but also for doing so much over the years to keep it that way when some in high places sought to undermine it.

President Kennedy named Bob as Commissioner of Social Security in 1962, the same year I came to the Senate, and I know my brother would regard him as one of his finest appointments. Bob's leadership was indispensable in maintaining the strength of Social Security in the 1960s and dramatically expanding it to include Medicare and disability benefits. Countless times over the years, I have benefited from Bob's extraordinary wisdom, experience and friendship.

Bob stepped down as Commissioner in 1973, but he never really retired. He was a key member of the Greenspan Commission on Social Security reform in the early 1980s, and in 1986 he founded the National Academy of Social Insurance, whose studies and publications have been an invaluable policy resource for all of us in Congress on Social Security, Medicare, and other important social programs such as workers' compensation and unemployment insurance. Through its awards and internships, the Academy has inspired many young people in government, the private sector and universities to devote themselves to these issues as he did.

As recently as last fall, at the age of 93, Bob was sending out to his extensive mailing list his ideas for protecting and financing Social Security, backed up, as they always were, by sound cost estimates provided by loyal Social Security employees who are still deeply inspired by Bob.

I will miss Bob very much, and I extend my deepest condolences to his wife Doris and all his children, grandchildren, and great-grandchildren. Bob Ball was one of a kind. Few if any in the long history of our country have done so much for so many for so long.

Mr. President, I ask unanimous consent that last Friday's obituary in the New York Times on Bob Ball be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 1, 2008]

### ROBERT M. BALL IS DEAD AT 93; LED SOCIAL SECURITY

(By Dennis Hevesi)

Robert M. Ball, the commissioner of Social Security in the Kennedy, Johnson and Nixon administrations, an architect of Medicare and an influential opponent of privatizing Social Security, died Wednesday at his home in Bowie, Md. He was 93.

The cause was congestive heart failure, his son, Jonathan, said.

"Bob Ball left an indelible mark on the Social Security program and the agency in that he played a critical role in the establishment of Medicare," the current commissioner, Michael J. Astrue, said Wednesday in a statement. "His commitment to Social Security was unequaled."

Mr. Ball was commissioner from 1962 to 1973, but his advocacy for preserving the program went well beyond his retirement from public service.

In 1981, he represented the speaker of the House, Thomas P. O'Neill Jr., Democrat of Massachusetts, on the National Commission on Social Security Reform.

Called the Greenspan Commission, for its chairman, Alan Greenspan, who later became chairman of the Federal Reserve, it was created by President Ronald Reagan at a time when Social Security faced financial problems. High inflation and high unemployment were significantly decreasing revenues.

Mr. Reagan wanted a report by the end of 1982, but the commission was deadlocked along partisan lines. Behind the scenes, Mr. Ball negotiated with James A. Baker III, Mr. Reagan's chief of staff, and Richard G. Darman, a deputy Treasury secretary.

Weeks before the deadline, they came up with a compromise, a complex balance of tax increases and benefit cuts that was acceptable to the president and to Mr. O'Neill. Those 1983 amendments remain the most recent substantial changes to the system.

In 1996, Mr. Ball was a member of a Social Security advisory council that was considering partial privatization of the system, a precursor to the broader plan that President Bush would propose eight years later. The council chairman, Edward M. Gramlich, a Federal Reserve board member, favored the plan. But Mr. Ball managed to place so many other issues before the council that privatization was kept off the table.

Still, privatization became a centerpiece of Mr. Bush's re-election campaign in 2004. The president wanted to allow workers to divert part of their Social Security payroll taxes into private accounts. Opponents, including Mr. Ball, said the Plan would leave the system under-financed.

"Bob Ball essentially set up a war room in his living room; a phone, a fax machine and his big Rolodex," Thomas N. Bethell, the editor of Mr. Ball's 2000 book, "Insuring the Essentials: Bob Ball on Social Security" (Century Foundation Press), said on Thursday. "He wrote position papers, broadsides and papered Capitol Hill with them."

Mr. Ball said the system was not facing financial disaster, as the president contended, and could be strengthened by, among other measures, raising the level of wages that could be taxed for Social Security, which is currently capped at $102,000. With Democrats in the majority since the elections of 2006, Congress has not addressed privatization.

Robert D. Reischauer, a former director of the Congressional Budget Office, said Mr. Ball's influence was potent. "For years he has been one of the strongest defenders of the existing structure," Mr. Reischauer said Thursday. "He provided the intellectual firepower to those who want to preserve it."

Robert Myers Ball was born in Manhattan on March 28, 1914, the son of Archey and Laura Crump Ball. His father was a Methodist minister. Mr. Ball graduated from Wesleyan University with a degree in English in 1935, and a An official for three presidents and an architect of Medicare. year later earned a master's degree there in economics.

Besides his son, Jonathan, of Cazenovia, N.Y., Mr. Ball is survived by his wife of 71 years, the former Doris McCord; a daughter, Jacqueline Ball Smith of Meredith, N.H.; three grandchildren and four great-grandchildren.

Mr. Ball first worked as a Social Security field assistant in New Jersey in 1939. In 1947 and 1948, he was staff director of the Senate Finance Committee's advisory council on Social Security, playing a crucial role in shaping legislation that significantly expanded coverage and benefits. in 1949, he rejoined the Social Security Administration and began rising through the ranks. President John F. Kennedy appointed him commissioner in 1962.

As commissioner, he played significant roles in creating and winning enactment of Medicare, which provides health insurance to people 65 and over, and the Social Security disability program.

Recently, Mr. Ball had called on all presidential candidates to vow not to cut Social Security benefits. Last October, in an op-ed article in The Washington Post, he wrote: "Social Security is the nation's most effective antipoverty program, But it's much more than that. For every worker it provides a solid base on which to try to build an adequate level of retirement income. To weaken that foundation would be grossly irresponsible."

## NATIONAL DEFENSE UNIVERSITY

Mr. WARNER. Mr. President, I rise today to recognize the importance of the National Defense University, NDU, and its contribution to our national security. Since 1976, the NDU has been the premier center for Joint Professional Military Education. Under the direction and leadership of the Chairman of the Joint Chiefs of Staff, NDU provides an educational and research environment to prepare future leaders of the armed services, the Department of State, other civilian agencies, and allied countries for high-level policy, command, and staff responsibilities. In addition, a limited number of students from private industry attend the university. Members of both Houses of Congress have benefitted from interactions with students and experts on the NDU campus. Students are selected for their leadership potential and many NDU alumni have gone on to senior leadership positions in their service, agency, or country.

NDU is a center for joint, multinational, and interagency education. It is comprised of the National War College, NWC; Industrial College of the Armed Forces, ICAF; Joint Forces Staff College, JFSC; Information Resources Management College, IRMC; School for National Security Executive Education, SNSEE; Institute for National Strategic Studies, INSS; Center for the Study of Weapons of Mass Destruction, CSWMD; Center for Technology and National Security Policy, CTNSP; Institute for National Security Ethics and Leadership; and 5 special programs: Capstone/Pinnacle/Keystone, Joint Reserve Affairs Center, JRAC; International Student Management Office, ISMO; Secretary of Defense Corporate Fellows Program, SDCFP; and the NATO Staff Officer Orientation Course, NSOOC.

With facilities located in Washington, DC, and Norfolk, VA, more than 1,000 people attend university courses and programs on any given day. NDU is an accredited graduate-level university awarding approximately 600 masters degrees each year. Through agreements with a number of universities, IRMC students can earn 15 graduate credits for work completed at NDU.

At NDU, students are taught how to think—not what to think. The curriculum combines information technology, classroom experience, and experiential learning. Through lecture programs, students gain important insights from top military, government, industry, and international leaders to include the President of the United States, Cabinet-level officials, the Joint Chiefs of Staff, commanders from major military commands, Members of Congress, civilian leaders, and foreign ministers of defense. Speakers talk frankly with students under the University's nonattribution policy allowing a free exchange of ideas.

Annually, NDU's outreach efforts include more than 500 conferences, symposia, and workshops; 20,000 visitors; 120 faculty and staff publications; and 350 conference presentations by university faculty and staff to both national and international audiences.

The award-winning NDU Press produces numerous publications, which address national security issues. The NDU Library with a collection of more than 500,000 bound items, audiovisual materials, classified documents, and on-line services is an extensive source for information about national security policy, military strategy, defense resource management, and industry studies.

The National Defense University is a significant and valuable institution for the development of leaders for America's national security needs.

## DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

Mr. WARNER. Mr. President, I rise today to recognize the Defense Advanced Research Projects Agency on its 50th anniversary. Today, DARPA celebrates 50 years of innovation and dedication to America's security.

After the Soviet launch of Sputnik, President Dwight D. Eisenhower was determined to ensure this nation was never again surprised by the technological accomplishments of an adversary. On this day in 1958, a central research and development organization, known then as the Advanced Research Projects Agency, or ARPA, and unlike any organization in the world, was created within the Department of Defense.

From the very beginning, its mission has been to ensure that the United States Armed Forces have access to the most advanced war fighting capabilities by developing ideas that many would consider too risky to implement. DARPA's mission is about making smart investments on high-payoff opportunities, and it has been very successful.

Over the past 50 years, DARPA has delivered to our country innovative technological achievements that have given American Forces never-before-seen capabilities. I also note that this achievement has not come without tremendous sacrifice by thousands of DARPA employees and their families as they worked long days to solve challenging scientific matters.

DARPA's notable achievements include early ballistic missile defense, stealth aircraft technology, unmanned aerial vehicles, and autonomous navigation. The benefits of DARPA's efforts have evolved in many ways, from the rocket engines that powered the first manned space flight to the smallest microelectronics in our cell phones today. DARPA also helped develop the Internet, and built the small receivers that made the global positioning system data easily accessible—both have changed the ways our forces operate, and have also changed the lives of all Americans for the better. Entire industries have developed from early DARPA-funded research in core technologies such as material sciences, microelectronics, photonics, and information technology.

I congratulate DARPA for its service to our Nation. The Agency's commitment and contributions over the past 50 years have made DARPA the crown jewel in our nation's national security and we look forward to the achievements they will continue to make for future generations.

As DARPA begins its work for the next 50 years, it is important that we do everything possible to help DARPA continue its tradition of excellence, and thus keep our Nation strong.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## VOTE EXPLANATION

● Mr. NELSON of Nebraska. Mr. President, I was unable to cast my cote on Thursday, February 7, 2008. As a result, I would ask that the RECORD reflect the following:

On vote No. 9, if present and voting, I would have voted "yea."

On vote No. 10, if present and voting, I would have voted "yea."

On vote No. 11, if present and voting, I would have voted "no."

On vote No. 12, if present and voting, I would have voted "no."●

## ADDITIONAL STATEMENTS

### REMEMBERING VI STOIA

● Mr. JOHNSON. Mr. President, today I wish to honor the life of Viorel G. "Vi" Stoia, who dedicated his life to enhance the lives of the citizens of Aberdeen and the surrounding area. He will be sadly missed, but many of us will continue to benefit for decades from his legacy.

Vi's leadership qualities showcased themselves early in his life. Vi graduated from Aberdeen Central High School in 1942 as president of his senior class. He then served honorably in the U.S. Navy in both the North and South Pacific. He returned to the United States to attend the University of Minnesota and upon graduation headed for his hometown of Aberdeen, SD. Thus began his long role of public service, which several have described as unparalleled.

Vi began his career in Aberdeen as an agent and broker for Northwestern Mutual Life and continued to work tirelessly for over 50 years to improve the northeast South Dakota region. Some of the numerous projects he was instrumental in developing include Student Loan Finance Corporation, Education Assistance Corporation, Northeastern Mental Health, the Aberdeen Development Corporation, Northeast Regional Health and Fitness Center, the Northwest Highway 281 bypass, and the four-lane highway from Aberdeen to I–29. Vi was also a devoted family man, an active member of St. Mary's Catholic Church, and committed to furthering the work of the Presentation Sisters.

For his efforts over these many years, Vi was awarded the Medal of Distinguished Excellence, and the Community Volunteer, Excellence in Economic Development award. Vi was the all-around resource center for anything going on in Aberdeen. Many benefited from the newspaper clippings he sent or handed to people he thought could use them. I remember some he sent to me. Vi was a pioneer in regional development and he saw that as the future of Aberdeen.

Vi is survived by his wife Donna, four children, and five grandchildren. I would like to offer my condolences to the family, friends, and fellow advocates whom Vi touched with his efforts on behalf of the people of northeast South Dakota. They have much to be proud of, and it is my hope that their memories will be rich with the many great accomplishments and the lives that Vi touched during his life. Although we will all miss him, his memory will serve as a beacon to our young people to better the lives of others and their communities through the examples he has set.●

### RECOGNIZING BILL STEWART

● Mr. ROCKEFELLER. Mr. President, today I recognize the achievements of someone who has inspired me personally, who has made West Virginians laugh when there is little to laugh about, and whose contribution to my home State cannot be underscored enough.

When New Martinsville native Bill Stewart led the West Virginia Mountaineers into the Fiesta Bowl, he did more than just defeat the Oklahoma Sooners 48–28. "Coach Stew," as his fans reverently call him, lifted the spirits of our entire State.

Since that time, Bill's West Virginia charm has been infectious, his press conferences legendary, and his impact on our State's culture profound. Anyone who has played or worked with him loves him. His arrival on the scene was exactly what the State needed: a good-natured underdog with which people could identify.

For West Virginians, December 2007 had been abysmal. Not only did we lose a chance at the National Championship, but we lost our coach, endured endless ridicule in the media, were constantly told that Oklahoma would embarrass us—the negativity never seemed to stop.

But then Coach Stew stood up, stood proud, and said, with his trademark smile, "When it gets too tough for everyone else—it's just about right for Billy Stewart."

And he was absolutely right.

Now, every time I go home, West Virginians cannot emphasize enough the amount of pride they felt when this coach guided their team into the Fiesta Bowl. West Virginians will never forget Bill's optimism, when he promised to give the Sooners a good fight; his emotion, when he met quarterback Patrick White at the sideline, grabbed him by the helmet and seemed to say, "I love you, kid"; his satisfaction, as he watched his team storm the field, victorious; or his own surprise, when WVU rewarded Bill with the Mountaineers' head coaching job—a position for which he was too humble to politic, but more than qualified to accept.

These were iconic moments in West Virginia history—and they pulled right on the heart strings.

The degree of humility in this coach was absolutely awe-inspiring; his faith jaw-dropping; and his devotion to his players and colleagues nothing short of extraordinary. Since those memorable days in Arizona, Coach Stew has assembled a top-notch staff, maintained an impressive recruiting class, and recaptured the heart—not just the attention—of Mountaineer Nation.

To me, Bill Stewart embodies all that is good about West Virginia. An unlikely but deserving hero, he is a man whose cheerful optimism, character and Appalachian charm have given us a reason to cheer again.

For that, I express my deepest gratitude and deepest admiration to New Martinsville's favorite son. I am glad that he is a fellow West Virginian, I am glad that he is a part of our culture, and I wish him the absolute best of luck.●

### RECOGNIZING THE DESORMEAUX FOUNDATION

● Mr. VITTER. Mr. President, I wish to acknowledge the work of the Desormeaux Foundation and in particular to commend their annual Life Banquet, which helps support their efforts to assist women with unplanned pregnancies.

The Foundation runs the St. Marguerite d'Youville Home for pregnant women and mothers in crisis. The home welcomes them with a peaceful, secure setting that offers spiritual guidance and access to educational, medical, and professional resources.

Over the years, the Desormeaux Foundation has worked tirelessly on efforts like this to advance pro-life values, and I am greatly appreciative of the constant vigilance by the Desormeaux Foundation in helping advance these values.

I commend the foundation for their hard work to support agendas that protect human life, like banning partial-birth abortions, outlawing abortion drugs, and preventing taxpayer dollars from funding abortions, as well as strongly supporting adoption and crisis pregnancy centers.

The Desormeaux Foundation's work is helping promote the culture of life, and I would like to applaud the good people of the Desormeaux Foundation and wish them continued success in their mission.●

## MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a withdrawal of a

**nomination which was referred to the Committee on Health, Education, Labor, and Pensions.**

**(The nomination received today is printed at the end of the Senate proceedings.)**

## MESSAGE FROM THE HOUSE

**At 2:00 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:**

S. 781. An act to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal year 2007.

**The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:**

H. Con. Res. 273. Concurrent resolution recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences.

H. Con. Res. 287. Concurrent resolution celebrating the 50th anniversary of the United States Explorer I satellite, the world's first scientific spacecraft, and the birth of the United States space exploration program.

**The message further announced that pursuant to section 2 of the Civil Rights Commission Amendments Act of 1994 (42 U.S.C. 1975 note), the order of the House of January 4, 2007, and upon the recommendation of the Minority Leader, the Speaker appoints the following member on the part of the House of Representatives to the Commission on Civil Rights to fill the existing vacancy thereon and, effective February 12, 2008, the Speaker's reappointment of the same member to a 6-year term expiring February 11, 2014:**

**Mr. Todd Gaziano of Falls Church, Virginia.**

## MEASURES REFERRED

**The following concurrent resolutions were read, and referred as indicated:**

H. Con. Res. 273. Concurrent resolution recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences; to the Committee on the Judiciary.

H. Con. Res. 287. Concurrent resolution celebrating the 50th anniversary of the United States Explorer I satellite, the world's first scientific spacecraft, and the birth of the United States space exploration program; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE AND OTHER COMMUNICATIONS

**The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:**

EC-4961. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2005-2007 Livestock Compensation and Catfish Grant Programs" (RIN0560-AH72) received on January 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4962. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs; Correction" (RIN0560-AF60) received on January 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4963. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emergency Agricultural Assistance, 2007; Crop Disaster and Livestock Indemnity Programs" (RIN0560-AH76) received on January 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4964. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Payment Withholding—Deletion of Duplicative Text" (DFARS Case 2007-D010) received on January 29, 2008; to the Committee on Armed Services.

EC-4965. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Combating Trafficking in Persons" (DFARS Case 2004-D017) received on January 29, 2008; to the Committee on Armed Services.

EC-4966. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Closeout of Contract Files" (DFARS Case 2006-D045) received on January 29, 2008; to the Committee on Armed Services.

EC-4967. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Commercial Item Determinations" (DFARS Case 2007-D005) received on January 29, 2008; to the Committee on Armed Services.

EC-4968. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the needs of members of the National Guard and Reserve returning from deployment; to the Committee on Armed Services.

EC-4969. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Department's foreign policy-based controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-4970. A communication from the Legal Information Assistant, Office of Thrift Supervision, transmitting, pursuant to law, the report of a rule entitled "Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003" (RIN1550-AC04) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4971. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "FHA Appraiser Roster Requirements" (RIN2502-AI53) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4972. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure" (RIN3064-AD22) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4973. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1157-AD05) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4974. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Specifications for the 2008-2010 Surfclam and Ocean Quahog Fisheries" (RIN0648-AV42) received on January 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4975. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Facilities Design, Connections and Maintenance Reliability Standards" (Docket No. RM07-3-000) received on January 29, 2008; to the Committee on Energy and Natural Resources.

EC-4976. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's competitive sourcing efforts during fiscal year 2007; to the Committee on Environment and Public Works.

EC-4977. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy of Nebraska Municipal Solid Waste Landfill Program" (FRL No. 8523-2) received on January 28, 2008; to the Committee on Environment and Public Works.

EC-4978. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Clean Air Interstate Rule" (FRL No. 8519-6) received on January 28, 2008; to the Committee on Environment and Public Works.

EC-4979. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clothianidin; Pesticide Tolerance" (FRL No. 8346-9) received on January 28, 2008; to the Committee on Environment and Public Works.

EC-4980. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Ohio; Revised Oxides of Nitrogen Regulation, Phase II, and Revised NOx Trading Rule" (FRL No. 8519-1) received on January 28, 2008; to the Committee on Environment and Public Works.

EC-4981. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a hurricane and storm damage risk reduction system; to the Committee on Environment and Public Works.

EC-4982. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Transportation Conformity" (FRL No. 8524–9) received on February 4, 2008; to the Committee on Environment and Public Works.

EC–4983. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Kansas" (FRL No. 8526–2) received on February 4, 2008; to the Committee on Environment and Public Works.

EC–4984. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "North Dakota: Final Authorization of State Hazardous Waste Management Program Revision and Incorporation by Reference of Approved Hazardous Waste Program" (FRL No. 8524–7) received on February 4, 2008; to the Committee on Environment and Public Works.

EC–4985. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Reauthorization of Temporary Assistance for Needy Families Program—Corrected Version" (RIN0970–AC27) received on January 31, 2008; to the Committee on Finance.

EC–4986. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Methods for Conducting Personal Conferences When Waiver of a Recovery of a Title II or Title XVI Overpayment Cannot Be Approved" (RIN0960–AG40) received on January 29, 2008; to the Committee on Finance.

EC–4987. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Private Printing of Prescribed Applications, Forms, and Other Publications" (RIN0960–AG36) received on January 29, 2008; to the Committee on Finance.

EC–4988. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the effect of the implementation of the Andean Trade Preference Act on labor in the United States; to the Committee on Finance.

EC–4989. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on the Child Support Enforcement Program for fiscal year 2005; to the Committee on Finance.

EC–4990. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nuclear Decommissioning Costs" ((RIN1505–BF09)(TD 9374)) received on January 31, 2008; to the Committee on Finance.

EC–4991. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Reduction of Penalty for Understating Tax by Adequate Disclosure of an Item on Return" (Rev. Proc. 2008–14) received on January 31, 2008; to the Committee on Finance.

EC–4992. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Uniform Effective Date of Certain Funding Regulations and 2008 Transitional Rule for Certain Small Plans" (Notice 2008–21) received on February 4, 2008; to the Committee on Finance.

EC–4993. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rates of Accrual in Cash Balance Defined Benefit Pension Plans" (Rev. Rul. 2008–7) received on February 4, 2008; to the Committee on Finance.

EC–4994. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Release of Lien or Discharge of Property" ((RIN1545–BE35)(TD 9378)) received on February 4, 2008; to the Committee on Finance.

EC–4995. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines; Losses Claimed and Income to be Reported From Sale In/Lease Out Transactions" (UIL: 9300.38–00) received on February 4, 2008; to the Committee on Finance.

EC–4996. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–4997. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC–4998. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to Japan relative to the co-development of the Galaxy Express space launch vehicle upgrade program; to the Committee on Foreign Relations.

EC–4999. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to Russia, Ukraine and Norway relative to the launch of all commercial and foreign non-commercial satellites from the Pacific Ocean; to the Committee on Foreign Relations.

EC–5000. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to Kazakhstan relative to the launch of satellites; to the Committee on Foreign Relations.

EC–5001. A communication from the Global AIDS Coordinator, President's Emergency Plan for AIDS Relief, transmitting, pursuant to law, a report entitled "The Power of Partnerships"; to the Committee on Foreign Relations.

EC–5002. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on January 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5003. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Index of Legally Marketed Unapproved New Animal Drugs for Minor Species" ((RIN0910–AF67) (Docket No. 2006N–0067)) received on January 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5004. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Disability Rehabilitation Research Projects, Rehabilitation Research and Training Centers, and Rehabilitation Engineering Research Centers—Notice of Final Priorities" (72 FR 6132) received on February 4, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5005. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Assets for Independence Program; to the Committee on Health, Education, Labor, and Pensions.

EC–5006. A communication from the White House Liaison, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on January 31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5007. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, budget justification for the Board for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–5008. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary for Planning and Evaluation, received on January 31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5009. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination and discontinuation of service in an acting role for the position of Assistant Secretary for Public Affairs, received on January 31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5010. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "2007 Annual Report to Congress on Implementation of Public Law 106–107"; to the Committee on Homeland Security and Governmental Affairs.

EC–5011. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "Performance and Accountability Report Highlights 2007"; to the Committee on Homeland Security and Governmental Affairs.

EC–5012. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the implementation of Public Law 106–107 during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5013. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's compliance with the Sunshine Act during calendar year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-5014. A communication from the Secretary, Mississippi River Commission, Department of the Army, transmitting, pursuant to law, a report relative to the Commission's compliance with the Sunshine Act during calendar year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-5015. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, an annual report for fiscal year 2007 relative to the Federal Equal Opportunity Recruitment Program; to the Committee on Homeland Security and Governmental Affairs.

EC-5016. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information and discontinuation of service in an acting role for the position of U.S. Attorney, Eastern District of Texas, received on January 29, 2008; to the Committee on the Judiciary.

EC-5017. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of U.S. Attorney, District of Minnesota, received on January 29, 2008; to the Committee on the Judiciary.

EC-5018. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of U.S. Attorney, Eastern District of Kentucky, received on January 29, 2008; to the Committee on the Judiciary.

EC-5019. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted information and discontinuation of service in the acting role of U.S. Attorney, Eastern District of Arkansas, received on January 29, 2008; to the Committee on the Judiciary.

EC-5020. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Deputy Director for Supply Reduction, received on January 29, 2008; to the Committee on the Judiciary.

EC-5021. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as amended" (22 CFR Part 42) received on January 31, 2008; to the Committee on the Judiciary.

EC-5022. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information and discontinuation of service in the acting role of U.S. Attorney, District of Wyoming, received on January 29, 2008; to the Committee on the Judiciary.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-284. A collection of petitions forwarded by the Benefit Security Coalition relative to establishing a more equitable method of computing cost of living adjustments for Social Security benefits; to the Committee on Finance.

POM-285. A resolution adopted by the Senate of the State of New Jersey urging Congress to enact the "Clean Railroads Act of 2007"; to the Committee on Commerce, Science, and Transportation.

Whereas, the Interstate Commerce Commission Termination Act of 1995 ("ICCTA"), which established the Surface Transportation Board ("STB") to assume regulatory jurisdiction over the operation of interstate rail service, is a broad federal railroad law that has been interpreted as forbidding state and local environmental regulatory agencies from overseeing the safe handling of trash or solid waste at solid waste management facilities that are located on railroad property; and

Whereas, Congress has eliminated state and local regulation of rail and rail-related operations so that railroads may operate across states and not have to comply with many sets of state and local regulations; yet some solid waste management companies have abused this federal preemption protection by building facilities on railroad property in order to avoid state and local regulations; and

Whereas, solid waste management facilities that operate on railroad property are subject to the exclusive jurisdiction of the STB, and therefore are exempt from state and local solid waste permits and regulations designed to promote public health, increase safety, and preserve the environment; yet due to uncertainty in the federal law that grants the STB such jurisdiction, the STB only passively regulates these facilities, so that these facilities are able to escape the regulations that apply to similar facilities located anywhere except railroad property; and

Whereas, companies that have taken advantage of this exemption from state and local laws by building solid waste management facilities next to railroad tracks have been able to ignore environmental concerns and the safety and welfare of nearby communities; and

Whereas, in 2004, New Jersey implemented regulations that governed operations at rail-hard solid waste management facilities, yet when the State attempted to fine the New York Susquehanna and Western ("NYS&W") Railway Corporation for violating these regulations, the railroad immediately filed suit against the State, and the district court of New Jersey ruled that the ICCTA's exemption of railroads and their facilities from state and local oversight preempted New Jersey's regulations; and

Whereas, due to limited available disposal options, combined stringent state and local regulations, there has been a recent surge within the construction and operation of these unregulated solid waste management facilities along rail lines in New Jersey and throughout the Northeast; and

Whereas, in order to protect its residents from the environmental, safety, and health hazards associated with solid waste management facilities, the State needs the authority to regulate all of these sites, including those located on railroad property; and

Whereas, trade associations representing conventional solid waste processors, such as the National Solid Wastes Management Association ("NSWMA") and the Solid Waste Association of North America ("SWANA"), do not support federal preemption of state and local regulation of rail-based processors and are working to stop allowing rail-based solid waste facilities to sidestep important regulations; and

Whereas, Senator Lautenberg and Congressman Pallone have introduced S. 719 and H.R. 1248, respectively, which are identical pieces of legislation that, if passed, would amend federal law to clarify that solid waste management facilities located on railroad property do not fall under the jurisdiction of the STB; and

Whereas, S. 719 and H.R. 1248, also known as the "Clean Railroads Act of 2007," would close the federal loophole currently being exploited by solid waste management companies and provide New Jersey and every other state with the clear authority to regulate solid waste management facilities located on railroad property: Now, therefore, be it

*Resolved by the Senate of the State of New Jersey:*

1. This Senate Resolution memorializes Congress to enact S. 719 or H.R. 1248, otherwise known as the "Clean Railroads Act of 2007," which would remove the authority to regulate solid waste management facilities located on railroad property from the jurisdiction of the Surface Transportation Board, thus allowing state and local authorities to regulate such facilities.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of United States Senate and the United States House of Representatives, and each member of the New Jersey congressional delegation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ (for himself, Mr. CORNYN, Mr. COLEMAN, Mr. ALEXANDER, Mr. VITTER, and Mr. DEMINT):

S. 2603. A bill to amend title XI and XVIII of the Social Security Act to provide increased civil and criminal penalties for acts involving fraud and abuse under the Medicare program and to increase the amount of the surety bond required for suppliers of durable medical equipment; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2604. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 2605. A bill to require certain semiautomatic pistols manufactured, imported, or sold by Federal firearms licensees to be capable of microstamping ammunition; to the Committee on the Judiciary.

By Mr. DODD (for himself, Ms. COLLINS, Mr. BIDEN, and Mr. MCCAIN):

S. 2606. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE:

S. 2607. A bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mrs. DOLE):

S. 2608. A bill to make improvements to the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. CASEY, Mr. COCHRAN, Mr. KERRY, Mr. WHITEHOUSE, and Mr. VOINOVICH):

S. 2609. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Relations.

By Mr. SALAZAR (for himself and Mr. MARTINEZ):

S. 2610. A bill to amend title 10, United States Code, to require the establishment of a searchable database containing the names and citations of members of the Armed Forces, members of the United States merchant marine, and civilians affiliated with the Armed Forces who have been awarded the medal of honor or any other medal authorized by Congress for the Armed Forces, the United States merchant marine, or affiliated civilians; to the Committee on Armed Services.

By Mr. DORGAN (for himself, Mr. BROWN, and Mr. CASEY):

S. 2611. A bill to make bills implementing trade agreements subject to a point of order unless certain conditions are met, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 2612. A bill to provide economic stimulus for small business concerns; to the Committee on Small Business and Entrepreneurship.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. OBAMA, Mr. BAUCUS, Mr. DURBIN, Mr. HARKIN, Mr. CASEY, Mr. MENENDEZ, Mr. REID, and Mrs. FEINSTEIN):

S. Res. 445. A resolution expressing the sense of the Senate on the assassination of former Prime Minister of Pakistan Benazir Bhutto, and the political crisis in Pakistan; to the Committee on Foreign Relations.

By Mr. WEBB (for himself, Mr. BIDEN, Mr. LUGAR, Mr. WARNER, Mr. DODD, Mr. HAGEL, Mrs. BOXER, and Ms. MURKOWSKI):

S. Con. Res. 66. A concurrent resolution commemorating the 175th anniversary of the commencement of the special relationship between the United States and the Kingdom of Thailand; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 929

At the request of Mr. VITTER, his name was added as a cosponsor of S. 929, a bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 969

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1418

At the request of Mr. DODD, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1708

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1738

At the request of Mr. BIDEN, the names of the Senator from Utah (Mr. HATCH), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. OBAMA) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1758

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1758, a bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1981

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2316

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2316, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 2433

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

### S. 2578

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

### S. 2585

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

### S. RES. 430

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Res. 430, a resolution designating January 2008 as "National Mentoring Month."

### S. RES. 432

At the request of Mr. LUGAR, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 432, a resolution urging the international community to provide the United Nations-African Union Mission in Sudan with essential tactical and utility helicopters.

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 432, supra.

At the request of Mr. CORKER, his name was added as a cosponsor of S. Res. 432, supra.

At the request of Mr. CORNYN, his name was added as a cosponsor of S. Res. 432, supra.

### AMENDMENT NO. 3913

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3913 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

### AMENDMENT NO. 3967

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. KYL), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

### AMENDMENT NO. 3978

At the request of Mr. WYDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3978 intended to be proposed to H.R. 5140, a bill to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

### AMENDMENT NO. 4007

At the request of Mr. WYDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 4007 intended to be proposed to H.R. 5140, a bill to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

### AMENDMENT NO. 4008

At the request of Mr. MCCONNELL, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 4008 intended to be proposed to H.R. 5140, a bill to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2604. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes, to the Committee on Energy and Natural Resources.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

### S. 2604

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Baltimore National Heritage Area Act".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The City of Baltimore contains 24 National Historic Landmarks, 53,000 buildings listed in 52 National Register Historic Districts, 8,000 buildings in 30 local historic districts, and 12 Chesapeake Bay Gateways, nestled in an unparalleled system of parks and waterways, and connected by 5 Maryland Scenic Byways and an All-American Road.

(2) The Battle of Baltimore represented the definitive end of the American Revolution, secured United States sovereignty, and gave the country 2 enduring symbols: the United States flag and the poem by Francis Scott Key that became our national anthem, "The Star-Spangled Banner".

(3) The proposed Baltimore National Heritage Area will tell 2 of the most significant national heritage stories at the locus of black history and the transformative effects of education, which are the following:

(A) Frederick Douglass, who while as a slave learned to read in Baltimore and credited his time in the city as the foundation for his accomplishments; and

(B) Thurgood Marshall, whose public school education in Baltimore led directly to his unparalleled contributions to civil rights as an attorney in Baltimore and as a United States Supreme Court Justice.

(4) Between the early 1800s and the mid 1900s, about 2,000,000 immigrants landed in Baltimore, second only to New York, as a major port of entry into the United States.

(5) In 1811, the Nation's first federally funded interstate transportation route, the National Road, begun its journey from Baltimore to the west.

(6) Baltimore is the farthest inland east coast port, closest to the Nation's interior. The Chesapeake Bay, the continent's largest estuary, is a magnificent, fertile, natural resource. This special mix gave rise to the largest city in the 6 States of the Chesapeake region, with a cultural landscape unique among world port cities.

(7) Although Baltimore is a largely urban environment, a number of important natural and recreational resources can be found within the proposed National Heritage Area boundaries. Beginning with the first city park in 1827, Patterson Park, the city's natural and recreational resources enjoy a noteworthy history. Most remarkable is the city's acquisition, beginning in 1860, of 7 large estates that created the base for the current park system, including Leakin Park that is one of the largest urban wilderness parks remaining on the East Coast.

(8) The Baltimore City Heritage Area is a State heritage area designated by the State of Maryland in 2001.

(9) The "Feasibility Study for a Baltimore National Heritage Area", dated December 2006, found that the proposed area met the National Park Service's interim criteria for national heritage area designation.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Baltimore National Heritage Area, established in section 4.

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 4(d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area specified in section 6.

(4) MAP.—The term "map" means the map titled "Baltimore National Heritage Area", numbered T10/80,000, and dated October 2007.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Maryland.

**SEC. 4. BALTIMORE NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the following, as depicted on the map:

(1) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(2) The Mount Auburn Cemetery.

(3) The Cylburn Arboretum.

(4) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(A) the Cruise Maryland Terminal;

(B) new marina construction;

(C) the National Aquarium Aquatic Life Center;

(D) the Westport Redevelopment;

(E) the Gwynns Falls Trail;

(F) the Baltimore Rowing Club; and

(G) the Masonville Cove Environmental Center.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior, and the Baltimore Heritage Area Association.

(d) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

**SEC. 5. DUTIES AND AUTHORITIES OF THE LOCAL COORDINATING ENTITY.**

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 6;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this Act, setting forth its accomplishments, expenses, and income, amounts and sources of matching funds, amounts leveraged with Federal funds and sources of such leveraging, and grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this Act, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this Act to—

(1) make grants to the State, its political subdivisions, nonprofit organizations, and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State, its subdivisions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this Act to acquire real property.

**SEC. 6. MANAGEMENT PLAN.**

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the region's heritage and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(4) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(6) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the Heritage Area's natural, historical, cultural, educational, scenic, and recreational resources;

(7) describe a program of implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(8) include an analysis and recommendations for ways in which local, State, Tribal, and Federal programs may best be coordinated, including the role of the National Park Service and other Federal agencies associated with the Heritage Area, to further the purposes of this Act;

(9) include an interpretive plan for the Heritage Area; and

(10) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The local coordinating entity shall submit the management plan to the Secretary for approval not later than 3 years after the date on which any funds are made available for this purpose after designation as a Heritage Area.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this Act until the management plan is submitted to and approved by the Secretary.

**SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, upon the request of the local coordinating entity, provide technical and financial assistance on a reimbursable or non-reimbursable basis (as determined by the Secretary) to the Heritage Area to develop and implement the management plan.

(2) PRIORITY ACTIONS.—In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(A) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the local coordinating entity and other public or private entities to carry out this subsection.

(b) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—The Secretary shall approve or disapprove the management plan not later than 180 days after receiving the management plan.

(2) CONSULTATION.—The Secretary shall consult with the Governor of any State and Tribal government in which the Heritage Area is located prior to approving any management plan.

(3) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the local coordinating entity will be representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(B) the local coordinating entity has afforded adequate opportunity for public and governmental involvement, including workshops and public meetings, in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal or Tribal lands under applicable laws or pursuant to land use plans;

(E) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local aspects of the management plan; and

(F) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan.

(4) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons and may make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 180 days after it is resubmitted.

(5) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The local coordinating entity may not use Federal funds authorized by this Act to implement any amendments until the Secretary has approved the amendments.

(c) EVALUATION.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall conduct an evaluation of the accomplishments of the Heritage Area and prepare a report with recommendations for the National Park Service's future role, if any, with respect to the Heritage Area.

(2) EVALUATION COMPONENTS.—An evaluation prepared under paragraph (1) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) RECOMMENDATIONS.—Based upon the evaluation under paragraph (1), the Secretary shall prepare a report with recommendations for the National Park Service's future role, if any, with respect to the Heritage Area. If the report recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(A) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(B) the appropriate time period necessary to achieve the recommended reduction or elimination.

(4) SUBMISSION TO CONGRESS.—On completion of a report under paragraph (3), the Secretary shall submit the report to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

### SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—This Act shall not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

### SEC. 9. PROPERTY OWNERS AND REGULATORY PROTECTIONS.

Nothing in this Act shall be construed to—

(1) abridge the rights of any property owner, public or private, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) require any property owner to permit public access (including Federal, Tribal, State, or local government access) to such property or to modify any provisions of Federal, Tribal, State, or local law with regard to public access or use of private lands;

(3) alter any duly adopted land use regulations or approved land use plan or any other regulatory authority of any Federal, State, or local agency, or Tribal government or to convey any land use or other regulatory authority to any local coordinating entity;

(4) authorize or imply the reservation or appropriation of water or water rights;

(5) diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) create any liability, or affect any liability under any other law, of any private property owner with respect to any persons injured on such private property.

### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this Act $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(b) MATCHING FUNDS.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act. Recipient matching funds—

(1) must be from non-Federal sources; and

(2) may be made in the form of in-kind contributions of goods and services fairly valued.

### SEC. 11. SUNSET.

The authority of the Secretary to provide financial assistance under this Act shall terminate 15 years after the date of enactment of the Act.

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By Mr. KENNEDY:

S. 2605. A bill to require certain semiautomatic pistols manufactured, imported, or sold by Federal firearms licensees to be capable of microstamping ammunition; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, today I am introducing the National Crime Gun Identification Act as an important step to reduce gun violence and support law enforcement. The bill requires semiautomatic handguns manufactured, imported or sold by federal firearms licensees to be equipped with microstamping technology. Congressman XAVIER BECERRA is introducing a companion measure in the House this week.

Nearly 70 percent of homicides in 2006 involved a firearm, and handguns were the weapons of choice for most offenders. Handguns are also the weapons most often used in murders of law enforcement officers. There is an urgent need for effective, high-tech gun-tracing capabilities such as microstamping, which can provide law enforcement with a much-needed investigation resource in solving gun crimes.

Microstamping uses lasers to make precise, microscopic engravings on the firing pin and chamber of a weapon, and this information is transferred onto the cartridge casing when the weapon is fired. The information includes the gun's make, model and serial number, and can yield important evidence to law enforcement officers investigating crimes. California has already enacted such legislation, and the technology has the support of many individuals and organizations, including Boston Mayor Thomas Menino, the Boston Police Department, Seattle Mayor Gregory Nickles, the U.S. Conference of Mayors, the Coalition to Stop Gun Violence, and the Brady Campaign to Prevent Gun Violence. Additionally, the National Black Caucus of State Legislators passed a resolution supporting the use of microstamping technology.

Microstamping is a significant new technology for ballistics identification. Congress should obviously support emerging technologies that enable law enforcement to make more effective use of evidence at crime scenes. Current ballistic analyses, conducted through the National Integrated Ballistic Information Network, depend on the transfer of accidental markings from a gun barrel to bullets and cartridge cases, which are then compared to a limited database with evidence from other crime scenes.

The current Ballistic Information Network has already been an invaluable resource for law enforcement. A remarkable number of crimes have been solved by using it, and it makes sense to invest in the next generation of ballistic technology. Microstamping in no way replaces any of the methods currently used by police to conduct ballistics tests, but it would clearly enhance the work currently done by law enforcement agencies.

FBI data indicate that handguns are used in most homicides, accounting for nearly 7,800 murders in 2006. In Massachusetts, violent crime rates are on the rise—growing 11 percent in Boston in 2006. In 2005, Boston police made a total of 754 gun arrests and 797 illegal firearm seizures. Nevertheless, from 1997 to 2005, shooting incidents have jumped a drastic 153 percent. We can help law enforcement solve more handgun crimes and reduce gun trafficking through the use of microstamping technology.

Bullet casings are often the only evidence left behind at crime scenes, particularly in gang crimes such as drive-by shootings. In Boston during 2006, bullet casings were recovered from nearly half of crime scenes involving shootings. In those cases, investigators could obviously have benefited from knowing the make, model and serial number of the guns involved in those crimes. Microstamp information can also be used to identify straw buyers and gun traffickers who supply the illegal flow of weapons to violent teens, gang members and other prohibited purchasers.

Critics of microstamping technology claim that perpetrators engaged in crime will be able to subvert the technology by filing the microstamped information off the weapons. In fact, however, microstamping is virtually tamperproof. The microstamped information is invisible to the naked eye, and most criminals would be unable to detect it. The microstamp is placed on the firing pin and in the chamber of the gun, so even if a perpetrator replaced the firing pin, the information would still be transferred to the casing from the chamber.

Others argue that criminals will plant cartridges at crime scenes to disrupt investigations. Realistically, however, we know that offenders rarely take even the simplest precautions, such as wearing gloves during a burglary, when engaging in criminal behavior.

Opponents also contend that microstamping will result in the creation of a new national database of gun owners. In fact, it will not result in any new database, because it will use information already available to law enforcement officers investigating gun crimes. In addition, microstamped information on bullet casings can be viewed with imaging equipment generally found at Federal, State and local forensics laboratories, making it unnecessary to create and maintain special equipment or facilities.

Finally, critics claim that the cost of adding microstamping technology is prohibitive. In fact, the technology will be available to manufacturers through a free licensing agreement from its inventor. Based on independent estimates, adding the technology to new semiautomatic handguns will cost only 50 cents to a dollar for each firearm produced by large volume manufacturers.

Handgun owners and prospective handgun purchasers will not be burdened by this legislation. There will be no changes in the procedures or requirements for purchasing handguns. Existing handguns and handgun owners will not be affected by this legislation since it applies only to new handguns.

The technology has been thoroughly tested. Independent examiners have fired thousands of rounds from guns with microstamping, and have consistently obtained readable marks on the casings.

Microstamping technology is urgently needed by law enforcement and can make a major difference in solving gun crimes. It is cost effective and will not impinge on the rights of any gun owners. I urge my colleagues to support law enforcement and reduce gun crimes by enacting this important legislation.

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By Mr. DODD (for himself, Ms. COLLINS, Mr. BIDEN, and Mr. MCCAIN):

S. 2606. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DODD. Mr. President, I rise with my colleague, Senator COLLINS, along with Senators BIDEN and MCCAIN, to introduce legislation that reauthorizes the U.S. Fire Administration, USFA.

Established in 1974, the USFA provides critical support to 30,300 fire departments across our Nation through training, emergency incident data collection, fire awareness and prevention education, and research and development activities. Each year, the USFA trains approximately one million fire and emergency personnel both at the USFA campus in Emmitsburg, Maryland, and through distance learning programs. The USFA also offers vital assistance to Federal Emergency Management Agency and Department of Homeland Security in the development of Federal preparedness and response policies.

The legislation I am introducing today with my colleagues seeks to provide the USFA with proper resources so the agency may effectively meet the growing responsibilities of the fire service in the 21st century. It contains the following provisions. The USFA Reauthorization Act of 2008 provides $70 million in fiscal year 2009 with 1.3 percent annual increases through fiscal year 2012. The bill expands National Fire Academy training curricula to include issues relevant to urban-wildland interface fires, fires involving hazardous materials, and fire-based emergency medical services. The bill also encourages the expansion of onsite fire training, authorizes up to $5,000,000 annually for necessary technology upgrades to the National Fire Incident Reporting System, authorizes the USFA to expand research activities in relevant topics to urban-wildland interface fires, encourages the USFA to adopt national voluntary consensus standards relevant to firefighter health and safety, and requires the USFA to provide greater coordination with other Federal, State and local agencies on fire prevention and fire-based emergency medical services programs. Finally, the legislation establishes a rotating position at the DHS National Operations Center for State or local fire service officials. This new position will bring the expertise of the fire service to the incident management and information sharing activities of the Center.

I am pleased to say this bipartisan legislation is supported by the Congressional Fire Services Institute, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the National Volunteer Fire Council.

The U.S. Fire Administration performs a critical array of duties that ensure the safety of Americans each day. It is important that we continue to pledge our support to the agency and our Nation's brave firefighters. I look forward to working with my colleagues on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2606

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "United States Fire Administration Reauthorization Act of 2008".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2005, the National Fire Protection Association reported 3,675 civilian fire deaths, 17,925 civilian fire injuries, and $10,672,000,000 in direct losses due to fire.

(2) Every year, more than 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) Members of the fire service community should continue to work together to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and non-governmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

(7) The United States Fire Administration is one of the strongest voices representing the fire service of the United States within the Federal Government, and, as such, it should have a prominent place within the Department of Homeland Security.

### SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking "and" after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (D) the following:

"(E) $70,000,000 for fiscal year 2009, of which $2,520,000 shall be used to carry out section 8;

"(F) $72,100,000 for fiscal year 2010, of which $2,595,600 shall be used to carry out section 8;

"(G) $74,263,000 for fiscal year 2011, of which $2,673,468 shall be used to carry out section 8; and

"(H) $76,490,890 for fiscal year 2012, of which $2,753,672 shall be used to carry out section 8.".

### SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) in subparagraph (H), by striking "terrorist-caused national catastrophes" and inserting "all hazards, including acts of terrorism";

(2) in subparagraph (K), by striking "forest" and inserting "wildland";

(3) in subparagraph (M), by striking "response tactics and" and inserting "response, tactics, and";

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following:

"(I) response, tactics, and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

"(J) response, tactics, and strategies for fighting fires occurring at the wildland-urban interface;

"(K) response, tactics, and strategies for fighting fires involving hazardous materials;

"(L) advanced emergency medical services training;".

(b) TRIENNIAL REPORTS.—Section 7 of such Act (15 U.S.C. 2206) is amended by adding at the end the following:

"(m) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

"(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

"(2) the desired training outcome of all such changes.".

(c) AUTHORIZING THE ADMINISTRATOR TO ENTER INTO CONTRACTS TO PROVIDE ON-SITE TRAINING THROUGH CERTAIN ACCREDITED ORGANIZATIONS.—Section 7(f) of such Act (15 U.S.C. 2206) is amended to read as follows:

"(f) ASSISTANCE.—

"(1) IN GENERAL.—The Administrator may provide assistance to State and local fire service training programs through grants, contracts, or otherwise.

"(2) AUTHORIZATION TO ENTER INTO CONTRACTS TO PROVIDE ON-SITE TRAINING THROUGH CERTAIN ACCREDITED ORGANIZATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator may enter into a contract with nationally recognized organizations that have established on-site training programs that comply with national voluntary consensus standards for fire service personnel to facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

"(B) LIMITATION.—The Administrator may not enter into a contract with an organization described in subparagraph (A) unless such organization—

"(i) operates a fire service training program accredited by a nationally recognized accreditation organization experienced with accrediting such training; or

"(ii) at the time the Administrator enters into the contract, provides training under such a program under a cooperative agreement with a Federal agency.

"(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 8 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 17 of this Act.".

### SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

"(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use not more than an aggregate amount of $5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out activities necessary to update the National Fire Incident Reporting system to an Internet-based, real-time incident reporting database, including capital investment, contractor engagement, and user education.".

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking "assist State," and inserting "assist Federal, State,".

### SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND RESEARCH DISSEMINATION.

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended to read as follows:

"(d) RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE.—The Administrator may, in coordination with the Secretary of Agriculture, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, to sponsor and encourage research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

"(1) the rural and remote areas of the United States; and

"(2) the wildland-urban interface.".

(b) TECHNOLOGY RESEARCH DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following:

"(h) RESEARCH DISSEMINATION.—Beginning 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, the Administrator, in collaboration with the relevant departments and agencies of the Federal Government, shall make available to the public information about all ongoing and planned fire-related research funded by the Administration during fiscal year 2008 and each fiscal year thereafter, as well as the results generated from such research, through a regularly updated Internet-based database.".

### SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

### "SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

"The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

"(1) educating fire services about such standards;

"(2) encouraging the adoption at all levels of government of such standards; and

"(3) making recommendations on other ways in which the Federal government can promote the adoption of such standards by fire services.".

### SEC. 8. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by inserting after section 22 the following:

### "SEC. 23. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

"(a) ESTABLISHMENT OF POSITION.—The Secretary of Homeland Security shall, in consultation with the Administrator, establish a fire service position at the National Operations Center established under section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) (also known as the 'Homeland Security Operations Center') to represent the interests of State and local fire services.

"(b) DESIGNATION OF POSITION.—The Secretary of Homeland Security shall designate, on a rotating basis, a State or local fire service official for the position described in subsection (a)

"(c) MANAGEMENT.—The Secretary of Homeland Security shall manage the position established pursuant to subsection (a) in accordance with such rules and regulations as govern other similar rotating positions at the National Operations Center.".

### SEC. 9. COORDINATION REGARDING FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES.

Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

"(e) COORDINATION.—

"(1) IN GENERAL.—To the extent practicable, the Administrator shall use existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

"(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with State and local government agencies, departments, bureaus, or offices concerned with any matter related to programs of fire prevention and control with private and other Federal organizations and offices so concerned.

"(3) COORDINATION OF FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with State and local government agencies, departments, bureaus, or offices concerned with programs related to emergency medical services provided by fire service-based systems with private and other Federal organizations and offices so concerned.".

**SEC. 10. DEFINITIONS.**

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking "Administration" and inserting "Administration, who is the Assistant Administrator of the Federal Emergency Management Agency";

(2) in paragraph (7), by striking the "and" after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting "; and";

(4) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively;

(5) by inserting after paragraph (5) the following:

"(6) 'hazardous material' has the meaning given such term in section 5102 of title 49, United States Code;"; and

(6) by adding at the end the following:

"(10) 'wildland-urban interface' has the meaning given such term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).".

Ms. COLLINS. Mr. President. I am pleased to join Senator DODD in introducing legislation to reauthorize the U.S. Fire Administration. The bill would provide additional resources to help the agency meet its growing responsibilities. We are pleased to be joined by our fellow cochairs of the Congressional Fire Services Caucus—Senators MCCAIN and BIDEN.

Since its creation in 1974, the Fire Administration and its Fire Academy have helped prevent fires, protect property, and save lives among firefighters and the public. Today, the Fire Administration is also integrated into our national, all-hazards preparations against natural disasters and terrorist attacks.

Last month marked the fifth anniversary of the Fire Administration's reorganization as part of the Federal Emergency Management Agency within the Department of Homeland Security. As both Ranking Member of the Senate Committee on Homeland Security and as a cochair of the Congressional Fire Services Caucus, I am pleased that the bill being introduced today does much more than reauthorize the Fire Administration.

For example, the bill designates $5 million annually to support necessary technology upgrades to the National Fire Incident Reporting System. This important system helps State and local governments report and analyze fires, and allows nationwide sharing of data in standard formats. This database—the world's largest collection of fire-incident information—helps all levels of government to probe the nature and causes of injuries, deaths, and property loss resulting from fires.

Another vital component of this bill establishes a rotating position at the DHS National Operations Center to be filled by a State or local fire-service official. In our comprehensive, all-hazards approach to major disasters, it is just as important to have the fire services represented at operations center as it is military liaisons.

The bill has other important provisions, including provision for a 1.3 percent annual increase in the initial $70 million authorization through fiscal year 2012. In addition, the bill expands National Fire Academy training programs to include topics like hazardous-material fires and fire-based emergency medical services. It authorizes expanded research on fires in the urban-wildland interface and in rural areas. It encourages the Fire Administration to adopt national voluntary standards on firefighter health and safety—an important topic, considering that about 100 brave firefighters lose their lives in the line of duty each year, with many more suffering serious injuries.

My home state of Maine is keenly aware of the dangers of fire and the importance of effective fire services. Maine is one of the most rural states in the nation and most of its housing stock is wood framed. Some households rely on woodstoves for primary or supplemental heat.

According to the Maine Department of Public Safety, nearly 50 Mainers died in fires every year through the 1950s, '60s, and '70s. The average so far for this decade is 18, and 2007 produced only 12 fire-related deaths, still too many but a considerable improvement.

Maine public-safety officials attribute the decline to factors like wider use of smoke detectors and improved building codes—and fire-prevention efforts. As our national resource and clearing house for fire research, education, and training, the U.S. Fire Administration certainly deserves a share of the credit for my state's progress in reducing the pain, devastation, and death wrought by fires.

I have no doubt the Fire Administration's beneficial effects will grow. Its new campaign for preventing smoking-related home fires is a worthy effort. Its growing curriculum of online courses on topics like incident command for nursing-home fires, emergency medical service at multi-casualty incidents, and emergency response to terrorism is a valuable resource for firefighters.

The U.S. Fire Administration is a fine example of the good that can come of federal, state, and local collaboration to counter an ancient threat and to address new ones. I urge my colleagues to join me in supporting the reauthorization and improvement of this valuable agency.

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By Ms. SNOWE:

S. 2607. A bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would better facilitate the DTV transition for rural Americans by making funds for digital upgrades available sooner to low-power television stations and translators. The reason this is imperative is that we don't want to create another "digital divide" where rural and low-income areas are not able to reap the benefits of digital TV as quickly as their urban counterparts.

Under the current statute, the Assistant Secretary for Communications and Information at the Department of Commerce must make payments for the low-power TV and translator upgrade program during fiscal year 2009—October 1, 2008 to September 30, 2009—but may not actually disburse reimbursement payments until after October 1, 2010, which is 20 months past the DTV transition deadline of February 2009.

By having such a long delay for reimbursements, it will inevitably hold up the analog to digital upgrades of low-power TV stations and translators. This would adversely affect viewers since they will not be able to receive the benefits that digital signals offer and hence create this additional "digital divide" to these mostly rural and low-income areas where low-power TV and translators typically are situated.

This bill would correct this oversight and change the language to have the Assistant Secretary make payments during the fiscal years 2009 to 2012, and start providing reimbursements for the upgrade program on February 18, 2009, and in doing so will move up the date 20 months to bring the upgrade program more in line with the main deadline of the DTV transition. This will allow LPTV and translators to be reimbursed more quickly for analog to digital equipment upgrades, which can run in the tens of thousands of dollars.

As we all know, in less than 380 days, on February 17, 2009, television broadcasts will transition from analog TV signals to an all-digital system and in doing so begin a new chapter of innovation and viewing experience. The transition will free up scarce broadcast spectrum so that first responders and public safety services have much needed spectrum capacity. It will also provide space for advanced wireless technologies, which will bring us improved broadband and communications services. In addition, the new digital TV signals will provide higher quality video and sound, as well as the opportunity for broadcasters to offer new services such as interactive TV and multicasting, which allows the transmission of several program streams on one broadcast channel.

Consumer awareness of the DTV transition is improving and the Commerce Department announced earlier this month that it had already received requests from more than 2 million households for nearly 4 million converter box coupons—so demand is strong. More and more consumers are realizing the importance and benefits of the DTV transition. We must not unduly prohibit any American from not reaping the tremendous advantages of digital TV and other services that will quickly follow due to the transition. If we don't correct this critical oversight in the current law, we will do just that, once again disadvantaging the areas and people that have the most to gain from this new technology. That is why I sincerely hope that my colleagues join me in supporting the critical legislation.

Mr. President. I yield the floor.

S. 2607

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REIMBURSEMENTS FROM THE DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY FUND.**

Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended—

(1) by striking "fiscal year 2009" and inserting "fiscal years 2009 through 2012; and"

(2) by striking "no earlier than October 1, 2010" and inserting "on or after February 18, 2009".

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By Ms. SNOWE (for herself and Mrs. DOLE):

S. 2608. A bill to make improvements to the Small Business Act; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, along with Senator DOLE, to introduce the Small Business Women's Procurement Improvement Act, a measure that would enhance the Small Business Administration's women's procurement program, which was created back in 2000, to provide contracting opportunities to women-owned small businesses in Maine and across the Nation. As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, one of my top priorities is to champion our nation's women-owned small businesses and to promote their interests. In these uncertain economic times it is our financial strengths that we must rely upon most. Women-owned small businesses are one such strength. In recent years, the percent growth in the number of women-owned firms was nearly twice that of all U.S. firms. Thus, we need to create programs that will continue to grow this vital and crucial resource.

Regrettably, the Small Business Administration, SBA, has failed to implement the women's procurement program that was enacted into law back in 2000. In December, the SBA finally proposed a rule to implement the program. The SBA had the opportunity to hit a home run, but instead published a rule that is highly deficient and unlikely to have any practical effect in helping the Federal Government satisfy its 5 percent women's contracting goal. So far, there has been one law—enacted back in December 2000—three reports, numerous hearings, and two proposed rules, and, tragically, it appears that we are no closer today then we were 7 years ago to helping our nation's small women-owned businesses stimulate our economy. What an inconceivable missed opportunity for the SBA to help boost our economy by promoting women-owned businesses.

The SBA's proposed rule has two fundamental flaws which hinder it from functioning as Congress originally intended. First, the proposed rule identifies just four industries, out of more than one hundred, in which women-owned small businesses are under-represented and eligible for set-asides. According to the Central Contractor Registration, this gross disparity means a mere 1,238 businesses across the entire Nation—or 2 percent of all women-owned small business contractors—would be subject to the proposed rule. Regrettably, only two of these contractors are located in my home State of Maine.

Second, for SBA's proposed rule to go into effect, individual Federal agencies must first publicly admit to a history of gender discrimination. I find it difficult, if not impossible, to envision a scenario where a Federal agency would make such an admission. Furthermore, such an unworkable admission isn't required anywhere in the Small Business Act.

To help remedy this appalling circumstance, today we introduce legislation to amend the Small Business Act so that the women-owned small businesses can finally have a procurement program that makes a real difference, not a 2 percent difference. For example, our bill would substantially broaden the range of applicable business industries for women across this Nation and take down the unnecessary barriers it has recently proposed. Women-owned small businesses deserve more than 2 percent of available business industries. These four industries will do little to nothing to help Federal agencies reach its statutory government-wide goal. Sadly enough, one of the industries the SBA has selected does not allow for any private business participation, let alone women business participation.

Our bill also would preclude the SBA from promulgating a final rule that requires individual agencies to admit to past discrimination as a prerequisite for participation in the set-aside program. We find it difficult to envision a circumstance in which any agency would make such an admission. Furthermore, this requirement is not mandated anywhere in the Small Business Act.

Our bill has gained the support of women-owned small businesses across the Nation including major women's organizations like the U.S. Women's Chamber of Commerce, Women Impacting Public Policy, the National Women Business Owners Corporation, the Women Presidents' Organization, the Women Presidents' Educational Organization, and the Women's Business Development Center.

It has been nearly 14 years since the women's 5 percent government-wide contracting goal was established in 1994, but since its enactment, the women's contracting goal has never been met. Shockingly, at the historical percentage rate of increase, it would take until 2019 for this goal to be met—25 years after enactment of the original statutory requirement.

According to recent figures, women-owned firms in the U.S. generate $1.1 trillion in annual sales and employ 7.2 million people nationwide. I take great pride that my own state of Maine is a forerunner for women-owned businesses with more than 63,000 women-owned firms, creating 75,000 jobs, and spurring more than $9 billion in sales.

The SBA must develop a functioning procurement program that will cultivate women business so that they in turn can help grow our Nation's economy. This is why women businesses need a workable procurement program that does not create impenetrable barriers and provide so few business opportunities. Our bill eliminates these barriers and gives women-owned small business a tool they can use that will help them continue to grow our suffering economy. If ever there were a time to secure new avenues to generate revenue and spur the economy, wouldn't that time be now?

I urge my colleagues in Congress to support this vital legislation, so that we in Congress can make sure that the SBA publishes a meaningful final rule that will assist the Federal Government to satisfy—if not exceed—its government-wide contracting goal, and to help women-owned small businesses to stimulate our Nation's economy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2608

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Small Business Women's Procurement Program Improvement Act".

**SEC. 2. FINDINGS.**

Congress finds—

(1) based on evidence presented by Congressional witnesses, testimony before Congress, and studies and reports, that women-owned small business concerns are under represented in certain identified industries with respect to Federal procurement contracting; and

(2) the women's small business government-wide statutory goal has never been achieved since the time of its enactment.

**SEC. 3. SMALL BUSINESS ACT PROGRAM IMPROVEMENTS.**

Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)(C), by striking "(3)" and inserting "(4)";

(2) in paragraph (2), by striking subparagraph (D) and inserting the following:

"(D) the contract is consistent with the requirements set forth in subsection (a)(1)(D)(i);";

(3) by striking paragraph (4) and inserting the following:

"(4) IDENTIFICATION OF INDUSTRIES.—

"(A) STUDY REQUIRED.—The Administrator shall conduct a study 5 years after the date on which the program under this section is implemented, to identify industries in which small business concerns owned and controlled by women are underrepresented with respect to Federal procurement contracting.

"(B) PRESUMPTION RELATING TO UNDERREPRESENTATION.—For purposes of this subsection, the industries identified by the 2007 North American Industry Classification System Code as industry codes 11 through 81 (as published by the Bureau of the Census) shall be presumed to be industries in which small business concerns owned and controlled by women are underrepresented with respect to Federal procurement contracting."; and

(4) by adding at the end the following:

"(7) NO PAST FINDING OF DISCRIMINATION REQUIRED.—Notwithstanding any other provision of law, a contracting officer need not make a finding of past gender discrimination by a contracting agency in order to comply with or otherwise be subject to the requirements of this subsection.".

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By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. CASEY, Mr. COCHRAN, Mr. KERRY, Mr. WHITEHOUSE, and Mr. VOINOVICH):

S. 2609. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to reintroduce the Global Service Fellowship Program Act. This important bipartisan bill would provide more Americans the opportunity to volunteer overseas and strengthen our existing Federal international education and exchange system. The U.S. Government needs to be taking a greater role in providing opportunities for U.S. citizens to volunteer overseas, and my bill will enhance U.S. efforts to be a global leader in people-to-people engagement.

People-to-people engagement is one of the United States' most effective public diplomacy tools and, today more than ever, we need to be investing in every opportunity to improve the perception of the U.S. overseas.

I often hear from constituents about their experiences volunteering overseas and how those experiences impacted their lives and the lives of those who they were helping. For example, I received an email from Eric Englund, from my hometown of Middleton, who wrote, "[My wife Jane and I] have been privileged to participate in international volunteering experiences in 2006 and 2007. In 2006 we spent 4 weeks in China teaching English to Chinese primary and secondary English teachers in Xingping, China. * * * In 2007 we spent two weeks in Tanzania with Habitat for Humanity. . . . We return[ed] from both experiences humbled in the understanding of how lucky we have been and hungry to continue to share with others a cultural exchange that is hopefully symbiotic in helping us grow/learn/appreciate while at the same time sharing our knowledge, compassion and abilities with others." This email captures the life-changing effects that international volunteering often has on those who choose to commit their time and resources to volunteering across the globe.

Unfortunately, not enough of my constituents are able to volunteer overseas because of financial or time-related barriers. In an effort to reduce these barriers, I initially introduced, along with my colleague Senator COLEMAN, the Global Service Fellowship bill. Today, I am reintroducing a new and improved version of the bill.

This new bill builds on the original legislation but now ensures fellowships are not taxed, addresses the importance of geographical diversity in the selection process, and increases collaborative opportunities for the U.S. Agency for International Development and the Department of State in establishing and administering the program.

Additionally, congressional involvement has been changed from the original bill. The new version calls on participants to engage with Members of Congress prior to their departure and again upon their return by providing Members with a brief report of their experiences and impact abroad. The changes are intended to ensure that fellows are selected based on the merits while preserving for Members of Congress the opportunity, if they so wish, to engage directly with constituents who have volunteered for significant overseas work, whether by a personal exchange, a public event or correspondence that recognizes the value of their volunteer efforts.

Studies have shown that in areas where U.S. citizens have volunteered their time, money, and services, opinions of the U.S. have improved. Greater investment in volunteer opportunities has significant potential to improve the image of the U.S. overseas and while we have important programs already in place—the Peace Corps, programs administered through the Department of State's Bureau of Education and Cultural Affairs, and USAID's Volunteers for Prosperity—we can and should be doing more.

My bill would cost $150 million, which is more than offset by a provision that would require the IRS to deposit all of its fee receipts in the Treasury as miscellaneous receipts. CBO has estimated that this offset will save $559 million over 5 years for net deficit reduction of just over $400 million.

I am pleased that my colleagues, Senators COLEMAN, CASEY, COCHRAN, KERRY, VOINOVICH, and WHITEHOUSE have joined me in re-introducing this bill. This program will be a valuable addition to our public diplomacy and our private humanitarian efforts overseas and I encourage my colleagues to support the bill.

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By Mr. DORGAN (for himself, Mr. BROWN, and Mr. CASEY):

S. 2611. A bill to make bills implementing trade agreements subject to a point of order unless certain conditions are met, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing a piece of legislation aimed at changing the course of our international trade policy.

Part of the problem with our current trade agenda is that there is no mechanism to gauge whether the trade agreements we enter into are successful—and there is no mechanism to withdraw from agreements that have not been successful.

So I am joining with Senators BROWN and CASEY in introducing the Trade Agreement Benchmarks and Accountability Act, which aims to fix that.

This is how the bill would work.

The legislation would create a point of order in the Senate against any future bill implementing a new trade agreement unless it included benchmarks to gauge the success or failure of the agreement.

The benchmarks would include, at a minimum, the trade agreement's impact in four respects.

First, the number of U.S. jobs created and lost.

Second, the impact on U.S. wages.

Third, the extent to which U.S. exports gain foreign market access in key sectors.

Fourth, the extent to which labor and environmental laws are followed and enforced.

The U.S. Trade Representative's office could include additional benchmarks in the implementing legislation, at their discretion.

Every 5 years, the U.S. International Trade Commission, ITC, would assess whether the benchmarks in the implementing legislation had been met.

If the ITC determined that any of the benchmarks were not met, there would be an expedited process under which the House and the Senate would consider a privileged resolution to pull the United States out of the trade agreement.

The resolution would be considered under expedited rules. The resolution would first be referred to the Ways and Means and Finance committees. If those committees failed to report out the resolution within a set period of time, either favorably or unfavorably, the resolution would be automatically discharged to the full House and Senate.

The resolution would not be amendable, and a floor vote in the House and the Senate on whether to approve the resolution would be mandatory.

Let me explain why something like this is necessary.

When NAFTA was sent to Congress for a vote in 1993, its advocates said that there would be 200,000 new jobs created annually as a result.

The proponents relied on a study by economists Gary Clyde Hufbauer and Jeffrey Schott. Hufbauer and Schott actually predicted that NAFTA would create 170,000 new jobs by 1995. But proponents of the deal in the administration and the Senate rounded this number up to 200,000 jobs.

Well, we now know that NAFTA has resulted in hundreds of thousands of job losses. About 412,000 U.S. jobs have been certified as lost to NAFTA, under just one program at the U.S. Labor Department.

In 2003, 10 years after NAFTA had been approved, I commissioned a study from the Congressional Research Service, which identified the top 100 companies that laid off U.S. workers as a result of NAFTA, between 1994 and 2002.

To come up with its data, CRS turned to the Department of Labor, which has a "Trade Adjustment Assistance" program that gives temporary benefits to workers laid off due to NAFTA.

This program requires companies to certify that they intended to eliminate U.S. jobs specifically because of NAFTA. This means that we can directly attribute these job losses to NAFTA.

These 100 companies accounted for 201,414 U.S. jobs lost specifically due to NAFTA. In every instance, the companies doing the layoffs certified that the jobs were being cut directly because of NAFTA.

If you look at all U.S. companies that participated in the Department of Labor program, the total number of U.S. jobs lost due to NAFTA is 412,177—and that is just under this one program alone.

There are some very familiar products, which many people consider all-American, now being produced in Mexico.

Levi Strauss laid off 15,676 U.S. workers due to NAFTA, and now makes its jeans in Mexico.

In March 2003, Kraft Foods closed the Nabisco plant in Fair Lawn, NJ, that made Fig Newtons. About 240 jobs were lost right there. Those jobs are now in Monterrey, Mexico. Kraft Foods has cut about 955 jobs due to NAFTA.

Fruit of the Loom laid off 5,352 U.S. workers in Texas alone, and thousands more in Louisiana. I have often said that it is one thing to lose your shirt, quite another to lose your shorts.

In March 2001, Mattel closed its last factory in the U.S.—a western Kentucky plant that produced toys such as Barbie playhouses and battery-powered pickups for nearly 30 years. The company shifted production at the 980-employee Kentucky plant to factories in Mexico.

John Deere has laid off about 1,150 workers, who made lawn mowers and chainsaws, and moved the jobs to Mexico.

By the way, in addition to this CRS study, a separate study by the Economic Policy Institute found that the overall net effect of NAFTA had been the loss of nearly 800,000 American jobs.

Today, the administration and the U.S. Trade Representative are careful to avoid promising that new trade agreements will create more U.S. jobs than the agreements will destroy.

But the administration has no problem figuring out how great trade deals will be for other countries.

One month before the administration signed a trade agreement with Korea last year, our principal negotiator in Korea, Assistant U.S. Trade Representative Wendy Cutler, was already touting the benefits that the agreement would offer Korea:

> An FTA with the United States is predicted to produce significant economic benefits for the Korean economy, increasing Korea's real GDP by as much as 2%, establishing a foundation for Korea to achieve per capita income to as high as $30,000, boosting exports to the United States by 15%, and creating 100,000 new jobs.

Remarkably, Ms. Cutler had no difficulty predicting a specific level of job creation in Korea. But she made no similar projection with respect to the United States.

Well, we need accountability in trade agreements. And the best way to do that is with benchmarks.

This is a forward-looking strategy for a successful trade policy that is in America's national interest.

Our bill would apply only to future trade agreements. It would not apply retroactively to NAFTA.

I should say, however, that I think it is important that we gauge the impact of NAFTA on U.S. jobs. And I was able to include language in the omnibus conference report that will require the Department of Labor, by the end of 2008, to calculate the net impact of NAFTA on U.S. jobs, industry by industry.

In any event, we think that this piece of legislation should be embraced by the U.S. Congress, because the American people are beginning to demand accountability in trade.

On October 4, the Wall Street Journal provided fresh evidence that the American people don't believe that free trade deals are creating jobs.

The Wall Street Journal ran a story with the headline "Republicans Grow Skeptical on Free Trade."

The story described a poll, which found that by a two-to-one margin, Republican voters believe free trade deals have been bad for the U.S. economy.

It turns out that dissatisfaction with our current trade policy is a bipartisan sentiment.

The poll found that 59 percent of polled Republican voters agreed with the following statement:

> Foreign trade has been bad for the U.S. economy, because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products.

Only 32 percent of polled Republican voters agreed with the following statement:

> Foreign trade has been good for the US. economy, because demand for U.S. products abroad has resulted in economic growth and jobs for Americans here at home and provided more choices for consumers.

This poll suggests a dramatic change in the way Americans view free trade agreements.

In December 1999, the Wall Street Journal did a poll that found that only 31 percent of Republican voters thought free trade agreements had hurt our country.

But in this month's poll, the Wall Street Journal found that the number of Republican voters opposing free trade agreements had risen from 31 percent to 59 percent.

Clearly, the American people have seen the results of free trade deals, and they don't like what they see. They demand accountability. And the Trade Agreement Benchmarks and Accountability Act would give them precisely that.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2611

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Trade Agreement Benchmarks and Accountability Act".

**SEC. 2. LIMITATIONS ON BILLS IMPLEMENTING TRADE AGREEMENTS.**

(a) IN GENERAL.—Notwithstanding section 151 of the Trade Act of 1974 (19 U.S.C. 2191) or any other provision of law, any bill implementing a trade agreement between the United States and another country shall be subject to a point of order pursuant to subsection (c) unless the bill—

(1) is accompanied by a statement of the benchmarks described in subsection (b)(1) and that statement is approved as part of the implementing bill; and

(2) contains the reporting provisions described in subsection (b)(2).

(b) BENCHMARKS AND REPORTING PROVISIONS.—

(1) BENCHMARKS.—

(A) IN GENERAL.—Each bill implementing a trade agreement shall be accompanied by a statement that contains benchmarks described in subparagraph (B) and predictions made by the International Trade Commission, the United States Trade Representative, and other Federal agencies, of the impact the implementation of the agreement will have on the United States economy.

(B) DESCRIPTION OF BENCHMARKS.—The benchmarks described in this subparagraph are as follows:

(i) An estimate of the number of new jobs that will be created, the number of existing jobs that will be lost, and the expected net effect on job creation in the United States as a result of the agreement. The estimate shall include the number and type of the new jobs that will be created and lost.

(ii) An assessment and quantitative analysis of the extent to which the agreement will result in an improvement in wages for workers in the United States.

(iii) An assessment and quantitative analysis of how each country that is a party to the agreement is implementing and enforcing the labor and environmental standards that are part of the agreement.

(iv) A quantitative analysis of the extent to which the agreement will result in an increase in the access by United States businesses to the market of each country that is a party to the agreement, particularly those sectors identified by the United States Trade Representative as of special importance with respect to the agreement.

(2) REPORTING PROVISIONS.—The reporting provisions described in this subsection are that each bill implementing a trade agreement shall contain a requirement that not later than 5 years after the date the agreement enters into force with respect to the United States, and every 5 years thereafter, the International Trade Commission shall submit to Congress a report that provides an assessment and quantitative analysis of how the trade agreement has resulted in meeting the benchmarks described in paragraph (1).

(3) CONTENTS AND CONCLUSIONS OF REPORT.—The International Trade Commission shall determine in any report required by this section regarding an agreement whether the benchmarks and predictions described in paragraph (1)(B) (i) and (ii) have been met with respect to that agreement.

(c) POINT OF ORDER IN SENATE.—The Senate shall cease consideration of a bill to implement a trade agreement, if—

(1) a point of order is made by any Senator against any bill implementing a trade agreement that is not accompanied by statement regarding the benchmarks to be achieved by the agreement or does not contain the reporting provisions regarding the benchmarks described in subsection (b); and

(2) the point of order is sustained by the Presiding Officer.

(d) WITHDRAWAL OF APPROVAL.—

(1) IN GENERAL.—The approval of Congress, provided in a bill to implement a trade agreement, shall cease to be effective if, and only if, a report described in subsection (b) indicates that the benchmarks and predictions made in connection with the agreement are not being met and a joint resolution described in subsection (e) is enacted into law pursuant to the provisions of subsection (e) and paragraph (2).

(2) PROCEDURAL PROVISIONS.—

(A) IN GENERAL.—The requirements of this paragraph are met if the joint resolution is enacted under subsection (e), and—

(i) Congress adopts and transmits the joint resolution to the President before the end of the 1-year period (excluding any day described in section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)), beginning on the date on which Congress receives a report described in subsection (b); and

(ii) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of the last day of the 1-year period referred to in clause (i) or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives the veto message from the President.

(B) INTRODUCTION.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the International Trade Commission transmits to Congress a report described in subsection (b), and before the end of the 1-year period referred to in subparagraph (A)(i).

(e) JOINT RESOLUTIONS.—

(1) JOINT RESOLUTIONS.—For purposes of this section, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That Congress withdraws its approval, provided under section ___ of the ________________, of the __________ Agreement.", with the first blank space being filled with the section of the Act implementing and approving the applicable agreement, the second blank space being filled with the name of the Act implementing and approving the agreement, and the third blank space being filled with the title of the agreement.

(2) PROCEDURES.—

(A) INTRODUCTION AND REFERRAL.—

(i) HOUSE OF REPRESENTATIVES.—Joint Resolutions in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee.

(ii) SENATE.—Joint Resolutions in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(B) CONSIDERATION BY COMMITTEES.—

(i) HOUSE OF REPRESENTATIVES.—It is not in order for the House of Representatives to consider any resolution that is not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(ii) SENATE.—It is not in order for the Senate to consider any resolution that is not reported by the Committee on Finance.

(C) APPLICATION OF OTHER PROVISIONS.—The provisions of section 152 (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (c), (d), and (e)) (relating to discharge of committees and floor consideration of certain resolutions in the House and Senate) shall apply to joint resolutions under this section to the same extent as such provisions apply to resolutions under such section.

(3) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as any other rule of that House.

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By Mr. KERRY:

S. 2612. A bill to provide economic stimulus for small business concerns; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, data from the Federal Reserve Bank and the Small Business Administration show that the home mortgage crisis is spreading, making it harder and more expensive for small businesses to get loans. Specifically, according to the Federal Reserve's survey, more than 30 percent of domestic banks indicated that they have tightened their credit standards for commercial and industrial loans to small businesses over the past three months. That same survey also found that 80 percent of the domestic banks reported tighter lending standards for commercial real estate loans—the highest percentage recorded since the Fed began posing the question 18 years ago.

While that information is troubling, it is not a surprise. So far this fiscal year, the number of loans made through the SBA's largest lending program, the 7(a) loan guaranty program, dropped 14 percent compared with the same period last year, and dollar volume fell six percent. Lending in SBA's 504 loan program, after growing steadily over the last few years, and being up even three months ago, has gone flat. These figures are alarming because, historically, SBA loan activity has increased when the conventional credit market has tightened and their absence or smaller role in financing is a problem. Why? These 2 loan programs—the 7(a) Loan Guaranty program and the 504 Loan Guaranty program—are the largest source of long-term capital to small businesses in this country. They play an essential role in the continuum of financing to our small businesses.

As we talked to lenders and SBA to try and understand what was causing this trend, we identified several changes we could make to SBA's lending programs to try and stimulate the economy. What could we do to get lenders to start lending again, and how could we make it more affordable for small businesses? The bill I am introducing today—the Small Business Lending Stimulus Act of 2008—incorporates those findings. We made the changes temporary, targeted, and timely. We have evidence that these changes work, because we did something similar, in a bipartisan way, after the terrorist attacks of 9/11, and it stimulated the economy and mitigated job loss and business closures by pumping almost $3 billion into our local economies.

Unfortunately, there is no magic bullet to right the economy, but we need to use every tool at our disposal to mitigate further problems for our economy. The SBA's programs are one effective tool. I hope that my colleagues can get behind this legislation.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 445—EXPRESSING THE SENSE OF THE SENATE ON THE ASSASSINATION OF FORMER PRIME MINISTER OF PAKISTAN BENAZIR BHUTTO, AND THE POLITICAL CRISIS IN PAKISTAN

Mr. BIDEN (for himself, Mr. OBAMA, Mr. BAUCUS, Mr. DURBIN, Mr. HARKIN, Mr. CASEY, Mr. MENENDEZ, Mr. REID, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 445

Whereas, on October 18, 2007, former Prime Minister of Pakistan Benazir Bhutto returned to Pakistan after more than 8 years in exile, and was welcomed by supporters numbering in the hundreds of thousands;

Whereas hours after her return, a suicide bomb attack on her convoy in Karachi killed 145 people and narrowly missed killing Benazir Bhutto herself, in one of the most violent terrorist attacks in Pakistan's history;

Whereas Members of Congress and other friends of Pakistan wrote to President of Pakistan Pervez Musharraf weeks prior to the October 18, 2007, attack on Benazir Bhutto, urging support for the democratic process and the provision of adequate security for democratic leaders such as Benazir Bhutto;

Whereas Members of Congress and other friends of Pakistan wrote to President of Pakistan Pervez Musharraf immediately after the October 18, 2007, attack, urging that a specific set of security measures be taken to protect Benazir Bhutto, and that a full investigation into the October 18 attack be undertaken;

Whereas, on November 3, 2007, President Musharraf, in his role as Chief of Army Staff of Pakistan, declared a state of emergency, suspended the Constitution of Pakistan, dismissed Supreme Court Chief Justice Iftikhar Chaudhry and other justices of the Supreme Court and provincial High Courts, replacing them with candidates willing to take an oath to uphold his actions during the suspension of the Constitution, and initiated a nationwide crackdown on political opposition, the media, and the courts of Pakistan that resulted in the arrest of more than 1,000 political opponents;

Whereas, on December 15, 2007, President Musharraf lifted the State of Emergency, but did not reinstate the dismissed Supreme Court and High Court justices, allow full freedom of the press, or release all political prisoners arrested during the crackdown;

Whereas President Musharraf justified his actions in November 2007 on the grounds of more effective counterterrorism efforts, beginning his November 3 proclamation with the statement, "Whereas there is visible ascendancy in the activities of extremists and incidents of terrorist attacks, including suicide bombings, IED explosions, rocket firing and bomb explosions and the banding together of some militant groups have taken such activities to an unprecedented level of violent intensity posing a grave threat to the life and property of the citizens of Pakistan";

Whereas, on December 27, 2007, Benazir Bhutto was killed in the garrison town of Rawalpindi;

Whereas video footage, backed up by eyewitness testimony, shows at least 1 gunman firing shots at Benazir Bhutto instants before her death, and a second terrorist detonating a bomb near her vehicle shortly after the firing of the gunshots;

Whereas the precise circumstances surrounding both the October 18, 2007, attack and the December 27, 2007, assassination remain unclear, and those responsible for both terrorist attacks remain at large;

Whereas President Musharraf has accepted the assistance of Scotland Yard in his government's investigation of the assassination of Benazir Bhutto, but has rejected calls for an independent investigation under the auspices of the United Nations;

Whereas President Musharraf has used the turmoil following the assassination of Benazir Bhutto to delay elections from their scheduled date of January 8, 2008, to February 18, 2008;

Whereas Benazir Bhutto's political party and the other major opposition parties had opposed this delay, and have expressed concern that it was motivated by an intention to shape the outcome of the election through poll-rigging or other improper means;

Whereas the current political crisis in Pakistan has a grave impact on the national security of the United States, in that it seriously undermines the ability of the Government of Pakistan to devote adequate resources and attention to the fight against al Qaeda, the Taliban, and other extremist forces;

Whereas the political crisis in Pakistan cannot be resolved without a speedy return to the democratic path, including free and fair elections and restoration of an independent judiciary in accordance with the express wishes of the vast majority of the people of Pakistan;

Whereas the United States has provided Pakistan with approximately $10,000,000,000 in assistance over the past 6 years; and

Whereas, on December 26, 2007, President Bush signed H.R. 2764, an omnibus spending bill which limited United States military aid to Pakistan to counterterrorism and law enforcement activities directed against al Qaeda and the Taliban, and which withheld $50,000,000 in military aid until such time as the Secretary of State reports that Pakistan has restored democratic rights and an independent judiciary, and is making concerted efforts to fight al Qaeda and the Taliban: Now, therefore, be it

*Resolved*, That the Senate—

(1) conveys the deep condolences of the people of the United States to the people of Pakistan on the tragic loss of former Prime Minister Benazir Bhutto, and conveys special condolences to the families of Benazir Bhutto and the other victims of this terrorist attack;

(2) condemns, in the strongest possible terms, the murder of Benazir Bhutto on December 27, 2007, and the slaughter of at least 165 other Pakistani citizens in this attack and the prior attempt on Benazir Bhutto's life in Karachi on October 18, 2007;

(3) calls upon the Government of Pakistan to do everything in its power to bring the perpetrators of these crimes to justice, and to permit investigators to follow their inquiries in whatever direction they may lead;

(4) calls upon the Government of Pakistan to support and facilitate an independent inquiry into the assassination of Benazir Bhutto;

(5) strongly urges the Government of Pakistan to ensure that free and fair elections are held on February 18, 2008, as scheduled, and that independent election monitors are allowed to monitor the elections;

(6) calls upon the Election Commission of Pakistan to remove all of the restrictions it recently placed on election observation activities, which included efforts to restrict observer movement and the conduct of exit polling on Election Day;

(7) urges President Pervez Musharraf of Pakistan to replace the partisan caretaker governments at the federal, provincial, and district levels with neutral administrations acceptable to all major political parties, and to reconstitute the Election Commission as a genuinely nonpartisan body;

(8) calls upon the Government of Pakistan to provide adequate security, including the provision of adequately armored vehicles and properly functioning jamming equipment to help prevent the detonation of explosive devices, to all senior opposition political leaders;

(9) calls upon the Government of Pakistan to release those individuals still being detained without charges and to end the ongoing harassment of judges, opposition party activists, and lawyers;

(10) calls for the restoration of Pakistan's independent judiciary and an end to all restrictions on the media and freedom of speech;

(11) calls upon the President to review all existing United States aid to Pakistan, to ensure that all assistance furthers the common goals shared by the people of Pakistan and the United States, with specific reference to combating violent radicalism and promoting a free and democratic Pakistan; and

(12) if the President's review concludes that the conditions described in paragraph (11) are not met, calls upon the President to suspend (until such time as such conditions can be met) the transfer to Pakistan of weapons systems primarily designed and manufactured for combat against a rival state rather than counterterrorism or counterinsurgency.

Mr. BIDEN. Mr. President, it has been a month—almost to the day—that former Pakistani prime minister Benazir Bhutto was assassinated.

She was murdered barely a mile from the site where her own father, also a prime minister, had been executed by a military strongman nearly two decades earlier.

She was killed by a terrorist attack in the very same park where, over half a century ago, Pakistan's very first prime minister was gunned down under circumstances that to this day remain clouded in mystery.

The death of Ms. Bhutto was not the first time a Pakistani leader met a violent end. But never has the loss been greater—for Pakistan, and for friends of democracy the world over.

Never has the danger posed by such a loss been more serious—for Pakistan, and for the U.S. as well.

For many Members of this body, the loss of Ms. Bhutto comes as a personal shock. Some of us knew Benazir during her tenure in office, others had met her during her years of exile.

Anyone who encountered the prime minister can understand the sadness experienced by Pakistanis of all political outlooks.

The murder of Ms. Bhutto was a human tragedy, but one with potentially dire political and national security repercussions. In the wake of this shocking act of terrorism, Pakistani democracy remains seriously threatened.

This is not merely a matter of concern to Pakistan, but to the U.S. as well. Until the political crisis in Pakistan is resolved, no government in Islamabad will have the focus, the will, or the military and intelligence resources necessary to combat the threat of al-Qaeda terrorism and Taliban insurgency effectively.

The resolution I offer expresses condolences on the murder of Ms. Bhutto and condemns the cowardly terrorists who cut short the life of a brave and brilliant woman.

It calls for a genuinely independent inquiry, to clear up the mysteries surrounding this crime—an attack not only on one leader, but on Pakistani democracy itself.

It calls upon the government of Pakistan to return to the democratic path by insuring free and fair elections without further delays; by releasing all political detainees; by revoking restrictions on the press and free speech; and by restoring a genuinely independent judiciary.

It also calls on the President of the review all U.S. aid to Pakistan—as he promised to do immediately after Pakistan's current leader suspended the constitution and declared a State of Emergency in November.

The White House review found—to nobody's surprise—that no significant change in policy was required. The resolution I offer calls for a more targeted and more open-eyed approach.

It calls on the President to ensure that all assistance furthers the common goals shared by the people of Pakistan and the U.S., with specific reference to combating violent radicalism and promoting a free and democratic Pakistan; and

It calls on the President, if he cannot make such a declaration, to suspend the transfer of weapons systems primarily designed and manufactured for combat against a rival state rather than counterterrorism or counterinsurgency.

What does this mean?

In simple language, it calls upon President Bush to match his words with deeds. For the good of the Pakistani people, and for the national security interests of the United States.

The President has often said that a democratic Pakistan will be our best partner in the battle against radical theocrats and bloodthirsty terrorists.

I wholeheartedly agree—and urge the President to demonstrate that his words are something more than empty rhetoric.

Specifically, I urge the President to let the Pakistani military establishment know that the $10 billion we have provided in assistance over the past 6 years—the vast bulk of it security assistance—is not a blank check.

The American people and the Pakistani people, have a right to insist that their money is being well spent.

At a time when Pakistani soldiers and paramilitary troop are sent to fight the Taliban without bulletproof vests, without sufficient ammunition, sometimes marching through the snow in sandals rather than combat boots.

At such a time, does it make sense to spend $500 million on high-tech, highcost, nuclear-capable fighter aircraft?

Does it make sense to spend hundreds of millions on P-3 naval surveillance aircraft specifically designed to hunt submarines?

So far as I know, al-Qaeda has not yet developed a submarine navy.

The White House claims that weapons systems like these are indeed counterterrorism tools, but such a claim is an insult to common sense.

Yes, it is possible to drop a bomb on a terrorist from a supersonic jet—and our pilots sometimes do so.

Yes, it is possible to use P-3s to track fishing boats rather than submarines—and our pilots may do that too. But let us get real here.

The primary use of these weapons has nothing to do with counterterrorism—using them for this purpose is like swatting flies with a sledgehammer.

Moreover, this resolution doesn't even mandate that such weapons transfers be terminated. It merely urges that they be suspended: temporarily put on hold, until the current political crisis has passed.

Why is this necessary? For starters, because the administration has consistently failed to apply a commonsense approach to its Pakistan policy—and shows no sign of starting to do so now. I'll give just one example, but I could select from dozens.

A few days after the assassination of Benazir Bhutto, just as Pakistani President Musharraf was deliberating over whether or not to postpone elections in which Bhutto's party was nearly certain to prevail, the Pentagon awarded a contract for fighter jets worth $498 million.

Despite a direct Congressional inquiry several weeks earlier, no member of the Foreign Relations Committee—or any other committee, so far as I know—was alerted to this sale.

The administration claims this was merely a coincidence, that the deal had been in the works for a long time, that no policy-maker had any say in the timing of the announcement.

Perhaps that is true. If so, all the more reason for Congress to lay down a marker.

I first suggested putting noncounterterrorism security aid on the table on November 4—the morning after President Musharraf effectively declared a coup d'etat against his own government.

I did so moments after speaking by phone with Benazir Bhutto, who had just returned to Pakistan from 8 years in exile, and who had narrowly escaped a bomb blast on her convoy that left 140 of her supporters dead.

I urged President Musharraf to step back from the brink of disaster, to revoke an order that could destroy his country's democracy.

I urged President Bush to use U.S. military aid as a carefully calibrated lever, in order to make sure our arms and our money helped make Pakistan more free, and the U.S more safe.

Later that week, I unveiled a comprehensive plan for long-term engagement with pakistan—or moving our strategy from a "Musharraf policy" to a "Pakistan policy." In broad strokes, the basic elements of this plan are:

Triple non-security aid, to $1.5 billion annually. For at least a decade. This aid would be unconditional: it is our pledge to the Pakistani people.

Instead of funding military hardware, it would build schools, clinics, and roads.

Condition security aid on performance. We should base our security aid on clear results.

We are now spending well over $1 billion annually, and it is not clear we are getting our money's worth.

We should be willing to spend more if we get better returns—and less if we don't.

Help Pakistan enjoy a "democracy dividend." The first year of genuine democratic rule should bring an additional $1 billion, above the $1.5 billion non-security aid baseline, with future non-security aid calibrated, again, above the guaranteed baseline, to Pakistan's institutionalization of democratic and good-governance norms.

We have got to help moderate, secular political leaders show the Pakistani people that they can deliver the goods.

Engage the Pakistani people, not just their rulers. We need a broad-based engagement, not just government to government.

This will involve everything from improved public diplomacy to reviewing visa procedures and textile quotas to reversing this administration's shameful torture policies and shutting the prison at Gitmo.

Today is not the day to delve into the specifics of long-term strategy; I will come to the floor at a later date and sketch out this comprehensive plan in greater detail.

Today is a time for all of us to come together in support of a resolution which, I would hope, expresses the sentiments of every Member here.

All of us, surely, send our condolences on the death of Benazir Bhutto, and condemn her bloodthirsty assassins.

All of us, surely, want to see her murderers—and those who arranged her murder—brought to justice.

All of us, surely, want to see Pakistan set firmly back on the democratic path.

All of us, surely, want to make certain that the billions of dollars we send to Pakistan in aid genuinely serve the purposes for which it is intended—that it bolsters a stable, moderate, democratic state, and that it supports the battle against the violent terrorist groups who have declared war on the U.S. and Pakistan alike.

## SENATE CONCURRENT RESOLUTION 66—COMMEMORATING THE 175TH ANNIVERSARY OF THE COMMENCEMENT OF THE SPECIAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE KINGDOM OF THAILAND

Mr. WEBB (for himself, Mr. BIDEN, Mr. LUGAR, Mr. WARNER, Mr. DODD, Mr. HAGEL, Mrs. BOXER, and Ms. MURKOWSKI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 66

Whereas 2008 marks the 175th anniversary of the signing of the Treaty of Amity and Commerce between the United States and the Kingdom of Thailand in 1833, during President Andrew Jackson's administration and the reign of King Rama III, and the commencement of the relationship between the 2 countries;

Whereas Thailand was the first treaty ally of the United States in the Asia-Pacific region and remains a steadfast friend with shared values of freedom, democracy, and liberty;

Whereas, in December 2003, the United States designated Thailand as a major ally outside the North Atlantic Treaty Organization, which improved the security of both countries, particularly by facilitating joint counterterrorism efforts;

Whereas, for more than a quarter century, Thailand has been the host country of Cobra Gold, the United States Pacific Command's annual multinational military training exercise, designed to ensure regional peace and promote regional security cooperation;

Whereas, in the wake of the tragic 2004 tsunami, the United States and Thailand launched joint relief operations from Utapao, Thailand, strengthening the overall capacity of the forces involved in providing relief and setting the model for effective humanitarian operations throughout the entire region affected by the deadly tsunami;

Whereas Thailand is a key partner of the United States in Southeast Asia and has supported closer relations between the United States and the Association of Southeast Asian Nations;

Whereas, on June 22, 2006, Congress agreed to House Concurrent Resolution 409, 109th Congress, commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand;

Whereas, on December 5, 2007, the people of Thailand celebrated the 80th birthday of His Majesty King Bhumibol Adulyadej, the world's longest-serving monarch, who is loved and respected for his lifelong dedication to the social and economic development of the people of Thailand;

Whereas, on December 23, 2007, the Royal Thai Government held nationwide parliamentary elections that are paving the way for a successful return of democracy to Thailand;

Whereas approximately 500,000 people of Thai descent live in the United States, joining in the pursuit of the American Dream;

Whereas Thailand is the 20th largest trading partner of the United States, with bilateral trade totaling approximately $30,600,000,000 per year; and

Whereas the bonds of friendship and mutual respect between the United States and Thailand are strong: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) commemorates the 175th anniversary of relations between the United States and the Kingdom of Thailand;

(2) offers sincere congratulations to the Kingdom of Thailand and the people of Thailand for the democratic, free, and fair elections held on December 23, 2007;

(3) commemorates the 80th birthday of His Majesty King Bhumibol Adulyadej of Thailand and offers sincere congratulations and best wishes for the continued prosperity of the Kingdom of Thailand; and

(4) looks forward to continued, enduring ties of friendship between the peoples of Thailand and the United States.

Mr. WEBB. Madam President, today I wish to introduce a resolution to commemorate the 175th anniversary of diplomatic relations between the United States and Thailand and the 80th birthday anniversary of His Majesty King Bhumibol Adulyadej of Thailand, and also to express our recognition for the success of the recent parliamentary election in that country.

I am very pleased to be joined by Senator BIDEN and Senator LUGAR, the chairman and ranking member of the Senate Foreign Relations Committee, together with Senators WARNER, DODD, HAGEL, BOXER, and MURKOWSKI as cosponsors of this resolution.

Next month will mark 175 years of a special friendship between the United States and Thailand, which began with the signing of the Treaty of Amity and Commerce in 1833 during the administration of President Andrew Jackson, making Thailand our first treaty ally in Asia.

Throughout the years, Thailand has often been a close friend and strategic partner of the United States and has proven to be a dependable key ally in Southeast Asia, helpful to the United States' interests in that region.

Sharing our values of freedom and liberty, Thailand has partnered with the United States in fighting numerous military engagements throughout our history, including its current support in the global war on terror.

In 2003, President Bush declared Thailand a major non-NATO ally, a designation which represents a close and extensive relationship between our two countries.

The United States has enjoyed dynamic, vast, and varied cooperation and partnership with Thailand, which have not only strengthened our bilateral relations, but in many ways have also benefitted the Asian region as a whole.

For more than a quarter century, Thailand has been the host country of Cobra Gold—the United States annual multinational military training exercise—to promote regional stability and security cooperation. As another case in point, the United States and Thailand's joint relief operations in the wake of the tragic 2004 tsunami promoted the overall capacity of the international humanitarian forces in providing relief, setting a model for effective humanitarian operations in the region.

Madam President, I have visited Thailand many times over the past 25 years and have many friends in that country. I had the privilege of visiting Thailand last year for the first time as a sitting Senator and was very pleased to see so much cooperation with the United States, particularly with our military. During our meetings, I was also gratified to see that so many Thai military leaders and Government leaders had been educated and trained in the United States—leading to the sense of lasting friendship and goodwill between our two countries toward our mutual interests.

On another important point, as was promised at the time of the political coup, which occurred in 2006, I am very pleased to be able to remind and reassure my colleagues that Thailand held democratic, free, and fair parliamentary elections in December of last year, marking a successful return to full-fledged democracy.

So I congratulate the new Thai Government. I look forward to the continuation of the long tradition of friendship and close cooperation between Thailand and the United States.

I urge quick passage of this resolution, which I now send to the desk.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4009. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table.

SA 4010. Mr. REID (for himself, Mr. MCCONNELL, Mr. BAUCUS, Mr. GRASSLEY, Mr. STEVENS, Mrs. LINCOLN, Ms. SNOWE, Mr.

SALAZAR, Mr. BUNNING , Mr. ALEXANDER, Mr. SUNUNU, Mr. VITTER, Mr. WICKER, Mr. BURR, Mr. ROBERTS, Mr. BROWNBACK, Mr. ISAKSON, and Mr. COLEMAN) proposed an amendment to the bill H.R. 5140, supra.

SA 4011. Mr. KERRY (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4012. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table .

SA 4013. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4009.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

At the appropriate place, insert the following:

**SEC. ____. ECONOMIC STIMULUS SMALL BUSINESS CONCERNS.**

(a) IN GENERAL.—For fiscal year 2008, and to the extent the cost of such reduction in fees are offset by appropriations, with respect to each loan guaranteed under section 7(a) of Small Business Act (15 U.S.C. 636(a)), the Administrator of the Small Business Administration shall, in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect an annual fee in an amount equal to a maximum of .25 percent of the outstanding balance of the deferred participation share of that loan, and in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), collect a guarantee fee in an amount equal to a maximum of 1 percent of the deferred participation share of a total loan amount that is not more than $150,000, 2.5 percent of the deferred participation share of a total loan amount that is more than $150,000, and not more than $700,000, and 3 percent of the deferred participation share of a total loan amount that is more than $700,000, and in lieu of the fee otherwise applicable under section 7(a)(18)(A)(iv) of the Small Business Act (15 U.S.C. 636(a)(18)(A)(iv)), collect no fee. In carrying out this subsection, the Administrator of the Small Business Administration shall reduce the fees for a loan guaranteed under section 7(a) of Small Business Act (15 U.S.C. 636(a)) to the maximum extent possible, subject to the availability of appropriations.

(b) APPROPRIATION.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for the "Business Loans Program Account" of the Small Business Administration, $150,000,000 for loan subsidies and for loan modifications for loans to small business concerns authorized under subsection (a), and $2,000,000, to remain available until expended, for direct loans under the Microloan Program under section 7(m) of the Small Business Act (15 U.S.C. 636(m)), and for the "Salaries and Expenses Account" of the Small Business Administration, $10,000,000, to remain available until expended, for marketing, management, and technical assistance under section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the Microloan Program: *Provided*, That the amounts provided under this subsection are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

(c) APPLICATION OF FEE REDUCTIONS.—The Administrator of the Small Business Administration shall reduce the fees under subsection (a) for any loan guarantee subject to such subsection for which the application is pending approval on or after the date of enactment of this Act, until the amount provided for such purpose under subsection (b) is expended.

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**SA 4010.** Mr. REID (for himself, Mr. MCCONNELL, Mr. BAUCUS, Mr. GRASSLEY, Mr. STEVENS, Mrs. LINCOLN, Ms. SNOWE, Mr. SALAZAR, Mr. BUNNING, Mr. ALEXANDER, Mr. SUNUNU, Mr. VITTER, Mr. WICKER, Mr. BURR, Mr. ROBERTS, Mr. BROWNBACK, Mr. ISAKSON, and Mr. COLEMAN) proposed an amendment to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Economic Stimulus Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT

Sec. 101. 2008 recovery rebates for individuals.
Sec. 102. Temporary increase in limitations on expensing of certain depreciable business assets.
Sec. 103. Special allowance for certain property acquired during 2008.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

Sec. 201. Temporary conforming loan limit increase for Fannie Mae and Freddie Mac.
Sec. 202. Temporary loan limit increase for FHA.

TITLE III—EMERGENCY DESIGNATION

Sec. 301. Emergency designation.

### TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT

**SEC. 101. 2008 RECOVERY REBATES FOR INDIVIDUALS.**

(a) IN GENERAL.—Section 6428 of the Internal Revenue Code of 1986 is amended to read as follows:

**"SEC. 6428. 2008 RECOVERY REBATES FOR INDIVIDUALS.**

"(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2008 an amount equal to the lesser of—

"(1) net income tax liability, or

"(2) $600 ($1,200 in the case of a joint return).

"(b) SPECIAL RULES.—

"(1) IN GENERAL.—In the case of a taxpayer described in paragraph (2)—

"(A) the amount determined under subsection (a) shall not be less than $300 ($600 in the case of a joint return), and

"(B) the amount determined under subsection (a) (after the application of subparagraph (A)) shall be increased by the product of $300 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

"(2) TAXPAYER DESCRIBED.—A taxpayer is described in this paragraph if the taxpayer—

"(A) has qualifying income of at least $3,000, or

"(B) has—

"(i) net income tax liability which is greater than zero, and

"(ii) gross income which is greater than the sum of the basic standard deduction plus the exemption amount (twice the exemption amount in the case of a joint return).

"(c) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

"(d) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds $75,000 ($150,000 in the case of a joint return).

"(e) DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING INCOME.—The term 'qualifying income' means—

"(A) earned income,

"(B) social security benefits (within the meaning of section 86(d)), and

"(C) any compensation or pension received under chapter 11, chapter 13, or chapter 15 of title 38, United States Code.

"(2) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

"(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

"(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

"(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

"(A) any nonresident alien individual,

"(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

"(C) an estate or trust.

"(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that—

"(A) subclause (II) of subparagraph (B)(vi) thereof shall be applied by substituting 'January 1, 2009' for 'January 1, 2008', and

"(B) such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.

"(5) BASIC STANDARD DEDUCTION; EXEMPTION AMOUNT.—The terms 'basic standard deduction' and 'exemption amount' shall have the same respective meanings as when used in section 6012(a).

"(f) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

"(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (g). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

"(g) ADVANCE REFUNDS AND CREDITS.—

"(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007 shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

"(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.

"(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2008.

"(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

"(h) IDENTIFICATION NUMBER REQUIREMENT.—

"(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

"(A) such individual's valid identification number,

"(B) in the case of a joint return, the valid identification number of such individual's spouse, and

"(C) in the case of any qualifying child taken into account under subsection (b)(1)(B), the valid identification number of such qualifying child.

"(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.".

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking "and 53(e)" and inserting "53(e), and 6428".

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking "or 32" and inserting "32, or 6428".

(c) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not have a mirror code tax system in an amount estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payment to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428 of the Internal Revenue Code of 1986 (as amended by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B).

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term "possession of the United States" includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 6428 of the Internal Revenue Code of 1986 (as amended by this section).

(d) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (c) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(e) APPROPRIATIONS TO CARRY OUT REBATES.—

(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008:

(A) DEPARTMENT OF TREASURY.—

(i) For an additional amount for "Department of the Treasury—Financial Management Service—Salaries and Expenses", $64,175,000, to remain available until September 30, 2009.

(ii) For an additional amount for "Department of the Treasury—Internal Revenue Service—Taxpayer Services", $50,720,000, to remain available until September 30, 2009.

(iii) For an additional amount for "Department of the Treasury—Internal Revenue Service—Operations Support", $151,415,000, to remain available until September 30, 2009.

(B) SOCIAL SECURITY ADMINISTRATION.—For an additional amount for "Social Security Administration—Limitation on Administrative Expenses", $31,000,000, to remain available until September 30, 2008.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by paragraph (1)(A). Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by paragraph (1)(A) and the expected expenditure of such funds in the subsequent quarter.

(f) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or 6428" after "section 35".

(2) Paragraph (1) of section 1(i) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(3) The item relating to section 6428 in the table of sections for subchapter B of chapter 65 of such Code is amended to read as follows:

"Sec. 6428. 2008 recovery rebates for individuals.".

### SEC. 102. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

"(7) INCREASE IN LIMITATIONS FOR 2008.—In the case of any taxable year beginning in 2008—

"(A) the dollar limitation under paragraph (1) shall be $250,000,

"(B) the dollar limitation under paragraph (2) shall be $800,000, and

"(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 103. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2008.

(a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended—

(1) by striking "September 10, 2001" each place it appears and inserting "December 31, 2007",

(2) by striking "September 11, 2001" each place it appears and inserting "January 1, 2008",

(3) by striking "January 1, 2005" each place it appears and inserting "January 1, 2009", and

(4) by striking "January 1, 2006" each place it appears and inserting "January 1, 2010".

(b) 50 PERCENT ALLOWANCE.—Subparagraph (A) of section 168(k)(1) of such Code is amended by striking "30 percent" and inserting "50 percent".

(c) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 168(k)(2)(B)(i) of such Code is amended by striking "and (iii)" and inserting "(iii), and (iv)".

(2) Subclause (IV) of section 168(k)(2)(B)(i) of such Code is amended by striking "clauses (ii) and (iii)" and inserting "clause (iii)".

(3) Clause (i) of section 168(k)(2)(C) of such Code is amended by striking "and (iii)" and inserting ", (iii), and (iv)".

(4) Clause (i) of section 168(k)(2)(F) of such Code is amended by striking "$4,600" and inserting "$8,000".

(5)(A) Subsection (k) of section 168 of such Code is amended by striking paragraph (4).

(B) Clause (iii) of section 168(k)(2)(D) of such Code is amended by striking the last sentence.

(6) Paragraph (4) of section 168(l) of such Code is amended by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D) and inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (K).—Such term shall not include any property to which section 168(k) applies.".

(7) Paragraph (5) of section 168(l) of such Code is amended—

(A) by striking "September 10, 2001" in subparagraph (A) and inserting "December 31, 2007", and

(B) by striking "January 1, 2005" in subparagraph (B) and inserting "January 1, 2009".

(8) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking "January 1, 2005" and inserting "January 1, 2010".

(9) Paragraph (3) of section 1400N(d) of such Code is amended—

(A) by striking "September 10, 2001" in subparagraph (A) and inserting "December 31, 2007", and

(B) by striking "January 1, 2005" in subparagraph (B) and inserting "January 1, 2009".

(10) Paragraph (6) of section 1400N(d) of such Code is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR BONUS DEPRECIATION PROPERTY UNDER SECTION 168(k).—The term 'specified Gulf Opportunity Zone extension property' shall not include any property to which section 168(k) applies.".

(11) The heading for subsection (k) of section 168 of such Code is amended—

(A) by striking "SEPTEMBER 10, 2001" and inserting "DECEMBER 31, 2007", and

(B) by striking "JANUARY 1, 2005" and inserting "JANUARY 1, 2009".

(12) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking "PRE-JANUARY 1, 2005" and inserting "PRE-JANUARY 1, 2009".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

## TITLE II—HOUSING GSE AND FHA LOAN LIMITS

### SEC. 201. TEMPORARY CONFORMING LOAN LIMIT INCREASE FOR FANNIE MAE AND FREDDIE MAC.

(a) INCREASE OF HIGH COST AREAS LIMITS FOR HOUSING GSEs.—For mortgages originated during the period beginning on July 1, 2007, and ending at the end of December 31, 2008:

(1) FANNIE MAE.—With respect to the Federal National Mortgage Association, notwithstanding section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Association shall be the higher of—

(A) the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size.

(2) FREDDIE MAC.—With respect to the Federal Home Loan Mortgage Corporation, notwithstanding section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—

(A) the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size.

(b) DETERMINATION OF LIMITS.—The areas and area median prices used for purposes of the determinations under subsection (a) shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 202 of this title.

(c) RULE OF CONSTRUCTION.—A mortgage originated during the period referred to in subsection (a) that is eligible for purchase by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation pursuant to this section shall be eligible for such purchase for the duration of the term of the mortgage, notwithstanding that such purchase occurs after the expiration of such period.

(d) EFFECT ON HOUSING GOALS.—Notwithstanding any other provision of law, mortgages purchased in accordance with the increased maximum original principal obligation limitations determined pursuant to this section shall not be considered in determining performance with respect to any of the housing goals established under section 1332, 1333, or 1334 of the Housing and Community Development Act of 1992 (12 U.S.C. 4562–4), and shall not be considered in determining compliance with such goals pursuant to section 1336 of such Act (12 U.S.C. 4566) and regulations, orders, or guidelines issued thereunder.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established in this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.

### SEC. 202. TEMPORARY LOAN LIMIT INCREASE FOR FHA.

(a) INCREASE OF HIGH-COST AREA LIMIT.—For mortgages for which the mortgagee has issued credit approval for the borrower on or before December 31, 2008, subparagraph (A) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to require that a mortgage shall involve a principal obligation in an amount that does not exceed the lesser of—

(1) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined for 2008 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined for 2008 under such section for a 1-family residence; or

(2) 175 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitation with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands);

except that the dollar amount limitation in effect under this subsection for any size residence for any area shall not be less than the greater of (A) the dollar amount limitation in effect under such section 203(b)(2) for the area on October 21, 1998; or (B) 65 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size. Any reference in this subsection to dollar amount limitations in effect under section 305 (a)(2) of the Federal Home Loan Mortgage Corporation Act means such limitations as in effect without regard to any increase in such limitation pursuant to section 201 of this title.

(b) DISCRETIONARY AUTHORITY.—If the Secretary of Housing and Urban Development determines that market conditions warrant such an increase, the Secretary may, for the period that begins upon the date of the enactment of this Act and ends at the end of the date specified in subsection (a), increase the maximum dollar amount limitation determined pursuant to subsection (a) with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to subsection (a) for such size residence, or for such area (if applicable), by not more than $100,000.

(c) PUBLICATION OF AREA MEDIAN PRICES AND LOAN LIMITS.—The Secretary of Housing and Urban Development shall publish the median house prices and mortgage principal obligation limits, as revised pursuant to this section, for all areas as soon as practicable, but in no case more than 30 days after the date of the enactment of this Act. With respect to existing areas for which the Secretary has not established area median prices before such date of enactment, the Secretary may rely on existing commercial data in determining area median prices and calculating such revised principal obligation limits.

## TITLE III—EMERGENCY DESIGNATION

### SEC. 301. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

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**SA 4011.** Mr. KERRY (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

At the end of title I, insert the following:

### SEC. 104. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

"(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

"(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

"(i) the numerator of which is the population of such State (as reported in the most recent decennial census), and

"(ii) the denominator of which is the total population of all States (as reported in the most recent decennial census).

"(B) SET ASIDE.—

"(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

"(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

"(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).".

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

"(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

"(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

"(ii) to issue any bond after calendar year 2010.

"(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.".

(c) ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking "shall not include" and all that follows and inserting "shall not include—

"(I) any qualified 501(c)(3) bond (as defined in section 145), or

"(II) any qualified mortgage bond (as defined in section 143(a)) or qualified veterans' mortgage bond (as defined in section 143(b)) issued after the date of the enactment of this subclause and before January 1, 2011.".

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) is amended by striking "QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

**SA 4012.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 298, after line 25, add the following:

"(e) SPEEDY NOTICE TO RAPE AND SEXUAL ASSAULT VICTIMS.—The Secretary shall withhold from a Service Area carrying out a program under this section an amount equal to 10 percent of the amount allocated for the program until the date on which the Secretary, in consultation with the Attorney General, determines that, with respect to the Service Area—

"(1)(A) there exists and is enforced a law or regulation that requires—

"(i) at the request of a victim, the administration to a defendant, against whom an information or indictment is presented for a crime in which, by force or threat of force, the defendant compels the victim to engage in sexual activity, of a test for the human immunodeficiency virus (HIV) and such other sexually transmitted diseases as are requested by the victim not later than 48 hours after the date on which the information or indictment is presented;

"(ii) a notification of the test results to be provided to the victim or the parent or guardian of the victim and the defendant as soon as practicable after the results are generated; and

"(iii) such follow-up tests for HIV and other sexually transmitted diseases as are medically appropriate, with the test results made available in accordance with clause (ii); or

"(B) a law or regulation described in subparagraph (A) will be established and enforced in the Service Area by not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008; and

"(2) pursuant to subsection (a), HIV and other sexually transmitted disease testing, treatment, and counseling is provided for victims of sexual abuse.

**SA 4013.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the Indian

Health Care Improvement Act (as amended by section 101), insert the following:

### "SEC. 8 . REQUIREMENT FOR MEDICAL EVIDENCE.

"Notwithstanding any other provision of this Act, no funding shall be provided pursuant to this Act for any treatment activity for a health care condition unless the treatment is supported by medical evidence.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 28, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the impact of increased minimum wages on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 9:30 a.m., in open session to receive testimony on the final report of the Commission on the National Guard and Reserves.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 7, 2008, at 10 a.m., in order to conduct a hearing entitled "Reforming the Regulation of the Government Sponsored Enterprises."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, February 7, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct an executive hearing.

*Agenda*

Robert A. Sturgell, to be Administrator of the Federal Aviation Administration (PN 1005); Simon Charles Gros, to be Assistant Secretary of Transportation for Governmental Affairs, Department of Transportation (PN 977).

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WEBB, Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 9:30 am. in room SD366 of the Dirksen Senate Office Building, for the purpose of conducting a hearing. At this hearing, the Committee will hear testimony regarding energy market effects of the recently-passed renewable fuel standard.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Selling to Seniors: The Need for Accountability and Oversight of Marketing and Sales by Medicare Private Plans."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 9:30 a.m. in order to hold a hearing on the Kenyan elections.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 2:30 p.m. in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 7, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct a hearing on the nomination of Robert G. McSwain to be Director of the Indian Health Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "The Founding Fathers' Papers: Ensuring Public Access to our National Treasures" on Thursday, February 7, 2008 at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

*Witness List*

David G. McCullough, Presidential Historian and Author, Camden, ME.

Dr. Stanley N. Katz, Chairman, Papers of the Founding Fathers, Professor, Woodrow Wilson School of Princeton University Princeton, NJ.

Dr. Deanna B. Marcum, Associate Librarian of Library Services, Library of Congress, Washington, DC.

Rebecca W. Rimel, President and Chief Executive Officer, The Pew Charitable Trusts, Phiadelphia, PA.

Dr. Allen Weinstein, Archivist of the United States, U.S. National Archives & Records Administration, Washington, DC.

Dr. Ralph Ketcham, Professor of History Emeritus, Maxwell School of Syracuse University, Syracuse, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

### READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE

Mr. WEBB. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 2:30 p.m., in open session to receive testimony on business transformation and financial management at the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 7, 2008, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. WEBB. Madam President, I ask unanimous consent that my legislative fellow, Jaithai Upakurnitikaset, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Executive Calendar Nos. 442 through 451, except 450; and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that upon confirmation, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

### AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel Mark A. Ediger, 6172
Colonel Richard A. Hersack, 7842
Colonel Daniel O. Wyman, 4744

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Cecil R. Richardson, 3790

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Robert G. Kenny

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Daniel P. Gillen, 6142
Col. Michael J. Yaszemski, 7741

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brigadier General Robert Benjamin Bartlett
Brigadier General Thomas R. Coon, 7963
Brigadier General James F. Jackson, 6539
Brigadier General Brian P. Meenan, 1468
Brigadier General Charles E. Reed, Jr., 2522
Brigadier General James T. Rubeor, 3527

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Colonel Robert S. Arthur, 9507
Colonel Gary M. Batinich, 7153
Colonel Richard S. Haddad, 5202
Colonel Keith D. Kries, 2201
Colonel Muriel R. McCarthy, 9467

Colonel David S. Post, 9447
Colonel Patricia A. Quisenberry, 8392
Colonel Robert D. Rego, 6634
Colonel Paul L. Sampson, 3219

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Douglas M. Fraser, 7505

## NAVY

The following named officer for appointment as Chief of Naval Personnel, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5141:

*To be vice admiral*

Rear Adm. Mark E. Ferguson, III, 0136

## ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Joseph F. Fil, Jr., 0990

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

### AIR FORCE

PN1207 AIR FORCE nomination of Chevalier P. Cleaves, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1208 AIR FORCE nomination of Jawn M. Sischo, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1209 AIR FORCE nomination of Joaquin Sariego, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1210 AIR FORCE nominations (4) beginning JOHN A. CALCATERRA JR., and ending MARIA D. RODRIGUEZRODRIGUEZ, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1211 AIR FORCE nominations (3) beginning JERRY ALAN ARENDS, and ending BILLY L. LITTLE JR., which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1212 AIR FORCE nominations (5) beginning DONNIE W. BETHEL, and ending MITCHEL NEUROCK, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1213 AIR FORCE nominations (11) beginning PAUL A. ARSON, and ending PHILIP A SWEET, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1214 AIR FORCE nominations (14) beginning MARI L. ARCHER, and ending GILBERT W. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1215 AIR FORCE nominations (4) beginning WILLIAM A. BEYERS III, and ending ROSS A. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1216 AIR FORCE nominations (6) beginning ROBERT R. CANNON, and ending LYLE E. VON SEGGERN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1217 AIR FORCE nominations (176) beginning VITO EMIL ADDABBO, and ending JAMES A. ZIETLOW, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1218 AIR FORCE nominations (2) beginning AZAD Y. KEVAL, and ending TROY L. SULLIVAN III, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1219 AIR FORCE nomination of Lance A. Avery, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1220 AIR FORCE nominations (4) beginning BILLY R. MORGAN, and ending JOSEPH R. LOWE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1221 AIR FORCE nomination of Inaam A. Pedalino, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1222 AIR FORCE nominations (62) beginning DEMEA A. ALDERMAN, and ending PHILIP H. WANG which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1223 AIR FORCE nomination of Theresa D. Clark, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1224 AIR FORCE nominations (113) beginning LEE E. ACKLEY, and ending CLAYTON D. WILSON III, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1225 AIR FORCE nominations (129) beginning SAID R. ACOSTA, and ending CYNTHIA F. YAP, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1226 AIR FORCE nominations (2) beginning JASON E. MACDONALD, and ending DEREK P. MIMS, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

### ARMY

PN968 ARMY nominations (16) beginning GERALD K. BEBBER, and ending PHILLIP F. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 27, 2007.

PN1174 ARMY nominations (2) beginning MANUEL POZOALONSO, and ending RACHELLE A. RETOMA, which nominations were received by the Senate and appeared in the Congressional Record of December 19, 2007.

PN1227 ARMY nomination of Jeffrey P. Short, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1228 ARMY nomination of Saqib Ishteeaque, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1229 ARMY nominations (3) beginning WANDA L. HORTON, and ending RUTH SLAMEN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1230 ARMY nominations (5) beginning DAVID J. BARILLO, and ending IAN D. COLE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1231 ARMY nomination of Joseph B. Dore, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1232 ARMY nomination of William J. Hersh, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1233 ARMY nomination of James C. Cummings, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1234 ARMY nomination of Eugene W. Gavin, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1235-1 ARMY nominations (3) beginning BRUCE H. BAHR, and ending George R. GWALTNEY, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1236 ARMY nominations (7) beginning DAVID A. BRANT, and ending CORLISS GADSDEN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1237 ARMY nominations (2) beginning HAROLD A. FELTON, and ending ARLAND O. HANEY, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1238 ARMY nominations (3) beginning ANNE M. BAUER, and ending JO A. MCELLIGOTT, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1239 ARMY nominations (4) beginning DEBORAH G. DAVIS, and ending DEBRA M. SIMPSON, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1240 ARMY nominations (37) beginning RUBEN ALVERO, and ending HAE S. YUO, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1241 ARMY nominations (9) beginning RONALD L. BONHEUR, and ending DAVID S. WERNER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1242 ARMY nominations (3) beginning GERARD P. CURRAN, and ending MARK TRANOVICH, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1243 ARMY nominations (2) beginning JEFFREY A. WEISS, and ending RICHARD E. WOLFERT, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1244 ARMY nominations (3) beginning CHARLES S. OLEARY, and ending GARY B. TOOLEY, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1245 ARMY nominations (10) beginning PATRICK S. ALLISON, and ending SHAOFAN K. XU, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1246 ARMY nominations (30) beginning EDWARD B. BROWNING, and ending BILLIE J. WISDOM JR., which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1247 ARMY nominations (51) beginning SANDRA G. APOSTOLOS, and ending MARILYN YERGLER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1263 ARMY nomination of Orlando Salinas, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1264 ARMY nomination of Debra D. Rice, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1265 ARMY nomination of Robert J. Mouw, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1266 ARMY nomination of Rabi L. Singh, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

### MARINE CORPS

PN902 MARINE CORPS nomination of Lester W. Thompson, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN1248 MARINE CORPS nominations (2) beginning RUSSELL L. BERGEMAN, and ending JAMES K. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

### NAVY

PN1104 NAVY nomination of Thomas J. Harvan, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1105 NAVY nomination of John G. Bruening, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1250 NAVY nomination of John M. Dorey, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1252 NAVY nominations (2) beginning THOMAS P. CARROLL, and ending GARY V. PASCUA, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1253 NAVY nominations (4) beginning DAVID J. ROBILLARD, and ending SHERRY W. WANGWHITE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1267 NAVY nomination of Michael V. Misiewicz, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1268 NAVY nomination of John A. Bowman, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1269 NAVY nomination of John A. Bowman, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## ORDERS FOR FRIDAY, FEBRUARY 8, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, February 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 2248, the Foreign Intelligence Surveillance Act, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. DURBIN. Mr. President, today we were able to achieve a milestone in the Senate session and reach an overall agreement to have all remaining amendments to FISA debated tomorrow and Monday. There will be no rollcall votes tomorrow or Monday; however, Senators should be prepared to vote when the Senate convenes at 10 a.m. on Tuesday.

## RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:37 p.m., recessed until Friday, February 8, 2008, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, February 7, 2008:

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL MARK A. EDIGER, 6172
COLONEL RICHARD A. HERSACK, 7842
COLONEL DANIEL O. WYMAN, 4744

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. CECIL R. RICHARDSON, 3790

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. ROBERT G. KENNY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. DANIEL P. GILLEN, 6142
COL. MICHAEL J. YASZEMSKI, 7741

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIGADIER GENERAL ROBERT BENJAMIN BARTLETT, 5681
BRIGADIER GENERAL THOMAS R. COON, 7963
BRIGADIER GENERAL JAMES F. JACKSON, 6539
BRIGADIER GENERAL BRIAN P. MEENAN, 1468
BRIGADIER GENERAL CHARLES E. REED, JR., 2522
BRIGADIER GENERAL JAMES T. RUBEOR, 3527

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COLONEL ROBERT S. ARTHUR, 9507
COLONEL GARY M. BATINICH, 7153
COLONEL RICHARD S. HADDAD, 5202
COLONEL KEITH D. KRIES, 2201
COLONEL MURIEL R. MCCARTHY, 9467
COLONEL DAVID S. POST, 9447
COLONEL PATRICIA A. QUISENBERRY, 8392
COLONEL ROBERT D. REGO, 6634
COLONEL PAUL L. SAMPSON, 3219

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. DOUGLAS M. FRASER, 7505

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5141:

*To be vice admiral*

REAR ADM. MARK E. FERGUSON III, 0136

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JOSEPH F. FIL, JR., 0990

### IN THE AIR FORCE

AIR FORCE NOMINATION OF CHEVALIER P. CLEAVES, 6145, TO BE COLONEL.

AIR FORCE NOMINATION OF JAWN M. SISCHO, 6607, TO BE COLONEL.

AIR FORCE NOMINATION OF JOAQUIN SARIEGO, 0059, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN A. CALCATERRA, JR. AND ENDING WITH MARIA D. RODRIGUEZRODRIGUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JERRY ALAN ARENDS AND ENDING WITH BILLY L. LITTLE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH DONNIE W. BETHEL AND ENDING WITH MITCHEL NEUROCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH PAUL A. ABSON AND ENDING WITH PHILIP A. SWEET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH MARI L. ARCHER AND ENDING WITH GILBERT W. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM A. BEYERS III AND ENDING WITH ROSS A. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT R. CANNON AND ENDING WITH LYLE E. VON SEGGERN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH VITO EMIL ADDABBO AND ENDING WITH JAMES A. ZIETLOW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH AZAD Y. KEVAL AND ENDING WITH TROY L. SULLIVAN III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATION OF LANCE A. AVERY, 7092, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH BILLY R. MORGAN AND ENDING WITH JOSEPH R. LOWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATION OF INAAM A. PEDALINO, 4601, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH DEMEA A. ALDERMAN AND ENDING WITH PHILIP H. WANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATION OF THERESA D. CLARK, 1549, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH LEE E. ACKLEY AND ENDING WITH CLAYTON D. WILSON III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH SAID R. ACOSTA AND ENDING WITH CYNTHIA F. YAP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JASON E. MACDONALD AND ENDING WITH DEREK P. MIMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

### IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH GERALD K. BEBBER AND ENDING WITH PHILLIP F. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 27, 2007.

ARMY NOMINATIONS BEGINNING WITH MANUEL POZOALONSO AND ENDING WITH RACHELLE A. RETOMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 19, 2007.

ARMY NOMINATION OF JEFFREY P. SHORT, 6976, TO BE MAJOR.

ARMY NOMINATION OF SAQIB ISHTEEAQUE, 7038, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH WANDA L. HORTON AND ENDING WITH RUTH SLAMEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH DAVID J. BARILLO AND ENDING WITH IAN D. COLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATION OF JOSEPH B. DORE, 0588, TO BE COLONEL.

ARMY NOMINATION OF WILLIAM J. HERSH, 6277, TO BE COLONEL.

ARMY NOMINATION OF JAMES C. CUMMINGS, 8883, TO BE COLONEL.

ARMY NOMINATION OF EUGENE W. GAVIN, 0749, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRUCE H. BAHR AND ENDING WITH GEORGE R. GWALTNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH DAVID A. BRANT AND ENDING WITH CORLISS GADSDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH HAROLD A. FELTON AND ENDING WITH ARLAND O. HANEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH ANNE M. BAUER AND ENDING WITH JO A. MCELLIGOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH DEBORAH G. DAVIS AND ENDING WITH DEBRA M. SIMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH RUBEN ALVERO AND ENDING WITH HAE S.YUO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH RONALD L. BONHEUR AND ENDING WITH DAVID S. WERNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH GERARD P. CURRAN AND ENDING WITH MARK TRANOVICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH JEFFREY A. WEISS AND ENDING WITH RICHARD E. WOLFERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH CHARLES S. OLEARY AND ENDING WITH GARY B. TOOLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH PATRICK S. ALLISON AND ENDING WITH SHAOFAN K. XU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH EDWARD B. BROWNING AND ENDING WITH BILLIE J. WISDOM, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH SANDRA G. APOSTOLOS AND ENDING WITH MARILYN YERGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATION OF ORLANDO SALINAS, 6967, TO BE COLONEL.

ARMY NOMINATION OF DEBRA D. RICE, 3633, TO BE COLONEL.

ARMY NOMINATION OF ROBERT J. MOUW, 4121, TO BE COLONEL.

ARMY NOMINATION OF RABI L. SINGH, 2515, TO BE MAJOR.

### IN THE MARINE CORPS

MARINE CORPS NOMINATION OF LESTER W. THOMPSON, 5198, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH RUSSELL L. BERGEMAN AND ENDING WITH JAMES K. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

### IN THE NAVY

NAVY NOMINATION OF THOMAS J. HARVAN, 5049, TO BE CAPTAIN.

NAVY NOMINATION OF JOHN G. BRUENING, 7092, TO BE CAPTAIN.

NAVY NOMINATION OF JOHN M. DOREY, 3429, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH THOMAS P. CARROLL AND ENDING WITH GARY V. PASCUA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

NAVY NOMINATIONS BEGINNING WITH DAVID J. ROBILLARD AND ENDING WITH SHERRY W. WANGWHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

NAVY NOMINATION OF MICHAEL V. MISIEWICZ, 7171, TO BE COMMANDER.

NAVY NOMINATION OF JOHN A. BOWMAN, 5721, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JOHN A. BOWMAN, 5721, TO BE LIEUTENANT COMMANDER.

## WITHDRAWAL

Executive Message transmitted by the President to the Senate on February 7, 2008 withdrawing from further Senate consideration the following nomination:

PAUL DECAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE TAMMY DEE MCCUTCHEN, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

# HOUSE OF REPRESENTATIVES—*Thursday, February 7, 2008*

The House met at 10 a.m.

Pastor Wes Davis, Riverton Friends Church, Riverton, Kansas, offered the following prayer:

Father God, maker of heaven and Earth, You are Lord of all things created and sovereign over this great Nation. We humbly bow before You this day to thank You for Your mercies being new every morning.

It is because of Your great mercy that we would again ask for Your blessing and Your favor over these women and men who gather here as representatives of our Congress. Please extend to them Your mercy and Your grace and remind them that You love them.

Your scriptures tell us, "As iron sharpens iron, so one person sharpens another." May these, Your people, sharpen one another today as their ideologies clash together, as one philosophy grates against another philosophy different than their own. Help them to see this diversity, not as tearing, for these are not people of sheer fabric. For they have been forged stronger by the rigors of politics and public scrutiny. But help them see this clashing and grating as an opportunity to sharpen thought, to cut through rhetoric and to pierce conscience for the benefit of humanity.

May their actions and decisions of today not become future apologies, but may they be a statement of this Congress' character, their firm resolve, and a hope for a better America.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 3541. An Act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

## WELCOMING PASTOR WES DAVIS

The SPEAKER. Without objection, the gentlewoman from Kansas (Mrs. BOYDA) is recognized for 1 minute.

There was no objection.

Mrs. BOYDA of Kansas. Madam Speaker, Rev. Wes Davis left the beaches of California in the early 1990s to pastor a small church in Kansas in the town of Riverton. He helped to construct the building that is the Riverton Friends Church in Cherokee County, and he helped to grow the congregation from about 100 to nearly 400 people. He did this while sharing his knowledge and faith from around the world, from Haiti to Liberia to Hungary.

In addition to being a pastor, family man, and missionary, Pastor Davis is the executive director of STOA Ministries. STOA in Greek means "porch." In Solomon's day, people gathered on area porches to discuss theology and their faith. Wes Davis is a man of faith who has made the world his porch, always striving to help others learn God's grace.

Pastor Wes Davis, thank you for expanding your porch to the Halls of Congress today.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 1-minute speeches on each side.

## LOOMING INFRASTRUCTURE CRISIS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Madam Speaker, for the first time in American history, the highway trust fund is running a deficit this year. What is the solution from this administration? Well, instead of having a comprehensive approach to dealing with the shortfall, they just want to steal some money from the mass transit administration account and walk away. This will only delay the problem for 1 year, and it will push mass transit into deficit the next year, instead of a practical solution to fix the looming transportation trust fund crisis.

This is consistent with their consistent underinvestment in our Nation's infrastructure. It is why the American Society of Civil Engineers has rated our infrastructure a D minus, and estimates it will cost us $1.6 trillion over the next 5 years to repair water, sewer, and transportation infrastructure, a crisis not just for the Federal Government but even worse for State and local governments.

A hundred years ago, Teddy Roosevelt had a vision for a national conference to develop a plan to deal with the Nation's infrastructure. It is time for this Congress to revisit that concept, maybe have a transportation vision for this century.

## HONORING THOMAS JEFFERSON HIGH SCHOOL

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on Friday, December 14, 2007, the varsity football team from Thomas Jefferson High School in Jefferson Hills, Pennsylvania, won the Class AAA State football championship in Hershey, clinching the Jaguars' second title in 4 years. With a final score of 28–3, the Jaguars finished a perfect season. Zach Decicco, Thomas Jefferson's quarterback, threw for 137 yards and two scores, ran for 11 yards and a score, and picked off a pass on defense.

Coach Bill Cherpak became just the third head coach in western Pennsylvania history to achieve a perfect win record in more than one appearance at the State championship game in Hershey.

Thomas Jefferson High School and the West Jefferson Hills School District also excel in academics, ranking in the top 20 of Pennsylvania's 501 school districts.

Congratulations to coach Bill Cherpak and the Thomas Jefferson High School Jaguars for being champions on the field and champions in the classroom.

## BUSH BUDGET HAS MISPLACED PRIORITIES

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Mr. Speaker, our national budget should invest in our future. Unfortunately, the President's final budget is more of the same, missed opportunities and misplaced opportunities.

The President's budget is fiscally reckless, adding $1.6 trillion in deficit over the next 5 years instead of becoming balanced over that same period. But you won't hear that from the President. He claims that the budget is balanced by 2012, but that is only because he leaves out enormous costs, including the 5-year cost of fixing the alternative minimum tax and the full cost of the Iraq war.

When realistic costs are included, the budget runs into significant deficits over each of the next 5 years. This, unfortunately, is more of the same. The President took a 10-year surplus of $5.6 trillion that he inherited and turned it into a $3.6 trillion deficit. This budget continues down the same path by borrowing from our children and grandchildren.

Mr. Speaker, Democrats can simply not afford this fiscal recklessness. In the coming months, we will present a fiscally responsible budget that meets our pay-as-you-go requirements.

## MEXICO THROWS ROCKS AND CRIES TEARS

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, the border war with Mexico continues. On the Mexican side of the border, Mexican nationals hide on rocky hills and throw rocks at American border agents. These assaults have continued to increase and escalate to the point that the Border Patrol recently acted in self-defense and fired tear gas at the unruly mobs.

You see, these are the same Mexican nationals that later will illegally sneak into America when the Border Patrol isn't watching. After the most recent tear gas episode, the Mexican Government sent a self-righteous statement to the United States that said, even though "these incidents are a response to hostile acts against Border Patrol agents by Mexican citizens, the actions by U.S. authorities are unacceptable."

The Mexican Government seems to arrogantly support its rock-throwing nationals but doesn't want Americans to defend themselves.

Mexico needs to get its lawless house in order and control the disorderly mobs that lurk on the border. The United States should use every tool available to protect our borders from invaders, rock throwers, and drug smugglers. And if Mexico cries tears about it, too bad.

And that's just the way it is.

## MISSED OPPORTUNITIES IN BUSH BUDGET

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, this week the President unveiled his final budget proposal, and like previous budgets, it fails to properly address the needs and concerns that are central to the everyday lives of our constituents.

Perhaps most troubling is the fact that the Bush budget continues the President's legacy of fiscal irresponsibility and leaves behind a $407 billion deficit. The five largest deficits in American history have all occurred on the President's watch. When President Bush took office, the debt stood at $5.7 trillion, and it is projected to stand at $9.7 trillion by the time President Bush leaves office. This fiscal record ties the hands of the next generation, which faces growing obligations with increasingly limited resources.

The Bush budget also hurts Americans struggling to make ends meet by cutting Medicare and Medicaid, and the low income home energy assistance program. This budget also hurts our long-term efforts to prepare Americans for better jobs in the global marketplace by slashing important education and literacy programs.

Mr. Speaker, the American people do not want more of the same. This Democratic Congress will propose a budget alternative that takes America in a new direction.

## HONORING DR. JOSEPH PATTON

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Mr. Speaker, today I want to honor an individual who has a rich background in managing health care services and agencies within the State of South Carolina.

His experience and education in health care has placed him throughout locations in the South, affiliating him with dozens of communities and civic organizations.

As February recognizes Black History Month, I honor Dr. Joseph Patton, who has continuously reached out to provide knowledge, support, and service to benefit those in the community.

A native of Spartanburg, South Carolina, Dr. Patton is an ordained elder in the Presbyterian Church and holds an honorary doctorate degree for his services to the church and community.

Along with his service to his region, Dr. Patton has served overseas, is a veteran of the United States Army, and is currently a member of the American Legion and the Veterans of Foreign Wars.

During Black History Month, I give recognition to Dr. Patton for serving as an educated leader of health, for being well known as a caring husband, father, grandfather, and mentor to those in the community.

## DEMOCRATS WORK TO STIMULATE ECONOMY

(Mr. SIRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIRES. Mr. Speaker, when Democrats took control of Congress last year, we vowed to work on behalf of all Americans. Last year, we recognized that middle-class families were struggling to make ends meet, and so we worked hard to ease that economic crunch. We passed billions of dollars in tax relief to middle-income families. We increased the minimum wage for the first time in a decade, and we enacted an energy bill that will save the average family anywhere between $700 and $1,000 a year in energy costs, and help families better afford college.

This is a good start, but as economic indicators continue to head in the wrong direction, we worked with the White House and House Republicans on an economic stimulus package that will provide a real and significant short-term boost to this economy.

The House bipartisan economic stimulus plan is the most progressive package this decade. It will help jump-start our economy, and will provide real assistance to lower and middle-income families. I hope our friends in the Senate will act on this legislation this week.

□ 1015

## SUPPORT OUR TROOPS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the City of Berkeley, California, recently disgraced itself by referring to brave marines with slander when the city council voted to tell the Marine Corps to close its recruiting station. As a veteran, as the son-in-law of a veteran, and as the father of four sons in the military, I know firsthand of the education and opportunities provided by military service while promoting freedom.

In response to Berkeley, Congressman JOHN CAMPBELL has introduced legislation that would remove $2 million in secret earmarks for the City of Berkeley and instead send the money to the Marines. While I believe wholeheartedly in free speech, we owe respect to the very people who are sacrificing so much to defend our freedoms. I invite the Berkeley City Council to visit Beaufort, South Carolina, home of Parris Island, the naval hospital, and the Marine Corps Air Station to see how our patriotic community supports the brave men and women who serve as proud marines.

In conclusion, God bless our troops and the United States Marine Corps, and we will never forget September the 11th.

## BUSH BUDGET IS MORE OF THE SAME MISSED OPPORTUNITIES AND MISPLACED PRIORITIES

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, we are here to talk today about the recent unveiling of the President's budget. I think we should give the President credit. At least he's consistent. Like all of his previous budgets, this one does several things. It leaves most Americans behind and puts this Nation further in debt.

At a time of a slowing economy and Americans increasingly struggling to make ends meet, the President focuses on $1 trillion in tax breaks to the top 1 percent of Americans. While the wealthiest few continue to prosper under the President, the President cuts vital energy, education, and health care investments. At a time of rising energy costs, the President slashes low-income energy assistance programs. At a time of college costs skyrocketing, the budget eliminates nearly $1 billion in grant programs. At a time of rising health care costs, the President proposes devastating Medicare and Medicaid cuts that would reduce affordable access to health care for our seniors.

The one good thing that people know is the winds of change have been blowing. This Democratic Congress will restore these and put the priorities of American people first.

## BUSH BUDGET AND HEALTH CARE MISSED OPPORTUNITIES AND MISPLACED PRIORITIES

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, at a time when more and more Americans are struggling to obtain affordable health care, the President's budget drastically slashes health care for seniors and low-income working Americans.

Today, 36 million seniors get health care coverage through Medicare. The President's budget takes a swipe at their pocketbooks by proposing to save nearly $6 billion by increasing the monthly premiums that seniors pay.

If the President was concerned about seniors, he would instead go after the vast overpayments made by Medicare to private managed care plans. Instead, he has raised premiums on our seniors and focused his cuts on our Nation's hospitals, skilled nursing facilities, and other health care providers. The President also cuts Medicaid by $33 billion over the next 5 years.

Today, Medicaid serves 55 million low-income and disabled Americans. Such cuts force cash-strapped States to either reduce benefits or cut provider payments.

Mr. Speaker, as our economy continues to face uncertain times, this is the worst time for the President to promote drastic cuts in Medicare and Medicaid.

Rest assured, the Democrats would not allow these cuts to become law. These provisions are as good as dead as they come to Capitol Hill.

## DEMOCRATS HAVE WORKED IN BIPARTISAN FASHION ON STIMULUS PACKAGE

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, our economy is in trouble, and millions of hardworking American families are feeling the impact as we speak. Since 2001, the real income of a typical working family has fallen by $2,500, and workers' wages have failed to keep up with the inflation for the fourth time in the past 5 years.

In December, the unemployment rate shot up to a 2-year high of 5 percent with over 900,000 more Americans looking for work over the same period last year. Stagnant wages are not only forcing families to squeeze more out of every dollar, but are also taking a toll on our overall economy. Retailers suffered their worst December shopping season in 5 years, and consumer confidence fell this month to its lowest point on record.

Last week, the House approved a bipartisan economic package that will provide urgent relief to 117 million Americans. This is a fair economic package that gets money to the workers, the people who need it the most; and they are most likely to spend it on necessities like groceries and gas.

Economists estimate that each dollar of the rebate will lead to $1.26 in economic growth. Mr. Speaker, economists also say we have to act fast. That's exactly what this House did, and I hope the Senate joins us.

## DEMOCRATS WANT TO CONTINUE MOVING NATION IN A NEW DIRECTION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today the House will address one of the most important issues in America's future, that is, the opportunity to give young people a chance for a higher education. H.R. 4137, the College Opportunity and Affordability Act, does just that. It is interesting, however, that the President's budget unfortunately does not recognize that opportunity, and it is in the business of cutting those opportunities for our young people.

The supplemental education opportunity grants for needy undergraduates is now being cut. So I hope that on the floor today we will make a statement to support our schools.

I represent Texas Southern University, a school that has been under seige by its Republican State government. A school that is historically black received moneys from the past administration and the desegregation settlements. But yet even today, it is not receiving the funding that it should receive from the State of Texas.

I will be introducing legislation that will ensure that historically black colleges, Hispanic-serving colleges cannot be undermined by State government funding when they come under the supervision of the Department of Education. Our bill is a good bill. It's a step forward.

Mr. President, I hope that you will recognize that we cannot cut the opportunities of young people.

## THE CASE FOR BIPARTISANSHIP

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, last week this House came together in a bipartisan fashion to address the economic uncertainty that many of our citizens are facing. President Bush worked with both Democratic and Republican leaders of the House to develop an economic stimulus package that is timely, targeted, and temporary. That plan, which was passed here in the House last week, will help jump-start our economy by putting tax rebates in the hands of 117 million hardworking middle- and lower-income workers.

We should be proud of the bipartisanship that made this compromise package possible. I would hope that we could bring that same bipartisanship to bear on the continuing war in Iraq.

Last month, the Iraqi defense minister said that his country will not be able to take full control of its security until 2012 and will not be able to defend its borders from outside threats until at least 2018. Democrats do not believe that American troops should be on the ground in Iraq for another decade and neither do the American people. The status quo cannot continue.

I would hope that we could continue to work together to bring this war to an end.

## URBAN VIOLENCE

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I come to the floor today to speak about an issue that is very close to my heart personally as a father and American and as a Member of Congress. There is a plague across this Nation that has taken the lives of hundreds of thousands of American citizens, and it is disturbing and upsetting that there is no public outcry over the destruction that it leaves in its path. The plague is urban violence.

Mr. Speaker, over the Christmas break I was shocked by a piece of news that I saw on "Nightline" which detailed how medics who are sent to Iraq are honing their skills by working in urban hospitals attending to gunshot victims.

The documentary went on to say that over 75 African American and Latino males are killed in our inner cities on a daily basis. Over 75 Latinos and American males are killed on a daily basis in American streets, a number that dwarfs the number of fatalities, Iraqi and American, that are suffered in the war zone.

Mr. Speaker, we must break this silence and stop this violence. It is time to stop the killing, stop the violence.

## EXPANDING PROSPERITY BY PASSING THE COLLEGE OPPORTUNITY AND AFFORDABILITY ACT

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, one of the best ways to expand prosperity for more Americans is to make college more affordable. Today, an education at a private university is close to $50,000 a year, and things aren't much better at public universities where prices have shot up 40 percent above inflation in the last 7 years alone.

This Democratic Congress has worked to eliminate some of the sticker shock. Last year we passed the College Cost Reduction Act of 2007, which was the single largest increase in college aid since the GI Bill. But we are not done.

Today we will vote on the College Opportunity and Affordability Act, which will make college more affordable and accessible. The bill encourages colleges to rein in price increases and to provides consumers with helpful information so they can make the best decisions on which school to choose.

The legislation also simplifies the Federal student aid application process, expands college access and support for low-income and minority students, and increases aid for our veterans and military families.

Mr. Speaker, let's continue to strengthen our Nation's future by passing the College Opportunity and Affordability Act today.

## PROVIDING FOR CONSIDERATION OF H.R. 4137, COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 956 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 956

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Education and Labor or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 5. During consideration in the House of H.R. 4137 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 6. House Resolution 941 is laid upon the table.

☐ 1030

The SPEAKER pro tempore (Mr. HOLDEN). The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

### GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 956.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 956 provides for consideration of H.R. 4137, the College Opportunity and Affordability Act of 2007, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor.

The rule makes in order the Education and Labor Committee reported substitute as an original bill for the purpose of amendment.

The rule makes in order the 27 amendments listed in the Rules Committee report, each of which is debatable for 10 minutes, except the Miller manager's amendment, which is debatable for 20 minutes.

Mr. Speaker, last year Congress passed the College Cost Reduction Act to increase college financial aid by $18 billion, the single largest increase in aid in over 60 years. That legislation significantly increased the maximum amount that Pell Grant recipients can receive at no new cost to taxpayers and was a strong start to this Congress' efforts to make higher education a reality for America's students. But that, Mr. Speaker, was just the beginning.

I'm proud to rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act. This will continue our efforts to make college more affordable and more accessible for America's students, while making investments in critical areas to strengthen our workforce.

Our Nation is blessed to have the finest system of higher education in the world. There is a breadth of opportunities available to our graduating high school seniors: Vocational and technical school, 2- and 4-year colleges, and graduate and professional schools.

Mr. Speaker, the challenge we face today is to ensure that our institutions of higher education are accessible to all, and the legislation we are passing today will make it easier for low-income and middle-class families to achieve the benefits of higher education as they climb up the ladder of success.

Investing in our students not only improves their future, but it helps our economy and strengthens our competitive edge in the global marketplace. This bill continues this Congress' efforts to strengthen America's workforce by creating programs to improve teacher training and bolster student interests in science, math, and technology.

We must also recognize and applaud our nontraditional students, those members of our workforce who are seizing the opportunity to continue their education while holding down full-time jobs and sometimes raising families. These students are often attending school less than half time, and thus, they sometimes benefit very little from traditional student aid. That's why I support my colleague Congressman BAIRD's amendment, which I hope will be incorporated into this bill, to require the Secretary of Education to study and recommend how best to design a loan program targeted at less than half-time students.

One of the keys to expanding access to our institutions of higher learning is to bring down the exorbitant cost of attending college. Tuition hikes in recent years have been stunning, amounting to a 31 percent increase at a 4-year public college in the last 5 years alone.

This bill enhances transparency in college tuition by requiring colleges to report their reasons for tuition hikes and the plans they have for lowering costs. It also requires the Secretary of Education to publish a higher education price index, providing students with the opportunity to compare institutions by State, sector, and change in tuition and fees from one year to the next. This will allow students to make wiser decisions in choosing institutions that are a good fit for them and the dreams to which they aspire.

A more immediate way to make the possibility of attaining a college degree a reality is to increase the aid available to our students, and I'm proud that this bill does that, doubling the maximum Pell Grant amount to $9,000.

Beyond the sticker price of tuition, any student will tell you that the cost of textbooks is also a challenging cost they incur. The average student spends about $1,000 per year on textbooks, which is nearly 20 percent of tuition and fees at a 4-year public institution. Such high costs for textbooks can be the deciding factor which dashes or delays the dream of obtaining a college degree and a better life for many.

This legislation requires publishers to provide specific information about pricing so that faculty has full information when making purchasing decisions so students can help plan for expenses.

And in addition, Mr. Speaker, I'm proud to support an amendment offered by my colleague from Ohio, Congressman TIM RYAN, along with Representative JASON ALTMIRE, which will create a pilot grant program to assist colleges in setting up textbook rental programs. These programs already exist in 25 schools, and a pilot test at Bowling Green State University in Ohio last spring saved 151 students $11,000.

We must also continue to strive to reduce the achievement gap in higher education between low-income and minority students and their peers. We can do this by ensuring that all students are prepared for the rigorous demands of higher learning. This bill strengthens the proven TRIO and GEAR UP college readiness and support programs for low-income and first generation students. I have seen firsthand, Mr. Speaker, the great things that these programs can do in Elyria in my district, which is a GEAR UP site, and the University of Akron, which has received TRIO funding. I look forward to the expansion of these proven programs so that more students in Ohio and around the country may benefit.

This legislation also addresses the disappointment we saw last year as the student loan scandal unfolded. Those financial aid directors that received kickbacks and payoffs and luxury gifts from private lenders exhibited a spectacular abuse of power and betrayal of the students they serve. This legislation cracks down on that abuse and restores accountability by requiring institutions and lenders to adopt strict codes of conduct and protect students from aggressive marketing by lenders. Institutions will also be required to provide students with information about Federal and private borrowing options.

This bill will also encourage and make it financially feasible for students to become public servants by authorizing up to $10,000 in loan forgiveness for military servicemembers, firefighters, law enforcement officers, first responders, nurses, educators, prosecutors, and public defenders.

This bill also continues the work this Congress has undertaken to support our troops by creating new scholarship and support programs for active duty military personnel, their family members, and veterans. It also establishes support centers to help veterans succeed in college and ensures fairness in student aid and housing aid for veterans to make it easier for them to go to college while also fulfilling their military service duties.

I'm also proud to support an amendment being offered by my colleague Congresswoman SUSAN DAVIS that is based on legislation of which I'm a cosponsor. Her amendment will prevent interest from accruing for active duty servicemembers and qualifying National Guard members for the duration of their activation up to 60 months when serving in a combat zone.

Mr. Speaker, the dream of a college education is moving further and further out of reach for middle- and low-income families. We need to put this prospect of a college education and a brighter future back in reach. Passing H.R. 4137 and building on the work we started last year is an important and priceless investment in the future of our children, our communities, and our country.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlelady from Ohio (Ms. SUTTON) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. Speaker, I believe that we must do all that we can to make education more affordable so that more Americans can achieve the dream of graduating from college. This year alone over $90 billion in Federal financial aid is available to students. However, with tuition costs on the rise, students and their families continue to face the inevitable question of how to pay for a college education. I believe a balanced approach is needed, one that increases transparency of higher education costs and targets aid to the neediest students while simplifying the financial aid process and addressing the growing number of burdensome reporting requirements colleges and universities face.

I share the goal of increasing access to higher education, but I have a number of concerns with the College Opportunity and Affordability Act, and I believe improvements to the bill are needed. Mr. Speaker, apparently Members on both sides of the aisle also share this view because over 60 amendments were submitted to the Rules Committee before the deadline.

The last time that this House considered a comprehensive higher education reauthorization bill was in 1998. At that time, the Rules Committee reported a modified open rule, and as a result, all Members of the House had an opportunity to preprint their amendments in the CONGRESSIONAL RECORD and offer them on the floor.

Mr. Speaker, I am disappointed that this time the Democrat-controlled Rules Committee chose a closed process to consider a long overdue reauthorization of the Higher Education Act. Unfortunately, by reporting out a closed rule, Democrats on the Rules Committee once again chose to deny over 400 Members of Congress the opportunity to offer amendments to improve the bill. Furthermore, this rule makes in order five times as many Democrat amendments as Republican amendments.

Reauthorizing the Higher Education Act is important, but by adopting this closed rule, an opportunity will be missed to make the underlying bill even better. Therefore, Mr. Speaker, I urge my colleagues to vote against this closed rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. Mr. Speaker, I thank my colleague from Ohio.

Mr. Speaker, I rise today to support the College Opportunity and Affordability Act of 2007 and this rule because we are committed to making the cost of attending college more affordable and accessible. This is great news for hardworking, middle-class families and students across America and students in my hometown, which is a college town with thousands and thousands of students enrolled in the community college and at the University of South Florida.

There's great debate in Washington today over the economy and how we are going to provide relief to middle-class families. One of the answers is to address the soaring costs of attending college and keep the doors to a higher education open by making college affordable through grants and low-rate loans.

A college diploma is a critical step toward a higher paying job and success in life, and one of the best investments we can make for the future of our great Nation is to ensure that the doors to our colleges and universities remain wide open.

In my home State of Florida, unfortunately, we're undergoing a budget crisis, and the funding for higher education unfortunately has been targeted for millions and millions of dollars of cuts. This has resulted in the university and community college doors being kept shut for many students.

One student in my hometown in Tampa from Jefferson High School, Gabby Rodriguez, has a 4.3 grade point average, but because of the budget cuts in the State of Florida and the lack of student financial assistance, she may have to go to college out of State or put her college dreams on hold entirely.

So the passage of this crucial bill could not come at a better time. With passage of this bill, we will increase need-based aid and make the Federal Pell Grants more available to students.

□ 1045

You know, last year the Congress battled the Bush administration over the ability of first-generation students to attend college and work through the Upward Bound initiative. Well, we are focused on better jobs for the future, so we will strengthen the Upward Bound program through this bill today. We are focused on better jobs for the future, so we will provide loan forgiveness for graduates who decide to enter public service careers in areas of national need, such as early childhood educators, child welfare workers, and firefighters. We are focused on better jobs for the future, so we encourage students' interest in math, science, and technology through this bill.

Through the leadership of Chairman GEORGE MILLER, who is a hero for college students throughout America, Congressman JOHN TIERNEY, Ranking Member MCKEON, BOBBY SCOTT, LYNN WOOLSEY, all of the members of the Education and Labor Committee, I salute them and thank them for their leadership because, Mr. Speaker, this is an important bipartisan milestone for education.

I urge my colleagues to support the rule and the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the ranking member of the Education and Workforce Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentleman for yielding.

A decade ago, the last time we renewed the Higher Education Act, it was debated under an open rule that allowed every Member the opportunity for full participation. On an issue so important to our Nation's continued success, I would expect nothing less than a full and open debate. I am disappointed that the same opportunity was not provided today. Sadly, suppressed debate is all we have known under this majority.

I am also disappointed that misuse of the budget reconciliation process last year has left us with a bill that includes many important reforms, but does not provide a full review of the largest financial aid programs.

Because the budget reconciliation bill contained drastic and far-reaching changes to Federal student loans, the bill before us pays very little consideration to student lending. Unfortunately, circumstances surrounding the loan programs have changed in the last several months, and it looks like now is exactly the time when we should be looking at these programs.

We are all painfully aware of the collapse in the subprime mortgage market. Those financial insecurities have spread the higher quality assets, including the asset-backed equities that are often used to finance Federal and non-Federal student loans.

As we face these market insecurities, the full extent of the cuts enacted through last year's budget reconciliation bill are just beginning to be understood. Taken together, it appears our Federal loan program may be facing a perfect storm, yet here we are with a comprehensive higher education renewal that does not consider the student loan programs.

I had hoped to offer an amendment today that would acknowledge the challenges facing the loan program. Although my amendment did not call for any immediate changes within the credit markets or the loan program structure, a sense of Congress urged the Secretary of Education to closely monitor the student loan marketplace so that if in the near future these market insecurities translate into a loss of loan availability, we could act quickly to protect the interests of students.

Mr. Speaker, I won't be offering that amendment today; it was not ruled in order. Somehow, a sense of the Congress acknowledging the very real challenges facing our Nation's largest financial aid program was deemed unfit for consideration.

We also won't be considering an amendment to protect students' free speech rights on campus, or either of two amendments to ensure taxpayers aren't forced to provide assistance under this bill to illegal immigrants. Nor will we take up any of the other Republican amendments that were stifled by a heavy-handed majority.

Mr. Speaker, we're here to consider a bipartisan bill that I strongly support. In fact, the bill was voted out of committee with a vote of 45–0. Yet even on a bipartisan college access bill, the majority could not bring itself to allow a fair and open debate.

Just four of the 27 amendments we'll consider today were offered by Republicans, about 15 percent. For every 6 minutes we spend debating Democrat proposals today, the Republican ideas will be given 60 seconds. Democrats will claim that's how we ran things when Republicans were in charge. But during this same debate in 2006, when we considered comprehensive higher education reform, more than one-third of the amendments considered on the floor were offered by Democrats.

This is not just a problem of amendments being made in order. Republicans were blocked from even submitting amendments just 3 minutes after the deadline Tuesday morning. Key Republican proposals were rejected from consideration some 30 hours and 57 minutes before the Rules Committee met. Is this a majority that strictly adheres to deadlines no matter what the circumstances? Evidently not, at least not when they stand to benefit from a little flexibility.

The listing of amendments on the Rules Committee Web site was modified at 4:39 p.m. Wednesday, just 21 minutes before the committee met. Fully 20 of the Democrats' amendments were modified or withdrawn after the submission deadline.

I cannot help but ask, Why are Republicans being shut out of a bipartisan bill? Why is the majority only permitting Republican amendments that align with their policy goals? Is this payback because Republicans plan to demand a vote today on earmark reform?

Mr. Speaker, this is an unreasonable rule that taints the bipartisanship of the underlying bill, and I strongly oppose it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Indiana (Mr. SOUDER), also a member of the committee.

Mr. SOUDER. I thank my distinguished friend from Washington State.

A little bit of irony here. I had an amendment that we fully debated in committee on students' free speech, and I wanted to offer it today. But isn't it ironic that while I was trying to argue for a student bill of rights and free speech, that we're not allowed to have free speech and a bill of rights in the United States Congress. How in the world, when we're having 27 amendments, and this amendment was overwhelmingly supported by our party, we only have, out of 27, four from Republicans, and two of those are Republican opposed. If we have time for 27 amendments, why can't we have an amendment for free speech? I just don't understand.

I never understood the opposition to the amendment, but what an insult to the American people that when we want to debate whether there should be a student bill of rights on campuses, which is being adopted and introduced in many places around the country, that the United States Congress can't even debate on the House floor a free speech amendment and protection for speech in colleges. This is an outrage, an embarrassment, and a humiliation to the Rules Committee. Why 27 amendments, but not one on a student bill of rights? Could it be that it's a difficult vote?

David Horowitz and I will insert into the RECORD an article, "In Defense of Intellectual Diversity," has been a champion of this problem. Now, we had a very interesting debate in committee. The chairman of the committee said that some of these students who have been complaining should grow up, and cited a case of where he struggled. And certainly when I was a college student in the late sixties and early seventies and wore a button "I'm proud to be a square" when most of America wasn't proud to be a square, I certainly had my share of debates, my share of harassment, my share of being yelled down, trying to offer a differing view than the view that was popular in the late sixties. And some of that goes with being on a college campus, but there are examples all over this country where intellectual diversity, intellectual alternatives are being stymied in academia. This amendment would try to protect those rights.

Some of it's from the far left; a lot of it is on the conservative side right now. In fact, next Tuesday Ben Stein has a movie coming out, "Expelled: No Intelligence Allowed," that will debut about one of those debates in science. Where there is an effort to stamp it out, particularly when you get into government, economics, sociology, philosophy, and so on, increasingly there is a rigidity; and if you disagree you are harassed, your grades can be altered, your papers can be given back to you, speeches and alternative speakers are shouted down. And, yes, there are nominal processes to do it, but if there are nominal processes to do it, what is wrong? This amendment says, for example, "Individual colleges and universities have different missions and each institution should design its academic program in accordance. Within the context of institutional mission, the college should promote intellectual pluralism and facilitate free and open exchange of ideas." Well, that's not very controversial.

"D, Students should not be intimidated, harassed, discouraged from speaking out, discriminated against, or subject to official sanctions because of their personal, political, ideological or religious beliefs." Isn't that a terrible, risky, difficult vote?

"Students should be treated equally and fairly, including evaluation and grading, without regard to or consideration of their personal political views or ideological beliefs." That's just awful. How could we vote on that in the United States Congress to say there would be no persecution? There is no "whereas" clauses here. There's nothing in here that says campuses are liberal, campuses are conservative. We don't have any "whereas" clauses that are insulting in here. There is nothing in here that's partisan; I just read you the guts of the bill.

Why can't we vote on this? Why is this opposed? Why is it opposed so much that we're not even allowed to debate it on the floor of Congress? How can we say, in a higher education bill, that we believe in inquiry, that we believe in searching for knowledge, but when we had an amendment to protect students who might have a difference of opinion that we wouldn't even allow a vote?

[From the Chronicle Review, Feb. 13, 2004]

### In Defense of Intellectual Diversity

(By David Horowitz)

I am the author of the Academic Bill of Rights, which many student governments, colleges and universities, education commissions, and legislatures are considering adopting. Already, the U.S. House of Representatives has introduced a version as legislation, and the Senate should soon follow suit.

State governments are also starting to rally around efforts to protect student rights and intellectual diversity on campuses: In Colorado, the State Senate president, John K. Andrews Jr., has been very concerned about the issue, and State Rep. Shawn Mitchell has just introduced legislation requiring public institutions to create and publicize processes for protecting students against political bias. Lawmakers in four other states have also expressed a strong interest in legislation of their own, based on some version of the Academic Bill of Rights. Students for Academic Freedom is working to secure the measure's adoption by student governments and university administrations on 105 member campuses across the country (http://www.studentsforacademicfreedom.org).

The Academic Bill of Rights is based squarely on the almost 100-year-old tradition of academic freedom that the American Association of University Professors has established. The bill's purposes are to codify that tradition; to emphasize the value of "intellectual diversity," already implicit in the concept of academic freedom; and, most important, to enumerate the rights of students to not be indoctrinated or otherwise assaulted by political propagandists in the classroom or any educational setting.

Although the AAUP has recognized student rights since its inception, however, most campuses have rarely given them the attention or support they deserve. In fact, it is safe to say that no college or university now adequately defends them. Especially recently, with the growing partisan activities of some faculty members and the consequent politicization of some aspects of the curriculum, that lack of support has become one of the most pressing issues in the academy.

Moreover, because I am a well-known conservative and have published studies of political bias in the hiring of college and university professors, critics have suggested that the Academic Bill of Rights is really a "right-wing plot" to stack faculties with political conservatives by imposing hiring quotas. Indeed, opponents of legislation in Colorado have exploited that fear, writing numerous op-ed pieces about alleged right-wing plans to create affirmative-action programs for conservative professors.

Nothing could be further from the truth. The actual intent of the Academic Bill of Rights is to remove partisan politics from the classroom. The bill that I'm proposing explicitly forbids political hiring or firing: "No faculty shall be hired or fired or denied promotion or tenure on the basis of his or her political or religious beliefs." The bill thus protects all faculty members—left-leaning critics of the war in Iraq as well as right-leaning proponents of it, for example—from being penalized for their political beliefs. Academic liberals should be as eager to support that principle as conservatives.

Some liberal faculty members have expressed concern about a phrase in the bill of rights that singles out the social sciences and humanities and says hiring in those areas should be based on competence and expertise and with a view toward “fostering a plurality of methodologies and perspectives.” In fact, the view that there should be a diversity of methodologies is already accepted practice. Considering that truth is unsettled in these discipline areas, why should there not be an attempt to nurture a diversity of perspectives as well?

Perhaps the concern is that “fostering” would be equivalent to “mandating.” The Academic Bill of Rights contains no intention, implicit or otherwise, to mandate or produce an artificial “balance” of intellectual perspectives. That would be impossible to achieve and would create more mischief than it would remedy. On the other hand, a lack of diversity is not all that difficult to detect or correct.

By adopting the Academic Bill of Rights, an institution would recognize scholarship rather than ideology as an appropriate academic enterprise. It would strengthen educational values that have been eroded by the unwarranted intrusion of faculty members' political views into the classroom. That corrosive trend has caused some academics to focus merely on their own partisan agendas and to abandon their responsibilities as professional educators with obligations to students of all political persuasions. Such professors have lost sight of the vital distinction between education and indoctrination, which—as the AAUP recognized in its first report on academic freedom, in 1915—is not a legitimate educational function.

Because the intent of the Academic Bill of Rights is to restore academic values, I deliberately submitted it in draft form to potential critics who did not share my political views. They included Stanley Fish, dean of the College of Liberal Arts and Sciences at the University of Illinois at Chicago; Michael Bérubé, a professor of English at Pennsylvania State University at University Park; Todd Gitlin, a professor of journalism and sociology at Columbia University; and Philip Klinkner, a professor of government at Hamilton College. While their responses differed, I tried to accommodate the criticisms I got, for example deleting a clause in the original that would have required the deliberations of all committees in charge of hiring and promotion to be recorded and made available to a “duly constituted authority.”

I even lifted wholesale one of the bill's chief tenets—that colleges and professional academic associations should remain institutionally neutral on controversial political issues—from an article that Dean Fish wrote for The Chronicle (“Save the World on Your Own Time,” January 23, 2003). He has also written an admirable book, Professional Correctness (Clarendon Press, 1995), which explores the inherent conflict between ideological thinking and scholarship.

Since the Academic Bill of Rights is designed to clarify and extend existing principles of academic freedom, its opponents have generally been unable to identify specific provisions that they find objectionable. Instead, they have tried to distort the plain meaning of the text. The AAUP itself has been part of that effort, suggesting in a formal statement that the bill's intent is to introduce political criteria for judging intellectual diversity and, thus, to subvert scholarly standards. It contends that the bill of rights “proclaims that all opinions are equally valid,” which “negates an essential function of university education.” The AAUP singles out for attack a phrase that refers to “the uncertainty and unsettled character of all human knowledge” as the rationale for respecting diverse viewpoints in curricula and reading lists in the humanities and social sciences. The AAUP claims that “this premise . . . is anti-thetical to the basic scholarly enterprise of the university, which is to establish and transmit knowledge.”

The association's statements are incomprehensible. After all, major schools of thought in the contemporary academy—pragmatism, postmodernism, and deconstructionism, to name three—operate on the premise that knowledge is uncertain and, at times, relative. Even the hard sciences, which do not share such relativistic assumptions, are inspired to continue their research efforts by the incomplete state of received knowledge. The university's mission is not only to transmit knowledge but to pursue it—and from all vantage points. What could be controversial about acknowledging that? Further, the AAUP's contention that the Academic Bill of Rights threatens true academic standards by suggesting that all opinions are equally valid is a red herring, as the bill's statement on intellectual diversity makes clear: “Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty.” (Emphasis added.)

As the Academic Bill of Rights states, “Academic disciplines should welcome a diversity of approaches to unsettled questions.” That is common sense. Why not make it university policy?

The only serious opposition to the Academic Bill of Rights is raised by those who claim that, although its principles are valid, it duplicates academic-freedom guidelines that already exist. Elizabeth Hoffman, president of the University of Colorado System, for example, has personally told me that she takes that position.

But with all due respect, such critics are also mistaken. Most universities' academic-freedom policies generally fail to make explicit, let alone codify, the institutions' commitment to intellectual diversity or the academic rights of students. The institutions also do not make their policies readily available to students—who, therefore, are generally not even aware that such policies exist.

For example, when I met with Elizabeth Hoffman, she directed me to the University of Colorado's Web site, where its academic-freedom guidelines are posted. Even if those guidelines were adequate, posting them on an Internet site does not provide sufficient protection for students, who are unlikely to visit it. Contrast the way that institutions aggressively promote other types of diversity guidelines—often establishing special offices to organize and enforce all sorts of special diversity-related programs—to such a passive approach to intellectual diversity.

At Colorado's Web site, for example, one can read the following: “Sections of the AAUP's 1940 Statement of Principles on Academic Freedom and Tenure have been adopted as a statement of policy by the Board of Regents.” Few people reading that article or visiting the site would suspect that the following protection for students is contained in the AAUP's 1940 statement: “Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.”

Is there a college or university in America—including the University of Colorado—where at least one professor has not introduced controversial matter on the war in Iraq or the Bush White House in a class whose subject matter is not the war in Iraq, or international relations, or presidential administrations? Yet intrusion of such subject matter, in which the professor has no academic expertise, is a breach of professional responsibility and a violation of a student's academic rights.

We do not go to our doctors' offices and expect to see partisan propaganda posted on the doors, or go to hospital operating rooms and expect to hear political lectures from our surgeons. The same should be true of our classrooms and professors, yet it is not. When I visited the political-science department at the University of Colorado at Denver this year, the office doors and bulletin boards were plastered with cartoons and statements ridiculing Republicans, and only Republicans. When I asked President Hoffman about that, she assured me that she would request that such partisan materials be removed and an appropriate educational environment restored. To the best of my knowledge, that has yet to happen.

Not everyone would agree about the need for such restraint, and it should be said that the Academic Bill of Rights makes no mention of postings and cartoons—although that does not mean that they are appropriate. I refer to them only to illustrate the problem that exists in the academic culture when it comes to fulfilling professional obligations that professors owe to all students. I would ask liberal professors who are comfortable with such partisan expressions how they would have felt as students seeking guidance from their own professors if they had to walk a gantlet of cartoons portraying Bill Clinton as a lecher, or attacking antiwar protesters as traitors.

The politicized culture of the university is the heart of the problem. At Duke University this year, a history professor welcomed his class with the warning that he had strong “liberal” opinions, and that Republican students should probably drop his course. One student did. Aided by Duke Students for Academic Freedom, the young man then complained. To his credit, the professor apologized. Although some people on the campus said the professor had been joking, the student clearly felt he faced a hostile environment. Why should the professor have thought that partisanship in the classroom was professionally acceptable in the first place?

At the University of North Carolina at Chapel Hill, a required summer-reading program for entering freshmen stirred a controversy in the state legislature last fall. The required text was Barbara Ehrenreich's socialist tract on poverty in America, Nickel and Dimed: On (Not) Getting By in America (Metropolitan Books, 2001). Other universities have required the identical text in similar programs, and several have invited Ehrenreich to campus to present her views under the imprimatur of the institution and without rebuttal.

That reflects an academic culture unhinged. When a university requires a single partisan text of all its students, it is a form of indoctrination, entirely inappropriate for an academic institution. If many universities had required Dinesh D'Souza's Illiberal Education: The Politics of Race and Sex on Campus (Vintage Books, 1992) or Ann Coulter's Treason: Liberal Treachery From the Cold War to the War on Terrorism (Crown Forum, 2003) as their lone freshman-reading text, there would have been a collective howl from liberal faculties, who would have immediately recognized the inappropriateness of such institutional endorsement of controversial views. Why not require two texts, or four? (My stepson, who is a high-school senior, was required to read seven texts during his summer vacation.)

The remedy is so simple. Requiring readings on more than one side of a political controversy would be appropriate educational policy and would strengthen, not weaken, the democracy that supports our educational system. Why is that not obvious to the administrators at Chapel Hill and the other universities that have instituted such required-reading programs? It's the academic culture, stupid.

Ms. SUTTON. Mr. Speaker, I'd like to take this opportunity to refresh the memory of my colleagues on the other side of the aisle on past rules.

The last time the higher education reauthorization bill was considered in the House was just 2 years ago, in the 109th Congress. It, too, was done under a structured amendment process using two rules. Those two structured rules allowed a total of 22 amendments out of the 113 submitted, fewer than the rule we are offering today.

This is a very fair rule, and I urge my colleagues to support it and the bill. The rule makes in order 27 amendments on a wide variety of important issues relating to the higher education of our Nation's youth and others seeking a post-secondary education. Members on both sides of the aisle will be able to offer amendments that they believe will further improve this already very bipartisan bill.

This bill is one of the most bipartisan products of the 110th Congress, reported from the Education and Labor Committee by a vote of 45–0. There is no arguing with those facts.

And, Mr. Speaker, the benefits of higher education are undeniable for students, their families, and for our country and society at large. As a nation, we recognize this, having always been a global standard bearer and our high regard for the merits of higher education. Reaching the American Dream of leading a secure and fulfilling life is a goal that we can make achievable when we open the doors of college to all.

The fact that this bill passed 45–0 out of the Education Committee is a testament to the great work that the committee has done on this bill and to the fact that we care tremendously about the future of our children.

Listening to parents from my district, Mr. Speaker, and across the country, I hear about how the ability to send their children to college weighs on their minds. And talking to professors, counselors, and administrators at the University of Akron, Loraine County Community College, and other schools across Ohio, I also know that student debt is a tremendous factor in determining which professions our students are choosing to enter.

Nearly two-thirds of all students at 4-year colleges nationwide graduate with loan debt these days, with the average amount of debt surpassing $15,000. This bill we're passing goes a long way to changing that distressing fact.

By increasing aid and encouraging colleges to rein in tuition, this legislation will enable more students to pursue their passions and give back in service to their communities and our country.

I am proud that this bill continues the work of this New Direction Congress in making necessary improvements for the workforce of tomorrow. We have seen the necessity of investing in stem education, and this legislation continues the effort we began last year in passing the innovation agenda by improving teacher training and development programs and focusing on recruiting teachers into high-demand science and technology fields.

In today's global economy, it's essential that America's workforce remain competitive at an international level.

Mr. Speaker, the Higher Education Act has not been reauthorized in a decade. The Senate has already passed a reauthorization, so we must act expediently to pass this vital bill so the President may sign it into law.

I hope that my colleagues on both sides of the aisle will join me in voting for this bill and supporting a brighter future for our students, our families, and our communities.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to my friend from Utah, the gentlelady made the point in her initial remarks when she was talking about the reauthorization 2 years ago that it was done in a bipartisan way and it was done successfully. We know that this process, the administration already has some problems with it. And while they haven't issued a veto threat, they have some concerns.

With that, Mr. Speaker, I want to yield 3 minutes to the gentleman from Utah (Mr. BISHOP), a member of the committee.

□ 1100

Mr. BISHOP of Utah. I appreciate the gentleman from Washington yielding me the time.

Mr. Speaker, if you remember back in the 1960s when Volkswagens were very popular and they had this wonderful self-deprecating campaign going on for their advertising. For instance, putting a Volkswagen in a carport and the caption would read, "It makes your house look bigger." My favorite one was taking a Volkswagen, ripping off the fenders, putting big tires on it, putting even a spoiler in the back, a painted stripe, jacking it up on the back, and the caption read "Is nothing sacred?" Sometimes while I've been here in Congress, I have often wondered if nothing is actually sacred.

Education, even higher education, is still the purview of States. The 10th amendment gives them that parameter. And yet it is possible that we often ignore that. It is possible to soup up a Volkswagen, but we never should. It is also possible for us to tell States how to run their policy on education and how to appropriate their money to education, but it never should happen.

The provision to which I object is called "maintenance of effort." This is a provision that was added to the Budget Reconciliation Act, or was attempted to, and was removed. And most of the people in local government are surprised to see this effort coming back here in this particular bill. This was also not discussed in our committee to any detail.

It is one of those things that the Rules Committee will always talk about how these things should be discussed in committee. But when we, in committee after committee, have major pieces of legislation held close to the vest and only brought forward only hours or days before the actual markup in a committee, oftentimes we find things within those bills that are surprising. This provision was found in this bill, and it was not one of those pleasant surprises.

The maintenance of effort amendment that was put into this bill requires the States to maintain a 5-year rolling average of their funding for higher education, and if they ever go under that 5-year average of education, their LEAP funds, which are now renamed in this particular bill, will be yanked from those States, unless they go to the Department of Education and grovel before the Secretary of Education to try to get some kind of penitence so they can get those moneys back.

This proposal is counterproductive. We all know that States have cyclical budget years like we do. In 2002, the average State increase in higher education was 1.8 percent. In 2006, it was up 9.3 percent. If I was a State legislator again responsible for those budgets, realizing this proposal was in here, when we had a chance to add more money for higher education, knowing we would now be judged on a 5-year rolling average, there is no way I would ever put that kind of increase in there. This is going to be counterproductive to actually States funding their higher education system.

But even if this policy worked, we should not do it. H.L. Mencken once said, "There is always an easy solution to every human problem. It's neat, it's plausible, and it's wrong." Even if this Federal stick to States was effective, it is wrong. It is wrong to tell States how they will appropriate their money. It is wrong to give them more Federal mandates.

Now, the chairman of the committee, Mr. MILLER, will soften this proposal in the manager's amendment. That is good but doesn't nearly go far enough. Mr. HOEKSTRA had a perfect compromise amendment that was refused to be considered by the Rules Committee on a technicality. It is wrong. It should have been considered. And I had an amendment to remove this, to put it back to the status quo so we could have a chance in the committee to discuss this issue, and it was not allowed to be made in order. That is wrong. The proposal is wrong. The discussion process is wrong. If we're not going to discuss these issues in the committee, it should be the purview of allowing people to come here on the floor and discuss these issues, which are not just technical in nature but philosophical in nature, of what the Federal Government ought to do and what it ought not to do. This particular provision in here should be discussed.

We should know full well what we are doing to States if we move forward in that area. And for the Rules Committee not to make that in order, I think, is wrong.

Ms. SUTTON. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I am pleased to yield 2 minutes to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding.

This is a very important piece of legislation, Mr. Speaker. We all know, and I was happy to hear my friend in Ohio talk about, the importance of our global competitiveness and we have to have the best educated people as we proceed to make sure that we can compete in that global economy. But I have to say, Mr. Speaker, that the process around which we are considering this very important legislation is just plain wrong.

We had 61 amendments that were submitted to us in the Rules Committee. Now, the last time that this was successfully authorized, as Mr. HASTINGS has pointed out to our colleagues, was 10 years ago. It was done under a modified open rule.

We had four Democrats sit before us on one of the panels last night, and they complimented the Rules Committee members for the hard work. And the very distinguished Chair of the Committee on Rules proceeded to talk about how life was tantamount to a living hell when we as Republicans were in control versus this great new day that we have. Well, Mr. Speaker, let me tell you just a little bit about this great new day that we have.

There have been more than double, I repeat that, more than double the number of closed rules in the first session of the 110th Congress and during this month of January leading up to the first of February than we had in the first session and leading up to the first of February in the 109th Congress, more than double the number of closed rules. And as I said, the last time we authorized this bill was in 1998, and it was done under a modified open rule. Yes, there was an attempt two Congresses ago to do it, and when we had a structured rule, it failed. Why don't those colleagues of ours who are in charge learn from the mistake of having not done this under an open amendment process?

So though we continue to hear, Mr. Speaker, that this is a great new day and all these wonderful changes have taken place, we actually have had Democrats and Republicans, Democrats and Republicans, prevented from improving this bill.

Now, Mr. HASTINGS correctly pointed to the fact that the administration has raised a number of concerns, dozens of new programs that are duplicative that are included in this bill. The President wants to work with us to improve this legislation. Doing it under the structure that we have today undermines the potential to see that happen.

Reject this rule, and let's come back with at least a modified open rule so that we can proceed with something that in a bipartisan way we very much want to see happen.

Ms. SUTTON. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Minnesota (Mr. KLINE), also a member of the Education and Labor Committee.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong opposition to this rule.

The bill under consideration today is a product of a multiyear, bipartisan effort by the Education and Labor Committee. Democrats and Republicans worked together to craft this legislation. Now the Rules Committee has thrown this bipartisan effort to the wind and revealed their true partisan colors that are flying there. By allowing 20 Democrat amendments and only four Republican amendments, the Rules Committee has effectively announced that the minority party is not to be a player. Folks, it isn't fair. It's not a democracy.

I submitted an amendment to the Rules Committee earlier this week. But my colleagues will not even have the chance to consider its merits because it was not made in order by the Rules Committee.

It is a particularly sad statement, given the nature of my amendment. On January 29, the City of Berkeley passed resolutions that, among other things, state that the United States Marine Corps recruiting office "is not welcome in" their "city, and if recruiters choose to stay, they do so as uninvited and unwelcome intruders."

I am appalled.

My amendment addresses this action by denying Federal funding to colleges that contract with an entity that takes action to discriminate or condones discrimination against the military by denying equal public access. The amendment essentially holds colleges and universities accountable for maintaining agreements or contracts with entities that allow this open discrimination.

Mr. Speaker, during the Vietnam era, and I'm old enough to not only remember but to have experienced it, many of our servicemembers and veterans received shameful treatment at the hands of those who opposed our Nation's foreign policy. We must protect our current servicemembers from the same treatment by showing that the Berkeley City Council's appalling behavior is unacceptable in this great Nation. Demonizing the men and women serving our country in the military, as demonstrated by the Berkeley City Council, has no place in our Nation's political discourse.

As a graduate of the ROTC program and a 25-year veteran of the Marine Corps, I am profoundly disappointed with the appalling actions of the Berkeley City Council. Institutions that continue to maintain contracts and agreements with this city are, in effect, condoning this discriminatory and unjust treatment of our servicemembers.

They deserve better from us, Mr. Speaker. This structured rule excluding my amendment denies this body the opportunity to reaffirm our strong support for the men and women who so honorably and bravely defend our Nation.

Mr. Speaker, I urge my colleagues to vote against this restrictive rule.

Ms. SUTTON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), former member of the Rules Committee.

Mr. GINGREY. I thank the gentleman for yielding.

Mr. Speaker, I rise not in opposition to the bill. I think there are some good things in the bill. I was a former member of the Education and Workforce Committee. I know our ranking member, Mr. MCKEON, is a supporter of the bill. I rise in strong opposition to this rule, Mr. Speaker.

The gentlewoman on the Rules Committee on the majority side, the gentlewoman from Ohio, has mentioned a couple of things in her remarks, talking about what we Republicans did when we controlled this body and, indeed, the Rules Committee and how restrictive we may have been. But what I want to remind her is that I sat on that Rules Committee during that time, and I can remember the comments that were made from the minority, the then Democratic minority, that if they had an opportunity to control this place, then rules would be open and fair and people would be treated fair so that each Member would have an opportunity. They didn't say, Well, when we get the majority, we're going to stick it to you just like you've stuck it to us. So I think they should live by what they said they would do.

And the other thing I want to point out to the gentlewoman from Ohio is that she talked about the bipartisanship on this bill, a 45–0 vote. Well, 45 Members of this body is 10 percent, and 90 percent of us don't get an opportunity to speak on the bill and to offer what I think are very good amendments. Now, 47 were submitted; 27 were made in order. But how many Republican amendments? It was 4 out of 27.

Mine wasn't one of them, and I had a very good amendment, Mr. Speaker. This is the only opportunity I get to talk about it. It's a bipartisan amendment.

Basically, Mr. Speaker, this amendment deals with FERPA, the Family Education Privacy Rights Act of 1974. The tragedy at Virginia Tech where we lost so many lives was, I think, because colleges and universities misinterpret that law. And my amendment would simply say that if a parent lists a child, a student, on their tax return as a dependent, even though they might be over age 18 or maybe they are a junior and age 20, but if they are a dependent as verified by the tax return, then those parents should have access to academic records, disciplinary records, drinking on campus, whatever. And many of us, I'm sure, have had college students where because of FERPA we never could find out how our youngsters were doing until they were in dire trouble, maybe flunking out of school or having a substance abuse problem. I commend Representative TIM MURPHY for his work in regard to mental health issues along this same line. But this was a very good amendment, Mr. Speaker, and one that I would think Democrats would want to join Republicans and vice versa and have unanimous support of that.

So I am very disappointed. I am very disappointed not only for myself but for the American people, my constituents, students, and parents all across this country.

So, again, it's not the bill that I am opposed to. I am opposed to this restrictive rule.

Ms. SUTTON. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I urge my colleagues to vote "no" on this rule so that we can amend it or offer an amendment on earmark reform.

As we heard the President last week speak about earmarks in the State of the Union, to my knowledge, no President has ever talked about something that's ordinarily a House and Senate procedure in his State of the Union comments. But in it he declared war, you may say, on earmarks.

Now, we believe in the prerogative of the legislative branch to put things in the budget and take things out of the budget. Indeed, the White House earmarks all the time. But the reality is, Mr. Speaker, we need to have a discussion on earmarks. We do need to stop the practice of air-dropping earmarks into conference committees, earmarks that haven't been debated, discussed, or had hearings held on them at the House or on the Senate level. I think that's the first step. But I think there is a whole lot of other things we should do.

For example, there are earmarks routinely in the transportation bill.

□ 1115

There are earmarks in trade bills, earmarks all over the place in any tax bill. We believe that earmarking should be reformed on all committee levels. We always talk about appropriations, but there are lots of committees that do it. If we allow for it, we will set up a joint bicameral, bipartisan select committee on earmarks that will come up with recommendations on how to do a better job with them. This would require, or we would urge, a moratorium on earmarks until the select committee comes back to Congress with recommendations.

But there are so many things that we could do that would improve this process: for example, financial disclosure on earmarks, does the Member have anything at stake to personally gain; transparency so that when an earmark is added on a subcommittee or full committee or floor level, transparency so that the earmark is put in and Members have an opportunity to ask why is that in there, who put it in there, what does it do and why should the people of Idaho have their tax dollars go to something that happens in Florida. We want to be able to have that debate. I think that that is so important.

And, again, there are tax loopholes that are basically industry-specific earmarks. Who puts them? At least with appropriations right now you know who puts them in, but on tax earmarks you do not. The White House does all kinds of earmarking, and we and certainly the press let them get away with it because for some reason they are the White House. But under the constitutional concept of equal branches of government, particularly when spending bills originate in the House, we have the right to earmark; but we should all be measured by the same yardstick.

The other thing that is important is what is the impact of earmarks on the budget. When you take an earmark out of a bill, it does not reduce the bill. Is that something that we should look at? There are all types of things that a bipartisan, bicameral committee could look at that would improve this process. So I urge a "no" vote on the rule so that we can come back and have this opportunity to vote on this amendment.

Ms. SUTTON. Mr. Speaker, I have only one remaining speaker who will close debate for this side. Because we have the right to close, I will reserve the time until the gentleman has closed and yielded back his time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Washington has 4½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, much has been talked about about this unfair closed rule dealing with this underlying issue, and that seems to be a recurring pattern, and I wish that it would change, but I don't hold out any hope that that will happen. But, Mr. Speaker, since House earmark rules were changed just last year, loopholes and concerns have been raised. Questions remain such as what is and what is not an earmark; when do earmark rules apply and how are earmark rules enforced? We have seen examples of Members trying to enforce earmark rules only to be told they can't because the rules don't apply, and we have seen earmarks repeatedly air-dropped into bills at the last minute that were not subject to transparency or scrutiny.

Time and time again, Republicans have come to the floor advocating for additional earmark reforms, including stronger transparency and enforceability. Taxpayers also recognize the earmark process is broken and are outraged with wasteful spending. This has lead to an erosion of public confidence in Congress and could explain part of the reason why Congress' approval ratings are so low. It is clear Americans want Congress to act now and fix the broken earmark process. An earmark timeout is needed in order to get our fiscal house in order and restore public confidence.

In January, House Republicans united together and called on House Democrats to join us in an immediate moratorium on earmarks and the appointment of a bipartisan, bicameral joint committee to reform the earmark process and eliminate wasteful spending. House Democrat leaders were invited to join with Republicans and take the sensible bicameral course of action and reform a broken earmark process, but Democrats have remained silent and chosen to continue the broken status quo. So, today, I am going to give all Members an opportunity to show their support for a bipartisan solution.

Mr. Speaker, I am asking my colleagues to vote against the previous question so that I can amend the rule to allow the House to immediately consider House Concurrent Resolution 263, which would establish a Joint Select Committee on Earmark Reform. The Joint Select Committee on Earmark Reform would hold hearings and make recommendations for the comprehensive reform of the earmark process. The resolution would also prohibit bills, resolutions, and conference reports containing earmarks requested by Members of Congress or the administration to be considered until the joint select committee has filed its report.

Considering and adopting House Concurrent Resolution 263 today is a sensible, bipartisan solution that will bring genuine accountability and transparency to the spending process and will restore taxpayer trust and the integrity of Congress.

Let me be clear: with my motion, every Member of this House will have a chance to publicly vote and take a stand and end earmark abuse and earmark secrecy. Every Member will vote on whether they believe the earmark process must be reformed.

So, Mr. Speaker, we will do all that we can on our side to challenge the leaders to adopt this resolution. Until a moratorium or bipartisan committee is in place, House Republicans have adopted already a series of earmark reforms standards that we will adhere to, including barring Members from using taxpayer money named after themselves and prohibiting earmarks from being air-dropped into bills at the last minute to avoid transparency.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment, the letter sent from the Republican leaders to Speaker PELOSI on January 25, 2008, and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge all of my colleagues to join me today in acting to permanently change the way in which Washington spends taxpayers' money. Vote "no" on the previous question so we can address this very important House concurrent resolution.

Mr. Speaker, with that I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, it is my honor to yield the balance of my time to the gentleman from Wisconsin, the distinguished chairman of the Committee on Appropriations (Mr. OBEY), who will close for our side.

Mr. OBEY. Mr. Speaker, to listen to the last two speakers, one would think that they had Rip Van Winkled their way through the last year in this House. For the Republican Party leadership to belatedly give us lectures on earmarks is, in my view, akin to reformed alcoholics giving lectures on temperance.

The higher education bill being debated today is funded through the Labor-H appropriation bill. In fiscal year 1995, the last year I chaired that subcommittee, that bill contained virtually no earmarks. By the year 2000, that same bill contained 491 earmarks; and by 2006, that bill had 3,031 earmarks totaling $1.2 billion.

The previous Republican leadership was notorious for using earmarks as enticements in order to get their membership to vote for bills that individuals otherwise would not be inclined to vote for. For example, newspapers at the time reported that the previous Republican leadership used earmarks in the Transportation authorization bill as rewards for several Republican Members to switch their votes and agreed to support the Medicare part D provision that forbade the Federal Government from negotiating with the drug industry to provide lower costs for seniors under Medicare.

Under the Republican leadership, the cost of the earmarks quadrupled, and we were treated to stories about Mr. Cunningham, Mr. Ney, Mr. Abramoff abusing the process, as well as several other.

When Democrats took over the House, until we could reform the process, we suspended earmarks for a year, over the fierce objections of as many Members of the Republican Party as we saw in my own party.

In response to demands from both parties, after we reformed the process, we then resumed the earmarking process with the expressed intention of cutting in half the cost of earmarks in non-project accounts. We made no such commitments for accounts that are by their nature project-based because to do so would gut the very purpose of the bills under consideration.

For example, the Army Corps budget is by its nature project-based. In fiscal 2006, the administration sent up a budget request for the Army Corps containing 984 projects. Of the final amount provided by the Corps, 86 percent of the projects were administration-requested earmarks. The Corps is an interesting example. The administration argues that they have a system for selecting projects and that they only select projects that score a 3 or better on their scale. However, in 2006, there were 16 projects requested by the administration that did not even qualify for funding based on the administration's own criteria.

After all the shouting was over last year, we essentially met our promise, cutting nonproject earmarks by 43 percent after negotiations with the Senate, cutting it from $16 billion down to $9 billion. So we came pretty doggone close to our goal. I would have preferred a larger reduction than 50 percent, but the 43 percent reduction is a 43 percent larger reduction than any Republican Congress ever produced, and we did it under a reform process.

At the beginning of the 110th Congress, the new Democratic majority passed unprecedented new rules that required the listing of the sponsors of every earmark, that required that any Member of Congress requesting an earmark disclose in writing the name and address of the intended recipient, the purpose of the earmark, and required that Members certify that he or she had no financial interest in the project.

We also required that all matters before a conference committee including earmarks must be subjected to full and open debate and that no item might be added to the conference report after the conference committee had adjourned, as has happened many times in the past.

As we moved forward with earmarks last year, I brought a motion to the floor to see if Members wanted to eliminate all earmarks. That motion failed by a vote of 53–369, with a majority of both parties voting against it.

I am assuming they did that because an overwhelming number of honorable Members on both sides of the aisle believe that Members should not lose the ability to fund priority items for their districts because of the scurrilous behavior of a handful of renegade Members.

During House consideration of fiscal year 2008 appropriation bills, 71 earmark-related amendments were debated and voted on in the floor, including three amendments to eliminate all earmarks from the bill under consideration and 68 amendments to eliminate particular earmarks. Of the 48 amendments on which record votes were taken, only 13 received the support of more than half the Republicans who voted. On those 13, the percentage of Republicans voting "yes" never exceeded 57 percent.

Every Member knows that even if the House unilaterally suspends earmarks, the Senate will not follow suit. A firm majority on both sides will see to that. I have learned that lesson the hard way.

One last point: the resolution introduced by our friends on the other side calls for the suspension of earmarks for 6 months until yet another group offers their suggestions for change. It is ironic indeed that that delay would force us to do the same thing that the Republican leadership so roundly criticized me for last year when I proposed to delay earmarks 1 month until we had more time to review them. The practical effect of the resolution which our Republican friends want to bring up to date, even though it is nongermane to this bill, would be to require the air-dropping of every single earmark in the entire Federal budget. It would guarantee that no earmarks could be discussed or debated while the bill was on the floor of the House of Representatives. It would then give you in spades what our friends on the Republican side said last year they wanted to avoid.

I fail to see how requiring every single earmark in appropriation bills this year, I fail to see how requiring all of those earmarks to be air-dropped rather than debated when we consider the bills is reform. It moves exactly in the opposite direction of that which our Republican friends said we should move last year. So as far as I am concerned, the truth is this is not serious reform at all. It is a grandstanding attempt to escape the reputation of previous Congresses. If I had presided over those previous Congresses, I would be running away from their reputation just as fast as the minority appears to be today.

Mr. WOLF. Mr. Speaker, by defeating the previous question on the rule, Members will allow consideration of H. Con. Res. 263, earmark reform legislation introduced by JACK KINGSTON, ZACH WAMP, and myself.

Quite frankly, our effort in the House to bring a level of transparency in the earmark process has yet to satisfy the American public. Congress holds the power of the purse and I don't believe the American public really wants us to cede that authority to the executive branch. And while I believe that the majority of earmarks are for purposes which help people, those Members who oppose earmarks have made some legitimate claims.

H. Con. Res. 263 would help restore confidence in Congress by creating a Joint Select Committee on earmarks and place a moratorium on all earmarks while the panel undertakes its work. The Joint Select Committee (JSC) on Earmark Reform would be comprised of 16 members, evenly split between the House and Senate and Republicans and Democrats. The panel would examine the way earmarks are included in authorizing, appropriations and tax and tariff measures. Executive branch earmarks would also be studied. Reviewing earmarks in all bills considered by Congress is key.

The House should place a moratorium on all earmarks until the Joint Select Committee has finished its work and we are able to put into place a rules system that restores the confidence of Americans that legislation is not loaded up with hidden special interest, wasteful spending. I strongly support earmark reform including listing names of sponsors of earmarks or specific line-item spending. But the rules must apply an equal standard in all legislation, appropriations as well as authorizing and tax bills, in disclosing earmark sponsors. It must be across-the-board in every bill, but it also must be a process of indisputable integrity and probity that is honest and authentic and in which the American people have absolute trust.

Earmark reform should be a bipartisan issue that every member of Congress is concerned about.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act, introduced by my distinguished colleague from California, Representative GEORGE MILLER. This significant piece of legislation provides greater access to colleges and universities making higher education affordable for all Americans, not just the wealthy.

A quality education continues to be the best pathway to social and economic mobility in this country. As a Member and Senior Whip of the Congressional Black Caucus, I have consistently advocated for the maintenance of Historically Black Colleges and Universities. This legislation will increase funding to Historically Black Colleges and Universities, as well as Hispanic and other minority-serving institutions, and it will expand college access and support for low-income and minority students.

This legislation contains provisions allowing students to receive Pell Grant scholarships year-round, and it increases the Pell Grant maximum to $9,000. In addition, it strengthens college readiness programs, namely the TRIO and GEAR UP college readiness and support programs for low-income and first-generation students. These increases will expand college access for low-income and minority students. The amendment offered by my colleagues Representative EDDIE BERNICE JOHNSON and Representative DON YOUNG, expands upon current Pell Grant eligibility allowing children who lost a mother or father to our wars in Iraq or Afghanistan eligible for the maximum amount of Pell Grant assistance. In this age of global war on terror, it is imperative that we ensure that those left behind by those who the ultimate sacrifice for our great nation are given the greatest opportunity our country can provide. As such, I encourage all my colleagues to join me in supporting this important amendment.

In Texas, over 87,000 African-Americans are incarcerated compared to approximately 48,000 African-Americans attending college or university. The disparity between the percentages of our youth in prison versus the number of young people in college, particularly in the African-American community, is disturbing to say the least. Higher education continues to be one of the main pathways to social and economic mobility, particularly in the African-American and Hispanic communities. I strongly support the amendment offered by my distinguished colleagues, Representatives ALCEE HASTINGS and Representative LINDA SÁNCHEZ, authorizing a nationwide program through the Department of Education to promote holistic community-centered partnerships aimed at mitigating gang violence and reducing recidivism rates among juvenile ex-offenders previously detained for gang-related offenses. This amendment a second-chance to America's most vulnerable youth, I fully support the vision of this amendment and urge my colleagues to join me in supporting this amendment.

Mr. Speaker, this legislation contains important provisions opening up even wider opportunities for our veterans by increasing college aid and housing aid for not only veterans, but their families. This legislation creates a new scholarship program for active duty military personnel and family members, including children and spouses of active duty military service members or veterans. It establishes support centers to help veterans succeed in college and graduate. Finally, it ensures fairness in student aid and housing aid for veterans, making it easier for them to attend college while also fulfilling their military service duties.

Mr. Speaker, I would also like to express my strong support for an amendment introduced by my distinguished colleague, Congressman DANNY DAVIS, restoring safeguards to student loan borrowers. Mr. Speaker, students who take out loans borrow money as part of their pursuit to better themselves and contribute to the advancement of our nation and economy. However, current bankruptcy laws apply the same severe standards to student borrowers that it applies to those trying to escape child support payments, alimony, overdue taxes, and criminal fines. Under Mr. DAVIS's amendment, government student loans and loans made by nonprofit entities would remain nondischargeable; other student loans, made by for-profit banks and other lenders, would continue to be non-dischargeable for the first five years after they come due, and after that time they would be treated like other unsecured consumer loans in bankruptcy. Mr. Speaker, I strongly urge my colleagues to support this amendment, and to work to restore bankruptcy protection to private student loans.

Understanding the federal application for Federal Student Aid can be challenging and complex even for the most knowledgeable parent. The College Opportunity and Affordability Act would streamline and simplify the application process giving families the tools they need to properly plan for their college expenses. This legislation will reform our higher education system ensuring students and their families have they information they need to understand their borrowing options when applying for federal and private loans.

Mr. Speaker, as an active Member of the Committee on Homeland Security, I am extremely supportive of the provisions in this legislation that boost campus safety and disaster readiness plans. Last year's tragedy at Virginia Tech has illustrated the horror to which students might be exposed, and natural disasters in recent years have underlined the necessity of having campus disaster plans.

This legislation helps all colleges develop and implement state-of-the-art emergency systems and campus safety plans, and it requires that the Department of Education to develop and maintain a disaster plan in preparation for emergencies. In addition, this legislation creates a National Center for Campus Safety at the Department of Justice to work in collaboration with the COPS program. Finally, it establishes a disaster relief loan program, to help schools recover and rebuild in the event of a disaster.

This important piece of legislation gives our youth, our veterans, and our families the opportunity to not only dream of attending college but actually realize that dream. I urge my colleagues to join me in supporting H.R. 4137.

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The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 956 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 7. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the concurrent resolution (H. Con. Res. 263) to establish the Joint Select Committee on Earmark Reform, and for other purposes. The concurrent resolution shall be considered as read. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

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HOUSE OF REPRESENTATIVES,
*Washington, DC, January 25, 2008.*

Hon. NANCY PELOSI,
*Speaker of the House,*
*Washington, DC.*

DEAR SPEAKER PELOSI: The earmark process in Congress has become a symbol of a broken Washington. Wasteful pork-barrel spending has outraged American families and eroded public confidence in our institution. Both of our parties bear responsibility for this failure.

We write tonight to notify you that House Republicans believe that the earmark system should be brought to an immediate halt, and a bipartisan select committee should immediately be established for the purpose of identifying ways to bring fundamental change to the way in which Washington spends taxpayers' money.

In the spirit of bipartisan cooperation fostered by our recent cooperation on a short-term economic growth package, we offer our hope that you and the members of the House Democratic Caucus will join House Republicans in supporting these steps, which are urgently needed to begin the process of fixing Washington's broken spending practices and restoring trust between the American people and their elected leaders. We respectfully ask that you and your Caucus consider these urgently-needed actions and join us in supporting them by the conclusion of your Caucus retreat next week.

In the interim, until a complete earmark moratorium is in place and a bipartisan panel is formed to identify ways to fix Washington's wasteful pork-barrel spending habits, House Republicans will proceed with the adoption of a series of earmark reform standards we will insist that all House Republican members honor. These earmark reform standards include:

No more "monuments to me." Lawmakers should not use taxpayer money to fund projects named after themselves.

No more "airdrops." The process by which Congress spends the American people's money should be completely transparent. Members of Congress should not circumvent transparency by airdropping earmarks into bills in conference at the last minute.

No more "fronts" or "pass-through" entities. Taxpayer funds should not be laundered through "front" operations that mask their true recipients.

Members of Congress who request earmarks should put forth a plan detailing exactly how the money will be spent and why they believe the use of taxpayer funding is justified. Members of Congress who "secure" earmarks should place these plans in the Congressional Record well in advance of floor votes on those earmarks.

To improve accountability, Members of Congress should require outside earmark recipients to put up "matching funds" where applicable so that American taxpayers do not bear all the risk for such expenditures.

The Executive Branch should be held accountable for its own earmark practices. The Executive Branch asks for earmarks, too, and has done so under administrations Democratic and Republican alike. Members of Congress should hold present and future Administrations accountable for the way in which taxpayer-funded earmarks are used.

It is our hope that you and your members will discuss and move quickly to adopt similar standards during your Caucus retreat.

The American people believe Washington is broken. Bold action must be taken to show them we can fix it. We believe the actions House Republicans are taking today can be a starting point for this kind of change. We hope that by the end of your own Caucus retreat next week, you and all House Democrats will join us in supporting an immediate moratorium on all earmarks and the immediate formation of a bipartisan panel for the purpose of identifying ways to end wasteful pork-barrel spending in Washington and bring needed change to the way in which Congress spends taxpayers' hard-earned money.

Sincerely,

JOHN A. BOEHNER,
*Republican Leader.*
ROY BLUNT,
*Republican Whip.*
ADAM PUTNAM,
*Chairman, Republican Conference.*
KAY GRANGER,
*Vice-Chair, Republican Conference.*
TOM COLE,
*Chairman, National Republican Congressional Committee.*
DAVID DREIER,
*Ranking Republican, Committee on Rules.*
THADDEUS MCCOTTER,
*Chairman, Republican Policy Committee.*
JOHN CARTER,
*Secretary, Republican Conference.*
ERIC CANTOR,
*Chief Deputy Whip.*

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution [and] has no substantive legislative or policy implications whatsoever." But that is not what they have . . . always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SUTTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 956; suspending the rules and adopting House Concurrent Resolution 283; and suspending the rules and passing H.R. 4848.

The vote was taken by electronic device, and there were—yeas 204, nays 196, not voting 29, as follows:

[Roll No. 32]

YEAS—204

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Baldwin
Blackburn
Boucher
Cramer
Davis, Lincoln
Everett
Farr
Filner
Fortenberry
Graves
Hare
Hinojosa
Lantos
Lipinski
Lowey
Manzullo
Meek (FL)
Moore (WI)
Petri
Porter
Pryce (OH)
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Smith (WA)
Tanner
Towns
Woolsey
Wynn

□ 1157

Messrs. REHBERG, SHIMKUS, LINDER, HELLER of Nevada, Mrs. CUBIN, Messrs. ROGERS of Alabama, McCOTTER, STEARNS, BARTON of Texas, ELLSWORTH and YOUNG of Alaska changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 32, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 32, had I been present, I would have voted "yea."

Stated against:

Mr. RYAN. Mr. Speaker, on rollcall No. 32, on ordering the Previous Question on the Rule to provide for consideration of H.R. 4137, I was absent due to inclement weather grounding flights in Wisconsin. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 190, not voting 25, as follows:

[Roll No. 33]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)

Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Baldwin
Blackburn
Boucher
Cramer
Davis, Lincoln
Everett
Farr
Ferguson
Filner
Fortenberry
Graves
Lantos
Lowey
Manzullo
Porter
Pryce (OH)
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Smith (NJ)
Smith (WA)
Tanner
Towns
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1205

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 33, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

Stated against:

Mr. RYAN. Mr. Speaker, on rollcall No. 33, H. Res. 956, the rule to provide consideration of H.R. 4137, I was absent due to inclement weather grounding flights from Wisconsin. Had I been present, I would have voted "nay."

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## CALLING FOR A PEACEFUL RESOLUTION TO THE CURRENT ELECTORAL CRISIS IN KENYA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 283, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 283, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 1, not voting 23, as follows:

[Roll No. 34]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—23

Baldwin
Blackburn
Boucher
Cramer
Emerson
Everett
Farr
Filner
Fortenberry
Graves
Gutierrez
Lantos
Lowey
Manzullo
Porter
Pryce (OH)
Ruppersberger

Sanchez, Loretta
Smith (NJ)
Smith (WA)
Tanner
Woolsey
Wynn

☐ 1213

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 34, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. GRAVES. Madam Speaker, on Thursday, February 7, I missed rollcall votes 32, 33, and 34 due to a delay in my flight. Had I been present, I would have voted "nay" on 32 and 33 and "yea" on 34.

## EXPRESSING SYMPATHY TO VICTIMS OF SOUTHERN STORMS

(Mr. GORDON of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. GORDON of Tennessee. Madam Speaker, my grandfather used to tell me that the most important road in the county was the one in front of your house. And I think we all know that is true in many different ways, particularly in times of tragedy.

We have been in this well and we've talked about Katrina and we have talked about a bridge that fell in Minnesota, and we have all had tragedies in our areas in different ways, and I think we all feel sympathetic.

But for those folks in Arkansas, Alabama, Kentucky, Indiana, Mississippi, and Tennessee, once again we feel it very intensely. It is the road in front of our house today. There were 50 lives lost, 32 in Tennessee, 22 of those were in my district. Many folks were displaced. We are not going to have electricity back in many areas for another few days.

As I ask for a moment of silence, I also want us to feel the community of our entire House and our entire country. I think we felt that as we have helped in other places. Again, I just remind Members that this happened in our area this time. It can happen in your area next time.

But we are all together, and as we commemorate those dead and misplaced in our States, we also want to remember your States, too.

I ask for a moment of silence.

The SPEAKER. All Members will please rise and observe a moment of silence in respect of those affected by the recent tragedy.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

## EXTENDING PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

The SPEAKER pro tempore (Mr. HOLDEN). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4848, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 4848, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 23, not voting 22, as follows:

[Roll No. 35]

YEAS—384

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Feeney
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—23

Bachmann
Broun (GA)
Brown-Waite, Ginny
Campbell (CA)
Cannon
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Hensarling
Jordan
King (IA)
Lamborn
Mack
Paul
Pence
Poe
Rohrabacher
Royce
Sali
Shadegg

NOT VOTING—22

Baldwin
Blackburn
Blumenauer
Boucher
Cramer
Emerson
Everett
Farr
Fortenberry
Lantos
Lowey
Manzullo
Marchant
Porter
Pryce (OH)
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Woolsey
Wynn
Yarmuth

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1225

Mr. ROHRABACHER and Mrs. BACHMANN changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. MANZULLO. Madam Speaker, on Wednesday, February 6, 2008, I was unable to return to Washington in time to vote because of the large snowstorm that hit the Chicago-land area yesterday and delayed my arrival until mid-afternoon today. If I was here, I would have voted "yea" on rollcall No. 29, "yea" on rollcall No. 30, "yea" on rollcall No. 31, "no" on rollcall No. 32, "no" on rollcall No. 33, "yea" on rollcall No. 34, and "yea" on rollcall No. 35.

## COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 956 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4137.

□ 1225

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman and Members of the House, I rise in strong support of H.R. 4137, the College Opportunity and Affordability Act, which was reported by the Committee on Education and Labor with unanimous bipartisan support. This legislation strengthens and reauthorizes our Nation's higher education program.

With our recent enactment of the College Cost Reduction and Access Act, this Congress has already taken a historic step by providing the single largest increase in Federal student aid since the GI bill.

But we all know that there's still work to do to ensure that the doors of college are truly open to call qualified students. H.R. 4137 helps us reach this goal.

Today's students and families face a number of challenges on the path to college, from skyrocketing college prices, to needlessly complicated student aid application process, to predatory tactics by student lenders.

The College Opportunity and Affordability Act will address these challenges by reshaping our higher education system so that, once again, it operates in the best interest of students and families.

The bill will create a higher education system that is more affordable and fair and easier to navigate for consumers.

For years, prices have been skyrocketing at colleges and universities around the country, and we can all agree that the increase in college aid was vital. But there's no question we must also begin to address these rising tuition prices.

This legislation would create a new user-friendly Web site for families with helpful information on college pricing and the factors driving tuition increases.

The Web site would also publish lists of the most expensive schools, the least expensive schools, and schools with the largest percentage increase in tuition prices. Colleges with the largest increases in tuition prices would be required to report their reasons for these price hikes and to create a task force to examine how they can work to keep their prices lower.

The bill would also ensure the States would hold up their end of the bargaining by providing higher education, by establishing State maintenance-of-effort requirements. We cannot just keep putting in Federal taxpayer dollars at the top and having States take money out of the bottom.

The bill would restore trust and accountability to the student loan program. It would also provide students and families with better protections when it comes to the often murky world of college loans.

The protections for students and parent borrowers in our bill form a bill of rights for college consumers, including fair disclosure loan terms to borrowers of Federal and private loans.

In addition, the bill would simplify the Federal student aid application process and provide families with extra time to plan for their college expenses.

The bill would also:

Make the Pell Grant scholarship available year round for the first time and would increase the authorization for that program;

Strengthen the TRIO and GEAR UP college readiness and support programs that are helping so many students discover that they not only can attend college, they can succeed in college and graduate;

Expand the funding for graduate programs at the Historically Black Colleges and Universities and Hispanic-serving Institutions and minority serving schools;

Increase college aid and support programs for veterans and our men and women in uniform;

To ensure equal opportunities and a fair learning environment for students with disabilities;

And to make our college campuses safer. The bill does all of that, and it's an important change in the higher education responsibilities of the Federal Government and in the support for our higher education institutions and in our partnership with the States.

□ 1230

It has been a long time for this bill to come to the floor. It has been 10 years since we reauthorized this Act. And in recognizing that long time, I want to certainly point out the contributions made by Congressman BUCK MCKEON, the senior Republican on this committee; RUBÉN HINOJOSA and RIC KELLER of the subcommittee; and the Chairs and ranking members of the Higher Education Committee.

But I just want to say that much of this bill reflects a lot of work that was done by Mr. KELLER, by Mr. MCKEON. Certainly the provisions dealing with college costs reflect an awful lot of work that was done by Mr. MCKEON when he was in the majority on the subcommittee and the full committee by Mr. TIERNEY, on our side of the committee, to bring this to fruition so finally we can start to not only make greater contributions in terms of assistance to families, but also help institutions rein in these costs, discuss these costs with parents and students so that they can make smart choices.

I would also like to thank my committee staff for helping us craft a strong bill, including Denise Forte, Stephanie Moore, Gaby Gomez, Julie Radocchia, Jeff Appel, Sharon Lewis, Julia Martin, and Rachel Racusen.

I would also like to thank the many students across the country whose voices have been so helpful in helping us to understand the changes that needed to be made and also to voice support for this legislation and are a very important part of this process.

I think the entire House can be proud of this legislation, and I think it will help us build a better future for our students and for our economy and for our country, both in terms of our economic security and our national security. And I think it will help fulfill the vision that all American families have for the members of their family to be able to participate in a higher education, to graduate and to pursue their hopes and aspirations, in making full contributions.

With that, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the College Opportunity and Affordability Act, and I want to begin by thanking Chairman MILLER along with Representatives HINOJOSA and KELLER, the chairman and ranking member of the subcommittee, for their efforts. Representative CASTLE has also been a close partner of mine in an effort to rein in college costs. In fact, it is our effort to address the college cost crisis that is the centerpiece of this legislation.

We know how important higher education is both to individuals and to our Nation. A college degree can be a ticket to the middle class. It helps individuals prepare for good jobs, and it allows them to pursue new skills in the changing economy. Higher education also has important societal benefits. College-educated citizens are healthier, more civically minded, have lower unemployment rates, and use fewer government benefits. An educated citizenry is also vital to maintaining our competitive edge in a changing world. Because higher education is so important, we made it a priority to ensure all Americans have access to a quality and affordable college education.

In addition to making close to $100 billion in financial aid available to students, the Federal Government also spends billions each year on aid to institutions: support for college access programs, investments in research and development, and many other avenues that support higher education.

Despite the considerable Federal investment, or perhaps in part because of it, colleges and universities have increased tuition and fees year in and year out. The increases have come in good economic times and in bad with steady enrollments and surging enrollments. It seems the only thing consistent about college costs is that they're going up, and fast.

With this bill, we hope to change that. Our principles for reform are based on the idea that by giving good information to consumers, we can empower them to exert influence on the marketplace. Through the power of sunshine and transparency, we are lifting the veil on college costs and holding institutions of higher learning accountable for their role in the cost equation.

Those principles of sunshine and transparency are hallmarks of this bill and not just in the area of college costs. We are also letting the sunshine in on college operation and quality through enhanced institutional disclosure and a more transparent accreditation process.

There are numerous positive reforms in this bill, too many even for me to name. There are also a number of problems with the bill that I hope we could resolve through the amendment process. Unfortunately, Republicans were blocked from being full participants in this debate.

I urge the majority to work with us as we go to conference to resolve these issues so we can get the strongest possible bill to the President's desk.

I'm particularly concerned that in its zeal to prevent conflicts of interest in student lending, this bill creates a patchwork of new requirements that conflict with existing truth-in-lending rules and disclosures. I'm a firm believer in disclosure, but I also recognize that if we overwhelm borrowers with too much paperwork filled with confusing and conflicting information, we may undermine the consumer protection we are actually trying to achieve.

Right now, we know that many lenders, whether they are banks or State agencies, are providing sound disclosures to borrowers on their student loans. I'm hopeful that as we move into conference we can take that information and use it to develop meaningful disclosure that will ensure that borrowers receive the same type and quality of information from each lender.

I'm also concerned about the number of new programs created in the bill. Rather than trying to micromanage from Washington, by creating a brand new program for every possible contingency, we should focus on less red tape and greater local flexibility.

Later today, I plan to offer an amendment that moves us in the right direction by identifying duplicate, burdensome, or unnecessary regulations imposed on our higher education system from throughout the Federal Government. This amendment builds on an initiative I began in 2001 in partnership with the late Representative Patsy Mink, known as the Fed Up Project.

Mr. Chairman, there is always room to improve a bill, and the College Opportunity and Affordability Act is no exception. However, on the whole, this bill is an achievement of persistence and commitment. It updates programs to meet the needs of students in the 21st century and to use the power of sunshine and transparency to transform all aspects of our higher education system.

Above all else, this bill offers real solutions to the college cost crisis.

I thank Members on both sides of the aisle for their commitment to this cause.

Mr. Chairman, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Chairman, as chairman of the Subcommittee on Higher Education, I yield myself as much time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 4137, the College Opportunity and Affordability Act. This legislation will complete our work on the reauthorization of the Higher Education Act and build on the historic investment we made last year in the College Cost Reduction and Access Act.

We opened the 110th Congress taking a fresh look at our higher education laws. Especially, we called for ideas to close the college access and completion gaps for low-income and minority students; to improve the financial aid application and delivery system; to improve preparations so that low-income and first-generation college students are ready to succeed in college academically, financially, and socially; leverage more resource for need-based aid; and yes, to address the escalating cost of a college education.

This bill offers comprehensive, bipartisan solutions to all of these issues. I would like to thank Chairman MILLER and the ranking members of the full committee and the subcommittee, especially to my good friend Congressman McKEON of California and Congressman KELLER of Florida, for working with us to craft a bill that every Member of this Chamber should be proud to support.

Mr. Chairman, we must be strong and determined to pass H.R. 4137 because we are falling behind in producing college graduates. During our hearings, we learned that the United States has gone from first to fourth place in the world for college graduates in the workplace. We are only one of two industrialized nations where older workers are more likely to have a college degree than younger workers. This comes at a time when the Bureau of Labor Statistics projects a shortage of 3 million college-educated workers as early as the year 2012.

The gaps in college access and completion is large and growing for low-income and minority students because of the high costs of a college education. According to the Education Trust, since 1994, white students have increased in college completion by 12 percent. African American students have only increased by 5.5 percent, and the Hispanic students only by 3 percent.

Given that over 40 percent of our public school children are racial or ethnic minorities and one in five is Hispanic, it is imperative that we act swiftly and decisively to close the gaps.

Mr. Chairman, this is what the College Opportunity and Affordability Act will do.

H.R. 4137 will close the college access and completion gaps by increasing the authorized Pell Grant maximum to $9,000 and providing access to Pell Grants and the Academic Competitiveness and SMART Grants year round.

The legislation recognizes the critical role that minority-serving institutions will have to play if we are to produce the college graduates our economy needs to thrive. These institutions represent less than one-third of all of the colleges and universities in our country, but they enroll more than half of all minority students in postsecondary education.

H.R. 4137 authorizes increased investments in building the capacity of these essential institutions and ensures that they are full partners in teacher preparation and our national competitiveness and innovation agenda.

Additionally, H.R. 4137 includes the minority-serving Institution Digital and Wireless Technology Opportunity program, which is a major step forward in ensuring that these colleges and universities can maintain a state-of-the-art educational delivery system.

I am particularly proud of our whole committee's work to strengthen minority access to STEM fields through a youth engagement in STEM partnerships and programs that focus on preparing teachers for these high-need fields.

The College Opportunity and Affordability Act also addresses gaps at the post-baccalaureate level. It has been exactly 10 years since I introduced legislation to create a graduate program for Hispanic-serving institutions, and with the passage of this long awaited legislation, we will be one step closer to enacting this long overdue program.

Additionally, our bill includes the Patsy Mink Fellowship program to provide support for women and minorities to complete graduate degrees and join the ranks of university faculty where they are severely underrepresented.

H.R. 4137 will improve early college preparation by strengthening programs that are very important to fill the pipeline such as GEAR UP, the TRIO program, the HEP and the CAMP programs and emphasizing financial literacy and early financial aid estimates.

I'm a strong believer of reading and writing literacy, and that's why I am so in favor of programs such as Reading is Fundamental, which is going to help us in graduating more students from high schools.

This bill will leverage resources through great partnerships. One example is the new Grants for Access and Persistence program which will leverage State and private resources to increase student aid so that low-income, first-generation college students are prepared to enroll and succeed in college.

This bill takes real steps to address college costs through public information, accountability, and incentives at the State and institutional levels to keep tuition increases low and college within reach of all students.

□ 1245

H.R. 4137 protects students and families by bringing sunshine and real consumer protection to the student loan programs both at the Federal and the private level.

Finally, the legislation before us today recognizes our collective obligation to the men and women returning from war and seeking to resume their lives. Our Nation owes all our veterans the support to achieve their dreams through a college education after so valiantly serving our country.

H.R. 4137 establishes a new scholarship program for veterans and their families. It ensures fairness for veterans in student aid; it also authorizes Centers of Excellence for veteran student success to provide a one-stop support system on college campuses to help veterans succeed in college and to graduate.

Mr. Chairman, this legislation is ambitious and thorough because that is what these times demand. I encourage all my colleagues in Congress to vote "yes" on H.R. 4137. Let's get this job done.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. I am happy to yield 3½ minutes at this time to the ranking member on the subcommittee that has the jurisdiction over this higher education bill and commend him for all the work that he has done for college students across the country, the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act, which reauthorizes the Higher Education Act.

I support this legislation because it will expand college access for millions of worthy students primarily by strengthening and reauthorizing the Pell Grant program and Perkins student loan program.

I know that these programs work well because I wouldn't have been able to go to college if it wasn't for Pell Grants and student loans. Also, as the chairman of the Higher Education Subcommittee, and now its ranking member, I know that over 5.5 million students get Pell Grants each year, and over 500,000 of these students also get Perkins student loans, which, together, are the passport out of poverty for so many of these young people.

I'm going to limit my remarks today to the Pell Grant and Perkins loan sections of the bill since they are, in my view, the heart of this legislation.

First, with respect to Pell Grants, Pell Grants are money we give to children from low- and moderate-income families to pay for their college tuition, books, and fees that they never have to repay. This bill strengthens the Pell Grant program by providing year-round Pell Grants to help college students get through college quicker and by increasing the authorization levels.

This legislation also, at my request, has included language which eliminates a wasteful spending loophole that had allowed convicted pedophiles and rapists to get Pell Grants even though Congress passed a law in 1994 making it illegal for prisoners to get Pell Grants. In my home State of Florida, for example, this loophole was exploited by 54 sexual predators who were able to get over $200,000 in Pell Grants.

By passing this legislation, we will take money out of the hands of convicted predators and put it back into the hands of needy, law-abiding college students where it belongs.

With respect to the Perkins loan program, these are very attractive, low, fixed rate at 5 percent student loans for children of low- and moderate-income families. This legislation will strengthen the Perkins loan program by increasing the loan limits for undergraduate and graduate students and expanding loan forgiveness to now allow firefighters to have their Perkins loan forgiven, as well as nurses, teachers, and police officers.

In closing, I want to thank Chairman MILLER for his hard work, Ranking Member McKEON and Chairman HINOJOSA for working together in a bipartisan spirit. This legislation is good for students; it's also good for our Treasury. The expert studies show that by investing $16 billion in Pell Grants, it can help yield up to $85 billion in additional tax revenue because the average college graduate makes 75 percent more than the average high school graduate.

I urge my colleagues to vote "yes" on H.R. 4137. Let us work together in a bipartisan manner to make sure that all children, rich or poor, have the opportunity to get their dream of a college education.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize the distinguished gentleman, the majority whip of our caucus, the gentleman from South Carolina (Mr. CLYBURN) for 2 minutes.

Mr. CLYBURN. Thank you for yielding me the time.

Mr. Chairman, I rise today in support of H.R. 4137, the College Opportunity and Affordability Act. Chairman MILLER and his staff are to be commended for putting together a bill that will aid thousands of needy students.

Mr. Chairman, this legislation will ease the financial burdens being placed on working families paying high costs for post-secondary education. Passage of this bill will make post-secondary education more attainable and affordable for all Americans.

H.R. 4137 allows students to receive Pell Grants year-round. This bill also provides incentives to those colleges and universities that work to limit their tuition increases.

As a proud graduate of South Carolina State University, a historically black university in South Carolina, Orangeburg, I am pleased to see that this legislation enhances the HBCU Capital Financing Program's lending and eligibility criteria.

And in light of the hardships suffered by those students who had their schools destroyed by Hurricanes Katrina and Rita, this legislation establishes a program to help schools rebuild in the event of a natural disaster.

This education package also helps colleges implement enhanced campus safety and disaster readiness plans.

Our Nation's continued prosperity is dependent upon the investment that we make in securing the futures of our children and grandchildren. This legislation will help to maintain America's strong global standing by providing our students the tools and resources they need to be competitive in a transnational economy.

I encourage my colleagues to support this bill.

Mr. KELLER of Florida. Mr. Chairman, at this time I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman from Florida.

Often our differences in this body can be fairly sharp and our disagreements can be fairly significant over which direction our country should actually head, and such debate is very healthy in a democracy and vital to getting good policy. But there are other times when, in fact, we can work together, and this bill is an example where we can work together.

There are multiple examples in this bill where we fundamentally agreed, and there were other things we worked through in the amendment process. One important component of this originally CHAKA FATTAH and I sponsored; it was originally called High Hopes. President Clinton adopted that as GEAR UP as one of his major programs. Obviously, this is a little difficult on the Republican side, but we managed to pass it through in a Republican Congress with a Democrat President. We held it as a Republican Congress with a Republican President. And now with a Democrat Congress and Republican President, GEAR UP continues to expand and be a very effective way for low-income students to have the hope, if they keep good grades and stay out of trouble, to be assured that they can be eligible for student loans, Pell Grants, and other things to provide a promise of a future education.

We also worked as we tried to tackle things like long-distance learning and online learning, which is a growth category. I appreciate the majority's willingness to work on how colleges and these new experimental universities can work towards distance learning and expanding without having the heavy hand of government make determinations of when they can and when they can't. There have to be substantive objections, not arbitrary guidelines. And they worked on the language to make sure that was the case.

We had another technical issue on cohort measurements on student loans that some private universities, particularly those that are more trade-oriented, as well as minority-based organizations in the original draft of this bill, could have seen them go into default. And many low-income, minority, and trade colleges and so on would have been in deep trouble. But the majority took an adjustment in that cohort. Yes, if a college is underperforming and not providing education that is so necessary to students, it should be disqualified from the student loan program; but we have to make sure that colleges, and trade areas in particular, don't get arbitrarily knocked out because often they're reaching the very people we're trying to attract into higher education. I appreciate the majority.

There has also been a provision that I had in the higher ed bill years ago that caused some consternation. I want to make sure that the record shows that we were able to work on the student loan provision that says if you get convicted of a drug crime, you are suspended from your student loan; that we have provisions in this bill, working with the majority, to make sure how the drug tests are done so that if you test clean twice, you can get your loan back. We have provisions here that make it clear that each institution of higher education shall provide each student, upon enrollment, a separate, clear, conspicuous written notice that addresses this question.

This was very important because this provision was meant as a deterrence, not as a punishment. If a student is at a party and somebody says, hey, do you want to try this, you ought to try this pot. This will work really well; this will get you high. This meth may keep you so you can stay awake to study, you can say, look, I could lose my loan here and lose everything I have. It's one more arsenal in your ability to fight illegal narcotics and stay in school. Furthermore, if you're on narcotics, your performance inevitably will drop over time.

This provision has received bipartisan support. We have continued to clarify it. And I want to make sure that, unlike previous times when this was interpreted to apply to everybody, or if you had committed a crime before, you could lose your loan, a student is a student is a student. It says, if you have your loan, you can lose your loan. It has nothing to do with people who rehab; it has nothing to do with people who maybe were in college for 2 years, went out, had problems, and then come back. We want those people in school. And I hope the administration this time will interpret this, regardless of which party it is, correctly. And I want to make sure that the CONGRESSIONAL RECORD shows what the intent of Congress was.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize the gentleman from Illinois, the Democratic Caucus Chair, Congressman RAHM EMANUEL, for 2¼ minutes.

Mr. EMANUEL. Mr. Chairman, the FAFSA form that students and their parents have to fill out every year for student aid is over 100 questions, over eight pages long. If a company is applying for an export/import loan from the government, it's 13 questions, one page long. But a kid is going to college and his parents have to fill out over 100 questions.

Let me read you some of the questions. Go to page 8 and complete the columns on the left of worksheets A, B and C. Enter the student totals in questions 44, 45 and 46, respectively. Worksheet B, first of 12 items; payments to tax deferred pension and savings paid directly or withheld from earnings, included, but not limited to, amounts reported on the W-2 form in boxes 12-A through 2D, codes, D, E, F, G, H and S. If you can fill that out, skip college, go to graduate school.

Now, thankfully for the chairman, we have now put in here to streamline this and create an easy form so this is not one of the leading causes of divorce in America, the College Aid Plan. And if a company can get lawyers and accountants to fill out a one-page form and get a big loan for $200 million from the government, taxpayer subsidies, kids trying to go to college and achieve the American Dream should have something as easy as a big company has. And, thankfully, this legislation would accomplish that.

When I ran for office, I used to, and I still do, visit fire stations. And Pat Kehoe, who is a captain in the Chicago Fire Department, was the one that turned me on to the notion of what he and his wife have to do every year to try to get student aid so their kid can go to the University of Illinois. And every year they have to fill out a form like this.

The goal here is for government to finally catch up and get to where the private sector has been, which is creating easy forms, things that they can do online and get rid of all the bureaucracy and all the paperwork.

Earlier this year, we passed the largest increase in college aid since the GI Bill. This legislation will build on that reform so we finally make sure that college aid, in the period and the era of where you earn where you learn, is accessible to middle-class families and their dreams that they have for their children.

Mr. KELLER of Florida. Mr. Chairman, I note that Mr. EMANUEL's extension was shorter than even his form that he's seeking here, but we're in broad bipartisan support of that simplified process. It was a wonderful idea, and I'm glad we could work with him.

At this time, I yield 1 minute to the gentleman from Nebraska.

□ 1300

Mr. SMITH of Nebraska. Mr. Chairman, since being elected to Congress, I have had the opportunity to speak with young students throughout the Third

District of Nebraska. They are smart and sharp, and we need to do everything we can to encourage them. Unfortunately, however, many rural States have seen what we call "brain drain" in recent years. As the depletion occurs, we lose our most vital economic asset to more populated areas. Responsible policy is needed to retain and grow our workforce to make our rural communities more competitive in this modern economy.

The College Opportunity and Affordability Act seeks to address this by encouraging economic development partnerships. These partnerships would be formed between rural colleges and universities and rural employers. This would provide additional career training to students attending rural schools in fields significant to the local economy. It also would encourage rural businesses to employ students once they graduate.

I thank the chairman and ranking member for working with me to target these partnerships to the areas in the most need.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize the gentleman from New Jersey, a distinguished member of our Higher Education Subcommittee (Mr. HOLT), for 2 minutes.

Mr. HOLT. Mr. Chairman, I would like to commend Chairman MILLER and Mr. MCKEON for producing a strong piece of legislation. The College Opportunity and Affordability Act does what the name suggests. It expands affordability and access to college education for the broadest range of Americans. It expands Pell Grants, the basis of financial aid, and I'm pleased to say it allows Pell Grants to be used year round and for certificate programs and part-time students, something I have been working on for a long time.

The bill does many other things, including some initiatives that I have been working on. It empowers small and community colleges to provide child care programs so that working mothers can attend school. It includes grants and loan forgiveness for math and science students who pledge to conduct service in math and science fields after graduation. It includes grants for foreign language partnerships between local schools and language departments at institutions of higher learning and grants to institutions that will combine science with foreign languages.

I am pleased that in the Education and Labor Committee we were able to pass an amendment so that this bill would create an Assistant Secretary for International and Foreign Language Education.

I am pleased to note further that the bill will direct the Institute of Medicine to study how to deal with the shortage of nurses that's created by the shortage of nursing faculty.

These initiatives are part of a large effort to make it easier for students to finance their education and an effort to strengthen the quality of education that they receive. This is a good bill. I look forward to working with Members of both parties to see it become law.

Mr. HINOJOSA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALZ of Minnesota) having assumed the chair, Mr. PASTOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, had come to no resolution thereon.

## PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 4137

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 4137 pursuant to House Resolution 956, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 956 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4137.

☐ 1305

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from Texas (Mr. HINOJOSA) had 10½ minutes remaining. The gentleman from Florida (Mr. KELLER) had 16 minutes remaining.

Mr. KELLER of Florida. Mr. Chairman, at this time I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. I thank the gentleman for yielding.

Mr. Chairman, I would like to call attention to two provisions in this legislation, one in the manager's amendment and one in the underlying legislation passed in the Education and Labor Committee. The first provision allows colleges and universities to apply for a non-Federal matching grant for fire prevention technologies through an already established program via the Department of Education. These funds will be used to professionally install fire prevention devices in student housing, dormitories, and other buildings on campus. More people are alive today, we know, Mr. Chairman, because of fire detection, and this provision will help prevent fires in college housing and save many lives in the process.

We don't need to be reminded of, for example, Seton Hall University several years ago that had a devastating fire in one of the college buildings that resulted in student deaths. The last thing, I think, a parent wants to discover or hear is that their child was injured or, worse, killed in a fire while away at college.

The other provision was included in the manager's amendment with the help of Chairman MILLER and Ranking Member MCKEON. The provision will provide colleges and universities with additional funds to acquire security cameras, intrusion detection sensors, and other technologies to protect students, faculty, and campus visitors. Allowing colleges and universities the opportunity to use these funds will provide the higher education community with a safer environment, again, one where parents can go to bed at night not worrying whether or not their children are safe so far away from home.

As we all have colleges and universities, chances are, throughout the country in our districts, whether St. John's University in Staten Island or Wagner College, we all know that this funding and these provisions will go a long way to help their campuses become more secure and more safe.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize a very well-recognized member of our Education and Labor Committee, the gentleman from New York (Mr. BISHOP) for 2 minutes.

Mr. BISHOP of New York. I want to thank Chairman MILLER and Chairman HINOJOSA and Ranking Member MCKEON and Ranking Member KELLER for their good and bipartisan work on this bill. This is, in fact, a bipartisan effort. It passed out of the Education Committee by a unanimous vote, and I think that that suggests that this is a very good product. It closely resembles the Senate bill, so we should be able to conference it quickly, and it continues the strong work that this Congress has done on a bipartisan basis to improve access and affordability for higher education.

We have twice now, on a bipartisan basis, saved the SEOG program and the Perkins loan program. We have increased the Pell Grant maximum, and we have cut interest rates in half.

Let me just go over a couple of the high points of the bill.

It strengthens the Perkins loan program, a loan program that the administration seems determined to kill but has broad bipartisan support in this Congress. We've increased the maximums that students may borrow. We also have mandated that the assignment of the proceeds of defaulted loans that are collected by the department will reverse back to the campus revolving loan funds so that those loan funds will remain fully funded. It increases the cohort default rate window so that the default rate is now measured over a 3-year period as opposed to a 2-year period. That will protect students and it will also provide greater accountability and stewardship of taxpayer funds. It restricts the Secretary's authority with respect to negotiated rulemaking on accreditation standards, and this is important as many believe that an effort is underway to federalize education, and we believe that these aspects of higher education are best left to higher education professionals. It reinstates the Federal role in supporting cooperative education. It simplifies the FAFSA process. It has very clear language on transfer of credit. And it incorporates the full provisions of our Student Loan Sunshine Act.

So from every vantage point, this is a first-rate piece of work, and I urge my colleagues to support it.

Mr. KELLER of Florida. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman for yielding.

And I would also like to thank Chairman MILLER and Ranking Member McKEON for assistance in putting a very important part into this bill.

Universities have no trouble finding parents when it comes time to ask for the tuition check. And, sadly, schools can find parents when tragedies occur, such as Virginia Tech, when it comes time to call a parent to give them bad news on what happened to their student. But one of the greatest fears parents have is their students' safety while they are at the university or college. And a while ago, when a gunman killed 32 people and wounded others, it was just one of the tragedies that occurs on campus. There are many other stories as well.

In my district in Pennsylvania, Charles and Debi Mahoney lost their son, Chuck, to suicide. And as he suffered from depression, his fraternity brothers, his ex-girlfriend, and college therapist, et cetera, all knew he was in danger and warned the college. But a legal barrier under the Family Educational Rights and Privacy Act of 1974, known as FERPA, prevented the school from notifying Chuck's parents, who could have gotten him the help he needed.

Unfortunately, Chuck's story is not unusual. Each day an average of three college students commit suicide. While in college, 11 percent of men and 9 percent of women consider suicide. While they may not all act on their thoughts, we need to ensure schools are able to contact parents to get them the help they need not only for the safety of the child but also of others on campus.

Parents may be in the best position to help students suffering from significant mental illness by providing emotional support, medical history, coordinating care with various mental health and medical professionals, and long-term follow-up. Parents will be around long after the school is gone.

Today we are breaking down the legal barrier preventing schools from communicating with parents. Section 865 of the bill before us today is modeled after the Mental Health Security for America's Families in Education Act, H.R. 2220, which I authored. It will prevent future campus tragedies by requiring the Secretary of Education to clarify FERPA so schools can contact parents when a student is at risk of suicide, homicide, or physical assault. It will also protect schools acting in good faith from liability.

This is a good bill that will make college campuses safer. It will give families peace of mind.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize a former Cornell College professor and now member of the Education and Labor Committee, the gentleman from Iowa (Mr. LOEBSACK), for 2 minutes.

Mr. LOEBSACK. Mr. Chairman, I think I will probably speak just 1 minute, but thank you. I appreciate that very much.

As a long-time political science teacher at Cornell College in Mount Vernon, Iowa, I am proud to join in support of this bipartisan legislation. I know the college system well. In addition to my teaching experience, I have visited the colleges and universities throughout Iowa's Second District. I have heard firsthand the struggles students face. By expanding the year-round Pell Grant, the students I've met with, especially at Iowa's community colleges like Kirkwood and Indian Hills, will be able to expedite their studies, enter the workforce sooner, and achieve the American Dream.

I am also pleased to see many rural education provisions in this bill. In Iowa, 46 percent of schools are in rural areas, and they serve close to 170,000 students. Iowa's rural education system is impressive, but we should be doing more to give rural students the resources they need to succeed.

This legislation makes college more affordable and accessible to students, and I strongly support it and in no small measure because, again, of the bipartisan support that so many folks on this committee have demonstrated.

Mr. KELLER of Florida. Mr. Chairman, at this time I reserve the balance of my time.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize my friend and colleague, the gentlewoman from New York (Mrs. McCARTHY) for 1½ minutes.

☐ 1315

Mrs. McCARTHY of New York. I thank the gentleman from Texas.

I stand in strong support of H.R. 4137, the College Opportunity and Affordability Act. Our Nation's future is in our education, and we must ensure our students have access to affordable higher education that will prepare them to excel in the global economy. I want to thank Chairman MILLER and his staff for all the hard work that they did to get this bipartisan bill out of committee and to the floor and also to Ranking Member McKEON. I would also like to thank the chairman for including some key priorities of mine.

The legislation authorizes Project GRAD USA as an ongoing Federal program. This national program has successfully increased the number of low-income students to attend college and earn degrees. We are also providing opportunities for nurses as our Nation faces a severe nursing shortage by creating programs to increase the number of nursing students and nurse educators. Degrees also from rabbinical schools which will be able to continue to be recognized at the equivalency of a bachelor's degree.

We all understand the need for increased campus security. This legislation will improve current campus safety policies to ensure students are protected and will include improvements to emergency response policies and whistle-blower protections for students.

Career and technical schools will offer a great alternative to traditional 4-year colleges and are especially helpful to students in my district.

By passing this bill, we will improve current law for career colleges and technical school students by providing students with more opportunity to attend these vital institutions and enter the global economy with marketable skills.

Mr. KELLER of Florida. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank my colleague for yielding.

I start with these basic truisms: that higher education is not a luxury, it is a public good; that access to higher education is critical for maintaining our global competitiveness; that many of our economic competitors overseas invest more in higher education institutions than we do; and that research shows that 80 percent of the 1.7 million new jobs expected to be created by the end of the decade will be occupations requiring a higher-education degree.

I believe the Federal Government has a significant role in the very earliest part of a child's education, prekindergarten, providing grants to incentivize our local communities to begin to think about educating our very, very young, and that it has a requirement to make sure that young people in our schools don't fall through the cracks or gaping holes. But I am absolutely certain from my heart that the Federal Government needs to play a much more significant role in higher education.

I, as a Member of Congress, have opportunities at community meetings to meet with constituents like all of you do. And I will never forget, about 5 years after I was elected, a young woman came to me and said, I want to tell you a story, and I was waiting until my youngest brother graduated from graduate school. She said, my father died when I was 12 years old, and I am the oldest of seven children. She said, my mother was a school teacher. She said, my mother had one determination, that we would all graduate not just with a university college degree but with advanced degrees, all seven. And she said, just a few weeks ago, my youngest brother did, in fact, graduate. She said, there is a doctor of medicine in my family, a doctor of philosophy at a university, a lawyer, a school teacher with advanced degrees, and I am forgetting the other three what they had. But they all had advanced degrees. And this was someone who knew the value of education, a school teacher.

I am continually reminded about the impact of what we did with our GIs after World War II and the stimulation this had for our economy. And I think of countries like Ireland today that are providing free education, advanced-degree education, and what it has done for their economy.

To end, this young woman with six younger siblings, all with advanced degrees, said, I can't say they are happier, but I can tell you this, that they have far more options, that their income is higher, they have more choices, and they can make a greater contribution to society.

I hope that we can continue to work on this legislation. I think it is a major step forward.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize a distinguished member of our Education and Labor Committee, Mr. ROB ANDREWS from New Jersey, for 1½ minutes.

Mr. ANDREWS. Mr. Chairman, I congratulate Chairman HINOJOSA, Chairman MILLER, Mr. KELLER and Mr. MCKEON for their excellent work on this bill.

In the global economic competition, the difference between winning and losing is having skilled workers or not having skilled workers. This bill takes a major step forward in making sure that we have skilled workers, that America puts its best team on the field at all times.

There are two specific areas I commend the leadership of the committee for including in this bill. The first has to do with autistic men and women. A lot of autistic children make great strides in their lives and they become very able, very empowered people. But then they graduate from high school, and they age out of their education, and the supportive, intensive learning environment that they need is very often no longer there.

This bill has provisions to help establish residential, high-quality, post-secondary programs for autistic men and for autistic women.

This bill says to the men and women who wear the military uniform of our country that when they come back to campus, they will be welcome. An anomaly in the existing law says that a young man or a young woman who is deployed and goes overseas and fights for our country, when he or she comes back, they may be treated as a returning student, has had a gap in their student life, which means they go to the back of the list for enrollment in special courses, for financial aid and for many other purposes. This bill corrects that and recognizes that when a young man or woman serves, they should be rewarded. We should all support this bill on a bipartisan basis.

Mr. KELLER of Florida. Mr. Chairman, at this time we will continue to reserve the balance of our time.

Mr. HINOJOSA. Mr. Chairman, at this time I am pleased to recognize the honorable gentleman from Massachusetts, Congressman JOHN TIERNEY, for 2 minutes.

Mr. TIERNEY. I thank the chairman. This is all about access and affordability. It is foremost in people's minds, whether you speak to people in the business community, you talk to academics or elected representatives or families and students, they are talking about opportunity for individuals, talking about the national economic security of this country and our need for innovators, for leaders, for people in the science, technology, engineering and math fields, and in business we are talking about global competitiveness, the need to have people with more than just a high school degree in order to lead our businesses and fill our jobs.

This bill addresses these concerns, and it builds on last summer's college cost reduction bill which put $20 billion in over the next 5 years, additional Pell Grants to get more students into college, and reduction of loan interest rates so students will be able to afford those loans they were forced to take.

This present bill speaks to cost containment. It has a provision in there for public higher education, for maintenance of efforts. This is a partnership between the Federal Government, between families and the students that are involved, and States. This maintenance of effort will no longer allow States to supplant their obligation by taking Federal aid or raising tuition and fees. They will have to step up to the plate on a rather modest level required in order to get the benefit of getting aid that other people would get.

This bill also has a provision for all universities and colleges that if they keep their tuition and fee increases below the higher education price index, then they will be rewarded for additional grant money on their campuses to distribute among Pell student recipients; and if they make the promise over 5 years and keep it, they will get additional bonuses as well.

We have a "service pays" provision in there for people that are going into public service jobs, from prosecutors to teachers going into difficult areas, to health care and public health people, loan forgiveness of up to $10,000 to smooth their way on that basis, alternative paths to teaching. For those people that are in mid-career and decide they want to teach, we have offered partnerships to make that happen to enhance our Teacher Corps. We have endowment information so we can find whether or not the public policy of allowing people to not pay taxes if they donate to schools actually has a result of going into education.

All of these things are important. This is a good bill. We respect the fact that it came out of committee in unanimous form, and we look forward to support on the floor.

Mr. KELLER of Florida. Mr. Chairman, at this time I yield 3 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Mr. Chairman, our economy is growing more diverse and increasingly global. American competitiveness and ingenuity is dependent on a skilled workforce that reflects the needs of our economy.

As the first in my family to graduate from college, I realize the value and importance of a good education. It is the doorway to success and a critical piece to making our country more competitive in a global economy. Countless studies also detail how dramatically income increases with each successive achievement in education from high school, college, to advanced degrees.

As someone who is still paying off student loans, I understand the challenges faced by parents and children who watch the dramatic increases in the cost of a college education. While I don't agree with every provision in this bill, I am pleased that we have a bill that aims to improve America's competitiveness, seeks to make college more affordable, and cracks down on fraudulent practices of diploma mills where people manufacture fake diplomas.

First, this bill includes language that I have been working on for a couple of years to improve our competitiveness. Today, we often hear that over half of China's undergraduate degrees are in math, science, or engineering. Unfortunately, only 16 percent of American undergraduates pursue these fields. In 2002, foreign nationals accounted for over half of all engineering and math doctorates and almost half of all computer science doctorates.

To meet the demands of an increasingly technological, advanced global marketplace, we must improve the training and the education of our Nation. Through the Byrd Honors Scholarships, we will refocus the program to award graduate and postgraduate scholarships to U.S. students studying math, science, engineering, or computer science providing they agree to work in the field for 5 years following their graduation. In addition, this bill includes a compromise to incorporate adjunct content specialists into the Byrd scholarship program to provide grants to schools to recruit adjunct content specialists from experts in math, science, and critical foreign languages.

I have worked diligently on this since coming to Congress. We need to allow qualified professionals to take time out of their career and enter the classroom and share the real-world experience. I believe our education can be improved if we allow smart and successful people, like a Bill Gates, to spend some time in the classroom.

However, we are not simply seeing a shortage of engineers and scientists. America must focus and train all demand skills, including home-grown welders, plumbers, auto mechanics, lab technicians, doctors, nurses, and pharmacy techs. In my eastern Washington district, manufacturers are turning away job applicants because they do not have the math skills needed.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I support H.R. 4137. It is a great piece of legislation. I commend Chairman MILLER and Ranking Member MCKEON and all the members of the committee. I think that this is truly visionary with regard to the cost, restoring integrity and accountability, and expanding college access.

I am the first member of my family to have the opportunity to go to college. I deeply appreciate what the committee has done. There is one part of the bill I want to provide emphasis to and that is the fire safety part. I have worked on this issue for over 7 years. I was deeply involved in the issue after the horrific fire at Seton Hall University in South Orange in 2000. We lost three students. Fifty-eight other students were injured severely.

This horrible tragedy made it clear that something needed to be done to educate students, their families, the faculty and the staff about the dangers of fires on campuses; and that is why I introduced the Campus Fire Safety Right to Know Act. Parents and students have a right to know about the school's campus fire safety policies and records.

I ask full support of this legislation, and I thank the committee members again for the great work they did.

I rise today in strong support for the College Opportunity and Affordability Act, H.R. 4137, and I commend Chairman MILLER and Ranking Member MCKEON for bringing this worthy measure to the floor.

This comprehensive, bipartisan bill will reauthorize the Higher Education Act through FY 2012 while addressing concerns about the cost of education, restoring integrity and accountability to student loan programs, expanding college access and support for low income and minority students, and strengthening our workforce and competitiveness.

In addition, H.R. 4137 addresses an issue that I have made a priority for over 8 years, which is vital to the safety and security of American college students—fire safety on our college campuses.

The statistics relating to fire safety on college campuses are startling. Each year, thousands of fires rage through the campuses and off-campus housing of our colleges and universities.

I became deeply involved in the issue of campus fire safety after experiencing the terrible aftermath of a catastrophic fire at Seton Hall University in South Orange, New Jersey, in 2000. That fire killed three young freshmen and wounded 58 other students in a dorm on campus.

This horrible tragedy made it clear that something needed to be done to educate students, their families, faculty, and staff about the danger of fires on the campuses of our colleges and universities.

As such, I introduced the "Campus Fire Safety Right to Know Act," a version of which is included in the bill we are considering today.

The campus fire safety reporting requirement in H.R. 4137 mandates that colleges and universities provide prospective and current students and parents with a report of the school's campus fire safety policies and records.

Educating students about fire safety during their time in school will have a strong impact on the choices they make in the future. If we can influence what they learn, we can create a more fire-safe generation for tomorrow and potentially save thousands of lives.

I want to once again state my strong support for this legislation. As the first member of my family to attend college, I applaud the Chairman and Ranking Member for their dedication to making the dream of a college education a reality for so many Americans who otherwise would not have had that chance.

□ 1330

The CHAIRMAN. The gentleman from Florida has 6½ minutes. The gentleman from California has 1 minute.

The gentleman from California has the right to close.

The Chair recognizes the gentleman from Florida.

Mr. KELLER of Florida. Thank you, Mr. Chairman.

Let me just compare where we are today in Pell Grants versus where we were in 2000 when I was elected to show you why I have so much optimism about the good things being done in this bill and others.

In 2000, there were 3.9 million students getting Pell Grants. This year, 5½ million students are getting Pell Grants. In 2000, the maximum award was $3,300 per student. This year, it is about 4,800 per student, and based on the College Cost Reduction and Access Act that President Bush signed into law in September, it is going to go up to $5,400 in the next couple years. In 2000, our overall Pell Grant funding was $7.6 billion. Now it is double that amount.

We have made a substantial investment in the lives of these young people to make sure that every single child in America, rich or poor, has the opportunity to get a college education. We have reason for optimism. We are working together in a bipartisan manner on these higher education issues, and I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I have 1 minute and I just have one speaker left.

Mr. MCKEON. Mr. Chairman, I would be happy to yield 2 minutes to my colleague on the other side, the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my good friend and colleague from California for yielding me time.

Mr. Chairman, I rise in strong support of the reauthorization of the Higher Education Act before us today. As a former member of the Education and Workforce Committee, I am proud of the bipartisan work that the committee has done on this legislation. In fact, it is one of the most important pieces of legislation we will be considering all year, because we are talking about access and affordability for more for students to be able to go and develop the skills they need to be competitive in the global marketplace.

I also want to especially thank a number of individuals who helped include in this reauthorization the Realtime Writers Act, which is vitally important. In the 1996 Telecom Act, we mandated that every television station had to have closed captioning for the hearing-impaired community. The problem is we are not producing enough students with those real-time captioning skills in order to meet that mandate.

Furthermore, virtually every courthouse throughout America is experiencing vast shortages of official court reporters, who are the guardians of our public record, and yet we are not producing the students in order to meet that pent-up demand and pursue that noble and important career.

I want to thank Representative ANDREWS, who was helpful in steering this and making it a part of the Higher Education Act. Mr. REGULA was a cosponsor of the original legislation with me. Senator HARKIN has been the leader and champion on the Senate side to promote this bill. And I thank them for their support as well as the terrific work of the National Court Reporters Association in educating our colleagues.

I also want to commend Representatives HARE and LOEBSACK for the amendment that they offered and got adopted in this legislation that would provide competitive grants for rural leadership training skills for superintendents and principals throughout the country.

As those on the committee are well aware, we are facing a demographic challenge, with over 50 percent of the superintendents and principals about to retire in this country in the next 5 years. Not only is quality teaching in the classroom important, but also the quality of leadership in schools and school districts around the country is vitally important as to how well those schools are going to perform for our students.

So, again, I commend the committee for the work product that they have before us today, the bipartisan work that they have been able to do, and I encourage my colleagues to support this reauthorization.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

For years, Republicans have fought on behalf of students and families to make college more affordable. Now our cause is bipartisan and our vision for reform is the centerpiece of comprehensive Higher Education Act reauthorization.

For students and families grappling with rising college costs, this bill establishes college affordability comparison tools to help put cost increases into perspective. Students will be able to search, sort, and compare key cost indicators for every school in the country. We will identify institutions that are the most costly, the least costly, and those with the fastest rising costs. And for schools engaging in a pattern of extraordinary high cost increases, we demand greater disclosure and concrete steps to identify inefficiencies and fix them. This legislation reflects Republican principles for reform, including financial aid simplification, protection of student privacy, safeguards for taxpayer dollars, emphasis on competitiveness, and many more positive reforms.

We would not have this bill before us today without the hard work of staff on both sides of the aisle. I want to thank Amy Jones in particular for her tireless efforts to ensure this bill includes meaningful college cost reforms. I also want to recognize Brad Thomas and Susan Ross on my staff, along with outgoing staff director Vic Klatt and his successor, Sally Stroup, a higher education policy expert in her own right.

I would also like to recognize Chairman MILLER's staff, including Gaby Gomez, Julie Radocchia, and Jeff Appel.

Throughout the day, we will consider a number of amendments. Some would make the bill stronger, while others are unquestionably bad policy that would send us backward. However, it is the give-and-take of a bipartisan legislative process that has produced the strong bill before us, and I am hopeful that at the end of the day we will be able to secure strong, bipartisan passage of this bill, to make our higher education system more accessible and affordable.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield the balance of my time to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), a member of the committee.

The CHAIRMAN. The gentlewoman is recognized for 1 minute.

Ms. SHEA-PORTER. I thank Chairman MILLER for his leadership on this bipartisan legislation.

Mr. Chairman, I rise today to express my strong support for H.R. 4137, the College Opportunity and Affordability Act. Last year, the Democratically led 110th Congress cut interest rates on student loans in half over a 5-year period in order to help American families pay for college.

This year we have continued our commitment to the poor and to the middle class by expanding college access. College loans are getting more expensive. By working and through student loans, I was able to attend college full time, but today, many students can only attend part time because of financial or family obligations. They also have to attend summer sessions so they can get through college more quickly. This legislation will help them by expanding Pell Grant eligibility for these part-time, year-round students.

One of this Congress' priorities is to make it easier to earn a college education. This legislation honors our commitment. As a member of the Education and Labor Committee, I proudly support this legislation and I urge my colleagues to do the same.

Mr. SCOTT of Virginia. Mr. Chairman, I rise today in support of the College Opportunity and Affordability Act of 2007. I would like to thank Chairman GEORGE MILLER, Ranking Member MCKEON, Chairman HINOJOSA, and Ranking Member KELLER for their work on this bill, which goes a long way toward making higher education attainable for all.

The College Opportunity and Affordability Act of 2007 contains several helpful provisions for students. First, the bill increases the authorized maximum Pell Grant award from $5,800 to $9,000. In addition, the bill further decreases student interest rates. The bill also includes a feasibility study on giving students more flexibility in refinancing their loans by making student loans more like home mortgages, in which borrowers can switch back and forth from variable rates to fixed rates as the market's conditions change.

H.R. 4137 increases support for Historically Black Colleges and Universities and Minority Serving Institutions.

This bill also helps schools affected by a disaster. An Education Disaster and Emergency Relief Loan Program is created to provide emergency loan funds to schools after a Federal declared major disaster or emergency, including those schools affected by the 2005 Gulf Hurricanes. Additionally, the bill requires the Secretary to create a disaster relief plan for schools and LEAs adversely affected by disasters.

The College Opportunity and Affordability Act of 2007 also addresses several additional critical issues. The bill provides loan forgiveness for areas of national need, including early childhood educators, child welfare workers, school counselors, and mental health professionals. In addition, the bill creates a grant program, to help nonprofit organizations, in collaboration with higher education institutions and their students, that seek to promote cultural diversity in the entertainment media industry. Finally, the bill creates a new competitive grant program to strengthen and develop college-level programs in the rapidly growing field of modeling and simulation.

I am pleased that the bill also includes a study to be performed by GAO on whether any race, ethnicity, or gender biases are present in the design of standardized tests used for admission to institutions of higher learning. This language should enable GAO to acquire data from the testing companies because of the link between the tests and the federal money that the schools receive, who use these admissions tests.

H.R. 4137 also seeks to make campuses more safe by creating a National Center for Campus Public Safety to train campus public safety agencies, encourage research to strengthen college safety and security, and serve as a clearinghouse for the dissemination of relevant campus public safety information. The bill also requires the Department of Education to conform hate crime reporting requirements to FBI guidelines to more accurately report incidents of hate crimes on our campuses.

Finally, the bill includes several positive changes to the TRIO programs, which provide assistance to low-income and first generation college-going students. The bill eliminates unreasonable evaluation requirements imposed on Upward Bound programs by the Department of Education without requiring a recompetition. In addition, the bill creates an appeals process for TRIO programs to ensure that the grantmaking process is fair and equitable.

One item not addressed in H.R. 4137 is the provision under current law that prohibits students who are convicted of certain drug offenses from receiving federal student financial aid. This provision unfairly targets poor and minority students, increases long-term costs to society, creates double jeopardy for students who have already paid their debt to society, and lacks evidence of effectiveness. For these reasons and others, I hope that we can address this critical access issue as this bill moves through the legislative process.

For the foregoing reasons, I support the bill and urge my colleagues to support it.

Mr. HOYER. Mr. Chairman, today—in a bipartisan vote—this House will pass critical legislation designed to expand college access and to make higher education more affordable for millions of American students.

This legislation, the College Opportunity and Affordability Act, builds on the College Cost Reduction Act—legislation enacted last year that, among other things, increased the maximum Pell Grant to $5,400 over five years and cut interest rates in half on subsidized student loans, saving the average student $4,400 over the life of the loan.

There is a direct connection between our Nation's future prosperity and our ability to compete and succeed in a global marketplace that now relies more on brains than brawn. An educated workforce is absolutely indispensable in this information age—and this legislation represents an important step in expanding college access to more Americans.

In particular, I want to thank Chairman MILLER, Ranking Member MCKEON and the members of the Education and Labor Committee for their hard work on this bill, which was reported out of committee on a 45 to 0 vote.

This legislation reauthorizes the Higher Education Act through fiscal year 2012, and, among other things, it will encourage colleges to rein in price increases, providing incentives—such as additional need-based aid—to colleges to hold down price increases. It also will require the Department of Education to create "higher education price increase watch lists" that report the full price of tuition and fees, as well as the cost of room and board for students living on campus. And, it seeks to restore integrity and accountability to the student loan program, requiring institutions and lenders to adopt strict codes of conduct, and providing students with full and fair information about their borrowing options.

Furthermore, this bill will make textbook costs more manageable by providing students with advance information on textbook pricing so that they can plan for expenses and by ensuring that colleges and faculty have full textbook pricing information when making purchasing decisions.

Just today, the Washington Post noded in an editorial: "Textbook prices have been rising rapidly in recent decades, increasing at more than 2½ times the rate of inflation from 1986 to 2004, according to a Government Accountability Office report." The Post continued: "At the University of Maryland at College Park, the average student spends more than $1,000 a year on textbooks—equal to 20 percent of tuition."

Mr. Chairman, it not only is imperative to expand college access, but also to do what we can to ensure that our students do not graduate with crushing debt that haunts them for decades.

In addition, this important bill will make college more affordable for low-income and nontraditional students by allowing students to receive Pell Grant scholarship aid for the entire year. The bill also creates a new scholarship program for active duty military personnel and family members, including children and spouses of active duty military service members and veterans.

Finally, let me say that I am pleased that this legislation includes provisions that Congressman BERMAN and I worked on that require institutions to disclose to students and employees their policies related to copyright infringement and a description of actions that institutions take to prevent and detect illegal file sharing.

Mr. Chairman, this a good, thoughtful piece of legislation. And, I urge members on both sides on the aisle to vote for it.

Mr. HARE. Mr. Chairman, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act. As a member of the House Education and Labor Committee, I had the privilege of working on this legislation, which will have a large impact on the students, veterans, and workers in the rural communities of my Congressional district.

Today's legislation includes several provisions I authored to increase enrollment of graduates from rural high schools in institutions of higher education, help rural schools recruit qualified teachers and administrators, and develop a strong workforce in rural America.

One-third of K–12 schools in the United States are located in rural areas and are responsible for educating almost 10 million children. Unfortunately, these schools struggle to recruit highly qualified teachers, putting our rural students at a disadvantage.

Teachers in rural schools often teach several subjects to multiple grade levels and play many different roles in the school, such as counselor, coach, lunchroom attendant, janitor, administrator, and others. Therefore, in order for rural schools to recruit qualified teachers, colleges of education must teach students the skills needed to work in rural America. My provision achieves this goal by providing incentives to colleges of education to add a rural focus to their curriculum, and encourage students to complete their required student teaching hours in rural schools.

I am also proud that Title VIII of the bill includes the College and University Rural Education (CURE) Act, which I introduced with my colleagues, Representatives DAVID LOEBSACK and ZACK SPACE. A variety of studies show that fewer high school graduates from rural schools continue on to college than from suburban schools. This unfortunate reality leads to difficulties in training a qualified workforce in rural America.

Now, more than ever, our Nation needs a skilled workforce of teachers, health care workers, information technologists, and engineers willing to live and work in rural communities in order to create and support a competitive workforce, and to enhance the quality of life for Americans living in rural areas.

The CURE Act responds to this call by establishing three grant programs to increase enrollment of rural high school graduates in institutions of higher education; increase economic development partnerships to create an employment pipeline from higher education institutions to the workforce; and increase the quality of life in rural areas by providing training for professions of need in rural areas.

Finally, I am pleased today's bill includes another provision I developed to help the dislocated workers of Galesburg, IL, and other trade impacted communities across the Nation. This provision allows workers to indicate on the Free Application for Federal Student Aid (FAFSA) that they have lost their job and would like to use current year income when applying for financial aid. This will ensure that dislocated workers receive appropriate financial support, directly resulting in greater access to training opportunities for workers who lost their jobs.

The College Opportunity and Affordability Act builds upon the work we started in the College Cost Reduction and Access Act to make college more affordable and accessible to all Americans. I thank Chairman MILLER and Ranking Member MCKEON for their leadership in moving these bills through our committee and quickly to the floor. I urge all my colleagues to support the Manager's Amendment and underlining bill.

Mr. SESSIONS. Mr. Chairman, I rise today in support of the expanded access to higher education that individuals with intellectual disabilities will have under the College Opportunity and Affordability Act being considered on the House floor today.

As many of my colleagues know, my son Alex, who just turned 14, has Down syndrome. As a student at J.L. Long Middle School in Dallas, Texas, Alex has made significant academic progress and received many of the same education opportunities as his peers as a result of the Individuals with Disabilities Education Act. While IDEA will provide invaluable education for Alex throughout his K–12 education, I also realize that IDEA will not be there to serve his needs after high school.

Currently, the education opportunities for most individuals with intellectual disabilities end with secondary school. Unfortunately, most remain unemployed and completely dependent.

As the parent of an individual with intellectual disabilities, I have worked to ensure that individuals with disabilities have access to the resources and opportunities to develop self-reliance and life skills, enabling them to achieve their potential and to contribute to our communities.

Mr. Chairman, in 2006, I authored legislative language to grant students with intellectual disabilities access to Federal work study funds for enrollment in comprehensive post-secondary education programs.

I am very pleased that the College Opportunity and Affordability Act not only includes my work study language, but it also builds on those efforts by providing access to Pell Grants and Supplemental Education Opportunity Grants. By providing access to Federal student aid, we will be empowering individuals with intellectual disabilities across our Nation to learn, develop, and achieve to the best of their abilities.

Additionally, I am pleased that this legislation will establish a model education demonstration for a comprehensive transition and post-secondary program for students with intellectual disabilities. By awarding competitive grants to higher education institutions, the development of this model demonstration will establish important first steps for the creation and expansion of additional transition and postsecondary programs for students with intellectual disabilities across our Nation.

To ensure the integrity and success of these groundbreaking programs for students with intellectual disabilities, this legislation also authorizes a coordinating center that will provide technical assistance, evaluation, and recommendations for the development of accreditation standards.

Mr. Chairman, the establishment of these vital programs will represent a historic victory not only for individuals with intellectual disabilities, but also for their families and for the educators and advocates who have worked diligently to establish these post-secondary education opportunities.

In particular, I would like to recognize Stephanie Lee and Madeleine Will with the National Down Syndrome Society for their invaluable expertise and support to ensure that dreams of student aid and transitional education programs for individuals with intellectual disabilities become a reality.

Today, we can ensure that individuals with intellectual disabilities have access to the educational resources and opportunities that can enable them to lead a very fulfilling life.

Mr. FARR. Mr. Chairman, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act of 2007 and the manager's amendment offered by House Education and Labor Committee Chairman, Representative GEORGE MILLER.

It is globally accepted that the higher education system in the United States is the envy of the academic world. Paths to college often have different origins but always have the same destination, to enlighten our minds and expand our horizons.

A path that often goes unnoticed but traveled by a hidden portion of our population is the path of those with dyslexia. Dyslexia is often the butt of many jokes, but for those affected by it, it is anything but funny. Reading and writing are two fundamental skills that are essential to how we learn from the time we enter school to the end of our lives. For people who suffer from dyslexia, like myself, our ability to learn by traditional teaching methods is more challenging, and dyslexic children often fall behind at an early age. Imagine trying to follow along with your classmates and simply not understanding why you cannot read at the same level as everyone else. Being young, you don't know that you have this condition. Your teacher, who has not been trained to identify dyslexia, assumes that you may be slow or lazy. The longer the problem goes unidentified, the greater the challenge to overcome and adapt. As a young child with dyslexia, I quickly lost interest in school and became a class disruption. If it had not been for a science teacher who encouraged my interest in the sciences, who knows where I would be today? In science I had the opportunity to learn with my hands and not solely through a bunch of jumbled words in a textbook. This newfound appreciation for learning spilled over into other subjects and inspired me to succeed every day. Most students with dyslexia go unidentified and are more likely to struggle in early grades, which may mean they stay back a grade, lose interest in their studies, can become increasingly disruptive in class and may be sent to alternative schools for troubled youths or special education classes. All this because our teachers are not trained to recognize dyslexia in the classroom.

As part of the manager's amendment to H.R. 4137, a study by the Center for Education at the National Academy of Sciences will examine teacher education programs at institutes of higher education to determine if teachers are adequately prepared to meet the needs of students with reading and language processing challenges, including dyslexia.

For too long, the Department of Education has resisted efforts to increase awareness and training for students with dyslexia. We owe it not only to our children but also to our teachers and parents to fully recognize dyslexia as an impediment to accessing their full potential. A simple recognition of this condition can change a child's life forever and help set them on a path to be a productive member of society. I was lucky, but a good education policy should not be based upon a collective crossing of fingers.

Mr. Chairman, I again urge my colleagues to vote in favor of H.R. 4137 and the manager's amendment offered by the House Education and Labor Committee Chairman, and my good friend, Congressman GEORGE MILLER.

Mr. WILSON of South Carolina. Mr. Chairman, I rise today to bring attention to an anomaly in Federal higher education policy that I have been trying to fix. It has been Federal policy for many years to provide incentives to individuals to work in either high-growth professions, high-need areas, or both. These incentives have included a variety of loan forgiveness and loan cancellation programs. In fact, this chamber just created a new program for public sector employees last year.

The Federal Perkins Loan Program is a relatively small student loan program targeted at low-income individuals. It provides these individuals with low fixed-rate student loans. Additionally, the Federal Government is willing to cancel these particular loans for borrowers who work in high-growth professions and/or high-needs settings for at least 5 years.

Unfortunately, when my office examined the Federal Family Education Loan Program and the Direct Loan Program to see if these programs were treating their borrowers in a similar fashion, we found inconsistencies. One such inconsistency is the fact that individuals who borrow Perkins Loans, obtain a degree in speech-language pathology, and work in a Title I school for 5 years can seek to have a portion of their loan cancelled. The net result is an increase in individuals providing necessary services to children who require specialized care. However, both the FFEL and Direct Loan programs do not treat school-based speech-language pathologists like their special education teacher colleagues with whom they work side-by-side with as they provide valuable education services to children with disabilities. The teachers receive the incentive; the speech-language pathologists do not.

Four years after the re-authorization of the Individuals with Disabilities Education Act, while we are in the midst of a re-authorization of the No Child Left Behind Act, and while we know how critical the academic performance of children with disabilities affects a school or school district, I think it is unwise and unfair to deprive these children of the opportunity to receive the special education services they need to succeed.

I will work with my colleagues on the House Education and Labor Committee and our counterparts in the Senate to try to resolve this matter. I look forward to discusing this matter with them as we proceed to a conference with the Senate.

Mr. CONYERS. Mr. Chairman, I rise today in support of the reauthorization of the Higher Education Act, H.R. 4137. In passing this reauthorization today, the 110th Congress is once again demonstrating its commitment to strengthening America's economy by increasing access to higher education.

In the lead-up to the 2006 election Democrats made a pledge to make increased access to a quality education a priority in the 110th Congress. The passage of this reauthorization today is just the latest example of our making good on this promise.

Titled the College Opportunity and Affordability Act, H.R. 4137 reauthorizes one of President Lyndon Baines Johnson's key Great Society programs, the Higher Education Act of 1965. The purpose of this legislation from the outset always has been to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education. H.R 4137 builds on this strong foundation.

A college education continues to be the best path to enter the middle class. But ever-increasing tuition costs and other obstacles are putting a college degree further out of reach for America's students. In addition to rising tuition, students and their families face an overly complex federal student aid application process and a student loan industry tainted by conflicts of interest and mired in corrupt lending practices. H.R. 4137 addresses these problems by encouraging colleges to rein in price increases, ensuring that states maintain their commitments to higher education funding, and providing students and families with consumer-friendly information on college pricing and the factors driving tuition increases.

The legislation strengthens provisions previously approved by the House to avoid conflicts of interest in the student loan programs. The bill's new provisions also include requiring better consumer disclosures and protections on private student loans.

In the first 50 legislative hours of the 110th Congress, the Democratic majority in the House of Representatives passed H.R. 5, the College Student Relief Act, which cut the interest rates in half on certain subsidized student loans over the next five years. In July 2007 we passed H.R. 2669, the College Cost Reduction Act, the single largest increase in college aid since the GI bill. Today, with H.R. 4137, the College Opportunity and Affordability Act, we build on these efforts and once again demonstrate that the 110th Congress is building a better future for all Americans.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of H.R.

4137, the College Opportunity and Affordability Act, introduced by my distinguished colleague from California, Representative GEORGE MILLER. This significant piece of legislation provides greater access to colleges and universities, making higher education affordable for all Americans, not just the wealthy.

A quality education continues to be the best pathway to social and economic mobility in this country. As a Member and Senior Whip of the Congressional Black Caucus, I have consistently advocated for the maintenance of Historically Black Colleges and Universities. This legislation will increase funding to Historically Black Colleges and Universities, as well as Hispanic and other minority-serving institutions, and it will expand college access and support for low-income and minority students.

This legislation contains provisions allowing students to receive Pell Grant scholarships year-round, and it increases the Pell Grant maximum to $9,000. In addition, it strengthens college readiness programs, namely the TRIO and GEAR UP college readiness and support programs for low-income and first-generation students. These increases will expand college access for low-income and minority students.

In Texas, over 87,000 African-Americans are incarcerated compared to approximately 48,000 African-Americans attending college or university. The disparity between the percentages of our youth in prison versus the number of young people in college, particularly in the African-American community, is disturbing to say the least. Higher education continues to be one of the main pathways to social and economic mobility, particularly in the African-American and Hispanic communities.

Mr. Chairman, this legislation contains important provisions opening up even wider opportunities for our veterans. Our own Congressman CHARLES RANGEL was enlisted in the Army before even finishing high school. Through the G.I. Bill, he obtained his bachelor's degree and eventually his law degree to become Chairman of Ways and Means. H.R. 4137 goes beyond what the G.I. Bill did for Chairman RANGEL, increasing college aid and housing aid for not only veterans, but their families.

This legislation creates a new scholarship program for active duty military personnel and family members, including children and spouses of active duty military service members or veterans. It establishes support centers to help veterans succeed in college and graduate. Finally, it ensures fairness in student aid and housing aid for veterans, making it easier for them to attend college while also fulfilling their military service duties.

Mr. Chairman, I would also like to express my strong support for an amendment introduced by my distinguished colleague, Congressman DANNY DAVIS, restoring safeguards to student loan borrowers. Mr. Chairman, students who take out loans borrow money as part of their pursuit to better themselves and contribute to the advancement of our Nation and economy. However, current bankruptcy laws apply the same severe standards to student borrowers that it applies to those trying to escape child support payments, alimony, overdue taxes, and criminal fines.

I do not believe those of our sons and daughters should be punished for trying to get an education. All student loans are currently non-dischargeable in bankruptcy, except in cases on a judicial finding of undue hardship (an extremely difficult standard to meet). Under Mr. DAVIS's amendment, government student loans and loans made by nonprofit entities would remain non-dischargeable; other student loans, made by for-profit banks and other lenders, would continue to be non-dischargeable for the first five years after they come due, and after that time they would be treated like other unsecured consumer loans in bankruptcy. Mr. Chairman, I strongly urge my colleagues to support this amendment, and to work to restore bankruptcy protection to private student loans.

Understanding the federal application for federal student aid can be challenging and complex even for the most knowledgeable parent. The College Opportunity and Affordability Act would streamline and simplify the application process giving families the tools they need to properly plan for their college expenses.

This legislation will reform our higher education system ensuring students and their families have the information they need to understand their borrowing options when applying for federal and private loans.

Mr. Chairman, as an active member of the Committee on Homeland Security, I am extremely supportive of the provisions in this legislation that boost campus safety and disaster readiness plans. Last year's tragedy at Virginia Tech has illustrated the horror to which students might be exposed, and natural disasters in recent years have underlined the necessity of having campus disaster plans.

This legislation helps all colleges develop and implement state-of-the-art emergency systems and campus safety plans, and it requires the Department of Education to develop and maintain a disaster plan in preparation for emergencies. In addition, this legislation creates a National Center for Campus Safety at the Department of Justice to work in collaboration with the COPS program. Finally, it establishes a disaster relief loan program, to help schools recover and rebuild in the event of a disaster.

The cost of higher education has risen to the point that it has affected our workforce and our public service sectors. This country needs firefighters, public defenders, law enforcement officials, and educators just as much as it needs doctors and investment brokers. H.R. 4137 would encourage students to enter vital public service jobs by authorizing up to $10,000 in loan forgiveness.

This important piece of legislation gives our youth, our veterans, and our families the opportunity to not only dream of attending college but actually realize that dream. I urge my colleagues to join me in supporting H.R. 4137.

Mr. REICHERT. Mr. Chairman, in today's global, highly competitive economy it is imperative that we create new opportunities for our children and ensure that all students, no matter their age, income, or race, have access to quality, affordable education. I am pleased to rise in support of this important legislation and I'd like to thank Chairman MILLER and Ranking Member MCKEON for bringing this bipartisan bill to the floor so that we may finally make the dream of college a reality for all children.

Last year, an overwhelming majority of my colleagues joined me in supporting the College Cost Reduction Act, which the President signed into law. This was a good first step to addressing the rising cost of college but today we have an opportunity to do so much more.

Education is the lifeblood of a free and democratic society. We have a responsibility to the future prosperity of this great Nation and the rest of the world to ensure that our children have access to the very best education possible—which means controlling costs, strengthening our standards, promoting excellence, and creating new opportunities for previously disadvantaged children. Increasing the maximum Pell Grants and making them available year-round will go a long way towards accomplishing this goal.

Finally, Mr. Chairman, if we are to remain a global economic leader we must continue to invest in science and math education. The foundation of innovation lies in a motivated and well-educated workforce equipped with science, technology, engineering, and math skills. While the U.S. is supporting math and science, the rest of the world is not standing still and many countries are working hard to build their own innovation capacity.

Our inability to provide our students with a premiere or even a basic education in math and science is a threat not only to our economic security, but also to our national security. The Hart-Rudman Commission was convened in 1998 to take a look at threats facing our country's national security over a 25-year period. The final report, released in early 2001, received national attention after 9/11 because it stated that the number one threat facing our country was terrorism, and it predicted that an attack was likely to take place on U.S. soil. But what is not as well known is that the report stated the second biggest threat to our national security was our Nation's inability to educate our own children in math and science. It called for a "recapitalization" effort. Our Nation has benefited and has been living on the intellectual capital that was driven to our shores by Nazism, Communism and poverty in the 20th century. But now, in a global economy, we can no longer rely on the world's minds coming to our country. And this trend coupled with our own deficiencies in education has created a crisis that, according to this report, reaches national security proportions of the highest magnitude.

A great real-world example exists in my own district in Washington State, which exemplifies the importance of science and math education. My district is home to several high-tech companies, including Microsoft. In order to ensure the continued success of Microsoft and other similarly situated companies, we must take steps now to fix our failing math and science programs to make certain they're able to hire the very best and brightest and we don't have to rely on a failing immigration and visa program to coax highly skilled and trained workers from overseas.

I believe we need to continue to emphasize math and science throughout a child's education. During a speech before the National Governor's Association at their 2005 Achieve Summit, Microsoft Chairman Bill Gates said, "In math and science, our 4th graders are among the top students in the world. By 8th grade, they're in the middle of the pack. By 12th grade, U.S. students are scoring near the bottom of all industrialized nations." The need for serious attention and improvements to our math and science education is clear. I am happy to see the committee begin to address this need today through scholarships, grants, and incentive programs to encourage students to pursue careers in math and science.

Every parent wants their child to grow up to have more opportunities and a better life than they had. Providing our children with access to a higher education is integrally linked to the future economic, social, and cultural health of our democracy. I urge all my colleagues to stand up for our children and their future and join me in supporting this legislation.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of this fine legislation, and I urge my colleagues to join me in voting to pass it. This is a good bill, and I commend the bipartisan work of the Education and Labor Committee under the leadership of Chairman GEORGE MILLER and Ranking Member BUCK MCKEON.

H.R. 4137 will renew and reauthorize the Higher Education Act for the first time in 10 years. This legislation will expand college access for low-income and minority students by allowing students to receive year-round Pell Grant scholarships and strengthening college readiness initiatives as well as increasing the authorized Pell Grant maximum to $9,000. The bill will streamline the federal student financial aid application.

In addition, H.R. 4137 will create Community Colleges as Partners in Teacher Education grants which will provide needed support to establish teacher education efforts that are aligned with four-year institutions, so students can transition seamlessly from community college to four-year schools. The bill will provide further assistance to community colleges in critical areas such as remedial education, rural development, and nursing education. And H.R. 4137 will make textbook costs more manageable for students by helping them to plan for textbook expenses in advance of each semester.

I also support several useful floor amendments to the bill that will further strengthen this legislation, including the Managers amendment containing the Davis amendment to create a new masters assistance program for HBCUs, including Fayetteville State University in my Congressional District. I also support the Doggett amendment to enable data-matching between the IRS and the Department of Education for the purposes of calculating the Expected Family Contribution when processing financial aid. I support the Edwards/Boyda amendment to provide for instate tuition for soldiers' dependents like so many families of soldiers at North Carolina's Fort Bragg. And I support the Shuler amendment to authorize a competitive grant program through the Department of Education that would allow institutions of higher education to create longitudinal data systems to efficiently and accurately manage, analyze, disaggregate and use individual student data.

Finally, Mr. Chairman, as the first member of my family to graduate from college, I know firsthand that affordable access to higher education is the key to the American Dream for working families. I am pleased to support this legislation, and I urge my colleagues to join me in voting to pass it.

Mr. VAN HOLLEN. Mr. Chairman, we all know that paying for college is often a daunting task for our Nation's students and families. It can sometimes be difficult to calculate the full costs and find ways to meet them. Far too many students graduate with too much debt—debts that can limit their choices and strain their finances. I am proud that this Congress has focused significant attention on this issue.

Last year this Congress passed the largest increase in student assistance since the Montgomery G.I. Bill. That increase was fully paid for by reducing subsidies to banks and lenders. Today, we continue our commitment to increasing access to higher education with the College Opportunity and Affordability Act.

This bill provides transparency and clarity in the often-confusing process that students and families face as they decide how to pay for college. It simplifies the Free Application for Federal Student Aid process and creates a shorter form for low-income families. It instructs the Secretary of Education to create a user-friendly website that centralizes information about schools and costs. It also makes sure that students and parents get easy-to-understand information about the terms and conditions of both federal and private loans.

The College Opportunity and Affordability Act also includes provisions from the House-passed Student Loan Sunshine Act, which requires schools and lenders to adopt strict codes of conduct to avoid conflicts of interest and protect students from aggressive lending practices.

Today's bill also furthers our Competitiveness Agenda, begun with the America COMPETES Act last year, by creating programs to recruit new science and technology teachers and collaborate with the business community to improve science, technology, engineering and math (STEM) and foreign language education.

It continues our commitment to our Nation's military, creating new scholarships for active duty personnel and their families, providing support for veterans at college, and ensuring that they have fair access to student and housing aid.

I thank the chairman and ranking member for including many of the provisions from the Teach for America Act, a bill that I introduced last year with Mr. CASTLE, Ms. DELAURO, Mr. REGULA, and Mr. SARBANES. These provisions, combined with the amendment to clarify specific authorizing amounts that Mr. CASTLE and I offered today, will allow Teach for America to expand its reach with 8,000 corps members serving 680,000 children in 33 regions around the country.

Mr. Chairman, this bill will increase transparency, put more qualified teachers in our classrooms, and open the doors to college to our Nation's children. I urge my colleagues to join me in supporting it today.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to express my support for H.R. 4137, the College Opportunity and Affordability Act of 2007.

With each passing day, a college education becomes increasingly important for the success of our workforce while simultaneously becoming more expensive and unattainable. H.R. 4137 would address this unfortunate trend by making a quality post-secondary education more affordable and accessible for all Americans. This legislation includes a number of commendable provisions that will help to reform our higher education system so that it can better serve the needs of students and their families. It offers a comprehensive approach to reducing educational expenses and provides targeted support to groups with the greatest need.

I am particularly pleased with the efforts that have been made to increase access for low-income and minority students. The bill allows Pell grants to be made available based on a year-round enrollment schedule so that low-income and non-traditional students will have the flexibility and resources to obtain a college degree. Additional provisions in the bill will expand funding for minority-serving institutions such as Historically Black Colleges and Universities. There are also measures designed to strengthen the GEAR UP and TRIO college readiness programs so that low-income and first generation students will be adequately prepared.

If we truly wish to enable our students to achieve their full potential, we must not let them be confined by their financial limitations. I support the College Opportunity and Affordability Act so that all Americans will be able to pursue a higher education and achieve the American Dream.

Mr. TIAHRT. Mr. Chairman, I rise today to offer my support for H.R. 4137, the College Opportunity and Affordability Act. This bill takes significant steps to make the dream of a college education a reality for America's young people, and I am very pleased that we are considering it today. H.R. 4137 addresses a number of aspects of higher education, but there are two provisions in particular that I would like to commend.

First, I am pleased with the inclusion of section 706, which establishes grants for urban-serving universities. Our cities are facing unique challenges that require solutions that are tailored to their needs. Urban secondary schools have higher dropout rates and lower test scores than their suburban and rural counterparts. Urban schools struggle to recruit and retain teachers, especially in areas like mathematics and science. A larger proportion of urban populations are uninsured or underinsured. Urban research universities, like Wichita State University in my district, are well positioned and equipped to find real, meaningful solutions to these issues. They are uniquely qualified to train teachers for urban classrooms. They are able to use their strategic location to develop community-academic partnerships to develop effective treatments for diseases in urban populations, and rectify health disparities in their communities. The magnitude of these issues requires an investment by the Federal Government to encourage urban universities to coordinate, evaluate, and disseminate solutions to key urban problems related to education, community revitalization, and health and quality of life. The grant programs in section 706 are a solid first step towards this end.

Secondly, I am pleased with the promotion of Science, Technology, Engineering, and

Mathematics, STEM, fields. Success in these fields is critical to the continued economic dominance that the United States currently enjoys. The United States has the No. 1 economy in the world. For almost two centuries, we have been the envy of the world—a dynamic economy, a hardworking, motivated workforce, truly the land of opportunity where innovation has thrived. That status is changing, however. While our education system is languishing, especially in STEM fields that are so critical to our continued economic growth, China, India, and other nations are preparing for the future. They are educating their students in math, science, and technology and pumping out record numbers of engineers. Language included in this bill will help American students keep pace with their international counterparts.

I urge my colleagues to support these measures in particular, and the underlying bill.

Mr. MORAN of Virginia. Mr. Chairman, I want to thank the chairman and his staff for including the Moran-Shays amendment in the manager's package of the College Opportunity and Affordability Act. For some time, Mr. SHAYS and I have been concerned with maintaining the strength of our Nation's public service. This amendment lays an early foundation for a greater Federal role in encouraging and facilitating public service.

The Moran-Shays amendment will bring together the experts in the field of public service to study how student loan debt affects the decisions of graduates of postsecondary and graduate education programs to enter into public service careers. Specifically, the study assesses the current challenges to recruiting and retaining well-qualified public servants, evaluates existing Federal programs and whether additional Federal programs could increase the number of graduates who enter careers in public service, and recommends pilot programs, including the establishment of a public service academy, to encourage careers in public service.

The new century has brought immense challenges that require strong and prepared public institutions. On the eve of the retirement of the baby-boom generation, our Nation presses for a new generation of teachers, firefighters, Federal employees, and other civil servants to fill the void they will leave.

Young Americans are answering the call. According to the Higher Education Research Institute, two-thirds of the 2005 freshman class at institutions of higher education expressed a desire to serve others, the highest rate in a generation.

Yet, an impediment to public service is the increase in college tuitions and debts, making it difficult for graduates to pursue careers in the public sector. These future public servants are potentially overburdened by the debts of college and university loans, forced to choose private sector jobs over public service opportunities.

By providing students with a federally funded education, the stress of debts would be eliminated, and their commitment to the public service sector for at least 5 years could lead to lifelong service.

I have joined with Representative CHRIS SHAYS and Senators HILLARY CLINTON and ARLEN SPECTER to introduce the U.S. Public Service Academy Act. Modeled after the military service academies, this academy will provide a 4-year, federally subsidized college education for more than 5,000 students each year in exchange for a 5-year commitment to public service, including fields that will most need a new generation of leaders, such as public education, public health, and law enforcement. We are encouraged by the support the proposal has gained so far, as nearly 100 bipartisan cosponsors in the House of Representatives have joined in this effort.

Mr. Chairman, the Moran-Shays amendment will continue to make the case for Federal intervention into promoting public service, including possibly a public service academy. I thank the committee for including the study in the manager's amendment, and I urge passage of the College Opportunity and Affordability Act.

Mr. REYES. Mr. Chairman, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act of 2007.

In addition to restoring integrity to student loan programs, encouraging States and colleges to rein in student costs, bolstering Pell grants and expanding maximum awards, and investing in renewable and efficient campus energy practices, this legislation makes a vital investment in the economic competitiveness of our nation. Included in that investment is a needed focus on improving minority participation in the science, technology, engineering, and math, STEM, fields.

According to the U.S. Census, 39 percent of the population under the age of 18 is a racial or ethnic minority. That percentage is on a path to pass 50 percent by the year 2050. Yet, in 2000, only 4.4 percent of the science and engineering jobs were held by African Americans and only 3.4 percent by Hispanics.

This under-representation of minority groups in the STEM fields is a severe impediment to the formation of an adequate American STEM workforce. The increased education and participation of this segment of the workforce is essential to supplying the American economy with the STEM expertise the country needs to innovate and to improve America's economic standing in the world.

One year ago, I joined with several of my colleagues, Congresswoman EDDIE BERNICE JOHNSON, Congresswoman ZOE LOFGREN, Congressman RUBÉN HINOJOSA, Congressman MIKE HONDA, and Congressman G.K. BUTTERFIELD, to create the House Diversity and Innovation Caucus. The caucus was created on a relatively simple premise: If we want to expand the STEM pipeline, we must broaden our pool of talent. If we are to compete with the rest of the world, we cannot do so with one hand tied behind our back, with the vast majority of certain demographic groups severely under-represented in the fields that drive innovation.

This bill includes several provisions that would bolster the participation of under-represented groups in the STEM fields. Specifically, H.R. 4137 would:

Establish the YES Partnership grant program for Minority-Serving Institutions to support the participation of under-represented minority youth in STEM through outreach and hands-on experiential-based learning projects;

Strengthen and expand the Minority Science and Engineering Improvement Program;

Enact the Minority-Serving Institutions Digital and Wireless Technology Opportunity Program;

Establish a matching grant program to recruit math, science, and language teachers;

Establish a priority in the Graduate Areas of National Need Program for fellowships to develop faculty in math, science, special education, and bilingual education;

Expand loan forgiveness in areas of national need;

Authorize a grant to examine establishing an organization to ensure women and under-represented minorities on college campuses are not facing subtle biases that discourage them from careers in STEM fields; and

Ensure that legal immigrants and part-time students are eligible for the Academic Competitiveness and SMART grants.

I am particularly proud that H.R. 4137 includes a bill I authored and introduced in the House, the STEM Promotion Act. In addition to providing young Americans strong educational opportunities in STEM, we must find a way to interest them in pursuing the STEM professions. My generation was inspired by *Sputnik* to pursue careers in science, engineering, and math, but we cannot sit back and wait for another Sputnik to re-engage our young people in these critical fields. We must tackle the STEM pipeline issue head-on, by methodically attracting Americans to enter STEM.

The STEM Promotion Act proposes just that. The bill would require the Secretary of Education to work with marketing professionals, similar to what the military does, to advertise and otherwise market the attractiveness of pursuing opportunities in STEM. Moreover, the Secretary would order marketing research to be conducted to examine how best to appeal to segments of our population that have been under-represented in the STEM fields, such as women, Hispanics, and African-Americans.

If America is to achieve its strategic objectives in STEM, the enormous potential of groups that are currently under-represented in the STEM fields must be realized. This bill will expand the STEM pipeline and promote innovation and competitiveness by helping to correct the under-representation of certain groups in the STEM fields.

H.R. 4137 also makes broad investments in higher education and college access. In addition to increasing the maximum Pell grant award by over $3,000 and authorizing year-round grants, the bill includes key provisions of the Next Generation Hispanic-Serving Institutions Act, of which I have been an original cosponsor for the past three Congresses. Included is a new graduate program for those institutions, authorized at $125 million, and an increased authorization for the undergraduate program to $175 million.

I am particularly pleased that the Education and Labor Committee has seen fit to strengthen and increase funding for GEAR UP and TRIO, which are critical college access programs for low-income students for which I have advocated since arriving in Congress in 1997. Specifically, the bill increases minimum grant awards for TRIO and HEP–CAMP, increases the authorization for TRIO to $950 million, increases the authorization for GEAR

UP to $400 million, and addresses accountability standards to ensure students are completing a rigorous program of study. The bill also promotes college transition and parental involvement in GEAR UP, and encourages GEAR UP and TRIO to promote financial literacy.

By passing this bill, we would also ensure that our military veterans have full access to both the Montgomery GI bill and education programs under the Higher Education Act. H.R. 4137 establishes a scholarship program for veteran students and their families and Centers of Excellence for Veteran Student Success, and ensures fair treatment of veterans benefits in the financial aid need analysis formula.

I urge my colleagues to consider this bill's positive impact on competitiveness when deciding how to vote. Please support a strong and prosperous America. Vote "yes" on H.R. 4137.

Mr. DINGELL. Mr. Chairman, today I rise in support of H.R. 4137, the College Opportunity and Affordability Act. As a proud father and grandfather, I know too well that the costs of a college education can be prohibitive. This legislation, in combination with the College Cost Reduction Act passed in September, makes great strides to reform our higher education system to increase access to all students and families who desire to attend college.

I know many of you have heard me talk about the tough times my great State of Michigan is facing. I know many of you have heard that Michigan has the highest unemployment rate in the Nation at 7.5 percent, Michigan has one of the highest foreclosure rates, while at the same time our median household income has decreased by 11.9 percent and over 240,000 manufacturing jobs have left our State. These statistics are worth repeating because they emphasize the need and the importance for providing our future workforce with the tools they need to be successful.

One tool that is vitally important to many students is Federal aid; in fact, in past years almost 9 million students have received Federal aid. Yet the process to apply for Federal aid can be confusing and overwhelming for many students and their families. H.R. 4137 proposes to streamline the Free Application for Federal Student Aid, FAFSA, in order to make it easier for students to navigate. This will be done by reducing the number of questions on the FAFSA form and allowing applicants to save their information rather than refiling a new form each year. It will also allow students and their families to determine their expected family contribution and their Federal student aid package prior to college so that families can plan accordingly.

H.R. 4137 will also demand more accountability from student loan lenders, ensuring that the best interests of our students come first. This legislation will do this by requiring higher education institutions and lenders to adopt strict codes of conduct and ban all gifts and revenue sharing agreements between institutions and lenders. Students will now also be provided with full and fair information about their loans before entering into loan agreements, as well as be informed by the lenders of all borrowing options available to them when taking out and repaying loans.

Another focus of this legislation is the need to address rising college prices so that more students and families will be able to attend college in the first place. We have seen in tuition at 4-year public colleges increase 30.5 percent since 1999 to $7,164 per year. That is an increase of $1,675 over 6 years. When families are making less, every increase makes it harder and harder for students to afford college.

To address this, H.R. 4137 will also establish an online net price calculator that will assist students and their families estimate the cost based on income and family situations at individual schools. This will allow families to be able to properly calculate what the cost of a 4-year education will be. Families will now also have access to a list published by the Department of Education that will provide consumers with information on tuition and fees, average price after grant aid, recent price increases, and change in per-student spending.

I am also pleased that this legislation will increase college aid to our veterans and military personnel. Many college campuses have seen an increase in enrollment of veterans from Iraq and Afghanistan; however, some of these schools do not have enough resources to give the veterans the support they need. With over a million troops having served in Iraq and Afghanistan, it is our duty to ensure that when they return they have access to a college education. This legislation establishes a scholarship program that could award up to $5,000 for veterans, their spouses, or their children enrolled in college. It will also create support centers on college campuses designed to coordinate services and assist veterans with enrollment and completion of their degrees. More importantly, H.R. 4137 will ensure that veterans are not penalized by their financial contributions to their GI benefits in the financial aid process.

Mr. Chairman, I have heard over the years from my constituents, many from some of the great universities in my district, about the increasing amount of debt taken on to complete a college degree. Many have been forced to take out private loans, others have taken on additional hours at work, and unfortunately, some have had to take a leave of absence from school to pay the bills. This is a pattern that cannot continue. Education is not a luxury, it is a tool needed to succeed in today's economy. Investing in education and Federal aid programs is investing in our workforce and the success of our constituents. Today I urge my colleagues to vote in favor of this legislation, reaffirming the commitment the Democratic Congress has made to improving higher education and strengthening our workforce.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong support of H.R. 4137, the College Opportunity and Affordability Act of 2007. I would like to commend Chairman MILLER and his staff for their work on this bill and their efforts to bring it to the House floor. Following the introduction of a stimulus bill to help boost our Nation's economy, it is only appropriate that we also pass legislation that will boost higher level education and create a stronger workforce. This bill represents a federal commitment to making college more affordable and accessible.

I am pleased that HEA will provide new support for Predominantly Black Institutions and other Minority-Serving Institutions. H.R. 4137 would expand funding for graduate student programs at Historically Black Colleges and Universities, Hispanic Serving Institutions, and other minority-serving schools. HEA also makes significant changes to tribal institutions that would allow them to receive the necessary classification in order to obtain basic federal support for the education and training of Indian students and for tribally controlled postsecondary career and technical institutions that are not currently receiving federal assistance.

As a physician and Chair of the Congressional Black Caucus Health Braintrust, I strongly support the provisions of H.R. 4137 that will make medical school and training more affordable. HEA will create grant programs to increase nursing school capacity and provide nurses with the scholarships and release time needed to qualify as nursing school faculty. This legislation would also ensure that medical school graduates can afford their residencies and specialized training by including loan forgiveness programs that would remove current financial barriers that affect medical school graduates' choice of specialty, especially those with lengthy residencies.

In addition to supporting the overall bill, I would like to express my support for the Congressman DANNY DAVIS' amendment that would restore the ability to discharge private student loans in bankruptcy. Students with private loans should have some protection when they are faced with economic hardship.

I am pleased to support this comprehensive bill that would provide much needed reform to the Higher Education Act and I urge its final passage.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise to support the College Opportunity and Affordability Act and I commend Chairman MILLER and Ranking Member McKEON for putting together a bipartisan bill that will have a real impact on college affordability.

I had the honor to serve on the Education and Workforce Committee for my first 6 years in Congress. It is a real pleasure to know that we will finally be able to reauthorize the Higher Education Act.

The College Opportunity and Affordability Act is focused on students, strengthening higher education, and improving our global competitiveness.

It increases need-based aid, provides more access to information on the cost of college, and holds States accountable for their investment. It protects borrowers by restoring sunshine to student loan programs, and by simplifying the financial aid application process. And, it also makes new investments in increasing student interest in science and technology careers.

I also want to thank Chairman MILLER for including legislation that I introduced along with Congressman BISHOP and Congressman GRIJALVA to crack down on diploma mills.

Diploma mills—businesses that sell fraudulent degrees for little or no work—have proliferated in recent decades due to lax law enforcement and technological advances such as the Internet and email.

The growth of these fraudulent businesses has created a variety of serious problems. Diploma mills can sell a worthless degree to a naïve student. They also threaten the reputation of American colleges and universities by blatantly using similar names. They cheat employers—including school districts as we saw a few years ago—and the Federal Government. A 2004 GAO study revealed that at least 463 Federal employees held degrees from diploma mills and other unaccredited universities. In addition to hiring employees who are likely unqualified, employers, including the Federal Government, have wasted resources paying tuition to diploma mills. They can be physically dangerous as is so obvious in the example of diploma mill medical schools.

And more and more it is a national security issue. These degrees could be used to obtain visas. In addition, our failure to deal with the issue has been noted in other countries (Japan), harming our reputation around the world.

This legislation includes the first national effort to combat this problem. It is a first step, but a very important step.

I thank the chair and the ranking member for their support of this provision and for their dedication to improving access to higher education. I urge all my colleagues to support H.R. 4137 and to continue to make access to higher education a priority for this Congress.

Mr. ORTIZ. Mr. Chairman, I rise in support of HR 4137, the College Opportunity and Affordability Act.

A college education continues to be a great path to prosperity. But more and more, high college prices and other obstacles are putting a college degree further out of reach for our students. In addition to rising tuition, students and their families face a complex federal student aid application process and student loan industry.

The legislation will streamline the application process for financial aid, will allow for students to better manage textbook costs, and increase college aid and support programs for veterans and military families.

Many college students—including 37 percent of Hispanic students—receive Pell Grants each year, and this bill will now allow students to receive these vital grants year round.

It also increases authorization levels for the TRIO program to $400 million and GEAR UP program to $950 million, both of which prepare low-income and first-generation students with the challenges for college.

Many students find themselves in financial troubles because they are not aware of the rising costs or the details of the loans they take out. This legislation will hold student loan lenders more accountable for any potentially predatory actions, but students and their families will now have more information about all the options and costs to attend college.

Though we have passed this important piece of legislation, we are by no means done with higher education issues. The President's budget cut funding to Hispanic-serving institutions, and I will work with my colleagues to ensure those institutions receive proper funding. All students deserve to have as many resources as we can provide to them to better themselves and their positions in life.

Mr. STARK. Mr. Chairman, I rise in strong support of making college affordable again.

Since taking over Congress, Democrats have made historic investments in higher education. We have reduced interest rates on federal student loans by 50 percent. We have increased both the amount and the reach of Pell Grants and we have acted to provide long overdue oversight of the student loan industry. Today, we will reauthorize and reform the Higher Education Act and take another step forward toward the goal of making sure that all qualified students can afford to go to college without being saddled by overwhelming debt.

A college degree is not only the best guarantee of a good paying job, it is quickly becoming a necessity in our economy. The College Opportunity and Affordability Act, H.R. 4137, will open up the gates of higher education to students from all backgrounds. By increasing the maximum Pell Grant amount from $5,800 to $9,000, this bill will allow many lower income students to realistically pursue a degree. By making Pell Grants available year round and for part-time students, this legislation would help non-traditional students such as those working full-time. Finally, by simplifying the financial aid application process, this bill will make it easier for students to receive the aid they need and deserve.

For too long, the student loan industry, much like the mortgage industry, has operated without proper oversight. As a consequence, lenders entered into quid pro quo agreements with universities and coerced students into high-interest loans. The bill before us today protects borrowers by requiring full disclosure of all terms, prohibiting revenue sharing between colleges and lenders and doing away with draconian pre-payment penalties.

We must encourage and reward careers in public service. I strongly support the loan forgiveness program in today's measure. It will provide up to $10,000 in loan forgiveness for graduates teaching in low-income areas or entering crucial fields such as early childhood education and mental health.

Four decades ago, President Johnson signed the Higher Education Act and committed to helping low income students afford a college education. Today, Congress has the opportunity to renew that commitment by providing the support and oversight so that all students can fulfill their dream of attending college. I urge all of my colleagues to join me in supporting this important bill.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in support of the College Opportunity and Affordability Act. This legislation will help break down the barriers, particularly the ever-rising costs of higher education, for Americans to obtain a college degree.

I am extremely excited about the provision from my legislation, the Campus Fire Safety and Prevention Act, that is included in this bill. This legislation would establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing or dormitories, and for other purposes.

Fire safety and prevention is an issue that needs to be addressed across this country. Over these few years we have seen many tragedies involving fire at colleges, places of business, entertainment venues and places of residence.

Nationwide, 126 people have been killed in student housing since January 2000, as identified by the Center for Campus Fire Safety, a non-profit organization that compiles information on campus-related fires.

Almost 83 percent of the fire fatalities have occurred in off-campus occupancies such as rented houses and apartments. Common factors in a number of these fires include: lack of automatic sprinklers, disabled smoke alarms, careless disposal of smoking materials, and alcohol consumption.

We must begin to put in place suppression measures against fires and increase support and resources for our fire fighters to ensure that no more lives are lost to fires that could have been prevented.

I encourage my colleagues to pass the College Opportunity and Affordability Act. This legislation would reform our higher education system so that it operates in the best interests of students and families.

Mr. LANGEVIN. Mr. Chairman, I rise today in strong support of H.R 4137, the College Opportunity and Affordability Act, which will reauthorize the Higher Education Act for 5 years. This is the first time in almost a decade that this bill has been reauthorized, and I am proud to be part of a Congress that has placed such a high priority on making college a reality for all of our nation's students. This bill builds on legislation that passed last year to help lower college costs and boost Federal loan support for our students. Especially with the state of our economy, it is imperative that we invest in our education system to promote new employment and ensure that today's students can adapt to the jobs of tomorrow.

Two of the main goals of the College Opportunity and Affordability Act are to make a college education accessible to all students and to lower college costs for those students and their families. I am pleased that this bill increases the maximum amount of Pell Grants, which help 5.5 million low-income and minority students attend college, from $5,800 to $9,000. This measure also boosts funding for the TRIO program and the Gaining Early Awareness and Readiness for Undergraduate Program (GEAR UP), which provide college readiness and support for low-income and first-generation students. H.R. 4137 ensures equal college opportunities for students with disabilities by creating a national center to improve college recruitment, retention, and completion of students with disabilities, and would also expand eligibility for Pell Grants for students with intellectual disabilities.

H.R. 4137 also establishes a user-friendly website to provide students and families with helpful information about college pricing, and will streamline the cumbersome filing process for Free Application for Federal Student Aid (FAFSA). Families will now be able to receive estimates of their expected contribution and the amount of financial aid they may receive. H.R. 4137 requires higher education institutions and student loan providers to give borrowers fair and full information on their loan terms and repayment options, as well as promote financial literacy and education for students and families. This measure also helps reduce the cost of textbooks, which on average sets back a student $1,000 per year, by making sure professors have full textbook pricing when making purchasing decisions and by ensuring students receive advanced lists of textbooks for their upcoming classes.

One of the goals of the 110th Congress is to create a new generation of innovators so that we continue to build an educated, skilled workforce in the vital areas of science, math, engineering and information technology. To maintain our international competitiveness and economic advantage in the coming years, our Nation must invest more in science, technology, engineering and mathematics (STEM) education. That is why I am pleased that H.R. 4137 includes many new initiatives and increases funding for STEM education. These new programs include grants for colleges and universities to provide incentives for students in STEM majors to teach in these academic areas; the YES Partnership Grant Program, which provides funding to eligible colleges to support minority youth engagement in STEM fields through out-reach and hands-on experiential learning; and the "Robert C. Byrd Mathematics and Science Honors Scholarship Program" which focuses on encouraging students to earn degrees in math and science.

H.R. 4137 increases college aid and support for our veterans and military families by requiring colleges and universities to treat students returning from military service as continuously enrolled students and preventing active duty servicemembers from accruing interest on student loans for the duration of their activation. The measure also encourages those students who commit to a job in high-need areas and public service for at least 5 years by establishing a $10,000 loan forgiveness program for nurses, early childhood educators, foreign language specialists, child welfare workers, school counselors, public sector employees, medical specialists, and mental health professionals. This measure further addresses the shortage of nursing faculty by establishing competitive grants to fund scholarships for nurses studying for advanced degrees with the intention of becoming faculty.

In recent years, our country's college and university campuses have seen unnecessary tragedies. H.R 4137 will boost campus safety by helping all colleges develop and implement state of the art emergency systems and campus safety plans, and will also create a National Center for Campus Safety at the Department of Justice. Administrators and students on campuses across the country have also pushed for environmental, or "green", initiatives, and this measure supports these efforts by providing funding for environmental sustainability programs.

Mr. Chairman, H.R 4137 shows that Congress is committed to the success of our students, and we will work to make sure that they can pursue their dreams without the burdens of unnecessary costs and debt. While we may find ourselves facing hard economic decisions, we must empower the next generation with the necessary tools and invest in their education. The College Opportunity and Affordability Act will set a blueprint for the future, and I encourage all my colleagues to vote for this bill.

Mr. SPACE. Mr. Chairman, I would like to begin by thanking Chairman GEORGE MILLER for his work on behalf of rural communities in H.R. 4137. Specifically, I would like to thank Chairman MILLER for including provisions from H.R. 4139, the Colleges and Universities Rural Education (CURE) Act, in this important bill.

I would also like to extend my thanks to Ranking Member McKEON for his hard work on the legislation, as well as the staff of the Committee on Education and Labor.

Rural communities face a unique set of challenges in developing a highly-skilled workforce. Limited access to higher education makes advanced training more difficult to attain for the millions of Americans living in rural areas around the country. While we all should take pride in the work of our nation's public schools and teachers in providing a quality education to American children, the need for training beyond a basic high school diploma is clearly critical.

I see this deficit every day in southeastern Ohio. Some communities struggle to fill critical professions, particularly in the medical community, due to the rural nature of their district and the lack of training opportunities in a reasonable proximity.

To rectify this deficit, I introduced H.R. 4139, the CURE Act. This important legislation authorizes grants to the colleges serving rural America to create partnerships with rural school districts to improve access to higher education for rural high school graduates. These grants will provide important access to financial aid opportunities as well as programs on college campuses that will help to encourage students to pursue higher education when they might otherwise not.

Additionally, this legislation authorizes grants for rural colleges to develop training programs in needed professions, and develop partnerships with employers in the area to develop employment pipelines. These grants will help rural communities struggling to fill the positions needed to maintain a quality of life, such as doctors and teachers.

Again, I wish to commend Chairman MILLER for his willingness to see the challenges facing rural America and work to improve the quality of life for those communities. On behalf of my colleagues and I who represent rural America, I extend my truest and utmost thanks.

Mr. BACA. Mr. Chairman, I rise today to voice my strong support for H.R. 4137, the College Opportunity and Affordability Act.

Last year, this Congress took a first step in our promise to lower education costs and increase opportunities for American families.

This bill is about keeping that promise by strengthening higher education and increasing access to college for low income students.

This is especially important for the Latino community here in the United States where too many don't even apply to college because of the high costs. And the number of Latino students graduating with a degree does not compare with their white counterparts.

This year only 25 percent of college-age Latinos were actually enrolled in college. Only 25 percent.

This bill will help to eliminate this gap. It increases financial aid, strengthens college prep programs for low income students, and makes historic investments at minority serving institutions.

When we provide low-income students with access to college, we strengthen the middle class and make America stronger.

One thing I'd like to work with the Committee on is the student loan debt burden on teachers. Right now they can only get student repayment for their direct loans. But we really should help them pay back all of their student loans, including their private ones. They provide an important service to our Nation so that is the least we can do.

I urge my colleagues to support H.R. 4137.

Mr. LANTOS. Mr. Chairman, I rise today in support of the Lantos-Watt amendment to the Higher Education Reauthorization, H.R. 4137. This amendment clarifies that all graduate degree granting institutions are eligible as lead grantees under the Graduate Assistance in Areas of National Need (GAANN) program in Title VII of the HEA.

Mr. Chairman, as a former professor at San Francisco State University, I know the caliber of student in their graduate programs. And with our proximity to Silicon Valley, many of the leading biotech companies have an embarrassment of riches to select from. Before the Department of Education undermined congressional intent, limiting participation of master's degree granting institutions, SFSU was routinely competing and winning GAANN fellowships.

Congress created the GAANN program to provide these fellowships for graduates with superior ability and financial needs studying in areas of national need. Under the original HEA statute and GAANN program regulations, graduate degree granting institutions including those terminating in a master's degree are eligible to participate as lead institutions in the GAANN program. Contrary to Congressional intent and the GAANN statute—which refers to graduate, not doctoral institutions—the Department limited participation as a lead entity in GAANN to doctoral granting institutions only. This action eliminated three master's degree granting programs at San Francisco State University, along with Florida A&M and North Carolina A&T from participation in the GAANN program. Until this action, SFSU had GAANN grants in biology and chemistry.

Mr. Chairman, in the President's FY09 budget released a few days ago the GAANN program was tabbed for an increase in funding to stem the long-term decline in the number of fellowships awarded under the program. The President recognized how effective these grants are and provided support for 747 fellowships, including 529 new fellows.

Mr. Chairman, GAANN is a competitive program. This provision would not open the program to new entrants. It would merely restore the ability of master's degree granting programs to compete with those granting PhDs. I proudly support the Lantos-Watt amendment and thank Mr. Watt for working with me to give all universities an opportunity to compete.

Mr. UDALL of Colorado. Mr. Chairman, I will support H.R. 4137, the College Opportunity and Affordability Act of 2007. Overall, it is an excellent bill, but I do have a serious concern about the impact of one provision, the state maintenance-of-efforts provision, on Colorado.

This bill will reauthorize the Higher Education Act and will help make our colleges and universities more affordable and accessible.

I am especially pleased that this bill will help students and families trying to afford the increasing costs of college. The bill increases the maximum Pell grant award to $9,000 annually, up from $5,800. Pell Grants enable many students to attend college, but with rising tuition costs these grants have lost some of their purchasing power. This increase will allow Pell Grants to help students limit debt and expand their education opportunities. Also, Pell Grant scholarships availability will be expanded to year-round to allow students to use the funding when it best works with their schedule.

Not only will H.R. 4137 increase federal aid, but it will also make the process of applying for that aid much more straightforward. Streamlining the application process for Federal aid will make it easier for students and their families to determine if they are eligible for Federal loans. The bill will also create a two-page "FAFSA–EZ" form for low-income students and families who qualify for the "auto-zero" family contribution.

And the legislation will not just help students from low-income families—it will help all students become better informed by requiring that the Department of Education publicly provide a user-friendly list of all colleges and universities in the country with information on tuition and fees, average price after grant aid, recent price increases, and change in per-student spending.

Textbooks are a growing—and often overlooked—cost of attending college. Students can spend hundreds of dollars on textbooks every semester, adding up to thousands of dollars by the time they graduate. The bill requires college textbook publishers to provide full pricing information about both bundled textbooks and unbundled alternatives. It also requires that publishers sell unbundled versions of every bundled textbook they sell so that students are not forced to purchase unneeded extras, such as study guides or CDs.

H.R. 4137 reauthorizes two critical programs that help disadvantaged students thrive in college. GEAR-UP helps prepare low-income elementary and secondary students to succeed in college and the bill increases the authorized funding to $400 million for GEAR-UP. It also increases the authorization level for the TRIO programs—Upward Bound, Talent Search, and Student Services—to $950 million. The TRIO programs seek to increase high school completion and college participation and graduation rates among low-income and first- generation college students. African-American students make up nearly 50 percent of all TRIO participants.

The bill recognizes the debt that our country owes to our soldiers and their families. It creates a new scholarship program for active duty military personnel and their family members to help make college more affordable. The bill also establishes support centers to help veterans succeed in college and graduate.

As co-chair of the House Science, Technology, Engineering, and Math (STEM) Education caucus, I am pleased that this bill builds upon the America COMPETES Act to expand and improve STEM education. It creates programs to bolster students' interest in STEM careers through collaborations with businesses and other stakeholders, as well as improves teacher training and development programs and focuses on recruiting teachers into high demand science and technology fields.

As I mentioned, I am particularly concerned about the impact that the maintenance-of-effort provision will have on my state of Colorado. This provision ties Federal funding to state funding. Though I applaud the effort by Chairman MILLER to encourage states to continue to support higher education, Colorado is in an unusual position because we have several constitutional provisions that limit the spending options of our legislature. These include the Tax Payer's Bill of Rights, or TABOR, and another that requires that the state increase funding for K through 12 education every year. Together with other constraints, these provisions have seriously affected the state's ability to fund higher education—and the maintenance-of-effort provision will not help matters.

While the manager's amendment improved this provision, I will work to see that this issue is further addressed in conference.

In conclusion, I encourage all of my colleagues to support H.R. 4137.

Mr. INSLEE. Mr. Chairman, due to unexpected circumstances, I missed the vote on the College Opportunity and Affordability Act, H.R. 4137, important legislation to reauthorize and strengthen key Higher Education Act programs aimed at making college education more affordable and accessible for American students. Had I been present, I would have voted in favor of the legislation that will keep America's economy competitive.

Overall, the College Opportunity and Affordability Act will address major issues facing our Nation's students from simplifying student aid forms to addressing rising textbook and tuition costs. The bill will increase assistance for Veterans and military families and bolster students' interest in science and technology by partnering with businesses and other stakeholders.

I commend Chairman MILLER and HINOJOSA' for their diligent work on the underlying legislation and for their support for my amendment that was passed to improve key education grants by setting higher environmental standards for recipients. The amendment ensures that Sustainability Planning Grants are awarded to projects aiming to reduce greenhouse gas emissions, guaranteeing that Federal funds make a meaningful impact on global warming and requires that certain Federal grantees demonstrate that they meet or exceed American Society of Heating, Refrigerating and Air-Conditioning Engineers, ASHRAE, energy-efficiency standards when designing new facilities. Finally, the amendment would add a Sense of Congress to reject the President's FY2009 budget proposal to eliminate the important Perkins Loan Program, a critical educational program for high-need students who will become a modern green workforce.

Additionally, I applaud Representatives BLUMENAUER and EHLERS for their work to include provisions to support green higher education efforts. Many of our Nation's 4,000 colleges and universities are taking action to reduce greenhouse-gas pollution, which currently accounts for 7 percent of U.S. carbon emissions. Federal grants should be available to give a boost to such projects, like the state-of-the-art, carbon-neutral science laboratory being planned at Cascadia Community College in my district.

Mr. EHLERS. Mr. Chairman, I rise in support of the College Opportunity and Affordability Act (H.R. 4137), a bill to reauthorize the Higher Education Act's programs.

I thank Chairman MILLER, Representative MCKEON and their staff for their hard work on this reauthorization bill. I am very pleased that the Education and Labor Committee voted unanimously to favorably refer this bill to the full House for consideration. It is a testament to the fact that bipartisan work, though difficult, pays off with a better final product. This bill makes substantive changes that help future college students and our Nation's economy.

Several provisions that I authored were included in the College Opportunity and Affordability Act. For example, the bill includes provisions of the Higher Education Sustainability Act, a bill that I introduced with Rep. BLUMENAUER to establish a competitive grant program to encourage colleges and universities to develop, implement and evaluate their sustainability practices and academic programs. I appreciate the efforts of Representatives INSLEE and BLUMENAUER to improve upon the bill's provisions by requiring that the Secretary of Education consult with the Administrator of the Environmental Protection Agency when awarding sustainability grants. This provision was included in the Manager's Amendment.

In addition, the bill includes the Robert C. Byrd American Competitiveness program, which has provisions that Representatives WOLF, HOLT and I developed in the 109th Congress. For example, it awards scholarships to students who are enrolled in studies in physical, life, or computer sciences, mathematics, or engineering. Also, through the Math and Science Incentive program, the Secretary may waive the interest on Federal student loans for students pursuing STEM teaching or professional careers. In conference, I certainly hope Senator BYRD is amenable to making these important updates to the Byrd Scholarship program.

Finally, the bill includes my Independent Study of Distance Education Act, which requires the National Academy of Sciences to conduct a study of distance education, as compared to traditional, campus-based education.

I have a few concerns about the bill. First, I am concerned that the bill will require colleges and universities to comply with additional federal "red tape." I understand that Representative MCKEON plans to offer an amendment to study the regulatory burden on colleges and universities and ways to reduce it.

Also, I have concerns about the college cost provisions. While the provisions have certainly improved over the past several years, I question whether the federal government should intervene in the way colleges and universities set their tuition, particularly at relatively low-cost community colleges. For example, it is my understanding that Grand Rapids Community College, located in my congressional district, may be subjected to the bill's requirements of the Quality Efficiency Task Force. Unfortunately, the bill fails to take into account state and local factors, such as last year's failed millage attempts, which, in turn, necessitated the tuition increases at this community college. It is situations like this that should be considered when reviewing attempts to control rising college costs.

Finally, I have concerns with the bill's maintenance of effort requirements for state funding. I appreciate Representative KILDEE and WALBERG's efforts to include a waiver for States facing difficult economic times, such as Michigan.

On balance, the College Opportunity and Affordability Act is a good bill, and I urge Members to support it.

Ms. WOOLSEY. Mr. Chairman, I'm pleased that today the House passed H.R. 4137, the College Opportunity and Affordability Act. This bill makes great strides towards helping our Nation's students and families afford college.

The rising cost of college is making the opportunity of a quality education further and further out of reach for far too many of our students. In March, the University of California and California State system raised their tuition for the fifth time in 6 years. This year, students at a school like Sonoma State, in my district, will be required to pay nearly 10 percent more for tuition. With recent budget shortfalls in many States, including California, more increases in tuition appear to be on the horizon. The Federal Government, States, and universities need to work together to both control costs and provide better access to financial aid to ensure that everyone has the chance for a college education.

This bill will help with both college costs and financial aid for our neediest students, and that's why it's such an important bill. Through this bill, States will be encouraged to do their part in keeping college costs down, and universities will be encouraged to be more transparent with important information like projected tuition and fees and average financial aid. This will help ensure that students and their families are not caught unaware by college costs. This bill also assists our Nation's neediest students by increasing the maximum Pell Grant that can be awarded and giving more nontraditional students access to this important source of aid. In addition, this bill encourages more students to go into important fields that serve the public interest, such as teaching, nursing, and firefighting, by offering loan forgiveness in exchange for their invaluable service.

Particularly pleasing is the inclusion of three programs that I championed and which should make a real difference in the lives of our Nation's students. The first is the Patsy T. Mink Fellowships, which will provide fellowships to women and minorities to help them attain graduate degrees in underrepresented fields. This program will encourage more women and minorities to go into underrepresented fields, and at the same time, will increase the amount of women and minorities who become professors in these fields. Congresswoman Patsy Mink was my mentor and friend and was a leader on women's equality and opportunity. This program is in honor of her work on the inclusion of Title IX in the Higher Education Act and will further ensure equality in higher education.

As a former human resources manager, I know that it can be difficult to find workers to fill all the empty positions. Often, applicants don't have the necessary skills or background to fill available positions. It's critical that we find a way to provide our workforce with the skills and education to fill the gaps. That's why programs like Bridges from Jobs to Careers and Business Workforce Partnerships, which I also championed, are so important.

The Bridges from Jobs to Careers grant program will provide competitive grants to community colleges to improve remedial education by customizing programs to the career and academic goals of students and making it possible for students to move more quickly through remedial classes and to courses related to their degree, certificate program, or career. We need to help students realize the end goal of their education program. Helping schools improve remedial education will help many students get in and out of school with the skills and education they need to succeed.

The Business Workforce Partnerships grant program will encourage the development of partnerships between colleges and businesses to work together to provide workers with for-credit worksite learning opportunities and more flexible schedules. By allowing workers to work and attend school, more of them will have access to the certificates and degrees that will lead to better jobs and higher salaries. These workers will also be able to better fit the needs of our changing workforce.

Thank you, Chairmen MILLER and HINOJOSA, for your leadership on the Higher Education Reauthorization Act. I look forward to working with you and our colleagues to continue to make college more affordable for our Nation's students.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

*H.R. 4137*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "College Opportunity and Affordability Act of 2007".*

*(b) TABLE OF CONTENTS.—*

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Sec. 1041. Study and report on nonindividual information.

Subtitle E—Incentives For Low-Cost Educational Loans

Sec. 1051. CRA credit for low-cost educational loans.

**SEC. 2. REFERENCES; EFFECTIVE DATE.**

(a) REFERENCES.—Except as otherwise expressly provided therein, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) EFFECTIVE DATE.—Except as otherwise provided in this Act or the amendments made by this Act, the amendments made by this Act shall be effective on the date of enactment of this Act.

## TITLE I—TITLE I AMENDMENTS

### SEC. 101. DEFINITIONS OF INSTITUTION OF HIGHER EDUCATION.

(a) DEGREE PROGRAMS.—Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)(3), by inserting ", or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary" after "such a degree"; and

(2) by striking subsection (b)(2) and inserting the following:

"(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons—

"(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

"(B) who will be dually or concurrently enrolled in the institution and a secondary school.".

(b) INTERNATIONAL MEDICAL SCHOOLS.—Section 102(a)(2)(A) (20 U.S.C. 1002(a)(2)(A)) is amended—

(1) in the first sentence, by inserting "nursing school," after "graduate medical school,";

(2) in clause (i)—

(A) by striking "or" at the end of subclause (I); and

(B) by striking subclause (II) and inserting the following new subclauses:

"(II) the institution has or had a clinical training program that was approved by a State as of January 1, 1992, and continues to operate a clinical training program in at least one State, which is approved by that State; or

"(III) the institution—

"(aa) has a clinical training program that was approved by a State before January 1, 2008;

"(bb) certifies only unsubsidized Stafford or PLUS loans under part B of title IV to graduate and professional students attending the institution; and

"(cc) agrees to reimburse the Secretary for the cost of any loan defaults for students included in the institution's cohort default rate during the previous fiscal year; or"; and

(3) by striking the period at the end of clause (ii) and inserting "; or"; and

(4) by adding at the end the following new clause:

"(iii) in the case of a nursing school located outside of the United States, the institution—

"(I) has agreements with hospitals and eligible nursing schools located in the United States that include provisions for students to complete their clinical training at such hospitals and eligible nursing schools;

"(II) certifies only unsubsidized Stafford and PLUS loans under part B of title IV for students attending the institution; and

"(III) agrees to reimburse the Secretary for the cost of any loan defaults to the extent that the institution's cohort default rate exceeds 5 percent.".

(c) CONFORMING AMENDMENT CONCERNING 90/10 ENFORCEMENT.—Section 102(b)(1) (20 U.S.C. 1002(b)(1)) is amended—

(1) by adding "and" after the semicolon in subparagraph (D);

(2) by striking "; and" and inserting a period in subparagraph (E); and

(3) by striking subparagraph (F).

(d) ADDITIONAL INSTITUTIONS.—Section 102 (20 U.S.C. 1002) is further amended—

(1) by striking subsection (b)(2) and inserting the following:

"(2) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

"(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

"(B) who will be dually or concurrently enrolled in the institution and a secondary school."; and

(2) by striking subsection (c)(2) and inserting the following:

"(2) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution' also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

"(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

"(B) who will be dually or concurrently enrolled in the institution and a secondary school.".

### SEC. 102. ADDITIONAL DEFINITIONS.

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by adding at the end the following new paragraphs:

"(17) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

"(18) CRITICAL FOREIGN LANGUAGE.—Except as otherwise provided, the term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 149, 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)), except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.

"(19) DISTANCE EDUCATION.—

"(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses 1 or more of the technologies described in subparagraph (B)—

"(i) to deliver instruction to students who are separated from the instructor; and

"(ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.

"(B) INCLUSIONS.—For the purposes of subparagraph (A), the technologies used may include—

"(i) the Internet;

"(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

"(iii) audio conferencing; or

"(iv) video cassette, DVDs, and CD–ROMs, if the cassette, DVDs, and CD–ROMs are used in a course in conjunction with the technologies listed in clauses (i) through (iii).

"(20) HIGH-NEED SCHOOL.—Except with respect to title II, the term 'high-need school' means a public or nonprofit private elementary or secondary school which is in a local educational agency which is eligible for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965 in the applicable fiscal year, and which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

"(21) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(22) UNIVERSAL DESIGN.—The term 'universal design' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

"(23) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' means a research-based framework for designing curriculum (including goals, methods, materials, and assessments) that—

"(A) provides curricular flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge, and in the ways students are engaged; and

"(B) reduces barriers in instruction and assessment, provides appropriate supports and challenges, and maintains high achievement standards for all students, including students with disabilities."; and

(2) by reordering paragraphs (1) through (16) and the paragraphs added by paragraph (1) of this subsection in alphabetical order based on the headings of such paragraphs, and renumbering such paragraphs as so reordered.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking "to the Committee on Appropriations" and all that follows through "House of Representatives" and inserting "to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees";

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking "House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources" and inserting "authorizing committees";

(B) in the matter following paragraph (2) of subsection (g), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(C) in subsection (n)(4), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(5) in section 428A(c) (20 U.S.C. 1078–1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "members of the authorizing committees";

*(B) in paragraph (3), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "members of the authorizing committees"; and*

*(C) in paragraph (5), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "members of the authorizing committees";*

*(6) in section 432 (20 U.S.C. 1082)—*

*(A) in subsection (f)(1)(C), by striking "the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate" and inserting "either of the authorizing committees"; and*

*(B) in the matter following subparagraph (D) of subsection (n)(3), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";*

*(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";*

*(8) in section 439 (20 U.S.C. 1087–2)—*

*(A) in subsection (d)(1)(E)(iii), by striking "advise the Chairman" and all that follows through "House of Representatives" and inserting "advise the members of the authorizing committees";*

*(B) in subsection (r)—*

*(i) in paragraph (3), by striking "inform the Chairman" and all that follows through "House of Representatives," and inserting "inform the members of the authorizing committees";*

*(ii) in paragraph (5)(B), by striking "plan, to the Chairman" and all that follows through "Education and Labor" and inserting "plan, to the members of the authorizing committees";*

*(iii) in paragraph (6)(B)—*

*(I) by striking "plan, to the Chairman" and all that follows through "House of Representatives" and inserting "plan, to the members of the authorizing committees"; and*

*(II) by striking "Chairmen and ranking minority members of such Committees" and inserting "members of the authorizing committees";*

*(iv) in paragraph (8)(C), by striking "implemented to the Chairman" and all that follows through "House of Representatives, and" and inserting "implemented to the members of the authorizing committees, and to"; and*

*(v) in the matter preceding subparagraph (A) of paragraph (10), by striking "days to the Chairman" and all that follows through "Education and Labor" and inserting "days to the members of the authorizing committees"; and*

*(C) in subsection (s)(2)—*

*(i) in the matter preceding clause (i) of subparagraph (A), by striking "Treasury and to the Chairman" and all that follows through "House of Representatives" and inserting "Treasury and to the members of the authorizing committees"; and*

*(ii) in subparagraph (B), by striking "Treasury and to the Chairman" and all that follows through "House of Representatives" and inserting "Treasury and to the members of the authorizing committees";*

*(9) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";*

*(10) in section 482(d) (20 U.S.C. 1089(d)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives" and inserting "authorizing committees";*

*(11) in section 483(c) (20 U.S.C. 1090(c)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";*

*(12) in section 485 (20 U.S.C. 1092)—*

*(A) in subsection (f)(5)(A), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees"; and*

*(B) in subsection (g)(4)(B), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";*

*(13) in section 486 (20 U.S.C. 1093)—*

*(A) in subsection (e), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and*

*(B) in subsection (f)(3)—*

*(i) in the matter preceding clause (i) of subparagraph (A), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and*

*(ii) in the matter preceding clause (i) of subparagraph (B), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";*

*(14) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and*

*(15) in section 498B(d) (20 U.S.C. 1099c–2(d))—*

*(A) in paragraph (1), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and*

*(B) in paragraph (2), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees".*

### SEC. 103. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.

*Section 113 (20 U.S.C. 1011b) is amended—*

*(1) by striking "**TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE**" in the heading of such section and inserting "**TERRITORIAL WAIVER AUTHORITY**"; and*

*(2) by striking "(a) WAIVER AUTHORITY.—"; and*

*(3) by striking subsection (b).*

### SEC. 104. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

*(a) AMENDMENT.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:*

### "SEC. 114. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

*"(a) ESTABLISHMENT.—There is established in the Department a National Advisory Committee on Institutional Quality and Integrity (in this section referred to as the 'Committee') to assess the process of accreditation and the institutional eligibility and certification of such institutions under title IV.*

*"(b) MEMBERSHIP.—*

*"(1) IN GENERAL.—The Committee shall have 18 members, of which—*

*"(A) 6 members shall be appointed by the Secretary;*

*"(B) 6 members shall be appointed by the Speaker of the House of Representatives, 3 members on the recommendation of the majority leader of the House of Representatives, and 3 members on the recommendation of the minority leader of the House of Representatives; and*

*"(C) 6 members shall be appointed by the President pro tempore of the Senate, 3 members on the recommendation of the majority leader of the Senate, and 3 members on the recommendation of the minority leader of the Senate.*

*"(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee—*

*"(A) on the basis of the individuals' experience, integrity, impartiality, and good judgment;*

*"(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representing all sectors and types of institutions of higher education (as defined in section 102); and*

*"(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.*

*"(3) TERMS OF MEMBERS.—Except as provided in paragraph (5), the term of office of each member of the Committee shall be for 6 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.*

*"(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurs. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.*

*"(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—*

*"(A) 3 years for members appointed under paragraph (1)(A);*

*"(B) 4 years for members appointed under paragraph (1)(B); and*

*"(C) 6 years for members appointed under paragraph (1)(C).*

*"(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.*

*"(c) FUNCTIONS.—The Committee shall—*

*"(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;*

*"(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;*

*"(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;*

*"(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process;*

*"(5) advise the Secretary with respect to the relationship between—*

*"(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and*

*"(B) State licensing responsibilities with respect to such institutions;*

*"(6) take into consideration the complaints, and the resolution of such complaints, received by the ombudsman described in section 497 when advising the Secretary with respect to the recognition of a specific accrediting agency or association; and*

*"(7) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe by regulation.*

*"(d) MEETING PROCEDURES.—*

*"(1) SCHEDULE.—*

*"(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.*

*"(B)·PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.*

*"(2) AGENDA.—*

*"(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.*

*"(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.*

*"(3) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.*

*"(e) LIMITATION.—The Committee shall not recommend denial of an application related to the recognition of an accrediting agency or association for any reason other than a reason set forth in section 496.*

*"(f) REPORT AND NOTICE.—*

*"(1) NOTICE.—The Secretary shall annually publish in the Federal Register—*

*"(A) a list containing, for each member of the Committee—*

*"(i) the member's name;*

*"(ii) the date of the expiration of the member's term of office; and*

*"(iii) the individual described in subsection (b)(1) who appointed the member; and*

*"(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.*

*"(2) REPORT.—Not later than September 30 of each year, the Committee shall make an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—*

*"(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the preceding fiscal year;*

*"(B) a list of the date and location of each meeting during the preceding fiscal year;*

*"(C) a list of the members of the Committee and appropriate contact information; and*

*"(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.*

*"(g) TERMINATION.—The Committee shall terminate on September 30, 2012.".*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective January 1, 2009.*

### SEC. 105. DRUG AND ALCOHOL ABUSE PREVENTION.

*Section 120 (20 U.S.C. 1011i) is amended—*

*(1) in subsection (a)(2)—*

*(A) in subparagraph (A), by striking "and" after the semicolon;*

*(B) by redesignating subparagraph (B) as subparagraph (D); and*

*(C) by inserting after subparagraph (A) (as amended by subparagraph (A) of this paragraph) the following:*

*"(B) determine the number of drug and alcohol-related incidents and fatalities that—*

*"(i) occur on the institution's property or as part of any of the institution's activities; and*

*"(ii) are reported to the institution;*

*"(C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's property or as part of any of the institution's activities; and";*

*(2) in subsection (e)(5), by striking "1999" and inserting "2009"; and*

*(3) by striking subsection (f).*

### SEC. 106. PRIOR RIGHTS AND OBLIGATIONS.

*Section 121(a) (20 U.S.C. 1011j(a)) is amended—*

*(1) in paragraph (1), by striking "1999 and for each of the 4 succeeding fiscal years" and inserting "2009 and for each succeeding fiscal year"; and*

*(2) in paragraph (2), by striking "1999 and for each of the 4 succeeding fiscal years" and inserting "2009 and for each succeeding fiscal year".*

### SEC. 107. IMPROVED INFORMATION CONCERNING THE FEDERAL STUDENT FINANCIAL AID WEBSITE.

*Section 131 (20 U.S.C. 1015) is amended by striking subsection (d) and inserting the following:*

*"(d) PROMOTION OF THE DEPARTMENT OF EDUCATION FEDERAL STUDENT FINANCIAL AID WEBSITE.—The Secretary—*

*"(1) shall display a link to the Federal student financial aid website of the Department of Education in a prominent place on the homepage of the Department of Education website; and*

*"(2) may use administrative funds available for the Department's operations and expenses for the purpose of advertising and promoting the availability of the Federal student financial aid website.*

*"(e) PROMOTION OF AVAILABILITY OF INFORMATION CONCERNING STUDENT FINANCIAL AID PROGRAMS OF OTHER DEPARTMENTS AND AGENCIES.—*

*"(1) AVAILABILITY OF INFORMATION.—The Secretary shall ensure that the eligibility requirements, application procedures, financial terms and conditions, and other relevant information for each non-departmental student financial assistance program are easily accessible through the Federal student financial aid website and are incorporated into the search matrix on such website in a manner that permits students and parents to readily identify the programs that are appropriate to their needs and eligibility.*

*"(2) AGENCY RESPONSE.—Each Federal department and agency shall promptly respond to surveys or other requests for the information required by paragraph (1), and shall identify for the Secretary any non-departmental student financial assistance program operated, sponsored, or supported by such Federal department or agency.*

*"(3) DEFINITION.—For purposes of this subsection, the term 'non-departmental student financial assistance program' means any grant, loan, scholarship, fellowship, or other form of financial aid for students pursuing a postsecondary education that is—*

*"(A) distributed directly to the student or to the student's account at on institution of higher education; and*

*"(B) operated, sponsored, or supported by a Federal department or agency other than the Department of Education.".*

### SEC. 108. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

*Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following new section:*

### "SEC. 132. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

*"(a) MAINTENANCE OF EFFORT REQUIRED.—A State shall provide for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is—*

*"(1) equal to or greater than the average amount provided by such State to such institutions of higher education during the 5 most recent preceding academic years for which satisfactory data are available; or*

*"(2) equal to or greater than the amount provided by such State to such institutions of higher education during the preceding academic year.*

*"(b) WAIVER.—The Secretary shall waive the requirements of subsection (a), if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous decline in the financial resources of a State or State educational agency, as appropriate.*

*"(c) VIOLATION OF MAINTENANCE OF EFFORT.—Notwithstanding any other provision of law, the Secretary shall withhold from any State that violates subsection (a) and does not receive a waiver pursuant to subsection (b) any amount that would otherwise be available to the State under section 415E until such State has made significant efforts to correct such violation.*

*"(d) RESEARCH INTO COST CONTAINMENT METHODS.—The Secretary is authorized—*

*"(1) to identify methods of cost containment currently utilized by institutions of higher education and systems of such institutions, and research into other possible methods of cost containment;*

*"(2) to disseminate—*

*"(A) the information obtained by such research to such institutions and systems; and*

*"(B) other information concerning research that has identified successful methods of cost containment;*

*"(3) to publicly recognize institutions of higher education that are doing an effective job at cost containment; and*

*"(4) to work together with such institutions and systems to implement these methods.".*

### SEC. 109. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

*Part C of title I (20 U.S.C. 1015) is further amended by adding after section 132 (as added by section 108 of this Act) the following new section:*

### "SEC. 133. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

*"(a) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees paid by a full-time undergraduate student at an institution of higher education, after discounts and grants from the institution, the Federal Government, or a State have been applied to the full price of tuition and fees at the institution.*

*"(b) HIGHER EDUCATION PRICE INDEX.—*

*"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop higher education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions listed in paragraph (2). Such indices shall be updated annually. Prior to the completion of the higher education price index, the Secretary is authorized to use an alternative, comparable index.*

*"(2) DEVELOPMENT.—The higher education price indices under paragraph (1) shall be developed for each of the following categories:*

*"(A) 4-year public institutions of higher education.*

*"(B) 4-year private, nonprofit institutions of higher education.*

*"(C) 4-year private, for-profit institutions of higher education.*

*"(D) 2-year public institutions of higher education.*

*"(E) 2-year private, nonprofit institutions of higher education.*

*"(F) 2-year private, for-profit institutions of higher education.*

*"(G) Less than 2-year public institutions of higher education.*

*"(H) Less than 2-year private, nonprofit institutions of higher education.*

*"(I) Less than 2-year private, for-profit institutions of higher education.*

*"(J) All types of institutions described in subparagraphs (A) through (I).*

*"(c) REPORTING.—*

*"(1) IN GENERAL.—The Secretary shall make publicly available on an annual basis, in a sortable electronic format on the College Navigator website, a national list ranking institutions of higher education according to the percentage change and dollar change in such institutions' tuition and fees over the preceding 3 years. Such list shall be capable of being sorted by State, by category as determined under paragraph (2), by percentage change, and by dollar change. The purpose of such list is to provide consumers with general information on pricing trends among institutions of higher education nationally and in each State.*

*"(2) CATEGORIES.—The categories to be used for the list described in paragraph (1) are the categories listed in subparagraphs (A) through (I) of subsection (b)(2).*

*"(3) HIGHER EDUCATION PRICE INCREASE WATCH LISTS.—Effective July 1, 2008, the Secretary shall annually update and make publicly available on the College Navigator website, the national list developed under paragraph (1), and the list for each State, ranking each institution of higher education whose tuition and fees outpace such institution's applicable higher education price index described in subsection (b). Such lists shall—*

*"(A) be known as the Higher Education Price Increase Watch Lists;*

*"(B) report the full price of tuition and fees at the institution and the net price;*

*"(C) include data cells for common expenditures for institutions to utilize;*

*"(D) where applicable, report the average price of room and board for students living on campus at the institution, except that such price shall not be used in determining whether an institution's cost outpaces such institution's applicable higher education price index; and*

*"(E) be compiled by the Secretary in a public document to be widely published and disseminated.*

*"(4) QUALITY EFFICIENCY TASK FORCES.—*

*"(A) REQUIRED.—Each institution subject to paragraph (3) shall establish a quality-efficiency task force to review the operations of such institution.*

*"(B) FUNCTIONS.—Such task force shall analyze institutional operating costs in comparison with such costs at other institutions within the same category of institutions. Such analysis shall identify areas where, in comparison with other institutions in such class, the institution operates more expensively to produce a similar result. Any identified areas shall then be targeted for in-depth analysis for cost reduction opportunities.*

*"(C) REPORT.—The results of the analysis by a quality-efficiency task force under this paragraph shall be made available to the public on the College Navigator website.*

*"(5) EXEMPTIONS.—Notwithstanding paragraph (3), an institution shall not be placed on the higher education watch list if, for any 3-year interval for the computed price under paragraph (1)—*

*"(A) with respect to the category of institutions described in paragraph (2) to which the institution belongs, the computed price of the institution is in the lowest quartile of institutions within such class, as determined by the Secretary, during the last year of such 3-year interval; or*

*"(B) the institution has a percentage change in its full price computed under paragraph (3) that exceeds the higher education price index, or exceeds the applicable higher education price index over the same time period, but the dollar amount of the full price increase is less than $500, or the full price increase is an average of the higher education price index plus $500 per year.*

*"(6) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report on the Department's website, in charts for each State—*

*"(A) a comparison of the percentage change in State appropriations per enrolled student in a public institution of higher education in the State to the percentage change in tuition and fees for each public institution of higher education in the State for each of the previous 5 years; and*

*"(B) the total amount of need-based and merit-based aid provided by the State to students enrolled in an institution of higher education in the State.*

*"(d) NET PRICE CALCULATOR.—*

*"(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall, in consultation with institutions of higher education, develop and make several model net price calculators to help students, families, and consumers determine the net price of an institution of higher education, which institutions of higher education may, at their discretion, elect to use pursuant to paragraph (3).*

*"(2) CATEGORIES.—The model net price calculators described in paragraph (1) shall be developed for each of the categories listed in subparagraphs (A) through (I) of subsection (b)(2).*

*"(3) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and use a net price calculator to help students, families, and other consumers determine the net price of such institution of higher education. Such calculator may be—*

*"(A) based on a model calculator developed by the Department; or*

*"(B) developed by the institution of higher education.*

*"(e) NET PRICE REPORTING IN APPLICATION INFORMATION.—An institution of higher education that receives Federal funds under this Act shall include, in the materials accompanying an application for admission to the institution, the most recent information regarding the net price of the institution, calculated for each quartile of students based on the income of either the students' parents or, in the case of independent students (as such term is described in section 480), of the students, for each of the 2 academic years preceding the academic year for which the application is produced.*

*"(f) ENHANCED COLLEGE NAVIGATOR.—*

*"(1) UNIVERSITY AND COLLEGE ACCOUNTABILITY NETWORK.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall develop a model format for annually publicly displaying basic information about an institution of higher education that chooses to participate, to be posted on the College Navigator and made available to institutions of higher education, students, families, and other consumers. Such document shall be known as the University and College Accountability Network (U-CAN), and shall include, the following information about the institution of higher education for the most recent academic year for which the institution has available data, presented in a consumer-friendly manner:*

*"(A) A statement of the institution's mission and specialties.*

*"(B) The total number of undergraduate students who applied, were admitted, and enrolled at the institution.*

*"(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.*

*"(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.*

*"(E) Percentage of male and female undergraduate students enrolled at the institution.*

*"(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.*

*"(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.*

*"(H) Retention rates for full-time and part-time first-time, first-year undergraduate students enrolled at the institution.*

*"(I) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.*

*"(J) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5, and 6 years (in the case of 2-year and 4-year institutions).*

*"(K) Number of students who obtained a certificate or an associate's, bachelor's, master's, or doctoral degree at the institution.*

*"(L) Undergraduate major areas of study with the highest number of degrees awarded.*

*"(M) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty, and graduate teaching and research assistants with instructional responsibilities, at the institution.*

*"(N) Percentage of faculty at the institution with the highest degree in their field.*

*"(O) Percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the preceding 3 academic years.*

*"(P) Total average yearly cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—*

*"(i) full-time undergraduate students living on campus;*

*"(ii) full-time undergraduate students living off campus; and*

*"(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off campus.*

*"(Q) Average yearly grant amount (including Federal, State, and institutional aid) for a student enrolled at the institution.*

*"(R) Average yearly amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.*

*"(S) Total yearly grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.*

*"(T) Percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.*

*"(U) Number of students receiving Federal Pell Grants at the institution.*

*"(V) Average net price for all undergraduate students enrolled at the institution.*

*"(W) Percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.*

*"(X) Information on the policies of the institution related to transfer of credit from other institutions.*

“(Y) Information on campus safety required to be collected under section 485(f).

“(Z) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

“(AA) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as internship opportunities, career and placement services, and preparation for further education.

“(2) CONSULTATION.—The Secretary shall ensure that current and prospective college students, family members of such students, and institutions of higher education are consulted in carrying out paragraph (1).

“(g) STUDENT AID RECIPIENT SURVEY.—

“(1) SURVEY REQUIRED.—The Secretary shall conduct a survey of student aid recipients under title IV on a regular cycle and State-by-State basis, but not less than once every 4 years—

“(A) to identify the population of students receiving Federal student aid;

“(B) to describe the income distribution and other socioeconomic characteristics of federally aided students;

“(C) to describe the combinations of aid from State, Federal, and private sources received by students from all income groups;

“(D) to describe the debt burden of educational loan recipients and their capacity to repay their education debts, and the impact of such debt burden on career choices;

“(E) to describe the role played by the price of postsecondary education in the determination by students of what institution to attend; and

“(F) to describe how the increased costs of textbooks and other instructional materials affects the costs of postsecondary education to students.

“(2) SURVEY DESIGN.—The survey shall be representative of full-time and part-time, undergraduate, graduate, professional, and current and former students in all types of institutions, and designed and administered in consultation with the Congress and the postsecondary education community.

“(3) DISSEMINATION.—The Commissioner of Education Statistics shall disseminate the information resulting from the survey in both printed and electronic form.

“(h) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.”.

### SEC. 110. TEXTBOOK INFORMATION.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 133 (as added by section 109 of this Act) the following new section:

### “SEC. 134. TEXTBOOK INFORMATION.

“(a) PURPOSE AND INTENT.—The purpose of this section is to ensure that every student in higher education is offered better and more timely access to affordable course materials by educating and informing faculty, students, administrators, institutions of higher education, bookstores, distributors, and publishers on all aspects of the selection, purchase, sale, and use of course materials. It is the intent of this section—

“(1) to have all involved parties work together to identify ways to decrease the cost of college textbooks and supplemental materials for students while protecting the academic freedom of faculty members to select high quality course materials for students; and

“(2) to encourage—

“(A) college textbook publishers and distributors to work with faculty to promote understanding of the cost to students of purchasing faculty selected textbooks, including the disclosure of prices and bundling practices;

“(B) college bookstores to work with faculty to review timelines and processes for ordering and stocking course materials, and to disclose costs to faculty and students in a timely manner;

“(C) institutions of higher education to implement numerous options to address college textbook affordability;

“(D) institutions of higher education to work with student organizations to help students understand the factors driving textbook costs and available methods and resources to mitigate the effects of those costs; and

“(E) innovation in the development and use of course materials (including course materials utilizing the principles of universal design) and technologies that can help students receive the full value of their educational investment.

“(b) DEFINITIONS.—In this section:

“(1) BUNDLE.—The term ‘bundle’ means one or more college textbooks or other supplemental learning materials that may be packaged together to be sold as course materials for one price.

“(2) COLLEGE TEXTBOOK.—The term ‘college textbook’ means a textbook or a set of textbooks, used for, or in conjunction with, a course in postsecondary education at an institution of higher education.

“(3) COURSE SCHEDULE.—The term ‘course schedule’ means a listing of the courses or classes offered by an institution of higher education for an academic period, as defined by the institution.

“(4) CUSTOM TEXTBOOK.—The term ‘custom textbook’—

“(A) means a college textbook that is compiled at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education; and

“(B) may include, alone or in combination, items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, and elements unique to a specific institution, such as commemorative editions.

“(5) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 102.

“(6) INTEGRATED TEXTBOOK.—The term ‘integrated textbook’ means a college textbook that is combined with materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined.

“(7) PUBLISHER.—The term ‘publisher’ means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce.

“(8) SUBSTANTIAL CONTENT.—The term ‘substantial content’ means parts of a college textbook, such as new chapters, additional eras of time, new themes, or new subject matter.

“(9) SUPPLEMENTAL MATERIAL.—The term ‘supplemental material’ means educational material developed to accompany a college textbook, which—

“(A) may include printed materials, computer disks, website access, and electronically distributed materials; and

“(B) is not bound by third-party contractual agreements to be sold in an integrated textbook.

“(c) PUBLISHER REQUIREMENTS.—

“(1) COLLEGE TEXTBOOK PRICING INFORMATION.—When a publisher provides a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education with information regarding a college textbook or supplemental material, the publisher shall include, with any such information and in writing, the following:

“(A) The price at which the publisher would make the college textbook or supplemental material available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

“(B) The copyright dates of all previous editions of such college textbook, if any.

“(C) The substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition, if any.

“(D) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound, and the price at which the publisher would make the college textbook or supplemental material in the other format available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

“(2) UNBUNDLING OF COLLEGE TEXTBOOKS FROM SUPPLEMENTAL MATERIALS.—A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundle shall also make available the college textbook and each supplemental material as separate and unbundled items, each separately priced.

“(3) CUSTOM TEXTBOOKS.—To the maximum extent practicable, publishers shall provide the information required under this subsection with respect to the development and provision of custom textbooks.

“(d) PROVISION OF ISBN COLLEGE TEXTBOOK INFORMATION IN COURSE SCHEDULES.—

“(1) INTERNET COURSE SCHEDULES.—Each institution of higher education, to the maximum extent practicable, shall—

“(A) disclose the International Standard Book Number and retail price information of required and recommended textbooks, related materials, and supplies for each course listed in the institution's course schedule used for pre-registration and registration purposes;

“(B) if the International Standard Book Number is not available for the items listed in subparagraph (A), use the author, title, publisher, and copyright date; and

“(C) if the institution determines that the disclosure of the information described in the preceding subparagraphs for a course is not practicable for a textbook, related material, or supply, then it should so indicate by placing the designation ‘To Be Determined’ in lieu of the information required under such subparagraphs.

“(2) WRITTEN COURSE SCHEDULES.—In the case of an institution of higher education that does not publish the institution's course schedule for the subsequent academic period on the Internet, the institution of higher education shall include the information required under paragraph (1) in any printed version of the institution's course schedule as it is available at the time of the course schedule's printing.

“(e) AVAILABILITY OF INFORMATION FOR COLLEGE BOOKSTORES.—An institution of higher education shall make available, as soon as is practicable, upon the request of any college bookstore, the most accurate information available regarding—

“(1) the institution's course schedule for the subsequent academic period; and

“(2) for each course or class offered by the institution for the subsequent academic period—

“(A) the information required by subsection (d)(1) for each college textbook or supplemental material required or recommended for such course or class;

“(B) the number of students enrolled in such course or class; and

*"(C) the maximum student enrollment for such course or class.*

*"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supercede the institutional autonomy or academic freedom of instructors involved in the selection of college textbooks and classroom materials.*

*"(g) EFFECTIVE DATE.—This section shall be effective on and after July 1, 2008.".*

### SEC. 111. DATABASE OF STUDENT INFORMATION PROHIBITED.

*Part C of title I (20 U.S.C. 1015) is further amended by adding after section 134 (as added by section 110 of this Act) the following new section:*

### "SEC. 135. DATABASE OF STUDENT INFORMATION PROHIBITED.

*"(a) PROHIBITION.—Except as described in subsection (b), nothing in this Act shall be construed to authorize the Secretary to develop, implement, or maintain a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.*

*"(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that is necessary for the operation of programs authorized by title II, IV, or VII, or data required to be collected by the Secretary under this Act (including section 133(g)), that were in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the College Opportunity and Affordability Act of 2007.*

*"(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.".*

### SEC. 112. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

*Title I (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:*

## "PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

### "SEC. 151. DEFINITIONS.

*"In this part:*

*"(1) COVERED INSTITUTION.—The term 'covered institution'—*

*"(A) means any educational institution that—*

*"(i) offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102); and*

*"(ii) receives any Federal funding or assistance; and*

*"(B) includes an authorized agent of the educational institution (including an alumni association, booster club, or other organization directly or indirectly authorized by such institution) or an employee of such institution.*

*"(2) EDUCATIONAL LOAN.—The term 'educational loan' (except when used as part of the term 'private educational loan') means—*

*"(A) any loan made, insured, or guaranteed under title IV; or*

*"(B) a private educational loan (as defined in paragraph (6)).*

*"(3) PREFERRED LENDER ARRANGEMENT.—The term 'preferred lender arrangement'—*

*"(A) means an arrangement or agreement between a lender and a covered institution—*

*"(i) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and*

*"(ii) which arrangement or agreement relates to the covered institution recommending, promoting, or endorsing the educational loan product of the lender; and*

*"(B) does not include—*

*"(i) arrangements or agreements with respect to loans under parts D or E of title IV; or*

*"(ii) arrangements or agreements with respect to loans under section 499(b).*

*"(4) LENDER.—*

*"(A) IN GENERAL.—The term 'lender'—*

*"(i) means a creditor, except that such term shall not include an issuer of credit secured by a dwelling or under an open end credit plan; and*

*"(ii) includes an agent of a lender.*

*"(B) INCORPORATION OF TILA DEFINITIONS.—The terms 'creditor', 'dwelling', and 'open end credit plan' have the meanings given such terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).*

*"(5) OFFICER.—The term 'officer' includes a director or trustee of a covered institution, if such individual is treated as an employee of the covered institution.*

*"(6) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan' means a private loan provided by a lender that—*

*"(A) is not made, insured, or guaranteed under title IV; and*

*"(B) is issued by a lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends.*

*"(7) POSTSECONDARY EDUCATIONAL EXPENSES.—The term 'postsecondary educational expenses' means any of the expenses that are included as part of a student's cost of attendance, as defined under section 472.*

### "SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

*"(a) CERTIFICATION BY LENDERS.—In addition to any other disclosure required under Federal law, each lender under part B of title IV that participates in one or more preferred lender arrangements shall annually certify its compliance with the requirements of this Act. Such compliance of such preferred lender arrangement shall be reported on and attested to annually by the auditor of such lender in the audit conducted pursuant to section 428(b)(1)(U)(iii).*

*"(b) USE OF INSTITUTION NAME.—*

*"(1) IN GENERAL.—A covered institution that has entered into a preferred lender arrangement with a lender regarding private educational loans shall not agree to the lender's use of the name, emblem, mascot, or logo of the institution, or other words, pictures, or symbols readily identified with the institution, in the marketing of private educational loans to the students attending the institution in any way that implies that the institution endorses the private educational loans offered by the lender.*

*"(2) APPLICABILITY.—Paragraph (1) shall apply to any preferred lender arrangement, or extension of such arrangement, entered into or renewed after the date of enactment of the College Opportunity and Affordability Act of 2007.*

### "SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

*"(a) DUTIES OF THE SECRETARY.—*

*"(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall—*

*"(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;*

*"(B) develop and prescribe by regulation a model disclosure form to be used by lenders and covered institutions in carrying out subsections (b) and (c) that—*

*"(i) will be easy for students and parents to read and understand;*

*"(ii) will be easily usable by lenders, institutions, guaranty agencies, and loan servicers;*

*"(iii) will provide students and parents with the relevant, meaningful, and standard information about the terms and conditions for both Federal and private educational loans;*

*"(iv) is based on the report's findings and developed in consultation with—*

*"(I) students;*

*"(II) representatives of covered institutions, including financial aid administrators, registrars, business officers, and student affairs officials;*

*"(III) lenders;*

*"(IV) loan servicers;*

*"(V) guaranty agencies; and*

*"(VI) with respect to the requirements of clause (vi) concerning private educational loans, the Board of Governors of the Federal Reserve System;*

*"(v) provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loan (including opportunity pools as defined in section 155(f)) provided to such students or parents by the lender, including—*

*"(I) the rate of interest, or the potential range of rates of interest, applicable to the loan, and whether such rates are fixed or variable;*

*"(II) limitations, if any, on interest rate adjustments, both in terms of frequency and amount, or lack thereof;*

*"(III) co-borrower requirements, including changes in interest rates;*

*"(IV) any fees associated with the loan;*

*"(V) the repayment terms available on the loan;*

*"(VI) the opportunity for deferment or forbearance in repayment of the loan, including whether the loan payments can be deferred if the student is in school;*

*"(VII) any additional terms and conditions applied to the loan, including any benefits that are contingent on the repayment behavior of the borrower;*

*"(VIII) the annual percentage rate for such loans, determined in the manner required under section 107 of the Truth in Lending Act (15 U.S.C. 1606);*

*"(IX) an example of the total cost of the educational loan over the life of the loan which shall be calculated—*

*"(aa) using a principal amount and the maximum rate of interest actually offered by the lender; and*

*"(bb) both with and without capitalization of interest, if that is an option for postponing interest payments;*

*"(X) the consequences for the borrower of defaulting on a loan, including any limitations on the discharge of an educational loan in bankruptcy;*

*"(XI) contact information for the lender; and*

*"(XII) any philanthropic contributions made by the lender to the covered institution, including the purpose of the contribution and any conditions related to its use; and*

*"(vi) provides, in addition, with respect to private educational loans, the following information with respect to loans made by each lender recommended by the covered institution:*

*“(I) the method of determining the interest rate of the loan;*

*“(II) potential finance charges, late fees, penalties, and adjustments to principal, based on defaults or late payments of the borrower; and*

*“(III) such other information as the Secretary may require; and*

*“(C)(i) submit the report and model disclosure form to the authorizing committees; and*

*“(ii) make the report and model disclosure form available to covered institutions, lenders, and the public.*

*“(2) MODEL FORM UPDATE.—Not later than 1 year after the submission of the report and model disclosure form described in paragraph (1)(B), the Secretary shall—*

*“(A) assess the adequacy of the model disclosure form;*

*“(B) after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, business officers, and student affairs officials), lenders, loan servicers, guaranty agencies, and the Board of Governors of the Federal Reserve System—*

*“(i) prepare a list of any improvements to the model disclosure form that have been identified as beneficial to borrowers; and*

*“(ii) update the model disclosure form after taking such improvements into consideration; and*

*“(C)(i) submit the list of improvements and updated model disclosure form to the authorizing committees; and*

*“(ii) make the updated model disclosure form available to covered institutions, lenders, and the public.*

*“(3) USE OF FORM.—The Secretary shall take such steps as necessary to make the model disclosure form, and the updated model disclosure form, available to covered institutions and to encourage—*

*“(A) lenders subject to subsection (b) to use the model disclosure form or updated model disclosure form (if available) in providing the information required under subsection (b); and*

*“(B) covered institutions to use such format in preparing the information reported under subsection (c).*

*“(4) PROCEDURES.—Sections 482(c) and 492 of this Act shall not apply to the model disclosure form prescribed under paragraph (1)(B), but shall apply to the updating of such form under paragraph (2).*

*“(b) LENDER DUTIES.—Each lender that has a preferred lender arrangement with a covered institution shall, by August 1 of each year, provide to the covered institution and to the Secretary the information included on the model disclosure form or an updated model disclosure form (if available) for each type of educational loan (including opportunity pools as defined in section 155(f)) to be offered by the lender to students attending the covered institution, or the parents of such students, for the forthcoming academic year.*

*“(c) COVERED INSTITUTION REPORTS.—Each covered institution shall—*

*“(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has a preferred lender arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—*

*“(A) the information included on the model disclosure form or updated model disclosure form (if available) for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and*

*“(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and*

*“(2) ensure that the report required under paragraph (1) is made available to the public and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.*

*“(d) DISCLOSURES BY COVERED INSTITUTIONS.—A covered institution shall disclose, on its website and in the informational materials described in subsection (e)—*

*“(1) a statement that—*

*“(A) indicates that students are not limited to or required to use the lenders the institution recommends; and*

*“(B) the institution is required to process the documents required to obtain a Federal educational loan from any eligible lender the student selects;*

*“(2) at a minimum, all of the information provided by the model disclosure form prescribed under subsection (a)(1)(B), or updated model disclosure form (if available), with respect to any lender recommended by the institution for Federal educational loans and, as applicable, private educational loans (including opportunity pools as defined in section 155(f));*

*“(3) the maximum amount of Federal grant and loan aid available to students in an easy-to-understand format; and*

*“(4) the institution's cost of attendance (as determined under section 472).*

*“(e) INFORMATIONAL MATERIALS.—The informational materials described in this subsection are publications, mailings, or electronic messages or media distributed to prospective or current students and parents of students that describe or discuss the financial aid opportunities available to students at an institution of higher education.*

### ***“SEC. 154. PRIVATE EDUCATIONAL LOAN DISCLOSURE REQUIREMENTS FOR COVERED INSTITUTIONS.***

*“A covered institution that provides information to any student, or the parent of such student, regarding a private educational loan from a lender shall, prior to or concurrent with such information—*

*“(1) inform the student or parent of—*

*“(A) the student or parent's eligibility for assistance and loans under title IV; and*

*“(B) the terms and conditions of such private educational loan that may be less favorable than the terms and conditions of educational loans for which the student or parent is eligible, including interest rates, repayment options, and loan forgiveness; and*

*“(2) ensure that information regarding such private educational loan is presented in such a manner as to be distinct from information regarding loans that are made, insured, or guaranteed under title IV.*

### ***“SEC. 155. INTEGRITY PROVISIONS.***

*“(a) INSTITUTION CODE OF CONDUCT REQUIRED.—*

*“(1) CODE OF CONDUCT.—Each institution of higher education that participates in the Federal student loan programs under title IV or has students that obtain private educational loans shall—*

*“(A) develop a code of conduct in accordance with paragraph (2) with which its officers, employees, and agents shall comply with respect to educational loans;*

*“(B) publish the code of conduct prominently on its website; and*

*“(C) administer and enforce such code in accordance with the requirements of this subsection.*

*“(2) CONTENTS OF CODE.—The code required by this section shall—*

*“(A) prohibit a conflict of interest with the responsibilities of such officer, employee, or agent with respect to educational loans; and*

*“(B) at a minimum, include provisions in compliance with the provisions of the following subsections of this section.*

*“(3) TRAINING AND COMPLIANCE.—An institution of higher education shall administer and enforce a code of conduct required by this section by, at a minimum, requiring all of its officers, employees, and agents with responsibilities with respect to educational loans to obtain training annually in compliance with the code.*

*“(b) GIFT BAN.—*

*“(1) PROHIBITION.—No officer, employee, or agent of a covered institution who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans, shall solicit or accept any gift from a lender, guarantor, or servicer of educational loans.*

*“(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Department of Education shall investigate any reported violation of this subsection and shall annually submit a report to the authorizing committees identifying all substantiated violations of the gift ban under paragraph (1), including the lenders and covered institutions involved in each such violation, for the preceding year.*

*“(3) DEFINITION OF GIFT.—*

*“(A) IN GENERAL.—In this subsection, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount. The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.*

*“(B) EXCEPTIONS.—The term 'gift' shall not include any of the following:*

*“(i) Standard informational material related to a loan or financial literacy, such as a brochure.*

*“(ii) Food, refreshments, training, or informational material furnished to an officer, employee, or agent of an institution as an integral part of a training session that is designed to improve the service of a lender, guarantor, or servicer of educational loans to the covered institution, if such training contributes to the professional development of the officer, employee, or agent of the institution.*

*“(iii) Favorable terms, conditions, and borrower benefits on an educational loan provided to a student employed by the covered institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution.*

*“(iv) Exit counseling services provided to borrowers to meet a covered institution's responsibilities for exit counseling as required by section 485(b) provided that—*

*“(I) a covered institution's staff are in control of the counseling (whether in person or via electronic capabilities); and*

*“(II) such counseling does not promote the products or services of any lender.*

*“(v) Philanthropic contributions to a covered institution from a lender, guarantor, or servicer of educational loans that are unrelated to educational loans, provided, as applicable, that such contributions are disclosed pursuant to section 153(a)(1) and section 153(a)(2).*

*“(C) RULE FOR GIFTS TO FAMILY MEMBERS.—For purposes of this section, a gift to a family member of an officer, employee, or agent of a covered institution, or a gift to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if—*

*“(i) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and*

"(ii) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

"(c) CONTRACTING ARRANGEMENTS PROHIBITED.—

"(1) PROHIBITION.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans, shall not accept from any lender or affiliate of any lender (as the term affiliate is defined in section 487(a)) any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender.

"(2) EXCEPTIONS.—Nothing in this subsection shall be construed as prohibiting—

"(A) an officer, employee, or agent of a covered institution who is not employed in the institution's financial aid office, or who does not otherwise have responsibilities with respect to educational loans, from paid or unpaid service on a board of directors of a lender, guarantor, or servicer of educational loans;

"(B) an officer, employee, or agent of a covered institution who is not employed in the financial aid office but who has responsibility with respect to educational loans as a result of a position held at the covered institution, from paid or unpaid service on a board of directors of a lender, guarantor, or servicer of educational loans, provided that the covered institution has a written conflict of interest policy that clearly sets forth that such an officer, employee, or agent must be recused from participating in any decision of the board with respect to any transaction regarding educational loans; or

"(C) an officer, employee, or agent of a lender, guarantor, or servicer of educational loans from serving on a board of directors or serving as a trustee of a covered institution, provided that the covered institution has a written conflict of interest policy that clearly sets forth the procedures to be followed in instances where such a board member's or trustee's personal or business interests with respect to educational loans may be advanced by an action of the board of directors or trustees, including a provision that such a board member or trustee may not participate in any decision to approve any transaction where such conflicting interests may be advanced.

"(d) BAN ON REVENUE SHARING ARRANGEMENTS.—

"(1) PROHIBITION.—A covered institution shall not enter into any revenue sharing arrangement with any lender.

"(2) DEFINITION.—For purposes of this subsection, a revenue sharing arrangement is an arrangement between a covered institution and a lender under which—

"(A) a lender provides or issues educational loans to students attending the institution or to parents of such students; and

"(B)(i) the institution recommends the lender or the loan products of the lender; and

"(ii) in exchange, the lender pays a fee or provides other material benefits, including revenue or profit sharing, to the institution or officers, employees, or agents of the institution.

"(e) BAN ON STAFFING ASSISTANCE.—

"(1) PROHIBITION.—A covered institution shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

"(2) CERTAIN ASSISTANCE PERMITTED.—Nothing in paragraph (1) shall be construed to prohibit a covered institution from requesting or accepting assistance from a lender related to—

"(A) professional development training for financial aid administrators;

"(B) providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials; or

"(C) staffing services on a short-term, non-recurring basis to assist the institution with financial aid-related functions during emergencies, including State-declared or federally declared natural disasters, federally declared national disasters, and other localized disasters and emergencies identified by the Secretary.

"(f) PROHIBITION ON OFFERS OF FUNDS FOR PRIVATE LOANS.—

"(1) PROHIBITION.—A covered institution shall not request or accept from any lender any offer of funds, including any opportunity pool, to be used for private educational loans to students in exchange for the covered institution providing concessions or promises to the lender with respect to such institution providing the lender with a specified number of loans, a specified loan volume, or a preferred lender arrangement for any loan made, insured, or guaranteed under title IV, and a lender shall not make any such offer.

"(2) DEFINITION.—In this subsection, the term 'opportunity pool' means an educational loan made by a private lender to a student attending the covered institution or the parent of such a student that is in any manner guaranteed by a covered institution, or that involves a payment, directly or indirectly, by such an institution of points, premiums, payments, additional interest, or other financial support to such lender for the purpose of such lender extending credit to either the students or the parents of students of the institution.

"(g) BAN ON PARTICIPATION ON ADVISORY COUNCILS.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans, shall not serve on or otherwise participate with advisory councils of lenders or affiliates of lenders. Nothing in this subsection shall prohibit lenders from seeking advice from covered institutions or groups of covered institutions (including through telephonic or electronic means, or a meeting) in order to improve products and services for borrowers, provided there are no gifts or compensation (including for transportation, lodging, or related expenses) provided by lenders in connection with seeking this advice from such institutions. Nothing in this subsection shall prohibit an officer, employee, or agent of a covered institution from serving on the board of directors of a lender if required by State law.

**"SEC. 156. COMPLIANCE AND ENFORCEMENT.**

"(a) CONDITION OF ANY FEDERAL ASSISTANCE.—Notwithstanding any other provision of law, a covered institution or lender shall comply with this part as a condition of receiving Federal funds or assistance provided after the date of enactment of the College Opportunity and Affordability Act of 2007.

"(b) PENALTIES.—Notwithstanding any other provision of law, if the Secretary determines, after providing notice and an opportunity for a hearing for a covered institution or lender, that the covered institution or lender has violated subsection (a)—

"(1) in the case of a covered institution, or a lender that does not participate in a loan program under title IV, the Secretary may impose a civil penalty in an amount of not more than $25,000; and

"(2) in the case of a lender that does participate in a program under title IV, the Secretary may limit, terminate, or suspend the lender's participation in such program.

"(c) CONSIDERATIONS.—In taking any action against a covered institution or lender under subsection (b), the Secretary shall take into consideration the nature and severity of the violation of subsection (a).

**"SEC. 157. STUDENT LOAN COUNSELING.**

"(a) BORROWER CONTACT.—

"(1) FFEL LOANS.—Each holder of a loan under part B of title IV shall contact the borrower each year after five years has passed from the date that a borrower first selected either a graduated, extended, income sensitive, or income contingent repayment plan to ascertain if the borrower is able to select a repayment plan with a shorter repayment period that would reduce the total interest paid on the borrower's loan or loans under this part.

"(2) DIRECT LOANS.—The Secretary shall contact the borrower of each loan under part D or E of title IV each year after five years has passed from the date that a borrower first selected either an extended, graduated, income contingent, or alternative repayment plan to ascertain if the borrower is able to select a repayment plan for a shorter repayment period that would reduce the total interest paid on the borrower's loan under this part.

"(b) REQUIRED DISCLOSURE BEFORE DISBURSEMENT.—

"(1) DISCLOSURES BEFORE REPAYMENT.—Each lender of a loan under part B of title IV, and the Secretary with respect to each loan under part D or E of such title, shall provide to the borrower before repayment begins an explanation of principal to be borrowed, current balance, interest already paid, and interest due over the life of the loan, options by which borrowers may avoid or be removed from default, relevant fees associated with these options, and repayment options available to the borrower entering repayment, including income contingent repayment and income-based repayment.

"(2) DISCLOSURES DURING REPAYMENT.—Each lender of a loan under part B of title IV, and the Secretary with respect to each loan under part D or E of such title, shall provide to the borrower during repayment an explanation of principal borrowed, current balance, interest already paid and interest due over the life of the loan, options by which borrowers may avoid or be removed from default, relevant fees associated with these options, and repayment options available to the borrower entering repayment, including income contingent repayment and income-based repayment. Each such lender and the Secretary shall also notify any borrower who tells the lender or the Secretary that the borrower is having difficulty making payments of the repayment options available, including forbearance. Each such lender and the Secretary shall make an explanation of repayment options available to the borrower, including income contingent repayment and forbearance, before the loan is disbursed, before repayment, and during repayment if the borrower notifies the lender or the Secretary that the borrower is having difficulty making payments.

"(c) INSTITUTIONAL COUNSELING.—

"(1) IN GENERAL.—Each institution of higher education shall, through financial aid officers or otherwise, make available counseling to borrowers of loans which are made, insured, or guaranteed under part B (other than loans made pursuant to section 428B) of this title or made under part D or E of this title prior to their signing the first promissory note. The counseling shall include—

"(A) average indebtedness of borrowers at that school, to be supplied by the Secretary;

"(B) sample monthly repayment amounts based on a range of student levels of indebtedness and on the average indebtedness of Stafford loan borrowers at the same school or in the same program of study at the same school;

"(C) data to be supplied by the Secretary on starting salaries for graduates of institutions by type and control of institution, and field of study;

"(D) repayment options available to the borrower when entering repayment, including income contingent repayment and income-based repayment;

"(E) detail to be supplied by the Secretary on how interest accrues and is capitalized during periods when it is not being paid by either the borrower or the Secretary; and

"(F) the likely consequences of default, including adverse credit reports, Federal offset, and litigation.

"(2) USE OF ELECTRONIC MEANS.—If initial counseling is conducted through interactive electronic means, the institution of higher education shall take reasonable steps to ensure that each student borrower receives the counseling materials, and participates in and completes the initial counseling.

"(d) DEPARTMENT OF EDUCATION INFORMATION DISCLOSURE AND TECHNICAL ASSISTANCE.—

"(1) OBLIGATION.—The Secretary shall display on the Department of Education website and provide to colleges and universities the following information to be used for counseling and consumer information for prospective borrowers:

"(A) Regional data on starting salaries in all major fields.

"(B) The increase in debt that results from forbearance on all loans and from capitalization of interest on unsubsidized loans.

"(C) The various repayment options available in the Federal student loan programs, including the availability of the income contingent repayment (ICR) program and the income-based repayment programs (IBR).

"(D) The Federal Government's powers to collect student loans, even when student borrowers are in bankruptcy.

"(2) PUBLICITY.—The Secretary shall make the location of the information under paragraph (1) widely known among the public, institutions, and lenders, and promote the use of such information by prospective students, enrolled students, and borrowers after entering repayment.".

**SEC. 113. FEASIBILITY STUDY FOR NATIONAL ELECTRONIC STUDENT LOAN MARKETPLACE.**

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a study of the feasibility of developing a National Electronic Student Loan Marketplace that would provide for one or more of the following:

(1) A registry of real-time information on Federal student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965) and private educational loans (as defined in section 151 such Act of 1965 (as amended by this Act)) for both undergraduate and graduate students, and parents of students, for use by prospective borrowers or any person desiring information regarding available interest rates, fees, and other terms from lenders.

(2) Means by which lenders that participate in such marketplace would be bound to honor advertised rates or benefits.

(3) A mechanism whereby borrowers and student financial aid officials could publicly post or otherwise make available for users accessing the system their comments, opinions, or ratings concerning their experience as to the quality of lenders' loan products and loan servicing and other measurements or indicators of customer satisfaction.

(4) A mechanism whereby prospective borrowers could be matched with lenders that offer highly competitive products and loan servicing quality, including any procedures and safeguards necessary to minimize potentially adverse effects of multiple inquiries into participating borrowers' credit histories recorded by credit reporting agencies.

(5) Options concerning the establishment and ongoing maintenance of such a system, including whether such a system should be operated by one or more nonprofit or for-profit entities, how these entities should structure or organize such a system in order to provide the highest assurance of independence from, and the absence of any conflicting interest with, lenders participating in such a system, and methods to finance such a system at no or minimal cost to consumers and the Government.

(6) Other features that the Secretary determines could help prospective borrowers make informed decisions in selecting lenders from whom to obtain Federal and private educational loans.

(b) CONSULTATION.—In conducting the study required by this section, the Secretary of Education shall consult with—

(1) the Federal Trade Commission;

(2) representatives of student loan borrowers;

(3) representatives from institutions of higher education, including financial aid administrators, registrars, business officers, and student affairs officials;

(4) Federal and private education loan lenders, loan servicers, and guaranty agencies; and

(5) any other appropriate agency that is a member of the Financial Literacy and Education Commission established under the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.).

(c) REPORT.—Not later than 6 months after completion of the model interest rate report format required under section 153(a)(1) of the Higher Education Act of 1965 (as amended by this Act), the Secretary of Education shall submit a report to the authorizing committees (as defined in section 103 of such Act) concerning the findings of the feasibility study together with an assessment of the advantages and disadvantages for consumers, institutions of higher education, lenders, and the Government of establishing such a system.

## TITLE II—TITLE II REVISION

**SEC. 201. REVISION OF TITLE II.**

Title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

## "TITLE II—TEACHER QUALITY ENHANCEMENT

**"SEC. 200. DEFINITIONS.**

"For purposes of this title:

"(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

"(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

"(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

"(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

"(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

"(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

"(B) a State licensed or regulated child care program or school; or

"(C) a State prekindergarten program that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and prenumeracy), social, emotional, and physical development.

"(5) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

"(6) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

"(8) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(9) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

"(10) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

"(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

"(ii) that serves not fewer than 10,000 children from low-income families; or

"(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of the schools that are served by the agency are designated with a school locale code of Rural: Fringe, Rural: Distant, or Rural: Remote, as determined by the Secretary; and

"(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

"(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

"(11) HIGH-NEED SCHOOL.—Notwithstanding section 103, the term 'high-need school' means a public elementary school or public secondary school that—

"(A) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line; or

"(B) is designated with a school locale code of Rural: Fringe, Rural: Distant, or Rural: Remote, as determined by the Secretary.

"(12) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

"(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

"(B) with—

"(i) a baccalaureate degree in an academic major in the arts and sciences; or

"(ii) an associate's degree in a related educational area; and

"(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

"(13) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

"(14) LITERACY COACH.—The term 'literacy coach' means an individual—

"(A) who—

"(i) has teaching experience and a master's degree with a concentration in reading and writing education; and

"(ii) has demonstrated proficiency (as determined by the principal of the individual's school) in teaching reading and writing in a content area such as math, science, or social studies;

"(B) whose primary role with teachers and school personnel is—

"(i) to provide high-quality professional development opportunities for teachers and school personnel related to literacy;

"(ii) with respect to the areas of reading and writing, to collaborate with paraprofessionals, teachers, principals, and other administrators, and the community served by the school; and

"(iii) to work cooperatively and collaboratively with other professionals in planning programs to meet the needs of diverse population learners, including children with disabilities and limited English proficient individuals; and

"(C) who may provide students with—

"(i) reading or writing diagnosis and instruction; and

"(ii) reading and writing assessment, including assessment in cooperation with other professionals (such as special education teachers, speech and language teachers, and school psychologists).

"(15) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(16) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(17) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

"(18) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

"(A) increase student learning, achievement, and the ability to apply knowledge;

"(B) effectively convey and explain academic subject matter;

"(C) employ strategies grounded in the disciplines of teaching and learning that—

"(i) are based on empirically based practice and scientifically valid research, where applicable, related to teaching and learning;

"(ii) are specific to academic subject matter; and

"(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

"(D) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measure higher-order thinking skills, including application, analysis, synthesis, and evaluation;

"(E) effectively manage a classroom, including the ability to implement positive behavioral intervention support strategies;

"(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education; and

"(G) use, in the case of an early childhood educator, age-appropriate and developmentally appropriate strategies and practices for children in early education programs.

**"SEC. 200A. RULE OF CONSTRUCTION.**

"Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers, including the right of employees of local educational agencies to engage in collective bargaining with their employers.

## "PART A—TEACHER QUALITY PARTNERSHIP GRANTS

**"SEC. 201. PURPOSES; DEFINITIONS.**

"(a) PURPOSES.—The purposes of this part are to—

"(1) improve student achievement;

"(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

"(3) hold teacher preparation programs at institutions of higher education accountable for preparing highly qualified teachers; and

"(4) recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

"(b) DEFINITIONS.—In this part:

"(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity that—

"(A) shall include—

"(i) a high-need local educational agency;

"(ii) a high-need school or a consortium of high-need schools served by the high-need local educational agency or, as applicable, a high-need early childhood education program;

"(iii) a partner institution;

"(iv) a school, department, or program of education within such partner institution or a teacher professional development program within such partner institution; and

"(v) a school or department of arts and sciences within such partner institution; and

"(B) may include any of the following:

"(i) The Governor of the State.

"(ii) The State educational agency.

"(iii) The State board of education.

"(iv) The State agency for higher education.

"(v) A business.

"(vi) A public or private nonprofit educational organization.

"(vii) An educational service agency.

"(viii) A teacher organization.

"(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

"(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

"(xi) A school or department within the partner institution that focuses on psychology and human development.

"(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

"(xiii) An entity operating a program that provides alternative routes to State certification of teachers.

"(2) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

"(A) High-quality teacher mentoring.

"(B) Periodic, structured time for collaboration with mentor teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

"(C) The application of empirically based practice and scientifically valid research on instructional practices.

"(D) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

"(E) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

"(F) Faculty who—

"(i) model the integration of research and practice in the classroom; and

"(ii) assist new teachers with the effective use and integration of technology in the classroom.

"(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers with respect to the learning process and the assessment of learning.

"(H) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

"(I) Structured and formal observation of new teachers, and feedback for such teachers, at least 4 times each school year by multiple evaluators, including master teachers and the principal, using valid and reliable benchmarks of teaching skills and standards developed with input from teachers.

"(3) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

"(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

"(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

"(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

"(I) using criteria consistent with the requirements for the State report card under section 205(b); and

"(II) using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter; or

"(B) that requires—

"(i) each student in the program to meet and demonstrate high academic standards (including prior to entering and being accepted into a program) and participate in intensive clinical experience;

"(ii) each student in the program preparing to become a teacher to become highly qualified; and

"(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

"(4) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a new or established program that—

"(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

"(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction and classroom management;

"(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

"(D) provides paid release time for mentors;

"(E) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

"(F) promotes empirically based practice of, and scientifically valid research on, where applicable—

"(i) teaching and learning;

"(ii) assessment of student learning;

"(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

"(iv) the improvement of the mentees' capacity to measurably advance student learning; and

"(G) includes—

"(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

"(ii) joint professional development opportunities.

"(5) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

"(A) for 1 academic year, teaches alongside a mentor teacher, who is the teacher of record;

"(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which may include courses taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

"(C) acquires effective teaching skills; and

"(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

**"SEC. 202. PARTNERSHIP GRANTS.**

"(a) PROGRAM AUTHORIZED.—From amounts made available under section 209, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

"(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

"(1) a needs assessment of all the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention, of general and special education teachers, principals, and, as applicable, early childhood educators;

"(2) a description of the extent to which the program prepares prospective and new teachers with strong teaching skills;

"(3) a description of how the program will prepare prospective and new teachers to use research and data to modify and improve instruction in the classroom;

"(4) a description of how the partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

"(5) a resource assessment that describes the resources available to the partnership, including—

"(A) the integration of funds from other sources;

"(B) the intended use of the grant funds;

"(C) the commitment of the resources of the partnership, including financial support, faculty participation, and time commitments, to the activities assisted under this section and to the continuation of the activities when the grant ends;

"(6) a description of—

"(A) how the partnership will meet the purposes of this part;

"(B) how the partnership will carry out the activities required under subsection (d) or (e) based on the needs identified in paragraph (1), with the goal of improving student achievement;

"(C) the partnership's evaluation plan under section 204(a);

"(D) how the partnership will align the teacher preparation program with the—

"(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

"(ii) student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

"(E) how the partnership will prepare general education teachers to teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act;

"(F) how the partnership will prepare general education and special education teachers to teach students with limited English proficiency;

"(G) how faculty at the partner institution will work, during the term of the grant, with highly qualified teachers in the classrooms of schools served by the high-need local educational agency in the partnership to provide high-quality professional development activities;

"(H) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching teaching pre-service clinical program component;

"(I) how the partnership will support in-service professional development strategies and activities; and

"(J) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

"(7) with respect to the induction program required as part of the activities carried out under this section—

"(A) a description of how the teacher preparation program will design and implement an induction program to support all new teachers through not less than the first 2 years of teaching in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers;

"(B) a demonstration that the schools and departments within the institution of higher education that are part of the induction program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in teaching;

"(C) a demonstration of the partnership's capability and commitment to the use of empirically based practice and scientifically valid research related to teaching and learning, and the accessibility to and involvement of faculty;

"(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

"(c) REQUIRED USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this section shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), a leadership development program under subsection (f), or a combination of two or more such programs.

"(d) PARTNERSHIP GRANTS FOR PRE-BACCALAUREATE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

"(1) REFORMS.—

"(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

"(i) preparing—

"(I) current or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, teachers of students who are limited English proficient who may teach multiple subjects, and teachers who are qualified to teach Advanced Placement or International Baccalaureate courses);

"(II) such teachers and, as applicable, early childhood educators, to understand empirically based practice and scientifically valid research related to teaching and learning and its applicability, and to use technology effectively, including the use of instructional techniques and positive behavioral support strategies to improve student achievement; and

"(III) as applicable, early childhood educators to be highly competent; and

"(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

"(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

"(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

"(ii) using empirically based practice and scientifically valid research, where applicable, about the disciplines of teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

"(I) can understand and implement research-based teaching practices in classroom-based instruction;

"(II) have knowledge of student learning methods;

"(III) possess skills to analyze student academic achievement data and other measures of student learning, and use such data and measures to improve instruction in the classroom;

"(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable general and special education teachers and early childhood educators to—

"(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with *low literacy levels and, as applicable, children in early childhood education programs; and*

*"(bb) differentiate instruction for such students;*

*"(V) can effectively participate in the individualized education program process, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act; and*

*"(VI) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;*

*"(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that new teachers receive training in both teaching and relevant content areas in order to become highly qualified, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities;*

*"(iv) developing and implementing an induction program;*

*"(v) developing admissions goals and priorities aligned with the hiring objectives of the high-need local educational agency in the eligible partnership; and*

*"(vi) implementing program curriculum changes to prepare teachers to teach Advanced Placement or International Baccalaureate courses.*

*"(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality pre-service clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:*

*"(A) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—*

*"(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and*

*"(ii) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.*

*"(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas, which may include preparation for meeting the unique needs of teaching in rural communities.*

*"(C) Provide high-quality teacher mentoring.*

*"(D)(i) Be offered over the course of a program of teacher preparation;*

*"(ii) be tightly aligned with course work (and may be developed as a 5th year of a teacher preparation program); and*

*"(iii) where feasible, allow prospective teachers to learn to teach in the same school district in which the teachers will work, learning the instructional initiatives and curriculum of that district.*

*"(E) Provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1) or (3), and for those who serve as mentors for such teachers, based on each individual's experience. Such support may include—*

*"(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;*

*"(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and*

*"(iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or merit or performance-based pay.*

*"(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers, or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.*

*"(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.*

*"(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms (which may include alternative routes to State certification of teachers) to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership, which may include an emphasis on recruiting into the teaching profession—*

*"(A) underrepresented populations;*

*"(B) individuals to teach in rural communities and teacher shortage areas, including mathematics, science, special education, and instruction of limited English proficient students; and*

*"(C) mid-career professionals from other occupations, former military personnel, and recent college graduates with proven records of academic distinction.*

*"(6) LITERACY TRAINING.—Developing and implementing a program to strengthen content knowledge and teaching skills of elementary and secondary school literacy coaches that—*

*"(A) provides teacher training in reading instruction for literacy coaches who—*

*"(i) train classroom teachers to implement literacy programs; or*

*"(ii) tutor students with intense individualized reading, writing, and subject matter instruction during or beyond the school day;*

*"(B) develops or redesigns rigorous evidenced-based reading curricula that are aligned with challenging State academic content standards, as required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, and with postsecondary standards for reading and writing;*

*"(C) provides opportunities for teachers to plan and assess instruction with other teachers, school leaders, and faculty at institutions of higher education;*

*"(D) provides training and professional development for principals to prepare them to understand the teaching of reading, guide instruction, and foster school improvement; and*

*"(E) establishes an evaluation and accountability plan for activities conducted under this paragraph to measure the impact of such activities.*

*"(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—*

*"(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:*

*"(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.*

*"(B) Modifying staffing procedures to provide greater flexibility for local educational agency and school leaders to establish effective school-level staffing in order to facilitate placement of graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.*

*"(C) Ensuring that teaching residents that participated in the teaching residency program receive—*

*"(i) effective pre-service preparation as described in paragraph (2);*

*"(ii) teacher mentoring;*

*"(iii) induction through the induction program as the teaching residents enter the classroom as new teachers; and*

*"(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).*

*"(2) TEACHING RESIDENCY PROGRAMS.—*

*"(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this subsection shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:*

*"(i) The integration of pedagogy, classroom practice, and teacher mentoring.*

*"(ii) Engagement of teaching residents in rigorous graduate-level course work to earn a master's degree while undertaking a guided teaching apprenticeship.*

*"(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—*

*"(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with course work;*

*"(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for novice teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and*

*"(III) who may have full relief from teaching duties as a result of such additional responsibilities.*

*"(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on observations of such domains of teaching as the following:*

*"(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative assessments to improve student learning.*

*"(II) Appropriate instruction that engages students with different learning styles, including students with disabilities.*

*"(III) Collaboration with colleagues to improve instruction.*

*"(IV) Analysis of gains in student learning, based on multiple measures, that, when feasible, may include valid and reliable objective measures of the influence of teachers on the rate of student academic progress.*

*"(V) In the case of mentor candidates who will be mentoring current or future literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.*

*"(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.*

*"(vi) The development of admissions goals and priorities aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of the agency, in exchange for a commitment by the agency to hire graduates from the teaching residency program.*

*"(vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.*

*"(viii) Admission goals and priorities which may include consideration of applicants who reflect the communities in which they will teach*

*as well as consideration of individuals from underrepresented populations in the teaching profession.*

*"(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—*

*"(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this subsection, an individual shall—*

*"(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and*

*"(II) submit an application to the teaching residency program.*

*"(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subsection shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:*

*"(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.*

*"(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.*

*"(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.*

*"(C) STIPEND AND SERVICE REQUIREMENT.—*

*"(i) STIPEND.—A teaching residency program under this paragraph shall provide a 1-year living stipend or salary to teaching residents during the 1-year teaching residency program.*

*"(ii) SERVICE REQUIREMENT.—As a condition of receiving a stipend under this subparagraph, a teaching resident shall agree to teach in a high-need school served by the high-need local educational agency in the eligible partnership for a period of 3 or more years after completing the 1-year teaching residency program.*

*"(iii) REPAYMENT.—If a teaching resident who received a stipend under this subparagraph does not complete the service requirement described in clause (ii), such individual shall repay to the high-need local educational agency a pro rata portion of the stipend amount for the amount of teaching time that the individual did not complete.*

*"(f) PARTNERSHIP GRANTS FOR THE DEVELOPMENT OF LEADERSHIP PROGRAMS.—*

*"(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective leadership program shall carry out a program that includes all of the following activities:*

*"(A) Preparing students currently enrolled or preparing to enroll in education administration programs in preparation for careers as superintendents, principals, or other school administrators (including students preparing to work in rural school districts who may perform multiple duties in addition to the role of administrator).*

*"(B) Promoting strong administrative skills and, as applicable, techniques for education administrators to improve the school environment and effectively manage schools.*

*"(C) Ensuring that students who participate in the leadership program receive—*

*"(i) effective pre-service preparation as described in subparagraph (D); and*

*"(ii) mentoring by educational administrators.*

*"(D) Developing and improving a sustained and high-quality pre-service clinical education program to further develop the leadership skills of all prospective educational administrators involved in the program. Such program shall do the following:*

*"(i) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—*

*"(I) clinical learning in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and*

*"(II) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership.*

*"(ii) Integrate pedagogy and practice and promote effective administrative skills for meeting the unique needs of rural and geographically isolated communities.*

*"(iii) Educational administrator mentoring.*

*"(E) Creating an induction program for new administrators.*

*"(F) Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become educational administrators through the activities of the eligible partnership, which may include an emphasis on recruiting into the education administration profession—*

*"(i) underrepresented populations;*

*"(ii) individuals to serve as superintendents, principals, or other school administrators in rural and geographically isolated communities and shortage areas designated by the Secretary; or*

*"(iii) mid-career professionals from other occupations, former military personnel, and recent college graduates with proven records of academic distinction.*

*"(2) SELECTION OF INDIVIDUALS FOR THE LEADERSHIP PROGRAM.—In order to be eligible for the leadership program under this subsection, an individual shall—*

*"(A) be enrolled in or preparing to enroll in an institution of higher education, or a recent graduate of an institution of higher education, or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment;*

*"(B) be current teachers who would like to become principals or principals who would like to be superintendents; and*

*"(C) submit an application to the leadership program.*

*"(g) CONSULTATION.—*

*"(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities under this section.*

*"(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation, regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.*

*"(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if a written consent signed by all members of the eligible partnership is submitted to the Secretary.*

*"(h) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.*

*"(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available to carry out this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.*

***"SEC. 203. ADMINISTRATIVE PROVISIONS.***

*"(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—*

*"(1) DURATION.—A grant awarded under this part shall be awarded for a period of 5 years.*

*"(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.*

*"(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.*

*"(b) PEER REVIEW.—*

*"(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.*

*"(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall give priority—*

*"(A) to partnerships that include an institution of higher education whose teacher preparation program has a rigorous selection process to ensure the highest quality of students entering such programs; and*

*"(B)(i) to applications from broad-based eligible partnerships that involve businesses and community organizations; or*

*"(ii) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.*

*"(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining the grant amount, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.*

*"(c) MATCHING REQUIREMENTS.—*

*"(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.*

*"(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership, if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.*

*"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.*

***"SEC. 204. ACCOUNTABILITY AND EVALUATION.***

*"(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish and include in such application an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—*

*"(1) student achievement for all students as measured by the eligible partnership;*

*"(2) teacher retention in the first 3 years of a teacher's career;*

*"(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and*

*"(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;*

*"(B) the percentage of such teachers who are members of underrepresented groups;*

*"(C) the percentage of such teachers who teach high-need academic subject areas (such as reading, mathematics, science, and foreign languages, including less commonly taught languages and critical foreign languages);*

*"(D) the percentage of such teachers who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);*

*"(E) the percentage of such teachers in high-need schools, disaggregated by the elementary, middle, and high school levels;*

*"(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent; and*

*"(G) as applicable, the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decision making for the purpose of improving student academic achievement.*

*"(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, and faculty and leadership at institutions of higher education located in the geographic areas served by the eligible partnership are provided information about the activities carried out with funds under this part, including through electronic means.*

*"(c) REVOCATION OF GRANT.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, of the grant by the end of the third year of a grant under this part, then the Secretary shall require such eligible partnership to submit a revised application that identifies the steps the partnership will take to make substantial progress to meet the purposes, goals, objectives, and measures, as appropriate, of this part.*

*"(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the findings regarding the evaluation of such activities to the authorizing committees. The Secretary shall broadly disseminate—*

*"(1) successful practices developed by eligible partnerships under this part; and*

*"(2) information regarding such practices that were found to be ineffective.*

### *"SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.*

*"(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—*

*"(1) REPORT CARD.—Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional teacher preparation programs and alternative routes to State certification or licensure programs, the following information:*

*"(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—*

*"(i) the percentage of students who have completed 100 percent of the nonclinical course work and taken the assessment who pass such assessment;*

*"(ii) the percentage of all such students who passed each such assessment;*

*"(iii) the percentage of students taking an assessment who enrolled in and completed the teacher preparation program;*

*"(iv) the average scaled score for all students who took each such assessment;*

*"(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and*

*"(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.*

*"(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race, ethnicity, and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.*

*"(C) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.*

*"(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).*

*"(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.*

*"(F) TEACHER TRAINING.—A description of the activities that prepare general and special education teachers to effectively teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act, and to effectively teach students with limited English proficiency.*

*"(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).*

*"(3) FINES.—The Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.*

*"(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.*

*"(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—*

*"(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:*

*"(A) A description of the reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.*

*"(B) The standards and criteria that prospective teachers must meet to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.*

*"(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and State early learning standards for early childhood education programs.*

*"(D) For each of the assessments used by the State for teacher certification or licensure—*

*"(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical course work and taken the assessment who pass such assessment;*

*"(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and*

*"(iii) the percentage of students taking an assessment who enrolled in and completed the teacher preparation program.*

*"(E) A description of alternative routes to teacher certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—*

*"(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and*

*"(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.*

*"(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.*

*"(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race, ethnicity, and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), the average number of hours of supervised clinical experience required for those in the program, and the number of*

*full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.*

*“(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—*

*“(i) area of certification or licensure;*

*“(ii) academic major; and*

*“(iii) subject area for which the teacher has been prepared to teach.*

*“(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.*

*“(J) A description of the activities that prepare general and special education teachers to effectively teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act.*

*“(K) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.*

*“(L) A description of the activities that prepare general education and special education teachers to effectively teach students with limited English proficiency.*

*“(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.*

*“(c) DATA QUALITY.—The Secretary shall prescribe regulations requiring practices and procedures to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.*

*“(d) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—*

*“(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (L) of subsection (b)(1). Such report shall identify States for which eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.*

*“(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to Congress that contains the following:*

*“(A) A comparison of States' efforts to improve the quality of the current and future teaching force.*

*“(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.*

*“(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than 1 State for teacher certification or licensure.*

*“(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.*

*“(e) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.*

***“SEC. 206. TEACHER DEVELOPMENT.***

*“(a) ANNUAL GOALS.—As a condition of receiving assistance under title IV, each institution of higher education that conducts a traditional teacher preparation program (including programs that offer any ongoing professional development programs) or alternative routes to State certification or licensure program, and that enrolls students receiving Federal assistance under this Act, shall set annual quantifiable goals for—*

*“(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary, including mathematics, science, special education, and instruction of limited English proficient students; and*

*“(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.*

*“(b) ASSURANCE.—As a condition of receiving assistance under title IV, each institution described in subsection (a) shall provide an assurance to the Secretary that—*

*“(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;*

*“(2) prospective special education teachers receive course work in core academic subjects and receive training in providing instruction in core academic subjects;*

*“(3) general education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and*

*“(4) prospective teachers receive training on how to effectively teach in urban and rural schools.*

*“(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.*

***“SEC. 207. STATE FUNCTIONS.***

*“(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to conduct an assessment to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such assessment shall be described in the report under section 205(b). Levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part including progress in meeting the goals of—*

*“(1) increasing the percentage of highly qualified teachers in the State, including increasing professional development opportunities;*

*“(2) improving student achievement for all students; and*

*“(3) raising the standards for entry into the teaching profession.*

*“(b) TERMINATION OF ELIGIBILITY.—Any program of teacher preparation from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—*

*“(1) shall be ineligible for any funding for professional development activities awarded by the Department;*

*“(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and*

*“(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.*

*“(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.*

*“(d) APPLICATION OF THE REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.*

***“SEC. 208. GENERAL PROVISIONS.***

*“(a) METHODS.—In complying with sections 205 and 207, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.*

*“(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965 and in accordance with the State plan submitted or revised under section 1111 of such Act, or that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act,—*

*“(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and*

*“(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.*

*“(c) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—*

*“(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—*

*“(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and*

*“(B) is possessed, controlled, or accessible by the State educational agency.*

*“(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—*

*“(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and*

*“(B) may include—*

*“(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who*

*have been taught by graduates of the teacher preparation program; and*

*"(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.*

*"(d) LIMITATIONS.—*

*"(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school (whether or not a home school is treated as a private school or home school under State law). This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.*

*"(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school (whether or not a home school is treated as a private school or home school under State law).*

*"(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.*

### *"SEC. 209. AUTHORIZATION OF APPROPRIATIONS.*

*"There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 2 succeeding fiscal years.*

## *"PART B—PREPARING TEACHERS FOR DIGITAL AGE LEARNERS*

### *"SEC. 221. PROGRAM AUTHORIZED.*

*"(a) PROGRAM AUTHORITY.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible consortia to pay the Federal share of the costs of projects to—*

*"(1) graduate teacher candidates who are prepared to use modern information, communication, and learning tools to—*

*"(A) improve student learning, assessment, and learning management; and*

*"(B) help students develop skills to enter the workforce;*

*"(2) strengthen and develop partnerships among the stakeholders in teacher preparation to transform teacher education and ensure technology rich learning environments throughout a teacher candidate's pre-service education, including clinical experiences; and*

*"(3) assess the effectiveness of departments, schools, and colleges of education at institutions of higher education in preparing teacher candidates for successful implementation of technology-rich teaching-learning environments that enable kindergarten through grade 12 students to develop skills to enter the workforce.*

*"(b) AMOUNT AND DURATION.—A grant, contract, or cooperative agreement under this part—*

*"(1) shall be for not more than $2,000,000;*

*"(2) shall be for a 3-year period; and*

*"(3) may be renewed for one additional year.*

*"(c) NON-FEDERAL SHARE REQUIREMENT.—The Federal share of the cost of any project funded under this part shall not exceed 75 percent. The non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.*

*"(d) DEFINITION OF ELIGIBLE CONSORTIUM.—In this part, the term 'eligible consortium' means a consortium of members that includes the following:*

*"(1) At least one institution of higher education that awards baccalaureate degrees and prepares teachers for initial entry into teaching.*

*"(2) At least one State educational agency or local educational agency.*

*"(3) A department, school, or college of education at an institution of higher education.*

*"(4) A department, school, or college of arts and sciences at an institution of higher education.*

*"(5) At least one entity with the capacity to contribute to the technology-related reform of teacher preparation programs, which may be a professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity.*

### *"SEC. 222. USES OF FUNDS.*

*"(a) IN GENERAL.—An eligible consortium that receives a grant or enters into a contract or cooperative agreement under this part shall use funds made available under this part to carry out a project that—*

*"(1) develops long-term partnerships among members of the consortium that are focused on effective teaching with modern digital tools and content that substantially connect pre-service preparation of teacher candidates with high-needs schools; or*

*"(2) transforms the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.*

*"(b) USES OF FUNDS FOR PARTNERSHIP GRANTS.—In carrying out a project under subsection (a)(1), an eligible consortium shall—*

*"(1) provide teacher candidates, early in their preparation, with field experiences in educational settings with technology;*

*"(2) build the skills of teacher candidates to support technology-rich instruction, assessment and learning management in content areas, technology literacy, an understanding of the principles of universal design, and the development of other skills for entering the workforce;*

*"(3) provide professional technology development for teachers, administrators, and content specialists who participate in field placement;*

*"(4) provide professional development of technology pedagogical skills for faculty of departments, schools, and colleges of education and arts and sciences;*

*"(5) implement strategies for the mentoring of teacher candidates with respect to technology implementation by members of the consortium;*

*"(6) evaluate teacher candidates during the first years of teaching to fully assess outcomes of the project;*

*"(7) build collaborative learning communities for technology integration within the consortium to sustain meaningful applications of technology in the classroom during teacher preparation and early career practice; and*

*"(8) evaluate the effectiveness of the project.*

*"(c) USES OF FUNDS FOR TRANSFORMATION GRANTS.—In carrying out a project under subsection (a)(2), an eligible consortium shall—*

*"(1) redesign curriculum to require collaboration between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach content or methods courses for training teacher candidates;*

*"(2) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and science faculty and academic content specialists at the local educational agency to educate pre-service teachers who can integrate technology and pedagogical skills in content areas;*

*"(3) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach courses to pre-service teachers to—*

*"(A) develop and implement a plan for pre-service teachers and continuing educators that demonstrates effective instructional strategies and application of such strategies in the use of digital tools to transform the teaching and learning process; and*

*"(B) better reach underrepresented pre-service teacher populations with programs that connect such pre-service teacher populations with applications of technology;*

*"(4) collaborate among faculty and students to create and disseminate case studies of technology applications in classroom settings with a goal of improving student achievement in high-need schools;*

*"(5) provide additional technology resources for pre-service teachers to plan and implement technology applications in classroom settings that provide evidence of student learning; and*

*"(6) bring together expertise from departments, schools, or colleges of education, arts and science faculty, and academic content specialists at the local educational agency to share and disseminate technology applications in the classroom through teacher preparation and into early career practice.*

### *"SEC. 223. APPLICATION REQUIREMENTS.*

*"To be eligible to receive a grant or enter into a contract or cooperative agreement under this part, an eligible consortium shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:*

*"(1) A description of the project to be carried out with the grant, including how the project will—*

*"(A) develop a long-term partnership focused on effective teaching with modern digital tools and content that substantially connects pre-service preparation of teacher candidates with high-need schools; or*

*"(B) transform the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.*

*"(2) A demonstration of—*

*"(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and*

*"(B) the support of the leadership of each organization that is a member of the consortium for the proposed project.*

*"(3) A description of how each member of the consortium will participate in the project.*

*"(4) A description of how the State or local educational agency will incorporate the project into the agency's technology plan, if such a plan already exists.*

*"(5) A description of how the project will be continued after Federal funds are no longer available under this part for the project.*

*"(6) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.*

### *"SEC. 224. EVALUATION.*

*"Not less than 10 percent of the funds awarded to an eligible consortium to carry out a project under this part shall be used to evaluate the effectiveness of such project.*

### *"SEC. 225. AUTHORIZATION OF APPROPRIATIONS.*

*"There is authorized to be appropriated $100,000,000 to carry out this part for fiscal year 2009 and such sums as may be necessary for each of the 2 succeeding fiscal years.*

## *"PART C—ENHANCING TEACHER EDUCATION*

### *"SEC. 240. AUTHORIZATION OF APPROPRIATIONS.*

*"There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.*

### *"Subpart 1—Recruiting Teachers With Math, Science, or Language Majors*

### *"SEC. 241. PROGRAM AUTHORIZED.*

*"(a) GRANTS AUTHORIZED.—From the amounts appropriated under section 240, the Secretary shall make competitive grants to institutions of*

*higher education to improve the availability, recruitment, and retention of teachers from among students majoring in mathematics, science, foreign languages, special education, or teaching the English language to students who are limited English proficient, or to a combination of students majoring in such subjects. In making such grants, the Secretary shall give priority to institutions of higher education with programs that—*

*"(1) focus on preparing and retaining teachers in subjects in which there is a shortage of highly qualified teachers and that prepare students to teach in high-need schools; and*

*"(2) include plans to seek matching funds from other governmental and non-governmental sources.*

*"(b) APPLICATION.—Any institution of higher education desiring to receive a grant under this subpart shall submit to the Secretary an application at such time, in such form, and containing such information and assurances as the Secretary may require, including—*

*"(1) the number of students who graduated from the institution in the preceding year with the qualifications necessary to be teachers with expertise in mathematics, science, a foreign language, special education, or teaching limited English proficient individuals; and*

*"(2) a goal and timeline for increasing the number of such teachers who graduate from the institution.*

*"(c) USE OF FUNDS.—Grant funds made available under this subpart—*

*"(1) shall be used to create and provide new recruitment incentives to encourage students who are planning to pursue other careers to pursue careers in teaching, with an emphasis on recruiting students who are majoring in high-need subjects such as mathematics, science, foreign languages, and special education, and areas relevant to teaching the English language to students who are limited English proficient;*

*"(2) may be used to upgrade curriculum to provide all students studying to become teachers with high-quality instructional strategies for teaching reading and teaching the English language to students who are limited English proficient, and for adopting, modifying, and differentiating instruction to teach students with disabilities;*

*"(3) may be used to integrate department, school, or college of education faculty with other arts and science faculty in mathematics, science, foreign languages, special education, and teaching the English language to students who are limited English proficient through steps such as—*

*"(A) dual appointments for faculty between departments, schools, or colleges of education and departments, schools, or colleges of arts and science; and*

*"(B) integrating course work with clinical experience;*

*"(4) may be used to develop strategic plans between departments, schools, or colleges of education and local school districts to better prepare teachers for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art teaching practices; and*

*"(5) may be used to develop or enhance programs aimed at retaining teachers in high-need subjects such as mathematics, science, foreign languages, special education, and teaching the English language to students who are limited English proficient, and may include providing scholarship assistance to current teachers to upgrade their skills.*

### *"Subpart 2—Community Colleges as Partners in Teacher Education Grants*

### *"SEC. 251. GRANTS TO COMMUNITY COLLEGES.*

*"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to assist such entities with—*

*"(1) establishing or enhancing teacher education programs at community colleges that—*

*"(A) include content and pedagogical training; and*

*"(B) are aligned with 4-year college and university teacher education programs to ensure a seemless transition for students from community colleges to 4-year institutions;*

*"(2) establishing or enhancing post baccalaureate certification programs offered at community colleges;*

*"(3) developing and delivering a rigorous program of study for students interested in a career in teaching; and*

*"(4) developing and delivering professional development for teachers to ensure their continued education and professional growth.*

*"(b) AUTHORIZED USES OF FUNDS.—Grant funds provided under this subpart shall be used to carry out the activities described in subsection (a), and may be used to—*

*"(1) develop curriculum for teacher education programs and post baccalaureate certification programs at community colleges;*

*"(2) establish or enhance clinical experiences for students in such teacher education programs and post baccalaureate certification programs;*

*"(3) establish or enhance professional development programs at community colleges that are available for teachers;*

*"(4) develop new associate degree programs focused on teacher preparation;*

*"(5) increase the alignment between community college teacher education programs and 4-year college and university teacher education programs, including articulation agreements, common course numbering, and joint admission programs;*

*"(6) recruit teacher candidates with the goal of diversifying the teacher workforce;*

*"(7) prepare teachers for high-demand subject areas including science, mathematics, technology, special education, critical foreign lan-, guages, or the education of limited English proficient individuals;*

*"(8) prepare teachers to teach in high-need schools;*

*"(9) increase coordination between teacher education programs and departments, schools, or colleges of arts and sciences;*

*"(10) encourage teacher education and post baccalaureate programs at times and in formats designed to make these programs more accessible to certain student populations, including mid-career professionals transitioning to teaching; and*

*"(11) carry out other activities that aim to ensure that well-qualified individuals enter into the teaching profession.*

*"(c) ELIGIBLE ENTITY.—For purposes of this subpart, the term 'eligible entity' means an individual community college (or district of community colleges), a consortia of community colleges, or a statewide community college system that, for the purposes of carrying out activities under this subpart, has entered into a partnership with—*

*"(1) a four-year institution of higher education with a teacher education program, or a consortia of such institutions; and*

*"(2) at least one of the following:*

*"(A) The State agency that oversees teacher preparation or higher education in the State.*

*"(B) One or more local educational agencies.*

*"(C) The State educational agency.*

*"(D) A professional organization representing teachers.*

*"(d) APPLICATION.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—*

*"(1) an overview of the goals the eligible entity and its partners plan to pursue upon receipt of a grant under this subpart;*

*"(2) an identification of the institutions, agencies, or organizations that have entered into a partnership with the eligible entity to meet the requirements of subsection (c);*

*"(3) a description of how the eligible entity and its partners will work to ensure a seemless transition for students from community college to 4-year institutions;*

*"(4) an assurance by the eligible entity that students will be provided with intensive support services, which may include mentoring, academic and career support, and support for students who are transitioning, or have transitioned, from the community college to the 4-year institution; and*

*"(5) a description of the rigorous 2-year program of study to be provided by the eligible entity, and a description of how such program establishes a foundation for students to enter into a qualified teacher preparation program at a 4-year institution.*

*"(e) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to applications the goals of which are to—*

*"(1) increase the diversification of the teacher workforce by enrolling and retaining students from minority racial and ethnic backgrounds and others underrepresented in the local education workforce;*

*"(2) prepare teachers for high-demand subject areas including science, mathematics, technology, special education, critical foreign languages, or the education of limited English proficient individuals; or*

*"(3) prepare teachers to enter into high-need schools.*

### *"SEC. 252. DEFINITIONS.*

*"In this subpart:*

*"(1) COMMUNITY COLLEGE.—The term 'community college' has the same meaning given the term 'junior or community college' in section 313.*

*"(2) FOUR-YEAR INSTITUTION.—The term '4-year institution' means an institution of higher education (as defined in section 101(a)) that provides a 4-year program of instruction for which the institution awards a bachelor's degree.*

*"(3) QUALIFIED TEACHER PREPARATION PROGRAM.—The term 'qualified teacher preparation program' means an undergraduate program for students at an institution of higher education that—*

*"(A) encourages collaboration between faculty in education and faculty in the relevant subject areas including, sciences mathematics, and foreign languages to pursue content coordination for courses taken frequently by students preparing to be teachers;*

*"(B) offers support services, including mentoring, exposure to and field experience in the classroom prior to graduation, or other practices, for students while they are in the program, and after graduation while working as teachers; and*

*"(C) focuses on increasing the number of teachers for high-demand subject areas.*

### *"Subpart 3—Honorable Augustus F. Hawkins Centers of Excellence*

### *"SEC. 261. DEFINITIONS.*

*"In this subpart:*

*"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—*

*"(A) an institution of higher education that has a teacher preparation program that is a qualified teacher preparation program under section 252, and that is—*

*"(i) a part B institution (as defined in section 322);*

*"(ii) a Hispanic-serving institution (as defined in section 502);*

“(iii) a Tribal College or University (as defined in section 316);

“(iv) an Alaska Native-serving institution (as defined in section 317(b));

“(v) a Native Hawaiian-serving institution (as defined in section 317(b));

“(vi) a Predominantly Black Institution (as defined in section 318(b));

“(vii) an Asian American and Pacific Islander-serving institution (as defined in section 319(b)); or

“(viii) a Native American-serving non-tribal institution (as defined in section 320(b));

“(B) a consortium of institutions described in subparagraph (A); or

“(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 262 is located at an institution described in subparagraph (A).

“(2) SCIENTIFICALLY BASED READING RESEARCH.—The term ‘scientifically based reading research’ has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

### “SEC. 262. AUGUSTUS F. HAWKINS CENTERS OF EXCELLENCE.

“(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

“(b) USE OF FUNDS.—Grants provided by the Secretary under this subpart shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

“(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically valid research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

“(A) retraining or recruiting faculty; and

“(B) designing (or redesigning) teacher preparation programs that—

“(i) prepare teachers to close student achievement gaps, and are based on rigorous academic content, scientifically valid research (including scientifically based reading research), and challenging State student academic content standards; and

“(ii) promote strong teaching skills, as defined in section 200(b).

“(2) Providing sustained and high-quality pre-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

“(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

“(A) teacher or principal mentoring from exemplary teachers or principals; or

“(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

“(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

“(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

“(6) Activities authorized under section 202.

“(c) APPLICATION.—Any eligible institution desiring a grant under this subpart shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information as the Secretary may require.

“(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this subpart shall be $500,000.

“(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this subpart may not use more than 2 percent of the grant funds for purposes of administering the grant.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subpart.

## “Subpart 4—Teach for America

### “SEC. 271. TEACH FOR AMERICA.

“(a) DEFINITIONS.—

“(1) GRANTEE.—The term ‘grantee’ means Teach For America, Inc.

“(2) HIGH NEED.—Notwithstanding section 200(b), the term ‘high need’, when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

“(b) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

“(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this subpart to—

“(1) provide highly qualified teachers to high need local educational agencies in urban and rural communities;

“(2) pay the costs of recruiting, selecting, training, and supporting new teachers; and

“(3) serve a substantial number and percentage of underserved students.

“(d) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Grant funds provided under this subpart shall be used by the grantee to carry out each of the following activities:

“(A) Recruiting and selecting teachers through a highly selective national process.

“(B) Providing pre-service training to such teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education course work and theory.

“(C) Placing such teachers in schools and positions designated by high need local educational agencies as high need placements serving underserved students.

“(D) Providing ongoing professional development activities for such teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

“(2) LIMITATION.—The grantee shall use all grant funds received under this subpart to support activities related directly to the recruitment, selection, training, and support of teachers as described in paragraph (1).

“(e) REPORTS AND EVALUATIONS.—

“(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

“(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this subpart;

“(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

“(C) comprehensive data on the background of the teachers chosen, the training such teachers received, the placement sites of such teachers, the professional development of such teachers, and the retention of such teachers.

“(2) STUDY.—

“(A) IN GENERAL.—From funds appropriated under section 240, the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this subpart.

“(B) ACHIEVEMENT GAINS COMPARED.—The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this subpart with the achievement gains made by students taught by teachers who are not assisted under this subpart.

“(3) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

“(4) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community.

## “Subpart 5—Early Childhood Education Professional Development and Career Task Force

### “SEC. 281. PURPOSE.

“It is the purpose of this subpart—

“(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, and administrators; and

“(2) to create—

“(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, and administrators, that is linked to compensation commensurate with experience and qualifications;

“(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

“(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

### “SEC. 282. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.

“In this subpart, the term ‘early childhood education program’ means—

“(1) a family child care program, center-based child care program, State prekindergarten program, or school-based program, that—

“(A) provides early childhood education;

“(B) uses developmentally appropriate practices;

“(C) is licensed or regulated by the State; and

“(D) serves children from birth through age 5;

“(2) a Head Start Program carried out under the Head Start Act;

“(3) an Early Head Start Program carried out under section 645A of the Head Start Act; or

“(4) a program authorized under section 619 or part C of the Individuals with Disabilities Education Act.

### “SEC. 283. GRANTS AUTHORIZED.

“(a) IN GENERAL.—The Secretary is authorized to award grants to States in accordance with the provisions of this subpart to enable such States—

“(1) to establish a State Task Force described in section 284; and

“(2) to support activities of the State Task Force described in section 285.

“(b) COMPETITIVE BASIS.—Grants under this subpart shall be awarded on a competitive basis.

“(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart, the Secretary shall take into consideration providing *an equitable geographic distribution of such grants.*

*"(d) DURATION.—Grants under this subpart shall be awarded for a period of 3 years.*

**"SEC. 284. STATE TASK FORCE ESTABLISHMENT.**

*"(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this subpart shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this subpart referred to as the 'State Task Force').*

*"(b) MEMBERSHIP.—The State Task Force shall include a representative of a State educational agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, and any other entity or individual the Governor determines appropriate.*

**"SEC. 285. STATE TASK FORCE ACTIVITIES.**

*"(a) ACTIVITIES.—The State Task Force shall—*

*"(1) coordinate and communicate regularly with existing State Advisory Councils on Early Care and Education or a similar State entity charged with creating a comprehensive system of early care and education in the State (hereafter in this subpart referred to as 'State Advisory Councils') for the purposes of—*

*"(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and*

*"(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);*

*"(2) conduct a review of opportunities for and barriers to high quality professional development, training, and higher education degree programs in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—*

*"(A) race, gender, and ethnicity;*

*"(B) compensation levels;*

*"(C) type of early childhood education program setting;*

*"(D) specialized knowledge of child development;*

*"(E) years of experience in an early childhood education program;*

*"(F) attainment of—*

*"(i) academic credit for course work;*

*"(ii) an academic degree;*

*"(iii) a credential;*

*"(iv) licensure; or*

*"(v) certification in early childhood education; and*

*"(G) specialized knowledge in the education of children with limited English proficiency; and*

*"(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan shall include—*

*"(A) methods of providing outreach to early childhood education program staff, directors, and administrators to enable such individuals and providers to be aware of opportunities and resources under the statewide plan, which may include outreach to underrepresented populations in the profession;*

*"(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;*

*"(C) increasing the participation of early childhood educators in high quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;*

*"(D) increasing the participation of early childhood educators in postsecondary education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such postsecondary education programs, which assistance—*

*"(i) shall only be provided to an individual who—*

*"(I) enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and*

*"(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and*

*"(ii) shall be provided in an amount that does not exceed $17,500;*

*"(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;*

*"(F) supporting articulation agreements between 2- and 4-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;*

*"(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;*

*"(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—*

*"(i) entry into and continuing education requirements for professional roles in the field;*

*"(ii) available financial assistance; and*

*"(iii) professional development and career advancement in the field;*

*"(I) enhancing the quality of faculty and course work in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;*

*"(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and*

*"(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.*

*"(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).*

*"(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.*

**"SEC. 286. STATE APPLICATION AND REPORT.**

*"(a) IN GENERAL.—Each State desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—*

*"(1) the membership of the State Task Force;*

*"(2) the activities for which the grant assistance will be used;*

*"(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 285;*

*"(4) the availability within the State of training, educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and*

*"(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.*

*"(b) REPORT TO THE SECRETARY.—Not later than 2 years after receiving a grant under this subpart, a State shall submit a report to the Secretary that shall describe—*

*"(1) other Federal, State, local, and private resources that will be used in combination with a grant under this subpart to develop or expand the State's early childhood education professional development and career activities;*

*"(2) the ways in which the State Advisory Council will coordinate the various State and local activities that support the early childhood education professional development and career system; and*

*"(3) the ways in which the State Task Force will use funds provided under this subpart to carry out the activities described in section 285.*

**"SEC. 287. EVALUATIONS.**

*"(a) STATE EVALUATION.—Each State receiving a grant under this subpart shall—*

*"(1) evaluate the activities that are assisted under this subpart in order to determine—*

*"(A) the effectiveness of the activities in achieving State goals;*

*"(B) the impact of a career lattice for individuals working in early childhood education programs;*

*"(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;*

*"(D) the impact of the activities, and the impact of the statewide plan described in section 286(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;*

*"(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and*

*"(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and*

*"(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).*

*"(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).".*

**SEC. 202. NATIONAL ACADEMY OF SCIENCES STUDY OF BEST PRACTICES IN TEACHER PREPARATION.**

*(a) IN GENERAL.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a 2-year study to develop suggested best practices in teacher preparation for departments, schools, and colleges of education. Such best practices shall include recommendations to improve teaching skills, including skills related to working with diverse populations.*

*(b) BEST RESEARCH; SUGGESTED TRAINING.—The suggested best practices developed under subsection (a) shall reflect the best research into how students learn and on the content-specific*

*methods shown to be effective with students, including examining how children learn. The suggested best practices shall include suggested training for general and special education teachers in working with diverse populations, utilizing the principles of universal design for learning, assessments in the classroom, and classroom management.*

*(c) COLLABORATION.—*

*(1) IN GENERAL.—In conducting the study under subsection (a), the National Academy of Sciences shall collaborate with interested parties in developing the suggested best practices.*

*(2) INTERESTED PARTIES.—In this subsection, the term "interested parties" means—*

*(A) college presidents;*

*(B) deans of arts and sciences and teacher education programs;*

*(C) teacher preparation faculty;*

*(D) chief State school officers;*

*(E) school superintendents;*

*(F) teacher organizations;*

*(G) outstanding teachers and principals;*

*(H) teacher preparation accrediting organizations;*

*(I) individuals or organizations with expertise in working with diverse populations, including students with disabilities and limited English proficient students; and*

*(J) other organizations with expertise in teacher recruitment and training.*

*(d) PROHIBITION.—Nothing in this section shall be construed to authorize the National Academy of Sciences to recommend, or any other Federal Government entity or contractor to mandate, direct, control, or suggest, a specific curriculum for teacher education programs.*

## *TITLE III—TITLE III AMENDMENTS*

### *SEC. 301. PROGRAM PURPOSE.*

*Section 311 (20 U.S.C. 1057) is amended—*

*(1) in subsection (b)—*

*(A) in paragraph (1), by striking "351" and inserting "391"; and*

*(B) in paragraph (3)(F), by inserting ", including services that will assist in the education of special populations" before the period; and*

*(2) in subsection (c)—*

*(A) in paragraph (6), by inserting ", including innovative, customized, instruction courses designed to help retain students and move the students rapidly into core courses and through program completion" before the period;*

*(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;*

*(C) by inserting after paragraph (6) the following:*

*"(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.";*

*(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking "distance learning academic instruction capabilities" and inserting "distance education technologies"; and*

*(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking "subsection (c)" and inserting "subsection (b) and section 391".*

### *SEC. 302. TITLE III GRANTS FOR AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.*

*(a) ELIGIBLE INSTITUTIONS.—Section 316(b)(3) (20 U.S.C. 1059c(b)(3)) is amended to read as follows:*

*"(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution that—*

*"(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act (25 U.S.C. 640a note); or*

*"(B) is cited in section 532 of the Equity in Educational Land Grant Status Act of 1994 (7 U.S.C. 301 note).".*

*(b) DISTANCE LEARNING.—Section 316(c)(2) is amended—*

*(1) by amending subparagraph (B) to read as follows:*

*"(B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;";*

*(2) in subparagraph (C), by inserting before the semicolon at the end the following: ", or advanced degrees in tribal governance or tribal public policy";*

*(3) in subparagraph (D), by inserting before the semicolon at the end the following: ", and in tribal governance or tribal public policy";*

*(4) by striking "and" at the end of subparagraph (K);*

*(5) by redesignating subparagraph (L) as subparagraph (M); and*

*(6) by inserting after subparagraph (K) the following new subparagraph:*

*"(L) developing or improving facilities for Internet use or other distance learning academic instruction capabilities; and".*

*(c) APPLICATION AND ALLOTMENT.—Section 316(d) is amended to read as follows:*

*"(d) APPLICATION AND ALLOTMENT.—*

*"(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).*

*"(2) APPLICATION.—Any Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.*

*"(3) MINIMUM GRANT.—Notwithstanding section 399(c), the amount allotted to each institution under this section shall not be less than $500,000.*

*"(4) SPECIAL RULES.—*

*"(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.*

*"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.".*

*(d) ALLOTMENT OF REMAINING FUNDS.—Section 316 is further amended by adding at the end the following new subsection:*

*"(e) ALLOTMENT OF REMAINING FUNDS.—The Secretary shall distribute any funds appropriated to carry out this section for any fiscal year that remain available after the Secretary has awarded grants under subsection (e), to each eligible institution as follows:*

*"(1) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and*

*"(2) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.".*

### *SEC. 303. PREDOMINANTLY BLACK INSTITUTIONS.*

*Part A of title III is amended by inserting after section 317 (20 U.S.C. 1059d) the following new section:*

### *"SEC. 318. PREDOMINANTLY BLACK INSTITUTIONS.*

*"(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.*

*"(b) DEFINITIONS.—For purposes of this section:*

*"(1) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education—*

*"(A) that is an eligible institution (as defined in paragraph (5)(A) of this subsection) with a minimum of 1,000 undergraduate students;*

*"(B) at which at least 50 percent of the undergraduate students enrolled at the institution are low-income individuals or first-generation college students (as that term is defined in section 402A(g)); and*

*"(C) at which at least 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the institution is licensed to award by the State in which it is located.*

*"(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).*

*"(3) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the programs' benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit.*

*"(4) STATE.—The term 'State' means each of the 50 States and the District of Columbia.*

*"(5) OTHER DEFINITIONS.—For purposes of this section, the terms defined by section 312 have the meanings provided by that section, except as follows:*

*"(A) ELIGIBLE INSTITUTION.—*

*"(i) The term 'eligible institution' means an institution of higher education that—*

*"(I) has an enrollment of needy undergraduate students as required and defined by subparagraph (B);*

*"(II) except as provided in section 392(b), the average educational and general expenditure of which are low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction;*

*"(III) has an enrollment of undergraduate students that is at least 40 percent Black American students;*

*"(IV) is legally authorized to provide, and provides within the State, an educational program for which the institution awards a bachelors degree, or in the case of a junior or community college, an associate's degree;*

*"(V) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation; and*

*"(VI) is not receiving assistance under part B of this title.*

*"(ii) In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in clause (i)(II) or clause (i)(III). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in paragraph (1)(B) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in paragraph (1)(C).*

*"(B) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which at least 50 percent of the undergraduate students enrolled in an academic program leading to a degree—*

*"(i) in the second fiscal year preceding the fiscal year for which the determination is made, were Pell Grant recipients in such year;*

*"(ii) come from families that receive benefits under a means-tested Federal benefits program (as defined in paragraph (3));*

*"(iii) attended a secondary school that was a high-need school during any year of such attendance; or*

*"(iv) are 'first-generation college students' as that term is defined in section 402A(g), and a majority of such first-generation college students are low-income individuals.*

*"(c) AUTHORIZED ACTIVITIES.—*

*"(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded pursuant to subsection (d) shall be used by Predominantly Black Institutions—*

*"(A) to assist the institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;*

*"(B) to expand higher education opportunities for title IV eligible students by encouraging college preparation and student persistence in secondary and postsecondary education; and*

*"(C) to strengthen the institution's financial ability to serve the academic needs of the students described in subparagraphs (A) and (B).*

*"(2) AUTHORIZED ACTIVITIES.—Grants made to an institution under subsection (d) shall be used for one or more of the following activities:*

*"(A) The activities described in section 311(c)(1) through (11).*

*"(B) Academic instruction in disciplines in which Black Americans are underrepresented.*

*"(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary or secondary school in the State that shall include, as part of such program, preparation for teacher certification.*

*"(D) Establishing community outreach programs which will encourage elementary and secondary students to develop the academic skills and the interest to pursue postsecondary education.*

*"(E) Other activities proposed in the application submitted pursuant to subsection (e) that—*

*"(i) contribute to carrying out the purposes of this section; and*

*"(ii) are approved by the Secretary as part of the review and acceptance of such application.*

*"(3) ENDOWMENT FUND.—*

*"(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.*

*"(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), the Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.*

*"(C) COMPARABILITY.—The provisions of part C regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).*

*"(4) LIMITATION.—Not more than 50 percent of the allotment of any Predominantly Black Institution may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.*

*"(d) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—*

*"(1) ALLOTMENT: PELL GRANT BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-half that amount as the number of Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year bears to the total number of Pell Grant recipients at all institutions eligible under this section.*

*"(2) ALLOTMENT: GRADUATES BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-fourth that amount as the number of graduates for such year at such institution bears to the total number of graduates for such year at all intuitions eligible under this section.*

*"(3) ALLOTMENT: GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-fourth of that amount as the percentage of graduates per institution who, within 2 years of graduation with an associates degree or a baccalaureate degree, are admitted to and in attendance at, either a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates per institution for all eligible institutions.*

*"(4) MINIMUM ALLOTMENT.—(A) Notwithstanding paragraphs (1), (2), and (3) of this subsection and section 399(c), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.*

*"(B) If the amount appropriated pursuant to section 399 for any fiscal year is not sufficient to pay the minimum allotment, the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocation shall be increased on the same basis as it was reduced until the amount allotted equals the minimum allotment required by subparagraph (A).*

*"(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year, which the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary deems appropriate.*

*"(e) APPLICATIONS.—No Predominantly Black Institution shall be entitled to its allotment of Federal funds for any grant under subsection (d) for any period unless the institution submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.*

*"(f) APPLICATION REVIEW PROCESS.—Section 393 shall not apply to applications under this section.*

*"(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under this part or part B of this title.*

*"(h) DURATION AND CARRYOVER.—Any funds paid to a Predominantly Black Institution under this section and not expended or used for the purposes for which the funds were paid within 10 years following the date of the grant awarded to such institution under this section shall be repaid to the Treasury of the United States.".*

### SEC. 304. ASSISTANCE TO ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS.

*Part A of title III is amended by inserting after section 318 (as added by section 303 of this Act) the following new section:*

### "SEC. 319. ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS.

*"(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Asian American and Native American Pacific Islander-serving institutions to enable such institutions to improve and expand their capacity to serve Asian Americans and Native American Pacific Islanders.*

*"(b) DEFINITIONS.—For the purpose of this section—*

*"(1) the term 'Asian American' has the meaning given the term Asian in the Office of Management and Budget's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as published on October 30, 1997 (62 Fed. Reg. 58789);*

*"(2) the term 'Native American Pacific Islander' means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States;*

*"(3) the term 'Asian American and Native American Pacific Islander-serving institution' means an institution of higher education that—*

*"(A) is an eligible institution under section 312(b); and*

*"(B) at the time of application, has an enrollment of undergraduate students that is at least 10 percent Asian American and Native American Pacific Islander students; and*

*"(4) the term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census.*

*"(c) AUTHORIZED ACTIVITIES.—*

*"(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Asian American and Native American Pacific Islander-serving institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Asian Americans and Native American Pacific Islanders.*

*"(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—*

*"(A) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;*

*"(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;*

*"(C) support of faculty exchanges, and faculty development and faculty fellowships to assist in attaining advanced degrees in the faculty's field of instruction;*

*"(D) curriculum development and academic instruction;*

*"(E) purchase of library books, periodicals, microfilm, and other educational materials;*

*"(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;*

*"(G) joint use of facilities such as laboratories and libraries;*

*"(H) academic tutoring and counseling programs and student support services;*

*"(I) establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education;*

*"(J) establishing or improving an endowment fund;*

*"(K) academic instruction in disciplines in which Asian Americans and Native American Pacific Islanders are under-represented;*

*"(L) conducting research and data collection for Asian American and Native American Pacific Islander populations and sub-populations; and*

*"(M) establishing partnerships with community based organizations serving Asian Americans and Native American Pacific Islanders.*

*"(d) APPLICATION PROCESS.—*

*"(1) INSTITUTIONAL ELIGIBILITY.—Each Asian American and Native American Pacific Islander-serving institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is an Asian American and Native American Pacific Islander-serving institution as defined in subsection (b), along with such other information and data as the Secretary may by regulation require.*

*"(2) APPLICATIONS.—Any institution which is determined by the Secretary to be an Asian American and Native American Pacific Islander-serving institution may submit an application for assistance under this section to the Secretary. Such application shall include—*

*"(A) a 5-year plan for improving the assistance provided by the Asian American and Native American Pacific Islander-serving institution to Asian American and Native American Pacific Islander students; and*

*"(B) such other information and assurance as the Secretary may require.*

*"(3) SPECIAL RULES.—*

*"(A) ELIGIBILITY.—No Asian American and Native American Pacific Islander-serving institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.*

*"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.*

*"(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—*

*"(i) to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions; and*

*"(ii) give priority consideration to institutions that serve a significant percentage of Asian American and Native American Pacific Islander students who are low-income individuals.".*

### SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

*(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding after section 319 (as added by section 304 of this Act) the following new section:*

### "SEC. 320. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

*"(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.*

*"(b) DEFINITIONS.—In this section:*

*"(1) NATIVE AMERICAN.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.*

*"(2) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' means an institution of higher education that, at the time of application—*

*"(A) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and*

*"(B) is not a Tribal College or University (as defined in section 316).*

*"(c) AUTHORIZED ACTIVITIES.—*

*"(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans.*

*"(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—*

*"(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;*

*"(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;*

*"(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;*

*"(D) curriculum development and academic instruction;*

*"(E) the purchase of library books, periodicals, microfilm, and other educational materials;*

*"(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;*

*"(G) the joint use of facilities such as laboratories and libraries; and*

*"(H) academic tutoring and counseling programs and student support services.*

*"(d) APPLICATION PROCESS.—*

*"(1) INSTITUTIONAL ELIGIBILITY.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.*

*"(2) APPLICATIONS.—*

*"(A) PERMISSION TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.*

*"(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.*

*"(C) CONTENT.—An application submitted under subparagraph (A) shall include—*

*"(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and*

*"(ii) such other information and assurances as the Secretary may require.*

*"(3) SPECIAL RULES.—*

*"(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.*

*"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.*

*"(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.".*

### SEC. 306. STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

*(a) DEFINITIONS.—Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting after "the Secretary" the following: ", in consultation with the Commissioner of the National Center for Education Statistics,".*

*(b) AUTHORIZED ACTIVITIES.—Section 323(a) (20 U.S.C. 1062(a)) is amended—*

*(1) by redesignating paragraph (12) as paragraph (15); and*

*(2) by inserting after paragraph (11) the following new paragraphs:*

*"(12) Acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities.*

*"(13) Education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV.*

*"(14) Technical assistance or services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two percent of the grant amount may be used for this purpose.".*

*(c) ALLOTMENTS.—*

*(1) MINIMUM ALLOTMENT.—Subsection (d) of section 324 (20 U.S.C. 1063(d)) is amended to read as follows:*

*"(d) MINIMUM ALLOTMENT.—(1) If an otherwise eligible part B institution did not enroll any Pell Grant recipients, or did not graduate any students in the previous academic year, or where appropriate, send any such graduates on to graduate or first-professional degree study, the institution shall not receive a grant under this part.*

*"(2) If the data provided by an eligible institution, pursuant to this section, is insufficient to justify an award in excess of $500,000, the otherwise eligible institution shall receive an allotment of $500,000, except that the Secretary shall not make an award of $500,000 if the amount determined based upon the formulas using subsection (b), (c), and (d) would be less than $250,000. If the amount determined by the formula would be less than $250,000, the Secretary shall award the minimum allotment of $250,000.".*

*(2) CONDITION FOR ALLOTMENTS.—Section 324 (20 U.S.C. 1063) is further amended by adding at the end the following new subsection:*

*"(h) CONDITIONS FOR ALLOTMENTS.—No institution shall receive an allotment under this section unless the institution provides data, required by the Secretary consistent with the formula in subsections (a) through (c), including the number of Pell Grant recipients enrolled in the previous award year; the number of students who earned an associate or baccalaureate degree in the previous academic year; and, when appropriate, the percentage of graduates who, within the past five years, enrolled in a graduate or first-professional degree program. No institution shall receive an allotment, including the minimum allotment under subsection (d), unless the institution provides the data required of that institution by the Secretary.".*

*(d) PROFESSIONAL OR GRADUATE INSTITUTIONS.—*

*(1) DURATION OF GRANT.—Section 326(b) (20 U.S.C. 1063b(b)) is amended by adding at the end the following new sentence: "Any funds awarded for such five-year grant period that are obligated during such five-year period may be expended during the 10-year period beginning on the first day of such five-year period.".*

*(2) AUTHORIZED ACTIVITIES.—Section 326(c) (20 U.S.C. 1063b(c)) is amended—*

*(A) by striking "and" at the end of paragraph (6);*

*(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and*

*(C) by adding at the end the following new paragraphs:*

*"(8) acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities;*

*"(9) education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV; and*

*"(10) technical assistance or services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two percent of the grant amount may be used for this purpose.".*

*(3) ELIGIBILITY.—Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended—*

*(A) by striking "and" at the end of subparagraph (Q);*

*(B) by striking the period at the end of subparagraph (R) and inserting a semicolon; and*

*(C) by adding at the end the following new subparagraphs:*

*"(S) Alabama State University qualified graduate programs;*

*"(T) Bowie State University qualified graduate programs;*

*"(U) Delaware State University qualified graduate programs;*

*"(V) Langston University qualified graduate programs;*

*"(W) Prairie View A&M University qualified graduate programs; and*

*"(X) University of the District of Columbia David A. Clarke School of Law.".*

*(4) CONFORMING AMENDMENT.—Section 326(e)(3) (20 U.S.C. 1063b(e)(3)) is amended—*

*(A) by striking "1998" and inserting "2008"; and*

*(B) by striking "(Q) and (R)" and inserting "(S) through (X)".*

*(5) PRESERVATION OF FUNDING.—Section 326(f) (20 U.S.C. 1063b(f)) is amended—*

*(A) in paragraph (1)—*

*(i) by striking "$26,600,000" and inserting "$54,500,000"; and*

*(ii) by striking "(P)" and inserting "(R)";*

*(B) in paragraph (2)—*

*(i) by striking "$26,600,000, but not in excess of $28,600,000" and inserting "$54,500,000, but not in excess of $60,500,000"; and*

*(ii) by striking "subparagraphs (Q) and (R)" and inserting "subparagraphs (S) through (X)"; and*

*(C) in paragraph (3)—*

*(i) by striking "$28,600,000" and inserting "$60,500,000"; and*

*(ii) by striking "(R)" and inserting "(X)".*

*(e) UNEXPENDED FUNDS.—Section 327(b) (20 U.S.C. 1063c(b)) is amended to read as follows:*

*"(b) USE OF UNEXPENDED FUNDS.—Any funds paid to an institution and not expended or used for the purposes for which the funds were paid during the five-year period following the date of the initial grant award, may be carried over and expended during the succeeding five-year period, if such funds were obligated for a purpose for which the funds were paid during the five-year period following the date of the initial grant award.".*

### *SEC. 307. ENDOWMENT CHALLENGE GRANTS.*

*(a) AMOUNTS.—Section 331(b) (20 U.S.C. 1065(b)) is amended—*

*(1) in paragraph (2)(B)(i), by striking "$500,000" and inserting "$1,000,000"; and*

*(2) in paragraph (5), by striking "$50,000" and inserting "$100,000".*

*(b) TECHNICAL ASSISTANCE.—Section 331 (20 U.S.C. 1065) is further amended by adding at the end the following new subsection:*

*"(l) TECHNICAL ASSISTANCE.—The Secretary, directly or by grant or contract, may provide technical assistance to eligible institutions to prepare the institutions to qualify, apply for, and maintain a grant, under this section.".*

### *SEC. 308. LIMITATIONS ON FEDERAL INSURANCE FOR BONDS ISSUED BY THE DESIGNATED BONDING AUTHORITY.*

*Section 344(a) (20 U.S.C. 1066c(a)) is amended—*

*(1) by striking "$375,000,000" and inserting "$1,100,000,000";*

*(2) by striking "$250,000,000" and inserting "$733,333,333"; and*

*(3) by striking "$125,000,000" and inserting "$366,666,666".*

### *SEC. 309. PROGRAMS IN STEM FIELDS.*

*(a) YES PARTNERSHIPS; ENTRY INTO STEM FIELDS.—Part E of title III (20 U.S.C.1067 et seq.) is amended—*

*(1) by redesignating subpart 2 as subpart 3; and*

*(2) by inserting after subpart 1 the following new subpart:*

### *"Subpart 2—Programs in STEM Fields*

### *"SEC. 355. YES PARTNERSHIPS GRANT PROGRAM.*

*"(a) GRANT PROGRAM AUTHORIZED.—Subject to the availability of appropriations to carry out this subpart, the Secretary shall make grants to eligible partnerships (as described in subsection (f)) to support underrepresented minority youth engagement in science, technology, engineering, and mathematics through outreach and hands-on, experiential-based learning projects that encourage underrepresented minority students in kindergarten through grade 12 to pursue careers in science, technology, engineering, and mathematics.*

*"(b) MINIMUM GRANT AMOUNT.—A grant awarded to a partnership under this subpart shall be for an amount that is not less than $500,000.*

*"(c) DURATION.—A grant awarded under this subpart shall be for a period of 5 years.*

*"(d) NON-FEDERAL MATCHING SHARE REQUIRED.—A partnership receiving a grant under this subpart shall provide, from non-Federal sources, in cash or in kind, an amount equal to 50 percent of the costs of the project supported by such grant.*

*"(e) DISTRIBUTION OF GRANTS.—In awarding grants under this subpart, the Secretary shall ensure that, to the maximum extent practicable, the projects funded under this subpart are located in diverse geographic regions of the United States.*

*"(f) ELIGIBLE PARTNERSHIPS.—Notwithstanding the general eligibility provision in section 361, eligibility to receive grants under this subpart is limited to partnerships described in paragraph (5) of such section.*

### *"SEC. 356. PROMOTION OF ENTRY INTO STEM FIELDS.*

*"(a) AUTHORITY TO CONTRACT, SUBJECT TO APPROPRIATIONS.—The Secretary of Education is authorized to enter into a contract with a, firm with a demonstrated record of success in advertising to implement a campaign to expand the population of qualified individuals in science, technology, engineering, and math (STEM) fields by encouraging young Americans to enter the those fields.*

*"(b) DESIGN OF CAMPAIGN.—Such a campaign shall be designed to enhance the image of education and professions in the STEM fields and promote participation in the STEM fields and shall include—*

*"(1) monitoring trends in youth attitudes toward pursuing education and professions in the STEM fields and their propensity toward entering the STEM fields;*

*"(2) determining what factors contribute to encouraging and discouraging Americans from pursuing study in STEM fields and entering the STEM fields professionally;*

*"(3) determining what specific factors limit the participation of groups currently underrepresented in STEM fields, including Latinos, African-Americans, and women; and*

*"(4) drawing from the market research performed under this section and implementing an advertising campaign to encourage young Americans to take up studies in STEM fields, beginning at an early age.*

*"(c) REQUIRED COMPONENTS.—Such a campaign shall include components that focus tailored messages on appropriate age groups, starting with elementary school students. Such a campaign shall link participation in the STEM fields to the concept of service to one's country, so that young people will be encouraged to enter the STEM fields in order fulfill the obligation to be of service to their country.*

*"(d) PRIORITY.—Such a campaign shall hold as a high priority making specific appeals to Latinos, African-Americans, and women, who are currently under-represented in the STEM fields, in order to increase their numbers in the STEM fields, and shall tailor recruitment efforts to each specific group.*

*"(e) USE OF VARIETY OF MEDIA.—Such a campaign shall make use of a variety of media, with an emphasis on television advertising, to reach its intended audience.*

*"(f) TEACHING.—Such a campaign shall include a narrowly focused effort to attract current professionals in the STEM fields, through advertising in mediums likely to reach that specific group, into teaching in a STEM field in elementary and secondary school.*

### *"SEC. 357. EVALUATION AND ACCOUNTABILITY PLAN.*

*"The Secretary shall develop an evaluation and accountability plan for projects funded under this subpart to objectively measure the impact of such projects, including a measure of whether underrepresented minority student enrollment in courses related to science, technology, engineering, and mathematics increases at the secondary and postsecondary levels.".*

*(b) ELIGIBILITY FOR GRANTS.—Section 361 (20 U.S.C. 1067g) is amended—*

*(1) by striking "or" at the end of paragraph (3);*

*(2) in paragraph (4)—*

*(A) by inserting "to include public institutions of higher education" after "organizations,";*

*(B) by striking "or" at the end of subparagraph (D);*

*(C) by striking the period at the end of subparagraph (E) and inserting "; or";*

*(D) by adding at the end the following new subparagraph:*

*"(F) institutions of higher education which have State-approved centers for research in science, technology, engineering, and mathematics; or";*

*(3) by adding at the end the following new paragraph:*

*"(5) only with respect to grants under subpart 2, partnerships of organizations, the membership of which shall include—*

*"(A) at least one institution of higher education eligible for assistance under this title or title V;*

*"(B) at least one high need local educational agency (as defined in section 200); and*

*"(C) at least two community organizations or entities, such as businesses, professional associations, community-based organizations, philanthropic organizations, or State agencies.".*

### *SEC. 310. TECHNICAL ASSISTANCE.*

*Section 391 (20 U.S.C. 1068) is amended by adding at the end the following new subsection:*

*"(e) TECHNICAL ASSISTANCE.—The Secretary, directly or by grant or contract, may provide technical assistance to eligible institutions to prepare the institutions to qualify, apply for, and maintain a grant, under this title.".*

### *SEC. 311. WAIVER AUTHORITY.*

*(a) Section 392 (20 U.S.C. 1068a) is amended by adding at the end the following new subsection:*

*"(c) WAIVER AUTHORITY WITH RESPECT TO INSTITUTIONS LOCATED IN AN AREA AFFECTED BY A GULF HURRICANE DISASTER.—*

*"(1) WAIVER AUTHORITY.—Notwithstanding any other provision of the law unless enacted with specific reference to this section, for any affected institution that was receiving assistance under this title at the time of a Gulf hurricane disaster, the Secretary shall, for each of the fiscal years 2009 through 2013—*

*"(A) waive—*

*"(i) the eligibility data requirements set forth in section 391(d);*

*"(ii) the wait-out period set forth in section 313(d);*

*"(iii) the allotment requirements under section 324; and*

*"(iv) the use of the funding formula developed pursuant to section 326(f)(3); and*

"(B) waive or modify any statutory or regulatory provision to ensure that affected institutions that were receiving assistance under this title at the time of a Gulf hurricane disaster are not adversely impacted by any formula calculation for fiscal year 2009 or for any of the 4 succeeding fiscal years;

"(C) make available to each affected institution an amount that is not less than the amount made available to such institution under this title for fiscal year 2006.

"(2) DEFINITIONS.—In this subsection:

"(A) AFFECTED INSTITUTION.—The term 'affected institution' means an institution of higher education that—

"(i) is—

"(I) a part A institution, as such term is defined in section 312(b);

"(II) an American Indian Tribal College or University, as such term is defined in section 316(b);

"(III) an Alaskan Native-serving institution or Native Hawaiian-serving institution, as such terms are defined in section 317(b); or

"(IV) a part B institution, as such term is defined in section 322(2), or as identified in section 326(e) of such Act of 1965 (20 U.S.C. 1063(b));

"(ii) is located in an area affected by a Gulf hurricane disaster; and

"(iii) is able to demonstrate that, as a result of the impact of a Gulf hurricane disaster, the institution—

"(I) incurred physical damage;

"(II) has pursued collateral source compensation from insurance, the Federal Emergency Management Agency, and the Small Business Administration, as appropriate; and

"(III) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane enrollment levels during the 30-day period beginning on August 29, 2005.

"(B) AREA AFFECTED BY A GULF HURRICANE DISASTER; GULF HURRICANE DISASTER.—The terms 'area affected by a Gulf hurricane disaster' and 'Gulf hurricane disaster' have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).".

**SEC. 312. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATIONS.—Section 399(a) (20 U.S.C. 1068h(a)) is amended to read as follows:

"(a) AUTHORIZATIONS.—

"(1) PART A.—(A) There are authorized to be appropriated to carry out part A, $150,000,000 (other than sections 316 through 320) for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 316, $30,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(C) There are authorized to be appropriated to carry out section 317, $15,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(D) There are authorized to be appropriated to carry out section 318, $75,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(E) There are authorized to be appropriated to carry out section 319, $30,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(F) There are authorized to be appropriated to carry out section 320, $25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326), $300,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 326, $100,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(3) PART C.—There are authorized to be appropriated to carry out part C, $20,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347), $150,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 345(7), such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

"(5) PART E.—(A) There are authorized to be appropriated to carry out subpart 1 of part E, $12,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out subpart 2 of part E, $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

(b) MINIMUM GRANT AMOUNT.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

"(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.".

**SEC. 313. TECHNICAL CORRECTIONS.**

(a) AMENDMENTS.—Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking ",," and inserting ",";

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting "SALE OF QUALIFIED BONDS.—" before "Notwithstanding";

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking "support" and inserting "supports";

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking "subparagraph (E)" and inserting "subparagraph (D)";

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking "eligible institutions under part A institutions" and inserting "eligible institutions under part A"; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking "360" and inserting "399".

(b) REDESIGNATION AND RELOCATION.—The Higher Education Act of 1965 is further amended—

(1) by redesignating part J of title IV (as added by section 802 of the College Cost Reduction and Access Act) as part G of title III, and moving such part from the end of title IV to the end of title III; and

(2) by redesignating section 499A (as added by such section) as section 399A.

## TITLE IV—TITLE IV AMENDMENTS

## PART A—PART A AMENDMENTS

**SEC. 401. FEDERAL PELL GRANTS.**

(a) AUTHORIZED MAXIMUMS.—Section 401(b)(2)(A) (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

"(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be $9,000 for each of the academic years 2009–2010 through 2013–2014, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.".

(b) MULTIPLE GRANTS.—

(1) AMENDMENT.—Paragraph (5) of section 401(b) is amended to read as follows:

"(5) YEAR-ROUND PELL GRANTS.—The Secretary shall, for students enrolled in a baccalaureate degree, associate's degree, or certificate program of study at an eligible institution, award such students not more than two Pell grants during an award year to permit such students to accelerate progress toward their degree or certificate objectives by enrolling in courses for more than 2 semesters, or 3 quarters, or the equivalent, in a given academic year.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective July 1, 2009.

(c) INELIGIBILITY BASED ON INVOLUNTARY CIVIL COMMITMENT FOR SEXUAL OFFENSES.—Paragraph (7) of section 401(b) (as redesignated by section 101(a) of the College Cost Reduction and Access Act) is amended by inserting before the period the following: "or who is subject to an involuntary civil commitment upon completion of a period of incarceration for a forcible or nonforcible sexual offense (as determined in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program)".

(d) TECHNICAL AMENDMENT TO CCRAA:—Section 401(b)(9)(F) is amended by striking "remain available" and all that follows and inserting "remain available for the fiscal year succeeding the fiscal year for which such amounts are made available.".

(e) MAXIMUM DURATION OF ELIGIBILITY.—Section 401(c) is amended by adding at the end the following new paragraph:

"(5) The period during which a student may receive Federal Pell Grants shall not exceed the equivalent of 18 semesters or 27 quarters in duration, as determined by the Secretary by regulation. Such regulations shall provide, with respect to a student who received a Federal Pell Grant for a semester or quarter but was enrolled at a fraction of full-time, that only that same fraction of such semester or quarter shall count towards such duration limits. The provisions of this paragraph shall apply only to a student who receives a Federal Pell Grant for the first time on or after July 1, 2008.".

(f) ACADEMIC COMPETITIVENESS GRANTS.—Section 401A (as amended by section 8003 of Public Law 109–171)—

(1) in subsection (b), by striking "academic" each place it appears;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking "academic" and inserting "award"; and

(ii) by striking "full-time"; and

(B) by amending paragraph (1) to read as follows:

"(1) is an eligible student under section 484, including being enrolled or accepted for enrollment in a degree, certificate, or other eligible program leading to a recognized educational credential at an institution of higher education;"; and

(C) in paragraph (3)—

(i) by striking "academic" each place it appears;

(ii) by striking "established by a State or local educational agency and recognized as such by the Secretary" each place it appears in subparagraphs (A)(i) and (B)(i) and inserting "that prepares students for college and work beyond the basic graduation requirements and that is recognized as such by the designated State official, or with respect to any private school or home school, the designated school official for such school, consistent with State law";

(iii) in subparagraph (A)(ii), by inserting ", except as part of a secondary school program of study" before the semicolon;

(iv) in subparagraph (C)—

(I) by striking clause (i)(II) and inserting the following:

"(II) a critical foreign language; and"; and

(II) in clause (ii), by striking the period at the end and inserting "; and"; and

(v) by adding at the end the following:

"(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)) that demonstrates, to the satisfaction of the Secretary, that the institution—

"(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and those students—

"(I) study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; or

"(II) has obtained a cumulative grade point average of at least 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) in the relevant coursework; and

"(ii) offered such curriculum prior to February 8, 2006.";

(3) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in clause (i), by inserting "for one academic year during the student's first year of enrollment" after "$750";

(ii) in clause (ii), by inserting "for one academic year during the student's second year of enrollment" after "$1,300"; and

(iii) in clause (iii)—

(I) by inserting "for one academic year" after "$4,000"; and

(II) by striking "subsection (c)(3)(C)." and inserting "subparagraph (C) or (D) of subsection (c)(3), for each of the 2 years described in such subparagraphs; or";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "an academic" and inserting "a"; and

(II) by striking "(B), or (C)" and inserting "(B), (C), or (D)"; and

(ii) in subparagraph (B)—

(I) by striking "or" at the end of clause (ii); and

(II) by striking clause (iii) and inserting the following:

"(iii) two academic years under subsection (c)(3)(C); or

"(iv) two academic years under subsection (c)(3)(D)."; and

(C) by adding at the end the following new paragraph:

"(3) ADJUSTMENT FOR LESS THAN FULL-TIME ENROLLMENT.—A grant awarded under this section to an eligible student who attends an eligible institution on a less than full-time (but at least half-time or more) basis shall be reduced in the same proportion as would a Federal Pell Grant pursuant to section 401(b)(2)(B)."; and

(4) in subsection (g), by striking "academic" and inserting "award".

**SEC. 402. FEDERAL TRIO PROGRAMS.**

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "community-based organizations with experience in serving disadvantaged youth" after "private agencies and organizations"; and

(ii) by striking "in exceptional circumstances,";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "4" and inserting "5";

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) by striking paragraph (3) and inserting the following:

"(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.";

(2) in subsection (c)—

(A) in paragraph (2), by striking "service delivery" and inserting "high quality service delivery, as determined under subsection (f),";

(B) in paragraph (3)(B), by striking "is not required to" and inserting "shall not";

(C) in paragraph (5), by striking "campuses" and inserting "different campuses"; and

(D) in paragraph (6), by adding at the end the following new sentence: "The Secretary shall require each applicant for funds under the programs authorized by this chapter to identify services to foster care youth as a permissible service in those programs, and to ensure that such youth receive supportive services, including mentoring, tutoring, and other services provided by those programs.";

(3) in subsection (e)—

(A) by striking "(g)(2)" each place it appears and inserting "(h)(4)"; and

(B) by adding at the end the following new paragraph:

"(3) Notwithstanding this subsection and subsection (i)(4), individuals who are homeless or unaccompanied youth as defined in section 725 of the McKinney-Vento Homeless Assistance Act shall be eligible to participate in programs under sections 402B, 402C, 402D, and 402F of this chapter.";

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

"(f) OUTCOME CRITERIA.—

"(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—The Secretary shall use the outcome criteria described in paragraphs (2) and (3) to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria.

"(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

"(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

"(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

"(i) the delivery of service to a total number of students served by the program;

"(ii) the continued secondary school enrollment of such students;

"(iii) the graduation of such students from secondary school;

"(iv) the completion by such students of a rigorous secondary school program of study that will make them eligible for programs such as the Academic Competitiveness Grants; and

"(v) the enrollment of such students in an institution of higher education.

"(B) For programs authorized under section 402C, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

"(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

"(ii) such students' school performance, as measured by the grade point average, or its equivalent;

"(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

"(iv) the retention in, and graduation from, secondary school of such students;

"(v) the completion by such students of a rigorous secondary school program of study that will make them eligible for programs such as the Academic Competitiveness Grants; and

"(vi) the enrollment of such students in an institution of higher education.

"(C) For programs authorized under section 402D—

"(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

"(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the percentage of students served by the program who completed degree programs met or exceeded the entity's objectives; or

"(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the students served by the entity met or exceeded s objectives regarding—

"(aa) the completion of a degree or certificate; and

"(bb) the transfer to institutions of higher education that offer baccalaureate degrees;

"(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

"(iv) the extent to which the entity met or exceeded the entity's objectives regarding such students remaining in good academic standing.

"(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

"(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

"(ii) the provision of appropriate scholarly and research activities for the students served by the program;

"(iii) the acceptance and enrollment of such students in graduate programs; and

"(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

"(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

"(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

"(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

"(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

"(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

"(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which an outcome criterion described in paragraph (2) or (3) is met or exceeded, the Secretary shall compare the agreed upon target for the criterion, as established in the eligible entity's application approved for funding by the Secretary, with the results for the criterion, measured as of the last day of the applicable time period for the determination for each outcome criteria.

"(5) APPEALS.—Upon determination by the Secretary not to accept an application, or upon determination by the Secretary through the peer review process as specified in (c)(4) not to fund an application, for any program under this chapter, the Secretary shall allow such applicant to appeal to an administrative law judge that the Secretary improperly rejected or improperly scored the evaluation criteria points. The Secretary shall notify each entity requesting assistance under this chapter regarding the status of their application at least 90 days prior to the startup date of such program.";

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking "$700,000,000 for fiscal year 1999" and all that follows through the period and inserting "$950,000,000 for fiscal year 2009 and such sums for each of the 4 succeeding fiscal years."; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

"(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

"(A) is geographically apart from the main campus of the institution;

"(B) is permanent in nature; and

"(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

"(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals that an eligible entity desires to serve through an application for a grant under this chapter, and that—

"(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

"(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.";

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A)—

(I) by striking ", any part of which occurred after January 31, 1955,"; and

(II) by striking "or" after the semicolon;

(ii) in subparagraph (B)—

(I) by striking "after January 31, 1955,"; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) was a member of a reserve component of the Armed forces called to active duty for a period of more than 180 days; or

"(D) was a member of a reserve component of the Armed Forces who served on active duty in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code) on or after September 11, 2001."; and

(D) in paragraph (6), by striking "subparagraph (A) or (B) of paragraph (3)" and inserting "subparagraph (A), (B), or (C) of paragraph (5)".

(b) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) in subsection (b)(11), by inserting ", including mathematics and science preparation," after "special services"; and

(2) by adding at the end the following:

"(f) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Except as otherwise expressly provided by amendment to this section, the Secretary shall not implement or enforce, and shall rescind, the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).".

(c) AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(c)(2) (20 U.S.C. 1070a–15(c)(2)) is amended by inserting ", including Native Hawaiians, as defined section 317(b)(3), and Pacific Islanders" after "graduate education".

(d) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting "**REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.**";

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) REPORTS TO THE AUTHORIZING COMMITTEES.—The Secretary shall submit annually to the authorizing committees a report that documents the performance of all programs funded under this chapter. The report shall—

"(1) be submitted not later than 24 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

"(2) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

"(3) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

"(4) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

"(5) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities."; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraph (2) and inserting the following:

"(2) PRACTICES.—

"(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in—

"(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

"(ii) the preparation of the individuals and students for postsecondary education; and

"(iii) fostering the success of the individuals and students in postsecondary education.

"(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as its primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

"(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). Such practices may be used by eligible entities that receive assistance under this chapter after the dissemination.

"(3) RECRUITMENT.—The Secretary shall not require an eligible entity desiring to receive assistance under this chapter to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.

"(4) CONSIDERATION.—When designing an evaluation under this subsection, the Secretary shall consider—

"(A) the burden placed upon the program participants or the eligible entity; and

"(B) approval by the institution's institutional review board.".

### SEC. 403. GEARUP AMENDMENTS.

(a) ELIGIBLE STUDENTS.—Section 404A(a) (20 U.S.C. 1070a–21(a)) is amended—

(1) in paragraph (1), by inserting ", including students with disabilities," after "low-income students"; and

(2) in paragraph (2)(A), by inserting ", including students with disabilities," after "secondary school students".

(b) AWARD PERIOD; PRIORITY.—Section 404A(b) (20 U.S.C. 1070a–21(b)) is amended by striking paragraph (2) and inserting the following:

"(2) AWARD PERIOD.—The Secretary may award a grant under this chapter to an eligible entity described in paragraphs (1) and (2) of subsection (c) for 7 years.

"(3) PRIORITY.—In making awards to eligible entities described in subsection (c)(1), the Secretary shall—

"(A) give priority to eligible entities that—

"(i) on the day before the date of enactment of the College Opportunity and Affordability Act of 2007, carried out successful educational opportunity programs under this chapter (as this chapter was in effect on such day); and

"(ii) have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies; and

"(B) ensure that students served under this chapter on the day before the date of enactment of the College Opportunity and Affordability Act of 2007 continue to receive assistance through the completion of secondary school.".

(c) REQUIREMENTS: CONTINUITY OF SERVICES.—

(1) COHORT APPROACH.—Section 404B(g)(1) (20 U.S.C. 1070a–22(g)(1)) is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) in subparagraph (B)—

(i) by inserting "and provide the option of continued services through the student's first year of attendance at an institution of higher education" after "grade level"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) provide services under this chapter to students who have received services under a previous GEAR UP grant award but have not yet completed the 12th grade.".

(2) EARLY INTERVENTION.—Section 404D (20 U.S.C. 1070a–24) is amended—

(A) in subsection (a)(1)(B)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iv) the transition to college or postsecondary education through continuity of services to support students in and through the first year of attendance at an institution of higher education.";

(B) in subsection (b)(2)(A)—

(i) by inserting "and students in the first year of attendance at an institution of higher education" after "grade 12";

(ii) by striking "and" at the end of clause (i);

(iii) by striking the period at the end of clause (ii) and inserting "; and"; and

(iv) by adding at the end the following new clause:

"(iii) may include special programs or tutoring in science, technology, engineering, or mathematics."; and

(C) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking "grade 12 who is eligible" and inserting "grade 12, and may consider a student in the first year of attendance at an institution, who is";

(ii) in paragraph (1), by inserting "eligible" before "to be counted";

(iii) in paragraph (2), by inserting "eligible" before "for free", and by striking "or";

(iv) in paragraph (3), by inserting "eligible" before "for assistance", and by striking the period and inserting a semicolon; and

(v) by adding at the end the following new paragraphs:

"(4) in foster care; or

"(5) a homeless or unaccompanied youth as defined in section 725 of the McKinney-Vento Homeless Assistance Act.".

(d) FLEXIBILITY IN MEETING MATCHING REQUIREMENTS.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by inserting "and accrued over the full duration of the grant award period" after "in cash or in kind";

(B) in paragraph (2), by adding at the end the following new sentence: "Eligible entities may request a reduced match percentage at the time of application or by petition subsequent to a grant award, provided that an eligible entity can demonstrate a change in circumstances that was unknown at the time of application."; and

(C) by adding at the end the following new paragraph:

"(3) ADDITIONAL SPECIAL RULE.—To encourage eligible entities described in 404A(c) to provide students under this chapter with financial assistance for postsecondary education, each dollar of non-Federal funds obligated under subsection (c)(1) and (c)(2) shall, for purposes of paragraph (1)(A) of this subsection, be treated as 2 dollars."; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "paid to students from State, local, institutional, or private funds under this chapter" and inserting "obligated to students from State, local, institutional, or private funds under this chapter, including pre-existing , non-Federal financial assistance programs";

(B) by striking "and" at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(4) other resources recognized by the Secretary, including equipment and supplies, cash contribution from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.".

(e) EARLY INTERVENTION.—Section 404D (20 U.S.C. 1070a–24) is amended—

(1) in subsection (b)(2)(A)(ii), by striking "and academic counseling" and inserting ", academic counseling, and financial literacy and economic literacy education or counseling";

(2) in subsection (b)(2), by adding at the end the following new subparagraphs:

"(F) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

"(G) Engaging entities described in section 404A(c)(2)(C) in a collaborative manner to provide matching resources and participate in other activities authorized under this section.

"(H) Disseminating information that promotes the importance of higher education, explains college preparation and admission requirements, and raises awareness of the resources and services provided by the eligible entities described in section 404A(c) to eligible students, their families, and communities."; and

(3) by adding at the end of subsection (b) the following new paragraph:

"(3) ADDITIONAL PERMISSIBLE ACTIVITIES FOR STATES.—In meeting the requirements of subsection (a), an eligible entity described in section 404A(c) (1) receiving funds under this chapter may, in addition to the activities authorized by paragraph (2) of this subsection, use funds to provide technical assistance to—

"(A) middle schools or secondary schools that are located within the State; or

"(B) partnerships described in section 404A(c)(2) that are located within the State.".

(f) SCHOLARSHIP COMPONENT.—Section 404E (20 U.S.C. 1070a–25) is amended—

(1) in subsection (a)(1), by inserting "to supplement aid for which they are regularly eligible" after "shall establish or maintain a financial assistance program that awards scholarships to students";

(2) in subsection (a)(2), by inserting "to supplement aid for which they are regularly eligible" after "An eligible entity described in section 404A(c)(2) may award scholarships to eligible students"; and

(3) in subsection (b)(2), by striking "the maximum Federal Pell Grant" and inserting "the minimum Federal Pell Grant".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404H (20 U.S.C. 1070a–31) is amended by striking "$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$400,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years".

### SEC. 404. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 1 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

### SEC. 405. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking "$675,000,000 for fiscal year 1999" and inserting "$875,000,000 for fiscal year 2009".

(b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Section 413D(c)(3)(D) (20 U.S.C. 1070b–3(c)(3)(D)) is amended by striking "$450" and inserting "$600".

### SEC. 406. GRANTS FOR ACCESS AND PERSISTENCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 415A(b) (20 U.S.C. 1070c(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $200,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) RESERVATION.—For any fiscal year for which the amount appropriated under paragraph (1) exceeds $30,000,000, the excess amount shall be available to carry out section 415E.".

(b) APPLICATIONS FOR LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAMS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in paragraph (2), by striking "$5,000" and inserting "$12,500";

(2) in paragraph (9), by striking "and" after the semicolon;

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) provides notification to eligible students that such grants are—

"(A) Leveraging Educational Assistance Partnership Grants; and

"(B) funded by the Federal Government and the State.".

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

### "SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

"(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

"(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties to carry out activities under this section and to provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend college;

"(2) provide need-based access and persistence grants to eligible low-income students;

"(3) provide early notification to low-income students of their eligibility for financial aid; and

"(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

"(b) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share of the cost of carrying out the activities under subsection (d).

"(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

"(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in its application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

"(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements under paragraph (2)(B)(ii).

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out the activities under subsection (d) for any fiscal year shall not exceed 66.66 percent.

"(B) DIFFERENT PERCENTAGES.—The Federal share under this section shall be determined in accordance with the following:

"(i) The Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent if a State applies for an allotment under this section in partnership with any number of degree-granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State, and—

"(I) philanthropic organizations that are located in, or that provide funding in, the State; or

"(II) private corporations that are located in, or that do business in, the State.

"(ii) The Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 66.66 percent if a State applies for an allotment under this section in partnership with any number of degree-granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State, and—

"(I) philanthropic organizations that are located in, or that provide funding in, the State; or

"(II) private corporations that are located in, or that do business in, the State.

*“(C) NON-FEDERAL SHARE.—*

*“(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fairly evaluated.*

*“(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this subparagraph, an in kind contribution is a noncash contribution that—*

*“(I) has monetary value, such as the provision of—*

*“(aa) room and board; or*

*“(bb) transportation passes; and*

*“(II) helps a student meet the cost of attendance at an institution of higher education.*

*“(iii) EFFECT ON NEEDS ANALYSIS.—For the purpose of calculating a student's need in accordance with part F, an in kind contribution described in clause (ii) shall not be considered an asset or income of the student or the student's parent.*

*“(c) APPLICATION FOR ALLOTMENT.—*

*“(1) IN GENERAL.—*

*“(A) SUBMISSION.—A State that desires to receive an allotment under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

*“(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:*

*“(i) A description of the State's plan for using the allotted funds.*

*“(ii) Assurances that the State will provide matching funds, in cash or in kind, from State, institutional, philanthropic, or private funds, of not less than 33.33 percent of the cost of carrying out the activities under subsection (d). The State shall specify the methods by which matching funds will be paid and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title. A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's matching obligation under this clause.*

*“(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.*

*“(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d).*

*“(v) A description of the steps the State will take to ensure students who receive grants under this section persist to degree completion.*

*“(vi) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479(c), to identify eligible low-income students and award State grant aid to such students.*

*“(vii) Assurances that the State will provide notification to eligible low-income students that grants under this section are—*

*“(I) Leveraging Educational Assistance Partnership Grants; and*

*“(II) funded by the Federal Government and the State.*

*“(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.*

*“(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—*

*“(A) not less than one public and one private degree-granting institution of higher education that are located in the State;*

*“(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and*

*“(C) not less than one—*

*“(i) philanthropic organization located in, or that provides funding in, the State; or*

*“(ii) private corporation located in, or that does business in, the State.*

*“(4) ROLES OF PARTNERS.—*

*“(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—*

*“(i) shall—*

*“(I) serve as the primary administrative unit for the partnership;*

*“(II) provide or coordinate matching funds, and coordinate activities among partners;*

*“(III) encourage each institution of higher education in the State to participate in the partnership;*

*“(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and*

*“(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and*

*“(ii) may provide early information and intervention, mentoring, or outreach programs.*

*“(B) DEGREE-GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree-granting institution of higher education (as defined in section 102) that is in a partnership receiving an allotment under this section—*

*“(i) shall—*

*“(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;*

*“(II) provide support services to students who receive an access and persistence grant under this section and are enrolled at such institution; and*

*“(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and*

*“(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.*

*“(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.*

*“(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for access and persistence grants for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.*

*“(d) AUTHORIZED ACTIVITIES.—*

*“(1) IN GENERAL.—*

*“(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award access and persistence grants to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.*

*“(B) AMOUNT.—*

*“(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—*

*“(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(B)(i), the amount of an access and persistence grant awarded by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student) and such amount shall be used toward the cost of attendance at an institution of higher education, located in the State, that is a partner in the partnership.*

*“(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of access and persistence grants awarded by such State up to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student).*

*“(ii) PARTNERSHIP WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(B)(ii), the amount of an access and persistence grant awarded by such State shall be not less than the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student) and such amount shall be used by the student to attend an institution of higher education, located in the State, that is a partner in the partnership.*

*“(2) EARLY NOTIFICATION.—*

*“(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students (such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)) in grade 7 through grade 12 in the State, and their families, of their potential eligibility for student financial assistance, including an access and persistence grant, to attend an institution of higher education.*

*“(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—*

*“(i) shall include—*

*“(I) information about early information and intervention, mentoring, or outreach programs available to the student;*

*“(II) information that a student's candidacy for an access and persistence grant is enhanced through participation in an early information and intervention, mentoring, or outreach program;*

*“(III) an explanation that student and family eligibility and participation in other Federal means-tested programs may indicate eligibility for an access and persistence grant and other student aid programs;*

*“(IV) a nonbinding estimation of the total amount of financial aid a low-income student with a similar income level may expect to receive, including an estimation of the amount of an access and persistence grant and an estimation of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;*

*“(V) an explanation that in order to be eligible for an access and persistence grant, at a minimum, a student shall meet the requirement under paragraph (3), graduate from secondary school, and enroll at an institution of higher education that is a partner in the partnership;*

*“(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose*

*for receipt of an access and persistence grant under this section; and*

*''(VII) instructions on how to apply for an access and persistence grant and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and*

*''(ii) may include a disclaimer that access and persistence grant awards are contingent upon—*

*''(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership;*

*''(II) annual Federal and State appropriations; and*

*''(III) other aid received by the student at the time of the student's enrollment at an institution of higher education that is a partner in the partnership.*

*''(3) ELIGIBILITY.—In determining which students are eligible to receive access and persistence grants, the State shall ensure that each such student complies with the following subparagraph (A) or (B):*

*''(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:*

*''(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).*

*''(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.*

*''(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).*

*''(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.*

*''(B) Is receiving, or has received, an access and persistence grant under this section, in accordance with paragraph (5).*

*''(4) GRANT AWARD.—Once a student, including a student who has received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related State form, and is determined to be eligible by the State under paragraph (3), the State shall—*

*''(A) issue the student a preliminary access and persistence grant award certificate with tentative award amounts; and*

*''(B) inform the student that payment of the access and persistence grant award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.*

*''(5) DURATION OF AWARD.—An eligible student that receives an access and persistence grant under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to baccalaureate degree completion.*

*''(e) ADMINISTRATIVE COST ALLOWANCE.—A State that receives an allotment under this section may reserve not more than 3.5 percent of the funds made available annually through the allotment for State administrative functions required to carry out this section.*

*''(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(B)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.*

*''(g) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.*

*''(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for such activities for the second preceding fiscal year.*

*''(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed its total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).*

*''(j) REPORTS.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.''.*

*(d) CONTINUATION AND TRANSITION.—During the 2-year period commencing on the date of enactment of this Act, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 (20 U.S.C. 1070c-3a), as such section existed on the day before the date of enactment of this Act, to States that choose to apply for grants under such predecessor section.*

*(e) IMPLEMENTATION AND EVALUATION.—Section 491(j) (20 U.S.C. 1098(j)) is amended—*

*(1) in paragraph (4), by striking ''and'' after the semicolon;*

*(2) by redesignating paragraph (5) as paragraph (6); and*

*(3) by inserting after paragraph (4) the following:*

*''(5) not later than 6 months after the date of enactment of the College Opportunity and Affordability Act of 2007, advise the Secretary on means to implement the activities under section 415E, and the Advisory Committee shall continue to monitor, evaluate, and make recommendations on the progress of partnerships that receive allotments under such section; and''.*

### SEC. 407. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

*Section 418A (20 U.S.C. 1070d-2) is amended—*

*(1) in subsection (b)—*

*(A) in paragraph (1)(B)(i), by striking ''parents'' and inserting ''immediate family'';*

*(B) in paragraph (3)(B), by inserting ''(including preparation for college entrance examinations)'' after ''college program'';*

*(C) in paragraph (5), by striking ''weekly'';*

*(D) in paragraph (7), by striking ''and'' after the semicolon;*

*(E) in paragraph (8)—*

*(i) by inserting ''(such as transportation and child care)'' after ''services''; and*

*(ii) by striking the period at the end and inserting ''; and''; and*

*(F) by adding at the end the following:*

*''(9) other activities to improve persistence and retention in postsecondary education.'';*

*(2) in subsection (c)—*

*(A) in paragraph (1)—*

*(i) in subparagraph (A), by striking ''parents'' and inserting ''immediate family''; and*

*(ii) in subparagraph (B)—*

*(I) in the matter preceding clause (i), by inserting ''to improve placement, persistence, and retention in postsecondary education,'' after ''services''; and*

*(II) in clause (i), by striking ''and career'' and inserting ''career, and economic education or personal finance'';*

*(iii) in subparagraph (E), by striking ''and'' after the semicolon;*

*(iv) by redesignating subparagraph (F) as subparagraph (G);*

*(v) by inserting after subparagraph (E) the following:*

*''(F) internships; and''; and*

*(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking ''support services'' and inserting ''essential supportive services (such as transportation and child care)''; and*

*(B) in paragraph (2)—*

*(i) in subparagraph (A), by striking ''and'' after the semicolon;*

*(ii) in subparagraph (B), by striking the period at the end and inserting '', and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and''; and*

*(iii) by adding at the end the following:*

*''(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.'';*

*(3) in subsection (e), by striking ''section 402A(c)(1)'' and inserting ''section 402A(c)(2)'';*

*(4) in subsection (f)—*

*(A) in paragraph (1), by striking ''$150,000'' and inserting ''$180,000''; and*

*(B) in paragraph (2), by striking ''$150,000'' and inserting ''$180,000'';*

*(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;*

*(6) by inserting after subsection (f) the following:*

*''(g) RESERVATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a).'';*

*(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:*

*''(h) DATA COLLECTION.—The Commissioner for Education Statistics shall—*

*''(1) annually collect data on persons receiving services authorized under this subpart regarding such persons rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education;*

*''(2) not less often than once every 2 years, prepare and submit to the authorizing committees a report based on the most recently available data under paragraph (1) to the authorizing committees; and*

*''(3) make such report available to the public.''; and*

*(8) in subsection (i) (as redesignated by paragraph (5))—*

*(A) in paragraph (1), by striking ''$15,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''; and*

*(B) in paragraph (2), by striking ''$5,000,000 for fiscal year 1999'' and all that follows*

*through the period and inserting "such sums for fiscal year 2009 and each of the 4 succeeding fiscal years.".*

### *SEC. 408. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.*

*Subpart 6 of part A of title IV is amended to read as follows:*

### *"Subpart 6—Robert C. Byrd American Competitiveness Program*

### *"SEC. 419A. ROBERT C. BYRD MATHEMATICS AND SCIENCE HONORS SCHOLARSHIP PROGRAM.*

*"(a) PURPOSE.—The purpose of this section is to award scholarships to students who are enrolled in studies leading to baccalaureate and advanced degrees in physical, life, or computer sciences, mathematics, or engineering.*

*"(b) DEFINITIONS.—As used in this section—*

*"(1) the term 'computer science' means the branch of knowledge or study of computers, including such fields of knowledge or study as computer hardware, computer software, computer engineering, information systems, and robotics;*

*"(2) the term 'eligible student' means a student who—*

*"(A) is a citizen of the United States;*

*"(B) is selected by the managing agent to receive a scholarship;*

*"(C) is enrolled full-time in an institution of higher education, other than a United States service academy; and*

*"(D) has shown a commitment to and is pursuing a major in studies leading to a baccalaureate, masters, or doctoral degree (or a combination thereof) in physical, life, or computer sciences, mathematics, or engineering;*

*"(3) the term 'engineering' means the science by which the properties of matter and the sources of energy in nature are made useful to humanity in structures, machines, and products, as in the construction of engines, bridges, buildings, mines, and chemical plants, including such fields of knowledge or study as aeronautical engineering, chemical engineering, civil engineering, electrical engineering, industrial engineering, materials engineering, manufacturing engineering, and mechanical engineering;*

*"(4) the term 'life sciences' means the branch of knowledge or study of living things, including such fields of knowledge or study as biology, biochemistry, biophysics, microbiology, genetics, physiology, botany, zoology, ecology, and behavioral biology, except that the term does not encompass social psychology or the health professions;*

*"(5) the term 'managing agent' means an entity to which an award is made under subsection (c) to manage a program of Mathematics and Science Honors Scholarships;*

*"(6) the term 'mathematics' means the branch of knowledge or study of numbers and the systematic treatment of magnitude, relationships between figures and forms, and relations between quantities expressed symbolically, including such fields of knowledge or study as statistics, applied mathematics, and operations research; and*

*"(7) the term 'physical sciences' means the branch of knowledge or study of the material universe, including such fields of knowledge or study as astronomy, atmospheric sciences, chemistry, earth sciences, ocean sciences, physics, and planetary sciences.*

*"(c) AWARD.—*

*"(1)(A) From funds appropriated under section 419F to carry out this section, the Secretary is authorized, through a grant or cooperative agreement, to make an award to a private, nonprofit organization, other than an institution of higher education or system of institutions of higher education, to manage, through a public and private partnership, a program of Mathematics and Science Honors Scholarships under this section.*

*"(B) The award under subparagraph (A) shall be for a five-year period.*

*"(2)(A) One hundred percent of the funds awarded under paragraph (1)(A) for any fiscal year shall be obligated and expended solely on scholarships to eligible students.*

*"(B) No Federal funds shall be used to provide more than 50 percent of the cost of any scholarship to an eligible student.*

*"(C) The maximum scholarship award shall be the difference between an eligible student's cost of attendance minus any non-loan based aid such student receives.*

*"(3)(A) The Secretary may establish—*

*"(i) eligibility criteria for applicants for managing agent, including criteria regarding financial and administrative capability; and*

*"(ii) operational standards for the managing agent, including management and performance requirements, such as audit, recordkeeping, record retention, and reporting procedures and requirements.*

*"(B) The Secretary, as necessary, may review and revise any criteria, standards, and rules established under this paragraph and, through the agreement with the managing agent, see that any revisions are implemented.*

*"(4) If the managing agent fails to meet the requirements of this section the Secretary may terminate the award to the managing agent.*

*"(5) The Secretary shall conduct outreach efforts to help raise awareness of the Mathematics and Science Honors Scholarships.*

*"(d) DUTIES OF THE MANAGING AGENT.—The managing agent shall—*

*"(1) develop criteria to award Mathematics and Science Honors Scholarships based on established measurements available to secondary students who wish to pursue degrees in physical, life, or computer sciences, mathematics, or engineering;*

*"(2) establish a Mathematics and Science Honors Scholarship Fund in a separate, named account that clearly discloses the amount of Federal and non-Federal funds deposited in the account and used for scholarships under this section;*

*"(3) solicit funds for scholarships and for the administration of the program from non-Federal sources;*

*"(4) solicit applicants for scholarships;*

*"(5) from the amounts in the Fund, award scholarships to eligible students and transfer such funds to the institutions of higher education that they attend;*

*"(6) annually submit to the Secretary a financial audit and a report on the progress of the program, and such other documents as the Secretary may require to determine the effective management of the program; and*

*"(7) shall not develop a criteria that discriminates against a student based on the type of program in which the student completed his or her secondary education.*

*"(e) APPLICATIONS.—*

*"(1) Any eligible entity that desires to be the managing agent under this section shall submit an application to the Secretary, in such form and containing such information, as the Secretary may require.*

*"(2) Each application shall include a description of—*

*"(A) how the applicant meets or will meet requirements established under subsections (c)(3)(A) and (d);*

*"(B) how the applicant will solicit funds for scholarships and for the administration of the program from non-Federal sources;*

*"(C) how the applicant will provide nationwide outreach to inform students about the program and to encourage students to pursue degrees in physical, life, or computer sciences, mathematics, or engineering;*

*"(D) how the applicant will solicit applications for scholarships, including how the applicant will balance efforts in urban and rural areas;*

*"(E) the selection criteria based on established measurements available to secondary students the applicant will use to award scholarships and to renew those awards;*

*"(F) how the applicant will inform the institution of higher education chosen by the recipient of the name and scholarship amount of the recipient;*

*"(G) what procedures and assurances the applicant and the institution of higher education that the recipient attends will use to verify student eligibility, attendance, degree progress, and academic performance and to deliver and account for payments to such institution;*

*"(H) the management (including audit and accounting) procedures the applicant will use for the program;*

*"(I) the human, financial, and other resources that the applicant will need and use to manage the program;*

*"(J) how the applicant will evaluate the program and report to the Secretary annually; and*

*"(K) a description of how the entity will coordinate with, complement, and build on similar public and private mathematics and science programs.*

*"(f) SCHOLARSHIP RECIPIENTS.—*

*"(1) A student receiving a scholarship under this section shall be known as a Byrd Mathematics and Science Honors Scholar.*

*"(2) Any student desiring to receive a scholarship under this section shall submit an application to the managing agent in such form, and containing such information, as the managing agent may require.*

*"(3) Any student that receives a scholarship under this section shall enter into an agreement with the managing agent to complete 5 consecutive years of service to begin no later than 12 months following completion of the final degree in a position related to the field in which the student obtained the degree.*

*"(4) If any student that receives a scholarship under this section fails to earn at least a baccalaureate degree in physical, life, or computer sciences, mathematics, or engineering as defined under this section, the student shall repay to the managing agent the amount of any financial assistance paid to such student.*

*"(5) If any student that receives a scholarship under this section fails to meet the requirements of paragraph (3), the student shall repay to the managing agent the amount of any financial assistance paid to such student.*

*"(6)(A) Scholarships shall be awarded for only one academic year of study at a time.*

*"(B)(i) A scholarship shall be renewable on an annual basis for the established length of the academic program if the student awarded the scholarship remains eligible.*

*"(ii) The managing agent may condition renewal of a scholarship on measures of academic progress and achievement, with the approval of the Secretary.*

*"(C)(i) If a student fails to either remain eligible or meet established measures of academic progress and achievement, the managing agent shall instruct the student's institution of higher education to suspend payment of the student's scholarship.*

*"(ii) A suspension of payment shall remain in effect until the student is able to demonstrate to the satisfaction of the managing agent that he or she is again eligible and meets the established measures of academic progress and achievement.*

*"(iii) A student's eligibility for a scholarship shall be terminated if a suspension period exceeds 12 months.*

*"(D)(i)(I) A student awarded a scholarship may, in a manner and under the terms established by, and with the approval of, the managing agent, postpone or interrupt his or her enrollment at an institution of higher education for up to 12 months.*

*"(II) Such a postponement or interruption shall not be considered a suspension for purposes of subparagraph (C).*

*"(ii) Neither a student nor the student's institution of higher education shall receive the student's scholarship payments during the period of postponement or interruption, but such payments shall resume upon enrollment or reenrollment.*

*"(iii) In exceptional circumstances, such as serious injury or illness or the necessity to care for family members, the student's postponement or interruption may, upon notification and approval of the managing agent, be extended beyond the 12 month period described in clause (i)(I).*

*"(g) RESPONSIBILITIES OF INSTITUTION OF HIGHER EDUCATION.—*

*"(1) The managing agent shall require any institution of higher education that enrolls a student who receives a scholarship under this section to annually provide an assurance, prior to making any payment, that the student—*

*"(A) is eligible in accordance with subsection (b)(2); and*

*"(B) has provided the institution with a written commitment to attend, or is attending, classes and is satisfactorily meeting the institution's academic criteria for enrollment in its program of study.*

*"(2)(A) The managing agent shall provide the institution of higher education with payments from the Fund for selected recipients in at least two installments.*

*"(B) If a recipient declines a scholarship, does not attend courses, transfers to another institution of higher education, or becomes ineligible for a scholarship, an institution of higher education shall return prorated amounts of any scholarship payment to that recipient to the managing agent, who shall deposit it in to the Fund.*

### *"SEC. 419B. MATHEMATICS AND SCIENCE INCENTIVE PROGRAM.*

*"(a) PROGRAM.—*

*"(1) IN GENERAL.—The Secretary is authorized to carry out a program of assuming the obligation to pay, pursuant to the provisions of this section, the interest on a loan made, insured, or guaranteed under part B or D of this title.*

*"(2) ELIGIBILITY.—The Secretary may assume interest payments under paragraph (1) only for a borrower who—*

*"(A) has submitted an application in compliance with subsection (d);*

*"(B) obtained one or more loans described in paragraph (1) as an undergraduate student;*

*"(C) is a new borrower (within the meaning of section 103(7) of this Act) on or after the date of enactment of the College Opportunity and Affordability Act of 2007;*

*"(D) is a highly qualified teacher (as defined in section 9101 of the Elementary and Secondary Education Act of 1965) of science, technology, engineering or mathematics at an elementary or secondary school in a high need local educational agency, or is a mathematics, science, or engineering professional; and*

*"(E) enters into an agreement with the Secretary to complete 5 consecutive years of service in a position described in subparagraph (D), starting on the date of the agreement.*

*"(3) PRIOR INTEREST LIMITATIONS.—The Secretary shall not make any payments for interest that—*

*"(A) accrues prior to the beginning of the repayment period on a loan in the case of a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan; or*

*"(B) has accrued prior to the signing of an agreement under paragraph (2)(E).*

*"(4) INITIAL SELECTION.—In selecting participants for the program under this section, the Secretary—*

*"(A) shall choose among eligible applicants on the basis of—*

*"(i) the national security, homeland security, and economic security needs of the United States, as determined by the Secretary, in consultation with other Federal agencies, including the Departments of Labor, Defense, Homeland Security, Commerce, and Energy, the Central Intelligence Agency, and the National Science Foundation; and*

*"(ii) the academic record or job performance of the applicant; and*

*"(B) may choose among eligible applicants on the basis of—*

*"(i) the likelihood of the applicant to complete the 5-year service obligation;*

*"(ii) the likelihood of the applicant to remain in science, mathematics, or engineering after the completion of the service requirement; or*

*"(iii) other relevant criteria determined by the Secretary.*

*"(5) AVAILABILITY SUBJECT TO APPROPRIATIONS.—Loan interest payments under this section shall be subject to the availability of appropriations. If the amount appropriated for any fiscal year is not sufficient to provide interest payments on behalf of all qualified applicants, the Secretary shall give priority to those individuals on whose behalf interest payments were made during the preceding fiscal year.*

*"(6) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.*

*"(b) DURATION AND AMOUNT OF INTEREST PAYMENTS.—The period during which the Secretary shall pay interest on behalf of a student borrower who is selected under subsection (a) is the period that begins on the effective date of the agreement under subsection (a)(2)(E), continues after successful completion of the service obligation, and ends on the earlier of—*

*"(1) the completion of the repayment period of the loan;*

*"(2) payment by the Secretary of a total of $5,000 on behalf of the borrower;*

*"(3) if the borrower ceases to fulfill the service obligation under such agreement prior to the end of the 5-year period, as soon as the borrower is determined to have ceased to fulfill such obligation in accordance with regulations of the Secretary; or*

*"(4) 6 months after the end of any calendar year in which the borrower's gross income equals or exceeds 4 times the national per capita disposable personal income (current dollars) for such calendar year, as determined on the basis of the National Income and Product Accounts Tables of the Bureau of Economic Analysis of the Department of Commerce, as determined in accordance with regulations prescribed by the Secretary.*

*"(c) REPAYMENT TO ELIGIBLE LENDERS.—Subject to the regulations prescribed by the Secretary by regulation under subsection (a)(6), the Secretary shall pay to each eligible lender or holder for each payment period the amount of the interest that accrues on a loan of a student borrower who is selected under subsection (a).*

*"(d) APPLICATION FOR REPAYMENT.—*

*"(1) IN GENERAL.—Each eligible individual desiring loan interest payment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

*"(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—Such application shall contain an agreement by the individual that, if the individual fails to complete the 5 consecutive years of service required by subsection (a)(2)(E), the individual agrees to repay the Secretary the amount of any interest paid by the Secretary on behalf of the individual.*

*"(e) TREATMENT OF CONSOLIDATION LOANS.—A consolidation loan made under section 428C of this Act, or a Federal Direct Consolidation Loan made under part D of title IV of this Act, may be a qualified loan for the purpose of this section only to the extent that such loan amount was used by a borrower who otherwise meets the requirements of this section to repay—*

*"(1) a loan made under section 428 or 428H of this Act; or*

*"(2) a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, made under part D of title IV of this Act.*

*"(f) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and—*

*"(1) any loan forgiveness program under title IV of this Act; or*

*"(2) subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).*

*"(g) DEFINITIONS.—As used in this section—*

*"(1) the term 'high need local educational agency' has the same meaning given such term in section 200; and*

*"(2) the term 'mathematics, science, or engineering professional' means a person who—*

*"(A) holds a baccalaureate, masters, or doctoral degree (or a combination thereof) in science, mathematics, or engineering; and*

*"(B) works in a field the Secretary determines is closely related to that degree, which shall include working as a professor at a two- or four-year institution of higher education.*

### *"SEC. 419C. FOREIGN LANGUAGE PARTNERSHIPS.*

*"(a) PURPOSE.—The purpose of this section is to increase the number of highly qualified teachers in, and the number of United States' students who achieve the highest level of proficiency in, foreign languages critical to the security and competitiveness of the Nation.*

*"(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to institutions of higher education, in partnership with one or more local educational agencies, to establish teacher preparation programs in critical foreign languages, and activities that will enable successful students to advance from elementary school through college to achieve proficiency in those languages.*

*"(c) APPLICATIONS.—*

*"(1) APPLICATION REQUIRED.—Any institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

*"(2) CONTENTS.—Each Application shall—*

*"(A) identify each local educational agency partner and describe each such partner's responsibilities (including how they will be involved in planning and implementing the program, what resources they will provide, and how they will ensure continuity of student progress from elementary school to the postsecondary level); and*

*"(B) describe how the applicant will support and continue the program after the grant has expired, including how it will seek support from other sources, such as State and local government, foundations, and the private sector.*

*"(d) USES OF FUNDS.—Funds awarded under this section shall be used to develop and implement programs consistent with the purpose of this section by carrying out one or more of the following activities:*

*"(1) To recruit highly qualified teachers in critical foreign languages and professional development activities for such teachers at the elementary through high school level.*

*"(2) To provide innovative opportunities for students that will allow for critical language learning, such as immersion environments, intensive study opportunities, internships, and distance learning.*

*"(e) MATCHING REQUIREMENT.—Each grantee under this section shall provide, from non-Federal sources, an amount equal to 100 percent of*

*the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.*

*"(f) EVALUATION.—The Secretary shall evaluate the activities funded under this section and report the results of the evaluation to the appropriate Committees of Congress.*

### *"SEC. 419D. AUTHORIZATION OF APPROPRIATIONS.*

*"There are authorized to be appropriated to carry out this subpart $50,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".*

### *SEC. 409. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.*

*(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended by striking "$10,000" and inserting "$30,000".*

*(b) ELIGIBLE INSTITUTIONS.—Section 419N(b)(4) is amended by striking "$350,000" and inserting "$250,000".*

*(c) INCOME ELIGIBILITY.—Section 419N(b)(7) is amended by striking "who is eligible to receive" and inserting "whose income qualifies for eligibility for".*

*(d) PUBLICITY.—Section 419N(b) is further amended by adding at the end the following new paragraph:*

*"(8) PUBLICITY.—The Secretary shall publicize the availability of grants under this section in appropriate periodicals in addition to publication in the Federal Register, and shall inform appropriate educational organizations of such availability.".*

*(e) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking "$45,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.".*

### *SEC. 410. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.*

*Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.*

### *SEC. 411. TEACH GRANTS.*

*Subpart 9 of part A of title IV is amended—*

*(1) in section 420L(1)(B), by striking "sound" and inserting "responsible";*

*(2) in section 420M—*

*(A) by striking "academic year" each place it appears in subsections (a)(1) and (c)(1) and inserting "year"; and*

*(B) in subsection (c)(2)—*

*(i) by striking "other student assistance" and inserting "other assistance the student may receive"; and*

*(ii) by striking the second sentence; and*

*(3) by adding at the end the following new section:*

### *"SEC. 420P. PROGRAM EVALUATION.*

*"The Secretary shall evaluate the effectiveness of TEACH grants with respect to the schools and students served by recipients of such grants. Such evaluation shall take into consideration information related to—*

*"(1) the number of TEACH grant recipients;*

*"(2) the gender, race, ethnicity, and age of such recipients;*

*"(3) the degrees obtained by such recipients;*

*"(4) the location, including the school, local educational agency, and State, where the recipients completed the service agreed to under section 420N(b) and the subject taught;*

*"(5) the duration of such service, including information related to whether recipients serve for more than the 4 years required under such section; and*

*"(6) any other data necessary to conduct such evaluation.".*

## *PART B—FEDERAL FAMILY EDUCATION LOANS*

### *SEC. 421. LIMITATIONS ON AMOUNTS OF LOANS COVERED BY FEDERAL INSURANCE.*

*Section 424(a) (20 U.S.C. 1074(a)) is amended—*

*(1) by striking "2012" and inserting "2013"; and*

*(2) by striking "2016" and inserting "2017".*

### *SEC. 422. FEDERAL INTEREST SUBSIDIES.*

*Section 428(a)(5) (20 U.S.C. 1078(a)(5)) is amended—*

*(1) by striking "2012" and inserting "2013"; and*

*(2) by striking "2016" and inserting "2017".*

### *SEC. 423. STUDENT LOAN INFORMATION.*

*Section 428(k) (20 U.S.C. 1078(k)) is amended by adding at the end the following new paragraph:*

*"(4) STUDENT LOAN INFORMATION.—*

*"(A) Notwithstanding any other provision of law or regulation, if requested by an institution of higher education or a third party servicer (as defined in section 481(c)) working on behalf of such institution to prevent student loan defaults for borrowers who currently attend or previously attended such institution, a lender, secondary market, holder, or guaranty agency shall provide, free of charge and in a timely and effective manner, any student loan information pertaining to loans made under this title to such borrowers maintained by that entity, provided that the information requested is for a borrower who currently attends or previously attended such institution.*

*"(B) An institution and any third party servicer obtaining access to information under subparagraph (A) shall safeguard that information in order to prevent potential abuses of that information, including identity theft.*

*"(C) Any third party servicer that obtains information under this paragraph—*

*"(i) shall only use the information in a manner directly related to the default prevention work the servicer is performing on behalf of the institution of higher education;*

*"(ii) shall not sell the information to other entities;*

*"(iii) shall not share the information with, or transfer the information to, entities other than the borrower or the institution of higher education referenced in subparagraph (A); and*

*"(iv) shall be subject to any regulations established by the Secretary pursuant to section 432 concerning the misuse of such information, including any penalties for such misuse.".*

### *SEC. 424. CONSOLIDATION LOAN DISCLOSURE.*

*Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—*

*(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and*

*(2) by inserting after subparagraph (D) the following new subparagraph:*

*"(E) that the lender will disclose, in a clear and conspicuous manner, to borrowers who seek to consolidate loans made under part E of this title—*

*"(i) that once the borrower adds a Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;*

*"(ii) that the borrower will no longer be eligible for loan cancellation of Federal Perkins Loans under any provision of section 465; and*

*"(iii) in detail the occupations listed in section 465 for which the borrower will lose eligibility for Federal Perkins Loan cancellation;".*

### *SEC. 425. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.*

*Section 428K (20 U.S.C. 1078–11) is amended to read as follows:*

### *"SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.*

*"(a) PROGRAM AUTHORIZED.—*

*"(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c) who—*

*"(A) is employed full-time in an area of national need described in subsection (b); and*

*"(B) is not in default on a loan for which the borrower seeks forgiveness.*

*"(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—*

*"(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part (other than an excepted PLUS loan (as such term is defined in section 493C(a))); and*

*"(B) to cancel a qualified loan amount for a loan made under part D of this title (other than such an excepted PLUS loan).*

*"(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.*

*"(b) AREAS OF NATIONAL NEED.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full-time as any of the following:*

*"(1) EARLY CHILDHOOD EDUCATORS.—An individual who is employed as an early childhood educator in an eligible preschool program or eligible early childhood education program in a low-income community, and who is involved directly in the care, development, and education of infants, toddlers, or young children age 5 and under.*

*"(2) NURSES.—An individual who is employed—*

*"(A) as a nurse in a clinical setting; or*

*"(B) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).*

*"(3) FOREIGN LANGUAGE SPECIALISTS.—An individual who has obtained a baccalaureate or advanced degree in a critical foreign language and is employed—*

*"(A) in an elementary or secondary school as a teacher of a critical foreign language;*

*"(B) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language; or*

*"(C) in an institution of higher education as a faculty member or instructor teaching a critical foreign language.*

*"(4) LIBRARIANS.—An individual who is employed as a librarian in—*

*"(A) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or*

*"(B) a high-need school.*

*"(5) HIGHLY QUALIFIED TEACHERS: SERVING STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT, LOW-INCOME COMMUNITIES, AND UNDERREPRESENTED POPULATIONS.—An individual who—*

*"(A) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and*

*"(B)(i) is employed as a teacher educating students who are limited English proficient;*

*"(ii) is employed as a teacher in a high-need school; or*

*"(iii) is an individual from an underrepresented population in the teaching profession, as determined by the Secretary.*

*"(6) CHILD WELFARE WORKERS.—An individual who—*

*"(A) has obtained a degree in social work or a related field with a focus on serving children and families; and*

*"(B) is employed in public or private child welfare services.*

*"(7) SPEECH-LANGUAGE PATHOLOGISTS.—An individual who is a speech-language pathologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, or communication sciences and disorders.*

*"(8) NATIONAL SERVICE.—An individual who is engaged as a participant in a project under the National and Community Service Act of 1990 (as such terms are defined in section 101 of such Act (42 U.S.C. 12511)).*

*"(9) SCHOOL COUNSELORS.—An individual who is employed as a school counselor (as such term is defined in section 5421(e)(3) of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245(e)(3))) in a high-need school.*

*"(10) PUBLIC SECTOR EMPLOYEES.—An individual who is employed in public safety (including as a first responder, firefighter, police officer, or other law enforcement or public safety officer), emergency management (including as an emergency medical technician), public health (including full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), or public interest legal services (including prosecution or public defense or legal advocacy in low-income communities at a nonprofit organization).*

*"(11) NUTRITION PROFESSIONALS.—An individual who—*

*"(A) is a licensed, certified, or registered dietician who has completed a degree in a relevant field; and*

*"(B) has obtained employment in an agency of the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).*

*"(12) MEDICAL SPECIALISTS.—An individual who—*

*"(A) has received his or her degree from an accredited medical school (as accredited by the Liaison Committee on Medical Education or as defined by this title IV); and*

*"(B)(i) has been accepted to, or currently participates in, a graduate medical education training program or fellowship (or both) to provide health care services (as recognized by the Accreditation Council for Graduate Medical Education); or*

*"(ii) has been accepted to, or currently participates in, a graduate medical education program or fellowship (or both) to provide health care services that—*

*"(I) requires more than 5 years of total graduate medical training; and*

*"(II) has fewer United States medical school graduate applicants than the total number of training and fellowship positions available in the programs specified in subclause (I) of this clause.*

*"(13) MENTAL HEALTH PROFESSIONALS.—Individuals who have at least a master's degree in social work, psychology, or psychiatry and who are providing mental health services to children, adolescents, or veterans.*

*"(c) QUALIFIED LOAN AMOUNT.—At the end of each school, academic, or calendar year of full-time employment on or after the date of enactment of the College Opportunity and Affordability Act of 2007 in an area of national need described in subsection (b), not to exceed 5 years, the Secretary shall forgive not more than $2,000 of the student loan obligation of a borrower that is outstanding after the completion of each such school, academic, or calendar year of employment, as appropriate, not to exceed $10,000 in the aggregate for any borrower.*

*"(d) PRIORITY.—The Secretary shall grant loan forgiveness under this section on a first-come, first-served basis, and subject to the availability of appropriations.*

*"(e) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.*

*"(f) SEGAL AMERICORPS EDUCATION AWARD AND NATIONAL SERVICE AWARD RECIPIENTS.—A student borrower who qualifies for the maximum education award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) shall receive under this section the amount, if any, by which the maximum benefit available under this section exceeds the maximum education award available under such subtitle.*

*"(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.*

*"(h) DEFINITIONS.—In this section:*

*"(1) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an early childhood educator who works directly with children in an eligible preschool program or eligible early childhood education program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.*

*"(2) ELIGIBLE PRESCHOOL PROGRAM.—The term 'eligible preschool program' means a program that provides for the care, development, and education of infants, toddlers, or young children age 5 and under, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—*

*"(A) a public or private school that is supported, sponsored, supervised, or administered by a local educational agency;*

*"(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);*

*"(C) a nonprofit or community based organization; or*

*"(D) a child care program, including a home.*

*"(3) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'eligible early childhood education program' means—*

*"(A) a family child care program, center-based child care program, State prekindergarten program, school program, or other out-of-home early childhood development care program, that—*

*"(i) is licensed or regulated by the State; and*

*"(ii) serves 2 or more unrelated children who are not old enough to attend kindergarten;*

*"(B) a Head Start Program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); or*

*"(C) an Early Head Start Program carried out under section 645A of the Head Start Act (42 U.S.C. 9840a).*

*"(4) LOW-INCOME COMMUNITY.—The term 'low-income community' means a school attendance area (as defined in section 1113(a)(2)(A) of the Elementary and Secondary Education Act of 1965)—*

*"(A) in which 70 percent of households earn less than 85 percent of the State median household income; or*

*"(B) that includes a high-need school.*

*"(5) NURSE.—The term 'nurse' means a nurse who meets all of the following:*

*"(A) The nurse graduated from—*

*"(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));*

*"(ii) a nursing center; or*

*"(iii) an academic health center that provides nurse training.*

*"(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.*

*"(C) The nurse holds one or more of the following:*

*"(i) A graduate degree in nursing, or an equivalent degree.*

*"(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).*

*"(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).*

*"(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).*

*"(6) SPEECH-LANGUAGE PATHOLOGIST.—The term 'speech-language pathologist' means a speech-language pathologist who—*

*"(A) has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and*

*"(B) provides speech-language pathology services under section 1861(ll)(1) of the Social Security Act (42 U.S.C. 1395x(ll)(1)), or meets or exceeds the qualifications for a qualified speech-language pathologist under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3)).*

*"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years to provide loan forgiveness in accordance with this section.".*

### SEC. 426. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

*Part B of title IV (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K the following new section:*

### "SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

*"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.*

*"(b) DEFINITIONS.—In this section:*

*"(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—*

*"(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;*

*"(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and*

*"(C) is continually licensed to practice law.*

*"(2) STUDENT LOAN.—The term 'student loan' means—*

*"(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and*

*"(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—*

*"(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;*

*"(ii) a loan made under section 428, 428B, or 428H; or*

*"(iii) a loan made under part E.*

*"(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder or the Secretary in the case of a loan under part D or E of such loan, in accordance with subsection (d), for any borrower who—*

*"(1) is employed as a civil legal assistance attorney; and*

*"(2) is not in default on a loan for which the borrower seeks repayment.*

*"(d) TERMS OF AGREEMENT.—*

*"(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—*

*"(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;*

*"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;*

*"(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;*

*"(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and*

*"(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.*

*"(2) REPAYMENTS.—*

*"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.*

*"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.*

*"(3) LIMITATIONS.—*

*"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—*

*"(i) $6,000 for any borrower in any calendar year; or*

*"(ii) an aggregate total of $40,000 in the case of any borrower.*

*"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.*

*"(e) ADDITIONAL AGREEMENTS.—*

*"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).*

*"(2) TERM.—An agreement entered into under paragraph (1) may specify that, notwithstanding subsection (d)(1)(A), the required period of service during which the borrower will remain employed as a civil legal assistance attorney may be less than 3 years.*

*"(f) AWARD BASIS; PRIORITY.—*

*"(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.*

*"(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—*

*"(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;*

*"(B) received repayment benefits under this section during the preceding fiscal year; and*

*"(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).*

*"(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.*

*"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".*

### *SEC. 427. SETTLEMENT OF CLAIMS.*

*Section 432(b) (20 U.S.C. 1082(b)) is amended by adding at the end the following: "The Secretary may not enter into any settlement of any claim under this Act that exceeds $1,000,000 unless the Secretary has asked the Attorney General to review the settlement agreement and issue an opinion to the Secretary and the authorizing committees related to such proposed settlement.".*

### *SEC. 428. DELINQUENCY PREVENTION, DEFAULT AVERSION, AND CONSUMER EDUCATION INFORMATION PROGRAMS.*

*Part B of title IV is further amended by inserting after section 433 (20 U.S.C. 1083) the following new section:*

### *"SEC. 433A. DELINQUENCY PREVENTION, DEFAULT AVERSION, AND CONSUMER EDUCATION INFORMATION PROGRAMS.*

*"(a) GUARANTY AGENCY DUTY.—Each guaranty agency, with respect to loans insured by the agency, shall develop specific programs designed to prevent delinquencies and avert defaults.*

*"(b) TRAINING FOR STUDENTS AND FAMILIES.—Each guaranty agency, after consulting with institutions of higher education (including institutions of higher education participating in the William Ford Direct Loan Program), shall develop and make available high quality educational programs and materials to provide training for students and families in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using high interest loans to pay for postsecondary education. Such programs and materials shall address budgeting and financial management relating to student loans, and shall be made available to students and families, in a form and language that is understandable, before, during, and after the students' enrollment.*

*"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a guaranty agency from using existing activities, programs, and materials in meeting the requirements of this section.".*

### *SEC. 429. DEFINITION OF ELIGIBLE LENDER.*

*Section 435(d)(1)(A)(ii) (20 U.S.C. 1085(d)(1)(A)(ii)) is amended—*

*(1) by striking "part, or (III)" and inserting "part, (III)"; and*

*(2) by inserting before the semicolon at the end the following: ", or (IV) it is a National or State chartered bank with assets of less than $1,000,000,000".*

### *SEC. 430. COHORT DEFAULT RATES.*

*Section 435(m) (20 U.S.C. 1085(m)) is amended—*

*(1) in the first sentence of paragraph (1)(A), by striking "end of the following fiscal year" and inserting "beginning of the third fiscal year following the fiscal year in which the students entered repayment";*

*(2) in paragraph (1)(C), by striking "end of the fiscal year immediately following the year in which they entered repayment" and inserting "beginning of the third fiscal year following the year in which they entered repayment";*

*(3) in paragraph (2)(C), by striking "end of such following fiscal year is not considered as in default for the purposes of this subsection" and inserting "beginning of the third fiscal year following the year in which the loan entered repayment is not considered as in default for purposes of this subsection"; and*

*(4) in paragraph (4)—*

*(A) by amending the header to read as follows: "COLLECTION AND REPORTING OF COHORT DEFAULT RATES AND LIFE OF COHORT DEFAULT RATES.—"; and*

*(B) by amending subparagraph (A) to read as follows:*

*"(A) The Secretary shall collect data from all insurers under this part and shall publish not less often than once every fiscal year a report showing cohort default data and life of cohort default data for each category of institution, including (i) 4-year public institutions, (ii) 4-year private nonprofit institutions, (iii) 2-year public institutions, (iv) 2-year private institutions, (v) 4-year proprietary institutions, (vi) 2-year proprietary institutions, and (vii) less than 2-year proprietary institutions. For purposes of this subparagraph, the life of cohort default rate means, for any fiscal year in which 1 or more current and former students at an institution enter repayment on loans under section 428, 428A, or 428H, received for attendance at the institution, the percentage of those current and former students who enter repayment on such loans (or on the portion of a loan made under section 428C that is used to repay any such loans) received for attendance at the institution in that fiscal year who default before the end of each succeeding fiscal year.".*

### *SEC. 431. DISABILITY DETERMINATIONS.*

*Section 437(a) (20 U.S.C. 1087(a)) is amended by adding at the end the following new sentence: "A borrower who receives a permanent total disability rating from the Secretary of Veterans Affairs, and who provides documentation of such rating to the Secretary of Education, shall be considered permanently and totally disabled for the purpose of discharging such borrower's loans under this subsection, and such borrower shall not be required to present additional documentation for purposes of this subsection.".*

## *PART C—COLLEGE WORK/STUDY*

### *SEC. 441. REAUTHORIZATION.*

*(a) EXTENSION OF AUTHORITY.—Section 441 (42 U.S.C. 2751) is amended—*

*(1) in subsection (b), by striking "$1,000,000,000 for fiscal year 1999" and inserting "$1,500,000,000 for fiscal year 2009"; and*

*(2) in subsection (c)—*

*(A) by striking "and" at the end of paragraph (3);*

*(B) by striking the period at the end of paragraph (4) and inserting "; and"; and*

*(C) by adding at the end the following new paragraph:*

*"(5) responding to the needs of the community, which may include activities in preparation for and during emergencies and natural disasters.".*

*(b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Section 442(c)(4)(D) (42 U.S.C. 2752(d)(4)(D)) is amended by striking "$450" and inserting "$600".*

### *SEC. 442. ADDITIONAL FUNDS FOR OFF-CAMPUS COMMUNITY SERVICE.*

*Section 447 (42 U.S.C. 2756a) is amended—*

*(1) by striking "Each institution participating" and inserting "(a) COMMUNITY SERVICE-LEARNING.—Each institution participating"; and*

*(2) by adding at the end the following new subsection:*

*"(b) OFF-CAMPUS COMMUNITY SERVICE.—*

*"(1) GRANTS AUTHORIZED.—In addition to funds made available under section 443(b)(2)(B),*

*the Secretary is authorized to award grants to institutions participating under this part to supplement off-campus community service employment.*

*"(2) USE OF FUNDS.—In any year in which section 443(b)(2)(B) applies, an institution shall ensure that funds granted to such institution under this subsection are used in accordance with such section 443 to recruit and compensate students (including compensation for time spent in training and for travel directly related to such community service).*

*"(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applications that support postsecondary students assisting with early childhood education activities and activities in preparation for and during emergencies and natural disasters.*

*"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.".*

### SEC. 443. WORK COLLEGES.

*(a) WORK-LEARNING-SERVICE.—Section 448 (42 U.S.C. 2756b) is amended by striking "work-learning" each place it appears and inserting "work-learning-service".*

*(b) DEFINITION.—Section 448(e) is amended to read as follows:*

*"(e) DEFINITIONS.—For the purpose of this section—*

*"(1) the term 'work college' means an eligible institution that—*

*"(A) has been a public or private nonprofit, four-year, degree granting institution with a commitment to community service;*

*"(B) has operated a comprehensive work-learning-service program for at least 2 years;*

*"(C) requires all resident students, including at least one-half of all students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for at least 5 hours each week, or at least 80 hours during each period of enrollment, except summer school, unless the student is engaged in an institutionally organized or approved study abroad or externship program; and*

*"(D) provides students participating in the comprehensive work-learning-service program with the opportunity to contribute to their education and to the welfare of the community as a whole; and*

*"(2) the term 'comprehensive student work-learning-service program' means a student work-learning-service program that—*

*"(A) is an integral and stated part of the institution's educational philosophy and program;*

*"(B) requires participation of all resident students for enrollment and graduation;*

*"(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;*

*"(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;*

*"(E) recognizes the educational role of work-learning-service supervisors; and*

*"(F) includes consequences for nonperformance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program.".*

*(c) AUTHORIZATION.—Section 448(f) is amended—*

*(1) by striking "$5,000,000" and inserting "such sums as may be necessary"; and*

*(2) by striking "1999" and inserting "2009".*

## PART D—FEDERAL DIRECT STUDENT LOANS

### SEC. 451. REAUTHORIZATION.

*Section 458(a) (20 U.S.C. 1087h(a)) is amended—*

*(1) in paragraph (2)—*

*(A) in the heading of such paragraph, by striking "2011" and inserting "2013"; and*

*(B) by striking "2011" and inserting "2013"; and*

*(2) in paragraph (3), by striking "2011" and inserting "2013".*

### SEC. 452. PUBLIC SERVICE JOB DEFINITION.

*Section 455(m)(3)(B) (20 U.S.C. 1087e(m)(3)(B)) is amended to read as follows:*

*"(B) PUBLIC SERVICE JOB.—The term 'public service job' means—*

*"(i) a full-time job in emergency management, government (excluding time served as a member of Congress), military service, public safety, law enforcement, public health (including nurses, nurse practitioners, nurses in a clinical setting, and full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), public education, social work in a public child or family service agency, public interest law services (including prosecution or public defense or legal advocacy on behalf of low-income communities at a nonprofit organization), early childhood education (including licensed or regulated childcare, Head Start, and State funded prekindergarten), public service for individuals with disabilities, public service for the elderly, public library sciences, school-based library sciences and other school-based services, or at an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or*

*"(ii) teaching as a full-time faculty member at a Tribal College or University as defined in section 316(b) and other faculty teaching in high-needs subject areas or areas of shortage (including nurse faculty, foreign language faculty and part-time faculty at community colleges), as determined by the Secretary.".*

### SEC. 453. IDENTITY FRAUD PROTECTION.

*Section 455 (20 U.S.C. 1087e) is further amended by adding at the end the following new subsection:*

*"(n) IDENTITY FRAUD PROTECTION.—The Secretary of Education shall take such steps as may be necessary to ensure that monthly Direct Loan statements and other publications of the Department of Education do not contain more than 4 digits of the Social Security number of any individual.".*

### SEC. 454. DIRECT LOAN PROGRAM AUDIT AND REPORTING REQUIREMENTS.

*(a) AUDIT OF DIRECT LOAN SERVICING PORTFOLIO AND DIRECT LOAN SERVICING CONTRACTS.—Section 458 (20 U.S.C. 1087h) is amended by adding at the end the following:*

*"(d) AUDIT OF DIRECT LOAN SERVICING PORTFOLIO AND DIRECT LOAN SERVICING CONTRACTS.—The Secretary shall have a financial and compliance audit of all loans owned by the Department of Education and made under the William D. Ford Federal Direct Loan Program and all contracts for the origination, servicing, collection, and related activities of such loans, conducted annually by a qualified independent organization from a list of qualified organizations promulgated by the Secretary in accordance with standards established by the Comptroller General. The standards shall measure the servicer's compliance with the due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the servicer for the purpose of this section. The Secretary shall submit the audit to Congress within 60 days of its completion and shall at the same time make the results of the audit publicly available.".*

*(b) QUARTERLY REPORTING OF ADMINISTRATIVE EXPENSES.—Section 458 (20 U.S.C. 1087h) is further amended by adding at the end the following:*

*"(e) BUDGET JUSTIFICATION AND QUARTERLY REPORTS.—In addition to the requirements of subsection (c), and as a prerequisite to expending funds under this section, the Secretary shall—*

*"(1) make publicly available immediately upon providing to Congress, its annual budget justification referenced in the last sentence of subsection (c), including the detailed descriptions of activities and the costs for each such activity; and*

*"(2) make publicly available within 30 days of the close of each calendar quarter, an interim report with at least the same level of detail as the annual report referred to above, showing the detailed descriptions of activities and the costs for each such activity, for the quarter, which shall include—*

*"(A) amendments to any contracts entered into by the Department for the purposes of servicing, origination, consolidating, or otherwise providing administrative support for the Direct Loan program;*

*"(B) a complete listing of all milestones for upgrades and improvements in any of the contracts referenced in section 458(d)(1) and the progress towards meeting such milestones;*

*"(C) un-reconciled balances in held loans by year of origination;*

*"(D) status and number of defaulted loans by length of default in 30-day increments;*

*"(E) status and number of delinquent loans by length of delinquency in 30-day increments;*

*"(F) information technology purchases made under this section; and*

*"(G) costs and terms of all contracts with external consultants and employees of institutions of higher education.".*

*(c) ANNUAL REPORTING OF IMPACT OF DIRECT LOAN PROGRAM TREASURY BORROWING ON NATIONAL DEBT.—Section 458 (20 U.S.C. 1087(h)) is further amended by adding at the end the following subsection:*

*"(f) NATIONAL DEBT REPORT CARD.—The Secretary shall make an annual report to Congress, included with the budget justification for the Department, of the aggregate dollar amount of increase in the national debt as a result of loans made under part D of this title. This reporting shall be made by calculating the net of the total outstanding amount lent by the Department and the United States Treasury, less the balance in principal of performing and non-defaulted loans outstanding in the Department's portfolio.".*

## PART E—PERKINS LOANS

### SEC. 461. EXTENSION OF AUTHORITY.

*Section 461(b) (20 U.S.C. 1087aa(b)) is amended—*

*(1) in paragraph (1), by striking "$250,000,000 for fiscal year 1999" and inserting "$350,000,000 for fiscal year 2009"; and*

*(2) in paragraph (2), by striking "2003" each place it appears and inserting "2014".*

### SEC. 462. ALLOWANCE FOR BOOKS AND SUPPLIES.

*Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking "$450" and inserting "$600".*

### SEC. 463. AGREEMENTS WITH INSTITUTIONS.

*(a) TRANSFERS FOR COLLECTION.—Section 463(a)(4)(B) (20 U.S.C. 1087cc(a)(4)(B)) is amended to read as follows:*

*"(B) if the institution is not one described in subparagraph (A), the Secretary may allow such institution to refer such note or agreement to the Secretary, without recompense, except that any sums collected on such a loan (less an amount not to exceed 30 percent of any such sums collected to cover the Secretary's collection costs) shall be repaid to such institution no later than 180 days after collection by the Secretary and treated as an additional capital contribution under section 462;".*

*(b) REVISE AUTHORITY TO PRESCRIBE ADDITIONAL FISCAL CONTROLS.—Section 463(a)(9) (20 U.S.C. 1087cc(a)(9)) is amended by inserting ",*

*except that nothing in this paragraph shall be construed to permit the Secretary to require the assignment of loans to the Secretary other than as is provided for in paragraphs (4) and (5)" before the period.*

### SEC. 464. PERKINS LOAN TERMS AND CONDITIONS.

*(a) LOAN LIMITS.—Section 464(a) (20 U.S.C. 1087dd(a)) is amended—*

*(1) in paragraph (2)(A)—*

*(A) by striking "$4,000" in clause (i) and inserting "$5,500"; and*

*(B) by striking "$6,000" in clause (ii) and inserting "$8,000"; and*

*(2) in paragraph (2)(B)—*

*(A) by striking "$40,000" in clause (i) and inserting "$60,000";*

*(B) by striking "$20,000" in clause (ii) and inserting "$27,500"; and*

*(C) by striking "$8,000" in clause (iii) and inserting "$11,000".*

*(b) FORBEARANCE.—Section 464 (20 U.S.C. 1087dd) is further amended—*

*(1) in subsection (e)—*

*(A) in the matter preceding paragraph (1), by striking ", upon written request," and inserting ", as documented in accordance with paragraph (2),";*

*(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;*

*(C) by inserting "(1)" after "FORBEARANCE.—"; and*

*(D) by adding at the end the following:*

*"(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—*

*"(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and*

*"(B) recording the terms in the borrower's file.";*

*(2) in subsection (h)(1)(A), by striking "12 ontime" and inserting "9 on-time"; and*

*(3) in subsection (j)(2), by striking "(e)(3)" and inserting "(e)(1)(C)".*

### SEC. 465. CANCELLATION FOR PUBLIC SERVICE.

*Section 465(a) (20 U.S.C. 1087ee(a)) is amended—*

*(1) in paragraph (2)—*

*(A) by amending subparagraph (A) to read as follows:*

*"(A) as a full-time teacher for service in an academic year in a high-need school;";*

*(B) in subparagraph (B), by striking "Head Start Act which" and inserting "Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that";*

*(C) in subparagraph (H), by striking "or" after the semicolon;*

*(D) in subparagraph (I), by striking the period and inserting a semicolon; and*

*(E) by inserting before the matter following subparagraph (I) the following:*

*"(J) as a full-time fire fighter for service to a local, State, or Federal fire department or fire district;*

*"(K) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;*

*"(L) as a librarian, if the librarian has a master's degree in library science and is employed in—*

*"(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or*

*"(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or*

*"(M) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965."; and*

*(2) in paragraph (3)(A)—*

*(A) in clause (i)—*

*(i) by inserting "(D)," after "(C),"; and*

*(ii) by striking "or (I)" and inserting "(I), (J), (K), (L), or (M)";*

*(B) in clause (ii), by inserting "or" after the semicolon;*

*(C) by striking clause (iii); and*

*(D) by redesignating clause (iv) as clause (iii).*

## PART F—NEED ANALYSIS

### SEC. 471. COST OF ATTENDANCE.

*(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087kk(3)) is amended—*

*(1) in subparagraph (B), by striking "and" after the semicolon;*

*(2) by redesignating subparagraph (C) as subparagraph (D); and*

*(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:*

*"(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and".*

*(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2009.*

### SEC. 472. DISCRETION TO MAKE ADJUSTMENTS FOR NURSING HOME EXPENSES.

*Section 479A(a) (20 U.S.C. 1087tt) is amended by striking "medical or dental expenses" and inserting "medical, dental, or nursing home expenses".*

### SEC. 473. DEFINITIONS.

*(a) TOTAL INCOME.—Section 480(a) (20 U.S.C. 1087vv(a)) is amended by adding at the end the following new paragraph:*

*"(3) Notwithstanding paragraph (1), with respect to dislocated workers (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), the term 'total income' is equal to estimated adjusted gross income plus estimated untaxed income and benefits for the current tax year minus estimated excludable income (as defined in subsection (e)) in for the current tax year.".*

*(b) UNTAXED INCOME AND BENEFITS.—Section 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting ", except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded" before the semicolon.*

*(c) TREATMENT OF VETERANS' EDUCATION BENEFITS IN ESTIMATED FINANCIAL ASSISTANCE CALCULATION.—Section 480(j) (20 U.S.C. 1087vv(j)) is amended by adding at the end the following new paragraph:*

*"(4) Notwithstanding paragraph (1), for the first year a student receives veterans' education benefits under chapter 30 of title 38, United States Code, the amount of such veterans' education benefits that is treated as estimated financial assistance not received under this title for the purposes of section 471(3) shall be calculated by subtracting the amount that the student's basic pay was reduced under section 3011(b) or 3012(c) of such title in order to be eligible to receive such benefits from the amount of such veterans' education benefits.".*

*(d) EFFECTIVE DATE.—The amendments made by this section are effective on July 1, 2009.*

## PART G—GENERAL PROVISIONS

### SEC. 481. COMPLIANCE CALENDAR.

*Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:*

*"(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—*

*"(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;*

*"(2) the required recipients of each report or disclosure;*

*"(3) any required method for transmittal or dissemination of each report or disclosure;*

*"(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;*

*"(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and*

*"(6) any other information which is pertinent to the content or distribution of the report or disclosure.".*

### SEC. 482. IMPROVEMENTS TO PAPER AND ELECTRONIC FORMS AND PROCESSES.

*(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—Section 483 (20 U.S.C. 1090) is amended—*

*(1) in subsection (a)—*

*(A) by striking paragraphs (1), (2), and (5);*

*(B) by redesignating paragraphs (3), (4), (6), and (7), as paragraphs (9), (10), (11), and (12), respectively;*

*(C) by inserting before paragraph (9), as redesignated by subparagraph (B), the following:*

*"(1) IN GENERAL.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than subpart 4 of part A). These forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the 'Free Application for Federal Student Aid' or the 'FAFSA' . The Secretary shall work to make the FAFSA consumer-friendly and to make questions on the FAFSA easy for students and parents to read and understand, and shall ensure that the FAFSA is available in formats accessible to individuals with disabilities.*

*"(2) EARLY ESTIMATES.—The Secretary shall—*

*"(A) permit applicants to enter data in such forms as described in this subsection in the years prior to enrollment in order to obtain a non-binding estimate of the applicant's family contribution (as defined in section 473);*

*"(B) permit applicants to update information submitted on forms described in this subsection, without needing to re-enter previously submitted information;*

*"(C) develop a means to inform applicants, in the years prior to enrollment, of student aid options for individuals in similar financial situations; and*

*"(D) develop a means to provide a clear and conspicuous notice that the applicant's expected family contribution is subject to change and may not reflect the final expected family contribution used to determine Federal student financial aid award amounts.*

*"(3) PAPER FORMAT.—*

*"(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of subparagraph (B).*

*"(B) EZ FAFSA.—*

*"(i) IN GENERAL.—The Secretary shall develop and use a simplified paper application form, to*

*be known as the EZ FAFSA, to be used for applicants meeting the requirements of subsections (b) and (c) of section 479.*

*"(ii) REDUCED DATA REQUIREMENTS.—The EZ FAFSA shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsections (b) and (c) of section 479.*

*"(iii) STATE DATA.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not include a State's data if that State does not permit its applicants to use the EZ FAFSA for State assistance.*

*"(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (7) shall apply to the EZ FAFSA, and the data collected by means of the EZ FAFSA shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).*

*"(v) TESTING.—The Secretary shall conduct appropriate field testing on the EZ FAFSA.*

*"(C) PROMOTING THE USE OF ELECTRONIC FAFSA.—*

*"(i) IN GENERAL.—The Secretary shall make all efforts to encourage all applicants to utilize the electronic forms described in paragraph (4).*

*"(ii) MAINTENANCE OF THE FAFSA IN A PRINTABLE ELECTRONIC FILE.—The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable. The printable electronic file will be made easily accessible and downloadable to students on the same website used to provide students with the electronic application forms described in paragraph (4) of this subsection. The Secretary shall enable students to submit a form created under this subparagraph that may be downloaded and printed from an electronic file format in order to meet the filing requirements of this section and in order to receive aid from programs under this title.*

*"(iii) REPORTING REQUIREMENT.—The Secretary shall report annually to Congress on the impact of the digital divide on students completing applications for title IV aid described under this paragraph and paragraph (4). The Secretary will also report on the steps taken to eliminate the digital divide and reduce production of the paper form described in subparagraph (A) of this paragraph. The Secretary's report will specifically address the impact of the digital divide on the following student populations: independent students, traditionally underrepresented students, and dependent students.*

*"(4) ELECTRONIC FORMAT.—*

*"(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in electronic format to meet the requirements of paragraph (1). The Secretary shall develop common electronic forms for applicants who do not meet the requirements of subparagraph (C) of this paragraph.*

*"(B) STATE DATA.—The Secretary shall include on the common electronic forms space for information that needs to be entered for the applicant to be eligible for State financial assistance, as provided under paragraph (6), except the Secretary shall not require applicants to enter data required by any State other than the applicant's State of residence.*

*"(C) SIMPLIFIED APPLICATIONS: FAFSA ON THE WEB.—*

*"(i) IN GENERAL.—The Secretary shall develop and use a simplified electronic application form to be used by applicants meeting the requirements under subsections (b) and (c) of section 479.*

*"(ii) REDUCED DATA REQUIREMENTS.—The simplified electronic application forms shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 479.*

*"(iii) STATE DATA.—The Secretary shall include on the simplified electronic application forms such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not require applicants to enter data required by any State other than the applicant's State of residence.*

*"(iv) AVAILABILITY AND PROCESSING.—The data collected by means of the simplified electronic application forms shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).*

*"(v) TESTING.—The Secretary shall conduct appropriate field testing on the forms developed under this subparagraph.*

*"(D) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software provider, a consortium thereof, or such other entities as the Secretary may designate.*

*"(E) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the forms. Data collected by such electronic version of the forms shall be used only for the application, award, and administration of aid awarded under this title, State aid awarded under section 415C, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.*

*"(F) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic form under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (G) of this paragraph.*

*"(G) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary may assign to applicants personal identification numbers—*

*"(i) to enable the applicants to use such numbers in lieu of a signature for purposes of completing a form under this paragraph;*

*"(ii) to enable the applicants to use such numbers in lieu of a signature for purposes of completing forms required by States under section 415C; and*

*"(iii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.*

*"(H) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—The Secretary shall implement a real-time data match between the Social Security Administration and the Department to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.*

*"(5) STREAMLINING.—*

*"(A) STREAMLINED REAPPLICATION PROCESS.—*

*"(i) IN GENERAL.—The Secretary shall develop streamlined reapplication forms and processes, including both paper and electronic reapplication processes, consistent with the requirements of this subsection, for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to the year in which such applicant first applied for financial assistance under this title.*

*"(ii) MECHANISMS FOR REAPPLICATION.—The Secretary shall develop appropriate mechanisms to support reapplication.*

*"(iii) IDENTIFICATION OF UPDATED DATA.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that can be updated from the previous academic year's application.*

*"(iv) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.*

*"(v) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except that which is necessary to determine eligibility under such section.*

*"(B) REDUCTION OF DATA ELEMENTS.—*

*"(i) REDUCTION ENCOURAGED.—Of the number of data elements on the FAFSA on the date of enactment of the College Opportunity and Affordability Act of 2007 (including questions on the FAFSA for the purposes described in paragraph (6)), the Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall continue to reduce the number of such data elements required to be entered by all applicants, with the goal of reducing such number by 50 percent. Reductions of data elements under paragraph (3)(B), (4)(C), or (5)(A)(iv) shall not be counted towards such reduction unless those data elements are reduced for all applicants.*

*"(ii) REPORT.—The Secretary shall submit a report on the process of this reduction to each the authorizing committees within 2 years after such date of enactment.*

*"(6) STATE REQUIREMENTS.—*

*"(A) IN GENERAL.—The Secretary shall include on the forms developed under this subsection, such State-specific nonfinancial data items as the Secretary determines are necessary to meet State requirements for need-based State aid under section 415C, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. Such items shall be selected in consultation with State agencies that submit applications under section 415C in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. The number of such data items shall not be less than the number included on the form for the 2008–2009 academic year, unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.*

*"(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review process to determine which forms and nonfinancial data items the States require to award need-based State aid and other application requirements that the States may impose.*

*"(C) STATE USE OF SIMPLIFIED FORMS.—The Secretary shall encourage States to take such steps as necessary to encourage the use of simplified application forms, including those described in paragraphs (3)(B) and (4)(C), to meet the requirements under subsection (b) or (c) of section 479.*

*"(D) FEDERAL REGISTER NOTICE.—The Secretary shall publish on an annual basis a notice in the Federal Register requiring State agencies to inform the Secretary—*

*"(i) if the State agency is unable to permit applicants to utilize the simplified application forms described in paragraphs (3)(B) and (4)(C); and*

*"(ii) of the State-specific nonfinancial data that the State agency requires for delivery of State need-based financial aid.*

*"(E) STATE NOTIFICATION TO THE SECRETARY.—*

*"(i) IN GENERAL.—Each State agency that submits an application under section 415C shall notify the Secretary—*

*"(I) whether the State permits an applicant to file a form described in paragraph (3)(B) or (4)(A) of this subsection for purposes of determining eligibility for State need-based grant aid; and*

*"(II) the State-specific nonfinancial data that the State agency requires for delivery of State need-based financial aid.*

*"(ii) ACCEPTANCE OF FORMS.—In the event that a State does not permit an applicant to file a form described in paragraph (3)(B) or (4)(A) of this subsection for purposes of determining eligibility for State need-based grant aid—*

*"(I) the State shall notify the Secretary if the State is not permitted to do so because of either State law or because of agency policy; and*

*"(II) the notification under subclause (I) shall include an estimate of the program cost to permit applicants to complete simplified application forms under paragraphs (3)(B) and (4)(A) of this subsection.*

*"(iii) LACK OF NOTIFICATION BY THE STATE.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—*

*"(I) permit residents of that State to complete simplified application forms under paragraphs (3)(B) and (4)(A) of this subsection; and*

*"(II) not require any resident of that State to complete any nonfinancial data previously required by that State under this section.*

*"(7) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—*

*"(A) FEES PROHIBITED.—The FAFSA, in whatever form (including the EZ FAFSA, paper, electronic, simplified, or reapplication), shall be produced, distributed, and processed by the Secretary and no parent or student shall be charged a fee for the collection, processing, or delivery of financial aid through the use of the FAFSA. The need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A) may only be determined by using the FAFSA developed by the Secretary pursuant to this subsection. No student may receive assistance under parts A through E of this title (other than under subpart 4 of part A), except by use of the FAFSA developed by the Secretary pursuant to this subsection. No data collected on a form for which a fee is charged shall be used to complete the FAFSA.*

*"(B) NOTICE.—Any entity that provides to students and parents, or charges students or parents for, any value-added services with respect to or in connection with the FAFSA, such as completion of the FAFSA, submission of the FAFSA, or tracking of the FAFSA for a student, shall provide to students and parents clear and conspicuous notice that—*

*"(i) the FAFSA is a free Federal student aid application;*

*"(ii) the FAFSA can be completed without professional assistance; and*

*"(iii) includes the current Internet address for the FAFSA on the Department's web site.*

*"(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit a form created under this subsection in order to meet the filing requirements of this section and in order to receive aid from programs under this title and shall initiate the processing of applications under this subsection as early as practicable prior to October 15 of the year prior to the student's planned year of enrollment.";*

*(2) by adding at the end of subsection (a) the following paragraph:*

*"(13) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—*

*"(A) PROGRAM REQUIRED.—The Secretary shall, no later than two years after the date of the enactment of the College Opportunity and Affordability Act of 2007, implement an early application demonstration program enabling dependent students to—*

*"(i) complete applications under this subsection in such students' junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education;*

*"(ii) receive an estimate of such students' financial aid awards;*

*"(iii) update, in the year prior to such students' planned year of enrollment, the information contained in an application submitted under clause (i), using the process described in paragraph (5) to determine such students' final financial aid awards; and*

*"(iv) receive final financial aid awards based on updated information described in clause (iii).*

*"(B) PURPOSE AND OBJECTIVES.—The purpose of the demonstration program under this paragraph shall be to measure the benefits, in terms of student aspirations and plans to attend college, and the adverse effects, in terms of program costs, integrity, distribution, and delivery of aid under this title, of implementing an early application system for all dependent students that allows dependent students to apply for financial aid using information from the year prior to the year prior to enrollment. Additional objectives associated with implementation of the demonstration program are the following:*

*"(i) Measure the feasibility of enabling dependent students to apply for Federal, State, and institutional financial aid in their junior year of high school, using information from the year prior to the year prior to enrollment, by completing any of the application forms under this subsection.*

*"(ii) Identify whether receiving final financial aid awards no later than the fall of the senior year provides students with additional time to compete for the limited resources available for State and institutional financial aid and positively impacts the college aspirations and plans of these students.*

*"(iii) Measure the impact of using income information from the years prior to enrollment on—*

*"(I) eligibility for financial aid under this title and for other State and institutional aid; and*

*"(II) the cost of financial aid programs under this title.*

*"(iv) Effectively evaluate the benefits and adverse effects of the demonstration program on program costs, integrity, distribution, and delivery of aid.*

*"(C) PARTICIPANTS.—The Secretary shall select States and institutions within those States to participate in the demonstration program under this paragraph that are participating in the programs under this title and that are willing to make final financial aid awards to students based on their application information from the year prior to the year prior to enrollment. The Secretary shall also select as participants in the demonstration program secondary schools and dependent students that are located in the participating States.*

*"(D) APPLICATION PROCESS.—The Secretary shall insure that the following provisions are included in the demonstration program:*

*"(i) Participating States and institutions shall—*

*"(I) encourage participating students to apply for estimates of financial aid awards as provided under this title in such students' junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education, using the most recent information available; and*

*"(II) make final financial aid awards to participating students based on the updated information contained on a form submitted using the process described in paragraph (5).*

*"(ii) Financial aid administrators at participating institutions shall be allowed to use their discretion in awarding financial aid to participating students, as outlined under section 479A and section 480(d)(7).*

*"(E) EVALUATION.—The Secretary shall conduct a rigorous evaluation of this demonstration program in order to measure its benefits and adverse effects as indicated under subparagraph (A).*

*"(F) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States of the demonstration program under this paragraph. Upon determination of participating States, the Secretary shall continue to make efforts to notify institutions and dependent students within participating States of the opportunity to participate in the demonstration program and of the participation requirements.*

*"(G) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance, established under section 491, on the design and implementation of the demonstration program and on the evaluation described in subparagraph (E).";*

*(3) by striking subsection (b); and*

*(4) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.*

*(b) MASTER CALENDAR.—Section 482(a)(1) (20 U.S.C. 1089(a)(1)) is amended by striking subparagraphs (B) and (C) and inserting the following:*

*"(B) by March 1: proposed modifications, updates, and notices pursuant to sections 478 and 483(a)(6) published in the Federal Register;*

*"(C) by June 1: final modifications, updates, and notices pursuant to sections 478 and 483(a)(6) published in the Federal Register;".*

*(c) MODEL INSTITUTION FINANCIAL AID OFFER FORM.—*

*(1) REPORT AND MODEL FORMAT.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall—*

*(A) prepare a report on the adequacy of the financial aid offer forms provided by institutions of higher education to students and the parents of such students, after consulting with—*

*(i) students;*

*(ii) parents of students;*

*(iii) representatives of institutions of higher education (including financial aid administrators, registrars, and business officers); and*

*(iv) consumer groups that receive no commercial or institution of higher education support;*

*(B) include in the report a model format for financial aid offer forms that—*

*(i) is based on the report's findings; and*

*(ii) includes the information described in paragraph (2); and*

*(C)(i) submit the report and model format to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003); and*

*(ii) make the report and model format available to institutions of higher education, lenders, and the public.*

*(2) MODEL FORMAT CONTENTS.—The model financial aid offer format developed under paragraph (1) shall present, in a consumer-friendly manner, the following information:*

*(A) The student's cost of attendance for the year for which the institution of higher education is issuing the financial aid offer form, including the actual or estimated costs included in the cost of attendance for such year for each of the following:*

*(i) Tuition and fees.*

*(ii) Room and board costs.*

*(iii) Books and supplies.*

*(iv) Transportation.*

*(B) The amount of financial aid that the student does not have to repay, such as scholarships and grants, offered to the student for such year.*

*(C) The conditions under which the financial aid described in subparagraph (B) is renewable each year.*

*(D) The amount of work-study assistance offered to the student for such year, and the conditions under which the student has to fulfill the work-study assistance.*

*(E) The types and amounts of loans under part B, D, or E of title IV for which the student is eligible for such year, and the interest rate, loan term, monthly repayment amount, and total repayment amount of each such loan.*

*(F) The types and amounts of loans under 428B or Federal Direct PLUS loans under section 455 for which a parent of the student is eligible for such year, and the interest rate, loan term, monthly repayment amount, and total repayment amount of each such loan.*

*(G) The net amount that the student or the student's parent will have to pay to attend the institution for such year, which amount shall be the difference between—*

*(i) the cost of attendance for the student for such year; less*

*(ii) the amount of financial aid offered by the covered institution in the financial aid offer form.*

*(H) Where a student or the student's parent can seek additional information regarding the financial aid offered.*

*(I) Any other information the Secretary determines necessary so that students and parents can make informed student loan borrowing decisions.*

***SEC. 483. INCREASING ACCESS TO TECHNOLOGY.***

*Section 483 (20 U.S.C. 1087ss) is further amended by adding at the end the following:*

*"(e) ADDRESSING THE DIGITAL DIVIDE.—The Secretary shall utilize savings accrued by moving more applicants to the electronic forms described in subsection (a)(4) to improve access to the electronic forms described in subsection (a)(4) for applicants meeting the requirements of section 479(b) or (c).".*

***SEC. 484. SENSE OF THE CONGRESS; REPORT.***

*(a) SENSE OF CONGRESS.—It is the sense of the Congress that—*

*(1) in order to simplify the Free Application for Federal Student Aid (FAFSA), which serves as an entry point for the scholarships, grants, loans, and work-study assistance that make it possible for millions of students to attend college, the Secretary of Education and the Secretary of the Treasury should work together to develop a process by which the Department of Education will, with the aid applicant's permission, draw income information directly from the Internal Revenue Service for the purpose of completing the EZ FAFSA, the FAFSA, and FAFSA renewal applications and providing early estimates of aid eligibility; and*

*(2) this process would—*

*(A) ease the burden of reporting income-related information for applicants;*

*(B) increase the efficiency, accuracy, and security of the FAFSA filing process;*

*(C) significantly reduce the need for further verification by the Department of Education, institutions, and applicants; and*

*(D) protect the security, privacy, and safety of all data used in the FAFSA filing process.*

*(b) REPORT.—The Secretary of Education shall, within one year after the date of enactment of this Act—*

*(1) provide the Congress with information on the progress in devising the simplified process described in subsection (a); and*

*(2) inform the Congress of any necessary statutory changes for the purpose of increasing the efficiency and effectiveness of the FAFSA application process.*

***SEC. 485. STUDENT ELIGIBILITY.***

*(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (4)(B), by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, or"; and*

*(B) in paragraph (5), by striking "a citizen of any one of the Freely Associated States" and inserting "or, to the extent described in subsection (j), a citizen of the Republic of Palau";*

*(2) by amending subsection (j) to read as follows:*

*"(j) ASSISTANCE UNDER SUBPART 1 OF PART A FOR STUDENTS FROM PALAU.—Notwithstanding any other provision of law, a student shall be eligible until September 30, 2009, for assistance under subpart 1 of part A if the student is otherwise qualified and—*

*"(1) is a citizen of the Republic of Palau and attends an institution of higher education in a State or a public or nonprofit private institution of higher education in the Freely Associated States; or*

*"(2) meets the requirements of subsection (a)(5) and attends a public or nonprofit private institution of higher education in any one of the Freely Associated States.";*

*(3) by striking subsection (l) and inserting the following:*

*"(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—*

*"(1) RELATION TO CORRESPONDENCE COURSES.—*

*"(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.*

*"(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.*

*"(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.*

*"(3) SPECIAL RULE.—For award years prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.";*

*(4) in subsection (r)(2)—*

*(A) in subparagraph (A), by striking "or" at the end of clause (ii);*

*(B) by redesignating subparagraph (B) as subparagraph (C); and*

*(C) by inserting after subparagraph (A) the following new subparagraph:*

*"(B) the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe in regulations for purposes of subparagraph (A)(i); or"; and*

*(5) by adding at the end the following:*

*"(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—*

*"(1) IN GENERAL.—Notwithstanding subsections (a), (c), and (d), in order to receive any grant or work assistance under section 401 and subpart 3 of part A and part C of this title, a student with an intellectual disability shall—*

*"(A) be an individual with an intellectual disability whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning;*

*"(B)(i) be a student eligible for assistance under the Individuals with Disabilities Education Act who has completed secondary school; or*

*"(ii) be an individual who was, but is no longer, eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State provides a free appropriate public education;*

*"(C) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program that—*

*"(i) is designed to support students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at the institution in order to prepare for gainful employment and independent living;*

*"(ii) includes an advising and curriculum structure; and*

*"(iii) requires students to participate on at least a half-time basis, as determined by the institution, including—*

*"(I) regular enrollment in courses offered by the institution;*

*"(II) auditing or participating in courses offered by the institution for which the student does not receive regular academic credit;*

*"(III) enrollment in noncredit, nondegree courses;*

*"(IV) participation in internships; or*

*"(V) a combination of 2 or more of the activities described in clauses (i) through (iv);*

*"(D) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and*

*"(E) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).*

*"(2) REGULATIONS.—Notwithstanding rules applicable to grant or work assistance awards made under section 401 of part A, subpart 3 of part A, and part C of this title, including with respect to eligible programs, instructional time, credit status, and enrollment status as described in section 481, the Secretary shall promulgate regulations allowing programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection to receive such awards.*

*"(t) DATA ANALYSIS ON ACCESS TO FEDERAL STUDENT AID FOR CERTAIN POPULATIONS.—*

*"(1) DEVELOPMENT OF THE SYSTEM.—Within one year of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall, in consultation with the Central Processing System, analyze data from the FAFSA containing information regarding the number, characteristics, and circumstances of students denied Federal student aid based on a drug conviction while receiving Federal aid.*

*"(2) RESULTS FROM ANALYSIS.—The results from the analysis of such information shall be made available on a continuous basis via the Department of Education website and the Digest of Education and Statistics.*

*“(3) DATA UPDATING.—The data analyzed under this subsection shall be updated at the beginning of each award year and at least one additional time during such award year.*

*“(4) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the authorizing committees of the Congress, in each fiscal year, a report describing the results obtained by the establishment and operation of the data system authorized by this subsection.”.*

*(b) EFFECTIVE DATE.—The amendments made by this section shall take affect on July 1, 2009.*

### *SEC. 486. ASSESSMENT OF COSTS AND OTHER CHARGES.*

*Section 484A(b) (20 U.S.C. 1091a(b)) is amended—*

*(1) by striking “and” at the end of paragraph (1);*

*(2) by striking the period at the end of paragraph (2) and inserting “; and”; and*

*(3) by adding at the end the following new paragraph:*

*“(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy.”.*

### *SEC. 487. READMISSION REQUIREMENTS FOR SERVICEMEMBERS.*

*Section 484B(a)(2) (20 U.S.C. 1091b(a)(2)) is amended by adding at the end the following new subparagraph:*

*“(C) READMISSION REQUIREMENTS FOR SERVICEMEMBERS.—Any institution of higher education that requires any student—*

*“(i) who is a member of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, including members of the National Guard or other reserve component,*

*“(ii) who is on active duty, or is called or ordered to active duty (as defined in section 481(d)), and*

*“(iii) whose attendance at such institution is interrupted by such active duty,*

*to apply for readmission to such institution of higher education after the conclusion of such active duty shall submit to the Secretary a statement justifying such requirement.”.*

### *SEC. 488. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.*

*(a) DISCLOSURE OF POLICIES AND SANCTIONS RELATED TO COPYRIGHT INFRINGEMENT.—Section 485(a)(1) (20 U.S.C. 1092(a)(1)) is amended—*

*(1) by striking “and” at the end of subparagraph (N);*

*(2) by striking the period at the end of subparagraph (O) and inserting “; and” ; and*

*(3) by adding at the end the following new subparagraph:*

*“(P) institutional policies and sanctions related to copyright infringement, including—*

*“(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;*

*“(ii) a summary of the penalties for violation of Federal copyright laws;*

*“(iii) a description of the institution’s policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution’s information technology system; and*

*“(iv) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution’s information technology system.”.*

*(b) CRIMINAL OFFENSES REPORTED.—Section 485(f)(1) (20 U.S.C. 1092(f)(1)) is amended—*

*(1) in the matter preceding subparagraph (A), by inserting “, other than a foreign institution of higher education,” after “under this title”; and*

*(2) in subparagraph (F)—*

*(A) by striking clause (i) and inserting the following:*

*“(i) of the following criminal offenses reported to campus security authorities or local police agencies:*

*“(I) murder;*

*“(II) sex offenses, forcible or nonforcible;*

*“(III) robbery;*

*“(IV) aggravated assault;*

*“(V) intimidation;*

*“(VI) burglary;*

*“(VII) larceny-theft;*

*“(VIII) motor vehicle theft;*

*“(IX) destruction, damage, or vandalism of property;*

*“(X) simple assault;*

*“(XI) manslaughter;*

*“(XII) arson; and*

*“(XIII) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and”; and*

*(B) in clause (ii), by striking “of the crimes described in subclauses (I) through (VIII)” and inserting “for degree-granting institutions only, of the crimes described in subclauses (I) through (XII)”; and*

*(3) by adding at the end the following new subparagraph:*

*“(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which shall include procedures—*

*“(i) to notify the campus community in not more than 30 minutes in the event of a significant emergency or dangerous situation, involving an immediate threat to the health or safety of students or staff, occurring on the campus, in or on noncampus buildings or property, and on public property;*

*“(ii) to publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and*

*“(iii) to test emergency response and evacuation procedures on an annual basis.”.*

*(c) ADDITIONAL AMENDMENT.—Section 485(f) is further amended—*

*(1) by redesignating paragraph (15) as paragraph (18); and*

*(2) by inserting after paragraph (14) the following:*

*“(15) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary’s monitoring of such compliance.*

*“(16) BEST PRACTICES.—The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.*

*“(17) RETALIATION PROHIBITED.—No participating institution or officer, employee, or agent of the institution shall intimidate, threaten, coerce, or otherwise discriminate against any individual for the purpose of interfering with the implementation of any provision of this subsection, or any rights or privileges accorded under this subsection, or because the individual has complained, testified, assisted, or otherwise participated in any aspect of an investigation, proceeding, or hearing.”.*

*(d) ADDITIONAL REQUIREMENTS.—Section 485 (20 U.S.C. 1092) is amended by adding at the end the following new subsections:*

*“(h) TRANSFER OF CREDIT POLICIES.—*

*“(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the transfer of credit policies established by the institution which shall include a statement of the institution’s current transfer of credit policies that includes, at a minimum—*

*“(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and*

*“(B) a list of institutions of higher education with which the institution has established an articulation agreement.*

*“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—*

*“(A) authorize the Secretary or the National Advisory Committee on Institutional Quality and Integrity to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;*

*“(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;*

*“(C) limit the application of the General Education Provisions Act; or*

*“(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.*

*“(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—*

*“(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—*

*“(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:*

*“(i) the number of fires and the cause of each fire;*

*“(ii) the number of injuries related to a fire that result in treatment at a medical facility;*

*“(iii) the number of deaths related to a fire; and*

*“(iv) the value of property damage caused by a fire;*

*“(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;*

*“(C) the number of regular mandatory supervised fire drills;*

*“(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and*

*“(E) plans for future improvements in fire safety, if determined necessary by such institution.*

*“(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis submit to the Secretary a copy of the statistics required to be made available under subparagraph (A).*

*“(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall—*

*“(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and*

*“(B) make annual reports to the campus community on such fires.*

*“(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—*

*“(A) make such statistics submitted to the Secretary available to the public; and*

*“(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—*

*“(i) identify exemplary fire safety policies, procedures, programs, and practices;*

*“(ii) disseminate information to the Administrator of the United States Fire Administration;*

*“(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and*

*“(iv) develop a protocol for institutions to review the status of their fire safety systems.*

*“(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—*

*“(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;*

*“(B) affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);*

*“(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or*

*“(D) establish any standard of care.*

*“(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.*

*“(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.*

*“(8) RETALIATION PROHIBITED.—No participating institution or officer, employee, or agent of the institution shall intimidate, threaten, coerce, or otherwise discriminate against any individual for the purpose of interfering with the implementation of any provision of this subsection, or any rights or privileges accorded under this subsection, or because the individual has complained, testified, assisted, or otherwise participated in any aspect of an investigation, proceeding, or hearing.*

*“(j) MISSING PERSON PROCEDURES.—*

*“(1) FORM AND PROTOCOLS.—Each institution of higher education participating in any program under this title shall—*

*“(A) include on its form for registration or enrollment of students an item in which the student can elect to identify an individual to be notified and police to be notified by the university within 24 hours of when a student is reported missing to the university, and*

*“(B) establish protocols for missing students that—*

*“(i) require any missing person report relating to any student be referred to the institution's police or campus security department; and*

*“(ii) if, on investigation of the report, such department determines that the missing person has been missing for more than 24 hours, require—*

*“(I) such department to refer to the item on the registration document required under subparagraph (A) and contact the individual named by the student in such item; and*

*“(II) if the student is under 18 years of age, the institution of higher education to automatically contact the parents of such student.*

*“(2) WAIVER.—The item required by paragraph (1)(A) shall explicitly and prominently state that by identifying an individual to contact in the case of disappearance, the student waives any right to sue based on Federal or State privacy law in the event that a missing persons notification is made to the individual named by such student in such item.*

*“(3) ADDITIONAL REMEDIES PERMITTED.—Nothing in this subsection shall be construed to prevent or discourage an institution of higher education from taking additional measures with respect to missing students beyond those required by this subsection.*

*“(k) NOTICE TO STUDENTS CONCERNING PENALTIES FOR DRUG VIOLATIONS.—Each institution of higher education shall provide to each student, upon enrollment, a separate, clear, and conspicuous written notice that advises the student of the penalties under section 484(r).”.*

### SEC. 489. ARTICULATION AGREEMENTS.

*Part G of title IV is amended by inserting after section 486 (20 U.S.C. 1093) the following new section:*

### “SEC. 486A. ARTICULATION AGREEMENTS.

*“(a) PROGRAM TO ENCOURAGE ARTICULATION AGREEMENTS.—*

*“(1) PROGRAM REQUIREMENTS.—The Secretary shall carry out a program for States, in cooperation with public institutions of higher education, to develop, enhance, and implement comprehensive articulation agreements among such institutions in a State, and (to the extent practicable) across State lines, by 2010. Such articulation agreements shall be made widely and publicly available on the websites of States and institutions, and on the application materials of such institutions. In developing, enhancing, and implementing articulation agreements, States and public institutions of higher education may employ strategies, where applicable, including—*

*“(A) common course numbering;*

*“(B) a general education core curriculum;*

*“(C) developing or expanding articulation agreements that include both public and private institutions of higher education; and*

*“(D) other strategies identified by the Secretary.*

*“(2) TECHNICAL ASSISTANCE PROVIDED.—The Secretary shall provide technical assistance to States and institutions of higher education for the purposes of developing and implementing articulation agreements in accordance with this subsection.*

*“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the academic freedom or choices of institutions of higher education.*

*“(b) STUDY REQUIRED.—The Secretary shall conduct a study to review the articulation agreements at State-based college and university systems, including junior or community colleges, as well as those at other institutions of higher education, including private non-profit and for-profit institutions. Such study shall consider—*

*“(1) the extent to which States and institutions have developed and implemented articulation agreements;*

*“(2) with respect to the articulation agreements developed—*

*“(A) the number and types of institutions participating the programs offered;*

*“(B) the cost-savings to the participating institutions and to the students;*

*“(C) what strategies are being employed, including common course numbering and general education core curriculum;*

*“(D) the effective use of technologies to contain costs, maintain quality of instruction, and inform students; and*

*“(E) a description of the students to whom the articulation agreements are offered and, to the extent practicable, a description of the students who take advantage of the articulation agreements;*

*“(3) best practices and innovative strategies employed to implement effective articulation agreements; and*

*“(4) barriers to the implementation of articulation agreements, including technological and informational barriers.*

*“(c) REPORT.—The Secretary shall submit to the authorizing committees an interim report on the study required by this section not later than 2 years after the date of enactment of the College Opportunity and Affordability Act of 2007 and a final report on such study not later than January 1, 2013.*

*“(d) DEFINITION.—In this section, the term ‘articulation agreement’ means an agreement between institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree requirements.”.*

### SEC. 490. PROGRAM PARTICIPATION AGREEMENTS.

*(a) ADDITIONAL REQUIREMENTS.—Section 487(a) (20 U.S.C. 1094(a)) is amended—*

*(1) by adding at the end of paragraph (23) the following new subparagraph:*

*“(D) The institution shall be considered in compliance with the requirements of subparagraph (A) for each student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, provided such information is in an electronic message devoted exclusively to voter registration.”; and*

*(2) by adding at the end the following new paragraphs:*

*“(24)(A) A covered institution that has entered into a preferred lender arrangement will compile, maintain, and make available for students attending the institution (or the parents of such students) a list, in print or any other medium, of the specific lenders for educational loans that the institution recommends, promotes, or endorses in accordance with such preferred lender arrangement. In compiling, maintaining, and making available such list, the institution will—*

*“(i) clearly and fully disclose on such list—*

*“(I) no less than the information required to be disclosed in the model disclosure form, or updated model disclosure form, required under section 153;*

*“(II) why the institution has entered into a preferred lender arrangement with each listed lender, particularly with respect to terms and conditions favorable to the borrower; and*

*“(III) that the students attending the institution (or the parents of such students) do not have to borrow from a listed lender;*

*“(ii) ensure, through the use of the list provided by the Secretary under subparagraph (B), that—*

*“(I) there are not less than 3 lenders of loans made under part B that are not affiliates of each other included on such list and, if the institution recommends, promotes, or endorses private educational loans, there are not less than 2 lenders of private educational loans that are not affiliates of each other included on such list;*

*“(II) the list under this subparagraph—*

*“(aa) specifically indicates, for each listed lender, whether the lender is or is not an affiliate of each other lender on the list; and*

*“(bb) if a lender is an affiliate of another lender on the list, describes the details of such affiliation;*

*“(iii) prominently disclose the method and criteria used by the institution in selecting lenders with which to enter into preferred lender arrangements to ensure that such lenders are selected on the basis of the benefits provided to borrowers, including—*

*"(I) highly competitive interest rates, terms, or conditions of Federal and private educational loans;*

*"(II) high-quality servicing for such loans; or*

*"(III) additional benefits beyond the standard terms and conditions for such loans;*

*"(iv) exercise a duty of care and a duty of loyalty to compile the list under this subparagraph without prejudice and for the sole benefit of the students attending the institution (or the parents of such students);*

*"(v) not deny or otherwise impede the borrower's choice of a lender or cause unnecessary delays in loan certification under this title for those borrowers who choose a lender that has not been recommended, promoted, or endorsed by the institution; and*

*"(vi) comply with such other requirements as the Secretary may prescribe by regulation.*

*"(B) The Secretary shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the institutions for use in carrying out subparagraph (A).*

*"(C) For the purposes of subparagraph (A)—*

*"(i) the term 'affiliate' means a person that controls, is controlled by, or is under common control with another person;*

*"(ii) a person controls, is controlled by, or is under common control with another person if—*

*"(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;*

*"(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or*

*"(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person;*

*"(iii) the term 'preferred lender arrangement' has the meaning provided in section 151; and*

*"(iv) the term 'educational loans' has the meaning provided in section 151, except that such term does not include loans under section 499(b) or under parts D or E of this title.*

*"(25) The institution will submit to the Secretary annually, in such form as the Secretary may prescribe, data on—*

*"(A) the number and percentage of students taking classes in whole or in part on-line or through distance education;*

*"(B) of such students, the number and percentage of those taking their classes exclusively on-line or through distance education; and*

*"(C) the number and percentage of courses offered by the institution that are offered on-line or through distance education.".*

*(b) REPORTS ON DISCIPLINARY PROCEEDINGS.—*

*(1) AMENDMENT.—Section 487(a) (20 U.S.C. 1094(a)) is further amended by adding after paragraph (25), as added by subsection (a) of this section, the following new paragraph:*

*"(26) The institution will, upon request, disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18), or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.".*

*(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any disciplinary proceeding conducted by such institution on or after one year after the date of enactment of this Act.*

*(c) ENFORCING THE 90/10 RULE.—*

*(1) AMENDMENT.—Section 487(a) (20 U.S.C. 1094(a)) is further amended by adding at the end the following new paragraph:*

*"(27) A proprietary institution of higher education (as defined in section 102(b)) will, as calculated in accordance with subsection (f)(1) of this section, have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (f)(2) of this section.".*

*(2) IMPLEMENTATION.—Section 487 is further amended by adding at the end the following new subsection:*

*"(f) IMPLEMENTATION OF NON-TITLE IV REVENUE REQUIREMENT.—*

*"(1) CALCULATION.—In carrying out subsection (a)(27), a proprietary institution of higher education shall—*

*"(A) use the cash basis of accounting;*

*"(B) consider as revenue only those funds generated by the institution from—*

*"(i) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under this title;*

*"(ii) activities conducted by the institution, to the extent not included in tuition, fees, and other institutional charges, that are necessary for the education or training of its students who are enrolled in programs eligible for assistance under this title, if such activities are—*

*"(I) conducted on campus or at a facility under the control of the institution;*

*"(II) performed under the supervision of a member of the institution's faculty; and*

*"(III) required to be performed by all students in a specific educational program at the institution; and*

*"(iii) funds paid by a student, or on behalf of a student by a party other than the institution, for an education or training program that is not eligible for funds under this title, provided that the program is approved or licensed by the appropriate State agency and is accredited by an accrediting agency recognized by the Secretary;*

*"(C) presume that any title IV program funds disbursed or delivered to or on behalf of a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits those funds to the student's account or pays those funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—*

*"(i) grant funds provided by non-Federal public agencies or private sources independent of the institution;*

*"(ii) funds provided under a contractual arrangement with Federal, State, or local government agencies for the purpose of providing job training to low-income individuals who are in need of that training; or*

*"(iii) funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986, provided that the institution can reasonable demonstrate such funds were used to pay the student's tuition, fees, or other institutional charges;*

*"(D) include institutional aid as revenue to the school only as follows:*

*"(i) in the case of institutional loans, only the amount of loan repayments received during the fiscal year; and*

*"(ii) in the case of institutional scholarships, only those provided by the institution in the form of monetary aid or tuition discounts based upon the academic achievements or financial need of students, disbursed during the fiscal year from an established restricted account, and only to the extent that funds in that account represent designated funds from an outside source or from income earned on those funds;*

*"(E) exclude from revenues—*

*"(i) the amount of funds it received under the Federal Work-Study program, unless the institution used those funds to pay a student's institutional charges;*

*"(ii) the amount of funds it received under the Leveraging Education Assistance Partnership program;*

*"(iii) the amount of institutional funds it used to match title IV program funds;*

*"(iv) the amount of title IV program funds that must be refunded or returned; or*

*"(v) the amount charged for books, supplies, and equipment unless the institution includes that amount as tuition, fees, or other institutional charges.*

*"(2) SANCTIONS.—*

*"(A) An institution that fails to meet the requirements of subsection (a)(27) for 2 consecutive fiscal years shall become ineligible to participate in the programs authorized by this title. To regain eligibility to participate in the programs authorized by this title, an institution that loses its eligibility as a sanction under this subparagraph must demonstrate compliance with all eligibility requirements for at least the 3 fiscal years following the fiscal year the institution became ineligible.*

*"(B) In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(27) in any fiscal year, the Secretary shall impose sanctions on the institution, which shall include—*

*"(i) placing the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27);*

*"(ii) requiring the institution to provide to the Secretary satisfactory evidence of its financial responsibility in accordance with section 498(c)(3); and*

*"(iii) requiring such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).*

*"(3) PUBLICATION ON COLLEGE NAVIGATOR WEBSITE.—The Secretary shall publicly disclose the identity of any institution that fails to meet the requirements of subsection (a)(27) on the College Navigator website.*

*"(4) REPORT TO CONGRESS.—The Secretary shall annually submit to the authorizing committees a report that contains, for each institution subject to the requirement of subsection (a)(27), the result of the calculation of revenue performed by each such institution pursuant to such subsection and paragraph (1) of this subsection.".*

*(d) COMPUTER DISPOSAL.—Section 487(a) is further amended by adding at the end the following new paragraph:*

*"(28)(A) The institution of higher education will establish a policy on the disposal or disposition (including selling, donating, returning upon lease end, or destroying by recycling), of all technology assets which may have personal and sensitive data of students. Such policy may include a forensic scrub that ensures total destruction of data on the technology assets and include a designated for disposal or disposition, transfer ownership and liability from that institution to State and federally approved recyclers or de-manufacturers of such equipment.*

*"(B) For purposes of this paragraph, the term 'technology assets' means a computer central processing unit, monitor, printer, router, server, peripheral devices (such as switches, hubs, and systems), firewalls, telephones, or other simple network devices or single piece of information technology equipment.".*

*(e) AUDITS; FINANCIAL RESPONSIBILITY; ENFORCEMENT OF STANDARDS.—Section 487(c)(1)(A) (20 U.S.C. 1094(c)(1)(A)) is amended—*

*(1) in clause (i)—*

*(A) by striking "clauses (ii) and (iii)" and inserting "clauses (ii), (iii), and (iv)"; and*

*(B) by inserting before the semicolon at the end the following: ", except that the Secretary may modify the requirements of this clause with respect to institutions of higher education that are foreign institutions, and may waive such requirements with respect to a foreign institution whose students receive less than $500,000 in loans under this title during the award year preceding the audit period";*

*(2) in clause (ii), by striking "or" after the semicolon;*

*(3) in clause (iii), by inserting "or" after the semicolon; and*

*(4) by inserting after clause (iii) the following new clause:*

*"(iv) with respect to an eligible institution that is audited under clause (i), and for which it is determined through such audit that the percentage of students enrolled at the institution who were accepted for enrollment and made eligible for student financial assistance under this title by way of section 484(d)(2) exceeds 5 percent of the total enrollment of the institution for such academic year, an additional review to confirm that the institution is in compliance with the regulations prescribed by the Secretary under section 484(d);".*

### ***SEC. 491. REGULATORY RELIEF AND IMPROVEMENT.***

*Section 487A(b) (20 U.S.C. 1094a(b)) is amended—*

*(1) by amending paragraph (1) to read as follows:*

*"(1) IN GENERAL.—The Secretary shall continue the voluntary participation of any experimental sites in existence as of July 1, 2007, unless the Secretary determines that such site's participation has not been successful in carrying out the purposes of this section. Any activities approved by the Secretary prior to such date that have not been successful in carrying out the purposes of this section shall be discontinued not later than June 30, 2009.";*

*(2) by striking the matter preceding paragraph (2)(A) and inserting the following:*

*"(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—"; and*

*(3) in paragraph (3)—*

*(A) in subparagraph (A)—*

*(i) by striking "Upon the submission of the report required by paragraph (2), the" and inserting "The"; and*

*(ii) by inserting "periodically" after "authorized to";*

*(B) by striking subparagraph (B);*

*(C) by redesignating subparagraph (C) as subparagraph (B); and*

*(D) in subparagraph (B) (as redesignated by subparagraph (C))—*

*(i) by inserting ", including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492" after "requirements in this title";*

*(ii) by inserting "(other than an award rule related to an experiment in modular or compressed schedules)" after "award rules"; and*

*(iii) by inserting "unless the waiver of such provisions is authorized by another provision under this title" before the period at the end.*

### ***SEC. 492. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.***

*Section 491 (20 U.S.C. 1098) is amended—*

*(1) in subsection (a)(2)—*

*(A) in subparagraph (B), by striking "and" after the semicolon;*

*(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and*

*(C) by adding at the end the following:*

*"(D) to provide knowledge and understanding of early intervention programs and make recommendations that will result in early awareness by low- and moderate-income students and families of their eligibility for assistance under this title, and, to the extent practicable, their eligibility for other forms of State and institutional need-based student assistance; and*

*"(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions, and private entities to increase the awareness and total amount of need-based student assistance available to low- and moderate-income students.";*

*(2) in subsection (d)—*

*(A) in paragraph (6), by striking ", but nothing in this section shall authorize the committee to perform such studies, surveys, or analyses";*

*(B) in paragraph (8), by striking "and" after the semicolon;*

*(C) by redesignating paragraph (9) as paragraph (10); and*

*(D) by inserting after paragraph (8) the following:*

*"(9) monitor the adequacy of total need-based aid available to low- and moderate-income students from all sources, assess the implications for access and persistence, and report those implications annually to Congress and the Secretary; and";*

*(3) in subsection (j)(1)—*

*(A) by inserting "and simplification" after "delivery processes"; and*

*(B) by striking ", including the implementation of a performance-based organization within the Department, and report to Congress regarding such modernization on not less than an annual basis"; and*

*(4) in subsection (k), by striking "2004" and inserting "2011".*

### ***SEC. 493. NEGOTIATED RULEMAKING.***

*Section 492(b)(1) (20 U.S.C. 1098a(b)(1)) is amended by striking "from individuals nominated by groups described in subsection (a)(1)" and inserting "from individuals who are nominated by groups described in subsection (a)(1) and who have recognized legitimacy as designated representatives of major stakeholders, sectors, and constituencies in the higher education community".*

### ***SEC. 494. TECHNICAL AMENDMENT.***

*Section 493C(b)(1) (20 U.S.C. 1098e(b)(1)) is amended by striking "or is already in default".*

### ***SEC. 495. CAMPUS-BASED DIGITAL THEFT PREVENTION.***

*Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by adding at the end the following new section:*

### ***"SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.***

*"(a) IN GENERAL.—Each eligible institution participating in any program under this title shall to the extent practicable—*

*"(1) make publicly available to their students and employees, the policies and procedures related to the illegal downloading and distribution of copyrighted materials required to be disclosed under section 485(a)(1)(P); and*

*"(2) develop a plan for offering alternatives to illegal downloading or peer-to-peer distribution of intellectual property as well as a plan to explore technology-based deterrents to prevent such illegal activity.*

*"(b) GRANTS.—*

*"(1) PROGRAM AUTHORITY.—The Secretary may make grants to institutions of higher education, or consortia of such institutions, and enter into contracts with such institutions, consortia, and other organizations, to develop, implement, operate, improve, and disseminate programs of prevention, education, and cost-effective technological solutions, to reduce and eliminate the illegal downloading and distribution of intellectual property. Such grants or contracts may also be used for the support of a higher education centers that will provide training, technical assistance, evaluation, dissemination, and associated services and assistance to the higher education community as determined by the Secretary and institutions of higher education.*

*"(2) AWARDS.—Grants and contracts shall be awarded under paragraph (1) on a competitive basis.*

*"(3) APPLICATIONS.—An institution of higher education or a consortium of such institutions that desires to receive a grant or contract under paragraph (1) shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.*

*"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.".*

## ***PART H—PROGRAM INTEGRITY***

### ***SEC. 496. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.***

*(a) AMENDMENTS.—Section 496 (20 U.S.C. 1099b) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (4)—*

*(i) by striking "(4) such agency" and insert "(4)(A) such agency";*

*(ii) by inserting "and" after the semicolon at the end; and*

*(iii) by adding at the end the following new subparagraph:*

*"(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—*

*"(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in paragraph (5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph; and*

*"(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit;";*

*(B) by striking paragraph (6) and inserting the following:*

*"(6) such agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for—*

*"(A) adequate specification of requirements, including clear and consistent standards for an institution to be accredited, and deficiencies at the institution of higher education or program examined;*

*"(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;*

"(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, at a hearing prior to such action becoming final, before an appeals panel that—

"(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

"(ii) is subject to a conflict of interest policy; and

"(D) the right to representation by counsel for such an institution during an appeal of the adverse action;"; and

(C) by striking paragraph (8) and inserting the following:

"(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

"(A) the award of accreditation or reaccreditation of an institution;

"(B) final denial, withdrawal, suspension, or termination of accreditation, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

"(C) any other adverse action taken with respect to an institution;

"(9) such agency or association confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

"(A) that are publicly disclosed; and

"(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education;

"(10) such agency or association reviews and takes into consideration the institution's response in any review or determination, and includes in any determination a written statement addressing the institution's response and stating the basis for such determination, and a copy of the institution's response; and

"(11) such agency or association shall not make a determination or take adverse action based upon an unpublished or undocumented policy, practice, or precedent.";

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", including those regarding distance education" after "their responsibilities";

(B) by redesignating paragraphs (2) through (6) as paragraphs (4) through (8); and

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

"(2) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

"(3) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events:

"(A) the Department notifies the accrediting agency of an action against the institution pursuant to section 487(d);

"(B) the accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution; and

"(C) the institution notifies the accrediting agency that the institution intends to cease operations;";

(3) in subsection (g), by adding at the end the following: "Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement."; and

(4) in subsection (o), by adding at the end the following: "Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to subsection (a)(5).".

(b) ADDITIONAL AMENDMENT.—Section 496(a)(4)(A) as amended by subsection (a) is further amended by inserting after "consistently applies and enforces standards" the following: "that respect the stated mission of the institution of higher education, including religious missions, and".

### SEC. 497. ACCREDITATION OMBUDSMAN.

Subpart 2 of part H of title IV is amended by inserting after section 496 (20 U.S.C. 1099b) the following new section:

### "SEC. 497. ACCREDITATION OMBUDSMAN.

"(a) APPOINTMENT.—The Assistant Secretary for Postsecondary Education, in consultation with the Secretary, shall appoint an Accreditation Ombudsman to provide timely assistance to institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process who may have grievances related to the functions described in subsection (c).

"(b) PUBLIC INFORMATION.—The Assistant Secretary for Postsecondary Education shall disseminate information about the availability and functions of the Ombudsman to institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process.

"(c) FUNCTIONS OF OMBUDSMAN.—The Ombudsman appointed under this section shall—

"(1) in accordance with regulations of the Secretary, receive, review, and attempt to resolve complaints from institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process described in subsection (a), including, as appropriate, attempts to resolve such complaints within the Department of Education and with institutions of higher education, accreditation agencies and associations, and other participants in title IV programs; and

"(2) compile and analyze data on institutions of higher education and accrediting agency and association complaints and make appropriate recommendations.

"(d) REPORT.—Each year, the Ombudsman shall submit a report to the Assistant Secretary for Postsecondary Education, for inclusion in the annual report under section 114, that describes the activities, and evaluates the effectiveness of the Ombudsman during the preceding year.".

### SEC. 498. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c-1(b)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(6) provide the institution adequate opportunity to review and respond to any program review report or audit finding before any final program review or audit determination is reached, including access to any and all workpapers, notes, documentation, records, or other information relating to the program review report or audit finding;

"(7) review and take into consideration the institution's response in any final program review or audit determination, and include in the final determination a written statement addressing the institution's response and stating the basis for such final determination, and a copy of the institution's response; and

"(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review determination has been issued.".

### SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM EVALUATION.

Section 499 (as added by section 701 of the College Cost Reduction and Access Act of 2007) is amended by adding at the end the following new subsections:

"(c) REQUIRED INITIAL EVALUATION.—The Secretary and Secretary of the Treasury shall jointly conduct an evaluation, in consultation with the Office of Management and Budget, the Congressional Budget Office, and the Comptroller General, of the pilot program carried out by the Secretary under this section. The evaluation shall determine—

"(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the PLUS loan program under section 428B in the absence of the pilot program;

"(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

"(3) the number and volume of loans made under the pilot in each State;

"(4) the effect of the transition to and operation of the pilot program on the ability of—

"(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

"(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

"(C) parents to obtain loans made through the pilot program in a timely and efficient manner;

"(5) the differential impact, if any, of the auction among the States, including between rural and non-rural States;

"(6) the feasibility of using the mechanism piloted to operate the other loan programs under part B of this title; and

"(7) the feasibility of using other market mechanisms to operate the loan programs under part B of this title, including the sale of securities backed by federally owned student loan assets originated by banks acting as agents of the Federal Government.

"(d) REPORTS.—The Secretary and the Secretary of the Treasury shall submit to the authorizing committees—

"(1) not later than September 1, 2010, a preliminary report regarding the findings of the evaluation described in subsection (c);

"(2) not later than September 1, 2012, an interim report regarding such findings; and

"(3) not later than September 1, 2013, a final report regarding such findings.".

## TITLE V—TITLE V AMENDMENTS

### SEC. 501. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 (20 U.S.C. 1101d) the following new part:

## "PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

### "SEC. 511. PURPOSES.

"The purposes of this part are—

"(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

"(2) to expand the postbaccalaureate academic offerings and enhance the program quality in the institutions that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

### "SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

"(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to Hispanic-serving institutions determined by the Secretary to be making substantive contributions to graduate educational opportunities for Hispanic students.

"(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

"(1) is an eligible institution under section 502(a)(2); and

"(2) offers a postbaccalaureate certificate or degree granting program.

### "SEC. 513. AUTHORIZED ACTIVITIES.

"Grants awarded under this part shall be used for one or more of the following activities:

"(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

"(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

"(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

"(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

"(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

"(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

"(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

"(8) Other activities proposed in the application submitted pursuant to section 514 that—

"(A) contribute to carrying out the purposes of this part; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.

### "SEC. 514. APPLICATION AND DURATION.

"(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities in programs and professions in which Hispanic Americans are underrepresented.

"(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

"(c) LIMITATION.—The Secretary shall not award more than one grant under this part in any fiscal year to any Hispanic-serving institution.".

(b) COOPERATIVE ARRANGEMENTS.—Section 524(a) (as redesignated by subsection (a)(2)) (20 U.S.C. 1103c(a)) is amended by inserting "and section 513" after "section 503".

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 528 (as redesignated by subsection (a)(2) of this section) (20 U.S.C. 1103g) is amended to read as follows:

"(a) AUTHORIZATIONS.—

"(1) PART A.—There are authorized to be appropriated to carry out part A and part C of this title $175,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) PART B.—There are authorized to be appropriated to carry out part B of this title $125,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

(d) MINIMUM GRANT AMOUNT.—Section 528 (as redesignated by subsection (a)(2) of this section) (20 U.S.C. 1103g) is amended by adding at the end the following:

"(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.".

(e) PART A AUTHORIZED USES OF FUNDS.—Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following new paragraph:

"(14) Providing education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV.".

## TITLE VI—TITLE VI AMENDMENTS

### SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

(a) FINDINGS AND PURPOSES.—Section 601 (20 U.S.C. 1121) is amended—

(1) in subsection (a)(3), by striking "post-Cold War";

(2) in subsection (b)(1), by striking "; and" at the end of subparagraph (D) and inserting ", including through linkages overseas with institutions of higher education and relevant organizations that contribute to the educational programs assisted under this part; and"; and

(3) in subsection (b)(3) by inserting ", and international business and trade competitiveness" before the period.

(b) GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.—Section 602(a) (20 U.S.C. 1122(a)) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The Secretary is authorized to make grants to institutions of higher education or consortia of such institutions for the purpose of establishing, strengthening, and operating—

"(i) comprehensive foreign language and area or international studies centers and programs; and

"(ii) a diverse network of undergraduate foreign language and area or international studies centers and programs.";

(2) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (G);

(B) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(C) by inserting after subparagraph (H) the following new subparagraphs:

"(I) supporting instructors of the less commonly taught languages; and

"(J) projects that support in students an understanding of science and technology in coordination with foreign language proficiency."; and

(3) in paragraph (4)—

(A) by amending subparagraph (B) to read as follows:

"(B) Partnerships or programs of linkage and outreach with 2-year and 4-year colleges and universities, including colleges of education and teacher professional development programs.";

(B) in subparagraph (C), by striking "Programs of linkage or outreach" and inserting "Partnerships or programs of linkage and outreach";

(C) in subparagraph (E)—

(i) by striking "foreign area" and inserting "area studies";

(ii) by striking "of linkage and outreach"; and

(iii) by striking "(C), and (D)" and inserting "(D), and (E)";

(D) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(E) by inserting after subparagraph (B) the following new subparagraph:

"(C) Partnerships with local educational agencies and public and private elementary and secondary education schools that are designed to increase student academic achievement in foreign language and knowledge of world regions, and to facilitate the wide dissemination of materials related to area studies.".

(c) FELLOWSHIPS FOR FOREIGN LANGUAGE AND AREA OR INTERNATIONAL STUDIES.—Section 602(b) (20 U.S.C. 1122(b)) is amended—

(1) by inserting "AND UNDERGRADUATE" after "GRADUATE" in the subsection heading; and

(2) by striking paragraph (2) and inserting the following:

"(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program, including predissertation level studies, preparation for dissertation research, dissertation research abroad, and dissertation writing, and—

"(A) in the case of graduate fellowships, activities in connection with a program described in this paragraph may include predissertation level studies, preparation for dissertation research, dissertation research abroad, and dissertation writing; or

"(B) in the case of undergraduate fellowships, students may be allowed to use their fellowships abroad for intermediate or advanced study of a less commonly taught language.".

(d) LANGUAGE RESOURCE CENTERS.—Section 603(c) (20 U.S.C. 1123(c)) is amended by inserting "reflect the purposes of this part and" after "shall".

(e) UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.—Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)(1), by striking "combinations" each place it appears and inserting "consortia";

(2) in subsection (a)(2)—

(A) in subparagraph (B)(ii), by striking "teacher training" and inserting "teacher professional development";

(B) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively;

(C) by inserting after subparagraph (H) the following new subparagraph:

"(I) the provision of grants for educational programs abroad that are closely linked to the program's overall goals and have the purpose of promoting foreign language fluency and knowledge of world regions, except that not more than 10 percent of a grant recipient's funds may be used for this purpose;"; and

(D) in subparagraph (M)(ii) (as redesignated by subparagraph (B) of this paragraph), by striking "elementary and secondary education institutions" and inserting "local educational agencies and public and private elementary and secondary education schools";

(3) in subsection (a)(4)(B), by inserting "that demonstrates a need for a waiver or reduction" before the period at the end;

(4) in subsection (a)(6), by inserting "reflect the purposes of this part and" after "shall";

(5) in subsection (a)(8), by striking "may" and inserting "shall"; and

(6) by striking subsection (c).

(f) RESEARCH; STUDIES; ANNUAL REPORT.—Section 605(a) (20 U.S.C. 1125(a)) is amended by inserting before the period at the end of the first sentence the following: ", including the systematic collection, analysis, and dissemination of data".

(g) TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.—Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking "or consortia of such institutions or libraries" and inserting "or partnerships between such institutions or libraries and nonprofit educational organizations including museums";

(B) by striking "new"; and

(C) by inserting "from foreign sources" after "disseminate information";

(2) in subsection (b)—

(A) by inserting "acquire and" before "facilitate access" in paragraph (1);

(B) by striking "new means of" in paragraph (3) and inserting "new means and standards for";

(C) by striking "and" at the end of paragraph (6);

(D) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(E) by inserting after paragraph (7) the following new paragraphs:

"(8) to establish linkages between grant recipients under subsection (a) with libraries, museums, organizations, or institutions of higher education located overseas to facilitate carrying out the purposes of this section; and

"(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section."; and

(3) by adding at the end the following new subsection:

"(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

"(1) are eligible to receive assistance under part A or B of title III or under title V; and

"(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.".

(h) SELECTION OF GRANT RECIPIENTS.—Section 607(b) (20 U.S.C. 1127(b)) is amended—

(1) by striking "objectives" and inserting "missions"; and

(2) by adding at the end the following new sentence: "In keeping with the purposes of this part, the Secretary shall take into account the degree to which activities of centers, programs, and fellowships at institutions of higher education address national needs, generate and disseminate information, and foster debate on international issues.".

(i) EQUITABLE DISTRIBUTION.—Section 608(a) (20 U.S.C. 1128(a)) is amended by adding at the end the following new sentence: "Grants made under section 602 shall also reflect the purposes of this part.".

(j) AUTHORIZATION OF APPROPRIATIONS.—Section 610 (20 U.S.C. 1128b) is amended by striking "1999" and inserting "2009".

(k) CONFORMING AMENDMENTS.—

(1) Sections 603(a), 604(a)(5), and 612 (20 U.S.C. 1123(a), 1124(a)(5), 1130–1) are each amended by striking "combinations" each place it appears and inserting "consortia".

(2) Section 612 (20 U.S.C. 1130–1) is further amended by striking "combination" each place it appears and inserting "consortium".

### SEC. 602. BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

(a) CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.—Section 612 (20 U.S.C. 1130–1) is further amended—

(1) in subsection (a)(1)(C), by inserting "manufacturing software systems, technology management," after "commerce,";

(2) in subsection (c)(2)(E), by inserting "(including those that are eligible to receive assistance under part A or B of title III or under title V)" after "other institutions of higher education";

(3) in subsection (c)(2)—

(A) by striking "and" at the end of subparagraph (E); and

(B) by inserting the following new subparagraph after subparagraph (E) (and redesignating the succeeding subparagraph):

"(F) programs encouraging the advancement and understanding of cultural, technological management, and manufacturing software systems practices between institutions of higher education in the United States and countries with existing partnerships with other countries, including those in Asian countries focused on this industry; and"; and

(4) in subsection (e), by adding at the end the following new paragraph:

"(5) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

"(A) are eligible to receive assistance under part A or B of title III or under title V; and

"(B) have submitted a grant application under this section that demonstrates a need for a waiver or reduction, as determined by the Secretary.".

(b) EDUCATION AND TRAINING PROGRAMS.—Section 613 (20 U.S.C. 1130a) is amended by adding at the end the following new subsection:

"(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

"(1) are eligible to receive assistance under part A or B of title III or under title V; and

"(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction, as determined by the Secretary.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 614 (20 U.S.C. 1130b) is amended by striking "1999" each place it appears and inserting "2009".

### SEC. 603. INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

(a) FOREIGN SERVICE PROFESSIONAL DEVELOPMENT.—Section 621 (20 U.S.C. 1131) is amended—

(1) by striking the heading of such section and inserting the following:

### "SEC. 621. PROGRAM FOR FOREIGN SERVICE PROFESSIONALS.";

(2) by striking the second sentence of subsection (a) and inserting the following: "The Institute shall conduct a program to enhance the international competitiveness of the United States by increasing the participation of underrepresented populations in the international service, including private international voluntary organizations, the international commercial service, and the foreign service of the United States."; and

(3) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

"(A) A Tribally Controlled College or University or Alaska Native or Native Hawaiian-serving institution eligible for assistance under title III, an institution eligible for assistance under part B of title III, or a Hispanic-serving institution eligible for assistance under title V.

"(B) An institution of higher education which serves substantial numbers of underrepresented minority students.".

(b) INSTITUTIONAL DEVELOPMENT.—Section 622(a) (20 U.S.C. 1131–1(a)) is amended by inserting before the period at the end the following: "and promote collaboration with colleges and universities that receive funds under this title".

(c) STUDY ABROAD PROGRAM.—Section 623(a) (20 U.S.C. 1131a(a)) is amended by inserting after "1978," the following: "Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,".

(d) ADVANCED DEGREE IN INTERNATIONAL RELATIONS.—Section 624 (20 U.S.C. 1131b) is amended—

(1) by striking "**MASTERS**" in the heading of such section and inserting "**ADVANCED**";

(2) by striking "a masters degree in international relations" and inserting "an advanced degree in international relations, international affairs, international economics, or other academic areas related to the Institute fellow's career objectives"; and

(3) by striking "The masters degree program designed by the consortia" and inserting "The advanced degree study program shall be designed by the consortia, consistent with the fellow's career objectives, and".

(e) INTERNSHIPS.—Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a), by inserting after "1978," the following: "Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,";

(2) in subsection (b)—

(A) by inserting "and" after the semicolon at the end of paragraph (2);

(B) by striking "; and" at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4); and

(3) by amending subsection (c) to read as follows:

"(c) RALPH J. BUNCHE FELLOWS.—In order to assure the recognition and commitment of individuals from underrepresented student populations who demonstrate special interest in international affairs and language study, eligible students who participate in the internship programs authorized under subsections (a) and (b) shall be known as the Ralph J. Bunche Fellows.".

(f) REPORT.—Section 626 (20 U.S.C. 1131d) is amended by striking "annually prepare a report" and inserting "prepare a report biennially".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 628 (20 U.S.C. 1131f) is amended by striking "1999" and inserting "2009".

### SEC. 604. PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION.

Title VI (20 U.S.C. 1121 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating section 631 (20 U.S.C. 1132) as section 641; and

(3) by inserting after section 628 the following new part:

## "PART D—PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION

### "SEC. 631. PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that—

"(A) shall include—

"(i) a foreign language department of an institution of higher education; and

"(ii) a local educational agency; and

"(B) may include—

"(i) another foreign language or teacher education department of an institution of higher education;

"(ii) another local educational agency, or an elementary or secondary school;

"(iii) a business;

"(iv) a nonprofit organization of demonstrated effectiveness, including a museum;

"(v) heritage or community centers for language study;

"(vi) language resource centers; or

"(vii) the State foreign language coordinator or State educational agency.

"(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' has the meaning given the term in section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6602).

"(3) ARTICULATED.—The term 'articulated' means that each grade level of the foreign language program is designed to sequentially expand on the student achievement of the previous level with a goal toward achieving an established level of language proficiency.

"(b) PURPOSE.—The purpose of this section is to improve the performance of students in the study of foreign languages by encouraging States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

"(1) upgrade the status and stature of foreign language teaching by encouraging institutions of higher education to assume greater responsibility for improving foreign language teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

"(2) focus on education of foreign language teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

"(3) bring foreign language teachers in elementary schools and secondary schools together with linguists or higher education foreign language professionals to increase the subject matter knowledge and improve the teaching skills of teachers through the use of more sophisticated resources that institutions of higher education are better able to provide than such schools; and

"(4) develop more rigorous foreign language curricula that contain—

"(A) professionally accepted standards for elementary and secondary education instruction;

"(B) standards expected for postsecondary study in foreign language; and

"(C) articulated foreign language programs from kindergarten through grade 12 that demonstrate increased competence and proficiency over time and grade.

"(c) GRANTS TO PARTNERSHIPS.—

"(1) IN GENERAL.—The Secretary may award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of carrying out the authorized activities described in this section.

"(2) DURATION.—The Secretary shall award grants under this section for a period of 5 years.

"(3) FEDERAL SHARE.—The Federal share of the costs of the activities assisted under this section shall be—

"(A) 75 percent of the costs for the first year that an eligible partnership receives a grant payment under this section;

"(B) 65 percent of such costs for the second such year; and

"(C) 50 percent of such costs for each of the third, fourth, and fifth such years.

"(4) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out the authorized activities described in this section may be provided in cash or in kind, fairly evaluated.

"(5) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible partnerships—

"(A) that include high-need local educational agencies; or

"(B) that emphasize the teaching of commonly taught and critical foreign languages in an articulated program that demonstrates increased competency and proficiency over grade and time.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CONTENTS.—An application under paragraph (1) shall include—

"(A) an assessment of the teacher quality and professional development needs of all the schools and agencies participating in the eligible partnership with respect to the teaching and learning of foreign languages;

"(B) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student performance and to strengthen the quality of foreign language instruction; and

"(C) a description of—

"(i) how the eligible partnership will carry out the authorized activities described in subsection (e); and

"(ii) the eligible partnership's evaluation and accountability plan as described in subsection (f).

"(e) AUTHORIZED ACTIVITIES.—An eligible partnership shall use the grant funds provided under this section for 1 or more of the following activities related to elementary schools or secondary schools:

"(1) Creating opportunities for enhanced and ongoing professional development that improves the subject matter knowledge of foreign language teachers.

"(2) Recruiting university students with foreign language majors for teaching.

"(3) Promoting strong teaching skills for foreign language teachers and teacher educators.

"(4) Establishing foreign language summer workshops or institutes (including follow-up) for teachers.

"(5) Establishing distance learning programs for foreign language teachers.

"(6) Designing programs to prepare a teacher at a school to provide professional development to other teachers at the school and to assist novice teachers at such school, including (if applicable) a mechanism to integrate experiences from a summer workshop or institute.

"(7) Developing instruction materials.

"(f) EVALUATION AND ACCOUNTABILITY PLAN.—Each eligible partnership receiving a grant under this section shall develop an evaluation and accountability plan for activities assisted under this section that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) increased participation by students in advanced courses in foreign language;

"(2) increased percentages of secondary school classes in foreign language taught by teachers with academic majors in foreign language; and

"(3) increased numbers of foreign language teachers who participate in content-based professional development activities.

"(g) REPORT.—Each eligible partnership receiving a grant under this section shall annually report to the Secretary regarding the eligible partnership's progress in meeting the performance objectives described in subsection (f).

"(h) TERMINATION.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in subsection (f) by the end of the third year of a grant under this section, the grant payments shall not be made for the fourth and fifth years of the grant.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.".

### SEC. 605. EVALUATION, OUTREACH, AND DISSEMINATION.

Part E of title VI, as redesignated by section 604 of this Act, is amended by inserting after section 641 (20 U.S.C. 1132 (as so redesignated)) the following new section:

### "SEC. 642. EVALUATION, OUTREACH, AND DISSEMINATION.

"The Secretary may use not more than one percent of the funds made available for this title for program evaluation, national outreach, and information dissemination activities.".

### SEC. 606. STUDENT SAFETY.

Part E of title VI, as redesignated by section 604 of this Act, is further amended by inserting after section 642 (as added by section 605 of this Act) the following new section:

### "SEC. 643. STUDENT SAFETY.

"Applicants seeking funds under this title to support student travel and study abroad shall submit as part of their grant application a description of safety policies and procedures for students participating in the program while abroad.".

### SEC. 607. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

Part E of title VI, as redesignated by section 604 of this Act, is further amended by inserting after section 643 (as added by section 606 of this Act) the following new section:

### "SEC. 644. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

"(a) PURPOSE.—It is the purpose of this section to support programs in colleges and universities that—

"(1) encourage students to develop—

"(A) an understanding of science and technology; and

"(B) foreign language proficiency; and

"(2) foster future international scientific collaboration.

"(b) DEVELOPMENT.—The Secretary shall develop a program for the awarding of grants to institutions of higher education that develop innovative programs for the teaching of foreign languages.

"(c) REGULATIONS AND REQUIREMENTS.—The Secretary shall promulgate regulations for the awarding of grants under subsection (b). Such regulations shall require institutions of higher education to use grant funds for, among other things—

"(1) the development of an on-campus cultural awareness program by which students attend classes taught in a foreign language and study the science and technology developments and practices in a non-English speaking country;

"(2) immersion programs where students take science or technology related course work in a non-English speaking country; and

"(3) other programs, such as summer workshops, that emphasize the intense study of a foreign language and science technology.

"(d) GRANT DISTRIBUTION.—In distributing grants to institutions of higher education under this section, the Secretary shall give priority to—

"(1) institutions that have programs focusing on curricula that combine the study of foreign languages and the study of science and technology and produce graduates who have both skills; and

"(2) institutions teaching critical foreign languages.

"(e) SCIENCE.—In this section, the term 'science' means any of the natural and physical sciences including chemistry, biology, physics, and computer science. Such term does not include any of the social sciences.

"(f) APPROPRIATIONS AUTHORIZED.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009 and for each subsequent fiscal year.".

### SEC. 608. REPORTING BY INSTITUTIONS.

Part E of title VI (20 U.S.C. 1122), as redesignated by section 604 of this Act, is further amended by inserting after section 644 (as added by section 607 of this Act) the following new section:

### "SEC. 645. REPORTING BY INSTITUTIONS.

"(a) APPLICABILITY.—The data requirement in subsection (b) shall apply to an institution of higher education that receives funds for a center or program under this title if—

"(1) the amount of cash, or the fair market value, or both, of the contributions received from a foreign government or private sector corporation, foundation, or any other entity or individual (excluding domestic government entities) during any fiscal year exceeds $1,000,000 in the aggregate; and

"(2) the aggregate contribution is intended for use directly or indirectly by a center or program receiving funds under this title.

"(b) DATA REQUIRED.—The Secretary shall require of each institution to which this paragraph applies under subsection (a), as part of the Integrated Postsecondary Education Data System (IPEDS) annual data collection, that such institution report the following data:

"(1) The names and addresses of any foreign government or private sector corporation, foundation, or any other entity or individual that contributed such amount of cash or such fair market value of other property as described in subsection (a)(1).

"(2) The amount of such cash or the fair market value of such property.

"(c) EXEMPTION FROM REPORTING.—The Secretary may, at the request of the donor, exempt domestic donors who make anonymous donations from the institutional reporting requirement of subsection (b)(1) to preserve the anonymity of their contribution. The data of institutions shall identify such donors as 'anonymous'. This exemption does not apply to non-domestic donations.

"(d) DEADLINE.—Any report under subsection (b) shall be made no later than such date as the Secretary shall require.

"(e) CONSEQUENCES OF FAILURE TO REPORT.—In the case of any institution from which a report is requested under subsection (b), if the Secretary does not receive a report in accordance with the deadline established under subsection (d), the Secretary shall—

"(1) make a determination that the institution of higher education has failed to make the report required by this paragraph;

"(2) transmit a notice of the determination to Congress; and

"(3) publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education for contracts and grants under this title.".

### SEC. 609. FEDERAL FOREIGN LANGUAGE EDUCATION MARKETING CAMPAIGN.

The Secretary of Education shall establish a foreign language education marketing campaign to encourage students at secondary schools and institutions of higher education to study foreign languages, particularly languages that are less commonly taught and critical to the national security of the United States.

## TITLE VII—TITLE VII AMENDMENTS

### SEC. 701. JAVITS FELLOWSHIP PROGRAM.

(a) AUTHORITY AND TIMING OF AWARDS.—Section 701(a) (20 U.S.C. 1132a(a)) is amended by inserting after the second sentence the following: "For purposes of the exception in the preceding sentence, a master's degree in fine arts shall be considered a terminal degree.".

(b) INTERRUPTIONS OF STUDY.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: "In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.".

(c) ALLOCATION OF FELLOWSHIPS.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting "from diverse geographic regions" after "higher education"; and

(2) by adding at the end the following new sentence: "The Secretary shall also assure that at least one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.".

(d) STIPENDS.—Section 703 (20 U.S.C. 1134b) is amended—

(1) in subsection (a)—

(A) by striking "1999-2000" and inserting "2009-2010"; and

(B) by striking "Foundation graduate fellowships" and inserting "Foundation Graduate Research Fellowship Program on February 1 of such academic year"; and

(2) in subsection (b), by amending paragraph (1)(A) to read as follows:

"(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for academic year 2009-2010 and succeeding academic years, the same amount as the institutional payment made for academic year 2008-2009, adjusted for academic year 2009-2010 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for All Urban Consumers for the previous calendar year.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 705 (20 U.S.C. 1134d) is amended by striking "1999" and inserting "2009".

### SEC. 702. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) DESIGNATION OF AREAS OF NATIONAL NEED; PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—

(1) by amending subsection (b) to read as follows:

"(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

"(1) the extent to which the interest in the area is compelling;

"(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

"(3) an assessment of how the program may achieve the most significant impact with available resources;

"(4) an assessment of current and future professional workforce needs of the United States; and

"(5) the priority described in subsection (c)."; and

(2) by adding at the end the following new subsection:

"(c) PRIORITY.—The Secretary shall establish a priority for grants in order to prepare individuals for the professorate who will train highly qualified elementary and secondary mathematics and science teachers, special education teachers, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—

"(1) post baccalaureate study related to teacher preparation and pedagogy in mathematics and science for students who have completed a master's degree or are pursuing a doctorate of philosophy in mathematics or science;

"(2) post baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and

"(3) support of dissertation research in the fields of mathematics, science, special education, or second language pedagogy and second language acquisition.".

(b) COLLABORATION REQUIRED FOR CERTAIN APPLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) in the case of an application from a department, program, or unit in education or teacher preparation, provide assurances that such department, program, or unit will collaborate with departments, programs, or units in all content areas to ensure a successful combination of training in both teaching and such content; and".

(c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—

(1) by striking "1999-2000" and inserting "2009-2010"; and

(2) by striking "Foundation graduate fellowships" and inserting "Foundation Graduate Research Fellowship Program on February 1 of such academic year".

(d) ADDITIONAL ASSISTANCE.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking "1999-2000" and inserting "2009-2010";

(2) by striking "1998-1999" and inserting "2008-2009"; and

(3) by inserting "for All Urban Consumers" after "Price Index".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 716 (20 U.S.C. 1135e) is amended by striking "1999" and inserting "2009".

(f) TECHNICAL AMENDMENTS.—Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(1) by striking "section 716(a)" and inserting "section 715(a)"; and

(2) by striking "section 714(b)(2)" and inserting "section 713(b)(2)".

### SEC. 703. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) PROGRAM AUTHORITY.—Section 721(a) (20 U.S.C. 1136(a)) is amended—

(1) by inserting "middle and high school" after "disadvantaged"; and

(2) by striking the period at the end of the sentence and inserting "and admission to law practice.".

(b) ELIGIBILITY.—Section 721(b) (20 U.S.C. 1136(b)) is amended by inserting "middle and high school or" before "college student".

(c) CONTRACT AND GRANT PURPOSES.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) by inserting "middle and high school students" after "identify" in paragraph (1);

(2) by amending paragraph (2) to read as follows:

"(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;";

(3) by striking "and" at the end of paragraph (4);

(4) by striking the period at the end of paragraph (5) and inserting "; and"; and

(5) by adding at the end the following new paragraph:

"(6) to award Thurgood Marshall Fellowships to eligible law school students—

"(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

"(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.".

*(d) SERVICES PROVIDED.—Section 721(d)(1)(D) (20 U.S.C. 1136(d)(1)(D)) is amended by inserting "in analytical skills and study methods" after "courses".*

*(e) AUTHORIZATION OF APPROPRIATIONS.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking "1999" and inserting "2009".*

*(f) GENERAL PROVISIONS.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.*

### SEC. 704. PATSY T. MINK FELLOWSHIP PROGRAM.

*Part A of title VII (20 U.S.C. 1134) is further amended—*

*(1) by redesignating subpart 4 as subpart 5;*

*(2) in the heading of section 731, by striking "**SUBPARTS 1, 2, AND 3**" and inserting "**SUBPARTS 1 THROUGH 4**";*

*(3) in subsections (a) and (b) of section 731, by striking "subparts 1, 2, and 3" each place it appears and inserting "subparts 1 through 4";*

*(4) in subsection (d) of such section, by striking "subpart 1, 2, or 3" and inserting "subpart 1, 2, 3, or 4"; and*

*(5) by inserting after subpart 3 the following new subpart:*

### "Subpart 4—Patsy T. Mink Fellowship Program

### "SEC. 722. PATSY T. MINK FELLOWSHIPS.

*"(a) PURPOSE; DESIGNATION.—*

*"(1) PURPOSE.—It is the purpose of this subpart to provide a program of fellowship awards to assist highly qualified minorities and women to acquire the terminal master's degree or the doctorate degree in academic areas in which such individuals are underrepresented for the purpose of entering the higher education professoriate.*

*"(2) ELIGIBLE INSTITUTIONS.—For purposes of this subpart, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of post baccalaureate study leading to a graduate degree.*

*"(3) DESIGNATION.—Each recipient of a fellowship award from an institution receiving a grant under this subpart shall be known as a Patsy T. Mink Graduate Fellow.*

*"(b) PROGRAM AUTHORIZED.—*

*"(1) GRANTS BY SECRETARY.—*

*"(A) IN GENERAL.—From funds made available under subsection (e), the Secretary shall make grants to eligible institutions of higher education to enable such institutions to make fellowship awards to qualified students in accordance with the provisions of this subpart.*

*"(B) PRIORITY CONSIDERATION.—In making grant awards under this subpart, the Secretary shall consider the applicant institution's prior experience in producing doctorates and terminal master's degree holders who are minorities and females, and shall give priority consideration in making grants under this subpart to those institutions with a demonstrated record of producing minorities and women who have earned such degrees.*

*"(2) DISTRIBUTION AND AMOUNTS OF GRANTS.—*

*"(A) EQUITABLE DISTRIBUTION.—In making such grants the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among eligible public and private institutions of higher education that apply for grants under this subpart and that demonstrate the ability to achieve the purpose of this subpart.*

*"(B) SPECIAL RULE.—To the maximum extent practical, the Secretary shall award at least 50 percent of the amount appropriated under this subpart to institutions of higher education eligible for assistance under titles III and V, or to consortia composed of otherwise eligible institutions of higher education and such minority-serving institutions.*

*"(C) ALLOCATION.—In making such grants the Secretary shall, consistent with subparagraphs (A) and (B), allocate appropriated funds to those institutions whose applications indicate the ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this subpart. No grant made under this subpart shall support fewer than fifteen degree candidates consistent with subsection (d)(2).*

*"(D) REALLOTMENT.—Whenever the Secretary determines that an institution of higher education is unable to utilize all of the amounts made available to it under this subpart, the Secretary shall, on such dates during the fiscal year as the Secretary may determine, reallocate such unused amounts to institutions which demonstrate that they can use any reallocated grant funds to make fellowship awards to qualified individuals under this subpart.*

*"(c) APPLICATIONS.—*

*"(1) APPLICATIONS REQUIRED.—Any eligible institution of higher education offering a program of post baccalaureate study leading to a graduate degree that meets the purpose of this subpart may apply for a grant. Each such institution, or consortium of eligible institutions (including those institutions specified in subsection (b)(2)(B)) may make an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.*

*"(2) SELECTION OF APPLICATIONS.—In selecting applications for the making grants to institutions of higher education, the Secretary shall—*

*"(A) take into account the number and distribution of minority and female faculty nationally, as well as the current and projected need for highly trained individuals—*

*"(i) in all areas of the higher education professoriate; and*

*"(ii) in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and*

*"(B) consider the need to prepare a larger number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculties.*

*"(d) FELLOWSHIP TERMS AND CONDITIONS.—*

*"(1) SELECTION OF FELLOWS.—*

*"(A) ELIGIBLE APPLICANTS.—The Secretary shall assure that, in awarding fellowships from funds made available under this subpart, grantee institutions make fellowship awards to individuals who plan to pursue a career in instruction at any institution of higher education that is eligible to participate in title IV programs.*

*"(B) ACADEMIC PROGRESS.—Notwithstanding subparagraph (A), no otherwise eligible student selected for support shall receive a fellowship award—*

*"(i) during periods in which such student is enrolled, unless such student is maintaining satisfactory academic progress in, and devoting full-time to, study or research in the pursuit of the degree for which the fellowship support was awarded; or*

*"(ii) if the student is engaged in gainful employment, other than part-time employment related to teaching, research, or a similar activity determined by the institution to be consistent with and supportive of the student's progress toward the appropriate degree.*

*"(2) SERVICE REQUIREMENT.—*

*"(A) TEACHING REQUIRED.—Each Patsy T. Mink Graduate Fellow who earns the doctoral or terminal master's degree with assistance provided under this subpart shall teach at an eligible institution for one year for each year of fellowship assistance received under this subpart.*

*"(B) INSTITUTIONAL OBLIGATION.—Each institution which receives an award from the Secretary under this subpart shall provide an assurance that it has inquired of and determined the fellowship recipient's decision to, within 3 years of receiving the doctorate or terminal master's degree, begin employment at an eligible institution of higher education as required by this subpart.*

*"(C) AGREEMENT REQUIRED.—Prior to receiving the initial fellowship award, and upon the annual renewal of the fellowship award, a fellow shall sign an agreement with the Secretary memorializing this commitment to enter the professoriate.*

*"(D) CONSEQUENCES OF FAILURE.—If a fellowship recipient fails to honor the service requirement of this subsection, the Secretary shall—*

*"(i) require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV; or*

*"(ii) require the individual to pay an amount determined by the Secretary to be appropriate, except as provided in subparagraph (E).*

*"(E) MODIFIED SERVICE REQUIREMENT.—The Secretary may waive or modify the service requirement of this paragraph based on regulations, promulgated pursuant to and consistent with criteria which determine the circumstances under which compliance with the service obligation by the fellowship recipient would be inequitable and represent a substantial hardship. The Secretary may waive the service requirement if—*

*"(i) compliance by the fellowship recipient would be deemed impossible because the individual is permanently and totally disabled at the time of the waiver request; or*

*"(ii) compliance by the fellowship recipient is based on documentation presented to the Secretary of substantial economic or personal hardship, as determined in accordance with regulations prescribed by the Secretary.*

*"(3) AMOUNT OF FELLOWSHIP AWARDS.—*

*"(A) IN GENERAL.—From the grants made pursuant to this subpart, eligible institutions shall award stipends to individuals who are awarded fellowships under this subpart. Such stipends shall reflect the purpose of the program authorized by this subpart to encourage highly qualified minorities and women to pursue graduate study for the purpose of entering the higher education professoriate.*

*"(B) AWARDS BASED ON NEED.—Stipends shall be in an amount equal to the level of support provided by the National Science Foundation graduate fellowships, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's demonstrated need as determined by the institution of higher education where the graduate student is enrolled.*

*"(4) INSTITUTIONAL PAYMENTS.—*

*"(A) IN GENERAL.—The Secretary shall, in addition to the amounts made available to institutions for stipends to individuals under this subpart, pay to grantee institutions of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided for in subparagraph (C), such allowance shall be, for academic year 2009–2010 and succeeding academic years, the same as the institutional payment made for that year under the Graduate Assistance in Areas of National Need program in subpart 2 of part A, and shall be adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for All Urban Consumers for the previous calendar year.*

*"(B) USE OF FUNDS.—Institutional payments may be expended at the discretion of the institution, except that such funds shall be used to provide academic support and career transition services for participating fellows.*

"(C) REDUCTION.—The institutional allowance paid under subparagraph (A) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the institution's instructional program.

"(D) USE FOR OVERHEAD PROHIBITED.—Funds made available pursuant to this subpart may not be used for general operational overhead of the academic department or institution receiving such funds.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.".

### SEC. 705. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) CONTRACT AND GRANT PURPOSES.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;";

(2) in paragraph (2), by inserting before the semicolon at the end the following: "for postsecondary students, especially institutions, programs, and joint efforts that provide academic credit for programs";

(3) by amending paragraph (3) to read as follows:

"(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;";

(4) by amending paragraph (6) to read as follows:

"(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;";

(5) by striking "and" at the end of paragraph (7);

(6) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(7) by adding at the end the following new paragraphs:

"(9) the assessment, in partnership with a public or private nonprofit institution or agency, of the performance of teacher preparation programs within institutions of higher education in a State, using an assessment which provides comparisons across such institutions within the State based upon indicators including teacher candidate knowledge in subject areas in which such candidate has been prepared to teach;

"(10) the support of efforts to establish pilot programs and initiatives to help college campuses reduce illegal downloading of copyrighted content, in order to improve the security and integrity of campus computer networks and save bandwidth costs;

"(11) the support of increased fire safety in student housing—

"(A) by establishing a demonstration incentive program for qualified student housing in institutions of higher education;

"(B) by making grants for the purpose of installing fire alarm detection, prevention, and protection technologies in student housing, dormitories, and other buildings controlled by such entities; and

"(C) by requiring, as a condition of such grants—

"(i) that such technologies be installed professionally to technical standards of the National Fire Protection Association; and

"(ii) that the recipient shall provide non-Federal matching funds in an amount equal to the amount of the grant;

"(12) the assessment, in partnership with a consortium of higher education organizations, of the feasibility and potential design of an inter-institution monitoring organization on gender and racial equality in campus faculty and administration;

"(13) the provision of support and assistance to partnerships between institutions of higher education and secondary schools with at least 10 percent of their enrollment assessed as late-entering limited English proficient students to establish programs that result in increased secondary school graduation rates of limited English proficient students and that increase the number of eligible late-entering limited English proficient students who pursue postsecondary education opportunities;

"(14) the provision of support and assistance for demonstration projects to provide comprehensive support services to ensure that homeless students, or students who were in foster care until the age of 18, enroll and succeed in postsecondary education, including providing housing to such students during periods when housing at the institution of higher education is closed or generally unavailable to other students;

"(15) the support of efforts to work with organizations that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and institutions of higher education that seek to promote cultural diversity in the entertainment media industry including through the training of students in production, marketing, and distribution of culturally relevant content; and

"(16) the creation of consortia that join diverse institutions of higher education to design and offer curricular and co-curricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

"(A) focus on poverty and human capability; and

"(B) include—

"(i) a service-learning component; and

"(ii) the delivery of educational services through informational resource centers, summer institutes, mid-year seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths.".

(b) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY; CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—Section 741 (20 U.S.C. 1138) is further amended by adding at the end the following new subsections:

"(c) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

"(1) AUTHORIZATION.—The Secretary shall contract with a nonprofit organization with demonstrated experience in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

"(2) ELIGIBLE STUDENTS.—In this subsection, the term 'eligible student' means an individual who is—

"(A)(i) a dependent student who is a child of—

"(I) an individual who is—

"(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

"(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

"(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; or

"(ii) an independent student who—

"(I) is a spouse of an individual who is—

"(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

"(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

"(II) was (at the time of the death of the veteran) a spouse of a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; and

"(B) enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102).

"(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

"(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an academic year shall be the lesser of—

"(A) the difference between the eligible student's cost of attendance (as defined in section 472) and any non-loan based aid such student receives; or

"(B) $5,000.

"(5) AMOUNTS FOR SCHOLARSHIPS.—All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that a nonprofit organization receiving a contract under this subsection may use not more than 1 percent of such amounts for the administrative costs of the contract.

"(d) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

"(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

"(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a 4-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

"(3) CENTER ACTIVITIES.—The center funded under this section shall—

"(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

"(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

"(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

"(D) develop and disseminate best practices for such programs.".

(c) PROHIBITION.—Section 741 is further amended by adding after subsection (d) (as added by subsection (b) of this section) the following new subsection:

"(e) PROHIBITION.—No funds made available under this part may be used to provide financial assistance to students who do not meet the requirements of section 484(a)(5).".

(d) TECHNICAL AMENDMENTS.—Part B of title VII (20 U.S.C. 1038 et seq.) is further amended—

(1) in section 742 (20 U.S.C. 1138a)—

(A) in subsection (b)—

(i) by striking "(1) IN GENERAL.—"; and

(ii) by striking paragraph (2);

(B) in subsection (c), by striking "and the Director" each place it appears; and

(C) in subsection (d), by striking "Director" and inserting "Secretary";

(2) in section 743 (20 U.S.C. 1138b)—

(A) by striking "(a) TECHNICAL EMPLOYEES.—"; and

(B) by striking subsection (b); and

(3) in section 744(a) (20 U.S.C. 1138c(a)), by striking "Director" each place it appears and inserting "Secretary".

(e) AREAS OF NATIONAL NEED.—Section 744(c) (20 U.S.C. 1138c(c)) is amended by adding at the end the following:

"(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, and development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 745 (20 U.S.C. 1138d) is amended by striking "$30,000,000 for fiscal year 1999" and inserting "$40,000,000 for fiscal year 2009".

### SEC. 706. URBAN-SERVING RESEARCH UNIVERSITIES.

Part C of title VII (20 U.S.C. 1139 et seq.) is amended to read as follows:

## "PART C—URBAN-SERVING RESEARCH UNIVERSITIES

### "SEC. 751. PURPOSE; PROGRAM AUTHORIZED.

"(a) PURPOSE.—It is the purpose of this part to provide incentives to urban-serving research universities to enable such universities to expand research knowledge and to develop and implement initiatives in partnership with community-based organizations and other public or nonprofit private entities to strengthen city economies, foster innovation and opportunity, and solve urban challenges.

"(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to urban-serving research universities to enable such universities to carry out the activities described in section 753 in accordance with the provisions of this part.

### "SEC. 752. APPLICATION FOR URBAN-SERVING RESEARCH UNIVERSITY GRANTS.

"(a) APPLICATION.—An urban-serving research university seeking assistance under this part shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) PRIORITY IN SELECTION OF APPLICATIONS.—The Secretary shall give priority to applications that propose to conduct joint projects supported by Federal, State, and local programs other than the program under this Act. In addition, the Secretary shall give priority to urban-serving research universities with a demonstrated record of effective engagement in serving the communities in which such universities are located.

### "SEC. 753. ALLOWABLE ACTIVITIES.

"An urban-serving research university shall use funds awarded under this part to further develop and apply research findings to the development, implementation, and ongoing evaluation of—

"(1) systemic initiatives with elementary and secondary schools and other educational organizations designed to—

"(A) improve teacher quality and retention; or

"(B) develop strategies to improve postsecondary and workplace readiness, particularly in fields related to science, technology, engineering, and mathematics;

"(2) innovative economic revitalization efforts in conjunction with community-based organizations and other public or nonprofit private entities; or

"(3) public health outreach, education, and intervention activities designed to reduce health disparities in urban areas, in partnership with community-based organizations and other public or nonprofit private entities.

### "SEC. 754. DEFINITIONS.

"As used in this part:

"(1) URBAN AREA.—The term 'urban area' means a city with a population of not less than 200,000 within a metropolitan statistical area.

"(2) URBAN-SERVING RESEARCH UNIVERSITY.—The term 'urban-serving research university' means a public institution of higher education that—

"(A) meets the requirements of section 101;

"(B) is located in an urban area;

"(C) has the capacity to conduct applicable research, as demonstrated by awarding more than 10 doctoral degrees per academic year;

"(D) draws a substantial portion of its students from the urban area in which such institution is located; and

"(E) has demonstrated and sustained a sense of responsibility to such urban area and the people of such area.

### "SEC. 755. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

### SEC. 707. PROGRAMS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

(a) SERVING ALL STUDENTS WITH DISABILITIES.—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking "students with learning disabilities" and inserting "students with disabilities".

(b) AUTHORIZED ACTIVITIES.—

(1) AMENDMENT.—Section 762(b)(2) is amended—

(A) in subparagraph (A)—

(i) by inserting ", including methods and strategies consistent with the principles of universal design for learning" after "strategies"; and

(ii) by inserting "in order to improve retention and completion" after "disabilities";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education."; and

(D) by inserting after subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) the following new subparagraphs:

"(D) DISTANCE LEARNING.—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible electronic communication for instruction and advisement.

"(E) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through the use of accessible instructional materials and curriculum development, consistent with the principles of universal design for learning.".

(2) REPORT.—Section 762 is further amended by adding at the end the following new subsection:

"(d) REPORT.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this subpart and providing guidance and recommendations on how successful projects can be replicated.".

(3) CONFORMING AMENDMENT.—Section 762(b)(3) is amended by striking "subparagraphs (A) through (C)" and inserting "subparagraphs (A) through (F)".

(c) APPLICATIONS.—Section 763 (20 U.S.C. 1140b) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) a description of how such institution plans to address the activities allowed under this subpart;";

(2) in paragraph (2)—

(A) by striking "institution to develop" and inserting "institution, including students with disabilities, to develop"; and

(B) by striking "and" at the end;

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.".

(d) AUTHORIZATION OF APPROPRIATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Section 765 (20 U.S.C. 1140d) is amended by striking "1999" and inserting "2009".

(e) NATIONAL TECHNICAL ASSISTANCE CENTER; COMMISSION ON ACCESSIBLE MATERIALS; PROGRAMS TO SUPPORT IMPROVED ACCESS TO MATERIALS; TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES; COORDINATING CENTER.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in the part heading, by striking "**DEMONSTRATION PROJECTS**" and inserting "**PROGRAMS**";

(2) by inserting after the part heading the following:

### "Subpart 1—Quality Higher Education"

; and

(3) by adding at the end the following:

### "Subpart 2—National Technical Assistance Center; Commission on Accessible Materials; Programs to Support Improved Access to Materials

### "SEC. 766. NATIONAL CENTER.

"(a) PURPOSE.—It is the purpose of this subpart to support the development of a national center to provide information and technical assistance for students with disabilities to improve the postsecondary recruitment, retention, and completion success rates of such students.

"(b) ESTABLISHMENT AND SUPPORT.—The Secretary shall, by grant, contract, or cooperative agreement with an eligible entity or partnership of two or more eligible entities, provide for the establishment and support of a National Center for Information and Technical Support for Postsecondary Students with Disabilities (hereinafter in this subpart referred to as the 'Center') which shall carry out the duties set forth in subsection (d).

"(c) ELIGIBLE ENTITY.—In this subpart, the term 'eligible entity' means an institution of higher education or a private nonprofit organization with demonstrated expertise in—

"(1) supporting postsecondary students with disabilities;

*“(2) technical knowledge necessary for the accessible dissemination of information; and*

*“(3) working with a diverse range of types of institutions of higher education, including community colleges.*

*“(d) DUTIES.—The duties of the Center shall include the following:*

*“(1) ASSISTANCE TO STUDENTS AND FAMILIES.—The Center shall provide information and technical assistance to students with disabilities, their families, and disability support service personnel related to practices supporting students across a broad spectrum of disabilities, including—*

*“(A) information to assist prospective students with disabilities in planning their postsecondary academic career while they are in middle and secondary school;*

*“(B) research-based supports, services, and accommodations which are available in postsecondary settings, including services provided by other agencies such as vocational rehabilitation;*

*“(C) information on student mentoring and networking opportunities; and*

*“(D) successful recruitment and transition programs in existence in postsecondary institutions.*

*“(2) ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.—The Center shall provide information and technical assistance to faculty, staff, and administrators of institutions of higher education to improve the services provided to, the accommodations for, the retention rates of, and the completion rates of, students with disabilities in higher education settings, which may include—*

*“(A) collection and dissemination of promising practices and materials for accommodation and support of students with disabilities;*

*“(B) development and provision of training modules for higher education faculty on exemplary practices for accommodating and supporting students with disabilities across a range of academic fields; or*

*“(C) development of Internet-based tutorials for faculty, including graduate teaching assistants and new faculty, on promising practices related to support and retention of students with disabilities in postsecondary education.*

*“(3) INFORMATION COLLECTION AND DISSEMINATION.—The Center shall be responsible for building and maintaining a database of disability support services information with respect to institutions of higher education, which shall be available to the general public through a website built to the highest technical standards of accessibility currently practicable for the broad spectrum of individuals with disabilities. Such database and website shall include information on—*

*“(A) disability documentation requirements;*

*“(B) support services available;*

*“(C) links to financial aid;*

*“(D) accommodations policies;*

*“(E) accessible instructional materials;*

*“(F) other topics relevant to students with disabilities and prospective students with disabilities; and*

*“(G) the information in the report described in paragraph (5).*

*“(4) PROFESSIONAL STANDARDS FOR DISABILITY SUPPORT PERSONNEL.—The Center shall consolidate and disseminate information with respect to professional standards in existence for disability support services personnel and offices in institutions of higher education and shall convene a panel of experts to create and disseminate professional standards for such personnel and offices.*

*“(5) REVIEW AND REPORT.—The Center shall annually prepare and disseminate a report analyzing the current condition of postsecondary success for students with disabilities. Such report shall include—*

*“(A) a review of the activities of the programs authorized under ths part;*

*“(B) enrollment and graduation rates of students with disabilities in institutions of higher education;*

*“(C) guidance on how successful postsecondary supports and services for students with disabilities could be widely implemented at institutions of higher education;*

*“(D) guidance on how to reduce barriers to full participation for students with disabilities in higher education; and*

*“(E) a description of activities necessary to facilitate a substantial improvement in the postsecondary success of such students.*

*“(e) STAFFING OF THE CENTER.—The Center shall employ disability support personnel with proven expertise in providing training and technical assistance to practitioners. Such personnel shall provide technical assistance to individual colleges and universities seeking to provide appropriate supports and services to students with disabilities to improve enrollment, retention, and completion rates of such students.*

***“SEC. 766A. ESTABLISHMENT OF ADVISORY COMMISSION ON ACCESSIBLE INSTRUCTIONAL MATERIALS IN POSTSECONDARY EDUCATION FOR STUDENTS WITH DISABILITIES.***

*“(a) ESTABLISHMENT.—*

*“(1) IN GENERAL.—The Secretary shall establish a commission to be known as the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, in this subpart referred to as the ‘Commission’.*

*“(2) MEMBERSHIP.—*

*“(A) The Commission shall include one representative of each of the following:*

*“(i) Department of Education Office of Postsecondary Education.*

*“(ii) Department of Education Office of Special Education and Rehabilitative Services.*

*“(iii) Department of Education Office for Civil Rights.*

*“(iv) Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group.*

*“(v) Association on Higher Education and Disability.*

*“(vi) Association of American Publishers.*

*“(vii) Association of American University Presses.*

*“(viii) National Association of College Stores.*

*“(ix) National Council on Disability.*

*“(B) The Commission shall be composed of at least one but not more than two representatives, as appointed by the Secretary, of each of the following:*

*“(i) Staff from institutions of higher education with demonstrated experience teaching or supporting students with print disabilities, representing each of the following:*

*“(I) Large public institution of higher education.*

*“(II) Small public institution of higher education.*

*“(III) Large private institution of higher education.*

*“(IV) Small private institution of higher education.*

*“(V) Large community college.*

*“(VI) Small community college.*

*“(ii) Producers of materials in specialized formats, including each of the following:*

*“(I) Braille.*

*“(II) Audio or synthesized speech.*

*“(III) Digital media.*

*“(iii) Developers of accessibility and publishing software and supporting technologies.*

*“(iv) National organizations serving individuals with visual impairments that have demonstrated experience in technology evaluation research, academic publishing, production of material in accessible formats, and educational methodologies for such for individuals.*

*“(v) Postsecondary students with visual impairment.*

*“(vi) Postsecondary students with dyslexia or other learning disabilities related to reading.*

*“(vii) Attorneys with expertise in copyright law.*

*“(C) The Commission shall include at least two, but not more than three, representatives as appointed by the Secretary, of national membership organizations representing individuals with print disabilities, including each of the following:*

*“(i) Individuals with visual impairments.*

*“(ii) Individuals with learning disabilities related to reading.*

*“(D) The appointments of the members of the Commission shall be made not later than 45 days after the date of enactment of the College Opportunity and Affordability Act of 2007.*

*“(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.*

*“(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the Commission's first meeting.*

*“(5) MEETINGS.—The Commission shall meet at the call of the Chairperson. Meetings shall be publicly announced in advance and open to the public.*

*“(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.*

*“(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a chairperson and vice chairperson from among the members of the Commission.*

*“(b) DUTIES OF THE COMMISSION.—*

*“(1) STUDY.—*

*“(A) IN GENERAL.—The Commission shall conduct a thorough study to assess the barriers, systemic issues, and technical solutions available which may affect or improve the timely delivery and quality of accessible instructional materials for postsecondary students, faculty, and staff with print disabilities, and make recommendations related to the development of a comprehensive approach that will ensure that postsecondary students with print disabilities can access instructional materials in specialized formats in a timeframe comparable to the availability of standard instructional materials for students without disabilities.*

*“(B) EXISTING INFORMATION.—To the extent practicable, in carrying out the study under this paragraph, the Commission shall identify and use existing research, recommendations, and information from—*

*“(i) the Model Demonstration Programs to Support Improved Access to Postsecondary Instructional Materials for Students with Print Disabilities, as described in section 766B;*

*“(ii) the Advisory Council and the Technical Assistance and Development Centers of the National Instructional Materials Access Center;*

*“(iii) the Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group;*

*“(iv) the Association of Higher Education and Disabilities E-Text Solutions Working Group;*

*“(v) the Recording for the Blind and Dyslexic's Technology Advisory Committee;*

*“(vi) the Association of American Publishers Higher Education Division's Critical Issues Task Force; and*

*“(vii) other existing research related to the creation and distribution of accessible instructional materials for students with print disabilities.*

"(C) RECOMMENDATIONS.—The Commission shall develop recommendations to be used to inform Federal regulation and legislation, to identify best practices for systems of creating, collecting, maintaining, processing, and disseminating materials in specialized formats to eligible students, faculty, and staff while providing adequate copyright protections. In developing such recommendations, the Commission shall consider—

"(i) how to ensure that students with print disabilities may obtain instructional materials in accessible formats within a timeframe comparable to the availability of materials for students without disabilities;

"(ii) the feasibility and technical parameters of establishing national standardized electronic file formats such as, but not limited to, the National Instructional Materials Accessibility Standard as defined in section 674(e)(3)(B) of the Individuals with Disabilities Education Act, to be provided by publishers of instructional materials to producers of specialized formats, institutions of higher education, and eligible students;

"(iii) the feasibility of the establishment of a national clearinghouse, repository, or file-sharing network for electronic files in specialized formats and files used in producing instructional materials in specialized formats, and a list of possible entities qualified to administer such a clearinghouse, repository, or network;

"(iv) the feasibility of including such a national clearinghouse, repository, or file-sharing network in the duties of the Center described in section 766;

"(v) market-based solutions involving collaborations between publishers of instructional materials, producers of specialized formats, and institutions of higher education, including—

"(I) barriers and opportunities to market entry;

"(II) unique concerns affecting university presses, small publishers, and solutions incorporating such works into a shared system; and

"(III) solutions utilizing universal design;

"(vi) solutions for low-incidence, high-cost requests for materials in specialized formats; and

"(vii) definitions of instructional materials, authorized entities, and eligible students.

"(2) REPORT.—Not later than 24 months after the first meeting, the Commission shall submit a report to the Secretary and to Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study under subsection (a), together with the Commission's recommendations for such legislation and administrative actions as the Commission considers to be appropriate to implement the development of a comprehensive approach that will ensure that postsecondary students with print disabilities can access instructional materials in specialized formats in a timeframe comparable to the availability of standard instructional materials for students without disabilities.

"(3) FACILITATION OF EXCHANGE OF INFORMATION.—In carrying out the study under subsection (a), the Commission shall, to the extent practicable, facilitate the exchange of information concerning the issues that are the subject of the study among—

"(A) officials of the Federal Government;

"(B) educators from Federal, State, and local institutions of higher education and secondary schools;

"(C) publishers of instructional materials;

"(D) producers of materials in specialized formats;

"(E) representatives from the community of individuals with print disabilities; and

"(F) participants in the Model Demonstration Programs to Support Improved Access to Postsecondary Instructional Materials for Students with Print Disabilities, as described in section 766B.

"(c) COMMISSION PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

"(3) STAFF.—

"(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform the Commission's duties. The employment of an executive director shall be subject to confirmation by the Commission.

"(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

"(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(d) TERMINATION OF THE COMMISSION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the Commission's report under subsection (b)(2).

### "SEC. 766B. MODEL DEMONSTRATION PROGRAMS TO SUPPORT IMPROVED ACCESS TO POSTSECONDARY INSTRUCTIONAL MATERIALS FOR STUDENTS WITH PRINT DISABILITIES.

"(a) PURPOSE.—It is the purpose of this section to support model demonstration programs to encourage the development of systems to improve the timely delivery and quality of postsecondary instructional materials in specialized formats to students with print disabilities, including systems to improve efficiency and reduce duplicative efforts across multiple institutions of higher education.

"(b) IN GENERAL.—The Secretary shall, on a competitive basis, award grants to, and enter into cooperative agreements with, a minimum of one partnership of two or more eligible entities to support the activities described in subsections (d) and (e).

"(c) PARTNERSHIP OF ELIGIBLE ENTITIES.—In this section, a partnership of two or more eligible entities—

"(1) shall include—

"(A) an institution of higher education with demonstrated expertise in meeting the needs of students with print disabilities, including retention and completion of such students; and

"(B) a public or private entity with demonstrated expertise in working with the creation of accessible instructional materials in specialized formats for postsecondary students with print disabilities, and the technical development expertise necessary for the efficient dissemination of such materials, including procedures to protect against copyright infringement with respect to the creation, use, and distribution of print course materials in specialized formats; and

"(2) may include one or more publishers of instructional materials.

"(d) REQUIRED ACTIVITIES.—The Secretary shall support the development and implementation of the following:

"(1) Processes and systems to help identify, and verify eligibility of, postsecondary students with print disabilities in need of instructional materials in specialized formats.

"(2) Procedures and systems to facilitate and simplify request methods for accessible instructional materials in specialized formats from eligible students, which may include a single point-of-entry system.

"(3) Procedures and systems to coordinate between institutions of higher education, publishers of instructional materials, and entities that produce materials in specialized formats, to efficiently facilitate requests for such materials, the responses to such requests, and the delivery of such materials.

"(4) Delivery systems that will ensure the timely provision of instructional materials in specialized formats to eligible students, which may include electronic file distribution.

"(5) Systems to encourage reduction of duplicative conversions of the same instructional materials for multiple eligible students at multiple institutions of higher education when such conversions may be shared.

"(6) Procedures to protect against copyright infringement with respect to the creation, use, and distribution of instructional materials while maintaining accessibility for students with print disabilities, which may include digital technologies such as watermarking, fingerprinting, and other emerging strategies.

"(7) Awareness, outreach, and training activities for faculty, staff, and students related to the acquisition and dissemination of instructional materials in specialized formats and instructional materials utilizing universal design.

"(8) Evaluation of the effectiveness of the programs under this section.

"(9) Guidance on how successful procedures and systems described in paragraphs (1) through (7) could be disseminated and implemented on a national basis.

"(e) AUTHORIZED ACTIVITIES.—The Secretary may support the development and implementation of the following:

"(1) Approaches limited to instructional materials used in smaller categories of postsecondary courses, such as introductory, first-, and second-year courses.

"(2) Market-based approaches for making instructional materials in specialized formats directly available to eligible students at prices comparable to standard instructional materials.

"(3) Approaches supporting a unified search across multiple databases or lists of available materials.

"(f) APPLICATION.—A partnership of eligible entities that wishes to apply for a grant under this section shall submit an application for such grant at such time, in such manner and in such format as the Secretary may prescribe. The application shall include information on how the partnership will implement activities under subsection (d) and, as applicable, subsection (e).

"(g) PRIORITY.—In awarding grants under this section, the Secretary shall give priority *consideration to any applications that include development and implementation of the procedures and systems described in subsection (e)(2) or (e)(3).*

*"(h) REPORT TO CONGRESS.—The Secretary shall submit annually to the authorizing committees a report that includes—*

*"(1) the number of grants and the amount of funds distributed under this section;*

*"(2) a summary of the purposes for which the grants were provided and an evaluation of the progress made under such grants;*

*"(3) a summary of the activities implemented under subsection (d) and, as applicable, subsection (e), including data on the number of students served and the number of instructional material requests executed and delivered in specialized formats; and*

*"(4) an evaluation of the effectiveness of programs funded under this section.*

*"(i) MODEL EXPANSION.—After 3 years, the Secretary shall review the results of the evaluations of participating partnerships, as well as the Commission report described in section 766A. If the Secretary finds that models used under this section are effective in improving the timely delivery and quality of materials in specialized formats and provide adequate protections against copyright infringement, the Secretary may expand the demonstration program to additional grantees reflecting regional and programmatic partnerships.*

*"(j) MODEL EXPANSION SPECIAL RULE.—The Commission's recommendations shall be submitted to the Secretary and a public comment period shall be issued prior to any expansion under subsection (i). No later than 90 days after close of public comment period, the Secretary shall issue guidance to new and existing grantees, taking into consideration the final Commission recommendations and public comments.*

*"(k) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to limit or preempt any State law requiring the production or distribution of postsecondary instructional materials in accessible formats to students with disabilities.*

### ***"SEC. 766C. AUTHORIZATION OF APPROPRIATIONS.***

*"There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.*

## **"Subpart 3—Transition Programs for Students With Intellectual Disabilities Into Higher Education; Coordinating Center**

### ***"SEC. 767. PURPOSE.***

*"The purpose of this subpart is to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.*

### ***"SEC. 768. DEFINITIONS.***

*"In this subpart:*

*"(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that is—*

*"(A) offered by an institution of higher education; and*

*"(B) is described in section 484(s)(3).*

*"(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student who meets the criteria described in paragraphs (1) through (4) of section 484(s).*

### ***"SEC. 769. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.***

*"(a) GRANTS AUTHORIZED.—*

*"(1) IN GENERAL.—The Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to create or expand high-quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.*

*"(2) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of 5 years.*

*"(b) APPLICATION.—An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

*"(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to institutions of higher education (or consortia) that—*

*"(1) will carry out a model program under the grant in a State that does not already have a comprehensive transition and postsecondary program for students with intellectual disabilities; or*

*"(2) in the application submitted under subsection (b), agree to incorporate 1 or more of the following elements into the model programs carried out under the grant:*

*"(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.*

*"(B) In the case of an institution of higher education that provides institutionally owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into such housing.*

*"(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program carried out under the grant.*

*"(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—*

*"(1) serves students with intellectual disabilities;*

*"(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;*

*"(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—*

*"(A) academic enrichment;*

*"(B) socialization;*

*"(C) independent living, including self-advocacy skills; and*

*"(D) integrated work experiences and career skills that lead to gainful employment;*

*"(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;*

*"(5) participates with the coordinating center established under section 770 in the evaluation of the model program;*

*"(6) partners with 1 or more local educational agencies to support the participation of students with intellectual disabilities in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act, including regarding the utilization of funds available under part B of such Act for such students;*

*"(7) plans for the sustainability of the model program after the end of the grant period; and*

*"(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.*

*"(e) MATCHING REQUIREMENT.—An institution of higher education that receives a grant under this section shall provide matching funds toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant, which may be provided in cash or in kind, in an amount not less than 25 percent of the amount of such grant funds.*

*"(f) REPORT.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall prepare and disseminate a report to the authorizing committees and to the public that reviews the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities authorized under this subpart and provides guidance and recommendations on how successful programs can be replicated.*

### ***"SEC. 770. COORDINATING CENTER FOR TECHNICAL ASSISTANCE, EVALUATION, AND DEVELOPMENT OF ACCREDITATION STANDARDS.***

*"(a) IN GENERAL.—*

*"(1) AWARD.—The Secretary shall, on a competitive basis, enter into a cooperative agreement with an eligible entity, for the purpose of establishing a coordinating center for technical assistance, evaluation, and development of accreditation standards for institutions of higher education that offer inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.*

*"(2) DURATION.—The cooperative agreement under this section shall be for a period of 5 years.*

*"(b) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this section shall establish and maintain a center that shall—*

*"(1) serve as the technical assistance entity for all model comprehensive transition and postsecondary programs for students with intellectual disabilities assisted under section 769;*

*"(2) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;*

*"(3) develop an evaluation protocol for such programs that includes qualitative and quantitative methodology measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;*

*"(4) assist recipients of grants under section 769 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential takes into consideration unique State factors;*

*"(5) develop model criteria, standards, and procedures to be used in accrediting such programs that—*

*"(A) include, in the development of the model criteria, standards, and procedures for such programs, the participation of—*

*"(i) an expert in higher education;*

*"(ii) an expert in special education;*

*"(iii) a disability organization that represents students with intellectual disabilities; and*

*"(iv) a national, State, or regional accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV; and*

*"(B) define the necessary components of such programs, such as—*

*"(i) academic, vocational, social, and independent living skills;*

*"(ii) evaluation of student progress;*

*"(iii) program administration and evaluation;*

*"(iv) student eligibility; and*

*"(v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be;*

"(6) analyze possible funding streams for such programs and provide recommendations regarding funding streams;

"(7) develop model memoranda of agreement between institutions of higher education and agencies providing funding for such programs;

"(8) develop mechanisms for regular communication between the recipients of grants under section 769 regarding such programs; and

"(9) host a meeting of all recipients of grants under section 769 not less often than once each year.

"(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of higher education, students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, evaluation, and technical assistance.

### "SEC. 770A. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2009 and each of the 4 succeeding fiscal years.".

(f) CONFORMING AMENDMENTS.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in section 761, by striking "part" and inserting "subpart";

(2) in section 762 (as amended by subsection (a)), by striking "part" each place the term appears and inserting "subpart";

(3) in section 763, in the matter preceding paragraph (1), by striking "part" and inserting "subpart";

(4) in section 764, by striking "part" and inserting "subpart"; and

(5) in section 765, by striking "part" and inserting "subpart".

### SEC. 708. SUBGRANTS TO NONPROFIT ORGANIZATIONS.

Section 771(e) (20 U.S.C. 1141(e)), as added by section 802 of the College Cost Reduction and Access Act of 2007, is amended by inserting after "of this Act)" the following: ", or those who have agreements with the Secretary under section 435(d)(5)(J)".

### SEC. 709. NURSING EDUCATION.

Title VII (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following new part:

## "PART F—NURSING EDUCATION

### "SEC. 776. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS.

"(a) AUTHORIZATION.—The Secretary shall award grants to institutions of higher education that offer—

"(1) a R.N. nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional R.N. nursing program students; or

"(2) a graduate-level nursing program to accommodate advanced practice degrees for Registered Nurses or to accommodate students enrolled in a graduate-level nursing program to provide teachers of nursing students.

"(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

"(1) determine for the 4 academic years preceding the academic year for which the determination is made the average number of matriculated nursing program students at such institution for such academic years; and

"(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number determined under paragraph (1).

"(c) GRANT AMOUNT; AWARD BASIS.—

"(1) GRANT AMOUNT.—For each academic year after academic year 2008–2009, the Secretary is authorized to provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number of matriculated nursing program students at such institution for such academic year that is more than the average number determined with respect to such institution under subsection (b)(1). Such amount shall be used for the purposes described in subsection (a).

"(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

"(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in graduate-level nursing programs;

"(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the baccalaureate degree level; and

"(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the associate degree level.

"(B) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain available after the Secretary awards grants under this section to all applicants for the particular category of nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants for the remaining categories of nursing programs.

"(C) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure—

"(i) an equitable geographic distribution of the grants among the States; and

"(ii) an equitable distribution of the grants among different types of institutions of higher education.

"(d) PROHIBITION.—

"(1) USE OF FUNDS.—Funds provided under this section may not be used for the construction of new facilities.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

### "SEC. 777. NURSE FACULTY PILOT PROJECT.

"(a) PURPOSES.—The purposes of this section are to create a pilot program—

"(1) to provide scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program; and

"(2) to provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to fund release time for qualified nurse employees, so that those employees can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty.

"(b) ASSISTANCE AUTHORIZED.—

"(1) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may, on a competitive basis, award grants to, and enter into contracts and cooperative agreements with, partnerships composed of an accredited school of nursing at an institution of higher education and a hospital or health facility to establish not more than 5 pilot projects to enable such hospital or health facility to retain its staff of experienced nurses while providing a mechanism to have such nurses become, through an accelerated nursing education program, faculty members of an accredited school of nursing.

"(2) DURATION; EVALUATION AND DISSEMINATION.—

"(A) DURATION.—Grants under this section shall be awarded for a period of 3 to 5 years.

"(B) MANDATORY EVALUATION AND DISSEMINATION.—Grants under this section shall be primarily used for evaluation, and dissemination to other institutions of higher education, of the information obtained through the activities described in subsection (a)(2).

"(3) CONSIDERATIONS IN MAKING AWARDS.—In awarding grants and entering into contracts and cooperative agreements under this section, the Secretary shall consider the following:

"(A) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

"(B) RURAL AND URBAN AREAS.—Distributing such grants to urban and rural areas.

"(C) RANGE AND TYPE OF INSTITUTION.—Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education.

"(D) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—The extent to which institutions of higher education have demonstrated prior experience in providing advanced nursing education programs to prepare nurses interested in pursuing a faculty role.

"(4) USES OF FUNDS.—Funds made available by grant, contract, or cooperative agreement under this section may be used—

"(A) to develop a new national demonstration initiative to align nursing education with the emerging challenges of healthcare delivery; and

"(B) for any one or more of the following innovations in educational programs:

"(i) To develop a clinical simulation laboratory in a hospital, health facility, or accredited school of nursing.

"(ii) To purchase distance learning technologies.

"(iii) To fund release time for qualified nurses enrolled in the graduate nursing program.

"(iv) To provide for faculty salaries.

"(v) To collect and analyze data on educational outcomes.

"(c) APPLICATIONS.—Each partnership desiring to receive a grant, contract, or cooperative agreement under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include assurances that—

"(1) the individuals enrolled in the program will be qualified nurses in pursuit of a master's or doctoral degree in nursing and have a contractual obligation with the hospital or health facility that is in partnership with the institution of higher education;

"(2) the hospital or health facility of employment will be the clinical site for the accredited school of nursing program;

"(3) individuals enrolled in the program will maintain their employment on a part-time basis with the hospital or health facility that allowed them to participate in the program, and will receive an income from the hospital or health facility, as a part-time employee, and release times or flexible schedules to accommodate their class schedule; and

"(4) upon completion of the program, such individuals will be required to teach for 2 years in an accredited school of nursing for each year of support the individual received under this program.

"(d) DEFINITION.—For purposes of this section, the term 'health facility' means an Indian Health Service center, a Native Hawaiian health center, a hospital, a federally qualified health center, a rural health clinic, a nursing home, a *home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, or an ambulatory surgical center.*

*"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".*

### *SEC. 710. NATIONAL STUDY ON HIGHER EDUCATION ACCESS AND SUCCESS FOR STUDENTS WITH DISABILITIES.*

*(a) STUDY.—The Comptroller General shall conduct a study of the barriers to, and opportunities for, the full participation of students with disabilities in institutions of higher education. The study shall address—*

*(1) the extent to which, and manner in which, students with disabilities are—*

*(A) prepared to participate in postsecondary education upon enrollment;*

*(B) applying to different types of institutions of higher education;*

*(C) accepted into different types of institutions of higher education;*

*(D) enrolling in and attending different types of institutions of higher education;*

*(E) utilizing financial aid programs; and*

*(F) completing programs of study at different types of institutions of higher education;*

*(2) factors that influence the accessibility of higher education for a broad spectrum of students with different disabilities, including—*

*(A) physical access;*

*(B) communication and outreach in accessible formats, including websites, admissions information, financial aid information, and other general information;*

*(C) availability of accessible instructional materials in a timely manner;*

*(D) financial factors; and*

*(E) eligibility for, and ability to access, adequate support services;*

*(3) the effectiveness and capacity of disability support services in helping to recruit, retain, and support students with disabilities to complete their programs of study, and the role of disability support services relative to other departments in institutions of higher education, including—*

*(A) the number of staff working in disability support services offices;*

*(B) the budgets of disability support services offices; and*

*(C) the placement of the disability support services offices within the administrative structure of the institutions of higher education;*

*(4) the extent to which institutions of higher education provide assistance to students with disabilities to coordinate with, and receive services from, other support programs that may be available to such students, including services provided by local educational agencies, vocational rehabilitation agencies, Social Security, Medicaid, and other Federal, State, and local programs; and*

*(5) in institutions of higher education that have been effective in recruiting and graduating students with disabilities, the factors that may contribute to such effectiveness, including—*

*(A) faculty and staff preparation related to working with students with disabilities;*

*(B) program characteristics;*

*(C) accommodations and supports available; and*

*(D) any other relevant factors.*

*(b) REPORT.—The Comptroller General shall submit a report regarding the results of the study under subsection (a) to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) no later than 24 months after the date of the enactment of this Act.*

## *TITLE VIII—ADDITIONAL PROGRAMS*

### *SEC. 801. ADDITIONAL PROGRAMS.*

*The Higher Education Act of 1965 is further amended by adding at the end the following new title:*

## *"TITLE VIII—ADDITIONAL PROGRAMS*

### *"SEC. 800. AUTHORIZATION OF APPROPRIATIONS.*

*"There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.*

## *"PART A—LOW TUITION*

### *"SEC. 801. INCENTIVES AND REWARDS FOR LOW TUITION.*

*"(a) REWARDS FOR LOW TUITION.—*

*"(1) COMPETITIVE GRANTS.—From funds made available under section 800, the Secretary shall award grants on a competitive basis to institutions of higher education that, for academic year 2008–2009 or any succeeding academic year, have an annual net tuition increase (expressed as a percentage) for the most recent academic year for which satisfactory data is available that is equal to or less than the percentage change in the higher education price index for such academic year.*

*"(2) USE OF FUNDS.—Funds awarded to an institution of higher education under paragraph (1) shall be distributed by the institution in the form of need-based grant aid to students who are eligible for Federal Pell Grants, except that no student shall receive an amount under this section that would cause the amount of total financial aid received by such student to exceed the cost of attendance of the institution.*

*"(b) REWARDS FOR GUARANTEED TUITION.—*

*"(1) BONUS.—For each institution of higher education that the Secretary determines complies with the requirements of paragraph (2) or (3) of this subsection, the Secretary shall provide to such institution a bonus amount. Such institution shall award the bonus amount in the form of need-based aid first to students who are eligible for Federal Pell Grants who were in attendance at the institution during the award year that such institution satisfied the eligibility criteria for maintaining low tuition and fees, then to students who are eligible for Federal Pell Grants who were not in attendance at the institution during such award year.*

*"(2) 4-YEAR INSTITUTIONS.—An institution of higher education that provides a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 4 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—*

*"(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus*

*"(B) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).*

*"(3) LESS-THAN 4-YEAR INSTITUTIONS.—An institution of higher education that does not provide a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 1.5 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—*

*"(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus*

*"(B) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).*

*"(c) MAINTAINING AFFORDABLE TUITION.—*

*"(1) INSTITUTION REPORTS.—If an institution of higher education has an increase in annual net tuition (expressed as a percentage), for the most recent academic year for which satisfactory data is available, that is greater than the percentage increase in the higher education price index for such academic year, the institution or a representative association is required to submit to the Secretary the following information, within 6 months of such determination:*

*"(A) A report on the factors contributing to the increase in the institution's costs and the increase in net tuition and fees charged to students, including identification of the major areas in the institution's budget with the greatest cost increases.*

*"(B) The institution's 3 most recent Form 990s submitted to the Internal Revenue Service, as required under section 6033 of the Internal Revenue Code of 1986.*

*"(C) A description of the major areas of expenditures in the institution's budget with the greatest increase for such academic year.*

*"(D) A description of actions being taken by the institution to reduce net tuition.*

*"(2) REPORT TO CONGRESS.—The Secretary shall compile the information submitted under this subsection and shall provide to the authorizing committees an annual report relating to such information.*

*"(d) DEFINITIONS.—In this section:*

*"(1) NET TUITION.—The term 'net tuition' means the average tuition and fees charged to a full-time undergraduate student by an institution of higher education for an academic year, minus the average grant amount received by such a student for such academic year.*

*"(2) HIGHER EDUCATION PRICE INDEX.—The term 'higher education price index' means the higher education price index developed pursuant to section 133(b).*

## *"PART B—COOPERATIVE EDUCATION*

### *"SEC. 811. STATEMENT OF PURPOSE; DEFINITION.*

*"(a) PURPOSE.—It is the purpose of this part to award grants to institutions of higher education or combinations of such institutions to encourage such institutions to develop and make available to as many of their students as possible work experience that will aid such students in future careers and will enable such students to support themselves financially while in school.*

*"(b) DEFINITION.—In this part the term 'cooperative education' means the provision of alternating or parallel periods of academic study and public or private employment to give students work experiences related to their academic or occupational objectives and an opportunity to earn the funds necessary for continuing and completing their education.*

### *"SEC. 812. RESERVATIONS.*

*"(a) RESERVATIONS.—Of the amount appropriated to carry out this part under section 800 in each fiscal year—*

*"(1) not less than 50 percent shall be available for awarding grants to institutions of higher education and combinations of such institutions described in section 813(a)(1)(A) for cooperative education under section 813;*

*"(2) not less than 25 percent shall be available for awarding grants to institutions of higher education described in section 813(a)(1)(B) for cooperative education under section 813;*

*"(3) not to exceed 11 percent shall be available for demonstration projects under paragraph (1) of section 814(a);*

*"(4) not to exceed 11 percent shall be available for training and resource centers under paragraph (2) of section 814(a); and*

*"(5) not to exceed 3 percent shall be available for research under paragraph (3) of section 814(a).'*

*"(b) AVAILABILITY OF APPROPRIATIONS.—Appropriations under this part shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this part.*

**"SEC. 813. GRANTS FOR COOPERATIVE EDUCATION.**

*"(a) GRANTS AUTHORIZED.—*

*"(1) IN GENERAL.—The Secretary is authorized, from the amount available to carry out this part under section 800 in each fiscal year and in accordance with the provisions of this part—*

*"(A) to award grants to institutions of higher education or combinations of such institutions that have not received a grant under this paragraph in the 10-year period preceding the date for which a grant under this section is requested to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or combinations of institutions; and*

*"(B) to award grants to institutions of higher education that are operating an existing cooperative education program as determined by the Secretary to pay the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions.*

*"(2) PROGRAM REQUIREMENT.—Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving students work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.*

*"(3) AMOUNT OF GRANTS.—*

*"(A) The amount of each grant awarded pursuant to paragraph (1)(A) to any institution of higher education or combination of such institutions in any fiscal year shall not exceed $500,000.*

*"(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that has an application approved under subsection (b) in an amount which bears the same ratio to the amount reserved pursuant to section 812(a)(2) for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the preceding fiscal year by such institution of higher education (other than cooperative education jobs under section 814 and as determined by the Secretary) bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.*

*"(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount which exceeds 25 percent of such institution's cooperative education program's personnel and operating budget for the preceding fiscal year.*

*"(iii) The minimum annual grant amount which an institution of higher education is eligible to receive under paragraph (1)(B) is $1,000 and the maximum annual grant amount is $75,000.*

*"(4) LIMITATION.—The Secretary shall not award grants pursuant to paragraphs (1)(A) and (B) to the same institution of higher education or combination of such institution in any one fiscal year.*

*"(5) USES.—Grants under paragraph (1)(B) shall be used exclusively—*

*"(A) to expand the quality of and participation in a cooperative education program;*

*"(B) for outreach in new curricular areas; and*

*"(C) for outreach to potential participants including underrepresented and nontraditional populations.*

*"(b) APPLICATIONS.—Each institution of higher education or combination of such institutions desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—*

*"(1) set forth the program or activities for which a grant is authorized under this section;*

*"(2) specify each portion of such program or activities which will be performed by a nonprofit organization or institution other than the applicant, and the compensation to be paid for such performance;*

*"(3) provide that the applicant will expend during the fiscal year for which the grant is awarded for the purpose of such program or activities not less than the amount expended for such purpose during the previous fiscal year;*

*"(4) describe the plans which the applicant will carry out to assure, and contain a formal statement of the institution's commitment which assures, that the applicant will continue the cooperative education program beyond the 5-year period of Federal assistance described in subsection (c)(1) at a level which is not less than the total amount expended for such program during the first year such program was assisted under this section;*

*"(5) provide that, in the case of an institution of higher education that provides a 2-year program which is acceptable for full credit toward a bachelor's degree, the cooperative education program will be available to students who are certificate or associate degree candidates and who carry at least one-half of the normal full-time academic workload;*

*"(6) provide that the applicant will—*

*"(A) make such reports as may be necessary to ensure that the applicant is complying with the provisions of this section, including reports for the second and each succeeding fiscal year for which the applicant receives a grant with respect to the impact of the cooperative education program in the previous fiscal year, including—*

*"(i) the number of unduplicated student applicants in the cooperative education program;*

*"(ii) the number of unduplicated students placed in cooperative education jobs;*

*"(iii) the number of employers who have hired cooperative education students;*

*"(iv) the income for students derived from working in cooperative education jobs; and*

*"(v) the increase or decrease in the number of unduplicated students placed in cooperative education jobs in each fiscal year compared to the previous fiscal year; and*

*"(B) keep such records as may be necessary to ensure that the applicant is complying with the provisions of this part, including the notation of cooperative education employment on the student's transcript;*

*"(7) describe the extent to which programs in the academic disciplines for which the application is made have had a favorable reception by public and private sector employers;*

*"(8) describe the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit;*

*"(9) describe the plans that the applicant will carry out to evaluate the applicant's cooperative education program at the end of the grant period;*

*"(10) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this part;*

*"(11) demonstrate a commitment to serving all underserved populations at the institution; and*

*"(12) include such other information as may be necessary to carry out the provisions of this part.*

*"(c) DURATION OF GRANTS; FEDERAL SHARE.—*

*"(1) DURATION OF GRANTS.—No individual institution of higher education may receive, individually or as a participant in a combination of such institutions—*

*"(A) a grant pursuant to subsection (a)(1)(A) for more than 5 fiscal years; or*

*"(B) a grant pursuant to subsection (a)(1)(B) for more than 5 fiscal years.*

*"(2) FEDERAL SHARE.—The Federal share of a grant under subsection (a)(1)(A) may not exceed—*

*"(A) 85 percent of the cost of carrying out the program or activities described in the application in the first year the applicant receives a grant under this section;*

*"(B) 70 percent of such cost in the second such year;*

*"(C) 55 percent of such cost in the third such year;*

*"(D) 40 percent of such cost in the fourth such year; and*

*"(E) 25 percent of such cost in the fifth such year.*

*"(3) SPECIAL RULE.—Any provision of law to the contrary notwithstanding, the Secretary shall not waive the provisions of this subsection.*

*"(d) MAINTENANCE OF EFFORT.—If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.*

*"(e) FACTORS FOR SPECIAL CONSIDERATION OF APPLICATIONS.—*

*"(1) IN GENERAL.—In approving applications under this section, the Secretary shall give special consideration to applications from institutions of higher education or combinations of such institutions for programs which show the greatest promise of success because of—*

*"(A) the extent to which programs in the academic discipline with respect to which the application is made have had a favorable reception by public and private sector employers;*

*"(B) the strength of the commitment of the institution of higher education or combination of such institutions to cooperative education as demonstrated by the plans and formalized institutional commitment statement which such institution or combination has made to continue the program after the termination of Federal financial assistance;*

*"(C) the extent to which the institution or combination of institutions is committed to extending cooperative education for all students who can benefit; and*

*"(D) such other factors as are consistent with the purposes of this section.*

*"(2) ADDITIONAL SPECIAL CONSIDERATION.—The Secretary shall also give special consideration to applications from institutions of higher education or combinations of such institutions which demonstrate a commitment to serving all underserved populations attending such institutions.*

**"SEC. 814. DEMONSTRATION AND INNOVATION PROJECTS; TRAINING AND RESOURCE CENTERS; AND RESEARCH.**

*"(a) AUTHORIZATION.—The Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts—*

*"(1) from the amounts available in each fiscal year under section 812(a)(3), for the conduct of demonstration projects designed to demonstrate or determine the feasibility or value of innovative methods of cooperative education;*

*"(2) from the amounts available in each fiscal year under section 812(a)(4), for the conduct of training and resource centers designed to—*

*"(A) train personnel in the field of cooperative education;*

*"(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;*

*"(C) furnish technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;*

*"(D) encourage model cooperative education programs which furnish education and training in occupations in which there is a national need;*

*"(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to (i) assist the institution that is not the institution carrying out the cooperative education program to develop and expand an existing program of cooperative education, or (ii) establish and improve or expand comprehensive cooperative education programs; and*

*"(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields; and*

*"(3) from the amounts available in each fiscal year under section 812(a)(5), for the conduct of research relating to cooperative education.*

*"(b) ADMINISTRATIVE PROVISION.—*

*"(1) IN GENERAL.—To carry out this section, the Secretary may—*

*"(A) make grants to or contracts with institutions of higher education, or combinations of such institutions; and*

*"(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will make an especially significant contribution to attaining the objectives of this section.*

*"(2) LIMITATION.—*

*"(A) The Secretary may not use more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(A).*

*"(B) The Secretary may use not more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(B).*

*"(c) SUPPLEMENT NOT SUPPLANT.—A recipient of a grant or contract under this section may use the funds provided only so as to supplement and, to the extent possible, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.*

## *"PART C—COLLEGE PARTNERSHIP GRANTS*

### *"SEC. 821. COLLEGE PARTNERSHIP GRANTS AUTHORIZED.*

*"(a) GRANTS AUTHORIZED.—From the amount appropriated to carry out this part under section 800, the Secretary shall award grants to eligible partnerships for the purposes of developing and implementing articulation agreements.*

*"(b) ELIGIBLE PARTNERSHIPS.—For purposes of this part, an eligible partnership shall include at least two institutions of higher education, or a system of institutions of higher education, and may include either or both of the following:*

*"(1) A consortia of institutions of higher education.*

*"(2) A State higher education agency.*

*"(c) PRIORITY.—The Secretary shall give priority to eligible partnerships that—*

*"(1) are located in a State that is in compliance with section 486A; or*

*"(2) include—*

*"(A) 1 or more junior or community colleges (as defined by section 312(f) of this Act) that award associate's degrees; and*

*"(B) 1 or more institutions of higher education that offer a baccalaureate or post baccalaureate degree not awarded by the institutions described in subparagraph (A) with which it is partnered.*

*"(d) MANDATORY USE OF FUNDS.—Grants awarded under this part shall be used for—*

*"(1) the development of policies and programs to expand opportunities for students to earn bachelor's degrees, by facilitating the transfer of academic credits between institutions and expanding articulation and guaranteed transfer agreements between institutions of higher education, including through common course numbering and general education core curriculum;*

*"(2) academic program enhancements; and*

*"(3) programs to identify and remove barriers that inhibit student transfers, including technological and informational programs.*

*"(e) OPTIONAL USE OF FUNDS.—Grants awarded under this part may be used for—*

*"(1) support services to students participating in the program, such as tutoring, mentoring, and academic and personal counseling; and*

*"(2) any service that facilitates the transition of students between the partner institutions.*

*"(f) PROHIBITION.—No funds provided under this section shall be used to financially compensate an institution for the purposes of entering into an articulation agreement or for accepting students transferring into such institution.*

*"(g) APPLICATIONS.—Any eligible partnership that desires to obtain a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information or assurances as the Secretary may require.*

*"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.*

*"(i) DEFINITION.—For purposes of this section, the term 'articulation agreement' means an agreement between institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree requirements.*

## *"PART D—STUDENT SUCCESS GRANTS*

### *"SEC. 826. STUDENT SUCCESS GRANTS.*

*"(a) AUTHORIZATION OF PILOT PROGRAM.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award grants on a competitive basis to eligible institutions for the purposes of helping low-income students succeed in persisting in and completing postsecondary education and training programs.*

*"(b) DEFINITIONS.—*

*"(1) ELIGIBLE INSTITUTION.—In this section, the term 'eligible institution' means an institution of higher education in which, during the three-year period preceding the year in which the institution is applying for a grant under this section, an average of not less than 50 percent of the institution's entering first-year students are enrolled in developmental courses to bring reading, writing, or mathematics skills up to college-level.*

*"(2) ELIGIBLE STUDENT.—In this section, the term 'eligible student' means a student who—*

*"(A) is eligible to receive assistance under section 401;*

*"(B) is a first-year student at the time of entering the pilot program; and*

*"(C) is selected by an eligible institution to participate in the pilot program.*

*"(c) APPLICATION.—An eligible institution seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

*"(d) STUDENT SUCCESS GRANT AMOUNT.—For an award year, each institution selected to participate in this pilot program shall receive an amount equal to $1,500 multiplied by the number of students the institution selects to participate in the pilot program in such year. An institution shall not select more than 200 students to participate in the pilot program under this section during such year.*

*"(e) PRIORITY FOR REPLICATION OF EVIDENCE-BASED POLICIES AND PRACTICES.—The Secretary shall give priority to applications submitted by eligible institutions that propose to replicate policies and practices that have proven effective in increasing persistence and completion by low-income students or students in need of developmental education.*

*"(f) PEER REVIEW.—The Secretary shall convene a peer review process to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees. Members of the peer review committee shall include researchers and practitioners who are recognized experts on services and policies to increase low income student success in postsecondary education and training. No member of the committee shall be in a position to benefit financially from the grants to eligible institutions under subsection (d).*

*"(g) MANDATORY USES.—An eligible institution that receives a grant under this section shall use the grant funds to assign a Student Success Coach to every first-year student participating in the pilot program to provide intensive career and academic advising, ongoing personal help in navigating college services such as financial aid and registration, and assistance in connecting to community resources that can help students overcome family and personal challenges to success. Student Success Coaches—*

*"(1) shall work with not more than 50 new students during any academic period;*

*"(2) may be employees of academic departments, student services offices, community-based organizations, or other entities as deemed appropriate by the institution; and*

*"(3) shall meet with each eligible student selected for the pilot program before registration for courses.*

*"(h) PERMISSIBLE USES.—An eligible institution that receives a grant under this section may use the grant funds to provide services and program innovations for students participating in the pilot, including the following:*

*"(1) College and career success courses, with tuition and fees for the course covered by the Student Success Grant. These courses may cover college success topics, including how to take notes, how to study, how to take tests, and how to budget time, and may also include a substantial career exploration component. Institutions may use such courses to help students develop a College and Career Success Plan so that by the end of the first semester the students have a clear sense of their career goals and what classes to take to achieve such goals.*

*"(2) Work-study jobs with private employers in the students' fields of study.*

*"(3) Learning communities that ensure that students participating in the pilot are clustered together for at least two courses beginning in the first semester after enrolling and have other opportunities to create and maintain bonds that allow them to provide academic and social support to each other.*

*"(4) Curricular redesign, which may include such innovations as 'blended' or accelerated remediation classes that help Student Success Grant recipients to attain college-level reading, writing, math skills (or a combination thereof) more rapidly than traditional remediation formats allow, and intensive skills refresher classes, offered prior to each semester, to help students who have tested into remedial coursework to reach entry level assessment scores for the postsecondary programs they wish to enter.*

*"(5) Instructional support, such as learning labs, supplemental instruction, and tutoring.*

*"(6) Assistance with support services, such as child care and transportation.*

*"(i) GRANT PERIOD; ADDITIONAL TECHNICAL ASSISTANCE.—*

*"(1) GRANT PERIOD.—Grants made under this section shall be for a period of not less than 60 months.*

*"(2) ADDITIONAL TECHNICAL ASSISTANCE.—After 36 months, the Secretary shall review the performance of the Student Success Grant pilot program students at each institution, and if no significant improvements have been made by Student Success Grant pilot program students in persistence and completion at an institution, then the Secretary shall provide additional technical assistance to help the institution improve outcomes.*

*"(j) REQUIRED NON-FEDERAL SHARE.—*

*"(1) IN GENERAL.—Each institution participating in the pilot program under this section shall provide a non-Federal match of 25 percent of the amount of grant to carry out the activities of the pilot program. The non-Federal share under this section may be provided in cash or in kind.*

*"(2) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F of this title, services or benefits under this section shall not be considered to be an asset or income of the student or the students parents.*

*"(k) TECHNICAL ASSISTANCE.—The Secretary shall enter into contracts with private entities to provide such technical assistance to grantees under this section as the Secretary determines appropriate.*

*"(l) EVALUATION.—*

*"(1) OUTCOME EVALUATIONS.—The Secretary shall conduct an evaluation of program outcomes under the pilot program, and shall disseminate to the public the findings from the evaluation and information on best practices. The Secretary is encouraged to partner with other providers of funds, such as private foundations, to allow for use of an experimental or quasi-experimental evaluation in at least one of the pilot program sites.*

*"(2) INSTITUTIONAL PARTICIPATION.—As a condition of receiving grants under this section, participating institutions shall work with the evaluator to track persistence and completion outcomes for students in the pilot program, specifically the proportion of these students who take and complete developmental education courses, the proportion who take and complete college-level coursework, and the proportion who complete certificates and degrees. This data shall be broken down by race, ethnicity, and age and the evaluator shall assist institutions in analyzing this data to compare Student Success Grant pilot program participants to comparable nonparticipants, using statistical techniques to control for differences in the groups.*

*"(3) ANNUAL REPORTS.—Participating institutions under this section shall report on the data specified in paragraph (2) annually and the Secretary shall make this data publicly available.*

### *"PART E—JOBS TO CAREERS*

### *"SEC. 831. GRANTS TO CREATE BRIDGES FROM JOBS TO CAREERS.*

*"(a) AUTHORIZATION OF PROGRAM.—From amounts appropriated to carry out this part under section 800, the Secretary shall award grants, on a competitive basis, to institutions of higher education for the purposes of improving developmental education, including English language instruction, by customizing developmental education to student career goals, and helping students move rapidly from developmental coursework into for-credit occupational program courses and through program completion. The grants under this section shall focus in particular on creating bridges to for-credit occupational certificate programs that are articulated to degree programs.*

*"(b) APPLICATION.—An eligible institution seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

*"(c) PRIORITIES.—The Secretary shall give priority to applications that—*

*"(1) are from institutions of higher education in which not less than 50 percent of the institution's entering first-year students who are subject to mandatory assessment, are assessed as needing developmental courses to bring reading, writing, or mathematics skills up to college-level; and*

*"(2) propose to replicate practices that have proven effective with adults or propose to collaborate with adult education providers.*

*"(d) PEER REVIEW.—The Secretary shall convene a peer review process to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees.*

*"(e) MANDATORY ACTIVITY.—An eligible institution that receives a grant under this section shall use the grant funds to create workforce bridge programs that customize developmental education curricula, including English language instruction, to the content of the for-credit occupational certificate or degree programs, or clusters of such programs, in which developmental education students seek to enroll. Such bridge programs may include those that integrate the curricula and the instruction of both developmental and college-level coursework or that dually enroll students in remediation and college-level coursework.*

*"(f) PERMISSIBLE ACTIVITIES.—An eligible institution that receives a grant under this section, in addition to creating workforce bridge programs, may use the grant funds to carry out the following:*

*"(1) Design and implement innovative ways to improve retention in and completion of developmental education courses, including enrolling students in cohorts, accelerating course content, integrating remediation and college-level curricula and instruction, dually enrolling students in developmental and college-level courses, tutoring, providing counseling and other supportive services, and giving small, material incentives for attendance and performance.*

*"(2) In consultation with faculty in the appropriate departments, redesignating class schedules to meet the needs of working adults, such as by creating evening, weekend, modular, compressed, distance-learning formats, or other alternative schedules.*

*"(3) Improving the quality of teaching in remedial courses through professional development, reclassification of such teaching positions, or other means the eligible institution determines appropriate.*

*"(4) Any other activities the eligible institution and the Secretary determine will promote retention of, and completion by, students attending institutions of higher education.*

*"(5) Fully advise students on the range of options and programs available, which may include: diploma; certification; 2-year degree; associate's degree; transfer degree to upper division; and career options.*

*"(g) GRANT PERIOD.—Grants made under this section shall be for a period of not less than 36 months and not more than 60 months.*

*"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to grantees under this section throughout the grant period.*

*"(i) EVALUATION.—The Secretary shall conduct an evaluation of program impacts under the demonstration program, and shall disseminate to the public the findings from the evaluation and information on best practices. The Secretary is encouraged to partner with other providers of funds, such as private foundations, to allow for use of a random assignment evaluation in at least one of the demonstration sites.*

*"(j) DEFINITION OF INSTITUTION.—In this section, the term 'institution of higher education' means an institution of higher education as defined in section 101(a).*

### *"PART F—PROJECT GRAD*

### *"SEC. 836. PROJECT GRAD.*

*"(a) PURPOSES.—The purposes of this part are—*

*"(1) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation and college attendance and completion rates for disadvantaged students; and*

*"(2) to promote the establishment of new programs to implement such integrated education reform services.*

*"(b) GRANT AUTHORIZED.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award a grant to Project GRAD USA (referred to in this part as the 'grantee'), a nonprofit educational organization that has as its primary purpose the improvement of secondary school graduation and college attendance and completion rates for disadvantaged students, to implement and sustain the integrated education reform services described in subsection (d)(3) at existing Project GRAD program sites and to promote the expansion of such programs to new sites.*

*"(c) REQUIREMENTS OF GRANT AGREEMENT.—The Secretary shall enter into an agreement with the grantee that requires that the grantee shall—*

*"(1) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of low-income students (referred to in this part as 'subcontractors'), under which the subcontractors agree to implement the programs described in subsection (d) and provide matching funds for such programs;*

*"(2) directly carry out—*

*"(A) activities to implement and sustain the literacy, mathematics, classroom management, social service, and college access programs further described in subsection (d)(3);*

*"(B) activities to build the organizational and management capacity of the subcontractors to effectively implement and sustain the programs;*

*"(C) activities for the purpose of improving and expanding the programs, including but not limited to activities to further articulate a program for one or more grade levels and across grade levels, to tailor a program for a particular target audience, and provide tighter integration across programs;*

*"(D) activities for the purpose of implementing new Project GRAD program sites;*

*"(E) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation and college attendance rates for disadvantaged students; and*

*"(F) other activities directly related to improving secondary school graduation and college attendance and completion rates for disadvantaged students; and*

*"(3) use grant funds available under this part to pay—*

*"(A) the amount determined under subsection (f)(1); and*

*"(B) costs associated with carrying out the activities and providing the services, as provided in paragraph (2) of this subsection.*

*"(d) SUPPORTED PROGRAMS.—*

*"(1) DESIGNATION.—The subcontractor programs referred to in subsection (c)(1) shall be known as Project GRAD programs.*

*"(2) FEEDER PATTERNS.—Each subcontractor shall implement a Project GRAD program and shall, with the agreement of the grantee—*

*"(A) identify or establish not less than one 'feeder pattern' of public schools, where 'feeder*

*pattern' is defined as a high school and the elementary schools and middle schools that channel students into that high school; and*

*"(B) provide the integrated educational reform services described in paragraph (3) at the identified feeder pattern or feeder patterns.*

*"(3) Integrated Education Reform Services.—The services provided through a Project GRAD program may include—*

*"(A) research-based programs in reading, mathematics, and classroom management;*

*"(B) campus-based social services programs, including a systematic approach to increase family and community involvement in the schools served by the Project GRAD program;*

*"(C) a college access program that includes—*

*"(i) providing college scholarships for students who meet established criteria;*

*"(ii) proven approaches for increasing student and family college awareness; and*

*"(iii) assistance for such students in applying for higher education financial aid; and*

*"(D) such other services identified by the grantee as necessary to increase secondary school graduation and college attendance and completion rates.*

*"(e) Use of Funds.—Of the funds made available to carry out this part under section 800, not more than 8 percent of such funds, or $4,000,000, whichever is less, shall be used by the grantee to pay for administration of the grant, with the remainder of funds to be used for the purposes described in subsections (c)(1) and (2).*

*"(f) Grantee Contribution and Matching Requirement.—*

*"(1) In general.—The grantee shall provide to each subcontractor an average of $200 for each pupil served by the subcontractor in the Project GRAD program, adjusted to take into consideration—*

*"(A) the resources available in the area where the subcontractor will implement the Project GRAD program; and*

*"(B) the need for Project GRAD programs in such area to improve student outcomes.*

*"(2) Matching requirement.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to the amount received by the subcontractor from the grantee. Such matching funds may be provided in cash or in kind, fairly evaluated.*

*"(3) Waiver authority.—The grantee may waive, in whole or in part, the requirement of paragraph (2) for a subcontractor, if the subcontractor—*

*"(A) demonstrates that it would not otherwise be able to participate in the program; and*

*"(B) enters into an agreement with the grantee with respect to the amount to which the waiver will apply.*

*"(4) Decrease in grantee share.—Based on the funds or resources available to a subcontractor, the grantee may elect to provide the subcontractor with an amount that is less than the amount determined under paragraph (1).*

*"(g) Evaluation.—*

*"(1) Evaluation by the secretary.—The Secretary shall select an independent entity to evaluate, every 3 years, the performance of students who participate in a Project GRAD program under this part. The evaluation shall—*

*"(A) be conducted using a rigorous research design for determining the effectiveness of the Project GRAD programs funded under this part; and*

*"(B) compare reading and mathematics achievement and, where applicable, the secondary school graduation, college attendance, and college completion rates of students who participate in a Project GRAD program funded under this part with those indicators for students of similar backgrounds who do not participate in such program.*

*"(2) Evaluation by grantee and subcontractors.—*

*"(A) In general.—The grantee shall require each subcontractor to prepare an in-depth report of the results and the use of funds of each Project GRAD program funded under this part that includes—*

*"(i) data on the reading and mathematics achievement of students involved in the Project GRAD program;*

*"(ii) statistics on secondary school graduation, college attendance, and college completion rates; and*

*"(iii) such financial reporting as required by the Secretary to review the effectiveness and efficiency of the program.*

*"(B) Form of report.—The report shall be in a form and include such content as shall be determined by the grantee, in consultation with the Secretary or the entity selected by the Secretary to evaluate the Project GRAD programs in accordance with paragraph (1).*

*"(3) Availability of evaluations.—Copies of any evaluation or report prepared under this subsection shall be made available to—*

*"(A) the Secretary; and*

*"(B) the chairperson and ranking member of the authorizing committees.*

*"(h) Definitions.—In this part the term 'low-income student' means a student who is determined by a local educational agency to be from a low-income family using the measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).*

## *"PART G—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS*

### *"SEC. 841. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.*

*"(a) In General.—From the amount appropriated to carry out this part under section 800, the Secretary shall contract with one nonprofit organization described in subsection (b) to enable the nonprofit organization—*

*"(1) to make publicly available the year-to-year higher education enrollment rate trends of secondary school students, disaggregated by secondary school, in compliance with the Family Education Rights and Privacy Act of 1974;*

*"(2) to identify not less than 50 urban local educational agencies and 5 States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive needs assessment in the agencies and States of the factors known to contribute to improved higher education enrollment rates, which factors shall include—*

*"(A) an evaluation of the local educational agency's and State's leadership strategies;*

*"(B) the secondary school curriculum and class offerings of the local educational agency and State;*

*"(C) the professional development used by the local educational agency and the State to assist teachers, higher education counselors, and administrators in supporting the transition of secondary students into higher education;*

*"(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into higher education;*

*"(E) the data systems used by the local educational agency and the State to measure college enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and school-wide outcomes; and*

*"(F) strategies to mobilize student leaders to build a college-bound culture; and*

*"(3) to provide comprehensive services to improve the school-wide higher education enrollment rates of each of not less than 10 local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—*

*"(A) participated in the needs assessment described in paragraph (2); and*

*"(B) demonstrated a willingness and commitment to improving the higher education enrollment rates of the local educational agency or State, respectively.*

*"(b) Grant Recipient Criteria.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—*

*"(1) in increasing school-wide higher education enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and*

*"(2) in a college transition data management system.*

## *"PART H—DIPLOMA MILL PREVENTION*

### *"SEC. 851. PURPOSE; DEFINITIONS.*

*"(a) Purpose.—The purpose of this part is to protect institutions of higher education, businesses and other employers, professional licensing boards, patients and clients of degree holders, taxpayers, and other individuals from any person claiming to possess a legitimate academic degree that in fact was issued by a fraudulent or nonexistent school, by a non-educational entity posing as a school, or by any entity in violation of Federal or State law.*

*"(b) Definitions.—In this part:*

*"(1) Degree-granting institution.—The term 'degree-granting institution' means any entity that offers or confers an academic, professional, or occupational degree, diploma, or certificate, if such degree, diploma, or certificate may be used to represent to the general public that the individual possessing such degree, diploma, or certificate has completed a program of education or training beyond secondary education.*

*"(2) Diploma mill.—The term 'diploma mill' means any entity that—*

*"(A) lacks valid accreditation by an agency recognized by a Federal agency or a State government or other organization or association that recognizes accrediting agencies as a valid accrediting agency of institutions of higher education; and*

*"(B) offers degrees, diplomas, or certifications, for a fee, that may be used to represent to the general public that the individual possessing such a degree, diploma, or certification has completed a program of education or training beyond secondary education, but little or no education or course work is required to obtain such a degree, diploma, or certification.*

*"(3) Institution of higher education.—The term 'institution of higher education' has the meaning given such term in section 102.*

### *"SEC. 852. RECOGNIZED ACCREDITING AGENCIES AND INSTITUTIONS.*

*"(a) Lists Maintained by the Department of Education.—Not later than 30 days after the date of the enactment of this part, the Secretary of Education shall make available (in a regularly updated, electronic format) to the Secretary of Homeland Security and the heads of other appropriate Federal agencies, a list of—*

*"(1) accrediting agencies and associations, recognized by the Secretary of Education under section 496, or, at the discretion of the Secretary, other organizations involved in accreditation;*

*"(2) eligible institutions, as defined under section 435(a); and*

*"(3) to the extent practicable, foreign degree-granting institutions that—*

*"(A) have degree-granting authority, as granted by the appropriate agency or ministry of jurisdiction in the home country of such institution;*

*"(B) issue degrees that are accepted for professional licensure, public employment, and admission into graduate programs of degree-granting institutions in the home country (as determined by the Secretary of State);*

*"(C) are determined by the Secretary of Education to be academically equivalent to an eligible institution, as defined in section 435(a); and*

*"(D) are located in a home country that is capable of performing an effective academic evaluation of the degree-granting institutions to which it issues degree-granting authority, as determined by the Secretary of State, in consultation with the Secretary of Education,*

*for the purposes of assisting the Secretary of Homeland Security and the heads of such Federal agencies to determine, for immigration and Federal employment and hiring purposes, the legitimacy of degree-granting institutions and degrees issued by such institutions.*

*"(b) REVISIONS TO LISTS.—The Secretary of Education shall modify and maintain the lists described in subsection (a) as necessary to ensure that the lists and the information contained in the lists are accurate and up-to-date, based on the most recent information available to the Secretary.*

*"(c) NOTICE OF RECOGNITION.—To be eligible to receive funds under title IV, each eligible institution described in subsection (a)(2) shall, not later than 60 days after the date of the enactment of this part, prominently display on the institution's Internet website a notice indicating that the institution is recognized by the Secretary of Education as a legitimate institution for immigration and Federal employment and hiring purposes. If the Secretary of Education determines that an institution no longer qualifies as a legitimate degree-granting institutions described in subsection (a)(2), and removes the institution from the list maintained under such subsection, the institution shall, not later than 15 days after the removal of the institution from such list, delete the notice required by this subsection from the institution's Internet website.*

### *"SEC. 853. ACCREDITING AGENCIES.*

*"No accrediting agency or association may be considered to be a reliable authority as to the quality of education or training offered by a degree-granting institution for any purpose related to immigration, Federal employment and hiring practices, or for any other Federal purposes, unless the agency or association is on the list of accrediting agencies and associations recognized by the Secretary of Education and provided to the Secretary of Homeland Security under section 852. The Secretary may consult with other organizations, such as the Council for Higher Education Accreditation, for such purposes.*

### *"SEC. 854. TASK FORCE.*

*"(a) TASK FORCE ESTABLISHED.—The Secretary of Education shall establish within the Department of Education the Diploma Mill Task Force (referred to in this part as the 'Task Force').*

*"(b) MEMBERSHIP.—*

*"(1) NUMBER AND APPOINTMENT.—The Task Force shall, if practicable, be composed of 19 members, as follows:*

*"(A) The Assistant Secretary of Education for Postsecondary Education.*

*"(B) A representative of the Department of Education with experience related to the determination of the legitimacy and quality of degrees from foreign institutions of higher education, selected by the Secretary of Education.*

*"(C) A representative of the Department of Justice, selected by the Attorney General.*

*"(D) A representative of the Federal Trade Commission, selected by the Chairman of such agency.*

*"(E) A representative of the Secret Service, selected by the Director of the Secret Service.*

*"(F) A representative of the Department of State, selected by the Secretary of State.*

*"(G) A representative of the Department of Homeland Security, selected by the Secretary of Homeland Security.*

*"(H) A representative of the Office of Personnel Management, selected by the Director of such Office.*

*"(I) A representative of a national accreditation association.*

*"(J) A representative of a national organization representing collegiate registrars and admissions officers.*

*"(K) Two representatives of State degree approval agencies, selected by agreement of at least 3 of the Speaker of the House of Representatives, the Senate majority leader, the House minority leader, and the Senate minority leader.*

*"(L) Two representatives from regionally accredited institutions of higher education, selected by agreement of at least 3 of the Speaker of the House of Representatives, the Senate majority leader, the House minority leader, and the Senate minority leader.*

*"(M) One representative from a nationally accredited institution of higher education, selected by agreement of at least 3 of the Speaker of the House of Representatives, the Senate majority leader, the House minority leader, and the Senate minority leader.*

*"(N) Four individuals from the general population with experience in higher education, the detection of fraudulent degrees and degree-granting institutions, or law enforcement related to credential fraud, selected as follows:*

*"(i) One individual selected by the Speaker of the House of Representatives.*

*"(ii) One individual selected by the minority leader of the House of Representatives.*

*"(iii) One individual selected by the majority leader of the Senate.*

*"(iv) One individual selected by the minority leader of the Senate.*

*"(2) CRITERIA FOR MEMBERSHIP.—All members of the Task Force shall be persons who are especially qualified to serve on the Task Force by virtue of their education, training, or experience, particularly in the fields of higher education, accreditation of institutions of higher education, foreign higher education standards, State regulation of institutions of higher education, immigration, Federal employment requirements and hiring practices, or fraud prevention, detection, or enforcement.*

*"(3) TERMS.—Each member shall be appointed for the life of the Task Force.*

*"(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.*

*"(5) CHAIR.—At the first meeting of the Task Force, the members of the Task Force shall elect a member of the Task Force to serve as Chair.*

*"(c) DUTIES.—*

*"(1) GUIDELINES.—The Task Force shall develop guidelines, to be used for the development of Federal legislation, to identify degree-granting institutions as legitimate or fraudulent degree-granting institutions for Federal purposes. In developing such guidelines, the Task Force shall consider—*

*"(A) characteristics of degree-granting institutions that help determine the legitimacy of the institution, such as whether an entity—*

*"(i) offers or confers degrees, diplomas, or certificates—*

*"(I) for little or no meaningful academic work;*

*"(II) without requiring an appropriate level of academic achievement for the attainment of such degrees, diplomas, or certificates; or*

*"(III) without imposing academic or other requirements for admittance into the institutions or programs offering such degrees, diplomas, or certificates;*

*"(ii) has fiscal and administrative structures and capacity appropriate to the specified scale of educational operations;*

*"(iii) has resources to support claims as a degree-granting institution, including curricula, qualified faculty, facilities, equipment, and supplies, student support services, objectives of the degrees or credentials offered, admissions practices, academic calendars and catalogs, and a grading system; and*

*"(iv) has degree-granting authority issued by the States in which degrees, or instruction leading to degrees, are offered, and is recognized by such States as an approved institution of higher education;*

*"(B) the feasibility of defining the term 'fraudulent degree-granting institution' (commonly referred to as 'diploma mills'), and if feasible, shall define such term to propose for use in Federal laws and regulations;*

*"(C) issues related to—*

*"(i) the detection of new and existing fraudulent degree-granting institutions;*

*"(ii) recognition and prevention of the practices used by such fraudulent degree-granting institutions to avoid detection;*

*"(iii) the enforcement of laws and regulations prohibiting such fraudulent degree-granting institutions and practices and the use of fraudulent degrees; and*

*"(iv) the prosecution of such fraudulent degree-granting institutions and practices and the use of fraudulent degrees;*

*"(D) difficulties in identifying fraudulent degree-granting institutions located in foreign countries, or that claim recognition or degree-granting authority from foreign countries;*

*"(E) means to alert and educate the public about fraudulent degree-granting institutions and the use of fraudulent degrees;*

*"(F) laws, regulations, and other means used by States to address fraudulent degree-granting institutions and the use of fraudulent degrees;*

*"(G) the potential need for coordination and cooperation among various Federal agencies to investigate and prosecute suspected fraudulent degree-granting institutions, and the detailed recommendations of the Task Force regarding such coordination and cooperation;*

*"(H) the study and the report to the Task Force required under this section; and*

*"(I) the purposes for which various agencies of the United States need to identify fraudulent degree-granting institutions, and identify, prohibit, and prevent the use of degrees issued by such fraudulent institutions, and the ability of such agencies to implement any guidelines considered by the Task Force.*

*"(2) DEVELOPMENT OF FEDERAL PLAN.—The Task Force shall develop a strategic diploma integrity protection plan (referred to in this section as the 'Plan') to address the sale and use of fraudulent degrees for Federal purposes. The Plan shall include the following:*

*"(A) Recommendations to Congress regarding the implementation by Federal agencies of the guidelines developed under paragraph (1).*

*"(B) Recommendations to the Federal Trade Commission regarding the application of the guidelines developed under paragraph (1) to any rulemaking under section 856 and to the enforcement of the rules promulgated under such section.*

*"(3) SUBMISSION OF REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this part, the Task Force shall submit to the appropriate congressional committees a report, including—*

*"(A) the guidelines developed under paragraph (1);*

*"(B) the Plan developed under paragraph (2); and*

*"(C) a legislative proposal for consideration by Congress.*

### *"SEC. 855. SENSE OF THE CONGRESS REGARDING USE BY STATES OF THE FEDERAL PLAN AS GUIDELINES.*

*"It is the sense of the Congress that—*

*"(1) each State should implement a strategic diploma integrity plan similar to any strategic*

*diploma integrity plan developed under section 854, to the extent practicable and as soon as practicable after the date of the adoption of such a plan under such section; and*

*"(2) States may adopt more stringent standards than those standards contained in the Federal strategic diploma integrity plan and used by agencies of the United States to identify fraudulent degree-granting institutions operating within such State, except that State law does not preempt Federal law as applied to the employment and hiring practices of Federal employees working in such State.*

### *"SEC. 856. UNFAIR AND DECEPTIVE ACTS AND PRACTICES REGARDING DIPLOMAS AND PROFESSIONAL CERTIFICATIONS.*

*"Not later than 180 days after the date of enactment of this part, the Secretary shall request in writing that the Federal Trade Commission shall develop a plan to address diploma mills based on section 18 of Federal Trade Commission Act (15 U.S.C. 57a).*

## *"PART I—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT*

### *"SEC. 861. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.*

*"(a) GRANTS AUTHORIZED.—*

*"(1) IN GENERAL.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).*

*"(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General of the United States and the Secretary of Homeland Security.*

*"(3) DURATION.—The Secretary shall award each grant under this section for a period of 2 years.*

*"(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only 1 grant under this section.*

*"(b) FEDERAL SHARE; NON-FEDERAL SHARE.—*

*"(1) IN GENERAL.—The Federal share of the activities described in subsection (c) shall be 50 percent.*

*"(2) NON-FEDERAL SHARE.—The institution of higher education or consortium shall provide the non-Federal share, which may be provided from other Federal, State, and local resources dedicated to emergency preparedness and response.*

*"(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out 1 or more of the following:*

*"(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—*

*"(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and*

*"(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.*

*"(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—*

*"(A) security assessments;*

*"(B) security training of personnel and students at the institution of higher education or consortium;*

*"(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities; and*

*"(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others.*

*"(3) Coordinating with appropriate local entities the provision of mental health services for students and staff of the institution of higher education or consortium, including mental health crisis response and intervention services for students and staff affected by a campus or community emergency.*

*"(d) APPLICATION.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

*"(e) TECHNICAL ASSISTANCE.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.*

*"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—*

*"(1) to provide a private right of action to any person to enforce any provision of this section;*

*"(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or*

*"(3) to affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).*

### *"SEC. 862. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.*

*"The Secretary of Education, in consultation with the Attorney General of the United States and the Secretary of Homeland Security, shall—*

*"(1) advise institutions of higher education on model emergency response policies, procedures, and practices; and*

*"(2) disseminate information concerning those policies, procedures, and practices.*

### *"SEC. 863. PREPARATION FOR FUTURE DISASTERS PLAN BY THE SECRETARY.*

*"(a) PLANNING.—The Secretary shall develop and maintain a disaster relief plan, in consultation with the appropriate agencies, to ensure a procedure is in place to address the needs of institutions of higher education in the event of a disaster with respect to which the President has declared a major disaster or emergency. The plan shall take into consideration the immediate safety and well-being of students, faculty, and staff. Additionally, such plan shall outline steps that can be taken to ensure institutions of higher education have a timely recovery.*

*"(b) SUBMISSION TO CONGRESS.—The Secretary shall submit to the authorizing committees the plan required by subsection (a) and any revisions of such plan.*

### *"SEC. 864. EDUCATION DISASTER AND EMERGENCY RELIEF LOAN PROGRAM.*

*"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to establish an Education Disaster and Emergency Relief Loan Program for institutions of higher education for direct or indirect losses incurred as a result of a federally declared major disaster or emergency.*

*"(b) USE OF ASSISTANCE.—The Secretary may, subject to the availability of appropriations, provide any assistance under the Education Disaster and Emergency Relief Loan program to institutions of higher education pursuant to this section only after the declaration of a major disaster or emergency by the President. Loan funds provided under this section may be used for—*

*"(1) direct and indirect construction, replacement, and renovation costs associated with or resulting from or preparing for a major disaster or emergency;*

*"(2) faculty salaries and incentives for retaining faculty; or*

*"(3) reimbursement for lost tuition and other revenues.*

*"(c) APPLICATION REQUIREMENTS.—To be considered for a loan under this section, an institution of higher education shall—*

*"(1) submit a financial statement and other appropriate data, documentation, or evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a major disaster or emergency and the monetary amount of such losses; and*

*"(2) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency and insurance coverage prior to seeking a loan under this section, except that an institution of higher education shall not be required to receive collateral source compensation from the Federal Emergency Management Agency and insurance prior to being eligible for a loan under this section.*

*"(d) AUDIT.—The Secretary may audit a financial statement submitted under subsection (c) and an institution of higher education shall provide any information that the Secretary determines necessary to conduct such an audit.*

*"(e) REDUCTION IN LOAN AMOUNTS.—To determine the amount of a loan to make available to an institution of higher education under this section, the Secretary shall calculate the monetary amount of losses incurred by such institution as a result of a federally declared major disaster or emergency, and shall reduce such amount by the amount of collateral source compensation the institution has already received from insurance, the Federal Emergency Management Agency, and the Small Business Administration.*

*"(f) ESTABLISHMENT OF LOAN PROGRAM.—In order to disburse loans under this section, the Secretary shall prescribe regulations that—*

*"(1) establish the loan program, taking into consideration the structure of existing capital financing loan programs under this Act; and*

*"(2) that set forth—*

*"(A) terms for the loan program under this section;*

*"(B) procedures for an application for a loan under this section; and*

*"(C) minimum requirements for the loan program and for receiving a loan under this section, including the following:*

*"(i) Online forms to be used in submitting request for a loan under this section.*

*"(ii) Information to be included in such forms.*

*"(iii) Procedures to assist in filing and pursing a loan under this section.*

*"(g) DEFINITIONS.—In this section:*

*"(1) INSTITUTION AFFECTED BY A GULF HURRICANE DISASTER.—The term 'institution affected*

by a Gulf hurricane disaster' means an institution of higher education that—

"(A) is located in an area affected by a Gulf hurricane disaster; and

"(B) is able to demonstrate that the institution—

"(i) incurred physical damage resulting from the impact of a Gulf hurricane disaster;

"(ii) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane levels for 30 days or more on or after August 29, 2005.

"(2) AREA AFFECTED BY A GULF HURRICANE DISASTER; GULF HURRICANE DISASTER.—The terms 'area affected by a Gulf hurricane disaster' and 'Gulf hurricane disaster' have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).

"(3) EMERGENCY.—The term 'emergency' has the meaning given such term in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(4) INSTITUTIONS OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101.

"(5) MAJOR DISASTER.—The term 'major disaster' has the meaning given the term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(h) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of the College Opportunity and Affordability Act of 2007, and assistance provided to institutions of higher education pursuant to this section shall be available only with respect to federally declared major disasters or emergencies that occur after the date of the enactment of the College Opportunity and Affordability Act of 2007, except in the case of an institution affected by a Gulf hurricane disaster.

### "SEC. 865. GUIDANCE ON MENTAL HEALTH DISCLOSURES FOR STUDENT SAFETY.

"Not later than 90 days after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall provide guidance that clarifies the role of institutions of higher education with respect to the disclosure of education records, including to a parent or legal guardian of a dependent student, in the event that such student demonstrates that the student poses a significant risk of harm to himself or herself or to others, including a significant risk of suicide, homicide, or assault. Such guidance shall further clarify that an institution of higher education that, in good faith, discloses education records or other information in accordance with the requirements of this Act and the Family Educational Rights and Privacy Act of 1974 shall not be liable to any person for that disclosure.

## "PART J—RURAL DEVELOPMENT GRANTS FOR RURAL COLLEGES AND UNIVERSITIES

### "SEC. 871. PURPOSE.

"The purposes of this part are—

"(1) to increase—

"(A) enrollment and graduation rates from 2-year and 4-year colleges, and articulation from 2-year degree programs into 4-year degree programs, of graduates of rural high schools; and

"(B) degree completion for nontraditional students from rural areas; and

"(2) to promote economic growth and development in rural America through partnership grants to consortia of rural colleges and universities and other entities, such as local education agencies, employers, education service agencies, and nonprofit organizations.

### "SEC. 872. DEFINITIONS.

"For the purposes of this part:

"(1) RURAL INSTITUTION OF HIGHER EDUCATION.—The term 'rural institution of higher education' means an institution of higher education that primarily serves rural areas.

"(2) RURAL AREA.—The term 'rural area' means an area in which there is located a rural local educational agency.

"(3) RURAL LOCAL EDUCATION AGENCY.—The term 'rural local education agency' means a local educational agency (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965) all of the schools of which meet a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics (NCES), in conjunction with the Bureau of the Census, using the NCES system for classifying local educational agencies.

"(4) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means an individual who—

"(A) delays enrollment in an institution of higher education by 3 or more years after completing high school;

"(B) attends an institution of higher education part-time or less than part-time; or

"(C) attends an institution of higher education and—

"(i) works full-time;

"(ii) is an independent student;

"(iii) has one or more dependents other than a spouse;

"(iv) is a single parent; or

"(v) does not have a high school diploma.

"(5) REGIONAL EMPLOYER.—The term 'regional employer' means employers qualifying as businesses or other entities employing individuals within a rural area.

### "SEC. 873. ENSURING COLLEGE ACCESS FOR RURAL HIGH SCHOOL GRADUATES.

"(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to partnerships formed between one or more rural institution of higher education and any of the following entities:

"(1) One or more rural local educational agencies.

"(2) One or more rural education service agencies.

"(3) One or more regional employers.

"(4) One or more nonprofit organizations with expertise in rural education.

"(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To be eligible for a grant under this section, a partnership that meets the requirements of subsection (a) shall submit to the Secretary an application in such form and containing such information as the Secretary shall prescribe. In determining which applications to approve for a grant under this section, the Secretary shall consider—

"(1) the percentage of graduates, attendees, or former attendees of high schools from rural local educational agencies enrolled or otherwise affiliated with the entity;

"(2) in the case of employers, the percentage of employees that are graduates of high schools in rural local educational agencies.

"(c) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (b) shall be used—

"(1) to improve enrollment rates for graduates and former attendees of rural high schools at rural institutions of higher education, including—

"(A) programs to provide information about college costs and financial aid options, assistance with college enrollment applications, and assistance with financial aid applications;

"(B) programs or initiatives that provide such graduates or former attendees of rural high schools access and exposure to campuses, classes, programs, and facilities of rural institutions of higher education, including covering the cost of transportation to and from institutions of higher education;

"(C) the formation of groups or other initiatives that create support groups of such students expressing interest in attending rural institutions of higher education;

"(D) extracurricular activities, such as internships, community service, and other activities for such individuals in advance of attending institutions of higher education; and

"(E) other initiatives that assist such individuals in applying and developing interest in attending rural institutions of higher education; and

"(2) to encourage participation of nontraditional students in degree programs at rural institutions of higher education, including—

"(A) programs to provide information about college costs and financial aid options, assistance with college enrollment applications, and assistance with financial aid applications for institutions of higher education;

"(B) outreach to nontraditional students through community initiatives; and

"(C) formation of support groups for nontraditional students enrolling in 2-year degree programs and articulating from 2-year degree programs to 4-year degree programs.

### "SEC. 874. ECONOMIC DEVELOPMENT PARTNERSHIPS.

"(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to partnerships formed between one or more rural institutions of higher education and one or more regional employers.

"(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To be eligible for a grant under this section, a partnership that meets the requirements of subsection (a) shall submit to the Secretary an application in such form and containing such information as the Secretary shall prescribe. In determining which applications to approve for a grant under this section, the Secretary shall consider—

"(1) the potential of the employer to employ graduates of rural institutions of higher education after graduation;

"(2) the potential of the employer engaged in the partnership to spur economic development in the region; and

"(3) the relevance of the employer to the regional economy.

"(c) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (a) shall be used—

"(1) to provide additional career training to attendees of rural institutions of higher education in fields relevant to the regional economy; and

"(2) to encourage regional businesses to employ graduates of rural institutions of higher education.

### "SEC. 875. QUALITY OF LIFE IN RURAL AREAS.

"(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to rural institutions of higher education.

"(b) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (a) shall be used to create or strengthen academic programs to prepare graduates to enter into high-need occupations in the regional and local economies.

### "SEC. 876. ALLOCATION OF APPROPRIATIONS.

"(a) GRANT CONSIDERATIONS.—In making grant allocations under this part to qualifying institutions and partnerships, the Secretary shall consider—

*"(1) the percentage of graduates of rural high schools attending rural institutions of higher education in proximity to the entity receiving the grant;*

*"(2) employment needs of regional employers in proximity to entities receiving the grant; and*

*"(3) the health of the regional economy of the region surrounding the entity receiving the grant.*

*"(b) MAXIMUM AND MINIMUM GRANTS.—No grant awarded by the Secretary under this part shall be less than $200,000 or more than $500,000.*

*"(c) GRANT DURATION.—A grant awarded under this part shall be awarded for one 3-year period.*

### *"PART K—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS*

#### *"SEC. 880. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.*

*"(a) PURPOSE.—The purpose of this section is—*

*"(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and*

*"(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.*

*"(b) DEFINITIONS.—In this section:*

*"(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Natives Claims Settlement Act (43 U.S.C. 1602(b)).*

*"(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—*

*"(A) 1 or more colleges or schools of engineering;*

*"(B) 1 or more colleges of science or mathematics;*

*"(C) 1 or more institutions of higher education that offer 2-year degrees; and*

*"(D) 1 or more private entities that—*

*"(i) conduct career awareness activities showcasing local technology professionals;*

*"(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through college, and careers in those fields, with the assistance of local technology professionals;*

*"(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and*

*"(iv) assist with placement of interns and apprentices.*

*"(3) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.*

*"(c) GRANT AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through college, including existing programs for Alaska Native and Native Hawaiian students.*

*"(d) USES OF FUNDS.—Grant funds under this section shall be used for 1 or more of the following:*

*"(1) Development or implementation of cultural, social, or educational transition programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.*

*"(2) Development or implementation of academic support or supplemental educational programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.*

*"(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.*

*"(4) Such other activities as are consistent with the purposes of this section.*

*"(e) APPLICATION.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

*"(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible partnership that provides 1 or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.*

*"(g) PERIOD OF GRANT.—A grant under this section shall be awarded for a period of 5 years.*

*"(h) EVALUATION AND REPORT.—Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than 6 months after the end of the grant period.*

### *"PART L—NATIONAL DATABASE ON FINANCIAL ASSISTANCE FOR STUDY OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS*

#### *"SEC. 881. NATIONAL DATABASE ON FINANCIAL ASSISTANCE FOR STUDY OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.*

*"(a) ESTABLISHMENT AND MAINTENANCE OF DATABASE.—*

*"(1) DATABASE.—The Secretary of Education shall establish and maintain, on the public website of the Department of Education, a database consisting of information on scholarships, fellowships, and other programs of financial assistance available from public and private sources for the study of science, technology, engineering, or mathematics at the postsecondary and post baccalaureate levels.*

*"(2) PRESENTATION OF INFORMATION.—The information maintained on the database established under this section shall be displayed on the website in the following manner:*

*"(A) Separate information shall be provided for each of the fields of study referred to in paragraph (1) and for postsecondary and post baccalaureate programs of financial assistance.*

*"(B) The database shall provide specific information on any programs of financial assistance which are targeted to individuals of a particular gender, ethnicity, or other demographic group.*

*"(C) If the sponsor of any program of financial assistance included on the database maintains a public website, the database shall provide hyperlinks to the website.*

*"(D) In addition to providing the hyperlink to the website of a sponsor of a program of financial assistance as required under subparagraph (C), the database shall provide general information that an interested person may use to contact the sponsor, including the sponsor's electronic mail address.*

*"(E) The database shall have a search capability which permits an individual to search for information on the basis of each category of the information provided and on the basis of combinations of categories of the information provided, including whether the scholarship is need- or merit-based and by relevant academic majors.*

*"(F) The database shall include a recommendation that students and families should carefully review all of the application requirements prior to applying for aid, and a disclaimer that the scholarships presented in the database are not provided or endorsed by the Department of Education or the Federal Government.*

*"(b) DISSEMINATION OF INFORMATION ON DATABASE.—The Secretary shall take such actions as may be necessary on an ongoing basis, including sending notices to secondary schools and institutions of higher education, to disseminate information on the database established and maintained under this part and to encourage its use by interested parties.*

*"(c) USE OF VENDOR TO OBTAIN INFORMATION.—In carrying out this part, the Secretary of Education shall enter into a contract with a private entity under which the entity shall furnish and regularly update all of the information required to be maintained on the database established under this section.*

*"(d) ENCOURAGING THE PROVISION OF INFORMATION.—In carrying out this part, the Secretary of Education and the contracted entity shall consult with public and private sources of scholarships and make easily available a process for such entities to provide regular and updated information.*

### *"PART M—TRAINING FOR REALTIME WRITERS*

#### *"SEC. 882. PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.*

*"(a) AUTHORIZATION OF GRANT PROGRAM.—*

*"(1) IN GENERAL.—From the amounts appropriated to carry out this part under section 800, the Secretary of Commerce shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 713 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.*

*"(2) ELIGIBLE ENTITIES.—For purposes of this part, an eligible entity is a court reporting program that—*

*"(A) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;*

*"(B) is accredited by an accrediting agency recognized by the Department of Education; and*

*"(C) is participating in student aid programs under title IV.*

*"(3) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary—*

*"(A) possess the most substantial capability to increase their capacity to train realtime writers;*

*"(B) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or*

*"(C) propose the most promising and innovative approaches for initiating or expanding training or job placement assistance efforts with respect to realtime writers.*

*"(4) DURATION OF GRANT.—A grant under this section shall be for a period of 2 years.*

*"(5) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000*

*for the 2-year period of the grant under paragraph (4).*

*"(b) APPLICATION.—*

*"(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit an application to the Secretary of Commerce at such time and in such manner as the secretary may require. The application shall contain the information set forth under paragraph (2).*

*"(2) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under subsection (a) shall include the following:*

*"(A) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.*

*"(B) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.*

*"(C) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.*

*"(D) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.*

*"(E) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.*

*"(F) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under subsection (a)(3).*

*"(G) Such other information as the Secretary may require.*

*"(c) USE OF FUNDS.—*

*"(1) IN GENERAL.—An eligible entity receiving a grant under subsection (a) shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—*

*"(A) recruitment;*

*"(B) subject to paragraph (2), the provision of scholarships;*

*"(C) distance learning;*

*"(D) further developing and implementing both English and Spanish curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;*

*"(E) mentoring students to ensure successful completion of the realtime training and provide assistance in job placement;*

*"(F) encouraging individuals with disabilities to pursue a career in realtime writing; and*

*"(G) the employment and payment of personnel for all such purposes.*

*"(2) SCHOLARSHIPS.—*

*"(A) AMOUNT.—The amount of a scholarship under paragraph (1)(B) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV.*

*"(B) AGREEMENT.—Each recipient of a scholarship under paragraph (1)(B) shall enter into an agreement with the school in which the recipient is enrolled to provide realtime writing services for the purposes described in subsection (a)(1) for a period of time appropriate (as determined by the Secretary of Commerce or the Secretary's designee) for the amount of the scholarship received.*

*"(C) COURSEWORK AND EMPLOYMENT.—The Secretary of Commerce or the Secretary's designee shall establish requirements for coursework and employment for recipients of scholarships under paragraph (1)(B), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.*

*"(3) ADMINISTRATIVE COSTS.—The recipient of a grant under this section may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant. The Secretary of Commerce shall use not more than 5 percent of the amount available for grants under this part in any fiscal year for administrative costs of the program.*

*"(4) SUPPLEMENT NOT SUPPLANT.—Grants amounts under this part shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers.*

*"(d) REPORTS.—*

*"(1) ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary of Commerce, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.*

*"(2) REPORT INFORMATION.—*

*"(A) IN GENERAL.—Each report of an entity for a year under paragraph (1) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under subsection (b)(2).*

*"(B) FINAL REPORT.—The final report of an entity on a grant under paragraph (1) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.*

*"(3) ANNUAL REVIEW.—The Inspector General of the Department of Commerce shall conduct an annual review of the management, efficiency, and effectiveness of the grants made under this part.*

### "PART N—CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS

### "SEC. 883. MODEL PROGRAMS FOR CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS.

*"(a) PURPOSE.—It is the purpose of this section to encourage model programs to support veteran student success in postsecondary education by coordinating services to address the academic, financial, physical, and social needs of veteran students.*

*"(b) GRANTS AUTHORIZED.—*

*"(1) IN GENERAL.—Subject to the availability of appropriations under section 800, the Secretary shall award grants to institutions of higher education to develop model programs to support veteran student success in postsecondary education.*

*"(2) GRANT PERIOD.—A grant awarded under this section shall be awarded for a period of 3 years.*

*"(c) USE OF GRANTS.—*

*"(1) REQUIRED ACTIVITIES.—An institution of higher education receiving a grant under this section shall use such grant to carry out a model program that includes—*

*"(A) establishing of a Center of Excellence for Veteran Student Success on the campus of the institution to provide a single point of contact to coordinate comprehensive support services for veteran students;*

*"(B) establishing a veteran students support team, including representatives from the offices of the institution responsible for admissions, registration, financial aid, veterans benefits, academic advising, student health, personal or mental health counseling, career advising, disabilities services, and any other office of the institution that provides support to veteran students on campus;*

*"(C) providing a full-time or part-time coordinator whose primary responsibility is to coordinate the model program carried out under this section;*

*"(D) monitoring the rates of veteran student enrollment, persistence, and completion; and*

*"(E) developing a plan to sustain the Center of Excellence for Veteran Student Success after the grant period.*

*"(2) OTHER AUTHORIZED ACTIVITIES.—An institution of higher education receiving a grant under this section may use such grant to carry out any of the following activities with respect to veteran students:*

*"(A) Outreach and recruitment of such students.*

*"(B) Supportive instructional services for such students, which may include—*

*"(i) personal, academic, and career counseling, as an on-going part of the program;*

*"(ii) tutoring and academic skill-building instruction assistance, as needed; and*

*"(iii) assistance with special admissions and transfer of credit from previous postsecondary education or experience.*

*"(C) Assistance in obtaining student financial aid.*

*"(D) Housing support for students living in institutional facilities and commuting students.*

*"(E) Cultural events, academic programs, orientation programs, and other activities designed to ease the transition to campus life for such students.*

*"(F) Support for veteran student organizations and veteran student support groups on campus.*

*"(G) Coordination of academic advising and admissions counseling with military bases and national guard units in the area.*

*"(H) Other support services the institution determines to be necessary to ensure the success of such students in achieving their educational and career goals.*

*"(d) APPLICATION; SELECTION.—*

*"(1) APPLICATION.—To be considered for a grant under this section, an institution of higher education shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.*

*"(2) SELECTION CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider—*

*"(A) the number of veteran students enrolled at an institution of higher education; and*

*"(B) the need for model programs to address the needs of veteran students at a wide range of institutions of higher education, including the need to provide—*

*"(i) an equitable distribution of such grants to institutions of higher education of various types and sizes;*

*"(ii) an equitable geographic distribution of such grants; and*

*"(iii) an equitable distribution of such grants among rural and urban areas.*

*"(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Secretary shall develop an evaluation and accountability plan for model programs funded under this section to objectively measure the impact of such programs, including a measure of whether postsecondary education enrollment, persistence, and completion for veterans increases as a result of such programs.*

## *“PART O—UNIVERSITY SUSTAINABILITY PROGRAMS*

### *“Subpart 1—Sustainability Planning Grants*

### *“SEC. 884. GRANTS AUTHORIZED.*

*“(a) PROGRAM AUTHORIZED.—*

*“(1) IN GENERAL.—From the amounts appropriated to carry out this part under section 800, the Secretary shall make grants to eligible entities to establish sustainability programs to design and implement sustainability practices, including in the areas of energy management, green building, waste management, purchasing, transportation, and toxics management, and other aspects of sustainability that integrate campus operations with multidisciplinary academic programs and are applicable to the private and government sectors.*

*“(2) PERIOD OF GRANT.—The provision of payments under a grant under paragraph (1) may extend over a period of not more than 4 fiscal years.*

*“(3) DEFINITION OF ELIGIBLE ENTITIES.—For purposes of this part, the term ‘eligible entity’ means—*

*“(A) an institution of higher education that grants 2 or 4-year undergraduate degrees, or masters and doctoral degrees, or both; or*

*“(B) a non-profit consortia, association, alliance, or collaboration operating in partnership with one or more institutions of higher education that received funds for the implementation of work associated with sustainability programs under this part.*

*“(b) APPLICATIONS.—*

*“(1) IN GENERAL.—To receive a grant under subsection (a)(1), an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may reasonably require.*

*“(2) ASSURANCES.—Such application shall include assurances that the eligible entity—*

*“(A) has developed or shall develop a plan, including an evaluation component, for the program component established pursuant to subsection (c);*

*“(B) shall use Federal funds received from a grant under subsection (a) to supplement, not supplant, non-Federal funds that would otherwise be available for projects funded under such section;*

*“(C) shall provide, with respect to any fiscal year in which such entity receives funds from a grant under subsection (a)(1), non-Federal funds or an in-kind contribution in an amount equal to 20 percent of funds from such grant, for the purpose of carrying out the program component established in subsection (c); and*

*“(D) shall collaborate with business, government, and the nonprofit sectors in the development and implementation of its sustainability plan.*

*“(c) USE OF FUNDS.—*

*“(1) INDIVIDUAL INSTITUTIONS.—Grants made under subsection (a) may be used by an eligible entity that is an individual institution of higher education for the following purposes:*

*“(A) To develop and implement administrative and operations practices at institutions of higher education that test, model, and analyze principles of sustainability.*

*“(B) To establish multidisciplinary education, research, and outreach programs at institutions of higher education that address the environmental, social, and economic dimensions of sustainability.*

*“(C) To support research and teaching initiatives that focus on multidisciplinary and integrated environmental, economic, and social elements.*

*“(D) To establish initiatives in the areas of energy management, green building, waste management, purchasing, toxics management, transportation, and other aspects of sustainability.*

*“(E) To support student, faculty, and staff work at institutions of higher education to implement, research, and evaluate sustainable practices.*

*“(F) To establish sustainability literacy as a requirement for undergraduate and graduate degree programs.*

*“(G) To integrate sustainability curriculum in all programs of instruction, particularly in business, architecture, technology, manufacturing, engineering, and science programs.*

*“(2) PARTNERSHIPS.—Grants made under subsection (a) may be used by an eligible entity that is a non-profit consortia, association, alliance, or collaboration operating as a partnership with one or more institutions of higher education for the following purposes:*

*“(A) To conduct faculty, staff and administrator training on the subjects of sustainability and institutional change.*

*“(B) To compile, evaluate, and disseminate best practices, case studies, guidelines and standards.*

*“(C) To conduct efforts to engage external stakeholders such as business, alumni, and accrediting agencies in the process of building support for research, education, and technology development for sustainability.*

*“(D) To conduct professional development programs for faculty in all disciplines to enable faculty to incorporate sustainability content in their courses.*

*“(E) To enable an appropriate non-profit consortia, association, alliance, or collaboration operating in partnership with an institution of higher education to create the analytical tools necessary for institutions of higher education to assess and measure their individual progress toward fully sustainable campus operations and fully integrating sustainability into the curriculum.*

*“(F) To develop educational benchmarks for institutions of higher education to determine the necessary rigor and effectiveness of academic sustainability programs.*

*“(d) REPORTS.—An eligible entity that receives a grant under subsection (a) shall submit to the Secretary, for each fiscal year in which the entity receives amounts from such grant, a report that describes the work conducted pursuant to subsection (c), research findings and publications, administrative savings experienced, and an evaluation of the program.*

*“(e) ALLOCATION REQUIREMENT.—The Secretary may not make grants under subsection (a) to any eligible entity in a total amount that is less than $250,000 or more than $2,000,000.*

### *“Subpart 2—Summit on Sustainability*

### *“SEC. 885. SUMMIT ON SUSTAINABILITY.*

*“Not later than September 30, 2008, the Secretary of Education shall convene a summit of higher education experts working in the area of sustainable operations and programs, representatives from agencies of the Federal Government, and business and industry leaders to focus on efforts of national distinction that—*

*“(1) encourage faculty, staff, and students at institutions of higher education to establish administrative and academic sustainability programs on campus;*

*“(2) enhance research by faculty and students at institutions of higher education in sustainability practices and innovations that assist and improve sustainability;*

*“(3) encourage institutions of higher education to work with community partners from the business, government, and nonprofit sectors to design and implement sustainability programs for application in the community and workplace;*

*“(4) identify opportunities for partnerships involving institutions of higher education and the Federal Government to expand sustainable operations and academic programs focused on environmental and economic sustainability; and*

*“(5) charge the summit participants or steering committee to submit a set of recommendations for addressing sustainability through institutions of higher education.*

## *“PART P—MODELING AND SIMULATION PROGRAMS*

### *“SEC. 886. MODELING AND SIMULATION.*

*“(a) PURPOSE; DEFINITION.—*

*“(1) PURPOSE.—The purpose of this section is to promote the study of modeling and simulation at institutions of higher education, through the collaboration with new and existing programs, and specifically to promote the use of technology in such study through the creation of accurate models that can simulate processes or recreate real life, by—*

*“(A) establishing a task force at the Department of Education to raise awareness of and define the study of modeling and simulation;*

*“(B) providing grants to institutions of higher education to develop new modeling and simulation degree programs; and*

*“(C) providing grants for institutions of higher education to enhance existing modeling and simulation degree programs.*

*“(2) DEFINITION.—In this section, the term ‘modeling and simulation’ means a field of study related to the application of computer science and mathematics to develop a level of understanding of the interaction of the parts of a system and of a system as a whole.*

*“(b) ESTABLISHMENT OF TASK FORCE.—*

*“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a taskforce within the Department of Education to study modeling and simulation and to support the development of the modeling and simulation field. The activities of such taskforce shall include—*

*“(A) helping to define the study of modeling and simulation (including the content of modeling and simulation classes and programs);*

*“(B) identifying best practices for such study;*

*“(C) identifying core knowledge and skills that individuals who participate in modeling and simulation programs should acquire; and*

*“(D) providing recommendations to the Secretary with respect to—*

*“(i) the information described in subparagraphs (A) through (C); and*

*“(ii) a system by which grants under this section will be distributed.*

*“(2) TASKFORCE MEMBERSHIP.—The membership of the taskforce under this subsection shall be composed of representatives from—*

*“(A) institutions of higher education with established modeling and simulation degree programs;*

*“(B) the National Science Foundation;*

*“(C) Federal Government agencies that use modeling and simulation extensively, including the Department of Defense, the National Institute of Health, the Department of Homeland Security, the Department of Health and Human Services, the Department of Energy, and the Department of Transportation;*

*“(D) private industries with a primary focus on modeling and simulation; and*

*“(E) national modeling and simulation organizations.*

*“(c) ENHANCING MODELING AND SIMULATION AT INSTITUTIONS OF HIGHER EDUCATION.—*

*“(1) ENHANCEMENT GRANTS AUTHORIZED.—*

*“(A) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enhance modeling and simulation degree programs at such eligible institutions.*

*“(B) DURATION OF GRANT.—A grant awarded under this subsection shall be awarded for a 3-year period, and such grant period may be extended for not more than 2 years if the Secretary determines that an eligible institution has demonstrated success in enhancing the modeling and simulation degree program at such eligible institution.*

*"(C) MINIMUM GRANT AMOUNT.—Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than $750,000.*

*"(D) NON-FEDERAL SHARE.—Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources, in cash or in kind, an amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.*

*"(2) ELIGIBLE INSTITUTIONS.—For the purposes of this subsection, an eligible institution is an institution of higher education that—*

*"(A) has an established modeling and simulation degree program, including a major, minor, or career-track program; or*

*"(B) has an established modeling and simulation certificate or concentration program.*

*"(3) APPLICATION.—To be considered for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—*

*"(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the enhancement of the modeling and simulation program at the institution of higher education;*

*"(B) an identification of designated faculty responsible for the enhancement of the institution's modeling and simulation program; and*

*"(C) a detailed plan for how the grant funds will be used to enhance the modeling and simulation program of the institution.*

*"(4) USES OF FUNDS.—A grant awarded under this subsection shall be used by an eligible institution to carry out the plan developed in accordance with paragraph (3)(C) to enhance modeling and simulation programs at the institution, which may include—*

*"(A) in the case of an institution that is eligible under paragraph (2)(B), activities to assist in the establishment of a major, minor, or career-track modeling and simulation program at the eligible institution;*

*"(B) expanding the multi-disciplinary nature of the institution's modeling and simulation programs;*

*"(C) recruiting students into the field of modeling and simulation through the provision of fellowships or assistantships;*

*"(D) creating new courses to compliment existing courses and reflect emerging developments in the modeling and simulation field;*

*"(E) conducting research to support new methodologies and techniques in modeling and simulation; and*

*"(F) purchasing equipment necessary for modeling and simulation programs.*

*"(d) ESTABLISHING MODELING AND SIMULATION PROGRAMS.—*

*"(1) ESTABLISHMENT GRANTS AUTHORIZED.—*

*"(A) IN GENERAL.—The Secretary is authorized to award grants to institutions of higher education to establish a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program.*

*"(B) DURATION OF GRANT.—A grant awarded under this subsection shall be awarded for a 3-year period, and such grant period may be extended for not more than 2 years if the Secretary determines that an eligible institution has demonstrated success in establishing a modeling and simulation degree program at such eligible institution.*

*"(C) MINIMUM GRANT AMOUNT.—Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than $750,000.*

*"(D) NON-FEDERAL SHARE.—Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources, in cash or in kind, an amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.*

*"(2) APPLICATION.—To apply for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—*

*"(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the establishment of a modeling and simulation program at the institution of higher education;*

*"(B) a detailed plan for how the grant funds will be used to establish a modeling and simulation program at the institution; and*

*"(C) a description of how the modeling and simulation program established under this subsection will complement existing programs and fit in to the institution's current program and course offerings.*

*"(3) USES OF FUNDS.—A grant awarded under this subsection may be used by an eligible institution to—*

*"(A) establish, or work toward the establishment of, a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program at the eligible institution;*

*"(B) provide adequate staffing to ensure the successful establishment of the modeling and simulation program, which may include the assignment of full-time dedicated or supportive faculty; and*

*"(C) purchasing equipment necessary for a modeling and simulation program.*

*"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years. Of the amounts authorized to be appropriated for each fiscal year—*

*"(1) $1,000,000 is authorized to carry out the activities of the task force established pursuant to subsection (b); and*

*"(2) of the amount remaining after the allocation for paragraph (1)—*

*"(A) 50 percent is authorized to carry out the grant program under subsection (c); and*

*"(B) 50 percent is authorized to carry out the grant program under subsection (d).*

### "PART Q—BUSINESS WORKFORCE PARTNERSHIPS

### "SEC. 887. GRANTS TO CREATE BUSINESS WORKFORCE PARTNERSHIPS.

*"(a) PURPOSE AND AUTHORIZATION.—*

*"(1) PURPOSE.—The purpose of this section is to provide grants to institutions of higher education partnering with employers to strengthen ties between college degree credit offerings and business and industry workforce needs, and expand opportunities for worksite learning.*

*"(2) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants, on a competitive basis, to eligible partnerships for the purposes of creating business and industry workforce partnerships.*

*"(b) DEFINITION OF BUSINESS AND INDUSTRY WORKFORCE PARTNERSHIP.—*

*"(1) IN GENERAL.—For purposes of this section, the term 'business and industry workforce partnership' means a partnership between an institution of higher education and—*

*"(A) an employer or group of employers, or a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998), or both; and*

*"(B) labor organizations, where applicable, that represent workers locally in the businesses or industries that are the focus of the partnership, including as a result of such organization's representation of employees at a worksite at which the partnership proposes to conduct activities under this section.*

*"(2) EXCEPTION.—In the case of a State that does not operate local boards, paragraph (1)(A) shall be applied by substituting 'State board' for 'local board'.*

*"(c) APPLICATION.—A business and industry workforce partnership seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

*"(d) PRIORITY FOR APPLICATIONS FOCUSED ON SERVING NONTRADITIONAL STUDENTS.—The Secretary shall give priority to applications focused on serving nontraditional students who are independent, as defined in section 480(d), do not already have a bachelor's degree, and who have one or more of the following characteristics:*

*"(1) Are the first generation in their family to attend college.*

*"(2) Have delayed enrollment in college.*

*"(3) Have dependents.*

*"(e) PEER REVIEW.—The Secretary shall convene a peer review process, which shall include individuals knowledgeable about workforce education for working adults, to review applications for grants under this section, and make recommendations to the Secretary on the selection of grant recipients.*

*"(f) MANDATORY ACTIVITIES.—A partnership that receives a grant under this section shall use the grant funds to carry out all of the following activities:*

*"(1) Identify high demand occupations in the regional labor market which offer or can lead to high wages, in coordination with the State employment security agency funded under the Wagner-Peyser Act.*

*"(2) Develop linked career and educational pathways for those occupations and related ones, including, where appropriate, pathways involving registered apprenticeships.*

*"(3) Consult with employers offering jobs in occupations identified under paragraph (1) to determine workforce development needs.*

*"(4) Consult with labor organizations representing workers locally in the occupations identified in paragraph (1), where applicable.*

*"(5) Identify existing college degree credit offerings or create new degree credit offerings that prepare students to meet business and industry workforce needs, including offerings connected to registered apprenticeship programs.*

*"(g) PERMISSIBLE ACTIVITIES.—A partnership that receives a grant under this section may use the grant funds to carry out one or more of the following activities:*

*"(1) In consultation with faculty in the appropriate departments, adapt college offerings identified and created under subsection (f)(5) to the schedules and needs of working students, such as by creating evening, weekend, modular, compressed, or distance learning formats, enrolling students in learning communities, or other relevant innovations.*

*"(2) Create bridge programs that prepare students with lower skills or limited English proficiency to enter the college offerings identified or created under subsection (f)(5).*

*"(3) Expand worksite learning opportunities.*

*"(4) Other activities that the institution and the Secretary deem appropriate to carry out the purposes of this program.*

*"(h) GRANT PERIOD.—Grants made under this section shall be for a period of at least 36 months and not more than 60 months.*

"(i) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to grantees under this section throughout the grant period.

"(j) EVALUATION.—The Secretary shall conduct an evaluation of the effectiveness of the program under this section and disseminate the findings of such evaluation, as well as information on promising practices developed under this section.

"(k) REPORT TO CONGRESS.—Not less than 36 months after the first grant is awarded under this section, the Secretary, jointly with the Secretary of Labor, shall report to Congress on:

"(1) Changes to the Higher Education Act and related Acts, such as the Perkins Vocational and Technical Education Act and the Workforce Investment Act (both Title I and Title II), that would help create and sustain business and industry workforce partnerships at colleges.

"(2) Other changes to the Higher Education Act and related Acts, such as the Perkins Vocational and Technical Education Act and the Workforce Investment Act, that would more generally strengthen the links between business and industry workforce needs, workforce development programs, and other college degree credit offerings.".

### SEC. 802. SENSE OF THE CONGRESS; REPORT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in order to provide the borrowers of Federal student loans with the option of converting their loans to income contingent repayment by providing direct loans for the discharge of such loans (in this section referred to as "direct IDEA loans"), the Secretary of Education and the Secretary of the Treasury will work together to develop a process by which the borrower will make payments on such loan using the income tax withholding system and will make appropriate adjustments to his or her withholding or estimated tax payments for such purposes;

(2) the Secretaries should determine—

(A) whether such a repayment option would be beneficial to borrowers and taxpayers; and

(B) how such program would be implemented by the Departments of Education and Treasury; and

(3) this process would—

(A) streamline the repayment process and provide greater flexibility for borrowers electing to use the direct IDEA loan;

(B) significantly reduce the number of loan defaults by borrowers; and

(C) significantly reduce the redundancy in reporting information pertaining to income contingent repayment to the Department of Education, institutions, and applicants.

(b) REPORT.—The Secretaries of Education and the Treasury shall, within one year after the date of enactment of this Act—

(1) provide the Congress with information on the progress in devising the direct IDEA loan with income contingent repayment using the income tax withholding system;

(2) inform the Congress of any necessary statutory changes for the purpose of establishing a direct IDEA loan with income contingent repayment using the income tax withholding system; and

(3) consider international programs demonstrating implementation of income contingent repayment collected through revenue services, such as programs in England, Australia, and New Zealand.

### SEC. 803. INDEPENDENT EVALUATION OF DISTANCE EDUCATION PROGRAMS.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the National Academy of Sciences to conduct a scientifically correct and statistically valid evaluation of the quality of distance education programs, as compared to campus-based education programs, at institutions of higher education. Such evaluation shall include—

(1) identification of the elements by which the quality of distance education, as compared to campus-based education, can be assessed, including elements such as subject matter, interactivity, and student outcomes;

(2) identification of distance and campus-based education program success, with respect to student achievement, in relation to the mission of the institution of higher education; and

(3) identification of the types of students (including classification of types of students based on student age) who most benefit from distance education programs, the types of students who most benefit from campus-based education programs, and the types of students who do not benefit from distance education programs, by assessing elements including access to higher education, job placement rates, undergraduate graduation rates, and graduate and professional degree attainment rates.

(b) SCOPE.—The National Academy of Sciences shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(c) INTERIM AND FINAL REPORTS.—The agreement under subsection (a) shall require that the National Academy of Sciences submit to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)—

(1) an interim report regarding the evaluation under subsection (a) not later than December 31, 2008; and

(2) a final report regarding such evaluation not later than December 31, 2010.

### SEC. 804. ENCOURAGING COLLEGES AND UNIVERSITIES TO "GO GREEN".

(a) FINDINGS.—The Committee on Education and Labor of the House of Representatives makes the following findings:

(1) A commitment to and academic programs for environmental and economic sustainability are essential for our Nation's future prosperity.

(2) The more than 4,200 higher education institutions in the United States have the capacity to innovatively leverage spending and change consumption patterns by incorporating concepts of sustainability into their academic programs and by modeling sustainable economic and environmental practices for their communities.

(3) Many colleges and universities have interdisciplinary programs or centers focusing on equipping students with the academic content knowledge needed to understand concepts of sustainability and "going green".

(4) Many colleges and universities have programs related to the research of sustainability and sustainable systems.

(5) Academic programs related to sustainability vary in rigor because no national education content standards for academic sustainability programs currently exist.

(6) Colleges and universities may partner with businesses to encourage students and faculty to translate academic learning and research into practical solutions that promote sustainability.

(7) Colleges and universities that make an effort to reduce energy consumption and promote environmental sustainability not only reduce their own emissions, but also motivate the leaders of the next generation to action and create technical skills and resources to develop innovative solutions.

(8) Many colleges and universities have undertaken detailed, campus-wide assessments of their progress toward "going green" and sustainability or have measured their progress in specific sectors, such as operations, or specific parameters, such as recycling, energy, and water consumption.

(9) No system that evaluates and compares college and university campuses in terms of overall sustainability-related academic programs and practices currently exists.

(b) SENSE OF THE COMMITTEE ON EDUCATION AND LABOR.—It is the sense of the Committee on Education and Labor that in order to encourage increased public awareness of the need to "go green" by using sustainable economic and environmental practices and rigorous sustainability academic programs on college and university campuses, the following should be encouraged:

(1) The development of educational standards by institutions of higher education to determine the necessary rigor and effectiveness of academic sustainability programs.

(2) Public awareness of the need for "going green" by using sustainable economic and environmental practices.

(3) Non-governmental efforts to improve economic and environmental sustainability efforts on college and university campuses, including holding national summits to share best practices.

(4) Collaborative partnerships between Federal agencies, businesses, universities and communities to broaden sustainability practices.

### SEC. 805. STUDY OF COSTS OF ENVIRONMENTAL, HEALTH, AND SAFETY STANDARDS.

(a) STUDY.—The Secretary of Education shall commission the National Research Council to conduct a national study to determine the viability of developing and implementing standards in environmental, health, and safety areas to provide for differential regulation of industrial laboratories and facilities, on the one hand, and research and teaching laboratories on the other. The National Research Council shall make specific recommendations for statutory and regulatory changes that are needed to develop such a differential approach.

(b) REPORT.—The Secretary of Education shall submit the list of those regulations that impose the greatest compliance costs on institutions of higher education and make recommendations for statutory changes to ease the compliance burden to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

### SEC. 806. STUDY OF MINORITY MALE ACADEMIC ACHIEVEMENT.

(a) STUDY REQUIRED.—The Secretary of Education shall—

(1) commission and ensure the conduct of a national study of underrepresented minority males, particularly African American and Hispanic American males, completing high school, and entering and graduating from colleges and universities in accordance with the following:

(A) the data comprising the study shall focus primarily on African American and Hispanic American males and will utilize existing data sources;

(B) the study shall focus on high school completion and preparation for college, success on the SAT and ACT, and minority male access to college, including the financing of college, and college persistence and graduation; and

(C) the implementation of the study shall be in four stages based on the recommendations of the Commissioner of Education Statistics; and

(2) make specific recommendations to the Congress and State superintendents of education on new approaches to increase—

(A) the number of minority males successfully preparing themselves for college study;

(B) the number of minority males graduating from high school and entering college; and

(C) the number of minority males graduating from college and entering careers in which they are underrepresented.

(b) SUBMISSION OF THE REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit a report on the study required by subsection (a)(1), together with the recommendations required by subsection (a)(2), to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)).

### SEC. 807. STUDY ON BIAS IN STANDARDIZED TESTS.

(a) STUDY.—The Comptroller General shall conduct a study to identify any race, ethnicity, and gender biases present in the design of standardized tests that are used for admission to institutions of higher education.

(b) DATA AVAILABLE TO THE PUBLIC.—Any data collected and used for the study under subsection (a) shall be made publicly available, except that such data shall not be made available in any manner that reveals personally identifiable information relating to any individual.

(c) REPORT.—Not later than one year after date of the enactment of this Act, the Comptroller General shall issue an interim report to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) related to the progress of the study under subsection (a).

### SEC. 808. FEASIBILITY STUDY ON STUDENT LOANS.

(a) STUDY REQUIRED.—The Congressional Budget Office shall conduct a study on the feasibility of allowing borrowers in repayment of student loans made under the Higher Education Act of 1965 the option of selecting or renegotiating a fixed or variable interest rate on their loans and the repayment period of such loans. The study shall evaluate various scenarios and options and take into consideration the costs to the government, lenders and borrowers of allowing such an option as well as the impact on service quality..

(b) REPORT.—The Congressional Budget Office shall submit a report on the study required by this section to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) not later than one year after the date of the enactment of this Act.

### SEC. 809. ENDOWMENT REPORT.

(a) ANALYSIS OF ENDOWMENTS.—The Secretary of Education shall conduct a study on the amounts, uses, and public purposes of the endowments of institutions of higher education. The study shall include information (disaggregated by types of institution) describing—

(1) the average and range of—

(A) the outstanding balance of such endowments;

(B) the growth of such endowments over the last 10 years; and

(C) the percentage of spending on an annual basis and, to the extent practicable, the uses of such endowments by the institutions; and

(2) the extent to which the funds in such endowments are restricted, and the restrictions placed upon such funds.

(b) SUBMISSION OF REPORT.—The Secretary shall submit the report required by subsection (a) to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) not later than one year after the date of enactment of this Act.

### SEC. 810. STUDY OF CORRECTIONAL POSTSECONDARY EDUCATION.

(a) STUDY REQUIRED.—The Secretary of Education shall—

(1) conduct a longitudinal study to assess the effects of correctional postsecondary education that—

(A) employs rigorous empirical methods that control for self-selection bias;

(B) measures a range of outcomes, including those related to employment and earnings, recidivism, engaged citizenship, impact on families of the incarcerated, and impact on the culture of the correctional institution;

(C) examines different delivery systems of postsecondary education, such as on-site and distance learning; and

(D) includes a projected cost-benefit analysis of the Federal investment in terms of reduction of future offending, reduction of future prison costs (construction and operational), increased tax payments by formerly incarcerated individuals, a reduction of welfare and other social service costs for successful formerly incarcerated individuals, and increased costs from the employment of formerly incarcerated individuals; and

(2) make specific recommendations to the Congress and the relevant State agencies responsible for correctional education, such as the State superintendents of education and State secretaries of corrections, on best approaches to increase correctional education and its effectiveness.

(b) SUBMISSION OF REPORTS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit an interim report on the progress of the study required by subsection (a)(1) to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)). Not later than 7 years after the date of enactment of this Act, the Secretary shall submit a final report, together with the recommendations required by subsection (a)(3), to the authorizing committees.

### SEC. 811. NATIONAL UNDERGRADUATE FELLOWS PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized to provide grants, on a competitive basis, to institutions of higher education (as defined in section 102) to support a National Undergraduate Fellows program.

(b) PURPOSE OF GRANTS.—Grants under this section shall be provided to enable administrators (including student affairs administrators)—

(1) to improve postsecondary degree completion rates of current underrepresented students through mentoring, a leadership institute, an internship, and funding to attend regional and national higher education administration conferences;

(2) to increase the retention and success rates of not only current students, but future generations of underrepresented college students, by encouraging them to pursue a career in higher education or student affairs; and

(3) to increase the quality and number of underrepresented higher education and student affairs administrators able to provide much needed student support services to students.

(c) USES OF FUNDS.—Grantees under this section may use the funds to provide—

(1) staffing support for the program, which may include a higher education administrator as a mentor;

(2) summer internship opportunities focusing on higher education administration, at an institution other than their own;

(3) a summer leadership institute participation opportunity for self reflection, leadership skill building, graduate school preparation, and career development; and

(4) as needed, support to attend regional and national higher education conferences for additional leadership and professional development.

(d) ON-GOING SUPPORT FOR THE FELLOWS PROGRAM.—From the funds appropriated in section 800 of the Higher Education Act of 1965, the Secretary shall award a grant, on a competitive basis, to a national organization to enable such organization to support the establishment and ongoing work of the program under this section.

### SEC. 812. NATIONAL CENTER FOR LEARNING SCIENCE AND TECHNOLOGY TRUST FUND.

(a) ESTABLISHMENT.—There is established a nonprofit corporation to be known as the National Center for Learning Science and Technology (referred to in this Act as the "Center") which shall not be an agency or establishment of the United States Government. The Center shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29–501 et seq.).

(b) FUNDING.—

(1) IN GENERAL.—There is established in the Treasury a separate fund to be known as the National Center for Learning Science and Technology Trust Fund (referred to in this Act as the "Trust Fund"). The Trust Fund shall contain such amounts as are credited to the Trust Fund under paragraph (2) and other funds obtained under paragraph (3).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Trust Fund such sums as may be necessary for the fiscal years 2008 and each of the 4 succeeding fiscal years.

(3) ADDITIONAL FUNDS.—The Trust Fund is authorized—

(A) to accept funds from any Federal agency or entity;

(B) to accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Center; and

(C) to enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Center.

(c) BOARD OF DIRECTORS; FUNCTIONS, AND DUTIES.—

(1) IN GENERAL.—A board of directors of the Center (referred to in this Act as the "Board") shall be established to oversee the administration of the Center. Such Board shall consist of 9 members to be appointed by the Secretary of Education, who—

(A) reflect representation from the public and private sectors; and

(B) shall provide, as nearly as practicable, a broad representation of various regions of the United States, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Center.

(2) ORGANIZATION AND OPERATION.—The board shall incorporate and operate the center in accordance with the laws governing tax exempt organizations in the District of Columbia.

(d) TRUST FUND USES.—

(1) USES OF FUNDS.—To achieve the objectives of this Act, the Director of the Center, after consultation with the Board, may use Trust funds—

(A) to support basic and applied research development and demonstrations of innovative learning and assessment systems as well as the components and tools needed to create them;

(B) to support the testing and evaluation of these systems; and

(C) to encourage the widespread adoption and use of effective approaches to learning.

(2) CONTRACTS AND GRANTS.—

(A) IN GENERAL.—In order to carry out the activities described in paragraph (1), the Director of the Center, with the agreement of a majority of the members of the Board, may award contracts and grants to colleges and universities, museums, libraries, public broadcasting entities and similar nonprofit organizations and public institutions (with or without private partners).

(B) PUBLIC DOMAIN.—

(i) IN GENERAL.—The research and development properties and materials associated with a project in which a majority of the funding used to carry out the project is from a grant or contract under this Act shall be freely and nonexclusively available to the general public in a timely manner.

(ii) EXEMPTION.—The Director of the Center may exempt specific projects from the requirement of clause (i) if the Director of the Center and a majority of the members of the Board determine that the general public will benefit significantly due to the project not being freely and nonexclusively available to the general public in a timely manner.

(C) PEER REVIEW.—To the extent practicable, proposals for grants or contracts shall be evaluated on the basis of comparative merit by panels of experts who represent diverse interests and perspectives, and who are appointed by the Director of the Center from recommendations from the fields served and from the Board of Directors.

(e) ACCOUNTABILITY AND REPORTING.—

(1) REPORT.—

(A) IN GENERAL.—Not later than April 30 of each year, the Director of the Center shall prepare a report for the preceding fiscal year that contains the information described in subparagraph (B).

(B) CONTENTS.—A report under subparagraph (A) shall include—

(i) a comprehensive and detailed report of the Center's operations, activities, financial condition, and accomplishments, and such recommendations as the Director of the Center determines appropriate;

(ii) a comprehensive and detailed inventory of funds distributed from the Trust Fund during the fiscal year for which the report is being prepared; and

(iii) an independent audit of the Trust Fund's finances and operations, and of the implementation of the goals established by the Board.

(C) STATEMENT OF THE BOARD.—Each report under subparagraph (A) shall include a statement from the Board containing—

(i) a clear description of the plans and priorities of the Board for the subsequent 5-year period for expenditures from the Trust Fund; and

(ii) an estimate of the funds that will be available for such expenditures from the Trust Fund.

(D) SUBMISSION TO THE PRESIDENT AND CONGRESS.—A report under this subsection shall be submitted to the President and the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)).

(2) TESTIMONY.—The Director and principal officers of the Center shall testify before the appropriate committees of Congress, upon request of such committees, with respect to—

(A) a report prepared under paragraph (1)(A); and

(B) any other matter that such committees may determine appropriate.

(f) USE OF FUNDS SUBJECT TO APPROPRIATIONS.—The authority to award grants, enter into contracts, or otherwise to expend funds under this section is subject to the availability of amounts deposited into the Trust Fund under subsection (b)(3)(A) or (B), or amounts otherwise appropriated for such purposes by an Act of Congress.

### SEC. 813. GAO STUDY OF EDUCATION RELATED INDEBTEDNESS OF MEDICAL SCHOOL GRADUATES.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to evaluate the higher education related indebtedness of medical school graduates in the United States at the time of graduation.

(b) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study required by subsection (a) to the authorizing Committees (as such term is defined in section 103 of the Higher Education Act of 1965), and shall make the report widely available to the public. Additional reports may be periodically prepared and released as necessary.

## TITLE IX—AMENDMENTS TO OTHER LAWS

## PART A—EDUCATION OF THE DEAF ACT OF 1986

### SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

(1) by striking the section heading and inserting "**LAURENT CLERC NATIONAL DEAF EDUCATION CENTER**";

(2) in subsection (a)(1)(A), by inserting "the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out" after "maintain and operate"; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking "elementary and secondary education programs" and inserting "Clerc Center";

(B) in paragraph (2), by striking "elementary and secondary education programs" and inserting "Clerc Center";

(C) in paragraph (4)(C)—

(i) in clause (i), by striking "(6)" and inserting "(8)"; and

(ii) in clause (vi), by striking "(m)" and inserting "(o)"; and

(D) by adding at the end the following:

"(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

"(A)(i)(I) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; or

"(II) develop such standards and assessments subject to the approval of the Secretary; and

"(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

"(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by—

"(i) the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i)(I); or

"(ii) the University, if the University develops standards and assessments in accordance with subparagraph (A)(i)(II); and

"(C) publicly report the results of the academic assessments implemented under subparagraph (A), except where such reporting would not yield statistically reliable information or would reveal personally identifiable information about an individual student, and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).".

### SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking "the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act" and inserting "subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act"; and

(2) by striking "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

### SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking "an institution of higher education" and inserting "the Rochester Institute of Technology, Rochester, New York"; and

(II) by striking "of a" and inserting "of the"; and

(ii) by striking the second sentence;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) If, pursuant to the agreement established under paragraph (1), either the Secretary or the Rochester Institute of Technology terminates the agreement, the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with one of those institutions for the establishment and operation of a National Technical Institute for the Deaf."; and

(2) in subsection (b)—

(A) in paragraph (3), by striking "Committee on Labor and Human Resources of the Senate" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate"; and

(B) in paragraph (5)—

(i) by striking "the Act of March 3, 1931 (40 U.S.C. 276a—276a–5) commonly referred to as the Davis-Bacon Act" and inserting "subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act"; and

(ii) by striking "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

### SEC. 904. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "sections" and all that follows through the period and inserting "sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209."; and

(B) in paragraph (3), by inserting "and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate" after "Secretary"; and

(2) in subsection (c)(2)(A), by striking "Committee on Labor and Human Resources of the Senate" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate".

### SEC. 905. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking "Committee on Labor and Human Resources of the Senate" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate";

(2) in paragraph (1), by striking "preparatory,";

(3) in paragraph (2)(C), by striking "upon graduation/completion" and inserting "on the date that is 1 year after the date of graduation or completion"; and

(4) in paragraph (3)(B), by striking "of the institution of higher education" and all that follows through the period and inserting "of NTID programs and activities.".

### SEC. 906. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in the first sentence of subsection (a), by striking "preparatory,";

(2) in subsection (b), by striking "The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of" and inserting "The Secretary shall annually transmit information to Congress on"; and

(3) in subsection (c), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2008 through 2013".

### SEC. 907. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking "Not later than 30 days after the date of enactment of this Act, the" and inserting "The".

### *SEC. 908. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.*

*Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking "fiscal years 1998 through 2003" each place it appears and inserting "fiscal years 2008 through 2013".*

### *SEC. 909. OVERSIGHT AND EFFECT OF AGREEMENTS.*

*Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate".*

### *SEC. 910. INTERNATIONAL STUDENTS.*

*Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—*

*(1) in subsection (a)—*

*(A) by striking "preparatory, undergraduate," and inserting "undergraduate";*

*(B) by striking "Effective with" and inserting the following:*

*"(1) IN GENERAL.—Except as provided in paragraph (2), effective with"; and*

*(C) by adding at the end the following:*

*"(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at NTID or the University and who are residing outside of the United States shall—*

*"(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and*

*"(B) not be charged a tuition surcharge, as described in subsection (b)."; and*

*(2) by striking subsections (b), (c), and (d), and inserting the following:*

*"(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including undergraduate and graduate students) or NTID shall include, for academic year 2008–2009 and any succeeding academic year, a surcharge of—*

*"(1) 100 percent for a postsecondary international student from a non-developing country; and*

*"(2) 50 percent for a postsecondary international student from a developing country.*

*"(c) REDUCTION OF SURCHARGE.—*

*"(1) IN GENERAL.—Beginning with the academic year 2008–2009, the University or NTID may reduce the surcharge—*

*"(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—*

*"(i) a student described under subsection (b)(1) demonstrates need; and*

*"(ii) such student has made a good-faith effort to secure aid through such student's government or other sources; and*

*"(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—*

*"(i) a student described under subsection (b)(2) demonstrates need; and*

*"(ii) such student has made a good faith effort to secure aid through such student's government or other sources.*

*"(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—*

*"(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and*

*"(B) shall be approved by the Secretary.*

*"(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $4,825, measured in 1999 United States dollars, as adjusted by the Secretary to reflect inflation since 1999.".*

### *SEC. 911. RESEARCH PRIORITIES.*

*Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking "Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate" and inserting "Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate".*

### *SEC. 912. NATIONAL STUDY ON THE EDUCATION OF THE DEAF.*

*(a) CONDUCT OF STUDY.—Subsection (a)(1) of section 211 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360) is amended by inserting after "The Secretary shall" the following: "establish a commission on the education of the deaf (in this section referred to as the 'commission') to".*

*(b) PUBLIC INPUT AND CONSULTATION.—Subsection (b) of such section is amended by striking "Secretary" each place it appears and inserting "commission".*

*(c) REPORT.—Subsection (c) of such section is amended—*

*(1) in the matter preceding paragraph (1), by striking "Secretary" and all that follows through "1998" and inserting "commission shall report to the Secretary and Congress not later than 18 months after the date of the enactment of the College Opportunity and Affordability Act of 2007"; and*

*(2) in paragraph (1)—*

*(A) by striking "recommendations," and inserting "recommendations relating to educated-related factors that contribute to successful postsecondary education experiences and employment for individuals who are deaf,"; and*

*(B) by striking "Secretary" and inserting "commission".*

*(d) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of such section is amended by striking "$1,000,000 for each of the fiscal years 1999 and 2000" and inserting "such sums as may be necessary for each of the fiscal years 2008 and 2009".*

### *SEC. 913. AUTHORIZATION OF APPROPRIATIONS.*

*Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—*

*(1) in subsection (a), in the matter preceding paragraph (1), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2008 through 2013"; and*

*(2) in subsection (b), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2008 through 2013".*

## *PART B—INDIAN EDUCATION*

### *Subpart 1—Tribal Colleges and Universities*

### *SEC. 921. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.*

*(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking "in the field of Indian education" and inserting "in the fields of tribally controlled colleges and universities and Indian higher education".*

*(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—*

*(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and*

*(2) by inserting after paragraph (6) the following:*

*"(7) 'Indian student' means a student who is—*

*"(A) a member of an Indian tribe; or*

*"(B) a biological child of a member of an Indian tribe, living or deceased;".*

*(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—*

*(1) in the matter preceding paragraph (1), by striking "paragraph (7) of subsection (a)" and inserting "subsection (a)(8)";*

*(2) by striking paragraph (5) and inserting the following:*

*"(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—*

*"(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and*

*"(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university."; and*

*(3) by striking paragraph (6).*

*(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—*

*(1) in paragraph (2), by striking "and" at the end;*

*(2) in paragraph (3), by striking the period at the end and inserting "; and"; and*

*(3) by inserting after paragraph (3), the following:*

*"(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or*

*"(B) according to such an agency or association, is making reasonable progress toward accreditation.".*

*(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—*

*(1) by striking the section designation and heading and all that follows through "The Secretary shall" and inserting the following:*

***"SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.***

*"(a) TECHNICAL ASSISTANCE.—*

*"(1) IN GENERAL.—The Secretary shall";*

*(2) in the second sentence, by striking "In the awarding of contracts for technical assistance, preference shall be given" and inserting the following:*

*"(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded"; and*

*(3) in the third sentence, by striking "No authority" and inserting the following:*

*"(b) EFFECT OF SECTION.—No authority".*

*(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—*

*(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;*

*(2) by striking "(a) Except as provided in section 111," and inserting the following:*

*"(a) REQUIREMENT.—*

*"(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,";*

*(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—*

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking "him" and inserting "the Secretary"; and

(ii) by striking "product of" and inserting "product obtained by multiplying";

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking "section 2(a)(7)" and inserting "section 2(a)(8)"; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking "$6,000," and inserting "$8,000, as adjusted annually for inflation."; and

(4) by striking "except that no grant shall exceed the total cost of the education program provided by such college or university." and inserting the following:

"(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.".

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking "1999" and inserting "2008";

(2) in paragraphs (1), (2), and (3), by striking "4 succeeding" and inserting "5 succeeding";

(3) in paragraph (2), by striking "$40,000,000" and inserting "such sums as may be necessary";

(4) in paragraph (3), by striking "$10,000,000" and inserting "such sums as may be necessary"; and

(5) in paragraph (4), by striking "succeeding 4" and inserting "5 succeeding".

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking "1999" and inserting "2008"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

(i) TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking "$2,000,000 for fiscal year 1999" and inserting "such sums as may be necessary for fiscal year 2008"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

(j) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—

(1) IN GENERAL.—The Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by adding at the end the following:

## "TITLE V—TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS

### "SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.

"In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

### "SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.

"(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2008 and each fiscal year thereafter, the Secretary shall—

"(1) subject to subsection (b), select 2 tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

"(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

"(b) SELECTION OF CERTAIN INSTITUTIONS.—

"(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

"(2) INSTITUTIONS.—The 2 tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

"(A) the United Tribes Technical College; and

"(B) the Navajo Technical College.

"(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

"(d) DISTRIBUTION.—

"(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

"(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

"(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

"(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

"(A) dividing the excess amount by the aggregate Indian student count (as defined in section 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h))) of such institutions for the prior academic year; and

"(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

### "SEC. 503. APPLICABILITY OF OTHER LAWS.

"(a) IN GENERAL.—Paragraphs (4) and (7) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

"(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on the date of enactment of the College Opportunity and Affordability Act of 2007.

"(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institutions to receive Federal financial assistance under—

"(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

"(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

"(3) any other applicable program under which a benefit is provided for—

"(A) institutions of higher education;

"(B) community colleges; or

"(C) postsecondary educational institutions.

### "SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary for fiscal year 2008 and each fiscal year thereafter to carry out this title.".

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

"(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

"(1) title I of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

"(2) the Navajo Community College Act (25 U.S.C. 640a et seq.)."; and

(B) by striking subsection (d) and inserting the following:

"(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.".

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95-471) is amended to read as follows:

### "SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.".

(2) REFERENCES.—Any reference in law (including regulations) to the Tribally Controlled College or University Assistance Act of 1978 shall be considered to be a reference to the "Tribally Controlled Colleges and Universities Assistance Act of 1978".

## Subpart 2—Navajo Higher Education

### SEC. 931. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking "Navajo Tribe of Indians" and inserting "Navajo Nation"; and

(2) by striking "the Navajo Community College" and inserting "Diné College".

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting "the" before "Interior";

(B) by striking "Navajo Tribe of Indians" and inserting "Navajo Nation"; and

(C) by striking "the Navajo Community College" and inserting "Diné College"; and

(2) in the second sentence—

(A) by striking "Navajo Tribe" and inserting "Navajo Nation"; and

*(B) by striking "Navajo Indians" and inserting "Navajo people".*

*(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—*

*(1) in subsection (a)—*

*(A) in the first sentence—*

*(i) by striking "the Navajo Community College" and inserting "Diné College"; and*

*(ii) by striking "August 1, 1979" and inserting "October 31, 2010"; and*

*(B) in the second sentence, by striking "Navajo Tribe" and inserting "Navajo Nation";*

*(2) in subsection (b), by striking "the date of enactment of the Tribally Controlled Community College Assistance Act of 1978" and inserting "October 1, 2007"; and*

*(3) in subsection (c), in the first sentence, by striking "the Navajo Community College" and inserting "Diné College".*

*(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c–1) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (1), by striking "$2,000,000" and all that follows through the end of the paragraph and inserting "such sums as are necessary for fiscal years 2008 through 2013."; and*

*(B) by adding at the end the following:*

*"(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).";*

*(2) in subsection (b)(1)—*

*(A) in the matter preceding subparagraph (A)—*

*(i) by striking "the Navajo Community College" and inserting "Diné College"; and*

*(ii) by striking ", for each fiscal year" and all that follows through "for—" and inserting "such sums as are necessary for fiscal years 2008 through 2013 to pay the cost of—";*

*(B) in subparagraph (A)—*

*(i) by striking "college" and inserting "College";*

*(ii) in clauses (i) and (iii), by striking the commas at the end of the clauses and inserting semicolons; and*

*(iii) in clause (ii), by striking ", and" at the end and inserting "; and";*

*(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;*

*(D) in subparagraph (C), by striking ", and" at the end and inserting a semicolon;*

*(E) in subparagraph (D), by striking the period at the end and inserting "; and"; and*

*(F) by adding at the end the following:*

*"(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—*

*"(i) higher education programs;*

*"(ii) career and technical education;*

*"(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;*

*"(iv) employment and training opportunities;*

*"(v) economic development and community outreach; and*

*"(vi) a safe learning, working, and living environment."; and*

*(3) in subsection (c), by striking "the Navajo Community College" and inserting "Diné College".*

*(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c–2) is amended—*

*(1) by striking "the Navajo Community College" each place it appears and inserting "Diné College"; and*

*(2) in subsection (b), by striking "college" and inserting "College".*

*(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c–3) is amended by striking "the Navajo Community College" each place it appears and inserting "Diné College".*

## *PART C—HIGHER EDUCATION AMENDMENTS OF 1998; HIGHER EDUCATION AMENDMENTS OF 1992*

### *SEC. 941. GRANTS FOR TRAINING FOR INCARCERATED INDIVIDUALS.*

*Part D of title VIII of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:*

## *"PART D—GRANTS FOR TRAINING FOR INCARCERATED INDIVIDUALS*

### *"SEC. 821. GRANTS FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS.*

*"(a) DEFINITION.—In this section:*

*"(1) INCARCERATED INDIVIDUAL.—The term 'incarcerated individual' means a male or female offender who is incarcerated in a State or Federal prison, including a prerelease facility.*

*"(2) SECRETARY.—The term 'Secretary' means the Secretary of Education.*

*"(b) GRANT PROGRAM.—The Secretary—*

*"(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, and to the Federal Bureau of Prisons, to assist and encourage incarcerated individuals to acquire educational and job skills, through—*

*"(A) coursework to prepare students to take college-level courses, such as remedial math and English for postsecondary preparation;*

*"(B) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree, provided by a regionally or nationally accredited body while in prison; and*

*"(C) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and*

*"(2) may establish such performance objectives and reporting requirements for State correctional education agencies and the Federal Bureau of Prisons receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.*

*"(c) APPLICATION.—To be eligible for a grant under this section; a State correctional education agency or the Federal Bureau of Prisons shall submit to the Secretary a proposal for an incarcerated individual program that—*

*"(1) identifies the scope of the problem, including the number of incarcerated individuals in need of postsecondary education and vocational training;*

*"(2) lists the accredited public or private educational institution or institutions with campuses established outside the prison facility that will provide postsecondary preparatory or postsecondary educational services;*

*"(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;*

*"(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency or the Federal Bureau of Prisons will use in carrying out its proposal, including—*

*"(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and*

*"(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—*

*"(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;*

*"(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;*

*"(iii) attainment of employment both prior to and subsequent to release;*

*"(iv) success in employment indicated by job retention and advancement; and*

*"(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;*

*"(5) describes how the proposed programs are to be integrated with existing State and Federal correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State and Federal prison industry programs; and*

*"(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section.*

*"(d) PROGRAM REQUIREMENTS.—Each State correctional education agency and Federal Bureau of Prisons entity receiving a grant under this section shall—*

*"(1) annually report to the Secretary regarding—*

*"(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs and the Federal Bureau of Prisons;*

*"(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2);*

*"(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives; and*

*"(D) how the funds provided under this section are being allocated among postsecondary preparatory education, postsecondary academic, and vocational education programs; and*

*"(2) provide to each State and the Federal Bureau of Prisons for each student eligible under subsection (e) not more than—*

*"(A) $3,000 annually for tuition, books, and essential materials; and*

*"(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.*

*"(e) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies, the Federal Bureau of Prisons, and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.*

*"(f) LENGTH OF PARTICIPATION.—Services carried out with a grant under this section shall be available to incarcerated individuals as follows:*

*"(1) Educational services shall start during the period of incarceration or prerelease and shall end upon release.*

*"(2) Related services shall start during the period of incarceration or prerelease and may continue for not more than one year after release.*

*"(g) FEDERAL BUREAU OF PRISONS GRANT ELIGIBILITY.—Notwithstanding any other provision of law, the Federal Bureau of Prisons shall be eligible to apply for and receive a grant under this section, provided that the Federal Bureau of Prisons meets the application and program requirements under this section.*

*"(h) ALLOCATION OF FUNDS.—*

*"(1) STATES.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to such funds as the total number of incarcerated individuals in such State bears to the total number of such incarcerated individuals in all States.*

*"(2) FEDERAL BUREAU OF PRISONS FACILITIES.—From the funds appropriated pursuant to*

*subsection (h) for each fiscal year, the Secretary shall allot to each Federal Bureau of Prisons facility an amount that bears the same ratio to such funds as the total number of inmates in such facility bears to the total number of inmates in all Bureau of Prisons facilities.*

*“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.”.*

### SEC. 942. UNDERGROUND RAILROAD.

*Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by striking “this section” and all that follows through the period at the end and inserting “this section $3,000,000 for fiscal years 2009 and the 4 succeeding fiscal years.”.*

### SEC. 943. REPEALS OF EXPIRED AND EXECUTED PROVISIONS.

*The following provisions of the Higher Education Amendments of 1998 are repealed:*

*(1) STUDY OF MARKET MECHANISMS IN FEDERAL STUDENT LOAN PROGRAMS.—Section 801 (20 U.S.C. 1018 note).*

*(2) STUDY OF FEASIBILITY OF ALTERNATE FINANCIAL INSTRUMENTS FOR DETERMINING LENDER YIELDS.—Section 802.*

*(3) STUDENT RELATED DEBT STUDY.—Section 803 (20 U.S.C. 1015 note).*

*(4) COMMUNITY SCHOLARSHIP MOBILIZATION.—Part C of title VIII (20 U.S.C. 1070 note).*

*(5) IMPROVING UNITED STATES UNDERSTANDING OF SCIENCE, ENGINEERING, AND TECHNOLOGY IN EAST ASIA.—Part F of title VIII (42 U.S.C. 1862 note).*

*(6) WEB-BASED EDUCATION COMMISSION.—Part J of title VIII.*

### SEC. 944. OLYMPIC SCHOLARSHIPS.

*Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by striking “1999” and inserting “2009”.*

### SEC. 945. ESTABLISHMENT OF ASSISTANT SECRETARY FOR INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION.

*(a) IN GENERAL.—Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended in subsection (b)(1)—*

*(1) in subparagraph (E) by striking “and” at the end;*

*(2) by redesignating subparagraph (F) as subparagraph (G); and*

*(3) by inserting after subparagraph (E) the following:*

*“(F) an Assistant Secretary for International and Foreign Language Education; and”.*

*(b) FUNCTIONS.—Such section is further amended by adding at the end the following:*

*“(j) The Assistant Secretary for International and Foreign Language Education—*

*“(1) shall be an individual with extensive background and experience in international and foreign language education; and*

*“(2) notwithstanding any other provision of law, shall report directly to the Secretary.”.*

*(c) CONFORMING AMENDMENT.—Such section is further amended in subsection (e)—*

*(1) in paragraph (4), by adding “and” at the end;*

*(2) in paragraph (5), by striking “; and” at the end and inserting a period; and*

*(3) by striking paragraph (6).*

*(d) OFFICE OF INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION.—Title II of the Department of Education Organization Act is amended by inserting after section 207 (20 U.S.C. 3417) the following:*

*“OFFICE OF INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION*

*“SEC. 207A. There shall be in the Department an Office of International and Foreign Language Education, to be administered by the Assistant Secretary for International and Foreign Language Education appointed under section 202(b). In addition to performing such functions affecting international and foreign language education as the Secretary may prescribe, the Assistant Secretary shall—*

*“(1) have responsibility for encouraging and promoting the study of foreign languages and the study of cultures of other countries at the elementary, secondary, and postsecondary levels in the United States;*

*“(2) carry out the administration of all Department programs on international and foreign language education and research;*

*“(3) coordinate with related international and foreign language education programs of other Federal departments and agencies; and*

*“(4) administer and coordinate the Department of Education's activities in international affairs.”.*

## PART D—JUSTICE DEPARTMENT PROGRAMS

### SEC. 951. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

*Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:*

## “PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

### “SEC. 3111. GRANT AUTHORIZATION.

*“(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.*

*“(b) DEFINITIONS.—In this section:*

*“(1) PROSECUTOR.—The term ‘prosecutor’ means a full-time employee of a State or local agency who—*

*“(A) is continually licensed to practice law; and*

*“(B) prosecutes criminal or juvenile delinquency cases (or both) at the State or local level, including an employee who supervises, educates, or trains other persons prosecuting such cases.*

*“(2) PUBLIC DEFENDER.—The term ‘public defender’ means an attorney who—*

*“(A) is continually licensed to practice law; and*

*“(B) is—*

*“(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation;*

*“(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of such full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation; or*

*“(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both).*

*“(3) STUDENT LOAN.—The term ‘student loan’ means—*

*“(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);*

*“(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and*

*“(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.*

*“(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—*

*“(1) is employed as a prosecutor or public defender; and*

*“(2) is not in default on a loan for which the borrower seeks forgiveness.*

*“(d) TERMS OF LOAN REPAYMENT.—*

*“(1) BORROWER AGREEMENT.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Attorney General that specifies that—*

*“(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;*

*“(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section; and*

*“(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government.*

*“(2) REPAYMENT BY BORROWER.—*

*“(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.*

*“(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.*

*“(C) WAIVER.—The Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest.*

*“(3) LIMITATIONS.—*

*“(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to the availability of appropriations, and subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—*

*“(i) $10,000 for any borrower in any calendar year; or*

*“(ii) an aggregate total of $60,000 in the case of any borrower.*

*“(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.*

*“(e) ADDITIONAL AGREEMENTS.—*

*“(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).*

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—The Attorney General shall provide repayment benefits under this section—

"(A) subject to the availability of appropriations; and

"(B) in accordance with paragraph (2), except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and defenders, and among employing entities nationwide.

"(2) PRIORITY.—In providing repayment benefits under this section in any fiscal year, the Attorney General shall give priority to borrowers—

"(A) who, when compared to other eligible borrowers, have the least ability to repay their student loans (considering whether the borrower is the beneficiary of any other student loan repayment program), as determined by the Attorney General; or

"(B) who—

"(i) received repayment benefits under this section during the preceding fiscal year; and

"(ii) have completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) REPORT BY INSPECTOR GENERAL.—Not later than 3 years after the date of the enactment of this section, the Inspector General of the Department of Justice shall submit to Congress a report on—

"(1) the cost of the program authorized under this section; and

"(2) the impact of such program on the hiring and retention of prosecutors and public defenders.

"(i) GAO STUDY.—Not later than one year after the date of the enactment of this section, the Comptroller General shall conduct a study of, and report to Congress on, the impact that law school accreditation requirements and other factors have on the costs of law school and student access to law school, including the impact of such requirements on racial and ethnic minorities.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2008 through 2013.".

### SEC. 952. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.

(a) IN GENERAL.—The Attorney General of the United States is authorized to make grants, through the Office of Community Oriented Policing Services, to establish and operate a National Center for Campus Public Safety (referred to in this section as the "Center"). The Center shall—

(1) provide quality education and training for campus public safety agencies and the agencies' collaborative partners, including campus mental health agencies;

(2) foster quality research to strengthen the safety and security of the institutions of higher education in the United States;

(3) serve as a clearinghouse for the identification and dissemination of information, policies, procedures, and best practices relevant to campus public safety, including the prevention of violence against persons and property and emergency response and evacuation procedures;

(4) develop protocols, in conjunction with the Attorney General, the Secretary of Homeland Security, the Secretary of Education, State, local, and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to prevent, protect against, respond to, and recover from, natural and man-made emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community;

(5) promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;

(6) coordinate campus safety information and resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;

(7) increase cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies and jurisdictions serving institutions of higher education in the United States;

(8) develop standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies; and

(9) report annually to Congress and the Attorney General on activities performed by the Center during the previous 12 months.

(b) COORDINATION WITH AVAILABLE RESOURCES.—In establishing the Center, the Attorney General shall—

(1) consult with the Secretary of Homeland Security, the Secretary of Education, and the Attorneys General of each State; and

(2) coordinate the establishment and operation of the Center with campus public safety resources that may already be available within the Department of Homeland Security and the Department of Education.

(c) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—In this section, the term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,750,000 for each of the fiscal years 2008 and 2009 and such sums as may be necessary thereafter.

### SEC. 953. PRIVATE LOAN FORGIVENESS.

Section 209 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) This section does not prohibit—

"(1) a public or private institution of higher education from providing an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or providing forbearance of student loan repayment: Provided, that such repaying or providing forbearance—

"(A) is not provided exclusively to officers and employees of the executive branch of the United States Government, of any independent agency of the United States, and of the District of Columbia; and

"(B) is provided to any such officer or employee—

"(i) in accordance with a written, published policy of the institution relating to repaying or providing forbearance, respectively, for students who perform public service; and

"(ii) under the same terms and conditions as are available under such policy to other students of the institution who are performing public service and who qualify for such repayment or forbearance; and

"(2) an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia from receiving repayment or forbearance permitted under paragraph (1).".

## PART E—STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980

### SEC. 961. ESTABLISHMENT OF PROGRAM.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by inserting the following after subsection (b):

"(c) MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program to assist eligible institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.

"(2) AUTHORIZED ACTIVITIES.—An eligible institution may use a grant, cooperative agreement, or contract awarded under this subsection—

"(A) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to further the objective of the Program described in paragraph (1);

"(B) to develop and provide training, education, and professional development programs, including faculty development, to increase the use of, and usefulness of, digital and wireless networking technology;

"(C) to provide teacher education, including the provision of preservice teacher training and in-service professional development at eligible institutions, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use digital and wireless networking technology in the classroom or instructional process, including instruction in science, mathematics, engineering, and technology subjects;

"(D) to obtain capacity-building technical assistance, including through remote technical support, technical assistance workshops, and distance learning services; and

"(E) to foster the use of digital and wireless networking technology to improve research and education, including scientific, mathematics, engineering, and technology instruction.

"(3) APPLICATION AND REVIEW PROCEDURES.—

"(A) IN GENERAL.—To be eligible to receive a grant, cooperative agreement, or contract under this subsection, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used, including a description of any digital and wireless networking technology to be acquired, and a description of how the institution will ensure that digital and wireless networking will be made accessible to, and employed by, students, faculty, and administrators. The Secretary, consistent with subparagraph (C) and in consultation with the advisory council established under subparagraph (B), shall establish procedures to review such applications. The Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.

"(B) ADVISORY COUNCIL.—The Secretary shall establish an advisory council to advise the Secretary on the best approaches to encourage maximum participation by eligible institutions in the program established under paragraph (1), and *on the procedures to review proposals submitted to the program. In selecting the members of the advisory council, the Secretary shall consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council includes representatives of minority businesses and eligible institution communities. The Secretary shall also consult with experts in digital and wireless networking technology to ensure that such expertise is represented on the advisory council.*

*"(C) REVIEW PANELS.—Each application submitted under this subsection by an eligible institution shall be reviewed by a panel of individuals selected by the Secretary to judge the quality and merit of the proposal, including the extent to which the eligible institution can effectively and successfully utilize the proposed grant, cooperative agreement, or contract to carry out the program described in paragraph (1). The Secretary shall ensure that the review panels include representatives of minority serving institutions and others who are knowledgeable about eligible institutions and technology issues. The Secretary shall ensure that no individual assigned under this subsection to review any application has a conflict of interest with regard to that application. The Secretary shall take into consideration the recommendations of the review panel in determining whether to award a grant, cooperative agreement, or contract to an eligible institution.*

*"(D) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of eligible institutions receiving grants, cooperative agreements, or contracts under this subsection to foster collaboration and capacity-building activities among eligible institutions.*

*"(E) MATCHING REQUIREMENT.—The Secretary may not award a grant, cooperative agreement, or contract to an eligible institution under this subsection unless such institution agrees that, with respect to the costs incurred by the institution in carrying out the program for which the grant, cooperative agreement, or contract was awarded, such institution shall make available, directly, or through donations from public or private entities, non-Federal contributions in an amount equal to one-quarter of the grant, cooperative agreement, or contract awarded by the Secretary, or $500,000, whichever is the lesser amount. The Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.*

*"(F) AWARDS.—*

*"(i) LIMITATION.—An eligible institution that receives a grant, cooperative agreement, or contract under this subsection that exceeds $2,500,000 shall not be eligible to receive another grant, cooperative agreement, or contract.*

*"(ii) CONSORTIA.—Grants, cooperative agreements, and contracts may only be awarded to eligible institutions. Eligible institutions may seek funding under this subsection for consortia which may include other eligible institutions, a State or a State education agency, local education agencies, institutions of higher education, community-based organizations, national nonprofit organizations, or businesses, including minority businesses.*

*"(iii) PLANNING GRANTS.—The Secretary may provide funds to develop strategic plans to implement such grants, cooperative agreements, or contracts.*

*"(iv) INSTITUTIONAL DIVERSITY.—In awarding grants, cooperative agreements, and contracts to eligible institutions, the Secretary shall ensure, to the extent practicable, that awards are made to all types of institutions eligible for assistance under this subsection.*

*"(v) NEED.—In awarding funds under this subsection, the Secretary shall give priority to the institution with the greatest demonstrated need for assistance.*

*"(G) ANNUAL REPORT AND EVALUATION.—*

*"(i) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, cooperative agreement, or contract awarded under this subsection shall provide an annual report to the Secretary on its use of the grant, cooperative agreement, or contract.*

*"(ii) INDEPENDENT ASSESSMENT.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall enter into a contract with the National Academy of Public Administration to conduct periodic assessments of the program. The Assessments shall be conducted once every 3 years during the 10-year period following the enactment of this subsection. The assessments shall include an evaluation of the effectiveness of the program in improving the education and training of students, faculty and staff at eligible institutions that have been awarded grants, cooperative agreements, or contracts under the program; an evaluation of the effectiveness of the program in improving access to, and familiarity with, digital and wireless networking technology for students, faculty, and staff at all eligible institutions; an evaluation of the procedures established under paragraph (3)(A); and recommendations for improving the program, including recommendations concerning the continuing need for Federal support. In carrying out its assessments, the National Academy of Public Administration shall review the reports submitted to the Secretary under clause (i).*

*"(iii) REPORT TO CONGRESS.—Upon completion of each independent assessment carried out under clause (ii), the Secretary shall transmit the assessment to Congress along with a summary of the Secretary's plans, if any, to implement the recommendations of the National Academy of Public Administration.*

*"(H) DEFINITIONS.—In this subsection:*

*"(i) DIGITAL AND WIRELESS NETWORKING TECHNOLOGY.—The term 'digital and wireless networking technology' means computer and communications equipment and software that facilitates the transmission of information in a digital format.*

*"(ii) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that is—*

*"(I) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;*

*"(II) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));*

*"(III) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));*

*"(IV) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));*

*"(V) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or*

*"(VI) an institution of higher education (as defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k)) with an enrollment of needy students (as defined in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d))).*

*"(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).*

*"(iv) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).*

*"(v) MINORITY BUSINESS.—The term 'minority business' includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))).*

*"(vi) MINORITY INDIVIDUAL.—The term 'minority individual' means an American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban and Central or South American origin), or Pacific Islander individual.*

*"(vii) STATE.—The term 'State' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).*

*"(viii) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).".*

### *SEC. 962. AUTHORIZATION OF APPROPRIATIONS.*

*There are authorized to be appropriated to the Secretary of Commerce to carry out section 5(c) of the Stevenson-Wydler Technology Innovation Act of 1980—*

*(1) $250,000,000 for fiscal year 2008; and*

*(2) such sums as may be necessary for each of the fiscal years 2009 through 2012.*

## *TITLE X—PRIVATE STUDENT LOAN TRANSPARENCY AND IMPROVEMENT*

### *SEC. 1001. SHORT TITLE.*

*This title may be cited as the "Private Student Loan Transparency and Improvement Act of 2007".*

### *SEC. 1002. DEFINITIONS.*

*As used in this title—*

*(1) the term "Board" means the Board of Governors of the Federal Reserve System;*

*(2) the term "covered educational institution"—*

*(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education); and*

*(B) includes an agent or employee of the educational institution;*

*(3) the terms "Federal banking agencies" and "appropriate Federal banking agency" have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);*

*(4) the term "institution of higher education" has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);*

*(5) the term "postsecondary educational expenses" means any of the expenses that are included as part of the cost of attendance of a student, as defined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll);*

*(6) the term "private educational lender" means any creditor (as defined in section 103 of the Truth in Lending Act) which solicits, makes, or extends private educational loans; and*

*(7) the term "private educational loan"—*

*(A) means a loan provided by a private educational lender that—*

*(i) is not made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and*

*(ii) is issued by a private educational lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and*

*(B) does not include an extension of credit under an open end consumer credit plan, a residential mortgage transaction (as those terms are defined in section 103 of the Truth in Lending Act), or any other loan that is secured by real property or a dwelling.*

### SEC. 1003. REGULATIONS.

The Board shall issue final regulations to implement this title and the amendments made by this title not later than 180 days after the date of enactment of this title.

### SEC. 1004. EFFECTIVE DATES.

This title and the amendments made by this title shall become effective 180 days after the date on which regulations to carry out this title and the amendments made by this title are issued in final form.

## Subtitle A—Preventing Unfair and Deceptive Private Educational Lending Practices and Eliminating Conflicts of Interest

### SEC. 1011. AMENDMENT TO THE TRUTH IN LENDING ACT.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

### "§ 140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) COVERED EDUCATIONAL INSTITUTION.—The term 'covered educational institution'—

"(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education); and

"(B) includes an agent or employee of the educational institution.

"(2) GIFT.—The term 'gift'—

"(A) means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimis amount, including a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred;

"(B) does not include—

"(i) standard informational material related to a loan or financial literacy (such as a brochure);

"(ii) food, refreshments, training, or informational material furnished to an employee or agent of a covered educational institution, as an integral part of a training session that is designed to improve the service of the private educational lender to the covered educational institution, if such training contributes to the professional development of the employee or agent of the covered educational institution; or

"(iii) favorable terms, conditions, and borrower benefits on an educational loan provided to a student employed by the covered educational institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution; and

"(C) includes a gift to a family member of an officer, employee, or agent of a covered institution, or a gift to any other individual based on that individual's relationship with the officer, employee, or agent, if—

"(i) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

"(ii) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

"(3) INSTITUTION OF HIGHER EDUCATION.—the term 'institution of higher education' has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

"(4) POSTSECONDARY EDUCATIONAL EXPENSE.—The term 'postsecondary educational expenses' means any of the expenses that are included as part of the cost of attendance of a student, as defined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

"(5) PRIVATE EDUCATIONAL LENDER.—The term 'private educational lender' means a creditor which solicits, makes, or extends private educational loans.

"(6) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan'—

"(A) means a loan provided by a private educational lender that—

"(i) is not made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(ii) is issued by a private educational lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and

"(B) does not include an extension of credit under an open end consumer credit plan, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.

"(7) REVENUE SHARING.—the term 'revenue sharing' means an arrangement between a covered educational institution and a private educational lender under which—

"(A) a private educational lender provides or issues private educational loans to students attending the covered educational institution or to the parents of such students;

"(B) the covered educational institution recommends to students or others the private educational lender or the private educational loans of the private educational lender; and

"(C) the private educational lender pays a fee or provides other material benefits, including profit or revenue sharing, to the covered educational institution or to the officers, employees, or agents of the covered educational institution in connection with the private educational loans provided to students attending the covered educational institution or a borrower acting on behalf of a student.

"(b) PROHIBITION ON CERTAIN GIFTS AND ARRANGEMENTS.—A private educational lender, including any officer or employee thereof, may not, directly or indirectly—

"(1) offer or provide any gift to a covered educational institution or a covered educational institution employee, nor may such covered educational institution, officer, or employee receive any such gift, in exchange for any advantage or consideration provided to such private educational lender related to its private educational loan activities; or

"(2) engage in revenue sharing with a covered educational institution.

"(c) PROHIBITION ON CO-BRANDING.—A private educational lender may not use the name, emblem, mascot, or logo of the covered educational institution, or other words, pictures, or symbols readily identified with the covered educational institution, in the marketing of private educational loans in any way that implies that the covered educational institution endorses the private educational loans offered by the lender.

"(d) BAN ON PARTICIPATION ON ADVISORY COUNCILS.—

"(1) IN GENERAL.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to private educational loans, shall not serve on or otherwise participate with advisory councils of private educational lenders or affiliates of such lenders.

"(2) RULES OF CONSTRUCTION.—No provision of this subsection shall be construed as—

"(A) prohibiting private educational lenders from seeking advice from covered institutions or groups of covered institutions (including through telephonic or electronic means, or a meeting) in order to improve products and services for borrowers, to the extent that no gifts or compensation (including for transportation, lodging, or related expenses) are provided by private educational lenders in connection with seeking this advice from such institutions; or

"(B) prohibiting an employee, officer, or agent of a covered institution from serving on the board of directors of a private educational lender, if required by State law.

"(e) PROHIBITION ON PREPAYMENT OR REPAYMENT FEES OR PENALTY.—It shall be unlawful for any private educational lender to impose a fee or penalty on a borrower, directly or indirectly, for early repayment or prepayment, of any private educational loan.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 139 the following new item:

"140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest.".

### SEC. 1012. CIVIL LIABILITY.

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting "or section 128(e)(8)" after "section 125"; and

(B) in the fourth sentence of the undesignated matter at the end—

(i) by striking "125 or" and inserting "125,"; and

(ii) by inserting "or of section 128(e)," before "or for failing"; and

(2) in subsection (e), by inserting before the first period, the following: "or, in the case of a violation involving a private educational loan, 1 year from the date on which the first regular payment of principal is due under the loan".

## Subtitle B—Improved Disclosures for Private Educational Loans

### SEC. 1021. PRIVATE EDUCATIONAL LOAN DISCLOSURES AND LIMITATIONS.

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following new subsection:

"(e) TERMS AND DISCLOSURE WITH RESPECT TO PRIVATE EDUCATIONAL LOANS.—

"(1) DISCLOSURES REQUIRED IN PRIVATE EDUCATIONAL LOAN APPLICATIONS AND SOLICITATIONS.—In any application for a private educational loan, or a solicitation for a private educational loan without requiring an application, the creditor shall disclose to the borrower, clearly and conspicuously—

"(A) the potential range of rates of interest applicable to the private educational loan;

"(B) whether the rate of interest applicable to the private educational loan is fixed or variable;

"(C) limitations on interest rate adjustments, both in terms of frequency and amount, or the lack thereof;

"(D) requirements for a co-borrower, including any changes in the applicable interest rates without a co-borrower;

"(E) potential finance charges, late fees, penalties, and adjustments to principal, based on defaults or late payments of the borrower;

"(F) fees or range of fees applicable to the private educational loan;

"(G) the term of the private educational loan;

"(H) whether interest will accrue while the student to whom the private educational loan relates is enrolled at an institution of higher education;

"(I) payment deferral options, including whether the deferment would apply to interest or principal, or both;

"(J) general eligibility criteria for the private educational loan;

"(K) an example of the total cost of the private educational loan over the life of the loan—

"(i) which shall be calculated using the principal amount and the maximum rate of interest actually offered by the creditor; and "(ii) calculated both with and without capitalization of interest, if that is an option for postponing interest payments;

"(L) a statement that an institution of higher education may have school-specific educational loan benefits and terms not detailed on the disclosure form;

"(M) that the borrower may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965, in lieu of, or in addition to, a loan from a non-Federal source;

"(N) the interest rates available with respect to such Federal financial assistance through a program under title IV of the Higher Education Act of 1965;

"(O) that the consumer may obtain additional information concerning such Federal financial assistance from their institution of higher education or at the website of the Department of Education;

"(P) that, as provided in paragraph (6)—

"(i) the borrower shall have up to 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under this subsection for the loan to accept the terms of the private educational loan and consummate the transaction; and

"(ii) except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor during that 30-day period; and

"(Q) such other information as the Board shall prescribe, by rule, as necessary or appropriate for consumers to make informed borrowing decisions.

"(2) WRITTEN ACKNOWLEDGMENT OF RECEIPT.—In each case in which a disclosure is provided pursuant to paragraph (1) and an application initiated, a creditor shall obtain a written acknowledgment from the consumer that the consumer has read and understood the disclosure.

"(3) DISCLOSURES AT THE TIME OF PRIVATE EDUCATIONAL LOAN APPROVAL.—Subject to the rules of the Board, contemporaneously with the approval of a private educational loan application, and before the loan transaction is consummated, the creditor shall disclose to the borrower, clearly and conspicuously—

"(A) the applicable rate of interest in effect on the date of approval;

"(B) whether the rate of interest applicable to the private educational loan is fixed or variable;

"(C) limitations on interest rate adjustments, both in terms of frequency and amount, or the lack thereof;

"(D) the initial approved principal amount;

"(E) applicable finance charges, late fees, penalties, and adjustments to principal, based upon borrower defaults or late payments;

"(F) the maximum term under the private educational loan program;

"(G) an estimate of the total amount for repayment, at both the interest rate in effect on the date of approval and at the maximum possible rate of interest actually offered by the creditor, to the extent that such maximum rate may be determined, or if not, a good faith estimate thereof;

"(H) any principal and interest payments required while the student to whom the private educational loan relates is enrolled at an institution of higher education and interest which will accrue during such enrollment;

"(I) payment deferral options, including whether the deferment would apply to interest or principal, or both;

"(J) whether monthly payments are graduated;

"(K) that, as provided in paragraph (7)—

"(i) the borrower shall have up to 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under this subsection for the loan to accept the terms of the private educational loan and consummate the transaction; and

"(ii) except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor during that 30-day period;

"(L) that the borrower may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965, in lieu of, or in addition to, a loan from a non-Federal source;

"(M) the interest rates available with respect to such Federal financial assistance through a program under title IV of the Higher Education Act of 1965;

"(N) the maximum monthly payment, calculated using the maximum rate of interest actually offered by the creditor, to the extent that such maximum rate may be determined, or if not, a good faith estimate thereof; and

"(O) such other information as the Board shall prescribe, by rule, as necessary or appropriate for consumers to make informed borrowing decisions.

"(4) PROVISION OF INFORMATION.—Before a creditor may issue any funds with respect to an extension of credit described in paragraph (1) for an amount equal to more than $1,000, the creditor shall notify the relevant institution of higher education, in writing, of the proposed extension of credit and the amount thereof.

"(5) DISCLOSURES AT THE TIME OF PRIVATE EDUCATIONAL LOAN CONSUMMATION.—Subject to the regulations prescribed by the Board, contemporaneously with the consummation of a private educational loan, the creditor shall make each of the disclosures described in subparagraphs (A) through (J) and (L) through (O) of paragraph (3) to the borrower.

"(6) FORMAT OF DISCLOSURES.—Disclosures required under paragraphs (1), (3), and (5) shall appear in a clearly legible, uniform format, subject to section 122(c).

"(7) EFFECTIVE PERIOD OF APPROVED RATE OF INTEREST AND LOAN TERMS.—

"(A) IN GENERAL.—With respect to a private educational loan, the borrower shall have the right to accept the terms of the loan and consummate the transaction at any time within 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under this subsection for the loan, and the rates and terms of the loan may not be changed by the creditor during that period, subject to the rules of the Board.

"(B) PROHIBITION ON CHANGES.—Except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor prior to the earlier of—

"(i) the date of acceptance of the terms of the loan and consummation of the transaction by the borrower, as described in subparagraph (A); or

"(ii) the expiration of the 30-day period referred to in subparagraph (A).

"(C) PROHIBITION ON DISBURSEMENT.—No funds may be disbursed with respect to a private educational loan until acceptance of the loan by the borrower under subparagraph (A) and the expiration of the 3-day period under paragraph (7).

"(8) RIGHT TO CANCEL.—With respect to a private educational loan, the borrower may cancel the loan, without penalty to the borrower, at any time within 3 business days of the date on which the loan is consummated, subject to the rules of the Board. No funds may be transferred to the borrower during that 3-day period.

"(9) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

"(B) PRIVATE EDUCATIONAL LENDER.—The term 'private educational lender' means any creditor engaged in the business of soliciting, making, or extending private educational loans.

"(C) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan'—

"(i) means a loan provided by a private educational lender that—

"(I) is not made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(II) is issued by a private educational lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and

"(ii) does not include an extension of credit under an open end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.".

### SEC. 1022. APPLICATION OF TRUTH IN LENDING ACT TO ALL PRIVATE EDUCATIONAL LOANS.

Section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(3)) is amended by inserting "and other than private educational loans (as that term is defined in section 140(a))" after "consumer".

## Subtitle C—Financial Literacy

### SEC. 1031. COORDINATED EDUCATION EFFORTS.

(a) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the "Secretary"), in coordination with the Secretary of Education, the Secretary of Agriculture (with respect to land grant covered educational institutions), and any other appropriate agency that is a member of the Financial Literacy and Education Commission established under the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.), shall seek to enhance financial literacy among students at institutions of higher education through—

(1) the development of initiatives, programs, and curricula that improve student awareness of the short- and long-term costs associated with educational loans and other debt assumed while in college, their repayment obligations, and their rights as borrowers; and

(2) assisting such students in navigating the financial aid process.

(b) DUTIES.—For purposes of this section, the Secretary, working in conjunction with the Secretary of Education, the Secretary of Agriculture, and the Financial Literacy and Education Commission, shall—

(1) identify programs that promote or enhance financial literacy for college students, with specific emphasis on programs that impart the knowledge and ability for students to best navigate the financial aid process, including those that involve partnerships between nonprofit organizations, colleges and universities, State and local governments, and student organizations;

(2) evaluate the effectiveness of such programs in terms of measured results, including positive behavioral change among college students;

(3) promote the programs identified as being the most effective; and

(4) encourage institutions of higher education to implement financial education programs for their students, including those that have the highest evaluations.

(c) REPORT.—

*(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Financial Literacy and Education Commission shall submit a report to Congress on the state of financial education among students at institutions of higher education.*

*(2) CONTENT.—The report required by this subsection shall include a description of progress made in enhancing financial education with respect to student understanding of financial aid, including the programs and evaluations required by this section.*

*(3) APPEARANCE BEFORE CONGRESS.—The Secretary shall, upon request, provide testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate concerning the report required by this subsection.*

### *Subtitle D—Study and Report on Nonindividual Information*

### *SEC. 1041. STUDY AND REPORT ON NONINDIVIDUAL INFORMATION.*

*(a) STUDY.—The Comptroller General of the United States (in this section referred to as the "Comptroller") conduct a study—*

*(1) on the impact on and benefits to borrowers of the inclusion of nonindividual factors, including cohort default rate, accreditation, and graduation rate at institutions of higher education, used in the underwriting criteria to determine the pricing of private educational loans;*

*(2) to examine whether and to what extent the inclusion of such nonindividual factors—*

*(A) increases access to private educational loans for borrowers who lack credit history or results in less favorable rates for such borrowers; and*

*(B) impacts the types of private educational loan products and rates available at certain institutions of higher education, including a comparison of such impact—*

*(i) on private and public institutions; and*

*(ii) on historically Black colleges and universities (defined for purposes of this section as a "part B institution", within the meaning of section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and other colleges and universities; and*

*(3) to assess the extent to which the use of such nonindividual factors in underwriting may have a disparate impact on the pricing of private educational loans, based on gender, race, income level, and institution of higher education.*

*(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Comptroller shall submit a report to Congress on the results of the study required by this section.*

### *Subtitle E—Incentives For Low-Cost Educational Loans*

### *SEC. 1051. CRA CREDIT FOR LOW-COST EDUCATIONAL LOANS.*

*Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection:*

*"(d) LOW-COST EDUCATIONAL LOANS.—In assessing and taking into account, under subsection (a), the record of a financial institution, the appropriate Federal financial supervisory agency shall consider, as a factor, low-cost educational loans provided by the financial institution to low-income borrowers.".*

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–523 and amendments en bloc described in section 3 of House Resolution 956. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chairman of the Committee on Education and Labor or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered read; shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in amendments en bloc shall insert may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

### AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–523.

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GEORGE MILLER of California:

Page 12, after line 16, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(1) in subsection (a)(1), by inserting before the semicolon the following: ", or persons who meet the requirements of section 484(d)(3)";

Page 15, line 2, strike "and eligible" and insert "or eligible".

Page 17, line 23, strike "1988))" and insert "1988)); as updated by the Secretary from time to time and published in the Federal Register,".

Page 18, after line 3, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(19) DISCONNECTED STUDENTS.—The term 'disconnected students' means students who are—

"(A) homeless children and youths, as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

"(B) orphans, in foster care, or wards of the court, or who were in foster care or were wards of the court until the students reached the age of 16;

"(C) adjudicated or convicted juveniles, or who were adjudicated juveniles until the juveniles reached the upper age of juvenile court jurisdiction, or who were convicted juveniles who completed the sentence for the juvenile conviction prior to reaching the age of majority; or

"(D) pregnant or parenting youth.

Page 37, beginning on line 22, strike "The Secretary" and insert "Not later than 90 days after the Secretary receives the information required under paragraph (2), the Secretary".

Page 39, beginning on line 7, strike subsection (a) and insert the following:

"(a) MAINTENANCE OF EFFORT REQUIRED.—A State shall provide—

"(1) for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for non-capital and non-direct research and development expenses or costs by such State to such institutions of higher education during the 5 most recent preceding academic years for which satisfactory data are available; and

"(2) for private institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for student financial aid for paying costs associated with postsecondary education by such State to such institutions during the 5 most recent preceding academic years for which satisfactory data are available.

Page 39, line 23, after "precipitous" insert "and unforeseen".

Page 41, beginning on line 1, strike section 109 through page 54, line 24, and insert the following:

### SEC. 109. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

(a) AMENDMENT TO TITLE I.—Part C of title I (20 U.S.C. 1015) is amended by adding after section 132 (as added by section 108 of this Act) the following new section:

### "SEC. 133. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

"(a) COLLEGE AFFORDABILITY AND TRANSPARENCY LISTS.—Effective July 1, 2011, the Secretary shall annually update and make publicly available on the College Navigator website, in a manner that is sortable by State, the following lists:

"(1) A list of the top 5 percent of the institutions in each category (as defined by subsection (b)) that have the highest tuition and fees.

"(2) A list of the top 5 percent of the institutions in each such category that have the lowest tuition and fees.

"(3) A list of the top 5 percent of the institutions in each such category that have the largest increase, expressed as a percentage change, in their tuition and fees over the most recent three year period for which satisfactory data is available.

"(b) CATEGORIES OF INSTITUTIONS.—The following categories shall be used in compiling the information in subsection (a):

"(1) 4-year public institutions of higher education.

"(2) 4-year private, nonprofit institutions of higher education.

"(3) 4-year private, for-profit institutions of higher education.

"(4) 2-year public institutions of higher education.

"(5) 2-year private, nonprofit institutions of higher education.

"(6) 2-year private, for-profit institutions of higher education.

"(7) Less than 2-year public institutions of higher education.

"(8) Less than 2-year private, nonprofit institutions of higher education.

"(9) Less than 2-year private, for-profit institutions of higher education.

"(10) All types of institutions described in paragraphs (1) through (9).

"(c) INSTITUTION REPORTS.—If an institution of higher education appears on the list described in subsection (a)(3), the institution or a representative association designated by the institution shall submit to the Secretary the following information:

"(1) A description of the factors contributing to the increase in the institution's tuition and fees, including an identification of the major areas in the institution's budget with the greatest cost increases.

"(2) If determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations, and the authority exercised by such agency, instrumentality, or entity.

"(d) QUALITY EFFICIENCY TASK FORCES.—Each institution that is required to submit information by subsection (c) shall establish a quality-efficiency task force to—

"(1) review the operations of such institution;

"(2) analyze institutional operating costs in comparison with such costs at other institutions within the same category of institutions;

"(3) identify areas where, in comparison with other institutions in such category, the institution operates more expensively to produce a similar result;

"(4) conduct an in-depth analysis of such identified areas for cost reduction opportunities; and

"(5) submit a report to the Secretary and the institution on the results of the review and analysis conducted under this subsection.

"(e) INFORMATION TO THE PUBLIC.—The Secretary shall compile the information submitted under subsections (c) and (d) and shall submit an annual report summarizing such information to the authorizing committees and publish such report on the College Navigator website.

"(f) EXEMPTIONS.—An institution shall not be placed on the list required under subsection (a)(3) and shall not be subject to the reporting in subsection (c) if, for the 3-year interval described in subsection (a)(3) the institution meets the following criteria:

"(1) With respect to the category of institutions described in subsection (b) to which the institution belongs, the computed price of the institution is in the lowest quartile of institutions within such category, as determined by the Secretary, during the last year of such 3-year interval.

"(2) The dollar amount of the institution's increase in its full price, as computed under subsection (a)(3), is less than $500 for such 3-year interval.

"(g) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report on the College Navigator website, in charts for each State—

"(1) a comparison of—

"(A) the percentage change in State appropriations per full-time equivalent student in each public institution of higher education in the State for each of the 5 most recent preceding academic years; to

"(B) the percentage change in tuition and fees for each public institution of higher education in the State for each of the 5 most recent preceding academic years; and

"(2) the total amount of need-based and merit-based aid provided by the State to full-time equivalent students attending an institution of higher education in the State.

"(h) AVAILABILITY OF NET PRICE INFORMATION.—

"(1) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees actually charged to a full-time undergraduate student receiving student aid at an institution of higher education, after deduction of any discounts and Federal and State aid, and any other institutional aid, that reduce the full price of tuition and fees at the institution, as determined in accordance with regulations prescribed by the Secretary.

"(2) NET PRICE CALCULATOR.—

"(A) DEVELOPMENT.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall, in consultation with institutions of higher education, develop a net price calculator to help students, families, and consumers determine the net price of an institution of higher education. The calculator shall be developed in a manner that permits students to determine an estimate of their individual net price of attendance for an institution.

"(B) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and make available for use on the institution's website the net price calculator developed under subparagraph (A) to help students, families, and other consumers determine the net price of such institution of higher education.

"(i) POSTSECONDARY EDUCATION PRICE INDICES.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop, for inclusion in the higher education pricing summary page required under subsection (j)(3), postsecondary education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions described in subsection (b). Such indices shall be updated annually. Prior to the completion of the postsecondary education price indices, the Secretary is authorized to use an alternative, comparable index or indices.

"(j) CONSUMER COST INFORMATION.—

"(1) INFORMATION FROM INSTITUTIONS.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall post on the College Navigator website and make available to institutions of higher education, students, families, and other consumers, in a consumer-friendly manner, the following information about each institution of higher education for the most recent academic year for which the Secretary has available data:

"(A) A statement of the institution's mission and specialties.

"(B) Total number of undergraduate students who applied, were admitted, and enrolled at the institution.

"(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

"(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

"(E) Percentage of male and female undergraduate students enrolled at the institution.

"(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.

"(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

"(H) Percentage of enrolled undergraduate students at the institution registered with the office of disability services (or equivalent department) as students with disabilities.

"(I) Retention rates for full-time and part-time first-time, first-year undergraduate students enrolled at the institution.

"(J) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

"(K) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5, and 6 years (in the case of 2-year and 4-year institutions), including by income category, as defined in paragraph (4).

"(L) Number of students who obtained a certificate or an associates, bachelors, masters, or doctoral degree at the institution.

"(M) Undergraduate major areas of study with the highest number of degrees awarded.

"(N) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty, and graduate teaching and research assistants with instructional responsibilities, at the institution.

"(O) Percentage of faculty at the institution with the highest degree in their field.

"(P) Percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the 3 most recent preceding academic years.

"(Q) Total average annual cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

"(i) full-time undergraduate students living on campus;

"(ii) full-time undergraduate students living off campus; and

"(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off campus.

"(R) Average annual grant amount (including Federal, State, and institutional aid) broken down by income category as defined in paragraph (4) for a student enrolled at the institution.

"(S) Average annual amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

"(T) Total annual grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

"(U) Percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

"(V) Number of students receiving Federal Pell Grants at the institution.

"(W) Average net price of the institution calculated for each income category, as defined in paragraph (4), for each of the 3 most recent preceding academic years.

"(X) Percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

"(Y) The institution's cohort default rate, as defined under section 435(m).

"(Z) Information on the policies of the institution related to transfer of credit from other institutions.

"(AA) Information on campus safety required to be collected under section 485(f).

"(BB) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

"(CC) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as internship opportunities, career and placement services, and preparation for further education.

"(2) DATA COLLECTION.—The Commissioner of Education Statistics shall continue to redesign the relevant parts of the Integrated Postsecondary Education Data System to include additional data as required by this subsection and to continue to improve the usefulness and timeliness of data collected by such System in order to inform consumers about institutions of higher education.

"(3) HIGHER EDUCATION PRICING SUMMARY PAGE.—The Secretary shall make publicly available on an annual basis, in a sortable and searchable electronic format on the College Navigator website, a list of all institutions of higher education participating in aid programs under title IV of this Act that includes for each such institution:

"(A) The undergraduate tuition and fees for the upcoming academic year.

"(B) The average annual net price by income category, as defined in paragraph (4), over the 3 most recent preceding academic years.

"(C) The average annual percentage change and dollar change in such institution's tuition and fees over the 3 most recent preceding academic years.

"(D) The average annual percentage change and dollar change in such institution's per student instructional spending over the 3 most recent preceding academic years.

"(E) The difference between the average annual percentage change in such institution's tuition and fees over the 3 most recent preceding academic years and the postsecondary education price indices, as defined in subsection (i).

"(F) A link to the institution information on the College Navigator website, as detailed in paragraph (1).

"(4) INCOME CATEGORIES.—

"(A) IN GENERAL.—For purposes of reporting the information required under this subsection and compiling information for the net price calculator, the following income categories shall apply:

"(i) $0–35,000;

"(ii) $35,001–70,000;

"(iii) $70,001–105,000;

"(iv) $105,001–140,000; and

"(v) $140,000 and up.

"(B) ANNUAL ADJUSTMENT.—The Secretary shall make available to all institutions of higher education participating in an aid program under title IV of this Act, on an annual basis, the annual inflation adjustment for the income categories set forth in subparagraph (A).

"(C) IMPRACTICABLE REPORTING EXEMPTION.—An institution that is required by this subsection to report any information pertaining to institutional aid by income category is not required to report such information to the extent that reporting such information by income category is impractical or impossible because information concerning income is not collected from the recipients of such institutional aid.

"(k) STUDENT AID RECIPIENT SURVEY.—

"(1) SURVEY REQUIRED.—The Secretary shall conduct a survey of student aid recipients under title IV on a regular cycle and State-by-State basis, but not less than once every 4 years—

"(A) to identify the population of students receiving Federal student aid;

"(B) to describe the income distribution and other socioeconomic characteristics of federally aided students;

"(C) to describe the combinations of aid from State, Federal, and private sources received by students from all income groups;

"(D) to describe the debt burden of educational loan recipients and their capacity to repay their education debts, and the impact of such debt burden on career choices;

"(E) to describe the role played by the price of postsecondary education in the determination by students of what institution to attend; and

"(F) to describe how the increased costs of textbooks and other instructional materials affects the costs of postsecondary education to students.

"(2) SURVEY DESIGN.—The survey shall be representative of full-time and part-time, undergraduate, graduate, professional, and current and former students in all types of institutions, and designed and administered in consultation with the Congress and the postsecondary education community.

"(3) DISSEMINATION.—The Commissioner of Education Statistics shall disseminate the information resulting from the survey in both printed and electronic form.

"(l) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.".

(b) SENSE OF CONGRESS REGARDING CONSUMER INFORMATION ABOUT INSTITUTIONS OF HIGHER EDUCATION.—

(1) FINDINGS.—Congress finds that—

(A) the diversity of the American higher education systems allows each student to find the right "fit" for his or her interests and talents;

(B) while the variety of options available is one of the great strengths of our system of higher education, it can also be overwhelming when students and their families begin a college search;

(C) there is a massive amount of information available about institutions of higher education, but it is often difficult to navigate or is scattered among several sources;

(D) the data collected and available is comprehensive; however, there is a need to keep consumer needs in mind in packaging the information that already exists and presenting the information in a simple, consumer-friendly format;

(E) in particular, prospective students and their families want a succinct overview of common key information about institutions, with easy access to more in-depth institution-specific information about campus life and the complete college experience; and

(F) a variety of efforts have been initiated by colleges and universities and others to provide web-based, consumer-friendly information geared to prospective students and their families.

(2) SENSE OF CONGRESS.—It is the sense of Congress that institutions of higher education should participate in efforts to provide concise, easily accessible, on-line consumer information to prospective students and families that is consistent across institutions while permitting opportunities for more in-depth exploration of specific institutions.

Page 59, line 1, after "writing" insert "(which may include electronic communications)".

Page 59, line 9, after "textbook" insert "in the preceding 10 years".

Page 74, line 18, strike "August 1 of each year" and insert "March 1 of each year, or such other date determined by the Secretary,".

Page 80, beginning on line 10, strike clause (i) and insert the following:

"(i) Standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training.

Page 81, line 4, strike "Exit" and insert "Entrance and exit".

Page 81, line 6, strike "exit" and insert "entrance and exit".

Page 81, after line 21, insert the following:

"(vi) State education grants, scholarships, or financial aid funds administered by or on behalf of a State.

Page 88, line 11, strike "$25,000" and insert "$27,500".

Page 88, line 13, after "Secretary may" insert "impose a civil penalty in an amount of not more than $27,500, or".

Page 97, line 21, insert before the semicolon the following: ", and includes Migrant and Seasonal Head Start and American Indian/Alaska Native Head Start".

Page 97, line 24, after "program" insert "(including a program authorized under section 619 or part C of the Individuals with Disabilities Education Act)".

Page 110, line 25, strike "or"; on page 111, line 14, strike the period and insert "; or"; and after line 14 insert the following new subparagraph:

"(C) whose participants include current teachers who seek ongoing professional development in the subject matter knowledge in which the teacher is assigned to teach; and

"(D) that requires the faculty of arts and sciences of the partner institution to lead collaborative seminars for such participants for the purpose of—

"(i) improving student learning;

"(ii) enhancing the quality of teaching and strengthening subject matter mastery and the pedagogical skills of current teachers through continuing professional development; and

"(iii) developing curriculum units, based on the subject matter presented, for use in the teachers' classrooms.

Page 120, line 10, after "techniques" insert "and strategies, consistent with the principles of universal design for learning,".

Page 120, line 16, after "teaching skills" insert ", including the ability to effectively teach higher-order analytical, evaluative, problem-solving, and communications skills,".

Page 122, line 9, strike "and"; on line 11, after the semicolon insert "and"; and after line 11, insert the following:

"(cc) effectively teach high-order analytical, evaluative, problem solving and communications skills appropriate for the teacher's content or specialty area;

Page 125, beginning on line 24, strike "incentive, or merit or performance-based pay." and insert "or incentive pay, based on their extra skills and responsibilities.".

Page 127, line 10, after "school" insert "teachers or".

Page 127, line 12, after "instruction for" insert "elementary or secondary school teachers or".

Page 128, beginning on line 24, strike "Modifying" and all that follows through page 129, line 2, and insert "Where feasible, attempt to place".

Page 131, line 11, after "based on" insert ", but is not required to include all of, the".

Page 131, line 12, strike "teaching as" and insert "teaching, which may include".

Page 134, strike lines 22 and 23 and insert the following:

"(C) STIPENDS; APPLICATIONS; AGREEMENTS; REPAYMENTS.—

Page 135, line 3, after the period insert "The stipend or salary shall be provided for no longer than 1 year.".

Page 135, strike line 4 and all that follows through line 20 and insert the following:

"(ii) APPLICATIONS FOR STIPENDS.—Each teacher residency candidate desiring a stipend or salary during the period of residency shall submit an application to the eligible partnership at such time, and containing such information and assurances, as the eligible partnership may require.

"(iii) AGREEMENTS TO SERVE.—Each application submitted under clause (ii) shall contain or be accompanied by an agreement that the applicant will—

"(I) serve as a full-time teacher for a total of not less than 3 academic years after successfully completing the teaching residency program;

"(II) teach in a high-need school served by the high-need local educational agency in the eligible partnership;

"(III) teach in a field designated as high-need by the eligible partnership;

"(IV) provide to the eligible partnership a certificate, from the chief administrative officer of the school at which the resident is employed, of the employment required in subclauses (I), (II), and (III), at the beginning of, and upon completion of, each year or partial year of service;

"(V) be a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965, when the applicant begins to fulfill the service obligation under this clause; and

"(VI) comply with the requirements set by the eligible partnership under clause (iv) if the applicant is unable or unwilling to complete the service obligation required by this clause.

"(iv) REPAYMENTS.—

"(I) IN GENERAL.—An eligible partnership carrying out a teaching residency program under this subsection shall require a recipient of a stipend or salary under this subparagraph who does not complete the service obligation required by clause (iii) to repay the stipend or salary to the eligible partnership, together with interest thereon accruing from the date of the stipend or salary award, and in accordance with such other terms and conditions specified by the eligible partnership, as necessary.

"(II) OTHER TERMS AND CONDITIONS.—Any other terms and conditions specified by the eligible partnership may include reasonable provisions for deferral of a teaching resident's service obligation required by clause (iii) on grounds of health, incapacitation, inability to secure employment in a school served by the eligible partnership, or other extraordinary circumstances.

"(III) USE OF REPAYMENTS.—An eligible partnership shall use any repayment received under this clause to carry out additional activities that are consistent with the purposes of this subsection.

Page 136, line 8, strike "rural school districts" and insert "rural local educational agencies (as such term is defined in section 872 of this Act)".

Page 138, line 15, strike "designated by the Secretary".

Page 144, line 25, after "instruction" insert ", including technology consistent with the principles of universal design for learning,".

Page 157, beginning on line 2, strike "As a condition of receiving assistance under title IV, each" and insert "Each".

Page 157, line 12, strike "Secretary" and insert "State educational agency".

Page 157, beginning on line 19, strike "As a condition" and all that follows through "title IV, each" on line 20, and insert "Each".

Page 158, line 11, before the period insert ", as applicable".

Page 164, line 17, and page 165, line 3, strike "develop skills to enter" and insert "develop learning skills to succeed in higher education and to enter".

Page 165, line 2, after "environments" insert ", including environments consistent with the principles of universal design for learning,".

Page 165, line 19, insert "or masters" before "degrees".

Page 167, line 10, strike "technology development" and insert "development in the use of technology".

Page 171, after line 5, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

"(6) A description of how the project—

"(A) will incorporate State teacher technology standards; and

"(B) will incorporate State student technology standards.

Page 174, line 20, strike "and"; page 175, line 2, strike the period and insert a semicolon; and after line 2, insert the following new paragraphs:

"(6) may be used to develop and apply virtual classroom simulation and related technologies to enhance recruitment, preparation, and retention for high-need schools in the areas of mathematics, science, foreign languages, special education, or teaching the English language to students who are limited English proficient; and

"(7) may be used to develop innovative teacher preparation programs that emphasize the essential components of reading instruction and other strategies based on scientifically valid research and that address early intervention strategies for students with reading difficulty or language processing differences.

Page 177, line 10, strike "and"; line 13, strike the period and insert a semicolon; and after line 13, insert the following new paragraphs:

"(12) develop associate's degree programs with an emphasis on the essential components of reading instruction to train educators such as pre-service teachers, paraprofessionals, speech-language pathology assistants, and tutors to teach students with reading difficulties and students who learn to read differently than their peers; and

"(13) develop licensure programs for early childhood educators that emphasize the essential components of reading instruction and other strategies based on scientifically valid research, and that address strategies for early screening and early intervention for students with reading difficulty and who learn to read differently than their peers.".

Page 179, beginning on line 24, strike "has the meaning" and all that follows through line 25, and insert "means a publicly funded institution of higher education (as defined in section 101) at which the highest degree awarded is predominantly the associates degree.".

Page 183, line 13, after "teachers to" insert "serve in low-performing schools and".

Page 188, line 15, strike "ACHIEVEMENT" and insert "STUDENT LEARNING"; and on lines 17 and 19, strike "achievement" and insert "student learning".

Page 189, line 3, insert after the period the following: "Further, the peer review standards shall ensure that reviewers have expertise in assessment systems, accountability, and instruction.".

Page 190, line 10, after "childhood" insert "development and".

Page 190, strike lines 11 and 12, and redesignate the succeeding subparagraphs accordingly.

Page 190, beginning on line 15, strike "through age 5" and insert "to school entry".

Page 192, line 4, after "supplemental initiative," insert "the State Head Start collaboration director,".

Page 222, line 2, strike "by regulation".

Page 234, beginning on line 5, strike section 308 and insert the following:

### SEC. 308. HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING.

(a) DEFINITIONS.—Section 342 (20 U.S.C. 1066a) is amended—

(1) in paragraph (5)(G), by inserting "by an accrediting agency or association recognized by the Secretary of Education" after "agency or association";

(2) in paragraph (8)—

(A) is amended by striking "the private" and inserting "any private"; and

(B) by inserting adding "capital project" after "issuing taxable"; and

(3) by adding at the end the following new paragraphs:

"(10) The term 'eligible foundation' means a non-profit foundation owned and sponsored by an eligible institution, or an entity wholly owned by such a foundation.

"(11) The term 'borrower' means the eligible institution or the eligible foundation that receives funding pursuant to a loan.".

(b) FEDERAL INSURANCE FOR BONDS.—

(1) RESPONSIBILITIES OF DESIGNATED BONDING AUTHORITY.—Section 343(b) (20 U.S.C. 1066b(b)) is amended—

(A) in paragraph (1), by striking "2 percent" and inserting "1 percent";

(B) in paragraph (3)(A), by inserting ", not to exceed 1 percent," after "charge such interest";

(C) in paragraph (8)—

(i) by inserting "for loans closed before June 15, 2008," before "establish an escrow account";

(ii) in subparagraph (B)(ii), by inserting "within 90 days" after "loan proceeds";

(D) by striking "and" at the end of paragraph (10);

(E) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(F) by adding at the end the following new paragraphs:

"(12) with respect to any such loan, provide that any loan collateralization shall not exceed 100 percent of the loan amount; and

"(13) for loans closed after, June 15, 2008, establish a reserve account which shall be available to the Secretary to pay principal and interest on the bonds in the event of delinquency in loan repayment, which reserve account shall consist of an origination fee of 1 percent with respect to each loan.".

(2) FORBEARANCE; DEFERMENT.—Section 343 is further amended by adding at the end the follow new subsections:

"(f) FORBEARANCE.—An insurance agreement under this subsection shall contain provisions providing that, upon request from the borrower and with the approval of the Secretary in consultation with the Advisory Board, the designated bond authority shall grant a borrower forbearance, renewable at 12-month intervals, on terms agreed to in writing by the parties to the loan with the approval of the Secretary, and otherwise consistent with the regulations of the Secretary.

"(g) DEFERMENT.—An insurance agreement under this subsection shall contain provisions providing that, during construction or renovation, the Designated Bond Authority shall grant a borrower deferment, renewable at 12-month intervals, on terms agreed to in writing by the parties to the loan with the approval of the Secretary in consultation with the Advisory Board, and otherwise consistent with the regulations of the Secretary.".

(c) LIMITATIONS ON FEDERAL INSURANCE FOR BONDS ISSUED BY THE DESIGNATED BONDING AUTHORITY.—Section 344(a) (20 U.S.C. 1066c(a)) is amended—

(1) by striking "$375,000,000" and inserting "$1,100,000,000";

(2) by striking "$250,000,000" and inserting "$733,333,333"; and

(3) by striking "$125,000,000" and inserting "$366,666,666".

(d) AUTHORITY OF THE SECRETARY.—Section 345(1) (20 U.S.C. 1066d(1)) is amended—

(1) by striking "the Higher Education Amendments of 1992," and inserting "the College Opportunity and Affordability Act of 2007";

(2) by striking "and" at the end of subparagraph (A); and

(3) by inserting after subparagraph (B) the following new subparagraphs:

"(C) specify up to 3 designated bonding authorities to be authorized under this part; and

"(D) provide for periodic review of designated bonding authority authorizations no less frequently than every 3 years;".

(e) HBCU CAPITAL FINANCING ADVISORY BOARD.—Section 347(b)(1) (20 U.S.C. 1066f(b)(1)) is amended—

(1) by striking out "9 members" and inserting "11 members";

(2) in subparagraph (C), by striking "two" and inserting "three";

(3) by adding at the end the following new subparagraph:

"(G) The president of the Thurgood Marshall Scholarship Fund.".

Page 238, beginning on line 8, strike "this subpart" and all that follows through "including" on line 9 and insert "this subpart. Such plan shall include, if the Secretary determines that it is practical, an objective measure of the impact of such projects, such as".

Page 238, after line 19, insert the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

(B) in subparagraph (C), by inserting before the semicolon the following: ", the Department of Defense, or the National Science Foundation";

Page 248, beginning on line 12, strike subsection (d) and insert the following:

(d) TECHNICAL AMENDMENTS TO CCRAA.—Section 401(b)(9) is amended—

(1) by amending subparagraph (D) to read as follows:

"(D) PROGRAM REQUIREMENTS AND OPERATIONS OTHERWISE UNAFFECTED.—Except as provided in subparagraphs (B) and (C), nothing in this paragraph shall be construed to alter the requirements and operations of the Federal Pell Grant Program as authorized under this section, or authorize the imposition of additional requirements or operations for the determination and allocation of Federal Pell Grants under this section."; and

(2) by amending subparagraph (F) to read as follows:

"(F) AVAILABILITY OF FUNDS.—The amounts made available by subparagraph (A) for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year.".

Page 254, line 10, insert "and" after the semicolon and strike lines 11 through 14 and insert the following:

(ii) by amending subparagraph (A) to read as follows:

"(A) to synchronize the awarding of grants for programs under this chapter, the Secretary may, under such terms as are consistent with the purposes of this chapter, provide a one-time, limited extension of the length of such an award;"; and

Page 255, beginning on line 1, strike subparagraph (A) and insert the following:

(A) in paragraph (2)—

(i) by striking "(2) PRIOR EXPERIENCE.—In" and inserting the following:

"(2) CONSIDERATIONS.—(A) PRIOR EXPERIENCE.—In";

(ii) by striking "service delivery" and inserting "high quality service delivery, as determined under subsection (f),"; and

(iii) by adding at the end the following new subparagraph:

"(B) PARTICIPANT NEED.—In making grants under this chapter, the Secretary shall consider the number, percentages, and needs of eligible participants in the area, college, or school or schools to be served to aid such participants in preparing for, enrolling in, or succeeding in college, as appropriate to the particular program for which the eligible entity is applying.";

Page 255, line 12, after "foster care youth" insert "(including youth in foster care and youth who have left foster care after reaching age 16)".

Page 261, beginning on line 20, strike paragraph (5) and insert the following:

"(5) APPEALS.—(A) Upon a determination by the Secretary not to accept an application, or upon a determination by the Secretary through the peer review process as specified in subsection (c)(4) not to fund an application, for any program under this chapter, the Secretary shall allow such applicant to appeal the funding decision. An applicant may submit a written request for reconsideration of the application, with appropriate documentary evidence, to the Secretary.

"(B) For appeals regarding the awarding of points for prior experience of high quality service delivery or a decision not to read an application or any mishandling of such application, a panel of three Department employees appointed by the Secretary shall review each request for reconsideration. The panel shall review the request for the purpose of identifying any technical errors or administrative problems with the scoring of the application, the awarding of prior experience points, or the handling of the application, including any decision not to read an application. The panel shall make its recommendations to the Secretary in writing.

"(C) For appeals regarding scoring decisions by the peer review panel, the Secretary shall refer the application to a second peer review panel.

"(D) In each instance, after the Secretary or the Secretary's designee considers the recommendations of the panel and makes a final decision, the Secretary shall notify each entity requesting reconsideration under this paragraph regarding the status of their appeal within 90 days after the date the applicant submitted the appeal.";

Page 264, after line 20, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(b) TALENT SEARCH.—Section 402B(b)(10) (20 U.S.C. 1070a-12(b)(10)) is amended by inserting ", groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students" after "limited English proficiency".

Page 264, line 25, strike "and"; and on page 265, before line 1, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

(2) in subsection (b)(12), by inserting ", groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students" after "limited English proficiency"; and

Page 265, beginning on line 2, strike subsection (f) and insert the following:

"(f) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Upon enactment of this subsection and except as otherwise expressly provided by amendment to this section, the Secretary shall not continue to implement or enforce the absolute priority for Upward Bound Program published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.). This subsection shall not be applied retroactively. In implementing this subsection, the Department shall allow the programs and participants chosen in the grant cycle to which the priority applies to continue their grants and participation without a further recompetition. The entities shall not be required to apply the absolute priority conditions or restrictions to future participants.".

Page 265, after line 9, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(d) STUDENT SUPPORT SERVICES.—Section 402D(b)(10) (20 U.S.C. 1070a-14(b)(10)) is amended by inserting ", groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students" after "limited English proficiency".

Page 265, after line 14, insert the following new subsections (and redesignate the succeeding subsection accordingly):

(f) EDUCATIONAL OPPORTUNITY CENTERS.—Section 402F(b)(10) (20 U.S.C. 1070a-16(b)(10)) is amended by inserting ", groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students" after "limited English proficiency".

(g) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b) (20 U.S.C. 1070a-17(b)) is amended by adding at the end the following new paragraph:

"(5) Strategies for recruiting and serving hard-to-reach populations, including students of limited English proficiency, groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, disconnected students, and students with disabilities.".

Page 272, beginning on line 8, strike clauses (iv) and (v) and insert the following:

(iv) in paragraph (3), by inserting "eligible" before "for assistance", and by striking the period and inserting "; or"; and

(v) by adding at the end the following new paragraph:

"(4) a disconnected student.".

Page 276, strike lines 1 through 13 and insert the following:

(f) SCHOLARSHIP COMPONENT.—Section 404E(b)(2) (20 U.S.C. 1070a–25) is amended by striking "the maximum Federal Pell Grant" and inserting "the minimum Federal Pell Grant".

Page 276, line 23, strike "subpart 1" and insert "subpart 2".

Page 283, beginning on line 16, strike "and include" and all that follows through "this title" on line 21.

Page 289, beginning on line 11, strike "(less any" and all that follows through "by the student)" on line 15.

Page 290, beginning on line 8, strike "(less any" and all that follows through "by the student)" on line 11.

Page 290, beginning on line 22, strike "(less any" and all that follows through "by the student)" on line 25.

Page 301, beginning on line 25, strike paragraph (6) through page 302, line 6, and insert the following:

(6) by inserting after subsection (f) the following:

"(g) Reservation and Allocation of Funds.—From the amounts made available under subsection (i), the Secretary—

"(1) may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a); and

"(2) shall, in awarding grants from the remainder of such amounts—

"(A) make available not less than 45 percent of such remainder for the high school equivalency programs and not less than 45 percent of such remainder for the college assistance migrant programs;

"(B) award the rest of such remainder for either high school equivalency programs or college assistance migrant programs based on the number, quality, and promise of the applications; and

"(C) consider the need to provide an equitable geographic distribution of such grants.";

Page 302, beginning on line 22, strike paragraph (8) through page 303, line 8, and insert the following:

(8) by striking subsection (i) (as redesignated by paragraph (5)) and inserting the following:

"(i) Authorization of Appropriations.—For the purpose of making grants and contracts under this section, there are authorized to be appropriated $75,000,000 for fiscal year 2009 and such sums as may be necessary for the each of the 4 succeeding fiscal years.".

Page 305, line 6, strike "social psychology or".

Page 306, strike lines 19 through 22.

Page 311, line 13, after "service" insert "in a full-time position related to the field in which the student obtained his or her undergraduate degree,"; and after "following" insert "the later of—".

Page 311, strike lines 14 and 15, and before line 16, insert the following:

"(A) the completion of the student's undergraduate degree program; or

"(B) the completion of a graduate degree program in a field related to the field in which the student obtained his or her undergraduate degree.

Page 323, after line 3, insert the following new subsection:

"(g) Report on Best Practices.—Within one year after the date of enactment of this section, the Secretary shall—

"(1) conduct a study to identify the best practices to strengthen the role of institutions that receive funding under title III or title V in increasing America's critical foreign language education efforts; and

"(2) submit a report on the results of such study to the authorizing committees.

Page 323, before line 4, insert the following new section (and redesignate the succeeding section accordingly):

### "SEC. 419D. ADJUNCT TEACHER CORPS.

"(a) Purpose.—The purpose of this section is to create opportunities for individuals with subject matter expertise in mathematics, science, and critical foreign languages to provide such subject matter expertise to secondary school students on an adjunct basis.

"(b) Program Authorized.—The Secretary is authorized to award grants to eligible entities to identify, recruit, and train individuals with subject matter expertise in mathematics, science, and critical foreign languages to serve as adjunct content specialists.

"(c) Duration of Grants.—The Secretary may award grants under this section for a period of not more than 5 years.

"(d) Eligible Entity.—For the purpose of this section, an eligible entity is—

"(1) a local educational agency; or

"(2) a partnership consisting of a local educational agency, serving as a fiscal agent, and a public or private educational organization or business.

"(e) Uses of Funds.—An eligible entity that receives a grant under this section is authorized to use such grant to carry out one or both of the following activities:

"(1) To develop the capacity of the eligible entity to identify, recruit, and train individuals with subject matter expertise in mathematics, science, and critical foreign languages who are not employed in the elementary and secondary education system (including individuals in business and government, and individuals who would participate through distance-learning arrangements) to become adjunct content specialists.

"(2) To provide pre-service training and ongoing professional development to adjunct content specialists.

"(f) Applications.—

"(1) Application Required.—To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary requires.

"(2) Contents.—Such application shall include a description of—

"(A) the need for, and expected benefits of using, adjunct content specialists in the schools of the local educational agency, which may include information on the difficulty the local educational agency faces in recruiting qualified faculty in mathematics, science, and critical foreign language courses;

"(B) measurable objectives for the activities supported by the grant, including the number of adjunct content specialists the eligible entity intends to place in schools and classrooms, and the gains in academic achievement expected as a result of the addition of such specialists;

"(C) how the eligible entity will establish criteria for and recruit the most qualified individuals and public or private organizations and businesses to participate in the activities supported by the grant;

"(D) how the eligible entity will provide pre-service training and on-going professional development to adjunct content specialists to ensure that such specialists have the capacity to serve effectively;

"(E) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of the activities supported by the grant;

"(F) how the eligible entity will support and continue the activities supported by the grant after the grant has expired, including how such entity will seek support from other sources, such as State and local government and the private sector; and

"(G) an assurance that the use of adjunct content specialists will not result in the displacement or transfer of currently employed teachers nor a reduction in the number of overall teachers in the district.

"(g) Priorities.—In awarding grants under this section, the Secretary shall give priority to eligible entities that demonstrate in the application for such a grant a plan to—

"(1) serve the schools of the local educational agency that have a large number or percentage of students performing below grade level in mathematics, science, or critical foreign language courses;

"(2) serve local educational agencies that have a large number or percentage of students from families with incomes below the poverty line (as such term is defined in section 200); and

"(3) recruit and train individuals to serve as adjunct content specialists in schools that have an insufficient number of teachers in mathematics, science, or critical foreign languages.

"(h) Matching Requirement.—Each eligible entity that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of such grant (in cash or in kind) to carry out the activities supported by such grant.

"(i) Performance Report.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary a final report on the results of the activities supported by such grant, which shall contain such information as the Secretary may require, including any improvements in student academic achievement as a result of the use of adjunct content specialists.

"(j) Evaluation.—The Secretary shall evaluate the activities supported by grants under this section, including the impact of such activities on student academic achievement, and shall report the results of such evaluation to the authorizing committees.

"(k) Definition.—In this section the term 'adjunct content specialist' means an individual who—

"(1) meets the requirements of section 9101(23)(B)(ii) of the Elementary and Secondary Education Act of 1965;

"(2) has demonstrated expertise in mathematics, science, or a critical foreign language, as determined by the local educational agency; and

"(3) may not be the primary provider of instructional services to a student unless the adjunct content specialist is under the direct supervision of a teacher who meets the requirements of Section 9101(23) of such Act.".

Page 323, after line 25, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(e) Reporting Requirements.—Section 419N(e) is amended—

(1) in paragraph (1)(A), by striking "18 months," and all that follows through the end thereof and inserting "annually."; and

(2) in paragraph (2)—

(A) by striking "the third annual grant payment" and inserting "continuation awards"; and

(B) by striking "the 18-month report" and inserting "the reports".

Page 324, line 23, strike "and" and after such line insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

(3) in section 420N—

(A) in subsection (b)—

(i) in paragraph (1)(E), by striking "and" after the semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new paragraph:

"(3) contains, or is accompanied by, a plain-language disclosure form developed by the Secretary that clearly describes the nature of the TEACH Grant award, the service obligation, and the loan repayment requirements that are the consequence of the failure to complete the service obligation."; and

(B) by adding a the end the following new subsection:

"(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—

"(1) CHANGE OF HIGH-NEED DESIGNATION.—In the event that a recipient of an initial grant under this subpart has acquired an academic degree, or expertise, in a field that was, at the time of the recipient's application for that grant, designated as high-need in accordance with subsection (b)(1)(C)(vii), but is no longer so designated, the grant recipient may fulfill the service obligation described in subsection (b)(1) by teaching in that field.

"(2) EXTENUATING CIRCUMSTANCES.—The Secretary shall establish, by regulation, categories of extenuating circumstances under which a recipient of a grant under this subpart who is unable to fulfill all or part of his or her service obligation may be excused from fulfilling that portion of the service obligation."; and

Page 325, beginning on line 4, strike "Such evaluation shall" and all that follows through line 18 and insert close quotation marks and a period.

Page 326, line 21, after "this title" insert ", as determined by the Secretary,".

Page 327, beginning on line 1, strike subparagraph (B) and insert the following:

"(B) An institution and any third party servicer obtaining access to information under subparagraph (A), including any subcontractor obtaining access to information under subparagraph (C)(iii), shall safeguard that information—

"(i) as required by any law applicable to the institution, third party servicer, or subcontractor; and

"(ii) at least to the same extent that the disclosing financial institution is required to safeguard its customer information under sections 501 and 505(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801, 6805(b)).

Page 327, line 16, after "the borrower" insert ", a subcontractor of the third party servicer for purposes of skip tracing,".

Page 327, line 23, strike the close quotation marks and the following period; and after line 23, insert the following:

"(D) Any requirement under subparagraph (A) to provide student loan information shall be considered an applicable legal requirement for the purposes of section 502(e)(8) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)(8)).

"(E) Any subcontractor obtaining access to information under subparagraph (C)(iii) shall meet the same restrictions that apply to third party servicers under subparagraph (C).".

Page 328, before line 1, insert the following new sections (and redesignate the succeeding sections accordingly):

### SEC. 424. VOLUNTARY FLEXIBLE AGREEMENTS.

Section 428A(a) (20 U.S.C. 1078-1(a)) is amended by adding at the end the following new paragraph:

"(3) REPORT REQUIRED.—The Secretary, in consultation with the guaranty agencies participating under voluntary flexible agreements, shall report on an annual basis to the authorizing committees regarding the program outcomes that the voluntary flexible agreements have had with respect to program integrity, program and cost efficiencies, delinquency prevention, default aversion, and consumer education programs described in section 433A, and the availability and delivery of student financial aid. Such report shall include—

"(A) a description of each voluntary flexible agreement and the performance goals established by the Secretary for each agreement;

"(B) a list of participating guaranty agencies and the specific statutory or regulatory waivers provided to each guaranty agency and any waivers provided to other guaranty agencies under paragraph (2);

"(C) a description of the standards by which each agency's performance under the agency's voluntary flexible agreement was assessed and the degree to which each agency achieved the performance standards;

"(D) an analysis of the fees paid by the Secretary, and the costs and efficiencies achieved under each voluntary flexible agreement; and

"(E) an identification of promising practices for program improvement that could be replicated by other guaranty agencies.".

### SEC. 425. GRACE PERIOD FOR GRADUATE AND PROFESSIONAL STUDENT PLUS LOANS.

(a) AMENDMENT.—Section 428B(d) (20 U.S.C. 1078-2(d)) is amended by amending paragraphs (1) and (2) to read as follows:

"(1) COMMENCEMENT OF REPAYMENT.—Repayment of principal on loans made under this section shall—

"(A) commence not later than—

"(i) in the case of a parent borrower, 60 days after the date such loan is disbursed by the lender; and

"(ii) in the case of a graduate or professional student borrower, commence at the beginning of a repayment period that begins the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); and

"(B) be subject to deferral during any period during which the graduate or professional student or the parent meets the conditions required for a deferral under section 427(a)(2)(C) or 428(b)(1)(M).

"(2) CAPITALIZATION OF INTEREST.—

"(A) IN GENERAL.—Interest on loans made under this section—

"(i) which accrues prior to the beginning of repayment under paragraph (1)(A)(i), shall be added to the principal amount of the loan; and

"(ii) which accrues during a period in which payments of principal are deferred pursuant to paragraph (1)(B) shall, if agreed upon by the borrower and the lender—

"(I)(aa) be paid monthly or quarterly; or

"(bb) be added to the principal amount of the loan not more frequently than quarterly by the lender.

"(B) INSURABLE LIMITS.—Capitalization of interest under this paragraph shall not be deemed to exceed the annual insurable limit on account of the borrower.".

(b) CONFORMING AMENDMENT.—Section 428(b)(7)(C) (20 U.S.C. 1078(b)(7)(C)) is amended by striking ", 428B,".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for loans issued on or after July 1, 2008.

Page 329, after line 4 insert the following new sections (and redesignate the succeeding sections accordingly):

### SEC. 427. EXTENSION OF CONSOLIDATION LOAN AUTHORITY.

Section 428C(e) (20 U.S.C. 1078–3(c)) is amended by striking "2012" and inserting "2013."

### SEC. 428. REQUIREMENTS FOR DISBURSEMENT OF STUDENT LOANS.

(a) SPECIAL RULE.—Section 428G(a) (20 U.S.C. 1078-7(a)) is amended by adding at the end the following new paragraph:

"(4) AMENDMENT TO SPECIAL RULE.—Beginning on October 1, 2011, the special rule under paragraph (3) shall be applied by substituting '15 percent' for '10 percent'.".

(b) REQUIREMENTS FOR DISBURSEMENTS TO FIRST YEAR STUDENTS.—Section 428G(b) (20 U.S.C. 1078-7(b)) is amended by adding at the end the following new paragraph:

"(3) AMENDMENT TO COHORT DEFAULT RATE EXEMPTION.—Beginning on October 1, 2011, the exemption to the requirements of paragraph (1) in the second sentence of such paragraph shall be applied by substituting '15 percent' for '10 percent'.".

Page 332, line 22, after "PATHOLOGISTS" insert "AND AUDIOLOGISTS"; and line 23, after "pathologist" insert "or audiologist".

Page 333, line 2, insert ", audiology" before the comma.

Page 335, after line 14, insert the following new paragraphs:

"(14) DENTISTS.—An individual who—

"(A) has received his or her degree from an accredited dental school (as accredited by the Commission on Dental Accreditation) and has completed residency training in pediatric dentistry, general dentistry, or dental public health; or

"(B) is employed as a member of the faculty at a program or school accredited by the Commission on Dental Accreditation.

"(15) STEM EMPLOYEES.—An individual who is employed in engineering, technology, applied sciences, or mathematics.

Page 336, after line 18, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(1) AUDIOLOGIST.—The term 'audiologist' means an individual who—

"(A) has received, at a minimum, a graduate degree in audiology from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

"(B) provides audiology services under subsection (ll)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395x(ll)(2)), or meets or exceeds the qualifications for a qualified audiologist under subsection (ll)(4) of such section (42 U.S.C. 1395x(ll)(4)).

Page 348, beginning on line 5, strike subsection (c) and insert the following:

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit—

"(1) a guaranty agency from using activities, programs, and materials existing on the date of enactment of this section in meeting the requirements of this section; or

"(2) a lender or loan servicer from providing outreach or financial aid literacy information in accordance with subsection (b).".

Page 348, after line 8, insert the following new section (and redesignate the succeeding sections accordingly):

### SEC. 433. DEFINITION OF ELIGIBLE INSTITUTION: PARTICIPATION RATE INDEX.

(a) AMENDMENTS.—Section 435(a) (20 U.S.C. 1085(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by striking "paragraph (4)" and inserting "paragraph (5)"; and

(B) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii); and

(ii) by striking clause (iii) and inserting the following new clauses:

"(iii) 25 percent for fiscal year 1994 through fiscal year 2011; and

"(iv) 30 percent for fiscal year 2012 and any succeeding fiscal year.";

(2) by redesignating paragraph (6) as paragraph (8), and redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(3) by inserting after paragraph (2) the following new paragraph:

"(3) APPEALS FOR REGULATORY RELIEF.—An institution whose cohort default rate, calculated in accordance with subsection (m), is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) of this subsection, for two consecutive fiscal years may, within 30 days of receiving notification from the Secretary, file an appeal demonstrating exceptional mitigating circumstances, as defined in paragraph (5). The Secretary shall issue a decision on any such appeal within 45 days after its submission. If the Secretary determines that the institution demonstrates exceptional mitigating circumstances, the Secretary shall not subject the institution to provisional certification based solely on the institution's cohort default rate.";

(4) in paragraph (5)(A) (as redesignated by paragraph (2) of this subsection), by striking "For the purposes of paragraph (2)(A)(ii)" and all that follows through "following criteria:", and inserting "For purposes of this subsection, an institution of higher education shall be treated as having exceptional mitigating circumstances that make application of paragraph (2) inequitable, and that provide for regulatory relief under paragraph (3), if such institution, in the opinion of an independent auditor, meets the following criteria:";

(5) by inserting after paragraph (6) (as redesignated by paragraph (2) of this subsection) the following new paragraph:

"(7) DEFAULT PREVENTION AND ASSESSMENT OF ELIGIBILITY BASED ON HIGH DEFAULT RATES.—

"(A) FIRST YEAR.—(i) An institution whose cohort default rate is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) in any fiscal year shall establish a default prevention task force to prepare a plan to—

"(I) identify the factors causing the institution's cohort default rate to exceed such threshold;

"(II) establish measurable objectives to improve the institution's cohort default rate; and

"(III) specify actions that the institution can take to improve student loan repayment, including enhanced use of professional judgment and discretion of student financial aid administrators.

"(ii) Each institution subject to this subparagraph shall submit the plan under clause (i) to the Secretary, who shall review the plan and offer technical assistance to the institution to promote improved student loan repayment.

"(B) SECOND CONSECUTIVE YEAR.—(i) An institution whose cohort default rate is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) for two consecutive fiscal years shall require the institution's default prevention task force established under subparagraph (A) to review and revise the plan required under such subparagraph, and shall submit such revised plan to the Secretary.

"(ii) The Secretary shall review each revised plan submitted in accordance with this subparagraph, and may direct that such a plan be amended to include actions, with measurable objectives, that the Secretary determines, based on available data and analyses of student loan defaults, will promote student loan repayment.

"(C) COHORT DEFAULT RATES PUBLISHED.—The Secretary shall make available to the public on the College Navigator web site the cohort default rate and the plan of the default prevention task force of each institution that is subject to this paragraph."; and

(6) in paragraph (8)(A) (as redesignated by paragraph (2) of this subsection), by striking "0.0375" and inserting "0.0625".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(6) is effective for fiscal years beginning on or after October 1, 2011.

Page 348, line 22, strike "beginning of the third" and insert "end of the second".

Page 348, after line 23, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(2) in paragraph (1)(B), by striking "such fiscal year" and inserting "such second fiscal year";

Page 349, beginning on line 1, strike "beginning of the third" and insert "end of the second".

Page 349, strike lines 4 through 10 and insert the following:

(3) in paragraph (2)(C)—

(A) by striking "end of such following fiscal year is not considered as in default for the purposes of this subsection" and inserting "end of the second fiscal year following the year in which the loan entered repayment is not considered as in default for purposes of this subsection"; and

(B) by striking "such fiscal year" and inserting "such second fiscal year"; and

Page 349, line 21, strike "cohort default data" and insert "cohort default rate".

Page 348, line 19, insert "(a) AMENDMENTS.—" before "Section 435(m)"; and on page 350, after line 13, insert the following new subsection:

(b) EFFECTIVE DATE AND TRANSITION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for purposes of calculating cohort default rates for fiscal year 2008 and succeeding fiscal years.

(2) TRANSITION.—Notwithstanding paragraph (1), the method of calculating cohort default rates under section 435(m) of the Higher Education Act of 1965 as in effect on the day before the date of enactment of this Act shall continue in effect, and the rates so calculated shall be the basis for any sanctions imposed on institutions of higher education because of their cohort default rates, until three consecutive years of cohort default rates calculated in accordance with the amendments made by subsection (a) are available.

Page 351, line 19, strike "2752(d)(4)(D)" and insert "2752(c)(4)(D)".

Page 351, after line 20, insert the following new subsections:

(c) GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.—Section 443 (42 U.S.C. 2753) is amended —

(1) in subsection (b)(2)(B), strike "(as described in subsection (d)), is" and insert the following: "(as described in subsection (d)), and not less than 1 civic education and participation project (as described in subsection (e)), are";

(2) by adding at the end the following new subsection:

"(e) CIVIC EDUCATION AND PARTICIPATION ACTIVITIES.—

"(1) USE OF FUNDS.—In any academic year to which subsection (b)(2)(B) applies, an institution shall ensure that funds granted to such institution under this section are used in accordance with such subsection to compensate (including compensation for time spent in training and travel directly related to civic education and participation activities) students employed in projects that—

"(A) teach civics in schools;

"(B) raise awareness of government functions or resources; or

"(C) increase civic participation such as in voting or running for elected office.

"(2) PRIORITY FOR SCHOOLS.—To the extent practicable, an institution shall—

"(A) give priority to the employment of students participating in projects that educate or train the public about evacuation, emergency response, and injury prevention strategies relating to natural disasters, acts of terrorism, and other emergency situations; and

"(B) ensure that any student compensated with the funds described in paragraph (1) receives appropriate training to carry out the educational services required.

"(3) FEDERAL SHARE.—The Federal share of the compensation of work-study students compensated under this subsection may exceed 75 percent.".

(d) FLEXIBLE USE OF FUNDS.—Section 445 (42 U.S.C. 2755) is amended by adding at the end the following new subsection:

"(d) FLEXIBILITY IN THE EVENT OF A MAJOR DISASTER.—

"(1) In the event of a major disaster, an eligible institution located in any area affected by such major disaster, as determined by the Secretary, may make payments under this part to disaster-affected students as follows:

"(A) For any academic year during which a major disaster occurs, such an eligible institution may pay wages under this part to disaster-affected students in an amount equal to or less than the amount of wages such students would have been paid under this part had the students been able to complete the work obligation necessary to receive work-study funds for such academic year.

"(B) Wages shall not be awarded to any student who, for the academic year during which a major disaster occurs, was not eligible for work-study or was not completing the work obligation necessary to receive work-study funds under this part prior to the occurrence of the major disaster.

"(C) Any wages awarded to disaster-affected students under this subsection shall meet the matching requirements outlined in section 443.

"(2) DEFINITIONS.—In this subsection:

"(A) The term 'disaster-affected students' means students enrolled at an eligible institution who—

"(i) were receiving Federal work-study payments from such eligible institution for an academic year prior to the occurrence of a major disaster during such academic year; and

"(ii) were prevented from fulfilling their work-study obligations for such academic year due to such major disaster, as determined by the Secretary.

"(B) The term 'major disaster' has the meaning given such term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.".

Page 367, after line 3, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(c) TREATMENT OF COOPERATIVE EDUCATION WORK INCOME.—Section 480(e) (20 U.S.C. 1087vv(e)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) any income earned from work under a cooperative education program offered by an institution of higher education;".

Page 400, beginning on line 3, strike paragraphs (1) through page 402, line 6, and insert the following (and redesignate the succeeding paragraph accordingly):

"(1) IN GENERAL.—Notwithstanding subsections (a), (c), and (d), in order to receive any grant or work assistance under section 401, subpart 3 of part A, and part C of this title, a student with an intellectual disability (as defined in section 768(2)) shall—

"(A) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program for students with intellectual disabilities at an institution of higher education;

"(B) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

"(C) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).

"(2) AUTHORITY.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary is authorized to waive any statutory provision applicable to the student financial assistance programs under section 401, subpart 3 of part A, or part C of this title, or any institutional eligibility provisions of this title, as the Secretary deems necessary to ensure that programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection may receive such financial assistance.

Page 402, line 7, strike "rules" and insert "regulations".

Page 405, strike lines 7 through 9 and insert the following:

(a) DISCLOSURE OF POLICIES.—Section 485(a) (20 U.S.C. 1092(a)) is amended—

Page 405, after line 9, insert the following new paragraph:

(1) in paragraph (1)—

(A) in subparagraph (G), by striking "program, and";

Page 405, beginning on line 10, redesignate paragraphs (1), (2), and (3) as subparagraphs (B), (C), and (D), respectively, and move the margins of such subparagraphs (as so redesignated) to the right two em spaces.

Page 405, strike line 13 and insert "graph (O) and inserting a semicolon; and".

Page 405, line 15, strike "paragraph" and insert "paragraphs".

Page 406, line 12, strike the period, close quotation marks, and following period and insert "; and", and after such line insert the following new subparagraph:

"(Q) institutional policies regarding meningococcal vaccinations which may include offering the vaccinations through the institution at a cost to the student."; and

Page 406, before line 13, insert the following new paragraph:

(2) by amending paragraph (4) to read as follows:

"(4) For purposes of this section, institutions may—

"(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

"(B) in cases in which the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at an institution, the institution may recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period during which such students were not enrolled due to the service described in subparagraph (A) of this paragraph.".

Page 406, beginning on line 18, strike paragraph (2) through page 407, line 23, and insert the following:

(2) in subparagraph (F)(ii), by inserting after "through (VIII) of clause (I)" the following: ", and for larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property,".

Page 417, line 18, strike "Each" and insert the following:

"(1) NOTICE UPON ENROLLMENT.—Each

Page 417, line 21, strike the close quotation marks and following period, and after such line insert the following:

"(2) NOTICE AFTER LOSS OF ELIGIBILITY.—Within two weeks of notification by the Secretary that a student has lost eligibility under section 484(r) for any grant, loan, or work assistance, an institution of higher education shall provide to each such student affected by the penalties listed under 484(r)(1) a separate, clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which the student can regain eligibility under section 484(r)(2).".

Page 417, before line 22, insert the following new subsection:

(e) DISCLOSURE OF ATHLETICALLY RELATED GRADUATION RATES.—Section 485(e)(3) (20 U.S.C. 1092(e)(3)) is amended to read as follows:

"(3) For purposes of this subsection, institutions may—

"(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

"(B) in cases in which the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at an institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period during which such students were not enrolled due to the service described in subparagraph (A) of this paragraph.".

Page 418, line 4, strike "REQUIREMENTS" and insert "ESTABLISHED".

Page 418, beginning on line 12, strike ", and on the application materials of such institutions".

Page 418, line 18, insert "and" after the semicolon; strike lines 19 through 21; and redesignate the succeeding subparagraphs accordingly.

Page 419, beginning on line 4, strike "limit the" and all that follows through line 5 and insert "authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to articulation agreements.".

Page 419, beginning on line 10, strike ", including private nonprofit and for-profit institutions".

Page 420, line 24, after "degree" insert "or program".

Page 430, beginning on line 6, strike clause (i) and insert the following new clauses (and redesignate the succeeding clause accordingly):

"(i) in the case of loans made by an institution, for each of the institution's fiscal years 2009 through 2012, the principal amount of loans made by the institution, based on the expected interest earned less the estimated amount to account for future defaults and loan forgiveness accounted for on an accrual basis, in accordance with Generally Accepted Accounting Principles and related standards and guidance, if the loans are bona fide as evidenced by enforceable promissory notes, are issued at intervals related to the institution's enrollment periods, and are subject to regular loan repayments and collections;

"(ii) in the case of loans made by an institution, for the institution's fiscal year 2013 and each of the institution's subsequent fiscal years, only the amount of loan repayments received during the fiscal year; and

Page 435, after line 10, insert the following new subsection:

(f) INSTITUTIONAL CERTIFICATIONS FOR PRIVATE EDUCATIONAL LOANS.—Section 487(a) is further amended by adding at the end the following new paragraph:

"(29)(A) The institution will—

"(i) upon the request of a private educational lender, acting in connection with an application initiated by a consumer for a private educational loan, provide certification to such private educational lender—

"(I) that the student who initiated the application for the private educational loan, or on whose behalf the application was initiated, is enrolled or is scheduled to enroll at the institution;

"(II) of the student's cost of attendance at the institution as determined under part F of this title; and

"(III) of the difference between the cost of attendance of the institution and the student's estimated financial assistance received under this title and other assistance known to the institution;

"(ii) disclose a borrower's ability to select a private educational lender of the borrower's choice; and

"(iii) inform students about the impact of a proposed private educational loan on the students' potential eligibility for other financial assistance, including Federal financial assistance under this title.

"(B) For purposes of this paragraph, the terms 'private educational lender' and 'private educational loan' have the meanings given in section 140 of the Truth in Lending Act (15 U.S.C. 1631 et seq.).".

Page 437, after line 12, insert the following new section (and redesignate the succeeding sections accordingly):

**SEC. 492. TRANSFER OF ALLOTMENTS.**

Section 488 (20 U.S.C. 1095) is amended by striking "section 413D." and inserting "section 413D or 462 (or both).".

Page 443, line 2, after "graph" insert ", nor shall the agency or association be required to obtain the approval of the Secretary to expand its scope of accreditation to include distance education, provided that the agency or association notifies the Secretary in writing of the change in scope".

Page 443, after line 9, insert the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

(B) in paragraph (5), by amending subparagraph (A) to read as follows:

"(A) success with respect to student achievement in relation the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations, consideration of course completion, and job placement rates;";

Page 447, after line 9, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(b) RULE OF CONSTRUCTION.—Section 496 is further amended by adding at the end the following new subsection:

"(p) RULE OF CONSTRUCTION.—Nothing in subsection (a)(5) of this section shall restrict the authority of—

"(1) an accrediting agency or association to set, with the involvement of its members, and to apply accreditation standards to institutions or programs that seek review by the agency or association; or

"(2) an institution to develop and use institutional standards to show its success with respect to student achievement, which shall be considered as part of any accreditation review.".

Page 481, beginning on line 24, strike subsection (e) through page 482, line 2, and redesignate the succeeding subsection accordingly.

Page 492, line 14, strike "subpart 5" and insert "subpart 6"; line 17, strike "**THROUGH 4**" and insert "**THROUGH 5**"; line 20, strike "through 4" and insert "through 5"; and line 23, strike "or 4" and insert "4, or 5".

Page 502, after line 23, insert the following new section (and redesignate the succeeding sections accordingly):

### SEC. 705. MASTERS DEGREES PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY SERVING INSTITUTIONS.

Part A of title VII (20 U.S.C. 1134) is further amended by inserting after subpart 4 (as added by section 704 of this Act) the following subpart:

### "Subpart 5—Masters Degrees Programs at Historically Black Colleges and Universities and Other Minority Serving Institutions

### "SEC. 723. GRANTS TO ACADEMIC DEPARTMENTS AND PROGRAMS AT ELIGIBLE INSTITUTIONS.

"(a) GRANT AUTHORITY.—

"(1) IN GENERAL.—From the amounts appropriated under subsection (g), the Secretary shall make grants to graduate academic departments, programs, and other academic units at historically Black colleges and universities and other minority-serving institutions that provide qualified courses of study leading to a degree in a qualified masters degree program described in subsection (d)(1)(B). Such grants shall be used to make fellowship awards to eligible students and may be combined with matching grants from non-Federal sources to strengthen qualified masters degree programs.

"(2) ADDITIONAL GRANTS.—From the amounts appropriated under subsection (g), The Secretary may also make grants to consortia and cooperative arrangements among eligible institutions that submit joint proposals, and have formal arrangements designed to fulfill the purposes of this subpart.

"(b) AWARD AND DURATION OF GRANTS.—

"(1) AWARDS.—The Secretary shall make awards to institutions that are eligible under subsection (d) and that submit an application to the Secretary in accordance with subsection (c). Awards shall be based on the following criteria:

"(A) The number of students enrolled in the masters degree program.

"(B) The number of students who earned such degrees in the previous year from the program for which the eligible institution is seeking funds.

"(C) The average cost of education per student, for all full-time masters degree students enrolled in the qualified masters degree program.

"(D) The quality of the academic program at the institution.

"(E) The quality of the application submitted by the institution or consortium.

"(2) DURATION AND AMOUNT.—

"(A) DURATION.—The Secretary shall award a grant under this subpart for a period of 5 years, which may be renewed for an additional 5 years consistent with subsection (c).

"(B) AMOUNT.—The Secretary shall award a grant to an academic department, program, or consortium at an eligible institution of higher education under this subpart for a fiscal year in an amount that is not less than $100,000, and not greater than $750,000.

"(c) APPLICATION.—

"(1) CONTENTS OF APPLICATIONS.—An institution that is eligible under subsection (d) that seeks a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include—

"(A) a description of the qualified masters degree program or programs that the institution intends to provide fellowship awards to, including the number of student awards to be made;

"(B) a budget describing the amount of the fellowship awards to students for 2 successive academic years, based on the academic progress of such students and the cost of attendance at the eligible institution, except that in no instance shall a graduate student receive a fellowship in excess of the award level provided for such students by the National Science Foundation;

"(C) a budget for stipends to students who are awarded fellowships under this subpart in order to encourage highly qualified students to pursue graduate study for the purposes described in this part; and

"(D) a description of activities to be undertaken with institutional, private foundation, or State matching funds that will be used to contribute to the increased production of minority masters degree candidates.

"(2) PREFERENCE TO CONTINUING GRANT RECIPIENTS.—

"(A) IN GENERAL.—The Secretary shall make initial grant awards consistent with the criteria in subsection (b)(1), and shall renew such awards if the grantee demonstrates success in satisfying the criteria in subparagraphs (A) and (B) of such subsection by increasing the number of African Americans and other minorities earning masters degrees at the institution based on benchmarks established by the Secretary.

"(B) RATABLE REDUCTION.—To the extent that appropriations are insufficient to comply with subparagraph (A) and subsection (b)(2)(B), available funds shall be distributed by ratably reducing the amounts required to be awarded under subsection (b)(2)(B).

"(d) INSTITUTIONAL ELIGIBILITY.—

"(1) QUALIFIED MASTERS DEGREE PROGRAMS.—

"(A) IN GENERAL.—To be eligible to apply for a grant under this part, an applicant shall be an academic department, program, or unit at an institution of higher education that is within the meaning of the term 'part B institution' as defined in section 322(2), that offers a qualified masters degree program, and that is specifically enumerated in paragraph (2), or a consortium of such institutions.

"(B) QUALIFIED MASTERS DEGREE PROGRAM.—For purposes of this subpart, the term 'qualified masters degree program' means a program of study leading to a masters degree in the physical or natural sciences, mathematics, engineering, computer science, information technology, nursing, allied health, or related scientific or health field identified by the Secretary.

"(C) LIMITATION.—No department, program, or unit shall be eligible to apply unless the qualified masters degree program has been in existence and awarded such degrees for at least four years.

"(2) ENUMERATED INSTITUTIONS.—For purposes of paragraph (1)(A), the institutions enumerated in this paragraph are—

"(A) Albany State University;
"(B) Alcorn State University;
"(C) Chicago State University;
"(D) Columbia Union College;
"(E) Coppin State University;
"(F) Elizabeth City State University;
"(G) Fayetteville State University;
"(H) Fisk University;
"(I) Fort Valley State University;
"(J) Grambling State University;
"(K) Kentucky State University;
"(L) Long Island University, Brooklyn campus;
"(M) Mississippi Valley State University;
"(N) Robert Morris College;
"(O) Savannah State University;
"(P) South Carolina State University;
"(Q) University of Arkansas, Pine Bluff;
"(R) Virginia State University;
"(S) West Virginia Sate University;
"(T) Winston-Salem State University; and
"(U) York College, The City University of New York.

"(3) LIMITATION.—No institution that is eligible for and receives an award under section 326 for a fiscal year shall be eligible to apply for, or receive funds under this subpart for the same fiscal year.

"(e) MATCHING FUNDS RULE.—Each eligible institution or consortium that receives an award under this subpart, may elect to use up to 25 percent of the total grant to carry out activities designed to strengthen its qualified masters degree program. An institution that elects to use funds for strengthening a qualified masters degree program shall provide an equal amount for such purpose from institutional, private foundation, or State sources. Matching funds must supplement, not supplant, existing resources available at the time of the Secretary's award.

"(f) USES OF FUNDS.—Funds made available under this section shall be used in accordance with the application under subsection (c).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

Page 510, strike lines 4 through 9 and insert "shall be $5,000.".

Page 513, line 15, strike the close quotation marks and following period, and after line 15 insert the following new paragraph:

"(6) Establishment of centers to incorporate education in quality and safety into the preparation of medical and nursing students, through grants to medical schools, nursing schools, and osteopathic schools. Such grants shall be used to assist in providing courses of instruction that specifically equip students to understand the causes and remedies for medical error, medically-induced patient injuries and complications, and other defects in medical care; engage effectively in personal and systemic efforts to continually reduce medical harm;

and improve patient care and outcomes, as recommended by the Institute of Medicine.".

Page 521, line 13, strike "The Secretary" and insert "The Office of Postsecondary Education".

Page 522, line 10, strike "disabilities," and insert "disabilities and"; and on line 11, strike ", and disability support service personnel".

Page 523, line 19, strike "or" and insert "and".

Page 524, line 3, strike "and maintaining" and insert ", maintaining, and updating".

Page 524, line 5, after "education," insert "or for expanding and updating an existing database of disabilities support services information with respect to institutions of higher education,".

Page 524, line 9, after "shall include" insert "available".

Page 524, beginning on line 21, strike paragraph (4) and insert the following:

"(4) PROFESSIONAL STANDARDS FOR DISABILITY SUPPORT PERSONNEL.—The Center shall work with organizations and individuals with proven expertise related to disability support services for postsecondary students with disabilities to consolidate, evaluate, improve upon, and disseminate information related to professional standards and best practices for disability support services personnel and offices in institutions of higher education.

Page 525, line 4, strike "The Center" and insert "Not later than 3 years after the establishment of the Center, and every 2 years thereafter, the Center".

Page 525, strike line 5, and insert "prepare and disseminate a report to Congress and the Secretary analyzing".

Page 525, line 9, strike "ths" and insert "this", on line 10, insert "annual" before "enrollment", and on line 12, insert before the semicolon the following: "from existing data".

Page 526, beginning on line 1, strike "Such personnel" and all that follows through line 5.

Page 542, line 13, strike "The" and insert "Not later than 3 years after the date of the first grant award under this section, the".

Page 542, strike line 14 and insert "mit to Congress a report that".

Page 544, beginning on line 13, strike section 768 and insert the following:

**"SEC. 768. DEFINITIONS.**

"In this Act:

"(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that is—

"(A) offered by an institution of higher education;

"(B) designed to support students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at an institution of higher education in order to prepare for gainful employment and independent living;

"(C) includes an advising and curriculum structure; and

"(D) requires students to participate on at least a half-time basis, as determined by the institution, with such participation focusing on academic components such as reading, language arts, or math, and occurring through a combination of one or more of the following activities:

"(i) Regular enrollment in courses offered by the institution.

"(ii) Auditing or participating in courses offered by the institution for which the student does not receive regular academic credit.

"(iii) Enrollment in noncredit, nondegree courses.

"(iv) Participation in internships or apprenticeships.

"(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student who is—

"(A) an individual whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning; and

"(B)(i) a student eligible for assistance under the Individuals with Disabilities Education Act who has completed secondary school; or

"(ii) an individual who was, but is no longer, eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State in which the student resides provides a free appropriate public education.

Page 545, lines 7, 18, 20, and 22, strike "Secretary" and insert "Office of Postsecondary Education".

Page 545, beginning on line 24, strike paragraph (1) and insert the following:

"(1) are located in geographically diverse, underserved areas; or

Page 548, beginning on line 21, strike "Not later" and all that follows through "Secretary" on line 23, and insert "Not later than 5 years after the date of the first grant award under this section, the Office of Postsecondary Education".

Page 549, line 7, strike "**ACCREDITATION**".

Page 549, line 9, strike "Secretary" and insert "Office of Postsecondary Education".

Page 549, line 13, after "and" insert "recommendations related to the".

Page 549, lines 14 and 24, strike "model".

Page 550, strike line 17 and all that follows through page 551, line 7; on page 551, beginning on line 8, redesignate subparagraph (B) and clauses (i) through (v) thereof as paragraph (5) and subparagraphs (A) through (E), respectively; and move such redesignate paragraph 2 em spaces to the left.

Page 552, line 6, strike "and"; on line 8, strike the period and insert "; and"; and after line 8, insert the following (and redesignate the succeeding subsection accordingly):

"(10) convene a workgroup to develop recommendations on criteria, standards, and components of such programs as described in paragraph (5), to include the participation of—

"(A) an expert in higher education;

"(B) an expert in special education;

"(C) a disability organization that represents students with intellectual disabilities; and

"(D) a national, State, or regional accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV.

"(c) REPORT.—No later than 5 years after the date of the establishment of the coordinating center under this section, such center shall report to the Secretary, the Congress, and the National Advisory Committee on Institutional Quality and Integrity on the recommendations of the workgroup described in subsection (b)(10).

Page 553, line 16, strike "section 435(d)(5)(J)" and insert "section 435(j)".

Page 554, line 18, after "program students" insert ", in each of the institution's nursing programs (associate, baccalaureate, or advanced nursing degree program),".

Page 554, line 23, after "average number" insert "in each of the institution's nursing programs".

Page 557, beginning on line 18, strike "fund release time for qualified nurse employees, so that" and insert "ensure that".

Page 559, line 6, after "higher education" insert the following: ", including institutions providing alternative methods of delivery of instruction in addition to on-site learning".

Page 560, line 2, after "technologies" insert the following: "and to expand methods of delivery of instruction to include alternatives in addition to on-site learning".

Page 560, line 22, after "program" insert the following: "if the program requires a clinical site".

Page 560, line 24, insert "at least" before "a".

Page 561, line 2, insert "at least" before "a".

Page 561, line 4, strike "class schedule" and insert "program requirements, as necessary".

Page 563, after line 3, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(3) the provision of accommodations for students with disabilities on college entrance and graduate admissions tests, including—

"(A) the frequency of, and approval rate for, accommodations requests;

"(B) documentation requirements for accommodations requests and criteria used to determine if an accommodation is appropriate; and

"(C) challenges facing students in accessing reasonable accommodations on such tests;".

Page 565, line 10, strike "COMPETITIVE"; and on line 12, strike "on a competitive basis".

Page 565, line 14, strike "year," and insert "year (A)"; and on line 19, insert before the period the following: "; (B) are public institutions of higher education that have a net tuition that is in the lowest quartile of comparable institutions; or (C) are public institutions of higher education that have a tuition increase of less than $500 for a full-time undergraduate student".

Page 565, line 18, on page 567, line 8, and on page 568, line 2 and line 13, strike "higher" and insert "postsecondary".

Page 566, beginning on line 18, strike paragraphs (2) and (3) through page 568, line 6, and insert the following:

"(2) 4-YEAR INSTITUTIONS.—An institution of higher education that provides a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if—

"(A) for a public institution of higher education, such institution's tuition is in the lowest quartile of comparable institutions; or

"(B) for any institution of higher education, such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 4 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

"(i) for a public institution of higher education, $500 per year for a full-time undergraduate student; or

"(ii) for any other institution of higher education—

"(I) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

"(II) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subclause (I).

"(3) LESS-THAN 4-YEAR INSTITUTIONS.—An institution of higher education that does not provide a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if—

"(A) for a public institution of higher education, such institution's tuition is in the lowest quartile of comparable institutions; or

"(B) for any institution of higher education, such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 1.5 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

"(i) for a public institution of higher education, $500 per year for a full-time undergraduate student; or

"(ii) for any other institution of higher education—

"(I) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

"(II) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subclause (I).

Page 568, line 14, after "year," insert "and, with respect to any public institution of higher education, has a tuition that is not in the lowest quartile of comparable institutions".

Page 569, beginning on line 20, strike paragraph (2) and insert the following:

"(2) POSTSECONDARY EDUCATION PRICE INDEX.—The term 'postsecondary education price index' means the postsecondary education price index developed pursuant to section 133(i).

Page 604, line 22, strike "contract with" and insert "award a grant to".

Page 623, line 23, strike "and"; page 624, line 5, strike the period and insert "; and"; and after line 5, insert the following subparagraph:

"(E) acquisition and installation of access control, video surveillance, intrusion detection, and perimeter security technologies and systems.

Page 626, line 2, insert "natural or manmade" after "event of a".

Page 632, line 22, strike "EDUCATION" and insert "EDUCATIONAL"; and line 23, strike "education" and insert "educational".

Page 633, line 1, strike "all of the schools of which meet" and insert "that is designated with".

Page 633, line 13, strike "or less than part-time".

Page 633, line 22, insert before the period "or the recognized equivalent of such a diploma".

Page 638, after line 8, insert the following new subsection:

"(d) PREFERENCE IN SELECTION.—In determining which applications to approve for a grant under this section, the Secretary shall give priority to applications from partnerships that include one or more regional employers that are located in a rural area.

Page 646, line 19, page 647, line 7 and line 18, page 648, line 17, page 651, line 17 and line 21, page 652, line 11 and line 23, and page 653, line 22, strike "Commerce" and insert "Education".

Page 658, line 19, after "Secretary" insert ", in consultation with the Administrator of the Environmental Protection Agency,".

Page 664, line 4, after "Education" insert ", in consultation with the Administrator of the Environmental Protection Agency,".

Page 667, line 18, strike "and" after the semicolon; line 20, strike the period and insert "; and"; and after line 20, insert the following:

"(F) the Office of Science and Technology Policy.

Page 675, line 7, strike "an institution" and insert "one or more institutions".

Page 675, after line 23, insert the following new paragraph:

"(3) EXISTING PARTNERSHIPS.—Nothing in this subsection shall be construed to prohibit a partnership that is in existence on the date of enactment of this section from applying for a grant under this section.

Page 689, line 22, strike "10 years" and insert "20 years".

Page 695, line 10, strike "Such" and insert "The initial".

Page 695, line 11, after "Education" insert "from a list of recommendations received from the House of Representatives and the Senate".

Page 696, line 3, strike "may use Trust funds" and insert "shall use Trust funds to support research that is in the public interest but that is unlikely to be undertaken entirely with private funds".

Page 696, line 4, strike "basic" and insert "precompetitive".

Page 696, beginning on line 5, strike "demonstrations of innovative learning and assessment systems" and insert "demonstrations, and assessments of prototypes of innovative digital learning and information technologies".

Page 696, line 8, before "testing" insert "pilot", and line 9, strike "systems; and" and insert "prototype systems;".

Page 696, line 11, strike "effective approaches to learning." and insert "effective, innovative digital approaches to learning supported by this Act; and".

Page 696, after line 11, insert the following:

(D) to support innovative digital media education programs for parents, teachers, and children to help children in the United States learn digital safety and build technology literacy.

Page 696, line 20, strike "(with or without private partners)" and insert "with or without for-profit partners, and to for-profit organizations", and

Page 700, after line 13, insert the following new sections:

### SEC. 814. STUDY ON REGIONAL SENSITIVITY IN THE NEEDS ANALYSIS FORMULA.

(a) STUDY.—The Comptroller General shall conduct a study to review the methodology that is used to determine the expected family contribution under part F of title IV of the Higher Education Act of 1965.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall identify and evaluate the need analysis formula under part F of title IV of the Higher Education Act of 1965 and examine the need for regional sensitivity in need analysis. The study shall include—

(1) the factors that are used to determine a student's expected family contribution under part F of title IV of the Higher Education Act;

(2) the varying allowances that are made in calculating the expected family contribution;

(3) the effects of the income protection allowance on all aid recipients; and

(4) options for modifying the income protection allowance to reflect the significant differences in the cost of living in various parts of the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, Comptroller General shall report to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) on the results of the study conducted under this section.

### SEC. 815. DYSLEXIA STUDY.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the Center for Education of the National Academy of Sciences for a scientifically based study of the quality of teacher education programs, to determine if teachers are adequately prepared to meet the needs of students with reading and language processing challenges, including dyslexia. Such study shall—

(1) establish the prevalence of dyslexia and other processing difficulties in the general population by conducting a review of existing research and available relevant data; and

(2) conduct a survey of institutions of higher education to provide data on the extent to which teacher education programs are based on the essential components of reading instruction and scientifically valid research.

(b) COMPONENTS.—The study conducted under subsection (a) shall be designed to provide statistically reliable information on—

(1) the number, type of courses, and credit hours required to meet the requirements of the reading degree programs; and

(2) the extent to which the content of the reading degree programs are based on—

(A) the essentials of reading instruction and scientifically valid research, including phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(B) early intervention strategies based on scientific evidence concerning challenges to the development of language processing capacity, specifically dyslexia, and the extent to which such strategies are effective in preventing reading failure before it occurs.

(c) SCOPE.—The National Academy of Sciences shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(d) INTERIM AND FINAL REPORTS.—The National Academy of Sciences shall submit to the Secretary of Education, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives—

(1) an interim report regarding the study under subsection (a) not later than 9 months after the award of the contract to the Center for Education, as specified in this Act; and

(2) a final report summarizing the findings, conclusions, and recommendations of such study not later than 18 months after the award of such contract.

(e) TASK FORCE.—

(1) ESTABLISHMENT.—Upon completion of the final report under subsection (d)(2), the Secretary of Education shall assemble a task force to make policy recommendations regarding the findings of the report to the Secretary.

(2) MEMBERSHIP.—The membership of the task force under this subsection shall include chief State school officers, State reading consultants, a panel of master teachers, national reading experts, and researchers with expertise in the relevant fields.

(3) PUBLIC HEARINGS.—The task force under this subsection shall hold public hearings to provide an opportunity for public comment on the results of the findings of the task force.

### SEC. 816. STUDY AND REPORT ON BORROWER REPAYMENT PLANS.

(a) STUDY.—The Secretary of Education shall conduct a study—

(1) on the impact of the standard 10-year student loan repayment term on the ability of undergraduate borrowers in low-income areas, including Puerto Rico, to repay their loans made under title IV, part B, of the Higher Education Act of 1965; and

(2) to examine the extent to which longer payment terms would assist borrowers in such low-income areas in reducing their monthly loan payments.

(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary shall submit a report to Congress on the results of the study required by this section.

### SEC. 817. NURSING SCHOOL CAPACITY.

(a) FINDINGS.—The Congress finds as follows:

(1) Researchers in the field of public health have identified the need for a national study to identify constraints encountered by schools of nursing in graduating the number of nurses sufficient to meet the health care needs of the United States.

(2) The shortage of qualified registered nurses has adversely affected the health care system of the United States.

(3) Individual States have had varying degrees of success with programs designed to increase the recruitment and retention of nurses.

(4) Schools of nursing have been unable to provide a sufficient number of qualified graduates to meet the workforce needs.

(5) Many nurses are approaching the age of retirement, and the problem worsens each year.

(6) In 2004, an estimated 125,000 applications from qualified applicants were rejected by schools of nursing, due to a shortage of faculty and a lack of capacity for additional students.

(b) STUDY WITH RESPECT TO CONSTRAINTS WITH RESPECT TO SCHOOLS OF NURSING.—

(1) IN GENERAL.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into an agreement under which the Institute conducts a study for the purpose of—

(A) identifying constraints encountered by schools of nursing in admitting and graduating the number of registered nurses necessary to ensure patient safety and meet the need for quality assurance in the provision of health care; and

(B) developing recommendations to alleviate the constraints on a short-term and long-term basis.

(2) CERTAIN COMPONENTS.—The Secretary shall ensure that the agreement under paragraph (1) provides that the study under such subsection will include information on the following:

(A) The trends in applications for attendance at schools of nursing that are relevant to the purpose described in such subsection, including trends regarding applicants who are accepted for enrollment and applicants who are not accepted, particularly qualified applicants who are not accepted.

(B) The number and demographic characteristics of entry-level and graduate students currently enrolled in schools of nursing, the retention rates at the schools, and the number of recent graduates from the schools, as compared to previous years and to the projected need for registered nurses based on two-year, five-year, and ten-year projections.

(C) The number and demographic characteristics of nurses who pursue graduate education in nursing and non-nursing programs but do not pursue faculty positions in schools of nursing, the reasons therefor, including any regulatory barriers to choosing to pursue such positions, and the effect of such decisions on the ability of the schools to obtain adequate numbers of faculty members.

(D) The extent to which entry-level graduates of the schools are satisfied with their educational preparation, including their participation in nurse externships, internships, and residency programs, and to which they are able to effectively transition into the nursing workforce.

(E) The satisfaction of nurse managers and administrators with respect to the preparation and performance levels of entry-level graduates from the schools after one year, three years, and five years of practice, respectively.

(F) The extent to which the current salary, benefit structures, and characteristics of the workplace, including the number of nurses who are presently serving in faculty positions, influence the career path of nurses who have pursued graduate education.

(G) The extent to which the use of innovative technologies for didactic and clinical nursing education might provide for an increase in the ability of schools of nursing to train qualified nurses.

(3) RECOMMENDATIONS.—Recommendations under paragraph (2)(B) may include recommendations for legislative or administrative changes at the Federal or State level, and measures that can be taken in the private sector—

(A) to facilitate the recruitment of students into the nursing profession;

(B) to facilitate the retention of nurses in the workplace; and

(C) to improve the resources and ability of the education and health care systems to prepare a sufficient number of qualified registered nurses.

(4) METHODOLOGY OF STUDY.—

(A) SCOPE.—The Secretary shall ensure that the agreement under paragraph (1) provides that the study under such subsection will consider the perspectives of nurses and physicians in each of the various types of inpatient, outpatient, and residential facilities in the health care delivery system; faculty and administrators of schools of nursing; providers of health plans or health insurance; and consumers.

(B) CONSULTATION WITH RELEVANT ORGANIZATION.—The Secretary shall ensure that the agreement under paragraph (1) provides that relevant agencies and organizations with expertise on the nursing shortage will be consulted with respect to the study under such subsection, including but not limited to the following:

(i) The Agency for Healthcare Research and Quality.

(ii) The American Academy of Nursing.

(iii) The American Association of Colleges of Nursing.

(iv) The American Nurses Association.

(v) The American Organization of Nurse Executives.

(vi) The National Institute of Nursing Research.

(vii) The National League for Nursing.

(viii) The National Organization for Associate Degree Nursing.

(ix) The National Student Nurses Association.

(5) REPORT.—The Secretary shall ensure that the agreement under paragraph (1) provides that not later than 18 months after the date of the enactment of this section, a report providing the findings and recommendations made in the study under such subsection will be submitted to the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(6) OTHER ORGANIZATION.—If the Institute declines to conduct the study under paragraph (1), the Secretary may enter into an agreement with another appropriate private entity to conduct the study.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "Institute" means the Institute of Medicine of the National Academy of Sciences.

(2)(A) The term "school of nursing" means a collegiate, associate degree, or diploma school of nursing in a State.

(B) The terms "collegiate school of nursing", "associate degree school of nursing", and "diploma school of nursing" have the meanings given to such terms in section 801 of the Public Health Service Act.

(3) The term "Secretary" means the Secretary of Education.

### SEC. 818. STUDY OF THE IMPACT OF STUDENT LOAN DEBT ON PUBLIC SERVICE.

(a) STUDY.—The Secretary of Education, in consultation with the Office of Management and Budget, is authorized to coordinate with an organization with expertise in the field of public service, such as the National Academy of Public Administrators or the American Society for Public Administration, to coordinate with interested parties to conduct a study of how student loan debt levels impact the decisions of graduates of postsecondary and graduate education programs to enter into public service careers. Such study shall include—

(1) an assessment of the challenges to recruiting and retaining well-qualified public servants, including the impact of student loan debt;

(2) an evaluation of existing Federal programs to recruit and retain well-qualified public servants;

(3) an evaluation of whether additional Federal programs could increase the number of graduates of postsecondary and graduate education programs who enter careers in public service; and

(4) recommendations related to any potential pilot programs, including an academy for public service, that could be used to encourage new graduates of postsecondary and graduate education programs to enter public service careers.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education, in consultation with the Office of Management and Budget, shall submit to Congress a report related to the findings of the study conducted under subsection (a).

Page 701, line 20, strike "(I)"; on page 702, line 2, strike "or" and insert "and"; and strike lines 3 and 4.

Page 702, strike lines 13 through 19 and insert the following: "by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and".

Page 703, beginning on line 19, strike subparagraph (A) through page 704, line 3, and insert the following:

(A) in paragraph (1), by striking the second sentence;

Page 704, beginning on line 9, strike "Rochester Institute of Technology" and insert "institution of higher education".

Page 706, strike lines 14 through 17 and insert the following:

(4) in paragraph (3)(B), by striking "of the institution of higher education" and all that follows through "section 203" and inserting "of NTID programs and activities".

Page 708, line 16, strike "NTID or the University and" and insert "the University or the NTID,"; and on line 17, after "United States" insert ", and are not enrolled in a degree program at the University or the NTID".

Page 709, line 16, before the period insert the following: ", or a country that was a developing country for any academic year during the student's period of uninterrupted enrollment in a degree program at the University or NTID, except that such a surcharge shall not be adjusted retroactively".

Page 710, line 20, strike "$4,825" and insert "$5,345".

Page 710, lines 20 and 22, strike "1999" and insert "2005".

Page 730, line 16, strike "or Federal".

Page 730, beginning on line 23, strike ", and to the Federal Bureau of Prisons,".

Page 731, line 14, and page 734, beginning on lines 4 and 18, strike "and the Federal Bureau of Prisons".

Page 731, beginning on line 19, and page 732, line 14, strike "or the Federal Bureau of Prisons".

Page 733, lines 13 and 16, strike "and Federal".

Page 733, beginning on line 22, strike "and Federal Bureau of Prisons entity".

Page 735, line 4, strike ", the Federal Bureau of Prisons,".

Page 735, beginning on line 17, strike subsections (g) and (h) through page 736, line 13, and insert the following (and redesignate the succeeding subsection accordingly):

"(g) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (h) for each fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to such funds as the total number of incarcerated individuals in such State bears to the total number of such incarcerated individuals in all States.

Page 748, line 25, after "including" insert "off-campus housing safety,".

Page 749, line 16, after "information" insert "(including ways to increase off-campus housing safety)".

Page 751, after line 4, insert the following new subsection:

(e) SENSE OF THE HOUSE OF REPRESENTATIVES.—It is the sense of the House of Representatives that in order to increase awareness of the importance of student safety in off-campus housing that is located in the areas surrounding colleges and universities, the following should be encouraged:

(1) The creation of chapters at colleges and universities that aim to raise awareness of the issue of off-campus student safety.

(2) Public awareness on the benefits of security measures that may increase the safety of students living in off-campus housing.

(3) Collaborative partnerships between Federal agencies, local law enforcement agencies, non-profit organizations, colleges and universities, and communities to disseminate information and best practices related to off-campus housing safety for students.

Page 751, beginning on line 5, strike section 953 and insert the following:

**SEC. 953. PRIVATE LOAN FORGIVENESS.**

Notwithstanding any other provision of law—

(1) a public or private institution of higher education may provide an officer or employee of any branch of the United States Government, of any independent agency of the United States, or of the District of Columbia who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or providing forbearance of student loan repayment: Provided, that such repaying or providing forbearance is provided to any such officer or employee in accordance with a written, published policy of the institution relating to repaying or providing forbearance, respectively, for students or former students who perform public service; and

(2) an officer or employee of any branch of the United States Government, of any independent agency of the United States, or of the District of Columbia may receive repayment or forbearance permitted under paragraph (1).

Page 765, line 23, page 770, line 9, and page 784, line 17, strike "part B of".

Page 766, line 12, and page 770, line 23, after "credit plan," insert "a reverse mortgage transaction,".

Page 768, beginning on line 7, strike clause (i) and insert the following:

"(i) standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training;

Page 768, line 19, strike "or"; on page 769, line 2, strike "and"; and after line 2 insert the following new clauses:

"(iv) the provision of financial literacy counseling or services to students or parents, including counseling or services provided in coordination with a covered educational institution, to the extent that such counseling or services—

"(I) are not undertaken to secure applications for private educational loans or to secure private educational loan volume;

"(II) are not undertaken to secure applications or loan volume for any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965; and

"(III) do not promote the products or services of any private educational lender;

"(v) philanthropic contributions to a covered institution from a private educational lender that are unrelated to educational loans, to the extent that such contributions are disclosed pursuant to paragraphs (1) and (2) of section 153(a) of the Higher Education Act of 1965, if applicable; or

"(vi) State education grants, scholarships, or financial aid funds administered by or on behalf of a State; and

Page 770, line 24, strike "mortgage transaction," and insert "mortgage transaction (as those terms are defined in section 103 of the Truth in Lending Act),".

Page 774, strike lines 13 and 14 and insert the following:

(ii) by inserting "128(e)(8), or" after "125,"; and

Page 778, line 20, after the period insert the following: "The form of such written acknowledgment shall be subject to the regulations of the Board.".

Page 781, beginning on line 19, strike paragraph (4) and insert the following:

"(4) INSTITUTIONAL CERTIFICATION REQUIRED.—Before a creditor may issue any funds with respect to an extension of credit described in paragraph (1), the creditor shall obtain from the relevant institution of higher education such institution's certification of—

"(A) the enrollment status of the borrower;

"(B) the borrower's cost of attendance at the institution as determined by the institution under part F of title IV of the Higher Education Act of 1965; and

"(C) the difference between the borrower's cost of attendance and the borrower's estimated financial assistance received under title IV of the Higher Education Act of 1965 and other assistance known to the institution.

Page 784, before line 1, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

"(9) PROVISION OF INFORMATION.—On or before the date a creditor issues any funds with respect to an extension of credit described in paragraph (1), the creditor shall notify the relevant institution of higher education, in writing, of the amount of the extension of credit and the student on whose behalf credit is extended. The form of such written notification shall be subject to the regulations of the Board.

Page 785, line 10, strike "mortgage transaction," and insert "mortgage transaction (as those terms are defined in section 103 this Act),".

The CHAIRMAN. Pursuant to House Resolution 956, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I yield myself 1 minute.

I want to thank Mr. McKEON and the minority for working on this manager's amendment. With this, it makes additional changes to the Pell Grant program, additional changes to strengthen the TRIO and GEAR UP programs, adds a master's program for the Historical Black Colleges and Universities, and includes changes to encourage colleges and universities to adopt energy efficient sustainable practices in their campuses, and it enhances teacher training and development so we can place qualified teachers in every classroom.

It is a bipartisan amendment that has been worked on by the staffs and Members on both sides of the aisle in the committee and Members of the House, and I urge its passage.

Mr. McKEON. Mr. Chairman, I claim the time in opposition, but I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 10 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, from the outset of this process, Chairman MILLER has recognized that by working together we can make this bill stronger. Just as he worked with us on the underlying bill, he also invited our input and involvement in the development of this manager's package. I believe the amendment is stronger because of it, and I want to thank him for his bipartisanship.

Anyone who has studied the college cost issue recognizes that there are no easy or obvious solutions. It has taken 5 years of refining to produce the proposal we are voting on here today.

When this process began, we identified three key principles to guide our proposals. First, we saw the need for sunshine and transparency in college costs. Students and families do not have access to accurate, useful, and comparable information about college costs.

Second, we recognized that colleges and universities were not being held accountable to consumers. There were no consequences for schools that engaged in massive unexplained tuition increases year after year.

Third, in our effort to identify solutions, it became abundantly clear that Congress could not do it alone. We realized that all stakeholders must come together. That includes the Federal Government, State government and local communities, institutions of higher education, students, and parents.

States have scaled back their investment in higher education, and the Federal Government has been expected to make up the difference. While some of the details have changed over time, the bill before us adheres to these same three principles.

I want to thank Chairman MILLER for allowing me to take the lead on these college cost provisions. After years of listening to stakeholders, seeking the advice of experts, and studying potential unintended consequences, I believe this proposal strikes the right balance on the cost issue.

I also want to thank Chairman MILLER for working with me to prevent this bill from limiting access for low-income, first-generation, and nontraditional students. An amendment offered during committee consideration of the bill changed the way cohort default rates are calculated. While the proposal did spur an important conversation about how to get a more accurate understanding of default rates in order to protect students and taxpayers, the consequences of the proposal would have done far more damage than was intended. I am pleased that, in this manager's amendment, we were able to forge a compromise that achieves our goal of a more accurate cohort default rate calculation without putting financial aid in jeopardy for the students who need it most.

On these and other issues, Chairman MILLER has worked closely with me to ensure the final bill reflects the priorities of Members on both sides of the aisle. I thank him for his willingness to cooperate, and I urge the majority to continue this spirit of cooperation to address other flaws that remain in the bill, so that when this legislation is signed into law, it is as strong as it can be.

Mr. Chairman, I reserve the balance of my time.

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Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), a member of the committee.

Mr. DAVIS of Illinois. I want to commend the committee, especially Chairman MILLER, Ranking Member McKEON, and all of the members, actually, of the committee, for such an outstanding bill.

In particular, I want to thank the committee for its consideration of items and issues of particular interest to me, students with disabilities, the handling of Pell Grants and student loans, veterans and their needs, especially those who are returning, and the efforts to strengthen the Historically Black Colleges and Universities so that those institutions can have master's degree programs that allow students access to them. It's an outstanding bill; and, again, I commend Chairman MILLER and Ranking Member McKEON for an outstanding piece of legislation.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. Davis).

Mrs. DAVIS of California. Mr. Chairman, last year Congress passed a budget reconciliation bill that allows servicemembers to get a deferment on their student loans when they are activated, but that particular deferment only applies to repayment of the principle and existing interest on these loans. It does not prevent new interest from accruing while our servicemembers are on active duty.

One Reservist told me that while he was granted a deferment on his loan, he was told that the interest would continue to accrue while he was away and would be added on to his loan when he returned. Servicemembers such as this Reservist already have enough to worry about when they are called to active duty without this added burden.

This amendment will cover all active duty servicemembers, including Reserve units and the National Guard.

According to CRS estimates, this will help the average servicemember save between $1,200 and $1,500 over the course of a 12- to 15-month activation period, with even more savings for those activated for longer periods.

In addition, and the best part, the CBO scored this amendment and found that it will not cost the American taxpayer any significant amount.

I urge my colleagues to support this amendment.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

We are here today addressing the college cost crisis, a problem that has reached epic proportions in this country. There are many who believe, me among them, that we should never have allowed this challenge to reach a crisis point.

I am pleased to be acting today, but this bill serves as a reminder that Congress often fails to recognize challenges in our higher education system and act quickly to solve them. I am afraid we may be making the same mistake by failing to recognize the brewing problems in our Federal student loan programs.

Since 2006, Congress has cut nearly $30 billion from the Federal Family Education Loan Program. While many of these reforms were needed to improve program efficiency, I am afraid we may have gone too far, cutting not just the fat but straight through to the bone.

The impact of these cuts has yet to be fully realized; but already borrower benefits have been curtailed, lenders have left the program, and workers have lost their jobs. The consequences of program cuts are being exacerbated by a crunch in our financial markets that has produced a loss of liquidity, an increase in financing costs, and uncertainty about the future viability of the Federal loan program.

Just a few short months into this time of market turmoil, already 1,200 jobs have been lost and eight lenders have left the Federal student loan program or severely limited participation. This includes the departure of the seventh largest lender in the program. Major lenders have significantly scaled back or ended their borrower benefit programs.

Mr. Chairman, I am afraid this is only the tip of the iceberg. I had hoped to offer an amendment today that would help ensure Congress does not ignore these challenges until they, too, reach a crisis point.

My amendment was nothing more than a sense of Congress, but I believe it would have signaled our commitment to averting a student loan crisis before it happens. Unfortunately, I was blocked by the majority from offering this amendment. It seems we have not yet learned from past mistakes.

Mr. Chairman, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I rise today in support of the College Opportunity and Affordability Act. For decades, increases in college tuition have outpaced inflation, posing financial challenges to many students and families.

As a former teacher, school principal and school board member, I am committed to providing our students with greater access to a higher education, thereby ensuring that America remains competitive in the global economy. Having well-trained teachers in our classrooms is essential to preparing our children for the jobs of tomorrow.

It is estimated that over 2 million new teachers will be needed in the next 10 years. H.R. 4137 provides individuals seeking a rewarding career in teaching more opportunities to enroll in high-quality teacher preparation programs.

This legislation will enhance the teacher workforce by establishing Centers of Excellence in teacher training and providing grants to community colleges to establish or improve teacher preparation and professional development programs. H.R. 4137 will also help improve reading for as many as 10 million struggling readers.

During my tenure as a school administrator, I successfully established a program for students with dyslexia. Central to this program was the specialized training every teacher received on how to address the needs of students with reading difficulties.

After more than 20 years, there still appears to be a gap between what is known about effective reading structure and how teachers are being trained. H.R. 4137 includes provisions to expose this gap by examining the quality and extent to which teacher training programs are based on the recommendations of the congressionally requested National Reading Panel.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I want to take a moment to highlight a few aspects of this bill that I worked to include. During committee consideration of the bill, I offered and passed an amendment to encourage colleges and employers to form partnerships that identify high-demand occupations and create educational pathways for students to pursue them.

These partnerships will help students succeed in the job market and provide local businesses with the skilled workers they need to grow. This bill also includes my legislation that requires the Department of Education to forgive the student loans of veterans who are determined to be totally and permanently disabled by the VA.

This will end the duplicative and burdensome process that disabled veterans currently must endure. It also includes my legislation to provide grants for teacher preparation courses at minority-serving institutions to help them recruit and prepare the teachers of tomorrow.

This legislation will expand our teaching pipeline and improve the diversity of our Nation's teachers and teaching force. The College Opportunity and Affordability Act significantly improves our higher education system, and I encourage my colleagues to support it.

Mr. McKEON. May I inquire of the time remaining.

The CHAIRMAN. The gentleman from California has 4 minutes, and the gentleman from Texas has 4½ minutes.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I am pleased to have helped add a little green idea to our higher education bill. I want to thank Chairman MILLER for incorporating an idea that I have proposed into this manager's amendment, which will really help colleges in some of the terribly exciting work they are doing to green up their campuses.

I visited Plymouth State University in New Hampshire a while back, which has built the Langdon Woods dormitory. It's a 100,000 square-foot dormitory. It's a beautiful dorm, and they are saving enormous amounts of energy because they built it green with good insulation, co-generation, triple-pane windows. It's a great idea.

We have an amendment that has been incorporated that is going to help colleges move forward in three ways. First, it will call for those who use these Federal funds for the colleges to meet or exceed minimum energy efficiency standards for their new renovations or construction as developed by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, two other ways we are going to do it.

Congratulations to these colleges.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the ranking member on the subcommittee, Mr. CASTLE from Delaware.

Mr. CASTLE. I thank the distinguished ranking member for yielding.

Mr. Chairman, I am very pleased to rise in support of the legislation and to rise in support of the manager's amendment.

I hope that everybody who supports considering this bill today is paying attention to what I think all of us are hearing at home, and that is that the cost of college education is going up faster, as the cost of living increases, than anything, including health care; that is a vital part of our economy; that if we do not produce good college graduates and graduate students beyond that, that we will be hurt greatly from an economic point of view; and that we need to address these issues.

I think this legislation, which was forged with the help of Republicans and Democrats, with amendments by Republicans and Democrats, is balanced legislation and serves the purpose of dealing with looking closely at college costs and asking them to pay attention to it.

We have had a number of hearings about this; and some have produced good testimony, some have produced sort of marginal testimony in terms what could be done. In my view, this legislation is a big step forward in addressing that issue. I know all the college presidents and boards mean well, but the bottom line is they have to serve well too. They have to make sure that college is affordable to as many people as possible.

I will be involved in several of the amendments later on, but the basic underlying structure of what we are trying to do here today is of great importance to the entire educational and economic future of our country. I hope that all of us can be as supportive as possible of the legislation and of the manager's amendment.

Mr. HINOJOSA. Mr. Chairman, I yield 1 minute to my friend and colleague from the great State of Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this; and I particularly appreciate the chairman, Mr. MILLER, and the Ranking Member, Mr. McKEON having incorporated into this legislation the committee work that we have been doing for the last several years dealing with sustainability in higher education.

I would like this provision to be named after the late Debbie Murdock. She was a leader at Portland State University with whom I worked who tragically left us far too soon, to make sure that we have equipped, to have strong sustainability programs. This is the wave of the future. This is where the jobs are to be found.

This is what our companies need to be competitive in a world of global warming and climate change. Only 30 percent of these companies say, they have the people with the skills and information and personnel to meet the environmental, sustainability challenge. This provision will enable colleges to develop sustainability programs, and to implement those sustainability programs, to have the appropriate evaluation to know what works.

I hope this is the tip of the iceberg for programs we can work on in the future. I look forward to working with the chairman, looking forward to working with my friend, the subcommittee Chair and our friends on the otherside of the aisle like Mr. McKEON and Mr. EHLERS on this critical bipartisan legislation.

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Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize the gentleman from Minnesota (Mr. WALZ) for 1½ minutes.

Mr. WALZ of Minnesota. Mr. Chairman, I say a special thank you to Chairman MILLER and the ranking member. As a lifelong educator and a teacher in the classroom for 20 years, the understanding and the work that has been put into this piece of legislation is something that I think we can all be very proud of. It takes in and understands the investment in America's future comes in education.

I would like to make one comment. One of the issues that doesn't come up very often in the cost of college expenses is the cost of textbooks. It runs about $900 for an average student. One of the problems we've seen is small changes in textbooks that require students to buy new ones each and every year. There was a very important person in my district, Jared Stene, who was the president of the Winona State University Student Senate. Jared worked for years tirelessly on this issue to bring about some transparency in how textbooks are marketed. Unfortunately, Jared passed away unexpectedly over Thanksgiving, and I thank the chairman for giving me the opportunity and for the work he did in the committee to address this very issue.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. WALZ of Minnesota. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I just wanted to say that we did respond in this manager's amendment by making this process more transparent, encouraging greater communication and cooperation between the students, faculty, college bookstores, and publishers in providing an accurate description of what the revisions in the textbooks, what the new edition really means.

Very often we have been told by students and faculty and those concerned with this, as you are, that sometimes these changes are de minimis, but you have to have the new textbook; you can't use a used textbook.

We think this will be an improvement, and I thank you so much for hounding the committee on this subject. I think this is the beginning of increased transparency and concentration on this problem of rising textbook and educational material cost increases.

Mr. WALZ of Minnesota. I thank the chairman.

Mr. HINOJOSA. Madam Chairman, how much time remains?

The Acting CHAIRMAN (Ms. DEGETTE). The gentleman from California has 2 minutes remaining. The gentleman from Texas has 1 minute remaining.

Mr. HINOJOSA. I reserve the balance of my time to close.

Mr. McKEON. If the gentleman is prepared to close, I am in strong support of the manager's amendment, and I yield back the balance of my time.

Mr. HINOJOSA. Madam Chairman, it is an honor to be able to close this debate on the higher education bill, one that is going to be one of the most meaningful pieces of legislation that I have participated in, together with our chairman, GEORGE MILLER, and with our good friend, BUCK MCKEON from California, who has been a real gentleman and a great leader in higher education.

I believe that this will open the doors to so many men and women throughout the country. It will raise the level of education attainment in many regions of the country. All I can say is we are delighted that we can be working with leaders of the quality of BUCK MCKEON and MIKE CASTLE, and many others on the other side of the aisle.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

### AMENDMENT NO. 2 OFFERED BY MR. MC KEON

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–523.

Mr. McKEON. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. McKEON:

At the end of title VIII, add the following new section:

### SEC. 814. FEDERAL REGULATION OF HIGHER EDUCATION REPORT.

(a) ANALYSIS OF FEDERAL REGULATIONS ON INSTITUTIONS OF HIGHER EDUCATION.—The Secretary of Education shall contract with the National Research Council of the National Academies to conduct a study to ascertain the amount and scope of all Federal regulations and reporting requirements with which institutions of higher education must comply. The study shall include information describing—

(1) by agency, the number of Federal regulations and reporting requirements affecting institutions of higher education;

(2) by agency, the estimated time required and costs to institutions of higher education (disaggregated by types of institutions) to comply with the regulations and reporting requirements as required in (a)(1); and

(3) by agency, recommendations for consolidating, streamlining, and eliminating redundant and burdensome Federal regulations and reporting requirements affecting institutions of higher education.

(b) SUBMISSION OF REPORT.—The Secretary shall submit the report required by subsection (a) to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) not later than 18 months after the date of enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from California (Mr. McKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Madam Chairman, I yield myself such time as I may consume.

Before this reauthorization even began, I was involved in an innovative, bipartisan effort known as the FED UP project that laid the groundwork by reducing red tape, eliminating outdated rules, and streamlining Federal financial aid programs.

The late Representative Patsy Mink and I joined together to solicit input from the higher education community to increase the effectiveness of our Federal financial aid programs by cutting through the red tape and regulations. We did this because over the years, colleges and universities have become subject to an increasing level of Federal regulation. Unfortunately, when new regulations are layered on top of the old, we often end up with duplication and confusion.

Today, as we contemplate another set of new programs, regulations, and requirements, I believe we need to renew that commitment to less red tape. That's why I am proposing a comprehensive study of the regulations that impact higher education. Under my plan, the National Research Council will undertake a governmentwide review to identify regulations that are duplicative and unnecessary.

Particularly in a bill with so many duplicative and unnecessary new programs, there is a danger that we may be exacerbating the college cost crisis by burdening colleges and universities with excessive new reporting and compliance costs. With this study, I hope we can move in a different direction.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. HINOJOSA. Madam Chairman, I rise in support of the McKeon amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HINOJOSA. I wish to give 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I also rise in support of this amendment and commend Mr. McKEON. He has been working on this for a considerable period of time.

I think it makes sense even more so now, it was envisioned in an earlier reauthorization, because it will include the programs that survive the conference committee and become law. It will also compare those new programs against existing programs, and I ask our colleagues to support this amendment.

Mr. HINOJOSA. Madam Chairman, I yield back the balance of my time.

Mr. McKEON. Madam Chairman, I wish to thank Chairman MILLER and Chairman HINOJOSA for their support and for the hard work that they have put into this bill, and let them know how much I have appreciated working with them not just on this bill but over the years. And I hope that all of our colleagues will support this amendment.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. McKEON).

The amendment was agreed to.

### AMENDMENTS EN BLOC OFFERED BY MR. HINOJOSA

Mr. HINOJOSA. Madam Chairman, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendment Nos. 3, 8, 20, 14, and 15 printed in House Report 110-523 offered by Mr. HINOJOSA:

### AMENDMENT NO. 3 OFFERED BY MR. KILDEE

The text of the amendment is as follows:

Page 206, line 18, strike "ALLOTMENT OF REMAINING FUNDS" and insert "ALLOCATION OF FUNDS".

Page 206, line 20, strike "subsection" and insert "subsections", and after line 20 insert the following new subsection (and redesignate the succeeding subsection accordingly):

"(e) CONSTRUCTION GRANTS.—

"(1) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, beginning with fiscal year 2009, the Secretary may reserve 30 percent of such amount for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

"(2) PREFERENCE.—In providing grants under paragraph (1) for any fiscal year, the Secretary shall give preference to eligible institutions that have not received an award under this section for a previous fiscal year.

### AMENDMENT NO. 8 OFFERED BY MRS. DAVIS OF CALIFORNIA

The text of the amendment is as follows:

After section 453 of the bill, insert the following new section (and redesignate the succeeding section accordingly):

### SEC. 454. NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.

(a) AMENDMENT.—Section 455 (20 U.S.C. 1087e) is further amended by adding at the end the following:

"(o) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest shall not accrue for an eligible borrower on a loan made under this part that is disbursed on or after October 1, 2008.

"(2) CONSOLIDATION LOANS.—In the case of any consolidation loan made under this part that is disbursed on or after October 1, 2008, interest shall not accrue pursuant to this subsection only on such portion of such loan as was used to repay a loan made under this part that was disbursed on or after October 1, 2008.

"(3) ELIGIBLE BORROWER.—In this subsection, the term 'eligible borrower' means an individual who—

"(A)(i) is serving on active duty during a war or other military operation or national emergency; or

"(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; and

"(B) is serving in an area of hostilities in which service qualifies for special pay under section 310 of title 37, United States Code.

"(4) LIMITATION.—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.".

(b) CONSOLIDATION LOANS.—Section 428C(b)(5) (20 U.S.C. 1078-3(b)(5)) is amended by inserting after the first sentence the following: "In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty service members program offered under section 455(o), the Secretary shall offer a Federal Direct Consolidation loan to any such borrower who applies for participation in such program.".

### AMENDMENT NO. 20 OFFERED BY MR. INSLEE

The text of the amendment is as follows:

Page 365, after line 11, insert the following:

### SEC. 466. SENSE OF CONGRESS REGARDING PERKINS LOANS.

It is the sense of Congress that—

(1) the Federal Perkins Loan Program, which provides low-interest loans to help needy students finance the costs of postsecondary education, is an important part of Federal student aid, and should remain a campus-based aid program at colleges and universities; and

(2) in order to strengthen the Federal Perkins Loan Program, the Federal Government should support increased funds to the Program and restore the capital contribution funds for the Program, to provide more low-income students with affordable borrowing options.

Page 512, strike lines 4 through 7 and insert the following:

"(e) PROHIBITION.—No funds made available under this part may be used to provide financial assistance—

"(1) to students who do not meet the requirements of section 484(a)(5); or

"(2) to any institution of higher education after the date of enactment of this subsection unless the institution demonstrates to the Secretary that the institution meets or exceeds the most current version of ASHRAE/IES Standard 90.1 (as such term is used in section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) for any new facilities construction or major renovation of that institution after that date, except that this paragraph shall not apply with respect to barns or greenhouses or similar structures owned by the institution.".

Page 658, line 22, after "energy management," insert "greenhouse gas emissions reductions,".

Page 661, line 15, after "energy management," insert "greenhouse gas emissions reductions,".

### AMENDMENT NO. 14 OFFERED BY MR. LANTOS

The text of the amendment is as follows:

Page 490, after line 13, insert the following new subsection:

(g) ADDITIONAL TECHNICAL AMENDMENTS.—

(1) Section 711(a)(1) (20 U.S.C. 1135(a)) is amended by inserting "(including a masters degree)" after "leading to a graduate degree".

(2) Section 712(a)(1) (20 U.S.C. 1135a(a)(1)) is amended by inserting "(including a masters degree)" after "leading to a graduate degree".

(3) Section 713 (b)(5)(C) (20 U.S.C. 1135b(b)(5)(C)) is amended by inserting "at the institution" before the semicolon at the end.

### AMENDMENT NO. 15 OFFERED BY MR. EDWARDS

The text of the amendment is as follows:

Page 63, after line 17, insert the following new section (and redesignate the succeeding sections accordingly):

### SEC. 112. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND DEPENDENTS.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

### "SEC. 136. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND DEPENDENTS.

"(a) REQUIREMENT.—A member of the armed forces on active duty for a period of more than 30 days whose domicile or permanent duty station is in a State, and the dependents of such a member, may not be charged tuition for attendance at a public institution of higher education in that State at a rate that is greater than the rate charged for residents of that State.

"(b) CONTINUATION.—If a member of the armed forces, or a dependent of a member, pays tuition at a public institution of higher education in a State at a rate determined by reason of subsection (a), the provisions of subsection (a) shall continue to apply to such member or dependent while continuously enrolled at that institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside the State.

"(c) EFFECTIVE DATE.—This section shall take effect at each public institution of higher education in a State at the beginning of the first period of enrollment at that institution that begins more than 90 days after the date of enactment of the Military Child College Affordability Act.

"(d) DEFINITIONS.—For purposes of this section:

"(1) STATE.—The term 'State' has the meaning given that term in section 103 of this Act.

"(2) MILITARY DEFINITIONS.—The terms 'armed forces' and 'active duty for a period of more than 30 days' have the meanings given those terms in section 101 of title 10, United States Code.".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from California (Mr. MCKEON) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HINOJOSA. Madam Chairman, I wish to recognize the chairman of the Subcommittee on Elementary and Secondary Education, the Honorable Congressman DALE KILDEE, for as much time as he may consume.

Mr. KILDEE. Madam Chairman, I want to thank Chairmen MILLER and HINOJOSA and Ranking Members MCKEON and KELLER for reporting this fine bill out of committee by a vote of 45-0.

It was 10 years ago that Mr. MCKEON and I managed the reauthorization of this bill, and that was a labor of love during that time, and I think we are going to have a great bill here again today. I remember those 10 years ago very fondly.

This amendment clarifies that the Secretary of Education may continue to set aside a percentage of the funds appropriated for tribally controlled colleges and universities for a competition for grants for facilities at TCCUs. Since 2002, the secretary has conducted this competition pursuant to appropriations language.

My amendment will ensure that these colleges have the resources they need to invest in their infrastructure.

That is why this competition has been so important to all the TCCUs. My amendment is strongly supported by the American Indian Higher Education Consortium and the National Education Association, and I urge my colleagues to support this amendment.

At this time I would like to yield to the gentlewoman from Kansas (Mrs. BOYDA).

The Acting CHAIRMAN. Who is controlling the time on behalf of the amendment?

Is the gentleman from Michigan controlling the time?

Mr. KILDEE. I am controlling the time at this time and I yield to her such time as she may consume.

Mrs. BOYDA of Kansas. Madam Chairman, I rise today to ask my esteemed colleagues for their enthusiastic support for an amendment that Representative CHET EDWARDS and I are offering.

Quite simply, this amendment makes certain that children and dependents of active service duty members can afford higher education. It guarantees in-State tuition for the dependents of military family members, and it ensures that these students may maintain their in-State rates even if a parent or guardian is reassigned out of State.

In Kansas, we have always believed that everyone who works hard should have the chance to succeed. Kansans believe that education should open doors, not close them. Education should create opportunities. Requiring military dependents to pay out-of-State tuition leaves military students, the children of our Nation's heroes, sometimes with debt as far as the eye can see.

I am proud that my State of Kansas, like many others, extends both benefits to military dependents. But now Congress must act to support servicemembers in all 50 States. All but five States in America offer in-State tuition to military dependents, and all but 17 preserve those in-State rates even if a loved one is reassigned.

Military parents, like all parents, want a high-quality and affordable education for their children. Due to the nature of their jobs, which often requires frequent moves, military families are too often faced with the extra challenge of making sure their children receive an affordable education without endlessly transferring schools.

Our country's servicemembers are making the ultimate sacrifice for us. It is our duty to do everything within our power to help them take care of their loved ones. We must help them serve with a clear mind, unworried about the financial security and educational futures of their children. The very last thing a soldier needs to worry about while navigating the streets of Baghdad is whether his or her child can pay for college.

I rise today to ask my esteemed colleagues for their enthusiastic support for the children of these heroes of our Nation's military.

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Mr. McKEON. We are discussing all four amendments at this time en bloc?

The Acting CHAIRMAN. The gentleman is advised that there are five amendments en bloc: No. 3, Kildee; No. 8, Davis; No. 14, Lantos; No. 15, Edwards; and No. 20, Inslee.

Mr. McKEON. Madam Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Madam Chairman, I support the amendments, with a couple of caveats. The Inslee amendment, while we are not objecting to this amendment, we do have some concerns about the consequences of the amendment. The requirement that these sustainability grants provide for greenhouse gas emissions reductions will increase operating costs for colleges and universities. If that happens, the result will be still higher tuition and fees for students at a time when we're trying to lower the cost of the higher education.

And some comments on the Susan Davis amendment. I appreciate the amendment. I served with Mrs. DAVIS on the Armed Services Committee, and I appreciate her efforts. There are some questions that I do have.

First, what her amendment does, it says that an individual that is serving on active duty during a war, performing qualifying National Guard duty during a war, military operation or national emergency and is serving in the area of hostilities in which service qualifies for special pay, I'm hopeful that that includes everyone that we're trying to reach in the service, and I'm not sure that that is totally inclusive for what she's trying to cover.

And then the next concern I have is that the borrower must have obtained their loan through the government-run direct loan program. Currently, the direct loan program only provides about 20 percent of the loans, so that would mean that if one of these military personnel got their loan through one of the other programs, they would be excluded from this. I believe her intention would be to grant this benefit to all serving in the military in wartime. So I'm hopeful that we can clean that up, make changes in that during the conference, because I believe that that's probably her intent on that.

And, finally, I would like to also say to my good friend, Mr. KILDEE, the 10 years have gone quickly. But he looks just as young as he did 10 years ago, and I appreciated working with him then, as I do now.

Madam Chairman, I yield back the balance of my time.

Mr. KILDEE. Madam Chairman, I yield to the gentlewoman from Ohio (Mrs. JONES) for a unanimous consent request.

Mrs. JONES of Ohio. I thank the gentleman for yielding.

Madam Chairman, I rise in support of H.R. 4137, the College Opportunity and Affordability Act of 2007, as reported by the Education and Labor Committee under the able leadership of the gentlemen from California, Chairman MILLER and Ranking Member MCKEON.

I want to commend the chairman specifically for including in the bill a provision requiring the Government Accountability Office to examine the impact that law school accreditation requirements and other factors have on the costs of law school and student access to law school, including the impact of such requirements on racial and ethnic minorities. I would also like to thank my colleague Representative BOBBY SCOTT for his efforts to have this amendment included.

This provision is important and timely in light of a 15 year decline in minority law school enrollment documented by a Columbia Law School web site created in conjunction with the Society of American Law Teachers. As described in the National Law Journal and other publications, the site uses 12 graphs and nearly 200 data points to illustrate an 8.6 percent drop in law school enrollment among African American and Mexican American students between 1992 and 2006. This disturbing trend has occurred even while overall law school enrollment numbers have increased and admissibility indicators for minority applicants have improved.

In addition, 2007 statistics from the Law School Admissions Council suggest that high shutout rates may be discouraging African American and Mexican American students from applying to law school in the first place; data show that the number of African American and Mexican American applicants has fallen significantly since 2004.

One certain factor in the trend is the overreliance of law schools and accreditors on L.S.A.T. scores as an admissions criterion and I expect the GAO study to bear that out.

In the meantime, Madam Chairman, this trend threatens great harm to minority and disadvantaged communities throughout the United States where the consequences will include reduced access to quality legal services and less economic opportunity and empowerment. It is therefore critical that Congress understand and take active steps to counteract the various factors that have contributed to the decline.

Realizing the promise of "equal justice under the law" requires that we ensure equal opportunity to legal education for students who come from, and intend to serve, our Nation's neediest communities. Despite the remarkable progress that has been made, many obstacles to opportunity remain. We cannot stand idle as minority underrepresentation in the legal profession increases.

So, as we await the results of the GAO study, I respectfully urge my colleagues on the Education Committee to conduct hearings that will illuminate the problem, its causes, and expert recommendations for alleviating it.

In closing, I will insert into the RECORD the aforementioned articles. There are current efforts underway by members of the Congressional Black and Hispanic Caucuses to formally request a hearing on this subject and to urge the ABA Section of Legal Education to adopt law school accreditation standards that are consistent with the goal of increasing minority representation in the legal profession.

Madam Chairman, I urge my colleagues to support the bill.

[From the National Law Journal, Jan. 21, 2008]

### MINORITY ENROLLMENT IS FALTERING

(By Leigh Jones)

A web site recently established by an elite law school paints a dismal picture of enrollment among certain minority groups in law schools generally—a picture that may well become still bleaker.

Enrollment of blacks and Mexican-Americans has fallen by 8.6% in the past 15 years, according to a Web site created by Columbia Law School and the Society of American Law Teachers (SALT).

The decline has occurred as applications to law schools among those two groups have remained constant and as law school enrollment overall has increased since 1992.

With law schools continuing to revere U.S. News & World Report rankings and with anti-affirmative action initiatives possibly being on the ballot in five states in November, it appears that the situation may only worsen.

"It's not a pipeline problem," said Conrad Johnson, clinical professor of law at Columbia. Johnson and two law students working with the school's Lawyering in the Digital Age Clinic helped create the Web site, along with SALT. He said that the statistics, compiled from information provided by the Law School Admission Council, dispute the notion that the low enrollment numbers among blacks and Mexican-Americans are due to dwindling applications from those groups.

#### EYE ON RANKINGS

From 1992 to 2006, the number of blacks and Mexican-Americans enrolled in the nation's law schools accredited by the American Bar Association (ABA) fell from 3,937 to 3,595. During that same time period, the number of ABA accredited law schools grew from 176 to 195.

Johnson acknowledged an uptick in African-American enrollment in 2006, the biggest increase in 10 years, but he said that a combination of both groups showed a continuous decline during the 15-year period.

Vernellia Randall, a professor at University of Dayton School of Law and creator of the The Whitest Law School Report, said that law schools, concerned about their U.S. News & World Report rankings, are requiring higher scores from applicants on the Law School Admission Test (LSAT), which has resulted in lower admission numbers among people from the two minority groups.

In the rankings, a school's median LSAT score is part of a larger score designed to measure a school's selectivity in choosing applicants who enter an incoming class. Selectivity accounts for 25% of a school's ranking.

The Columbia Law School Web site notes that LSAT and grade-point average scores have increased among African-American and Mexican-American applicants. But more demanding requirements from law schools continue to outpace improvements in scores, Randall said.

"It's going to get a whole lot worse before it gets better," she said.

U.S. News & World Report does not include diversity as one of the factors in the rankings, but it does publish a separate ranking of law schools that have high minority enrollment numbers. Revamping the general law school rankings to include diversity as a factor would be difficult, said Robert Morse, director of data research at U.S. News & World Report.

Not only would the standard need to account for the difference in minority populations in various parts of the country, but the rankings would require a value judgment regarding which minority groups' enrollment "improved" a school, he said.

Part of the concern about the low numbers relates to efforts in five states to ban race- and gender-based preferences. Arizona, Colorado, Missouri, Nebraska and Oklahoma all have initiatives under way to place questions on November ballots that would end programs that increase minority and female numbers in education and in government. The effort is led by Ward Connerly, president of the American Civil Liberties Institute, which led successful efforts to ban such preferences in California, Michigan and Washington. "Preferences are morally wrong," said Connerly, who is black.

The U.S. Supreme Court ruled in 2003 in *Grutter* v. *Bollinger*, 539 U.S. 306, that the University of Michigan Law School's race-preference admissions policy served a compelling interest in maintaining a diverse student body.

Marquette University Law School Dean Joseph Kearney said his school relies heavily on affirmative action to recruit minorities. Marquette was ranked No. 8 among Randall's latest ranking of the "Whitest Law Schools." Its student body is 89.5% white, with black enrollment equaling 2.7% and Mexican-Americans making up 0.7%, according to the 2007 ABA Official Guide to ABA Approved Law Schools.

Kearney, who challenges the validity of Randall's list, attributes his school's low numbers to competition from its state competitor, University of Wisconsin Law School, which has lower tuition and is aggressive on minority recruitment.

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[From the National Law Journal, Jan. 4, 2008]

### ENROLLMENT DECLINE REPORTED FOR MINORITY LAW STUDENTS

(By Vesna Jaksic)

Columbia Law School has launched a Web site documenting the declining trend of minority students' enrollment in law schools.

The site calls the trend disturbing and says that while African-American and Mexican-American students have applied to law schools in relatively constant numbers over the last 15 years, their representation has fallen by 8.6 percent, from 3,937 in 1992 to 3,595 in 2006. The site points out that this is occurring at a time minority students' leading admissibility indicators have improved and the number of law schools has increased to provide room for nearly 4,000 more students.

The Web site was created by Columbia Law School's Lawyering in the Digital Age Clinic, in collaboration with the Society of American Law Teachers, or SALT. It contains 12 graphs and nearly 200 data points based on yearly Law School Admission Council statistics.

"We need diversity in our legal profession to promote better legal education and fairness in our system of justice," Conrad Johnson, clinical professor of law at Columbia and a member of SALT's board of directors, said in a news release.

The site also includes an analysis of Grutter v. Bollinger, the 2003 U.S. Supreme Court decision that reaffirmed the limited use of affirmative action in university and law school admissions.

Columbia Law School students Christina Quintero and Jeffrey Penn helped create the Web site as part of their Lawyering in the Digital Age Clinic. The clinic provides hands-on experience in digital technologies that help shape the legal profession. Through the clinic, students work with public interest lawyers and members of the judiciary and handle issues such as eviction cases, advocate to restore government benefits and help organize pro bono efforts.

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[From the Wall Street Journal online, Jan. 17, 2008]

### STUDY SHOWS GRIM OUTLOOK FOR MINORITY LAW-SCHOOL ENROLLMENT

(By Peter Lattman)

Law-school enrollment of African-Americans and Mexican-Americans has fallen by 8.6 percent in the past 15 years, according to a Web site created by Columbia Law and the Society of American Law Teachers. And with anti-affirmative action admissions measures gaining traction around the country, the numbers could get worse, according to an NLJ story.

The decline has come as applications to law schools among those minority groups have remained constant and law school enrollment overall has risen since 1992.

"It's not a pipeline problem," said Conrad Johnson (pictured), a clinical professor at Columbia and Law Blog Moustache Society, who helped create the site. The stats, compiled from LSAC data, counter the notion that minorities are submitting fewer law-school applications. He did acknowledge an increase in blacks' student enrollment in 2006, but said that the numbers are in overall decline.

Another professor, Vernellia Randall, a professor at Dayton Law who created something called The Whitest Law School Report, agrees, and thinks one reason is that schools are requiring higher LSAT scores, which results in lower admission numbers for minority groups. "It's going to get a whole lot worse before it gets better," she told the NLJ.

"The net result is that . . . law schools are not progressing towards more inclusive admissions," concludes the Columbia Law clinic's Web site. "This affects everyone who is concerned about better education and a more representative legal profession."

Readers, from your vantage point, what are the biggest hurdles to minority advancement in the law?

**Mr. EDWARDS.** Madam Chairman, I rise today in support of an amendment that includes the language of H.R. 3780, the Military Child College Affordability Act, to ensure that military dependents receive in-state college tuition. I urge my colleagues to do the same.

There are two serious problems that this amendment addresses. First, there are states that do not give military families in-state tuition rates even when the service member is stationed there. For example, dependents of service members stationed in Michigan must pay $31,302 per year to attend University of Michigan. This is in contrast to the $10,448 yearly cost for in-state tuition, resulting in a $20,854 education tax on our military families.

The second problem is that in 17 states, military sons and daughters have to start paying out-of-state tuition if their parents are re-stationed to another state. For example, in California, if a military connected college student is enrolled in the University of California system, his or her yearly tuition jumps from the in-state level of $7,347 to $19,068 if their parents are transferred out of state, despite the fact that the student could have already been enrolled for several semesters.

Let me share with you an example of the effects of this additional burden on our military families. This is from the spouse of a military wife, stationed with her husband in Hawaii.

> My daughter is a junior at the University of Hawaii. We have been able to pay in-state tuition because my spouse is stationed here. My spouse was deployed to Iraq in August of 2006 and returned after 15 months. He is most likely going to [be re-stationed] in January of 2008. The university has informed us that as soon as he leaves, we will have to pay out of state tuition.

This would cause the tuition they pay for their daughter to jump from $5,952 per year to $16,608 for her last year of college.

This same family's younger daughter is affected as well. I quote from her mother's letter: "It is enough that our daughters will not see their Dad for the last two years, but now we are telling them that she may not be able to attend University of Hawaii because we will be charged out of state prices."

This amendment mandates in-state tuition benefits for military dependents if their parent is stationed or domiciled in that state. Further, this amendment would say that a military child can continue to pay in-state tuition if his or her parent is re-stationed outside of that respective state after the son or daughter has started college.

It is my belief that we have asked enough of our military families already, and should not require them to pay unfair tuition rates to send their children to college. I urge my colleagues to support this amendment and the children of the United States Armed Forces.

Mr. KILDEE. Again, Madam Chairman, I urge support for these amendments en bloc, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Texas (Mr. HINOJOSA).

The amendments en bloc were agreed to.

### AMENDMENT NO. 4 OFFERED BY MR. PETRI

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–523.

Mr. PETRI. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PETRI:

Page 451, line 24, strike “and”; on page 452, line 5, strike the period and insert “; and”; and after such line insert the following new paragraph:

“(8) the feasibility of a specific alternative market-based mechanism that will—

“(A) determine lender returns;

“(B) result in reduced Federal costs on a program-wide basis, on loans made, insured, or guaranteed under part B of this title, excluding from consideration the Federal PLUS loans described in section 428B that are the subject of the competitive loan auction pilot program under this section;

“(C) include not more than—

“(i) 10 percent of the annual loan volume under this part B of this title during the first year of the alternative pilot program; and

“(ii) 20 percent of the annual loan volume under this part B of this title during the subsequent years of the alternative pilot program;

“(D) permit participation in any alternative auction-based pilot program on a voluntary basis for eligible institutions and eligible lenders participating under part B of this title prior to July 1, 2007; and

“(E) provide for all savings to the United States Treasury generated by such alternative pilot program to be distributed to institutions participating under this section on a basis proportionate to loan volume under such part for supplemental, need-based financial aid, except than an institution that is operating as an eligible lender under section 435(d)(2) shall not be eligible for any such distribution.

Page 452, line 14, strike the close quotation marks and following period, and after line 14 insert the following new subsection:

“(e) INDEPENDENT EVALUATION.—The Government Accountability Office shall conduct an independent evaluation of any auction or auctions conducted under this section no later than September 1, 2013.”.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Wisconsin (Mr. PETRI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. PETRI. Madam Chairman, my alternative market study mechanism, which is before us, this amendment would significantly advance our understanding of market-based reforms to the guaranteed student loan program that were begun last year during our consideration of the College Cost Reduction Act. This Congress has demonstrated significant interest in developing some type of comprehensive market-based reform in order to overhaul the guaranteed loan program and make certain that taxpayers' interests are better served.

Last year, I had the opportunity to offer an amendment in the Education and Labor Committee to the College Cost Reduction Act to study and pilot a market-based reform, such as an auction, to determine how the Federal Government may better determine lender yields to reduce wasteful spending in the guaranteed loan program. This amendment was adopted in the committee and included in the bipartisan House-passed bill last summer.

Well, I was pleased that an auction pilot was included in the final law. There is growing concern among reformers, the lending industry, and the administration that the Senate model which was adopted may have significant implementation and logistical challenges.

However, this bill presents us with an opportunity to further study and consider an effective market-based reform proposal. So the amendment before us would simply amend the current auction pilot evaluation language included in this bill to require the Secretaries of Education and the Treasury, in conjunction with the Government Accounting Office, the Office of Management and Budget, and the Congressional Budget Office, to evaluate the feasibility of an alternative market-based reform to the Federal Family Education Loan Program. The alternative should reduce Federal costs to taxpayers and use savings to increase need-based grants to lower-income students.

I'd urge Members to support this amendment to further our understanding of market-based reform options. The study would mark an important step toward fully understanding market-based reforms of the program and would build on reforms incorporated in the College Cost Reduction Access Act. And again I'd ask my colleagues to support an alternative market mechanism study amendment.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Madam Chairman, this amendment essentially requires a feasibility study on market mechanisms that could then be used to determine lender returns when making student loans. Had we not just adopted an auction process for student loans in the recently passed budget cutting bill, this might make sense.

This amendment may be couched in terms of a study; however, it's difficult to see how the Secretary would study something like this without actually implementing a broader pilot, and that is the main concern that we have.

The Department of Education conducted a market mechanism study several years ago with the GAO and others. That extensive study did not find auctions to be a workable mechanism for administering the student loan program. Taking another look several years later may have shed new light on the subject.

We need the Department to focus on the creation and evaluation of this auction before we decide to push for studies or implementations of other auctions.

Madam Chairman, I reserve the balance of my time.

Mr. PETRI. Madam Chairman, we'd just say that it's important for us to get informed, knowledgeable advice as to how to operate the student loan programs, the direct program, and the guarantee program better. In the past, we've adopted pretty much a political-based approach of Congress setting the amount of the guarantee that private lenders receive for making student loans. In the reform act this summer, we cut that and tried to put in place a pilot approach coming from the Senate for a market-based mechanism. This would broaden the study; and, I think, would, in fact, be something that will end up saving the taxpayer money if it works. And if it doesn't work, we're no worse off. It's a study.

So I don't understand the reluctance to try to get the Treasury Department and experts in this area. We have auctions for loans weekly to finance the debt of our country. And we certainly can do a better job of pricing the guaranteed student loan program.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. PETRI. I certainly do.

Mr. GEORGE MILLER of California. I just want to rise and I think support this amendment. I think in the context of going to the conference committee, where we know the Senate has an auction provision, I think, well given even there, where we've done, we have this provision in the reconciliation bill to look at an auction to see whether we can do it and make it feasible, this may be helpful in us making some determinations about how we proceed on that effort and how the Department proceeds on that effort. So I would support the amendment.

Mr. PETRI. I thank the chairman.

I certainly would urge the chairman and the ranking minority member on the committee, as they go to conference, to keep an open mind on this proposal so we can do the best job with the taxpayers' money and help students get their loans in a cost-effective manner.

Madam Chairman, I yield back the balance of my time.

Mr. MCKEON. Madam Chairman, it pains me to oppose the amendment of my good friend from Wisconsin. We've served now on the Education Committee together for almost 16 years, and he's always concerned about protecting the taxpayer and the taxpayer dollars.

I think that I'm not so concerned about the study. It's the way the amendment is drafted that looks like it will impose the full program before the study so that the study could be made complete. And I understand that auctions are taking place all the time, but they're not generally done by the Department of Education. They're done by the Department of the Treasury and other branches. I'm not sure the Department of Education has that expertise.

But as we move forward on this, hopefully, maybe in conference, this could be cleared up and the intent of the gentleman could be carried out. That would be my hope.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. MCKEON. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

### AMENDMENT NO. 5 OFFERED BY MR. PETRI

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–523.

Mr. PETRI. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. PETRI:

Page 359, beginning on line 13, strike subparagraphs (C), (D), and (E) and insert the following (and redesignate the succeeding paragraphs accordingly):

"(C) with respect to each of the guaranty agencies operating under a guaranty agreement under section 428(c)—

"(i) un-reconciled balances in held loans by year of origination;

"(ii) status and number of defaulted loans by length of default in 30-day increments; and

"(iii) status and number of delinquent loans by length of delinquency in 30-day increments;

Page 359, line 23, insert before the period the following: "carrying out activities under this part".

Page 359, beginning on line 24, strike subsection (c) through page 360, line 12.

Page 360, after line 12, insert the following new subsection:

(d) AUDIT OF FEDERAL FAMILY EDUCATION LOAN PROGRAM PORTFOLIO AND GUARANTY AGENCIES.—The Secretary of Education shall have a financial and compliance audit of all guaranty agencies participating in the loan programs under part B of title IV of the Higher Education Act of 1965 (including each guaranty agencies' contract for the servicing, collecting, and related activities of such loans), conducted annually by a qualified independent organization from a list of qualified organizations promulgated by the Secretary in accordance with the standards established by the Comptroller General. The standards shall measure the guaranty agency's compliance with the due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the guaranty agency for the purpose of this subsection. The Secretary shall submit the audit to Congress within 60 days of its completion and shall at the same time make the results of the audit publicly available.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Wisconsin (Mr. PETRI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. PETRI. Madam Chairman, this amendment should be much less controversial than the one that just passed. As you're aware, the Federal Government runs two Federal student loan programs that provide the same affordable loans to American students: the Federal Family Education or Guaranteed Loan Program, and the William D. Ford Direct Loan Program.

In the past year, a significant amount of attention has been paid to the scandal-ridden and wasteful guaranteed loan program. Reducing excessive subsidies was the primary goal of the bipartisan College Cost Reduction and Access Act that was enacted last September, and we have seen some success. But this program was so embroiled with illegal and unethical activity between lenders and financial aid officers that sweeping new rules are included in this higher education reform act aimed at ending these relationships and providing much greater transparency for students and for taxpayers.

☐ 1430

Given all of the abuse that's occurred in the guaranteed program, imagine my surprise when an amendment ended up being adopted which had the effect of targeting the direct loan program and a seemingly innocuous amendment to audit the direct loan program contained a series of reporting requirements applied only to the direct loan program which were designed to make it appear the program was performing more poorly than the tarnished guaranteed program.

I should note that despite the scores of improprieties documented in the guaranteed loan program, the direct loan program has had no similar ethical abuses. Further, it has been scored as significantly cheaper by the Office of Management Budge, CBO and GAO, since its inception in the early 1900s.

Now it will be one thing if the amendment applied these new reporting provisions equally to both the guarantee and direct programs, and I'm encouraged that the author of the amendment, my respected colleague from the State of Georgia (Mr. PRICE), has indicated that that is his intent, and I'm hoping that we can, in fact, adopt this amendment to apply requirements to both programs.

But this language currently in the bill has the effect of undermining the direct loan program, boosting the guaranteed loan program's performance in comparison, and the amendment before us addresses the language.

Madam Chairman, what is good for the goose is good for the gander. The amendment would maintain the audit and most of the reporting requirements added to the direct loan program but would also require comparable audits in reporting for guaranty agencies in the Guaranteed Loan program. I have no doubt the direct loan program will pass the audit with shining colors, and

I look forward to the report. I hope the same can be said of the Guaranteed Loan program.

I would ask support for the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Madam Chairman, I rise to claim the time in opposition.

The ACTING CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Chairman, I want to commend my friend from Wisconsin for his willingness to continue to work on this. We've got some disagreements about it, although we are basically saying the same thing, that we want both of the programs to be treated equally, and I certainly concur with that. I also want to thank the chairman and the ranking member for their work on this as we went through committee, but at this time I rise to oppose this amendment.

H.R. 4137, the College Opportunity and Affordability Act, really has been a product of significant and extensive thoughtful deliberation over many Congresses. One example, I believe, of that thoughtfulness is section 454, which is included in the manager's amendment, which is a provision asking for an independent audit of the direct loan program and greater disclosure of the program's impact on the national debt. In fact, that provision was unanimously adopted in our committee during markup.

Now, why is this important? Well, it's important because the direct loan program amazingly is not currently subject to the routine audits that examine all of these issues. Further, the government finances the direct loan program by borrowing, and so it contributes in some way that we believe ought to be determined, and that was the purpose of the amendment. It contributes in some way directly to that national debt.

Now, we all talk about transparency, and I'm all for transparency. Transparency is critical if we are going to, here in Congress, get a handle on evaluating the student lending program and make the best decisions for college access and affordability. Unfortunately, I believe that this amendment being offered undermines that congressional oversight and paralyzes section 454.

I also believe that it weakens the independent audit portion of the direct loan program. Private lenders under the FFEL, the Federal Family Education Loan program, are subject to full and regular audits, and this section in the bill is intended to subject the direct loan program to similar full and regular audits. That's the common ground that we talk about and hopefully will be able to find as we move forward.

As an example, the amendment also eliminates a requirement to the direct loan audit that includes an examination of the unreconciled balances of loans by year of origination. This is a key piece of information for the FFEL program, the loans must be reconciled every year, while the direct loan program is not held to the same standards. So by weakening the independent audit of the direct loan program, the amendment would eliminate the portion requiring disclosure of the program's impact on the national debt.

And just as a matter of information, we all here in Congress should know about that.

In closing, Members, I believe, need to remember that all of this that is being done, in essence, would add a duplicate audit ability for the FFEL programs and not the same for the direct loan programs. I look forward to working with my colleague from Wisconsin and the chairman and ranking member as we move forward. Both the direct loan and FFEL program should be held up to the light of day so the taxpayers know what they're getting from their tax dollars.

Madam Chairman, I reserve the balance of my time.

Mr. PETRI. Madam Chairman, how much time do I have remaining?

The ACTING CHAIRMAN. Each side has 2 minutes remaining.

Mr. PETRI. I yield to the chairman of the full committee such time as he may consume.

Mr. GEORGE MILLER of California. Madam Chairman, I rise in support of the gentleman from Wisconsin's amendment. I think having these parallel audits, these are two programs that, for the sake of the taxpayer, compete with one another, and I think that that's important.

I was encouraged to see in the President's 2009 budget that, for the first time, the taxpayer costs for student borrowing through the FFEL program are closer to the more efficient direct loan programs, taking into account what we did in the reconciliation bill. I was also interested to see that still we see that it costs only one-fourth as much to make a direct loan as it does to make a FFEL loan program.

So I think that we should be encouraged and we should be prepared to have these audits, because I think the taxpayer is winning this discussion, thanks in large part to the efforts of Mr. PETRI over many years, to have this kind of comparison, this kind of discussion. Many of the recommendations that we made in the reconciliation bill were, in fact, the recommendations of the Bush administration from the office of OMB about the cost of that program. We were able to take that money out, recycle it in favor of students and families borrowing the money to drive down the cost of borrowing that money and increase the Pell Grants. Now we see that we are still 25 percent cheaper for the taxpayers than the FFEL program.

Mr. PETRI. Madam Chairman, I just have to say, this is important, because, on the one hand, if you treat a direct loan as adding to the debt with no offset because it is a loan which will be repaid, the loan is an asset, there should be some offset, you can get a very misleading picture. If you are cosigning a note, you are liable on the note, and that's what we do when we guarantee these private loans.

So zero costs in the direct program and outlay. And it misleads, too, because unless you compare apples and apples, you can have a badly distorted picture.

Mr. PRICE of Georgia. Madam Chairman, I want to once again say we are happy to have the same review in the audit of both the lending programs. You have heard that some individuals believe that the direct loans are cheaper than the FFEL programs, the loans, and, in fact, official government reports all agree that the budget scoring rules do not, I repeat, do not capture the real economic cost of both of these student loan programs. They agree all of the costs should be accounted for when comparing the two programs. Madam Chairwoman, I think we are, in fact, saying a lot of the same thing.

I look forward to working with my friend from Wisconsin, with the ranking member, and with the chairman as we move forward to the conference committee. In the meantime, however, I'm obliged to urge my colleagues to vote "no" on this amendment.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PRICE from Georgia. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

### AMENDMENT NO. 6 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–523.

Mr. CASTLE. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CASTLE:

In section 133(d) of the Higher Education Act of 1965, as amended by section 109 of the bill:

(1) insert "(1)" after "TASK FORCES.—";

(2) redesignate paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (E);

(3) strike "and" at the end of subparagraph (C) as so redesignated;

(4) insert after such subparagraph (C) the following new subparagraph:

"(D) develop annual benchmarks for the institution to reduce costs in areas identified under subparagraph (C); and".

(5) add at the end the following new paragraph:

"(2) An institution of higher education that does not meet the benchmarks established under paragraph (1)(D) shall provide to the Secretary a detailed explanation of the reasons why the institution did not meet such benchmarks.".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

Mr. GEORGE MILLER of California. Madam Chairman, I will claim the time in opposition, although I do not intend to oppose the amendment.

The Acting CHAIRMAN. The gentleman from California will be recognized in due time.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Madam Chairman, I yield myself such time as I may consume.

I'm pleased to offer this college cost accountability amendment to the College Opportunity and Affordability Act, which I also support, legislation to reform and strengthen many of the Nation's higher education programs.

As you know, for over a decade, Congress has worked on the behalf of students and families in an effort to solve the college cost crisis. Today we will have the opportunity to vote on these bipartisan college cost reforms.

We all can agree on the need to hold down the costs of college, and I believe we're making progress by providing additional support to minority-serving institutions, teacher quality grants, grants supporting veteran student success, and other positive changes. I would like to also note the provisions included to help us better track annual changes in tuition, fees, and room and board costs for undergraduate students. All of the information collected will be made publicly available on the department's College Navigator Web site so that students and their parents have better access to cost increases at various institutions.

While each of these provisions take steps in the right direction to combat college costs, I believe we can go farther to uncover what is driving college costs and hopefully stem the tide of this growth that threatens access to higher education for many American students.

My amendment expands the responsibilities of the quality task forces established in the underlying legislation by requiring them to develop annual benchmarks for the top 5 percent of institutions that have the largest increase in their tuition and fees over the most recent 3-year period. If these institutions fail to meet these benchmarks, rather than punishing these schools with legislative penalties, institutions are simply required to provide the Secretary of Education with a detailed explanation of the reasons why they failed to do so.

I am supportive of the underlying legislation which makes reforms for our institutions of higher learning, parents and students, and my amendment will build upon the provisions set forth in the introduced legislation to make tuition increases even more transparent and help ensure colleges are doing everything possible to reduce college costs so that any student wishing to obtain a higher education may do so.

I urge my colleagues to support my amendment.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I would simply rise in support of the amendment. I think that the effort that is being made here by Mr. CASTLE will, in fact, add to some understanding by the public and some transparency for those of us who have to make policy as to exactly what's going on with the increase in college costs. I think these kinds of explanations will be important for all of us, and we welcome the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. CASTLE. Madam Chairman, I thank the distinguished chairman for his kind words about the amendment and for his work, along with Mr. MCKEON and Mr. KELLER and others and Mr. TIERNEY on the legislation, and I urge everybody to support the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

### AMENDMENT NO. 7 OFFERED BY MR. DAVIS OF ILLINOIS

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–523.

Mr. DAVIS of Illinois. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. DAVIS of Illinois:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

### TITLE XI—RELATED AMENDMENTS

**SEC. 1101. TREATMENT IN BANKRUPTCY.**

Section 523(a)(8) of title 11, the United States Code, is amended—

(1) in subparagraph (A)(i) by striking "or made" and all that follows through "institution", and inserting "or made under any program funded in whole or in part by a governmental unit, or made under any program in which a substantial portion of the funds for making such overpayment or loan is provided by a nonprofit institution or an institution of higher education as defined in section 102 of the Higher Education Act and in which no part is funded by a governmental unit"; and

(2) in subparagraph (B) by inserting before the semicolon at the end the following:

"unless the period beginning on the date when such loan first became due and ending on the date of the filing of the petition, excluding any time during such period when the repayment obligation was deferred while the borrower was attending an eligible educational institution as defined in section 221(d)(2) of the Internal Revenue Code of 1986, is longer than 5 years".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Madam Chairman, I yield myself 2 minutes.

Unlike most kinds of debt, student loans of all types are currently nondischargeable in bankruptcy, except on a judicial finding of undue hardship. Under this amendment, government student loans, Federal and State, and loans made directly by nonprofit entities would remain nondischargeable. Other student loans made by for-profit banks and other lenders would continue to be nondischargeable for the first 5 years after they come due, but after that, they would be treated like other unsecured consumer loans in bankruptcy.

☐ 1445

This amendment also closes the loophole that lenders were beginning to pursue just before the 2005 changes went into effect. Currently, loans that are funded in whole or in part by a nonprofit institution are nondischargeable. Lenders offering private student loans were setting up affiliations with nonprofit institutions in order to take advantage of this loophole, even though the nonprofit was not the source of funding.

The current law is unfair to students. Students who take out student loans are trying to better themselves and contribute to the advancement of our economy. Unlike Federal student loans, private loans lack basic consumer protections, such as limits on interest rates, loan limits, and flexible payments; yet the bankruptcy law treats student loan borrowers who face financial tragedy in the same severe manner as people trying to escape child support payments, alimony, overdue taxes, and criminal fines. People should not be punished for trying to get an education.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I rise in opposition to the Davis amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I yield myself such time as I may consume.

This amendment changes the Bankruptcy Code in a way that will add uncertainty and additional risk to student lending. And I can't help but think that this will further restrict students' access to loans at a time when they're already finding it harder to obtain loans due to the current instability of the credit market.

Madam Chairman, I yield 2½ minutes to a member of the Judiciary Committee, the ranking member of Commercial and Administrative Law that has jurisdiction for the Bankruptcy Code, the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Madam Chairman, this amendment will undo an important provision of the Bankruptcy Code that was enacted just 2 years ago in the bipartisan Bankruptcy Abuse, Prevention and Consumer Protection Act of 2005. It will increase risk for student lending, risk that the lending market will respond to by restricting the availability of credit.

The bankruptcy law currently allows student loans to be discharged if the graduate is facing an undue hardship. This policy provides balance by protecting truly unfortunate graduates, while still preserving the integrity of student loans.

This amendment will eviscerate this policy by removing the undue hardship requirement for private sector student loans, allowing these loans to be discharged 5 years after graduation. Federally guaranteed loans can still be discharged only upon a showing of undue hardship. Accordingly, the private market, which is the most sensitive to risk, bears the burden of this change. Students looking for loans in the future will have a hard time finding them. Inevitably, students would encounter higher interest rates, shorter payment periods, and other more restrictive lending terms as lenders look to avoid potential losses in bankruptcy.

The amendment, in short, would damage, not advance, the cost of education. There is no free lunch and there is no free bankruptcy. We can do better for our students, and we can do better for our system of higher education. This amendment would undo an important provision of the Bankruptcy Code enacted just 2 years ago. If there is one thing that is important in commercial law, including bankruptcy law, it's stability. Lenders and investors must have confidence that Congress will not constantly change the rules of the game.

We will send the wrong message if a mere 2 years after BAPCPA's passage we begin to tinker with the provisions of the new bankruptcy law. Regrettably, the pattern is already beginning to emerge in this Congress. It can and should be stopped.

Capricious treatment of creditors in bankruptcy can have only one effect, the chilling of lending and investment. Changes in the Bankruptcy Code ought to receive the scrutiny of the Judiciary Committee. Since the Davis amendment is not being considered by the Judiciary Committee, the congressional experts on bankruptcy have had no opportunity to vet it through in regular order. This amendment will do more harm than good and will affect the availability of student loans in the future.

I urge my colleagues to vote against this amendment.

Mr. DAVIS of Illinois. Madam Chairman, I yield 1 minute to the chairman of the Education Committee, the Honorable GEORGE MILLER.

Mr. GEORGE MILLER of California. I rise in strong support of this amendment, and I thank the gentleman for offering it.

We now see that, almost like the subprime home mortgages, that these private student loans have been offered to a great number of people who it's questionable about whether or not they can pay it back. And we now see these private lenders retreating from this market because they know they've now made loans that they're not going to be able to sell off to others. They've made questionable loans.

These loans look more and more like consumer loans because there's no requirement that the people who take out these loans in the direct marketing to students, a student signs up, gets a loan, they don't have to pay their tuition, they don't have to pay their books, they don't have to pay their dormitory fees. They're consumer loans. They can buy beer and pizza, they can buy flat screened TVs, and they ought to be treated like those consumer loans. That's why this amendment is supported by the American Association of Community Colleges, the Association of State Colleges and Universities, the Association of Jesuit Colleges and Universities, the Consumer Federation of America, the Consumers Union, the United States Students Association, the U.S. Public Interest Groups, because they all recognize that this is far different than the public loans that families and students take out where there's arrangements to work out and help those students if they get into trouble. That's not the case with the private loans.

Let the marketplace work. They are now charging these students 18 and 20 percent, and we ought to understand what that means to the future of these students. We ought to support the Davis amendment.

Mr. MCKEON. Madam Chairman, may I inquire as to the time remaining.

The Acting CHAIRMAN. The proponents have 2½ minutes remaining; opponents have 2 minutes remaining.

Mr. MCKEON. And we have the right to close?

The Acting CHAIRMAN. That is correct.

Mr. MCKEON. I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Chairman, it's my pleasure to yield 1 minute to the gentleman from Georgia, a member of the Judiciary Committee, Representative HANK JOHNSON.

Mr. JOHNSON of Georgia. On behalf of Congressman JOHN LEWIS, Chair of the full committee, and as a member of the Commercial and Administrative Law Subcommittee, I rise in support of the Davis amendment.

Bankruptcy relief provides a critical last resort economic safety net for those in dire financial need. It gives a fresh start to honest and deserving debtors so they can regain their financial footing on which to rebuild a productive life, which is good for them as well as for society.

My colleague, the gentleman from Illinois, seeks to restore some balance with respect to the dischargeability of certain student loans. This is an excellent measure for the following reasons: one, it ensures that predatory for-profit lenders cannot take advantage of a current provision in bankruptcy law intended to protect nonprofit institutions that make educational loans; and, second, the amendment instills some moderation with respect to the dischargeability of certain educational loans made by private sector lenders which under current bankruptcy law can be nondischargeable no matter how long ago the loan was made.

So for those reasons, I urge my colleagues to support this amendment.

Mr. DAVIS of Illinois. Madam Chairman, I yield myself the balance of our time.

For many of these students who secure loans without the protection of bankruptcy, it's like receiving a life sentence with no appeal. That is to say, they get a loan that is supposed to help them get a college degree, an education so that they can pay the loan off. Unfortunately, many of them are stuck on $70,000, $80,000, $90,000, $100,000 that they're never able to pay. And so they struggle along for the rest of their lives trying to pay off a loan that was supposed to have secured for them a level of financial ability.

I would urge that we pass this amendment to give those hundreds and thousands of students throughout the country the simple protection of bankruptcy that is provided for individuals with any other consumer loan.

Madam Chairman, I yield back the balance of my time.

Mr. MCKEON. Madam Chairman, I yield the remainder of my time to the subcommittee ranking member of Higher Education, the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

Madam Chairman, I know what Mr. DAVIS is trying to do here, and I'm sympathetic. He realizes, like we all do, that people are hurting and they're paying higher costs for mortgages and health insurance and gas prices and college tuition. And so for those folks who can't make their student loan payments, let's give them some relief in bankruptcy court. The challenge is, this is going to help a small number of people, but hurt a larger number of people.

If you allow this to go forward, then what you have is a much higher risk loan that will result in the lenders having no choice but to charge higher interest rates for new students getting loans, higher origination fees. They will require a higher credit score. Now, since most 18-year-old kids don't have good credit scores, you would have to look to their parents as cosigners. What does that mean? The kids from wealthy families, whose mom and dad have a high credit score and have lots of assets to back up as collateral, nice home, Mercedes, are going to get student loans. The poor kids in the future who you're trying to help whose parents don't have a high credit score are going to have to pay a lot higher interest rate for loans and origination fees. And their mom and dad may not have the collateral to get them a loan if that's required in these private loans.

So it's going to have the unintended consequences of restricting credit in the future. It's also very unfair to lenders who made loans 10 years ago to have this applied retroactively.

Now, what is a better way? The better way is the current system. You get out of school, you've got 10 years to make your payment, and if you can't make it, you work with the lenders for more flexible options, let you pay over 25 years. The Bankruptcy Code already provides a provision for undue hardship for those people who truly need it.

Let's go with the better approach. And that's why it would have been better to have the Judiciary Committee have jurisdiction over this issue, because we could have flushed it out. That was skipped in this process. And while the intentions are good, the consequences are bad. And I urge my colleagues to vote "no" on Mr. DAVIS' amendment.

Mr. MCKEON. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. MCKEON. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

### AMENDMENT NO. 9 OFFERED BY MR. SESTAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–523.

Mr. SESTAK. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SESTAK:

Page 335, after line 14, insert the following new paragraph:

"(14) PHYSICAL THERAPISTS.—Individuals who are physical therapists and who are providing physical therapy services to children, adolescents, or veterans.

Page 338, after line 21, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(5) PHYSICAL THERAPIST.—The term 'physical therapist' means an individual who—

"(A) has received, at a minimum, a graduate degree in physical therapy from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

"(B) provides physical therapy services under 1861(p) of the Social Security Act (42 U.S.C. 1395x(p), or meets or exceeds the qualifications for a qualified physical therapist as determined by State law.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Pennsylvania (Mr. SESTAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SESTAK. Madam Chairman, I yield myself such time as I may consume.

Today our country faces significant labor shortages in occupations that are vital to our educational, health and, therefore, our national security.

I thank Chairman MILLER and ranking member, Mr. MCKEON, for their efforts to expand the professional areas of recognition where there is a national need which is critically important as we attempt to ensure an adequate workforce for services that are vital to all Americans.

In this vein, I believe the list of health occupations for which national need exists must also include physical therapists. Recent reports have shown that our country does not have an adequate number of physical therapists to meet our growing needs.

According to the American Hospital Association, therapists represent the occupation for which the greatest percentage of vacancies exist in our hospitals across our Nation, at an 11.4 percent vacancy rate. This is at a time when the demand for physical therapist employment is projected to grow 27 percent within 8 years, even as 58 percent of our hospitals are reporting in 2006 that therapist recruitment was more difficult than the year before. I, therefore, believe it is imperative we add physical therapists in the area of national need to ensure the Secretary of Education has direction to provide loan repayment to physical therapists.

Compounding this challenge of our national need for physical therapists exceeding our supply are already 31,000 servicemen and -women who have returned home from the war in Afghanistan and Iraq to recover from wounds sustained in the service of their country.

Physical therapists will, therefore, continue to play an integral role in rehabilitating our Nation's veterans as they cope with injuries from the battlefield. To ensure the proper care and recovery of those who have sacrificed their well-being to protect us, we must address our shortage of physical therapists.

This amendment to include physical therapists as individuals in an occupation of national need, supported by the American Physical Therapy Association, is a necessary and practical measure to attract students to this profession. The loan repayment incentive of up to $10,000 for students who obtain a graduate degree in physical therapy which results from designating physical therapy as an area of national need will encourage more students to enter the profession and help alleviate these growing vacancies.

I, therefore, urge my colleagues to support this commonsense amendment that highlights this issue of utmost importance for everyone, but also including the veterans who are returning from our wars overseas.

I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KELLER of Florida. Madam Chairman, I claim the time in opposition, although I'm not opposed to the amendment. I don't have any objection to it. But at this time I would like to reserve the balance of my time.

Mr. SESTAK. I yield back the remainder of my time.

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Mr. KELLER of Florida. Madam Chairman, I would like to yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Chairman, I want to commend the author of what I think is an appropriate amendment of loan forgiveness.

As an orthopedic surgeon, I worked closely with physical therapists, and they are integral to the healing process in so many areas. Another group also is the occupational therapists. And we have been contacted by them, and I would be pleased to enter into a colloquy or ask my friend if he would consider throughout the process if we can work toward including the occupational therapists in this area as well.

Mr. SESTAK. Madam Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from Pennsylvania.

Mr. SESTAK. Sir, that 11.4 percent was for all therapists including the three categories, including the occupational. So with the chairman and ranking member's agreement, I would like to do so.

Mr. PRICE of Georgia. Reclaiming my time, Madam Chairman, I thank the gentleman. That being the case and as we move forward, I look forward to supporting this as we broaden the therapists that are included.

Mr. BERRY. Madam Chairman, ensuring health care, including physical therapy services, is available to those who need it most is vital to our Nation. I support the Sestak amendment to H.R. 4137, The College Opportunity and Affordability Act, which would add physical therapists to the "national need" section of this legislation so that they may qualify for student loan forgiveness. As a lead sponsor of the Physical Therapist Student Loan Repayment Eligibility Act, H.R. 1134, I understand the student loan debt challenges faced by physical therapists, who along with nursing, are currently the only health care profession listed in shortage on the Department of Labor's Schedule A classification. I am joined on H.R. 1134 by Representative JO ANN EMERSON and 113 bipartisan cosponsors who support adding physical therapists who agree to practice in rural and underserved areas to the list of providers eligible to participate in the National Health Service Corps Student Loan Repayment Program. The Sestak amendment, while it does not address access to care for every patient in rural and urban underserved areas, would help begin to address this need by granting student loan forgiveness to physical therapists who care for children, adolescents or veterans.

Physical therapists treat patients of all ages who have medical problems or other health-related conditions that limit their abilities to move and perform functional activities in their daily lives. These services are essential to many children with disabilities in Arkansas and across our Nation. Physical therapists also work with patients to prevent the loss of mobility by developing fitness and wellness oriented programs for healthier and more active lifestyles which are essential in addressing our Nation's obesity crisis.

I encourage my colleagues to support the Sestak amendment and also to join as a cosponsor on the bill to include physical therapists in the National Health Service Corps, H.R. 1134.

Mr. KELLER of Florida. Madam Chairman, I yield back the balance of my time

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SESTAK).

The amendment was agreed to.

### AMENDMENT NO. 10 OFFERED BY MR. SESTAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110-523.

Mr. SESTAK. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SESTAK:

Page 418, strike lines 19 through 21 and insert the following:

"(C) management systems regarding course equivalency, transfer of credit, and articulation; and

Page 419, beginning on line 22, strike "and" and insert a comma; and on line 23, before the semicolon insert ", and management systems".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Pennsylvania (Mr. SESTAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SESTAK. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, Congress has worked hard on legislation to improve the access, affordability, and transparency of our higher education system. Reforms that improve transparency in college costs and the student loan industry are a priority of this legislation, and I thank the chairman and the ranking member and their staffs for their hard work on these important efforts.

However, I also believe we need to call attention to the barriers and the lack of transparency among colleges, specifically regarding the transfer of academic credit between postsecondary institutions. Today, students take increasingly complex pathways to achieving their postsecondary degree. Over 40 percent of students attending a college or university transfer at least once before they complete their undergraduate degree. However, despite increases in student mobility, institutions have not adjusted with substantive changes in the manner in which they oversee and articulate the transfer of college student academic credit.

There are significant consequences for failing to provide students with a better understanding of how, and which of, their courses qualify for credit in other postsecondary institutions. A student's inability to transfer credit may result in longer enrollment, more tuition payments, and additional Federal financial aid. In fact, it is estimated that transfer students incur costs of well over $5 billion per year. National data indicates that, on average, transfer graduates take about 10 more credits and 3 more months to complete their baccalaureate degree than nontransfer graduates. And some transfer students have even been forced to spend up to an additional year in an institution to obtain a degree because their earned academic credits do not transfer. These students expend money taking courses at one institution that will not result in academic credit at another. One of the most problematic consequences of our current system is the loss of students who are or may drop out of college due to the costs and complications of transferring their academic course credit between schools. It is clear that the credit transfer process, to the extent that it delays students' progress, can affect the affordability of postsecondary education, the time it takes students to graduate, and the number of those who do actually graduate.

I believe it is time for institutions to develop new strategies to improve gaps in credit transfer agreements and facilitate transparency of credit equivalencies between institutions.

My amendment encourages States and public institutions of higher education to develop management systems for course equivalency, transfer of credit, and articulation. The cost of transferring between institutions demand the utilization of new techniques to reduce the financial impact and obstacles facing students. I believe that this amendment provides an approach and a necessary alternative for institutions to consider when developing credit transfer agreements, and I therefore urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KELLER of Florida. Madam Chairman, I claim the time in opposition, although I am not personally opposed to this amendment.

I just want to briefly address the subject matter of articulations and the free flow of credit. And while that's important, many people listening to us, our colleagues, may not be familiar with the term "articulation agreements" if they do not serve on the Education Committee, for example. Let me give them an idea of what that is.

If you go to a community college in my district, let's say one called Valencia Community College, and you get your associate's degree, there is an articulation agreement that exists with the local 4-year university that's called the University of Central Florida. That agreement says if you graduate from Valencia Community College, we guarantee you admission and acceptance into our 4-year university. That is a wonderful thing for low-income kids who want to get a 4-year education, because it only costs 2 grand a year to go to this community college, and you know that based on this articulation agreement and the transfer of credits you will then go to a prestigious 4-year school for an additional 2 years and be guaranteed admission. It's really the only silver bullet I see out there right now at a time when we see the public 4-year universities increasing their tuition by 31 percent over the past 5 years.

The one bright spot that exists is so many partnerships that exist between community colleges and 4-year schools in the forms of articulation agreements.

Whatever we can do in Congress to make it easier to have more of these articulation agreements and a freer flow of transfer of credit can only help those children from low- and moderate-income families achieve their dream of a college education. That's why I am going to support this amendment, and I urge my colleagues on both sides of the aisle to support it as well.

Madam Chairman, I yield back the balance of my time.

Mr. SESTAK. I thank my colleague for his comments.

Madam Chairman, just 2 weeks ago I was at an event in my district where Drexel University partnered in an articulation agreement with the Pennsylvania Institute of Technology. The Pennsylvania Institute of Technology focuses on many of those who were disenfranchised. They bring them in, and after 2 years now maintaining a GPA and the credits that have been articulated, they can then step into a 4-year baccalaureate.

I thank you for your support.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SESTAK).

The amendment was agreed to.

### AMENDMENT NO. 11 OFFERED BY MR. YARMUTH

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–523.

Mr. YARMUTH. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. YARMUTH:

Page 200, line 15, strike the close quotation mark and the following period, and after such line insert the following:

**"Subpart 6—Preparing General Education Teachers to More Effectively Educate Students With Disabilities**

**"SEC. 291. TEACH TO REACH GRANTS.**

"(a) AUTHORIZATION OF PROGRAM.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to improve the preparation of general education teacher candidates to ensure that such teacher candidates possess the knowledge and skills necessary to effectively instruct students with disabilities in their classrooms.

"(2) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of five years.

"(3) NON-FEDERAL SHARE.—An eligible partnership that receives a grant under this section shall provide not less than 25 percent of the cost of the activities carried out with such grant from non-Federal sources, which may be provided in cash or in kind.

"(b) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' is a partnership that—

"(1) shall include—

"(A) one or more departments or programs at an institution of higher education—

"(i) that prepare elementary or secondary general education teachers;

"(ii) that have a program of study that leads to an undergraduate degree, a master's degree, or completion of a post-baccalaureate program required for teacher certification; and

"(iii) the graduates of which are highly qualified, as defined in section 9101 of the Elementary and Secondary Education Act of 1965;

"(B) a department or program of special education at an institution of higher education; and

"(C) a high-need local educational agency; and

"(2) may include a department or program of mathematics, earth or physical science, foreign language, or other departments at the institution that have a role in preparing teachers.

"(c) REQUIRED ACTIVITIES.—An eligible partnership that receives a grant under this section shall use the grant funds to—

"(1) develop or strengthen an undergraduate, post-baccalaureate, or master's teacher preparation program by integrating special education strategies into the general education curriculum and academic content;

"(2) provide teacher candidates participating in the program under paragraph (1) with skills related to—

"(A) response to intervention, positive behavioral supports, differentiated instruction, and data driven instruction;

"(B) developing and administering alternate assessments of students with disabilities;

"(C) determining and utilizing accommodations for instruction and assessments;

"(D) collaborating with special educators, related services providers, and parents, including participation in Individualized Education Program development and implementation; and

"(E) utilizing technology and assistive technology for students with disabilities; and

"(3) provide extensive clinical experience for such participants, with mentoring and induction support throughout the program that continues during the first year of full-time teaching.

"(d) APPLICATION.—An eligible partnership seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

"(1) A self-assessment by the eligible partnership of the existing teacher preparation program at the institution of higher education and needs related to preparing general education teacher candidates to instruct students with disabilities.

"(2) An assessment of the existing personnel needs for general education teachers who instruct students with disabilities, performed by the local educational agency in which most graduates of the teacher preparation program are likely to teach after completion of the program under subsection (c)(1).

"(e) PEER REVIEW.—The Secretary shall convene a peer review committee to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees. Members of the peer review committee shall be recognized experts in the fields of special education, teacher preparation, and general education, and shall not be in a position to benefit financially from any grants awarded under this section.

"(f) EVALUATIONS.—

"(1) BY THE PARTNERSHIP.—An eligible partnership receiving a grant under this section shall conduct an evaluation at the end of the grant period to determine the effectiveness of the general education teachers who completed a program under subsection (c)(1) at instruction of students with disabilities in general education classrooms, and the systemic impact of the activities carried out by such grant on how each institution of higher education that is a member of the partnership prepares teachers for instruction in elementary and secondary schools. Each eligible partnership performing an evaluation under this paragraph shall report the findings of such evaluation to the Secretary.

"(2) REPORT BY THE SECRETARY.—Not later than 180 days after the last day of the grant period under this section, the Secretary shall make available to Congress and the public the findings of the evaluations submitted under paragraph (1), and information on best practices related to effective instruction of students with disabilities in general education classrooms.".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Kentucky (Mr. YARMUTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. YARMUTH. Madam Chairman, I rise today to offer an amendment that will bring the Nation closer to providing a world-class education to 2.9 million children with disabilities.

The last few years we have seen significant advances in diagnosis and understanding of students with autism, ADD, dyslexia, Down's Syndrome, and a dozen other common and treatable disabilities. Where people once thought these students were unmanageable and unteachable, we now know that more often than not, the majority of them are bright, creative students who are capable of success when given the opportunity to learn.

In 1975, we took a major step forward with the enactment of the Individuals with Disabilities Education Act. IDEA placed many students with their peers, where the bar was raised on their achievements, and we began to discover how truly capable these students were.

Over the last 33 years, educators have revolutionized techniques to help students with disabilities find success, but these tools have not yet made their way into the vast majority of classrooms. And as a result, the system is failing millions of students.

The fact that so many students with disabilities, well over half, now study alongside their peers is a tribute to the success of IDEA. But because most educators have not been given the information, resources, or training to effectively work with students with disabilities, the teachers are getting understandably frustrated, the diverse learners are not being helped, and the rest of the class waits while teachers struggle to deal with situations for which they are simply not equipped. The bottom line is it does no good to put students with disabilities in a classroom with a teacher who has not been given the tools to reach them.

Make no mistake, the teachers are not the problem, but with proper resources, they can be a big part of the solution. Many teachers have not been trained to individualize instruction for these special needs students.

This isn't a straightforward manner of simply developing special curricula. Spending time with peers is crucial for the development of these students, especially if we want them to attain the social, communicative, and educational skills we know they are capable of.

One area I have focused on is educated children with autism. Without the proper training, misconceptions, such as the Rain Man savant, run rampant. Autism is a spectrum disorder, meaning that the Hollywood depiction is an extreme, with highly functional students with Aspbergers on the other end and every level of functionality in between. The signals are abundant, but recognizing them is not just a matter of common sense.

The untrained educator may not know why a student with autism refuses to make eye contact, suddenly stops socializing, acts out, or completely cuts off all communication. What's more troublesome is that the wrong response, in many cases the normal, logical response, can send a child into a downward spiral.

And what has escaped many is the tremendous scope and urgency of what we're dealing with. Already 1 in 150 children is diagnosed with autism, and the number is escalating at an alarming rate. An analysis of the U.S. Department of Education special education data revealed that the number of students with a diagnosis of autism has increased more than 500 percent since 1993, and by 2014 the number is expected to increase 1800 percent.

We cannot afford to wait to address the needs of these children and others with special needs. That is why I am proposing a new grant program for institutions of higher education working to better prepare general education teachers for success in helping students with disabilities. Institutions would partner with high-need local education agencies to place qualified teacher candidates into the areas that need the most help.

The Teach to Reach grants will give our teachers the tools to properly engage students with disabilities. Truly engaging the students not only improves the quality of learning for special needs students but for everyone in the classroom. These grants will provide just the sort of preparation that is needed. Teacher candidates will learn how to use Response to Intervention, a scientifically based intervention strategy that allows a teacher to pinpoint the specific skills students need in order to progress. They will train in positive behavioral support strategies that will enable them to manage and improve challenging behaviors in the classroom and also learn how to work with their special education and related colleagues to develop and implement individualized educational programs so that students with disabilities will have their diverse needs met.

In classroom after classroom across the Nation, these grants can make the difference between students trapped by misunderstanding and teachers reaching their students and helping them unlock their potential to succeed in school and excel in life.

This program is endorsed by the NEA, the American Association of Colleges for Teacher Education, the Higher Education Consortium for Special Education, and many organizations that advocate for the education of students with disabilities.

I strongly encourage my colleagues to join me in supporting this amendment so that we may empower our Nation's teachers to reach all of our children.

Madam Chairman, I yield back the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KELLER of Florida. Madam Chairman, I claim the time in opposition, although I am not opposed to this amendment.

Let me just clarify for our colleagues what this amendment is about, at least from my perspective.

If you are a high school special education teacher, you are probably familiar with autism and dyslexia, and by virtue of your training and daily experience, you know how to relate to the children with these special needs pretty well. But what if you are a 10th grade history teacher trained in, obviously, teaching history? It may be a little more challenging for you to teach children who have autism or dyslexia unless you have some special training to help you teach them history. So what this amendment does is to provide funding for these general education teachers to partner up with their 4-year universities to get some extra training in teaching children with special needs.

That seems like a commonsense approach to us. So I will be voting for this amendment and urge my colleagues to do the same.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. YARMUTH).

The amendment was agreed to.

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### AMENDMENT NO. 12 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–523.

Mr. HASTINGS of Florida. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HASTINGS of Florida:

Page 679, line 13, strike the close quotation marks and following period and after such line insert the following new part:

**"PART R—PATH TO SUCCESS PROGRAM**

**"SEC. 887. PATH TO SUCCESS.**

"(a) PURPOSE.—The purpose of this part is to encourage community supported programs that—

"(1) leverage and enhance community support for at-risk young adults by facilitating the transition of such young adults who are eligible individuals into productive learning environments where such young adults can obtain the life, social, academic, and vocational skills and credentials necessary to strengthen the Nation's workforce;

"(2) provide counseling, as appropriate, for eligible individuals participating in the programs to allow such individuals to build a relationship with one or more guidance counselors during the period that the individuals are enrolled in the programs, including providing referrals and connections to community resources that help eligible individuals transition back into the community with the necessary life, social, academic, and vocational skills after being in detention, or incarcerated, particularly resources related to health, housing, job training, and work-place readiness;

"(3) provide training and education for eligible individuals participating in the programs, to allow such individuals to assist community officials and law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars, training, and workshops throughout the community; and

"(4) provide each eligible youth participating in the programs with individual attention based on a curriculum that matches the interests and abilities of the individual to the resources of the program.

"(b) REENTRY EDUCATION PROGRAM.—

"(1) GRANT PROGRAM ESTABLISHED.—The Secretary is authorized to award grants to community colleges to enter into and maintain partnerships with juvenile detention centers and secure juvenile justice residential facilities to provide assistance, services, and education to eligible individuals who reenter the community and pursue, in accordance with the requirements of this part, at least one of the following:

"(A) A certificate of graduation from a school providing secondary education, a general equivalency diploma (GED), or another recognized equivalent of such a certificate or diploma.

"(B) A certificate of completion for a specialized area of study, such as vocational training and other alternative post-secondary educational programs.

"(C) An associate's degree.

"(2) GRANT PERIOD.—A grant awarded under this part shall be for one 2-year period, and may be renewed for an additional period as the Secretary determines to be appropriate.

"(3) APPLICATION.—A community college desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require, which shall include—

"(A) an assessment of the existing community resources available to serve at-risk youth;

"(B) a detailed description of the program and activities the community college will carry out with such grant; and

"(C) a proposed budget describing how the community college will use the funds made available by such grant.

"(4) PRIORITY.—In awarding grants under this part, the Secretary of Education shall give priority to community colleges that accept the highest number of eligible individuals from high-risk areas, and among such community colleges, shall give priority to community colleges that the Secretary determines will best carry out the purposes of this part, based on the applications submitted in accordance with paragraph (3).

"(c) ALLOWABLE USES OF FUNDS.—A community college awarded a grant under this part may use such grant to—

"(1) pay for tuition and transportation costs of eligible individuals;

"(2) establish and carry out an education program that includes classes for eligible individuals that—

"(A) provide marketable life and social skills to such individuals;

"(B) meet the education program requirements under subsection (d);

"(C) promote the civic engagement of such individuals; and

"(D) facilitate a smooth reentry of such individuals into the community;

"(3) create and carry out a mentoring program—

"(A) that is specifically designed to help eligible individuals with the potential challenges of the transitional period from detention to release;

"(B) is created in consultation with guidance counselors, academic advisors, law enforcement officials, and other community resources; and

"(C) that is administered by a program coordinator, selected and employed by the community college, who shall oversee each individual's development and shall serve as the immediate supervisor and reporting officer to whom the academic advisors, guidance counselors, and volunteers shall report regarding the progress of each such individual;

"(4) facilitate employment opportunities for eligible individuals by entering into partnerships with public and private entities to provide opportunities for internships, apprenticeships, and permanent employment, as possible, for such individuals; and

"(5) provide training for eligible individuals participating in the programs, to allow such individuals to assist community officials and law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars and workshop series throughout the community.

"(d) EDUCATION PROGRAM REQUIREMENTS.—An education program established and carried out under subsection (c) shall—

"(1) include classes that are required for completion of a certificate, diploma, or degree described in subparagraphs (A) through (C) of subsection (b)(1);

"(2) provide a variety of academic programs, with various completion requirements, to accommodate the distinctive academic backgrounds, learning curves, and concentration interests of the eligible individuals who participate in the program;

"(3) offer flexible academic programs that are designed to improve the academic development and achievement of eligible individuals, and to avoid high attrition rates for such individuals; and

"(4) provide for a uniquely designed education plan for each eligible individual participating in the program, which shall require such individual to receive, at a minimum, a certificate or diploma described in subparagraph (A) of subsection (b)(1) to successfully complete such program.

"(e) REPORTS.—Each community college awarded a grant under this part shall submit to the Secretary of Education a report—

"(1) documenting the results of the program carried out with such grant; and

"(2) evaluating the effectiveness of activities carried out through such program.

"(f) DEFINITIONS.—In this part:

"(1) COMMUNITY COLLEGE.—The term 'community college' means a public or nonprofit institution of higher education (as such term is defined in section 101 or 102(a)(2)(B)), that—

"(A) provides an educational program of not less than two years; and

"(B) that is accredited by a regional accrediting agency or association.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

"(A) is 16 to 25 years of age;

"(B) has been convicted of a gang-related offense, and has served a period of detention in a juvenile detention center for such offense; and

"(C) is detained in, or has been released from, such center.

"(3) GANG-RELATED OFFENSE.—The term 'gang-related offense' means conduct constituting any Federal or State crime, punishable by imprisonment in any of the following categories:

"(A) A crime of violence.

"(B) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

"(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(4) GUIDANCE COUNSELOR.—The term 'guidance counselor' means an individual who works with at-risk youth on a one-on-one basis, to establishing a supportive relationship with such at-risk youth and to provide such at-risk youth with academic assistance and exposure to new experiences that enhance their ability to become responsible citizens.

"(5) HIGH-RISK AREA.—The term 'high-risk area' means a specified area within a State where there is a disproportionately high number of gang-related activities reported to State and local law enforcement authorities.".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chairman, I rise today with my good friend from California, Congresswoman LINDA SAŃCHEZ, to offer an amendment to the College Opportunity and Affordability Act. I certainly commend the Chair and ranking member for all of their efforts on this measure.

Madam Chairman, gang violence is a cycle that poisons many of our districts and deprives many of our youth from pursuing productive educational opportunities. Many who have been engaged in gang activity unfortunately return to the same streets after they serve time in our juvenile justice system, and the cycle begins again. Only holistic partnerships that engage entire communities are going to break this cycle of gang activity.

To meet this need, I introduced the Path to Success Act July 6 of last year. Our amendment today reflects the content of the Path to Success Act and will authorize a nationwide program through the Department of Education to promote public and private community-centered partnerships aimed at reducing gang violence.

Madam Chairman, our amendment will establish a program that is set up to the task of disrupting the juvenile justice pipeline. It will give former gang members a chance to attend college and be engaged positively in their communities. Through educational and vocational training opportunities at community colleges as well as partnerships with law enforcement for pro-active gang prevention efforts, our amendment will give former gang members hope for the future while taking juvenile justice in a new direction.

Also the American Psychological Association, the American Association of Community Colleges agree with the need for this new direction and have endorsed our amendment.

I urge our colleagues to support this amendment.

I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KELLER of Florida. Thank you, Madam Chairman.

I claim the time in opposition although I am not opposed to this amendment. We have seen a skyrocketing problem, at least in my home State of Florida, with the rise in violent juvenile crime. In my area, central Florida, we have seen juvenile robberies over the past 2 years of kids of 15 and under increase by 311 percent.

When I talk with the experts about this problem, I am told that we do need a holistic approach, as my colleague, Congressman HASTINGS, says; and that for the worst of the worst offenders, the repeat violent offenders, people who slit other kids' throats, you have got to lock them away. But on the front end when you can still have hope to catch some of these kids and turn them around, we have to make every effort to do it.

The reason I say that is because when we look at the statistics in Florida we find that 80 percent of the inmates in our jails and prisons are high school dropouts. If we deal with them holistically, we say, hey, if you're going to stay in school, we will give you a Pell grant to pay for a college education so you can have a nice car and a home. If you are willing to stay in school but you can't read, we will get you a reading coach to help you read, even if you are in high school. We are going to get you a mentor to get you through it.

We have to give these young people hope in educational and job opportunities and approach it holistically. Yes, that means prevention, but you also need tough enforcement. I think this amendment recognizes you need all of it. And so we are pleased to support this amendment. I urge my colleagues to do the same.

I yield back the balance of my time.

Mr. HASTINGS of Florida. At this time, I am pleased to yield 1½ minutes to my colleague from California, the original cosponsor of this measure, Ms. LINDA SÁNCHEZ.

Ms. LINDA T. SÁNCHEZ of California. I would like to thank my colleague, Mr. HASTINGS.

And, Madam Chairman, I rise in support of the Hastings-Sánchez amendment to H.R. 4137, the College Opportunity and Affordability Act. I thank Mr. HASTINGS for his leadership on this issue and was pleased to work with him in this effort to provide constructive opportunities for youthful offenders.

The Hastings-Sánchez amendment would authorize grants to community colleges to create partnerships with juvenile detention centers and residential facilities that would reduce recidivism rates by providing education, vocational training, counseling, and related activities.

Gangs, crimes, and youth problems are often symptoms of larger problems, problems that require comprehensive solutions. Too often, we have spent far more time, money, and effort on enforcement than we have on prevention, missing opportunities to rehabilitate the youth that we incarcerate.

Unfortunately, taxpayers have not experienced a great return on these massive anti-gang investments. For example, the State of California will spend over $9 billion on incarceration this year, yet gang activity in California continues to rise.

Young people who are involved in gangs do not have to be condemned to a lifetime in gang involvement.

This amendment would leverage power of community colleges to help in the campaign against youth violence. Community colleges already have expertise in providing job training and education to nontraditional students. By encouraging them to develop partnerships with other local agencies and community-based organizations, we can multiply the opportunities that young ex-offenders have to get involved in their communities in a positive way and cut down on the odds that they will return to gang activity.

I urge my colleagues to support the Hastings-Sánchez amendment to help make our communities safer.

Mr. HASTINGS of Florida. At this time, I am very pleased to yield 1 minute to my very good friend from Virginia, Representative SCOTT.

Mr. SCOTT of Virginia. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, this amendment is a significant step forward in prevention and intervention efforts to reduce juvenile and gang crime. For far too long, the Congress has focused its crime policy on waiting for crimes to occur before anything is done. This has contributed to what the experts at the Children's Defense Fund call the "cradle to prison pipeline."

Since 1970, the number of individuals incarcerated in the United States has risen from over 300,000 to over 2 million. Initiatives such as this, along with initiatives such as the Youth Promise Act, will create investments in strategies that deal with the root cause of crime, resulting in greater crime reduction and a cost savings to taxpayers. We must begin making meaningful investments in our Nation's youth, and this amendment is a strong step in that direction.

I thank Representatives HASTINGS and SÁNCHEZ for their leadership and encourage my colleagues to support the amendment.

Mr. HASTINGS of Florida. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

### AMENDMENT NO. 13 OFFERED BY MR. WELCH OF VERMONT

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 110–523.

Mr. WELCH of Vermont. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. WELCH of Vermont:

Page 63, after line 17, insert the following new section (and redesignate the succeeding sections accordingly):

**SEC. 112. ENDOWMENT REPORTING.**

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

**"SEC. 136. ENDOWMENT REPORTING.**

"Each institution of higher education shall annually submit to the Secretary, in a form prescribed by the Secretary, a report on the expenditures made by such institution from any endowment funds of the institution for the purpose of reducing the costs of the programs of instruction offered by such institution, including the specific amounts expended for grants and other aid to reduce the amounts charged for tuition, fees, textbooks, meals, room and board.".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. Madam Chairman, as we know on a bipartisan basis, the cost of college is skyrocketing, and it is putting in jeopardy access to college and achievement of the American Dream for kids across this entire country. The Education and Labor Committee has taken a number of very concrete steps to try to address that. And this Congress passed a major increase in financial aid, $17 billion, over 5 years. Over the last 10 years, student aid has increased from $37 billion to $86 billion. But every time we raise a dollar in financial aid, if it is a dollar increased in tuition that is burned away, the students are continuing to graduate and swim in a sea of debt.

So if we are going to continue on this effort and be successful in making college affordable for average kids wanting to achieve the American Dream, we have to work on both sides of the equation. We have to address the financial aid side, which we are doing our best to do, and do it in the context of enormous budgetary pressures, and we also have to do it on the cost side. And we have to look to our university administrators to work with us to do everything that is possible to constrain the ever-rising cost of college education.

Many kids now are graduating with a debt that is equivalent to what was the mortgage on the first house that I bought, and they don't have the home. They do have the education.

This amendment is very simple. It would require colleges and universities to annually report to the Department of Education on how much of their endowment was spent each year for the purpose of containing college cost, including tuition, fees, textbooks, meals, and room and board. And it would provide Congress really with much-needed information, the same information that goes to the trustees, so it is not in any way a significant burden.

We have to work together if we are going to be successful in containing costs. And we have to acknowledge that we have to work on that cost side as well as on the financial aid side. So this amendment would give us information to work with colleges in trying to achieve that goal to maintain cost affordability for our kids.

Madam Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, one of the most frustrating things that Members of Congress have had to deal with over the past 5 years on a bipartisan basis is the skyrocketing cost of tuition. Over the past 5 years, tuition at public 4-year universities has gone up 31 percent. And we are frustrated because you want to rein in the tuition costs, but at the same time you are hesitant to implement any sort of cost control or micromanaging of these universities.

What this amendment says essentially is that we are going to ask the college to tell us what your endowment is and how much of it you spent on helping kids with their aid to go to your college. Sometimes that will mean that gives us an opportunity to really thank these colleges for doing a great job. For example, Harvard University has a $34 billion endowment. They recently received nationwide publicity, well deserved, for using that endowment to say, if you are accepted to Harvard and you are from a low-income family, we are going to use our endowment to pay for you to come here. If you are from a middle income family, we are going to pay for you to come here. If you are from an upper-middle-income family, all the way up to $180,000, we are still going to help you with tuition. I think that is wonderful. And you have seen other schools, Yale and others, follow suit.

We would like to see exactly what schools across America are doing on the positive front to use their endowment to help low- and moderate-income kids go to college, and on the flip side what schools with substantial endowments are not making any efforts to help these low- and moderate-income kids get a college education.

So for these reasons, I will be voting for this amendment, and I will urge my colleagues to also vote for the amendment.

I reserve the balance of my time.

Mr. WELCH of Vermont. I yield to the chairman such time as he may consume.

Mr. GEORGE MILLER of California. I rise in support of Mr. WELCH's amendment and thank Mr. KELLER for his support of this amendment. Mr. KELLER has laid it out quite correctly.

We have been struggling with this for a number of years. I think that this amendment helps with the transparency and with the information that we need to know as we continue to consider public policy. I say that because growing numbers of Members of Congress come up to me every week after they go home and talk about they have been asked the question about the increased costs of college. We know it is complex. We know it is difficult. And we know that it is not easily given to the idea that one policy fits all, one size fits all, whatever cliche you want to use.

But it must be addressed when we are asking the taxpayers to continue to step up and to provide the assistance to these families so that we can create a strong Nation and a strong economy and well-educated individuals that are critical to maintaining the democracy in a complex world. So I want to thank the gentleman for offering this amendment and ask my colleagues to support it.

Mr. KELLER of Florida. Madam Chairman, I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

### AMENDMENT NO. 16 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 110–523.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 249, after line 5, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(f) CALCULATION OF FEDERAL PELL GRANT ELIGIBILITY.—

(1) AMENDMENT.—Section 401(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a(f)) is amended by adding at the end the following new paragraph:

"(4)(A) Notwithstanding paragraph (1) or any other provision of this section, the expected family contribution of each student described in subparagraph (B) shall be deemed to be zero for the period during which each such student is eligible to receive a Federal Pell Grant under subsection (c).

"(B) Subparagraph (A) shall apply to any student at an institution of higher education—

"(i) whose parent or guardian was a member of the Armed Forces of the United States who died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

"(ii) who was 18 years or less, or was enrolled as a full-time or part-time student at an institution of higher education, as of the time of the parent or guardian's death.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to Federal Pell Grants awarded for academic year 2009-2010, and each succeeding academic year.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

☐ 1530

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise today in strong support of the Johnson-Young amendment to expand higher education opportunities for the children of fallen soldiers.

Since the year 2001, more than 4,400 U.S. servicemembers have died during their deployment in Iraq or Afghanistan. Historically, war has cost America the lives of our sons and daughters. However, the soldiers serving today in Iraq and Afghanistan are not just single men; 40 percent of the servicemembers in Iraq are married and 30 percent have children. The soldiers we have lost are not only our sons and daughters, but our husbands and wives and fathers and mothers.

As we reflect on the cost of this war, we must realize that many of these brave young men and women have left families and young children behind. These young men and women include Sergeant Paul Sanchez, a native of Irving, Texas, who was killed last January by an IED in Iraq, leaving behind a wife, a 12-year-old daughter and a 10-year-old son; and Second Lieutenant John Craver who was killed in October 2006 in Baghdad. A native of McKinney, Texas, he left behind a wife and three children. As well as Specialist Jessica Cawvey, who was killed in Fallujah in 2004. She was a 21-year-old single mother and left behind a 6-year-old daughter. These are just a few of more than 2,100 children who have lost a parent in the conflicts in Iraq and Afghanistan.

The death of a parent is not only emotionally devastating for a child but often creates financial hardships for their family. The Johnson-Young amendment offers financial assistance and access to higher education for children who lost a parent or guardian as a result of this war. It allows the children who have been left behind to have access to a maximum Pell Grant award. Through this Pell Grant award, we can offer a chance for a bright future for the children of those brave young men and women who gave their lives in the name of service for our country.

Mr. GEORGE MILLER of California. Madam Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I want to thank the gentlewoman for bringing this amendment to the attention of the committee. I think it is a very good amendment and it is the right thing for us to do with respect to these families that have paid such a high price for their service to our country. I thank the gentlewoman, and I urge our colleagues to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the ranking member, and I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for introducing this legislation. I am the cosponsor of the amendment, and I thank the chairman of the full committee.

The proportion of married U.S. soldiers serving in Iraq and Afghanistan is higher today than in any other previous war, including the Civil War. Consequently, when these brave men and women are killed in the line of duty, they often leave behind husbands, wives and children.

Since 2001, more than 4,400 U.S. servicemembers have died during their deployment in Iraq or Afghanistan, and more than 2,100 children have lost a parent as result of the conflicts in Iraq and Afghanistan.

Nine months after Fort Wainwright's Stryker Brigade Combat Team returned from their deployment in Iraq, Bassett Army Community Hospital in Fairbanks delivered a record number of babies. Those babies will be a year old when their parents redeploy this fall. This amendment, which I have offered with the distinguished gentlewoman from Texas, will ensure that they deploy with the knowledge that, if necessary, their children's education will be taken care of.

Our amendment will provide financial assistance and access to higher education for children who lost a parent or guardian as a result of our ongoing military presence in Iraq and Afghanistan. It allows the children who have been left behind to have access to a maximum Pell Grant award by waiving the income eligibility requirement for them.

It will apply to children of U.S. soldiers who have died while performing military service in Iraq or Afghanistan after September 11, 2001. Children who are 18 years or younger or those enrolled part time or full time at college at the time of the parent or guardian's death will be eligible for a Pell Grant application starting in 2009.

The death of a parent is not only emotionally devastating for a child, but often creates a financial hardship for the family. Through this Pell Grant award we can offer a chance for a bright future for the children of those who gave their lives in the name of service for their country.

I urge my colleagues to support our amendment and help those children who have been left behind. I would like to thank the distinguished gentlewoman from Texas for offering this amendment with me and reaching across the aisle in a bipartisan way to solve some of the problems caused by this war.

Mr. KELLER of Florida. Madam Chairman, I just want to thank Congresswoman JOHNSON and Congressman YOUNG for offering this wonderful amendment. This will mean that the 2,100 children of parents who died in Iraq or Afghanistan will be able to get the full Pell Grant, which is about $4,800 this year and will be upped to $5,400 by 2012. It is certainly the least we can do.

There are many more things we want to do beyond this to help these children whose parents paid the ultimate sacrifice. But I think it is wonderful that these two Congressmen have come forward with this very commonsense and important amendment. I enthusiastically support it and urge my colleagues on both sides of the aisle to support it as well.

Madam Chairman, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I would like to thank the chairman of the full committee and his staff for working with me on these important issues that will help to deliver for the needs of our Nation's students. I thank Mr. YOUNG, and I urge my colleagues to support this legislation.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

### AMENDMENT NO. 17 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 110–523.

Mr. STUPAK. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. STUPAK:

Page 335, after line 14, insert the following:

"(14) SUPERINTENDENTS, PRINCIPALS, AND OTHER ADMINISTRATORS.—Individuals who are school superintendents, principals, or other administrators for 5 consecutive complete school years in a school district of a local educational agency in which 30 percent or more of the schools are schools that qualify under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Madam Chairman, the loan forgiveness programs under the Ford Direct Loan Program and Federal Family Education Loans encourage teaching professionals to take positions in low-income schools.

Like teachers, qualified school administrators and principals are crucial to creating an effective learning environment. Unlike teachers, however, school administrators and principals at low-income schools are not given access to the same loan forgiveness programs. In fact, under current law, if a teacher is eligible for loan forgiveness but is promoted to an administrator or principal in that same school, the newly promoted teacher loses access to the loan forgiveness programs for which they were previously eligible. As a result, low-income school districts often have difficulty recruiting talented principals and administrators to their districts.

My amendment would extend eligibility of the Ford Direct Loan Program and the Federal Family Education Loans to full-time school superintendents, principals, or other administrators after completing 5 consecutive school years in a school district in which at least 30 percent of the schools are defined as low income.

This amendment is supported by the National Education Association, the National Association of Secondary School Principals, and by the American Association of School Administrators. Furthermore, the Congressional Budget Office has indicated that this amendment will not violate the pay-as-you-go rules.

I urge Members to support my amendment to help recruit and retain talented and qualified school administrators and principals.

Also, Madam Chairman, I include for the RECORD a letter from the National Association of Secondary School Principals in support of this legislation.

Hon. BART STUPAK,
*Rayburn House Office Building,*
*Washington, DC.*

FEBRUARY 6, 2008.

DEAR CONGRESSMAN STUPAK: On behalf of the 31,000 members of the National Association of Secondary School Principals (NASSP), I would like to express our support for an amendment you will be offering to the College Opportunity and Affordability Act (H.R. 4137). The amendment would extend eligibility of the William D. Ford Direct Loan Program and the Federal Family Education Loans to principals and other school administrators who serve for 5 consecutive years in a low-income school or school district.

The No Child Left Behind Act (NCLB) expanded the federal role in education and brought to light the impact educators have on improving student achievement. A study by the Southeast Center for Teaching Quality on the working conditions of teachers found that high-quality leadership was the single greatest predictor of whether or not high schools made adequate yearly progress as defined by NCLB—more then either school size or teacher retention. But the demands on principals and their need for advanced training particularly in instructional leadership—are growing and have made the job much more challenging.

It is becoming increasingly difficult to attract prospective candidates to the principalship, but just as troubling, it is harder to keep effective and experienced administrators on the job. The U.S. Bureau of Labor Statistics projected a 13 percent increase in job openings for principals between 2000 and 2010, stemming in part from a large proportion of principals who planned to retire during the same time period. Additionally, Advocates for Children & Youth released a study in December 2007 that found "an alarming proportion of Maryland's poorest and lowest-performing schools have the least experienced principals and struggle with high turnover in leadership."

Congress must be creative in providing new incentives to attract effective principals and school administrators to enter and then remain in the profession, and your amendment is an opportunity to do just that. While new programs are being developed to attract teachers to low-income schools, principals are not given the same access to these loan forgiveness programs. In fact, under current law, if a teacher is eligible for loan forgiveness but is promoted to an assistant principal or principal position in the same school, the newly promoted teacher loses his or her eligibility.

NASSP strongly feels that your amendment will help to attract and retain highly effective principals in the schools where they are most needed. We look forward to working with you to ensure that this important provision is enacted into law.

Sincerely,

GERALD N. TIROZZI,
*Executive Director, National Association of Secondary School Principals.*

I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, we want the best and the brightest to go into the inner city, low-income areas to give these young people as much hope and opportunity as we can. Right now, we already provide student loan relief for math and science teachers who are willing to go into these low income areas to help turn around a school.

When I look at Mr. STUPAK's amendment, it reminds me of the movie "Lean on Me," where it has a principal who goes into a low-income area and, against all odds, completely turns around the school.

We want the best and the brightest of our assistant principals, principals, and school superintendents to go into these areas and say, Hey, look at all these young people who are taking AP calculus and AP English, and we are excited, and we turned things around.

The more we can do to get the best and the brightest into these inner city areas, then the better these young people's lives will be. So I am happy for those reasons to support this amendment, and I urge my colleagues on both sides of the aisle to do the same.

Madam Chairman, I yield back the balance of my time.

Mr. STUPAK. Madam Chairman, I yield such time as he may consume to Mr. MILLER, the chairman of the full committee.

Mr. GEORGE MILLER of California. Madam Chairman, I want to thank the gentleman for offering this amendment and join Mr. KELLER in support of this amendment. I think this is an important amendment. As the gentleman pointed out, not only are these difficult positions, but they are becoming more and more difficult to fill with the wave of retirements and all the other impacts on schools. I want to thank him for bringing this to our attention and getting it included in the bill. I join in its support.

Mr. STUPAK. Madam Chairman, I would just like to thank the committee chairman, Mr. MILLER, and Mr. KELLER for their help and support of this amendment, and the staffs and my staff for making this a possibility.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

### AMENDMENT NO. 18 OFFERED BY MR. DOGGETT

Mr. DOGGETT. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. DOGGETT:

Page 367, after line 19, insert the following new section:

**SEC. 474. USE OF MOST RECENT TAX INFORMATION IN NEED ANALYSIS.**

Section 480(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(a)(1)), as amended by section 473 of this Act, is further amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, the Secretary shall, by regulation, provide for the use of the second preceding tax year when and to the extent necessary to carry out the simplification of applications used for the estimation and determination of financial aid eligibility through the sharing of data with the Internal Revenue Service with the consent of the taxpayer.".

Page 395, line 17, strike " **REPORT**"; on line 18, strike "(a) SENSE OF CONGRESS.—"; and on page 396, beginning on line 18, strike subsection (b).

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Texas (Mr. DOGGETT) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. DOGGETT. Madam Chairman, I yield myself two minutes.

This is the time of year when millions of families all over the country are working with their high school seniors. The college applications are in, but now it is time to try to figure out how to pay for college and higher education.

The task of completing these complex forms for student financial assistance can be very daunting. The Free Application for Federal Student Aid, or FAFSA, as it is known, is 11 pages long. It includes more than 100 questions and it has three worksheets. The Secretary of Education has called it "longer and more complicated than a Federal tax form." In trying to complete the current application, students would actually probably benefit from having gone to college to do the accounting necessary to be able to set foot in a college classroom.

As David Cay Johnston, a Pulitzer Prize winning author and New York Times reporter comments in his new book, "Free Lunch," each year an estimated 1.5 million students decline to seek federal student financial assistance for which they are eligible because the form is too complicated.

A report produced by the Institute for College Access and Success supports the approach that is taken in this amendment, and it identifies about a third of the questions that it highlights in its report as being questions that could be deleted if we could simply get two bureaucracies to communicate with one another.

That is really all that this amendment is about, trying to make the forms less complicated by getting the Internal Revenue Service and the Department of Education to communicate with each other and eliminate the confusion, to share data that is already available. This amendment would authorize the Secretary of Education to provide for the use of tax data that the IRS has available when the student aid form is due in February.

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Under this proposal, students would not lose their ability to correct any information that the Department of Education gets that might not be accurate.

The access would be improved; the accuracy would be improved. And it works both ways: Just as we want to be sure that no student eligible for aid is denied that aid, or as is currently happening, because of the complex form, we also want to be sure that no student ineligible gets that aid.

That's one of the reasons that the Bush Administration proposed something similar to what I am advancing, because they were concerned that about $350 million every year in assistance is provided and lost as a result of inaccurate information. So it will be a two-way street: get the information that is needed, minimize the confusion and the bureaucracy, and help more students obtain the opportunity to get a college education.

Madam Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, at this time I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. I thank Congressman KELLER for yielding.

Madam Chairman, I rise today in support of the Doggett amendment. I believe this amendment will simplify the application process for students and families seeking financial aid.

I feel that the Free Application for Federal Student Aid, FAFSA, is overly complicated and a real burden on students and parents who need the most financial assistance. I believe we must take the burden off families and put more of it on the IRS and the Department of Education.

Current language in the bill encourages the Secretaries of Education and the Treasury to work together. By adopting this amendment, we are requiring the Federal agencies to work together to use existing IRS data to get positive outcomes.

With the implementation of data matching, we can eliminate the cumbersome and confusing FAFSA questions, increase the accuracy of the data used in calculating aid eligibility, and ensure that Federal financial aid dollars are going to the right people for the right reasons.

The issue was brought to my attention by University of North Carolina President Erskine Bowles. I worked closely with him on this issue and hope to see the changes that we discuss, which are included in this amendment, be included in the final bill.

I thank Mr. Bowles and the UNC system for their commitment to making the FAFSA easier for students and families. Again, if we are going to evaluate this issue, let's do it right. Let's put more of the burden on the government to make the financial aid application process easier for students and families who are applying for assistance.

I appreciate Chairman MILLER and Ranking Member MCKEON for their dedication in improving our education and hope that my colleagues will support the Doggett amendment.

Mr. KELLER of Florida. Madam Chairman, I also rise in support of this amendment, which will encourage the prepopulation of the FAFSA income and asset information with tax data provided directly from the IRS to the Department of Education, if done by taxpayer consent.

In a nutshell, this amendment will greatly simplify the financial aid process and help to eliminate erroneous payments under the Pell Grant program. By taking these commonsense steps, it is estimated that the Federal Government would save billions of dollars over the next 5 years, which could go toward providing additional Pell Grant aid to our most disadvantaged students.

For all of these reasons, I urge its adoption and yield back the balance of my time.

Mr. DOGGETT. Thank you very much, and I thank Mr. KELLER and Mr. HAYES for their important comments and yield 1 minute to Chairman MILLER for his observations.

Mr. GEORGE MILLER of California. I thank the gentleman from Texas (Mr. DOGGETT). Thank you so much for offering this amendment.

Madam Chairman, this is a critical amendment if we are, in fact, going to simplify the process of applying for student loans, if we are going to make it understandable to parents and to students who make these applications, and we are going to cut down the time that is required by them to do this.

This linking of the data between the IRS and the Department of Education, we have been given excuse after excuse after excuse why this couldn't be done. The Doggett-Hayes amendment allows this to happen, requires that it happen. It's very important that we support this amendment and that it be part of the final bill when it comes out of the conference committee.

I want to thank the gentlemen, Mr. DOGGETT from Texas and Mr. HAYES, for offering this important amendment, a very, very important amendment if we are going to change the way we do business and do it on behalf of families and students to make their life easier and to save the Federal taxpayers a lot of money.

Mr. DOGGETT. I thank the gentleman for his comments and for the support and encouragement that he and his staff have provided us on this amendment. I also want to thank the Greater Austin Chamber of Commerce for bringing this to my attention.

Austin is an area that has a very dynamic economy, and so much of our success results from the fact that our business leaders are enlightened and recognize that one of the best investments we can make is in our people. We have been concerned with a workforce shortage, with needing more highly skilled, highly educated people, and this is a measure that the Chamber identified as part of its "20,010 by 2010" initiative of trying to get college graduates from our area that can staff our many high-tech and other companies.

I salute Sandy Hentges and Drew Scheberle and the many other members of the Chamber staff and leadership for their work that led to this amendment.

Let me just say in conclusion, thanks for the bipartisan support for this measure. I hope only that with our measure, for which we have considered a variety of different versions during recent months while working with the committee, I just hope that both of the bureaucracies involved here will really heed this amendment and will move expeditiously because it will ensure more young people have an opportunity to obtain a college education and have the support they need, and it will also reduce the cost from those who are receiving assistance improperly.

Madam Chairman, I yield back the balance of my time and urge adoption of the amendment.

The Acting CHAIRMAN. The question is the amendment offered by the gentleman from Texas (Mr. DOGGETT).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. BAIRD

The Acting CHAIRMAN. It is now in order to consider amendment No. 19 printed in House Report 110-523.

Mr. BAIRD. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. BAIRD:

At the end of title VIII of the bill, add the following new section:

**SEC. 814. STUDY OF AID TO LESS-THAN-HALF-TIME STUDENTS.**

(a) STUDY REQUIRED.—The Secretary shall conduct a study on making and expanding the student aid available under title IV of the Higher Education Act of 1965 to less-than-half-time students. The Secretary shall submit a report on the results of such study, including the Secretary's recommendations, to the authorizing committees not later than one year after the date of enactment of this Act.

(b) SUBJECTS FOR STUDY.—The study required by this section shall, at a minimum, examine the following:

(1) The existing sources of Federal aid for less-than-half-time students seeking a college degree or certificate.

(2) The demand for Federal aid for less-than-half-time students and whether the demand is satisfied by existing sources of Federal aid, taking into consideration not only the number of less-than-half-time students currently seeking a college degree or certificate, but also any increase in the number of less-than-half-time students that may result from an expansion of Federal aid for less-than-half-time students seeking a college degree or certificate.

(3) The potential costs to the Federal Government and the potential benefits that could be received by students resulting from expanding Federal aid for less-than-half-time students seeking a college degree or certificate.

(4) The barriers to expanding Federal aid for less-than-half-time students, including identifying—

(A) statutory and regulatory barriers, such as student eligibility, institutional eligibility, need analysis, program integrity, and award amounts; and

(B) other factors that may limit participation in an expanded Federal aid program for less-than-half-time students.

(c) RECOMMENDATIONS TO BE PROVIDED.—The Secretary's recommendations under this section shall include recommendations for designing a demonstration student loan program tailored to less-than-half-time students. The recommendations shall include any required statutory or regulatory modifications, as well as proposed accountability mechanisms to protect students, institutions, and the Federal investment in higher education.

(d) DEFINITIONS.—As used in this section:

(1) the term "Secretary" means the Secretary of Education;

(2) the term "authorizing committees" has the meaning provided in section 103 of the Higher Education Act of 1965, as amended by this Act;

(3) the term "less-than-half-time student" means a student who is carrying less than one-half the normal full-time work load for the course of study that the student is pursuing, as determined by the institution such student is attending.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Washington (Mr. BAIRD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. BAIRD. Madam Chairman, I want to address a fundamental problem in our current education and support system and it is this, people who are not able because they lack the money to go to school on their own expense are not eligible for student loans if they can't go more than half time.

Ironically, this means that some of the people who are most in need of student loans, and very often most deserving of student loans, are ineligible for such loans. The one law we haven't been able to repeal in Congress is the law of unintended consequences, and this is an unintended consequence.

We should not say to hardworking men and women who would like to go back to school to improve their education, improve their standard of living, no, you can't get any Federal help unless you have the time to go more than half time. It just doesn't work. I have spoken to young, hardworking students who say, look, I am doing everything right. I am trying to raise my family. I am working for a living. I am paying my bills. I would like to take courses, but I can't afford to do so without a loan, and yet I am ineligible for the loan.

What our amendment does is simply ask the Department to conduct a study of the pros and cons of providing less than half-time students, making them eligible for student loans and of possibly establishing a pilot program to see how this can best be done. This amendment has broad support. The American Association of University Women, the National Education Association, the Hispanic Association of Colleges and Universities, the American Association of Community Colleges and others.

I would like to thank, particularly, the Chair and ranking member of this committee and the subcommittee Chair, ranking member and their staffs for their diligent work on this. It is a commonsense amendment that will help literally millions of Americans be eligible for student loans to further their education.

Madam Chairman, I would urge passage of this amendment and reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, we have no objections to this amendment, will be voting "yes." I urge my colleagues to do the same, and I yield back the balance of my time.

Mr. BAIRD. Madam Chairman, I yield to the distinguished chairman, Mr. MILLER, for 30 seconds.

Mr. GEORGE MILLER of California. I want to thank the gentleman for offering this amendment.

Madam Chairman, I think that this is a very important amendment. It starts to make the attempt to conform our policies with the make-up of the college population and the reasons that people go back to college, which are much more diverse today than they were 10, 15 years ago; and I want to thank him and urge my colleagues to support this amendment.

Mr. BAIRD. Madam Chairman, I urge passage and yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BAIRD).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. CROWLEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in House Report 110–523.

Mr. CROWLEY. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. CROWLEY:

Page 346, after line 20, insert the following new section (and redesignate the succeeding sections accordingly):

**SEC. 427. LOAN FORGIVENESS FOR VOLUNTEER MENTORING.**

Part B of title IV is further amended by inserting after section 428L (as added by the preceding section) the following new section:

**"SEC. 428M. LOAN FORGIVENESS FOR VOLUNTEER MENTORING.**

"(a) PROGRAM AUTHORIZED.—

"(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c) who—

"(A) commits to volunteering as a mentor for a period of at least one school year as described in subsection (b);

"(B) attends a recognized community college; and

"(C) is not in default on a loan for which the borrower seeks forgiveness.

"(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

"(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part (other than an excepted PLUS loan (as such term is defined in section 493C(a))); and

"(B) to cancel a qualified loan amount for a loan made under part D of this title (other than such an excepted PLUS loan).

"(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(b) VOLUNTEER MENTORING.—For purposes of this section, an individual shall be treated as participating in a volunteer mentoring program if they commit to mentoring an at-risk child for a period of not less than one school year.

"(c) QUALIFIED LOAN AMOUNT.—At the end of each school, academic, or calendar year of volunteering as a mentor on or after the date of enactment of the College Opportunity and Affordability Act of 2007 as described in subsection (b), not to exceed 5 years, the Secretary shall forgive $10 of the student loan obligation of a borrower that is outstanding after the completion of each such school, academic, or calendar year of employment, for every hour of mentoring committed, not to exceed $10,000 in the aggregate for any borrower.

"(d) PRIORITY.— The Secretary shall grant loan forgiveness under this section on a first-come, first-served basis, and subject to the availability of appropriations.".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. CROWLEY. Madam Chairman, I rise today to offer an amendment that will reward community college students who are serving an important role in all of our communities.

Specifically, it will provide community college students who mentor at-risk children with $10 of their student loan forgiveness for every hour, for each hour of mentoring they complete. Not only will this loan forgiveness help our college students afford their student loans, but it will also help recruit mentors for at-risk children.

I am proud that this Congress is so committed to creating loan forgiveness programs for students who work in areas of national need after graduation. Teachers, nurses, police officers, and child welfare workers are just some professions that will have more opportunities for loan forgiveness under the legislation we are considering today.

I applaud the Education and Labor Committee, particularly Chairman

MILLER and Ranking Member MCKEON, for their work on this legislation.

However, unlike many of the existing programs, my amendment offers loan forgiveness to students for volunteer work they complete while they are still in school, not for entering a specific profession upon graduation. For most, mentoring children is a volunteer effort and not a full-time job, and their reward is not monetary. With the realization that this kind of work makes a real difference, not only in the life of the young person they are mentoring or in their own lives, but, in fact, it helps our entire community.

Caring adults can make a difference in children's lives, and research shows the many positive effects of mentoring. Children that have mentors have better relationships with adults, fewer disciplinary referrals, and more confidence to achieve their goals. Mentoring programs are a cost-effective approach to reducing teen pregnancy, substance abuse, incarceration, and violence.

For at-risk children who are already susceptible to these dangers, the need for a mentor is even greater. Unfortunately, mentors are not always easy to recruit, and finding mentors that are able to develop long-term relationships with children can be even more difficult.

I believe that by providing a small incentive, we will compel others to engage in this kind of volunteerism. That is why I am offering this amendment to provide an incentive for college students to begin mentoring now, which will hopefully lead them to continue serving as a mentor long after they have graduated.

Community college students are ideal targets for mentoring recruitment because they tend to have existing relationships within the surrounding community and are likely to remain in the area after completing their studies. This encourages a consistent mentor relationship, which provides the most stability for at-risk children.

Of course, potential mentors can be found in many places, and I hope that in the future we will be able to expand this program to all colleges and universities. I know that many institutions are working on ways to encourage their student body to get more involved in volunteering, and I am certain that passing this amendment today will lead to future success.

I would ask my colleagues to please join me in supporting this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, this is a very creative outside-the-box way to provide an incentive to recruit mentors for at-risk kids, and I commend the author of this amendment, Congressman CROWLEY, for coming up with this idea; and I will be voting for it.

I had a mentor myself when I was a young child in Big Brothers Big Sisters program. When I got a little older and became an adult, I became a mentor to high school students through the largest mentoring program in Orlando, Florida, called Compact, which provides mentors to children who are at risk of dropping out of school.

I then became chairman of the board of that organization; chairman of the Mentoring Caucus, once I got to Congress; and a coauthor of the Mentoring for Success Act with Congressman Tom Osborne, which is now part of No Child Left Behind.

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I tell you this by way of background, because I know that the hardest thing in mentoring organizations is recruiting mentors. I gave in 1 year 50 speeches to Rotary clubs and Kiwanis clubs to recruit 700 mentors, and it was very difficult because sometimes you only get folks to mentor for 1 year. But I saw that once you invested the time towards recruitment, it made a difference. That program, Compact, has a 95 percent success rate in keeping kids in school. As Congressman CROWLEY alluded to, that helps all of us in terms of lower incarceration rates. Right now, 75 percent of the inmates in our jails and prisons nationwide are high school dropouts. State prisons cost taxpayers $20,000 a year; Federal prisons, $25,000 a year.

If we can say to community college students, Hey, we want you to do the right thing by providing an hour a week as a mentor, or more, and by the way, if you do, we will help you financially for $10 an hour for every hour you mentor for a year, that creates a pretty good pool of folks that we can look to to do the right thing and have a financial incentive.

I congratulate you for this innovative approach. I never thought of it, but am impressed with it, and will be voting for it. I urge my colleagues on both sides of the aisle to vote for it as well.

I yield back the balance of my time.

Mr. CROWLEY. I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman from New York (Mr. CROWLEY) for offering this amendment. As has been pointed out, mentoring can be a very powerful force in students' lives as they struggle. To have mentoring by older students or older members of the community who have a grasp of the subject matter can really turn around their abilities to read and do math and comprehend so many other subjects and lead to improved performance in school or in other activities in the community.

I thank the gentleman for offering this and urge support of the amendment.

Mr. CROWLEY. Mr. Chairman, let me thank the chairman, Mr. MILLER, for his comments. And thank you, Mr. KELLER, for adding your own life experience and adding that to the debate today, and for your support for this amendment.

We have heard the expression "this is a win-win." Well, this is a win-win-win. This is a win for the at-risk youth. This is a win for the student who will serve as a mentor and be able to repay his or her college loan at $10 an hour for each hour that they commit to this program, and this is a win for all of our communities as well, mentoring at-risk youth, enabling them to have a better quality of life through this program. And I thank both of you, and all of my colleagues, for supporting this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. POMEROY). The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. COOPER

The Acting CHAIRMAN. It is now in order to consider amendment No. 22 printed in House Report 110–523.

Mr. COOPER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. COOPER: Page 244, line 7, strike "$300,000,000" and insert "$500,000,000"; and on line 11, strike "$100,000,000" and insert "$125,000,000".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Tennessee (Mr. COOPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COOPER. Mr. Chairman, this is a very simple but important amendment. It will help Historically Black Colleges and Universities, as well as Historically Black Graduate Institutions. What it would do is raise the authorization level for HBCUs, Historically Black Colleges and Universities, from the current $300 million up to $500 million, which is a $200 million increase, and a vitally necessary $200 million increase. It has been some 10 years since the Higher Ed. Act has been reauthorized. It is very important that we take into account inflation and other needs and offer to HBCUs the help that they so desperately need.

The amendment would also increase for HBGIs, Historically Black Graduate Institutions, the authorization from the current $100 million and would take it up to $125 million.

As the chairman knows, being a Blue Dog Democrat, I am firmly committed to finding spending cuts to pay for these eventual appropriations, but the key is to lift the cap to allow these vitally important national institutions to grow and prosper and continue the wonderful job they are currently doing.

Although these institutions today are only 3 percent of the total college and graduate population in this country, they graduate 25 percent of our minority lawyers and doctors and teachers and other workers, so these are vitally important institutions.

I want to thank the chairman of the full committee, Mr. MILLER, for allowing this amendment. And also, in particular, our majority whip, Mr. CLYBURN, for the key role he has played in making sure that Historically Black Colleges and Universities get the attention they deserve.

Mr. Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of the Cooper amendment.

I am a great believer in what our historically black colleges have done and continue to do. Delaware State University in my State is clearly a good example of that. I think this authorization level increase makes a lot of sense.

This is not something new. This has been going on for over 100 years in our country. We have been basically educating African Americans, sometimes in a segregated way, but now I think in every instance in a way where we have complete desegregation, too. The historical black colleges have played a prominent role in the education of many African American students in our country and have provided an environment of intellectual and cultural growth.

While comprising 2.4 percent of all 2- and 4-year title IV eligible institutions, the Historically Black Colleges and Universities are responsible for 23 percent of the bachelor's degrees awarded to African Americans, 13.6 percent of all master's degrees awarded to African Americans, and 24.1 percent of first professional degrees awarded to African Americans. These statistics are very important, and I think make a great deal of sense in terms of our continuing support in the Congress of the United States of America.

I think the amendment is a good amendment, and I believe that it is one that we should all support here as part of this act which is going to help higher education in our country.

Mr. COOPER. Mr. Chairman, I am proud to support this amendment on behalf of the HBCUs that I represent in my district, Meharry Medical College, Fisk University, and Tennessee State University, and also on behalf of the 103 other great HBCUs across this country.

And I now yield such time as he may consume to the gentleman from Tennessee (Mr. COHEN) who represents LeMoyne-Owen College in his district.

Mr. COHEN. Thank you, Congressman COOPER.

Earlier this year, on the budget, Congressman COOPER and I cosponsored an amendment to include this in the budget. Unfortunately, it didn't make it through the Senate, and I am proud to be here to support this amendment with Congressman COOPER.

In my district, LeMoyne-Owen College has struggled financially. It is an institution of long and historic import to our community. It survived this year. It has difficulties with its financial base, but it has done much for our city in educating young people and continues to do so.

This provision would give LeMoyne and Fisk, which has had some financial difficulties, and other schools like Bennett and Wiley, additional help so they can continue to serve a mission that is unique in this country.

Anybody who saw the movie "The Great Debaters" should be able to understand what Historically Black Colleges and Universities mean to many people in this country. There are alumni of Fisk University, LeMoyne-Owen, Wiley, and. other Historically Black Colleges and Universities which see their institutions being threatened with elimination. That is a serious thing. We consider our colleges part of ourselves and almost part of our family, that is part of your home, your mother, in essence. To have it disappear is wrong.

LeMoyne-Owen is a good institution, as is Fisk, as is Wiley, and this amendment would help them stay capable of surviving and servicing people who want an education in this atmosphere, and I wholeheartedly support this amendment and thank Congressman COOPER for bringing it.

Mr. KELLER of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. COOPER. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. COOPER).

The amendment was agreed to.

### AMENDMENT NO. 23 OFFERED BY MR. RYAN OF OHIO

The Acting CHAIRMAN. It is now in order to consider amendment No. 23 printed in House Report 110-523.

Mr. RYAN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. RYAN of Ohio:

At the end of title VIII of the bill, add the following new section:

**SEC. 814. ESTABLISHMENT OF PILOT PROGRAM FOR COURSE MATERIAL RENTAL.**

(a) PILOT GRANT PROGRAM.—From the amounts appropriated pursuant to subsection (e), the Secretary shall make grants on a competitive basis to not more than 10 institutions of higher education to support pilot programs that expand the services of bookstores to provide the option for students to rent course materials in order to achieve savings for students.

(b) APPLICATION.—An institution of higher education that desires to obtain a grant under this section shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information, agreements, and assurances as the Secretary may reasonably require.

(c) USE OF FUNDS.—The funds made available by a grant under this section may be used for—

(1) purchase of course materials that the entity will make available by rent to students;

(2) any equipment or software necessary for the conduct of a rental program;

(3) hiring staff needed for the conduct of a rental program, with priority given to hiring enrolled undergraduate students; and

(4) building or acquiring extra storage space dedicated to course materials for rent.

(d) EVALUATION AND REPORT.—

(1) EVALUATIONS BY RECIPIENTS.—After a period of time to be determined by the Secretary, each institution of higher education that receives a grant under this section shall submit a report to the Secretary on the effectiveness of their rental programs in reducing textbook costs for students.

(2) REPORT TO CONGRESS.—Not later than September 30, 2010, the Secretary shall submit a report to Congress on the effectiveness of the textbook rental pilot programs under this section, and identify the best practices developed in such pilot programs. Such report shall contain an estimate by the Secretary of the savings achieved by students who participate in such pilot programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2009 and 2010.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Ohio (Mr. RYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I rise in support of this amendment and first want to thank Mr. MILLER for what he has been able to do with this piece of legislation, and also thank the gentleman from New York. And congratulations on the New York Giants' victory in the Super Bowl.

This is an issue that is near and dear to many people's hearts in this Congress, the cost of college education.

When you think about what a lot of these kids have to go through, application fees, lab fees, parking passes, meal tickets, rec center fees. You get a bill from the bursar's office, and you don't even know what it is for, but it is for $150.

And one of the key factors in the increase in the cost of a college education is textbooks. You buy a textbook for $100, you use it for the semester, and you bring it back and they say, We will give you a dollar for it. So you end up keeping it.

This amendment creates a pilot program across the United States authorizing $50 million over 2 years to allow pilot programs for book rentals. There have been programs across the country, several here or there, that have showed savings for students up to a third of the cost of the textbooks. This pilot program gives the Secretary of Education great discretion to start up to 10 pilot programs where they can begin to share books, rent books, put them back into circulation and save students some money.

This is an opportunity for us to figure out what pilot programs work, what is best for a big school, and what is best for a smaller school, but give us an opportunity to figure out how we can save these students money.

We talk about being competitive in a global economy, we talk about investing in education, but if we continue to have these kinds of barriers for our students, we are not going to get the entries that we need, and we are not going to get the production of diplomas that we need in this country to continue the kind of economic growth we need.

I think this is a good amendment that gives a lot of discretion to the Secretary of Education to make sure that we try to figure this out and do it the right way.

I would appreciate support for this amendment. I know that the chairman supports it. I think it is a good thing to add onto this bill. I think it is good for the country, and it gets us into an innovative mindset as we try to address the cost of college education.

Mr. Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I rise in support of the Ryan-Altmire amendment in the broader sense of what we are dealing with here today, and that is the cost of higher education.

□ 1615

I think we have an obligation as elected officials in this country to do everything in our power to allow young individuals, perhaps in some cases middle-aged individuals, to proceed with a college education. It is necessary for the future of our country, for the future of our economy, and we have to look at all different measures of this. And we're dealing with a lot of broader measures here today. But I've often heard this issue of textbooks is a significant cost driver, and I think it is. I see, by some statistics that have been provided to us, the textbook prices have increased at four times the rate of inflation since 1994; and students spend an average of $900 a year on textbooks, an amount equal to 20 percent of tuition at an average university, half the tuition at a community college. If those numbers are anywhere near correct, and they're projected numbers, but if they're anywhere near correct, that is a huge problem which we have to address in this country. And the colleges have sort of wrestled with it a little bit, but I think they need some guidance. And I believe that the proposal which is in this amendment provides some good guidance to actually try to put together a program so that textbooks can be exchanged and the costs can be kept down greatly.

Under the bill, the publishers would be asked to provide more information to the faculty about pricing; and that's good, because I think the bill did some good things in this area. And colleges and universities would be required to notify their students about which books are needed for which classes so the students are better able to plan and prepare for textbook costs.

But this amendment, which goes further than that, provides us with an opportunity to take more concrete steps to address the high cost of college textbooks by creating the limited pilot competitive grant program to establish a college textbook rental program. If this, as a pilot program, can work, it could lead to measures much further down the line which could provide very substantial cost savings to individuals who are attending college. And for that reason, hopefully we can all be supportive of it.

Mr. RYAN of Ohio. Mr. Chairman, can I inquire how much time I have.

The Acting CHAIRMAN. The gentleman from Ohio has 2½ minutes remaining.

Mr. RYAN of Ohio. Mr. Chairman, I would like to yield 1½ minutes to my partner from Pennsylvania (Mr. ALTMIRE) whose fingerprints are all over this amendment.

Mr. ALTMIRE. Mr. Chairman, over the past 20 years, the average price of textbooks has nearly tripled. College students now spend $1,000 a year on textbooks, and for some majors it can be up to $2,000. This dramatic rise in textbook prices is a significant contributor to the increase in overall cost of college education. To remedy this, I'm offering this amendment today with Congressman RYAN. Our amendment creates a pilot program to award 10 competitive grants to establish rental textbook programs.

Rental programs could reduce textbook expenses by up to 75 percent. A recent report by the Advisory Committee on Student Financial Assistance highlighted textbook rental programs as a way to significantly reduce textbook expenses. The same report noted that the primary obstacle to these programs is the start-up costs associated with implementing them.

The Ryan-Altmire amendment will enable institutions to create textbook rental programs and, as a result, save students money. I encourage all of my colleagues to support it. And I thank the gentleman from Niles, Ohio, for allowing me to attach my name to his amendment.

Mr. KELLER of Florida. Mr. Chairman, I yield myself as much time as I may consume.

I also will be supporting the Ryan-Altmire amendment. I am not so far removed from college and law school that I don't remember the days when you would go to buy your textbook at the bookstore. Often you'd be required to buy a particular textbook written by that professor and get sticker shock that this particular book is $120.

When you talk to the publisher, sometimes they say, well, it's not our fault. We sold it to the bookstore at 60 bucks and they marked it up to 120 bucks. And when you talk to the bookstore people they said, no, it's their fault because they told us an abnormally low suggested retail price and made us look bad.

I don't know whose fault it is. All I know is we've got to get some relief to these college and law school and graduate students who are forced to buy particular books. This seems to at least try, and whatever we can do to try to help these kids who are spending $900 to $2,000 a year we owe it to them to do. So I urge my colleagues to vote "yes" on this bill.

Mr. Chairman, I yield back the balance of our time.

Mr. RYAN of Ohio. Mr. Chairman, I'd like to thank the gentleman and appreciate the bipartisan support of this amendment. Funding education, trying to reduce the cost of college is not a partisan issue. This is something that we need to do as Americans if we want to stay competitive.

You can't fund your military without a growing economy. You can't have a growing economy without investments in education.

This particular amendment has taken the advice from the Advisory Committee on Student Financial Assistance that was started a couple of years ago, offered this as a suggestion. We're taking that suggestion; we're working with it.

Colleges in Ohio, my alma mater, Bowling Green, is now, through this program, offering books for 35 percent of what the book should cost. So a $100 book, through this program at Bowling Green is 35 bucks. That's a significant savings for our students.

So I want to thank the bipartisan support, thank Speaker PELOSI, and thank Chairman MILLER for their help with this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. RYAN).

The amendment was agreed to.

### AMENDMENT NO. 24 OFFERED BY MR. VAN HOLLEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 24 printed in House Report 110-523.

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. VAN HOLLEN:

At the end of section of section 271 of the Higher Education Act of 1965, as added by section 201 of the bill, add the following new subsection:

"(f) AUTHORIZATION OF APPROPRIATIONS.—Of the sums authorized to be appropriated by section 240, the amount authorized to be appropriated to carry out this section shall not exceed—

"(1) $20,000,000 for fiscal year 2009;

"(2) $25,000,000 for fiscal year 2010; and

"(3) such sums as may be necessary for each of the 3 succeeding fiscal years".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, I rise today to join my colleague, Mr. CASTLE of Delaware, in offering this amendment in support of Teach for America. And I want to recognize the efforts of Mr. CASTLE for his years of advocacy for this very important cause and thank Chairman MILLER and Ranking Member MCKEON for their stalwart bipartisan support for Teach for America.

For many years, Teach for America has pioneered an innovative and very successful approach to teacher recruitment, placing over 17,000 outstanding college graduates in schools around our Nation, reaching over 2 million students. Many of those graduates remain in education after teaching as corps members, either as teachers or as principals, or remain otherwise active within our educational community.

This is a program that has received strong bipartisan support from this Congress, and the Teach for America Act, which authorizes the partnership between the Federal Government and this important program, was introduced on a bipartisan basis by a number of us, including Mr. CASTLE, Ms. DELAURO, who has been a champion of this issue, Mr. REGULA, Mr. SARBANES, and now has over 105 cosponsors. And I want to thank Chairman MILLER and the committee for incorporating the major provisions of that legislation into the bill that is before us today.

This amendment proposes one change, which is the bill before us authorizes such sums as may be necessary for this program. And what this amendment does is seek to clarify our congressional intent with respect to the specific targets that we want to hit with respect to funding. It sets an authorized level of $20 million for fiscal year 2009 and $25 million for fiscal year 2010. And those are the levels that are consistent with the Teach for America's published budget. And with this funding, Teach for America can expand from 5,000 members in 26 urban and rural areas around the country, to 8,000 members in 33 regions and serve 680,000 economically disadvantaged children.

This is an important, real impact. Teach for America has been forthright about its plans, and it raises about 80 percent of its funds from nongovernment sources. This amendment, of course, does not make this mandatory, but it clearly says that this is the intent of Congress to reach these levels. These are the levels necessary to get the job done and make sure we fund our share of this very important partnership.

Mr. Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Mr. Chairman, I yield 2½ minutes to the coauthor of this amendment, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I rise in strong support of the amendment which I have cosponsored with Mr. VAN HOLLEN. I could not be more strongly in support of this.

I think we need to understand what Teach for America is. Most people may know, but essentially it's a reach-out by a young lady whose name is Wendy Kopp, with a board of directors which is very strong, which was created with the idea of attracting bright young students to education.

We have many, many good educators in America. We need the best teachers we can find in this country. This was an effort to try to attract individuals who are not necessarily involved in education to become involved in that profession. So they reached out to our very best schools. And all of a sudden, if you look at the Ivy League schools and the other very top schools in America, you are going to find there are more young candidates to go into the Teach for America program than there are any other employer at those particular schools now. A lot of young people want to do this, and it's been highly successful.

They get involved in the schools. It was never established, necessarily, to have them be teachers for life. But that has actually worked in favor of teaching as well because some have stayed in teaching. Others have gone into education administration. And as a result, we have been able to bolster our teachers across the United States of America. It brings new young people into teaching; and with the experienced good teachers that we have already in our country, it can make a huge difference.

I think we have a responsibility to inspire young people to teach, if they are qualified to do so, in every way we possibly can. As a matter of fact, they turned down so many people in this program, I think maybe we should be suggesting a second program of some kind to pick up some of those who were turned down, because they're very qualified people, as a matter of fact.

You heard some of the numbers which Mr. VAN HOLLEN brought up before of 5,000 corps members, et cetera. We want to increase that number. That's what this is really all about.

Hopefully, all of us can be supportive of legislation which is going to provide good teachers, great teachers, to make a difference in the lives of our young people and, hopefully, any concern about how they're getting into teaching versus how others get into teaching is something which we can resolve.

This is clearly needed in this country. We need to improve our schools however we can. I think this amendment will do it, and I encourage everyone to support it.

I rise in support of this amendment offered by Congressman VAN HOLLEN. I support H.R. 4137, and believe that with passage today we will be making some good reforms for our institutions of higher learning, parents, and students. This amendment is intended to build upon these reforms, and extend them into our nations elementary and secondary schools.

Specifically, our amendment would authorize funding to support the Teach for America Program to recruit, select, train and support a national corps of outstanding recent college graduates, of all academic majors, who commit to teach in low-income communities and who hopefully become lifelong leaders for education.

Earlier this year, Representative VAN HOLLEN and I introduced legislation which authorizes Teach for America. Currently, funding for the program has been consistent, but piecemeal. The purpose of the bill, and amendment, should the organization be awarded a grant, would be to provide an efficient funding stream. Ultimately this will help the organization grow from its current membership of over 5,000 corps members in over 1,000 schools in 26 regions. The Teach for America legislation has the support of 105 cosponsors, spanning the political spectrum. The Senate has also expressed support for the program, and has included language in their reauthorization of the Higher Education Act. It is my hope that today the House will show their support by including this amendment in H.R. 4137.

What we know to be true is that a highly qualified teacher is imperative to the achievement of our students. This amendment will help us to make that more possible across the country. As we, as a nation, continue to focus on closing the achievement gap, I see no better compliment than a national teacher corps.

I encourage all of my colleagues to join representative VAN HOLLEN and me in supporting this amendment.

Mr. VAN HOLLEN. Mr. Chairman, I'd like to inquire how much time is remaining.

The Acting CHAIRMAN. Both sides have 2½ minutes remaining.

The Acting CHAIRMAN. I yield 30 seconds to the chairman of the committee, Mr. MILLER.

Mr. GEORGE MILLER of California. I just want to thank my colleagues for support of this amendment. I want to thank Mr. VAN HOLLEN. He's been so persistent on this amendment.

Teach for America brings a lot of exciting new people to teaching, to join career teachers to rebuild our schools. And I know there's been some criticism of this program. I would just say, ask a principal who has Teach for America students in their schools. They're delighted. They would like more.

I also want to recognize, I see Mr. REGULA sitting here, who's been a champion of this program year after year after year in the appropriations process.

Mr. VAN HOLLEN, thank you for this amendment.

Mr. VAN HOLLEN. Thank you very much, Mr. Chairman.

I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Chairman, at this time I'd like to yield 2½ minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. I thank the gentleman for yielding, and I congratulate the sponsors.

In the Labor, Health and Human Resources and Education bill, we started funding this program. It was a huge success. We had testimony in our subcommittee from students who had been involved in this, and they were so impressed that they could participate. And I'm sure, out of this program, we've developed not only teachers, but administrators. A classic example is Michelle Rhee, who is the new superintendent of the City of Washington school system. She was a person who was part of the Teach for America. And not only do you get teachers who are, of course, extremely important to education, but you get people who will probably be on school boards, community leaders who will be in positions to further the cause of education. And I don't think there's anything we can do as a Nation more important than beefing up and supporting our education system. It's the future of this country to have educated people, and to do that you need good teachers. And we need to get people from all walks of life involved in teaching.

I think it's a great program. We certainly were impressed with the testimony we heard in the Labor, Health and Human Services Education Subcommittee of the Appropriations Committee about the value of this to the society and to the individuals involved.

☐ 1630

I congratulate the authors for this support, and I think by making this a part of the education program on a fixed basis we are saying, in effect, this is more than temporary; this is of permanent value to the future of this Nation and to the future of education.

Mr. KELLER of Florida. Mr. Chairman, I urge my colleagues to vote "yes" on this amendment and yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Chairman, I also want to recognize Mr. REGULA for his early and steady support.

I yield 1 minute to Congresswoman ROSA DELAURO of Connecticut.

Ms. DELAURO. Mr. Chairman, I rise in support of this amendment. Last year I participated in Teach for America's guest teacher program, leading a class of first graders at Clemente Leadership Academy in New Haven. I saw some of our brightest teachers, active and engaged teachers, raising expectations, building the foundations to create opportunity. That is what Teach for America is all about.

The studies show that these teachers make more progress in reading and math. That's expected. They obtain significantly greater gains in math. They work in the highest need classrooms in the country. Their alumni work in full-time positions in education. They support the program's mission, and what they do is they have closed that achievement gap.

Support this amendment and confront the inequity; pursue educational excellence.

I urge a "yes" vote.

Mr. VAN HOLLEN. May I inquire how much time is remaining.

The Acting CHAIRMAN. The gentleman from Maryland has 1 minute remaining.

Mr. VAN HOLLEN. Mr. Chairman, I want to once again thank the chairman of the committee, Mr. MILLER, and the ranking member, Mr. MCKEON, for their efforts on this.

I yield the remainder of my time to Mr. CHAKA FATTAH of Pennsylvania who has been such a great leader on education issues across the board.

Mr. FATTAH. Mr. Chairman, I want to thank Chairman MILLER and the ranking member, BUCK MCKEON, for a great bill. This amendment by my colleagues to expand and authorize a greater investment in Teach for America, there is no more important an effort, as far as I'm concerned, in terms of recruiting quality teachers. We have hundreds of Teach for America volunteers in the Philadelphia School District now and across the country, and I've watched this program grow from its very inception. It is a great program.

This amendment will make this bill even better. I congratulate the chairman and the ranking member and the work product of the committee.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The amendment was agreed to.

### AMENDMENT NO. 25 OFFERED BY MRS. GILLIBRAND

The Acting CHAIRMAN. It is now in order to consider amendment No. 25 printed in House Report 110–523.

Mrs. GILLIBRAND. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mrs. GILLIBRAND:

Page 406, line 17, strike "and" and after such line insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

(2) in subparagraph (C), by striking clauses (i) and (ii) and inserting the following:

"(i) the law enforcement authority of campus security personnel;

"(ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether or not the institution has a written agreement, such as a memorandum of understanding, with such agencies;

"(iii) the institution's plan, which shall address coordination with State and local law enforcement agencies, for the investigation of—

"(I) any felony described in subparagraph (F) of this paragraph occurring in the areas described in subparagraphs (A) through (D) of paragraph (12) of this subsection; and

"(II) a report of a missing student; and

"(iv) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies;".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentlewoman from New York (Mrs. GILLIBRAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. GILLIBRAND. Mr. Chairman, I rise in support of my amendment, and I yield myself as much time as I may consume.

First, I would like to thank Chairman MILLER and Chairman HINOJOSA and Congressman BISHOP for their leadership on this bill. This reauthorization of the Higher Education Act will strengthen the American Dream by allowing millions of young people to better afford college.

I also would like to thank my colleague Congressman MIKE MCNULTY and Congresswoman CAROLYN MCCARTHY for their thoughtful work on the issue of campus safety.

Thank you, also, to Security on Campus, Inc., the leading advocacy organization for campus security.

Our country's number one priority is to protect our children from harm so that they can grow up and fulfill their God-given potential. A parent's worst fear is to send their child off to college and to have them become a victim of violent crime. Tragically, this happens far too often. The 10-year span from 1997 to 2006 registered, on average, 20 homicides every year occurring on college campuses.

Furthermore, numerous college students, the majority of them young women, have been abducted, leaving their family, friends, and community searching for years in hopes of solving their case.

Mr. Chairman, this issue has significantly affected the community that I represent.

On March 2, 1998, Suzanne Lyall, a 19-year-old sophomore at SUNY-Albany, was kidnapped and never seen again. Nearly 10 years later, her case remains unsolved.

My amendment is intended to prevent more parents from experiencing the pain that Suzanne's parents, Doug and Mary, must face every day. The amendment that I am offering would ensure that all institutions of higher education have a standing policy outlining the roles and responsibilities for campus, local, and State law enforcement agencies if a violent crime happens to occur on campus.

This amendment will minimize confusion and delays during the initial investigation of a violent felony, such as a kidnapping. The first few hours and days after a crime is committed are the most critical for solving a case, and the questions involving police jurisdiction should be settled before a crime occurs, not after. My amendment will help facilitate the prompt and sufficient investigation of serious crimes.

In addition, the amendment's provisions have already been signed into law in California, South Carolina, Tennessee, and my home State of New York.

Over 60 percent of postsecondary schools have fewer than 2,500 students. And thankfully, such horrific crimes are rare at small schools. However, many of the small schools do not have a full police force, and the school security force may not be sufficiently trained to handle such a complex investigation.

This amendment will give peace of mind to students and to parents by giving them the knowledge that the best investigative procedures will be followed to solve such terrible crimes.

Mr. Chairman, at this time, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER. Mr. Chairman, I reserve the balance of my time.

Mrs. GILLIBRAND. Mr. Chairman, I yield myself such time as I may consume.

I would also like to add that bringing attention to the issue of campus safety has been a priority of mine since I entered Congress. Last year, I introduced, and the House passed, House Resolution 303, which called on the President to declare April 6, which is Suzanne Lyall's birthday, National Missing Persons Day. This day will allow all Americans to honor those who remain missing and to remember their families and loved ones who hope and pray every day for their safe return.

April 6 is approaching, and I join with Suzanne's parents in strongly advocating for the creation of this national day of remembrance.

The amendment that I offer today will hopefully prevent future school tragedies from happening. I urge all my colleagues to join me in honoring Suzanne by voting "yes."

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentlewoman yield?

Mrs. GILLIBRAND. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the gentlelady from New York (Mrs. GILLIBRAND) very much for offering this amendment. The question of student safety is something that the committee is hearing more and more about from not only schools but obviously from parents. Parents are asking these questions now as they seek to apply to different institutions, and I think this amendment will be very helpful to us.

I urge the support of the amendment.

Mrs. GILLIBRAND. Mr. Chairman, I yield back the balance of my time.

Mr. KELLER of Florida. Mr. Chairman, we have no objections to the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York.

The amendment was agreed to.

### AMENDMENT NO. 26 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 26 printed in House Report 110–523.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. PATRICK J. MURPHY of Pennsylvania:

In section 490, after subsection (d), insert the following new subsection (and redesignate the succeeding subsection accordingly):

(e) COMMITMENT TO AND NOTICE OF TUITION LEVELS.—

(1) AMENDMENT.—Section 487(a) is further amended by adding at the end the following new paragraph:

"(29)(A) The institution will provide to each admitted student considering an undergraduate or graduate program—

"(i) a multi-year tuition and fee schedule; or

"(ii) a single-year tuition and fee schedule, and nonbinding, multi-year estimate of net costs after all financial aid is awarded, assuming constant family and student income, assets, and relevant circumstances.

"(B) Multi-year schedules and estimates required by subparagraph (A)—

"(i) may include a percentage or dollar increase or decrease of any size the institution deems appropriate from one year to the next; and

"(ii) shall indicate, on a year-by-year basis, costs for the normal duration of the relevant student's undergraduate or graduate program.

"(C) Institutions that elect a single-year tuition and fee schedule under subparagraph (A)(ii) shall include with each multi-year estimate the average deviation, in percentage terms, between previous year estimates and actual net costs for students at their institution.

"(D) The Secretary shall waive the requirements of subparagraph (A), and of the commitment made therender, if the institution demonstrates to the Secretary that the requirements of subparagraph (A) are not practicable because of the occurrence of one or more events causing the institution severe economic distress, dramatic reduction of State or Federal aid, or any other circumstance the Secretary deems valid.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall be effective on July 1, 2009.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, today, with this bill, we will vote to make a real difference and put a college education within reach of more students than ever before. My colleagues, Chairman MILLER, Chairman HINOJOSA, Mr. MCKEON, and Mr. KELLER, put forth legislation that we could all be proud to support. This is just the latest measure in the 110th Congress that has put forth more help for students to reach the American dream.

Mr. Chairman, it's time to be straight with American families about how much a college education is truly going to cost. We have seen the numbers and met the families who sit at their kitchen table and struggle to find a way to send their kids to school.

One thing, though, we don't hear much about, what is just as devastating to families, is the dramatic fluctuation in tuition from year to year. College costs have risen 40 percent over the last 5 years, but in several cases around the country a sharp jump in prices comes between the end of classes and the following fall. How are families supposed to plan when between finals and the first day of school tuition goes up more than $6,000?

Mr. Chairman, this amendment is about planning and predictability. With this measure, students and families will know how much their education is going to cost from the start, and that means fewer surprise tuition hikes and plenty of time to plan financially.

We not only give parents and students the time that they need, but we also give colleges and universities options and incentives for helping kids plan for and to afford college.

Our amendment gives colleges and universities two options on how to better inform students and families. Schools can either provide a fee schedule up front for all 4 years or a single-year fee schedule with detailed information about future costs, including financial aid. Through either of these options we can make planning for college a little easier.

Mr. Chairman, I don't believe it's too much for families to ask the university for a best guess as to what their child's education will cost. After all, families can figure out how much they're going to pay for a house, how much braces will cost for their kids' teeth, or what it costs to buy a car or plan for their retirement. They should be able to plan more appropriately for college.

I thank my colleague from North Carolina, Congresswoman MYRICK, for standing with me on this amendment and being a leader on college affordability, and for my colleague from California, Congressman CARDOZA, for his support.

I'd also like to thank Chairman MILLER for his leadership and his tireless efforts to help families and students realize the American Dream.

Mr. Chairman, I urge my colleagues to stand with us to put a stop to the uncertainty families face and give them this truth in tuition.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member claim time in opposition?

Mr. BISHOP of New York. Mr. Chairman, I rise to claim time in opposition, though I will not express opposition, I will just express a plea for clarity on this measure as we go to conference.

My concern is this, and by the way, I would like to applaud my colleagues for offering this amendment, and I certainly would like to laud their intent, but my concern is that we will be requiring colleges to provide information that, by its very nature, is speculative, and we will then be allowing students to make judgments on that information when it may not be reliable. And having gone through this for a long, long time in a previous life, it is not a good idea to give students misinformation.

So my plea is that as we go to conference on this, I hope that we can work with the authors of the amendment to maintain its intent but clarify the language in such a way that students are not put into the position where they are put in a position where they make judgments based on information that, as I say, is speculative and, therefore, not as reliable as it could be.

As I say, though, I am not in opposition. I just hope that we can clarify this in conference.

Mr. Chairman, I yield back the balance of my time.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield 2 minutes to my friend and colleague from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. I thank my friend for yielding.

Every time a constituent of mine talks about college there is mention about how much it costs, and they tell me about their struggles and the choices they have to make in order to put their kids through college.

□ 1645

Millions of families sit at the kitchen table and try and figure this out every year, how are they going to make ends meet and pay for it. And there have been a lot of high and unpredictable costs over the years, and it's really tough for them, especially if it's tough economic times. It's tough for them to figure it out because they don't know if it will be 3 percent, 30 percent, what it might end up being. So I feel, and my colleague agrees, that parents need to have some certainty and know the cost of the degree.

And when colleges can set multi-year contracts for their vendors and for their basketball coach and even their presidents and other people, it seems like they can at least give some idea of what the education is going to cost for the parents.

The Truth in Tuition amendment helps the families plan by making sure that the schools give every student a clear picture of what their degrees will cost. It's a reasonable amendment, and it gives schools great flexibility. There aren't any price caps, and it doesn't freeze the price of tuition. They can set their tuition rates however they see fit. But it shows the students and their families what the charges are going to be over the course of their studies.

It's not binding on the schools. It provides the students, though, as I say, with an idea. And there is a provision in there that if the school has some kind of an economic hardship, they can get a waiver from the Secretary of Education. This could include a cut in Federal or State funding, or any number of other economic issues that might disrupt the school's budget.

All the public universities in Illinois, central Michigan, the University of Minnesota, George Washington University, and many more have already implemented this policy.

And so I thank my colleague from Pennsylvania (Mr. MURPHY) for all his hard work on this bill. I thank both Chairman MILLER and Ranking Member MCKEON and their staff for all the hard work they put into the underlying bill.

I just urge my colleagues to vote for this amendment because it will help students and families who need relief from the uncertainties of college tuition.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

The amendment was agreed to.

### AMENDMENT NO. 27 OFFERED BY MR. SHULER

The Acting CHAIRMAN. It is now in order to consider amendment No. 27 printed in House Report 110–523.

Mr. SHULER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. SHULER:

After section 111 of the bill, insert the following new section (and redesignate the succeeding sections accordingly):

**SEC. 112. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.**

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

**"SEC. 136. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.**

"(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist not more than 5 States to develop State-level postsecondary student data systems to—

"(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

"(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

"(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State higher education system; or

"(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

"(c) COMPETITIVE GRANTS.—

"(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than 5 eligible entities to enable the eligible entities to—

"(A) design, test, and implement postsecondary student data systems that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

"(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

"(2) DURATION.—A grant awarded under this section shall be for a period of not more than 3 years.

"(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines is necessary, including a description of—

"(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g); and

"(2) how the activities funded by the grant will be supported after the 3-year grant period.

"(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

"(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within States;

"(2) improve the capacity of institutions of higher education to analyze and use student data;

"(3) select and define common data elements, data quality, and other elements that will enable the data system to—

"(A) serve the needs of institutions of higher education for institutional research and improvement;

"(B) provide students and the students' families with useful information for decision-making about postsecondary education;

"(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

"(4) estimate costs and burdens at the institutional level for reporting to the postsecondary student data system; and

"(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

"(f) EVALUATION; REPORTS.—Not later than 6 months after the end of the projects funded by grants awarded under this section, the Secretary shall—

"(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

"(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems to the authorizing committees.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.".

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from North Carolina (Mr. SHULER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. SHULER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we often study how students progress from the beginning of the school year to the end, but what happens after that? How well are high school students prepared for college? How well are college students prepared for the workforce? How long are graduates staying in high-needs fields like nursing? My amendment will help provide long-term data for our State systems' need to answer these questions.

The Shuler amendment will create a grant program to help universities develop studies to measure students' achievement from preschool to college and beyond. This data will also allow State lawmakers to direct resources to programs that are producing top-quality graduates in critical areas. Participation is completely voluntary and complies with all aspects of the Family Educational Rights and Privacy Act.

My amendment has also been supported by the American Association of State Colleges and Universities, the Alliance for Quality Teaching, the National Association of Secondary School Principals, and 10 other major organizations.

I thank Chairman MILLER and Ranking Member MCKEON for their time and their dedication, and I urge my colleagues to support this amendment.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. SHULER. I will yield.

Mr. GEORGE MILLER of California. I want to thank the gentleman from North Carolina for offering this amendment.

This information would be helpful to us. It would also give us the ability to determine whether we're putting our resources and our time and our talents in the right place with respect to properly preparing people for the workforce.

I would urge my colleagues to support the amendment.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized. There are approximately 3 minutes remaining on his time.

Mr. MCKEON. Will the gentleman yield?

Mr. SHULER. I will yield.

Mr. MCKEON. The thing that I like most about this amendment is it is done at the State level. There are some people that would like to have this done at the Federal level. I think the State level is the appropriate place.

And I also like the fact that it's a pilot. It's limited. It gives us a chance to see how it works before making it a national program.

So I commend the gentleman for his amendment and urge support of the amendment.

Mr. SHULER. I thank Ranking Member MCKEON for his dedication and hard work as well.

I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. SHULER).

The amendment was agreed to.

### ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-523 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. PETRI of Wisconsin.

Amendment No. 5 by Mr. PETRI of Wisconsin.

Amendment No. 7 by Mr. DAVIS of Illinois.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 2-minute votes.

### AMENDMENT NO. 4 OFFERED BY MR. PETRI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. PETRI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 153, not voting 21, as follows:

[Roll No. 36]

AYES—260

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler

Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Wolf
Wu
Young (AK)

### NOES—153

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Ehlers
Fallin
Feeney
Flake
Forbes
Fortuño
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kline (MN)
Knollenberg
Kucinich
Lamborn
Latham
LaTourette
Latta
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Yarmuth
Young (FL)

### NOT VOTING—21

Boehner
Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Paul
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Towns
Weiner
Woolsey
Wynn

□ 1718

Messrs. LATOURETTE, CAMP of Michigan, MCCRERY, ALTMIRE, KUCINICH and ADERHOLT changed their vote from "aye" to "no."

Messrs. SHAYS, CARDOZA, ROHRABACHER, CARNEY, SKELTON, BUTTERFIELD, COHEN, Ms. WASSERMAN SCHULTZ and Messrs. WATT and FRELINGHUYSEN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 5 OFFERED BY MR. PETRI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. PETRI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 191, not voting 21, as follows:

[Roll No. 37]

### AYES—222

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Brady (PA)
Brown, Corrine
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Faleomavaega
Fattah
Filner
Frank (MA)
Frelinghuysen
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Pomeroy
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Wexler
Wilson (OH)
Wolf
Wu
Young (AK)

### NOES—191

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot

Coble
Cohen
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Fallin
Feeney
Ferguson
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kucinich
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Loebsack
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Platts
Poe
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Watt
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Yarmuth
Young (FL)

### NOT VOTING—21

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Manzullo
Paul
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Towns
Weiner
Woolsey
Wynn

### ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are advised there is 1 minute remaining in this vote.

☐ 1726

Messrs. ALTMIRE, BILIRAKIS, ARCURI, BOSWELL and LOEBSACK changed their vote from "aye" to "no."

Mr. MURPHY of Connecticut changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 7 OFFERED BY MR. DAVIS OF ILLINOIS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 236, not voting 19, as follows:

[Roll No. 38]

### AYES—179

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrow
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Hulshof
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kucinich
LaHood
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Petri
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wu
Yarmuth
Young (AK)

### NOES—236

Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

### NOT VOTING—19

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Paul
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Weiner
Woolsey
Wynn

☐ 1734

Messrs. SKELTON and SHUSTER changed their vote from "aye" to "no."

Messrs. MOLLOHAN, BRADY of Pennsylvania, and FATTAH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, pursuant to House Resolution 956, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

### LEGISLATIVE PROGRAM

Mr. HOYER. Madam Speaker, I know Members have probably gotten it on their BlackBerries, but I wanted to confirm that the stimulus package is going to be passed in the Senate and will be coming back to us. Mr. BOEHNER and I and the whip and the leadership have agreed that we will take up the stimulus tonight. We will take it up by unanimous consent. There will be 20 minutes of debate on each side.

We will conclude the stimulus package, send it to the President, and we will not be meeting tomorrow.

### MOTION TO RECOMMIT OFFERED BY MR. FERGUSON

Mr. FERGUSON. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FERGUSON. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ferguson moves to recommit the bill H.R. 4137 to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new title:

### TITLE XII—LIMITATIONS ON EXPENDITURES

**SEC. 1201. FUNDING PRIORITIES.**

(a) PELL AND IDEA FIRST.—None of the funds appropriated or otherwise made available pursuant to an authorization of appropriations or other provision of this Act (including an amendment made by this Act) shall be expended to carry out any new program under this Act for any fiscal year, or any FIPSE program for that fiscal year, unless—

(1) the Federal Pell Grant program is fully funded for that fiscal year; and

(2) the Individuals with Disabilities Education Act is fully funded for that fiscal year.

(b) DEFINITIONS.—For purposes of this section:

(1) NEW PROGRAM.—The term "new program under this Act" means a title, part, subpart, section, or other provision of the Higher Education Act of 1965—

(A) for which funds are authorized to be appropriated or otherwise made available by an amendment made by this Act to the Higher Education Act of 1965; and

(B) for which funds were not authorized to be appropriated or otherwise made available prior to the date of enactment of this Act .

(2) FIPSE PROGRAM.—The term "FIPSE program" means any program authorized by section 741 of the Higher Education Act of 1965, as amended by title VII of this Act.

(3) PELL GRANT FULL FUNDING.—The Federal Pell Grant program shall be considered to be fully funded for a fiscal year only if the total amount appropriated or otherwise made available for such fiscal year is sufficient to provide a maximum Federal Pell Grant that equals or exceeds $9,000.

(4) IDEA FULL FUNDING.—The Individuals with Disabilities Education Act shall be considered to be fully funded for a fiscal year only if, with respect to such fiscal year, the total amount appropriated pursuant to the authorization of appropriations under section 611(i) of such Act (20 U.S.C. 1411(i)) or otherwise made available is sufficient to provide the maximum grant to each State as determined under section 611(a)(2)(B) of such Act (20 U.S.C. 1411(a)(2)(B)) for such fiscal year.

Mr. FERGUSON (during the reading). Madam Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FERGUSON. Madam Speaker, I rise today to offer a motion to recommit H.R. 4137, the College Opportunity and Affordability Act, back to the committee. I offer this motion to recommit because this legislation falls short of funding two very critical programs for the education of people in our country. We must ensure that we are fully funding two very important programs, Pell Grants and the Individuals with Disabilities Education Act, IDEA, before moving forward with other programs.

Both the Pell Grant program and IDEA have been underfunded for years. This body has promised to fully fund these programs for all Americans, individuals and States, and, sadly, today this body is going to break that promise once again.

These are commitments that Republicans and Democrats together have made over the years, and together we have fallen short. Today we have an opportunity to change that.

While I am sure the additional programs in today's legislation are worthy programs, we must first guarantee that we are meeting the requirements of current programs before adding more responsibilities to the Department of Education.

Individuals in this country depend on Pell Grants and special education funding. For years, these two programs have been successful and are critical to ensuring that all Americans have access to a quality education. It is crucial that we bring these programs up to their full funding levels before adding new spending programs.

This motion establishes better funding priorities than the underlying bill. Funding special education and Pell Grants for the higher education of individuals in this country should be the number one priority of the education programs for this body.

Currently, IDEA, our special education program, is only being funded at 17 percent of the added cost of educating individuals with disabilities. The Federal Government has been authorized to fund up to 40 percent of the total cost of special education in our States.

The fiscal year 2009 budget request is for $11.28 billion. This represents 17 percent of the added cost of special education. To fund IDEA to the level the Federal Government has promised, this request needs to be, should be, $26.55 billion. This creates a funding shortfall of over $15 billion for IDEA.

Pell Grants are authorized to be $9,000, the maximum award, under this legislation. However, the current level is less than half of that, the discretionary maximum of $4,241. Including mandatory spending in the maximum Pell Grant, it is still only $4,371, which is only 49 percent of the authorized level.

Now, as a nation, Madam Speaker, we pride ourselves on our education system. How can we be proud of a piece of legislation that funds our longstanding key educational programs at only 42.5 percent of the authorized level? It doesn't sound like something to be proud of. How can we be proud of a piece of legislation without this motion to recommit that doesn't set the right funding priorities for our Nation?

Members on both sides of the aisle know that one of the heartfelt items that I have worked on in my years in this body has been fully funding our special education programs. We have worked on it together. We have sometimes had success, and sometimes we haven't had the success that we would have liked. But together, today, we have an opportunity to fully fund IDEA and to fully fund the Pell Grant program, these two programs which are so instrumental in helping give young people in our country the educational opportunities that they so desperately need and deserve.

Let's fully fund the Pell Grant program. Let's fully fund IDEA to keep our commitment to our special needs students. Let's vote "yes" on the motion to recommit.

Madam Speaker, I yield back the balance of my time.

☐ 1745

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, one of the great coalitions we have in the Congress of the United States, supported by every school board, every teacher organization, every educational group in the country was to fully fund IDEA. It was bipartisan; letters went down with 200, 300, 350, 375 Members of Congress saying fully fund IDEA.

We got pounded on our side when we weren't in control of the Congress; that's the way it was. Everybody was for it, right up until the moment that they took control of the Congress of the United States, because in No Child Left Behind, when we asked to fully fund IDEA, the now-minority leader of the Republicans pulled the plug, and that great bipartisan coalition hasn't been heard of since.

I would be embarrassed too. I would try to struggle to come back because you disappointed the American public. You certainly disappointed the families of these children, and you certainly disappointed these children and those who struggle to give them an education every day. So now as they struggle to come back, what are they going to do?

They are going to say unless you fund IDEA, you can't spend any money on higher education under this bill. Folks, that's all money in higher education under this bill, which is under this bill. So you won't be able to provide loan forgiveness for firefighters and policemen and public defenders and prosecutors and nurses. You won't be able to help veterans reenter the higher education system when they come back with so many of the injuries that they are coming back from.

We won't be able to give them the assistance that's in this legislation. For those veterans who lost a family member, this bill says they are automatically entitled, the children are automatically entitled to the Pell Grant. Those veterans' families won't get that, a member of their family paid the supreme price in the defense of this country. They won't get that.

You are not going to get what we have been working for for so many years, led by Mr. MCKEON, led by RAHM EMANUEL, to simplify it so families can understand the access to the loan program so they can pay for their kids' education. For the first time in 25 years, we have a simplified system. But you won't get that; families won't get that.

What about safety on college campuses? We had a moment of silence here for those students. We had hearings all over Capitol Hill for those students, but we address campus safety on a bipartisan basis. We slugged it out, we worked it out, we did it. You won't get that. Those campuses won't get that kind of assistance.

What about now for the first time a master's program for the historically black colleges? You won't get that. Because you shirked your duties year after year after year for over a decade, you have now decided these are the people that you are going to punish. This is the tenet of this party on the other side of the aisle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman should address his remarks to the Chair.

Mr. GEORGE MILLER of California. It is tough to do when I realize the substance of this amendment. It should be directed to the author of the amendment and to the party that supports it.

What about Teach for America? Have you talked to the principals in the school districts that have these magnificent young people who have come to this system to give us a couple of the best years of their life? It won't be allowed under this amendment.

Finally, what about the disabled kids that are in college where, for the first time, in the Higher Education Act, we speak to the needs of the disabled community that can thrive and do well in colleges but they need help. You pit them against their brothers and sisters.

Make your choice, ladies and gentlemen. You can vote for the past and a scandalous record and commitment on education, or you can vote for the future. How about some change?

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FERGUSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and suspending the rules agreeing to House Resolution 947.

The vote was taken by electronic device, and there were—ayes 194, noes 216, not voting 19, as follows:

[Roll No. 39]

AYES—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Foxx
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al

Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

### NOT VOTING—19

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lewis (KY)
Lowey
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Turner
Woolsey
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

☐ 1807

Ms. FOXX changed her vote from "aye" to "no."

Mr. CARNEY changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 354, nays 58, not voting 17, as follows:

[Roll No. 40]

### YEAS—354

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

### NAYS—58

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Conaway
Cubin
Culberson
Deal (GA)
Doolittle
Dreier
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Herger
Hoekstra
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McHenry
Miller (FL)
Moran (KS)
Musgrave
Myrick
Paul
Pence
Poe
Price (GA)
Putnam
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Tancredo
Weldon (FL)
Westmoreland

### NOT VOTING—17

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Woolsey
Wynn

☐ 1817

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I request 5 legislative days in which Members may revise and extend their remarks and insert extraneous material into the RECORD on the bill, H.R. 4137.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4137, COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 4137, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. BALDWIN). Without objection, 5-minute voting will continue.

There was no objection.

## CONGRATULATING LEE MYUNG-BAK ON ELECTION TO PRESIDENCY OF THE REPUBLIC OF KOREA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 947, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 947.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 41, as follows:

[Roll No. 41]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—41

Bachmann
Boucher
Coble
Cramer
Davis, Tom
Diaz-Balart, L.
Emanuel
Everett
Farr
Feeney
Fortenberry
Gutierrez
Inslee
Lampson
Lantos
LaTourette
Lewis (CA)
Lowey
Lynch
Mahoney (FL)
Marchant
Marshall
McCarthy (NY)
Murphy (CT)
Neal (MA)
Pitts
Porter
Radanovich
Reynolds
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Saxton
Smith (NJ)
Smith (WA)
Space
Sutton
Tanner
Turner
Woolsey
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1827

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. TURNER. Madam Speaker, on rollcall No. 39 (Republican Motion to Recommit) and 41 (Adoption of H. Res. 947) I was present for the vote however my voting card malfunctioned and did not record my votes. Had my voting card not malfunctioned, I would have voted "aye" on rollcall vote 39 and "aye" on rollcall vote 41.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title.

H.R. 5140. An act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

## ECONOMIC STIMULUS ACT OF 2008

Mr. RANGEL. Madam Speaker, I ask unanimous consent that it shall be in order at any time to take from the Speaker's table the bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits, with a Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment; the Senate amendment and the motion shall be considered as read; the motion shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means;

and the previous question shall be considered as ordered on the motion to its adoption without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

☐ 1830

Mr. RANGEL. Madam Speaker, pursuant to the previous order of the House, I call up H.R. 5140 and the Senate amendment thereto.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

### ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Economic Stimulus Act of 2008".*

*(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT*

*Sec. 101. 2008 recovery rebates for individuals.*
*Sec. 102. Temporary increase in limitations on expensing of certain depreciable business assets.*
*Sec. 103. Special allowance for certain property acquired during 2008.*

*TITLE II—HOUSING GSE AND FHA LOAN LIMITS*

*Sec. 201. Temporary conforming loan limit increase for Fannie Mae and Freddie Mac.*
*Sec. 202. Temporary loan limit increase for FHA.*

*TITLE III—EMERGENCY DESIGNATION*

*Sec. 301. Emergency designation.*

## ***TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT***

### ***SEC. 101. 2008 RECOVERY REBATES FOR INDIVIDUALS.***

*(a) IN GENERAL.—Section 6428 of the Internal Revenue Code of 1986 is amended to read as follows:*

### ***"SEC. 6428. 2008 RECOVERY REBATES FOR INDIVIDUALS.***

*"(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2008 an amount equal to the lesser of—*

*"(1) net income tax liability, or*

*"(2) $600 ($1,200 in the case of a joint return).*

*"(b) SPECIAL RULES.—*

*"(1) IN GENERAL.—In the case of a taxpayer described in paragraph (2)—*

*"(A) the amount determined under subsection (a) shall not be less than $300 ($600 in the case of a joint return), and*

*"(B) the amount determined under subsection (a) (after the application of subparagraph (A)) shall be increased by the product of $300 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.*

*"(2) TAXPAYER DESCRIBED.—A taxpayer is described in this paragraph if the taxpayer—*

*"(A) has qualifying income of at least $3,000, or*

*"(B) has—*

*"(i) net income tax liability which is greater than zero, and*

*"(ii) gross income which is greater than the sum of the basic standard deduction plus the exemption amount (twice the exemption amount in the case of a joint return).*

*"(c) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.*

*"(d) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds $75,000 ($150,000 in the case of a joint return).*

*"(e) DEFINITIONS.—For purposes of this section—*

*"(1) QUALIFYING INCOME.—The term 'qualifying income' means—*

*"(A) earned income,*

*"(B) social security benefits (within the meaning of section 86(d)), and*

*"(C) any compensation or pension received under chapter 11, chapter 13, or chapter 15 of title 38, United States Code.*

*"(2) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—*

*"(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over*

*"(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.*

*"(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—*

*"(A) any nonresident alien individual,*

*"(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and*

*"(C) an estate or trust.*

*"(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that—*

*"(A) subclause (II) of subparagraph (B)(vi) thereof shall be applied by substituting 'January 1, 2009' for 'January 1, 2008', and*

*"(B) such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.*

*"(5) BASIC STANDARD DEDUCTION; EXEMPTION AMOUNT.—The terms 'basic standard deduction' and 'exemption amount' shall have the same respective meanings as when used in section 6012(a).*

*"(f) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—*

*"(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (g). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).*

*"(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.*

*"(g) ADVANCE REFUNDS AND CREDITS.—*

*"(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007 shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.*

*"(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.*

*"(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2008.*

*"(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.*

*"(h) IDENTIFICATION NUMBER REQUIREMENT.—*

*"(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—*

*"(A) such individual's valid identification number,*

*"(B) in the case of a joint return, the valid identification number of such individual's spouse, and*

*"(C) in the case of any qualifying child taken into account under subsection (b)(1)(B), the valid identification number of such qualifying child.*

*"(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.".*

*(b) ADMINISTRATIVE AMENDMENTS.—*

*(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking "and 53(e)" and inserting "53(e), and 6428".*

*(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking "or 32" and inserting "32, or 6428".*

*(c) TREATMENT OF POSSESSIONS.—*

*(1) PAYMENTS TO POSSESSIONS.—*

*(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.*

*(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not have a mirror code tax system in an amount estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payment to the residents of such possession.*

*(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428 of the Internal Revenue Code of 1986 (as amended by this section) to any person—*

*(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or*

*(B) who is eligible for a payment under a plan described in paragraph (1)(B).*

*(3) DEFINITIONS AND SPECIAL RULES.—*

*(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term "possession*

*of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.*

*(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.*

*(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 6428 of the Internal Revenue Code of 1986 (as amended by this section).*

*(d) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (c) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.*

*(e) APPROPRIATIONS TO CARRY OUT REBATES.—*

*(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008:*

*(A) DEPARTMENT OF TREASURY.—*

*(i) For an additional amount for ''Department of the Treasury—Financial Management Service—Salaries and Expenses'', $64,175,000, to remain available until September 30, 2009.*

*(ii) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Taxpayer Services'', $50,720,000, to remain available until September 30, 2009.*

*(iii) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Operations Support'', $151,415,000, to remain available until September 30, 2009.*

*(B) SOCIAL SECURITY ADMINISTRATION.—For an additional amount for ''Social Security Administration—Limitation on Administrative Expenses'', $31,000,000, to remain available until September 30, 2008.*

*(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by paragraph (1)(A). Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by paragraph (1)(A) and the expected expenditure of such funds in the subsequent quarter.*

*(f) CONFORMING AMENDMENTS.—*

*(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or 6428'' after ''section 35''.*

*(2) Paragraph (1) of section 1(i) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).*

*(3) The item relating to section 6428 in the table of sections for subchapter B of chapter 65 of such Code is amended to read as follows:*

*''Sec. 6428. 2008 recovery rebates for individuals.''.*

### *SEC. 102. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.*

*(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:*

*''(7) INCREASE IN LIMITATIONS FOR 2008.—In the case of any taxable year beginning in 2008—*

*''(A) the dollar limitation under paragraph (1) shall be $250,000,*

*''(B) the dollar limitation under paragraph (2) shall be $800,000, and*

*''(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.*

### *SEC. 103. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2008.*

*(a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended—*

*(1) by striking ''September 10, 2001'' each place it appears and inserting ''December 31, 2007'',*

*(2) by striking ''September 11, 2001'' each place it appears and inserting ''January 1, 2008'',*

*(3) by striking ''January 1, 2005'' each place it appears and inserting ''January 1, 2009'', and*

*(4) by striking ''January 1, 2006'' each place it appears and inserting ''January 1, 2010''.*

*(b) 50 PERCENT ALLOWANCE.—Subparagraph (A) of section 168(k)(1) of such Code is amended by striking ''30 percent'' and inserting ''50 percent''.*

*(c) CONFORMING AMENDMENTS.—*

*(1) Subclause (I) of section 168(k)(2)(B)(i) of such Code is amended by striking ''and (iii)'' and inserting ''(iii), and (iv)''.*

*(2) Subclause (IV) of section 168(k)(2)(B)(i) of such Code is amended by striking ''clauses (ii) and (iii)'' and inserting ''clause (iii)''.*

*(3) Clause (i) of section 168(k)(2)(C) of such Code is amended by striking ''and (iii)'' and inserting '', (iii), and (iv)''.*

*(4) Clause (i) of section 168(k)(2)(F) of such Code is amended by striking ''$4,600'' and inserting ''$8,000''.*

*(5)(A) Subsection (k) of section 168 of such Code is amended by striking paragraph (4).*

*(B) Clause (iii) of section 168(k)(2)(D) of such Code is amended by striking the last sentence.*

*(6) Paragraph (4) of section 168(l) of such Code is amended by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D) and inserting before subparagraph (B) (as so redesignated) the following new subparagraph:*

*''(A) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (K).—Such term shall not include any property to which section 168(k) applies.''.*

*(7) Paragraph (5) of section 168(l) of such Code is amended—*

*(A) by striking ''September 10, 2001'' in subparagraph (A) and inserting ''December 31, 2007'', and*

*(B) by striking ''January 1, 2005'' in subparagraph (B) and inserting ''January 1, 2009''.*

*(8) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking ''January 1, 2005'' and inserting ''January 1, 2010''.*

*(9) Paragraph (3) of section 1400N(d) of such Code is amended—*

*(A) by striking ''September 10, 2001'' in subparagraph (A) and inserting ''December 31, 2007'', and*

*(B) by striking ''January 1, 2005'' in subparagraph (B) and inserting ''January 1, 2009''.*

*(10) Paragraph (6) of section 1400N(d) of such Code is amended by adding at the end the following new subparagraph:*

*''(E) EXCEPTION FOR BONUS DEPRECIATION PROPERTY UNDER SECTION 168(k).—The term 'specified Gulf Opportunity Zone extension property' shall not include any property to which section 168(k) applies.''.*

*(11) The heading for subsection (k) of section 168 of such Code is amended—*

*(A) by striking ''SEPTEMBER 10, 2001'' and inserting ''DECEMBER 31, 2007'', and*

*(B) by striking ''JANUARY 1, 2005'' and inserting ''JANUARY 1, 2009''.*

*(12) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking ''PRE-JANUARY 1, 2005'' and inserting ''PRE-JANUARY 1, 2009''.*

*(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.*

## *TITLE II—HOUSING GSE AND FHA LOAN LIMITS*

### *SEC. 201. TEMPORARY CONFORMING LOAN LIMIT INCREASE FOR FANNIE MAE AND FREDDIE MAC.*

*(a) INCREASE OF HIGH COST AREAS LIMITS FOR HOUSING GSEs.—For mortgages originated during the period beginning on July 1, 2007, and ending at the end of December 31, 2008:*

*(1) FANNIE MAE.—With respect to the Federal National Mortgage Association, notwithstanding section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Association shall be the higher of—*

*(A) the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size; or*

*(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size.*

*(2) FREDDIE MAC.—With respect to the Federal Home Loan Mortgage Corporation, notwithstanding section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—*

*(A) the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size; or*

*(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size.*

*(b) DETERMINATION OF LIMITS.—The areas and area median prices used for purposes of the determinations under subsection (a) shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 202 of this title.*

*(c) RULE OF CONSTRUCTION.—A mortgage originated during the period referred to in subsection (a) that is eligible for purchase by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation pursuant to this section shall be eligible for such purchase for the duration of the term of the mortgage, notwithstanding that such purchase occurs after the expiration of such period.*

*(d) EFFECT ON HOUSING GOALS.—Notwithstanding any other provision of law, mortgages purchased in accordance with the increased maximum original principal obligation limitations determined pursuant to this section shall not be considered in determining performance with respect to any of the housing goals established under section 1332, 1333, or 1334 of the*

*Housing and Community Development Act of 1992 (12 U.S.C. 4562–4), and shall not be considered in determining compliance with such goals pursuant to section 1336 of such Act (12 U.S.C. 4566) ·and regulations, orders, or guidelines issued thereunder.*

*(e) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established in this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.*

### *SEC. 202. TEMPORARY LOAN LIMIT INCREASE FOR FHA.*

*(a) INCREASE OF HIGH-COST AREA LIMIT.—For mortgages for which the mortgagee has issued credit approval for the borrower on or before December 31, 2008, subparagraph (A) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to require that a mortgage shall involve a principal· obligation in an amount that does not exceed the lesser of—*

*(1) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined for 2008 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined for 2008 under such section for a 1-family residence; or*

*(2) 175 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitation with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands);*

*except that the dollar amount limitation in effect under this subsection for any size residence for any area shall not be less than the greater of (A) the dollar amount limitation in effect under such section 203(b)(2) for the area on October 21, 1998; or (B) 65 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size. Any reference in this subsection to dollar amount limitations in effect under section 305 (a)(2) of the Federal Home Loan Mortgage Corporation Act means such limitations as in effect without regard to any increase in such limitation pursuant to section 201 of this title.*

*(b) DISCRETIONARY AUTHORITY.—If the Secretary of Housing and Urban Development determines that market conditions warrant such an increase, the Secretary may, for the period that begins upon the date of the enactment of this Act and ends at the end of the date specified in subsection (a), increase the maximum dollar amount limitation determined pursuant to subsection (a) with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to subsection (a) for such size residence, or for such area (if applicable), by not more than $100,000.*

*(c) PUBLICATION OF AREA MEDIAN PRICES AND LOAN LIMITS.—The Secretary of Housing and Urban Development shall publish the median house prices and mortgage principal obligation limits, as revised pursuant to this section, for all areas as soon as practicable, but in no case more than 30 days after the date of the enactment of this Act. With respect to existing areas for which the Secretary has not established area median prices before such date of enactment, the Secretary may rely on existing commercial data in determining area median prices and calculating such revised principal obligation limits.*

## *TITLE III—EMERGENCY DESIGNATION*

### *SEC. 301. EMERGENCY DESIGNATION.*

*For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.*

### MOTION OFFERED BY MR. RANGEL

Mr. RANGEL. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. RANGEL:

Mr. Rangel moves that the House concur in the Senate amendment to H.R. 5140.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. McCRERY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may utilize.

Madam Speaker, I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the tax divisions of H.R. 5140. The technical explanation expresses the committee's understanding and the legislative intent behind this important legislation. This explanation document, JCX–16–08, is currently available on the joint committee's Web site.

Madam Speaker, first and foremost, I want to extend my deep appreciation for Speaker PELOSI, for her leadership and commitment to a bipartisan spirit, and to the minority leader, Mr. BOEHNER, for his hard work and the cooperation as we move toward this truly critical legislation.

In addition, I want to thank my friend, Hank Paulson, for working to broker a compromise between the Congress and an administration that not before had indicated the depth of cooperation that the Secretary of the Treasury invoked.

Finally, I would like to thank the Senate leadership for recognizing the urgency of this relief and finally getting to work to ensure its quick passage today, enabling the House to pass the Senate amendment and delivering it to the President's desk.

I also would like to thank Mr. McCRERY, who made it easy for us to work with our leadership in the House to cooperate with the administration to make certain that our mission to speedily pass the stimulus bill was done and sent over to the Senate.

I also want to point out that they should give us all, in our country, and indeed in this House, an opportunity to see that we are not sending these hundreds of billions of dollars in rebate dollars to the people that need it out of compassion. We are not sending it to them because we think it's right that they should put a roof over their heads or clothing on their backs or provide food on the table. We are doing it because, once again, we want to stimulate the economy, and therefore, it means that we want goods and services to be purchased.

We do this and we support this effort because the economists say it's the right thing to do and we do it because these are the people, middle-class people, lower income people, hardworking people, disabled veterans, we do it because it's the right thing to do. But, Madam Speaker, my colleagues in the House, I hope when this recession is over, and it will be over, that we'll take a good look at the people that we are talking about today, and we should be able to say that there is something wrong with this picture and there is something wrong when we can find millions of people unable to provide the basic goods and services they need and, at the same time, find that those who are most affluent are not even disturbed by the recession that we find ourselves in today.

And so we should be pleased that the Congress is doing the right thing. But we also should also remember that it is not with a lot of dignity and pride that people receive this assistance. They receive it because, as the economists and elitists said, they're going to spend this money because they have to spend this money.

Madam Speaker, I reserve the balance of my time.

Mr. McCRERY. Madam Speaker, I yield myself so much time as I may consume.

I will also begin my remarks by thanking the leadership on both sides of the aisle, Speaker PELOSI, Leader BOEHNER, for their efforts on a bipartisan basis to respond in a very efficient and quick manner to the needs of the country, the needs of our economy, by putting together and supporting a stimulus package that we hope, combined with the efforts of the Fed, will indeed avert a recession in this country and will contribute to a higher level of economic growth this year than we otherwise would have had.

Their efforts surely should be taken note of by every Member in this House, indeed of the Congress, and by people across this country. It demonstrates that when we, in this body, want to work together and accomplish something for the country, we can do it. And we certainly have done it in this piece of legislation.

It is a compromise, no question about it. There are things that we would have liked to have had in this bill that are not in there. There are things that the majority would have liked to have in here that are not in here. But the fact that we were able to come together and get this done and in this very short amount of time is clearly a victory for the American people and I believe a victory for this Congress.

I also want to thank my colleague, the chairman of the Ways and Means Committee, Mr. RANGEL. He has really reached out to the minority throughout his tenure as chairman, and in this instance, his staff worked very closely with the minority staff and with leadership staff to put this product together. So I want to thank him for his continued gentlemanly conduct of the committee and cooperation with the minority when it's possible.

Madam Speaker, this bill before us today does have a few changes from the House bill that passed just a few days ago.

The changes basically allow Social Security benefits and disabled veterans benefits to count as earned income for purposes of satisfying the $3,000 requirement for earned income to get the prebates: $300 per person, $600 per couple, and even the $300 child credit, if applicable.

So I think certainly that is an improvement to the bill in the sense that we will get more money into the hands of people who will more than likely spend that money very quickly and get that money working in the economy.

The Senate also made some changes with respect to making sure that illegal immigrants are not able to take advantage of this prebate, these checks that are being sent out, and certainly that is a positive development.

Madam Speaker, all in all, I think the product before us this evening is an excellent work of the two bodies on a bipartisan basis and, of course, with the support of the Bush administration. And I hope that all Members in this body will tonight enthusiastically support this product and get this to the President for his signature, to the IRS for their administration, and get the checks in the hands of people and allow businesses to begin to get a bonus depreciation for investment. We think that will help speed investment into this year and create jobs. And that is the best way to fight an economic downturn is to create jobs and get money circulating in the economy with paychecks.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield 3 minutes to my good friend from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Madam Speaker, I rise today to express my appreciation to the House Democratic and the Republican leadership and to our colleagues in the Senate for the bipartisan effort that has produced timely, targeted, and temporary legislation to stimulate our Nation's slowing economy. I am also pleased that the legislation we are about to consider ensures that our Nation's senior citizens and disabled veterans are not left out of this worthwhile package.

Because of my concerns that the bill we considered last week did not include the low-income seniors and the disabled, I led the effort in the House to ensure that those who depend entirely on their Social Security checks were included in the final version of this legislation. I am very pleased that the Senate agreed and expanded the economic stimulus package to provide these Americans with much-needed relief. I urge my colleagues in the House to do the same.

Our Nation's seniors and disabled veterans are facing difficult economic times. For years, these men and women have been forced to survive on less and less as their costs continue to increase and their incomes remain the same. These Americans need cash rebates just as much as the individuals originally included in the stimulus package.

I am also pleased to see that the legislation we are about to vote on includes language that would ensure that illegal immigrants do not receive cash benefits that should only go to those who rightfully deserve it. This language mirrors legislation that I introduced in the House today.

Finally, the bill before us today contains an important provision that I helped to craft as the chairman of the Subcommittee of Capital Markets, Insurance and Government-Sponsored Enterprises. This reform will temporarily increase the conforming loan limits of Fannie Mae and Freddie Mac to enhance the liquidity of our mortgage markets. I support this short-term change.

Madam Speaker, once again, I wish to applaud the efforts of both the Members of the House and the Members of the Senate in crafting legislation that will spur our economy, provide rebates to those that need them most, and ensure that those ineligible for Federal benefits do not receive them.

Further, Madam Speaker, I have great pride today that the Congress of the United States could bring this most important legislation in this very short time in a very bipartisan way, and we should all have that pride as we vote on this package today.

Mr. McCRERY. Madam Speaker, at this time I yield 3 minutes to the distinguished ranking member of the Financial Services Committee, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. I thank the ranking member.

First of all, I'd like to commend Chairman RANGEL, Chairman FRANK, the leadership of both the Democratic and Republican leadership, and Ranking Member McCRERY. I think that what we have here is good legislation. I supported it for three reasons when it passed the House.

Most importantly, and I repeat the words of Ranking Member McCRERY, we're getting money back in the hands of American citizens. We're letting them make the decision on how to spend the money and not this Congress. It's a tax cut. It's a tax cut for many low- and middle-income Americans. I particularly like the tax cuts we've given to seniors, to veterans, and the disabled, as the gentleman from Pennsylvania pointed out.

Secondly, the Financial Services Committee tried to address the much publicized and very important problems with our housing market by increasing liquidity in our housing market for mortgages. There are people that are ready to buy houses, there are institutions that are ready to loan, but there is a lack of confidence in some of those mortgages and in that financing. And I believe the new limits we've given the GSEs and FHAs will help that market. We've done it short term. We'll revisit it if it needs to be for a longer period of time.

Third, I believe what is lacking most of all in our economy and our country today is a lack of confidence, a lack of optimism.

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There has been a lot of expression of the importance of hope, the importance of optimism and confidence. And I believe, at least short term, this package will at least say to the American people, we have confidence in you. There is need for optimism. And, hopefully, in some small way, it will promote optimism and confidence.

I will say this as I close: Until and unless we balance the budget, until government begins to spend what it brings in, we're going to have problems. Until we address entitlement reform, we're going to have problems. This government cannot continue to run deficits. If it does, the economy will not, over the long term, recover.

We have a spending problem in this Congress. We need to recognize that. We've recognized in this bill that we spend too much money, that instead the people ought to do it. We ought to continue that.

Madam Speaker, I rise in support of this economic stimulus package.

The version of the stimulus plan we vote on tonight is very similar to the version passed by the House last month. It includes a number of changes—including tax relief for seniors, veterans, and the disabled—that will extend the package's benefits to millions more Americans.

Madam Speaker, I support this package for three reasons.

First, it recognizes the basic economic reality that getting money back in the hands of people who earned it is the best way to help our economy. The tax element of this package has been called a rebate, but in essence, it's a tax cut for millions of low- and middle-income Americans who need it the most.

Second, it will help struggling homeowners. It includes several provisions designed to address the lack of liquidity in certain segments of the mortgage market. It temporarily increases the loan limits that apply to mortgages that can be purchased by the housing GSEs, and increases the size of mortgages which the Federal Housing Administration can insure.

Third, quick enactment of this plan will encourage optimism among Americans concerned about the economy. Madam Speaker, hope has been mentioned very often in this Presidential campaign. Tonight we should send a message to the American people that our economy is strong. There are businesses that are ready to hire, ready to invest, ready to buy new technology. There is a legitimate reason for optimism today, and we should promote that optimism. This package, I believe, will contribute to that optimism and that hope.

Madam Speaker, let me conclude by commending President Bush, Chairman FRANK, Chairman RANGEL, Ranking Member McCRERY, and the Republican and Democratic leadership of this House for coming together so quickly to assemble this stimulus package. I urge all my colleagues to support it.

Mr. RANGEL. Madam Speaker, I would like to recognize the chairman of the Finance Committee who, under the leadership of our Speaker, provided the guidance to all of us in the committee to be ready for this occasion if, in fact, we had to. We do have to, we were ready, and I'm proud to be his colleague, Mr. FRANK, for 3 minutes.

Mr. FRANK of Massachusetts. I begin, appropriate to this bill, on a note of bipartisanship. My counterpart on the Financial Services Committee said we must reduce spending, and I agree. And we will have a chance this year to reduce the most wasteful drain on our economy imaginable, the war in Iraq, $100 billion a year, far more than the excess in any other program. So I hope the American people this year will heed his view and we will put in place a policy that will save us $1 trillion over the next 10 years if the wishes of some to stay in Iraq are maintained.

Secondly, let me reinforce what the chairman said. It was in late November of last year that Speaker PELOSI urged us to begin thinking about the economy and called together a group of economists, labor leaders, and business leaders. And she took the lead and more than anyone else is responsible for the fact that we are confounding the cynics by acting so quickly and responsibly today.

Lastly, on the housing piece. What we have is a private housing market that has gotten itself into a terrible jam. And part of this bill is to use public and quasi-public entities, entities created by the Federal Government, to go to the aid of the private market. The private market has stopped making loans for houses above a certain level because of, as my friend from Alabama said, a lack of confidence. What we do today is to empower the Federal agency, the FHA, to help untangle that with a higher loan limit. And those two creations of the Congress, quasi-public/private Fannie Mae and Freddie Mac, we here today send the public sector to the rescue of a mortgage market at the upper end that can't function on its own.

But let me say this: there has been an argument that we should not have done that without further structural reform in those two entities. I have agreed to those limits and, in fact, pushed for them being raised now because we're in an economic crisis and we need a short-term response.

But I am committed, and I know my friend from Alabama joins me in this, we will not agree to any further extension of those loan limits after the expiration date of December of this year unless we are able to accompany them with structural reform. And let me say, I see my friend nodding, that's our commitment.

So we are committed. And the chairman of the Senate Banking Committee and I and Members are now talking about the FHA bill. We will not, and let me give this commitment, we will not bring out of our committee an increase in the time at which the jumbo loans can be paid for until we have comprehensive reform.

Given that, we have here a reasonable package. We get money out, thanks to the Speaker's insistence on this bipartisan framework, to precisely the people who will spend it, which is what we need now. And we send the FHA and Fannie and Freddie in a responsible way to the aid of the private market because private sector-public sector cooperation is the foundation of our economy.

Mr. McCRERY. Madam Speaker, I yield 2 minutes to the distinguished ranking member of the Tax Subcommittee of the Ways and Means Committee, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Madam Speaker, tonight the House has an opportunity to give American working families and employers the shot in the arm they need to weather this growing economic storm.

The heart of this bipartisan plan focuses on putting more demand into a flagging economy, more money back into the hands of America's hard-working middle-class families. Through tax rebates and a bump in the child tax credit, this agreement will quickly inject a cash infusion into the economy to assist families with skyrocketing food, services, and energy costs.

Importantly, this legislation will go a step further than the original compact and ensure that veterans and seniors receive additional financial support to boost their buying power. All of that is positive. And as we've already heard, the housing provisions to increase limits on loans backed on by the FHA and GSEs will, without a doubt, give relief to families facing financial pressure from the subprime mortgage crisis.

Finally, and importantly, by rewarding businesses for making critical capital investments here onshore, we will expand investment, create new jobs, improve the competitiveness of the American economy, and put an immediate infusion of liquidity into the economy.

Madam Speaker, in my view, this is precisely the right tonic at the right time. This should be a start, not the last word. We should be moving forward with regulatory reform and, above all, let me note to the people on the other side of the aisle, a budget this year without a large tax increase looming in the future.

But short of that, this is my good starting place. And I urge my colleagues to vote for working families, vote for jobs, and vote, above all, for a growing economy.

Mr. RANGEL. Madam Speaker, I am certain that all of us feel the same sense of pride in that Speaker PELOSI has responded to a national need, and not only did it by reaching out to the minority leader, but created an atmosphere in this House of Representatives so that we all could respect our dignity and the differences that we have with the other body.

Our staffs, our committee has worked together in such a way that at the end of the day we knew that we would be able to say that it was the House of Representatives that sent the bill over there.

And so I would like to yield 1 minute to our distinguished Speaker, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for his kind words and his extraordinary leadership, which made it possible for us to come to the floor with this bipartisan historic legislation tonight. Thank you, Mr. RANGEL, for your leadership. And thank you, Mr. McCRERY, for yours. It's quite an evening when we can come together in a bipartisan way for legislation that helps the middle class, helps those aspire to the middle class, gives incentives to businesses to create jobs to stimulate our economy. I thank you for that.

I acknowledge the leadership of Chairman BARNEY FRANK, chairman of the Financial Services Committee, for his leadership, along with Ranking Member BACHUS for his, because those who are concerned about, and that is all of us, the subprime crisis can see some relief in this legislation because of their leadership.

I want to acknowledge another member of the Financial Services Committee, Mr. KANJORSKI, and salute him for his leadership dropping the bill even before we took this up this evening for seniors and disabled veterans to be getting the recovery rebates as well, as well as clarification of language regarding undocumented persons in our country getting that benefit. Thank you, Mr. KANJORSKI, for your leadership.

Before I go on too long, I must salute Leader BOEHNER. It was a privilege to work with him on this. And Mr. HOYER and I shared a view of our caucus. We came with consensus to the table. None of us got everything we wanted in the legislation, but we did get a great deal for the American people. We did so in a manner that was timely. We were acting in record time, targeted on the middle class and those who aspire to it, targeted to businesses, tax incentives to businesses to create jobs, and temporary. So these resources and these tax incentives will be used and spent in a way that will have an impact in the economy.

I also want to salute Secretary Paulson for his persistence and his leadership and his receptivity, shall we say, and responsiveness to some of the values that the Democrats were putting on the table regarding those who have not participated in receiving a recovery rebate before, but do so in this bill.

This was across the aisle, but it is also across the Capitol. We worked it out in record time, again, with Leader REID and the Republican leader, MITCH MCCONNELL, on the Senate side, so that tonight we could bring this bill to the floor.

It was only about 2½ weeks ago that leadership was on the telephone with the President of the United States. He had just returned from his trip to the Middle East. And we talked about what every homemaker in America has known for a long time, that our economy is going into a downturn. We wanted to prevent it from being more of a downturn, and a stimulus was needed.

We had heard from Chairman Bernanke about the state of the economy and that a stimulus was needed and that it should have certain features of being timely, targeted, and temporary. And the President, on that phone call, agreed that we should go forward with a stimulus package in record time. The House put it together and sent it over to the Senate. And I'm very, very proud of that.

If I boast of it, it's because it's highly unusual that we can respond in such record time. But we did so because it was urgent for the American people. So often they listen in on the debate on the floor of the House which seems irrelevant to their lives. This is very relevant to their lives because there are many firsts in here.

For the first time, those who don't make over a certain income are able to participate in the recovery rebates and the child tax credit. In fact, more than 40 million Americans, 40 million families will be receiving those rebates and tax credits who had never received a rebate or a tax refundable child tax credit before. That's just astounding.

It was different from the bill the President originally proposed because his proposal did not have a cap, so some of the wealthiest people in America could get this rebate. Instead, we said, God bless them for their success. We need to put this money in the pockets of those who are living paycheck to paycheck, who are finding it hard or struggling to make ends meet with the price of gasoline, the price of groceries, the price of health care, the price of education, anything that you can name, that costs were going up and the purchasing power of their income was not.

And so we believe that the stimulus, the way it is targeted, will put money in the hands of those who will spend it immediately, injecting demand into the economy and therefore creating jobs, the impact that we want the stimulus to have. Same thing with the small business incentives.

One of the reasons we were able to move so quickly is because we were ready. We were ready. The reason we were ready with the child tax credit is because Congresswoman DELAURO has worked on this issue for her lifetime in Congress. And of course as chairman of the committee, Mr. RANGEL has had this as a high priority. So it wasn't something that we had to go create. It's something that we had in our minds and in our hearts to do for a long time.

The tax credits, the incentives for small businesses have been a part of the bipartisan support we have in the House for an innovation agenda so that small businesses and medium-size businesses can take advantage in a short period of time of this incentive that they have to invest and to purchase equipment and the rest. Again, for job creation, good-paying jobs here in America.

We were ready because the Financial Services Committee, under the leadership of Mr. BARNEY FRANK and Ranking Member BACHUS, had already passed these bills on the floor of the House. Not everything in the bill is included in this stimulus, but these bills have passed the House and had been sent over to the Senate. Certain features are contained in this bill so that there is some relief for the subprime crisis.

The list goes on and on. But we had our priorities; they have been our priorities for a while. They are particularly essential now in the time of a need of stimulus. So when the time came and the President said he would sign such a bill, we were ready with our priorities.

We fought it out. It wasn't an easy fight, but we knew we had to do it in the shortest period of time. And it wasn't easy. And there were some things that I said to the President on the phone when he congratulated us for going forward that I would have liked to have seen in the bill, like unemployment insurance and LIHEAP and food stamps and the rest. But we will take care of those issues in due course. Every bill cannot accomplish every goal that we have.

I want to identify myself with the comments that Mr. BACHUS made. This is a fiscally sound bill. There were those who wanted to make it larger with elements that were not necessarily stimulus that we resisted, excellent ideas. They should be revisited in another piece of legislation for another day.

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But we had been cautioned over and over, and we have cautioned each other. And whatever we did in stimulus, even though it would not have to conform with PAYGO, strictly speaking, that it would not be so overloaded that it would be a deterrent to recovery because we would be taking our country more deeply in debt than was justified by our stimulus package for recovery.

So, because of all of this cooperation, hopefully, it will serve as a model. I again want to commend Secretary Paulson for his perseverance and his leadership. And we look forward to soon, in a few days, perhaps, the President of the United States signing this bill. But the Secretary has assured us that with the passage of this bill tonight, even before the Presidential signature, the word will go to the IRS to begin the process of getting these checks out to the families.

So I think every Member of this body should take great pride in the bipartisanship of it, in the focus of it, the discipline of it, and what it means: that it is relevant to the lives of the American people. A typical middle-income family, a family of four with two children, will get $1,800. Eighteen hundred dollars. I think that that is impressive. And families making less than that, other families, depending on the number of their children, will get a sizable check in the mail.

This says to them we respect your contribution to our country, to our economy, to our society, and, even if you don't make a lot of money and pay income tax, that your contribution to our economy is recognized and acknowledging the FICA tax that you pay. And that's why once more I will reiterate that 40 million American families will participate in the recovery rebates to the tune of about $28 billion infused into our economy through their hands.

This is a new direction. I urge my colleagues to support it and am proud to be associated with it. And I thank all for their leadership in making it possible this evening.

Mr. McCRERY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank my friend from Louisiana for yielding.

Madam Speaker, I hope that my colleagues on both sides of the aisle will vote against this bill tonight. I hope you will vote against it because it's too late. The most important quarters are this quarter and next quarter, and the vast majority of this won't even take effect until after or at the end of the next quarter. I hope you will vote against it, because it may be political stimulus, but it is the wrong economic stimulus. We are in this problem because of a credit crunch leading to a capital crunch because, arguably, Americans bought, borrowed, and spent too much, and we are going to ask them to spend more.

I hope you will oppose it because it is wealth redistribution. People who pay over 50 percent of the taxes in this country will get nothing, and roughly 30 percent of the benefit of this will go to people who pay no taxes at all.

I hope you will vote against this and oppose it because illegal aliens will get this in spite of the new language put in the bill. You see, we have lots of laws that say it is illegal for people to be here and do what they do anyway. The problem is we don't enforce those, and we can't enforce what is in here either. It will be another unenforceable law.

I hope you will oppose it because of the potential for fraud. When you give money for nothing, there is an ability for fraud. The GAO estimates that roughly one-third of all the earned income tax credits paid out are fraudulent. It will be the same here.

I hope you will oppose it because it encourages spending when what we need as a society is more saving and investment.

But if none of that mattered, if none of that mattered to you at all, I hope you will oppose it because it nearly doubles the deficit for this year. After 3 years of declining deficits, we're going to begin the other way. We are going to nearly double that deficit.

Buy a flat screen TV and save America. It's not a good policy. I urge you to vote "no."

Mr. RANGEL. Madam Speaker, I would like to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished chairman, Mr. RANGEL; and to Mr. KANJORSKI; the whole team; and our most forthright and determined Speaker and this bipartisan leadership that has responded to the pain and the hurt of so many Americans.

Some would ask the question why are we moving so fast and why are we investing in people who are those who would receive dollars who happen to be low income. Because people are hurting. So I'm glad that we have these values that have created this vehicle to help America and that we are including help and rebates for the elderly. We are including moneys for 35 million families who work but yet make too little to pay income tax in the way that you think of them paying, but they do pay taxes. They will get a rebate. Disabled veterans will get a rebate.

But I look forward to the time when we can extend the unemployment, we can expand food stamps and Medicaid only because people are hurting. Why are they hurting? Because we are spending $120 billion in Iraq. For the gentleman who just spoke, if we stop doing that, we will be able to provide for the engine of the economy.

Why do we need it? Because in this budget right here that the President has offered, $39 million will be taken away in social services block grants from Texans and millions of dollars for the rest of Americans. Why are we hurting? Because $47 million will be taken away from Texans as it relates to community block grants. And 200 communities will be impacted. More people hurting.

This is the right direction. This economic stimulus package is quick. It gives back to families. It gives back to hardworking families. It gives back to moderate- and low-income families. And it says that Warren Buffet is right. Give money to hardworking Americans so that they can make a difference. Give money to invest in communities so we can build up the economic economy.

And, lastly, let me say thank you so very much for the increase in the FHA loans of $729,000.

People are hurting, and we need to be able to provide for those people who are hurting. A moratorium on foreclosures is necessary. Support the economic stimulus.

Madam Speaker, I rise today in support of the Senate Amendments to the Recovery Rebates and Economic Stimulus for the American People Act. I would like to thank Speaker PELOSI for her leadership on this issue, as well as my colleagues on both sides of the aisle who have worked together to overcome partisan divisions to work together to stimulate our national economy. This legislation will inject over $106 billion into the economy in 2008, over 2/3 of which will come in the form of tax rebate checks, given directly to individuals and families. I also want to thank the Senate for their amendments which extend the stimulus rebate checks to 250,000 disabled veterans and at least 20 million additional American seniors living on Social Security.

However, while I support this legislation, I would like to express my concern about some of this bill's omissions. requested and had hoped that this legislation would include language declaring that it is the sense of Congress that a moratorium of up to 90 days should be declared on all home foreclosures, and that it is the sense of Congress that the financial industry should allow for the reconstruction and reconfiguration of the mortgage loan market.

Madam Speaker, I would have liked to see the following language included in the final legislation, agreed on by both Houses and signed into law by the President:

(i) It is the sense of Congress that a moratorium of up to 90 days should be declared on all home foreclosures.

(ii) It is the sense of Congress that the financial industry should allow for the reconstruction and reconfiguration of the mortgage loan market.

It was my sincere hope, shared by many economists, that a temporary economic adjustment period including a cap on adjustable mortgage rates would provide relief for millions of Americans, and that this added time would give them time to look for other resources. By delaying foreclosure, Congress would have declared that millions of Americans deserve to make their payments, or to get their loans restructured before they lose their homes. Those who can keep paying would continue putting money back into our economy. Madam Speaker, we must act now to prevent what could be a disaster for millions of Americans.

There are a number of additional proposals that I would have liked to see included in the final Economic Stimulus package. I believe it should have included a summer job program, aimed at helping our nation's youth gain the crucial work experience and job skills that will allow them to be competitive in today's increasingly difficult employment market. By working to Provide Americans with the skills they need to successfully secure and keep employment, we can not only help both adults and youth to develop their careers and to support themselves and their families, but we can bolster the whole economy by combating poverty and unemployment.

I would also like to see the extension and expansion of several existent programs which are already doing important work toward helping Americans such as unemployment benefits. Under the strain of current financial circumstances, I believe that we must bolster these important programs, especially for hard working Americans who have lost their jobs. Madam Speaker, I call for the expansion of food stamps and Medicaid programs, and for the extension of unemployment benefits.

Given the current economic climate, I believe that is our responsibility, as the leaders of our nation, to do all in our power to ensure that the most vulnerable populations are protected. That is why I am particularly pleased to support the Senate amendments extending benefits to disabled veterans who risked their lives to protect the freedoms we cherish and seniors who spent decades of their lives contributing to our economy.

Madam Speaker, now is the time for innovative leadership and concerted action. Recent data shows economic growth is slowing, and many economic analysts predict a 50% chance of recession. According to the Bureau of Labor Statistics, unemployment rose from 4.7% to 5.0% in November 2007 alone. This data, coupled with a struggling housing market and overall slowing economic growth, has caused a "credit crunch" that has reduced available funding and has caused rising prices for housing and food.

Over the past year, we have seen a crisis in subprime mortgage lending, which has threatened the stability of the housing market and the livelihoods of large numbers of Americans. During the third quarter of 2007, the nation's home foreclosures doubled from the previous year. This Democratic Congress is committed to strengthening the housing market and stabilizing the economy, and we have passed important legislation to address this crisis.

Because of the lack of regulation by the federal government, many housing loans were accompanied by fraud, predatory lending, inadequate information and other failures of responsible marketing. With exceptionally high (and rising) foreclosure rates across the country, homeowners all over America are losing their homes. Homeowners are surprised to find out that their monthly payments are spiking and they are struggling to make these increasingly high payments.

The sub-prime mortgage crisis has impacted families and communities across the country. Home foreclosure filings rose to 1.2 million in 2006—a 42 percent jump—due to rising mortgage bills and a slowing housing market. Nationally, as many as 2.4 million sub-prime borrowers have either lost their homes or could lose them in the next few years.

In my home state of Texas, citizens are feeling the impact of the looming financial crisis. In November 2007 alone, there were 11,599 foreclosure filings in Texas. According to the Center for Responsible Lending, in Harris County alone 11,944 homes were lost from 2005–2006 through foreclosure on sub prime loans. During the same time period, the average home decreased $1,355 in total value.

Madam Speaker, I firmly believe that this agreement should include a moratorium on foreclosures of at least 90 days on owner-occupied homes with subprime mortgages. Any agreement should also include a rate freeze on adjustable mortgages of at least five years or until the loan is converted into a fixed-rate mortgage. The freeze on foreclosures would give the housing market time to stabilize and homeowners time to build equity. It is critical that we address this crisis. The Bush administration and the mortgage industry must reach an agreement that matches the scale of the problem. The U.S. Treasury Department has been pushing the mortgage industry to agree to temporarily freeze interest rates for some borrowers who took out loans with low teaser rates that will soon be resetting much higher.

Madam Speaker, it is imperative that we address the serious underlying housing issues faced by our nation. 17 million households, or one in seven, spend more than 50% of their income on housing. On any given night, approximately 750,000 men, women, and children are homeless. Constructing more affordable housing is necessary to help families who have lost their homes in the subprime mortgage crisis or due to a family financial crisis, such as illness or job loss. In my home district in Houston, homelessness remains a significant problem. Houston's homeless population increased to approximately 14,000 in 2005, before Hurricanes Katrina and Rita, and hurricane evacuees remaining in the Houston area could result in the homeless population increasing by some 23,000. Approximately 28% of homeless Americans are veterans.

In August, I, in coordination with the Texas Department of Housing and Community Affairs, hosted a workshop on the introductory concepts and considerations in applying for Housing Tax Credits in Texas. This workshop was designed to create new incentives for developers to expand business opportunities in housing development, as well as to generate a significant increase in the availability of low-income and affordable housing for the residents of Houston and Harris County. I believe that an increase in affordable housing and job opportunities will help reduce the high rates of homelessness among Houston residents.

Madam Speaker, today's economic stimulus legislation will make important strides towards helping hardworking Americans who are struggling with the high costs of gas, health care, and groceries. By putting several hundred dollars directly into the hands of over 130 million American families, this legislation will make important strides toward invigorating our economy, giving money to those who will quickly spend it, reinvesting this money in the American economy.

This bill provides broad-based relief for individuals and families, valued at approximately $115 billion over 10 years. The packages include tax cuts for 130 million families, providing up to $600 per individual, $1,200 per married couple, and an additional $300 per child. On top of these recovery rebate checks, which could be sent as early as mid-May, this legislation will provide unprecedented tax relief for working families, with $32 billion in tax relief for 35 million families who work but make too little to pay income taxes, who would therefore otherwise not be included in this recovery effort. It is targeted to reach those who need the relief the most: of these 35 million working families, over 19 million are families with children. I support provisions in this legislation providing tax relief to middle-income Americans, as well as those aspiring to the middle class, leaving out the wealthiest taxpayers. Nearly $50 billion of the rebate will go to those making less than $50,000.

Madam Speaker, family incomes and home prices are down, even as the costs of health care, energy, food, and education are on the rise. Combined with the jump in mortgage foreclosures, the American economy is struggling, with American families falling behind on their bills and consumer confidence hitting a five year low.

This bill also contains some provisions to help families avoid foreclosure. It increases affordable refinancing opportunities and liquidity in the housing market, increasing the Federal Housing Administration loan limits to $729,750 for 2008. This will expand affordable mortgage loan opportunities for families at risk of foreclosure. Further, it includes a one-year increase in loan limits for single family homes from Fannie Mae and Freddie Mac, enhancing credit availability in the mortgage market.

While this legislation includes provisions intended to provide a short-term "fix" to many of the economic difficulties our economy is currently facing, I do not believe that it addresses the long-term needs of our Nation. While short-term response is critical, we must not neglect infrastructure, energy independence, and innovation needs, without which we will not be able to establish a vibrant U.S. economy. I look forward to working with House leadership, and with my fellow Members on both sides of the aisle, to look to the future, and to build innovative and long-term solutions to the underlying problems our economy faces.

Madam Speaker, this legislation is not perfect, but I believe it is an important step. I continue to advocate for a 90-day moratorium on home foreclosures to give financially troubled borrowers time to work with lenders and avoid losing their homes. I also believe we, together, must address the underlying infrastructure problems plaguing our economy. However, I do believe today's legislation will provide important benefits to millions of Americans, to the entire economy, and to our Nation as a whole. I urge my colleagues to join me in support of this legislation.

Mr. McCRERY. Madam Speaker, I yield 2 minutes to the distinguished ranking member of the Trade Subcommittee of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Speaker, I wish I could share the enthusiasm of my colleagues about tonight's bill. I truly do. But right now Americans need to know their jobs will be around tomorrow. Regrettably, this evening's bill doesn't have much in the way of tax relief to spur job creation and should have gone much further.

What concerns me more is the expanded redistribution of money through tax rebates that will, I believe, have next to zero positive effect on our economy in the short or long term. And, unfortunately, at more than $100 billion, it can hardly be called "free money." In Congress's hurry to act in reaction to negative economic news, we have truly missed a golden opportunity to enact lasting, pro-growth tax relief. Such relief would benefit all Americans, create new jobs, and drive economic prosperity.

I support tonight's legislation, but I believe we can and must do more as a Congress to foster economic growth.

Mr. RANGEL. Madam Speaker, I would like to yield to the gentleman from Indiana (Mr. DONNELLY) for 2 minutes, who last week introduced H.R. 5172 to assure that 127 million Americans, senior Americans, receive this relief.

Mr. DONNELLY. I thank the chairman for yielding.

Madam Speaker, I rise tonight to commend the House and the Senate for working together to put together this economic stimulus package and to do it so quickly. This bipartisan package will spark our economy by providing millions of working families, including seniors and disabled veterans, with targeted tax relief.

I am especially proud that this broad-based package also includes language from my bill, H.R. 5172, the Immediate Financial Assistance for America's Seniors Act. This provision ensures that nearly 20 million low-income seniors, many who rely heavily on Social Security, will receive much-needed tax relief. These retired seniors have worked hard all of their lives. They have paid taxes and they deserve this support.

Again, I commend the House and Senate for all this work.

Mr. McCRERY. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, I rise in support of this bill, which will boost economic activity and help strengthen the American housing market. I am pleased that the House and Senate leaders from both sides of the aisle have been able to reach agreement on a well-balanced compromise. I also applaud our colleagues in the Senate for resisting pressure from those who would delay this package with inappropriate changes and unnecessary spending.

Hardworking Americans are finding it more and more difficult to provide for their families, and this bill will help to relieve some of the financial strain. And because it is a clean and targeted package, this bill will provide the greater economy with a much-needed jolt of consumer activity.

As a member of the Financial Services Committee, I especially appreciate that the Senate preserved the House-passed provisions to increase conforming loan limits for the FHA- and GSE-backed home mortgages. This is a critical change that will help invigorate the housing market and enable prospective homeowners in higher priced markets like Chicago to take advantage of these prime mortgage products.

I think this bill is a testimony of what can be accomplished in Washington when Congress and the administration set aside the partisan rhetoric and work together.

And I want to urge my colleagues to turn next to comprehensive FHA reform. I think it's great that Chairman FRANK has committed to Ranking Member BACHUS that we will be working on the FHA reform. So we took the first steps today by increasing the conforming loan limits, but to truly restore the housing sector, we need to give more consumers an alternative to subprime and predatory products. The FHA can provide that alternative but not until the House and Senate conference their respective FHA reform bills. So by sending this legislation to the President, we can help hundreds of thousands of families facing foreclosure qualify for prime rate refinancing so they can keep their homes.

Again, I applaud the bill before us as a truly good step toward restoring vigorous economic growth, and I look forward to working with my colleagues on legislation to address our long-term economic challenges.

Mr. RANGEL. Madam Speaker, I would like to yield 1 minute to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Thank you, Mr. Chairman and ranking member. I thank you for your pragmatism. I thank you for your vision and your willingness to get this done, understanding that the situation in our economy is one, as I heard Speaker PELOSI say, where most Americans knew far before we did that this was trouble.

Madam Speaker, I keep hearing people say that the economy was fine. Saying it doesn't make it so. We know that in the last 7 years, the policies we have seen have created the lowest job growth since the Great Depression. We have seen real wages drop by $2,500.

The American people needed something, and this is a good bipartisan piece of legislation, bringing them together to try to address those facts that they understood long before we did. And I think it sets the stage and shows the American public we can get along, we can move things, and we can make a positive difference. And this is a great first step.

With that, I urge my colleagues to support this good, timely piece of legislation.

Mr. McCRERY. Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield to the distinguished gentleman from Georgia (Mr. SCOTT) for 1 minute.

Mr. SCOTT of Georgia. Madam Speaker, it is indeed a pleasure to stand before the House and to thank the distinguished chairman of our Ways and Means Committee for doing a yeoman's job on a very difficult issue, in bringing both parties together, in bringing both Chambers together, and responding in a timely way to help the American people who are struggling to make ends meet.

There are some who say we're not in a recession, but I can tell you this from my constituency and others all across this country, a recession is upon us. And in some areas with high unemployment, it borders on a depression.

So this is much needed. It comes in a timely manner. We are putting money into the hands of those who will spend it the quickest, and that means the moderate and lower income individuals. And at the same time, I am proud as a member of the Financial Services Committee to have played a small role in helping this move forward, especially in expanding the limits of Fannie Mae and Freddie Mac and our FHA loan extensions.

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Madam Speaker, I thank again the gentleman from New York.

Mr. McCRERY. Madam Speaker, it is a pleasure to recognize for closing on our side the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER), who clearly was instrumental in getting this product developed through the floor and through the process. He has been lauded by a number of our colleagues here tonight, and rightfully so. So I am very pleased at this time to yield the balance of my time to Mr. BOEHNER.

Mr. BOEHNER. Madam Speaker, let me thank my colleague for his very nice words and thank my colleagues on both sides of the aisle who have worked diligently to get this bill passed.

This economic growth package is an important victory for middle-class American families and small businesses. With the rising costs of energy, health care, college, housing and taxes, we put a real strain on the family budget. But the American people want us to work together to provide solutions to these problems. And I think this bill begins to move us in the right direction.

The bipartisan measure will help our economy get moving in the quickest and most effective way possible. It puts money back in the hands of middle-class American families. It will give businesses incentives to create new jobs and help grow our economy. And I think the package we have before us also clearly is a genuine compromise. Republicans gave a little, Democrats gave a little, the House gave a little, and the Senate gave a little. But perhaps most importantly, it is simple and it is straightforward. And it does not increase taxes or increase unrelated spending. In other words, it will empower individuals, not the Federal Government, to help grow our economy.

With this short-term growth package behind us, I think it is now critical that we focus on the longer term economic future of our country. I think that raising taxes in this environment would be the worst thing that we could do. I think that we need to begin to focus on how we make the tax cuts that we put in place earlier this year, earlier this decade, how we make them permanent. What do we do about the corporate tax rate that is driving American businesses out of the U.S.? We need to have a corporate tax rate that helps keep American businesses here. There is one thing that we really can do to help ourselves, and that is really to put our arms around spending, especially wasteful spending, and put a stop to it. We have got to get our fiscal house in order.

Many Americans, I think correctly, believe that Washington is broken. And I am here tonight to say that Washington does have its share of problems. And I am hopeful that this agreement we have been able to come to will help us on a path that shows the American people that we understand the problems that we have here in Washington and that we can, in fact, work together to solve the problems the American people sent us here to solve.

I couldn't finish this without also saying something very nice about our Speaker. Over the course of last year, the Speaker and I didn't have a policy conversation. I can tell you that we have had about 25 over the last several weeks. And for the health of our institution, I think it is good to come together and find common ground where we can. And I am glad that we were able to find common ground on this economic growth package, and I am hopeful that we will continue to try to find places where we can work together to solve problems that the American people expect us to solve.

Mr. RANGEL. Madam Speaker, I cannot think of any higher way of expressing the hopeful bipartisanship in the House of Representatives than expressed by my friend, Minority Leader BOEHNER.

### GENERAL LEAVE

Mr. RANGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5140.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KANJORSKI. Madam Speaker, I rise today to express my appreciation to the House Democratic and Republican leadership and to our colleagues in the Senate for the bipartisan effort that has produced timely, targeted, and temporary legislation to stimulate our Nation's slowing economy. I am also pleased that the legislation we are about to consider ensures that our Nation's senior citizens and disabled veterans are not left out of this worthwhile package.

Because of my concerns that the bill we considered last week did not include low-income seniors and disabled, I led the effort in the House to ensure that those who depend entirely on their Social Security checks were included in the final version of this legislation. I am very pleased that the Senate agreed and expanded the economic stimulus package to provide these Americans with much-needed relief. I urge my colleagues in the House to do the same.

Our Nation's seniors and disabled veterans are facing difficult economic times. For years, these men and women have been forced to survive on less and less as their costs continue to increase and their incomes remain the same. These Americans need cash rebates just as much as the individuals originally included in the stimulus package.

I am also pleased to see that the legislation we are about to vote on includes language that would ensure that illegal immigrants do not receive cash benefits that should only go to those who rightfully deserve them. This language mirrors legislation that I introduced in the House today.

Finally, the bill before us contains an important provision that I helped to craft as the Chairman of the Subcommittee on Capital Markets. Insurance and Government Sponsored Enterprises. This reform will temporarily increase the conforming loan limits of Fannie Mae and Freddie Mac to enhance the liquidity of our mortgage markets. I support this short-term change.

Madam Speaker, once again I wish to applaud the efforts of both the Members of the House and Senate in crafting legislation that will spur our economy, provide rebates to those that need them most, and ensure that those ineligible for federal benefits do not receive them.

Mr. RANGEL. Madam Speaker, I ask for an "aye" vote on this piece of legislation before the House, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered.

The question is on the motion offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RANGEL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 34, not voting 16, as follows:

[Roll No. 42]

### YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Feeney
Ferguson
Filner
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
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Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
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Klein (FL)
Kline (MN)
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Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
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Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
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Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
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Miller, Gary
Miller, George
Mitchell
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Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
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Ros-Lehtinen
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Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
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Walz (MN)
Wamp
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Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
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Broun (GA)
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Campbell (CA)
Coble
Cooper
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Deal (GA)
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Flake
Forbes
Garrett (NJ)
Gingrey
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Goode
Hunter
Kingston
Linder
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Moran (KS)
Paul
Peterson (MN)
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Royce
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Taylor
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Everett
Farr
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Lantos
Lowey
Pitts
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Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Woolsey

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

☐ 1944

Mr. HUNTER changed his vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 12, 2008

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*February 7, 2008.*

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 12, 2008.

NANCY PELOSI,
*Speaker of the House of Representatives.*

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, for the purpose of inquiring about next week's schedule, I yield to my friend, the majority leader from Maryland, to give us that information.

Mr. HOYER. I thank the Republican whip.

On Monday, the House will not be in session. On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Wednesday, Thursday, and Friday the House will meet at 10 a.m.

We will consider several bills under suspension of the rules. A list of those bills will be announced by close of business this week.

We will consider H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. In addition, we will consider legislation regarding the Foreign Intelligence Surveillance Act, as we expect the Senate to act on the bill the House sent, hopefully, early next week.

Mr. BLUNT. I thank the gentleman for that information. Regarding FISA, regarding the Foreign Intelligence Surveillance Act, I hope that we are moving toward a long-term resolution of that. I know the Senate, we believe, will pass a long-term bill possibly as early as tomorrow.

On the Foreign Intelligence Surveillance Act, as we hopefully move toward a longer-term bill, we had a 6-month extension the first of August. We did a 2-week extension last week.

I think the Senate will send over a bill that has a longer term and includes things like liability protection for companies that cooperate with the government under the law. I also understand that at least 21 Members of the majority have sent a letter saying they would like to see a long-term solution dealt with next week. I wonder if my friend has any sense of how that may go next week and, again, I am hoping that we encourage a longer-term solution before this short-term extension runs out.

Mr. HOYER. I appreciate the gentleman's confidence that the Senate is going to send us a bill, short-term, medium-term or long-term duration. We have been waiting for that for some time, obviously.

It is my understanding the Senate is going to address this bill on Tuesday. Now, if they send it to us on Tuesday, we will see what they have in the bill. There obviously will be little, if any, time for a conference. My expectation is there will be a difference between the House bill which passed here 2½ months ago and the Senate bill.

As I said on the floor, when we passed the Foreign Intelligence Surveillance Act bill on November 15 or 16, I said at that time I was hopeful that we would pass it, that the Senate would pass it, and that we could have a conference in which the very important specifics of the bill might be discussed and differences ironed out. That has not yet occurred, unfortunately.

In addition, as I told my friend last week, we had still not gotten access to the documents that we had asked to see to indicate what, in fact, immunity was being asked for. Those documents, my friend and I had an opportunity to discuss that, I don't know whether he had any role in that, but they will now be made available as of today. As a matter of fact, I intend to take the opportunity tomorrow, much of the morning, perhaps even into the afternoon, to review those documents. Some few Members have had that opportunity already, but very few. So we have been very late and compressed in the schedule of dealing fully with what is the thorniest issue on the Foreign Intelligence Surveillance Act bill, and that is the granting of immunity.

I will tell my friend that, as I said, when we extended it for 15 days, when we had an agreement to do that, to give the Senate time to act, I was hopeful they could act within that time. The problem we now find ourselves in, if they act on Tuesday, and they send the bill to us on Wednesday or late Tuesday night, I don't know how long their consideration is going to take.

As you know, there is substantial controversy, as is evident by the difficulty they have had in passing it, so I don't know exactly how quickly they will be able to pass that bill. But as I have said on numerous occasions, we believe, I believe, there are serious issues on which there are obviously honest differences of opinion.

I agree with my friend, we would like to resolve this. We would like to have it resolved so that we don't visit it monthly or every 3 months or every 6 months. We believe, as I said before, that the current bill, the current FISA law, if it is reverted to, will provide for all of the intelligence surveillance that is needed by the administration.

It would require, of course, getting FISA approval, the court's approval, which was, of course, contemplated in 1978 when it was adopted so that with or without an extension or new legislation, we believe the administration can pursue, as all of us want to, there is nobody on this floor who doesn't want to make sure that we facilitate the protection of the American public and America through the interception of communications which may be by terrorists planning to attack us.

But having said that, I am sure my friend appreciates, as I have said all along, this is a serious issue, a difficult issue for many. I think we are all agreeing on the enforcement and interception part. It is the immunity issue that gives many concerns, and they want to look at that carefully, and I think that's fair to do. Whether or not we will be able to do that next week, frankly, I tell my friend, I am not sure.

Mr. BLUNT. Well, I appreciate that; I hope we can. I do think that there is the likelihood that a very quick problem develops if you don't have the ongoing ability that we currently have to try to intercept communications. There is some argument even about the short-term of that, and I think almost any expert will say that the long-term challenge there actually becomes a short-term problem pretty quickly.

We saw how encumbered the FISA Court became when this law was not in existence and how difficult it was. I hope that the Senate can act quickly. We saw them act quickly today, certainly.

In fact, today is a good example of what we can do working together. The House worked together. We sent a bill to the Senate, the House stood firm in defense of that bill, and at the end of the day the Senate sent a bill back pretty quickly with improved changes that the House could agree to.

I would like to see us respond to a bipartisan Senate bill, and I anticipate that would be the case with a bipartisan House vote. Even though we had sent a bill initially over a long time, this issue has been out there a long time. I think the documents that the leader was talking about were available at the White House at an earlier time, but I am glad those documents are now available in a way more easily accessed over the next few days for our Members.

Hopefully, that resolves what the leader has just described as the last significant outstanding issue, and that we get this done. A significant amount of what we know about our enemies in the world is found out today through the structure of the Foreign Intelligence Surveillance Act, and we want to continue that.

Mr. HOYER. I agree with my friend, and that is correct, and I think that is why all of us want to facilitate and ensure that the work of the NSA and others can go forward. I don't know whether the gentleman had an opportunity to either see or hear this; but I just wanted to bring to your attention, because we do share that concern, that in testimony this morning before the Intelligence Committee, the Director of National Intelligence, Mike McConnell, whom we work with, said that all current surveillance activity under the Protect America Act would continue even after the law expires.

He went on to say, after being asked about the backlog of surveillance, because, as you recall when we were back in August or July of last year, there was a concern about the backlog and therefore it couldn't get approval as quickly as might be needed. Director McConnell informed the House Intelligence Committee that the backlog that existed has been eliminated, saying we are caught up on everything at this point in time.

I think we can have a confidence level. I agree with you, we want to get this done as quickly as possible. Because I am concerned that we not have a gap, we are trying to assure ourselves, and believe we are assured that there will not be a down time for our intelligence service should we not be able to reach agreement either with the Senate or with ourselves in the time frame of next Friday.

I am hopeful that we can do that, and we will work toward that end.

Mr. BLUNT. I am hopeful of that, too. I appreciate that.

In an article from the New York Times, January 23, 2008, that the leader was able to share a part of with me on that date, Kenneth Wainstein, who is the Assistant Attorney General for National Security, said in an interview, according to the Times, “that if the August bill was allowed to expire in 10 days,” that was 10 days before the expiration date, “intelligence officials would still be able to continue” the word he used was “eavesdropping on already approved targets for another year under the law.”

I think that essentially verifies my friend's comments on that and possibly, as you have explained it to me, the admiral's comments this morning. But Mr. Wainstein went on to say but “there is a risk” that the officials would not be able to use their broadened authority to identify and focus on new suspects and would have to revert to the more restrictive pre-August standards if we wanted to eavesdrop on someone.

I think we want to not revert to that if we don't have to. I believe that the 2½ months we have waited for the Senate and now the 2 weeks that we have had in addition to that time hopefully will turn out to be appropriate; and certainly as we have worked together this week to get the stimulus package off the floor, this is a critical item that I hope we can all work together next week to try to find a permanent solution on.

Mr. HOYER. I appreciate your bringing to my attention, and we discussed the second sentence, which you just read regarding the more restrictive. When he refers to the more restrictive, he simply refers to the fact that they would have to go to the FISA Court for approval of such intercept as they want, and that would be within the, of course, authority within 72 hours to act and then get approval after the fact, which is why I indicated that Admiral McConnell had said that the backlog had been eliminated.

You recall previous testimony, or comments, that one of the officials who dealt with these in the administration indicated that, and the court could, frankly, within minutes, give approval in many situations, and now that the backlog has been eliminated, it is correct, it would be more restrictive, it would have to go to the court, but that, of course, is what was contemplated in 1978. We do not believe that that would in any substantial way slow down the process and, therefore, not in any way put us at risk.

Having said all of that, we still agree with you that if we can get this done in a timely fashion that would be good.

I want to tell my friend, though, very candidly, I think there is some sentiment that if we don't get it done that that is going to put this side of the aisle that wants to look at this bill, after the Senate passes it back to us, with whatever provisions they include in it, carefully, we understand that we are going to be portrayed as somehow undermining the security of America. We think that argument is bogus, but we do think it may well be made.

Mr. BLUNT. Well, if I determine to make that argument, I will tell my friend, I will make it in good faith, and we do have a difference of opinion on this. Hopefully, the Senate will get its work done in a way that we will have a maximum amount of time in the relatively short time available here to look at this, and we won't have to have the argument about how critical that change is.

I personally believe that the 1978 law was written in a way where it was not anticipated that we would have to go to the FISA Court to listen to people in a foreign country who were making calls or communicating, and because of the way the law was written, it had come to mean that by now.

☐ 2000

Mr. HOYER. I do want to make the point that I don't think we have much difference on that issue because we agree that technology has changed. As we all know, there is a switch here in the United States now that the 1978 law did not anticipate. Frankly, I don't think there is a great deal of contention. I think in a bipartisan fashion we believe that needs to be addressed. We addressed it in our bill and the Senate addressed it in their bill. Frankly, I don't think that is one of the items in contention.

In fact, I would suggest to my friend we could deal with the immunity issue, which looks back not at present capacity nor future capacity, and resolve that issue in a separate bill if that was the concern about going forward. I think that could be done relatively quickly.

My only point to the gentleman is I agree with you, technology has changed. I think there is bipartisan agreement we need to address that and facilitate the foreign-to-foreign intercept with a blanket approval simply related to process, and I think we could do that relatively easily because I don't think that is particularly contentious between us.

Mr. BLUNT. I appreciate that, and we will see where we are next week, and I look forward to the review that you and I will both have a chance to make of those documents.

You didn't mention it, but I heard there is a possibility we may take up an energy-related tax bill next week, something similar to the energy-related tax provisions that we had in the first year of this Congress in December of last year. I wonder if there is any information you can give me on that topic.

Mr. HOYER. There is a possibility we will be considering an energy bill much like some of the provisions that were included in H.R. 6 in the 6 for '06 package that we passed in the first 100 hours, and other portions of which were included in the energy bill that did not make it through.

I don't have specifics on that at this point in time, but that is being discussed and that is a possibility and he is correct.

Mr. BLUNT. So the schedule for next week is Tuesday through Friday, and we are looking at the items we discussed plus the possibility of other work that might come from the Senate.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

Obviously Friday is on the schedule. I expect we will be here on Friday. We have some other legislation on the suspension calendar. I don't know how extensive that will be.

Clearly we have been talking about FISA. FISA authorization ends on Friday. Again, we have a difference in perception of the consequences of that; but nevertheless, we have scheduled Friday so we are available depending on what the Senate does and depending on whether we can get to some agreement to ensure our presence to act on that, if possible.

Mr. BLUNT. I thank the gentleman for that information.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. SESTAK). Is there objection to the request of the gentleman from Maryland?

There was no objection.

## HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, February 12, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. SPACE) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, February 6, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 6, 2008, at 9:35 a.m.:

That the Senate passed S. 2457.

With best wishes, I am,
Sincerely,
LORRAINE C. MILLER,
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, February 5, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 5, 2008, at 1:00 p.m.:

That the Senate passed with an amendment; requests a conference with the House and appoints conferees H.R. 2419.

With best wishes, I am,
Sincerely,
LORRAINE C. MILLER,
*Clerk of the House.*

## HONORING OFFICER CHRISTOPHER RIDLEY

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, nearly 2 weeks ago Officer Christopher Ridley, age 23, of the Mount Vernon New York Police Department saw a street scuffle outside a county social services building in White Plains, New York. While off duty and in plain clothes, he drew his service weapon and attempted to break up the fight.

Unfortunately, officers from the Westchester County police also came upon the scuffle and tragically and mistakenly fired on Officer Ridley, who was killed.

Last week I attended the wake and funeral of Officer Ridley in the City of Mount Vernon, which is in my congressional district. Hundreds of local residents, police, and others from throughout the area turned out to pay their final respects. My heart goes out to Officer Ridley and his family by this terrible tragedy. One of our finest was struck down at a very young age, which is around the age of two of my children.

The investigation into the shooting has begun, but the life of a brave 23-year-old is already taken. I ask my colleagues to remember Officer Ridley, who was posthumously promoted to detective, and also remember so many others for the brave sacrifice they make each and every day protecting us and our communities.

We must always remember those in law enforcement for the difficult job they are called to do each and every day.

May Detective Ridley always be remembered for his brave commitment to maintaining the peace and keeping us safe.

## RECOGNIZING PERIANESTHESIA NURSE AWARENESS WEEK

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to praise and recognize the efforts of the Nation's more than 57,000 perianesthesia nurses. This week is PeriAnesthesia Nurse Awareness Week, a week that is dedicated each year to celebrating the important work that perianesthesia nurses do.

America's perianesthesia nurses practice in all phases of preanesthesia and postanesthesia care, ambulatory surgery, pain management, and special procedure areas.

The theme of this year's awareness week is "Advocacy." The American Society of PeriAnesthesia Nurses has designated advocacy as this year's theme in recognition of how the depth and breadth of perianesthesia nursing meets the varied health care needs of the American population in a broad range of nursing environments.

The American Society of PeriAnesthesia Nurses, which represents the perianesthesia nurses of this country, strives to advance nursing practice through education, research, and standards. The important work of perianesthesia nurses is best exemplified by their commitment to quality health care and the safety of patients in both hospital and ambulatory surgery settings.

Our Nation's demand for perianesthesia nurses will increase in the coming years as the American population ages, as we make new advances in medicine that prolong life, and as we continue to witness the meteoric expansion of home health care services. Perianesthesia nurses play a vital role in the operation and success of our Nation's health care system.

I ask my colleagues and my fellow Americans to join me in honoring the perianesthesia nurses who care so unselfishly and professionally for us all. The work they do happens every day all year round, and I hope they receive our appreciation on more than just this special week in their honor.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## BUSH BUDGET ZEROES SCAAP FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Arizona (Ms. GIFFORDS) is recognized for 5 minutes.

Ms. GIFFORDS. Mr. Speaker, tonight I would like to take a few minutes for folks here in Washington to focus on southern Arizona. There, along 114 miles of border in my district, Federal, State, county, and local law enforcement are on the front lines defending our border.

Arizona faces unimaginable immigration and border security challenges. Last year, over 387,000 illegal immigrants were apprehended in Arizona, and an average of 1,000 illegal immigrants per day were arrested and deported from Tucson.

The Tucson sector, which includes my district, is the most porous section along the 2,000-mile U.S.-Mexico border. More than 48 percent of the Nation's drug traffic enters our country through southern Arizona.

This Monday, the President released his fiscal year 2009 budget proposal, and once again his budget failed to include any funding for the State Criminal Alien Assistance Program, also known as SCAAP.

The President refuses to recognize the importance of SCAAP funds. Without this funding, States and localities will be financially overwhelmed by costs that are the Federal Government's sole responsibility.

Securing our Nation's borders is this government's priority, in my opinion. However, communities through southern Arizona and the Nation face extraordinary costs that are unfortunately being carried by them for incarcerating undocumented immigrants.

Because of limited Federal contributions, the bulk of these costs are being borne by some very small counties. Some of these counties are also some of the poorest in the Nation. They are currently already operating under very slim budgets and staffing. This is why it is so important and so appropriate that the Federal funding be included.

SCAAP was created by the Violent Crime Control and Law Enforcement Act of 1994. It is designed to reimburse States and local municipalities for the arrest, incarceration, and transportation costs associated with illegal immigrants who commit crimes in our communities.

Under Federal law, the Federal Government has two options. It can either take undocumented criminals into Federal custody or it can compensate State and local jurisdictions.

We are facing an immigration crisis here in Arizona. We are underfunding SCAAP, and the President is continuing to overburden our State and local governments. He is hampering the State's ability to protect our communities and uphold our laws.

SCAAP funding is particularly important to communities like Bisbee and Douglas and Sierra Vista, those communities along the 2,000 miles of our southern borders, those States and local governments that incur greater costs than other jurisdictions.

Over the past several years, these communities have exceeded SCAAP reimbursement funding by hundreds of millions of dollars. In fact, most counties along the U.S.-Mexico border are currently being reimbursed less than 9 percent of their cost.

Just today, Mr. Speaker, in our Western Hemisphere Subcommittee of the House Foreign Affairs Committee, I heard from a number of Federal agencies about the President's Merida Initiative.

I believe it is unacceptable that the President would refuse to reimburse our local law enforcement agencies, while asking Congress to spend $1.44 billion in assistance to Mexico and Central America. We need to invest our dollars in local law enforcement before we spend billions of dollars across the border. We have to prioritize the safety of our American communities first. We have to take the appropriate steps to ensure that SCAAP funding is in place, especially to border States like Arizona, and that it remains a Federal priority.

I urge my colleagues, on both sides of the aisle to reject the President's cuts to SCAAP funding. Arizona, like many States, is currently facing a budget shortfall. Every dollar reduction in SCAAP reimbursement means a dollar less in Arizona or another State that they can spend on essential public safety services. So please join me in supporting our State and local law enforcement agencies by adequately funding the SCAAP program in the House fiscal year 2009 budget.

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□ 2015

## SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, it is February 7, 2008, in the land of the free and the home of the brave; and before the sun set today in America, almost 4,000 more defenseless, unborn children were killed by abortion on demand, and that's just today. That is more than the number of innocent American lives that we lost on September 11, only it happens every day.

It has now been exactly 12,799 days since the tragic judicial fiat called Roe v. Wade was handed down. Since then the very foundation of this Nation has been stained by the blood of almost 50 million of our own children. And all of them, Mr. Speaker, had at least four things in common.

First, they were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts these children might have brought to this humanity are now lost forever.

Yet, even in the full glare of such tragedy, Mr. Speaker, this generation clings to blindness and invincible ignorance while history repeats itself, and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Mr. Speaker, perhaps it's important for us in this Chamber to remind ourselves again of why we are really all here. Thomas Jefferson said: "The care of human life and its happiness and not its destruction is the only object of good government."

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all still here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

The bedrock foundation of this Republic is the declaration, not the casual notion, but the declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty, and the pursuit of happiness. Every conflict or battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet, Mr. Speaker, another day has passed, and we, in this body, have failed again to honor that commitment. We've failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died without the protection that we should have given them.

But perhaps tonight, Mr. Speaker, maybe someone new who's heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we can never express, and that 12,799 days spent killing nearly 50 million unborn children in America is enough, and that this Nation is great enough to find a better way than abortion on demand.

So, tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered, and that all too soon, each of us will walk from these Chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the unborn children in this country. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

Mr. Speaker, it is February 7, 2008, 12,799 days since Roe v. Wade first stained the very foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

## HONORING THE LIFE OF CHIEF PETTY OFFICER NATHAN H. HARDY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) is recognized for 5 minutes.

Ms. SHEA-PORTER. Mr. Speaker, I rise today to honor the life and sacrifice of a patriot, Chief Petty Officer Nathan H. Hardy of Durham, New Hampshire, who was killed in action on Monday, February 4, while serving with the Navy SEALs in Iraq. Nate died doing what he loved. He loved our great country, and his life serves as an example to my State of New Hampshire and to our country.

We also honor the bravery and sacrifice of Chief Petty Officer Michael E. Koch of State College, Pennsylvania, who was killed alongside Nate in Iraq on Monday. They were brothers in arms and will not be forgotten.

After graduating from Oyster River High School in Durham, New Hampshire, Nate enlisted in the Navy on November 4, 1997, with the ambition to become a Navy SEAL. He graduated from boot camp at Recruit Training Command in Great Lakes, Illinois, in January 1998 and in the same month entered Basic Underwater Demolition SEAL training in Coronado, California, Class 221.

Nate was a stellar SEAL, and he lived the life of a SEAL each day. His military awards and decorations include the Bronze Star, two Navy and Marine Corps Achievement Medals, three Good Conduct Medals, two National Defense Medals, Armed Forces Expeditionary Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, Kosovo Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, three Sea Service Deployment Awards, NATO Medal, the Expert Rifle Medal, and the Sharpshooter Pistol Medal.

Beyond being a remarkable SEAL, Nate was a loving husband, a happy new father, a dedicated son, a loyal friend, and a role model to many in New Hampshire and across the country. Nate embodied the ethic of Cincinnatus who, when called upon to serve and defend Rome, gave all of his effort and determination; but when conflict ended, he returned home to enjoy his family and friends. He did not glorify himself as a hero, because true heroes do no such thing. He was as humble as he was brave.

Like Nate, I graduated from Oyster River High School in Durham. Ours is a close-knit community and Nate and his family have played an integral role in its unique camaraderie. I've spoken to many of his friends, and it's clear they will always miss him, but each will carry a piece of him forever. Because he had a passion for so many varied interests, including sports, art, books and music, Nate touched people in different ways. Each one of his circles of friends has a unique perspective on Nate that they call their own because of his eclectic interests. All of them, though, will always feel his love, celebrate his life, and remember his great passion for living.

In addition to his friends, Nate leaves behind his brother, Ben; his mother, Donna, an administrative assistant at the University of New Hampshire; his father, Steve, a professor at UNH; his wife, Mindi; and 7-month-old son, Parker. The community was called upon to support the Hardy family when their eldest son, Josh, died after waging a long battle against cancer in 1993. The Hardys showed courage at that time, and Durham rallied to their support. The community is ready to support them again at this time, united by the memories of this remarkable young man.

Mindi and Parker are especially in our hearts at this time and will always be, even after the immediate pain recedes.

Down the street from this hallowed floor is the Department of Veterans Affairs. On its side stand President Lincoln's words: "To care for him who shall have borne the battle, and for his widow and his orphan."

Our patriot, Nate, bore the battle and the people who cared so deeply about Nate will now care for Mindi and Parker. Friends and family will share stories with his wife and son, stories that they will carry in their hearts forever. Parker will know not only that his father was brave, but that his father was a good man, a man of character and conviction.

Nate Hardy enriched our New Hampshire and our country. We were blessed to have him, even for such a short while. May he rest in peace, and may his family find comfort in knowing that he was loved and respected by all.

## 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the majority leader.

Ms. WASSERMAN SCHULTZ. Mr. Speaker and Members, colleagues, I am pleased to open this hour for the 30-Something Working Group, look forward to my fellow colleagues joining me as we progress through the hour.

We come to the floor tonight to talk about a variety of important issues. We are proud and pleased that we sent an economic stimulus package that was developed in a bipartisan fashion, in a bipartisan spirit, this evening to the President of the United States. It was a process that was long negotiated and hard fought, but we were able to make sure that we focused on the priorities of the American people during a difficult time economically.

The focus of this economic stimulus package was threefold, and they all begin with "t." First, an economic stimulus package that we passed had to be "temporary." We have to make sure that we can get a temporary infusion of cash into the hands of the middle class and people who will spend that money, and make sure that we can stimulate the economy.

It has to be "targeted." It has to make sure that we were getting it into the hands of people who were actually going to spend that money, not people that were going to invest it, not people that necessarily were going to just pay off bills or sit on the money, but people who were going to use it to spend on items that they needed and get that infusion of cash into the economy so that we can have a short-term stimulus.

And, finally, the third "t" in the three-legged stool is that it had to be "timely." We had to do it soon and quickly because in order to either stave off a recession, or address the one that we're in, depending on which side of the debate you're on, on whether we're in a recession or headed towards one, we needed to make sure that we did this in a timely fashion and made sure that we can get that cash into people's hands over the next couple of months. And now we look forward to that happening.

Let me walk Members and others through the process that we went through. This was truly a bipartisan effort. It continued the bipartisan spirit that Speaker PELOSI and our majority leadership have been making an effort at extending our hand across the aisle since taking over the majority a little over 1 year ago.

In December of last year, the House, under the leadership of Speaker PELOSI, held a House Democratic Economic Forum to talk about the dire straits that the economy was facing to really hear about what issues Americans were struggling with and to begin to figure out what we could do on a short-term as well as a long-term basis.

☐ 2030

After the beginning of December, we had ongoing discussions between the

House leaders and the administration through Treasury Secretary Paulson. There were intense and heavy discussions because everyone knew that something needed to be done. The devil is always obviously in the details.

But we came together, the administration as well as the Republican and Democratic leadership of the House of Representatives, we came together and came up with a bipartisan solution.

There was a Democratic leadership letter to President Bush that was sent on January 11 urging the President to work with us and make sure that we could pass an economic stimulus package that was timely and targeted and that we made sure that it got money into the hands of people who would spend it.

We saw that PELOSI had a meeting with the Federal Reserve Chairman Ben Bernanke, and he testified in the House of Representatives on January 14 and thereafter, and the message that he sent was that an economic stimulus package was essential and would be helpful in order to deal with the issues that the economy is struggling with.

After that, we had a meeting between Speaker PELOSI and Leader BOEHNER, and they were able to reach an agreement and move in the direction until we finally reached today where we are able to pass the economic stimulus package, send it to the President, and over the next couple of months, I believe the timing is around May of this year, we will see that those funds get into the hands of people who need it the most.

One of the most exciting things about this package is that it is not going to go to the wealthiest few. It is not going to go to people who are just going to put it into the stock market or sit on it or just pay off bills or use it to pad fat bank accounts. We were able to successfully negotiate that the people who received this economic stimulus, these economic stimulus funds, we were able to stretch it all the way down to people who earn only $3,000. I mean, that is a category of person who truly fits the definition of needing the economic assistance. People who will be able to use those funds to make sure that they can address their everyday needs and spend those dollars so that we can put it an injection of cash into the economy and begin to revitalize it.

We made sure that we also provided some assistance for people who are struggling with housing issues and with mortgage issues by making sure that the FHA has a wider ceiling of mortgages in which they can provide loans to people. We have raised the cap to up over $700,000, recognizing that the range of the cost of housing is wide across the country.

It's good to see Mr. ALTMIRE, and I'm glad you have joined us tonight. I know that the average price of a house in my district, in my community right now is over $300,000, which, obviously, without an economic stimulus package raising that cap would make it difficult for someone to qualify under the FHA's criteria. But we were able to make sure that we raised that cap for 1 year so that we could address in a short-term way the third T, which was "temporary," in a short-term way address the economic problems that people are struggling with right now.

And we have continued the bipartisan tradition through the economic stimulus package because last year, when we began and took over the majority, we adopted the 6 in '06 agenda.

In the first 100 hours of our taking over the majority of the House of Representatives, the Democratic Congress acted on issues important to Americans, and the Republicans on the other side of the aisle joined with us in a bipartisan fashion.

Mr. MURPHY has joined us as well.

Let's walk through some of the bipartisan cooperation that we've had over the last years because there is a lot of words thrown around about how this is an institution that is being run by Democrats and that there is not bipartisan cooperation. Let us just show where the proof is in the pudding here.

We implemented the 9/11 Commission's recommendations which, in previous years, this was a report that was sitting on the shelf gathering dust with the Republicans refusing to put that on the floor and adopt up that legislation. We put it on the floor. It passed 299–128 with 68 Republican votes.

We had an average of over 60 votes for every one of these bills. Raising the minimum wage, H.R. 2. It passed 315–116 with 82 Republican votes.

The funding for enhanced stem cell research, which unfortunately President Bush saw fit to veto. That was H.R. 3. it passed 253–174 with 37 Republican votes.

We passed legislation to make prescription drugs more affordable, so that we could allow the Federal Government to negotiate for lower drug prices with the pharmaceutical industry which, by the way, is currently prohibited in Federal law. We passed that legislation with 255–170 with 24 Republican votes. And the list goes on.

Cutting student loans in half. That was H.R. 5. Passed 356–71 with 124 Republican votes.

And, lastly, we passed the energy package, which was the effort that we are making to recognize that global warming, yes, global warming, truly is a problem and we are committed to ending our addiction to foreign oil. Adopted the CAFE standards, the first time that we adopted some improved CAFE standard in 30 years.

H.R. 6 passed 264–163 with 36 Republican votes. In that legislation, the CAFE standards was legislation that was passed a few months later. And in this bill we said that we were not going to allow $14 billion in subsidies to be returned to the oil industry so we could make sure that we start to address the high cost of fuel.

So we are very proud of our record, our bipartisan spirit of cooperation, which culminated this evening and will continue, we hope, through the rest of this election year by passing that economic stimulus package.

I'm happy to yield to the gentleman from Pennsylvania.

Mr. ALTMIRE. Mr. Speaker, I thank the gentlewoman from Florida, and I'm glad the chart is up today and our colleagues are able to look at that.

Those are the six items that we identified as our top six legislative priorities for the 110th session of Congress and starting with the very first day, January 4, 2007. So, going back more than a year, we began work on these projects. And as the gentlewoman pointed out, four of the six have become law. They've been signed into law by President Bush. All four of them passed with strong bipartisan support. The other two that did not become law, both passed the House. In the case of stem cell research, it passed the House twice and it passed the Senate twice and was vetoed by the President twice. Unfortunately, we were unable to override the veto. The Medicare prescription drugs, that failed in the Senate. But all six of these passed the House with strong bipartisan support. Four of them have been enacted into law.

I'm glad to hear about the stimulus package, too. That was the vote that we cast today. And I'm very excited with the quick response that this House and the Senate gave to the American people. We worked together in a bipartisan way to address the problems with the economy. Just about any economist that you talk to, bipartisan, across the spectrum, will say that we are in great danger of slipping into a recession if we are not already in a recession.

So coming back at the very beginning of the year, working together, the first week back, we put together the stimulus package. We passed it out of the House. We sent it to the Senate. They took a little bit longer, but they got their work done, and I congratulate them for that. They passed it today, sent it over to us. We immediately passed it out of the House, and now we are going to send it on to the President.

And this is a stimulus package that is directly going to impact people's lives. This is a tax rebate that is going to put money in the hands of consumers who are going to spend it. And I know we are going to talk in some more detail about that. I will leave that discussion for after Mr. MURPHY speaks.

But I did want to point out the issue that we are talking about is bipartisanship. We came back from the holidays, saw the need, heard from the economists, and immediately sprung into action, put together a package in a bipartisan way. Got it done. Both sides of this Capitol. Now we are sending it to the President.

The reason this is so important is because of some of the issues that Ms. WASSERMAN SCHULTZ was talking about. The subprime mortgage issue that we all have heard so much about. One of the issues that people need to think about among our colleagues is that when you think about mortgages that are unable to be paid and foreclosures taking place with the subprime mortgages, in many cases this is not a case of somebody buying too much house, buying a house they can't afford, being unable to pay their mortgage. Certainly that does happen.

The bulk of these mortgages that go bad in the foreclosures that take place are second mortgages. There are people who are unable to pay their bills because of rising gas prices, because of rising health care prices, because of higher education costs. They're simply unable to make ends meet. They take out a second mortgage to pay their daily expenses and unfortunately get in over their heads and lose their homes as a result.

So this stimulus package, by putting money into the hands of people who are going to be able to use it to pay bills and stimulate the economy and buy merchandise and hopefully get the economy kick-started again and prevent a recession, or at least lessen the impact of a recession if we are already in one, this is a very important piece of legislation that both the House and the Senate passed today.

Mr. MURPHY of Connecticut. Mr. Speaker, I want to underscore how important it is that you have seen a remarkable degree of coordination and bipartisan cooperation in the House on the second stimulus package. Because you and I both know as acutely as anybody in this Chamber, because we were out there campaigning for change here in Washington, that folks were sort of sick and tired of everything being a fight here, everything being lined up as Republicans against Democrats, conservatives against liberals, X against Y, A against B. That was kind of the order of the day here during the last 12 years before the election of 2006. Everything was going to be a partisan fight, and there really wasn't going to be any real effort to reach across the aisle. That's changed. You and I weren't here, but we know what the perception was from the outside. And the perception, and I think Ms. WASSERMAN SCHULTZ will testify, that was backed up by reality.

Now, cooperation that you see on the economic stimulus package doesn't mean that you still don't fight for what you believe in when you have an honest-to-goodness disagreement, and we are going to talk a little bit tonight about some fights that are about to come, some lines in the sand that we, as Democrats, are prepared to draw with the President and his Republican followers here in the House. But there are so many other things that you don't need to fight about, there is honest-to-goodness agreement on, whether it be jump-starting this economy with an economic stimulus package, whether it be passing reasonable restraints on the mortgage market, opening up access to liquidity for people who want to refinance their homes, have a means to do it but can't find anybody to give them the money and the access to capital. Those are issues that don't have right and left divides. The economic downturn doesn't discriminate against you whether you're a Republican or a Democrat.

So we are passing bills here to deal with this economic slowdown with Republicans and Democrats behind it, and that's what people want us to do.

Now, that doesn't mean they want this Chamber to be Kumbaya on every single issue. They sent us here to fight for what we believe and what the American people believe in. But you don't have to default to one position all the time or the other position all the time. You don't have to be cooperating on everything or fighting on everything. You can pick and choose. That's what a parent does every day. I mean, you choose the battles that you are going to fight with your kids. As a kid, you choose the battles you are going to fight with your parents. There are things that you get along with them on and things you disagree on.

This place, for a very long time, resorted to the fault of fight about everything, never bother to reaching across the aisle, never try to pass a package with the Republicans and Democrats. I mean, why would you have to? If you have a majority of Republicans here, you can just pass it with Republicans. So why reach out to Democrats? The majority rules in the House.

That's not what the American people want. They want to see that bipartisan partnership. They want to see bills not passing 51 percent to 49 percent. They want to see some bills passing by a real majority. That's what you saw with the 100 hours agenda, and that's what Ms. WASSERMAN SCHULTZ pointed out. That's what you saw with the economic stimulus. You might not see it every time, but you are going to see it a lot more times in this Congress.

Ms. WASSERMAN SCHULTZ. And that's the direction we are going to continue to go in, because that line in the sand that you referred to, we have got to draw one. And the place that we draw it is a real commitment to making sure that we move back into a surplus situation like we were in before this administration took us to hell in a handbasket. I mean, let's take a look at the deterioration that our budget has gone through over the last number of years.

We had a situation where the budget has deteriorated by $8.8 trillion under Republican policies. In the 2001 fiscal year, we had a $5.6 trillion surplus. Literally leading into President Bush taking office, we were in a $5.6 trillion surplus.

Now, over the time of this administration, which is approaching 7½, almost 8 years, we have gone from a $5.6 trillion surplus to a $3.2 trillion deficit.

□ 2045

Now, if there is anyplace that I think that this Democratic majority will draw a line in the sand, it's here, so that we can make sure we take our established policies and adopt a budget and a plan and a blueprint to get us back to a surplus situation.

Mr. MURPHY of Connecticut. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I would be happy to yield.

Mr. MURPHY of Connecticut. I think it serves us to point out that this belies conventional wisdom that Democrats are the ones to draw the line in the sand when it comes to fiscal responsibility. I mean, the image out there, for whatever reason, for a long time was that if you cared about deficit reduction, if you cared about drawing the line on spending, you might vote Republican. Well, that hasn't been backed up by facts for 12 years now. It was the Clinton administration that had record surpluses. It was a Republican President and a Republican Congress that racked up those enormous deficits. So now, we, as Democrats, are the ones coming down here and saying, listen, if you care about fiscal responsibility, this is the party that you want in charge of your Congress. This is the line that we're going to draw in the sand.

And it bears pointing out the sort of strange irony of that because for a long time the conventional wisdom was the opposite. But the facts back up the reality, which is that if you care about spending, it's the Democrats that are going to offer to draw that line in the sand.

Ms. WASSERMAN SCHULTZ. Exactly. And let's detail some of those facts, because the mythology that you just laid out, which is that it's Republicans that are fiscally responsible and that it's Democrats that cause debt, let's take the reality of the Bush administration's responsibility and stewardship of our fiscal house over the last several years.

This administration, under President Bush's leadership, is responsible for the five biggest deficits in American history. Now, there was a whole lot of talk, Mr. ALTMIRE, as you recall over the last year or so, from this administration about how they were going to get us out of debt over the next 4 or 5 years. Right? Well, the third highest deficit that exists is proposed in the budget document that President Bush submitted to the Congress on Monday at $407 billion. The only two higher deficits that were projected were last fiscal year and in fiscal year 2004, when it was $413 billion. We're going in the wrong direction.

Mr. ALTMIRE. I would say, Ms. WASSERMAN SCHULTZ, not to interrupt, but the President did tell us last year that he was going to reduce the deficit, and I see here that last year we had a $410 billion deficit. And he did, in fact, reduce it. Let's give credit where credit is due. The deficit this year is only going to be $407 billion.

Mr. MURPHY of Connecticut. That is backing up words with actions, Mr. ALTMIRE.

Ms. WASSERMAN SCHULTZ. Mr. ALTMIRE, will you yield?

Mr. ALTMIRE. I certainly will.

Ms. WASSERMAN SCHULTZ. Thank you. Because we backed out $3 billion in deficit in a $3 trillion budget. The budget this year that he proposed was over $3 trillion.

Mr. ALTMIRE. I'm being facetious, obviously. A $407 billion deficit for 1 year is a very significant deficit, third highest ever submitted behind only the budget he submitted last year and the budget from 2004.

But I really appreciate the gentlewoman giving us a little walk down memory lane because we're in a Presidential election year this year, so people are thinking about Presidential politics. And I like to remind my colleagues to think back to the 2000 Presidential election, and let's remember what the discussion was at that time. The Clinton administration was wrapping up. We're in our fourth consecutive year of budget surplus at that time. And as the gentlewoman pointed out with the previous chart, those surpluses were forecast as far as the eye could see, $5.6 trillion forecasted deficit over 10 years. So the discussion during the Presidential election in the year 2000 between Vice President Gore and then-Governor Bush was, what are we going to do with all this money? This is an incredible surplus. We're awash in money. Are we going to shore up the Social Security trust fund? Are we going to pay down the debt? What are we going to do with this money?

Well, now it's 8 years later, and unfortunately we are not having that discussion anymore, because instead of having had a $5.6 trillion surplus, as the gentlewoman pointed out, we have had a $3.5 trillion deficit over just the past 7 years. So that $5.5 trillion surplus was a 10-year projection, $3.5 trillion over 7 years. And as the gentlewoman points out, that's almost a $9 trillion swing.

And I often ask, when we discuss the budget, if you had said to an economist or any group of economists after the new administration took over and they were facing this $5.5 trillion surplus, if you had said, well, what would it take to have a $9 trillion swing to the negative in the surplus to a deficit, just about any economist you talk to would have said, well, that's impossible. You can't possibly mismanage the economy to such an extent that you would have a $9 trillion swing over just 7 years. Well, unfortunately, this current administration has done the impossible; they have added $3.5 trillion to the national debt, which now stands at $9.2 trillion.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, we're talking about giant numbers here, but let me give you another point of comparison. I mean, there are so many different ways to make this point to the American people that we have allowed spending in this budget to spiral out of control under Republican leadership and to hammer home the point that the problem that the Democratic majority has inherited is one that is going to take a long time to fix, but it is only going to be fixed by having a truly fiscally responsible leadership here in the House in charge.

Here is another way of putting it. I mean, this is remarkable, Mr. ALTMIRE. And this is a chart that Ms. WASSERMAN SCHULTZ and Mr. MEEK and Mr. RYAN have shared several times, but it bears putting out here one more time. Forty-two Presidents took 224 years to rack up about $1 trillion in foreign-owned debt, debt owned by China, European countries, OPEC nations. 42 Presidents, 224 years, over two centuries they took to get $1 trillion in debt held by foreign countries. This President, one President, has now, this number isn't even accurate anymore, has now racked up $1.33 trillion in foreign-held debt. One President in about 7 years has racked up more debt than 42 Presidents in 224 years.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield for a second?

Mr. MURPHY of Connecticut. Absolutely.

Ms. WASSERMAN SCHULTZ. Put the chart back up because I think it's important to note that when we began using this chart, it was actually at $1.03 trillion and the bar was a little bit lower. Now, here on this chart it's 1.19, and it's really $1.33 trillion in foreign debt. The bar is up to the President's chin. It's actually, the 1.33 I think is up to his lips. He's about to drown in the debt right here on this chart. So we really need to make sure, I mean, there are deficits and there is debt, both are significant, both are important, and both really hamper our long-term security.

When we talk about the need for homeland security, economic security for Americans is equally as important. If we can't rely on our government and our leadership in the government to make sure that we make responsible fiscal decisions like we did when we reinstituted the PAYGO rules, when we made sure that the bills that we pass here are paid for and that we, going forward, aren't going to cause more debt and more deficits and saddle that burden of debt on future generations, that's what fiscal responsibility is all about; that's what financial security is about.

Every single day Americans have to make sure that they don't spend more money than they take in, and we have families across the country who make sacrifices in order to be able to do that. They know they're in trouble if they go in the opposite direction. This administration has spent like drunken sailors and really, to be honest with you, treated the resources that we have like it's Monopoly money, like it's not real, like it grows on trees. I mean, I guess once you get into the trillions, Mr. MURPHY, that's a hard concept to grasp, $3 trillion.

Mr. MURPHY of Connecticut. Well, it's not that hard, Ms. WASSERMAN SCHULTZ, maybe to grasp over 224 years, but it's hard to grasp how you do $1.3 trillion in foreign borrowing in just 6 years. And I'll be honest, I can't name every guy here, but I bet you there are some pretty wild spenders in that group, and I bet you there were some real deficit lovers somewhere buried in that group of Presidents. And still, all of them together, $1.01 trillion, this one President.

Remember, a President alone can't do this, Ms. WASSERMAN SCHULTZ; you have to have a Congress that's willing to back you up on this kind of deficit spending. And he had it, but he only had it for 6 of his 8 years. I mean, that's the difference. He had a Congress that's willing to spend that kind of money, that's willing to rack up those kinds of deficits for 6 of his 8 years. For the last two, he doesn't get that deal. For the last 2 years of his Presidency, he gets a fiscally responsible Democratic Congress that for the first time in 8 years is going to push back. It might not be successful every time, but we're going to push back for the first time in a long time.

Mr. ALTMIRE. Mr. MURPHY, I would like to direct a question to our colleague from Florida (Ms. WASSERMAN SCHULTZ). She has been here for two terms now, we've been here for one, so I'm going to ask her a question. Maybe she can enlighten us and anyone else that may be listening.

What are the nations that we're talking about here when we're talking about foreign-held debt? What are some of the countries that we are lending this money to?

Ms. WASSERMAN SCHULTZ. I'm glad you asked that question, Mr. ALTMIRE, because some of these concepts are hard to grasp. I know they're hard for me to get my mind around sometimes. Like I said, $3 trillion, which is the budget that this President proposed this year, and $407 billion in deficit. On top of that, a $1.33 billion foreign debt; that is money that we owe to foreign governments.

Let's look at just who it is that we owe this money to: $644.3 billion of that is owed to Japan. China, almost $250 billion, China, through 11/05. And then China now, $350 billion. Great Britain and the U.K., $240 billion. The Caribbean, right nearby, our neighbors very close by, we owe $68 billion to them; $63 billion to Taiwan. The OPEC nations, where we're trying to move in the direction of weaning ourselves off our dependence on foreign oil, the nice words that the President put in his State of the Union a couple of years ago that we all heard, well, $100 billion of our debt is owed to the OPEC nations. $70 billion to Korea, $53.9 billion to Hong Kong, and $52.5 billion to Germany.

So we have a lot of our debt spread all over the world. And we're supposed to be the strongest and most vibrant Nation in the entire world, and we have a lot of hands all over us world-wide. And it is not a good situation to be in. It's a tenuous situation to be in, and it's fiscally irresponsible. And we've got to make sure, and we're committed as Democrats under the leadership of Speaker PELOSI, to move us in the right direction and get us out of that debt.

Mr. MURPHY of Connecticut. And Ms. WASSERMAN SCHULTZ, we're also committed as 30-somethings. I mean, the reason why this group for 3 years, and before that, before you were here, when Mr. MEEK and Mr. RYAN were down here, talk about this debt that we owe to foreign countries, talk about the deficit night after night, I mean, people may wonder, why are these guys and why is Ms. WASSERMAN SCHULTZ down here talking night after night about the debt? Well, we're the 30-Something Working Group. We're here, in part, to represent the concerns of some of the younger voters in this country. And we need people to understand, we need our 30-something brethren and our 20-something brethren and even kids in high school to understand——

Ms. WASSERMAN SCHULTZ. And sisterhood.

Mr. MURPHY of Connecticut. That's right, that this is going to be their problem, that these loans that we've taken out from China and from the Caribbean and from OPEC nations, they're going to want that money back. And they're going to want that money back 10 years from now, 20 years from now when folks who are now in their teens and their 20s and 30s are in their prime earning years. Just when they need to be mustering the money to send their kids to college, they are going to be paying exorbitant taxes to the Federal Government because we're going to have to start paying back that debt.

So this is an issue that the 30-Something Working Group talks about a lot because the problem is today, but even more gravely, the problem is in 20 or 30 years. And it's our obligation to be making policy not just for next week, but for the next decade.

Mr. ALTMIRE. And I know that the gentlewoman is going to talk about this next issue, and Mr. MURPHY and I talked last night at great length about the fact that the second largest line item on the budget that the President submitted to us on Monday, the second largest line item in a $3.1 trillion budget that is literally a foot thick page by page is interest on the national debt. The Pentagon budget is first, and interest on the debt is second. I believe the gentlewoman has a chart showing it's approximately $240 billion, just interest, on the national debt.

So when you think about that $407 billion deficit for 1 year that the President submitted to us, more than half of that is due solely to interest on the debt that he has accumulated over the last 7 years.

Ms. WASSERMAN SCHULTZ. That's exactly right. And it's important to show this debt and the impact of it in different ways because different people think and look at things through a different prism.

So the second highest line item in the budget that he submitted was the interest on the debt. And as you can see, like Mr. ALTMIRE pointed out, we're at about $240 billion, which is the net interest that we're paying on that debt.

□ 2100

Now, expressed comparatively to the other things that we believe are incredibly important in terms of improving the quality of life of people in America and moving this country in a new direction, which is what we were committed to doing when we took over the majority and that we promised the American people that we would do, so we are at $240 billion in net interest on the debt. That is as compared to what we spend on education, what the President proposes to spend on education, which is at about, let's say, a little less than $50 billion, a little bit less than that for spending on veterans health care, and then a little bit less than that on homeland security.

Now, what's mind-boggling is, if you listen to this administration and to this President and to our colleagues on the other side of the aisle, you would think that the most important thing on the planet to them is homeland security and making sure that we provide adequate funding for homeland security. Well, if you take education, veterans health care, and homeland security combined, combined those items don't equal the payment of interest on the national debt.

I mean who is for homeland security and who just talks? I mean you have to back up words with action. We do all this right out in the open. People can see where the priorities are because, as the Speaker always talks about, Mr. MURPHY and Mr. ALTMIRE, the Speaker always talks about how the budget is an expression of our values. And we are going to show the American people the difference in our values as Democratic Members of Congress, who are the leaders of this coequal branch of government, versus the expression of values that President Bush put forward on Monday, which clearly are dramatically different than the priorities of the American people.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, I know we want to talk about that budget and how clear, once again, the President has made it, that his priority is going to be to turn the Federal Government's back on regular working folks out there who need a little bit of help getting their parents into a nursing home, who need a little bit of help getting quality education for their kid, who want to make sure their streets are safe. We're going to talk about that.

But I think it's worth noting that we've gone through one budget cycle already here with Democrats in charge of the House, and we have shown this place, Washington, DC, that we have shown everybody out there in America that you can have a responsible budget that sets you on a path towards balancing that budget within 5 years, and you can do it in a way that is still compassionate about the people out there who need a little bit of help from their government. You can do both.

Mr. ALTMIRE, Ms. WASSERMAN SCHULTZ, and I all come from pretty fiscally conservative districts. We have people who want to see the Federal Government spending their money right. But we also come from districts full of people who do want to help their neighbors, who do want to reach out and give a helping hand when it's needed and when it can be done on a reasonable and efficient basis. And the budget we passed last year, it has a very modest growth in spending, but it invests in the right programs. It gives increases to programs like health care, research. It gives investments in community policing. It gives increases for elementary education. And it does it all while setting a course to balance the budget in 5 years.

So you can do both. You can get fiscal responsibility, and you can make sure that you're covering your bases in the programs that help regular, average Americans. And we did it as a Congress. The President, once again, has submitted a budget to us that isn't going to do that.

Mr. ALTMIRE. Mr. Speaker, I wanted to talk a little bit about the chart that Ms. WASSERMAN SCHULTZ was referencing and still has up. It shows the interest on the national debt and how that account dwarfs spending on education, veterans, and homeland security. But the truly sad part of that chart is that the red bar that shows net interest on the national debt is growing exponentially while the President, in the budget he submitted to us, slashes funding for education, for veterans, and for homeland security. And Mr. MURPHY and I went over this a little bit last night in our talk on that 30-Something Group. But I just wanted to talk about those three accounts, education, veterans, and homeland security, and talk about what the President has decided to do.

Instead of investing in innovation in the classroom, his budget eliminates the $260 million program providing grants to States for classroom technology and freezes the $179 million mathematics and science partnerships. Now, that's a program that's targeted at improving achievement in math and science. And instead of making college more affordable, something that this House took a giant step towards doing just today, the President's budget inexplicably eliminates supplemental education opportunity grants. And the Perkins loan program, one of the staples of higher education assistance in this country, the President eliminates it in his budget. He also eliminates the Leveraging Educational Assistance Partnership program, the LEAP program that we know about. And they all provide necessary funding for needy students. His budget also eliminates funding for vocational education. This is completely unjustified.

We talked about homeland security, something that's very important to every Member of this House. Well, the President's budget slashes funding for State Homeland Security Grant Programs. And I would repeat that. I'm speaking correctly. It slashes funding for State Homeland Security Grant Programs at a time when we're at war.

Ms. WASSERMAN SCHULTZ. If I could just reclaim my time for one second because different people would have different definitions of "slash." So since we know actually by what percentage he slashed it, let's underscore. The Department of Homeland Security State responder grants that he slashed, he slashed by 78 percent. So we're not talking about just a little nick here. We're talking about cutting the legs out from under a program that provides assistance for homeland security efforts locally, not just for New York and Los Angeles and the places with big tall buildings, but places all over this country which have vulnerable sites that any wise, smart-minded terrorist would love to catch a community sleeping that doesn't have a coordinated effort and a plan to make sure that they can take care of their community and ward off a potential terrorist attack, which could happen anywhere.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, let me just get this right. So we have spent billions upon billions of dollars, another 170 this year, on the war in Iraq, which is feeding the international terrorist movement, and this isn't our saying it, that's the 22 most important national intelligence organizations through the National Intelligence Estimate, that is feeding the frenzy of international terrorism and is growing the ranks of the people who want to do harm to us. So we're spending money in Iraq to increase the ranks of people who might do harm to us, and then we are cutting the money here at home that would make sure that none of them lands on our soil and does harm to us. That is a very odd thing for the President or the Republicans or anyone who supports that policy to have to explain to somebody.

Ms. WASSERMAN SCHULTZ. All the while with the President's continuing to insist that we make the tax cuts permanent, that we extend permanent tax cuts to the wealthiest Americans, to cut more of our ability to make sure that we can fund first responder grants for communities across this country, and all the while having a $407 billion deficit and a $1.33 trillion debt. I don't know. In my dictionary, fiscal responsibility, that doesn't meet any of the definitions in the dictionary that I use. Maybe the dictionary in bizarro world. Maybe there's some opposite universe. I remember when I watched Star Trek, there was a bizarro world, opposite universe episode, and everything that was one way in one universe was the opposite way in the opposite universe. Maybe that's what it is. Maybe that aisle right there, maybe that side of the Chamber is actually a parallel universe, and so everything we believe is the opposite on that side. That's what it is. I figured it out.

Mr. MURPHY of Connecticut. If the gentlewoman would yield, it's a wonderful world to live in, though, Ms. WASSERMAN SCHULTZ. I mean this world in which you can spend money on all of these things that you want to spend money on, that you can have no one pay for it, that you can kind of convince yourself that all of the people that are lending you the money aren't going to really ever ask for it back, that you can additionally convince yourself that the fact that you owe money to all of your enemies isn't going to have any consequences when you want to fight them or negotiate with them. I mean, that's a great place to live in. A world full of no consequences. A world full of postponing all bad things until a moment in which no one is here to answer for them anymore. It's a wonderful place to live.

But I've got to believe that that's why Mr. ALTMIRE and I got sent here as part of the new class last November, that the American people kind of figured out that it was a myth. I mean, they figured out that it was an alternative universe. Now, they might not be as big a science fiction fan as you are, Ms. WASSERMAN SCHULTZ, but they figured out that something was up. I mean, I come from a district that was Republican for 24 years that has these Rockefeller Republicans that are sort of socially moderate but fiscally conservative, and they came out and voted for Democrats in droves this year because they figured out what you knew all along, that this was just a made-up world here where you could just spend wildly on a war in Iraq, that you could borrow in order to pay for it, that you could rip the guts out of social services, and everything would be all right. So the American people, I think, have figured it out and they sent us here to fix it.

Mr. ALTMIRE. And, Mr. MURPHY, you're leaving out one of the key facts, that they live in a world where you can charge everything to the national credit card. Everything that you do, every expense of the Federal Government, just charge it to the credit card, and that bill is never going to come due.

Well, guess what? That bill has come due. And the reason we're facing a recession right now is because we have been living through that fiscally irresponsible time.

Ms. WASSERMAN SCHULTZ. Mr. ALTMIRE, can I ask you a question? Because you were going through the details of the cuts that the President has proposed in his budget that he submitted for fiscal year 2009 on Monday.

There was a program that was first implemented and proposed and funded by Congress but proposed by President Clinton called the COPS program, which put 100,000 police officers on the street and made sure that we had first responders, police officers, on the streets, patrolling our communities, making sure that the streets of America were safe. And how much did President Bush propose for the COPS program in his fiscal year 2009 budget?

Mr. ALTMIRE. The gentlewoman may have a different chart than I have.

Ms. WASSERMAN SCHULTZ. I have zero, because the number that I have is that he cut the entire program, 100 percent cut to the COPS program, zeros it out, so that there would be no COPS program, no funding to put police officers on the streets in our local communities.

It's just unbelievable. We continue to hear the rhetoric come from this administration. I mean, it's nice, happy talk. It's nice, happy talk that you can stand behind the podium and say whatever you want and live in bizarro world across the other side of the aisle and just ignore reality and squeeze your eyes shut and hope that people don't notice that what you're saying is not true.

Mr. ALTMIRE. And it's particularly frustrating to Mr. MURPHY and I, who are in our first term and we had our second State of the Union address just last week, a week ago, and the President of the United States stood right behind where I am standing right now and said to the Congress you need to be more fiscally responsible. And he lectured us on how he perceived this Congress to have been fiscally irresponsible. And literally a week later, 1 week later to the day, he drops on all of our desks a budget that is out of balance by $407 billion. So when you talk about living in a world where you can say one thing and do another, I would suggest you look no further than that budget that was submitted to us.

And the gentlewoman asked about the COPS program, and I appreciate her bringing that to our attention. I had in front of me funding for something that's near and dear to my heart, and that's for veterans, which was the third category on the chart that she showed several minutes ago when we talked about education funding and other accounts that pale in comparison to interest on the national debt. I just wanted to talk about what the President's budget does for veterans. It cuts health care for veterans by $20 billion over 5 years and cuts funds for constructing, renovating, and rehabilitating medical care facilities in the year 2009.

And I would remind everybody what happened at Walter Reed, which is a defense health care facility, last year, at about this time last year, when we heard reports of substandard living conditions and paint peeling and rodents. And we are then going to look at the VA, according to the President's budget, and actually cut funds for constructing, renovating, and rehabilitating medical care facilities at a time when we've had a national scandal at one of those facilities? I think that's disgraceful.

And for the 6th year in a row, the President's budget raises health care costs on 1½ million veterans by imposing $5.2 billion in increased co-payments on prescription drugs and new enrollment fees for veterans.

□ 2115

Mr. ALTMIRE. I can't think of a group that we should be helping more than our Nation's veterans. And to have a budget submitted to us at a time when all of us can agree that there is nothing more important than taking care of the people who are putting their lives on the line for us, wearing the uniform of the United States every single day, making every possible sacrifice, and to have a budget submitted to us that slashes funding for veterans programs is an offense. It literally is an offense.

Ms. WASSERMAN SCHULTZ. Mr. ALTMIRE, I have to compliment you because the people of western Pennsylvania, when they made a decision to elect you, sent a champion for our Nation's veterans to this institution. Since day one, I don't remember a day that has gone by that I have not heard you talk about the plight of our veterans and the importance of not forgetting them, and making sure that we are going to appropriately fund and adequately fund their health care needs, provide for their needs when they come back from their service to our country and continue to take care of them in the variety of ways that we should instead of forgetting them like so much dirty laundry and make sure that they don't get left behind. It is another example of the new direction that the people of America wanted. And when they elected you, that is exactly what you have delivered to them. And I know your constituents really appreciate it.

You mentioned the lecture, which is a good description for what the State of the Union was last week that we got from President Bush, and Mr. MURPHY, I would like to say our caucus chairman, RAHM EMANUEL, did a good comparison, or timeline, of where we were at the start of the administration almost 8 years ago and where we are now. He did a press conference and talked about, gave a speech, a really good speech on the floor and just showed where we were at the start and where we are now.

So, Mr. MURPHY, I know you have some of the information in front of you, as well, just to walk people through where we were then, at the beginning of this administration. At the beginning of this administration, we started with a record $5.6 trillion surplus when President Clinton left office. And President Bush will be leaving behind, Mr. MURPHY?

Mr. MURPHY of Connecticut. Annualized $400 billion operating deficits, the three largest operating deficits in the history of the Republic under the Bush administration, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you. And at the beginning of the Bush administration, Mr. ALTMIRE, we were on track to pay down all of our publicly held debt. All of it. I am not sure if you have the chart in front of you right there; but, Mr. MURPHY, we were on track to pay down all of our publicly held debt. And what is the Bush administration leaving behind?

Mr. MURPHY of Connecticut. Curiously, as we talked about here, a $9 trillion debt owed mostly to foreign nations, a President that has racked up more publicly held foreign debt and privately held foreign debt than any other Presidents combined in the history of the Republic.

Ms. WASSERMAN SCHULTZ. It is really astonishing, the dramatic difference and the swings we have gone through in the last 8 years. Who would have thought that we could go through that type of rapid deterioration?

How about the economy? We are certainly not facing a strong economy right now. At the beginning of this administration, as President Clinton was leaving office, Mr. MURPHY, we had the strongest economy in three decades. We had 22 million jobs that had been created. We had a record surplus. We had a thriving economy by any definition. And now that we are wrapping up the Bush administration, what is this President leaving behind?

Mr. MURPHY of Connecticut. Well, we know he is leaving behind one of the weakest and one of the most fragile economies that we have seen in a very long time. Today we get reports from the Nation's largest retailers telling us that they still have not unburied themselves from the holiday malaise. We had a report recently from the service sector showing the service economy starting to bottom out. We have news yesterday from the Labor Department telling us that worker productivity continues to slow. We have an economy after 6, 7 years of the Bush administration's policy left over from 12 years of neglect by the Republican majority that is as weak as it has been in a very long time.

Mr. ALTMIRE. I want to talk about a few things that the President is leaving behind as he leaves office going into next year, and we look forward to working with him certainly throughout this year, $400 billion in annual deficits, deficits as far as the eye can see, as Mr. MURPHY talked about, an exploding debt burden, a slowing economy; and this is something that I think really needs to be talked about because we had in January a net loss of 17,000 lost jobs. And there was a lot of talk in the administration about how, well, this was the first loss in 4 years in job growth in a month, which is true.

Now, any economist will tell you, anyone who studies these issues will tell you that because of the population growth in the country that works, we are experiencing in any given month, it takes between 100 and 150,000 new jobs being created just to keep pace with the increase in population growth in the country. So just to maintain, you have to have at minimum 100,000 new jobs. Well, many of the months that we are talking about going back 4 years, we have had much fewer jobs created per month than 100,000. And in fact, this administration, if you look at the job growth that has taken place over the 7-plus years of this administration and pro rate it, this is the weakest record of job growth in any administration since the Hoover administration.

Mr. MURPHY of Connecticut. Did they have good job growth in the Hoover administration?

Mr. ALTMIRE. Right. And Mr. MURPHY held up his chart with all the

Presidents on it and talked about big spenders and fiscally irresponsible people, and I think Mr. Hoover may not be remembered in those categories, but he is certainly not going to be remembered as a job creator, let's put it that way. So for this administration to have the worst record of job creation since the Hoover administration, I think really spells out the failure of these economic policies.

Ms. WASSERMAN SCHULTZ. Absolutely. And as we begin to wrap up, getting back to the lecture that you referred to earlier, Mr. ALTMIRE, that we received from President Bush last week, the matter of transparency is incredibly important. This is a President who talked about how we need to make sure that we disclose earmarks, which we took the lead on when we became the majority and made sure that we put our names next to the earmarks that we get in the appropriations act, and we are the ones that made sure that there was full disclosure and adopted the ethics package that was the most comprehensive in American history.

And with this President's proposed budget this week, let's outline, and we are going to have some of these charts next week that are blown up so that people watching can see, but let's talk about what was left out of the budget, because he talked very nicely about transparency, and make sure that people really understand clearly what we are doing here. He left out of his budget any war costs, any costs for the war in Iraq and Afghanistan beyond the first half of this year. He also left out AMT reform beyond 2008. So all of the millions and millions of taxpayers that we helped avoid be subject to that AMT tax when we passed that legislation at the end of last year, there is no fix for them. And President Bush doesn't even count them as that going forward, which we know we are obviously going to have to do.

It is fake. It is just, again, bizarro world. We can just make stuff up in the budget and hope that people believe that it is true. This was a fairy tale document that he gave us on Monday. The good news is that the Congress actually writes the budget when push comes to shove.

Then in terms of any spending policy details beyond fiscal year 2009, there was nothing detailed in this President's budget. Let's just give you, as I wrap up and then turn it over to the two of you to bring us home, let's just go through last year. In fiscal year 2008, President Bush requested $193 billion, Mr. MURPHY, for the war in Iraq. And in the fiscal year 2009 budget he just proposed to us on Monday, he asked for $70 billion. Good news. We are only going to spend $70 billion on the war in Iraq and Afghanistan this year.

Mr. MURPHY of Connecticut. We get some discounts this year.

Ms. WASSERMAN SCHULTZ. Wow, that is so exciting. Again, we have to make sure that we are honest, transparent, and forthcoming with the American people. We can't fake it. We can't gloss it over. We have to make sure that we give them the straightforward facts and be honest with them in the budget document and in everything that we do.

Mr. MURPHY, why don't you bring us home. It is a privilege to be here again with you and Mr. ALTMIRE, and we miss our colleagues, Mr. RYAN and Mr. MEEK, tonight; but the 30–Something Working Group is always here to talk about the issues that are important to the American people, but particularly to our generation of Americans who are going to inherit the results of the decisions that we make here.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, just to leave on some good news, I think the passage with the Republican and Democratic votes of the economic stimulus package shows that this Democratic Congress has the potential to reach across the aisle and push back on a lot of these policies that we have been talking about today. This is bad news, the President's budget he submitted to us. It is not a good budget for people, for families, or for fiscal discipline.

But the good news is that we have shown a record here of being able to work together, Republicans and Democrats, to be able to push back.

Ms. WASSERMAN SCHULTZ, if you want to get in touch with us, you can e-mail us at 30somethingdems@mail.house.gov or go to www.speaker.gov to visit our Web site.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. MURPHY.

Mr. Speaker, we appreciate the opportunity that has been given to us by the Speaker.

## PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, our government has paid for four studies looking at the world energy situation, particularly at oil. Two of those studies were reported in 2005, and two of them were reported in 2007. The two in 2005 were the SAIC report known as the "Hirsch Report," and then later in the year there was a report by the Army Corps of Engineers, and then in 2007 there were two reports, one of them by the Government Accountability Office and the second one by the National Petroleum Council.

They all said essentially the same thing in different words. I have here some quotes from the first one of these, and the largest one. Remember, this is now in 2005, and this is from the Hirsch Report. "Peaking of World Oil Production: Impacts, Mitigation, & Risk Management" was the title of their work.

World oil peaking is going to happen. By peaking, we mean that time at which the world reaches its maximum capacity for producing oil. After that time, regardless of the demand for oil and regardless of the desire to produce more oil, the world will not have the ability to ramp up in oil production to produce more oil.

World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. A number of confident forecasters project peaking within a decade. Others contend it will occur later. Prediction of the peaking is extremely difficult because of geological complexities, measurement problems, pricing variations, demand elasticity and political influences. Peaking will happen, but the timing is uncertain. Oil peaking presents a unique challenge.

And then they make this statement: the world has never faced a problem like this. There is no precedent in history that we can use to judge what the impact of this peaking will be. Without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions, wood to coal and coal to oil, were gradual and evolutionary. Oil peaking will be abrupt and revolutionary.

The second chart has some additional quotes from this same report. The peaking of world oil production presents the U.S. and the world with an unprecedented risk-management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically. A couple of weeks ago, oil was $100 a barrel. And without timely mitigation, and there has been essentially none, without timely mitigation, the economic, social, and political costs will be unprecedented, unprecedented, meaning nothing in the past can we use as a guide to what the consequences will be.

Viable mitigation options exist on both the supply and demand sides. But to have substantial impact, they must be initiated more than a decade in advance of peaking.

Now, as we will see in a chart or two, it is very probable that peaking has already occurred. So, obviously, we can't prepare for it a decade ahead. Dealing with world oil production, peaking will be extremely complex, involve literally trillions of dollars and require many years of intense effort. This is from the SAIC, a very prestigious organization, a report paid for by our government.

☐ 2130

The next chart is a graph of oil production in the United States. To see the impact of this we have to go back more than half a century to 1956, the

8th day of March, in San Antonio, Texas, when M. King Hubbert gave a speech to a group of oil engineers and executives which I think will shortly be recognized as the most important speech given in the last century.

What M. King Hubbert told that group was that in just 14 years from 1956, that is, 1970, the United States would reach its maximum oil production, and after that, no matter what it did, the United States would not be able to increase its oil production.

At that time, the United States, that means in 1956, the United States was king of oil, I believe producing more oil, using more oil and shipping more oil than any other country in the world. Nobody believed M. King Hubbert. He was derided. But when in 1970, right on schedule, we peaked in oil production, he became a legend in his own day. He died just a few years ago.

What he predicted was oil production in the Lower 48, that is, Texas and the rest of the United States, that is the gray and blue part of the graph here, we found a lot of oil in Alaska and we are able to get some natural gas liquids, and when you add those two together, you see there was a little blip in the slide down the other side of Hubbert's Peak. But in spite of feverishly drilling, we have drilled more oil wells in our country than all the rest of the world put together. We have about four times as many oil wells in the Gulf of Mexico, about 4,000, about four times as many in the Gulf of Mexico as in all of Saudi Arabia, for instance. In spite of finding oil in Alaska and in spite of finding oil in the Gulf of Mexico, the yellow wedge there, we are now producing about half the oil we did in 1970.

The next chart shows a quote, a very recent quote from the Shell Oil Company, January 22. "By the end of 2100, the world's energy system will be radically different from today's."

It will indeed.

"The world's current predicament limits our maneuvering room. We are experiencing a step change in the growth rate of energy demand." China and India and the Third World are coming on line to industrialize.

Shell estimates that after 2015, that is just around the corner, "after 2015, supplies of easy-to-access oil and gas will no longer keep up with demand." A very significant statement. "As a result, society has no choice but to add other sources of energy."

The next chart is also some very recent data. Now, remember, M. King Hubbert made his prediction in 1956. Remember that it was in 2005 that SAIC, the Hirsch Report, made their predictions.

There are two agencies in the country that do a very good job of tracking the production and consumption of oil, and, of course, since we use all we produce, those lines are the same. We are not storing it up in large quantities anywhere, significant quantities. One of these two agencies is the International Energy Agency, the IEA. You see them referenced in the news relative to Iran. They are the international group that is watching the development of nuclear energy activity in Iran.

Then there is our own EIA, Energy Information Agency, an arm of our Department of Energy. They do a very good job of tracking the use of oil. Here are their curves. The red curve is the IEA and the green curve is the EIA. You notice they are very similar. They should be, because they are looking at the same data. Notice for about the last 30 months, both of those have oil production essentially plateauing.

The same gentleman that predicted that the United States would reach its maximum oil production in 1970, that was M. King Hubbert, predicted that the world would be reaching its maximum production about now. It would appear, it would appear from Shell's statement and would appear from the graph here from these two organizations that are tracking the production and consumption of oil, that indeed it looks like we are plateauing, which would mean that we very probably have reached a peak.

Notice what has happened with price. There is a lot of volatility, which was predicted by the Hirsch Report. And notice what has happened in the last few months; up, up, up. It at one time touched $100 a barrel. It now is down just under $90 a barrel. When I first came to the floor about 2½ years ago to talk about oil, it was about $40 a barrel. Look what has happened to the price of oil since then.

There are three groups that have common cause in a rational solution to this problem and two other problems. The first of these three groups are those that are concerned about global warming and climate change. What they would do to ameliorate this problem is to shift from the use of fossil fuels, which are releasing $CO_2$ which was sequestered a very long time ago, now present in oil and gas and coal, they would replace that with renewable sources where you are simply recycling the $CO_2$. The trees grow and they use $CO_2$ to grow, and then when they are mature, you cut them and you burn them and oxygen is consumed in burning them and the $CO_2$ is released, so there is no net $CO_2$ increase when you do that.

A second group that has common cause in wanting to replace our fossil fuels with renewables are those who are concerned about our national security. The President noted that we were far too dependant on foreign oil. We have only 2 percent of the known reserves of oil in the world. We use about 25 percent of the world's oil. We import almost two-thirds of what we use. The obvious solution to that problem is to get our energy from somewhere else so that we don't have to import this oil, and the rational place to get that is from renewables.

Then there is the group of people that I am kind of representing tonight when I talk about this aspect of energy, and those are the people who believe that there is a finite amount of oil in the world and that at some point in time the world will reach that maximum capacity to produce oil. That happened in the United States, as that chart showed, in 1970. After that, no matter what we do, reasonably, no matter what we do, the production of oil will fall steadily off.

Now, we aren't running out of oil. We are not falling off a cliff. What we are running out of is our ability to produce oil as fast as we would like to use it. That point is called peak oil. What the peak oil concerned people would like to do is to move to some alternative which is a substitute for oil.

So we have these three groups with very different agendas, very different premises, but all three of them have exactly the same solution to their problem; climate change and global warming. What you want to do is stop releasing this sequestered $CO_2$ in the fossil fuels and use renewables.

What you want to do if you are concerned about our national security and the fact we are so dependent on foreign oil is to find a substitute for oil so we don't have to buy that foreign oil.

If you are concerned about peak oil, that it just isn't going to be there in the quantities you would like to use it in the future, obviously you have got to find another source of energy. So these three groups have common cause.

I am joined this evening by one of my colleagues that is a real expert in the first one of these I mentioned, WAYNE GILCHREST, WAYNE, thank you very much for joining us. WAYNE is perhaps the best authority in the Congress on climate change or global warming, and different people talk about this problem in different ways.

WAYNE, thanks for joining us.

Mr. GILCHREST. Thank you very much, Mr. BARTLETT, for letting me share your hour here this evening. I think you are doing an extraordinary service, not only to we Members of Congress, but to the public at large, to understand the nature of the energy crisis and how it is inextricably linked with global warming.

If we take a look at both of these issues, especially the issues that Mr. BARTLETT raises about energy security and what is in the future for our energy needs, which is the basis for a prosperous economy, there are many changes coming based pretty much on these two issues: Energy and climate change. As far as energy security and the economic viability of this country, environmental issues and ethical issues for future generations, these two issues are inextricably linked. They are issues for the most part that are still misunderstood by the public, and they are issues that are not in the headlines every day for the news media and elected officials to do their own research, like Mr. BARTLETT has done, and voice this issue to the public so that they become much more educated as a result of it.

If these issues are handled appropriately, and that means if we the government and the public at large become informed about these issues, they can then become much more competent in dealing with these issues and there will be a bright future. If these issues of energy and climate change are not handled appropriately, if the focus is on the wrong priority, then energy security and climate security for this country will be severely jeopardized.

Mr. BARTLETT talks about peak oil. The United States peaked in 1970 and the world at large is about ready to peak. We looked at in just the last couple of years more than a doubling of the cost for a barrel of oil.

The issue is similar in global warming, which is called today climate change. Why is there a difference in the verbiage on discussing global warming? The difference in verbiage is that global warming will cause the climate to change, disruptions in the climate.

Is there global warming? Well, there is a 90 percent certainty among the American scientists and international scientists that global warming is linked to human activity. That means the burning of fossil fuel.

Let's take a quick look at one example as to why we link global warming to human activity. We can go scientifically back 20,000 years at the height of the last ice age and we can test through a number of different means, especially ice cores, 20,000 years ago.

I want to make one other comment also. If you look over the past 20,000 years, you will see a fluctuation, a variation in climate change, and you will also see a fluctuation in variation of temperature. The temperature corresponds to the amount of greenhouse gasses in the atmosphere. The more greenhouse gasses over the eons of time, the warmer the climate.

If we go back 20,000 years to the height of the last ice age, carbon dioxide, which is the chief greenhouse gas, one of the chief greenhouse gasses, there was 180 parts per million of $CO_2$ in the atmosphere. As a result of that small amount of $CO_2$, we were in an ice age. It was very cold.

As climate variability changes over the course of time, we come to 1890 when we could evaluate how much $CO_2$ was in the atmosphere. 1890, a little over 100 years ago, there was 280 parts per million of $CO_2$ in the atmosphere. It took basically nearly 20,000 years to go from 180 parts per million of $CO_2$ to 280 parts per million, an increase of 100 parts per million over 20,000 years.

Well, what were we really involved in in 1890? The industrial revolution, the burning of coal, the early stages of the age of oil.

It is 2008. There are 380 parts per million of $CO_2$ in the atmosphere. What does that mean? That means the natural cycle took 20,000 years to increase $CO_2$ by 100 parts per million, and during the industrial age, it took just 100 years to increase $CO_2$ by 100 parts per million. The correspondence to warming is linked to the amount of greenhouse gasses. So we are warming.

There are many, many other examples of this; receding glaciers worldwide, shrinking ice sheets on Greenland, temperature of the air and temperature of the water.

☐ 2145

Another problem is the acidification of the oceans. The point here is that we are facing enormous changes in a very short period of time. Will we be ready? We are facing peak oil.

In some sense, in maybe less than 100 years, we will be at the end of the Asian oil, and what will we replace this enormous source of energy with? We are facing enormous changes in the next few decades with the climate changing as a result of human activity.

Let's take just a brief look at some of the issues of a changing climate. What will it do to agriculture in the United States with the drought and rain cycles changing, and we are already beginning to see that. What will it do to our national forests and forests globally with the infiltration of pests that weren't there before? We see that now in the northern regions of Alaska and wild fires; fresh water, quantity and quality with changing rain cycles; coastal zones, flooding areas, more hurricanes. We have already seen more tornadoes.

What about sea level rise? This is an important aspect of global warming. If sea level rose just a couple of feet, and there is a good chance it will rise more, what will happen to New York City or Miami or New Orleans or a town close to me called Chestertown? How will the eco-systems change? What will diseases be like in areas that are a lot warmer?

We only need now to look at some of the areas of central Africa or Central America or South America. Ocean acidification is an issue with the kinds of marine life that will be in the world's oceans. Ocean acidification has a direct impact on the spawning activities of all the sea mammals and the other marine creatures in the ocean.

Global warming, 90 percent assurance from the world's scientists that human activity is causing it to change. It is changing the face of our planet, the link with the other issue of energy. The lack of it will change dramatically the face of our planet if we don't select the right priorities as soon as we can.

What are some of the questions we ask about this scene, this relatively confusing scene of an energy crisis with nothing right now to replace it, and a global warming climate-change crisis, some of the confusing issues. Are we in just another cycle of high energy costs and different climate? We know that climate cycles change, and we know that energy costs change over a period of time.

Are we not just in another cycle? Well, this time we are not just in another cycle. But if you want to say we are in a cycle, this cycle is being dramatically affected by human activity.

In the energy crisis arena, we are burning more oil than we have in reserves. In the climate crisis arena, we are burning fossil fuel, infusing greenhouse gasses in the atmosphere in the last few decades that it took millions of years for the natural processes to lock up.

Now, one last comment, and then I want to go back to my good friend from Maryland (Mr. BARTLETT) who will go over some of the issues that can ameliorate the problem with the climate crisis, the problem with the energy crisis. Both these issues, energy crisis and climate change, are going to take something in the order of magnitude that we dealt with in the Manhattan Project and sending a man on the Moon.

This is an economy-wide issue. The economy issue and the global warming issue are economy-wide, and they are international in scope. One of the suggestions for the global warming issue is an economy-wide cap and trade program, similar to what we dealt with from sulfur dioxide and acid rain from power companies a little more than 10 years ago, which has been very successful, a cap and trade program, economy-wide, where you actually trade carbon in a similar way that you would trade stock on the stock market.

You place a cap on the emission of $CO_2$ and other greenhouse gasses. You incrementally implement this over a period of 40 years and gradually, by the year 2050, you can reduce greenhouse gas emissions by 70 percent below 1990 levels by finding alternatives to fossil fuel.

What is at the bottom of the bottomless pit? We used to think it was oil, that we could burn it forever and it wouldn't hurt the environment.

But we now know it's not oil. What needs to be at the bottom of the bottomless pit is ingenuity, good old-fashioned American ingenuity.

I want to thank the gentleman from Maryland, my good friend Mr. BARTLETT for recognizing me for this time.

Mr. BARTLETT of Maryland. Thank you very much for joining us in this discussion of energy. You know, Congressman GILCHREST, some might say, gee, won't the global warming problem be solved if, in fact, we were at peak oil? It would be nice if that would solve the problem, but it won't.

You see, we have now used about 1 trillion barrels of oil. That's about half of the oil that we ultimately will use. There is about another 1 trillion barrels of oil to use. So as we go through this last half of the age of oil, we will release as much $CO_2$ from burning that oil and gas and coal as we have released now in the first half of the age of oil.

So the $CO_2$ contributed during this industrial age and burning the fossil fuels will double. It will be twice as big at the end of this time.

I have here an interesting graph, a little cartoon here. There is a huge SUV there and it's labeled "demand," and there is a gas pump there and it's labeled "supply," and it's little, and the motor is saying, Gee, just why is gas so expensive? Well, that's the reason, of course: There is a big demand and a little supply. When you have that, that makes prices go up.

The next chart is a quote from the second of these studies, which your government paid for and has pretty much been ignoring. This is the Corps of Engineers: "Oil is the most important form of energy in the world today." The President recognized that in his State of the Union a year or so ago.

"Historically, no other energy source equals oil's intrinsic quality of extractability, transportability, versatility, and cost. The qualities that enabled oil to take over from coal as a front-line energy source for the industrialized world in the middle of the 20th century are just as relevant today as they were then."

Oil is, indeed, an incredible energy source. One barrel of oil, and when I first heard this statistic, I said, gee, that can't be true, one barrel of oil has the equivalent of 25,000 man-hours of labor, that's 12 people working all year. I thought, gee, can that be true, just 1 barrel of oil, 42 gallons of oil.

Then I thought how far that gallon of gasoline, still at $3, by the way, cheaper than water in the grocery store, how far that gallon of gasoline carries my Prius. I drive a Prius and we get just a little under 50 miles per gallon with it. I could pull my Prius 50 miles, but how long would it take me to pull my Prius 50 miles?

When I looked at that and I figured, gee, maybe it's true that a barrel of oil has the energy equivalent of 12 men working all year.

The incredibly high quality of life that almost all the world enjoys today is the result of our ability to tap into the stored energy in fossil fuels.

The next chart is a quote from Admiral Hyman Rickover. He gave a speech, it will be 51 years ago the 14th day of this May, to a group of physicians in St. Paul, Minnesota. These are some excerpts from his speech. He really was prophetic. He is the father, of course, of our nuclear submarine.

"There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy" he says, 500 million years ago "and took aeons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite," and they are, "the exact length these reserves will last is important in one respect. The longer they last, the more time we have to invent ways to live off renewable or substitute energy resource and to adjust our economy to the vast changes which we can expect from such a shift."

Fifty-one years ago we were only then about 100 years into the age of oil. He had no idea how long the age of oil will last. Now we know pretty much how long the age of oil will last.

He said that how long it lasted was important in only one respect, that the longer it lasted, the more time did we have to plan for the transition to renewables, which ultimately we will do. Geology will ensure that eventually we transition to renewable fuels.

"Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance."

I thought often of that very sage counsel. You know, it doesn't even come close to our attitude towards oil. With no more responsibility than the kids who found the cookie jar or the hog who found the feed room door open, we have just been pigging out. We have been pumping oil as fast as we could all over the world eager to find new places from which to pump oil.

We just found some more oil in the Gulf of Mexico under 7,000 feet of water, 30,000 feet of rock. We aren't starting to exploit that yet because oil at $100 a barrel or $88 a barrel apparently is not high enough.

"A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare."

Boy, that is quite precisely what we have done with this incredible wealth under the ground. When we found that wealth 150 years ago, we should have stopped and said, gee, what can we do with this to do the most good for the most people for the longest time? Rather than doing that, what we did was to act as if oil were forever, that there would never be an end of oil, just keep drilling, just keep pumping, and it will always be there.

The next chart shows the industrial age and the transition from wood, the brown line here to coal, and then to gas and oil. Boy, look what happened. Look at the slope of that line.

Now, if I put world population on this, it would be hardly indistinguishable from that energy curve, because the world's population just shot up. It was less than 1 billion people for a very long time. Now it's approaching 7 billion people, and that increase in population follows exactly this dramatic increase in the release of energy from the use of gas and oil.

A couple of interesting things about this chart, notice where that line would be if it kept on going up, way off the top of the chart by this time. That dip there, as you notice from the abscissa, occurred in the 1970s, was the Arab oil spike price spots and the worldwide recession that resulted from that. There was demand destruction. We didn't need as much oil because we were in a recession, a depression in many places.

The production went down and, boy, did the price go down. It dropped, do you remember, about $10 a barrel. All of those activities, which were looking at producing substitutes, they just all died because you can't compete with oil at $10 a barrel.

We now are very much more efficient than we were at this time. The slope of this curve, by the way, is really interesting. That's during the Carter years. During the Carter years, every decade we used as much oil as had been used in all of previous history. That's a stunning statistic.

What that means is that when you have used half of your oil, how much will remain, 10 years. We are now very much more efficient than we were then. We are able to live better than we were then, using less energy because your air conditioner is probably three times as efficient; so is your refrigerator. Your car is more efficient. If they would keep them small, they would get better mileage even.

The next chart is really an interesting one, and looking at this chart causes you to do a lot of reflection. This is "The World According to Oil," and it depicts two things. One is who has the oil. And the other one is who uses the oil. The yellow and the green there are the people who are using the oil, and the blues and the grays are the people who have the oil.

☐ 2200

You notice this is what the world's map would look like if the size of the country was relative to the amount of oil it had in reserve. Saudi Arabia is huge. It represents about 22 percent, almost a fourth of all of the oil reserves in all of the world.

Little Kuwait here, a tiny country. Saddam Hussein thought it looked like an errant province of Iraq and he went to reclaim it a decade or so ago, but little Kuwait has as much oil as Iraq. There is Iran. United Arab Emirates, you can hardly see them on the map. Look at Venezuela. It dwarfs us.

Here we are with 2 percent of the reserves. We are yellow because we use 25 percent of all of the world's oil. Notice that Venezuela is several times larger than we are.

Russia is pretty big, what three, four times bigger than we are, but they aren't using anywhere near as much oil as we are per capita so they are a big exporter and they have lots of money.

What is striking on this map is the size of China and India. Notice them here. Together they don't have as much oil as the United States, but together they have 2.3 billion people. With booming economies, China growing 11.4 percent, that was the statistic I saw for the last quarter.

Mentioning China, the next chart looks at what China is doing around the world. China is going around the world and buying oil wherever they can. And they are not just buying oil; they are buying goodwill. Would you like a soccer stadium, maybe a hospital, or roads is what you need in your country. This symbol here is for Unocal. They almost bought an oil company in our country a few years ago.

Why is China doing that? In today's world it doesn't make one bit of difference who owns the oil. From that previous chart when you saw those huge reserves of oil in north Africa and the Middle East, those people are using very little oil. He who comes with the dollars, let's hope it stays dollars and not your euros or we'll be in a world of hurt, he who comes with the dollars gets the oil. It doesn't make any difference in today's world who owns the oil, so why is China buying oil?

China has 900 million people in what they call rural areas. They may be in rural areas, but many of them have television and they are seeing the results of industrialization and they are demanding for themselves the increased quality of life that comes from the industrialization that they see in other countries in the world. So China has a problem in providing adequate industrialization to meet the emotional needs of these people so, and this is a judgment call on my part, so they don't become a problem and revolt.

I think the day may come when China may tell the rest of the world, Gee, guy, we're sorry, this is our oil and we have 2.3 billion people and we can't share it with you. To make that a reality, they will need a big navy. They will need a big navy to hold open the sea lanes and get that oil to their country. They are growing a navy very rapidly. This is open source literature. You can do a Google search for "China" and "navy" and you can see how aggressively they are growing their navy.

What China is doing here resulted in a statement in 2006 by Condoleezza Rice which is in our next chart here. "We do have to do something about the energy problem. I can tell you that nothing has taken me aback more as Secretary of State than the way that the politics of energy is, I will use the word warping diplomacy around the world. We have simply got to do something about the warping now of the diplomatic effort by the all-out rush for energy supply."

The next chart presents some numbers that I went through a bit ago. These numbers, by the way, prompted about 3 years ago now, 30 of our prominent Americans, Boyden Gray, and McFarland and Jim Woolsey and 27 others, among them retired four star admirals and generals, they wrote a letter to the President saying: Mr. President, the fact that we have only 2 percent of the world's oil reserve and we use 25 percent and we import almost two-thirds of what we use is a totally unacceptable national security risk. We need to do something about it. You may remember the President mentioned this in one of his State of the Union speeches. Indeed we do have to do something about that.

We represent a bit less than 5 percent of the world's population. We are one person in 22 in the world, and we use a fourth of the world's oil. That statistic is not lost on the rest of the world, by the way. They are noting that.

With only 2 percent of the world's oil reserves, we are pumping 8 percent of the world's oil. What does that mean? Very simply, it means we are pumping our oil four times faster than the rest of the world, which means that our supplies are going to run down faster than the rest of the world.

We have 630,000 producing oil wells in our country. That is more than all of the rest of the world put together, so we are really good at pumping oil.

The next chart is really a very important chart. If you were going to talk about energy, oil, and the world's future, and you had only one chart, this would be the one that you would use. This comes from the oil chart. You can do a Google search for "oil charts" and you can find this and a lot more information.

Peak oil, the growing gap. The bars here represent when we discovered oil. Boy, it started way back in World War II, back in the 1940s. Then we discovered a whole lot in the 1950s, a whole bunch, and a lot of oil in the seventies. Oil in the eighties, and look at what has happened. Down, down, down, down. And that is in spite of ever-better techniques for discovering oil, computer modeling and 3D seismic, and it is in spite of an ever-greater effort in going out and drilling new wells.

The solid black line here represents the amount of oil which we are producing and using. We use everything we produce, so it is the same line. Notice again up to the 1970s what has happened. If that line kept going up at that rate, we would be off the top of the chart here. But the Arab price oil spikes, at this point produced a worldwide recession that reduced the demand for oil, and then we became very much more efficient. Notice the low slope of this line compared to this one. Maybe that was a wake-up call that we needed, because if we hadn't had that, we would be in even more trouble today because we wouldn't have invested in those efficiencies.

But notice that since about 1980, we have been using more oil than we produce by this amount. So we have been dipping in reserves we had.

What will the future look like? One thing is certain: You cannot pump oil you have not found. So you can make your own judgment as to how much more oil we will find. Most of the world's experts believe we have probably found 95 percent of all of the conventionally recovered oil that we will ever find.

The light shaded area here represents the future, and they are showing peaking at about 2010 and downhill after that.

This area tails out until it comes down to zero, which will be another 150 years from now, because that is about how long we have been in the age of oil.

The difference between the amount you discover and the amount you are using has to be filled in by the reserves you have here. Now, you can make that future look a little different by enhanced oil recovery and going out and pumping live steam and pushing $CO_2$ down there to push the oil out, but if you do that, you will simply move this peak out a little, and then you will kind of fall off the cliff because, again, you can't pump what you haven't found.

The next chart is an interesting one. We show again here Hubbert's peak and the production of oil in our country. The yellow symbols here are what M. King Hubbert predicted for the lower 48. The green is what actually happened. This is a really interesting chart. It was produced by CERA, Cambridge Energy Research Associates. They produced this chart in an effort to convince you that you shouldn't have any confidence in M. King Hubbert's predictions because he really got it wrong. Maybe to a statistician they might reach a conclusion that he got it wrong, but I think to the average layman this green curve and those yellow triangles are not all that different. He seemed to get it pretty right to me.

The red here is the additional oil that we found in the Gulf of Mexico and in Alaska. M. King Hubbert's prediction was just for the lower 48. And by the way, we are pumping 25 percent of our oil through that four-foot pipeline. I have been up to Deadhorse where it begins. Even with that, we had just a blip on the slide down the other side of Hubbert's peak.

The next chart is interesting. It is another one from the Cambridge Energy Research Associates, CERA. There are only two major entities that I know of in the world today that will claim that peaking of oil is not either present or imminent. One of those is ExxonMobil. The other oil company, I started with a quote from Shell saying we are probably there, are on board with the peak oil concept, and CERA, Cambridge Energy Research Associates.

I mentioned that we have discovered about 2 trillion barrels of oil. Here they have 1.9 trillion. That is pretty close to 2. If that is the amount of oil available, which is what we showed on the previous chart, if you add up all on the bars on the previous chart, they will come to about 2 trillion, and we have now pumped about half of that. We have the other half to pump. If that is all of the oil we have, they now show peaking here at about now, right? About 2010, roughly now they show peaking.

They are presuming that we are going to find another trillion barrels of oil, that we are going to find as much oil as all of the oil that we used in the 150 years since we started using oil. If you believe we are going to find that much more oil, then you push the peak out to about 2035. That's just the take after tomorrow really, isn't it?

They are also projecting that we may find some unconventional oil, like we will be able to exploit a lot of oil from the tar sands and the oil shales. There are incredible amounts of potential oil there. The problem is can we really get it out in any timely fashion. We use 21 million barrels of oil a day in our country. The world uses 84 million barrels of oil a day. Try to get your mind around that, 21 million barrels of oil a day, each one of them with the energy equivalent of 12 people working all year. Wow, no wonder we live such great, high-quality lives.

The next chart shows a schematic. By the way, you can make this peak look sharp by compressing the abscissa and expanding the ordinate. But this is 2 percent growth. And 2 percent growth is small. Our stock market doesn't like 2 percent. If it is only 2 percent, they think that the sky is going to fall and stocks drop.

But 2 percent growth doubles in 35 years. It is 4 times bigger in 70 years. It is 8 times bigger in 105 years. It is 16 times bigger in 140 years.

Albert Einstein said that the most powerful force in the universe was the power of compound interest when he was asked: Gee, Dr. Einstein, after the discovery of nuclear energy, what is the next big force in the universe? That was his answer: It is the power of compound interest.

I believe we are about here, just about at peaking. This is where we would like to be in 35 years, two times higher than we are now, and we have a huge gap to fill. Most people are looking at how can you fill that gap.

☐ 2215

I don't think that there's even a prayer that we can come close to filling that gap. I think we'll be more than lucky if we can produce enough energy from alternative sources to fill in this area, if we simply have a plateau in production of oil.

The next chart is the one from our Energy Information Agency, and it's an interesting chart. The USGS has estimated the amount of reserves by doing a lot of computer modeling. And of course, as you know, in computer modeling, the quality of what you get out is dependent on the quality of information you put into your model.

And they take the mean of what they get from this modeling, and they say that that's the 50 percent average, "F" for frequency. Somehow that got translated to "P" when it went from the USGS report until it appears now in the Energy Information Agency report. And so now they're dealing with probabilities. And they make the bizarre statement that something which is 50 percent probable is more probable than something which is 95 percent probable.

And I'm going to spend just a moment on this. They have here, they did this projection back here, what, about 1995 or so. And they have four different curves there. One is the 95 percent probability; that's the yellow one. The green one is the mean, which they say is the most probable, 50 percent probability; and the blue is the 5 percent probability.

Well, these probabilities are kind of like the picture on the weather channel of where the hurricane is going. Tomorrow you know pretty precisely where it's going to be. A week from now you have some uncertainty, so they have a big funnel out there.

So if they are going to do this, there should be another green line down here and another blue line down here. You don't have the foggiest notion hardly what it's going to be if you have only a 5 percent probability.

But notice the actual data points, which are in red here. By the way, these are discoveries, and this is that big peak back, you know, in the 1950s, and this is the big peak up here. This is kind of rounding out those bar graphs that we had in the previous chart. Notice the actual data points have been following what you would expect them to follow, the 95 percent of probability.

The next chart is one from the Corps of Engineers study again, and they quote Jean Laherrare, who is a French expert in this area. And he says the USGS estimate implies a fivefold increase in discovery rate and reserve addition, for which no evidence is presented. Such an improvement in performance is, in fact, utterly implausible, given the great technological achievements over the industry over the past 20 years, the worldwide search and the deliberate effort to find the largest remaining prospects. Indeed, I think it is most implausible that that's going to happen.

And the next chart, again, this is from the "Hirsch Report." And then even if that did happen, the real question is, so what? What if we found as much more oil as all the oil that yet remains to be pumped? And that's what they're assuming here. This is about 2 trillion barrels. They're assuming we're going to find another trillion barrels, and that's what this red curve is. And you see, it peaks in about 2016. So it pushes that peak out only about a decade. That's the power of compound growth. So even if we found as much more oil as all the oil that yet remains to be pumped in the world, according to this chart it would push it out only to 2016.

Now, you can push it out even further if you use enhanced oil recovery, but you can't pump what you don't have, so then you fall off a cliff. That's not what you want for your children and your grandchildren, I think.

The next chart shows a number of experts and when they have predicted it would peak, and you see most of them, some of them thought it would be from here way out to 2100. But most of them have it, it could start or would start fairly quickly.

I have one more chart, and then I've got to close very quickly because time is running out. This chart shows quality of life and how good you feel about your station in life compared to how much energy you use. How good you feel about life, how much energy you use: the United States out here using more energy than anybody else; 24 countries use less energy than we and feel better about their quality of life than we.

Now, my wife tells me I shouldn't be talking about these things because don't I remember that in ancient Greece they killed the messenger that brought bad news. I tell her this is a good-news story. The sooner we start, the easier the trip will be. I'm really exhilarated by this. There's no exhilaration like the exhilaration of meeting and overcoming a big challenge. This is a huge challenge. We have the most innovative, creative society in the world. Properly informed and properly motivated, I think we're equal to the challenge. I see this as a very challenging fun future, where we really have something we can all pull together to accomplish.

I hope we'll be back here next week, and at that time I want to spend most of the time talking about what are the potential replacements for oil, what are the potentials, and which are the most promising, and what do we need to do.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVERETT (at the request of Mr. BOEHNER) for today on account of official business.

Mr. PETRI (at the request of Mr. BOEHNER) for today until noon on account of traveling delays.

Mr. RYAN of Wisconsin (at the request of Mr. BOEHNER) for today until 12:05 p.m. on account of traveling delays.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. GIFFORDS) to revise and extend their remarks and include extraneous material:)

Ms. GIFFORDS, for 5 minutes, today.

Ms. SHEA-PORTER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, February 14.

Mr. JONES of North Carolina, for 5 minutes, February 14.

Mr. FLAKE, for 5 minutes, today.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe; to the Committee on Natural Resources.

## ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5140. An act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

## ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, February 8, 2008, at 10:30 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5257. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a comprehensive review of the C-5 Reliability Enhancement and Re-Engining Program (RERP), pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5258. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a letter regarding the Department's report on the amount of purchases from foreign entities for Fiscal Year 2007, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

5259. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the Supply functions at Robins Air Force Base (AFB), Georgia, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

5260. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting a letter regarding a report to be submitted pursuant to Section 813 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109-360; to the Committee on Armed Services.

5261. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5262. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Captain David W. Titley to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5263. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel Leonard A. Patrick to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5264. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on space-available transportation as required by Section 359 of the National Defense Authorization Act of FY 2006, Pub. L. 109-163; to the Committee on Armed Services.

5265. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a report on the budgeting of the Department of Defense for the sustainment of key military equipment, pursuant to Public Law 109-163, section 361; to the Committee on Armed Services.

5266. A letter from the Congressional Assistant, Board of Governors of the Federal Reserve System, transmitting the Joint Report to Congress on the Economic Growth and Regulatory Paperwork Reduction Act; to the Committee on Financial Services.

5267. A letter from the Secretary, Department of Commerce, transmitting the Department's 2008 Report on Foreign Policy-Based Export Controls; to the Committee on Financial Services.

5268. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to South Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5269. A letter from the Program Manager, Department of Health and Human Service, transmitting the Department's final rule — Interstate Shipment of Etiologic Agents (RIN: 0920-AA19) received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5270. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Transparency Provisions of Section 23 of the Natural Gas Act [Docket No. RM07-10-000; Order No. 704] received December 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5271. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Retirement Systems Modernization (RIN: 3206-AL34) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5272. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revision of Special Regulation for the Central Idaho and Yellowstone Area Nonessential Experimental Populations of Gray Wolves in the Northern Rocky Mountains [FWS-R6-ES-2008-009 92220-1113-0000; ABC Code: C3] (RIN: 1018-AV39) received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5273. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Tidewater Goby (Eucyclogobius newberryi) [FWS-R8-ES-2008-0010 92210-1117-0000-B4] (RIN: 1018-AU81) received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5274. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Y-12 Plant in Oak Ridge, Tennessee to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5275. A letter from the Acting Director, National Drug Intelligence Center, Department of Justice, transmitting the Department's National Drug Threat Assessment 2008; to the Committee on the Judiciary.

5276. A letter from the Director, National Drug Intelligence Center, Department of Justice, transmitting the Department's National Methamphetamine Threat Assessment 2008; to the Committee on the Judiciary.

5277. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty: Loan Servicing and Claims Procedures Modifications (RIN: 2900-AL65) received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5278. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information to the Bureau of the Census [TD 9373] (RIN: 1545-BH30) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5279. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information to the Bureau of the Census [TD 9372] (RIN: 1545-BE08) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5280. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Effective Date Relief for Unified Rule for Loss on Subsidiary Stock [Notice 2008-9] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5281. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Election of Alternative Funding Schedule [Announcement 2008-2] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5282. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Nuclear Decommissioning Funds [TD 9374] (RIN: 1545-BF09) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY of New York (for herself, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. GUTIERREZ, Mr. LYNCH, Mr. ELLISON, Mr. COHEN, Mr. FATTAH, Mr. HINCHEY, Mr. LANGEVIN, Mr. NADLER, Ms. SHEA-PORTER, Ms. SOLIS, Mr. WELCH of Vermont, Mr. WYNN, Mr. GONZALEZ, Mr. DEFAZIO, Mr. TAYLOR, Mr. OBEY, Ms. HIRONO, Mrs. BOYDA of Kansas, Ms. WASSERMAN SCHULTZ, Mr. UDALL of Colorado, Mr. DINGELL, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Ms. CLARKE, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mrs. GILLIBRAND, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. ARCURI, Mr. ENGEL, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. WEINER, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. SERRANO, Mr. DOGGETT, and Mr. LINCOLN DAVIS of Tennessee):

H.R. 5244. A bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; to the Committee on Financial Services.

By Mr. WATT:

H.R. 5245. A bill to suspend temporarily the duty on acid black 107; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5246. A bill to suspend temporarily the duty on acid black 132; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5247. A bill to extend the temporary suspension of duty on Acid black 172; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5248. A bill to suspend temporarily the duty on acid blue 113; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5249. A bill to extend the temporary suspension of duty on 4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro- 9,10-dioxo-2-anthracenesulfonic acid, monosodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5250. A bill to suspend temporarily the duty on acid orange 116; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5251. A bill to suspend temporarily the duty on disperse blue 56; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5252. A bill to extend the temporary suspension of duty on Direct Black 22; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5253. A bill to suspend temporarily the duty on disperse blue 60; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5254. A bill to suspend temporarily the duty on disperse blue 79:1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5255. A bill to suspend temporarily the duty on disperse orange 30; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5256. A bill to suspend temporarily the duty on disperse red 60; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5257. A bill to suspend temporarily the duty on disperse red 73; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5258. A bill to suspend temporarily the duty on disperse red 167:1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5259. A bill to extend the temporary suspension of duty on 1/ 3-Phenyl-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran- 2,6-dione; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5260. A bill to suspend temporarily the duty on disperse yellow 64; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5261. A bill to extend the temporary suspension of duty on Reactive Black 5; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5262. A bill to extend the temporary suspension of duty on Reactive Blue 250; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 5263. A bill to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes on Federal lands under the jurisdiction of the Bureau of Land Management and the Forest Service through a joint Collaborative Forest Landscape Restoration Program, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 5264. A bill to extend certain trade preference programs, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself and Mr. BURGESS):

H.R. 5265. A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies; to the Committee on Energy and Commerce.

By Mr. BECERRA (for himself, Mr. CONYERS, Mr. EMANUEL, Mrs. MCCARTHY of New York, and Mr. RANGEL):

H.R. 5266. A bill to require certain semiautomatic pistols manufactured, imported, or sold by Federal firearms licensees to be capable of microstamping ammunition; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself, Mr. GOODLATTE, Mr. DAVIS of Alabama, Mr. CHABOT, Ms. HERSETH SANDLIN, Mr. FEENEY, Ms. JACKSON-LEE of Texas, Mr. GALLEGLY, Mr. JOHNSON of Georgia, Mr. PENCE, Ms. ZOE LOFGREN of California, Mr. SCOTT of Virginia, and Mr. WEXLER):

H.R. 5267. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. KING of New York, Mr. DINGELL, and Mr. REYNOLDS):

H.R. 5268. A bill to provide for a temporary increase of the Federal medical assistance percentage under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRADY of Texas (for himself and Mr. HINOJOSA):

H.R. 5269. A bill to amend the Internal Revenue Code of 1986 to allow additional expenses for purposes of determining the Hope Scholarship Credit, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. OBERSTAR, Mr. MICA, Mr. COSTELLO, and Mr. PETRI):

H.R. 5270. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 5271. A bill to extend the temporary suspension of duty on 2-(Isocyanatosulfonyl) benzoic acid, methyl ester; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5272. A bill to reduce temporarily the duty on Corvus herbicide; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5273. A bill to reduce temporarily the duty on Evergol; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5274. A bill to reduce temporarily the duty on Imidacloprid Pesticides; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5275. A bill to suspend temporarily the duty on Liberty, Rely, and Ignite herbicides; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5276. A bill to suspend temporarily the duty on A5546 sulfonamide; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5277. A bill to extend the temporary suspension of duty on Imidacloprid Technical; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5278. A bill to extend the temporary suspension of duty on Option and Revolver herbicides; to the Committee on Ways and Means.

By Mr. CUMMINGS (for himself, Mr. SARBANES, Mr. VAN HOLLEN, and Mr. WYNN):

H.R. 5279. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes; to the Committee on Natural Resources.

By Mr. LINCOLN DAVIS of Tennessee:

H.R. 5280. A bill to prevent unfair practices in credit card accounts, and for other purposes; to the Committee on Financial Services.

By Mr. FERGUSON:

H.R. 5281. A bill to suspend temporarily the duty on Hexanedioic acid, polymer with 1,2-ethanediol, 2-ethyl-2- (hydroxymethyl)-1,3-propanediol and 1,3-isobenzofurandione, 2-propenoate; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5282. A bill to extend the suspension of duty on Lycopene 10%; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5283. A bill to extend the suspension of duty on Quinclorac; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5284. A bill to extend the suspension of duty on Vinclozolin; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5285. A bill to extend the suspension of duty on Ecoflex F BX7011; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5286. A bill to provide for the reliquidation of certain entries of industrial nitrocellulose; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5287. A bill to extend the temporary suspension of duty on iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5288. A bill to extend the temporary suspension of duty on Bis(4-fluorophenyl)methanone; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5289. A bill to extend the temporary suspension of duty on ammonium bifluoride; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5290. A bill to extend the temporary suspension of duty on certain light absorbing photo dyes; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5291. A bill to extend the temporary suspension of duty on certain light absorbing photo dyes; to the Committee on Ways and Means.

By Mr. FORTUÑO:

H.R. 5292. A bill to permit the Secretary of Health and Human Services to directly administer Ryan White part A and B grants for eligible areas, States, or territories that failed to make appropriate use of previous Ryan White part A and B grants; to the Committee on Energy and Commerce.

By Mr. HELLER:

H.R. 5293. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes; to the Committee on Natural Resources.

By Mr. HERGER (for himself and Mr. WELLER):

H.R. 5294. A bill to amend the Internal Revenue Code of 1986 to repeal the additional 0.2 percent FUTA surtax; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5295. A bill to suspend temporarily the duty on certain hot feed extruding equipment used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5296. A bill to suspend temporarily the duty on certain mold curing devices used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5297. A bill to suspend temporarily the duty on certain tirebuilding machines used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 5298. A bill to deny a rebate of Federal income taxes to illegal immigrants; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 5299. A bill to suspend temporarily the duty on 7-Hydroxy; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 5300. A bill to extend the temporary suspension of duty on certain cores used in remanufacture; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5301. A bill to extend the temporary suspension of duty on o-Acetylsalicylic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5302. A bill to extend the temporary suspension of duty on D-Mannose; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5303. A bill to suspend temporarily the duty on Sedran Technical; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5304. A bill to extend the temporary suspension of duty on Sorafenib tosylate; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5305. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5306. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid in concentrations less than 0.5 percent; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5307. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5308. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved by vinegar or acetic acid in concentrations at 0.5 percent or greater; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5309. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself and Mr. WELDON of Florida):

H.R. 5310. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for investing in companies involved in space-related activities; to the Committee on Ways and Means.

By Mr. SALAZAR:

H.R. 5311. A bill to amend title 10, United States Code, to provide for the transfer certain receipts derived from leases involving Oil Shale Reserves Numbered 1 and 3 to the State of Colorado, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. CONYERS, Mr. COHEN, Mr. WATT, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Georgia, Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, and Mr. DELAHUNT):

H.R. 5312. A bill to amend chapter 1 of title 9 of the United States Code with respect to arbitration of certain controversies; to the Committee on the Judiciary.

By Mr. SHAYS:

H.R. 5313. A bill to suspend temporarily the duty on a thermoplastic biodegradable polymer; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 5314. A bill to suspend temporarily the duty on a thermoplastic biodegradable polymer blend; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico:

H.R. 5315. A bill to grant the Congressional Gold Medal to a group of soldiers from World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ of Minnesota:

H.R. 5316. A bill to amend the Internal Revenue Code of 1986 to provide recovery rebates to certain individuals receiving Social Security or certain veterans benefits; to the Committee on Ways and Means.

By Mr. WEXLER:

H.R. 5317. A bill to amend part D of title XVIII of the Social Security Act to limit the increase in premium costs for beneficiaries under the Medicare prescription drug program to no more than the Social Security cost-of-living adjustment, and to direct the Secretary of Health and Human Services to negotiate lower prescription drug prices on behalf of Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Mr. SCOTT of Virginia, Mr. MCDERMOTT, Ms. LEE, Mr. MOORE of Kansas, Ms. MCCOLLUM of Minnesota, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Mr. SERRANO, Mr. VISCLOSKY, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr.

YOUNG of Alaska, Mr. GENE GREEN of Texas, Ms. NORTON, Mr. ELLISON, Mr. RUPPERSBERGER, Mr. UDALL of Colorado, Mr. WYNN, Ms. MATSUI, Mr. COHEN, Ms. BORDALLO, Mrs. CHRISTENSEN, Mrs. MALONEY of New York, Mr. CROWLEY, Mr. KILDEE, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. ROSS, Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Ms. WOOLSEY, Mr. WILSON of South Carolina, Mr. KUCINICH, and Mr. WEXLER):

H. Con. Res. 289. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. CROWLEY, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. GALLEGLY, Mrs. NAPOLITANO, Mr. PENCE, Mr. FORTUÑO, Ms. WATSON, Mr. CHABOT, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. ROYCE, Mr. PAYNE, Mr. CARNAHAN, and Mr. WEXLER):

H. Con. Res. 290. Concurrent resolution commemorating the 175th anniversary of the special relationship between the United States and the Kingdom of Thailand; to the Committee on Foreign Affairs.

By Mr. RODRIGUEZ (for himself and Mr. MILLER of Florida):

H. Res. 963. A resolution supporting the goals and ideals of National Salute to Hospitalized Veterans Week, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H. Res. 964. A resolution to promote the safe operation of 15 passenger vans; to the Committee on Transportation and Infrastructure.

By Mr. ISSA (for himself, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. KING of New York, Mr. DOOLITTLE, Mr. GALLEGLY, Mrs. BIGGERT, Mr. DANIEL E. LUNGREN of California, Mr. MILLER of Florida, Mr. WALBERG, Mr. BILBRAY, Ms. FALLIN, Mr. KINGSTON, Mr. BUYER, Mr. WILSON of South Carolina, Mr. KELLER, Mr. SALI, Mr. PITTS, Ms. FOXX, Mr. REHBERG, Mr. PEARCE, Mr. BROUN of Georgia, and Mr. CAMPBELL of California):

H. Res. 965. A resolution condemning the actions and statements of Venezuelan president Hugo Rafael Chavez Frias; to the Committee on Foreign Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. GORDON, Ms. KILPATRICK, Mr. CONYERS, Mr. RANGEL, Mr. ROHRABACHER, Mr. SCOTT of Virginia, Mr. FARR, Mr. EHLERS, Mrs. MALONEY of New York, Mr. KIND, Ms. LEE, Mr. REYES, Mr. LAMPSON, Mr. ROSS, Mr. HONDA, Mr. VAN HOLLEN, Mr. BUTTERFIELD, Mr. ELLISON, and Mr. SESTAK):

H. Res. 966. A resolution honoring African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness; to the Committee on Science and Technology.

By Mr. KINGSTON (for himself, Mr. WAMP, and Mr. WOLF):

H. Res. 967. A resolution providing for consideration of the concurrent resolution (H. Con. Res. 263) to establish the Joint Select Committee on Earmark Reform, and for other purposes; to the Committee on Rules.

By Mr. MORAN of Virginia (for himself, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. REYES, Mr. LANGEVIN, Mr. SMITH of Washington, Mr. MILLER of Florida, Mr. SESTAK, Ms. BORDALLO, Mr. SCOTT of Virginia, Ms. ESHOO, Mr. DICKS, Mr. SAXTON, and Mr. CONAWAY):

H. Res. 968. A resolution recognizing the 50th anniversary of the Defense Advanced Research Projects Agency; to the Committee on Armed Services.

By Mr. SHAYS (for himself and Ms. HERSETH SANDLIN):

H. Res. 969. A resolution expressing the sense of the House of Representatives that all employers give veterans a holiday on Veteran's Day in honor of their service to our country; to the Committee on Education and Labor.

By Mr. SHIMKUS (for himself, Mr. KILDEE, Mr. LEWIS of Kentucky, Mr. PUTNAM, Mr. BRADY of Pennsylvania, and Mr. MCCAUL of Texas):

H. Res. 970. A resolution expressing support for designation of June 30 as "National Corvette Day"; to the Committee on Oversight and Government Reform.

## PRIVATE BILLS AND RESOLUTIONS

**Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:**

By Mr. INGLIS of South Carolina:

H.R. 5318. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5319. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5320. A bill to provide for the liquidation or reliquidation of an entry of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5321. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5322. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5323. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5324. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5325. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5326. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5327. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5328. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5329. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. ROSKAM:

H.R. 5330. A bill to provide for the liquidation or reliquidation of certain entries of bulk aspirin; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 5331. A bill for the liquidation or reliquidation of certain entries of top-of-the-stove stainless steel cooking ware from the Republic of Korea; to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

**Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:**

H.R. 87: Mr. BACHUS.

H.R. 197: Mr. WALZ of Minnesota.

H.R. 199: Mr. SARBANES.

H.R. 406: Mr. SESTAK.

H.R. 552: Mr. WU, Ms. LEE, and Mr. LATOURETTE.

H.R. 618: Mr. SHIMKUS and Mr. PENCE.

H.R. 685: Mrs. MALONEY of New York and Mr. SOUDER.

H.R. 728: Mr. MARIO DIAZ-BALART of Florida.

H.R. 758: Ms. CASTOR and Mr. SIRES.

H.R. 818: Mr. TOWNS, Mr. AL GREEN of Texas, Mr. GRIJALVA, and Mrs. JONES of Ohio.

H.R. 819: Mr. SESTAK.

H.R. 867: Mr. MCCOTTER.

H.R. 871: Mr. CROWLEY.

H.R. 882: Mr. DAVIS of Kentucky and Ms. SCHWARTZ.

H.R. 901: Mr. SESTAK, Mr. STARK, Mr. FRANK of Massachusetts, Mr. TOWNS, and Ms. ESHOO.

H.R. 914: Mr. SOUDER.

H.R. 951: Mr. JOHNSON of Illinois.

H.R. 1000: Mr. COURTNEY, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. LINCOLN DAVIS of Tennessee, Mr. DOGGETT, Mr. DOYLE, Mr. EDWARDS, Ms. ESHOO, Ms. GIFFORDS, Mr. GORDON, Mr. MAHONEY of Florida, Mr. ROTHMAN, Ms. SCHWARTZ, and Mr. STARK.

H.R. 1076: Mr. MCINTYRE.

H.R. 1078: Mr. GOODLATTE, Mr. CAPUANO, and Mr. MCINTYRE.

H.R. 1084: Mr. FRANK of Massachusetts, Mr. ELLISON, and Mr. MILLER of North Carolina.

H.R. 1174: Mr. MCCOTTER.

H.R. 1237: Mr. CALVERT, Ms. RICHARDSON, Mr. STEARNS, Mr. OLVER, Mr. WALSH of New York, and Mr. AL GREEN of Texas.

H.R. 1283: Mr. HINOJOSA, Mrs. NAPOLITANO, and Mr. CALVERT.

H.R. 1312: Mr. MCCAUL of Texas and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1322: Mr. BOSWELL, Mr. BRALEY of Iowa, and Mr. LOEBSACK.

H.R. 1328: Ms. BALDWIN.

H.R. 1333: Mrs. MCMORRIS RODGERS.

H.R. 1497: Mr. ROGERS of Kentucky.

H.R. 1552: Mr. JONES of North Carolina.

H.R. 1553: Mr. UDALL of Colorado.

H.R. 1584: Mr. GONZALEZ and Mr. THOMPSON of California.

H.R. 1610: Mr. CARDOZA.

H.R. 1726: Mr. SESTAK, Mr. VAN HOLLEN, Mr. SERRANO, and Mr. BERMAN.

H.R. 1742: Ms. Norton, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. WOLF, Mr. MILLER of Florida, Mr. KIND, Mr. MEEK of Florida, Mr. GORDON, Mrs. BONO MACK, and Mr. CUMMINGS.

H.R. 1746: Mr. SHAYS.

H.R. 1783: Mr. TOWNS, Ms. BERKLEY, and Mr. COHEN.

H.R. 1829: Mr. PORTER, Mr. KING of New York, and Mr. GRAVES.

H.R. 1843: Mr. MURTHA and Mr. LANGEVIN.

H.R. 1881: Mr. ANDREWS.

H.R. 1884: Mr. MARSHALL, Mr. PATRICK MURPHY of Pennsylvania, and Mr. HOLT.

H.R. 1992: Mr. HINOJOSA, Mr. WATT, Mr. ROTHMAN, and Mr. SIRES.

H.R. 2016: Mr. PORTER.

H.R. 2040: Mr. BOYD of Florida, Mr. BACA, Mr. CARDOZA, Mrs. GILLIBRAND, Mr. BOREN, Mr. THOMPSON of California, Mr. POMEROY, Mr. MELANCON, Mr. GORDON, Ms. HERSETH SANDLIN, Mr. ELLSWORTH, Mr. MATHESON, Mr. TAYLOR, Mr. BERRY, Mr. COOPER, Mr. LAMPSON, Mr. LINCOLN DAVIS of Tennessee, Mr. WILSON of Ohio, Mr. ETHERIDGE, Mr. MICHAUD, Mr. ARCURI, Mr. HILL, Mr. SHULER, Mr. PETERSON of Minnesota, Mr. CARNEY, Mr. CHANDLER, Mr. PATRICK MURPHY of Pennsylvania, Mr. HOLDEN, Mr. MAHONEY of Florida, Ms. BEAN, Mr. SALAZAR, Mr. SPACE, Ms. HARMAN, Mr. COSTA, and Mr. HARE.

H.R. 2045: Ms. RICHARDSON and Mr. RYAN of Ohio.

H.R. 2048: Mr. RANGEL.

H.R. 2049: Mrs. LOWEY.

H.R. 2054: Mrs. BOYDA of Kansas and Mr. BUTTERFIELD.

H.R. 2066: Mrs. MALONEY of New York.

H.R. 2221: Mr. BLUMENAUER.

H.R. 2265: Ms. SLAUGHTER.

H.R. 2303: Mr. SPRATT, Mr. HOLDEN, and Mr. SMITH of New Jersey.

H.R. 2312: Mr. RADANOVICH, Mr. JONES of North Carolina, Mr. BROUN OF Georgia, and Mrs. DRAKE.

H.R. 2327: Mr. LIPINSKI.

H.R. 2391: Mr. KNOLLENBERG.

H.R. 2405: Mr. BLUMENAUER and Mr. SCHIFF.

H.R. 2472: Mr. BARROW.

H.R. 2511: Mr. SHAYS.

H.R. 2539: Mr. GONZALEZ and Mr. BISHOP of New York.

H.R. 2564: Mr. ROGERS of Kentucky.

H.R. 2567: Mr. RUPPERSBERGER.

H.R. 2708: Mr. ELLISON, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. KUCINICH, Mr. MCINTYRE, and Mrs. TAUSCHER.

H.R. 2712: Mrs. BLACKBURN and Mr. TERRY.

H.R. 2734: Mr. MICA.

H.R. 2762: Mr. MCCOTTER, Ms. GIFFORDS, and Mr. JONES of North Carolina.

H.R. 2784: Mr. GERLACH.

H.R. 2802: Mr. MCDERMOTT and Mr. OLVER.

H.R. 2818: Mr. SPACE.

H.R. 2832: Mr. BURTON of Indiana.

H.R. 2840: Mrs. CHRISTENSEN.

H.R. 2909: Ms. BERKLEY.

H.R. 2922: Mr. POMEROY, Mr. OBERSTAR, Mr. DAVIS of Illinois, Mr. LATOURETTE, and Mr. PLATTS.

H.R. 2933: Mr. MCCOTTER and Mr. RUPPERSBERGER.

H.R. 2990: Mr. LATHAM and Mr. BOSWELL.

H.R. 2997: Mr. ROHRABACHER and Mr. COHEN.

H.R. 3057: Mr. GOODLATTE.

H.R. 3109: Mr. BURGESS.

H.R. 3114: Mr. WAXMAN and Mr. MCHUGH.

H.R. 3140: Mr. KIND.

H.R. 3189: Mr. MCDERMOTT.

H.R. 3210: Mr. RANGEL.

H.R. 3232: Mr. FOSSELLA.

H.R. 3286: Mr. LOBIONDO.

H.R. 3326: Mr. CUMMINGS, Mrs. NAPOLITANO, and Mr. BERMAN.

H.R. 3363: Mr. PETERSON of Pennsylvania.

H.R. 3368: Mr. BAIRD and Mr. SESTAK.

H.R. 3372: Mr. SESTAK.

H.R. 3458: Mr. MILLER of Florida.

H.R. 3487: Mr. DUNCAN.

H.R. 3533: Mr. SARBANES.

H.R. 3544: Mr. GRIJALVA.

H.R. 3563: Mr. TOWNS.

H.R. 3609: Mr. THOMPSON of Mississippi, Mr. MEEK of Florida, Mr. DINGELL, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. ALLEN, and Ms. SOLIS.

H.R. 3622: Mr. WELDON of Florida, Mr. CARDOZA, Mr. SAM JOHNSON of Texas, Mr. PUTNAM, and Mr. STEARNS.

H.R. 3634: Mr. LIPINSKI.

H.R. 3700: Mr. STUPAK and Mr. GONZALEZ.

H.R. 3713: Mr. ISRAEL.

H.R. 3748: Mr. HILL, Mr. HONDA, and Ms. MATSUI.

H.R. 3819: Mr. BOSWELL, Mr. COHEN, and Mr. FRANK of Massachusetts.

H.R. 3834: Mr. OBERSTAR, Mr. VISCLOSKY, Mr. WELCH of Vermont, Mr. HOLT, Mr. TOWNS, Mr. LINCOLN DAVIS of Tennessee, Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Mr. BOSWELL, Mr. PAUL, Mr. WOLF, Mr. SCOTT of Virginia, Mr. FILNER, Mr. BRADY of Pennsylvania, Mr. MOORE of Kansas, and Mr. ROSS.

H.R. 3842: Mr. TOWNS.

H.R. 3846: Ms. BERKLEY and Mr. LAHOOD.

H.R. 3865: Mr. STUPAK.

H.R. 3898: Mr. GOODLATTE.

H.R. 3916: Mr. SULLIVAN and Mr. REICHERT.

H.R. 3938: Mr. BOSWELL.

H.R. 3990: Mr. WAXMAN and Mr. DOGGETT.

H.R. 4002: Mr. HODES.

H.R. 4008: Mr. WEXLER, Mr. BOYD of Florida, Mr. TIM MURPHY of Pennsylvania, and Mr. WALBERG.

H.R. 4025: Mr. CLEAVER and Mr. BRALEY of Iowa.

H.R. 4055: Mr. CUMMINGS.

H.R. 4061: Ms. ZOE LOFGREN of California, Mr. SMITH of Washington, Mr. WOLF, Mr. FRANK of Massachusetts, and Mr. PRICE of Georgia.

H.R. 4088: Mr. SHAYS.

H.R. 4122: Mr. GONZALEZ and Mr. CARDOZA.

H.R. 4123: Mr. GONZALEZ and Mr. CARDOZA.

H.R. 4133: Mr. SHIMKUS.

H.R. 4139: Mr. BOUCHER.

H.R. 4157: Mr. ROGERS of Kentucky.

H.R. 4173: Mr. HASTINGS of Florida and Mr. COHEN.

H.R. 4201: Mr. KING of Iowa.

H.R. 4207: Ms. DELAURO.

H.R. 4209: Mr. MORAN of Kansas.

H.R. 4218: Mr. MCINTYRE.

H.R. 4243: Mr. FALEOMAVAEGA.

H.R. 4266: Ms. BALDWIN.

H.R. 4296: Mr. TERRY.

H.R. 4301: Mr. CUMMINGS.

H.R. 4460: Mr. KLINE of Minnesota, Mr. BISHOP of Utah, and Mr. KING of Iowa.

H.R. 4461: Mr. MCGOVERN.

H.R. 4497: Mr. ADERHOLT.

H.R. 4651: Mr. ELLISON and Mrs. MALONEY of New York.

H.R. 4688: Mr. PASTOR.

H.R. 4845: Mr. BARTLETT of Maryland.

H.R. 4884: Mr. MICHAUD.

H.R. 4889: Mr. BOSWELL.

H R. 4930: Mr. ROGERS of Kentucky, Mr. KUHL of New York, Mr. SAXTON, and Mr. CARNEY.

H.R. 5057: Mr. COHEN.

H.R. 5058: Mr. TIERNEY, Mr. COHEN, and Mr. BLUMENAUER.

H.R. 5069: Mr. MICHAUD.

H.R. 5087: Mr. MICHAUD.

H.R. 5101: Mr. DOOLITTLE, Mr. DAVID DAVIS of Tennessee, Ms. FOXX, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. PITTS, Mr. WAMP, Ms. FALLIN, Mr. PRICE of Georgia, Mr. JONES of North Carolina, Mr. SOUDER, Mr. PAUL, and Mr. SENSENBRENNER.

H.R. 5128: Mrs. CHRISTENSEN, Mr. BOSWELL, and Mr. STARK.

H.R. 5129: Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5132: Mr. WYNN and Mr. FRANK of Massachusetts.

H.R. 5139: Mrs. TAUSCHER.

H.R. 5143: Mr. BECERRA, Mr. EDWARDS, Mr. YARMUTH, Mr. FILNER, Mr. HARE, Mr. REICHERT, Mr. LOBIONDO, Mr. GORDON, Mrs. NAPOLITANO, Mrs. MALONEY of New York, Mr. SHAYS, Mr. ENGLISH of Pennsylvania, and Mr. HONDA.

H.R. 5148: Mr. FORTUÑO, Mr. KAGEN, Ms. FALLIN, Mrs. BOYDA of Kansas, Mr. FLAKE, Mr. CARNEY, Mr. WOLF, Mrs. MYRICK, and Mr. SOUDER.

H.R. 5152: Mr. LANTOS, Mr. ISRAEL, and Mr. WYNN.

H.R. 5157: Mr. BLUMENAUER, Mr. GRIJALVA, Ms. WATERS, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Ms. ESHOO, and Ms. SOLIS.

H.R. 5160: Mr. ENGLISH of Pennsylvania.

H.R. 5169: Mr. HENSARLING.

H.R. 5171: Mr. HINCHEY and Mr. UDALL of Colorado.

H.R. 5172: Mr. HALL of New York.

H.R. 5173: Mr. SARBANES, Mr. DAVID DAVIS of Tennessee, Mr. LINCOLN DAVIS of Tennessee, Mr. ALLEN, Mr. WELCH of Vermont, Mr. FARR, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. MICHAUD, Ms. BERKLEY, Mr. HONDA, Mr. LEWIS of Georgia, Mr. GOODE, Mr. KENNEDY, Mr. WYNN, Mr. RUPPERSBERGER, and Ms. HERSETH SANDLIN.

H.R. 5180: Mr. JOHNSON of Georgia, Mr. YARMUTH, Mr. WALZ of Minnesota, and Mr. SOUDER.

H.R. 5222: Mr. WAMP, Mr. MCCARTHY of California, Mr. YOUNG of Alaska, Mr. MCCAUL of Texas, Mr. BACHUS, Mr. FLAKE, Mr. GOODLATTE, Mr. TIBERI, Mr. DAVIS of Kentucky, Mr. FORBES, Mr. REHBERG, Mr. SOUDER, Mr. BONNER, Mr. SHUSTER, and Mrs. CUBIN.

H.J. Res. 54: Mr. JEFFERSON.

H.J. Res. 76: Mr. WOLF.

H. Con. Res. 32: Mr. JONES of North Carolina, Mr. SNYDER, Mr. BERRY, and Mr. SPRATT.

H. Con. Res. 106: Mr. WILSON of Ohio.

H. Con. Res. 137: Mr. HALL of Texas.

H. Con. Res. 154: Mr. CROWLEY.

H. Con. Res. 249: Ms. SCHAKOWSKY and Mr. DAVIS of Illinois.

H. Con. Res. 255: Mr. DONNELLY.

H. Con. Res. 263: Mr. GERLACH, Mr. HOEKSTRA, Mr. CANNON, Mr. BURGESS, Mrs. CUBIN, Mr. ALEXANDER, Mr. GRAVES, Mr. SHIMKUS, Mr. BUCHANAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DUNCAN, Mr. ROGERS of Alabama, and Mr. LOBIONDO.

H. Con. Res. 267: Mr. SESSIONS.

H. Con. Res. 278: Mr. HINCHEY, Mr. DOOLITTLE, Mr. MARCHANT, Mr. BERMAN, Mr. ISRAEL, Mr. LUCAS, Mr. GARRETT of New Jersey, and Ms. CLARKE.

H. Con. Res. 280: Mr. CONYERS, Mr. ENGEL, Mrs. MALONEY of New York, and Mr. SESTAK.

H. Con. Res. 281: Mr. CHANDLER, Mr. COHEN, Mr. RYAN of Ohio, Ms. WATSON, Mr. BERMAN, Mr. WHITFIELD of Kentucky, Mr. BURTON of Indiana, Mr. HOEKSTRA, Mr. WELDON of Florida, Mrs. BONO MACK, Mr. PITTS, Mr. KNOLLENBERG, Mrs. WILSON of New Mexico, Mr. RENZI, Mr. REGULA, Mr. SAM JOHNSON of Texas, Mr. YOUNG of Alaska, Mr. AKIN, Mr. HULSHOF, Mr. TIAHRT, Mr. SMITH of Texas, Mrs. DRAKE, Mr. WALBERG, Mrs. MCMORRIS RODGERS, Mr. REICHERT, Mr. BISHOP of Utah, Mr. PEARCE, Mr. CANNON, Mr. SULLIVAN, Mr. BOOZMAN, Mr. REYNOLDS, Mr. WALSH of New York, Mr. LEWIS of California, Mrs. CAPITO, Mr. BILIRAKIS, Ms. PRYCE of Ohio, Mr. DEAL of Georgia, Mr. GINGREY, and Mr. CULBERSON.

H. Con. Res. 283: Ms. WATSON and Mr. CLAY.

H. Con. Res. 285: Mr. ROGERS of Kentucky.

H. Con. Res. 286: Mr. SESTAK.

H. Res. 111: Mr. BONNER, Mr. REHBERG, and Mr. WELLER.

H. Res. 447: Mr. MICHAUD.

H. Res. 578: Mr. MILLER of North Carolina, Mr. WILSON of South Carolina, Mr. JONES of North Carolina, and Mr. GRIJALVA.

H. Res. 679: Mrs. MYRICK, Mrs. TAUSCHER, Mr. KIRK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BISHOP of Georgia.

H. Res. 735: Mr. WEINER.

H. Res. 795: Mr. NEAL of Massachusetts.

H. Res. 820: Mr. BLUMENAUER.

H. Res. 821: Mr. RENZI.

H. Res. 829: Mr. GRAVES.

H. Res. 838: Mr. PUTNAM.

H. Res. 883: Mr. TOWNS.

H. Res. 889: Mr. PAYNE, Mr. HINOJOSA, Mr. ROGERS of Michigan, Mr. GONZALEZ, Ms. SLAUGHTER, Mr. KLEIN of Florida, Mr. SCOTT of Georgia, Mr. WEXLER, and Mr. CROWLEY.

H. Res. 897: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 934: Mr. SAM JOHNSON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. DOGGETT, Mr. GOHMERT, Mr. CRAMER, Mr. PASTOR, Mr. RAMSTAD, Ms. SOLIS, Mrs. CAPPS, Mr. CARDOZA, and Mr. SALAZAR.

H. Res. 944: Mr. Broun of Georgia, Mr. COHEN, Mr. SKELTON, Mr. SNYDER, Ms. GIFFORDS, Mr. TAYLOR, Mrs. TAUSCHER, Mr. SPRATT, Ms. CASTOR, Mr. REYES, Mr. ABERCROMBIE, Mr. BOREN, Mr. COOPER, Mrs. BOYDA of Kansas, Mr. JONES of North Carolina, Mr. PAUL, Mr. KLINE of Minnesota, Mr. MCKEON, Mr. CARTER, Mr. LOBIONDO, Mr. MILLER of Florida, Mr. MCHUGH, Mr. GINGREY, Mr. AKIN, Mr. FORBES, Mr. BOOZMAN, Mr. SHUSTER, Mrs. CAPITO, Mr. MARSHALL, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. CONAWAY, and Mr. SAXTON.

H. Res. 945: Mr. CHANDLER.

H. Res. 951: Mr. ANDREWS, Mr. CHABOT, Mr. COHEN, Mr. MARIO DIAZ-BALART of Florida, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GERLACH, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. KING of New York, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LANTOS, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHUGH, Mr. MCNULTY, Mr. MITCHELL, Mrs. MYRICK, Mr. PASTOR, Mr. PLATTS, Mr. RENZI, Mr. REYNOLDS, Mr. ROTHMAN, Mr. SENSENBRENNER, Mr. TERRY, and Mr. WAMP.

H. Res. 952; Mr. MARIO DIAZ-BALART of Florida, Mr. BLUMENAUER, Mr. BECERRA, and Mr. BARROW.

H. Res. 958: Mr. CALVERT, Mr. MCCARTHY of California, Mr. NEUGEBAUER, Mr. BACHUS, Mrs. DRAKE, Mr. MCKEON, Mr. FRANKS of Arizona, Mr. BROUN of Georgia, Mr. DAVIS of Kentucky, Mrs. SCHMIDT, Mr. PRICE of Georgia, Mr. FLAKE, Mr. SAXTON, Mr. GERLACH, Mr. SHUSTER, Mr. MCHUGH, Mr. KINGSTON, Mr. WALBERG, Mr. PLATTS, Mr. CULBERSON, Mrs. MUSGRAVE, Mr. THORNBERRY, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 960: Mr. HINCHEY, Mr. ISRAEL, Mr. BISHOP of Georgia, Mr. SHERMAN, Mr. WEXLER, Mr. RYAN of Ohio, Mr. EMANUEL, Mr. MURPHY of Connecticut, Mr. CLYBURN, Mr. DOGGETT, Ms. HOOLEY, Mr. BOSWELL, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. CAMPBELL of California, Mr. LEWIS of Georgia, Mr. KIND, Mr. KILDEE, Mr. HILL, Mr. BLUMENAUER, Mr. KING of New York, Mr. MOORE of Kansas, Mr. ABERCROMBIE, Mr. SAXTON, Mr. CONYERS, Mr. CAPUANO, Mr. LYNCH, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. HOYER, Mr. OBERSTAR, Mr. BERRY, Mr. SNYDER, Mr. WILSON of Ohio, Mr. ELLSWORTH, Ms. LINDA T. SÁNCHEZ of California, Mr. RANGEL, Mr. SPACE, Mr. ARCURI, and Mr. ALTMIRE.

H. Res. 962: Ms. ZOE LOFGREN of California, Mrs. TAUSCHER, Ms. RICHARDSON, Ms. HARMAN, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Ms. WATSON, and Mr. FILNER.

# EXTENSIONS OF REMARKS

## CONGRATULATING DALE FISSELER, THE NEW CITY MANAGER FOR THE CITY OF FORT WORTH, TEXAS

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BURGESS. Madam Speaker, I rise today to congratulate Dale Fisseler on obtaining the position of City Manager for the City of Fort Worth. Mr. Fisseler was recently promoted from his previous position with the City of Fort Worth as Assistant City Manager and will now be taking over the reins as City Manager of the fifth largest city in Texas.

Mr. Fisseler has been working for the City of Fort Worth since 1990, where he started as a Water Superintendent. In 1999, he was named Director of the City of Fort Worth's Water Department, which provides water to almost 1 million people throughout Fort Worth and Tarrant County.

Many local officials agree that Mr. Fisseler is most deserving of this position. Fort Worth Mayor Mike Moncrief supported this notion by stating that "obviously Mr. Fisseler is familiar with our city's history, challenges and opportunities. We are very pleased that the best person for the job was already a member of our Fort Worth family."

It with great honor that I congratulate Dale Fisseler on this deserving opportunity and wish him the best in his future endeavors. The North Texas region is truly fortunate to have the type of dedicated public servant that Dale Fisseler personifies, and I wish him every success during his tenure as the City Manager of Fort Worth.

## HONORING MARSHALL HENTHORNE, NICK NULL, JEFFERY SHOWALTER, AND MARK STRICKLAND FOR THEIR HEROIC EFFORTS

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mrs. CAPITO. Madam Speaker, I rise today to honor Marshall Henthorne, Nick Null, Jeffery Showalter, and Mark Strickland for their heroic efforts in responding to a tractor-trailer accident.

On December 10, 2007 a tractor trailer flipped over the side of the Interstate 64 Bridge in Charleston, West Virginia and fell 80 feet into the Kanawha River. The two men in the tractor trailer were submerged in the cold waters of the Kanawha River and trapped in the cab for nearly 20 minutes.

Corporal Nick Null of the Charleston Police Department was the first on the scene to aid the rescue efforts. Lieutenant Mark Strickland of the Charleston Police Department and firefighters Jeffery Showalter and Marshall Henthorne of the Charleston Fire Department all worked to cut the top of the cab to get the two men, Huseen Awad, and Phillip Chaizoi, 57 of Columbus, Ohio to safety.

These four men demonstrated courage and selflessness and in diving into the cold, swift, current of the Kanawha River to save the lives of these two men. Both men were rushed to Charleston Area Medical Center and sent to the intensive care unit where Chaizoi was listed under evaluation and Awad later perished.

I am proud to honor Marshall Henthorne, Nick Null, Jeffery Showalter, and Mark Strickland as hometown heroes and I'm proud to call them fellow, West Virginians.

## IN HONOR OF PEARL CAREY

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. FARR. Madam Speaker, I rise today to honor a great American and community servant, Pearl Carey, for her lifetime of achievements and service above self. Pearl is a long time resident of the Monterey Peninsula. All of us who have had the good fortune over the years to befriend her, know that Pearl has been one of the busiest people on the Monterey Peninsula—a true divine spark who has helped to light the way for all.

Pearl grew up in Oklahoma, her girlhood ambition was to become a Christian missionary in Africa. She never realized that dream, but instead devoted much of her adult life to helping improve the lives of those around her, particularly children. She worked with the local YMCA, Salvation Army, Community Theater of Carmel, the National Council of Negro Women and the United Fund. Working with children has been one of her primary passions. "I just love kids," is her simple explanation. She was the employment interviewer in the Neighborhood Youth Corps and Job Corps, worked with Head Start, owned and operated a child care center, was the CETA coordinator in the Monterey Peninsula Unified School District, and is a life member of the PTA.

The list of Pearl's general community activities is also long. She was a member of the National Council of Negro Women, an advisory member of the Welfare Rights Organization, volunteered at Eskaton Hospital, a board member of Turning Point Prison Mother Program, and chaired the Seaside Community Heart Fund. Her political involvement included stints as the minority coordinator for California Governor Jerry Brown's 1968 campaign, screening co-chairperson for George McGovern's California primary campaign, co-chair of the Northern California Black Caucus and the State Affirmative Action Committee, and delegate to the 1972 Democratic convention.

On top of all of her public service activities, Pearl has also been a local, regional, and even national leader in the golf community. Golf has always held an attraction for Pearl, but as a youth, few if any opportunities to play were available for an African American woman. When her military husband was stationed on the Monterey Peninsula, Pearl decided to take lessons and realize her ambition. She quickly expanded her golf game beyond the occasional game. Over the years, she has served as president of the Pacific Women's Golf Association, president and treasurer of the Western States Golf Association, president of the Seaside Women's Golf Club, and founder and director of the Seaside Junior Golf Program. She received the Joe Dey Award from the USGA, California Golf Writers Award, and Northern California Golf Association Golden State Award, honoring her for her activities. Today, Carey is involved with the First Tee of Monterey County, along with her duties at the Seaside Junior Golf Program, board of directors for the AT&T Junior Golf Association, and as the treasurer of the Western States Golf Association.

Madam Speaker, the list goes on and on, and we cannot hope to list all of her many activities throughout her life. Most people would he happy with a fraction of her accomplishments. On February 9, 2008, Pearl will receive another honor in Monterey, the NAACP President's Award. No better choice could have been made than Pearl Morris Carey. I know my fellow members join me in congratulating her upon this well-deserved tribute.

## PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. CONAWAY. Madam Speaker, on rollcall No. 29 H. Res. 867—Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup, I was attending a funeral for a soldier killed in Iraq.

Had I been present, I would have voted "yea."

## TORNADOS THAT AFFECTED ARKANSAS

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BERRY. Madam Speaker, I rise here today to offer our thoughts and prayers to the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

victims of the recent tornados that have devastated many parts of Arkansas and the surrounding region. On behalf of the Congress I especially extend our sympathies to the families who have lost a loved one in this terrible tragedy.

As we move to rebuild our State, I commend all those who have reached out to their neighbors to provide assistance in this time of need. As families and businesses begin the cleanup process, I am committed to helping these individuals get the resources they need to rebuild their lives and communities.

Arkansans are great people who exemplify Southern hospitality and I have great faith our communities will persevere and prevail through this difficult time.

## PERSONAL EXPLANATION

### HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. CAMPBELL of California. Madam Speaker, on February 6, 2008, I missed rollcall votes 29–31. My flight from California to Washington, DC, did not get me back in time. Had I been here, I would have voted "yes" on all three votes.

Rollcall Vote 29: On Motion To Suspend the Rules and Agree to H. Res. 867, Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup;

Rollcall Vote 30: On Motion To Suspend the Rules and Agree to H. Res. 942, Recognizing the significance of Black History Month; and

Rollcall Vote 31: On Motion To Suspend the Rules and Agree to H. Res. 943, Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986.

## IN MEMORY OF JUNE IMPSON

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BURGESS. Madam Speaker, I rise today to remember June Impson, longtime professor for Texas Women's University and beloved local artist to the citizens of North Texas.

Ms. Impson was on the faculty of the Texas Women's University Department of Family Sciences from 1976 until her retirement in 1998. During her career in academia, she continued to pursue art and was an active member of the Denton, Texas-based Visual Arts Society of Texas. She served as an officer in the society, and Ms. Impson also taught workshops and learned alongside her fellow members.

Ms. Impson was known for her paintings and collages of flowers, especially the wildflowers of Texas. "I love nature," Ms. Impson once said. "All of it. Rocks, and dirt."

Her work was described as "immediate, bold, and beautifully painted." She was thought by many to be inspirational, gentle, imaginative, encouraging, and inclusive and she will be greatly missed in the art community as well as the North Texas and Texas Women's University communities.

She was so loved by the art community around her that the Visual Arts Society of Texas established a scholarship fund in Ms. Impson's name before her death.

I extended my thoughts to her husband, Billy Roy Switzer, and her two sons, Loren and Keiller, as well as a long list of family members and friends. June Impson will be greatly missed by the many that are fortunate enough to have known her, and I am certain that her artwork will continue to inspire others for years to come.

## HONORING THE COPPELL FIRE DEPARTMENT

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. MARCHANT. Madam Speaker, a golden anniversary is indeed a special milestone, and today I am proud to recognize the Coppell Fire Department's 50th anniversary. This exemplary and dedicated group of firefighters continues a proud 50-year long tradition of excellence.

As emergency responders for the City of Coppell, Texas, the Coppell Fire Department prides themselves on building a safe community through exceptional services. The Coppell Fire Department provides fire prevention, fire suppression, transport emergency medical services, and technical rescue to the City of Coppell and the North Texas Region. The Department also offers special community services such as a Smoke Detector Program, Fire Extinguisher Training, Fire Safety Training, CPR Training, and Child Safety Seat Installation, just to name a few.

The Coppell Fire Department includes 92 highly trained members operating from four facilities strategically located throughout the city. Each member is fully committed to continuing the traditions of providing a level of public service that is second to none.

Chief Kevin Richardson and his department will be celebrating the 50th anniversary all year long. In honor of the occasion, a special commemorative helmet shield has been designed, restoration of the department's first fire engine is complete, and a commemorative album will be used to honor the department's 50 years of service to the community.

The Coppell Fire Department's 50 years of hard work and commitment to the citizens of Coppell is worthy of recognition. I offer my sincere congratulations on their golden anniversary, and I am most honored to represent this outstanding department in the 24th District of Texas.

## CONGRATULATING THE 2007 WEST VIRGINIA BOYS SOCCER STATE CHAMPIONS

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mrs. CAPITO. Madam Speaker, I rise today to congratulate the 2007 West Virginia Boys Soccer State Champions, the George Washington High School Patriots of Charleston, West Virginia.

The West Virginia State Tournament took place in Beckley on November 3, 2007. The Patriots played defending champions, Hurricane High School in the final game of the tournament.

Head Coach Tom Hopper, who was named 2007 WV Soccer Coach of the Year and assistant coaches; Dave Nelson, Kevin Cushing, Dan Thistlethwaite and Gordon Green led the young men to victory winning overall 18–4–3 season. The Patriots made George Washington High School history, as the first soccer team to win a state championship.

The players include captains; Connell Green, Sam McElwee, Yale Tiley, and Zack Claudio and Tyler Chiartas, Adam Boland, Jesse Dreyer, Christopher Power, Luca DiPiero, PJ Wolfe, Jake Stevens, Ian Thistlethwaite, Evan Loflin, Charlie McElwee, Andrew Robey, Kurt Suter, Thomas Edens, Blair Suter, Paul Stroebel, Shahir Amin, and Adeeb Derakhshan.

Madam Speaker, it gives me great pride to acknowledge the George Washington High School Patriots as the 2007 West Virginia Boys Soccer State Champions. Again, congratulations to these talented young men.

## IN HONOR OF JOSEPH ST. CLAIR

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. FARR. Madam Speaker, I rise today to honor the life of a man of action and principle, Mr. Joseph St. Clair. Joe and his wife, Maria, came to the United States from Hungary in 1939. When this country entered World War II he was required to take his family back to Hungary. As a civilian English and history teacher in German-occupied territory, he was assigned to monitor American prisoners of war. He refused to cooperate with the Germans and had to go into hiding. The 6-week long winter siege of Budapest by the U.S. was a particularly difficult time for his friends and family, living in a bomb shelter and coming out at night to butcher frozen horses to feed themselves. Living through these experiences shaped his character and priorities: devotion to family, service above self, and leadership.

After the war he was again in danger, this time from the Communist Party. As friends and colleagues disappeared, he realized that he needed to get his family out of Hungary. With the help of Americans, Joe was able to get them all to Switzerland, and eventually back to the United States. He changed his family name to St. Clair and moved to Monterey, where in 1948, he became the founding chairman of the Hungarian Department in the newly formed Army Language School, now known as the Defense Language Institute. In 1970 his department was given the Abraham Lincoln Award of the American Hungarian Studies Foundation because ". . . never before nor anywhere else in the world has the Hungarian language and culture been taught so effectively to so many students of non-Hungarian background as it has been by the Hungarian Department of DLIWC."

Joe and Maria met during their college days at the University of Budapest where he was the leader of the Catholic men's service organization, and she was the head of the Catholic women's organization. They had four sons, Joseph Jr., Akos, George, and Robert, three grandchildren and two great-grandchildren. Joe spent many years as a Boy Scout leader and won special awards and citations from that organization.

Joe's life was one of service to his community. In addition to being his sons' scoutmaster, he was active in Kiwanis and the Knights of Columbus. At one time he held the record for donating more blood than anyone else on the Monterey Peninsula. After retirement he moved to Scotts Valley in Santa Cruz County. He volunteered with the Red Cross and became chairman of the board of directors of the California Gray Bears, a pioneering self-help organization of senior citizens. With the Gray Bears he harvested vegetables, distributed the food to home-bound seniors, and operated the largest recycling center in Santa Cruz County. For one of his awards, it was estimated that he had clocked over 10,000 hours of community service.

When Joe retired after 30 years at the Language School, he was given the Department of the Army's second highest civilian award for meritorious service. The wording on the citation in part sums up the man who was Joe St. Clair: "Mr. St. Clair understood the responsibility of the manager as being primarily one of leadership in the highest sense of the word. In whatever position or assignment he received, Joe St. Clair was invariably an enlightened guide, a relentless, demanding, but inspiring leader both to his students and his faculty."

Madam Speaker, I know my colleagues will join me in honoring the life of this admirable man, and we are grateful that he chose to become a citizen of our country.

## CELEBRATING THE BIRTHDAY OF SINGER, SONGWRITER, ACTIVIST, AND INSPIRER BOB MARLEY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. RANGEL. Madam Speaker, I rise today in reverent celebration of the birthday of Robert Nesta Marley, a man whose musical genius provided the soundtrack to the politically awakening times of the '60s and '70s. Through song, he attempted to forge a new world order, infusing his calls for nonviolence, unity, and faith with an enthralling reggae beat that propelled the sound of Jamaica internationally.

On this day, the anniversary of his birth, the world rejoices in the myriad contributions his unique voice made to reggae music, to Rastafarian religion, to social justice and peace. He serves, still, as an ambassador for the Jamaican essence, personifying through his undying image and legacy the diverse people of that island and its rich culture.

His sound sprung from the slums of Kingston. But—surrounded by economic devastation, political violence, and the intolerance of his mixed-race heritage—he clung to optimism, instead. The sanguine anthems of "One Love" and "No Woman, No Cry" gave voice to the oppression of poverty and its effect on the human spirit, captivating a generation and spanning the globe in its power and scope.

For this, we honor him—stirred, touched, inspired by his cause.

## PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. CONAWAY. Madam Speaker, on rollcall No. 30, H. Res. 942—Recognizing the significance of Black History Month, I was attending a funeral for a soldier killed in Iraq.

Had I been present, I would have voted "yea."

## HONORING THE LIFE AND SERVICE OF INDIANA REPRESENTATIVE RICHARD MANGUS OF LAKEVILLE, INDIANA

### HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. DONNELLY. Madam Speaker, today I rise to honor the life of distinguished former State Representative Richard Mangus. Mangus, age 77, suffered a heart attack Monday, February 4, 2008 and sadly passed away.

Mr. Mangus' career in public service began in 1972 upon his election to the Indiana General Assembly. After his initial term was complete, Mr. Mangus won 15 additional elections, serving a total of 32 years. A dairy farmer for 60 years, Mangus excelled in representing the agricultural community—he knew the farmers and the types of issues they faced, and he shared a great concern for the environment. During his time in office, Mangus served as Chairman of the House Election Committee, the House Environmental Committee, and the House Natural Resources Committee. Inside the Assembly, Mangus was known for his fiery spirit, his use of theatrics and drama to prove a point, and his no-nonsense wisdom. It has been said that Mangus did not speak often, but when he did, it deserved complete attention, for he was a true political genius.

Dick Mangus' illustrious career of service has been recognized by numerous honors and awards; in fact, he was a three-time winner of the Sagamore of the Wabash honor. He has been honored as both Police Legislator of the Year and Professional Firefighter Legislator of the Year; he received the District Soil and Water Conservation Special Recognition Award for Support of District Programming, as well as the 4–H Leadership 20 year Service Award, Izaak Walton League Environmental Achievement Award, and the award for the Junior Chamber of Commerce Outstanding Citizen of the Year. Mangus was also appointed as a member of the Department of Natural Resources Commission.

Outside of his career in the state legislature, Dick Mangus served his country in the United States Army as well as owned and operated a successful family dairy farm. In 1951, he married his sweetheart, Mary, and they were together for 56 years. During this time, they raised five children: Marcia, Russell, Richard, Ronald, and Ryan. Mangus was a grandfather of seven and great-grandfather of ten.

Despite his claim to be "just a dairy farmer from Lakeville," Mangus will be remembered as much more. His legacy as a public servant will be defined by his passionate advocacy, creative methods, and humble approach. He will be dearly missed by his family, his constituents, and all Hoosiers. It is with great pride and honor that I enter former State Representative Richard Mangus' name into the United States CONGRESSIONAL RECORD.

## HONORING LESTER RAY WISEGERBER

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. POE. Madam Speaker, I would like to recognize the fine work and outstanding public service of my friend, Lester Ray Wisegerber. In 2004, Lester Ray Wisegerber became president of the Dayton Chamber of Commerce. He drew upon his diverse background to lead and represent the city of Dayton. Being a true Texan and Dayton resident for 72 years, his happy spirit and love of the town made Lester Ray a natural promoter of the city.

Celebrating their 57th wedding anniversary last December, Lester Ray and his wife Betty Jo are the proud parents of four children, 12 grandchildren and eight great grandchildren. During his lifetime Lester Ray has worn many hats, working for instance as a rancher, and a rice farmer. He helped form the Seaberg Rice Company and is also an inventor. His inventions include the "Easy Start", Dr. Hennessey's Dental Flosser, and a fuel saving motor.

Lester Ray has a long career in public service. Throughout the years, he has assisted and been recognized by numerous boards and organizations. For two terms, he served on the Dayton City Council. He served on the board of the Liberty County Farm Bureau. He served on the Dayton ISD school board for fifteen years. His service to Dayton ISD has helped improve both the life and education for the children of our community. As a former bronco football player, Lester Ray's love for sports gave way to the organization of the Bronco Booster Club Oyster Supper. For twenty four years, Lester Ray served in the Dayton Volunteer Fire Department. The list of this model citizen's accomplishments will have lasting effects on our children and our community.

Actively involved in local politics, Lester Ray currently serves as the chairman of the Liberty County Republican Party. During this time, he has successfully promoted candidates for numerous elected positions. His hard work and love for Liberty County has earned him enduring respect throughout the community.

On behalf of the Second Congressional District of Texas, I commend this remarkable Texan for his exemplary service and dedication to the city of Dayton.

And that's just the way it is.

## HONORING THOMAS O. MEFFERD

### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. ROSKAM. Madam Speaker, I rise today to honor Thomas Mefferd for his 22 years of dedication and service to DuPage County.

Tom began his career in emergency management in 1971 as the Civil Defense Director for the Village of Plainfield, IL, a position he held for 10 years.

In 1981, Tom left municipal government and became an instructor for the Federal Emergency Management Agency, FEMA. While there, he was responsible for conducting training courses and disaster exercises in FEMA Region 5.

In 1988, Tom returned to local government service and became the Deputy Coordinator of the DuPage County Office of Emergency Management, where he oversaw disaster planning and training activities.

In recognition of his exemplary role as Deputy Coordinator, Tom was appointed Coordinator of the DuPage County Office of Emergency Management in 1995. While holding this position, he supervised the renovation of the county's Emergency Operations Center, designed the county's Mobile Operating Center and the installation of Illinois' first Emergency Alert System.

He also serves as a member on the Illinois Terrorism Task Force.

In 2003, Tom became the Director of the DuPage County Office of Homeland Security and Emergency Management, as DuPage became the first county in Illinois to merge the roles of emergency management and homeland security.

Tom's steadfast dedication to protecting our communities has spanned more than two decades. On February 29, 2008 he will begin a well deserved respite. Thanks to Thomas Mefferd, DuPage County's emergency management system is clearly a cut above the rest.

Madam Speaker and distinguished colleagues, please join me in honoring the distinguished career and service of Thomas Mefferd.

## IN MEMORY OF ROBERT HAL JACKSON

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BURGESS. Madam Speaker, I rise today to honor Robert Hal Jackson, a life-long North Texan who passed away at 87 years of age on Saturday, January 19, 2008.

Robert Hal Jackson devoted his life to helping and protecting others. Born on November 29, 1920, in Denton, Texas, he graduated from North Texas State Teacher's College, now known as the University of North Texas, in 1941. Mr. Jackson enrolled in law school at the University of Texas but left to join the Navy Air Corps on January 1, 1942. On November 14th of that year, he married his wife Barbara Hancock before serving three tours of duty in the South Pacific during World War II. He was a member of the VF–17 Skull & Crossbones Squadron and received a Silver Star for his part in the aerial attack that sunk the Yamato, Japan's largest battleship.

Upon returning from the war, Jackson finished his degree at Baylor University and Southern Methodist University. He served two terms in the Texas State Legislature representing Denton, and earned his law license in 1952. Continuing his commitment as a public servant, Mr. Jackson chose to be a defense attorney in the criminal courts, believing that the American justice system relied on strong, dedicated lawyers to compel the government to prove its case beyond a reasonable doubt. Mr. Jackson was most assuredly one of those lawyers, receiving respect from both sides of the court room for his unwavering commitment to his work.

Mr. Jackson was a member of the Denton County Bar Association, the Denton County Criminal Defense Lawyers Association, and a founding member of the Texas Criminal Defense Lawyers Association. He served on the Denton Airport Board for two years, and was an avid supporter of the Boy Scouts of America. Mr. Jackson was inducted into the Denton County Criminal Defense Attorneys Association's Hall of Fame in March 2006. He is survived by his wife Barbara, whom he was married to for 65 years, and several cousins.

Madam Speaker, today I would like to recognize and celebrate the life of Mr. Hal Jackson, one he spent serving our country, both in the war and in the courtroom. His loyalty and allegiance to this nation will be sorely missed, but his memory will remain as an inspiration to those who were fortunate enough to have known him. I extend my sincerest sympathies to his family and friends; he will truly be missed by all.

## RECOGNIZING THE 35TH ANNIVERSARY OF CHRISTIAN COMMUNITY ACTION

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. MARCHANT. Madam Speaker, I rise today to honor Christian Community Action on the occasion of its 35th Anniversary for providing financial and spiritual needs for the underprivileged in southern Denton County.

Christian Community Action (CCA) was founded on February 22, 1973 by a small group of Christians whose resolve was to care for "the least of the brethren." Local mainstream Christian pastors and their congregations were asked to donate food, clothing, furniture, house wares and money. Tom Duffy, founder and the original President of CCA, started organizing their efforts from a residential garage but CCA soon outgrew that space and moved to their current headquarters in downtown Lewisville, Texas. Under Mr. Duffy's tenure, CCA went from a volunteer—run storefront to three full—scale Resale stores that earn approximately $5 million each year to assist needy families. The number of those receiving help also saw an increase from a handful of families in 1973 to more than 15,000 individuals this past year.

Christian Community Action continues to expand its services to those who need it most in more than 46 communities. They compassionately assist families financially with their needs of today while helping them learn to one day live independently for a brighter tomorrow. In addition, CCA encourages spiritual growth providing religious opportunities to further their chances of success. CCA is committed to being responsible and faithful stewards of the donations they receive ensuring that their work directly benefits families in crisis situations.

I am honored to pay tribute to Christian Community Action and the valuable contributions they provide to those in need. I commend CCA for their dedication, commitment and service to disadvantaged families in Lewisville, Texas, and the surrounding communities, during the last 35 years.

## CONGRATULATING NEW YORK: LAND OF GIANTS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. RANGEL. Madam Speaker, I rise today to place in the CONGRESSIONAL RECORD and allow two editorials, the Feb. 5 New York Post piece "They Shocked the World" and the Daily News' "Land of the Giants," to speak to the inarguable superiority of New York's football team, the Giants. In what has become one of the greatest upsets ever, the underdog Giants ended the New England Patriots' hopes for a perfect season and brought the title home to the Big Apple and New Jersey.

The tenacity of this championship team carried it over the finish line—from the steady leadership of its most valuable player, Eli Manning, and head coach, Tom Coughlin, to the late-breaking plays from wide receivers David Tyree and Plaxico Burress. The 17–14 nail biter was a match of wills and mettle, and the people of New York are proud that their team came out on top.

Congratulations are in order for the New York Giants, and its supporters, in its win of Super Bowl XLII.

THEY SHOCKED THE WORLD

Everyone knew that Super Bowl XLII was going to make history.

Either the world would witness the coronation of Tom Brady, Bill Belichick and the New England Patriots as masters of a once-in-a-generation perfect season . . . or it would see one of the greatest football upsets ever.

But no one could possibly have foreseen that the Eli Manning-led New York Giants would pull off that upset with one of the most iconic performances in Super Bowl history: two fourth-quarter touchdown drives, including one to take a final lead with mere seconds remaining.

The team is being honored this morning with a much-deserved parade through New York's Canyon of Heroes, from Battery Park to City Hall.

Theirs was a performance, indeed, that could shape the game for years to come—if New York's already proud football history is any indication.

Take the 1958 NFL championship at Yankee Stadium—"the greatest game ever played"—where legendary quarterback Johnny Unitas' own late-game heroics led the Baltimore Colts to a thrilling overtime victory over the Giants.

It was a devastating loss for New Yorkers, but a huge blessing to the sport. Football caught the nation's imagination as never before, and the country soon discovered that its even pace, regular breaks and hard-hitting action made the game perfectly suited for the television era.

Within two years, the NFL boasted two new teams, and the newly formed American Football League (the leagues decided to merge in 1966) added eight more.

New York got its revenge in 1969, anyway, when "Broadway Joe" Namath famously guaranteed—and delivered—victory for his (AFL) Jets over the heavily favored Colts in Super Bowl III.

That victory was just as significant, shattering the image of AFL (now AFC) teams as talent-challenged upstarts and bringing an exciting and competitive parity to the sport that's propelled it toward unambiguous national-pastime status.

And who can blame Americans for falling in love when the sport's biggest game regularly features epic thrillers like Super Bowl XXV, the Giants' 1991 nail-biter win? (That game, incidentally, saw both Belichick and current Giants' coach Tom Coughlin under the tutelage of coaching great Bill Parcells.)

Or Super Bowl XXXVI in 2002, for that matter, when a young Tom Brady led his Patriots to a stunning upset over the powerhouse of the day, Kurt Warner and the St. Louis Rams?

Sound familiar?

For Eli and the Giants, this could be just the beginning.

As for New York—well, suffice it to say that Sunday wasn't the first time the locals have made football history.

Likely won't be the last, either.

LAND OF THE GIANTS

See that look of joy on Eli Manning's face? Just about any New Yorker can look in a mirror and see the same. Even two days after the most breathtaking Super Bowl finish in history.

You can also see the look on Manning's face in person Tuesday. Along with the smiles of Tom Coughlin and Plaxico Burress and David Tyree and all the other Giants as they travel up the Canyon of Heroes in a ticker-tape (these days, confetti) parade.

And richly deserved the celebration is. The Giants' end-of-the-season run was something to behold. They were tougher, smarter, faster—just plain better—than the supposedly invincible competition.

Including the now-imperfect New England Patriots:

The team that had everything going for it, the running, passing, blocking and Captain America at quarterback.

The team that was coached by no mere mortal, but by a genius.

The team that was named by so many as the finest pro football squad of all time.

There was none better than the Patriots, they all said, and they were wrong. Because when it counted, the Giants proved their mettle.

The parade is set to start at 11 a.m. at Battery Place and end at City Hall, following the route on which New York City has traditionally cheered accomplishments that lift the civic soul, some in sports, others of a far more profound nature. It's where the Giants belong this day.

Regardless of their unfortunate address—an exile forced by municipal stupidity—the Jints are a New York institution, big enough for Broadway, far too large for Moonachie.

Go and enjoy. Go and soak up all the glory and hear the wall of sound echoing up the canyon. Once experienced, it is never to be forgotten.

Just like Super Bowl XLII.

You've been replaying it in your head, haven't you? At least the final 1:15 minutes. Which were the most amazing in Super Bowl history.

There's Manning, whose abilities were so often questioned, who responded to all the doubts with class. He has the ball. The Patriots have his jersey. He breaks free, sets up and fires a high one to Tyree amid defenders. Tyree makes that one-handed catch, the catch that had to be seen to be believed. And even then was unbelievable.

The Pats still lead 14–10. Manning lofts the ball to Burress. Touchdown. Extra point. Giants, 17; New England, 14. Proving that it ain't over till it's over, a truism observed by all—except by ungracious, unsportsmanlike Bill Belichick.

What happened Sunday goes into the annals of Great New York City Sports Moments, along with the championships of the '69 Jets, '69 Mets, '94 Rangers, and '87 and '91 Giants. As co-owner John Mara noted, "It's the greatest victory in the history of this franchise."

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## PERSONAL EXPLANATION

## HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. CONAWAY. Madam Speaker, on rollcall No. 31 H. Res. 943—Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986, I was attending a funeral for a soldier killed in Iraq. Had I been present, I would have voted "yea."

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## HAPPY NEW YEAR TO THE ORGANIZATION OF CHINESE-AMERICANS

## HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. ALTMIRE. Madam Speaker, I would like to wish the Pittsburgh Chapter of the Organization of Chinese-Americans a happy and healthy New Year for the year 4706, the year of the rat.

I hope this New Year brings the Chinese-American community of Pittsburgh much joy and thanksgiving. I am thankful for the positive impact this organization has had on the lives of Chinese-Americans and Pittsburgh as a whole. Chinese-Americans have greatly contributed to the progress of Pittsburgh as well as the entire nation. I am very honored for this opportunity to wish them a very happy 4706.

I ask my colleagues in the United States House of Representatives to join me in wishing the members of the Organization of Chinese-Americans a very happy and prosperous New Year.

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## FOREST LANDSCAPE RESTORATION ACT

## HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. GRIJALVA. Madam Speaker, today I am introducing the Forest Landscape Restoration Act. This Act establishes the "Collaborative Forest Landscape Restoration Program" to develop, select, and fund landscape-scale forest restoration projects on Federal lands. This would include 10 collaborative forest restoration projects annually on a landscape-scale of at least 50,000 acres of Federal lands.

While there is more discussion to be had on the particulars, I think that the framework of this measure addresses some fundamental and critical concepts.

First and foremost, this bill at its core focuses on restoring the ecological integrity of our Federal lands. Restoration proposals must address a number of key ecological restoration components, including improving fish and wildlife habitat, improving water quality, maintaining and decommissioning roads, and addressing invasive species problems.

Second, this bill is built around a collaborative process. Collaboration is not only required for the development of restoration proposals, but continues through implementation, playing a key role in project execution, monitoring and reporting. By requiring that forest restoration follows a collaborative process, we are ensuring that people work together on the future of our Nation's public lands.

Third, this bill will also reduce the threat of wildland fire and control escalating fire management costs. Restoration proposals must address forest thinning to reduce hazardous fuels, and also analyze the anticipated reductions in wildfire management costs.

Lastly, this bill encourages the use of forest restoration byproducts to foster local economic development. Byproducts from forest restoration can be used in a variety of ways, such as for woody biomass energy, pellets for home heating, value-added products, and more. This bill encourages biomass utilization and development of small businesses in rural public land communities. Furthermore, in order for a forest restoration project to be eligible, the landscape must be accessible by existing or proposed wood-processing infrastructure.

I am introducing this bill as a companion measure to a Senate bill introduced by Senator BINGAMAN. I introduce this measure today as a means to work with my colleagues in the other body and move this process along. I certainly realize that forest legislation in particular takes considerable work to craft. I therefore introduce this measure today not as a final product, but as the first step forward in a process. I look forward to gathering information and hearing more about this important topic as we work together on this measure.

Madam Speaker, the American people treasure their public lands and care deeply about their future. Our Federal lands are in need of ecological restoration, which would help us accomplish the goals of restoring the ecological integrity of our Federal lands, reducing the threat of wildland fire, fostering community collaboration and involvement, and creating jobs in rural communities.

## PERSONAL EXPLANATION

### HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. HARE. Madam Speaker, on February 6, 2008, I was unavoidably detained. I would have voted as follows: on rollcall No. 29, Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup. I would have voted "aye;" on rollcall No. 30, Recognizing the significance of Black History Month, I would have voted "aye;" and on rollcall No. 31, Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986, I would have voted "aye."

## INTRODUCTION OF THE BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2008

### HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BOUCHER. Madam Speaker, I rise to introduce the Business Activity Tax Simplification Act of 2008, a measure that will bring much needed clarification to the circumstances under which states may impose taxes on out of state businesses. This is a bipartisan measure in the principal sponsorship of which I am pleased to be joined by my Virginia colleague BOB GOODLATTE. We are joined in sponsorship of the measure by Mr. CHABOT, Mr. ARTUR DAVIS, Mr. FEENEY, Mr. GALLEGLY, Ms. HERSETH SANDLIN, Ms. JACKSON-LEE, Mr. HANK JOHNSON, Ms. LOFGREN, Mr. PENCE, Mr. BOBBY SCOTT, and Mr. WEXLER, many with whom we are pleased to serve on the House Judiciary Committee.

Traditionally, states and localities have levied corporate income, franchise and other taxes only on those businesses that have a physical presence in the taxing jurisdiction. The growth of the Internet and other forms of advanced communications has made it possible for businesses to conduct a broad range of transactions without the constraints of geopolitical boundaries. As a result, some states have attempted to expand their tax base by assessing business activity taxes against out-of-state companies that have customers but no property or employees in the taxing state. Both large and small companies are facing an increasingly unpredictable tax environment, which hinders business expansion and threatens the continued development of e-commerce.

The measure we are introducing today will bring certainty to the increasingly chaotic tax environment for businesses by clarifying that the states cannot attempt to tax the income of a company that has no physical presence within the taxing state's borders. Our legislation sets forth clear, specific standards to govern when businesses should be obliged to pay business activity taxes to a state. Generally, a business must use employees or services in a state for 15 days or more in a calendar year before it is liable to pay business activity taxes to that jurisdiction.

The Business Activity Tax Simplification Act also modernizes a law which Congress enacted forty-nine years ago that set clear, uniform standards for when states could tax out-of-state businesses based upon the solicitation of orders for specified kinds of sales. Reflecting the economy of its time, the scope of Public Law 86–272 was limited to income taxes on the sale of tangible personal property. Our nation's economy has changed dramatically over the past half-century, and the statute must be modernized to apply equally to the sale of intangible property and services, and to other business activity taxes.

I want to emphasize that the Business Activity Tax Simplification Act does not diminish the ability of states and localities to collect tax revenue. Rather, it rationalizes and makes more predictable the process of doing so.

The lack of clarity in current law has led to sometimes absurd results. A collection agent with the New Jersey Department of Taxation stopped a refrigerated truck loaded with product belonging to Smithfield Foods, a company headquartered in my state of Virginia, on the New Jersey turnpike. The agent held the truck and its driver for several hours and demanded that, to release the truck, Smithfield had to wire $150,000 immediately to the New Jersey Department of Taxation. The agent claimed that he had the right to hold the truck and its contents because Smithfield had failed properly to file New Jersey tax returns.

Smithfield informed the New Jersey agent that his claim was unfounded. It explained that Public Law 86–272 protected it from New Jersey income taxation because it only engaged in solicitation by advertising in New Jersey and had no physical operations in the state. The agent refused to accept this explanation; however, he finally agreed to release the truck and its driver in return for $8,000.

Smithfield appealed this aggressive and incorrect application of Public Law 86–272 to the New Jersey State tax commissioner. Ultimately, New Jersey accepted Smithfield's contention that it has no physical presence in the state and is, therefore, not subject to New Jersey income tax. It issued Smithfield a refund and an apology for its roadside justice system, but not before Smithfield had invested much time and expense in resolving a situation which should not have arisen. Our measure will help avoid such scenarios in the future by clarifying the physical presence standard embodied in Public Law 86–272.

New Jersey has used similar tactics against out-of-state companies selling intangible goods to its residents, a situation not covered by Public Law 86–272. It has argued that a mom-and-pop South Carolina software company, with no physical presence in any states besides South Carolina and Georgia, owes a minimum of $600 per year in corporate income taxes and fees based only on the sale of licensed software to a New Jersey entity, and that the company would owe such tax every year that its software was in use in the state, even for those years in which the company had no income from any customer in New Jersey.

The Louisiana Department of Revenue has threatened to assess business activity taxes on several out-of-state companies based merely on the fact that they broadcast programming into the state, arguing that the companies are exploiting the Louisiana market because the programming is seen or heard by individuals in Louisiana.

Several states attempt to assess business activity taxes on out-of-state credit card companies based solely on the fact that people use the companies' credit cards in the taxing jurisdiction and enjoy the "substantial privilege of carrying on business" in the state.

Some localities have attempted to impose personal property taxes on property orbiting in space. For example, Los Angeles County attempted to impose a property tax on a county-based company which owned eight communications satellites permanently orbiting in space. The city of Virginia Beach, Virginia, also attempted to impose personal property taxes on three transponders attached to satellites orbiting in space which were owned by a city-based cable company. If states were to use the same approach to impose business activity taxes, on the basis that a satellite orbiting above the state creates a physical presence there or because a business generates income in a state because its satellite passes over the state, there would be significant consequences for many industries.

The Business Activity Tax Simplification Act offers Members the opportunity to put an end to nonsensical situations like these. In doing so, we will provide certainty to both U.S. businesses and to states, thereby fostering economic growth and development. I thank Mr. GOODLATTE and the original cosponsors of the Business Activity Tax Simplification Act for their support, and I urge each of our colleagues to join with us in passing this bi-partisan measure.

## RECOGNIZING THOMAS K. FLEMING FOR HIS YEARS OF SERVICE TO THE NORTH RICHLAND HILLS, TEXAS COMMUNITY

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BURGESS. Madam Speaker, I rise today to recognize Thomas K. Fleming. Mr. Fleming, of North Richland Hills, Texas, after 13 years of service, has recently retired from S.C.O.R.E., the Service Corps of Retired Executives.

Mr. Fleming helped to establish the local North Richland Hills chapter of S.C.O.R.E. in 1995. Under his leadership, S.C.O.R.E. has offered small business seminars and one-on-one counseling to owners and prospective owners of small businesses at the North Richland Hills Public Library for more than a decade.

Under Mr. Fleming's leadership, S.C.O.R.E. has helped thousands of small business owners in the North Richland Hills area by giving them expert, no-cost, confidential counseling to improve the chances of their small business success. The local economy owes many thanks to Mr. Fleming's guidance.

While his time with S.C.O.R.E. is coming to a close, I am confident Mr. Fleming will continue to enrich the city of North Richland Hills as a devoted resident. I am privileged to join his family, friends, and coworkers in extending my sincere congratulations on his retirement.

Again, Madam Speaker, I am proud to recognize Thomas K. Fleming for his diligent work as a dedicated serviceman to his local community. I am honored to acknowledge such a committed and altruistic citizen. It is the servant leadership of Mr. Fleming, and those like him, which truly makes our nation great.

## HONORING SUPER BOWL XLII CHAMPIONS THE NEW YORK GIANTS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. RANGEL. Madam Speaker, today I rise on behalf of the New York Delegation to congratulate the champions of the football world, the New York Giants. They successfully defeated the perfect New England Patriots 17–14 in Super Bowl XLII in one of the biggest upsets in Super Bowl history in Glendale, Arizona on February 3, 2008.

New Yorkers were first introduced to professional football and the New York Football Giants in my congressional district, sharing their games with the city's baseball Giants in the Polo Grounds. From those magnificent days on 155th Street and 8th Avenue until today, the Giants have always brought us memorable games. Deep-routed enthusiasts remember the famed Sneaker Game when the team, playing in 9 degree weather, switched to basketball shoes to increase traction in the icy turf Frankfurt Yellowjackets in 1925. They recall how the G-men sailed to Super Bowl victory in 1986 under the powerful running game of Joe Morris, the pressure of Lawrence Taylor and near-perfection of quarterback Phil Simms. Football fans everywhere will also recall how the Giants won their second Super Bowl in a dramatic 20–19 victory over the Buffalo Bills.

In Super Bowl XLII, the Giants have once again provided fans with another dramatic victory. This time it was against arguably one of the greatest offenses that the game has seen, an undefeated veteran team who was widely expected to win their fourth championship of the decade. Yet the Giants remained resilient. Just like they overcame an early 0–2 start to their season, they overcame early mistakes to keep it close. And then when it mattered the most, they came up with a perfect answer for the perfect Patriots: A frantic 12-play, 83-yard drive, led by quarterback Eli Manning, that featured a dazzling leaping catch by David Tyree and key plays by running back Brandon Jacobs, as well as receivers Steve Smith and Plaxico Burress.

Because of their team effort, the Giants now become the first NFC wild card team to win a Super Bowl. I extend my heartfelt congratulations to the entire team who placed with such valor and heart. Especially to the recipient of the Most Valuable Player Award, quarterback Eli Manning who has shown tremendous growth and has matched the successes of his brother, Indianapolis Colts quarterback Peyton Manning.

I also salute the co-owners, the Mara and Tisch families and their coaches—Head Coach Tom Coughlin, Offensive Coordinator Kevin Gilbride, Defensive Coordinator Steve Spagnuolo, Special Teams Coordinator Tom Quinn, and the rest of the coaching staff for their commitment, expertise and leadership. Coughlin, a highly successful head coach at Boston College and with the Jacksonville Jaguars, and a former Giants assistant, was hired as the 16th head coach in Giants history. This victory is Coughlin's first appearance in a Super Bowl as a head coach.

History will always have a special place for Coughlin's New York Football Giants. They are truly an inspirational team whose victory will live forever in Super Bowl lore.

## HONORING WILLIAM H. LEWIS JR.

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. PALLONE. Madam Speaker, I would like to honor a friend and colleague William H. Lewis, Jr. of Neptune, New Jersey who passed away on Monday, January 28. Bill was a remarkable man who dedicated his life to public service. He will be greatly missed by his family, his friends and the entire New Jersey community he served.

After a second valiant fight with cancer, Bill died at the Jersey Shore University Medical Center. Born in New York City on November 27, 1939, he lived a fulfilling and diversified life in which he found great successes in so many areas.

Bill was an enthusiastic educator for almost 30 years. Along with his wife, Bill started teaching in Harrisburg, Pennsylvania, before they would move back to New Jersey to his childhood roots, where he then taught at Shore Regional High School, in West Long Branch. He was also an adored football and track coach and a local advocate at the West Side Community Center in Asbury Park.

During his days at Shore Regional, Bill would become a local Monmouth County Education Association president, working hard to protect teacher's rights. When Bill retired from teaching 18 years ago, he would continue advocating for children in New Jersey outside of the classroom. He became a full-time activist for the New Jersey Education Association, where he worked to advance and protect the rights, benefits, and interests of its members, and promote a quality system of public education for all students. It was in this capacity that I had the honor of working closely with Bill. Together we worked to help New Jersey students achieve excellence.

Bill is survived by a son, William David Lewis and a daughter, Michele Lewis, as well as other loving extended family members. His loving wife, Laura Oxley Lewis predeceased Bill, whom he lost almost 6 years ago to her own bout with cancer.

Madam Speaker, Bill Lewis was a devoted advocate for children and public education. He was a strong champion for New Jersey's children, working tirelessly to provide them with better opportunities and life choices. My thoughts and prayers are with his family and friends during this trying time.

## REMEMBERING THE VICTIMS OF GENOCIDE IN BOSNIA

### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. OLVER. Madam Speaker, I rise today in remembrance of the victims of genocide in Bosnia. I would particularly like to draw the attention of this body to the atrocities perpetrated by Serb forces against the Bosniak and Croat populations in eastern Bosnia. Eastern Bosnia became the site of a number of atrocities long before the name Srebrenica became known worldwide. The aggression perpetrated against the newly independent and sovereign Bosnia and the genocide of its Bosniak population took one of its earliest and most vicious forms with the attacks of Serb forces on eastern Bosnia in 1992. The multiethnic and multi-religious character of eastern Bosnia was systematically destroyed beginning in April 1992.

The historic town of Visegrad epitomizes what happened in eastern Bosnia in 1992. The assault on Visegrad started on April 6, 1992 when Serb military units began shelling Visegrad and several of the nearby Bosnian Muslim villages. With the takeover of Visegrad, Serb forces unleashed a campaign of terror against the Bosniak and Croat population of Visegrad. Every day men, women and children were killed on a famous bridge on the Drina and their bodies were dumped into the river. Many ofthe Bosniak men and women were arrested and detained at various locations in the town. Serb soldiers raped women and inflicted terror on civilians. Looting and destruction of Bosniak and Croat property occurred daily and mosques in Visegrad were destroyed.

As the journalist Ed Vulliamy described in The Guardian: "For centuries, although wars had crisscrossed the Drina, Visegrad has remained a town two-thirds Bosnian Muslim and one-third Bosnian Serb. The communities entwined, few caring who was what. But in the spring of 1992, a hurricane of violence was unleashed by Bosnian Serbs against their Muslim neighbors in Visegrad, with similar attacks along the Drina valley and other parts of Bosnia. Visegrad is one of hundreds of forgotten names . . . As elsewhere, the pogrom was carried out on orders from the Bosnian Serb leader Radovan Karaszic and his military counterpart General Ratko Mladic, both still wanted for genocide." By the end of 1992, the Bosniak and Croat communities in Visegrad were effectively "cleansed" through killings and deportations. Some survivors of the initial attacks on eastern Bosnia found their way into the three Bosnian government-held enclaves and United Nations-declared "safe havens" of Srebrenica, Zepa and Gorazde. The tragic fate of these "safe havens" is well known. The fate of Visegrad and the pattern of genocidal violence was similar in other eastern Bosnian towns such as Bijeljina, Zvornik and Foca.

As we prepare to mark another anniversary of the beginning of genocidal violence in eastern Bosnia and as we prepare to commemorate the 13th anniversary of Srebrenica, let us remember the victims of Visegrad and other Visegrads throughout Bosnia.

## INTRODUCTION OF LEGISLATION TO AWARD THE CONGRESSIONAL GOLD MEDAL

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. UDALL of New Mexico. Madam Speaker, I rise today to proudly introduce legislation to award the Congressional Gold Medal to some of the most valiant and courageous soldiers who have ever fought for our Nation—the troops who battled and were prisoners of war at Bataan during World War II.

Nearly seven decades ago, the United States responded to the attacks on Pearl Harbor by declaring war—and more than 5,000 miles away in the Philippines, thousands of American soldiers, many of whom were from my State of New Mexico, found themselves on the frontline of this global fight. For 4 months, in the face of overwhelming odds and without ready supplies or reinforcements, these troop fought and died for their Nation. Their efforts not only provided the U.S. with much needed stories of heroism during a dire, dark time of the war, their sacrifice also substantively provided much needed time for U.S. and Allied commanders to regroup, plan, and prepare for the Pacific battle. Without these troops delaying the momentum of the enemy, the U.S. might not have fully recovered from the Pearl Harbor attack until much later.

After months of fighting and with his men starving and sick, on April 9, 1942, the commander of the troops at Bataan reluctantly surrendered. Shortly thereafter, nearly 12,000 American troops and 67,000 Filipino troops were forced to march through tropical heat and without food or water for days on end in what became known as the Bataan Death March. Many died during this time, and those who survived were subject to three years of mistreatment, malnutrition, sickness and captivity before being rescued and released near the end of the war.

For the State of New Mexico, this chapter of World War II is particularly near to our hearts. New Mexico's 200th and 515th Coast Artillery units served with significant honor during the battle of Bataan, earning the distinction of being the "first to fire" on the enemy on December 8, 1941. Many of the Americans captured and held as prisoners of war were from New Mexico, and of the 1,800 who left home to fight, half did not return. Further, nearly a third of those did return home after their tortuous 3 years of captivity died within a year, most often due to complications from health issues directly attributed to their time in the POW camps.

The 200th and 515th also are notable because they largely consisted of Hispanic soldiers, a group that at the time was often subject to discrimination in the military due simply to their ethnicity. Despite these barriers, they fought without hesitation, noting that they were as American as any other soldier who wore the uniform. They came from every corner of the State, from Farmington to Alamogordo, from Deming to Raton, and from Clovis to Gallup.

Many years ago, my father Stewart Udall wrote a book called Majestic Journey chronicling the early explorations of North America in the sixteenth century. He described the vision, the individualism, and the pioneering spirit of early Hispanic explorers, and I believe that like these explorers, the actions of the Bataan prisoners of war "resonate through the annals of our history, and the imprint they left on our culture is both permanent and profound. They will add a special luster to our national story."

Every year, thousands of people participate in the Bataan Memorial Death March at White Sand Missile Range in southern New Mexico. The 26.2 mile march not only marks the historical significance of the event, but reminds us of how many in New Mexico underwent the ordeals at Bataan. In Albuquerque, stone columns rise from the ground at the Bataan Memorial Park, each of them bearing both the names of those who returned from Bataan and those who did not. In Santa Fe, the Military Museum bears the name of Bataan, reminding all who enter of the costs of war and the sacrifice made by our soldiers. And all across the country are similar memorials, keeping alive the memory of those who went through years of suffering at Bataan.

I want to thank the New Mexico Hispanic Cultural Preservation League for their help on this legislation. Also, General Leo Marquez, General Edward Baca, General Melvyn Montano, General Gene Chavez, General Kenny Montoya, and New Mexico Department of Veterans Services Secretary John Garcia for their continued insistence that we honor the Bataan veterans.

Madam Speaker, we must never forget the sacrifice of our soldiers, particularly during times of war. We are reminded daily of the hardships and danger faced by the men and women currently fighting in Afghanistan and Iraq. Like the soldiers of Bataan, these brave troops fight for patriotism, for duty, and for country. I hope my colleagues will join me to honor the sacrifice of the soldiers at Bataan by awarding them the Congressional Gold Medal.

## IN MEMORY OF MIMI SCHMIDT

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. GALLEGLY. Madam Speaker, I rise in memory of Emilienne Desnoyers "Mimi" Schmidt, with whom I enjoyed a warm personal relationship for about 30 years.

Mimi died in her sleep a couple of weeks ago. She leaves behind a legacy of nurturing a fine family of outstanding citizens while also helping to nurture a growing community. Her son Dominic is a close family friend, as are her grandchildren Brandon and Brianna.

Mimi and her husband, Glen, moved to my hometown of Simi Valley, California, in 1962. Mimi was then pregnant with their seventh son and Simi Valley was a rural community of apricot and walnut groves.

Others joined the Schmidts in moving to the valley and a cityhood drive was launched in 1966. Fifty-five citizens placed their names on the ballot. Mimi was the only woman. That effort failed but three years later the citizens of the two communities of Simi Valley and Santa Susana voted to incorporate into the City of Simi Valley.

Glen's chairmanship of the incorporation study committee catapulted him into a four-year term on the Ventura County Board of Supervisors in 1970, which put his career as an aerospace engineer on hold. It also forced him to take a pay cut. With seven boys to feed, Mimi reentered the workforce.

Before commuting "over the hill" to work each day, Mimi took the time to pack her sons lunches, using a whole loaf of bread to do so. She also helped form Cub Scout Pack 3621 and was active in the St. Rose of Lima Catholic Church's bereavement ministry.

In 1979, with her family mostly grown, Mimi again ran for the Simi Valley City Council. Not getting elected did not diminish her passion for politics. She was a life member of the Simi Valley Republican Women's Club, serving one term as its president, and helped organize its annual garden tour. In addition, she served as a poll worker at her neighborhood precinct for many years and volunteered as a docent at the Ronald Reagan Presidential Library.

She never forgot, however, that she was a mother and grandmother first.

In addition to Dominic and his wife, Teresa, and their children, Brandon and Brianna, Mimi is survived by her six other sons and their families: David and Carol and their daughters, Samantha and Michelle; Dan and Phyllis; Damian and Karen and their sons, Ryan and Cameron; Douglas and Patricia and their son, Morgan, and twin daughters, Riley and Madison; Darren and Theresa and their son, Ken, and daughter, Stephanie; and Dennis and Julia and their twin daughters, Elizabeth and Melissa.

Madam Speaker, I know my colleagues will join me in remembering Mimi Schmidt's lifelong love of family and community and in offering our condolences to her family and friends.

## HONORING INDIANA COUNTY PENNSYLVANIA

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. SHUSTER. Madam Speaker, I rise today to recognize Indiana County, Pennsylvania, for being named one of the 100 Best Communities for Young People in America by America's Promise Alliance. Indiana was one of only two communities in Pennsylvania to receive this award. It is a great honor and achievement by the government of Indiana County and, most importantly, its community. I am proud of their hard work and dedication to our youth.

The objective of the 100 Best Communities competition is to recognize outstanding community-wide efforts that improve the well-being of youth. Indiana County has achieved this through the creation of a Children's Advisory Commission to assess the needs of the children and youth of the county and create positive after school activities. The annual Family Fun Fest was also noticed for its ability to connect parents and youth in a way that strengthens the family bond and promotes positive behavior.

I congratulate the people of Indiana County and their government for creating an environment where young people can thrive in a nurturing environment. It is truly a great place to call home, a wonderful place where our youth can grow and thrive. The county has illustrated great initiative in creating an environment that encourages young people to get involved work together, and help others in their community. I am proud of the work Indiana County has done to encourage positive youth development, and I hope they continue to be recognized for their efforts.

## HONORING THE 50TH ANNIVERSARY OF HANOVER PARK

### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. ROSKAM. Madam Speaker, I am pleased to rise today to recognize the 50th anniversary of Hanover Park, Illinois, an exciting and important town in my congressional district.

Today, Hanover Park has grown to include more than 12,000 families. However, its history truly began in the 19th century when the community began to lay roots in northern Illinois.

With its close proximity to downtown Chicago and the major commercial centers surrounding O'Hare airport, Hanover Park represents the perfect blend between urban dynamism and suburban life.

Hanover Park also boasts the youngest average resident population in the Northern suburbs. Its multitude of parks, sporting venues, and youth and family friendly activities make this a great place to work, live, and raise a family.

The spirit of Hanover Park's citizens is matched only by the industriousness of its business community. From small entrepreneurial endeavors to Fortune 500 companies, Hanover Park's economy is thriving. This impressive economy owes its prosperity to both the hardworking residents, the Village President Rodney Craig, and Hanover Park Board of Trustees to promote new business tax incentives and champion economic development. For over half of a century, the Village of Hanover Park has been a thriving community.

Madam Speaker and Distinguished Colleagues, please join me in recognizing the outstanding contributions of Hanover Park, Illinois on the occasion of its 50th anniversary.

## CELEBRATING THE ALEXANDRIA MARDI GRAS ASSOCIATION

### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. ALEXANDER. Madam Speaker, I rise today to commemorate the Alexandria Mardi Gras Association.

On March 3, 1994, the 295th Anniversary of the Founding of Louisiana by Iberville, the Alexandria Mardi Gras Association was officially established. The goal of Alexandria Mardi Gras, or Mardi Gras au Coeur de la Louisianne, which means Mardi Gras in the Heart of Central Louisiana, is to exemplify unity and cohesiveness during family friendly festivities.

This year during Alexandria's 15th Anniversary Mardi Gras, Julie Hanna, renowned conservationist is representing the Jack Hanna family as Grand Marshal. The Alexandria Zoo, nationally recognized for breeding Bengal tigers and other endangered species, is a major collaborator in advancing education and tourism during the Mardi Gras celebrations.

The 2008 College Cheerleaders and Classic Cars Parade on Friday, February 1, 2008 will feature many of Louisiana's colleges and universities and their student government presidents during an educational leadership conference. In addition, a select number of LSU football players. who recently became the 2007 National Champions, are participating in Alexandria's Family Friendly Mardi Gras as well as players from the 2003 National Championship team. The celebrated bands of Southern University and Grambling University will perform designating Alexandria as the only Mardi Gras Parade in which both bands are featured.

Among other Alexandria events during the Mardi Gras season the Krewe of LOUISIANA is hosting its Third Annual Gala in order to foster its goal of enhancing economic development and unifying Louisiana's interests. Also, The Taste of Mardi Gras is again hosting its local charity fundraiser naming the Louisiana Restaurant Association, Chapter Cenla as the sponsor.

Madam Speaker, I ask my colleagues to join me in commending the citizens of Alexandria for their continued hard work and dedication to ensure that Mardi Gras in Central Louisiana retains the charm and spirit of the first official celebration 15 years prior.

## RECOGNIZING WES TURNER FOR HIS YEARS OF SERVICE TO THE CITIZENS OF FORT WORTH, TEXAS THROUGH HIS WORK AT THE FORT WORTH STAR-TELEGRAM

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BURGESS. Madam Speaker, I rise today in recognition of Fort Worth Star-Telegram President and Publisher Mr. Wes Turner. After more than two decades with the Fort Worth Star-Telegram, Mr. Turner has retired.

Mr. Turner began his career at the Fort Worth Star-Telegram in 1975 and rose through the ranks to become the Vice President of Advertising. From 1987 through 1997, he was at various newspapers before returning to the Fort Worth Star-Telegram as Publisher.

While at the Fort Worth Star-Telegram, Mr. Turner devoted his career to ensure that the people of Fort Worth were properly informed about the world around them. I know his readers thank him for his efforts.

Besides his work with the Fort Worth Star-Telegram, Mr. Turner is very active in his community. He serves on the boards of the Fort Worth Chamber of Commerce, Performing Arts Fort Worth and the Longhorn Council-Boy Scouts of America Foundation. He is Vice Chairman of the Van Cliburn Foundation and Campaign Chairman for the United Way of Tarrant County.

Even though Mr. Turner has completed his work at the Fort Worth Star-Telegram, we can all be thankful that he will maintain his commitment to the city of Fort Worth by continuing with his other community service endeavors.

I offer my heartfelt congratulations to Mr. Wes Turner on his retirement. His dedication and commitment to providing the truth to the citizens of Fort Worth made us all lead better lives. It is an honor to represent citizens like Mr. Turner in the 26th Congressional District of Texas.

## TRIBUTE TO ROBERT M. BALL

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. RANGEL. Madam Speaker, I rise to pay tribute to Robert M. Ball, a great man who lived a life dedicated to serving the American people. Mr. Ball passed away last week at the age of 93, but we will forever be indebted to the legacy he leaves for us through his lifetime of commitment to the social insurance programs of Social Security and Medicare that allow us to provide for the elderly and people with disabilities and their families.

Madam Speaker, I join my colleagues in extending my condolences to the Ball family, his wife Doris, his children Jonathan and Jacqueline, and his grandchildren and great-grandchildren.

Born in Harlem and raised in Boston and New Jersey, Mr. Ball was the youngest in a family led by Methodist ministers who taught him the social gospel. He was educated at Wesleyan University in Connecticut, where he received a master's in labor economics. Even as a teenaged boy, Mr. Ball felt a calling to contribute to something greater than himself. As his biographer Professor Daniel Berkowitz wrote in *Robert Ball and the Politics of Social Security*, Mr. Ball indicated that he wanted to become a "person of consequence." Considering his contributions to Social Security and Medicare, he certainly lived up to his hopes for himself.

After taking a Federal civil service exam, Mr. Ball was called up to work for the newly forming Social Security Board as a field assistant in Newark, New Jersey in 1939. He joined Social Security and immediately understood that Social Security was a contract between generations that ensured that today's workers would provide for today's retired seniors so that they may avoid the indignities of abject poverty. He saw his job in support of this new social insurance program as part of something greater. Mr. Ball helped build Social Security from the ground up. As a field assistant in Newark, he was bringing workers into the program, spreading the news about the value of social insurance several years before the first benefit was even paid in 1942.

His next position in the new Social Security headquarters in Baltimore allowed him to fully engage with his primary interests: The philosophy of the program, the legislative agenda, and where the whole program was going. Mr. Ball grew to know the program intimately. He developed a deep technical expertise in Social Security, and he also grew to know Congress and how it works. He was soon able to provide legislators with what they needed to govern and oversee the Social Security programs responsibly and effectively. Mr. Ball became so familiar with the work of the Committee on Ways and Means, that he was seen by Members as an extension of their congressional staff.

Mr. Ball's career is intertwined with the history of Social Security and he played a key role in every major policy development. He was the architect of the 1950 amendments, which raised benefits and expanded coverage to more Americans. He helped implement the disability insurance program beginning in 1956. He orchestrated the developments that produced the 1972 amendments that linked benefits to inflation, ensuring that Social Security would never fail to meet basic needs.

In what was seen as a natural assumption, he was appointed by President John F. Kennedy as Commissioner in 1962, a post in which he diligently served longer than anyone else prior or since. He is regarded by many as the father of Medicare, as he shepherded the Federal Government through the development and implementation of that program.

In 1987, Yale School of Management Professor Ted Marmor, who began his career as an intern under Mr. Ball's superiors, wrote this description of Robert Ball. I think it captures the quiet and competent strength of the man quite well:

> Ball, six feet one inch, is a white-haired, broad-shouldered man whose gravity is lightened by a readily available twinkle and chuckle. He wears black-rimmed, prominent glasses that he takes on and off when shifting from speaking to reading. His expression is frequently softened by his easy smile and firm but unaggressive manner. At meetings he leans forward intently in his seat and, with a formalism that seems now a little old-fashioned, begins to speak in a manner instilled by years of testifying before Congress: 'Mr. Chairman, let me begin by stating that I am in full agreement with the general thrust of Mr. X's remarks. But I would like, if I may, to bring up three somewhat technical points about social security. . . .' Ball could have posed for pictures of executive presence in Fortune during the 1950s and 1960s. But in Bob Ball's case, the imagery captures much of the man, not a myth. Ball did indeed come to stand for the SSA and its reputation for honest, competent, reliable service to Americans, who were regarded as clients, not supplicants.

Even after retirement as Commissioner in 1973, Mr. Ball was often relied upon by policymakers and Presidents as a key advisor on Social Security and Medicare. An aide to President Jimmy Carter deemed him to be one of the "high priests of Social Security."

When the financing arrangements for Social Security needed to be reformed, he was appointed by President Reagan to a commission to recommend a plan of action to ensure the program's long-term fiscal health. In that role, Mr. Ball unexpectedly salvaged negotiations that had been stymied by partisan bickering and produced the deal that saved Social Security in 1983.

As the Founding Chair of the National Academy of Social Insurance, Mr. Ball helped create in 1986 what has grown to be an organization of over 800 policy experts dedicated to helping Americans better understand the role that social insurance programs play in our lives through research, leadership development programs, and forums for exchange of ideas for issues in the field.

Well into his retirement, Mr. Ball continued to defend Social Security from ideological challenges such as efforts to privatize the system and undermine the very purpose of social insurance. Last fall, he reminded us in a piece in the New York Times that without Social Security as designed, 13 million more seniors, one million more children, and 55 percent of people with disabilities would live in poverty today.

As a chief architect of the 1983 reforms, and someone who knew the program from the inside out, he also reminded us that the prescription for Social Security's long-term fiscal health should not result in further reductions in benefits, which are already declining in value primarily because of the increasing cost of health care and Medicare premiums. In that October piece in the New York Times, he wrote that "Social Security is the nation's most effective anti-poverty program. But it's much more than that. For every worker it provides a solid base on which to try to build an adequate level of retirement income. To weaken that foundation would he grossly irresponsible."

I will certainly heed his advice. Policymakers who ignore him do so at their own peril, because when it comes to Social Security, Robert Ball knew what he was talking about.

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## PERSONAL EXPLANATION

## HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present for rollcall votes 29 through 31. I was absent on Wednesday, February 6th due to familial obligations.

If I were present, I would have voted "yea" on rollcall vote 29, "yea" on rollcall vote 30, and "yea" on rollcall vote 31.

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## IN RECOGNITION OF MR. AND MRS. JOHNNY CLIFTON

## HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention to pay recognition to a special day in the lives of two constituents of mine, Mr. and Mrs. Johnny Clifton.

On February 14, Johnny and Judy Clifton will celebrate their 50th wedding anniversary. To help commemorate this special occasion, the couple will gather with friends and family at the First United Methodist Church of Saks, Alabama on February 9.

Johnny and Judy have raised two children, Malea and Brian, and have four grandchildren, Katie, Whitney, Nathan and Aria. Johnny is an Etowah County native, who served with distinction as an Alabama State Trooper and as a sergeant with the Alabama Bureau of Investigation. Judy grew up in Anniston, and retired from AmSouth Bank after 24 years of service and remains active in the community.

I would like to congratulate Johnny and Judy on reaching this important milestone in their lives. I wish them and their family the best in the future.

## INTRODUCTION OF "FUTA SURTAX REPEAL ACT"

### HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. HERGER. Madam Speaker, employers across our country contribute a portion of their payroll on a per employee basis to pay for the potential future unemployment benefits of their workers. In a very real sense, this payment—required by law—represents a trade-off for workers, where the tax is paid at the expense of workers today, who would otherwise currently be receiving higher wages or more opportunities for work. If paid to workers directly, they could spend or save it as they wished. Still, our government has decided that this tax is an important investment that must be made on behalf of an employee in case the business falls on hard times and resorts to layoffs.

It works like this: Under the provisions of the Federal Unemployment Tax Act (FUTA), employers pay an extra 0.6 percent on the first $7,000 of payroll per employee in Federal unemployment taxes. Depending on the size of a company and the number of workers on payroll, these extra taxes can add up and affect decisions to invest in new equipment, hire workers, retain employees or even pay more in wages. Back in the 1970s, Congress faced an unusual shortfall in the trust funds that hold unemployment taxes, so it decided to levy an additional 0.2 percent surtax on employers, known as the FUTA surtax. Again, as employers paid more in non-wage benefits, the wages of employees suffered by this same amount. This meant that the previous payroll tax contribution for Federal unemployment was raised from 0.6 percent to 0.8 percent. While 0.2 percent may not seem like a significant imposition, over the decade this 25 percent increase in the overall unemployment tax restored a sound financial footing to the trust funds.

But the surtax didn't go away. Since it was no longer needed, after the 1980s, the FUTA surtax has been repeatedly extended—most recently in December 2007—and used as an extra source of tax revenue for Congress to spend on other unrelated programs. In other words, as the House and Senate expand Federal programs, the American wage payer is literally picking up the tab in a form that conveniently doesn't show up as an increased income tax burden. Today, the Federal unemployment insurance trust funds have about $35 billion more than they need, making the additional $1.5 billion per year brought in through the FUTA surtax totally unnecessary. Even without the surtax, the standard unemployment tax on employers brings in more than enough money to support the current Federal responsibilities, without even tapping the $35 billion in the trust funds. In fact, the outstanding balances in the Federal accounts are about six to seven times the annual cost of the unemployment program, leaving plenty of room for a "rainy day" reserve.

My legislation would repeal the FUTA surtax for once and for all. As our Nation's economy and workers face uncertain times, rolling back the FUTA surtax would provide new flexibility to employers at just the right time—enabling a stronger and more prosperous workforce.

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## HONORING THE PUBLIC SERVICE OF CONNY B. McCORMACK, LOS ANGELES COUNTY REGISTRAR-RECORDER/COUNTY CLERK

### HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mrs. NAPOLITANO. Madam Speaker, I rise today to recognize and commend Conny B. McCormack, an outstanding Californian, who has recently retired from 30 years of public service, the last 12 as Los Angeles County Registrar–Recorder/County Clerk.

Mrs. McCormack is the epitome of the competent, capable, dedicated public servant. Her career accomplished many noteworthy positions before she came to Los Angeles County. As the Los Angeles County Registrar–Recorder/County Clerk, Mrs. McCormack has met with great success. Her Registrar of Voters duties saw her conduct elections in 88 cities, 100 school districts, and 149 special districts for roughly 4 million voters across 5,000 precincts. Her duties as Recorder/County Clerk included maintaining birth, death and marriage records for a county of nearly 10 million people and recording and filing countless property documents and statutory oaths. Her office maintained over 200 million documents, a volume exceeded only by the Social Security Administration and the Pentagon. Mrs. McCormack, a great innovator, implemented the InkaVote Plus voting system, to guide voters through casting their ballots correctly and make voting easier for the disabled, and launched a new Enterprise Recording Archive system that eliminated manual processes to increase efficiency and cut down the use of paper.

Mrs. McCormack embodies the characteristics of a highly respected public servant, humble, lovable, spirited, renowned for her skills in the kitchen, a lover of outdoors gardening, hiking, and playing with her adopted canines from the L.A. County animal shelter. Mrs. McCormack is a great role model for our young women and a workers' advocate who helped support numerous student and clerical training programs. She has participated in many charities, from the Christmas Angel Tree Program for local low income children to Aids Walk Los Angeles to victims of Hurricane Katrina.

Conny has been an exemplary public servant known throughout her field for her dedication to her position, for her honesty, and for her integrity in her zeal to protect voters. A lifetime workaholic, an avid recycler, a true bargain hunter, a continual multi-tasker.

Madam Speaker. I proudly ask you to join me, her family, friends, and community in honoring Conny McCormack for her service in, and contributions to, the County of Los Angeles and other communities across the country.

## IN RECOGNITION OF AARP'S ETHEL PERCY ANDRUS LEGACY AWARD BEING GIVEN TO ABRAHAM LINCOLN HIGH SCHOOL

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BECERRA. Madam Speaker, it is my privilege to rise today and acknowledge a special honor that is being bestowed on Abraham Lincoln High School in Los Angeles, within the 31st Congressional District that I am proud to serve.

Performing arts will once again flourish at Abraham Lincoln High School after many years of absence, thanks to a generous Ethel Percy Andrus Legacy Award from AARP. This grant recognizes the founding of AARP in 1958 by Dr. Andrus, who served as principal of Lincoln High School from 1916–1944.

As part of its 50th anniversary celebration in 2008, AARP is awarding more that $1 million in Ethel Percy Andrus Legacy Awards to recognize excellence and innovation in education at high schools nationwide. The first of these awards will reinvigorate the performing arts program at Abraham Lincoln High School—connecting the high school's heritage of achievement with its very bright future.

On February 8, 2008, representatives of AARP, the city of Los Angeles, and the State of California will gather at Lincoln High to dedicate a plaque at the new Ethel Percy Andrus Performing Arts Center. This center will enable students to receive pre-professional training in music, dance, theater and other performing arts.

The school will also enjoy the support of many AARP volunteers who will contribute their time and efforts in bringing the school's new performing arts center to life. These volunteers will continue the strong legacy established by Dr. Andrus of connecting all generations to work for the greater good of the community.

The more one learns about Dr. Andrus and her background and deeds . . . the more one marvels about her accomplishments and vision. In 1916, Dr. Andrus became California's first female high school principal when she was invited to head the faculty and staff of the former East Los Angeles High School. She renamed the school "Abraham Lincoln High School" to help inspire her students. The community represented a broad range of ethnicities and races—32 languages were spoken in students' homes and most families were low-income.

Dr. Andrus held her students and teachers to high academic standards. She believed in promoting creativity and fun, and fostered dances, plays, and musical performances to encourage them to pursue their creative talents, while also breaking down the barriers between students' cultures and backgrounds. She also set out to pull the community and the school together, involving parents and local organizations in many ways. At the time, extracurricular activities were rare. Where they did exist, they were considered frills of little value. Working against this bias, Dr. Andrus involved Lincoln's students in serving the community.

Students worked in hospitals as nurses' aides, ran errands for shut-in residents, supervised playground activities for younger children, and formed art classes to make posters for local events.

She retired from teaching in 1944 in order to care for her ailing mother. After getting involved with the California Retired Teachers Association, Dr. Andrus was shocked to realize that so many retired educators were financially struggling because of inadequate income and health care. She established the National Retired Teachers Association in 1947 to give them a national voice, and established the first nationwide group health insurance program for its members.

In 1958, she established the nonprofit, nonpartisan organization now known as AARP so that people at mid-life and older could enjoy independence, dignity and purpose as they aged. Since its founding, AARP's motto has been "To serve, not to be served." Since its founding, AARP has grown to more than 39 million members with more than 3.3 million members in California alone.

Ethel Percy Andrus passed away in July, 1967, but her legacy lives on in countless ways. I am pleased that one very special way that she lives on will be in the songs and dances of the students at Abraham Lincoln High School. I have no doubt she will be checking in on their progress from time to time and rejoicing in their talents!

Abraham Lincoln once said, "Whatever you are, be a good one." Ethel Percy Andrus embodied this clear bold statement and the students at this school carrying his name, and all of us, should also rise to this challenge. Each of us can make a difference.

I congratulate James Molina, principal of Abraham Lincoln High School, and the students and parents of this fine school, and commend AARP for giving students fresh opportunities to grow academically, creatively and personally—sharing their "Lincoln spirit" with a nation and a world that needs their intelligence, commitment and idealism.

## IN HONOR OF DR. FRANK BROWN

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Dr. Frank Douglas Brown, a man who has given his life to serving others through his leadership in higher education.

Frank Douglas Brown graduated from Flomaton High School, in Flomaton, Alabama, a town of less than 2,000 people on the southern border of the state. He achieved an Associate's Degree in Business Administration from Northwest Mississippi Community College and went on to the University of Southern Mississippi where he earned his Bachelor's in Business Administration. After working in private industry for several years, and meeting and marrying the former Jo Ann Nichols of Bessemer, Alabama, he went to the University of Alabama for his MBA.

He then went to work for IBM as a systems engineer and marketing representative. Eventually, he left and earned his Doctorate in Higher Education Administration from Florida State University in 1974.

From there, Frank went to the Alabama Commission on Higher Education in Montgomery, Alabama, where he served as associate executive director. He stayed until 1978 and went to the University of Houston, University Park, in Texas. In 1981 Columbus College brought him to Columbus as the young college's new vice president for business and finance. Seven years later, on January 14, 1988, Dr. Frank D. Brown was appointed as the institution's third president.

Since his appointment, Frank has guided the college through unprecedented growth. Under his leadership, the college became Columbus State University, and now offers more than 50 undergraduate programs and more than 35 Master's or specialist programs. He leads a staff and faculty of more than 600, and a student body of 7,500.

Also during his tenure at CSU, the university has developed partnerships with the community, business and industry, education and governments that some say are stronger than any other university in the country.

The most recent indication of the university's level of respect may be the success of CSU's capital campaign, An Investment in People. When the campaign was first being considered in the late 1990s, many considered the originally proposed goal of about $35 million too ambitious. At its conclusion, the campaign exceeded $100 million.

Madam Speaker, Frank Brown has been a tireless volunteer, is active in many civic organizations, and is an enthusiastic advocate not only for Columbus State University, but for the area. I am honored to be able to call Dr. Brown a friend, I commend him for his many years of service, and wish him a happy, healthy, and blessed retirement. He will be missed.

## PERSONAL EXPLANATION

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. GRAVES. Madam Speaker, on Wednesday, February 6, 2007 I missed rollcall votes 29, 30, and 31 due to inclement weather in my district. Had I been present, I would have voted "yea" on all votes.

## IN HONOR OF BILL LAMBERT IN RECOGNITION OF HIS EXEMPLARY SERVICE

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BECERRA. Madam Speaker, it is my privilege to rise today and pay tribute to Bill Lambert, an outstanding educator and passionate advocate for our students and teachers. Bill retired on January 2, 2008, after 45 years of exceptional service to the students of the Los Angeles Unified School District, LAUSD, and the educators of the United Teachers of Los Angeles, UTLA.

Uniquely, Bill is a product of the same school district to which he has committed his professional career. Bill is a proud alumnus of several schools in LAUSD and is a graduate of Fairfax High School. His public education served him well on the path toward achieving a bachelor of arts degree and teaching credential from the University of California at Los Angeles and a master's degree from California State University Los Angeles.

Bill has enjoyed a distinguished career as a teacher and as a union advocate, all along fighting for greater opportunities for students, teachers, better wages and expanded benefits. He began his career in 1955 as a teacher at Montague Elementary School and later continued educating students at Canterbury Elementary School. Following his early experiences as a teacher, Bill became active in a number of teachers' organizations including a stint as associate executive director of the Los Angeles Teachers' Association. In 1971, Bill played an instrumental role as one of the initial organizers of UTLA. Once UTLA was formed, he dedicated the next 36 years to advocating on behalf of teachers as the director of governmental affairs for UTLA. Today, UTLA represents 44,000 teachers, counselors, psychologists, and nurses in LAUSD.

According to a Latin proverb, "By learning you will teach; by teaching you will learn." Bill Lambert certainly embodies these wise words. He spent his life in and out of classrooms learning and teaching, and then walked the halls of the United States Congress and the California State Legislature doing the same. His tireless advocacy on behalf of retired teachers and their pension and Social Security inequities is legendary. It's not an easy task to achieve well over 300 bipartisan co-sponsors on a bill, but through "pounding the pavement," that is exactly what Bill has helped achieve. Learning and teaching, teaching and learning, when combined with Bill's unstoppable energy and enthusiasm, you have a powerful combination.

Bill's passionate belief that a public education can he used as a tool for upward mobility by students and communities throughout Los Angeles is also illustrated in his work as an advocate to improve the lives of working families. He has lent a strong, dedicated voice to the educators and students of Los Angeles as a champion for education and labor equity. Further, Los Angeles families are forever indebted to Bill for his instrumental role in addressing racial, ethnic and religious division in Los Angeles. His work organizing the "Children of the Dream" outreach program, which brought Israeli-Ethiopians to Los Angeles and took inner-city Los Angeles students to Israel, was successful in creating dialogue and understanding between various communities in Los Angeles.

Bill's retirement marks the final chapter in a distinguished career in education that began and ends in Los Angeles. He has always been respected and admired for his dogged commitment to improving the lives of working families throughout Los Angeles, and his wonderfully giving spirit. I wish Bill much luck and leisure in the days to come when he can enjoy his cherished pastime of traveling. I suspect, however, that even in retirement Bill will continue to be a powerful and unyielding voice for children.

Madam Speaker, as family, friends, and colleagues gather to celebrate Bill's many accomplishments, it is with great admiration and pride that I ask my colleagues to join me in saluting this exceptional advocate. On behalf of the countless students and educators to whom Bill Lambert has dedicated his career, and the entire labor community which has benefited immensely from his lifelong contributions, I say thank you and may you enjoy many more years of fruitful endeavors.

## PERSONAL EXPLANATION

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mrs. BLACKBURN. Madam Speaker, due to the state of emergency in West Tennessee caused by a devastating tornado storm, I was unable to return to Washington in order to vote on the evening of February 6, 2008. If present, I would have voted "yea" on the following three bills: Rollcall No. 29 for H. Res. 867; Rollcall No. 30 for H. Res. 942; Rollcall No. 31 for H. Res. 943.

## RECOGNIZING KEVIN HOLLAND AS SANTA ROSA COUNTY TEACHER OF THE YEAR

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Kevin Holland, Santa Rosa County's Teacher of the Year.

For the past 14 years, Kevin Holland has captivated students at Pace High School in Pace, Florida with his charismatic personality and outstanding teaching practices. With classes in advanced and college level math, students and teachers alike have marveled at his ability to break down the curriculum and translate it into something tangible that his pupils can comprehend. His exceptional ability to connect with the students furthers their understanding of this advanced subject matter and propels them towards academic success.

In addition to being named Teacher of the Year for Santa Rosa County, Mr. Holland is also a designated Master Teacher. Both titles highlight his outstanding teaching capabilities and emphasize his engaging personality. Mr. Holland is liked and respected by students and teachers, yet his involvement in the school is not limited to Mathematics. Mr. Holland is also the voice of Pace High School's Red, White, and Blue Band.

The title of Teacher of the Year is an immense honor and is evidence of the greatness Mr. Holland has achieved. Beyond the title lies Mr. Holland's dedication and devotion, to not only his students but to the entire community. His teaching skills and affable personality have influenced many and pushed countless students to a higher level of academic achievement. Mr. Holland's outstanding accomplishments have distinguished him as one of the greater teachers in Northwest Florida, and Santa Rosa School District is honored to have him as one of their own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Kevin Holland on this outstanding achievement for his exemplary service in the Santa Rosa County School District.

## NICOLE MARSALA, BROWARD COUNTY, FL TEACHER OF THE YEAR

### HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor a distinguished member of our community in Broward County, Florida. I would like to recognize and congratulate Ms. Nicole Marsala as Broward County's Teacher of the Year for 2009. Ms. Marsala has taught her students the true meaning of civic duty, not only through her creative teaching style, but also by example, having served Coral Springs for over eight years.

Her innovative approach to teaching traditional topics in social sciences provides her students with a new perspective on some of the most important chapters in our country's history. She believes that teaching involves more than just following lesson plans in textbooks, and that it is critical to step outside the classroom from time to time and learn through hands-on experience.

I believe that there is no lesson more significant and appropriate for our students than how this country was founded, and how we can continue to improve our community. As caring as she is competent, Ms. Marsala has shown faithful dedication to the education of her students by inspiring creativity and encouraging parents to take an active role in fostering a passion for history and civic responsibility.

Madam Speaker, Coral Springs is privileged to have Ms. Marsala as a teacher, and our entire community is grateful for her leadership. Her lessons have truly gone beyond the classroom, and her contributions to our community will certainly last for generations to come.

## HONORING MARGARET GREGG

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to acknowledge and honor the great contributions of Margaret Gregg and would like to recognize her exceptional and tireless service to the homeless in Santa Clara County.

Ms. Gregg, who was named Woman of the Year for the 23rd Assembly District of California, is formally retiring after seeing 8 years as Santa Clara County's Homeless Concerns Coordinator.

In 1992, Ms. Gregg was hired to become the Executive Director of the San Jose Family Shelter. She remained in that position until November 1999. In February 2000, Margaret Gregg became the Homeless Concerns Coordinator for the County.

Ms. Gregg has been responsible for facilitating the County's McKinney-Vento Grant, that brings about $8 million each year to more than 30 different homeless serving organizations. In 2006, she convinced the County to conduct a census of the homeless and followed that effort with a Task Force to create a 10-Year Plan to End Homelessness. Ms. Gregg also coordinates the Collaborative on Affordable Housing and Homelessness, an organization of 250 local non-profits and government agencies.

Ms. Gregg's contributions to the community are clearly demonstrated in her compassion for and understanding of the homeless. With her Catholic background and 30 years of teaching elementary and high school students and special education students, Ms. Gregg is a strong believer in the unifying powers of faith, tolerance and understanding.

I commend Ms. Gregg for her valuable service to our community and wish her the best in her future endeavors. We are very fortunate to have benefited from her compassion, expertise and commitment. She has left her mark in Santa Clara County.

## PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Ms. WOOLSEY. Madam Speaker, I was unavoidably detained and was not able to record my votes for Rollcall Nos. 29–31.

Had I been present I would have voted:

Rollcall No. 29—Yes—Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup;

Rollcall No. 30—Yes—Recognizing the significance of Black History Month; and

Rollcall No. 31—Yes—Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986.

## EXPRESSING APPRECIATION TO THE REPUBLIC OF KOREA AND TO KOREAN AMERICANS

### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BOOZMAN. Madam Speaker, I rise today to congratulate Lee Myung-Bak on his election as President of the Republic of Korea and to express appreciation for the many contributions of the Republic of Korea and Korean

Americans towards strengthening and enlarging the U.S.-Korea alliance partnership.

On January 13, 1903 the first Korean immigrants arrived in the United States. On that day each year, now known as Korean American Day, we recognize and honor the economic, social, cultural and political contributions Korean-Americans have made to the United States over the last century. Korean-Americans have thrived in this country because of a shared belief in the importance of family life, individual responsibility, hard work and education.

Over the past 50 years we have seen the Republic of Korea emerge from colonial rule and the ravages of war to stand alongside the United States as a beacon of democracy, peace and security; prospering under a free market economy whilst upholding the rule of law. Over these 50 years the Republic of Korea has been a loyal and indispensable ally to the United States as we have worked at close quarters to combat those who would threaten these shared values.

In recent times we have seen this commitment through South Korean peacekeeping troops in Lebanon and Afghanistan, and the 650 South Korean military personnel serving alongside our soldiers in Iraq today, now the third largest partner in the coalition with $460 million pledged to the reconstruction effort. At the end of December last year, South Korea's National Assembly voted to extend the time of its commitment to provide troops for the War in Iraq. While some of our friends scale down their operations in Iraq, our South Korean friends have remained steadfast in the War on Terror, for which we are truly grateful.

In his farewell address to the Congress in 1951, one of Arkansas' greatest sons, General Douglas MacArthur, said this of the Republic of Korea: "Of the nations of the world, Korea alone, up to now, is the sole one which has risked its all against communism. The magnificence of the courage and fortitude of the Korean people defies description."

Madam Speaker, I would like to congratulate the new President-Elect of the Republic of Korea, Lee Myung-Bak, and wish him well as he takes on the responsibility of working with the United States to tackle the challenges of the East Asian region, particularly the ongoing efforts to denuclearize the Korean Peninsula. I ask that my colleagues join me today in recognizing and honoring the U.S.-Korea Alliance and the contribution of our South Korean friends to the global war on terror as we work towards ensuring the safety of our citizens.

We look forward to fostering our historic relationship under the new leadership of President Lee Myung-Bak.

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## IN HONOR OF THE SINAI SCHOOLS AND ITS STRONG COMMUNITY OF PUBLIC SERVANTS

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to the SINAI Schools, which provide a fulfilling environment for meeting the unique educational needs of children and young adults with learning and developmental disabilities.

Since 1982, the SINAI Schools have provided both Judaic and secular studies for individuals with a wide variety of special needs. Their elementary schools, high schools, and adult programs have earned praise from local leaders, parents, educators, and students alike. They are the only Jewish day school accredited by the Middle States Association of Colleges and Schools. The SINAI Schools tend to more than just the education of their students, they also care for their psychological and emotional well-being.

SINAI Schools depends on a tremendous cadre of active community leaders to maintain the unparalleled excellence of their programs. This weekend, at their annual benefit dinner, they will honor eight of these supporters who have dedicated so much of their time and energy to ensuring that all people receive the quality education that they deserve: Moshe and Arianne Weinberger, Teaneck, New Jersey; Mendy and Nomi Schwartz, Teaneck, New Jersey; Jason and Chani Teigman, Englewood, New Jersey; and Peter and Carol Weissman, Fair Lawn, New Jersey.

All of these individuals have demonstrated not only a strong commitment to education, but as active participants in their congregations and community groups like their local little leagues and volunteer ambulance corps they have also demonstrated real dedication to their heritage and their community as well. Such commitment is the backbone of our society, and I join the families of the SINAI Schools in commending these individuals this weekend.

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## COMMEMORATING THE HERITAGE OF DENTON, TEXAS

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BURGESS. Madam Speaker, I rise today to commemorate the dedication of Paula Blincoe Collins' mural titled "Historic Quakertown." This dedication will celebrate Black History in the City of Denton.

The artwork is the first commissioned public art project for The City of Denton's Public Art Committee and will be dedicated on February 11, 2008.

Artist Paula Collins consulted with the descendants of the original Quakertown to select a wide assortment of images that represented life in this community. Collins then depicted these images on the brick mural.

Paula Collins is well known for her skills in brick sculpture. Among her many creations are two previously completed projects for City facilities, the "Woman of Justice" installed in 1994 and two entrance monuments erected in Denton at the Pecan Creek Waste Management facility in 2000.

I am honored to serve a talented individual like Paula Blincoe Collins in the 26th district of Texas and I know that her artwork will both beautify the community and highlight the history of Denton for years to come.

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## CONGRATULATING THE 2007 WEST VIRGINIA GIRLS SOCCER STATE CHAMPIONS

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mrs. CAPITO. Madam Speaker, I rise today to congratulate the 2007 West Virginia Girls Soccer State Champions, the Jefferson County Lady Cougars, who hail from West Virginia's second congressional district.

The 2007 West Virginia State Tournament took place in Beckley on November 3, 2007. The Lady Cougars played defending champion, Parkersburg High School in the final game of the tournament.

Coach Harold "Dunnie" Bach led the ladies to victory winning overall 18-1-3 season. The Lady Cougars made Jefferson County history, as the first soccer team in the county to win a state championship.

Madam Speaker, it gives me great pride to acknowledge the Lady Cougars as the 2007 West Virginia Girls Soccer State Champions. Again, congratulations to these talented young women.

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## HONORING THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAM

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. COURTNEY. Madam Speaker, for decades the United States has looked towards Australia as one of our closest of cultural, economic and security partners. This is true not just between the two governments but among Americans and Australians who have crossed the Pacific to visit with or work with each other. I am pleased to rise today to recognize the Uni-Capitol Washington Internship Program, which annually delivers some of Australia's best and brightest university students to a bipartisan and bicameral array of congressional offices for two-month internships.

This is the first year that I have been privileged to participate in the Uni-Capitol Washington Internship Program. A student emissary to my office, Anthony Bremner, has added first-hand value to our understanding of global issues and perspectives as seen from Australia. Anthony, who visits us from the University of Queensland, is a text-book example of the high caliber of this program. Over the past two months, he has applied his volunteer experiences from the constituency office of Australia's newly elected Prime Minister, Kevin Rudd, to my office. During this time, Anthony has attended committee briefings, drafted constituent correspondence, and assisted my staff with research. His Australian accent frequently sparked conversations with my constituents interested to learn where he was from and to share their international experiences with him. This international exchange has demonstrated that through sharing our American and eastern Connecticut values and experiences we foster greater understanding and appreciation of the United States.

Anthony is not alone in this effort. This year, a record 13 students from all across Australia were matched with as many congressional offices. They were drawn from seven Australian universities in four different states and the Australian Capital Territory. Far from a solely academic exercise, the Uni-Capitol program is a practical investment in our global community, given the diverse array of congressional participants and an equally diverse array of student interests ranging from law to commerce, from the environment to communications, from international affairs to American studies.

Including this current group, 81 Australian students will have interned in Washington since the program's inception nine years ago. For launching and directing this effort here in Washington, much credit is due to its founder Eric Federing. Eric is a former senior House and Senate Congressional staffer who has worked to bridge the wide geographic distance between the U.S. and Australia through his efforts at the Uni-Capitol Washington Internship Program.

Madam Speaker, I would encourage all of my colleagues to seek connections with members of our global community. Similarly, I would encourage American university students to seek established and creative ways to connect with their counterparts around the globe. On this note, I ask my colleagues to join with me in recognizing the contributions of the Uni-Capitol Internship Program and, again, thank Anthony Bremner for his participation and hard work.

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## HONORING THE PRINCESS POCAHONTAS PAGEANT AND BALL FESTIVAL

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. CUELLAR. Madam Speaker, I rise today to recognize the history behind the Princess Pocahontas Pageant and Ball festival during the 111th Washington Birthday Celebration in Laredo, Texas.

The iconic figure of Princess Pocahontas holds a special place in the heart of the festivities, and made its first appearance in the first Washington Birthday Celebration, which was hosted by the Improved Order of Red Men. In 1897, this fraternal organization created a celebration around the birth of George Washington, and part of the initial festivities centered around an Indian ambush, but with a twist. Princess Pocahontas rode into town and rescued the city, as much as she did for Captain John Smith. This story represents the important link between Laredo and its connection to the Native American community during the Washington Birthday Celebration festivities.

Today, Princess Pocahontas is chosen from the annual beauty festival, which introduces audiences to various aspects of Native American culture. Princess Pocahontas is accompanied by her court of Indian maidens and chieftains during the festival, and they pay homage to the Great Spirit with Native American rituals and dances. One quintessential part of the Princess Pocahontas tradition is that she rides on a horse, with the key to the City of Laredo in her hand as a reminder of the first ceremony in which she saved the citizens of Laredo in the first Washington Birthday Celebration. This year, Princess Pocahontas will be portrayed by Ms. Liza Nicole Gonzalez at the 111th Princess Pocahontas Pageant and Ball on February 16, 2008.

Madam Speaker, I am honored to have had this time to recognize the long history behind the Princess Pocahontas Pageant and Ball.

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## HONORING ALPHA KAPPA ALPHA SORORITY OF AMERICA

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. SERRANO. Madam Speaker, I rise today to pay tribute to the Alpha Kappa Alpha Sorority of America on the occasion of its centennial anniversary in January, 2008. The Alpha Kappa Alpha (AKA) Sorority is the first African American sorority in America to reach the milestone of 100 years, and represents the first Greek-letter organization in this country founded by, and for, African American college women. The AKA motto is to "provide service to all mankind." Over the years, AKA members have broken barriers and attained positions in American society of tremendous distinction. The AKA sisterhood prides itself on achievement, sacrifice, and a strong belief in the limitless potential of women of color. Together, the AKA's strive for the betterment not only of themselves, but their families, their neighborhoods, and the larger global community.

From its founding in 1908, through 1921, Alpha Kappa Alpha underwent a period of significant growth. Chapters were first established throughout the Northeast and Midwest, and beginning in the mid 1920's, AKA founded new chapters in the Southeast. One of the most remarkable aspects of the AKA sorority is the history of its original nine founding members. Born during the Reconstruction era, and enrolling at Howard University at the turn of the 20th century, the founding AKA women embodied courage and soaring intellect. During a time in our nation's history when African Americans, and women especially, were viewed as second class citizens, the original AKA sisters coalesced around an affirmation of their own dignity. They taught women of color across the Nation that belief in one's self, in one's potential, is the essential building block upon which anything is possible. In a dark chapter of our history, theirs was a message of light—of hope, sacrifice and hard work in the pursuit of self-determination.

This summer, more than 20,000 members of the Alpha Kappa Alpha Sorority will come together on the campus of Washington, DC's Howard University to honor this legacy. Sorors from around the world will retrace the steps taken by the founding members ten decades ago in what is being called the "Walk Through History." Discussions and plenary sessions will be convened, where together, members will rededicate themselves to the founding principles of the AKA tradition and chart a new course for the next 100 years.

Madam Speaker, I am moved by the Alpha Kappa Alpha's prodigious historical narrative. The redoubtable strength and prescient vision of the founders paved the way for a sorority which today claims more than 200,000 members, 975 chapters, and a presence not only in the United States, but also the Caribbean, Canada, Germany, Korea, Japan, and the continent of Africa. Their unifying mission remains to serve others, while also challenging themselves and their fellow sisters to reach higher for the possible. On behalf of the nearly 3,000 members of the Alpha Kappa Alpha Sorority who reside throughout the 16th Congressional District of New York, and the surrounding counties, as well as myself, I ask that my colleagues join me in paying tribute to this most storied American sisterhood.

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## IN CELEBRATION OF THE 74TH ANNIVERSARY OF THE COLUMBUS ALUMNAE CHAPTER OF DELTA SIGMA THETA SORORITY, INC.

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mrs. JONES of Ohio. Madam Speaker, I rise today in honor of the 74th anniversary of the Columbus, Ohio Alumnae Chapter of my beloved sorority Delta Sigma Theta Sorority, Incorporated. Chartered on May 20, 1934, the Columbus Alumnae chapter was the 66th chapter of the sorority. Additionally, Delta Sigma Theta, a public service, non-profit organization, will celebrate 95 years of service, locally and globally, this year.

Delta Sigma Theta Sorority, Inc. is a sorority of predominantly Black college-educated women founded here in Washington, DC at Howard University in 1913. The major programs of our sorority revolve around our Five Point Thrust of: economic development, educational development, international awareness and involvement, physical and mental health, and political awareness and involvement. With over 250,000 members, Delta Sigma Theta Sorority works to continue the vision of our 22 Founders.

This year, during their annual Founder's Day Luncheon, the Columbus Alumnae Chapter highlight the many activities they have been engaged in that have contributed to the betterment of the Columbus area including youth Read-Ins, Scholarships to High School graduates, mentorship, and art and culture programs. Additionally, they will recognize African American women in the Columbus area who have demonstrated a strong commitment to the community during their annual Founders Day Luncheon.

Therefore, I commend the Columbus Alumnae Chapter of Delta Sigma Theta Sorority, Inc. for their commitment to the people of Columbus, Ohio and across this country. I join with them in this celebration and thank them for their enduring commitment to the sisterhood, scholarship, and service of Delta Sigma Theta Sorority, Inc.

## PERSONAL EXPLANATION

### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. RYAN of Wisconsin. Madam Speaker, on rollcall No. 29, H. Res. 867, commending the Houston Dynamos for winning the 2007 Major League Soccer Cup, I was absent due to inclement weather grounding flights in Wisconsin.

Had I been present, I would have voted "aye."

## RECOGNIZING THE 50TH ANNIVERSARY OF THE DEFENSE ADVANCED RESEARCH PRODUCTS AGENCY

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. MORAN of Virginia. Madam Speaker, today I join a bipartisan team of my colleagues to introduce a resolution to recognize the 50th anniversary of the Defense Advanced Research Projects Agency (DARPA).

October 1957, the Soviet Union ushered in a new dimension to the Cold War with the United States when it successfully launched Sputnik I, the world's first artificial satellite, into space.

So, on this day, in 1958 the Department of Defense established the Advanced Research Projects Agency (ARPA) to serve under the secretary of Defense as the specialized technical engine for the United States Military. The threat of Soviet technological superiority and space domination could not be tolerated amid the growing tensions and developing arms race between the two superpowers. DARPA was tasked to confront this threat.

As DARPA focused its technological strengths on the space mission, the agency achieved the unimaginable. The Saturn V rocket, which enabled the United States to launch the Apollo missions to the moon originated on a DARPA drawing board. Perhaps more important, DARPA developed the first surveillance satellites that gave our Nation accurate intelligence on Russian missile program activities throughout the world.

As the military mission evolved throughout the last half century, so too did the DARPA focus. Recognizing the changing nature of warfare well in advance of today's battles, DARPA revolutionized the way our Nation fights wars. Instead of sacrificing more troops by putting them in harm's way, our military now uses stealth technology in our aircrafts, advanced precision munitions that can be dropped into theater without dropping in troops, and now the Predator and Global Hawk unmanned air vehicles dominate the world's airspace.

DARPA's ongoing commitment to the military is not limited combat. The agency's programs are developing real-time accurate language translation, prosthetics that can be controlled by the brain, and alternative fuel sources for military vehicles that will help eliminate our Nation's dependency on foreign sources of oil.

Of course, DARPA's success has not been limited to military innovation. ARPANET, the world's first operational packet switching network, led to the development of today's Internet. Since DARPA engineers first started to connecting remote computers to each other to talk about their shared ideas and work, the Internet has revolutionized the world with the creation of endless possibilities.

The reason that DARPA's work engages the cutting edge of technology is a result of its unique business model. By limiting project managers to 4 to 6 year terms, DARPA optimizes the flow of new ideas by empowering industry experts to take risks, think outside the box and advance ground breaking research projects.

DARPA continues to meet the growing needs of the Nation as it develops significant cutting edge technology elevates the U.S. to the forefront of innovation and propels our military to be the most superior fighting force in the world.

I am proud to recognize DARPA's 50 years of innovation, and I urge my colleagues to support this resolution.

## INTRODUCTION OF THE AUTOMOBILE ARBITRATION FAIRNESS ACT OF 2008

### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the Automobile Arbitration Fairness Act of 2008. This legislation will extend to certain consumers what Congress granted to automobile dealers in 2002: freedom from mandatory binding arbitration agreements.

Automobile manufacturers imposed mandatory binding arbitration clauses in their dealer contracts to forego forums otherwise available under state law. Unfortunately, states could not effectively address the increasing imposed use of mandatory arbitration clauses because the Federal Arbitration Act preempts such state laws. As a result, auto dealers had no legal recourse and were bound to using arbitration. Automobile dealerships voiced their plight to Congress, which in 2002 passed the 21st Century Department of Justice Appropriations Authorization Act. This legislation included language to allow arbitration only if both parties to a motor vehicle franchise contract consented in writing to arbitration and if the consent was done after a controversy arose out of that contract.

Although automobile dealerships now have the option not to enter into mandatory binding arbitration agreements, many dealers require such binding agreements in their sales or lease contracts with automobile purchasers and lessees. This legislation would connect the chain from manufacturers to dealers and from dealers to consumers, by requiring the consent of both parties to enter into contracts with binding arbitration clauses in automobile sales and lease contracts.

I urge my colleagues to join as cosponsors of this legislation.

## PERSONAL EXPLANATION

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. ROSS. Madam Speaker, on Wednesday, February 6, 2008, I was not present for votes due to a delayed United Airlines flight.

Had I been present for rollcall 29, Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup, I would have voted "aye."

Had I been present for rollcall 30, Recognizing the significance of Black History Month, I would have voted "aye."

Had I been present for rollcall 31, Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986, I would have voted "aye."

## PERSONAL EXPLANATION

### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. RYAN of Wisconsin. Madam Speaker, on rollcall No. 30, H. Res. 942, recognizing the significance of Black History Month, I was absent due to inclement weather grounding flights from Wisconsin.

Had I been present, I would have voted "aye."

## ARLENE PIAZZA

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BACA. Madam Speaker, I stand here today in remembrance of a distinguished member of the Fontana community and a dear friend, Arlene Piazza.

Due to complications following surgery, Arlene passed away the night of February 5th. Her death comes 3 years after the death of her beloved husband, Mr. John Piazza. Together the Piazzas were key players in our Fontana school district and city governments. Their absence will be felt by many.

For 18 years Arlene worked in business and industry. Later this dedicated woman extended her talents to our Nation's academics where she dedicated 20 years to education. We were honored to have her in our Fontana Unified school system for 13 of those years. Her zeal and passion for educating our children is reflected in those 20 years through the numerous roles she took on.

Arlene served as a gifted counselor and in 2003 was elected to the Fontana School Board. There she served as a caring and committed member who was known for loving every child. Her work ethic was continuously commended and her priorities were always focused on what was best for our young students. Her passions were to open doors of opportunity and extend a helping hand as she pushed our youth to explore a fulfilling educational future. This commitment was made apparent in 2006, when she fought to ensure voters approved a $275 million bond measure going towards the physical improvement of schools.

While it is with sadness that we say goodbye to an incredible woman, we remember the positive change she made while she was with us. The use of her life to benefit her community is unquestionable and has served to nurture a sense of priority towards education and our young generation's future opportunities. Although now gone, in her absence she will continue to serve as an inspiration to us all.

I thank Arlene Piazza for dedicating her life to service in the Fontana community. I am honored to consider Arlene a colleague in the fight to improve education and I truly appreciate all she has given to our community and our country. She will be greatly missed. Barbara, my family, and I extend our deepest condolences to her family.

Arlene's life was dedicated to family, friends and her community. Her memory lives on in our thoughts and prayers. She will always have a special place in our hearts. She was special to all of us. She is now in a better place with her heavenly Father and at peace.

## PERSONAL EXPLANATION

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Ms. MOORE of Wisconsin. Madam Speaker, a snowstorm in Milwaukee cancelled all flights to Washington, DC yesterday, and I was unable to vote on rollcall votes 29, 30, and 31. Had I been present I would have voted "yes" on all three.

## NANDO GOMEZ

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. ORTIZ. Madam Speaker, I rise to pay tribute to one of my most trusted staff members, my Chief of Staff, Fernando P. "Nando" Gomez, Jr. After working in Congress for 7 years, the past 2 as my chief of staff, Nando will be joining the private sector.

Nando's dedication to and interest in public service has led him from the small town of Gregory, TX, to the corridors of two Capitols. During his senior year at the University of Texas in 1994, he began working for the Texas House Speaker James E. "Pete" Laney. Nando worked for Speaker Laney for nearly 5 years and was appointed the House reading clerk during the 74th and 75th Legislative Sessions.

He then moved to Washington, DC in 1998 and worked for Congressman Martin Frost, serving as legislative assistant and then as legislative director. He joined my staff in 2005 and rose from Legislative Director to Chief of Staff.

Words cannot begin to describe what Nando has meant to me, my staff, and the people of the 27th district of Texas. I have relied on Nando for his professionalism, work ethic, and friendship. He takes pride in his work, which is especially personal to him because he was born and raised in the district I represent. For him, it has not just been about serving as my chief of staff—it is about advocating for the issues of his hometown, his family, and his roots.

Nando has also taken an active role with local youth. He serves in Big Brothers/Big Sisters Mentor program, where he has had the honor of serving as big brother to his little brother, Franklin, for nearly 5 years. Nando is an avid sports fan whose allegiances lie with the Texas Longhorns, Houston Astros, San Antonio Spurs and the Dallas Cowboys.

Though I bid Nando a sad farewell from my office, it will certainly not be a good bye. I look forward to seeing him around the Capitol when he comes up to catch up with old friends.

Nando remains a trusted member of my family, and I will always seek his counsel on matters political and personal. I wish him, his wife Kristy and son Dominic the best of luck during the new phase of his life.

## HONORING LEGO'S 50TH ANNIVERSARY

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. COURTNEY. Madam Speaker, for the past 50 years LEGO has transformed childhood play and provided invaluable academic and economic contributions to local communities around the globe. On January 29, 2008, LEGO celebrated its 50th anniversary. I rise today to recognize 50 years of LEGO innovation and contributions.

LEGO USA headquarters is located in my district in Enfield, Connecticut. Over the past three decades since headquarters moved from Brookfield to Enfield, Connecticut in 1975, the company has made substantial contributions to the local community. Today it remains the town's largest employer. Although the Enfield offices have struggled in recent years in light of increasing globalization pressures, I remain hopeful that it will continue to innovate and thrive as part of Connecticut's economy. Education and family programs, which have been highlights of the corporation in the past, will continue to have positive lasting impacts on the community in the future.

The LEGO Creative Child Care Center KinderCare@Work program, which accommodates children ages 6 weeks to 12 years of age, has received national accolades for quality childhood development services. LEGO's KinderCare@Work program incorporates an engaging, thought-provoking curriculum into a healthy and safe environment for children from the local community. Quality early education programs, like LEGO's KinderCare@Work, are essential for promoting academic and professional success in latter years and should be a model for other private and public early education programs.

Programs geared towards middle and high school students, such as the FIRST LEGO League (FLL), also provide impetus for academic success and an environmentally and socially conscientious society. FLL programs encourage students to look at problems currently affecting global communities from a pragmatic and analytical perspective. LEGO USA has been a regular host of FLL tournaments. In 2007, students from Enfield and all of Connecticut joined students from around the globe in addressing a fundamental question that continues to be the focus of leading environmentalists, engineers, scientists, and politicians: the economic, environmental, and social impact that our energy consumption choices have on our global community.

From, simple yellow and red blocks to black knights and ninjas, the iconic toy has remained a classic, thought-provoking source of play for children around the world. For providing positive academic and economic development in communities around our globe and inspiring generations of artists, architects, and engineers, I ask my colleagues to join with me and my constituents in honoring LEGO's 50th anniversary.

## HONORING ANDREW "JACK" FULTZ

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor the memory of a great Kentuckian.

Andrew "Jack" Fultz served Carter County for most of his life. He coached the Olive Hill High School basketball team from 1951 to 1968, leading the team to the State tournament in 1955, 1956, and 1959. He became a good friend and father-figure to many of his players and maintained that connection long after they were finished playing. Jack ended his career with an impressive win-loss record and was inducted into the Kentucky High School Athletic Association Hall of Fame.

In 1983, Jack's 794-page book, A Comets' Tale, was published. The book chronicles the history of Olive Hill High School athletics and serves as a testament to his knowledge and love for the many students that he coached.

Jack served the Carter County Board of Education for 60 years, working as a teacher, assistant principal, principal, assistant superintendent and supervisor. Though he loved coaching and working for the schools, his family always came first. Jack developed a deep faith in God and became an active member of the First Baptist Church in Olive Hill.

I ask that today, as we pay tribute to Jack's extraordinary life of service that we send to Jean, Jack's wife of 60 years, and the rest of the Fultz family, our deepest condolences. Jack continues to be a role-model for all of us and his memory will live on through his life's work.

## TRIBUTE TO KANSAS CIVIC PHILANTHROPIST RON DEFFENBAUGH

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to my friend, Ron Deffenbaugh, of Shawnee, Kansas, the founder of Deffenbaugh Industries.

Recently, the Shawnee Chamber of Commerce presented its 2007 Citizen of the Year Award to Ron Deffenbaugh, who moved to the Kansas City area at age 9 and started a trash collection business with one truck at age 15 in 1957. Since that modest beginning, Deffenbaugh Industries became the largest privately owned refuse firm in the Midwest, including the Johnson County landfill, Deffenbaugh Disposal Service, Shawnee Rock and Johnny on the Spot. Deffenbaugh sponsors annual city events, including Old Shawnee Days, Fields for Freedom, Tidy Town, Shawnee Christmas Around Town,, and the Great Grillers barbecue competition. In 2007, Deffenbaugh sold his company to DLJ Merchant Banking Partners.

At the conclusion of the annual Chamber dinner, Deffenbaugh Industries President Mark Rosenau announced a $500,000 donation from Deffenbaugh to the Shawnee Town renovation project. As Rosenau said, "Ron started Deffenbaugh Disposal Service 50 years ago, and he always had a special affection for Shawnee. He was always quietly generous when it came to requests for services, donations and support from Shawnee groups and individuals. When Ron was informed he had been selected for this most prestigious award, he said he wanted to give something back to his city. He knew the city planned to rebuild Shawnee Town and he decided he wanted to help with that effort."

The City of Shawnee recently issued a press release commending Ron Deffenbaugh for his recent gift to the city and for his lifetime of service and support. Madam Speaker, I include that statement with my remarks and know that all members of the U.S. House of Representatives join with me in commending this outstanding community leader:

DEFFENBAUGH DONATES TO SHAWNEE TOWN

What a wonderful Night in Casablanca, shared by Shawnee City Officials and business leaders at the Sheraton this past Saturday! The Shawnee Chamber of Commerce hosted their Annual Dinner, which is a gala event honoring civic and business leaders in the community and celebrating a year of great achievement. The theme of Casablanca was apparent through the fashionable attendees and tropical atmosphere of the event. Many leaders were honored at the event including past Chairman and former Shawnee Mayor Jim Allen for his 2007 leadership of the Chamber, Councilmember Dawn Kuhn for the 2007 Ambassador of the year and Ron Deffenbaugh was named 2007 Citizen of the Year.

The citizen of the year honor was well deserved by Ron Deffenbaugh for his countless contributions to the Shawnee community. Deffenbaugh moved to the Kansas City area at the age of nine and started his trash collection business with one truck at the age of 15 in 1957. Since those modest beginnings, Deffenbaugh Industries, Inc. has grown to become the largest privately-owned refuse firm in the Midwest. Deffenbaugh Industries has expanded over the years to include the Johnson County Landfill, Deffenbaugh Disposal Service, Shawnee Rock and Johnny on the Spot. Deffenbaugh saw significant success and this has been shared with the Shawnee community through donations to the City and countless organizations in the community.

Deffenbaugh annually sponsors many of the City events including Old Shawnee Days, Fields for Freedom, Tidy Town, Shawnee Christmas Around Town, St. Patrick's Parade, Sister Cities Program, Great Grillers BBQ Competition and various other events and programs. They have been a wonderful community partner always generously contributing to Shawnee. Deffenbaugh executives, Tom Coffman and Mark Rosenau accepted the award on behalf of Ron on Saturday and announced that he was pledging $500, 000 to the renovation of Shawnee Town. Shawnee Town is an outdoor museum interpreting small town rural life from the 1920s, which includes a museum grounds featuring a home, barn, school, post office, chapel, fire station, various businesses, and gardens. The strategic plan for the renovation of the area was approved in 2007, and this donation will be a tremendous help in getting the project started The City is extremely grateful to Ron Deffenbaugh and applauds his honor of being named 2007 Citizen of the Year!

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## CONGRATULATING JONATHAN M. SCHNEIDER

### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BISHOP of New York. Madam Speaker, I rise to recognize and honor Jonathan M. Schneider, my departing district office director and communications director who was recently appointed the Deputy Supervisor of the Town of Brookhaven on Long Island.

Jon is a hard-working and dedicated public servant who has consistently demonstrated a steadfast commitment to the people of eastern Long Island. As one of my original staffers, I have enjoyed watching Jon develop and sharpen his communications and political skills.

Jon started as a press secretary when I opened my Washington office in 2003. He became a trusted advisor who helped shape and carry out my agenda. He was already an experienced congressional staffer with service as Congressman STEVE ROTHMAN's press secretary. Additionally, he brought energy and environment policy expertise to my staff as a former national political representative of the Sierra Club.

When Jon moved back home to Long Island, I was delighted to keep him on board my staff as the communications and district office director. As the leader of my office in Coram, New York, I have always been able to count on Jon's counsel to deliver effective constituent services.

Jon has also excelled at advocating key transportation and infrastructure projects on Long Island. He has helped me advocate important conservation initiatives, particularly the preservation of open spaces and biodiversity in Long Island Sound. He was also instrumental in helping me secure a federal study of the severely polluted Forge River in Mastic, New York.

Such important assignments involved working closely and almost daily with multiple levels of local elected representatives and maintaining important working relationships with government officials, civic groups and community advocacy organizations. As such, Jon proved to be an invaluable asset to my staff, both as a skilled professional and through his friendly, light-hearted nature.

Jon currently resides in Port Jefferson Station with his wife, Mary Ellen, their nearly five-month-old daughter, Eleanor, along with a notorious yet very talented pet tortoise named Boris. While I am saddened to see him leave my staff, I congratulate Jon on his appointment and will look forward to observing his continuing career in public service in the years ahead.

Madam Speaker, on behalf of my staff and the people of the first congressional district of New York, I thank Jonathan M. Schneider for his hard work to improve the lives of eastern Long Island's residents. I wish him and his family continued success, good health and the best of luck for years to come.

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## RECOGNIZING THE REVEREND DR. CARL F. BROOKS

### HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. MAHONEY of Florida. Madam Speaker, today, I rise to honor Dr. Carl F. Brooks for his commitment to service in his community and his church, First Macedonia Missionary Baptist Church in Punta Gorda, Florida. Dr. Brooks has employed his selfless vision to promote and provide resources that help people turn to God.

Sunday February 10, 2008 will mark the 28th anniversary of Dr. Brooks' service as Pastor of First Macedonia Missionary Baptist Church. He began in 1980 when Punta Gorda was a small town on the southwest coast of Florida. As Punta Gorda grew, his vision and mission to serve expanded to provide human services and educational resources.

The Reverend Dr. Brooks is quoted as saying "The future is not something you enter, it is something you create. We will not continue with 'Business as Usual', we will be guided by an authentic vision through which the Kingdom's agenda is accomplished."

In his capacity as visionary and servant of Charlotte County, the Reverend Dr. Brooks has made his church part of the Emergency Shelter National Board Program by providing food and shelter to residents in times of disaster. He has worked tirelessly to create nonprofit organizations that help children and families, promote educational opportunities for his congregation, and serves as a member of the National Baptist Convention of America in addition to being Florida's representative for the Board of Evangelism.

Dr. Brooks is the proud husband of Karen and the father of three daughters Tonya, Carla and Kayla.

I am proud to recognize Dr. Brooks for his great service to both Charlotte County and the First Macedonia Missionary Baptist Church. Our community is truly blessed to have Dr. Brooks as a resident. I would like to express my thanks and gratitude to Dr. Brooks for his service to our community and our country.

## HONORING MR. ED SIEGMANN

### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. BISHOP of New York. Madam Speaker, I rise on behalf of New York's first congressional district to mourn the passing of a beloved constituent and treasure of the Long Island community, Mr. Ed Siegmann.

Born in Ridgewood Queens, New York in 1919, Ed was an exemplary citizen who served honorably in the U.S. Army during World War II. Upon his return, Ed became a tireless advocate for the interests of seniors on Long Island, perhaps most effectively as the President of the Suffolk County United East End Senior's Council.

Frustrated by the lack of media coverage concerning health care and other challenges faced by seniors in Suffolk County, New York, Ed approached publishers with an idea to write about them himself. As a result, Ed's column in the Suffolk Life newspaper, "The Upper Half," was born in 2000. The following year, Ed had the distinction of being the only Long Island resident to be awarded the prestigious Beneficiary Services Certificate of Merit.

Ed's tireless work to promote economic and social justice for the elderly and disabled were boundless. He was the founder and vice president of Southold TaxPac; president of the Southold-Mattituck Senior Citizens Club; a member of Seniors Against Discrimination; and a member of Southold's Senior Housing Taskforce. He worked in these organizations to improve the lives of seniors by working to reduce taxes, and to promote affordable health care and moderately priced senior housing.

Indeed, Ed was a local hero who was a shining example of a concerned and active citizen who was among our community's most effective champions for the rights of the elderly. It is entirely appropriate that he is honored by the naming of the Ed Siegmann Community Room at the Southold Town Human Resources Center.

Madam Speaker, it was truly an honor to work with Ed and to call him a friend. On behalf of a grateful community, I thank Ed Siegmann for his many enduring contributions to eastern Long Island, where he will always be missed but whose memory will be forever cherished.

## HONORING THE 111TH ANNIVERSARY OF THE WASHINGTON BIRTHDAY CELEBRATION ASSOCIATION

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. CUELLAR. Madam Speaker, I rise today to recognize the 111th anniversary of the Washington Birthday Celebration Association (WBCA) in Laredo, Texas.

The Washington Birthday Celebration is a nearly month-long event held in Laredo, Texas. It is the largest celebration of its kind in the United States that honors the birthday of George Washington, the first President of the United States. The festival receives over 400,000 attendees, and consists of various celebrations including the Society of Martha Washington Colonial Pageant & Ball, Princess Pocahontas Pageant and Ball, parades, a carnival, an air show, and live concerts.

The WBCA was founded in 1898 by the patriotic Improved Order of the Red Men, Local Chapter Yaqui Tribe No. 59, whose members included prominent Laredoans of both Mexican and American ancestry. The first celebration was a great success, and its popularity grew when the Washington Birthday Celebration Association of Laredo, Inc., received its state charter in 1923. In the following year, in 1924, the Celebration featured its first Colonial Pageant, which showcased thirteen young women from Laredo, representing the thirteen original colonies. The International Bridge Ceremony is the welcoming ceremony between officials and dignitaries from Mexico and United States as a sign of international good will between the two nations.

Madam Speaker, I am honored to have had this time to recognize the 111th anniversary of the Washington Birthday Celebration Association in Laredo, Texas.

## HONORING MEMBERS OF EASTERN CONNECTICUT

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. COURTNEY. Madam Speaker, it is with great pleasure that I rise today to recognize the heroic efforts of four members of eastern Connecticut's community: Robert Butler, John Roberts, and Shelly and Greg Erb. These individuals' selfless and quick, smart actions saved the lives of two kayakers from the frigid waters of the Noank River. On Friday, February 7, 2008, Robert Butler and John Roberts will be presented with a Meritorious Public Service Award by Rear Admiral Timothy Sullivan and Captain Dan Ronan. Shelly and Greg Erb will be presented with a Certificate of Merit.

On January 30, 2008, Shelly Erb was driving to her home in Noank, Connecticut, when she spotted a stranded kayaker on the bank of the Noank River. Once home, she immediately notified her husband, Greg Erb who called 911 and the Noank Village Boatyard. Shelly and Greg's quick, decisive actions to notify both emergency responders and the Noank Village Boatyard would ultimately prove to save both kayakers' lives.

Employees of the Noank Village Boatyard, Robert Butler and John Roberts received the call from Mr. Erb. The waters were near freezing, and understanding that prolonged exposure posed serious life-threatening risks, the men immediately launched a boat to find the kayakers. Soon after, Robert and John were able to locate the kayakers, one of whom remained in the water, nearly unconscious. Robert and John rescued the kayaker from the water and helped both to a waiting ambulance. Both kayakers survived.

The events that unfolded on January 30 could have very possibly ended in tragedy. Instead, our community witnessed the very best of its neighbors. I ask my colleagues to join with me and my constituents in recognizing and saluting the heroic efforts of Robert Butler, John Roberts, and Shelly and Greg Erb.

## HONORING FORT DAVIS, TEXAS ON BEING LISTED IN THE NATIONAL TRUST FOR HISTORIC PRESERVATION'S 2008 DOZEN DISTINCT DESTINATIONS

### HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. RODRIGUEZ. Madam Speaker, I am honored to rise here today to recognize the designation of Fort Davis, Texas, as one of the locations listed in the National Trust for Historic Preservation's 2008 Dozen Distinct Destinations. Making it only the fourth locality ever in Texas to receive this distinction.

For the past eight years, the National Trust for Historic Preservation has produced an annual list of twelve communities throughout the United States that provide visitors with unique experiences that bring to life the richness and diversity of America's cultural and historical heritage. This year, the organization has recognized Fort Davis, Texas, one of the many historic communities in my congressional district, as a place of distinction because of its exceptional character and history.

From 1854 to 1891, troops stationed at the post protected emigrants, freighters, mail coaches, and travelers on the San Antonio-El Paso Road. Because Fort Davis is one of the best remaining examples of a frontier military post in the American Southwest, this community serves as a vivid reminder of the significant role played by the military in the settlement and development of the western frontier.

Through great effort and a true devotion, the residents of Fort Davis have worked hard to preserve its historic, cultural, and scenic uniqueness. Aside from undertaking important restoration projects, members of the community preserve Fort Davis' culture through reenactments of life during the 19th century on the western frontier. In so preserving its character and by protecting its serene landscape, visitors from all over can enjoy and learn about the history of Fort Davis in a truly realistic and dynamic environment that is sure to make an indelible impression.

I thank the National Trust for Historic Preservation for honoring Fort Davis this year, and I further extend my gratitude and congratulations to the community of Fort Davis for its dedication to preserving its historic fabric and spirit.

## PERSONAL EXPLANATION

### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. RYAN of Wisconsin. Madam Speaker, on rollcall No. 31, H. Res. 943, remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986. I was absent due to inclement weather grounding flights from Wisconsin.

Had I been present, I would have voted "Aye".

## RECOGNIZING THE LIFE AND SERVICE OF PAUL J. ABBATE

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Ms. BORDALLO. Madam Speaker, I rise today to honor and recognize the life and service of Paul J. Abbate, former Guam Superior Court Presiding Judge. Judge Abbate passed away on Saturday, February 2, 2008 in Pomfret, Maryland at the age of 88.

Judge Abbate served our Nation as a Commander in the U.S. Navy's Judge Advocate General Corps for over 20 years. Upon his retirement from the Navy, he accepted an appointment by Governor of Guam Manuel F.L. Guerrero to be the Attorney General of Guam. With the retirement of Presiding Judge Joaquin C. Perez in 1969, Governor Guerrero appointed Paul Abbate to serve as a Judge for the Superior Court of Guam, where he served for 19 years, 13 of which were as the Presiding Judge. As Presiding Judge, he initiated plans for the construction of the new Guam Judicial Center, the complex that today houses the Superior Court and Supreme Courts of Guam. Judge Abbate was noted for his well-reasoned rulings, but also for his fairness and impartiality in the court. Following his retirement from Guam's judicial system, he served as Director of Governor Joseph Washington Liaison Office in Washington, DC.

Judge Abbate's service to Guam was evident in more than just the courtroom. He committed his life to the Catholic Church as a deacon for the Archdiocese of Hagåtña and in his church in the mainland. He assisted in the major renovations and improvements to the Dulce Nombre de Maria Cathedral Basilica in Guam's capital of Hagåtña and helped in the preparations for the visit of Pope John Paul II on March 1, 1981.

On behalf of the people of Guam, I extend our sincere condolences and deepest sympathies to his son Michael S. Abbate and his wife Cindy, his daughter Maria T. Rossi and her husband, John, his six grandchildren and four great grandchildren. Judge Abbate will always be remembered by the people of Guam as a dedicated member of the legal community and a devoted member of the Guam's Catholic community.

## IN RESPONSE TO ATTACKS ON THE CONSTITUENTS OF THE 9TH CONGRESSIONAL DISTRICT OF CALIFORNIA

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Ms. LEE. Madam Speaker, I rise tonight to discuss an unwarranted and downright hostile attack on my constituents and the people of Berkeley, CA by Republicans on the floor of the House earlier today. I'm here tonight, Mr. Speaker, to set the record straight and to respond to their false claims and distortions.

Madam Speaker, it never ceases to amaze me how some people will go to any length to score political points. That is what happened here on the House floor earlier today when several Republican members said they wanted to strip the people of Berkeley, CA of much-needed Federal funding.

Let us be clear: punishing the people of Berkeley for political gain is unfair and simply plain wrong. This is nothing more than grandstanding and posturing on behalf of Republicans who want to make a political point for their own benefit.

I want to begin by talking about the primary target of the Republican campaign against the people of Berkeley, and in this case, the children of Berkeley. Republicans claimed that one earmark was for the creation of organic school lunches in the Berkeley School District. This characterization of a school lunch initiative developed by the Chez Panisse Foundation is dishonest.

This school lunch initiative aims to revolutionize school lunch by treating lunch as an important part of the day, as well as integrating lessons about wellness, sustainability and nutrition into the academic curriculum.

The funding will aid in the development of a program that would treat lunch as an academic subject for all public school students in the district, from kindergarten through high school. These funds will support a comprehensive approach to improved health and health education in the public schools that will empower students with a sense of responsibility for themselves and their health. it's about nutrition for our children.

Next I want to talk about their efforts to attack the University of California and the memory of a great leader in this body, former Congressman Bob Matsui. This funding will be used for UC Berkeley's Institute of Government Studies for the creation of the Matsui Center for Politics and Public Service.

The Matsui Center will develop a curriculum that will encourage students to think about politics and public service not as separate activities, but as a continuum of civic engagement. As a great public university, Berkeley has a special obligation to train the next generation of leaders, as well as to help them develop the political and policy skills that will enable them to participate constructively in public life. The program will also have educational components in Sacramento and Washington, DC—capitol cities which were touchstones for Congressman Bob Matsui's long public service career. It's about education.

Now allow me to turn my attention to an item that the Republicans did not want to tell you about—funding for the disabled and the Ed Roberts Campus. This funding will be used for the construction of the Ed Roberts Campus at the Ashby BART Station in Berkeley. The Ed Roberts Campus is the vision of eight disability organizations in California which have joined forces to create a multi-tenant facility. The facility will serve as an intermodal transit center, as well as a transportation information and travel-training center for seniors and people with disabilities.

It will provide services in a fully accessible, technologically-advanced environment located at BART's Ashby stop. The campus will serve approximately 2,000 disabled people per week, most of whom will arrive by public transportation.

The Ed Roberts Campus is an innovative approach to transit oriented development and will be the first disability service center at a major fully-accessible transit hub. As a result, people throughout the region will have access to programs that will enable them to obtain needed health care education, job training and other services in order to achieve their life and work goals. It's about providing quality services for the disabled!

Finally, I want to mention another item that the Republican supporters of this measure will not mention—that their bill would intentionally undermine the safety and security of the people of Berkeley by denying critical funding for Berkeley public safety agencies' interoperability.

This particular funding will be used to update Berkeley's public safety computer dispatch and communications system to ensure systems interoperability. It will support critical inter-jurisdictional communications and coordination needs. This funding will help to enhance Berkeley's ability to maintain a secure and interoperable computer and communications system and maximize sustainable use after a natural or human made disaster. It's about public safety!

Madam Speaker, the statements by Republicans on the floor of the House earlier today were nothing but a shameful attack on my constituents in order to score perceived political points. It is just plain wrong and it is a real shame that it is happening on the floor of this House.

I have said it before and I will say it again, I will fight to defend the constituents of my district and their right to receive Federal funds.

## ON THE LIFE OF VI STOIA

### HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Ms. HERSETH SANDLIN. Madam Speaker, today I would like to offer a special remembrance for a unique individual, Vi Stoia. Viorel

G. "Vi" Stoia was born in Aberdeen, South Dakota in 1924. He lived there all of his life, save for when he attended the University of Minnesota earning his degree in business administration, and when he served in the United States Navy from 1942 to 1946 as a Chief Petty Officer. Vi married Donna Marie Maurseth in 1949 and they made their home in Aberdeen, raising their five children—Marsha, Nancy, Greg, James and Thomas.

Vi served on countless boards, was a member of numerous civic associations, and was Aberdeen's resident historian, well-known and well-liked throughout the community. He learned everything he could about area projects and economic development issues, and maintained both a mental and physical archive of the town's history. If you had a question about something in Aberdeen's history, not only would Vi know the answer, he would most likely be able to produce a newspaper article about it. His clippings archives went back at least 60 years, if not more.

As a constant supporter of the Aberdeen community, Vi was involved in almost every opportunity for economic growth or quality-of-life improvement. He advocated for public projects as diverse as the Northeast Regional Health and Fitness Center, the Highway 12 Expressway and Moccasin Creek revitalization. When incentives for business recruitment and expansion were being sought, Vi was there to lead the charge.

Though he was a very successful businessman, as senior financial representative with Northwestern Mutual Life, and held many leadership positions within the insurance industry, it was his public service and influence within the community that will be remembered most.

I join the Aberdeen community, Vi's family, and friends, not in mourning his passing, but in celebrating his life and the innumerable contributions he made to the community of which he was so proud.

## HOLT NURSING SCHOOL CAPACITY AMENDMENT TO COLLEGE OPPORTUNITY AND AFFORDABILITY

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 7, 2008*

Mr. HOLT. Madam Speaker, nurses are the backbone of our health care system. The shortage of nurses throughout our country leaves patients unattended, doctors stressed, and nurses exhausted from extra shifts. A principle reason for this shortage of nurses is the shortage of nursing school faculty. Because of the faculty shortage many schools of nursing are turning away good students who would make good nurses.

I am pleased that my amendment which attaches the Nursing School Capacity Act, H.R. 677, to the College Opportunity and Affordability Act of 2007 (H.R. 4137) has been accepted in the bill passed in the House. I thank Representative WELCH and Representative CAPPS, one of the Co-Chairs of the House Nursing Caucus, for cosponsoring this amendment with me. H.R. 677, which has 76 cosponsors, directs the Institute of Medicine to study the constraints experienced by schools of nursing in admitting and graduating enough nurses to meet growing needs.

I appreciate that House Education and Labor Committee Chairman Miller accepted our amendment and incorporated it into his Manager's Amendment. Today's action shows that Congress understands the healthcare crisis facing states like New Jersey.

The study my amendment directs will explore the constraints that our nation's schools of nursing face and propose short and long term solutions to address the nursing crisis. I look forward to reviewing the study's recommendations and working to implement them before the quality of care suffers.

Over the years, I have heard from many nursing professionals from New Jersey about the nursing crisis, particularly the inability of nursing schools to meet growing workforce demands. In fact, a study from the National League of Nursing states that in 2004, nursing schools were forced to turn down 147,000 qualified applicants due to a lack of faculty. That is why I first introduced the Nursing School Capacity Act three years ago, and why I am excited that it's close to becoming law today.

The American Association of Colleges of Nursing, the American Nurses Association, the American Organization of Nurse Executives and the New Jersey Hospital Association all endorsed the legislation. I ask unanimous consent that their endorsement letters be included in the RECORD.

We have not solved the nursing crisis with today's action, but we have taken a step in better understanding the problem.

FEBRUARY 4, 2008.

Hon. RUSH HOLT,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE HOLT: On behalf of the American Association of Colleges of Nursing (AACN) and the American Nurses Association, we would like to thank you for offering the language included in the Nursing School Capacity Act of 2007 (H.R. 677) as an amendment to the College Opportunity and Affordability Act of 2007 (H.R. 4137).

Over the past decade, the inability to increase the supply of nurses has become more apparent as the challenges faced by nursing education programs have intensified. These challenges force schools of nursing to turn away thousands of qualified applicants each year. According to a 2006 AACN report, U.S. nursing schools turned away 42,866 qualified applicants due to an insufficient number of faculty, clinical sites, classroom space, clinical preceptors, and budget constraints. Almost three quarters of the nursing schools responding to AACN's survey pointed to faculty shortages as a primary reason for not accepting all qualified applicants into nursing programs. A Special Survey on Vacant Faculty Positions released by AACN in July 2007, reported a total of 767 faculty vacancies (8.8 percent vacancy rate) identified at 329 nursing schools with baccalaureate and/or graduate programs across the country.

Clearly, the obstacles faced by schools of nursing in attempting to increase enrollment and graduations are vastly complex and warrant further investigation. Your bill will facilitate the discussion of these constraints and help explore solutions to overcome the barriers that are preventing potential students from entering the nursing profession. In addition, your bill calls for recommendations to be made by the Institute of Medicine which will serve as a valuable resource for policy-makers as well as the health, industry, and education systems.

AACN and ANA sincerely appreciate your willingness to thoroughly investigate the nursing and nurse faculty shortage through the Nursing School Capacity Act.

Sincerely,

American Association of Colleges of Nursing.

American Nurses Association.

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AMERICAN ORGANIZATION OF
NURSE EXECUTIVES,
*Washington, DC, February 4, 2008.*

Hon. RUSH HOLT,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN HOLT: On behalf of the over 6000 members of the American Organization of Nurse Executives (AONE) representing nurses in all facets of executive practice, we would like to express our strong support for the amendment that you and Representative Welch are prepared to offer to H.R. 4147 the College Opportunity and Affordability Act of 2000. The amendment incorporates the language of your bill H.R. 677, the Nursing School Capacity Act into a more comprehensive piece of legislation and would provide the nursing and health care communities with important research into the underlying causes of the nursing shortage.

The majority of AONE's membership of registered professional nurses are leaders in the day-to-day management and delivery of direct patient care services. In this position, we have been able to see first hand the impacts of the worsening nursing shortage and applaud your efforts to address this critical situation through the provision of study to be conducted by the Institute of Medicine of the National Academy of Sciences. Understanding that the nursing shortage is the result of the convergence of a number of factors, your proposed legislation would identify the constraints encountered by schools of nursing in admitting and graduating the number of registered nurses to ensure patient safety but it would also propose recommendations to alleviate the constraints on a short-term and long-term basis.

AONE has been in the forefront of attempts to deal with the nursing shortage and welcomes the opportunity to participate in the proposed study as a consultant in partnership with the other relevant organizations named in your legislation. AONE has focused on the work environment and the educational preparation of the nurse of the future. We see our past and current work as integral to the study you have proposed. Your legislation provides a comprehensive approach to identifying and quantifying the factors that have contributed to the shortage such as regulatory barriers, educational preparation, salary and benefit structures, and characteristics of the workplace.

AONE applauds your efforts and those of Mr. Welch to include this needed legislation as an amendment to H.R. 4147 the College Opportunity and Affordability Act of 2007.

Sincerely,

CAROL A. WATSON,
*President.*
PAMELA A. THOMPSON,
*Chief Executive Officer.*

NEW JERSEY HOSPITAL ASSOCIATION,
*Princeton, NJ, February 4, 2008.*

Hon. RUSH HOLT,
*Longworth House Office Building,*
*Washington, DC.*

DEAR CONGRESSMAN HOLT: On behalf of our 119 member hospitals and their systems, I am writing to express our strong support for the Holt/Welch Amendment to H.R. 3147, the College Opportunity and Affordability Act of 2007 that would incorporate your bill, H.R. 667, the Nursing School Capacity Act of 2007.

We have all known for too long that we have an ongoing shortage of nurses in this country, and although we have seen a recent increase in nursing candidates, we cannot keep pace with the demands to educate new nurses. One of the major issues is the inability to expand upon our nursing educational programs in this country. Within the past year 125,000 qualified potential nursing students have been placed on waiting lists, and almost 2,000 are on waiting lists in New Jersey. These numbers will continue to increase unless we implement sound planning strategies to build a stronger infrastructure for nursing education.

The issue of faculty supply and demand is very complex and affects every nursing program very differently. It is for this reason that there is a need to conduct a national study of all of these issues so that well formulated recommendations can address the needs of each level of nursing education.

H.R. 667 will charge the Institute of Medicine of the National Academy of Sciences to undertake this study and identify constraints encountered by schools of nursing in admitting and graduating the number of nurses sufficient to meet the healthcare needs of the United States.

I commend your leadership on this issue and look forward to working with you in getting this bill signed into law.

Sincerely,

GARY S. CARTER,
*President & CEO.*

# HOUSE OF REPRESENTATIVES—*Friday, February 8, 2008*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. MITCHELL).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC,
> *February 8, 2008.*
>
> I hereby appoint the Honorable HARRY E. MITCHELL to act as Speaker pro tempore on this day.
>
> NANCY PELOSI,
> *Speaker of the House of Representatives.*

## PRAYER

Dr. French B. Harmon, First Baptist Church, Somerset, Kentucky, offered the following prayer:

Heavenly Father, we offer praise to You as we begin this day with the Members of the 110th Congress. May Your presence fill this historic Chamber and Your light shine upon these Your servants. You have blessed the United States by bringing together, in this House of Representatives, men and women of tremendous courage, commitment, and character. We ask Your divine guidance in their momentous decisions this February day.

The Scriptures teach us:

But they that wait upon the Lord shall renew their strength; they shall mount up with wings like eagles; they shall run and not be weary; they shall walk and not faint.

Lord, continue reminding us of Your loving kindness and grace. Please renew the strength of our military personnel that serve around the world and provide peace for each family that waits here at home.

We especially ask that You comfort the families of those who lost loved ones during the recent storms throughout the southern States. Be with our President as he travels to this region of the country today and give wisdom to our leaders as they assist our fellow citizens.

In Your holy name I pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. ROGERS) come forward and lead the House in the Pledge of Allegiance.

Mr. ROGERS of Kentucky led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING DR. FRENCH B. HARMON

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Kentucky. Mr. Speaker, I am very pleased and proud to recognize the pastor of my hometown church in Somerset, Kentucky, Dr. French Harmon, who presides over the First Baptist Church, Somerset, Kentucky, where he has a valuable lesson for his congregation, which I am now proud to briefly repeat.

He says three important words every Sunday: celebrate, connect, and care. Dr. Harmon reminds us to celebrate Jesus Christ and what he sacrificed for us. He tells us to connect with one another in our communities, at work, and at home. And he tells us to care about our fellow human beings, whether friends, strangers or mere acquaintances.

As the Congress goes about the people's business in this Chamber, let these words guide us as we strive to make the country a better place. As we press ahead with the issues of our time, let's follow the most basic lessons of our faiths that teach us to do right by others. Let's remember the higher power that we answer to and to whom we are ultimately accountable.

I am very proud of my hometown pastor who reminds me of what really counts, what's really important, and why we are here. Dr. Harmon is a leader. He has grown his congregation 50 percent to 600 over just the last year. He coaches little league baseball, he leads prayer breakfasts at the local chamber of commerce, just as he did yesterday at the National Prayer Breakfast here in Washington. He celebrates, connects, and cares, not just on Sunday but every day.

Mr. Speaker, I am proud to honor Dr. French Harmon. His wife, Rachel, and three children and Rachel's parents are with him here in Washington.

## ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3541. An act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

## ADJOURNMENT

Mr. ROGERS of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 44 minutes a.m.), under its previous order, the House adjourned until Tuesday, February 12, 2008, at 12:30 p.m., for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5283. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Empowerment Zones: Performance Standards for Utilization of Grant Funds [Docket No. FR-4853-F-02] (RIN: 2506-AC16) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5284. A letter from the Regulatory Specialist Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID OCC-2007-0021] (RIN: 1557-AD05) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5285. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Participants' Choices of TSP Funds — received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 275. Referral to the Committee on the Judiciary extended for a period ending not later than February 22, 2008.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

By Mr. PRICE of North Carolina:

H.R. 5332. A bill to extend the temporary suspension of duty on Desmedipham in bulk or mixtures; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 5333. A bill to extend the temporary suspension of duty on 2,6-dibromo-4-cyanophenyl octanoate/heptanoate; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 5334. A bill to suspend temporarily the duty on product mixtures containing Methyl 2-[({[(4,6-dimethoxy-2-pyrimidinyl)amino] carbonyl}amino)sulfonyl]-4-[(mesylamino)methyl]benzoate Methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosul fonyl]benzoate, sodium salt; to the Committee on Ways and Means.

By Mr. WAMP (for himself, Mr. ADERHOLT, Mr. BOOZMAN, Mr. SULLIVAN, Mr. LUCAS, Mr. LINCOLN DAVIS of Tennessee, Mr. DEAL of Georgia, Mr. COHEN, Mr. WHITFIELD of Kentucky, Mr. COLE of Oklahoma, Mr. SHULER, Mr. BERRY, Mr. DUNCAN, Mr. SNYDER, Mr. TANNER, Ms. FALLIN, Mr. GINGREY, and Mr. PRICE of Georgia):

H.R. 5335. A bill to amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes; to the Committee on Natural Resources.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

231. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1526 memorializing the President of the United States and the Congress of the United States to support the creation of a National Affordable Housing Trust Fund; to the Committee on Financial Services.

232. Also, a memorial of the General Assembly of the State of Colorado, relative to a House Joint Resolution concerning governmental obligation to establish peace, and peacemaking and conflict resolution mehtods for use even in belief based dsiputes; to the Committee on Foreign Affairs.

233. Also, a memorial of the General Assembly of the State of Georgia, relative to Senate Resolution No. 139 urging the Congress of the United States to raise the allowable deduction for health savings accounts, to allow certain older citizens to contribute additional amounts, and to make all health insurance premiums pre-tax; to the Committee on Ways and Means.

234. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution No. 646 urging the President of the United States and the Congress of the United States to adopt and implement an effective and comprehensive federal immigration and border security plan in response to the increasing illegal immigration crisis facing the United States; jointly to the Committees on the Judiciary and Homeland Security.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1147: Mr. LEVIN.

H.R. 2266: Mr. ROTHMAN.

H.R. 3175: Mr. ROTHMAN.

H.R. 3698: Mr. ROTHMAN.

H. Res. 102: Ms. LORETTA SANCHEZ of California and Ms. ESHOO.

H. Res. 957: Mr. MCCOTTER, Mr. HASTINGS of Florida, Mr. SAM JOHNSON of Texas, and Ms. EDDIE BERNICE JOHNSON of Texas.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

215. The SPEAKER presented a petition of the National Council Junior Order United American Mechanics, relative to Resolution No. 14 expressing support and sincere appreciation to the brave and dedicated men and women of the Armes Forces of the United States of America, who are represernting our country, both at home and abroad; to the Committee on Armed Services.

216. Also, a petition of the National Council Junior Order United American Mechanics, relative to Resolution No. 12 opposing any ordinance or doctrine which will restrict our freedom to choose an alternate source for conservative news or views, or to restrict ouir efforts to get the truth to the public; to the Committee on Energy and Commerce.

217. Also, a petition of the National Council Junior Order United American Mechanics, relative to Resolution No. 11 opposing any rewarding of lawbreakers by means of illegal invasion through the process of entering the United States of America illegally; to the Committee on the Judiciary.

218. Also, a petition of the National Council Junior Order United American Mechanics, relative to Resolution No. 13 demanding that the Congress of the United States find common language that will bring the immigration issues to resolution; jointly to the Committees on the Judiciary and Homeland Security.

# SENATE—*Friday, February 8, 2008*

*(Legislative day of Wednesday, February 6, 2008)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, who desires us to become lights in a dark world, thank You for illuminating our lives with Your presence. Give to our Senators sufficient grace to overcome all that would obscure Your glorious brightness. Infuse them with humility and wisdom that they will possess clarity of mind, purity of heart, and singleness of devotion to Your purposes. Break down the walls that divide and confuse them and lead them to common ground.

As a caring community, we reach out to Senator and Mrs. Cornyn and ask that You give them Your comfort as they grieve the death of Sandy's Mother, Virginia. Give them and their loved ones Your peace.

We pray in Your merciful Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 8, 2008.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following my remarks today, the Senate will be back on the Foreign Intelligence Surveillance Act. Under an order previously entered, all amendments must be debated with all time used today or Monday. There will be no rollcall votes today or Monday.

I wish to tell everyone there is a lot of time left on the FISA legislation—8 hours or so, according to how you add it up; some say 6. People are going to have to do it today or Monday or the time will be gone and we are going to complete voting on this on Tuesday. It could be a long Tuesday.

We will finish this work period with some other things we have to accomplish. Next week, we have a number of things we are going to try to accomplish and then we are out a week and then we are back for 3 weeks and then we are out for a couple weeks. And then we are here for 8 weeks. There is a lot to do both here and at home. I hope we have a productive day on Monday.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## FISA AMENDMENTS ACT OF 2007

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of S. 2248, which the clerk will report.

The legislative clerk read as follows:

A Bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Pending:

Rockefeller-Bond amendment No. 3911, in the nature of a substitute.

Whitehouse amendment No. 3920 (to amendment No. 3911), to provide procedures for compliance reviews.

Feingold amendment No. 3979 (to amendment No. 3911), to provide safeguards for communications involving persons inside the United States.

Feingold-Dodd amendment No. 3912 (to amendment No. 3911), to modify the requirements for certifications made prior to the initiation of certain acquisitions.

Dodd amendment No. 3907 (to amendment No. 3911), to strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government.

Bond-Rockefeller modified amendment No. 3938 (to amendment No. 3911), to include prohibitions on the international proliferation of weapons of mass destruction in the Foreign Intelligence Surveillance Act of 1978.

Feinstein amendment No. 3910 (to amendment No. 3911), to provide a statement of the exclusive means by which electronic surveillance and interception of certain communications may be conducted.

Feinstein amendment No. 3919 (to amendment No. 3911), to provide for the review of certifications by the Foreign Intelligence Surveillance Court.

Specter-Whitehouse amendment No. 3927 (to amendment No. 3911), to provide for the substitution of the United States in certain civil actions.

Mr. REID. Mr. President, if people wish to come to speak today, they should alert the staff. We are not going to have the staff wait around all day for somebody who might not come. We have had a busy week. Staffs work very long hours. Senators—if they are going to come and talk—had better alert the staff or we are going to go out of session.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, we are back on the floor beginning the third week of debate on the very important Foreign Intelligence Surveillance Act, also known as FISA. We have had a great deal of good debate. We have had a few votes.

Thanks to our leadership—Senator REID and Senator MCCONNELL—we now have a plan to conclude debate and go to the critically important votes on Tuesday. I thank all Members for participating. I know there are some who have comments they wish to make today and Monday. Chairman ROCKEFELLER and I have spent 2½ weeks so far on the floor, and we understand the importance of moving quickly to get this measure adopted—gain approval from the House on a measure we can send to the President for his signature. I truly hope we can make that.

I express my thanks to Chairman ROCKEFELLER, his assistant Melvin

Dubee, all members of the committee, Louis Tucker of my staff, and others for bringing us to this position.

It is important to realize the magnitude of the danger we continue to face from radical Islamic terrorists. Probably no place was it better outlined than in testimony in open hearing by the leaders of the intelligence community. Director McConnell, head of the intelligence community, outlined the major areas of concern, backed up by CIA Director Michael Hayden; Defense Intelligence Agency Director General Maples; FBI Director Mueller, and Under Secretary of State Randy Fort for the INR.

A couple things that came out may have been missed by Members who were not fortunate enough to hear the testimony of Admiral McConnell and the intelligence community. I thought I would repeat a few of them for you. First, Admiral McConnell made it clear that even though our intelligence analysts had the availability of collection, which indicated there had been a halt in 2003 to the weaponization program for nuclear weapons in Iran, the threat that Iran poses remains great. Admiral McConnell pointed out that there is no question Iran continues to try to enrich uranium, which can be used for nuclear weapon production. He also indicated they have the skills and the facilities to turn out biological and chemical weapons, and they are working on a missile program. The halt in 2003 came, not surprisingly, after the United States went in and opposed the dangerous dictator, Saddam Hussein.

It was the capture of Saddam Hussein that led Muammar Qadhafi, leader of Libya, to decide he didn't want to be pulled out of a spider hole by American forces. He gave up his nuclear weaponization program. Personally, I think it is no accident that the same activity in Iraq convinced Iran that, for the time being, it was better to shut down their weaponization program. The top French Defense Minister indicated he was not sure they had not restarted their weaponization program. In any event, we need to continue to be concerned about Iran and its potential threat not just to our allies in the Middle East, particularly Israel, which Iran's elected leader, Ahmadi Nejad, vowed to annihilate.

Specifically, regarding threats to the United States, General Hayden outlined for us in open hearing—and more specifically in classified information—the number of threats that have been avoided, the plots that have been deterred by our resolute action. And what helped us deter the threats was, first, the active, aggressive move by the U.S. military to disrupt the Taliban and take Afghanistan out from under the control of the Taliban.

Afghanistan was a great threat and much planning was going on by al-Qaida there. There are some on the news who continue to say Iraq had nothing to do with the war on terror. For those others who have looked at the information, that is an unbelievably naive point of view. David Kay, who went into Iraq to conduct a survey of our inadequate intelligence information, said that Iraq was a far more dangerous place even than we knew. Terrorists were running wild there, Abu Mus'ab al-Zarqawi, head of Ansar al Islam was active there, and later became the AQI, leader of al-Qaida there. Al-Zarqawi became famous when he beheaded victims who didn't agree with him; he cut their heads off on television. Iraq has been designated time and time again by leaders of al-Qaida, Osama bin Laden and Ayman al-Zawahiri, as the target for their headquarters. They want to establish the land between the rivers—the Tigris and Euphrates—as their caliphate. They stated that is their objective.

Were we to leave Iraq precipitously, not only would it lead to chaos, genocide, and possible Mideast sectarian wars, but also it would ensure that al-Qaida would have the opportunity to reestablish their headquarters with recruitment, training, and command and control that would significantly increase the threats to the United States.

This is why it is essential to continue our military support in the war against terror and also provide the intelligence tools to the intelligence community needed to keep our country safe.

I thought it might be helpful to repeat a few comments that were made at that hearing. Director McConnell, along with FBI Director Mueller, outlined terrorist threats here at home—most recently, in New Jersey, Illinois, and abroad in Spain, Denmark, France, Germany, and the United Kingdom. Admiral McConnell also said:

> Al-Qaida remains the preeminent terror threat against the United States, both at home and abroad. Despite our successes over the years, the group has retained or regenerated key elements of its capability, including its top leadership, operation lieutenants, and de facto safe haven . . . in the Pakistani border area with Afghanistan known as the Federally Administered Tribal Areas or FATA.

To expand on that further, I will explain that people who think we are not doing enough to capture Osama bin Laden and al-Zawihiri, I cannot tell you how it is happening, but it is happening in collaboration with our allies. But we have regularly captured or killed the operational head of al-Qaida, the No. 3 man. Most recently, Abu Laith al-Libby, the operational head, was killed in some kind of bomb or missile strike. At the time, of course, he had a U.S. citizen with him, apparently, Adam Gadahn, who had been cooperating actively with the al-Qaida leadership. Now, it is a fact that Gadahn was a top terrorist target. But do you know something. Without having a FISA Court order, we were able to go in and kill him—inadvertently, of course, but we would not have been, without the FISA law—particularly as we have updated it—able to listen in on his conversations. That is the one great shortcoming we learned in Iraq when we met with the head of our Joint Special Operations Command, GEN Stan McCrystal. He said the greatest threat to our troops on the battlefield was not being able to listen in on their electronic communications and see what directions they were giving to the terrorist groups threatening our troops in Iraq. That is why the outmoded, old FISA law we changed with the Protect America Act had to be revised.

In addition to the terrorist threat, there is no question that rogue nations around the world continue to seek dangerous weapons that threaten America's security. Admiral McConnell also said:

> The ongoing efforts of nation-states and terrorists to develop and acquire dangerous weapons, and the ability to deliver those weapons, constitute the second major threat to our safety. After conducting missile tests and its first nuclear detonation in 2006, North Korea returned to the negotiating table last year.

We see that North Korea has signed on to the six-party agreement, supposedly getting themselves out of the nuclear business, but some of us have grave doubts whether he will follow through. We need good information on not only the intentions of terrorist groups, such as al-Qaida, but potentially on nations with nuclear weapons that have developed missiles and the ability and the potential of delivering by missiles the nuclear weapons against U.S. targets.

I close on the discussion of the threats by quoting from General Hayden, the Director of CIA, who said:

> We face an enemy that is clearly ruthless, but it's also one that's very adaptive, one who shuns traditional hierarchical structures, who learns from mistakes and therefore demands that we be no less resilient and creative.

Suffice it to say that all of the members of the Intelligence Committee said we must have the FISA bill Senator ROCKEFELLER and I negotiated and passed out of the Senate Intelligence Committee 13 to 2 on a strong bipartisan vote. That is what we are here to pass, I hope, this coming week and send to the President by the end of the week.

Admiral McConnell said:

> The authorities granted by the amendments to FISA, the Protect America Act, which temporarily closed some gaps in our ability to conduct foreign intelligence, are critical to our intelligence efforts to protect the nation from current threats. Briefly, some of those important benefits in the bill that was signed last August include: better understanding of international al Qaeda networks, more extensive knowledge of individual networks, including personnel and

planning for suicide bombers; and most importantly, greater insight into terrorist planning that has allowed us to disrupt attacks that intended to target U.S. interests.

He also put in a very strong pitch for the Rockefeller-Bond bipartisan bill to extend the FISA through the FISA Amendments Act of 2008. He thanked us and all the members of the committee for the leadership and hard work, and he said:

> . . . and I would emphasize "over many months"—in drafting and passing draft legislation that governs and enables this community. Your bill—draft bill provides the needed updates to the Foreign Intelligence Surveillance Act.

He also went on to warn against dismantling that bill. He said:

> Over the past several weeks, proposals to modify your draft bill have been discussed. At the request of members, the attorney general and I have submitted a detail letter that addresses each of those issues, and it will be delivered to you this morning. I would ask members to consider the impacts of such proposals on our ability to warn of threats to the homeland security and on our interests abroad.

We have received that letter. We have quoted from that letter and will continue to quote from that letter on amendments which have been proposed that the intelligence community believes would hamstring their efforts.

As a sidenote, we were able, working on a bipartisan basis, to provide significant new protections for Americans at home and Americans abroad who might be engaged in terrorist activities and are working for foreign powers as agents or officers or employees. These threats from American citizens are sometimes as deadly, as dangerous as threats from terrorists abroad. We need to be able to listen in on them.

Finally, speaking about the civil liability protection for carriers which we included, he said:

> Well, I would say, in protecting the homeland it's absolutely essential. In this—it's absolutely essential that we have the support, willing support of communications carriers. In this day and age, our ability to gain intelligence on the plans, the plots of those who wish to attack us is dependent upon us obtaining information relating to cell phones, the Internet, e-mail, wire transfers, all of these areas. My concern is that if we do not have this immunity, we will not have that willing support of the communications carriers.

That quote was from Robert Mueller, Director of the Federal Bureau of Investigation, at a hearing.

General Hayden went on to say:

> These are very fragile relationships. We lost industrial cooperation, at CIA, with partners on the mere revelation of the SWIFT program in public discourse. Not because they were doing anything related to the program whatsoever but just the fear that the vulnerability they would have to their smooth functioning of their business had caused people, who are otherwise patriotic and committed, to back away from their totally lawful cooperation with our agency.

One other point. When there is talk about substituting the United States as a party in litigation brought against carriers alleged to have participated, we ought to take into account some very compelling comments made yesterday by the distinguished deputy majority leader, Senator DURBIN of Illinois. He pointed out that the release of a supposedly confidential letter from the Department of Justice to the Treasury about the operation of one of the major exchanges in Chicago had caused a $6 billion drop in the market value of that exchange. That means that people holding stock, many of them through pension funds or individual accounts, lost a large share of money.

As I pointed out yesterday, having the substitution of the Government for carriers, while it may remove them from the possibility of financial liability in a lawsuit, does not prevent significant damage to their business relationships here and abroad. The hit on any carriers sued under a substitution agreement, even though it is supposed to be reviewed in classified session by the CIA—everybody around here knows that if carriers are brought before the FISA Court, somebody will be talking about it, it will become news. They will suffer great harm to their business interests and potentially expose their employees and facilities here and abroad to violent attacks by terrorists or other radicals who wish to do them harm. As a result, those carriers that have cooperated in the past or considered cooperating in the past are going to be advised by their general counsels that they cannot do so willingly because they would be subjecting their employees and their shareholders to great loss. I think this is unacceptable. This is why I believe we have a good FISA Amendments Act before us, and we need to pass it.

We look forward to the debates today and Monday and voting on the amendments and, I hope, passing the bill on Tuesday so the House will have an opportunity to act. It is critical to the defense not only of our interests abroad but for the protection of American citizens at home that, with the protections we have added in the bill that came out of the Senate Intelligence Committee, we also have the ability of the intelligence community to collect vitally needed intelligence information.

We have learned that tremendously valuable information has been collected by high-valued detainees, less than 100 of them that the CIA has captured. Less than a third of that 100 have been subjected to enhanced interrogation techniques. Three of them, as General Hayden outlined, were weatherboarded, and they provided in a cooperative spirit the most important information. Beyond that, electronic surveillance is the best weapon we have to defend ourselves, to defend major population centers, tourist attractions, sporting events, and outdoor events from a terrorist attack. I hope all Members will keep that in mind as they consider the amendments which will be brought before this body on Tuesday for a final vote.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### HONORING THE 98TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

Mr. McCONNELL. Today marks the 98th anniversary of the founding of the Boy Scouts of America. William D. Boyce incorporated the Boy Scouts of America, or BSA, on February 8, 1910. Boy Scouting had already been established in Great Britain a few years earlier by the father of Scouting, General Robert Baden-Powell, when the American William Boyce paid a visit to that country. Legend has it that the Chicago publisher found himself lost on a foggy London street. A Boy Scout came to his aid and led him to his destination. When Boyce offered the boy a tip, he refused, saying as a Scout, it was his duty to do a good turn.

Mr. Boyce was so impressed with the character of this young Scout, who remains unknown today, that he was inspired to learn all he could about the British organization and create something like it in America.

Congress granted BSA a charter in 1916. Today, nearly 3 million boys and over 1 million adult leaders participate in Boy Scouting. It is one of our country's most vital institutions to teach character, leadership and civic responsibility to our children. BSA membership since 1910 totals more than 111 million.

With programs including Tiger Cubs, Cub Scouting, Webelos, Varsity Scouting and Venturing, boys from as young as 7 to as old as 20 have the opportunity to participate in Boy Scouting.

With parents often serving as adult leaders, Boy Scouting is actually a family activity. Boys who are successful in Scouting often grow up to be successful in life. My colleagues in this Chamber can attest to that. We have 35 former Boy Scouts in the Senate of the 110th Congress, and 147 in the House of Representatives.

This Senate has 10 Members who have earned Scouting's highest distinction, the rank of Eagle Scout. Every Boy Scout learns in his first meeting the Scout law, which states:

> A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

Our country is stronger because millions of boys have learned those words.

They are the values of Scouting, and they are the values of America.

### HONORING OUR ARMED FORCES

Mr. McCONNELL. Mr. President, I rise to speak about a soldier who gave his life in the performance of his duty. On October 17, 2006, SSG Garth D. Sizemore of Mount Sterling, KY, was on patrol in Baghdad when he was targeted by a terrorist sniper attack that tragically took his life. He was 31 years old.

Staff Sergeant Sizemore had permission to take some rest and relaxation at the base that day, but he bravely volunteered to go on patrol. After a first tour of duty in the strife-ridden area of Fallujah, Iraq, this was his second tour of duty in that desert country.

For his bravery in uniform, Staff Sergeant Sizemore received numerous medals and awards, including the Noncommissioned Officer Professional Development Ribbon, the Bronze Star Medal, and the Purple Heart.

A fellow soldier once asked Staff Sergeant Sizemore how he felt about serving his second tour in Iraq. Staff Sergeant Sizemore replied, "Hey man, I'd rather be at home with my wife, and giving my cat a hard time, but if fighting the enemy here in Iraq keeps the enemy from fighting me in my own country, then this is where I belong."

Staff Sergeant Sizemore had served in the U.S. Army since 1999, and both his mother, Carolyn Sizemore, and his father, Glenn Sizemore, are veterans.

Carolyn and Glenn raised a boisterous boy who loved spending time outdoors, whether camping, kayaking, or rappelling. He participated in Future Farmers of America. He enjoyed rock music and learned how to play the guitar. "He liked being active," says Garth's father, Glenn.

Glenn recalls the time he and a 16-year-old Garth went to a cousin's farm to practice pistol shooting. On the way there, Garth told his dad that he had dreamed the night before that, while shooting his gun, a bullet got stuck in the end of it. That very day, while target shooting, the same thing happened to Garth's pistol.

Glenn never forgot Garth's prophetic dream, and attributed it to his Native American heritage on his mother's side. An avid gun collector, Garth accumulated many rifles and pistols that he had gathered over the years.

Garth attended Montgomery County High School and later received his GED. He attended Morehead State University for a while, and then chose to enlist in the U.S. Army as a career. Starting out with the mechanized infantry in Fort Hood, TX, Garth quickly advanced.

"I loved working with Staff Sergeant Sizemore because he took his job very seriously and made sure everyone else took their job seriously as well," says SSG Raja Richardson.

"When young soldiers arrived to the unit, Staff Sergeant Sizemore would always remind us by saying, 'These young privates don't know nothing but what we teach them.' "

Staff Sergeant Sizemore took the responsibility of training the men under his command very seriously. But that didn't mean his naturally engaging personality did not shine through.

Staff Sergeant Sizemore "possessed a perfect balance of a work-play attitude, which was exactly what the young soldiers of his squad needed in training and in combat," CPT Michael Baka, his commanding officer. "He cared deeply for each and every member of his platoon, soldiers, peers and leaders alike."

Staff Sergeant Sizemore served with the 1st Battalion, 26th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, based out of Schweinfurt, Germany. While stationed in Germany, Garth met Elena, who became his bride.

Sadly, Elena and Garth were married only 18 months before his passing.

My prayers are with Staff Sergeant Sizemore's loved ones today, including his wife Elena; his mother Carolyn; his father Glenn; his grandmother Alliene Sizemore; his grandmother Dora Caldwell; and many other beloved family members and friends.

Garth's unit, the 2nd Brigade Combat Team, 1st Infantry Division, was known as "The Dagger Brigade," they had endured some of the roughest battles in Iraq. Yet Garth never flinched from his duty.

The Sizemore family held Garth's funeral service in Greenup County, KY. Today, his wife Elena has embraced both the State and the Nation her husband called home by enrolling at the University of Kentucky and making plans to complete an ROTC program and join the U.S. Army.

This U.S. Senate expresses its deepest gratitude to SSG Garth D. Sizemore for his service and sacrifice. Our Nation owes his loving family, who still grieve for his loss, a debt that cannot be repaid.

### SERGEANT ROBERT W. EHNEY

Mr. President, I rise to speak today about a son of Kentucky who was lost to us in the desert sands of Iraq. On April 23, 2006, SGT Robert W. Ehney of Lexington, KY, perished from injuries sustained when an improvised explosive device set by terrorists went off under his Humvee in the Iraqi town of Taji. He was 26 years old.

Sergeant Ehney was serving as the gunner in that Humvee. It was his second tour of duty in Iraq; he had served in the U.S. Army for 3 years. For bravery in time of service, Sergeant Ehney received numerous medals and awards, including the Noncommissioned Officer Professional Development Ribbon, the Bronze Star Medal, and the Purple Heart.

"I am very proud of the man he became," says Mary Beth Ehney, Rob's mother. "He was proud of being a good soldier, he was a good father, he was a good son, a good brother."

Rob's father, William Ehney, worked for Federal Express, and so the Ehney family moved around quite a bit when Rob was young. Rob attended school in Centennial, CO, among other places.

Rob took up target shooting as a boy, and continued to enjoy it into adulthood. He played baseball, golf and soccer, rode motorcycles and was good with computers. Rob loved to listen to music, and before he was deployed his family gave him an iPod to take with him as a gift.

Most of all Rob loved playing with his young son Will, who is now 6 years old.

Rob received his GED and then enlisted in the Army in 2003. He entered boot camp at age 23, a few years older than most of the other recruits, who were 18 or 19. Soon his fellow soldiers gave him the affectionate nickname "Pops."

The nickname didn't just refer to Rob's advanced years—Rob took on the responsibility of looking after his fellow soldiers. Both his mother and dad describe Rob as a caring person who saw his leadership skills blossom in the Army.

"He told my wife and I that he was concerned about the young guys," says his father, William.

"He wanted to be all macho on the outside but a marshmallow on the inside," Rob's mother, Mary Beth, adds. "He was just a kind person."

Marshmallow or not, Rob had the bravery befitting a soldier. Once when he called his mother from a deployment, Mary Beth could hear "ping, ping, ping" sounds over the phone. "Oh, that's just snipers shooting at us," Rob told his mother when she inquired about the noise.

"Do you want to call me back at a better time?" Mary Beth asked. "No," her son replied. "They can't hit anything anyway."

After Rob's death, William and Mary Beth received a letter from 1LT James E. Harris IV, Rob's platoon leader in Iraq, telling them just how much their son strengthened the entire unit.

"He was a rock in this storm we face daily over here," First Lieutenant Harris wrote. "It was apparent that many of the younger soldiers found calm looking up to 'their sergeant' after he lifted their spirits and encouraged them to drive on."

"More often than not I would walk away [after talking with Rob], ribs hurting from laughing so much," First Lieutenant Harris adds. "He was the morale of this platoon."

Rob had a fiance, Amanda Applegate, and they planned to marry after he left active service. Both Rob and Amanda fell in love with Jessamine County, KY, just south of Lexington, and wanted to make their home there. Rob hoped to become a Jessamine County police officer.

Rob's family held his funeral service in Lexington. The minister for the service was the same man who had baptized him, and he told the story of how the 6-foot-3 Rob had had to double over in the tank to be baptized, and his knees never got wet.

Mr. President, Rob's loved ones have my deepest sympathies on their tragic loss. We are thinking today of his son Will, his mother Mary Beth, his father William, his sister Casey, his maternal grandmother Bobbi Holst, his maternal grandfather Nicholas Reams, his fiance Amanda Applegate, and many other family members and friends. Rob was predeceased by his paternal grandparents, Mr. and Mrs. William Ehney, Sr.

Sergeant Ehney's devotion to his duty and his fellow soldiers cannot be denied. First Lieutenant Harris expressed this best in his letter to Rob's parents. This is what he had to say:

"Even though [Rob] did not pass away with his genetic family by his side, please know that his brothers were all by his side telling him they loved him and that they would carry on for him."

Referencing Shakespeare's "Henry V," First Lieutenant Harris continued, "[Rob] believed in the quote, 'We few, we happy few, we band of brothers . . . for he who sheds his blood with me today shall be my brother, and I his.'"

No words can make up for the loss that Rob's family, fellow soldiers, and dear friends have suffered. But I hope the knowledge that Rob loved those who were closest to him—his "band of brothers"—and that they loved him in return provides some relief and comfort.

This United States Senate bows to SGT Robert W. Ehney's devotion and sacrifice. And we offer our deepest gratitude to him and his family for all they have given our Nation.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### FLORIDA AND MICHIGAN DEMOCRATIC DELEGATES

Mr. NELSON of Florida. Mr. President, I have two subjects I wish to discuss for the Senate. The first is, with the dramatic events shifting as we select the nominees for President from our two great parties, we potentially have a significant train wreck that may start occurring in the Democratic Party as a result of a divisive issue of seating the Michigan and Florida delegations to the National Convention because the Florida legislature, a legislature that is controlled by the Republican Party, passed a bill that moved the Florida primary earlier than the date allowed by the Democratic National Committee. In fact, it moved it, instead of the deadline of February 5, 1 week earlier to January 29. The Democratic National Committee then stripped all of Florida's delegates to the National Convention.

Mind you, the bill that was passed was an election reform bill. While it was being deliberated in the State legislature of Florida, in fact, the Democratic leader of the State senate offered an amendment to take out January 29 and instead put it back to February 5, which would have complied with the Democratic National Committee's request and rules. That amendment by the Democratic leader of the State senate was defeated. The bill then went on to pass because it was an election reform bill having to do with the functioning of election machines in Florida, something about which we are quite sensitive in our State as a result of our electoral history.

As a result, the Democratic National Committee took great umbrage at this and instead of their rules providing that they would take away half of Florida's delegates to the National Convention, they took away all of Florida's delegates and, in fact, the first four privileged States that were allowed to have primaries or caucuses prior to February 5—namely, Iowa, New Hampshire, Nevada, and South Carolina—extracted a pledge from all the Democratic candidates for President that said they would not campaign in the State of Florida. They honored that pledge.

The election was held pursuant to State law, a law passed by the legislature and signed into law by a Governor who happens to be Republican. Because of that, Florida is being penalized by the national committee by not having any delegates.

In the meantime, the State of Michigan, under a Democratic legislature, signed into law by a Democratic Governor, moved their primary up to January 15. They had their primary January 15. Likewise, the Democratic National Committee took away their delegates to the National Convention. But the difference was that only a couple of the Presidential candidates' names were on the ballot because of a Michigan law that allows the candidates to withdraw their names from the ballot when, in fact, the Florida law does not allow that. The Florida election, on January 29, had all of the candidates on the ballot.

Here is the coming train wreck: If one of our two leading candidates does not get a majority by the time all the primaries and the caucuses are over, with the last one being the South Dakota primary on June 3, if that does not decide who is the winner of the Presidential sweepstakes of being the Democratic nominee, then we go into a period during June, July, and all the way to the end of August at the Democratic National Convention, a period of enormous uncertainty and turmoil—first of all, the turmoil of whether the superdelegates, who are generally the members of the DNC, the congressional delegations, both House and Senate, and the Governors, who are all unpledged as for whom they would vote, so they would be getting in their back rooms and deciding, and the turmoil of what to do with Florida and Michigan's delegations.

Why is this important? It is certainly important to this Senator, the senior Senator from Florida, because in fact, not only did Florida voters turn out on January 29 for the primary, they turned out in record numbers. About 1.8 million Florida Republicans turned out, and the Republican National Committee was penalizing Florida Republicans, not by taking away all of the delegates to the National Convention but by only taking away half. Over 1.7 million Florida Democrats turned out to vote, and they expressed their will.

The turmoil is what to do about the seating of the Michigan and Florida delegations. Just recently, the chairman of the Democratic National Committee, an esteemed, very distinguished former Governor of Vermont, Governor Dean, our chairman of the party, as reported in the New York Post a couple of days ago, was proffering maybe having a new caucus in Michigan and Florida as a way of selecting the delegates to the National Convention from those two States. But, Mr. President, you cannot undo an election with a caucus, and especially you cannot undo an election where 1.7 million Florida Democrats have gone to vote in a secret ballot and replace it with a caucus that maybe 50,000 people would show up. It is a basic underpinning of our democracy, and it is a basic underpinning of a constitutional right to vote and to have that vote counted.

So what do we do? I am certainly amenable for anyone who has a suggestion to get us out of the potential train wreck because the potential train wreck could well be that if the Florida and Michigan delegations are not seated at the National Convention in August, those are two key States that only 2 months thereafter would be voting on who is going to be the next President of the United States.

So with this speech, I am making a plea to all of our colleagues in the Senate and beyond to try to find an accommodation in which the right to vote and to have that vote counted can be respected, especially in the State of Florida where all of the candidates' names were on the ballot.

That is the first issue about which I wanted to talk.

### INTERNATIONAL SPACE STATION

The second issue about which I want to talk, and I want to put on my hat as the chairman of the Space Subcommittee of the Senate Commerce Committee, is the importance of the International Space Station of which the space shuttle launched yesterday successfully. And it was a magnificent launch. They are now closing in on orbit onto the International Space Station. They are taking up a European module that will be an important component of this International Space Station. This International Space Station is two football fields long—this thing is huge—about 325 miles up, orbiting the Earth at 17,500 miles per hour.

The International Space Station was created as a multibillion-dollar facility to do research internationally. One of the major experiments for which NASA has yet to find space on the space shuttle to fly and be attached to the space station is the alpha magnetic spectrometer. This is an international consortium of some 20 countries and 50 universities around the world. It is being built as we speak. It is almost completed. It is being built in Geneva, Switzerland. It is looked upon as a scientific experiment that possibly several Nobel prizes will come as a result.

But we have to get it up there, Mr. President. And the NASA Administrator, Dr. Michael Griffin, is saying: No, we don't have space on the space shuttle. This alpha magnetic spectrometer was designed to fly in the cargo bay of the space shuttle. It takes up about 25 percent of the cargo bay of one space shuttle flight. The Administrator, in detailed testimony in front of our committee, with this Senator questioning him, said he doesn't have space. He said he had a couple of contingency flights, after all the other flights are allocated.

Remember, the Administrator of NASA says his plan is to shut down the space shuttle in September of 2010—and oh, by the way, we don't have a rocket ready that can start flying thereafter. The latest estimate is there would be a 5-year gap, until 2015, in order to fly an American rocket with humans—called Aries—with a capsule called Orion.

Well, what do we do in the meantime? NASA is planning that we are going to pay for Russian Soyez vehicles. Well, what is the geopolitics going to be in the year 2011, 2012, 2013, 2014, and 2015, before we will have a human-capable rocket to get to the international space station? We are going to pay for Russian vehicles? In other words, we are going to lay off NASA employees and contractors in order to buy Russian vehicles in a geopolitical setting, and we don't even know what our relationship with Russia is going to be in the year 2011. If it isn't particularly good, what is the cost of that, or what is the ability of them to say: Nyet, we are not going to sell you a ride on a Russian Soyez vehicle. Now, that is the danger.

So NASA is going to complete the construction of the space station. It has two contingency flights. I said: Well, why are they contingent?

I asked that of Dr. Griffin, the Administrator of NASA, and he said: Well, they have additional equipment for the space station, and they have extra spare parts we want to put up.

So I said: Well, then, you mean they are not contingent.

He says: Yes, I guess you are right, they are not contingent. But he says: We don't have space to fly the alpha magnetic spectrometer.

What does this experiment do that all of these universities and all of these nations are so interested in getting it up there so they can go to work? What it does is it identifies the origin of cosmic rays, and that means it can help us understand the origin of the universe. This is not just an American experiment, this is an international experiment of countries around the world. This is a part of us wanting to understand our beginnings. This is a part of our nature, as a people, to want to explore the heavens and understand the universe.

This is an essential part of our space program, but the NASA Administrator says he doesn't have space to fly it on the space shuttle and he is going to shut down the space shuttle in September or October of 2010. He said: You will have to put it over onto an expendable rocket, and that won't be for another 5 years. And instead of it being 25 percent of the cargo bay of a space shuttle, for an additional cost of about $100 million, he is putting it over here on an expendable rocket, 5 years later, that is going to cost between $500 million and $800 million. Now, that is not a good tradeoff.

So how do we get it onto the space shuttle before they shut down the space shuttle? There are three flights where this could be done. STS-129, which is set to go in August of 2009, has two express logistics carriers. In fact, you could reconfigure that flight or another flight in July of 2010. You could reconfigure those two flights by taking some of the payloads on those express logistics carriers and creating space of 25 percent of the cargo bay and put on this critical experiment—the alpha magnetic spectrometer; or in the flight that is to go on February 2010, STS-131, you could take the integrated cargo carrier vertical light deployable and a docking cargo module, you could take that flight and you could reconfigure that integrated cargo carrier vertical light deployable and create space for the alpha magnetic spectrometer. That would allow the space shuttle to launch 8,800 pounds of these orbital replacement units, plus the ICCVLD to the international space station on the same flight as this critical experiment—the alpha magnetic spectrometer.

Now, why am I saying this? Because these are the specialists at the centers of NASA around the country who are saying this can be done. The Administrator tells our committee it can't be done, but it can. So I am making a plea. And it is not just this Senator because seated right by me is Senator KAY BAILEY HUTCHISON of Texas, during that hearing late last year, making the plea as well. In a bipartisan way, we made the plea to NASA to reconfigure those last several flights to find room for the AMS because if you don't, Dr. Griffin, if you don't, NASA, you are going to kill this experiment that has enormous support in the international scientific community, all of which is the very reason for having an international space station up there in the first place—to do scientific research.

I hope all of the management of NASA will do a recomputing. My tremendous congratulations to them. And Dr. Griffin knows I have been a supporter of his as he has turned around NASA, as he has taken very difficult times after the destruction of the last space shuttle *Columbia*, and he has brought back NASA with a professionalism that is the hallmark of NASA. The launch yesterday was another example of that professionalism, with that space shuttle closing in, as I speak, on the international space station to rendezvous, to dock, to deliver that European module, and to continue to equip that international space station to do what it was designed to do—scientific research.

Let's complete that task before the space shuttle is shut down by finding space on the manifest to fly the AMT—the alpha magnetic spectrometer.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Alabama is recognized.

### RUSSIANS HELP BUILD REACTOR

Mr. SESSIONS. Mr. President, it is great to be with my colleague, Senator NELSON. His great knowledge of space and military defense issues is very valuable to this country. He chairs the Subcommittee on Strategic Forces in the Armed Services Committee, in addition to his NASA work on the Commerce, Science and Transportation Committee. I value his leadership and expertise, and I am going to share some thoughts that dovetail nicely with one of the points he was making about U.S. reliance on Russia as a legitimate partner.

We desired and hoped as a nation that the fall of the Soviet Union would usher in a new period of cooperation with Russia. We hoped they would be a legitimate partner with us in improving both of our nations, and the world. We have the capability to create a partnership that can foster progress, prosperity, and peace in the world. But the reality is that a lot of things are happening to cause us great concern. We as a nation are going to have to face up to the fact that the Russians are not reliable. They may not be reliable as a partner in space; they certainly are not reliable in helping to contain the proliferation of nuclear weapons.

So we have some big issues facing us, and I thank the Senator from Florida for at least raising that point about space.

Let me quote from yesterday's New York Times, an article by Matthew Wald entitled: "U.S.-Backed Russian Institutes Help Iran Build Reactor." The headline alone is hard to believe.

This article begins:

> The Energy Department is subsidizing two Russian nuclear institutes that are building important parts of a reactor in Iran whose construction the United States spent years trying to stop, according to a House committee.

The article goes on:

> The institutes, both in Nizhny Novgorod, gave American officials copies of sales presentations that listed the Bushehr reactor, which Russia has agreed to fuel, as one of their projects. One institute is providing control systems, including control room equipment, and the other hundreds of pumps and ventilation fans. The Energy Department is subsidizing the institutes under the Initiatives for Proliferation Prevention, a program set up in 1994 after the collapse of the Soviet Union. The program was intended to prevent newly impoverished scientists and their institutions from selling expertise to States or terrorist groups that want nuclear weapons.

A good goal, for sure.

The article goes on:

> The United States supplements the salaries of scientists and pays overhead at those institutes, according to the House Oversight and Investigation Subcommittee. It was not immediately clear whether the Energy Department was contributing to the salaries of the very scientists involved in the Bushehr reactor project. Two Michigan Democrats—Representatives John D. Dingell, chairman of the House Committee on Energy and Commerce, and Bart Stupak, chairman of the Committee's Oversight and Investigations Subcommittee—asked that question in a letter sent on Wednesday to the Energy Secretary Samuel Bodman.

The article quotes their letter saying this:

> What policy logic justifies the Department of Energy funding Russian institutes which are providing nuclear technology to Iran?

Pretty good question. It goes on to ask this additional question:

> How does this advance our nonproliferation goals?

So I salute our House colleagues, Democratic Chairman DINGELL and Congressman STUPAK for asking these questions. The U.S. is going to have to grow up and acknowledge some things are happening within Russia that are not positive. We wish it were not so. We wish we could be in better shape with Russia today, and it is most discouraging and troubling that we are not.

I had the opportunity to visit the Nizhny Novgorod region in the early 1990s before I was a Senator. We spent about 2 weeks there living with some wonderful Russian people. It was an exceedingly informative and wonderful trip and I value the relationships we built at that time.

But the Government of Russia is on a dangerous track now, I am afraid. We might as well begin to talk about it. Congressmen DINGELL and STUPAK's letter notes that in October 2007, the National Intelligence Estimate on Iran concluded:

> Iranian entities are continuing to develop a range of technical capabilities that could be applied to producing nuclear weapons if a decision is made to do so.

If we will remember, the National Intelligence Estimate was written by a committee headed by State Department persons, not professional intelligence officers, who concluded that the Iranians were not attempting to build a nuclear bomb. But in that report they did note that Tehran is pushing forward aggressively with creating a nuclear reactor to generate electricity, despite the fact that Iran sits on an untold wealth of natural gas and oil. Also, the report buried the fact that learning how to enrich fuel for use in nuclear reactors is by far the most important step in building a nuclear bomb. If you can handle that problem, it takes you very little time to create a nuclear weapon.

Mr. DINGELL and Mr. STUPAK go on to quote Secretary of State Condoleezza Rice in 2006 saying:

> The United States faces no greater challenge from a single country than from Iran.

So the Congressmen say this in their letter to Secretary of Energy Bodman:

> Given these dire warnings, it is troubling that the Department of Energy would subsidize or otherwise support Russian entities providing technology and services to the Iranian nuclear program.

I would agree. This is not the first time this issue has been discussed. In December 21 of last year, Henry Sokolski, executive director of the Nonproliferation Policy Education Center, wrote in the Weekly Standard online that:

> Perhaps the only thing more disappointing than Moscow's shipment this week of lightly enriched uranium to fuel the power reactor in Bushehr in Iran was Bush's endorsement of it.

Mr. Sokolski quoted President Bush as saying:

> If the Russians are willing to do that, [supply the uranium,] which I support, then the Iranians do not need to learn how to enrich.

So this apparently is a continuation of a State Department tendency to excuse problems with Iran and Russia. And the President apparently was making a comment consistent with that view. The article goes on to state:

> Technically, this will only bring Tehran closer to getting a bomb. If the fuel is diverted and used as fresh feed for Iran's uranium enrichment centrifuges at Natanz it could dramatically reduce the time and effort needed to make a bomb's worth of weapons-grade highly enriched uranium.

Russia shipped 82 tons of lightly enriched uranium. At any time while it is loading the fuel, Tehran can seize it and have enough uranium to feed its centrifuges at Natanz to make up to 150 crude nuclear weapons.

Former Under Secretary of State, John Bolton, repeatedly detailed his concern over Russo-Iranian cooperation in testimony and speeches. Now that he has left the Department, it looks as though people have decided to sweep the matter under the rug.

For an illustration of how dramatically our policy as shifted since Mr. Bolton's departure, listen to this statement from a State Department press briefing in January 2003:

"We believe that President Putin shares our deep concern at the prospect of a nuclear-armed Iran. We have made clear to Russia that any further nuclear cooperation with Iran, including construction of additional power reactors, will assist directly or indirectly Iran's ambitious request for nuclear weapons."

So back in 2003, we were more alert to the danger posed by the Bushehr project, and we were stating the unvarnished facts about it. This kind of activity could only assist, directly or indirectly, Iran's ambitious quest for nuclear weapons.

The State Department spokesman went on to say:

> We underscored to Russia that an end to Russia's nuclear assistance to Iran would allow the United States and Russia to reap the full promise of our new strategic relationship, benefitting Russia economically and strategically far more than any short-term gain from construction of additional reactors or other sensitive transfers to Iran.

And then he went on to suggest and state:

> If the Russians end their sensitive cooperation with Iran, we have indicated we would be prepared to favorably consider such transfers of spent fuel back to Russia—

That now cannot be done legally without our accord—

> an arrangement worth potentially several billion U.S. dollars in revenue to Moscow.

So we had a carrot and a stick there. It looks as if it was not a very good offer because the Russians did not accept it. They completed their work at Bushehr.

Now, with regard to the question of the National Intelligence Estimate on Iran, I believe that it created the very damaging false impression that the Iranians had no interest in going forward with creating a nuclear weapon. That was the headline that the press drew out of it. The Estimate, I believe, was written and designed to create that headline. And the people who wrote it should be held to account for the misapprehension they have created.

The NIE was done by a team under Director of National Intelligence, Admiral Michael McConnell, and I guess he did review it, as did General Michael Hayden at CIA. But neither one of them personally signed it as an absolute position of the DNI or the CIA. Admiral McConnell testified about this report at a Senate Select Committee on Intelligence hearing the day before yesterday. He said this:

> If I had 'til now to think about it, I probably would change a few things.

He later added:

> I would change the way we describe the Iranian nuclear program. I would have included that there are the component parts, that the portion of it, maybe the least significant, had halted.

The portion of their nuclear weapons program that was halted was the portion which the intelligence community deemed least important; the most important part is still ongoing. I say that to say we are not in some academic exercise here. We are dealing with a rogue state, Iran, that has been determined to obtain nuclear weapons and has been working on it for years. The Iranians are receiving assistance from the Russians who, in turn, are receiving support and cooperation from us.

We are going to have to talk about this a good bit more as time goes by. But a lot of things are happening that are very troubling. As I said, I wish it were not so. For example, the Iranians tested a satellite launch vehicle earlier this week. On February 4, the Jerusalem Post reported that a successful satellite launch by the Iranians would lead to "a dramatic improvement in their missile capability." Ahmadinejad was present at the launch site and gave orders to launch the rocket himself.

This is what he said:

> Our presence in space is a necessity. Any country that respects itself should control the most advanced technology.

Does that include nuclear weapons?

> We are grateful to God for witnessing the first and determined step toward an Iranian satellite.

The Iranians are spending a lot of their money on satellites and weapons systems and even nuclear weapons. That is a fact. So we are going to have to reevaluate our relationship with Russia in light of their ongoing assistance to Iran. That is a fact. I wish that things were different. They are not.

It is worth noting that there has been a string of belligerent and unwise actions by the Russians recently.

For example, in January of 2006, they cut off natural gas supplies to the Ukraine, a deliberate act to try to pressure the Ukraine's—their former satellite.

In May of 2007, Russian cyber-attacks shut down the Internet throughout Estonia, a former Russian satellite, now independent. Estonia has no desire whatsoever to be back as a part of the Soviet Union.

In August of 2007, Russian jet fighters invaded the airspace of the Republic of Georgia and dropped a missile on Georgian territory. Georgia is a free nation with elections and a highly intelligent leadership team, many of whom were educated in the United States. They absolutely have no desire to fall under the sway of the Russians again.

But this is the way that Putin behaves. Russia has supported the Georgian separatist movement. They have actively supported anti-Western opposition in Ukraine and Kyrgyzstan. They are ramping up their military spending dramatically when there is no perceived increase in the threat to Russia. What serious argument can be suggested that Russia is under military threat? From the EU? We cannot even get the EU to pull the trigger in Afghanistan.

Some of them will not even carry guns. They are not threatening Russia.

In the summer of 2007, Russia started bomber flights outside its territory encroaching on the airspace of the United Kingdom, Norway, and Guam. In September of 2007, Russia loudly announced the test of a superstrength conventional bomb. In October of 2007, Putin announced a "grandiose plan" to restore Russia's Armed Forces and develop new nuclear weapons. While we are dramatically reducing the number of nuclear weapons in our country, they are developing brand new weapons and testing missiles to evade U.S. missile defenses.

What about their relationship with Iran? Putin visited Iran in October and pledged enhanced Russian-Iranian cooperation, including on nuclear energy. Russia resumed work on the Bushehr reactor and provided Iran with enriched uranium to fuel it. Moscow also conducted major arms sales with Iran, China, Syria, and Venezuela, including fighter aircraft and antiaircraft missiles. With the Chinese, Russia has used the threat of a veto to water down and block meaningful U.N. action on Iran's illicit nuclear program.

One of the oddest Russian behaviors is their decision to trump up an issue over our perfectly legitimate and reasonable decision to build a missile defense system in Poland and the Czech Republic. Putin says that our decision to go forward with this project is a tremendous threat to Russia, but there will only be ten defensive missiles stationed there. The interceptors are not designed in any way to defeat a Russian attack, which would involve hundreds of nuclear weapons. But, no, they are trumping up a dispute between the United States and Europe and Russia over this. Some say it is for domestic political consumption to help Putin consolidate his power. Whatever the reason, it is not healthy. This Nation has to wake up and be able to understand that Russia, fueled by all this new oil money and an increasingly autocratic regime under Mr. Putin, is not a healthy partner. We have to ask some real questions. Are they going to be a legitimate partner for a better world?

This article in yesterday's New York Times was very troubling to me and represents another example of confused thinking that may exist within the bowels of our Government regarding our relationship with Russia and with Iran. We have to be realistic and honest and accept the fact that things are not going well, that in many ways Russian activity grows darker and darker and less and less positive. They continue to expand their relationships with rogue states and bad actors, and frustrate the legitimate actions of the developing world to create a more prosperous economy and more peaceful world. We will probably talk about this more as time goes by. We might as well start right now, questioning how reliable Russia is as a partner.

Should we be participating in space programs with the Russians? Frankly, it has cost us more than we have gained from their assistance, experts say. So this partnership has mainly been a good way for the Russians to gain insight into our technologies, but it has not been an advantage to our space program. If we don't watch it, we will be dependent on them in a way that can keep us from following through on our goals for space.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### WATERBOARDING

Mr. SESSIONS. Madam President, I would like to take a moment to try to clarify an issue that has caused a lot of concern for years now. It has now come to a conclusion, and I am glad it has. I am glad to learn waterboarding has not been used but three times by our country and has not been used in almost 5 years. From the reports and statements made by Members of Congress and extreme groups around the world, one would think we have had a systematic effort to waterboard people and otherwise torture and abuse them. Only one prisoner has died since they have been in U.S. custody since the beginning of the war on terror. We treat them very well. I have been to Guantanamo Bay on more than one occasion.

I have seen how interviews are conducted. So have large numbers of our body.

As I indicated in earlier remarks, we wish the world were safer than it is. Unfortunately, it is not as safe as we would like. Those of us sitting comfortably at home forget the real threats out there. We tend to forget there are determined groups who want to attack the United States as they did on 9/11 and kill our people. This is an unpleasant task. When confronted on the battlefield, in Iraq, in Afghanistan, we shoot them and we kill them and we drop bombs on them and we kill them because these are life-and-death matters that Congress has authorized. I wish that were not necessary. I know it is a failure of us in some form or fashion. But as a practical person, we know no other alternative than to defend ourselves. We are required to do that.

I was reading an article from the Mr. R. Emmett Tyrrell, Jr., in the Washington Times today. He talks about what Admiral McConnell, the Director of National Intelligence, said a few days ago in hearings. Director McConnell said:

> The number of terrorist attacks and deaths were greater than in the past six years combined.

He was talking about the battle for Pakistan and its survival.

The article states:

> Another [statement] from Mr. MCCONNELL . . . is that al Qaeda plans more attacks against the United States and was working on a plan for attacking the White House as recently as 2006. Homegrown al Qaeda cells here have been primitive, but Mr. MCCONNELL registered his concern that new, more sophisticated cells might threaten us domestically in the years ahead.

And that is a fair summary, I think, of Admiral McConnell's comments.

Since we have now openly talked about the waterboarding question, and Members of Congress and the public have now gotten the information, I think we need to make sure we know exactly how those three occurrences developed.

The first thing we know is it worked. I hate to say, it worked. No. 2, the Agency—only the CIA used waterboarding; never the U.S. military, never the Department of Defense; not in Iraq, not in Afghanistan—it was never utilized by our military, but the Central Intelligence Agency on three occasions since September 11.

As the article says, they utilized it only on those:

> [T]error leaders who have posed the utmost threat to our [national] security, Abd al-Rahim al-Nashiri, [who was the] mastermind of [the] attack on our warship the USS *Cole* in a neutral port.

We had hearings in the Armed Services Committee, of which I am a member, about that dastardly attack. And I remember about a year after the *Cole* was attacked—where we had 18 American sailors killed by this vicious attack; and it could have been a lot more—the Navy commissioned a ship down at Norfolk, VA; and as we walked out of the ceremony, a young sailor hollered out—and it still makes my hair stand up—"Remember the *Cole*."

Well, we got the perpetrator, and justice was done.

> Abu Zubaydah, [who was] the brains behind the thwarted millennium attacks—

That we were able to block—

> and Khalid Sheikh Mohammed, who directed September 11. . . .

The attacks on September 11. KSM, that is his name now for the professionals, Khalid Sheikh Mohammed.

So I believe the Attorney General of the United States, after researching this matter carefully, and after our intelligence agencies gave it thoughtful review, concluded we do not need to have waterboarding now, that these three instances were justified.

Attorney General Mukasey, a former Federal judge—approved overwhelmingly by the Senate—was asked to make an opinion on waterboarding. He said he believed those actions were justified under those circumstances, and he would not say we would never ever do it again in the future. He said circumstances would determine how you handle those kinds of situations.

Let me note, again, for a lot of people, these are not honest and legitimate soldiers of a nation state. The people who are subjected to this procedure are persons who are unlawful combatants. They are persons who do not fight according to the rules of war, and they do not wear uniforms. They deliberately attack civilian personnel. They do it through subterfuge and violence, and their goals are outside all rules of warfare. Until some recent cases, they were clearly considered not to be provided any protections under the Geneva Conventions.

So I will say, Madam President, we hate to talk about these things. We wish we did not face the kind of threats from the diabolical terrorists that we do. We wish we did not have to go to war and shoot and kill many of them. But we, as a nation—the Congress; both parties—have authorized that activity. We fund that activity. Our soldiers are out there putting their lives on the line at this very moment to execute that policy, placing themselves in harm's way.

I am glad the Attorney General has reviewed it carefully. I am glad he is able to say waterboarding was utilized only three times, that it had not been used in 5 years. But I am glad he also said he would not say it would never be done again. This would be unwise advice to the enemy we face.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk pursuant to the order relative to S. 2248.

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2248, the FISA bill.
>
> Harry Reid, Charles E. Schumer, Sherrod Brown, Daniel K. Akaka, Jeff Bingaman, Thomas R. Carper, Ken Salazar, Sheldon Whitehouse, John D. Rockefeller IV, Richard Durbin, Bill Nelson, Debbie Stabenow, Robert P. Casey, Jr., E. Benjamin Nelson, Evan Bayh, Daniel K. Inouye.

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote occur upon disposition of the remaining amendments pursuant to the previous order and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### ALABAMA BLUE RIBBON SCHOOLS

• Mr. SESSIONS. Madam President, I would like for my colleagues to join me in congratulating Forest Avenue Academic Magnet Elementary School in Montgomery, AL, which has been named a No Child Left Behind Blue Ribbon School of 2007. I recently met with principal Jan Hill and teachers Jennifer Rodopoulos and Gina Thomase from Forest Avenue, and I thoroughly enjoyed the opportunity to talk with them about education and this great achievement. Blue Ribbon Schools are selected because they are showing dramatic achievement gains in working with students from disadvantaged backgrounds or they are in the top 10 percent of their State on State tests. This is a remarkable accomplishment, and I applaud the hard work principal Jan Hill and the many other hardworking faculty and staff have done to receive this high honor. I know that the lives of students at these schools are being changed.

Madam President, I would like for my colleagues to join me in congratulating K.J. Clark School of Mathematics, Science, and Technology in Mobile, AL, which has been named a No Child Left Behind Blue Ribbon School of 2007. Blue Ribbon Schools are selected because they are showing dramatic achievement gains in working with students from disadvantaged backgrounds or they are in the top 10 percent of their State on State tests. This is a remarkable accomplishment, and I applaud the hard work principal Dianne McWain and the many hardworking faculty and staff members have done to receive this high honor. I know that the lives of students at these schools are being changed.

Madam President, I would like for my colleagues to join me in congratulating Virgil I. Grissom High School in Huntsville, AL, which has been named a No Child Left Behind Blue Ribbon School of 2007. Blue Ribbon Schools are selected because they are showing dramatic achievement gains in working with students from disadvantaged backgrounds or they are in the top 10 percent of their State on State tests. This is a remarkable accomplishment, and I applaud the hard work principal B.T. Drake and the many hard-working faculty and staff members have done to receive this high honor. I know that the lives of students at these schools are being changed.•

## TRIBUTE TO DR. KATHERINE MITCHELL

• Mr. SESSIONS. Madam President, I come today to honor one of the great educational leaders of our time: Dr. Katherine Mitchell of Alabama. Dr. Mitchell is nationally acclaimed for her work in developing the Alabama Reading Initiative, ARI. This scientifically based program has not only been of tremendous benefit to students and teachers in Alabama but also in many other States that have modeled their State reading initiatives after ours. I firmly believe that Dr. Mitchell's work will prove to be seen as resulting in the most dramatic improvements in student learning in the last 50 years. Recently, the National Association of Educational Progress, NAEP, test scores were released, showing Alabama to be No. 1 in reading improvement for the fourth grade. Between 2005 and 2007, Alabama's fourth graders made a significant gain of eight points in fourth grade reading. That is the highest gain in the Nation. I must also point out that a number of the States that are right behind Alabama in reading gains are States such as Massachusetts and Florida that have both modeled State reading initiatives after the Alabama Reading Initiative.

I have spoken with Secretary of Education Margaret Spellings many times about Dr. Mitchell's work and the great things happening in Alabama, and she is ecstatic about the innovative ways Dr. Mitchell and her fabulous team have changed education in Alabama and across the country. I am always impressed with Dr. Mitchell's enthusiasm for her work, and her strong desire to motivate and inspire educators wherever she goes. She is a rare and admirable person, and I applaud the many ways she has touched the lives of children and families around the world throughout her life.

It is important to say, and not inappropriate, that Dr. Mitchell is a woman of sincere and strong religious faith and that she has felt that her service is a calling by God. Such a conviction, it is plain to see, has given power to her insight for improving education. An active member of Frazer Memorial United Methodist Church, pastored by the wonderful John Ed Mathison, she is involved in so many good activities, while receiving inspiration that drives her work. I am sorry to say that Dr. Mitchell is retiring from her position at the Alabama State Department of Education, and I know that this will be a great loss for the State. However, I know Dr. Mitchell too well to ever think that she will be less busy in retirement—she has far too much energy and too much to offer. I look forward to hearing about Dr. Mitchell's ongoing contributions to our Nation with her expertise in education, and I am so thankful that Alabama's students, and America's students, will benefit for years to come from her investment in a program that teaches children how to read.

Thank you, Dr. Mitchell, for your service. Your shoes cannot be filled, I am sure of it, but I am also sure that the team you have so carefully trained will continue to carry on your vision with the same commitment and passion that you have so admirably displayed.•

## MESSAGE FROM THE HOUSE

### ENROLLED BILL SIGNED

At 9:33 a.m. a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5140. An act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

The message was subsequently signed by the President pro tempore (Mr. BYRD).

At 11:16 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4848. An act to extend for one year parity in the application of certain limits to mental health benefits, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 283. Concurrent resolution calling for a peaceful resolution to the current electoral crisis in Kenya.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming FHA loan limits.

## ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 3541. An act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4848. An act to extend for one year parity in the application of certain limits to mental health benefits, and for other purposes; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 283. Concurrent resolution calling for a peaceful resolution to the current electoral crisis in Kenya; to the Committee on Foreign Relations.

## MEASURES DISCHARGED

Pursuant to the order of May 27, 1988, the following measure was discharged from the Committee on Banking, Housing, and Urban Affairs, and placed on the calendar:

S. 2062. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996, to reauthorize that Act, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2616. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

S. 2619. A bill to protect innocent Americans from violent crime in national parks.

S. 2615. A bill to extend the Protect America Act of 2007 for 15 days.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

**accompanying papers, reports, and documents, and were referred as indicated:**

EC-5023. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Wood Packaging Material; Treatment Modification" (Docket No. APHIS-2006-0129) received on February 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5024. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing and Revision of Form D" (RIN3235-AJ87) received on February 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5025. A communication from the Secretary of Energy, transmitting, pursuant to law, a report detailing a plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program; to the Committee on Energy and Natural Resources.

EC-5026. A communication from the Deputy Director, Defense Security Cooperation Agency, transmitting, pursuant to law, a report relative to services provided by certain full-time government employees during fiscal year 2007; to the Committee on Foreign Relations.

EC-5027. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of General Counsel, received on January 31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5028. A communication from the Assistant General Counsel for Regulatory Services, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Measuring Educational Gain in the National Reporting System for Adult Education" (RIN1830-ZA06) received on February 7, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5029. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-261, "Frank Harris, Jr. Justice Amendment Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5030. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-260, "Effi Slaughter Barry HIV/AIDS Initiative Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5031. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-259, "Health Services Planning Program Amendment Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5032. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-258, "Appointment of the Chief Medical Examiner Amendment Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5033. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-257, "Enhanced Professional Security Amendment Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5034. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-256, "Bicycle Registration Reform Amendment Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5035. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-265, "Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5036. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-264, "Closing of a Public Alley in Square 696, S.O. 07-8302, Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5037. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-263, "Tregaron Conservancy Tax Exemption and Relief Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5038. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-262, "Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Approval Amendment Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5039. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-271, "Public Education Personnel Reform Amendment Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5040. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-275, "Constitution Square Economic Development Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5041. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-274, "Wax Museum Project Tax Abatement Allocation Modification Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5042. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-273, "District Funds Reserved Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5043. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-272, "Small Business Commercial Property Tax Relief Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5044. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-276, "Presidential Primary Ballot Access Temporary Amendment Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5045. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-277, "Child Support Compliance Amendment Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs .

EC-5046. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-279, "Downtown Retail TIF Amendment Act of 2008" received on February 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

**The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:**

By Mr. SALAZAR:

S. 2613. A bill to amend title 10, United States Code, to require the Secretary of the Treasury to transfer certain amounts to the State of Colorado, and for other purposes; to the Committee on Armed Services.

By Mr. BARRASSO:

S. 2614. A bill to facilitate the development, demonstration, and implementation of technology for the use in removing carbon dioxide and other greenhouse gases from the atmosphere; to the Committee on Environment and Public Works.

By Mr. REID:

S. 2615. A bill to extend the Protect America Act of 2007 for 15 days; read the first time.

By Mr. BINGAMAN:

S. 2616. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; read the first time.

By Mr. AKAKA (for himself, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. WEBB, Mr. TESTER, Mr. CRAIG, and Mr. ISAKSON):

S. 2617. A bill to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR (for herself, Mr. ISAKSON, Mr. BROWN, Ms. COLLINS, Mr. COLEMAN, and Mr. HARKIN):

S. 2618. A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COBURN:

S. 2619. A bill to protect innocent Americans from violent crime in national parks; read the first time.

By Mr. ROCKEFELLER (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, and Ms. STABENOW):

S. 2620. A bill to provide for a temporary increase of the Federal medical assistance percentage under the Medicaid program, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mr. BENNETT):

S. Con. Res. 67. A concurrent resolution establishing the Joint Congressional Committee on Inaugural Ceremonies; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mr. BENNETT):

S. Con. Res. 68. A concurrent resolution authorizing the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies; considered and agreed to.

## ADDITIONAL COSPONSORS

### S. 186

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

### S. 694

At the request of Mr. SUNUNU, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

### S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

### S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

### S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Maryland (Mr. CARDIN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

### S. 2133

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2133, a bill to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, and for other purposes.

### S. 2372

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

### S. 2401

At the request of Ms. CANTWELL, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2401, a bill to amend the Internal Revenue Code of 1986 to allow a refund of motor fuel excise taxes for the actual off-highway use of certain mobile machinery vehicles.

### S. 2421

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2421, a bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated.

### S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

### S. 2549

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 2549, a bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes.

### S. 2586

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2586, a bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States.

### S. 2596

At the request of Mr. DEMINT, the names of the Senator from North Carolina (Mr. BURR), the Senator from Missouri (Mr. BOND) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2596, a bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

### S. 2602

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 2602, a bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008, to terminate the authority of the Secretary of the Treasury to deduct amounts from certain States.

At the request of Mr. SALAZAR, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2602, supra.

### S. RES. 439

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 439, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SALAZAR:

S. 2613. A bill to amend title 10, United States Code, to require the Secretary of the Treasury to transfer certain amounts to the State of Colorado, and for other purposes; to the Committee on Armed Services.

Mr. SALAZAR. Mr. President, I rise today to introduce legislation—a companion bill will be introduced in the House by my colleague Representative SALAZAR—to ensure that the communities in northwestern Colorado most affected by the enormous recent increase in oil and gas drilling activities, especially those in Garfield and Rio Blanco Counties, immediately receive their fair share of the surplus funds from the Anvil Points cleanup fund. Our legislation will direct Colorado's share of those surplus funds to land, water and wildlife protection and conservation efforts, and for repair, maintenance and construction of roads and other infrastructure affected by oil and gas development in those counties.

Under the Transfer Act, Public Law 105–85, Colorado has not and will not receive any of the leasing revenues from oil and gas production on former Naval Oil Shale Reserve land until cleanup of the Anvil Points Superfund Site is complete. Normally these substantial revenues would be shared 50-50 between the State and Federal government under the Mineral Leasing Act. Today the trust fund set aside for the cleanup of Anvil Points is in surplus, and that surplus currently amounts to approximately $66.5 million. The Salazar-Salazar legislation amends the Transfer Act to immediately release Colorado's share of the surplus funds to Western Slope communities to mitigate development impacts in and around the former Naval Oil Shale Reserve in Garfield and Rio Blanco Counties.

The Anvil Points trust fund currently accrues approximately $1.5 million per month.

Under this legislation half of those incoming funds will go to Garfield and Rio Blanco Counties and half will go to the Federal Government. After the cleanup of the Anvil Points site is complete and the Secretary of the Interior certifies that the Federal Government has collected enough money to pay for the cleanup, the Anvil Points trust fund will cease to exist and oil and gas leasing revenues from the area will be divided 50-50 between the State of Colorado and the Federal Government.

The oil and gas industry provides Colorado with much-needed revenue that enables our State to flourish. We must ensure that some of those revenues go back to the communities from which they originated. Our bill will ensure that the oil and gas industry does not leave the counties of Garfield and Rio Blanco looking like a spoiled moonscape but instead allows the watersheds and wildlife there to prosper and continue to be a haven for sportsmen and recreationists from across Colorado.

Yesterday, I along with Congressmen MARK UDALL and JOHN SALAZAR also introduced legislation that repeals the eleventh-hour money grab by the Federal Government in last year's omnibus appropriations bill that would reduce from 50 percent to 48 percent the share of total royalties paid to Colorado and other States. The core underlying principle of the Mineral Leasing Act—that our Nation and our States share equal claim of our precious mineral resources—should be maintained. Our bill restores each State's share to its full, coequal 50 percent of mineral leasing revenues.

Together these bills restore Colorado's share of oil and gas leasing revenue to its full 50 percent. With respect to the excess funds now held by the Federal Government for the cleanup of Anvil Points, our legislation will direct Colorado's share of those surplus dollars to land and water conservation, wildlife protection, and roads and other infrastructure affected by oil and gas development in the local communities most affected by these activities.

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By Mr. BARRASSO:

S. 2614. A bill to facilitate the development, demonstration, and implementation of technology for the use in removing carbon dioxide and other greenhouse gases from the atmosphere; to the Committee on Environment and Public Works.

Mr. BARRASSO. Mr. President, I rise today to speak on legislation I am introducing to address climate change.

Today, I am introducing legislation to address a major technological challenge that faces all of us. It is the challenge of how to solve the problem of the warming of our planet. This bill is called the Greenhouse Gas Emission Atmospheric Removal Act, or the GEAR Act.

Members of this body have discussed various proposals to regulate the output of greenhouse gases. Some advocate doing it through a cap and trade approach. Others have advocated a tax on carbon.

Such proposals are aimed at limiting future carbon output into the atmosphere. Many proposals have been introduced and debated using this approach of dealing with our carbon output. Overlooked in the debate are the greenhouse gases that are currently in the atmosphere.

The best science tells us that the greenhouse gases already in the atmosphere are the gases that are causing the warming of our planet. To what extent, we are not certain. So let us resolve to find a way to remove the excess greenhouse gases that are already in the atmosphere. Remove them, and permanently sequester them.

To accomplish this goal, we are, as a Nation, going to need to make a significant investment to develop the technology. The approach my legislation takes to address this is through a series of financial prizes where we set the technological goals and also define the outcomes we demand.

The first researchers to meet the criteria would receive not only Federal funds, but also international acclaim. The prizes would be determined by a Federal commission under the Department of Energy. The commission would be composed of climate scientists, physicists, chemists, engineers, business managers, and economists. The commission would be appointed by the President with the advice and consent of the Senate.

The awards would go to those, both public and private, who would achieve milestones in developing and applying technology. Technology that could significantly help to slow or reverse the accumulation of greenhouse gases in the atmosphere. The greenhouse gases would have to be permanently sequestered. Sequestered in a manner that would be without significant harmful effects.

This is how it would work. There would be four different levels of prizes. The first level award would go to the public or private entity that could first demonstrate a design for a successful technology that could remove and permanently sequester greenhouse gases. Second, there would be a prize for a lab scale demonstration project of the technology that accomplishes the same thing. Third, there would be an award for demonstrating the technology to remove and permanently sequester greenhouse gases that is operational at a larger, working model scale. Finally, there would be an award for whoever could demonstrate the technology to remove and permanently sequester greenhouse gases on a commercially viable scale.

There you have it—four different levels of development. First for designing the technology, then for a lab scale demonstration of the technology, then for a larger working model, and then finally, the proven use of the technology on a commercially viable scale. Once the technology is developed, the United States would share intellectual property rights to the technology with whoever invented it. This bill, as drafted, does not include a specific dollar amount for each prize. Instead, it authorizes such sums as may be necessary.

The commission will be directed to report to Congress 1 year after enactment of the law. The commission will recommend the levels of funding that would be necessary to achieve the goals of this act.

I believe prizes can be a unique tool in creating technological development. It only seems natural that if we get all the best scientific minds thinking about the same problem, we significantly enhance our chances of solving it.

Historically, prizes have been used to spur all types of technological development to solve big problems. In 1714, the British government offered the first prize of this type for a device capable of accurately measuring longitude. John Harrison, a clock maker, was awarded 20,000 pounds for designing an accurate and durable chronometer 59 years later. This transformed our ability to sail the seas.

In 1775, the French offered a 100,000-franc prize resulting in an artificial form of alkali being produced. In 1810, the first vacuum sealed food was produced by Nicolas Appert, after 15 years of experimentation, driven by a 12,000-franc prize offered by Napoleon. Today, vacuum sealing is still used throughout the world.

In 1909 the first flight across the English Channel was spurred by a prize offered by a newspaper. Charles Lindbergh was competing for the Orteig prize offered by the wealthy hotel owner Raymond Orteig, when he flew in the *Spirit of St. Louis* nonstop from New York to Paris in 1927. The achievement spawned a $300 billion aviation industry.

The British Spitfire, the fighter plane that won the Battle of Britain, was developed as a result of the Schneider trophy, a series of prizes for technological development.

More recent examples include the creation of the X Prize Foundation, which gives multimillion dollar awards to the first team to achieve specific goals. The X Prize Foundation began a revolution in private space flight with the $10 million Ansari X Prize.

On October 4, 2004, the Mojave Aerospace Ventures team, led by famed aircraft designer Bert Rutan and financed by Microsoft cofounder Paul Allen, captured the Ansari X prize for the historic space flight of *Space Ship One* to space and back, twice within 2 weeks. *Space Ship One* is now hanging in the Smithsonian National Air and Space Museum.

The U.S. Government also offers prizes through NASA's Centennial Challenges program. According to NASA, the awards are made based on actual achievements, not just proposals. The Centennial Challenges seek novel solutions to NASA's mission challenges from non-traditional sources of innovation in our universities, in industry, and from the public.

Most recently, Sir Richard Branson and former Vice President Al Gore announced the Virgin Earth Challenge, a $25 million global science and technology prize. The prize was established to encourage a viable technology, which will result in the removal of at least 1 billion tons of atmospheric carbon dioxide per year for 10 years.

It is my hope and my goal that this legislation will foster the kind of solutions we need to address the concerns about climate change. What I am proposing is that we take a new look at climate change. With that new look, our solution will be based on removing excess greenhouse gases that are already in the atmosphere.

We must think anew, and we must act anew. That sentence, "we must think anew and we must act anew," is engraved on a scenic overlook along Interstate 80 between Cheyenne and Laramie, WY. It is engraved on the pedestal that holds a large-size bust of Abraham Lincoln. Lincoln was the one to have the vision for the Transcontinental Railroad. It is now time for us, as Americans, to think anew and act anew about the issue of climate change and controlling greenhouse gases.

Americans have always looked within ourselves for solutions. We have always had confidence in American ingenuity and American creativity to deal with the challenges of the future. Yes, we want to protect our environment, and yes, we want a strong economy. The way to have both is by thinking anew and acting anew.

It is time to use our untapped human potential and American spirit to develop the technological solutions we need. It is now time for the U.S. Senate and for Congress to find a solution to global climate change, not through limits but through imagination, innovation, and invention.

I look forward to working with each and every one of you on achieving this goal.

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By Mr. REID:

S. 2615. A bill to extend the Protect America Act of 2007 for 15 days; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2615

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. 15-DAY EXTENSION OF THE PROTECT AMERICA ACT OF 2007.**

Section 6(c) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking "195 days" and inserting "210 days".

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By Mr. AKAKA (for himself, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. WEBB, Mr. TESTER, Mr. CRAIG, and Mr. ISAKSON):

S. 2617. A bill to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President today, as Chairman of the Senate Committee on Veterans' Affairs, I introduce the Veterans' Compensation Cost-of-Living Adjustment Act of 2008. This measure would direct the Secretary of Veterans Affairs to increase, effective December 1, 2008, the rates of veterans' compensation to keep pace with the rising cost-of-living in this country. The rate adjustment is equal to that provided on an annual basis to Social Security recipients and is based on the Consumer Price Index.

Several of my colleagues on the Committee on Veterans' Affairs, including Ranking Member BURR, and Senators ROCKEFELLER, MURRAY, OBAMA, SANDERS, BROWN, WEBB, TESTER, CRAIG, and ISAKSON join me in introducing this important legislation. I appreciate their continued support of our Nation's veterans.

Congress regularly enacts an annual cost-of-living adjustment for veterans' compensation in order to ensure that inflation does not erode the purchasing power of the veterans and their families who depend upon this income to meet their daily needs. This past year Congress passed, and the President signed into law, Public Law 110–111, which resulted in a COLA increase of 2.3 percent for 2008. The 2009 projected COLA increase is 2.5 percent.

The COLA affects, among other benefits, veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. Many of the more than 3 million recipients of those benefits depend upon these tax-free payments not only to provide for their own basic needs, but those of their spouses and children as well. Without an annual COLA increase, these veterans and their families would see the value of their hard-earned benefits slowly diminish, and we, as a Congress, would be neglecting our duty to ensure that those who sacrificed so much for this country receive the benefits and services to which they are entitled.

It is important that we view veterans' compensation, including the annual COLA, and indeed all benefits earned by veterans, as a continuing cost of war. It is clear that the ongoing conflicts in Iraq and Afghanistan will continue to result in injuries and disabilities that will yield an increase in claims for compensation. Currently, there are more than 2.8 million veterans in receipt of VA disability compensation.

Disbursement of disability compensation to our Nation's veterans constitutes one of the central missions of the Department of Veterans Affairs. It is a necessary measure of appreciation afforded to those veterans whose lives were forever altered by their service to this country.

I urge our colleagues to support passage of this COLA increase. I also ask our colleagues for their continued support for our Nation's veterans.

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## SUBMITTED RESOLUTIONS

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### SENATE CONCURRENT RESOLUTION 67—ESTABLISHING THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mrs. FEINSTEIN (for herself and Mr. BENNETT) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 67

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.**

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the "joint committee"), consisting of 3 Senators and 3 Members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States.

**SEC. 2. SUPPORT OF THE JOINT COMMITTEE.**

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of the departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

## SENATE CONCURRENT RESOLUTION 68—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL BY THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mrs. FEINSTEIN (for herself and Mr. Bennett) submitted the following concurrent resolution; which was considered and agreed to:

S. Con. Res. 68

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL BY THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES.**

The rotunda of the United States Capitol is authorized to be used on January 20, 2009, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

## URGING THE INTERNATIONAL COMMUNITY TO PROVIDE THE UNITED NATIONS-AFRICAN UNION MISSION IN SUDAN WITH ESSENTIAL TACTICAL AND UTILITY HELICOPTERS

Mr. REID. Madam President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration and the Senate now proceed to S. Res. 432.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 432) urging the international community to provide the United Nations-African Union Mission in Sudan with essential tactical and utility helicopters.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BIDEN. Madam President, today, the Senate considers S. Res. 432, a bipartisan resolution on Darfur cosponsored by myself, Senator Lugar, and a number of other colleagues. This resolution urges the members of the international community, including the United States, to step up to fill a critical need in equipping the joint United Nations-African Union peacekeeping force, namely, 24 tactical and utility helicopters.

Secretary General Ban Ki-moon has termed these aerial vehicles indispensable to allow the peacekeepers to carry out their mission to protect civilians. I am pleased to see that several countries may now be volunteering to begin to fill this gap. According to press reports, the governments of Ethiopia and Bangladesh are discussing the matter with the United Nations, and I hope that their contributions can be used to help meet this urgent need.

While I want to acknowledge these potential contributions, I would also emphasize that other countries must do the same: the peacekeepers in Darfur need the full complement of 24 helicopters. Darfur is the size of Texas. These aerial assets are critical. Our resolution urges President Bush to personally contact other heads of state on this matter. I have been told that senior officials at the White House and State Department are continuing to engage in high-level outreach on this issue. I respectfully suggest that this outreach should be elevated to conversations among chiefs of state. The United States has led the world in efforts to provide assistance to the people of Darfur. Personally, I believe that we should also lead the world now in providing the equipment or personnel that are needed to ensure the success of the peacekeeping mission. Certainly, collectively, members of the United Nations should do so.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this matter be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 432) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 432

Whereas, on August 30, 2006, the United Nations Security Council approved United Nations Security Council Resolution 1706, providing that the existing United Nations Mission in Sudan (UNMIS) "shall take over from [the African Mission in Sudan (AMIS)] responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006";

Whereas, on July 31, 2007, the United Nations Security Council approved United Nations Security Council Resolution 1769 reaffirming Resolution 1706 and stating that the Security Council "[d]ecides . . . to authorise and mandate the establishment . . . of an AU/UN Hybrid operation in Darfur (UNAMID) . . . [and] [d]ecides that UNAMID, which shall incorporate AMIS personnel and the UN Heavy and Light Support Packages to AMIS, shall consist of up to 19,555 military personnel, including 360 military observers and liaison officers, and an appropriate civilian component including up to 3,772 police personnel and 19 formed police units comprising up to 140 personnel each";

Whereas, on December 31, 2007, the United Nations-African Union hybrid mission formally assumed control of peacekeeping operations in Darfur, but did so with only approximately 9,000 troops and police on the ground, far short of both the authorized and necessary levels;

Whereas the Government of Sudan continues to obstruct implementation of Security Council Resolutions 1706 and 1769 in several respects, including by refusing to conclude a Status of Forces Agreement or to cooperate on issues such as the force composition, the authorization of night flights, customs clearance, land access, and visas for staff;

Whereas, on January 7, 2008, uniformed elements of the army of Sudan attacked a clearly marked UNAMID supply convoy, severely wounding a Sudanese civilian driver;

Whereas rebels, militias, government forces, bandits, and others continue to prey upon the people of Darfur and upon humanitarian workers, increasing the urgency of both deploying the full complement of peacekeepers and police and of reaching a lasting political settlement;

Whereas the preliminary results of a United Nations assessment entitled the "Food Security and Nutrition Assessment of the Conflict-Affected Population of Darfur (August/September 2007)" reveal that global acute malnutrition in Darfur increased in 2007, exceeding emergency levels in some regions;

Whereas the United Nations-African Union Mission in Sudan has been hampered not only by obstruction by the Government of Sudan and other obstacles to peace in the region, but by the failure of the international community to commit the resources, equipment, and personnel needed to carry out the peacekeeping mission, most notably the failure to provide critically needed aviation and transportation assets;

Whereas the United Nations-African Union Mission in Sudan needs, among other critical mobility capabilities that have not been met, 18 utility helicopters and 6 tactical helicopters and crews;

Whereas, in a report to the Security Council dated December 24, 2007, the Secretary-General termed these helicopters indispensable and stated that "UNAMID must be capable of rapid mobility over large distances, especially over terrain where roads are the exception. Without the missing helicopters, this mobility—a fundamental requirement for the implementation of the UNAMID mandate—will not be possible.";

Whereas a large number of countries possess the military assets that could help to fulfill this requirement;

Whereas the United States continues to lead the world in its contributions to efforts to end the genocide in Darfur, including by providing more than $4,500,000,000 since 2004 in response to the Darfur crisis;

Whereas continued failure on the part of the international community to take all steps necessary to generate, deploy, and maintain an effective United Nations-African Union hybrid peacekeeping force will result in the continued loss of life and further degradation of humanitarian infrastructure in Darfur; and

Whereas it would be inexcusable for the international community to allow an authorized peacekeeping mission intended to help bring an end to genocide and its effects to founder or be compromised because of a failure to commit critical elements, such as the 24 helicopters needed to meet the critical mobility capabilities of the United Nations-African Union Mission in Sudan: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the members of the international community, including the United States, that possess the capability to provide the tactical and utility helicopters needed for the United Nations-African Union peacekeeping mission in Darfur to do so as soon as possible; and

(2) urges the President to intervene personally by contacting other heads of state and asking them to contribute the aircraft and crews for the Darfur mission.

## ESTABLISHING THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

## AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL BY THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. REID. Madam President, I ask unanimous consent that it be in order for the Senate to consider, en bloc, two concurrent resolutions, S. Con. Res. 67 and S. Con. Res. 68, both relating to the Joint Congressional Committee on Inaugural Ceremonies.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 67) establishing the Joint Congressional Committee on Inaugural Ceremonies.

A concurrent resolution (S. Con. Res. 68) authorizing the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies.

There being no objection, the Senate proceeded to consider the concurrent resolutions en bloc.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolutions be agreed to en bloc, the motions to reconsider be laid upon the table, and that any statements relating to the matters be printed in the RECORD as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolutions (S. Con. Res. 67 and S. Con. Res. 68) were agreed to, as follows:

S. CON. RES. 67

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.**

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the "joint committee"), consisting of 3 Senators and 3 Members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States.

**SEC. 2. SUPPORT OF THE JOINT COMMITTEE.**

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of the departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

S. CON. RES. 68

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL BY THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES.**

The rotunda of the United States Capitol is authorized to be used on January 20, 2009, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

## RECOGNIZING THE 50TH ANNIVERSARY OF THE NATIONAL ACADEMY OF RECORDING ARTS AND SCIENCES

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 273, and the Senate proceed to the measure.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 273) recognizing the 50th anniversary of the National Academy of Recording Arts and Sciences.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, that there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 273) was agreed to.

The preamble was agreed to.

## MEASURES READ THE FIRST TIME—S. 2615, S. 2616, and S. 2619

Mr. REID. Madam President, it is my understanding that there are three bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The bill clerk read as follows:

A bill (S. 2615) to extend the Protect America Act of 2007 for 15 days.

A bill (S. 2616) to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

A bill (S. 2619) to protect innocent Americans from violent crime in national parks.

Mr. REID. Madam President, I now ask for a second reading, en bloc, but object to my own request.

The PRESIDING OFFICER. Objection is heard.

## ORDERS FOR MONDAY, FEBRUARY 11, 2008

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, February 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then resume consideration of S. 2248, the Foreign Intelligence Surveillance Act, as under the previous order. Finally, I ask unanimous consent that the RECORD remain open until 2 p.m. today to allow Senators to introduce bills and submit statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SCHEDULE

Mr. REID. Madam President, on Monday, the Senate will complete all debate on the remaining amendments to the FISA legislation. In order to accommodate the remaining debate, there will be no rollcall votes on Monday. However, Senators should be prepared to vote as early as 10 a.m. on Tuesday, February 12.

## ADJOURNMENT UNTIL MONDAY, FEBRUARY 11, 2008, AT 2 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 1:05 p.m., adjourned until Monday, February 11, 2008, at 2 p.m.

# EXTENSIONS OF REMARKS

## HONORING LEWIE BYERS FOR "CITIZEN OF THE YEAR" AWARD

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 8, 2008*

Mr. HENSARLING. Madam Speaker, today I rise to recognize community leader Lewie Byers for being named "Citizen of the Year" by the Rusk Chamber of Commerce.

Lewie is a prominent member of the Rusk community and exemplifies what it means to be a model citizen. Lewie is the president of the Rusk branch of Texas National Bank, but manages to find time to serve his community in civic organizations including the Rusk Chamber of Commerce, the Rusk Industrial Foundation and is a member of the Rusk City Council. In addition, Lewie is a member of the Rusk Lions Club and was on the East Texas Council of Boy Scouts. Most importantly, Lewie is a devoted husband and proud father of four.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Lewie Byers for generously offering his time and talents to serve his community.

## PERSONAL EXPLANATION

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 8, 2008*

Ms. SLAUGHTER. Madam Speaker, I was unavoidably detained and missed rollcall vote No. 27. Had I been present, I would have voted "nay" on rollcall No. 27.

## IN HONOR OF THE OUTSTANDING MILITARY SERVICE CONTRIBUTIONS OF CHIEF MASTER SERGEANT TODD SMALL

### HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 8, 2008*

Mr. SPRATT. Madam Speaker, I rise today to pay tribute to one of our most dedicated Air Force noncommissioned officers, Chief Master Sergeant Todd Small on the occasion of his departure from Shaw Air Force Base, South Carolina, as the Command Chief, Ninth Air Force and United States Central Command Air Forces.

In these capacities, Chief Small was the senior enlisted man charged with facilitating the development, training, and readiness of over 50,000 airmen within the Ninth Air Force and the United States Central Commands' areas of operations. Chief Small was a front-line leader, who traversed more than 5,400 miles, across 11 countries, to enhance the mission of the airmen deployed in support of Operations Iraqi Freedom and Enduring Freedom.

Chief Small has truly answered the call of duty to his country and his community. I join the men and women of Shaw Air Force Base in honoring Chief Small, his wife Frankie, and their children Chelsea and Aaron, for their dedication and commitment to the Air Force, and I wish Chief Small the best in his new position as the Command Chief to the United States Space Command.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

# SENATE—*Monday, February 11, 2008*

The Senate met at 2 p.m., and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who restores our souls, enable us to live in Your company and dwell in Your presence. Inspire our Senators. Uphold them by Your spirit and strengthen them with Your hands. When tomorrow's responsibilities loom large, remind them that You can turn their obstacles into opportunities. Forgive them when they doubt the effectiveness of spiritual weapons such as love, patience, and kindness. Teach our lawmakers that any success alien to Your way is worse than failure, and that any failure directed by Your spirit is better than victory. Give them courage and resolution to do their duty and a heart to be spent in Your service and in doing all the good they can.

We pray in the Name of our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 11, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, after my remarks and that of the distinguished Republican leader, we will resume consideration of S. 2248, the Foreign Intelligence Surveillance Act. Senators will debate the remaining amendments to the legislation this afternoon. There will be no rollcall votes today. However, Senators should expect to begin voting on remaining amendments tomorrow morning at about 10 a.m. Everyone should know that under the order that is now before the Senate, all debate will have to be completed today.

## MEASURES PLACED ON THE CALENDAR—S. 2596, S. 2615, S. 2616, and S. 2619

Mr. REID. Mr. President, I have one small item of business. It is my understanding there are four bills due for second readings.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will report the bills by title for the second time.

The bill clerk read as follows:

A bill (S. 2596) to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

A bill (S. 2615) to extend the Protect America Act of 2007 for 15 days.

A bill (S. 2616) to authorize certain programs and activities in the Forest Service, the Department of Interior, and the Department of Energy, and for other purposes.

A bill (S. 2619) to protect innocent Americans from violent crime in national parks.

Mr. REID. Mr. President, I object to further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

## TRIBUTE TO CONGRESSMAN TOM LANTOS

Mr. REID. Mr. President, when I was elected to Congress in 1982, I had the opportunity to visit over the telephone on many occasions with a new Congressman named TOM LANTOS. He was new from California. He was very interested in my election. He helped me raise some money for that election, made many phone calls, and reached out to me as a friend. So when I came to Washington, I had the opportunity to meet him personally. That was the beginning of the development of a real friendship.

I have traveled with TOM LANTOS overseas. He led delegations. When I was a new Senator, I traveled with him. Senator Daschle led a trip. One of the places we went was to Hungary, and we had the opportunity to have TOM LANTOS show us around Budapest. Why was that important? It was important because the Nazis waited until toward the end of the war before they moved in to disperse the Jews out of Budapest and Hungary generally.

He was one of the Jews in Budapest they captured on many occasions. He escaped the Nazis on seven different occasions. They would capture him; he would get away. He said one reason he was able to escape as much as he did was that he had long blond hair, and the Nazis didn't figure he was Hungarian. He actually took us to places where he had been captured, arrested by the Nazis in Budapest. It was a wonderful time we spent with him for 2 days in Budapest.

This morning, our country grieves the loss of truly an American hero, Congressman TOM LANTOS, chairman of the Foreign Affairs Committee in the House of Representatives. He was born in Budapest, Hungary. When he was 16 years of age, Hitler and the Nazis occupied his country. He and his family, like so many other Hungarian Jews, were captured, rounded up, beaten, and taken away, sent to labor camps. As I have indicated, he was a hard one to stay captured; he got away.

It was through him I first learned about the struggles that people have on a personal, individual basis. He was a man who protected his girlfriend, his friend Annette at the time. They were both saved by the great Swedish diplomat after whom we have streets named in Washington, DC. He was able to escape many times but not his family. All of them were killed.

All alone, a teenager, with little cause for hope, after the war, he moved through displaced persons camps. TOM LANTOS remained optimistic. He refused to give up. He spent a couple years wandering around Europe after the war.

He wrote an essay on President Franklin Roosevelt, and because of this essay, he earned an academic scholarship to study in the United States. He came on a converted World War II troop ship in 1947. He brought with him only one possession. It was a large Hungarian salami, but when he arrived, it was confiscated by Customs officials. So it is neither a cliche nor an exaggeration to say that TOM LANTOS came to America with nothing.

This "American by choice," as he was fond of calling himself, earned a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

BA and a master's degree from the University of Washington-Seattle and a Ph.D. from the University of California. Soon after he arrived here, he married his childhood sweetheart, Annette Lantos.

For the next three decades, he and Annette lived in the San Francisco area. TOM worked as a professor in economics, an international affairs analyst, and an economist in many different areas, testifying in cases, consulting generally. In less than three decades after becoming a U.S. citizen, TOM LANTOS became a Congressman. He brought to Washington remarkable depth of knowledge and intellect and stood out as a powerhouse from the day he arrived in Washington.

As I indicated, I had the honor of serving with him in Congress, but I also served with him on the House Foreign Affairs Committee as it was then called, and, as everyone else, I found him blessed with the mind of a scholar and grace of a gentleman. TOM LANTOS could deliver a speech. He still had the Hungarian accent, but he could bring an audience to its feet. He was a great speaker.

I can recall no one in Congress who did not admire this fine man. He and Annette were always there to talk about their lives together as kids, teenagers. They had been together 60, 70 years. Raoul Wallenberg was the Swedish diplomat. Because of TOM LANTOS, there is a street named after him in Washington, DC, right by the Holocaust Memorial.

I can recall no one, Democrat or Republican, who didn't relish the opportunity to work with him. Once TOM LANTOS said:

> I like to work hard to make this a better country, to provide a just government for our people and make sure we have learned from the past.

TOM LANTOS did just that—leaving an indelible mark on issue after issue from health care, Social Security, to the environment, the budget, foreign affairs, of course, but also was his love of animals. He had a caucus in the Congress he worked on dealing only with animals. He loved animals and wanted to make sure they were treated appropriately.

He cochaired the congressional human rights caucus where he fiercely advocated the spread of liberty throughout the world. His convictions were so deeply rooted that he and four other Members of Congress were arrested in 2006 for protesting the genocide in Darfur at the Sudanese Embassy.

After years in the minority, Congressman LANTOS finally achieved his dream of chairing the House Foreign Affairs Committee, but it lasted only one year. He was diagnosed being sick right before Christmas, the first knowledge he had esophageal cancer, and he passed away within the last 24 hours.

We were all deeply saddened to hear he was sick. I was stunned when I learned he was so sick he would retire to fight cancer. The fight did not last long.

I talked today with HOWARD BERMAN, who will replace him as chair of that committee. He told me he visited TOM in Washington at his house. He said he handled his oncoming death the way he handled so many things: with great dignity and understanding.

TOM leaves behind a great family. He has two daughters, Annette, the same name as his wife, and Katrina. These are two beautiful women, as beautiful on the inside as they are on the outside. These 2 daughters gave TOM and Annette 17 grandchildren and two great grandchildren. He doted on those grandchildren. A number of us here had him contact us for things dealing with his grandchildren, making sure they got in the school they were supposed to, jobs he wanted them to get. He cared about every one of those 17 grandchildren.

Landra and I have 16 grandchildren, but we have 5 children. He had 2 daughters with 17 grandchildren.

The Lantos family is truly in our hearts today. TOM said once:

> It is only in the United States that a penniless survivor of the Holocaust and a fighter in the anti-Nazi underground could have received an education, raised a family, and had the privilege of serving the last three decades of his life as a Member of Congress. I will never be able to express fully my profoundly felt gratitude to this country.

That is what TOM LANTOS said and he meant every word of it. He benefited from the limitless opportunity America affords, but America benefited far more from the service of Congressman TOM LANTOS.

So today we pause to express our profound affection and appreciation and gratitude for this wonderful man. Congressman TOM LANTOS was a great American. His spirit will be sorely missed and his legacy never forgotten.

## ORDER OF BUSINESS

Mr. REID. Mr. President, we have a very busy week ahead. We are going to finish, as I have indicated, the debate on FISA tonight. We will have a series of votes. We have about seven or eight votes we have to complete tomorrow. We have postcloture debate tomorrow. We need to finish this bill tomorrow, and we will finish it tomorrow. We will complete it.

We are going to take a run at the Indian health bill. I spoke with Senator DORGAN this morning. He said he has had a good working relationship with JON KYL and they are very close to being able to finish this bill.

We are going to bring up the conference report on intelligence authorization this week. The legislation contains an important provision that would ensure one standard of interrogation across the U.S. Government requiring the CIA to abide by the Army Field Manual dealing with interrogation techniques.

That matter has, it appears, a 60-vote point of order against it. We understand that. I hope we don't have to file cloture on it. I recognize we have that one vote, and I am happy to arrange a convenient time for everyone to vote. We could move that very quickly, but it is important we do this work.

We have other things we are looking forward to. I am going to meet with the Republican leader as soon as we finish here to talk about other things we can do so we can be keyed up to work when we come back. We have 3 weeks when we come back after the Presidents Day recess. The last week of that work period we will be dealing with the budget. After that, we are out for the recess for Easter. Then we come back and have an 8-week work period. So we have a lot to do. We think we can do all that, plus more.

It is going to be a short but very issue-packed time this year. We have the Presidential elections that are winding down, at least the nomination process, and then we have all the senatorial elections around the country that also take a little extra time. Hopefully, we can join together and get some things done.

## RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

## LEGISLATIVE ACCOMPLISHMENTS

Mr. McCONNELL. Mr. President, last week was a good example of what we can accomplish when we work with instead of against each other. We were able to pass an economic growth package on an overwhelmingly bipartisan basis, which the President will sign this week. We have another chance in the current week to put up a bipartisan win by passing legislation on the Foreign Intelligence Surveillance Act. That bill, reported out of the Intelligence Committee, has broad bipartisan support. It came out of that committee 13 to 2. I am confident with the help of our friends on the other side of the aisle we can work through pending amendments, send this over to the House, and then on to the President for his signature this week before the Protect America Act expires on Saturday.

## TRIBUTE TO TOM LANTOS

Mr. McCONNELL. Mr. President, on another subject, I, too, want to talk about the passing of our good friend, TOM LANTOS. It would have been easy to excuse TOM LANTOS for turning against the world after the sufferings he endured as a young man. But the reason we admire certain people is they do not do what we would expect them to do in the face of extraordinary trials. They transcend them. And that is why a cold wind swept through the Capitol this morning when we heard that TOM had passed away.

America's history is a history of unlikely success stories, but even by American standards, TOM's was stunning. When the Nazis invaded Hungary in the frenzied last months of the war, he threw on a cadet's uniform and secretly funneled food and medical supplies to those in hiding. He later said he assumed he wouldn't make it out alive, but he "wanted to be of some use."

He would add many more years to be of use—not only to his beloved wife Annette and their large extended family or to the people of California's 12th District but to suffering and oppressed people. His own bitter experiences led him to make no distinction at all among those who were denied their basic human rights. He would always be grateful for the honor of being able to help them. Well into his seventies, he said he still got goosebumps looking up at the flag on the Capitol on his morning walk to work.

TOM and I had our differences on domestic issues, but it was a great mark of his commitment to human rights that he frequently joined Republicans when these rights were at stake. He worked with the Republicans to introduce a resolution expressing solidarity with Israel in its fight against terrorism. He worked with the Republicans to get funds to fight AIDS around the world. Every year since 2003, he and I were the House and Senate sponsors of the Burmese Freedom and Democracy Act.

We were also united in our strong support for Israel. We took leading roles in the House and Senate on the Palestinian Anti-Terrorism Act. And we were united in our concerns about Iran. TOM introduced the Iran Counterproliferation Act in the House. I cosponsored it in the Senate.

When TOM was diagnosed with a life-threatening illness last month, he responded again in an extraordinary way. He responded with gratitude. He said:

> It is only in the United States that a penniless survivor of the Holocaust and a fighter in the anti-Nazi underground could have received an education, raised a family, and had the privilege of serving the last three decades of his life as a Member of Congress.

We know TOM's decision to retire was especially painful, since he had just last year been named chairman of the House Committee on Foreign Affairs, a committee he had served on for 26 years. It was a position he said he had been preparing for his whole life.

With his distinctive accent, his grace, and his deep learning—he spoke five languages and devoted 6 hours a day to reading books and magazines—TOM always gave the impression of being a true gentleman of the House, and he was. But he was just as tough. TOM LANTOS accomplished something few people do in life: He committed himself to an ideal and followed through on it until the end. He gave it everything he had, and America admires him for it.

I want to express Elaine's and my deepest sympathies to Annette. We got to know TOM and Annette on several trips abroad, which is a way you make friendships around here, both across the aisle and in the other body. Annette and TOM lived near us here on Capitol Hill. I recall frequently seeing Annette out walking the dog. So we grieve for her and their daughters and the entire extended Lantos family on their loss.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I want to spend a few moments to eulogize our old friend, the chairman of the House Foreign Affairs Committee, TOM LANTOS. He has been one of my dear friends all these years. I have been here 31 years, and he was here 26 years. He and Annette have really been wonderful people in Elaine's and my life.

Mr. President, this morning began sadly, as the two leaders have said, with the news of the death of Congressman TOM LANTOS, one of the giants among the Democrats in the House, and, frankly, among all Members of Congress during the last 28 years. Congressman LANTOS had been diagnosed with cancer a few months ago, and had recently announced he would not run for a 14th term for the 12th District of California, which he so ably served since 1980.

TOM LANTOS led a remarkable life. A Hungarian Jew, he lived what he said was a happy childhood until the Hungarian fascist allies of Hitler brought the Holocaust to Hungary. Through most of the war, he was interned in various forced labor camps, some from which he escaped, and was at least once recaptured, following a beating that he later said, "I was pleasantly surprised to survive."

After a final escape, he spent the remainder of the war in hiding, protected, as so many Hungarian Jews were, by Raoul Wallenberg, the man who risked his life to protect as many of Hungary's Jews as he could and who vanished into the Soviet camps at the end of the war. One of the great days of my life was to pay homage to Raoul Wallenberg at the monument in Europe.

Six hundred thousand Hungarian Jews perished in the Holocaust, including TOM LANTOS's family. One of the first initiatives of Congressman LANTOS upon coming to the House of Representatives in 1980 was to pass legislation granting Raoul Wallenberg U.S. citizenship.

TOM LANTOS was, in his words, "an American by choice," and to know him was to see that every day of his life he embraced the opportunities an immigrant can find in this great country. He arrived penniless to this country, as my two colleagues have said. According to his biography, his only possession was "a precious Hungarian salami," which was confiscated upon arrival, as my colleagues mentioned. But with a scholarship and hard work, he earned a Ph.D. in economics and taught at San Francisco's State University for almost three decades, developing, during that time, his credentials as a commentator on world affairs.

TOM LANTOS brought to the House his passionate patriotism and the drive of a survivor. When people would comment on the demands of his work, which included regular travel to his constituency 3,000 miles away, his global travels as a Member of the House Foreign Affairs Committee, which he recently chaired, and the hectic pace of his other congressional assignments, he would be quick to remind us that this was nothing in comparison to what he had faced as a young man.

He founded the House Human Rights Caucus, a platform which he used to highlight the human rights abuses around the world, and with which he became inextricably associated. For many of us in Congress and for many oppressed through the world, Congressman LANTOS was the chairman for human rights.

He was a Democrat who believed in the use of American power for good and who understood the nuances of subtle, as well as confrontational, diplomacy.

For example, he kept trying to get a visa to visit Tehran because he believed there was always room to talk with enemies as well as friends. But when asked what he would say to the dictators in Tehran, he was less than subtle:

> I will tell the Iranians the truth—that it's a great country and they need to be reintegrated into the family of civilized nations and that they must give up their lunatic notions.

Less than subtle, to be sure, but truthful. It is hard to disagree with this view, Mr. President.

TOM LANTOS also recognized that diplomacy could fail and the use of the U.S. military could achieve noble ends. He was a strong supporter of the military during the Cold War, supported military assistance to Israel, urged President Clinton to lead NATO forces against Milosevic's genocide, and supported our interventions in Iraq, although, to be fair to him, he was critical, as many of us have been, about the implementation of our invasion of Iraq.

The point is, TOM LANTOS represented the wing of the Democratic Party that kept central our national security concerns, that recognized our duty in the world, and accepted that the use of force is sometimes required. This is the wing of the Democratic Party that needs to survive if that party is to remain relevant to the events in the world that will continually shape us.

I am honored to have been a friend of TOM LANTOS for decades. We loved each other. We showed that love repeatedly over the years. He was a dear friend, and I want everybody to know just how deeply I felt about him. Our staffs worked together well, and he always had my admiration and respect.

I will never forget a tour he gave me and Senators REID and Daschle of the old Jewish ghetto in Budapest when our separate codels happened to be in that city at the same time in 1996. Later, he gave us a personal tour of the magnificent Hungarian Parliament building. One of the first post-Communist governments was in power, and they so highly regarded TOM LANTOS for his heritage, as well as his anti-Communist stance throughout his life, that he was granted free access throughout the building. He even knew where to turn the lights on.

The prayers and thoughts of Elaine and I go out to Annette, his beautiful wife of 58 years, whom he married in California, but who, like himself, was a survivor of the Holocaust in Hungary and was actually a childhood sweetheart. The fact that they loved each other as long as they have, that they came from similar backgrounds, and worked together daily throughout their lives only makes her loss that much sadder.

Our condolences go out to her and their two wonderful children. And I believe there are 18 grandchildren. But the death of TOM LANTOS is a great loss, as well, to his constituents, to his colleagues in the House, to his party, and to all of us in Congress. It is a loss to our great Nation and to all those who strive in solidarity for the cause of human rights.

TOM LANTOS was slight of build, but he was a giant. He was a moral force who used the authority of a survivor from the Holocaust, of an American immigrant, and of a scholar and leader to show the great institution of Congress how it can lead in a dangerous and often immoral world.

Elaine and I loved TOM, we love Annette, and we hope we can be of some assistance to Annette and her family as we move into the future. But we will miss TOM very badly. What a great and noble man who suffered so much for freedom.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, that was a very fine tribute from the Senator from Utah to a very fine man. I had the honor of serving with TOM LANTOS in the House of Representatives, and I certainly join all others who mourn his death today.

I wonder if I might ask the Senator from California—I think she would like to make a FISA presentation. I understand the Senator would like to have about an hour. Is that how long she plans to speak?

Mrs. FEINSTEIN. I thank the Senator. I would like to say a few words about TOM LANTOS, he was a friend, and also speak on two amendments on the Foreign Intelligence Surveillance Act.

Mr. KYL. I wonder if, in the spirit the Senator and I have frequently resolved matters, I have about 10 minutes of presentation. Perhaps if we can enter into an agreement, you proceed and make your comments about Representative LANTOS, I will speak for my 10 minutes or so, with the understanding that you then conclude the remainder of your remarks. We could propose that in the form of a unanimous consent agreement. Would that be acceptable?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I had the great pleasure of knowing TOM LANTOS as a friend and as a mentor. I have known him for many years. I last spoke with him about 3 weeks ago, maybe 4, and he said he was going to forego treatment, that he was ready for whatever would come, that he and Annette were going to remain in Washington, that he was very content with his medical treatment at Bethesda, and he did not believe he would try anything heroic.

Those of us who know, know cancer of the esophagus is devastating and unrelenting. From that point on, I began to think quite a bit about TOM LANTOS. I thought back when Yahoo had the confrontation with China and did not stand up but gave in to China, and TOM stood on his feet, with amazing blue eyes and his gray hair, and said: They are moral pygmies.

He called it as it was. He stood for human rights. After 30 years in the House, he became Chairman of the Foreign Relations Committee. Regretfully, his life ended before he had much more time than a year in that position.

TOM LANTOS represented the district directly to the south of my city, San Francisco. He was a wonderful Representative. I watched him over the past 30 years as time went on. I watched his 18 grandchildren grow. I remember meeting them in the airport in Denver. I do not know whether Members know this; some of them were home schooled, and they went to college at the age of 14. That is pretty amazing; all high achievers, all very close, a tight family; a wife who was his childhood sweetheart.

This does not often happen. But then if you think back to Hungary in those days, and you think back to a young, blue-eyed man in the camps, escaping at night, being caught, coming back, leaving again, becoming part of Raoul Wallenberg's group, coming to this country, becoming educated and all the greatness of the country opening before him.

He truly measured up to the greatness of America. I was very proud to call TOM LANTOS a friend and a mentor. He will be missed. He will be missed in his district, he will be missed in California, and he will be missed in the United States.

I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## FISA AMENDMENTS ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2248, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Pending:

Rockefeller-Bond amendment No. 3911, in the nature of a substitute.

Whitehouse amendment No. 3920 (to amendment No. 3911), to provide procedures for compliance reviews.

Feingold amendment No. 3979 (to amendment No. 3911), to provide safeguards for communications involving persons inside the United States.

Feingold-Dodd amendment No. 3912 (to amendment No. 3911), to modify the requirements for certifications made prior to the initiation of certain acquisitions.

Dodd amendment No. 3907 (to amendment No. 3911), to strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government.

Bond-Rockefeller modified amendment No. 3938 (to amendment No. 3911), to include prohibitions on the international proliferation of weapons of mass destruction in the Foreign Intelligence Surveillance Act of 1978.

Feinstein amendment No. 3910 (to amendment No. 3911), to provide a statement of the exclusive means by which electronic surveillance and interception of certain communications may be conducted.

Feinstein amendment No. 3919 (to amendment No. 3911), to provide for the review of certifications by the Foreign Intelligence Surveillance Court.

Specter-Whitehouse amendment No. 3927 (to amendment No. 3911), to provide for the substitution of the United States in certain civil actions.

Mr. KYL. Mr. President, today we are debating the amendments to the Foreign Intelligence Surveillance Act. I am going to say a few words about why Congress ought to provide legal relief to those private entities that have aided the United States in our war against al-Qaida and, in particular, one of the amendments that will be voted on tomorrow.

I begin by quoting a passage in an opinion by Justice Cardozo, from the time when he was the chief judge of the New York Court of Appeals. In the 1928 decision Baggington v. Yellow Taxi Corp., this is what Justice Cardozo had to say about the legal immunities that should be provided to private parties that assist law enforcement efforts:

> The rule that private citizens acting in good faith to assist law enforcement are immune from suit ensures that the citizenry may be called upon to enforce the justice of the State, not faintly and with lagging steps, but honestly and bravely and with whatever implements and facilities are convenient and at hand.

We need to encourage citizen involvement in our efforts against al-Qaida. We know that good intelligence is the best way to win the war against those terrorists, and if we want to monitor al-Qaida, we need access to the information which is available through the telecommunications companies.

We asked them for help, and they provided that help at a critical time, after 9/11. We need to know, for example, whether al-Qaida terrorists are planning other attacks against us. When we ask parties to assist us, such as those telecommunications companies that assisted us after 9/11, we want them to reply not faintly and with lagging steps but, rather, in Justice Cardozo's words: We want them to answer the call honestly and bravely and with whatever implements and facilities are conveniently at hand.

In today's technological world, what that means is that when we ask these telecommunications companies for their support, they provide the incredibly intricate and advanced technology at their disposal to assist us in understanding what communications al-Qaida is having with each other.

Now, tomorrow we are going to be voting on some amendments which, in my view, weaken and in one case would actually strip the liability protections the Intelligence Committee bill provides to such private parties. I think these amendments are unwise.

Certainly, I urge my colleagues to reject them. Let me focus on one of them today, one that relates to a subject called substitution. The idea is that while it would be unfair to hold these telecommunications companies responsible for coming to the aid of the Government in its time of need, that they should be immune from liability, that we should somehow substitute the U.S. Government in their place and that would somehow balance the equities here of having the matter litigated and yet protecting the telecommunication companies.

There are several reasons why this simply does not work. In the first place, it would still be required to reveal the identity of the company involved. Part of this entire matter is protecting the identity of the company so it does not lose business around the world and so it is not subject to the kind of abuse that would otherwise occur.

In addition to that, full discovery could be conducted. In other words, depositions could be taken, interrogatories could be served. In every respect, the company is not protected from the legal process, it is simply not liable at the end of the day; it would only be the Government that would be liable.

But the individuals of the company and the company itself would still be subject to all the rigors of litigation which we are trying to protect them from. The litigation does not go away. In addition to that, a method has been set up to litigate this before the FISA Court, which misunderstands what the FISA Court is. The FISA Court is not like the Ninth Circuit Court of Appeals. The FISA Court is individual judges called upon primarily to issue warrants that permit the Government to engage in its intelligence operations.

So you do not have a court sitting the way you do in a typical Federal district court or a circuit court. This FISA Court would presumably have to litigate whether the companies are entitled to substitution, so it is not a free substantiation but, rather, if they can prove that they are entitled to the substitution.

Finally, the point of having this liability protection for the Government's purpose is first and foremost because of the need to protect its sources and methods of intelligence collection from the enemy or from the public at large. Of course, if you still have the litigation ongoing, if you still have the process, it is just that Party A is liable rather than Party B.

You still have the threat that sources and methods could be compromised, information relating to the activity could be disclosed, as it has in the current debate. We should remind ourselves that what we are debating publicly is a system of collection that has been, to some extent, defined by public discussion of matters that were and should have been totally classified.

We have given the enemy a great deal of information about how to avoid the kind of collection that is vital to our efforts. That is the kind of thing we are trying to prevent. So substitution, simply substituting the Government as a party for the phone companies does not solve that problem either. The bottom line is, that as with these other amendments, the so-called substitution amendment is not a good amendment, it should be rejected, and I hope at the end of the day we will have been able to vote it down.

Let me conclude by repeating some of the things the Statement of Administrative Policy stated in quoting the Intelligence Committee's conclusions in its report.

Al-Qaida has not ceased to exist in years since the September 11 attacks. It still exists and it still seeks the wholesale murder of American civilians. We know how devastating such attacks can be. And we know that once an attack is underway—once a plane has been hijacked, or a bomb has been assembled—it is too late. We need to stop al-Qaida attacks before they are executed, before they are being carried out. We need to act at a time when such attacks are still being planned or when al-Qaida terrorists are still being prepared.

To gather this type of intelligence—the intelligence needed to stop a terrorist attack—we will need the assistance of private parties. Information about al-Qaida's communications, its travel, and other activities often is in the hands of private parties. If we want to monitor al-Qaida we will need access to information. And when telecommunications companies or others are asked for their help in tracking, for example, an al-Qaida cell that may be operating in this country, we do not want those parties to reply "faintly and with lagging steps." Rather, in Justice Cardozo's words, we want them to answer the call for assistance "honestly and bravely and with whatever implements and facilities are convenient at hand."

The Senate Intelligence Committee bill contains provisions that ensure that results that future requests for assistance will be met "honestly and bravely," rather than with fear of becoming embroiled in litigation. Tomorrow the Senate will be voting on amendments that seek to strip out or weaken the legal protections that the Intelligence Committee bill provides to private parties that assist antiterrorism investigations. These amendments are unwise, and I would strongly urge my colleagues to reject them.

As the Statement of Administration Policy on the Judiciary Committee bill notes, the failure to provide strong legal protections to private parties would undermine U.S. efforts to respond to and stop al-Qaida in two ways: first, it allows the continuation of litigation that has already resulted in leaks that have done serious damage to U.S. counterterrorism efforts. This litigation is inherently and inevitably damaging to U.S. efforts to monitor al-Qaida's communications. As one Intelligence Committee aide aptly characterized the situation, allowing this litigation to go forward would be the equivalent of allowing the legality of the Enigma code-breaking system to be litigated during World War II.

In addition, the failure to provide protection to third parties who have assisted the United States would undermine the willingness of such parties to cooperate with the Government in the future. And such cooperation is essential to U.S. efforts to track al-Qaida. As the SAP on this bill further explains:

In contrast to the Senate Intelligence Committee bill, the Senate Judiciary Committee substitute would not protect electronic communication service providers who are alleged to have assisted the Government with communications intelligence activities in the aftermath of September 11th from potentially debilitating lawsuits. Providing liability protection to these companies is a just result. In its Conference Report, the Senate Intelligence Committee "concluded that the providers . . . had a good faith basis for responding to the requests for assistance they received."

The Committee further recognized that "the Intelligence Community cannot obtain the intelligence it needs without assistance from these companies." Companies in the future may be less willing to assist the Government if they face the threat of private lawsuits each time they are alleged to have provided assistance.

The Senate Intelligence Committee concluded that: "The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation." Allowing continued litigation also risks the disclosure of highly classified information regarding intelligence sources and methods. In addition to providing an advantage to our adversaries by revealing sources and methods during the course of litigation, the potential disclosure of classified information puts both the facilities and personnel of electronic communication service providers and our country's continued ability to protect our homeland at risk. It is imperative that Congress provide liability protection to those who cooperated with this country in its hour of need.

The ramifications of the Judiciary Committee's decision to afford no relief to private parties that cooperated in good faith with the U.S. Government in the immediate aftermath of the attacks of September 11 could extend well beyond the particular issues and activities that have been of primary interest and concern to the Committee. The Intelligence Community, as well as law enforcement and homeland security agencies, continue to rely on the voluntary cooperation and assistance of private parties. A decision by the Senate to abandon those who may have provided assistance after September 11 will invariably be noted by those who may someday be called upon again to help the Nation.

Many members of the Senate Majority insist that there be stringent congressional oversight of these intelligence-collection programs. No one disputes that point. All agree that we need oversight over the intelligence agencies. That is why this Congress and previous Congresses have agreed on a bipartisan basis to create robust oversight of U.S. intelligence gathering, even when such intelligence gathering is directed at foreign targets. The agencies executing wiretaps and conducting other surveillance must report their activities to Congress and to others, so that opportunities for domestic political abuse of these authorities are eliminated.

I conclude by asking: what is the Senate's goal? Do we want to allow our intelligence agencies to be able to obtain the assistance of telecommunications companies and other private parties when those agencies are investigating al-Qaida? If so, then we need to create a legal environment in which those companies will be willing to cooperate—an environment in which their patriotic desire to assist the United States does not conflict with their duties to their shareholders to avoid expensive litigation.

We need to write the laws to ensure against the domestic political abuse of surveillance authority, and we have done that. The question now is whether we want to give our intelligence agents the tools that they need to track al-Qaida. We should do so, and in order to do so, we must defeat amendments that would weaken the bill's legal protections for private parties who assist the government's efforts against al-Qaida.

To conclude, we obviously want to write our laws to ensure that in intelligence collection, and any kind of this activity, the rights of American citizens are fully protected, that we protect against domestic political abuse of surveillance authority. We have done that.

The question now is whether we want to give our intelligence agencies the tools they need to track al-Qaida and other terrorists. We should do so, and in order to do so, we have to defeat amendments that would weaken the Intelligence Committee bill, which lays out a good process for balancing the equities involved and ensuring that we have provided not only the Government agencies what they need to do the job we have asked them to do but also to protect the private parties whom the Government has asked to volunteer to help and which up to now they have been able to do because they felt that what they did would be protected from liability.

Without that liability protection, the kind of negative results would occur which I have identified.

So I hope that when this substantiation amendment comes before us, we will vote it down and that we will also reject the other amendments which are designed to weaken the Intelligence Committee FISA bill.

Mr. HATCH. Would the Senator from California yield for a unanimous consent request?

Mrs. FEINSTEIN. I will yield.

Mr. HATCH. I ask unanimous consent that I be permitted to speak immediately following the Senator from California.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### AMENDMENT NO. 3910

Mrs. FEINSTEIN. Mr. President, I rise to speak on two of the amendments in the list of amendments to be voted on tomorrow. The first is amendment 3910. That relates to making the Foreign Intelligence Surveillance Act the exclusive authority for conducting electronic surveillance. This is cosponsored by Chairman ROCKEFELLER, Chairman LEAHY, by Senators NELSON of Florida, WHITEHOUSE, WYDEN, HAGEL, MENENDEZ, SNOWE, SPECTER, SALAZAR, and I ask unanimous consent to add Senator CANTWELL to that list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. For the information of my colleagues, I do not intend to modify this amendment, and so I will be seeking a vote on the amendment as it is currently drafted.

I voted in support of the FISA bill as a member of the Intelligence Committee. But I made clear in that committee, as well as in statements called additional views, which are attached to the report of the bill, that I coauthored with Senators SNOWE and HAGEL that changes were necessary.

In the Judiciary Committee, we were able to secure improvements to the Intelligence Committee's bill that I believed were needed. Most importantly, the Judiciary Committee added strong exclusivity language similar to the amendment I have now before the Senate.

Unfortunately, the Judiciary package was not adopted on the floor. So the amendments we present are designed to restore the exclusivity language I believe is vital to FISA and goes to the heart of the debate on this bill, which is whether this President or any other President must follow the law.

With strong exclusivity language, which is what we try to add, we establish a legislative record that the language and the intent of the Congress compels a President now and in the future to conduct electronic surveillance of Americans for foreign intelligence purposes within the parameters and confines of this legislation.

The amendment makes the following important changes to the bill:

First, it reinforces the existing FISA exclusivity language in title 18 of the U.S. Code by restating what has been true in the statute since 1978—that FISA is the exclusive means for conducting electronic surveillance, period. So legislative intent is clear.

Second, the amendment answers the so-called AUMF; that is, the authorization to use military force loophole used by the President to circumvent FISA.

What is that? The administration has argued that the authorization of military force against al-Qaida and the Taliban implicitly authorized warrantless electronic surveillance. This is an argument embroidered on fiction, made up from nothing.

Nonetheless, the executive has chosen to use it.

Under our amendment, it will be clear that only an express statutory authorization for electronic surveillance in future legislation shall constitute an additional authority outside of FISA. In other words, if you are going to conduct surveillance outside of FISA, there has to be a law that specifically enables you to do so. Otherwise, you stay within FISA.

Third, the amendment makes a change to the penalty section of FISA. Currently, FISA says it is a criminal penalty to conduct electronic surveillance except as authorized by statute. This amendment specifies that it is a criminal penalty to conduct electronic surveillance except as authorized by FISA or another express statutory authorization. This means that future surveillance conducted under an AUMF or other general legislation would bring on a criminal penalty. So follow the law or else there is a criminal penalty.

Fourth, the amendment requires more clarity in a certification the Government provides to a telecommunications company when it requests assistance for surveillance and there is no court order. Henceforth, the Government will be required to specify the specific statute upon which the authority rests for a request for assistance.

I believe our amendment will strengthen the exclusivity of FISA. I believe it is critical. Without this strong language, we run the risk that there will be future violations of FISA, just as there have been present violations of FISA. History tells us that this is very possible.

Let me go into the history for a minute because it is interesting how eerily similar events of the past were to events of today. Let me tell this body a little bit about something called Operation Shamrock.

In its landmark 1976 report, the Church Committee disclosed, among other abuses, the existence of an Operation titled "Shamrock." What was Shamrock? It was a program run by the NSA and its predecessor organizations from August of 1945 until May of 1975. That is, for 30 years, the Government received copies of millions of international telegrams that were sent to, from, or transiting the United States. The telegrams were provided by major communications companies of the day—RCA Global and ITT World Communications—without a warrant and in secret. A third company, Western Union International, provided a lower level of assistance as well.

It is estimated that at the height of the program, approximately 150,000 communications per month were reviewed by NSA analysts. So telegrams coming into the country and going out of the country all went through NSA.

According to the Church Committee report, the companies agreed to participate in the program, despite warnings from their lawyers, provided they received the personal assurance of the Attorney General and later the President that they would be protected from lawsuit.

The NSA analyzed the communications of Americans in these telegrams and disseminated intelligence from these communications in its reporting.

If all of this history sounds eerily familiar, it should. The parallels between Shamrock and the Terrorist Surveillance Program are uncanny, especially when one considers that FISA was passed in 1978 as a direct result of the Church Committee's report. Yet here we are, same place, again today.

Almost immediately after the Church Committee's report was unveiled, Congress went to work on what is now the Foreign Intelligence Surveillance Act to put an end to warrantless surveillance of Americans. FISA states that when you target surveillance on Americans, you need a court order, period.

Some of my colleagues argue that FISA was not the exclusive authority since 1978 and that the President has inherent article II authorities to go around FISA.

On the first point, the legislative history and congressional intent from 1978 is clear: Congress clearly intended for FISA to be the exclusive authority under which the executive branch may conduct electronic surveillance.

Let me read what the Congress wrote in 1978 in report language accompanying the bill:

> [d]espite any inherent power of the President—

That means despite any article II authority—

> to authorize warrantless electronic surveillance in the absence of legislation, by this bill and chapter 119 of title 18, Congress will have legislated with regard to electronic surveillance in the United States, that legislation with its procedures and safeguards, prohibits the President, notwithstanding any inherent powers, from violating the terms of that legislation.

That is the report language written in 1978.

The congressional debate also took on the Supreme Court's decision in the Keith case in which the Court ruled that since Congress hadn't enacted legislation in this area at that time, then it simply left the Presidential powers where it found them. Right? Wrong. In response to the Court's decision, the 1978 congressional report stated the following:

> The Foreign Intelligence Surveillance Act, however, does not simply leave Presidential powers where it finds them. To the contrary, this bill would substitute a clear legislative authorization pursuant to statutory, not constitutional, standards.

Clear. Distinct. Definitive.

It is important that the record here today clearly reiterates that in 1978 there was an unambiguous position that FISA was the exclusive authority under which electronic surveillance of Americans could be conducted. This was in the bill language and the report language as passed by the 95th Congress.

But FISA's exclusivity was recognized not just by the Congress. The executive branch also agreed that FISA was controlling and that any and all electronic surveillance would be conducted under the law.

President Carter at the time issued a signing statement to the bill. This wasn't a signing statement like we see today. It was not used to express the President's disagreement with the law or his intent not to follow part of the law. Rather, President Carter used his statement to explain his understanding of what the law meant.

Here it is in direct quote:

> The bill requires, for the first time, a prior judicial warrant for all electronic surveillance for foreign intelligence or counterintelligence purposes in the United States in which communications of U.S. persons might be intercepted.

Again, clear, distinct, definitive.

By issuing this statement, President Carter and the executive branch affirmed not only Congress's intent to limit when the executive branch could conduct surveillance, but it ratified that Congress had the power to define the parameters of executive authority in this area.

So there was an abuse—Operation Shamrock—similar to this incident with the telecoms today, followed by a clear act of Congress in passing FISA, followed by a clear statement of the executive affirming the meaning of FISA. Together, these acts were taken to end the exercise of unchecked executive authority. Here we are, back in 1978 today.

Despite the 1978 language and Congress's clear willingness to amend FISA to make it apply to the new war against terrorism early in its tenure, the Bush administration decided that it would act outside the law. This was a conscious decision. Not one part of FISA was ever tried to be put under the auspices of the FISA law and the Foreign Intelligence Surveillance Court. That was both wrong and unnecessary.

To justify this mistake, the Department of Justice developed a new convoluted argument that Congress had authorized the President to go around FISA by passing the authorization for use of military force against al-Qaida and the Taliban. Can anybody really believe that? This, too, was wrong. I was there. I sat in most meetings. I defy anybody in this body to come forward and tell me privately or publicly that going around FISA was ever contemplated by the AUMF. In fact, it was not. It was never even considered.

Apparently not confident of its AUMF argument, the administration decided to also assert a broad theory of Executive power, premised on Article II of the Constitution. These are the powers of the President.

Under this argument, the Bush administration asserted that despite congressional action, the President has the authority to act unilaterally and outside of the law if he so chooses, simply by virtue of his role as Commander in Chief. While Presidents throughout history all tried to expand their power, this new twist would place the President of the United States outside the law. Taken to its logical conclusion, if the Congress cannot enact statutes that the President must follow, then he is above the law. I disagree with that position. I do not believe anyone can be above the rule of law. But I am not the only one.

Justice Jackson described it best in his Youngstown opinion. In 1952, against the backdrop of the Korean war, the Supreme Court addressed the issue of when congressional and executive authorities collide in the Youngstown Sheet and Tube Company v. Sawyer. The question presented in Youngstown was whether President Truman was acting within his constitutional powers when he issued an order directing the Secretary of Commerce to take possession of and operate most of the Nation's steel mills. In other words, the Government was going to take over the steel mills.

The Truman administration argued that the President was acting within his inherent power as Commander in Chief in seizing the steel mills, since a proposed strike by steelworkers would have limited the Nation's ability to produce the weapons needed for the Korean war.

The Bush administration today is making the very same argument. It is asserting that the President's constitutional authorities as Commander in Chief trump the law. However, in a 6-to-3 decision in Youngstown, the Supreme Court held that President Truman exceeded his constitutional authority. Justice Jackson authored the famous concurring opinion, setting forth the three zones into which Presidential actions fall.

The first zone: When the President acts consistently with the will of Congress, the President's power is at its greatest.

Two: When the President acts in an area in which Congress has not expressed itself, there is an open question as to the scope of congressional and Presidential authority. So we know the first two.

The third zone: When the President acts in contravention of the will of Congress, Presidential power is at its lowest.

That is where we are right now. Clearly, President Bush acted outside of the scope of the law. According to Youngstown, his power is at its lowest. The only way to test that is to bring a case before the Supreme Court again. But the fact the Court ruled against Truman in a situation of war—in a situation where a strike would have shut down the steel mills, when Truman tried to use his commander in chief authority to seize the steel mills, the Court said: You cannot do that, and then it went on to define the different zones of Presidential authority. It is a big opinion, and it is one which is often quoted in our judicial hearings on Supreme Court nominees.

Justice Jackson also wrote:

> When the President takes measures incompatible with the expressed or implied will of Congress—

Which is this case—

> his power is at its lowest ebb, for then he can rely only on his constitutional powers, minus any constitutional powers of Congress over the matter.

Now, this is key, this last part: Although Justice Jackson's opinion was not binding at the time, the Supreme Court has since adopted it as a touchstone for understanding the dimensions of Presidential power. The Youngstown case is as important today as it was then.

That is why I am proposing this amendment. I want to make it crystal clear, and my cosponsors want to make it crystal clear, that Congress has acted to prohibit electronic surveillance on U.S. persons for foreign intelligence purposes outside of FISA, and this amendment does that.

One day this issue is going to be before the Court, and on that day I want the Justices to be able to go back and see the legislative intent; the legislative intent as it was in the Judiciary Committee, the legislative intent as it is here on the floor, and the legislative intent of this amendment to strengthen the exclusivity parts of FISA.

What we have here is a case of history repeating itself: abuse followed by a clear statement from Congress, then another abuse with the Terrorist Surveillance Program. It too should be followed by a clear statement from Congress.

Now is the time for the Congress of the United States to reassert its constitutional authorities and pass a law that clearly and unambiguously prohibits warrantless surveillance outside of FISA. Now is the time to say that no President, now or in the future, can operate outside of this law.

I mentioned that in 2001 the President chose to go outside of FISA. In January of 2007, after the Intelligence Committee learned about the full dimensions of the law, guess what. The executive branch brought it to the Court and bit by bit put the program under the Foreign Intelligence Surveillance Court. Today, the entire program is within the parameters of the Foreign Intelligence Surveillance Court.

What I am saying to this body is it was a terrible misjudgment not to do so in 2001, because I believe the Foreign Intelligence Surveillance Court would have given permission to the program. So I believe this amendment is absolutely crucial, and I very much hope it will pass tomorrow.

Now, if I may, I wish to speak in support of my amendment to replace the full immunity in the underlying bill with a system of FISA Court review. This is amendment No. 3919. I am joined in this amendment by Senators BILL NELSON, BEN CARDIN, and KEN SALAZAR. I ask unanimous consent to add Senator WHITEHOUSE as a cosponsor, and I know that Senator WHITEHOUSE wishes to come to the floor to speak to this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. This amendment is about allowing a court to review the request for immunity for the telecommunications companies, but in a way that is carefully tailored to meet this unique set of suits. It allows for the good faith defense if the companies reasonably believed the assistance they provided the Government was legal.

As Members know, the FISA Court comprises 11 Federal district court judges appointed by the Chief Justice. It has heard thousands of applications for FISA warrants and has recently made determinations on the executive's procedures under the Protect America Act. In January of 2007, the Court put the entire Terrorist Surveillance Program under its jurisdiction. Its judges and its staff are experts in surveillance law, and the Court protects national security secrets.

Let me describe the amendment briefly. Under this amendment, the FISA Court is directed to conduct a tailored, three-part review.

Part one: The FISA Court will determine whether a telecommunications company actually provided the assistance to the Federal Government as part of the Terrorist Surveillance Program. If not, those cases are dismissed. So if you didn't give help and you have litigation pending, the case is dismissed, period.

Second: If assistance was provided, the Court would review the request letters sent from the Government to the companies every 30 to 45 days. The FISA Court would then have to determine whether these letters, in fact, met the requirements of the applicable law. There is law on this. It is part of FISA. It is 18 U.S.C. 2511. If they met the requirements, the cases against the companies are dismissed.

Now, let me tell my colleagues what the law says. Sections 2511(2)(a)(ii)(A) and (ii)(B) state that companies are allowed to provide assistance to the Government if they receive a certification in writing by a specified person (usually the Attorney General or a law enforcement officer specifically designated by the Attorney General).

The certification is required to state that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required by the Government. Now that is what the law says. It is short, it is succinct, it is to the point.

The question is: Do the specifics of the actual documents requesting assistance meet the letter of this law with respect to contents and timing. If they did, the companies would be shielded from lawsuits. Why? Because that is the law. That is what the law says. No one would want us not to follow the law.

Finally, in any case where the defendant company did provide assistance but did not have a certification that complied with the requirements I have read, the FISA Court would assess whether the company acted in good faith, as has been provided under common law.

There are several cases of common law that describe what is called the good faith defense—the U.S. v. Barker, Smith v. Nixon, Halperin v. Kissinger, and Jacobson v. Bell Telephone. So there is common law on the subject.

There would be at least three lines of defense for defendant companies in this situation. They could argue that the assistance was lawful under the statutes other than 18 U.S.C. 2511—the law I have cited; that they believed, perhaps wrongly, that the letters from the Government were lawful certifications; or that complying with the request for assistance was lawful because the President had article II authority to conduct this surveillance. They could make their arguments, and the plaintiffs, against the defendant companies, could make their arguments.

In this case, the FISA Court would then determine whether the company acted in good faith and whether it had an objectively reasonable belief that compliance with the Government's written request or directives for assistance were lawful. If the Court finds that the company met this standard, the lawsuits would be dismissed.

I believe this very narrow three-part test strikes the right balance between the competing interests in the immunity debate. This amendment neither dismisses the cases wholesale, nor does it allow the cases to proceed if the companies had an objectively reasonable belief that their compliance was lawful.

Let me point out for a moment some of the history relevant to this issue.

First: Requests for assistance from the Government to the telecoms came about 1 month following the worst terrorist attack against our Nation. That is fact. There was an ongoing acute national threat. That is a fact. The administration was warning that more attacks might be imminent. That was fact. And we now know that there was a plot to launch a second wave of attacks against the west coast.

Two: Certain telecom companies received letters every 30 to 45 days from very senior Government officials. That is fact. I have read them. The letters said the President had authorized their assistance. That is fact. They also said the Attorney General had confirmed the legality of the program. That is fact. These assurances were from the highest levels of the Government.

Third: Only a very small number of people in these companies had the security clearances to be allowed to read the letters, and they could not consult others with respect to their legal responsibility, nor are these telecommunication company executives expert in separation of powers law—either article II legal arguments or the flawed AUMF argument.

Fourth: As I mentioned, common law has historically provided that if the Government asks a private party for help and makes such assurances that help is legal, the person or company should be allowed to provide assistance without fear of being held liable. That is true. Common law does this. One would think this would be especially true in the case of protecting our Nation's security.

Fifth, taking no legislative action on the pending cases ignores the fact that these companies face serious, potentially extraordinarily costly litigation but are unable at the present time to defend themselves in court. The Government has invoked the state secrets defense.

Now, this is a sort of insidious defense. It places the companies in a fundamentally unfair place. Individuals and groups have made allegations to which companies cannot respond. They cannot answer charges, nor can they respond to what they believe are misstatements of fact and untruths.

Bottom line, they cannot correct false allegations or misstatements, they cannot give testimony before the court, and they cannot defend themselves in public or in private.

While I have concerns about striking immunity altogether or substituting the Government for the companies, I don't believe full immunity is the best option without having a court review the certification and the good-faith defense.

Currently, under FISA there is a procedure that allows the Government to receive assistance from telecommunications companies. As I have already described, title 18 of the U.S. Code, section 2511, states that the Government must provide a court order or a certification in writing that states:

> No warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required, setting forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specifying the information, facilities, or technical assistance required. . . .

That is it. Under the law, these are the circumstances under which a telecommunications company may provide information and services to the Government. Unfortunately, the administration chose not to go to the FISA Court in the fall of 2001 for a warrant. I will never understand why. Instead, it asserted that Article II of the Constitution allowed the President to act outside of FISA.

However, as I said, by January of 2007—more than 5 years later—the entire Terrorist Surveillance Program was, in fact, brought under the FISA Court's jurisdiction. So, ultimately, the administration agreed that the program can and should be conducted under the law.

Senators NELSON, CARDIN, SALAZAR, WHITEHOUSE, and I believe the question of whether telecommunications companies should receive immunity should hinge on whether the letters the Government sent to these companies met the requirements of 18 U.S.C. 2511 or, if not, if the companies had an objectionably reasonable belief their assistance was lawful, and what that objective belief was.

In other words, we should not grant immunity if companies were willingly and knowingly violating the law.

So the best way to answer this question is to allow an independent court, skilled in intelligence matters, to review the applicable law and determine whether the requirements of the law or the common law principle were, in fact, met. If they were, the companies would receive immunity; if not, they would not. But a court would make that decision, not a body, some of whom have seen the letters but most of whom have not. But it would be a court that is skilled in this particular kind of law.

I want to briefly comment on procedure. I very much regret that this amendment faces a 60-vote threshold when the other two amendments relating to telecom immunity face majority votes. Clearly, someone was afraid this might get a majority vote and, therefore, they put on a 60-vote requirement.

This, I believe, is prejudicial, and it places a higher burden on this amendment. And the irony is, this amendment could be an acceptable solution for the other House, which has passed a bill that doesn't contain any provisions for immunity and has said they would not provide any provision for immunity. This is the way to handle that particular issue.

I, therefore, urge my colleagues to support this amendment both on the merits and so that we can finish the

FISA legislation. I hope the conferees will take a strong vote on this amendment—whether it reaches 60 Senators to vote aye or not—as a signal that it is a good solution when the legislation goes to conference.

Mr. President, I ask for the yeas and nays on both of these amendments.

The ACTING PRESIDENT pro tempore. Is there objection to asking for the yeas and nays on the two amendments at this time?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, for the last 6 months I have come to the floor on numerous occasions to offer my support of the limited immunity provisions in the Rockefeller-Bond bill.

In addition to my views on this subject, there are countless Americans who have expressed their support for the immunity provision.

In fact, I ask unanimous consent to have printed in the RECORD a letter sent to the Senate leadership last month, which is signed by 21 State attorneys general, which expresses their strong support for the immunity provision included in this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 11, 2007.

RE FISA Amendments Act of 2007 (S. 2248).

Hon. HARRY REID,
*Senate Majority Leader,*
*Washington, DC.*
Hon. MITCH MCCONNELL,
*Senate Minority Leader,*
*Washington, DC.*

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: We understand that the Senate will soon consider S. 2248, the FISA Amendments Act of 2007, as recently reported by the Senate Select Committee on Intelligence. Among other things, the bill would directly address the extensive litigation that communications carriers face based on allegations that they responded to requests from the government regarding certain intelligence-gathering programs. For a number of reasons, we support these carefully crafted provisions of the bill that the Intelligence Committee adopted on a bi-partisan basis.

First, protecting carriers from this unprecedented legal exposure is essential to domestic and national security. State, local and federal law enforcement and intelligence agencies rely heavily on timely and responsive assistance from communications providers and other private parties; indeed, this assistance is utterly essential to the agencies' functions. If carriers and other private parties run the risk of facing massive litigation every time they assist the government or law enforcement, they will lack incentives to cooperate, with potentially devastating consequences for public safety.

Second, the provisions of the bill are consistent with existing, long-standing law and policy. Congress has long provided legal immunity for carriers when, in reliance on government assurances of legality or otherwise in good faith, they cooperate with law enforcement and intelligence agencies. But because the government has invoked the "state secrets privilege" with respect to the subject matter of the cases, the carriers are disabled from mounting an effective defense, they are not permitted to invoke the very immunities written into the law for their benefit, and they cannot rebut the media storm that has damaged the companies' reputations and customer relationships. The immunity provisions of S. 2248 would overcome this paradox, but not simply by dismissing the pending cases outright. Instead, they would establish a thoughtful, multi-step process involving independent review by the Attorney General and the courts that, only when completed, would lead to dismissal of the claims.

Third, cases against the carriers are neither proper nor necessary avenues to assess the legality of the government's intelligence-gathering programs. Government entities or officials are already parties in over a dozen suits challenging the legality of the alleged programs, and the immunity provisions in S. 2248 would have no impact on these claims. In short, Congress should not, in a rush to hold the government accountable for alleged wrongdoing, burden these carriers with the substantial reputational damage and potentially ruinous liability that could flow from these suits. If these alleged programs were legally infirm, the government, not private actors who acted in good faith and for patriotic reasons, should answer for them.

For these reasons, we urge that any FISA-reform legislation adopted by the Senate include the carrier-immunity provisions currently contained in S. 2248.

Hon. W.A. Drew Edmondson, Attorney General of Oklahoma; Hon. J.B. Van Hollen, Attorney General of Wisconsin; Hon. John Suthers, Attorney General of Colorado; Hon. Patrick Lynch, Attorney General of Rhode Island; Hon. Bill McCollum, Attorney General of Florida; Troy King, Attorney General of Alabama; Hon. Dustin McDaniel, Attorney General of Arkansas; Hon. Thurbert E. Baker, Attorney General of Georgia; Hon. Paul Morrison, Attorney General of Kansas; Hon. Kelly Ayotte, Attorney General of New Hampshire.

Hon. Jon Bruning, Attorney General of Nebraska; Hon. Wayne Stenehjem, Attorney General of North Dakota; Hon. Roy Cooper, Attorney General of North Carolina; Hon. Henry McMaster, Attorney General of South Carolina; Hon. Tom Corbett, Attorney General of Pennsylvania; Hon. Greg Abbott, Attorney General of Texas; Hon. Larry Long, Attorney General of South Dakota; Hon. Bob McDonnell, Attorney General of Virginia; Hon. Mark Shurtleff, Attorney General of Utah; Hon. Darrell McGraw, Attorney General of West Virginia; Hon. Bob McKenna, Attorney General of Washington.

Mr. HATCH. Mr. President, here is the list of the attorneys general who signed this letter endorsing the immunity provision in the original Rockefeller-Bond bill. They are attorneys general from the States of Wisconsin, Rhode Island, Oklahoma, Colorado, Florida, Alabama, Arkansas, Georgia, Kansas, Utah, Texas, New Hampshire, Virginia, North Dakota, North Carolina, South Carolina, Pennsylvania, South Dakota, Nebraska, West Virginia, and Washington.

In addition, I ask unanimous consent to have printed in the RECORD four letters sent from law enforcement organizations, all in support of the immunity provision of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL SHERIFF'S ASSOCIATION,
*Alexandria, VA, November 13, 2007.*

Hon. PATRICK J. LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*
Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: On behalf of the National Sheriffs' Association (NSA), I am writing to urge you to support Section 202 of the FISA Amendments Act of 2007 (S. 2448). This extension of retroactive immunity under the terms referenced in this section would have a significant impact on the cooperative relationship between the government and the private companies to safeguard public safety.

As you know, the electronic surveillance for law enforcement and intelligence functions depends in great part on the cooperation of the private companies that operate the nation's telecommunication system. Section 202 would provide much needed liability relief to electronic communication service providers that assisted the intelligence community to implement the President's surveillance program in the aftermath of September 11, 2001. The provision of retroactive immunity would help ensure that these providers who acted in good faith to cooperate with the government when provided with lawful requests in the future.

The nation's sheriffs recognize the critical role that electronic communication service providers play in assisting intelligence officials in national security activities. However, given the scope of the current civil damages suits, we are gravely concerned that, without retroactive immunity, the private sector might be unwilling to cooperate with lawful government requests in the future. The possible reduction in intelligence that might result from protracted litigation is unacceptable for the security of our citizens.

As the Senate considers the FISA Amendments Act of 2007, we strongly urge you to help preserve the cooperative relationship between law enforcement and the private sector by supporting Section 202.

Sincerely,

SHERIFF CRAIG WEBRE,
*President.*

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THE NATIONAL TROOPERS COALITION,
*Washington, DC, November 12, 2007.*

Hon. PATRICK J. LEAHY,
*Chairman, Senate Judiciary Committee, Washington, DC.*
Hon. ARLEN SPECTER,
*Ranking Member, Senate Judiciary Committee, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: As the Senate Judiciary Committee gets set to consider legislation that would update the Foreign Intelligence Surveillance Act (FISA), the National Troopers Coalition wishes to express its support for Section 202 of the FISA Amendments Act of 2007. This section is of particular importance to the NTC and law enforcement in general because it will have a significant impact on the cooperative relationship between government and the private sector in relation to public safety.

Section 202 provides much needed relief from mass tort litigation relief to telecommunications companies that helped protect our nation after the horrific attacks of September 11, 2001. Should this narrow provision not be adopted, we believe that all levels of law enforcement will suffer by losing the cooperation of vital allies in our ongoing fight againt crime. The chilling effect will be that businesses may feel compelled to avoid the risk of litigation by declining to cooperate with law enforcement even though they have every reason to believe the request is lawful.

In the weeks following the 9/11 attacks, some telecommunications companies were apparently asked by the President for their assistance with intelligence activities, aimed at preventing similar attacks in the future. These companies were assured that their compliance was necessary and deemed lawful by the Attorney General. Upon complying with the government's request, and providing information that would keep the American people safe, these companies now face the prospect of years of litigation, even though they cannot defend themselves in court due to the highly classified nature of the governmental program they were assured was legal. This is disheartening, to say the least.

The nation's State Troopers understand the vital role that private businesses play in emergency situations and criminal investigations, and we are concerned that if these companies continue to be dragged through costly litigation for having responded in these circumstances, it will deter their voluntary cooperation with law enforcement authorities in the future. When it comes to protecting the public from terrorists, sophisticated international gangs and on-line predators, government counts on its private sector partners for help. We cannot afford to send the message that if you cooperate with law enforcement you will be sued.

As the Senate considers this legislation, we strongly urge you to help preserve the cooperative relationship between law enforcement and private businesses by supporting Section 202.

Sincerely,

DENNIS J. HALLION,
*Chairman.*

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NATIONAL NARCOTIC OFFICERS' ASSOCIATION'S COALITION,
*West Covina, CA, November 14, 2007.*

Re Support for Section 202 of the FISA Amendments Act of 2007

Hon. PATRICK LEAHY,
*Chairman, Senate Committee on the Judiciary, Washington, DC.*

Hon. ARLEN SPECTER,
*Ranking Member, Senate Committee on the Judiciary, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTOR: I am writing on behalf of the forty-four state narcotic officers' associations and the more than 69,000 law enforcement officers represented by the National Narcotic Officers' Associations' Coalition (NNOAC) to encourage your strong support for Section 202 of the FISA Amendments Act of 2007.

Section 202 provides much-needed relief from mass tort litigation towards telecommunications companies that helped protect our nation after the horrific attacks of September 11, 2001. Should this provision not be adopted, we believe that federal, state and local law enforcement will suffer by losing important voluntary cooperation of allies in our national fight against crime. Private corporations and business may decide to avoid the risk of litigation by declining to cooperate with law enforcement—even if they have every reason to believe the request for their help is lawful and just.

The NNOAC understands and appreciates the vital role that private businesses play in emergency situations and criminal investigations. Our membership is very concerned that if these corporate entities continue to be dragged through costly litigation for having responded during dire circumstances—like the terrorist attacks occurring on September 11, 2001—it will have a chilling effect on the private sector's voluntary cooperation with law enforcement in the future. The United States government cannot afford to send the message to corporate America that if you cooperate with law enforcement and the office of the United States Attorney General, you will get sued.

Thank you for your consideration of this important provision and your continued support towards law enforcement. I am happy to discuss this issue further.

Sincerely,

RONALD E. BROOKS,
*President.*

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INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
*Alexandria, VA, November 15, 2007.*

Hon. PATRICK LEAHY,
*Chair, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY: As President of the International Association of Chiefs of Police (IACP), I am writing to express my support for Section 202 of the FISA Amendments Act of 2007. This section is of particular importance to law enforcement because it will have a significant impact on the vital cooperative relationship between government and the private sector that is necessary to promote and protect public safety.

As you know, Section 202 provides relief from litigation to telecommunications companies that responded to the government's request for assistance following the horrific attacks of September 11, 2001. It is my belief that failure to adopt this provision could jeopardize the cooperation of vital allies in our ongoing fight against crime and terrorism. Businesses often feel compelled to avoid the risk of litigation by declining to cooperate with law enforcement even though they have every reason to believe the request is lawful.

Police chiefs understand the vital role that private businesses often play in emergency situations and criminal investigations, and we are concerned that if these companies are faced with the threat of litigation for responding in these circumstances, it will have a chilling effect on their voluntary cooperation with law enforcement authorities in the future.

At this critical time in history, when federal, state, tribal and local law enforcement agencies are striving to protect the public from terrorists, sophisticated international gangs, online predators, and other violent criminals, it is extremely important that we be able to rely on the private sector for much needed assistance.

Therefore, as the Senate considers this legislation, I urge you to help preserve the cooperative relationship between law enforcement and private businesses by supporting Section 202.

Thank you for your attention to this important matter and for your efforts on behalf of law enforcement.

Sincerely,

RONALD C. RUECKER,
*President.*

Mr. HATCH. Mr. President, The first letter is from the National Sheriffs Association on behalf of 20,000 nationwide sheriffs. It states in part:

> The Nation's sheriffs recognize the critical role that electronic communication service providers play in assisting intelligence officials on national security activities. We are gravely concerned that, without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future. The possible reduction in intelligence that might result from protracted litigation is unacceptable to the security of our citizens. We strongly urge you to help preserve the cooperative relationship between law enforcement and the private sector by supporting the immunity provision of this bill.

The other letters include one from the National Troopers Coalition, on behalf of its 40,000 members, one from the International Association of Chiefs of Police, on behalf of its 21,000 members, and one from the National Narcotics Officers' Association's Coalition on behalf of its 69,000 members. All of these letters support the retroactive immunity provision.

I have to tell you, when 150,000 law enforcement personnel with tremendous experience and expertise say they support telecom retroactive immunity, we should be listening and we should be giving this great weight. They know firsthand the dangers we face and they know what is at stake.

Let me talk a little about the Feinstein amendment No. 3910 on exclusive means. S. 2248 already has an exclusive means provision that is identical to the first part of the distinguished Senator's amendment. That provision simply restates Congress's intent back in 1978, when FISA was enacted, to place the President at his lowest ebb of authority in conducting warrantless foreign intelligence surveillance.

The current provision in S. 2248 was acceptable to all sides in the Intelligence Committee because it maintains the status quo with respect to the dispute over the President's constitutional authority to authorize warrantless surveillance.

Unfortunately, the amendment of the distinguished Senator from California is a significant expansion of the bipartisan provision that we enacted in the Intelligence Committee bill. Her amendment goes further by stating that only an express statutory authorization for electronic surveillance, other than FISA or the criminal wiretap statutes, shall constitute additional exclusive means.

This attempts to prohibit the President's exercise of his judicially recognized article II authority to issue warrantless electronic surveillance directives.

During the next attack on our country or in the face of an imminent threat, the Congress may not be in a position to legislate an express authorization of additional means. We may get intelligence information about an imminent threat during a lengthy recess, over a holiday. Air travel may be inhibited.

The bottom line is, we don't know what tomorrow will bring. Yet this provision of the distinguished Senator from California would raise unnecessary legal concerns that might impede effective action by the executive branch to protect this country.

This amendment would also make members of the intelligence community who conduct electronic surveillance at the direction of the President subject to the FISA criminal penalty provisions of a $10,000 fine and imprisonment for not more than 5 years.

Virtually all of these people are not partisan people. They are people who continue on regardless of what administration is involved. They are there to do the job to protect us. They are not partisans. We should not treat them as such, and certainly we should not be saying that if they make a mistake, they are subject to a criminal provision of a $10,000 fine or imprisonment of not more than 5 years. Also, it is likely these criminal penalties would apply to any service provider who assisted the Government in conducting such electronic surveillance. That makes it even tougher to get their cooperation. Up until now they have been willing to cooperate because they realize how important this work is, and they have the request of high-level officials in the Government. That should be enough to protect them. They are doing it patriotically, to protect our country. They should not be hampered nor should their general counsels have to make a decision that the U.S. Government will have to go to court, with all of the delays involved in that, in order to do what it takes to protect the people in this country.

Regardless of what the skeptics and critics have said about the President's Terrorist Surveillance Program, the Constitution trumps the FISA statute. If a Government employee acts under the color of the President's lawful exercise of his constitutional authority, that employee should not be subject to a criminal penalty.

In my opinion, the current restatement of exclusive means is fair and keeps the playing field level, and it is enough. Ultimately, the Supreme Court may decide whether Congress has the authority to limit the President's authority to intercept enemy communications. Until then, it is my hope that we don't try to tilt the balance in a way that we may someday come to regret.

I urge my colleagues to vote against this exclusive means amendment.

The next Feinstein amendment is No. 3919. This amendment alters the immunity provision of the Rockefeller-Bond bill. I will oppose this amendment.

As has been said countless times, the immunity provision in this legislation was created after months of extensive debate and negotiation between the Congress and the intelligence community.

I cannot emphasize enough the painstaking work that the Intelligence Committee undertook in order to create this immunity provision. The chairman of the Senate Select Committee on Intelligence stated the following in the Intelligence Committee report:

> The [Intelligence] Committee did not endorse the immunity provision lightly. It was the informed judgment of the Committee after months in which we carefully reviewed the facts in the matter. The Committee reached the conclusion that the immunity remedy was appropriate in this case after holding numerous hearings and briefings on the subject and conducting a thorough examination of the letters sent by the U.S. Government to the telecommunications companies.

The administration wanted more than what is in this bill, and they did not get it. In a bipartisan way, we came together to come up with this bill, and it should not be tampered with now on the floor.

Let's look at what this means in relation to ongoing litigation. Since this immunity compromise provides no immunity for Government agencies or officials, the following seven cases will continue to be unaffected by this legislation. The immunity provision of the Senate Select Committee on Intelligence bill still allows TSP challenges in the al-Haramain Islamic Foundation, Inc. v. George W. Bush case, the ACLU v. National Security Agency case, the Center for Constitutional Rights v. George W. Bush case, the Guzzi v. George W. Bush case, the Henderson v. Keith Alexander case, the Shubert v. George W. Bush case, and the Tooley v. George W. Bush case.

I wish to draw attention to the first case. The al-Haramain Islamic Foundation has been designated by the Department of the Treasury as a "specially designated global terrorist" for providing support to al-Qaida and was similarly designated by the United Nations Security Council. If there ever was a case that should be dismissed, this is it—a terrorist organization providing support to al-Qaida sues the President for listening to their terrorist conversations. Unbelievable. And yet since the immunity provision in this bill is silent on the issue, the case will go on.

I highlight this case to remind people the provision in the bill already represents a compromise. The provision in the original bill passed by a 13-to-2 bipartisan vote out of the Intelligence Committee on which I serve. Despite repeated attempts to tweak this compromise, it remains the most appropriate and just mechanism for the resolution of this issue.

Just like the faulty ideas of Government indemnification and Government substitution, the Foreign Intelligence Surveillance Court review of certifications is yet another alternative that fails to improve on the original bipartisan immunity compromise we have in the bill before us.

I will oppose any provisions which weaken the immunity compromise. This amendment we are debating will do exactly that. Rather than rely on the carefully crafted language, this amendment introduces radically new ideas which completely change the dynamics of the immunity provision of the bipartisan bill. Rather than allowing the presiding district judge to review the Attorney's General certification called for in this bill, this amendment unnecessarily expands the Foreign Intelligence Surveillance Court jurisdiction into areas unheard of when this court was created nearly 30 years ago and equally unheard of in the year 2008.

Let's remember what it is that the Foreign Intelligence Surveillance Court was created to do:

> A court which shall have jurisdiction to hear applications for and grant orders approving electronic surveillance.

That is the mission of the FISC. So the FISC hears applications for and grants orders approving electronic surveillance. That is it. That is all they were created to do and rightly so. These are judges from all over the country who serve on the FISC at special times and do read these briefs, do read these legal matters that come before them, and then do exactly that, "a court which shall have jurisdiction to hear applications for and grant orders approving electronic surveillance."

Yet this legislation will completely alter the nature of this court by transforming it into a trial court for adversarial litigation. This completely alters the intention of FISA from 1978 which carefully created this court. The role of the FISC, or Federal Intelligence Surveillance Court, has been greatly misunderstood during this debate.

I suggest we pay close attention to the recent opinion from the FISC, which is only the third public opinion in the history of the FISC, and that is over a 30-year period. The importance of this quote has been emphasized many times by Senator BOND, and this is what the FISC said:

> Although the FISC handles a great deal of classified material, FISC judges do not make classification decisions and are not intended to become national security experts. Furthermore, even if a typical FISC judge had more expertise in national security matters than a typical district court judge, that expertise would not be equal to that of the executive branch which is constitutionally entrusted with protecting the national security.

I understand there are certain Senators in this body who dislike President Bush. That is their right. But on the other hand, there may come a time when a President of their party may have to protect our country. They ought to think it through because they are taking away the tools that are necessary to protect our country in a zeal to go beyond what the FISC was ever designated to do.

Going beyond the fact this amendment would turn the role of the FISA Court on its head, let's look at what the FISC is asked to do in this amendment. According to the language, liability protection would only occur in three limited instances: One, the statutory defense in 18 U.S.C. 2511(2)(a)(ii) has been met. Two, the assistance of electronic surveillance service providers was undertaken on good faith and pursuant to an "objectively reasonable belief" that compliance with the Government's directive was lawful. And three, assistance was not provided.

Regarding the first instance in which litigation would be dismissed, we need to realize 18 U.S.C. 2511 is not the only statute that allows the Government to receive information from telecommunications companies. There are numerous statutes which authorize the Government to receive information from private businesses. Here is a list not meant to include all such statutes. Look at this list:

18 U.S.C. 2516, 18 U.S.C. 2518, 18 U.S.C. 2512(2)(a)(ii), 18 U.S.C. 2511(3)(b)(iv), 50 U.S.C. 1802(a), 50 U.S.C. 1804, 50 U.S.C. 1805, 50 U.S.C. 1811, 50 U.S.C. 1861, 18 U.S.C. 2702(b)(5), 18 U.S.C. 2702(c)(5), 18 U.S.C. 2702(b)(8), 18 U.S.C. 2702(c)(4), 18 U.S.C. 2703(a), 18 U.S.C. 2709, 50 U.S.C. 1842, 18 U.S.C. 3127, 50 U.S.C. 1843, and 50 U.S.C. 1844, to mention a few.

Regarding the second narrow instance of dismissal of litigation, the phrase "objectively reasonable belief" is not defined in the legislation. What does this mean? How can it not be given a definition if the court is supposed to rely on it? Are we going to turn it over to the court to define it? Again, that is not the mission of the court. The court is not skilled in intelligence matters, except to the extent they have to know about it to be able to approve the various requests that are made of them, and there is no way it is going to be as skilled as the intelligence community.

So this amendment would grant the FISC new jurisdiction to review past conduct of private businesses utilizing a standard which did not exist at the time of the supposed activity and a standard which is not even defined in the legislation which creates it. Wow.

In addition, this amendment would allow plaintiffs and defendants to appear before the Federal Intelligence Surveillance Court. But we should know the FISC is not a trial court. It has never had plaintiffs in ongoing civil litigation appear before it in its nearly 30 years of existence.

There are approximately 40 civil cases which are ongoing out of this matter. Would all these plaintiffs appear before FISC? How would classified information, therefore, be protected? This amendment would create an entirely new role for the FISC, thus abandoning the very formula by which the FISC was created in the first place. Remember, the FISC was created to be a specialized court. Yet the expansion of FISC jurisdiction and duty required by this amendment brings us down a road where the FISC could be transformed from a specialized court to an appendage of the Federal district court. That precedent set by this amendment could forever alter the role of the FISC.

Quite simply, the FISC is not a trial court, nor should it be. Quite simply, the FISC is not a forum for adversarial litigation, nor should it be.

This amendment extends the rationale that the answer to any question during this debate is "have the FISC look at it." The role of the FISC is vitally important, but the FISC is not the answer to every question during this debate. Misguided attempts to expand the FISC to be the purported solution to any alleged problem with terrorist tracking are impractical, imperceptive, and inappropriate.

We are long past the time for guesswork, and we need to support the tried-and-true bipartisan immunity provision as appropriate remedy to a critical problem. I reiterate my strenuous objection to this amendment, and I urge my colleagues not to support an amendment which introduces far too many unanswered questions into a debate which needs none.

### AMENDMENT NO. 3912

With regard to amendment No. 3912 regarding bulk collection, this amendment did pass out of the Judiciary Committee, but it passed on a 10-to-9 party-line vote after only four minutes of discussion. This Judiciary substitute was tabled by the full Senate by a 60-to-36 vote, and this amendment is one of the reasons it was.

There is confusion about the need for this amendment. Does it preclude bulk collection or not? The text of the amendment seems to indicate that no bulk collection is permitted. Yet the author of the amendment states there is an exception for military operations. I have read the amendment, and I don't see any exception listed. Perhaps he is referencing comments in the Judiciary Committee report. But committee reports are not law.

The Attorney General and Director of National Intelligence have carefully reviewed this amendment, and they have stated that if this amendment is in a bill which is presented to the President, they will recommend that the President veto the bill, and I agree with that recommendation.

### AMENDMENT NO. 3979

With regard to the Feingold amendment No. 3979 on sequestration of U.S. person communications, I am very concerned about the substance of this amendment, as are many of my colleagues. In addition, the Attorney General and Director of National Intelligence have thoroughly reviewed this amendment, and they recently sent a letter to the Senate stating:

> This amendment would eviscerate critical core authorities of the Protect America Act and S. 2248. Our prior letter and Statement of Administration Policy explained how this type of amendment increases the danger to the Nation and returns the intelligence community to a pre-September 11th posture that was heavily criticized in congressional reviews. It would have a devastating impact on foreign intelligence surveillance operations. It has never been the case that the mere fact that a person overseas happens to communicate with an American triggers a need for court approval. Indeed, if court approval were mandated in such circumstances, there would be grave consequences for the intelligence communities' efforts to collect foreign intelligence.

The last part of this has been underlined.

> Accordingly, if this amendment is part of a bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

Unlike many of the amendments we have debated here on the Senate floor, this amendment did not receive a vote in either the Intelligence or Judiciary Committees. Not that that is limiting, but the amendment itself is not a healthy one on its face. Yet this amendment is among the most drastic in terms of affecting the efficiency and effectiveness of our intelligence collection processes. This amendment imposes tremendous restrictions in which the intelligence community is limited in what information they can receive and how this information can be shared.

That is what I think we were shocked to find when 9/11 occurred, that our various intelligence community organizations—FBI, CIA, et cetera—were not sharing information. Now that we have solved that problem, why go back?

The massive reorganization of our collection techniques which would be required by this amendment is certainly obvious. The author of the amendment has recognized this as well, previously stating:

> I do understand this amendment imposes a new framework that may take some time to implement.

We need to remember the purpose of this bill is, and always has been, to enable the intelligence community to target foreign terrorists and spies overseas. But in order to make sure we are not missing valuable intelligence, we need to get all of a target's communications, not only when that target is talking with other people overseas, and that may mean intercepting calls with people inside the United States. In fact, those may be the most important calls to try to prevent an attack in the United States.

I understand there is concern about the impact of foreign targeting on U.S. persons. But we have a lot of protections built into this new bill that came out of the Intelligence Committee on a 13-to-2 bipartisan vote. I have been to this floor on numerous occasions and highlighted how the Foreign Intelligence Surveillance Court's role in all aspects of foreign intelligence collection is being greatly expanded by this bill, far beyond the 1978 FISA statute.

In addition, the Senate agreed to an amendment by Senator KENNEDY that would make it clear you cannot use authorities in this bill to require communications where the sender and all intended recipients are known to be in the United States. We shouldn't go any farther.

The intelligence community must use minimization procedures. Our analysts are familiar with these procedures. They have used them for a long time without any known abuses. Yet the scope of this amendment seems to represent no confidence in the minimization procedures used by the U.S. Government. Keep in mind, these minimization procedures were enacted over 30 years ago, and this bill will authorize the FISC to review and approve them for the first time.

This bill goes farther than ever before in our history in striking a balance between intelligence collection and protection of civil liberties. Personally, I am proud of this bill. I think all in the Intelligence Committee should have stuck with it, and we should not be trying to amend it at this point, especially with amendments that aren't going to work and will diminish our ability to get the intelligence we need to protect our citizens. Now I believe that in this bill we are protecting the civil liberties of ordinary Americans, but we also need to make sure our intelligence community isn't blind to information which may ultimately prove to be critical.

Section (a)(1) of this amendment would not allow the collection of certain communications if the Government knows before acquisition a communication is to or from a person reasonably believed to be in the United States. The Government knows when it targets foreign citizens in foreign countries that they might call or be called by U.S. persons. These are called "incidental communications." Under the limitations in this amendment, the Government could not initiate the collection in the first place under many circumstances. This essentially undoes the authority granted in section 703 of this bill and will cause us to go deaf to our enemies.

The Director of National Intelligence has told us before that speed and agility are essential in tracking terrorists and preventing terrorist attacks. Yet even if collection could somehow begin under the dangerous restrictions in this amendment, analysts would have to go through hoop after hoop after hoop to use information that has foreign intelligence value. Remember, if it doesn't have foreign intelligence value, any U.S. person information would already have been minimized.

I do not understand why we would set up unnecessary roadblocks and slow this process down when we already have so many substantial protections in place. The Director of National Intelligence has stated this amendment would cause significant operational problems for the intelligence community that could lead to intelligence gaps. I affirm this statement. Knowing this, it would be irresponsible to handcuff our intelligence community with these additional restrictions.

I urge my colleagues to join me in opposing this dangerous amendment.

I emphasize again: We have brilliant, knowledgeable, well-trained, decent, honorable people who are here, no matter who is President, in the business of protecting our citizens from terrorist acts. And this bill, which passed 13 to 2 on a bipartisan vote out of the Intelligence Committee, provides more checks on these good people than the FISA Act of 1978 did, and that act has worked very well through all those years. The reason we are doing this bill is because we are in a new age, with new methods of communication that simply were not covered by the 1978 act, to put it in simple terms.

This is a complex thing, and I think we have to be very careful if we go beyond what the Intelligence Committee bill has said we should do. It was a bill worked out after months of hearings and work by the Intelligence Committee. I believe, in the Senate, I have probably been on the Intelligence Committee longer than anybody else, and I want to protect our people too. I want to protect them in a multiplicity of ways. But one of the most important ways we can protect them in this day of Islamic fascism is to give them the tools to do it and not restrict and hamper them from doing it—keeping in mind that they are honest, non-partisan citizens who are more interested in protecting Americans and getting the information we need to protect everybody than the partisans and sometimes uninformed people make them out to be.

Yes, any administration can put the top-level people in, but it is those who collect this information on a daily basis, minimize this information when it needs to be minimized, and work to do it in an honorable fashion who do the work. We should not be tying their hands and hampering them from getting the work done in this day and age when we have so many problems, and it looks to me as if we are going to have them for many years to come.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

### AMENDMENT NO. 3919

Mr. WHITEHOUSE. Mr. President, I am glad to have had the occasion to be on the floor and hear the words of the very distinguished Senator from Utah, who has served with such distinction on the Intelligence Committee for so long, but I would respond to him first that this much-touted 13-to-2 vote in the Intelligence Committee, as shown by the record of the additional views of the members of the Intelligence Committee, reflected the consensus of the Intelligence Committee that this was a work in progress; that it should go on to the Judiciary Committee, which was its next stop, and then to the floor. There was no sense that the work on the bill should stop at the time it left the Intelligence Committee.

Indeed, in the 13-to-2 vote, there were 9 Senators who offered additional views suggesting changes or differences in the legislation. So I don't think it would be wise or appropriate for this body to take a look at what the Intelligence Committee did and say that because the number appears to be 13 to 2 on the surface that we are not going to do our job of continuing to work on this work in progress.

In that spirit, I rise today to support amendment No. 3919, on good faith determinations, offered by Senators FEINSTEIN and NELSON. In the divisive debate we are having over immunity, Senator FEINSTEIN's amendment is a commendable effort to find middle ground, to which Senator FEINSTEIN has brought great diligence and care. Senator SPECTER and I have offered a broader approach, but I also support the Feinstein-Nelson amendment.

This amendment goes forward with the first half of Specter-Whitehouse. It provides for an independent judicial review of the companies' good faith. Specter-Whitehouse then provides for substitution of the Government in place of the companies, which would protect plaintiffs' legitimate rights to continue legitimate litigation, including the right to conduct discovery.

Substitution also avoids the problem of uncompensated congressional termination of ongoing litigation—a separation of powers problem. Senator FEINSTEIN's alternative at least provides for the bare minimum of a judicial determination whether the defendant companies were acting in compliance with the law or with the reasonable good faith belief that they were in compliance. I would note this is probably the lowest possible standard. We don't even require companies to have been acting within the law. All we require in this amendment is that they have a reasonable and good faith belief they were acting within the law.

As I have said before, both of the all-or-nothing approaches we are presented with here are flawed. Full immunity would strip the plaintiffs of their day in court and take away their due process rights without any judicial determination that the companies acted in good faith. That is not fair. Nothing suggests this isn't legitimate litigation, and it is wrong to take away a plaintiff's day in court without a chance to show why doing so may not be warranted.

I hope in this Chamber we can all agree that if the companies did not act reasonably and in good faith they shouldn't get protection. If we agree on that, the question becomes where the good faith determination should be made. I think it should be in court, and that is where Senator FEINSTEIN's amendment puts it—in this case, the FISA Court. First, it should not be here. We in Congress are not judges, and good faith is a judicial determination. We should leave this key determination to the judicial branch of Government. The companies have, of course, asserted that they acted in good faith. But we surely should not rely on one side's assertions in making a decision of this importance.

Moreover, most Senators have not even been read into the classified materials that would allow them to reach a fair conclusion. This body is literally incapable of forming a fair opinion without access by most Members to the facts. So this is the wrong place to have it. We need to provide a fair mechanism for a finding of good faith by a proper judicial body with the proper provisions for secrecy, which the FISA Court has. If we do not do this, we are simply acting by brute political force, and doing so in an area where there are significant constitutional issues. Congress cutting off the ongoing work of the judicial branch may well violate the boundary that keeps the legislative and judicial branches separate—a cornerstone of our Constitution.

In an opinion written by Justice Scalia, the U.S. Supreme Court said that the Framers of the Federal Constitution had what they called "the sense of a sharp necessity to separate the legislative from the judicial power, prompted by the crescendo"—was the word they used—"of legislative interference with private judgments of the courts."

If there were ever a case of legislative interference with private judgment of the courts, this is it. On the other hand, consider the fact that the Government has forbidden these defendants to defend themselves. By invoking the state secrets privilege, the Government has gagged the companies. In my view, that is not fair either, particularly if the Government put these companies in this mess in the first place. So both of the all-or-nothing approaches are flawed.

I think Senator SPECTER and I have come up with the best answer: substitution. But Senator FEINSTEIN's amendment at least requires the FISA Court to make an initial determination that the companies either did not provide assistance to the Government—obviously, if they did not do anything, they should not be liable—or were actually complying with the law. Clearly, if they complied with the law, they should not be liable—or were at least acting with a reasonable good-faith belief that they were complying with the law—again, the lowest possible standard. If we cannot agree on this, then we have really taken our eyes off of our duties. The difference then becomes that once that good-faith determination is made, the Specter-Whitehouse amendment would lead to substitution, whereas the Feinstein-Nelson amendment would lead to a termination of the claims.

Both of these approaches are better than the all-or-nothing alternative we otherwise face, and both share the same goal: to use existing procedures and existing rules and existing courts to unsnarl this litigation and move it toward a just and a proper conclusion.

I urge my colleagues to support both the Specter-Whitehouse and the Feinstein-Nelson amendments.

I make one final point. Senator HATCH pointed out that the people who serve us in our intelligence community are honorable, are well trained, are intelligent, are decent, and are trying to do the right thing. I do not challenge any of that.

As the U.S. attorney, I worked with FBI agents day-in and day-out, Secret Service agents, Drug Enforcement Administration agents, Alcohol, Tobacco and Firearms agents—all decent, honorable, hard working, well trained, trying to do the right thing. In that environment, they are all very comfortable that the structure we have put in place for domestic surveillance, to protect American's rights, is a useful thing, it is important infrastructure of Government.

I see what we are trying to do now not as a criticism of the people in the intelligence community but, rather, as being an attempt to build out the infrastructure, the infrastructure that balances freedom and security in this new area of international surveillance, in just the same way we put restrictions on our agents at home.

As attorney general, I actually had to personally get the wiretaps for the State of Rhode Island from the presiding judge of the superior court. I would say the same thing about the Rhode Island State troopers with whom I worked in those cases.

Agents and police officers who have this responsibility do not resent the fact that they are given a structure to work within. I doubt that the intelligence community would resent a sensible measure that would allow a judicial determination before an American company has a finding of good faith made about it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3979

Mr. FEINGOLD. Madam President, today I want to address several of the pending amendments to the FISA legislation, and I will indicate the amendment number of each one as I discuss it. First is what we call the Feingold-Webb-Tester amendment No. 3979. I wish to address some of the arguments that have been made in opposition to Feingold-Webb-Tester and to set the record straight about what the amendment does. The Senator from Missouri has suggested it would cut off all foreign intelligence collection because the Government would not be able to determine in advance whether communications are foreign to foreign. This is preposterous. The whole point of the amendment is to allow the Government to acquire all communications of foreign targets when it does not know in advance whether they are purely foreign or have one end in the United States.

The administration also argues we should not pass the Feingold-Webb-Tester amendment because it would be difficult and time consuming to implement. That is no reason to oppose the amendment. I understand the amendment imposes a new framework, and that is precisely why the amendment grants the Government up to a year before it goes into effect.

I also wish to make clear that the amendment does not force the Government to determine the location of every person and every e-mail the Government acquires, contrary to what has been suggested. The amendment only requires that the Government determine whether one end of a communication is in the United States where reasonably practicable, based on procedures approved by the FISA Court. In some instances, that would be easy to do, while in others it would not be feasible at all. The court-approved procedures will take those differences into account.

It is also not true that the amendment would harm our nonterrorism foreign intelligence operations. This amendment leaves intact the warrantless acquisition of any foreign-to-foreign communications and any communications where the Government doesn't know in advance whether they are to or from people in the United States. Even for communications where the Government knows they involve Americans in the United States, no court order is actually required for communications relating to terrorism or anyone's safety.

This is much broader than the pre-Protect America Act law. None of this would have been possible 7 months ago. Let's not forget the justification for this legislation has always been about terrorism and foreign-to-foreign communications. Last month, the Vice President defended the Protect America Act by talking about "one foreign citizen abroad making a telephone call to another foreign citizen abroad about terrorism." The Feingold-Webb-Tester amendment allows those calls to be monitored without a warrant.

The Feingold-Webb-Tester amendment allows the Government to get the information it needs about terrorists and about purely foreign communications, while providing additional checks and balances for communications between people in the United States and their overseas family members, friends, and business colleagues. I urge my colleagues to support the Feingold-Webb-Tester amendment.

Let me next turn to Amendment No. 3912, which has been referred to as the bulk collection amendment. I wish to again stress the importance of my amendment prohibiting the bulk collection of Americans' international communications. The bill we are debating is supposedly intended to permit monitoring of foreign-to-foreign communications and the tracking of terrorists overseas without a warrant. It is not supposed to allow the Government to collect all communications into or out of the United States, but that is exactly what the Government could seek to do with these authorities, which is why this amendment is critical. I have yet to hear any real arguments against it.

The DNI's recent letter opposing the amendment fails to come up with any substantive arguments. Instead, it describes hypothetical situations that clearly wouldn't be affected by the amendment. In order to protect the international communications of innocent Americans at home, the amendment simply requires that the Government is seeking foreign intelligence information from its targets. In the only examples cited in the letter—a neighborhood or group of buildings or geographic area that the U.S. military is about to invade—clearly, the Government has that purpose. The notion that the Government could not make a good-faith certification to the court that it is seeking foreign intelligence, which is all this amendment requires, is simply ludicrous. What is telling about the DNI's letter, besides that it includes no real arguments against the amendment, is what it does not say. It does not refute the danger this amendment is intended to address: the bulk collection of all communications between the United States and Europe or Canada or South America or, indeed, the world.

The DNI has testified that the PAA would authorize that kind of massive, indiscriminate collection of Americans' communications, and the administration has never denied that this bill could, too, unless we pass this amendment. In fact, this letter does nothing to reassure the American people the Government could not and would not collect all their international communications. Worse, the letter argues that a prohibition on that kind of massive collection would not "appreciably enhanc[e] the privacy interests of Americans." If the DNI does not think the privacy interests of Americans would be affected by the collection of all their international communications, potentially vacuuming up their communications not just with foreigners overseas but with Americans overseas as well, then that is all the more reason to be concerned.

Serious constitutional issues are at stake. The administration is effectively telling us it intends to ignore them.

Let me also respond to a statement by the chairman of the Intelligence Committee last week that a dragnet of all international communications of Americans would probably violate the fourth amendment. I am pleased to hear the chairman acknowledge that the surveillance the administration would like to conduct would violate the constitutional rights of Americans, but how could we possibly expect this administration—an administration that has already demonstrated indifference to Americans' privacy and has already said that bulk collection would be "desirable"—to hold back. Nor should we rely on the FISA Court to stop this, as the chairman has suggested. If Congress believes something is unconstitutional, we have absolutely no business authorizing it. We have been warned, and now we need to act by passing my modest bulk collection amendment.

I reserve the remainder of my time on amendment No. 3902.

As to the Dodd-Feingold immunity amendment No. 3907, I am pleased to join my colleague in offering this amendment to strike the immunity provision. I ask unanimous consent that I be yielded 15 minutes to speak on the Dodd amendment and that the time be charged to the proponents of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Senator from Connecticut.

### AMENDMENT NO. 3907

I strongly support Senator DODD's amendment to strike the immunity provision from this bill. I thank him for his leadership on the issue. I offered a similar amendment in the Judiciary Committee, and I supported a similar amendment in the Intelligence Committee when it was offered by the Senator from Florida, Mr. NELSON. Congress should not be giving automatic retroactive immunity to companies that allegedly cooperated with the President's illegal NSA wiretapping program. This provision of the bill is both unnecessary and unjustified, and it will undermine the rule of law. Retroactive immunity is unnecessary because current law already provides immunity from lawsuits for companies that cooperate with the Government's request for assistance, as long as they receive either a court order or a certification from the Attorney General that no court order is needed and the request meets all statutory requirements.

Companies do not need to do their own analysis of the court order or the certification to determine whether the Government is, in fact, acting lawfully. But if requests are not properly documented, FISA instructs the telephone companies to refuse the Government's request and subjects them to liability if they instead decide to cooperate. This framework, which has been in place for 30 years, protects companies that act at the request of the Government, while also protecting the privacy of Americans' communications. Some supporters of retroactively expanding this provision argue that the telephone companies should not be penalized if they relied on high-level Government assurance that the requested assistance was lawful. As superficially appealing as that argument may sound, it utterly ignores the history of the FISA statute.

Telephone companies have a long history of receiving requests for assistance from the Government. That is because telephone companies have access to a wealth of private information about Americans, information that can be a very useful tool for law enforcement. But that very same access to private communications means telephone companies are in a unique position of responsibility and public trust. Yet before FISA, there were basically no rules to help the phone companies resolve this tension, between the Government's request for assistance in foreign intelligence investigations and the companies' responsibilities to their customers. This legal vacuum resulted in serious Government abuse and overreaching.

The Judiciary Committee has heard testimony about this system from Mort Halperin, a former Nixon administration official who was himself the subject of a warrantless wiretap and was involved in the drafting of the FISA law in the 1970s. He testified that before FISA:

> Government communication with the telephone company . . . could not have been more casual. A designated official of the FBI called a designated official of [the company] and passed on the phone number. Within minutes all of the calls from that number were being routed to the local FBI field office and monitored.

Not surprisingly, this casual ad hoc system failed to protect Americans' privacy. The abuses that took place are well documented and quite shocking. With the willing cooperation of the telephone companies, the FBI conducted surveillance of peaceful antiwar protesters, journalists, steel company executives, and even Martin Luther King, Jr., an American hero whose life we recently celebrated.

So Congress decided to take action. Based on the history of and potential for Government abuses, Congress decided it was not appropriate for telephone companies to simply assume that any Government request for assistance to conduct electronic surveillance was legal.

Let me repeat that. A primary purpose of FISA was to make clear once and for all that the telephone companies should not blindly cooperate with Government requests for assistance. At the same time, however, Congress did not want to saddle telephone companies with the responsibility of determining whether the Government's request for assistance was a lawful one. That approach would leave the companies in a permanent state of legal uncertainty about their obligations. So Congress devised a system that would take the guesswork out of it completely. Under that system, which is still in place today, the companies' legal obligations and liability depends entirely on whether the Government has presented the company with a court order or a certification stating that certain basic requirements have been met.

If the proper documentation is submitted, the company must cooperate with the request and will be immune from liability. If the proper documentation has not been submitted, the company must refuse the Government's request or be subject to possible liability in the courts.

AT&T, which was the only telephone company in existence at the time in the 1970s, was at the table when FISA was drafted. As Mr. Halperin described in his testimony, the company:

> received the clarity that it sought and deserved. The rule, spelled out clearly in several places in the legislation and well understood by all, was this: If [the phone company] received a copy of a warrant or certification under the statute, it was required to cooperate. If it did not receive authorization by means outlined in the statute, it was to refuse to cooperate and was to be subjected to state and federal civil and criminal penalties for unlawful acquisition of electronic communications.

The telephone companies and the Government have been operating under this simple framework for 30 years. Companies have experienced, highly trained and highly compensated lawyers who know this law inside and out. In view of this history, it is inconceivable that any telephone companies that allegedly cooperated with the administration's warrantless wiretapping program did not know what their obligations were. It is just as implausible that those companies believed they were entitled to simply assume the lawfulness of a Government request for assistance. This whole effort to obtain retroactive immunity is based on an assumption that does not hold water.

Quite frankly, the claim that any telephone company that cooperates with a Government request for assistance is simply acting out of the sense of patriotic duty doesn't fare much better. Recently, we learned that telecommunications companies actually have cut off wiretaps when the Government failed to promptly pay its bills.

The Department of Justice Office of Inspector General released a report last month finding that "late payments have resulted in telecommunications carriers actually disconnecting phone lines established to deliver surveillance to the FBI, resulting in lost evidence." Since when does patriotic duty come with a price tag? Evidently, assisting the Government's criminal intelligence investigation efforts fell somewhere below collecting a paycheck on the companies' lines of priorities.

Some of my colleagues have argued the telephone companies alleged to have cooperated with the program had a good-faith belief their actions were in accordance with the law. But there is an entire statute in addition to the certification provision that already provides telephone companies with a precisely defined good-faith defense. Under this provision, which is found in section 2520 of title 18, if the company is relying in good faith on a court order or other statutory legislative authorization, they have a complete defense to liability. This is a generous defense, but as generous as it is, it is not unlimited. The court must find that the telephone company determined in good faith that there was a judicial, legislative, or statutory authorization for the requested assistance.

I also wish to address the argument that retroactive immunity is necessary because the telephone companies can't defend themselves in court. When I hear this argument, I can't help but think that this administration has staged the perfect crime: enlist private companies to allegedly provide assistance in an illegal Government program, then prevent any judicial inquiry into the program by claiming a privilege—the so-called state secrets privilege—that not only shields your own actions from scrutiny but enables the companies to evade judicial scrutiny as well by claiming that they are defenseless. All the administration needs to get away with this is Congress's blessing.

That is exactly why immunity is the wrong solution. Think about what we would be doing. We would be saying that in matters of national security, you can break the law with impunity because the courts can't handle national security materials. This is outrageous. Do we really want to create a law-free zone for crimes that involve national security matters? If the Government's use of the state secrets privilege is interfering with holding companies accountable for alleged violations of the law, the solution isn't to shrug and just give up on accountability; the solution is to address the privilege head-on and make sure it doesn't become a license to evade the laws we have passed.

In any event, the notion that the Federal courts can't handle national security matters is insulting to the judges this body has seen fit to confirm, and it is contrary to the facts. Cases involving classified information are decided routinely by the Federal courts. That is why we have a statute—the Classified Information Procedures Act—to govern how courts handle classified materials. Pursuant to that statute, courts have in place procedures that have successfully protected classified information for many years. There is no need to create a "classified materials" exception to our justice system.

That brings me to another issue. I have been discussing why retroactive immunity is unnecessary and unjustified, but it goes beyond that. Granting companies that allegedly cooperated with an illegal program this new form of automatic retroactive immunity undermines the law that has been on the books for decades, a law that was designed to prevent exactly the type of actions that allegedly occurred here. Remember, telephone companies already have absolute immunity if they complied with the applicable law, and they have an affirmative defense if they believed in good faith that they were complying with that law. So the retroactive immunity provision we are debating here is necessary only if we want to extend immunity to companies that did not comply with the applicable law and did not even have a good-faith belief that they were complying with it. So much for the rule of law. Even worse, granting retroactive immunity under these circumstances will undermine any new laws we pass regarding Government surveillance. If we want companies to follow the law in the future, it certainly sends a terrible message, and sets a terrible precedent, to give them a "get out of jail free" card for allegedly ignoring the law in the past.

I find it particularly troubling when some of my colleagues argue that we should grant immunity in order to encourage the telephone companies to cooperate with the Government in the future. Let's take a close look at that argument.

Telephone companies are already legally obligated to cooperate with a court order, and as I have mentioned, they already have absolute immunity for cooperating with requests that are properly certified. So the only thing we would be encouraging by granting immunity here is cooperation with requests that violate the law. That is exactly the kind of cooperation FISA was supposed to prevent.

Let's remember why: These companies have access to our most private conversations, and Americans depend on them to respect and defend the privacy of these communications unless there is clear legal authority for sharing them. They depend on us to make sure the companies are held accountable for betrayals of that public trust. Instead, this immunity provision would invite the telephone companies to betray that trust by encouraging cooperation with a legal Government program.

Since 9/11, I have heard it said many times that what separates us from our enemies is respect for the rule of law. Unfortunately, the rule of law has taken it on the chin from this administration. Over and over, the President and his advisers have claimed the right to ignore the will of Congress if and when they see fit. Now they are claiming the same right for any entity that assists them in that effort. It is time for Congress to state clearly and unequivocally: When we pass a law, we mean what we say, and we except the law to be followed. That goes for the President, it goes for the Attorney General, and it goes for the telephone companies. The rule of law is not less important after 9/11. We can and we must defeat al-Qaida without breaking the law or sacrificing Americans' basic rights.

We have a choice. The Senate can stand up for the rule of law and let these cases go forward in the courts or we can decide to give our blessing to an administration that broke the law and the companies that allegedly helped it, and we can signal that we stand ready to bail them out the next time they decide to ignore the law. I urge my colleagues not to take that step. Support the rule of law by voting in favor of the Dodd-Feingold amendment No. 3907.

I again thank my colleague from Connecticut for his tremendous leadership on this issue. It has been extremely helpful in this effort. I sincerely thank him.

I ask unanimous consent that my remaining time be reserved.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, before our colleague from Wisconsin leaves the floor, let me thank him for his leadership on this issue, along with many others associated with this piece of legislation: The reverse targeting and the bulk collection issues which he has raised, which seem so obvious and so clear that you wonder why they even have to be a subject of debate. The clear reaction, in fact, from leading authorities, including those of the intelligence agencies, has been to state categorically that the very actions he wants to exclude from this legislation are prohibited under law. Reverse targeting is unconstitutional, and bulk collection is unattainable. But some in the administration have said: Were bulk collection possible, we believe we have the right to do it. The idea of bulk collection without following the rule of law should violate the sensibilities of every single Member of this body.

This debate and this discussion are very important. This has gone on now since back in December—actually, before then. The Senator from Wisconsin sits on both the Judiciary Committee and the Intelligence Committee, and so he has been deeply involved in these issues for a long time.

What I wish to state at the outset is that these amendments we are offering should not be the subject of some sort of political divide between Democrats, Republicans, liberals, conservatives, moderates, or whatever definitions one wants to apply to the people who serve here. This is about the rule of law. It is about the Constitution of the United States, and the idea that this issue and debate should somehow be divided along those lines ought to be offensive to every single Member of this body. Every single one of us, on the day we raise our right hand and take the oath of office, swear to uphold the Constitution of the United States. That is nothing less than what we are engaged in with this debate.

We have been asked to subscribe to the false dichotomy that in order for us to be more secure as a nation, we must give up some of our rights. The Senator from Wisconsin and the Senator from Connecticut believe very firmly that quite the opposite is true: that if you begin to give up rights, you become less secure, as a people and as a nation. Our deep concern is that that is exactly the path we seem to be following these days with the refusal to adopt the Feingold amendments in dealing with reverse targeting and bulk collections. It is what I am fearful may be the case when we try to strike title II of the Foreign Intelligence Surveillance Act and prohibit the retroactive immunity being sought by the administration and by a handful of telephone companies.

Let me remind our colleagues that when this proposal was first made to the Intelligence Committee, the proposal was to grant immunity to anyone involved in the collection of this information, including those who allegedly authorized it at the executive branch. So while I am critical of what is in the Intelligence Committee bill that has been brought to us by my friend from West Virginia and my friend from Missouri, Senator ROCKEFELLER and Senator BOND, I wish to begin by thanking them for having rejected the administration's earlier request that there be broad-based immunity granted to everyone involved in warrantless wiretapping. But it is instructive to know what the administration wanted at the outset: complete immunity for everyone associated with this vacuum-cleaning operation, who eavesdropped on millions of phone conversations, e-mails, and faxes over the last 5 years.

Why were they seeking immunity for everyone involved in this? I think the answer becomes abundantly clear. There is a great concern that the courts may conclude that, in fact, what was done was illegal and that those who participated in it might be held liable.

Again, I thank the Intelligence Committee for narrowing this request. However, title II of this bill would still provide telecommunications corporations retroactive immunity for their warrantless and possibly—possibly—illegal spying on their very customers.

Much more than a few companies and a few lawsuits are at stake. Equal justice is at stake—justice that does not place some corporations outside of the rule of law.

Openness is at stake—an open debate on security and liberty, and an end to warrantless wiretapping of Americans.

Senator FEINGOLD laid out the history of FISA in eloquent terms this afternoon, going back to the 1970s and describing the genesis of this law that has been amended, I might add, many, many times over the last 30 years. It has been amended periodically to conform to the emerging technologies, the emerging abilities of those who would do us harm, and the emerging strategies that would allow us to collect the information that would minimize their ability to do just that.

So over the years, this body has been asked to modify that law. Almost without exception, I think it is important to point out, this body has amended that law almost unanimously, because all of us recognize that it is critically important that we have the ability to determine who would do us harm, how they would do that harm, and to stop it before it happens. There is not a single Member of this body who is not deeply committed to that goal. We all understand and are deeply committed to the idea that we ought to do everything we can to protect ourselves. But we also understand, and have since the 1970s, the importance not only of gathering the information from those who would do us injury but simultaneously doing that which is also critical for our survival as a nation; that is, protecting the liberties and rights of this country.

They are what makes us unique as a nation. We were really the first Nation that insisted that we were a nation of laws and not men. It was a unique idea in the annals of recorded history; but at the founding of this great Republic, we declared that we were going to do things differently. In fact, many have argued over the years that if we were looking for pure efficiency, this is the last form of government we would have designed. But the Framers of our Constitution were interested in other things than just efficiency. Had efficiency been the goal, they certainly would have thought of a more streamlined system. But they set up a system that not only determined what we did but how we did things: Establishing coequal branches of Government—an executive, legislative, and judicial branch—coequal branches of Government, and insisting that there be checks and balances, because the Framers had been through a system in which a king and a handful of people decided the fate of not only their own nation but the colonies they controlled. So they set up this cumbersome, less efficient system because they were deeply determined to protect the rule of law that never allowed one individual or a handful of individuals decide the fate of a nation.

So it is important to understand the genesis of this tension which has existed in our country for more than 200 years: protecting our security and protecting our liberties. I am not suggesting that it is always easy to strike the perfect balance, but over the years we have tried as a nation, from one generation to the next, to try to keep that balance, that tension, in place so that not one side or the other would dominate. In our time, the challenge is to balance our need to gather information with the protection of privacy and the rights that all Americans seek, regardless of geography or ideology.

That has been the tension that confronts us and that is what brings me to this debate, calling upon my colleagues to support the amendment Senator FEINGOLD is offering to strike title II of this legislation.

Retroactive immunity stands against the very principles Senator FEINGOLD has outlined, which I have tried to describe. Under retroactive immunity, the law will forbid some of our fellow citizens from having their day in court.

On what basis are we asked to pass retroactive immunity? On trust. There are classified documents, we are told, that prove the case beyond the shadow of a doubt; but, of course, we are not allowed to see them. I have served in this body for 27 years. Yet I am not allowed to see these documents. Retroactive immunity allows the President to stand up and say: Trust me, I know what I am talking about, and you don't.

There is only one way to settle the issue at stake today. Not simply on trust, not the opinion of a handful of individuals—as much as we may admire or like them—but in our courts. We are not judges. We are members of a legislative body.

Real judges and juries—whose courts ought to be our pride, not our embarrassment—deserve to do their jobs and decide these cases. By striking this title of the bill, we would allow them to.

That is all we are asking. Let's have the courts decide. We are not here to assign guilt or innocence. That is not our job as legislators. We are here to hold open the courthouse door, to ensure a fair hearing to American citizens seeking redress. I, for one, will accept whatever verdict results.

This is not a Democratic or Republican issue; this is a rule-of-law issue. It is about striking the right balance between liberty and security. I have absolutely rejected, as I said a few moments ago, the false dichotomy that tells us to choose one over the other. And If a Democratic President were seeking to grant retroactive immunity, I would object as stridently and passionately as I am this afternoon. This should not be a partisan issue. We should all be in favor of allowing our courts to perform their constitutional responsibility to determine whether these companies should be held accountable.

I believe that when surveillance is fully under the rule of law, Americans will only be more secure. To claim otherwise is an insult to our intelligence, our common sense, and our proud tradition of law.

I don't know how many colleagues have seen the movie called "A Man For All Seasons." It is the story of St. Thomas More, who was the only individual in history that I know of who achieved the trifecta of being a lawyer, a politician, and a saint—a rare combination in any generation. In the movie, St. Thomas More was asked if he would be willing to cut down every law in England to get his hands on the devil. More answered: Absolutely not. He said:

> When the last law was down, and the Devil turned 'round on you, where would you hide, the laws all being flat? This country is planted thick with laws, from coast to coast—Man's laws, not God's! And if you cut them down . . . do you really think you could stand upright in the winds that would blow then?

Those laws know no secrecy, Madam President, they know no distinctions for power or wealth. They live, that is, in openness. And when that openness has been defended, when the facts are in light, where they belong, I welcome all my colleagues' ideas in the great and ongoing debate on security and liberty in this century—a debate in the open, and open to us all.

It can begin by adopting this amendment striking retroactive immunity. We can allow the courts to do their jobs to determine whether what happened was legal.

There are those who would argue the telecoms' actions were legal—but none of us know that for sure. If we don't adopt this amendment, we will never know. Whatever happened will be buried for all of history. We will have set the precedent that on the mere word or request of the administration—or any future administration—that telecommunications companies, or others who can collect millions of volumes of data about us, will be allowed to turn it over to the federal government. Maybe the next time it will be medical records or financial records that all of us would like to think are held private—maybe those records, under some argument, will be handed over.

When does this stop? When do we say there is a legal means by which we do this? That has been what FISA has tried to establish for the last three decades—to strike that balance between liberty and security. If we set a precedent with the rejection of this amendment, we open the door, regretfully, for not only this administration but future ones to engage in the very practice that would deprive us of that balance between liberty and security.

So when the vote occurs tomorrow on this amendment that Senator FEINGOLD and I have offered, I urge my colleagues to step out of their partisan roles and consider the example we are setting.

I am also deeply disappointed that the President suggested he would veto the FISA legislation if this amendment passes. The idea that an American President would suggest that we ought to put aside the Foreign Intelligence Surveillance Act merely to protect a handful of companies who seek immunity, and to deny us the opportunity to determine whether what they did was legal, seems to go far beyond what we need to be doing at this hour, where our security is at risk, as we all know.

The best way to handle this, in my view, is to accept and adopt this amendment and send the FISA bill to the President for signature. I believe that despite his warnings to the contrary, he will sign this into law. I don't want to believe an American President would put us at risk and deny these courts the ability to grant warrants and court orders to gather the information we need to keep us secure, all to protect a few corporations from lawsuits.

I have said this repeatedly over the past several months, but it deserves repeating. Not all the telephone companies complied with that request. If they all had, it might strengthen their arguments. But in the end, this is a Republic: the President cannot order us to break the law. And the argument that orders from on high excuse illegal behavior has been thoroughly debunked.

Remember, when one telecom, Qwest, asked for a court order to justify cooperation with the President's surveillance program, it never received one. That ought to be instructive. Why wasn't the court order forthcoming? Why didn't the Administration go to the FISA Courts, which were created exactly for that purpose? Why did some companies say no when others said yes?

For all of these reasons, and the ones eloquently posed by Senator FEINGOLD, we urge our colleagues to accept this amendment. Let the courts do their work and determine the legality or illegality of these actions.

If we are able to do that, I think we will strengthen our country and come closer to maintaining that balance between security and the rule of law that generations throughout our Nation's history have struggled with, doing their utmost to maintain that healthy balance.

To reject this amendment, I think, destroys that balance, does great damage to it. I think we will regret that in the years to come.

With that, I yield the floor to others who may want to be heard on this amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

### AMENDMENT NO. 3927

Mr. LEVIN. Madam President, one of the amendments before us is the Specter-Whitehouse amendment to title II of the FISA Amendments Act of 2007. I urge our colleagues to support the Specter-Whitehouse amendment for the following reasons:

Title II of the bill, as currently written, provides retroactive immunity for telecommunications providers who disclosed communications and other confidential information about their customers at the behest of administration officials. These provisions in the bill before the Senate require the immediate dismissal of any lawsuit against a telecommunications provider based on such disclosure if the Attorney General certifies that an appropriate Government official indicated in writing to the provider that the activity was, one, authorized by the President, and, two, determined to be lawful. It is the words "determined to be lawful" that create the problem. Determined by whom?

The way the bill is written, a determination of the Department of Justice or intelligence community officials is sufficient to ensure immunity even if the courts would conclude that the activity was illegal. Dismissal would be required even if a court would conclude that the disclosure violated the constitutional rights of individuals whose personal information was illegally disclosed. It would be required even if innocent American citizens were damaged by the disclosure or by the compromise of confidential personal information.

The provision in the bill before us granting retroactive immunity is not necessary, it is not wise, and it is not fair. Retroactive immunity is not necessary to ensure the future cooperation of the telecommunications providers who receive legitimate requests for information from the intelligence community. In fact, Congress has already ensured such cooperation in the Protect America Act adopted last August which authorizes the Attorney General or the Director of National Intelligence to direct telecommunications providers to disclose certain information, and that law provides prospective immunity to telecommunications who cooperate with such directives.

Title I of the bill before us appropriately continues to provide prospective immunity to telecommunications providers. Title I states:

> Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued by the Attorney General or the Director of National Intelligence pursuant to the act.

In light of this prospective immunity, which is appropriately in the bill, retroactive immunity is not necessary to ensure the future cooperation of telecommunications providers with legitimate requests for information from the intelligence community.

A retroactive immunity is not wise either because it precludes any judicial review of these important issues. If private parties engaged in illegal activities at the request of senior executive branch officials, that may be an appropriate mitigating factor to be considered in the courts. But to simply grant immunity retroactively may encourage others to engage in illegal activities in the future. That is a bad precedent because it should never be an excuse in a free society that you acted illegally because Government officials asked you to do so.

That leaves the question of equity for telecommunications providers who may have cooperated with administration officials in good faith with the assurance that such cooperation was legal and that they were helping to safeguard our national security.

If one had to choose between a known equitable interest of the telecommunications providers who was prevailed upon in the aftermath of 9/11 to assist the Government by disclosing private customer communications without first conforming with the clear requirement of the FISA law for a warrant approved by the FISA Court before doing so, if—if—one had to choose between that equitable interest and the perhaps uncertain claims of plaintiffs whose conversations may have been eavesdropped upon without their knowledge and with little, if any, provable damage, one might reach the conclusion that retroactive immunity was an appropriate remedy for the telephone companies.

But we do not have to make that choice. We can recognize both the equitable interest of the companies and the possible claims of our citizens, and we can also avoid the terrible precedent of giving retroactive immunity to law violators. We can do that by adopting the Specter-Whitehouse amendment.

How can we protect the telecommunications providers from legal liability if they acted in good faith at the request of the administration without taking the extraordinary step of retroactively eliminating any remedy for possible violations of the Constitution and the laws of the United States? The Specter-Whitehouse amendment before us would accomplish that by immunizing telecommunications providers who acted in good faith based on the assurances of appropriate administration officials from legal liability and at the same time substituting the United States for the telecommunications providers as the defendant in lawsuits based on the actions of those providers. That substitution would safeguard telecommunications providers from liability just as effectively as the retroactive immunity language in title II of the bill.

But unlike the retroactive immunity language of title II the Specter-Whitehouse amendment would not leave persons who can prove they were victims of unlawful or unconstitutional actions without a remedy. On the contrary, the Specter-Whitehouse amendment would ensure that any such innocent victims retain whatever legal rights they have under applicable law, except that the U.S. Government would be substituted for the telecommunications providers as the defendant in such lawsuits. And it is appropriate that the Government be liable rather than the telecommunications providers since the disclosures were allegedly made by the providers in these cases at the request of senior executive branch officials based on appeals to help safeguard U.S. security and assurances that the providers would be protected from liability regardless of the requirements of law.

The argument has been made that we must provide retroactive immunity to the telecommunications providers to ensure the cases against them are immediately dismissed because if the cases are permitted to proceed, vital national security information will be disclosed. Some have even taken the position that the mere existence of this litigation, even without the disclosure of any information, will somehow help the terrorists. But the President has already disclosed the existence of the collection program at issue. It has been discussed in Congress and in the press. The Director of National Intelligence has publicly discussed the program.

Nor will the continuation into the future of cases against telecommunications providers or the U.S. Government, should the Government be substituted as the Specter-Whitehouse amendment would provide as a defendant, that would not make public sensitive collection methods. That is because the courts have numerous tools at their disposal to safeguard sensitive classified information from disclosure during the course of a trial and courts have used these tools throughout our history. Federal courts utilize these tools without compromising the national security when our Government chooses to prosecute terrorists or spies.

Indeed, the recently enacted Military Commissions Act provides the same tools for the protection of classified information in cases brought against alleged terrorists in the military justice system. U.S. citizens who are allegedly damaged at the Government's behest surely should be given as much protection as alleged terrorists.

The administration's willingness to utilize these procedures to safeguard sensitive classified information in the prosecution of alleged terrorists, but not in suits brought for the protection of the rights of American citizens, gives the appearance that retroactive immunity is being sought under this bill as it now stands, not to protect classified information but, rather, to protect the administration itself.

The bottom line is we can protect telecommunications providers from liability for unlawful or unconstitutional disclosures made in good faith reliance on written assurances by high-ranking executive branch officials without retroactively depriving alleged victims of such disclosures of any remedy, if they can demonstrate they have been damaged by illegal practices. The Specter-Whitehouse amendment would enable us to deal fairly with both telecommunications providers and with persons who can prove they were damaged by illegal disclosures of their personal information. I urge our colleagues to support the Specter-Whitehouse amendment as the fair way of protecting both telecommunications providers but also protecting what should be a very basic principle of our Constitution—you cannot and should not needlessly remove a remedy from people who have been injured. To do that retroactively runs contrary to everything we believe in this Constitution about the rights of American citizens to be protected and to have remedies when they are wronged.

### AMENDMENT NO. 3941

Mr. FEINGOLD. Madam President, last week the Senate adopted, by voice vote, amendment No. 3941 offered by the vice chairman of the Intelligence Committee, which would require the FISA Court to rule on challenges to the Government's directives within a specified timeframe. I opposed the amendment because it unnecessarily restricts the court's ability to consider important constitutional and statutory issues related to this legislation. The amendment limits the time for the court's consideration of challenges to directives issued under this law to a mere 30 days, unless "necessary to comport with the due process clause of the Fifth Amendment." There would be no other basis for the court to extend its deliberations to a 31st day.

This amendment could have serious unintended consequences. There may be many decisions that the court can, in fact, make in a relatively short period of time. But there may also be issues that the court will have to consider that could take longer. There have been many questions raised about the meaning of many of the provisions of this bill. The court will certainly be required to address some of these complex statutory interpretation issues. There have also been serious constitutional concerns raised about this bill that the court will need to consider.

This is new legislation that radically changes how surveillance is conducted, and there are numerous complex issues that the court will be called on to resolve. And, unlike this body, the court will have to consider in detail the legality and constitutionality of the law as it is implemented, which could involve extensive factual development, as well as review of relevant precedent.

There are many other reasons why the court would want to extend its deliberations that would not implicate fifth amendment due process rights. A party may seek more time to prepare its pleadings. The court may request more information. The Government may wish to prioritize other more pressing issues or may have a host of strategic reasons for seeking delay; or a crisis or national emergency could require the immediate attention of the intelligence personnel and lawyers assigned to present the Government's case to the court and could occupy the court's time and attention. Under those circumstances, we would surely want the court to focus its attention on the emergency at hand. But if there were also a pending challenge to a directive that the court must decide in just 30 days, it could be faced in a terrible dilemma. And only permitting the court to extend its consideration of a challenge if a refusal to do so rises to the level of a violation of the fifth amendment is far too restrictive.

I would also think there might be some concern that if the court does not have enough time to decide whether to enforce a directive issued by the Government, it could very well simply decide not to.

The Judicial Conference of the United States has made many of these same arguments in a letter sent today to Senators REID and MCCONNELL. The conference warns that the amendment could limit the court's ability to consider complex issues or could force the court to divert its attention from other pressing matters. Indeed, the letter warns that "the national security significance of the cases before the FISC means there is a chance this provision could force the FISC by statute to forego consideration of another matter of paramount importance."

This amendment could seriously shortchange the court's ability to determine whether the Government is acting legally or whether the bill is constitutional, on its face or as implemented in a particular situation. For that reason, I opposed this amendment.

### AMENDMENT NO. 3913

Mr. LEAHY. Madam President, the bill we are now considering will provide an enormous expansion of the government's ability to conduct warrantless surveillance. I support providing our intelligence agencies with the flexibility they need to surveil foreign targets that may be intending us harm, but we must be similarly vigilant in making certain that this surveillance is limited to its intended scope.

I commend Senator FEINGOLD in crafting an amendment that would prohibit what is known as "reverse targeting" and would ensure that this new surveillance is directed only toward its overseas targets and not toward surveillance of innocent Americans without a court order. The Intelligence Committee's bill, S. 2248, requires the government to seek an order from the FISA Court only when "the" purpose of the government's acquisition is the targeting of Americans inside of the United States. I fear that the government will read into this language a loophole and it may justify eavesdropping on American's private communications, without any court order, as long as they have some interest in an overseas "target," even if a significant purpose of the interception is to collect the communications of a person in the United States. Is this fear legitimate? I think so, given this administration's history of convoluted, disingenuous legal interpretation. We must be clear in our language, because we know what they will do if we are not.

Senator FEINGOLD's provision would clarify that if the government intercepts the communications of a person overseas but "a significant purpose" of the surveillance is to collect the communications of the U.S. person with whom the person overseas is communicating, the government must get a court order. This is an important distinction. In light of the sweeping powers we are granting to the government to conduct surveillance without up front court review, we must also cabin the scope of the government's power to eavesdrop on the communications of innocent Americans.

### AMENDMENT NO. 3915

The authorities and procedures in S. 2248 would permit the FISA Court to review government targeting and minimization procedures. If, however, the Court finds certain aspects of those procedures to be inadequate—even grossly inadequate—S. 2248 provides no authority to restrict the use of information already collected using those procedures. That means that the government would be free to access, use, and share information about private communications that was collected in violation of the law.

Senator FEINGOLD's amendment would ensure that the Court has the authority to stop a continuation, and perhaps escalation, of the harm caused by the government's use of illegal procedures. This provision would limit the government's use and dissemination of illegally obtained information if the FISA Court later determines that the procedures were not reasonably designed to target people outside of the United States or to adequately minimize the use of information about U.S. persons. It is important to note that, under this provision, if the government acts to address the Court's concerns and correct these procedures it would then be free to use and disseminate the information it acquired.

This is not a novel application of law under FISA. FISA's existing emergency provision holds that if the government begins emergency surveillance without a warrant, and the FISA Court then determines the surveillance to be unlawful, the government cannot use and disseminate the information it acquired except under very limited circumstances. Senator FEINGOLD's amendment simply applies these reasonable safeguards to the new and broadly expanded authority we are now giving to the government. This provision represents a crucial safeguard for the protection of Americans' privacy rights.

### AMENDMENT NO. 3927

I strongly oppose the blanket grant of retroactive immunity in the Intelligence Committee bill. This administration violated FISA by conducting warrantless surveillance for more than 5 years. They got caught. If they had not, they would probably still be doing it. In the wake of the public disclosure of the President's illegal surveillance of Americans, the administration and the telephone companies are being sued by citizens who believe their privacy and constitutional rights have been violated. Now, the administration is trying to force Congress to terminate those lawsuits in order to insulate itself from accountability. We should not allow this to happen.

The administration knows that these lawsuits may be the only way that it will ever be called to account for its flagrant disrespect for the rule of law. In running its illegal program of warrantless surveillance, the administration, relying on legal opinions prepared in secret and shown to only a tiny group of like-minded officials, ensured the administration received the advice they wanted. Jack Goldsmith, who came in briefly to head the Justice Department's Office of Legal Counsel described the program as a "legal mess." This administration does not want a court to have the chance to look at this legal mess. Retroactive immunity would assure that they get their wish.

The Judiciary Committee and Intelligence Committee tried for well over a year and a half to obtain access to the information that our members needed to evaluate the administration's arguments for immunity. Indeed, over a year ago Chairman SPECTER was prepared to proceed to subpoena information from the telephone companies in light of the administration's stonewalling. It was only just before the Intelligence and Judiciary Committees' consideration of this bill that committee members finally obtained access to a limited number of these documents. Senators who have reviewed the information have drawn very different conclusions.

Now this matter is before all Senators and it is well past time for all Members to have access to the information they need to make informed judgments about the provisions of these bills. The majority leader wrote to the administration stating that Members of the Senate need that access. We have had no response—the administration has ignored the request. It is clear that they do not want to allow Senators to appropriately evaluate these documents and draw their own conclusions.

There are reports in the press that at least one telecommunications carrier refused to comply with the administration's request to cooperate with the warrantless wiretapping. All Senators should have the opportunity to know these facts, so they can make an informed judgment about whether there were legitimate legal concerns that other cooperating telecommunications companies should have raised. Indeed, if other carriers had been more careful in their legal analysis, and had raised these concerns, would the administration have had a greater incentive to come to the Congress and get the law changed? Would we have been spared five long years of illegal behavior by this administration?

I have drawn very different conclusions than Senator ROCKEFELLER about retroactive immunity. I agree with Senator SPECTER and many others that blanket retroactive immunity, which would end ongoing lawsuits by legislative fiat, undermines accountability. Senator SPECTER has been working diligently first as the chairman of the Judiciary Committee and now as its ranking member to obtain judicial review of the legality of the warrantless wiretapping of Americans from 2001 into last year. The check and balance the judiciary provides in our constitutional democracy has an important role to play and should be protected. Judicial review can and should provide a measure of accountability.

We hear from the administration and some of our colleagues that we must grant immunity or the telephone companies will no longer cooperate with the Government. Senators should understand that even if we do not grant retroactive immunity, telecommunications carriers will still have immunity for actions they take in the future. Their cooperation in the future will still be required by legal orders and they will not be subject to liability for doing what the law requires. If they follow the law, they have immunity.

We have heard some people argue that the telephone companies should get immunity because they complied with the Government's requests to engage in warrantless surveillance out of patriotism. I do not doubt the patriotism of the executives and employees of these companies, but this month we learned that these companies cut off wiretaps, including wiretaps of terrorists, because the FBI failed to pay its telephone bills. How can this administration talk repeatedly, on the one hand, about the importance of FISA surveillance, and on the other hand, fail to pay its phone bills and jeopardize this critical surveillance. But beyond that, the fact that carriers were willing to cut off surveillance when they were not paid—presumably some of the same carriers that agreed to conduct warrantless surveillance—undercuts the argument about their patriotic motives.

As one former FBI special agent has said, "It sounds as though the telecoms believe it when the FBI says the warrant is in the mail, but not when they say the check is in the mail."

I believe the rule of law is important in protecting the rights of Americans from unlawful surveillance. I do not believe that Congress can or should seek to take those rights and those claims from those already harmed. Moreover, ending ongoing litigation eliminates perhaps the only viable avenue of accountability for the Government's illegal actions. Therefore, I say again: I oppose blanket retroactive immunity.

I do support and will vote for the amendment that Senators SPECTER and

WHITEHOUSE will offer on "substitution." This amendment would place the Government in the shoes of the private defendants that acted at its behest and let it assume full responsibility for illegal conduct. The Specter-Whitehouse amendment contains an explicit waiver of sovereign immunity, which will allow the lawsuits to proceed against the United States, and it makes other changes designed to assure that the Government does not have advantages as a defendant that the carriers would not have. While I see no need to deal with the issue of lawsuits against the providers in this Congress, I believe that substitution is a fairer means of dealing with these lawsuits than full retroactive immunity, because it would give the plaintiffs their day in court, and it would allow for a measure of accountability for the administration's actions in the years following 9/11.

This administration violated FISA by conducting warrantless surveillance for more than 5 years. They got caught, and the telecommunications carriers got sued. Now, the administration insists that those lawsuits be terminated by Congress, so that it does not have to answer for its actions. Retroactive immunity does more than let the carriers off the hook. It shields this administration from any accountability for conducting surveillance outside of the law. It would stop dead in their tracks the lawsuits that are now working their way through the courts, and leave Americans whose privacy rights have been violated with no chance to be made whole. These lawsuits are perhaps the only avenue that exists for an outside review of the Government's actions. That kind of assessment is critical if our Government is to be held accountable. That is why I do not support legislation to terminate these legal challenges and I will vote to strike it.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008—CONFERENCE REPORT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report to accompany H.R. 2082, the Intelligence authorization conference report.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

> The committee of conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill (H.R. 2082), to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 6, 2007, beginning at page 32514.)

### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2082, Intelligence Authorization Act.

John D. Rockefeller, IV, Dianne Feinstein, Kent Conrad, E. Benjamin Nelson, Russell D. Feingold, Barbara A. Mikulski, Ron Wyden, Ken Salazar, Mark Pryor, Patty Murray, Benjamin L. Cardin, Frank R. Lautenberg, Jack Reed, Sheldon Whitehouse, Harry Reid, Carl Levin, Bill Nelson.

Mr. REID. Mr. President, I ask unanimous consent the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FISA AMENDMENTS ACT OF 2007—Continued

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 2248.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I just finished a conference with the distinguished Republican leader, and we both believe this is the best way to go. We will, at some time, finish the intelligence conference report one way or the other, and following that, we will likely move to the Indian health bill to try to complete that.

We have had a productive day. It is my understanding there are only two speakers left on the FISA legislation, and that is Senator DODD and Senator SPECTER. If there are others, they should notify the cloakroom forthwith.

We have eight votes we are going to do tomorrow, and staff is working on a consent to get to those votes. If we finish them, regardless, it would be better if we do this by consent. We are going to start the votes early in the morning. There will be no morning business tomorrow. We have eight votes to do tomorrow and complete a lot of talk on this bill, and that way we can send it to the House very quickly and they will come back and tell us something, we hope, by the end of the week.

We all hope it is not necessary that we have an extension, but time will tell.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes S. 2248 on Tuesday morning, February 12, the sequence of votes on remaining amendments occur in the following order: Whitehouse 3920, subject to a 60-vote threshold; Feinstein 3910, subject to a 60-vote threshold; Feingold 3979; Dodd 3907; Feingold 3912; Bond-Rockefeller 3938, as modified; Specter-Whitehouse 3927; Feinstein 3919, with a 60-vote threshold; and that each leader control a total of 10 minutes of debate time to be used prior to any of the votes; that the provisions of the previous order governing debate limitations and vote limitations remain in effect.

We are going to do as many of these as we can before the weekly party conferences. With a little bit of luck, we can finish all of them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIVE AMERICAN HOUSING AND SELF-DETERMINATION ACT

Mr. DODD. Mr. President, I come to the floor today to discuss the Banking Committee's action on S. 2062, the Native American Housing Assistance and

Self-Determination Reauthorization Act of 2007. Senator SHELBY and I agreed to discharge this bill from the Banking Committee, with an amendment, to help move the bill along.

This legislation reauthorizes the Native American Housing and Self-Determination Act, NAHASDA, which provides critical funds for housing Native Americans who suffer significant and unique housing problems. According to HUD data, almost one-third of Native Americans have severe housing burdens. They live in overcrowded conditions, lack basic plumbing and utilities, or pay over half of their income for their housing costs. NAHASDA is the primary way that Indian tribes are assisted in addressing these critical housing needs.

The amendment drafted by Senator SHELBY and I includes a provision to clarify that this bill should not interfere with ongoing court cases regarding funding allocations. I want to acknowledge the contributions of Senators TESTER and ENZI in working on this provision. In addition, the amendment helps to retain the requirements that funds be used for those Native Americans in the worst housing situations and that funds continue to be used to increase affordable housing opportunities.

I look forward to working with my colleagues to quickly pass S. 2062 as amended.

## SCHOOL SAFETY AND LAW ENFORCEMENT IMPROVEMENT ACT

Mr. LEAHY. Mr. President, it has now been nearly 10 months since the horrific incident at Virginia Tech resulted in the tragic deaths of 32 students and faculty members, and serious injuries to many other innocent victims. During that time, we have witnessed a barrage of new incidents involving threatening conduct and, too often, deadly acts of violence at our schools and college campuses nationwide.

Just in the last few days tragedy has struck at one of our Nation's high schools and on a university campus. Today's press reports indicate that a student at Mitchell High School in Memphis, TN, is in critical condition after a violent incident in the school's cafeteria. Just this past Friday, a female student killed two other women, and then herself, inside a classroom on the campus of Louisiana Technical College in Baton Rouge. This terrible incident could easily have been even more deadly: there were nearly 20 people in the classroom at the time.

The Senate has so far failed to take up and pass the School Safety and Law Enforcement Improvement Act of 2007, S. 2084, which the Judiciary Committee reported last September to help improve school safety. This comprehensive legislation should be considered and passed without further delay.

In originating the bill over 6 months ago, the Judiciary Committee showed deference to Governor Tim Kaine and the task forces at work in Virginia, and sought to complement their work and recommendations. Working with several Senators, including Senators BOXER, REED, SPECTER, FEINGOLD, SCHUMER, and DURBIN, the committee originated this bill and reported it at the start of the 2007 academic year. My hope was that Congress would adopt these critical school safety improvements last fall.

Since this bill passed out of the Judiciary Committee, we have seen tragedy at Louisiana Technical College, Delaware State, University of Memphis, SuccessTech Academy in Cleveland, OH, as well as incidents in California, New York, Pennsylvania, and Oregon, to name just a few. I, again, urge the Senate to proceed to consider this comprehensive package of school safety measures. It includes sensible yet effective safety improvement measures supported by law enforcement across the country. We should be doing all that we can to help.

Last October, a troubled student wearing a Fred Flintstone mask and carrying a rifle through campus was arrested at St. John's University in Queens, NY, prompting authorities to lock down the campus for 3 hours. The day after that incident, an armed 17-year-old on the other side of the country in Oroville, CA, held students hostage at Las Plumas High School, also resulting in a lock-down. Around that same time, an armed student suspected of plotting a Columbine-style attack on fellow high school students was arrested in Norristown, PA. The students in these situations were lucky and escaped without injury.

University of Memphis student Taylor Bradford was not so lucky. He was killed on campus last September in what university officials believe was a targeted attack. He was 21 years old. Shalita Middleton was not so lucky. She died last October from injuries she sustained during the Delaware State incident. She was 17 years old. Nathaniel Pew was not so lucky. He was wounded at Delaware State. High school teachers Michael Grassie and David Kachadourian and students Michael Peek and Darnell Rodgers—all of whom were wounded by a troubled student at SuccessTech Academy last October—were not so lucky. And the two female students killed this past Friday in Baton Rouge were not so lucky.

The School Safety and Law Enforcement Improvement Act responds directly to incidents like these by addressing the problem of violence in our schools in several ways. The bill authorizes Federal assistance for programs to improve the safety and security of our schools and institutions of higher education, provides equitable benefits to law enforcement serving those institutions including bulletproof vests, and funds pilot programs to develop cutting-edge prevention and intervention programs for our schools. The bill also clarifies and strengthens two existing statutes—the Terrorist Hoax Improvements Act and the Law Enforcement Officers Safety Act—which are designed to improve public safety.

Specifically, the bill would improve the safety and security of students both at the elementary and secondary school level and on college and university campuses. The K–12 improvements are drawn from a bill that Senator BOXER introduced last April, and I want to thank Senator BOXER for her hard work on this issue. The improvements include increased funding for much-needed infrastructure changes to improve security as well as the establishment of hotlines and tip-lines, which will enable students to report potentially dangerous situations to school administrators before they occur.

These improvements can save lives. After the four students and teachers were wounded at SuccessTech Academy, the press reported that parents had been petitioning to get a metal detector installed and additional security personnel added, and that the guard who was previously assigned to the school had been removed 3 years ago. In fact, at the time, the entire city of Cleveland had just 10 metal detectors that rotated throughout the city's more than 100 schools. Title I of the bill would enhance the ability of school districts to apply for and receive grant money to fund the installation of metal detectors and the training and hiring of security personnel to keep our kids safe.

To address the new realities of campus safety in the wake of Virginia Tech and more recent college incidents, title I also creates a matching grant program for campus safety and security to be administered out of the COPS Office of the Department of Justice. The grant program would allow institutions of higher education to apply, for the first time, directly for Federal funds to make school safety and security improvements. The program is authorized to be appropriated at $50,000,000 for the next 2 fiscal years. While this amounts to just $3 per student each year, it will enable schools to more effectively respond to dangerous situations on campus.

The bill would also make sworn law enforcement officers who work for private institutions of higher education and rail carriers eligible for death and disability benefits, and for funds administered under the Byrne Grant program and the bulletproof vest partnership grant program. Providing this equitable treatment is in the best interest of our Nation's educators and students and will serve to place the support of the Federal Government behind the dedicated law enforcement officers who serve and protect private colleges and universities nationwide. I commend Senator JACK REED for his leadership in this area.

The bill helps law enforcement by making improvements to the Law Enforcement Officers Safety Act of 2003, LEOSA. These amendments to existing law will streamline the system by which qualified retired and active officers can be certified under LEOSA. It serves us all when we permit qualified officers, with a demonstrated commitment to law enforcement and no adverse employment history, to protect themselves, their families, and their fellow citizens wherever those officers may be.

The bill focuses on prevention as well, by incorporating the PRECAUTION Act at the request of Senators FEINGOLD and SPECTER. This provision authorizes grants to develop prevention and intervention programs for our schools.

Finally, the bill incorporates the Terrorist Hoax Improvements Act of 2007, at the request of Senator KENNEDY.

The Senate should move forward and act. The Virginia Tech Review Panel—a body commissioned by Governor Kaine to study the Virginia Tech tragedy—recently issued its findings based on a 4-month long investigation of the incident and its aftermath. This bill would adopt a number of recommendations from the Review Panel aimed at improving school safety. We must not miss this opportunity to implement these initiatives nationwide, and to take concrete steps to ensure the safety of our kids. I hope the Senate will promptly move forward to invest in the safety of our students and better support law enforcement officers across the country by considering and passing the School Safety and Law Enforcement Improvement Act of 2007.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## INAUGURATION OF PRESIDENT-ELECT LEE MYUNG-BAK

• Mr. OBAMA. Mr. President, in just 2 weeks President-elect Lee Myung-bak will be inaugurated as the next President of South Korea. His inauguration offers a fresh opportunity to reaffirm and reinvigorate the U.S.-South Korea relationship for a new era.

The U.S.-ROK alliance has been a remarkably strong and successful one. Forged in blood during the Korean war more than a half-century ago, the alliance has sustained itself through the crucible of the cold war and remains central to U.S. security policy in East Asia. Our bonds have only deepened through the extensive social and cultural ties that have formed between our two countries, including 100,000 Americans who live in Korea, and the 2 million Korean-Americans who enrich our society through their classic American ethic of hard work, strong families, and tight-knit church communities.

Nonetheless, I do not think it is an overstatement to say that the U.S.-Korea relationship has been adrift in recent years. At the heart of it have been our respective approaches to North Korea. The Bush administration has been divided within itself on how to deal with Pyongyang, branding it a member of the "Axis of Evil" and refusing bilateral discussions with it before subsequently reversing course. This unsteady approach not only has allowed North Korea to expand its nuclear arsenal as it has resumed reprocessing of plutonium and tested a nuclear device. It also has understandably caused anxiety in South Korea, as its leaders and people have tried to figure out what the Bush administration policy is.

I have no illusions about North Korea, and we must be firm and unyielding in our commitment to a nonnuclear Korean peninsula. In the process we must pay attention to the interests of the South Korean people to ensure that we move forward in unity and common purpose.

The U.S.-Korea economic relationship has also benefited both nations and deepened our ties. I look forward as well to supporting ways to increase our bilateral trade and investment ties through agreements paying proper attention to our key industries and agricultural sectors, such as autos, rice, and beef, and to protection of labor and environmental standards. Regrettably, the U.S.-Korea Free Trade Agreement does not meet this standard.

Given the importance of getting this relationship right I would encourage President Bush to invite President Lee to the White House as early as possible after his inauguration as a signal of the commitment of the United States to the alliance, and to reaffirm the importance of the alliance to the United States. In the process, we need to work with South Korea on a common vision for the alliance to meet the challenges of the 21st century, not only those on the Korean Peninsula but in the region and beyond.

An alliance that once was built solely on defense against common threats must today be built also on our shared values and strong mutual interests. I congratulate President-elect Lee on his election, pass on my good wishes for him and the Korean people for his inauguration, and honor the Korean people for their vibrant democracy. I look forward to the opportunity to work with him in the years ahead to replenish and revitalize this crucial relationship.•

## ADDITIONAL STATEMENTS

## CARROLL COLLEGE FIGHTING SAINTS

• Mr. BAUCUS. Mr. President, the December 24, 2007, "Year in Pictures" edition of Sports Illustrated featured a mud-soaked and elated Brandon Day on the cover. Day is a junior linebacker for the Fighting Saints of Carroll College in my hometown of Helena, MT. This amazing image was captured by photographer John Russell following the Fighting Saints fifth National Association of Intercollegiate Athletics football title in the past six seasons on December 15, 2007, in Savannah, TN.

The story of this team and the cover photo on Sports Illustrated has really moved me. With all the negative stories recently in the sports world, it was both heartening and appropriate for the magazine to honor the spirit of intercollegiate athletics by shining the spotlight on such a hard-working and deserving group of student athletes. The young men that make up Carroll's football squad truly embody the best of these ideals and Montana values. They have worked hard both on and off the field and have achieved not only athletic glory, but also success in the classroom and have given much back to the Helena community and their hometowns. Coming from small towns across Montana and the West, these student athletes certainly don't demand or expect this kind of recognition for their achievements, but they certainly are worthy of the praise. This group of young men are great ambassadors for the college they so proudly represent and are terrific role models for their fellow students and the many younger kids who look up to them.

This strength of character is certainly a tribute to their fine and caring coach, Mike Van Diest, who has taught his players that devotion to school, family, and faith come before football. He demands excellence from his players both on and off the field, as does the president of the school, Dr. Thomas Trebon. Dr. Trebon recently wrote a letter to Sports Illustrated that tells the story of the Fighting Saints. I thank Dr. Trebon for all of his hard work and leadership at Carroll College, and I look forward to cheering on the Saints again in 2008. I know that they will continue to make Montana proud.

Mr. President, I ask to have the letter from Dr. Trebon printed in the RECORD.

The material follows.

DEAR SPORTS ILLUSTRATED: All of Montana is thrilled by the SI "2007 Pictures of the Year" front cover featuring Carroll College junior linebacker Brandon Day's euphoric reaction to the Fighting Saints' fifth NAIA National Football Championship win.

The untold story about the Saints found honest reflection in the SI cover photo, with Day and his victorious teammates soaked in mud while overcome with joy. It's a story about humble happiness through hard work, where every standout member of the Saints who receives recognition promptly points to his teammates as the real reason for their success. It's the story of Fighting Saint Luke DenHerder, who returned to the gridiron after beating a lethal cancer, while his fellow student-athletes cheered him and even shaved their heads in solidarity during his chemotherapy. It's the story of a team comprised of men hailing primarily from rural Western towns, ranches and farms, from struggling middle-class families, who know the meaning of hard work and who haven't seen much glory in return. Until now.

Carroll's story is about two-time NAIA National Coach of the Year (2003 and 2005) Mike Van Diest, who led the Saints to all five national championship wins, all while demanding that our athletes' priorities must be God first, family second, school third and football last. Indeed, the press corps following our team to Tennessee took more photos of our players studying for their final exams and volunteer reading to school children in Savannah, Tenn., than engaged in pre-game practice. This fall, seven Fighting Saints were named national Daktronics-NAIA Football Scholar-Athletes, the team maintains a grade point average over 3.2, and nearly half of our football squad is selected yearly as All-Academic honorees in the Frontier Conference. Yet, the true story about the Saints was told before the clock ran out during the championship game. After each play, our Carroll student-athletes showed their commitment to sportsmanship by helping their opponents up from tackles and shaking hands with the University of Sioux Falls players.

In these days when more of us long for a return to civility and yearn to see our star athletes and athletic programs meet the high standards of role models, SI's cover photo was distinctly gratifying. In one shot, photographer John Russell captured both a moment of athletic triumph and distilled our dream of bringing back the values of simpler times, when good men from humble beginnings win out in the end and become heroes.

THOMAS TREBON,
*President, Carroll College.*●

## UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAMME 2008

● Mr. CRAPO. Mr. President, I am proud to be involved for a second year in the Uni-Capitol Washington Internship Programme, an exchange program in which outstanding college students from Australia's top universities compete to serve as interns for the U.S. Congress. The program is in its ninth year of bringing the Washington experience to our friends from Australia, firsthand. In addition to working in congressional offices, the program provides students with a number of other opportunities and activities, including visits to historic sites, visits to government agencies, meetings with government leaders, and educational events.

This year, Suzi Allan, a student from the University of Canberra, Australia, is taking a 2-month hiatus from her communications degree to help me serve Idaho constituents. Of the program, Suzi says, "The UCWIP has given me the unique opportunity to gain firsthand insight into the world's most influential government. I have had incredible experiences while working in Senator Crapo's office and have enjoyed learning more about the U.S. Congress. Working in the heart of America's political establishment is a fantastic experience that I will always remember."

This year, I would again like to thank Director Eric Federing and his wife, Daphne, for their continued commitment to enlarging the educational experience of students in their home country of Australia. Free nations have a responsibility to work together to promote the liberty that have provided social, cultural, and economic success. Bringing young people together in their formative educational years promotes these partnerships for prosperity across national lines and highlights our Nations' shared goals and interests. I am pleased to be able to participate in this well-crafted and successful program.●

## TRIBUTE TO REVEREND WEBSTER TWO HAWK

● Mr. JOHNSON. Mr. President, it is my pleasure to speak today to recognize an outstanding lifelong resident of South Dakota, Rev. Webster Two Hawk.

Recently, Reverend Two Hawk marked 50 years of service to his church and his faith. His congregation is the St. Peter's Episcopal Church in Fort Pierre, SD, where he has been a volunteer priest for the last 27 years. Reverend Two Hawk, now retired, has a long list of accomplishments throughout his lifetime.

Reverend Two Hawk was born and lived near White River, SD, until going to schools in Todd County. Upon completion of high school in Mission, SD, now Todd County High School, he attended the University of South Dakota, my alma mater, where he graduated in 1952 with a degree in business administration. Upon leaving college, Two Hawk enlisted in the U.S. Army to serve in the Korean war. Upon his return from service, he attended Kenyon College in Ohio where he graduated with a master's degree in divinity and was ordained at St. Peter's Church in Lake Andes on the Yankton Sioux Reservation. He served there 6 years as priest before moving to the Standing Rock Sioux Reservation for another 6 years and ultimately returning home to the Rosebud Sioux Reservation.

His return home led him down a different path of service he was elected chairman of the Rosebud Sioux Tribe. He had many accomplishments during his tenure as leader of the tribe; most notably was the opening of Sinte Gleska University in 1971. His desire to serve also led him to work for the Aberdeen Area Indian Health Service and was also appointed by former Gov Bill Janklow as the commissioner for the South Dakota Tribal Government Relations Office from 1996 until 2003. As well, he serves on the board of directors for the Wakpa Sica Reconciliation Place.

Currently, Reverend Two Hawk is working to rebuild the congregation in his hometown of White River, SD. I take this opportunity to commend Rev. Webster Two Hawk for his lifetime of service to his congregation and to his tribe. Both are certainly thankful for his efforts.●

## TRIBUTE TO KEN HARPER

● Mr. PRYOR. Mr. President, today I wish honor Ken Harper, a fellow Arkansan who has embraced the spirit of patriotism. Not only has he served our country in the military, but he has created inspirational poetry and a special commemorative gift to veterans. Ken Harper has a unique talent for writing poetry of a "military significance" and "significance of character" that gives inspiration to those who read it.

Ken Harper proudly served in the U.S. Navy and the U.S. Army. He served a tour of duty with the U.S. Navy beginning in 1979. In 1985, he chose to continue his military career by serving in the U.S. Army. After his military service was completed, Ken still had the desire to serve.

Inspired by the fallen sailors and marines of Pearl Harbor, Ken requested a few American flags to be flown from military memorials and ships on behalf of some retired veterans he knew. The success of this motivated him to have more flags flown in dedication of other veterans. Later, he would have two special flags he claims as his own raised on several naval ships and even on board a NASA space ship.

Because Ken Harper has selflessly honored so many, today we honor him for his efforts, talents, and service to our country.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

## ECONOMIC REPORT OF THE PRESIDENT DATED FEBRUARY 2008 WITH THE ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS FOR 2008—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

*To the Congress of the United States:*

Over the past 6 years of economic expansion, the American economy has proven its strength and resilience. Job creation grew uninterrupted for a record period of time, inflation remains moderate, unemployment is low, and productivity continues to grow. The economy is built upon a strong foundation, with deep and sophisticated capital markets, flexible labor markets, low taxes, and open trade and investment policies.

Americans should be confident about the long-term strength of our economy, but our economy is undergoing a period of uncertainty, and there are heightened risks to our near-term economic growth. To insure against these risks, I called upon the Congress to enact a growth package that is simple, temporary, and effective in keeping our economy growing and our people working.

There is more we should do to strengthen our economy. First, we must keep taxes low. Unless the Congress acts, most of the tax relief that we have delivered over the past 7 years will be taken away and 116 million American taxpayers will see their taxes rise by an average of $1,800. The tax relief of the past few years has been a key factor in promoting economic growth and job creation and it should be made permanent. We must also work together to tackle unfunded obligations in entitlement programs such as Social Security, Medicare, and Medicaid. I have laid out a detailed plan in my Budget to restrain spending, cut earmarks, and balance the budget by 2012 without raising taxes.

Second, we must trust Americans with the responsibility of homeownership and empower them to weather turbulent times in the market. My Administration has acted aggressively to help credit-worthy homeowners avoid foreclosure. We launched a new initiative called FHASecure to help families refinance their homes. I signed legislation to protect families from higher taxes when lenders forgive a portion of their home mortgage debt. We have also brought together the HOPE NOW alliance, which is helping many struggling homeowners avoid foreclosure by facilitating the refinancing and modification of mortgages. The Congress can do more to help American families keep their homes by passing legislation to reform Freddie Mac and Fannie Mae, modernize the Federal Housing Administration, and allow State housing agencies to issue tax-free bonds to help homeowners refinance their mortgages.

Third, we must continue opening new markets for trade and investment. We have an unprecedented opportunity to reduce barriers to global trade and investment through a successful Doha round. The Congress should also approve our pending free trade agreements. I thank the Congress for its approval of a good agreement with Peru, and ask for the approval of agreements with Colombia, Panama, and South Korea. These agreements will benefit our economy by providing greater access for our exports and supporting good jobs for American workers, and they will promote America's strategic interests. I have asked the Congress to reauthorize and reform trade adjustment assistance so that we can help those workers who are displaced by trade to learn new skills and find new jobs.

Fourth, we must make health care more affordable and accessible for all Americans. I have proposed changes in the tax code that would end the bias against those who do not receive health insurance through their employer and would make it easier for many uninsured Americans to obtain insurance. This reform would put private health care coverage within reach for millions. My Budget also improves access to health care by increasing the power of small employers, civic groups, and community organizations to negotiate lower-priced health premiums. These policies would encourage competition among health plans across State lines, help reduce frivolous lawsuits that increase patients' costs, and promote the use of health savings accounts.

Fifth, we must increase our energy security and confront climate change. Last year, I proposed an ambitious plan to reduce U.S. dependence on oil and help cut the growth of greenhouse gas emissions. I am pleased that the Congress responded, and I was able to sign into law a bill that will increase fuel economy and the use of alternative fuels, as well as set new efficiency mandates on appliances, light bulbs, and Federal Government operations. In my State of the Union Message, I proposed that we take the next steps to accelerate technological breakthroughs by funding new technologies to generate coal power that captures carbon emissions, advance emissions-free nuclear power; and invest in advanced battery technology and renewable energy. I am also committing $2 billion to a new international clean technology fund that will help developing nations make greater use of clean energy sources. Additionally, my Budget proposes to protect the economy against oil supply disruptions by doubling the capacity of the Strategic Petroleum Reserve.

Finally, a strong and vibrant education system is vital to maintaining our Nation's competitive edge and extending economic opportunity to every citizen. Six years ago, we came together to pass the No Child Left Behind Act, and no one can deny its results. Now we must work together to increase accountability, add flexibility for States and districts, reduce the number of high school dropouts, and provide extra help for struggling schools.

Many of these issues are discussed in the 2008 Annual Report of the Council of Economic Advisers. The Council has prepared this Report to help policymakers understand the economic conditions and issues that underlie my Administration's policy decisions. By relying on the foundation and resilience of our economy, trusting the decisions of individuals and markets and pursuing pro-growth policies, we should have confidence in our prospects for continued prosperity and economic growth.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 2008.*

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2616. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

S. 2596. A bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

S. 2619. A bill to protect innocent Americans from violent crime in national parks.

S. 2615. A bill to extend the Protect America Act of 2007 for 15 days.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 2621. A bill to amend the Terrorism Risk Insurance Act of 2002, to temporarily reduce the insurer deductibles for insurers sustaining insured losses from large terrorism events; to the Committee on Banking, Housing, and Urban Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mrs. BOXER, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr.

BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 446. A resolution relative to the death of Representative TOM LANTOS, of California; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 367

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1430

At the request of Mr. KERRY, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1702

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1702, a bill to promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes.

S. 1760

At the request of Mr. BROWN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1794

At the request of Mr. BAYH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1794, a bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2089

At the request of Mr. NELSON of Florida, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2089, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2120

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2120, a bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty, expand the middle class, and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes.

S. 2183

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2183, a bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

S. 2204

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2204, a bill to assist wildlife populations and wildlife habitats in adapting to and surviving the effects of global warming, and for other purposes.

S. 2433

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2485

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2550

At the request of Mrs. HUTCHISON, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2575

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2605

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr.

DURBIN), the Senator from Rhode Island (Mr. REED), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2605, a bill to require certain semiautomatic pistols manufactured, imported, or sold by Federal firearms licensees to be capable of microstamping ammunition.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. RES. 439

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 439, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

AMENDMENT NO. 3910

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 3910 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3919

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 3919 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3967

At the request of Mr. COBURN, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 446—RELATIVE TO THE DEATH OF REPRESENTATIVE TOM LANTOS, OF CALIFORNIA

Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mrs. BOXER, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 446

*Resolved*, That the Senate has heard, with profound sorrow and deep regret the announcement of the death of the Honorable Tom Lantos, late a Representative from the State of California.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4014. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 4015. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table.

SA 4016. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4017. Mr. DURBIN (for Mrs. FEINSTEIN) submitted an amendment intended to be proposed by Mr. DURBIN to the bill S. 2071, to enhance the ability to combat methamphetamine.

## TEXT OF AMENDMENTS

**SA 4014.** Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, strike lines 1 through 13 and insert the following:

"(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.".

On page 22, line 9, insert "in accordance with section 202" after "infrastructure".

On page 29, strike line 18 and insert the following:

"(iv) any other legal impediment.

"(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.".

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**SA 4015.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page ___, between lines ___ and ___, insert the following (at the end of title VIII of the Indian Health Care Improvement Act, as amended by section 101(a) add the following):

**"SEC. 818. INDIAN HEALTH SAVINGS ACCOUNT DEMONSTRATION PROJECT.**

"(a) IN GENERAL.—The Secretary shall establish a demonstration project under which eligible participants shall be provided with a subsidy for the purchase of a high deductible health plan (as defined under section 223(c)(2) of the Internal Revenue Code of 1986) and a contribution to a health savings account (as defined in section 223(d) of such Code) in order to—

"(1) improve Indian access to high quality health care services;

"(2) provide incentives to Indian patients to seek preventive medical care services;

"(3) create Indian patient awareness regarding the high cost of medical care; and

"(4) encourage appropriate use of health care services by Indians.

"(b) ELIGIBLE PARTICIPANT.—

"(1) VOLUNTARY ENROLLMENT FOR 12-MONTH PERIODS.—

"(A) IN GENERAL.—In this section, the term 'eligible participant' means an Indian who—

"(i) is an eligible individual (as defined in section 223(c)(1) of the Internal Revenue Code of 1986); and

"(ii) voluntarily agrees to enroll in the project conducted under this section (or in the case of a minor, is voluntarily enrolled on their behalf by a parent or caretaker) for a period of not less than 12 months in lieu of obtaining items or services through any Indian Health Program or any other federally-funded program during any period in which the Indian is enrolled in the project.

"(B) VOLUNTARY EXTENSIONS OF ENROLLMENT.—An eligible participant may voluntarily extend the participant's enrollment in the project for additional 12-month periods.

"(2) HARDSHIP EXCEPTION.—The Secretary shall specify criteria for permitting an eligible participant to disenroll from the project before the end of any 12-month period of enrollment to prevent undue hardship.

"(c) SUBSIDY AMOUNT.—The amount of a subsidy provided to an eligible participant for a 12-month period shall not exceed the amount equal to the average per capita expenditure for an Indian obtaining items or services from any Indian Health Program for the most recent fiscal year for which data is available with respect to the same population category as the eligible participant.

"(d) SPECIAL RULES.—

"(1) NO DEDUCTION ALLOWED FOR SUBSIDY.—For purposes of determining the amount allowable as a deduction with respect to amounts contributed to a health savings account by an eligible participant under section 223 of the Internal Revenue Code of 1986, the limitation which would (but for this paragraph) apply under section 223(b) of such Code to such participant for any taxable year shall be reduced (but not below zero) by the amount of any subsidy provided to the participant under this section for such taxable year.

"(2) TREATMENT.—The amount of a subsidy provided to an eligible participant in the project shall not be counted as income or assets for purposes of determining eligibility for benefits under any Federal public assistance program.

"(3) BUDGET NEUTRALITY.—In conducting the demonstration project under this section, the Secretary shall ensure that the aggregate payments made to carry out the project do not exceed the amount of Federal expenditures which would have been made for the provision of health care items and services to eligible participants if the project had not been implemented.

"(e) DEMONSTRATION PERIOD; REPORTS TO CONGRESS; GAO EVALUATION AND REPORT.—

"(1) DEMONSTRATION PERIOD.—

"(A) INITIAL PERIOD.—The demonstration project established under this section shall begin on January 1, 2007, and shall be conducted for a period of 5 years.

"(B) EXTENSIONS.—The Secretary may extend the project for such additional periods as the Secretary determines appropriate, unless the Secretary determines that the project is unsuccessful in achieving the purposes described in subsection (a), taking into account cost-effectiveness, quality of care, and such other criteria as the Secretary may specify.

"(2) PERIODIC REPORTS TO CONGRESS.—During the 5-year period described in paragraph (1), the Secretary shall periodically submit reports to Congress regarding the success of demonstration project conducted under this section. Each report shall include information concerning the populations participating in the project and the impact of the project on access to, and the availability of, high quality health care services for Indians.

"(3) GAO EVALUATION AND REPORT.—

"(A) EVALUATION.—The Comptroller General of the United States shall enter into a contract with an organization with expertise in health economics, health insurance markets, and actuarial science for the purpose of conducting a comprehensive study regarding the effects of high deductible health plans and health savings accounts in the Indian community. The evaluation shall include an analysis of the following issues:

"(i) Selection of, access to, and availability of, high quality health care services.

"(ii) The use of preventive health services.

"(iii) Consumer choice.

"(iv) The scope of coverage provided by high deductible health plans purchased in conjunction with health savings accounts under the project.

"(v) Such other issues as the Comptroller General determines appropriate.

"(B) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit a report to Congress on the evaluation of demonstration project conducted under this section.".

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**SA 4016.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the end, add the following:

## TITLE III—HEALTH CARE CHOICE

### SEC. 301. SHORT TITLE.

This title may be cited as "Health Care Choice Act of 2008".

### SEC. 302. SPECIFICATION OF CONSTITUTIONAL AUTHORITY FOR ENACTMENT OF LAW.

This title is enacted pursuant to the power granted Congress under article I, section 8, clause 3, of the United States Constitution.

### SEC. 303. FINDINGS.

Congress finds the following:

(1) The application of numerous and significant variations in State law impacts the ability of insurers to offer, and individuals to obtain, affordable individual health insurance coverage, thereby impeding commerce in individual health insurance coverage.

(2) Individual health insurance coverage is increasingly offered through the Internet, other electronic means, and by mail, all of which are inherently part of interstate commerce.

(3) In response to these issues, it is appropriate to encourage increased efficiency in the offering of individual health insurance coverage through a collaborative approach by the States in regulating this coverage.

(4) The establishment of risk-retention groups has provided a successful model for the sale of insurance across State lines, as the acts establishing those groups allow insurance to be sold in multiple States but regulated by a single State.

### SEC. 304. COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by adding at the end the following new part:

## "PART D—COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE

### "SEC. 2795. DEFINITIONS.

"In this part:

"(1) PRIMARY STATE.—The term 'primary State' means, with respect to individual health insurance coverage offered by a health insurance issuer, the State designated by the issuer as the State whose covered laws shall govern the health insurance issuer in the sale of such coverage under this part. An issuer, with respect to a particular policy, may only designate one such State as its primary State with respect to all such coverage it offers. Such an issuer may not change the designated primary State with respect to individual health insurance coverage once the policy is issued, except that such a change may be made upon renewal of the policy. With respect to such designated State, the issuer is deemed to be doing business in that State.

"(2) SECONDARY STATE.—The term 'secondary State' means, with respect to individual health insurance coverage offered by a health insurance issuer, any State that is not the primary State. In the case of a health insurance issuer that is selling a policy in, or to a resident of, a secondary State, the issuer is deemed to be doing business in that secondary State.

"(3) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 2791(b)(2), except that such an issuer must be licensed in the primary State and be qualified to sell individual health insurance coverage in that State.

"(4) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term 'individual health insurance coverage' means health insurance coverage offered in the individual market, as defined in section 2791(e)(1).

"(5) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of this title for the State with respect to the issuer.

"(6) HAZARDOUS FINANCIAL CONDITION.—The term 'hazardous financial condition' means that, based on its present or reasonably anticipated financial condition, a health insurance issuer is unlikely to be able—

"(A) to meet obligations to policyholders with respect to known claims and reasonably anticipated claims; or

"(B) to pay other obligations in the normal course of business.

"(7) COVERED LAWS.—

"(A) IN GENERAL.—The term 'covered laws' means the laws, rules, regulations, agreements, and orders governing the insurance business pertaining to—

"(i) individual health insurance coverage issued by a health insurance issuer;

"(ii) the offer, sale, rating (including medical underwriting), renewal, and issuance of individual health insurance coverage to an individual;

"(iii) the provision to an individual in relation to individual health insurance coverage of health care and insurance related services;

"(iv) the provision to an individual in relation to individual health insurance coverage of management, operations, and investment activities of a health insurance issuer; and

"(v) the provision to an individual in relation to individual health insurance coverage of loss control and claims administration for a health insurance issuer with respect to liability for which the issuer provides insurance.

"(B) EXCEPTION.—Such term does not include any law, rule, regulation, agreement, or order governing the use of care or cost management techniques, including any requirement related to provider contracting, network access or adequacy, health care data collection, or quality assurance.

"(8) STATE.—The term 'State' means the 50 States and includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"(9) UNFAIR CLAIMS SETTLEMENT PRACTICES.—The term 'unfair claims settlement practices' means only the following practices:

"(A) Knowingly misrepresenting to claimants and insured individuals relevant facts or policy provisions relating to coverage at issue.

“(B) Failing to acknowledge with reasonable promptness pertinent communications with respect to claims arising under policies.

“(C) Failing to adopt and implement reasonable standards for the prompt investigation and settlement of claims arising under policies.

“(D) Failing to effectuate prompt, fair, and equitable settlement of claims submitted in which liability has become reasonably clear.

“(E) Refusing to pay claims without conducting a reasonable investigation.

“(F) Failing to affirm or deny coverage of claims within a reasonable period of time after having completed an investigation related to those claims.

“(G) A pattern or practice of compelling insured individuals or their beneficiaries to institute suits to recover amounts due under its policies by offering substantially less than the amounts ultimately recovered in suits brought by them.

“(H) A pattern or practice of attempting to settle or settling claims for less than the amount that a reasonable person would believe the insured individual or his or her beneficiary was entitled by reference to written or printed advertising material accompanying or made part of an application.

“(I) Attempting to settle or settling claims on the basis of an application that was materially altered without notice to, or knowledge or consent of, the insured.

“(J) Failing to provide forms necessary to present claims within 15 calendar days of a requests with reasonable explanations regarding their use.

“(K) Attempting to cancel a policy in less time than that prescribed in the policy or by the law of the primary State.

“(10) FRAUD AND ABUSE.—The term ‘fraud and abuse’ means an act or omission committed by a person who, knowingly and with intent to defraud, commits, or conceals any material information concerning, one or more of the following:

“(A) Presenting, causing to be presented or preparing with knowledge or belief that it will be presented to or by an insurer, a reinsurer, broker or its agent, false information as part of, in support of or concerning a fact material to one or more of the following:

“(i) An application for the issuance or renewal of an insurance policy or reinsurance contract.

“(ii) The rating of an insurance policy or reinsurance contract.

“(iii) A claim for payment or benefit pursuant to an insurance policy or reinsurance contract.

“(iv) Premiums paid on an insurance policy or reinsurance contract.

“(v) Payments made in accordance with the terms of an insurance policy or reinsurance contract.

“(vi) A document filed with the commissioner or the chief insurance regulatory official of another jurisdiction.

“(vii) The financial condition of an insurer or reinsurer.

“(viii) The formation, acquisition, merger, reconsolidation, dissolution or withdrawal from one or more lines of insurance or reinsurance in all or part of a State by an insurer or reinsurer.

“(ix) The issuance of written evidence of insurance.

“(x) The reinstatement of an insurance policy.

“(B) Solicitation or acceptance of new or renewal insurance risks on behalf of an insurer reinsurer or other person engaged in the business of insurance by a person who knows or should know that the insurer or other person responsible for the risk is insolvent at the time of the transaction.

“(C) Transaction of the business of insurance in violation of laws requiring a license, certificate of authority or other legal authority for the transaction of the business of insurance.

“(D) Attempt to commit, aiding or abetting in the commission of, or conspiracy to commit the acts or omissions specified in this paragraph.

### “SEC. 2796. APPLICATION OF LAW.

“(a) IN GENERAL.—The covered laws of the primary State shall apply to individual health insurance coverage offered by a health insurance issuer in the primary State and in any secondary State, but only if the coverage and issuer comply with the conditions of this section with respect to the offering of coverage in any secondary State.

“(b) EXEMPTIONS FROM COVERED LAWS IN A SECONDARY STATE.—Except as provided in this section, a health insurance issuer with respect to its offer, sale, rating (including medical underwriting), renewal, and issuance of individual health insurance coverage in any secondary State is exempt from any covered laws of the secondary State (and any rules, regulations, agreements, or orders sought or issued by such State under or related to such covered laws) to the extent that such laws would—

“(1) make unlawful, or regulate, directly or indirectly, the operation of the health insurance issuer operating in the secondary State, except that any secondary State may require such an issuer—

“(A) to pay, on a nondiscriminatory basis, applicable premium and other taxes (including high risk pool assessments) which are levied on insurers and surplus lines insurers, brokers, or policyholders under the laws of the State;

“(B) to register with and designate the State insurance commissioner as its agent solely for the purpose of receiving service of legal documents or process;

“(C) to submit to an examination of its financial condition by the State insurance commissioner in any State in which the issuer is doing business to determine the issuer’s financial condition, if—

“(i) the State insurance commissioner of the primary State has not done an examination within the period recommended by the National Association of Insurance Commissioners; and

“(ii) any such examination is conducted in accordance with the examiners’ handbook of the National Association of Insurance Commissioners and is coordinated to avoid unjustified duplication and unjustified repetition;

“(D) to comply with a lawful order issued—

“(i) in a delinquency proceeding commenced by the State insurance commissioner if there has been a finding of financial impairment under subparagraph (C); or

“(ii) in a voluntary dissolution proceeding;

“(E) to comply with an injunction issued by a court of competent jurisdiction, upon a petition by the State insurance commissioner alleging that the issuer is in hazardous financial condition;

“(F) to participate, on a nondiscriminatory basis, in any insurance insolvency guaranty association or similar association to which a health insurance issuer in the State is required to belong;

“(G) to comply with any State law regarding fraud and abuse (as defined in section 2795(10)), except that if the State seeks an injunction regarding the conduct described in this subparagraph, such injunction must be obtained from a court of competent jurisdiction;

“(H) to comply with any State law regarding unfair claims settlement practices (as defined in section 2795(9)); or

“(I) to comply with the applicable requirements for independent review under section 2798 with respect to coverage offered in the State;

“(2) require any individual health insurance coverage issued by the issuer to be countersigned by an insurance agent or broker residing in that Secondary State; or

“(3) otherwise discriminate against the issuer issuing insurance in both the primary State and in any secondary State.

“(c) CLEAR AND CONSPICUOUS DISCLOSURE.—A health insurance issuer shall provide the following notice, in 12-point bold type, in any insurance coverage offered in a secondary State under this part by such a health insurance issuer and at renewal of the policy, with the 5 blank spaces therein being appropriately filled with the name of the health insurance issuer, the name of primary State, the name of the secondary State, the name of the secondary State, and the name of the secondary State, respectively, for the coverage concerned:

‘This policy is issued by _________ and is governed by the laws and regulations of the State of _________, and it has met all the laws of that State as determined by that State’s Department of Insurance. This policy may be less expensive than others because it is not subject to all of the insurance laws and regulations of the State of _________, including coverage of some services or benefits mandated by the law of the State of _________. Additionally, this policy is not subject to all of the consumer protection laws or restrictions on rate changes of the State of _________. As with all insurance products, before purchasing this policy, you should carefully review the policy and determine what health care services the policy covers and what benefits it provides, including any exclusions, limitations, or conditions for such services or benefits.’.

“(d) PROHIBITION ON CERTAIN RECLASSIFICATIONS AND PREMIUM INCREASES.—

“(1) IN GENERAL.—For purposes of this section, a health insurance issuer that provides individual health insurance coverage to an individual under this part in a primary or secondary State may not upon renewal—

“(A) move or reclassify the individual insured under the health insurance coverage from the class such individual is in at the time of issue of the contract based on the health-status related factors of the individual; or

“(B) increase the premiums assessed the individual for such coverage based on a health status-related factor or change of a health status-related factor or the past or prospective claim experience of the insured individual.

“(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit a health insurance issuer—

“(A) from terminating or discontinuing coverage or a class of coverage in accordance with subsections (b) and (c) of section 2742;

“(B) from raising premium rates for all policy holders within a class based on claims experience;

“(C) from changing premiums or offering discounted premiums to individuals who engage in wellness activities at intervals prescribed by the issuer, if such premium changes or incentives—

“(i) are disclosed to the consumer in the insurance contract;

“(ii) are based on specific wellness activities that are not applicable to all individuals; and

“(iii) are not obtainable by all individuals to whom coverage is offered;

“(D) from reinstating lapsed coverage; or

“(E) from retroactively adjusting the rates charged an insured individual if the initial rates were set based on material misrepresentation by the individual at the time of issue.

“(e) PRIOR OFFERING OF POLICY IN PRIMARY STATE.—A health insurance issuer may not offer for sale individual health insurance coverage in a secondary State unless that coverage is currently offered for sale in the primary State.

“(f) LICENSING OF AGENTS OR BROKERS FOR HEALTH INSURANCE ISSUERS.—Any State may require that a person acting, or offering to act, as an agent or broker for a health insurance issuer with respect to the offering of individual health insurance coverage obtain a license from that State, with commissions or other compensation subject to the provisions of the laws of that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

“(g) DOCUMENTS FOR SUBMISSION TO STATE INSURANCE COMMISSIONER.—Each health insurance issuer issuing individual health insurance coverage in both primary and secondary States shall submit—

“(1) to the insurance commissioner of each State in which it intends to offer such coverage, before it may offer individual health insurance coverage in such State—

“(A) a copy of the plan of operation or feasibility study or any similar statement of the policy being offered and its coverage (which shall include the name of its primary State and its principal place of business);

“(B) written notice of any change in its designation of its primary State; and

“(C) written notice from the issuer of the issuer's compliance with all the laws of the primary State; and

“(2) to the insurance commissioner of each secondary State in which it offers individual health insurance coverage, a copy of the issuer's quarterly financial statement submitted to the primary State, which statement shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by—

“(A) a member of the American Academy of Actuaries; or

“(B) a qualified loss reserve specialist.

“(h) POWER OF COURTS TO ENJOIN CONDUCT.—Nothing in this section shall be construed to affect the authority of any Federal or State court to enjoin—

“(1) the solicitation or sale of individual health insurance coverage by a health insurance issuer to any person or group who is not eligible for such insurance; or

“(2) the solicitation or sale of individual health insurance coverage that violates the requirements of the law of a secondary State which are described in subparagraphs (A) through (H) of section 2796(b)(1).

“(i) POWER OF SECONDARY STATES TO TAKE ADMINISTRATIVE ACTION.—Nothing in this section shall be construed to affect the authority of any State to enjoin conduct in violation of that State's laws described in section 2796(b)(1).

“(j) STATE POWERS TO ENFORCE STATE LAWS.—

“(1) IN GENERAL.—Subject to the provisions of subsection (b)(1)(G) (relating to injunctions) and paragraph (2), nothing in this section shall be construed to affect the authority of any State to make use of any of its powers to enforce the laws of such State with respect to which a health insurance issuer is not exempt under subsection (b).

“(2) COURTS OF COMPETENT JURISDICTION.—If a State seeks an injunction regarding the conduct described in paragraphs (1) and (2) of subsection (h), such injunction must be obtained from a Federal or State court of competent jurisdiction.

“(k) STATES' AUTHORITY TO SUE.—Nothing in this section shall affect the authority of any State to bring action in any Federal or State court.

“(l) GENERALLY APPLICABLE LAWS.—Nothing in this section shall be construed to affect the applicability of State laws generally applicable to persons or corporations.

“(m) GUARANTEED AVAILABILITY OF COVERAGE TO HIPAA ELIGIBLE INDIVIDUALS.—To the extent that a health insurance issuer is offering coverage in a primary State that does not accommodate residents of secondary States or does not provide a working mechanism for residents of a secondary State, and the issuer is offering coverage under this part in such secondary State which has not adopted a qualified high risk pool as its acceptable alternative mechanism (as defined in section 2744(c)(2)), the issuer shall, with respect to any individual health insurance coverage offered in a secondary State under this part, comply with the guaranteed availability requirements for eligible individuals in section 2741.

**“SEC. 2797. PRIMARY STATE MUST MEET FEDERAL FLOOR BEFORE ISSUER MAY SELL INTO SECONDARY STATES.**

“A health insurance issuer may not offer, sell, or issue individual health insurance coverage in a secondary State if the State insurance commissioner does not use a risk-based capital formula for the determination of capital and surplus requirements for all health insurance issuers.

**“SEC. 2798. INDEPENDENT EXTERNAL APPEALS PROCEDURES.**

“(a) RIGHT TO EXTERNAL APPEAL.—A health insurance issuer may not offer, sell, or issue individual health insurance coverage in a secondary State under the provisions of this title unless—

“(1) both the secondary State and the primary State have legislation or regulations in place establishing an independent review process for individuals who are covered by individual health insurance coverage, or

“(2) in any case in which the requirements of subparagraph (A) are not met with respect to the either of such States, the issuer provides an independent review mechanism substantially identical (as determined by the applicable State authority of such State) to that prescribed in the ‘Health Carrier External Review Model Act’ of the National Association of Insurance Commissioners for all individuals who purchase insurance coverage under the terms of this part, except that, under such mechanism, the review is conducted by an independent medical reviewer, or a panel of such reviewers, with respect to whom the requirements of subsection (b) are met.

“(b) QUALIFICATIONS OF INDEPENDENT MEDICAL REVIEWERS.—In the case of any independent review mechanism referred to in subsection (a)(2)—

“(1) IN GENERAL.—In referring a denial of a claim to an independent medical reviewer, or to any panel of such reviewers, to conduct independent medical review, the issuer shall ensure that—

“(A) each independent medical reviewer meets the qualifications described in paragraphs (2) and (3);

“(B) with respect to each review, each reviewer meets the requirements of paragraph (4) and the reviewer, or at least 1 reviewer on the panel, meets the requirements described in paragraph (5); and

“(C) compensation provided by the issuer to each reviewer is consistent with paragraph (6).

“(2) LICENSURE AND EXPERTISE.—Each independent medical reviewer shall be a physician (allopathic or osteopathic) or health care professional who—

“(A) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

“(B) typically treats the condition, makes the diagnosis, or provides the type of treatment under review.

“(3) INDEPENDENCE.—

“(A) IN GENERAL.—Subject to subparagraph (B), each independent medical reviewer in a case shall—

“(i) not be a related party (as defined in paragraph (7));

“(ii) not have a material familial, financial, or professional relationship with such a party; and

“(iii) not otherwise have a conflict of interest with such a party (as determined under regulations).

“(B) EXCEPTION.—Nothing in subparagraph (A) shall be construed to—

“(i) prohibit an individual, solely on the basis of affiliation with the issuer, from serving as an independent medical reviewer if—

“(I) a non-affiliated individual is not reasonably available;

“(II) the affiliated individual is not involved in the provision of items or services in the case under review;

“(III) the fact of such an affiliation is disclosed to the issuer and the enrollee (or authorized representative) and neither party objects; and

“(IV) the affiliated individual is not an employee of the issuer and does not provide services exclusively or primarily to or on behalf of the issuer;

“(ii) prohibit an individual who has staff privileges at the institution where the treatment involved takes place from serving as an independent medical reviewer merely on the basis of such affiliation if the affiliation is disclosed to the issuer and the enrollee (or authorized representative), and neither party objects; or

“(iii) prohibit receipt of compensation by an independent medical reviewer from an entity if the compensation is provided consistent with paragraph (6).

“(4) PRACTICING HEALTH CARE PROFESSIONAL IN SAME FIELD.—

“(A) IN GENERAL.—In a case involving treatment, or the provision of items or services—

“(i) by a physician, a reviewer shall be a practicing physician (allopathic or osteopathic) of the same or similar specialty, as a physician who, acting within the appropriate scope of practice within the State in which the service is provided or rendered, typically treats the condition, makes the diagnosis, or provides the type of treatment under review; or

“(ii) by a non-physician health care professional, the reviewer, or at least 1 member of the review panel, shall be a practicing non-physician health care professional of the same or similar specialty as the non-physician health care professional who, acting within the appropriate scope of practice within the State in which the service is provided or rendered, typically treats the condition, makes the diagnosis, or provides the type of treatment under review.

“(B) PRACTICING DEFINED.—For purposes of this paragraph, the term ‘practicing’ means, with respect to an individual who is a physician or other health care professional, that the individual provides health care services to individual patients on average at least 2 days per week.

“(5) PEDIATRIC EXPERTISE.—In the case of an external review relating to a child, a reviewer shall have expertise under paragraph (2) in pediatrics.

“(6) LIMITATIONS ON REVIEWER COMPENSATION.—Compensation provided by the issuer to an independent medical reviewer in connection with a review under this section shall—

“(A) not exceed a reasonable level; and

“(B) not be contingent on the decision rendered by the reviewer.

“(7) RELATED PARTY DEFINED.—For purposes of this section, the term ‘related party’ means, with respect to a denial of a claim under a coverage relating to an enrollee, any of the following:

“(A) The issuer involved, or any fiduciary, officer, director, or employee of the issuer.

“(B) The enrollee (or authorized representative).

“(C) The health care professional that provides the items or services involved in the denial.

“(D) The institution at which the items or services (or treatment) involved in the denial are provided.

“(E) The manufacturer of any drug or other item that is included in the items or services involved in the denial.

“(F) Any other party determined under any regulations to have a substantial interest in the denial involved.

“(8) DEFINITIONS.—For purposes of this subsection:

“(A) ENROLLEE.—The term ‘enrollee’ means, with respect to health insurance coverage offered by a health insurance issuer, an individual enrolled with the issuer to receive such coverage.

“(B) HEALTH CARE PROFESSIONAL.—The term ‘health care professional’ means an individual who is licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification.

### “SEC. 2799. ENFORCEMENT.

“(a) IN GENERAL.—Subject to subsection (b), with respect to specific individual health insurance coverage the primary State for such coverage has sole jurisdiction to enforce the primary State's covered laws in the primary State and any secondary State.

“(b) SECONDARY STATE'S AUTHORITY.—Nothing in subsection (a) shall be construed to affect the authority of a secondary State to enforce its laws as set forth in the exception specified in section 2796(b)(1).

“(c) COURT INTERPRETATION.—In reviewing action initiated by the applicable secondary State authority, the court of competent jurisdiction shall apply the covered laws of the primary State.

“(d) NOTICE OF COMPLIANCE FAILURE.—In the case of individual health insurance coverage offered in a secondary State that fails to comply with the covered laws of the primary State, the applicable State authority of the secondary State may notify the applicable State authority of the primary State.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individual health insurance coverage offered, issued, or sold after the date that is one year after the date of the enactment of this Act.

(c) GAO ONGOING STUDY AND REPORTS.—

(1) STUDY.—The Comptroller General of the United States shall conduct an ongoing study concerning the effect of the amendment made by subsection (a) on—

(A) the number of uninsured and under-insured;

(B) the availability and cost of health insurance policies for individuals with pre-existing medical conditions;

(C) the availability and cost of health insurance policies generally;

(D) the elimination or reduction of different types of benefits under health insurance policies offered in different States; and

(E) cases of fraud or abuse relating to health insurance coverage offered under such amendment and the resolution of such cases.

(2) ANNUAL REPORTS.—The Comptroller General shall submit to Congress an annual report, after the end of each of the 5 years following the effective date of the amendment made by subsection (a), on the ongoing study conducted under paragraph (1).

### SEC. 305. SEVERABILITY.

If any provision of this title or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this title and the application of the provisions of such to any other person or circumstance shall not be affected.

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**SA 4017. Mr. DURBIN (for Mrs. FEINSTEIN) submitted an amendment intended to be proposed by Mr. DURBIN to the bill S. 2071, to enhance the ability to combat methamphetamine; as follows:**

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Combat Methamphetamine Enhancement Act of 2007”.

### SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL REGULATED PERSONS SELLING SCHEDULED LISTED CHEMICALS.

Section 310(e)(2) of the Controlled Substances Act (21 U.S.C. 830(e)(2)) is amended by inserting at the end the following:

“(C) Each regulated person who makes a sale at retail of a scheduled listed chemical product and is required under subsection (b)(3) to submit a report of the sales transaction to the Attorney General may not sell any scheduled listed chemical product at retail unless such regulated person has submitted to the Attorney General a self-certification including a statement that the seller understands each of the requirements that apply under this paragraph and under subsection (d) and agrees to comply with the requirements. The Attorney General shall by regulation establish criteria for certifications of mail-order distributors that are consistent with the criteria established for the certifications of regulated sellers under paragraph (1)(B).”.

### SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS LISTS.

Section 310(e)(1)(B) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at the end the following:

“(v) PUBLICATION OF LIST OF SELF-CERTIFIED PERSONS.—The Attorney General shall develop and make available a list of all persons who are currently self-certified in accordance with this section. This list shall be made publicly available on the website of the Drug Enforcement Administration in an electronically downloadable format.”.

### SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED CHEMICALS SELL ONLY TO SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (13), by striking “or” after the semicolon;

(2) in paragraph (14), by striking the period and inserting “; or”;

(3) by inserting after paragraph (14) the following:

“(15) to distribute a scheduled listed chemical product to a regulated seller, or to a regulated person referred to in section 310(b)(3)(B), unless such regulated seller or regulated person is, at the time of such distribution, currently registered with the Drug Enforcement Administration, or on the list of persons referred to under section 310(e)(1)(B)(v).”; and

(4) inserting at the end the following: “For purposes of paragraph (15), if the distributor is temporarily unable to access the list of persons referred to under section 310(e)(1)(B)(v), the distributor may rely on a written, faxed, or electronic copy of a certificate of self-certification submitted by the regulated seller or regulated person, provided the distributor confirms within 7 business days of the distribution that such regulated seller or regulated person is on the list referred to under section 310(e)(1)(B)(v).”.

### SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS REQUIRED.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)(10)) is amended by inserting before the semicolon the following: “or negligently to fail to self-certify as required under section 310 (21 U.S.C. 830)”.

### SEC. 6. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) REGULATIONS.—In promulgating the regulations authorized by section 2, the Attorney General may issue regulations on an interim basis as necessary to ensure the implementation of this Act by the effective date.

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## FOREIGN TRAVEL FINANCIAL REPORTS

**In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:**

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Paul Grove: | | | | | | | | | |
| Chad | Franc | | 411.00 | | | | | | 411.00 |
| Ethiopia | Dollar | | 1,200.00 | | | | | | 1,200.00 |
| Germany | Dollar | | 202.00 | | | | | | 202.00 |
| United States | Dollar | | | | 12,828.29 | | | | 12,828.29 |
| Michele Wymer: | | | | | | | | | |
| Chad | Franc | | 411.00 | | | | | | 411.00 |
| Ethiopia | Dollar | | 1,200.00 | | | | | | 1,200.00 |
| Germany | Dollar | | 202.00 | | | | | | 202.00 |
| United States | Dollar | | | | 16,495.23 | | | | 16,495.23 |
| Nikole M. Manatt: | | | | | | | | | |
| Chad | Franc | | 411.00 | | | | | | 411.00 |
| Ethiopia | Dollar | | 1,200.00 | | | | | | 1,200.00 |
| Germany | Dollar | | 202.00 | | | | | | 202.00 |
| United States | Dollar | | | | 15,873.37 | | | | 15,873.37 |
| Katherine A. Eltrich: | | | | | | | | | |
| Ethiopia | Dollar | | 1,200.00 | | | | | | 1,200.00 |
| Germany | Dollar | | 202.00 | | | | | | 202.00 |
| United States | Dollar | | | | 10,658.29 | | | | 10,658.29 |
| Senator Daniel Inouye: | | | | | | | | | |
| Japan | Yen | | 2,400.00 | | | | | | 2,400.00 |
| United States | Dollar | | | | 9,426.48 | | | | 9,426.48 |
| Delegation Expenses:[1] | | | | | | | | | |
| Japan | Dollar | | | | | | 2,988.79 | | 2,988.79 |
| Senator Ted Stevens: | | | | | | | | | |
| Tunisia | Dinar | | 466.66 | | | | | | 466.66 |
| Jordan | Dinar | | 206.78 | | | | | | 206.78 |
| Italy | Euro | | 1,877.64 | | | | | | 1,877.64 |
| England | Pound | | 1,679.14 | | | | | | 1,679.14 |
| Senator Daniel Inouye: | | | | | | | | | |
| Tunisia | Dinar | | 541.66 | | | | | | 541.66 |
| Jordan | Dinar | | 281.78 | | | | | | 281.78 |
| Italy | Euro | | 1,952.64 | | | | | | 1,952.64 |
| England | Pound | | 1,754.14 | | | | | | 1,754.14 |
| Charles Houy: | | | | | | | | | |
| Tunisia | Dinar | | 541.66 | | | | | | 541.66 |
| United States | Dollar | | | | 3,560.00 | | | | 3,560.00 |
| Sid Ashworth: | | | | | | | | | |
| Tunisia | Dinar | | 541.66 | | | | | | 541.66 |
| Jordan | Dinar | | 281.78 | | | | | | 281.78 |
| Italy | Euro | | 1,952.64 | | | | | | 1,952.64 |
| England | Pound | | 1,754.14 | | | | | | 1,754.14 |
| Barry G. Wright: | | | | | | | | | |
| Bahrain | Dinar | | 328.00 | | | | | | 328.00 |
| France | Euro | | 531.00 | | | | | | 531.00 |
| Djibouti | Franc | | 336.00 | | | | | | 336.00 |
| United States | Dollar | | | | 17,230.01 | | | | 17,230.01 |
| Senator Tom Harkin: | | | | | | | | | |
| Haiti | Gourde | | 287.00 | | | | | | 287.00 |
| Rosemary Gutierrez: | | | | | | | | | |
| Haiti | Gourde | | 287.00 | | | | | | 287.00 |
| Nicole Di Resta: | | | | | | | | | |
| Germany | Dollar | | 632.00 | | | | | | 632.00 |
| United States | Dollar | | | | 9,993.35 | | | | 9,993.35 |
| Douglas Clapp: | | | | | | | | | |
| Spain | Euro | | 1,266.00 | | | | | | 1,266.00 |
| United States | Dollar | | | | 5,232.00 | | | | 5,232.00 |
| Bruce Evans: | | | | | | | | | |
| Spain | Euro | | 1,266.00 | | | | | | 1,266.00 |
| United States | Dollar | | | | 5,771.00 | | | | 5,771.00 |
| Scott O'Malia: | | | | | | | | | |
| Spain | Euro | | 1,266.00 | | | | | | 1,266.00 |
| United States | Dollar | | | | 5,771.00 | | | | 5,771.00 |
| Joseph B. Fuller: | | | | | | | | | |
| Spain | Euro | | 1,119.00 | | | | | | 1,119.00 |
| United States | Dollar | | | | 5,232.00 | | | | 5,232.00 |
| Senator Robert F. Bennett: | | | | | | | | | |
| Czech Republic | Koruna | | 124.00 | | | | | | 124.00 |
| India | Rupee | | 2,094.00 | | | | | | 2,094.00 |
| Afghanistan | Afghani | | 57.00 | | | | | | 57.00 |
| Pakistan | Rupee | | 316.00 | | | | | | 316.00 |
| Hungary | Forint | | 123.00 | | | | | | 123.00 |
| Mary Jane Collipriest: | | | | | | | | | |
| Czech Republic | Koruna | | 125.00 | | | | | | 125.00 |
| India | Rupee | | 2,095.00 | | | | | | 2,095.00 |
| Afghanistan | Afghani | | 65.00 | | | | | | 65.00 |
| Pakistan | Rupee | | 330.00 | | | | | | 330.00 |
| Hungary | Forint | | 121.00 | | | | | | 121.00 |
| Mark Morrison: | | | | | | | | | |
| Czech Republic | Koruna | | 122.00 | | | | | | 122.00 |
| India | Rupee | | 2,084.00 | | | | | | 2,084.00 |
| Afghanistan | Afghani | | 60.00 | | | | | | 60.00 |
| Pakistan | Rupee | | 326.00 | | | | | | 326.00 |
| Hungary | Forint | | 117.00 | | | | | | 117.00 |
| Total | | | 38,550.32 | | 118,071.02 | | 2,988.79 | | 159,610.13 |

[1] Delegation expenses include payments and reimbursements by the Department of State under the authority of Section 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of Pub. L. 95–384 and expenses paid pursuant to S. Res. 179, agreed to May 25, 1977.

ROBERT BYRD,
*Chairman, Committee on Appropriations, Jan. 31, 2008.*

## CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Tim Rieser: | | | | | | | | | |
| Nepal | Dollar | | 258.00 | | | | | | 258.00 |
| United States | Dollar | | | | 4,535.00 | | | | 4,535.00 |
| Total | | | 258.00 | | 4,535.00 | | | | 4,793.00 |

ROBERT BYRD,
Chairman, Committee on Appropriations, Jan. 31, 2008.

## CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Jim Webb: | | | | | | | | | |
| United States | Dollar | | | | 8,036.15 | | | | 8,036.15 |
| Kuwait | Dollar | | 92.39 | | | | | | 92.39 |
| Gordon Peterson: | | | | | | | | | |
| United States | Dollar | | | | 8,036.15 | | | | 8,036.15 |
| Kuwait | Dollar | | 99.61 | | | | | | 99.61 |
| Jennifer Park Stout: | | | | | | | | | |
| United States | Dollar | | | | 8,036.15 | | | | 8,036.15 |
| Kuwait | Dollar | | 99.61 | | | | | | 99.61 |
| Senator Bill Nelson: | | | | | | | | | |
| Brazil | Real | | 374.00 | | 797.00 | | | | 1,171.00 |
| Bryan Gulley: | | | | | | | | | |
| Brazil | Real | | 634.20 | | 5,704.10 | | | | 6,338.30 |
| Lynn Bannister: | | | | | | | | | |
| Brazil | Real | | 654.00 | | 797.00 | | | | 1,451.00 |
| Madelyn R. Creedon: | | | | | | | | | |
| United States | Dollar | | | | 7,811.46 | | | | 7,811.46 |
| France | Euro | | 1,963.00 | | 233.00 | | | | 2,196.00 |
| Richard W. Fieldhouse: | | | | | | | | | |
| United States | Dollar | | | | 9,828.37 | | | | 9,828.37 |
| Germany | Euro | | 301.78 | | | | | | 301.78 |
| Belgium | Euro | | 325.45 | | 111.26 | | | | 436.71 |
| France | Euro | | 806.21 | | 14.80 | | | | 821.01 |
| William G.P. Monahan: | | | | | | | | | |
| United States | Dollar | | | | 9,578.87 | | | | 9,578.87 |
| Germany | Euro | | 294.63 | | 51.78 | | | | 346.41 |
| Belgium | Euro | | 304.31 | | 268.82 | | | | 573.13 |
| France | Euro | | 776.63 | | 14.79 | | | | 791.42 |
| Robert M. Soofer: | | | | | | | | | |
| United States | Dollar | | | | 7,811.46 | | | | 7,811.46 |
| France | Euro | | 2,822.93 | | 75.00 | | | | 2,897.93 |
| Belgium | Euro | | | | 229.00 | | | | 229.00 |
| Michael J. McCord: | | | | | | | | | |
| United States | Dollar | | | | 19,257.00 | | | | 19,257.00 |
| Bahrain | Dollar | | 458.00 | | | | 6.00 | | 464.00 |
| France | Dollar | | 697.00 | | | | 9.00 | | 706.00 |
| Djibouti | Dollar | | 158.00 | | | | | | 19,257.00 |
| Michael J. Kuiken: | | | | | | | | | |
| United States | Dollar | | | | 19,257.00 | | | | 19,257.00 |
| Bahrain | Dollar | | 471.00 | | | | | | 471.00 |
| France | Dollar | | 694.00 | | | | | | 694.00 |
| Djibouti | Dollar | | 228.00 | | | | | | 228.00 |
| William K. Sutey: | | | | | | | | | |
| United States | Dollar | | | | 9,976.45 | | | | 9,976.45 |
| Bahrain | Dollar | | 500.36 | | | | | | 500.36 |
| Derek J. Maurer: | | | | | | | | | |
| United States | Dollar | | | | 19,257.00 | | | | 19,257.00 |
| Bahrain | Dollar | | 478.00 | | | | | | 478.00 |
| Djibouti | Dollar | | 240.00 | | | | | | 240.00 |
| France | Dollar | | 703.00 | | | | | | 703.00 |
| Senator James M. Inhofe: | | | | | | | | | |
| Ghana | Cedi | | 47.14 | | | | 50.00 | | 97.14 |
| Burundi | Franc | | 65.31 | | | | | | 65.31 |
| Ethiopia | Birr | | 49.61 | | | | | | 49.61 |
| United Arab Emirates | Dirham | | 72.68 | | | | 6.81 | | 79.49 |
| Czech Republic | Koruna | | 32.28 | | | | | | 32.28 |
| Mark Powers: | | | | | | | | | |
| Ghana | Cedi | | 47.14 | | | | 9.37 | | 56.51 |
| Burundi | Franc | | 65.31 | | | | | | 65.31 |
| Ethiopia | Birr | | 49.61 | | | | | | 49.61 |
| United Arab Emirates | Dirham | | 155.28 | | | | 27.72 | | 183.00 |
| Czech Republic | Koruna | | 36.71 | | | | | | 36.71 |
| Anthony Lazarski: | | | | | | | | | |
| Ghana | Cedi | | 47.14 | | | | | | 47.14 |
| Burundi | Franc | | 65.31 | | | | | | 65.31 |
| Ethiopia | Birr | | 49.61 | | | | | | 49.61 |
| United Arab Emirates | Dirham | | 113.55 | | | | | | 113.55 |
| Czech Republic | Koruna | | 51.26 | | | | | | 51.26 |
| Nathan Reese: | | | | | | | | | |
| Ghana | Cedi | | 47.14 | | | | | | 47.14 |
| Burundi | Franc | | 65.31 | | | | | | 65.31 |
| Ethiopia | Birr | | 49.61 | | | | | | 49.61 |
| United Arab Emirates | Dirham | | 72.68 | | | | | | 72.68 |
| Czech Republic | Koruna | | 56.75 | | | | | | 56.75 |
| Ryan Thompson: | | | | | | | | | |
| Ghana | Cedi | | 47.14 | | | | | | 47.14 |
| Burundi | Franc | | 65.31 | | | | | | 65.31 |
| Ethiopia | Birr | | 49.61 | | | | | | 49.61 |
| United Arab Emirates | Dirham | | 113.55 | | | | | | 113.55 |
| Czech Republic | Konuna | | 54.00 | | | | 4.00 | | 58.00 |

## CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Total | | | 15,745.15 | | 135,182.61 | | 112.90 | | 151,040.66 |

CARL LEVIN,
Chairman, Committee on Armed Services, Jan. 4, 2008.

## CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Margaret Cummisky: | | | | | | | | | |
| United States | Dollar | | | | 9,000.11 | | | | 9,000.11 |
| Hong Kong | Dollar | | 267.00 | | | | | | 267.00 |
| Indonesia | Rupiah | | 396.00 | | | | | | 396.00 |
| Floyd DesChamps: | | | | | | | | | |
| United States | Dollar | | | | 11,731.70 | | | | 11,731.70 |
| Singapore | Dollar | | 176.00 | | | | | | 176.00 |
| Indonesia | Rupiah | | 1,281.00 | | | | | | 1,281.00 |
| Virginia Worrest: | | | | | | | | | |
| United States | Dollar | | | | 11,189.16 | | | | 11,189.16 |
| Indonesia | Rupiah | | 660.00 | | | | | | 660.00 |
| Japan | Dollar | | 250.00 | | | | | | 250.00 |
| Ann Zulkosky: | | | | | | | | | |
| United States | Dollar | | | | 9,020.11 | | | | 9,020.11 |
| Hong Kong | Dollar | | 264.00 | | | | | | 264.00 |
| Indonesia | Rupiah | | 396.00 | | | | | | 396.00 |
| Total | | | 3,440.00 | | 40,941.08 | | 250.00 | | 44,631.08 |

DANIEL INOUYE,
Chairman, Committee on Commerce, Science, and Transportation,
Jan. 31, 2008.

## CONSOLIDATED REPORT OF EXPENDITURES OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY & NATURAL RESOURCES FOR TRAVEL FROM OCTOBER 1 TO DECEMBER 31, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Jeff Bingaman: | | | | | | | | | |
| Haiti | Dollar | | 167.70 | | | | | | 167.70 |
| Senator Bob Corker: | | | | | | | | | |
| Haiti | Dollar | | 137.70 | | | | | | 137.70 |
| Chris Stone: | | | | | | | | | |
| Haiti | Dollar | | 137.70 | | | | | | 137.70 |
| Scott Miller: | | | | | | | | | |
| Haiti | Dollar | | 137.70 | | | | | | 137.70 |
| Anne Oswalt: | | | | | | | | | |
| Haiti | Dollar | | 137.70 | | | | | | 137.70 |
| Jonathan Black: | | | | | | | | | |
| United States | Dollar | | | | 9,464.70 | | | | 9,464.70 |
| Singapore | Dollar | | 176.00 | | | | | | 176.00 |
| Indonesia | Rupiah | | 876.00 | | | | | | 876.00 |
| Total | | | 1,770.50 | | 9,464.70 | | | | 11,235.20 |

JEFF BINGAMAN,
Chairman, Committee on Energy & Natural Resources,
Jan. 22, 2008.

## CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Eric Thu: | | | | | | | | | |
| United States | Dollar | | | | 9,464.70 | | | | 9,464.70 |
| Indonesia | Rupiah | | 1,092.00 | | | | | | 1,092.00 |
| Chelsea Maxwell: | | | | | | | | | |
| United States | Dollar | | | | 9,155.70 | | | | 9,155.70 |
| Indonesia | Rupiah | | 912.00 | | | | | | 912.00 |
| Jo-Ellen Darcy: | | | | | | | | | |
| United States | Dollar | | | | 7,285.70 | | | | 7,285.70 |
| Indonesia | Rupiah | | 1,092.00 | | | | | | 1,092.00 |
| Allyne Todd Johnston: | | | | | | | | | |
| United States | Dollar | | | | 8,802.18 | | | | 8,802.18 |
| Indonesia | Rupiah | | 792.00 | | | | | | 792.00 |
| Arvin Ganesan: | | | | | | | | | |
| United States | Dollar | | | | 9,464.70 | | | | 9,464.70 |
| Indonesia | Rupiah | | 1,092.00 | | | | | | 1,092.00 |
| Jessica Maher: | | | | | | | | | |
| United States | Dollar | | | | 9,464.70 | | | | 9,464.70 |

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Indonesia | Rupiah | | 1,092.00 | | | | | | 1,092.00 |
| John Shanahan: | | | | | | | | | |
| United States | Dollar | | | | 13,232.11 | | | | 13,232.11 |
| Indonesia | Rupiah | | 1,092.00 | | | | | | 1,092.00 |
| Peter Rafle: | | | | | | | | | |
| United States | Dollar | | | | 6,758.70 | | | | 6,758.70 |
| Indonesia | Rupiah | | 1,456.00 | | | | | | 1,456.00 |
| Marc Morano: | | | | | | | | | |
| United States | Dollar | | | | 13,232.11 | | | | 13,232.11 |
| Indonesia | Rupiah | | 1,092.00 | | | | | | 1,092.00 |
| Thomas Lawler: | | | | | | | | | |
| United States | Dollar | | | | 9,458.70 | | | | 9,458.70 |
| Indonesia | Rupiah | | 1,092.00 | | | | | | 1,092.00 |
| Darren Parker: | | | | | | | | | |
| United States | Dollar | | | | 7,785.70 | | | | 7,785.70 |
| Indonesia | Rupiah | | 1,092.00 | | | | | | 1,092.00 |
| David McIntosh: | | | | | | | | | |
| United States | Dollar | | | | 9,088.70 | | | | 9,088.70 |
| Indonesia | Rupiah | | 992.00 | | | | | | 992.00 |
| John Stoody: | | | | | | | | | |
| United States | Dollar | | | | 7,196.20 | | | | 7,196.20 |
| Indonesia | Rupiah | | 910.00 | | | | | | 910.00 |
| Suzanne Matwyshen Gillen: | | | | | | | | | |
| United States | Dollar | | | | 8,891.57 | | | | 8,891.57 |
| Hong Kong | Dollar | | 988.00 | | | | | | 988.00 |
| Indonesia | Rupiah | | 910.00 | | | | | | 910.00 |
| Daniel Whiting: | | | | | | | | | |
| United States | Dollar | | | | 9,470.11 | | | | 9,470.11 |
| Hong Kong | Dollar | | 294.00 | | | | | | 294.00 |
| Indonesia | Rupiah | | 546.00 | | | | | | 546.00 |
| Total | | | 16,536.00 | | 138,751.58 | | | | 155,287.58 |

BARBARA BOXER,
Chairman, Committee on Environment and Public Works, Jan. 18, 2008

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Norm Coleman: | | | | | | | | | |
| Guatemala | Quetzal | | 212.53 | | | | | | 212.53 |
| United States | Dollar | | | | 1,114.78 | | | | 1,114.78 |
| Senator Bob Corker: | | | | | | | | | |
| Czech Republic | Koruna | | 153.00 | | | | | | 153.00 |
| India | Rupee | | 2,144.00 | | | | | | 2,144.00 |
| Afghanistan | Rupee | | 75.00 | | | | | | 75.00 |
| Pakistan | Rupee | | 339.00 | | | | | | 339.00 |
| Hungary | Florint | | 131.00 | | | | | | 131.00 |
| Martin Bayr: | | | | | | | | | |
| Belgium | Euro | | 747.68 | | | | | | 747.68 |
| Germany | Euro | | 317.85 | | | | | | 317.85 |
| Turkey | Lira | | 1,058.18 | | | | | | 1,058.18 |
| United States | Dollar | | | | 9,120.51 | | | | 9,120.51 |
| Bradley Bowman: | | | | | | | | | |
| United Arab Emirates | Dirham | | 2,340.00 | | | | | | 2,340.00 |
| Oman | Rial | | 400.00 | | | | | | 400.00 |
| Bahrain | Dinar | | 250.00 | | | | | | 250.00 |
| Kuwait | Dinar | | 310.00 | | | | | | 310.00 |
| Saudi Arabia | Riyal | | 1,300.00 | | | | | | 1,300.00 |
| United States | Dollar | | | | 9,667.63 | | | | 9,667.63 |
| Bradley Bowman: | | | | | | | | | |
| Egypt | Pound | | 349.00 | | | | | | 349.00 |
| Turkey | Lira | | 970.00 | | | | | | 970.00 |
| United States | Dollar | | | | 7,865.73 | | | | 7,865.73 |
| Jason Bruder: | | | | | | | | | |
| Georgia | Lari | | 966.00 | | 150.00 | | | | 1,116.00 |
| Perry Cammack: | | | | | | | | | |
| United States | Dollar | | | | 7,845.06 | | | | 7,845.06 |
| Mark Clack: | | | | | | | | | |
| Cote d'Ivoire | Franc | | 1,100.00 | | | | | | 1,100.00 |
| Mozambique | Metical | | 1,000.00 | | | | | | 1,000.00 |
| United States | Dollar | | | | 13,831.00 | | | | 13,831.00 |
| Isaac Edwards: | | | | | | | | | |
| Canada | Dollar | | 345.00 | | | | | | 345.00 |
| United States | Dollar | | | | 1,536.35 | | | | 1,536.35 |
| Paul Foldi: | | | | | | | | | |
| Mali | Franc | | 919.50 | | | | | | 919.50 |
| United States | Dollar | | | | 12,652.36 | | | | 12,652.36 |
| Paul Foldi: | | | | | | | | | |
| Haiti | Gourde | | 964.00 | | | | | | 964.00 |
| United States | Dollar | | | | 691.20 | | | | 691.20 |
| James Greene: | | | | | | | | | |
| Canada | Dollar | | 165.00 | | | | | | 165.00 |
| United States | Dollar | | | | 1,617.68 | | | | 1,617.68 |
| Catherine Henson: | | | | | | | | | |
| Belgium | Euro | | 710.00 | | | | | | 710.00 |
| Germany | Euro | | 334.00 | | | | | | 334.00 |
| Turkey | Lira | | 1,071.00 | | | | | | 1,071.00 |
| United States | Dollar | | | | 9,120.51 | | | | 9,120.51 |
| Frank Jannuzi: | | | | | | | | | |
| Korea | Won | | 1,624.00 | | | | | | 1,624.00 |
| United States | Dollar | | | | 7,678.76 | | | | 7,678.76 |

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Frank Jannuzi: | | | | | | | | | |
| China | Yuan | | 2,469.00 | | | | | | 2,469.00 |
| Taiwan | Dollar | | 1,014.00 | | | | | | 1,014.00 |
| United States | Dollar | | | | 13,357.10 | | | | 13,357.10 |
| Thomas Moore: | | | | | | | | | |
| Austria | Euro | | 448.00 | | | | | | 448.00 |
| Holland | Euro | | 895.11 | | | | | | 895.11 |
| United States | Dollar | | | | 7,503.73 | | | | 7,503.73 |
| Keith Luse: | | | | | | | | | |
| China | Yuan | | 956.66 | | | | | | 956.66 |
| Dem. People Rep. Korea | Won | | 846.50 | | 380.00 | | | | 1,226.50 |
| Korea | Won | | 893.43 | | | | | | 893.43 |
| United States | Dollar | | | | 1,733.17 | | | | 1,733.17 |
| Sarah Margon: | | | | | | | | | |
| Ethiopia | Birr | | 972.00 | | | | | | 972.00 |
| Kenya | Schilling | | 803.00 | | | | | | 803.00 |
| United States | Dollar | | | | 9,483.07 | | | | 9,483.07 |
| David McKean: | | | | | | | | | |
| South Africa | Rand | | 525.00 | | 115.00 | | 80.00 | | 720.00 |
| United States | Dollar | | | | 5,362.57 | | | | 5,362.57 |
| Kenneth Myers, III: | | | | | | | | | |
| Dem. Peoples Rep. Korea | Won | | 1,384.00 | | | | | | 1,384.00 |
| China | Yuan | | 876.00 | | | | | | 876.00 |
| United States | Dollar | | | | 9,704.65 | | | | 9,704.65 |
| Ana Navarro: | | | | | | | | | |
| Guatemala | Quetzal | | 277.00 | | | | | | 277.00 |
| United States | Dollar | | | | 1,182.00 | | | | 1,182.00 |
| Stacie Oliver: | | | | | | | | | |
| Czech Republic | Koruna | | 153.00 | | | | | | 153.00 |
| India | Rupee | | 2,144.00 | | | | | | 2,144.00 |
| Afghanistan | Rupee | | 75.00 | | | | | | 75.00 |
| Pakistan | Rupee | | 339.00 | | | | | | 339.00 |
| Hungary | FLorint | | 131.00 | | | | | | 131.00 |
| Paul Rosen: | | | | | | | | | |
| Panama | Dollar | | 448.00 | | | | | | 448.00 |
| Colombia | Peso | | 1,100.00 | | | | | | 1,100.00 |
| United States | Dollar | | | | 1,178.70 | | | | 1,178.70 |
| Jennifer Simon: | | | | | | | | | |
| India | Dollar | | 2,480.00 | | | | | | 2,480.00 |
| United States | Dollar | | | | 9,324.00 | | | | 9,324.00 |
| Jennifer Simon: | | | | | | | | | |
| Vietnam | Dong | | 1,520.00 | | 96.00 | | | | 1,616.00 |
| United States | Dollar | | | | 9,248.70 | | | | 9,248.70 |
| Shannon Smith: | | | | | | | | | |
| Vietnam | Dong | | 1,675.00 | | 96.00 | | | | 1,771.00 |
| United States | Dollar | | | | 10,022.00 | | | | 10,022.00 |
| Shannon Smith: | | | | | | | | | |
| Haiti | Dollar | | 1,012.00 | | | | | | 1,012.00 |
| United States | Dollar | | | | 691.00 | | | | 691.00 |
| Chris Socha: | | | | | | | | | |
| Belgium | Euro | | 787.00 | | | | | | 787.00 |
| Germany | Euro | | 310.00 | | | | | | 310.00 |
| Turkey | Lira | | 1,048.00 | | | | | | 1,048.00 |
| United States | Dollar | | | | 9,120.51 | | | | 9,120.51 |
| Paul Talwar: | | | | | | | | | |
| Israel | Dollar | | 1,250.00 | | | | | | 1,250.00 |
| United States | Dollar | | | | 6,661.34 | | | | 6,661.34 |
| Louis Terrell: | | | | | | | | | |
| India | Dollar | | 2,480.00 | | | | | | 2,480.00 |
| United States | Dollar | | | | 8,962.00 | | | | 8,962.00 |
| Anthony Wier: | | | | | | | | | |
| Austria | Euro | | 158.68 | | 32.88 | | | | 191.56 |
| Holland | Euro | | 725.58 | | | | 27.22 | | 752.80 |
| United States | Dollar | | | | 7,503.73 | | | | 7,503.73 |
| Heather Zichal: | | | | | | | | | |
| South Africa | Rand | | 525.00 | | 115.00 | | 80.00 | | 720.00 |
| United States | Dollar | | | | 5,360.05 | | | | 5,360.05 |
| Jonah Blank: | | | | | | | | | |
| Thailand | Dollar | | 948.00 | | 657.00 | | | | 1,605.00 |
| Vietnam | Dollar | | 503.00 | | 142.00 | | | | 645.00 |
| United States | Dollar | | | | 7,263.16 | | | | 7,263.16 |
| Total | | | 52,467.70 | | 208,186.93 | | 187.22 | | 260,841.85 |

JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, Jan. 28, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Jon Tester: | | | | | | | | | |
| United States | Dollar | | | | 8,036.15 | | | | 8,036.15 |
| Kuwait | Dollar | | 310.00 | | | | | | 310.00 |
| James Wise: | | | | | | | | | |
| United States | Dollar | | | | 8,036.15 | | | | 8,036.15 |
| Kuwait | Dollar | | 310.00 | | | | | | 310.00 |
| Total | | | 620.00 | | 16,072.30 | | | | 16,692.30 |

JOE LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, Jan. 16, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Lauren F. Fuller: | | | | | | | | | |
| United States | Dollar | | | | 691.20 | | | | 691.20 |
| Haiti | Gourde | | 977.00 | | | | | | 977.00 |
| David Bowen: | | | | | | | | | |
| United States | Dollar | | | | 691.20 | | | | 691.20 |
| Haiti | Gourde | | 900.00 | | | | | | 900.00 |
| Total | | | 1,877.00 | | 1,382.40 | | | | 3,259.40 |

EDWARD M. KENNEDY,
*Chairman, Committee on Health, Education, Labor, and Pensions,*
*Jan. 29, 2008.*

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator John Kerry: | | | | | | | | | |
| United States | Dollar | | | | 12,287.24 | | | | 12,287.24 |
| Indonesia | Rupiah | | 830.00 | | | | | | 830.00 |
| Kathleen Frangione: | | | | | | | | | |
| United States | Dollar | | | | 6,731.11 | | | | 6,731.11 |
| Hong Kong | Dollar | | 346.74 | | | | | | 346.74 |
| Indonesia | Rupiah | | 2,246.35 | | | | | | 2,246.35 |
| David Wade: | | | | | | | | | |
| United States | Dollar | | | | 4,909.20 | | | | 4,909.20 |
| Indonesia | Rupiah | | 806.00 | | | | | | 806.00 |
| Delegation Expenses: | | | | | | | | | |
| Indonesia | Rupiah | | | | | | 3,817.98 | | 3,817.98 |
| Total | | | 4,229.09 | | 23,927.55 | | 3,817.98 | | 31,974.62 |

JOHN F. KERRY,
*Chairman, Committee on Small Business and Entrepreneurship,*
*Jan. 25, 2008.*

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Andrew Kerr | | | 1,898.00 | | | | | | 1,898.00 |
| | Dollar | | | | 7,594.75 | | | | 7,594.75 |
| Sameer Bhalotra | | | 1,608.00 | | | | | | 1,608.00 |
| | Dollar | | | | 5,141.20 | | | | 5,141.20 |
| Senator Bill Nelson | | | 1,985.00 | | | | | | 1,985.00 |
| | Dollar | | | | 8,121.42 | | | | 8,121.42 |
| Caroline Tess | | | 1,385.00 | | | | | | 1,385.00 |
| | Dollar | | | | 8,121.42 | | | | 8,121.42 |
| Peter Mitchell | | | 1,385.00 | | | | | | 1,385.00 |
| | Dollar | | | | 8,121.42 | | | | 8,121.42 |
| Louis Tucker | | | 1,066.00 | | | | | | 1,066.00 |
| | Dollar | | | | 5,326.40 | | | | 5,326.40 |
| George K. Johnson | | | 1,066.00 | | | | | | 1,066.00 |
| | Dollar | | | | 5,296.70 | | | | 5,296.70 |
| Senator Christopher S. Bond | | | 2,305.00 | | | | | | 2,305.00 |
| | Dollar | | | | 8,014.42 | | | | 8,014.42 |
| Daniel Jones | | | 788.00 | | | | | | 788.00 |
| | Dollar | | | | 2,416.25 | | | | 2,416.25 |
| Daniel Jones | | | 2,784.00 | | | | | | 2,784.00 |
| | Dollar | | | | 8,900.00 | | | | 8,900.00 |
| Lorenzo Goco | | | 1,796.70 | | | | | | 1,796.70 |
| | Dollar | | | | 10,394.22 | | | | 10,394.22 |
| Andrew Kerr | | | 2,791.00 | | | | | | 2,791.00 |
| | Dollar | | | | 8,804.89 | | | | 8,804.89 |
| Sameer Bhalotra | | | 2,793.00 | | | | | | 2,793.00 |
| | Dollar | | | | 8,900.00 | | | | 8,900.00 |
| Michael Pevzner | | | 3,321.00 | | | | | | 3,321.00 |
| | Dollar | | | | 8,900 | | | | 8,900.00 |
| Total | | | 26,971.70 | | 104,053.09 | | | | 131,024.79 |

JAY ROCKEFELLER,
*Chairman, Committee on Intelligence, Jan. 22, 2008.*

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL REID FOR TRAVEL FROM NOV. 25 TO DEC. 2, 2007

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Harry Reid: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL REID FOR TRAVEL FROM NOV. 25 TO DEC. 2, 2007—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 627.00 | | | | | | 627.00 |
| Guatemala | Quetzal | | 554.00 | | | | | | 554.00 |
| Senator Thad Cochran: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 700.00 | | | | | | 700.00 |
| Guatemala | Quetzal | | 554.00 | | | | | | 554.00 |
| Senator Jeff Bingaman: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 450.00 | | | | | | 450.00 |
| United States | Dollar | | | | 256.39 | | | | 256.39 |
| Senator Kent Conrad: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 700.00 | | | | | | 700.00 |
| Guatemala | Quetzal | | 554.00 | | | | | | 554.00 |
| Senator Byron Dorgan: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 700.00 | | | | | | 700.00 |
| Guatemala | Quetzal | | 554.00 | | | | | | 554.00 |
| Senator Mike Crapo: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 700.00 | | | | | | 700.00 |
| Guatemala | Quetzal | | 554.00 | | | | | | 554.00 |
| Senator Robert Menendez: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 508.00 | | | | | | 508.00 |
| Guatemala | Quetzal | | 554.00 | | | | | | 554.00 |
| Dr. John Eisold: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 700.00 | | | | | | 700.00 |
| Guatemala | Quetzal | | 554.00 | | | | | | 554.00 |
| Serena Hoy: | | | | | | | | | |
| Paraguay | Guarani | | 352.00 | | | | | | 352.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 500.00 | | | | | | 500.00 |
| Guatemala | Quetzal | | 284.00 | | | | | | 284.00 |
| Mike Castellano: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 387.00 | | | | | | 387.00 |
| Guatemala | Quetzal | | 554.00 | | | | | | 554.00 |
| Kay Webber: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 700.00 | | | | | | 700.00 |
| Guatemala | Quetzal | | 554.00 | | | | | | 554.00 |
| Federico de Jesus: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 443.65 | | | | | | 443.65 |
| Guatemala | Quetzal | | 554.00 | | | | | | 554.00 |
| Marcel Lettre: | | | | | | | | | |
| Paraguay | Guarani | | 402.00 | | | | | | 402.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 550.00 | | | | | | 550.00 |
| Guatemala | Quetzal | | 454.00 | | | | | | 454.00 |
| Anna Gallagher: | | | | | | | | | |
| Paraguay | Guarani | | 452.00 | | | | | | 452.00 |
| Brazil | Real | | 288.00 | | | | | | 288.00 |
| Mexico | Peso | | 700.00 | | | | | | 700.00 |
| Guatemala | Quetzal | | 554.00 | | | | | | 554.00 |
| Delegation Expenses:[1] | | | | | | | | | |
| Paraguay | Guarani | | | | | | 7,497.43 | | 6,497.43 |
| Brazil | Real | | | | | | 29,054.83 | | 29,054.83 |
| Colombia | Peso | | | | | | 3,365.43 | | 3,365.43 |
| Mexico | Peso | | | | | | 8,128.43 | | 8,128.43 |
| Guatemala | Quetzal | | | | | | 11,664.43 | | 11,664.43 |
| Total | | | 25,407.65 | | 256.39 | | 59,710.55 | | 85,374.59 |

[1] Delegation expenses include payments and reimbursements to the Department of State, and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

HARRY REID,
Majority Leader, Feb. 6, 2008.

## COMBAT METHAMPHETAMINE ENHANCEMENT ACT OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 2071, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2071) to enhance the ability to combat methamphetamine.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the Feinstein substitute amendment which is at the desk be agreed to; the bill as amended be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4017) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Combat Methamphetamine Enhancement Act of 2007".

**SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL REGULATED PERSONS SELLING SCHEDULED LISTED CHEMICALS.**

Section 310(e)(2) of the Controlled Substances Act (21 U.S.C. 830(e)(2)) is amended by inserting at the end the following:

"(C) Each regulated person who makes a sale at retail of a scheduled listed chemical product and is required under subsection (b)(3) to submit a report of the sales transaction to the Attorney General may not sell any scheduled listed chemical product at retail unless such regulated person has submitted to the Attorney General a self-certification including a statement that the seller understands each of the requirements that apply under this paragraph and under subsection (d) and agrees to comply with the requirements. The Attorney General shall by regulation establish criteria for certifications of mail-order distributors that are consistent with the criteria established for the certifications of regulated sellers under paragraph (1)(B).".

**SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS LISTS.**

Section 310(e)(1)(B) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at the end the following:

"(v) PUBLICATION OF LIST OF SELF-CERTIFIED PERSONS.—The Attorney General shall develop and make available a list of all persons who are currently self-certified in accordance with this section. This list shall be made publicly available on the website of the Drug Enforcement Administration in an electronically downloadable format.".

**SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED CHEMICALS SELL ONLY TO SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS.**

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (13), by striking "or" after the semicolon;

(2) in paragraph (14), by striking the period and inserting "; or";

(3) by inserting after paragraph (14) the following:

"(15) to distribute a scheduled listed chemical product to a regulated seller, or to a regulated person referred to in section 310(b)(3)(B), unless such regulated seller or regulated person is, at the time of such distribution, currently registered with the Drug Enforcement Administration, or on the list of persons referred to under section 310(e)(1)(B)(v)."; and

(4) inserting at the end the following: "For purposes of paragraph (15), if the distributor is temporarily unable to access the list of persons referred to under section 310(e)(1)(B)(v), the distributor may rely on a written, faxed, or electronic copy of a certificate of self-certification submitted by the regulated seller or regulated person, provided the distributor confirms within 7 business days of the distribution that such regulated seller or regulated person is on the list referred to under section 310(e)(1)(B)(v).".

**SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS REQUIRED.**

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)(10)) is amended by inserting before the semicolon the following: "or negligently to fail to self-certify as required under section 310 (21 U.S.C. 830)".

**SEC. 6. EFFECTIVE DATE AND REGULATIONS.**

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) REGULATIONS.—In promulgating the regulations authorized by section 2, the Attorney General may issue regulations on an interim basis as necessary to ensure the implementation of this Act by the effective date.

The bill (S. 2071), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## RELATIVE TO THE DEATH OF REPRESENTATIVE TOM LANTOS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 446 submitted earlier today by Senators REID and McCONNELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 446) relative to the death of Representative TOM LANTOS of California.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent to have my name added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it was a great honor to serve in the U.S. House of Representatives before coming to the Senate and, during that time, to serve with TOM LANTOS of California. His was an extraordinary story of a man who survived the Holocaust and came to the U.S. Congress representing a district in the State of California, rising to the rank of chairman of the Foreign Affairs Committee.

He was as inspiring a speaker as one could ever hear on many topics but especially on the Holocaust and the impact it had on so many innocent people. He was, more than any other person, a leader in acknowledging the bravery and courage of Raoul Wallenberg and so many others who resisted the Holocaust and fought to save the poor victims, including many Jewish people.

TOM LANTOS and his wife Annette traveled across the world, speaking on behalf of the United States and developing strong personal relationships with many leaders overseas. He was truly a great representative of the U.S. House of Representatives and of the U.S. Government.

A few weeks ago, we were surprised to learn that he was suffering from cancer and announced he would not be running for reelection. I didn't realize at the time how grave his condition was. His passing over the weekend brings a reminder of his service to our country, his service to the State of California, and the loss which those of us who counted him as a friend will endure in these days of mourning.

I am happy to join as a cosponsor of this resolution in tribute to Congressman LANTOS.

I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 446) was agreed to, as follows:

S. RES. 446

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Tom Lantos, late a Representative from the State of California.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

## ORDERS FOR TUESDAY, FEBRUARY 12, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Tuesday, February 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then resume consideration of S. 2248, the Foreign Intelligence Surveillance Act, as under the previous order; and that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. DURBIN. Tomorrow, there will be no morning business. At approximately 10 a.m., the Senate will resume consideration of the FISA legislation and proceed to a series of votes on the remaining pending amendments to the bill.

## ORDER FOR ADJOURNMENT

Mr. DURBIN. I ask unanimous consent that the Senate stand adjourned following the remarks of Senator SPECTER and Senator DODD, under the previous order, and the provisions of S. Res. 446, as a further mark of respect to the memory of deceased U.S. Representative TOM LANTOS of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

## FISA

### AMENDMENT NO. 3927

Mr. SPECTER. Mr. President, I have sought recognition to comment on a pending amendment sponsored by Senator WHITEHOUSE and myself. I am delighted to see Senator WHITEHOUSE occupying the chair. I have a receptive, though a limited, audience.

I begin by thanking the Senate personnel for staying late. Monday is a day when I customarily travel the State—Scranton, Harrisburg—and arrive late in the day. I am pleased to see Senator DODD is also speaking so that my late arrival is not the sole cause. But we do have to work late because the majority leader has scheduled votes on these issues tomorrow. I wanted an opportunity to supplement earlier statements which I made on this issue because I believe it is an important issue on which the Senate needs to focus.

The legislation and oversight and judicial review since 9/11 have provided a historic confrontation among the three branches of Government on the basic doctrine of separation of powers. When I say it is historic, I do not believe that is an overstatement. There is no doubt that the events of 9/11 require a vigorous response by the United States to fight terrorism. The brutal, heinous murder of 3,000 Americans and the continuing threat of al-Qaida worldwide require that we fight terrorism with great vigor. At the same time, it is important that constitutional rights be maintained. The fact is that the Congress has been very ineffective in limiting the expansion of Executive power. Only the courts have been able to maintain a balance.

The specific issue involves the effort to give the telephone companies retroactive immunity and foreclose some 40 lawsuits in some Federal court which are pending at the present time. There is no doubt that the information reportedly obtained by the telephone companies for national security is vital and needs to be maintained. But there is a way to keep that information flowing and still maintain the constitutional balance by implementing the amendment which Senator WHITEHOUSE, the Presiding Officer, and I have introduced, the essence of which is to substitute the U.S. Government as the party defendant.

In that situation, the Government would have the identical defenses the telephone companies now have—no more, no less. For example, customarily the Federal Government has the defense of sovereign immunity. You can't sue the Federal Government unless the Government consents or unless the Congress of the United States says you can sue the Government. The Congress of the United States is the final determiner of that; of course, with Presidential signature or with an override, if the President vetoes.

So in this situation, the Government being substituted for the telephone companies would not have the governmental immunity defense because the telephone companies do not have it. The Government would have the state secrets defense because it has intervened in the cases against the telephone companies to assert the defense of state secrets, so that if state secrets are involved, that may block the plaintiffs' cases. Under our amendment the Government would continue to have the availability of a state secrets defense.

I doubt very much there will be any monetary awards in these cases, but that is not for me to decide. That is for the judicial process to decide, to run its course.

When I say the legislative branch has not been successful in oversight in limiting the expansion of Executive power, I do so because of what has happened with the terrorist surveillance program.

The Foreign Intelligence Surveillance Act is an explicit statute which is the law of the land, explicitly stating that wiretapping can occur only with judicial authority. The tradition is for the Government to present an affidavit containing probable cause to warrant the wiretap that goes before a judge. The judge reviews it. If probable cause is present, then there may be an invasion of privacy under our Constitution with that constitutional safeguard of a neutral magistrate.

The President has taken the position that he does not have to be bound by the Foreign Intelligence Surveillance Act because of his article II powers under the Constitution. He is arguing that the statute cannot affect the President's constitutional authority, and he is correct as a principle of law. But the question is whether he has that authority. And the terrorist surveillance program was secret from the time it was put into effect shortly after 9/11/2001 until mid-December 2005, when the Senate was in the midst of the final day of debate on the PATRIOT Act reauthorization, which was to give the law enforcement authorities broader power.

I chaired the Judiciary Committee at that time and was arguing to move ahead with the PATRIOT Act reauthorization when that morning the news came across that there had been a secret program in effect. That scuttled our efforts to get the PATRIOT Act passed that day, with the comment being made that some were prepared to vote for the PATRIOT Act re-authorization until they found out about this secret program they hadn't known about.

A long time has passed since December 2005. That matter is still tied up in the courts. But the courts, at least, are available to make a decision on that ultimately—it may take some time, but to make a decision on it.

Similarly, the administration, the President has ignored the National Security Act of 1947 which explicitly states that the executive branch must give notice to the intelligence committees of the House and Senate where programs are carried out like the terrorist surveillance program. The President did not follow that statute. Again, the underlying contention is that he has power under article II so that he doesn't have to follow the statute.

Finally, he did make those matters available. He did so on the eve of the confirmation of General Hayden as head of the Central Intelligence Agency. So finally, under political pressure—he couldn't get General Hayden confirmed unless he made them available—he did so.

We have had other illustrations. We have had the signing statements where the President issues a statement when he signs legislation into law which modifies what Congress has passed.

I will be very specific. The Constitution provides that each House passes legislation. There is a conference submitted to the President. He either signs it or vetoes it. But when the President got the PATRIOT Act re-authorization with provisions which had been negotiated as to Judiciary Committee oversight on how those law enforcement powers could be carried out, the President issued a signing statement—and this had been negotiated between the Judiciary Committee and the President's employees—the President issued a signing statement and changed the thrust of the statute.

In a widely publicized matter involving interrogation techniques, the Senate passed, on a 90-to-9 vote, limitations on Executive power in the Detainee Treatment Act. There was a meeting between President Bush and Senator MCCAIN, author of the provision, limiting executive authority. We passed the bill, and the President signed it but with reservation that his executive authority under article II did not deprive him of authority to handle the situation as he chose. But in the midst of all this, the courts have been effective. The courts have limited Executive power.

In the case of Hamdan v. Rumsfeld, the Supreme Court held that the President's military commissions violated the Uniform Code of Military Justice and lacked any congressional authorization. In short, the Court held the President cannot establish a military commission to try Hamdan unless Congress granted him the authority to do so.

In Hamdi v. Rumsfeld, the Supreme Court said that due process requires a citizen held as an enemy combatant be given a meaningful opportunity to contest the factual basis for that detention before a neutral decisionmaker.

In the celebrated case of Rasul v. Bush, the Supreme Court held that the Federal habeas corpus statute gave district courts jurisdiction to hear challenges by aliens held at Guantanamo Bay.

In Doe v. Gonzales in September of last year, the U.S. District Court for the Southern District of New York struck down the permanent gag orders issued with national security letters as a violation of the First Amendment.

In Hepting v. AT&T, Chief Judge Vaughn Walker of the Northern District of California held that the publicly available information concerning the terrorist surveillance program was not subject to the state secrets defense.

In the very heavily publicized case of Padilla, the fourth circuit initially held that the executive had the authority to hold Padilla as an enemy combatant in September of 2005. Then when Padilla petitioned the Supreme Court for certiorari, it looked as if that might be overturned. The Government moved for authorization to transfer Padilla and to vacate the decision. They anticipated an unfavorable decision and they tried to moot it out; that is, render it meaningless. Judge Luttig, writing for the fourth circuit, was very strong in rejecting the Government's position, saying this:

> Because we believe that the transfer of Padilla and the withdrawal of our opinion at the government's request while the Supreme Court is reviewing this court's decision of September 9 would compound what is, in the absence of explanation, at least an appearance that the government may be attempting to avoid consideration of our decision by the Supreme Court, and also because we believe that this case presents an issue of such especial national importance as to warrant final consideration by that court—

That is, the Supreme Court—

> we deny both the motion and the suggestion.

Pretty strong language, telling the Government what they can and what they can't do.

The Government is not going to listen to the Congress, but the Government listens to the court.

When the issue arose as to the destruction of the CIA tapes, Senator LEAHY and I wrote the Attorney General asking for information as to what had happened, and the Attorney General wrote back and said: We are not going to give you any information at this time. But we got no information. Then the word was that it was political, what was being done. Then a Federal district court ordered the Government to file a report with the court as to what had happened on the destruction of the CIA tapes. Well, nobody said the court decision was political. You can't challenge the judicial decision except to take an appeal, and that is the process we follow.

I recently made a trip to Pakistan. Congressman PATRICK KENNEDY and I went to Pakistan to take a look at what was going on there because Pakistan is so important. The country has nuclear weapons but a very unstable government. We met with President Musharraf. We were scheduled to meet with Benazir Bhutto at 9 p.m. on December 27. While we were preparing for the meeting—she had scheduled it at 9 o'clock in the evening because she had a full day of campaign activities. While we were preparing for the meeting, we found out about 6:30, 7 o'clock, she had been assassinated, which was a terrible blow, not only on a personal level. I had come to know her to some extent when she was Prime Minister of Pakistan. But she had the potential as an extraordinary political figure to unify Pakistan. She had a remarkable educational background. She was educated at Harvard, also at Oxford; very glamorous, movie star beautiful, a great political figure with a chance to unify the country. Now we start from scratch.

Congressman KENNEDY and I questioned President Musharraf about what he was doing. He had gotten $10 million since 9/11 to act against al-Qaida. Why hadn't Osama bin Laden been captured? There were a lot of indications that the money was not being used for the purpose for which it was appropriated. President Musharraf said to Congressman KENNEDY and me that he didn't like the conditionality, and we pointed out to him that is the way we function. We don't give $10 million for use by President Musharraf any way he likes. Then we raised a question about what President Musharraf was doing with the Supreme Court. He held the Chief Justice in house arrest. He dismissed many of the justices. He appointed a favorable Supreme Court. Well, the United States is not Pakistan. In Pakistan, the chief executive, President Musharraf, tells the Supreme Court what to do. He suspends the Chief Justice. He fires half of the court.

In the United States, under our checks and balances, the President of the United States listens to what the Supreme Court of the United States says. A fundamental of our society is the separation of powers. That is the very basis of how we function in the United States, with the executive having certain powers, the Congress having certain powers, and the Court having certain powers. Regrettably, the evidence is conclusive that the Congress has been ineffective in congressional oversight. The protocol is the chairman of the Judiciary Committee and the ranking member are told about what is happening on serious constitutional issues. I was chairman of the Judiciary Committee when the terrorist surveillance program was in operation, and neither the ranking member, Senator LEAHY, nor I, were told about what was going on. The President is taking the position that he is not bound by statute, and he may be right. He may be right, but in our society, the courts have to make that decision.

I believe it would be a serious step to close down the courts where some 40 cases are pending. Let them go through the judicial process. Now if we had a choice of having the benefit of what the telephone companies are doing and closing down the courts, that might be one thing. But Senator WHITEHOUSE and I have structured an amendment, cosponsored by other Senators, to have both of those benefits operative. We can maintain the telephone companies providing whatever information they are providing, and at the same time keep the courts open by substituting the Government as the party defendant.

We are continuing in the midst of an historic confrontation. It is testing the mettle of our constitutional process. It is testing the mettle of our constitutional process because of the importance of being vigorous in fighting al-Qaida. The telephone companies have been good citizens and they ought not to be held liable for whatever it is they have done. But the Government can step in, and if there are verdicts which, as I say, I very much doubt, it is a cost of national defense. It ought to be paid by the Treasury of the United States, and the courts ought to be kept open.

Senator DODD is about to address the Chamber. I know he is opposed to granting retroactive immunity, and he has a very powerful argument, and may the RECORD show he is nodding in the affirmative. That is what we lawyers do when we have a little support, even if it is only a nod of the head or a gesture. I greatly admire what Senator DODD is doing here and what he has done since he was elected to the Senate in 1980. He and Senator Alan Dixon came to the Senate at the same time as two newly elected Senators on the Democratic side of the aisle. They were outnumbered by Republican Senators who were elected, 16 of us for that election, 16 to 2. But now Senator DODD has narrowed the odds and only Senator GRASSLEY and I remain of those 16, so it is only 2 to 1. Of course, when it was 2 to 16 it was a fair fight, and when it is 1 to 2, Senator DODD may have the advantage. Who knows. I say that only in jest. But we are about to hear some strong arguments and some real oratory on these issues.

But we don't have to make a choice between having the information and having the courts open. You can do both if the amendment which Senator WHITEHOUSE and I have offered is adopted.

I thank the Chair and yield the floor and defer to my distinguished colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, first, let me thank my good friend from Pennsylvania, whom I always enjoy listening to. I enjoyed particularly hearing his comments about President Musharraf and Benazir Bhutto, who I had the privilege and pleasure of knowing for some time over the last 20 years. As do all of us here, I care deeply about what happens in Pakistan, and I admire remarkable leadership. I was stricken by her loss and the tragic way in which she lost her life in her effort to bring democracy to her country. So I associate myself with the remarks of Senator SPECTER who was there, I know. In fact, I listened with great interest to his comments and thoughts at the time when he and Congressman PATRICK KENNEDY were there on a mission together. So I once again thank him.

I know he talked about our arrival some 27 years ago, when the two of us arrived here, and it is true there were 16 Republicans and two Democrats. I always like to point out that there are two fine Republicans still here, Senator GRASSLEY and Senator SPECTER, and 50 percent of the Democrats who were elected that year are still in this Chamber. So I remain of the two of us, Alan Dixon being the other Member.

I look up and I see the Presiding Officer. Any time I get up to address this issue, the distinguished Senator from Rhode Island is the Presiding Officer. He has heard my thoughts on this issue now since December. I think it has been almost 20 hours I have spoken on the subject matter of the Foreign Intelligence Surveillance Act and the issue of retroactive immunity. I will be trying to convince my colleagues to vote against cloture tomorrow so we can force the committees to go back and adopt the Judiciary Committee approach rather than the one adopted by the Intelligence Committee which gives retroactive immunity to the telecom industry.

I note as well that the House, the other body, in its consideration of this matter, agreed with the Judiciary Committee and did not include retroactive immunity in their Foreign Intelligence Surveillance Act amendments. The House reached the conclusion that the retroactive immunity was not warranted, that the courts should be given the opportunity to decide the legality or illegality of the telecom industry's decision to agree to the administration's request to allow the unfettered surveillance of millions of telephone calls, faxes, and e-mails.

Senator FEINGOLD of Wisconsin and I have offered an amendment to strike section 2 of the bill, which would then put the legislation roughly on parity with the House-passed legislation and deliver that to the President. The President has said: If you do that, I will veto the bill, which I regret deeply. The idea that you veto all of the other amendments dealing with foreign intelligence because you didn't provide retroactive immunity to a handful of telephone companies is rather breathtaking when you consider the vulnerability that can pose and the inability of us to collect the important surveillance, the intelligence we need to keep our country secure and safe.

Mr. President, I am not normally accustomed to engaging in lengthy conversations about any subject. Certainly it is the privilege and right of every Senator to engage in extended debate on a subject about which they care passionately. I cannot think of another occasion in the last 20 years, 25 years, when I have engaged in extended debate on any subject matter. It doesn't suggest there haven't been moments when I thought it was warranted, and others certainly provided that opportunity or we resolved the matters prior to using that tool that has been available to every Member of this Chamber since the founding of our Republic. But I care deeply about this issue. It is not just a passing issue; it is not just one section of a bill.

It goes far beyond the words or language of even the companies involved here. It goes to the very heart of who we are as a nation, as a people. Our willingness or ability to understand the value and importance of the rule of law is an issue that transcends any other issue we grapple with, the understanding of how important it is to protect and defend the rule of law, our Constitution, to guarantee the rights and liberties of every citizen of our country.

Tonight, I will engage in a rather lengthy conversation about this issue, with my apologies to the staff and others who have to spend time listening to this conversation. But I want people to know how important this issue is. This is very important. It doesn't get any more important than this one as to whether millions of Americans' telephone conversations, e-mails, and faxes over the past 5 years were listened to, eavesdropping that would still be ongoing were it not for disclosed reports by journalists and a whistleblower that revealed this program. It would still be ongoing, without a court order and without a warrant. That is dangerous.

The very rationale which gave birth to the FISA some three decades ago was specifically designed to deal with the very fact situation that causes me to rise and talk about this subject matter this evening. FISA intended to balance two legitimate issues—gathering information to keep us secure, while protecting the rights and liberties of every single American citizen against an unwarranted invasion of their privacy. It has never been easy to maintain that balance. It is never perfect, as I said earlier this afternoon, but it ought to be our common goal, regardless of party and ideology, to do our very best to strike that balance. That is what this issue is, and that is why it is so important.

If we set the precedent by a vote tomorrow that keeps this provision in the bill, and it remains so in the conference with the House of Representatives, we will be setting a precedent which, I suspect, future administrations may point to under a different fact situation, at a different hour, at a different time, when they may decide it is not in their interest to go to a FISA Court. The next request by an administration to provide information may be medical or financial or highly personal information, and they will point to a time when the Senate was given the opportunity to insist that a series of telephone companies go to the courts of this country to determine whether they did the legal thing by turning over information, and the Senate said: No, we are going to grant retroactive immunity.

We will never determine whether you had the right to do so, and implicitly it would sanction the activity by our refusal to strike the language granting the immunity. That is what is at stake in the vote tomorrow, if we are unable to defeat cloture.

That is why I am determined to do everything I can to convince my colleagues of an alternative course. So I urge my colleagues, in the strongest terms that I can, to vote to strip the retroactive immunity from this bill and, if it is not stripped, to vote against cloture.

Not only would this bill ratify a domestic spying regime that has already concentrated far too much unaccountable power in the President's hands, in its current form it places above the law the telecommunications companies that may have violated the privacy and trust of millions of American citizens.

In December, I opposed retroactive immunity on the Senate floor for some 10 hours in this Chamber. In the weeks since then, I have continued to speak out against it.

Unwarranted domestic spying didn't happen in a panic or short-term emergency—not for a week or a month or even a year. If it had, I might not be here this evening. But the spying went on, relentlessly, for more than five years. And if the press didn't expose it, I imagine it would still be happening today.

I might not be here either if it had been the first offense of a new administration. Maybe not if it even had been the second or third, I might add. I am here this evening because after offense after offense after offense, my frustration has found its breaking point. I am here this evening because of a pattern of continual abuses against civil liberties and the rule of law. When faced with that pattern, we should not act in the interest of the Democratic Party or the Republican Party. We should act in the interest of the Constitution of the United States because we are, above anything else, its temporary custodians. If these abuses had been committed by a President of my own party, I would have opposed them just as passionately as I do this evening.

I am here tonight because of the latest link in that long chain of abuse. It is alleged that giant telecom corporations worked with our Government to compile America's private domestic communications records into a database of enormous scale and scope. Secretly and without a warrant, these corporations are alleged to have spied on their own American customers.

Here is only one of the most egregious examples: According to the Electronic Frontier Foundation:

> Clear, firsthand whistleblower documentary evidence [states] . . . that for year on end, every e-mail, every text message, and every phone call carried over the massive fiber optic links of sixteen separate companies routed through AT&T's Internet hub in San Francisco—hundreds of millions of private, domestic communications—have been . . . copied in their entirety by AT&T and knowingly diverted wholesale by means of multiple "splitters" into a secret room controlled exclusively by the NSA.

The phone calls of millions of Americans diverted into a secret room controlled by the NSA. That allegation still needs to be proven in a court of law. But before that happens, there is an even simpler question: What do you see in it?

If you only see cables and computers there, the whole thing seems almost harmless. Certainly nothing to get worked up about—a routine security sweep and a routine piece of legislation authorizing it. If that is what you see in the NSA's secret room, I imagine you will vote to extend that immunity.

If you see a vast dragnet for millions of Americans' private conversations, conducted by a Government agency without a warrant, then I believe you will recognize what is at stake. You will see that what is at stake is the sanctity of the law and the sanctity of our privacy as American citizens. You will then oppose this retroactive immunity.

Maybe that sounds overdramatic to some of my colleagues. They will ask: What does it matter, at the end of the day, if a few corporations are sued? They will say: This is a small issue, an isolated case. The law is still safe and sound.

I find that view profoundly wrong. But I will give them this: As long as they keep this small, they win. As long as they keep this case isolated and technical, they win. As long as it is about a few lawsuits, and nothing more, they win. They are counting on the American people to see nothing bigger than that.

I am counting on them to see more and to fear less. So much more is at stake than a few phone calls, a few companies, and a few lawsuits. Mr. President, equal justice is at stake—justice that makes no exceptions. Openness is at stake—an open debate on security and liberty, and an end to warrantless, groundless spying. Retroactive immunity stands against those principles.

It doesn't say: I trust the American people; I trust the courts and judges and juries to come to just decisions. Retroactive immunity says: Trust me.

There are classified documents, we are told, that prove the case for retroactive immunity beyond a shadow of a doubt. But we are not allowed to see them. I have served in this body for more than a quarter century, and I am not allowed to see these documents at all. I am told to trust somebody, believe people when they stand up and tell you exactly what is here. Neither are the majority of my colleagues allowed to see them. We are left entirely in the dark to draw the conclusion that there is nothing to be concerned about. The courts don't need to look at this.

Obviously, I cannot speak for my colleagues, but I would never take "trust me" for an answer—not even in the best of times.

"Trust me." It is the offer to hide ourselves in the waiting arms of the rule of men. I cannot put it better than this:

> "Trust me" government is government that asks that we concentrate our hopes and dreams on one man; that we trust him to do what's best for us. My view of government places trust not in one person or one party, but in those values that transcend persons and parties.

Those words were spoken by Ronald Reagan in 1980, the former President of the United States. Those words are every bit as true today, even if some have chosen to forget them. But times of threat and fear blur our view of transcendent values; and those who would exploit those times urge us to save our skins at any cost.

The rule of law has rarely been so fragile. It has really seemed less compelling. What, after all, does the law give us? It has no parades, no slogans; it lives in books and precedents. It cannot entertain us or captivate us or soothe our deepest fears. When set against everything the rule of men has to offer, the rule of law is mute.

That is the precise advantage seized upon, in all times, by the law's enemies.

> It is a universal truth that the loss of liberty at home is to be charged to the provisions against danger . . . from abroad.

Those are the words of James Madison, and they are worthy of repetition.

> It is a universal truth that the loss of liberty at home is to be charged to the provisions against danger . . . from abroad.

James Madison, the father of the Constitution, made that prediction more than two centuries ago. With the passage of this bill, his words would be one step closer to coming true. So it has never been more essential that we lend our voices to the law and speak on its behalf.

This is our defining question, the question that confronts every generation of Americans since the founding of our Republic: the rule of law, or the rule of men?

How many times must we get the wrong answer?

To those who say this is just about a few telecoms, I answer that this is about contempt for the rule of law, large and small.

This is about the Justice Department turning our Nation's highest law enforcement officers into patronage plums, and turning the impartial work of indictments and trials into the machinations of politics.

This is about Alberto Gonzales coming before Congress to give us testimony that was, at best, wrong, and, at worst, perjury.

This is about Congress handing the President the power to designate any individual he wants an "unlawful enemy combatant," hold that individual indefinitely, and take away his or her rights to habeas corpus—the 700-year-old right to challenge your detention. If you think the Military Commissions Act struck at the heart of the Constitution, well, it struck at the Magna Carta while it was at it.

If you think this only threatens a few of us, you should understand that the writ of habeas corpus belongs to all of us. It allows anyone to challenge their detention. Rolling back habeas corpus endangers us all. Without a day in court, how can you prove that you are entitled to a trial? How can you prove that you are innocent? In fact, without a day in court, how can you let anybody know what you have been detained for at all?

The Military Commission Act also gave President Bush the power some say he wanted most of all: The power to get information out of suspected terrorists—by almost any means. The power to use evidence potentially gained from torture.

This is about torture—officially sanctioned torture. As a result of decisions made at the highest levels of our Government, America is making itself known to the world with stories like this one: A prisoner at Guantanamo—to take one example out of hundreds—was deprived of sleep for over 55 days, a month and 3 weeks. Some nights he was doused with water or blasted with air conditioning. After week after week of this delirious, shivering wakefulness, on the verge of death from hypothermia, doctors strapped him to a chair—doctors, healers who took the Hippocratic oath to "do no harm"—pumped him full of three bags of medical saline, brought him back from death, and sent him back to his interrogators.

To the generation coming of age around the world in this decade, that is America. Not Normandy, not the Marshall Plan, not Nuremberg. Guantanamo.

This is about the CIA destroying tapes containing the evidence of harsh interrogations—about the administration covering its tracks in a way more suited to a banana republic than to the home of freedom.

This is about waterboarding, a technique invented by the Spanish Inquisition, perfected by the Khmer Rouge, and in between, banned—originally banned for excessive cruelty—by the Gestapo!

Waterboarding's not torture? Listen to the words of Malcolm Nance, a 26-year expert in intelligence and counterterrorism, a combat veteran, and former Chief of Training at the U.S. Navy Survival, Evasion, Resistance and Escape School.

To those who say that this is just about a few telecoms, I answer: This is about contempt for the law, large and small.

This is about the Justice Department turning our Nation's highest law enforcement offices into patronage plums, and turning the impartial work of indictments and trials into the machinations of politics.

This is about Alberto Gonzales coming before Congress to give us testimony that was at best, wrong—and at worst, perjury.

This is about Congress handing the President the power to designate any individual he wants an "unlawful enemy combatant," hold him indefinitely, and take away his right to habeas corpus—the 700-year-old right to challenge your detention. If you think that the Military Commissions Act struck at the heart of the Constitution, you would be understating things—it struck at the Magna Carta while it was at it.

And if you think that this only threatens a few of us, you should understand that the writ of habeas corpus belongs to all of us—it allows anyone to challenge their detention. Rolling back habeas rights endangers us all: Without a day in court, how can you prove that you are entitled to a trial? How can you prove that you are innocent? In fact, without a day in court, how can you let anyone know that you have been detained at all?

While training American soldiers to resist interrogation, he writes:

> I have personally led, witnessed and supervised waterboarding of hundreds of people. . . . Unless you have been strapped down to the board, have endured the agonizing feeling of the water overpowering your gag reflex, and then feel your throat open and allow pint after pint of water to involuntarily fill your lungs, you will not know the meaning of the word. . . .
>
> It does not simulate drowning, as the lungs are actually filling with water. The victim is drowning. How much the victim is to drown depends on the desired result . . . and the obstinacy of the subject.
>
> Waterboarding is slow motion suffocation . . . usually the person goes into hysterics on the board. . . . When done right it is controlled death.

In spite of all that, last week the White House declared that waterboarding is not torture, that waterboarding is legal, and that, if it chooses, America will waterboard again.

This is about Michael Mukasey coming before the Senate and defending the President's power to openly break the law. When he came to the Senate before his confirmation, Mr. Mukasey was asked bluntly and plainly: Is waterboarding constitutional? Mr. Mukasey replied with a head-scratching tautology:

> If waterboarding is torture, torture is not constitutional.

Surely we can expect a little more insight from someone so famously well versed in national security law. But Mr. Mukasey pressed on with the obstinacy of a witness pleading the Fifth:

> If it's torture. . . . If it amounts to torture, it is not constitutional.

And that is the best this noted jurist, this legal scholar, this longtime judge had to offer on the defining moral issue of this Presidency: claims of ignorance. Word games.

And again last month, he refused categorically to denounce waterboarding. In fact, Mr. Mukasey was asked the easiest question we have in a democracy: Can the President openly break the law? Can he—as we know he has done already—order warrantless wiretapping, ignore the will of Congress, and then hide behind nebulous powers he claims to find in the Constitution?

Mr. Mukasey's response: The President has "the authority to defend the country."

And in one swoop, the Attorney General conceded to the President nearly unlimited power, as long as he finds a lawyer willing to stuff his actions into the boundless rubric of "defending the country." Unlimited power to defend the country, to protect us as one man sees fit, even if that means listening to our phone calls, even if that means holding some of us indefinitely.

This is about extraordinary rendition—outsourced torture. It is about men this administration prefer we did not know exist. But we do know.

One was a Syrian immigrant raising his family in Canada as a citizen. He wrote computer code for a company called Math Works. He was planning to start his own tech business. On a trip through New York's JFK Airport, he was arrested by U.S. Federal agents. They shackled him and bundled him into a private CIA plane which flew him across the Atlantic Ocean to Syria.

This man spent the next 10 months and 10 days in a Syrian prison. His cell was 3 feet wide, the size of a grave. Some 300 days passed alone in that cell, with a bowl for his toilet and another bowl for his water, and the door only opened so he could go wash himself once a week, though it may have been more or less because the cell was dark and he lost track of time.

The door only opened for one reason: for interrogators who asked him, again and again, about al-Qaida. Here is how it was described:

> The interrogator said, "Do you know what this is?" I said, "Yes, it's a cable," and he told me, "Open your right hand." I opened my right hand, and he hit me like crazy. It was so painful, and of course I started crying, and then he told me to open my left hand, and I opened it, and he missed, then hit my wrist. And then he asked me questions. If he does not think you are telling the truth, then he hits again.

The jail and the torturers were Syrian, but America sent this man there with full knowledge of what would happen to him because it was part of a longstanding secret program of "extraordinary rendition." America was convinced that he was a terrorist and wanted the truth beaten out of him.

No charges were ever filed against him. His adopted nation's government—Canada, one of our strongest NATO allies—cleared him of all wrongdoing after a yearlong investigation and awarded him more than $10 million in government compensation for his immense pain and suffering—but not before he was tortured for 10 months in a cell the size of a grave. Our own Government, I note, has refused to even acknowledge that his case exists.

It is about a German citizen living in the city of Ulm with his wife and four children. On a bus trip through Eastern Europe, he was pulled off at a border crossing by armed guards and held for 3 weeks in a hotel room where he was beaten regularly. At the end of 3 weeks, he was drugged and shipped on a cargo plane to Kabul, Afghanistan.

For 5 months he was held in the Salt Pit, a secret American prison staffed by Afghan guards. All he had to drink was stagnant water from a filthy bottle. Again and again, masked men interrogated him about al-Qaida. And finally, he says, they raped him.

He was released in May of 2004. Scientific testing confirmed his story of malnourishment, and the Chancellor of Germany publicly acknowledged that he was wrongfully held. What was his crime? Having the same name as a suspected terrorist. Again, our own Government has refused to even acknowledge this case exists.

There are not enough words in the world to cover the facts. If you would like to define torture out of existence, be my guest. If you would rather use a Washington euphemism—"tough questioning," "enhanced interrogation"—feel free. Feel free to talk about "fraternity hazing" such as Rush Limbaugh did, or to use a favorite term of Vice President CHENEY, "a dunk in the water," as he described waterboarding. Call it whatever you like. And when you are through with all of your evasions, the facts will still be waiting for you—the fact of waterboarding, "controlled death," the fact of "outsourced torture," the fact of secret prisons, the fact of monthlong sleep deprivation, the fact of the

President's personal power to hold whomever he likes for as long as he would like.

Have I gone wildly off the topic? Have I brought up a dozen unrelated issues? I don't think, Mr. President—I don't think I have at all.

We are deceiving our ourselves when we talk about the U.S. attorneys issue, the habeas issue, the torture issue, the rendition issue, the secrecy issue. As if each one were an isolated case! As if each one were an accident! When we speak of them as isolated, we are keeping our politics cripplingly small, and as long as we keep them small, the rule of men is winning. There is only one issue here—only one. It is the law issue, the rule of law. Does the President serve the law or does the law serve the President?

Each insult to our Constitution comes from the same source. Each springs from the same mindset. And if we attack this contempt for the law at any point, we will wound it at all points.

That is why I am here this evening. Retroactive immunity is on the table today, but also at issue is the entire ideology that justifies it, the same ideology behind torture and executive lawlessness. Immunity is a disgrace in itself, but it is far worse in what it represents. It tells us that some believe in the courts only so long as the verdict goes their way. It puts secrecy above sunshine and fiat above the law.

Did the telecoms break the law? That I don't know. Pass immunity and, of course, we will never know. A handful of favored corporations will remain unchallenged. Their arguments will never be heard in a court of law. The truth behind this unprecedented domestic spying will never see the light of day.

"Law" is a word that we barely hear from the supporters of immunity. They offer neither a deliberation about America's difficult choices in an age of terrorism nor a shared attempt to set for our times the excruciating balance between security and liberty. They merely promise a false debate on a false choice: security or liberty, but never both.

I think differently, and I hope others do as well. I think that America's founding truth is unambiguous: Security and liberty, one and inseparable, and never one without the other.

Secure in that truth, I offer a challenge to immunity supporters. You want to put a handful of corporations above the law. Could you please explain how your immunity makes any one of us any safer at all?

The truth is that a working balance between security and liberty has already been struck. In fact, it has been settled for decades. For three decades, in fact, FISA, the Foreign Intelligence Surveillance Act, has prevented executive lawbreaking and protected Americans, and that balance stands today.

In the wake of the Watergate scandal, the Senate convened the Church Committee, a panel of distinguished members determined to investigate executive abuses of power. Unsurprisingly, they found that when Congress and the courts substitute "trust me" for real oversight, massive lawbreaking can result.

They found evidence of U.S. Army spying on the civilian population, Federal dossiers on citizens' political activities, a CIA and FBI program that had opened hundreds of thousands of Americans' letters without warning or warrant. In sum, Americans had sustained a severe blow to their fourth amendment rights "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. . . ."

But at the same time, the Senators of the Church Committee understood that surveillance needed to go forward to protect the American people. Surveillance itself was not the problem. Unchecked, unregulated, unwarranted surveillance was. What surveillance needed, in a word, was legitimacy. And in America, as the Founders understood, power becomes legitimate when it is shared, when Congress and the courts check that attitude which so often crops up in the executive branch—"if the President does it, it's not illegal."

The Church Committee's final report, "Intelligence Activities and the Rights of Americans," put the case powerfully indeed. Allow me to quote from that final report:

> The critical question before the Committee was to determine how the fundamental liberties of the people can be maintained in the course of the Government's effort to protect their security.
>
> The delicate balance between these basic goals of our system of government is often difficult to strike, but it can, and must, be achieved.
>
> We reject the view that the traditional American principles of justice and fair play have no place in our struggle against the enemies of freedom. Moreover, our investigation has established that the targets of intelligence activity have ranged far beyond persons who could properly be characterized as enemies of freedom. . . .
>
> We have seen segments of our Government, in their attitudes and action, adopt tactics unworthy of a democracy, and occasionally reminiscent of the tactics of totalitarian regimes.
>
> We have seen a consistent pattern in which programs initiated with limited goals, such as preventing criminal violence or identifying foreign spies, were expanded to what witnesses characterized as "vacuum cleaners," sweeping in information about lawful activities of American citizens.

The Senators concluded:

> Unless new and tighter controls are established by legislation, domestic intelligence activities threaten to undermine our democratic society and fundamentally alter its nature.

What a strange echo, what an incredibly strange echo, we hear in those words. The words I just read could have been written yesterday. Three decades ago our predecessors in this Chamber understood that when domestic spying goes too far, it threatens to kill just what it promises to protect: an America secure in its liberty. That lesson was crystal clear more than 30 years ago. Why is it so cloudy tonight? Why is it so cloudy on the eve of an important vote?

And before we entertain the argument that "everything has changed" since those words were written, remember: The men who wrote them had witnessed World War and Cold War. They had seen the Nazi and Soviet threats and were living every day under the cloud of a nuclear holocaust.

Mr. President, I ask this: Who will chair the commission investigating the secrets of warrantless spying years from today? Will it be a young Senator sitting in this body today? Will it be someone not yet elected? What will that Senator say when he or she comes to our actions, reads in the records of 2008 how we let outrage after outrage after outrage slide with nothing more than a promise to stop the next one? I imagine that Senator will ask of us: Why didn't they do anything? Why didn't they fight back? Why didn't they stand up? Why didn't they vote down retroactive immunity? What were they thinking? What more do you need to know? How many instances of abuse do you have to learn about? When do you stop? When do you say enough is enough? In February of 2008, when no one could doubt any more what the administration was doing, why did they sit on their hands? Why did they sit on their hands? Why did they pass by as if nothing had ever happened and grant retroactive immunity?

Since the time of the Church Commission the threats facing our Nation have multiplied and grown in complexity, but the lesson has been immutable: Warrantless spying threatens to undermine our democratic society, unless legislation brings it under control. In other words, the power to invade privacy must be used sparingly, guarded jealously, and shared equally between the branches of Government.

Or the case can be made pragmatically, as my friend Harold Koh, dean of Yale Law School, recently argued:

> The engagement of the three branches tends to yield not just more thoughtful law, but a more broadly supported public policy.

Three decades ago, Congress embodied that solution in the Foreign Intelligence Surveillance Act, or FISA. FISA confirmed the President's power to conduct surveillance of international conversations involving anyone in the United States, provided—provided—that the Federal FISA Court issued a warrant ensuring that wiretapping was aimed at safeguarding our security and nothing else.

The President's own Director of National Intelligence, Mike McConnell, explained the rationale in an interview this summer. The United States, he said:

> . . . did not want to allow the intelligence community to conduct electronic surveillance of Americans for foreign intelligence unless you had a warrant, so that was required.

As originally written in 1978, and as amended many times since, FISA has accomplished its mission. It has been a valuable tool for conducting surveillance of terrorists and those who would harm our beloved Nation. And every time Presidents have come to Congress openly to ask for more leeway under FISA, Congress has worked with them. Congress has negotiated it together. Congress and Presidents have struck a balance that safeguards America while doing its utmost to protect Americans' privacy.

This summer, Congress made a technical correction to FISA, enabling the President to wiretap without a warrant conversations between two foreign targets, even if those conversations are routed through American corporate computers. For other reasons, I felt this summer's legislation went too far, and I opposed it, but the point is Congress once again proved its willingness to work with the President on foreign intelligence surveillance.

Isn't that enough?

This past October and November, as we have seen, the Senate Intelligence and Judiciary Committees worked with the President to further refine FISA and ensure, in a true emergency, the FISA Court would do nothing to slow down intelligence gathering.

Isn't that enough?

As for the FISA court? Between 1978 and 2004, according to the Washington Post, the FISA Court approved 18,748 warrants and rejected 5. Let me repeat that. The FISA Court, according to the Washington Post, approved 18,748 warrants and rejected 5. The FISA Court has sided with the executive branch 99.9 percent of the time.

Isn't that enough?

Is anything lacking? Have we forgotten something? Isn't all this enough to keep us safe?

We all know the answer we received. This complex, fine-tuned machinery, crafted over three decades by 3 branches of Government, 4 Presidents, and 12 Congresses was ignored. It was a system primed to bless nearly any eavesdropping a President could conceive, and spying still happened illegally.

If the shock of that decision has yet to sink in, think of it this way: President Bush ignored not just a Federal court but a secret Federal court. Not just a secret Federal court but a secret Federal court prepared to sign off on his actions 99.9 percent of the time. A more compliant court has never been conceived. Still, that wasn't good enough.

So I will ask the Senate candidly, and candidly it already knows the answer: Is this about security or about power? Why are some fighting so hard for retroactive immunity? The answer, I believe, is immunity means secrecy, and secrecy means power.

It is no coincidence to me that the man who proclaimed "If the President does it, it is not illegal"—Richard Nixon—was the same man who raised executive secrecy to an art form. The Senators of the Church Committee expressed succinctly the deep flaw in the Nixonian executive: "Abuse thrives on secrecy." And in the exhaustive catalogue of their report, they proved it.

In this push for immunity, secrecy is at its center. We find proof in immunity's original version: a proposal to protect not just telecoms but everyone involved in the wiretapping program. In their original proposal, that is what they wanted, to immunize themselves and absolutely everyone involved in this program. Not just the companies but everyone from the executive branch on down. They wanted to immunize every single human being.

Think about it. It speaks to their fear and perhaps their guilt—their guilt that they had broken the law and their fear in the years to come they would be found liable or convicted. They knew better than anyone else what they had done, and they must have had good reason to be afraid. Thankfully, immunity for the President is not part of the bill before us, and on previous occasions I have commended Senator ROCKEFELLER and Senator BOND and the committee members for not agreeing to the administration's request for granting immunity for every single person. But remember, they made the request. That is what they wanted. While it is not in the bill, it ought to be instructive. If anybody wonders what this is all about, when you go back and remember that this administration requested of this committee that every single human being involved in the surveillance program be immunized and protected by the act of Congress, that is instructive. That is enlightening as to what the true intent of this administration has been when it comes to this program.

As I said: Thankfully, immunity for the executive branch is not part of the bill before us, but the original proposal tells us something very important. This is, and always has been, a self-preservation bill. Otherwise, why not have a trial and get it over with? If the proponents of retroactive immunity are right, the corporations would win in a walk. After all, in the official telling, the telecom industry was ordered to help the President spy without a warrant and they patriotically complied. We have even heard on this floor the comparison between the telecom corporations to the men and women laying their lives on the line in Iraq.

But ignore that. Ignore for a moment the fact that in America we obey the laws, not the President's orders. Ignore that not even the President has the right to secure a bully into breaking the law. Ignore that the telecoms were not unanimous; one, Qwest, wanted to see the legal basis for the order, never received it, and so refused to comply. Ignore that a judge presiding over the case ruled:

> AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal.

Ignore all of that. If the order the telecoms received was legally binding, then they have an easy case to prove. The corporations only need to show a judge the authority and the assurances they were given and they will be in and out of court in less than 5 minutes.

If the telecoms are as defensible as the President says, why doesn't the President let them defend themselves? If the case is so easy to make, why doesn't he let them make it? It can't be that he is afraid of leaks. Our Federal court system has dealt for decades with the most delicate national security matters, building up expertise and protecting classified information behind closed doors—ex parte, in camera. We can expect no less in these cases. No intelligence sources need be compromised. No state secrets need to be exposed. After litigation, at both the district court and circuit court level, no state secrets have been exposed.

In fact, Federal District Court Judge Vaughn Walker, a Republican appointee, I might add, has already ruled the issue can go to trial without putting state secrets in jeopardy. He reasonably concluded that the existence of a terrorist surveillance program is hardly a secret at all, and I quote him.

> The government has already disclosed the general contours of the "terrorist surveillance program," which requires the assistance of a telecommunications provider.

As the state secrets privilege is invoked to stall these high-profile cases, it is useful to consider that privilege's history. In fact, it was tainted at its birth by a President of my own party, Harry Truman. In 1952, President Truman successfully invoked the new privilege to prevent public exposure of a report on a plane crash that killed three Air Force contractors.

When the report was finally declassified some 50 years later, decades after anyone in the Truman administration was within its reach, it contained no secrets at all; only facts about repeated maintenance failures that would have seriously embarrassed some important people. And so the state secrets privilege began its career not to protect our Nation but to protect the powerful.

In his opinion, Judge Walker argued that, even when it is reasonably grounded:

> the state secrets privilege still has its limits. While the court recognizes and respects

> the executive's constitutional duty to protect the Nation from threats, the court also takes seriously its constitutional duty to adjudicate the disputes that come before it. To defer to a blanket assertion of secrecy here would be to abdicate that duty, particularly because the very subject matter of this litigation has been so publicly aired. The compromise between liberty and security remains a difficult one. But dismissing this case at the outset would sacrifice liberty for no apparent enhancement of security.

And that ought to be the epitaph for the last 6 years—sacrificing liberty for no apparent enhancement of security. Worse than selling our soul, we are giving it away for free.

It is equally wrong to claim that failing to grant this retroactive immunity will make the telecoms less likely to cooperate with surveillance in the future. The truth is, that since the 1970s, the Foreign Intelligence Surveillance Act has compelled telecommunications companies to cooperate with surveillance, when it is warranted. What is more, it immunizes them. It has done that for 25 years.

So cooperation in warranted wiretapping is not at stake today. Collusion in warrantless wiretapping is. The warrant makes all the difference in the world because it is precisely the court's blessing that brings Presidential power under the rule of law.

In sum, we know that giving the telecoms their day in court, giving the American people their day in court, would not jeopardize an ounce of our security. And it could only expose one secret: The extent to which the rule of law has been trampled upon. That is the choice at stake this evening and tomorrow when we vote on this matter: Will the secrets of the last years remain closed in the dark or will they be open to the generations to come, to our successors in this Chamber, so they can prepare themselves to defend against future outrages of power and usurpations of law from future Presidents, of either party, as certainly they will come? As certainly they will come.

Thirty years after the Church Committee, history repeated itself. Even though I probably thought in those days, this will never happen again. Well, here we are again. As certain as I am standing here this evening, at some future time, there will be an executive, a President, who will seek to compromise the very same principles. And just as we reached back 30 years ago during this debate to a hallowed time when another Senate, faced with similar challenges, reached entirely different conclusions than we are about to make, some future generation will reach back to ours and ask: What did they say? What did they do? How did they feel about this? What actions did they take?

The idea that this body would grant retroactive immunity in the face of these challenges and deny the courts an opportunity to determine whether, at the mere request of a President, major companies, for years on end, can sweep up, vacuum up—to use the Church Committee's language—every telephone conversation, every fax, every e-mail of millions and millions of Americans, is a precedent I don't think we want as part of our heritage for coming generations.

And believe me, they will look back to it. If those who come after us are to prevent it from occurring again, they need the full truth.

Constitutional lawyer and author Glenn Greenwald expressed the high stakes this way:

> The Bush administration will be gone in 11 months. But—in the absence of some meaningful accountability—all of this will remain . . . If . . . these theories remain undisturbed and unchallenged, and . . . all of these crimes go uninvestigated and unpunished, that will have a profound impact on changing our national character, in further transforming the type of country we are.

That is why we must not see these secrets go quietly into the good night. I am here this evening because the truth is no one's private property. It belongs to every one of us, and it demands to be heard.

"State secrets," "patriotic duty": Those, as weak as they are, are the arguments the telecoms' advocates use when they are feeling high-minded. When their thoughts turn baser, they make their arguments as amateur economists.

Here is how Director of National Intelligence Mike McConnell put it.

> If you play out the suits at the value they're claimed, it would bankrupt these companies. So . . . we have to provide liability protection to these private sector entities.

That is an incredible statement. It is amazing that a person in high Government would suggest that no matter how warranted this investigation may be, there is a higher calling, that we should not put these companies in any kind of financial jeopardy, that we have to provide liability protection to these private sector entities because it might bankrupt them.

To begin with, it is a clear exaggeration. First and foremost, we are talking about some of the most successful companies in the United States, not only today but ever. Some of these companies have continued to earn record profits and sign up record numbers of subscribers at the same time as this very public litigation, totally undermining the argument, I might add, these lawsuits are doing the telecoms severe reputational damage.

Remember, the discussion about these telecoms has now gone on for months. And yet in the public debate about whether the courts ought to be able to examine these issues, there are reports that these companies have been accumulating record profits. Companies that size could not be completely wiped out by anything but the most exorbitant and unlikely judgment. To assume that the telecoms would lose and that the judges would hand them down such back-breaking penalties is already to take several leaps.

The point, after all, has never been to finally cripple our telecommunications industry. That is not the point here at all. In fact, some have said: Look, I will support you striking this immunity, provided you put a cap on damages these companies would suffer if in fact the plaintiffs prove to be correct. And I am more than happy to entertain that. I do not believe it is necessary, but if that is the argument, a damages cap would answer all of Mike McConnell's concerns, without even having to bring up immunity. I am prepared to agree to any kind of a cap you want—because the point to me is not the damages they pay, but the damage they have done.

But to suggest somehow that there is a pricetag companies would have to pay which is more valuable than protecting people's privacy is a stunning, breathtaking comment from a high Government official, in my view. It is extremely troubling that our Director of National Intelligence even bothers to pronounce on "liability protection for private sector entities." How did that even begin to be relevant to letting this case go forward? Since when do we throw entire lawsuits out because the defendant stood to lose too much? In plain English, here is what Admiral McConnell is arguing: Some corporations are too rich to be sued. Even bringing money into the equation puts wealth above justice, above due process. Rarely in public life in the years I have served here have I ever heard an argument as venal as that on a matter as serious as this one. It astounds me that some can speak in the same breath about national security and the bottom line. Approve immunity and Congress will state clearly: The richer you are, the more successful you are, the more lawless you are entitled to be. A suit against you is a danger to the Republic! And so, at the rock bottom of its justifications, the telecoms' advocates are essentially arguing that immunity can be bought.

The truth is exactly, of course, the opposite. The larger the corporation, frankly, the greater the potential for abuse. Not that success should make a company suspect at all; companies grow large, and essential to our economy because they are excellent at what they do. I simply mean that size and wealth open the realm of possibilities for abuse far beyond the scope of the individual.

After all, if everything alleged is true, we are talking about one of the most massive violations of privacy in American history. If reasonable search and seizure means opening a drug dealer's apartment, the telecoms' alleged actions would be the equivalent of strip-searching everyone in the building, ransacking their bedrooms, prying up all the floorboards. The scale of these cooperations opens unprecedented possibilities for abuse, possibilities far beyond the power of any one individual.

If the allegation against the telecoms is true, it constitutes one of the most massive violations of privacy in American history. And it would be inconceivable without the size and resources of a corporate behemoth, the same size that makes Mike McConnell fear the corporations' day in court. That is the massive scale we are talking about, and that massive scale is precisely why no corporation must be above the law.

On that scale, it is impossible to plead ignorance. As Judge Walker ruled:

> AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal.

Again, from a Republican appointee to the Federal bench. But the arguments of the President's allies sink even lower. Listen to the words of a House Republican leader spoken on Fox News. Candidly, they are shameful.

> I believe that [the telecoms] deserve immunity from lawsuits out there from typical trial lawyers trying to find a way to get into the pockets of American companies.

Of course, some of the "typical greedy trial lawyers" bringing these suits work for a nonprofit. And the telecoms that some want to portray as pitiful little Davids actually employ hundreds of attorneys, retain the best corporate law firms, and spend multimillion dollar legal budgets.

But if the facts actually matter to immunity supporters, we would not be here. For some, the prewritten narrative takes precedence far above the mere facts; and here, it is the perennial narrative of the greedy trial lawyers.

With that, some can rest content. They conclude that we were never serious about the law, or about privacy, or about checks and balances; it was about the money all along.

But we will not let them rest content. We are extremely serious. There can no longer be any doubt: One by one the arguments of the immunity supporters, of the telecoms' advocates, fail.

I wish to spend a few minutes and detail these claims and their failures, if I may. The first argument from immunity supporters says:

> The President has the authority to decide whether or not telecoms should be granted immunity.

That is the first argument. The President has that implicit authority. But the facts in this case belong in the courts. The judiciary should be allowed to determine whether the President has exceeded his powers by obtaining from the telecoms wholesale access to the domestic communications of millions of ordinary Americans.

Whatever the arguments may be, let us assume for a second they are going to make this argument. Well, you can make an argument. Where is the place you make that argument? Here in the legislative body or in the courts? I think the simple answer is, if you have been to law school for a week, the courts.

We are a government of three parts, coequal: executive, legislative, and judicial. The executive branch says: I have the right to do this. The Congress can debate and certainly discuss it. But only in the courts can we determine the constitutionality of that action.

Neither this body nor the other that comprise the legislative branch are charged with the responsibility of determining constitutionality. When Congress passes a law, the courts decide whether it is constitutional. When the President acts, the courts decide whether it is constitutional. The executive branch does not decide whether we have acted constitutionally, and we do not decide whether the President has acted constitutionally. That is what the courts are for. This is basic 101 stuff. This is basic stuff. You go to the courts to determine this question. And yet if we pass retroactive immunity—gone.

That is a great precedent. That is what future Congresses will look to, when deciding when some future President overreaches: What did the previous Congresses do? And you will hear the argument in this Chamber years hence: Well, back in 2008, when confronted with that question, the Senate said that, frankly, the courts had no business with that, in effect, sanctioning what had occurred.

How else can you read this but as a sanction? If a majority of Senators here decides that retroactive immunity is warranted, what other conclusion can history draw from that, except we agreed with the President that he had the right to do what he did, and we will never know the legal answer to the question. We will deprive the courts of the opportunity to decide it.

We are overstepping our bounds incredibly by doing this, and hence the reason for the first time in my more than a quarter century in this body I am engaging in extended debate, because this is that important.

To allow a President, any President of any party, to mandate or require a public or private entity to invade the privacy of Americans to the extent that has occurred here, one of the most massive alleged violations of privacy in history, and not challenge it and have the courts determine the legality or illegality of it, is an incredible precedent of historic proportions. It is not a small vote tomorrow. It is not a minor issue. It is about as important and as basic and as fundamental as anything we can ever do.

Remember that the administration's original immunity proposal protected everyone. That is what they wanted. And executive immunity is not in this bill only because JAY ROCKEFELLER and KIT BOND and the other members of the committee said No. But do not forget that is what they wanted. The administration came to the committee, and said: We want you to grant immunity to everyone—the executive branch, the telecoms, Justice Department, anyone else involved.

The committee turned them down. But they asked for it. They asked for it. And that has to be a part of this debate and discussion. It is not irrelevant. It is not insignificant that the President of the United States asked the Intelligence Committee of the Senate to grant them and everyone else involved in this issue total immunity. What more do you need to know about what the motives are? How much more do you need to find out? The origin of immunity tells us a great deal about what is at stake here. It is self-preservation.

I have my own opinions about warrantless surveillance, about what went on. But my opinions should not bear the weight of law. I think what these companies did was wrong. But I would be a fool to stand before you this evening and say I have the right to make that determination. But they should have not the right, either, to decide if it was legal. And that is what we are doing, in effect, by granting retroactive immunity.

The second argument is that only foreign communications are targeted.

Immunity supporters claim that only foreign communications were targeted, not Americans' domestic calls. But the fact is that clear firsthand evidence authenticated by these corporations in court contradicts that claim. "Splitters" at AT&T's Internet hub in San Francisco diverted into a secret room controlled by the NSA every e-mail, every text message, every phone call, foreign or domestic, carried over the massive fiber optic lines of 16 separate companies for over 5 years.

Third, the Senate Intelligence Committee has preserved the role of the judiciary so there is ample oversight. But the fact is, the role would be empty. The Intelligence version of the bill before us would require the cases to be dismissed at a word from the Attorney General. The central legal questions raised by these cases would never be heard. The cases would never be fully closed. We would never really truly know what happened in these matters. So from a mere word of the Attorney General, that is the end of it.

The fourth argument we have been hearing over the last number of months: A lack of immunity would compromise future cooperation between the U.S. Government and the telecom industry. But remember: Since the 1970s the Foreign Intelligence Surveillance Act has compelled telecoms to cooperate with warranted surveillance, and it has immunized them entirely. They don't have a choice, in effect. If you are compelled by a warrant to turn over the evidence, you don't have the choice of cooperating or not. The idea that the companies will say: We are just not going to share that information with you—you don't have that luxury. When a court order comes and says: Turn over the evidence, you have to turn it over. But, of course, the companies say: We don't want to because we will end up with a lot of lawsuits. To handle that very legitimate issue raised initially by AT&T, which was part of drafting FISA in 1978, we said: Don't worry about that. We will immunize you so there won't be any lawsuits that can be brought against you for doing what you are compelled to do by court order and a warrant.

So the argument that somehow we won't be cooperative with you is just on its face factually wrong. You don't have the choice not to cooperate. What we do grant to you with that warrant is the fact that you cannot be sued, which is a legitimate request to make.

That is not, of course, what happened here. The decision was made to turn over the evidence without a warrant, without a court order.

I pointed out before that according to the Washington Post, since 1978 there have been over 18,700 court orders requested of the FISA Court, and only 5 have been rejected in 30 years; 18,700-plus cases before the court, that secret, private Federal court, and in 99.9 percent of the cases, they have been approved. Only five have been rejected. But when you are receiving a court order, when the warrant arrives and you are complying with it, as you are required, you also receive immunity from legal prosecution or from lawsuits. So the argument somehow that these companies won't be as cooperative, if it weren't so sad, would almost be amusing.

This was a pay deal, by the way. It wasn't just patriotic duty. There was a cost involved. We were writing checks to the telecommunications industry. For whatever reason, when the Government stopped paying the checks to the telecom industry, these great patriotic institutions decided to stop the surveillance. Were they under a court order, had there been a warrant insisting upon their compliance, they wouldn't have the luxury of deciding not to comply. Only under this fact situation we are debating this evening would these corporations have any ability to all of a sudden stop complying with the law or complying with the request. So the irony of the argument is that the reverse is actually true. If you don't have a warrant and a court order, it is less likely you are apt to get that continual cooperation from these very companies that can provide the information we need to keep us more secure.

The fifth argument immunity supporters make is that telecoms can't defend themselves because of the state secrets provision. I made this case a while ago, but let me repeat it. The fact is that Federal district court Judge Vaughn Walker has already ruled that the issue can go to trial without putting state secrets in jeopardy. Judge Walker pointed out that the existence of the warrantless surveillance program is hardly a secret at all.

I will quote him again. He said:

> The Government has [already] disclosed the general contours of the "terrorist surveillance program," which requires the assistance of a telecommunications provider.

So the argument that they can't defend themselves without exposing state secrets has already been debunked.

The sixth argument that is made by those who support immunity is that defendants are already shielded by common law principles. This is an interesting one. Immunity supporters claim that telecoms are protected by common law principles, but the fact is that common law immunities do not trump specific legal duties imposed by statute such as the specific duties Congress has long imposed on telecoms to protect customer privacy and records.

In the pending case against AT&T, the judge already has ruled unequivocally that "AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal." Even so, the communications company defendants can and should have the opportunity to present these defenses to the courts and the courts—not the Congress preemptively—should decide whether they are sufficient.

The seventh argument that is being made by the supporters of immunity is that information leaks may compromise state secrets and national security. I have heard this argument over and over and over again. The fact is, our Federal court system, in decade after decade of dealing with delicate national security matters, has built up the expertise it takes to secure that information behind closed doors. If we are still concerned about national security being threatened as a result of these cases, we can simply get the principals a security clearance.

We can be increasingly confident that these cases will not expose state secrets or intelligence sources, because after the extensive litigation that has already taken place at both the district court and circuit court level, no sensitive information has been leaked.

This is a red herring issue. It is one that they are going to fall back on over and over again. But it is no secret about what has been going on. It has been widely reported. The only thing we are talking about is methods and means. Yet, over the decades, our Federal courts, in very sensitive matters, have protected that information. So this is a phony argument and ought not to carry the day.

The eighth argument from those who support immunity: A lack of immunity will harm the telecom companies. This is not unlike Admiral McConnell's argument about finances. There will be reputational damage to the telecom industry. The fact is, there is no evidence that this litigation has reduced or will reduce the defendant companies' bottom lines or customer base. These companies can only be harmed if they have done something wrong. If they have not, they have nothing to worry about. But the suggestion somehow that we should not go forward because your reputation may be damaged is an insulting argument. It is offensive to suggest that we should harm the people's right to privacy because to prevent some reputational damage—they should be embarrassed to make that argument. After all, there is nothing to be damaged if you have done nothing wrong. If you have done something wrong, then, of course, there will be some damage. And why shouldn't there be, if you have done wrong? The courts are the ones to properly determine that.

The ninth argument: The magnitude of liability will bankrupt the telecoms. I have addressed this already, but I will briefly respond to it as well.

As we have seen, huge corporations could only be wiped out by most enormous penalties and also the most unlikely penalties that could be imposed. It would take several leaps to assume that the telecoms would lose and that they will be slapped with huge judgments. But on another level, immunity supporters are staking their claim on a dangerous principle, that a suit can be stopped solely on the basis of how much the defendant stands to lose. If we accept that premise, we could conceive of a corporation so wealthy, so integral to our economy, that its riches place it outside of the law altogether. That is a deeply flawed argument.

We see that none of these arguments for immunity stand. There is absolutely no reason to halt the legal process and to bar the courthouse door.

I think it is important at this moment to share with those who may be following this discussion, how we got to this point. How did we find out about all of this? I said earlier that we would not be here debating this this evening had it not been for a whistleblower, had it not been for reports in the media about what was going on, that a 5-year violation of privacy rights would have now turned into a 7- or 8-year violation, unabated, unstopped—every phone conversation, fax, e-mail being literally swept up, from millions and millions of people.

But we got knowledge of this because of a gentleman by the name of Mark

Klein who was a former AT&T telecommunications technician who came forward to provide evidence of the company's collaboration with the NSA. Mark Klein is a remarkable individual, a person of knowledge and ability when it comes to these matters. Let me read from Mark Klein's testimony because I think it is important. This is all from him. These are not my words. These are words from Mark Klein, a person who worked at AT&T for more than 20 years as an employee and a technician who came forward to provide this information. Let me read his comments, if I may, and put them into this debate.

> For about 5 years, the Bush administration's National Security Agency, with the help of the country's largest telecommunications companies, has been collecting your e-mail, accumulating information on your Web browser, and gathering details about your Internet activity, all without warrants and in violation of the U.S. Constitution and several Federal and State laws. Even after the program was exposed by the New York Times in December of 2005, the President and other government officials consistently defended the NSA's activities, insisting that the NSA only collects communications into or from the United States where one party to the communication is someone they believe to be a member of al Qaeda or an associated terrorist organization. But these claims are not true. I know they are not true, because I have firsthand knowledge of the clandestine collaboration between one giant telecommunications company and the NSA to facilitate the most comprehensive spying program in history. I have seen the NSA's vacuum cleaner surveillance infrastructure with my own eyes. It is a vast government-sponsored, warrantless spying program.
>
> For over 22 years, I worked as a technician for AT&T. While working in San Francisco in 2002, I learned that a management level technician, with AT&T's knowledge, had been cleared by the NSA to work on a special but secret project, the installation and maintenance of Internet equipment in a newly constructed secure room in AT&T's central office in San Francisco. Other than the NSA-cleared technician, no employees were allowed in that room.
>
> In October of 2003, I was transferred to that office and was in particular assigned to oversee AT&T operations. As part of my duties, I was required to connect circuits carrying data to optical splitters which made a copy of the light signal. But the splitters weakened the light signal causing problems I had to troubleshoot. After examining engineering documents given to the technicians which showed the connections to the splitters, I discovered that there they were hard wired to the secret room. In short, an exact copy of all traffic that flowed through critical AT&T cables—e-mails, documents, pictures, Web browsing, voiceover Internet phone conversations—everything was being diverted to equipment inside the secret room. In addition, the documents revealed the technological gear used in their secret project, including a highly sophisticated search component capable of quickly sifting through huge amounts of digital data, including text, voice, and images in real-time, according to preprogrammed criteria. It is important to understand that the Internet links which were connected to the splitter contained not just foreign communications, but vast amounts of domestic trafficking all mixed together.
>
> Furthermore, the splitter has no selective abilities. It is just a dumb device which copies everything to the secret room. And the links going through the splitter are AT&T's physical connections to many other Internet providers; e.g., Sprint, Qwest, Global Crossing Cable and Wireless, and the critical west coast exchange point known as Mae West. Since these networks are interconnected, the government's surveillance affects not only AT&T customers, but everyone else—millions of Americans.

I repeat again, I am reading the testimony of Mark Klein who was the whistleblower who revealed this 5-year-long warrantless surveillance program. Mark Klein goes on:

> I also discovered in my conversations with other technicians that other secret rooms were established in Seattle, San Jose, Los Angeles and San Diego. One of the documents I obtained also mentioned Atlanta, and the clear inference and the logic of this setup and the language of the documents is that there are other such rooms across the country to complete the coverage—possibly 15 to 20 more. So when reports of the government's extensive wiretapping program surfaced in December of 2005, after I had left AT&T, I realized two things. First, that I had been a witness to a massive spying effort that violated the rights of millions of Americans; and second, that the government was not telling the public the truth about the extent of their unconstitutional invasion of privacy.
>
> In the spring of 2006, I became a witness for the Electronic Frontier Foundation's lawsuit against AT&T. The New York Times on April 13 of 2006 reported that four independent technical experts who examined the AT&T documents all said that the documents showed that AT&T had an agreement with the Federal Government to systematically gather information flowing on the Internet.

That is the testimony of Mark Klein.

I think it is important as well to share with my colleagues the testimony of Brian Ried, currently the Director of Engineering and Technical Operations at Internet Systems Consortium, a nonprofit organization devoted to supporting a nonproprietary Internet. This is a person of extensive knowledge. I am going to read his testimony about the technical arrangements. This is clearly above my pay grade to understand all of this with this gray head of hair I have, but to those who are listening or watching any of this, this will explain how this actually worked. So I am going to read this as if I actually know what I am talking about. So let me read exactly the words of Brian Ried, the statement of telecommunications expert Brian Ried, an AT&T whistleblower, about Mark Klein's revelations.

> I am a telecommunications and data networking expert.

That is again Brian Ried speaking here who has been involved in the development of several critical Internet technologies.

> I was a professor of electrical engineering at Stanford University and of computer sciences at Carnegie Melon University West. I have carefully reviewed the AT&T authenticated documents and declaration provided by Mark Klein and the public redacted version of the expert declaration of Jay Scott Marcus, both filed in the Hepting v. AT&T litigation. Combining the information contained in those declarations and documents with my extensive knowledge of the international telecommunications infrastructure and the technology regularly used for lawful surveillance pursuant to warrants and court orders, I believe Mr. Klein's evidence is strongly supportive of widespread, untargeted surveillance of ordinary people, both AT&T customers and others.
>
> The AT&T documents describe a technological setup of the AT&T facility in San Francisco. This setup is particularly well suited to wholesale dragnet surveillance of all communications passing through the facility, whether international or domestic. These documents describe how the fiberoptic cables were cut and splitters installed at the cut point. Fiberoptic splitters work just like ordinary TV splitters. One cable feeds in and two cables feed out. Both cables carry a copy of absolutely everything that is sent, and if the second cable is connected to a monitoring station, that station sees all traffic going over the cable.
>
> Mr. Klein stated that the second cable was routed into a room at the facility which access was restricted to AT&T employees having clearances from the National Security Agency. The documents indicate that similar facilities were being installed in Seattle, San Jose, Los Angeles, and San Diego. The documents also reference a somewhat similar facility in Atlanta. This infrastructure is capable of monitoring all traffic passing through the AT&T facility, some of it not even from AT&T customers, whether voice or data or fax, international, or domestic. The most likely use of this infrastructure is wholesale, untargeted surveillance of ordinary Americans at the behest of the NSA. NSA involvement undermines arguments that the facility is intended for use by AT&T in protecting its own network operations.
>
> This infrastructure is not limited to, nor would it be especially efficient for targeted surveillance or even an untargeted surveillance aimed at communications where one of the ends is located outside of the United States. It is also not reasonably aimed at supporting AT&T operations and security procedures. There are 3 main reasons. The technological infrastructure is far more powerful and expansive than that needed to do targeted surveillance or surveillance aimed at only international or one end foreign communications. For example, it includes a Narus 6400, a computer that can simultaneously analyze huge amounts of information based on rules provided by the machine operator, analyze the content of messages and other information—not just headers or routing information—conduct the analysis in real-time rather than after a delay, correlate information from multiple sources, multiple formats, over many protocols and through different periods of time in that analysis.
>
> The documents describe a secret private backbone network separate from the public network where normal AT&T customer traffic is carried and transmitted. A separate backbone network would not be required for transmission of the smaller amounts of data captured by a targeted surveillance. You don't need that magnitude of transport capacity if you are doing targeted surveillance.
>
> The San Francisco facility is not located near an entry-exit point for international communications that happened to be transmitted through the United States either through under sea cable or via satellite. As a

> result, it would not be a sensible place to locate aimed at simply monitoring traffic to or from foreign countries.

I apologize for reading these technical documents, but I think they shed some light. We are talking about very knowledgeable, expert people describing technically what was done, the magnitude of it, the capacity of it, the effort that was made, obviously, to see to it, as Mr. Klein calls it, a dumb machine that would not discriminate between information that might only be used to protect us from al-Qaida, and wholesale invasion of privacy.

But putting aside all that—had they sought a warrant and a court order, as they should have done, then arguably AT&T and others involved would be protected today and be immunized against lawsuits, if it had been done under the FISA legislation. The fact that the administration decided to totally disregard 30 years of legislation, of working courts that have provided, in over 18,700 examples, approval of such requests, rejecting only 5, shows an arrogance that shouldn't be ignored.

So again, tomorrow when the votes occur on cloture and the votes occur on these amendments, we will may sanctioning this activity—setting the unprecedented precedent of a Congress actually providing immunity from the courts even examining whether warrantless spying is legal and right. Hence, in future years, this will be cited, I am confident, by those who want to undermine the FISA Courts, deprive the courts the opportunity to make sure there is a justification, an argument, a legal basis for granting these warrants. The argument will be made: You don't need the courts, because back in 2008, telecommunications companies, at the mere request of a President, were able to go forward and spend more than 5 years invading the privacy of millions of Americans, and when the Senate had an opportunity to sanction that activity, it decided to do so, rather than allow the court to determine whether that action was legal.

The word of the Senate should be a valued—I can hear the argument years hence. They listened to the debates, they listened to that fellow DODD get up and talk for hours about the issue of immunity and why it shouldn't be granted retroactively and they turned him down. That will be the precedent cited when faced with similar allegations involving future administrations that may decide that financial information, medical information, highly private, personal, family information may be the subject of unwarranted surveillance to allegedly protect our country and keeping us safe. If that is the case, I am confident this debate and these votes will be cited as a justification for allowing that kind of activity to go forward without receiving the legal authority to do so. We will have denied the courts the opportunity to decide whether this activity that was the most serious invasion of privacy ever maybe in our country was legal or illegal. By granting retroactive immunity, we will have made a decision to deprive the courts of that responsibility.

Ultimately, all I am asking for is a fair fight. To reject immunity would mean to grab hold of the closest thread of lawlessness we have at hand and to pull until the whole garment unravels. But ensuring a day in court is not the same as ensuring a verdict. When that day comes, I have absolutely no investment in the verdict, either way. It may be the Federal Government broke the law when they asked the telecoms to spy but that the telecoms' response was an innocent one. It may be the Government was within the law and that the telecoms broke it. Maybe they both broke the law. Maybe neither did.

But just as it would be absurd to declare the telecoms clearly guilty, it is equally absurd, I would argue, to close the case in Congress without a decision. That is what immunity does: It closes the case without a decision. Throughout this debate, the telecoms' advocates have needed to show not just that they are right but that they are so right and that we are so far beyond the pale that we can shut down the argument right here, today. That is a burden they have clearly not met, and they cannot expect to meet it when a huge majority of Senators who will make the decision have not even seen the secret documents that are supposed to prove the case for retroactive immunity.

My trust is in the courts, in the cases argued openly, in the judges who preside over them, and in the juries of American citizens who decide them. They should be our pride, not our embarrassment, and they deserve to do their jobs.

As complex, as diverse, as relentless as the assault on the rule of law has been, our answer to it is a simple one. Far more than any President's lawlessness, the American way of justice remains deeply rooted in our character; that no President can disturb or should be allowed to do so.

So I am full of hope. Even on this dark evening, I have faith that we can unite security and justice because we have already done it for 30 years. My father, Senator Tom Dodd, was the number two American prosecutor at the famous Nuremburg trials, which may have something to do with the passion I feel about this issue—the rule of law.

I have never forgotten the example he and Justice Robert Jackson and others set at Nuremberg more than 60 years ago.

As Justice Robert Jackson said in the opening statement at Nuremberg—in fact, I have written it down, but I memorized this years and years ago. Robert Jackson's opening statement, speaking to the court, talking about the Soviet Union, the British, the French, and America, he made the following argument:

> That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submitting their captive enemies to the judgment of the law is one of the most significant tributes that power ever paid to reason.

That is a great sentence when you think of it. Here we are staying the hands of vengeance and power, paying tribute to reason. At Nuremberg, there were 21 initial defendants. Madam President, 55 million people had died, 6 million Jews were incinerated, and 5 million others had the same fate befall them because of their politics, religion, or sexual orientation. These were some of the greatest crimes in recorded history. Winston Churchill wanted to summarily execute every one of them. The Soviets wanted a show trial for a week and then to kill them all. Robert Jackson, Harry Truman, Henry Stinton, the Secretary of War in Roosevelt's Cabinet—this handful of people said: The United States is different. We are going to do something no one else has ever done before. We are going to give these defendants, as great violators of human rights as they are, a day in court. It was unprecedented.

Here they are, the war still raging in the Pacific, gathering in Nuremberg, Germany, which had 30,000 people buried in the rubble of the city. Prosecutors, judges, and lawyers for these individuals gathered together and gave them a day in court that went on for a year.

And the United States gained the moral high ground. Never before in history had the victors given those guilty of the worse atrocities imaginable a day in court.

I cannot believe this country, at this hour, would walk away from the rule of law when we stood for it so proudly in the 20th century. In fact, that experience at Nuremberg gave birth to a half-century of moral authority. It paved the way for the Marshall Plan and for the international structures that gave the world relative peace for more than a half century. For so many years, both Republican and Democratic administrations stood up for them and defended them. The international criminal courts and others—none of these institutions would have existed were it not for the United States leading.

Today, when we find ourselves at this moment in this body—of all places—walking away from the rule of law, I think it is a dark hour. Again, my hope is that by tomorrow reason will prevail here, and we will arrive at a different decision and reject this idea that retroactive immunity is warranted.

What is the tribute that power owes to reason? That when America goes to war, it doesn't fight for land or for treasure or for dominance but for a transcendent idea—the idea that laws should rule and not men; the idea that the Constitution does not get suspended for vengeance; the idea that this great Nation should never tailor its eternal principles to the conflict of the moment because, if we did, we would be walking in the footsteps of the enemies we despised.

The tribute that power owes to reason: More than ever before, that tribute is due today. If we cannot find the strength to pay it, we will have to answer for it.

There is a famous military recruiting poster that comes to mind. A man is sitting in an easy chair with his son and daughter on his lap, in some future after the war has ended. His daughter asks him: Daddy, what did you do in the war?

His face is shocked and shamed, because he knows he did nothing.

My daughters, Grace and Christina, are 3 and 6 years old. They are growing up in a time of two great conflicts: one between our Nation and enemies, and another between what is best and worst in our American soul. Someday soon I know I am going to hear the question: What did you do?

I want more than anything else to give the right answer to that question. That question is coming from every single one of us in this body. Every single one of us will be judged by a jury from whom there is no hiding: our sons and daughters and grandchildren. Someday soon they will read in their textbooks the story of a great nation, one that threw down tyrants and oppressors for two centuries; one that rid the world of Naziism and Soviet communism; one that proved that great strength can serve great virtue, that right can truly make might. Then they will read how, in the early years of the 21st century, that Nation lost its way.

We don't have the power to strike that chapter. We cannot go back. We cannot undestroy the CIA's interrogation tapes. We cannot unpass the Military Commissions Act. We cannot unspeak Alberto Gonzales' disgraceful testimony. We cannot untorture innocent people. And, perhaps, sadly, shamefully, we cannot stop retroactive immunity. We cannot undo all that has been done for the last 6 years for the cause of lawlessness and fear. We cannot blot out that chapter. But we can begin the next one, even today.

Let the first words read: Finally, in February 2008, the Senate said: Enough is enough.

I implore my colleagues to write it with me. I implore my colleagues to vote against retroactive immunity. I implore them to reject it, and if we fail to do that, to vote against cloture.

I have shared my thoughts and views at some length now. But there are others who have spoken eloquently on this subject. I think their words deserve to be heard because they state far more eloquently than I could the importance of all of this and why this is such a compelling case and deserving of our attention. Let me share a few of these words from the New York Times:

> Even by the dismal standards of what passes for a national debate on intelligence and civil liberties, last week was a really bad week.
>
> The Senate debated a bill that would make needed updates to the Foreign Intelligence Surveillance Act—while needlessly expanding the president's ability to spy on Americans without a warrant and covering up the unlawful spying that President Bush ordered after 9/11.
>
> The Democrat who heads the Senate Intelligence Committee, John Rockefeller of West Virginia, led the way in killing amendments that would have strengthened requirements for warrants and raised the possibility of at least some accountability for past wrongdoing. Republicans declaimed about protecting America from terrorists—as if anyone was arguing the opposite—and had little to say about protecting Americans' rights.
>
> We saw a ray of hope when the head of the Central Intelligence Agency conceded—finally—that waterboarding was probably illegal. But his boss, the director of national intelligence, insisted it was legal when done to real bad guys. And Vice President Dick Cheney—surprise!—made it clear that President Bush would authorize waterboarding whenever he wanted.
>
> The Catch-22 metaphor is seriously overused, but consider this: Attorney General Michael Mukasey told Congress there would be no criminal investigation into waterboarding. He said the Justice Department decided waterboarding was legal (remember the torture memo?) and told the C.I.A. that.
>
> So, according to Mukaseyan logic, the Justice Department cannot investigate those who may have committed torture, because the Justice Department said it was O.K. and Justice cannot be expected to investigate itself.
>
> As it was with torture, so it was with wiretaps.
>
> After the 2001 terrorist attacks, the President decided to ignore the Foreign Intelligence Surveillance Act, or FISA, and authorized wiretaps without a warrant on electronic communications between people in the United States and people abroad. Administration lawyers ginned up a legal justification and then asked communications companies for vast amounts of data.
>
> According to Mr. Rockefeller, the companies were "sent letters, all of which stated that the relevant activities had been authorized by the President" and that the Attorney General—then John Ashcroft—decided the activity was lawful. The legal justification remains secret, but we suspect it was based on the finely developed theory that the government cannot be sued for doing so if they were obeying a warrant—or a certification from the Attorney General that a warrant was not needed—and all federal statutes were being obeyed.
>
> When Mr. Bush started his spying program, FISA allowed warrantless eavesdropping for up to a year if the president certified that it was directed at a foreign power, or the agent of a foreign power, and there was no real chance that communications involving United States citizens or residents would be caught up. As we now know, the surveillance included Americans and there was no "foreign power" involved.
>
> The law then, and now, also requires the attorney general to certify "in writing under oath" that the surveillance is legal under FISA, not some fanciful theory of executive power. He is required to inform Congress 30 days in advance, and then periodically report to the House and Senate intelligence panels.
>
> Congress was certainly not informed, and if Mr. Ashcroft or later Alberto Gonzales certified anything under oath, it's a mystery to whom and when. The eavesdropping went on for four years and would probably still be going on if The Times had not revealed it.
>
> So what were the telecommunications companies told? Since the administration is not going to investigate this either, civil actions are the only alternative.
>
> The telecoms, which are facing about 40 pending lawsuits, believe they are protected by a separate law that says companies that give communications data to the government cannot be sued for doing so if they were obeying a warrant—or a certification from the attorney general that a warrant was not needed—and all federal statutes were being obeyed.
>
> To defend themselves, the companies must be able to show they cooperated and produce that certification. But the White House does not want the public to see the documents, since it seems clear that the legal requirements were not met. It is invoking the state secrets privilege—saying that as a matter of national security, it will not confirm that any company cooperated with the wiretapping or permit the documents to be disclosed in court.
>
> So Mr. Rockefeller and other senators want to give the companies immunity even if the administration never admits they were involved. This is short-circuiting the legal system. If it is approved, we will then have to hope that the next president will be willing to reveal the truth.
>
> Mr. Rockefeller argues that companies might balk at future warrantless spying programs. Imagine that!
>
> This whole nightmare was started by Mr. Bush's decision to spy without warrants—not because they are hard to get, but because he decided he was above the law. Discouraging that would be a service to the nation.
>
> This debate is not about whether the United States is going to spy on Al Qaeda, it is about whether it is going to destroy its democratic principles in doing so. Senators who care about that should vote against immunity.

Madam President, if I can, I will read from the USA Today, which also had a good editorial on this subject matter, dated October 22, 2007. It is entitled, "Our View On Your Phone Records: Immunity Demand For Telecoms Raises Questions."

> As history shows, mass snooping can sweep up innocent citizens.
>
> Anyone who has ever watched TV's Law & Order: SVU knows how easy it is for police to get the bad guys' LUDs—"local usage details," better known as telephone calling records. They only need to get a prosecutor to sign a subpoena.
>
> Eavesdropping on calls or reading e-mails is a bit tougher. A warrant must come from a judge, and stronger evidence is needed. Even so, it is an efficient process that serves law enforcement's needs while guarding against arbitrary intrusions into the privacy of innocent people.
>
> But whether those protections still exist in national security cases is very much in doubt.

> Since Sept. 11, 2001, the Bush administration has repeatedly bypassed the special court set up to preserve balance. Now, with Congress threatening to restore some level of protection, the administration is insisting on legal immunity for telecommunications companies that might have turned over records improperly. Last week, a key Senate committee agreed.
>
> The request alone is enough to raise suspicion, particularly given the nation's history.
>
> In the 1960s and '70s when law enforcement and spy agencies launched mass snooping against U.S. citizens, some of the data ended up being used for nefarious purposes, such as IRS tax probes, that had nothing to do with protecting the nation.
>
> That is the danger when an administration can tap into phone records without court oversight, and it is what's at issue now.
>
> The administration has repeatedly bypassed the special national security court, arguing that the urgency of the war on terrorism justified its actions.
>
> In one particularly troubling intrusion, the National Security Agency (NSA), a Pentagon-run spy agency, built a database—with cooperation from some telecom companies—that includes America's domestic calls. The extent of the program remains hidden, one reason many in Congress are reluctant to grab the company's immunity.
>
> According to the account of one former CEO, the NSA foray has already led to abuse. When Qwest, one of the nation's largest telecom companies, refused to go along with the NSA program—because Qwest lawyers considered it illegal—the NSA allegedly retaliated by denying Qwest other lucrative government contracts. Further, the requests to participate, according to former Qwest chief executive Joseph Nacchio, came six months before the 9/11 attacks. Nacchio's allegations are in court findings unsealed this month that are part of his battle over a conviction of insider trading.
>
> If the Senate measure becomes law, telecom companies will get immunity from nearly 40 lawsuits without the public knowing what the companies or the government did. Never mind that six of the lawsuits were brought by state officials—from New Jersey to Missouri—concerned about possible violation of citizens' privacy.
>
> There might be some valid reason to grant immunity. The Senate committee agreed after seeing details. But even if there is, the companies should be compelled to tell the public the precise nature and reach of the program, and the program should be put firmly under court review.
>
> The Senate measure also would place minimal court supervision over future surveillance ventures. A far more sensible House Democratic measure would give the Foreign Intelligence Surveillance Court a greater role.
>
> That system works well, even in emergencies. In the harrowing minutes after the Pentagon was attacked on 9/11, the court's chief judge, stuck in his car, granted five surveillance warrants from his cell phone.
>
> Speed, obviously, is important. Nevertheless, it can be achieved without discarding protections that long ago proved their worth.

The Dallas Morning News had a good article as well on Friday, October 19, of last year, entitled "Beck and Call: Verizon too eager to surrender phone records":

> Verizon's willingness to turn over customer telephone records when the government asks—even though investigators often make such requests without a court order—is a troubling practice.
>
> The company may be motivated by a desire to help—or to avoid government confrontation. But Verizon's approach, disclosed in a letter to Congress this week, is the wrong way to go about this.
>
> The burden of proof rests with the federal government to prove its need for the records. Except in rare instances, investigators must take their records requests to a judge who then can determine whether to issue a warrant. The Constitution intends just that, in language that fairly balances privacy fears and law enforcement.
>
> Yet the Bush administration insists on continuing to push the post-9/11 civil liberties vs. security debate in the wrong direction. Because telecom companies that have complied with its requests now face huge lawsuits from citizens-rights groups, the administration wants a law to grant immune businesses sued for disclosing information without court authorization.
>
> Congress is right to look at the immunity proposal with a skeptical eye, especially since the administration has been reluctant to explain details of its controversial surveillance program to lawmakers. The law would further erode the privacy firewall and remove another layer of checks and balances.
>
> The phone companies, meanwhile, have refused to tell relevant congressional committees whether they participated in the National Security Agency's domestic eavesdropping program. Their silence is based on concerns that they might illegally divulge classified information if they talk to Congress in too much detail.
>
> Yet Congress and the courts have legitimate oversight roles in issues of privacy and national security. Due process is necessary to promote transparency and accountability in a democracy. These are foundational principles, even in the more dangerous post-9/11 world.

There is a further piece I think is worthy of reading, written in December of 2005 by a former majority leader of this great body, Tom Daschle. It's called "Power We Didn't Grab." Tom Daschle was deeply involved, I should point out, in the negotiations dealing with many of these matters, particularly in the wake of the resolution that was drafted granting the President the authority to go after al-Qaida in Afghanistan. Alberto Gonzales later argued that with the adoption of that resolution, Congress was granting the President authority to conduct the warrantless surveillance that is the subject of our discussion this evening.

That resolution was the subject of some negotiation over several days before it was presented for a final vote in this body. So it is worthy of consideration that Tom Daschle would write a piece in the Washington Post when Alberto Gonzales made the argument that the President's authority to require the phone companies to comply with his request without a court order was, in fact, never the subject of those negotiations.

I will read Tom Daschle's words on December 23, 2005:

> In the face of mounting questions about news stories saying that President Bush approved a program to wiretap American citizens without getting warrants, the White House argues that Congress granted it authority for such surveillance in the 2001 legislation authorizing the use of force against al Qaeda. On Tuesday, Vice President Cheney said the president "was granted authority by the Congress to use all means necessary to take on the terrorists, and that's what we've done."
>
> As Senate majority leader at the time, I helped negotiate that law with the White House counsel's office over two harried days. I can state categorically that the subject of warrantless wiretaps of American citizens never came up. I did not and never would have supported giving authority to the president for such wiretaps. I am also confident that the 98 senators who voted in favor of authorization of force against al Qaeda did not believe that they were also voting for warrantless domestic surveillance.
>
> On the evening of Sept. 12, 2001, the White House proposed that Congress authorize the use of military force to "deter and pre-empt any future acts of terrorism or aggression against the United States." Believing the scope of this language was too broad and ill defined, Congress chose instead, on Sept. 14, to authorize "all necessary and appropriate force against those nations, organizations or persons [the president] determines planned, authorized, committed, or aided" the attacks of Sept. 11. With this language, Congress denied the president the more expansive authority he sought and insisted that his authority be used specifically against Osama bin Laden and al Qaeda.
>
> Just before the Senate acted on this compromise resolution, the White House sought one last change. Literally minutes before the Senate cast its vote, the administration sought to add the words "in the United States and" after "appropriate force" in the agreed-upon text. This last-minute change would have given the president broad authority to exercise expansive powers not just overseas—where we all understand he wanted authority to act—but right here in the United States, potentially against American citizens. I could see no justification for Congress to accede to this extraordinary request for additional authority. I refused.
>
> The shock and rage we all felt in the hours after the attack was still fresh. America was reeling for the first attack on our soil since Pearl Harbor. We suspected thousands had been killed, and many who worked in the World Trade Center and the Pentagon were not yet accounted for. Even so, a strong bipartisan majority could not agree to the administration's request for an unprecedented grant of authority.
>
> The Bush administration now argues those powers were inherently contained in the resolution adopted by Congress—but at the time, the administration clearly felt they weren't or it wouldn't have tried to insert the additional language.
>
> All Americans agreed that keeping our nation safe from terrorists demands aggressive and innovative tactics. This unity was reflected in the near-unanimous support for the original resolution and the Patriot Act in those harrowing days after Sept. 11. But there are right and wrong ways to defeat terrorists, and that is a distinction this administration has never seemed to accept. Instead of employing tactics that preserve Americans' freedoms and inspire the faith and confidence of the American people, the White House seems to have chosen methods that can only breed fear and suspicion.
>
> If the stories in the media over the past week are accurate, the president has exercised authority that I do not believe is

> granted to him in the Constitution, and that I know is not granted to him in the law I helped negotiate with his counsel and that Congress approved in the days after Sept. 11. For that reason, the president should explain the specific legal justification for his authorization of these actions, Congress should fully investigate these actions and the president's justification for them, and the administration should cooperate fully with that investigation.
>
> In the meantime, if the president believes the current legal architecture of our country is sufficient for the fight against terrorism, he should propose changes to our laws in the light of day.
>
> That is how a great democracy operates. And that is how this great democracy will defeat terrorism.

Those were eloquent words from our former majority leader who was, as I said, deeply involved in the negotiations crafting the resolution that was adopted almost unanimously, allowing us to attack al-Qaida, to defeat them in Afghanistan. Regrettably, Osama bin Laden and too many of his operatives are still on the loose. But that language gave the President the authority to act against them. He specifically wanted more authority at home. The majority leader and those who worked with him rejected that argument and that resolution adopted in 2001, 48 hours after the attack, specifically excluded the kind of activity that Alberto Gonzales and Vice President CHENEY claimed was granted in that resolution.

It was worthy to note the language of Senator Daschle during that debate.

I am going to read one more piece, if I may, again going back to October. It is "Immunity for Telecoms May Set Bad Precedent, Legal Scholars Say. Retroactive problems could create problems in the future." This is by Dan Eggen. This was written in October of 2007.

I made the argument earlier that I was concerned about the precedent-setting nature of what we are doing. This evening I have been reaching back 30 years to language used by our predecessors in this Chamber, Republicans and Democrats, who were part of the Church Commission that crafted the FISA legislation and the language they used, which easily could have been written yesterday and describing the debate we are having these days. We are calling upon them to guide us as we make our decisions about how to proceed in this day's work with the different threats we face, but the threats our predecessors faced were not small threats—the Soviet Union, a nuclear holocaust, significant problems of surveillance. They had the courage and the wisdom to step back and to create a structure that allowed us to maintain that balance between security and liberty.

So it is important because I am concerned that at some future date that the votes tomorrow may give a strong precedent to those who have never liked the idea of Federal courts granting warrants to conduct surveillance but prefer this be done at the mere request of an American President.

I made the case that when the Framers fashioned this Republic of ours, had efficiency been their goal, they never would have established a written system that had so many inefficiencies in it. In fact, requiring the checks and balances of an executive, judicial, and legislative branch with all of the requirements that we insist upon make this system terribly inefficient in many ways. But the Founders of this Republic were not only concerned about what we did but how we did things. It is terribly important to be mindful of that in these debates. Clearly, we need to gather information, and we need to be able to do it in an expeditious fashion. But we also need to make sure that how we do that is not going to violate more than 220 years of history, of guaranteeing the rights and liberties of individual citizens.

Thirty years ago, a previous Senate found a way to do that with the establishment of the secret Federal courts. These courts are established by the Chief Justice of the United States, who appoints sitting Federal judges anonymously to serve on these courts. None of us ever get to know who they are. But as I pointed out earlier, even on 9/11, a cell phone one of these secret FISA judges was able to respond instantaneously to the request being made to conduct surveillance necessary in the minutes after 9/11.

So it is important not only what we do about today's problem but the message we send, the precedent we set for future Congresses when confronted in their day, as they will be, with challenges regarding the balance between security and liberty.

So this article, written by Dan Eggen, I think has value, talking about how retroactive protection could create problems in the future.

> When previous Republican administrations were accused of illegality in the FBI and CIA spying abuses of the 1970s or the Iran Contra affair of the 1980s, Democrats in Congress launched investigations or pushed for legislative reforms.
>
> But last week, faced with admissions by several telecommunication companies that they assisted the Bush administration in warrantless spying on Americans, leaders of the Senate Intelligence Committee took a much different tack, opposing legislation that would grant those companies retroactive immunity from prosecution or lawsuits.
>
> The proposal marks the second time in recent years that Congress has moved toward providing legal immunity for past actions that may have been illegal. The Military Commissions Act, passed by the GOP-led Congress in September of 2006, provided retroactive immunity for CIA interrogators who could have been accused of war crimes for mistreating detainees.
>
> Legal experts say the granting of such retroactive immunity by Congress is unusual, particularly in a case involving private companies. Congress, on only a few occasions, has given some form of immunity to law enforcement officers, intelligence officials, or others within the government, or to some of its contractors, experts said. In 2005, Congress also approved a law granting firearms manufacturers immunity from lawsuits by victims of gun violence.
>
> "It's particularly unusual in the case of the telecoms, because you don't really know what you are immunizing," said Louis Fisher, a specialist in constitutional law with the Law Library of the Library of Congress. "You don't know what you are cleaning up."
>
> As part of a surveillance package approved Thursday by the Senate Intelligence Committee, some telecommunications companies would be granted immunity from about 40 pending lawsuits that allege they violated Americans' privacy and constitutional rights by aiding a warrantless wireless surveillance program instituted after the September 11, 2001, attacks.

I might point out here—and I will digress for a second—that we heard earlier testimony that this program may have actually started prior to the attacks of 9/11. There has been testimony submitted in courts by one of the telecoms, Qwest's CEO, that in fact a request was made of them to actually provide warrantless surveillance in January of 2001, when the administration took office, long before the attacks of 9/11. So it seems to me that alone ought to be the subject of some inquiry.

We have all accepted the notion that immediately after 9/11, whether we liked it or not, it was understandable how in the emotions of the moment, that companies, at the request of an administration, even here an administration requesting warrantless surveillance, might have acted. Not that we would agree or like it but most would understand it.

My objection, as I said earlier, is not that it went on but that it went on for the next 5 years and would still be ongoing were it not for the whistleblower and the reports in the media. But what is troubling to me is we are assuming this all began after 9/11. There may now be some evidence it began before 9/11, which would debunk a lot of arguments given on why we should grant retroactive immunity. I merely point this out because we read earlier in testimony here that suggested this might have been done earlier.

At any rate, I will continue from Mr. Eggen's article talking about the provision we are talking about here.

> The provision is a key concession to the administration and the companies, which lobbied heavily for it.

Referring to the retroactive immunity.

> Supporters argue the legislation is needed to avoid unfair punishment of private firms that took part in good-faith efforts to assist the government.
>
> In arguing in favor of such protections earlier this month, President Bush said any legislation "must grant liability protection to companies who are facing multibillion dollar lawsuits only because they are believed to

have assisted in the efforts to defend our Nation following the 9/11 attacks."

The head of the intelligence panel, Sen. John D. Rockefeller, made a similar argument after the bill was approved last week. "The onus is on the administration, not the companies, to ensure that the request is on strong legal footing," he said.

Jeffrey H. Smith, a CIA general counsel during the Clinton administration who now represents private companies in the national security area, said the risk of litigation poses an unfair threat to government officials or others who have good reason to believe they are acting legally. He noted that many intelligence officers now feel obliged to carry liability insurance.

"It seems to me that it's manifestly unfair for the officers that conducted that program and the telecoms to now face prosecution or civil liability for carrying out what was on its face a totally lawful request on the part of the government," Smith said. "It's not the same as Abu Ghraib or a CIA officer who beats someone during an interrogation."

But civil liberties groups and many academics argue that Congress is allowing the government to cover up possible wrongdoing and is inappropriately interfering in disputes the courts should decide. The American Civil Liberties Union last campaigned against the proposed Senate legislation, saying in a news release Friday that "the administration is trying to cover its tracks."

Sen. Russell Feingold said in a statement last week that classified documents provided by the White House "further demonstrate that the program was illegal and that there is no basis for granting retroactive immunity to those who allegedly cooperated." His office declined to elaborate on the records, which were reviewed by a Feingold staffer.

Retired Rear Adm. John Hutson, dean and president of the Franklin Pierce Law Center in Concord, N.H., said he is concerned about the precedent a new immunity provision might set.

The article quotes him.

"The unfortunate reality is that once you've done it, once you immunize interrogators or phone companies, then it's easy to do it again in another context. It seems to me that as a general rule retroactive immunity is not a good thing . . . It's essentially letting Congress handle something that should be handled by the Judiciary."

These are, I think, very good articles that shed light on some of the important issues we need to be looking at.

Let me, if I can, go back and talk about the Church Commission. I think it is important because we are relying so heavily on the work they have done and the establishment in the immediate aftermath of the Church Commission of the FISA Courts. I have quoted from some of them earlier this evening, but I think it is worthwhile to go back and listen to their words. Again, I want you to know these words were written 30 years ago, but I think people can appreciate how timely the language is when you consider the debate we are having. It is hard not to wonder how these words weren't prepared less than 24 hours ago, in preparation for this debate. I think their warnings and admonitions have a timeliness to them that are worthy of including in this discussion at this moment. So let me quote from the Church report:

Americans have rightfully been concerned since before World War II about the dangers of hostile foreign agents likely to commit acts of espionage. Similarly, the violent acts of political terrorists can seriously endanger the rights of Americans. Carefully focused intelligence investigations can help prevent such acts.

But too often intelligence has lost its focus and domestic intelligence activities have invaded individual privacy and violated the rights of lawful assembly and political expression. Unless new and tighter controls are established by legislation, domestic intelligence activities threaten to undermine our democratic society and fundamentally alter its nature.

A tension between order and liberty is inevitable in any society. A government must protect its citizens from those bent on engaging in violence and criminal behavior or in espionage or other hostile foreign intelligence activity. Intelligence work has, at times, successfully prevented dangerous and abhorrent acts, such as bombings and foreign spying, and aided in the prosecution of those responsible for such acts.

But intelligence activity in the past decades has, all too often, exceeded the restraints on the exercise of governmental power which are imposed by our country's constitution, laws, and traditions.

We have seen segments of our government, in their attitudes and action, adopt tactics unworthy of a democracy, and occasionally reminiscent of the tactics of totalitarian regimes. We have seen a consistent pattern in which programs initiated with limited goals, such as preventing criminal violence or identifying foreign spies, were expanded to what witnesses characterized as "vacuum cleaners," sweeping in information about lawful activities of American citizens.

That these abuses have adversely affected the constitutional rights of particular Americans is beyond question. But we believe the harm extends far beyond the citizens directly affected.

Personal privacy is protected because it is essential to liberty and the pursuit of happiness. Our constitution checks the power of government for the purpose of protecting the rights of individuals, in order that all our citizens my live in a free and decent society. Unlike totalitarian states, we do not believe that any government has a monopoly on truth.

When government infringes on these rights instead of nurturing and protecting them, the injury spreads far beyond the particular citizens targeted to untold number of other American citizens who may be intimidated.

Abuse thrives on secrecy. Obviously, public disclosure over matters such as the names of intelligence agents or the technological details of collection methods is inappropriate. But in the field of intelligence, secrecy has been extended to inhibit review of the basic programs and practices themselves.

Those within the executive branch and the Congress who would exercise their responsibilities wisely must be fully informed. The American people as well should know enough about intelligence activities to be able to apply its good sense to the underlying issues of policy and morality.

Knowledge is the key to control. Secrecy should no longer be allowed to shield the existence of constitutional, legal and moral problems from the security of all three branches of government or from the American people themselves.

Those are incredible words that could. None of us could say it more eloquently than our colleagues did 30 years ago.

I can't tell you all the names of the Republicans and Democratic Senators who wrote this language, but they came from all parts of the country. They were, many of them, veterans of World War II, had served in Korea. DAN INOUYE was here. I know that. Senator BYRD, whom I sit next to, was here. Senator TED KENNEDY was here. Senator TED STEVENS was here for those debates. Those are the Members I can think of off the top of my head who were probably Members back in 1978 when this was written. JOE BIDEN was here as part of that debate. PATRICK LEAHY was here in 1978. I think CARL LEVIN and JOHN WARNER had just arrived. I think they had been elected that year. I am not sure.

But these are wonderful Members who sat and realized we needed to set up that balance between security and liberty and gave us the FISA Courts, the Foreign Intelligence Surveillance Act. Tonight, as we consider whether to grant immunity to the telecom companies and close the door on determining the legality or illegality of their actions, I think these words have tremendous relevance. Every Member ought to take them and read them and think about them.

I hear the words of the President, and I am disappointed he said he would veto the bill if we strip immunity. I have listened to Senator MCCONNELL, my good friend from Kentucky, saying we have to adopt this because the President will veto the bill otherwise. That is not the basis upon which the Congress ought to act. I have rarely heard that argument made here. You can raise it, certainly, as a point, but the suggestion that Congress or this body ought to act differently because the President is going to veto something or threatens a veto is not the basis upon which we ought to make decisions, particularly when it comes to matters involving the rule of law and the Constitution of the United States.

Those issues of the Constitution and the rule of law ought to trump the reputational damage. The issues of the Constitution and the rule of law ought to trump the arguments somehow that the telecom companies will be less willing to step forward and help conduct the surveillance of our country when we are threatened by outsiders.

I cannot undo some of the things that have been done already. I wish I could undo the Military Commissions Act. I wish I could the outrages that occurred at Abu Ghraib. I wish I could undo what has happened at Guantanamo Bay. I wish I could undo secret prisons and extraordinary renditions. But there is a pattern here. It is not just the one event or two, it has been a pattern of behavior almost from the very beginning that ought to be deeply troubling to every single one of us.

So while I cannot undo those actions, why would I then add to that list by granting this retroactive immunity? What more do we need to know? Why are we being asked to do this? Why did this administration ask this committee to grant broad-based immunity to every single individual in our Government and our agencies, as well as to the telecom companies? What was behind that request? What did they fear when they sought that kind of unprecedented immunity, for both the private companies and every official involved in the decision to grant or insist upon this compliance? Why were they asking us to do that?

So I know, while others have written about this here, I find it deeply troubling that we can once more add this to the destruction of tapes and the CIA, the U.S. attorneys scandal involving the Department of Justice and U.S. attorney's offices. All of these matters, again, are in and of themselves individual cases, and yet, when you step back and think about the totality of them, why would this Congress, at this hour, decide we are going to yet once again say: OK, we'll let you get away with it one more time.

I wish I could go back and undo all of those abuses. I cannot. But we have the opportunity not to do this. All it will take is 39 other Senators.

All it will take is 40 of us here decide that at this moment in our history that we are going to stand up for the rule of law, we are going to stand up for the Constitution. No other issue we can get to is as important as the Constitution of the United States, no other issue is as important to me, ought to be to all Members, as the rule of law. And as I have done on five separate occasions since January 3, 1981, when as a 36-year-old I stood over here on the floor of the Senate, with Lowell Weicker standing beside me—I raised my right hand and took an oath to defend and uphold the Constitution of the United States. I am proud to have done it five different times, as every Member here has done at least once. What matter, what issue, would be more important than defending the Constitution of the United States?

So tomorrow we may have the chance—40 of us—to not invoke cloture and to insist that we are going to fight for this principle of the rule of law and not add to this litany that is going to be revisited over and over again: The Military Commissions Act, waterboarding, Abu Ghraib, Guantanamo Bay, secret prisons, extraordinary renditions, U.S. attorneys scandal, Scooter Libby, destruction of CIA tapes. How many more do you need? Why not add this: retroactive immunity to the telecom industry, at the request of a President who did not want the courts to determine the legality or illegality of the actions?

During a critical moment in American history, I for one am not going to allow that to happen.

I realize I have been talking a long time here. May I inquire how long I have been speaking?

The PRESIDING OFFICER (Ms. KLOBUCHAR.) Two hours 25 minutes.

Mr. DODD. As I say, I have already spent over 20 hours on this. And as I say, I have never engaged in extended debate in my 27 years because the matters were handled by others or because we came up with a resolution of issues. But I stand here tonight, as I have over the last several months—as many of my colleagues know, I interrupted a Presidential campaign to come back and spend 10 hours on the floor here when this matter came up in December, to raise my concerns about this issue. I do not want to try the patience of the staff and others, including my colleague who is patiently sitting in the Presiding Officer's chair with little or no relief. So more than 20 hours of making my case here is probably more than most people can tolerate. But I want people to know how much I care about this and how much I wish and hope and pray that this evening, Members, regardless of party, will stand up tomorrow for the rule of law.

So tonight, my fervent prayer and hope is that when this vote occurs, first of all, that I will be surprised and that 50 of our colleagues here will join with Senator FEINGOLD and myself and vote to strike this language from the Intelligence Committee bill. That would be the best result of all, and then we can send this bill to the other body and have it resolved and sent to the President, hopefully, for his signature. If that doesn't occur, then I hope 38 others would join Senator FEINGOLD and me in voting against cloture in a historic moment and send this bill back to be revised to comply with the Judiciary Committee's decision excluding the retroactive immunity. That would be the second best result.

With that, Madam President, after almost 2½ hours and the hours before, I yield the floor.

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## ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands in adjournment until 10 a.m. tomorrow, February 12, pursuant to S. Res. 446, and does so as a mark of further respect to the memory of Tom Lantos, late a Representative from the State of California.

Thereupon, the Senate, at 10:09 p.m., adjourned until Tuesday, February 12, 2008, at 10 a.m.

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## NOMINATIONS

Executive nominations received by the Senate:

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE ASSISTANT COMMANDANT OF THE MARINE CORPS AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5044:

*To be general*

LT. GEN. JAMES F. AMOS, 1550

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. KEITH J. STALDER, 5748

# EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 12, 2008 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

### FEBRUARY 13

9:30 a.m.

Armed Services

To hold hearings to examine improvements implemented and planned by the Department of Defense and the Department of Veterans Affairs for the care, management, and transition of wounded and ill service members.

SH–216

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for veterans programs.

SR–418

9:45 a.m.

Energy and Natural Resources

To hold hearings to examine the President's budget request for fiscal year 2009 for the Department of the Interior.

SD–366

10 a.m.

Banking, Housing, and Urban Affairs

Business meeting to consider an original bill entitled "Industrial Bank Holding Company Act of 2008".

SD–538

Foreign Relations

To hold hearings to examine the President's budget request for fiscal year 2009 for foreign affairs.

SD–419

Homeland Security and Governmental Affairs

To hold hearings to examine the role of the Department of Defense in homeland security, focusing on how the military can and will contribute.

SD–342

Judiciary

To hold hearings to examine the state secrets privilege, focusing on protecting national security while preserving accountability.

SD–226

Rules and Administration

To hold hearings to examine ways to protect voters at home and at the polls, focusing on limiting abusive robocalls and vote caging practices.

SR–301

10:30 a.m.

Aging

To hold hearings to examine the housing foreclosure aftermath, focusing on concerns for elderly homeowners.

SD–628

11 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Finland's leadership of the Organization for Security and Co-operation in Europe (OSEC), focusing on plans, priorities, and challenges that face the region.

B318, Rayburn Building

2 p.m.

Joint Economic Committee

To hold hearings to examine the efficacy of sovereign wealth funds, focusing on the U.S. economy and national security risks.

SD–106

2:30 p.m.

Intelligence

Closed business meeting to consider pending calendar business.

SH–219

3 p.m.

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine the Family and Medical Leave Act (FMLA)(P.L. 103–3), focusing on a fifteen year history of support for workers.

SD–430

### FEBRUARY 14

9:30 a.m.

Armed Services

To hold hearings to examine the strategy in Afghanistan, focusing on reports by the Afghanistan Study Group and the Atlantic Council of the United States.

SD–106

Commerce, Science, and Transportation

To hold hearings to examine the nomination of John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce.

SR–253

Energy and Natural Resources

To hold hearings to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Agriculture Forest Service.

SD–366

Indian Affairs

To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2009 for tribal programs.

SD–628

9:45 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine ways to build and strengthen the Federal acquisition workforce.

SD–342

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the current state of the United States economy and financial matters.

SR–325

Budget

To hold hearings to examine health care and the budget, focusing on information technology and health care reform.

SD–608

Commerce, Science, and Transportation

To hold hearings to examine the February 2009 transition to digital television, focusing on consumers, broadcasters, and converter boxes.

SR–253

Environment and Public Works

To hold hearings to examine S. 1499, to amend the Clean Air Act to reduce air pollution from marine vessels.

SD–406

Finance

To hold hearings to examine international aspects of a carbon cap and trade program.

SD–215

Health, Education, Labor, and Pensions

Business meeting to consider S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions, S. 999, to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation, S. 1760, to amend the Public Health Service Act with respect to the Healthy Start Initiative, H.R. 20, to provide for research on, and services for individuals with, postpartum depression and psychosis, and S. 1042, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly, and any pending nominations.

SD–430

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Appropriations
Interior, Environment, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Environmental Protection Agency.
SD–124

Judiciary
Business meeting to consider S. 2304, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, S. 2449, to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, S. 352, to provide for media coverage of Federal court proceedings, S. 2136, to address the treatment of primary mortgages in bankruptcy, S. 2133, to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, and the nominations of Kevin J. O'Connor, of Connecticut, to be Associate Attorney General, and Gregory G. Katsas, of Massachusetts, to be an Assistant Attorney General, both of the Department of Justice.
SD–226

10:15 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

1:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Homeland Security.
SD–342

2:30 p.m.
Armed Services
To continue hearings to examine the strategy in Afghanistan, focusing on reports by the Afghanistan Study Group and the Atlantic Council of the United States.
SD–106

Intelligence
To hold hearings to examine the Director of National Intelligence authorities.
SH–216

FEBRUARY 21

10 a.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

FEBRUARY 26

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for the Department of the Army, and the future years defense program.
SH–216

FEBRUARY 27

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the National Space and Aeronautics Administration (NASA).
SR–253

FEBRUARY 28

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Navy, and the future years defense program; with the possibility of a closed session in SR–222 immediately following the open session.
SH–216

Energy and Natural Resources
To hold hearings to examine the impact of increased minimum wages on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands.
SD–366

MARCH 5

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Air Force, and the future years defense program.
SH–216

MARCH 6

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for the U.S. Southern and Northern Command, and the future years defense program.
SH–216

MARCH 11

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for U.S. Pacific Command and U.S. Forces in Korea, and the future years defense program.
SH–216

MARCH 12

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine technologies to combat weapons of mass destruction.
SD–106

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs.
SR–232A

## POSTPONEMENTS

FEBRUARY 13

10 a.m.
Small Business and Entrepreneurship
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Small Business Administration.
SR–428A

# SENATE—*Tuesday, February 12, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of the universe, Creator of the human family, enlarge our minds and open the doors to our hearts that we may think Your thoughts and pattern our affections after Yours.

Guide the Members of this legislative body. Make them good managers of the different talents you have given them. May they use these gifts for the good of others. Lord, increase their respect for one another that they will seek first to understand rather than to be understood. Open their eyes to new horizons of truth that they have not known before. When they have to stand alone, when loyalty makes them unpopular, give them the courage to faithfully do Your will.

We pray in the Name of Him who is the truth. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 12, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following the remarks that I will make and perhaps the Republican leader will make, we are going to resume consideration of the Foreign Intelligence Surveillance Act and will immediately proceed to a series of rollcall votes in relation to the remaining amendments and cloture on the bill. The managers are working on a couple of amendments to see if they can be accepted by voice vote. But there could be as many as nine rollcall votes. If we have not completed voting on these items prior to the caucus time, we will resume votes after the recess.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. MCCONNELL. Mr. President, today the Senate will finish the bipartisan Rockefeller-Bond bill. This bill is the product of months of painstaking negotiations between Senate Republicans and Democrats and benefitted from the participation of intelligence experts in the executive branch.

The overwhelming bipartisan vote in the Intelligence Committee reflected the care, concern, and good faith that went into crafting the bill. The final vote was not 15 to 0, but it was 13 to 2, which around here is pretty close.

The Rockefeller-Bond bill contained the two main ingredients that are needed to sign this bill into law. It will allow intelligence professionals to do their jobs, and it will not allow trial lawyers to sue the telecommunications companies that may have participated and, according to the intelligence, acted in good faith to help protect our country.

A bill that does not satisfy these two requirements will not become law, nor should it. And, in fact, Mr. President, I know the Senator from Missouri, our ranking member, is going to make the point that all of these amendments need to be defeated if, in fact, we are going to get a signature on this bill. It will be the only way in the end to protect our country.

Last week was a great example of what we can accomplish when we work with each other instead of against each other. We were able to pass an economic growth package on an overwhelming bipartisan basis which the President will sign tomorrow.

We have another chance this week to put up a bipartisan win by passing the Rockefeller-Bond bill, a bill that is critical to protecting the homeland from attack and protecting our forces fighting overseas.

I am confident that with the help of friends on the other side of the aisle, we can work through the pending amendments, send it over to the House, and then send it on to the President for his signature this week.

## THE ABRAHAM LINCOLN BICENTENNIAL CELEBRATION

Mr. MCCONNELL. Mr. President, today on February 12, America celebrates the birthday of the greatest leader our country has ever produced. And my home State of Kentucky has a front-row seat in the celebration.

Abraham Lincoln was born February 12, 1809, in a log cabin 3 miles south of Hodgenville, KY. The one-room cabin measured 16 by 18 feet, had a dirt floor, and no glass in the windows.

The future President was born with no advantages in life except for a strong curiosity and a sterling character. By the end of his life, this man of humble background had united our country by demonstrating leadership during America's time of greatest crisis, and he showed our country the true value of the Declaration of Independence by asserting that there must be no exceptions to the ideal that all men are created equal.

Two centuries later, America looks back with gratitude at our 16th President by celebrating the Lincoln Bicentennial. The Commonwealth of Kentucky can take special pride in the fact that Lincoln was one of our own, and the Lincoln Bicentennial's opening ceremonies will take place in Hodgenville. So begins a 2-year event celebrating the great emancipator's life and legacy. All across the country, from the State capital in Springfield, IL, where Lincoln served as a legislator, to here in Washington, DC, where Lincoln served as a wartime Commander in Chief, Americans will celebrate this important figure in our national story.

This time will be exciting for teachers, students, and any adult who loves American history. I know Kentucky's friendly neighbors to the north in Illinois often claim Lincoln as their own. Their license plates even say so. But Lincoln was born and spent his formative years in Kentucky, which surely must have shaped the man he became.

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and he would never have denied his Kentuckian heritage.

In fact, in 1861, as he traveled east to Washington to begin his term as President, Lincoln wrote a speech that he intended to deliver in Kentucky but never got a chance to do. In it, he crafted these words: "Gentlemen, I too, am a Kentuckian."

So it is appropriate that the Lincoln Bicentennial celebration begins in the same State that the man himself did. I hope every Kentuckian and every American will take advantage of this opportunity to explore this exciting chapter in American history.

I yield the floor.

## FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. REID. Mr. President, the order before the Senate allows me and the Republican leader 10 minutes any time during this debate to make a presentation. I will do that later. I do want to say, based on the remarks of the distinguished Republican leader, I, too, appreciate the work of Senator ROCKEFELLER and Senator BOND, but I also appreciate the work done by the Judiciary Committee and Senator LEAHY. As a result of that work, the bill has already been made better and, hopefully, we can adopt some of these amendments today.

We, for example, have as a result of the work done by the Judiciary Committee a compromise reached on a number of amendments that have made this bill better, including a Feingold amendment providing Congress with FISA Court documents that will facilitate congressional oversight and enable Congress to better understand the court's interpretation of the laws we passed; a Whitehouse amendment giving the FISA Court the discretion to stay lower FISA Court decisions pending appeal rather than requiring a stay; a Kennedy amendment providing that under the new authority provided by this bill the Government may not intentionally acquire communications when it knows ahead of time that the sender and all intended recipients are in the United States.

The bill has been made better. The bill that Senator ROCKEFELLER and Senator BOND did is not a bill that is perfect in nature, and I hope they will acknowledge that point. The bill has been made better as a result of work done by the Judiciary Committee. We have members of the Intelligence Committee who also serve on the Judiciary Committee. Two who come to my mind are Senator FEINSTEIN and Senator WHITEHOUSE. They have worked very hard in the Intelligence Committee and the Judiciary Committee to improve this legislation.

We should understand where we are. We are now doing different wiretaps, and I think the situation today that is so concerning to most of us is the President has been advised by his lawyers that he does not have to follow the law anyway. Whatever we do here, he has been told by his lawyers that he need not follow the law. He can do whatever he wants; he is the boss; he is someone who does not have to follow the law, does not even have to give a signing statement saying he rejects it. He can just go ahead and do it.

I do not think this should be a day of celebration. This should be a day of concern for the American people. I am very happy we have been able to improve the product that came out of the Intelligence Committee. Hopefully, by the voting today we can improve it more.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## FISA AMENDMENTS ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2248, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that act, and for other purposes.

Pending:

Rockefeller/Bond amendment No. 3911, in the nature of a substitute.

Whitehouse amendment No. 3920 (to amendment No. 3911), to provide procedures for compliance reviews.

Feingold amendment No. 3979 (to amendment No. 3911), to provide safeguards for communications involving persons inside the United States.

Feingold/Dodd amendment No. 3912 (to amendment No. 3911), to modify the requirements for certifications made prior to the initiation of certain acquisitions.

Dodd amendment No. 3907 (to amendment No. 3911), to strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government.

Bond/Rockefeller modified amendment No. 3938 (to amendment No. 3911), to include prohibitions on the international proliferation of weapons of mass destruction in the Foreign Intelligence Surveillance Act of 1978.

Feinstein amendment No. 3910 (to amendment No. 3911), to provide a statement of the exclusive means by which electronic surveillance and interception of certain communications may be conducted.

Feinstein amendment No. 3919 (to amendment No. 3911), to provide for the review of certifications by the Foreign Intelligence Surveillance Court.

Specter/Whitehouse amendment No. 3927 (to amendment No. 3911), to provide for the substitution of the United States in certain civil actions.

Mr. ROCKEFELLER. I say to the Presiding Officer, it is my understanding that the first amendment is minimization compliance review by Senator WHITEHOUSE.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, first of all, we thank all our colleagues for coming to this point where we can have votes and finally get this bill out, which we started in December. It is a very important bill. We have worked together on a bipartisan basis and resolved almost all issues.

The amendment offered by our colleague from Rhode Island has been modified in a way that I believe improves it, makes it effective, makes it work for the intelligence community, and achieves the very important goals that the Senator from Rhode Island has sought to achieve.

I ask that I be added as a cosponsor to this modified amendment. I believe, Mr. President, we can accept it by voice vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I simply would also like to be added as a cosponsor, and I congratulate Senator WHITEHOUSE, Senator BOND, and others for doing an outstanding piece of work in resolving the differences on this extremely important enforcement mechanism.

### AMENDMENT NO. 3920, AS MODIFIED

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have at the desk a modification to amendment No. 3920.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

On page 69, after line 23, add the following:

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

"(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

"(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).".

Mr. WHITEHOUSE. Mr. President, much of the FISA battle in which we have been engaged over the weeks that it has taken to resolve this issue has been over trying to do two things: one, to fit this program within the separation of powers principles of the American system of government and, two, to make the rights of Americans consistent with what they enjoy stateside in law enforcement investigations.

This amendment is a valuable step in both of those directions, and it solves the minimization issue that had been in dispute.

I appreciate very much the roles of Chairman ROCKEFELLER, Vice Chairman BOND, FBI Director Mueller, and DNI counsel Powell in getting us to a voice vote on this bipartisan amendment.

Mr. President, I ask unanimous consent that amendment No. 3920, as modified, be adopted by voice vote.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. If there is no further debate, the question is on agreeing to amendment No. 3920, as modified.

The amendment (No. 3920), as modified, was agreed to.

Mr. ROCKEFELLER. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3910

The ACTING PRESIDENT pro tempore. The question is now on amendment No. 3910 offered by the Senator from California.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is my understanding that there is 2 minutes evenly divided; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mrs. FEINSTEIN. Mr. President, the purpose of this amendment is to strengthen the legal requirement that FISA is the exclusive authority for the electronic surveillance of Americans. When FISA was written in 1978, it followed 30 years of warrantless surveillance of communications and telegrams of hundreds of thousands of Americans sending messages outside the country. This would stress that FISA is the legal way for the collection of electronic surveillance against Americans.

In 2001, the administration decided they would not take the Terrorist Surveillance Program to the FISA Court, that they would perform this program outside of FISA, and it took until January of 2007 to bring this within the confines of FISA where it is to this day.

I think we need to make a strong statement in this bill that FISA is the exclusive authority for the electronic surveillance of all Americans, and this amendment aims to do that. It provides penalties for moving outside of the law, and I believe it would strengthen the opportunity to prevent the Chief Executive, either now or in the future, from moving outside of this law.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, the bill before us, S. 2248, already has an exclusive means provision that simply restates the congressional intent back in 1978 when FISA was enacted to place the President at his lowest ebb of authority under the Constitution, which gives him power over foreign intelligence. Unfortunately, this amendment is a significant change of the bipartisan provision in the Intelligence Committee bill, and therefore I would urge my colleagues to oppose it.

During the next attack on our country or in the face of an imminent threat, Congress may not be in a position to legislate an authorization. Yet the bottom line is, we just don't know what tomorrow will bring. This provision would raise unnecessary legal concerns that might impede the effective action of our intelligence community to protect this country.

Further, because this amendment does not address warrantless surveillance in times of war and national emergency following an attack on our country, it does not provide enough flexibility for intelligence collectors. I am concerned this will cause operational problems.

Mr. President, I urge the defeat of this amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I strongly support this amendment. I think it has very good delineation between how decisions are made. The FISA Court needs to be a part of this. I urge my colleagues to support the amendment.

I thank the senior Senator from California for offering this amendment, and for all of her work on ensuring that we have an appropriately drafted exclusivity provision. Senator FEINSTEIN's amendment is critical to both our work on this bill and to our oversight of the intelligence community.

To understand the importance of the Feinstein amendment, we must look at both existing statutes and recent events.

There is already an exclusivity provision in the United States Code. It was enacted as part of the original Foreign Intelligence Surveillance Act in 1978 and placed, where it exists now, in title 18, the criminal law title of the United States Code.

That provision makes the Foreign Intelligence Surveillance Act and certain criminal wiretapping provisions the "exclusive means by which electronic surveillance . . . and the interception of domestic wire, oral and electronic communications may be conducted." Although the intent of Congress is clear from this language, recent history raises concerns about the adequacy of this provision.

In December of 2005, the American people and most of Congress learned for the first time that, shortly after the terrorist attacks of September 11, 2007, the President had authorized the National Security Agency to conduct certain surveillance activities within the United States.

In publicly justifying the legality of this program, the White House asserted that Congress had authorized the President's program by enacting an authorization for use of military force after September 11.

The authorization passed on September 14, 2001, did not mention electronic surveillance. Nor did it mention any domestic intelligence activities. Given the nature of both the authorization and the time in which it was passed, it is very unlikely that it occurred to anyone in Congress that the President might use this authorization to justify his position that the existing statute making FISA the exclusive means for conducting electronic surveillance no longer applied.

I have expressed my dismay in the past about the legal arguments that the President used to justify the surveillance program. We are still working through the many problems caused by the President's decision to go forward without input from Congress or the courts.

But no matter what the President should have done at the time, Congress now has an obligation to act to prevent this misuse of legislation. Having finally made the right decision in early 2007 to bring his entire program under the FISA Court, the President is no longer using the 2001 Authorization for the Use of military force as a justification to disregard FISA. But we must ensure that neither this President nor a future one resurrects the discredited argument that the 2001 authorization for the use of military force is a blank check for such lawlessness.

Section 102 of the Intelligence Committee bill prevents that abuse. Section 102 enacts an exclusivity provision as a new section 112 of FISA, and lists all statutes now in effect that constitute authority for electronic surveillance. This list is a clear statement of congressional intent: Congress did not intend any other presently-existing statutes to constitute an exception to FISA.

Conspicuously absent from the exclusive list is the 2001 authorization for the use of military force. The omission of the 2001 authorization from the complete list that will now be enacted in 2008 is a conclusive statement that the 2001 authorization may never again be used to circumvent FISA.

Senator FEINSTEIN's amendment takes exclusivity one important step further. It is designed to ensure that no future President interprets a statute that does not explicitly mention electronic surveillance as an exception to the FISA exclusivity requirement. This would be an absolutely incorrect interpretation of existing law. Senator

FEINSTEIN's amendment ensures that no President will again make this mistake.

Senator FEINSTEIN's amendment addresses the possible impact of future statutes by adding language to the exclusivity section that states that only an express statutory authorization for electronic surveillance will constitute an additional exclusive means for electronic surveillance.

By requiring "express statutory authorization," Congress anticipates that a statute will only constitute an exception to FISA if it explicitly discusses electronic surveillance. Only those statutes listed in the FISA exclusivity section of the Intelligence Committee bill currently meet that standard.

The amendment therefore ensures that general statutes enacted in the future do not become the basis for exceptions to the FISA exclusivity provision. It also applies criminal and civil penalties for any electronic surveillance done outside of the list of authorized statutes.

The Feinstein amendment being offered today also resolves the operational concerns raised by the Director of National Intelligence about the exclusivity provision in the Judiciary Committee's amendment to the bill. Senator FEINSTEIN's amendment does not include the undefined term "communications information" and therefore does not bar the acquisition of information that is currently authorized under other statutes.

Existing statutes as well as the current bill provide the intelligence community with mechanisms to obtain the intelligence the country needs in a legal manner, with the oversight of the courts. There is no need for this President, or any future President, to set aside the lawful, well-overseen procedures of FISA in favor of a secret intelligence program.

Both the Intelligence and Judiciary Committees have done a significant amount of work, on a bipartisan basis, to draft a bill that allows the collection of needed intelligence while still protecting the civil liberties of U.S. persons. Senator FEINSTEIN's amendment helps to make sure that this work will not simply be ignored by this President or any future President.

Mr. BOND. Mr. President, I would note that the Intelligence Committee debated this and accepted a return to the original FISA exclusive means provision, which I think we should maintain, and I urge opposition.

S. 2248 already has an exclusive means provision that is identical to the first part of this amendment. That provision simply restates Congress's intent back in 1978 when FISA was enacted to place the President at his lowest ebb of authority in conducting warrantless foreign intelligence surveillance.

The current exclusive mean provision in S. 2248 was acceptable to all sides because it maintains the status quo with respect to the dispute over the President's constitutional authority to authorize warrantless surveillance.

Unfortunately, this amendment is a significant expansion of the bipartisan provision in the Intelligence Committee's bill.

It goes further by stating that only an express statutory authorization for electronic surveillance, other than FISA or the criminal wiretap statutes, shall constitute additional exclusive means.

This attempts to prohibit the President's exercise of his judicially recognized article II authority to issue warrantless electronic surveillance directives.

It also would require that future authorizations for the use of military force, AUMFs, expressly state that they authorize the use of additional electronic surveillance.

I am concerned that this amendment would tie the President's hands following a national emergency or imminent threat of attack on our country—and prevent actions or intelligence collection that may be necessary for our safety and survival.

While FISA currently has provisions that allow the President to conduct electronic surveillance, physical searches, or install pen register/trap and trace devices for 15 days following a declaration of war, these authorities are simply insufficient against the current terrorist threats our country faces.

Let's think this through for a minute. During the next attack on our country, or in the face of an imminent threat, the Congress may not be in a position to legislate an express authorization of additional means. We may not be in a position to formally declare war against an unknown enemy.

What if there is intelligence information about an imminent threat of attack, but Congress is in a lengthy recess, over a holiday? What if there are simultaneous terrorist attacks across the country, impeding air travel so that Members cannot return to Washington, DC?

The bottom line is, we just don't know what tomorrow will bring. Yet this provision would raise unnecessary legal concerns that might impede effective action by the executive branch to protect this country.

I have the utmost respect for Senator FEINSTEIN. She has played a key role in this FISA modernization process.

While our views on the President's constitutional authority may differ, she did convince me that a bipartisan FISA bill should restate the exclusive means concept in the originally enacted FISA statute.

And over the past several weeks, Senator FEINSTEIN and I tried to come up with a further compromise, one that would expand this simple restatement but would also allow the President to act in the event of a national emergency, or following an AUMF or declaration of war.

Unfortunately, we could not reach an agreement. I believe that if we are going to declare that the President should follow the current FISA framework, then we need to make sure that that framework is flexible enough to address the grave threats of terrorism that threaten our country—and that means giving the President the ability to conduct warrantless electronic surveillance, physical searches, or installing pen register/trap and trace devices, for a reasonable period of time. This amendment does not provide this flexibility.

I have other concerns with this amendment. It would make members of the intelligence community who conduct electronic surveillance at the direction of the President subject to the FISA criminal penalty provisions of a $10,000 fine and imprisonment for not more than 5 years. Also, it is likely these criminal penalties would apply to any service provider who assisted the government in conducting such electronic surveillance.

I don't care what the skeptics and critics have said about the President's Terrorist Surveillance Program; the Constitution trumps the FISA statute.

If a government employee—or a provider—acts under the color of the President's lawful exercise of his constitutional authority, that employee should not be subject to criminal penalty.

In my opinion, the current restatement of exclusive means is fair and keeps the playing field level.

Ultimately, the Supreme Court will decide whether Congress has the authority to limit the President's authority to intercept enemy communications.

Until then, it is my hope that we don't try to tilt the balance in a way that we may someday come to regret.

I urge my colleagues to vote against this exclusive means amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3910. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—57

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Craig
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—41

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lugar
Martinez
McCain
McConnell
Nelson (NE)
Roberts
Sessions
Shelby
Stevens
Thune
Vitter
Warner
Wicker

NOT VOTING—2

Clinton
Graham

The ACTING PRESIDENT pro tempore. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 3979

There will now be 2 minutes of debate equally divided on amendment No. 3979 offered by the Senator from Wisconsin, Mr. FEINGOLD.

Mr. FEINGOLD. Mr. President, the Feingold-Webb-Tester amendment lets the Government get the information it needs about terrorists and about purely foreign communications, while providing additional checks and balances for communications between people in the United States and their overseas family members, friends, and business colleagues.

It has the support of nine cosponsors. All this amendment does is require the Government to take extra steps to protect the privacy of Americans on U.S. soil when it knows it has collected their communications.

This amendment in no way hampers our fight against al-Qaida and its affiliates. This is not about whether we will be effective in combatting terrorism. This is about whether Americans at home deserve more privacy protections than foreigners overseas.

This is about separation of power, whether anyone outside the executive branch will oversee what the Government is doing with all the communications of Americans it collects inside the United States. I urge my colleagues to support the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, the purpose of this bill is to make sure we are able to get information when we target a foreign terrorist overseas.

This applies a different standard to someone in the United States who may be picked up on one of those calls than we apply within our own country. If the FBI gets a warrant to listen in on a drug dealer and that drug dealer has lots of conversations, if the drug dealer is talking about a criminal operation, then the FBI acts on it. If it is innocent, the FBI, the interceptors minimize or suppress that evidence, they do not sequester it, they do not have to go through the hoops that are required for a recipient of a telephone call from a foreign terrorist overseas.

There is no reason why, when we have no challenges and no question that minimization is adequate to protect innocent Americans, that they need a higher level of protection when they are talking to a foreign terrorist than when they are talking to a U.S. drug dealer.

I urge the defeat of this amendment.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I strongly oppose this amendment.

This amendment would prohibit the Government from acquiring any communication under title VII of the bill if the Government knows before or at the time of acquisition that the communication is to or from a person reasonably believed to be located in the United States, unless the Government follows the sequestration procedures set forth in the legislation.

I see a number of problems with this amendment and I strongly oppose it.

I am afraid that the practical effect of this amendment would be to restrict the scope of the collection authority under the bill to international terrorism. Under the terms of this amendment, no other important foreign policy or national security target could be pursued unless the Government goes through a process that appears to be basically unworkable.

Neither the Intelligence Committee nor the Judiciary Committee limited the scope of the authority in this bill to international terrorism. Both committees anticipated that the flexibility provided by this bill could be used against the gamut of foreign targets overseas with respect to proliferation, weapons development, the clandestine intelligence activities of our enemies, and other priorities. The full Senate should not limit the scope of this bill to one area of foreign intelligence.

A second problem with this amendment is the new, cumbersome procedures it would impose involving the sequestration of information if the communication is to or from a person in the United States. The amendment seems to require that the Attorney General must make an application to the FISA Court to have access to this information for more than 7 days, even if the communication, for instance, concerns international terrorist activities directed against the United States.

While I share the Senator's goal of protecting the privacy interests of Americans, I am afraid this amendment is unworkable.

It bears repeating that what we are trying to do in S. 2248 is modernize the Foreign Intelligence Surveillance Act so that FISA Court orders are not required when the Government is targeting non-U.S. persons overseas to collect foreign intelligence information. And we are trying to do this in a way that protects the privacy interests of U.S. persons.

We thus have included in S. 2248 numerous protections for U.S. persons—both when they are the specific targets of Government surveillance and when their communications are intercepted as the incidental result of the Government acquiring the communications of a foreign target.

The Feingold sequestration amendment does not achieve the appropriate balance of privacy and national security. It appears to me that requirements already in S. 2248, including the requirement that minimization procedures for this collection activity be approved by the FISA Court, represent a much better approach for balancing the national security and the privacy interests of U.S. persons.

I urge the amendment be defeated.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—35

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Dodd
Dorgan
Durbin
Feingold
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy

McCaskill
Menendez
Murray
Obama
Reed
Reid
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—63

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—2

Clinton
Graham

The amendment (No. 3979) was rejected.

Mr. BOND. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3907

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3907 offered by the Senator from Connecticut, Mr. DODD. There are 2 minutes of debate time equally divided, and the time on the remaining amendments will be strictly enforced.

The Senator from Connecticut.

Mr. DODD. Mr. President, let me, first of all, thank my colleague from Wisconsin, Senator FEINGOLD, for his cosponsorship of this amendment, along with a number of other Members of this body who have joined us in this effort.

I thank the chairman and ranking member. My colleagues should know, initially the administration sought to grant immunity to all participants in this telecommunications surveillance program. The chairman and ranking member disagreed with that. However, they have provided retroactive immunity to some 16 phone companies. One of the phone companies refused, of course, to comply with this 5-year surveillance program that was granted without a warrant, without a court order.

I believe it is dangerous in setting a precedent for us today to grant that retroactive immunity without insisting the courts—as they are designed to do—should determine the legality or illegality of this program.

There are four committees of the U.S. Congress that have considered this issue. Three of the committees have rejected retroactive immunity. Only the Intelligence Committee of this body has decided to include it. I believe we ought to strike that provision and allow the court to do its job. That is what this amendment does, and I urge its adoption.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Missouri.

Mr. BOND. Mr. President, this carrier liability provision is an essential part of this bill. If we permit lawsuits to go ahead against carriers alleged to have participated in the program, there will be more disclosures in discoveries and pleadings of the means of collecting information, disclosing our most vital methods of collecting information.

Secondly, if we permit the carriers that may or may not have participated to be sued in court, then the most important partners the Government has—the private sector—will be discouraged from assisting us in the future.

The Intelligence Committee—the one committee that has looked at this—reviewed it and said these companies acted in good faith and, therefore, we should give them retroactive immunity.

I yield the remainder of my time to the distinguished chairman.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I strongly oppose this amendment. It is, of course, the whole shooting match. Substitution was brought up in the Judiciary Committee, and it was defeated. This, I believe, is the right way to go for the security of the Nation.

Mr. President, Senators DODD and FEINGOLD have offered an amendment to strike title II of the Intelligence Committee bill.

Title II addresses, in the narrowest way possible, a number of different underlying issues related to the past and future cooperation of providers. Any suggestion that it deals only with liability protection for providers related to the President's program fails to consider the title of the bill as a whole.

Unlike the Government's initial immunity proposals, title II does not try to address all of the different kinds of problems in one sweeping immunity provision that might provide immunity in situations where it is not deserved. Instead, it addresses each problem individually.

Let's look at the first problem. Under existing law, providers are entitled to protection from suit if they act pursuant to a FISA court order or if they receive a particular certification from the Attorney General. Senators DODD and FEINGOLD point to this existing immunity provision— which may be based solely on the certification of the Attorney General—to suggest that no further immunity is needed. But this suggestion ignores the situation in the current lawsuits.

The Government has not allowed the providers who have been sued to publicly disclose whether or not they assisted the Government. Providers, therefore, cannot reveal whether they are already entitled to immunity, or even whether they declined to cooperate with the intelligence community.

In other words, even those providers who were not involved in the President's program or who acted only pursuant to a valid court order cannot extricate themselves from these lawsuits.

Section 203 of the Intelligence Committee bill, therefore, creates a mechanism within FISA that allows courts to review whether providers should be entitled to immunity under existing law, without revealing whether or not the provider assisted the intelligence community. The Dodd-Feingold amendment to strike title II strikes this provision, which protects those providers who indisputably complied with existing law.

There is a second problem that has not been widely discussed. Providers are currently subject to investigations by State public utilities commissions, which seek information about the relationship between the providers and Federal Government.

These State investigations essentially seek to force disclosure of classified information about the nature and extent of the information obtained by the intelligence community from communication providers. This inquiry into the conduct of the Federal Government is not an appropriate area for State regulation.

Section 204 of the Intelligence Committee bill, therefore, creates a new section of FISA that preempts State investigations that seek to force disclosure of classified information about the conduct of the Federal intelligence relationship between the provider and the intelligence community.

Finally, section 202 provides retrospective immunity for the participation of telecommunication companies in the President's warrantless surveillance program. We need to be very clear on the parameters of this section. It does not simply clean the slate for the actions of communications providers in the aftermath of 9/11.

In order for a provider to obtain liability protection, the Attorney General must certify that a company's actions were based on written assurances of legality, and were related to a communications intelligence activity authorized in the relevant time period.

Because these certifications require the Attorney General to have determined that legal requirements have been met and that the program was designed to detect or prevent a terrorist attack, an area where assistance would clearly be required, they parallel existing statutory requirements for immunity. Before immunity can be granted, the bill also requires the court to conduct a case-by-case review to ensure that the Attorney General did not abuse his discretion.

It is important to understand why the Intelligence Committee included this provision in our bill. After hearing from witnesses and reviewing documents, the committee concluded that the providers who assisted the Government acted in good faith, with a desire to help the country prevent another terrorist attack like those committed on September 11, 2001.

Even more importantly, however, the committee recognized that, because of the ongoing lawsuits, providers have become increasingly reluctant to assist the Government in the future. Given the degree to which our law enforcement agencies and intelligence community need the cooperation of the private sector to obtain intelligence, this was simply an unacceptable outcome.

Senators DODD and FEINGOLD have suggested that including the provision on liability protection as part of the bill is a sign of support for the President's program. It is not. It is simply a mechanism to ensure that accountability for the President's program lies with those who are truly responsible for it: The Government officials who represented to these companies that their actions were in accordance with the law. And it is a way to ensure that the intelligence community obtains the assistance it needs from the private sector to keep us safe.

The question of whether the President's warrantless surveillance program was legal, or whether it violated constitutional rights, can and must be answered. Likewise, if administration officials improperly violated the privacy of innocent U.S. persons by conducting this warrantless surveillance, they should be held accountable.

But suing private companies who may have cooperated with the Government is neither an appropriate accountability mechanism nor the best way to obtain answers to questions about the legality of the program, nor is it the appropriate way to encourage public disclosure of information about the program.

The Intelligence Committee's bill does not prevent Congress from conducting its own oversight of these issues, or even from creating alternative mechanisms to seek those answers. It also allows suits against the Government to go forward.

I encourage my colleagues to come up with appropriate alternatives for review of the President's program; alternatives that will ensure both that the story of the President's program is made available to the public in a manner consistent with the protection of national security information and that Government officials are held accountable for any wrongdoing in which they may have been involved.

What we must not do, however, is to make companies that cooperated with the Government in good faith bear the brunt of our anger towards the President and other Government officials about the warrantless surveillance program; our intelligence community's future relationship with the private sector is simply too important.

Protection from liability is simply a way to ensure that the next President has the cooperation of these companies both to obtain intelligence to protect the country and to protect the privacy interests of U.S. persons.

I, therefore, urge you to oppose the Dodd-Feingold amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—31

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Dodd
Dorgan
Durbin
Feingold
Harkin
Kennedy
Kerry
Klobuchar
Lautenberg
Leahy
Levin
Menendez
Murray
Obama
Reed
Reid
Sanders
Schumer
Tester
Whitehouse
Wyden

NAYS—67

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb
Wicker

NOT VOTING—2

Clinton
Graham

The amendment (No. 3907) was rejected.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to table was agreed to.

### AMENDMENT NO. 3912

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3912, offered by Mr. FEINGOLD of Wisconsin. There are 2 minutes of debate evenly divided.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, this amendment was approved by the Senate Judiciary Committee. It ensures that in implementing the new authorities provided in the bill, the Government is acquiring the communications of targets from whom it seeks to obtain foreign intelligence information and that it is not indiscriminately collecting all communications between the United States and overseas.

This amendment is necessary because of the vast and overbroad authorities provided by the PAA in this bill. In public testimony, the DNI stated that the PAA could authorize this type of bulk collection and could cover every communication between Americans inside the United States, in Europe, in South America, or the entire world. He also said that the Government is not actually engaging in this type of broad bulk collection but that it would be "desirable."

This amendment would not impede in any way collection in support of military operations, as the opponents continue to falsely assert. This extremely modest amendment would, however, oppose a massive bulk collection dragnet, which Chairman ROCKEFELLER has even acknowledged would violate the Constitution.

I urge support for the amendment.

Mr. ROCKEFELLER. Mr. President, I oppose this amendment.

The Senator from Wisconsin is offering an amendment that he argues will prevent what he calls "bulk collection." The amendment is intended, as described by the Senator from Wisconsin, to ensure that this bill is not used by the Government to collect the contents of all the international communications between the United States and the rest of the world. The Senator argues that his amendment will prevent "bulk collection" by requiring the Government to have some foreign intelligence interest in the overseas party to the communications it is collecting.

I regret to say that I must oppose this amendment. I do not believe it is necessary. I do believe as drafted the amendment will interfere with legitimate intelligence operations that protect the national security and the lives of Americans.

In considering amendments today, we need to consider whether an amendment would provide additional protections for U.S. persons and whether it would needlessly inhibit vital foreign intelligence collection. I do not believe the amendment as drafted provides additional protections. Furthermore, intelligence professionals have expressed their concern that this amendment would interfere with vital intelligence operations and there are important classified reasons underlying that concern.

Let us review the reasons why the amendment is unnecessary: first, bulk collection resulting in a dragnet of all of the international communications of U.S. persons would probably be unreasonable of the fourth amendment. No bill passed by the Senate may authorize what the fourth amendment prohibits. What is more, the committee bill, in fact, explicitly provides that acquisitions authorized under the bill are to be conducted in a manner consistent with the fourth amendment.

Second, the committee bill stipulates that acquisitions under this authority cannot intentionally target any person known to be located in the United States. And, to target a U.S. person outside the United States, the government must get approval from the FISA Court.

Third, the committee bill increases the role of the FISA Court in supervising the acquisition activities of the Government. The bill requires Court approval of minimization procedures that protect U.S. person information. It maintains the prior requirement of Court approval of targeting procedures.

In the unlikely event that the FISA Court would give its approval to targeting procedures and minimization procedures that allowed the Government to engage in unconstitutional bulk collection, the committee bill also strengthens oversight mechanisms in the executive and legislative branches. These mechanisms are intended to ensure such activity is detected and prevented.

The sponsor of the amendment says that his amendment only requires the Government to certify to the FISA Court that it is collecting communications of targets for whom there is a foreign intelligence interest.

But the committee bill already requires the Attorney General and the Director of National Intelligence to certify to the FISA Court that the acquisition authorized under the bill is targeted at persons outside the United States in order to obtain foreign intelligence information.

Because the remedy does not improve upon the protections in the bill for Americans, and places new burdens on the surveillance of foreign targets overseas, I thus oppose the amendment and urge it be rejected.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, there is a clear delineation in this bill. We permit targeting of foreign terrorists overseas, or Americans, with a court order. This doesn't permit listening in on bulk collections of communications involving innocent Americans. The only American who is going to be listened in on is one calling to or receiving a call from a terrorist.

I urge defeat of this amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3912.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Idaho (Mr. CRAIG).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "nay."

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—37

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
McCaskill
Menendez
Murray
Obama
Reed
Reid
Salazar
Sanders
Schumer
Stabenow
Tester
Whitehouse
Wyden

NAYS—60

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb
Wicker

NOT VOTING—3

Clinton
Craig
Graham

The amendment (No. 3912) was rejected.

Mr. BOND. I move to reconsider the vote.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 3938

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3938 offered by the Senator from Missouri.

Mr. BOND. Mr. President, with the distinguished chairman of the committee, we offer this amendment responding to a request made by the Director of National Intelligence when he sent up his recommendations to us last April. He and the Attorney General strongly support this amendment because it adds proliferators of weapons of mass destruction to the definition in FISA of agent of a foreign power, foreign intelligence information, use of information, and physical searches. This amendment applies only to non-U.S. persons.

Making these definitional changes will allow the Government to target for surveillance those who seek to spread this dangerous technology and will enable the intelligence community to share information with other agencies. It remains a central concern for our national security, whether done by terrorists, criminals or other nations.

I believe we can accept this amendment on a voice vote. I turn to my distinguished chairman for his comments.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I support this amendment.

It closes a gap in the Foreign Intelligence Surveillance Act. The amendment expands the definition of certain key terms in the law in order to enhance the Government's ability to obtain FISA coverage of individuals involved in the international proliferation of weapons of mass destruction.

Although the international proliferation of WMD is one of the most serious threats facing the nation, the Government cannot now get a FISA Court order for individuals believed to be engaged in international proliferation of weapons of mass destruction unless the Government can also show a close link between the trafficker and a foreign Government or an international terrorist organization.

Too often, this connection only becomes clear at the completion of the target's proliferation activity. With this amendment, the Government will be able to conduct electronic surveillance and physical searches, with a FISA Court order, at a much earlier stage in an individual's proliferation activities.

It should be understood that this amendment is intended to broaden FISA coverage only in those instances in which the individual is involved in international proliferation activities. The amendment is intended to cover those who are engaged in activities involving proliferation of weapons of mass destruction, which include under the terms of the amendment biological, chemical and radiological weapons and destructive devices that are intended to or that actually do have a capability to cause death or serious bodily injury to a significant number of people.

This amendment will enhance our efforts to acquire foreign intelligence information to detect and disrupt the international proliferation of weapons of mass destruction.

The vice chairman is to be applauded for addressing this issue and I urge passage.

Mr. FEINGOLD. Mr. President, I must oppose Bond amendment No. 3938. I do not object to expanding FISA to cover dangerous individuals involved in the international proliferation of weapons of mass destruction, which is the primary goal of this amendment.

But this amendment is drafted in such a way that its effect would be much broader and could result in wiretaps issued by the secret FISA Court being directed at U.S. companies and U.S. universities that are engaged in perfectly legal research efforts or that are legally and legitimately working with materials that have multiple purposes and that aren't intended to be used for weaponry at all.

In fact, the American Library Association and the Association of Research Libraries have expressed serious concern about this amendment. Here is what they said: "While we can appreciate the concerns for those wanting FISA to address the issues of international proliferation of WMDs, the language appears to also expose to secret wiretaps those U.S. academic researchers, universities and companies doing legal research into conventional and chemical/biological weapons." Mr. President, that is simply not acceptable.

Let me be clear: This amendment expands the core provisions of FISA that authorize wiretaps and secret searches of the homes and offices of people inside the United States. This is not about extending the new authorities provided in the Protect America Act and reauthorized by the Intelligence Committee bill.

It is one thing to permit secret court-ordered foreign intelligence wiretaps of people in this country who are intentionally engaged in the international proliferation of WMD. But because of the way this amendment is drafted, it would go far beyond just authorizing wiretaps for these types of dangerous criminals.

The biggest problem with the amendment is that it does not require that the people being wiretapped be involved in any criminal activity. This means that companies and individuals engaged in perfectly legal and legitimate biological, chemical, nuclear or other research could be wiretapped under this provision.

I don't understand this. Under FISA today, while foreign government officials can be surveilled to gain foreign intelligence even if they are not breaking the law, foreign terrorist suspects not associated with a government who are in the United States can only be wiretapped if they are involved in criminal activities. That requirement helps ensure that innocent people engaged in, say, legal protest activities aren't subject to FISA. And I know of no complaints about that requirement.

This amendment, on the other hand, doesn't require any suspicion of criminal wrongdoing. It does not even require that the target know that they might be contributing to proliferation. Worse yet, it does not even define international proliferation. So how can we know what activity might trigger the use of this most intrusive of investigation techniques against an individual in the United States? What does international proliferation mean for purposes of this authority?

I certainly don't know the answer to that, and there is nothing in this amendment to answer it. And without a requirement that the proliferation must be illegal under U.S. law, I am seriously concerned that this could cover entities doing perfectly legal, academic, chemical, biological or nuclear research, or even research on conventional weapons like grenades and bombs. It could also cover legitimate companies manufacturing dual-purpose goods, component parts or precursors that could be used for weapons if they fell into the wrong hands.

We can easily fix this problem with the amendment. It would be quite simple to add language virtually identical to that already included in FISA with respect to international terrorism, simply stating that international proliferation of WMD only covers activities that violate U.S. criminal laws or would be criminal if committed within U.S. jurisdiction. I even proposed language to this effect to the Senator from Missouri, hoping that we could work out our differences on this amendment and not require the full Senate to vote on it. But my modest proposal was rejected, for reasons I fail to understand. What I do understand is that if the proponents of this amendment refuse to include language limiting it to people committing crimes, that makes me even more concerned about what is intended and how this is going to be used. There are other changes, as well, that could bring the scope of the amendment into line with the justification for it, but none of my suggestions were accepted.

Some may argue that we should not worry about this expansion of FISA because it only applies to foreigners visiting the United States, sometimes referred to as "non-U.S. persons." But on the face of the amendment, that is not at all clear. This is because the amendment expands the definition of "foreign power" under FISA to cover any entity involved in international proliferation of WMD, regardless of whether it is incorporated in the United States or how many Americans work there. And any foreign power can be wiretapped or searched under the plain provisions of FISA, regardless of whether it is breaking the law.

Even if the amendment were limited to non-U.S. persons, U.S. companies, and universities hire any number of people who are here on work or study visas and who are not considered "U.S. persons." When those people are here in the United States, they are fully protected by the fourth amendment. So why should those individuals be subject to secret court-ordered wiretaps and searches of their offices when they have done nothing illegal? And won't this affect the ability of U.S. companies and universities to recruit the best foreign talent to come and work for them?

I realize this all may seem very technical, but let me repeat the upshot: What all of this means is that, under this amendment, U.S. companies and U.S. universities conducting perfectly legal and legitimate activities—meaning they are doing nothing wrong—could be considered "foreign powers" under FISA and subject to court-ordered secret wiretaps in this country without any suspicion of wrongdoing. This has left organizations like the American Library Association and the Association of Research Libraries with very serious concerns about the amendment.

Mr. President, I would have been willing to adopt this amendment if it could have been modified to address some of these concerns. But it would be my preference not to address this complex issue in this legislation. The responsible thing to do would be to engage in further study so we know we have the right solution to this problem. But if we are going to take on this issue here, today, let's at least do it in a responsible, targeted way.

We have heard a lot about unintended consequences throughout the debate on this bill. I believe this amendment will have serious unintended consequences, and I think it would benefit all of us to study the issue further. But if that is not possible, we should at a minimum try to limit the effect of the amendment to the dangerous criminals who are the reason for this expansion of FISA. The Bond amendment does not do that.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3938.

The amendment (No. 3938) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 3927

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3927 offered by the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment substitutes the Government for the party defendant in place of the telephone companies. It is designed to maintain some check and balance on the executive because Congress has been totally ineffective to do so.

It accomplishes both purposes. It keeps the program going to gain intelligence information necessary for national defense, but it maintains the courts being open as a check and balance.

I yield to Senator WHITEHOUSE.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, if we vote for retroactive immunity, we violate the rule of law taking away legitimate claims in legitimate litigation in a manner that is unprecedented and unconstitutional. If on the other hand we do nothing, we leave American companies gagged by the state secrets privilege in ongoing litigation.

This amendment is a sensible, fair, bipartisan alternative that takes away no rights, that follows the Federal Rules of Civil Procedure, that honors the separation of powers principles and leaves no litigant gagged by the Government.

Please support the amendment.

The PRESIDING OFFICER. All time has expired. Who yields time in opposition? The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the distinguished ranking member of the Judiciary Committee, Senator SPECTER, has offered an amendment proposing to substitute the government for the providers in the ongoing civil lawsuits.

I appreciate and agree with the sentiment of Senator SPECTER and Senator WHITEHOUSE that the government—not the providers who operated in good faith with them—should be held responsible for the legal fallout from the President's warrantless surveillance program. But this amendment lays out a remarkably complicated litigation procedure that is unlikely to achieve any meaningful review of the President's program.

Under this amendment, if the Attorney General submits a certification to the district court that an individual carrier provided assistance in connection with the President's program or did not provide assistance, the district court certifies a question to the FISA Court.

The FISA Court is then required to determine whether the carrier cooperated with existing law, or acted in good faith and pursuant to an objectively reasonable belief that the written request was legal. If the FISA Court makes that finding, the government is substituted for the carrier in the district court.

At that point, litigation continues against the government under several different possible statutes, and the provider is dismissed from the suit. The plaintiffs may, however, seek discovery—that is, documents, witness testimony, and other information—from the providers who were originally named in the lawsuit.

This complicated procedure raises a number of concerns both about the determination by the FISA Court and the resolution of the lawsuits after the government is substituted.

As an initial matter, it is unclear why the cases would need to be transferred to the FISA Court for a determination of good faith. The Intelligence Committee has already made an assessment of the good faith of the cooperating providers. The possibility of a court—rather than the Congress—making the good faith determination is particularly relevant to an amendment offered by Senator FEINSTEIN, and I am sure we will discuss it further.

But even if Congress seeks to have a court, rather than Congress, make a determination of good faith, having that determination made in the FISA Court unnecessarily complicates the process. The FISA Court is not a standard factfinding trial court; it does not hear from witnesses, take evidence, or assess the "good faith" of private parties. The FISA Court is simply not set up to make factual determinations that impact civil lawsuits.

Nor does transferring the cases to the FISA Court help the plaintiffs in these cases. They are not entitled to hear the classified information concerning the good faith of the providers, and they will not be involved in the debate.

In addition, although a finding of good faith would normally result in dismissal of the lawsuits, under this proposal, the providers would still potentially have the burden of producing documents and witnesses. Thus, because providers who acted in good faith will continue to have a role in the litigation, even if they are no longer the named defendants, this proposal does not relieve the cost and reputational burdens of the litigation. It therefore is unlikely to encourage the providers to cooperate with the government in the future.

It is also unclear what substituting the government in these cases seeks to accomplish. The proposal would involve changing the nature of the claims filed against telecommunications companies to causes of action against the government under a number of statutes, including the Federal Tort Claims Act, the Administrative Procedure Act, or FISA. Suits under these statutes, however, can be, and in some cases, have already been brought against the government.

If it is already possible to sue the government under thee statutes for possible violations, and indeed, if the government has already been sued under these statutes, why do we need to create a new procedure to convert claims against private companies into these claims against the government?

Finally, we should look at what is actually happening in the current litigation. Many of my colleagues have suggested that allowing the litigation to continue—with either the government or the providers as the defendant—will allow the court to resolve the issue of whether the providers acted in accordance with the law. But this is not presently the debate in the litigation.

Right now, the parties in the approximately 40 civil lawsuits are arguing about access to classified information about the President's program. The government has refused to publicly reveal the classified documents and information that would allow litigation to proceed. Because classified information is needed to address even threshold litigation issues, having the government or a particular provider as defendant in the suit is unlikely to change this aspect of the litigation.

In other words, whether or not we substitute the government for the provider, no court is likely to resolve the question of whether the President, or any private company, violated the law in the near future. Given that the administration is unlikely to declassify information about the program while the lawsuits are ongoing, it is also unlikely that litigation will ever tell the story of what happened with the President's program. So what benefit is there to substituting the government in the providers' stead?

Providers who acted in good faith should be removed from ongoing litigation, without having the burden of responding to discovery and litigation requests and without the reputational harm of having suits in their name go forward against the government. Ongoing reminders of the potential pitfalls of cooperating in good faith with the government will not encourage these companies—whose assistance the intelligence community and law enforcement agencies desperately need—to cooperate with the government in the future.

If plaintiffs in any ongoing suit want to bring claims against government officials, those suits can be brought directly, without the complicated substitution procedure described in this amendment.

Although no member of the Intelligence Committee offered an amendment on this issue, the committee considered whether it would be more appropriate to substitute the government for particular providers in ongoing lawsuits as part of the work done in preparing this bill. For all of the reasons I have discussed, the committee ultimately decided that substitution was not the right approach to address the ongoing lawsuits.

I, therefore, cannot support this amendment, and I urge my colleagues to oppose it.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, for all the reasons we voted down striking retroactive immunity, this amendment must be defeated as well because it would continue to disclose all the methods of collection in electronic surveillance and it would put at risk the private parties.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 3927.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 68, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—30

Akaka
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Durbin
Feingold
Harkin
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
McCaskill
Menendez
Nelson (FL)
Obama
Reed
Reid
Sanders
Schumer
Specter
Stabenow
Webb
Whitehouse
Wyden

NAYS—68

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Klobuchar
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—2

Clinton
Graham

The amendment (No. 3927) was rejected.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3919

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 3919 offered by the Senator from California, Mrs. FEINSTEIN.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, FISA has a law within it as to how you do electronic surveillance, and that law has specific provisions of what companies seeking to assist the Government must do. Essentially, what this amendment does is ask the FISA Court to review that compliance by the telecom companies to see that they complied with the elements of that part of FISA.

I think some Members have been able to look at the certification letter sent to telecoms, but most Members have not, and I think it is very important that the court have an opportunity to review these certifications and see if they are adequate under the provisions of the FISA law, and this is exactly what this amendment does.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, the FISA Court was not set up to make judgments about the operation of foreign intelligence. As a matter of fact, they said specifically, in a case released in December, that is a matter for the executive branch.

Now, there are some people who say there ought to be a court challenge to the President's terrorist surveillance program. Let me remind my colleagues that there are seven cases proceeding against the Government and Government employees which will not be impacted by this bill. Every day that litigation continues, whether it be in a FISA court or in open court, there is a danger of leaking of information.

There could be disclosure of our methods, and there could be risks to employees of the companies in areas of the world. Certainly their bottom line could be impacted. As Senator DURBIN pointed out last week, leaks of classified information caused severe harm to a company in his State.

I urge the defeat of this amendment.

Mr. ROCKEFELLER. Mr. President, the distinguished Senator from California has offered an amendment to modify the procedures in the Intelligence Committee bill on dismissal of civil actions against telecommunications companies that assisted an element of the intelligence community with regard to the President's warrantless surveillance program.

Senator FEINSTEIN's amendment preserves the basic idea of the Intelligence Committee bill; namely, that narrowly crafted immunity for private companies is an appropriate way of resolving dozens of lawsuits arising from the President's program. But the amendment makes one significant change in the procedure proposed by the Intelligence Committee. Rather than Congress deciding that each and every company acted in good faith, the question of whether individual carriers relied in good faith on representations made by the Government would be made by the FISA Court.

I understand and appreciate the Senator from California's desire to have a court make this good faith determination. But in this particular case, I think that Congress is better able to assess the context in which companies cooperated with the Government in order to determine whether they acted in good faith.

As members of the Intelligence Committee, Senator FEINSTEIN and I have had access to the letters sent to the telecommunications companies. We have heard from the companies who were told after 9/11 that their assistance was "required" and that the request for assistance was based on a Presidential order, the legality of which was certified by the Attorney General.

In addition, the committee understands the threats faced by the United States in the years after September 11, and the effect that threat environment had on all American citizens.

The committee also understands exactly how critical the private sector is to all of our intelligence collection efforts, and what effect the pending lawsuits have had on the private sector's continued cooperation with the Government.

The policy question that is at the heart of the Feinstein amendment—whether companies that cooperated with the intelligence community after September 11 should be protected from liability for their actions—is not a question than can truly be addressed in an individual court case. Unlike the fact-intensive, good faith determinations that would be made in a court case, this question is not about how a company reacted to each individual piece of correspondence it received, or its discussions with the Government. The question should not be answered on a piecemeal basis, based on whether each of the individual actions taken by any particular company was in good faith.

Knowing how to address this policy issue instead depends on understanding the circumstances that surrounded the requests, the full dimension of the threat, and the historical relationship between the Government and the companies. Because Congress has the ability to look at the totality of the circumstances in a way that a court evaluating an individual company's good faith cannot, I feel that it is our responsibility to assess the reasonableness of the response of all of the companies.

Given the circumstances involved in this sensitive matter, I believe Congress, not the courts, should make the determination as to whether companies acted in good faith and should be protected from liability.

Apart from disagreeing as to who should make the decision about good faith, there are also a number of significant procedural concerns with the Feinstein amendment. I fear that these problems would make the amendment unworkable.

Under Senator FEINSTEIN's amendment, the first step in the immunity process would be the same as under the Intelligence Committee's bill. The Attorney General would make a certification to a court in which a case against a telecommunication company is being heard. The certification would say one of two things.

First, if the company assisted the government, the certification would have to indicate that any assistance provided had been for an intelligence activity involving communications that had been authorized by the President between September 11, 2001, and January 2007.

The certification would also have to state that the assistance had been described to the company in a written request or directive from the Attorney General or the head or deputy head of an intelligence community element which indicated that the activity was authorized by the President had determined to be lawful.

Alternatively, the certification could indicate that the telecommunications company did not provide the alleged assistance.

The court would then have the opportunity to review the Attorney General's certification for abuse of discretion. To protect national security information, only the judge would be entitled to review the certification; the plaintiffs would not have access to it.

Under the committee's bill, such a certification would be the end of the process, except for the issuance of the court's order dismissing the action if the Attorney General's certification met these requirements.

Senator FEINSTEIN's amendment, in contrast, uses that certification to trigger a transfer of the case to the Foreign Intelligence Surveillance Court. This amendment also specifically provides that the FISA Court will permit any plaintiff in an applicable covered civil action to appear before the Court.

This transfer of the case to the FISA Court seriously complicates the existing lawsuits, and poses a number of significant procedural problems that are not resolved in the amendment.

As an initial matter, the type of analysis in the amendment is outside the longstanding scope and jurisdiction of the FISA Court.

Under the Feinstein amendment, the FISA Court would be required to determine, acting as a body of all judges, whether immunity would be granted under current law, whether the company had an objectively reasonable belief under the circumstances that compliance with the written request or directive was lawful, or whether the company did not provide the alleged assistance.

None of these determinations involve the Foreign Intelligence Surveillance Act, the statute on which the FISA Court has expertise. Indeed, the point of the litigation is that the President's program was conducted outside of FISA.

In addition, the FISA Court is not generally set up for adversarial civil litigation; it does not usually hear from witnesses or take evidence. Although Congress has granted the Court the ability to hear challenges to certain FISA directives, it has never before been asked to make factual determinations that affect the outcome of civil lawsuits.

Sending the case to the FISA court therefore raises all sorts of questions. For example, would the FISA Court, acting en banc, hear testimony from witnesses? If so, who would examine the witnesses? What rules of evidence would apply? What role would the plaintiffs play in the proceeding?

The FISA Court would have to come up with an entirely new set of procedures just to handle this litigation. This new proceeding—particularly as the Court would have to act en banc—would significantly strain the resources of the Court that oversees our electronic surveillance of terrorists and foreign powers and protects the privacy of U.S. persons.

Nor does transferring the cases to the FISA Court necessarily help the plaintiffs in these cases. As they do not currently have security clearances, the Government is unlikely to provide the plaintiffs with access to classified information about the proceeding. Thus, most likely, they will not be involved in the debate.

I commend the Senator from California for her efforts to come up with a mechanism by which the court can consider and determine the good faith of the companies. But, because of all of the procedural problems with this amendment I have described, as well as a more fundamental belief that Congress has a unique ability in this circumstance to assess the good faith of the companies, I cannot support this amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) All time has expired. The question is on agreeing to amendment No. 3919.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Salazar
Sanders
Schumer
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—57

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Ensign
Enzi
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Lieberman
Lugar
Martinez
McCain
McConnell
Menendez
Murkowski
Nelson (NE)
Pryor
Roberts
Rockefeller
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—2

Clinton
Graham

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of the amendment, the amendment is withdrawn.

Under the previous order, the substitute amendment, as amended, is agreed to.

The amendment (No. 3911), in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2248, the FISA bill.

Harry Reid, Charles E. Schumer, Sherrod Brown, Daniel K. Akaka, Jeff Bingaman, Thomas R. Carper, Ken Salazar, Sheldon Whitehouse, John D. Rockefeller IV, Richard Durbin, Bill Nelson, Debbie Stabenow, Robert P. Casey, Jr., E. Benjamin Nelson, Evan Bayh, Daniel K. Inouye.

Mr. FEINGOLD. Mr. President, as I have said repeatedly on the Senate floor, I strongly oppose granting unjustified retroactive immunity to companies that allegedly participated in the President's illegal wiretapping program, which went on for more than 5 years. It is unnecessary because under current law, companies already have immunity from civil liability if they comply with a court order or with a certification from the Attorney General that a court order is not required and all statutory requirements have been met. Congress should leave it to the courts to evaluate whether the companies alleged to have cooperated with the program would deserve immunity under this existing law rather than changing the rules of the game after the fact. That is why I have been a staunch supporter of the Dodd amendment to strike the immunity provision from this bill entirely.

Given my strong opposition to any retroactive immunity for telecommunications companies, I want to explain why I voted in favor of two amendments that proposed alternatives to but did not entirely eliminate retroactive immunity. Amendment No. 3927, offered by Senators SPECTER and WHITEHOUSE, would have substituted the Government for the companies in the pending litigation, and amendment No. 3919, proposed by Senator FEINSTEIN, would have directed the FISA Court to evaluate whether companies complied with the existing immunity provision or otherwise acted in good faith.

I do not believe that either of these proposals is necessary. In fact, when Senator SPECTER offered his substitution proposal as a stand-alone bill in the Senate Judiciary Committee, I opposed it. I firmly believe that Congress should allow the courts to evaluate whether the companies deserve immunity under the law that applied to them at the time, and we should not be meddling in this area at all. However, unlike the Specter bill, these two amendments were offered to replace the broad grant of retroactive immunity in the FISA bill, and they were offered after the Senate had voted not to adopt the Dodd-Feingold amendment. Each of them was an improvement, however slight, to the underlying immunity provision, in that they would have left open the possibility that the lawsuits could continue, thus permitting the courts to rule on the legality of the warrantless wiretapping program. Therefore, I voted in favor of both of these amendments, even though I would have much preferred to see retroactive immunity stricken entirely.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that act, and for other purposes, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 29, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—69

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich,
Warner
Webb
Whitehouse
Wicker

NAYS—29

Akaka
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Dodd
Dorgan
Durbin
Feingold
Harkin
Kennedy
Kerry
Klobuchar
Lautenberg
Leahy
Levin
Menendez
Murray
Obama
Reed
Reid
Sanders
Schumer
Stabenow
Tester
Wyden

NOT VOTING—2

Clinton
Graham

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

## FISA AMENDMENTS ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask unanimous consent that immediately following Senator FEINGOLD's 15 minutes on FISA, I be recognized for 10 minutes and that the time be taken from Senator DODD's 4 hours.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I strongly oppose S. 2248. This bill is deeply flawed in ways that will have a direct impact on the privacy of Americans. Along with several other Members of this body, I have offered modest amendments that would have permitted the government to obtain the intelligence it needs, while providing the checks and balances required to safeguard our constitutional rights. Unfortunately, under intense administration pressure marked by inaccurate and misleading scare tactics, the Senate has buckled. And we are left with a very dangerous piece of legislation.

The railroading of Congress began last summer, when the administration rammed through the so-called Protect America Act, vastly expanding the government's ability to eavesdrop without a court-approved warrant. That legislation was rushed through this Chamber in a climate of fear—fear of terrorist attacks, and fear of not appearing sufficiently strong on national security. There was very little understanding of what the legislation actually did.

But there was one silver lining: The bill had a 6-month sunset to force Congress to do its homework and reconsider the approach it took. Unfortunately, with far too few exceptions, the damage has not been undone.

This new bill was intended to ensure that the government can collect communications between persons overseas without a warrant, and to ensure that the government can collect the communications of terrorists, including their communications with people in the United States. No one disagrees that the government should have this authority. But this bill goes much further, authorizing widespread surveillance involving innocent Americans—at home and abroad.

Proponents of the bill and the administration don't want to talk about what this bill actually authorizes. Instead, they repeatedly and inaccurately assert that efforts to provide checks and balances will impede the government's surveillance of terrorists. They launched these attacks against the more balanced bill that came out of the Judiciary Committee. And they have attacked and mischaracterized amendments offered on the floor of this body. This is fear-mongering, it is wrong, and it has obscured what is really going on.

What does this bill actually authorize? First, it permits the government to come up with its own procedures for determining who is a target of surveillance. It doesn't need advance approval from the FISA Court to ensure that the government's targets are actually foreigners, and not Americans here in the United States. And, if the Court subsequently determines that the government's procedures are not even reasonably designed to wiretap foreigners, rather than Americans, there are no meaningful consequences. All that illegally obtained information on Americans can be retained and used.

Second, even if the government is targeting foreigners outside the U.S., those foreigners need not be terrorists. They need not be suspected of any wrongdoing. They need not even be a member or agent of some foreign power. In fact, the government can just collect international communications indiscriminately, so long as there is a general foreign intelligence purpose, a meaningless qualification that the DNI has testified permits the collection of all communications between the United States and overseas. Under this bill, the government can legally collect all communications—every last one—between Americans here at home and the rest of the world. Even the sponsor of this bill, the chairman of the Intelligence Committee, acknowledges that this kind of bulk collection is probably unconstitutional, but the DNI has said it would be not only authorized but "desirable" if technically possible. Technology changes fast in this area. We have been forewarned, yet the Senate failed to act.

One of the few bright spots in this bill is the inclusion of an amendment, offered by Senators WYDEN, WHITEHOUSE and myself in the Intelligence Committee, to prohibit the intentional targeting of an American overseas without a warrant. That is an important new protection. But that amendment does not rule out the indiscriminate vacuuming up of all international communications, which would allow the government to collect the communications of Americans overseas, including with friends and family back home, without a warrant. And those communications can be retained and used. Even the administration's illegal warrantless wiretapping program, as described when it was publicly confirmed in 2005, at least focused on the communications of particular terrorists. What we are talking about now is potentially a huge dragnet that could sweep up the communications of countless innocent Americans.

Third, the Senate failed to prohibit the practice of reverse targeting; namely, wiretapping a person overseas when what the government is really interested in is an American here at home with whom the foreigner is communicating. The underlying bill simply does not stop this practice and, if there was any doubt, the DNI has publicly said that the bill merely "codifies" the administration's view that surveillance of an American is fine, so long as the government is technically wiretapping the foreigner. Even the DNI has said this is unconstitutional, but there is nothing in this bill to stop it.

Fourth, the Senate has failed to protect the privacy of Americans whose communications will be collected in vast new quantities. The administration's mantra has been: "don't worry, we have minimization procedures." Minimization procedures are nothing more than unchecked executive branch decisions about what information on Americans constitutes "foreign intelligence." As recently declassified documents have again confirmed, the ability of government officials to find out the identity of Americans and use that information is extremely broad. Moreover, even if the administration were correct that minimization procedures have worked in the past, they are certainly inadequate as a check against the vast amounts of Americans' private information that could be collected under these new authorities.

This legislation is particularly troubling because we live in a world in which international communications are increasingly commonplace. Thirty years ago it was very expensive, and not very common, for most Americans to make an overseas call. Now, particularly with email, such communications are commonplace. Millions of ordinary, and innocent, Americans communicate with people overseas for entirely legitimate personal and business reasons. Parents or children call family members overseas. Students email friends they have met while studying abroad. Business people communicate with colleagues or clients overseas. Technological advancements combined with the ever more interconnected world economy have led to an explosion of international contacts.

We often hear from those who want to give the government new powers that we just have to bring FISA up to date with new technology. But changes in technology should also cause us to take a close look at the need for greater protections of the privacy of our citizens. If we are going to give the government broad new powers that will lead to the collection of much more information on innocent Americans, we have a duty to protect their privacy as much as we possibly can. And we can do that without sacrificing our ability to collect information that will help protect our national security.

But, the Senate has once again fallen for administration tactics that have become so depressingly familiar. "Trust us," they say. "We don't need judicial oversight. The courts will just get in our way. You never know when they might tell us that what we're doing is unconstitutional, and we would prefer to make that decision on our own. Checks and balances, judicial and congressional oversight, will impede our ability to fight terrorism." And, sadly, these grossly misleading efforts at intimidation have apparently worked.

I have been speaking for some time now about my strong opposition to this bill, and I haven't even addressed one of the most outrageous elements of that bill: the granting of retroactive immunity to companies that allegedly participated in an illegal wiretapping program that lasted for more than 5 years.

This grant of automatic immunity is simply unjustified. There is already an immunity provision in current law that has been there since FISA was negotiated—with the participation of the telecommunications industry—in the late 1970s. The law is clear. Companies have immunity from civil liability when they cooperate with a Government request for assistance—as long as they receive a court order, or the Attorney General certifies that a court order is not required and all statutory requirements have been met.

This is not about whether companies had good intentions. It is about whether they complied with this statutory immunity provision, which has applied to them for 30 years. If the companies followed that law, they should get immunity. If they did not follow that law, they should not get immunity. And a court should make that decision, not Congress. It is that simple.

Congress passed a law laying out when telecom companies get immunity and when they don't for a reason. These companies have access to our most private communications, so Congress has subjected them to very precise rules about when they can provide that information to the government. If the companies did not follow the law Congress passed, they should not be granted a "get out of jail free" card after the fact.

Proponents of retroactive immunity have said repeatedly that immunity is necessary if the government is going to have the cooperation of carriers in the future. We do need that cooperation. But we also need to make sure that carriers don't cooperate with illegitimate requests. We already have a law that tells companies when they should and when they shouldn't cooperate, so they are not placed in the position of having to evaluate independently whether the government's request for help is legitimate.

Instead of allowing the courts to apply that law to the facts—instead of allowing judges to decide whether the companies deserve immunity for acting appropriately—this bill sends the message that companies need not worry about complying with questionable government requests in the future because they will be bailed out after the fact.

This is outrageous. Even more outrageous is that fact that if these lawsuits are dismissed, the courts may never rule on the NSA wiretapping program. This is an ideal outcome for an administration that believes it should be able to interpret laws alone, without worrying about how Congress wrote them or what a judge thinks. For those of us who believe in three independent and co-equal branches of government, it is a disaster.

In the 1970s, Congress learned that the executive branch had been using its immense powers and the advance of technology to spy on its citizens. By passing FISA, Congress faced up to the fact that we can't just trust the executive branch, including the President of the United States, to do the right thing, that judicial oversight of the power to spy was needed, that checks and balances are the best way to ensure liberty, and security.

I have spent a great deal of time on the floor over the past several weeks discussing the details of the bill, offering amendments, and debating the possible effects of the fine print of the statute. But this isn't simply about fine print. In the end, my opposition to this bill comes down to this: This bill is a tragic retreat from the principles that have governed government conduct in this sensitive area for 30 years. It needlessly sacrifices court oversight and protection of the privacy of innocent Americans. It is an abdication of this body's duty to stand up for the rule of law.

We know what is wrong with this legislation. We know that it authorizes unconstitutional surveillance of Americans. We have been forewarned. I urge my colleagues to vote "no" on final passage.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I rise to speak about the FISA bill currently being considered by the Senate. I believe it is our duty to provide all the tools necessary to fight terrorism. We also have another duty—I would say a simultaneous duty, a sworn duty—to protect the constitutional rights of our citizens.

So we have two duties. One is to protect the American people and give the Government the tools it needs to do that; two, to protect the constitutional rights of Americans. If we lose those rights, then the basic freedoms of our people are at risk.

I believe we have fallen far short. We have fallen far short of the balance that we always need to look for, ever since the beginning of our Republic—the balance between security and freedom. I think we missed it here.

It is not the Government's job to scare our people; it is the Government's job to protect our people. It is not the Government's job to endanger the privacy of law-abiding Americans, but to protect the privacy of law-abiding Americans. Sadly, we had a number of amendments to this bill which would have brought that balance I talked about into being, the balance between security and freedom.

Senator FEINGOLD had an amendment limiting the use and dissemination of information unlawfully obtained through foreign surveillance on U.S. citizens. His amendment would have protected the rights of innocent U.S. citizens and provided a necessary balance to the bill. I was proud to support it because the bill, obviously, needed some more checks and balances.

Senator FEINGOLD also had an amendment to provide protection against bulk collection of foreign communications that could include communications of innocent Americans. Again, this measure would have provided additional protection for the rights of American citizens, and I was proud to support it because I believe we need, again, additional checks on enhanced Government surveillance authority.

My colleague and friend from California, Senator FEINSTEIN, had an amendment that stated a very important principle: that FISA, the Foreign Intelligence Surveillance Act, is the exclusive authority for conducting foreign intelligence surveillance.

Why is that important? It is important because this administration argues time and again that "it has inherent authority" to conduct warrantless surveillance, or that Congress somehow gave them the authority when it authorized the use of military force in Iraq—a ridiculous claim. The Feinstein amendment was a very important amendment because it would have made it clear that FISA is the exclusive authority, pure and simple.

Why was that important going forward? We don't want to have this administration or another one in the future—I don't care which party they are from—spying on the American people and then saying: It is true, we didn't obey FISA, but we thought it was important to go outside the law. If we had adopted the Feinstein amendment, we would have clearly stated that FISA is the law when it comes to conducting surveillance on our own people.

The Feinstein amendment—which failed, sadly by only 1 or 2 votes short of the 60-vote hurdle—said we are not going to lose our freedoms, we are not going to allow another administration to spy on us; FISA is going to be the one and only law that pertains here.

Finally, there is the issue of immunity for telecommunications companies that cooperated with the administration's warrantless surveillance program. We know that American law did not give these telephone companies the authority to do what they did, but they were somehow persuaded by the administration to go along with them. Not every telephone company, not every communications company did go along. At least one said: Look, we think this is not legal; show us the legality. And they stood, I think, in firm support of their consumers.

Here is the problem with granting immunity. Congress has not been given complete information on this program. We do not know the level of involvement by the telephone companies and the telecom companies. We need complete information; we have incomplete information. How can I be a good Senator, how can I do a good job if I don't have the facts surrounding this whole matter of the warrantless surveillance program? When you put out that immunity, you basically stop the court cases, and if you stop the court cases, we will never get to the bottom of this issue and our citizens will never know who was spied on, why were they spied on, what happened, what went wrong, what went right, and how much power this Government tried to exercise over its people illegally.

Granting immunity without fully understanding whether our people were illegally spied upon and to what extent, I find that irresponsible. Where is our pride? We wrote a law that said phone companies cannot do this, and they went ahead and did it. Not all of them. Now we are saying: Never mind, President Bush and Vice President CHENEY write the law, they make the decision. It is not right. It is not American. It is anti-American. It is not what we do in this great country.

President Bush says we are sending our troops overseas to fight for freedom, fight for democracy, and at home they ask the telecom companies to break the law. They spied on Americans, and we cannot find out what they did, how they did it, the details of the program, and now we are going to now grant immunity. I cannot believe that we didn't do better on that particular amendment. That amendment failed. Again, I was proud to stand with Senator DODD and Senator FEINGOLD on the amendment.

In closing, I don't believe this bill strikes the kind of balance we need between broadening the Government's authority to conduct surveillance and protecting the rights of our citizens. We did have many chances today to increase the oversight of FISA surveillance programs. We had many opportunities to hold this administration accountable and future administrations accountable while giving them what they need to go after the bad actors, those who would harm us. I voted to get bin Laden. I voted to go to war against al-Qaida. I voted no on the Iraq war because that was a diversion. I want to get the terrorists who perpetrated 9/11. I want to give any administration the tools they need, but I do not want to expose my constituents and the people of America who are law-abiding and caring and all they live for is for their families—I don't want to subject them to being spied upon.

Unfortunately, those amendments all went down. It is sad for me to say that we have a bill that steps on the rights of the freedoms of our people, of the law-abiding Americans in our country and, therefore, I cannot support it.

Mr. President, I yield the floor. I suggest the absence of a quorum, and I ask that the time be taken equally off both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, it is clear now that this body is going to approve retroactive immunity for the telecom industry, which may have helped the President to illegally spy on millions of Americans.

I have spoken on this issue now for I think in excess of 20 hours, going back 2½ months ago when this issue first came to the floor in December. Just to recall the history of the last couple of months briefly, if I may: Two committees of the Senate, appropriately, had jurisdiction over this matter—the Intelligence Committee and the Judiciary Committee. In fact, the House of Representatives similarly had two committees with jurisdiction over this matter, the matter being the amendments to the Foreign Intelligence Surveillance Act.

I have talked at length about the history of that act and commended our previous colleagues who served in this body for having crafted a rather ingenious piece of legislation that architecturally created the balance between security and liberty in the wake of the Watergate scandal in the mid-1970s. Democrats and Republicans came together and said: How can we guarantee that we can gather information to keep our Nation safe and secure from those who would do us harm and simultaneously protect the more than two centuries of liberties and rights that Americans have come to associate with our Constitution—the rule of law?

This was not an easy matter, striking that balance, that tension which has existed for more than 220 years in our country, and I would be the first to admit that. So I have great admiration for those who struggled with it.

In 1978, the FISA—the Foreign Intelligence Surveillance Act—Court was established, a secret court, the members of which are appointed by the Chief Justice of the U.S. Supreme Court. The members of that court are sitting Federal judges across the land. No one can ever know who these judges are. They are anonymous in that sense, and they are called upon at a moment's notice to determine whether probable cause exists for a warrant to be issued to allow our Government to require institutions, public or private, to provide information that could affect the safety and security of our country. That has been the history.

Since 1978, time and again the Congress of the United States has amended the Foreign Intelligence Surveillance Act. Usually, it was amended in order to keep pace with the ability of those who would do us harm to utilize new technologies, new sources of information that could prove to be dangerous for our country; but simultaneously, legislation was upgraded so that the new means of gathering information, of determining who would do us harm, were also improving. In almost every instance, the amendments and the changes to the Foreign Intelligence Surveillance Act were adopted unanimously by members of both political parties.

That brings us, of course, to this year, with the amendments being offered to this Foreign Intelligence Surveillance Act.

Events occurred either prior to 9/11 or shortly thereafter which have caused the most significant debate yet on FISA. There are those who have argued that, in fact, the surveillance activity that is the subject of the retroactive immunity actually began prior to the attacks of 9/11. The bulk of the evidence seems to point to the fact that this surveillance began shortly thereafter.

I would not be standing here, as I have said before, had this been a momentary lapse of judgment, considering the emotions of the attacks here on our country. I could understand why a President, why a telecom industry, in the wake of 9/11, would have responded to a request to gather information quickly to determine not only who did us harm but what additional dangers they posed to us. I would not be standing here if this had been an administration that had not engaged in a pattern of behavior over the years that suggested they had less than a high regard for the rule of law. But as we have now learned, this was not a matter of a week or a month or a year. This warrantless invasion of our privacy went on for 5 long years, without any rule of law behind it except the word of an American President and apparently the sanction of the Attorney General of the United States.

FISA specifically said in 1978 that you must have a warrant to do this. We even changed the law, as you know, Mr. President, to say that you could even get the warrant after the fact if the emergency was such that you didn't have the opportunity to get the warrant but went after the fact, immediately thereafter.

I would point out, Mr. President, as I did in some detail last evening for almost 3 hours on this floor, that the President's warrantless wiretapping program was not a selective or focused surveillance merely on those who were outside the country or those who were suspected or might be involved in threatening activities. This decision to gather information included literally every phone call, every fax, every e-mail, every image that went through 16 phone companies of our country, using what they call splitters to literally vacuum up everything that came in. If the allegations are true, it was one of the single largest invasions of privacy in the history of our country, all done without a warrant and without a court order.

We discovered this because of a whistleblower and a report in the media that revealed the program. Otherwise, I suspect it would be going on as I speak, without any interruption whatsoever. In fact, the only interruption that occurred, I might point out—because the argument has been made that these companies were acting out of patriotism—came, according to some reports when the Federal Government stopped paying the phone companies for collecting it.

I would also point out that not every phone company complied. I know the argument has been made: Look, everyone did it. It is a common argument, one we made to our parents, usually: Everyone was doing it. We all remember the answer we received from our parents. Well, the argument here is: Almost everyone was doing it. Quest decided not to. When the request was made of them to gather information without a warrant, they said: Give us a court order, and we will comply. A court order was never forthcoming, of course, and they never participated.

So this December, we arrived at this debate about whether to grant the telecoms retroactive immunity. Three other committees had examined this issue, and all three of the committees, in the House and in this body, had determined that retroactive immunity was not warranted. Only one committee decided it was, but that committee has prevailed in the last several days, weeks, and months in this debate, and as such we are now confronted with cloture being invoked, cutting off debate here about the subject matter. And given the votes today, in all likelihood this body is not going to change its mind on this issue. Our only hope, those of us who feel strongly about this, is that the other body, the House of Representatives, which has taken a very different point of view, will be able to prevail in the conference between these two bills, and deny retroactive immunity.

Let me point out quickly that denying retroactive immunity does not mean the phone companies will necessarily be found guilty of doing something wrong. All it means is that the coequal branch of Government, the judicial branch, will get a chance to look at whether what they did was legal. I have my own opinions about this, but my opinions should not prevail, nor should the opinions of 51 Members of this body. We are not the judicial branch, we are the legislative branch.

The Founders of this great Republic of ours created three coequal branches of Government, and the judicial branch was designed and created to check the actions of the executive and legislative branches and determine whether things we did were constitutional—legal—or not. That is why they exist. So the debate about whether what the companies did or did not do is legal is not a matter for this body to determine, any more than it is for the executive branch. It is the judicial branch that should make that determination. Yet, by the action we took earlier today, we are now going to close the door on determining whether the action taken by the phone companies was legal.

Sweep it under the carpet, close the door, and we will set the precedent for some future Congress, which will point to this debate and its conclusion and decide that the Congress of the United States found that the FISA Court was not needed or, that in fact the President could collect whatever data and information he wanted—maybe medical records, maybe financial records, maybe personal histories of families.

I feel passionately about this issue. This is the first time in my quarter of a century service here that I have engaged in what might be called some "extended debate"—that is how deeply I care about this issue.

Nothing is more important, in my view, than the rule of law and the Constitution. No threat is so urgent that we should be willing to abandon the rule of law. But that is exactly what we have done. And it is a false and phony argument to claim that failing to do so would jeopardize our security. There is a long history of the judicial branch of Government in this country dealing with sensitive national security matters in camera, without revealing state secrets. The suggestion that we cannot possibly let the courts look at the use of warrantless wiretapping is so false on its face it is hardly worthy of an argument to the contrary.

In fact, Judge Walker, a Republican appointee to the Federal bench, I might point out, has ridiculed the argument that these matters could not go before the judicial branch for review. There is no longer a debate about whether the wiretapping program is in the public—it is. And the means and technology used to do it have publicly been discussed and debated.

This decision deprives us of the opportunity to determine exactly what happened. I would further point out that but for the insistence of the chairman of this committee and the ranking member, and I suspect others, the administration would have succeeded in immunizing everyone involved with this, everyone within the executive branch, the White House, the Justice Department.

The chairman and the ranking member said that was going too far. But that request is instructive. What do we learn from it? Why did the administration demand of the Intelligence Committee that everyone associated with this matter be immunized against any further legal action? What was the motive behind it? Doesn't that suggest that something else must be going on?

That is where we are in all of this. Again, I apologize to my colleagues and others for taking so much time to talk about this. But as I mentioned last evening, I grew up in a family with a father who was deeply involved in the rule of law. He was a prosecutor at the Nuremberg trials in 1945 and 1946, a rather unique moment in American history, where because of an American President, because of a Secretary of War, because of a Supreme Court Justice and a handful of others, America did not yield to the vengeance, even for those enemies we hated the most: Nazis who had incinerated 6 million Jews and 5 million others targeted for their politics, religion, and otherwise. Why would you possibly give that crowd a trial? A handful of Americans, Republicans and Democrats, got together and said: America is different. We believe in the rule of law in the United States. And we believe the rule of law is something that does not necessarily belong to one Nation or sovereignty; it belongs to all people, reaching back to our own founding documents that tell us that the rule of law, not the rule of man, ought to prevail.

So the United States, along with our very reluctant allies, created the Nuremberg trials, which established the moral high ground for the United States in so many ways. As a result, 21 defendants in the first trial got a lawyer and got to present evidence and defend themselves—because we followed the rule of law.

It was the moral high ground and the basis for so much else that was created in the post World War II period: The international courts, the U.N. system, the NATO system, the Marshall Plan. All these institutions sprang from that what we helped create in the wake of World War II and the Nuremberg trials.

So I grew up around a dining room table where the rule of law was talked about all the time. I was taught that our Constitution did not belong to a political party, it did not belong to politicians or candidates.

And I remember that great scene in the movie "A Man For All Seasons," where Thomas More is asked if he would not be willing to cut down all the laws in England to get his hands on the devil.

And More responds, and I am paraphrasing his quote: When I have cut down every law in England to get to the devil and the devil comes after me, what laws will stand there to protect me?

So while some may feel comfort that they are being protected by this decision we have made, they should remind themselves the worm does turn, and someday they may find themselves on the opposite side of this question.

So this debate should not be framed as the issue of the hour; rather, it is about the principle behind it, and that is the rule of law. The power of courts to decide the legality and illegality of actions is so deeply imbedded in our Constitution, so deeply imbedded in the fabric of how we conduct ourselves, that it ought not to be the subject of a partisan discussion and debate.

That is why I have fought to keep this day from coming with everything I had in me. I have not fought alone. Many average Americans have given me strength for this fight, strength that comes from the passion and eloquence of citizens who do not have to be involved, but choose to be involved. I thank them for it.

But today when I speak in this body against this immunity and for the rule of law, I am speaking for a minority. And respecting the rule of law anywhere means respecting it everywhere, even when it means we do not win. The rule of law says we, the minority, cannot stand forever; and having made our case with all the fire in us, we stand down and wait for a different day and a different set of circumstances.

I will say this, though. I have seen some dark days in this Chamber; in my mind, one of the worst was September 28, 2007. That was the day the Senate voted to strip habeas corpus and tolerate torture.

Today, February 12, 2008, is nearly as dark: the day the Senate voted to ensure secrecy and to exempt corporations from the rule of law. Frankly, I have seen a lot of darkness in recent years, as one by one our dearest traditions of constitutional governance have been attacked.

At each new attack, millions of Americans have stood up in outrage; but millions more have answered with patience. One might fault them for that, but I do not. More than two centuries of democratic tradition have nurtured that patience; it speaks well of our Democratic faith that so many take the rule of law in America as a given.

If millions have not yet noticed the rule of law falling, that is because it has so far to fall. But fall it will, if we remove our support for it. The law in America is not a gift or an inheritance; it is the active work of every generation to preserve and protect it.

As America's patience wears thinner and thinner, and as more and more citizens take up that active work, our minority will—I have faith that it will—make itself a majority.

But today was not that day. And so the Senate has signed its name to this immunity, this silencing of our courts, this officially sanctioned secrecy, without a majority of us evening laying eyes on the secret papers that are supposed to prove the President's case.

Retroactive immunity is a disgrace in itself. And in the last months I believe we have proved that beyond a reasonable doubt. But it is even more disgraceful in all it represents. It is the mindset that the Church Committee summed up so eloquently three decades ago.

> The view that the traditional American principles of justice and fair play have no place in our struggle against the enemies of freedom.

That view created the Nixonian secrecy of the 1970s, and the Church Committee wrote those words, in part, as a rebuke to our predecessors in this Chamber who for years let secrecy and executive abuses slide. But today those words take on a new meaning. Today they rebuke us. They shame us for our lack of faith that we can, at the same time, keep our country safe and our Constitution whole.

When the 21st century version of the Church Committee convenes to investigate the abuse of the past years, how will it judge us? What will it say about us when they look back on our actions? When it reads through the records of our debate—not if, but when—what will it find?

When the President asked us to repudiate the Geneva Conventions and strip away the right of habeas corpus, how did we respond?

When images of American troops tormenting detainees were broadcasted around the world, how did we protest?

When stories of secret prisons and outsourced torture became impossible to deny, how did we resist?

And on February 12, 2008, when we were asked to put corporations explicitly outside the law and accept at face value the argument that some are literally too rich to be sued, how did we vote?

All of those questions are coming for us. All of them and more. And in the quiet of his or her own conscience, each Senator knows what the answers are.

I fought so long against retroactive immunity because, in this huge fabric of lawlessness, it was the closest thread to grab. I believed if we grabbed hold and pulled, it would begin to unravel. That has not happened.

But if we believe that each assault against the rule of law was an accident, that each was isolated, we are deluding ourselves. If the past is any guide, there will be another one. And hope, as they say, springs eternal. I hope we will stand up then.

And perhaps we will have the chance to do so very soon. As I mentioned a few minutes ago, the House of Representatives has passed a version of this bill without retroactive immunity. It will be the job of the conference between the House of Representatives and the Senate to reconcile the two versions of this bill.

And before I stand down, I wish to implore the members of that committee, in the strongest terms I can find, to strip retroactive immunity from this bill once and for all. Remember, this is about more than a few telephone calls, a few companies, a few lawsuits. If the supporters of retroactive immunity keep this small, they win. In truth, the issue we have debated for the last few months, the issue that will finally come to a head in this conference committee, is so much more. At stake is our latest answer to the defining question: The rule of law or the rule of men?

That question never goes away. As long as there are free societies, generations of leaders will struggle mightily to answer it. Each generation must answer for itself; and just because our Founders answered it correctly does not mean they are bound by their choice. In that, as in all decisions, we are entirely free; the whole burden falls on us.

But we can take counsel. We can listen to those who came before us, who made the right choice, even when our Nation's very survival was at risk. They knew that the rule of law was far more rooted in our character than any one man's lawlessness.

I do not think that has changed at all. Secure in that faith, I will sit down now and end my part in this conversation. But when the question of the rule of law or the rule of men comes again, which it surely will, I will be proud to stand up once more. And if this bill comes back with retroactive immunity, I will speak against that travesty—the denial of the rule of law in favor of the rule of men.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Washington is recognized.

Ms. CANTWELL. I rise today to express concerns about the FISA Amendments Act S. 2248 before us. This morning, the Senate lost an opportunity to strengthen this bill. And, unfortunately, without those critical provisions, I will have to oppose the bill before us. I thank the Senator from Connecticut for his leadership in fighting against this bill. I know he will be back on this issue at every opportunity.

Mr. President, I rise to join this debate. I have been, over many years, interested and involved in privacy rights issues in a variety of capacities. Certainly, the residents of my state care passionately about their rights to privacy.

This administration has done a lot to blur the line between foreign intelligence gathering and spying on U.S. citizens. Now, the legislation before us today could have been improved to better protect the rights of U.S. citizens by passing amendments proposed by my colleague Senator FEINGOLD, but we turned those down.

Instead what has been a delicate balance in the United States to protect the rights of privacy of U.S. citizens and national security is going to be further eroded.

Congress has limited powers and so does the President. The President does not and should not have unchecked power in this or any other area. It would be contrary to our American values and our system of government, which has endured for more than 231 years.

When strengthening national security, we must also safeguard civil liberties and the privacy rights of American citizens. I cannot support a bill that fails to strike this critical balance, as the original Foreign Intelligence Surveillance Act (FISA) did. We didn't allow the government to have unchecked unlimited authority then, and we shouldn't allow it now. There have been times in the past when both Democratic and Republican administrations lost sight of the need to protect U.S. citizens' privacy rights.

We all want to protect the United States, but how good is this approach if the end result is that everyone thinks that there is a back door to our computer operating systems, a back door to our telecommunication systems? Who will want to do business in the United States if they think there are no secure systems, only systems to which the U.S. government will have access? Communications over the Internet, regardless of country of origin or country of destination, know no national boundaries, and travel by the most efficient route. If the Act as currently drafted goes forward, it may lead to an international reexamination of how the Internet should operate. FISA has been a very important part of our checks and balances.

In our country, a Senator cannot pick or choose what laws they follow and neither should the President nor telecommunication companies. Congress should not be providing blanket immunity for telecommunications companies that cooperated with the Administration's warrantless wiretapping programs. We don't know precisely what those companies did or the full extent of what they did.

I believe the Federal courts should be allowed to rule on the legality of the companies' conduct. Congress should not move to preempt judicial decisions. Special procedures can be put in place that could allow such cases to move ahead without revealing classified information or damaging U.S. national security. Specifically, I want to touch on the lawsuit the Electronic Frontier Foundation (EFF) filed against a large telecom company, accusing it of violating FISA, on behalf of a class of its customers. If retroactive immunity is granted to telecom providers, the lawsuit will be dismissed, and the public will never get an opportunity of getting even a glimpse of what happened.

The issue of the Federal Government and telecoms possibly violating FISA came to light in part as a result of the actions of a brave whistleblower. According to media reports and internal AT&T documents provided by this whistleblower, Mark Klein, the telecom company allegedly splits off a copy of all of the Internet traffic transported over fiber-optic cables running though its San Francisco office and diverts it all—e-mails, IMs, web browsing, everything—to a secure room under the control of the National Security Agency that contains sophisticated data-mining equipment capable of monitoring all the communications' content in real-time. What appears to have happened is a major change in how electronic surveillance is conducted in this country. Surveillance used to be particularized—investigators would pick a target and then intercept the communications of that target. But now, it appears the Administration is using advances in technology to move to a wholesale surveillance regime, where everything is intercepted and then investigators sift through the hay to pick their targets. In other words, the Administration is seizing millions of Americans' communications—billions of phone calls and e-mails and more—in a 21st century high-tech equivalent of the King's general warrants that our Founders fought a revolution to avoid.

The Electronic Frontier Foundation wants a court to be able to decide whether this new mode of surveillance is or can ever be legal, under FISA or the fourth amendment. Letting the courts decide that question is critical to checks and balances, critical to ensuring that Congress' privacy laws are followed and the fourth amendment respected, and critical to preventing abuses of power. Therefore, I urge my colleagues to allow this case to move forward. I urge them to allow the Federal courts to rule on the legality of the companies' conduct. These are the issues, I believe, that must be reviewed by the courts. I think passing this legislation really preempts what is critical judicial review and undermines the fundamental principle of checks and balances in our system.

I know these are challenging times. But we have to remember our Constitution and to remember what is effective policy. Everybody in America wants to be safer and we want to use technology to protect our national security. But, technology can be used in a way that protects privacy rights. This all goes back to checks and balances. Instead of rushing to dismantle them, Congress needs to maintain and strengthen these checks and balances in order to prevent abuses of power. This model has worked for our country.

I encourage my colleagues to make sure we remember the fourth amendment and we remember our citizens' rights to privacy as well in considering this legislation, which I hope the Senate will turn down this afternoon.

Mr. ROCKEFELLER. Mr. President, under a unanimous Consent agreement, the Senate has accepted three amendments to the FISA Amendments Act of 2008. I would like to say a word about each.

The senior Senator from Massachusetts has authored a helpful amendment to ensure that the Government will not intentionally acquire communications where the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

Our bill, S. 2248, is not intended to authorize the intelligence community to acquire purely domestic communications.

Electronic surveillance of purely domestic communications requires a court order under title I of FISA. In addition, S. 2248 explicitly prohibits the targeting of persons known at the time of acquisition to be located inside the United States.

The importance of the Kennedy amendment is that it reinforces our intent. It should put to rest any doubts about what the Senate intends with respect to protecting the communications of persons within the United States. I am grateful for the willingness of the Senator KENNEDY to work with the committee on this amendment.

I would also like to acknowledge his leading role in the history of FISA as the sponsor of the original FISA legislation, first in 1976, and then when FISA was enacted in 1978. Senator KENNEDY helped the Congress then to enact legislation that protects both our national security and the rights of Americans. We are grateful that he has stepped forward again to help us achieve those goals.

Under the unanimous consent agreement, the Senate has accepted an amendment by Senator WHITEHOUSE that resolves an important question about the status, pending appeal, of an order by the Foreign Intelligence Surveillance Court requiring correction of deficiencies in intelligence collection procedures under the new title VII of FISA.

The amendment requires the FISA Court of Review to determine, within 60 days of the Government's appeal, whether all or part of a FISA Court order requiring correction will be implemented during the appeal. The Government may continue collection until the appellate court makes that determination, and longer if the Court so determines. The 60-day requirement ensures that the matter will receive appellate attention without undue delay.

We appreciate Senator WHITEHOUSE's successful effort to resolve this matter.

Finally, under the unanimous consent agreement, the Senate has accepted an amendment by Vice Chairman BOND to delete a statutory requirement that appeals in cases either challenging or seeking to enforce directives to companies be filed within 7 days. The amendment leaves it to the FISA Court or the Court of Review to establish that deadline as they do for all other appeals under FISA.

The amendment recognizes the responsibility of those courts to establish rules. And it recognizes that both the Government and carriers may require additional time to evaluate whether an appeal should be filed.

I appreciate the vice chairman's effort to resolve this matter.

Mr. OBAMA. Mr. President, I am disappointed that the Senate has rejected several commonsense improvements to the Intelligence Committee's FISA proposal. I commend my colleagues, Senators DODD, FEINGOLD, TESTER, WEBB, WHITEHOUSE, LEAHY, SPECTER and others, for proposing these solutions, and I welcome the outpouring of interest on this issue from informed and concerned citizens around the country.

News last week from the Intelligence Committee hearing underscored the importance of ensuring that our surveillance laws protect our security, just as we must vigilantly safeguard our civil liberties. Director of National Intelligence McConnell warned that al-Qaida continues to train and recruit new adherents to attack within the United States, and such reports should serve to unite us in common purpose against the terrorists that threaten our homeland. Instead, President Bush is using this debate once again to divide us through a politics of fear.

I was disappointed to learn of the President's threat to veto any FISA bill that does not include an unprecedented grant of immunity for telephone companies that cooperated with the President's warrantless wiretapping program. Why the President continues to try to hold this important legislation captive to that special interest provision defies explanation.

I was proud to cosponsor the Dodd-Feingold amendment to strike the immunity provision from the bill. However, with the defeat of this amendment, telephone companies will not be held accountable even if it could be proven that they clearly and knowingly broke the law and nullified the privacy rights of Americans. This is a matter for the courts to decide, not for preemptive action by the Senate.

We can give our intelligence and law enforcement community the powers they need to track down and take out terrorists without undermining our commitment to the rule of law or our basic rights and liberties. That is why I cosponsored the Feingold amendment, which would have prevented the Government from using these extraordinary warrantless powers to conduct "bulk collection" of American information. I also supported the Feingold-Webb-Tester amendment to protect the privacy of Americans' communications by requiring court orders to monitor American communications on American soil, unless there is reason to believe that the communications involve terrorist activities directed at the United States or the monitoring is necessary to prevent death or serious bodily harm. Unfortunately, these amendments were defeated as well. These are the types of narrowly tailored, commonsense fixes that would have allowed the Government to conduct surveillance without sacrificing our precious civil liberties.

For over 6 years since the attacks of 9/11, this administration has approached issues related to terrorism as opportunities to use fear to advance ideological policies and political agendas. It is time for this politics of fear to end.

We need durable tools in this fight against terrorism—tools that protect the liberties we cherish and the security we demand. We are trying to protect the American people, not special interests like the telecommunications industry. We are trying to ensure that we don't sacrifice our liberty in pursuit of security, and it is past time for the administration to join us in that effort.

There is no need for the goals of security and liberty to be contradictory.

Mr. LEVIN. Mr. President, last year Congress passed a temporary bill with a 6-month time limit that would give us the opportunity to carry out a thorough, thoughtful examination of how to utilize complicated new technologies in the surveillance of suspected terrorists without invading the privacy of innocent Americans. In the months since we passed that temporary act, we have worked in a bipartisan manner to consider the best course forward for permanent changes to the Foreign Intelligence Surveillance Act. Despite the enormous complexity of these issues, we reached a bipartisan consensus on the key provisions contained in title I of the bill we are considering today.

I believe that title I of the bill before us appropriately provides the intelligence community the authority it needs to collect intelligence information on suspected terrorists. The collection of that intelligence is important to our national security and merits congressional support. That is why I helped write the Rockefeller-Levin substitute amendment that we voted on last summer, why I voted in favor of the Leahy substitute amendment that we considered in January, and why I support title I of the bill before us today. In my view, the Rockefeller-Levin substitute, the Leahy substitute, and title I of this bill all provide for the appropriate collection of intelligence information on suspected terrorists.

Title I of this bill would provide the needed authority for collection of that information in a responsible manner.

Title I of this bill, unlike the temporary act which we passed last summer, would not authorize the targeting of U.S. persons for electronic surveillance without probable cause.

Title I of this bill, unlike the temporary act, would not authorize the administration to collect communications—including communications to and from U.S. persons—for months without even submitting the collection program for court approval.

Title I of this bill, unlike the temporary act, would not authorize the administration to continue to collect such communications for an extended period even after the FISA Court has specifically rejected an application for approval.

Title I of this bill, unlike the temporary act, would expressly authorize judicial review of the targeting and so-called minimization procedures in order to protect the privacy rights of U.S. persons.

Title I of this bill, unlike the temporary act, would require regular inspector general reviews and regular reports to Congress on any authorized collection program.

I congratulate Senator ROCKEFELLER and other colleagues on their success in achieving the administration's support for these well-crafted title I provisions, which are significant improvements over the temporary bill hastily adopted last year.

Title II of the bill is a different story. Title II would eliminate accountability by granting retroactive immunity for telecommunications providers that disclosed communications and other confidential information of their customers at the behest of Government officials. They did this despite a law specifically making it illegal to do so. Unlike title I, there is no bipartisan agreement on title II.

Title II would require dismissal of lawsuits brought by persons claiming injury from interception and disclosure of their communications, even if the activity resulting in the injury was illegal. It would require dismissal of lawsuits, even if the disclosure violated the constitutional rights of individuals whose personal information was illegally disclosed. It would require dismissal of lawsuits, even if innocent U.S. citizens were damaged by the disclosure or compromise of confidential personal information.

Retroactive immunity is not fair. It is not wise. And it is not necessary.

Retroactive immunity is not fair because it leaves American citizens who may have been harmed by the alleged unlawful conduct of these providers without any legal remedy.

Retroactive immunity is not wise because it precludes any judicial review of that conduct. I am deeply concerned that if we act here to immunize private parties who participated in a program that appears to have been clearly illegal, we may encourage others to engage in such illegal activities in the future. In a free society, illegal activity cannot be excused on the grounds that Government officials asked you to carry it out. There must be accountability for illegal acts. As written, title II eliminates some critically required accountability.

Nor is retroactive immunity necessary. Congress has already ensured the future cooperation of the telecommunications providers with the intelligence community in the Protect America Act adopted last August. That act authorizes the Attorney General or the Director of National Intelligence to direct telecommunications providers to disclose certain information and provides prospective immunity to telecommunications providers that cooperate with such directives.

Title I of the bill before us appropriately continues to provide prospective immunity to telecommunications providers. Title I states:

> Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued by the Attorney General or the Director of National Intelligence pursuant to the act.

In light of the prospective immunity in title I, which is appropriately in this bill, the retroactive immunity of title II is not necessary to ensure the future cooperation of telecommunications providers that receive legitimate requests for information from the intelligence community.

The argument has been made that we must provide retroactive immunity to the telecommunications providers to ensure the cases against them are immediately dismissed because if the cases are permitted to proceed, vital national security information will be disclosed. But the courts have numerous tools at their disposal to protect such information and have successfully used these tools throughout our history. They can review evidence in a classified setting; they can redact documents; they can even dismiss a case for national security reasons if they deem it necessary to do so.

Some have even taken the position that the mere existence of this litigation, even without the disclosure of any information, will somehow help the terrorists. But the President has already disclosed the existence of the collection program at issue. It has been discussed in Congress and in the press. The Director of National Intelligence has publicly discussed the program.

There is a way to properly immunize from legal liability telecommunications providers that acted in good faith based on the assurances of appropriate administration officials. The way to do that is by substituting the United States for the telecommunications providers as the defendant in lawsuits based on the actions of those providers. That substitution would safeguard telecommunications providers from liability just as effectively as the retroactive immunity language in title II of the bill. But unlike the retroactive immunity language of title II, it would not leave persons who can prove they were victims of unlawful actions without a remedy.

We can ensure that any such innocent victims retain whatever legal rights they have under applicable law, except that the U.S. Government would be substituted for the telecommunications providers as the defendant in such lawsuits. And it is appropriate that the Government be liable rather than the telecommunications providers, since the disclosures were allegedly made by the providers in these cases at the request of senior executive branch officials based on appeals to help safeguard U.S. security and assurances that the providers would be protected from liability regardless of the requirements of law.

We had a number of opportunities to provide equity both to the telecommunications providers and to any injured citizens.

We had the opportunity to adopt the Dodd-Feingold amendment, which would have struck title II from the bill, allowing us to adopt a new approach that protects both the equities of telecommunications providers that acted in good faith and those of people who were allegedly injured by their illegal actions.

We had the opportunity to adopt the Specter-Whitehouse substitution amendment, which would have fully protected telecommunications providers, without depriving American citizens who were harmed by unlawful collection of their personal information of a legal remedy. It did so by substituting the United States for the telecommunications providers as the defendant in lawsuits based on the actions of those providers. That substitution would safeguard telecommunications providers from liability just as effectively as the retroactive immunity language in title II of the bill.

And we had the opportunity to adopt the Feinstein amendment, which would have limited immunity to those telecommunications providers that are found by a court to have acted in reasonable, good-faith reliance on assurances from executive branch officials.

The adoption of these amendments would have made a significant improvement to the bill. With their rejection, I cannot support this bill despite my support for title I, which again, appropriately, authorizes the collection of intelligence. But it is my hope that a bill comes from conference with the House of Representatives that includes appropriate changes to eliminate unfair, unwise, and unnecessary retroactive immunity provisions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont has 20 minutes.

Mr. LEAHY. Madam President, the Foreign Intelligence Surveillance Act FISA is intended to protect our national security. It is also intended to protect the privacy and civil liberties of Americans. The law was passed to protect the rights of Americans after the excesses of an earlier time.

We are debating amendments to this important law. I had hoped the Senate would act to improve the bill reported by the Select Committee on Intelligence. It has not. I had hoped the Senate would incorporate improvements included in the House-passed RESTORE Act and the bill reported by the Senate Judiciary Committee. It has not.

I had hoped the administration would work with us. It has not. Instead, having gotten exactly the bill they want, in the way they want, from the Intelligence Committee, they have threatened a Presidential veto if we improve this bill in any way or fix its flaws.

I had hoped that Republican Senators would work with us as we have worked together to amend FISA dozens of times over the last 30 years and to update it in more than a dozen ways even since September 11, 2001. But instead of working in a bipartisan fashion, as I have seen before in my 34 years in the Senate, in an unprecedented way, Republicans voted lockstep to table the Judiciary Committee improvements and virtually lockstep against every individual amendment and improvement.

Worse, the Republican leadership has stalled action on the measure for weeks. They continue to insist it is their way or no way. Sadly, with the acquiescence of even some on this side of the aisle, they have controlled the debate, the bill, and the final result in the Senate.

Working together we could have done so much better. I look forward to working with the House to make improvements that are needed to this measure before I can support it.

The process has been, in large part, a repeat of that which led to the so-called Protect America Act last summer. That ill-conceived measure was rushed through the Senate in an atmosphere of fear and intimidation just before the August recess, and after the administration had broken their word and reneged on agreements reached with congressional leaders. The bill was hurriedly passed under intense partisan pressure from the administration. It provided sweeping new powers to the Government to engage in surveillance, without a warrant, of calls to and from the United States involving Americans, and it provided no meaningful protection for the privacy and civil liberties of Americans who were on those calls.

I was here when we first passed FISA because we knew what happened when we had an out-of-control administration. We saw it during the Watergate years. We saw it with J. Edgar Hoover. We saw those who wiretapped people because they didn't like what they said, they disagreed with the administration; they actually raised questions about the Vietnam war. Sometimes it would help if everybody read a history book every now and then around here. Some seem too willing to give up the liberties for which we fought.

The Senate should have considered and incorporated more meaningful corrections to the so-called Protect America Act. Before that flawed bill passed, Senator ROCKEFELLER and I and several others in the House and Senate had worked hard and in good faith with the administration to craft legislation that solved an identified problem but also protected Americans' privacy and liberties.

We all want to protect our security. We all want the ability to go after those who would do this country harm. And we drafted legislation that would have taken care of the problem they told us about.

But just before the August recess, we got a call. Basically, the Director of National Intelligence told us they could not keep their word, they could not keep the administration's word, and the administration decided to ram through its version of the so-called Protect America Act, with excessive grants of Government authority and without accountability or checks and balances. They refused to consider any other way.

After almost 6 years of breaking the law and violating FISA through secret warrantless wiretapping programs, that was wrong. A number of us supported a better balanced alternative, and we voted against the Protect America Act as drafted by the administration and passed by the Senate.

Ironically, the reason we were even voting on it is that the press found out how the administration was breaking the law. Even though the administration was required by statute to tell leaders in Congress what they were doing, which was a clear violation of the law, they had failed to do that. Fortunately, we still have some remnant of a free press in this country and they found it out.

Because of a sunset provision, we had a chance to revisit that matter and correct it. The Judiciary Committees and the Intelligence Committees of the Senate and the House spent the past months considering changes to FISA. In the Senate Judiciary Committee, we held open hearings and countless briefings and meetings to consider new surveillance legislation, including classified meetings. We considered legislative language in a number of open business meetings of the committee, and we reported a good bill to the Senate. This was before last Thanksgiving.

Instead of that bill, a good bill, the Senate is poised to pass a bill that will permit the Government to review more Americans' communications with little in the way of meaningful court supervision.

I support surveillance targeting foreign threats, but I wanted to make sure we protect those American liberties that, after all, we fought a Revolutionary War to protect and a civil war and two World Wars and not just give it away because some people around here get cold feet when threatened by the administration.

Attorney General Mukasey said at his nomination hearing that "protecting civil liberties, and people's confidence that those liberties are protected, is a part of protecting national security." I agree with him about that. That is what the Senate judiciary bill would have done.

The administration insists on avoiding accountability by including blanket retroactive immunity in their bill. It would grant blanket retroactive immunity to telecommunications carriers for their warrantless surveillance activities from 2001 through earlier this year contrary to FISA and in violation of the privacy rights of Americans.

The administration violated FISA by conducting warrantless surveillance for more than 5 years. They got caught. Frankly, if they had not gotten caught, they would probably still be doing it. When the public found out about the President's illegal surveillance of Americans, the administration and telephone companies were sued by citizens who believed their privacy and their rights were violated.

So now the administration is trying to get this Congress to terminate those lawsuits. But don't believe the crocodile tears of this administration, saying they are doing it to protect these telephone companies. This is, after all, the same administration that owed the telephone companies millions of dollars in unpaid bills for wiretapping. They will not even pay their bills.

No, the reason they want this provision is to protect those in the administration who broke the law. They don't want anybody to find out which members of the Department of Justice so thwarted the law in writing cockamamie legal opinions that a first-year law student would see through. They want to insulate themselves from accountability. I am not going to support such an end run around accountability.

The administration knows these lawsuits may be the only way that it is ever going to be called to account for its flagrant disrespect of the law. In running its illegal program of warrantless surveillance, the administration relied on legal opinions prepared in secret and shown to only a tiny cabal of like-minded officials.

This ensured that the administration received the advice they wanted. Don't tell us what the law is; tell us what we want the law to be. I used to read my children "Alice in Wonderland." Now I read my grandchildren "Alice in Wonderland." This sounds like "Alice in Wonderland."

Jack Goldsmith, a conservative Republican who came in briefly to head the Justice Department's Office of Legal Counsel, described the program as a "legal mess." This administration does not want a court to have a chance to look at this legal mess, and retroactive immunity will assure not that they are protecting telephone companies, but that they will cover their own backsides. They want to protect themselves.

The rule of law is fundamentally important in our system, and so is protecting the rights of Americans from unlawful surveillance. I do not believe Congress can or should seek to take those rights and those claims from those already harmed. As I said, I worked with Senator SPECTER and both Senators FEINSTEIN and WHITEHOUSE to try to craft more effective alternatives to retroactive immunity. We worked with the legal concept of substitution, replacing Government in the shoes of private defendants that acted at its behest. Let it assume full responsibility for the illegal conduct.

Substitution would have protected the telephone companies. It would have placed the administration in their shoes in the lawsuits. But the truth is that the administration doesn't really care about the telephone companies. They are worried only about the American public finding out what they did illegally, how they violated the laws and the Constitution of this country.

I also supported Senator FEINSTEIN's proposal to strengthen the role of the FISA Court in this regard. The administration and its allies in the Senate defeated both of these viable alternatives to retroactive immunity. The administration, by trying to frighten people, warded off all efforts of compromise and accommodation. They don't want to be held accountable, and they have enough Senators who will protect them so they will not be held accountable—not to the Congress or, more importantly, to the American people.

The Senate was forced to vote on retroactive immunity even though not all Senators had access to the information they needed to make an informed judgment about the Government's and the phone companies' conduct. The majority leader wrote to the administration last year urging such access, and I supported it. Of course, we got had no response. The administration ignored the request. After all, if we knew what we were doing around here, we might actually make them stand up and be responsible for their actions, which is the last thing in the world they want. It is clear they do not want to allow Senators or anyone else to evaluate their lawlessness. Their rule is no accountability. Whether it is Scooter Libby or anyone else, no accountability. We will protect those who break the law on our behalf.

I have drawn very different conclusions from Senator ROCKEFELLER about retroactive immunity. I agree with Senator SPECTER and many others that blanket retroactive immunity, which would end ongoing lawsuits by legislative fiat, undermines accountability.

Senator SPECTER has been working diligently, first as chairman of the Judiciary Committee and now as ranking member, to obtain judicial review of the legality of warrantless wiretapping of Americans from 2001 until last year. The checks and balances the judiciary provides in our constitutional democracy has an important role to play. Every one of us, if we follow our oath of office, should want to protect that. Judicial review can and should provide a measure of accountability.

I believe protecting the rule of law is important, and I believe in protecting the rights of Americans from unlawful surveillance. I do not believe the Congress can or should seek to take those rights and those claims from those already harmed. Moreover, ending ongoing litigation eliminates the only viable avenue of accountability for the Government's illegal actions.

Therefore, I say again, I oppose retroactive immunity. There should be a measure of accountability for the administration's actions in the years following 9/11. If it is simply a case of protecting the telephone companies, then why don't we vote for something that would put the Government in their shoes? Why don't we? Because that is the last thing in the world this administration wants because then they would have to answer to how many different people in the Bush administration broke the law.

I don't believe anybody is above the law. I don't believe the President is; I don't believe a Senator is; I don't believe anybody is. Keep in mind, as I said earlier, why we have FISA. Congress passed that law only after we discovered the shameful abuses of J. Edgar Hoover's FBI. Through the COINTEL Program—sometimes called COINTELPRO—Director Hoover spied on Americans who objected and spoke out against the war in Vietnam. I objected and spoke out against the war in Vietnam. Many Vermonters opposed that war. I wonder how many Vermonters were spied on for daring to speak out against it.

Ironically, Madam President, in April of 1975, the United States Senate voted by a one-vote margin in the Armed Services Committee to stop the war in Vietnam. A year later, it was hard to find anybody in this body who had supported it, although obviously an awful lot of Senators had.

Well, I wonder if we are going to look back that same way someday and ask: were we so frightened by 9/11 that we were willing to throw away everything this country fought for, everything that has made this country great through our history?

We can protect Americans' rights. We can protect those things our forefathers fought a revolution to obtain, that we fought a civil war to protect, that we fought two world wars to cement. We can protect ourselves. But we cannot protect ourselves if we do not protect our rights. Are we going to throw our rights away because of a group of terrorists? This Senator is not going to.

Let us show the American people and the world what America stands for. We can and will do all we can to secure the future for ourselves, our children, and our grandchildren. At the same time, we can protect the cherished rights and freedoms that define America and make this country different from all others. Those are the rights and freedoms that protected past generations and allow us to have an American future. If we do not protect them, what will we leave to our children and grandchildren?

Let us stand up for American values. Let us not be afraid to preserve our freedom while protecting our national security.

Madam President, I retain the remainder of my time.

Mr. REED. Madam President, we have had a lengthy debate, and in the end I decided to vote against final passage of S. 2248, the FISA Amendments Act of 2007.

First, I commend Senators ROCKEFELLER and BOND for recognizing immediately that the Protect America Act, passed in August, needed modifications. S. 2248 does improve FISA procedures. The bill increases the role of the FISA Court with respect to targeting. It mandates FISA Court review and approval of the minimization procedures governing the protection of identities and nonpublic information about U.S. persons. This bill also provides statutory rules for the use of information acquired under it.

However, when S. 2248 came before the full Senate for debate, I, and many of my colleagues, believed that additional protections and clarifications could and should be added. But it soon became clear that all such measures would be defeated.

I was particularly disappointed that Senator FEINSTEIN's amendment on exclusivity did not pass. I believe it is very important to reiterate that FISA is the exclusive means for conducting surveillance on Americans for foreign intelligence purposes. I would have thought that every member of the Senate would have been interested in clarifying what the administration was authorized to do under the laws that Congress passes rather than allowing the administration to boldly and erroneously assert authorities from the Authorization for the Use of Military Force against al-Qaida and the Taliban. But unfortunately I was wrong.

I also admit that I had serious concerns about granting retroactive immunity to telecommunications companies for actions they may or may not have taken in response to administration requests that may or may not have been legal. One of my concerns is regarding the accessibility of information. First, my colleagues on the Judiciary Committee and Intelligence Committee were allowed to read the necessary documents only after extensive negotiations with the administration. I, and the rest of my Senate colleagues who are not on those committees, were denied access to those documents. In addition, the telecommunications companies who have been named in several lawsuits have been prohibited by the Government from providing any information regarding this issue to the courts, to the plaintiffs, to Members of Congress, or to the public. Yet we were asked to blindly vote for retroactive immunity, which is something I simply could not do. Therefore I supported Senator DODD's amendment to strike immunity, but it did not pass.

I was then willing to consider some compromise approaches, such as the Specter and Whitehouse amendment, which would have substituted the Government for the telecommunications companies in civil suits, or Senator FEINSTEIN's amendment, which would have provided for the FISA Court's review of the telecommunications companies to determine if immunity should apply. However, neither of these amendments was able to secure enough votes to pass. At the end of day, retroactive immunity remained in the bill, setting what I believe could be a dangerous precedent.

S. 2248 is indeed an improvement over the Protect America Act. But in my judgment, it still did not provide enough protections to American citizens and did not provide ample justification for retroactive immunity for telecommunications companies. I therefore voted to oppose the bill. I hope to continue to work with my colleagues to pass the modifications I believe are needed.

Mr. CARDIN. Madam President, I rise today in opposition to final passage of S. 2248, the FISA, Foreign Intelligence Surveillance Act, Amendments Act. I am disappointed that the Senate has failed to adequately improve the Protect America Act, PAA, which Congress enacted in August 2007 and which I voted against.

The President should have the necessary authority to track terrorists, intercept their communications, and disrupt their plots. Congress should make needed changes to FISA to account for changes in technology and rulings from the FISA Court involving purely international communications that pass through telecommunications routes in the United States. While we have a solemn obligation to protect the American people, we must simultaneously uphold the Constitution and protect our civil liberties.

After learning about executive branch abuses in the 1960s and 1970s, Congress passed very specific laws which authorize electronic surveillance. Congress has regularly updated these measures over the years to provide the executive branch the tools it needs to investigate terrorists, while preserving essential oversight mechanisms for the courts and the Congress. FISA requires the Government to seek an order or warrant from the FISA Court before conducting electronic surveillance that may involve U.S. persons. The act also provides for postsurveillance notice to the FISA Court by the Attorney General in an emergency.

I am very concerned that the FISA law was disregarded by the administration and want to ensure that we put an end to this type of abuse. We are a nation of laws, and no one is above the law, including the President and Attorney General. Congress has the right to know the extent of the warrantless wiretapping program and how it was initiated and changed over the years by this administration.

I voted in favor of the Judiciary Committee substitute to the Intelligence Committee bill. The Judiciary Committee version strengthened congressional and judicial review, including increasing the oversight by the FISA Court of the administration's wiretapping program. I am therefore very disappointed that the Senate rejected the Judiciary Committee substitute and that the Senate has rejected numerous amendments—including an amendment that I had offered—to improve this legislation.

I am hopeful that the House will make much needed improvements in this legislation during conference and that I can support balanced legislation that gives the intelligence community the tools it needs to track terrorists and prevent attacks, while maintaining safeguards against the abuse of power by the executive branch. I will continue to work to ensure the safety and security of the American people, as well as their civil liberties. Domestic eavesdropping raises serious and fundamental questions regarding the conduct of the war against terrorism, the privacy rights of Americans, and the separation of powers between the legislative, executive, and judicial branches. Congress must continue to work to strike the right balance, and we have not achieved that goal today.

Mr. KERRY. Madam President, I believe the FISA bill could have and should have been a better bill. There is no charitable explanation for why the U.S. Senate failed to pass a bill that demonstrates at once that we can protect our national security and protect the Constitution of the United States and the rights of law-abiding American citizens at the same time.

September 11 was a wakeup call for millions about a global struggle against extremism—and the need to modernize our Government to win that struggle. September 11 also began a debate in our country over how we can win the struggle against extremists without losing sight of who we are and what we value as Americans. Former Supreme Court Justice Sandra Day O'Connor described the challenge best:

> We must preserve our commitment at home to the principles for which we fight abroad.

Congress has a duty to protect the American people—and to protect the Constitution. That is the oath we take. It is a solemn pledge. That is why this debate, and this vote in the Senate is so disappointing: This latest FISA law does not live up to the words we speak when we take that oath in the Senate. Instead, rather than produce a bill that made us stronger in the fight against extremism, colleagues on the other side of the aisle summarily rejected every effort this week to give the President of the United States the added flexibility needed to hunt down and capture terrorists while protecting the rights of law-abiding Americans.

More than 6 years after 9/11, we are still searching to strike this proper balance. Once again, in the latest rushed effort in the face of partisan fear-mongering, the world's greatest deliberate body missed an opportunity to get it right.

Make no mistake, today's bill is a marked improvement over the Protect America Act. But this issue is far too critical to settle for half-measures and insufficient improvements. This bill doesn't do enough to protect independent judicial oversight by the Foreign Intelligence Surveillance Court, FISC, of sweeping Government powers. It doesn't provide the FISC the authority to assess the Government's ongoing compliance with its wiretapping procedures, and doesn't set limits on the way the Government uses information acquired about Americans.

Instead, this bill leaves Americans vulnerable to continued overreaching by the executive branch. It allows the President to rely on other statutory authorities to circumvent the will of the people and conduct warrantless foreign intelligence surveillance, permits limitless "fishing expeditions"—so-called bulk collection of all communications between the United States and overseas—and lets the government eavesdrop on Americans under the guise of targeting foreigners—what is known as "reverse targeting." If we have learned anything from over 7 years of the Bush administration, it is that we cannot simply hand them a blank check and trust that they will not abuse it.

The Judiciary Committee's FISA bill recognized the need for this type of robust judicial and congressional oversight in the face of ever-expanding Executive power. It systematically sought to create all of the aforementioned safeguards on liberty, while making sure to give the President the expanded set of tools required to fight terrorism in the digital age. That is the bill we should have passed.

Most importantly, unlike the FISA bill that passed the Senate yesterday, the Judiciary Committee's version did not grant amnesty to telecommunications providers that were complicit in the administration's warrantless spying program. The administration may well be deliberately stonewalling to avoid a judgment day in court. Yet, today, the Senate rewarded the President's obstructionism, providing him cover to seek political security under the guise of national security. That is wrong. It is also a slap in the face to telecommunications providers like QWEST, which in the difficult days after 9/11, courageously refused to aid the administration's warrantless wiretapping efforts and questioned their legality.

Americans, who are deeply concerned about the secrecy and abuses of power that have marked this administration's years in office, and who are tired of learning information after the fact in our newspapers when whistleblowers leak it, deserve much better. This bill shreds the bipartisan principle that Americans should have their day in court—that accountability should be preserved to adjudicate competing claims and at last shed light on the administration's secret surveillance program. It is for these reasons, after all, that Senator SPECTER, the ranking member of the Judiciary Committee, refused to grant blanket amnesty and, as he put it, "undercut[] a major avenue of redress." If these lawsuits are shielded by Congress, the courts may never rule on whether the administration's surveillance activities were lawful.

An impartial court of law insulated from political pressure is the most appropriate setting in which to receive a fair hearing. That is a far cry from the U.S. Senate wiping the slate clean for the Bush administration. Everyone agrees, if the telecoms followed the law, they should get immunity, as Congress explicitly provided under the original FISA law. But our courts should decide, not Congress—and that is a matter of principle protected in the House's FISA bill.

There is today, as divided as we are, very much that we agree upon: We all want to prevent terrorist attacks, we all want to gather effectively as much intelligence as possible, and we all want to bring those who would attack us to justice before they strike us. But we undermine—not strengthen—our cause when we subvert our Constitution, throw away our system of checks and balances, and disregard human dignity. We also accept a false choice between security and liberty. There is no need to. That is why I stand up for the belief that the rule of law isn't just compatible with—but essential to—keeping our homeland safe. We owe Americans a better FISA bill.

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask unanimous consent that the vote on passage of S. 2248, as amended, occur at 5:30 p.m. today, notwithstanding rule XII, paragraph 4, and that the time specified in the previous order remain in effect, with the time from 5:10 to 5:30 equally divided and controlled between the leaders, with the majority leader controlling the final 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 4018 TO AMENDMENT NO. 3911

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the amendment at the desk making technical and conforming changes to the bill be in order, notwithstanding the adoption of the substitute amendment, and that the amendment be adopted. This consent request has been approved by both leaders.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4018) was agreed to, as follows:

(Purpose: To make technical corrections)

On page 7, beginning on line 14, strike ", consistent with the requirements of section 101(h) or section 301(4), minimization procedures" and insert "minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4)".

On page 8, line 13, strike "168 hours" and insert "7 days".

On page 26, beginning on line 22, strike "consistent with the requirements of section 101(h) or section 301(4)" and insert "that meet the definition of minimization procedures under section 101(h) or section 301(4)".

On page 32, line 3, strike "subsection (2)" and insert "subsection (b)".

On page 35, line 6, strike "obtained;" and insert "obtained,".

On page 35, line 18, strike "168 hours" and insert "7 days".

On page 35, line 24, strike "subsection" and insert "section".

On page 36, line 6, strike "168 hours" and insert "7 days".

On page 36, line 16, strike "168-hour" and insert "7-day".

On page 40, beginning on line 16, strike "consistent with the requirements of section 101(h) or section 301(4)" and insert "that meet the definition of minimization procedures under section 101(h) or section 301(4)".

On page 44, line 15, strike "clause" and insert "subparagraph".

On page 45, line 15, strike "obtained;" and insert "obtained,".

On page 46, line 2, strike "168 hours" and insert "7 days".

On page 46, line 8, strike "subsection" and insert "section".

On page 46, lines 14 and 15, strike "168 hours" and insert "7 days".

On page 46, line 24, strike "168-hour" and insert "7-day".

On page 48, beginning on line 13, strike "orders under section 704(b) or section 705(b)" and insert "orders under section 704(c) or section 705(c)".

On page 54, beginning on line 22, strike "during the period such directive was in effect" and insert "for information, facilities, or assistance provided during the period such directive was or is in effect".

On page 60, line 4, strike "reasonably".

On page 60, line 5, strike "determines" and insert "reasonably determines".

On page 60, line 10, strike "determines" and insert "reasonably determines".

On page 60, lines 20 and 21, strike "168 hours" and insert "7 days".

On page 61, line 7, strike "168 hours" and insert "7 days".

On page 65, line 6, strike "168 hours" and insert "7 days".

On page 65, lines 16 and 17, strike "168 hours" and insert "7 days".

On page 67, line 2, strike "168 hours" and insert "7 days".

On page 67, line 4, strike "168 hours" and insert "7 days".

Mr. ROCKEFELLER. Madam President, after a long debate, we are, in fact, ready to, hopefully, pass the FISA bill. This has been an extremely important debate over important issues critical to the Nation's security.

As I discussed at the beginning of the debate, the guiding principle in bringing this bill to the Senate floor was to modernize our ability to collect communications intelligence against foreign targets without compromising the constitutional and statutory privacy protections afforded to all Americans. In my mind, we have achieved this goal.

Vice Chairman BOND and I worked very hard in the Intelligence Committee to produce a balanced and bipartisan bill. One can say whatever one wants, but 13 to 2 is 13 to 2. I think we can be proud of the improvements we have made to the bill each step of the way since last September. But, in fact, it goes all the way back almost a year. In the end, the bill we are about to pass, I hope, strengthens our national security and represents a very significant improvement over the Protect America Act that passed last summer.

Let me mention a few of the provisions we have included in the bill for protecting the rights of Americans here in the United States and overseas.

We require an individual FISA order for the targeting of U.S. persons believed to be located outside the United States any time the collection is conducted inside the United States.

We have also put in place for the first time a procedure requiring FISA Court approval for collection on United States persons outside of the United States in circumstances that would require a warrant if undertaken within the United States. This has never before existed. It now exists in the FISA law, if we do, in fact, pass it.

We have increased the role of the FISA Court in other significant ways, starting with the new requirement that the FISA Court approve the minimization procedures that are essential to the treatment of information concerning Americans authorized under this act. And thanks to Senator WHITEHOUSE's amendment adopted this morning, we have clarified that the FISA Court has inherent authority to enforce compliance with the procedures that it, and it alone, can approve.

We also adopted new requirements to give Congress visibility into how the new collection authority is being implemented, from the Feingold amendment on FISA Court documents, to the new requirements for reporting by the Attorney General and the Director of National Intelligence.

Just as we have worked on a bipartisan basis here in the Senate in order to achieve the strongest possible bill, I believe now is the time to work with our colleagues in the House of Representatives to achieve a true bipartisan, bicameral bill. I look forward to that dialog with our House colleagues.

I would note there are additional measures I support which may make this legislation even stronger. Among these would be the exclusivity amendment of Senator FEINSTEIN that received a strong bipartisan majority vote this morning. I think it was 57 votes. I commend her for all of her work she has done on this critical issue and on other parts of the bill, and I will fight like heck for her in the conference committee, if we are to have one. We will continue to work with her and with Vice Chairman BOND to see if there is any way to bridge the differences in the bipartisan manner that has dominated our negotiations throughout this procedure.

In closing, it would not have been possible to have reached this point without the hard work of the staff of the Intelligence and Judiciary Committees, as well as the leadership staff. From the Intelligence Committee, I thank Andy Johnson; Louis Tucker; Melvin Dubee; Michael Davidson; Jack Livingston; Christine Healey; Alissa Starzak; and Kathleen Rice. I also thank Mary DeRosa, Nick Rossi, Zulima Espinel, and Matt Solomon of the Judiciary Committee; and Ron Weich, Serena Hoy, and Marcel Lettre of the majority leader's staff.

Finally, I must recognize the steadfast support and work of the committee's vice chairman, Senator BOND. The work of the Intelligence Committee is not easy. When it comes on the floor, it is more difficult because there is a certain kind of exclusivity which is not appreciated by some Members but is the way it works.

Vice Chairman BOND has been dogged in his efforts to move this whole thing forward. He is formidable in his pursuit of intelligence and his insistence it be made available to the committee and to the appropriate committees; and he is flexible in his willingness to find compromises to keep our bipartisan coalition together.

I hope this bill does pass. I think it is landmark legislation. I don't think all will see it that way at the very beginning, and that is OK because what we do is not so much of the moment but for the longer term. So there may be disagreements on immunity. But, on the other hand, there can be no disagreements on the national security of the United States. Immunity has been narrowly tailored. A lot of people don't know that, or maybe made up their minds at the beginning, but, whatever, we did what we thought was the right thing to do.

One of the great things about being in this body is no matter what people say and what people think, if you do what you think is right, you are serving your country.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, are we now in my designated time?

The PRESIDING OFFICER. We are.

Mr. MCCONNELL. Madam President, earlier today the Senate voted to invoke cloture on the bipartisan Rockefeller-Bond bill. It was not a close vote. Rather, it was a strong bipartisan show of support for this important piece of legislation.

The Protect America Act expires at the end of this week. That is Saturday, February 16.

Twenty-one House Democrats have written to Speaker PELOSI saying they "fully support" the Rockefeller-Bond bill if it is not changed substantially—and it was not changed—and they urge her, the Speaker, to "quickly consider" the bill in order "to get a bill signed into law before the Protect America Act expires in February."

I have a copy of the letter signed by 21 Democrats, so-called Blue Dog Democrats, in the House. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
*Washington, DC, January 28, 2008.*

DEAR MADAM SPEAKER: Legislation reforming the Foreign Intelligence Surveillance Act (FISA) is currently being considered by the Senate. Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February.

It is our belief that such legislation should include the following provisions: Require individualized warrants for surveillance of U.S. citizens living or traveling abroad; Clarify that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States; Provide enhanced oversight by Congress of surveillance laws and procedures; Compel compliance by private sector partners; Review by FISA Court of minimization procedures; Targeted immunity for carriers that participated in anti-terrorism surveillance programs.

The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.

It is also critical that we update the FISA laws in a timely manner. To pass a long-term extension of the Protect America Act, as some may suggest, would leave in place a limited, stopgap measure that does not fully address critical surveillance issues. We have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk.

Sincerely,

Leonard L. Boswell, ———, Mike Ross, Bud Cramer, Heath Shuler, Allen Boyd, Dan Boren, Jim Matheson, Lincoln Davis, Tim Holden, Dennis Moore, Earl Pomeroy, Melissa L. Bean, John Barrow, Joe Baca, John Tanner, Jim Cooper, Zachary T. Space, Brad Ellsworth, Charlie Melancon, Christopher P. Carney.

Mr. MCCONNELL. Madam President, it is clear that not only does the Rockefeller-Bond bill enjoy bipartisan majority support in the Senate, it also enjoys bipartisan majority support in the House. It is a tribute to the fine work of the Senator from West Virginia, Mr. ROCKEFELLER, and the Senator from Missouri, Mr. BOND, in pulling this complex piece of legislation together and getting extraordinary support across the aisle.

This bill protects the country. It is a bill that will be signed by the President of the United States, so we are making a law here. We need to focus on completing action on this legislation and get it to the President before the Protect America Act expires.

As to further delays: Back in August, our Democratic colleagues said an additional 6 months was needed to get this right. In the fall, they said: We need a little more time. Last month, they said: Give us another 15 days and we can wrap it up. At this point, no Member of this body can reasonably state this piece of legislation was hastily or unfairly considered. It has been the product of 6 months' work, intense work on behalf of Senator ROCKEFELLER and Senator BOND.

We do not need yet another extension, yet another delay. We need to focus on getting our work done. I am confident that with the help of our friends on the other side of the aisle, we can get a second bipartisan accomplishment to the President in as many weeks. Tomorrow, he will sign the stimulus package—an important bipartisan accomplishment. Later in the week, he could conceivably be in a position to sign this important piece of bipartisan legislation.

I encourage my colleagues in the House and the Senate to redouble their efforts toward this end. That would show the American people that Congress can indeed function on a bipartisan basis on important issues before the country.

I am among those proud of the fine work done by Senator ROCKEFELLER and Senator BOND. This is a terrific, important piece of legislation. I know it will pass the Senate shortly, overwhelmingly.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, is there time remaining on this side prior to the vote?

The PRESIDING OFFICER. Four and a half minutes remain.

Mr. BOND. Madam President, with the sufferance of the minority leader, I thank my colleagues, especially Senator ROCKEFELLER, and all those who worked with us. We have had to make a number of very tough votes. We made some good changes in the bill. I thank, particularly, Senators WYDEN, FEINSTEIN, and WHITEHOUSE for working with us to achieve their objectives in a way that would allow the program to continue.

Approximately 10 months ago, the DNI, Admiral McConnell, came to Congress and asked that we update FISA. Changes in technology had resulted in the FISA Court rulings or interpretations that impeded the effective use of electronic surveillance against terrorists overseas.

This problem came to a head in May 2007, when there was a FISA Court ruling causing significant gaps in our intelligence collection against foreign terrorists. Throughout the summer of 2007 and amid growing concern of increased threats to our security in light of these gaps, Congress was asked by the DNI to act. And Congress, in August, passed the Protect America Act, a short-term fix that did what it was supposed to do. It was lacking in one important aspect; it did not provide civil liability protection to those private partners who assisted the intelligence community.

Following passage of the PAA, Chairman ROCKEFELLER and I immediately set to work to come up with a bipartisan permanent solution. We worked closely with the intelligence community.

In the end, after many hearings, briefings, debate, and visits to the facility, we did pass it on a 13-to-2 vote. We concluded that those electronic communication service providers that assisted with the President's TSP acted in good faith and deserve civil liability protection from frivolous lawsuits. As indicated by the chairman, this bill goes further than any legislation in history in protecting the privacy of U.S. persons, mostly Americans, whose communications may be acquired incidentally to this foreign targeting. For the first time in history, it requires the FISA Court to approve targeting of U.S. persons, American citizens, overseas to obtain foreign intelligence information.

This bill was a series of delicate compromises. Both sides had to give. Many of us would have preferred to have all litigation related to the TSP terminated as the DNI originally requested. Again, we agreed, for reasons set forth on the floor, that cases against Government officials—and all criminal cases—could go forward.

Others believed the FISA Court should not approve targeting of Americans abroad, particularly when these same protections are not afforded in ordinary criminal cases. In the spirit of compromise, we created a process that allows sufficient flexibility while addressing privacy concerns.

In the end, I am proud to say we have accomplished our collective goals of making sure we have a bill with clear authorities for foreign targeting, with strong protections for Americans, and with civil liability protection for those providers who may have assisted with the President's terrorist surveillance program.

We have heard debate over the past several weeks on a number of amendments that I believe would have proved harmful to our intelligence collection efforts. Some would have shut down, or severely impeded, intelligence collection against foreign terrorists. That is one of the reasons we worked so closely with the intelligence community to ascertain what could be done to increase protections without harming their ability to collect.

We now have a solid bill. The DNI will support it and the President can sign it into law. I urge my colleagues to send this bill to the House with a strong bipartisan vote. It gives our intelligence operators and law enforcement officials the tools they need to conduct surveillance of foreign terrorists in foreign countries who are planning to conduct attacks against the U.S., our troops, and our allies. It is a balance we need to protect our civil liberties, without handcuffing our intelligence professionals.

I hope we can do the right thing and pass the bill. I thank all our colleagues who helped.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I want the RECORD to reflect that any of my remarks where I disagree with the bill before the Senate in no way reflects upon the chairman of the committee. I have known JAY ROCKEFELLER for several decades, and I have not known a better public servant than JAY. JAY ROCKEFELLER got into Government for the right reasons. We know that the Rockefeller name is magic, that he could have led a life of leisure, doing many different things. But he chose public service. He went to West Virginia doing work as a VISTA volunteer. He fell in love with the people—the poor people—of West Virginia and has worked since then to improve the lives of the people of West Virginia. He has done a wonderful job there, serving as the secretary of state, Governor, and now as a long-time Senator.

There are certain things in this legislation that I disagree with. But I repeat, as a public servant, there is not one better—or I doubt that there ever has been anyone better than JAY ROCKEFELLER. He has devoted his Senate life in service to the Intelligence Committee. He devotes night and day not only working in the Committee room where there is no exposure to the public—he gets no publicity for doing this. He does it because he believes it is the right thing for the country. Of course, I receive calls from him well after hours on concerns he has in dealing with foreign intelligence generally.

I already voted against it on the FISA legislation, and I will vote "no" on final passage of the bill.

The Senate's debate on FISA has made the Intelligence Committee's bill better—no question about that—by adding a number of protections from the Judiciary Committee's version.

The Senate adopted amendments offered by Senators KENNEDY, WHITEHOUSE, and FEINGOLD to improve title I of the bill. This concerns the procedures we use to conduct this kind of surveillance in the future. That is an improvement. But the Senate rejected amendments to strike and modify various parts of title I, to improve title I, and rejected all amendments to strike or modify title II concerning immunity for telecommunications companies that may have broken the law by abiding the White House's requests for warrantless wiretaps on American citizens.

I believe the White House and any companies that broke the law must be held accountable.

In their unyielding effort to expand Presidential powers, President Bush and Vice President CHENEY created a system to conduct wiretapping—including on American citizens—outside the bounds of longstanding Federal law.

As I have said before—and books have been written on it—the President, as soon as we passed the first PATRIOT Act, after he joined with us in celebrating it, he basically ignored it and did whatever he wanted to do because he was told by the White House staff he was above the law, he didn't have to follow the law we passed.

The President could have taken the simple step at any time of requesting new authority from Congress. All he would have had to do was come talk to us. We would have been willing to listen to him and, very likely, would have done anything he wanted to do. After all, Congress has repeatedly amended FISA because of new technology and legitimate needs in the intelligence community.

But whether out of convenience, incompetence, or outright disdain for the rule of law, the Bush-Cheney administration chose to ignore Congress and ignore the Constitution.

The White House should bear responsibility for this reckless disdain for the rule of law.

It also appears that many companies followed the administration's orders without regard to the law or privacy, or even basic common sense. I always will support giving our intelligence community the tools it needs to collect intelligence on terrorists and other foreign targets. We have to do that.

We always have and always will need to help in the private sector to protect our country. That is clear. When companies comply with legal and constitutional directives to support intelligence and law enforcement activities, they have no reason to fear. But the requirement and obligation they have for protecting the rights of American citizens and the Constitution and FISA are perfectly clear, very clear.

According to the press reports, at least one company—Qwest Communications Company—refused the White House request to participate in this program. The others had an opportunity to do the same. As far as we know, they chose not to. They didn't follow the example of Qwest.

If the Senate had voted today to reject amnesty, we would have sent a message that no one is above accountability and no one is above the law. If we had rejected amnesty, we would have sent a message that fighting terrorism doesn't require the sacrifice of basic fundamental rights.

I was disappointed that the Senate rejected amendments opposing immunity. Even though their efforts were unsuccessful, all Americans owe a debt of gratitude to two outstanding and principled Senators, Senators FEINGOLD and DODD. I don't mean in any way to suggest that people who disagree with them are not outstanding or are unprincipled. That isn't the case. There is a basic disagreement. I felt I needed to applaud and commend these two men for how hard they worked in making their point. I believe they stood up to the administration, which certainly needs standing up to. They stood up for accountability.

Despite today's votes, there is no doubt in my mind that history will prove they were right. Millions of Americans joined this effort. Win or lose, their voices were heard and their efforts made a difference.

If the Senate votes for final passage of FISA today, which I suspect will be the case, we must decide what comes next. The mere fact that we pass something today, and the House passed something previously, doesn't mean we have anything to send to the President.

Two weeks ago, in the runup to the State of the Union Address—and we have heard it time and again—the President and Vice President and Senate Republicans believed it was urgent to pass the FISA bill, that it is critical to our national security. But then, Senate Republicans spent most of the time since then refusing to allow any votes on FISA amendments, slow-walking the bill as part of a strategy to jam the House. That is what happened. I have to suggest that they deserve a pin on their lapel because they set out and did what they wanted to do—stall this as long as they could.

A week and a half ago, as the February 1 sunset to the Protect America Act approached, we passed a 15-day extension. This would have allowed 2 weeks to negotiate with the House, which would have been rushed, but we could have at least had meaningful meetings. Those will not take place.

Unfortunately, the White House has been convinced that if they dragged this process out long enough, there would not be enough time to negotiate a bill with the House. The White House is convinced they can force the House to pass exactly the bill they want. I believe it is wrong for the White House to do this, and I believe it is unfair to the House of Representatives.

Due to months of White House foot-dragging, the relevant House committees have only just gotten the documents relating to immunity. They need some time to review and analyze that.

We must not let this critical issue be resolved by the White House trying to force the House to do something they didn't want to do, such as happened last August.

I plan to ask, after this legislation passes today, unanimous consent for an extension in order to allow sufficient time for negotiation with the House. My friend, the distinguished Republican leader, has already said there will be no extensions given. I hope that is not the case, and with this extra time, the conference committee can make further improvements to this critical bill.

Why do we need to improve the bill?

Richard Clarke, a national security adviser to Presidents Reagan, Bush Sr., and President Clinton, said it well in an op-ed:

> FISA has and still works as the most valuable mechanism for monitoring our enemies.
>
> In order to defeat the violent Islamic extremists who do not believe in human rights, we need not give up the civil liberties, constitutional rights and protections that generations of Americans fought to achieve.

The Bush-Cheney White House continues to sell us a false choice between security and liberty. I reject that choice.

This is America and we are Americans. We can and must have both liberty and security.

It is my understanding we are ready to vote on final passage.

The PRESIDING OFFICER. The question is on passage of S. 2248, as amended.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "yea."

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—68

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker

NAYS—29

Akaka
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Lautenberg
Leahy
Levin
Menendez
Murray
Reed
Reid
Sanders
Schumer
Stabenow
Tester
Wyden

NOT VOTING—3

Clinton
Graham
Obama

The bill (S. 2248), as amended, was passed.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3773, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the text of S. 2248, as amended, is inserted in lieu thereof; the bill, as amended, is considered read the third time and passed, the motion to reconsider made and laid upon the table, and passage of S. 2248 vitiated and that bill be returned to the calendar.

The bill (H.R. 3773), as amended, was passed, as follows:

### H.R. 3773

*Resolved*, That the bill from the House of Representatives (H.R. 3773) entitled "An Act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### *SECTION 1. SHORT TITLE; TABLE OF CONTENTS.*

*(a) SHORT TITLE.—This Act may be cited as the "Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008" or the "FISA Amendments Act of 2008".*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE*

*Sec. 101. Additional procedures regarding certain persons outside the United States.*
*Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.*
*Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.*
*Sec. 104. Applications for court orders.*
*Sec. 105. Issuance of an order.*
*Sec. 106. Use of information.*
*Sec. 107. Amendments for physical searches.*
*Sec. 108. Amendments for emergency pen registers and trap and trace devices.*
*Sec. 109. Foreign Intelligence Surveillance Court.*
*Sec. 110. Weapons of mass destruction.*
*Sec. 111. Technical and conforming amendments.*

*TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS*

*Sec. 201. Definitions.*
*Sec. 202. Limitations on civil actions for electronic communication service providers.*
*Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.*
*Sec. 204. Preemption of State investigations.*
*Sec. 205. Technical amendments.*

*TITLE III—OTHER PROVISIONS*

*Sec. 301. Severability.*
*Sec. 302. Effective date; repeal; transition procedures.*

### *TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE*

#### *SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.*

*(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—*

*(1) by striking title VII; and*

*(2) by adding after title VI the following new title:*

### *"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES*

#### *"SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.*

*"Nothing in the definition of electronic surveillance under section 101(f) shall be construed*

*to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.*

### ***“SEC. 702. DEFINITIONS.***

*“(a) IN GENERAL.—The terms ‘agent of a foreign power’, ‘Attorney General’, ‘contents’, ‘electronic surveillance’, ‘foreign intelligence information’, ‘foreign power’, ‘minimization procedures’, ‘person’, ‘United States’, and ‘United States person’ shall have the meanings given such terms in section 101, except as specifically provided in this title.*

*“(b) ADDITIONAL DEFINITIONS.—*

*“(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘congressional intelligence committees’ means—*

*“(A) the Select Committee on Intelligence of the Senate; and*

*“(B) the Permanent Select Committee on Intelligence of the House of Representatives.*

*“(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms ‘Foreign Intelligence Surveillance Court’ and ‘Court’ mean the court established by section 103(a).*

*“(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms ‘Foreign Intelligence Surveillance Court of Review’ and ‘Court of Review’ mean the court established by section 103(b).*

*“(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ‘electronic communication service provider’ means—*

*“(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);*

*“(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;*

*“(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;*

*“(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or*

*“(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).*

*“(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ‘element of the intelligence community’ means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).*

### ***“SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.***

*“(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.*

*“(b) LIMITATIONS.—An acquisition authorized under subsection (a)—*

*“(1) may not intentionally target any person known at the time of acquisition to be located in the United States;*

*“(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;*

*“(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706;*

*“(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and*

*“(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.*

*“(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—*

*“(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and*

*“(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).*

*“(d) TARGETING PROCEDURES.—*

*“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.*

*“(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).*

*“(e) MINIMIZATION PROCEDURES.—*

*“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4) for acquisitions authorized under subsection (a).*

*“(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).*

*“(f) CERTIFICATION.—*

*“(1) IN GENERAL.—*

*“(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.*

*“(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 7 days after such determination is made.*

*“(2) REQUIREMENTS.—A certification made under this subsection shall—*

*“(A) attest that—*

*“(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);*

*“(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);*

*“(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;*

*“(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;*

*“(v) the minimization procedures to be used with respect to such acquisition—*

*“(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and*

*“(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);*

*“(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and*

*“(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and*

*“(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—*

*“(i) appointed by the President, by and with the consent of the Senate; or*

*“(ii) the head of any element of the intelligence community.*

*“(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.*

*“(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.*

*“(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).*

*“(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—*

*“(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—*

*“(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and*

*“(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.*

*“(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).*

*“(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).*

*“(4) CHALLENGING OF DIRECTIVES.—*

*“(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.*

*“(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.*

*“(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.*

*“(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.*

*“(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.*

*“(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.*

*“(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.*

*“(5) ENFORCEMENT OF DIRECTIVES.—*

*“(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.*

*“(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.*

*“(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.*

*“(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.*

*“(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.*

*“(F) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.*

*“(6) APPEAL.—*

*“(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.*

*“(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.*

*“(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—*

*“(1) IN GENERAL.—*

*“(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).*

*“(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.*

*“(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.*

*“(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.*

*“(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).*

*“(5) ORDERS.—*

*“(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).*

*“(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—*

*“(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or*

*“(ii) cease the acquisition authorized under subsection (a).*

*“(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.*

*“(6) APPEAL.—*

*“(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.*

*“(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—*

*“(i) during the pendency of any rehearing of the order by the Court en banc; and*

*“(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).*

*“(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.*

*“(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.*

*“(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.*

*“(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—*

*“(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.*

*“(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.*

*“(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.*

*“(k) ASSESSMENTS AND REVIEWS.—*

*“(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney*

*General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—*

*"(A) the Foreign Intelligence Surveillance Court; and*

*"(B) the congressional intelligence committees.*

*"(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—*

*"(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);*

*"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;*

*"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and*

*"(D) shall provide each such review to—*

*"(i) the Attorney General;*

*"(ii) the Director of National Intelligence; and*

*"(iii) the congressional intelligence committees.*

*"(3) ANNUAL REVIEW.—*

*"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—*

*"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;*

*"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;*

*"(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and*

*"(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.*

*"(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).*

*"(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—*

*"(i) the Foreign Intelligence Surveillance Court;*

*"(ii) the Attorney General;*

*"(iii) the Director of National Intelligence; and*

*"(iv) the congressional intelligence committees.*

### *"SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.*

*"(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—*

*"(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.*

*"(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).*

*"(b) APPLICATION.—*

*"(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—*

*"(A) the identity of the Federal officer making the application;*

*"(B) the identity, if known, or a description of the United States person who is the target of the acquisition;*

*"(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—*

*"(i) a person reasonably believed to be located outside the United States; and*

*"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;*

*"(D) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);*

*"(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;*

*"(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—*

*"(i) the certifying official deems the information sought to be foreign intelligence information;*

*"(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;*

*"(iii) such information cannot reasonably be obtained by normal investigative techniques;*

*"(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and*

*"(v) includes a statement of the basis for the certification that—*

*"(I) the information sought is the type of foreign intelligence information designated; and*

*"(II) such information cannot reasonably be obtained by normal investigative techniques;*

*"(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;*

*"(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;*

*"(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and*

*"(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.*

*"(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.*

*"(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).*

*"(c) ORDER.—*

*"(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—*

*"(A) the application has been made by a Federal officer and approved by the Attorney General;*

*"(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—*

*"(i) a person reasonably believed to be located outside the United States; and*

*"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;*

*"(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and*

*"(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).*

*"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.*

*"(3) REVIEW.—*

*"(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).*

*"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).*

*"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph*

(1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

“(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

“(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

“(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

“(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

“(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

“(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

“(E) the period of time during which the acquisition is approved.

“(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

“(A) that the minimization procedures be followed;

“(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

“(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

“(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

“(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

“(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

“(d) EMERGENCY AUTHORIZATION.—

“(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

“(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

“(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

“(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

“(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

“(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

“(f) APPEAL.—

“(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

“(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

### “SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

“(a) JURISDICTION AND SCOPE.—

“(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

“(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

“(3) LIMITATIONS.—

“(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

“(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

“(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

“(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

“(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

“(A) a person reasonably believed to be located outside the United States; and

“(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(3) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

“(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

“(A) the certifying official deems the information sought to be foreign intelligence information; and

“(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

“(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

“(c) ORDER.—

“(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

“(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

“(i) a person reasonably believed to be located outside the United States; and "(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

"(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

"(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

"(d) EMERGENCY AUTHORIZATION.—

"(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

"(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section be followed.

"(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(e) APPEAL.—

"(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

### "SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

"(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(c) or section 705(c), as applicable.

"(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

### "SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

"(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

"(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

### "SEC. 708. CONGRESSIONAL OVERSIGHT.

"(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

"(b) CONTENT.—Each report made under subparagraph (a) shall include—

"(1) with respect to section 703—

"(A) any certifications made under subsection 703(f) during the reporting period;

"(B) any directives issued under subsection 703(g) during the reporting period;

"(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

"(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

"(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

"(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

"(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

"(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

"(G) any procedures implementing this section;

"(2) with respect to section 704—

"(A) the total number of applications made for orders under section 704(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

"(3) with respect to section 705—

"(A) the total number of applications made for orders under 705(b);

*"(B) the total number of such orders either granted, modified, or denied; and*

*"(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.".*

*(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—*

*(1) by striking the item relating to title VII;*

*(2) by striking the item relating to section 701; and*

*(3) by adding at the end the following:*

*"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES*

*"Sec. 701. Limitation on definition of electronic surveillance.*
*"Sec. 702. Definitions.*
*"Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.*
*"Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.*
*"Sec. 705. Other acquisitions targeting United States persons outside the United States.*
*"Sec. 706. Joint applications and concurrent authorizations.*
*"Sec. 707. Use of information acquired under title VII.*
*"Sec. 708. Congressional oversight.".*

*(c) TECHNICAL AND CONFORMING AMENDMENTS.—*

*(1) TITLE 18, UNITED STATES CODE.—*

*(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting "(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)" after "electronic surveillance".*

*(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting "or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978" after "assistance".*

*(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—*

*(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:*

*"(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".*

*(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—*

*(i) adding an "(a)" before "CIVIL ACTION",*

*(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and*

*(iii) adding at the end the following:*

*"(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".*

*(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:*

*"(C) pen registers under section 402;*

*"(D) access to records under section 501;*

*"(E) acquisitions under section 704; and*

*"(F) acquisitions under section 705;".*

*(d) TERMINATION OF AUTHORITY.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.*

*(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) for information, facilities, or assistance provided during the period such directive was or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).*

### SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

*(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:*

*"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED*

*"SEC. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.".*

*(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:*

*"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.".*

*(c) CONFORMING AMENDMENTS.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking ", as defined in section 101 of such Act," and inserting "(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)".*

### SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

*(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".*

*(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:*

*"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—*

*"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and*

*"(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).*

*"(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.".*

*(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:*

*"(e) DEFINITIONS.—In this section:*

*"(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term "'Foreign Intelligence Surveillance Court'" means the court established by section 103(a).*

*"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).".*

### SEC. 104. APPLICATIONS FOR COURT ORDERS.

*Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—*

*(1) in subsection (a)—*

*(A) by striking paragraphs (2) and (11);*

*(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;*

*(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";*

*(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—*

*(i) by striking "Affairs or" and inserting "Affairs,"; and*

*(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—";*

*(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";*

*(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and*

*(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;*

*(2) by striking subsection (b);*

*(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and*

*(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".*

### SEC. 105. ISSUANCE OF AN ORDER.

*Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—*

*(1) in subsection (a)—*

*(A) by striking paragraph (1); and*

*(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;*

*(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";*

*(3) in subsection (c)(1)—*

*(A) in subparagraph (D), by adding "and" at the end;*

*(B) in subparagraph (E), by striking "; and" and inserting a period; and*

*(C) by striking subparagraph (F);*

*(4) by striking subsection (d);*

*(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;*

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

"(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) resonably determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

**SEC. 106. USE OF INFORMATION.**

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

**SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.**

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

"(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).".

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

**SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.**

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "7 days"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "7 days".

**SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.**

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of *that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.*

*"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".*

*(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:*

*"(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.*

*"(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).".*

### SEC. 110. WEAPONS OF MASS DESTRUCTION.

*(a) DEFINITIONS.—*

*(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting ", the international proliferation of weapons of mass destruction," after "international terrorism".*

*(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—*

*(A) in subparagraph (B), by striking "or" at the end*

*(B) in subparagraph (C), by striking "or" at the end; and*

*(C) by adding at the end the following new subparagraphs:*

*"(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or*

*"(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or".*

*(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".*

*(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:*

*"(p) 'Weapon of mass destruction' means—*

*"(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;*

*"(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;*

*"(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or*

*"(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".*

*(b) USE OF INFORMATION.—*

*(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".*

*(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".*

*(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting "'weapon of mass destruction'," after "'person',".*

### SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

*Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—*

*(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703"; and*

*(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703".*

## TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

### SEC. 201. DEFINITIONS.

*In this title:*

*(1) ASSISTANCE.—The term "assistance" means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.*

*(2) CONTENTS.—The term "contents" has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).*

*(3) COVERED CIVIL ACTION.—The term "covered civil action" means a civil action filed in a Federal or State court that—*

*(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and*

*(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.*

*(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term "electronic communication service provider" means—*

*(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);*

*(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;*

*(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;*

*(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;*

*(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or*

*(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).*

*(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).*

### SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

*(a) LIMITATIONS.—*

*(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—*

*(A) the assistance alleged to have been provided by the electronic communication service provider was—*

*(i) in connection with an intelligence activity involving communications that was—*

*(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and*

*(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and*

*(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—*

*(I) authorized by the President; and*

*(II) determined to be lawful; or*

*(B) the electronic communication service provider did not provide the alleged assistance.*

*(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.*

*(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—*

*(1) review such certification in camera and ex parte; and*

*(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.*

*(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.*

*(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.*

*(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.*

*(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.*

### SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

*The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:*

## "TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

### "SEC. 801. DEFINITIONS.

*"In this title:*

*"(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.*

*"(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).*

*"(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).*

*"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—*

*"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);*

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

"(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

"(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(6) PERSON.—The term 'person' means—

"(A) an electronic communication service provider; or

"(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

"(i) an order of the court established under section 103(a) directing such assistance;

"(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

"(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

"(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

### "SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

"(a) REQUIREMENT FOR CERTIFICATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

"(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

"(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

"(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

"(D) the person did not provide the alleged assistance.

"(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

"(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

"(1) review such certification in camera and ex parte; and

"(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

"(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

"(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

"(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

### SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

### "SEC. 803. PREEMPTION.

"(a) IN GENERAL.—No State shall have authority to—

"(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

"(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

"(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

"(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

### SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"Sec. 801. Definitions.
"Sec. 802. Procedures for implementing statutory defenses.
"Sec. 803. Preemption.".

## TITLE III—OTHER PROVISIONS

### SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

### SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of *the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).*

*(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.*

*(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—*

*(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act; and*

*(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.*

*(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.*

*(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.*

*(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—*

*(A) the date that authorization expires; or*

*(B) the date that is 90 days after the date of the enactment of this Act.*

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, again I rise to thank Chairman ROCKEFELLER, the members of the committee on both sides, and our very able staffs for a lot of hard work, particularly by members of the committee but by many Members who are not on the committee, who took their time to learn what the electronic surveillance capabilities are, to learn what guidelines and protections there are to protect the privacy rights and constitutional rights of American citizens and help us pass this bill.

This is a bill which I hope we will at least, in large part, find the House agreeable to and that we can send it to the President. This has been a very long procedure. The chairman just pointed out that we have been working on this almost a year. We worked very hard after the August recess to come up with a good bill. I know we had some very warmly felt and vigorously argued amendments, but the fact that these would make it difficult for the intelligence community to collect the intelligence necessary to protect our interests, our allies, our troops abroad, and us here at home led a significant bipartisan majority to improve it.

Again, my sincere thanks to the leadership on both sides for allowing us to get to this important measure. We hope we will have a conference report, if necessary, or a measure from the House that we can pass before the end of the week.

So, Madam President, my sincere thanks to Members on both sides and particularly our great staffs on both sides.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

## UNANIMOUS-CONSENT REQUEST— S. 2615

Mr. REID. Madam President, as I indicated I would earlier today, I will ask unanimous consent to extend the law that is now in effect. I wish to extend that 15 days to see if we can work out something more with the House.

So I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 571, S. 2615; the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Reserving the right to object, let me just make the point once again that we just passed this bill 68 to 29 in its initial form, which was preserved on the Senate floor. It came out of the Intelligence Committee 13 to 2. This is the Rockefeller-Bond bipartisan, overwhelmingly supported bill coming out of the Senate.

The current law does not expire until Saturday. It is still my hope that the House, and particularly when you consider the fact that 21 House Democrats, so-called Blue Dog Democrats, have indicated to the Speaker in writing that they would like to see the Senate bill passed—the Rockefeller-Bond bill taken up and passed by the House—I think it is just premature for an extension, Madam President. I think there is still at least a chance the House might conclude that we have done a terrific piece of work, and they could very well consider the option, as the Blue Dogs have suggested, of taking up the measure and sending it on down to the President for signature.

So for the moment, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMEMORATING THE 99TH ANNIVERSARY OF THE NAACP

Mr. BROWN. Madam President, 99 years ago today, a group of courageous individuals came together to form the National Association for the Advancement of Colored People.

The year of 1909 was the centennial of Abraham Lincoln's birth. Fewer than 50 years removed from the signing of the Emancipation Proclamation and the carnage of the Civil War, the promise and price of that struggle must have still been fresh on the minds of many Americans.

The "Call for the Lincoln Emancipation Conference in 1909" was designed to take stock of the progress since the end of the Civil War.

The conclusion of the 60 organizers, among them the mayor of Toledo, and the president of Western Reserve University in Cleveland, the conclusion was that Lincoln would have been disheartened by the Nation's failure to secure equality of law and equality of opportunity without respect to color. They faced rampant Jim Crow discrimination, conducted with the blessing of the Supreme Court. The country was plagued by race riots and lynchings in every region, even in Lincoln's hometown of Springfield, IL.

The founders of the NAACP understood that if true equality was to be had, the spirit of the abolitionists must be revived. So long as the North remained silent about the conditions in the South, it was supplying tacit approval.

They wrote:

> Discrimination once permitted cannot be bridled. Recent history shows that in forging chains for the Negroes, the white voters are forging chains for themselves.

They met, they organized, and they spoke out. For almost a century the NAACP has led the fight for equality, continually working to ensure political and educational and social and economic equality for persons of all races.

Whether it was the fight to desegregate public schools or to secure equal voting rights or the passing of the 1964 Civil Rights Act, the NAACP has remained at the forefront of the struggle for justice. Even when this body, this Senate, did not do the right thing, the NAACP continued to fight for equal rights and equal opportunity.

This is a struggle that continues today. Discrimination in housing has continued a legacy of segregation in many of our neighborhoods and many of our schools. Discrimination in housing finance has led to disproportionate numbers of African-American and Latino borrowers being stuck with predatory loans that are falling into forclosure at record rates.

Black young people are more likely than their peers to attend failing schools. A new wave of barriers to voting rights has appeared in the form of vote caging, deceptive practices, and unreasonable voter ID laws. I saw some of those in the 1980s as Ohio Secretary of State. They happened in New Jersey, they happened in Louisiana, they happened in the North, they happened in the South. They are still happening.

African Americans make up about 13 percent of our population but account for over 50 percent of the prison population.

In times such as these, the NAACP is needed more than ever. Fortunately, in my home State of Ohio and across the Nation, NAACP chapters continue their fight for justice and equality. In Lorain, in Mansfield, in Toledo, in Cleveland and Columbus, they continue that fight.

The Ohio NAACP Prison Program is changing the lives and helping to rehabilitate hundreds of inmates. NAACP members across the State are registering voters and run afterschool programs.

The Cincinnati NAACP chapter is holding public forums to foster a better relationship between the community and the police department. Through programs such as these, our communities are stronger, our neighborhoods are stronger, our Nation is stronger.

As a life member of the NAACP, I am proud to support its efforts to protect our rights to increase opportunities for all Americans. As the founders observed 99 years ago, this Government cannot exist half slave and half free any better today than it could in 1861. I hope my colleagues will join me today in commemorating the NAACP's 99th anniversary.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## 199TH ANNIVERSARY OF ABRAHAM LINCOLN'S BIRTH

Mr. DURBIN. Mr. President, in her book "Team of Rivals," Doris Kearns Goodwin tells a story that illustrates the extraordinary, transcendent power of Abraham Lincoln's faith in human freedom and democracy.

It is a story about something that occurred in 1908, 100 years ago. The Russian novelist Leo Tolstoy had been entertaining some Caucasus tribesmen for hours with tales of Alexander the Great, Julius Caesar, and Napoleon. When he finished, a chief stood and asked Tolstoy to speak about the greatest of all heroes, a man who "spoke with a voice of thunder . . . laughed like a sunrise and his deeds were as strong as the rock." Tell them, the chief implored, about Abraham Lincoln.

Tolstoy would later write, "That little incident proves how largely the name of Lincoln is worshipped throughout the world. . . . He was not a great general like Washington or Napoleon; he was not such a skillful statesman as Gladstone or Frederick the Great, but his supremacy expresses itself altogether in his peculiar moral power and in the greatness of his character. "Washington was a typical American. Napoleon was a typical Frenchman. But Lincoln," Tolstoy wrote, "was a humanitarian as broad as the world."

Today marks the 199th anniversary of Abraham Lincoln's birth. This past weekend was also the official opening of a 2-year bicentennial celebration of the Abraham Lincoln Bicentennial. In Harlan County, KY, where Lincoln was born in bitter poverty, Lincoln scholars and admirers gathered to discuss and celebrate Lincoln's life and legacy. This evening in Springfield, IL, the Abraham Lincoln Association will hold its annual meeting to once again reflect on the life of Abraham Lincoln in his hometown.

I express my personal thanks to Judge Tommy Turner who has worked tirelessly with so many dedicated Kentuckians to put together today's kickoff in Harlan County.

First Lady Laura Bush was to have spoken at the kickoff. Unfortunately, the icy weather forced postponement. It will be rescheduled. She will be returning to the Abraham Lincoln Birthplace National Historic Site in Hodgenville, KY.

President Lincoln kept a place in his heart for Kentucky all his life, and there must be a special place for Kentucky in the Lincoln Bicentennial Celebration. I also thank my colleague, Senator Jim Bunning, who is a member of the Abraham Lincoln Bicentennial Commission. I know how hard he worked to make this kickoff a success in his home State.

Over the next 2 years, hundreds of special events and celebrations will be held in cities and towns across America to remind all of us who Lincoln was and what he meant and still means to America and the world. Coordinating many of these events will be the Abraham Lincoln Bicentennial Commission, which I am honored to cochair with Harold Holzer, a noted Lincoln scholar from New York, and my fellow Illinoisan, Representative Ray LaHood. Ray deserves special credit because it was his idea to create this commission to honor Illinois's favorite son in our land of Lincoln. For 12 years before I was elected to the Senate I had the privilege of holding the same seat Lincoln once held in the U.S. House of Representatives, a seat now held by Congressman LAHOOD.

Abraham Lincoln was, I believe, America's greatest President. Our Founders decreed that we are all endowed with an inalienable right to liberty, but they could not reconcile their noble ideals with the ignoble practice of slavery. Abraham Lincoln helped give meaning to our national creed of "liberty and justice for all." He steered America through the most profound moral crisis in our history and the bloodiest war. His leadership saved the Union, and his vision redefined what it meant to be an American.

The goal of the Abraham Lincoln Bicentennial Commission is to help Americans and people around the world to gain a better understanding of this complex and heroic man. We want to foster a resolve among Americans from all backgrounds to continue the work Abraham Lincoln started. I think the Gettysburg Address may be the greatest speech I have ever read. I memorized it in grade school. I refer to it so many times, and realize, in an economy of words, Abraham Lincoln speaking almost impromptu really captured great meaning for so many Americans. He challenged all of us to rededicate our lives "to the unfinished work" for which "the brave men, living and dead" had sacrificed so much on the hallowed ground of battle in Gettysburg, PA.

How much of the work of true democracy remains unfinished today? How can we summon, as Lincoln said, "the better angels of our nature" to meet the challenges of our time? Those are the discussions the Abraham Lincoln Bicentennial Commission hopes to foster as America prepares to celebrate the bicentennial of the birth of its greatest President.

I encourage everyone to go to the Commission's Web site at www.lincolnbicentennial.com, learn more about Lincoln and about how your community can plan to celebrate his birthday. President Lincoln's adopted hometown of Springfield is also my adopted hometown. I have lived there almost 40 years now. If you have ever been there, you know that around every corner in downtown Springfield is another powerful reminder of Abe Lincoln. The small house at the corner of 8th and Jackson, the only home Lincoln ever owned, is just a block away from my Senate office. His law office, right near the old State capitol, is an amazing place, restored and visited by so many because of its meaning in his daily life as an ordinary lawyer in central Illinois, the old State capitol building where he warned prophetically that a House divided could not stand. This beautiful building was restored in 1976 as part of our bicentennial. The old State capitol is one of my favorite in the State of Illinois.

My special thanks to a good friend of mine, an architect named Earl Wallace Henderson III, who was called on to do a magnificent job of restoring and remodeling that old State capitol. And now, just a couple blocks away, my pride and joy as an elected official from Springfield, IL, is the Abraham Lincoln Presidential Library and Museum. It is just 3 years old. It is already the most visited Presidential library in America. I love that place. I go to a lot of museums and Presidential museums. I don't know of another one, though, that really captures the spirit of the President so effectively and lures children in for beautiful exhibits and movies that they don't forget. Kids walk out of the Abraham Lincoln Museum with their moms and dads and say: Can we go back? It warms my heart every time I hear of the record numbers of people who are visiting.

It was also in Springfield that a 28-year-old Lincoln, a member of the State legislature, delivered a speech that still speaks powerfully to us today. We know it as the Lyceum Address. Lincoln was told to speak about whatever he liked. He chose as his subject "the perpetuation of our political institutions." He expressed a concern that would later be echoed many times: What would happen to America when its Founding Fathers and those who fought to gain our liberty were gone? How could we sustain America if new generations had no knew leaders to inspire them with original ideas of our Republic? Until then, the truth and terrible costs of America's revolution could always be seen—in Lincoln's words—"in the form of a husband, a father, a son or a brother. . . . A living history was to be found in every family . . . in the limbs mangled, [and] in the scars of wounds received . . . "

Lincoln went on to say:

> But those histories are gone. They were the pillars of liberty; and now that they have crumbled away, that temple must fall—unless we, their descendants, supply their place with other pillars.

I would like to think that Lincoln would be relieved if he could see this great Nation today. We are 170 years further removed from our Founders than we were when the young Lincoln spoke those words at the Lyceum, but America is still filled with patriots who know and are willing to defend our founding principles. There are many of us, and we are vastly more diverse than the Americans of Lincoln's time, but there is still in us a deep and passionate longing to be one nation, one people, undivided.

We saw a glimpse of that desire in the dark days after 9/11. Sometimes we wondered if we could ever recover that sense of national unity and purpose. But look what is happening today. There is a deep longing in America today to transcend old divisions in order to meet our new challenges. It is a longing that goes far beyond political parties and labels of all kinds. We have not forgotten the principles on which our Nation was founded, nor have we forgotten the lessons Abraham Lincoln taught us. Our unity is our strength. Together we can overcome any challenge. We can finish the unfinished work of America and become a "more perfect union."

## MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REMEMBERING CONGRESSMAN TOM LANTOS

Mrs. BOXER. Mr. President, California and the entire Nation lost a remarkable leader yesterday with the passing of my friend, Congressman TOM LANTOS.

From his leadership as chairman of the House Committee on Foreign Affairs to his founding of the Congressional Human Rights Caucus, Congressman LANTOS went about his work with a dignity and a seriousness that transcended politics. In a time of bitter divisions, he earned the respect of colleagues from both sides of the aisle.

As a survivor of the Holocaust, Congressman LANTOS brought to Congress a profound personal commitment to human rights. We will remember not only his courage and his optimism, but also his deep affection for his adopted country. He leaves behind a legacy of hope and inspiration.

On a personal level, it was an honor to call TOM a colleague and a friend. I was proud to work with him on so many important issues.

I remember working with him to secure funding to build a tunnel to bypass a section of Route 1 that was so frequently closed by landslides that it was known as "Devil's Slide." It took years, but they broke ground on the tunnel in November. And it is a fitting tribute to the passion with which he served his constituents that there is a bill before the State senate to name that tunnel in his honor.

Congressman LANTOS was a true statesman, and we will miss him. My heart goes out to his family during this time of grief. They are in our thoughts and in our prayers.

## APPROPRIATIONS EARMARKS

Mr. SPECTER. Mr. President, on October 23, 2007, Senator DEMINT and I had a debate in the Senate on Senator DEMINT's amendment to strike $3.7 million in grants in the Appropriations bill for Labor, Health and Human Services and Education with $2.2 million going to the AFL–CIO Appalachian Council and $1.5 million to the AFL-CIO Working for America Institute. This funding applied to job-training programs covering some 11 States and the District of Columbia.

During the course of the debate, Senator DEMINT made the following statement:

> This amendment is part of an effort to clear up what a lot of us have called the culture of corruption over the last several years. A lot of this has come from Americans connecting the dots between the earmarks that we give to our favorite causes back home and many of the campaign contributions and political support that we get back here in Congress. While motivations are generally good, at best the appearance of what is going on here has alarmed the American people.

When I outlined my reasons for supporting these grants, Senator DEMINT replied:

> I agree with all the purposes the Senator stated, all of the ideas of getting teenagers to work in Philadelphia. All of those things are good. I am not taking argument with any of them. If the AFL–CIO is the best source to deliver these services, there should not be any problem with this at all. All we are asking is to make this a competitive grant so that we can have criteria and accountability in a system so that what we want to accomplish will actually get accomplished.

Senator DEMINT's amendment was rejected on a 60–34 vote.

After the floor debate and vote were over, Senator DEMINT and I discussed the issues in the debate. Senator

DEMINT stated that he was not suggesting any corrupt practice or inappropriate conduct by me, but only that it was preferable to use the funds for competitive bids. Senator DEMINT and I agreed that it would be useful to correct any misimpressions by having this colloquy for the RECORD.

Mr. DEMINT. Senator SPECTER has correctly stated the conversation which we had after the floor debate and we agreed it would be useful to have this discussion to clear up the record. As I told Senator SPECTER privately and now state publicly, I was in no way suggesting that his support for these programs resulted from campaign contributions or political support. My reference to the "culture of corruption" was not intended to suggest that there was any corruption involved in this matter. In my statement, I was specific in not suggesting inappropriate motivations when I said "motivations are generally good." I was also careful to focus on the "appearance" and not the reality by noting it "has alarmed the American people." As many know, my objection to earmarks has to do with the system itself, not the people who participate in it. While Senator SPECTER and I naturally have differences on issues of public policy, which is to be expected in an institution like the Senate, I have worked with him during my tenure in the Senate of more than 3 years and do not question his integrity.

Mr. SPECTER. I thank Senator DEMINT for his candid and forceful statements which I think clear the record.

## HONORING OUR ARMED FORCES

### STAFF SERGEANT CHAD A. BARRETT

Mr. SALAZAR. Mr. President, I rise today to honor the service and sacrifice of SSG Chad Barrett. Sergeant Barrett was assigned to the 64th Brigade Support Battalion, 3rd Brigade Combat Team, 4th Infantry Division out of Fort Carson, CO. He died last Saturday in Iraq at the age of 35.

A native of Jonesborough, TN, Chad grew up in a family with a proud history of service. By joining the Army, he followed in the footsteps of his older brothers, his cousins, and his grandfather, who earned the Purple Heart in World War II.

Chad was in his 12th year of service and his third deployment to Iraq when he died. He took on one of the most dangerous jobs of the war: that of a gunner tasked with defending supply convoys. Those convoys see it all: improvised explosive devices, rocket attacks, explosively formed penetrators, ambushes. Protecting the convoys is a job that takes courage, but it also takes a toll. In his second deployment, Sergeant Barrett's unit was attacked 42 times. He put himself in harm's way and no doubt saved countless lives, but each day, each mission, and each fight has a cost that we often forget. However steely one's nerves or how strong one's will, the daily sacrifices of our soldiers do cause wounds and injuries of their own. These wounds are sometimes less visible than those of a bullet or a blast, but they are no less painful and certainly no less deadly.

Mr. President, the daily heroics of Chad's service in Iraq will be remembered long after the words from this floor fade. This was a lesson of our 16th President, Abraham Lincoln, as he honored the tens of thousands who perished at Gettysburg. "The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced." As we honor the life of Sergeant Barrett, may we embrace this charge and rededicate ourselves to our unfinished work and to the dream for which every soldier serves—that of achieving stable and lasting peace.

To Sergeant Barrett's wife, Michelle, his sons, Guston and Zachary, his parents, Linda and Ronnie, and to all his family and friends, our thoughts and prayers are with you. I cannot imagine the pain and grief that you are feeling. In time, though, I hope your sorrow will be salved by the knowledge that Chad served his country with honor and that we are all grateful for his courage, sacrifice, and daily heroism. May his legacy always endure.

## ADDITIONAL STATEMENTS

## REMEMBERING LANCE CORPORAL JOHNATHON GOFFRED

• Mr. BAYH. Mr. President, with a heavy heart and deep sense of gratitude, I wish to honor the life of a brave soldier. LCpl Johnathon Goffred, 22 years old, died unexpectedly on January 26 in Camp Pendleton, CA. Johnathon was a dedicated soldier, loving son, grandson and brother, and a valued friend to many.

Johnathan grew up in Johnson County, IN, with his paternal grandparents, Walter and MaryAnn Sparrow. He graduated from Center Grove High School in Greenwood in 2003, where he was active in sports and assisted the Center Grove Little League. It was his dream to become an Indiana State Police trooper.

In 2005, Johnathon joined the Marines where he was a rifleman with the 3rd Battalion, 1st Marine Regiment. Johnathon served a 7-month tour of duty in the Anbar province of Iraq, returning in 2007. For his excellent service, Johnathan was awarded the Global War on Terrorism Service Medal, the Iraqi Campaign Medal, the National Defense Service Medal, and a Sea Service Deployment Ribbon. His comrades remember him as a devoted friend who was generous with all he had. One of his fellow servicemen described him as the type of person who would give you the shirt off his back if you needed it.

Johnathan is survived by his mother, Angie Martin Goffred; his paternal grandparents, Walter and MaryAnn Sparrow; his maternal grandfather, Bill Goffred; his seven brothers, Dale, Shawn, Nick, Tom, Wes and Kragen Sparrow and Michael Paul; and his eight sisters, Tina Seril, Mellisa, Keria, Keisa, Quinci, Brianna, Shannon and Masada Sparrow.

Today, I join Johnathon's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and kindness that people will remember when they think of Johnathon. Today and always, Johnathan will be remembered by family members, friends, and fellow soldiers as a true American hero, and we honor his service to our country.

It is my sad duty to enter the name of LCpl Johnathon Goffred in the official RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Johnathon's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Johnathon.•

## RETIREMENT OF DARRELL KERBY

• Mr. CRAPO. Mr. President, good mayors are those who leave the communities, citizens, and environment of the towns they have led in better condition than when they were first elected. An exceptional mayor is one who imparts a vision of what the community could be and works with the members of his or her community and outside interests to achieve that vision. There are examples of this across my State of Idaho, and the outgoing mayor of Bonners Ferry, Darrell Kerby, is one such remarkable example.

Darrell is retiring from public service after serving the citizens of Bonners Ferry for over 20 years, first on the city council and most recently as mayor. He is known to city employees and the public as a man of outstanding character, courtesy, kindness, and confidence. His leadership has been marked by a penchant for conviction tempered in small-town graciousness. He was at the helm in 2003 when Bonners Ferry was selected as Idaho's Most Friendly Town by travelers and tourists. He was instrumental in the revitalization of downtown Bonners Ferry through the construction of the tunnel connecting the downtown business area to the Kootenai River Inn. He promoted the construction of the International Gateway Visitors Center, improved parking in the downtown business district, secured improvements to and expansion of the city water system that included obtaining a critical Federal grant, led improvements to the city powerplant, and fueled positive city growth.

Darrell's participation in the community extends beyond his mayoral office. He has served or serves on the Boundary Regional Health Center Board of Directors, the Idaho Board of Health & Welfare, the Association of Idaho Cities, the Idaho Energy Resources Authority, the Boundary County Economic Development Committee, and the Kootenai Valley Resource Initiative Committee, a collaborative effort that I have been pleased to work with him on over the years. Speaking of the Kootenai Valley Resource Initiative, Darrell has been instrumental in keeping my staff informed and involved as the stakeholders involved work to collaboratively manage the natural resources of the Kootenai Valley and begin restoration work on the Myrtle Creek Watershed after the devastating fire in 2003.

Darrell received the Harold Hurst Award in 2007 for exemplary performance by a city official and has contributed in an outstanding manner to the accomplishments of the Association of Idaho Cities.

I wish Darrell well in his retirement and thank him for his exemplary years of public service. The residents of Bonners Ferry and Boundary County, as well as the State of Idaho, have gained immeasurably from Darrell's efforts and dedication.●

## RETIREMENT OF MARK SMITH

● Mr. HARKIN. Mr. President, today I pay tribute to a very special Iowan and a truly exceptional labor leader, Mark Smith. Mark retired earlier this month after serving 28 years in leadership roles in the Iowa Federation of Labor. He served as secretary-treasurer from 1974 until 1997, and as president from 1997 until his retirement. Throughout, he has remained a member of the American Federation of Teachers, Local 716.

Prior to coming to the Iowa Federation of Labor, Mark spent 5 years as an instructor at the University of Iowa's Labor Center, where he taught up-and-coming union leaders about labor law, labor history, communication, leadership, economics, and public policy. Mark may have left the classroom, but he never stopped being a teacher and mentor. He has always believed strongly that to achieve real successes for working families and to advance a progressive public policy agenda, it is critical to train people to organize and advocate for themselves.

Throughout his distinguished tenure as IFL president, Mark was respected for his keen intelligence and his direct, honest, feisty style of doing business. He understood the political system, and how to get things done. He didn't believe in top-down political engagement; he believed in organizing and empowering people at the grass roots to fight for a brighter future—and to win.

Mark is a proud progressive, with a passion for economic and social justice. He is also a passionate believer in bringing people together in collective action, whether in the political arena, at the bargaining table, or in the community. He has devoted his life to building stronger unions because he believes that they are an ideal vehicle for effecting positive change for ordinary people.

For many years, I have counted on Mark for his friendship, counsel, and support—and that will not change. But his retirement is a tremendous loss for working families and for the labor movement in Iowa. In the Bible, it says that "if the trumpet gives an uncertain sound, who will prepare himself for battle?" For more than a decade as president of the Iowa Federation of Labor, there has been nothing uncertain about Mark Smith's trumpet. He has been a great labor leader, and a strong, unwavering voice for progressive change. I wish him a long and happy retirement with his family, including wife Marty, daughter Christine, sons Michael and Erich, and grandson Isaiah.●

## TRIBUTE TO DENNIS SWANSON

● Mr. LIEBERMAN. Mr. President, today I wish a happy 70th birthday to Mr. Dennis Swanson, a kind and generous man who has been one of the leading innovators in television broadcasting over the last 30 years.

Mr. Swanson, who currently serves as president of stations operations at FOX Television Stations, Inc., has been called a "mastermind" of the broadcast industry. It is high praise, and very well deserved. With keen foresight, tremendous business acumen, and a willingness to take chances, Swanson has improved the fortunes of every station he has worked for. Most importantly, he did this not by offering viewers programs that appealed to the lowest common denominator, but instead he developed creative, high-quality programming that appealed to the needs of the stations' communities.

In 1976, Swanson was hired as executive producer of KABC, Los Angeles' ABC affiliate. At that time, the station had never finished higher than third in local news ratings, and Swanson saw that the station needed to do something to offers its viewers a new perspective. In 1977, with the debate over Proposition 13 raging throughout California, Swanson invited the measure's author, Howard Jarvis, to come on the 5 p.m. newscast and debate the measure's opponents every day for a month. In addition, Swanson worked hard to improve the quality of the station's reporting. These efforts paid off when in 1978 he was awarded the George Foster Peabody Award, the most prestigious award in broadcasting, for KABC's reporting on the Los Angeles Police Department. KABC became the No. 1 station in the region, and Swanson was promoted to station manager in 1981.

In 1983, Swanson was asked to take over WLS–TV, an ABC owned and operated station in Chicago with low ratings. It is here that Swanson made perhaps the best broadcasting decision of his career and one that reveals his strong character. Impressed by her audition, Swanson offered a morning show to a woman from Baltimore with a unique name. As Swanson recalled years later, Oprah Winfrey wasn't sure she was ready for such a job. She was concerned that her color and appearance would prevent her from winning over viewers. Swanson would have none of that. "I'm not in the color business," he told her. He assured her that he didn't want her to change her appearance, but to simply "be the person I saw audition."

As we all know, the decision to hire Oprah was an unqualified success, rocketing WLS to the top of the Chicago market and eventually reaping billions in revenues for ABC. It also launched the career of one of the most influential and inspirational figures in America today.

In 1986, Swanson moved to New York to take the helm at ABC Sports. During his tenure, ABC's top sports program, "Monday Night Football," became one of America's top-rated primetime programs, consistently ranking in the top-10 highest rated shows. He also pulled one of the most remarkable developments in sports programming history when he convinced the International Olympic Committee to stagger its winter and summer games so the Olympics would occur every other year. This decision has been credited with keeping the public interested in the games and promoting the Olympics' message of sportsmanship and friendly competition. Additionally, Swanson was integral in the development of the Bowl Championship Series, an agreement between the four major college football bowl games that allows for the top two teams to play for the national championship at the end of each year.

In 1996, Swanson went to work as general manager for WNBC, NBC's flagship station in New York. The station was running second to longtime market leader WABC–TV, but needed a creative spark to put it over the top. As he had done in L.A. and Chicago, Swanson focused on providing viewers with high-quality community programming. He convinced network executives to broadcast the Christmas tree lighting at Rockefeller Center live during prime time. It was a huge hit. True to form, the station under Swanson broadcast other community events, such as the St. Patrick's Day Parade and the Puerto Rican Pride day parade, ensuring that many New Yorkers who were unable to attend the parades could still feel like part of the festivities. When Swanson left WNBC in 2002, the station, like those he left in Chicago and Los Angeles, was the ratings leader for its market.

After leaving WNBC, Swanson served as executive vice president and chief operating officer of Viacom Television Stations, Inc., where he oversaw 39 television stations throughout the country. While his tenure there was brief, having left for FOX in 2005, at the time of his departure Viacom's stations in New York and L.A. were increasing in market share, as were several stations in smaller markets. He now is in charge of FOX's 35 local television stations.

For all the success he has had, focusing solely on Mr. Swanson's professional success doesn't even allow one to scratch the surface of his rich life. Far from the apocryphal career-obsessed television executive of popular lore, for him serving the community was not just a strategy for increasing television ratings but a way of life. He has served on the boards and advisory committees of various organizations, including the Broadway Association, Inc., the National Academy of Television Arts and Sciences, the Committee for Hispanic Children and Families, Inc, and the Ireland-United States Council for Commerce and Industry. He has also been active in efforts to promote minority voices in the media, serving as chairman of the Emma L. Bowen Foundation for Minority Interests in the Media since its founding in 1991.

Those who know him best say Mr. Swanson has two passions: his family and the U.S. Marine Corps. Having served in the Marines as an officer in the early 1960s, he often credits the corps with helping make him the man he is today. He has given back, raising millions for the Marine Corps Scholarship Foundation and the Intrepid Fallen Heroes Fund.

But first and foremost for Mr. Swanson is his family. Despite his busy schedule, he strives to spend as much time as possible with Kathy, his wife of 46 years, their three children and nine grandchildren. He makes it a point to be with them for every holiday and special event. All of his grandchildren have their grandfather attend their events, whether they are hockey games in Connecticut at 6 a.m. or theatrical plays and lacrosse games in northern Virginia or ballets and soccer games in southern California; Dennis is always there for them

When looking upon all that Mr. Swanson has accomplished both professionally and personally, it is difficult to imagine that there is more that he can do. Yet his dedication and creativity have proven resilient over the years, so one can only expect bigger and better things from him. I look forward to seeing what kind of new and innovative ideas he develops in the future.

Happy birthday, Dennis Swanson. May your 70th year be your best one yet.●

## TRIBUTE TO LOUIE KROGMAN

● Mr. THUNE. Mr. President, today I honor Louie Krogman from White River, SD. On December 20, 2007, Louie scored his 2,826th point to become South Dakota's all-time leading boys basketball scorer.

Louie broke the former record of 2,825 points when he sank a free throw in the first half of White River's game against Pine Ridge during the Lakota Nation Invitational Tournament in Rapid City, SD. The 5,000 fans in attendance rose to their feet and honored him with a standing ovation. Before the game continued, the Lakota Nation honored Louie with a Lakota name and serenaded him with a Lakota honor song while he donned a traditional Native quilt. When the game resumed, Louie continued his dominance and led the Tigers to a decisive victory. Louie broke the 50-year-old record notably early in the 2007–2008 season, which leaves him plenty of time to continue to build on an amazing high school career.

This prestigious achievement is a direct result of the hard work and dedication that Louie has demonstrated throughout his career at White River High School. During his career, Louie was twice selected to the all-state basketball first team, named all-conference first team four times, named the Argus Leader player of the year, and chosen for the State "B" Tournament All-Tourney team. Through his hard work, leadership, athletic abilities, and a great supporting cast Louie has helped the Tigers become one of South Dakota's top basketball teams.

Mr. President, it gives me great honor today, along with Louie's friends, family, and the State of South Dakota, to congratulate him on this impressive accomplishment.●

## TRIBUTE TO DON MEYER

● Mr. THUNE. Mr. President, today I honor Don Meyer, the head men's basketball coach at Northern State University, NSU, in Aberdeen, SD. Coach Meyer recently won his 880th coaching career victory and currently has the most wins of any active coach in men's basketball. This accomplishment places Coach Meyer in second place on the collegiate all-time win list, trailing only Bobby Knight.

Coach Meyer began coaching at NSU in 1999 and has led the Wolves to 178 victories. Prior to coming to Aberdeen, he coached for 24 seasons at David Lipscomb University in Nashville, TN, and three seasons at Hamline University in Minneapolis, MN.

Despite his many accomplishments, Don Meyer has remained extremely humble. He is always quick to praise his assistant coaches, players, and fans for the invaluable role they play in his accomplishments. This humility has earned him the respect and admiration of his players. His excellent example of leadership and teamwork has even inspired one of his former players to write a book chronicling his time playing for Coach Meyer.

Coach Meyer is truly an example of the dedication and inspiration that is found in South Dakota's coaches. He has given the young people of South Dakota a fine example of what it means to be leader both on and off the court. On behalf of the State of South Dakota, I am proud to commend Coach Meyer on this impressive accomplishment and wish him and the Wolves all the best for their continued success.●

## MESSAGES FROM THE HOUSE

### ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) announced that on today, February 12, 2008, he had signed the following enrolled bill, which had previously been signed by the Speaker of the House:

H.R. 3541. An act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

### ENROLLED BILL SIGNED

At 5:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 781. An act to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MCCASKILL (for herself and Mr. BOND):

S. 2622. A bill to designate the facility of the United States Postal Service located at 11001 Dunklin Road in St. Louis, Missouri, as the "William 'Bill' Clay Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska:

S. 2623. A bill to amend title 37, United States Code, to authorize travel and transportation allowances for mobilized members of the reserve components of the Armed Forces on leave for suspension of training or to meet minimal staffing requirements, and for other purposes; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself, Mr. SPECTER, Mr. INOUYE, and Mr. DURBIN):

S. 2624. A bill to regulate political robocalls; to the Committee on Rules and Administration.

By Mr. HARKIN:

S. 2625. A bill to ensure that deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts, be excluded from consideration as annual income when determining eligibility for low-income housing programs; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2626. A bill to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sergeant Michael M. Kashkoush Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. Res. 447. A resolution honoring Friendship Force International and recognizing March 1, 2008 as World Friendship Day; to the Committee on the Judiciary.

By Mr. MCCONNELL:

S. Res. 448. A resolution making minority party appointments for the 110th Congress; considered and agreed to.

By Mr. SMITH (for himself, Mr. LAUTENBERG, Mr. ISAKSON, Mr. BAUCUS, Mr. COLEMAN, Ms. SNOWE, Mr. STEVENS, Mr. BROWNBACK, Mr. LIEBERMAN, Mrs. DOLE, and Mr. MARTINEZ):

S. Res. 449. A resolution condemning in the strongest possible terms President of Iran Mahmoud Ahmadinejad's statements regarding the State of Israel and the Holocaust and calling for all member States of the United Nations to do the same; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

### S. 400

At the request of Mr. SUNUNU, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

### S. 430

At the request of Mr. BOND, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

### S. 1577

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

### S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

### S. 1734

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1734, a bill to provide for prostate cancer imaging research and education.

### S. 1738

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

### S. 1889

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1889, a bill to amend title 49, United States Code, to improve railroad safety by reducing accidents and to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes.

### S. 2059

At the request of Mrs. CLINTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

### S. 2119

At the request of Mr. JOHNSON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

### S. 2186

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2186, a bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program.

### S. 2279

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

### S. 2322

At the request of Mr. CARDIN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2322, a bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

### S. 2347

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

### S. 2389

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2389, a bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes.

### S. 2433

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

At the request of Mr. DODD, his name was added as a cosponsor of S. 2433, supra.

### S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

### S. 2550

At the request of Mrs. HUTCHISON, the names of the Senator from West Virginia (Mr. BYRD), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

### S. 2560

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2560, a bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

### S. 2568

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2568, a bill to amend the Outer Continental Shelf Lands Act to prohibit preleasing, leasing, and related activities in the Chukchi and Beaufort Sea Planning Areas unless certain conditions are met.

### S. 2569

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

### S. 2578

At the request of Mr. COLEMAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

### S. 2585

At the request of Mr. HARKIN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

### S. 2587

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2587, a bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors.

### S. 2588

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2588, a bill to require that funds awarded to States and political subdivisions for the State Criminal Alien Assistance Program be distributed not later than 120 days after the last day of the annual application period.

### S. 2596

At the request of Mr. DEMINT, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 2596, a bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

### S. 2602

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2602, a bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008, to terminate the authority of the Secretary of the Treasury to deduct amounts from certain States.

### S. RES. 439

At the request of Mr. LUGAR, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 439, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

### AMENDMENT NO. 3910

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3910 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

### AMENDMENT NO. 3912

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3912 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

### AMENDMENT NO. 3920

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 3920 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

### AMENDMENT NO. 3967

At the request of Mr. COBURN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. SPECTER, Mr. INOUYE, and Mr. DURBIN):

S. 2624. A bill to regulate political robocalls, to the Committee on Rules and Administration.

Mrs. FEINSTEIN. Mr. President, today I am introducing the Robocall Privacy Act of 2008, cosponsored by my colleagues Senator SPECTER, Senator INOUYE and Senator DURBIN. This is a simple, straight-forward bill that would allow continued political outreach through prerecorded phone messages, but protect American families from being inundated by calls all through the day and night.

In recent years, we have seen an unparalleled development of new technologies that help political candidates reach out to voters.

This is a good thing. Political speech is essential, and should be protected. The vast majority of these technological developments bolster the Democratic process, promoting an interchange of information and ideas.

One of these is the so-called robocall, in which a prerecorded message can be sent out to tens of thousands of voters at a minor cost through computer automation.

With television and radio ads becoming so expensive, these prerecorded calls can play an important role alerting voters to a candidate's position and urging their support at the polls.

A recent Pew Foundation poll found that 80 percent of Iowans in the recent primaries received automated political robocalls. A high level of sophistication goes into these robocalls—they are targeted and specific software dictates who is called, and when.

But the process can be abused. And we all have heard stories about people being called over and over and over again at all hours of the day and night.

I believe this is wrong. Not only is it interfering with the privacy rights of Americans, but it can turn people away from the political process itself.

Commercial calls are already limited by the Federal Trade Commission's "Do Not Call" list—with millions of individuals subscribing. But political calls were specifically exempted from that list.

Let me be clear: I am not seeking to eliminate all robocalls. Instead, this legislation is carefully designed to provide some safeguards without halting the practice altogether.

The Robocall Privacy Act of 2008 bans political robocalls to any person from 9 p.m. in the evening and 8 a.m. in the morning.

It also bans more than two political robocalls from each campaign to the same telephone number per day, bans the caller from blocking the "caller identification" number, and requires an announcement at the beginning of the call identifying the individual or organization making the call and the fact that it is a pre-recorded message. This is to prevent misinformation about the caller.

The enforcement provisions of this bill are simple and intent on stopping the worst of these calls. The bill creates a civil fine for violators of the law, with additional fines for callers who willfully violate the law.

The bill also allows voters to sue to stop those calls immediately, but not receive money damages. A judge can order violators of the law to stop these abusive calls.

Why are these provisions so important? Let me briefly describe some recent incidents:

Hundreds of robocalls woke voters up at 2 in the morning during a 2007 New York election—because of a software programming error. The calls were supposed to occur at 2 p.m.

In the Nebraska 3rd District Congressional Election, voters complained to candidate Scott Kleeb when they received dozens of calls, containing poor-quality versions of his voice. Kleeb's supporters claim that his voice was recorded, and used in an abusive robocall against him.

In the 2006 Congressional elections, many calls wrongly implied that one candidate was making a robocall. The message began with a recorded voice stating that the call contained information about U.S. Representative MELISSA BEAN. Some voters called BEAN's office to complain without listening to the entire message, which eventually identified an opposing party committee as the sponsor—when most voters had hung up. Representative BEAN had to spend campaign funds informing voters she had not made that call.

The National Do Not Call Network—a nonprofit focused on this issue—has indicated voters receive many calls a day. They have reported as much as 37 political phone calls in one day for one voter. That same organization reports that 40 percent of its membership indicated it received between 5 and 9 calls a day during the election season.

In a recent Texas campaign, a negative robocall was sent to voters early in the morning—supposedly from one of the candidates. That candidate immediately protested it was not done on his behalf—but instead was an attempt to smear him by using his name. Voters became furious at the call.

In a Maryland race in November 2006, in a conservative area residents received a middle-of-the-night robocall from the nonexistent "Gay and Lesbian Push," urging them to support one of the candidates. That candidate lost the election, and enraged voters about the false, late-night call.

Repeated robocalls to Tennessee resident Jonathan Gregory caused him to complain to The Tennessean newspaper: "It's extremely annoying, and it's like getting telemarketing calls at work. . . . I think they should have some type of limit on how many times they can call the same number."

A February 1 Letter to the Editor of the Harrisburg Patriot-News, from a woman from East Pennsboro, PA, indicated that she received many political robocalls to her personal cell phone and was billed for each call.

I am a strong supporter of the First Amendment protection for political speech and I want to encourage the free exchange of information about candidates.

But I also believe people should have a right to be protected from the most egregious forms of abuse.

However, the worst of these calls are disturbing people in their homes by forcing them to answer calls and listen again and again. Something must be done.

The bill does not ban robocalls. It merely provides a reasonable framework of tailored time, place, and manner restrictions.

I hope my colleagues join me in supporting the Robocall Privacy Act of 2008.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 447—HONORING FRIENDSHIP FORCE INTERNATIONAL AND RECOGNIZING MARCH 1, 2008 AS WORLD FRIENDSHIP DAY

Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 447

Whereas the nonprofit organization Friendship Force International was founded in Atlanta in 1977 to promote international understanding and good will;

Whereas, since 1977, nearly 1,000,000 individuals all over the world have traveled as Friendship Force Citizen Ambassadors or opened their homes as hosts in order to promote international understanding;

Whereas, today, Friendship Force International has more than 35,000 members in 40 States and 58 foreign countries who are building bridges across the cultural barriers that separate people;

Whereas, in order to celebrate on an annual basis its mission to support the cause of peace through international understanding, Friendship Force International has set March 1 of each year as World Friendship Day; and

Whereas Friendship Force International chapters around the world are urging people everywhere to celebrate World Friendship Day on March 1, 2008: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Friendship Force International for promoting international understanding and good will in the world; and

(2) recognizes the celebration of World Friendship Day on March 1, 2008, and asks people everywhere to mark and celebrate the day appropriately.

## SENATE RESOLUTION 448—MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 448

*Resolved*, That the following be the minority membership on the following committee for the remainder of the 110th Congress, or until their successors are appointed:

Committee on Foreign Relations: Mr. Lugar, Mr. Hagel, Mr. Coleman, Mr. Corker, Mr. Voinovich, Ms. Murkowski, Mr. DeMint, Mr. Isakson, Mr. Vitter, Mr. Barrasso.

## SENATE RESOLUTION 449—CONDEMNING IN THE STRONGEST POSSIBLE TERMS PRESIDENT OF IRAN MAHMOUD AHMADINEJAD'S STATEMENTS REGARDING THE STATE OF ISRAEL AND THE HOLOCAUST AND CALLING FOR ALL MEMBER STATES OF THE UNITED NATIONS TO DO THE SAME

Mr. SMITH (for himself, Mr. LAUTENBERG, Mr. ISAKSON, Mr. BAUCUS, Mr. COLEMAN, Ms. SNOWE, Mr. STEVENS, Mr. BROWNBACK, Mr. LIEBERMAN, Mrs. DOLE, and Mr. MARTINEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 449

Whereas President of Iran Mahmoud Ahmadinejad stated on October 26, 2005, that "The establishment of the Zionist regime was a move by the world oppressor against the Islamic world";

Whereas President Ahmadinejad stated on October 26, 2005, that "Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury";

Whereas President Ahmadinejad stated on October 26, 2005, that "There is no doubt that the new wave in Palestine will soon wipe off this disgraceful blot from the face of the Islamic world";

Whereas President Ahmadinejad stated on October 26, 2005, "Is it possible for us to witness a world without America and Zionism? But you should know that this slogan, this goal, can certainly be achieved";

Whereas President Ahmadinejad stated on October 26, 2005, that "The skirmishes in the occupied land are part of a war of destiny. The outcome of hundreds of years of war will be defined in Palestinian land. As the Imam said, Israel must be wiped off the map";

Whereas President Ahmadinejad stated on December 14, 2005, that "They have invented a myth that Jews were massacred and place this above God, religions and the prophets";

Whereas President Ahmadinejad stated on December 14, 2005, that "If you have burned the Jews, why don't you give a piece of Europe, the United States, Canada or Alaska to Israel. Our question is, if you have committed this huge crime, why should the innocent nation of Palestine pay for this crime?";

Whereas President Ahmadinejad stated on February 11, 2006, that "The real Holocaust is what is happening in Palestine where the Zionists avail themselves of the fairy tale of Holocaust as blackmail and justification for killing children and women and making innocent people homeless";

Whereas President Ahmadinejad stated on February 11, 2006, that "We ask the West to remove what they created sixty years ago and if they do not listen to our recommendations, then the Palestinian nation and other nations will eventually do this for them";

Whereas President Ahmadinejad stated on February 11, 2006, "Remove Israel before it is too late and save yourself from the fury of regional nations";

Whereas President Ahmadinejad stated on April 15, 2006, that "Whether you like it or not, the Zionist regime is heading toward annihilation. The Zionist regime is a rotten, dried tree that will be eliminated by one storm";

Whereas President Ahmadinejad stated on April 24, 2006, that "We say that this fake regime cannot logically continue to live";

Whereas President Ahmadinejad stated on May 11, 2006, that "The West claims that more than six million Jews were killed in World War II and to compensate for that they established and support Israel. If it is true that the Jews were killed in Europe, why should Israel be established in the East, in Palestine?";

Whereas President Ahmadinejad stated on December 12, 2006, that "Thanks to people's wishes and God's will the trend for the existence of the Zionist regime is downwards and this is what God has promised and what all nations want . . . Just as the Soviet Union was wiped out and today does not exist, so will the Zionist regime soon be wiped out";

Whereas President Ahmadinejad stated on June 3, 2007, that "With God's help, the countdown button for the destruction of the Zionist regime has been pushed by the hands of the children of Lebanon and Palestine . . . By God's will, we will witness the destruction of this regime in the near future";

Whereas President Ahmadinejad stated on September 12, 2007, that "We do not accept or officially recognize Israel. They are occupiers and illegitimate"; and

Whereas President Ahmadinejad stated on January 30, 2008, "I advise you to abandon the filthy Zionist entity which has reached the end of the line. It has lost its reason to be and will sooner or later fall": Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns in the strongest possible terms President of Iran Mahmoud Ahmadinejad's hateful and anti-Semitic statements regarding the State of Israel and the Holocaust; and

(2) calls on all member States of the United Nations to publicly condemn President Ahmadinejad's statements as a violation of the principles of both the United Nations Charter and the Universal Declaration of Human Rights.

**Mr. SMITH.** Mr. President, I rise today with my colleague Senator LAUTENBERG of New Jersey to introduce a resolution condemning the comments made by Iranian President Ahmadinejad on Israel and the Holocaust.

For too long, the civilized world has remained silent while the leader of Iran has threatened Israel's survival and denied the existence of the Holocaust. Since the inception of his term in office in 2005, President Ahmadinejad has continually been the mouthpiece for the vilest, most base examples of anti-Semitism and hate. Standing against this ceaselessly hostile rhetoric and threats, the State of Israel should be afforded the full support of the United States and the international community. President Ahmadinejad's denial of the Holocaust—one of the most appalling crimes against humanity the world has ever known—is likewise unacceptable and outrageous. My colleagues and I condemn these comments in the strongest possible terms, and call for all the civilized nations of the world to do likewise.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4018. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

## TEXT OF AMENDMENTS

**SA 4018.** Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; as follows:

On page 7, beginning on line 14, strike ", consistent with the requirements of section 101(h) or section 301(4), minimization procedures" and insert "minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4)".

On page 8, line 13, strike "168 hours" and insert "7 days".

On page 26, beginning on line 22, strike "consistent with the requirements of section 101(h) or section 301(4)" and insert "that meet the definition of minimization procedures under section 101(h) or section 301(4)".

On page 32, line 3, strike "subsection (2)" and insert "subsection (b)".

On page 35, line 6, strike "obtained;" and insert "obtained,".

On page 35, line 18, strike "168 hours" and insert "7 days".

On page 35, line 24, strike "subsection" and insert "section".

On page 36, line 6, strike "168 hours" and insert "7 days".

On page 36, line 16, strike "168-hour" and insert "7-day".

On page 40, beginning on line 16, strike "consistent with the requirements of section 101(h) or section 301(4)" and insert "that meet the definition of minimization procedures under section 101(h) or section 301(4)".

On page 44, line 15, strike "clause" and insert "subparagraph".

On page 45, line 15, strike "obtained;" and insert "obtained,".

On page 46, line 2, strike "168 hours" and insert "7 days".

On page 46, line 8, strike "subsection" and insert "section".

On page 46, lines 14 and 15, strike "168 hours" and insert "7 days".

On page 46, line 24, strike "168-hour" and insert "7-day".

On page 48, beginning on line 13, strike "orders under section 704(b) or section 705(b)" and insert "orders under section 704(c) or section 705(c)".

On page 54, beginning on line 22, strike "during the period such directive was in effect" and insert "for information, facilities, or assistance provided during the period such directive was or is in effect".

On page 60, line 4, strike "reasonably".

On page 60, line 5, strike "determines" and insert "reasonably determines".

On page 60, line 10, strike "determines" and insert "reasonably determines".

On page 60, lines 20 and 21, strike "168 hours" and insert "7 days".

On page 61, line 7, strike "168 hours" and insert "7 days".

On page 65, line 6, strike "168 hours" and insert "7 days".

On page 65, lines 16 and 17, strike "168 hours" and insert "7 days".

On page 67, line 2, strike "168 hours" and insert "7 days".

On page 67, line 4, strike "168 hours" and insert "7 days".

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

**Mr. BINGAMAN.** Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 26, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on U.S. oil inventory policies, including the Strategic Petroleum Reserve policies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to *Rosemarie_Calabro@energy.senate.gov.*

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, February 27, 2008, at 9:45 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider two nominations: Stanley C. Suboleski, of Virginia, to be an Assistant Secretary of Energy (Fossil Energy), vice Jeffrey D. Jarrett, resigned; and, J. Gregory Copeland, of Texas, to be General Counsel of the Department of Energy, vice David R. Hill.

For further information, please contact Sam Fowler at (202) 224-7571 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 14, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on the President's fiscal year 2009 budget request for tribal programs.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 12, 2008, at 9:30 a.m., in open and closed session to receive testimony on Air Force nuclear security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, in order to conduct a hearing entitled: "Addressing Healthcare Workforce Issues For the Future."

The hearing will take place on Tuesday, February 12, 2008, at 2:30 p.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "Judicial Nominations" on Tuesday, February 12, 2008, at 2:30 p.m., in room SR-301 of the Russell Senate Office Building.

Witness list

James Randal Hall to be United States District Judge for the Southern District of Georgia, Richard H. Honaker to be United States District Judge for the District of Wyoming, Gustavus Adolphus Puryear, IV to be United States District Judge for the Middle District of Tennessee, and Brian Stacy Miller to be United States District Judge for the Eastern District of Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 12, 2008, at 2:30 p.m., in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "Federal Cocaine Sentencing Laws: Reforming the 100-to-1 Crack/Powder Disparity" on Tuesday, February 12, 2008, at 2:30 p.m., in the Dirksen Senate Office Building, room 226.

Witness list

John Richter, United States Attorney, Western District of Oklahoma, U.S. Department of Justice; The Honorable Ricardo H. Hinojosa, Chair, U.S. Sentencing Commission, Washington, DC; The Honorable Reggie B. Walton, United States District Judge, Member, Criminal Law Committee, Federal Judicial Conference, Washington, DC; Nora Volkow, M.D., Director, National Institute on Drug Abuse, U.S. Department of Health & Human Services, Washington, DC; and James Felman, Co-Chair, Sentencing Committee, Criminal Justice Section, American Bar Association.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 448, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 448) making minority party appointments for the 110th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 448) was agreed to, as follows:

S. RES. 448

*Resolved*, That the following be the minority membership on the following committee for the remainder of the 110th Congress, or until their successors are appointed:

Committee on Foreign Relations: Mr. Lugar, Mr. Hagel, Mr. Coleman, Mr. Corker, Mr. Voinovich, Ms. Murkowski, Mr. DeMint, Mr. Isakson, Mr. Vitter, Mr. Barrasso.

## ORDERS FOR WEDNESDAY, FEBRUARY 13, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, February 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with 1 hour of debate only, equally divided, prior to a cloture vote on the conference report to accompanying H.R. 2082, the Intelligence Authorization Act for fiscal year 2008.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## PROGRAM

Mr. DURBIN. Mr. President, tomorrow, the first vote of the day is expected to occur shortly after 10:30 a.m. on the motion to invoke cloture on the intelligence authorization conference report.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:26 p.m., adjourned until Wednesday, February 13, 2008, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### FEDERAL HOSPITAL INSURANCE TRUST FUND

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE THOMAS R. SAVING.

### FEDERAL INSURANCE TRUST FUNDS

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE THOMAS R. SAVING.

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

HYEPIN CHRISTINE IM, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 6, 2008, VICE HENRY LOZANO, RESIGNED.

HYEPIN CHRISTINE IM, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013. (REAPPOINTMENT)

LAYSHAE WARD, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2012, VICE MIMI MAGER, TERM EXPIRED.

### NATIONAL INSTITUTE FOR LITERACY

PERRI KLASS, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2009, VICE WILLIAM T. HILLER, TERM EXPIRED.

KATHERINE MITCHELL, OF ALABAMA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2010, VICE MARK G. YUDOF, RESIGNED.

EDUARDO J. PADRON, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2009, VICE JUAN R. OLIVAREZ, TERM EXPIRED.

ALEXA E. POSNY, OF KANSAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2008, VICE CAROL C. GAMBILL, TERM EXPIRED.

TIMOTHY SHANAHAN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2010. (REAPPOINTMENT)

RICHARD KENNETH WAGNER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2009. (REAPPOINTMENT)

## WITHDRAWALS

**Executive Message transmitted by the President to the Senate on February 12, 2008 withdrawing from further Senate consideration the following nominations:**

WARREN BELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE KENNETH Y. TOMLINSON, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

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PATRICIA MATHES, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2007, VICE MARK G. YUDOF, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

# HOUSE OF REPRESENTATIVES—*Tuesday, February 12, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BUTTERFIELD).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*February 12, 2008.*

I hereby appoint the Honorable G.K. BUTTERFIELD to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SESTAK) for 5 minutes.

## HONORING THE 99TH ANNIVERSARY OF THE NAACP

Mr. SESTAK. Mr. Speaker, for nearly a century, the National Association for the Advancement of Colored People, the NAACP, has been fighting for the civil rights and dignity of people of color. As a result of their efforts, our great Nation today can boast of a society more diverse, productive, prosperous and hopeful than any in history.

However, today's hope is a far cry from the violent segregation and discrimination that inspired Mary White Ovington, William English Walling and Dr. Henry Moskowitz to meet in a small room of a New York City apartment and commit the fledgling NAACP to the most important social movement in our national history. Today, the spirit of those brave and patriotic founders lives on in its leaders, like Dr. Joan Duval-Flynn, president of the Media, Pennsylvania NAACP chapter in my home district. I rise today to congratulate Dr. Duval-Flynn for her vision, intelligence and dedication. She leads a chapter of the NAACP born of a violent act in the early 1920s and committed to making Delaware County, Pennsylvania, a 21st century community where people of all colors and creeds live together as neighbors, friends and first-class citizens.

In my first year representing the Seventh District of Pennsylvania, the NAACP's magazine, The Crisis, featured an article titled "Woman Warriors, Female Combatants Sacrifice Lives for Country." That article gave me cause to consider all of the extraordinary women and men of color I had the privilege of serving with during my 30 years in our Armed Forces. For that privilege and honor, I owe, and our Nation owes, a personal debt of gratitude to Dr. Duval-Flynn, Mary White Ovington and countless other members and leaders of the NAACP.

As W.E.B. Du Bois wrote in his first editorial page of The Crisis in 1910, that voice of the NAACP "will stand for the rights of men, irrespective of color or race, for the highest ideals of American democracy, and for the reasonable but earnest and persistent attempt to gain these rights and realize these ideals." No truer words can be spoken than on this birthday of the NAACP. I am proud, therefore, to know and work with this one remarkable leader, Dr. Joan Duval-Flynn, in my district as with many others in my district and with the NAACP who gave us leaders such as she.

Founded on February 12, 1909, the NAACP is the Nation's oldest and largest civil rights organization. It has worked successfully with allies of all races who believe in, and stand for, the principles of civil rights on which the organization was founded.

The NAACP's legacy includes historic events as well as distinguished leaders, as I mentioned, W.E.B. Du Bois, but other civil rights leaders such as Rosa Parks and Medgar Evers and Thurgood Marshall, who served as special counsel for the NAACP when he argued the historic U.S. Supreme Court case of Brown v. Board of Education, a landmark victory for equality that outlawed segregation in our schools. Our obligation to African Americans and all Americans is to honor the accomplishments of the past by acting in a substantive manner to improve their lives in the future.

Thank you, NAACP; thank you, Dr. Joan Duval-Flynn; and thank you for the time this morning, Mr. Speaker.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 35 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RUSH) at 2 p.m.

## PRAYER

Chaplain William E. Dickens, Jr., 445th Airlift Wing, Wright-Patterson Air Force Base, Ohio, offered the following prayer:

Father, we acknowledge that all blessings come from You. I ask that You give the men and women who serve this great Nation from these desks wisdom, courage, and discernment to make decisions that are honoring to You and right for this country.

Presently, there are soldiers, sailors, airmen and marines deployed around the world in harm's way. Father, I pray that You will keep them safe, give them purpose, guard their hearts from loneliness and despair, and bring them home soon. For their families, I pray that You will comfort them and meet all of their needs. For those who have given their lives in defense of freedom, words cannot express our sorrow and our gratitude. May our actions honor their sacrifice, and may Your peace comfort their families.

Father, for this great Nation, I pray that it will continue, under Your blessing, to stand as a beacon for goodness and a bastion of freedom. May we understand the message of Your scripture: "To whom much has been given, much will be expected."

In Your precious name I pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## GREEN JOBS AND ECONOMIC GROWTH

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, it's no surprise that our Nation's economy is struggling. The cities in the 32nd Congressional District that I represent have seen unemployment rates soar to 7.2 percent. Gasoline prices continue to go up above $3.

In Los Angeles, a family loses a home to foreclosure every hour.

However, the renewable energy and energy efficiency sectors seem to be booming.

In 2006, the renewable energy and energy efficiency sectors generated 8.5 million jobs, nearly $1 trillion in revenue for the United States. These jobs are good-paying jobs, and they will not be outsourced.

The Green Collar Job Act that was signed into law recently will help train 3 million new workers. Through the program, workers included will be those in underserved communities like mine.

In this time of economic turmoil, we need to invest in America and in our workforce. Let's make sure that Congress appropriates the accorded amount of money so that we can create this stream of jobs that will stay here on our shores.

## CONGRATULATIONS TO PRESIDENT BORIS TADIC

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, congratulations to President Boris Tadic and the people of Serbia on his re-election as President of the Republic of Serbia.

President Boris Tadic has been a strong and vibrant leader for the people of Serbia. He has led his people in their bid to become a member of the European Union because he understands that inclusion in the EU would be a strong step toward growing the Serbian economy and advancing the cause of peace and freedom in the region. The Serbian people have an extraordinary history and culture, and I am hopeful the principles of freedom and democracy embodied by the leadership of President Tadic will continue to thrive.

As a proud member of the Serbian Caucus, I look forward to working with my colleagues and our diplomatic partners in Serbia to forge a growing partnership between our two nations. Congratulations to President Tadic and the people of Serbia for building a robust free market democracy which is crucial for our Balkan nations.

In conclusion, God bless our troops, and we will never forget September the 11th.

My deepest sympathies to Annette Lantos, the Lantos family, staff and constituents on the death of Chairman TOM LANTOS. He lived to see Hungary, his birthplace, become a thriving free market democracy.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. YARMUTH). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

## HONORING THE LIFE OF SENIOR BORDER PATROL AGENT LUIS A. AGUILAR

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 954) honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 954

Whereas Luis Aguilar was born in El Paso, Texas, on November 26, 1976, to Luis Aguilar and Cecilia G. Silva;

Whereas Luis Aguilar resided in Somerton, Arizona, and is survived by his mother and father, his wife, Erica Aguilar, his two children, Luis and Arianna, his brother, senior Border Patrol agent Marco Antonio Aguilar, and his sister, Angie Aguilar;

Whereas Luis Aguilar joined the United States Border Patrol on July 21, 2002;

Whereas on January 19, 2008, after over 5 years of dedicated service in the United States Border Patrol, Luis Aguilar selflessly paid the ultimate sacrifice in service to the United States;

Whereas Border Patrol agents carry out the vital role of protecting our Nation's borders and ensuring the safety of the United States;

Whereas Border Patrol agents work devotedly and selflessly on behalf of the people of the United States, without regard for the peril or danger to themselves; and

Whereas the United States will forever be grateful for the service of Luis Aguilar and mourn his loss: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the dedication and sacrifice made by the men and women who have lost their lives while serving as United States Border Patrol agents;

(2) honors Luis Aguilar for his service as a Border Patrol agent and for his sacrifice to the United States; and

(3) extends its deepest condolences to the family of Luis Aguilar.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

### GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this resolution and include therein any extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 954, honoring senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008.

I would also like to thank Congresswoman ZOE LOFGREN, a member of the Committee on Homeland Security, for introducing this important legislation.

Mr. Speaker, on January 19, 2008, Agent Aguilar was working with fellow Border Patrol agents to secure a suspected narcotics smuggler in the Imperial Sand Dunes Recreational Area when he was struck and killed by the suspected smuggler's vehicle as it fled into Mexico.

A native of El Paso, Texas, Agent Aguilar had been assigned to the Yuma Border Patrol station since joining the Border Patrol in July 2002. He was just 32 years old at the time of his death.

Agent Aguilar is survived by his wife, Erica; his children, Luis and Arianna; his father, Luis Aguilar, Sr.; his sister, Angie; and his Border Patrol brother, senior Border Patrol agent, Marco Antonio Aguilar.

Sadly, Mr. Speaker, Agent Aguilar's mother, Cecilia Silva, recently passed away after her son's tragic death.

We're here to honor Agent Aguilar, a young man who's made the ultimate sacrifice to protect the sovereign borders of the United States and make America more secure.

The mission of the U.S. Border Patrol is to control the nearly 6,000 miles of land border between ports of entry with Mexico and Canada, and the coastal waters around Florida and Puerto Rico.

The death of Agent Aguilar serves as a stark reminder of the risks our frontline agents and officers face each day as they serve as the guardians of our Nation's land borders.

As chairman of the Homeland Security Committee, I've been to the southern border on a number of occasions.

I've witnessed firsthand the dedication of the men and women of the U.S. Border Patrol, often under difficult and dangerous conditions. They work long hours, often late into the night, in extreme heat and cold.

Like Agent Aguilar, they are our Nation's last line of defense against would-be terrorists, drug traffickers and others who would seek to enter this Nation illegally. Agent Aguilar's contribution to our Nation's security deserves this recognition.

Mr. Speaker, I ask my colleagues to join me in honoring senior Border Patrol Agent Luis Aguilar in his service to our Nation, and offer my deepest condolences to the family.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

It is with great sorrow and profound gratitude that I rise to support this resolution to honor the life and service of senior Border Patrol guard Luis Aguilar, who was tragically killed in the line of duty on January 19, 2008. He died after being struck by a vehicle driven by a suspected smuggler in the Imperial Sand Dunes Recreation Area of California.

The work of a Border Patrol agent is inherently dangerous. In the normal course of their work, they run the risk of heat exhaustion, frostbite, and other challenges from the outdoor environment. Of even greater concern is the threat from smugglers and criminals seeking to illegally cross our borders who engage in violence against our Border Patrol agents.

As more agents, assets, and infrastructure are placed along the border, criminal activity is prevented from continuing with impunity. The unfortunate result of gaining operational control of our borders is an increase in violence targeted at agents. And we have seen a significant spike in the past several years, with nearly 1,000 assaults on agents last year, ranging from rock throwing to sniper attacks and to murder.

Agent Aguilar's death serves as a stark reminder of the risk our law enforcement agents face every day as they seek to secure our Nation's borders. These despicable criminal acts will only strengthen our resolve to secure our borders with additional agents, fencing, vehicle barriers, and technology. The Border Patrol plays a vital role in protecting America, and the sacrifices of its agents will not be forgotten.

I recently conducted an overnight visit on the Southwest border and saw firsthand the challenges and the dangers that these agents face. I returned with the clear resolve to support all the tools, resources, infrastructure, and policies necessary to gain operational control of our borders.

I would like to recognize the excellent work of U.S. law enforcement personnel and the Government of Mexico for tracking down and arresting the primary suspect in the murder of Agent Aguilar on January 22. For the sake of the Aguilar family, the Border Patrol and the justice for Agent Aguilar, I ask the Government of Mexico's continued cooperation and support to extradite this individual to the United States for trial.

The men and women of the Border Patrol face challenges and threats every day with vigilance, dedication to service, and integrity as they work to strengthen our national security and to protect America and its citizens.

I would like to once again extend my condolences to the Aguilar family and sincerely thank Agent Aguilar for his service to our Nation.

I would also like to extend my condolences for the recent passing of Agent Aguilar's mother, Cecilia.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield as much time as he may consume to the gentleman from Arizona (Mr. GRIJALVA).

□ 1415

Mr. GRIJALVA. Mr. Speaker, I thank the chairman for yielding time, and let me also thank Congresswoman ZOE LOFGREN for the very important resolution, H. Res. 954, that she introduced.

I rise in support of H. Res. 954 and to honor the life of senior Border Patrol Agent Luis A. Aguilar who lost his life in the line of duty near Yuma, Arizona, on January 19 of this year. He lost his life on a border filled with dangers for agents who confront organized drug and people smugglers on a daily basis, smugglers who are prepared to go to great and dangerous lengths to protect their profit and to protect the illegal activities they are conducting on the border.

First, let me give my condolences to Mr. Aguilar's family who gave the ultimate sacrifice, his wife, son, and daughter, who have lost an American hero. I'm proud to say that Agent Aguilar lived in Somerton, Arizona. He was originally from El Paso, Texas, but was raising his family in the district that I have the privilege to represent in this Congress.

His life was devoted to this country as he served in the U.S. Border Patrol for more than 5 years. He protected this country and enforced its laws.

For his wife, children, and family, he provided them with a great foundation. He was a devoted family man, actively involved in the lives of his children and his family, making sure that his family was first. Community members could always count on him being there on a T-ball or soccer field cheering on his children and other children.

Luis Aguilar will be remembered as a quiet, yet strong, man who always had a smile on his face for his friends and family.

Mr. Speaker, we may disagree on the nature, the content and the future of an immigration policy for this Nation, but there is no disagreement on the bravery and value of the men and women who carry out this policy for us. In honoring Luis Aguilar and his family, we honor all of them and respect them all.

I urge my colleagues to support H. Res. 954 in memory of Luis Aguilar and in gratitude for his service and the service of his colleagues in the Border Patrol.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from California, my good friend, Mr. ROYCE.

Mr. ROYCE. Mr. Speaker, I rise to honor senior Border Patrol Agent Luis Aguilar. He was killed 3 weeks ago on January 19. He was intentionally struck by the driver of a vehicle that he was attempting to stop.

And on that day, Border Patrol agents observed both a Ford pickup truck and a Hummer crossing illegally from Mexico into the United States. It was near Yuma, Arizona, and they began pursuit. The drivers of the two vehicles saw that the agents were following them, and they turned back toward the border. But as Agent Aguilar deployed spike strips, he was intentionally struck by the driver of that Hummer.

His death serves for us as another stark reminder of the dangerous environment our Border Patrol faces every day. Violence against Border Patrol agents, I sadly report, is increasing in the United States. It has gone up 31 percent. Between 2006 and 2007, the number of incidents rose from 752 attacks to 987 against our Border Patrol agents. Agents are being assaulted with an arsenal of weaponry that includes bottles and knives, bats, ball bearings, steel pipes, cinder blocks, slingshots and vehicles.

When I was chairman of the Subcommittee on International Terrorism and Nonproliferation, I held hearings down on the border, both in Laredo, Texas, and in San Diego, and the focus was on border vulnerabilities and on international terrorism. At that time, there had been some reports of international terrorists trying to cross that border.

One thing the Border Patrol asked us for, and they said this would make an immediate impact on securing our borders and securing our Nation, they asked us for a double border fence, as was finally passed in the Secure Fence Act. Many Americans strongly supported that legislation to construct that fence to help slow illegal entry into the United States, and, quite frankly, they are baffled that Congress took such a step back from strengthening our border security, as we did with that omnibus spending bill earlier this year, because that omnibus spending bill gutted the Secure Fence Act. The Secure Fence Act required double fencing. It would put a fence where it was needed most, in areas that have the highest instances of drug smuggling, of human smuggling, and of gang activity.

The omnibus bill that we passed here, that I opposed, removed the two-tier requirement and the list of locations. It also put up numerous bureaucratic and legal hurdles to undermine the fence's completion. It's past time we strengthen operational control of our borders. We need to use every tool available to give the Border Patrol the support they need to help protect Border Patrol agents as they requested.

Again, I just want to recognize the service of Agent Luis Aguilar, killed in the line of duty.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no more speakers at this time, and I am prepared to close if Mr. DAVIS is prepared, also.

Mr. DAVID DAVIS of Tennessee. I have another speaker, Mr. Speaker.

Mr. Speaker, I yield 5 minutes to my good friend, Mr. BILBRAY, from California.

Mr. BILBRAY. Mr. Speaker, Agent Aguilar, like myself, was born and raised on the border. He knew the challenges that faced the border. He understood the risks, and sadly, his life, as documented, was the price he paid for out-of-control borders.

I just hope that everyone today, when they vote on this bill and support this bill, recognizes that for all too long Border Patrol agents have not only faced the threat of life-and-death situations along the border while they're enforcing our laws, protecting our neighborhoods, and protecting the lives of illegal immigrants crossing the border every day. A story that's not told enough about when somebody crossing the border illegally needs to be saved while they're dying in the desert, drowning in rivers, being attacked by coyotes, it's the Border Patrol agents who are the last straw of survival for so many of these illegals.

Border Patrol Aguilar proved his loyalty to America with his life, and sadly, I just ask all of us to remember that there are Aguilars up and down the border, north and south, all over this country, doing a tough job and, frankly, not getting very much credit, in fact, getting attacked personally and viciously just because they're doing the tough job that the American people want.

I just hope that we understand that our job today is to recognize the sacrifice of the Aguilar family and remember that when Mrs. Aguilar passed away after finding out about her son, I'm sure she would want to send a message of do what you can, Congress, to make sure my other son is safe, protected, and well-provided for in his duties of serving the American people.

So, Mr. Speaker, I'd ask that we recognize the service of not only Agent Aguilar but his mother, his brother, and his entire family, and by doing that, let's be brave enough to send them the resources, both in physical equipment and in the proper laws, that the Border Patrol agents have been asking us to do for a long time so that they do not have to continue to function in this killing zone that we call the border area.

And so I ask strongly the Democrats and Republicans to join together and let's do what we can to avoid this situation in the future. That may mean taking some hits from our friends about building fences or cracking down on illegal employers, doing all those things that we have not done enough in the past, and that, Mr. Speaker, would truly be a good recognition of the service of Agent Aguilar and an appropriate memorial by this Congress.

Mr. THOMPSON of Mississippi. Mr. Speaker, might I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Mississippi has 15 minutes. The gentleman from Tennessee has 10½ minutes.

Mr. THOMPSON of Mississippi. Thank you very much. I continue to reserve, Mr. Speaker. I have no other speakers.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, as I prepare to close, I want to again thank the Aguilar family and pass on the American people's condolences to the Aguilar family. I want to thank his fellow Border Patrol agents who are willing to protect our freedoms each and every day, and I would like to urge my colleagues in support of this resolution this afternoon.

With that, I yield back the remainder of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution to recognize the life of senior Agent Luis Aguilar. The loss of Agent Aguilar not only leaves a big hole in the Border Patrol organization but in the lives of his family.

I'd like to express again my sincere condolences and urge passage of this important resolution.

Mr. REYES. Mr. Speaker, I rise in support of H. Res. 954, a resolution honoring the life and career of Senior Border Patrol Agent Luis A. Aguilar who on January 19, 2008 lost his life at the young age of 32 in the line of duty near Yuma, Arizona.

A native of my district of El Paso, Texas, Agent Aguilar began his career with the United States Border Patrol on July 21, 2002 after attending the 519th Session of the Border Patrol Academy. Upon graduation, Agent Aguilar was assigned to the Yuma Border Patrol Sector in Arizona.

On the day of Aguilar's tragic death, he was trying to deflate the tires of a Hummer being driven by a suspected narcotics smuggler who was attempting to flee back to Mexico across the Imperial Sand Dunes. The suspect accelerated while swerving and struck Agent Aguilar who was unable to move from the path of the vehicle. Injuries sustained by the impact caused the tragic loss of Agent Aguilar.

Chief Border Patrol Agent Chief David V. Aguilar posthumously awarded Agent Aguilar the Border Patrol's Purple Cross. This medal is one of the highest honors bestowed on an agent and is awarded to those who have sustained life-threatening injuries or have been killed in the line of duty.

I offer my deepest condolences to his wife, Erica and his children, Luis and Arianna. I would also like to ask that the House take a moment to morn the loss of Agent Aguilar's mother, Cecilia Silva, who just last week lost her fight with cancer. To his father, Luis Aguilar, your son was a hero in my eyes and the eyes of many across the nation.

Agent Aguilar committed his life to his job, and his family showed immense courage in supporting him and his mission. As a former Border Patrol agent myself, I know firsthand the dangers that an agent faces while protecting America's frontlines. Aguilar's dedication to his nation should be acknowledged, and today I ask my colleagues to join me in honoring Agent Aguilar for his service.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 954, honoring the life of senior border patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona. Agent Aguilar's death serves as another stark reminder of the risks our front-line agents and officers face each day.

Aguilar was trying to place spike strips in the path of two vehicles believed to have illegally entered the country from Mexico when one of the vehicles hit him. Both vehicles drove back across the border into Mexico. After over 5 years of dedicated service in the United States Border Patrol, Luis Aguilar selflessly paid the ultimate sacrifice in service to the United States.

The fatal incident occurred about 20 miles west of Yuma in the Imperial Sand Dunes Recreation Area near Andrade, California, just over the California state line from Arizona. This area is frequently used by smugglers carrying people or drugs. A half hour earlier agents had seen a brown Hummer and a red Ford F–250 pickup crossing from Mexico into the United States. The vehicles traveled west on Interstate 8, and the vehicles turned around, heading back the way they had come with the Border Patrol in pursuit.

Luis Aguilar resided in Somerton, Arizona, and is survived by his mother and father, his wife, Erica Aguilar, his two children, Luis and Ariana, his brother, senior Border Patrol agent Marco Antonio Aguilar, and his sister, Angie Aguila.

Border Patrol agents carry out the vital role of protecting our Nation's borders and ensuring the safety of the United States. Agents work devotedly and selflessly on behalf of the people of the United States, without regard for the peril or danger to themselves; and the United States will forever be grateful for the service of Luis Aguilar and mourn his loss.

I recognize the dedication and sacrifice made by the men and woman who have lost their lives while serving as United States Border Patrol agents. I honor Luis Aguilar for his service as a Border Patrol agent and for his sacrifice to the United States and extend my deepest condolences to the family of Luis Aguilar.

Ms. ZOE LOFGREN of California. Mr. Speaker, although we sometimes disagree in the debate over broader immigration policy, we all agree on one thing—that we should recognize and honor the brave Border Patrol agents who risk their lives every day on our border.

Day in and day out, in often harsh conditions over unforgiving terrain, they seek to protect our borders, save from death those economic migrants lost in the desert, and protect our country. They often do battle with drug smugglers and human traffickers who have no respect for authority—or even life. Yet rarely are these agents recognized for their courage or their sacrifice.

Unfortunately, sometimes it takes a tragedy for us to publicly recognize the selfless contributions that these Americans make for their country on a daily basis.

In this case, that tragedy is the death of Luis Aguilar, a Senior Border Patrol agent who lost his life in the line of duty while trying to apprehend suspected drug smugglers near Yuma, Arizona on January 19, 2008.

Agent Aguilar leaves behind his loving wife, Erica; his two children, Luis and Arianna; his brother, Marco Antonio, also a Senior Border Patrol agent; his sister, Angie; and his parents, Luis Aguilar and Cecilia Silva. They have all paid a heavy price for the service Luis Aguilar gave to protect this great Nation.

Today we honor Agent Aguilar and all of the other Border Patrol agents who have made the ultimate sacrifice for their country. We extend our deepest condolences to his family, as well as the families of all those who have fallen.

This Nation owes a debt of gratitude to them and all of the other Border Patrol agents who devotedly and selflessly work to keep us safe.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in strong support of H. Res. 954, a resolution honoring Senior Border Patrol Agent Luis A. Aguilar, who recently lost his life in the line of duty.

We are fortunate to have a dedicated, brave group of men and women working to secure America's borders. Their efforts and expertise are critical to the success of any border security strategy, and to protecting our nation from dangerous individuals and goods. As the chair of the House Subcommittee on Border, Maritime and Global Counterterrorism, I am familiar with the terrain, conditions, and challenges of the southwest border and I deeply respect and value the work of our Border Patrol agents.

I am saddened to rise today to recognize the loss of one of our dedicated Border Patrol agents. On the morning of Saturday, January 19, 2008, Senior Border Patrol Agent Luis A. Aguilar lost his life in the line of duty as he attempted to stop a suspected drug smuggler fleeing through California's Imperial Sand Dunes Recreation Area outside Yuma, Arizona. We have heard that Agent Aguilar, an El Paso native and nearly 6-year veteran of the Border Patrol, was not supposed to be working that day. However, he reported to work when he realized he was needed.

Aguilar's father, a bailiff in El Paso for Judge Mary Ann Bramblett, said senior Agent Aguilar felt a strong commitment to his job and to preventing the flow of illegal drugs across our borders from reaching our communities and families. Judge Bramblett, who knew senior Agent Aguilar since he was a boy, said, "One of the ways he felt he could really give back to the country was to serve in the Border Patrol. Serving his country and serving his family were the two most important things Luis had in his life."

Mr. Speaker, Senior Border Patrol Agent Luis A. Aguilar gave his life serving our nation. I urge my colleagues to join me today in recognizing Agent Aguilar's extraordinary sacrifice, and in offering our sincere sympathy to his family, friends, and loved ones.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and agree to the resolution, H. Res. 954, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## ACADIA NATIONAL PARK IMPROVEMENT ACT OF 2008

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2251) to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2251

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Acadia National Park Improvement Act of 2008".

**SEC. 2. EXTENSION OF LAND CONVEYANCE AUTHORITY.**

Section 102(d) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking paragraph (2) and inserting the following:

"(2) Federally owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection shall be conveyed to the towns in which the property is located without encumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless lands within the Park boundary and owned by the town have been acquired by the Secretary.".

**SEC. 3. EXTENSION OF ACADIA NATIONAL PARK ADVISORY COMMISSION.**

(a) IN GENERAL.—Section 103(f) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking "20" and inserting "40".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 25, 2006.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

Section 106 of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding the following:

"(c) ADDITIONAL FUNDING.—In addition to such sums as have been heretofore appropriated, there is hereby authorized $10,000,000.".

**SEC. 5. INTERMODAL TRANSPORTATION CENTER.**

Title I of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding at the end the following new section:

**"SEC. 108. INTERMODAL TRANSPORTATION CENTER.**

"(a) IN GENERAL.—The Secretary may provide assistance in the planning, construction, and operation of an intermodal transportation center located outside of the boundary of the Park in the town of Trenton, Maine to improve the management, interpretation, and visitor enjoyment of the Park.

"(b) AGREEMENTS.—To carry out subsection (a), in administering the intermodal transportation center, the Secretary may enter into interagency agreements with other Federal agencies, and, notwithstanding chapter 63 of title 31, United States Code, cooperative agreements, under appropriate terms and conditions, with State and local agencies, and nonprofit organizations—

"(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

"(2) to conduct activities that facilitate the dissemination of information relating to the Park and the Island Explorer transit system or any successor transit system;

"(3) to provide financial assistance for the construction of the intermodal transportation center in exchange for space in the center that is sufficient to interpret the Park; and

"(4) to assist with the operation and maintenance of the intermodal transportation center.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary not more than 40 percent of the total cost necessary to carry out this section (including planning, design and construction of the intermodal transportation center).

"(2) OPERATIONS AND MAINTENANCE.—There are authorized to be appropriated to the Secretary not more than 85 percent of the total cost necessary to maintain and operate the intermodal transportation center.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 2251 was introduced by my good friend from Maine, Representative MIKE MICHAUD. The legislation addresses several housekeeping matters at the Acadia National Park. Acadia, located on Mount Desert Island on the coast of Maine, is one of our most popular and most visited national parks.

This bill would authorize the park to participate in the construction of a new transit center. Currently, visitors can only catch the park bus at their hotels, meaning that day visitors have no access to the system. The bill would allow the park to participate in the establishment and operation of a planned intermodal center to be located just off the island. This center would provide visitor services, parking, and bus access to day visitors. A variety of Federal, State, and local agencies are involved in establishing the center.

H.R. 2251 would also extend the authorization of the Acadia National Park Advisory Commission for another 20 years, continuing this important forum for the park and local communities to jointly consider issues of importance.

Finally, H.R. 2251 would authorize an additional $10 million for the park's land acquisition budget to enable the park to keep pace with rising property values and providing for prompt payment to willing sellers who regularly offer their lands to the park.

At the hearing in the last Congress, the National Park Service testified in support of similar legislation, and that measure also passed in the Senate. The measure before us today has been updated to address several concerns by the National Park Service, and to cap NPS contributions to the intermodal transportation center.

Mr. Speaker, this bill will significantly improve the experience of visitors to one of our great national parks. Representative MICHAUD and Representative ALLEN are to be commended for their hard work on this legislation.

I urge the House to support H.R. 2251.

Mr. Speaker, at this time, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself as much time as I may consume.

The gentleman from Arizona has adequately explained H.R. 2251, and we're prepared to accept this legislation with a brief clarification from the chairman of the subcommittee on the intent of this bill.

The question we have is, is the proposed intermodal transportation center intended to limit the access to the park by automobile, or is this part of a larger plan to abolish the public's ability to travel through the park by private automobile?

Mr. Speaker, I would yield to the gentleman from Arizona if he is prepared to address that issue right now.

Mr. GRIJALVA. Let me thank the gentleman from Utah for allowing me to try to clarify this point.

The Island Explorer transit system at Acadia is entirely voluntary and, I might add, very, very popular. I can categorically assure the gentleman that there are no plans to ban autos from Acadia. Visitors who want to drive the park's loop roads are welcome to do so, but many have found that riding the bus is much more convenient. So there is a categorical assurance that the intention of this legislation is not now or will be to ban automobiles from Acadia.

Mr. BISHOP of Utah. Thank you. Reclaiming my time, I appreciate that statement. And with that assurance, we can accept this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, at this time, I yield as much time as he may consume to Representative MICHAUD, the sponsor of this legislation.

Mr. MICHAUD. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the Acadia National Park Improvement Act.

I would like to thank Chairman RAHALL and Ranking Member YOUNG, as well as subcommittee Chairman GRIJALVA and Ranking Member BISHOP, for their work on this measure.

This is a very important bill for the State of Maine as well as the future of Acadia National Park. Acadia National Park is a spectacular and unique landscape of mountains, hills, ponds, marshes and shorelines.

Earlier visitors to Mount Desert Island and its surroundings helped to establish Acadia as the first national park east of the Mississippi. The park is a major engine of the regional economy, bringing in almost $130 million in visitor spending to the region, and supporting over 2,600 jobs.

The Acadia National Park Improvement Act will help the park continue to attract visitors to the area and maintain and preserve their important natural resources. It allows the park to continue to complete the vision laid out in the 1986 law setting the park's boundaries and to enhance the emission-reducing Island Explorer bus system.

Most importantly, this legislation will reauthorize the Acadia National Park Advisory Commission. The commission brings representatives of surrounding towns, the State of Maine, and the Department of the Interior together to make sure all community members are involved in park planning.

I want to thank everyone involved for their hard work on this, and I encourage my colleagues to vote in favor of this important bill for the State of Maine.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 2251, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## KALAUPAPA MEMORIAL ACT OF 2008

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3332) to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3332

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Kalaupapa Memorial Act of 2008".

**SEC. 2. ESTABLISHMENT OF MEMORIAL WITHIN KALAUPAPA NATIONAL HISTORICAL PARK.**

(a) IN GENERAL.—The Secretary of Interior shall authorize Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka 'Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 3332 would provide for the establishment of a memorial within the boundaries of the Kalaupapa National Historic Park on the island of Molokai, Hawaii. It will serve as a remembrance of thousands of Hansen's disease patients who were forcibly separated from family and friends and interned at this site.

Beginning in 1866, when the Hawaii Islands were still an independent kingdom, and continuing through 1969, residents of the islands who were infected with Hansen's disease, also known as leprosy, were isolated from the rest of society at the settlement. In all, 8,000 Hansen's patients were forcibly relocated to the settlement where they struggled to create new lives. The majority succumbed to the disease while living there.

Today, less than 20 percent of the graves and headstones of these former patients can be found in the peninsula. The remaining 80 percent are forgotten on the landscape. A nonprofit organization made up of family and friends of former patients will be responsible for funding and constructing the memorial which will contain the names of all 8,000 patients who were forced to call this settlement their home.

Mr. Speaker, I would like to commend our colleague, Congresswoman HIRONO of Hawaii, and her cosponsor, Congressman ABERCROMBIE, also of Hawaii, for their efforts to ensure that all families of former residents have a fitting commemoration of their deceased loved ones.

Mr. Speaker, we enthusiastically support H.R. 3332 and urge its passage today as a tribute to the present and past Hansen's patients.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 3332 and yield myself as much time as I may consume.

The gentleman from Arizona has again adequately explained this particular bill, and I would urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield to the gentlelady from Hawaii (Ms. HIRONO) for as much time as she may consume.

Ms. HIRONO. I thank the gentleman for yielding.

Mr. Speaker, I rise to speak in support of H.R. 3332.

Kalaupapa is a 2¼-mile-wide shelf of land jutting out beneath sea cliff ranging from 1,600 to 3,000 feet in height on the island of Molokai. It is an incredibly beautiful and isolated area with a unique history.

This bill authorizes the establishment of a memorial at Kalaupapa National Historical Park in the memory of those who were forcibly relocated there because they suffered from or were suspected of having Hansen's disease, or leprosy. Once sent to Kalaupapa, most never saw their homes or their families again.

Kahauliko, Loe, Liilii, Puha, Kini, Lono, Waipio, Kainana, Kaumoana, Nahuina, Lakapu, and Kepihe. These are the names of the first 12 people who were exiled to Kalaupapa on January 6, 1886, 142 years ago.

This poster is a copy of the Kingdom of Hawaii's register, now at the Hawaii State Archives, of those sent to Kalaupapa Peninsula. These first 12 were all Native Hawaiians, nine men and three women. From that day forward until 1969, approximately 8,000 people living in the Hawaii Islands were taken from their families and isolated on Kalaupapa Peninsula, first in Kalawao, and later in the town of Kalaupapa. Because of society's fear of leprosy, which we now call Hansen's disease, food was scarce, and shelter and health care were minimal for the new arrivals. The mortality rate for exiles in the first 5 years was 46 percent due to the poor conditions.

"An Act to Prevent the Spread of Leprosy" was first signed into law in 1865 by Lot Kamehameha, the King of Hawaii. The act essentially criminalized the disease. Children, mothers, and fathers were forcibly separated. Children born to parents at Kalaupapa were taken away from their mothers and sent to live in orphanages or with other family members outside of Kalaupapa.

The policy was continued in the Republic of Hawaii after Hawaii was annexed by the United States and into statehood. Hawaii's isolation laws for people with Hansen's disease were not repealed until 1969, 10 years after statehood, even though medications to control the disease have been available since the late 1950s.

Nearly 6,700 of the approximately 8,000 people who have died at Kalaupapa, more than 75 percent, lie in unmarked or unidentifiable graves. Their names are known only in the official records, which are not easily accessible.

A memorial listing the names of those who were exiled to Kalaupapa and died there is a fitting tribute and is consistent with the purpose of the park, to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations.

Many have heard of the sacrifices of Father Damien, who is represented by one of Hawaii's two statues in this Capitol, as well as those of Mother Marianne Cope and Brother Dutton, who each gave decades of their lives to care for the patients at Kalaupapa. Fewer know, however, of the courage and sacrifices of the exiles who were torn from their families and all they knew to make a life in this isolated area. It is important that their lives be remembered.

The Kalaupapa memorial will bring these people back to their rightful places in their family genealogy and history. Many families have gone to Kalaupapa to search for the graves of their ancestors; but with only 1,300 marked graves, most are disappointed.

In a letter of support for the memorial, David and Chris Mahelona explained why they, as Native Hawaiians, feel an urgent need for a monument that would list the names of everyone sent to Kalaupapa.

I quote: "The naming process and the giving of a Hawaiian name is an important and sacred component of traditional Hawaiian culture. It is said that names carry significant mana, spiritual power, and they are actually a part of the person, just like an arm or leg. In ancient Hawaii, a person's name was one of the most precious possessions unique to that individual, and most times related to an event, an ancestor, or a personality trait. In every case, the kapuna (elders) are always consulted. It was the responsibility of the bearer of the name to carry its weight. Therefore, it is important to remember these people by their names at their final resting place."

I would also like to read the testimony that Kuulei Bell, president of Ka 'Ohana O Kalaupapa, submitted to Congress. Kuulei, who contracted Hansen's disease at age 6, is now 74. And I recently visited her at Queens Hospital in Honolulu.

Kuulei testified: "We need to remember the people who have dedicated their lives and came to Kalaupapa. Father Damien, who we love so much, came to take care of all those in Kalaupapa in the 1800s, and he became one of us, contracted the disease, and so we know how this is.

"And also we know that Mother Marianne gave her aloha and love with all the nuns to come and take care of the patients. They need to be remembered.

"These things are so important, and the monument is a big part of our history and our lives.

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"So please consider what we are asking for is our history and for our children to know what happened to many of our patients. How sad it was for my mother, who had to wait for me to go and she could not even touch me because of the disease. And I could not even touch my children. These are the things that we should consider, how important it is. These are the memories. So please consider these things. I say these things from my heart and I hope that you hear it."

Kuulei ended her testimony thus: "Thank you for listening to this. Aloha and much aloha; much, much mahalo."

Ka 'Ohana O Kalaupapa, a nonprofit organization consisting of patient residents at Kalaupapa National Historical Park and their family members and friends, was established in 2003 to promote the value and dignity of the exiles of Kalaupapa and to make certain that the lives of these individuals are honored and remembered through establishment of a memorial or memorials within the boundaries of the park at Kalawao or Kalaupapa.

I want to thank House Natural Resources Committee Chair NICK RAHALL and Parks Subcommittee Chair RAUL GRIJALVA for helping to move this important bill to the floor, and I also want to thank my cosponsor, Congressman NEIL ABERCROMBIE, for his strong support and assistance.

Most of all, I send my heartfelt aloha and mahalo to all the members of Ka 'Ohana O Kalaupapa, to all the Kalaupapa patients and their families, and most especially to Kuulei on this momentous day.

I ask all of my colleagues to vote "yes" on H.R. 3332.

Mr. BISHOP of Utah. Mr. Speaker, I'm once again appreciative of the remarks by the gentlewoman from Hawaii, and I'm also appreciative that now I know how to say "Kalaupapa." Her staff was very kind enough to send over the pronunciation guide, but they didn't put where the accent marks should go; so I didn't know where the emphasis was on this particular word.

But with that, I am still very supportive of this particular act.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, at this time let me yield to my good friend from American Samoa (Mr. FALEOMAVAEGA) such time as he may consume.

Mr. FALEOMAVAEGA. Mr. Speaker, I fully support the provisions of this proposed bill. The bill proposes to establish a memorial to honor the memory of all those people who became victims to the dreaded disease of leprosy, commonly known as Hansen's disease. I certainly want to commend my good friend and colleague the gentlewoman from Hawaii (Ms. HIRONO) and our colleague Congressman ABERCROMBIE for their cosponsorship or sponsorship of this important legislation.

Mr. Speaker, I also want to commend the chairman of our committee, Chairman RAHALL, and our ranking member, Mr. YOUNG, for their support and their leadership in bringing this legislation to the floor.

In 1987, I was honored to be asked by the Polynesian Voyaging Society, under the leadership of my good friend and brother Nainoa Thompson, to serve as a member of the crew of the Hawaiian Polynesian voyaging canoe known as the Hokule'a on which we were able to sail from the island of Runayto near the island of Tahiti. We sailed to Hawaii by means of traditional noninstrument navigation. It took us about 27 days when we landed on the big island of Hawaii. From the island of Hawaii, we went to Kalaupapa. It's Kalaupapa, located on the northern part of the island of Molokai, one of the islands that make up the State of Hawaii. This legislation brings back one of the most memorable experiences of my life, Mr. Speaker, my visit to Kalaupapa.

Kalaupapa is not only a national historical park but a place that has received international attention on account of the circumstances and events surrounding the history of what then took place under the sovereign kingdom of Hawaii in the early 1800s. Before the arrival of the Europeans, there were some 300,000 Native Hawaiians living on these islands. The warrior chief King Kamehameha with some 20,000 warriors and some 900 war canoes finally was able to unite these islands under one rule after some 2,000 years of conflict among the ruling chiefs of these islands.

What also occurred was the illnesses and the many diseases that Europeans brought to these islands, and one of these diseases was leprosy, or Hansen's disease. And the unfortunate situation at the time, having no knowledge or understanding of how they were going to cure it, the Native Hawaiians were not immune to this kind of sickness or illness. So the only way to, in any sense, prevent a health hazard was to send them to an isolated place where many of these Native Hawaiians became subjected to this dreaded disease, leprosy.

In the process, we also had probably, in my humble opinion, Mr. Speaker, one of the great leaders in the world, a Catholic priest originally from Belgium, named Father Damien. Father Damien, if there is anything that I could ever say the epitome of what the pure love of God is, this was one man who voluntarily ministered to these people, who lived in this colony or this settlement. It was full of lepers, and he voluntarily subjected himself even to this contagious disease, after 12 years of helping the people who lived there build chapels, build schools, and even helped bury those who died as a result of this dreaded disease.

Father Damien, as you know and maybe my colleagues are aware, was given as one of the two leaders representing the great State of Hawaii right here in Statuary Hall. And the beautiful story about this Catholic priest was the fact that he voluntarily gave his life in order to serve the people who contracted this dreaded disease leprosy on this beautiful area that is called Kalaupapa.

There was also another gentleman, and it might be as a matter of knowledge to my good friend from the State of Utah. At that time, it wasn't just people who were forced to have to live in this isolated settlement, but it caused so much sorrow and sadness where even those who were loved ones, your wives, your husbands, your daughters, your sons, and one of these leaders voluntarily went because his wife eventually contracted leprosy. His name was Jonathan Napela. He was a Native Hawaiian leader and was a high priest and a member of the Church of Latter Day Saints, commonly known today as the Mormon Church. And because of the love of his wife, he voluntarily went and lived there, and he also contracted the disease of leprosy. It was known as the program of kokua.

The interesting thing about Jonathan Napela was that this Native Hawaiian was able to translate the Book of Mormon from English into the Native Hawaiian language, along with another Mormon elder from Utah by the name of George Cannon. Jonathan Napela spent the last years of his life in this leper settlement because of the love for his wife, Kitty, who also contracted this.

There was a lot of controversy about the life of Father Damien at the time. The relationships between the Protestants and the Catholics were not very positive. In fact, according to the records, a minister of the Presbyterian Church, Reverend Hyde, castigated and literally criticized Father Damien for some of the things that he did. And in response there was another noted leader at that time, an author and a Scotsman from Scotland, who happens to be Robert Louis Stevenson, who had also contracted TB, tuberculosis. And trying to help his health, he spent the last 4 years of his life in my islands, the Samoan Islands. And to this day, Robert Louis Stevenson's grave is still there. Despite the wishes and desires of the Scottish people and the government to return his remains, we said no.

But the point that I wanted to make is that in response to the criticism that Father Damien got from his fellow ministers or those men of the cloth, I want to share with my colleagues Robert Louis Stevenson's response:

"When we have failed, and another has succeeded; when we have stood by, and another has stepped in; when we sit and grow bulky in our charming mansions," and he's talking about this minister, now, "and a plain, uncouth peasant steps into the battle, under the eyes of God, and succours the afflicted, and consoles the dying, and is himself afflicted in his turn, and dies upon the field of honour, the battle cannot be retrieved as your unhappy irritation has suggested. It is a lost battle, and lost forever."

My point of this is, Mr. Speaker, this national historical park Kalaupapa, I wish every Member of Congress would go and visit, just like my colleague from Hawaii, Congresswoman HIRONO. It's one of the most beautiful areas and sites that anybody would ever want to see north of the island of Molokai.

I wanted to share this with my colleagues because this Kalaupapa is not as unknown as some people may think or believe, and I thank the gentlewoman from Hawaii for having this proposed bill, that we should build a memorial to the thousands of Native Hawaiians and other races who had also contracted this dreaded disease and should be recognized for the sacrifices that they have had to make.

With that, Mr. Speaker, again, I thank my good friend from Arizona for giving me time to speak.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support the passage of H.R. 3332, the Kalaupapa Memorial Act of 2007. This measure would authorize Ka Ohana O Kalaupapa to establish a memorial to honor those who were forcibly relocated to Kalaupapa.

Kalaupapa is a National Historical Park located on a remote peninsula of northern Molokai. From 1866 through 1969, about 8,000 people afflicted with Hansen's disease, previously known as leprosy, were relocated to the area now known as Kalaupapa National Historical Park.

Many of the first settlers faced a harsh and difficult life. But the patients who were sent to Kalaupapa eventually built a community that allowed them to endure a life cut off from parents, children, brothers, sisters and friends. Even after medication was developed to control Hansen's disease, many patient residents chose to continue living in Kalaupapa.

The site became a national park in 1980 and is dedicated to preserving the memories and lessons of the past. Kalaupapa is a living memorial to a community that once lived in extreme isolation. It now serves as a place of education, contemplation and quiet beauty. Unfortunately, many of the residents who finished their life in Kalaupapa do not have recognizable graves or grave markers. The memorial established by this bill would serve as a permanent marker and reminder of all 8,000 residents who lived on Kalaupapa.

A little more than 20 patients remain in Kalaupapa. As time passes, the number of former residents of Kalaupapa gets smaller, as do the number of people who remember this part of Hawaii's history. With each passing, the sense of urgency for erecting a memorial becomes more and more heightened. We need to pass this bill as soon as possible so that this memorial becomes a reality before the passing of the next Kalaupapa resident.

My colleague Representative MAZIE HIRONO has worked tremendously hard to bring this bill to the floor today. I commend her efforts and would also like to express my gratitude to Representative NICK RAHALL, Chairman of the Natural Resources Committee, and Representative RAÚL GRIJALVA, Chairperson of the Subcommittee on National Parks, Forests and Public Lands. We would not be here today were it not for their support and enthusiasm. I wholeheartedly support this bill, am proud to be an original cosponsor and ask my colleagues for their support of H.R. 3332.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 3332, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## RECOGNIZING THE 100TH ANNIVERSARY OF THE DECLARATION OF MUIR WOODS NATIONAL MONUMENT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 868) recognizing the 100th anniversary of the declaration of Muir Woods National Monument by President Theodore Roosevelt.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 868

Whereas Congressman William Kent of California recognized the transcendent beauty and national significance of the coastal redwood trees and he set aside his private land for future generations;

Whereas Congressman Kent donated his lands to be known as Muir Woods in the State of California as the first National monument, presenting them to the United States Government as a gift to the people of the United States;

Whereas Muir Woods provides a keystone for conservation stewardship and a rich natural laboratory to explore the philosophy of its namesake, the admired conservation activist John Muir;

Whereas Muir Woods was recognized 100 years ago to be "of extraordinary scientific interest and importance because of the primeval character of the forest and the character, age and size of the trees";

Whereas the Kent donation made it possible for President Theodore Roosevelt to exercise one of the Nation's most unique preservation tools, the Antiquities Act, by declaring Muir Woods National Monument for the American people;

Whereas Muir Woods National Monument is preserved today through the dedicated staff and volunteers of the National Park Service;

Whereas on May 19, 1945 international delegates to the historic Charter Convention of the United Nations met in the beauty and peace of Muir Wood's Cathedral Grove to open the convention and honor the memory of the late President Franklin D. Roosevelt; and

Whereas in 1972 Muir Woods National Monument became part of the Golden Gate National Recreation Area and today attracts up to a million visitors annually: Now, therefore, be it

*Resolved*, That the United States House of Representatives—

(1) recognizes the foresight of President Roosevelt in using the Antiquities Act in declaring Muir Woods National Monument;

(2) recognizes the 100 years of careful preservation of America's Coastal Redwood forest within Muir Woods National Monument; and

(3) recognizes the natural and historical importance of the Muir Woods National Monument in the State of California and to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 868, introduced by our colleague from California, Representative LYNN WOOLSEY, recognizes the beauty and the significance of Muir Woods National Monument on its 100th anniversary. Muir Woods National Monument preserves one of the last remaining ancient redwood forests on the Pacific Coast and in the world.

The coast redwood is the tallest species of tree in the world and one of the oldest. The mature trees of the Cathedral and Bohemian groves in Muir Woods reach heights of 250 feet and average between 600 and 800 years in age, with the oldest believed to be at least 1,100 years old.

In 1905, Congressman William Kent, who later went on to introduce the bill that would establish the National Park Service, purchased the land where Muir Woods stands, recognizing the beauty, value, and significance of an uncut, old-growth redwood forest. Eventually, Congressman Kent donated 295 acres to the Federal Government.

On January 9, 1908, using the Antiquities Act, President Roosevelt declared Kent's donated land a national monument, proclaiming that the groves of the redwoods were of "extraordinary scientific interest and importance because of the unique character of the forests and the character, age, and size of the trees."

President Roosevelt wanted to name the new monument for Congressman Kent, but Kent insisted that it be named after the venerable conservationist John Muir, who sought to protect some of America's most iconic landscapes for their inherent national beauty. These ancient trees now offer a silent, yet powerful, testimony to Muir's ideals.

Mr. Speaker, I commend and congratulate my colleague Representative WOOLSEY, for her commitment and leadership on this matter. We strongly support passage of House Resolution 868 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

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Mr. BISHOP of Utah. Mr. Speaker, the gentleman from Arizona has adequately explained the bill.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY), the sponsor of the bill.

Ms. WOOLSEY. Mr. Speaker, my district, just across the Golden Gate Bridge north of San Francisco, includes 100 percent of Marin County and 80 percent of Sonoma County, where we are blessed with many environmental treasures. In fact, it is one of the most beautiful places on Earth, and it is just across the bridge from one of the largest cities in our country.

In this area we have a stand of old-growth redwoods known as Muir Woods, and we consider this our crown jewel. Muir Woods is nearly 300 acres of what I refer to as "Heaven on Earth" where its natural beauty has been preserved and protected for everyone to enjoy so that we can enjoy the trees, which are mostly redwoods that stand over 250 feet tall and are, as the chairman just told you, as old as 1,100 years. That is why I am so pleased that Congress is considering H. Res. 868 today, to celebrate the 100th anniversary of President Teddy Roosevelt's declaration of Muir Woods as a national monument.

It is fitting that we honor the centennial of Muir Woods on the floor of the House of Representatives, because it was the actions of Congressman William Kent who represented Marin County at that time who made the national monument possible. William Kent privately owned the land where Muir Woods now stands, and he and his family donated it to the Federal Government to ensure its protection. I am proud to say that 100 years later Congressman Kent's vision is still going strong.

The leadership in conservation that William Kent showed 100 years ago is a valuable lesson for us today. Imagine all the national wonder that could have been saved in the last 100 years, wonders like Muir Woods, that we could be enjoying today had more people been as selfless as he. We in Congress have the power to ensure that 100 years from now people can look back and applaud new conservation efforts.

Mr. Speaker, Muir Woods is a unique sanctuary for the protection of one of Earth's greatest wonders, the coastal redwoods; and its preservation is to be commended. I want to thank Chairman RAHALL, Chairman GRIJALVA, Ranking Member YOUNG, and Mr. BISHOP for bringing my resolution here to the floor today, because working together, Mr. Speaker, working together today, we will ensure that 100 years from now our grandchildren, our great grandchildren and their children will enjoy the Muir Woods bicentennial.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in strong support of H.R. 868, honoring the 100 year anniversary of the Muir Woods National Monument.

Throughout his life, John Muir was concerned with protecting nature to enhance the spiritual side of civilization and progress. His words and deeds led to the establishment of the U.S. National Park System. In addition, John Muir was the founding president of the Sierra Club, which remains one of the leading American grassroots organization for protecting wilderness and the human environment.

On January 9, 1908, President Theodore Roosevelt declared the Muir Woods America's 10th National Monument. When he heard of President Roosevelt's act Muir wrote, "This is the best tree-lover's monument that could possibly be found in all the forests of the world."

Today, Muir Woods attracts about 1 million people every year, and inspires them with redwoods over 260 feet high and more than 1,200 years old. Part of the Golden Gate National Parks, Muir Woods is a living and enduring symbol of John Muir's conservation ethic that nature must be preserved if humanity is to continue to thrive on this planet.

I urge my colleagues to support this resolution, and honor the legacy of a great American, his vision of environmental conservation, and the truly remarkable Muir Woods National Monument.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the remainder of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 868.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## NATIONAL QUILT MUSEUM OF THE UNITED STATES

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 209) expressing the sense of Congress that the Museum of the American Quilter's Society, located in Paducah, Kentucky, should be designated as the "National Quilt Museum of the United States".

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

### H. CON. RES. 209

Whereas the Museum of the American Quilter's Society is the largest quilt museum in the world, with a total of 13,400 square feet of exhibition space and more than 150 quilts exhibited year-round in its 3 galleries;

Whereas the mission of the Museum is to educate the local, national, and international public about the art, history, and heritage of quiltmaking;

Whereas quilts in the Museum's permanent collection are made by quilters from 44 of the 50 States and many foreign countries;

Whereas the Museum, centrally located in Paducah, Kentucky, and open to the public year-round, averages 40,000 visitors per year;

Whereas individuals from all 50 States and from more than 25 foreign countries have visited the Museum;

Whereas the Museum's Friends, an organization dedicated to supporting and sustaining the Museum, also has members in all 50 States, with 84 percent of members living more than 60 miles from the Museum;

Whereas many members of the Museum's Friends have supported the Museum annually since the Museum began in 1991;

Whereas quilts exhibited in the Museum are representative of the Nation and its cultures thanks to the wide diversity of themes and topics, quilts, and quiltmakers; and

Whereas the Museum of the American Quilter's Society has national significance and support: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of Congress that the Museum of the American Quilter's Society, located at 215 Jefferson Street, Paducah, Kentucky, should be designated as the "National Quilt Museum of the United States".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 209 would express the sense of Congress that the Museum of the American

Quilter's Society in Paducah, Kentucky, should be designated the "National Quilt Museum of the United States." The concurrent resolution was introduced by our colleague, Representative ED WHITFIELD of Kentucky.

Since its establishment in 1991, the Museum of the American Quilting Society has collected and displayed quilts made by quilters from 44 of the 50 States. Today, with a permanent collection of more than 180 quilts and three galleries totaling 13,400 square feet of exhibit space, the facility is the largest museum in the world dedicated to the artistry of quilting and illustrates the significance of quilts and quilting to this Nation.

A friends' group comprised of members from all 50 States has provided the museum with a broad national fundraising support and advocates since its inception 17 years ago.

Mr. Speaker, House Concurrent Resolution 209 would grant recognition of the House to this museum and the art form it seeks to preserve. A museum of this size, scope, and significance appears worthy of designation as the National Quilt Museum of the United States. We have no objection to House Concurrent Resolution 209 and urge its passage.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of House Concurrent Resolution 209 and yield myself such time as I may consume.

The resolution has been adequately explained again by the gentleman from Arizona. I would like to commend Congressman WHITFIELD for his work on this resolution that designates the Museum of the American Quilter's Society in Paducah, Kentucky, as the National Quilt Museum of the United States. It's a designation that brings us all a great deal of warmth and comfort and helps tie together the loose ends of our society. I am grateful this resolution has been brought to the floor so that we can finally put this to bed.

The bill's author, Mr. WHITFIELD, wanted to be here today, but his flight has been unavoidably detained because of weather conditions.

I urge the adoption of this resolution and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Arizona. I thank the sponsor of this bill. I add my appreciation and recognition of H. Con. Res. 209, expressing the sense of Congress that the Museum of America's Quilter's Society located in Kentucky should be designated as the National Quilter's Museum of the United States.

Having had the opportunity to have the Traveling Quilters from Alabama come to Houston, I know that quilting is a national treasure, and it is an important part of our history. It is important for this Congress each step of the way to remind Americans of how valuable their history is.

We happen to be in Black History Month; and I know that as we look to honor everyone's history, it is to say that Americans are united, we are one. So I am very proud to acknowledge this resolution and to support it.

Mr. Speaker, I just got off the plane from Texas and I do want to make mention of H. Res. 954. As a member of the House Judiciary Committee, the Subcommittee on Immigration, and as a member of the Homeland Security Committee, I rise to honor the life of fallen Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty at Yuma, Arizona, on January 19, 2008. Many times, Americans do not really understand that our Border Patrol agents put themselves in the line of fire, and they are, in fact, first responders on behalf of the people of the United States.

I want to give honor to his family, certainly to his fellow Border Patrol agents, and to acknowledge my deepest sympathy to them and as well to them as a family. As a member of the Homeland Security Committee, I am forever reminded of their service and have been an advocate for providing them with more resources. We do need to get a complete response to immigration, both through border security and comprehensive immigration reform.

In conclusion, let me say that I want to express again my sadness in the loss of senior Border Patrol agent Luis A. Aguilar and again express my sympathy on behalf of all Americans. We are indebted to his service and, of course, we consider him a national hero.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the kind words from the gentlewoman from Texas in support of this particular resolution.

Mr. WHITFIELD. Mr. Speaker, I would like to thank my colleagues and the Resources Committee for allowing this resolution to be considered today. I urge my colleagues to join me in supporting it.

The Museum of the American Quilter's Society in Paducah, Kentucky, is a non-profit institution established to educate, promote, and honor today's quiltmakers. The museum started over 16 years ago and is the largest quilt museum in the United States and, in fact, the world. The museum has the largest quilt exhibit space of any quilt museum, with three exhibit galleries, allowing for over 13,400 square feet, and over 150 quilts on exhibit year round. Quilts in the museum's permanent collection are made by quilters from throughout the nation, from Maine to Florida and Pennsylvania to California, having been made by quilters from 44 of the 50 States and a number of foreign countries.

Exhibit themes include educational activities called the "School Block Challenge," which are blocks of quilts made by school children from kindergarten through high school to collectively make one large quilt. Additionally, antique quilts exhibited in the museum are representative of the Nation and its cultures, featuring a wide diversity of themes and topics.

Mr. Speaker, this museum is certainly a national landmark and one that promotes education and diversity, while also displaying our Nation's heritage and traditions. In order that our children and grandchildren are able to treasure these educational and significant features of our Nation we must strengthen and embrace initiatives, such as the National Quilt Museum of the United States. Therefore, I urge my colleagues to support this concurrent resolution expressing the sense of Congress that the Museum of the American Quilter's Society, located in Paducah, Kentucky, be designated as the "National Quilt Museum of the United States."

Mr. BISHOP of Utah. I have no other speakers. I urge adoption of the resolution and yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 209.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## SANTA MARGARITA RIVER, CALIFORNIA, CONSTRUCTION AUTHORIZATION

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 29) to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 29

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DEFINITIONS.**

For the purposes of this Act, the following definitions apply:

(1) DISTRICT.—The term "District" means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term "Project" means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under section 2.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, unless otherwise stated.

**SEC. 2. AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.**

(a) AUTHORIZATION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, as far as those laws are not inconsistent with the provisions of this Act, is authorized to construct, operate, and maintain the Project substantially in accordance with the final feasibility report and this Act.

(b) CONDITIONS.—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(1) The District and the Navy have entered into contracts under sections 9(c)2 and 9(e) of the Reclamation Project Act of 1939 to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(2) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted such permits to the Bureau of Reclamation for the benefit of the Department of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this Act, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(3) The District has agreed that it will not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to it under this Act, and will share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in section 4(b). This agreement and waiver and the changes in points of diversion and storage under paragraph (2), shall become effective and binding only when the Project has been completed and put into operation and may be varied by agreement between the District and the Secretary of the Navy.

(4) The Secretary has determined that the Project has economic, environmental, and engineering feasibility.

**SEC. 3. COSTS.**

Upon completion of the construction of the Project, the Department of the Navy shall be responsible to repay to the Secretary only that portion of the construction, operation and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project. Provided that the Secretary is hereby authorized to enter into a contract with the Secretary of the Navy for the impounding, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial and other beneficial purposes using Project facilities.

**SEC. 4. OPERATION; YIELD ALLOTMENT; DELIVERY.**

(a) OPERATION.—The operation of the Project, subject to a memorandum of agreement between the Secretary, the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the Navy's share of the project, may be by the Secretary, the District, or a third party consistent with section 6.

(b) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Department of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(1) 60 percent of the Project's yield is allotted to the Secretary of the Navy.

(2) 40 percent of the Project's yield is allotted to the District.

(c) CONTRACTS FOR DELIVERY OF EXCESS WATER.—

(1) EXCESS WATER AVAILABLE TO OTHER PERSONS.—If the Secretary of the Navy certifies to the official agreed upon to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the Project's yield allotted to the Secretary of the Navy under subsection (b), the official may enter into temporary contracts for the sale and delivery of the excess water.

(2) FIRST RIGHT FOR EXCESS WATER.—The first right to excess water to be made available under paragraph (1) shall be given the District, if otherwise consistent with the laws of the State of California.

(3) CONDITION OF CONTRACTS.—Each contract entered into under paragraph (1) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand that water, without charge and without obligation on the part of the United States, after 30 days notice.

(4) MODIFICATION OF RIGHTS AND OBLIGATIONS.—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(d) CONSIDERATION.—

(1) DEPOSIT OF FUNDS.—Moneys paid to the United States under a contract entered into under subsection (c) shall be deposited in the special account established for the Department of the Navy under paragraph (1) of section 2667(d) of title 10, United States Code, and shall be available for the purposes specified in subparagraph (C) of such paragraph. Subparagraph (D) of such paragraph shall not apply to moneys deposited in the special account pursuant to this subsection.

(2) IN-KIND CONSIDERATION.—In lieu of monetary consideration under paragraph (1), or in addition to such consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including the following forms of in-kind consideration:

(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy.

(B) Construction of new facilities for the Department of the Navy.

(C) Provision of facilities for use by the Department of the Navy.

(D) Facilities operation support for the Department of the Navy.

(E) Provision of such other services as the Secretary of the Navy considers appropriate.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities whose construction is accepted as in-kind consideration under this subsection.

(4) CONGRESSIONAL NOTIFICATION.—If the in-kind consideration proposed to be provided under a contract to be entered into under subsection (c) has a value in excess of $500,000, the contract may not be entered into until the earlier of the following:

(A) The end of the 30-day period beginning on the date on which a report describing the contract and the form and quantity of the in-kind consideration is submitted by the Secretary of the Navy to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(B) The end of the 14-day period beginning on the date on which a copy of the report referred to in subparagraph (A) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

**SEC. 5. REPAYMENT OBLIGATION OF THE DISTRICT.**

(a) IN GENERAL.—The general repayment obligation of the District shall be determined by the Secretary of the Interior consistent with sections 9(c)2 and 9(e) of the Reclamation Project Act of 1939 to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project; provided, however, that for the purposes of calculating interest and determining the time when the District's repayment obligation to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project. There shall be no repayment obligation under this section for water delivered to the District under a contract as provided in section 4(c).

(b) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

**SEC. 6. TRANSFER OF CARE, OPERATION, AND MAINTENANCE.**

The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions satisfactory to the Secretary and the District, and with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory also to the Secretary of the Navy. If such a transfer takes place, the District shall be entitled to an equitable credit for the costs associated with the Secretary's proportionate share of the operation and maintenance of the Project. The amount of such costs shall be applied against the indebtedness of the District to the United States.

**SEC. 7. SCOPE OF ACT.**

For the purpose of this Act, the basis, measure, and limit of all rights of the United States pertaining to the use of water shall be the laws of the State of California. Provided that nothing in this Act shall be construed—

(1) as a grant or a relinquishment by the United States of any rights to the use of water that it acquired according to the laws of the State of California, either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(2) to create any legal obligation to store any water in the Project, to the use of which the United States has such rights;

(3) to require the division under this Act of water to which the United States has such rights; or

(4) to constitute a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

**SEC. 8. LIMITATIONS ON OPERATION AND ADMINISTRATION.**

Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and

the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way which will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the following—

(1) **$60,000,000** (the current estimated construction cost of the Project, plus or minus such amounts as may be indicated by the engineering cost indices for this type of construction); and

(2) such sums as may be required to operate and maintain the said project.

**SEC. 10. REPORTS TO CONGRESS.**

Not later than 1 year after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each report to the Congress regarding if the conditions specified in section 2(b) have been met and if so, the details of how they were met.

**SEC. 11. SUNSET.**

The authority of the Secretary to complete construction of the Project shall terminate 10 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

H.R. 29 was introduced by our colleague, Representative DARRELL ISSA, and would authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River in California and for other purposes. Similar legislation introduced by Congressman ISSA passed the House in the two previous Congresses.

Mr. Speaker, we have no objection to this noncontroversial bill, and I ask my colleagues to support H.R. 29.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

H.R. 29 was introduced by our colleague, DARRELL ISSA, and authorizes the construction of the groundwater recharge and pumping project in the lower Santa Margarita River basin in Southern California.

If constructed, the project would provide much-needed water to the local water utility district as well as to Camp Pendleton, the Marine Corps base, for its military training needs. This project would augment the local water district supply, would relieve future additional demands for constantly limited imported water supplies, and would set aside and preserve valuable environmental habitat.

This project is an excellent example of local and Federal agencies working together to secure safe, dependable water supplies for future generations. This bill is good for water consumers, and it is good for our soldiers. I urge my colleagues to support this important bill, which has been considered by the House twice already. Perhaps the third time will be the charm.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I submit for the RECORD an exchange of letters on this particular piece of legislation.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, January 4, 2008.*

Hon. NICK J. RAHALL II,
*Chairman, Committee on Natural Resources, Longworth House Office Building, Washington, DC.*

DEAR NICK: On October 10, 2007, the Committee on Natural Resources ordered H.R. 29 to be reported. As you know, this measure contains certain provisions that are within the jurisdiction of the Committee on Armed Services, and thus, was sequentially referred to the Committee on Armed Services by the Parliamentarian for the House.

Our Committee recognizes the importance of H.R. 29 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 29. I do so with the understanding that by waiving further consideration of the bill, the Committee does not waive any future jurisdictional claims over similar measures. In the event of a conference with the Senate on this bill, the Committee on Armed Services reserves the right to seek the appointment of conferees.

I would appreciate the inclusion of this letter and a copy of the response in your Committee's report on H.R. 29 and the Congressional Record during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
*Washington, DC, January 22, 2008.*

Hon. IKE SKELTON,
*Chairman Committee on Armed Services,*
*Rayburn H.O.B., Washington, DC.*

DEAR IKE: Thank you for your willingness to expedite floor consideration of H.R. 29, which authorizes the construction of facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River in California.

I appreciate your willingness to waive rights to further consideration of H.R. 29, even though your Committee has a jurisdictional interest in the matter and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Armed Services if a conference is held on this matter.

Although the Committee's report on H.R. 29 has already been filed, this exchange of letters will be inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am
Sincerely,

NICK J. RAHALL II,
*Chairman,*
*Committee on Natural Resources.*

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I rise today to speak on behalf of my bill H.R. 29. the Santa Margarita Conjunctive Use Project. I would like to thank Chairmen NICK RAHALL and IKE SKELTON for quickly moving this bill through their respective committees. This is now the third Congress in which this bill has passed the house, and I hope the Senate will act just as quickly.

The Santa Margarita Conjunctive Use Project is very important to U.S. Marine Corps Base Camp Pendleton and the city of Fallbrook. In 1966 the U.S. District Court for the Southern District of California entered a stipulated judgment in U.S. v. Fallbrook P.U.D. directing the Department of the Interior to provide a "physical solution" to the 60/40 allocation of the Santa Margarita River. Since then, previous legislative efforts to authorize a project carrying out the Federal judge's mandate have not been successful despite past support of Members of the California Congressional delegation. Finally, through a long process of negotiation between the Marine Corps and the city, this conjunctive use project was agreed upon. This design was deemed to fully implement the court's directive at far less than half the cost of previous proposals with no environmental degradation.

Furthermore, passage of this authorization for the conjunctive use project is essential to giving Camp Pendleton access to the San Diego Aqueduct. Since its completion, the aqueduct has provided ample access to Southern California's regional water supply system for nearly all of San Diego County, except for Camp Pendleton. A key benefit of H.R. 29 will be the construction of a water system physically connecting Camp Pendleton to the San Diego Aqueduct, thereby making it possible to use imported water as needed, including emergency mobilization in time of conflict.

The conference report for the Fiscal Year 2003 Omnibus Appropriations Act directed the Bureau of Reclamation, under the Santa Margarita River feasibility authorization, to ". . . perform the studies needed to address current and future municipal, domestic, military, environmental, and other water uses from the Santa Margarita River." Funding for Reclamation's feasibility study of the Santa Margarita

Conjunctive Use Project has been provided in each subsequent fiscal year up to the present, and its work is more than 90 percent complete. When signed into law, this project will be funded by the Department of Navy and Department of the Interior. This project is essential to ensure that Camp Pendleton has a larger water supply to meet the current and future needs of the base.

This project has been vetted by multiple committees over a number of years and found to be of the utmost importance to the Marines at Camp Pendleton, while also benefiting the city of Fallbrook. It will provide for enhanced recharge and recovery from the underground basin on Camp Pendleton to provide a constant water supply for the base, along with a safe, reliable, drought-and earthquake-proof water supply for more than 35,000 families.

Again, I thank my colleagues for working with me and my constituents to move H.R. 29 through the legislative process.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 29.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## AIRPORT AND AIRWAY EXTENSION ACT OF 2008

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5270) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 5270

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Airport and Airway Extension Act of 2008".

**SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.**

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "February 29, 2008" and inserting "June 30, 2008".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking "February 29, 2008" and inserting "June 30, 2008".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "February 29, 2008" and inserting "June 30, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2008.

**SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.**

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "March 1, 2008" and inserting "July 1, 2008", and

(2) by inserting "or the Airport and Airway Extension Act of 2008" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(f) of such Code is amended by striking "March 1, 2008" and inserting "July 1, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2008.

**SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM AND OTHER AUTHORITIES.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by inserting after paragraph (4) the following:

"(5) $2,756,250,000 for the 9-month period beginning October 1, 2007.".

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2008, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 9-month period beginning October 1, 2007, the Administrator of the Federal Aviation Administration shall—

(A) first calculate such funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2008 were $3,675,000,000; and

(B) then reduce by 25 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "September 30, 2007," and inserting "June 30, 2008,".

(c) GOVERNMENT SHARE OF CERTAIN AIP COSTS.—Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "in each of fiscal years 2004 through 2007" and inserting "in fiscal year 2008 before July 1, 2008,".

(d) ADJUSTMENT AUTHORITY.—

(1) IN GENERAL.—Section 409(d) of such Act (49 U.S.C. 40101 note) is amended by striking "2007." and inserting "2008.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on September 29, 2007, and shall apply with respect to any final order issued under section 409(c) of such Act that was in effect on such date.

(e) AIRPORT ELIGIBILITY.—The first sentence of section 186(d) of such Act (117 Stat. 2518) is amended by inserting "and for the portion of fiscal year 2008 ending before July 1, 2008," after "2007,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

### GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5270.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1515

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5270 extends the financing and spending authority for the Airport and Airway Trust Fund. The trust fund taxes and spending authority are scheduled to expire on March 1, 2008. H.R. 5270 extends these taxes at current rates through June 30 of 2008.

On January 29, 2008, the acting administrator of the FAA sent a letter to the Committee on Ways and Means indicating the ability of the FAA to provide services in 2008 will be impeded if this extension is not enacted. I will include this letter from the FAA for the RECORD.

The Committee on Ways and Means reported out a previous extension bill with bipartisan support. This bill will keep the Airport and Airway Trust Fund taxes and operations in place until the long-term FAA reauthorization act is signed into law. I urge the full support of my colleagues for this measure.

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION,
*Washington, DC, January 29, 2008.*

Hon. CHARLES B. RANGEL,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN RANGEL: Thank you for your continued support to the mission of the Federal Aviation Administration (FAA). As you know, we have a pending reauthorization proposal to establish a cost-based financing system, help address congestion, and make the system more accountable to aviation stakeholders. In the absence of an enacted reauthorization bill, I am writing to you to bring to your attention some serious issues that will impede our ability to provide our services to the country during 2008 if not addressed immediately.

### AIRPORT AND AIRWAY TRUST FUND

The Consolidated Appropriations Act, 2008 (P.L. 110–161) extended the authority to make expenditures from the Airport and Airway Trust Fund only until March 1, 2008. Without an extension of the Trust Fund expenditure authorities, FAA will be unable to obligate funds after March 1 from the Trust Fund. Most notably, our airports, facilities and equipment and research personnel would be immediately sent home, and our remaining personnel funded by the Operations account would follow after funding provided by the General Fund has been fully obligated—most likely in early June. For this reason, we plan to notify employees impacted by the March 1st deadline within the next two weeks.

### AVIATION EXCISE TAXES

The Consolidated Appropriations Act only provided a temporary extension of authority for the collection of most of the aviation related excise taxes until February 29, 2008. The authority to collect such taxes should not be allowed to lapse. The uncommitted balance in the Trust Fund is insufficient to sustain FAA operations beyond a few months and a lapse in the authority to collect excise taxes could quickly begin to impact FAA's operations.

AIRPORT IMPROVEMENT PROGRAM GRANTS

Contract authority for the FAA's AIP program expired on September 30, 2007, however Congress, in a series of continuing resolutions, provided temporary and limited AIP contract authority through December 31, 2007. Without contract authority, we are not able to make any new AIP grants. For the airport grant program, we typically view February 1st as a date when airport sponsors need to have some confidence that grant funds will be forthcoming so they can go out with their bids for construction projects to take full advantage of the construction season. Unfortunately, with the gap in AIP contract authority for fiscal year 2008, we are near the point of losing a portion of this construction season and airport sponsors will have to defer critical safety and capacity projects.

We are confident that Congress will address these short-term issues, but time is of the essence in moving toward a resolution of these matters. We are ready to work with you and other members to enact a reauthorization proposal that is consistent with the goals of the Administration.

The Office of Management and Budget has advised that there is no objection, from the standpoint of the Administration's program, to the submission of this letter to Congress.

Sincerely,

ROBERT A. STURGELL,
*Acting Administrator.*

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I also rise in support of this legislation. Congress must not stand by while the financing of our Nation's airways are to lapse. The cost to our Nation's economy of doing so would be devastating.

As you know, authorizing legislation permitting the collection of aviation taxes and fees sadly expired at the end of the last fiscal year. Congress since then has extended that authorization through the end of this month in the consolidated appropriations act. It is unfortunate, in my view, that Congress was not able to reach an agreement with the other body on a longer term solution before resorting to temporary extensions.

I feel that the Ways and Means Committee and the Transportation and Infrastructure Committee worked well together to put together a workable bill that would continue financing our system with modest changes for a period of 4 years. Four years would have given us enough time to allow this body to devote the necessary time to make a close examination of the financing of the system and consider the long-term changes that technology and the demands of that system are imposing on us, something that I believe the Committee on Ways and Means and the Select Revenue Subcommittee did not have time to accomplish, despite multiple hearings on this issue.

While today's bill will only extend current law authority through the end of June, this is a necessary step in the process. It certainly does not speak well of this Congress that we are not able to do these things promptly with discipline and do so in a timely fashion, but I believe that our committee, Ways and Means, together with the Transportation and Infrastructure Committee, have provided value added, and I would like to believe that given some additional time, that we would have had an opportunity to put forward a permanent solution.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I want to point out that it is my understanding the delay has been in the Senate, not in the House of Representatives, not between the two committees, and not because of disagreement from either side of the aisle here, but in the other body. It is also my understanding the gentleman is going to be supporting the bill in the end. If I am wrong, please indicate for the RECORD.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to congratulate the Ways and Means Committee for the good work they have done with the Transportation and Infrastructure Committee on coming forward today and providing us with an opportunity to do the smart thing, and that is to provide this extension for this trust fund.

Yesterday, in my capacity on the Transportation Security Committee, I hosted the Transportation Security Administrator in my district at one of my large airports. Obviously, the infrastructure of airports, the safety of airports, travels parallel to the security of airports. This is a vital fund for cities like Houston, Texas, which happens to have one of the top 10 airports in the Nation.

Airports are sites used by millions and millions of Americans every single day, and therefore it is important that the delay of the actual completion of a final bill not be used to prevent the flow of dollars to protect our airports and provide safe and secure passage for our travelers.

I understand, as my good friend from New York has indicated, that the delay is in the Senate. This is the right direction to go. I applaud the Ways and Means Committee and Chairman CHARLIE RANGEL, and I rise enthusiastically to support this legislation.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield such time as he may consume to a senior member of the Transportation and Infrastructure Committee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I thank my colleague, Mr. ENGLISH from Pennsylvania, for yielding, and I appreciate the hard work that he and members of his committee have done in this area.

I had the privilege of appearing before his subcommittee as we were considering the financing of this legislation. In fact, in September of last year, the House considered and passed a bill that resulted from that hearing, the FAA Reauthorization Act of 2007, which was H.R. 2881. It reauthorized the FAA for the next 4 years. On several occasions after that, the House passed bills to extend the FAA programs.

Unfortunately, the other body has taken no action on any of these measures; therefore, the authority of the FAA's essential programs and taxes were extended through the end of this month as part of the omnibus appropriations act. Regrettably, those FAA programs and authorities not extended in the omnibus expired on September 30.

Additionally, although the omnibus appropriation bill provided money, it did not extend the FAA's contract authority, and therefore as of December 31, the FAA no longer has the authority to make new obligations, including sorely needed Airport Improvement Program grants to allow airports to complete vital infrastructure improvement projects. The omnibus also included a provision that would prevent the FAA from spending any money of the Airport and Airway Trust Fund after March 1 of this year.

Without some congressional action to extend the FAA's authority on March 1st, the FAA will be facing a partial shutdown. It is unlikely that Congress will be able to send a long-term FAA reauthorization bill to the President for consideration before the February 29 deadline.

We have before us H.R. 5270. This bill would extend the funding and expenditure authority of the FAA through June 30 of this year, 2008. The bill also extends the taxes funding the Airport and Airway Trust Funds through June 30, provides Airport Improvement Program funding through September 30, and extends eligibility for essential air service subsidies and airport grant funding.

Ideally, we should be considering the FAA reauthorization conference report at this time. Unfortunately, that is not the case. Instead, we are considering the third short-term extension of the FAA's authority by the House. However, this bill will ensure that our national aviation system continues to operate until a full FAA reauthorization can be enacted.

There is much work yet to be done on the FAA reauthorization bill. We need to work in a bipartisan and bicameral fashion to pass legislation that the President can sign.

I support this extension in order to allow us time to accomplish this important goal.

Mr. CROWLEY. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Minnesota (Mr. OBERSTAR), the Chair of the Transportation and Infrastructure Committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding and for bringing this bill to the floor and for the support of the Republican side. Mr. ENGLISH, it is good to have you participating, and our colleague on the committee, Mr. PETRI, thank you for your diligent work on behalf of aviation issues.

The House has done its job on aviation. We passed, on September 20, the reauthorization act to extend aviation programs through 2011. Shortly thereafter, we passed another bill to provide a short-term extension of FAA programs. Then in November, we passed another attempt to extend aviation programs in the short term.

Regrettably, our colleagues across the way in the other body have not acted on any of these. If we don't act, frankly, the FAA just simply runs out of money. It will run out of authority to spend money. It will run out of authority to collect the revenues. So the House again, thank goodness the Ways and Means Committee is doing its job of carrying the load, has brought to the floor with our participation and vigorous support an extension of the revenue authority for the FAA programs.

First of all, we extend with this legislation the aviation taxes. Now, that covers 80 percent of FAA's budget. And with an uncommitted cash balance of only $1.5 billion, any lapse in the aviation taxes could put solvency of the trust fund at serious risk.

Don't think it can't happen, because that did happen in 1995 when Congress allowed the aviation taxes to lapse and the Aviation Trust Fund ran out of money. Curiously, ticket prices didn't go down. The airlines just kept charging the same price. They didn't give the consumer during that period of lapse a break. They just kept on collecting taxes, revenues, at the higher level, without giving any kind of a rebate on taxes. We don't want to let that happen again.

The second thing that we do in this legislation is extend authority for the FAA to make expenditures from the Aviation Trust Fund. Without that, on March 1, FAA will face a partial shutdown. They will not be able to pay some 4,000 employees, and a good many of those will be air traffic controllers.

The third provision critical in this legislation is the $2.76 billion in contract authority for the Aviation Improvement Program, that is the construction program for runways and taxiways, the hard side, the air side of the airport. Because the previous authorization expired on September 30, there is no contract authority in place now for the AIP program in fiscal year 2008. No new airport grants can be made.

So without this legislation, not only is FAA going to have to lay off 4,000 employees, they are not going to be able to make grants to airport authorities, we will lose tens of thousands of construction jobs in building airport capacity, and we will lose the ability to meet the needs of aviation capacity out into the balance of this fiscal year.

So the several provisions I have already described, plus many other provisions of the previous law, Vision 100, are continued in this legislation. We extend that authority through to June 30 in order to keep the pressure on the other body to take up our aviation authorization bill, which passed our committee with overwhelming bipartisan support, passed the House with an overwhelming vote, and yet the other body sits over there in splendid isolation as though nothing else in the world matters. And I find that very, very disturbing.

We need to pass this legislation that the House has already acted on and let the Senate pass it and get in to conference with us. We will get this resolved, we can get it passed and get it to the President in very short order. But, meanwhile, we have to take the action embodied in the pending legislation, and I urge its support by an overwhelming bipartisan vote.

This legislation would extend the authorization for aviation programs and taxes through June 30, 2008. Such an extension is urgently needed to address significant budget problems facing the Federal Aviation Administration, FAA, due to the current lapse in Airport Improvement Program, AIP, funding, and the upcoming expiration of both the aviation excise taxes and the authority to make expenditures from the Aviation Trust Fund.

These current and upcoming lapses in FAA's authorities have occurred despite repeated efforts by the House to pass legislation to extend them. The House has acted on three separate occasions to extend the authorization for FAA programs. On September 20, 2007, the House passed H.R. 2881, the "FAA Reauthorization Act of 2007," to reauthorize FAA programs for fiscal years 2008–2011. On September 24, 2007, the House passed H.R. 3540, the "Federal Aviation Administration Extension Act of 2007" to provide a short-term extension of FAA programs. On November 6, 2007, the House amended and passed S. 2265, in a subsequent attempt to provide a short-term extension of FAA programs. The Senate has yet to act on any of these bills, or on any other FAA reauthorization legislation.

As I supported each of these prior attempts to extend FAA's programs and financing, I again support the legislation before us today.

I strongly support the extension of the aviation excise taxes, as proposed in H.R. 5270. These taxes are necessary to support the Aviation Trust Fund, which in recent years has provided about 80 percent of the FAA's budget. With an uncommitted cash balance of approximately $1.5 billion, any lapse in the aviation taxes could put the solvency of the Trust Fund at risk.

In addition to extending the aviation taxes, a second key provision of H.R. 5270 is the extension of the FAA's authority to make expenditures from the Trust Fund. Without this authority, the FAA will face a partial shut-down beginning March 1st, as it will be unable to pay approximately 4,000 of its employees.

The third key provision of H.R. 5270 is that it provides $2.76 billion in contract authority for the AIP. Because the previous FAA authorization act, Vision 100, expired on September 30, 2007, there is currently no contract authority in place for the AIP in FY 2008, and no new airport grants can be made. It is our intent that the full $2.76 billion provided by H.R. 5270 be made available, without regard to any previously enacted rescission.

It is imperative that we reinstate the AIP program immediately. Unless we do so, we will lose the Spring construction season, and will not be able to do much construction this year, even if the program is reauthorized at a later date.

According to the FAA, a continued lapse in AIP funding will affect important safety and capacity projects, including runway safety area projects, letter of intent disbursements, runway safety action team projects, enhanced taxiway and centerline marking projects, and aircraft rescue, firefighting and snow removal equipment. We must act now to extend this important program.

H.R. 5270 also extends several other provisions of Vision 100 so that, until a long-term FAA reauthorization bill is enacted, aviation programs may be continued under the same terms and conditions as were in effect during the previous authorization period.

But this is only the first step. We need to enact a long-term FAA reauthorization bill, which will permit us to go forward on modernization of the air traffic control system, and improvement of our airports, to combat the ever-increasing inadequacies of the current system. Last year, our aviation system had the worst delay record in its history. With the number of air travelers predicted to surpass 1 billion per year by the year 2015, the system is rapidly approaching gridlock. I strongly urge the other body to bring their reauthorization bill to the floor, so we can go to conference and pass a long-term reauthorization of aviation programs.

I thank Chairman RANGEL and Ranking Member MCCRERY of the Committee on Ways and Means for working with the Committee on Transportation and Infrastructure to include the aviation authorization provisions in H.R. 5270. I also thank my Committee colleagues, Ranking Member MICA, Subcommittee Chairman COSTELLO, and Subcommittee Ranking Member PETRI, for working with me on this critical legislation.

I urge my colleagues to support H.R. 5270.

☐ 1530

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I think we have made the case here. Mr. Speaker, that it is important that this legislation go forward to cure an inability of Congress to bring closure on this very, very important issue. This is stop-gap legislation that is necessary to allow America's aviation system to remain airborne, and at a critical time. It is essential that we pass this bill in order to ensure that thousands of FAA employees are not furloughed through congressional inaction. It is also vitally important for communities engaged in an airport construction project, communities like my hometown of Erie, Pennsylvania, that the bill before us reinstates the contract authority for the FAA to issue money under the Airport Improvement Program.

I believe that this is an opportunity for us to get this right in the coming months. It is essential that the House Ways and Means Committee, the House Transportation and Infrastructure Committee, and the bipartisan leadership of this body engage the Senate in order to pass a permanent solution that provides long-term funding for the FAA in a manner that is consistent with the fundamental changes in that system in order to provide the necessary investment in this essential piece of our national transportation infrastructure. I urge my colleagues to vote for the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CROWLEY. I thank my colleague from Pennsylvania for his words of support for this legislation.

Mr. Speaker, let me just point out as well, piggybacking on what he just said about the airport improvement programs grants, that time is of the essence. A failure to move now will further condense the season in which we can actually improve the safety and the aesthetics of our airports. So I thank him for his support, for recognizing the problems not here in this body but with the other body. I thank my friend, as well, Mr. OBERSTAR for pointing that out to us.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 5270, the Airport and Airway Extension Act. I want to thank Chairman RANGEL for bringing this to the floor today, as well as Chairman OBERSTAR and Ranking Members MICA and PETRI.

On September 20, 2007, the House passed H.R. 2881, the FAA Reauthorization Act of 2007, a long-term authorization of the Federal Aviation Administration's (FAA) programs. However, until H.R. 2881 is signed into law, it is important that we extend FAA's programs on a short-term basis.

If Congress does not act before February 29, 2008, the FAA is potentially facing significant FY 2008 budget problems due to the lapse in funding for the Airport Improvement Program (AIP), and the upcoming expiration of both the aviation excise taxes and the authority to make expenditures from the Aviation Trust Fund.

To address these problems, H.R. 5270 would extend not only the aviation taxes and expenditure authority, but also AIP contract authority, until June 30, 2008.

This is not the first time we have passed short-term extensions to ensure FAA has the contract authority it needs to make AIP grants. In 1999 and 2000, as Congress was debating what eventually became the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, or AIR 21, we passed 4 extensions of FAA's contract authority. Moreover, the House acted on three separate occasions last year in an attempt to extend FAA's authorities, including passage of H.R. 2881, the 4-year FAA reauthorization legislation. The Senate has yet to act on any of these measures.

We must ensure that this extension passes without further delay to not only improve safety and combat delays and congestion but to also stimulate the economy.

H.R. 5270 creates $2.76 billion in AIP contract authority to fund the program until June 30, 2008. When annualized, this $2.76 billion equates to $3.675 billion for the full fiscal year 2008. H.R. 5270 will allow the FAA to make AIP grants, so that airports can take advantage of the full 2008 construction season. This, in turn, will put people to work and improve the safety and efficiency of our aviation system.

Aviation is too important to our nation's economy—contributing to $1.2 trillion in output and approximately 11.4 million U.S. jobs—to allow the taxes or funding for critical aviation programs to expire. Until H.R. 2881 is signed into law, we must ensure that FAA has the funds it needs to continue its vital programs.

H.R. 5270 provides a short, 4-month extension to ensure FAA's programs remain fully funded, and I urge my colleagues to support the bill.

Mr. CROWLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and pass the bill, H.R. 5270.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## COMMEMORATING THE COURAGE OF THE HAITIAN SOLDIERS THAT FOUGHT FOR AMERICAN INDEPENDENCE IN THE "SIEGE OF SAVANNAH"

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 909) commemorating the courage of the Haitian soldiers that fought for American independence in the "Siege of Savannah" and for Haiti's independence and renunciation of slavery, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 909

Whereas in the fall of 1779, Haitian soldiers of the Chasseurs-Volontaires de Saint Domingue volunteered to join in the fight for American independence;

Whereas the unit was comprised of over 500 men of color from the island of Haiti;

Whereas on October 9, 1779, the soldiers of Chasseurs-Volontaires de Saint Domingue served as the largest unit of soldiers of African descent to fight in the "Siege of Savannah";

Whereas records show that over 500 men sailed treacherous waters to join the effort against the British;

Whereas over 300 of them lost their lives attempting to drive the British from Savannah;

Whereas the Savannah Monument, a project of the Haitian American Historical Society represents the Haitian soldiers that fought in the "Siege of Savannah";

Whereas the Savannah Monument was erected in Savannah, Georgia on Monday, October 8, 2007, to recognize the Haitian involvement in the fight for American independence; and

Whereas the Savannah Monument includes a statue of a 12-year-old drummer boy, depicting Mr. Henri Christophe, who became a leader in Haiti's Revolution to gain independence and renounce slavery: Now, therefore, be it

*Resolved*, That the House of Representatives commemorates the courage of the Haitian soldiers that fought for American independence in the "Siege of Savannah" and for Haiti's independence and renunciation of slavery.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

### GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

First, I would like to thank the chief sponsor, my good friend and colleague, the gentleman from Florida (Mr. MEEK), for his introduction of this resolution, which commemorates the courage of the Haitian soldiers who fought alongside our Revolutionary soldiers for gaining independence from Great Britain.

House Resolution 909 also recognizes the establishment of the Haitian Memorial Monument, which celebrates the historical bond between the good people of Haiti and the United States, and demonstrates the significance of our Haitian American community.

Mr. Speaker, the Haitian Memorial Monument, designed by the Haitian-Canadian sculptor Gregroire Anocles, represents the war effort at the Siege of Savannah in the year 1779.

Haiti's involvement in the fight for America's independence some 226 years ago is a source of national pride for many Haitians, and it is long overdue that we attach the proper importance to this Haitian participation.

After returning home, Haitian veterans of the Revolutionary War led their own rebellion and revolution against French colonialism, and eventually received independence from France in the year 1804. Mr. Speaker, in becoming independent, Haiti became the first free country in the Western Hemisphere led entirely by people of African descent.

I strongly support this resolution, and I encourage my colleagues to vote in favor of this proposed bill.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 909, and I join my colleagues in recognizes the valuable contribution and significant sacrifice that Haitians made as they joined the fight for American independence over two centuries ago.

In the fall of 1779, over 500 courageous men volunteered to cross the treacherous waters from Haiti to the U.S., to join our soldiers in the Siege of Savannah. This was no easy feat; yet these men were committed to fighting for America's liberty and independence.

Representing the largest contingent of soldiers of African descent to fight in the American Revolution, these Haitian troops bravely joined in our efforts, forging the friendship between the U.S. and Haiti that has only strengthened in the centuries that followed.

Sadly, such courage had a high price. More than 300 Haitians lost their lives in this battle. Last year, a monument to this glorious sacrifice was erected in Savannah, Georgia. The collaborative efforts of local officials in Georgia and the Haitian American Historical Society of Miami guided this project to completion.

Today, the Savannah monument stands as a tribute to those individual foreign volunteers who joined in the American Revolution and commemorates the historic bond between the U.S. and Haiti.

H. Res. 909 further commemorates Haiti's own struggle for independence and renunciation of slavery. What began as a slave revolt in 1791 ended with Haiti's own independence in 1804. And Haiti was the first nation in the Western Hemisphere to form a government led by the people of African descent and, remarkably, it was also the first nation in the Western Hemisphere to renounce slavery.

For this reason, I am proud to stand with my congressional colleagues in calling for the passage of this important resolution. Yet we must also recognize that there is more to be done.

Despite Haiti's early and historic commitment to democracy, the country continues to languish under the oppression of extreme poverty, disease, and violence. As a significant partner in the region, the U.S. must remain not only cognizant of Haiti's progress but also engaged in its development. We cannot be fully successful as a hemisphere without Haiti fulfilling its potential as a strong and vibrant nation.

I want to thank the gentleman from Florida (Mr. MEEK) for introducing H. Res. 909 and am proud to join in the commemoration of such courageous individuals.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, it is with pleasure that I yield such time as he may consume to the chief sponsor of this proposed legislation, my good friend, the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I want to thank my colleagues for the very kind words they have given about this great piece of legislation, this resolution.

I think it is very, very important, Mr. Speaker, that we come together as a country and celebrate the contributions of other countries and the roles that they played in assisting us not only with our independence but making it concrete.

Mr. Speaker, as we look at House Resolution 909, I want to give my sincere thanks to the Committee on Foreign Affairs for bringing this resolution to the floor, and especially shed light on Chairman LANTOS for his forward-leaning and making sure that this resolution made it through the process. And he will be forever missed here in this body. And hopefully his memory will continue on, not only on the committee, but here in Congress.

I think it is also important that we pause to not only thank staff but also thank Haitian Americans throughout this country that have fought very hard on behalf of this country, not only in Iraq, Afghanistan, and other theaters, but have contributed in many other areas. And that is where this bill came about.

The Haitian American Historical Society in Miami, Florida, moved forth with a monument in Savannah of the great battle, and I had an opportunity to go there recently. And there are a number of Haitians and those that care about the well-being of Haiti that wanted to make sure that the contributions of these soldiers were recognized in a way that will be able to allow not only this generation but future generations to understand Haiti's contributions.

When you start talking about 500 freed Haitian slaves traveling to Savannah, Georgia, to be a part of a multinational force to fight on behalf of this country against the Brits at that particular time, and to be in the same city where you had people who look like me that were enslaved, and traveling to Savannah is a very moving experience for every American, because so many battles have taken place there and it is such a historical and beautiful city that you can't help but pause to think about the courage.

So for us to be on the floor, Mr. Speaker and Members, to not only talk but to pass, hopefully, this resolution will be the first time in the history of the Republic that we have actually said thank you to Haiti, that we have said thank you to the families of the 300 to 500 troops that actually traveled to Savannah to fight on our behalf. I don't believe it is too late, but I think that it is very appropriate for us to be on the floor and allow the Members to show their appreciation for their contributions.

As we celebrate not only the contributions of these soldiers but we also shed light with our Members and Americans about the contributions that Haitians have made, I think, as we look at this debate and we look at what we are doing for Haiti right now, we must bring Americans up to speed on the history. The fact that these freed slaves came to Savannah and fought, and the fact that Haiti was one of the first countries to denounce slavery and to fight for their own independence, to fight Napoleon that pushed him to carry out the Louisiana Purchase with the United States of America, these Haitian fighters traveled throughout the Western Hemisphere and played a very strong role in allowing the United States to be who we are.

So when we start talking about assistance for Haiti, it is not like it is a one-way street; it is a two-way street. And I am proud to represent a constituency where we have more Haitians than anywhere else in the United States of America, but Haitians throughout the diaspora, this will be a very proud day for them; and I believe it will be a very proud day for them when we vote in the affirmative.

When we look at the contributions of Mr. Henry Christopher who fought in the American Revolutionary War, to use his experience from the first free government in the Western Hemisphere, and when we look at what the Haitian Americans Historical Society has spent a number of years to be able to not only bring the Haitian American history to the Congress but to also bring to everyday Americans, I think it is very, very important, Mr. Speaker, that Members share with their constituency the contribution of these great men, and to be able to make sure that we share the history of all communities that have come to this country to make us strong.

Once again, I want to thank the committee, and I want to also thank the staff that has worked very hard on it.

I know that we have other Members that want to speak in affirming the passage of this legislation. But I am personally moved because I represent a number of individuals that, when we look at immigration policy, when we look at aid to Haiti, when we look at our interventions when coups have taken place in Haiti, as recent as the 82nd Airborne, when we look at those in the State Department that serve within the Foreign Service and the conditions that they have to work under, when we also look at the Peace Corps and other organizations like it, religious institutions, a number of NGOs, that we call nongovernmental organizations, and what they do and where they live in the rural parts of Haiti, providing not only education and food; when we look at their contributions and we look at the conditions they have to work under now as Haiti struggles with natural disasters and struggles with hard economic times, this legislation will help enshrine not only the contributions of Haitians towards the United States, but also Americans returning not only the favor but the goodwill back to the great country of Haiti.

With that, Mr. Speaker, I urge the Members to vote in the affirmative on House Resolution 909.

□ 1545

Mr. BOOZMAN. Mr. Speaker, I appreciate the gentleman from Florida's hard work and thoughtfulness in bringing this bill before the House, and I continue to reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Foreign Affairs Committee, and I join him as a fellow member of the Foreign Affairs Committee to applaud and congratulate the distinguished gentleman from Florida who has a long history of representing Haitians in Florida, and who has a long history of concern for the Haitian people both today and in the past.

As a member of the Foreign Affairs Committee and one who has traveled to Haiti and visited individuals who were incarcerated because of their beliefs in democracy, this commemoration is important because it reemphasizes the long-standing friendship between the United States and the Haitian people.

I am saddened by the journey that Haitians have had to take over the last decade from Baby Doc and the oppressive leadership that they have had in past years, and their desire of necessity to flee because of persecution to the United States; and then, of course, the double standard between the wet feet/dry feet immigration policies where many of them have been treated in a discriminatory fashion.

This accolade is long overdue. I might acknowledge the fact that this was in the early years of our beginning. It was in the dawn of October 9, 1779, that this battle was fought on the western outskirts of Savannah, what was unquestionably the second bloodiest battle of the entire 8 years of the American War for Independence. Can we imagine that. These brave soldiers left their soil, many, many miles away from our land, about 750 Haitian freemen fought alongside colonial troops against the British in the Siege of Savannah on October 9, 1779. In a single hour, there fell within the area of a few hundred square yards more dead and wounded than are credited to any other battlefield in the struggle for American independence except for Bunker Hill. The valor of these brave men deserve to be commemorated, and I am proud to be a cosponsor of this legislation.

Of course, we know that American history is intertwined with many brave persons from places far and wide. But I think this statement today also cements the importance of Haiti today as we fight against the extensive poverty that exists now today, as we try to assist them in building their democratic government, as we try to reemphasize a friendship between the United States and Haiti, and in essence apologize for some of the interventions that could be considered coups that resulted from policies utilized in this country.

I would say this is a very important statement that again reinforces the relationship and again talks about the bravery of these Haitian soldiers.

At a time when we are engaged in a global war on terror, joined by our friends and allies, it is imperative that we recognize the service and dedication provided in the past by foreign countries like Haiti.

Mr. Speaker, I close my words by congratulating Mr. MEEK again for this outstanding legislation; but more importantly, thanking the Haitian people, even though it may be somewhat late.

Mr. Speaker, I rise today in support of H. Res. 909, commemorating the courage of the Haitian soldiers that fought for American independence in the "Siege of Savannah" for Haiti's independence and renunciation of slavery, introduced by my distinguished colleague Congressman KENDRICK MEEK of Florida. This is to be commended because it helps to educate Americans about the significant contributions made by Haitian ancestors.

Mr. Speaker, in the early dawn of October 9, 1779, there was fought, on the then western outskirts of Savannah, what was unquestionably the second bloodiest battle of the entire 8 years of the American War for Independence. About 750 Haitian freemen fought alongside colonial troops against the British in the "Siege of Savannah" on October 9, 1779. In a single hour there fell within an area of a few hundred square yards more dead and wounded than are credited to any other battlefield in the struggle for American independence except for Bunker Hill. The valor of those brave men deserves to be commemorated, and I am proud to cosponsor this legislation honoring their bravery and sacrifice.

The year before, the city of Savannah, Georgia, had been captured by a British expeditionary corps under Lieutenant Colonel Archibald Campbell. On October 9, 1779, there was an attempt to retake Savannah from the British. The siege itself consisted of a joint effort with America, France, and Haiti. This battle represents the Revolutionary War as an international conflict more than any other engagement of the Revolution. It was the first time the French fought alongside the colonial army. This battle reminds us that the contribution of foreign resources, men, money, and material helped lead to the eventual success of the American cause for independence. It is important to provide recognition for the efforts of Haiti and their role in helping to liberate America from British rule.

At a time in our country when we are engaged in a global war on terror, joined by our friends and allies, it is imperative that we recognize the service and dedication provided in the past by foreign countries like Haiti. Many of the foreign allied soldiers, including Haitians, who sacrificed during the process of America gaining freedom and independence, have not been recognized for their contributions to this Nation. Some were never told, "thank you" for helping to better our society and contributing to our freedom. Too many were forgotten and unrecognized for their diligence, commitment and sacrifices.

As we continue to celebrate the month of February and Black History Month, let us be mindful of the Haitian soldiers and the numerous others of the African diaspora that renounced slavery and aided in the formation of our great Nation. I urge my colleagues to support this resolution honoring the courage of the Haitian soldiers who fought for American independence and renunciation of slavery .

Mr. BOOZMAN. Again, I appreciate the hard work of the gentleman from Florida in bringing this forward. I would urge my fellow Congressmen to vote "yes" on this very timely resolution, and having no further speakers, I yield back the balance of my time.

Mr. FALEOMAVAEGA. I thank my good friend from Arkansas for management of this legislation and commend the gentleman from Florida and the gentlewoman from Texas for their eloquent statements concerning this legislation.

Mr. PAYNE. Mr. Speaker, I rise in strong support of H. Res. 909 introduced by Representative KENDRICK MEEK of Florida commemorating the courage of the Haitian soldiers that fought for American independence in the Siege of Savannah and for Haiti's independence and renunciation of slavery.

H. Res. 909 recognizes the honorable act of the Haitian soldiers of the Chasseurs-Volontaires de Saint Domingue who volunteered to join the fight for American independence in the fall of 1779. Already in the fifth year of the American Revolution, Americans were growing weary of gaining independence when the Haitians stepped in. Today, we give them our gratitude for their bravery in sending over 500 soldiers to aid us in our fight for independence. We also remember and honor their sacrifice of over 300 men lost during the Siege of Savannah in October 1779.

I hold Haiti's achievements of being the world's first black-led republic and the first Caribbean state to achieve independence in high esteem. However, Haiti continues to struggle against poverty and instability. This is why we need to commemorate the landmark of the brave actions of the 500 Haitians who fought alongside Americans for our freedom.

It is important that we honor the progress of states in the 21st century continuing the fight against racially driven injustice. I would like to mention that H.R. 3432, which I introduced in August 2007, was signed into law by the President last week on February 5, 2008. This bill called for the establishment of the commission on the abolition of the transatlantic slave trade.

As Haiti still struggles to find her own model of peace and liberty, we extend our support by commemorating the loyalty of Haitians to the U.S. Haitians played a vital role in America's path to independence and freedom.

Mr. CONYERS. Mr. Speaker, I rise tonight in support of H. Res. 909 "Commemorating the Courage of the Haitian Soldiers That Fought for American Independence in the Siege of Savannah and for Haiti's Independence and Renunciation of Slavery."

This resolution highlights the heroism displayed by 900 Haitian soldiers in Savannah during the American Revolutionary War and is a source of great inspiration and pride for all Haitians. I am not surprised by the indomitable spirit of these Haitian soldiers who so courageously defended America's fight for independence.

On October 9, 1779, the soldiers of Chasseurs-Volontaires de Saint Domingue, Haiti, served as the largest unit of soldiers of African descent to fight in the Siege of Savannah alongside American and French forces. The monument in Savannah serves as a tribute to the hundreds of Haitian volunteers who took great risk and traveled by sea to fight for American freedom during the Revolutionary War. Today, I heartily applaud the Haitian soldiers who lost their lives fighting for our country.

Mr. RANGEL. Mr. Speaker, I rise today in appreciation of the significant Haitian contribution to the American fight for independence. A pioneering band of 500 Haitians volunteered at the inception of this Nation's great story, laying life and limb on the line for the cause of liberty. That effort left an indelible mark on history, drawing the largest unit of soldiers of African descent to fight in the 'Siege of Savannah.'

It is the highest expression of selflessness and generosity to brush aside geopolitical divisions and serve nobly in support of another nation. We salute these valiant men—over 300 of which were killed on our soil—for helping secure and establish our great democracy, for answering the call in defense of neighbors, in defense of friends.

That island nation has, over the years, proven its commitment to courage—leading a successful battle for independence of its own and repudiating early the pernicious institution of slavery, Hundreds of years later, we have not forgotten.

Mr. FALEOMAVAEGA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 909, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FALEOMAVAEGA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## CONGRATULATING THE NATIONAL FOOTBALL LEAGUE CHAMPION NEW YORK GIANTS FOR WINNING SUPER BOWL XLII

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 960) congratulating the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most remarkable postseason runs in professional sports history.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 960

Whereas on February 3, 2008, in Glendale, Arizona, the New York Giants achieved the improbable and upset the previously undefeated New England Patriots by a score of 17 to 14 in Super Bowl XLII to win the National Football League (NFL) Championship;

Whereas during the 2007–2008 post season, the Giants were the epitome of determination, fortitude, and resiliency as they made their way through the playoffs and ultimately triumphed over the previously undefeated New England Patriots, who were favored by 12 points to win the championship game;

Whereas quarterback Elisha Nelson "Eli" Manning, who had 19 completions for 255 yards and 2 touchdowns, was selected as the Most Valuable Player of Super Bowl XLII;

Whereas the New York Giants' win over the New England Patriots was the most-watched Super Bowl ever, with 97,500,000 viewers, making it the second most viewed American broadcast in television history;

Whereas the Giants achieved one of the most remarkable feats in sports history by winning an NFL record-breaking 11 straight road games, granting them the title of "Road Warriors", and in the process became only the second team in NFL history to win 3 playoff games and the Super Bowl away from their home field;

Whereas in each round of the playoffs, when none of the experts thought they had a chance to win, the Giants and their loyal, dedicated, and passionate fans believed they could accomplish what others declared impossible;

Whereas Tom Coughlin, in his fourth season as head coach of the Giants, has gone to the playoffs for 3 straight seasons, and this season lead his team, with the help of Defensive Coordinator Steve Spagnuolo, Offensive Coordinator Kevin Gilbride, and the entire Giants coaching staff, to Super Bowl XLII and brought the Vince Lombardi Trophy back to the Meadowlands;

Whereas the New York Giants organization is one of the most successful in NFL history, boasting 15 Hall of Fame players, appearing in 26 postseasons, winning more than 600 games, 16 NFL divisional championships, and 7 NFL championships, including remarkable title runs in 1987, 1991, and 2008 (Super Bowls XXI, XXV, and XLII) that captivated New York and New Jersey;

Whereas Giants owner and Chief Executive Officer John Mara and Executive Vice President Steve Tisch have done a remarkable job leading this storied franchise with the assistance and dedication of their talented staff;

Whereas the New York Giants have played all their home games in the Meadowlands Sports Complex, located in East Rutherford, New Jersey, since 1976 and have supported Bergen County and the northern New Jersey and New York areas with community outreach projects; and

Whereas the entire Giants franchise has become a model of professionalism, teamwork, and community service in representing the entire New York and New Jersey metropolitan area: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most impressive seasons in professional sports history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

### GENERAL LEAVE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I am pleased to join my colleagues today in the consideration of H. Res. 960, which provides for the recognition of the National Football League champion New York Giants for winning Super Bowl XLII and for completing one of the most remarkable postseason runs in professional sports history.

On Super Bowl Sunday, I was in Columbus, Georgia. And when I realized that my flight was scheduled at the very same time as the Super Bowl, I cancelled my return and had the privilege of watching this extraordinary game at the home of my good friend, Congressman SANFORD BISHOP.

Mr. Speaker, H. Res. 960 was introduced by Representative STEVE ROTHMAN of New Jersey, and it has the support and cosponsorship of 60 Members of Congress.

Mr. Speaker, it is only fitting that we consider this resolution today as it highlights and expresses our commemoration of one of sporting history's most exciting wins which occurred on February 3, 2008, when the New York Giants battled back from behind to beat the undefeated New England Patriots by a score of 17–14 to capture the NFL's coveted Lombardi Trophy.

Super Bowl XLII and the perseverance of the New York Giants to become only the second team in football history to go from NFC wild card contender to NFL champion will undoubtedly go down in the record books.

For this accomplishment, we stand to commend the New York Giants franchise, players, coaches, and all of the supportive fans from across the world on a job well done. I urge the passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, this is great fun.

Mr. Speaker, I rise today in support of H. Res. 960 congratulating the New York Giants for their 17–14 victory over the New England Patriots in Super Bowl XLII.

It was a second straight Super Bowl victory for the first family of football, the Mannings. Peyton Manning led the Indianapolis Colts to the title last year, and his younger brother, Eli, threw two touchdown passes to lead the Giants to victory this year and claim the Most Valuable Player award, like his brother.

Their father, Archie, of course, was a great pro quarterback himself, spending most of his career with the New Orleans Saints.

John Wooden, the greater former UCLA basketball coach, said sports don't build character, they reveal it. So what does this victory say about the New York Giants? It says they are a resilient bunch, entering the playoffs as the number five seed in a six-team NFC field, then defeating a Dallas team who had beaten them twice in the regular season and a Green Bay team in arctic conditions to reach the big game.

There, they stymied an offense that had scored more points, gained more yards, and won more games in a season than any team in NFL history. They did it by keeping that offense off the field. New York owned the ball for nearly 20 of the first 30 minutes. They did it with new heroes such as David Tyree, who scored the go-ahead touchdown. He had never caught a touchdown pass in the NFL before. And they did it with seasoned vets such as Michael Strahan who led a defense that held the Pats to a season low of 274 yards.

So what was revealed of the character of these Giants? That they ignored the conventional wisdom which didn't give them a chance, that they found in each other the strength to do what they couldn't have done any other way, take down the "next big thing" in the biggest game of the year. Thanks, Giants, for showing us what is possible when we don't take "no" for an answer.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, at this time I yield 5 minutes to the gentleman from New Jersey (Mr. ROTHMAN), the sponsor of this great legislation and a good friend of all of us.

Mr. ROTHMAN. Mr. Speaker, I rise today in support of H. Res. 960, legislation to congratulate the New York Giants for winning Super Bowl XLII and completing one of the greatest upsets in professional sports history.

I introduced this resolution because I am so proud of this team that plays at Giants Stadium in the New Jersey Meadowlands in East Rutherford, New Jersey. My constituents and I are so honored that we have a Super Bowl champion back in our region.

On Sunday, February 3, in Glendale, Arizona, the New York football Giants achieved the highly improbable by beating the previously undefeated New England Patriots. The score was 17–14, and they went on to win Super Bowl XLII.

The game was the most watched Super Bowl ever with nearly 100 million viewers tuning in to make it the second-most viewed American television broadcast in history.

I offer this resolution to honor the entire Giants organization on their incredible season and on their win. Specifically, I would like to congratulate Giants owner and chief executive officer John Mara; executive vice president Steve Tisch; head coach Tom Coughlin; defensive coordinator Steve Spagnuolo; offensive coordinator Kevin Gilbride, and all of the Giants players and support staff on a job very well done.

The entire Giants franchise has been a model of professionalism, teamwork, and community service in representing the New York-New Jersey metropolitan area.

Their Super Bowl triumph shows that no matter what the odds, a group of determined underdogs can take on a dynasty and emerge victorious. This time, the team that slew Goliath were Giants themselves.

I urge my colleagues to join me in supporting House Resolution 960 and in congratulating the New York football Giants for their outstanding season and remarkable win in Super Bowl XLII.

Mr. SHAYS. Mr. Speaker, I reserve the balance of my time.

□ 1600

Mr. BUTTERFIELD. Mr. Speaker, at this time I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, today I rise to congratulate the football Giants on their improbable and inspirational Super Bowl victory. House Resolution 960, I'm sure, will get tremendous support here.

On any list of the most memorable moments in sports history, the word "underdog" often makes an appearance. We always seem to remember the team that overcame adversity, and we always remember the team that overcame doubt to steal victory from the grasp of a supposedly superior opponent in the last second, against all odds, and against all predictions.

In some ways, we can all see ourselves as underdogs. Sometimes, no matter what you do, how hard you try, it can feel like the whole world is rooting for the other team and the other guy. There are lessons here of perseverance. Whether you are a candidate, whether you are a Congressman, whether you are a truck driver is immaterial.

Maybe this is why the Giants' upset over the heavily favored New England Patriots resonates so strongly with the American people and is sure to be remembered as one of the greatest victories in the history of the National Football League.

At the start of the playoffs, no one believed the Giants would defeat the Dallas Cowboys, their flashy division rivals who had beaten them twice during the regular season, but they did.

No one believed that the Giants would defeat the great Green Bay Packers; but on the frozen tundra of Lambeau Field, and against a living legend, they prevailed.

And no one believed the Giants could compete with New England. The Patriots were the team of destiny. Man, we've heard that on this floor about a lot of things. They had the perfect team, the perfect season to complete.

Only God is perfect, Mr. Speaker. Only God.

No one but the Big Blue faithful believed the Giants had a chance to win that night.

But history is known to repeat itself, and the history of sports is full of great upsets, victorious underdogs, from the miracle on the ice, to Buster Douglas, to Joe Namath. And now, in the same breath, we can say the 2007 football Giants.

Who will ever be able to forget the almost supernatural catch made by Wayne, New Jersey, resident David Tyree? Born in Montclair, went to schools there. Indeed, it was this graduate from New Jersey's Montclair High who caught a not-to-be-believed 32-yard pass from Eli Manning that kept the winning drive alive with only 59 seconds left.

As the final seconds ticked off the game clock, the emotions and excitement were immeasurable. But it was a bittersweet moment for me. I wished my friend and fellow Fordham alumnus, Wellington Mara, the Giants late owner, was alive to witness it.

I congratulate the owners, the coaches and players of the Giants on an incredible season and a historic championship. I wish them the best of luck defending their title next year.

Mr. SHAYS. Mr. Speaker, I don't have any speakers at this time, except I would have liked to have asked unanimous consent that former Congressman ROGER WICKER, who was a House Member who was sitting here, could speak; but given now he's a Senator, I don't think you would have found that in order. But what he said to me was how proud he is that Archie Manning, who was his classmate at Ole Miss, had these two remarkable sons in Eli and Peyton, and he thinks it reflects well, I think, on Ole Miss, and certainly on his dad.

But I'd also like to express something else. For those of us who are not the sports fans that others may be, it was a tremendously proud moment for us to see the New York Giants put their best team forward in the last game of the season against the New England Patriots when the outcome of the game didn't matter to New York, but it mattered to people like me and others who feel that the obligation of pro sports is to always play their best and always put their best team forward. And I think that remarkable game which they almost won led ultimately to the remarkable games that followed and to their ultimate victory.

This is a kick. This was a game that I'll remember the rest of my life because it had so much to do about character.

Mr. Speaker, I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, I rise today to throw the full weight of my endorsment behind a resolution of substantial import and consequence: that New York's championship football team be congratulated and honored for its come-from-behind Super Bowl win last week, one that left the sports world simultaneously stunned and elated.

The competition was formidable and the challenge facing the Giants daunting. Experts did not give the Giant much chance of prevailing and the odds-makers in Las Vegas made them 12-point underdogs. The New England Patriots represented a veteran squad of impressive offensive muscle, strolling onto the field with a historic perfect season and an expected fourth championship within its grasp. But the New York Giants proved resilient. Eli Manning led the way, charging down the field with a 12-play, 83-yard dirve that capitalized on the great skill of David Tyree, Brandon Jacobs, Streve Simith, and Plaxico Burress.

This upset was no ordinary win. Facing a team dead set on making history, the G-men blazed a trail of their own, becoming the first NFC wild card team to win a Super Bowl. Theirs is a story of unparalleled heart and inspiration, of surpassing expectations and securing triumph in the face of all odds. Theirs is an American story, and they have accordingly ascended from being New York's team to being America's team.

Join me in spirited congratulations and well wishes for America's team, the New York Giants, in their 17-41 championship win.

Mr. ROTHMAN. Mr. Speaker, I rise today in support of House Resolution 960, legislation to congratulate the New York Giants for winning Super Bowl XLII and completing one of the greatest upsets in professional sports history. I introduced this resolution because I am so proud that this incredible team plays at Giants stadium, located in East Rutherford, New Jersey in my district. I am honored that we have a Super Bowl champion back in the New York New Jersey region again.

On Sunday, February 3rd, in Glendale, Arizona, the New York Giants achieved the highly improbable by beating the previously undefeated New England Patriots by a score of 17 to 14 in Super Bowl XLII to win the National Football League (NFL) championship. The game was the most watched Super Bowl ever, with nearly 100 million viewers tuning in—making it the second most viewed American broadcast in television history.

Since its inception in 1925, the New York Giants organization has been a model of professionalism, teamwork, and community service in the New York New Jersey metropolitan area. From the beginning, the Giants franchise—and indeed the entire National Football League—has flourished under the leadership and guidance of the Mara family. Back in the 1960s professional football was struggling to survive. It was the foresight of Wellington and Jack Mara, co-owners of the most profitable team in the NFL, which allowed professional football to prosper. They put the league ahead of their team by agreeing to share lucrative television revenue equally among all NFL teams, thus providing the other teams in the league with much needed capital to promote the sport across America. The current success of the NFL is a tribute to the character and selflessness of the Mara brothers. They proved to the National Football League and the Nation that honorable business practices and teamwork can indeed generate great success.

The New York Giants franchise has been one of the most successful in National Football League history. The Giants have had 15 players inducted into the Profesional Football Hall of Fame. The team has been to the postseason 26 times and won more than 600 games, including 16 divisional championships and 7 NFL championships—three of which were Super Bowls (XXI, XXV, and XLII).

Since 1976, the Giants have played at Giants stadium in East Rutherford, New Jersey—which is located in my congressional district. I have always been proud to have such a wonderful organization located in our district. In particular, I would like to recognize the "Giants Foundation," which was founded by Wellington Mara. It is an organization that provides important social and financial support to underprivileged youth and their families throughout the entire metropolitan area.

The Giants began the 2007 season with a tough loss to the Dallas Cowboys at Texas Stadium. What they didn't know as they walked off the field in Irving, Texas, was that this would be the last time they would lose a road game all season. After that loss to the Cowboys the Giants won 11 straight road games—an unprecedented achievement and a record in the National Football League.

Their impressive road streak began just a few miles away from here in Landover, Maryland at FedEx field. The Giants turned their season around with a fourth quarter comeback against the Washington Redskins, capped by an impressive stop on fourth and goal as time expired.

After the regular season ended the Giants took their road winning streak into the postseason where they won 3 straight road playoff games—a National Football Conference record.

The Giants' victorious journey this season epitomizes the American values of hard work, determination, and resiliency. Along each step of the journey, few believed they would triumph, but the Giants continued to defy conventional wisdom and prove to the so called experts that a team of individuals fully devoted to a goal is indeed greater than the sum of its parts. Their defense, which allowed 80 points in the first 2 games, turned their season around to become the best defense in the league—capable of holding the most vaunted offense in recent memory to 2 touchdowns on the biggest stage in sports. Their offense, captained by quarterback Eli Manning, was sporadic at best during the regular season, but seemed to mature right before our eyes in the playoffs as the Giants protected the football and put together clutch drives when it mattered most.

But perhaps the greatest momentum shift of the season was Coach Tom Coughlin's decision to have his team play to win against the then undefeated New England Patriots in the final game of the regular season. In a game that didn't matter for the Giants, as they had already clinched a playoff birth, the "Boys in Blue" played their hearts out and went toe-to-toe against what many were calling the best team in NFL history. Even though they lost on that day—the Giants gained a great deal of confidence from the contest, which they carried with them all the way to their victory against those same New England Patriots in Super Bowl XLII.

I am offering this resolution to honor the entire Giants organization on their incredible season, and on their outstanding win in Super Bowl XLII. Specifically, I would like to congratulate Giants owner and Chief Executive Officer John Mara, Executive Vice President Steve Tisch, Head Coach Tom Coughlin, Defensive Coordinator Steve Spagnuolo, Offensive Coordinator Kevin Gilbride, and all of the Giants players and support staff on a job well done. Their triumph shows that no matter the odds, a group of determined underdogs can take on a dynasty and emerge victorious.

Mr. Speaker, I urge my colleagues to join me in supporting House Resolution 960, and congratulate the Giants for their exciting season and remarkable win in Super Bowl XLII.

Mr. BUTTERFIELD. Mr. Speaker, I don't have any additional speakers at this time. It's just obvious that we have some Members on this floor today who are very proud of the New York Giants.

Thank you very much for the time. I yield back the balance of my time as well.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the resolution, H. Res. 960.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUTTERFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## DR. CLIFFORD BELL JONES, SR. POST OFFICE

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3468) to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3468

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DR. CLIFFORD BELL JONES, SR. POST OFFICE.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, shall be known and designated as the "Dr. Clifford Bell Jones, Sr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Clifford Bell Jones, Sr. Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

### GENERAL LEAVE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I'm pleased to join my colleagues today in the consideration of H.R. 3468, which seeks to name a postal facility on the campus of Elizabeth City State University in Elizabeth City, North Carolina, after a great American, Dr. Clifford Bell Jones, Sr. Mr. Speaker, this bill has the support of the entire North Carolina delegation.

Dr. Clifford Bell Jones, Sr., was born in Washington County, North Carolina, a very rural part of my congressional district. He and his family relocated to Virginia, and Dr. Jones spent his formative years in Hampton. Later he attended Lutheran College in Greensboro, North Carolina. In 1923, Dr. Jones received a Bachelor of Science degree from the great Shaw University in Raleigh, North Carolina; and Dr. Jones earned a Doctor of Dental Surgery degree in 1927 from the historic Meharry Medical College in Nashville, Tennessee. Shortly after being awarded his dental degree, Dr. Jones began his professional life in Elizabeth City, North Carolina, where he practiced general dentistry for 66 years.

Mr. Speaker, I am particularly proud to sponsor this legislation because my father and Dr. Jones were very close friends. They were classmates at Shaw. They were classmates at Meharry, and they fought together in World War I and spent their lifetimes in service to their community.

Dr. Jones participated in many local and community activities in Elizabeth City. He was one of the first African Americans to run for the city council in Elizabeth City in 1957 and was defeated by only 28 votes. Later, in the 1960s, Dr. Jones was appointed to serve on the Elizabeth City-Pasquotank County School Board. He served as a deacon at the Cornerstone Missionary Baptist Church in Elizabeth City, and as a member of the Board of Trustees of the Museum of the Albemarle. He was a proud trustee emeritus of Elizabeth City State University.

As I said a moment ago, a veteran of World War I, he was a member of American Legion Post 223.

Dr. Jones was a member, as was my father, of Phi Beta Sigma Fraternity, and was a 32-degree Mason.

Dr. Jones was a member of numerous professional organizations that included the Eastern North Carolina Medical, Dental and Pharmaceutical Society, and the North Carolina Dental Society, among others.

Dr. Jones was the recipient of several awards and honors throughout his professional career. He received the Meharry Medical College President's Award for Service to Mankind. I accompanied Dr. Jones and my father back to Meharry for their 50th reunion in 1977. It was a great occasion.

Twice Dr. Jones was awarded the Delta Iota Chapter of Omega Psi Phi Fraternity's Certificate of Honor, and I'm sure the Speaker would take great pride in that, as the Speaker of the House today, the acting Speaker, is an Omega, for exceptional service to the citizens of northeastern North Carolina in the field of dentistry.

He was awarded a certificate of appreciation from the City Council of Elizabeth City for his invaluable services on the city's human relations committee.

Dr. Jones dedicated the better part of his 99 years serving mankind in his profession and through his community and involvement.

Sadly, Dr. Clifford Bell Jones, Sr., passed away several years ago and leaves a rich history.

Mr. Speaker, I want to thank Dr. Jones for his outstanding service to my home State of North Carolina and to our country.

I urge my colleagues to vote "aye" on H.R. 3468.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I rise today to urge the passing of this bill designating the post office in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office.

Dr. Jones led an honorable life serving his country, profession, and community with dignity for well over half a century.

A veteran of World War I, Dr. Jones returned home to earn his bachelor of science from Shaw University and ultimately his doctorate of dental surgery from Meharry Medical College Dental School in 1927. He began his professional career in Elizabeth City, North Carolina, and found himself at home. He practiced general dentistry there for 66 years.

Outside of the office, he remained extremely active in his community. With the encouragement of other council members, including the father of Mr. BUTTERFIELD, Dr. Jones ran for city council in 1957. He was defeated by just 28 votes. Though he did not win the seat, he was one of the first African Americans to run for city council.

In the 1960s, Dr. Jones served on the Elizabeth City-Pasquotank County School Board and as deacon at his church.

Throughout his life, Dr. Jones' contributions were recognized by those whom he touched. Among his many honors he received the Meharry Medical College President's Award for Service to Mankind and a special recognition award for loyalty and service to the dental profession from the Old North State Dental Society.

Though not a native, Elizabeth City lost one of their own when Dr. Jones passed away in 1995 at the age of 99.

I'm happy to rise today in support of this legislation honoring a dedicated professional, a wonderful human being, and a symbol of this community.

Mr. Speaker, I yield back the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I thank the gentleman for his kind words.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 3468.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## PRIVATE JOHNATHON MILLICAN LULA POST OFFICE

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3532) to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathon Millican Lula Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 3532

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PRIVATE JOHNATHON MILLICAN LULA POST OFFICE.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, shall be known and designated as the "Private Johnathon Millican Lula Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Private Johnathon Millican Lula Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

### GENERAL LEAVE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

□ 1615

Mr. BUTTERFIELD. Mr. Speaker, I'm pleased to join my colleagues today in the consideration of H.R. 3532 which seeks to name a postal facility in Lula, Georgia, after Private Johnathon Millican, a distinguished and heroic American serviceman.

H.R. 3532, which was introduced by Representative DEAL of Georgia, was introduced on September 14, 2007, and was considered and reported by the Oversight Committee on January 29, 2008, by a voice vote.

This measure has the support of the entire congressional delegation from the State of Georgia and provides us with yet another opportunity to pay tribute to a member of our country's armed service.

Johnathon Millican served his country proudly as a member of an airborne artillery brigade based out of Fort Richardson in Anchorage, Alaska, where I was a few weeks ago, and it is very cold out there, Mr. Speaker.

Private Millican gave his life in his service to our country when, on January 20, 2007, his unit was attacked by enemy insurgents in Karbala, Iraq. While Private Millican was only 20 years old when he lost his life in the line of duty, his service and faithful commitment to preserving the liberties and freedoms on which our Nation is built are sure to live on forever.

Mr. Speaker, let's remember and pay tribute to the ultimate sacrifice made by Private Millican. I urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, a mere 20 years old, Private First Class Johnathon Millican of Trafford, Alabama, displayed wisdom beyond his years when he once said, "You don't have to love the war, but you have to love the warrior."

It is an honor for me to speak today about Private Millican, a true American hero who epitomizes bravery and loyalty to his country and fellow comrades.

Soon after graduating high school in 2005, Johnathon Millican enlisted into the Army and was assigned to the 377th Parachute Field Artillery Regiment from Fort Richardson, Alaska. In Karbala, Iraq, on January 20, 2007, Private Millican was off duty in a communications room talking with his wife, Shannon, when an attack started. The attackers fired several rounds and a grenade into the room, and tragically, he and four fellow officers lost their lives. Private Millican had been in Iraq for just 3 months.

Family and friends will forever remember Johnathon Millican's dedication to the cause of freedom and his commitment to bringing that cherished freedom to the people around the world where he served. It is with gratitude for his bravery and sacrifice and for the sacrifice of those who loved him that I ask all Members to join me in naming the Lula, Georgia, postal facility located on McLeod Street in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I don't have any additional speakers. I will reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, at this time it is my privilege to recognize the very distinguished Member from Georgia (Mr. DEAL) for as much time as he would consume.

Mr. DEAL of Georgia. Mr. Speaker, I rise today to honor the memory of Army Private First Class Johnathon Miles Millican, dedicating the United States Post Office located in Lula, Georgia, as the "Private Johnathon Millican Lula Post Office."

Twenty-year-old Private First Class Johnathon Millican, a Hall County, Georgia, native, was killed by insurgents in Iraq while conducting a dismounted operation in Karbala on January 20, 2007. Private First Class Millican was off duty in a communications room talking with his wife when the attackers fired several rounds into the room with an AK–47 and one of them tossed in a concussion grenade. Courageously, he covered the grenade with his body, attempting to protect his comrades from the enemy intrusion. Private First Class Johnathon Millican was later awarded the Silver Star Medal of Honor for his courage, valor, and dedication for his fellow soldiers.

Johnathon Millican had attended Lula Elementary, East Hall Middle School, and East Hall High school in my home County of Hall. While in high school, Johnathon was active in the community, working the concessions stand at the community ballpark and coaching a 5-year-old T-Ball team. After graduating from high school in 2005, he moved to Locust Grove, Alabama, before enlisting in the Army. Johnathon was a member of the 377th Parachute Field Artillery Regiment from Fort Richardson, Alaska. Johnathon Millican left behind his wife, Shannon; his parents, Mitchell and Angie Millican; and Mary and Ronald Lykins and sisters, Amber'le, Ashley, and Amanda.

Mr. Speaker, I'm proud to rise today to pay tribute to this courageous young man and to join my constituents of Lula, Georgia, in naming the "Private Johnathon Millican Post Office." This honor will serve as a lasting reminder of the true recognition that is deserving of a fallen hometown hero who sacrificed his life to save the lives of his fellow soldiers.

Mr. Speaker, I include for the RECORD a copy of the letter from Mr. Milton Turner, the Mayor of the City of Lula, requesting that this post office be named the "Private Johnathon Millican Lula Post Office."

CITY OF LULA,
*Lula, GA, August 20, 2007.*

Subject: Consideration of Honorarium for PFC Johnathon Millican.

Congressman NATHAN DEAL,
*Wachovia Center, Jesse Jewell Parkway,*
*Gainesville, GA.*

DEAR CONGRESSMAN DEAL: This letter represents the request of the City of Lula to recognize and honor the sacrifice and contributions made by a local young man, a fallen hero, Private First Class Johnathon Millican with the recognition and honor of his service and dedication to his country the naming of the Lula Post Office located on McLoud Street. Our 20-year-old young hero (a Hall County Native), was killed by insurgents in Iraq on Jan. 20, he had covered an enemy concussion grenade with his body attempting to protect his comrades from the enemy intrusion and was one of five U.S. soldiers killed during the attack in Karbala.

Johnathon had attended Lula Elementary and East Hall Middle School and High School only recently moving to Locust Grove Alabama before enlisting in the Army. Millican was a member of the 377th Parachute Field Artillery Regiment from Fort Richardson, Alaska.

PFC Millican was off duty in a communications room exchanging e-mails with his wife when the Jan. 20 attack started. The attackers fired several rounds into the room with an AK47 and one of them tossed in a grenade. In an earlier interview, Mitchell Millican told The Birmingham News his son was on one knee facing the door "ready to shoot" at that point and "He could just as easily have jumped behind a desk or ducked down or whatever, but he chose to cover the grenade" Mitchell Millican said "and, to me, that shows character".

We know of your commitment to our service men and woman and know how moved you were at his loss; this honor would help to establish the true recognition deserving of a fallen hero. Also we would encourage your efforts to move forward the campaign to have the pentagon award PFC J. Millican with the "Medal of Honor" a process which we realize could take months or even years.

Further we hope to have the opportunity in the near future to honor Jonathon's heroics here in Hall County and depending on your guidance will await some possible timetable for suggested dedication. Please advise the city of your schedule allowing your attendance and participation.

Best regards,

MAYOR MILTON TURNER.

Mr. BACHUS. Mr. Speaker, it is my honor to express my full support for H.R. 3532, naming the Federal post office in Lula, Georgia, in honor of PFC Johnathon Millican. It is a fitting tribute to a brave solider.

This recognition from the community where Johnathon spent his boyhood comes in addition to the inspiring ceremony held last July 28 at Locust Fork High School in Alabama, where Johnathon received his diploma. It was my great privilege to participate in the ceremony, in which Johnathon's wife and father were presented with his posthumous Silver Star award.

Johnathon's actions during the raid on Karbala on January 20, 2007 are the embodiment of the scriptural passage that says there is no greater love for a man than to lay down his life for his friends. His valor saved the lives of his fellow soldiers, and he died defending freedom.

At this time, allow me to introduce the remarks I made during the ceremony into the RECORD.

The actions of Johnathon Millican embody the same scriptural passage that we've heard at funerals of many of our veterans. It is: Greater love has no man than this, that one lay down his life for his friends.

Johnathon's life was short, but his legacy will stand.

His father shared with me a conversation he had with Johnathon just before he graduated here. Many of Johnathon's classmates were planning for college. Others had lined up a job. Still others were talking about how they were going to spend their summers, the things they were going to do.

Johnathon had already made another decision. He was going to enlist in the Army. The call to duty to serve his country was strong in the aftermath of 9/11.

Johnathon knew there would be personal sacrifices involved. He knew the fight would not be easy. In fact, his father reminded him that it could be dangerous. Johnathon accepted that. But Johnathon believed in the mission. From Iraq, he posted an observation on the Internet which I wish everyone in this country would observe.

The quote is, "You don't have to love the war but you have to love the warrior."

One definition of warrior is "someone notable strength of spirit."

Johnathon resoundingly demonstrated those qualities this past January 20th, when insurgents broke into the government compound in Karbala.

I think it is Johnathon's valor and our concern for all our young men and women in the field that brings us together. The Silver Star Award has given each and every one of us an opportunity to thank Johnathon and his family in a tangible way for his service and his courage. I very much appreciate each and every one of you who have come out this morning to show your love, your compassion, and your gratitude to Johnathon and his family.

It's a struggle to find the right words at a time like this. I think it's best to go to the soldiers in the field. Let me read from the email sent to me this week from Iraq by Captain Tom Morris, who was Johnathon's commanding officer.

"As a commander of troops in combat, losing your soldiers is harder than losing family members. Speaking at Johnathon's memorial service was the hardest thing I ever had to do.

"It brings me great pleasure to know that he is being awarded the Silver Star and that there will be a memorial at his high school in his honor. I believe the most important thing to do is to tell his story to those who do not know it, especially those who attend his school.

"I will always remember him, especially his deep southern accent and that he was a country boy who was the toughest there was and that nothing really bothered him. I can only hope that I can be as strong, both mentally and physically, as he was.

"He will be missed, but never forgotten. He was my soldier, friend, and fellow paratrooper."

"Hero" is an overused word these days. It's used to describe a TV actor or football player. There is a difference between fame and worthy accomplishment.

The reason we need to tell Johnathon's story is so people, especially our young men and women and boys and girls, do understand the difference between celebrity and heroism. The students who go past the memorial here at Locust Fork High School will know that a real hero walked their halls.

To conclude, a passage from Corinthians (16:13) is appropriate for Johnathon and all of the soldiers who protect us. It reads:

"Be on your guard, stand firm in the faith, be men of courage, be strong."

These words apply perfectly to Johnathon, and why he is deserving of the Silver Star being presented to his family today.

Mr. BUTTERFIELD. Mr. Speaker, I don't have any additional speakers. I yield back the balance of my time.

Mr. SHAYS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 3532.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## JAMAL RASHARD ADDISON POST OFFICE BUILDING

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4203) to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Jamaal RaShard Addison Post Office Building," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 4203

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SPECIALIST JAMAAL RASHARD ADDISON POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, shall be known and designated as the "Specialist Jamaal RaShard Addison Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Specialist Jamaal RaShard Addison Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

### GENERAL LEAVE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I am pleased to join my colleagues in the consideration of H.R. 4203, as amended, which names a postal facility in Lithonia, Georgia, after Army Specialist Jamaal Addison, the first soldier from Georgia to lose his life while serving in Iraq.

H.R. 4203, which has the support of the entire congressional delegation from the State of Georgia, was introduced by my friend, Representative Henry "Hank" Johnson, Jr., of the State of Georgia on November 15, 2007, and was considered by and reported from the Oversight Committee by voice vote on January 29, 2008.

Mr. Speaker, the measure before us pays tribute to the life and service of Army Specialist Jamaal RaShard Addison by renaming the post office in his hometown of Lithonia, Georgia, after him.

A brave member of the 507th Ordnance Maintenance Company in Fort Bliss, Texas, Army Specialist Jamaal

Addison died, unfortunately, on March 23, 2003, as a result of an enemy ambush near Nasiriyah, Iraq. Army Specialist Jamaal Addison was born on October 7, 1980, in the very town of Lithonia and spent his entire childhood there until enlisting in the United States Army in March of 2000.

As we pay tribute to this heroic American citizen, let's also take a moment and recollect on the thousands of men and women in uniform currently serving abroad in order to protect us here at home.

Mr. Speaker, I ask that we all proudly commemorate both the life and unfortunate death of Army Specialist Jamaal Addison by passing H.R. 4203. I want to commend the gentleman from Georgia (Mr. JOHNSON) for bringing forth this legislation and getting the entire delegation to support it.

At this time, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I rise today in support of this bill designating the United States postal facility located at 3035 Stone Mountain Street in Lithonia, Georgia as the "Jamaal RaShard Addison Post Office Building." A native of Georgia, Army Specialist Jamaal Addison was a "quiet, yet driven young man with a very gentle spirit." An honor roll student and member of the Junior ROTC, Jamaal graduated from Lakeside High School in Tucker, Georgia, in 1998.

His love of video games fostered a passion for computers. Driven by his desire to start his own computer business, Jamaal saw the military as an opportunity to develop his expertise as a computer technician. Enrolling in the Army in 2000, Specialist Addison spent a year in Korea before he was sent to the Middle East as part of the 507th Maintenance Company in the first days of the Iraqi War.

On March 23, 2003, the 507th convoy was ambushed and, tragically, Jamaal Addison lost his life. A dedicated husband, father, brother, and son, Specialist Addison was the first Georgian to pay the ultimate sacrifice in Iraq. His determination and caring spirit lives on through the Jamaal Addison Motivational Foundation, an organization founded by his mother, Patricia Roberts, to provide young members of the community with the opportunity to experience "wide options available to them to lead successful lives" and to "strive to achieve his or her highest potential."

I urge the passage of this bill in honor of an ambitious, caring, and dedicated American who sacrificed his life while serving his country, a true American patriot.

Mr. Speaker, I yield back the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from the Fourth Congressional District of Georgia (Mr. JOHNSON), the author and sponsor of this legislation, a friend who serves on the Armed Services Committee and the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 4203, my bill to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building."

The war in Iraq continues, and no matter what our differing opinions are on it, it is imperative that we honor those who have fallen serving our country. Specialist Jamaal RaShard Addison was one of the first to meet an untimely end, and it is my privilege to stand here today to honor him.

Jamaal was born on October 7, 1980, to Patricia M. Roberts and Kevin B. Addison. He was the first Georgia soldier to lose his life in the Iraq war. He is survived by his parents and his 6-year-old son, Jamaal RaShard Addison, the 2nd. Jamaal was a lifelong resident of the Fourth District of Georgia, which is where I represent, and he was raised in the City of Lithonia for most of his life from 1981 to 1998.

He attended Henderson Mill Elementary School, Henderson Middle School, and Lakeside High School. Motivated by the opportunity to train as a computer technician and to help provide for his family, Jamaal joined the ROTC at Lakeside High School in Decatur, Georgia, in 2000.

After enlisting in the United States Army, Jamaal completed his basic training at Fort Benning and also at Fort Gordon in Georgia before serving a year in Korea. As a member of the 507th Maintenance Company, Jamaal was part of the initial invasion of Iraq. He was killed just days after he arrived there on March 23, 2003, when his convoy took a wrong turn and was ambushed near Nasiriyah. He was just 23 years old.

□ 1630

Specialist Jamaal RaShard Addison was the first Georgia soldier to pay the ultimate price in the Iraq war. Out of this tragedy, however, has come some good in the form of the Jamaal Addison Motivational Foundation, Inc., founded by Jamaal's mother, Patricia Roberts.

The foundation works with young people to offer opportunities for positive growth and to expose youth to the wide options available to them to lead successful lives. It offers youth an 8-week program designed to motivate, teach, and inspire them to develop into citizens of stature to give back to the community.

I've had the pleasure of working with Mrs. Roberts and have seen firsthand the tremendous impact that this foundation has had upon our community. Jamaal's father, Kevin Addison, is a career postal worker; and so renaming this post office is a particularly fitting tribute to a fine young man who was an excellent father as well.

Specialist Jamaal RaShard Addison paid the ultimate price by giving his life in service to his country. He was the first of too many Georgians to perish in Iraq. This year marks the fifth anniversary of his untimely passing, and I am very pleased to be able to offer this bill in his memory.

America's fallen soldiers are heroes who deserve our enduring support. I ask my colleagues and all Americans to recognize those who have fallen and those who are currently serving by supporting this legislation.

Mr. BUTTERFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 4203, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the 'Specialist Jamaal RaShard Addison Post Office Building'."

A motion to reconsider was laid on the table.

## SERGEANT JAMIE O. MAUGANS POST OFFICE BUILDING

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5135) to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building."

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5135

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SERGEANT JAMIE O. MAUGANS POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, shall be known and designated as the "Sergeant Jamie O. Maugans Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Jamie O. Maugans Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

### GENERAL LEAVE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I join my colleagues today in consideration of H.R. 5135, which seeks to designate a postal facility in Derby, Kansas, in honor of Sergeant Jamie O. Maugans, the first soldier from Kansas to lose his life in Operation Enduring Freedom. That's the war in Afghanistan.

H.R. 5135 enjoys the support of the entire congressional delegation from the State of Kansas and was introduced by my colleague, Representative TODD TIAHRT, on January 23, 2008. The measure was taken up by the Oversight Committee on January 29, 2008, and was passed by voice vote.

H.R. 5135 calls for honoring Sergeant Maugans' service to our country by designating the post office in his home town of Derby, Kansas, as the Sergeant Maugans Post Office Building.

A graduate of Derby High School and a former student of the University of Kansas and Cowley County Community College, Sergeant Maugans served diligently as a member of the armed services since 1997.

Sergeant Maugans was an ordnance disposal specialist and stationed in San Diego, California, before being deployed to Afghanistan in the fall of 2001. On April 15, 2002, while deposing of ordnances near Kandahar, Afghanistan, Sergeant Maugans was killed along with three other soldiers in his unit when rockets which he was attempting to dismantle exploded.

Mr. Speaker, I urge the swift passage of H.R. 5135. And I apologize for not pronouncing the sponsor of the legislation's name correctly. I suspect I did not.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, in deference to the gentleman who introduced this bill, TODD TIAHRT, who is a member of the Appropriations Committee and is also on its Defense subcommittee and also a member of the Intelligence Committee, I'm going to insert my statement into the RECORD and then yield him as much time as he might consume.

Mr. Speaker, I rise today in support of this bill, designating the facility of the United States Postal Service located at 201 West Germany Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building."

A native of Derby, SGT Jamie Maugans was the first casualty of the global war on terror from the 4th Congressional District in Kansas.

A graduate of Derby High School, Sergeant Maugans attended the University of Kansas and Cowley Community College before joining the Army. Stationed in San Diego serving as an ordnance disposal specialist, he deployed to Afghanistan shortly after the attacks of 9/11 as part of Operation Enduring Freedom.

On April 15, 2002, while disposing of ordnance near Kandahar, Afghanistan, Sergeant Maugans, along with three others, lost his life in an accidental ordnance explosion.

Described by his friends as one of the "kindest, most gentle-hearted people on the planet," Jamie Maugans died preserving the lives of his fellow soldiers and the freedom of this Nation. I urge that we accept this bill to honor that spirit of sacrifice embodied by Sergeant Maugans.

Mr. TIAHRT. Mr. Speaker, first I want to thank the gentleman from North Carolina for carrying this bill and also the gentleman from Connecticut for yielding to me and for the great job he's doing here in the House of Representatives.

Mr. Speaker, I am also honored to have to carry this bill. And, today, Congress has the honor to approve the bill, naming the post office in Derby, Kansas, after a true American hero, SGT Jamie O'Dell Maugans.

Sergeant Maugans was the first casualty of the global war on terror from the 4th District of Kansas, a district that has experienced 12 casualties in this war. A Derby native, Sergeant Maugans graduated from Derby High School and attended Cowley County Community College and the University of Kansas before joining the Army.

When the terrorists attacked our Nation on September 11, 2001, Jamie was serving as an ordnance disposal specialist stationed in San Diego, California. Shortly after those attacks, he was deployed in Afghanistan in connection with Operation Enduring Freedom. On April 15, 2002, while disposing of ordnance near Kandahar, Afghanistan, Sergeant Maugans was killed.

The explosion also took the lives of three other soldiers, including fellow Kansan, SSG Justin Galewski from Olathe. Jamie was only 27 years old.

Sergeant Maugans left behind a loving family and friends in Kansas. I know his mother, Kathy Wurdeman, and his father, Bryce Maugans, his step-mother, Mary Maugans, and his brother and four sisters are very proud of Jamie and his service to this country. I am honored to have worked with the Maugans family and the Derby community on this effort.

Although this bill names the Derby Post Office building after Sergeant Maugans, this endeavor is not only a way to honor Jamie, but a way to honor all those from Kansas who have died in defense of this Nation from radical Muslims.

As the first casualty from my district, Jamie's life and memory are a representation of all those who have lost their lives in the global war on terror. I hope this effort will be a reminder to everyone in south central Kansas of the sacrifice that so many veterans have made for our country and our freedoms.

Let me take just a few moments to read the names of all those from the 4th District of Kansas who have died in Iraq and Afghanistan so that their sacrifice is honored:

SGT Jerry W. Mills, Jr., from Arkansas City, Kansas, died on November 29, 2005.

SGT Evan S. Parker, also from Arkansas City, died on October 26, 2005.

SGT Alexander J. Funcheon from Bel Aire died on April 29, 2007.

PFC Class Ryan R. Cox from Derby died on June 15, 2001.

SPC Joseph F. Herndon II, also from Derby, died on July 29, 2004.

SPC Dustin K. McGaugh from Derby died on September 30, 2001.

SGT Willsun Mock from Harper died on October 22, 2006.

SPC Eric C. Palmer from Maize died on June 24, 2007.

SSG David R. Berry from Wichita died on February 22, 2007.

PFC Chad E. Marsh from Wichita died on February 17, 2007.

And 1SG Timmy J. Millsap from Wichita died on April 25, 2005.

In addition, at this time I will submit a statement for the RECORD and include all the names of Kansans who have died in the global war on terror.

Mr. Speaker, below are the names of the fallen heroes from Kansas who have died in the global war on terror. These brave men paid the ultimate sacrifice in service to a grateful Nation. Although we are naming the post office after one of their comrades, I hope this effort honors all those who have died in defense of America.

Staff Sergeant Clinton Lee Wisdom from Atchison died on November 8, 2004.

2nd Lieutenant James Michael Goins from Bonner Springs died on August 15, 2004.

Lance Corporal Brian A. Escalante from Dodge City died on February 17, 2007.

Private 1st Class Shane R. Austin from Edgerton died on October 8, 2006.

Staff Sergeant Dustin W. Peters from El Dorado died on June 11, 2004.

Corporal Juan C. Cabralbanuelos from Emporia died on January 31, 2004.

Sergeant Christopher R. Kruse from Emporia died on November 13, 2007.

Specialist David J. Lane from Emporia died on September 4, 2007.

Sergeant 1st Class Travis S. Bachman from Garden City died on August 1, 2007.

Specialist Clinton R. Upchurch from Garden City died on January 7, 2007.

Corporal Richard A. Bennett from Girard died on May 27, 2006.

Sergeant William W. Crow Jr. from Grandview Plaza died on June 28, 2007.

Sergeant Jessie Davila from Greensburg died on February 20, 2006.

Specialist John Edward Wood from Humboldt died on October 7, 2006.

Sergeant Christopher S. Perez from Hutchinson died on May 23, 2005.

Sergeant Courtney D. Finch from Leavenworth died on July 24, 2007.

Corporal David M. Unger from Leavenworth died on October 17, 2006.

Lance Corporal Jose S. Marin-Dominguez Jr. from Liberal died on May 14, 2006.

Staff Sergeant Henry W. Linck from Manhattan died on December 7, 2006.

Lance Corporal Christopher B. Wasser from Ottawa died on April 8, 2004.

Staff Sergeant Kevin L. Zeigler from Overland Park died on August 12, 2006.

Private 1st Class Peter D. Wagler from Partridge died on January 23, 2006.

Specialist Joseph L. Lister from Pleasanton died on November 20, 2003.

Sergeant Ian C. Anderson from Prairie Village died on January 15, 2007.

Corporal Michael Raymond Speer from Redfield died on April 9, 2004.

Private Dustin L. Kreider from Riverton died on March 21, 2004.

Specialist Lucas A. Frantz from Tonganoxie died on October 18, 2005.

Private Jeremy L. Drexler from Topeka died on May 2, 2004.

Specialist Kyle G. Thomas from Topeka died on September 25, 2003.

Specialist Don Allen Clary from Troy died on November 8, 2004.

Sergeant Jacob Lee Butler from Wellsville died on April 1, 2003.

Specialist Michael D. Brown from Williamsburg died on October 16, 2007.

Sergeant Benjamin C. Morton from Wright died on May 22, 2005.

Staff Sergeant Justin J. Galewski from Olathe died on April 15, 2002.

Sergeant Michael C. Barry from Overland Park died on February 1, 2003.

Specialist David E. Hall from Union Town died on February 25, 2004.

Corporal Jeremiah S. Cole from Hiawatha died on August 16, 2006.

Sergeant 1st Class Bernard Lee Deghand from Mayetta died on September 15, 2006.

Sergeant Charles J. McClain from Fort Riley died on October 31, 2006.

Sergeant Jeffery S. Mersman from Parker died on November 9, 2007.

Sergeant Jerry W. Mills, Jr., from Arkansas City died on November 29, 2005.

Sergeant Evan S. Parker from Arkansas City died on October 26, 2005.

Sergeant Alexander J. Funcheon from Bel Aire died on April 29, 2007.

Private 1st Class Ryan R. Cox from Derby died on June 15, 2003.

Specialist Joseph F. Herndon II from Derby died on July 29, 2004.

Specialist Dustin K. McGaugh from Derby died on September 30, 2003.

Sergeant Willsun Mock from Harper died on October 22, 2006.

Specialist Eric C. Palmer from Maize died on June 24, 2007.

Staff Sergeant David R. Berry from Wichita died on February 22, 2007.

Private 1st Class Chad E. Marsh from Wichita died on February 17, 2007.

1st Sergeant Timmy J. Millsap from Wichita died on April 25, 2005.

Mr. Speaker, by naming this post office building the Jamie O. Maugans Post Office, I hope that everyone in south central Kansas will come to know and remember this young man and his sacrifice. Furthermore, I hope that we can all recommit ourselves to honor those who have fallen in battle in defense of this Nation. I ask my colleagues to support this important effort.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

Mr. BUTTERFIELD. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 5135.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## CELEBRATING THE BIRTH OF ABRAHAM LINCOLN

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 281) celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

### H. CON. RES. 281

Whereas Abraham Lincoln, the 16th President of the United States, was born of humble roots on February 12, 1809, in Hardin County, Kentucky;

Whereas Abraham Lincoln rose to political prominence as an attorney with a reputation for fairness, honesty, and a belief that all men are created equal and that they are endowed by their Creator with certain unalienable rights;

Whereas Abraham Lincoln was elected and served with distinction in 1832 as a captain of an Illinois militia company during the Black Hawk War;

Whereas Abraham Lincoln was elected to the Illinois legislature in 1834 from Sangamon County and was successively reelected until 1840;

Whereas Abraham Lincoln revered the Declaration of Independence, forming the motivating moral and natural law principle for his opposition to the spread of slavery to new States entering the Union and to his belief in slavery's ultimate demise;

Whereas Abraham Lincoln was elected in 1846 to serve in the United States House of Representatives, ably representing central Illinois;

Whereas Abraham Lincoln re-entered political life as a reaction to the passage of the Kansas-Nebraska Act in 1854 which he opposed;

Whereas Abraham Lincoln expounded on his views of natural rights during the series of Lincoln-Douglas debates in 1858 declaring in Charleston, Illinois that natural rights were ". . . enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness" and these views brought Lincoln into national prominence;

Whereas Abraham Lincoln, through a legacy of courage, character, and patriotism, was elected to office as the 16th President of the United States on November 6, 1860;

Whereas Abraham Lincoln believed the Declaration of Independence to be the anchor of American republicanism, stating on February 22, 1861, during an address in Philadelphia, Pennsylvania at Independence Hall that, "I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence . . . I have often inquired of myself, what great principle or idea it was that kept this Confederacy so long together. It was not the mere matter of separation of the Colonies from the motherland; but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but, I hope, to the world, for all future time. It was that which gave promise that in due time the weight would be lofted from the shoulders of men";

Whereas, upon taking office and being thrust into the throes of the Civil War, President Abraham Lincoln wrote the Emancipation Proclamation, freeing all slaves in southern States that seceded from the Union on January 1, 1863;

Whereas, on November 19, 1863, Abraham Lincoln dedicated the battlefield at Gettysburg, Pennsylvania with the Gettysburg address, which would later be known as his greatest speech, that harkened back to the promises of the Declaration of Independence in the first sentence: "Four score and seven years ago, our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal";

Whereas Abraham Lincoln was reelected to the Presidency on November 8, 1864, by 55 percent of the popular vote;

Whereas Abraham Lincoln gave the ultimate sacrifice for his country, dying six weeks into his second term on April 15, 1865;

Whereas the year 2009 will be the Bicentennial anniversary of the birth of Abraham Lincoln, and the United States will observe 2 years of commemorations beginning February 12, 2008; and

Whereas all Americans could benefit from studying the life of Abraham Lincoln as a model of achieving the American Dream through honest, integrity, loyalty, and a lifetime of education: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the United States Congress—

(1) requests that the President issue a proclamation each year recognizing the anniversary of the birth of President Abraham Lincoln and calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities; and

(2) encourages State and local governments and local educational agencies to devote sufficient time to study and appreciate the reverence and respect Abraham Lincoln had for the significance and importance of the Declaration of Independence in the development of American history, jurisprudence, and the spread of freedom around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

### GENERAL LEAVE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I join my colleagues in consideration of

H. Con. Res. 281, which celebrates the birth of Abraham Lincoln and recognizes the prominence the Declaration of Independence played in the development of Lincoln's beliefs.

H. Con. Res. 281 enjoys the support and cosponsorship of 54 Members of Congress and was introduced by Representative DONALD MANZULLO of Illinois on January 23, 2008. A similar measure, Mr. Speaker, S. Con. Res. 65, has been sponsored by our friend, Senator RICHARD DURBIN.

As we honor Abraham Lincoln, it is important to note that the United States Abraham Lincoln Bicentennial Commission was established by this Congress in 2000 to plan the national observance of the 200th anniversary of Abraham Lincoln's birth in 2009.

The mission of the commission is to commemorate the 200th birthday of Abraham Lincoln, emphasizing the contribution of his thoughts and his ideals to America and to the world and serving as a catalyst for strengthening freedom, democracy, and equal opportunity for all.

The commission, which is co-chaired by Senator RICHARD DURBIN and Representative RAY LAHOOD, is focused on informing the public about the impact Abraham Lincoln had on the development of our Nation and finding the best possible ways to honor his accomplishments.

The commission states: "During the gravest crisis in American history, Lincoln preserved the Union, led the effort to eradicate slavery, and articulated the best aspirations of American democracy. We propose recalling these accomplishments in ways that will enlighten and inspire us both today and tomorrow. Remembering our past, we can better light the way to our future."

For the next 2 years, there are numerous events scheduled to commemorate Abraham Lincoln. They include a rededication of the Lincoln Memorial here in Washington, DC, in 2009, citizenship ceremonies at Lincoln sites throughout that year, a redesigned 2009 penny series and $5 bill series, a 2009 bicentennial commemorative dollar coin and commemorative stamps.

Mr. Speaker, I urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I rise today to honor the life of our 16th President, Abraham Lincoln, on the 199th anniversary of his birth in Hardin Country, Kentucky.

In the history of this great Nation, the Presidency of Abraham Lincoln can be counted among the best of the best. President Lincoln saved the Union not only from its dissolution through the Civil War, but from its own immoral practice of slavery.

From his earlier years in Kentucky and Illinois to his time in the State legislature and his term in this House, Abraham Lincoln developed a political animus fueled by an unshakeable belief in the natural rights espoused by the Founding Fathers four score and 87 years before he dedicated that sacred ground at Gettysburg. Those natural rights were most clearly enumerated by the Declaration of Independence as life, liberty, and the pursuit of happiness.

Addressing Independence Hall in Philadelphia, Pennsylvania, in 1861, President Lincoln credited the wisdom of the Fathers with absolute clarity. "I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence," so he spoke.

President Lincoln's service to his country began in 1832 when he served with distinction and was elected to the rank of captain of an Illinois militia company in the Black Hawk War. That military service preceded his entry into politics when he was elected to the State legislature in 1834, where he served the citizens of Sangamon County until 1840.

In 1846, President Lincoln moved on to serve in the U.S. House of Representatives, serving one term before he decided not to seek reelection and return to private practice as a lawyer. Spurred by the turmoil that gripped the Nation after the passage of the Kansas-Nebraska Act of 1854, Lincoln decided to reenter the public arena, lending his clarion voice to the cause of liberty.

□ 1645

While speaking on the repeal of the Missouri Compromise in Peoria, Illinois, in July, 1854, then former Congressman Lincoln declared, "No man is good enough to govern another man without the other's consent."

In August 1858, Lincoln wrote, "As I would not be a slave, so I would not be a master. This expresses my idea of democracy."

In his letter to Massachusetts Representative Henry L. Pierce in 1859, Lincoln wrote, "Those who deny freedom to others deserve it not for themselves."

In 1860, Abraham Lincoln took his political and moral philosophy to the White House in the midst of a national crisis that would lead the Nation to civil war. Abraham Lincoln's singular vision that the Union must be preserved guided this Nation through its darkest days.

Reelected with a clear majority in 1864, Lincoln saw the forces of liberty prevail as the war ended with the Union intact and slavery abolished. On April 15, 1865, a mere 6 weeks into his second term, President Lincoln was struck down by an assassin's bullet.

Two hundred years after he was born and 143 years after he sacrificed his life for his country, Abraham Lincoln is bound up in the mystic chords of our national memory as the man who fulfilled the promises of liberty and equality and humanity first put forth in our founding Declaration.

Mr. Speaker, the originator of this resolution, DON MANZULLO, is on a plane, so obviously we can't yield him time. But I do want to point out that he offered this resolution and he has a statement which will be inserted into the RECORD.

I would just like to say that on the 150th anniversary of Lincoln's birth, Carl Sandberg, addressed Congress in this Chamber after it had officially adjourned. I highly recommend his address to anyone who loves this great American President.

Mr. Sanderg pointed out that Lincoln went to Gettysburg believing he would lose the next election, and in spite of that, instead of doing what political consultants would urge someone to do today, speak angrily about the South who couldn't vote for him, to unite the North to support him, Sandberg pointed out Lincoln spoke of the "brave men living and dead who fought here." He didn't speak of North or South. This magnificent President was trying to heal the Nation. That came first. And as Carl Sandberg points out, this was at a time when American families had their sons fighting on both sides, and in one particular instance in one battle, a family lost both sons, one in Confederate gray and the other in northern blue. And they buried them on top of each other, with these words "Only God knows which one was right."

We can never study enough about this great President. The lessons he teaches us are lessons that we all could benefit from, still today, and in the future.

Mr. Speaker, I yield back the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I want to thank the gentleman for his passion and for his comments on the life and work of Abraham Lincoln.

Mr. CONYERS. Mr. Speaker, H. Con. Res. 281 celebrates the birth of Abraham Lincoln and recognizes the prominence the Declaration of Independence played in the development of his beliefs.

I am honored and pleased to stand with my friends in the Illinois delegation as we honor our 16th President on his 199th birthday and kick off the nationwide bicentennial celebration of his birth.

Abraham Lincoln has achieved universal recognition as one of the greatest Presidents in American history. Today we recognize the life and legacy of the man who had the moral courage and political acumen to end the abominable practice of slavery in America and to save an imperiled Union from secession and civil war.

We also emphasize the prominent role the Declaration of Independence played in President Lincoln's political philosophy. President Lincoln often cited the Declaration of Independence as a basis for his opposition to slavery and as his inspiration for saving the Union.

On his inaugural journey to Washington, President Lincoln stopped in Philadelphia at the site where the Declaration of Independence had been signed and declared, "I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence." In the Gettysburg Address, he defined the end of the war as a rededication to the ideals of that founding document.

H. Con. Res. 281 calls upon the President to issue an annual proclamation recognizing the anniversary of the birth of our 16th President. It recognizes the activities of the Abraham Lincoln Bicentennial Commission, which initiates two years of commemorations beginning on February 12, 2008. It also encourages local governments and schools to spend sufficient time studying President Lincoln and his devotion to the Declaration of Independence. I urge my colleagues to give their enthusiastic support to this important legislation.

Mr. MANZULLO. Mr. Speaker, it is with a great honor and a sense of humility as the senior Republican from the Land of Lincoln that I offer this resolution to celebrate the birthday of our Nation's 16th President. I want to first offer my deep thanks and gratitude to the chairman and ranking minority member of the Oversight and Government Reform Committee, Mr. WAXMAN of California and Mr. DAVIS of Virginia, respectively, for allowing this resolution to come up on the floor to coincide with President Lincoln's birthday. I recognize that this was an unusual procedure and that normal committee protocol was waived to expedite consideration of this resolution to time with Lincoln's birthday today. I also want to offer my profound appreciation to my good friend and fellow Illinoisan, Representative DANNY DAVIS of Chicago, who made all of this possible to happen today.

Abraham Lincoln was born 199 years ago today to Thomas Lincoln and Nancy Hanks at Knob Creek Farm near Hodgenville, Kentucky, in Hardin County. Today starts a series of celebrations over the next 2 years to commemorate the life of Abraham Lincoln based on the Abraham Lincoln Bicentennial Commission Act, which was signed into law by President Bill Clinton in 2000. These commemorations include a special kick-off ceremony at Lincoln's boyhood home, the redesign of the Lincoln penny, a special bicentennial postage stamp, a rededication of the Lincoln Memorial, and a special joint session or meeting of Congress for ceremonies and activities related to Abraham Lincoln. I am absolutely delighted that the House will join in this kick-off celebration in Kentucky, albeit delayed because of an ice storm, with the debate over this resolution. This resolution will continue honoring Lincoln's legacy beyond the next 2 years by requesting the President to issue a proclamation every year in his honor as he does for many other great figures of American history.

In the fall of 1816, Thomas and Nancy Lincoln packed their belongings and their two children—Sarah, 9, and Abraham, 7—and left Kentucky bound for the new frontier of Spencer County in southern Indiana. Abraham Lincoln lived in Indiana for the next 14 years until he was 21 years old. However, in October 1818, when Abraham was 9 years old, his mother, Nancy Hanks Lincoln, died. His feelings for her were still strong some 40 years later when he said, "All that I am or hope to be, I owe to my angel mother."

In 1830, Thomas Lincoln, then re-married, decided to move the family to another new frontier—this time to the tiny village of Decatur, Illinois, located in Macon County. Hard working and intellectually inquisitive, Abraham Lincoln's first foray into public service came in 1832 when he was elected and served as a captain of an Illinois militia company during the Black Hawk War. Following his military service, Lincoln was elected to the Illinois legislature in 1834 from Sangamon County and was successively reelected until 1840. In 1846, Abraham Lincoln was elected to serve in this great House, where he ably represented central Illinois in the seat now held by my good friend and colleague, Representative RAY LAHOOD.

Lincoln grew to prominence as an attorney and a legislator with a reputation for fairness, honesty, and a belief that all men are created equal, endowed by their Creator with certain unalienable rights. He founded these beliefs in the ideals of the Declaration of Independence—a document which, as President, he would cite frequently as his inspiration for saving the Union and as the basis for his opposition to slavery. During a speech at Independence Hall in 1861, Lincoln stated, "I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence . . . [it is these sentiments] which gave liberty, not alone to the people of this country, but, I hope, to the world, for all future time." Lincoln's belief in the principles espoused by the Declaration formed the motivating moral and natural law principle for his opposition to the spread of slavery and his belief in slavery's ultimate demise.

Lincoln found his belief in the equality of men to be directly at odds with the passage of the Kansas-Nebraska Act in 1856. This legislation promulgated the concept of "popular sovereignty"—the idea that State citizens should be able to determine the presence of slavery in their State by popular referendum. Lincoln's strong feelings against the passage of the Kansas-Nebraska Act propelled Lincoln to return to politics, and he began a bid for the U.S. Senate.

During his campaign for the Senate, Lincoln engaged in a series of seven debates with his opponent, Stephen Douglas. Now known as the Lincoln-Douglas debates, Lincoln's eloquence and studied opposition to the spread of slavery brought him into national prominence.

The second of these debates was held in Freeport, Illinois, a city in the district that I am privileged to represent, and was the origin of what is now known as the "Freeport Doctrine." Cornered by Lincoln into choosing between the notion of popular sovereignty or the prohibition against outlawing slavery put forth by the infamous Dred Scott Supreme Court decision, Stephen Douglas responded that slavery could be prevented from any territory by the refusal of the people living in that territory to pass laws favorable to slavery. Likewise, if the people of the territory supported slavery, legislation would provide for its continued existence. While this doctrine would see Douglas reelected to the Senate over Lincoln, it would be a key factor in his loss in the 1860 Presidential election.

Lincoln's performance in the debates won him national prominence and a reputation for courage, character, and patriotism. These factors played heavily into his election to office as the 16th President of the United States on November 6, 1860.

Upon taking office, Lincoln was thrust into the throes of the Civil War. Leading a partitioned Union, Lincoln relied heavily on his political ideals born of the Declaration of Independence. On January 1, 1863, Lincoln issued what would become the most iconic document of his Presidency—the Emancipation Proclamation, freeing all the slaves in southern States that seceded from the Union. His commitment to the promises of the Declaration of Independence were further evidenced in the opening lines of his greatest speech at Gettysburg: "Four score and seven years ago, our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal."

On November 8, 1864, Abraham Lincoln was reelected to the Presidency by 55 percent of the popular vote. He continued to act as a courageous and principled leader until he was assassinated by John Wilkes Booth on April 14, 1865. Abraham Lincoln died on April 15, 1865.

Abraham Lincoln's profound and courageous belief in the equality of men and the sacredness of the American Union propelled him forward as one of the greatest Presidents our Nation has known. Last Sunday, at a White House ceremony honoring Abraham Lincoln, President George W. Bush said, "he, of all the successors to George Washington, none had greater impact on the presidency and on the country . . . He was a fabulous man, a great President. His life was one of humble beginnings, and steadfast convictions. And so we celebrate his deeds, we lift up his ideals, and we honor this good man."

Lincoln is a hero to so many of us here in this House on both sides of the aisle, as he is to me. The prominence of President Abraham Lincoln is an undisputed fact of American history. The man best known for freeing the slaves and saving an imperiled Union has attained iconic status among historians and citizens alike as evidenced by best selling books such as Team of Rivals by Doris Kearns Goodwin that documented the political genius of Lincoln in winning the Presidency and governing the Nation.

And yet; this man of great genius, compassion and acumen lacks official Federal recognition for the day of his birth, February 12, because what is popularly known as President's Day is legally Washington's Birthday. While I do not wish to diminish the contributions George Washington made to the establishment of this great country, this resolution will finally give Lincoln his due without the cost of a separate Federal holiday by simply requesting the President each year to issue a proclamation honoring this great man and encouraging the people of the United States to observe his birthday with appropriate ceremonies and activities. The resolution also encourages State and local governments and local educational agencies to study and appreciate the reverence and respect Abraham Lincoln had for the Declaration of Independence in the development of American history, jurisprudence, and the spread of freedom around the world.

Mr. Speaker, I urge my colleagues to join me in honoring Abraham Lincoln today and in recognizing the profound influence the Declaration of Independence had upon Lincoln's political philosophy as a model for us to emulate.

Mr. BUTTERFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 281.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUTTERFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, February 11, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*The Capitol, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 11, 2008, at 4:12 p.m. and said to contain a message from the President whereby he submits the Economic Report of the President and the 2008 Annual Report of the Council of Economic Advisers.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
*Clerk of the House.*

## ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–83)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

*To the Congress of the United States:*

Over the past 6 years of economic expansion, the American economy has proven its strength and resilience, Job creation grew uninterrupted for a record period of time, inflation remains moderate, unemployment is low, and productivity continues to grow. The economy is built upon a strong foundation, with deep and sophisticated capital markets, flexible labor markets, low taxes, and open trade and investment policies.

Americans should be confident about the long-term strength of our economy, but our economy is undergoing a period of uncertainty, and there are heightened risks to our near-term economic growth. To insure against these risks, I called upon the Congress to enact a growth package that is simple, temporary, and effective in keeping our economy growing and our people working.

There is more we should do to strengthen our economy. First, we must keep taxes low. Unless the Congress acts, most of the tax relief that we have delivered over the past 7 years will be taken away and 116 million American taxpayers will see their taxes rise by an average of $1,800. The tax relief of the past few years has been a key factor in promoting economic growth and job creation and it should be made permanent. We must also work together to tackle unfunded obligations in entitlement programs such as Social Security, Medicare, and Medicaid, I have laid out a detailed plan in my Budget to restrain spending, cut earmarks, and balance the budget by 2012 without raising taxes.

Second, we must trust Americans with the responsibility of homeownership and empower them to weather turbulent times in the market. My Administration has acted aggressively to help credit-worthy homeowners avoid foreclosure. We launched a new initiative called FHASecure to help families refinance their homes. I signed legislation to protect families from higher taxes when lenders forgive a portion of their home mortgage debt. We have also brought together the HOPE NOW alliance, which is helping many struggling homeowners avoid foreclosure by facilitating the refinancing and modification of mortgages. The Congress can do more to help American families keep their homes by passing legislation to reform Freddie Mac and Fannie Mae, modernize the Federal Housing Administration, and allow State housing agencies to issue tax-free bonds to help homeowners refinance their mortgages.

Third, we must continue opening new markets for trade and investment. We have an unprecedented opportunity to reduce barriers to global trade and investment through a successful Doha round. The Congress should also approve our pending free trade agreements. I thank the Congress for its approval of a good agreement with Peru, and ask for the approval of agreements with Colombia, Panama, and South Korea. These agreements will benefit our economy by providing greater access for our exports and supporting good jobs for American workers, and they will promote America's strategic interests. I have asked the Congress to reauthorize and reform trade adjustment assistance so that we can help those workers who are displaced by trade to learn new skills and find new jobs.

Fourth, we must make health care more affordable and accessible for all Americans. I have proposed changes in the tax code that would end the bias against those who do not receive health insurance through their employer and would make it easier for many uninsured Americans to obtain insurance. This reform would put private health care coverage within reach for millions. My Budget also improves access to health care by increasing the power of small employers, civic groups, and community organizations to negotiate lower-priced health premiums. These policies would encourage competition among health plans across State lines, help reduce frivolous lawsuits that increase patients' costs, and promote the use of health savings accounts.

Fifth, we must increase our energy security and confront climate change. Last year, I proposed an ambitious plan to reduce U.S. dependence on oil and help cut the growth of greenhouse gas emissions. I am pleased that the Congress responded, and I was able to sign into law a bill that will increase fuel economy and the use of alternative fuels, as well as set new efficiency mandates on appliances, light bulbs, and Federal Government operations. In my State of the Union Message, I proposed that we take the next steps to accelerate technological breakthroughs by funding new technologies to generate coal power that captures carbon emissions, advance emissions-free nuclear power; and invest in advanced battery technology and renewable energy. I am also committing $2 billion to a new international clean technology fund that will help developing nations make greater use of clean energy sources. Additionally, my Budget proposes to protect the economy against oil supply disruptions by doubling the capacity of the Strategic Petroleum Reserve.

Finally, a strong and vibrant education system is vital to maintaining our Nation's competitive edge and extending economic opportunity to every citizen. Six years ago, we came together to pass the No Child Left Behind Act, and no one can deny its results. Now we must work together to increase accountability, add flexibility for States and districts, reduce the number of high school dropouts, and provide extra help for struggling schools.

Many of these issues are discussed in the 2008 Annual Report of the Council of Economic Advisers. The Council has prepared this Report to help policymakers understand the economic conditions and issues that underlie my Administration's policy decisions. By relying on the foundation and resilience of our economy, trusting the decisions of individuals and markets and pursuing pro-growth policies, we should have confidence in our prospects for continued prosperity and economic growth.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 2008.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, February 8, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 8, 2008, at 2:22 p.m.:

That the Senate agreed to without amendment H. Con. Res. 273.

That the Senate agreed to S. Con. Res. 67.

That the Senate agreed to S. Con. Res. 68.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, February 12, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 12, 2008, at 10:30 a.m.:

That the Senate agreed to S. Res. 446.

That the Senate passed S. 2071.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the passing of the gentleman from California (Mr. LANTOS), the whole number of the House is 429.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 55 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BALDWIN) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 954, by the yeas and nays;

H. Res. 909, by the yeas and nays;

H. Con. Res. 281, by the yeas and nays.

The vote on H. Res. 960 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## HONORING THE LIFE OF SENIOR BORDER PATROL AGENT LUIS A. AGUILAR

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 954, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and agree to the resolution, H. Res. 954, as amended.

The vote was taken by electronic device, and there were—yeas 357, nays 0, not voting 71, as follows:

[Roll No. 43]

YEAS—357

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Reynolds
Richardson
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen

Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz

Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)

Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—71

Ackerman
Bartlett (MD)
Bean
Blumenauer
Bono Mack
Brown, Corrine
Burton (IN)
Buyer
Cantor
Chandler
Clay
Costa
Cuellar
Cummings
Davis (KY)
Davis, Tom
Doyle
Engel
Flake
Franks (AZ)
Gilchrest
Green, Gene
Gutierrez
Hayes

Hinchey
Hinojosa
Honda
Hulshof
Inglis (SC)
Jefferson
Johnson (IL)
Kagen
Kuhl (NY)
Lampson
Lewis (KY)
Linder
Lipinski
Lowey
Mack
Marchant
McCrery
Murtha
Ortiz
Paul
Peterson (PA)
Pickering
Platts
Price (GA)

Pryce (OH)
Radanovich
Regula
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Roskam
Ruppersberger
Ryan (OH)
Ryan (WI)
Schmidt
Space
Spratt
Sullivan
Terry
Towns
Udall (CO)
Weiner
Weldon (FL)
Wilson (OH)
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1855

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## COMMEMORATING THE COURAGE OF THE HAITIAN SOLDIERS THAT FOUGHT FOR AMERICAN INDEPENDENCE IN THE "SIEGE OF SAVANNAH"

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 909, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 909, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 361, nays 0, not voting 67, as follows:

[Roll No. 44]

YEAS—361

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire

Andrews
Arcuri
Baca
Bachmann
Bachus
Baird

Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra

Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah

Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey

Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Reynolds
Richardson
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman

Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner

Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp

Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—67

Ackerman
Bean
Blumenauer
Bono Mack
Brown, Corrine
Burton (IN)
Cantor
Chandler
Costa
Cuellar
Cummings
Davis (KY)
Davis, Tom
Doyle
Engel
Flake
Franks (AZ)
Gilchrest
Green, Gene
Gutierrez
Hayes
Hinchey
Hinojosa

Honda
Hulshof
Inglis (SC)
Jefferson
Kagen
Kuhl (NY)
Lampson
Lewis (KY)
Linder
Lipinski
Lowey
Mack
Marchant
McCrery
Moore (WI)
Murtha
Ortiz
Paul
Peterson (PA)
Pickering
Platts
Price (GA)
Pryce (OH)

Radanovich
Regula
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Roskam
Ruppersberger
Ryan (OH)
Ryan (WI)
Schmidt
Space
Sullivan
Terry
Towns
Udall (CO)
Weiner
Weldon (FL)
Wilson (OH)
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there is 1 minute remaining in this vote.

□ 1904

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MOORE of Wisconsin. Madam Speaker, on rollcall No. 44, had I been present, I would have voted "yea."

## ANNOUNCING THE PASSING OF THE HONORABLE TOM LANTOS

(Mr. STARK asked and was given permission to address the House for 1 minute.)

Mr. STARK. Madam Speaker, as dean of the California delegation, it is my sad responsibility to make the formal announcement to the House of Representatives about yesterday's passing of our good friend and colleague, TOM LANTOS of California.

I ask that we observe a moment of silence to honor TOM's legacy of service to his constituents, the House of Representatives, and the people around the world for whom he sought human rights. He will be sorely missed.

The SPEAKER. Members will please rise and observe a moment of silence in memory of our esteemed colleague, the Honorable TOM LANTOS.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

## CELEBRATING THE BIRTH OF ABRAHAM LINCOLN

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 281, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Ms. BALDWIN). The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 281.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 357, nays 0, not voting 71, as follows:

[Roll No. 45]

YEAS—357

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Reynolds
Richardson
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—71

Ackerman
Bean
Berkley
Blumenauer
Bono Mack
Boyda (KS)
Brown, Corrine
Burton (IN)
Cantor
Chandler
Costa
Cuellar
Cummings
Davis (KY)
Davis, Tom
Doyle
Engel
Flake
Franks (AZ)
Gilchrest
Green, Gene
Gutierrez
Hayes
Hinchey
Hinojosa
Honda
Hulshof
Inglis (SC)
Jefferson
Kagen
Kuhl (NY)
Lampson
Lewis (KY)
Linder
Lipinski
Lowey
Mack
Marchant
McCaul (TX)
McCrery
Moran (VA)
Murtha
Ortiz
Paul
Peterson (PA)
Pickering
Platts
Price (GA)
Pryce (OH)
Radanovich
Regula
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Roskam
Ruppersberger
Ryan (OH)
Ryan (WI)
Schmidt
Space
Stupak
Sullivan
Terry
Towns
Udall (CO)
Weiner
Weldon (FL)
Wilson (OH)
Wynn

☐ 1913

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 43, 44, and 45.

## PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Madam Speaker, Tuesday, February 12, 2008, I was absent from the House due to travel complications.

Had I been present I would have voted:

On rollcall No. 43—"yes"—H. Res. 954, honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008;

On rollcall No. 44—"yes"—H. Res. 909, commemorating the courage of the Haitian soldiers that fought for American independence in the "Siege of Savannah" and for Haiti's independence and renunciation of slavery;

On rollcall No. 45—"yes"—H. Con. Res. 281, celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs.

☐ 1915

## EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE TOM LANTOS, A REPRESENTATIVE OF THE STATE OF CALIFORNIA

Mr. STARK. Madam Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 975

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Tom Lantos, a Representative from the State of California.

*Resolved*, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. STARK. Madam Speaker, I ask unanimous consent that my distinguished colleague from California (Mr. DREIER) have half of my time to manage.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Madam Speaker, I yield 1 minute to the Speaker, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. I thank him for the formal notification of the Congress that he presented earlier to the House of Representatives, and thank him for bringing us this opportunity to express our sadness over the passing of our colleague, TOM LANTOS.

Madam Speaker and my colleagues, yesterday morning when I received the very sad news of Chairman LANTOS's passing, that call was followed very quickly by a call from the President of the United States expressing to me as Speaker, but through me to each and every one of you, his sadness over TOM's passing and his words of praise for TOM LANTOS's leadership. I told the President how appreciative I knew we would all be of his kind words and that I would convey them to this House of Representatives.

Madam Speaker, you know that the House, not only the House, the Congress, the country, has lost one of its most talented leaders, and the world, indeed the world, has lost one of its greatest champions for human rights with the passing of Chairman TOM LANTOS. He was a statesman, he was a gentleman, and he will be deeply missed.

As the only Holocaust survivor ever elected to Congress, TOM LANTOS devoted his public life to shining a bright light on the dark corners of oppression. From his earliest days in the House, when he founded with Congressman JON PORTER the Congressional Human Rights Caucus, to his final days as chairman of the Foreign Affairs Committee, he used his powerful voice to stir the consciousness of world leaders and the public alike.

Because he had lost his mother and so much of his family in the Holocaust, his wife, Annette, his two daughters, Annette and Katrina, his grandchildren and great grandchildren were the center of his universe.

Madam Speaker, I told some of our colleagues earlier that TOM and Annette were a team in every way. Whether it was establishing the Human Rights Caucus or working together for the benefit of his district and our country, they were a team. And all who knew TOM knew how devoted he was to his family and to Annette, whom he adored. They worked as a team, bringing great intellect, experience, and compassion to their outstanding work in public service.

Annette was alone after the Holocaust as well, and when they married, they had two daughters, Annette and Katrina, who produced this wonderful family of 18 grandchildren. Two daughters, 18 grandchildren. They said to their parents, you lost your families in the Holocaust. We are bringing to you a new family. And how proud TOM was for all of that.

Having lived the worst evil known to mankind, TOM LANTOS translated his experience into a lifetime commitment to the fight against anti-Semitism, for Holocaust education, and commitment to the State of Israel.

TOM LANTOS was not only a champion of human rights. He was an expert on foreign affairs and diplomacy and the security of our country. He had a rare combination of extraordinary knowledge, great wisdom, extraordinary skill and judgment, and a great moral compass.

He rallied us to the cause of defending basic human freedom within the borders of the most powerful countries and in the most remote places in the world. He stood tall in the sometimes lonely fight for the people of China and Tibet. I was proud that we had the opportunity to work together, with the President of the United States in a bipartisan way, to honor the people of Tibet by presenting the Congressional Gold Medal to the Dalai Lama last year. TOM, along with Congresswoman ROS-LEHTINEN, were coauthors of that legislation. Thank you, Congresswoman ROS-LEHTINEN.

He fought to end the genocide in Darfur and recently helped enact legislation to crack down on the Sudanese regime. He worked to strengthen sanctions against the military junta in Burma and worked for the release of Aung San Suu Kyi. In just his first year as chairman of the Foreign Affairs Committee, Congressman LANTOS also helped enact the 9/11 Commission recommendations to better protect the American people.

Throughout his three decades in the House, TOM LANTOS always used his experience and intellect to empower the powerless and give voice to the voiceless throughout the world.

Here at home, TOM LANTOS championed working families. Working families had no better friend in the Congress of the United States than TOM LANTOS, and he was a strong leader in protecting our family for the future.

He also authored key provisions of our landmark energy bill, which the President signed into law. Thanks to TOM LANTOS, that law includes provisions that will help the United States assume a greater leadership role in the world to fight climate change.

He will long be remembered for his efforts to expand and protect the Golden Gate National Recreation Area, which is one of the Nation's most visited national parks and a treasure for Bay Area residents. I had the privilege of serving with TOM as we shared representation of the City of San Francisco, and it was one of the privileges of my service in Congress, to work with him on behalf of the people of San Francisco.

Congressman LANTOS was also well known for his strong support of infrastructure improvements, including the expansion of BART service and other mass transit solutions. Though his leadership was felt around the world, he always remained a fierce advocate for his constituents in the 12th Congressional District.

TOM LANTOS called himself "an American by choice." America is a stronger nation, a more caring nation, a nation more true to its founding ideals, because TOM LANTOS chose to call this land his home.

My thoughts and prayers are with Annette, dear Annette, their daughters Katrina and Annette, his 18 grandchildren, and his great grandchildren. I hope it is a comfort to them that so many people throughout the entire world mourn their loss and are praying for them in this sad time.

Good-bye, TOM, my friend. It was an honor to call you colleague, a privilege to serve with you, and a joy to be your friend.

Mr. STARK. Madam Speaker, TOM will be remembered as a passionate advocate for human rights around the world and a strong voice for better schools and a cleaner environment. The obituaries and my colleagues tonight will fill in many details and have much praise for the wonderful job that TOM did in his period here. I just tried to pick out a few things that he will be remembered for.

As the Speaker mentioned, he worked to give a voice to the voiceless in Burma, Tibet, wherever oppression raised its ugly head. In Congress, as in life, he was a doer, a leader, a fighter. Two years ago, TOM was arrested in front of the Sudanese Embassy for protesting the genocide in Darfur.

He swam every morning at 5:30 until recently. He was a man who enjoyed and lived life to its fullest.

As has been mentioned, he is survived by a large and wonderful family he loved, and they loved him. Without saying, our sympathy goes to TOM's wife and childhood sweetheart, Annette, their two daughters, Annette and Katrina, and their many grandchildren and great grandchildren.

To appreciate, I guess, all that TOM accomplished, we ought to think a little bit about his life before joining us here in Congress. He grew up in Hungary and survived Nazi labor camps. He arrived in the United States in 1947 on an academic scholarship. And at Customs, you think it is a problem to take off your shoes now, at customs he was greeted and they immediately confiscated his only possession, a Hungarian salami. So they were as thorough then as they are now.

He married Annette in 1950, and he also received bachelor's and master's degrees in economics and then moved on to San Francisco. He received those at the University of Washington in Seattle. He moved to San Francisco and began a 30-year career teaching economics at San Francisco State. In 1953, he received a Ph.D. in economics from the University of California at Berkeley.

TOM was elected in 1980. Three years later he cofounded the Congressional Human Rights Caucus.

Last month, he announced to us that he had been diagnosed with cancer and would not seek reelection. In that announcement he said, and I quote him here, "I will never be able to express fully my profoundly felt gratitude to this great country."

Similarly, this House and our country will never be able to fully express our gratitude for TOM's decades of service. He will be missed by his colleagues, constituents, family, and the people whose basic human rights he fought for every day.

Madam Speaker, I ask unanimous consent that the balance of my time be controlled by the gentleman from California (Mr. BERMAN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as is very evident, this is a sad day and evening for the House of Representatives, and, of course, the Lantos family, and for all of the American people and all who are lovers of freedom.

"Tom Lantos devoted his life to shining a bright light on dark corners of oppression." That was a quote from Speaker PELOSI in her official statement in responding to the tragic news of TOM's passing.

I am going to quote Speaker PELOSI once again, Madam Speaker. "Tom Lantos devoted his life to shining a bright light on dark corners of oppression."

We have heard that TOM LANTOS is the lone survivor of the Holocaust to ever serve in the Congress of the United States. We know of his tremendous accomplishments. We know the fact that 58 years ago this coming July he and Annette were married. And we know that he had an absolutely wonderful family.

His two daughters did provide those 18 grandchildren and two great grandchildren, and I have to say that I personally have had the opportunity to spend time with all of them. The reason is that I am one of Annette and TOM's neighbors here on Capitol Hill, and we always knew when the Lantos household was filled over at Justice Court, because kids were running around all over that area, and it was such a wonderful thing.

When I heard the Speaker say today what TOM's daughters said to him, the fact that he lost his family in the Holocaust would lead them to provide him with a family that he no longer had, obviously they did. I have known of no parent or grandparent to be prouder of their children and grandchildren than Annette and TOM LANTOS have been of their wonderful family, and having heard Speaker PELOSI's words, I now have an even greater understanding of the importance of the role that Annette and Katrina played in providing them with that family.

□ 1930

We got the news I read this morning in the paper that just last week the Prime Minister of Hungary was scheduled to present TOM with the highest honor that Hungary bestows on anyone; and, sadly, he was too ill to receive that honor. But we know that TOM regularly described himself as one who was born Hungarian, but was American by choice; and I think that underscores the extraordinary importance of immigration and the great importance of what it is that has made the United States of America as great as it is.

One of the things, I am the first Republican to stand up but I am going to be turning this over to the distinguished ranking member on the Committee on Foreign Affairs in just a few minutes, but as the first Republican to stand up, I have to say that one of the greatest things about TOM LANTOS is that he regularly transcended political party. He was known for the wonderful working relationship that he had with the former chairman of his committee who, as we all know, passed away sadly last year, our colleague Henry Hyde.

And I regularly, as a member of the Rules Committee, had the opportunity to see Henry Hyde and TOM LANTOS come together, arm in arm, working together on behalf of a very positive foreign policy for the United States. Now, don't get me wrong, there were more than a couple of occasions, especially in the last couple of years, where there was disagreement between Henry Hyde and TOM LANTOS. But time and time again, both men demonstrated their extraordinary patriotism and their commitment to the greatness of the United States of America.

On January 2, just last month, our friend TOM announced that he would not be running for reelection. Of course, he had gotten the news of his illness. And in that statement announcing his retirement, Madam Speaker, he said, "It is only in the United States that a penniless survivor of the Holocaust and fighter in the anti-Nazi underground could have received an education, raised a family, and had the privilege of serving the last three decades of his life as a Member of the United States Congress. I will never be able to express fully my profoundly felt gratitude to this great country."

Madam Speaker, one of the things that I regularly say about the United States of America, and I think like most of the people who are here in this Chamber at this moment, we were born here; and people who were born here can have a tendency to take the greatness of the United States of America for granted. But I will say that TOM LANTOS demonstrated fully, through every single aspect of his life, the profound appreciation that an immigrant has for something that many of us who are native born have a tendency to take for granted. And I regularly fight against that, and seeing someone like TOM LANTOS has played a big role in inspiring me. And I know there are other great immigrants who serve in this Congress and obviously in this country as well. And I think that his life underscores that.

As I look over and see our distinguished majority leader, Mr. HOYER, I am reminded of the great work that he did on the Helsinki Commission and, as has been stated on the issues that Mr. STARK raised, environment and other issues. But when it came to fighting on behalf of human rights, in 1983 Annette Lantos became the volunteer director of the Human Rights Caucus because of her extraordinary commitment to that cause. And, obviously, it was led by TOM through these so many years.

And I will just say that for me, personally, I was elected with TOM in November of 1980, 28 years ago this coming November; and this is a professional loss, but obviously for so many of us, a very profound personal loss. And I want to say to all of the family members how much I have appreciated the friendship. Our thoughts and prayers are with them. And the world is a better place, the world clearly is a better place for the life of TOM LANTOS.

Madam Speaker, I reserve the balance of my time, and ask unanimous consent that my colleague from Florida (Ms. ROS-LEHTINEN) be able to manage the balance of our time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I am pleased and honored to yield to our majority leader 1 minute.

Mr. HOYER. I thank my friend for yielding. This is a sad day not only for this institution, for those of us who were TOM's friends, clearly for his family, but it is a sad day for our country. TOM LANTOS had a backbone of steel and a heart of commitment, compassion, and courage.

DAVID DREIER just mentioned my service on the Helsinki Commission. As chairman of that body for the House, with my friend CHRIS SMITH, we shared responsibility for focusing on the human rights of people, particularly within the European theater and particularly in the Soviet Union, and we worked very hard at that. But no Member of this body has been a stronger voice, a more compelling voice for the rights of individuals, whatever their background, wherever they lived, and whatever the excuse was for acting against them or undermining their rights. When TOM spoke, especially on matters dealing with human rights, America's role in the world, the importance of confronting and defeating dictatorial regimes, both the left and right, his words contained a moral clarity and intellectual gravity that was seldom matched.

Those of us who had an opportunity to be with TOM when we met with people from around the world knew that TOM LANTOS would be candid, diplomatic, but certain in his message. TOM, quite simply, was a man of great substance, an immigrant to America, like so many immigrants before him and after, but few matching his contribution to our great country.

Speaker PELOSI indicated that TOM referred to himself as an American by choice. He was a great humanitarian. His remarkable life serves as an inspiration to all of us, to his family, and to his country. He was an indomitable spirit. His life story of course is well known, and I will not repeat it here. Others will talk more specifically.

Last month, TOM was unable to attend the United Nations Annual Commemoration of the Holocaust. However, his daughter Katrina, married to one of our colleagues, Dick Swett, delivered his remarks, which called on the international community to, and I quote, "dedicate ourselves to stopping current tragedies such as the genocide in Darfur, and to preventing such inhuman cruelty in the future."

Tens of thousands, hundreds of thousands, millions around this globe have lost an extraordinary voice for them, individually and collectively.

TOM went on to note that the "veneer of civilization is paper thin." That is a lesson for all of us. We know that the mob can be uncaring of human rights, of individuals. TOM LANTOS focused on that issue when he said that that veneer is very thin. JOHN LEWIS, another great humanitarian and champion of individual rights and civil liberties. He went on to say, "We are its guardians, and we can never rest." Not only did he say that, but he lived his life without rest for those he saw beleaguered.

Until his last day on this Earth, TOM LANTOS never rested because of what he had seen and experienced. He was an indefatigable advocate for human rights and human decency. And now with his passing it falls to us to honor his enduring legacy, not just by speaking on this floor of what he did, but committing ourselves to continue his advocacy for liberty and human rights.

There is no more fitting tribute to this wonderful man who lived a wonderful life marked by hardship, tragedy, and also triumph, and who now is at rest in God's hands.

Madam Speaker, I especially want to speak of Annette. You cannot speak of TOM LANTOS without speaking of Annette. I don't know of any couple that I have ever met that was in fact, as well as in marriage-ceremony verbiage, two people who became one, kindred spirits born of equal experience, equally committed with a passion and a courage and an untiring commitment on behalf of those who needed a voice. Annette is with us still and, therefore, TOM is with us still. May we honor him, remember him, and hold high the torch that he held so high, so successfully for so long.

God bless you, TOM LANTOS.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

As we gather in this hallowed place to honor the life and work of our beloved colleague, TOM LANTOS, our sorrow at news of his death is tempered by our admiration for his extraordinary contributions to our great country. An unfailingly gracious and courageous man, TOM was recognized by colleagues as a leader who left an enviable legacy of service to our country. We were fortunate indeed to have known him. Annette and the entire Lantos family have our heartfelt condolences.

TOM and Annette's heroic journey to America through extraordinary adversity is well known to us all and is the topic perhaps for a future biographer who can adequately capture the tenor of life under the oppressive yoke of fascism during those terrible times more than half a century ago.

TOM's unsurpassed work as a champion of human rights and for human dignity cannot be separated from his fiery trials through which he passed as a young man.

His life bears witness to the endurance of the human spirit. As a colleague, TOM enjoyed the respect of his peers across the political spectrum, because all of us admired him as an ardent American patriot.

During our many meetings together, when we met with foreign leaders here and abroad, his love of country was always evident. He understood an old truth that all of us would do well to relearn: United we stand, and divided we fall.

To be sure, TOM could be a vehement critic of an administration policy during House debate. But he would not hesitate to remind a visiting group of European parliamentarians to temper their criticism of U.S. policy or risk being labeled as hypocrites for their feeble resistance to genocide at Auschwitz or at modern-day death camps in Sudan.

His defense of the national security policies would surprise and perhaps rankle some, but not those of us who knew TOM as an unbeatable foe of Communist tyranny.

All of us here tonight have so many stories to share about TOM, about his life with Annette, and his vital work; and we will surely honor him in the months ahead in other appropriate ways. It is fitting, though, that we honor the life of this great patriot, for it was his work and his life that enriched us. So tonight, rather than merely mourn his passing, let us thank God that TOM lived among us and left such a strong legacy for us to follow.

I often said to TOM before our committee hearings that it was a great testament to a wonderful Nation that two naturalized citizens, witnesses to the evils of communism and oppression, would serve as chairman and ranking member of the committee charged with developing and overseeing our foreign policy efforts. And I cannot fully explain to TOM and his family my deep gratitude to TOM for his service and for his dedication.

And, Annette, our prayers are with you and your family. And how odd to say, as Mr. HOYER pointed out, how odd to say "Annette" without saying "Tom and Annette," for they were a unit. Thank you, TOM. Godspeed, my friend.

I reserve the balance of my time.

□ 1945

Mr. BERMAN. Madam Speaker, I am pleased to recognize for 2 minutes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, it is with a heavy heart that I rise today in support of this resolution. Like all of my colleagues, I was deeply saddened to learn that our good friend, the distinguished gentleman from California, TOM LANTOS, had passed away. And he was our good friend, unfailingly courteous and kind and helpful to all.

TOM has left an inspiring legacy, and his passing is a great loss to our country and to the entire world. Throughout his life, TOM devoted himself to human rights and to the cause of persecuted racial, religious, and ethnic minorities. As a survivor of the Holocaust, and the only survivor ever to serve in Congress, he had seen firsthand real evil, and he became a tireless advocate for human rights.

As a youth, he was a member of the anti-Nazi underground, and his life's work was built on opposing anti-Semitism and all forms of racism and oppression and attempted genocide, and on supporting Israel, the country that emerged as the haven for the survivors and refugees from the Holocaust.

Congressman LANTOS once said, "I will never be able to express fully my profoundly felt gratitude to this great country." But it is this Nation that will never be able to express adequately its gratitude to this great man. His life and devotion to human rights should serve as an inspiration to us all.

My thoughts and prayers, our thoughts and prayers, and those of a grateful Nation, are with Annette and with the rest of TOM's family and friends during this sad time. And in this hour of bereavement, as we mourn the loss of this great man, what can we finally say other than to thank God for TOM's life and work, and to repeat that ancient refrain, "The Lord giveth, the Lord taketh away, blessed be the name of the Lord."

Ms. ROS-LEHTINEN. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), a member of our Foreign Affairs Committee, and someone who worked so closely with Chairman LANTOS on human rights issues worldwide.

Mr. SMITH of New Jersey. Madam Speaker, I want to thank my good friend and colleague from Florida for her yielding and for her very eloquent remarks, and for all of the fine statements that have been made on behalf of Chairman TOM LANTOS.

Madam Speaker, as I think we all know, Chairman LANTOS was one of the most gifted, articulate, smart, persuasive, and compassionate, and, I would add, courageous Members of Congress ever to serve. Over the years, I, like so many other colleagues here in this Chamber, got to know and deeply respect and honor this great man. We traded places as chairman and ranking member of the International Human Rights Subcommittee and worked seamlessly on North Korea, Sudan, human trafficking, child labor, Jewish Refusniks, and China, just to name a few of the very difficult issues that were confronted.

In the 1980s, Mr. LANTOS played a significant role in dismantling atheistic communism in Eastern Europe, including his native Hungary, as well as in the Soviet Union.

A Holocaust survivor, TOM LANTOS had a special, well-focused empathy for those who suffered torture, degrading, or inhumane treatment. He was especially vocal and determined when it came to liberating political prisoners, and was a champion on behalf of the Dalai Lama and Burma's Aung San Suu Kyi.

TOM LANTOS was bold and he was incisive with both friend and foe alike, more often I am happy to say with the latter. In confronting dictatorship, he refused to allow the banalities and excessive niceties of modern-day diplomacy to obscure his clear and compelling message concerning freedom, democracy, and human rights.

On the issue of anti-Semitism, he had no equal. In the days immediately prior to the infamous September 11 attacks on America, TOM LANTOS brilliantly defended both the United States and Israel at the U.N. racism conference held in Durban, South Africa, a world conference that deteriorated into an anti-Semitic hatefest. His insights and recommendations are of particular importance and relevance as the United Nations gears up for what is likely to be Durban II.

He wrote at the time, "For me, having experienced the horrors of the Holocaust firsthand, this was the most sickening and unabashed display of hate for Jews I have seen since the Nazi period."

He went on, however, in a positive vein to say, "The U.S. must urge friendly Middle Eastern countries to recognize the link between hatemongering and violence. Arab states, meanwhile, need to look deeply within themselves, analyze their missteps, cease the inflammatory lies, and embrace the path of openness and political reform, realizing their citizens' positive energy."

He went on to say, "We cannot defeat terrorism if our coalition partners continue to peddle the hate that breeds it.

"The Cold War ended with the collapse of international communism, but in the resulting vacuum, radical forces bent on spreading fundamentalist ideologies have arisen, propelled by the very globalization developments they often sustain. The U.N. World Conference on Racism provided the world with a glimpse into the abyss of international hate, discrimination, and indeed, racism. The terrorist attacks on September 11 demonstrated the evil such hate can spawn. If we are to prevail in our war against terrorism, we must take to heart the lessons of Durban."

Vintage TOM LANTOS, and as always, a man who was almost like a prophet, speaking boldly, incisively, and with great clarity. Finally, I want to say, Madam Speaker, that my wife, Marie, and I will deeply miss our dear friend TOM LANTOS, and our prayers are with and for Annette and his family at this most difficult period of time.

Mr. BERMAN. Madam Speaker, I recognize for 2½ minutes TOM's colleague, the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I thank my colleague for yielding.

Madam Speaker, and to all of the Members of the House, I rise this evening with a sad heart. The first thing I want to say is to offer my special condolences to Annette Lantos, the love of TOM's life, actually as has been said earlier this morning, childhood sweethearts, to his two exceptional daughters, to his son-in-laws, 18 grandchildren and two great grandchildren.

I have known TOM LANTOS for many decades, long before I came to the House of Representatives. And I remember that November of 1980 where I think he was the only Democrat that won in challenging a Republican. It was a real upset in the 12th Congressional District. And so tonight I am thinking about the people of the 12th Congressional District because they not only handed him a victory, he never forgot it, and he used his public service to fulfill the great responsibility and the charge that they gave to him.

Our congressional districts are next door to one another. TOM always said that he stood between the Speaker and myself because his congressional district was between ours.

TOM LANTOS was truly a gentleman. He was a gentleman with old world manners. He was a scholar. He taught economics. When he spoke, everyone knew he was scholarly, and so the old term "a scholar and a gentleman" really belonged to TOM.

He was an immigrant, and I think, during these times when immigrants are not fully appreciated, that TOM LANTOS should remind us of what comes to this country in terms of immigrants. He came here, as he said, penniless, but he came here and brought his hopes and aspirations. Who would have thought when TOM LANTOS came through Customs and the Immigration Service that he would one day come to the House of Representatives and, in the day after he died, that all of these accolades that he so is deserving of would be said about him.

A poet wrote, "And so he passed on, and then all the trumpets sounded on the other side." God rest your soul, TOM. Thank you for what you have given to America and thank you for what you did in the House of Representatives. Thank you for what you did for the people of the 12th Congressional District. We are forever grateful.

Ms. ROS-LEHTINEN. Madam Speaker, I am proud to yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT) to share her thoughts about our beloved friend, TOM LANTOS.

Mrs. BIGGERT. Madam Speaker, I thank the gentlelady for yielding to me.

Madam Speaker, I rise today to say good-bye to a good man and a cherished colleague. Chairman LANTOS was one of those most respected and distinguished Members of the U.S. House of Representatives, and he will be missed.

During his 14 terms in this body, he championed the causes of people everywhere who face oppression and cruelty. Through his leadership of both the Foreign Affairs Committee and the Human Rights Caucus, he guided U.S. policy with morality and integrity.

As I listened to Ms. ESHOO, she used the same words as I would say of him.

He was truly a gentleman, one of those rare breeds of old world statesmen who brings clarity and respect to our national debate. And while he was indeed an accomplished speaker, Chairman LANTOS inspired not only by his words but by his own personal story. I think we will all remember him standing here in this Chamber, straight rail posture, and saying "after you, my dear," always the gentleman.

From his tragic experiences in the Nazi camps to his rise in Congress, he showed how one truly remarkable individual can overcome the worst sort of tyranny and achieve great things.

So to Chairman LANTOS's wife and daughters and grandchildren and great grandchildren, I send my thoughts and prayers. We can all take comfort in the fact that he had a full life with a legacy that will never be forgotten.

Mr. BERMAN. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), the distinguished chief deputy whip.

Mr. LEWIS of Georgia. Madam Speaker, I rise with a heavy heart to pay tribute to our friend and colleague, TOM LANTOS, this good and decent man, an American by choice, but a citizen of the world. He was a warrior for human rights, a warrior for justice and fairness. He spoke up and he spoke out for people around the world.

Madam Speaker, the world community has lost a powerful voice for human rights and for human dignity.

How do you honor a man? How do you pay tribute to a man like TOM LANTOS? We could name buildings, streets, schools, post offices, but the best way for us to honor TOM LANTOS is to pick up where he left off, continue to fight for human rights, continue to fight for peace, continue to build a world community at peace with itself.

TOM, thank you for all you did to make us all free. We will miss you my friend, my colleague, my brother.

□ 2000

Ms. ROS-LEHTINEN. Madam Speaker, I yield as much time as he may consume to the ranking member of the Armed Services Committee, Mr. HUNTER, a member of the California delegation who worked so closely with Chairman LANTOS on a range of issues.

Mr. HUNTER. Madam Speaker, I can't match the eloquent statements about TOM that have been made by my colleagues; but I thought I might share just a few thoughts that came to my mind, not only today, but every day that I saw TOM LANTOS.

First, he was a guy of extreme competence. And if you wanted to get to the heart of a matter quickly, and you wanted to probe a situation in foreign affairs quickly, or a matter of national policy, and you had a national leader, international leader in front of you, and TOM LANTOS was asking questions, he did a great cross-examination. And he brought the facts out very quickly. But, you know, lots of people can do that.

There were some special qualities that TOM LANTOS had that reflected and illuminated his life and always impressed me every time I saw him. One was his great dignity. He walked in dignity. And it wasn't a pride; it wasn't an egotistical thing. It was a respect for his fellow man that emanated from him and seemed to illuminate the room when he walked in, and when he took his place, and when he asked questions, and when he worked on these important issues of the day.

He was a man of great principle. And, Madam Speaker, I think that it must surprise many folks who watch this, watch the leadership in this Nation, and look at this Capitol, look at this body, in this city, where so much talent is focused on powerful national interests, that we have leaders like TOM LANTOS, perhaps the finest leaders, the ones with the greatest talents, who focus those talents not on powerful interests or the protection of those interests, but, in fact, on the interests of those who have no station, who have no money, and in many cases have no hope.

And I think that's a great trademark of this Nation and certain special leaders, like TOM LANTOS, that gives us, gives this country respect from those around the world, not just people who live in places of power or who occupy places of power in foreign governments, but all those around the world who look at this American forum here, this forum of leadership and governance in Washington, DC, and who saw people like TOM LANTOS, perhaps tough to figure out in many ways, but when it got right down to it, they understood that in this country, the dignity, the value of human beings is still very central to this wonderful country that we call America.

So it's with a lot of sadness that I see TOM LANTOS, a guy who came in the same year I came in, in 1980, along with Mr. DREIER, leave us. And I just hope that we all look at that model now and again when we have tough and difficult times, because the last great quality that TOM LANTOS had was conciliation. And you could have fierce fights on issues, and yet he had that wonderful quality of being able to reconcile with his adversaries and find common ground in the next great issue that was before you.

Mr. BERMAN. Madam Speaker, I yield to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Madam Speaker, I want to say a word about my friend, TOM LANTOS. I had the opportunity to travel with TOM, and I served with him some 20 years here. Believe me, a giant of a man has fallen. As grief stricken as we are here, we need to know that throughout the world tonight there are people who were touched by TOM LANTOS in many ways whose hearts are broken.

And to his beloved Annette, and to his daughters and family that he loved so much, we give our great condolences and our love forever.

Mr. BERMAN. Madam Speaker, I am pleased to yield 2 minutes to TOM's colleague from California, and the subcommittee chair on the House Foreign Affairs Committee, Congressman BRAD SHERMAN.

Mr. SHERMAN. Madam Speaker, we're all deeply saddened by the passing of TOM LANTOS. He not only made history here in Washington; he embodied history, having survived the Holocaust. And he didn't just survive the Nazis; he fought them in the anti-Nazi underground during World War II. His personal history added to the gravitas of everything he said and everything he did here in Washington. TOM was our Nation's most passionate, eloquent, and respected advocate for human rights, for democracy and for freedom. TOM never bowed to political pressure in the face of any humanitarian atrocity.

As our friend, GARY ACKERMAN, pointed out, in a town with too many sheep, TOM LANTOS was a lion, for Darfur, for Tibet, wherever human rights were trampled. And of course TOM LANTOS led the walk out in 2001 from the Durban South Africa U.N. conference when that conference degenerated into an anti-Semitic hatefest.

Madam Speaker, I came here as a tax professional expecting to serve on the Ways and Means Committee someday. And when that day arrived, TOM LANTOS convinced me to stay involved instead on the Foreign Affairs Committee. He convinced me with his words, but more than that he convinced me with his example. He was courteous, gracious, beyond what you expect; but more than that, he was passionate and he was eloquent. And he was an example of what it is to be a great advocate for human rights here in Congress. He will indeed be missed, not only by Annette and the entire LANTOS family, but also by people around the world.

Ms. ROS-LEHTINEN. Madam Speaker, we will continue to reserve for two more speakers, and then we'll recognize Mr. SHAYS.

Mr. BERMAN. I am very pleased to yield 2 minutes, Madam Speaker, to the gentlelady from California, TOM's colleague from California, LOIS CAPPS.

Mrs. CAPPS. Madam Speaker, what a privilege it is to join my colleagues today in paying tribute to our fellow Californian, the Honorable TOM LANTOS, who so wonderfully represented his constituents during his three decades in Congress.

As we know now, TOM LANTOS' journey from Hungary to the Halls of Congress was an extremely remarkable one. His life told the story of the fulfillment of the American Dream. He embodied that dream and, equally important, he knew not to take what America offered him for granted.

Even as he rose to leadership, he continued to champion the cause of human rights for oppressed people around the world, his signature issue. He was fiercely loyal to those attributes of this Nation, which had attracted him here to the country he chose to become a citizen of.

Who of us will forget TOM LANTOS' first action, becoming chairman of the Foreign Relations Committee, holding some of his first hearings as chairman to address the human rights violations occurring today in Darfur?

By never forgetting his own roots, he became an advocate for all the lessons of humanity that we needed to learn from the experiences of the Holocaust, never forgetting that he served here as one who had survived that terrible tragedy and dedicated, as he was, to seeing that it would never reoccur.

He made sure that we all knew, and such a lesson I have, that those who do not learn from history are doomed to repeat it.

I learned so much from my colleague, TOM LANTOS. I can just see him sitting in his regular spot there. So our heartfelt condolences are extended to Annette, to the children, to the 18 grandchildren, one of whom I had the privilege of hearing as she testified to our Health Subcommittee. Beautiful opera singer. TOM was so proud of her. Courageous enough to talk about her rare health condition.

We celebrate his life tonight dedicated to our commitment to not letting his many achievements go unforgotten.

Mr. BERMAN. Madam Speaker, I yield 2½ minutes to another colleague of TOM's from California, the gentlelady from California, BARBARA LEE.

Ms. LEE. Madam Speaker, I rise this evening to honor the courageous life of our dear friend and colleague, Chairman TOM LANTOS.

I am deeply saddened by the loss of Chairman LANTOS, and I would like to first offer my deepest condolences to Annette, his family, friends and staff, and of course California's 12th Congressional District.

And I have to thank Mrs. Lantos and TOM's entire family for sharing this great human being with the entire world.

Chairman LANTOS was an exceptional human being, and we're hearing much of this tonight. But I've always said, To know him was to love him.

His life embodied the true meaning of courage and the power of the human spirit. As the sole member of his family to survive the Holocaust, Chairman LANTOS made it his life's mission, and we all know it was his life's mission, to fight for the oppressed.

Throughout his years in Congress he fought tirelessly to ensure human rights issues always had an important and visible place within these Halls. And as the founder of the Congressional Human Rights Caucus, he continually reminded us that combating injustice anywhere and everywhere in the world was not only the right thing to do, but it was our duty as elected representatives of the people.

I had the privilege to work alongside this giant of a human being on so many issues. As a former member of the Foreign Affairs Committee for 8 years, we worked together on a number of issues that we both cared passionately about, including legislation to combat the global HIV/AIDS pandemic, to end the genocide in Darfur, to address the needs of orphans and vulnerable children, and, of course, to end the occupation of Iraq.

And I will always remember the respect, and his wisdom and his insight and his guidance, as he helped me navigate the legislative process with the late Chairman Henry Hyde on the HIV/AIDS legislation. I imagine that they are, at this moment, renewing their wonderful friendship.

I will also miss our personal conversations, especially about his grandchildren, my grandchildren, his great grandchildren. He knew all of their names, and he knew all of their birth dates.

Also, we have to remember TOM loved animals; his deceased Gigi and of course now Chippy. I mean, it' was amazing that this giant of a human being was such a gentle man.

I know that we must rededicate ourselves to TOM's life. His spirit is in us, and I will miss him. I will miss his love. May he rest in peace.

What a gentleman.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as he may consume to Mr. SHAYS from Connecticut, a former member of our Peace Corps, who served, along with his wife, a good team, just like TOM and Annette, and who shared TOM's faith in the human spirit, and a fighter for human rights as well.

☐ 2015

Mr. SHAYS. Madam Speaker, as a new Member of Congress, TOM LANTOS took me under his wings. He was my chairman of the Labor and Health Subcommittee of the Government Reform Committee, and I was one of its most active members. I got to know this man up close, and I know no one like him.

TOM LANTOS adored his wife, Annette, his two magnificent daughters, Annette and Katrina, and all of his glorious grandchildren and now great-grandchildren. He simply adored them all.

A Holocaust survivor, TOM LANTOS could not be intimidated by anyone. He was brilliant, passionate, courageous, tough almost to the point, let's face it, of being brutal, but he was also kind, gentle, loving, and lots of fun. He had a great sense of humor.

TOM was the most eloquent person I have ever known. It was hard sometimes not to feel inadequate in his presence, but the fact is, he would never have wanted you to feel that way. He would always make me feel like the best was always ahead of me and that I should think big thoughts.

He was a natural teacher. He taught by example and by the questions he asked, and he expected you to grow and to be a better person. That was your duty. And your duty, also, was to be of service to others.

It is no secret that TOM and Annette were both, are both, very strong-willed people. I marvel at how they were able to be such a powerful team and raise such a truly unbelievable, fantastic, magnificent family. They were, and are, an awesome couple.

TOM LANTOS loved America. And yes TOM LANTOS adored his wife, Annette. He adored his two daughters, Annette and Katrina, adored his grandchildren, adored his great-grandchildren. And you could be his friend if you were willing to listen to him talk about all of his loved ones.

But woe be to any man that sought to marry his daughters or his granddaughters. They were mere mortals. He expected more for his daughters and granddaughters.

I would say his son-in-laws, his grandson-in-laws, are very brave souls. Can you imagine going up to TOM and saying, "I would like to marry your daughter"? That would take true courage.

Now, granddaughters-in-law were another story. They were deemed worthy. He embraced them immediately.

I hope, I truly hope and pray Congress finds a way to immortalize this great man in important legislation that will forever bear his name. We have Pell grants, and Fulbright Scholars. Those are names that I have heard almost all of my life. TOM LANTOS deserves to have this kind of recognition.

TOM LANTOS believed in smart power for this country. He advocated a strong military, wise diplomacy, and strategic use of economic power. But TOM wasn't just a great man of this Nation. He was a great man in this world.

Let me say it slightly differently. He is a great man of this Nation. He is a great man of this world. His light will be forever and we cannot forget him.

Ms. ROS-LEHTINEN. Madam Speaker, this side has no further requests for time, and I would like to offer our remaining time to the gentleman from California (Mr. BERMAN).

The SPEAKER pro tempore. Without objection, the gentleman from California will control the balance of the time.

There was no objection.

Mr. BERMAN. I thank the gentlewoman very much for doing that and appreciate her and all the comments of our colleagues from that side of the aisle. I think they were a fitting tribute to TOM and his bipartisan approach to foreign affairs and to issues that go far beyond party divisions.

I am pleased to yield 2½ minutes to another of TOM's colleagues from California and the House Foreign Affairs Committee, Ambassador DIANE WATSON.

Ms. WATSON. Madam Speaker, I want to add my remarks to those of my colleagues, but I have got some personal things to tell you.

Yes, he had that compassionate spirit. His unwavering concern for individual human rights and his deep knowledge of the world were an inspiration to us all. I remember when my predecessor passed away, I got a call at my embassy saying that if you should come to Congress, there is a place on Foreign Affairs for you. I hadn't even said I was going to come. Well, the results were I did.

I sit with honor among my colleagues on Foreign Affairs. I had the privilege to be trained at the State Department twice with his son-in-law, one of those rare specimens of humanity that he allowed to marry Katrina, his daughter. And I said to TOM after Katrina in Louisiana, "I'm so sorry that Katrina has to go around through life after this terrible, terrible hurricane and present herself as 'Katrina.'"

He said, "She's strong like I am. She can survive."

But I knew that when he called on me to lead the delegation to Italy, something that he looked forward to every year to continue our dialogue with Great Britain, I knew something was not right, but that proud, distinguished, tall-standing human being never uttered a word. And so I kind of knew something was up.

When I got back, I said to him, "Thank you for the honor of going to Portofino and leading the group in your place." He said, "Ambassador, you deserve that," and never said another word.

Then he called us together and he said, "Travel, learn what is happening around this globe." And that is what we are doing. We are carrying on his legacy by learning the world, knowing it the way he did.

We will certainly miss this giant of a human being.

Mr. BERMAN. Madam Speaker, I now yield 2 minutes to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, with the death of Congressman TOM LANTOS, the world lost an inspiring leader who dedicated his life to religious freedom and human rights.

Now, it has been noted that TOM was the only Holocaust survivor to serve in Congress, and I think it's important to note that with the sun setting on this generation of Americans, he will very likely remain the only Holocaust survivor to have served here.

His leadership and guidance served as the moral conscience of America's commitment to protecting human rights. He lived the concept of "never again," and he stood against persecution all over the globe.

For me, I would like to get a little bit personal myself. As a newer Member of Congress, I can tell you that since I got here, TOM LANTOS always made me feel like my grandfather was looking out for me. He always had a word of encouragement, always made me feel good about myself. If I felt a little shaky, I could turn to TOM, and he would tell me, "Honey, it's okay. Go out and just do your best. You are going to do great." He would always offer those words of encouragement. So that was really an incredible feeling to have that kind of support.

As a young Jewish American, I can tell you that we all believed that Representative LANTOS served as a role model for what we want public service to be. His dedication to lifting up oppressed people throughout the world serves as our personal inspiration. And I know that his service was a tremendous source of pride for the Jewish community across this country and for his constituents.

I, and countless others, feel a deep sense of loss in his passing, but we take solace in the knowledge that the world is a better place because of this great individual.

Mr. BERMAN. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman representing the State that TOM had such close connections to, the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Madam Speaker, it was with great sadness that I learned of TOM LANTOS' passing yesterday. As our colleague and our friend, we knew him to be a man of incredible courage and strength, a man who had overcome unimaginable adversity to serve as a voice for justice against the dark forces of human evil.

TOM was born to Jewish parents in Hungary. He was 16 when Hitler's army marched in to occupy his birth country in 1944, and he tragically lost much of his family in the Holocaust. TOM courageously escaped from forced labor camps not once, but twice.

Here in Congress, he rose to the chairmanship of the Foreign Relations Committee with the unique perspective and the power of real moral authority. Promoting human rights for all is a part of his lasting legacy. Those who follow TOM LANTOS in that cause have a high bar to match.

TOM and his beloved wife, Annette, were blessed with a wonderful and extraordinarily talented family, including my dear friend, his daughter, Dr. Katrina Swett, TOM's son-in-law, Ambassador Dick Swett, our former colleague who held the seat I now hold. They and their family are my neighbors in my home State of New Hampshire. TOM was a frequent visitor to the Granite State, a remarkably devoted father, mentor, grandfather, and great-grandfather. He was a patriarch in the best sense of the word, and on behalf of all of New Hampshire's citizens, we mourn TOM's passing as one of our own.

I am honored to have served with such a remarkable and accomplished individual. He was the first Member of Congress to welcome me when I arrived. He was an inspiration to me.

My thoughts and prayers are with his family during this time. I know they will take solace in the lasting legacy that their beloved husband, father, grandfather, and great-grandfather left us.

He showed us that even in the darkest corners of the human experience, one strong, clear voice, one irrepressible beacon of light can stand as an unwavering candle whose flame will never go out.

Thank you, TOM.

Mr. BERMAN. Madam Speaker, I yield 2½ minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, so many of us have risen and expressed how heavy our heart is tonight. Those of us who served on the Foreign Affairs Committee with the late Chairman TOM LANTOS see every day, as we come into that room, his regalness, his royalty, but yet his humbleness. We also get to see the family, his wonderful staff, and his lovely and solid friend, bride, wife, and enormously important person, his wife, Annette.

I got to see them working together. I saw TOM's passion in the committee room. He was not afraid of hard issues, and I am so proud to have been able to have joined him as a member of his Human Rights Caucus and to serve in his absence on a number of occasions when we talked about the abuse of children around the world or the abuse and the violence against women around the world.

TOM was a fighter. We know that as the only Holocaust victim and survivor to have come to this place. He talked unwavering about human rights and the standing up against despots, and he never feared in doing so. The Human Rights Caucus became part of him. When you saw TOM walking, you knew he exuded a fight for human rights.

He also was concerned that we continue to fight in this Congress against oppressive regimes. So even though there are advocates for China and Russia, Burma, and certainly there is constant opposition from the Sudanese Government, he never wavered on Darfur. You heard someone say he was even arrested.

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I've been proud to stand with him on these fights.

He led the fight to end wartime sex slavery by the military; another resolution recognizing the massacre of Armenians by the Ottoman Empire as genocide; and, yes, he held hearings condemning Internet giant Yahoo's complicity with Chinese oppression of dissidents. And I tell you, he didn't worry about whether that was a constituent; he only worried about human rights.

Thank you, TOM, for letting us know your family. I met his daughter, Katrina, and Dick in New Hampshire. What a wonderful spirit they had. I am certainly saddened by his loss, but the fighter he was should live in us.

TOM, rest in peace. May God bless you. We fight on with you.

Madam Speaker, I rise today in support of H. Res. 975, "expressing the condolences of the House of Representatives on the death of the Honorable Tom Lantos," and to express my profound sadness upon the passing of my extremely distinguished colleague.

Madam Speaker, it is with deep sadness that I mourn the passing of my colleague Congressman TOM LANTOS. Chairman LANTOS was an extraordinary leader, a man who demonstrated, by his life, that one individual truly can make a difference. As the only Holocaust survivor ever to serve in Congress, Congressman LANTOS brought a moral voice to Washington, and he relentlessly drew U.S. attention to those suffering throughout the world. It has been my extreme honor and privilege to serve on the Committee on Foreign Affairs, under Chairman LANTOS' leadership.

Since he was elected to Congress in 1981, Congressman LANTOS has used his position in Congress to combat violations of fundamental human rights. Almost immediately following his election, Congressman LANTOS established the Congressional Human Rights Caucus, which, for over two decades, has focused congressional attention on struggles against oppressive regimes and human suffering across the globe, including in China, Russia, Burma, and Darfur. I have been proud to stand beside him, as a member of the Congressional Human Rights Caucus, and I know my colleagues share my commitment to ensuring that his work here in Washington continues.

As a fierce advocate of human rights, he continually pressed the Bush administration to take steps to prevent the state-sanctioned massacre and rape of hundreds of thousands of people in Sudan's Darfur region. On April 28, 2006, I was honored to stand side by side with Congressman LANTOS and protest the role of the Sudanese Government in carrying out genocide in the Darfur conflict.

As chairman of the Committee on Foreign Affairs, Congressman LANTOS did not shy away from controversial issues. Under his leadership, the committee passed a resolution calling on the Japanese Government to end wartime sex slavery by its military, and another resolution recognizing the massacre of Armenians by the Ottoman Empire as genocide. He has brought landmark anti-trafficking legislation before the committee, held hearings condemning internet giant Yahoo!'s complicity with the Chinese suppression of dissidents, and, tomorrow, the committee is scheduled to consider a groundbreaking reauthorization of the PEPFAR global AIDS relief program.

Congressman LANTOS was a truly courageous man, and a true leader for our Nation. His legacy is best expressed in his own words, "It is only in the United States that a penniless survivor of the Holocaust . . . could have received an education, raised a family and had the privilege of serving the last three decades of his life as a Member of Congress. I will never be able to express fully my profoundly felt gratitude to this great country."

I offer my condolences to the family of Congressman LANTOS: his wife Annette; his two daughters, Annette and Katrina, and 18 grandchildren and 2 great-grandchildren. I also join with other Members of Congress in mourning the passing of an extraordinary person, leader and colleague.

Thank you, Madam Speaker. I urge my colleagues to join me in supporting this resolution, and in recognizing our distinguished colleague.

### REP. TOM LANTOS (D-CA) DIES

Rep. Tom Lantos (D-CA), an important voice for Tibetan freedom, died today at the age of 80. He had served 14 terms in the U.S. House of Representatives.

Born into a Jewish family in Budapest, Hungary, he twice escaped from a forced labor camp in Szob during the Nazi occupation of his country. The second time, he was sheltered by Swedish diplomat Raoul Wallenberg. After the Soviet army liberated Hungary, he discovered that his parents and most of his family had been killed during the occupation.

The only Holocaust survivor ever to serve in Congress, Rep. Lantos was chairman of the United States House Committee on Foreign Affairs. He was also co-chairman and founder of the Congressional Human Rights Caucus, a group dedicated to raising awareness about human rights violations around the world.

Rep. Lantos was a tireless supporter of the Tibetan independence movement and His Holiness the Dalai Lama. His contributions are too numerous to count, so I'll point you to one of the most recent: his speech in San Francisco for the 2007 Tibetan Uprising Day. He also joined Richard Gere and Robert A.F. Thurman in talking about his friendship with and admiration for His Holiness as part of A&E Biography's 1997 documentary Dalai Lama: Soul of Tibet. In addition, Rep. Lantos was the driving force behind the awarding of the Congressional Gold Medal to His Holiness last year. When the House of Representatives ultimately voted to give His Holiness the honor, he said:

"In his quiet but persistent way, His Holiness the Dalai Lama has devoted his life to asserting the Tibetan people's rights, lifting their spirits and upholding their dignity. By his humble personal example, through his prolific writings and in his addresses to audiences in every corner of the earth, the Dalai Lama has provided exceptional service to humankind. Such a vast contribution to the betterment of our world deserves special recognition and support. After nearly three decades of friendship with His Holiness, I am deeply honored and proud to have rallied my colleagues to award him the Congressional Gold Medal. We can now look forward to the day when he once again meets with members of Congress—this time to stand before us all to receive this unique and well-earned honor."

Mr. BERMAN. I am pleased to recognize my friend and colleague from Tennessee, Mr. STEVE COHEN, for 2 minutes.

Mr. COHEN. "Tom," as he would insist on being called, was a special person. I'm a freshman, and he befriended me in my first year.

Back, I think it was last January, there was an article in The Hill, and it described my apartment. And my apartment was described as spartan, and that's probably effusive. And we had a Judiciary Committee meeting with Justice Pryor and Justice Alito, I think there were just six or seven or eight of us there, and I choose to go to that meeting rather than the Yom HaShoah program at Statuary Hall. And I felt bad about that because I had attended all those programs in Tennessee and felt strong about the Holocaust. And I rushed up here at the end and I saw Mr. LANTOS and I went up and I said, Mr. LANTOS, I'm sorry, I missed the meeting. He said, First of all, it is TOM. And I said, Well, okay, TOM. And I said, I went to this Judiciary meeting and I made a mistake; I should have come here, I know. And he said, No, you didn't; you did the right thing going where you belonged. You belonged in committee. You can go again next year. And then I walked away and he stopped me and said, And by the way, I read about you in The Hill. If you need some help with interior decorating, you give me a call.

He was a special person. He had a wonderful sense of humor. And when I had problems with bills and votes that I didn't feel comfortable with, I would go to him; and he was grounded and helped me with them, just as he did Congresswoman WASSERMAN SCHULTZ.

America has lost a great leader, and I feel like I have lost a member of my family. I am fortunate to have known him. JOHN LEWIS and TOM LANTOS are the two saints of Congress; we've lost one, we have another.

Mr. BERMAN. I am pleased to recognize the gentleman from Missouri, Mr. RUSS CARNAHAN, for 2 minutes.

Mr. CARNAHAN. Madam Chairman, my deepest condolences to the Lantos family. Thank you for sharing him to perform his remarkable public service here.

It is, indeed, an honor and a privilege to have known TOM and Annette Lantos, a remarkable American success story, a remarkable American love story.

I first met Mr. LANTOS as a new Member after the 2004 elections and was awed by him. His life story and internationally renowned fierce voice for human rights everywhere will continue to lead and inspire us for years to come.

I am truly indebted to TOM LANTOS for his gentlemanly demeanor and generous time and advice for me as a new

Member of this House and on his Foreign Affairs Committee. His giving nature, keen intellect, and passionate advocacy were part of the decency in what is right about this House of Representatives.

Mr. Chairman, TOM, we will miss you, but not soon forget you.

Mr. BERMAN. Madam Speaker, I am very pleased to yield to TOM's good friend, chairman of the Asia Subcommittee of House Foreign Affairs Committee, ENI FALEOMAVAEGA from American Samoa, 2 minutes.

Mr. FALEOMAVAEGA. Madam Speaker, I thank my good friend, the gentleman from California, our chairman-to-be of the House Foreign Affairs Committee, and also my good friend and distinguished ranking member of our committee, the gentlelady from Florida (Ms. ROS-LEHTINEN).

Madam Speaker, I, too, would like to express my most profound sorrow and to extend my sympathies to Chairman LANTOS' dear wife, Annette, and their two daughters and 18 grandchildren.

It is my privilege to participate in this Special Order and pay special tribute to our colleague and chairman of the House Foreign Affairs Committee, the gentleman from California, Congressman TOM LANTOS.

Without equal, Madam Speaker, Chairman LANTOS was a champion and advocate throughout the world for the basic rights and dignity and decency of all human beings, regardless of race, color, gender, or religious affiliations. TOM LANTOS truly believed that in this troubled world of ours there is only one race, and that is the human race.

I am without words in how I can best describe the life of this giant among men. And in this Chamber of Congress, there is no word or phrase more dear to TOM's heart than that of "human rights." And forever I will remember him as a teacher and a mentor whenever the subject of human rights is being debated or under discussion in this institution.

As others have said earlier, Chairman LANTOS would not have had it any other way other than for us to continue the fight and to advocate for human rights whenever necessary, and for that matter, also to defend freedom and democracy throughout the world. We have a saying in the islands, Madam Speaker, to my friend TOM LANTOS, "Ia manuia lau faiga malaga"; may you have a great voyage in the afterlife, my friend, Chairman TOM LANTOS.

Mr. BERMAN. Madam Speaker, I yield myself 3 minutes.

The SPEAKER pro tempore. The gentleman is recognized for the balance of the time.

Mr. BERMAN. I thank the Speaker.

A great deal has been said about TOM LANTOS this evening, wonderful, eloquent words that captured just the profound effect that he had on this institution. Many serve in this institution. Some leave a mark on their districts of their presence here; some leave a lasting mark on the institution. It's hard for me to think of anyone who left such a mark around the world as Chairman LANTOS did in so many different areas.

You read that statement that DAVID DREIER read earlier, and I'm going to read it again because it captures his love of this country. He and Annette, they were the greatest Americans because they knew what the alternative had been, and they paid back with their work and with their gratitude what America offered them.

This is TOM LANTOS' words after he is diagnosed with a very advanced stage of esophageal cancer, "It is only in the United States that a penniless survivor of the Holocaust and a fighter in the anti-Nazi underground could have received an education, raised a family, and had the privilege of serving the last three decades of his life as a Member of Congress. I will never be able to express fully my profoundly felt gratitude to this great country."

He not only loved America; he hated tyranny and oppression. And I served with TOM on the committee for 26 of his 28 years in the Congress, and that anger and hostility and willingness to fight against dictatorship and tyranny covered the dictatorships of the communist regimes, and it covered the dictatorships and the oppression of the rightwing authoritarian regimes. He wasn't one side or the other; he was against tyranny for human rights. Stood firm.

It's very easy for us to attack forces that have no direct impacts on our district; it doesn't take that much courage to do that. TOM LANTOS, notwithstanding what some company in his district might be making in terms of sales to a particularly oppressive country, stood firm and constantly dealt with the pressures coming back from his own constituents about our livelihood, our jobs, because he couldn't tolerate the notion that, in effect, American companies, American individual interests, American corporate interests were giving governments around the world the tools of that repression.

In closing, I just want to tell one story. It was a profound experience for me, I'll never forget. I had the opportunity to see TOM a few weeks ago at his home here in Washington with Annette, with Katrina, with their granddaughter and with a baby grandson, which, by the way, was one part of what gave him his strength was this unbelievable family structure. And he looked much better than he had looked in his last few weeks here, and he talked about being at peace. Yes, he would have loved to have been able to be here a few years longer, but for him, he felt what a wonderful life he had had, what a wonderful family, what a country, the colleagues. He was at peace with what awaited him. And there was a serenity and a strength there that just was stunning to me. I'll never forget it.

To the family, to Annette, our prayers are with you. And you know that the work he did, the lives he affected around the world, his presence will be maintained long after his passing.

Mrs. DAVIS of California. Madam Speaker, we have lost a dear friend and colleague in the House of Representatives. The world has also lost a great humanitarian.

As the only Member of Congress to survive the Holocaust, Congressman LANTOS had a deep understanding of the value of freedom and the need to pursue human rights around the globe. He brought life experiences to his work that nobody else could.

On a personal note, I was extremely saddened when I heard the news of his passing. After arriving back in Washington today and seeing the flags at half mast, it set in that he won't be with us any longer.

I will miss him.

He was always very gracious during my conversations and dealings with him. I would listen closely when he spoke because what he had to say was always important. I urge my colleagues to honor Chairman LANTOS' memory and fight for human rights and justice around the world with the same passion that he did.

Mrs. MALONEY of New York. Madam Speaker, yesterday, the United States Congress lost a dear friend, a true humanitarian, and a real statesman, Chairman TOM LANTOS of California.

I extend my deepest sympathies to TOM's dedicated wife Annette, his daughters Annette and Katrina, and to his many grandchildren and great-grandchildren. We are thinking of them during this difficult time and hope they will find solace in knowing that their husband, father, and grandfather was a true hero and role model for so many of the people he touched.

Chairman LANTOS was unrelenting in his lifelong commitment to defending the oppressed. He decisively chose to serve his fellow human beings, often at great personal risk to himself. After escaping from Nazi labor camps in World War II, young TOM fought in the underground Nazi resistance and continued to fight for justice. His ability to triumph through tragedy is truly inspirational.

TOM embodied the American dream. In the summer of 1947, TOM was awarded a scholarship to study in the United States. He arrived in New York City with no money and only a Hungarian salami which was quickly seized by U.S. customs officials. With his incredible persistence and deep intellect, he soon earned his Ph.D. in economics from the University of California, Berkeley. TOM was always thankful for the opportunities given to him by the United States and America is blessed to have had such a loyal citizen and distinguished leader.

Continuing his dedication to others, TOM served the American public and people of the world as an exemplary Member of Congress. He founded the Congressional Human Rights Caucus and most recently served as Chairman of the House Foreign Affairs Committee. Standing by his convictions, TOM was arrested at the Embassy of Sudan for protesting human rights violations in Darfur. As a result of this brave action, the President renewed his call for a stronger international presence in Darfur. TOM continually defended those too often ignored by the international community. People of the world are indebted to him for his strong leadership in promoting human rights.

I am honored to have served in Congress with Congressman LANTOS and to have worked together on significant legislation defending the international human rights of women. His support was paramount to the achievement of many gains for women's human rights.

Together, we were able to provide direct assistance to advance the status of women in Afghanistan. We also collaborated on landmark legislation to stop human trafficking. I am deeply grateful for his commitment to the women of the world.

Chairman TOM LANTOS will always be remembered with respect and gratitude. He consistently gave voice to the voiceless and was their champion. His legacy of upholding human dignity will continue to inspire future generations of Americans.

Mr. AL GREEN of Texas. Madam Speaker, it is with great sadness that I mourn the passing, and commemorate the courageous life, of my dear friend and colleague, Congressman TOM LANTOS of California.

Congressman LANTOS began a lifetime of passionate work for human rights as a young man when he escaped a forced labor brigade to join an underground resistance movement against the Nazis in his home country of Hungary. A Jewish survivor of the Holocaust, he was just a teenager when he undertook this important work, which began over 60 years of efforts to fight for human rights across the world.

Congressman LANTOS' life of work on behalf of human rights culminated with over two decades of service in Congress, where he never failed to champion causes that he felt were just. In 1983, Congressman LANTOS became a founding co-chair of the Congressional Human Rights Caucus, a caucus on which he served for the remainder of his life. Under Congressman LANTOS' leadership, this caucus was on the forefront of efforts to protect women's and children's rights, to free political prisoners, to preserve religious freedom and to halt ethnic cleansing.

In recent years, Congressman LANTOS directed his focus to ending the ongoing genocide in the Darfur region of Sudan, which has already claimed the lives of over 400,000 people. In 2006, he was among a group of 11 individuals who were arrested for committing civil disobedience outside the Sudanese Embassy in protest of the genocide. I can only say that it was an honor to follow in this wonderful man's footsteps by doing the same thing myself a few short weeks later.

Beginning last year, when Congressman LANTOS became Chairman of the House Foreign Affairs Committee, he brought the crisis in Darfur and the recent violent crackdown on democracy activists in Burma to the forefront. It also must be noted that, under Chairman LANTOS' leadership, the Foreign Affairs Committee finally began long-overdue oversight of the war in Iraq.

Congressman LANTOS' inspiring leadership will be sorely missed, not only in this Congress, but by people around the world. I wish to send my deepest condolences to Congressman LANTOS' friends, family and constituents for the loss of this irreplaceable man of good will.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I come to say good-bye to a beloved colleague and friend.

The sudden news of Chairman TOM LANTOS' passing has left those who had the privilege to know him without adequate words to express our grief.

My thoughts and prayers go out to his caring wife Annette and to his family. I wish them strength and clarity during this difficult time.

TOM's life and accomplishments reached far beyond his contributions as a legislator.

Many words have been written about TOM's experiences as a youth in Nazi occupied Europe. But none of us will ever be able to speak here with the same level of experience and understanding that he had when referring to genocide, suffering, the suppression of human rights, and the denial of human dignity.

TOM carried a personal sense of responsibility to fight for those who cannot always speak for themselves: the underprivileged, the subjugated, the oppressed. It was evident in his words and actions, in every piece of legislation he crafted, and in every hand he warmly shook.

His convictions were never more evident than in his work to establish the Congressional Human Rights Caucus. He founded the Caucus to focus attention on human rights abuses around the world. Not only did he work to raise awareness and increase the scrutiny of abusive practices around the globe, he worked to stop heinous acts against our fellow women and men and to bring peaceful solutions to the conflicts that led to such atrocities.

His unwavering optimism and prudent leadership will be missed.

My words cannot satisfactorily articulate the loss that his death brings to me, the House of Representatives, and to the Nation he loved and served.

Mrs. TAUSCHER. Madam Speaker, TOM LANTOS was one of the kindest, most sincere people I have ever met. It was both an honor and a pleasure to serve the people of the Bay Area with a man of his integrity. His belief in universal human rights for every man, woman and child defined his career in Congress as well as how he lived his life. America is honored that TOM LANTOS chose to be a citizen of our great democracy, and the world is a better place because he fought to make it so. His passing is a loss to the Congress, the Bay Area, and the United States, and everyone who believes in fairness and equality. My thoughts are with his wife Annette and his entire family at this very sad time.

Mr. HONDA. Madam Speaker, I rise today to honor the memory of Congressman TOM LANTOS.

It was with great sorrow that I learned of the passing of my esteemed colleague.

When I asked TOM LANTOS for his support in defending a group of women who the Japanese Army forced into prostitution during World War II, I knew that if anyone would understand the pain of war, it would be him. For Congressman LANTOS, human rights violations were not just an abstraction. He saw his family decimated by the Nazis during the same war. He himself had suffered through the horrors of a labor camp.

After surviving the horrors of the Holocaust, Congressman LANTOS dedicated his life to advocating for the rights of others. He spoke for those who had no voice through his tireless advocacy as the founder of the Congressional Human Rights Caucus and the chairman of the Committee on Foreign Affairs.

A fellow member of the Bay Area delegation, Congressman LANTOS has been a mentor to me. His thirst for justice and advocacy of progressive ideals will live on in all those he inspired during his fruitful life.

Congressman LANTOS will be missed by everyone who had the privilege of working with him. I send my deepest condolences to his family, and echo his wife Annette's comments that her husband's life was "defined by courage, optimism, and unwavering dedication to his principles and his family." TOM LANTOS will forever remain a role model and inspiration to me.

I will miss him dearly.

Ms. MCCOLLUM of Minnesota. Madam Speaker, it is with tremendous sadness that we mourn the passing of Chairman TOM LANTOS—an inspiring colleague and an outspoken champion for human rights around the world. His passing will leave an enormous void in the U.S. House of Representatives, where he has served for 28 years and was admired and respected for his strength, leadership and unwavering commitment to democracy and freedom.

It was my honor to serve for 4 years as a member of the House International Relations Committee in which Representative LANTOS was my ranking member. He was a mentor and strong leader as a Democrat and as an American. I will miss TOM as a colleague and a friend.

I extend my heartfelt prayers and condolences to TOM's wife, Annette, who was his constant companion and an inspiration in her own right, along with their two children, seventeen grandchildren and two great-grandchildren.

The U.S. House of Representatives and the United States of America have lost a hero, and he will be sorrowfully missed.

Mr. LAHOOD. Madam Speaker, I rise today to pay tribute to our friend and colleague, the gentleman from California, TOM LANTOS.

Our Nation has lost a true leader, and the world has lost its foremost champion of human rights. While involved in many different issues throughout his illustrious career, it is TOM LANTOS' work on behalf of suffering people throughout the world that best exemplifies the type of man he was.

Born on February 1, 1928 in Budapest to Jewish parents, TOM LANTOS faced unspeakable horror early in his life. He escaped a Nazi forced labor camp twice, the second time thankfully finding himself under the protection of Raoul Wallenberg, likely saving his life. He later learned that his parents and much of his family perished at the hands of the Nazis.

As the only survivor of the Holocaust serving in the House, he understood, in a way no one else could, the type of suffering man can inflict upon others. He was the founder and co-chairman of the Congressional Human Rights Caucus, and truly was a leader in standing up for the smallest and weakest in our global community. No injustice escaped his attention, no matter what corner of the world was involved, and he would fight doggedly to right any wrongs.

He earned an academic scholarship that brought him to the United States, where he earned his bachelor's, master's and eventually doctorate degrees and entered the world of academia, before he decided to enter the political arena, serving 14 terms here in the House. He rose through the ranks to become the distinguished chairman of the House Foreign Affairs Committee, a position that allowed him to continue his battle for the common man who might otherwise not have a voice.

I was fortunate to have the opportunity to travel with him and his wife Annette on a trip to South Korea, Cambodia, and Vietnam in January, 2001, hosted by then-Minority Leader Gephardt. I am proud to call him not only my colleague, but also my friend.

I join with all of my colleagues in extending our thoughts and prayers to TOM's bride of almost 58 years, Annette, his two daughters, his 17 grandchildren and two great-grandchildren. He will truly be missed.

Mr. CARDOZA. Madam Speaker, it is with great sadness that I rise today to speak on the passing of an esteemed colleague and a true friend, former Congressman TOM LANTOS.

TOM's dedication, passion, and fervent commitment to human rights will be deeply missed by our Nation and, indeed, around the world. As the only Holocaust survivor ever elected to Congress, TOM fought every day to give voice to the voiceless and make true our commitment to the words "never again." Only 16 when he was rounded up in his native Hungary by the Nazis where he saw most of his family perish, TOM was a living embodiment to the ideals of courage and human rights.

First elected to Congress in 1980 after a distinguished career in academia, TOM was a tireless advocate on behalf of his constituents and a fine public servant. Representing parts of San Francisco as well as his hometown, San Mateo, TOM zealously represented the interests of his District and, speaking as a Member of the California delegation, I was proud to serve with him and call him friend.

While TOM had a remarkable career of over a quarter of a century in Congress, it was his last year as chairman of his beloved House Foreign Affairs Committee that he seemed to relish the most. From that perch, he was able to advance the cause of human rights and to shine a light on long ignored parts of the globe.

TOM is survived by his loving wife Annette, by his two daughters, Annette and Katrina; by 17 grandchildren and 2 great-grandchildren. Our thoughts and prayers are with his family.

Ms. HARMAN. Madam Speaker, maybe because I, too, lost many family members in the Holocaust, I felt a special affinity for TOM LANTOS. His story was an integral part of him. I was moved every time he described himself as the only Holocaust survivor in Congress. And so were many others.

TOM was eloquent, passionate, insightful, elegant—and fierce in his advocacy. His questions of witnesses before his committee could be withering. He had a point of view and was unblinking in his efforts to communicate it.

In personal terms, TOM was a lovely human being—devoted to Annette, his daughters and that enormous crowd of grandchildren and great-grandchildren. But he was also devoted to his colleagues, this institution, to our country, and to achieving peace in the Middle East.

At a time of such entrenched partisanship—which he deplored—we desperately need more, not fewer, Toms. Sadly, that is not likely to happen.

I shall miss him terribly.

Shalom, haver.

Mr. BACA. Madam Speaker, I rise today to remember a respected colleague, and to celebrate a life filled with courage, love, and service.

With the passing of Representative TOM LANTOS yesterday, this body and this country lost a champion for human rights and life everywhere.

A quick look at Representative LANTOS' life shows us what a remarkable man he really was.

Born in Hungary, he fought in the underground struggle against the Nazis in Europe and twice escaped from labor camps as a teenager.

Later, as the only Holocaust survivor to ever serve in Congress, he used this experience to work against the forces of oppression, intolerance, and genocide.

Representative LANTOS was also known as a dedicated family man. He and his dear wife Annette were usually inseparable—and all of my colleagues in the House knew of his dedication to his 17 grandchildren.

So let us take this time to recognize and mourn our dear friend Representative TOM LANTOS—a fierce defender of human rights, and true leader who worked to improve the world for both the free and oppressed alike.

The thoughts and prayers of Barbara and I are with his family, friends, and constituents at this difficult time.

Ms. HIRONO. Madam Speaker, I rise today to join my colleagues in honoring the legacy of human rights champion LANTOS TAMÁS PETÉR and expressing great sympathy on the passing of this great American.

As a member of the freshman class of the 110th Congress, TOM LANTOS was certainly a colleague that I admired and looked toward for guidance. I am especially glad that under our new majority he was able to serve as Chairman of the Foreign Affairs Committee, a post that he held with distinction. There was an air about him, of European old-worldliness and charm, that I will never forget. It was a great honor to have served with a man of such character and integrity.

TOM is famously quoted as saying that he was an "American by choice." And how only in this country, could "a penniless survivor of the Holocaust and a fighter in the anti-Nazi underground . . . have received an education, raised a family and had the privilege of serving the last three decades of his life as a member of Congress." As a naturalized U.S. citizen myself, I hope to give back to this Nation as much as TOM did in his many years of public service.

I would like to extend my deepest condolences to TOM's beloved wife, Annette Tillemann Lantos, his daughters Annette Tillemann-Dick and Katrina Swett, his 18 grandchildren, and his 2 great-grandchildren. Thank you for sharing TOM with us and with the world. His example of courage and integrity will continue to inspire us.

Mr. WILSON of South Carolina. Madam Speaker, yesterday morning a friend and colleague, Representative TOM LANTOS, passed away.

Throughout his life, Congressman LANTOS fought for liberty. As a young man in Hungary during World War II, he opposed the spread of Nazi fascism and survived the Holocaust. During his 27 years in Congress, Congressman LANTOS earned a reputation as a leader for human rights and democracy around the world—in particular as the Ranking Member and the Chairman of the House Foreign Affairs Committee.

I had the privilege of working with Chairman LANTOS as a fellow member of the House Foreign Affairs Committee. Together, we were able to strengthen the partnerships between the United States and nations throughout the world. Chairman LANTOS brought an unmoving optimism to both his life and his career that served himself and his adopted nation of America well.

TOM LANTOS was a beloved and respected member of the House of Representatives, and he will be dearly missed. During this difficult time, our thoughts and prayers are with his wife, Annette, their two daughters, and his entire family and friends.

Mr. HOLT. Madam Speaker, today, I rise to honor the life and legacy of TOM LANTOS. The passing of Chairman LANTOS is a great loss to the Congress, our Nation, and to oppressed people worldwide.

Born in Budapest, Congressman LANTOS was 16 in 1944 when Nazis captured and occupied the city. He twice escaped Nazi labor camps and was one of the thousands of Jews saved from the Holocaust by the humanity of the Swedish diplomat Raoul Wallenberg. Yet most of his family members did not survive the Holocaust.

At the end of the Second World War, Representative LANTOS came to the United States with his childhood sweetheart, and soon-to-be wife, Annette Tillemann. Over the past 58 years, LANTOS and Tillemann were rarely far apart and worked tirelessly together to champion human rights around the globe. Today, my thoughts and prayers are with her and the Lantos children.

When LANTOS came to Congress in 1980, the first major piece of legislation he introduced was to award honorary American citizenship to Raoul Wallenberg, whom he called "the central figure in my life." Wallenberg was a central figure in the lives of many European Jews.

A few years later TOM founded the Human Rights Caucus. As co-chairman of the caucus, LANTOS was the leading critic of abusive and despotic regimes abroad. He was unafraid to confront the Chinese Government for its human rights record and he was undeterred in his efforts to end the ongoing genocide in Darfur. Most recently he helped move through Congress tough sanctions on the Burmese junta to help restore that country's democracy.

As chairman of the House Committee on Foreign Affairs for the past year, Congressman LANTOS continued to be a moral leader on human rights and an advocate for those who had none.

TOM LANTOS was a friend to me and to all people who believed in the basic rights of all people. I am honored to have served with him and I will do my best to work for continued fulfillment of his ideals.

Mr. RANGEL. Madam Speaker, I rise today in mourning of a most distinguished colleague, a champion for America, a lifelong survivor, and a kind friend, Representative TOM LANTOS.

He stood at the near-perilous brink of history. Born to Jewish parents in Budapest, Hungary, he joined the Hungarian underground—at not yet 17—after the Nazi occupation and twice escaped from forced labor camp. He was beaten. His mother, much of his family, and the family of his high school sweetheart-turned-wife were killed.

He transformed tragedy into triumph. After earning an American education and raising a family, he became the only Holocaust survivor elected to the U.S. Congress in 1980. Three years later, he had founded the Congressional Human Rights Caucus. And last year, he became the chair of the House Foreign Affairs Committee.

He was a man of steadfast principle. He was one of five members of Congress—at not yet 80—arrested in a protest outside the Sudanese Embassy, in opposition to the genocide in Darfur. He trumpeted the causes of civil liberties and human rights with a consistent, measured voice, having survived such great evil and wanting to spare the world that suffering.

His soul, his convictions, his grit and determination—as genuine at age 17 as 80—remained uncompromising, unimpeachable.

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor a great man, Congressman TOM LANTOS.

I would like to send my deepest sympathies to Annette and the whole Lantos family. Congressman TOM LANTOS' partnership with his wife, Annette, was one of respect and true adoration. I hope that the whole family will be comforted by the knowledge that TOM's work has enhanced the lives of millions around the world.

I was proud to serve on the Foreign Affairs Committee under the chairmanship of TOM LANTOS. Within the Congress, he was viewed as the strongest and most vocal defender of human rights. When he spoke, people listened, and when he led, people followed. His moral clarity serves as an example that generations to come will strive to follow.

His achievements in world affairs will live on as his legacy. His impassioned protection of human rights, his crusade for democracy, his defense of Israel and Jews worldwide, show that one individual truly can make a difference in this world.

Last fall, he and Annette asked me to lead the Congressional Taskforce on Anti-Semitism, which is a project that they started together as Holocaust survivors. Now, as we continue our fight against anti-Semitism throughout the world, his memory will carry on in everything that we do.

Congress and the Nation have lost an important voice. But that voice will continue to inspire America and people throughout the world.

Ms. DEGETTE. Madam Speaker, Representative TOM LANTOS (D–CA) was the personification of America at her best. During his nearly 28 years in office, TOM was a champion for human rights and social justice around the world. As Chairman of the House Foreign Affairs Committee and co-founder of the Congressional Human Rights Caucus, TOM was dedicated to securing the freedom and liberty he treasured for all people.

Born in Budapest, Hungary, TOM was a member of the anti-Nazi resistance movement and escaped Nazi labor camps twice. The war took most of his family and with the help of a brave Hungarian diplomat, he and his wife, Annette, arrived in America penniless with little aside from painful memories of the war, and an unparalleled determination to prevent the repetition of the atrocities he had seen.

After winning election to the House in 1980, TOM quickly showed himself to he an undisputed authority on foreign policy. His eloquence and passion made him a natural leader as he forged alliances where no one else could. In accord with his commitment to human rights, he was one of the first to sound the alarm on the ethnic killings in Dafur. And he was one of five members of Congress arrested for protesting outside the Sudanese Embassy.

Representative TOM LANTOS is survived by his wife of nearly 58 years, their two daughters and 18 grandchildren. His daughter Annette and her beautiful family are constituents of mine as well as personal friends. My condolences go out to her, TOM's other daughter Katrina and his beautiful wife, Annette. TOM LANTOS will he remembered for his courage, inspiration and compassion. TOM, we all loved and respected you. We will continue your ceaseless fight to keep America true to her conscience.

Mr. WOLF. Madam Speaker, I rise today to honor the memory of Congressman TOM LANTOS, our beloved friend and colleague, who passed away on Monday morning from esophagus cancer.

Believers in human rights and oppressed peoples around the world have suffered a terrible blow with the loss of TOM LANTOS. He was a tireless champion for those suffering oppression and violence and discrimination, and the world is quite simply a more painful place with his passing. Every time a human rights issue came up on the House floor, TOM was always there, speaking out for the voiceless.

TOM's experiences escaping Nazi concentration camps twice as a teenager and losing most of his immediate family in the carnage of the Holocaust cultivated in him a unique sensitivity to suffering. His compassion and willingness to stand up for what is right was a constant inspiration to me, both in our work in the House of Representatives and in our co-chairmanship of the Congressional Human Rights Caucus. He was a hero in the eyes of so many, and his loss will be felt acutely by all of us.

I extend my most sincere condolences to TOM's family, and I encourage my colleagues to take up the torch with which TOM illuminated the world's darkest corners.

Ms. ESHOO. Madam Speaker, I rise today with great sadness to pay tribute to my colleague, my neighbor, and my friend, Congressman TOM LANTOS.

For three decades, TOM LANTOS has been an eloquent voice for the voiceless here and around the world. With his passing, our country has lost a great champion for human rights. His dedication to his fellow human beings was rooted in having survived the Holocaust. His story of survival and escape from Nazi forced labor camps in Hungary during the Second World War is inspirational, but it was the memory of those, including his mother, whom he lost, that motivated him in his extraordinary career of public service.

TOM LANTOS' story was also the story of an immigrant. He said he was an American by choice. Coming to the United States through an academic scholarship, he worked hard and made the most of the opportunities that only America can offer. He earned degrees from the University of Washington and the University of California, Berkeley, and taught economics for 30 years before running for Congress in 1980, winning against a Republican incumbent in a Republican year.

As a Member of Congress, TOM LANTOS raised the profile of human rights in every corner of the world from China to Tibet and from Sudan to Burma. One of the first things he did when he came to Congress was to found the Congressional Human Rights Caucus in 1983. As the only Armenian-American serving in the House, I'm especially grateful for TOM's leadership as chairman of the House Foreign Affairs Committee last year when he worked to secure the passage of legislation recognizing, at long last, the Armenian Genocide of 1915. His voice in the face of strong opposition from many fronts helped secure the passage of this resolution through the committee.

Although Congressman LANTOS' expertise was in world affairs, he took care of his constituents in California's 12th Congressional District. For 15 years I've had the privilege to serve with him, representing one of the most remarkable areas of our country. We worked together on efforts to preserve our local environment and improve transportation.

Congressman LANTOS' efforts are clearly visible throughout his congressional district. He worked to expand BART service at San Francisco International Airport and to create a water ferry service from San Mateo County to San Francisco. He led the effort to acquire Rancho Corral de Tierra for the Golden Gate National Recreation Area, and we worked together to fund a visitor's center for the Gulf of the Farallones National Marine Sanctuary at the Fitzgerald Marine Center.

More important than the legacy of his work is the legacy of his family, especially the love of his life, his wife Annette; his daughters Annette and Katrina; and his 18 grandchildren and 2 great-grandchildren. They always represented the greatest achievements of his great life.

America was blessed by the life of Congressman TOM LANTOS. May he rest in the peace that he worked so hard to bring to others during his entire life.

Mr. BAIRD. Madam Speaker, I wish to share the perspectives of former Congressman Don Bonker on his distinguished colleague during his service in the House, the Honorable TOM LANTOS.

Tom Lantos was an extraordinary person in so many respects. The only member of Congress to survive the Holocaust, his passionate commitment to human rights, a widely respected authority on foreign policy, and one who worked closely with every administration, regardless of party, and world leaders to insure that democracy, not tyranny, reign in our lifetime.

There was also the extraordinary personal side of Tom Lantos. His confinement and courageous escape from a Nazi-operated forced labor camp in Szob, Hungary, led to his befriending the Swedish diplomat Raoul Wallenberg, who gave him safety in his Budapest apartment and eventual freedom and relocation to the United States.

Mysteriously, Raoul Wallenberg disappeared behind the Soviet Union, never to be heard from again. But Tom and his wife, Annette, never forgot the man who saved their lives, and the 40,000 others whose lives were spared because Raoul Wallenberg, at high personal risk, issued fake passports that enabled them to leave the country.

I first met Tom Lantos before he came to Congress in 1978. As chairman of the subcommittee on human rights, it was suggested I talk to Annette Lantos about the fate of Raoul Wallenberg. Both Annette and Tom gave eloquent testimony before my subcommittee. Later, Tom Lantos wrote and passed resolutions and had a statue placed in the U.S. Capital honoring Raoul Wallenberg. The teenagers from Budapest have spent a life-time honoring the man who saved their lives.

For many years, I traveled with the Lantos' all over Europe, including, to Russia, Romania and Hungary. They were committed first and foremost to the cause of human rights and strengthening democracies, especially in the countries of the former Soviet Union. There was no more eloquent voice or effective champion on these issues than Tom and Annette Lantos, a true legacy that will endure for generations to come.

There is another Lantos legacy. As a parent of 2 daughters, he took great pride in their 17 incredible grandchildren, all of whom are fulfilling the highest expectations of their grandfather. Every year the Lantos Christmas card displayed a growing family of beautiful and gifted children who obviously gave them considerable pride and joy.

In the Congress, Tom Lantos had no peers. He was respected by leaders of both political parties and the undisputed authority on foreign policy. Most newly elected Congressmen avoid the Foreign Affairs Committee because there is little that can help in their constituencies, but for Tom Lantos it was always about foreign relations. Indeed he ranks, alongside Lee Hamilton, as one of the two finest chairmen who ever presided over the House Foreign Affairs Committee.

For those who had the privilege of knowing Tom Lantos, there is even more legacy. His eloquence and charm, personal loyalty to family and friends, his diplomatic grace in meeting world leaders, left one with the impression of being near a truly great leader and genuine statesman of the world. It was a privilege to have known Tom Lantos.

Ms. WOOLSEY. Madam Speaker, for almost three decades TOM LANTOS was been a passionate voice in the U.S. Congress, and a tireless advocate for human rights around the world. Chairman LANTOS' commitment to human rights was forged by his own life's experience, by the violence and tragedy that he saw as a young man in Hungary. His commitment to issues such as ending the genocide in Darfur will be remembered by all those who have served with him throughout his long career in public service.

The Bay Area, and the Foreign Affairs Committee, will sincerely miss his passion and dedication, and his unrelenting commitment to not only helping those in need, but making sure that respect for human rights is at the forefront of our Nation's foreign policy. My heart goes out to Annette, his partner for almost 60 years, as well as his two daughters, his grandchildren, and his great-grandchildren.

Mr. RAHALL. Madam Speaker, I rise today to offer my deepest condolences on the passing of Congressman TOM LANTOS, Chairman of the House Foreign Affairs Committee and my respected colleague from California.

As news spread on Monday of Chairman LANTOS' passing at age 80 due to complications from cancer, a great sadness resonated throughout the House of Representatives and all of Washington. This House, the Nation, and especially the people of California have lost a great champion for human rights, a very personal cause of Representative LANTOS. He was the only Holocaust survivor to ever be elected to Congress and his own experiences enlightened his service and enriched his service in this body.

Throughout his 14 terms in the House of Representatives, Representative LANTOS conducted himself with dignity, grace, and a passion for human rights. As co-chairman and founder of the Congressional Human Rights Caucus, a group that highlights human rights violations worldwide, he was able to provide a platform and a voice for persecuted peoples around the globe.

My thoughts and prayers go out to Representative LANTOS' wife Annette, their two daughters, their 18 grandchildren, and two great-grandchildren in their time of mourning. It was an honor and a privilege to serve with TOM LANTOS these last 28 years in the House of Representatives. I know that he will be remembered in the hearts of his family and friends for all the love and support he has given to them and so many others throughout the years.

Mr. SHULER. Madam Speaker, I rise today to celebrate the life of a great friend and statesman, Congressman TOM LANTOS. My prayers are with his family and friends during this time of mourning.

Upon my arrival to Congress, Representative LANTOS personally invited me to his office to welcome me to this body. I appreciated his kind words and encouragement as I started my work here. Since that time Congressman LANTOS has been a wonderful friend of mine and will forever be a source of great inspiration in my professional and personal life.

Congressman LANTOS' early life experiences as a Holocaust survivor and as part of the resistance movement against the Nazis shaped his future work as a husband, father, academic, and public servant. At the young age of 16, Mr. LANTOS and his family were forced into facist forced labor camps. After escaping twice, Mr. LANTOS sought refuge in a Jewish safe house in Budapest run by humanitarian Raoul Wallenberg. After the war ended, he returned to the capital of Budapest in search of his family, only to discover that they had all perished at Auschwitz and other death camps. He reconnected with a childhood friend, Annette, to whom he was married for almost 58 years.

Congressman LANTOS has been a champion for human rights, social justice, and civil liberties during his 28 years in Congress. Congressman LANTOS' dedication to serving his constituents and this Nation will not be forgotten. His life will be remembered as one of courage, selflessness, and tireless dedication to his principles.

My thoughts and prayers go out to Congressman LANTOS' wife Annette, his two children, 18 grandchildren, and two great-grandchildren. I ask my colleagues to join me in solemn remembrance of this great public servant.

Mr. WAXMAN. Madam Speaker, I rise to join my colleagues in expressing profound sorrow at the passing of our good friend, TOM LANTOS.

TOM was neither an ordinary American nor an ordinary Member of Congress. His personal experience as a Holocaust survivor—and the only survivor ever to be elected to Congress—defined his work in the House of Representatives. He bestowed on all of us a unique perspective that we both needed and relied on.

As the founding co-chair of the Congressional Human Rights Caucus, TOM was known to all of us here and throughout the country as the conscience of the Congress. From the genocide in Darfur, to the human rights crisis in Burma, to the global AIDS epidemic, to modern-day slavery and human trafficking, TOM persevered on behalf of the world's most forsaken and most forgotten.

It was an honor to serve with TOM on the Oversight and Government Reform Committee and Human Rights Caucus. His contributions to Congress, to our democracy, and to the disenfranchised and dispossessed around the world will remain with us always.

On a personal note, Janet and I will never forget TOM and Annette's love for one another and their complete devotion to their children, grandchildren, and great grandchildren. We are certain the love of the Lantos family and the reflection in the days ahead on TOM's extraordinary life will carry them through this very sad time.

Ms. SCHAKOWSKY. Madam Speaker, I rise today to mourn the loss of my friend and colleague TOM LANTOS. Chairman LANTOS' passing is a devastating loss both for the United States Congress and for the Nation.

Chairman LANTOS was a man of unwavering principle and commitment who worked tirelessly to improve the lives of people here at home and around the world. He combined an intense knowledge of the world with an equally intense passion for the rights and security of individuals. TOM LANTOS' elegance and eloquence were examples to all of us of how to conduct ourselves as Members of Congress. In my years serving in House, I often looked to him as an example of how to treat our colleagues with courtesy. His respect for this institution was profound.

As the only Holocaust survivor ever to have served in Congress, he had an unfaltering commitment to the promotion of human rights. Having survived one of the darkest chapters in the history of the world, he became a champion for oppressed people everywhere, in every corner of the globe. And as a fellow Jewish Member of Congress, I have been proud to work with Chairman LANTOS to defend Israel's right to exist and to join him in his lifelong fight against anti-Semitism.

One of my fondest memories of TOM was working with him to help Congregation Hakafa in Glencoe, Illinois transport their Torah to its original home in the Czech Republic in 2005. The citizens of Lostice, the small town that was the home of the Torah, gathered to celebrate the Torah's return when it was placed in the Ark for the first time since the late 1930s. It was a beautiful moment that connected Jews and non-Jews across continents and it would not have been possible without Chairman LANTOS' devoted work.

Chairman LANTOS was a proud public servant who selflessly served his constituents in California's 12th District for over 30 years, and I know his loss will be felt deeply in his district, in California, and throughout the world.

I would like to offer my deep condolences to TOM's wife of 58 years, Annette; to his two daughters, Annette and Katrina; and to his 18 grandchildren and his great-grandchildren, who were by his bedside when he passed. The Lantos family, I know, was to TOM his greatest accomplishment. While I know no words can take away the pain of his loss, I hope that the tributes that are pouring in from around the world provide some consolation in this difficult time.

Mr. BERMAN. Madam Speaker, I yield back the balance of my time and thank my colleagues.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3521, PUBLIC HOUSING ASSET MANAGEMENT IMPROVEMENT ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules (during consideration of H. Res. 975), submitted a privileged report (Rept. No. 110–524) on the resolution (H. Res. 974) providing for consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5349, PROTECT AMERICA ACT OF 2007 EXTENSION

Ms. SLAUGHTER, from the Committee on Rules (during consideration of H. Res. 975), submitted a privileged report (Rept. No. 110–525) on the resolution (H. Res. 976) providing for consideration of the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days, which was referred to the House Calendar and ordered to be printed.

## IRAN STILL LIVES IN THE STONE AGE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the Iranian Government still lives in the Stone Age. Two Iranian sisters will be stoned to death after a court convicted them of adultery. One sister's husband was upset that he and his wife didn't get along, so he planted a video camera in their home while he was away. A videotape showed the two sisters in the company of other men, but did not show either woman engaged in a sexual act.

The husband turned the videotape over to the adultery police to prosecute the women. These two sisters were tried twice for this so-called crime. The first trial resulted in a conviction, and the women were convicted of illegal relations. Each sister received 99 lashes. But it gets worse: a second trial convicted the two sisters of adultery and they were sentenced to death.

Last year, Jafar Kiani was stoned to death for alleged adultery. Now these two sisters are next in line for the savage rock throwing. Doesn't anyone think lashing and stoning is a bit severe for adultery? I guess the Iranian Government has never heard of cruel and unusual punishment. And where is the outcry from the world of women's rights groups when they are needed to protest these acts from the Stone Age?

And that's just the way it is.

□ 2045

## SPECIAL ORDERS

The SPEAKER pro tempore (Ms. BALDWIN). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## REMEMBERING AND HONORING THE VICTIMS OF THE SHOOTING AT KIRKWOOD CITY HALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CARNAHAN) is recognized for 5 minutes.

Mr. CARNAHAN. Madam Speaker, I rise tonight on a sad occasion in the loss of loved ones in the Kirkwood, Missouri, community, part of which I represent and part of which is represented by my colleague Representative AKIN of St. Louis County, and tonight we want to talk about that incident.

This close-knit community of Kirkwood, Missouri, struggles this week over the loss of loved ones. The wounded, especially Mayor Mike Swoboda, who remains hospitalized, and the chill to public servants and citizens from the violence in Kirkwood City Hall at the level of democratic government closest to the people.

I saw firsthand last Friday night at the Kirkwood community's candlelight vigil the way this community has come together through this tragedy, uplifted by ordinary people performing extraordinary acts of heroism, caring, and love. The hearts and prayers of all Missouri and the Nation go out to the families now grieving.

First, our obligation is to care for the wounded and honor the lost, who were lost while on duty in the high calling of public service. We lost two city council members, Councilwoman Connie Karr and Councilman Michael Lynch; two police officers, Officer Tom Ballman and Officer William Biggs; and Public Works Director Kenneth Yost.

We search our hearts and minds to understand what went wrong that terrible day this past week, to honor their public service, and to learn from this breakdown in the public square. Rightly, we come together to let them know they are not alone in their suffering. We know each and every one of them found purpose in life helping others and as public servants in the public good. One person, Dick Reeves, posted a comment on the St. Louis Post Dispatch site that impressed me and it summed up how to deal with this tragedy. He said, "If something positive comes out of this horrific tragedy, please let it be that in the memory of these good people, each and every one of us dedicates ourselves to treating our elected officials and each other at home, work, school, play, and while driving with respect, decency, and kindness. We can do it. Let our actions be their monument."

And I would like to yield to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Speaker, I rise today to recognize a great tragedy that occurred in Kirkwood, Missouri, in my district this last Thursday. On what seemed to be a typical night in what has long been considered an almost idyllic community, Charles Lee Thornton shot and killed Police Sergeant William Biggs outside of the Kirkwood City Hall.

After entering City Hall, Mr. Thornton then shot and killed four dedicated civil servants and severely wounded the mayor before he himself was shot and killed by responding Kirkwood police officers.

Today, Kirkwood Mayor Mike Swoboda continues to struggle for his life.

Those killed in the City Hall were Police Officer Tom Ballman, Councilwoman Connie Karr, Councilman Mike Lynch, and Public Works Director Kenneth Yost. Kenneth Yost had served in that position for 35 years.

As Kirkwood and surrounding communities lay to rest officers and public servants, one cannot help but be moved by the deep sense of faith expressed by the family and friends they have left behind. What has also become so clear is the deep commitment that these individuals had for their community.

With that service in mind, I would like to refer to Matthew 20:28, which states: "Among you, whoever wants to be great must be your servant, and whoever wants to be first must be the willing servant of all, like the Son of Man; He did not come to be served but to serve and to give up his life as a ransom for many."

## OH WHERE, OH WHERE CAN THE PHANTOM AIR BASE BE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Oh where, oh where has the American air base gone? Oh where or where can it be? With its 6,000 phantom troops and 32 million missing dollars, oh where, oh where can it be?

Madam Speaker, let me explain. Corruption has struck again, and just like times in the past, it's at the taxpayers' expense.

Government investigators recently uncovered the newest scam in contracting. This time it's a phantom air base in Iraq, purchased by the U.S. taxpayers at the tune of $32 million.

Madam Speaker, here it is, or here it's supposed to be. This is a photograph of the location in Iraq where the air base is, or where it was supposed to be built. But you can see that there is nothing to see because it was never built.

Last month the Inspector General at the Defense Department released a report about money spent to help train and equip Iraqi military and police forces. The contracting project in question was awarded to Ellis Environmental Group, a U.S. company based out of Florida, in 2006. The U.S. Air Force paid the company $32 million for this project, this air base in Iraq. The construction contract would have involved the creation of barracks and offices for 6,000 Iraqi troops in Ramadi, the capital of the Anbar province.

But the project had to be abandoned before anything was ever built when the Iraqi Defense Ministry failed to obtain this desert land for the base.

So what happened to the $32 million the Air Force doled out to Ellis Environmental? The alarming answer is no one knows. And the company won't say.

An Air Force spokesman says the contractor set up a camp for construction workers and began design work for the headquarters before the project was halted. But nothing was ever built. All we know now is that none of the $32 million the U.S. paid out to these contractors was returned to U.S. taxpayers. The Air Force is set to begin an audit of the project, but no one knows how long that's going to take.

The Inspector General report documents more abuses. And USA Today Matt Keller, reporter, said the findings show "the military didn't keep adequate records of equipment for the Iraqis ranging from generators and garage trucks to thousands of guns and grenade launchers. Separately, the United States has launched a criminal investigation into allegations that weapons it bought for the Iraqi soldiers ended up in the hands of insurgent and terrorist groups."

Madam Speaker, this ought not to be.

In the meantime, Ellis Environmental Group has changed its name.

If a crime has been committed, these outlaws responsible need to be held accountable. Madam Speaker, war profiteers that make money off of war by building "phantom" military bases like this one should be prosecuted. This type of conduct fits the definition of war crimes. Maybe we should build a real prison for war criminals out in this desert in the sands of Iraq to house thieves that steal American money.

So, Madam Speaker, oh where, oh where has the American base gone? Oh where, oh where can it be? With its 6,000 phantom troops and 32 million missing dollars, it's where, oh where no one can see.

And that's just the way it is.

## FISA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Well, here we go again, Mr. Speaker. As Yogi Berra once put it, "This is like deja vu all over again."

When the Director of National Intelligence, Admiral McConnell, came to the Congress for help, he was only given a 180-day authority to conduct surveillance which he described at the time as necessary to close our "critical intelligence gaps." Of course, that authority expired on February 1, and the 2-week extension of the Protect America Act expires this Friday. Now, while the Democratic majority's so-called RESTORE Act passed by this body recognized the need to defend our Nation beyond 180 days, it would also have repealed core provisions requested by Admiral McConnell, and it also contained a sunset date approximately 2 years from now. While the other body has just passed this evening a 6-year extension of the new FISA bill, it remains to be seen how this will be reconciled with the RESTORE Act passed by this body.

It is certainly my hope that this body will affirm the bipartisan agreement reached by the Senate this evening. It is in concert with the outline of a bill supported by 21 Members of the majority side in a letter they sent to the Speaker just several weeks ago. In my estimation, there is no issue of greater importance to our Nation at the present time. The surveillance of foreign terrorists is critical to our ability to protect our homeland and to assure the safety of the American people. The other body has risen to this challenge by passing legislation that may not be perfect but which does respond to the basic concerns laid out by Admiral McConnell.

Yet, according to press accounts I've seen, some have suggested that the expiration of the Protect America Act wouldn't be that consequential because they say it would not interfere with surveillance which has already begun. Well, let me suggest that even if that were the case, it completely ignores the impact on new terrorist communications which may arise. For instance, if we get word on Saturday, February 16, that an al Qaeda member in Kandahar is on the line with someone in Munich on a call that travels through a New York switch, this is a conversation which should be of interest to us. The point is, if the Protect America Act is allowed to expire, the bill in the Senate is not passed, this terrorist communication may not be intercepted.

I would add that we have had plenty of time to view this issue. We have had plenty of discussion on the relevant committees, and now the bipartisan bill that passed the other body is available for us to act upon.

What must the rest of the world, much less the terrorists who seek to kill us, think of the national security policy that we have displayed of fits and starts? This hardly resembles the actions of a super power determined to protect its citizens from such an ominous outcome. The only hope that we can have is that such indecision perhaps will be construed as a plan to confuse the terrorists, double jujitsu, if you will.

On the other hand, those of us who view the rest of the world through the jihadist prism may be picking up a very different message concerning the level of our determination.

This on again, off again policy of terrorist surveillance has to end. We must give Admiral McConnell and those in the intelligence community under his charge the tools necessary to protect the American people, and we must do so on a permanent basis.

Does anyone realistically believe the imposition of arbitrary sunsets every few weeks or every few months somehow places us in the position to return to a pre-9/11 world? Such wish fulfillment is no basis for the formulation of national security policy, for we no longer live in a world where wishful thinking is permissible if we are to fulfill our obligation to those who have sent us here to represent them and protect them. This is the first obligation of government. And after 9/11 or 7–7 in London, Bali, Madrid, Amman Jordan, and Glasgow, we no longer have the option to pretend otherwise.

☐ 2100

Our policy as a nation must begin with the recognition of this reality. However inconvenient or discomforting it might be for some of us, we must recognize that meeting the challenge posed by those who seek to kill us is going to be a long-term, not short-term, challenge. It therefore requires a long-term investment in our security.

We cannot just be thinking about 2 weeks, or 21 days, or 6 months, or 2 years out. The gravity of the challenge we face requires a commitment which is commensurate with the serious nature of the threat. The American people demand that this be our serious approach.

Although it is my belief that a permanent reauthorization is therefore consistent with the history of the FISA Act, consistent with the threat that we face, and consistent with what the American people wish, the 6-year extension contained in the bipartisan language which passed the other body this evening is a meaningful compromise. We must send a clear message to terrorists that we understand the nature of our struggle. There must be no doubt in their minds that we will never forget what they have done and that we are committed to the long haul.

I take a back seat to no one on the question of the need for vigorous congressional oversight of the executive branch. I spoke about this before I returned to this Congress after a 16-year absence. However, when we are told by Admiral McConnell what he needs and then this body does not listen and attempts to reinvent the wheel with the so-called RESTORE Act, there surely should be some compelling justification for such a rejection of the Director of National Intelligence request.

Let me suggest that it has been more than 6 months since the enactment of the Protect America Act. So what is the factual basis to justify the dramatic changes that were embodied in the majority party's so-called RESTORE Act? After all this time, what is the evidence that Admiral McConnell was wrong? We now have the benefit of 20/20 hindsight. It is no longer necessary for us to speculate.

So how are the changes to the Protect America Act embodied in the RESTORE Act borne out by experience? We now have the basis for making empirical judgments; and unless there are answers to these basic questions, attempts to rewrite Admiral McConnell's bottom line are nothing more than a leap into the dark, a serious existential leap concerning the safety and security of all Americans.

Or is there something else other than evidence at work here? During our legislative hearings in the Judiciary Committee, there were concerns expressed that in reaching the compromise agreement which became the Protect America Act that somehow the White House may have unduly influenced the process. There were questions raised about whether Admiral McConnell could speak truth to power.

Let me first of all say that the interest of the White House in protecting the national security of our Nation is about as much of a surprise as the discovery that gambling was going on in Joe's Bar in the movie "Casablanca." It would be more of a shock to learn the administration, or any administration for that matter, lacked an interest in a matter of such magnitude relating to its essential obligation to protect the American people.

After 9/11, it should never again happen that everything that could be done wasn't done to ensure that we connect the dots. No, the real issue here was one of credibility, or so some attempted to make it, the credibility of Admiral McConnell concerning, as was stated by one of my colleagues on our committee, to speak truth to power.

One interesting incident subsequent to the adoption of the so-called RESTORE Act provides us with persuasive evidence of Admiral McConnell's independent judgment. Regardless of how one interprets the National Intelligence Estimate concerning Iran, any attempt to attack Admiral McConnell as a tool of the Bush administration would appear to be lacking in any credibility whatsoever. There should be no doubt in anyone's mind that Admiral McConnell is a man of honor who calls it as he sees it. This is important because he told us how he sees it; and unlike the bipartisan coalition in the other body, our adoption of the majority party's RESTORE Act proved, I fear, that we did not listen to him with seriousness of purpose.

It was not enough that this man had served in Democrat and Republican administrations and had a distinguished naval career. After all, some would say we are talking about the Bush administration. So let me suggest, this is not about President Bush. As bumper stickers I have seen on the road reflect, by 1/20/09 President Bush will no longer be in office. We will have a new administration and a new President, whomever he or she will be.

But whomever they will be, they will continue to face the same threat by radical jihadists whose primary aim in life is to kill us. That will not change. Regardless of which political party occupies the White House, the one advantage we will need to defend against another horrific attack will be the need to learn of their plans before they are carried out, to gather intelligence; and if we are to be successful in doing so, the surveillance of foreign terrorists will be critical to this endeavor.

Independent sources such as Brian Jenkins of the RAND Corporation have stressed that our intelligence capability is a key element in our effort to protect our homeland. He states that in the terror attacks since 9/11, we have seen combinations of local conspiracies inspired by, assisted by, and guided by al Qaeda's central leadership. It is essential that while protecting the basic rights of American citizens, we find ways to facilitate the collection and exchange of intelligence across national and bureaucratic borders.

The development of comprehensive homeland security strategy cannot be conceived in isolation from the need for surveillance of terrorists overseas. The Director of National Intelligence has told us what he needs; and unfortunately, that is not encompassed in the so-called RESTORE Act, which passed this body, this body, in November. Unless the bipartisan agreement which passed the other body this evening is adopted, we will be without the minimum acceptable threshold of protection negotiated with Admiral McConnell last August.

Although this body did adopt the so-called RESTORE Act in November of last year, that legislation would impose additional burdens on the intelligence community which undermined the essential nature of the compromise reached with Admiral McConnell. Furthermore, the RESTORE Act punted on the critical question of whether retroactive protection could be extended to those communication providers who responded to the call for help from their government in the wake of 9/11.

What does that mean? It means simply this: while we recognize in other situations that a Good Samaritan law makes sense; that is, we want to encourage doctors or health care providers who come upon an accident on the highway to utilize their expertise to help those who might be injured at that location without regard to the possibility of lawsuits thereafter, even though we know that that might, in some cases, make it impossible to sue a doctor for what otherwise would be considered malpractice. We make that judgment because we believe on balance it is for the good of society and in most cases will allow extra protections or extra treatment that otherwise might not be there for someone who has been the victim of such an accident.

Similarly, the Senate bill recognizes how important it is that we have the intelligence necessary to identify the threat that is posed by those who would wish to kill us and destroy us in the name of some distorted version of religious purpose.

And so what we have said, at least what the other body has said, what the President has asked for, what Admiral McConnell has asked for is a type of national Good Samaritan law with respect to the collection of foreign intelligence. In other words, when in an emergency situation, in a terrorist scenario, in the aftermath of 9/11, when the government desperately needs to be able to gather as much information as possible with respect to foreign intelligence, foreign actors who wish to do harm to us, the government reached out to various companies who are able to aid them in that way, and all the bill that has passed the Senate does, and the bill which hopefully will be before us sometime this week, all it does is say that if you responded in good faith to the request of the Federal Government to assist in the collection of information about foreign intelligence relative to the threat that is posed by this terrorist effort around the world, we will hold you harmless. We will have you immune from lawsuits.

Now, when this question was presented to us in the Judiciary Committee, one of my friends on the other side of the aisle, in opposing that, said these people have many high-priced attorneys and they can respond to that themselves. Now, what if we took that as our approach to a Good Samaritan law with respect to accidents on the highway? We would say, well, we don't have to worry because these doctors have a lot of money. They can hire a lot of high-priced attorneys. They can defend themselves in court thereafter. Do we think that would encourage doctors and other medical specialists or health specialists to assist? I think not. At least that has been the decision we have made in State after State after State where we have said on balance, for the good of society, we will create these laws.

No, what we passed on the floor of the House, the so-called RESTORE Act, was the anti-Good Samaritan law. It was Good Samaritan beware: if you dare respond affirmatively to a request by your government and act in good faith to help that government obtain the information against foreign actors with respect to their evil intent to try and destroy us, you may be subjected to lawsuit after lawsuit.

Now is this just a figment of my imagination, the imagination of others, the imagination of those in the Senate who brought forth this bill? No, because we know there are numerous lawsuits that have been filed against those companies that they believe responded affirmatively to the request by the Federal Government to assist them in gathering that information in the wake of 9/11.

The idea that a court order should be required before surveillance can take place against a foreigner overseas is precisely the thing that Admiral McConnell warned against. Well, my friends on the other side of the aisle are fond of the rejoinder that they only require a basket warrant under their approach. That does little or nothing to respond to the admiral's concern, for even if it is a basket, the intelligence community is going to have to identify every piece of fruit in that basket. And as Admiral McConnell has explained time and time and time again, in the real world of intelligence, this is simply unworkable.

Furthermore, in the alternative presented by the majority in their RESTORE Act, which presumably they want to go to conference on and against which they would place the Senate bill, the language found in section 2(a)(2) of that House bill creates even more problems. The language of the majority party's RESTORE Act includes a section entitled: "Treatment of inadvertent interceptions." It deals with this situation: the intelligence community believes in good faith that they are dealing with a foreign-to-foreign communications, but inadvertently they capture communication that deals with a foreign-to-domestic call. And you say how could that happen? Well, in the real world, you can only target one end of the conversation. So when we go into this and we target one end of the conversation and in good faith believe that that is going to be foreign-to-foreign, occasionally you might get foreign-to-domestic. So what happens? The language in the majority party's bill says you cannot use that information for any purpose. You can't disclose it. You can't disseminate it. It cannot be used for any purpose or retained for longer than 7 days unless a court order is obtained, or unless the attorney general determines that the information, the information contained, indicates a threat of death or serious bodily harm to any person.

Now, you might say, well, that should take care of all situations, shouldn't it? Well, let's say we have a conversation or communication involving Osama bin Laden and the communication involves someone within the United States, and there is no indication, no indication whatsoever in that communication concerning a threat of death or serious bodily harm to any person. But the conversation, the contents of the conversation, indicate the exact cave where Osama bin Laden may be. We would find ourselves unable to act.

□ 2115

I know that sounds absurd, but in fact that is a fair reading. In fact, it is the only reading of that section of the bill that the other side of the aisle wishes to have passed in lieu of the bill that was presented by the Senate today. It is simply unacceptable.

Now, to be fair, the majority says, well, wait a second. Your concern is not well placed because there is language found in section 22 of the majority bill which provides that it would not "prohibit the intelligence community from conducting lawful surveillance necessary to prevent Osama bin Laden or any other terrorist or terrorist organization from attacking the United States." So they say, you see, we have taken care of that problem. But they haven't.

The problem with this logic is that the qualification found in that language that the surveillance must be "lawful" is obviously affected by what is found elsewhere in the bill, including the language contained in section 2(a)2 that I just discussed. Thus by its own terms, any assertion that we will be able to listen to the conversations of Osama bin Laden must be read in light of the remainder of the bill.

Again, why are we going down this road? Why is the majority so insistent on not allowing us an up or down vote on the Senate bill? Why are they so insistent on the product that we produced on this floor that has these problems that I have just mentioned?

Since the enactment of the Protect America Act, the one that we passed on August 5, the one upon which the bill in the Senate is based, what facts and what evidence have arisen which would warrant second guessing the intelligence community and its assessment of the minimum requirements necessary in order to continue the protection of the American people? And, Mr. Speaker, I would say if this is not about facts, if this is not about evidence, then what is it about?

It should be noted that the bipartisan legislation passed by the other body does not contain this entirely unacceptable language I mentioned from section 2(a)2 of the House bill.

Now, surely one thing not at issue is the effect of the Protect America Act and its progeny, the bill produced in the Senate today. Its effect on the civil liberties of Americans is not at issue. Let me point this out. There is nothing contained in the Protect America Act or in the bill passed by the Senate today which would allow the President to target Americans or U.S. persons outside of the law. The Protect America Act did nothing to change this aspect of the law, which has existed since 1978, nor does the Senate bill.

So, there are two things which must be kept in mind. First, if the intelligence community targets someone inside the United States, the community must first obtain a court order from the FISA court. That does not change.

Secondly, if the intelligence community surveils a communication where both ends of the communication are in the United States, the intelligence community must obtain a FISA court order.

Furthermore, if Osama bin Laden or another terrorist calls a U.S. person within the United States, the end of the conversation conducted by the U.S. person, the person he called to in the United States, that end of the conversation would have to be what we call in the law minimized under the existing procedures of the 1978 act.

Let me again emphasize that the minimization process which is applied in cases where information has been inadvertently obtained from a U.S. person is not only in the original FISA statute, but is something with which we have been familiar on the criminal side for decades as well.

In other words, when a court allows for a wiretap in a criminal case in the United States, a domestic criminal case, again, the wiretap is only on one end. So they put a wiretap on a Mafia boss. That wiretap captures conversations from that particular phone to many, many different others, and if in fact it goes to somebody who is not involved whatever in the criminal enterprise, that conversation, that part of the conversation dealing with that person is minimized. If, because of something that attracts the investigator's attention on that end of the line going towards criminal investigation must go forward, then they have to go to court to get a court order with respect to that individual. That is the same way we handle minimization in these FISA cases.

In an interesting exchange during our Judiciary Committee hearing on FISA, Admiral McConnell was queried as to how many Americans have been wiretapped without a court order? The direct response by Admiral McConnell was "none." He went on to say this: "There are no wiretaps against Americans without a court order. None. What we are doing is we target a foreign person in a foreign country. If that person calls into the United States, we have to do something with that call, that process is called minimization. It was the law in 1978. It is the way it is handled."

Any suggestion that the intelligence community could somehow operate outside the law because of anything we did in adopting the Protect America Act this past August or in adopting the bill sent over from the Senate is a regrettable reversion to scaremonger.

I would suggest that the attempt to scare the American people into believing we have jeopardized their civil liberties by exposing them to warrantless surveillance does a disservice to rational political discourse. And I would also suggest that except for those on the ideological fringes who might fear their government more than they fear al Qaeda, it will also prove to be a failed political strategy.

You don't have to like President Bush, you don't have to countenance the war in Iraq, to understand who the real enemy is, those who killed over 3,000 of our fellow citizens on September 11. Nothing in the Protect America Act, nothing in the bipartisan compromise which just passed the other body, would adversely affect constitutionally protected privacy interests.

In the seminal Fourth Amendment privacy case entitled Katz v. United States, the Supreme Court held that the protection of the Fourth Amendment extended to cases involving electronic surveillance of oral communications without the requirement of a physical intrusion.

Before that, there was a question as to previous decisions by the court and whether or not these protections would go if there was no physical intrusion. In Katz v. United States, the court held that the Fourth Amendment did extend to cases involving electronic surveillance of oral communications, even though there was no physical intrusion. At the same time, however, the Supreme Court expressly stated that national security cases were expressly outside the purview of its holding in that case.

Furthermore, in his concurring opinion, Justice "Whizzer" White, I think his picture can be found in Webster's Dictionary besides the word "moderate," made the following observation: Speaking of the court he said, "We should not require the warrant procedure and the magistrate's judgement if the President of the United States or his legal officer the Attorney General has considered the requirements of national security and authorized electronic surveillance as reasonable."

In the debate before us where the issue involves the surveillance of foreigners outside the United States, the civil liberties concerned are minimal, if not nonexistent. What do I mean by that? In a case where terrorists might call a U.S. person, the FISA minimization procedures which have applied since 1978 continue to protect the privacy interests of Americans and legal residents in the United States.

Thus, in arriving at a definition of reasonableness on the Fourth Amendment, it comes down to how serious one deems the threat of another 9/11 to be. In fact, if you consider the threat of another attack on the American people to be serious, it would be a terrible mistake to walk away from what Admiral McConnell has told us he needs, for there is perhaps know greater threat to civil liberties than the prospect of another successful attack on the United States. It was for this very reason that the 9/11 Commission itself made the observation that "the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home."

Simply put, if we suffer a terrorist attack at home, another terrorist attack at home, the response of the American people might very well be to cut back on our protection of civil liberties in order to protect us from such terrorist attack.

The 9/11 Commission has suggested that if we do those things that are necessary in our and are constitutional, we ought not to face that false choice of security versus liberty. It is in this context that we must view the legislation currently before this body. It is not a zero sum game, where increasing our Nation's security necessarily comes at the expense of liberty. This is a false dichotomy.

This is not an abstract philosophical debate. No. It involves the targeting of foreign individuals outside the United States. It was for this reason that the United States Supreme Court in the Keith case, much like the 9/11 Commission, noted that were the government to fail "to preserve the security of its people, society itself would become so disordered that all rights and liberties would become endangered."

Mr. Speaker, yesterday I had the opportunity to observe the FISA debate taking place in the other body. The senior Senator from my State of California, for whom I have great respect, was arguing for more restrictive language, positing FISA as the exclusive means for the conduct of electronic surveillance.

Let me say that this concept is already embodied in the current FISA statute and there is nothing whatsoever in the Protect America Act or the bill that has come to us from the Senate which in any way alters or affects that. It is irrelevant to the reason for which Admiral McConnell came to the Congress and asked us to close critical gaps in our foreign intelligence.

First of all, it is not clear there was an attempt by Congress to occupy the field when the issue is foreign intelligence or foreign surveillance of non-U.S. persons in contrast to the definition of electronic surveillance within FISA itself. It was recognized at the time that there were constitutional limits on how far the Congress could go. There was testimony to that effect by former Attorney General Griffin Bell, with whom we are all familiar.

Secondly, the House conference report on the 1978 FISA statute contains an interesting admission concerning the scope of the coverage by the statute. The House conference report recognized that the statute's restrictions might impermissibly impinge or infringe on the President's constitutional powers. The report acknowledges that "the conferees agree that the establishment of this act of exclusive means by which the President may conduct electronic surveillance does not foreclose a different decision by the Supreme Court."

The conference report explained that Congress intended in FISA to exert whatever power Congress constitutionally had over the subject matter to restrict foreign intelligence surveillance, and to leave the President solely with whatever inherent constitutional authority he might be able to invoke against Congress' express wishes.

The legislative history in the Senate also reveals that the provisions in FISA were intended to exclude certain intelligence activities conducted by the NSA from the coverage of FISA.

With respect to 50 USC 2511(2)(f), it is clear that the legislation does not deal with international signals intelligence activities as currently engaged in by NSA in electronic surveillance conducted outside the United States. The legislative history also makes clear the definition of electronic surveillance was crafted for this very same reason.

It is particularly noteworthy that the FISA Court of Appeals itself states in "In re: Sealed Case" that "all the other courts to have decided the issue held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information." The court further stated, "We take for granted that the President does that have that authority."

The United States Supreme Court itself in the Keith case held that the warrant requirement would apply to national security investigations involving purely domestic targets with no suspected ties to a foreign power. However, Justice Powell carefully distinguished this holding from foreign intelligence cases in writing that "the instant case requires no judgment on the scope of the President's surveillance power with respect to the activities of foreign powers." It is thus clear that the United States Supreme Court itself has drawn a commonsense distinction between domestic surveillance and foreign surveillance.

The Protect America Act and its progeny, the bipartisan Senate bill passed today, they respect these parameters in that their focus is on non-U.S. persons located overseas where an American that is not the target of the surveillance. If a U.S. person happens to be on the other ends of a conversation with Osama bin Laden, the remedy, as I said before, is minimization, purging the non-targeted American's contribution to the conversation.

□ 2130

Thus, there is no need to bar the use or dissemination of such information as required under the terms of the majority's so-called RESTORE Act. Privacy and civil liberty considerations are simply not implicated to any significant degree in the foreign surveillance context.

In order to reach a compromise with the House leadership last August, Admiral McConnell was forced to punt on the issue of those telecommunications providers who came to the aid of their country in the wake of 9/11. The RESTORE Act subsequently passed by this body fails to deal with this issue at all. The message delivered to these companies is simply that you are on your own.

The idea that these companies should be met with the response that you are on your own is simply incomprehensible. They did what they did not because they thought about it on their own, but because they were responding to requests from their government in the wake of the worst attack on this Nation since Pearl Harbor. If there was a mistake in policy, which I do not believe to have been the case, but if there were such a mistake, the mistake was made by the government, not by those who were asked to help prevent another 9/11.

Let us not forget that although we have not been the victim of another successful attack, from the vantage point of the post-September 11 time frame, there was great anticipation about the prospect of another attack. Those who like to inveigh against the failure to connect the dots cannot in the same breath turn their backs on those who sought to make sure that such a thing did not happen again.

Further, I would say, what kind of signal does this send to those who, during some future conflict, are approached by our government to help prevent another cataclysmic assault on our Nation? Our friends on the other side of the aisle should think long and hard before they feed these telecommunications entities to the litigation sharks. It may be a different war, it may be a different President, but this is the worst possible precedent. If you are going to tell these companies that you are on your own, the next time they may tell us, well then, connect your own dots.

This body failed to address this critical issue, which will surely affect the willingness of Americans to come to the aid of our government when this Nation faces future peril.

However, all Americans can find solace from the fact that the bipartisan legislation which passed the other body this evening does meet this challenge. It does say that we would grant immunity to those companies that responded, in good faith, to the request by their government to assist them in gathering this information and would limit it from the date of 9/11 up to the present time. Very specific, very specific with respect to that. And, interestingly enough, there doesn't seem to be dispute or hasn't been dispute about making that kind of prospective. But should we say that those who have helped us in the past in the aftermath of the worst attack since Pearl Harbor are to be viewed as lacking? That somehow they are to take the fall? If there were mistakes, they were government mistakes, and you ought not to attack third parties who responded in a responsible good-faith way.

Both justice and common sense dictate that future Presidents of both parties may need help, may need to call on the help of the American people should we face another terrible event of the magnitude of 9/11.

So, Mr. Speaker, let's be clear: this is not a partisan issue. All Americans of both parties have the same desire to raise their families in a Nation of secure communities free from the fear of another cataclysmic attack. The other body has considered this at some length and acted reasonably. We are up against a deadline at the end of this week. The Senate bill, unlike its House counterpart, does respond to the national security needs of our Nation. It is evidence of the fact that the majority and minority can work together to protect the public.

On August 5, this body demonstrated, with the passage of the Protect America Act, that it likewise can put aside partisan differences and meet this most solemn obligation that we have to those who have elected us. Once again, we are called upon to do so.

So I would hope, Mr. Speaker, that tomorrow we not go forward with an effort to have a 21-day extension of the current law and kick the can down the road again; that we actually come forth and debate vigorously and vote on the bipartisan compromise presented to us by the Senate today; that we face squarely the question of whether we are going to enact a Good Samaritan law for those companies and individuals who responded to the call of their country, or whether we are going to take a position that only an anti-Good Samaritan law makes sense in the context of this fight against extreme Islamo-fascism.

Mr. Speaker, although even-numbered years have the tendency to raise the volume of rhetoric, the protection of the American people should transcend politics as a fundamental obligation of government. The other body has put the public interest above partisanship, and I would hope that we can follow their example.

Mr. Speaker, I would ask that we have consideration of the Senate bill brought forth on this floor within the next 2 legislative days so that the people of the United States can watch their Representatives in this House work their will on that proposal.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUELLAR (at the request of Mr. HOYER) for today on account of inclement weather.

Mr. CUMMINGS (at the request of Mr. HOYER) for today on account of business in the district.

Mr. HONDA (at the request of Mr. HOYER) for today and the balance of the week on account of family medical reasons.

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of business in the district.

Mr. RODRIGUEZ (at the request of Mr. HOYER) for today on account of weather delay.

Mr. RUPPERSBERGER (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Mr. RYAN of Ohio (at the request of Mr. HOYER) for today on account of inclement weather in the district.

Mr. KUHL of New York (at the request of Mr. BOEHNER) for today on account of bad weather.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARNAHAN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CARNAHAN, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, February 13, 14, and 15.

Mr. POE, for 5 minutes, February 15.

Mr. JONES of North Carolina, for 5 minutes, February 15.

Mr. BURGESS, for 5 minutes, today and February 13.

Mr. SALI, for 5 minutes, February 14.

Mr. BURTON of Indiana, for 5 minutes, today and February 13, 14, and 15.

Mr. KINGSTON, for 5 minutes, February 13.

Mr. KIRK, for 5 minutes, February 13.

Mr. DAVIS of Kentucky, for 5 minutes, February 14.

Mr. DENT, for 5 minutes, February 13.

## SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2071. An act to enhance the ability to combat methamphetamine; to the Committee on Energy and Commerce; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 67. Concurrent resolution establishing the Joint Congressional Committee on Inaugural Ceremonies; to the Committee on House Administration.

S. Con. Res. 68. Concurrent resolution authorizing the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies; to the Committee on House Administration.

## SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 781. An act to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

## BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on February 7, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 4253. To improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

Lorraine C. Miller, Clerk of the House, further reports that on February 8, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 5140. To provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

## ADJOURNMENT

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 36 minutes p.m.), pursuant to House Resolution 975, the House adjourned until tomorrow, Wednesday, February 13, 2008, at 10 a.m., as a further mark of respect to the memory of the late Honorable TOM LANTOS.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5286. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Zeta-cypermethrin; Pesticide Tolerance [EPA-HQ-2007-0300; FRL-8346-3] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5287. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2006-0732; FRL-8342-6] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5288. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting notification that increases in both the Program Acquisition Unit Cost (PAUC) and the Procurement Unit Cost (PUC) for the Joint Tactical Radio System Ground Mobile Radio (JTRS GMR) program exceed 15 percent, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5289. A letter from the Chairman, Commission on the National Guard and Reserves, transmitting the Commission's final report on the assessment of the reserve components of the U.S. military and recommendations to ensure that they are organized, trained, equipped, compensated, and supported to best meet the current and future requirements of U.S. national security; to the Committee on Armed Services.

5290. A letter from the Assistant Secretary for Homeland Defense and Americas' Security Affairs, Department of Defense, transmitting a report on assistance provided by the Department of Defense to civilian sporting events in support of essential security and safety, covering the period of calendar year 2007, pursuant to 10 U.S.C. 2564(e); to the Committee on Armed Services.

5291. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on progress toward compliance with destruction of the U.S. stockpile of lethal chemical agents and munitions by the extended Chemical Weapons Convention deadline of April 29, 2012, and not later than December 31, 2017, pursuant to Public Law 110-116, section 8119; to the Committee on Armed Services.

5292. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Bruce A. Wright, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5293. A letter from the Deputy Administrator for Defense Programs, Department of Energy, transmitting the Department's draft Complex Transformation Supplemental Programmatic Environmental Impact Statement; to the Committee on Armed Services.

5294. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 2006, pursuant to 47 U.S.C. 396(k)(3)(B)(iii)(V); to the Committee on Energy and Commerce.

5295. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Facing the Hard Truths about Energy: A Comprehensive View to 2030 of Global Oil and Natural Gas"; to the Committee on Energy and Commerce.

5296. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities [EPA-HQ-OAR-2006-0406, FRL-8512-3] (RIN: 2060-AM74) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5297. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hospital Ethylene Oxide Sterilizers [EPA-HQ-OAR-2005-0171; FRL-8512-1] (RIN: 2060-AM14) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5298. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [EPA-HQ-OAR-2005-0030, FRL-8512-4] (RIN: 2060-AM81) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5299. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-290, "Juvenile Speedy Trial Equity Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5300. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-289, "National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5301. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-287, "Minority and Women-Owned Business Assessment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5302. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-286, "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5303. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-285, "District of Columbia Public Library Retirement Incentive Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5304. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-284, "Adoption and Safe Families Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5305. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-283, "Disposition and Redevelopment of Lot 854 in Square 441 Approval Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5306. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-282, "SafeRx Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5307. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-288, "Excellence in Local Business Contract Grading Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5308. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the Strategic Plan FY 2007 — FY 2012; to the Committee on Oversight and Government Reform.

5309. A letter from the Co-Chief Privacy Officer, Federal Election Commission, transmitting the Commission's report on the annual activities that affect privacy including complaints of privacy violations, implementation of the Privacy Act, and internal controls, pursuant to Section 522 of the Consolidated Appropriations Act of 2005; to the Committee on House Administration.

5310. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting the Department's report regarding the activities of the Northwest Atlantic Fisheries Organization for 2006, pursuant to 16 U.S.C. 5601 et seq.; to the Committee on Natural Resources.

5311. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

5312. A letter from the Chairman, National Science Board, transmitting the Board's report entitled, "Moving Forward to Improve Engineering Education"; to the Committee on Science and Technology.

5313. A letter from the American Legion, transmitting the financial statement and independent audit of The American Legion proceedings of the 89th annual National Convention of the American Legion, held in Reno, Nevada from August 24-30, 2007 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. —94); to the Committee on Veterans' Affairs and ordered to be printed.

5314. A letter from the Secretary, Department of Labor, transmitting the Department's fourteenth report on the impact of the Andean Trade Preference Act on U.S. trade and employment for 2007, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

5315. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2005 Annual Report on the Child Support Enforcement Program in accordance with 452(a) of the Social Security Act; to the Committee on Ways and Means.

5316. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Assets for Independence Demonstration Program: Status at the Conclusion of the Seventh Year," pursuant to Public Law 105-285, section 414(d)(1); to the Committee on Ways and Means.

5317. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement, pursuant to the Statement of Administrative Action of the Uruguay Round Agreements Act; to the Committee on Ways and Means.

5318. A letter from the Chair, Ticket to Work and Work Incentives Advisory Panel, transmitting the Panel's Final Advice Report on the Ticket to Work and Self-Sufficiency Program (the Ticket Program); to the Committee on Ways and Means.

5319. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the results of a study on which Medicare beneficiaries with specific chronic conditions are deemed to be homebound for purposes of meeting Medicare's criteria for receiving home health services, pursuant to Section 702 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Energy and Commerce and Ways and Means.

5320. A letter from the Secretary and Attorney General, Departments of Health and Human Services and Justice, transmitting the tenth Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2006, pursuant to 42 U.S.C. 1395i; jointly to the Committees on Energy and Commerce and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SUTTON: Committee on Rules. House Resolution 974. Resolution providing for consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development (Rept. 110-524). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 976. Resolution providing for consideration of the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days (Rept. 110–525). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. OBERSTAR):

H.R. 5336. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to authorize funding for brownfields revitalization activities and State response programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H.R. 5337. A bill to extend the temporary suspension of duty on triphenyltin hydroxide; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5338. A bill to extend the temporary suspension of duty on 4-(2,4-dichlorophenoxy) butyric acid and 4-(2,4-dichlorophenoxy) butyric acid, dimethylamine salt; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5339. A bill to extend the temporary suspension of duty on Bromoxynil Octonoate; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5340. A bill to extend the temporary suspension of duty on dichlorprop-p acid, dichlorprop-p dimethylamine salt, and dichlorprop-p 2-ethylhexyl ester; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5341. A bill to extend the temporary suspension of duty on Gibberellic Acid; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5342. A bill to extend the temporary suspension of duty on 2-methyl-4-chlorophenoxyacetic acid; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5343. A bill to extend the temporary suspension of duty on 2-ethylhexyl (4-chloro-2-methylphenoxy) acetate; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5344. A bill to extend the temporary suspension of duty on 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5345. A bill to extend the temporary suspension of duty on MCPB Acid and MCPB Sodium Salt; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5346. A bill to suspend temporarily the duty on Imazapyr; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5347. A bill to suspend temporarily the duty on metsulfuron-methyl; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself and Mr. SHAYS):

H.R. 5348. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. REYES):

H.R. 5349. A bill to extend the Protect America Act of 2007 for 21 days; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself and Mrs. DRAKE):

H.R. 5350. A bill to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Mr. CROWLEY, Mr. VAN HOLLEN, Ms. SCHWARTZ, Ms. CASTOR, Mr. COHEN, Mr. ELLISON, Ms. GIFFORDS, Mr. HALL of New York, Mr. HILL, Mr. HODES, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. MCNERNEY, Mr. SARBANES, Mr. SIRES, Ms. TSONGAS, and Mr. WELCH of Vermont):

H.R. 5351. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5352. A bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself and Mr. PICKERING):

H.R. 5353. A bill to establish broadband policy and direct the Federal Communications Commission to conduct a proceeding and public broadband summits to assess competition, consumer protection, and consumer choice issues relating to broadband Internet access services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 5354. A bill to suspend temporarily the duty on certain theatrical lighting fixtures; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5355. A bill to suspend temporarily the duty on certain theatrical lighting fixtures; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5356. A bill to suspend temporarily the duty on certain surge protective receptacles and surge suppressor strips; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5357. A bill to suspend temporarily the duty on certain lighting control timers; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5358. A bill to suspend temporarily the duty on certain electrical connectors and adaptors; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5359. A bill to extend the temporary suspension of duty on aluminum lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5360. A bill to extend the temporary suspension of duty on brass lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5361. A bill to extend the temporary suspension of duty on plastic lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5362. A bill to extend the temporary suspension of duty on porcelain lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5363. A bill to suspend temporarily the duty on high current ground fault circuit interrupters; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5364. A bill to suspend temporarily the duty on in line ground fault circuit interrupters; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5365. A bill to suspend temporarily the duty on ground fault circuit interrupter receptacles of greater than 15 amps; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5366. A bill to suspend temporarily the duty on ground fault circuit interrupter receptacles of 15 amps or less; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5367. A bill to suspend temporarily the duty on right angle ground fault circuit interrupters; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 5368. A bill to suspend the duty on Aluminum (0.010″ and thicker); to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 5369. A bill to suspend temporarily the duty on certain products; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 5370. A bill to suspend temporarily the duty on certain gelatins; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 5371. A bill to suspend the duty on Aluminum (0.008″ and thinner); to the Committee on Ways and Means.

By Ms. BEAN (for herself and Mr. SIRES):

H.R. 5372. A bill to amend the Internal Revenue Code to allow a special depreciation allowance for reuse and recycling property; to the Committee on Ways and Means.

By Mr. BOSWELL:

H.R. 5373. A bill to amend the Internal Revenue Code of 1986 to extend the energy efficient appliance credit and the nonbusiness energy property credit; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5374. A bill to extend the temporary suspension of duty on sodium methylate powder; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5375. A bill to extend the temporary suspension of duty on Trimethyl cyclo hexanol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5376. A bill to extend the temporary suspension of duty on Thymol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5377. A bill to extend the temporary suspension of duty on 1,2 Octanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5378. A bill to extend the temporary suspension of duty on Menthyl anthranilate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5379. A bill to extend the temporary suspension of duty on 2-Phenylbenzimidazole-5-sulfonic acid; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5380. A bill to extend the temporary suspension of duty on Methyl Salicylate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5381. A bill to extend the temporary suspension of duty on Methyl cinnamate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5382. A bill to extend the temporary suspension of duty on p-Methylacetophenone; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5383. A bill to extend the temporary suspension of duty on 2,2-Dimethyl-3-(3-methylphenyl)proponal; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5384. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5385. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5386. A bill to extend the temporary suspension of duty on 5-Methyl-2-

(methylethyl)cyclohexyl-2-hydroxypropanoate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5387. A bill to suspend temporarily the duty on Frescolat MGA; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5388. A bill to extend the temporary suspension of duty on Anisic Aldehyde; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5389. A bill to extend the temporary suspension of duty on o-tert-Butylcyclohexanol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5390. A bill to reduce temporarily the duty on 4-ADPA; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5391. A bill to suspend temporarily the duty on sodium hypophosphite; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5392. A bill to extend the temporary suspension of duty on Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5393. A bill to suspend temporarily the duty on Ferro Boron; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5394. A bill to suspend temporarily the duty on Cobalt Boron; to the Committee on Ways and Means.

By Mr. CARNAHAN (for himself, Mr. CLAY, Mr. COSTELLO, Mrs. EMERSON, Mr. SKELTON, Mr. CLEAVER, Mr. RUSH, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. PAYNE, Mr. AKIN, Ms. JACKSON-LEE of Texas, Ms. SOLIS, Mr. BECERRA, Mr. BISHOP of Georgia, and Mr. LEWIS of Georgia):

H.R. 5395. A bill to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. TOM DAVIS of Virginia:

H.R. 5396. A bill to designate the Cold War Museum in Fairfax, Virginia, as the National Cold War Museum; to the Committee on Armed Services.

By Mr. HODES:

H.R. 5397. A bill to suspend temporarily the duty on certain battery assemblies; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5398. A bill to suspend temporarily the duty on certain mixtures containing [3-[(6--chloro-3-pridinyl)methyl]-2-thiazolidinylidene]cyanamide; to the Committee on Ways and Means.

By Mr. ISSA:

H.R. 5399. A bill to suspend temporarily the duty on certain travel bags with a removable backpack or daypack; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mr. JORDAN, Ms. KAPTUR, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. TIBERI, Mr. TURNER, Ms. SUTTON, Mr. WILSON of Ohio, Mr. LATTA, Mr. HOBSON, Mrs. JONES of Ohio, and Mr. CHABOT):

H.R. 5400. A bill to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. LOEBSACK (for himself, Mr. HARE, Ms. HOOLEY, Mr. PAYNE, Mr. VAN HOLLEN, Mr. BOSWELL, and Mr. KAGEN):

H.R. 5401. A bill to authorize the Secretary of Education to make grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. WELCH of Vermont (for himself, Mr. INSLEE, Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. MILLER of North Carolina, Mr. VAN HOLLEN, Mr. WYNN, Mr. HALL of New York, and Mr. CARNAHAN):

H.R. 5402. A bill to amend the Small Business Act to establish the Office of Environment, Energy, and Climate Change and to establish the Climate Change Center and Clearinghouse to provide support and information on climate change to small business concerns; to the Committee on Small Business.

By Mr. YOUNG of Alaska (for himself and Mr. DICKS):

H.R. 5403. A bill to amend the Alaska Native Claims Settlement Act to provide an equitable distribution of land to the 13th Alaska Native Regional Corporation; to the Committee on Natural Resources.

By Mr. BROWN of South Carolina (for himself, Mr. OBERSTAR, Mr. MANZULLO, and Mr. MICHAUD):

H. Con. Res. 291. Concurrent resolution recognizing and honoring the 400th anniversary of Quebec City in Quebec, Canada, since its founding in 1608 by French explorer Samuel de Champlain; to the Committee on Foreign Affairs.

By Mr. CLEAVER (for himself and Mr. SKELTON):

H. Con. Res. 292. Concurrent resolution honoring Margaret Truman Daniel and her lifetime of accomplishments; to the Committee on Oversight and Government Reform.

By Mr. GORDON (for himself, Mr. ADERHOLT, Mr. BACHUS, Mr. BERRY, Mrs. BLACKBURN, Mr. CHANDLER, Mr. COHEN, Mr. COOPER, Mr. CRAMER, Mr. DAVID DAVIS of Tennessee, Mr. LINCOLN DAVIS of Tennessee, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. ROSS, Mr. SNYDER, Mr. TANNER, Mr. TAYLOR, Mr. WAMP, Mr. WHITFIELD of Kentucky, Mr. DAVIS of Kentucky, Mr. DAVIS of Alabama, and Mr. BOOZMAN):

H. Res. 971. A resolution expressing the sympathies and support of the House of Representatives for the individuals and institutions affected by the powerful tornados that struck communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee on February 5th, 2008; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself, Ms. FALLIN, Ms. SCHAKOWSKY, Mrs. MCMORRIS RODGERS, Mrs. CHRISTENSEN, Mrs. CUBIN, Ms. BORDALLO, Ms. LORETTA SANCHEZ of California, Ms. BALDWIN, Mr. ENGEL, Ms. SUTTON, Ms. GINNY BROWN-WAITE of Florida, Ms. WASSERMAN SCHULTZ, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Ms. SHEA-PORTER, Ms. HIRONO, Ms. KAPTUR, Mrs. BIGGERT, Mrs. MALONEY of New York, Mrs. NAPOLITANO, Mr. MARKEY, Mr. STUPAK, Mr. TOWNS, Ms. NORTON, Ms. BEAN, Mr. ALTMIRE, Mrs. TAUSCHER, Mr. KIND, Mr. BILBRAY, Mr. HINCHEY, Mr. HOLT, Mr. MORAN of Virginia, Mr. BOUSTANY, Mr. KENNEDY, Mr. MCGOVERN, Mr. PICKERING, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. SCHMIDT, Mr. BISHOP of New York, Mrs. WILSON of New Mexico, Ms. PRYCE of Ohio, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mr. ISRAEL, Ms. ROYBAL-ALLARD, Ms. HOOLEY, Mr. GENE GREEN of Texas, Mr. LARSON of Connecticut, Mrs. DRAKE, Ms. JACKSON-LEE of Texas, Mr. AL GREEN of Texas, Mr. MOORE of Kansas, Ms. SCHWARTZ, Ms. SLAUGHTER, Ms. MOORE of Wisconsin, Ms. DELAURO, Mr. ROSS, Ms. ROS-LEHTINEN, Mr. LANGEVIN, Mrs. CAPITO, Ms. SOLIS, Mrs. LOWEY, Mrs. BONO MACK, Mrs. MCCARTHY of New York, Mrs. MYRICK, Ms. CLARKE, Ms. HARMAN, Ms. CORRINE BROWN of Florida, Mrs. DAVIS of California, and Ms. HERSETH SANDLIN):

H. Res. 972. A resolution supporting the goals and ideals of American Heart Month and National Wear Red Day; to the Committee on Energy and Commerce.

By Mr. HINOJOSA (for himself and Mrs. BIGGERT):

H. Res. 973. A resolution supporting the goals and ideals of the 10th annual National Consumer Protection Week; to the Committee on Energy and Commerce.

By Mr. STARK:

H. Res. 975. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Tom Lantos, a Representative of the State of California; considered and agreed to.

By Mr. BRALEY of Iowa (for himself, Mr. SARBANES, Mr. ABERCROMBIE, Ms. SUTTON, Mr. WELCH of Vermont, Mr. BOSWELL, Mrs. BOYDA of Kansas, Mr. ALTMIRE, Mr. KAGEN, Mr. WALZ of Minnesota, Ms. KAPTUR, Mr. ARCURI, Mr. HARE, Mr. LOEBSACK, Mr. WILSON of Ohio, Mr. OBEY, Mr. MICHAUD, Mr. DEFAZIO, Mr. SHULER, Mr. KLEIN of Florida, and Mr. MANZULLO):

H. Res. 977. A resolution expressing the sense of the House of Representatives that rebate checks would better stimulate the economy if spent on American-made products and services from American-owned companies; to the Committee on Energy and Commerce.

By Mr. KENNEDY (for himself, Mr. LANGEVIN, Ms. MCCOLLUM of Minnesota, Mrs. NAPOLITANO, Mr. TOWNS, Ms. DELAURO, Mr. HONDA, Mr. HARE, Mr. GRIJALVA, Ms. SUTTON, Ms. LINDA T. SÁNCHEZ of California, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. CHANDLER, Mrs. CAPPS, and Mr. LOEBSACK):

H. Res. 978. A resolution expressing support for the designation of the week of March 3-7, 2008, as "School Social Work Week" to promote awareness of the vital role of school social workers in schools, and in the community as a whole, in helping students prepare for their future as productive citizens; to the Committee on Education and Labor.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mrs. CHRISTENSEN.

H.R. 136: Mr. BOOZMAN and Mr. CHABOT.

H.R. 190: Mr. LINCOLN DAVIS of Tennessee, Mr. BROUN of Georgia, and Mr. ENGLISH of Pennsylvania.

H.R. 219: Mr. LATOURETTE.

H.R. 245: Mr. WEXLER.

H.R. 278: Mr. ARCURI.

H.R. 333: Mr. GENE GREEN of Texas and Mr. INSLEE.

H.R. 471: Mr. TURNER and Mr. FEENEY.

H.R. 555: Mr. FRANK of Massachusetts.

H.R. 648: Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MOORE of Kansas, Mr. RENZI, and Mr. MATHESON.

H.R. 661: Mr. WYNN.

H.R. 685: Mr. KUHL of New York.

H.R. 724: Mr. LAMBORN.

H.R. 827: Mr. SOUDER.

H.R. 847: Mr. HERGER.

H.R. 850: Mr. BOOZMAN and Mr. CHABOT.

H.R. 1000: Mr. ACKERMAN, Mrs. BOYDA of Kansas, Mr. DONNELLY, Mr. ELLSWORTH, Mr. ENGEL, Mr. HILL, Mr. LAMPSON, Mr. LOEBSACK, Mr. MEEK of Florida, Mr. MOORE of Kansas, Mr. POMEROY, Mr. SHERMAN, Mr. SIRES, Mr. VISCLOSKY, Ms. TSONGAS, Mr. DUNCAN, Mr. GOODE, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. LAHOOD, Mr. MANZULLO, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. ROHRABACHER, Mrs. SCHMIDT, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. WELLER, Mr. WOLF, Mr. ORTIZ, and Mr. MCINTYRE.

H.R. 1074: Ms. SUTTON, Mr. DAVIS of Alabama, and Mr. MEEK of Florida.

H.R. 1102: Mr. DEFAZIO and Mr. FRANK of Massachusetts.

H.R. 1134: Mr. SESTAK and Mr. SMITH of Washington.

H.R. 1306: Mr. SESSIONS.

H.R. 1328: Mr. WALZ of Minnesota.

H.R. 1431: Mr. WYNN.

H.R. 1439: Mr. BURGESS.

H.R. 1474: Mr. PORTER, Mr. SMITH of New Jersey, and Mrs. BONO MACK.

H.R. 1553: Mrs. CUBIN.

H.R. 1560: Mr. MURPHY of Connecticut.

H.R. 1588: Ms. DEGETTE.

H.R. 1589: Mr. PUTNAM.

H.R. 1594: Mr. FRANKS of Arizona.

H.R. 1621: Mr. KANJORSKI, Ms. WATERS, and Mr. PERLMUTTER.

H.R. 1653: Mr. MORAN of Virginia and Ms. LORETTA SANCHEZ of California.

H.R. 1791: Mr. ALTMIRE.

H.R. 1964: Ms. TSONGAS.

H.R. 1975: Mr. CARNAHAN.

H.R. 2040: Mr. MILLER of Florida, Mr. LAHOOD, Mrs. WILSON of New Mexico, Mr. SHIMKUS, Mr. REYNOLDS, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, and Mr. SMITH of New Jersey.

H.R. 2075: Mr. COLE of Oklahoma.

H.R. 2108: Mr. FARR.

H.R. 2131: Mr. BACHUS.

H.R. 2134: Mr. PENCE.

H.R. 2188: Mr. YARMUTH.

H.R. 2221: Ms. HARMAN.

H.R. 2223: Mr. CALVERT.

H.R. 2267: Mr. LATTA and Mr. SHAYS.

H.R. 2290: Mr. COBLE and Mr. EMANUEL.

H.R. 2303: Mr. BUTTERFIELD, Mr. SAXTON, Ms. LORETTA SANCHEZ of California, and Mr. RAMSTAD.

H.R. 2362: Mr. NEAL of Massachusetts.

H.R. 2370: Mr. SESTAK.

H.R. 2507: Mr. BARTLETT of Maryland.

H.R. 2514: Mr. KIND.

H.R. 2577: Mrs. MYRICK.

H.R. 2604: Mr. ROTHMAN.

H.R. 2694: Ms. BERKLEY.

H.R. 2702: Mr. KING of New York.

H.R. 2703: Mr. SHAYS.

H.R. 2708: Ms. DELAURO and Mr. FILNER.

H.R. 2712: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2744: Mr. GERLACH, Mr. UDALL of Colorado, Mr. BOSWELL, Mr. ROSS, Mr. HIGGINS, Mr. CLEAVER, and Mr. CHANDLER.

H.R. 2790: Mr. MICHAUD.

H.R. 2792: Mr. DOYLE.

H.R. 2851: Mrs. DAVIS of California and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2892: Mr. STUPAK.

H.R. 2923: Mr. TAYLOR.

H.R. 2933: Mr. BLUNT.

H.R. 2941: Mr. ALTMIRE and Mr. SESTAK.

H.R. 2991: Ms. WASSERMAN SCHULTZ.

H.R. 3080: Mr. LATOURETTE.

H.R. 3197: Ms. HOOLEY, Mr. DAVIS of Illinois, Mr. HONDA, and Mr. DEFAZIO.

H.R. 3212: Mr. JOHNSON of Georgia, and Mr. FRANK of Massachusetts.

H.R. 3213: Mr. LATTA.

H.R. 3304: Mr. STEARNS.

H.R. 3471: Mr. SMITH of Washington, Mrs. CAPITO, and Mr. SHAYS.

H.R. 3563: Mr. CAPUANO and Mr. MCGOVERN.

H.R. 3599: Mr. CONYERS.

H.R. 3635: Mr. DAVIS of Illinois, Mr. SESTAK, and Mr. CLEAVER.

H.R. 3652: Mr. STUPAK.

H.R. 3660: Ms. HERSETH SANDLIN and Mr. LATOURETTE.

H.R. 3679: Mr. PETERSON of Minnesota.

H.R. 3698: Ms. SHEA-PORTER.

H.R. 3738: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3754: Ms. MATSUI, Mr. KIND, Mrs. BONO MACK, Mr. SHIMKUS, and Mr. BUTTERFIELD.

H.R. 3819: Mrs. NAPOLITANO and Mr. GORDON.

H.R. 3846: Ms. WASSERMAN SCHULTZ.

H.R. 3902: Mr. BOSWELL.

H.R. 3932: Mr. SNYDER and Mrs. MALONEY of New York.

H.R. 3934: Mr. BARTON of Texas and Mr. LARSEN of Washington.

H.R. 4063: Mr. FILNER and Mr. CUMMINGS.

H.R. 4126: Mr. PETRI, Mr. MANZULLO, Mrs. CHRISTENSEN, and Mr. DAVIS of Kentucky.

H.R. 4131: Ms. SCHAKOWSKY, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VAN HOLLEN, Mr. BISHOP of New York, Mrs. TAUSCHER, Mr. FILNER, Mr. BRALEY of Iowa, Mr. MITCHELL, Mr. ARCURI, Mr. RAHALL, Mr. MICHAUD, Mr. SALAZAR, Ms. HIRONO, Mr. LARSEN of Washington, and Mr. CARNAHAN.

H.R. 4169: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4206: Mr. TOWNS.

H.R. 4236: Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. SIRES, and Mr. ARCURI.

H.R. 4248: Mr. FARR, Mr. JONES of North Carolina, Mr. MCINTYRE, Mr. PATRICK MURPHY of Pennsylvania, and Ms. HOOLEY.

H.R. 4293: Mr. SOUDER.

H.R. 4296: Ms. DEGETTE.

H.R. 4318: Mr. KUHL of New York.

H.R. 4321: Mr. BISHOP of Georgia, Mrs. DRAKE, and Mr. WALZ of Minnesota.

H.R. 4335: Mr. HINCHEY and Ms. MCCOLLUM of Minnesota.

H.R. 4449: Mr. CAPUANO.

H.R. 4464: Mr. DEAL of Georgia, Mr. MORAN of Kansas, Mr. GRAVES, Mr. CONAWAY, Mr. LINDER, Mr. MARSHALL, and Mr. SULLIVAN.

H.R. 4540: Mr. COSTELLO.

H.R. 4611: Mr. ACKERMAN.

H.R. 4879: Ms. BALDWIN.

H.R. 4912: Ms. SCHWARTZ.

H.R. 4926: Mr. PORTER and Mr. VAN HOLLEN.

H.R. 4930: Mr. ENGLISH of Pennsylvania, Ms. HERSETH SANDLIN, Mr. PETERSON of Minnesota, Ms. MCCOLLUM of Minnesota, and Mr. GERLACH.

H.R. 4936: Ms. BERKLEY.

H.R. 4959: Ms. ESHOO, Ms. WATERS, and Ms. MATSUI.

H.R. 4987: Mr. BROUN of Georgia, Mrs. CUBIN, Mrs. CAPITO, Mr. GARRETT of New Jersey, Mr. GOODLATTE, Ms. FALLIN, Mr. CAMPBELL of California, Mr. HAYES, Mr. BOOZMAN, Mr. SAM JOHNSON of Texas, and Mr. SULLIVAN.

H.R. 5036: Mr. DELAHUNT, Mr. TIERNEY, Mr. STARK, Ms. SCHWARTZ, Ms. SHEA-PORTER, and Mr. COURTNEY.

H.R. 5057: Ms. WASSERMAN SCHULTZ, Ms. ZOE LOFGREN of California, Mr. DELAHUNT, and Mr. MORAN of Virginia.

H.R. 5058: Mr. FILNER, Mr. HODES, Mr. MILLER of North Carolina, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. DELAHUNT, and Ms. HARMAN.

H.R. 5087: Mr. LOBIONDO and Mr. CHABOT.

H.R. 5131: Mr. BURTON of Indiana, Ms. GINNY BROWN-WAITE of Florida, Ms. FALLIN, Mr. SAM JOHNSON of Texas, Mr. FORTUÑO, Mr. WILSON of South Carolina, and Mr. CULBERSON.

H.R. 5148: Mr. CONAWAY, Mr. PETERSON of Minnesota, Mr. TERRY, Mr. CHABOT, and Mrs. EMERSON.

H.R. 5152: Ms. SCHAKOWSKY.

H.R. 5161: Mr. EHLERS, Mr. BLUMENAUER, and Mr. BARTLETT of Maryland.

H.R. 5167: Ms. SCHAKOWSKY and Ms. WASSERMAN SCHULTZ.

H.R. 5173: Mr. KLINE of Minnesota, Mr. WAMP, and Mr. GORDON.

H.R. 5180: Mr. LEWIS of Kentucky, Mr. ELLISON, Mr. COHEN, Mr. DELAHUNT, Mr. MICHAUD, Mr. CUMMINGS, Mr. ETHERIDGE, Mr. CLEAVER, Ms. SUTTON, Mr. DAVIS of Kentucky, Mr. HOLDEN, Mr. TOWNS, and Mr. KAGEN.

H.R. 5193: Mr. DAVIS of Illinois.

H.R. 5222: Mr. MCKEON, Mr. BUYER, Mr. BUCHANAN, Mr. FORTENBERRY, Mr. DENT, Mr. RADANOVICH, Mr. SHAYS, Mr. STEARNS, Mr. WITTMAN of Virginia, Mr. BILBRAY, Mr. PETERSON of Pennsylvania, and Mr. BLUNT.

H.R. 5223: Mr. DELAHUNT, Mr. HOLDEN, Mr. MCDERMOTT, Mr. PETERSON of Minnesota, Mr. MCCAUL of Texas, and Ms. LORETTA SANCHEZ of California.

H.R. 5229: Mrs. CHRISTENSEN, Mr. ORTIZ, Mr. LAMPSON, Mr. TERRY, Mr. SMITH of Washington, and Mr. SIMPSON.

H.R. 5231: Mr. PERLMUTTER.

H.R. 5233: Ms. FOXX, Mr. WITTMAN of Virginia, Mr. MEEK of Florida, Mr. GERLACH, Mr. COBLE, and Mr. FRANKS of Arizona.

H.R. 5244: Mr. DELAHUNT, Ms. DELAURO, Mr. RAHALL, and Mr. BLUMENAUER.

H.R. 5265: Mr. UPTON, Mr. SAXTON, Mr. SESSIONS, Mr. KING of New York, Mr. WALZ of Minnesota, Mr. REYES, Mr. PAYNE, Mr. FERGUSON, Mr. BILBRAY, Mr. ELLISON, Mr. NEAL of Massachusetts, Ms. SUTTON, Mr. WHITFIELD of Kentucky, Mr. HOLDEN, Mr. ARCURI, Mr. GERLACH, and Mr. MCGOVERN.

H.R. 5268: Mr. WAXMAN.

H.R. 5292: Mr. SERRANO.

H.R. 5310: Mr. CALVERT.

H.R. 5335: Mr. BOREN, Mrs. EMERSON, and Mr. CRAMER.

H.J. Res. 67: Mr. KLINE of Minnesota, and Mr. WILSON of South Carolina.

H. Con. Res. 32: Mr. KINGSTON and Mr. BOOZMAN.

H. Con. Res. 120: Mr. SKELTON.

H. Con. Res. 250: Mr. STEARNS.

H. Con. Res. 260: Mr. TERRY.

H. Con. Res. 263: Mr. LATOURETTE and Mr. WHITFIELD of Kentucky.

H. Con. Res. 268: Mr. HINCHEY, Mrs. TAUSCHER, and Mr. SESTAK.

H. Con. Res. 275: Ms. WATSON.

H. Con. Res. 280: Ms. DEGETTE and Ms. WASSERMAN SCHULTZ.

H. Con. Res. 281: Mr. FORTENBERRY and Mr. HENSARLING.

H. Con. Res. 284: Mr. BROUN of Georgia.

H. Con. Res. 289: Ms. SCHAKOWSKY, Mr. DINGELL, Ms. WASSERMAN SCHULTZ, Mr. PASTOR, Mr. BRADY of Pennsylvania, and Ms. KILPATRICK.

H. Con. Res. 290: Mr. SESTAK, Mr. COHEN, Mr. AL GREEN of Texas, Ms. BORDALLO, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. LARSEN of Washington, Mr. SCHIFF, Mr. WEINER, and Mr. WILSON of South Carolina.

H. Res. 102: Mr. VAN HOLLEN.

H. Res. 105: Mr. SOUDER and Mr. MARCHANT.

H. Res. 111: Mr. CARTER.

H. Res. 127: Mr. FEENEY, Mr. PAYNE, Mr. JONES of North Carolina, Ms. HIRONO, Mr. SKELTON, Mr. GOODLATTE, Mr. ROGERS of Kentucky, Mr. FERGUSON, Mr. SIMPSON, Mr. WITTMAN of Virginia, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. BOUSTANY, Mr. DAVID DAVIS of Tennessee, Mr. WESTMORELAND, Mr. WALSH of New York, Mr. SENSENBRENNER, Mr. REGULA, Mr. MCCOTTER, Mr. LATOURETTE, Mr. REHBERG, Mr. THORNBERRY, Mr. SHUSTER, Mr. ROGERS of Michigan, Mr. MCNULTY, Mr. BOYD of Florida, Ms. KAPTUR, Mr. GILCHREST, Mr. RENZI, Mr. BERMAN, Mr. KLINE of Minnesota, Mr. SAM JOHNSON of Texas, Mr. TIM MURPHY of Pennsylvania, Mr. WAMP, Mr. LINCOLN DAVIS of Tennessee, Mr. RUSH, Mr. HELLER, Mr. LAHOOD, Mr. SALAZAR, Mr. MELANCON, Mr. HOLDEN, Mr. MICHAUD, Ms. LINDA T. SÁNCHEZ of California, Mr. CUMMINGS, Mr. WALDEN of Oregon, Mr. WOLF, Mr. REYNOLDS, Mrs. WILSON of New Mexico, and Mr. AKIN.

H. Res. 259: Mr. FOSSELLA, Mr. PETERSON of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. COHEN, Ms. WOOLSEY, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mr. WILSON of Ohio, Mr. JOHNSON of Georgia, and Ms. SUTTON.

H. Res. 356: Mr. FARR.

H. Res. 555: Mr. CAMP of Michigan.

H. Res. 700: Mr. PATRICK MURPHY of Pennsylvania.

H. Res. 733: Mrs. BOYDA of Kansas.

H. Res. 820: Ms. MCCOLLUM of Minnesota.

H. Res. 821: Mr. PENCE.

H. Res. 838: Mr. TIAHRT.

H. Res. 883: Ms. WASSERMAN SCHULTZ.

H. Res. 888: Mr. TURNER, Mr. BROUN of Georgia, Mr. WAMP, Ms. FOXX, Mr. ROSS, Mr. GOODLATTE, Mr. LINCOLN DAVIS of Tennessee, Mrs. BLACKBURN, Mr. HOEKSTRA, Mr. PUTNAM, Mr. BARTON of Texas, Mr. SESSIONS, Mr. MANZULLO, Mr. PICKERING, Mr. WITTMAN of Virginia, Mr. COBLE, Mr. RAHALL, and Mr. LEWIS of Kentucky.

H. Res. 896: Mrs. CHRISTENSEN and Ms. BORDALLO.

H. Res. 917: Ms. RICHARDSON and Mr. ROTHMAN.

H. Res. 924: Mr. KAGEN, Mr. HONDA, Mrs. BOYDA of Kansas, and Ms. HIRONO.

H. Res. 925: Mr. PLATTS, Mr. WOLF, Ms. FALLIN, Mr. MCHENRY, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, and Mr. HUNTER.

H. Res. 930: Mr. ALTMIRE and Mr. COHEN.

H. Res. 934: Mr. HENSARLING, Mr. BARTON of Texas, Mr. FATTAH, Mr. COOPER, Mr. SCHIFF, Mr. MOORE of Kansas, Ms. DEGETTE, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. MURPHY of Connecticut, Mr. DONNELLY, Mr. GRIJALVA, Mr. ALLEN, Mr. MCNERNEY, Mr. ROSS, Mr. RYAN of Ohio, Mr. SIRES, Ms. BERKLEY, Mr. BACA, Mr. BRALEY of Iowa, Mr. BOYD of Florida, Ms. ROYBAL-ALLARD, Mr. CUELLAR, and Ms. HOOLEY.

H. Res. 939: Mr. TERRY and Mr. COBLE.

H. Res. 945: Mr. CLEAVER.

H. Res. 951: Mr. BLUNT, Mr. BOYD of Florida, Mr. BRADY of Texas, Mr. CONAWAY, Mrs. CUBIN, Mr. DAVID DAVIS of Tennessee, Mr. DENT, Mr. DOOLITTLE, Mr. FERGUSON, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. HARE, Mr. JOHNSON of Illinois, Mrs. MILLER of Michigan, Mr. PALLONE, Mr. PETERSON of Pennsylvania, Mr. REICHERT, Mr. ROGERS of Michigan, Mr. ROSKAM, Ms. WASSERMAN SCHULTZ, Mr. TOWNS, Mr. UPTON, Mr. WESTMORELAND, Mr. WOLF, Mrs. MCCARTHY of New York, Mr. COURTNEY, and Mr. FOSSELLA.

H. Res. 953: Mr. ISSA and Mr. LATTA.

H. Res. 954: Mrs. LOWEY.

H. Res. 958: Mr. HELLER, Mrs. MYRICK, Mr. KUHL of New York, Mr. LATTA, Mr. RADANOVICH, Mr. HUNTER, Mr. JORDAN, Mr. POE, and Mr. MCHENRY.

H. Res. 959: Mr. BURTON of Indiana, Mr. HENSARLING, Mr. BRADY of Pennsylvania, Mr. SESTAK, and Ms. BORDALLO.

H. Res. 960: Mr. THOMPSON of California and Mr. FERGUSON.

H. Res. 962: Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. HIGGINS, and Mr. WATT.

H. Res. 963: Mr. EDWARDS, Mr. ORTIZ, Ms. BORDALLO, Mrs. Boyda of Kansas, Ms. SUTTON, Mr. MAHONEY of Florida, Mr. HOLDEN, Mr. TOWNS, Mr. CARNEY, Mr. HINCHEY, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. CUELLAR, Mr. REYES, Mr. MITCHELL, Mr. GUTIERREZ, Mr. ETHERIDGE, Mr. GRIJALVA, Mr. HODES, Mr. SERRANO, Mr. COSTA, Ms. SHEA-PORTER, Mr. BACA, Mr. GONZALEZ, Mrs. MALONEY of New York, Ms. GINNY BROWN-WAITE of Florida, Mr. BILIRAKIS, Mr. MORAN of Kansas, Mr. BROWN of South Carolina, and Mr. COHEN.

H. Res. 966: Mr. RUSH, Mr. COOPER, and Mr. BRADY of Pennsylvania.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FRANK of Massachusetts or a designee to H.R. 3521 the Public Housing Asset Management Improvement Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

### OFFERED BY MR. REYES

The provisions that warranted a referral to the Permanent Select Committee on Intelligence in H.R. 5349 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

### OFFERED BY MR. CONYERS

The provisions that warranted a referral to the Committee on the Judiciary in H.R. 5349, do not contain any congressional earmaks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

# EXTENSIONS OF REMARKS

## IN HONOR OF THE PARISHIONERS OF WESTWOOD UNITED METHODIST CHURCH ON THE OCCASION OF THE 100TH ANNIVERSARY OF THE CHURCH

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in honor of the 100th anniversary of Westwood United Methodist Church and to pay tribute to the legacy of community service that has marked that parish since its inception.

On February 10, 1908, twenty people first organized the parish as the First Methodist Episcopal Church of Westwood. The first services were held almost two weeks later in Odd Fellows Hall in Westwood. As the church grew, a sanctuary and parish building were built. The original sanctuary, which is now a part of the education wing, was built in 1913. The sanctuary now in use was dedicated in 1960.

Community service has always been a cornerstone of Westwood United Methodist Church's mission. Longtime member Ada Hampton helped to organize the Westwood Area Clergy Council and Westwood United Methodist Church has been an active participant since its inception. The parish worked with other community congregations to establish the Westwood House for Senior Citizens. They established the Family Food Cupboard and actively support the Helping Hand Food Pantry in Hillsdale, including through their September Food Drive. The Church regularly opens its doors to area self-help groups, like Alcoholics Anonymous. Gamblers Anonymous, and Alanon. And the Church has offered its facilities to the community as a crisis center in the event of a catastrophic emergency.

The Church has recently opened up a not-for-profit thrift shop to support charitable work. Westwood United Methodist Church has also been a longstanding, strong supporter of scouting, having been home to Troop 47 for over 80 years. The Twin Valleys District of the Northern New Jersey Council often looks to the Church for a meeting and event location. During the holidays. Westwood United Methodist works with the Bergen County Division of Youth and Family Services to brighten Christmas for less fortunate children through Operation Santa Claus. They work with the Inter-Religious Fellowship to provide meals for the homeless as well.

This parish provides a tremendous public service beyond its own church community and I commend them for their good works as they rededicate themselves to another century of service.

## IN RECOGNITION OF BROTHER ROBERT E. LAVELLE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Brother Robert E. Lavelle. Born in Cleveland, Brother Robert has a philosophy to preserve the past while being a catalyst for initiating change that is needed for the future. He has one of the longest tenures of any independent school headmaster in this country. In his more than 27 years of dedicated work as Headmaster of Gilmour Academy, student enrollment has increased, the school's endowment has climbed, and the school has completed cutting-edge technologies that have been incorporated into a 21st century curriculum.

Under his skillful guidance, Gilmour Academy has developed a challenging curriculum with classes that are designed to help students learn to think critically and solve problems in a project-oriented world. The school has grown as a result of the brilliant insight of Brother Robert.

Madam Speaker and colleagues, please join me in recognizing Brother Robert E. Levelle for his long tenure of servitude to Gilmour Academy. May his commitment to education serve as an example for us all and inspire future educators.

## COMMENDING CIVIC WORKS FOR RECEIVING THE CORPS NETWORK'S EXCELLENCE IN CORPS OPERATIONS STATUS

### HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. SARBANES. Madam Speaker, I rise today to commend Civic Works' service to Baltimore and to congratulate the organization for earning the Corps Network's Excellence in Corps Operations (ECO) Status.

Civic Works' strong commitment to the local community is defined in its mission to assist Baltimore residents in creating a better future for their city. With the help of approximately 200 AmeriCorps volunteers each year, Civic Works serves Baltimore by performing a variety of tasks such as tutoring and mentoring children, building community parks and gardens, and rehabilitating abandoned houses for low-income families. The volunteers participate in team-based projects and weekly academic enrichment to effect positive change in their lives and their community. Each year, Civic Works also trains and helps 200 Baltimore residents find employment through its Health Care Careers Alliance partnership with five of Baltimore's hospitals and the B'more Green environmental technician training and certification program. Since its creation in 1993, Civic Works has trained and assisted more than 2,500 Baltimore area participants.

The ECO Status is bestowed upon various Service and Conservation Corps that make a commitment to high-quality standards and continuous improvements. Each organization's performance is reviewed in several areas through self-assessment and peer reviews. This year's evaluation revealed that Civic Works "exhibits a strong commitment to its local community which can be seen throughout all its programs and projects. Community partners and residents clearly benefit from the work Civic Works completes."

ECO also recognized Civic Works for their "consistently clean financial record and for Board members and staff that are extremely engaged." One reason for such glowing reviews is the leadership of its president and executive director, Delegate Dana Stein. Mr. Stein is one of the original co-founders of Civic Works. He has served as a leader in the Baltimore community in several capacities, most recently being elected to the Maryland House of Delegates from the 11th District. Dana is committed to improving the lives of those who live and work in the Baltimore community and that commitment is replicated by those who have worked with him to help Civic Works achieve this status.

Madam Speaker, on behalf of all those who have benefited directly and indirectly from this commitment, I want to once again congratulate Civic Works on achieving the Excellence in Corps Operations Status.

## RUSSELL J. "RUSTY" HAMMER: HONORING A LIFETIME OF SERVING THE COMMUNITY

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Ms. HARMAN. Madam Speaker, my many years of public service have been enhanced by contact with talented community leaders representing numerous organizations and every part of the political spectrum. Among them, Russell J. "Rusty" Hammer—former President and CEO of the Los Angeles Area Chamber of Commerce—stood out.

Rusty died in late January at the young age of 54, succumbing to a rare form of leukemia that he had been fighting with characteristic courage and grace since 2003. He is survived by his wife Pamela and children Gerald and Jennifer.

Rusty Hammer's career was marked by early political success with his election, at age 18, to the Campbell, California City Council—

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

making him the youngest elected official in U.S. history at that time. Three years later, he was selected as mayor, making him one of the youngest American mayors ever. In 1982, he retired from politics, began a distinguished career in the private sector, and never looked back.

In 2001, following 7 years as CEO of the Sacramento Metropolitan Chamber of Commerce, Rusty grabbed the reins of the Los Angeles Chamber. Under his skilled leadership, the LA Chamber was transformed into a thriving and profitable organization—the "go-to" group for area entrepreneurs and businesses of all sizes.

Rusty was also a passionate advocate for the least fortunate, and understood that good schools and a healthy environment are fundamental to the Los Angeles area's appeal.

Rusty's insatiable spirit was evident during his battle with cancer. He published a book—"When Cancer Calls Say Yes to Life"—which he said he wrote to help others struggling with the disease.

Madam Speaker, Rusty Hammer touched many lives. He will be missed.

## HONORING TIAN-LI YUE FOR RECEIVING THE 20TH ANNUAL PHRMA DISCOVERERS' AWARD

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. SESTAK. Madam Speaker, each year, the Pharmaceutical Research and Manufacturers of America (PhRMA) presents awards to researchers who have made incredible contributions to the development of a revolutionary medicine that helps patients live longer, healthier lives.

Today, Tian-Li Yue received the 20th Annual PhRMA Discoverers Award from PhRMA. The Discoverers Award is PhRMA's highest honor and is presented to the biopharmaceutical scientists whose research and development of medicines have greatly benefited mankind, and whose dedication and interest in improving the quality of life of patients exemplifies the best in the research.

This year's award has justly been presented to a cutting-edge researcher, and my constituent, Tian-Li Yue, who works for GlaxoSmithKline located in my home state of Pennsylvania.

Therefore, on behalf of the U.S. Congress I would like to recognize Tian-Li Yue, Ph.D. for developing Coreg®, which is used as a treatment for congestive heart failure.

His unwavering dedication and life's work to improve the health and well being of mankind are to be commended. Patients suffering from heart failure and hypertension are forever in his debt.

## IN RECOGNITION OF SISTER JOAN GALLAGHER, CSA

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Sister Joan Gallagher, in celebration of her years of kindhearted service to the less fortunate within the Northeast Ohio community.

Sister Joan is credited for her vigorous involvement in major projects that have touched the lives of so many people. Joan has been credited for converting a former Academy into affordable housing for the less fortunate, developing a portion of a campus for the elderly seeking a God-centered environment and creating Joseph's Home, a home for homeless men with medical problems.

For many years she has helped guide the Famicos Foundation, a community development corporation that provides housing for low-income families and seniors.

Madam Speaker and colleagues, please join me in recognizing Sister Joan Gallagher. May her years of service to the most vulnerable among us be an inspiration to us all in the world today.

## HONORING THE MIAMI NORTHWESTERN SENIOR HIGH SCHOOL VARSITY FOOTBALL TEAM

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute and congratulate the Miami Northwestern Senior High School varsity football team on being crowned the 2007 National Champions voted by ESPN's High School Football Super 25 and winning the 2008 Florida Class 6A State title.

The Bulls have concluded the 2007–2008 season with a 15–0 season record and a second consecutive Florida Class 6A State title. The Bulls won back-to-back State championships for the first time in the School's 50-year history. They are only the fourth team from Miami-Dade County to achieve the feat since 1963.

Since opening in the fall of 1955, Miami Northwestern Senior High School students and faculty have had a sense of pride unlike any other school in South Florida. The School opened its doors as a learning institution, and nearly 1,050 Black students who attended the School during its opening year were bused daily from Black communities throughout Dade County. Indeed, during this time period segregated schools were still existent and subsisting; thus, Northwestern became the first new high school for Miami African-Americans in a generation.

Despite the trials and tribulations the School often fought long and hard to get past, the School won its first State title before integration in 1963. After court ordered desegregation of 1970, Northwestern continued to strive within its football program. In 1995 and 1998 the School won two more State titles.

Northwestern, which has the best record of any Dade team (68–13) since 2001, boasts at least seven major Division I recruits on its roster with several others who could go to mid-major programs. Five of those seven have committed to the University of Miami. Among those is senior quarterback Jacory Harris (6–4, 170). He led an offense that scored no fewer than 28 points during the team's winning streak. It is a known fact that the State of Florida produces one National Football League player for every three of its high schools. Northwestern has played a major part in this contribution with 20 notable graduates including: OT Vernon Carey (Miami Dolphins), DB Torrie Cox (Tampa Bay Buccaneers), WR Antonio Bryant (San Francisco 49ers), RB Vernand Morency (Green Bay Packers) and LB Nate Webster (Denver Broncos).

William "Billy" Rolle, teacher and head football coach, graduated from Coral Gables Senior High School and later Florida A&M University. He began his teaching career in 1985 at Miami Edison Senior High School where he also began coaching football. Rolle guided Northwestern to its 1998 State title, and also led Miami Killian Senior High School to a State title in 2004. Rolle is the only coach in Miami-Dade County history to lead two schools to State championships.

Coach Rolle returned to coach the Bulls in 2007 and achieved compiling two of the three State titles the School held. He has been recognized as the 2007 Coach of the Year by American Football Monthly. Rolle is committed to preparing his team for post-secondary educational opportunities, and the world of work. The 2006 State Championship team featured seven stars that could sign with the University of Miami in 2008, as well as infamous star running back Antwan Easterling (Southern Miss).

To this day, there are still just as many devoted fans as there were when the School opened in 1955. Not only has the School's academic arena earned noteworthy and positive outcomes throughout the past 53 years, but the School's football program has demonstrated and become the highlight in Miami-Dade County that has continuously produced the best crop of talent in the Nation.

## TRIBUTE TO MICHAEL EVANS WILSON

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to a dear friend, Michael Evans Wilson, who was a longtime advocate for advancement of education and a veteran who honorably served our country. His passion for improving the lives of Arkansans will be missed, as well as his unwavering friendship. He delighted in asking penetrating questions, and his friendship was a treasure.

Mike was a compassionate and caring family man who loved his wife and children more than anything else in the world. He had a never-ending and burning desire to help people, and he made a lasting impression on each and every individual who knew him.

Mike was the son of the late Robert Edward Lee Wilson III and Patte Evans Wilson. He was the great-great-grandson of Robert Edward Lee Wilson, who founded Lee Wilson and Co. of Wilson in 1886.

He attended high school at the Baylor School in Chattanooga, TN, and graduated from The Citadel at Charleston, SC, in 1965. He served in the United States Army in Korea, and he achieved the rank of captain in air defense artillery prior to his honorable discharge in 1967.

Following his tour of duty in the Army. Mike returned to Wilson to work at Lee Wilson and Co. He served as chairman and chief executive officer of Lee Wilson and Co. from 1987 to the present.

Mike loved the State of Arkansas. Throughout his life, he became well known and highly respected for his philanthropy, his willingness to devote countless hours to charitable endeavors and for his passion for the advancement of education, both on a statewide and national level. Because of his commitment to his community, he was elected mayor of the City of Wilson from 1986 to the present.

I ask my colleagues to join me in recognizing Michael Evans Wilson. He was an incredible person who made a difference in the lives of so many Arkansans. He will be remembered as a great friend and will be missed by all who knew him.

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## IN RECOGNITION OF JOHN T. KILBANE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of John T. Kilbane. John has transformed his Cleveland union into an educated workforce prepared for the challenges of a global economy.

Since 1974, when he emigrated to the United States, John has put in many years of dedicated work. Whether working the front lines of the Ford plant or managing important projects for a west coast-based company, in his years of hard work, John has held numerous important positions within the Local #310 union.

John was instrumental in introducing apprenticeship programs that teach laborers to do things they never did before. John established the first Construction Craft Laborers Apprenticeship Program in Ohio. He is also responsible for the construction of his Local 310's new Training Center, which welcomed its first class in 2005.

Madam Speaker and colleagues, please join me in recognizing John T. Kilbane, an innovative leader in Cleveland, for his commitment to his brothers and sisters. May future generations of laborers draw inspiration from his efforts.

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## AMENDMENT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT TO PROVIDE LAND RIGHTS FOR THE 13TH REGIONAL CORPORATION

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. YOUNG of Alaska. Madam Speaker, there have been many items of unfinished business which flowed from the Alaska Native Claims Settlement Act, ANCSA, which was originally enacted on December 18, 1971. A number of these issues have been resolved over the years. Few of those unfinished items, however, stand out in my mind as much as the need to provide land selection rights to the members of the 13th Regional Corporation, which was formed by ANSCA primarily to represent Alaska Natives residing outside of Alaska at that time. Today, with the 13th Regional Corporation Land Entitlement Act, I address that objective. I am pleased to be joined in this sponsorship by my friend and colleague from Washington State, Congressman NORM DICKS. For me, both of us, this completes a significant goal of the original Act. Let me give you the background of this issue and the story of the 13th Region.

In 1971, after years of debate, Congress enacted the Alaska Native Claims Settlement Act of 1971, 43 U.S.C. § 1601 et seq., "the Settlement Act", extinguishing claims by Native Alaskans based on aboriginal land rights. The Act divided the State into 12 geographical Regions which were to be composed as far as practicable of Natives having a common heritage and sharing common interests. In addition, non-resident Natives were given the option either to enroll in one of the 12 Regional Corporations established for each region or to elect, by majority vote, to form a separate 13th Regional Corporation to represent the interests of non-resident Alaskan Natives.

Provision for the 13th was focused upon serving the interests of non-resident Alaska Natives while affording them their fair share of the settlement. Some non-resident Natives had been dislocated during and after World War II, others left their homes to serve in the Armed Forces, many left to attend high schools and colleges in other States, and still others, for economic reasons, migrated south in the hope of attaining employment. Information about the Settlement Act and its implications for non-resident Natives was difficult to obtain, spotty and inconsistent in character, and generally insufficient to enable individual non-resident Natives to make reasoned decisions. In this situation, a majority of non-resident Alaska Natives felt that their interests could best be protected by forming the non-resident 13th to better control and direct their own affairs. Ultimately approximately 4,500 Alaska Natives chose to enroll in the new 13th. Wherever they resided then, or now, however, they were and are Alaska Natives, and we honor them.

In opting to join the 13th, however, these non-resident Natives were deprived of the ability to fully participate in the settlement of their claims as that settlement was generally provided by the Act. Let me be specific. Monetary payments under the Settlement Act were made through the Alaska Native Fund, and distributed among all 13 Regional Corporations on a per capita basis, but land was distributed only among the 12 resident Regional Corporations and the Village Corporations within those regions. No additional money, however, was provided to the 13th to compensate for the absence of land. The Settlement Act also provided that the 12 Regional Corporations would share among themselves some of the revenues from all natural resource development occurring on the lands conveyed to them. The 13th did not receive this right.

In sum, Alaska Natives enrolled in the 13th did not receive any land, and did not receive additional money in lieu of land, and did not get any right to participate in distributions from the pool of natural resource revenue funds in which the other Regional Corporations shared. The 13th, being comprised of non-resident Alaska Natives, was thus denied full participation in the settlement provided by the Settlement Act. While some will claim that this was their choice, it seems clear that it was an inadequately informed choice, and resulted in depriving over 4,500 members of the 13th of two of the three major benefits of this Act. This bill seeks to resolve at least the absence of an entitlement to land.

Over the years, the effect of this inequity in the Act has been to substantially disadvantage the shareholders of the 13th as they tried to build an economically successful corporation and to deny them the benefits of land ownership in Alaska. As an example, the 13th received its pro rata share of the monetary payments under the Act but was obligated to distribute 50 percent of those proceeds immediately to shareholders as they were received over a number of years. The remaining 50 percent provide the only capitalization for the small corporation with many scattered shareholders. Without a land base or resources to develop, the 13th did not have the economic base, nor the crucial development alternatives afforded other Regional Corporations. The corporation did not receive revenues from the development of resources, such as timber harvest which was accomplished in several regions, or a share of Sec. 7(i) revenues, including petroleum revenues, which were a source of income for the 12 Regional Corporations. The 13th has survived but with some difficulty, and it is time to provide a fairer share of the settlement to them for their future.

To correct the inequity caused by the Settlement Act's failure to equally compensate non-resident Natives for the extinguishment of their aboriginal land claims, the 13th Regional Corporation Land Entitlement Act will place the shareholders of the 13th on a better footing with shareholders of the other Alaska Native Regional Corporations, at least as far as land is concerned.

The proposal authorizes the 13th to select land from the excess lands previously withdrawn by the Secretary of the Department of the Interior on behalf of other Regional Corporations. The proposed legislation gives absolute priority to land selections by the State of Alaska and other Native Corporations, regional and village, and prohibits the selection of lands from within conservation system units, as defined in the Alaska National Interests Lands Conservation Act. The 13th may not select from the National Petroleum Reserve, the Tongass or Chugach National Forests and other sensitive areas. In other words, the 13th is at the very end of the line for its land selections. This is nonetheless far more equitable for the 13th than the present situation.

In proposing this legislation, the shareholders of the 13th are seeking equity by being placed on a stronger and more equal footing with respect to the Native shareholders of the other 12 Native Regional Corporations. This is supported by the Alaska Native community. This proposal has been endorsed by the Alaska Federation of Natives and by the Association of Regional Corporation Presidents, and it has been thoroughly considered by the Alaska delegation.

My first term in Congress was the one immediately following the enactment of ANSCA in late 1971. I can tell you that neither the Act nor its implementation focused much attention on the 13th. They were not fully represented, so members of the Washington State delegation like the late Congressman Lloyd Meeds and Senator Henry Jackson took their side but were not able to accomplish land rights for the 13th, or a monetary settlement in its stead. Congressman Meeds believed throughout his life that this was a matter that required resolution.

What the 13th will receive under the new bill is, with one major exception, the same per capita land right that all other regional corporations received, no more and no less. The number of acres is arrived at by taking the total number of acres conveyed to the other Regional Corporations pursuant to Section 12(c) of ANSCA, 15,769,600 acres, and after subtracting Sealaska's shareholders, Sealaska received a separate entitlement, and the shareholders of the 13th, which received no land, dividing this 15,769,600 acres by 60,026, the number of original Native shareholders enrolled to the other 11 Native Regional Corporations. On a per capita basis, the shareholders of the other 11 Regional Corporations received approximately 262.7 acres per original shareholder. This per capita number multiplied by the 4,426 original shareholders of the 13th results in the 1,162,710 acres.

The bill gives absolute priority to land selections of other Native Corporations and the State of Alaska. Additionally, the bill prohibits the 13th from making selections within conservation system units, the Tongass and Chugach National Forests, the National Petroleum Reserve–Alaska, and other potentially sensitive public lands.

All other interests, from the State to other Native corporations and the conservation community, were able to make their land selections or designate large areas for protection and special management. All of these groups won congressional approval, and were able to secure their preferences, when the land eligible for selection was prime and high on the list of priorities. The 13th comes behind all other priorities, including State and Native selections, national conservation lands, and others. The intent is that the land of the 13th will be selected in a cooperative process with other land owners and can be complementary to those selections, by other regions or villages, the State or other public purposes. I believe this is not only fair but good policy as Alaska moves forward. It is simply time to resolve this long-standing inequity, and to provide the 13th Native Region with the right to a limited land base just as all other Native regions. I urge my colleagues to join with me in achieving this goal this year.

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## HONORING THE 99TH ANNIVERSARY OF THE NAACP

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. SESTAK. Madam Speaker, for nearly a century, the National Association of the Advancement of Colored People, NAACP, has been fighting for the civil rights and dignity of people of color. As a result of their efforts, our great nation today can boast of a society more diverse, productive, prosperous and hopeful than any in history.

However, today's hope is a far cry from the violence, segregation and discrimination that inspired Mary White Ovington, William English Walling and Dr. Henry Moskowitz to meet in a little room of a New York apartment and commit the fledgling NAACP to the most important social movement in our national history. Today, the spirit of those brave and patriotic founders' lives on in leaders like Dr. Joan Duval-Flynn, President of the Media, Pennsylvania NAACP Chapter. I rise today to congratulate Dr. Duval-Flynn for her vision, intelligence and dedication. She leads a chapter of the NAACP borne of a violent act in the early 1920's and committed to making Delaware County, Pennsylvania a 21st century community where people of all colors and creeds live together as neighbors, friends and first class citizens.

In my first year representing the 7th District of Pennsylvania, the NAACP's magazine, The Crisis, featured an article titled "Women Warriors, Female Combatants Sacrifice Lives for Country." That article gave me cause to consider all of the extraordinary women and men of color I had the privilege of serving with during more than thirty years in our Armed Forces.

For that privilege and honor, I owe—and our Nation owes—a personal debt of gratitude to Dr. Duval-Flynn, Mary White Ovington and countless other leaders and members of the NAACP. As W.E.B. Du Bois wrote in his first editorial page of The Crisis, in 1910, that voice of the NAACP "will stand for the right of men, irrespective of color or race, for the highest ideals of American democracy, and for the reasonable but earnest and persistent attempt to gain these rights and realize these ideals." Dr. Duval-Flynn has continued that tradition. I am proud to know and work with this remarkable leader, Dr. Joan Duval-Flynn, and with the NAACP who gave us leaders such as Dr. Joan Duval-Flynn.

Founded on February 12, 1909, the NAACP is the nation's oldest and largest civil rights organization. It has worked successfully with allies of all races who believe in, and stand for, the principles of civil rights on which the organization was founded.

The NAACP's legacy includes historic events as well as distinguished leaders, such as W.E.B. Dubois and other civil rights luminaries such Rosa Parks, Medgar Evers, and Thurgood Marshall, who served as special counsel for the NAACP when he argued the historic U.S. Supreme Court case of Brown V. Board of Education, a landmark victory for equality that outlawed segregation in schools.

Our obligation to African Americans and all Americans is to honor the accomplishments of the past by acting in a substantive manner to improve lives for tomorrow. Thank you, NAACP, and thank you, Dr. Joan Duval-Flynn.

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## TRIBUTE TO CORPORAL THOMAS JAMES HERRERA

### HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Cpl. Thomas Herrera, who enlisted in the United States Army on September 12, 2007. Cpl. Herrera's notable career spans 18 years, and his record of achievements during this period reflects greatly upon himself and upon the organizations with which he has served.

A native of Austin, Texas, Cpl. Herrera has followed a diverse career path of increasing responsibility culminating in his enlistment into the U.S. Army. Mr. Herrera is currently serving as Corporal at Fort Lee, Virginia. Previously, Cpl. Herrera served in the Army National Guard in the States of Massachusetts and Nevada from 2006–2007, when he began active Federal service. From 1987–1990, he served in the U.S. Air Force.

From 1990–1991, Cpl. Herrera worked for the U.S. Department of Commerce, Bureau of the Census as a Computer Operator. Following this, he took a position as Human Resource Assistant for the Governor of Texas from 1991–1996. Cpl. Herrera left government service in 1996 to begin a near ten-year journey in academia, earning commendable credentials that prepared him for his future military and government service.

In May 2001, Cpl. Herrera graduated from the University of Texas at Dallas with a BA in Government Politics. In May 2002, he graduated from the Southern Methodist University with a MLA in Liberal Arts/History. Finally, in December 2005, Cpl. Herrera concluded his academic journey with an MA in Criminology & Criminal Justice from the University of Texas at Arlington.

Cpl. Herrera has also taken it upon himself to become fluent in Spanish, French, Italian, German, and Russian. Additionally, he has a working knowledge of Mandarin Chinese, Korean, and Japanese.

Cpl. Herrera is married to the former Kasi Ann Roberts of Jacksonville, North Carolina. They were married on March 10, 2006 and have one daughter, Emma Belen Herrera, born on February 2, 2006. Mrs. Herrera's parents reside in Sherman, Texas. Although Cpl. Herrera's parents are deceased, he has close family that reside in Austin and Dallas, Texas.

Throughout his life, Cpl. Herrera has overcome poverty and hardship in an effort to meet incredible personal goals and objectives.

Madam Speaker, please join me in honoring Corporal Thomas James Herrera, for his commitment to academic and professional success. He is a remarkable public servant who has served our Nation and epitomized the dedication and professionalism that make our military a model all over the world.

## IN CELEBRATION OF THE NASA GLENN RESEARCH CENTER

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in celebration of the NASA Glenn Research Center. The NASA Glenn Research Center will be receiving its one-hundredth R&D 100 Award from R&D Magazine. R&D 100 award winners are chosen by the editors of the magazine as well as an external panel of experts in recognition of their contributions in developing the top 100 most technologically significant products of the year.

NASA Glenn Research Center's one-hundredth R&D 100 Award signifies the excellence of the Glenn Center's staff and the Center's significant contributions to NASA's mission. The Glenn Research Center and its staff have been included in these awards for over 41 years. Consisting of almost three-thousand civil service employees, The Glenn team has consistently strived for technical excellence in order to expand the boundaries of space, science and aeronautics technology.

Madam Speaker and colleagues, please join me in honoring the NASA Glenn Research Center's team on their significant contributions to the field of aeronautics and to continuing to work for maintaining NASA's global leadership in aeronautics.

## IN HONOR OF ANDERSON HOMES

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Steve Anderson and the dedicated employees of Anderson Homes, an independent homebuilder based in Middletown, Delaware. This week Anderson Homes will do what many consider impossible. Together, with ABC's Extreme Makeover: Home Edition design team and hundreds of local sub-contractors and volunteers, they will build two new high quality homes for two Wilmington families in less than a week's time. Mr. Ty Pennington, the host of the show, informed the Latif family and their neighbor Rose Chatman of the wonderful news Tuesday morning in traditional fashion: yelling "Good Morning" via bullhorn.

Anderson Homes has agreed to tackle this unbelievable challenge of building two houses, while waiving all fees and donating all the materials. Anderson Homes was founded in Middletown, Delaware, in 2000 and has 45 full-time employees. In just 7 years, the company has built more than 1,000 quality homes. The company was named the "Fastest Growing Homebuilder in the Nation, 2003" by Builder Magazine and was the recipient of 11 Regal Awards by the Homebuilders Association of Delaware in 2006.

ABC–TV Extreme Makeover: Home Edition is on a quest to build a house in all 50 States. Each family will return from an all expenses paid trip to Disney World to find a brand new' home, custom built to meet their special needs. The Extreme Makeover team selected the Latif and Chatman families of Delaware for their most recent home-building project because of their unique and inspiring circumstances.

Ju-Juanna Latif's life story is one of inspiration, a reminder to all of us of what can be accomplished if one perseveres. Ms. Latif became a single mother at the age of 16 and dropped out of high school. In spite of the obstacles, Ms. Latif earned a GED and set her sights on going to college. Unfortunately, life once again challenged Ms. Latif and she found herself living in a homeless shelter with her baby. While living at the shelter, Ms. Latif worked proactively to achieve her goals by taking parenting classes, undergoing job training, and enrolling in college once again.

Upon completion of a work study program, Ms. Latif was able to move out of the shelter into low-income housing. Ms. Latif bought her grandmother's home and, in doing so, also met a wonderful neighbor, Rose Chatman.

Ms. Latif is a proud mother of four children, ages: 19, 13, 12, and 9. James, Ms. Latif's youngest child, has been diagnosed with cerebral palsy and is wheelchair-bound. Ms. Chatman, better known as "Grandma Rose" takes care of James during the day while Ms. Latif goes to work as a welfare fraud analyst. "Grandma Rose" not only cares for young James, but is also an active member of her church by making the flower arrangements and providing transportation to church members.

With the help of Anderson Homes and ABC–TV Extreme Makeover: Home Edition, the new home will accommodate the special needs of Ms. Latif's son, James, and will make life easier for the entire family, including "Grandma Rose."

Thank you to Steve Anderson, the employees of Anderson Homes, ABC, and all the volunteers who made the dream of a brand new home a reality for these deserving families.

## HONORING CECIL SCAIFE

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mrs. BLACKBURN. Madam Speaker, I rise today to celebrate the accomplishments of Cecil Scaife and other key individuals who helped transform Nashville, Tennessee, into Music City, USA. Tonight at the historic Ryman Auditorium, Belmont University will present Nashville Celebrates Elvis! to highlight Elvis Presley's important contributions to the recording industry in Nashville. The event will also honor the contributions of Cecil Scaife and benefit the Cecil Scaife Music Business Scholarship Fund. The work done by Cecil, Bob Mulloy, and other industry leaders to found and nurture what would become the Mike Curb College of Entertainment and Music Business at Belmont University built upon the success of Elvis and other early pioneers to cement the place of Nashville in the entertainment landscape of our country.

Beginning in radio in the 1950s and then moving into the recording business, Cecil Scaife eventually became the first promotions manager for the legendary producer Sam Phillips at Sun Records in Memphis. Cecil would play a key role in the early careers of not just Elvis, but also Charlie Rich, Jerry Lee Lewis, Carl Perkins and Johnny Cash. He also worked in the first three-track recording studio in Nashville and the RCA Victor Studio B where Elvis recorded some of his greatest hits.

Not content with enjoying his personal success, Cecil Scaife joined with others in 1971 to lay the groundwork for the music business program at Belmont University. He taught there, established a scholarship to honor his wife, Sherytha, and made sure all of his children were educated there. His work helped ensure that the program would become a model for other music schools around the country. This program ensured that Nashville would never run short on talented. well-prepared, home-grown music business professionals ready to lead Nashville's music industry into the future.

Madam Speaker, I ask my colleagues to join me in congratulating Cecil Scaife, Belmont University, and all those who have worked so hard to make sure Nashville, Tennessee, will always be one of the musical and cultural treasures of our country.

## IN RECOGNITION OF JAMES F. RODES, JR.

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. KUCINICH. Madam Speaker, I rise today to honor CDR James F. Rodes, Jr., for his exceptional service in the Cleveland police force and the United States Navy Reserve.

James attended Cuyahoga Community College while serving as a patrol officer and detective in the fourth district, graduating in 1986 with a degree in law enforcement and criminal justice. He worked his way through the ranks, starting as a patrol officer and team leader of the Dive Search and Recovery Team, and continuing his career as a detective in the Fugitive Unit, Accident Investigation Unit, Bureau of Special Investigations, and Homicide Unit. He retired on November 1, 2007, after 26 years of service.

James's distinguished career is also defined by his success in the Navy Reserve. He entered active duty on October 12, 1971, and was initiated Gunner's Mate Chief Petty Officer in 1985. He was a salvage diving officer in Cleveland, a company commander in Bosnia and Herzegovina, a commander in Japan and Akron, Ohio, and also served in Iraq from September 2006 to February 2007.

Commander Rodes spent his childhood in the Cleveland area and now resides in Brooklyn, Ohio, with his wife Diane. He is the proud father of two daughters, Lieutenant Stacy R. Meyers and Melissa A. Hazek.

Madam Speaker and colleagues, please join me in honoring Commander James F. Rodes, Jr., a man whose exemplary service in both the United States Navy and the Cleveland Police Department will serve as an inspiration for generations to come.

## HONORING STATE SENATOR ADELINE GEO-KARIS

### HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Ms. BEAN. Madam Speaker, upon the occasion of her passing, I rise today to celebrate the life and achievements of Illinois State Senator Adeline Geo-Karis, a true political pioneer who dedicated her life to serving the people of Illinois.

She was a woman in leadership when there weren't any others. She broke through all the barriers, as the only woman in her graduating class at DePaul University Law School, as a lieutenant commander in the U.S. Naval Reserve, as the State's first female assistant State's attorney, and the first woman elected to the Illinois General Assembly from Lake County.

Through more than three decades of service in the Illinois General Assembly, Senator Geo-Karis spearheaded successful efforts to cut crime and promote alternative energy use. She was a tireless advocate for senior citizens and a longtime champion of the disabled. She brought constituent service to new heights and set the bar for other elected officials in the State of Illinois.

She served with distinction as the mayor of Zion and as an immigrant from Greece, she was an inspiring example of the American Dream.

Madam Speaker, Senator Geo-Karis has served her district, State, and country with exemplary dedication and commitment. Her 34 years of outstanding public service ensure that her legacy will be remembered.

## HONORING WARWICK TOWNSHIP ON ITS 275TH ANNIVERSARY

### HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the 275th anniversary of Warwick Township, Pennsylvania. Warwick has a long and notable history, serving as the location for several crucial events in the birth of our Nation.

Warwick Township was formed by petition on February 13, 1733. Located in central Bucks County, the township served as an important fixture in colonial life in the 18th century. York Road, one of the major roads running throughout the township, served as the major connection between New York and Philadelphia. During the American Revolution, York Road was used as a passage for the American Army during northern campaigns.

Warwick Township was also home to General Washington's headquarters. The township welcomed Marquis de Lafayette and Count Pulaski to join the American Army, where they later became critical to the American victory over the British. The nearby Neshaminy Church was transformed into both a hospital and a location for court-martials throughout the American Revolution.

Today, Warwick Township continues its historic tradition of hospitality and community. The township offers its residents and visitors a variety of public parks, sports fields, pavilions, playgrounds and ponds. Community Park provides the township's residents with a children's summer day camp program, as well as public Sunday evening concerts throughout July and August. Warwick Township also features a public golf course, the Neshaminy Valley Golf Club.

Warwick Township serves both as an outstanding reminder of our Nation's history, as well as an exceptional example of a modern American town. Madam Speaker, I am proud to represent Warwick Township and grateful for the opportunity to recognize their momentous 275th anniversary.

## IN CELEBRATION OF SHEILA MURPHY CRAWFORD

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in celebration of Sheila Murphy Crawford. Thirty years ago, Sheila Murphy Crawford founded the Murphy Irish Arts center, which she established as a non-profit to support Irish cultural activities. She began in 1978 with 35 students. Under her guidance as director of the center, she currently has more than 250 students, ranging in age from 5 to 30.

In 2006, Crawford's spectacular choreography took third place at the 2006 World Championships of Irish Dancing in Belfast. Her dancers have earned very high rankings in many other national and international competitions. Among many of her other honors, she earned the highly desirable position of adjudicator of the world governing organization for Irish Dance, An coimistun le Rinici Gaeltica.

As a teenager, Crawford maintained the Irish Cultural Garden in Rockefeller Park. She later went on to become the director of the organization that oversees the verdant spot in 1995. For the past 8 years, she has also served as vice president of the Cultural Garden Federation of Cleveland. Currently, Crawford is heading a project to refurbish the Irish Garden.

Crawford's outstanding commitment to sharing Ireland's rich cultural traditions and values goes far beyond Irish dancing. She has been a five time president of a religious and cultural organization that raises funds for charity, the Ladies Ancient Order of Hibernians. In 1993, she was named Hibernian of the Year.

Madam Speaker and colleagues, please join me in recognizing Sheila Murphy Crawford's significant contributions to preserving and sharing Irish culture with the community.

## RECOGNIZING MRS. IMOGENE COTTER

### HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. REHBERG. Madam Speaker, I rise today to honor the oldest registered Republican residing in Phillips County, Montana, Mrs. Imogene Cotter. On February 10, Mrs. Cotter celebrated her 100th birthday. Arriving in Montana on an immigrant train from Missouri when she was a young child, Imogene homesteaded with her family and her husband William until the ranch sold in 1970. Whether it was serving as an election clerk for Phillips County for over 30 years, working as a State officer for several different years in the Cattle Women's organization "Cow Belles", or being heavily involved in her husband's career as a county commissioner and school board president, Imogene's contributions to the Republican Party, Phillips County, and the State of Montana are endless.

Reaching this significant milestone is something that should not go unnoticed or unappreciated. Please accept my wishes for a very happy birthday—and my sincere congratulations for the good life you are living.

It is the compassion, dedication, courage, and commitment of people such as you that is truly the Spirit of America. Your experiences of the past 100 years qualify you to educate and pass your wisdom on to those of younger generations. I hope you will tell your stories—and I hope they will listen.

## PERSONAL EXPLANATION

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Ms. BALDWIN. Madam Speaker, I regret that due to inclement winter weather, I missed recorded votes on February 6, 2008, and February 7, 2008.

Had I been present on those days, I would have voted in support of H. Res. 867, H. Res. 942, H. Res. 943, H. Res. 956, H. Con. Res. 283, and H.R. 4848.

## IN CELEBRATION OF REGINA BRETT

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in celebration of Regina Brett. Regina

Brett reaches over half a million readers a week as a thrice-weekly metro columnist for the Cleveland Plain Dealer, which she joined in 2000 after 7 years as a reporter and columnist for the Akron Beacon Journal. Brett also hosts a weekly radio program on Cleveland's National Public Radio Station, WCPN, 90.3 FM. With the capacity to reach out to so many people through her column and radio show, she has been able to highlight issues and generate debate concerning topics that are of great importance to the Greater Cleveland community.

Regina Brett earned her B.A. from Kent State University and her M.A. from John Carroll University. She later went on to serve as president of the National Society of Newspaper Columnists. Among many of her honors and awards, in 1999, she was the recipient of the yearly awarded Batten Medal; established in memory of the late CEO and chairman of the Knight Ridder newspaper chain, which recognizes one journalist nationwide whose writing displays "compassion, fairness, courage, and a deep concern for the underdog."

Through her body of work, she has continued, fearlessly and relentlessly, to illuminate the challenges, victories, people and communities that make up and affect the Greater Cleveland area.

Madam Speaker and colleagues, please join me in recognizing Regina Brett's outstanding contributions to journalism and to the Greater Cleveland Community.

## PERSONAL EXPLANATION

### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. ELLISON. Madam Speaker, on January 22, 2008, I failed to vote on rollcall Nos. 19 and 20 because my flight was unexpectedly delayed. Had I voted, I would have voted "aye" on rollcall No. 19 and "aye" on rollcall No. 20.

Madam Speaker, on December 13, 2007, I inadvertently failed to vote on rollcall No. 1156. Had I voted, I would have voted "aye."

Madam Speaker, on December 5, 2007, I inadvertently failed to vote on rollcall No. 1130. Had I voted, I would have voted "aye."

Madam Speaker, on November 14, 2007, I inadvertently failed to vote on rollcall No. 1103. Had I voted, I would have voted "aye."

Madam Speaker, on October 31, 2007, I inadvertently failed to vote on rollcall No. 1023. Had I voted, I would have voted "aye."

Madam Speaker, on October 22, 2007, I inadvertently failed to vote on rollcall Nos. 983–985. Had I voted, I would have voted "aye" on rollcall No. 983; "aye" on rollcall No. 984; and "aye" on rollcall No. 985.

Madam Speaker, on June 13, 2007, I inadvertently failed to vote on rollcall No. 465. Had I voted, I would have voted "aye."

Madam Speaker, on March 9, 2007, I inadvertently failed to vote on rollcall No. 133. Had I voted, I would have voted "no."

Madam Speaker, on February 12, 2007, I inadvertently failed to vote on rollcall Nos. 93–94. Had I voted, I would have voted "aye" on rollcall No. 93; and "aye" on rollcall No. 94.

## PERSONAL EXPLANATION

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. PORTER. Madam Speaker, I was absent from the House on Thursday, February 7, 2008, attending a funeral in Las Vegas. Had I been present, I would have voted in the following way:

On rollcall vote #42, H.R. 5140, the Economic Stimulus bill. "yea."

On rollcall vote #41. H. Res. 947, Congratulating Lee Myung-Bak on his election, "yea."

On rollcall vote #40, H.R. 4137 the College Opportunity and Affordability Act, "yea."

On rollcall vote #39, H.R. 4137 On Motion to Recommit, "yea."

On rollcall vote #38, H.R. 4137 On Mr. Davis of Illinois Amendment, "nay."

On rollcall vote #37, H.R. 4137 On Mr. Petri of Wisconsin Amendment #5, "yea."

On rollcall vote #36, H.R. 4137 On Mr. Petri of Wisconsin Amendment #4, "yea."

On rollcall vote #35, H.R. 4848 On Motion to Suspend the Rules and Pass, as Amended P To extend for one year parity in the application of certain limits to mental health benefits, and for other purposes, "yea."

On rollcall vote #34, H. Con. Res. 283 On Motion to Suspend the Rules and Agree, as Amended P Calling for a peaceful resolution to the current electoral crisis in Kenya, "yea."

On rollcall vote #33, H. Res. 956 On Agreeing to the Resolution P Providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, "nay."

On rollcall vote #32. H. Res. 956 On Ordering the Previous Question P Providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, "nay."

## H.R. 5264 EXTENDS SUCCESSFUL PREFERENCE PROGRAMS WITH ANDEAN, CARIBBEAN, AND GSP NATIONS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. RANGEL. Madam Speaker, I would like to offer a few words on H.R. 5264, a bill that I introduced to provide a long-term extension of three trade preference programs scheduled to expire this year. This bill would extend until September 30, 2010, the Andean trade preferences (ATPA) that are due to expire on February 29, preferences for the Caribbean Basin (CBI) countries—which expire on September 30—and the Generalized System of Preferences (GSP), which expires on December 31. H.R. 5264 also addresses a number of problems with the textile provisions of the African Growth and Opportunity Act (AGOA) and the competitive need limitation (CNL) waiver provisions of GSP.

These preference programs have been a centerpiece of U.S. efforts to spread the benefits of globalization to the world's poor and developing countries. They have created tens of thousands of jobs—jobs that are likely to be lost to countries like China if the programs are not renewed—and have created critical economic opportunities for workers and businesses in the United States. These programs have also fostered key U.S. foreign policy goals, including U.S. counternarcotic efforts, and empowered the agents of democracy and reform abroad.

Extension beyond 2010 would have been ideal to provide the necessary predictability and stability for the Andean, Caribbean, and GSP programs. However, I have included the shorter extension in this bill to accommodate the range of opinions on the issue of renewal. In the coming days, I will work with my colleagues to harness the strong bipartisan support that I believe exists to extend and improve these critical trade preference programs.

Finally, a 2-year renewal of these programs at this time should send a clear signal to negotiators in the World Trade Organization Doha Round negotiations that the U.S. commitment to trade and development remains unwavering and substantial. This element of the Round is fundamental, even as the United States presses for key goals in agriculture, far reaching commitments on tariff and non-tariff barriers with respect to manufactured goods, services and strong outcomes in other areas, including the so-called Rules negotiations.

## IN HONOR OF DAN COLEGROVE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. KUCINICH. Madam Speaker, I rise today to honor Cleveland police Sergeant Dan Colegrove for more than 28 years of exemplary service in the Cleveland Police Department.

Dan served in a number of capacities during his time with the police. He began his career on October 29, 1979, in the fourth district, and then spent time on the Strike Force and the Detective Bureau from 1984 to 1989. He was then assigned to the Cleveland Police Mounted Unit until 1999, when he moved to the Fugitive Unit. In June 2000, he was promoted to sergeant and served his remaining time with a stint in the fifth district and the Detective Bureau until his retirement on December 7, 2007.

Madam Speaker and colleagues, please join me in honoring Dan Colegrove for his dedication to his community of West Cleveland.

## IN REMEMBRANCE OF ANTONIO DIMORA

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Antonio Dimora, a beloved father and doting grandfather, and to honor his commitment to his Northeast Ohio community.

Antonio was born in Sicily in 1932 and immigrated to the United States in 1950, settling in a succession of Cleveland area communities. He was an avid outdoorsman, worked for Republic Steel and Buckeye Forge, and served as the Union Steward in the United Steelworkers of America. Later in life, Antonio devoted his time to volunteer work with the American Association of Retired Persons and Church of the Holy Angels in Bainbridge, Ohio.

Antonio's greatest joy in life was spending time with his wife, Mary Elizabeth; his four children, James, Ann Marie Miker, Theresa Agostino, and Diane Pieronek; and his nine grandchildren. He never forgot Italy, and enjoyed every opportunity to celebrate his Italian heritage.

Madam Speaker and colleagues, please join me in remembering Antonio Dimora, whose tireless work for the labor cause and deep affection for his family and community will be remembered by all who knew him. My thoughts and prayers go out to the Dimora family during this difficult time.

## CONGRATULATING PARADISE VALLEY POLICE CHIEF JOHN WINTERSTEEN

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. MITCHELL. Madam Speaker, I rise today to acknowledge Paradise Valley Police Chief John Wintersteen for the many years he has given to his community and to our country. Chief Wintersteen is retiring after thirteen years at the helm of his department, a span that has encompassed tremendous growth and innovation in the town's public safety programs. His tenure in Paradise Valley has earned him the respect and love of that community.

Chief Wintersteen's distinguished service began long before he joined the Paradise Valley Police Department. He served honorably for nearly 29 years in the United States Marine Corps, overseeing police and security operations at Marine Corps headquarters in Washington, DC, and at the military prison at Fort Leavenworth, KS.

During his tenure with the department, Chief Wintersteen was instrumental in overseeing the town's fire and emergency medical service transition from the private Rural/Metro Fire Department to Phoenix Fire Department. He was also involved in the expansion of the Police Department's photo-enforcement program—which was the first in the Nation—and the introduction of public-awareness programs.

Chief Wintersteen is just as dedicated to the community in his private life as he was while wearing a badge. He volunteers with the Boy Scouts of America, Girl Scouts of America, Sierra Club, American Red Cross and Special Olympics, among others.

I would like to wish Chief Wintersteen all the best as he embarks on a new chapter in his life. I am confident that Paradise Valley will continue to benefit from his knowledge, leadership and dedication to the community he calls home. I say congratulations on a job well done.

## SUNSET MEMORIAL

### HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with another Sunset Memorial.

It is February 12, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that we lost on September 11, only it happens every day.

It has now been exactly 12,804 days since the tragic judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them. And all of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

The bedrock foundation of this Republic is the Declaration, not the casual notion, but the Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died without the protection we should have been given them.

But perhaps tonight, Madam Speaker, maybe someone new who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we can never express, and that 12,804 days spent killing nearly 50 million unborn children in America is enough; and that this nation is great enough to find a better way than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we hear the cries of the unborn at last. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is February 12, 2008—12,804 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of the free and the home of the brave.

## INTRODUCTION OF LEGISLATION AUTHORIZING THE SECRETARY OF COMMERCE TO SELL OR EXCHANGE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY LOCATED IN NORFOLK, VA

### HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. SCOTT of Virginia. Madam Speaker, I rise today to introduce legislation that would authorize the Secretary of Commerce to sell or exchange National Oceanic and Atmospheric Administration property to/with the city of Norfolk, Virginia.

Over the last decade, the city of Norfolk has experienced tremendous economic growth. Downtown Norfolk has reemerged as the urban center of the Hampton Roads region through revitalization and new commercial and residential development. For several decades, NOAA has been an important Federal partner in downtown Norfolk's development. NOAA's Atlantic Marine Operations Center and NOAA's Chesapeake Bay office are both located in downtown Norfolk.

The bill that I am introducing today, along with my colleague Congresswoman THELMA DRAKE, would authorize the Secretary of Commerce to sell or exchange a small piece of underutilized NOAA property located at 538 Front Street in Norfolk, consisting of 3.78 acres, to the city of Norfolk. This land sale would allow Norfolk to continue its tremendous economic growth by developing the land for commercial and residential purposes. At the same time, the bill clearly states that NOAA may only sell or exchange the property if the Secretary of Commerce determines that the conveyance would be in the best interest of the Federal government. The bill does not delineate or support any particular agreement or contract; the details of any future agreement between NOAA and the city of Norfolk would have to be worked out. This legislation would simply permit that process to get started. In addition, any sale or exchange would have to have little to no impact on Federal revenue or the deficit. The bill requires that the property be sold at a value that is not less than the fair market value as determined by the Federal government. Furthermore, it authorizes NOAA to retain any proceeds from the sale or exchange.

Madam Speaker, I hope that this bill will be considered by the full House of Representatives soon. I believe this bipartisan, non-controversial legislation protects both the interests of the Federal government and the citizens of Norfolk. I urge my colleagues to support this measure when it comes before the full House.

## TRIBUTE TO VADA SHEID

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to an outstanding citizen and dear friend. I am proud to recognize one of Arkansas' greatest public servants Vada Sheid. Her recent death was a great loss for our community and our Nation.

Vada Sheid was the first woman to be elected to both the Arkansas House of Representatives and the Arkansas State Senate. Her career in public service, which also included positions in numerous county offices, boards, commissions and committees, spanned across five decades. Mrs. Sheid was instrumental in securing significant road improvements for north central Arkansas as well as the creation of Arkansas State University-Mountain Home.

Vada Webb was born on August 19, 1916, in Izard County. She grew up in Calico Rock and entered public service working at the Izard County welfare office when she was 19. Shortly after she married Carl Sheid in 1941 the couple moved to El Dorado and eventually settled in Mountain Home.

In 1958, Mrs. Sheid ran for Baxter County treasurer and lost. In 1960, she ran again, won, and served as treasurer through 1965. In 1966, she was elected to the State house of representatives and served four terms. She was only one of four women who served during the 1967–1968 term. In 1976, Mrs. Sheid was elected to the State senate and became the only woman to serve in both houses in Arkansas.

In 1987, Governor Bill Clinton appointed her to the State Police Commission. In 1992, after a resignation of the local State representative, Mrs. Sheid ran for office again and won, serving in the house again until 1995.

Her work to improve education and ASU Mountain Home earned her an honorary doctor of law degree from the college in 1998. Her dedication to serving the community is remembered by the Mountain Home Area Chamber of Commerce's Vada Sheid Lifetime Achievement Award, which is given to an individual who has made a significant contribution to the community.

On behalf of Congress, I extend my deepest sympathies to Mrs. Sheid's family and gratitude for the countless hours she spent serving others. She leaves a legacy of accomplishment in Arkansas as well as inspiring memories for all who knew her.

## IN HONOR OF THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAM

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. FARR. Madam Speaker, I rise today to honor the Uni-Capitol Washington Internship Program. This program is a wonderful educational experience for both the intern who works in a congressional office, and for the office who receives an intern from the program. The program annually delivers some of Australia's best and brightest university students who have a passion for and commitment to civic engagement and public service to congressional offices for 2-month internships.

The Uni-Capitol Washington Internship Program began in 2000 and since its inception, I have been a proud participant. This year I welcomed a wonderful student-ambassador to my office, Stephanie Lyons, who has shared with us her experiences as a newcomer to Washington from the perspective of an Australian. Stephanie, who visits us from the University of Canberra, is a great example of the high quality students who are involved in this program. With a bachelor's degree in communication, specializing in public relations and political communication, Stephanie will this year commence her honors degree, drawing upon her experiences here in Washington as a research stimulus. Throughout her time in this office, she has had the chance to pursue her interests in the media and a range of issues, from foreign affairs, human rights, and diplomacy to science and the environment.

Over the past month, she has been an invaluable asset to this office. She has attended committee briefings, drafted constituent correspondence, and assisted my staff with research. Her Australian accent has garnered the attention of many of my constituents on tours and over the phone. She is often asked to share her experiences in Washington, DC.

Stephanie is one of several outstanding Australian interns. This year, a record 13 students from across Australia were matched with congressional offices. They were drawn from seven Australian universities in four different states and the Australian Capital Territory. The Uni-Capitol program gives its students practical experience and allows them to gain knowledge and understanding of the internal workings of the United States Government.

Including this current group, 81 Australian students will have interned in Washington since the program's inception 9 years ago. For creating the Uni-Washington program, credit must be given to its founder, Eric Federing. Eric is a former senior House and Senate congressional staffer who has worked to foster the exchange of ideas and knowledge between the U.S. and Australia through his efforts with the Uni-Capitol Washington Internship Program.

Madam Speaker, I strongly encourage my colleagues to seek international connections by participating in this rewarding program. It is truly heartening to see how much this program has grown over the years, and I look forward to its continued success. I ask my colleagues to join with me in recognizing the contributions of the Uni-Capitol Internship Program and, again, thank Stephanie Lyons for her participation and hard work.

## HONORING PRESIDENT JOLENE KOESTER

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. SHERMAN. Madam Speaker, I rise today to pay tribute to an extraordinary public servant dedicated to promoting the intellectual, economic and cultural contributions of the San Fernando Valley, California State University, Northridge President Jolene Koester. This year, the Encino-Tarzana Hospital Charitable Foundation is honoring Dr. Koester with the Tree of Life Award for her educational and civic contributions.

As a visionary leader in the San Fernando Valley, Dr. Koester has transformed California State University, Northridge into one of the State's premier higher education institutions. CSUN is a vibrant, diverse and accessible university community of nearly 34,000 students and more than 4,000 faculty and staff. This year, CSUN will celebrate its 50th anniversary as the only public university located in Los Angeles' San Fernando Valley—home to about 1.8 million residents.

Dr. Koester began her appointment as the fourth president of California State University, Northridge on July 1, 2000. Prior to her appointment, Dr. Koester served as provost and vice president for Academic Affairs at California State University, Sacramento. She earned a Bachelor of Arts from the University of Minnesota, a Master of Arts in communication arts from the University of Wisconsin-Madison, and a Ph.D. in speech communication from Minnesota.

An active member of the community, Dr. Koester has served on the boards of directors for the Los Angeles Area Chamber of Commerce, the Economic Alliance of the San Fernando Valley, the Valley Industry & Commerce Association, the Southern California Biomedical Council, and the Los Angeles Economy & Jobs Committee. Dr. Koester is a recognized leader in higher education in the State of California, and has received numerous civic and business awards for her commitment to furthering the excellence of California State University, Northridge.

Dr. Koester was recently appointed as Chair-Elect of the American Association of State Colleges and Universities. As Chair-Elect of one of the country's most prestigious higher education advocacy organizations, she will have the unique opportunity to represent over three million students at 430 public colleges and universities. Moreover, she will advocate on behalf of the association in support of public policies extending higher education to underrepresented and first-generation college students throughout the country.

Madam Speaker, I wish to extend my heartfelt congratulations to Dr. Jolene Koester for receiving the Tree of Life Award from the Encino-Tarzana Hospital Charitable Foundation. Dr. Koester has exhibited strong leadership skills and a commitment to education that will benefit California State University, Northridge, the San Fernando Valley and the Los Angeles region for years to come.

## HONORING SHANNON HARPS—ENVIRONMENTAL AND COMMUNITY ORGANIZER

### HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. INSLEE. Madam Speaker, my colleague Norm Dicks and I would like to pay tribute in remembrance of Shannon Harps, one of Washington's finest young environmental advocates. She was killed on December 31, 2007 by an unknown assailant as she was returning to her Capitol Hill apartment in Seattle from the grocery store. Shannon's death is a tremendous loss to our community and the many issues to which she devoted her life. We join with Shannon's family, friends, and colleagues in the Sierra Club in mourning the loss of this wonderful person and fine community organizer. Though her life was cut short, she was able to make a large impact on the quality of the Northwest environment.

Shannon came from her home State of Ohio to Seattle, Washington in February 2004 to join the staff of the Northwest Office of the Sierra Club. This move joined two of Shannon's strongest desires—to work to protect our environment and to live in the Northwest where she could more vigorously pursue her strong love for the outdoors.

Shannon had a wonderful sense of humor and a style of working with people that immediately put them at ease and made it easy for them to join her in protecting our environment and quality of life. Shannon particularly enjoyed working with high school and college students to help them develop their interests and talents in working to create a better world. While Shannon's work was directly focused on protecting our environment, from wilderness to global warming, her values were deeply embedded in a strong sense of fairness and justice for all people.

In the four years that Shannon lived in Washington State she helped to protect some of our finest lands. Shannon worked with several groups in a local coalition effort with Congressman Norm Dicks to add key lands in the Carbon River drainage to Mt. Rainier National Park. She worked with Sierra Club volunteers and staff from the many groups to help move the Wild Sky Wilderness proposal through the various steps of its arduous journey through the congressional process. She was a leader in the State of Washington, and worked with colleagues around the country, to help thwart the various ill-considered efforts to open up America's Arctic Coastal Plain to oil and gas drilling. She was a lead organizer in the successful effort in 2006 to pass the Renewable Energy Portfolio Standard for Washington State assuring that Washington will be a leader in developing a clean energy future and creating good jobs. And, in the recent two years, much of her work focused on building relationships with local officials and creating public support so they too would endorse the Mayor's Climate Protection Agreement making sure we are stepping up to the challenge of global warming.

In her all-too-short life, she made contributions that benefited our community, State, and world. She lived her life as an example of living lightly on the planet, and engaged the people and world around her with grace, humor, kindness, and respect. Everyone who worked with her admired her style, tenacity, and sense of purpose, along with her sparkling smile and laugh.

Shannon loved living and working in the Northwest. She reveled in the outdoors and nothing made her happier than to participate in a competitive run or to hike the Northwest's high mountain trails. Her death is a loss for us all but her spirit still resides with all of those with whom she worked and walked the trails. We will remember her as we continue the struggle to protect our lands and environment and to create a more just and fair world for us all.

## TRIBUTE TO CHIEF JOHN SMOOT

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mrs. CAPITO. Madam Speaker, I rise today to honor the life of Chief John Smoot who dedicated his life to serving and saving others. He died on January 20, 2008 after a long illness in Kanawha County, WV where he was a lifelong resident.

John served in the U.S. Army during World War II and continued his military service for 32 years in the Army Reserves and in the West Virginia National Guard. He also worked for DuPont Chemical and retired after 37 years of employment.

He is most remembered for his extraordinary service to the citizens of Kanawha County, through his 57 years of involvement with first responder services and 50 years as chief of the Cedar Grove Fire Department.

He was a champion of emergency services in Kanawha County and in the State of West Virginia. He created the Cedar Grove Ambulance Service and helped establish county wide ambulance services. He is also the original founder of the Kanawha County Fireman's Mutual Aid Association.

He is survived by his wife, Lois Robinson Smoot; his son, John R. Smoot; his grandsons, Jonathan and Cody, and his brother; George Smoot. Area fireman paid tribute to Chief Smoot by including trucks from all Kanawha County Fire Departments in the funeral procession.

Madam Speaker, I proudly ask you to join me in honoring the life of John R. Smoot, whose dedication and service is truly admirable. He will be sadly missed.

## RECOGNITION OF MERCER AND MONROE COUNTIES AS BEST COMMUNITIES FOR YOUTH

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. RAHALL. Madam Speaker, I rise today in recognition of two counties in my district, Mercer and Monroe, which have again received the honor as two of the Nation's "100 Best Communities for Youth 2008" by the Alliance for Youth. This is the third such award for Mercer County and the second award for Monroe County, both of whom were also honored last year.

These counties competed against 750 participants from more than 300 communities in all 50 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, who were all vying for this unique distinction.

This award is well-deserved, as these communities have dedicated themselves to fostering a healthy, safe, and caring environment for our young people. I share this vision and am deeply honored to once again have the only two localities in West Virginia recognized located in my district.

I pledge to continue my work to make the communities in the Third District a healthy and nurturing environment for our children, by supporting legislation and programs that will keep our children safe. Last year, I supported full funding of both the Drug Free Communities grant program and the Safe and Drug Free Schools Program against the budget cuts recommended by the administration. These programs make a visible difference in our communities and are invaluable when it comes to preventing and reducing substance abuse, particularly with our teenagers and young adults.

While these programs are effective, it is by far not the end of our work. As the folks of Mercer and Monroe counties can attest, we must not waver from our commitment to our youth. As much as we accomplish, we must strive to do better.

West Virginia native and renowned author Pearl S. Buck once said, "If our American way of life fails the child, it fails us all."

These are words to live by, words that Mercer and Monroe counties have once again proven they are living by everyday. I again commend the entire community—the teachers, the civic leaders, the parents, and the children as well, who are all so very bright—for the hard work they have done and continue to do.

I encourage other communities in the Third District and across West Virginia and our Nation to follow the fine example set by Mercer and Monroe Counties in showing what it means to keep America's promise to our young people. As the Alliance for Youth said, "It is our hope that these 100 Best inspire communities across the country to create environments where children and families have boundless opportunities."

## SEMPER FI!

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## HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 12, 2008*

Mr. POE. Madam Speaker, it's no big surprise to me that the peaceniks out in Berkeley, California don't know the first thing about peace, but their latest attack on the real proprietors of peace has stirred up a firestorm. Just in case you haven't heard, the city of Berkeley passed a resolution telling the local U.S. Marine Corps recruiting station that is was "not welcome in the city and if recruiters choose to stay, they do so as uninvited and unwelcome intruders." Mayor Tom Bates said, "The Marines don't belong here, they shouldn't have come here and they should leave." The city of Berkeley has even issued a permit for the radical anti-military group "Code Pink" to use the parking spot once reserved for the Marine Recruiting Station. Code Pink has parked a panel truck displaying "peace at any price" type statements in front of the recruiting office.

Well, let me remind Mr. Bates that he enjoys the rights and freedoms known only to Americans because the Marines are here. And as for me and the rest of the freedom loving Americans, we hope they never leave. These defenders of democracy deserve better than Berkeley's arrogant disapproval. Berkeley's deplorable anti-Marine city leaders must still have a 60's peacenik hippie mentality that world peace can occur by sitting around smoking dope and banging on the tambourine.

Life in la-la land is all daisy chains and braids, but it's just not reality. Reality is that freedom doesn't come free. Twenty-four of America's finest from my 2nd Congressional District area in Texas have given their lives defending freedom in Iraq and Afghanistan. Seven of them were Marines. Their bravery, dedication, and patriotism will not be tarnished by the foolish words of a few. Their sacrifice will never be forgotten by their friends, their family and freedom-loving peoples throughout the world.

Berkeley's latest onslaught of the Marines is just another attack in a long history on our country. It is against Federal law to willfully obstruct the recruiting or enlistment service of the United States. American taxpayer money should not be used to support those cities that break our laws. Berkeley should lose all Federal funding for their smug denouncement of the Marine Corps. Patriotic Americans should not subsidize cities that tell the Marines to "get out of town."

Now, I am a fierce proponent of the First Amendment protecting freedom of speech. The city of Berkeley can bash the Marines in their resolutions, but freedom of speech is not free of consequences. And the consequences should be loss of Federal funds appropriated to the city.

I believe that we must respect those that afforded us those rights and hold them in the highest esteem for their sacrifices. And like it or not, it is the U.S. military that has always been on the front lines to defend the liberties of all Americans, even the hippies in Berkeley.

February 19th marks the 63rd anniversary of the Battle of Iwo Jima. The month long battle against Imperial Japan resulted in 26,000 U.S. casualties, mostly young Marines. The quiet riverbank of the Potomac is home to the Iwo Jima Memorial. It is a solemn reminder that the Marines are "always faithful" to the United States of America. Joe Rosenthal took his famous photograph of five Marines and a Navy Corpsman hosting Old Glory above Mount Suribachi. Of the six flag-raisers in the Memorial, three were killed after the stars and stripes were raised above the volcano. One was Harlan Block from South Texas.

The Marines go where others fear to tread, and the timid are not found. They fight for all American values, including the rights of people in Berkeley to say what they want. But the few—the noble few—the proud—the Marines deserve the honor, respect, and thanks of a grateful Nation.

Ronald Reagan best summed it up when he said, "Some people spend an entire lifetime wondering if they made a difference. The Marines don't have that problem." And as for the unwelcome Marines out in Berkeley: send 'em all to Texas! We'll have a parade, fly the flag and the high school band will play the Marine Hymn. Oooh Rah! Semper Fi!

And that's just the way it is.

# SENATE—*Wednesday, February 13, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BERNARD SANDERS, a Senator from the State of Vermont.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, creator and sustainer of life, no good thing have You withheld from the children of humanity.

Lead our Senators today along productive paths. Teach them to give up the things that really don't matter: an opinion of their personal infallibility; a devotion to the trivial; a penchant for the petty; a tendency to equate their own well-being with the ongoing of the universe. Remind them that if they merely do what they please, they shall not be pleased with what they do. Give them grace to take up the cross of sacrificial service with the goal of pleasing You.

We pray in the Redeemer's Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable BERNARD SANDERS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 13, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BERNARD SANDERS, a Senator from the State of Vermont, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. SANDERS thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, there will be a period for the transaction of morning business, with 1 hour equally divided, prior to a cloture vote on the conference report to accompany H.R. 2082, the Intelligence Authorization Act for 2008.

### ORDER OF PROCEDURE

On the majority side, I ask that the time of 30 minutes be divided, with 15 minutes for Senator FEINSTEIN, 10 minutes for Senator ROCKEFELLER, and 5 minutes for Senator WYDEN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## FOREIGN INTELLIGENCE SURVEILLANCE ACT EXTENSION

Mr. REID. Mr. President, this morning the statement was made by the President in the Oval Office that he will refuse to sign a temporary extension of the current FISA law. This is a statement from the person who wants to unite, not divide. This is part of the Orwellian-speak we have had for 7 years out of the White House.

Let's be very clear. President Bush, obviously, is more interested in politicizing intelligence than finding solutions to the problems we are facing in this difficult situation. Today, he continues to try to bully Congress. Let's not forget that we would not even be discussing this issue if not for his actions.

What were some of those actions? In their unyielding efforts to expand Presidential powers, President Bush and Vice President CHENEY created a system to conduct wiretapping, eavesdropping—including on American citizens—outside the bounds of long-standing Federal law. The President could easily have come to us and said: Let's change this law, and we would have gone along with probably little effort. But, no, he did not do that. He just went around the law, and when we passed the law to try to change it, he went around that too.

Congress has repeatedly amended the Foreign Intelligence Surveillance Act to reflect new technology and the legitimate needs of the intelligence community. We have done that often and for good reason. But, whether out of convenience, incompetence, or disdain for the rule of law, this administration chose to ignore Congress and basically ignored the law, ignored the Constitution.

Congress is working updates to the FISA law as we speak. Senate Republicans and the White House have spent many weeks slow-walking the bill as part of the Republican strategy to jam the House. We have known that, we have talked about it, and they did a good job because we were not able to pass this bill until last night. I believe it is wrong and irresponsible for the White House to do this. Due to months of White House foot-dragging, the relevant House committees have only now just gotten important documents related to whether the Bush administration followed the law and the Constitution. I cannot speak about those documents on the floor, but people need time to review and analyze these documents. It is not four or five pages. So we must not let this critical issue be resolved by the White House trying to push everybody around.

Let's work together on this issue. We are all working for the same goal: to protect American citizens against acts of terror. Congress is prepared to extend current law, the Protect America Act, by any length for Congress to complete the indepth analysis and negotiations necessary for long-term law broadly supported by the American people. If the President chooses to veto a short-term extension, as he said he would this morning, the responsibility for any ensuing intelligence-collecting gap lies on his shoulders and that of Vice President CHENEY and theirs alone, no one else.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. MCCONNELL. Mr. President, with regard to the Foreign Intelligence Surveillance Act, it passed in the Senate yesterday 68 to 29—an overwhelming bipartisan ratification of the Rockefeller-Bond bipartisan compromise to get us a permanent Foreign Intelligence Surveillance Act in place. There were a number of efforts to weaken the bill on the floor of the Senate. They were all defeated on a bipartisan basis. Most of them were defeated by a margin of 2 to 1.

Over in the House, we have heard from 21 Democratic Members, the "Blue Dogs," who say the House ought to take up this overwhelmingly bipartisan Senate bill and pass it and send it to the President for his signature.

We had an important bipartisan victory just last week on the stimulus package. We have an opportunity to do it again this week on this extraordinarily important piece of legislation.

In thinking about how long we have been dealing with this legislation, we passed a short-term extension back in August. We have had 6 months to figure out what we wanted to do. We passed extremely important legislation—probably the most important piece of legislation we will pass this Congress—yesterday on an overwhelming bipartisan vote. The House of Representatives surely has followed what we have done. There is a bipartisan majority in the House of Representatives for what we did yesterday in the Senate. We know that. There is a bipartisan majority in the House of Representatives to take up and pass the Senate-passed bill in the House of Representatives now. That is what we know. That is what I hope will be done. The House will have an opportunity over the next couple of days to make its decision. But I think the President has correctly assessed the situation and decided we have had ample time to deal with this legislation, to find out how we felt about it, to vote on it, to make whatever changes people thought were appropriate. And we know there is a bipartisan majority in the House waiting to pass it. I hope they will be given that opportunity later this week.

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## HONORING OUR ARMED FORCES

### MASTER SERGEANT CLINTON W. CUBERT

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a brave soldier from Kentucky who was lost in the performance of his duty. On September 11, 2005—4 years after the brutal attacks that compelled our Nation to fight the war on terror that we still fight today—MSG Clinton W. Cubert was on combat patrol in Samarra in Iraq. An improvised explosive device set by terrorists exploded under his humvee.

Master Sergeant Cubert, of Lawrenceburg, KY, sustained mortal injuries in the blast. He survived to be transported to the Lexington Veterans Affairs Medical Center in Lexington, KY, and was reunited with his family. He passed away on Easter Sunday, April 16, 2006, at the age of 38.

For his valor during service, Master Sergeant Cubert received numerous medals and awards, including the Meritorious Service Medal, the Bronze Star Medal, and the Purple Heart Medal.

Born in Texas, Clinton Cubert moved to Lawrenceburg with his family at an early age. His parents, C.D. and Virginia Cubert, raised a boy who loved the outdoors. As a child, Clinton enjoyed deer hunting, boating, fishing, or just about anything that took him outside.

Clinton enjoyed country music, especially Hank Williams, Jr. He drove what family members kindly called "beat-up" Ford trucks and liked to get under the hood and tinker with them to keep them running until they couldn't go anymore.

Family members called him "Clinton," but he also earned an unusual nickname. Because Clinton was willing to trade his entire lunch for the one food he loved so much, his friends called him "Cornbread."

Clinton met Amy, his wife, in Lawrenceburg when they were both in their early twenties. Amy thought Clinton looked very handsome in his uniform. Clinton and Amy raised two wonderful young women, Alisha Danielle and Sarah Dawn.

Clinton enlisted in the National Guard in 1987 and went on to serve with distinction for nearly 19 years. Normally he worked in the Combined Support Maintenance Shop at the Guard's headquarters in Frankfurt, KY, the State capital. Then, in January 2005, he was deployed in support of Operation Iraqi Freedom. Assigned to the 2113th Transportation Company, he became platoon leader of that unit's newly created 4th Platoon.

For Clinton's commanding officer, CPT William Serie, Clinton was his first and most obvious choice. "[Master Sergeant Cubert] was the most dedicated in making sure his soldiers were trained, equipped and ready," he says. "People use the word 'dedicated' and 'outstanding' and things of that nature, but I don't think those words really express what he did for us. He was truly a person that was outside the mold."

In Iraq, Master Sergeant Cubert trained with 30 members of his platoon in combat tactics so that the units they protected in transit would arrive at their destinations safely. Captain Serie tells us that Clinton was innovative in devising new ways for soldiers to do their jobs more safely and efficiently.

"I believe that God puts special people in our lives to show us what we are capable of," Captain Serie says. "Clinton was that type of leader."

When Clinton was injured, the Army contacted Amy, and she flew to Germany to see her husband. Younger daughter Sarah was the first to answer the phone. At the age of 12, she wrote an essay for school about the terrible day her family received the news. "I was looking in the mirror thinking all questions," Sarah wrote. "Like the obvious ones—why us? Why now? But also the ones that are only thought by a daughter—who is going to walk me down the aisle? Who is going to give me hugs like him? Who is going to dress me up in camouflage flannels and take me hunting?"

We grieve today along with the Cubert family for their loss. Clinton leaves behind his wife Amy; his daughters, Alisha and Sarah; his sisters, Linda Lou Martin, Nancy Marie Robinson, Julie Ann Dent, and Peggy Ann Cubert; his brother Steven Wayne Cubert, and many other beloved family members and friends. Clinton was predeceased by his parents, C.D. and Virginia Cubert.

Clinton was taken from his loved ones before his time, but it must have been a blessing for them that he was able to come home and say goodbye. I am sure they will treasure forever every moment spent with Clinton. "No one will forget his laughter," wrote his daughter Sarah, "like the boom of gunshots during the funeral or the bagpipes playing Taps."

This Senate will not forget MSG Clinton Cubert's bravery and service. Kentucky and the Nation are richer for his contributions to freedom's cause.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, in brief response to the distinguished Republican leader's remarks about the FISA extension, I acknowledge the bill passed yesterday. I voted against it, and I voted against cloture on the bill, but it was a bipartisan passage. I understand that. I don't dispute that. I saw what the numbers were. The bill was changed a little as it came from the committee, but it passed. It was bipartisan. I recognize that.

But the efforts made to extend this should be bipartisan. The House is going to do what they do, and they are going to send us a piece of legislation. They have not had time—I have spoken to the Speaker, and she has not had time, through her committees, for them to come up with the necessary work to have a conference that is meaningful because they are not ready for that. So they are going to send us a message and we are going to have to act on that.

If we pass it, it will not be what the President wants. If we have a little more time, the House, which has been working recently with the White House quite well on the stimulus package and other things, maybe could work something out. But you can't create something out of nothing, and that is what the President wants. He is looking for an excuse to wave his banner of "be afraid, terror." That is what he and the Vice President have done.

We understand the law is important. We believe it should be extended for a short period of time. If it is not extended, it is not the fault of the Congress, it is the fault of Bush and CHENEY. We are doing everything we can to work this out. If it doesn't pass in the manner he wants, and it won't in the next few days—he wants total immunity for these phone companies that have cooperated or haven't cooperated with him, whatever the evidence shows. So I repeat, if we don't get an extension, the law will lapse. It is not the fault of the Congress, it is the fault of the White House.

Mr. President, I think we should announce what we are going to be doing here today.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with the time equally divided.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is my understanding that I have reserved time, 15 minutes, to speak in morning business.

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. FEINSTEIN. I thank the Chair.

## CIA INTERROGATIONS AND ARMY FIELD MANUAL

Mrs. FEINSTEIN. Mr. President, yesterday was a big day before the Senate. We had the Foreign Intelligence Surveillance Act bill. Today is an even bigger day because the intelligence authorization bill is going to be before the Senate, and today we will grapple with something that I think should be major in our consciousness and major in our deliberations. It is central to who we are as a nation. The question is whether the United States should continue to go to the "dark side," down the road of torture, and continue to allow the CIA and other intelligence agencies to practice or outsource state-sanctioned torture. To me, the answer is clear, and I hope it is to everyone. The answer should be no.

Today we are living in a legal limbo, where the rules are shrouded by ambiguity. The time has come to change this once and for all. The way to do it is to support the fiscal year 2008 intelligence authorization bill, which would prohibit all interrogation techniques by the CIA and place the intelligence community under the uniform standard of the Army Field Manual. If that bill passes, and it has passed the House of Representatives, if it passes here today, we have a uniform standard for the entire American Government with respect to coercive interrogation techniques.

The Army Field Manual, which looks like this, has 19 interrogation protocols. They are proven, they are flexible, and they are effective. The CIA interrogation program, on the other hand, I believe, is immoral, illegal, sometimes ineffective, and often counterproductive. I wish to simply read something which appeared in the newspapers, and what this says is:

> The book on interrogation has been written. We just need to follow it.

And they refer to this book, Mr. President.

> Cruel and inhuman and degrading treatment of prisoners under American control makes us less safe, violates our Nation's values, and damages America's reputation in the world. That is why, in 2004, the bipartisan 9/11 Commission called for humane treatment of those captured by the United States Government and our allies in the struggle against terrorism. Congress and the Pentagon responded with clear and comprehensive new rules for the military so that interrogation techniques practiced by the military today are both humane and effective. But not all United States agencies are following these rules. Congress should require the entire U.S. Government and those acting on its behalf to follow the Army Field Manual on Human Intelligence Collector Operations. Doing so will make us safer while safeguarding our cherished values and our vital national interests.

This was signed by Zbigniew Brzezinski, Warren Christopher, Lawrence Eagleburger, Slade Gorton, Lee Hamilton, Gary Hart, Rita Houser, Karla Hills, Thomas Kean, Anthony Lake, John Lehman, Richard Leon, Robert McFarlane, Donald McHenry, Sam Nunn, Thomas Pickering, Ted Sorensen, and John Whitehead. It is a bipartisan group that has come out with this, and I believe we should absorb it and use that information.

The Army Field Manual provision has the support of the Intelligence Committees. I offered the amendment in the conference between the House and the Senate on the intel authorization bill. It was passed by the Senate and it was passed by the House, and it is part of the bill, and as I said, the House has passed their bill. The amendment was the subject of passionate and considered debate in Congress. It has unique support—18 former security officials, as I have said—and this Army Field Manual was issued in its current form by the Department of the Army in September of 2006. It followed the requirements of the Detainee Treatment Act, and it applies uniformly across all elements of the military and civilian elements of the Department of Defense.

The manual was published after more than 3 years of drafting and coordination. This was the most scrutinized field manual the Army has ever produced, including reviews and comments by every relevant Pentagon office, every combatant commander, the White House, the DNI, the CIA, and the Defense Intelligence Agency. The Departments of Justice and State have also concurred with the manual's guidance. For the first time ever, the Army consulted with Congress in the persons of Senators MCCAIN, WARNER, and LEVIN in drafting the manual.

The manual complies with the Uniform Code of Military Justice, the Geneva Conventions, and the Detainee Treatment Act. There is perhaps no more authoritative figure on the manual than our commanding officer in Iraq, GEN David Petraeus. In a response to a survey showing that American troops in Iraq would consider torture in order to save their comrades, Petraeus wrote to the entire multinational force on May 10, 2007, and here is some of what he said:

> Certainly, extreme physical action can make someone "talk"; however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

Now, what does the manual do? It specifically authorizes 19 approaches—you could call them interrogation techniques—and they are well thought out and each one is several pages on how to apply it. One of them can only be used on unlawful army combatants with the prior approval of the combatant commander. These techniques describe ways to build rapport with the detainee in order to get him or her to share information.

GEN Michael Maples, the Director of the DIA, recently rebutted the contention that the Army Field Manual wouldn't have covered the interrogation method used by an FBI special agent to get Saddam Hussein to finally come clean that he had no weapons of mass destruction.

So the manual specifically prohibits eight techniques, and here is what they are:

Forcing a detainee to be naked, perform sexual acts, pose in a sexual manner; placing hoods or sacks over the head of a detainee; using duct tape over the eyes; beatings, electric shock, burns, or other forms of physical pain; waterboarding—very much the talk of the Nation; use of military working dogs; inducing hypothermia or heat injury; conducting mock executions; depriving detainee of necessary food, water, or medical care.

Those are the eight prohibited techniques in the Army Field Manual. It also incorporates what is called the "golden rule," and this is important. It is an approach to interrogation. It requires military personnel to ask this question: If an interrogation technique were to be used against an American soldier, would I believe the soldier had been abused?

Adopting this conference report would extend that "golden rule" to CIA interrogations, to station agents all across the globe, and make sure that no coercive technique could be used if we would not be comfortable with the same technique being used against an American citizen.

Now, here are some facts about the CIA program. The CIA has used coercive techniques on detainees since September 11, 2001, under the President's authorization and approval of the Department of Justice. The CIA has waterboarded three detainees—Abu

Zubaydah, Abd al-Rahim al-Nashiri, and Khalid Shaikh Mohammed.

The White House believes that waterboarding could be used in the future, even though General Hayden has recently publicly questioned its legality. The CIA has used contractors for interrogations, as General Hayden admitted in an open, public hearing this past week. So the CIA has outsourced what is an inherently governmental function of questionable legality and morality.

More importantly, the CIA's interrogation techniques change. There is no uniform standard. There is no standard as to how they are to be combined, what the circumstances are. Think about this. Done with cold calculation, any interrogation technique, when applied over the course of hours or days or months, and in combination with other techniques, can cross the line into illegality. An interrogator can choose from a menu of coercive approaches, pick several of them, and go to work. So don't be fooled. Even the least coercive-sounding technique, when used relentlessly or in combination, can be torture.

Now, in addition to being immoral, I believe the CIA interrogation program is illegal.

I say this as a member of the Intelligence Committee, and I say this as one who has been briefed several times on these techniques. These techniques have violated the Convention Against Torture and the U.S. torture statute by inflicting severe physical or mental pain or suffering to others. It has violated Geneva Convention common article III, which prohibits outrages upon personal dignity, in particular humiliating and degrading treatment.

The medical research is clear. Coercive techniques cause severe pain and suffering. That is why both the AMA and the American Psychological Association have passed resolutions against their members participating in such interrogations.

In a letter dated September 13, 2006, retired General and former Secretary of State Powell wrote this:

> The world is beginning to doubt the moral basis of our fight against terrorism.

I think that says it in a nutshell. As every Member knows, we will never win the war on terror by capturing or killing or torturing all our enemies. We will only win the war by our ideals and by removing any public support for al-Qaida's vision.

Using torture cuts away from our moral high ground. It takes America into the "dark side," and thus it reduces our ability to win this war. I believe we should end this now.

The military is the segment of the U.S. population most likely to be captured and interrogated by our enemies. They know any technique we authorize can be used against them, and that is the point. If the United States uses waterboarding, you can be sure that waterboarding will be used against our station agents, against our military. It is a mistake to do so.

That is why 43 retired generals and admirals, including 10 four-star officers, have signed a letter to Congress denouncing coercive techniques and supporting the single unified uniform standard for the entire Government, the Army Field Manual.

Here is what they wrote:

> We believe that it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans. That principle, embedded in the Army Field Manual, has guided generations of military personnel in combat.

And the letter goes on.

I have listened to the experts such as FBI Director Mueller and DIA Director General Maples. They all insist that even with hardened terrorists you get more and better intelligence with the gloves on than when you take them off.

The CIA cannot show that coercive techniques are more effective than noncoercive techniques. And I wish I could say what I know from a classified setting, but I cannot. They point to the anecdotes they have declassified, while the counterexamples remain classified.

So I can only summarize and say this: This is the moment where the Senate stands up. The House has stood up. They have passed a bill. If we want to ban waterboarding, if we want to ban the eight techniques banned by the Army Field Manual, this is our moment to do so. I think we should stand tall. I think we should adhere to our principles. I think we should raise what we say internally and once again regain the world's credibility. I hope we maintain the Senate bill as it is.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, action on the fiscal year 2008 authorization bill for intelligence is so long overdue I do not even know how to explain it. It is over 2 years overdue. It is a very important bill.

Beginning in 1978, after the two congressional intelligence committees were established, the Congress passed an annual intelligence authorization bill every year. It does not sound interesting, but it has a great deal to do with how the intelligence community operates. We passed it for 27 consecutive years. And there was no exception to that. This legislation was one of very few nonappropriations measures that Congress has always considered "must pass." Yet we have failed to pass it for the last number of years, and it is a matter of consternation.

The importance of our intelligence programs to our national security has always been very obvious. The importance of strong congressional oversight of the intelligence activities has been equally obvious; although it has been spottier in the recent past, it no longer is.

Then in 2005 and 2006, the bills reported out of the Senate Intelligence Committee were never brought to the Senate for consideration. There were internal reasons for that. I will spare the Presiding Officer from a discussion of those matters, and it is no longer important why.

But we have to do this bill. The intelligence authorization bill is the tool the Congress uses to provide direction, specific direction, and to enforce the oversight that we do. It involves many of the most sensitive national security programs conducted by the U.S. Government.

The 2008 authorization bill includes provisions to improve the efficiency of the intelligence community. It is a bland statement, but it is a very important series of parts. The bill produces better intelligence. We provided flexibility and authority to the DNI. We gave him a tremendous responsibility and then did not give him enough flexibility to exercise that responsibility. We do that in this bill.

We require much greater accountability from the intelligence community. That is oversight. We require greater accountability from the intelligence community and its managers. We improve the mechanisms for conducting oversight of intelligence programs and we reform intelligence program acquisition procedures. All of that is oversight.

Many of the provisions were included at the request of the National Intelligence Director in this bill. I always believe in reaching out to the professionals in doing this.

The creation of the DNI position was the result of the most significant reform of the intelligence community in 50 years. And the current DNI, ADM Mike McConnell, is absolutely superb. The Office of Director of National Intelligence has now existed for 2½ years, and we have begun identifying ways to help the DNI better coordinate the 16 elements of the intelligence community, which are scattered around the Government, some of which do a very good job and some of which do not. Now he is pulling all of this together and he is doing a good job.

Starting with personnel authority, this bill uses a much more flexible approach to authorizing personnel levels. Those are very delicate. We also give the DNI the ability to exceed personnel ceilings by as much as 3 percent because he needs to have that. He is in the process of trying to figure out how to adjust all of this and work it right. He needs flexibility. It also provides additional flexibility to encourage the DNI to convert contractor positions to Government employees when appropriate.

Every Member knows the real power is the power of the purse. It is the same with the DNI. And this bill changes reprogramming requirements to make it easier to address, as they say, emerging needs in critical situations, a crisis. We give him the financial flexibility to do that. He needs that flexibility, and he now will have it if we pass this bill.

It authorizes the DNI to use interagency funding amongst his various agencies that he oversees to establish national intelligence centers if he so chooses. The bill also allows the DNI to fund information-sharing efforts across the intelligence community. That was the whole point of the 9/11 Commission. That is the whole point of reducing stovepipes.

Finally, it repeals several unneeded and burdensome reporting requirements. Frankly, we can use up a lot of people's time on something that we no longer need. We reduce some reporting requirements without in any way compromising accountability because oversight is the whole point of this bill.

As it increases the authority of the DNI, the bill also improves oversight of the intelligence community in other ways. The bill creates a strong independent inspector general in the office of the DNI. It has to be confirmed by the Senate. That is called oversight. Confirmed by the Senate. That means it has to report to the committee. Accountable to the committee. It has to tell us the truth. Confirmation allows inspectors general to do very difficult things within their own departments that maybe some of the leaders will not do.

It establishes statutory inspectors general in the National Security Agency, the NRO, the NGA and the Defense Intelligence Agency. So these are all there. They are all accountable. They are all oversight tools that we want.

The bill also gives the Congress more oversight of the major intelligence agencies by requiring Senate confirmation of the Directors of NSA and NRO. Right now we do not have to confirm them. If we do not confirm, that means they do not have the same relationship with the Senate. We confirm the CIA, but we do not confirm the NSA.

You tell me, particularly after we passed the FISA bill yesterday, how is it possible that we would not be able to confirm the head of the National Security Agency as well under this bill? We can, which makes him accountable to us, which means he reports to us, which means we can do oversight over him much more aggressively.

As we describe in our conference report:

> . . . of the need for NSA's authorized collection to be consistent with the protection of the civil liberties and private interests of U.S. persons.

Through confirmation of the NSA Director, we can ensure that continues or starts to be so.

As we increase the DNI's flexibility to manage personnel, we require an annual assessment. That sounds boring, but, no, it is not. It is very important—an annual assessment of personnel levels across the intelligence community: How are they distributed? Are they in the right place? Are people protecting their turf? The DNI is in charge of this. We want to give him all the support, and we want this all reported to us in our committee so we can watch it.

We also required the inclusion of a statement that those levels are supported by adequate infrastructure, training, funding, and a review of the appropriate use of contractors, which has become a very interesting subject in these months and years.

This bill also addresses an issue that has concerned the committee for a long time, the lack of accountability for failures and programmatic blunders. That is called oversight.

We want accountability. We want it in front of us. We want our hands on it. The bill gives the DNI the authority to conduct accountability reviews across the intelligence community if he deems it necessary or if we request it in our committee. It is called oversight.

This also improves financial management by requiring a variety of actions related to the production of auditable financial statements. That sounds pretty boring, but, no, it is not. When you get into the intelligence community, when you get to classified numbers, things of that sort, it is very important to have someone watching. That is oversight. We will have that if this bill passes.

The final major theme in the bill is the reform of the acquisition process. The bill requires a vulnerability assessment of all major acquisition programs. Well, acquisition is a very large word in intelligence and a very expensive word. We have made some very big mistakes, we have not been able to correct them.

But that is a discussion for another day. So we have a classified annex. Any Senator who wants to look at what is behind all of those numbers can do that very easily.

I have other things I wish to talk about, particularly the Army Field Manual. But I have a whole different speech awaiting my colleagues on that later in the day.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague with whom I have worked closely on this and many other matters.

One of the most important means that Congress has for conducting oversight of the intelligence community is through the annual authorization bill for the intelligence agency. Regrettably, we can't call it an annual Intelligence Authorization bill because Congress was unable to pass a bill in 2006 and 2007. Unfortunately, it appears we are on a path that may prevent us from getting an authorization bill signed for fiscal year 2008.

When I assumed the duties as vice chairman of the select committee at the beginning of this Congress, one of my top priorities—and that of the committee—was to get an Intelligence Authorization bill signed into law. During the first month of our tenure, we tried to resuscitate the fiscal year 2007 bill but could not get it out of the Senate. When the time came to fashion a bill for fiscal year 2008, we had better luck. But as Louis Pasteur once said, "Chance favors the prepared mind." The committee worked hard to include in the chairman and vice chairman's mark only those provisions that had strong bipartisan support. Our rule was if either side objected to a provision, it would not be included. After our markup, we added a number of other good government provisions that had strong bipartisan support. Unfortunately, the committee also added a number of problematic provisions that caused our bill to stall on the floor.

I believed we had largely succeeded in our process of accomplishing the goals of a bipartisan bill. We worked closely with the administration to address some of their concerns. Some were easier to resolve than others. We all know there is one very problematic amendment relating to the Army Field Manual that was added during the conference between the House and the Senate. I will address that later. But now I wish to talk about some of the good things in this conference report.

First, I have often said—and I believe responsible observers now agree—that in creating the Director of National Intelligence, we gave him a tremendous amount of responsibility but darn little authority to get the job done. This conference report attempts to address that problem by giving the DNI clearer authority and greater flexibility to oversee the intelligence community. For example, section 410 gives the DNI statutory authority to use national intelligence program funds quickly to address deficiencies or needs relating to intelligence information or access or sharing capabilities. The DNI may also use funds to pay for non-NIP—national intelligence program—activities and to address critical gaps in those areas.

Section 409 expands the number of officials in the office of the DNI who can protect sources and methods from unauthorized disclosure. This authority may now be delegated to the Principal Deputy Director of National Intelligence and the chief information officer of the intelligence community. These are all good things, all things the administration needs. We also included provisions that will ensure that the men and women of our intelligence community who must work undercover may do so at less risk of disclosure and, consequently, less risk to their personal safety.

Section 305 allows the DNI to delegate the authority to authorize travel on any common carrier for purposes of preserving cover of certain employees. Section 325 extends to the head of each intelligence community element the authority to exempt certain gifts from otherwise applicable reporting requirements. Without this exemption, detailed information about the receipt of gifts from foreign governments must be published in the Federal Register. Imagine if an undercover agent receives a gift from one of the targets he is working and has to report it in the Federal Register. That not only blows his cover, it probably ends his life. That is a great national security concern to operatives who have received such gifts as part of their covert actions.

One particular provision will reduce the personnel and resources used to respond to many congressional reporting requirements. In section 330—again, in response to a request of the DNI—we eliminated a number of reporting requirements. It is a small step but an important one, as each reporting requirement diverts valuable resources from the intended purpose. I hope, within the 2009 Intelligence Authorization bill, we can make even greater progress in reducing unnecessary and duplicative reporting requirements that burden the intelligence community.

There are a number of provisions in this conference report that are essential for promoting good government. Too often we have seen programs or acquisitions of major systems balloon in cost and decrease in performance. That is unacceptable. We as taxpayers are spending substantial sums of money to ensure that the intelligence community has the tools it needs to keep us safe. If we don't demand accountability in how these tools are operated or created, then we are failing the taxpayers. We are failing the intelligence community. We are failing the mission I would hope we all agree is essential.

I sponsored several amendments that require the intelligence community to perform vulnerability assessments of major systems and to keep track of excessive cost growth of major systems. This latter provision is modeled on the Nunn-McCurdy provision which has guided Defense Department acquisitions for years. I believe these provisions will encourage earlier identification, the solving of problems relating to the acquisition of major systems. Too often such problems have not been identified until exorbitant sums of money have been spent. In some cases, several billions of dollars have been blown before the waste stopped. Unfortunately, too often, once they have sunk a bunch of money into a project, they refuse to cancel it, even though they are continuing to throw good money after bad.

Similarly, the intelligence community must get a handle on their personnel. I don't share the belief some have that the Office of the Director of National Intelligence is too large. In fact, I think we need to make sure our National Counterterrorism Center and National Counterproliferation Center have more resources, not less. They are the ultimate idea for creating a centralized intelligence community, bringing analysts and collectors together from all of the 16 different elements of the community.

I am concerned about the number of contractors used by the intelligence community to perform functions better left to Government employees. There are some jobs that demand the use of contractors—for example, certain technical jobs or short-term functions—but too often the quick fix is to hire contractors, not long-term support. So this conference report includes a provision calling for an annual personnel level assessment for the intelligence community. These assessments will ensure that before more people are brought in, there are adequate resources to support them and enough work to keep them busy.

Finally, we have included section 312, which requires the DNI to create a business enterprise architecture that defines all intelligence community business systems. The endgame is to encourage implementation of interoperable intelligence community business systems, getting everyone on the same page; in sum, making sure everybody is talking to each other and everybody who needs to know can listen in, a simple but not-yet-achieved objective. Given the substantial sums of money we are spending on these systems, we should be making certain the systems are efficiently and effectively coordinated; again, a good government provision.

There were a number of adjustments we had to make. We responded to concerns of the administration, and I worked particularly with my Democratic colleagues—and I thank them for their support—to make adjustments that would allow the bill to clear the Senate for the first time in 2 years. Let me highlight some of those adjustments because it is important to remember how much effort it took to return the bill to a bipartisan state.

No. 1, we struck a section that would have required the President to provide Congress with any President's daily brief involving Iraq during a certain time period. The PDBs have not been disclosed. As a matter of fact, they only came to light when a former official in the previous administration put some PDBs in his BVDs and stuck them out at the archives for reasons no one has adequately explained.

We struck two sections that contained controversial notification and funding restrictions. We struck a provision requiring declassification of the budgetary top line of the national intelligence program because it had already passed Congress in S. 4, the so-called 9/11 bill. We struck a section that required the CIA Director to make available to the public a declassified version of a CIA inspector general report on CIA accountability related to the terrorist attacks. That was also required by S. 4. It was about time the CIA internal IG report be made available. Everybody else had to air their failings, and it was time the CIA did so as well.

We struck a section that would have allowed the public interest declassification board to conduct declassification reviews at the request of Congress, regardless of whether the review is requested by the President. We also struck a provision that would have required a national intelligence estimate on global climate change, largely because the DNI, which is not equipped to conduct an NIE on climate change, had outsourced the responsibility for putting together an assessment, and there was no need to mandate this in law.

Finally, we made modifications to at least seven other provisions to address concerns raised by the administration and by our Senate colleagues. The end result was, we get a fiscal year 2008 Intelligence Authorization bill passed out of the Senate by unanimous consent in early October 2007. I thank my colleagues for allowing us to do that. It was long overdue, and it was a badly needed action. Then, however, we went to conference.

I urged my conferees to avoid inclusion of controversial provisions. We kept our negotiations to the base text of both bills. Given that we hadn't had an intel bill during the past 2 years, there were a lot provisions to negotiate. I guess you could say there was a lot of pent-up oversight. After a lot of hard work, we were able to merge the two bills in a manner we believed would receive strong bipartisan support. Unfortunately, despite my warnings, history again repeated itself. During the conference markup, the Senate adopted, by a one-vote margin, a controversial provision that limits the intelligence community to using only those interrogation techniques authorized by the U.S. Army Field Manual on human intelligence collector operations. As I will discuss later, to adopt that provision and put it into law would, according to the Director of the CIA, shut down the most valuable intelligence collection program the CIA has, a program that has protected our homeland and our troops abroad from terrorist attacks. Because it was adopted, I couldn't sign the conference report that I and my colleagues worked so hard to enact.

Another consequence of that vote was it caused the conference report to languish in the Senate for more than 2 months now. Shortly after the passage of the conference report, the administration released a statement of administration policy and—certainly not to my surprise—at the top of their list of objectionable provisions was the limitation on interrogation techniques provisions. We have heard some misstatements on this floor about interrogation and the techniques used. Frankly, I share some of the same concerns raised by the administration with respect to this provision. Statements made about the interrogation program of the CIA are not accurate. They have been blown totally out of context, and they deserve a response. This section, if it were enacted in law—and it will not be—would prevent the intelligence community from conducting the interrogation of senior al-Qaida terrorists to obtain intelligence needed to protect the country from attack.

During its consideration of the Detainee Treatment Act of 2005, Congress wisely decided that while the Army Field Manual was a good standard for military interrogators who number in the tens of thousands, with limited supervision and limited training, it was not the standard that should be used by the CIA.

CIA interrogators are highly trained, operate under tremendous oversight and rules and supervision in interrogating those top hardened terrorist leaders, who have information on how the system operates and who the major players are. They do not outsource this job to contractors such as Blackwater or others. It is my understanding if they use contractors, it is former interrogators who are brought back in because of their experience. They are subject to the supervision of the CIA, with multiple layers of supervision and oversight by video cameras. It is highly irresponsible to say the CIA has outsourced torture. We do not do torture.

Now, a lot of people say we have lost a lot because of our inhumane treatment. They are referring to Abu Ghraib. We all agree that what was done at Abu Ghraib was inhuman and degrading. But it was not done by anybody in the intelligence field or for intelligence purposes. It was done by renegade troops who have been prosecuted, punished, and imprisoned for the violations of basic decency. Yes, that has hurt us worldwide, but that is not the standard which is allowable, permissible, or acceptable by any of our interrogators.

Mention has been made of eight techniques that are banned in the Army Field Manual. I agree, those techniques that are banned in the Army Field Manual should be banned. Those are not techniques that should be used. The Army Field Manual was meant for the Army in limiting the number of techniques that can be used. It applies to them only for the Army, for the Army's use. There are quite a number of techniques that fall within the same category that are not torture, inhuman, degrading, or cruel. If they are not included in the Army Field Manual, then they would not be permitted to be used, if this were made law, by the CIA, the FBI, or anybody else.

But to apply the Army Field Manual—it says you can only use these interrogation techniques if you get authorization from "the first 0-6 in the interrogator's chain-of-command"—well, that would mean the CIA would have to go over to the Army and say: Do you have an 0-6 who can come over and look over the shoulders of our interrogators? Well, you do not have to worry about that because the CIA program would be ending.

It allows the Army to set the interrogation standards for the entire intelligence community. It is important that my colleagues recognize this interrogation provision is not an antitorture provision. The previous speakers have said we need to pass this law to outlaw torture. It is outlawed. The law prohibits the United States from using torture. This provision prevents the intelligence community from engaging in other lawful interrogation techniques that fall outside the scope of the Army Field Manual.

Why is that important? Because everything in the Army Field Manual has been published in the al-Qaida manuals. The top officials of al-Qaida know those techniques better than the interrogators know them. They know how to resist them, and they are ineffective.

Now, some on the other side of the aisle would like to frame this provision as being about waterboarding. It is not.

The Attorney General has publicly stated that the CIA no longer uses waterboarding. The technique is not one of the approved techniques. The Director of the CIA has publicly stated that there were only three individuals waterboarded and the technique has not been used since 2003. It was used in the crisis right after 2001, when tremendous amounts of valuable information were gained from the three individuals waterboarded.

What we are talking about here is not waterboarding. Some of my colleagues have said that the EITs are not effective—enhanced interrogation techniques. Well, that is absolutely not true. That is precisely the opposite of what the CIA Director has told us in our classified hearings and explained it.

Now, the CIA Director has said they have held less than 100 people in their custody, and less than one-third of those have been submitted to enhanced interrogation techniques.

These are the hardened terrorists who have the most information that is needed to protect our troops, our allies abroad, and those of us here at home.

Those techniques—which are different from but no harsher than the techniques that are in the Army Field Manual—are unknown to the detainees. Those detainees on whom the EITs—not including waterboarding—have been used have produced the most productive information and intelligence. Literally thousands upon thousands of the most important intelligent collections have come from the cooperating detainees who did not know what was going to happen to them, even though no torture, cruel, inhuman, or degrading techniques were used on them.

Many of the techniques that are used—and I have reviewed them—are far less coercive or strenuous than what we apply to our military volunteers: young men and women of America who join the Marines, the SEALs, the Special Operations Forces, or pilots who go through the survival, evasion, resistance, and escape training, or the SERE training. We do not even use the most strenuous of those techniques on our detainees.

Those who say we do not want our enemies to use any more harsh techniques than we use on them—well, good luck. You have seen Abu Musab al-Zarqawi beheading people. Those are not techniques that anybody would suggest. A beheading probably eliminates a source of further information.

But the problem is, the techniques that are used would be banned. The techniques—that are not cruel, that are not inhuman, that are used on our own voluntary military enlistees—are prohibited because they are not included in the Army Field Manual. One good reason they are not is because we do not want to publicize them or they would no longer be effective in use against those high-value detainees who will not cooperate otherwise. I cannot support a bill that contains that provision.

So here we are on the floor—the farthest we have gotten in 3 years. It looks as though history is going to repeat itself. No wonder congressional ratings are at an all-time low. I believe our inability to work in a bipartisan fashion on a consistent basis may be harming us. Yesterday's success with the FISA Amendments Act is a model example of what can be accomplished when we work together. For the most part, the committee's work on the Intel bill followed that model, although we were unable to protect the bipartisan compromise in the end.

As the vice chairman of the Senate Intelligence Committee, I have invested a very significant amount of time and effort to provide meaningful oversight of the intelligence community through this bill. I know my distinguished chairman, Senator ROCKEFELLER, has made those same efforts and shares the goal.

However, I have often said that no bill is better than a bad bill. Right now, with this provision in it, this is a bad bill because what it would do, according to the Director of National Intelligence, is to shut down the most effective interrogation program the CIA has to use to induce cooperation from those leaders of al-Qaida and other terrorist organizations who know about the plots to attack the United States and to attack our allies.

Mr. President, I urge my colleagues to support cloture so we can move forward on the process on this legislation, but the President has stated he will veto the bill and, regrettably, I must say that despite all the good things in the bill, he is correct. We cannot afford the risk to this country, to our personal safety, to our desire to avoid another 9/11, by saying we can no longer allow the CIA to use the acceptable techniques that are not published but that are very effective in assuring cooperation of high-value detainees whom we in this country capture through the CIA. Regrettably, while I urge my colleagues to support cloture, I cannot urge them to pass this measure.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Oregon.

Mr. WYDEN. Mr. President, how much time do I have remaining at this time?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. WYDEN. Mr. President and colleagues, I ask unanimous consent to have my time—you said I have 3 minutes; I see my friend on the floor—to have my time extended by 3 minutes so I would have a total of 6 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. That is acceptable. No objection.

Mr. President, I ask unanimous consent for 2 additional minutes after that, if that could be part of the request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, thank you, and I thank my friend from Missouri as well.

I especially want to express my appreciation for the outstanding work of Senator FEINSTEIN, my seatmate on the Intelligence Committee, who I think understands it is possible in this country to fight terrorism ferociously and still be sensitive to American values and the rule of law. That is what I want to spend a few minutes talking about because I think under the approach developed by Senator FEINSTEIN this legislation does that.

I start by responding to the point my friend from Missouri has made about the most dangerous terrorists whom we are involved in interrogating. It seems to me these individuals are literally human ticking timebombs. They have information, for example, about operations we absolutely must have information on in order to protect the American people. But I have come to the conclusion it is possible to get this essential information we need from these human ticking timebombs—the time-sensitive threat information—without practices that violate our values and violate the rule of law.

The reason I have come to that conclusion—and why I so strongly support what Senator FEINSTEIN is doing—that is what some of our key officials tell us in the executive branch. For example, this week, I asked FBI Director Mueller about whether it was possible to use noncoercive techniques effectively in terms of getting this information from human ticking timebombs, and the Director said, to his credit, yes, it was possible to use noncoercive techniques to get the information necessary to protect the United States of America. The fact is, the military has said it as well.

It is that core principle Senator FEINSTEIN has picked up in her work. She believes, as I do, we will take no backseat to anyone in terms of fighting the terrorists relentlessly, but we can do it, as Director Mueller and the military have said, in line with the rule of law and in line with American values.

With respect to the role of the military, they already abide by interrogation rules that are flexible and effective. They have been used by professional military interrogators with many years of experience, and they are clearly effective.

Some have suggested, incorrectly in my view, that the military rules make better interrogators, follow the same rules as new recruits, but that is not right. The Army Field Manual actually makes it quite clear which techniques are authorized for all servicemembers and which require special permission to use.

It is my view that our country has paid dearly for this secret interrogation program. My friend from Missouri has indicated, in his view, you cannot torture, but the case was strong for the Feinstein amendment a couple months ago, and it is even stronger today because General Hayden has said that in the past, waterboarding has been used and, in fact, my view is that the need for this legislation, just on the basis of the developments over the last few weeks, is even more important than it was because these practices that have come to light in the last few weeks have damaged our relations, damaged our moral authority.

The tragic part of this, on the basis of the answers from Mr. Mueller in open session this week and the military is that these coercive techniques are not effective or even necessary. I share the view of my friend from Missouri about how important it is to get this time-sensitive threat information.

He and I have talked about this on many occasions. Of course, we cannot get into any of the matters that are classified. I share his view, but it is possible, I say to my colleagues, to get that information without breaching the values Americans hold dearly and the rule of law.

I hope my colleagues will support the important work by the Senator from California. This is an issue we have looked at. It has had bipartisan support in the past.

I am very appreciative of what Senator MCCAIN, who knows a little bit about this, has had to say in the past about fighting terrorism relentlessly and protecting our values.

I hope my colleagues will support the efforts of the Senator from California. If her case was strong several months ago, I think it is even stronger today on the basis of what we have learned in open session.

Mr. FEINGOLD. Mr. President, I support the intelligence authorization conference report, which is so important to Congress's efforts to conduct oversight of the intelligence community. The administration's illegal actions and its relentless efforts to obtain vast new eavesdropping authorities make oversight more important than ever. I particularly support the provision limiting interrogation techniques to those authorized by the Army Field Manual. I was a cosponsor of this amendment when it was offered in conference, and I am pleased that it has the support of bipartisan majorities of both the Senate and House Intelligence Committees. It represents, at long last, an important step toward bringing this administration into conformity with the law and with our national principles. It also represents a clear decision by the very Members of Congress who have been briefed on the CIA's interrogation program that the use of so-called enhanced interrogation techniques is not in our country's best interests.

When the intelligence authorization bill was marked up by the committee in May, I made my position clear. I could not support the CIA's program on moral, legal, or national security grounds. When I was finally fully briefed on the program, it was clear that what was going on was profoundly wrong. It did not represent what we, as a nation, stand for, or what we are fighting for in this global struggle against al-Qaida. And it was not making our country any safer. I also concluded that if the American people knew what we in the Intelligence Committee knew, they would agree.

The program also cannot stand up to any serious legal scrutiny. To take just one interrogation technique that the administration has acknowledged using in the past, waterboarding is torture, pure and simple. Everyone knows this. The rest of the world knows this. And, in every other context, our own government knows this. What Orwellian world do we inhabit in which the administration attempts to argue otherwise? And in what world does waterboarding not "shock the conscience," the test required by the Detainee Treatment Act? I suspect that the administration knows full well that its legal justifications for the program are empty, and that is why the Attorney General has refused to tell Congress why he believes the program is legal and has instead referenced Justice Department analyses that have also been withheld from Congress.

The CIA's interrogation policy is undermining our ability to fight al-Qaida. It has diminished our standing in the world, precisely when we should be providing global leadership against this growing threat. And it has denied us the moral high ground that is so critical if we are to reach out to parts of the world in which al-Qaida seeks to operate and recruit. By passing this conference report, we can begin to reverse this damage. We can also, finally, reassure our troops that torture is torture and that if you are captured by the enemy, the American government will not equivocate about the Geneva Conventions protections to which you are entitled.

The administration has repeatedly attempted to sell this program by arguing that Members of Congress have been briefed, as if the mere fact of telling members of Congress means that the program must be legal. The President made this argument last fall. And the Director of the CIA did so again last week. But, what the administration always fails to mention is that as members of the Intelligence Committees have learned about the program, opposition has steadily increased. I have sent a classified letter detailing my serious concerns and so, too, have others. And now, we have bipartisan majorities of both intelligence committees saying "enough is enough."

It has long been my position that interrogation techniques should be limited to those authorized by the Army Field Manual. This approach brings the CIA into conformity with the rules by which our men and women in uniform defend our nation and themselves. We fought Nazi Germany and the battles of the Cold War without resorting to government-sanctioned torture. We can surely defend America and defend our principles now. It is time to bring an end to this stain on our Nation, and to make the American people proud again.

Mr. LEAHY. Mr. Presdient, this Report contains a provision that reinforces the prohibition against our Government engaging in torture. It expressly prohibits interrogation techniques that are not authorized by the United States Army Field Manual. By passing this bill, we will not only respond to this administration's ambiguity about torture by reiterating that it is off the table, we will be sending a message to the world that the United States is a country that does not tolerate torture. Whether waterboarding is torture and illegal does not depend on the circumstances.

When it comes to our core values—that which makes our country great and defines America's place in the world—it does not depend on the circumstances. America, the great and good Nation that has been a beacon to the world on human rights, does not torture and should stand against torture.

Let me be clear. This provision should not be necessary. Waterboarding, and other forms of torture, are already clearly illegal. Waterboarding has been recognized as torture for the last 500 years. President Teddy Roosevelt prosecuted American soldiers for waterboarding more than 100 years ago. We prosecuted Japanese soldiers for waterboarding Americans during World War II.

I support this provision, despite the fact that there is no question that waterboarding is already illegal, because this administration has chosen to ignore the law. They have admitted they have engaged in waterboarding, otherwise known as water torture, and they refuse to say they will not do it again. The positions they have taken publicly on this subject are, I believe, so destructive to the core values of this Nation and our standing in the world, that this Congress should say, again—very clearly—that our Government is not permitted to engage in these shameful practices.

Tragically, this administration has so twisted America's role, laws and values that our own State Department and high-ranking officials in our Department of Justice cannot say that waterboarding of an American is illegal. If an enemy decided to waterboard an American soldier, they can now quote statements from high officials in our own Government to support their argument that the technique breaks no laws. That is how low we have sunk.

Our top military lawyers and our generals and admirals understand this issue. They have said consistently that waterboarding is torture and is illegal. They have told us again and again at hearings and in letters that intelligence gathered through cruel techniques like waterboarding is not reliable, and that our use and endorsement of these techniques puts our brave men and women serving in the armed forces at risk. That is why they have so explicitly prohibited such techniques in their own Army Field Manual, and it is an example that the rest of the Government should follow.

So, despite the fact that the law is already clear, I urge the Senate to pass this provision, and I urge the President to promptly sign it into law, making the policy of our Nation clear. Our values cannot permit this to be an open question. We must put an end to the damage that this administration's positions have caused to our standing and the risks that they have taken with the safety of American citizens and soldiers around the world.

Mr. LEVIN. Mr. President, I urge my colleagues to support the intelligence authorization conference report which includes a requirement that all Government agencies, including the CIA, comply with the Army Field Manual on Interrogations in the treatment and interrogation of detainees.

The result will be a single standard of treatment for detainees, a standard consistent with American values and international standards. The Army Field Manual is consistent with our obligations under Common Article 3 of the Geneva Conventions, which prohibits subjecting detainees to "cruel treatment and torture." This is the standard to which our soldiers are trained and which they live by.

Consistent with this standard, the Army Field Manual specifically prohibits certain interrogation techniques. These include: forced nudity; "waterboarding," that is, inducing the sensation of drowning; using military working dogs in interrogations; subjecting detainees to extreme temperatures; and mock executions.

Unfortunately, the Bush administration has insisted that it reserves the right for the CIA to engage in certain "enhanced interrogation techniques." It has been reported that these CIA techniques include "waterboarding." While this Justice Department continues to refuse to say one way or the other, let there be no doubt: waterboarding is torture.

The Judge Advocates General of all four services have told us unequivocally that waterboarding is illegal.

Requiring that all Government agencies comply with the standards of the Army Field Manual is not mushy intellectualism. It is hard-headed pragmatism. When we fail to live up to our own standards for humane treatment, we compromise our moral authority. Our security depends on the willingness of others to work with us and share information, information which could prevent the next attack. When we project moral hypocrisy, we lose the support of the world in the fight against the extremists.

Requiring a single standard for the treatment of detainees consistent with the Army Field Manual protects our men and women in uniform, should they be captured. It strengthens our hand in demanding that American prisoners be treated humanely, consistent with values embodied in the Field Manual.

I urge my colleagues to support the intelligence authorization conference report with the provision that standards in the Army Field Manual for treatment of detainees will apply to all elements of the intelligence community.

Mr. GRAHAM. Mr. President, I oppose the conference report on the intelligence authorization bill.

I was troubled to learn the Intelligence Committees inserted in the conference report a provision to apply the Army Field Manual to the CIA program. This was done without any hearing or vote in either the House or the Senate.

I strongly regret the committee chose this course of action since it denies the Senate the opportunity to fully appreciate the implications of such a restriction on the CIA program.

It would be a colossal mistake for us to apply the Army Field Manual to the operations of the CIA. I have been briefed on the current CIA program to interrogate high value targets. It is aggressive, effective, lawful and in compliance with our legal obligations. Unfortunately, the intelligence authorization bill as currently drafted will destroy the CIA program.

I believe in flexibility for the CIA program within the boundaries of current law. The CIA must have the ability to gather intelligence for the war on terror. In this new war, knowledge of the enemy and its plan is vitally important and the Army Field Manual provision will weaken our intelligence gathering operations.

It is regrettable that the debate on the intelligence authorization bill has become a debate about waterboarding. Waterboarding is not part of the CIA program.

However, waterboarding, under any circumstances, represents a clear violation of U.S. law and it was the clear intent of Congress to prohibit this practice. In 2005 and 2006, the Senate overwhelmingly and in a bipartisan fashion stood up against cruel, inhuman and degrading treatment and abided by the Supreme Court's decision in the Hamdan case that that those in our custody are protected by the Geneva Conventions. Indeed, senior administration officials assured us that the language contained in the Military Commissions Act clearly outlawed waterboarding.

Imagine my surprise when the Attorney General and Director of National Intelligence stated that waterboarding may be legal in certain circumstances. I cannot understand what legal reasoning could possibly lead them to this conclusion.

Given the Attorney General's recognition during his nomination hearing that the President cannot waive congressionally mandated restrictions on interrogation techniques, including those included in the McCain amendment and the Military Commissions Act, it is inexplicable that the administration not only has failed to publicly declare waterboarding illegal, but has actually indicated that it may be legal.

During the past several weeks we have heard many justifications for the administration's incomprehensible legal analysis. At the end of the day, it appears it is the view of the administration is that the ends justify the means and that adhering to our values, laws, and treaty obligations will weaken our nation. I strongly disagree.

I support aggressive interrogation of detainees in the in the war on terror. And the CIA program is a vital component in securing our Nation. As we interrogate and detain those who are intent on destruction of our country and all those who fight for liberty, we can never forget that we are, first and foremost, Americans. The laws and values that have built our Nation are a source of strength, not weakness, and we will win the war on terror not in spite of devotion to our cherished values but because we have held fast to them.

Mr. McCAIN. Mr. President, I oppose passage of the intelligence authorization conference report in its current form.

During conference proceedings, conferees voted by a narrow margin to include a provision that would apply the Army Field Manual to the interrogation activities of the Central Intelligence Agency. The sponsors of that provision have stated that their goal is to ensure that detainees under American control are not subject to torture. I strongly share this goal, and believe that only by ensuring that the United States adheres to our international obligations and our deepest values can we maintain the moral credibility that is our greatest asset in the war on terror.

That is why I fought for passage of the Detainee Treatment Act, DTA, which applied the Army Field Manual on interrogation to all military detainees and barred cruel, inhumane and degrading treatment of any detainee held by any agency. In 2006, I insisted that the Military Commissions Act, MCA, preserve the undiluted protections of Common Article 3 of the Geneva Conventions for our personnel in the field. And I have expressed repeatedly my view that the controversial technique known as "waterboarding" constitutes nothing less than illegal torture.

Throughout these debates, I have said that it was not my intent to eliminate the CIA interrogation program, but rather to ensure that the techniques it employs are humane and do not include such extreme techniques as waterboarding. I said on the Senate floor during the debate over the Military Commissions Act, "Let me state this flatly: it was never our purpose to prevent the CIA from detaining and interrogating terrorists. On the contrary, it is important to the war on terror that the CIA have the ability to do so. At the same time, the CIA's interrogation program has to abide by the rules, including the standards of the Detainee Treatment Act." This remains my view today.

When, in 2005, the Congress voted to apply the field manual to the Department of Defense, it deliberately excluded the CIA. The field manual, a public document written for military use, is not always directly translatable to use by intelligence officers. In view of this, the legislation allowed the CIA to retain the capacity to employ alternative interrogation techniques. I would emphasize that the DTA permits the CIA to use different techniques than the military employs but that it is not intended to permit the CIA to use unduly coercive techniques—indeed, the same act prohibits the use of any cruel, inhumane, or degrading treatment.

Similarly, as I stated after passage of the Military Commissions Act in 2006, nothing contained in that bill would require the closure of the CIA's detainee program; the only requirement was that any such program be in accordance with law and our treaty obligations, including Geneva Common Article 3.

The conference report would go beyond any of the recent laws that I just mentioned—laws that were extensively debated and considered—by bringing the CIA under the Army Field Manual, extinguishing thereby the ability of that agency to employ any interrogation technique beyond those publicly listed and formulated for military use. I cannot support such a step because I have not been convinced that the Congress erred by deliberately excluding the CIA. I believe that our energies are better directed at ensuring that all techniques, whether used by the military or the CIA, are in full compliance with our international obligations and in accordance with our deepest values. What we need is not to tie the CIA to the Army Field Manual but rather to have a good faith interpretation of the statutes that guide what is permissible in the CIA program.

This necessarily brings us to the question of waterboarding. Administration officials have stated in recent days that this technique is no longer in use, but they have declined to say that it is illegal under current law. I believe that it is clearly illegal and that we should publicly recognize this fact.

In assessing the legality of waterboarding, the administration has chosen to apply a "shocks the conscience" analysis to its interpretation of the DTA. I stated during the passage of that law that a fair reading of the prohibition on cruel, inhumane, and degrading treatment outlaws waterboarding and other extreme techniques. It is or should be, beyond dispute that waterboarding "shocks the conscience."

It is also incontestable that waterboarding is outlawed by the Military Commissions Act, and it was the clear intent of Congress to prohibit the practice. The MCA enumerates grave breaches of Common Article 3 of the Geneva Conventions that constitute offenses under the War Crimes Act. Among these is an explicit prohibition on acts that inflict "serious and non-transitory mental harm," which the MCA states "need not be prolonged." Staging a mock execution by inducing the misperception of drowning is a clear violation of this standard. Indeed, during the negotiations, we were personally assured by administration officials that this language, which applies to all agencies of the U.S. Government, prohibited waterboarding.

It is unfortunate that the reluctance of officials to stand by this straightforward conclusion has produced in the Congress such frustration that we are today debating whether to apply a military field manual to nonmilitary intelligence activities. It would be far better, I believe, for the administration to state forthrightly what is clear in current law—that anyone who engages in waterboarding, on behalf of any U.S. Government agency, puts himself at risk of criminal prosecution and civil liability.

We have come a long way in the fight against violent extremists, and the road to victory will be longer still. I support a robust offensive to wage and prevail in this struggle. But as we confront those committed to our destruction, it is vital that we never forget that we are, first and foremost, Americans. The laws and values that have built our Nation are a source of strength, not weakness, and we will win the war on terror not in spite of devotion to our cherished values but because we have held fast to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I have enjoyed a good working relationship with my good friend, the Senator from Oregon, but, unfortunately, he did not listen to all the testimony we had from the leaders of the intelligence community.

While he suggests we must fight terrorism and uphold our values, that is precisely what the CIA program is designed to do. Going forward, that is the program that will comport with all our values and our views, but it will be necessary.

The CIA's enhanced interrogation techniques, on which he and I have had the opportunity to be briefed, are different from but not outside the scope of those included for use in the Army Field Manual.

As I stated previously, the difference is that since they are not published, as the Army Field Manual is, they are not included in the al-Qaida handbook, they are not known to high-value targets with whom we may come in contact and be able to capture. We are talking only of a couple or three dozen at the most who require those techniques.

He said the FBI Director does not use any harsh techniques. But if you recall, in answer to one of my questions describing one of the techniques one of the FBI interrogators used, it is not in the Army Field Manual. They use different techniques. They use different techniques, but they would be limited to the Army Field Manual.

I suggest that when they are dealing with the criminals who may not be part of an organized terrorist conspiracy, they would not necessarily need to use them.

General Hayden did say that waterboarding was used three times in the past. He has stated clearly it is not being used now. He stated the different enhanced interrogation techniques that are similar to, but different from, the Army Field Manual are only used in very limited circumstances, and those circumstances are the circumstances in which high-value detainees, with knowledge of the organization, the threats they pose, the plots they are planning to undertake, will not talk as long as they are subjected only to techniques they are familiar with in the Army Field Manual.

Yes, the CIA, a couple, three dozen, somewhere in there, may have used enhanced interrogation techniques. Almost 10,000 valuable pieces of information have come from the CIA's program. We are safer in the United States because we have disrupted plots from Fort Dix to Lackawanna to Chicago to Torrance, CA—across this Nation—because of good intelligence—electronic surveillance and enhanced interrogation of high-value detainees.

If we take this step in the Congress, I believe the President will veto it, as he should, because to say that the CIA should be fitted into the Army Field Manual standard is, I believe, a real threat to the effectiveness of our collection.

Regrettably, discussions that imply on this floor that we continue to use or will continue to use any techniques that are cruel, inhumane, degrading or torture is not only simply wrong—flat wrong—but it is irresponsible because there are ears and eyes out there in the world, Al-Jazeera's and others, who will be picking them up, who will be transmitting them, and who will use that to tar the reputation of our intelligence collectors. They do not deserve that. Our security does not deserve that.

Let's be clear, we are not talking about any cruel, inhumane, degrading or torture techniques. They are different than what is published in the Army Field Manual. That is the only reason they are effective.

I regret the measure before us has this ban that will shut down the most valuable source of information our intelligence community has.

I cannot urge my colleagues to support final passage of this conference report.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I will use leader time to make a statement.

We are going to vote in a few moments whether to invoke cloture on the intelligence authorization conference report. It is my understanding the minority is going to support us on this vote. I appreciate that very much.

America has been without an intelligence authorization bill for almost 3 years. That is certainly long enough. The bill before us contains many important provisions that will strengthen our intelligence capabilities to fight terrorism and keep our country safe. The bill includes a number of provisions that will begin to restore proper congressional oversight and includes a provision sponsored by Senator FEINSTEIN that will require all intelligence professionals in the U.S. Government to adhere to the interrogation standards included in the Army Field Manual.

I appreciate the work of Senator FEINSTEIN, who has dedicated much of her life to making our country safer. She spends untold hours, along with other Intelligence Committee members, in the Hart Building, listening to and evaluating what is happening in the intelligence community in our country and around the world. She is a good Senator, and her insight into what needs to be done in this instance speaks volumes. I underline and underscore my appreciation for her work. I urge all my colleagues to join with me in voting to support her in this effort. We will have that opportunity because cloture is going to be invoked.

It is my understanding a Republican or a Democrat will raise a point of order regarding the Feinstein amendment. The reason a Democrat would do it is to move this along, to get this over with. There is no reason to wait 30 hours postcloture, with everyone wondering when it will come up. We should do it, get it out of the way, work out some agreeable time with my colleagues, or we will go ahead and do it ourselves. There is an hour under the rule to debate the motion. There will be an effort to waive this point of order which, under the rules, requires 60 votes. Should Republicans force a vote to waive the point of order, I urge all my colleagues to waive the point of order.

This is a question of moral authority. The Senate should stand as one to declare that America has one standard of interrogation. We are living as Americans in a world where everything we do is watched and watched very closely. We are asking other countries to follow our moral lead, to embrace our way of life, to aspire to the American standard of liberty. Yet I fear too often this administration's actions betray those goals.

A couple weeks ago, Attorney General Mukasey refused to say that waterboarding is legal. What is waterboarding? We know what it is. It came from the Inquisition and King Ferdinand and Queen Isabella. That is where it originated. It is nothing new. It has been going on for centuries, and it is torture at its worst where you, in effect, drown somebody and revive them after they can no longer breathe.

Last week, CIA Director Hayden publicly confirmed the United States had waterboarded individuals who were in our custody. The next day, the White House affirmatively declared waterboarding is legal and President Bush is free to authorize our intelligence agencies to resume its use.

President Bush may not care much what we in Congress, Democrats or Republicans, think. For 6 years, he had carte blanche to do what he wanted. The last year has not been that way. We are an equal branch of Government, and it is time we made him understand this.

The administration can develop as many novel and convoluted legal theories as it wishes, but they cannot change the simple fact that has long been settled law, that waterboarding is torture and it is illegal. It is illegal in America, and it is illegal throughout the world. In decades past, America has prosecuted our enemies and even our own troops for waterboarding.

This debate is not just about one kind of torture. It is not just about waterboarding. It is about ensuring that no form of torture, cruel or inhumane interrogation techniques that are illegal under the Geneva Conventions and prohibited by the Army Field Manual, are used. This includes beating prisoners. This includes sexually humiliating prisoners. It includes threatening them with dogs, depriving them of food and water, performing mock executions, putting electricity charges on various parts of their body, burning them.

These techniques are repugnant. They are repugnant to every American. They fly in the face of our most basic values. They should be completely off limits to the U.S. Government. We have already seen the damage these torture efforts can cause. The world saw it in the Abu Ghraib prison situation. The revelation that American personnel had engaged in such terrible behavior, behavior we have always strongly condemned when used by others, caused tremendous damage to our Nation's moral authority. The recruiting opportunity it provided our terrorist enemies cannot be understated and cannot be undone.

This is not a Senator saying this. Forty-three retired military leaders of the U.S. Armed Forces have written us a letter strongly stating that all U.S. personnel, military and civilian, should be held to a single standard. These honored leaders wrote:

> We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans.

They stated the interrogation methods in the Army Field Manual "have proven effective" and that they "are sophisticated and flexible."

My friend, the ranking member of this committee, says these horrible techniques are necessary. They are not. They are not necessary. There are many things that have been used and can be used, as indicated by these 43 leading military experts. They say present interrogation techniques, setting these others aside, are sophisticated and flexible and they work. They explicitly reject the argument that the field manual is too simplistic for civilian interrogators.

Our commander in Iraq, General Petraeus, a four-star general, whom we like to throw around here as knowing all and has done a wonderful job in Iraq, wrote an open letter to the troops in May. He had this to say:

> Some may argue that we would be more effective if we sanctioned torture and other expedient methods to obtain information from the enemy.

He went on to say:

> They would be wrong. . . . [H]istory shows that [such actions] are frequently neither useful nor necessary.
>
> Certainly, extreme physical action can make someone "talk;" however, what the individual says may be of questionable value.

We all know that.

> In fact, our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

So says General Petraeus.

Mr. President, just yesterday, a bipartisan group of foreign policy experts joined to call upon Congress to endorse the application of the Army Field Manual standards across all U.S. agencies.

The group included, but was not limited to, the Chairman and Vice Chairman of the 9/11 Commission, Governor Keane and Congressman Hamilton; two former Secretaries of State; three former national security advisers; a former Secretary of the Navy; and other highly regarded officials from both parties.

The Bush administration's continued insistence on its right to use abusive techniques gives license to our enemies abroad, puts at risk our soldiers and citizens who may fall into enemy hands, and serves as an ongoing recruiting tool for militant extremists.

Meanwhile, the widespread belief that our country uses abusive interrogation methods has weakened our ability to create coalitions of our allies to fight our enemies because other countries have at times refused to join us.

Mr. President, many of us thought the Congress had addressed the issue of torture once and for all when we overwhelmingly passed the McCain amendment in 2005.

But President Bush immediately issued a signing statement casting doubt on his willingness to enforce a ban on torture, and his administration has worked ever since to undermine what Senator McCAIN offered and was passed here overwhelmingly.

This vote today gives Congress the chance to show President Bush that we meant what we said 3 years ago when we passed the McCain amendment.

Today, we have an opportunity to begin to rebuild America's precious and diminished moral authority. Today, we can strengthen the war on terror.

I urge us to stand together to support cloture and, if necessary, to vote to waive the point of order on the Feinstein amendment, which is part of the very good conference report dealing with intelligence authorization.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 23 seconds.

Mr. BOND. Mr. President, regrettably, the record doesn't meet the issue before us. Waterboarding is not an issue here. Waterboarding is not banned. The techniques that are being used are in compliance with all of the convention. They are not torture, cruel, or humanly degrading.

The only reason to have a separate program, which Congress recognized in the 2005 Military Detainee Act, for having a different standard was for a few high-value targets who needed different techniques—not more harsh techniques but techniques that are less severe than the training techniques we put our enlisted Marines, SEALs, Special Forces, and the pilots through. If they are not published in the Army Field Manual, they don't know about them, and that leads them to cooperate.

The most successful intelligence collection program that the CIA has does not involve torture or any kind of unlawful conduct. It is unfortunate—and I regret to say very harmful—to the United States to suggest that it does. I strongly believe we cannot afford to shut down the CIA's interrogation of high-value detainees.

I yield the floor.

Mr. REID. Mr. President, don't you think this great country of ours—the moral authority of the world—can continue our work, our interrogation of prisoners, both military and civilian, by not beating them, sexually humiliating them, bringing dogs and having dogs chomp at them, like at Abu Ghraib? Do we need to deprive them of food and water, provide mock executions, shock them with electricity, as was done during the first gulf war to American prisoners who were captured by the Iraqis, one of whom was from Nevada? We don't need to do that. We don't need to burn them. We don't need to cause them other types of pain that are listed in field manuals.

Mr. President, we have 43 leading military experts who have told us that. We have had the two people who led the 9/11 Commission who have told us that you don't need that, along with former Secretaries of State and national security advisers to various Presidents, Democrats and Republicans.

America is better than this. We don't need to do this. The CIA can get along without having to do all these terrible things. We are told by General Petraeus that these techniques don't work anyway and that any of the information you get is unreliable. Listen to General Petraeus. Let's do the right thing on this issue when it comes up, Mr. President.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008—CONFERENCE REPORT—Resumed

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2082, Intelligence Authorization Act.

John D. Rockefeller IV, Dianne Feinstein, Kent Conrad, E. Benjamin Nelson, Russell D. Feingold, Barbara A. Mikulski, Ron Wyden, Ken Salazar, Mark Pryor, Patty Murray, Benjamin L. Cardin, Frank R. Lautenberg, Jack Reed, Sheldon Whitehouse, Harry Reid, Carl Levin, Bill Nelson.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2082, the Intelligence Authorization Act, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Missouri (Mrs. McCASKILL), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—92

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—4

Burr
Chambliss
DeMint
Vitter

NOT VOTING—4

Clinton
Graham
McCaskill
Obama

The motion was agreed to.

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, while we are waiting here for some of the determination of a time agreement with regards to the consideration of the conference report, I want to go ahead and lend my support and acknowledge to the rest of the Senate that this is a bill that is very necessary to pass. Because, what this bill does, by authorizing the activities of the intelligence community, it continues to make the oversight function of the Congress—in particular, the Senate and the House Intelligence Committees—poignant and relevant to a community that is not accustomed to having oversight.

Our committee leadership, chairman and vice chairman, Senators Rockefeller and Bond, as we say in the South, they have cracked the whip with the intelligence community to get them to realize that this is a constitutional government of shared powers; that the executive branch doesn't just run the show—particularly on something as sensitive as the collection of intelligence. Rather, it needs to be done within the law, and one of the ways of ensuring that is through the sharing of powers between two different branches of Government who have checks and balances upon each other. We in the legislative branch oversee the activities of the executive branch—in this case, all of the intelligence community and their activities, which are absolutely essential to the protection of our country. This conference report is a very important bipartisan document, which increases the accountability in the intelligence community, and it authorizes dozens of critical intelligence programs to keep us safe every day.

The conference report includes a new, strong inspector general in the Office of the Director of National Intelligence. Inspectors general are increasingly important in the intelligence community, where billions of dollars are spent outside of public view. Our committee, as well as the American public, has to rely on the inspector general as an important part of the oversight of the intelligence community.

As we look back, several years ago, we completely reorganized the intelligence community. A Director of National Intelligence was set up to integrate the disparate elements of the intelligence community. But there is a lot more that needs to be done, and a strong inspector general at the DNI is another step in the right direction.

The conference report also includes a provision that makes the Director of the NRO—the National Reconnaissance Office—and the NSA—the National Security Agency—subject to Senate confirmation. Now, why is that important? That is important because, again, it is part of the checks and balances of the separate branches of Government. Both of these agencies, outside of the public view because of the top-secret nature of this work, oversee large programs that cost vast amounts of money, and not every program has been a success. So by having the confirmations of the

Directors of the NRO and the NSA come to the Senate, it improves that accountability and responsiveness to the legislative branch of Government.

The authorization bill also requires an assessment of the vulnerability of the intelligence community's major acquisition programs. We have to assess that the program is going to stay on track and that it is not going off the rails with regard to cost. We are talking about billions of dollars on some of these programs. By keeping them on track, by knowing what to anticipate, it is much easier to plan ahead.

This bill also provides an annual reporting system which will help us keep in focus, curbing these cost overruns and these schedule delays. If you don't do that, things are going to get out of control. As the intelligence community continues to be more and more sophisticated because of the technical means it employs, it is more and more important that our oversight tools be in place and effective.

Now, that is enough alone to pass this bill, but we have an area of disagreement coming up. We are expecting the minority to offer a point of order that would remove a provision in the conference report. This provision requires the Army Field Manual to be used as the standard for interrogation methods. This Army Field Manual was released over a year ago. It specifically prohibits cruel, inhuman, and degrading treatment.

There are eight techniques in the Army Field Manual that are specifically prohibited from being used in conjunction with intelligence interrogations: forcing the detainee to be naked, perform sexual acts, or pose in a sexual manner; placing hoods or sacks over the head of a detainee; using duct tape on the eyes; applying beatings, electric shock, burns, or other forms of physical pain. The fourth is waterboarding. That is prohibited. The fifth is using military working dogs. The sixth is inducing hypothermia or heat energy. The seventh is conducting a mock execution. The eighth is depriving the detainee of necessary food, water, and medical care.

Now, haven't I just described what America is all about? Is that not the standard by which we, as the leader of the world, have to announce to the world what we believe in and how we are going to conduct ourselves, and that is how we are going to conduct ourselves not only among our own people and how we treat them but how we are going to treat others?

The manual provides that three interrogation techniques may only be used with higher level approval. The good cop-bad cop interrogation tactic; the false flag tactic, where a detainee is made to believe he is being held by another country; or separation, by which the detainee is separated so he can't coordinate with other detainees on his story—those techniques can be used, but it has to be approved at a higher level.

Mr. President, there is something that is going to worry everybody, and it has worried this Senator personally and as a member of the Intelligence Committee. What if all of this doesn't work and the country is in imminent peril? Well, along with the standards we are going to set, which I hope we are going to pass into law—these standards in the Army Field Manual which will state clearly what the standards are for our country and how we are going to conduct ourselves—there is always the constitutional authority under article II.

As Commander in Chief, the President can act when the country is in immediate peril. And if he so chooses, as Commander in Chief, to authorize activities other than what the Army Field Manual allows, then the President would be accountable directly to the American people under the circumstances with which he invoked that article II authority as Commander in Chief.

What we are saying today does not relate to the President's article II power. We are setting statutory power. It is important that we tell the rest of the world the standards of how we interrogate detainees. We are putting these standards into law and we will ensure that these techniques are in compliance with the humane treatment that we would expect and hope our Americans would also receive.

I think there should be no confusion. We have an obligation to set these standards into law. If that dire emergency ever occurred in the future, the President has his own authority under article II of the Constitution. But that is not the question here today before us. The question is: What do we set as the standard of interrogation, and that has to be that there is no torture allowed under this statutory law.

Therefore, when the point of order is raised that would take the Army Field Manual standards for interrogation techniques out of the conference report, I urge the Senators not to take this provision out of this important intelligence reauthorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senate will soon vote on the intelligence authorization bill, which contains a provision requiring all U.S. governmental agencies, including the CIA, to comply with the Army Field Manual's prohibition on torture. This reform is urgently needed. I commend the Intelligence Committee for adopting this provision. Its enactment will ensure that the Government uses only interrogation techniques that are lawful and those provisions should be retained.

In the Detainee Treatment Act passed in 2005, Congress attempted to reaffirm our commitment to the basic rights enshrined in the Geneva Conventions and restore America's standing in the eyes of the world as a nation that treats detainees with dignity and respect.

These rights reflect the values we cherish as a free society, and also protects the lives of our service men and women. Today, however, we know that the 2005 act has fallen short of our goals. By not explicitly applying the Army Field Manual standards to all Government agencies, we have left open a loophole that the Bush administration promptly drove a Mack truck through.

The so-called enhanced interrogation program carried out in secret sites became an international scandal and a profound stain on America in the eyes of the world. The administration issued an executive order last year to try to minimize the outcry, but the order failed to renounce abuses such as waterboarding, mock executions, use of attack dogs, beatings, and electric shocks.

The disclosure of secret opinions by the Office of Legal Counsel gave further evidence that the administration had interpreted the Detainee Treatment Act and other antitorture laws in an unacceptable, narrow manner.

Attorney General Mukasey's refusal at his confirmation hearings to say whether waterboarding is illegal gave us even more reason for concern. The outrages do not end there. Two months ago, the New York Times reported that in 2005 the CIA had destroyed at least two videotapes documenting the use of abusive techniques on detainees in its custody. These videotapes have been withheld from Federal courts, the 9/11 Commission, and congressional committees. Two weeks ago in his testimony before the Senate Judiciary Committee, the Attorney General flat out refused to consider investigating possible past acts of torture or to brief congressional committees on why he believed the CIA's enhanced interrogation program is lawful.

Last week, we received official confirmation that the CIA had used waterboarding on three detainees. At the same time, the White House made the reckless claim that waterboarding is legal, and that the President can authorize its use under certain circumstances.

The White House position is directly contrary to the findings of courts, military tribunals, and legal experts that waterboarding is a violation of U.S. law and a crime against humanity.

In the words of a former master instructor for U.S. Navy SEALs:

> Waterboarding is slow motion suffocation with enough time to contemplate the inevitability of blackout and expiration. Usually the person goes into hysterics on the board. For the uninitiated it is horrifying to watch and if it goes wrong, it can lead straight to terminal hypoxia. When done right it is controlled death.

Waterboarding has a long and brutal history. It is an ancient technique of tyrants. In the 15th and 16th centuries, it was used in the Spanish Inquisition. In the 19th century, it was used against slaves in this country. In World War II, it was used against our troops by Japan. We prosecuted Japanese officers for using it and sent them to years and years of jail for following that procedure.

In the 1970s, it was used against political opponents by the Khmer Rouge in Cambodia and military dictatorships in Chile and Argentina. Today it is being used against pro-democracy activists in Burma. That is the company we keep when we fail to reject waterboarding.

In fact, Attorney General Mukasey could not even bring himself to reject the legal reasoning behind the infamous Bybee torture memo of the Office of Legal Counsel which stated that physical pain amounts to torture only if it is:

> equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.

According to that memo, anything that fell short of that standard would not be torture. This Bybee memorandum was in effect for 2½ years before it was ever effectively suspended. It was suspended then by Attorney General Alberto Gonzales for the Judiciary Committee, quite frankly, in order that his nomination could be favorably considered.

Included in the Bybee memoranda was a provision that was an absolute defense for any of those who would be involved in this kind of torture, unless prosecutors could prove a specific intent that the purpose of the torture was to harm the individuals rather than to gain information, therefore effectively giving carte blanche to any of those who would be involved in torture.

When Attorney General Gonzales appeared before the Judiciary Committee and effectively repealed the Bybee memoranda, he did so for the Department of Defense but not for the Central Intelligence Agency, even at that time a clear indication of what the administration was intending to do with the Central Intelligence Agency. It should not be any surprise to anyone that this has been ongoing and continuous.

According to that memo, again the Bybee memorandum, anything that fell short of this standard would not be torture. CIA interrogators called the memo their "golden shield" because it allowed them to use virtually any interrogation method they wanted.

When the memo—this is the Bybee memo—became public, its flaws were obvious. Dean Harold Koh of Yale Law School testified that in his professional opinion as a law professor and a law dean, the Bybee memoranda is "perhaps the most clearly legal erroneous opinion I have ever read [because of all of the previous statutes and laws that have been passed to prohibit torture by the Congress of the United States and those initiated and supported by Republican presidents, by Ronald Reagan, as well as Democratic presidents".]

This was not a partisan series of statements about what the United States position has historically been. The Bush administration was embarrassed into withdrawing the memo. To this day, no one in the administration has repudiated its content. The torture memo continues to haunt this country. I have asked the Attorney General several times to reject its legal reasoning, but he continues to refuse to do so. The only solution is for Congress to apply the Army Field Manual's standards to the entire Government. There has rarely if ever been a greater need to restore the rule of law to America's interrogation practices.

The field manual represents our best effort to develop the most effective interrogation standards. The manual clearly states that: Use of torture is not only illegal but also it is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear.

We have on trial in military courts six of those who are going to be tried because of 9/11. There is no question there is going to be a whole series of appeals because of the use of various techniques against them. It may very well be that some turn out—because of the violations of basic and fundamental, some constitutional rights, there will be a question about what the outcome is going to be with regard to those individuals.

Why not get it right from the start? The manual gives our interrogators great flexibility, provides all the techniques necessary to effectively question detainees, but it makes clear that illegal and inhumane methods are not permitted.

In a letter to our troops dated May 7, 2007, General Petraeus stated:

> Our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the Manual work effectively and humanely in eliciting the information from detainees.

Applying the field manual's standards throughout our Government will move us closer to repairing the damage to our international reputation in the wake of the Abu Ghraib scandal. It will once again commit the United States to be the world's beacon for human rights and fair treatment. It will improve the quality of intelligence gathering, and protect own personnel from facing punishment, condemnation, or mistreatment anywhere in the world. It will make us more, not less, safe.

Torture is a defining issue. It is clear that under the Bush administration we have lost our way. By applying the field manual standards to all U.S. Government interrogations, Congress will bring America back from the brink, back to our values, back to basic decency, back to the rule of law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, today's debate goes to the heart of what our country is and what we wish it to be, by asking this: Will the United States of America condone torture? Is there, at America's heart, a heart of darkness? This authorization bill for America's intelligence community offers us the opportunity to answer that question decisively. It contains provisions for which I have fought from my initial amendment in committee, and which I am proud to support today, that would prohibit members of the intelligence community from using interrogation techniques beyond those authorized in the Army Field Manual.

By adopting this amendment, the two Intelligence Committees, Congress's experts on these matters, have sent a clear signal to America and to the world that in this country the rule of law is our strongest bulwark against those who would do us harm.

I hope that today the Senate will have the confidence in our values to reaffirm that signal and pass this legislation with the Army Field Manual provision included.

Over the past several months, the American people have become all too familiar with the issue of torture. I want to discuss one technique in particular today, waterboarding, or water torture, or the water cure, which dates back to the Spanish Inquisition of the 14th century.

Waterboarding was a favorite of torturers, because its terrible effects could be generated without the visible damage accompanying the rack, the screw, the iron, the whip, or the gouge. It could be done over and over.

In the 20th century, waterboarding was done in the Philippines, where colonizers wielded it against indigenous peoples. It has been used in Sri Lanka, in Tunisia, by the Khmer Rouge in Cambodia—we are in the tradition of Pol Pot—by the French in Algeria, by the Japanese in World War II, and by military dictatorships in Latin America. The technique ordinarily involves strapping a captive in a reclining position, heels above head, putting a cloth over his face and pouring water over the cloth to create the feeling of suffocation and drowning. It leaves no marks on the body, but it causes extreme physical and psychological suffering.

A French journalist, Henri Alleg, was subjected to this method of interrogation during the struggle for Algerian independence. He wrote in his 1958 book "The Question":

> I tried, by contracting my throat, to take in as little water as possible and to resist suffocation by keeping air in my lungs for as long as I could. But I couldn't hold on for more than a few moments. I had the impression of drowning, and a terrible agony, that of death itself, took possession of me.

Waterboarding is associated with criminal, tyrant, and repressive regimes, with rulers who sought from their captives not information but propaganda, meant for broadcast to friends or enemies whether true or false. Regimes that employed the technique of waterboarding generally did not do so to obtain information; rather, to obtain compliance. But no matter the purpose or the reason, its use was and is indefensible.

Water torture was not unknown to Americans. A 1953 article in the New York Times quotes LTC William Harrison of the U.S. Air Force, who said he was "tortured with the 'water treatment' by Communist North Koreans." In testimony before a U.S. military tribunal, CAPT Chase Jay Nielsen described being waterboarded by his Japanese captors following the 1942 Doolittle raid by U.S. aviators. From all this, America's military knew there was a chance our servicemen and servicewomen would be subjected to water torture.

The Defense Department established the SERE program—survive, evade, resist, and escape—to train select military personnel who are at high risk of capture by enemy forces or isolation within enemy territory. The program has also subjected certain service personnel to extreme interrogation techniques, including waterboarding, in an effort to prepare them for the worst—the possibility of capture and torture at the hands of a depraved or tyrannical enemy.

According to Malcolm Nance, a former master instructor and chief of training, at the U.S. Navy SERE school in San Diego:

> [O]ur training was designed to show how an evil totalitarian enemy would use torture at the slightest whim.

Those who have experienced this technique, even at the hands of their own brothers in arms, are unequivocal about its effect. Former Deputy Secretary of State Richard Armitage, who underwent waterboarding during SERE training, said this:

> As a human being, fear and helplessness are pretty overwhelming. . . . this is not a discussion that Americans should even be having. It is torture.

Our colleague in this body, Senator John McCain, has said the same. Yet it was to this relic of the dungeons of the inquisition, of the Cambodian killing fields, and of the huntas of the Southern Hemisphere that the Bush administration turned for guidance. I will speak later about how our Department of Justice came to approve this. But for now, we know that last week, in a stunning public admission, the CIA Director General, Michael Hayden, admitted the United States waterboarded three detainees following the September 11 attacks. The virus of waterboarding had traveled from tyrant regimes, through the SERE program, and infected America's body politic.

Retired BG David Irvin, of the U.S. Army Reserve, a former intelligence officer and instructor in interrogation, and Joe Navarro, interrogator with the FBI, recently wrote:

> [T]here is considerable evidence that the CIA had to scramble after 9/11 to develop an interrogation program and turned to individuals with no professional experience in the field. . . . Given the crisis atmosphere of the day, it is all too easy to believe the comment of an intelligence insider who said of the secret program to detain and interrogate al Qaeda suspects that "quality control went out the window."

Don't let us jump out the window after it.

America's military is expressly prohibited from using torture because intelligence experts in our Armed Forces know torture is an ineffective method of obtaining actionable intelligence. Again, I will speak later about the false assertion that this program was designed for 18-year-old novices. Some of the most sophisticated intelligence interrogations are done by our military after intense training. Our military adheres to the Army Field Manual on Human Intelligence Collector Operations. At a hearing before the Senate Select Committee on Intelligence, on which I serve, I asked COL Steven Kleinman, a 22-year veteran of interrogations, a senior intelligence officer in the U.S. Air Force Reserves, and a veteran interrogator with plenty of experience overseas in the Middle East, about his experience conducting interrogations using the Army Field Manual.

He said:

> I am not at all limited by the Army Field Manual in terms of what I need to do to generate useful information. . . . I've never felt any necessity or operational requirement to bring physical, psychological or emotional pressure on a source to win their cooperation.

A significant number of retired military leaders have written to the chairman and vice chairman of the Intelligence Committee saying:

> interrogation methods authorized by the field manual have proven effective in eliciting vital intelligence from dangerous enemy prisoners. . . . And the principles reflected in the Field Manual are values that no U.S. agency should violate.

And GEN David Petraeus, commander of U.S. forces serving in Iraq, reiterated this point when he wrote last year to every soldier serving in the Iraq theater:

> Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. . . . our experience in applying the interrogation standards laid out in the Army Field Manual on Human Intelligence Collector Operations that was published last year shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

The cochairs of the 9/11 Commission emphatically agree. On Monday, the chairmen, together with two former Secretaries of State, three former National Security Advisors, and other national security experts, wrote that "[c]ruel, inhuman and degrading treatment of prisoners under American control makes us less safe, violates our national values, and damages America's reputation in the world."

Torture is ineffective. It is wrong. It is dangerous to all those who serve the United States of America in harm's way. It should never, ever be used by any person who represents the United States of America or any agency that flies the American flag.

I was proud last July to introduce an amendment in the Intelligence Committee that would write this rule into law. When that effort did not succeed, I was proud again last winter to support Senator FEINSTEIN's amendment in conference.

I call on all my colleagues to support this legislation. We can journey no longer down Winston Churchill's stairway which leads to a dark gulf. As Winston Churchill said:

> It is a fine broad stairway at the beginning, but after a bit, the carpet ends. A little farther on, there are only flagstones, and a little farther on still these break beneath your feet.

The United States of America—the city on a hill, the light of the world, the promise of generations—must not ever condone torture. Torture breaks that promise. Torture extinguishes that light. Torture darkens that city. I hope by our actions today, we in the Senate will help turn this country back toward our centuries-old promise. I hope we will turn toward the light.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I almost have no words to praise the Senator from Rhode Island for the eloquence and strength of his speech, which was not only grounded in very deep substance but was delivered with elegiac nature that both culled the human spirit as well as grounded the futility of torture. I congratulate him.

I also rise strongly in support of section 327 of the intelligence authorization conference report. I recognize it will be controversial. I don't care. It is important that some background on this section be provided. Some of it has been this morning. During the conference on the authorization bill, the conferees adopted an amendment that would require the intelligence community to conduct its interrogation in accordance with the terms of the U.S. Army Field Manual. The full membership of the House Intelligence Committee and the Senate Intelligence Committee served on the conference committee. So it was a majority of those two committees that came to that conclusion.

Section 327 of the intelligence authorization conference report directly parallels the provision in the Detainee Treatment Act that forbids subjecting anyone in Department of Defense custody to any treatment or technique of interrogation not authorized by and listed in the U.S. Army Field Manual on intelligence interrogation. Section 327 applies these same restrictions to the intelligence community at large.

The effect of section 327 is, therefore, to require all of the U.S. Government operate their interrogation programs under a single interrogation standard, the standard set by the U.S. military. Adopting the military standard for interrogation as the universal standard makes sense, and I hope some of my colleagues are listening. It is the members of the military who most benefit from reciprocal obligations of the Geneva Convention requiring humane treatment of prisoners and who are most likely to be subjected to retaliation based on the failure of the United States to follow those obligations. That statement is frequently made, and then it is frequently absorbed and discarded. Think about it. Retaliation is the way of the world, and it will be no different here. What we do to others, they will do to us.

The U.S. Army Field Manual on interrogation was revised in September 2006 after significant interagency review. This included a review by the Central Intelligence Agency. By providing a number of approach strategies such as the incentive approach, emotional approach, and the Mutt-and-Jeff approach, the Army Field Manual gives interrogators significant flexibility to shape the interrogation. It doesn't delineate exactly how. It gives them a lot of flexibility.

The Army Field Manual also explicitly prohibits, as we know, waterboarding, forcing detainees to be naked, inducing hypothermia or heat injury or subjecting a detainee to beatings, as well as a number of other things. All this raises the question at the heart of this debate: Should the Central Intelligence Agency, the well-known CIA, be allowed to use coercive interrogation techniques to obtain information from al-Qaida detainees?

This debate is about more than legality. It is about more than ensuring that the intelligence community has the tools it needs to protect us. It is also about morality, the way we see ourselves, who we are, who we want to be as a nation, and what we represent to the world. What we represent to the world has a direct effect on the number of people who determine they want to join the jihadists movement and come after us.

It is a decision that can and should be left to Members of Congress who are the representatives of the American people. In the early period of the CIA program's existence, I repeatedly called—and I am extremely frustrated by this, extremely frustrated—for an Intelligence Committee investigation into the Agency's detention interrogation practices.

That was in the committee. I was, at that point, vice chairman and could not control, obviously, the vote. So on vote margins of one, we lost. We could not get anything going in the way of studying the subject and investigation of the subject. Then I moved to the floor and once again could not get the committee to investigate the subject. I also tried to have the CIA brief all the members of the committee on the interrogation program. That also did not happen.

I recognized that assessing the need for the CIA's enhanced interrogation techniques, the intelligence obtained from detainees, and the importance of maintaining America's position in the world were issues that we in Congress needed to debate and discuss, and, unfortunately, we did not.

About a year and a half ago, the full membership of the Intelligence Committee was finally provided information about CIA's interrogation program. It is the whole point of oversight. They are not accustomed to us doing that—not just the CIA, but the intelligence community—having representatives of the people asking questions. They think it is an elite field for them. They are proud of their traditions. They fight among themselves, and they do not build into their thinking what it is that the Congress might feel about this.

About a year and a half ago, as I say, we were brought into their interrogation program. Since that time, our committee has held multiple hearings on that subject. We have done our best to learn as much as possible about the basis for and the consequences of CIA's program, as well as interrogation in more general terms.

These briefings and hearings have led the committee to conclude that all agencies of the U.S. Government should be required to comply with a single standard for interrogation of detainees. The Army Field Manual provides a standard of humane treatment that indisputably complies with our international obligations under the Geneva Conventions, as well as with U.S. laws.

The CIA has briefed the committee on several occasions about its interrogation of al-Qaida detainees. The CIA has described the basis for the program, and why they think it should be allowed to continue.

Although the CIA has described the information obtained from its program, I have heard nothing—nothing—that leads me to believe that information obtained from interrogation using coercive interrogation techniques has prevented an imminent terrorist attack.

This is true for a very simple reason. Once a terrorist is captured, his fellow plotters, understandably, change their plans. In other words, I do not believe the CIA has ever been in an actual "ticking timebomb" scenario, nor do I think it is ever likely to be placed in that situation. That does not mean the information obtained from the program has not been valuable. Of course information about al-Qaida is exceedingly valuable from an intelligence standpoint. It is bits and pieces of information that allow our intelligence professionals to assess al-Qaida's capabilities and to determine how best to protect ourselves as a nation. But, more to the point, I have not heard nor have I seen any evidence that supports the intelligence community's claim that using enhanced interrogation techniques is the only way to obtain this type of intelligence; that is, to get what they need to get.

After 9/11, the intelligence community decided that coercive interrogation tactics were the best way to obtain intelligence. It was perhaps a little bit understandable then in terms of the general panic of the Nation. But the intelligence community—I say this gravely—did not take the time to research what interrogation techniques might be most effective to come to this conclusion, nor did they reach out to the interrogators with experience, particularly those questioning Islamic terrorists. They did not do that. They were going to do it their way. They simply assumed—and they simply still assume—that coercive interrogation techniques were the best way to obtain information.

To this Senator, this was clearly a flawed approach. But at this point, the administration is so invested in the use of these techniques they can no longer psychologically or otherwise step back to assess what methods are most effective to obtain intelligence. They go by the mantra, they go by what has been done before.

To address this question, the committee explored how other Government agencies conduct interrogation. The committee considered critical interrogations of individuals who do not want to disclose information—people who are hardheaded and do not want to talk—interrogations where obtaining information can prevent widespread injury or death.

Every day, military interrogators in Iraq and Afghanistan question individuals with information that can save lives—every single day—questions about where explosive devices are hidden, where captured soldiers have been taken, or where caches of weapons are stored, and a lot more.

Now, the CIA loves to argue: Oh, but they are just 18- to 20-year-old kids. They don't have the experience. We have experience. We have experience. We have been at it. We are the professionals. They did that at our public, open threats hearing a week or so ago.

Now, there is something called the FBI. They deal with pretty bad people, too. Their agents face life-and-death situations in both the world of terrorism and every-day criminality. Some of the individuals the FBI interrogate are senior leaders, individuals who are committed to staying silent and not sharing the information they possess. In fact, FBI agents recently questioned the top al-Qaida leaders who were formerly in CIA custody, gathering enough information from those al-Qaida leaders to build cases for trial, which we have recently read about.

Some of these FBI agents have been conducting interrogations for two or three decades. That does not sound like 18- to 20-year-olds. They are, without question, recognized experts in their field, and they are remarkably effective at obtaining the information they need. Yet both the FBI and the military have told us they do not need enhanced interrogation techniques. Are these naive organizations? Are these people who do not know what they are talking about? Are these people who do not have stakes at hand? They are out on the battlefield. They are not only at Guantanamo. They are out on the battlefield. They have told the committee the interrogation techniques included in the Army Field Manual provide them with flexibility they need to obtain the information they need.

Indeed, representatives from both the military and the FBI—both—stated emphatically they have the tools they need to obtain necessary and reliable intelligence.

After considering the CIA's arguments, and those of the FBI and the U.S. military, I am simply not convinced that harsh CIA tactics are necessary to obtain intelligence information.

We also had people who were neutral who had experience in interrogation but were not currently in the practice of it. Their information to us also was that to terrorize, to torture, to manhandle, to do whatever, does not work. Human beings are human beings, and there are ways to get at them. In fact, coercive interrogation techniques can lead prisoners—and probably will in many cases—to say anything at all for the purpose of stopping the interrogation. As a result, coercive techniques can produce information that is fabricated and ultimately lead to flawed and misleading intelligence reports. This is not academic or hypothetical. Bad intelligence is a real danger.

In the early years and months after 2001, we were awash with bad intelligence in Washington, DC, not all of it coming out of coercive techniques, but out of a complete misunderstanding of what intelligence is all about. In fact, there was a condescension from the administration about the role of intelligence in providing reliable information. So this is not an academic or hypothetical point. Bad intelligence is a real danger when employing coercive interrogation techniques.

Intelligence reporting from an al-Qaida detainee—a very famous one named al-Libi he said Iraq was providing al-Qaida training in chemical and biological weapons prior to the war, which was publicly trumpeted by the President of the United States, by the Secretary of Defense, by the Secretary of State, and other senior administration officials as proof of operating links between Iraq and al-Qaida and, therefore, as a basis for going in to invade Iraq.

Of course, basically all of us feel now that what the President said on March 23 in the other body, in his speech which gave him the authority to go to war, was based on intelligence which was almost entirely incorrect, and virtually everything he said, other than some rhetoric here and there—everything he said turned out to be wrong, and, therefore, was one of the most extraordinary disservices to the American people, not to speak of the dead and the wounded, that I can remember in my lifetime. But the Nation was inspired by the thought of fighting terror, and so on they went.

Ultimately, al-Libi, who said these things, recanted. He recanted, and it was determined by the CIA that he had fabricated this central allegation of this link between al-Qaida and Iraq and other information based on his claim of mistreatment during the interrogations.

So this is not an academic point. America went to war based on an alleged threat that was partially based on fabricated information produced under coercive interrogation.

Apart from the question of efficacy and the risk of bad intelligence, the committee has explored the consequences of having a different, secret standard of interrogation for the intelligence community. This is where the need for section 327 becomes clear.

Since the disclosure of information about the existence of secret prisons, and the use of harsh interrogation techniques, the reputation and moral authority of the United States have suffered dramatically. It is not a casual statement. One can say, yes, a lot of people have said that. But when that is true, that means that in Africa and Southeast Asia and South America and in the Middle East it becomes much easier for al-Qaida and those who would do us ill—and people within the United States who may belong to no formal organization like that at all—to develop anger, to develop a search for meaning to their lives because they do not see hope in their lives, and so they join. They join a group that will do damage. Some of our techniques have significantly increased the likelihood of that happening.

Rather than being a world leader in human rights, we have become known for the unapologetic use of aggressive interrogation techniques. Indeed, even Canada has included us on a list of countries that engage in torture.

Allowing the CIA to continue to use coercive interrogation techniques that are not part of the Army Field Manual is another piece of fodder for terrorist propaganda that cannot be underestimated. It is not just a rhetorical statement. It cannot be underestimated. It is no way to win the hearts and minds of the Muslim world. Ultimately, the war on terrorism is a war of ideas. Without a public standard of humane treatment, it is impossible to convince the world that we take our international obligations seriously, that we treat people humanely, and that we are a country of laws and we adhere to these laws.

We must uphold those standards that differentiate us from the terrorists whom we are fighting. If our Government continues to use secret interrogation techniques that many are convinced constitute torture, America's standing in the world will continue to go down even more. Every time it goes down, there are more people who sign up to do us harm.

The Israeli Supreme Court concluded, when it forbade the use of harsh interrogation techniques, the following:

> This is the destiny of democracy, as not all means are acceptable to it and not all practices employed by its enemies are open before it. Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand. Preserving the rule of law, and recognition of an individual's liberty, constitutes an important component in its understanding of security. At the end of the day, they strengthen its spirit and its strength and allow it to overcome its difficulties.

So in closing, passing section 327 is critical to regaining our moral authority in the world—which is a little bit too easy to say; it is going to take a lot more than that but it is a start—and convincing people that the United States believes in due process and human rights rather than fear. Having a separate standard of interrogations for the CIA—as much as it may want to have it, as much as it may have pride in having their secret standard, as much as they talk about 18- to 20-year-olds—is simply not worth the cost. I, therefore, urge my colleagues to support section 327.

But no matter how the Senate votes on this motion, if it comes up, the CIA should very carefully consider the actions of the House and Senate Intelligence Committee. All Members need to consider what this large group concluded. The members of our committees are the only Members of Congress who have been briefed on the program and who are privy to the administration's best arguments in support of the program. That has to be said from time to time, and it sounds a bit arrogant, but there are people on the Intelligence Committees, both in the House and the Senate, who get briefings, and they know things that are not necessarily known to the rest of the Congress. Yet despite those briefings, a bipartisan majority of both the House and the Senate Intelligence Committees have determined that it is in the Nation's best interest to have only one standard of interrogation, a standard that can be publicly judged by the entire world, and this judgment by the representatives of the American people—that is, what we did in the conference committee—cannot be ignored.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I compliment my distinguished friend from West Virginia. He has been a very bipartisan worker on the Senate Select Committee on Intelligence. I have been on that committee for an awfully long time, and I have a lot of respect for him. I just want to make that point for the record. I know he spends a lot of time trying to do his job well. We don't always agree, but we do agree on an awful lot. I particularly appreciate his work on the FISA bill. I know it is a very difficult position for him to be in. It is a very technical, very difficult bill, a complex bill, with a lot of matters conducted in public. I think he did a terrific job in seeing this bill through to the Senate floor.

I also would like to take a moment to thank my colleague and friend who works with me, Jesse Baker. He is a Secret Service detailee on my staff who has been invaluable in helping me prepare for the important FISA debate.

I also thank the very able counsel of the Intelligence Committee, Kathleen Rice, along with Jack Livingston, Mike Davidson, and Chris Healey, all of whom I think played a significant role in the FISA bill, among so many other things as well. I also would like to pay tribute to my colleague on the Intelligence Committee, my staffer who works with me, Paul Matulic, who is one of the most articulate and knowledgeable foreign policy people in government today. I am very grateful for his work and the effort he has put forth to try to assist me in these very difficult times and very difficult jobs.

This might be a historic week for the Senate Select Committee on Intelligence, at least in comparison with the last 3 years. Last night, we passed, after over a year of work and preparation, including the 6-month interim Protect America Act, the FISA modernization bill. I truly hope our House colleagues can expedite this bill and get it to the President for his signature before the legal regime governing our essential technical capabilities expires this weekend.

I wish to congratulate both the chairman, as I have said here earlier, and vice chairman, Senator BOND, for their sustained efforts on this issue. It wouldn't have been passed without their sterling leadership and their willingness to make some tough calls and to stick to them.

I have often said I am metagrobolized—confounded, you might say—that we have heard about the asymmetrical advantages that our terrorist enemies have, while we are reluctant to use our own significant asymmetrical advantages to defend ourselves from these terrorists' intentions. The terrorists do have asymmetrical advantages, to be sure: They are substate actors, and they do not operate according to any national or international law, including the law of war. They hide among civilians, target civilians, and terrorize civilization. If al-Qaida could get its hands on a weapon of mass destruction, everything we know about them suggests they would use it against the West.

But we in the West also have asymmetrical advantages as well. Two significant advantages are our technological prowess and our adherence to the rule of law. Our technology, as we have revealed in more ways than I think prudent in our open debate, provides us unparalleled advantages in tracking the enemy. Our collection has prevented terrorist attacks against us, and our continued collection makes the enemy dedicate a significant amount of its time to avoiding us—time that it would use plotting against us. In this sense, our technological collection is not just a defensive tool but an offensive tool as well. Americans and their leaders are right to expect that all of this Nation's activities should adhere to the rule of law, and this long debate over FISA modernization should, at the very least, assure everyone that we adhere to a legal regime, even when it seems aggravatingly slow to adjust it to modern technology and threats unimagined in the 1970s when the original FISA Act was enacted.

So I again wish to congratulate the chairman and the vice chairman for their leadership in getting this important piece of legislation passed, finally, last night. It was a major banner day for us. This bill was long overdue, and I give credit to those who have worked so hard—long and hard—to see that it was done.

The passage of an intelligence authorization bill is also an important measure of how we advance the rule of law. The balance of powers so beautifully articulated in our system of government requires an active role for this body and, since the 1970s, we have institutionalized a role of oversight for intelligence in the two committees of the Senate and the House.

Our principal vehicle is the authorization bill. This process has been derailed for several years now, as Members operating with individualized agendas have created a dynamic that has thwarted the institutional need for authorization. It is a fact that, if some concede that an authorization bill is not essential, the self-moderating dynamic that keeps one from offering controversial amendments on a bill is removed. We have seen this with the foreign relations authorization bills. I don't want to see it happen with the intelligence authorization bill.

This year's bill has some very important measures in it, most of them in the classified annex and therefore not subject to discussion now. It is, after all, an authorization for the intelligence community—or IC—which does, after all, require a minimum of secrecy to function effectively. The bill does have measures in the unclassified annex worthy of passage, however, to include additional and needed authorities for the Director of National Intelligence, directions on personnel level assessments for the IC, directions on business enterprise architecture modernization, and limits on excessive cost growths of certain systems.

The bill, however, has been strapped by a provision added during conference that was not a part of either the House or Senate bills going into conference that would in this case limit all IC interrogation techniques to the Army Field Manual. Now, this provision is widely seen as a prophylactic against the use of torture, and there begins the misconceptions.

The United States does not torture. Whether the process known as waterboarding constituted torture when it was used in three cases in the past—and we cannot discuss exactly how it was used here—is a debate to be held among historians and scholars of the law. I do not wish to inhibit that debate. I also do not wish to violate U.S. domestic law or international law to which we are committed as a nation. The rule of law serves our advantage.

But the conflict over what was lawful in interpretation in the first 2 years after the 9/11 attacks recognizes, to the honest analyst, that there is murkiness at the intersection of law, policy, and legal interpretation. That has always been the case. As I say, I do not want to inhibit this debate.

I also do not wish that historic debate to inhibit any techniques we need to use for interrogation today. Last week, in an open session of the Senate Select Committee on Intelligence, Director Mike Hayden—General Hayden—

spoke forcefully, openly, and articulately about the issue of waterboarding. He said in public that, No. 1, less than one-third of less than 100 detainees held by the CIA since 9/11 have ever been subjected to enhanced interrogation techniques. No. 2, of that small sample, only three have been subjected to waterboarding. No. 3, waterboarding has not been used for almost 5 years. Yet we have heard nothing but screaming about this issue, as though it was relevant today.

As Director Hayden went on to state, there is a universe of lawful interrogation techniques. This includes FBI procedures, the Army Field Manual, and the enhanced interrogation techniques used by the CIA, but which, I repeat, does not include waterboarding today. The DCI made it plain—the Director of Central Intelligence made it plain that the CIA will play to "the edges that the American political process allows us. It is our duty to play to that edge." The DCI also made it clear that if the Congress directs that line is set by the Army Field Manual, then that will be the line in law that CIA officers will respect and adhere to.

So Congress must act soberly and responsibly in addressing the question of enhanced interrogation techniques. As the hearing last week made clear to anyone listening, the various approaches—FBI techniques, DOD's Army Field Manual, and CIA's enhanced techniques—address various subjects under different circumstances with different sets of goals. Director Maples told me he could not imagine that anyone would have objected to the use of current enhanced techniques if they could have gained the intelligence that would have prevented the attack on the USS Cole.

In my mind, the greatest advantage of the enhanced interrogation techniques is the public ambiguity surrounding the fact that they are classified. I don't want an al-Qaida operative we have just wrapped up to know what is in our playbook. But I want to make clear, ambiguity is not—I repeat, not—a cloak for torture.

I can't go into details here, but I can say I have been constantly amazed as I have studied this issue in the Intelligence Committee over some of the sanctimony that has been used by some people on the Senate floor addressing this issue, and off the Senate floor as well. I can quite comfortably say there are actions the American public has routinely witnessed on some of our most popular television police shows over the past two decades that would exceed anything in the enhanced interrogation techniques allowed by the CIA. I find this to be ironic.

I cannot support this conference report if it has the language limiting interrogation to the Army Field Manual. This is a manual written for our soldiers, all of whom I think we all agree are brave, dedicated warriors, but most of whom are young and inexperienced in the needs of interrogation. They should have their manual. I must point out, however, that Army Field Manuals are subject to revision by the Executive at any time, so that we in Congress are acting a little too self-satisfied by this simple gesture if we actually believe we are rectifying the rule of law.

I say, let's have this debate and let's really define what it is we wish to proscribe, and let's understand the needs of our intelligence and the consequences for our actions—consequences that could be very grave if we keep playing games with these issues—or should I say political games. Both would be wrong, in my opinion. Much of this debate must be classified, but the Senate has procedures for closed sessions, and, after all, the Senate Select Committee on Intelligence was created for just this need. I serve on that august committee, and I have served on it for a long time.

Sometimes I feel as if I am on the corner of sanctimony and righteousness. Sanctimony has popular appeal—it gains the approving tut-tutting of the chattering masses. Often it is more bombast than substance, more Babbittry than bravery. Righteousness is not always a function of the approval of the masses. Those who go to war to defend do things that are lawful but sometimes unpleasant—sometimes very unpleasant. In the choice between sanctimony and righteousness, I will choose the latter.

I do not wish to calumniate anyone in this debate. I presume that people are motivated by the purest of motives, as is always the case in the Senate—or should I say I hope it is always the case in the Senate. I wish, however, that we had more substantive debate on some of these difficult questions.

So because this conference report includes a measure limiting interrogation techniques for our intelligence professionals in the Army Field Manual—a measure added at the last minute in conference, something that was in neither bill, the House's or the Senate's—I will vote against the conference report and urge us all to reengage in this debate so that the lines of law we draw, that our intelligence professionals will respect, are lines that also maintain our best defenses within the rule of law.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I ask unanimous consent that I be permitted to speak for 15 minutes as in morning business and to yield some of that time to the distinguished Senator from Pennsylvania who joins me on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

### NOMINATION OF DAVID DUGAS

Mr. VITTER. Mr. President, I come to the floor with welcome support of the distinguished Senator from Pennsylvania, who serves so ably on the Judiciary Committee, to talk about the pending nomination of David Dugas to fill a vacancy in the Middle District of Louisiana.

This is a vacancy that has existed for over a year, and, in fact, coming up very soon in March will unfortunately, if we do not act before then, will be noting the 1-year anniversary of the nomination of David Dugas to fill this vacancy in the Middle District of Louisiana, of course nominated by President Bush.

Mr. Dugas is currently U.S. attorney in that same district. In that capacity, of course, he had to come before this Senate and be confirmed; and he was by unanimous consent. So that was a very resounding confirmation of him, which included support by my colleague from Louisiana, Senator LANDRIEU.

In terms of this judicial nomination, Mr. Dugas has received the highest rating possible by the American Bar Association. He is eminently qualified. There is nothing in his background or his dealings or his job as a U.S. attorney that remotely suggests otherwise.

Yet there has been great delay and obstructionism, in my opinion, in terms of considering this worthy nomination. In fact, even though we are coming up on the 1-year mark of President Bush's nomination of him, he has yet to receive a hearing before the Judiciary Committee because my colleague, Senator LANDRIEU, has not turned in her so-called blue slip.

I rise to make note of this, and in a few minutes I will have a unanimous consent to propose to the Senate to remedy this situation. I have also specifically invited Senator LEAHY, Chairman of the Judiciary Committee, and Senator LANDRIEU, my colleague from Louisiana, to join us on the floor for an appropriate colloquy.

With that introduction, I yield such time as he would consume to my distinguished colleague from Pennsylvania, the ranking member of the Judiciary Committee.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I join the Senator from Louisiana in his request to have a hearing and then proceed with an up-or-down vote. I have reviewed the record of the nominee. It appears to me that the nominee is qualified for the position.

In his service as a U.S. attorney, he has already had Senate confirmation.

But the basic proposition of having a hearing and a vote, I think, is very fundamental to so many pending nominees beyond the nominee addressed by the Senator from Louisiana today.

I have discussed this issue on a number of occasions with the senior Senator from Louisiana, and she has been of the view that she ought not to return the blue slip, and I respect her decision. But I also respect the position of Senator VITTER in trying to move forward.

It would be my hope that we could come to some accommodation, that we could find some way to set a timetable for a hearing, at least on that.

Senator VITTER has advised me that he has written to both the distinguished chairman and the senior Senator from Louisiana and that there is to be a unanimous consent request. I know Senator VITTER will await the arrival of someone who can object because my expectation is a unanimous consent request will be objected to. But the issue involved is to raise the issue and to make the point as to what has happened and to try to see if there can be some accommodation, as noted by the floor discussion today.

I see Senator VITTER nodding in the affirmative. In my capacity as ranking member on the Judiciary Committee, I would like to get these nominations to move forward.

I yield the floor.

Mr. VITTER. I thank the distinguished Senator from Pennsylvania, first for his service on the Judiciary Committee; it has been very distinguished, to serve there as many years very ably, now-ranking member, and specifically for his support on this nomination and others to try to break through the gridlock, break through the partisanship, move forward in a positive way for the country.

I believe that is absolutely necessary in a number of cases, but the one that surely hits closest to home for me is this nomination of David Dugas to a judgeship in the Middle District of Louisiana. So I thank the ranking member for all his help and support; I know it will continue.

Again, let me note I wrote to Chairman LEAHY that I would be taking the floor this week to make the upcoming unanimous consent request. I did the same to my colleague from Louisiana, Senator LANDRIEU. As soon as we figured out the time that would be available, we sent them word, and I sincerely hope they can both join me on the floor because I think it would be very useful and very informative to have an appropriate discussion and colloquy about this case. So I certainly invite that. I would encourage them to accept the invitation to join me on the floor.

Let me point out and reiterate some very important points about this nomination. President Bush made the nomination some time ago. That was March of last year. We are coming up quickly on the 1-year mark of this nomination. The vacancy in the Middle District has been open even a little bit longer, over a year.

Because of that, a backlog of cases is quickly mounting in the Middle District. The Middle District is an area surrounding Baton Rouge, LA, the capital of the State. It has felt a huge influx of people, of residents, and of litigation, largely because of Hurricane Katrina.

Because of that, because of this vacancy, judicial backlogs have been mounting and mounting. We are not quite to the point—and this is defined in law and by rules of the court—we are not quite to the point that it is defined as a "judicial emergency," but we are quickly coming up to that line.

So the people of Louisiana, the people of the Middle District are not being served well and properly and as quickly as they should be. This vacancy needs to be filled for that reason.

Now, let us look at the man who President Bush has chosen to fill the vacancy. By all accounts, he is eminently qualified. Mr. Dugas is the sitting U.S. attorney in the Middle District. He has done a very fine job in that position, has won praise from many different quarters, particularly from law enforcement.

He has many admirers and allies in the law enforcement community: Sheriffs across the State, chiefs of police, district attorneys, many others. They have written in to many of us about this nomination in strong support.

Mr. Dugas was already considered by the Senate, of course he had to be, for his present job of U.S. attorney. He was considered very favorably. In fact, it was considered completely noncontroversial, and he was confirmed swiftly by unanimous consent. In that process, of course, my colleague, Senator LANDRIEU, was here at the time and was part of that very positive sweeping confirmation.

As I said, for this judicial vacancy, Mr. Dugas has received the highest rating possible by the American Bar Association. That is a distinguished professional organization, it is not political, it is certainly not leaning to the right. Nobody would think that. They have rated this nominee of President Bush with their highest rating possible for a judicial nomination.

Yet this languishes and languishes. In another month's time, we are going to be on the 1-year mark of the nomination, with this backlog of cases mounting, as we near a judicial emergency in the district.

I do not think that is right. I do not think that is serving the people of Louisiana at all. I do not think that is serving the people of the country at all.

Mr. Dugas deserves better. More importantly, the people of Louisiana deserve better. The people of Louisiana and of the country want us to act as grownups and to come together and do our work in a timely, respectful way. They don't think this sort of partisanship and obstructionism, particularly over judgeships, falls into that definition.

This got particularly bad a few years ago. I was hopeful. Since I have been here, not because of my influence but just in general, since I got here, the Senate has become more responsive and more responsible about nominations, particularly judicial nominations. Unfortunately, this is a clear example in the other direction. Let's clear up this example. Let's move it off the list of those examples of partisanship and obstruction. Let's act in a reasonable—late, by now, but reasonable way, finally moving forward with this highly qualified nominee before this district gets to a state of judicial emergency, which is looming.

That is my simple and reasonable request. With all that background, I will now propound a unanimous consent request.

I ask unanimous consent that if the Committee on the Judiciary has not held a hearing on PN 349, the nomination of David Dugas of Louisiana to be U.S. district judge for the Middle District of Louisiana, and reported the nomination to the Senate by March 19, 2008, which would be the 1-year anniversary of his nomination being transmitted, that on the next calendar day the Senate is in session, the Committee on the Judiciary be discharged from further consideration of the nomination; that the Senate proceed to executive session to consider the nomination; that there be 1 hour of debate equally divided between the chairman and the ranking member of the Committee on the Judiciary or their designees; that upon the use or yielding back of such time, the Senate immediately proceed to a rollcall vote on the nomination; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's actions; and that the Senate then resume legislative session.

The PRESIDING OFFICER. The Chair, in my capacity as a Senator from the State of New Jersey and on behalf of the majority leader, objects.

Mr. VITTER. Of course, I am disappointed—not surprised but disappointed—at the objection.

I resume my plea specifically to Senator LEAHY, chairman of the committee, and to Senator LANDRIEU, who has not turned in her blue slip and is thus the reason for the committee not even holding a hearing, that we move beyond this, that we have a hearing on this eminently qualified nominee. If there is a reason to stop the nomination, surely a hearing is the best venue and the best vehicle to illustrate that and talk about it. I hope we move beyond the pure obstructionism and partisanship that has us stuck in the mud with a judicial emergency in the Middle District looming.

This is exactly the sort of obstruction the American people are tired of. They spoke clearly to this over the last several years about judicial nominees. Maybe we got a little better, but here we are again in terms of this matter and this case which is surely important to Louisiana. I urge all of my colleagues to work beyond this. Specifically, I urge the chairman of the Judiciary and Senator LANDRIEU to work beyond this. It is unfortunate that they couldn't accept my invitation to have a useful, informative dialog and colloquy on the issue on the floor. There has been no good explanation for inaction that I have ever heard. A lot of people would like to hear some discussion and explanation. I hope we will hear that soon. I hope in the very near future we will move toward an appropriate resolution of this matter, which is a hearing and a vote in Judiciary and then on the floor of the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are considering the intelligence authorization bill. My understanding is later this afternoon we will have, perhaps, a final vote on the bill. There are many important provisions in the bill. Many of us who have been here for some while—from the destruction of the World Trade Center and the murder of thousands of innocent Americans on 9/11, where terrorists used airplanes loaded with fuel as guided missiles to bring down the World Trade Center and attacked the Pentagon and through the subsequent period leading up to the Iraq war—know we have had all kinds of difficulties with the intelligence community.

We have a lot of men and women risking their lives all around the world every day collecting intelligence, and yet most of us have been through top secret briefings that we later find out to have been absolutely false, wrong, just standing facts on their head.

So it is critically important for this country to have a good system of intelligence gathering and good analysis of intelligence if we are going to prevent the next terrorist attack against our country.

It is a difficult world out there. We have terrorists who would like nothing more than to kill Americans and attack our country. So passing an intelligence authorization bill that provides the resources, provides a structure for a good system of intelligence is very important to the safety and the security of this great country. That is what the debate is about. That is what the upcoming vote is about.

But there is one provision that has caused a special concern for some in this Intelligence reauthorization bill, and I want to talk about it a bit. That is the provision that deals with the subject of torture.

One of the most important provisions in this legislation is one that makes the Army Field Manual provisions on interrogations applicable to all U.S. Government personnel. Right now, those provisions which forbid torture apply only to the military. Those provisions do not apply to some others that are conducting interrogations on behalf of our Government. That means that some others who work for the U.S. Government—the CIA, for example; contractors, for example—may use interrogation techniques which may constitute torture and which are forbidden in the Army Field Manual. This legislation incorporates the Army Field Manual provisions on interrogations and says it applies to all personnel from the United States.

Now, why is that important? Because it makes a vote for this bill a vote against torture. It is a vote that says American values and torture are not in any way compatible. Voting for this bill is a vote for a country that has been looked up to throughout the world because of our system of values. It is that simple, and it is that important.

Let me say that I acknowledge today there are tyrants and despots and dictators and a lot of evil people in this world and throughout history who have used and have always justified the use of torture—but not this country. We have not done that, with the exception of some recent disclosures I will talk about.

Some people argue that this issue of torture is especially about waterboarding. Waterboarding is a more antiseptic term. It should be described as water torture. Some people say that: Well, we have waterboarded. In fact, it has been disclosed by administration officials that we have waterboarded—which is water tortured—three of the most dangerous, despicable terrorists who attacked this United States, and we only did it at a time when we thought they would provide information or had information that would allow us to avoid other catastrophic attacks, and we need to be able to do that again in the future, if necessary, if some despicable terrorist is planning an attack on this country.

Let me talk a little bit about what we are describing here. waterboarding is a practice that has been around for centuries, and it has been known—widely known—as torture for a long time. In fact, waterboarding has been prosecuted as torture and as a war crime on many occasions in history. Trying now to claim it is legal, that it is not torture, or that it is something other than torture doesn't square with the facts. Second, history teaches us that torture is not effective. Aside from the question of morality, it is not effective. Those who know tell us that those being tortured will often tell you anything they think you want to hear in order to have the torture stopped.

The provisions in the Army Field Manual set forth the many approved methods to get reliable information, but those methods do not include what is defined as torture.

The question about torture is: If you decide that torture is appropriate and available as a tool for our country to use, why stop at waterboarding? There are many other forms of torture that are even more heinous, more abusive: putting people in boiling water, pulling out their fingernails, amputations, electric shock. Justifying torture is a very slippery slope that doesn't have a pleasant end for a country that cares about its system of values. We don't do that and haven't done that. We haven't been engaged in torture as a country for a couple of centuries because we don't belong to that group of people in the world who want to do damage and want to commit mayhem and want to kill others. We hold ourselves to a higher standard in this country—always have—a higher standard, a standard that all of us can be proud of.

It is interesting when you think back to the Cold War. We won the Cold War, but we didn't win it with bombs and bullets; we won it with American values and American standards, and American rights. The other evening I saw a very large portion of the Berlin Wall that had been transported to the United States of America. It was a wall that kept the free world out and it was a wall that kept those in East Germany behind it, living in oppression, living in a circumstance where they were denied freedom. I was thinking again about the Cold War and the fact that we didn't win the war with bombs.

I have in my desk something I have had there for a long period of time, if I might show it by unanimous consent. This is a piece of a wing from a Soviet Backfire bomber. This bomber very likely carried a nuclear weapon that would have been used against the United States. Actually, we sawed part of the wing off this Soviet bomber because when the Cold War was over, we reached an agreement to destroy delivery systems. I have also in my desk a hinge. This hinge used to be on a missile silo that held a missile with a nuclear warhead on its tip aimed at a U.S. city. It was in Ukraine. Where that missile used to sit, there are now sunflowers growing. It is now a sunflower field. The missile is gone, the warhead is gone. This bomber is now in pieces.

We won the Cold War. And we have agreements with Russia, Ukraine and other former Soviet republics under which we help destroy their Cold War weapons and delivery systems. But we didn't win the Cold War with bombs; we didn't blow up that Backfire bomber. We didn't blow up the Soviet missile silo with one of our missiles. We won the Cold War because of our values. American values won the Cold War.

What are those values? Well, people are free. They believed what they said. They believed what they wanted. The Government had to respect the rights of everyone in this country. We were a country that had a government based on a Constitution that had a Bill of Rights that applies to all Americans. Our country stood for liberty, human rights, human dignity, the rule of law. That is what won the Cold War. Those values were so strong that in the middle of the Cold War with the Soviet Union, those values shone a light of hope into the darkest cells and the deepest part of the Soviet Union. In the gulag prisons, in the outermost reaches of Siberia, those values reached those cells. Millions of prisoners had been held, often in solitary confinement, simply for thinking and speaking freely. Many were there for years; some swept off the streets, never to reappear again; many tortured into false confessions, and many murdered. Some survived, however, and talked about their experience, and about how important the idea of America was to them, how important the idea of freedom was to those who had been detained and had not been able to experience freedom, and to those who had been tortured by a country that didn't want them to be free. It was a clear and vast difference between America and the Soviet Union. As imperfect as we are, the basic foundation and bedrock of values in this country is what shined so brightly in the middle of the Cold War. It wasn't the amount of bombs and bullets each country had; it was what we stood for.

When the Berlin Wall fell in 1989, the Iron Curtain was lifted, all of those police states crumbled, and every single one of them became free countries that provided freedom to their citizens. Every single one chose freedom and democracy. That is how powerful the idea and the values of this country have been.

What I say today is we have to regain the moral high ground and describe our values in circumstances that make it clear that we do not subscribe to some things others might. We do not support torture. We will not support torture. It is not what our country is about. From the very beginning in this country, America has held itself to a higher standard. George Washington, leading the Continental Army—think about it: 5,000 soldiers in the Continental Army going up against a British Army of 50,000 soldiers, and our 5,000 were shopkeepers and farmers; 5,000 against 50,000, and we prevailed over time. George Washington, after a large number of his troops were captured and slaughtered—he saw the Hessian mercenaries kill unarmed prisoners. After that, George Washington and his troops captured a large number of British soldiers, and many of the troops justifiably wanted revenge. They sought to execute them just as they had seen done to unarmed American prisoners. George Washington refused. He refused to treat the prisoners as his soldiers had been treated. He insisted America was different. He said: We are different, and we are going to treat people the way they should be treated, not the way they treated us, and that has been our birthright.

That is why this discussion right now is so very important. It goes to the core of what we are and who we are as a nation. Quite simply, we have to say unequivocally: We are against torture. We, the Congress of the United States, must say that torture is un-American, simply because it is. No hair splitting, no fancy words, no legal distinction about what might or might not be torture. That will begin to restore, I think, our rightful place if we say we are against torture.

Let me briefly continue to say that being against torture is being for an America that is better than its enemies. It is that simple. I said we fought and won the Cold War after many decades. We faced nuclear annihilation during that period. We faced a ruthless enemy all around the world, and yet we won that war. We did that with our reputation, our values, and our moral authority intact. It was and still is, I think, a beacon of hope around the world.

Those values and that moral authority, I believe, are what is going to allow us to prevail in the battle against the terrorists who wish to do harm—not just here but in other parts of the world as well. We need—and I believe the world needs—an America that people respect and admire, an America that is different, that begins in a manner that is loud and clear saying: We do not torture. This will empower our country and make us stronger.

I was very disappointed last week to hear the head of our intelligence service, and then to hear a spokesperson for the White House, say: Yes, we have waterboarded. They used the term—the right term—water torture; yes, we have done that. We did it because we must, and we reserve the right to do it again. It is exactly the wrong thing for this country. It is not just me saying that. I am not just quoting George Washington who has established the higher standard, and God bless him for doing so. Let me read what General Petraeus said, who leads the American troops in Iraq right now. Our most senior commander in Iraq, GEN David Petraeus, sent a letter to every Soldier, every Sailor, every Airman, Marine, and Coast Guardsman serving in Iraq. He said this:

> Our values and the laws governing warfare teach us to respect human dignity, maintain our integrity, and do what is right. Adherence to our values distinguishes us from our enemy.
>
> This fight depends on securing the population, which must understand that we—not our enemies—occupy the high ground.

Continuing to quote:

> Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows us that they also are frequently neither useful nor necessary.

That is General Petraeus, who leads our troops in Iraq, and says those who believe that torture is appropriate would be wrong.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DORGAN. I am happy to.

Mr. DURBIN. I thank the Senator for his comments, and I thank Senator FEINSTEIN for the support language. Some argue that this language was not necessary, that the McCain amendment, which passed 90 to 9, made it clear that whether you are in uniform or not torture is not the policy of the United States. Others argue that the Geneva Conventions had already made that clear for decades before it was brought into question by this administration.

I ask the Senator from North Dakota if he struggles with the same thought that I do. At some point after World War II, we prosecuted Japanese soldiers who tortured American prisoners of war using waterboarding and charged them with war crimes; and we are now at a point in our history, some 60 years later, where General Hayden testifies under oath before Congress that our Nation engaged in the same conduct, at least three times previously, when it came to waterboarding. I wonder if the Senator from North Dakota struggles with the same concept of justice as was applied after World War II and as it appears to be applied by this administration?

Mr. DORGAN. Mr. President, that is a significant contradiction for our country. I was as surprised and disappointed as the Senator from Illinois was to have one of the leading officials in this administration testify under oath that, yes, in fact, waterboarding had been used. It was in fact legal, they said, and it would be used again, if necessary, and could be sanctioned by the President of the United States.

The Senator is correct that this Congress passed a piece of legislation that defined waterboarding as torture and prohibits it, and the President at the White House, in a signing statement accompanying the legislation, essentially said: It doesn't matter so much what the legislation says; what matters is what I will decide to do.

Now, we have a disclosure—a public disclosure—to the world that this country has employed a technique that has, for hundreds of years, been described as torture.

I know and understand the passions that exist. I understand what I would like to see done to Osama bin Laden when he is captured. I understand the passions. But I also understand that what has given this country a different standing in the world is our value system.

Again, let me, if I might, for the Senator from Illinois, refer back to George Washington, which I described earlier before the Senator came on the Senate floor. When I think of the odds facing the Revolutionary Army, it is pretty unbelievable. The Senator from Illinois and I were at Mount Vernon recently, and we saw a display describing that at one point there were 5,000 soldiers in the Continental Army and 50,000 British soldiers. That was the fight. Our soldiers were shopkeepers and farmers, ordinary folks off the street. Theirs were trained British soldiers. So it was 5,000 to 50,000. George Washington and his soldiers saw members of the Continental Army captured and then, unarmed, murdered, executed by the British soldiers and the Hessians.

Washington's soldiers, when capturing some British soldiers, wanted to do the same thing. But he said, nothing doing, we are not going to do that. George Washington said that we are different and we are going to treat people the way they should be treated, not the way they treated us.

When you think of that set of standards and values and then wind your way through the discussion in recent days, and to have a top U.S. official say, yes, we have used waterboarding—and it is widely acknowledged as torture—we used it and it was legal and we intend to use it again if it is necessary.

Mr. DURBIN. I am sure the Senator is aware that this questionable chapter in American history—which I think will haunt us for generations to come—also involves people other than the general who testified. There is an individual who has been nominated by the President to be head of the Office of Legal Counsel, Steven Bradbury. He has been rejected four times by the Senate. The President said last week that he was the most important appointment. A month or two before, he told the majority leader he didn't want to talk about any other appointments until Mr. Bradbury was approved. Bradbury's tenure in the Office of Legal Counsel goes back to the period of time when this administration was rewriting torture policy in America—a policy which they at one point accepted and later rejected. Many of us have said if Mr. Bradbury is coming before us for consideration, we want to see those memos written—memos which James Comey, former Deputy Attorney General, said the United States would be ashamed if they ever became public.

I say to the Senator from North Dakota that not only do we have to do our part, but this administration has to do its part as well. Those who were engaged in this questionable—if not embarrassing, if not shameful—conduct involving torture policy must be held accountable to the administration. They are certainly not deserving of a promotion, which is what they are suggesting for Mr. Bradbury.

I ask the Senator from North Dakota, reflecting on what this administration has been through, the many times they have told us torture was not being used, that waterboarding was not being used, and now with this disclosure of at least three instances admitted under oath, I wonder if even this legislation—including the Feinstein amendment—would restrain this President in the future, in the next few months, as we face challenges that we cannot even imagine at this moment.

Mr. DORGAN. Mr. President, it is far more than disappointing to me, and I think to a lot of people in this Chamber and across the country, that the President received advice from people who work for him in the White House and have said this under oath and on television and in every other venue that under the Commander in Chief powers, the President has the power to do almost anything. He can put out a drift-net and collect every communication under every condition—e-mails and telephone calls. Go to the documentary recently done, entitled "No Way Out" and view the interviews by this administration's officials, who take the position that this President has the authority as Commander in Chief to do almost anything. That includes this issue of torture.

The point I make is that we have a piece of legislation that we will vote on later this afternoon. Included in that legislation is a provision that says the Army Field Manual will describe the conditions of interrogation of enemy combatants. I just read what General Petraeus said to all of his soldiers—that torture is inappropriate and will not be allowed. The Army Field Manual prevents torture. What we are saying in the conference report that we will vote on in an hour or two is that the Army Field Manual's restrictions on torture apply to all U.S. Government officials and contractors doing interrogation.

My concern about this administration—and I think it is echoed by the Senator from Illinois—is that they have decided they are not bound by the law, they are not bound by what the Congress enacts. They are doing other sorts of dances with signing statements and interpretations of the Constitution to say that under the Commander in Chief powers they can do almost anything if they believe there is some kind of a threat. That is a very dangerous mind set, in my judgment, for any administration at any time.

Mr. DURBIN. If the Senator will yield for one last question, I thank him for that quote from President Washington which talked about the terrible circumstances the Continental Army faced and how, in those days before there even was an America, they would establish a different set of values in this part of the world. He admonished his troops to live by those values.

I am sure the Senator knows that each year our State Department publishes a report card on human rights of nations around the world. We are critical of nations that engage in torture. We are critical of nations that engage in conduct that is inconsistent with our values. I say to the Senator from North Dakota, how can we maintain that moral status and moral authority if we are found compromising something as fundamental as torture and waterboarding and the Geneva Conventions, which guided us for decades?

Mr. DORGAN. The Senator answers the question by phrasing the question. Let me conclude by saying this: We have 43 top retired military leaders of the U.S. Armed Forces who have written a letter. As one, they say:

> We believe it is vital to the safety of our men and women in the uniform of the United States not to sanction the use of interrogation methods it would find unacceptable if inflicted on our captured Americans.

Today there are men and women fighting for this country. If captured, how would we react if the leader of a group that captured them says: We are torturing them because we feel we can get information, and we can only get it by torturing them, and we believe torture is legal. We are going to waterboard them, we believe it is legal. We have already done it, and we intend to do it again if we need to.

How would we feel if that were somebody else talking about how they are going to treat American soldiers? That is unacceptable. We have a country with a higher moral purpose and standards that have served us for two centuries, and we should not obliterate that just because we have some people in this administration who believe it is appropriate. It is not.

JOHN MCCAIN knows that. He led the fight to put a provision in law that prohibits torture. This President did a signing statement next to the legislation he signed, saying: I don't have to abide by it if I don't feel like it.

That is a scary thought in a democracy. I hope this afternoon we will register a very strong vote in support of this conference report and against the concept of our country engaging in torture.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the vote on adoption of the conference report to accompany H.R. 2082, the Intelligence Authorization Act, occur at 4:30 p.m. today; that no points of order be in order; and that the time until then be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. So there is an equal balance of time in the next—we have 2 hours. I think it should work out fine. Either side will have approximately an hour, so that should work out well.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I want to follow the lead of the distinguished Senator from North Dakota and my friend, the Senator from Illinois, and continue on this question with the determination the Government has made that waterboarding is legal.

It is a question that matters so much to wary and watchful nations, disheartened and distrustful in the wake of 7 years of failed leadership and broken promises. It is also a question that matters immensely to the billions of men, women, and children around the globe who look to this country, the United States of America, as a beacon of light that shows the way nations ought to act and the way the world ought to be. It is a question that matters to the American people who are sick of asking: Is it wrong? and being told: Well, it depends.

The people of America still do not know how this came about—in particular, how the Department of Justice came to approve this sordid technique. I believe we are in a position where the concerns we have about torture overlap with some of the concerns we have had in this Chamber about the independence and integrity of the Department of Justice. Here is what we know.

We know that Attorney General Michael Mukasey has said that "the CIA sought advice from the Department of Justice, and the Department informed the CIA that [waterboarding's] use would be lawful under the circumstances and within the limits and safeguards of the program." We know in 2002, John Yoo of the Office of Legal Counsel drafted a memo, later approved by Assistant Attorney General Jay Bybee, which reads, in part:

> There is a significant range of acts that, though they might constitute cruel, inhuman, or degrading treatment or punishment, failed to rise to the level of torture.

As Evan Wallach of the Columbia Journal of Transnational Law has written:

> None of the Memo's analysis explains why waterboarding does not cause physical or psychological pain sufficient to meet the criminalization standards it enunciates.

We have asked for further clarification, but in a hearing before the Judiciary Committee, Attorney General Mukasey refused to comment on the legality of waterboarding because the technique was not currently in use and because of what he described as "the absence of concrete facts and circumstances." Even though the Department of Justice is now conducting an investigation into whether tape recordings of alleged waterboarding sessions were improperly destroyed, they would not look into whether the conduct on the tape was in and of itself improper.

The argument is that no one who relies in good faith on the Department's past advice should be subject to criminal investigations for actions taken in reliance on that advice, which raises the question within the question: How did that advice come to be given in the first place?

How did the best and brightest of the Department of Justice overlook the facts of the history of waterboarding prosecutions in which the United States was directly involved, and why was such guidance approved when contravening precedents appear clearly to be in evidence?

Mr. President, I commend to my colleagues the article written by Evan Wallach, Columbia Journal of Transnational Law, entitled "Drop by Drop: Forgetting the History of Water Torture in U.S. Courts." The full cite is 45 Columbia Journal of Transnational Law 468 (2007).

Mr. President, the U.S. Government long considered waterboarding a form of torture, prosecutable as a war crime and punishable accordingly. This history includes war crimes prosecutions against Japanese soldiers who waterboarded American aviators in World War II, the use of water torture by U.S. soldiers in the Philippines, and even an incident of waterboarding by a local sheriff prosecuted by the Department of Justice itself. Let me start with that.

I am reading from the Wallach law review article in which it reports:

> In 1983, the Department of Justice affirmed that the use of water torture techniques was indeed criminal conduct under U.S. law.

A sheriff in a Texas county waterboarded prisoners in order to extract confessions. Count one of the indictment asserted that the defendants conspired to—and this is a quote from the Department's own indictment—"subject prisoners to a suffocating 'water torture' ordeal in order to coerce confessions. This generally included the placement of a towel over the nose and mouth of the prisoner and the pouring of water in the towel until the prisoner began to move, jerk, or otherwise indicate he was suffocating and/or drowning."

The sheriff and his deputies were all convicted by a jury under count one. It didn't end there. The case then went up on appeal, and the United States Court of Appeals for the Fifth Circuit rendered a decision. I have in my hands *United States of America* v. *Lee*, 744 F.2d 1124, decided in 1984, in which they gave appellate review of these convictions.

Finally, at sentencing, U.S. District Judge James DeAnda's comments, according to the article, were "He told the former Sheriff that he had allowed law enforcement to fall into 'the hands of a bunch of thugs. The operation down there would embarrass the dictator of a country.'" That is the opinion of a U.S. district court judge at a sentencing on waterboarding.

How is it that when the Department of Justice, the Office of Legal Counsel were asked for their opinion, they were able to write this opinion? I have it in my hand. This is the unclassified version. It has been substantially redacted. Even so, it is 50 pages long—50 pages long. They did 50 pages of legal research and could not find a U.S. Court of Appeals case in which the Department of Justice itself had brought the charges? Here is the case, United States v. Lee. It describes the facts:

> Lee was indicted along with two other deputies, Floyd Baker and James Glover, and the County Sheriff James Parker, based on a number of incidents in which prisoners were subjected to a "water torture" in order to prompt confessions to various crimes.

Throughout the rest of the opinion, these are referred to as "torture" and "torture incidents."

All one has to have is Lexus or Westlaw and plug in the words "water torture" and find this case. How is it possible that the Office of Legal Counsel could not have found this? How is it possible that they could have also missed what the Columbia Law School was able to find—a telegram from Secretary of State Cordell Hull to the Japanese Government objecting to the mistreatment of American prisoners, which included specifically waterboarding and describing the "brutal and bestial methods of extorting alleged confessions"? That is our Secretary of State in an official communication to the Japanese Government describing, among other tortures, water tortures as brutal and bestial methods to extort alleged confessions. How could they not have found that? How could they not have found the charges the Senator from North Dakota referred to in which Japanese soldiers were brought up on charges in front of military tribunals—military tribunals staffed with American judges, military tribunals staffed with American prosecutors—for waterboarding American prisoners?

Here are some examples. One of the Japanese officers was named Hata and the article describes the charges and specifications against Officer Hata, which included this:

> . . . Hata did, willfully and unlawfully, brutally mistreat and torture Morris O. Killough, an American Prisoner of War, by beating and kicking him, by fastening him on a stretcher and pouring water up his nostrils.
>
> Similarly, Hata did willfully and unlawfully, brutally mistreat and torture Thomas B. Armitage, William O. Cash and Monroe Dave Woodall, American Prisoners of War, by beating and kicking them, by forcing water into their mouths and noses. . . .

The charge and specifications against Officer Asano were:

> Asano did, willfully and unlawfully, brutally mistreat and torture Morris O. Killough, an American Prisoner of War, by beating and kicking him, by fastening him on a stretcher and pouring water up his nostrils. . . .
>
> Asano did, willfully and unlawfully, brutally mistreat and torture Thomas B. Armitage, William O Cash and Munroe Dave Woodall, American Prisoners of War, by beating and kicking them, by forcing water into their mouths and noses. . . .

The charge and specifications against Officer Kita were again, "willfully and unlawfully, brutally mistreat and torture John Henry Burton, an American Prisoner of War, by beating him and by forcing water into his nose."

Over and over the testimony describes exactly what we know as waterboarding. The charges and specifications by this tribunal staffed by American officers describe that they did willfully and unlawfully commit cruel, inhuman, and brutal acts and atrocities and other offenses, including strapping them to a stretcher and pouring water down their nostrils, by holding the prisoner's head back and forcing him to swallow a bucketful of sea water over and over and over.

How could they have missed it? How could they have missed it? How could they miss the decision on point by the U.S. Court of Appeals for the Fifth Circuit?

What else do we know about the Office of Legal Counsel? We know that the conditions there were pretty ripe for abuse. We know they were doing this in secret, protected from public scrutiny, protected from peer review, protected from critical analysis under the veil of secrecy, deep secrecy in which they were operating, coming up with the theories as they pleased, thinking they would never see the light of day. So they did not have to do their homework. Somebody might have done a little research and found the Fifth Circuit decision on point, but, no, they did not need to.

It is part of a pattern because, as the Presiding Officer will recall, when I was offered the chance to read the secret Office of Legal Counsel opinions related to the warrantless wiretapping program, I went and took some notes, and when I got back here, I eventually was able to get them declassified. They described other interesting theories that grew in that hothouse of legal ideology, protected from the glare of public scrutiny, ideas such as the President is not obliged to follow Executive orders. He is not obliged to give anybody notice that he is violating Executive orders. He can live in a parallel universe in constant violation of his own Executive orders and nothing is wrong with that, other than, of course, the fact that it completely degrades and destroys the entire structure of Executive orders as a law function of the United States of America.

Another argument is that under article II, the President's power as Commander in Chief, he has the authority to determine what his powers are. Think about that for a moment. They assert article II gives them the authority to decide what the scope of his article II powers are. I seem to remember a decision called Marbury v. Madison saying it is "emphatically the province of the judicial department to decide what the law is."

The last one, my personal favorite, is that the Department of Justice is bound by the legal determinations of the President. It is a good thing that was not the case when President Nixon was the President and made the legal determination if the President does it, it doesn't violate the law.

So what on Earth has been going on at the Office of Legal Counsel, an office that used to be distinguished for its probity, for its analysis, for its scholarship, an office on which the Department of Justice relies?

Just as Americans rely on the Department of Justice to provide guidance in our Government, to provide a moral compass within the Department of Justice, the Office of Legal Counsel is supposed to be the place where they try to get it right. How could they try to get it right when they cannot even find a Fifth Circuit Court of Appeals decision on water torture when you are looking up whether it is illegal? If I were a partner in a law firm and a junior associate came to me with a memo such as this that had missed the case on point, do you think he would have much of a career? I don't think so. It is a fatal failure of legal analysis. And yet, where there is supposed to be the very best at the legal counsel of the Department of Justice, they missed all of it. If there has been a systematic breakdown in this institution of Government long known for probity and scholarship, if it has been captured and behind a veil of secrecy rendered a political ideological tool, that is a matter of very legitimate public concern.

I am pleased to say Senator DURBIN and myself have written to the inspector general of the Department of Justice and to the Office of Professional Responsibility of the Department of Justice to look into exactly that matter.

I thank the Presiding Officer for his patience with me. I thank the distinguished Senator from Florida for his patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, we have heard one of the best—I cannot use "oration" because it was far superior. It was one of the best explanations of how the Department of Justice has gone awry by the Senator from Rhode Island. I commend the Senator from Rhode Island. I thank him for his legal analysis, and I wish to underscore what he has said, that the reason the Department of Justice was ignoring that Court of Appeals decision, the reason the Department of Justice was ignoring all of the history of the record that has been built over time, of which the Senator cited the statements from World War II, the reason all of that has been ignored or purposely missed is because the Department of Justice became politicized so that politics became the rule of the day instead of the rule of law.

In a nation that recognizes it is a nation of law, not a rule of men, when politics is inserted for law, then we get into the trouble we have gotten into. That is what brings us here.

I have already addressed this subject of why my conclusion, a long deliberative process of coming to the question, that we ought to etch into law the Army Field Manual as the standard by which the intelligence community will carry out their interrogations. That ought to be the law.

I thank the Senators who have spoken in favor of this legislation. We are going to have a chance to vote on it pretty soon. Each of us can determine what we think ought to be representative of America, if it ought to be torture or not. We are clearly going to have an opportunity to say that because we are going to vote on a proposed law that says: Is torture going to be the standard for America?

I wish to speak on another subject, so I guess the appropriate parliamentary procedure is for me to ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RAPE AND SEXUAL ASSAULT INVESTIGATIONS

Mr. NELSON of Florida. Mr. President, thus far, the Department of the Army has acknowledged that there have been 124 incidents of sexual assault against contractor and military personnel in Iraq which are currently under investigation. We know of only three of those cases that are now being considered by the Department of Justice and, therefore, the Department of Justice will not respond to my entreaties about this investigation because they say it is an ongoing criminal investigation.

However, in other cases, we have gathered some facts, and these facts have been quite telling. There does not seem to be a standard to protect female contractors or military personnel from sexual assault in Iraq under the jurisdiction of the U.S. Army. The 124 cases of sexual assaults of both contractors and military personnel have been acknowledged just under the Department of the Army. The question is, under the other branches of the service whose contracts are being administered by civilian contractors, how many are there; and are there similar cases in the other theater of operations—Afghanistan as well as in Iraq?

What we also know from the facts we have gathered thus far is the problem is not within the U.S. military nearly so much as it is among contractor personnel because there is a nebulous set of regulations as to how it is to be handled on the reporting of a rape. Untold numbers of sexual assaults have been committed in Iraq, and the Departments of Justice, Defense, and State are providing very little information on whether they have been prosecuted. It is time we have this information.

Last December, I wrote to the Secretary of Defense asking him to launch an investigation by DOD's inspector general into the rape and sexual assault cases in both Iraq and Afghanistan. I sent similar letters to the Secretary of State regarding the investigations carried out under the Bureau of Diplomatic Security, and I requested that the Attorney General update me on the status of the related criminal investigations. I asked whether and why evidence in the sexual assault cases was turned over to the private firms.

I got into this when one of my constituents in Tampa, FL, came forth and told about the assault case. This had followed a Texas case that had been elevated to the public sphere. Apparently, one of these women was assaulted, then went to see the doctor, and a rape kit was prepared by the military doctors. That kit would have the evidence of the rape, and it was turned over to the civilian contractor. Suddenly, the rape kit disappeared.

So the question is, what steps has the Department of Defense taken to ensure the full investigation and prosecution of these cases?

In the meantime, the Department of State has told our office that diplomatic security has investigated four cases. One of them was the Texas lady, and that was where a contractor personnel assaulted another contractor personnel. Another involved a State Department employee who allegedly assaulted a woman employed by a contractor—in this case KBR. Then another case involved two State Department employees. According to the State Department, three of the cases were referred to the Department of Justice for investigation and possible prosecution.

Recently, our Senate staff met with representatives of the Department of Defense IG's office, and we asked them to brief us because of the response received from the Department of Defense, which certainly did not answer my questions. The inspector general's office stated that, and this is what blew our mind, the Army Criminal Investigation Command has investigated 124 cases of sexual assault. Now, that is just the Army, and that is just in Iraq. And that is just in the 3 years of 2005, 2006, and 2007. So what about the other services and what about Afghanistan?

So this naturally leads me to question whether there could be hundreds of additional investigations going on about contractor personnel—specifically in the ones that have come to us, it was the contractor KBR—and it suggests that perhaps there could be many assaults that have not been investigated at all. And because the inspector general's office would not provide information on the disposition of these investigations, it certainly is unclear whether there has been any prosecution of these within the military or the criminal justice systems, or whether it has been dealt with administratively.

Now, one of my Florida constituents was, and I will use the word advisedly, allegedly sexually battered in Iraq in 2005. And although the Naval Criminal Investigative Service was supposed to be investigating her case, they will not even say anything about the basic matters of the case because, the Navy says:

> Law enforcement records are exempt from disclosure at the time requested if it can be reasonably expected to interfere with the enforcement proceedings.

I think we in this Congress, we in the Senate, and those of us on the Senate Armed Services Committee and the Senate Foreign Relations Committee, certainly have an obligation to investigate. Because cases such as this can languish far too long without any information from the Government coming forth in order to protect these individuals.

So I have asked that our office follow up with the Defense Department, with the following detailed questions: The actual numbers of the sexual assault cases reported since 2001 in Afghanistan and since 2003 in Iraq and the disposition of each case. I have asked to have the information of the service components or the Government agencies involved in each resulting investigation. I have asked for the status of the persons involved in each case—in other words, I want to know whether they are Active military, U.S. Government civilian employees, contractor employees or are they an Iraqi or Afghani national.

I have asked for an explanation of the U.S. jurisdiction or the investigative authority for sexual assault allegations in both those areas in which we are engaged—Iraq and Afghanistan. And I have asked for a clear explanation of the rules, regulations, policies, and processes under which sexual assaults are investigated, evidence is obtained, and responsible individuals are held accountable. I have also asked for a clear explanation of how the Department of Defense divides authority among all its various investigative arms in these sexual assault cases.

I have had to ask these questions because DOD and the Department of State have not been forthcoming. Yet what is being told by some of these assault victims is absolutely horrifying. For example: One female contractor employee, during cocktail conversation, suddenly, totally, passed out. Apparently, her drink had been spiked. She awoke to find out she had been assaulted many times. Upon seeing a military doctor, in fact, that was confirmed and the rape kit was prepared. But when the rape kit was turned over to the contractor, it amazingly disappeared. The evidence disappeared. That contract employee then, upon asking questions, was locked in a container and could not get out of the container to go and tell her story to other personnel of her contractor, and she only got out because she was able to persuade someone to let her use a cell phone to call her father back in the United States. That is how she got out of her confinement.

Now, if all of that is true, there is simply no excuse for this. But what we need to determine is the truth. It is a shame that the senior Senator from Florida has to come to the floor of the Senate to elevate this issue in order to say to the Department of Defense and the Department of State that we want the answers to our questions.

I have asked the questions. I expect, on behalf of the Congress of the United States, that we will get the answers.

I yield the floor.

Mr. President, I ask unanimous consent that the time during the quorum be equally divided between the two sides.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I spoke earlier this morning, so I will be brief.

It would appear that the Senate is poised to pass a measure that would end the debate over torture in our Nation. It would require the CIA to follow the Army Field Manual when it comes to interrogations of detainees, and it would create a uniform standard for interrogation across the Government. It would prohibit waterboarding and certain other coercive interrogation techniques. I deeply believe it will go a long way toward restoring our Nation's credibility.

I have spoken with experts on interrogation, numerous retired three and four star generals, and human rights leaders. From our discussions, I am absolutely convinced that we must have a uniform standard for interrogation of detainees across the Government. That is what putting the CIA under the Army Field Manual would do.

This debate is about values. We are a nation of values, and we believe in the rule of law. It is fair to say that America has been diminished around the world. Our standing is at an all-time low, not only among our allies but also our enemies. This comes from Abu Ghraib. It comes from Guantanamo. It comes from renditions, and it comes from black sites. It comes from waterboarding, a technique used during the Spanish Inquisition to get religious dissenters to publicly disavow their beliefs.

Let me give one example of why a clear, single standard for all detainee interrogation is needed.

Until a couple of weeks ago, the executive branch refused to admit that it had waterboarded anyone.

Then last week, at a public hearing, General Hayden stated that the CIA has waterboarded three detainees: Abu Zubaydah, Abd al-Rahim al-Nashiri, and Khalid Sheikh Mohammed. General Hayden said this was done in the past and would not be used in the future.

In fact, General Hayden said that waterboarding itself was no longer necessary. These were two major revelations. The U.S. Government had, in fact, authorized waterboarding, and we weren't going to do it again.

The very next day, a White House spokesman, Tony Fratto, said the President could reauthorize the use of waterboarding at any time. At this point, we had returned to a state of confusion. The CIA was saying waterboarding was not authorized and not needed. The White House was saying waterboarding was still on the table.

That was not the end. The very next day, General Hayden testified in open session again, this time in front of the House Intelligence Committee. Here is what he said:

> In my own view, the view of my lawyers and the Department of Justice, it is not certain that that technique—

Meaning waterboarding—

> would be considered lawful under current statute. . . .

So here you have a mix of views. Here you have unclear American policy.

The bill which we have before us today clears up that confusion, and it states once and for all what the U.S. Government would do; that there would be 19 specific approaches documented over many pages for each approach in this volume, and 8 specific techniques that are banned, one of which is waterboarding.

So we have the opportunity today to take a stand—to clear the air and to say that the U.S. Government follows uniform specific standards for interrogation of detainees as put forward by the Army Field Manual.

I would like to quote a statement the President of the United States—President Bush—made on June 22, 2004. Here is his quote:

> We do not condone torture. I have never ordered torture. I will never order torture. The values of this country are such that torture is not a part of our soul and our being.

President Bush, if you stand by these words, you will sign this intelligence authorization bill.

Thank you, Mr. President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, how much time do I have left out of the 5 minutes?

The PRESIDING OFFICER. A minute and a half.

Mrs. FEINSTEIN. Mr. President, if I may, I very much would like to thank a few people who have been very helpful in this whole thing. The first is David Grannis, my intelligence liaison, who has been with me all the way. I thank the Partnership for a Secure America and the 18 former national security officials who wrote in support of the Army Field Manual.

I thank Senators HAGEL and SNOWE for taking a stand for what is right for America in the Intelligence Committee. I thank our chairman, Senator ROCKEFELLER, for being willing to risk the passage of this legislation by supporting this very important amendment.

I also thank Senator WHITEHOUSE. He offered this amendment when it was in the Senate Intelligence Committee. I thank him for his tireless efforts in support of this conference report. I have seen him on the Senate floor at least twice today. He was a cosponsor of the amendment I offered in the conference, and I know his staff has been very effective in working on this amendment.

I thank Senator TOM CARPER of Delaware who has done a lot of work on this issue on the telephone.

I thank my colleague and friend, Senator RON WYDEN, who came earlier to the floor to speak on this issue.

So there have been many people working toward this vote, and it looks as if it may just happen. I would like them to know that we are very grateful for their support.

Oh, one more: Senator FEINGOLD. Senator FEINGOLD was a cosponsor when I offered the amendment in the Intelligence Committee. I very much thank him for his steadfastness.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. KYL. Mr. President, we are going to be voting in about an hour or so on the conference report on the Intelligence Authorization Act. I would like to explain briefly the reasons I think we should vote against that reauthorization.

There are two primary reasons. First has to do with the additional provision that was passed neither by the House nor by the Senate but was dropped into the conference report without Republican involvement; that is, the provision that Senator FEINSTEIN authored that would substitute for the authority that agencies of the United States currently have—agencies such as the Central Intelligence Agency—to interrogate foreign terrorists. It would substitute for the current rules under which they operate the U.S. Army Field Manual.

The U.S. Army Field Manual is a document that is prepared for use for all of our military Armed Forces, to provide rules of the road for them in interrogating enemy prisoners of war. So when they capture someone on the battlefield, in order to ensure that the Geneva Conventions are adhered to, there is a set of guidelines set out in the Army Field Manual that very explicitly explain to our soldiers exactly how they need to treat these prisoners and what kind of interrogation in which they can engage.

A couple of years ago, when the Congress and the administration got together and revised our procedures and the statute dealing with this subject, the explicit decision was made to not have the Army Field Manual govern the interrogations by other Government agencies. That was a wise decision then, and it is a wise decision now.

There are reasons the U.S. Army would want to have a set of rules for soldiers capturing enemies on the battlefield. But there is quite a different situation presented when you have captured a terrorist and you want to interrogate that terrorist and you have at your disposal Central Intelligence Agency trained personnel or other special personnel who are trained in interrogation techniques that comply with the Geneva Conventions accords, are not torture, are authorized by law, but may be outside the particular scope of the Army Field Manual.

This is a gross oversimplification, but for people to generally appreciate what I am talking about, you have all seen movies where a prisoner of war is captured, and they say: Give me your name, rank, and serial number, and that is pretty much all an enemy soldier is required to provide. You cannot torture them to get them to tell you anything beyond those three pieces of information, and that is as it should be.

Interestingly, our terrorist adversaries know well the Army Field Manual, and if they are captured as enemy POWs on the battle ground by U.S. Army personnel, they know precisely what kind of interrogation to expect. In fact, we know they are trained on how to resist the interrogation techniques and not provide information. It would be a horrible mistake for us to assume that the techniques that are appropriate for Army battlefield capture interrogation should apply as well to situations in which a CIA person is interrogating a terrorist—someone who is not fighting for another country in a uniform captured on the battlefield.

That is the essence of the Feinstein proposal, and it is one of the reasons the President has made it very clear that were this conference report to pass, he will veto the bill; indeed, he should.

There are other reasons for the President's decision to veto the bill as well. Let me just mention a couple of them. One of the things that relates to this interrogation matter is a requirement in the bill that a report to Congress must be made of the identity of each and every official who has determined that any interrogation method complies with specific Federal statutes, why the official reached the conclusion, and the related legal advice of the Department of Justice.

This may seem benign on the surface but, I submit, is in the nature of harassment of officials who are trying to make decisions about the application of law. They come to judgments. They advise the people who are asking for the advice, and then action is taken on that basis. If Congress needs a report every time a Government official makes a decision, clearly that agency cannot function.

Secondly, there are too many opportunities for second guessing, too much of an incentive for the people who are doing the work we ask them to do to not make any decisions, not engage in that work because they might make a mistake. This is exactly the kind of ethos we do not want in our intelligence community.

Another requirement of the bill is the creation of another inspector general. We already have inspectors general for each of the elements of the intelligence community, but there would be a new one under the DNI. But his primary responsibility would be to report to Congress rather than the DNI.

There are other requirements for reports that have already occupied far too much attention of our intelligence community. There are requirements for congressional confirmation of several new positions, positions that currently do not require congressional confirmation because they are not political offices. It is the head of the NRO, for example, the head of NSA. These are agencies that have been peopled with professionals, people who do not have anything to do with politics. They should not have to come to the Senate and get grilled by Senators—more importantly, Senators who then might hold them up.

You have heard about the holds Senators place on nominees. I do not know how many executive nominees and judges we have waiting confirmation by the Senate right now, but there are a lot. What happens is, because Senator X does not like the administration's position on something, they decide to put a hold on an important executive branch nominee. As a result, too many positions are vacant today because of unrelated holds by Senators. It just presents the Senate with an additional way to hold up action on people, in effect, to blackmail an administration into doing what it wants.

There are a variety of other problems the President has pointed to in this legislation that will require the President to veto it. But I want to conclude by simply saying that a great deal of credit goes to Senators ROCKEFELLER and BOND for their work in trying to create an authorization bill for the intelligence community against great odds. There is a lot of disagreement among people on the Intelligence Committee itself, as well as others in this body, about what ought to be done, and they came to, in effect, an agreement that except for the Feinstein proposal—that, as I said, was added in the conference; it was not passed by either the Senate or the House—they came to an agreement on a bill that Senator BOND has described as pretty effective.

Hopefully, with the President now indicating he will veto the legislation over the provisions I have identified, and some others, the other side will recognize it is important to fix those problems, clean it up, get a bill back to the President he can sign, and we can move forward.

### FISA

Now, the last thing, Mr. President, I want to do is change the subject very slightly because we just had a conversation with the President, who reiterated his deep concern about the apparent unwillingness of the House of Representatives to reauthorize the Foreign Intelligence Surveillance Act so that we can engage in intelligence collection against this country's worst enemies: al-Qaida and other terrorists.

This body, with a vote of 68 to 29—a very bipartisan vote—agreed on a Foreign Intelligence Surveillance Act reauthorization for a period of 6 years. The key feature of it—different from the current law—is retroactive immunity for those telecommunications companies that might have assisted the United States in gathering this intelligence. That was following the Intelligence Committee's work—again, great work; 13 to 2 was the vote in the Intelligence Committee, bipartisan—supporting that legislation. It has now been sent to the House of Representatives. All the House of Representatives needs to do is to take this bill, which has bipartisan support in the Senate, pass it, and send it to the President for his signature.

The President's point, just a few moments ago, to us was it would be an abdication of responsibility for the Congress not to accomplish this result before it leaves on a recess on Friday.

This intelligence collection is critical to the security of the United States. The point of the most recent legislation is to provide retroactive liability protection for those companies that have aided the United States pursuant to its request.

In effect, what happened was the President and the Attorney General requested various telecommunications companies to help us collect electronic information on people we have targeted as necessary for collection purposes. They did not have to do it. They volunteered to help us. They understood the threat to the United States and, like any good citizen would do when called upon by the Commander in Chief, they agreed to assist. Now, some of them have been sued. They are, of course, accountable to their boards of directors who have a responsibility under Federal law to protect shareholder interests.

What some of these companies are finding is an increasing difficulty of assisting the United States and continuing to stay in business. They have their own business responsibilities. They have to engage in activities both in this country and in other countries sometimes. They have to get customers. They have to make business agreements with other parties. When too many other folks say: We don't want to do business with you because of the potential that you are going to be sued or that you have been sued, and then there is the question of whether we are going to be drawn into all that, then it makes it impossible for those companies to assist the United States.

The point is this: There is an increasing concern that some of these companies are not going to be able to provide this assistance to us if we don't solve this retroactive immunity issue. Some people have said: Well, we will simply temporarily extend the existing law. The reason that doesn't solve the problem is because the existing law doesn't provide that retroactive immunity.

That is the point of this legislation, and if this legislation doesn't provide that retroactive immunity pretty soon, there could well come a point in time when we don't have any telecommunications companies left doing this work for us to matter.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. KYL. I am delighted to yield to the Senator from Virginia.

Mr. WARNER. Mr. President, I am delighted the Senator from Arizona brought this up because I have participated in a number of debates with our distinguished colleague from Missouri. What we always have to remind our colleagues of, as well as the American public, is that these companies have volunteered. They are not in this for a profit motive. There is some compensation for expenses. They are not unlike the men and women of the Armed Forces, all of whom today are in uniform because they raised their right arm and volunteered. We cannot ask these companies to subject themselves to the uncertainty and the threats associated with legal processes. We are going to lose a very important component of what I call the American spirit: voluntarism. Whether it is in the corporate world, whether it is in the Armed Forces or any other number of activities, we are a Nation known for people who step forward and volunteer.

This is a clear example of how these companies cannot continue under the situation that persists today, because the directors of those companies, their corporate boards, have an obligation to their stockholders. It is a stretch to say to the stockholders, who are part of the voluntarism they are doing to serve the cause of freedom in the United States, that they should be subjected to a lot of court suits.

So I appreciate the Senator bringing this up. It is important. We have to remind our colleagues about it. I am proud of what this Chamber did. They voted it through, very clearly.

Mr. KYL. Madam President, if I could say to the Senator from Virginia, I hadn't thought of putting it quite the way he did. He is, exactly right. We have thousands of young men and women who volunteer to serve their country. What would we think if part of that service means getting sued by somebody? Wouldn't we provide them protection from those kinds of lawsuits? Obviously, we would. The companies that serve us every day when we pick up the phone to make a phone call—we want them to be there to help us—they step forward when the President asks them to volunteer to serve their country, at no profit, as the Senator makes clear, and then they get sued and we are not willing to provide protection to them.

Mr. WARNER. Madam President, I couldn't agree more. Furthermore, the service they are doing by virtue of this voluntarism directly contributes to the safety and the welfare of the men and women in the Armed Forces who are engaged in harm's way beyond our shores.

Mr. KYL. Madam President, that is another very good point.

Mr. WARNER. At this point, we have about run out of time, and I wish to say a few words about the pending matter.

Mr. KYL. Let me conclude these remarks then. The key point I am trying to make is we have related activities. We have the Intelligence Authorization bill on the floor, but we also have a couple of days before this recess to see that the great work the Senate did is adopted by the House of Representatives so the President can sign it.

Having just come from the White House, the President asked us to please convey his sense of concern for the people of this country, for the security of those soldiers whom we sent to do a mission, if we can't get good intelligence on this terrorist enemy, and the only way—the best way we can do that is through the interception of these communications. It cannot be done if there are no telecommunications companies willing to assist us. There could well come a point in time when, because we haven't done our job of providing them liability protection, there is nobody there to provide the help to us.

So I thank the Senator from Virginia, and again I get back to my original point, which was I hope that in a few moments, knowing the President is going to veto this piece of legislation, we will support his position and vote no on the authorization conference report.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Virginia has 23 minutes remaining.

Mr. WARNER. Fine. That is under the control of the distinguished Senator from Missouri, and I will ask for such time as I may need at this point.

I have always considered myself, here in the Senate, to be most fortunate for the various assignments I have had through this being my 30th year. There have been periods when I have served on the Intelligence Committee. I was once the ranking member of the Intelligence Committee. Then, fortunately, I was selected to go back on the Intelligence Committee several years ago. It has been a part of my overall service to the Senate, and indeed to the Nation, to be on that committee.

I was at first introduced to the world of intelligence in 1969 when I was fortunate enough to go to the U.S. Department of Defense at the Pentagon and serve the Navy, first as Under Secretary and then Secretary. So I have actively been involved in the work of the intelligence community for some many years.

I am greatly concerned that we have before us today a piece of legislation which, even though a member of the committee and even though I worked with my colleagues to frame this legislation, I will have to vote against because of the actions that took place in the conference committee where an out-of-scope provision was put in—for the best of intentions, I am sure, but it wasn't carefully thought through, in my judgment, because this provision would say that henceforth, the CIA and the Federal Bureau of Investigation would have to conduct their interrogation procedures in accordance with the Army Field Manual.

I was privileged again to be one of a group of a small number of Senators who, in the year 2005, worked on the Detainee Act and then subsequently, in 2006, worked on other legislation to try to delineate carefully the responsibilities of various agencies and departments of our Government as it related to the all-important collection of our intelligence and a part of that collection procedure being the interrogation of detainees. Now, we decided, after a lot of careful deliberation of the 2005 act, that we would restrict that to the men and women in the Armed Forces.

There was a very good reason for that. In the course of our conflicts in Iraq and Afghanistan, detainees came into the possession of our field forces, operating in combat conditions most of the times when these detainees were caught, and relatively, so to speak, while the military people are magnificently trained throughout their careers to deal with these situations of combat and the like, very few of them have had the opportunity to get into the profession of interrogation. In order to give them the protection they needed in performing interrogation at what we call the field and tactical level, it was important to draw up this act and to prescribe very clearly for the men and women in uniform—I repeat that: only for the men and women in uniform—very clearly the procedures they must follow to accord the values of our framework of laws, the fact that this is not a nation that stands for torture, and to also give them protection in the event that somehow they were challenged in a court of law, be it a military court or other courts, as to their performance by virtue of their interrogating activities of certain detainees. So there were many reasons to put it all down and say that this is the Army Field Manual, prescribe the authorized techniques, and therefore allow the men and women of the Armed Forces to continue their operations militarily, tactically, and to follow that field manual in such instances where it is necessary to interrogate detainees.

But in the course of that debate—and understandably and I think quite properly—attention was given to whether we should have this type of procedure applicable to all the Government agencies and departments of our Federal Government. The decision was made, and the answer was no—not quickly, no; it was a deliberate no reached after a lot of careful consideration—that this Detainee Act should be for the purpose of our military people, and we purposely did not include the CIA and the FBI. As time evolved into 2006, when we had that legislation, once again we reiterated we would not include either the CIA or the DIA and then in any way at that time legislate their program, other than to say that the conduct of the CIA program and the FBI program has to be in total compliance with all the laws of our land, which in no way sanctioned abusive treatment, torture or those sorts of things. It is not a part of it.

Furthermore, that both the procedures by the CIA and the FBI had to be in compliance with the treaties, the treaty obligations we have, particularly article 3, common article 3, which has been debated so carefully on the floor of the Senate.

So, in effect, what we have before us momentarily in this vote is overruling the decisions that were made by this body in the context of drawing up those two statutes, one in 2005 and one in 2006. So I, for that reason, feel very strongly that I cannot support this. I think it has been indicated that the President doesn't support it and that if this were to arrive at his desk, in all probability, we would have a veto, and that would be regrettable because a lot of work has been put into this bill. There are portions of it that the distinguished Senator from Arizona, Mr. KYL, talked about which hopefully can be corrected. But we need an Intelligence bill. We have marvelous staff in the Senate and others who work on this problem of legislation year after year, and we are long overdue to have an Intelligence bill. It is unfortunate that in the last throes of the legislative process, in a conference, this provision, which we clearly know to be out of scope, was put into the bill, and it is for that reason that I will have to oppose the bill.

There is another reason I would have to oppose it, and that is that the Army Field Manual, again, was for the military, but it is a manual. Certainly, under the current way it is framed and put together in the law, a manual can be changed. So while there are some 19 techniques that are detailed as approved for the use of our troops in the field and elsewhere, who is to say they couldn't add some more and that at that point Congress is not involved. So I am not sure people thought through the technical aspects of this thing, and to me, it is a very unwise decision.

But I wish to reiterate to our colleagues that by virtue of taking the stance I take—and I presume a goodly number of individuals will join in this, unfortunately, and vote against this bill—this is not to say, in any way, that we are sanctioning that the Agency, the CIA, employ techniques which are in any way constituted as abusive treatment of human beings or torture or degrading.

All of that is carefully spelled out in the framework of the laws of 2005 and 2006, and it cannot be done by the agency, nor the FBI—nor are they doing it. The Intelligence Committee has had a series of hearings. We have had the DNI, the Director of the CIA, the head of the FBI, and all of them have been carefully questioned and are on record saying that these procedures, which would be tantamount and antithetical to our laws of 2005 and 2006 are not employed now, and they will not be in the future.

It is for that reason that I will have to oppose this bill. I urge my colleagues to do likewise because we will be taking away from the agencies the ability to perform a very limited number of interrogations, a very limited number—but they do them in an entirely different framework of circumstances, environment, than does the Army or other military members of our Army, Navy, Air Force, and Marine Corps under the Army Field Manual.

The techniques applied by the CIA are in compliance with the laws, but they are not all written up so that a detainee knows full well that if they are apprehended, they will be subjected to the interrogation procedures of the agencies; he would know all about it if it is written up as it is in the Army Field Manual. That would take away a good deal of the psychological impact of highly skilled interrogating procedures. We are about to throw those away, abandon them.

This is a very dangerous and complex world. I sometimes think, in the course of this political campaign, as I listen to my good friends—three of them Members of this Chamber—vying for the Presidency of the United States, the awesome framework of complex situations that is going to face the next President of the United States. I must say, I have a few years behind me, and I have seen a good bit of history in this country, but never before has the next President, whoever it may be—never before have they faced such an awesome, complex situation in the world that is so fraught with hatred and terrorism and threats to the basic freedoms of our Nation and many other nations.

It is going to be a real challenge for that next President to shoulder the responsibilities of Commander in Chief of the Armed Forces of the United States. And this set of procedures that we presently have in place, which complies with the law of our land, which complies with international treaties, must be left intact to enable the Intelligence Committee to conduct their interrogations and do so to produce facts which could very well save this Nation and facts that are, every day, helping to save the men and women of the Armed Forces in uniform wherever they are in the world—primarily in Iraq and Afghanistan—as they pursue their courageous responsibilities on behalf of us here at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I believe it is important to clear up for the record, for the benefit of my colleagues and the American people, some statements that were made earlier today about waterboarding, interrogation techniques and the Army Field Manual.

During the House and Senate conference for the fiscal year 2008 intelligence authorization bill, an amendment—section 327—was adopted that would prevent any element of the intelligence community from using any interrogation technique not authorized by the Army Field Manual.

Earlier today, we heard that the full membership of the conference committee, the full membership of the House Intelligence Committee and Senate Intelligence Committee all came to the conclusion that all interrogations should be conducted within the terms of the U.S. Army Field Manual.

Let's be clear: this particular amendment only passed by a one-vote margin. The conference was sharply divided on this issue, as reflected by the fact that no House Republicans signed the conference report and only two Senate Republicans signed the report.

The problem with this provision is not that it says that interrogators cannot use certain techniques. Most of the techniques prohibited by the field manual are so repugnant that I think we can all agree they should never be used.

In fact, this vote is not about torture, and it is not about waterboarding. We all think that torture is repugnant. And whether one believes that waterboarding is torture is really irrelevant because waterboarding is not in the CIA's interrogation program.

The problem is that the provision in the conference report establishes a very limited set of techniques, and these are the only techniques that any interrogator may use.

So the vote is really about whether the FBI and CIA should be restricted to a set of 19 unclassified techniques, designed for the Army, which have not been examined fully by some agencies.

If this legislation passes and is signed into law, all of us need to understand fully that FBI and CIA interrogators may only use the 19 techniques authorized in the field manual. And all of us need to understand that no one can say for sure that this will not impact our future intelligence collection.

As CIA Director Hayden has said: "I don't know of anyone who has looked at the Army Field Manual who could make the claim that what's contained in there exhausts the universe of lawful interrogation techniques consistent with the Geneva Convention."

If we are going to demand that all Government agencies must use only these techniques, we must make sure that the field manual does not leave out other moral and legal techniques needed by these agencies. And I don't believe that the Intelligence Committee has adequately pursued this issue.

Having a single interrogation standard does not account for the significant differences in why and how intelligence is collected by the military, CIA, and FBI.

Much has been made of the FBI saying that they do not use coercive techniques. That is accurate. The FBI operates in a different world—where confessions are usually admitted into evidence during a prosecution. This means that they have to satisfy standards of voluntariness that do not bind either the military or the CIA.

But significant concerns have been raised about whether the FBI would even be able to conduct ordinary interrogations using only those techniques authorized by the field manual.

A time-honored technique, one that has led to countless successful prosecutions, is deception—for example, telling a suspect that his associate has confessed even though the associate has refused to cooperate. But, it's unclear where this type of deception is authorized in the field manual. So, under this amendment, the FBI could be barred from using this simple, yet invaluable, technique.

FBI lawyers have told us that they need more time to conduct a full legal review of the field manual and determine along with their counterintelligence and counterterrorism divisions what impact using only the field manual would have on interrogations. We should give them time to do this review before we pass a bill that could severely undermine their interrogation practices.

Aside from these concerns, the Army Field Manual on Interrogation was designed as a training document. It is changeable, which means the Congress—and the CIA and FBI have no idea what techniques may be added—or subtracted—tomorrow, next month, or next year. A moving document is not a sound basis for good legislation.

There are also practical consequences to applying this unclassified military training manual to civilian agencies; as we heard earlier, having one standard that can be publicly judged by the entire world. We are talking about intelligence interrogations. We should not broadcast to the world, to our enemies, exactly what techniques our intelligence professionals may use when seeking information from terrorists.

The wide availability of the field manual on the internet makes it almost certain that al-Qaida is training its operatives to resist the authorized techniques.

Supporters of this provision also argue that the Army Field Manual gives interrogators sufficient flexibility to shape the interrogation. Yet, some of the techniques in the field manual are allowed only if the interrogator obtains permission from "the first O-6 in the interrogator's chain of command." What that means is that an interrogator has to get permission from an Army or Marine Corps colonel or a Navy captain before proceeding. So in order to have any flexibility, will the CIA and FBI have to bring colonels and captains to all of their interrogations? These interrogations will get awfully crowded pretty quickly.

We have been told that the field manual incorporates the Golden rule. Do unto others as you would have them do to unto you is an admirable standard. But when dealing with terrorists who have shown no regard for morality, humanity, and decency, it is somewhat out of place.

Do we really expect that if we restrict ourselves to techniques in the Field Manual that al-Qaida will do the same? While we are arguing about whether waterboarding is torture, they are chopping off heads and using women and children to conduct their suicide bombings. Now, I am not suggesting that we resort to their barbaric tactics. I am simply saying that we should not base this important decision that will bind all of our intelligence interrogations on the hope that al-Qaida will discover civility.

Let me also clarify a comment from our distinguished committee chairman about the interrogation of Ibn Shaykh al-Libi. It was suggested that al-Libi lied to interrogators because of the CIA's "coercive" techniques. However, al-Libi was not in CIA custody—or foreign custody for that matter—when he made claims about Iraq training al-Qaida members in poisons and gases.

In fact, it was only when al-Libi was interviewed by CIA officers that he recanted his earlier statements.

I believe we still have a lot of work to do before we impose restrictions on CIA and FBI interrogations that could have severe consequences for our intelligence collection.

Now, I want to make clear what my position is here today. For the past several months, I have worked hard to put together a reasonable bill that allows the Intelligence Committees to conduct necessary oversight, while cognizant of the administration's concerns about resources and executive branch prerogatives.

I understand that no administration likes oversight. But oversight is essential to what Congress does: We have an obligation to the taxpayers to make laws and appropriate funds responsibly. And in order to do this, we have to know how the money is being spent and what activities are being conducted.

I have reviewed closely the Statement of Administration Policy on this bill and I am confident that we have addressed or resolved all but one of the concerns listed there. One provision remains that merits a veto and that is the amendment before us: the Army Field Manual interrogation techniques.

At the end of the day, if this provision is removed, I will support this bill. But in its current form, I cannot support it and I urge my colleagues to vote against the conference report.

Mr. President, I thank the distinguished Senator from Virginia, who has played the lead in so many things, such as the Detainee Treatment Act and other major pieces of legislation, for his very thoughtful discussion of these issues.

It has been very troubling to me to hear on the floor today some things about what the CIA does that are absolutely not true. We have heard all kinds of descriptions of techniques that are barred by the Army Field Manual. The techniques barred by the Army Field Manual, the horrors that were outlined, are not tactics the CIA uses. They do not use them. They would probably violate the Geneva Conventions and many other laws, which absolutely do cover interrogations by the CIA. When one raises the spectrum that the CIA may be torturing detainees, No. 1, it is not true; No. 2, for those who know what is going on, it is irresponsible; No. 3, it is the kind of thing that fuels the media of our enemies. I would not be surprised to see some of these comments reported in Al-Jazeera.

What happened at Abu Ghraib was tragic. There were criminal acts by American troops. We punished them, but nobody talks about the fact that we punished them and sent them to prison. They went to the brig, as they should. Now we have heard discussions attributing to the CIA all manner of activities that are wrong, improper, not usable, and are not used.

I think it is important we clear the record. I wish some of the people who know better would say I didn't mean to say that the CIA does these things, because the people on the Intelligence Committee know precisely what is done and what is not done.

Mr. WARNER. Will the Senator yield for a moment?

Mr. BOND. I am happy to.

Mr. WARNER. As a Senator from Virginia, I am proud to have the CIA principal office in my State. I have been working with them for 30-some-odd years. I have gotten to know many of them through the years. They are not people who would set out to violate the laws of our Nation. They are just like you and me. They have families and the same values we share in the Senate and in our neighborhoods. They do go abroad and assume an awful lot of personal risk on a number of missions. But in terms of following the laws of our Nation, and the international laws, I think they stand head and shoulders, and they are to be commended.

Mr. BOND. Madam President, I thank my distinguished colleague from Virginia. He is one of the real experts in this body on military and intelligence affairs. I can tell you that having talked with General Hayden and the other top officers of the Agency, getting to know Attorney General Mike Mukasey and those other responsible, high-principled officials who are overseeing it, it is not a danger that we are going to see torture or inhumane or degrading treatment used.

Now, again, during the House-Senate conference for the fiscal year 2008 Intelligence authorization bill, an amendment—section 327—was adopted that would prevent any element of the intelligence community from using an interrogation technique not authorized by the Army Field Manual.

Earlier today, it was stated on the floor that the full membership of the conference committee, the full membership of the House Intelligence Committee, and the Senate Intelligence Committee came to the conclusion that interrogations should be conducted within the terms of the U.S. Army Field Manual.

Let me be particularly clear that this amendment only passed by a one-vote margin. The conference was sharply divided on the issue, as reflected by the fact that no House Republicans signed the conference report and only two Senate Republicans signed the report.

The problem with this provision is not that it says the interrogators cannot use certain techniques. Most of the techniques prohibited by the Army Field Manual are so repugnant that I think we can all agree they should not be and would never be used.

In fact, this vote is not about torture or about waterboarding. Despite what you have heard on the floor, it is not about waterboarding. Torture is repugnant. We have stated that time and time again—in the Detainee Treatment Act and in other laws we passed. Whether one believes it is torture is irrelevant because waterboarding is not in the CIA's interrogation program.

The problem is the provision in the conference report establishes a very limited set of techniques, and these are the only techniques any interrogator may use. So the vote is about whether the FBI and CIA should be restricted to a set of 19 unclassified techniques, designed for the Army, which have not been examined fully by some agencies. I say "19 unclassified techniques" because those techniques not only have been published widely, but they are included in al-Qaida training manuals. So the al-Qaida high-value leaders—the people with the information—know precisely what it is all about.

If this legislation passes, and were it to be signed into law—which all of us know it will not—we all need to understand fully that the FBI and CIA interrogators may only use the 19 techniques authorized in the field manual. According to the field manual, they would have to get a clearance from an OC-6, a military officer. That was designed for the military, not for the CIA, not for the FBI. When my distinguished colleague from Virginia passed the Detainee Treatment Act, he and the Senator from Arizona, Senator MCCAIN, expressly left the CIA out of the limitations to the Army Field Manual.

As CIA Director Michael Hayden has said:

> I don't know anyone who has looked at the Army Field Manual who could make the claim that what's contained in there exhausts the universe of lawful interrogation techniques consistent with the Geneva Conventions.

He described a whole area of techniques. There are a whole group of techniques that we use on the volunteers who join our Marines, Special Forces, our SEALs, our pilots, which I described earlier today. Many tactics are far more difficult to withstand than the techniques that are used by the CIA in its interrogation.

If we are going to demand that all Government agencies must use only these techniques, we must make sure the Army Field Manual doesn't leave out other moral and legal techniques needed by these agencies. I don't believe the Intelligence Committee has adequately pursued this issue.

How many of those techniques do we want to publish so our al-Qaida targets will know how to resist them? Having a single interrogation standard does not account for the significant differences in why and how intelligence is collected by the military, CIA and FBI, and from whom it is collected.

Much has been made of the FBI saying they do not use coercive techniques. That is accurate. The FBI operates in a different world—where confessions are usually admitted into evidence during a prosecution. This means they have to satisfy standards of voluntariness that do not bind either the military or CIA. When they question somebody, they are trying to stop a terrorist attack from happening in the future. They are in the field. The FBI is investigating a crime that has been committed in the hopes of punishing those people. There are significant concerns about whether the FBI would even be able to conduct ordinary interrogations using the techniques in the Army Field Manual.

A time-honored technique, one that has led to countless successful prosecutions, is deception—for example, telling a suspect that his associate has confessed even though the associate has refused to cooperate. But as I read the Army Field Manual, I don't see that that is authorized. So under this amendment, the FBI could be barred from using this simple, yet invaluable, technique.

FBI lawyers have told us they need more time to conduct a full legal review of the Army Field Manual to determine, along with their counterintelligence and counterterrorism divisions, what impact using only the field manual would have on interrogations. We should give them time to do this review before we pass a bill that could severely undermine their interrogation practices.

Aside from these concerns, the Army Field Manual on Interrogation was designed as a training document. It is changeable, which means the Congress—and the CIA and FBI—has no idea what techniques may be added or subtracted tomorrow, next month or next year.

Are we really ready in this body to define something as a standard, a changing field manual? When do we ever do that, saying everybody has to follow the Army Field Manual, and the Army Field Manual can be changed when and if it is ready. There are practical consequences. The unclassified military training level is not applicable to questioning high-value detainees.

This is, I suggest, a very bad measure. I believe the bill without this amendment would have been a very good one. I cannot urge my colleagues to vote for it.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the conference report to accompany H.R. 2082.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Sentor is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "nay."

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—45

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—4

Clinton
Graham
McCaskill
Obama

The conference report was agreed to.

Mr. REID. Madam President, I move to reconsider vote.

Mr. LEAHY. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007—Resumed

Mr. REID. Madam President, I believe the regular order now is Indian Health. I would ask the Chair to report if that is in fact the case.

The PRESIDING OFFICER. That is correct.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1200) to amend the Indian Health Care Improvement Act to revise and extend that Act.

Pending:

Bingaman-Thune amendment No. 3894 (to amendment No. 3899), to amend title XVIII of the Social Security Act to provide for a limitation on the charges for contract health services provided to Indians by Medicare providers.

Vitter amendment No. 3896 (to amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service.

Brownback amendment No. 3893 (to amendment No. 3899), to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

Dorgan amendment No. 3899, in the nature of a substitute.

Sanders amendment No. 3900 (to amendment No. 3899), to provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981.

Mr. REID. Madam President, Senator TESTER has indicated to me that he has an amendment to work on. There are a number of people who want to offer amendments, and I think it would be to our advantage—it is not as if it is the middle of the night; it is still in the 4s—if there could be some amendments offered. We are going to work on this all day tomorrow and hopefully we can finish it Friday. If not, we are going to stay here until we finish it.

Indian health deserves this. There is no group of people in America who deserves our attention more than Indians. It is that way with the 22 different organizations in Nevada and all over the country. So I would hope we can work together.

I think we have had some success during these first few weeks of this year of Congress. We were at the White House with the President signing the stimulus bill. It is time to celebrate that. Was it everything we wanted? No. But it is good work, and we should all be proud of that.

We passed this conference report on intelligence, and the President will have to make a decision on that in the future, as to what he wants to do, but it is out of this body.

I hope we could move forward on Indian health. We have been waiting years to direct the attention to them. The attention is now directed, and with the result of what has happened here, we can spend some quality time on this matter. I hope those who wanted to offer amendments will do so. We can work into the night. I hope we can have some votes tonight. Senator DORGAN and Senator MURKOWSKI are anxious to move forward.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3900

Mr. SANDERS. Madam President, I wish to call up amendment No. 3900, and I ask for its immediate consideration.

The PRESIDING OFFICER. That is a pending amendment.

Mr. SANDERS. Madam President, this tripartisan amendment is being cosponsored by Senators CLINTON, OBAMA, SNOWE, COLLINS, LEAHY, SUNUNU, KENNEDY, GORDON SMITH, COLEMAN, KERRY, STABENOW, SCHUMER, LAUTENBERG, LINCOLN, KLOBUCHAR, MURRAY, CANTWELL, MENENDEZ, and DURBIN.

This amendment is simple and straightforward. At a time when home heating prices are going through the roof—and I think every Member who goes back to his or her State understands that the cost of home heating oil is soaring—people understand that in areas around this country, including the State of Vermont, the weather has been well below zero. What this amendment would do is provide real relief to millions of senior citizens on fixed incomes, low-income families with children, and people with disabilities.

Specifically, this amendment would provide $800 million in emergency funding for the Low-Income Home Energy Assistance Program—otherwise known as LIHEAP—a program that has won bipartisan support year after year here in Congress because people know it works.

Its goal is simply stated: To keep Americans from going cold in the wintertime. It has done this for years, and we have to appropriate more money to make sure we do that again this year. Specifically, $400 million of the $800 million would be distributed under the regular LIHEAP formula, while the other $400 million would be used under the emergency LIHEAP program.

This amendment has strong support not only from many Members of the Senate and Members of the House, but it has strong support from the National Governors Association, the National Conference of State Legislators, the AARP, the National Energy Assistance Directors Association, and many other groups.

Let me very briefly quote from a letter I received from the National Governors Association in support of this amendment.

> Additional funding distributed equitably under this amendment will support critically needed heating and cooling assistance to millions of our most vulnerable, including the elderly, disabled and families who often have to choose between paying their heating or cooling bills and food, medicine and other essential needs.

According to the National Governors Association, this amendment will provide much needed energy assistance to at least 1 million American families—1 million. Others already receiving LIHEAP will receive more help due to the skyrocketing costs of home heating fuel.

Let me very briefly quote from a letter I recently received from the AARP. This is what the AARP says:

> People should not have to choose between heating and eating. Older Americans who are more susceptible to hypothermia and heat stroke know the importance of heating and cooling their homes. They pay their utility bills and skimp on other necessities to get by. However, no one in America should be forced to skip their medications or cut back on essential nutritional needs in order to keep their heat on.

That is from the AARP.

I ask unanimous consent to have these letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP,
*Washington, DC, January 24, 2008.*

Hon. BERNARD SANDERS
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR SANDERS: AARP applauds you for your continued efforts to increase funding for the Low Income Energy Assistance (LIHEAP) program. We thank you for offering an amendment to increase LIHEAP funding for FY 2008 by $800 million on S. 1200, the Indian Health Care Improvement Act Amendments of 2007. We are pleased to support your amendment.

People should not have to choose between heating and eating. Older Americans, who are more susceptible to hypothermia and heat stroke, know the importance of heating and cooling their homes; they pay their utility bills and skimp on other necessities to get by. However, no one in America should be forced to skip their medications or cut back on essential nutritional needs in order to keep their heat on.

LIHEAP helps the poorest of the poor. Nearly three out of four families receiving LIHEAP assistance have incomes of less than 100 percent of the federal poverty level ($16,600 for a family of three) and almost one in two have incomes less than 75 percent of the federal poverty level ($12,225 for a family of three).

LIHEAP is serving more households than ever before, but still cannot meet the need. Since 2002, an additional 1.5 million households are receiving LIHEAP assistance. At the same time, requests for LIHEAP assistance in 2006 soared to the highest level in 12 years.

Additional funding is needed now. High energy prices have not gone away and the weather has proven very unpredictable—additional funding is needed now and in the future to protect some of the most vulnerable populations in America. Should you have any questions regarding this request, please contact me or Timothy Gearan of our Federal Affairs staff.

Sincerely,

DAVID P. SLOANE,
*Senior Managing Director,*
*Government Relations and Advocacy.*

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NATIONAL GOVERNORS ASSOCIATION,
*Washington, DC, January 24, 2008.*

Hon. BERNIE SANDERS,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR SANDERS: On behalf of the nation's governors, we write to express our support for the Sanders-Snowe amendment to add $800 million in emergency funding to the Low-Income Home Energy Assistance Program (LIHEAP) for FY 2008. We commend you and your colleagues for working in partnership to build bipartisan support for this proposal, and we believe the compromise of splitting this funding equitably between the LIHEAP base formula grant under the "Tier II" formula and the contingency fund is a step in the right direction.

Additional funding distributed equitably under this amendment will support critically needed heating and cooling assistance to millions of our most vulnerable, including the elderly, disabled, and families that often have to choose between paying their heating or cooling bills and food, medicine and other essential needs. With greater financial support, states will be better able to increase benefit levels in correspondence with rising energy costs, and to reach at least a million other federally-eligible households who currently do not receive assistance due to funding limitations.

The National Governors Association applauds the bipartisan efforts of you and your colleagues in reaching this compromise, and fully supports adding $800 million to FY 2008 to help LIHEAP respond to the current emergency energy situation.

Sincerely,

JAMES H. DOUGLAS,
*Chair, Health and Human Services Committee.*
JON S. CORZINE,
*Vice Chair, Health and Human Services Committee.*

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NATIONAL CONFERENCE OF STATE LEGISLATURES,
*Washington, DC, January 23, 2008.*

DEAR SENATOR, I am writing on behalf of the National Conference of State Legislatures (NCSL) to strongly urge you to support the amendment offered by Senator Sanders and Senator Snowe that would add an additional $800 million to the Low Income Home Energy Assistance Program (LIHEAP) funding for FY 2008. The amendment would divide the additional funding equally between the formula and emergency contingency portions of the program.

LIHEAP is a highly efficient federal block grant program that helps our most vulnerable low-income households pay their heating bills in the winter and cooling bills in the summer. LIHEAP prioritizes at-risk households that shelter America's elderly, disabled, and very young and protects public health and safety by helping low-income families cover energy costs. By leveraging private dollars to supplement federal dollars, LIHEAP has nurtured positive, effective partnerships between the private sector and both federal and our state governments.

Millions of low-income families are burdened with the hardship of paying arrearage from both last winter's heating bills and summer's cooling bills, in addition to grappling with impending and actual shut-off situations. At a time of heightened need and with energy prices expected to continue to climb, state legislatures do not want our citizens choosing between paying an energy bill and putting food on the table, or purchasing necessary medications. For individuals and households facing these difficult choices, funding from LIHEAP makes an intrinsic difference in their ability to address such formidable challenges.

Since LIHEAP's inception, the number of eligible households has increased by 78 per cent, yet in FY 2006, states were only able to serve less than a quarter of the 24.4 million eligible households. An increase in funding for LIHEAP will help ensure that households in all regions are prepared to handle both the cold and warm, and in the past few years unpredictable, weather. NCSL believes that increased LIHEAP funding should be a top priority to help low-income families, senior citizens, and disabled individuals maintain economic stability while addressing ever-increasing energy prices.

We urge you to support the Sanders-Snowe LIHEAP amendment, and to continue the fight for full funding of LIHEAP.

Sincerely,

PETE HERSHBERGER,
*Arizona Representative, Chair, NCSL Committee on Human Services & Welfare.*

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SOUTHERN GOVERNORS' ASSOCIATION,
*Washington, DC, December 18, 2007.*

STATEMENT ON ADDITIONAL FY 2008 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) FUNDING

Due to high and rising energy costs, efforts are underway in Congress to allocate an additional $800 million to the LIHEAP program for FY 2008. Senator Dole has worked with her colleagues from cold weather states on a compromise agreement that would equitably distribute these additional funds by splitting them equally between the LIHEAP base formula grant and the contingency fund. The additional $400 million in the base formula grant would be distributed by the LIHEAP "tier II" formula, which bases funding to states on the actual energy needs of low-income households, and therefore provides for equitable distribution to Southern states.

Recognizing the increasing need for LIHEAP funds and the interest of the Congress in providing these funds, the Southern Governors' Association supports this compromise. SGA supported a similar compromise in FY 2006 when Congress made an additional $1 billion available for LIHEAP, split equally between the base formula grant and the contingency fund.

This compromise is an important step towards the long-term goal of a more equitable distribution of LIHEAP funding among all states. SGA urges Congress to move immediately to address equity as a priority as part of LIHEAP reauthorization.

Mr. SANDERS. I commend subcommittee chairman Senator HARKIN, subcommittee ranking member Senator SPECTER, Appropriations chairman Senator BYRD, and ranking member Senator COCHRAN for providing a total of about $2.6 billion in funding for LIHEAP in the Omnibus appropriations bill. Their job was a difficult one. There was not enough money available to do all that needed to be done, but they did their best for LIHEAP and for our critical needs.

Unfortunately, this $2.6 billion in funding for LIHEAP, while an 18-percent increase from last year, is still 23 percent below what was provided for LIHEAP just 2 years ago. That 23 percent reduction is not even adjusting for inflation. We are talking here about nominal dollars.

Two years ago, the price of heating oil was less than $2.50 a gallon; today, it is over $3.30 a gallon. In central Vermont, we have seen prices as high as $3.73 a gallon this winter for heating oil.

According to the National Energy Assistance Directors Association, due to insufficient funding, the average LIHEAP grant only pays for 18 percent of the total cost of heating a home with heating oil this winter, 21 percent of residential propane costs, 41 percent of natural gas costs, and 43 percent of electricity costs. What this means, in plain English, is that low-income families with children, senior citizens on fixed incomes, and people with disabilities will have to make up the remaining cost out of their own pockets. The problem is that millions of those people simply do not have the money to make up the difference.

In addition, only 16 percent of eligible LIHEAP recipients currently receive assistance with their home heating bills, and 84 percent of eligible low-income families with children, seniors on fixed incomes, and people with disabilities do not receive any LIHEAP assistance whatsoever due to a lack of funding.

In my State of Vermont, it has been reported that outrageously high home heating costs are pushing families into homelessness. In fact, it is not uncommon for families with two working parents to receive help from homeless shelters in the State of Vermont because they cannot find anyplace else to live in winter.

But this is a national energy emergency certainly well beyond Vermont and well beyond the Northeast. On January 17, 1 day after the President released $450 million in emergency LIHEAP funding, the National Energy Assistance Directors Association testified in front of the Health, Education, Labor, and Pensions Committee field hearing chaired by Senator KENNEDY. Here is what the national energy directors reported on just a few of the States:

In Arkansas, the number of families receiving LIHEAP assistance is expected to be reduced by up to 20 percent from last year unless we get more funding.

The State of Arizona estimates they will have to cut the number of families receiving LIHEAP assistance by 10,000 as compared to last year.

In Delaware, the number of families receiving LIHEAP assistance will be reduced by up to 20 percent.

In Iowa, regular LIHEAP grants have been cut by 7 percent from last year.

In Maine, the average LIHEAP grant will only pay for about 2 to 3 weeks of home heating costs in most homes in that State.

The State of Kentucky could run out of LIHEAP funds in the near future.

In Massachusetts, the spike in energy costs means that the purchasing cost for LIHEAP has declined by 39 percent since 2006.

The State of Minnesota could run out of LIHEAP funding as well.

On and on it goes. In New York State, in Ohio, in Rhode Island, in Texas, in Washington, in State after State the simple arithmetic works out that if the cost of heating fuel is soaring, in order to provide the same benefits to the same number of people, we need to significantly increase our funding for LIHEAP, and we are not doing that. That is what this amendment is about.

There is a lot of discussion on this floor about emergencies. This is an emergency. There is a lot of discussion on this floor about moral values. This is a moral issue. In the United States of America, the wealthiest Nation in the history of the world, millions of senior citizens and low-income parents with kids should not be forced to worry about whether their homes will be warm this winter. People should not have to make the choice between keeping warm or paying for other basic necessities of life. This is an emergency situation. This is a moral situation.

I wish to thank all of the cosponsors who have come on board this legislation. I ask my colleagues to strongly support this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second.

Mr. SANDERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRYOR) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4020 TO AMENDMENT NO. 3899

Mr. TESTER. I send amendment No. 4020 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. TESTER] proposes an amendment numbered 4020 to amendment No. 3899.

Mr. TESTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding law enforcement and methamphetamine issues in Indian country)

On page 336, between lines 2 and 3, insert the following:

**"SEC. 815. SENSE OF CONGRESS REGARDING LAW ENFORCEMENT AND METHAMPHETAMINE ISSUES IN INDIAN COUNTRY.**

"It is the sense of Congress that Congress encourages State, local, and Indian tribal law enforcement agencies to enter into memoranda of agreement between and among those agencies for purposes of streamlining law enforcement activities and maximizing the use of limited resources—

"(1) to improve law enforcement services provided to Indian tribal communities; and

"(2) to increase the effectiveness of measures to address problems relating to methamphetamine use in Indian Country (as defined in section 1151 of title 18, United States Code).

Mr. TESTER. Mr. President, this amendment is designed to encourage law enforcement in Indian country—at the local, State, and Federal level—to work together to combat methamphetamine issues. It encourages local, State, and Federal police to enter into memorandums of understanding with tribal law enforcement to pool resources to fight meth addiction. It does not require it; it just encourages it. All four law enforcement entities should collaborate to ensure that all can be done to beat back the meth problems that plague Indian country.

Methamphetamine abuse is an American problem. It infiltrates and devastates communities across the country. Unfortunately, it is a problem that disproportionately impacts tribal communities. American Indians now experience the highest meth usage rates of any ethnic group.

I will give one example. American Indians use methamphetamines 17 times higher than African Americans. The list goes on and on. They are the highest meth usage ethnic group. Beyond the high rate of meth use among American Indians, Alaska natives, and native Hawaiians nationwide, individual Indian tries have been struggling with the impact of meth use on their communities. For example, on the Northern Cheyenne reservation in Montana in 2005, 16 out of 64 babies, or 25 percent, were born to meth-addicted mothers. This number has increased in 2006. We must do everything possible to address this epidemic and protect our children from this scourge of modern society.

In hearings before the Indian Affairs Committee, we heard testimony about Mexican drug cartels targeting rural reservations. They are targeting these vulnerable areas both for the sale of meth and for distribution hubs. Drug smugglers target Indian communities for several reasons: the complex nature of their criminal jurisdiction on Indian reservations and because tribal police forces have been historically underfunded and understaffed. This is a big problem. It is a huge problem in Indian country. We need to encourage Indian tribes, Federal police, local police to sign memorandums of understanding by each of these four different entities—Indian government, State government, local government, and Federal law enforcement agencies. These memorandums will identify specific law enforcement activity and establish exactly what each agency is responsible for.

The feedback we hear is that the memorandums that are in place are working and that the agencies participating in these agreements report a significant increase in communication and a decrease in traffic. This amendment simply asks law enforcement and agencies at every level to work together to beat the meth problem and improve quality of life in Indian country.

By signing memorandums of understanding, our communities will be better prepared to tackle this meth problem. At the same time we foster Indian self-determination and strengthen government-to-government relationships. The amendment will improve Indian country and, in effect, every community in this country. I encourage my colleagues to join me in voting for this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, for the information of colleagues, with the agreement of the minority, I ask unanimous consent that we have the vote scheduled at 5:25 and that we have consent that there not be other amendments in order prior to the vote on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the issue of methamphetamine on Indian reservations is a dilemma. It is devastating scourge to Indian reservations. The Senator from Montana asks for cooperation of law enforcement jurisdictions to form opportunities to work together. It makes a lot of sense. It is not a mandate. He is not requiring it. But he is shining a spotlight on one of the significant health problems on Indian reservations. If I spent the time to talk to you about the testimony we received in committee hearings about what methamphetamine addiction has done, it is almost unbelievable. I won't describe that in detail here.

I support the sense-of-the-Senate resolution. It makes a great deal of sense.

My colleague from Alaska will no doubt want to give her thoughts. I believe the Senator from Montana will ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise in support of the amendment and of the Senator from Montana in this effort. We are using a pretty devastating word here—scourge—but that is what we are talking about when we talk about methamphetamine use as it has come into this country and, more particularly, how it has devastated the American Indian and the Alaska native populations. What more can we be doing? What else can we do to shine the spotlight, to activate those who need to be activated in how do we make a difference? Some would suggest a sense of the Senate that encourages this action entering into a memorandum of understanding between agencies, they should be doing that anyway. They should be. They should be doing it. They should be working to streamline. They should be working to better coordinate. They should be making that difference. Let's encourage them even further by a statement such as the Senator from Montana has suggested. We need to do far more when it comes to meth use and abuse. We need to do far more when it comes to drug abuse in general. I appreciate the focus and attention to this particularly deadly scourge, that of methamphetamine. I will stand with the Senator from Montana and support the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. I thank the chairman of the committee as well as the ranking member for their support. Anything we can do to help limit the impact of methamphetamine in Indian country and throughout society is a step in the right direction.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4020. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced — yeas 95, nays 0, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—95

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—5

Clinton
Graham
Hutchison
McCaskill
Obama

The amendment (No. 4020) was agreed to.

Mr. TESTER. Madam President, I move to reconsider the vote.

Mrs. MURRAY. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

### AMENDMENT NO. 4022 TO AMENDMENT NO. 3900

Mr. GREGG. Madam President, I send an amendment to the desk.

Madam President, is the Sanders amendment pending?

The PRESIDING OFFICER. The Senator's amendment is pending. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 4022 to amendment No. 3900.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the Low-Income Home Energy Assistance Program in a fiscally responsible manner)

Strike all after line 1 and insert the following:

### TITLE III—MISCELLANEOUS

### SEC. 301. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of that Act (42 U.S.C. 8621(e)).

(b) RESCISSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, each discretionary amount provided by the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), excluding the amounts made available for the purposes described in paragraph (2), is reduced by the pro rata percentage required to reduce the total amount provided by that Act by $800,000,000.

(2) EXCEPTED PURPOSES.—The reduction under paragraph (1) shall not apply to any discretionary amount made available in the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), for purposes of—

(A) the Department of Defense; or

(B) the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

Mr. GREGG. Madam President, this amendment is simply an attempt to recognize the need for expanding the LIHEAP program in the face of the dramatic increase in oil prices, but also recognizing that in extending the LIHEAP program for today, we shouldn't send the heating bill for that to our children to pay tomorrow, which is exactly how the Sanders amendment works. It is essentially borrowing money today. That is obviously not good policy.

Clearly, if we have extra heating bills in this country today which should be paid for—and we do—the LIHEAP program does need to be increased because the cost of heating oil has gone up so significantly. We should pay for those costs today. So this amendment takes the Sanders language and pays for it. The Sanders language represents about an $800,000 increase in the LIHEAP program. This would be about a two-tenths-of-1-percent cut across the board in nondefense appropriations in order to pay for that amendment.

It is very simple. It is obviously an attempt to bring some fiscal discipline but, more importantly, to reflect the fact that if these heating bills are going to be paid for—and they should be paid for—we shouldn't borrow the money to do it. We shouldn't ask our children 10 years, 15 years from now to pay those heating bills, with interest, when the bills are incurred today.

So that is all it does. I appreciate the courtesy of the Senate in allowing me to proceed to offer this amendment. I especially appreciate the courtesy of the Senator from Wyoming.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GREGG. Madam President, I withdraw my request.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

### AMENDMENT NO. 3898 TO AMENDMENT NO. 3899

Mr. BARRASSO. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside, and I call up amendment No. 3898.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO] proposes an amendment numbered 3898 to amendment No. 3899.

Mr. BARRASSO. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Comptroller General to report on the effectiveness of coordination of health care services provided to Indians using Federal, State, local, and tribal funds)

The Indian Health Care Improvement Act (as amended by section 101(a)) is amended—

(1) by redesignating sections 816 and 817 as sections 817 and 818, respectively; and

(2) by inserting after section 815 the following:

**"SEC. 816. GAO REPORT ON COORDINATION OF SERVICES.**

"(a) STUDY AND EVALUATION.—The Comptroller General of the United States shall conduct a study, and evaluate the effectiveness, of coordination of health care services provided to Indians—

"(1) through Medicare, Medicaid, or SCHIP;

"(2) by the Service; or

"(3) using funds provided by—

"(A) State or local governments; or

"(B) Indian Tribes.

"(b) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Comptroller General shall submit to Congress a report—

"(1) describing the results of the evaluation under subsection (a); and

"(2) containing recommendations of the Comptroller General regarding measures to support and increase coordination of the provision of health care services to Indians as described in subsection (a).".

Mr. BARRASSO. Madam President, as a physician I have worked for over two decades to help people stay healthy and to help keep down the costs of their medical care. But health issues go way beyond that of a twisted knee or a painful shoulder.

In my practice I have seen firsthand the obstacles that families face to obtain medical care. Rural hospitals and rural providers must overcome significant challenges to deliver high-quality care in an environment with limited resources.

Our unique circumstances require us to work together to share resources and to develop networks. I think everyone can agree that these same principles are critical to support and modernize the Indian health care delivery system.

The Wind River Reservation, located near Riverton, WY, is the home of 10,415 members of the Eastern Shoshone and Northern Arapaho Tribes. It is the third largest reservation in the United States, covering more than 2.2 million acres.

I recently visited with my friends on the Wind River Reservation. The tribal leaders told me of the hopes they have for their families, their communities, for Wyoming, and for our great Nation. We spent much of the time discussing health care.

Individuals living on the Wind River Reservation have worse than average rates for infant mortality, for suicide, for substance abuse, for unintentional injuries, for lung cancer, for heart disease, and for diabetes. They shared with me how difficult it can be for them to recruit and retain health professionals, to respond effectively to cultural barriers, and to help individuals make better lifestyle changes and choices.

We talked about reauthorization of the Indian Health Care Improvement Act, and that is the bill that is now in front of the Senate. This legislation is important. It is important to give Native Americans the quality care they deserve, but it is also important to support critical health facilities that can help drive economic development and job creation.

When Congress debates improving the Indian health care system, the first instinct is to allocate more financial resources or to create new initiatives. Now, this stems from a strong desire from all of us to help. Yet this same helping hand can produce overlapping government programs, and these will be overlapping programs that are all trying to achieve the same goals.

For example, today, neither the government nor Indian advocacy groups can explain exactly how funds are used to coordinate medical services. The Indian Health Service is not like other Federal health care programs. Congress has only limited access to the research data that is needed to improve Indian health care. If we do not know where the resources are being spent, if we do not know the number of programs dedicated to provide various health care services, and if we do not know how health care services are coordinated, then how can we be certain that we are maximizing our ability to help Native Americans and Alaska Natives?

That is why I have offered amendment No. 3898 today. This amendment requires the Government Accountability Office—the GAO—to submit a report to Congress. The report would lay out how these various government and local programs coordinate health care services in Indian country.

The GAO study would focus on programs such as Medicare, Medicaid, children's health insurance programs, and the Indian Health Service. It also would require the GAO to research how these Federal programs interact with efforts by State, local, and tribal groups to deliver the essential health care services that are so vital to these citizens. By identifying any overlaps in spending, as well as pinpointing the service gaps, then we can develop reasonable, commonsense solutions that streamline and improve Indian health care. This way, we can target Federal funds to programs that are making the greatest impact. Then we can focus on additional areas where Native Americans and Alaska Natives need our support and need more support.

The GAO is well known as the investigative arm of Congress, and it is also known as the congressional watchdog. GAO helps Congress improve the Federal Government's performance and ensures programs meet strict accountability standards.

Now, all of that they do for the benefit of the American people. We rely on their expert recommendations, which are unbiased and are set up to make sound policy decisions. This oversight shows us ways to make government more efficient, more effective, ethical, and equitable. It uncovers what is working and what is not working, and it offers valuable advice on how to fix it. But, most importantly, this oversight helps us plan for the future.

Over the years, the GAO has submitted a few reports dealing with specific Indian health issues. Do any of my colleagues recall the last time the GAO completed a comprehensive Indian health care report?

I am certainly unaware of any recent efforts in this area. How many GAO reports have been released regarding Medicare, Medicaid, and the different health professional programs? I think we all know the answer.

We owe it to Native Americans, to Alaska Natives, and to the American taxpayers to adopt this amendment.

Madam President, I wish to make sure that people of the Wind River Reservation in Wyoming, and all Native American people across America, have equal access to quality, affordable medical care.

The Indian Affairs Committee, of which I am a member, will continue focusing on this issue long after this Indian Health Care Improvement Act is reauthorized.

It is essential that our committee have the information it needs to evaluate the current delivery system—exposing barriers that prevent collaboration, that prevent networking, that prevent innovation, and that prevent the sharing of resources.

It is my hope that this GAO report will help all policymakers begin to understand where the delivery system is working, where it is not, and offer the recommendations that are so important and so needed to streamline and to modernize it.

I encourage my colleagues to support the amendment.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RETIREMENT OF DR. JAMES ALBERT YOUNG

Mr. REID. Madam President, today I want to recognize and honor an individual who has committed much of his life to the preservation of Western rangeland and its ecosystems. Dr. James Albert Young retired on January 3, 2008, from the U.S. Department of Agriculture Agricultural Research Service after 33 years of dedicated work on issues important to the environmental health of the Great Basin.

The Great Basin is North America's largest desert, encompassing 135 million acres of land between the Rocky and Sierra Nevada Mountains in western North America. It includes parts of Nevada, Utah, Idaho, Oregon, and California. Land in the Great Basin is arid, receiving less than 12 inches of rain annually. Today, population growth, wildfires, and invasive species are reducing the quality of native rangelands at an accelerating rate. Recent studies by the U.S. Geological Survey and others predict that climate change could well be expected to accelerate these changes and associated impacts. Dr. Young's professional life was focused on understanding the specific challenges facing the Great Basin, finding ways to reverse the trends that threaten its environmental health, and educating people about the uniqueness of this beautiful land.

In 1965, Dr. Young started his career with USDA's Agricultural Research Service as a range scientist for the range and pasture unit in Reno, NV. He served as research leader of that unit from 1986 to 1998 and was known by many as the "Encyclopedia of Western Rangelands." Over the years his expertise and commitment to rangeland issues was recognized through various awards, such as United States Department of Agriculture Scientist of the Year, Weed Science Society of America Award of Excellence, Society for Range Management W. R. Chapline Research Award, Outstanding Achievement Award, and Fellow Award, as well as the Society for Range Management Nevada Section Researcher of the Year Award.

The State of Nevada awarded Dr. Young with the very first Nevada Weed Management Award, which they named the "James A. Young Award," for his tireless work on invasive weed management issues. Dr. Young has authored and co-authored over 700 scientific articles, including many books. His books have received national recognition, some of which include "Collecting, Processing, and Germinating Seeds of Wildland Plants;" "Endless Tracks in the Woods"; "Purshia: The Wild and Bitter Roses"; and "Cattle in the Cold Desert." Dr. Young recently finished a book, "Cheatgrass: Fire and Forage on the Range," which is an illustration of the breadth of knowledge that he has on the most popular weed in the Intermountain West. It is often stated that Dr. Young has probably forgotten more information on the ecology of Western rangelands that most people in resource management will ever learn.

Early in Dr. Young's career he developed the hypothesis that the nature and structure of a wildland plant community is largely controlled by the process that eliminated the previous plant community that occupied the site. Now known as the stand renewal process, this hypothesis is one of his ecological trademarks.

Dr. Young was also an outstanding educator. Over the years, he introduced dozens of high school and college students to the field of range science, some of whom became Area Directors for the Agricultural Research Service. His continued interest in educating natural resource specialists, as well as the general public, on science based management of Natural Resources has been a tremendous achievement over his career.

We owe a great debt to individuals like Dr. Young who, make their life's work protecting our natural world. Thank you, Dr. Young, for all you have done.

## GOLD MEDAL FOR AUNG SAN SUU KYI

Mr. McCONNEL. Madam President, I am proud once again to join my friend and colleague, Senator FEINSTEIN, on a matter involving the promotion of freedom and reconciliation in Burma. Today, we join together in support of awarding the Congressional Gold Medal to Burma's Aung San Suu Kyi.

When first established in 1776, the Congressional Gold Medal was given to military leaders for their achievements in battle. Since that time, it has become America's highest civilian honor, having been bestowed upon great friends of freedom such as Winston Churchill, Nelson Mandela, and Martin Luther King, Jr. Granting Suu Kyi the Gold Medal would continue that same tradition of honoring heroism in the defense of liberty.

For more than 20 years, Aung San Suu Kyi's support for justice and democracy has placed her at odds with the tyranny and oppression of the Burmese junta. She and her supporters have combated the brutality of the junta with peaceful protest and resistance. She has chosen dignity as her weapon, and she has found allies in democracy-loving people around the world to aid her in her struggle.

Even as I speak, Suu Kyi's nonviolent fight for democracy continues. Just last week, the Burmese junta announced that it would hold a general election in 2010. However, under the regime's sham plan for democracy, it would not even permit the country's foremost democracy activist, Suu Kyi, to hold public office.

The military junta is fooling no one with its false promises of reform, least of all, Suu Kyi and her allies. After all, she remains under house arrest, as she has for 12 of the last 18 years. That said, as the regime continues to suppress the voices of freedom and peace, it can be sure that there will be those of us who will stand with Suu Kyi and the people of Burma as they continue their struggle for democracy and justice.

By awarding Suu Kyi the Congressional Gold Medal, we are letting the Burmese military junta and the world know that the people of America will continue to speak out in favor of meaningful reform in her country.

It is particularly fitting that today, February 13 is the birthday of Suu Kyi's father. Aung San helped lead the struggle for Burmese independence after World War II, but was assassinated just before its achievement. What could be a more fitting way to honor the memory of a man who fought for freedom than by rewarding his noble daughter for continuing his legacy? In so doing, we reward them both with the promise that the United States will remain committed to the same cause, that of a peaceful and free Burma.

## EAST TIMOR

Mr. FEINGOLD. Madam President, I would like to take a moment to note the violent attacks which took place earlier this week on the President and Prime Minster of East Timor, or Timor-Leste as it is also called. The people of East Timor have experienced far too much violence for such a small nation and it is time, once again, for the world to renounce violence as a means to achieving any political agenda. I condemn such acts and urge all parties to seek legitimate peaceful—and political—means to ensure their voices are heard.

Earlier this week, President Jose Ramos Horta was shot by rebel soldiers. This band of rebels, led by the infamous Alfredo Reinado, attacked President Ramos-Horta outside his house. As a longstanding advocate of East Timor's self-determination, I have met President Ramos-Horta and am very troubled by this attempt to take his life and to undermine East Timorese stability and independence. President Ramos Horta is a Nobel Peace Prize winner and is known for his leadership of a nonviolent struggle against the Indonesian occupation. It is precisely because of these honorable principles that he has espoused, in the face of repeated violence, that I am doubly concerned by this recent attack. I am also worried that this violent act could affect the stability and progress of this young country and am pleased that Australia has agreed to send additional soldiers and police officers to address any unrest that might occur in the aftermath of this heinous attack.

I have followed East Timor's ongoing transformation very closely since the disastrous crisis in the late 1990s and have been so pleased to see its successful transition from Indonesian occupation to a U.N. administration to an independent nation over the years. Certainly East Timor's path forward has not been free from challenges but it has moved consistently in the right direction. I have long supported a robust U.N. peacekeeping mission there, I pressed the administration to take a hard line with the Indonesia military as a result, in part, of its actions in East Timor, and I spoke out against the renewed unrest in 2006 which led to a collapse of many key institutions and once again required the international community to step in and play a key role in security reform.

We cannot overlook the significance of these attacks in East Timor as the country stands to chart a course for emerging democracies around the world. A stable East Timor sends a signal that the international community can work collaboratively and consistently for the betterment of a nation—and a people. East Timor has received significant multilateral support over the years and if it fails to develop into a fully functioning and stable democracy, we will need to reexamine what kinds of commitment our nation truly makes to young democracies striving to succeed. For these reasons, I hope this incident is little more than a blip on the radar for Ramos-Horta and that his recovery is a speedy one so he can return to the helm of leadership and finish his term as President.

## CELEBRATING OREGON'S BLACK HISTORY

Mr. SMITH. Madam President, each Congress I rise to honor February as Black History Month. Each February since 1926, we have recognized the contributions of Black Americans to the history of our Nation. This month I want to celebrate some of the contributions made by Black Americans in my home State of Oregon.

The story of Abner Hunt Francis, a merchant from Buffalo, NY, is particularly moving. Francis, a man who gravitated to leadership, co-founded the Buffalo City Anti-Slavery Society in 1838 and organized local colored conventions throughout the 1830s and '40s in his native state. In 1851 he left the East Coast for the City of Portland in the Oregon Territory, expecting to encounter freer country on the American frontier.

Francis was disappointed to discover that despite the progressive attitude of its settlers, racist laws still encumbered Oregon Territory. It was not long after opening a boardinghouse that Francis's brother, O. H. Francis, was arrested. O. H. was detained in Portland on the grounds that men and women of color were not legally allowed in Oregon Territory, pursuant to an existing "exclusion" law. The case went immediately before a lower court, where it was decided that O. H. would have 6 months to vacate the territory. Unsatisfied that the judge had given O. H. ample time to leave, the complainant in the case appealed and the matter was elevated to the Territorial Supreme Court.

Abner Francis was incensed by the fact that such a law existed in the so-called free territory of Oregon. He described the plight of his brother and detailed the case made before the Supreme Court in a letter to his friend and fellow civil rights advocate, Frederick Douglass. When Judge Orville Pratt ruled against the defense, giving O. H. 4 months to leave the territory, Abner engaged Col. William M. King, then the representative of Portland's district in the State legislature. Representative King agreed to try to repeal the law outright. The law was not repealed until 1926, but a group of outraged Portlanders, led by Abner, successfully petitioned for an exemption for O. H.

Douglass wasted no time in publishing Francis's letter. Many abolitionists and civil rights leaders were learning of racial injustices in the undeveloped West for the first time when they read of O. H. Francis's case.

Outspoken men and women like Abner Francis forced Oregonians and the Nation to acknowledge that the bitter struggle for equality was to be fought not just in the East, but also in the farthest reaches of the American West. Francis must be recognized as one of the first vocal advocates for racial equality in Oregon. Today, I honor Abner Hunt Francis for his contributions.

## VOTE EXPLANATION

Mrs. McCASKILL. Madam President, today I attended the funeral of Connie Karr, my neighbor and city councilwoman in Kirkwood, MO, which is my home. Connie Karr died in a tragic attack on the Town Hall of Kirkwood. I was therefore unable to be present for two rollcall votes taken by the Senate. Had I been, I would have voted aye on the motion to invoke cloture on the conference report to accompany H.R. 2082, the Intelligence Authorization Act for fiscal year 2008. I would have further voted aye on final passage of H.R. 2082.

## ADDITIONAL STATEMENTS

## RECOGNIZING DEBRA BROWN STEINBERG

• Mr. COLEMAN. Madam President, today I want to recognize the accomplishments of Ms. Debra Brown Steinberg. Last year, Ms. Steinberg received the Ellis Island Medal of Honor from the National Ethnic Coalition of Organizations for her services in representing the families of noncitizen victims of the September 11, 2001, terrorist attacks on the World Trade Center. With this award, she joins past notable recipients such as former Presidents Gerald Ford, George H.W. Bush, and Bill Clinton.

Ms. Steinberg has worked tirelessly to help the families of 9/11 victims. She played a leading role in the creation of the New York Lawyers for the Public Interest 9/11 Project shortly after the attacks. Ms. Steinberg was a driving force in the creation of the 9/11 Victims Compensation Fund, which provided a total of $7 billion to the families of those killed in the attacks, and she drafted a substantial portion of the New York 9/11 Victims and Families Relief Act. Over the 6 years following that tragic day, her selfless service to these families has never ceased.

The Ellis Island Medal of Honor is only the latest in a series of honors that have been appropriately awarded to Ms. Steinberg. In 2006, she received the American Bar Association's Pro Bono Publico award for her many extraordinary efforts on behalf of the families of 9/11 victims, which she performed without compensation. Her public services have also been honored twice by the U.S. House of Representatives, in a New York State Senate resolution, and by New York City mayor Michael Bloomberg. Ms. Steinberg's work was also featured in the documentary film entitled "The Legal Community's Response to September 11th" and in a similar study entitled "Public Service in a Time of Crisis."

Ms. Steinberg's service should serve as an inspiration not only her peers in the legal profession but to all Americans.•

## RECOGNIZING THE GARFIELD-PALOUSE HIGH SCHOOL

• Mrs. MURRAY. Madam. President, today I recognize the Garfield-Palouse High School Junior Engineering Technical Society, JETS, design team from Washington State. These outstanding young students and their teacher, Mr. Jim Stewart, are finalists in the National Engineering and Design Challenge.

The Garfield-Palouse JETS team researched and built a prototype paraplegic agricultural lift to meet this year's National Engineering and Design Challenge to design a device to assist disabled people in the workplace. Their work to build this lift was inspired by their desire to help a classmate and will allow access to agriculture equipment for individuals with a disability. Agriculture is an important part of Washington State's economy, and I am pleased these students worked on a project that highlights a local industry and will help individuals with disabilities attain greater independence.

The JETS program at Garfield-Palouse High School is an integral tool to empower students to take a deeper look at understanding and addressing problems that many individuals with disabilities face.

I would like to commend Colby Cocking, Beau Fisher, Spencer Gray, Anna Iverson, Travis Mallett, Sean Neal, Miles Pfaff, Aaron Rager, Katie Redman, Steven Tronsen, and Jim Stewart for their accomplishments. Washington State is fortunate to have a talented and motivated team that placed in the top 5 out of over 100 entries in this unique and rewarding competition. I am proud of the dedication and hard work of these students from Washington State. I wish the team well in the final round of competitions.•

## RECOGNIZING SIOUX FALLS SEMINARY

• Mr. THUNE. Madam President, today I wish to recognize Sioux Falls Seminary located in Sioux Falls, SD, as they celebrate their 150th anniversary.

The Sioux Falls Seminary is a North American Baptist Seminary, which prides itself on the strength of their Bible focused curriculum and the valuable hands on ministry experience that they provide their students. The dedication of the Sioux Falls Seminary to educating its students for more than 150 years is truly commendable. I am proud to have such a fine institution in the State of South Dakota.

I would like to offer my congratulations to the Seminary of Sioux Falls on this milestone accomplishment and wish them continued prosperity in the years to come.•

## TRIBUTE TO SARA MELLEGARD

• Mr. THUNE. Madam President, today I honor Sara Mellegard of Rapid City, SD, who has been named the Black Hills Workshop Artist of the Year. This is an impressive accomplishment that reflects Sara's hard work and dedication and I am proud to have such a fine young artist representing the state of South Dakota.

Sara has developed her artistic skills with the help of the staff and resources at the Suzie Cappa Center for Art Expression and Enjoyment, which is part of the Black Hills Workshop. In addition to her painting, Sara also draws and works with ceramics. As a result of her award, Sara's work will be displayed at the Suzie Cappa Center, the Dahl Fine Arts Center and a reproduction of one her paintings, Doves, will be available for purchase as a postcard.

It gives me great pleasure to recognize Sara Mellegard and to congratulate her on receiving this well-earned award. I wish her continued success in the years to come.•

## TRIBUTE TO JIM WHITE

• Mr. THUNE. Madam President, today I honor Mr. Jim White, who is being recognized by the Wellspring Treatment Center in Rapid City, SD, for his many years of service to the local community, his outstanding generosity, and his dedication to encouraging local small businesses. It is people like Jim who make up the backbone of South Dakota's communities.

Jim White is the owner and founder of Sound Pro, a small business that he has operated for the past 32 years. He began the business as a young man and through hard work and dedication, grew the business into an establishment that is both customer and employee friendly. He has been a shining example of a hard-working and reliable businessman.

In addition to his dedication to the local business community, Mr. White has a special concern for the local young people. After reading a newspaper article about a local girl in need of a kidney transplant, he didn't hesitate to get tested as a potential donor. Upon hearing that he was a perfect match, Mr. White generously and selflessly gave his kidney to the young girl in order to save her life.

Mr. White is not only a generous local businessman, he also actively gives his time as a volunteer for many community organizations. He currently serves as a board member and also participates as a Big Brother mentor himself. Jim is a positive influence and great role model for these boys as well as the rest of his community.

Outside of Big Brothers and Big Sisters, Mr. White also willingly donates his time to mentor those in the community struggling with substance abuse and addiction. Despite his extremely busy schedule, he puts a high priority on encouraging and supporting people in the community from all walks of life. This support is also shown by his service as a member of the board of directors of the Wellspring Treatment Center, a local nonprofit agency that provides treatment and services to young people struggling with behavioral, emotional and chemical dependency problems.

In addition to all of his other commitments, Mr. White is the chairman of the Military Affairs Committee for the Rapid City Chamber of Commerce. He is extremely dedicated to this position and has even been given the title of "Honorary Commander" for the Ellsworth AFB Wing Commander.

This honorable recognition is clearly well-deserved. It is dedicated folks like Jim who make up the backbone of South Dakota's communities and it gives me great pleasure to commemorate Jim White on this special occasion and to wish him continued success in the years to come.•

## REPORT OF AN EXECUTIVE ORDER BLOCKING THE PROPERTY AND INTERESTS IN PROPERTY OF PERSONS DETERMINED TO HAVE BEEN INVOLVED IN THE CORRUPTION OF SENIOR OFFICIALS OF THE GOVERNMENT OF SYRIA—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.)(IEEPA), I hereby report that I have issued an Executive Order taking additional steps with respect to the Government of Syria's continued engagement in certain conduct that formed the basis for the national emergency declared in Executive Order 13338 of May 11, 2004, including but not limited to its efforts to undermine the stabilization and reconstruction of Iraq.

This order will block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for, to have engaged in, to have facilitated, or to have secured improper advantage as a result of, public corruption by senior officials within the Government of Syria. The order also revises a provision in Executive Order 13338 to block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for or otherwise significantly contributing to actions or decisions of the Government of Syria that have the purpose or effect of undermining efforts to stabilize Iraq or of allowing the use of Syrian territory or facilities to undermine efforts to stabilize Iraq.

I delegated to the Secretary of the Treasury the authority to take such actions, after consultation with the Secretary of State, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I wish to emphasize, as well, my ongoing concern over the destabilizing role Syria continues to play in Lebanon, including its efforts to obstruct, through intimidation and violence, Lebanon's democratic processes.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 13, 2008.*

## MESSAGES FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 29. An act to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes.

H.R. 2251. An act to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes.

H.R. 3332. An act to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes.

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office."

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathon Millican Lula Post Office."

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building."

H.R. 5135. An act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building."

H.R. 5270. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 209. Concurrent resolution expressing the sense of Congress that the Museum of the American Quilter's Society, located in Paducah, Kentucky, should be designated as the "National Quilt Museum of the United States".

H. Con. Res. 281. Concurrent resolution celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs.

The message further announced that the House has agreed to the following resolution:

H. Res. 975. Resolution relative to the death of the Honorable Tom Lantos, a Representative from the State of California.

At 4:58 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 293. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 29. An act to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2251. An act to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3332. An act to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathon Millican Lula Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5135. An act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 281. Concurrent resolution celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs; to the Committee on the Judiciary.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2633. A bill to provide for the safe redeployment of United States troops from Iraq.

S. 2634. A bill to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

S. 2636. A bill to provide needed housing reform.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5047. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1,3-Dichloropropene and Metabolites; Pesticide Tolerance" (FRL No. 8345-1) received on February 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5048. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5049. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (3) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5050. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the amount of funds the Department intends to obligate for the Cooperative Threat Reduction Program for fiscal year 2008; to the Committee on Armed Services.

EC-5051. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5052. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a review of the C-5 Reliability Enhancement and Re-Engining Program; to the Committee on Armed Services.

EC-5053. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (72 FR 2816) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5054. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 2835) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5055. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 2830) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5056. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 2818) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5057. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 2827) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5058. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 2822) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5059. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XF06) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5060. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the U.S. Coast Guard's compliance with the Edible Oil Regulatory Reform Act; to the Committee on Commerce, Science, and Transportation.

EC-5061. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television" (MB Docket No. 07-91) received on February 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5062. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing efforts during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC-5063. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (including 4 regulations beginning with USCG-2007-0128)" (RIN1625-AA00) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5064. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 2 regulations beginning with USCG-2007-0026)" (RIN1625-AA09) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5065. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 4 regulations beginning with USCG-2008-0015)" (RIN1625-AA09) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5066. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations (including 3 regulations beginning with USCG-2007-0023)" (RIN1625-AA01) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5067. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations: Recurring Marine Events in the Seventh Coast Guard District" ((RIN1625-AA08)(USCG-2007-0179)) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5068. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Potomac and Anacostia Rivers, Washington, DC and Arlington and Fairfax Counties, VA" ((RIN1625-AA87)(USCG-2008-0005)) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5069. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 3 regulations beginning with USCG-2007-0146)" (RIN1625-AA09) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5070. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Tampa Bay, Port of Tampa, Port of St. Petersburg, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, Florida" ((RIN1625-AB17)(CGD01-04-133)) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5071. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Tampa Bay, Port of Tampa, Port of St. Petersburg, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, Florida" ((RIN1625-AA87)(USCG-2007-0062)) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5072. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone (including 2 regulations beginning with USCG-2007-0093)" (RIN1625-AB87) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5073. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries" ((RIN1625-AB09)(Docket No. USCG-2006-25708)) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5074. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, Fourth Report and Order" (FCC 07-223) received on February 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5075. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Meetetse, Wyoming, Fruita, Colorado, Ashton, Burley, Dubois, Idaho Falls, Pocatello, Rexburg, Shelley, Soda Springs, and Weston, Idaho, Lima, Montana, American Fork, Ballard, Brigham City, Centerville, Delta, Huntington, Kaysville, Logan, Manti, Milford, Naples, Oakley, Orem, Price, Randolph, Roosevelt, Roy, Salina, South Jordan, Spanish Fork, Vernal, Wellington, and Woodruff, Utah, Diamondville, Evanston, Kemmerer, Marbleton, Superior, Thayne, and Wilson, Wyoming" (MB Docket No. 05-243) received on February 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5076. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Bering Sea Pollock Total Allowable Catch Amount" (RIN0648-XE78) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5077. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: BE-12, 2007 Benchmark Survey of Foreign Direct Investment in the United States" (RIN0691-AA64) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5078. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: BE-11, Annual Survey of U.S. Direct Investment Abroad - 2007" (RIN0691-AA63) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5079. A communication from the Senior Procurement Executive and Director, Office of Acquisition Management and Financial Assistance, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–5080. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Gulf of Alaska Pacific Cod Total Allowable Catch Amount" (RIN0648-XE80) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5081. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfer from FL to NY" (RIN0648-XE43) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5082. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear" (RIN0648-XE81) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5083. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reapportionment of Surplus Pacific Whiting Allocation" (RIN0648-XE38) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5084. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for the Regulatory Amendment to Revise Vermilion Snapper Regulations Under the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico" (RIN0648-AV45) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5085. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2008 Specifications for the Summer Flounder, Scup, and Black Sea Bass Fisheries" (RIN0648-XC84) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5086. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Action, Temporary Rule, Georges Bank Yellowtail Flounder Possession Limit Reduction" (RIN0648-XE82) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5087. A communication from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–5088. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands" (FERC Docket No. RM08-6-000) received on February 12, 2008; to the Committee on Energy and Natural Resources.

EC–5089. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Performance Profiles of Major Energy Producers 2006"; to the Committee on Energy and Natural Resources.

EC–5090. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District" (FRL No. 8527-5) received on February 12, 2008; to the Committee on Environment and Public Works.

EC–5091. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans for Air Quality Planning Purposes; Georgia: Early Progress Plan for the Atlanta 8-Hour Ozone Nonattainment Area" (FRL No. 8528-8) received on February 12, 2008; to the Committee on Environment and Public Works.

EC–5092. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Louisiana's Petition To Relax the Summer Gasoline Volatility Standard for the Grant Parish Area" (FRL No. 8529-2) received on February 12, 2008; to the Committee on Environment and Public Works.

EC–5093. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Nonattainment and Reclassification of the Imperial County, 8-Hour Ozone Nonattainment Area" (FRL No. 8528-4) received on February 12, 2008; to the Committee on Environment and Public Works.

EC–5094. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Conformity of General Federal Actions" (FRL No. 8517-6) received on February 7, 2008; to the Committee on Environment and Public Works.

EC–5095. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Oxides of Nitrogen Budget Trading Program" (FRL No. 8526-8) received on February 7, 2008; to the Committee on Environment and Public Works.

EC–5096. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Regulation No. 7, Section XII, Volatile Organic Compounds From Oil and Gas Operations" (FRL No. 8521-5) received on February 7, 2008; to the Committee on Environment and Public Works.

EC–5097. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Zero-Emission Vehicle Component of the Low Emission Vehicle Program" (FRL No. 8522-3) received on February 7, 2008; to the Committee on Environment and Public Works.

EC–5098. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2008-24) received on February 7, 2008; to the Committee on Finance.

EC–5099. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Medicare beneficiaries with specified chronic conditions who are deemed to be homebound; to the Committee on Finance.

EC–5100. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (22 CFR Parts 4022 and 4044) received on February 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5101. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-5102. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Health, received on February 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5103. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on February 1, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5104. A communication from the Acting Controller, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Federal Financial Management Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5105. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, justification of its budget estimates for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-5106. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-290, "Juvenile Speedy Trial Equity Temporary Act of 2008" received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5107. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-281, "Non-Resident Taxi Drivers Registration Amendment Act of 2008" received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5108. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-282, "SafeRx Amendment Act of 2008" received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5109. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-283, "Disposition and Redevelopment of Lot 854 in Square 441 Approval Act of 2008" received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5110. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-285, "District of Columbia Public Library Retirement Incentive Temporary Act of 2008" received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5111. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-286, "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Amendment Act of 2008" received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5112. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-287, "Minority and Women-Owned Business Assessment Act of 2008" received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5113. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-288, "Excellence in Local Business Contract Grading Act of 2008" received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5114. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-289, "National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008" received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5115. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of two courts improvement proposals adopted in September 2007; to the Committee on the Judiciary.

EC-5116. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Loan Guaranty: Loan Servicing and Claims Procedures Modifications" (RIN2900-AL65) received on February 1, 2008; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 439. A resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*John E. Osborn, of Delaware, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

*Mark McKinnon, of Texas, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2009, to which position he was appointed during the last recess of the Senate.

*Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2008.

*Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2011.

*Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2009.

*Susan M. McCue, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.

*Dennis M. Mulhaupt, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2008.

*Steven J. Simmons, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2009.

*William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

*Elizabeth F. Bagley, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2008.

*James K. Glassman, of Connecticut, to be Under Secretary of State for Public Diplomacy with the rank of Ambassador.

*Ana M. Guevara, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

*Goli Ameri, of Oregon, to be an Assistant Secretary of State (Educational and Cultural Affairs).

*Larry Woodrow Walther, of Arkansas, to be Director of the Trade and Development Agency.

*Hector E. Morales, of Texas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

*David J. Kramer, of Massachusetts, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

*Jeffrey J. Grieco, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

*James Francis Moriarty, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Nominee: James Francis Moriarty.

Post: Dhaka, Bangladesh.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, Lauren Moriarty, none.
3. Children and spouses: T.F. Mana Moriarty, none; Kathleen K. Moriarty, none.
4. Parents: William Moriarty (deceased); June Buckley (deceased).
5. Grandparents: Rene Provencal (deceased); Carmel Provencal, none.
6. Brothers and Spouses: Philip G. Moriarty (single), none; Mark F. Moriarty (single), none.
7. Sisters and Spouses: Margaret Staruk, none; Harry Staruk, none.

*Margaret Scobey, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

Nominee: Margaret Scobey.

Post: Ambassador to Egypt.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: none.
2. Spouse: n/a.
3. Children and Spouses: n/a.
4. Parents: James L. and Dolores K. Scobey (deceased). Grandparents: W.C. and Viola

Scobey (deceased); John and Theodora Koshalek (deceased).

5. Brothers and Spouses: James L. and Janet Scobey: 25.00, 2006, Mel Martinez; 25.00, 2006, Tom Feeny; 25.00, 2006, Bill McCollum. Martin W. and Mary Scobey: none.

6. Sisters and Spouses: n/a.

*Deborah K. Jones, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

Nominee: Deborah Kay Jones.

Post: U.S. Embassy Kuwait.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Minor children, Ana (15), and Isabella (11) Olson, none.

4. Parents: Lavar Allred Jones (deceased June 1999), father; Corina Ringius Nolting, mother, none.

5. Grandparents: Leland James Jones (deceased 1986); Minnie Louise Jones (deceased 1968); Carlos Fortunato Ringius (deceased—Argentine national); Ana Maria Tiscornia (deceased—Argentine national).

6. Brothers and Spouses: unknown; Lavar Allred Jones, Jr.—no contact since 1981, none. Dwight Timothy Jones/Selene, spouse.

7. Sisters and Spouses: Celia Bezou/Jacques Francois Bezou, spouse, $1,000, 2004, John Kerry; Leslie Louise Jones, $100, 2004, Howard Dean; Wendy Jones/James Hargrove, spouse, none; Rachel Jones/Nathan Yorgason, spouse, none; Heather Jones/Jason Johnson, spouse, none; Katherine Jones/Jared Holland, spouse, none.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. SESSIONS, Mr. FEINGOLD, Mr. ISAKSON, Mr. ALEXANDER, Mr. VOINOVICH, Mr. LUGAR, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. MARTINEZ, Mr. ENZI, Mr. CORKER, and Ms. SNOWE):

S. 2627. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

By Mr. ENSIGN:

S. 2628. A bill to amend the Internal Revenue Code of 1986 to treat income earned by mutual funds from exchange-traded funds holding precious metal bullion as qualifying income; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2629. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage of drugs prescribed for certain research study child participants; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. STEVENS, Mr. KERRY, and Ms. MURKOWSKI):

S. 2630. A bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. VOINOVICH, and Mr. WHITEHOUSE):

S. 2631. A bill to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND:

S. 2632. A bill to ensure that the Sex Offender Registration and Notification Act is applied retroactively; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. REID):

S. 2633. A bill to provide for the safe redeployment of United States troops from Iraq; read the first time.

By Mr. FEINGOLD (for himself and Mr. REID):

S. 2634. A bill to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates; read the first time.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2635. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 2636. A bill to provide needed housing reform; read the first time.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. ALLARD, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. BINGAMAN, Mr. INHOFE, Mrs. MURRAY, Mr. REID, Mr. SALAZAR, Mr. STEVENS, Mr. MARTINEZ, and Mr. JOHNSON):

S. Res. 450. A resolution designating July 26, 2008, as "National Day of the Cowboy"; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 451. A resolution honoring the achievements of Rawle and Henderson LLP, on its 225th anniversary and on being recognized as the oldest law firm in continuous practice in the United States; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 452. A resolution commemorating the 250th Anniversary of the Naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the continent, and in spreading the ideals of freedom and democracy throughout the world; considered and agreed to.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. Res. 453. A resolution recognizing February 20, 2008, as the 100th anniversary of Abraham Baldwin Agricultural College; considered and agreed to.

## ADDITIONAL COSPONSORS

### S. 400

At the request of Mr. SUNUNU, the names of the Senator from California (Mrs. BOXER) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

### S. 727

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

### S. 969

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

### S. 1175

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

### S. 1758

At the request of Mr. KENNEDY, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 1758, a bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.

S. 1760

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2059

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2125

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2125, a bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups.

S. 2144

At the request of Mr. COLEMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2144, a bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2219

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2219, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program.

S. 2262

At the request of Mr. DOMENICI, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2262, a bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2433

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2566

At the request of Mr. ISAKSON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2580

At the request of Mr. BROWN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2593

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2593, a bill to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, and for other purposes.

S. 2617

At the request of Mr. AKAKA, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2617, a bill to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 2625

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2625, a bill to ensure that deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts, be excluded from consideration as annual income when determining eligibility for low-income housing programs.

S. RES. 439

At the request of Mr. LUGAR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 439, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

S. RES. 444

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 444, a resolution expressing the sense of the Senate regarding the strong alliance that has been forged between the United States and the Republic of Korea and congratulating Myung-Bak Lee on his election to the presidency of the Republic of Korea.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. SESSIONS, Mr. FEINGOLD, Mr. ISAKSON, Mr. ALEXANDER, Mr. VOINOVICH, Mr. LUGAR, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. MARTINEZ, Mr. ENZI, Mr. CORKER, and Ms. SNOWE):

S. 2627. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

Mr. DOMENICI. Mr. President, on behalf of Senator LIEBERMAN, the distinguished chairman of the Homeland Security and Governmental Affairs Committee, I rise to introduce the Biennial Budgeting and Appropriations Act, a bill to convert the annual budget and appropriations process to a 2-year cycle and to enhance oversight of Federal programs.

Mr. President, our most recent experience with the fiscal year 2008 Omnibus Consolidated Appropriations Act shows the need for a biennial appropriations and budget process. That one bill clearly demonstrated Congress is incapable of completing the budget, authorizing, and appropriations process on an annual basis and unfortunantly, this is not the first time.

Congress should now act to streamline the system by moving to a 2-year, or biennial, budget process. This is the most important reform we can enact to streamline the budget process, to make the Senate a more deliberative and effective institution, and to make us more accountable to the American people.

Moving to a biennial budget and appropriations process enjoys very broad support. President George W. Bush has supported a biennial budgeting process. Presidents Clinton, Reagan, and Bush also proposed a biennial appropriations and budget cycle. Leon Panetta, who served as White House Chief of Staff, OMB Director, and House Budget Committee chairman, has advocated a biennial budget since the late 1970s. Former OMB and CBO Director Alice Rivlin has called for a biennial budget the past two decades. Vice President Gore's National Performance Review and the 1993 Joint Committee on the Reorganization of Congress both recommended a biennial appropriations and budget cycle.

A biennial budget will dramatically improve the current budget process. The current annual budget process is redundant, inefficient, and destined for failure each year. Look at what we struggle to complete each year under the current annual process. The annual budget process consumes 3 years: 1 year for the administration to prepare the President's budget, another year for the Congress to put the budget into law, and the final year to actually execute the budget.

Today, I want to focus just on the congressional budget process, the process of annually passing a budget resolution, authorization legislation, and multiple appropriation bills. The record clearly shows that last year's experience was nothing new. Under the annual process, we consistently fail to complete action on multiple appropriations bills, to authorize programs, and to meet our deadlines.

While we have made a number of improvements in the budget process, the current annual process is redundant and inefficient. The Senate has the same debate, amendments and votes on the same issue three or four times a year—once on the budget resolution, again on the authorization bill, and finally on the appropriations bill.

Several years ago, I asked the Congressional Research Service, CRS, to update and expand upon an analysis of the amount of time we spend on the budget. CRS looked at all votes on appropriations, revenue, reconciliation, and debt limit measures as well as budget resolutions. CRS then examined any other vote dealing with budgetary levels, Budget Act waivers, or votes pertaining to the budget process. Beginning with 1980, budget related votes started dominating the work of the Senate. In 1996, 73 percent of the votes the Senate took were related to the budget.

If we cannot adequately focus on our duties because we are constantly debating the budget throughout the authorizing, budgeting, and appropriations process, just imagine how confused the American public is about what we are doing. The result is that the public does not understand what we are doing and it breeds cynicism about our Government.

Under the legislation we are introducing today, the President would submit a 2-year budget and Congress would consider a 2-year budget resolution and 2-year appropriation bills during the first session of a Congress. The second session of the Congress would be devoted to consideration of authorization bills and for oversight of Government agencies.

Most of the arguments against a biennial budget process will come from those who claim we cannot predict or plan on a 2-year basis. For most of the budget, we do not actually budget on an annual basis. Our entitlement and revenue laws are under permanent law, and Congress does not change these laws on an annual basis. The only component of the budget that is set in law annually are the appropriated, or discretionary, accounts.

The most predictable category of the budget are these appropriated, or discretionary, accounts of the Federal Government. Much of this spending is associated with international activities or emergencies. Because most of this funding cannot be predicted on an annual basis, a biennial budget is no less deficient than the current annual process. My bill does not preclude supplemental appropriations necessary to meet these emergency or unanticipated requirements.

In 1993 I had the honor to serve as cochairman on a joint committee that studied the operations of the Congress. Senator BYRD testified before that committee that the increasing demands put on us as Senators has led to our "fractured attention." We simply are too busy to adequately focus on the people's business. This legislation is designed to free up time and focus our attention, particularly with respect to the oversight of Federal programs and activities.

Frankly, the limited oversight we are now doing is not as good as it should be. Our authorizing committees are increasingly crowded out of the legislative process. Under a biennial budget, the second year of the biennium will be exclusively devoted to examining Federal programs and developing authorization legislation. The calendar will be free of the budget and appropriations process, giving these committees the time and opportunity to provide oversight, review, and legislate changes to Federal programs. Oversight and the authorization should be an ongoing process, but a biennial appropriations process will provide greater opportunity for legislators to concentrate on programs and policies in the second year.

A biennial budget cannot make the difficult decisions that must be made in budgeting, but it can provide the tools necessary to make much better decisions. Under the current annual budget process, we are constantly spending the taxpayers' money instead of focusing on how best and most efficiently we should spend the taxpayers' money. By moving to a biennial budget cycle, we can plan, budget, and appropriate more effectively, strengthen oversight and watchdog functions, and improve the efficiency of government agencies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 2627

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Biennial Budgeting and Appropriations Act".

**SEC. 2. REVISION OF TIMETABLE.**

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Eleventh Congress) is as follows:

"First Session

| On or before: | Action to be completed: |
|---|---|
| First Monday in February. | President submits budget recommendations. |
| February 15 ... | Congressional Budget Office submits report to Budget Committees. |
| Not later than 6 weeks after budget submission. | Committees submit views and estimates to Budget Committees. |
| April 1 ........... | Budget Committees report concurrent resolution on the biennial budget. |
| May 15 ........... | Congress completes action on concurrent resolution on the biennial budget. |
| May 15 ........... | Biennial appropriation bills may be considered in the House. |
| June 10 .......... | House Appropriations Committee reports last biennial appropriation bill. |
| June 30 .......... | House completes action on biennial appropriation bills. |
| August 1 ........ | Congress completes action on reconciliation legislation. |
| October 1 ....... | Biennium begins. |

Second Session

| On or before: | Action to be completed: |
|---|---|
| February 15 ... | President submits budget review. |
| Not later than 6 weeks after President submits budget review. | Congressional Budget Office submits report to Budget Committees. |
| The last day of the session. | Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium. |

"(b) SPECIAL RULE.—In the case of any first session of Congress that begins in any year immediately following a leap year and during which the term of a President (except a President who succeeds himself or herself) begins, the following dates shall supersede those set forth in subsection (a):

"First Session

| On or before: | Action to be completed: |
|---|---|
| First Monday in April. | President submits budget recommendations. |
| April 20 ......... | Committees submit views and estimates to Budget Committees. |
| May 15 ........... | Budget Committees report concurrent resolution on the biennial budget. |
| June 1 ........... | Congress completes action on concurrent resolution on the biennial budget. |
| July 1 ............ | Biennial appropriation bills may be considered in the House. |
| July 20 .......... | House completes action on biennial appropriation bills. |
| August 1 ........ | Congress completes action on reconciliation legislation. |
| October 1 ....... | Biennium begins.". |

### SEC. 3. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting "biennially".

(b) DEFINITIONS.—

(1) BUDGET RESOLUTION.—Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) BIENNIUM.—Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

"(11) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.".

(c) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) SECTION HEADING.—The section heading of section 301 of such Act is amended by striking "**annual**" and inserting "**biennial**".

(2) CONTENTS OF RESOLUTION.—Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) in the matter preceding paragraph (1) by—

(i) striking "April 15 of each year" and inserting "May 15 of each odd-numbered year";

(ii) striking "the fiscal year beginning on October 1 of such year" the first place it appears and inserting "the biennium beginning on October 1 of such year"; and

(iii) striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting "each fiscal year in such period";

(B) in paragraph (6), by striking "for the fiscal year" and inserting "for each fiscal year in the biennium"; and

(C) in paragraph (7), by striking "for the fiscal year" and inserting "for each fiscal year in the biennium".

(3) ADDITIONAL MATTERS.—Section 301(b)(3) of such Act (2 U.S.C. 632(b)) is amended by striking "for such fiscal year" and inserting "for either fiscal year in such biennium".

(4) VIEWS OF OTHER COMMITTEES.—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting "(or, if applicable, as provided by section 300(b))" after "United States Code".

(5) HEARINGS.—Section 301(e)(1) of such Act (2 U.S.C. 632(e)) is amended by—

(A) striking "fiscal year" and inserting "biennium"; and

(B) inserting after the second sentence the following: "On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)), the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.".

(6) GOALS FOR REDUCING UNEMPLOYMENT.—Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(7) ECONOMIC ASSUMPTIONS.—Section 301(g)(1) of such Act (2 U.S.C. 632(g)(1)) is amended by striking "for a fiscal year" and inserting "for a biennium".

(8) TABLE OF CONTENTS.—The item relating to section 301 in the table of contents set forth in section 1(b) of such Act is amended by striking "Annual" and inserting "Biennial".

(d) COMMITTEE ALLOCATIONS.—Section 302 of such Act (2 U.S.C. 633) is amended—

(1) in subsection (a)

(A) in paragraph (1), by—

(i) striking "for the first fiscal year of the resolution," and inserting "for each fiscal year in the biennium,";

(ii) striking "for that period of fiscal years" and inserting "for all fiscal years covered by the resolution"; and

(iii) striking "for the fiscal year of that resolution" and inserting "for each fiscal year in the biennium"; and

(B) in paragraph (5), by striking "April 15" and inserting "May 15 or June 1 (under section 300(b))";

(2) in subsection (b), by striking "budget year" and inserting "biennium";

(3) in subsection (c) by striking "for a fiscal year" each place it appears and inserting "for each fiscal year in the biennium";

(4) in subsection (f)(1), by striking "for a fiscal year" and inserting "for a biennium";

(5) in subsection (f)(1), by striking "the first fiscal year" and inserting "each fiscal year of the biennium";

(6) in subsection (f)(2)(A), by—

(A) striking "the first fiscal year" and inserting "each fiscal year of the biennium"; and

(B) striking "the total of fiscal years" and inserting "the total of all fiscal years covered by the resolution"; and

(7) in subsection (g)(1)(A), by striking "April" and inserting "May".

(e) SECTION 303 POINT OF ORDER.—

(1) IN GENERAL.—Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by—

(A) striking "the first fiscal year" and inserting "each fiscal year of the biennium"; and

(B) striking "that fiscal year" each place it appears and inserting "that biennium".

(2) EXCEPTIONS IN THE HOUSE.—Section 303(b)(1) of such Act (2 U.S.C. 634(b)) is amended—

(A) in subparagraph (A), by striking "the budget year" and inserting "the biennium"; and

(B) in subparagraph (B), by striking "the fiscal year" and inserting "the biennium".

(3) APPLICATION TO THE SENATE.—Section 303(c)(1) of such Act (2 U.S.C. 634(c)) is amended by—

(A) striking "fiscal year" and inserting "biennium"; and

(B) striking "that year" and inserting "each fiscal year of that biennium".

(f) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304(a) of such Act (2 U.S.C. 635) is amended—

(1) by striking "fiscal year" the first two places it appears and inserting "biennium"; and

(2) by striking "for such fiscal year" and inserting "for such biennium".

(g) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305 of such Act (2 U.S.C. 636(3)) is amended—

(1) in subsection (a)(3), by striking "fiscal year" and inserting "biennium"; and

(2) in subsection (b)(3), by striking "fiscal year" and inserting "biennium".

(h) COMPLETION OF HOUSE ACTION ON APPROPRIATION BILLS.—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking "each year" and inserting "each odd-numbered year";

(2) by striking "annual" and inserting "biennial";

(3) by striking "fiscal year" and inserting "biennium"; and

(4) by striking "that year" and inserting "each odd-numbered year".

(i) COMPLETION OF ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting "of any odd-numbered calendar year" after "July";

(2) by striking "annual" and inserting "biennial"; and

(3) by striking "fiscal year" and inserting "biennium".

(j) RECONCILIATION PROCESS.—Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "any fiscal year" and inserting "any biennium"; and

(2) in paragraph (1) by striking "such fiscal year" each place it appears and inserting "any fiscal year covered by such resolution".

(k) SECTION 311 POINT OF ORDER.—

(1) IN THE HOUSE.—Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking "for a fiscal year" and inserting "for a biennium";

(B) by striking "the first fiscal year" each place it appears and inserting "either fiscal year of the biennium"; and

(C) by striking "that first fiscal year" and inserting "each fiscal year in the biennium".

(2) IN THE SENATE.—Section 311(a)(2) of such Act is amended—

(A) in subparagraph (A), by striking "for the first fiscal year" and inserting "for either fiscal year of the biennium"; and

(B) in subparagraph (B)—

(i) by striking "that first fiscal year" the first place it appears and inserting "each fiscal year in the biennium"; and

(ii) by striking "that first fiscal year and the ensuing fiscal years" and inserting "all fiscal years".

(3) SOCIAL SECURITY LEVELS.—Section 311(a)(3) of such Act is amended by—

(A) striking "for the first fiscal year" and inserting "each fiscal year in the biennium"; and

(B) striking "that fiscal year and the ensuing fiscal years" and inserting "all fiscal years".

(l) MDA POINT OF ORDER.—Section 312(c) of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended—

(1) by striking "for a fiscal year" and inserting "for a biennium";

(2) in paragraph (1), by striking "the first fiscal year" and inserting "either fiscal year in the biennium";

(3) in paragraph (2), by striking "that fiscal year" and inserting "either fiscal year in the biennium"; and

(4) in the matter following paragraph (2), by striking "that fiscal year" and inserting "the applicable fiscal year".

## SEC. 4. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'biennium' has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) SCHEDULE.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:

"(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Eleventh Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget of the United States Government transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:".

(2) EXPENDITURES.—Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 fiscal years".

(3) RECEIPTS.—Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years".

(4) BALANCE STATEMENTS.—Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(5) FUNCTIONS AND ACTIVITIES.—Section 1105(a)(12) of title 31, United States Code, is amended in subparagraph (A), by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(6) ALLOWANCES.—Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(7) ALLOWANCES FOR UNCONTROLLED EXPENDITURES.—Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting "each fiscal year in the biennium for which the budget is submitted".

(8) TAX EXPENDITURES.—Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(9) FUTURE YEARS.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "the fiscal year following the fiscal year" and inserting "each fiscal year in the biennium following the biennium";

(B) by striking "that following fiscal year" and inserting "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting "biennium before the biennium".

(10) PRIOR YEAR OUTLAYS.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years,";

(B) by striking "for that year" and inserting "with respect to those fiscal years"; and

(C) by striking "in that year" and inserting "in those fiscal years".

(11) PRIOR YEAR RECEIPTS.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to those fiscal years"; and

(C) by striking "in that year" each place it appears and inserting "in those fiscal years".

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting "each even-numbered year".

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "the fiscal year for" the first place it appears and inserting "each fiscal year in the biennium for";

(2) by striking "the fiscal year for" the second place it appears and inserting "each fiscal year of the biennium, as the case may be, for"; and

(3) by striking "for that year" and inserting "for each fiscal year of the biennium".

(e) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e)(1) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting "biennium to which such budget relates".

(f) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) IN GENERAL.—Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1), by—

(i) inserting after "Before July 16 of each year" the following: "and February 15 of each even-numbered year"; and

(ii) striking "fiscal year" and inserting "biennium";

(B) in paragraph (1), by striking "that fiscal year" and inserting "each fiscal year in such biennium";

(C) in paragraph (2), by striking "fiscal year" and inserting "biennium"; and

(D) in paragraph (3), by striking "fiscal year" and inserting "biennium".

(2) CHANGES.—Section 1106(b) of title 31, United States Code, is amended by—

(A) striking "the fiscal year" and inserting "each fiscal year in the biennium";

(B) inserting after "Before July 16 of each year" the following: "and February 15 of each even-numbered year"; and

(C) striking "submitted before July 16" and inserting "required by this subsection".

(g) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) IN GENERAL.—Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1986)" and inserting "At the same time the budget required by section 1105 is submitted for a biennium"; and

(B) by striking "the following fiscal year" and inserting "each fiscal year of such period".

(2) JOINT ECONOMIC COMMITTEE.—Section 1109(b) of title 31, United States Code, is amended by striking "March 1 of each year" and inserting "within 6 weeks of the President's budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)".

(h) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended by—

(1) striking "May 16" and inserting "March 31"; and

(2) striking "year before the year in which the fiscal year begins" and inserting "calendar year preceding the calendar year in which the biennium begins".

## SEC. 5. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

**"§ 105. Title and style of appropriations Acts**

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for each fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

## SEC. 6. MULTIYEAR AUTHORIZATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 316. (a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider—

"(1) any bill, joint resolution, amendment, motion, or conference report that authorizes appropriations for a period of less than 2 fiscal years, unless the program, project, or activity for which the appropriations are authorized will require no further appropriations and will be completed or terminated after the appropriations have been expended; and

"(2) in any odd-numbered year, any authorization or revenue bill or joint resolution until Congress completes action on the biennial budget resolution, all regular biennial appropriations bills, and all reconciliation bills.

"(b) APPLICABILITY.—In the Senate, subsection (a) shall not apply to—

"(1) any measure that is privileged for consideration pursuant to a rule or statute;

"(2) any matter considered in Executive Session; or

"(3) an appropriations measure or reconciliation bill.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 315 the following new item:

"Sec. 316. Authorizations of appropriations".

## SEC. 7. GOVERNMENT PLANS ON A BIENNIAL BASIS.

(a) STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (a), by striking "September 30, 1997" and inserting "September 30, 2009";

(2) in subsection (b)—

(A) by striking "five years forward" and inserting "6 years forward";

(B) by striking "at least every three years" and inserting "at least every 4 years"; and

(C) by striking beginning with ", except that" through "four years"; and

(3) in subsection (c), by inserting a comma after "section" the second place it appears

and adding "including a strategic plan submitted by September 30, 2009 meeting the requirements of subsection (a)".

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Paragraph (28) of section 1105(a) of title 31, United States Code, is amended by striking "beginning with fiscal year 1999, a" and inserting "beginning with fiscal year 2010, a biennial".

(c) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1)—

(i) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)"; and

(ii) by striking "an annual" and inserting "a biennial";

(B) in paragraph (1) by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(C) in paragraph (5) by striking "and" after the semicolon,

(D) in paragraph (6) by striking the period and inserting a semicolon; and inserting "and" after the inserted semicolon; and

(E) by adding after paragraph (6) the following:

"(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.";

(2) in subsection (d) by striking "annual" and inserting "biennial"; and

(3) in paragraph (6) of subsection (f) by striking "annual" and inserting "biennial".

(d) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Section 9703 of title 31, United States Code, relating to managerial accountability, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "annual"; and

(B) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)";

(2) in subsection (e)—

(A) in the first sentence by striking "one or" before "years";

(B) in the second sentence by striking "a subsequent year" and inserting "a subsequent 2-year period"; and

(C) in the third sentence by striking "three" and inserting "4".

(e) PILOT PROJECTS FOR PERFORMANCE BUDGETING.—Section 1119 of title 31, United States Code, is amended—

(1) in paragraph (1) of subsection (d), by striking "annual" and inserting "biennial"; and

(2) in subsection (e), by striking "annual" and inserting "biennial".

(f) STRATEGIC PLANS.—Section 2802 of title 39, United States Code, is amended—

(1) is subsection (a), by striking "September 30, 1997" and inserting "September 30, 2009";

(2) by striking "five years forward" and inserting "6 years forward";

(3) in subsection (b), by striking "at least every three years" and inserting "at least every 4 years"; and

(4) in subsection (c), by inserting a comma after "section" the second place it appears and inserting "including a strategic plan submitted by September 30, 2009 meeting the requirements of subsection (a)".

(g) PERFORMANCE PLANS.—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking "an annual" and inserting "a biennial";

(2) in paragraph (1), by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(3) in paragraph (5), by striking "and" after the semicolon;

(4) in paragraph (6), by striking the period and inserting "; and"; and

(5) by adding after paragraph (6) the following:

"(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.".

(h) COMMITTEE VIEWS OF PLANS AND REPORTS.—Section 301(d) of the Congressional Budget Act (2 U.S.C. 632(d)) is amended by adding at the end "Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, and performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of the committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House.".

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2009.

(2) AGENCY ACTIONS.—Effective on and after the date of enactment of this Act, each agency shall take such actions as necessary to prepare and submit any plan or report in accordance with the amendments made by this Act.

**SEC. 8. BIENNIAL APPROPRIATIONS BILLS.**

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following:

"CONSIDERATION OF BIENNIAL APPROPRIATIONS BILLS

"SEC. 317. It shall not be in order in the House of Representatives or the Senate in any odd-numbered year to consider any regular bill providing new budget authority or a limitation on obligations under the jurisdiction of any of the subcommittees of the Committees on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond 1 year and will be completed or terminated after the amount provided has been expended.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 316 the following new item:

"Sec. 317. Consideration of biennial appropriations bills".

**SEC. 9. REPORT ON TWO-YEAR FISCAL PERIOD.**

Not later than 180 days after the date of enactment of this Act, the Director of OMB shall—

(1) determine the impact and feasibility of changing the definition of a fiscal year and the budget process based on that definition to a 2-year fiscal period with a biennial budget process based on the 2-year period; and

(2) report the findings of the study to the Committees on the Budget of the House of Representatives and the Senate.

**SEC. 10. EFFECTIVE DATE.**

Except as provided in section 7, this Act and the amendments made by this Act shall take effect on January 1, 2009, and shall apply to budget resolutions and appropriations for the biennium beginning with fiscal year 2010.

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By Mr. SPECTER (for himself and Mr. CASEY):

S. 2629. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage of drugs prescribed for certain research study child participants; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce Nino's Act, to provide for the continuance of successful treatment for children who are required to leave National Institutes of Health, NIH, research studies. The NIH provides the greatest medical research in the world on innumerable diseases, including cancer, Alzheimer's, Parkinson's. The NIH also conducts excellent research on diseases that affect children. To conduct that research many brave children must partake in research studies including observational, or natural history, studies and clinical trials to test experimental therapies. This participation is critical to understanding diseases and ultimately finding cures at the NIH.

To participate in the trials and studies, children and their families often make considerable sacrifices. Families will travel great distances to receive treatment that may provide relief from the child's illness. In many cases, parents and doctors will have tried many treatments for the child's disease about which little may be known or understood. The NIH studies represent an opportunity for both the medical community to learn more about the disease and the child to be studied and potentially treated by the best researchers in the world.

When the experimental treatments are successful, it is cause for great celebration for the child. The joy, however, can end quickly as the studies come to end but the children who have been part of them continue to be stricken by these terrible illnesses.

Nino's Act seeks to transition children out of the NIH studies as they end so they don't experience a gap in their important treatment. This legislation continues the successful treatment initiated in NIH studies by providing access to the same prescription drugs for children who are required to leave NIH clinical studies due to the studies ending, researcher leaving, or other reason. Often drugs that are used successfully in these studies have not yet been approved by the Food and Drug Administration or have not been approved for treatment of the child's specific disease. As such, it is nearly impossible for children to get access or insurance coverage for these drugs. This bill makes that access possible by requiring Medicaid to cover the cost of treatment in the event that the children's health insurance does not.

On occasion, insurers will cover the cost of the treatment for these children if they have adequate insurance and the FDA has approved the drug for off-label uses. More often then not, however, children do not have health insurance, or have insufficient insurance to obtain these drugs. As a result, children suffer their diseases without relief from the treatment as established in the clinical NIH studies. To ensure that these children have access to successful care post-study, Nino's Act requires Medicaid to cover the cost of treatment for these children. While Medicaid access is traditionally based on income, due to the importance of these drugs to the child's well-being the income component will be waived. To ensure Medicaid is not unnecessarily covering medication, Nino's Act requires the physicians participating in the research to certify the treatment as successful and essential.

This important issue was introduced to me by Lori Todaro of Newville, PA. Lori's son Nino suffers from Undifferentiated Auto-Inflammatory Periodic Fever Syndrome. This disease takes a devastating toll on those who suffer from it. The auto-inflammatory disease can cause joint inflammation arthritis, Crohns, colitis, irritable bowel syndrome, and cyclical high fevers. Treatment for Periodic Fever Syndrome is experimental at best; Lori and Nino have visited a number of doctors and tried many medications in an effort to control the disease.

In 2003, Nino was fortunate to be selected to take part in an observational study at NIH in Bethesda, Maryland for Undifferentiated Auto-inflammatory Periodic Fever Syndrome. During the course of the study, Nino was given a new medication and his condition greatly improved. Before he participated in the study he was being fitted for wheelchairs and was home schooled because his symptoms were so disruptive and unpredictable. The NIH treatment allowed him to resume a normal life and enabled him to attend school and play soccer. While Nino's treatment was successful he could not remain part of the study indefinitely and was encouraged to seek coverage for his treatments through his private insurer. Initially, the Todaro's insurer would not agree to cover the cost of the experimental drug and only after an intense lobbying effort by Lori, did the insurer agree to cover Nino's prescriptions.

Nino's story is a successful one, but also serves to highlight the issue that children and their families are facing as they transition out of NIH studies. For many, NIH trials are a source of hope for relief from the worst diseases known to man. The excellent doctors and research teams at NIH make invaluable contributions to our understanding of complex and debilitating diseases. This legislation seeks to amplify the NIH's contributions by allowing America's sickest children to continue their successful treatment under Medicaid coverage. I encourage my colleagues to work with Senator CASEY and me to move this legislation forward promptly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2629

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Nino's Act".

**SEC. 2. MEDICAID COVERAGE OF DRUGS PRESCRIBED FOR RESEARCH STUDY CHILD PARTICIPANTS.**

(a) MANDATORY COVERAGE IF STATE PROVIDES DRUG COVERAGE.—

(1) STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69), by striking "and" at the end;

(B) in paragraph (70), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70) the following new paragraph:

"(71) in the case of a State plan that provides medical assistance for prescribed drugs under section 1905(a)(12), provide for such medical assistance to include coverage for any drug, biological product, or insulin prescribed for a child (including any such drug, product, or insulin that is self-administered) who—

"(A) is eligible for medical assistance under the State plan (including a child who is eligible only on the basis of paragraph (10)(A)(i)(VIII));

"(B) is a current or former participant in a research study conducted or funded (in whole or in part) by the National Institutes of Health; and

"(C) satisfies the requirements of subparagraphs (B), (C), and (D) of subsection (dd)(1).".

(2) MANDATORY COVERAGE OF DRUGS OF RESEARCH STUDY CHILD PARTICIPANTS WHO ARE NOT OTHERWISE ELIGIBLE FOR MEDICAID IF THE STATE OFFERS DRUG COVERAGE.—

(A) IN GENERAL.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396b(a)(10)(A)(i)) is amended—

(i) in subclause (VI), by striking "or" at the end;

(ii) in subclause (VII), by adding "or" at the end; and

(iii) by adding at the end the following new subclause:

"(VIII) who are research study child participants described in subsection (dd)(1), but only if the medical assistance made available by the State includes prescribed drugs under section 1905(a)(12),".

(B) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(dd)(1) Research study child participants described in this subsection are individuals who—

"(A) are not otherwise eligible for medical assistance under the State plan;

"(B) have not attained age 19;

"(C) have been certified by a physician participating in a research study conducted or funded (in whole or in part) by the National Institutes of Health to be current or former participants in such trial or study who have a specific disease or condition that—

"(i) is or has been successfully treated under such trial or study with a prescribed use of a drug, biological product, or insulin that is not approved under the Federal Food, Drug, and Cosmetic Act; and

"(ii) is likely to continue to be successfully treated with such drug, product, or insulin; and

"(D) do not have other health coverage for such drug, product, or insulin.

"(2) A State shall redetermine not less than every 2 years the eligibility of an individual for medical assistance who is eligible solely on the basis of subsection (a)(10)(A)(i)(VIII).

"(3) For purposes of this subsection and paragraphs (10)(A)(i)(VIII) and (71) of subsection (a), the term 'research study' means a clinical study, including an observational (or natural history) study, or a clinical trial, to test an experimental therapy.".

(C) MEDICAL ASSISTANCE LIMITED TO COVERAGE OF THE RESEARCH OR OBSERVATIONAL TRIAL DRUGS, BIOLOGICAL PRODUCT, OR INSULIN.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(i) by striking "and (XIV)" and inserting "(XIV)"; and

(ii) by inserting ", and (XV) the medical assistance made available to a research study child participant described in subsection (dd)(1) who is eligible for medical assistance solely on the basis of subparagraph (A)(10)(i)(VIII) shall be limited to medical assistance for a drug, biological product, or insulin that is prescribed for the participant as a result of participation in such trial or study (including any such drug, product, or insulin that is self-administered)" before the semicolon.

(D) CONFORMING AMENDMENT.—Section 1903(f)(4) of such Act (42 U.S.C. 1396b)(f)(4)) is amended in the matter preceding subparagraph (A) by inserting "1902(a)(10)(A)(i)(VIII)," after "1902(a)(10)(A)(i)(VII),".

(b) PRESUMPTIVE ELIGIBILITY.—Section 1920B of the Social Security Act (42 U.S.C. 1396r–1b) is amended—

(1) in the section heading, by inserting "OR RESEARCH STUDY CHILD PARTICIPANTS" after "PATIENTS";

(2) in subsection (a), by inserting "or a child who is eligible for medical assistance under the State plan (including a child who is eligible only on the basis of section 1902(a)(10)(A)(i)(VIII) but subject to the limitation on medical assistance for such a child under clause (XV) of the matter following section 1902(a)(10)(G)), is a current or former participant in a research study conducted or funded (in whole or in part) by the National Institutes of Health, and satisfies the requirements of subparagraphs (B), (C), and (D) of section 1902(dd)(1)" after "patients)";

(3) in subsection (b)(1)(A), by inserting "or subsection (a)" after "1902(aa)"; and

(4) in subsection (d), in the flush language following paragraph (2), by striking "for purposes of clause (4) of the first sentence of section 1905(b)" and inserting "for purposes of the first sentence of section 1905(b) (and, in the case of medical assistance furnished to an individual described in section 1902(aa), for purposes of clause (4) of such sentence)".

(c) NOTICE OF MEDICAID COVERAGE FOR RESEARCH STUDY CHILD PARTICIPANTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Director of the Institutes of Health and State Medicaid Directors, shall—

(A) develop a written notice for child participants in research studies (as defined in section 1902(dd)(3) of the Social Security Act, as added by subsection (a)(2)(B)) conducted or funded (in whole or in part) by the National Institutes of Health who are likely to eligible for medical assistance for a drug, biological product, or insulin prescribed for such participants as a result of participation in such a study (including any such drug, product, or insulin that is self-administered) in accordance with paragraph (10)(A)(i)(VIII) or (71) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) (as added by subsection (a)), of the availability of such assistance; and

(B) establish procedures for making such notice available to the child participants through physicians participating in such research studies or such other means as the Secretary determines appropriate.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2008 and each fiscal year thereafter such sums as may be necessary to carry out this subsection.

(d) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance for items and services furnished on or after the date of enactment of this Act, without regard to whether final regulations to carry out such amendments have been promulgated.

Mr. CASEY. Mr. President, I rise today to speak about a critical health issue affecting thousands of our children every day but about which few people have ever even heard. All across this country, thousands of children suffer from rare genetic diseases called "orphan diseases," thus named because of the relatively small number of people these diseases strike.

An orphan disease is defined as affecting fewer than 200,000 people. The National Institutes of Health, NIH, estimate that there are approximately 6,000 of these orphan diseases, affecting about 25 million Americans on the whole. Most of these rare diseases are genetic and many affect children.

Last spring, I met with a group of mothers who shared their struggles and frustrations in getting ongoing and consistent treatment for their children, each of whom suffers from an orphan disease. Many of these parents had been able to enroll their children in clinical trials at the NIH and had found experimental treatments for their children that had proven extremely successful. The doctors at NIH do miraculous work in finding treatments for children with rare genetic diseases. But oftentimes, when the trial ends, these children and parents are left on their own, with no access to the previously free and effective treatment that their children were getting.

Imagine if you can, for one moment, the predicament of these children and their parents? After months and sometimes years of first not knowing what was ailing their sick children, desperately seeking help, then finally getting a diagnosis, only to find out that there was no FDA approved treatment. Then after searching for some kind of treatment and then finally, finally finding—and being admitted to—a clinical trial on medication that miraculously gave their children the ability to function like other kids—to be able to play soccer and go to school and have friends over and just have the energy to be a child. For all of us who are parents, you can imagine the joy of seeing your child finally alleviated from the suffering he or she has been going through, finally able to enjoy him- or herself and do all the things that children are supposed to do.

Then imagine, if you can, what it would be like to suddenly have that taken away. The clinical trial ends, or funding for the trial ends. Suddenly, you no longer have access to this drug that your child needs to be able to function, to do their homework, eat well and have fun. If it is a drug that has not been approved by the Food and Drug Administration or specifically approved for a child's particular disease, then insurance companies typically will not cover it because the treatment is considered "experimental." In some cases, a drug has been approved for other uses than the orphan disease, known as "off-label" use. If a family has enough insurance, and there is off-label FDA approval, sometimes families can get coverage of the drugs. If not, the resulting cost to families is astronomical—ranging anywhere from $10,000 to $30,000 per month.

This is what happened to Nino Todaro, a young boy from Newville, Pennsylvania, and that is why Senator SPECTER and I are today introducing Nino's Act. Nino suffers from Periodic Fever Syndrome, an unpredictable genetic condition that can cause uncontrolled inflammation throughout the body. When this disease acts up, Nino has days where he cannot do much more than lie on the couch. Left untreated, this condition could leave Nino unable to walk and even be life-threatening. Fortunately Nino found help through an NIH clinical trial, but funding ran out last year. The drug that returned Nino to a joyous soccer-playing kid was approved for arthritis and Crohn's disease, but not Periodic Fever Syndrome. Facing costs of $12,000 a month, and initial rejections from their insurance company, Nino's parents turned to Congress.

Nino's Act will allow children to transition out of successful treatment in NIH studies without a gap in treatment. There are thousands of children like Nino across this country who desperately need the continuity of ongoing successful treatment for their rare disorders. These are children who have been very ill, sometimes incapacitated, and have been able to resume normal childhoods through successful drug treatment. Parents advocating for their children understandably refuse to accept that their children have no choice but to regress because their insurance company will not cover humongous medical bills that no middle class family could even begin to absorb.

No parent should ever have to face a situation in which the care they need for their seriously ill child is too expensive or held up by regulatory red tape. It is unthinkable to me that any ill child in this country, the richest nation on earth, with all our medical advancements, should ever be denied medical treatment that is available and proven successful. Our bill will give these children and their parents peace of mind that when a study ends, their children's successful ongoing treatment will not be threatened. To address this, Nino's Act will require Medicaid to cover the cost of treatment of in the event that a child's health insurance does not.

This is the least we can do for these children and families. No child for whom treatment is available should have to forego that treatment to the serious detriment of their health. That is just plain wrong. Senator SPECTER and I share the belief that ensuring ongoing treatment for children with rare disorders is something this Congress should get behind. I urge my colleagues to support Nino's Act and I will work hard for its passage. My hope is it will go a long way toward ensuring that children with orphan diseases can get the successful treatment they deserve, freeing them and their families to focus on what is truly important—keeping them well, and living out happy and productive lives.

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By Mr. KENNEDY (for himself, Mr. STEVENS, Mr. KERRY, and Ms. MURKOWSKI):

S. 2630. A bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

### S. 2630

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Fishing Industry Health Care Coverage Act of 2008".

### SEC. 2. GRANTS FOR QUALIFIED COMMERCIAL FISHING INDUSTRY HEALTH CARE COVERAGE DEMONSTRATION PROGRAMS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end the following new section:

### "SEC. 320B. GRANTS FOR QUALIFIED COMMERCIAL FISHING INDUSTRY HEALTH CARE COVERAGE DEMONSTRATION PROGRAMS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The Secretary, through the Health Resources and Services Administration, shall establish a grant program (in this section referred to as the ‘grant program’) for the purpose of assisting commercial fishing States to establish, or strengthen existing, programs to expand health care coverage and access for uninsured or underinsured workers and their families in the commercial fishing industry.

“(2) TYPES OF GRANTS.—Under the grant program, the Secretary shall provide—

“(A) program planning grants under subsection (b) for commercial fishing States and organizations within such States; and

“(B) implementation and administration grants under subsection (c) for no more than 15 commercial fishing States.

“(3) APPLICATION REQUIRED.—No grant may be awarded under this section except pursuant to an application that is made in such form and manner, and containing such information, as the Secretary may require.

“(b) PROGRAM PLANNING GRANTS.—

“(1) IN GENERAL.—Under the grant program the Secretary may award grants to one or more commercial fishing States (or to organizations with a history of active involvement in the commercial fishing industry in such a State, including knowledge of economic and social aspects of such industry), not to exceed $200,000 for each year and for no more than two years, to conduct initial research and planning for the development of a qualified health care coverage program in the State. Any grantee under this subsection shall—

“(A) conduct a demographic survey of the State's commercial fishing industry and such industry's health care needs; and

“(B) develop a strategic plan, including a detailed financial plan, for implementation of a qualified health care coverage program within the State.

“(2) CONSULTATION WITH STATES.—Before awarding a grant under this subsection to an organization, the Secretary shall consult with States where the organization is located in order to assist in a determination as to whether the organization—

“(A) has the necessary familiarity with and knowledge of the commercial fishing industry in the State to fulfill the purposes of the grant; and

“(B) has a history of fraudulent or abusive practices that would disqualify the organization from carrying out the grant.

“(3) ACTIONS FOLLOWING COMPLETION OF PLANNING GRANTS.—Based on the research findings, financial plan, and other recommendations developed by the State or organization under paragraph (1), a State may submit an application for program implementation and administration grants under subsection (c).

“(c) IMPLEMENTATION AND PROGRAM ADMINISTRATION GRANTS.—

“(1) IN GENERAL.—Under the grant program, subject to the succeeding provisions of this subsection, the Secretary may award the following grants to commercial fishing States:

“(A) INITIAL IMPLEMENTATION GRANTS.—A grant, not to exceed $2,000,000 for each year and for no more than two years, for initial implementation of a qualified health care coverage program.

“(B) PROGRAM ADMINISTRATION GRANTS.—A grant, not to exceed $3,000,000 for each year and for no more than five years, for administration of a qualified health care coverage program.

“(C) CONTINUED ADMINISTRATION GRANTS.—A grant, not to exceed $3,000,000 for each year, for continued administration of a qualified health care coverage program in a State that has been awarded administration grants for 5 years under subparagraph (B) and that has satisfactorily administered such program using the funds provided by such grants for at least 5 years, if the economic conditions of the fishing industry in the program's service area (or the condition of fish stocks that are important to the fishing industry in such area) jeopardize the ability of the program to continue providing affordable health care coverage.

A grant may be made for a qualified health care coverage program under subparagraph (A) or (B) regardless of whether or not the program was developed with a program planning grant under subsection (b) or was implemented under a grant under subparagraph (A), respectively, and regardless of whether the program was developed or initially implemented before the date of the enactment of this section.

“(2) ELIGIBILITY REQUIREMENTS.—The Secretary may not award a grant under this subsection to a commercial fishing State for implementation or administration of a health care coverage program unless—

“(A) the State demonstrates that the program—

“(i) is a qualified health care coverage program and enrolls fishing industry members and their families if they were uninsured or underinsured; and

“(ii) requires Federal funding for its operation; and

“(B) the State provides assurances satisfactory to the Secretary that—

“(i) if the program is an expansion of an existing health care coverage program, the State will use the grant funding to expand the enrolled population of uninsured or underinsured commercial fishing industry members and their families, or modify coverage to comply with qualified health care coverage, under the program and to supplement, and not supplant, State provided funding for such program; or

“(ii) if the program is a new qualified health care coverage program, the State will ensure the program's continued success through the implementation of appropriate financial and consumer protection regulations, controls, licensing, or oversight policies, including (as determined by the State) any of the following:

“(I) Protection against insolvency, fraud and abuse.

“(II) State-based stop-loss protection.

“(III) Reinsurance.

“(IV) Receivership/liquidation protection against insolvency for individuals.

“(V) Another demonstration of State financial commitment.

“(3) REQUIREMENT OF MATCHING FUNDS.—

“(A) IN GENERAL.—A grant may be made under this subsection only if the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided in the grant.

“(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(4) CONTRACTING AUTHORITY.—

“(A) IN GENERAL.—A commercial fishing State may enter into a contract with one or more eligible non-profit organizations or companies for the purpose of conducting activities under an implementation or administration grant under this subsection and may not enter into such a contract with an organization or company which is not eligible under subparagraph (C).

“(B) SUBCONTRACTING ARRANGEMENTS.—A contractor described in subparagraph (A) may subcontract with one or more eligible non-profit organizations or companies for the purpose of conducting activities under such an implementation or administration grant, if the State approves such subcontracting arrangements.

“(C) ELIGIBILITY STANDARDS.—The Secretary shall issue regulations establishing eligibility standards for organizations and companies under this paragraph. Such standards shall include requirements that States review whether prospective contractors or subcontractors under this paragraph—

“(i) have a history of fraudulent or abusive practices that would disqualify them from participating in a contract or subcontract;

“(ii) have the capability and experience to assist in the management of a qualified health care coverage program; and

“(iii) in the case of commercial fishing organizations, have an appropriate level of familiarity with, and knowledge of, the commercial fishing industry.

“(d) DEFINITIONS.—For purposes of this section:

“(1) COMMERCIAL FISHING STATE.—The term ‘commercial fishing State’ means a State (as defined in section 2(f)) with a significant commercial fishing population or a significant commercial fishing industry. The Secretary shall accept a State's self-certification that it is a commercial fishing State if the State demonstrates to the Secretary that—

“(A) such self-certification is based on consultation by the State with local organizations familiar with the commercial fishing industry in the State; and

“(B) the State has a significant commercial fishing population or a significant commercial fishing industry.

“(2) COMMERCIAL FISHING INDUSTRY MEMBER.—The term ‘commercial fishing industry member’ means a fisherman, crewmember, boat owner, captain, shore side business owner, employee of a company that provides shore side support, harvester, or other individual performing commercial fishing industry-related work, if more than half of such individual's income derives from such work at the time the individual enrolls in a qualified health care coverage program.

“(3) QUALIFIED HEALTH CARE COVERAGE PROGRAM.—The term ‘qualified health care coverage program’ means a program that provides qualified health care coverage to commercial fishing industry members and their families consistent with the following:

“(A) Eligibility for enrollment of such members and families is only restricted by capacity, based on a first come, first served basis when space is limited, and health status related factors (as defined in section 2702), age, and gender may not be used as a basis for determining eligibility.

“(B) The program does not include any preexisting condition exclusion (as defined in section 2701) or any coverage elimination rider that permanently excludes from coverage an existing medical condition.

“(C) Premium rates under the program are computed based on a community rate, and may be adjusted only for income and family size.

“(4) QUALIFIED HEALTH CARE COVERAGE.—The term ‘qualified health care coverage’ means coverage that meets any of the following conditions:

"(A) FEHBP COVERAGE.—The coverage is actuarially equivalent to the coverage provided under the health benefits plan, under chapter 89 of title 5, United States Code, which has the largest enrollment, either in the United States or in the State involved.

"(B) STATE EMPLOYEES COVERAGE.—The coverage is actuarially equivalent to the coverage provided under the health benefits plan, that is offered by the State to State government employees, which has the largest enrollment of such plans in the State.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purpose of carrying out this section—

"(1) $5,000,000 for fiscal year 2009;
"(2) $5,000,000 for fiscal year 2010;
"(3) $10,000,000 for fiscal year 2011;
"(4) $10,000,000 for fiscal year 2012; and
"(5) $20,000,000 for fiscal year 2013.".

Mr. STEVENS. Mr. President, I come to the floor to support the Commercial Fishing Industry Healthcare Coverage Act of 2008. My good friend Senator KENNEDY and I, along with Senators KERRY and MURKOWSKI, are introducing this bill to improve healthcare options for our Nation's fishermen and fishing families.

Few things are more Alaskan than fishing. Long before Alaska was even a U.S territory, our people were fishing for their livelihood. The first Alaskans, Alaska Natives depended on subsistence fishing, as many do today. Russian settlers built salteries to preserve their catch through our long, harsh winters. In the 1800s, the first canneries were built in Sitka and Klawock, marking the birth of Alaska's modern commercial fishing industry.

Today, Alaska's seafood industry is the State's largest private employer and a fundamental part of Alaskan culture. All around our State, from Ketchikan, at the Southern end of the panhandle, to Kotzebue, above the Arctic Circle, fishermen brave the elements so all Americans may enjoy the bounty of Alaskan waters. Their work is vital to the economies of numerous communities in our State.

While Alaskans have fishing in their blood, skyrocketing costs have made it increasingly difficult for these hard-working men and women to earn a living. One of the major challenges our commercial fishermen face is obtaining affordable healthcare.

The problem is not unique to my State. Lack of health coverage is a dilemma for fishermen in other coastal States. Surveys conducted in different parts of the country show fishing families are significantly more likely to be uninsured than other Americans.

The commercial fishing industry produces billions of dollars for the U.S. economy each year. Despite their contributions, the seasonal and dangerous nature of their profession bars many commercial fishermen from obtaining health insurance; most work for themselves or for small employers. Fishermen are forced to pay high premiums and deductibles, which can effectively put health insurance out of reach.

In my State, fishermen face additional complications when looking for affordable health insurance. A study by the United Fishermen of Alaska found that our fishermen are more likely to work and live in communities without a hospital. Also, fewer private insurance companies offer individual or small business medical coverage in Alaska than in other States. And, most fishermen simply cannot afford the rates charged by these providers.

That lack of basic health services impacts everyone in our fishing fleet, from our older fishermen, who may be most in need of health coverage, to the younger generation of fishermen, who find the lack of affordable healthcare a barrier to entering the profession.

As one fisherman from Juneau put it:

> I've applied with two different major health insurance providers, and both have declined me coverage because of my occupation . . . living and working without health insurance is like living on borrowed time. I constantly feel I am pushing my luck, and a single illness or injury could mean bankruptcy for me.

With the high cost of individual health insurance and the lack of proximity to healthcare facilities in Alaska families are less likely to seek preventive care, resulting in medical emergencies that could have been avoided. When uninsured fishermen end up in emergency rooms with serious diseases and injuries, taxpayers often absorb the costs.

Our bill is inspired by the successful fishermen's healthcare plan adopted by Senator KENNEDY's home State of Massachusetts, which has proven that health insurance can be made affordable for fishing families. This legislation will establish a grant program to help States and fishing organizations create and administer group health insurance programs for fishermen and fishing families.

Americans are consuming more and more seafood as they discover its great taste and considerable health benefits. We cannot forget where these fish come from. They come from the labor of men and women working up and down the coasts of this country, many struggling to earn a living and preserve a tradition that has spanned generations.

This measure would help put affordable medical care within their reach. I encourage my fellow Senators to support the bill.

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By Mrs. FEINSTEIN (for herself, Mr. McCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. McCAIN, Mrs. McCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. VOINOVICH, and Mr. WHITEHOUSE):

S. 2631. A bill to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today with my good friend and colleague, Senator McCONNELL, to introduce the Aung San Suu Kyi Congressional Gold Medal Act of 2008.

We are proud to be joined by 73 of our colleagues in sponsoring this measure to award the Congressional Gold Medal to a woman who has inspired us all with her commitment to nonviolence, democracy, human rights, and the rule of law for the people of Burma. On December 17, 2007, the House voted 400-0 to award Suu Kyi this honor and we urge the Senate to promptly follow suit.

Last September we witnessed the largest democratic demonstrations in Burma in almost 20 years. Tens of thousands of Burmese citizens took to the streets in peaceful demonstrations to speak out against the country's oppressive military regime, and to cry out for democracy.

I watched these courageous people with a deep sense of admiration and respect.

Led by respected Buddhist monks, the people of the "Saffron Revolution" called on the military junta to release all political prisoners, including Nobel Peace Prize Laureate Aung San Suu Kyi, and engage in a true dialogue on national reconciliation. Yet, as it had in the past, the military junta responded to the recent peaceful protests with violence and bloodshed. Soldiers used brutal force to break up the protests, beating and sometimes killing innocent civilians.

No amount of force, however, can crush the spirit of Aung San Suu Kyi and her peaceful quest for democracy and human rights. Indeed, she is a woman of unrivaled courage. In the face of threats, intimidation, harassment, and an assassination attempt, she has never wavered from her principles and continues to support national reconciliation for all the people of Burma.

By introducing this legislation, we seek not only to honor a remarkable woman who embodies the values and standards of the Congressional Gold Medal, but also to raise our voices once again in support of her cause which is our cause: a free and democratic Burma.

By now, her story is well known. Aung San Suu Kyi was born on June 19, 1945, in Rangoon to Aung San, commander of the Burma Independence Army, and Ma Khin Kyi. In August 1988, Suu Kyi, in her first political action, sent an open letter to the military-controlled government, asking for free, open and multi-party elections. The following month, she founded the National League for Democracy, which remains dedicated to a policy of nonviolence and civil disobedience. Suu Kyi was named its general-secretary.

Recognizing the threat Suu Kyi posted to their grip on power, the Burmese junta had her placed under house arrest and held without charges or trial. Yet, despite the best efforts of the military junta to suppress the growing democratic movement, in 1990 the National League for Democracy won 82 percent of the seats in parliamentary elections. But the junta annulled the election results and refused to release Suu Kyi.

Since then, the Burmese regime—now called the State Peace and Development Council—has refused to engage in a national dialogue with Suu Kyi and the democratic opposition, and intensified its campaign of oppression and abuse. In 2003, pro-government thugs attempted to assassinate Su Kyi and other members of the National League for Democracy as they rode in a motorcade in the northern city of Depayin.

Last May, the military junta renewed her house arrest for another year. In fact, for most of the past 18 years, she has remained imprisoned or under house arrest, alone without minimal contact with the outside world.

Yet, as in 1990, the regime has once again failed to stamp out Suu Kyi's message of democracy, human rights, non-violence and the rule of law. She continues to inspire not only the people of Burma but the entire world. Indeed, Suu Kyi's commitment to freedom and democracy has been widely recognized.

In 1990, Suu Kyi was awarded the Sakharov Prize for Freedom of Thought by the European Parliament. The prize honors efforts on behalf of human rights and fundamental freedoms, and in opposition to injustice and oppression. It is named for the late Andrei Sakharov, the Soviet dissident and Nobel Peace Prize winner.

In 1991, Suu Kyi was awarded the Nobel Peace Prize for her commitment to nonviolence and support for freedom and democracy for Burma. She was not allowed to attend the ceremony. In its recommendation, the Nobel Committee wrote:

> In the good fight for peace and reconciliation, we are dependent on persons who set examples, persons who can symbolize what we are seeking and mobilize the best in us. Aung San Suu Kyi is just such a person. She unites deep commitment and tenacity with a vision in which the end and the means form a single unit. Its most important elements are: democracy, respect for human rights, reconciliation between groups, non-violence, and personal and collective discipline.

Suu Kyi donated her $1.3 million in prize money to establish a health and education fund for Burma. She is the world's only imprisoned Nobel Peace Prize recipient.

In 2000, Suu Kyi was awarded the Presidential Medal of Freedom, the Nation's highest civilian award, by President Bill Clinton.

Last year, 45 U.S. Senators signed a letter to United Nations Secretary General Ban ki-Moon urging him to get personally involved in pressing for Suu Kyi's release.

In letter addressed to the State Peace and Development Council, a distinguished group of 59 former heads of state—including former Filipino president Corazon Aquino, former Czech president Vaclav Havel, former British prime minister John Major and former Presidents Bill Clinton, Jimmy Carter, and George H.W. Bush—called for the regime to release Aung San Suu Kyi. They correctly noted that "Aung San Suu Kyi is not calling for revolution in Burma, but rather peaceful, nonviolent dialogue between the military, National League for Democracy, and Burma's ethnic groups."

It is only fitting, that Congress join this international chorus in support of Aung San Suu Kyi and award her the Congressional Gold Medal.

As a U.S. Senator, I have worked hard to raise awareness about the situation in Burma and pass legislation to put pressure on the military junta to release Suu Kyi and begin a true dialogue on national reconciliation. In 1997, former Senator Bill Cohen and I authored legislation requiring the President to ban new U.S. investment in Burma if he determined that the Government of Burma had physically harmed, rearrested or exiled Aung San Suu Kyi or committed large-scale repression or violence against the Democratic opposition. President Clinton issued the Executive Order in 1997 and the ban remains on the books today.

In 2003, after the regime attempted to assassinate Aung San Suu Kyi, Senator MCCONNELL and I introduced the Burmese Freedom and Democracy Act of 2003 which placed a complete ban on imports from Burma. It allowed that ban to be renewed one year at a time for up to 3 years. It was signed into law and has been renewed one year at a time for each of the past 4 years.

Last year, the women of the United States Senate came together to form the Women's Caucus on Burma to express our solidarity with Suu Kyi, call for her immediate release, urge the United Nations to pass a binding resolution on Burma. At our inaugural event, we were pleased to be joined by First Lady Laura Bush who added her own voice to those calling for peace and democracy in Burma. Our message is clear: We will not remain silent, we will not stand still until Aung San Suu Kyi and all political prisoners are released and democratic government is restored in Burma.

This legislation is but one small step on the path to that goal. I remain hopeful that the military regime will heed the will of its people and the international community and we will be able to present Aung San Suu Kyi with this honor in person.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2631

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

The Congress finds as follows:

(1) Aung San Suu Kyi was born on June 19, 1945, in Rangoon, Burma, to Aung San, commander of the Burma Independence Army, and Ma Khin Kyi.

(2) On August 15, 1988, Ms. Suu Kyi, in her first political action, sent an open letter to the military controlled government asking for free, open, and multi-party elections.

(3) On September 24, 1988, the National League for Democracy (NLD) was formed, with Ms. Suu Kyi as the general-secretary, and it was, and remains, dedicated to a policy of non-violence and civil disobedience.

(4) Ms. Suu Kyi was subsequently placed under house arrest, where she remained for the next 6 years—without being charged or put on trial—and has been imprisoned twice more; she currently remains under house arrest.

(5) Despite her detention, the National League for Democracy won an open election with an overwhelming 82 percent of the vote—which the military junta nullified.

(6) While under house arrest, she has bravely refused offers to leave the country to continue to promote freedom and democracy in Burma.

(7) For her efforts on behalf of the Burmese people, she has been awarded the Sakharov Prize for Freedom of Thought in 1990, the Presidential Medal of Freedom in 2000, and the Nobel Peace Prize in 1991.

(8) Ms. Suu Kyi continues to fight on behalf of the Burmese people, even donating

her $1.3 million from her Nobel Prize to establish a health and education fund for Burma.

(9) She is the world's only imprisoned Nobel Peace Prize recipient, spending more than 12 of the past 17 years under house arrest.

(10) Despite an assassination attempt against her life, her prolonged illegal imprisonment, the constant public vilification of her character, and her inability to see her children or to see her husband before his death, Ms. Suu Kyi remains committed to peaceful dialogue with her captors, Burma's military regime, and Burma's ethnic nationalities towards bringing democracy, human rights, and national reconciliation to Burma.

### SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

### SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

### SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

### SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

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By Mr. BOND:

S. 2632. A bill to ensure that the Sex Offender Registration and Notification Act is applied retroactively; to the Committee on the Judiciary.

Mr. BOND. Mr. President, today, I introduce legislation to close a series of statutory loopholes setting free convicted sex offenders who failed to register and notify their communities of their status as required by Federal law. I was outraged recently to learn this was going on and I am sure you will agree that we must end this injustice. I urge my colleagues to join me in support of this legislation.

Under the Sex Offender Registration and Notification Act, SORNA, passed as part of the Adam Walsh Child Protection and Safety Act of 2006, sex offenders are required to register with local authorities and notify those authorities when they move or change jobs. However, judges in Michigan and Pennsylvania have freed sex offenders arrested for failing to register because of doubts over whether the statute applies to sex offenses committed prior to SORNA's implementation. A Missouri judge freed a noncomplying sex offender questioning whether provisions extending Federal jurisdiction operated retroactively.

In the Missouri case, a Federal judge released convicted sex-offender Terry L. Rich after his arrest for failure to register as a sex offender upon moving to Kansas City 20 months ago. Mr. Rich arrived after a prison stint in Iowa for failing to register there based on his previous convictions for felony sexual abuse of a child, kidnaping, indecency, child molestation and felony sexual battery of a young girl. SORNA extends Federal jurisdiction to State sex offenders by applying to those who "travel" in interstate commerce, and Mr. Rich seemed to qualify by moving from Iowa to Missouri in March 2006. However, the judge ruled that since Mr. Rich "traveled" prior to SORNA's enactment in July 2006, he was not covered by the law's present tense "travel" requirement.

The Pennsylvania court freed persons hiding convictions of sexual assault, rape, statutory rape, indecent assault and corruption of the morals of a 6-year-old girl. The Michigan court freed a sex offender who failed to register after convictions of first-degree rape and sodomy.

The bill I propose closes the loopholes cited by the Missouri, Michigan, and Pennsylvania courts to ensure that SORNA's registration requirement applies to sex offenders irrespective of the date of their offense or date of interstate travel. These are simple fixes to the code, but vital to ensure that no more convicted sex offenders can hide in our neighborhoods.

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By Mr. REID:

S. 2636. A bill to provide needed housing reform; read the first time.

S. 2636

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreclosure Prevention Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS

Sec. 101. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.

TITLE II—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

Sec. 201. Emergency assistance for the redevelopment of abandoned and foreclosed homes.

TITLE III—HOUSING COUNSELING RESOURCES

Sec. 301. Housing counseling resources.

TITLE IV—HELPING FAMILIES SAVE THEIR HOME IN BANKRUPTCY ACT

Sec. 401. Short title.

Subtitle A—Minimizing Foreclosures

Sec. 411. Special rules for modification of loans secured by residences.
Sec. 412. Waiver of counseling requirement when homes are in foreclosure.

Subtitle B—Providing Other Debtor Protections

Sec. 421. Combating excessive fees.
Sec. 422. Maintaining debtors' legal claims.
Sec. 423. Resolving disputes.
Sec. 424. Enacting a homestead floor for debtors over 55 years of age.
Sec. 425. Disallowing claims from violations of consumer protection laws.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

Sec. 501. Short title.
Sec. 502. Enhanced mortgage loan disclosures.

TITLE VI—INCENTIVES FOR BUSINESS

Sec. 601. Carryback of certain net operating losses allowed for 5 years; temporary suspension of 90 percent AMT limit.

## TITLE I—MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS

### SEC. 101. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

"(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

"(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

"(i) the numerator of which is the population of such State (as reported in the most recent decennial census), and

"(ii) the denominator of which is the total population of all States (as reported in the most recent decennial census).

"(B) SET ASIDE.—

"(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

"(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

"(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).".

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

"(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

"(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

"(ii) to issue any bond after calendar year 2010.

"(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.".

(c) ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking "shall not include" and all that follows and inserting "shall not include—

"(I) any qualified 501(c)(3) bond (as defined in section 145), or

"(II) any qualified mortgage bond (as defined in section 143(a)) or qualified veterans' mortgage bond (as defined in section 143(b)) issued after the date of the enactment of this subclause and before January 1, 2011.".

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) is amended by striking "QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this title.

## TITLE II—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

### SEC. 201. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There shall be appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed homes.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development.

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this title.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on the following factors:

(A) The number and percentage of home foreclosures in each State or unit of general local government.

(B) The number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government.

(C) The number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available to States and units of general local government under this section shall be distributed according to the funding formula required under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to redevelop abandoned and foreclosed homes.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; or

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—

(A) IN GENERAL.—Amounts made available under this section may be used to—

(i) make grants, loans, and other financing mechanisms to community development financial institutions (as such term is defined under section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5))), national intermediaries, and nonprofit housing or community development organizations and others to purchase and rehabilitate homes that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes;

(ii) establish financing mechanisms for redevelopment of foreclosed upon homes, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(iii) purchase and rehabilitate homes that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes;

(iv) establish land banks for homes that have been foreclosed upon; and

(v) demolish blighted structures.

(B) LIMITATION.—Any funds used under this section for the purchase of an abandoned or foreclosed upon home shall be at a cost equal to or less than the appraised value of the home based on the most up-to-date appraisal, as such appraisal is defined by the Secretary.

(d) RULE OF CONSTRUCTION.—Amounts appropriated or otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974.

(e) WAIVER AUTHORITY.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of such funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), in order to expedite or facilitate the use of such funds.

(2) LOW AND MODERATE INCOME REQUIREMENT.—Notwithstanding the authority of the Secretary under paragraph (1), all of the funds appropriated or otherwise made available under this section shall be used with respect to persons whose income does not exceed 120 percent of area median income.

(f) EMERGENCY DESIGNATION.—The amounts appropriated under this title are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

## TITLE III—HOUSING COUNSELING RESOURCES

### SEC. 301. HOUSING COUNSELING RESOURCES.

There shall be appropriated out of any money in the Treasury not otherwise appropriated, for an additional amount for the "Neighborhood Reinvestment Corporation–Payment to the Neighborhood Reinvestment Corporation" $200,000,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second paragraph under the heading "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" of Public Law 110-161.

## TITLE IV—HELPING FAMILIES SAVE THEIR HOME IN BANKRUPTCY ACT

### SEC. 401. SHORT TITLE.

This title may be cited as the "Helping Families Save Their Homes in Bankruptcy Act of 2008".

### Subtitle A—Minimizing Foreclosures

#### SEC. 411. SPECIAL RULES FOR MODIFICATION OF LOANS SECURED BY RESIDENCES.

(a) IN GENERAL.—Section 1322(b) of title 11, United States Code, is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

"(11) notwithstanding paragraph (2) and otherwise applicable nonbankruptcy law—

"(A) modify an allowed secured claim secured by the debtor's principal residence, as described in subparagraph (B), if, after deduction from the debtor's current monthly income of the expenses permitted for debtors described in section 1325(b)(3) of this title (other than amounts contractually due to creditors holding such allowed secured claims and additional payments necessary to maintain possession of that residence), the debtor has insufficient remaining income to retain possession of the residence by curing a default and maintaining payments while the case is pending, as provided under paragraph (5); and

"(B) provide for payment of such claim—

"(i) for a period not to exceed 30 years (reduced by the period for which the loan has been outstanding) from the date of the order for relief under this chapter; and

"(ii) at a rate of interest accruing after such date calculated at a fixed annual percentage rate, in an amount equal to the most recently published annual yield on conventional mortgages published by the Board of Governors of the Federal Reserve System, as of the applicable time set forth in the rules of the Board, plus a reasonable premium for risk; and".

(b) CONFORMING AMENDMENT.—Section 1325(a)(5) of title 11, United States Code, is amended by inserting before "with respect" the following: "except as otherwise provided in section 1322(b)(11) of this title,".

#### SEC. 412. WAIVER OF COUNSELING REQUIREMENT WHEN HOMES ARE IN FORECLOSURE.

Section 109(h) of title 11, United States Code, is amended by adding at the end the following:

"(5) Paragraph (1) shall not apply with respect to a debtor who files with the court a certification that a foreclosure sale of the debtor's principal residence has been scheduled.".

### Subtitle B—Providing Other Debtor Protections

#### SEC. 421. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, the United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) to the extent that an allowed secured claim is secured by the debtor's principal residence, the value of which is greater than the amount of such claim, fees, costs, or charges arising during the pendency of the case may be added to secured debt provided for by the plan only if—

"(A) notice of such fees, costs or charges is filed with the court before the expiration of the earlier of—

"(i) 1 year after the time at which they are incurred; or

"(ii) 60 days before the conclusion of the case; and

"(B) such fees, costs, or charges are lawful, reasonable, and provided for in the underlying contract;

"(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for fees, costs, or charges described in paragraph (3) for all purposes, and any attempt to collect such fees, costs, or charges shall constitute a violation of section 524(a)(2) of this title or, if the violation occurs before the date of discharge, of section 362(a) of this title; and

"(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the principal residence of the debtor.".

#### SEC. 422. MAINTAINING DEBTORS' LEGAL CLAIMS.

Section 554(e) of title 11, United States Code, is amended by adding at the end the following:

"(e) In any action in State or Federal court with respect to a claim or defense asserted by an individual debtor in such action that was not scheduled under section 521(a)(1) of this title, the trustee shall be allowed a reasonable time to request joinder or substitution as the real party in interest. If the trustee does not request joinder or substitution in such action, the debtor may proceed as the real party in interest, and no such action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest or on the ground that the debtor's claims were not properly scheduled in a case under this title.".

#### SEC. 423. RESOLVING DISPUTES.

Section 1334 of title 28, United States Code, is amended by adding at the end the following: "Notwithstanding any agreement for arbitration that is subject to chapter 1 of title 9, in any core proceeding under section 157(b) of this title involving an individual debtor whose debts are primarily consumer debts, the court may hear and determine the proceeding, and enter appropriate orders and judgments, in lieu of referral to arbitration.".

#### SEC. 424. ENACTING A HOMESTEAD FLOOR FOR DEBTORS OVER 55 YEARS OF AGE.

(a) IN GENERAL.—Section 522(b)(3) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end and inserting the following:

"(D) if the debtor, as of the date of the filing of the petition, is 55 years old or older, the debtor's aggregate interest, not to exceed $75,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a principal residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a principal residence.".

(b) EXEMPTION AUTHORITY.—Section 522(d)(1) of title 11, United States Code, is amended by inserting "or, if the debtor is 55 years of age or older, $75,000 in value," before "in real property".

#### SEC. 425. DISALLOWING CLAIMS FROM VIOLATIONS OF CONSUMER PROTECTION LAWS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(10) the claim is subject to any remedy for damages or rescission due to failure to comply with any applicable requirement under the Truth in Lending Act (15 U.S.C. 1601 et seq.), or any other provision of applicable State or Federal consumer protection law that was in force when the noncompliance took place, notwithstanding the prior entry of a foreclosure judgment.".

## TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

#### SEC. 501. SHORT TITLE.

This title may be cited as the "Mortgage Disclosure Improvement Act of 2008".

#### SEC. 502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting "(A)" before "In the";

(2) by striking "a residential mortgage transaction, as defined in section 103(w)" and inserting "any extension of credit that is secured by the dwelling of a consumer";

(3) by striking "shall be made in accordance" and all that follows through "extended, or";

(4) by striking "If the" and all that follows through the end of the paragraph and inserting the following:

"(B) In the case of an extension of credit that is secured by the dwelling of a consumer, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

"(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

"(ii) be furnished to the borrower not later than 7 business days before the date of consummation of the transaction, and at the time of consummation of the transaction, subject to subparagraph (D).

"(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

"(i) label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'; and

"(ii) state the maximum amount of the regular required payments on the loan, based on the maximum interest rate allowed, introduced with the following language in conspicuous type size and format: 'Your payment can go as high as _____', the blank to be filled in with the maximum possible payment amount.

"(D) In any case in which the disclosure statement provided 7 business days before the date of consummation of the transaction contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.".

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking "not less than $200 or greater than $2,000" and inserting "$5,000, such amount to be adjusted annually based on the consumer price index, to maintain current value"; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by striking "only for" and inserting "for";

(B) by striking "section 125 or" and inserting "section 122, section 125,";

(C) by inserting "or section 128(b),"after "128(a),"; and

(D) by inserting "or section 128(b)" before the period.

### TITLE VI—INCENTIVES FOR BUSINESS

**SEC. 601. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS; TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.**

(a) In General.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(H) 5-YEAR CARRYBACK OF CERTAIN LOSSES.—

"(i) Taxable years ending during 2001 and 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

"(ii) Taxable years beginning or ending during 2006, 2007, and 2008.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(1)(B)) for any taxable year beginning or ending during 2006, 2007, or 2008—

"(I) subparagraph (A)(i) shall be applied by substituting '5' for '2',

"(II) subparagraph (E)(ii) shall be applied by substituting '4' for '2', and

"(III) subparagraph (F) shall not apply.".

(b) Temporary Suspension of 90 Percent Limit on Certain NOL Carrybacks and Carryovers.—

(1) In general.—Section 56(d) of the of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(3) Additional adjustments.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(1)(B)), the amount described in clause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

"(A) carrybacks of net operating losses from taxable years beginning or ending during 2006, 2007, and 2008, and

"(B) carryovers of net operating losses to taxable years beginning or ending during 2006, 2007, or 2008.".

(2) Conforming amendment.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting "amount of such" before "deduction described in clause (ii)(I)".

(c) Anti-Abuse Rules.—The Secretary of Treasury or the Secretary's designee shall prescribes such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(d) Effective Dates.—

(1) Subsection (a).—

(A) In general.—Except as provided in subparagraph (B), the amendments made by subsection (a) shall apply to net operating losses arising in taxable years beginning or ending in 2006, 2007, or 2008.

(B) Election.—In the case of an eligible taxpayer (within the meaning of section 168(k)(1)(B) of the Internal Revenue Code of 1986) with a net operating loss for a taxable year beginning or ending during 2006 or 2007—

(i) any election made under section 172(b)(3) of the Internal Revenue Code of 1986 may (notwithstanding such section) be revoked before November 1, 2008, and

(ii) any election made under section 172(j) of such Code shall (notwithstanding such section) be treated as timely made if made before November 1, 2008.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to taxable years ending after December 31, 1995.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 450—DESIGNATING JULY 26, 2008, AS "NATIONAL DAY OF THE COWBOY"

Mr. ENZI (for himself, Mr. Barrasso, Mr. Allard, Mr. Craig, Mr. Crapo, Mr. Domenici, Mr. Dorgan, Mr. Ensign, Mr. Bingaman, Mr. Inhofe, Mrs. Murray, Mr. Reid, Mr. Salazar, Mr. Stevens, Mr. Martinez, and Mr. Johnson) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 450

Whereas pioneering men and women, recognized as "cowboys", helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off of the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of approximately 727,000 ranchers in all 50 of the United States that contribute to the economic well-being of nearly every county in the Nation;

Whereas annual attendance at professional and working ranch rodeo events exceeds 27,000,000 fans and rodeo is the 7th most-watched sport in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of a cowboy span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates July 26, 2008, as "National Day of the Cowboy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. ENZI. Mr. President, I am proud to introduce a resolution today honoring the men and women known as "cowboys." My late colleague, Senator Craig Thomas began the tradition of introducing a Senate resolution designating the fourth Saturday of July as the National Day of the Cowboy. I am so proud to carry on that tradition. The national day celebrates the history of cowboys in America and recognizes the important work today's cowboys are doing in the United States. The cowboy spirit is about honesty, integrity, courage, and patriotism, and cowboys are models of strong character, sound family values, and good common sense.

Cowboys were some of the first men and women to settle in the American West, and they continue to make important contributions to our economy, Western culture and my home State of Wyoming today. This year's resolution designates July 26, 2008, as the National Day of the Cowboy. I hope my colleagues will join me in recognizing the important role cowboys play in our country and will work with me to pass this resolution.

### SENATE RESOLUTION 451—HONORING THE ACHIEVEMENTS OF RAWLE AND HENDERSON LLP, ON ITS 225TH ANNIVERSARY AND ON BEING RECOGNIZED AS THE OLDEST LAW FIRM IN CONTINUOUS PRACTICE IN THE UNITED STATES

Mr. SPECTER (for himself and Mr. Casey) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. Res. 451

Whereas the law firm of Rawle and Henderson LLP has established and maintained a firm of national distinction whose reputation is based upon the notable accomplishments of its founders and its commitment to providing quality legal services to its clients;

Whereas Rawle and Henderson LLP celebrates 225 years of legal service in 2008, initiated by 5 generations of a family and expanded to over 100 attorneys in 8 offices and 5 states;

Whereas Rawle and Henderson attorneys throughout the last 225 years have served both the civic and legal community in the capacity of elected officials, as well as appointed and elected judges on the Federal and State benches;

Whereas William Rawle, who founded his practice in Philadelphia in 1783, was inspired by the innovation of the Revolutionary era and his notable contemporaries, such as Benjamin Franklin;

Whereas William Rawle actively participated in the ideological revolution as well, serving as chancellor of the Associated Members of the Bar of Philadelphia, and was elected to the American Philosophical Society and helped found the Pennsylvania Academy of Fine Arts;

Whereas William Rawle was made a Trustee by the University of Pennsylvania in 1796, a position he served with "zeal and punctuality";

Whereas William Rawle's son, William Rawle, Jr., joined the office in 1810, along with his brother William Henry, who eventually assumed his father's position in the firm;

Whereas William Henry Rawle received his degree from the University of Pennsylvania, and published articles such as the "Practical Treatise on the Law of Covenants for Title".

which was accepted as a legal authority throughout the Union and in England;

Whereas William Henry Rawle was also invited to speak to the law department of his alma mater, the University of Pennsylvania, and in 1884 he appeared before a joint session of Congress to deliver a speech honoring Chief Justice John Marshall;

Whereas William Henry Rawle served as vice president of the Law Association of Philadelphia, and was noted by George Washington Biddle for his "intellectual strength and brilliancy of expression";

Whereas William Rawle's grandson Francis Rawle, the next leader of the Rawle law offices, attended Harvard College, began his law career in 1873, and was one of the founders of the American Bar Association and its first secretary and treasurer, later becoming its president in 1902;

Whereas Francis Rawle was a prolific author who gained national recognition with his revision of Bouvier's Law Dictionary, the publication of which coincided with the centennial of the Rawle firm in 1883, and he served as a delegate from the American Bar Association to the London Conference for Reform and Codification of the Law of Nations in 1887;

Whereas Colonel William Brooke Rawle, nephew of William Henry, served his country with distinction during the Civil War, entering the Union Army as Second Lieutenant, Third Pennsylvania Cavalry, was commended by his cousin Francis Rawle for his service, and went on to earn a master's degree from the University of Pennsylvania in 1866 and to join the family firm a year later, remaining the head of the office until his death in 1915;

Whereas Joseph W. Henderson joined the Rawle firm upon graduation from Harvard Law School, expanding the firm's reputation for legal excellence and eventually becoming a partner in 1917;

Whereas, in similar fashion to his colleagues, Joseph Henderson reached a position of considerable power in the Philadelphia Bar Association and became chairman of the Association's Board of Governors in 1936;

Whereas Joseph Henderson carried on the firm's tradition of leadership upon the passing of Francis Rawle, and oversaw 2 other significant additions, George Brodhead and Tom Mount, who worked in trusts and estates and the admiralty business, respectively;

Whereas Joseph Henderson continued to lead the firm with landmark cases in the area of ship owner liability, arguing many of them before the Supreme Court;

Whereas the Rawle and Henderson firm has evolved into one of the leading legal firms in the country, employing a racially and socioeconomically diverse staff, and has a number of attorneys honored as "Super Lawyers" in Pennsylvania; and

Whereas, supported upon the integrity of its founders and the numerous accomplishments of the Rawle family and of Joseph W. Henderson, the firm of Rawle and Henderson is primed to extend its history and tradition of legal innovation into a future of continued prominence: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the achievement of Rawle and Henderson LLP on its 225th anniversary and on being recognized as the oldest law firm in continuous practice in the United States; and

(2) salutes the profound legacy the attorneys of Rawle and Henderson LLP have provided to the civic and legal community of Pennsylvania and the Nation.

Mr. SPECTER. Mr. President, I seek recognition to congratulate the firm of Rawle and Henderson LLP on its 225th anniversary, and on being recognized as the oldest law firm in continuous practice in the U.S.

Five generations of the Rawle family have established and maintained a firm that has expanded to over a hundred attorneys in eight offices and five States. Rawle and Henderson attorneys have served as elected officials in both the civic and legal community throughout the past 225 years, and have served as appointed and elected judges on the Federal and State benches.

Inspired by Benjamin Franklin's accomplishments, William Rawle founded his practice in Philadelphia in 1783. His two sons followed their father's example, joining the practice in 1810. Joseph W. Henderson, a graduate of Harvard Law School, joined the firm in 1917, expanding the firm's reputation for legal excellence, and arguing numerous landmark cases before the Supreme Court. The Rawle and Henderson firm continues to prosper in 2008, employing a racially and socioeconomically diverse staff.

The exceptional individuals who have founded and expanded the Rawle and Henderson firm into the prestigious organization it is today should be honored for their achievements. Their service has greatly benefited the civic and legal community of Pennsylvania and the U.S. I am confident that the Rawle and Henderson firm will continue to match their predecessors' commendable accomplishments for years to come.

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## SENATE RESOLUTION 452—COMMEMORATING THE 250TH ANNIVERSARY OF THE NAMING OF PITTSBURGH AS THE CULMINATION OF THE FORBES CAMPAIGN ACROSS PENNSYLVANIA AND THE SIGNIFICANCE THIS EVENT PLAYED IN THE MAKING OF AMERICA, IN THE SETTLEMENT OF THE CONTINENT, AND IN SPREADING THE IDEALS OF FREEDOM AND DEMOCRACY THROUGHOUT THE WORLD

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

### S. RES. 452

Whereas the Forks of the Ohio at today's Pittsburgh should forever be remembered as the place where an army of British and Colonial soldiers took control of Fort Duquesne from the French, a turning point in the French and Indian War, the first world war;

Whereas the British victory in the French and Indian War sowed the seeds of Colonial discontent with British rule, beginning the chain of events that led to the American Revolution;

Whereas the British Army under the leadership of General John Forbes built the first road across the Allegheny Mountains, thus securing the Gateway to the West for British and later American settlement;

Whereas General Forbes and Colonel George Washington named the location Pittsburgh, in honor of William Pitt the Elder;

Whereas Fort Pitt provided a safe haven for peoples from around the world to follow in Forbes' and Washington's footsteps to travel to Pittsburgh to settle the continent and to pioneer advancements in industry, science, technology, education, the environment, and the arts;

Whereas Pittsburgh went on to become the Crucible of the Industrial Revolution, producing glass, steel, and aluminum that have a place in every skyline in the United States, and perfecting the technologies that made it possible for alternating current to illuminate the Nation;

Whereas the people of the Pittsburgh region pioneered modern philanthropy, implemented the first smoke control regulation, developed the polio vaccine, and conquered rejection of transplanted organs, improving countless lives worldwide;

Whereas Pittsburgh is today a global leader in such emerging fields as materials science, regenerative medicine, nanotechnology, electro-optics, robotics, data storage, computer science, and commercial nuclear power;

Whereas Pittsburgh is home to more than 100 multi-billion dollar global corporations that improve the lives of people around the world;

Whereas Pittsburgh provides a high quality of life to its residents, offering unparalleled arts and cultural opportunities for a city of its size;

Whereas, in 2007 and in 1985, Pittsburgh was named America's Most Livable City, the only city in the United States to earn that honor twice;

Whereas Pittsburgh is commemorating its naming and its impact on the world with Pittsburgh 250, a year-long celebration involving communities in 14 Pennsylvania counties, parts of 7 States, and the District of Columbia;

Whereas Pittsburgh 250 has connected Washington, DC to Pittsburgh by supporting the completion of the Great Allegheny Passage Trail, the longest hiking and biking trail east of the Mississippi and the most accessible great trail experience in the world, providing an important new outdoor recreational asset to the people of the Mid-Atlantic United States; and

Whereas Pittsburgh has accomplished all of these things with an unparalleled history of public and private partnership: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 250th anniversary of the Naming of Pittsburgh, known as a significant event in United States history;

(2) recognizes that Pittsburgh 250 is organizing the commemoration on behalf of 14 counties in southwestern Pennsylvania;

(3) encourages participation for all Americans to learn how the Forbes Campaign, the opening of the Gateway to the West, the industrialization of America, and the environmental transformation of Pittsburgh helped to make America; and

(4) commends the contributions of those who have followed trails to Pittsburgh for 250 years to shape the world we live in and the Nation we have become.

## SENATE RESOLUTION 453—RECOGNIZING FEBRUARY 20, 2008, AS THE 100TH ANNIVERSARY OF ABRAHAM BALDWIN AGRICULTURAL COLLEGE

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resulution; which was considered and agreed to:

S. RES. 453

Whereas the Second District Agricultural and Mechanical School opened its doors for classes on February 20, 1908, with 3 instructors and 27 students;

Whereas the school became a senior college for men, the first in south Georgia, in 1929;

Whereas the school changed its name in 1933 to Abraham Baldwin Agricultural College in honor of a Georgia signer of the Constitution of the United States and the first president of the University of Georgia;

Whereas the college recorded its all-time highest enrollment during the 2007 fall semester with 3,665 students from 154 Georgia counties, 12 other States, and 9 countries;

Whereas the college has expanded its curriculum to include 57 programs of study;

Whereas the college bears strong witness to its roots, with the Division of Agriculture and Forest Resources remaining the largest division of study on the 421 acre campus with over 800 students;

Whereas Washington Monthly Magazine named the college as one of the 10 best community colleges in America in 2007;

Whereas Turfnet Magazine selected the college's 2-year turfgrass program as the 7th best program of its kind in the United States and Canada in 2007;

Whereas the college celebrates among its alumni the Honorable George T. Smith, the only man in the history of Georgia to serve in elected positions in all 3 branches of State government, having served as Lieutenant Governor, Speaker of the House of Representatives, and as a justice on the Supreme Court of Georgia; and

Whereas February 20, 2008, marks the 100th anniversary of Abraham Baldwin Agricultural College: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 100th anniversary of Abraham Baldwin Agricultural College for its great contributions to the community and to higher education in Georgia; and

(2) recognizes the achievements of the administration, faculty, students, and staff of Abraham Baldwin Agricultural College.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4019. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table.

SA 4020. Mr. TESTER proposed an amendment to amendment SA 3899 proposed by Mr. Dorgan (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 4021. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4022. Mr. GREGG proposed an amendment to amendment SA 3900 proposed by Mr. Sanders (for himself, Mr. OBAMA, Ms. CANTWELL, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, Mr. SUNUNU, Mr. MENENDEZ, Mr. LEAHY, Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) to the amendment SA 3899 proposed by Mr. Dorgan (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 4023. Ms. MIKULSKI (for herself, Mr. COLEMAN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4024. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4025. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4026. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4027. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4028. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4029. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4030. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4031. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4032. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4033. Mr. COBURN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4034. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4035. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4036. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4037. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4019.** Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 298, after line 25, insert the following:

**"SEC. 71_. TESTIMONY BY SERVICE EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.**

"(a) APPROVAL BY DIRECTOR.—

"(1) IN GENERAL.—The Director shall approve or disapprove, in writing, any request or subpoena for a sexual assault nurse examiner employed by the Service to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the nurse examiner.

"(2) REQUIREMENT.—The Director shall approve a request or subpoena under paragraph (1) if the request or subpoena does not violate the policy of the Department to maintain strict impartiality with respect to private causes of action.

"(3) TREATMENT.—If the Director fails to approve or disapprove a request or subpoena by the date that is 7 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this subsection.

"(b) POLICIES AND PROTOCOL.—The Director, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service.

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**SA 4020.** Mr. TESTER proposed an amendment to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; as follows:

On page 336, between lines 2 and 3, insert the following:

**"SEC. 815. SENSE OF CONGRESS REGARDING LAW ENFORCEMENT AND METHAMPHETAMINE ISSUES IN INDIAN COUNTRY.**

"It is the sense of Congress that Congress encourages State, local, and Indian tribal law enforcement agencies to enter into memoranda of agreement between and among those agencies for purposes of streamlining law enforcement activities and maximizing the use of limited resources—

"(1) to improve law enforcement services provided to Indian tribal communities; and

"(2) to increase the effectiveness of measures to address problems relating to methamphetamine use in Indian Country (as defined in section 1151 of title 18, United States Code).

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**SA 4021.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 347, after line 24, add the following:

### SEC. 104. GAO STUDY OF TRIBAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study of the tribal justice systems of Indian tribes located in the States of North Dakota and South Dakota.

(b) INCLUSIONS.—The study under subsection (a) shall include, with respect to the tribal system of each Indian tribe described in subsection (a) and the tribal justice system as a whole—

(1)(A) a description of how the tribal justice systems function, or are supposed to function; and

(B) a description of the components of the tribal justice systems, such as tribal trial courts, courts of appeal, applicable tribal law, judges, qualifications of judges, the selection and removal of judges, turnover of judges, the creation of precedent, the recording of precedent, the jurisdictional authority of the tribal court system, and the separation of powers between the tribal court system, the tribal council, and the head of the tribal government;

(2) a review of the origins of the tribal justice systems, such as the development of the systems pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the "Indian Reorganization Act"), which promoted tribal constitutions and addressed the tribal court system;

(3) an analysis of the weaknesses of the tribal justice systems, including the adequacy of law enforcement personnel and detention facilities, in particular in relation to crime rates; and

(4) an analysis of the measures that tribal officials suggest could be carried out to improve the tribal justice systems, including an analysis of how Federal law could improve and stabilize the tribal court system.

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**SA 4022.** Mr. GREGG proposed an amendment to amendment SA 3900 proposed by Mr. SANDERS (for himself, Mr. OBAMA, Ms. CANTWELL, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, Mr. SUNUNU, Mr. MENENDEZ, Mr. LEAHY, Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) to the amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; as follows:

Strike all after line 1 and insert the following:

## TITLE III—MISCELLANEOUS

### SEC. 301. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of that Act (42 U.S.C. 8621(e)).

(b) RESCISSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, each discretionary amount provided by the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), excluding the amounts made available for the purposes described in paragraph (2), is reduced by the pro rata percentage required to reduce the total amount provided by that Act by $800,000,000.

(2) EXCEPTED PURPOSES.—The reduction under paragraph (1) shall not apply to any discretionary amount made available in the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), for purposes of—

(A) the Department of Defense; or

(B) the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

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**SA 4023.** Ms. MIKULSKI (for herself, Mr. COLEMAN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 397, after line 2, add the following:

### SEC. 213. MORATORIUM ON IMPLEMENTATION OF CHANGES TO CASE MANAGEMENT AND TARGETED CASE MANAGEMENT PAYMENT REQUIREMENTS UNDER MEDICAID.

(a) MORATORIUM.—

(1) DELAYED IMPLEMENTATION OF DECEMBER 4, 2007, INTERIM FINAL RULE.—The interim final rule published on December 4, 2007, at pages 68,077 through 68,093 of volume 72 of the Federal Register (relating to parts 431, 440, and 441 of title 42 of the Code of Federal Regulations) shall not take effect before April 1, 2009.

(2) CONTINUATION OF 2007 PAYMENT POLICIES AND PRACTICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy or practice, including a Medical Assistance Manual transmittal or issuance of a letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for case management and targeted case management services if such action is more restrictive than the administrative action, policy, or practice that applies to coverage of, or payment for, such services under title XIX of the Social Security Act on December 3, 2007. Any such action taken by the Secretary of Health and Human Services during the period that begins on December 4, 2007, and ends on March 31, 2009, that is based in whole or in part on the interim final rule described in subsection (a) is null and void.

(b) INCLUSION OF MEDICARE PROVIDERS AND SUPPLIERS IN FEDERAL PAYMENT LEVY AND ADMINISTRATIVE OFFSET PROGRAM.—

(1) IN GENERAL.—Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

"(d) INCLUSION OF MEDICARE PROVIDER AND SUPPLIER PAYMENTS IN FEDERAL PAYMENT LEVY PROGRAM.—

"(1) IN GENERAL.—The Centers for Medicare & Medicaid Services shall take all necessary steps to participate in the Federal Payment Levy Program under section 6331(h) of the Internal Revenue Code of 1986 as soon as possible and shall ensure that—

"(A) at least 50 percent of all payments under parts A and B are processed through such program beginning within 1 year after the date of the enactment of this section;

"(B) at least 75 percent of all payments under parts A and B are processed through such program beginning within 2 years after such date; and

"(C) all payments under parts A and B are processed through such program beginning not later than September 30, 2011.

"(2) ASSISTANCE.—The Financial Management Service and the Internal Revenue Service shall provide assistance to the Centers for Medicare & Medicaid Services to ensure that all payments described in paragraph (1) are included in the Federal Payment Levy Program by the deadlines specified in that subsection.".

(2) APPLICATION OF ADMINISTRATIVE OFFSET PROVISIONS TO MEDICARE PROVIDER OR SUPPLIER PAYMENTS.—Section 3716 of title 31, United States Code, is amended—

(A) by inserting "the Department of Health and Human Services," after "United States Postal Service," in subsection (c)(1)(A); and

(B) by adding at the end of subsection (c)(3) the following new subparagraph:

"(D) This section shall apply to payments made after the date which is 90 days after the enactment of this subparagraph (or such earlier date as designated by the Secretary of Health and Human Services) with respect to claims or debts, and to amounts payable, under title XVIII of the Social Security Act.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

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**SA 4024.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

### "SEC. 8___. SCIENTIFICALLY EFFECTIVE HEALTH PROMOTION SERVICES.

"Notwithstanding any other provision of this Act, coverage of health promotion services under this Act shall only be for medical or preventive health services or activities—

"(1) for which scientific evidence demonstrates a direct connection to improving health; and

"(2) that are provided in accordance with applicable medical standards of care.

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**SA 4025.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

### "SEC. 8___. NO RACIAL PREFERENCE IN EMPLOYMENT.

"Notwithstanding any other provision of this Act, nothing in this Act authorizes any racial preference in employment.

**SA 4026.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

Strike paragraph (5) of section 713(b) of the Indian Health Care Improvement Act (as amended by section 101) and insert the following:

"(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated.

At the end of section 713 of the Indian Health Care Improvement Act (as amended by section 101), add the following:

"(d) LIMITATION ON FUNDING.—Treatment shall be provided for a perpetrator pursuant to this section only if the treatment is scientifically demonstrated to reduce the potential of the perpetrator to commit child sexual abuse again, and shall not provide the basis to reduce any applicable criminal punishment or civil liability for that abuse.

**SA 4027.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. 7___. CRIMINAL CONDUCT.**

"Nothing in this title—

"(1) establishes any defense, not otherwise applicable under law, for any individual accused of any crime, including physical or sexual abuse of children or family violence; or

"(2) preempts or otherwise affects any applicable requirement for—

"(A) reporting of criminal conduct, including for child abuse or family violence; or

"(B) creating any new privilege concerning disclosure.

**SA 4028.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 347, after line 24, add the following:

**SEC. 104. BLOOD QUANTUM REQUIREMENT FOR FEDERAL RECOGNITION OF INDIAN TRIBES.**

Effective beginning on the date of enactment of this Act, in determining whether to extend Federal recognition to an Indian tribe or other Indian group under part 83 of title 25, Code of Federal Regulations (or successor regulations), the Secretary of the Interior shall require that each member of the Indian tribe or group possess a degree of Indian blood of not less than $\frac{1}{512}$.

**SA 4029.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 347, after line 24, add the following:

**SEC. 104. GAO STUDY OF MEMBERSHIP CRITERIA FOR FEDERALLY RECOGNIZED INDIAN TRIBES.**

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of membership criteria for federally recognized Indian tribes, including—

(1) the number of federally recognized Indian tribes in existence on the date on which the study is conducted;

(2) the number of those Indian tribes that use blood quantum as a criterion for membership in the Indian tribe and the importance assigned to that criterion;

(3) the percentage of members of federally recognized Indian tribes that possesses degrees of Indian blood of—

(A) $\frac{1}{4}$;

(B) $\frac{1}{8}$; and

(C) $\frac{1}{16}$; and

(4) the variance in wait times and rationing of health care services within the Service between federally recognized Indian Tribes that use blood quantum as a criterion for membership and those Indian Tribes that do not use blood quantum as such a criterion.

**SA 4030.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

Strike section 221 of the Indian Health Care Improvement Act (as amended by section 101) and insert the following:

**"SEC. 221. LICENSING.**

"Nothing in this Act preempts any State requirement regarding licensing of any health care personnel.

**SA 4031.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. 8___. GAO ASSESSMENT.**

"Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, an assessment of—

"(1) the average wait time of patients in the Service;

"(2) the extent of rationing of health care services in the Service;

"(3) the average per capita health care spending on Indians eligible for health care services through the Service;

"(4) the overall health outcomes in Indians, as compared to the overall health outcomes of other residents of the United States;

"(5) patient satisfaction of Indians receiving health care services through the Service;

"(6) the total amount of funds of the Service expended for—

"(A) direct medical care; and

"(B) administrative expenses;

"(7) the health care coverage options available to Indians receiving health care services through the Service;

"(8) the health care services options available to Indians; and

"(9) the health care provider options available to Indians.

**SA 4032.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the appropriate place in the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. ____. TESTING FOR SEXUALLY TRANSMITTED DISEASES IN CASES OF SEXUAL VIOLENCE.**

"The Attorney General shall ensure that, with respect to any Federal criminal action involving a sexual assault, rape, or other incident of sexual violence against an Indian—

"(1)(A) at the request of the victim, a defendant is tested for the human immunodeficiency virus (HIV) and such other sexually transmitted diseases as are requested by the victim not later than 48 hours after the date on which the applicable information or indictment is presented;

"(B) a notification of the test results is provided to the victim or the parent or guardian of the victim and the defendant as soon as practicable after the results are generated; and

"(C) such follow-up tests for HIV and other sexually transmitted diseases are provided as are medically appropriate, with the test results made available in accordance with subparagraph (B); and

"(2) pursuant to section 714(a), HIV and other sexually transmitted disease testing, treatment, and counseling is provided for victims of sexual abuse.

**SA 4033.** Mr. COBURN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 336, between lines 13 and 14, insert the following:

**"SEC. 817. TRIBAL MEMBER CHOICE DEMONSTRATION PROJECT.**

"(a) IN GENERAL.—The Secretary shall establish a demonstration project in not less than 3 Service Areas (chosen by the Secretary for optimal participation) under which eligible participants shall be provided with a risk-adjusted subsidy for the purchase of qualified health insurance (as defined in subsection (f)) in order to—

"(1) improve Indian access to high quality health care services;

"(2) provide incentives to Indian patients to seek preventive health care services;

"(3) create opportunities for Indians to participate in the health care decision process;

"(4) encourage effective use of health care services by Indians; and

"(5) allow Indians to make health care coverage and delivery decisions and choices.

"(b) ELIGIBLE PARTICIPANT.—

"(1) VOLUNTARY ENROLLMENT FOR 12-MONTH PERIODS.—

"(A) IN GENERAL.—In this section, the term 'eligible participant' means an Indian who—

"(i) is a member of a federally-recognized Indian Tribe; and "(ii) voluntarily agrees to enroll in the project conducted under this section (or in the case of a minor, is voluntarily enrolled on their behalf by a parent or caretaker) for a period of not less than 12 months in lieu of obtaining items or services through any Indian Health Program or any other federally-funded program during any period in which the Indian is enrolled in the project.

"(B) VOLUNTARY EXTENSIONS OF ENROLLMENT.—An eligible participant may voluntarily extend the participant's enrollment in the project for additional 12-month periods.

"(2) HARDSHIP EXCEPTION.—The Secretary shall specify criteria for permitting an eligible participant to disenroll from the project before the end of any 12-month period of enrollment to prevent undue hardship.

"(c) SUBSIDIES REQUIREMENT.—The average amount of all subsidies provided to eligible participants enrolled in the demonstration project established under this section for each 12-month period during which the project is conducted shall not exceed the amount equal to the average of the per capita expenditures for providing Indians items or services from all Indian Health Programs for the most recent fiscal year for which data is available.

"(d) SPECIAL RULES.—

"(1) TREATMENT.—The amount of a subsidy provided to an eligible participant in the project shall not be counted as income or assets for purposes of determining eligibility for benefits under any Federal public assistance program.

"(2) BUDGET NEUTRALITY.—In conducting the demonstration project under this section, the Secretary shall ensure that the aggregate payments made to carry out the project do not exceed the amount of Federal expenditures which would have been made for the provision of health care items and services to eligible participants if the project had not been implemented.

"(e) DEMONSTRATION PERIOD; REPORTS TO CONGRESS.—

"(1) DEMONSTRATION PERIOD.—

"(A) INITIAL PERIOD.—The demonstration project established under this section shall begin not later than the date that is 1 year after the date of enactment of this section and shall be conducted for a period of 5 years.

"(B) EXTENSIONS.—The Secretary may extend the project for such additional periods as the Secretary determines appropriate, unless the Secretary determines that the project is unsuccessful in achieving the purposes described in subsection (a), taking into account cost-effectiveness, quality of care, and such other criteria as the Secretary may specify.

"(2) PERIODIC REPORTS TO CONGRESS.—During the 5-year period described in paragraph (1), the Secretary shall periodically submit reports to Congress regarding the progress of demonstration project conducted under this section. Each report shall include information concerning the populations participating in the project, participant satisfaction (determined by indicators of satisfaction with security, affordability, access, choice, and quality) as compared with items and services that the participant would have received from Indian Health Programs, and the impact of the project on access to, and the availability of, high quality health care services for Indians.

"(f) QUALIFIED HEALTH INSURANCE.—

"(1) IN GENERAL.—In this section, the term 'qualified health insurance' means insurance which constitutes medical care as defined in section 213(d) of the Internal Revenue Code of 1986 without regard to—

"(A) paragraph (1)(C) thereof, and

"(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

"(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c) of such Code).".

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**SA 4034.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 336, between lines 13 and 14, insert the following:

**"SEC. 817. TRIBAL MEMBER CHOICE PROGRAM.**

"(a) IN GENERAL.—The Secretary shall establish a program in geographically feasible Service Areas (as determined by the Secretary, taking into account those Service Areas that are likely to have optimal participation) under which eligible participants shall be provided with a risk-adjusted subsidy for the purchase of qualified health insurance (as defined in subsection (f)) in order to—

"(1) improve Indian access to high quality health care services;

"(2) provide incentives to Indian patients to seek preventive health care services;

"(3) create opportunities for Indians to participate in the health care decision process;

"(4) encourage effective use of health care services by Indians; and

"(5) allow Indians to make health care coverage and delivery decisions and choices.

"(b) ELIGIBLE PARTICIPANT.—

"(1) VOLUNTARY ENROLLMENT FOR 12-MONTH PERIODS.—

"(A) IN GENERAL.—In this section, the term 'eligible participant' means an Indian who—

"(i) is a member of a federally-recognized Indian Tribe; and

"(ii) voluntarily agrees to enroll in the program conducted under this section (or in the case of a minor, is voluntarily enrolled on their behalf by a parent or caretaker) for a period of not less than 12 months in lieu of obtaining items or services through any Indian Health Program or any other federally-funded program during any period in which the Indian is enrolled in the program.

"(B) VOLUNTARY EXTENSIONS OF ENROLLMENT.—An eligible participant may voluntarily extend the participant's enrollment in the program for additional 12-month periods.

"(2) HARDSHIP EXCEPTION.—The Secretary shall specify criteria for permitting an eligible participant to disenroll from the program before the end of any 12-month period of enrollment to prevent undue hardship.

"(c) SUBSIDIES REQUIREMENT.—The average amount of all subsidies provided to eligible participants enrolled in the program established under this section for each 12-month period during which the program is conducted shall not exceed the amount equal to the average of the per capita expenditures for providing Indians items or services from all Indian Health Programs for the most recent fiscal year for which data is available.

"(d) SPECIAL RULES.—

"(1) TREATMENT.—The amount of a subsidy provided to an eligible participant in the program shall not be counted as income or assets for purposes of determining eligibility for benefits under any Federal public assistance program.

"(2) BUDGET NEUTRALITY.—In conducting the program under this section, the Secretary shall ensure that the aggregate payments made to carry out the program do not exceed the amount of Federal expenditures which would have been made for the provision of health care items and services to eligible participants if the program had not been implemented.

"(e) IMPLEMENTATION; REPORTS TO CONGRESS.—

"(1) IMPLEMENTATION.—

"(A) INITIAL PERIOD.—The program established under this section shall begin not later than the date that is 1 year after the date of enactment of this section and shall be conducted for a period of at least 5 years.

"(B) EXTENSIONS.—The Secretary may extend the program for such additional periods as the Secretary determines appropriate, unless the Secretary determines that the program is unsuccessful in achieving the purposes described in subsection (a), taking into account cost-effectiveness, quality of care, and such other criteria as the Secretary may specify.

"(2) REPORTS TO CONGRESS.—During the initial 5-year period in which the program is conducted, and during any period thereafter in which the program is extended, the Secretary shall periodically submit reports to Congress regarding the progress of program. Each report shall include information concerning the populations participating in the program, participant satisfaction (determined by indicators of satisfaction with security, affordability, access, choice, and quality) as compared with items and services that the participant would have received from Indian Health Programs, and the impact of the program on access to, and the availability of, high quality health care services for Indians.

"(f) QUALIFIED HEALTH INSURANCE.—

"(1) IN GENERAL.—In this section, the term 'qualified health insurance' means insurance which constitutes medical care as defined in section 213(d) of the Internal Revenue Code of 1986 without regard to—

"(A) paragraph (1)(C) thereof, and

"(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

"(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c) of such Code).".

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**SA 4035.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. 8___. REQUIREMENT.**

"Not less than 85 percent of amounts made available to carry out this Act shall be used to provide the medical services authorized by this Act.

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**SA 4036.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 121, strike line 15 and insert the following:

"(c) PRIORITIZATION.—Before providing any hospice care, assisted living service, long-term care service, or home- or community-based service pursuant to this section, the Secretary shall give priority to the provision of basic medical services to Indians.

"(d) DEFINITIONS.—For the purposes of this section,

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**SA 4037.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 121, strike line 15 and insert the following:

"(c) EFFECTIVE DATE.—

"(1) EFFECTIVE DATE.—This section takes effect on the date on which the Secretary makes the certification described in paragraph (2).

"(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the Secretary to Congress that—

"(A) the service availability, rationing, and wait times for existing health services within the Service are—

"(i) acceptable to Indians; and

"(ii) comparable to the service availability and wait times experienced by other residents of the United States; and

"(B) the provision of services under this section will not divert resources from or negatively affect the provision of basic medical and dental services by the Service.

"(d) DEFINITIONS.—For the purposes of this section,

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## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests.

The hearing will be held on February 27, 2008, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 832, to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; S. 2229, to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range; S. 2379, to authorize the Secretary of the Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, and for other purposes; S. 2508 and H.R. 903, to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; S. 2601 and H.R. 1285, to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes; H.R. 523, to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district; H.R. 838, to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Kira Finkler at (202) 224-5523 or Rachel Pasternack at (202) 224-0883.

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 9:30 a.m., in open session in order to receive testimony on improvements implemented and planned by the Department of Defense and the Department of Veterans Affairs for the care, management, and transition of wounded and ill servicemembers.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 13, 2008, at 10 a.m., in order to conduct a mark up of an original bill entitled "Industrial Bank Holding Company Act of 2008".

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, February, 13, 2008, at 9:45 a.m., In room SD366 of the Dirksen Senate Office Building. At this hearing, the committee will hear testimony regarding the President's fiscal year 2009 budget request for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to hear testimony on "Selling to Seniors: The Need for Accountability and Oversight of Marketing and Sales by Medicare Private Plans, Part Two."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 10 a.m. in order to hold a hearing on the President's foreign affairs budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 2:30 p.m. in order to hold a committee coffee with His Excellency Salam Fayyad, Prime Minister of the Palestinian National Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 10 a.m. in order to conduct a hearing entitled "The Defense Department's Homeland Security Role: How the Military Can and Should Contribute."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "Examining the State Secrets Privilege: Protecting National Security While Preserving Accountability" on Wednesday, February 13, 2008, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

*Witness list*

Carl Nichols, Deputy Assistant Attorney General, U.S. Department of

Justice, Civil Division, Washington, DC; The Honorable Patricia M. Wald, Former Chief Judge, U.S. Court of Appeals for the D.C. Circuit, Washington, DC; Louis Fisher, Specialist in Constitutional Law, Law Library of the Library of Congress, Washington, DC; Robert M. Chesney, Associate Professor, Wake Forest University School of Law, Winston-Salem, NC; and Michael Vatis, Partner, Steptoe & Johnson LLP, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, February 13, in order to conduct a hearing on the FY 2009 Budget for Veterans Programs. The Committee will meet in room 418 of the Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 13, 2008, at 2:30 p.m. in order to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SPECIAL COMMITTEE ON AGING

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, February 13, 2008 from 10:30 a.m.–12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet during the session of the Senate, in order to conduct a hearing on the Family and Medical Leave Act on Wednesday, February 13, 2008. The hearing will commence at 3 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. BOND. Madam President, first, I ask unanimous consent that Senator McCAIN's legislative fellow, Navy Commander Scott Butler, be granted floor privileges during the second session of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AIRPORT AND AIRWAY EXTENSION ACT OF 2008

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5270, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5270) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Madam President, I rise today to support a short-term extension of the Federal Aviation Administration's contract authority and its collection and expenditure authority through to June 30, 2008. Because of the urgent need to extend the current aviation taxes and related budget provisions, I am supporting this legislation.

But I am becoming convinced that Congress cannot pass S. 1300, the Aviation Investment and Modernization Act, authored by then-Senator Lott and myself. I believe that Congress should pass a long-term extension of the existing aviation taxes in order to give the FAA the funding stability it needs while Congress moves forward with a comprehensive review of how the agency is funded. I cannot support the current funding regime, as it will not provide the agency with the resources it needs to build the Next Generation Air Traffic Control System. In lieu of a long-term extension, I would have preferred an extension until the end of this fiscal year, September 30, 2008, as it would have given the FAA and our Nation's airports a greater degree of reassurance that they will receive the full $3.5 billion in airport funding that Congress approved last year.

The short-term extension before us today is not only crucial to the ongoing functioning of the FAA, it is necessary because without it the agency faces a potential crisis. Without adopting this legislation, the FAA would not be able to pay 4,000 employees after February 29, 2008. And that is an unacceptable action. The last thing the agency needs right now is to endure a potentially debilitating staffing crisis. To preserve these jobs this short-term extension must be passed today.

This country's aviation system is the safest in the world. However, in remaining vigilant to maintain this standard we must ensure the FAA has the resources to continue its efforts in modernizing our air traffic control system and in updating the more antiquated parts of our aviation infrastructure. The passing of this extension today will allow these vital investments to continue.

I look forward to working with my friend and distinguished colleague, Senator KAY BAILEY HUTCHISON, and members of the Senate's Finance and Commerce Committees in making sure the FAA has the resources and tools it needs to continue making our aviation system the safest in the world. It is crucial we work together to provide the FAA with the certainty it needs in these challenging times for the aviation sector. This will not only benefit the FAA but the industry generally and the many millions of Americans it serves each year.

Mrs. HUTCHISON. Madam President, I rise today to urge my colleagues to vote for a short-term extension of FAA collection, expenditure authority, and Airport Improvement Program, or AIP, contract authority through June 30, 2008.

The previous extension was scheduled to expire on February 29, 2008. Short of congressional action, hundreds of airports across the Nation were at risk of losing an entire construction season and hindering much needed improvements to our aviation system. In addition, the FAA was at risk of not being able to fund this year's planned critical investments in the Next Generation Air Traffic Control System, NEXTGEN. Now, because of our efforts, those improvements can continue as planned.

While I am pleased with our work today, I am disappointed we could not provide more stability in the system by completing a longer term extension through September 30, 2008, which is the end of the fiscal year.

As legislators, it is our responsibility to create stability and predictability in our infrastructure system. We cannot allow our lack of action to disturb the modernization efforts and the flow of funds to our aviation system.

Thankfully, the extension we passed today will provide immediate funding and spending authority as well as a valuable cushion for the Senate to work on the overarching FAA reauthorization bill.

I am looking forward to working with my friend and distinguished colleague Senator JAY ROCKEFELLER to complete a multi-year FAA reauthorization bill. We have several challenges ahead of us, and we will attempt to come together in a bipartisan way to meet those challenges. The extension we passed today is just the first step in what will be a very important year for aviation policy.

Mrs. MURRAY. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5270) was ordered to a third reading, was read the third time, and passed.

## COMMEMORATING THE 250TH ANNIVERSARY OF THE NAMING OF PITTSBURGH

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 452, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 452) commemorating the 250th anniversary of the Naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the continent, and in spreading the ideals of freedom and democracy throughout the world.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 452) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 452

Whereas the Forks of the Ohio at today's Pittsburgh should forever be remembered as the place where an army of British and Colonial soldiers took control of Fort Duquesne from the French, a turning point in the French and Indian War, the first world war;

Whereas the British victory in the French and Indian War sowed the seeds of Colonial discontent with British rule, beginning the chain of events that led to the American Revolution;

Whereas the British Army under the leadership of General John Forbes built the first road across the Allegheny Mountains, thus securing the Gateway to the West for British and later American settlement;

Whereas General Forbes and Colonel George Washington named the location Pittsburgh, in honor of William Pitt the Elder;

Whereas Fort Pitt provided a safe haven for peoples from around the world to follow in Forbes' and Washington's footsteps to travel to Pittsburgh to settle the continent and to pioneer advancements in industry, science, technology, education, the environment, and the arts;

Whereas Pittsburgh went on to become the Crucible of the Industrial Revolution, producing glass, steel, and aluminum that have a place in every skyline in the United States, and perfecting the technologies that made it possible for alternating current to illuminate the Nation;

Whereas the people of the Pittsburgh region pioneered modern philanthropy, implemented the first smoke control regulation, developed the polio vaccine, and conquered rejection of transplanted organs, improving countless lives worldwide;

Whereas Pittsburgh is today a global leader in such emerging fields as materials science, regenerative medicine, nanotechnology, electro-optics, robotics, data storage, computer science, and commercial nuclear power;

Whereas Pittsburgh is home to more than 100 multi-billion dollar global corporations that improve the lives of people around the world;

Whereas Pittsburgh provides a high quality of life to its residents, offering unparalleled arts and cultural opportunities for a city of its size;

Whereas, in 2007 and in 1985, Pittsburgh was named America's Most Livable City, the only city in the United States to earn that honor twice;

Whereas Pittsburgh is commemorating its naming and its impact on the world with Pittsburgh 250, a year-long celebration involving communities in 14 Pennsylvania counties, parts of 7 States, and the District of Columbia;

Whereas Pittsburgh 250 has connected Washington, DC to Pittsburgh by supporting the completion of the Great Allegheny Passage Trail, the longest hiking and biking trail east of the Mississippi and the most accessible great trail experience in the world, providing an important new outdoor recreational asset to the people of the Mid-Atlantic United States; and

Whereas Pittsburgh has accomplished all of these things with an unparalleled history of public and private partnership: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 250th anniversary of the Naming of Pittsburgh, known as a significant event in United States history;

(2) recognizes that Pittsburgh 250 is organizing the commemoration on behalf of 14 counties in southwestern Pennsylvania;

(3) encourages participation for all Americans to learn how the Forbes Campaign, the opening of the Gateway to the West, the industrialization of America, and the environmental transformation of Pittsburgh helped to make America; and

(4) commends the contributions of those who have followed trails to Pittsburgh for 250 years to shape the world we live in and the Nation we have become.

## RECOGNIZING THE 100TH ANNIVERSARY OF ABRAHAM BALDWIN AGRICULTURAL COLLEGE

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 453, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 453) recognizing February 20, 2008, as the 100th anniversary of Abraham Baldwin Agricultural College.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 453) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 453

Whereas the Second District Agricultural and Mechanical School opened its doors for classes on February 20, 1908, with 3 instructors and 27 students;

Whereas the school became a senior college for men, the first in south Georgia, in 1929;

Whereas the school changed its name in 1933 to Abraham Baldwin Agricultural College in honor of a Georgia signer of the Constitution of the United States and the first president of the University of Georgia;

Whereas the college recorded its all-time highest enrollment during the 2007 fall semester with 3,665 students from 154 Georgia counties, 12 other States, and 9 countries;

Whereas the college has expanded its curriculum to include 57 programs of study;

Whereas the college bears strong witness to its roots, with the Division of Agriculture and Forest Resources remaining the largest division of study on the 421 acre campus with over 800 students;

Whereas Washington Monthly Magazine named the college as one of the 10 best community colleges in America in 2007;

Whereas Turfnet Magazine selected the college's 2-year turfgrass program as the 7th best program of its kind in the United States and Canada in 2007;

Whereas the college celebrates among its alumni the Honorable George T. Smith, the only man in the history of Georgia to serve in elected positions in all 3 branches of State government, having served as Lieutenant Governor, Speaker of the House of Representatives, and as a justice on the Supreme Court of Georgia; and

Whereas February 20, 2008, marks the 100th anniversary of Abraham Baldwin Agricultural College: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 100th anniversary of Abraham Baldwin Agricultural College for its great contributions to the community and to higher education in Georgia; and

(2) recognizes the achievements of the administration, faculty, students, and staff of Abraham Baldwin Agricultural College.

## MEASURES READ THE FIRST TIME—S. 2633 AND S. 2634

Mrs. MURRAY. Madam President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 2633) to provide for the safe redeployment of United States troops from Iraq.

A bill (S. 2634) to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

Mrs. MURRAY. I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

## SENATE REPORT 110–259

Mrs. MURRAY. Madam President, I ask unanimous consent that an errata be printed with respect to Senate Report 110–259, which I now send to the desk.

There being no objection, the correction is as follows:

On page 74, the heading was incorrectly printed. The name of Senator SPECTER should be stricken from the heading listing senators with "Minority Views".

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to section 5 of title I of Division H of Public Law 110-161, appoints the following Senator as chairman of the U.S.-Japan Interparliamentary Group conference for the 110th Congress: the Honorable TED STEVENS of Alaska.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURE READ THE FIRST TIME—S. 2636

Mrs. MURRAY. Madam President, I understand S. 2636 introduced today by Senator REID is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2636) to provide needed housing reform.

Mrs. MURRAY. I now ask for a second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard. The bill will be read the second time on the next legislative day.

## ORDERS FOR THURSDAY, FEBRUARY 14, 2008

Mrs. MURRAY. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, February 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1200, the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. MURRAY. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:01 p.m., adjourned until Thursday, February 14, 2008, at 9:30 a.m.

# HOUSE OF REPRESENTATIVES—*Wednesday, February 13, 2008*

The House met at 10 a.m.

Rev. Chad Eaton, Biltmore Baptist Church, Arden, North Carolina, offered the following prayer:

Gracious Heavenly Father, we ask for Your presence today in this great Chamber. Please bestow upon each Representative today divine wisdom and discernment.

We stand at a difficult time in the history, not only of our great Nation, but of the world. May the decisions made here today not only honor the districts they represent, but first honor You.

Father, it is because of Your great blessing and provision that this Nation has prospered in the past. I pray that this body recognize its need and continued dependence upon You to maintain that blessing.

May these Members seek to be servants today instead of being served, and find favor with You because of their desire to know, honor and serve only God the Father, with humility, character, and courage.

May God once again bless America.

I ask this in the strong name of my Lord and Saviour, Jesus Christ. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 3773. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

### WELCOMING REV. CHAD EATON

The SPEAKER. Without objection, the gentleman from North Carolina (Mr. SHULER) is recognized for 1 minute.

There was no objection.

Mr. SHULER. Madam Speaker, I want to thank my friend and my brother in Christ, Chad Eaton, for opening the House of Representatives in prayer today.

Chad Eaton is the pastor of Sports Outreach at Biltmore Baptist Church in Asheville, North Carolina.

Chad is married to Kim Eaton, and they have one son, Cole.

Chad has been a great friend to my family and to me, and to the members of our church. I appreciate the dedication he has shown to reaching the youth in our community for Christ.

I ask my colleagues to welcome Chad as he has led us in prayer this morning.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to fifteen 1-minutes on each side.

### ARMY CHOOSES TO KEEP CRITICAL REPORT SECRET

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, this week we learned that the Army refused to release a report it commissioned from the RAND Corporation on the mistakes made in the planning and the implementation of the Iraq war.

We all know that mistakes were made. However, it's important that the Bush administration hear from independent voices exactly why the war in Iraq did not go as the administration planned.

The RAND report, uncovered by the New York Times earlier this week, chided both President Bush and then-National Security Adviser, Condoleezza Rice, for not resolving differences between the State Department and the Pentagon. It also highlighted the administration's failure to develop a single national plan that integrated "humanitarian assistance, reconstruction governance, infrastructure development and postwar security."

Madam Speaker, the Bush administration has a lot of lessons to learn but refuses to listen to any independent critiques. I would hope the administration would take this report seriously and would also conclude that the status quo in Iraq cannot continue.

It's time that we bring our troops home.

### FIX FISA NOW

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Mr. Speaker, we need a permanent fix to the Foreign Intelligence Surveillance Act, and we need it now.

Our enemies will not take a vacation if the Protect America Act is left to expire. Therefore, it is dangerous for American families to let our intelligence-gathering capabilities be limited because of a failure by Congress.

We face an enemy well equipped to exploit the technologies of the 21st century for their evil purposes. Our intelligence community knows what it needs to combat that enemy and has told us on countless occasions. Yet the efforts by some to water down a fix to FISA or punish American businesses for cooperating with the government has brought us to another deadline. We face the choice of acting to defend this country or further delaying a fair solution.

I hope we take the bipartisan Senate bill and pass this fix immediately. Let's get this done to protect American families.

In conclusion, God bless our troops, and we will never forget September the 11th.

### PENTAGON TO KEEP 130,000 TROOPS IN IRAQ

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, on Monday, Defense Secretary Gates confirmed what many of us in Congress have long suspected: The Bush administration plans to leave nearly 130,000 troops in Iraq until the day he leaves office next January.

The war in Iraq has been misguided from the start and mismanaged in its prosecution. It has led to a significant military readiness crisis, deteriorating conditions in Afghanistan, a readiness crisis for National Guard forces here at home, and a record low standing for us abroad.

This month, the Chief of the National Guard Bureau said that 88 percent of our stateside Guard units are "very poorly equipped" with less than half of what they needed to respond to a domestic crisis. Five years of war in Iraq

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

is indeed straining our troop force and their equipment. Yet the Bush administration wants more of the same.

Mr. Speaker, this Democratic-led Congress will continue to fight to change direction in Iraq and responsibly redeploy our troops home.

## CONGRESS WORKS FAST TO ADDRESS ECONOMIC DOWNTURN, BUT MORE WORK NEEDS TO BE DONE

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, economists said if Washington wanted to help jump-start our Nation's economy, it needed to act fast. That's exactly what we did. Congress acted in a strong bipartisan fashion to pass an economic stimulus plan that will be signed into law by President Bush today.

The new law will put hundreds of dollars into the hands of more than 130 million American families, including seniors and disabled veterans, who will then spend it to reinvigorate our economy.

The law also expands financing opportunities for Americans who are in danger of losing their homes because of the mortgage crisis and promotes small business investment in plants and equipment.

Mr. Speaker, Democrats are proud that we have been able to work so quickly to produce an economic stimulus plan that is timely, targeted and temporary. We are also proud of the fact that this package provides immediate relief to low- and middle-income families and small businesses that need the help the most.

We will continue to rebuild and strengthen our economy, create good jobs, and give relief to families that are struggling to make ends meet.

## COMMEMORATING THE DAY OF REMEMBRANCE

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute.)

Mr. GRIJALVA. Mr. Speaker, I rise today to commemorate the Day of Remembrance. This marks the 66th anniversary of the executive order which authorized the incarceration of over 120,000 Americans, primarily of Japanese descent, but also Italian and German Americans.

I stand today to remember those that were taken from their home and their communities, citizens and residents of our country that were victims of an unwarranted and unjust political paranoia.

In 1988, Congress apologized for that internment and took steps not to allow this black mark in our history to happen again.

Mr. Speaker, in rising today, it is also important to remind ourselves in these times where scapegoating and fear-mongering against a certain people is becoming more and more prevalent, this day reminds us not to allow this to happen again and to, above all, protect everybody's rights, protect everybody's inherent rights in this country, and not to allow this to happen again.

## NATIONAL DAY OF REMEMBRANCE

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, I rise to commemorate February 19, the National Day of Remembrance for Japanese American internment.

During World War II, fear and mistrust clouded judgment and allowed brazen racism to take hold. Sixty-six years ago next week, President Roosevelt signed Executive Order 9066, which sent 120,000 American citizens and legal residents of Japanese descent into internment camps, forcing them to lose their homes, jobs and possessions. Some of these families were held in internment even while their sons showed great patriotism by serving in the Army. In my home State of Hawaii, 10,000 individuals were investigated and an estimated 1,250 Japanese Americans were detained in our islands.

During trying times such as our Nation once again faces, we must not allow prejudice against people based on race, creed or national origin to shape public policy. Fear tests our moral fortitude, and this National Day of Remembrance reminds us to reflect on our past actions in order to make just decisions which uphold our Constitution.

## GUN VIOLENCE

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I come to the floor of the House today to address the issue of gun-related violence and deaths in America. Last Thursday, the first day I began this series of statements on the plague of gun violence that's sweeping our country, two more gun-related incidents captured the Nation's attention.

In Portsmouth, Ohio, an estranged husband shot and then stabbed his wife to death on the schoolhouse steps. She was a fifth grade teacher, and she died in front of her students.

The second incident that grabbed headlines that day occurred during a city council meeting in Kirkwood, Missouri. In that suburban town, the assailant took the lives of five innocent people. A sixth victim, Kirkwood Mayor Michael Swoboda, is still clinging to life. And so in a sign of respect for the victims, Kenneth Yost, police officers Tom Ballman and William Biggs, and council members Michael Lynch and Connie Carr of Kirkwood as well as teacher Christi Layne of Portsmouth, I enter these six names in the RECORD.

When will America join me in saying, Enough is enough? Stop the killings.

□ 1015

## CONGRESS WORKS FAST TO ADDRESS ECONOMIC DOWNTURN, BUT MORE WORK NEEDS TO BE DONE

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, today President Bush will sign our bipartisan economic stimulus legislation into law. Getting this bill done quickly is a victory for the American people that will inject confidence and consumer demands, promote economic growth and create jobs.

130 million low- and middle-income Americans will receive tax rebates in the coming months. These rebates are welcome relief to many families who are struggling in this economy. Family incomes and home prices are down as health care and energy, food and education costs and mortgage foreclosures have climbed. Economists estimate that every dollar included in these rebate checks will lead to $1.26 in economic growth. The new law should also help create 500,000 new jobs by year's end.

Mr. Speaker, this economic stimulus package is a good first start, but this Congress will take additional action to help American workers and help our economy recover. We will also develop a plan for additional assistance, which could include extension of unemployment benefits, food stamps, State and local assistance, and Medicaid.

## RENEWABLE ENERGY TAX PACKAGE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, ExxonMobil recently announced that they have earned over $40 billion in 2007, the highest profits ever for a U.S. company. Of course, we want our U.S. companies to succeed in the global marketplace, but hugely profitable oil companies certainly don't need taxpayer subsidies, especially as the price of oil continues to hover at $100 a barrel.

I want to urge my colleagues, it was none other than President Bush who said that with oil at $50 a barrel, he saw no need for the kind of subsidies put in the 2005 energy bill by the Republican Congress. My constituents are fed up that oil companies are reaping billions in profits while hardworking Americans are suffering from a slowing economy.

Now is the time to level the playing field by removing Big Oil tax breaks and advancing clean technologies that will create green collar jobs and help grow our economy, drive down high energy prices, reduce our dependence on dirty and dangerous fossil fuels, and curb global warming pollution.

If we are going to give American consumers more efficient and cheaper energy options, we need to expand the incentives to invest in renewable and alternative energy sources.

The House will soon take up legislation to repeal these giveaways and to put our tax dollars to work to create a new policy for the 21st century. This legislation will significantly move us toward the goal of energy independence.

I urge my colleagues to support this bill.

## CONGRESS WORKS FAST TO ADDRESS ECONOMIC DOWNTURN, BUT MORE WORK NEEDS TO BE DONE

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, the economic stimulus package that President Bush will sign into law today is a bipartisan victory for the American people. This broad-based stimulus package will provide tax relief of up to $600 per individual and $1,200 per married couple, plus an additional $300 per child. Recovery rebate checks could be sent out to 130 million Americans as early as May.

The stimulus package includes unprecedented tax relief for working families. The measure provides $32 billion in tax relief for 35 million families who work but make too little to pay income taxes, families who otherwise would not have been included in the recovery package. This is a critically important provision in the stimulus package because economists say that the tax rebates that include low- and moderate-income families are 24 percent more effective as stimulus than rebates that leave these families out.

Mr. Speaker, it is our hope that this stimulus package will help jump-start our economy so more Americans can live the American Dream.

## HONORING CONGRESSMAN TOM LANTOS

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, this Nation lost a great American this week. United States Congressman Tom Lantos passed at the age of 80. Last night on this floor, there was an hour of bipartisan agreement of what this man meant to this country and how much we've lost. There will be a memorial service tomorrow under the Capitol rotunda.

Tom Lantos was a Holocaust survivor who escaped from the Nazis twice and survived. He helped Jewish people survive the Holocaust through the good deeds of Raul Wallenberg, and he remembered that. He was a leader in this Congress and this Nation on human rights and civil rights, animal welfare rights, all living creatures.

Mr. Speaker, as a freshman Member of Congress, I was befriended by Tom Lantos, who told me to call him "Tom," which was difficult to do. He was such a giant of a man.

There are great opportunities to speak out on policy in this body and to serve in the greatest deliberative body in the world, but there are human stories, too.

In my opinion, there are two saints that are Members or have been Members during this term that I have served. One is Congressman Lantos, and one is Congressman LEWIS. They have overcome great adversity to go to great heights. I think this country owes a debt of gratitude to the Lantos family for his work. He will be sorely missed. I was fortunate to serve with him and to be able to call him a friend.

## SHORT-TERM EXTENSION ON ELECTRONIC SURVEILLANCE LEGISLATION

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, we are back on the floor today deliberating another short-term extension on electronic surveillance legislation, and I would understand a stopgap measure if we were at an impasse. But yesterday the other body passed a bipartisan permanent rewrite of this essential national security legislation. They did it with 68 votes. They did it overwhelmingly on what some here have called a contentious issue. Well, 21 Members of the majority here have written the Democratic leadership supporting the Senate's version. The President has said he will sign it.

Mr. Speaker, let's bring that bill to the floor and pass it today. If the current authority is allowed to lapse 3 days from now, most experts agree that the administration would have to go back to the original FISA statute for new warrants in cases where foreign-to-foreign communications are routed through the U.S. telecom infrastructure, causing us to miss important information on terrorists that are trying to attack Europe, trying to attack us here, trying to attack in the Middle East. That's a situation we cannot go back to.

## ENDING SUBSIDIES FOR BIG OIL AND SUPPORTING RENEWABLE ENERGY

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, you've heard previous speakers this morning talk about the incredible profits of oil companies. The number is $40 billion last year. That is the largest corporate profit in the history of this Nation. And meanwhile, as these profits are flowing and high energy prices continue to squeeze working-class Americans since President Bush took office, gas prices are up 109 percent, and home heating prices are up 222 percent. And over that same period of time, profits at the oil companies are up 313 percent.

Now, to add insult to injury, in addition to these profits, the oil companies are currently receiving tax subsidies from the taxpayers of America. House Democrats do not believe that's right.

In the coming weeks, we are going to consider legislation that will end those subsidies and transfer it to renewable energy sources. Renewable energy jobs and investment across America depend on Washington to act on this.

Mr. Speaker, by passing this energy bill, congressional Democrats will lower energy costs, improve national security by making us more energy independent, and end taxpayer finance subsidies to the oil companies.

## RECOGNIZING THE COURAGE AND CHARACTER OF PEOPLE IN THE SOUTH AFTER NATURAL DISASTERS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, 1 week ago today, a deadly series of storms rolled across the South bringing destruction and heartache to many of my constituents in Tennessee, and I rise today to recognize the people affected by these storms in Tennessee, Arkansas, Mississippi, Alabama, and Kentucky, and to commend them for the character and determination that they displayed and to encourage my colleagues to support H. Res. 971 to recognize that courage and character.

In visiting the communities that were hurt by the storms, I drew true inspiration from the people that I met. In the midst of destruction on an unimaginable scale, shaken and grieving individuals were pulling together with the spirit of determination and cooperation. Neighbors are helping one another, churches and schools are functioning as headquarters for emergency aid, serving hot meals and giving out supplies. Emergency responders have proven their mettle, and local and State officials are focused on how they can best move forward.

Mr. Speaker, I ask all of my colleagues to join me in recognizing the spirit of the people in the community. Support H. Res. 971, and I wish each family well as they rebuild.

### ON FISA, PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, President Bush and congressional Republicans are playing politics with our national security.

After slowing down the process of withholding key documents in the Senate, President Bush and congressional Republicans are demanding the House take immediate action on a Senate FISA bill that just passed the Senate yesterday.

The Protect America Act is a law that was pushed by the President, and yet today he says that he will oppose any attempts by Congress to extend that law for 3 additional weeks.

The House has passed its own bill, the RESTORE Act, that will modernize FISA by giving the intelligence community the tools it needs to track terrorists while protecting the constitutional rights of innocent Americans.

If Congress does not extend the Protect America Act, the intelligence community will still have all the tools it needs to continue current surveillance and begin new surveillance on any terrorist threat.

Mr. Speaker, if the President was serious about our national security, he would stop playing politics over a very serious issue.

### PEPFAR REAUTHORIZATION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I don't need to tell you the HIV/AIDS pandemic has infected more than 60 million people worldwide, killed more than 25 million people, orphaned 14 million in its wake, and today, nearly 70 percent of the people in the world who are afflicted with HIV/AIDS reside in Africa.

In 2003, President Bush called on Congress to create a program to address the worldwide HIV/AIDS pandemic. The President's Emergency Plan for AIDS Relief, known as PEPFAR, was an extraordinary bipartisan achievement of compassion, and unfortunately, the majority in Congress has put forth a reauthorization drafted to this bill that will be considered tomorrow that puts at risk America's commitment to HIV/AIDS efforts.

The Democrat proposal will take a successful bipartisan achievement, do away with funding requirements for abstinence, and also mandate the integration of family planning services into PEPFAR, which would transform the program potentially into a mega funding pool for organizations with an abortion promotion agenda.

PEPFAR must not be hijacked in partisanship or domestic public policy issues. We owe the world a bipartisan remedy to meet the global AIDS pandemic that meets the crisis with American resources and values, and I urge my colleagues to work on this legislation in a bipartisan and compassionate manner.

### WE MUST PASS THE SENATE VERSION OF THE FISA BILL

(Mr. MCCAUL of Texas asked and was given permission to address the House for 1 minute.)

Mr. MCCAUL of Texas. Mr. Speaker, we will be engaging today in an important debate, perhaps the most important debate certainly since I've been in the United States Congress, and that is how to protect the American people, how can we capture intelligence overseas to better protect the United States.

I bring to this debate a unique experience. I worked in the Justice Department under the Foreign Intelligence Surveillance Act on FISA's national security wiretaps. This statute was never designed to prohibit us from capturing overseas intelligence from foreign targets. If Osama bin Laden is calling in to the United States, we, as Americans, have a right to know what he is saying.

This is, again, one of the most important debates, and the Senate passed yesterday a version of this which I urge the House to pass today, and also one that protects companies, patriotic companies, who help out the United States Government when the United States Government asks and gives the call to duty to help the United States in capturing this overseas intelligence.

The time to act is now, and extension in terms of intelligence is unacceptable. We cannot allow our intelligence to go dark in many parts of the world. We must pass the Senate version of the FISA bill.

□ 1030

### MOTION TO ADJOURN

Mrs. BLACKBURN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 3, nays 366, not voting 59, as follows:

[Roll No. 46]

YEAS—3

Johnson (IL)
Tancredo
Tiahrt

NAYS—366

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Maloney (NY)
Manzullo
Marchant
Markey.
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)

Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Stearns
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—59

Ackerman
Baird
Barton (TX)
Biggert
Braley (IA)
Cole (OK)
Cubin
Culberson
Cummings
Davis, Tom
DeFazio
Dicks
Doolittle
Doyle
Engel
Garrett (NJ)
Gilchrest
Gohmert
Goode
Higgins
Hinojosa
Honda
Knollenberg
Kuhl (NY)
Lowey
Mack
Mahoney (FL)
McCrery
Miller, George
Mollohan
Moore (WI)
Musgrave
Ortiz
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pryce (OH)
Radanovich
Rahall
Rangel
Renzi
Reyes
Ruppersberger
Ryan (OH)
Smith (NJ)
Souder
Spratt
Stark
Sullivan
Taylor
Tierney
Towns
Waxman
Weiner
Weldon (FL)
Whitfield (KY)
Wynn
Young (AK)

(1056)

Mrs. BLACKBURN, Messrs. ISRAEL, SHULER, TURNER, McNERNEY, SAM JOHNSON of Texas, HASTINGS of Washington, PUTNAM, CHABOT, SMITH of Washington, SESTAK, BACHUS, SMITH of Texas, SCOTT of Georgia, CARDOZA, FATTAH, BRADY of Pennsylvania, KINGSTON, INGLIS of South Carolina, Ms. KILPATRICK, and Mrs. MYRICK changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. COLE of Oklahoma. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 46. Had I been present, I would have voted "nay" on the motion to adjourn.

## PROVIDING FOR CONSIDERATION OF H.R. 5349, PROTECT AMERICA ACT OF 2007 EXTENSION

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 976 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 976

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 5349 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 976 provides for further consideration of H.R. 5349, which extends the Protect America Act of 2007 for 21 days under a closed rule.

☐ 1100

The rule provides 1 hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking member of the Permanent Select Committee on Intelligence.

Mr. Speaker, I reserve the balance of my time.

MOTION TO ADJOURN

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 7, nays 364, not voting 57, as follows:

[Roll No. 47]

YEAS—7

Dicks
Doolittle
Hastings (WA)
Johnson (IL)
King (IA)
Shimkus
Tiahrt

NAYS—364

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)

Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—57

Andrews
Bachus
Berman
Brown, Corrine
Cannon
Carnahan
Costa
Cubin
Davis (IL)
Davis, Tom
Delahunt
DeLauro
Doyle
Edwards
Engel
Farr
Frank (MA)
Gilchrest
Gohmert
Hastings (FL)
Hinojosa
Honda
Johnson, Sam
Jones (OH)
Klein (FL)
Knollenberg
Lewis (KY)
Lowey
Marchant
McCrery
Miller (NC)
Moran (VA)
Obey
Olver
Ortiz
Pickering
Pryce (OH)
Radanovich
Rangel
Renzi
Reyes
Rogers (AL)
Ruppersberger
Ryan (OH)
Sali
Simpson
Skelton
Souder
Taylor
Tierney
Towns
Walsh (NY)
Waxman
Weiner
Weldon (FL)
Wynn
Young (AK)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1123

Mrs. BIGGERT and Messrs. RUSH and VAN HOLLEN changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## PROVIDING FOR CONSIDERATION OF H.R. 5349, PROTECT AMERICA ACT OF 2007 EXTENSION

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the intent of the original 1978 FISA law was to enhance Americans' security while at the same time protecting Americans' privacy. Recognizing that no responsibility of the Federal Government is more important than providing for the defense and security of the American people, Congress should be doing all it can to ensure that FISA continues to reflect the intent of the original law.

In the nearly 30 years since FISA became law, we have seen tremendous advances in communications technology, such as the Internet, cell phones, and e-mail. However, under the original FISA law, our intelligence officials are not free to monitor foreign terrorists, Mr. Speaker, in foreign countries, without a court order, because of advances, as I mentioned, in communications technology.

Mr. Speaker, let me repeat again: Because of advances in technology, our intelligence officials are not free to monitor foreign terrorists in foreign countries. It is clear that the law is outdated and must be modernized to reflect changes in communications technology over the past three decades.

In August, Congress, in a bipartisan manner, took an important step to close our Nation's intelligence gap. The Protect America Act passed only after repeated attempts by Republicans to give our Nation's intelligence professionals the tools and authority they need to protect our homeland. This action was long overdue, and this law marked a significant step forward in improving our national security. But, unfortunately, Democrats forced these needed technology tools to expire in 6 months.

In November, the House Democrat leaders brought legislation to the floor that does not go far enough to reform outdated FISA laws. It weakens Americans' privacy protection and fails to permanently close our Nation's intelligence gap. A bipartisan, permanent solution is needed that shows all Americans and our enemies that the United States is truly committed to closing our Nation's intelligence gap.

Yesterday, the Senate acted in a bipartisan manner by a vote of 68–29 to permanently close the terrorist loophole and ensure that intelligence officials are able to monitor communications of suspected terrorists overseas such as Osama bin Laden and other al Qaeda leaders. This commonsense solution would help keep our country safe from attack and should be acted on immediately and sent to the President to be signed into law.

Mr. Speaker, House Democrat leaders need to stop dragging their feet. They need to end their delaying tactics, indeed, to let the House vote on the Senate-approved measure. Today, I am going to give Members of the House an opportunity to support the bipartisan measure that the Senate passed just yesterday. If the previous question is defeated, I will amend the rule to allow the House an opportunity to concur with the Senate amendments. By approving the Senate amendments, the bill can become law before the current extension expires in just a few days.

We don't need to close the terrorist loophole just temporarily, Mr. Speaker. We need to close it permanently and update our Nation's surveillance laws in order to protect our Nation from another terrorist attack.

Mr. Speaker, I urge my colleagues to vote against the previous question so that we can permanently close the loophole.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from Washington for his insightful history on the FISA bill. I would submit that I agree with him that the FISA bill is necessary for the security of America. No one questions that. No one on our side of the aisle questions that. The question that we do have is does the Senate bill actually take away some of the liberty that is so necessary to the American people.

All we are asking for is an extension of 21 days. When you think about it in the grand scheme of things, 21 days to make a determination whether or not this bill continues to give the American people the liberty that they have had for over 200 years, that is not a lot to ask for. I would much rather have 21 days, keep the bill in effect but extend it for 21 days, knowing full well that the end product is something that not only ensures our security but guarantees our liberty.

Mr. Speaker, I reserve the balance of my time.

☐ 1130

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. HOEKSTRA), ranking member of the House Intelligence Committee.

Mr. HOEKSTRA. I thank my colleague for yielding.

I think they are absolutely right, we need to take a look at this in the bigger context. We have to set the stage for how we got to this point.

It's September 12, 2001. The President is meeting with his advisers. They're trying to identify exactly what this threat is from al Qaeda, how serious is this threat, what other activities or attacks might they be planning against the United States. And the President says: I need my intelligence and military folks to get the answers to these kinds of questions. Tell me what the threat is and tell me what the tools are that I need to implement to keep America safe.

They come back with a series of recommendations, saying here's what we know, here's what we don't know about the threat. They come back and say, here are the different options that are available to us to get the information that might be able to answer some of these questions.

The President and his leadership team consider the various options. They say, you know, we need to bring Congress into this to take a look at exactly what tools we're going to implement and make sure that we do this in a bipartisan basis and we do it in a basis that is consistent with American values and American law.

On October 25, the President and Vice President convene a meeting. The President's national security team comes up and they say, here's the tool that perhaps can be used. The chairman of the House Intelligence Committee is there. The Chair of the Senate Intelligence Committee is there. The ranking minority member of HPSCI is at the meeting. She's accompanied by the vice chairman of the Senate Intelligence Committee. That's right. Back in October of 2001, the Speaker of the House was briefed on the various tools that could be used to keep America safe.

November 14, 2½ weeks later, the chairman of HPSCI, the ranking member, yeah, that's right, the current Speaker of the House, was briefed on the tools that were available and could be used, the chairman of the Senate Intelligence Committee, the vice chairman.

March of 2002, the chairman of HPSCI, the ranking minority member of HPSCI, that's right, the current Speaker of the House, was in the meeting.

June of 2002, the chairman of HPSCI, the ranking minority member of HPSCI, that's right, again, the current Speaker of the House is brought in, is briefed on this program, and said this is the tool that we want to use, this is the tool that we need to use to keep America safe.

Four times in about 9 months, the current Speaker of the House was briefed on this program, about what the tool was, the kind of information that we were expecting to get and, after a period of time, the information that we were collecting that would keep America safe.

I was not in those meetings. I was not one of the select group of people that was informed. You would think that they would say, what are the civil liberty implications of this? You know, how are we using these tools? Where does it fit within the legal framework of America to keep us safe? And who's going to be working on this program? Who do we need to partner with? And there might have been certain companies or individuals that were identified as saying, these folks are going to partner with us and have partnered with us because they can help provide us with the information that will keep us safe and do it in a legal way.

Since that time, and since this program became public, there has been all kinds of accusations out there. But the bottom line is, there may have been people, there may have been companies and corporations that, when the President and Congress went to them and said, we need your help to keep America safe, they may have stepped up to the plate and provided us with the assistance that we knew that on a bipartisan basis the executive branch and Congress said, we need to do this, and we need to do it in a way that protects civil liberties, and we need to do it in a way that is legal and consistent within the law.

And the bottom line is, this is dealt with in the Senate bill. They recognized the help. They don't throw these people under the bus after we asked them to help.

Mr. ARCURI. Mr. Speaker, I appreciate my colleague's passion on this issue. Certainly it is the type of issue that elicits real passion from people. But I think we as a body need to be sure that the steps that we take are deliberative and thoughtful. Certainly reacting to an issue such as this in a passionate way may deprive us of taking the necessary steps that we need to ensure that the liberty of our citizens is kept intact.

Again, I would just point out that this bill is asking for an additional 21 days within which Congress can continue to review the documents that we have asked for that we have only recently received to make a determination, again, a deliberative determination based upon facts and reasons and not on passion.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from New Mexico (Mrs. WILSON), also a member of the Intelligence Committee.

Mrs. WILSON of New Mexico. Mr. Speaker, one of the most important laws that is preventing another terrorist attack in this country will expire on Friday. It expires on Friday.

My colleague from New York says, well, we just need to take enough time and be deliberative and so on. My colleague from New York didn't vote for the temporary fix that we passed in August. In fact, in an exchange with him that I remember so well, he questioned whether we should extend the constitutional protections of the fourth amendment to people who are foreigners in a foreign country talking to each other.

The temporary fix that we made in August needs to be made permanent, and we need to move forward with a permanent law that allows our intelligence agencies to listen to foreigners in foreign countries without a warrant while protecting the civil liberties of Americans. That's what we passed in August. That's what the Rockefeller-Bond bill does from the Senate, and they passed it last night. We passed a 6-month bill in August. We had 6 months to review this. And then when that deadline passed on the 1st of February, they said, well, just give us another 15 days. We gave them another 15 days and they said, well, we really haven't had the time to look at this paper.

You've had almost 7 months. The time is now to get serious about our national security and giving our intelligence agencies the tools they need to prevent the next terrorist attack.

The Senate passed the Rockefeller-Bond bill last night by a vote of 68-29. It makes permanent the authorities that we passed in August of last year to listen to foreigners in foreign countries without a warrant. We spy on our enemies. We try to find out what their plans are so that we can stop them from killing Americans.

That Rockefeller-Bond bill also provides protection from lawsuits for the American companies that stepped up to the plate when this country was in crisis. In good faith, those American companies partnered with the U.S. Government, under instructions from that government, from our own government, to move forward and to help us to prevent another terrorist attack. And, ironically, they cannot defend themselves against lawsuits because the government says to do so would violate state secrets. It would give away secrets to our enemies. So they're stuck in court not even being able to defend themselves.

The cooperation that is being protected here in the Rockefeller-Bond bill is long established in criminal law and should certainly extend to the national security realm.

Today, I circulated a letter from 21 bipartisan attorneys general supporting these lawsuit protection provisions. Our intelligence agencies and their partners in private industry need certainty, the telecommunications companies whom we depend upon to cooperate need certainty, and our intelligence agents need certainty that we're not going to keep operating our intelligence community on a month-to-month basis.

In August we closed an intelligence gap, a vital gap that has been now closed, and the changes that we made have already provided intelligence that the Director of National Intelligence, Admiral Mike McConnell, has said have helped us to disrupt terrorist attacks.

Intelligence is the first line of defense in protecting this country against terrorism. I would urge my colleagues to allow a vote today on the Rockefeller-Bond legislation, do not allow this bill to expire, and stand up and protect this country.

Mr. ARCURI. Mr. Speaker, my colleague seems to be asking us to rely upon assurances given to us by this administration, this same administration that has told us about weapons of mass destruction, the same administration that told us that Iran was building a nuclear bomb. And then she asks why we are skeptical about taking the word of the administration.

As my colleague knows, the House passed the RESTORE Act last November. It was not until last night that the Senate passed a bill reauthorizing and reforming the Foreign Intelligence Surveillance Act. The bill is significantly different than the one we passed in November.

As is the case when the House and the Senate have differing bills, it is appropriate for the two to meet and reconcile their differences. That is exactly what we intend to do in a bipartisan and bicameral way.

However, as my colleagues also know, the President's preferred surveillance law is set to expire on Saturday. The underlying bill will extend that law for 3 weeks and give the House and Senate Judiciary and Intelligence Committees time to work toward a conference agreement. Additionally, it will also give our Members, Republican and Democrat, time to review reams of highly classified materials which were only provided to us by the White House in recent days, despite requests dating back all the way to May, 8 months ago. These materials are absolutely critical as the House considers the request which has been made by the White House to grant what amounts to a blanket transactional immunity to telecommunications companies who participated in the Bush administration's warrantless surveillance plan without any explanation of what that immunity is for. While the President has been quick to call on Congress to act, it is he who has continued to ignore countless congressional requests for information about the actions of his administration.

As a former State attorney, I know firsthand that not even a first-year prosecutor would even entertain the idea of granting immunity without knowing what that immunity is for and who that immunity is being granted to.

From his seat, the chairman of the Judiciary Committee noted last night in Rules that he cannot recall a time in his 45 years in the House when an administration has asked Congress to provide immunity to anyone or anything without telling us why. The House is not opposed to granting such immunity, but if we are going to act, then we need to know why.

Mr. Speaker, we are on the verge of passing long-term FISA reform, but it will take time because there are very real differences between the positions of the majority Members of this body and the Senate and the White House. Those who come to the floor today to delay this extension and engage in a manufactured obstructionism, which has become so symbolic of the congressional Republicans, are doing a great disservice to this Nation.

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We will overcome this obstructionism, and we will use the next 3 weeks to reconcile our differences and come to the American people with a bill that protects our homeland without sacrificing our civil liberties.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the former attorney general of the State of California, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise to oppose this rule. Let's think about what we are talking about. The majority is asking us to extend for 21 days a bill that they don't support, a bill that they overwhelmingly voted against, a bill that they said harmed the American people, a bill that they said somehow doesn't protect civil liberties. Now, why do they want to extend it for 21 days if it is terrible? Perhaps there is some mischief in the air. Perhaps what they really want to do is to continue to kick this can down the road so that finally in the war of attrition we will give up and say, you know, those people who helped us, those companies referred to by Mr. HOEKSTRA that responded to a request by the United States Government to help us in our time of need, that is immediately after 9/11, we are not going to help them.

Remember what the greatest criticism of the 9/11 Commission was of government in all of its aspects, it was that we fail to connect the dots. What does that mean? We failed to put together intelligence information or to gather that intelligence information and put it together in a way that made sense that would give us a forewarning of what was about to take place. And they said it is not good enough to rely on the criminal justice system to gather evidence after the fact to prosecute somebody. No, in a war on terror what you want to do is to prevent the terrorist act in the first place.

So what we have here is a difference on that side of the aisle and this side of the aisle in which we believe a Good Samaritan law makes sense, a Good Samaritan law much like what we do to allow people to respond to an accident without having to fear that they will be sued for medical malpractice. And in some circumstances, does that mean that maybe one out of 1,000 times there might be medical malpractice for which you can't be sued? Yes. But we do it because the overall good of the country is enhanced by giving incentives to people to help their neighbor.

That is what happened here. We have either an incentive or a disincentive for companies and individuals to respond to their country and act in good faith. That is what is at stake here, whether or not we are going to be safer or whether or not we are going to play these political games to support a bill that you all voted against.

Mr. HASTINGS of Washington. I am pleased to yield 2 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Speaker, today Congress is engaged in an important debate, perhaps the most important debate certainly in recent years. Our most solemn obligation to this country is to protect the American citizenry.

In my view our colleagues on the other side of the aisle are playing a dangerous political game, and the American people are the pawns in this game. I bring to the Congress a unique experience. I worked in the Justice Department under the FISA statute. I have worked on national security wiretaps, and I can tell you that the statute was never intended to cover foreign targets in a foreign country. And if Osama bin Laden is on the phone calling into the United States, I think the American people want us to pay attention to that and to listen to that conversation.

Intelligence, good intelligence has stopped every threat to this country since 9/11. Intelligence is the first line of defense in the war on terror. Without that, we cannot prevail in this war on terror, and we need to protect the American companies who we ask to protect the United States and the American people.

They stood up to the plate, and it is our time to stand up to the plate and now protect them. They were doing their patriotic duty in a time of war when America asked them.

If we do not protect them, then what company, American or otherwise, will dare help the United States of America in its greatest time of need, in a time of peril, in a time of war.

Yesterday, the Senate passed the FISA bill, which included this immunity and also protects Americans. I say we put that bill on the floor, let's pass that bill and let's make the Protect America Act permanent. Now is the time, not 21 days from now, not several months from now. For the American people, let's pass and protect the American people now.

Mr. ARCURI. Mr. Speaker, I would submit to my colleague that the only dangerous political game that is being played here is the attempt to cast this as a political game. There is no such attempt being made by anyone in the Democratic Party. The only attempt we are making is to give us time to go through the material that has only recently been given to us with the simple objective of ensuring that we get a bill which keeps our country safe and guarantees the liberty of our people.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to a Member who for 6 years was the chairman of the Subcommittee on Constitutions of the Judiciary Committee, the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I rise in strong opposition to this rule and to the underlying bill before us. Last August, Congress passed and the President signed into law a bill that provides our law enforcement and intelligence community with the tools needed to protect this country, to protect the United States.

The events of September 11, 2001, exposed gaps in our intelligence-gathering activities, particularly those occurring outside the United States. Since that tragic day, the administration has worked with Congress to ensure that every tool in our arsenal is available to those who are charged with keeping our country safe, including working with telecommunications companies and allowing officials to gather intelligence from potential foreign terrorists outside this country.

These two aspects of the PAA have been critical in protecting the United States from actual or potential terrorist attacks or sabotage. Oversight by the FISA Court and minimization procedures approved by the courts ensure that such activities do not go beyond their scope.

Last night, the Senate passed bipartisan legislation that would maintain these critical features enabling the intelligence and law enforcement communities to continue with its critical work.

I urge my colleagues to defeat this rule and immediately take up and pass the Senate bill so that law enforcement and the intelligence communities continue to have the necessary tools to keep the American people safe.

Mr. ARCURI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the Intelligence Committee.

Mr. ROGERS of Michigan. Mr. Speaker, this is really almost going beyond the pale of irresponsible and getting into dangerous.

I used to be an FBI agent, and every day in this country there is an FBI agent who goes up to somebody, an average citizen, it may be a coworker, it may be a neighbor, it may be somebody who owns a small business, it might be somebody who owns a big business, and says, We need your cooperation to catch child pornographers, and here is the evidence. Will you cooperate with your Nation? And we do it every single day, and great Americans stand up every single day and say, Yes, I will. I will go after child pornographers with you. I will go after crack dealers selling the drugs to our kids with you. I will go after murderers who murder our children in the streets of America, and I will stand with you and cooperate so we can eliminate the dangers from our communities.

And you know what the government did? It went and said, Hey, to whatever business it was, small, big, large, we had people kill 3,000 people, murdered, on one day. And you know what, they are coming back. Will you cooperate with your government to stop the next round of murders?

But we play a very dangerous game. It is about civil liberties. Then why did we pass the bill before, and before that? Because there is civil liberty protection in this bill. It is a farce.

What is at risk here is the future certainty by our intelligence agencies and every single American who wonders: If I cooperate against a criminal of any sort, a terrorist, are they coming to get me next?

We need to refocus on who the bad guys are. It is not the companies who cooperated with their government. If you are a small business selling insurance or you are washing windows, it is the terrorists who threaten the lives of Americans.

We ought to be proud of every American who has the courage in a dangerous world to stand up and say: I will stand with you, United States of America, to get the true enemy, the bad guys, al Qaeda, terrorists, crack dealers, child pornographers, and everybody in between.

I urge the strong rejection of this rule, and let's get back to business and give them the tools to keep us safe.

Mr. ARCURI. Mr. Speaker, I think my colleague, you know, obviously raises a good point. As a former FBI agent, he was very concerned, he is very concerned, and he continues to be very concerned with doing the right thing, getting the people who are breaking the laws, hurting our children and who are putting our citizens in jeopardy. But no one in this Chamber has the market cornered on that. That is something that I think universally throughout this Chamber there is a strong desire to fulfill. That is why we are here. We are here to protect and defend our citizens and to protect and defend our Constitution, and that is all we are asking for today: 21 days to ensure that we are able to look over the recommendations, to look over the material that has recently been forwarded to us by this administration to ensure that we are not only protecting and securing this country, but rather that we are also doing it in a way that protects our liberty.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the Intelligence Committee.

Mr. HOLT. Mr. Speaker, I thank the gentleman.

Mr. LUNGREN and others who have spoken are right in one respect, yes, most of the House of Representatives voted not for the Protect America Act but rather for a substitute that we passed, a very good piece of legislation, that would indeed protect Americans, known as the RESTORE Act. That passed the House. It should be the law.

We do not need the Protect America Act to protect Americans, the so-called Protect America Act. We do not need it to keep from going dark. But what we do need is the time and the attention to get this right. This is a serious, serious matter about protecting the safety of Americans but also about the definition, the relationship between the people of this country and their government.

There has been a fundamental shift under the Protect America Act in the relationship between the people of this country and their government. It is whether or not the government regards the ordinary American with suspicion first. Think about it.

The reason this country and our liberty has survived so well is because the government understands they are subservient to the people. The government has understood that they treat the people with respect, their bosses, and do not regard them with suspicion first.

To be able to seize, search, intercept without having to demonstrate to an independent judge that you know what you are doing is a sign of disrespect. It is a sign of suspicion. It is, in fact, a redefinition of the makeup of this country.

So if we need time to get this right, let's take the time. We don't need the Protect America Act to keep us from going dark, and I would argue we certainly don't need it, as they argue, to protect Americans from those who would do us harm. We have offered that protection in the RESTORE Act. Let's get this right.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to another member of the Intelligence Committee, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank the gentleman for yielding.

I think the comments from the last speaker are very enlightening on this debate because we have heard for month after month the same arguments made time and time again, and the bottom line is there are a number of Members who are not for these authorities that allow our national security professionals to listen to terrorist communications. And there are a number of people who would just as soon let the Protect America Act expire and let it go out of effect. As the gentleman who just spoke said, we don't need it to protect the country.

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But there are others of us who believe that we do need such authorities to protect the country, and a very large number of Members of the other body have just voted on a proposal that would do that.

And so my position, Mr. Speaker, is give us a chance to vote on it. We hear excuse after excuse. We need more documents, we need more information, we need more legal opinions, we need 14 days, we need 21 days. But we have been debating the same issues month after month. Nothing has changed. No more information, no document is going to change the basic position the country stands in today and, that is, a law expires on Friday, and if the people for whom we have given the responsibility to protect the country are to do their job, that law is going to have to be made permanent so they can count on it, not dribbling it out a few weeks at a time, not treating them the way we treat soldiers in Iraq and Afghanistan by giving them funding just a few months at a time, but giving them the authority they need to do their job.

I suggest the best way to do that is to bring up the bill that has already passed the Senate by an overwhelming bipartisan majority and give us a chance to vote on it. There will be some Members who vote "no." They think we don't need that authority. They think the Protect America Act is not needed. But I suggest a majority will vote "yes" and it will pass and the country will be safer.

Mr. ARCURI. Mr. Speaker, I continue to reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I rise in opposition to the rule.

You know, kicking the can may be a fun game when there's nothing to do and there are no consequences at stake. But when it comes to national security and protecting the American people, providing the right tools to those on the front lines in the war against terrorism, kicking the can could be a fatal bargain.

Congress continues to kick the can down the road on a key tool that has kept this country safe since September 11. The other body closed a loophole in FISA that will ensure intelligence services have all the tools necessary to track terrorists overseas, terrorists who want to do us harm. Our Nation has not been attacked since September 11, in large part because of our ability to detect and disrupt terrorist plots before they've had a chance to carry out their evil acts. FISA is essential to those efforts.

Why do some ignore history? Why do some ignore the mindset of the likes of al Qaeda and others? Why do some want to weaken our ability to disrupt a terrorist attack before it occurs? Why do some put our soldiers, sailors, airmen and marines in harm's way or at risk?

Last year we modernized the Foreign Intelligence Surveillance Act only after the National Intelligence Director told Congress that we were "missing a significant amount of foreign intelligence that we should be protecting to protect our country." What about those consequences?

Preventing the destruction of the Brooklyn Bridge is but one example. More tragically is the case of Specialist Alex Jiminez of Queens, New York. Last May, Specialist Jiminez was taken hostage by al Qaeda in Iraq. Information had been secured on one of the possible kidnappers, but intelligence experts were hamstrung by the outdated version of FISA. It prevented them from conducting surveillance on terrorists in a foreign nation without first obtaining a warrant. As the kidnappers acted, lawyers sat around a conference table here in Washington for 10 hours debating and drafting legal briefs to establish probable cause to conduct the surveillance. While the lawyers debated, losing precious time, Specialist Jiminez most likely was killed. They've yet to find the body and that of his colleague.

Let's stop kicking the can down the road. This is not a game we can afford to lose.

Mr. ARCURI. I thank my friend and colleague from New York for his statements.

Mr. Speaker, I would like to point out that the speakers on the other side continue to try to couch this argument in a way and frame it in such a way that makes it appear that people on our side, the Democrats, don't care about the security of this country in the way that they do. And it's obvious that nothing could be further from the truth.

Simply by extending the FISA bill for 21 days to ensure that we have all the information that is out there and all the information that is available and that we have an opportunity to go through it in a thoughtful way doesn't mean that we have less concern for security but, rather, an equal amount of concern for security and also for the liberty of the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I would ask my friend from New York if he has any more speakers.

Mr. ARCURI. I have no further speakers.

Mr. HASTINGS of Washington. And so the gentleman is prepared to close after I close?

Mr. ARCURI. Yes, sir.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the tragic events of September 11, 2001 taught us many lessons. One of the lessons we learned that day was that our Nation must remain aggressive in our fight against international terrorism. We must always stay one step ahead of those who wish to harm our fellow Americans. Now is not the time to tie the hands of our intelligence community. The modernization of foreign intelligence surveillance into the 21st century is a critical national security priority.

Mr. Speaker, I am very pleased that several of my colleagues on the other side of the aisle agree with that assessment. On January 28, 2008, less than 3 weeks ago, 21 members of the Blue Dog Coalition sent a letter to Speaker PELOSI in support of the Rockefeller-Bond FISA legislation. The letter states, and I quote, "The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country."

Mr. Speaker, that was a letter sent to Speaker PELOSI less than 2 weeks ago by the members of the Democrat Blue Dog Coalition.

CONGRESS OF THE UNITED STATES,
*Washington, DC, January 28, 2008.*

DEAR MADAM SPEAKER: Legislation reforming the Foreign Intelligence Surveillance Act (FISA) is currently being considered by the Senate. Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February.

It is our belief that such legislation should include the following provisions: Require individualized warrants for surveillance of U.S. citizens living or traveling abroad; Clarify that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States; Provide enhanced oversight by Congress of surveillance laws and procedures; Compel compliance by private sector partners; Review by FISA Court of minimization procedures; Targeted immunity for carriers that participated in anti-terrorism surveillance programs.

The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.

It is also critical that we update the FISA laws in a timely manner. To pass a long-term extension of the Protect America Act, as some may suggest, would leave in place a limited, stopgap measure that does not fully address critical surveillance issues. We have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk.

Sincerely,

Leonard L. Boswell, ———, Mike Ross, Bud Cramer, Heath Shuler, Allen Boyd, Dan Boren, Jim Matheson, Lincoln Davis, Tim Holden, Dennis Moore, Earl Pomeroy, Melissa L. Bean, John Barrow, Joe Baca, John Tanner, Jim Cooper, Zachary T. Space, Brad Ellsworth, Charlie Melancon, Christopher P. Carney.

Mr. Speaker, it is unfortunate that House Democrat leaders chose to bring a 21-day extension bill to the floor instead of the bipartisan measure that passed the Senate by a vote of 68–29. I might add, Mr. Speaker, those Senators had the information that has been alluded to several times on the floor today.

To make our country safer, Congress needs to act. The House should vote on the Senate measure, but the Democrat leaders have chosen instead to use delay tactics. The only reason I can see, Mr. Speaker, that we are not voting on the Senate measure is the fear of the leaders on the other side of the aisle that this bipartisan bill will pass.

But today, I will attempt to give all Members of the House an opportunity to vote on this bipartisan, long-term modernization of FISA. I call on all my colleagues, including members of the aforementioned Blue Dog Coalition that signed the letter to Speaker PELOSI on January 28, to join with me in defeating the previous question so that we can immediately move to concur in the Senate amendment and send the bill to the President to be signed into law. We need to do that before the current law expires, making our Nation at greater risk.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. HOLDEN). Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I urge my colleagues to vote "no" on the previous question and give us an opportunity to vote on a bipartisan, permanent solution that closes this terrorist loophole in the FISA Act.

Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. I thank my colleague from Washington for his comments.

Mr. Speaker, if we have learned anything since the terrorist attacks of September 11, it is that the balance between security and civil liberties is not only difficult, it's absolutely critical. Providing this 3-week extension will do nothing to block or hinder the efforts of our intelligence community. Quite the contrary, it enhances their ability to do their jobs effectively and ensures the integrity of their efforts because it gives us time to get these reforms right.

I want to remind my colleagues that voting to defeat the previous question is a vote to deny the administration the ability to utilize its existing authority under law to assess threats, gather intelligence and protect the freedom and security of every American.

Twenty-one days isn't a long time. And based on the sensitivity and public interest in this issue, we owe that to the American people and the framers of the Constitution to strike a fair balance that allows us to protect the civil liberties of Americans and to provide the administration the tools and resources to protect our Nation from another terrorist attack. Twenty-one days is a fair request.

I urge a "yes" vote on the previous question and on the rule.

Mr. SAXTON. Mr. Speaker, I rise in opposition to this 21-day extension to FISA. If Congress does not act this week, critical tools that allow our intelligence officials to monitor terrorist communications overseas will expire. We not let that happen!

As we all know, yesterday, the Senate approved a comprehensive, long term, bipartisan bill by a vote of 68–29 to close the terrorist loophole in our intelligence laws. Their bill represents a strong compromise between Congress and the Administration. It is a responsible plan for protecting our nation against the threats of terrorism.

The intelligence community needs a long-term fix to gaps in our intelligence laws—not a 21-day delay. After 7 months of stalling and a 15-day extension, passage of another short-term extension is irresponsible, when we have a long-term solution ready to be voted on.

The Senate has passed a strong, bipartisan bill. The House must now act quickly to pass the Senate's bill and send it to the President. Failing to do so is effectively failing to protect our country.

I urge my colleagues to vote against this extension, and instead immediately pass the Senate's version of the bill so we can send this important bill to the President.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

### AMENDMENT TO H. RES. 976 OFFERED BY MR. HASTINGS OF WASHINGTON

(1) Strike "That upon the adoption of this resolution it" and insert the following:

"That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker's table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

"Sec. 2. It".

(2) Redesignate section 2 as section 3.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

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### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ARCURI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 210, nays 195, not voting 23, as follows:

[Roll No. 48]

### YEAS—210

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

### NAYS—195

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

### NOT VOTING—23

Bishop (GA)
Clay
Doolittle
Doyle
Engel
Gilchrest
Herger
Hinojosa
Honda
Jones (OH)
Lowey
Marchant
Mitchell
Ortiz
Pickering
Pryce (OH)
Renzi
Reyes
Ruppersberger
Ryan (OH)
Towns
Waxman
Wynn

□ 1237

Messrs. SULLIVAN and DONNELLY changed their vote from "yea" to "nay."

Mr. MELANCON changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Mr. HASTINGS of Washington. Mr. Speaker, I move to reconsider the vote.

### MOTION TO TABLE OFFERED BY MR. ARCURI

Mr. ARCURI. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 194, not voting 28, as follows:

[Roll No. 49]

### AYES—206

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)

Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—194

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—28

Berkley
Bishop (GA)
Doolittle
Doyle
Emanuel
Engel
Gilchrest
Herger
Hinojosa
Honda
Jackson-Lee (TX)
Loebsack
Lowey
Marchant
McDermott
Meek (FL)
Neugebauer
Ortiz
Pickering
Pryce (OH)
Renzi
Reyes
Ruppersberger
Ryan (OH)
Towns
Walsh (NY)
Waxman
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1244

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. EMANUEL. Mr. Speaker, I was absent from the Chamber for rollcall vote 49. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 199, not voting 23, as follows:

[Roll No. 50]

AYES—206

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Wilson (OH)
Woolsey
Yarmuth

NOES—199

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Holt
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Young (AK)
Young (FL)

### NOT VOTING—23

Bachus
Bishop (GA)
Doolittle
Doyle
Engel
Gilchrest
Gillibrand
Hinojosa
Honda
Hooley
Lowey
McIntyre
Ortiz
Pickering
Pryce (OH)
Renzi
Reyes
Ruppersberger
Ryan (OH)
Towns
Waxman
Welch (VT)
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1254

Mr. SHULER changed his vote from "aye" to "no."

Mr. CUMMINGS changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Mr. HASTINGS of Washington. Mr. Speaker, I move to reconsider the vote on the resolution.

### MOTION TO TABLE OFFERED BY MR. ARCURI

Mr. ARCURI. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 195, not voting 23, as follows:

[Roll No. 51]

### AYES—210

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

### NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

### NOT VOTING—23

Bishop (GA)
Dingell
Doolittle
Doyle
Engel
Gilchrest
Gillibrand
Hinojosa
Honda
Lowey
Ortiz
Pascrell
Peterson (MN)
Pickering
Pryce (OH)
Rangel
Renzi
Reyes
Ruppersberger
Ryan (OH)
Towns
Waxman
Wynn

☐ 1303

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

## MOTION TO ADJOURN

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

### RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 3, noes 395, not voting 30, as follows:

[Roll No. 52]

### AYES—3

Hastings (WA)
Johnson (IL)
Young (AK)

### NOES—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry

Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—30

Allen
Bachus
Bishop (GA)
Doolittle
Doyle
Engel
Gilchrest
Gutierrez
Higgins
Hinojosa
Honda
Lowey
McCrery
Musgrave
Napolitano
Ortiz
Pascrell
Pickering
Pryce (OH)
Rangel
Renzi
Reyes
Ruppersberger
Rush
Ryan (OH)
Towns
Turner
Udall (CO)
Waxman
Wynn

☐ 1321

Mr. POMEROY changed his vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

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## PROTECT AMERICA ACT OF 2007 EXTENSION

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 976, I call up the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5349

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. 21-DAY EXTENSION OF THE PROTECT AMERICA ACT OF 2007.**

Section 6(c) of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking "195 days" and inserting "216 days".

The SPEAKER pro tempore. Pursuant to House Resolution 976, debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes, and the gentleman from California (Mr. THOMPSON) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5349.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the House, the temporary FISA law we enacted in haste as a stopgap last August expires Saturday. We want to replace that law with a well-considered one which appropriately addresses both our security needs and our constitutional values.

The House passed a version of that well-considered law in my view in November, the RESTORE Act. We have been waiting for the Senate to pass its version so that we could compare it with ours and decide together on the best course of action. We have also been waiting on access to classified documents regarding what telecom companies may have done in recent years to assist our government with surveillance on United States citizens outside the bounds of law at that time.

The 15-day extension we passed 2 weeks ago was intended to give us time to consider the Senate bill, thought to be on the verge of passing, and to review the classified documents. Unfortunately, it has turned out not to be enough time.

The Judiciary Committee members, 38 in number, have not all seen the documents. We have only had clearance for 19 of those members to gain that access to the classified documents that we have been asking for for over 1 year. The review process is unavoidably somewhat cumbersome and inefficient. Even today, as I stated in my letter to the White House, we still do not have access to numerous critical legal documents. In addition, those documents that we have reviewed have left many of our questions unanswered and, as a matter of fact, raised a number of new ones.

Moreover, the Senate has just passed its version of a long-term surveillance law. It differs from the House version in ways that may have major ramifications on the freedoms that we cherish.

So we need a bit more time. The measure before us will give us 3 weeks, 21 days, not much time in the view of some, but enough, I believe, to permit us to reach an appropriate resolution on this matter of utmost importance. Therefore, your Committee on the Judiciary comes before you to urge support for this short-term extension.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly oppose H.R. 5349, which extends the Protect America Act for 21 days. Another extension is unacceptable and unnecessary.

Last August, Congress enacted the Protect America Act to close a dangerous loophole in our ability to collect foreign intelligence. The Democratic majority insisted on an arbitrary 6-month sunset. But instead of using that time wisely, they ignored the needs of our intelligence community and passed a partisan, unworkable bill, the RESTORE Act. Then, 2 weeks ago, the House Democratic majority insisted on another extension. Again they squandered the last 2 weeks. Now House Democrats want more time. But their time is up.

We know from Admiral McConnell, Director of National Intelligence, that before Congress enacted the Protect America Act, the intelligence community was missing two-thirds of all overseas terrorist communications, endangering American lives.

Some in Congress are willing to let the Protect America Act expire because ongoing surveillance under the act can continue for up to a year. This might be acceptable if the terrorist threat also expired this weekend, but it doesn't. If the act expires, we will return to the status quo, unable to begin any new foreign intelligence surveillance without a court order, again threatening America's counterterrorism efforts.

Another extension represents a failure by the House Democratic majority to protect the American people. The Senate understands this. The intelligence community needs a long-term bill to fix gaps in our intelligence laws, not a 21-day extension.

The Senate bill addresses the concerns of our intelligence community and has strong bipartisan support. But House Democrats are at war with themselves and at odds with the American people. House Democrats disagree with the Senate Democrats and House Democrats disagree among themselves. One group wants to approve the bipartisan Senate bill and another opposes it.

Americans are tired of this kind of partisanship in Washington. Now we have partisanship within partisanship within the Democratic Party. House Democrats disagree among themselves, disagree with Democrats in the Senate, and oppose a bipartisan bill that passed yesterday with overwhelming support by a vote of 68–29.

The House Democratic leadership is like a clock that runs backwards. They keep going in counterclockwise circles to the left. Unfortunately, we can't turn the clock back on terrorists. We must act to gather intelligence on terrorists and prevent another attack.

Why do we keep delaying our ability to protect American lives? Another extension represents a failure to act, a failure to lead, and a failure to protect our country. It doesn't take long to do what is right. Let's stop the stalling and pass the bipartisan Senate bill.

I urge my colleagues to reject this extension and urge the Democratic leadership to allow the House to consider the bipartisan Senate bill.

Mr. Speaker, I reserve the balance of my time.

☐ 1330

Mr. CONYERS. Mr. Speaker, I recognize the gentlewoman from California, JANE HARMAN, a long-time member of the Intelligence Committee who now on Homeland Security chairs the subcommittee that handles that same subject, for 4 minutes.

Ms. HARMAN. I thank the gentleman for yielding.

Mr. Speaker, as we discuss a short extension of the Protect America Act in order to hammer out a bicameral agreement with the Senate which just passed its bill last night, thousands of intelligence agents are working hard around the world in undisclosed locations, unaccompanied by their families, to prevent and disrupt dangerous threats against our country. Once again, let me say "thank you" to them, and let me say that every Member of this Chamber thanks them for their service and prays for their safe return.

This debate is not, as some on the other side want to characterize it, about Democrats wanting to coddle terrorists. We emphatically do not. We want to capture or kill them. It is beyond cynical to suggest otherwise. This debate is not about whether we want court orders for foreign-to-foreign communications between terrorists. We do not. Or whether we are opposed to responsible changes to FISA. We all support responsible changes to FISA.

This debate is about whether the careful framework in FISA, which has lasted three decades while letting us pursue terrorists while protecting constitutional freedoms, will survive.

The bill the Senate passed late yesterday, in my view, is unacceptable. I am mindful that there was a substantial bipartisan majority for it, but some in my party and some in the other party who voted for it tried mightily to improve it and lost. If we have 21 more days, we can consider some of their amendments here and, I would hope, pass them. If we cannot fix the Senate bill, I will oppose it if it comes up for a vote in the House.

Yes, I was one of a small group of Members briefed on the terrorist surveillance program between 2003 and 2006. But those briefings, until the program was publicly disclosed in late 2005, were about operational details only. I never learned that the administration was not following FISA, and I think that was wrong. And that is why for 3 years I have worked my heart out to fashion responsible bipartisan agreement on the need for the terrorist surveillance program to comply fully with FISA. This fall, I urged repeatedly for bipartisan negotiations which, sadly, never happened. It may now be too late, but I am "go" for one more try.

I say to the intelligence officers mentioned at the outset of my remarks, to my colleagues, and to the American people, we need to conduct surveillance of foreign terrorists, but we must do it within the rule of law. With a clear legal framework, they are empowered to do their job better and from that we will all benefit.

In August, the House was jammed by the Senate into passing ill-advised legislation. I opposed it, and said we did not want to watch the same movie again in 6 months. Well, here we are for the sequel. But this time we must object, and I do object. We can and must do better.

Mr. HOEKSTRA. At this time I yield 3 minutes to my colleague from Kansas (Mr. TIAHRT), a member of the Intelligence Committee.

Mr. TIAHRT. I thank the gentleman from Michigan.

Mr. Speaker, I am opposed to this bill, and I am extremely concerned about our national security and deeply troubled that our intelligence community has been prevented from doing the job they need to do to protect Americans.

We do not need another delay of much needed FISA improvements. The Senate passed a bipartisan comprehensive FISA bill 68–29. That is the bill that we should be voting on today, and not this temporary extension. It is not the bill that I would have written, but it does give our intelligence community many important tools they need to protect our Nation. Instead of taking up a perfectly good, well-thought-out bill, we have another delay tactic by the House Democratic leadership that insists on catering to special interest groups like the trial lawyers and the hard left of the Democrat Party.

Mr. Speaker, we have had leaks in the way we collect information on individuals through electronic conversation; we have had leaks about how we collect e-mails on terrorist Web sites; we have had leaks that have caused our allies in Europe to no longer cooperate when it comes to tracking terrorist financing. Instead of prioritizing arguably the most important security issue, the majority party has delayed and failed to focus on how we can help the community in the 21st century against enemies who utilize the latest technology against our country.

As a member of the House Permanent Select Committee on Intelligence, I have been very disturbed this past year to see the anger against our President cloud the judgments of its members. In an effort to embarrass the President, they have weakened our intelligence gathering capabilities and caused long-term damage to the security of this Nation. We do not monitor phone conversations like we should, we do not monitor e-mails like we should, or finances like we should. And the enemy knows it. It is time for us to strengthen and not weaken the terrorist surveillance program. Enough is enough.

We all know that if we simply pass an extension for 21 days, it doesn't solve the problem. It is time for us to stand up and force the Democrat leadership of this House to do their job and bring the FISA modernization bill before this body, the one that was passed by the Senate by a wide margin, so that the intelligence community can have every tool at its disposal to protect the United States.

The Director of National Intelligence Mike McConnell, the man in charge of overseeing the intelligence community, has repeatedly told us of the urgency to modernize the FISA law. He said, "We must urgently close the gap in our current ability to effectively collect foreign intelligence. The current FISA law does not allow us to be effective. Modernizing this law is essential for the intelligence community to be able to provide warning of threats to this country."

Mr. Speaker, what the Senate passed does exactly what Mr. McCONNELL talked about. We should bring that vote to the floor and vote it up or down.

Mr. THOMPSON of California. Mr. Speaker, I yield my time to the gentleman from Michigan (Mr. CONYERS) and ask unanimous consent that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONYERS. I am pleased now, Mr. Speaker, to recognize the chairman of the Constitution Committee on the House Judiciary Committee, Mr. JERRY NADLER, for 4 minutes.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 5349, a 21-day extension of the existing FISA Act to provide Congress the time to work out the differences between the two Houses on this very important matter. It is a question of our Nation's security and it is a question of our Nation's values. We should not be stampeded into action when there is no need. This administration has the ability to monitor terrorists, and extending current law for 21 days will not remove that ability.

What this debate is really about is whether national security wiretapping should be subject to judicial and congressional oversight, as the bill that we passed last November, the RESTORE Act, provides and as traditional American values insist on, or whether the administration, any administration, can be trusted to police itself, whether American citizens' liberty should be subject to the unreviewable discretion of the Executive as the Protect America Act and the Senate-passed bill provide.

Also at stake is the question of so-called telecom immunity. We know what they are asking. They are asking that the lawsuits against the telecommunications companies for participating in the warrantless surveillance program, allegedly in violation of the FISA law, be foreclosed.

Now there are only two possibilities. There are two narratives: Either the telecom companies nobly and patriotically assisted the administration against terrorism. That is one narrative. Or the telecom companies knowingly and criminally participated in a criminal conspiracy in violation of the law, aiding and abetting a lawless administration to violate Americans' liberties and privacy rights against the Constitution and against the FISA Act. I believe it is the second. But it's not up to me or up to anybody else here to decide that. That's why we have courts. Courts determine questions of law and fact. People are out there who believe their rights were violated. They've brought a lawsuit. Let the lawsuits continue. Let the courts decide whether the telecom companies acted properly or acted in violation of the law. It is not the job of Congress to foreclose that judgment.

We have been told: If we pass telecom immunity and if we fail to control abuse of the state secrets privilege that has been abused by the administration to prevent the courts or the Congress from reviewing what they have done, there will be no mechanism in the courts or in the Congress to know, let alone to control, what the Executive is doing. The separation of powers established by the Constitution to protect our liberties will have been destroyed. That way lies the slow death of liberty. It must not be permitted.

We have been told by this administration, Trust us. I'm not in a very trusting mood these days, nor should we ever trust any administration without judicial and congressional oversight.

I remind everyone here that there is a bill that passed this House, the RESTORE Act, last November. The Senate finally got around to passing a bill yesterday. Now we are being told we should have no time to work out the differences as we normally try to do, we must take the Senate bill sight unseen. Frankly, that's an insult to every Member of this House and to the prerogatives of this House. We passed a bill. They passed a bill. We should have 21 days to work out the differences. American liberty is depending on this, and the integrity of this House depends on this. I urge passage of this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), former chairman of the Judiciary Committee.

Mr. SENSENBRENNER. I thank the gentleman from Texas. Mr. Speaker, I rise in opposition to this legislation.

Yesterday, the other body passed the FISA bill by a vote of 68–29. I don't understand why House Democrats refuse to bring this bill to the floor, sponsored by Senator ROCKEFELLER. It makes no sense to block its consideration for another 21 days. Why do we keep extending the terrorist loophole? It's imperative that the House pass the Senate bill today.

The Rules Committee last night rejected a Republican amendment to vote on the Senate-passed bill, and then the committee refused to allow the Senate-passed bill as a motion to recommit this afternoon. The majority knows that the American people support long-term legislation to keep our country safe. And I guarantee that the Senate bill would pass the House by a wide margin if the Democratic majority would let the House vote on it.

Instead of passing the Senate bill, we continue to waste time on legislation of little consequence. The FISA bill expires on Friday. There is no more time to waste. We passed a temporary fix last summer and another extension earlier this year. There has been plenty of time to review this and to come up with a permanent fix. If we keep on passing these extensions, we're never going to get a permanent bill, and Americans are in jeopardy.

This majority's charade of passing short-term extensions has gone on long enough. President Bush will veto another extension, and the Democrats will have no one to blame but themselves. It's time for the majority to stop playing political games. We have had plenty of time to debate this issue. The Senate finally got it right, and it's time that the House does the same.

Our intelligence community needs the certainty of a long-term bill to protect the Nation. The Senate bill will continue to give our intelligence agencies the tools they need to keep us safe. I urge my colleagues to reject the 21-day extension up now and to pass the Senate's bipartisan FISA bill today.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the gentlewoman from Texas, SHEILA JACKSON-LEE, a distinguished member of the Judiciary Committee and a subcommittee chairman on Homeland Security, for 3 minutes.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman of the Judiciary Committee, and I want to personally thank him for the extensive work we have done to secure America and as well to protect the civil liberties of all Americans.

I hold in my hand the Constitution of the United States embedded in this book. When you think of the term "embedded," you think of the concerns regarding the Iraq war. You think of the concerns of terrorism. You might even think of the concerns of embedded press who have been able to travel with our soldiers. But in this instance, I am saying that deeply embedded in the hearts of Americans is a concept of the Constitution that protects their civil liberties.

□ 1345

I think it is important to note that in fact a bill has been passed so many months ago. And I will not argue about the integrity of this place, for many have raised that question, that we should have the privilege of reviewing the legislation of the Senate, and that privilege is necessary.

But I think there is a larger argument, more expanded argument, and it must be clarified that we have not dillydallied. We have not delayed. We have, in fact, been meticulous in making sure that we have balanced a new FISA law, updating it, and also providing that protection, that firewall for Americans.

How many of you would have known that initially the administration came to us and suggested that while they are surveilling someone on foreign soil, if it kicks back to an American, your grandmother, your aunt, your uncle, yourself, because it kicks back in a sense that we are talking to someone on foreign soil but you happen to be on the other side of the phone, that that was okay?

But I offered an amendment, and that amendment is in the bill that the House passed, that we cannot tolerate reverse targeting; you must get a warrant. There must be an intervention, and I am glad to say it is in the Senate bill.

Yet there is a major question that the Senate bill has not addressed, and it is the fact that many, many people's rights were violated in the course of the old law when the government went straight to the private sector and told them you have to do this and so many persons who were innocent were violated by surveillance. Now these companies, of which I have great respect, I believe they are part of the economic engine of this Nation, want us to interfere in the legal system, for many of these companies are now being sued retroactively, if you will, or being addressed for the grievance they did against an American citizen.

Who are we to stop the normal legal process? If one of these corporations has a defensible defense, the judges will rule for them. If they were following the law or they have a defense or were relying upon representations made by officials of the Federal Government, I can assure you that a court of law will give them their relief. Why are we interfering where citizens of the American society believe that this Constitution and their rights have been violated?

So to my friends who want to provide a scare tactic, let me say to you all this legislation does today is to ensure you will be safe by extending the existing law. Hopefully we put notice on corporations that they should not be violating the civil liberties of Americans, and clearly I will tell you, as a member of the Homeland Security Committee, that none of us stand in this well to jeopardize the safety and security of the American people. Let us dispense with that myth altogether.

What is important is that when we finally design a bill that is going to be entrenched in law, it must be in compliance with the Constitution that is embedded in this bill. It is not today. I ask my colleagues to enthusiastically vote for the extension because I believe in security and the rights of all Americans.

Mr. HOEKSTRA. I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to Mr. SAXTON.

Mr. SAXTON. Mr. Speaker, I rise in opposition to this legislation.

Mr. Speaker, some years ago as I was working to have a subcommittee on the Armed Services Committee established on terrorism, I was making the rounds among my party's leadership. I made the case about why I thought we needed, and of course this was before 9/11, a subcommittee on terrorism. And I will never forget, one of my good friends told me that he thought, he said, JIM, he said, I think you and your friends see a terrorist behind every bush.

Unfortunately, Mr. Speaker, it seems to me that the Democratic majority leadership has adopted that same frame of reference. There is not a terrorist behind every bush, but they present a clear and present danger. We were told so as late as today by representatives of the Intelligence Committee.

Passing a 21-day extension simply continues the uncertainty in the intelligence community, the uncertainty in the telecommunications community, and uncertainty among the American public itself.

Just yesterday, as it has been said here several times, the Senate approved a comprehensive, long-term, bipartisan bill by a vote of 68–29 to close the terrorist loophole in our intelligence laws. Their bill represents a compromise between Congress and the administration. It rightly restores the original intent of the FISA by ensuring that intelligence officials can conduct surveillance on foreign targets without a court order while still protecting the civil liberties of the American people. It also grants liability protection to telecommunications companies that helped the government after September 11. Allowing these companies to be subjected to frivolous lawsuits threatens their future cooperation, which could cripple America's counterterrorism efforts.

The Senate bill is a responsible plan for protecting our Nation against terrorist threats. Many times the Senate sends bills over here and they are very shortly passed by the House. The House must act quickly on the Senate's bill, as well, and send it to the President so he can sign it. Failing to do so is effectively failing to protect our country and American citizens.

Therefore, I urge my colleagues to vote against H.R. 5349 and instead immediately pass the Senate's version of the bill so we can send this important bill to the President.

There may not be, Mr. Speaker, a terrorist behind every bush, but they, today, present a clear and present danger.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise disappointed that the President of the United States is attempting to short-circuit the legislative process and force Congress into an impulsive decision by vowing to veto this short-term extension before us now that would permit us to legislate responsibly.

It is beyond me how the Chief Executive of this country who truly wants an effective FISA reform, who truly cares about enacting sound legislation to protect Americans' lives and liberty, who truly respects the prerogatives of Congress in shaping that legislation, could seriously threaten us with the prospect of vetoing this legislation.

It is especially disturbing to think that he might refuse to accept a brief extension of his own surveillance program in order to ramrod a decision his way on telecom immunity before we can know what it is we are giving immunity to.

I am also disappointed that some of my friends, Members of the minority, whom I have always considered to be responsible legislators, have spoken today in support of the President's attempt to once again bludgeon us to enact sweeping new wiretapping powers for the executive branch without giving the legislative branch the time to ensure that the way it is done holds true to our most cherished American values.

I hope that these few observations do not reflect widely shared sentiments in the minority, and I would hope that we would not lend credence to the President's veto threat. I don't think we should have to legislate under that kind of intimidation. It amounts to a demand that we abandon and abdicate our sworn constitutional duty.

I hope that we would all agree that we need to consider FISA reform responsibly with the care it deserves, with the importance that every American attaches to it, and to preserve the prerogatives of the House to have our voice heard.

This demand that we act irresponsibly reflects no credit upon the process. We should instead remind him that we are the legislative branch and remind him that he must show some patience and allow the Congress to responsibly work its will.

If the President were to veto this brief extension of his own surveillance program and if that in any way compromises our national security, no amount of political blustering would change the fact that it would be him who has put our Nation at risk by refusing to participate responsibly in the legislative process.

Now, I can't truly imagine that happening. I hope that with a strong bipartisan vote for this commonsense, temporary measure, we can convince our

President to help us take this responsible step to ensure that Americans are appropriately protected against threats to their liberty as well as threats to their security. I hope that the result of this discussion will turn into a sound bipartisan vote in support of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California, Mr. LUNGREN, a member of both the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman from Michigan, the chairman of our committee, for clarifying what this is all about. In his statement he just said that the President is trying to force us to accept this bill from the Senate so that there can be immunity granted to those communications companies that responded in the affirmative when asked to help this country. So that is what it is. That's what this vote is all about.

You can talk about a 21-day extension. You can talk about wanting to work a little harder. You can talk about this and that, but essentially that is what this vote is. It is the question of whether or not we believe that we ought to grant to those who responded in the affirmative when requested by their country to assist in the aftermath of 9/11, to allow us to collect that kind of intelligence which would prohibit or prevent another 9/11, whether or not we are going to slap them in the face and say because you answered yes, you have to, in the words of the chairman of the Constitutional Law Subcommittee when this was brought up in the committee, let them do it themselves, they have millions of dollars of high-priced attorneys. Now, that's the response we are to tell the American people if asked in the future: Will you help in gathering information so that we can prevent another attack? And, oh, by the way, make sure that you have millions of dollars worth of high-priced attorneys to respond to whatever lawsuit might be out there.

Now, the question here is whether or not the majority is going to allow the majority to do its will. Why do I say that? Twenty-one Members of the Democratic side have sent a letter on January 28 to the Speaker saying they support the Rockefeller-Bond bill. Twenty-one Members. Now, I was never great in math, but I do know that 21 Members on that side of the aisle, added to our Members on this side of the aisle, are a majority in the House of Representatives.

So the question is: Will you allow the House to work its will? Will you allow the bill from the Senate, which 21 Members on your side of the aisle have signed a letter in support of, come to the floor so we can find out whether or not the majority of this House will support it?

We were denied that in the Rules Committee. We were denied that on two specific votes in the Rules Committee, and now the only way we can allow that vote to come up is if we defeat this bill and force those on the majority side and the leadership to allow the majority to work its will.

☐ 1400

Interestingly enough, the gentlelady from Texas who just spoke talked about how we ought to support this bill. I remember in August when she stood in that very well and tore up a piece of paper and said this is what we're doing; we're shredding the Constitution by voting for the bill that was then on the floor. And now we're supposed to understand that the other side wants us to have 3 weeks more of a bill which shredded the Constitution.

Let's understand what we're really doing here. Let's vote this down so we can vote on the bill that the majority of the people in this House and the majority of Americans support.

Mr. CONYERS. Mr. Speaker, I would grant myself as much time as I may consume.

I appreciate the discussion that we're engaging in, but at this point I rise to make the case that this is not a debate exclusively about immunity. There are other key differences that we should and, I think, want to consider.

For example, the Senate bill, which we've just examined, does not contain sufficient provisions to guard against reverse targeting of United States citizens. I think that's an important matter that needs our continued consideration.

The Senate bill permits surveillance to commence without judicial approval of the essential procedures that will be used to ensure that there's no surveillance of United States persons without appropriate individualized warrants. I think that's pretty important.

The Senate bill further does not require the Inspector General or the Justice Department to investigate the President's warrantless surveillance program. The House bill requires this investigation.

And so I don't think we need to be stampeded into a vote by threats from the executive or from the mathematical perfection of the other side in suggesting where the majorities ally in this body. The 21 signers of the letter are entitled to get some answers to these questions just as everyone else that didn't sign the letter are.

Mr. Speaker, I will insert into the RECORD at this point from cnn.com, "Phone companies cut FBI wiretaps due to unpaid bills."

[From CNN.com, Feb. 13, 2008]

### PHONE COMPANIES CUT FBI, WIRETAPS DUE TO UNPAID BILLS

WASHINGTON.—Telephone companies have cut off FBI wiretaps used to eavesdrop on suspected criminals because of the bureau's repeated failures to pay phone bills on time.

A Justice Department audit released Thursday blamed the lost connections on the FBI's lax oversight of money used in undercover investigations. Poor supervision of the program also allowed one agent to steal $25,000, the audit said.

In at least one case, a wiretap used in a Foreign Intelligence Surveillance Act investigation "was halted due to untimely payment," the audit found. FISA wiretaps are used in the government's most sensitive and secretive criminal investigations, and allow eavesdropping on suspected terrorists or spies.

"We also found that late payments have resulted in telecommunications carriers actually disconnecting phone lines established to deliver surveillance results to the FBI, resulting in lost evidence," according to the audit by Inspector General Glenn A. Fine.

More than half of 990 bills to pay for telecommunication surveillance in five unidentified FBI field offices were not paid on time, the report shows. In one office alone, unpaid costs for wiretaps from one phone company totaled $66,000.

The FBI did not have an immediate comment.

The report released Thursday was a highly edited version of Fine's 87-page audit that the FBI deemed too sensitive to be viewed publicly. It focused on what the FBI admitted was an "antiquated" system to track money sent to its 56 field offices nationwide for undercover work. Generally, the money pays for rental cars, leases and surveillance, the audit noted.

It also found that some field offices paid for expenses on undercover cases that should have been financed by FBI headquarters. Out of 130 undercover payments examined, auditors found 14 cases of at least $6,000 each where field offices dipped into their own budgets to pay for work that should have been picked up by headquarters.

The faulty bookkeeping was blamed, in large part, in the case of an FBI agent who pleaded guilty in June 2006 to stealing $25,000 for her own use, the audit noted.

"As demonstrated by the FBI employee who stole funds intended to support undercover activities, procedural controls by themselves have not ensured proper tracking and use of confidential case funds," it concluded.

Fine's report offered 16 recommendations to improve the FBI's tracking and management of the funding system, including its telecommunication costs. The FBI has agreed to follow 11 of the suggestions but said that four "would be either unfeasible or too cost prohibitive." The recommendations were not specifically outlined in the edited version of the report.

A lot has been said about what some call patriotic phone companies. Are these the same companies that cut off the FBI FISA wiretaps because the FBI hadn't paid its phone bill? This is breaking news.

I ask that we examine this issue, and that we include it in the ones in the 21-day period. After all, we already have a FISA bill that will continue during the 21 days. Someone may have accidentally mischaracterized the fact that we will be without FISA protection if we don't act immediately. I don't think that's the case, and I think many of our colleagues on the floor at this time know that as well as I do.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I would like to yield 3 minutes to my colleague from the State of Michigan (Mr. ROGERS), a member of the Intelligence Committee.

Mr. ROGERS of Michigan. Mr. Speaker, I have such great respect for my fellow colleague and Michigander, Mr. CONYERS, for his work and passionate belief and where he stands.

I do worry about where we're at. And I hear the gentleman talk about the fact that we just don't have time, and we need more time. You know, today we're going to spend hours and hours grilling a professional baseball player about he said/she said activities in professional baseball. We spent an entire day on this floor this year trying to figure out how we're going to designate scenic trails in New England; 162 bills commemorating someone or something, 162 on the floor this year; 62 bills naming post offices.

I think, if we put this in perspective, this isn't about needing more time. This isn't about that. We've obviously wasted a lot of time.

Our Constitution, as so many people point to, says some pretty clear things to me. It makes sure that you stand tall and you take an oath to defend against all enemies, foreign and domestic. It's one of the most important things that we do in this body.

If we can find time to put Roger Clemens in a chair and grill him for hours and make a media circus about professional baseball, you'd think we could spend a few minutes protecting the United States of America. Instead what we do is we kind of fool around and wring our hands and say, I'm for national security but kind of, not really. But, hey, did you see these jangly keys? Professional baseball could be in trouble. It maybe works for my kids when they were 3 and in trouble, but it doesn't work for the American people, and it certainly doesn't work to keep us safe.

This isn't about the Constitution. Many of your Members came down here and said, we think this is unconstitutional, but give us 3 more weeks of unconstitutionality in the United States. If I believed that, as a former FBI agent, I wouldn't vote for it. It's wrong.

This is about white hats and black hats. It's about good guys and bad guys. It's about Good Samaritans. You know, there are ads on TV today where they go into high crime neighborhoods and say, It's okay for you to tell on criminal behavior. Please call the police. Please call the FBI. Please make a difference in your community.

Think of the confusing message we are sending today because we're hooked up on the size of the company. So if I go in as an FBI agent to find the address that a pizza delivery company has for a fugitive, should we go after them, too? Should we go after that pizza delivery guy for, out of the goodness of his heart, telling us where there is a fugitive who may have committed murder or have committed child pornography or been selling drugs and is in violation of the safety and security of his neighborhood, his community? No, of course not. And we shouldn't punish people who say, listen, I want to help the United States catch terrorists and murderers, and if you ask me and I'm in lawful possession of it, I'll share it with you. We do it in banks. We do it in small businesses. We knock on neighbors' doors every day in this country and say, Help us help protect your neighborhood, your kids and your family. Will you tell us what you saw? Will you tell us what you know? Will you tell us where this information leads us to? It happens every day.

This is about black hats and white hats, good guys and bad guys. Let's make sure we stand up today for every courageous American who stands up for the safety of the community of this United States. I don't care how big or how small they are, we ought to stand with them and not make them the enemy.

Mr. CONYERS. Mr. Speaker, I reserve my time at this point.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee.

Mr. GOHMERT. Mr. Speaker, we've heard a number of things, what this is or isn't about. We're told it's not about the protections for the country, but it is about that. And I have great respect and admiration for our chairman, Mr. CONYERS.

But we were told, also, well, gee, the reason we need more time is the White House has delayed giving us documents. But if you really want to get to the bottom of this, you go back to August 4 when we took a vote on FISA being extended for a number of months. There was no immunity in there. There was no issue about is the President going to turn over documents. Forty-one Democrats voted for it, nine didn't vote, and all the rest voted against it. They were against the protections for this country and FISA.

Now, we need to try to eliminate risk to the country, not political risk to a party. And I understand sometimes you have Members that see the dangers to America, gee, that exposes the country to great risk and if we don't do something and something terrible happens, then we've exposed our party to terrible political risk. This shouldn't be about political risk. We need to do what's right for the country.

The chairman had said there are other key differences and there are. But those are important to note as well.

Our friends across the aisle somehow think it shreds the Constitution if we tap a terrorist in a foreign country and he calls an American. I've said it before and I'll say it again. The solution to that is not that we not tap into that known terrorist in a foreign country; it's that the friends of those concerned about this in America, tell your friends to have their terrorist buddies not call them at home. That's real easy. Then they don't have to worry about this bill.

But if terrorists that are known terrorists in foreign countries call them in this country, then they ought to be at risk for having them tapped. Once we know that there's somebody here, then they go get the warrant and that addresses it. But you cannot restrict it otherwise without doing great harm to our protection in America.

Mr. CONYERS. Mr. Speaker, I continue the reservation of time.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. PENCE), a member of the Judiciary Committee.

Mr. PENCE. Mr. Speaker, I rise in opposition to H.R. 5349, a bill to extend the Protect America Act of 2007 for 21 days.

Now it's hard for me to come to this floor and oppose an extension of a bill that I support, and supported in a bipartisan manner, Mr. Speaker.

It was this summer, I believe last August, that Republicans and Democrats came together on the Judiciary Committee and worked out a solution for an extension that came to be known as the Protect America Act. And we've heard in the course of this debate, eloquently stated on both sides, what the issues are here. We have antiquated foreign intelligence surveillance laws. The technology that has exploded across the globe in the last 25 years has occurred without a significant updating of those laws that govern the means and the manner and the technology whereby we can collect intelligence. And so we find ourselves, essentially, as the hub of communications in the world in the United States of America. You've heard the percentages, the enormous amount of communications that pass through the United States of America. And yet we have this massive loophole in our intelligence surveillance laws that does not permit us to listen to a terrorist in one foreign country talking to a terrorist in another foreign country.

When we worked out the compromise this summer, it was built, Mr. Speaker, I believe, on an understanding between Republicans and Democrats that that ought not to be, we ought to solve that problem in an equitable and bipartisan way. And I was pleased to support that extension and legislation for a period of 6 months.

But what I struggle with today is now, in the aftermath of that, the contrast between the work in the House and the Senate is rather startling. Yesterday, the Senate approved a bipartisan bill supported by nearly 70 percent of the Senate to close the terrorist loophole in our intelligence laws. It represented a strong bipartisan compromise between Congress and the administration. And yet here in the House of Representatives we passed a 6-month extension. A few weeks ago we passed a 15-day extension. Now I believe we're passing a 21-day extension. And yet the American people, I believe, know in their heart of hearts our enemy does not think in the short term and, therefore, our solutions must occur in the long term. And when it comes to the ability of our intelligence community during this administration or whomever will be the next administration charged with protecting this country, I believe it is imperative that we call the question.

□ 1415

I believe it is imperative that we rise today, respectfully to my colleagues on the other side, most especially the chairman whom I esteem, and say enough is enough. We need to modernize our foreign intelligence surveillance laws today. We need to find a bipartisan compromise as we did last summer. We need to find a bipartisan compromise as the United States Senate did yesterday.

And I say again with a heavy heart, our enemy does not conspire to harm us in the short term. Our enemy conspires to harm us in the long term: to harm our people, to harm our families, to harm our children and our interests around the globe. We must, in this Congress, find a way beyond politics, as we did last summer, as the Senate did yesterday, to repair those holes in our foreign intelligence surveillance laws and give our intelligence community the legal authority and tools that they will need to protect us in the long term.

I urge my colleagues to reject the bill to extend the Protect America Act for 21 days and call the question on this floor. We need a long-term solution to what ails our intelligence laws.

Mr. SMITH of Texas. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The gentleman from Texas (Mr. SMITH) has 4½ minutes. The gentleman from Michigan (Mr. CONYERS) has 7 minutes. The gentleman from Michigan (Mr. HOEKSTRA) has 2 minutes.

Mr. SMITH of Texas. Mr. Speaker, I will reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I reserve.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 976, further proceedings on the bill are postponed.

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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

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## HONORING AFRICAN AMERICAN INVENTORS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 966) honoring African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 966

Whereas African-American and other minority scientists, technologists, engineers, and mathematicians have made significant achievements in our national research enterprise and inspired future generations;

Whereas the National Society of Black Engineers ("NSBE") lifts up African-American researchers of the past and present, including special contributors named in this Resolution;

Whereas Garrett Augustus Morgan made outstanding contributions to public safety;

Whereas firefighters in the early 1900s wore the safety helmets and gas masks that he invented, and for which he was awarded a gold medal at the Second International Exposition of Safety and Sanitation in New York in 1914;

Whereas 2 years later, he himself used the mask to rescue men trapped by a gas explosion in a tunnel being constructed under Lake Erie;

Whereas following the disaster which took 21 lives, the City of Cleveland honored him with a gold medal for his heroic efforts;

Whereas in 1923, he received a patent for a traffic signal to regulate vehicle movement in city areas, and this device was a direct precursor to the modern traffic light in use today;

Whereas Ernest Everett Just was a trailblazer in the fields of cell biology and zoology;

Whereas his research and papers on marine biology were so well received in 1915 that Ernest Everett Just was awarded the first Spingarn Medal by the National Association for the Advancement of Colored People at age 32;

Whereas Ernest Everett Just dedicated years of research toward the study of cells and cell structures in order to understand and find cures for cellular irregularities and diseases such as sickle cell anemia and cancer and became one of the most respected scientists in his field;

Whereas racial bigotry in the United States caused much of his work and his achievements to go unrewarded;

Whereas in other countries, he was treated as a pioneer and was recruited to work with Russian scientists and invited to be a guest researcher at the Kaiser Wilhelm Institute for Biology, the world's greatest scientific research laboratory at the time;

Whereas he was welcomed at the Naples Zoological Station in Italy and the Sorbonne in France, where he conducted research and was regarded as one of the most outstanding zoologists of his time;

Whereas Archibald Alphonso Alexander excelled in design and construction engineering;

Whereas, employed by the Marsh Engineering Company, he designed the Tidal Basin bridge in Washington, DC;

Whereas after studying bridge design in London, Archibald Alphonso Alexander and George Higbee formed a general contracting business that focused on bridge design;

Whereas his designs include Washington, DC's Whitehurst Freeway, the heating plant and power station at the University of Iowa, and an airfield in Tuskegee, Alabama;

Whereas he went on to become the first Republican territorial governor of the U.S. Virgin Islands;

Whereas David Nelson Crosthwait Jr. made significant and practical contributions to the engineering of heating and cooling systems;

Whereas he held numerous patents relating to heat transfer, ventilation, and air conditioning, the areas in which he was considered an expert;

Whereas David Nelson Crosthwait Jr. served as director of research laboratories for C. A. Dunham Company in Marshalltown, Iowa, where he served as technical advisor from 1930 to 1970;

Whereas he designed the heating systems for Radio City Music Hall and Rockefeller Center in New York City and authored texts and guides on heating and cooling with water;

Whereas during the 1920s and 1930s, he invented an improved boiler, a new thermostat control, and a new differential vacuum pump to improve the heating systems in larger buildings; and

Whereas African-American innovators continue to improve the daily lives of Americans through their inventions and stir the creative spirit of future generations: Now, therefore, be it

*Resolved*, That the United States House of Representatives—

(1) recognizes and appreciates the significant achievements to our national research enterprise made by African-American and other minority scientists, technologists, engineers, and mathematicians;

(2) honors and extends its appreciation and gratitude toward all African-American inventors, for the significant and honorable research and educational contributions that improve the lives of all citizens and that have gone unacknowledged too long; and

(3) looks for opportunities to make sure that the creativity and contribution of minority scientists, technologists, engineers, and mathematicians can be expressed through research, development, standardization, and innovation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

### GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on H. Res. 966.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in celebration of February as Black History Month, I offer this resolution to celebrate the accomplishments of four outstanding inventors.

The first, Garrett Augustus Morgan, lived from 1877 to 1963 and was a son of former slaves. He grew up in Kentucky on the family farm, but as an adolescent, he worked as a handyman for a wealthy Cincinnati landowner. Surely that early experience, as well as his education, influenced and shaped his interest as an inventor.

Among his inventions, Garrett Morgan designed a traffic signal that greatly improved public safety. In the early 1900s, bicycles, animal-powered carts, and motor vehicles shared the roads with pedestrians. Accidents frequently occurred between the vehicles. After witnessing a collision between an automobile and a horse-driven carriage, Morgan was convinced that something should be done to improve traffic safety. He was the first to be granted a patent for a traffic signal containing the caution provision.

Prior to Morgan's invention, most of the traffic signals in use featured only two positions: stop and go. Because the manually operated traffic signals of the day allowed no interval between the "stop" and "go" commands, collisions at busy intersections were common during the transition moving from one street to another. Morgan's traffic signal, as well as others, such as a safety hood and smoke protector, contributed greatly to public safety. Such a simple innovation, yet a major impact.

The second innovator mentioned in this resolution is Ernest Everett Just, who lived from 1883 to 1941. He grew up in Charleston, South Carolina, and was the son of a dock builder. He dedicated his life to cell biology research and earned a Ph.D at the University of Chicago. He studied the fundamental role of the cell surface in the development of organisms. He performed his research in the District of Columbia, Chicago, and Massachusetts, as well as in Italy, Germany, and France.

Ernest Just was truly a trailblazer during the time when African American researchers were rare and underappreciated.

The third individual to be honored is Archibald Alphonso Alexander, who lived from 1888 to 1958. Born in Iowa, the son of a janitor, Alexander was the first African American to graduate from the University of Iowa. He studied bridge design in London, England, and founded his own business in the 1920s. He and his partners designed and constructed many roads and bridges, including the Whitehurst Freeway, the Tidal Basin Bridge and an extension to the Baltimore-Washington Parkway.

He designed the Tuskegee Airfield and the Iowa State University heating and cooling system. He was truly a Renaissance man. He excelled in football, designed highway infrastructure, and served as Governor of the U.S. Virgin Islands.

Finally, my resolution honors David Nelson Crosthwait, Jr., who lived from 1898 to 1976. He was born in Nashville, Tennessee, and grew up in Kansas City, Missouri. After graduating from Purdue University in 1913 where he studied mechanical engineering, he took a job with the C.A. Dunham Company.

During his 40 years with the company, he became an expert on heat transfer, air ventilation, and central air-conditioning. He authored a manual on heating and cooling with water. He also wrote guides and standards as well as codes that dealt with heating, ventilation, refrigeration, and air-conditioning systems.

During the 1920s and 1930s, he invented an improved boiler, a new thermostat control, and a new differential vacuum pump, which were all more effective for the heating systems in larger buildings. He also held numerous patents and designed the heating systems for Radio City Music Hall and Rockefeller Center.

These four individuals and so many others overcame the tremendous personal challenges to excel in their careers and benefit society.

The National Society of Black Engineers has chosen to lift up these innovators, and I thank the society for its helpful input in designing this resolution to honor these exceptional men.

Let their light shine as an example to the thousands of African American young students across the Nation. The message of their lives, that of Black History Month, and that of this resolution: with challenge comes perseverance, with perseverance comes endurance, with endurance comes strength, and with strength comes success.

It is my goal to wish success to all students of color who aspire to future careers in science, technology, engineering, and math.

Mr. Speaker, I reserve the balance of my time.

Mr. AKIN. Mr. Speaker, I rise today in strong support of H. Res. 966. It's fitting that this Congress is also considering the gentlelady from Texas', Mrs. JOHNSON's, resolution on the same day that we're celebrating National Engineers Week.

H. Res. 966 honors African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness. Three of the men we honor today were engineers; the fourth, a renowned biologist. Their contributions to our Nation are many; their drive to achieve success, often in the face of adversity, admirable; and their recognition today, highly deserved.

We owe a debt of gratitude to Garrett Augustus Morgan for the contributions he made to public safety with safety helmet, gas mask, and traffic signal inventions.

Ernest Everett Just's cellular work to help find a cure for sickle cell anemia and cancer helped him become one of the most well-respected scientists in his field.

Many of the roads we travel on in the D.C. area, including the Tidal Basin Bridge, the Whitehurst Freeway and much of the Baltimore-Washington Parkway, were designed by Archibald Alphonso Alexander.

Considered an expert in heat transfer, ventilation, and air conditioning, David Nelson Crosthwait, Jr., invented numerous practical heating devices. These include an improved boiler, thermostat control, and differential vacuum pump for larger buildings, such as Radio City Music Hall and Rockefeller Center.

These men are role models for our next generation of scientists and engineers. This Congress, through America COMPETES, has made great strides to ensure that our Nation continues to attract the best and the brightest to these admirable and important careers.

I support H. Res. 966 and encourage my colleagues to do the same.

With that, I reserve the balance of my time, Mr. Speaker.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no requests for speaking, and I reserve.

Mr. AKIN. Mr. Speaker, I yield back.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would simply ask for support of H. Res. 966 and thank the Speaker, as well as the gentleman on the other side and all the staff for assisting.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 966.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. AKIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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☐ 1430

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENGINEERS WEEK

Mr. LIPINSKI. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 917) supporting the goals and ideals of National Engineers Week, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 917

Whereas National Engineers Week has grown into a formal coalition of more than 75 professional societies, major corporations, and government agencies, dedicated to ensuring a diverse and well-educated future engineering workforce by increasing understanding of and interest in engineering and technology careers among all young students, by promoting pre-college literacy in science, technology, engineering, and mathematics (STEM), and raising public understanding and appreciation of engineers' contributions to society;

Whereas February 17–23, 2008, has been designated by the President as National Engineers Week and the theme is "Engineers Make a World of Difference";

Whereas National Engineers Week, which was founded in 1951 by the National Society of Professional Engineers, is among the oldest of America's professional outreach efforts;

Whereas National Engineers Week is celebrated during the week of George Washington's birthday to honor the contributions that our first President, a military engineer and land surveyor, made to engineering;

Whereas for one outreach program alone, the National Engineers Week Future City Competition, more than 1,100 schools and 32,000 middle school students participate annually and 7,500 volunteers donate more than 225,000 hours;

Whereas during National Engineers Week, more than 45,000 engineers connect with some 5,500,000 students and teachers in kindergarten through high school as they help students and teachers determine practical applications of their academics and help students discover that STEM subjects can be fun;

Whereas National Engineers Week activities at engineering schools and in other forums are encouraging all our young math and science students to see themselves as possible future engineers and to realize the practical picture of knowledge;

Whereas National Engineers Week sponsors are working together to transform the engineering workforce through the better inclusion of women and underrepresented minorities;

Whereas engineers from all disciplines send a new message to today's youth: engineers change the world, save lives, protect the Earth, and make a world of difference;

Whereas engineers are working together to mesh diversity and collaboration worldwide, whether reaching for the stars, building global networks, or helping today's young students prepare for their futures;

Whereas engineers use their professional, scientific, and technical knowledge and skills in creative and innovative ways to fulfill society's needs;

Whereas engineers have helped meet the major technological challenges of our time—from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the future;

Whereas engineers are a crucial link in research, development, and demonstration in transforming scientific discoveries into useful products, and we will look more than ever to engineers and their knowledge and skills to meet the challenges of the future;

Whereas engineers play a crucial role in developing the consensus engineering standards that permit modern economies and societies to exist; and

Whereas the 2006 National Academy of Sciences report entitled "Rising Above the Gathering Storm" highlighted the worrisome trend that fewer students are now focusing on engineering in college at a time when increasing numbers of today's 2,000,000 United States engineers are nearing retirement: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of National Engineers Week and its aim to increase understanding of and interest in engineering and technology careers and to promote literacy in science, technology, engineering, and mathematics; and

(2) will work with the engineering community to make sure that the creativity and contribution of that community can be expressed through research, development, standardization, and innovation.

The SPEAKER pro tempore (Ms. SOLIS). Pursuant to the rule, the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

### GENERAL LEAVE

Mr. LIPINSKI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 917, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIPINSKI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 917, supporting the goals and ideals of National Engineers Week.

Founded by the National Society of Professional Engineers and including more than 100 society, government and business sponsors and affiliates, including Boeing and the American Society of Mechanical Engineers, National Engineers Week draws upon local and regional experts to recognize the contributions of engineers and to promote careers in engineering.

From national and regional engineering competitions, such as the Future City Competition, to events such as Introduce a Girl to Engineering Day, this week is intended to inspire the next generation of American engineers and scientists.

National Engineers Week takes place next week, just as it does every year, to commemorate the birthday of George Washington, one of our Nation's greatest engineers. Engineers have helped make our country great, from the American Revolution to the development of key modern industries, such as the aerospace industry, as well as various alternative industries. Engineers are at the forefront of human advances because engineers combine creativity with math and science training to solve problems. Engineers are not just builders, as they are sometimes envisioned, they are problem solvers. This is one of the first things I was taught when I was a graduate student at Stanford University in the Department of Engineering-Economic Systems. Engineering is problem solving.

I have a unique perspective in Congress as one of fewer than 10 engineers currently serving. Besides my master's degree from Stanford, I earned a bachelor's degree from Northwestern University in mechanical engineering. It is of great concern that America has fallen behind other countries in producing engineers. When I have toured engineering schools, whether it's been at Northwestern University, Stanford University, Northern Illinois University or the Illinois Institute of Technology, I have heard again and again how few Americans are getting engineering degrees, especially graduate degrees in engineering. It is great that America has such top universities that we are attracting some of the brightest minds from around the world to study here, but we are losing more and more of those students when they graduate and go back home.

Engineers in the past helped us build boats across the seas, railroads to take us west, and the Internet to communicate across the world. Today, we need the innovative capability of engineers more than ever to confront the new challenges before us.

A few years ago, the National Academy of Sciences report entitled "Rising Above the Gathering Storm" raised serious questions about America's future technological competitiveness. This report called for the Federal Government to take a number of actions, including addressing the potential for a shortage of good engineers. I am proud that Chairman GORDON and the Science and Technology Committee on which I serve as vice chairman answered the report's call and took action to bolster America's competitiveness. Last summer, Congress passed and the President signed into law the America COMPETES Act. This groundbreaking law invests more in education, especially in the STEM fields of science, technology, engineering and math, and increases investment in critical research and development.

America COMPETES has created new awards for outstanding early-career researchers and new graduate research assistantships in technological areas of national need. These investments will greatly benefit our Nation's engineers, helping America stay at the forefront of innovation and increasing our national, economic and environmental security. Indeed, America's engineers are a critical component in developing and employing the innovative technologies necessary to carry out many of the provisions of the Energy Independence and Security Act, the landmark energy law passed at the end of last year.

Madam Speaker, I would like to thank the gentleman from South Carolina (Mr. INGLIS) for his work on this resolution, as well as the 45 other cosponsors. And I would especially like to thank the engineers who have contributed so much to America, especially the 2 million engineers in America today.

I ask my colleagues to support H. Res. 917.

Madam Speaker, I reserve the balance of my time.

Mr. AKIN. Madam Speaker, I rise today in strong support of House Resolution 917. House Resolution 917 supports the goals and ideals of National Engineers Week, which will be celebrated this year in just a few days, starting February 17.

The National Society of Professional Engineers established the first National Engineers Week in 1951. Through all of the next week, a wide range of activities are planned around the theme of "Engineers Make a World of Difference" in order to increase the understanding of and interest in engineering and technology careers and to promote K-12 literacy in math and science. These activities will also highlight the contributions that engineers have made to our society.

Historically, Engineers Week is celebrated during the week of George Washington's actual birthday to honor his contributions to engineering as a military engineer and a land surveyor. As our Nation's first President, he put our Nation on the path toward technological advancements, invention and education.

We continue down that path today, which has grown exponentially into multiple and complex highways of innovation. It is our engineers, literally and figuratively, who build those highways and help keep us ahead of the innovation curve. From landing a man on the Moon to designing bags to carry our groceries, engineers play a role in nearly every facet of our lives.

Just a few weeks ago, the National Science Foundation released the 2008 Science and Engineering Indicators loaded with statistics on our Nation's engineering future. It's essential that we capitalize on opportunities such as National Engineers Week to raise awareness of the valuable work and contribution of engineers to society to attract young people of all ages to this rewarding profession.

I support the goals and ideals of National Engineers Week, and I urge my colleagues to join me with their support.

With that, Madam Speaker, I reserve the balance of my time.

Mr. LIPINSKI. I continue to reserve the balance of my time.

Mr. AKIN. Madam Speaker, I think it may be appropriate for me to add here a little interesting perspective that was not in the script today. It's an incident that occurred about 19-plus years ago. It seems like just the other day.

I had just been elected to be a State legislator in the State of Missouri, and I was very pleased and proud of that. No one in my family had ever run for political office or slid that far down the totem pole of life, but I was still looking forward to serving as a State representative. And the first thing on my agenda was to go to an early morning breakfast with other legislators. I got to the breakfast, but it was so early I was there just a little bit late. Just about the time I was sitting down at the table, one of the prominent legislators at the table said, You know, we ought to have a law against engineers serving in the legislature because they are just way too rational for the legislative process. And I was just taking my chair when somebody said, You're not an engineer, are you? And I said, Yes, I am.

So I'm thankful to be one of those seven or so engineers that serve here in the U.S. House. I do believe that there is always a use for the discipline of problem solving that engineering brings. So if there may be someone that's young and considering that career in engineering, I would advise them very strongly in favor of it, even though it involves a certain amount of suffering in undergraduate school.

With that, I yield back the balance of my time.

Mr. LIPINSKI. I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Missouri for his work on this resolution. And as a fellow engineer, I could not agree more that we could use a few more engineers here in this body.

I just wanted to say, I mentioned earlier that I have an engineering background, and it really does give a unique perspective. But I think one of the most important things about National Engineers Week is the inspiration that we are looking to provide.

I remember when I was a kid growing up in Chicago, I was always fascinated by the way things work, especially mechanical things. I remember with my high school calculus and physics teachers, Father Thul and Father Fergus, they were the ones who really helped mold this childhood fascination into an interest in engineering. And I have seen a lot of the work that is done in National Engineers Week to try to provide this inspiration for students who are out there today.

I think this is very critical, as we face so many problems going into the future with energy, that we try and take care of global warming and so many other issues that we face. We need to have more engineers in this country to help us solve these problems. National Engineers Week is a great place to help provide inspiration so we have more engineers. And this resolution provides some more inspiration out there, hopefully, for some students who are watching this, listening to this, reading this later on, that we do need more engineers. I want to encourage that.

I ask my colleagues to vote in support of H. Res. 917.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to express my support for H. Res. 917, supporting the goals and ideals of National Engineers Week.

Engineers are important to Texas.

The petrochemical, space, high-tech and transportation industries are integral to Texans' livelihoods.

In fact, Texas ranks first in the nation in industries such as petrochemical, computer, and organic chemical manufacturing. Engineers have contributed to that success.

As a Member of the House Committee on Science and Technology, I am glad to see my colleague, Mr. LIPINSKI, offer this resolution. It is important to acknowledge engineers for the valuable work that they do. The Texas Society of Professional Engineers works to foster a diverse and skilled workforce.

I want to commend the Society for its work to empower students by educating them about careers in engineering, providing materials for use in classrooms, participating in after-school programs, disseminating scholarship information, and holding math and science competitions.

I would also like to thank the Chairman of the House Committee on Science and Technology, Chairman GORDON, for his leadership on issues of national competitiveness.

I support this resolution and urge my colleagues to support it also.

Mr. MCNERNEY. Madam Speaker, I am proud to support H. Res. 917, and I thank my colleague Mr. LIPINSKI for introducing this resolution. As a mathematician who spent much of my career working as a renewable energy engineer, I am particularly honored to advocate for the passage of this legislation. H. Res. 917 supports the goals and ideals of National Engineers Week, a valuable opportunity to recognize the importance of the work engineers perform.

Engineers are responsible for many of the vital technological breakthroughs that improve the quality of life for Americans and people around the globe. American engineers and businesses lead the world in innovation, but unfortunately we are no longer producing as many engineers as our international competitors. Without a sustained national effort to train a new generation of engineers, our country is at risk of losing our competitive edge.

I am proud of the work of the 110th Congress to reinvest in the science, technology, engineering, and math education programs that will train the next generation of American engineers. In addition, the America COMPETES Act, which was passed last summer, is a signature bipartisan achievement that marks a major milestone for science, technology, engineering, and math education in our country. More work remains to be done, however, and I hope all of my colleagues will join me in a bipartisan effort to support engineering in America.

I would like to thank my colleagues again for their support of H. Res. 917, and I look forward to watching as American engineering continues to thrive.

Mr. SMITH of Nebraska. Madam Speaker, I rise to salute the engineers, past, present, and future, of the United States of America. Engineers have shaped our history, from aiding the colonists to win our independence to designing our advanced, modern technologies. They impact our daily lives from the first ring of our alarm clocks in the morning to our late-night, online shopping.

In my home State of Nebraska, engineers aid agriculture with new and more effective agricultural chemicals and better equipment and technologies. Nebraska engineers help secure our Nation's energy independence by supporting the ethanol industry. Nebraska engineers ensure our roads, bridges, waterworks, and other infrastructure are well designed, functional, and safe.

Engineers are key to a prosperous and productive future for all Nebraskans and Americans. There are nearly 150 engineering companies in Nebraska's Third District. Every day I hear about the need to attract talented, educated young people to fill technical, engineering, and science positions in small communities and rural areas in the Third District. I have been, and continue to be, an enthusiastic supporter of the America COMPETES act which encourages American competitiveness in Science, Technology, Engineering, and Mathematics (STEM) education. I am optimistic this initiative will help Nebraska's engineering businesses attract and maintain native talent in engineering.

Mr. LIPINSKI. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and agree to the resolution, H. Res. 917.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. AKIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## NATIONAL OCEAN EXPLORATION PROGRAM ACT

Mr. LIPINSKI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1834) to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1834

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## *TITLE I—NATIONAL OCEAN EXPLORATION PROGRAM*

### ***SECTION 101. SHORT TITLE.***

*This title may be cited as the "National Ocean Exploration Program Act".*

### ***SEC. 102. AUTHORIZATION.***

*The Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall, in consultation with the National Science Foundation and other appropriate Federal agencies, conduct a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with existing programs of the Administration, including those authorized in title II.*

### ***SEC. 103. AUTHORITIES.***

*In carrying out the program authorized under section 102, the Administrator of the National Oceanic and Atmospheric Administration (in this title referred to as the "Administrator") shall—*

*(1) conduct interdisciplinary voyages or other scientific activities of discovery in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;*

*(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;*

*(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;*

*(4) develop and implement, in consultation with the National Science Foundation, a transparent process for merit-based peer-review and approval of proposals for activities to be conducted under this program;*

*(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensors and autonomous vehicles;*

*(6) accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans; and*

*(7) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.*

### ***SEC. 104. OCEAN EXPLORATION ADVISORY BOARD.***

*(a) ESTABLISHMENT.—The Administrator shall appoint an Ocean Exploration Advisory Board, or utilize an existing panel, composed of experts in relevant fields to—*

*(1) advise the Administrator on priority areas for survey and discovery;*

*(2) assist the program in the development of a five-year strategic plan for the fields of exploration, discovery, and science;*

*(3) annually review the quality and effectiveness of the proposal review process established under section 103(4); and*

*(4) provide other assistance and advice as requested by the Administrator.*

*(b) FEDERAL ADVISORY COMMITTEE ACT.—*

*(1) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Ocean Exploration Advisory Board.*

*(2) COMPLIANCE.—Notwithstanding paragraph (1), the Ocean Exploration Advisory Board shall be appointed and operate in a manner consistent with all provisions of the Federal Advisory Committee Act with respect to—*

*(A) the balance of membership and expertise;*

*(B) provisions of public notice regarding activities of the Ocean Exploration Advisory Board;*

*(C) open meetings; and*

*(D) public access to documents created by the Ocean Exploration Advisory Board.*

*(c) UTILIZATION OF EXISTING PANEL.—If the Administrator utilizes an existing panel to fulfill the requirements of this section, the membership of that panel must include relevant experts in the fields specified in subsection (a)(2).*

### ***SEC. 105. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.***

*Nothing in this title or title II supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).*

### ***SEC. 106. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—*

*(1) $30,500,000 for fiscal year 2008;*
*(2) $33,550,000 for fiscal year 2009;*
*(3) $36,905,000 for fiscal year 2010;*
*(4) $40,596,000 for fiscal year 2011;*
*(5) $44,655,000 for fiscal year 2012;*
*(6) $49,121,000 for fiscal year 2013;*
*(7) $54,033,000 for fiscal year 2014;*
*(8) $59,436,000 for fiscal year 2015;*
*(9) $65,379,000 for fiscal year 2016; and*
*(10) $71,917,000 for fiscal year 2017.*

## *TITLE II—UNDERSEA RESEARCH PROGRAM*

### ***SEC. 201. SHORT TITLE.***

*This title may be cited as the "National Undersea Research Program Act of 2007".*

### ***SEC. 202. AUTHORIZATION.***

*The Administrator of the National Oceanic and Atmospheric Administration shall conduct an undersea research program and shall designate a Director of that program.*

### ***SEC. 203. PURPOSE.***

*The purpose of the program authorized under section 202 is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, coastal, and large lake resources through undersea research, exploration, education, and technology development. The program shall be part of National Oceanic and Atmospheric Administration's undersea research, education, and technology development efforts, and shall make available the infrastructure and expertise to service the undersea science and technology needs of the academic community and marine industry.*

### ***SEC. 204. PROGRAM.***

*The program authorized under section 202 shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and a national technology institute. Overall direction of the program will* *be provided by the program director in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology.*

### *SEC. 205. REGIONAL CENTERS AND INSTITUTE.*

*(a) PROGRAMS.—The following research, exploration, education, and technology programs shall be conducted through the network of extramural regional centers and the National Institute for Undersea Science and Technology:*

*(1) Core research and exploration based on national and regional undersea research priorities.*

*(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.*

*(3) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies such as LEO-15, Pisces, and the Aquarius habitat.*

*(4) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.*

*(5) Discovery, study, and development of natural products from ocean and aquatic systems.*

*(b) OPERATIONS.—Operation of the extramural regional centers and the National Institute for Undersea Science and Technology shall leverage partnerships and cooperative research with academia and private industry.*

### *SEC. 206. COMPETITIVENESS.*

*Except for a small discretionary fund for rapid response activities, for which no more than 10 percent of the program budget shall be set aside, and for National Oceanic and Atmospheric Administration-related service projects, the external projects supported by the regional centers shall be managed using an open and competitive process to evaluate scientific merit, relevance to the National Oceanic and Atmospheric Administration, regional and national research priorities, and technical feasibility.*

### *SEC. 207. AUTHORIZATION OF APPROPRIATIONS.*

*There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—*

*(1) $17,500,000 for fiscal year 2008;*
*(2) $19,500,000 for fiscal year 2009;*
*(3) $21,500,000 for fiscal year 2010;*
*(4) $23,500,000 for fiscal year 2011;*
*(5) $25,500,000 for fiscal year 2012;*
*(6) $27,500,000 for fiscal year 2013;*
*(7) $29,500,000 for fiscal year 2014;*
*(8) $31,500,000 for fiscal year 2015;*
*(9) $33,500,000 for fiscal year 2016; and*
*(10) $35,500,000 for fiscal year 2017.*

## *TITLE III—INTERAGENCY FINANCING, PLANNING, AND COORDINATION*

### *SEC. 301. INTERAGENCY FINANCING.*

*The Administrator of the National Oceanic and Atmospheric Administration, the National Science Foundation, the Department of the Navy, and other Federal agencies involved in the programs authorized under title I and II, may participate in interagency financing and share, transfer, receive, and spend funds appropriated to any Federal participant in the program for the purposes of carrying out any administrative or programmatic project or activity under the program. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Federal participant and the costs thereof.*

### *SEC. 302. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.*

*(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, nongovernmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force, or utilize an existing panel, to develop and implement a strategy—*

*(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under titles I and II of this Act;*

*(2) to improve availability of communications infrastructure, including satellite capabilities, to the program;*

*(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by the program available for research and management purposes;*

*(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and*

*(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration technology and technical expertise to the program.*

*(b) UTILIZATION OF EXISTING PANEL.—If the Administrator utilizes an existing panel to fulfill the requirements of this section, the membership of that panel must include representative of all the agencies and other interests specified in subsection (a).*

## TITLE I—NATIONAL OCEAN EXPLORATION PROGRAM

### SEC. 101. SHORT TITLE.

This title may be cited as the "National Ocean Exploration Program Act".

### SEC. 102. AUTHORIZATION.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, conduct a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

### SEC. 103. AUTHORITIES.

(a) IN GENERAL.—In carrying out the program authorized under section 102, the Administrator of the National Oceanic and Atmospheric Administration (in this title referred to as the "Administrator") shall—

(1) conduct interdisciplinary voyages or other scientific activities of discovery in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 104;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensors and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—In carrying out the program authorized under section 102, the Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

### SEC. 104. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields to—

(1) advise the Administrator on priority areas for survey and discovery;

(2) assist the program in the development of a five-year strategic plan for the fields of ocean, marine, and Great Lakes exploration, discovery, and science;

(3) annually review the quality and effectiveness of the proposal review process established under section 103(4); and

(4) provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

### SEC. 105. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

### SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $30,500,000 for fiscal year 2008;
(2) $33,550,000 for fiscal year 2009;
(3) $36,905,000 for fiscal year 2010;
(4) $40,596,000 for fiscal year 2011;
(5) $44,655,000 for fiscal year 2012;
(6) $49,121,000 for fiscal year 2013; and
(7) $54,033,000 for fiscal year 2014.

## TITLE II—UNDERSEA RESEARCH PROGRAM

### SEC. 201. SHORT TITLE.

This title may be cited as the "National Undersea Research Program Act of 2007".

### SEC. 202. AUTHORIZATION.

The Administrator of the National Oceanic and Atmospheric Administration shall conduct an undersea research, exploration, education, and technology development program and shall designate a Director of that program.

### SEC. 203. PURPOSE.

The purpose of the program authorized under section 202 is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, coastal, and Great Lakes resources. The Director, in carrying out the program authorized in section 202, shall cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations. The Director may also enter into partnerships, using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry.

**SEC. 204. PROGRAM.**

The program authorized under section 202 shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and a national technology institute. Overall direction of the program will be provided by the program director in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. Program direction shall be published not later than 3 years after the date of enactment of this Act.

**SEC. 205. REGIONAL CENTERS AND INSTITUTE.**

(a) PROGRAMS.—The following research, exploration, education, and technology programs shall be conducted through the network of extramural regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(4) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(5) Discovery, study, and development of natural products from ocean and aquatic systems.

(b) OPERATIONS.—Operation of the extramural regional centers and the National Institute for Undersea Science and Technology shall leverage partnerships and cooperative research with academia and private industry.

**SEC. 206. COMPETITION.**

(a) DISCRETIONARY FUND.—The program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) COMPETITIVE SELECTION.—The Administrator shall conduct a competition to select the regional centers that will participate in the program five years after the date of enactment of this Act and every five years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

**SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $17,500,000 for fiscal year 2008;

(2) $19,500,000 for fiscal year 2009;

(3) $21,500,000 for fiscal year 2010;

(4) $23,500,000 for fiscal year 2011;

(5) $25,500,000 for fiscal year 2012;

(6) $27,500,000 for fiscal year 2013; and

(7) $29,500,000 for fiscal year 2014.

## TITLE III—INTERAGENCY FINANCING PLANNING AND COORDINATION

**SEC. 301. INTERAGENCY FINANCING.**

The Administrator of the National Oceanic and Atmospheric Administration, the National Science Foundation, the Department of the Navy, and other Federal agencies involved in the programs authorized under title I and II, are authorized to participate in interagency financing and share, transfer, receive, and spend funds appropriated to any Federal participant in the program for the purposes of carrying out any administrative or programmatic project or activity under this Act. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Federal participant and the costs thereof.

**SEC. 302. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.**

The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under titles I and II of this Act;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. LIPINSKI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1834, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIPINSKI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 1834, the National Ocean Exploration and National Undersea Research Program Act.

I would like to first thank our colleague, Representative SAXTON from the Natural Resources Committee, for his leadership on important ocean and Great Lakes issues. This is a good bill that will expand our knowledge of the ocean and provide information about the vast resources of the seas.

The coastal areas of our Nation support a wide variety of significant activities, but in many respects the oceans remain a mystery, with many areas unexplored. Marine scientists tell us that we haven't come close to tapping the resources available to us from the oceans. I hope that my colleagues today from both sides of the aisle will agree that we should steer research dollars to those fact-finding projects so that humanity might one day reap the benefits of our oceanic resources.

This bill provides the National Oceanic and Atmospheric Administration, NOAA, with the authorities and direction to support a vigorous ocean exploration program. The bill authorizes two programs to be carried out by NOAA. The Ocean Exploration Program will explore and survey the ocean and assess ocean and costal resources. The National Undersea Research Program will operate through a network of regional undersea research centers. Both of those programs have strong education and outreach programs.

Madam Speaker, H.R. 1834 is a good bill. It is a product of a bipartisan effort to promote expanded appreciation and knowledge of the oceans. I urge my colleagues to support the legislation.

Madam Speaker, I reserve the balance of my time.

☐ 1445

Mr. AKIN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1834, the National Ocean Exploration Program Act.

The National Oceanic and Atmospheric Administration, or NOAA, is the Nation's lead agency charged with conserving and managing our coastal and oceanic resources. As such, relevant and high-quality research and development is vital to NOAA's ability to better understand the marine ecosystems it manages. NOAA's ocean exploration efforts have been organized in a systematic and strategic manner in order to investigate the farthest depths of the Earth's oceans. NOAA's undersea research programs allow for direct access to undersea environments through submersibles and indirect observation through the use of robots and sea-floor observatories. These programs provide invaluable information that enables us to learn more about our environment that covers more than two-thirds of our planet.

H.R. 1834 authorizes two existing ocean programs: the Ocean Exploration Program and the National Undersea Research Program. Under this authorization, NOAA is required to work with the National Science Foundation to map out a coordinated national exploration program that promotes collaboration with other Federal ocean exploration programs to prevent duplicative efforts. This bill also requires NOAA to conduct an undersea research, exploration, education, and technology development program that coordinates with similar efforts of the academic and marine and ocean science communities.

Most of these research and exploration efforts are conducted by outside groups who receive grants and funding from NOAA. H.R. 1834 requires that such funding shall now be distributed through a competitive bid process. Competition for funding will encourage existing research centers to select their most valuable research projects and partner with each other on other research programs. This competition is essential to ensure that the best research programs and ideas are adequately funded, something that, unfortunately, has not always been the case in the past.

Madam Speaker, at a time when our Nation is struggling to divide resources among a greater number of programs, we cannot afford to allow spending on research programs that do not provide pertinent information related to NOAA's important mission. The authorizing of these two programs and the competitive grant process that is established in this bill will ensure that NOAA is able to fund only the most useful projects and leverage taxpayer dollars in a way that provides the most useful information to understanding and managing our ocean environment.

I urge all my colleagues to support H.R. 1834.

Madam Speaker, I would like to yield now such time as he may consume to my colleague JIM SAXTON from the State of New Jersey. He has a long and very well-established reputation here, and, by the way, this is part of his legislation.

Mr. SAXTON. I thank the gentleman for yielding, and I thank the gentleman from Illinois for his kind remarks and great description, I might add, of the bill.

Madam Speaker, I obviously rise in strong support of H.R. 1834 and am very pleased that it's here under this bipartisan arrangement. It authorizes both the Ocean Exploration and National Undersea Research Programs in the National Oceanic and Atmospheric Administration.

According to the U.S. Commission on Ocean Policy, about 95 percent of the ocean floor remains unexplored. This vast area teems with undiscovered species and natural and cultural resources. On virtually every expedition, oceanographers and explorers make fascinating new discoveries. Hydrothermal vents in the Pacific, numerous new species, and important archeological sites are but a few of the important discoveries made in the past 30 years.

Consequently, the report of the U.S. Commission on Ocean Policy recommended the National Oceanic and Atmospheric Administration and the National Science Foundation should lead and expand our national ocean exploration and undersea research programs.

I am proud to be the sponsor of H.R. 1834. I'm proud that it's a bipartisan piece of legislation, and I'm proud that it promotes implementation of the commission's recommendations.

This bill authorizes two important programs: the Ocean Exploration Program as well as the National Undersea Research Program, also known as NURP. The Ocean Exploration Program was created to investigate the oceans for the purpose of discovery and the advancement of knowledge. It is the NOAA program established to, first, explore and map the oceans unknown and poorly known living and nonliving resources and, second, to gain new insights about its physical, chemical, biological, and archeological characteristics.

Title I of the bill, the National Ocean Exploration Program Act, will create better coordination between NOAA and the National Science Foundation. The purposes of the act are to expand the ocean exploration to discover new marine substances that potentially have therapeutic benefits; to study the unique marine ecosystems, organisms, and the geology of the world's oceans; and to maximize ocean research effectiveness by integrating multiple scientific disciplines in the ocean science community.

A new element created by the legislation is an Ocean Exploration Advisory Board. The National Undersea Research Program is part of the National Oceanic and Atmospheric Administration's Office of Oceanic and Atmospheric Research. As the Federal agency responsible for managing living marine and coastal organisms, NOAA requires a presence beneath the sea and the Great Lakes to better understand the systems under its management. NURP provides NOAA with the unique capability to access the undersea environment. NURP also provides scientists with the tools and expertise they need to investigate the undersea environment, including submersibles, remotely operated vehicles, autonomous underwater vehicles, mixed gas diving gear, underwater laboratories and observatories.

Title II of the bill, the National Undersea Research Program Act of 2007, formally authorizes the National Undersea Research Program for the first time, and we're very proud of this. The legislation creates a competitive process for the extramural undersea research centers to encourage the very best undersea research program for the United States.

Both of these programs authorized in this legislation are core to the mission of NOAA. I urge my colleagues to support this important bipartisan legislation.

Mr. LIPINSKI. Madam Speaker, I continue to reserve the balance of my time.

Mr. AKIN. Madam Speaker, I yield back the balance of my time.

Mr. LIPINSKI. Madam Speaker, I want to thank Mr. SAXTON for his work on this bill. I'm very happy we were able to work this through the Science and Technology Committee in a bipartisan manner, and I urge all my colleagues to support this legislation.

Mr. FARR. Madam Speaker, I rise in support of H.R. 1834 introduced by my colleague JIM SAXTON. This bill would authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

Our world is defined by its ocean. Planet Earth could be better named Planet Ocean. We are truly an ocean nation. In fact, more than half of the United States lies underwater and all people in the United States and in the world are affected by the ocean. The ocean helps control our climate, influences our weather, and affects our health.

The ocean gives us rain, oxygen, food, medicines, and minerals and energy sources. The ocean supports our nation's economy: it is a highway for transportation of goods and people. Even our national security is affected by the ocean.

Our ocean is important as a heritage to many cultures throughout the world and to our cultures throughout the United States. This one world ocean we all share is also a constant source of wonder and discovery.

In spite of its importance, little of the ocean has been explored. The ocean is our last and largest frontier. More is known about the moon than is known about the deepest parts of the ocean.

This bill will add to the National Oceanic and Atmospheric Administration's ability to conduct research and exploration of the ocean. The bill will foster collaboration between the National Oceanic and Atmospheric Administration, the National Science Foundation, and the Department of the Navy.

The ocean exploration program and the undersea exploration program will drive technological advances and will increase our knowledge about the ocean to help us understand how to best manage, use, and preserve this resource.

Madam Speaker, I urge my colleagues to join me in supporting this bill, and show that the age of discovery is not over.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in strong support of H.R. 1834, to authorize the national ocean exploration prgram and the national undersea research program within the National Oceanic and Atmospheric Administration.

First and foremost, I want to commend my good friend Mr. JIM SAXTON of New Jersey and other cosponsors for introducing this important legislation. I also want to acknowledge the leadership for both the Committee on Natural Resources and the Comnrittee on Science and Technology.

Madam Speaker, H.R. 1834, the National Ocean Exploration Program Act, is an important piece of legislation because it will expand ocean exploration and will be a key avenue in understanding better our marine ecosystems and coastal resources and, importantly, maximize effective research relating to the physical, chemical, and biological characteristics of our oceans and lakes. We have succeeded in embarking missions to space but have failed in studying the unknown in our very oceans.

This legislation will provide scientists the necessary equipment to investigate and explore the undersea environment and will allow NOAA to conduct archaeological and scientific voyages of historic shipwrecks and cultural sites important to our academic and local communities.

Again, I thank my colleagues for supporting this bipartisan legislation.

Ms. BORDALLO. Madam Speaker, I rise in strong support of H.R. 1834. I want to commend my colleagues from the Committee on Science and Technology, Chairman BART GORDON, and the Ranking Republican Member, Congressman RALPH HALL, for their leadership in bringing this important bill to enhance our understanding of the marine environment to the House floor.

When I became Chairwoman of the Subcommittee on Fisheries, Wildlife and Oceans at the beginning of the 110th Congress, one of my top priorities was to take action on legislation to address the thoughtful recommendations offered by the U.S. Commission on Ocean Policy to improve our Nation's ocean environment. This legislation, H.R. 1834, would implement a key recommendation of the Commission by authorizing two important ocean research programs within the National Oceanic and Atmospheric Administration—the Ocean Exploration Program and the National Undersea Research Program.

This legislation, which refines the bill that was reported by the Committee on Natural Resources on August 4, 2007, would further strengthen NOAA's standing as the preeminent civilian federal ocean agency by granting the agency explicit authority to conduct scientific research that directly contributes to increasing scientific knowledge of the world's oceans.

The legislation would address the glaring national need identified by the U.S. Commision on Ocean Policy to develop and advance new innovations in oceanographic research, communication and navigation technologies to support ocean exploration and science, and expand extramural ocean research.

Additionally, this legislation would emphasize the importance of outreach and public education to ensure that future scientific discoveries and benefits are disseminated to decision-makers in both the public and private sectors and conveyed to the general public. This will increase both public awareness and appreciation of how the world's oceans affect our economic and environmental well-being.

Again, I commend my colleagues on the Committee on Science and Tecnology for their cooperation. The support of the Chairman of the Natural Resources Committee, Chairman NICK RAHALL, and the ranking Republican member, Congressman DON YOUNG, was also indispensible. Finally, I also acknowledge the leadership of Congressman JIM SAXTON, the sponsor of the bill. I encourage members to vote for this non-controversial legislation.

Mr. LIPINSKI. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 1834, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. AKIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## MAKING TECHNICAL CORRECTIONS TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Mr. CARDOZA. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2571) to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2571

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TECHNICAL CORRECTIONS TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.**

(a) PESTICIDE REGISTRATION SERVICE FEES.—Section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8) is amended—

(1) in subsection (b)(7)—

(A) in subparagraph (D)—

(i) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—The Administrator may exempt from, or waive a portion of, the registration service fee for an application for minor uses for a pesticide."; and

(ii) in clause (ii), by inserting "or exemption" after "waiver"; and

(B) in subparagraph (E)—

(i) in the paragraph heading, by striking "WAIVER" and inserting "EXEMPTION";

(ii) by striking "waive the registration service fee for an application" and inserting "exempt an application from the registration service fee"; and

(iii) in clause (ii), by striking "waiver" and inserting "exemption"; and

(2) in subsection (m)(2), by striking "2008" each place it appears and inserting "2012".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARDOZA) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Madam Speaker, I yield myself such time as I may consume.

Senate bill 2571 provides a technical correction to the reauthorization of the Pesticide Registration Improvement Act approved by the House and the Senate and that was signed by the President on October 9, 2007.

As my colleagues know, EPA is currently responsible for regulating the sale, use, and distribution of pesticides. In order to facilitate and expedite the approval process, pesticide manufacturers and other registrants have supplemented EPA's annual budget for a number of years. It's a win-win process for both the manufacturer and the end user and a clear example of good government at its best.

Unfortunately, EPA has interpreted the PRIA reauthorization approved by Congress to collect fees for chemicals that are not part of the Interregional Project Number 4, a popular research program that assesses tolerance levels for pest management chemicals applied on specialty crops. These IR-4 chemicals have historically been exempt from fees prior to the enactment of the PRIA reauthorization, and it was not the intention of the House nor the Senate to suddenly assess fees on all these chemicals.

This bill will simply restore the status quo for these particular products and reassert congressional intent.

Because the program fees are being assessed on IR-4 chemicals as we speak, it is vitally important to address this situation immediately. While the farm bill would be the natural vehicle to make this technical correction, EPA is currently unable to process any registration applications without these fees being paid. Therefore, while this fix is not controversial, it is extremely time sensitive, and the uncertainty of the farm bill process dictates that Congress must take action now.

Restoring congressional intent by passing this technical correction to PRIA will prevent delays and backups of applications and stop EPA from collecting and then reimbursing the fees for these chemicals.

It is important that we continue to encourage the type of public-private partnerships envisioned in PRIA. I urge my colleagues to support this technical fix and the underlying goals of the Pesticide Registration Improvement Act.

Madam Speaker, I reserve the balance of my time.

Mr. LUCAS. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of S. 2571. Madam Speaker, last fall we passed Senate bill 1983, which reauthorized the highly successful Pesticide Registration Improvement Act. That act had been worked on by a number of Members in the House and Senate, including the chairmen and ranking members of the House and Senate Agriculture Committees as well as the chairman and ranking member of the Subcommittee on Horticulture and Organic Agriculture. In developing this legislation, we sought the advice and counsel of the administration, the affected industry, and the environmental community. I was very happy to have the unanimous endorsement of all interested parties as we moved forward with that bill.

As is not uncommon in working on complex legislation, language is included that is subject to interpretation, and in this particular case we included language intending to maintain an existing fee exemption for certain chemicals that have limited uses on specialty crops. Unfortunately, the EPA has interpreted the final language to mean that they would not be able to continue to offer this exemption. This bill that we are considering today would simply restore the status quo for these chemicals, as was the congressional intent.

I urge all of my colleagues to support this legislation.

Madam Speaker, I yield back the balance of my time.

□ 1500

Mr. CARDOZA. Madam Speaker, I just want to thank my colleague, the very capable and wise gentleman from Oklahoma who has been a great friend throughout the years that I have been here and thank him for his assistance in this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and pass the Senate bill, S. 2571.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUCAS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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## PROTECT AMERICA ACT OF 2007 EXTENSION

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 976, proceedings will now resume on the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed earlier today, 13½ minutes remained in debate.

The gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining, the gentleman from Texas (Mr. SMITH) has 4½ minutes remaining, and the gentleman from Michigan (Mr. HOEKSTRA) has 2 minutes remaining.

Mr. CONYERS. Madam Speaker, I would begin by yielding myself as much time as I may consume.

Members of the House, after delaying consideration of the House-passed RESTORE Act for months, just last night the other body has passed a very troubling FISA bill. Their action comes only 3 days before the expiration of the temporary bill which expires this Saturday, and we have a number of problems with the legislation coming from the other side.

First, it provides blanket retroactive amnesty for telecom companies that took part in warrantless surveillance programs. Now I have never heard, in my legal experience, that retroactive immunity, or immunity of any kind, can be given when you don't know what it is being given for, and that presents quite a large problem. Then there is no FISA Court review of certain authorizations generally referred to as "basket warrants" until after the wiretapping starts. It creates a problem that we would use the additional 21 days that we are asking for, I think that would come under very close examination.

And then there are much weaker provisions on stopping other warrantless wiretapping, for example, reverse targeting of U.S. citizens and the question of sufficient congressional oversight.

So based on the documents that have been provided so far, and they are far from complete, I have letters of requests in great detail, the case for amnesty has really not been made.

The administration's bluster and fear-mongering don't do any of us very well. That doesn't serve the purpose of our legislative function and our relationship with the several branches of government. And it should be understood as perhaps another attempt to use national security for partisan ends.

The administration's view is that the President, as Commander in Chief, can spy on Americans in the United States without a warrant, a proposition that is very seriously contested by many of our constitutional and civil liberties authorities. Congress is committed to providing the executive branch the tools it needs. But we need to do so to make sure that the power to spy on Americans is not subject to abuse or misuse. All of us in this body think that that is of paramount concern.

The administration has requested that the Congress rubber-stamp its proposed legislation but has refused to provide Congress the information that would even purport to support the legislation. It is the administration that has unfortunately played politics with this issue. The administration still hasn't provided us with all of our requested documents.

Just yesterday, another letter was sent requesting the same information we have been asking for for so long. The House can't simply be stonewalled or ignored. And it cannot exercise its constitutional responsibility and then be bullied to rubber-stamp complicated and important legislation that impacts on national security.

We hope that the measure before us today will be passed resoundingly in a bipartisan way.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself 1½ minutes.

Madam Speaker, this extension does nothing more than contribute uncertainty to our intelligence community and put our foreign surveillance activities at risk. We have a bill we can pass right now. Yesterday, the Senate approved its bipartisan FISA bill by an overwhelming majority of 68–29. The Senate bill addresses the concerns of our intelligence community and has strong bipartisan support.

The intelligence community needs a long-term fix to gaps in our intelligence laws now, not 21 days from now. What message does it send that we lack confidence in our intelligence community? Why are we making ourselves vulnerable to those who want to hurt us? Spies and terrorists don't operate by deadlines and sunsets. Neither should our intelligence laws.

We cannot allow the Protect America Act to expire and return to the status quo, unable to begin any new foreign surveillance. The time to act is now. Another extension represents a failure by the House Democratic majority to protect the American people.

We should reject this extension and urge the Democratic leadership to allow the House to consider the Senate bill, which has majority support in the House.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I reserve my time at this point.

☐ 1515

Mr. HOEKSTRA. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, what we try to do in the Intelligence Committee is to define the threat that is out there. We know that radical jihadists, al Qaeda, that it is a real threat. We attempt to provide our intelligence community with the tools that are necessary to give us, as policymakers, and others the information that is necessary to keep America safe. And at least some of us are in the business of prevention, making sure that there is not another successful attack against the United States; others are in the mode of, well, let another attack, if it happens, we want to be in a position to prosecute.

When we get down to FISA, I went through this earlier, October 25, 2001; November 14, 2001; March 5, 2002; June 12, 2002, Members of the House of Representatives were briefed on this program. Our Speaker of the House was briefed on this program, understanding what the program was, or hopefully understanding or at least asking the questions to get understanding about what the program was, what it intended to do, and the kind of information it was going to get, and the legal boundaries, the legal ramifications, and who was participating in these programs.

Now what they want to do and some want to do is throw these companies that were the Good Samaritans that decided they were going to help us, just throw them under the bus, even though, on a bipartisan basis, the legislative branch and the executive branch asked these folks and decided that these were the things that needed to be done.

The impact of this is this is having a chilling effect on all of those individuals and corporations that, from time to time, are being asked to help to keep us safe. It is like saying we saw what you did to these other folks. We are not going to be next. We are going to have to wield a fiduciary responsibility to our shareholders.

Again, it is the tradition and the experience and background of what some want to do to the intelligence community. Under President Clinton, there were massive cuts in the intelligence community. We devastated the community through the Deutch doctrine, where we cut back on human assets. And now we are doing it again. We won't give the intelligence community the tools that they need. We focus on global warming and we focus on partisan investigations. That will not keep America safe.

Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the distinguished chairman for yielding me the time. I thank him as well for his leadership. I thank Mr. REYES for his leadership. And, yes, I thank Mr. HOEKSTRA for his leadership as well, as well as Mr. SMITH.

This is a very serious issue we confront today. This bill passed the Senate less than 24 hours ago; yet this coequal branch of the government of the United States is asked to do what the minority when it was in the majority would never have done, to take exactly what the Senate tells us to take, or, frankly, what the President tells us to take.

Now, let me say that we passed a bill November 15, 3 months ago, which gave the FISA Court and which gave the intelligence community everything they needed, given the technological changes and given the demands of keeping America safe. Everything. The Senate passed a bill out of their committee at about the same time.

But I want to tell my friends on the other side of the aisle, in the Senate you have been slow-walking this bill. You have been slow-walking this bill to put us in the position we find ourselves in today. And you did it because the issue here is not the intelligence community, as Mr. HOEKSTRA talked about. It is the telecommunications companies. That is what the issue is here. Because title I would have been conferenced months ago. But, no, we do not want to apparently look very closely at what happened between the administration and the telecommunications companies.

Now, we passed a statute which said to the telecommunications companies, look, when we make phone calls, they need to be private and you can't disclose those to people, including the government, without a court order. We passed the FISA Court bill specifically to provide for the ability of our intelligence community to intercept communications, but to do so under the aegis of a court. That is what we do in America. It makes us a little different. Some governments, of course, do willy-nilly whatever they want to do.

This is not just about FISA. We incarcerate people without hearings, without lawyers. We torture people, contrary to the edicts of the international law, rationalized by an Attorney General of the United States in a memo to the President of the United States.

But I tell my friends that nobody in this institution ought to have any self-respect if what you are saying is we ought not to go to conference on this important issue, which is what you say by voting against this extension. This extension is caused almost solely by the members of the President's party in the United States Senate who would not allow this legislation to move more quickly in the Senate.

Madam Speaker, I believe our friends on the other side of the aisle and the President of the United States are taking an untenable position. And what is that position? On the one hand, if the Protect America Act expires, America will be at risk. On the other hand, if we extend and keep in force the Protect America Act, the President says he will veto it. Now, I don't know what kind of Lewis Carroll logic that is, but it certainly escapes me. If in fact, and I don't agree with the President, but if in fact it is important to keep the Protect America Act in place, then passing this extension is the best way to do so.

Now, I think there are some things that we can discuss in conference. I, frankly, have told the White House as late as just a few hours ago that I think we can discuss possible ways to move forward on this, because there is not a person on this floor that doesn't want to protect America, that doesn't want to facilitate the interception of communications valuable to that objective of protecting America and Americans.

I urge all my colleagues on both sides of the aisle to vote for this extension, just as we did by unanimous consent essentially without a vote just a few weeks ago. The contemplation then was that the Senate would act. But the Senate did not act. It did not act until less than 24 hours ago, last night, late afternoon, and now we are confronted with take it or leave it.

Do we have no self-respect in this institution? Do we have no sense of responsibility to oversee that which has been passed, to go to conference and discuss our differences? There are differences, as you know. I would hope that every Member would say to themselves, yes, we have that kind of self-respect, and we understand our responsibility as an independent House of the Congress of the United States.

The logic of the opponents of this legislation, as I said, escapes me. The Protect America Act is imperative, they say, but they oppose its extension, as I said.

Madam Speaker, I support this 21-day extension. I want everybody on this House floor to understand that if we have a 21-day extension, I am hopeful that we will go to conference, I am hopeful the Senate will agree to a conference, and I am hopeful that we can engage Republicans and Democrats on the Intelligence Committee, on the Judiciary Committee, in an honest conference trying to resolve our differences and pass legislation that helps protect America. I want to remind my colleagues that this body has already passed reauthorization, so there is no need to do that. We are ready for conference right now.

So, Madam Speaker, in closing, let me urge every Member of this House, whether you are for or against the Protect America Act, whether you are for or against immunity, whether you are for or against title I of this bill, vote for this extension, just as you would vote for a CR and not shut down the government in order to give us time to pass appropriation bills fully. That is what this is, simply to give us 3 weeks, 10 days of which we won't be here, to address this very thorny issue on which there are legitimate differences of opinion.

The only other thing one could conclude is simply we are taking the position of "Take it or leave it, House. Don't exercise your judgment, House. Don't meet your responsibilities to the American people, House."

That is not what our constituents expect us to do. Vote for this extension.

Madam Speaker, I believe our friends on the other side of the aisle and the President of the United States are taking an untenable position on this legislation to provide a 21-day extension of the Protect America Act. On one hand, they argue that the extension of the PAA is vital to our national security. Yet, on the other hand, they come to this floor and oppose—and the President is threatening to veto—the 21-day extension of the PAA.

The logic of the opponents of this legislation escapes me. The PAA is imperative, they say. But they oppose its extension?

Madam Speaker, I support this 21-day extension. Here's why: it represents progress toward a final measure to modernize the Foreign Intelligence Surveillance Act.

I want to remind my colleagues that this body has already passed legislation to reauthorize FISA. On November 15—3 months ago this Friday—the House passed the Restore Act, a bill that modernizes the technologically outdated FISA statute, gives the intelligence community the authority to intercept critical foreign communications, and honors our constitutional principles.

As we all know, this is a complicated issue. That is precisely why we're doing this extension today. With this vote, we are declaring that we will not just take whatever legislation the Senate sends us and rubber-stamp it. We are declaring that this body has a prerogative and a role in making law.

The bottom line is: responsible people in both Chambers want an opportunity to work out the differences between the House and Senate bills.

Let me close by saying, I do not agree with those who contend that the expiration of the PAA will jeopardize our national security. And, I am not alone in this view.

For example, Richard Clarke, the former chief National Security Council counterterrorism advisor to Presidents Clinton and George W. Bush, has stated (and I quote):

> Our ability to track and monitor terrorists overseas would not cease should the Protect America Act expire. If this were true, the President would not threaten to terminate any temporary extension with his veto pen. All surveillance currently occurring would continue even after legislative provisions lapsed because authorizations issued under the act are in effect up to a full year.

And, Kenneth Wainstein, the Assistant Attorney General for National Security, recently said in an interview—according to the New York Times—that if the PAA expires, intelligence officials would still be able to continue eavesdropping on already approved targets for another year under the law.

We must not fall prey to fearmongers who claim that our intelligence community could "go dark." That is simply not true.

I urge my colleagues: pass this 21-day extension of the PAA so that we may try to work out our differences with the Senate-passed legislation, and enact legislation that protects our national security and the constitutional rights of the American people.

Mr. SMITH of Texas. Madam Speaker, I yield the balance of my time, 3 minutes, to the gentleman from California (Mr. DANIEL E. LUNGREN), who has some instructive math to share with us.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I listened closely to the words of my friend from Maryland just a moment ago, and I want to assure him that I do have self-respect and I have respect for this institution. I would not have returned here after a 16-year absence if I had any other feeling. But I returned to this place because of the aftermath of 9/11, feeling that those of us who thought we might make a contribution to the defense of this Nation in whatever way we could ought to do that. And based on that, I will have to tell you, this issue is probably one of the two or three most important issues that I have dealt with since I returned to this institution.

We cannot and we will not continue to protect the American people if we are absent that kind of quality intelligence that is necessary for us to be able to figure out what the threat is and to figure out what the threat is before that threat is acted upon by the enemy. That is why this is so important. And integral to our being successful in doing that is being able to ask for assistance by those who have in their power to give assistance.

That is why it is so important, the matter the gentleman from Maryland referred to, the question of whether or not we would grant immunity to those companies who said yes when the American Government came to them in the aftermath of 9/11 and said we need your help. Without your help, it is impossible for us to get that kind of information that we will be able to utilize to be able to prevent another 9/11.

Now, the gentleman from Maryland said we haven't had enough time. I would suggest as one of the 19 members of the Judiciary Committee, I was given the opportunity, as were Members on your side of the aisle, to review that material that you say we haven't had for a long enough period of time. Interestingly enough, we have had 1 day short of 3 weeks to look at that material. So what makes anybody think if we are given 3 more weeks, 3 more weeks, that the majority side will say that is enough?

The gentleman from Maryland says he doesn't support the Protect America Act, but we are being asked on the floor to extend it for 3 more weeks. The gentleman from Maryland says just 3 more weeks. The vast majority of Members on your side of the aisle voted against it.

So how do we get to a majority position in this House dealing with that necessity of gaining this information while protecting the civil liberties of our fellow citizens? Maybe it is instructive to look at the letter dated January 28 signed by 21 Members of your side of the aisle asking the Speaker of the House to allow us to vote on, what, the very bill passed by the Senate yesterday. The very bill passed by the Senate yesterday was the subject of the letter by 21 Members of your side of the aisle. If you add those Members to our side of the aisle, that is a majority.

Allow us to vote on that up or down. Allow the majority will of this House to be done.

Mr. CONYERS. Madam Speaker, we have the right to close. Are there any more speakers?

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

☐ 1530

Mr. CONYERS. Madam Speaker and Members of the House, what we have discussed this afternoon is far too important to rush the legislative process. I hope we will rise above partisanship today and act responsibly to defend the Constitution as we have all taken an oath to do. And so I urge the bipartisan passage of the measure that has been debated.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 5349, to extend the Protect America Act of 2007 for 21 days. Let me be clear that while I do not support legislation that grants legal immunity to telecommunications companies that provide information to Federal investigators without a warrant, I recognize that the current legislation is set to expire this Saturday, February 16th. Although I do not support the Protect America Act, we need more time to work with our colleagues in the Senate on the substance of this legislation in order to ensure that we reconcile the Senate language with the RESTORE Act (H.R. 3773), which we passed in the House on November 15, 2007.

I would like to thank my Senate colleague Senator FEINGOLD, from Wisconsin, for his diligent work in trying to amend this legislation to protect American civil liberties, both at home and abroad.

Homeland security is not a Democratic or a Republican issue, it is not a House or Senate issue; it is an issue for all Americans—all of us.

The original legislation offered by the House Majority gave the Administration everything that they needed, but what the Senate is proposing virtually throws our Bill of Rights out the window, because they are telling Americans that no matter what your business is, you are subject to the unchecked scrutiny of the Attorney General without judicial intervention.

I am disheartened by the other body for their failure to recognize that we can secure America by passing responsible electronic surveillance legislation that does not compromise our civil liberties.

Madam Speaker, in August of this year, I strongly opposed S. 1927, the so-called "Protect America Act" (PAA) when it came to a vote on the House floor. Had the Bush administration and the Republican-dominated 109th Congress acted more responsibly in the 2 preceding years, we would not have been in the position of debating legislation that had such a profoundly negative impact on the national security and on American values and civil liberties in the crush of exigent circumstances. As that regrettable episode clearly showed, it is true as the saying goes that haste makes waste.

The PAA was stampeded through the Congress in the midnight hour of the last day before the long August recess on the dubious claim that it was necessary to fill a gap in the Nation's intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell. But in reality it would have eviscerated the Fourth Amendment to the Constitution and represented an unwarranted transfer of power from the courts to the Executive Branch and a Justice Department led at that time by an Attorney General whose reputation for candor and integrity was, to put it charitably, subject to considerable doubt.

The RESTORE Act, H.R. 3773, is superior to the PAA by orders of magnitude. This is due in no small measure, Madam Speaker, to the willingness of the leadership to reach out to and work with all members of the House. The result shows. The RESTORE Act does not weaken our Nation's commitment to its democratic traditions. Rather, it represents a sound policy proposal for achieving the only legitimate goals of a terrorist surveillance program, which is to ensure that American citizens and persons in America are secure in their persons, papers, and effects, but terrorists throughout the world are made insecure. Let me direct the attention of all members to several of the more important aspects of this salutary legislation.

First, H.R. 3773 explicitly affirms that the exclusive law to follow with respect to authorizing foreign surveillance gathering on U.S. soil is the Foreign Intelligence Surveillance Act (FISA). As initially enacted by Congress in 1978, the exclusivity of FISA was undisputed and unambiguous. I hasten to add, however, that while FISA remains the exclusive source of law, H.R. 3773 recognizes that the law as enacted in 1978 can and should be adapted to modern circumstances and to accommodate new technologies. And it does so by making clear that foreign-to-foreign communications are not subject to the FISA, even though modern technology enables that communication to be routed through the United States.

Second, under H.R. 3773, the Foreign Intelligence Surveillance Court (FISC) is indispensable and is accorded a meaningful role in ensuring compliance with the law. The bill ensures that the FISC is empowered to act as an Article III court should act, which means the court shall operate neither as a rubber-stamp nor a bottleneck. Rather, the function of the court is to validate the lawful exercise of executive power on the one hand, and to act as the guardian of individual rights and liberties on the other.

Third, the bill does not grant amnesty to any telecommunications company or to any other entity or individual that helped federal intelligence agencies spy illegally on innocent Americans. I strongly support this provision because granting such blanket amnesty for past misconduct will have the unintended consequence of encouraging telecommunications companies to comply with, rather than contest, illegal requests to spy on Americans. The only permissible path to legalization of conduct in this area is full compliance with the requirements of the Foreign Intelligence Surveillance Act.

Moreover, Madam Speaker, it is important to point out that the loudest demands for blanket immunity come not from the telecommunications companies but from the Administration, which raises the interesting question of whether the Administration's real motivation is to shield from public disclosure the ways and means by which government officials may have "persuaded" telecommunications companies to assist in its warrantless surveillance programs. I call my colleagues' attention to an article published in the Washington Post in which it is reported that Joseph Nacchio, the former CEO of Qwest, alleges that his company was denied NSA contracts after he declined in a February 27, 2001 meeting at Fort Meade with National Security Agency (NSA) representatives to give the NSA customer calling records.

Madam Speaker, the authorization to conduct foreign surveillance on U.S. soil provided by H.R. 3773 is temporary and will expire in 2 years if not renewed by the Congress. This is perhaps the single most important limitation on the authority conferred on the Executive Branch by this legislation. The good and sufficient reason for imposing this limitation is because the threats to America's security and the liberties of its people will change over time and thus require constant vigilance by the people's representatives in Congress.

To give a detailed illustration of just how superior the RESTORE Act is to the ill-considered and hastily enacted Protect America Act, I wish to take a few moments to discuss an important improvement in the bill that was adopted in the full Judiciary Committee markup.

The Jackson Lee amendment added during the markup made a constructive contribution to the RESTORE Act by laying down a clear, objective criterion for the administration to follow and the FISA court to enforce in preventing reverse targeting.

"Reverse targeting," a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with the PAA is that the understandable temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of strong safeguards in the PAA to prevent it.

My amendment reduces even further any such temptation to resort to reverse targeting by requiring the administration to obtain a regular, individualized FISA warrant whenever the "real" target of the surveillance is a person in the United States.

The amendment achieves this objective by requiring the Administration to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States." The current language in the bill provides that a warrant be obtained only when the Government "seeks to conduct electronic surveillance" of a person reasonably believed to be located in the United States.

It was far from clear how the operative language "seeks to" is to be interpreted. In contrast, the language used in my amendment, "significant purpose," is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson Lee amendment provides a clearer, more objective, criterion for the Administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

Let us be clear, Madam Speaker, that nothing in the bill or in my amendment requires the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States. Rather, the bill requires, as our amendment makes clear, a FISA order only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

This will usually happen over time and the Government will have the time to get an order while continuing its surveillance. And it is the national security interest to require it to obtain an order at that point, so that it can lawfully acquire all of the target person's communications rather than continuing to listen to only some of them.

The Jackson Lee amendment gives the Government precisely what Director of National Intelligence McConnell asked for when he testified before the Senate Judiciary Committee:

> It is very important to me; it is very important to members of this Committee. We should be required—we should be required in all cases to have a warrant anytime there is surveillance of a U.S. [sic] person located in the United States.

In short, the Jackson Lee amendment makes a good bill even better. For this reason alone, civil libertarians should enthusiastically embrace the RESTORE Act.

Nearly two centuries ago, Alexis de Tocqueville, who remains the most astute student of American democracy, observed that the reason democracies invariably prevail in any martial conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to martial success: initiative, innovation, resourcefulness, and courage.

As I wrote in the Politico, "the best way to win the war on terror is to remain true to our democratic traditions. If it retains its democratic character, no nation and no loose confederation of international villains will defeat the United States in the pursuit of its vital interests."

Thus, the way forward to victory in the war on terror is for the United States country to redouble its commitment to the Bill of Rights and the democratic values which every American will risk his or her life to defend. It is only by preserving our attachment to these cherished values that America will remain forever the home of the free, the land of the brave, and the country we love.

I would ask my colleagues to support this 21-day extension so that we may work together as a body, Members of both the House and the Senate to provide our citizens with the protections they so richly deserve. We need to have time to reconcile the differences between the House and the Senate in order to ensure that the important provisions of the RESTORE Act protecting the constitutional rights of Americans is preserved. I ask my colleagues to support the Bill of Rights and national security by supporting the 21-day extension in H.R. 5349.

Madam Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counter-intelligence purposes on a sound legal footing, and I am far from persuaded that it needs to be jettisoned.

First, I was prepared to accept temporarily obviating the need to obtain a court order for foreign-to-foreign communications that pass through the United States. However, I continue to insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States. This can be negotiated during this 21-day extension period.

The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a "basket warrant" without making individual determinations about foreign surveillance.

In all candor, Madam Speaker, I must restate my firm conviction that when it comes to the track record of this President's warrantless surveillance programs, there is still not enough on the public record about the nature and effectiveness of those programs, or the trustworthiness of this administration, to indicate that they require a blank check from Congress.

The Bush administration did not comply with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees "fully and currently informed" of U.S. intelligence activities. Congress cannot continue to rely on incomplete information from the Bush administration or revelations in the media. It must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within FISA and those that occur outside FISA.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including: (1) Who the NSA is targeting; (2) how it identifies its targets; (3) the information the program collects and disseminates; and most important, (4) whether the program advances national security interests without unduly compromising the privacy rights of the American people.

Given the unprecedented amount of information Americans now transmit electronically and the post-9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Madam Speaker, the legislation before us is only necessary to give this body time to work with our colleagues in the Senate. The 21-day extension will give us time to impress upon the Senate, how important it is to protect the civil rights of all Americans.

I encourage my colleagues to join me in a vote of support of this 21-day extension. H.R. 5349 gives us time to amend the unwise and ill-considered reauthorization of the Protect America Act of 2007.

Mr. VAN HOLLEN. Madam Speaker, I rise today in support of H.R. 5349, a twenty one day extension of the Protect America Act. I believe that this short term extension is necessary to achieve a long term solution to update our foreign surveillance laws in a manner that will protect the civil liberties of Americans.

I voted against the Protect America Act last August because I believe that it seriously compromises the civil liberties of Americans. I am still opposed to it as a permanent solution to our need to conform our surveillance laws to changes in telecommunication technology. Fortunately, it was scheduled to sunset in 6 months to provide additional time to correct our foreign surveillance law in a balanced manner.

The House passed such a balanced bill, H.R. 3773, the RESTORE Act, in November. I voted for this bill because I believe that it establishes the proper balance between the protection of civil liberties and the needs of our intelligence agencies to have access to critical information. Unfortunately, the Senate passed their bill yesterday giving us no time to reconcile the differences between the respective bills. Moreover, I have serious objections to the Senate bill which is dramatically different than its House counterpart.

Significant work must be done to harmonize these bills in a manner that will be acceptable to me. Consequently, it is necessary to provide additional time for the committees of jurisdiction to craft a balanced bicameral solution.

Mr. UDALL of New Mexico. Madam Speaker, I rise today to voice my opposition to H.R. 5349, which extends the Protect America Act. Last August, I joined 182 of my colleagues in opposing the Protect America Act. I opposed the PAA then because I felt it did not adequately protect our civil liberties from a continually over-reaching executive branch. The Bush administration has repeatedly tried, and with some degree of success, to extend its powers in ways that I believe encroach on our civil liberties. This legislation continues to allow these surveillance activities without providing adequate safeguards to protect Americans from this encroachment on their civil liberties.

The passage of the PAA was hasty and ill-conceived. Our intelligence community will not stop its activities should this bill expire. In fact, the PAA explicitly states that authorizations issued prior to its expiration would remain in effect until their expiration. Knowing that our Nation can continue to protect itself until more balanced legislation is passed, I can not support this extension.

Last November, the House took a stand and passed the RESTORE Act, a strong bill that gives our intelligence community the resources it needs to do its job, but also ensures that our Constitutionally guaranteed rights remain intact. Because the RESTORE Act was able to achieve all these purposes, I was able to support its passage. Because the PAA does not achieve this balance, I cannot agree to let it remain our rule of law. I continue to believe that we must have the best possible intelligence to protect our nation, but that it can be done in a manner that does not uproot the basic rights and principles guaranteed to us by our Founding Fathers. I look forward to working with my colleagues to build on the RESTORE Act.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 976, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. Madam Speaker, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Smith of Texas moves to recommit the bill, H.R. 5349, to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:
>
> Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

### POINT OF ORDER

Mr. CONYERS. Madam Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. CONYERS. The motion to recommit is not germane to the bill under consideration and therefore should not be considered.

H.R. 5349 seeks a 21-day extension of the Protect America Act as previously amended, thus amending the act so that it would expire not 195 days but 216 days after enactment.

The motion to recommit goes beyond the scope of the bill, and beyond the scope of the Protect America Act the bill temporarily extends, to make permanent changes to the FISA law, including retroactive legal amnesty for telecom companies who may have broken the law in cooperating with earlier surveillance activities. Because it goes beyond the scope of the bill and deals with a different purpose, it is not germane.

Mr. SMITH of Texas. Madam Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Madam Speaker, it is unfortunate that the Democratic majority is insisting on a procedural objection to block consideration of this motion to recommit. This motion substitutes the bipartisan bill passed yesterday by the Senate 68–29 to improve FISA, a bill that would dramatically improve our national security. It is sad to see the Democratic majority put procedure over substance when it comes to protecting Americans from terrorists.

There is nothing more germane to the security of the American people than to take up the Senate bill as quickly as possible. Therefore, I would ask the gentleman from Michigan, the chairman of the Judiciary Committee, to withdraw his point of order and allow for an up or down vote on the bipartisan Senate reform bill. I hope the gentleman will withdraw his point of order and allow us to take a vote on a bill supported by both parties in the Senate, the administration, and many Democrats in the House.

Again, I would like to reiterate my disappointment that the majority has raised a point of order against this motion to recommit. We need to stop playing procedural games with our national security and take a vote now on the Senate-passed bill to improve FISA.

Mr. CONYERS. Madam Speaker, I have never violated parliamentary procedure, and I would insist upon the point of order.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Michigan makes a point of order that the motion to recommit offered by the gentleman from Texas proposes an amendment that is not germane to the bill.

Clause 7 of rule XVI provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment.

The bill, H.R. 5349, extends the Protect America Act of 2007 for a limited time.

The instructions contained in the motion to recommit propose permanent changes in law.

A general principle of the germaneness rule is that where a bill is composed only of a temporary extension of existing programs, an amendment making permanent changes in law relating to such programs is not germane.

The Chair will note a relevant precedent. On December 2, 1982, the Chair ruled that an amendment permanently changing the organic law governing an agency's operation was not germane to a bill that merely provided a temporary authorization for the agency. This precedent is recorded on page 722 of the House Rules and Manual.

Therefore, in the opinion of the Chair, the instructions contained in the motion to recommit are not germane. The point of order is sustained.

Mr. SMITH of Texas. Madam Speaker, I move to appeal the Speaker's ruling.

The SPEAKER pro tempore. The question is: "Will the decision of the Chair stand as the judgment of the House?"

### MOTION TO TABLE OFFERED BY MR. CONYERS

Mr. CONYERS. Madam Speaker, I move to table.

The SPEAKER pro tempore. The question is on the motion to table the appeal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on passage of the bill, if ordered, and if arising without further debate or proceedings in recommital; and motions to suspend the rules with regard to House Resolution 960 and House Resolution 917.

The vote was taken by electronic device, and there were—yeas 222, nays 196, not voting 10, as follows:

[Roll No. 53]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)

Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Gilchrest
Hinojosa
Honda
Lowey
McGovern
Ortiz
Pickering
Renzi
Ruppersberger
Towns

☐ 1602

Messrs. ADERHOLT, KINGSTON, INGLIS of South Carolina and CARNEY changed their vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. SMITH of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 5-minute vote on the passage of the bill will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 960. The vote on the motion to suspend the rules on House Resolution 917 will be taken later.

The vote was taken by electronic device, and there were—ayes 191, noes 229, not voting 9, as follows:

[Roll No. 54]

AYES—191

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hirono
Hodes
Holden
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pastor
Pelosi
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wynn
Yarmuth

NOES—229

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (NY)
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Holt
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schmidt
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watt
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Gilchrest
Hinojosa
Honda
Lowey
Ortiz
Pickering
Renzi
Ruppersberger
Towns

☐ 1611

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CONGRATULATING THE NATIONAL FOOTBALL LEAGUE CHAMPION NEW YORK GIANTS FOR WINNING SUPER BOWL XLII

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 960, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the resolution, H. Res. 960.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 1, answered "present" 2, not voting 13, as follows:

[Roll No. 55]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)

Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

## NAYS—1

Murphy, Patrick

## ANSWERED "PRESENT"—2

Kagen
Shea-Porter

## NOT VOTING—13

Blackburn
Ellison
Gilchrest
Hinojosa
Honda
Lowey
Ortiz
Pickering
Renzi
Ruppersberger
Stark
Towns
Waters

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1619

Mr. WELCH of Vermont changed his vote from "present" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HONORING ROB COGORNO

(Mr. HOYER asked and was given permission to address the House for 1 minute out of order.)

Mr. HOYER. Madam Speaker, over the years, we have been greatly advantaged by some extraordinary people who work with us and for us. I have been particularly advantaged as the minority whip with an extraordinary man who has worked for me now for 5 years. Prior to that, he worked for Dick Gephardt for many years and has been on this floor working on behalf of not only the majority side or the minority side, depending on what the Democrats were, but also in trying to make sure that this institution talked to one another and worked together as well as it possibly could.

He is going to be retiring now after 25 years of service to this institution. He's been a congressional staffer since 1983. He has served as floor director for the majority leader since January of 2007, myself. In that capacity, he has been responsible for scheduling bills and managing the daily legislative program. He's provided tremendous legislative advice to so many of you on the floor who have gone to him and asked him for his counsel. He's provided policy advice to our side of the aisle and policy discussion with your side of the aisle, and he has also been a communications counsel.

There is nobody who knows this young man who does not like him. He is a decent, good, very smart, wonderful human being.

He served as floor director in my office, as I said, for 4 years. Prior to that, Rob was the chief appropriations staffer for former Democratic Leader Dick Gephardt, and he also worked for Representatives ROSA DELAURO and PETER VISCLOSKY. In those positions, his primary areas of focus included appropriations, global health, and foreign assistance.

During his career, Rob also worked for former Senator Brock Adams and former Representatives Jimmy Hayes, Cathy Long, and Gillis Long.

Rob is a graduate of the University of California Berkeley with a bachelor's degree in physiology and earned a master's in public policy at the University of Washington, and before that, was floor director for the Democratic whip's office.

All of us have deep affection for those people who spend extraordinary amounts of time at pay, which is not comparable to what they would be earning in the private sector. And I want to say, Rob Cogorno, to you, how very much I appreciate all that you have done for this institution, all that you have done for me as an individual, and I know I speak for all of the Members that we will greatly miss your advice and your counsel, your good humor and your good judgment. And we say to you, we wish you the very best of luck in everything you do.

I might also say that the young man who just gave me another piece of paper with some business is Rob's successor, and I urge Members of both sides of the aisle when he can be helpful to you, give you advice in terms of scheduling or the calendar in terms of when we are doing business, Alejandro Perez, my new floor director.

## PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. HOYER. Madam Speaker, I offer a privileged concurrent resolution (H. Con. Res. 293) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 293

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on the legislative day of Thursday, February 14, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Friday, February 15, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Friday, February 15, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10 a.m. on Tuesday, February 19, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Tuesday, February 19, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until noon on Thursday, February 21, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Thursday, February 21, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 25, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, February 15, 2008, through Friday, February 22, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 25, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. UPTON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on H. Con. Res 293 will be followed by a 5-minute vote on the motion to suspend the rules on H. Res. 917.

The vote was taken by electronic device, and there were—ayes 215, noes 203, not voting 10, as follows:

[Roll No. 56]

AYES—215

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—203

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Ackerman
Gilchrest
Hinojosa
Honda
Lowey
Ortiz
Pickering
Renzi
Ruppersberger
Towns

□ 1646

Mr. DONNELLY changed his vote from "aye" to "no."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENGINEERS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 917, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and agree to the resolution, H. Res. 917.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 20, as follows:

[Roll No. 57]

YEAS—408

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt

Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Ackerman
Berman
Braley (IA)
Clarke
English (PA)
Gilchrest
Hinojosa
Honda
Lowey
McCrery
Ortiz
Pickering
Radanovich
Renzi
Royce
Ruppersberger
Sherman
Towns
Waxman
Welch (VT)

□ 1655

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

## HONORING AND PRAISING THE NAACP ON ITS 99TH ANNIVERSARY

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 289) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 289

Whereas the National Association for the Advancement of Colored People (NAACP), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who answered 'The Call' for a national conference to discuss the civil and political rights of African-Americans;

Whereas the National Association for the Advancement of Colored People was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's 1954 decision in Brown v. Board of Education;

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws which ensured Government protection for legal victories achieved;

Whereas in 2005, the National Association for the Advancement of Colored People launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives; and

Whereas in 2007, the NAACP was prominent in lobbying for the passage of H. Res. 826, "The Noose Intimidation Bill", which expresses "that the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be a criminal act that should be thoroughly investigated by Federal law enforcement authorities and that any criminal violations should be vigorously prosecuted": Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress—

(1) recognizes the 99th anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

The SPEAKER pro tempore (Mr. HODES). Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

Today I rise and join my colleague, the Honorable AL GREEN of Texas, in honoring the National Association for the Advancement of Colored People on the occasion of its 99th anniversary. As we celebrate Black History Month, it is only appropriate that we do so by recognizing our Nation's oldest and largest civil rights organization.

The NAACP was founded on February 12, 1909, by Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling.

Since its inception, the NAACP has united students, laborers, professionals, scholars, officials, and others of all races to advance its vision of "a society in which all individuals have equal rights and there is no racial hatred or racial discrimination."

Historically, the NAACP is probably best known for its role and that of Thurgood Marshall in the seminal case of Brown v. Board of Education, in which the Supreme Court held in 1954 that "separate educational facilities are inherently unequal." Yet we must not forget that the NAACP has been at the forefront of all efforts to secure equality and justice for every American throughout the 20th century and now into the 21st century.

The NAACP spoke out against lynching, challenged racially biased Supreme Court Justice nominees as early as 1930, and pursued nondiscrimination policies in the military, war-related industries, and the Federal Government during the world wars.

At the height of the civil rights era, the NAACP fought battles on the ground, in the courtroom, and in Congress, where it lobbied for passage of civil rights legislation like the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

☐ 1700

Since then and during our current session, NAACP has lobbied for hate crimes legislation and other legislation that protects minorities, not necessarily based on race, but based on discrimination.

Today, on the shoulders of distinguished members and leaders such as Dr. Martin Luther King, Jr., Coretta Scott King, Rosa Parks, Medgar Evers, Merlie Evers-Williams, Benjamin Hooks, Julian Bond, Jesse Turner, Jr., Maxine Vasco Smith, and Kweisi Mfume, the NAACP continues to fight the good fight.

Most recently the NAACP is promoting African American graduation and college readiness, protecting and advancing voting rights, and identifying solutions to the subprime mortgage foreclosure crisis. I have the privilege of working with the association to further those important efforts.

So in recognizing the NAACP's past and present, I again salute the organization on its near centennial anniversary. I am confident the NAACP will remain an integral part of our Nation's efforts to protect and promote civil rights in the future and move society forward in a progressive manner on a wide array of issues.

I urge my colleagues to support H. Con. Res. 289.

I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support and strongly urge my colleagues to support House Concurrent Resolution 289 which recognizes the 99th anniversary of the NAACP. For almost a century, the NAACP has fought to bring justice and racial equality to this Nation. It is appropriate that we review that history.

In 1917, the NAACP won a major legal victory in the Supreme Court which held that States could no longer restrict and officially segregate African Americans into particular residential districts. The same year, the NAACP fought for the right of black Americans to be commissioned as military officers during World War I.

In 1920, the NAACP held its annual conference in Atlanta, Georgia, which at the time was one of the most active areas for the Ku Klux Klan. As a result, the NAACP showed the world it would not be intimidated by racial violence.

In 1935, NAACP lawyers Charles Houston and Thurgood Marshall won a major legal battle to admit students to the University of Maryland.

During World War II, the NAACP led the effort that resulted in President Franklin Delano Roosevelt's ordering a nondiscrimination policy in war-related industries and Federal employment.

And in 1948, the NAACP convinced President Harry Truman to sign an executive order banning discrimination by the Federal Government.

In 1954, under the leadership of Special Counsel Thurgood Marshall, the NAACP won one of its greatest legal victories in Brown v. Board of Education.

In 1960 in Greensboro, North Carolina, members of the NAACP Youth Council launched a series of nonviolent sit-ins at segregated lunch counters.

The history of America's modern struggle to live up to our constitutional principles was written in large part by the NAACP. And it continues to champion the cause of social justice today for all Americans.

The NAACP has served as the voice of those who were muzzled by fear. It served as the voice of those who were handcuffed and jailed under segregationist policies. And it carried the weight for those whose backs were nearly broken in brutal beatings fueled by racial hatred. It did so peacefully and with dignity. And as a result, America is a better place.

I am pleased to join my colleagues on this concurrent resolution honoring the historic contributions made by the NAACP to the cause of civil rights in this Nation. And I would like to conclude by acknowledging and recognizing and honoring the leadership of a gentleman in my district, Rev. Fred Shuttlesworth, who marched with Dr. Martin Luther King but who has been ill recently. He has been a leader in our community and really across the entire country in the civil rights movement, and we all keep him in our prayers and hope that he recovers quickly.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I thank the gentleman for the time.

I would like to thank Chairman CONYERS for being there and making this resolution possible and bringing it to the floor. I also would like to remember Mr. SENSENBRENNER, who at the time we first introduced this piece of legislation was the chairperson of the Judiciary Committee. And I recall how he made a great effort to get this legislation to the floor and to get it passed. I am grateful to the Honorable STEVE COHEN who is our floor leader today, a lawyer par excellence who does an outstanding job on the Judiciary Committee. Thank you so much. I am grateful to Mr. STEVE CHABOT. Thank you for your very kind words. What you said about the NAACP is entirely correct, but it is also something that means a lot to a lot of people. And I think the people across the length and breadth of this country appreciate what you have said and how you have made it clear that the NAACP is important to us in the United States Congress.

I also want to thank the many persons, about 45 of whom signed on to this piece of legislation so that we could bring it to the floor this year. This is the 99th anniversary of the NAACP, having been founded February 12, 1909. The NAACP has always been an integrated organization. It has fought for integration. But it has from its genesis been an organization that has been integrated. And while we remember many of the names of the great NAACPers, James Weldon Johnson, of course, who was one of the great executive secretaries of the organization, we will remember always the name Roy Wilkins, who was a labor leader and executive secretary of the NAACP, W.E.B. DuBois, who was one of the great intellectuals of his time and of all time. We remember Julian Bond who today is the chairperson of the organization, and Dr. Benjamin Hooks who was an FCC board member but also a lawyer and executive director of the NAACP.

But some of the names we don't always remember are names of persons who are not African Americans who were there at the genesis of this organization. Mary White Ovington, this lady held one of the very first organizational meetings of the NAACP in her living room at a time when it was not popular to host a meeting for an organization like the NAACP. I also would remember, if we would, William English Walling and Oswald Garrison Villiard. These persons were not African Americans, but they literally put their lives on the line so that African Americans could have the types of rights and privileges that we enjoy today.

The NAACP, the Nation's oldest civil rights organization, has been there at times of need when it came to issues like the Civil Rights Acts of 1957, 1960 and 1964. It was there for us when we were lobbying for the Voting Rights Act of 1965. Brown v. Board of Education is always mentioned when we think of the NAACP, for it was Thurgood Marshall who took this case to the Supreme Court and won it, integrating the schools across this country.

But the NAACP was also there in the case of Shelley v. Kramer, and the case of Borrows v. Jackson. These cases outlawed restrictive covenants, racially restrictive covenants that barred African Americans from living in certain communities. The NAACP took these cases to the Supreme Court and won them as well.

If the truth be told, we live where we live, we sleep where we sleep and we eat where we eat because of the NAACP. It has made a difference in the lives of all Americans. And I am so grateful that this Congress has seen fit to honor it today for its 99 years of service.

As of late, the NAACP was a party to the legislation that we put before Congress to deal with noose intimidation. Noose intimidation, one of the latest means by which persons are having civil rights violated, and the NAACP was there to help us push this legislation through Congress, so as to make it very clear, transpicuously so, that this country will not tolerate noose intimidation. In fact, the President of the United States, as late as yesterday, made it clear that noose intimidation is unacceptable in this country.

The NAACP has been a part of the fiber and fabric of the human rights, civil rights movement in this country. If we did not have the NAACP, we would have to create the NAACP. It has been there for us. Today we are there for the NAACP.

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I appreciate the words Mr. CHABOT expressed and Mr. GREEN. The NAACP is an outstanding organization, and I would submit that during my time here in Congress, I don't know of another group that has had a more effective lobbying force on issues concerning human rights and civil rights and rights of people who are underrepresented and need the help of government and need it in a fair and just way.

In my community of Memphis, the president of NAACP is Mrs. Johnnie Turner. We have had a great NAACP chapter. Ben Hooks, who is a former head of the agency, is a resident of my community, an outstanding individual who recently was honored by President Bush with a Medal of Freedom. And Maxine Vasco Smith and Jesse Turner who have been national officers of the NAACP are residents of my community as well.

The NAACP has been very important to Memphis but very important to this country. I thank Mr. GREEN for bringing the resolution to the floor, and I appreciate the remarks made here on the floor. I urge final passage.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the National Association for the Advancement of Colored People on its 99th Anniversary.

In 1909 the founders of the NAACP came together with the purpose of promoting the rights guaranteed under the 13th, 14th, and 15th Amendments to the Constitution.

Today, the NAACP works to ensure that all individuals have equal rights and to end racial hatred and discrimination.

The NAACP has influenced some of the greatest civil rights victories of the last century, including: the integration of our nation's schools and the Brown v. Board decision; the Voting Rights Act; striking down segregation; and the Equal Employment Opportunity Act.

Despite the advancements of the past 99 years under the leadership of the NAACP, there is still much work to be done.

The NAACP continues to promote new ideas and leadership in the fields of: educational and employment opportunities, ending health care disparities, and economic empowerment.

The NAACP instilled in America a sense of consciousness, and it continues to do so today.

I commend the NAACP on this anniversary and the thousands of individuals who continue to fight for equality and justice.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to one of the oldest and greatest civil rights organizations in our country's history. The NAACP has served for nearly a century to provide help for those who cannot help themselves, to provide justice for the wronged, and to give a voice to the disenfranchised. Though the group formed to fight for equality for minorities and the disadvantaged, the NAACP has vigilantly stood guard for all Americans so that the basic rights of none are infringed upon.

In 1909, six great Americans, Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling, banded together to produce the "Call to National Action." This founding document of the NAACP laid out the organization's goals—to protect the rights guaranteed by the 13th, 14th, and 15th Amendments to the Constitution. From their ever-present task to preserve these rights to the fight to put an end to lynching, the great victory over segregation won in 1954's Brown v. Board of Education, and their continuing crusade to protect civil rights, the NAACP has been an inimitable champion of the cause of equality and social justice in our Nation. Today, under the leadership of Chairman Julian Bond, the organization has grown to over 2,200 branches with over 500,000 members nationwide.

Connecticut is very grateful for the work that the NAACP has done in the State. Headquartered in Hartford, Connecticut and led by chapter president Scot X. Esdaile, the Connecticut NAACP has been a great advocate for civil rights in the State.

The Connecticut NAACP has been a valuable partner in local efforts to ensure civil rights. Our chapter has worked to ensure that minorities are represented in all levels of government as important legislative decisions are being made. The group worked with other local organizations to develop a talent bank of highly qualified minority candidates to fill senior-level positions in the State and combat any discrimination that might exist. The local NAACP has also worked tirelessly with the seven members of the Connecticut Congressional delegation to ensure that our Federal Government secures the blessings of liberty for all. I am proud to have a 95 percent rating from the NAACP. It remains a prevalent voice in the State and a standard-bearer of the principles of equality and justice.

Mr. Speaker, I believe we can honor the work of the NAACP best by continuing to work for the noble cause for which the organization exists: to protect the rights of all persons and eliminate hatred and racial discrimination. I extend to the NAACP my best wishes for a happy 99th anniversary and I commend and thank them for a century of service.

Mr. SCOTT of Virginia. Mr. Speaker, I am honored to rise today to congratulate the NAACP on its 99th Anniversary. As the Nation's oldest civil rights organization, the NAACP has for 99 years fought to ensure the educational, social, economic and political equality of all persons, so that all may participate and share in this country's great Democracy.

The NAACP was founded by a multi-racial group of activists who answered "The Call" to engage in a national conference to discuss the civil rights of African Americans in the summer of 1908. That year, the NAACP embarked on its mission to ensure equal rights for all citizens and to eliminate racial prejudice in the United States.

Since then, the NAACP has worked tirelessly to accomplish its mission by continually looking for ways to improve the democratic process and by seeking the enactment and enforcement of Federal, State, and local laws that secure civil rights. The NAACP furthers its mission by making the public aware of the adverse effects of racial discrimination and by seeking its elimination. The NAACP also seeks to educate the public about their constitutional rights and goes to court to enforce those rights when necessary.

Shortly after its founding in the early 1900s, the NAACP undertook an anti-lynching campaign and launched a public protest when segregation was introduced into the Federal Government. The NAACP was influential in President Harry Truman's decision to issue an Executive Order in 1948 ending discrimination by the Federal Government. In 1954, the NAACP helped bring an end to segregation in public schools in the case of Brown v. Board of Education. In 1964, it worked to raise support for the passage of the Civil Rights Act. In 1979, it helped expand voter participation through voter registration in high schools. And the list goes on.

Today, the NAACP continues to eliminate racial prejudice when it rears its ugly head, and informs the public of its intolerable presence when it does. It continues to act as a watchdog to protect the constitutional and civil rights of all people. And it educates the public about civil rights so that future generations will know tolerance and equality as the norm, rather than the exception.

I am proud to be a Diamond Life Member of the NAACP and to have once served as President of the Newport News, Virginia branch.

Mr. Speaker, I congratulate the NAACP on 99 years of service to our great country and its people, and I wish them another highly successful 99 years.

Mr. HOYER. Mr. Speaker, I am proud to support H. Con. Res. 289, the resolution introduced by Congressman Al Green to commend the National Association for the Advancement of Colored People, NAACP, on their 99th anniversary.

Few organizations have had such a wide-ranging and long-lasting impact on the United States as the NAACP. Since their founding on February 12, 1909, the NAACP has been a strong, consistent voice for minority Americans. In the face of hatred and opposition, the members of the NAACP have consistently stuck to their guiding principle of nonviolence, and worked instead through elections, the press, and the legal system. As a result of their leadership and tireless efforts, we are significantly closer to achieving political, educational, social, and economic equality for all.

As the oldest and largest civil rights organization in the United States, I congratulate the NAACP on their 99th anniversary. Their work over the past 99 years has made us a better and more tolerant Nation. I wish them the best as they continue their efforts to eliminate discrimination from all corners of our society.

Ms. LEE. Mr. Speaker, as an original cosponsor, I rise in strong support of H. Con. Res. 289, which honors the NAACP on its 99th anniversary.

I want to thank Congressman Al Green, who served as president of the Houston Branch of the NAACP for over 10 years, for once again introducing this important resolution.

I also want to recognize the outstanding job that NAACP Chairman Julian Bond has done in leading the organization.

Almost a century ago, the National Association for the Advancement of Colored People was founded in New York City during this month of February that we now recognize as Black History Month.

As a child of the civil rights movement, I witnessed first hand the leadership of the NAACP in fighting for human rights.

I remember vividly, the role the NAACP played in shattering segregation in my birthplace of El Paso, Texas.

We all know their great contributions:

From the victory in Brown vs. Board of Education, to the non-violent sit ins at segregated lunch counters, to passage of the Voting Rights Act, the NAACP has played a central role in every great civil rights battle of the last century.

Today, the Nation's oldest and largest civil rights organization continues to be a powerful voice in the ongoing struggle against injustice, oppression, and war.

The NAACP has been a dedicated and constant partner as I have worked with my colleagues to end the war in Iraq, stop the genocide in Darfur, and eradicate the global HIV/AIDS pandemic.

They opposed the Iraq war from the beginning and support our efforts to end the occupation and bring the troops home.

They led the charge in support of my bill authorizing divestment from Sudan and they worked with faith, activist and student groups to ensure that it got signed into law at the end of last year.

And on HIV/AIDS, they have consistently been on the frontlines advocating for increased funding to help end the devastation this disease has caused in the African American community.

In short, the NAACP continues to demonstrate their commitment to stand on the battlefield and lead the charge for what is right. They deserve this honor and our praise and they deserve our thanks.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. COHEN. Mr. Speaker, today I rise and join my colleague, the Honorable Al Green of Texas, in honoring the National Association for the Advancement of Colored People on the occasion of its 99th anniversary. As we celebrate Black History Month, it is only appropriate that we do so by recognizing our Nation's oldest and largest civil rights organization.

The NAACP was founded on February 12, 1909, by Ida Wells-Barnett, W.E.B. Dubois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling.

Since its inception, the NAACP has united students, laborers, professionals, scholars, officials, and others of all races to advance its vision of "a society in which all individuals have equal rights and there is no racial hatred or racial discrimination."

Historically, the NAACP is probably best known for its role and that of Thurgood Marshall in the seminal case of Brown v. Board of Education, in which the Supreme Court held in 1954 that "separate educational facilities are inherently unequal." Yet we must not forget that the NAACP has been at the forefront of all efforts to secure equality and justice for every American throughout the 20th century and now into the 21st century.

The NAACP spoke out against lynching, challenged racially biased Supreme Court Justice nominees as early as 1930, and pursued nondiscrimination policies in the military, war-related industries, and the Federal Government during the world wars.

At the height of the civil rights era, the NAACP fought battles on the ground, in the courtroom, and in Congress, where it lobbied for passage of civil rights legislation, like the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Since then and during our current session, the NAACP has lobbied for hate crimes legislation and other legislation that protects minorities, not necessarily based on race, but based on discrimination.

Today, on the shoulders of distinguished members and leaders such as Dr. Martin Luther King, Jr., Coretta Scott King, Rosa Parks, Medgar Evers, Merlie Evers-Williams, Benjamin Hooks, Julian Bond, Jesse Turner, Sr., Maxine Vasco Smith, and Kweisi Mfume, the NAACP continues to fight the good fight.

Most recently, the NAACP is promoting African American graduation and college readiness, protecting and advancing voting rights, and identifying solutions to the subprime mortgage foreclosure crisis. I have the privilege of working with the association to further these important efforts.

So, in recognizing the NAACP's past and present, I again salute the organization on its near centennial anniversary. I am confident the NAACP will remain an integral part of our Nation's efforts to protect and promote civil rights in the future and move society forward in a progressive manner on a wide array of issues.

I urge my colleagues to support H. Con. Res. 289.

Mr. COHEN. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. Cohen) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 289.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHABOT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1715

## AMERICAN BRAILLE FLAG MEMORIAL ACT

Mr. RODRIGUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4169) to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4169

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "American Braille Flag Memorial Act".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) There are more than 175,000 blind veterans.

(2) The Department of Defense estimates that 16 percent of the members of the Armed Forces who have been injured in Operation Iraqi Freedom and Operation Enduring Freedom have severe vision loss as a result of their injuries.

(3) The American Braille tactile flag was created by the Kansas Braille Transcription Institute in Wichita, Kansas, to allow blind Americans and blind veterans to experience the American flag.

(4) Arlington National Cemetery, visited by approximately 4,000,0000 people annually, is a national place of remembrance and honor for the Nation's veterans.

**SEC. 3. AUTHORIZATION OF PLACEMENT OF AN AMERICAN BRAILLE TACTILE FLAG IN ARLINGTON NATIONAL CEMETERY HONORING BLIND MEMBERS OF THE ARMED FORCES, VETERANS, AND OTHER AMERICANS.**

(a) IN GENERAL.—The Secretary of the Army is authorized to place in Arlington National Cemetery an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans.

(b) APPROVAL OF DESIGN AND SITE.—The Secretary of the Army shall have exclusive authority to approve an appropriate design and site within Arlington National Cemetery for the memorial authorized under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4169.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RODRIGUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of the American Braille Flag Memorial Act, H.R. 4169. I would like to thank my colleague, Mr. TIAHRT, for drafting this important piece of legislation and for his leadership in this area.

Today, there are nearly 1.3 million blinded and visually impaired Americans, and approximately 187,000 of those are veterans. It is estimated that 16 percent of these veterans have sustained injuries in Operation Iraqi Freedom and Operation Enduring Freedom, leaving them with some form of severe visual loss and impairment. These veterans, due to their disability, are often not afforded the opportunity to cherish and witness the American flag as those without visual impairment are. That is why passing the American Braille Flag Memorial Act is so important. It would authorize the Secretary of the Army to place an American Braille tactile flag on the grounds of the Arlington National Cemetery to honor the sacrifice of our Nation's blind veterans and members of the Armed Forces.

This legislation would also allow the Secretary of the Army to approve the appropriate design of the flag, as well as the site in the Arlington National Cemetery that would be most appropriate for the memorial, which I understand is likely to be at the visitors center. The bronze Braille American flag, generously donated by the Kansas Braille Transcription Institute, would include the Pledge of Allegiance, and allow the blind and visually impaired to feel the Stars and Stripes and colors of the American flag placed near Arlington National Cemetery Visitors Center.

I am pleased that the Blind Veterans Association, the American Council and American Foundation of the Blind wholeheartedly support this piece of legislation. Our efforts today will show the over 4 million visitors who come to the Arlington National Cemetery each year that we remember and honor the blind veterans who died in service to our Nation, as well as all veterans and servicemembers who live today with blindness and vision loss.

Mr. Speaker, this legislation provides a way to include all Americans in this wonderful patriotic experience when visiting Arlington National Cemetery and seeing the American flag where heroes are laid to rest. I am told that when feeling miniature mock-up versions of the Braille flag, blinded veterans and servicemembers often break down and cry.

It would only be appropriate to allow our blind and visually impaired veterans and servicemembers to share this experience by paying tribute and honoring them with the recognition they deserve at the hallmark of American memorials, the Arlington National Cemetery.

I urge my colleagues to support the passage of H.R. 4169 without delay.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I rise also in strong support for H.R. 4169, which would authorize the placement in Arlington National Cemetery of an American Braille tactile flag honoring blind members of the Armed Forces, veterans and other Americans.

My colleagues, our Nation's veterans have fought for our freedom, many at the expense of their health and wellbeing. Some of our veterans have not just lost use of an arm or a leg as a consequence of service, but now live in darkness from the loss of their sight.

In order to serve the needs of blind Americans, the Kansas Braille Transcription Institute created and designed a tactile American flag in Braille which would enable these blind veterans and other blind Americans the simple ability to see through the use of their hands the beauty of our American flag.

The flag has been specifically designed in a way that informs the blind of the full color of the American flag, 13 stripes and 50 stars on the blue field. Additionally, the tactile flag bears the Pledge of Allegiance in both raised print and grade one Braille. It is a plaque. It is not a traditional flag.

Mr. Speaker, I offer my full support of this great bill, the American Braille Flag Memorial Act. By placing the Braille American flag at Arlington National Cemetery, we do indeed bring honor to our Nation's blind veterans community and allow our blind veterans to see the American flag.

Mr. RODRIGUEZ. I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT), the author of the bill.

Mr. TIAHRT. I thank the gentleman from Florida and the gentleman from Texas for their assistance in helping me with this very fine piece of legislation.

Mr. Speaker, last summer, one of my constituents, Randy Cabral, president of the Kansas Braille Transcription Institute, e-mailed me with an idea, to place an American Braille flag at Arlington National Cemetery. Today, we see the fruition of one man's idea.

Prior to the creation of the American Braille flag, the American flag was not accessible to the blind. This flag was created by the Kansas Braille Transcription Institute in Wichita, Kansas.

As you can see on this poster to my left, the flag has been specially designed in a way that informs the blind of the full color of the American flag, the 13 stripes and the 50 stars on a blue field. Additionally, this tactile flag bears the Pledge of Allegiance, both in raised print and in grade one Braille.

Few know that our Nation has more than 1 million blind and low-vision veterans, and those numbers continue to rise. The Department of Defense estimates that 16 percent of those injured in Operation Iraqi Freedom and Operation Enduring Freedom suffer from severe vision loss. An additional 10 to 12 million Americans are blind or of low vision.

The American Braille Flag Memorial Act authorizes the placement of an American Braille flag at Arlington National Cemetery, a national place of remembrance and honor for our Nation's veterans. The cemetery is visited by an estimated 4 million people annually. The American Braille Flag Memorial will bring honor to our Nation's blind community and allow our blind veterans to see the American flag again.

In order to ensure that this effort will enhance and not detract from the cemetery, I have worked with the superintendent of the Arlington National Cemetery, John Metzler. Mr. Metzler believes that a 15-inch by 17-inch bronze replica of the American Braille flag would be a wonderful addition to the visitors center at the cemetery.

This is a unique bronze replica, and, as such, this new drawing and special casting had to be commissioned. The drawings for the bronze replica were completed by Kevin West, a student at Wichita Area Technical College. Kevin is a specialist in the Kansas Army National Guard. He is also a veteran of Operation Iraqi Freedom and Operation Enduring Freedom. He served in the 778th Combat Heavy Equipment Transport Group, or HET, out of Kansas City, Kansas, as both a convoy security and a HET operator. Let me take this moment to thank Kevin for his service to the Nation.

The actual bronze flag memorial will be cast free of charge by the Truxes Company of Oswego, Illinois. The Truxes Company was founded by another American hero, Mr. Bill Truxes. Mr. Truxes joined the Army Air Corps during World War II and served as a B-24 pilot. While serving in World War II, he was shot down during the Battle of the Bulge and became a POW in Germany in 1944. He was liberated at the end of the war. I greatly appreciate Mr. Truxes' patriotism and generosity in agreeing to donate the bronze casting, and I also want to thank him for his service.

With Mr. West and Mr. Truxes both donating their service, and the Kansas Braille Transcription Institute donating the transportation, this entire project will be provided to the government free of charge.

Mr. Speaker, I want to thank my 16 cosponsors and the Blind Veterans of America for their endorsement and support of this effort. But more importantly, I want to thank those who served this Nation. We owe a huge debt of gratitude to our veterans, and this simple action will mean much more to our patriotic blind veterans.

I encourage my colleagues to join with me in supporting this effort and placing the Braille flag at Arlington National Cemetery.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to again congratulate my colleague from Kansas for introducing this bill. It clearly shows a special sense of sensitivity to the needs of disabled veterans. I commend my distinguished colleague for doing this and for the support of the institute for their offering this to the government at the Arlington National Cemetery.

Again, it is a lot of hard work by Mr. TIAHRT, and I commend him. I urge my colleagues to support and pass this bill, H.R. 4169.

Mr. Speaker, I yield back the balance of my time.

Mr. RODRIGUEZ. Mr. Speaker, I want to take this opportunity also to thank both the gentleman from Florida as well as the author, TODD TIAHRT, on their efforts in this area.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RODRIGUEZ) that the House suspend the rules and pass the bill, H.R. 4169.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1730

## COMMENDING THE PEOPLE OF WASHINGTON FOR SHOWING THEIR SUPPORT FOR VETERANS

Mr. RODRIGUEZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 790) commending the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 790

Whereas every day, American men and women risk their lives serving the country in the Armed Forces;

Whereas it is important to many Americans to be able to donate money directly to causes about which they care;

Whereas it is important for residents to have a tangible way to demonstrate their support for veterans;

Whereas despite Government funding for the Nation's veterans, many important needs of veterans remain unmet;

Whereas citizens in the State of Washington have banded together in a grassroots effort to create a Veterans Family Fund Certificate of Deposit;

Whereas any financial institution in the State of Washington can choose to offer a Veterans Family Fund Certificate of Deposit;

Whereas the Bank of Clark County has become the first institution to offer these Certificates of Deposit;

Whereas the Governor of the State of Washington and the Washington State Veterans Affairs Department have expressed the State's support for this program;

Whereas when a person buys a Veterans Family Fund Certificate of Deposit from a participating financial institution, half of the interest is automatically donated to the State of Washington's Veterans Innovation Program to address the unmet needs of the State of Washington's veterans and their families;

Whereas the Veterans Innovation Program provides emergency assistance to help current or former Washington National Guard or Reserve service members cope with financial hardships, unemployment, educational needs, and many basic family necessities; and

Whereas the Veterans Family Fund Certificate of Deposit will be officially launched on November 8, 2007: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commends the people of the State of Washington for showing their support for the needs of the State of Washington's veterans; and

(2) encourages residents of other States to pursue creative ways to show their own support for veterans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my distinguished colleague, Congressman BRIAN BAIRD of Washington, for drafting this resolution which calls on the States to create innovative ways to supplement State and Federal programs created to assist our Nation's veterans. I would also like to commend the Washington delegation for the strong bipartisan support they demonstrated in introducing this resolution.

This resolution establishes a certificate of deposit in participating financial institutions that would automatically donate 50 percent of the accrued interest to the State of Washington's Veterans Innovation Program. Providing this avenue to invest in our veterans will help ensure that the needs of our Nation's heroes are available when they need them.

I strongly support the resolution and encourage all States to follow the enthusiasm and support for our veterans. Mr. Speaker, I urge my colleagues to join me in support of House Resolution 790.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I rise in support of H. Res. 790, a bill commemorating the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans.

This resolution was introduced by my distinguished colleague from Washington (Mr. BAIRD).

It was particularly inspired by the Veterans Family Fund Certificate of Deposit, an insured account created through the grassroots efforts of citizens in Washington State to benefit military veterans and their families. The Veterans Family Fund Certificate of Deposit was officially launched on November 8, 2007.

When an individual purchases a Veterans Family Fund Certificate of Deposit from a participating financial institution, half of the interest is automatically donated to the State of Washington's Veterans Innovation Program. The Veterans Innovation Program was created to provide emergency assistance to help current or former Washington National Guard or Reserve servicemembers simply cope with financial hardships, unemployment, educational needs, and many other basic family necessities.

The initiative of the citizens of the State of Washington in creating this program is to be commended. Throughout the years, young men and women across this great Nation have answered the call to duty and taken up arms in defense of our freedom and that of others in this world. We should recognize the service of these veterans and encourage others to honor them by simply passing this bill today.

I would like to thank Chairman FILNER and Ranking Member BUYER for bringing this resolution so quickly to the floor for consideration today.

I reserve the balance of my time.

Mr. RODRIGUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington, BRIAN BAIRD.

Mr. BAIRD. I thank my friend and colleague from Texas and the gentleman from Florida as well. I want to commend Chairman FILNER for his support as well.

I am very, very pleased today to recognize the efforts of my constituents, who joined together with many others from across Washington State to unite in a common endeavor, to help our veterans and their families. The desire of Washington residents to help our veterans has led to the creation of the Veterans Family Fund Certificate of Deposit in November of last year.

As my friends have described earlier, anyone wishing to show their personal support for our veterans can do so in a simple way: They can simply invest in a 6-month Veterans Family Fund Certificate of Deposit. After the 6 months, as mentioned earlier, half of the interest earned on the certificate goes back to the individual who invested, but the other half of the interest is donated as a charitable contribution to the Washington State Department of Veterans Affairs' Veterans Innovation Program.

The Department of Veterans Affairs will use the new funding to provide assistance to veterans and their families in areas where none is otherwise available through the State or Federal Government. This will include direct grants for emergency financial assistance and efforts to promote the long-term financial stability of Washington State's veterans. Speaking personally, as someone who worked in the VA system as a clinical psychologist, I can tell you how valuable this sort of flexible individualized assistance can be to helping our veterans and families.

Last year, Congress stepped up to the plate and provided significant increases in funding for our Nation's veterans, but this is a creative way for the average citizen to show his or her support for the brave men and women who have served in the Armed Forces. This program was entirely citizen-driven, and it demonstrates the power of interested individuals who come together to make a difference.

I would like to particularly acknowledge Jane Jacobsen, who was the first to come up with the idea for the program, and Mike Worthy of the Bank of Clark County who made his institution the first to participate in the program and has already sold more than $300,000 in CDs, including one which I was happy to invest in myself. I also want to acknowledge John Lee, the director of the Washington State Department of Veterans Affairs, who has supported the project from the very start. And, in particular, I want to give special recognition to the outstanding Governor of the State of Washington, Governor Christine Gregoire, who has been a key supporter and advocate for this program from its infancy.

I am joined in this effort by the entire Washington delegation on this resolution to commend the people of our State for showing their support for the needs of our veterans, and we encourage residents of other States to pursue similar creative ways to show their support for veterans. Again, I thank the Chair, I thank the gentleman from Texas and the gentleman from Florida for their time, and urge passage of this resolution.

Mr. STEARNS. Mr. Speaker, I yield back the balance of my time.

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity to recognize the Congressman from Rhode Island, Mr. PATRICK KENNEDY, for such time as he may consume.

Mr. KENNEDY. I too want to join in support of this resolution and commend my colleagues from Washington State, particularly my colleague BRIAN BAIRD.

I have always thought, and I have talked to the Bank of America about this and have an appointment with former Treasury Secretary Bob Rubin to discuss a Veterans Visa. We all have credit cards and we all have the affinity cards. They sell us cards where they have the affinity, where you get your bonus miles with American Airlines, you get your bonus miles if you use your card with a particular institution and so forth.

I figure Americans, when they use their credit card, could send their bonus miles or the equivalent of those to veterans, and they would be happy to lay down their credit cards, whether it be American Express or Visa or whatever, with a big red, white and blue credit card. And someone say, what kind of credit card is that, that it's that color? And they say, That's the Veterans Visa. That means all those bonus miles that would have gone to me being able to get a little extra bonus vacation or whatever is going to go to help our Nation's veterans. And I will tell you, I think there would be a lot of Americans out there who would be more than happy to be able to show their patriotic sense of duty when they are going around, especially those who are very comfortable and sitting in the business board rooms of this country doing business transactions all across this country and are sitting comfortably home while our young men and women are overseas fighting for this country, to be able to lay down that Veterans Visa card and have those affinity dollars go to those veterans groups. I think we could send that directly to the very great organization in New York, the Fisher Foundation which has a grade A transparent ruling for all the dollars that it sends to the Intrepid Organization and to the poly-trauma centers and all the vet centers across the country.

I think this is a terrific notion of the certificate of deposits, having a percentage of those interest payments going to veterans, and I think this is one that I am hoping to get started as well. And it follows on the same concept that you are working on here in Washington State. I hope to take your concept that you are doing in Washington State and bring it to my State of Rhode Island. I commend you on it, and I just want to salute you for the work that you are doing out in Washington State.

Mr. BAIRD. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from Washington.

Mr. BAIRD. I would just like to thank you for supporting this initiative and would in turn support your proposal.

What this comes out of is citizens saying, Look, we've got young men and women, and as many people know in this conflict, it's not just young men and women, it's people of all ages overseas in Iraq and Afghanistan and throughout the country. And when they come back home, we want to show them our support. It's a fine thing and a proper thing that we would wave a flag and say thank you for your service. But sometimes people need more than just a thanks. Sometimes they need the ability to visit a loved one; sometimes they need a home repaired; sometimes they need a little bit of help financially to go to school. And the kind of program that we are putting forward today allows over and above what we are already providing through our VA services to average citizens to provide support for doing just that. It sounds like that is what you are seeking to do, Mr. KENNEDY. I commend you for your efforts and look forward to working with you.

Mr. KENNEDY: I likewise thank the gentleman.

Mr. RODRIGUEZ. Mr. Speaker, let me also take this opportunity to congratulate the author, Mr. BRIAN BAIRD of Washington.

### GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on House Resolution 790.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I rise today in support of H. Res. 790 and to acknowledge the dedication and support provided to Washington State veterans by the Veterans Family Fund and the Washington State Department of Veterans Affairs.

As someone who is privileged to represent thousands of veterans and their families, I believe that we owe the men and women who have served our country an enormous amount of gratitude and respect.

People who have never served in uniform frequently ask me how they as individuals can support veterans beyond simply displaying a flag on Veterans' Day. Today, I am proud to say that the Veterans Family Fund, in coordination with the Washington State Department of Veterans Affairs, has provided a way for all citizens to directly show their support for our veterans year-round, and provide financial assistance to those veterans and their families who need a bit of extra support.

The program is simple, and requires only a modest financial commitment. When taking out a "Veterans Family Fund" Certificate of Deposit for at least 6 months, individuals pledge that half of the interest earned by the certificate will be donated to benefit veterans and their families, while the investor receives the other half of the interest, and a tax deduction for their contribution. The contributions are managed and disbursed to veterans and their families who are in need by the Veterans Innovations Program, operated by the Washington State Department of Veterans Affairs.

The Veterans Family Fund is an independent organization founded by local citizens to help all Washington State veterans. I would like to take a moment to specifically acknowledge the members of the Veterans Family Fund Steering Committee, who made this program possible: Jane Jacobsen, Executive Director, Confluence Project; Michael C. Worthy, CEO, Bank of Clark County; Robert Friedenwald, Colonel (retired), U.S. Army; Betsy Henning, Principal, Alling Henning Associates; and John Lee, Director, Washington State Department of Veterans Affairs.

I encourage other States to look at the Washington State Department of Veterans Affairs, and the Veterans Family Fund, as a model of creativity and innovation in providing support for our veterans at the local level. I commend their work and ask my colleagues to support the resolution.

Mr. REICHERT. Mr. Speaker, it is a privilege to stand with our State delegation to recognize an important new program begun in Washington to support our soldiers and veterans.

We must never forget that we enjoy our freedom today because of the courage, commitment, and sacrifice of generations of men and women in uniform. From the beaches of Normandy to the jungles of Vietnam, our troops have willingly and repeatedly stood in harm's way to preserve the values and liberties we cherish.

I know my colleagues who stand here with me today share my commitment to keeping our promises to America's veterans. But we must also keep our promise to veterans in our communities, and the Veterans Family Fund Certificate of Deposit is a perfect example of just such an effort. It is a straightforward way of raising additional funds to meet the needs of Washington veterans and their families, and to assist our returning troops in making a seamless transition home.

This program represents some of the very best that can come from public-private partnerships. I commend the many participating banks and credit unions for joining with the State VA to make this initiative possible, and I hope that other States will soon follow Washington's lead.

No matter how big or small the effort, we must continue to pursue every available means of supporting our troops. We are the United States of America today, and we are free, because of the sacrifices of these men and women in uniform who put their lives on the line—for us, for their country.

Mr. RODRIGUEZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RODRIGUEZ) that the House suspend the rules and agree to the resolution, H. Res. 790.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## SUPPORTING THE GOALS AND IDEALS OF NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK

Mr. RODRIGUEZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 963) supporting the goals and ideals of National Salute to Hospitalized Veterans Week, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 963

Whereas February 11–15, 2008, has been designated by the President as National Salute to Hospitalized Veterans Week;

Whereas the National Salute to Hospitalized Veterans week each year is an opportunity to thank a special group of men and women, the more than 98,000 veterans of the United States Armed Forces, who are cared for every day in Department of Veterans Affairs (VA) medical centers, outpatient clinics, domiciliaries, and nursing homes;

Whereas at the 155 VA hospitals across the Nation, there are veterans who face the physical and mental wounds of combat every day, long after their military service has been completed;

Whereas we can never fully repay our debt of gratitude to the veterans, but will thank and support them with our words and deeds;

Whereas Mike Vogel, motion picture actor and star of the newly-released "Cloverfield", will lead the VA's annual patient recognition program as the national spokesperson, inviting the public to visit and honor hospitalized veterans during National Salute to Hospitalized Veterans Week; and

Whereas Mike Vogel will be the youngest celebrity to lead the National Salute, bringing youthful energy to the program at a time when the number of young combat veterans under the care of the VA is growing, and as the VA is looking to younger generations of Americans to replenish an aging volunteer force: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the National Salute to Hospitalized Veterans Program and its efforts to pay tribute to and express appreciation for hospitalized veterans, to increase community awareness of the role of VA medical centers, and to encourage citizens to visit hospitalized veterans and become involved as volunteers;

(2) encourages citizens who live near a VA hospital or clinic to take time this week to visit and thank our veterans; and

(3) will continue to work with veterans service organizations to support our veterans with words, actions, and financial assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, throughout the Nation's history, we have relied on the patriotism, valor, courage and unselfishness of those who wear the uniform of the Armed Forces. With this service comes the real possibility of receiving an injury in answering the call to duty. The global war on terrorism is no exception. To date, over 31,000 servicemen and -women have been wounded in action and nearly 4,000 killed.

For 30 years, the Department of Veterans Affairs has designated the week of February 14 as the National Salute to Hospitalized Veterans Week. The goals of the program are to pay tribute and express appreciation to hospitalized veterans, to increase community awareness, and to encourage individuals to become involved at their local VA as volunteers.

The VA's Voluntary Service is the largest volunteer program in the Federal Government. Over the past 60 years, VA volunteers have donated more than 689 million hours of service worth an estimated $12.9 billion. In fiscal year 2007, 85,428 active volunteers contributed a total of more than 11.6 million hours of service, equal to 5,574 full-time employees, worth $218 million.

Let's not forget those who have fought for this country in their time of greatest need. Join me in recognizing and paying tribute to the hospitalized veterans. I challenge each and every person to go visit their local VA medical center and brighten the smile on a veteran's face.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I might consume.

I also rise today in support of H. Res. 963, supporting the goals and ideals of National Salute to Hospitalized Veterans Week, and for other purposes. I would like to thank my colleagues Mr. RODRIGUEZ and Mr. MILLER of Florida for sponsoring this timely piece of legislation.

The President has designated this week, February 11 through 15, as National Salute to Hospitalized Veterans Week. This week provides the American people the opportunity to thank a special group of men and women, the more than 98,000 veterans of the United States Armed Forces, who are cared for every day by the Department of Veterans Affairs medical centers, outpatient clinics, domiciliaries, and nursing homes across this Nation.

Mr. Speaker, this resolution specifically shows the support of the United States House of Representatives for the National Salute to Hospitalized Veterans Program and its efforts to pay tribute to and express appreciation for these hospitalized veterans. The resolution also seeks to increase community awareness of the role of VA medical centers, and to encourage citizens to visit hospitalized veterans and become involved as volunteers. The resolution also encourages citizens who live near a VA hospital or clinic to just take time to visit and thank our veterans personally.

During my visits with veterans at the Gainesville, Florida VA Medical Center and my trip this past year to Ramstein to visit the troops at the hospital, I have also been inspired by the courage and honor that is displayed by these heroes. You will walk away feeling a whole lot better than when you came in, because you're so proud of what they've done.

Finally, Mr. Speaker, this resolution assures our Nation's veterans that we in Congress will continue to work with veterans service organizations to support our veterans with words, actions, and financial assistance.

Again, Mr. Speaker, I rise in strong support of House Resolution 963.

I reserve the balance of my time.

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Mr. RODRIGUEZ. Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, let me conclude and extend my thanks to Chairman FILNER and Ranking Member BUYER for not just bringing this resolution to the House floor but also the two previous bills. These reinforce Congress' commitment to serving America's veterans.

Mr. Speaker, I yield back the balance of my time.

### GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 963.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to speak in support of the National Salute to Hospitalized Veterans Week.

The Department of Veterans Affairs facilities care for over 98,000 veterans every day.

The veteran organizations in my district are extremely active in visiting and volunteering to help hospitalized veterans being treated in the surrounding medical facilities.

I would like to recognize the contributions of our local Veterans of Foreign Wars, American Legion, and Disabled American Veterans posts, as well as the Korean War Veterans, Vietnam War Veterans, the Polish Legion of American Veterans and the Brooksville Elks Lodge. The efforts of these groups pay tribute and express the appreciation of a grateful nation, not only to hospitalized veterans but to every man and woman that has ever worn the uniform.

The contributions of volunteers go a long way, but we in Congress need to reaffirm our commitment to providing veterans with the facilities they need to get the care they deserve.

I am pleased to see that in this year's budget the President included $120 million for the new VA Medical Facility in Orlando, FL, on the Lake Nona site. This new facility will provide acute care, complex specialty care and advanced diagnostic services through a hospital, an outpatient clinic, a 118-bed nursing home, and a 60-bed domiciliary.

I was also pleased that the President's budget included funding for the expansion of the Tampa Polytrauma Rehabilitation Center. This funding will help to improve the facilities and the scope of services available to our severely wounded veterans at the Tampa Polytrauma Rehabilitation Center.

I hope my colleagues will join me in voicing their commitment for the future funding needs of these important projects.

Mr. BACA. Mr. Speaker, I rise today in support of H. Res. 963, supporting the goals and ideals of National Salute to Hospitalized Veterans Week.

February 11–15, 2008, has been designated by the President as National Salute to Hospitalized Veterans Week. In over 155 VA hospitals across the Nation, we have suffering veterans who face the physical and mental wounds of combat every day. As a veteran myself, I understand the real-life sacrifices an individual does through while on duty. Living far away from family and loved ones is a sacrifice that hospitalized veterans continue to face every day.

As President's Day approaches, let us not forget those veterans that are the real-life examples of the courage and service our Nation was founded on. These veterans are our heroes—and now they need a hero of their own to thank them for their service and sacrifice.

I urge my colleagues to vote in favor of this most dignified and deserving honor for our hospitalized veterans.

Mr. MILLER of Florida. Mr. Speaker, I rise today in strong support of H. Res. 963, supporting the goals and ideals of National Salute to Hospitalized Veterans Week.

National Salute to Hospitalized Veterans Week this year is February 11th to 15th, and so it is appropriate that we are here today to pay tribute to those who have put their lives on the line for our Nation's freedom.

H. Res. 963 supports the National Salute to Hospitalized Veterans Program and the program's efforts to express appreciation to hospitalized veterans for their efforts and increase awareness of the importance of Veterans' Affairs medical centers throughout the country. The resolution also supports the program's work to encourage citizens to visit hospitalized veterans and volunteer their services.

Mr. Speaker, for centuries our brave service men and women have given their utmost to ensure our liberty here at home. We owe our soldiers an eternal debt of gratitude, and giving our support to hospitalized veterans and recognizing their service as we are doing today is one important step toward paying that debt.

Mr. RODRIGUEZ. Mr. Speaker, I ask my colleagues to unanimously support H. Res. 963, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RODRIGUEZ) that the House suspend the rules and agree to the resolution, H. Res. 963.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

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## SUPPORTING THE GOALS AND IDEALS OF AMERICAN HEART MONTH AND NATIONAL WEAR RED DAY

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 972) supporting the goals and ideals of American Heart Month and National Wear Red Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 972

Whereas diseases of the heart are the Nation's leading cause of death and stroke is the third leading cause of death in both men and women;

Whereas nearly 2,400 American men, women, and children die of cardiovascular disease each day, an average of one death every 37 seconds;

Whereas many people do not recognize that heart disease, stroke, and other cardiovascular diseases are the number 1 killer of American women, claiming the lives of almost 460,000 American women each year or about one per minute;

Whereas we as a Nation have made great progress in reducing the death rates for coronary heart disease, but this progress has been much more modest in women and minorities, resulting in cardiovascular disease disparities;

Whereas many minority women, including African-American, Hispanic, Native-American and some subgroups of Asian-American women, have a greater prevalence of risk factors or are at a higher risk of death from heart disease, stroke, and other cardiovascular diseases, but they are less likely to know of this risk;

Whereas cardiovascular diseases cost the Nation more than any other cause of death, with direct and indirect costs estimated to reach $448.5 billion in the United States in 2008;

Whereas the research is clear that there are tools available to prevent heart disease, stroke, and other cardiovascular diseases and to improve survival rates from cardiovascular disease;

Whereas Congress, by Joint Resolution approved on December 30, 1963, requested that the President issue an annual proclamation designating February as "American Heart Month";

Whereas the National Heart, Lung, and Blood Institute of the National Institutes of Health, the American Heart Association, and many other organizations celebrate "National Wear Red Day" during February by "going red" to increase awareness about heart disease as the leading killer of women; and

Whereas every year since 1964 the President has issued a proclamation designating the month of February as "American Heart Month": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of "American Heart Month" and "National Wear Red Day";

(2) commends the efforts of States, territories and possessions of the United States, localities, nonprofit organizations, businesses, and other entities, and the people of the United States who support "American Heart Month" and "National Wear Red Day";

(3) recognizes and reaffirms our commitment to fighting heart disease and stroke by promoting awareness about its causes, risks, and prevention, supporting research, and expanding access to medical treatment; and

(4) encourages each and every American to learn about their own personal risk for heart disease.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentlewoman from North Carolina (Mrs. MYRICK) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

### GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H. Res. 972 which I am proud to have introduced with Congresswomen FALLIN, SCHAKOWSKY, MCMORRIS RODGERS, CHRISTENSEN, and CUBIN. This diverse group of lead sponsors is testament to the importance of raising greater awareness about heart disease, and especially heart disease in women.

The resolution recognizes both Heart Month and National Wear Red Day, both of which occur in February. Heart Month was first designated 45 years ago and has served as a launching pad to spur advocates into action around the country.

In my hometown of Santa Barbara, there will be a Go Red for Women luncheon in the coming weeks. This event provides opportunities for women to learn more about heart health for themselves and also for the role they often play as the health decisionmaker in their families.

The importance of community events like Go Red for Women lunches cannot be overstated. Heart disease is the number one killer of both women and men. But now, in fact, more women than men die of heart disease each year. Unfortunately, there is still an existing knowledge gap both in terms of public awareness and professional awareness.

Despite the fact that almost 460,000 American women die of heart disease every year, women are still grossly underrepresented in clinical trials, as one example. The numbers are even worse for minority women who are at an even greater risk for developing heart disease and who have many more barriers to accessing care.

So today, as we pass this resolution to recognize the importance of Heart Month and Wear Red Day, let us use this opportunity to discuss the real changes we can make to improve women's heart health.

My colleague, BARBARA CUBIN, and I have introduced H.R. 1014 the HEART for Women Act. This act takes crucial steps to address women's heart health. It ensures that research is stratified by gender. In other words, that we recognize that women need to have research that will take their needs into consideration, provides for an educational campaign for health professionals, and expands the very successful WISEWOMAN program that conducts cardiovascular screening for low-income women that has been, in the pilot phase, proven very successful in various parts of the country.

We had a successful hearing in the Health Subcommittee, and I would like to thank the Energy and Commerce Committee for working hard to move this legislation along in, I hope, the very near future.

Finally, I would like to thank the Speaker for suggesting that we encourage everyone to wear red tomorrow in order that we be even more visible to all of our colleagues and others on the Hill to continue this very important dialogue.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I thank the gentlelady, my friend from California, for all of the hard work she has put into this issue for the last several years, not just this year. It has been a real passion with her for a long time, and I thank her for that.

I rise in support of this important resolution because it does raise awareness about heart disease and the effect on women, which doesn't get talked about as much as heart disease in men.

As a breast cancer survivor, I spend a lot of time raising awareness about breast cancer and the importance of preventive screening and effective treatments. Those are vital battles, and as a country we have made great strides towards earlier detection of cancer and less invasive treatments.

But when we are reminded that heart disease is the leading cause of death for American women, it is a sobering thought. I remember being surprised to learn that the physical symptoms of heart attacks in women are often different than they are in men. Women are less likely to feel typical chest pains during the attacks. Women's symptoms are often characterized by back pain, nausea, indigestion, dizziness, and fatigue. While typical symptoms are hard to recognize, it is important to be vigilant about heart health.

Many lifesaving treatments like anticlotting drugs and angioplasty work best if given within the first hour of a heart attack, so it is important that we know what is going on with us as women. But before you get to that point, you want to prevent life-threatening heart attacks the easy way, through lifestyle changes that can keep heart disease in check.

The NIH and the FDA have helpful guidelines about steps that all American women and men can take to improve heart health. Some tips are as easy as talking to your doctor about it, and some are as easy as taking a daily stroll.

I appreciate the opportunity to speak on this resolution, and I hope women all across the country will take some time to do something good for themselves relative to their heart, and to wear red.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I would like to yield so much time as she may consume to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, we are all joining together to sponsor this resolution. Before I speak, I want to commend both the gentlelady from California and the gentlelady from North Carolina for the exceptional work that they have done on this issue.

We all are on the Health Subcommittee. They have worked diligently on this and have continued in their efforts to raise awareness on heart health for women. The resolution is timely. It is something that we hope tomorrow is going to share the limelight a bit with Valentine's Day as we raise awareness on the importance of heart health for women.

It is also something that is important as an educational tool as we each individually, and then all working together, continue our outreach efforts to make certain that women are aware of the signs of the disease, they are aware of the precautions, and they are then properly informed of the steps that they need to take.

Again, I commend my colleagues for their diligence and work. I appreciate the opportunity to sponsor the legislation with them.

Mrs. CAPPS. Mr. Speaker, I continue to reserve my time.

Mrs. MYRICK. Mr. Speaker, I yield to the gentlewoman from Oklahoma (Ms. FALLIN), who is a cosponsor of this resolution, such time as she may consume.

Ms. FALLIN. Mr. Speaker, I appreciate both of my fine colleagues here and their sponsorship of this great resolution to honor women and, of course, the American Heart Association Go Red for Women Month. It is a very important resolution, and I thank the gentlewoman from California for her leadership in the Women's Caucus, especially in highlighting women's health.

I, too, am very proud to be a sponsor of this legislation. As you know, February is American Heart Month, and now is a great time for all of our Members of Congress, and concerned citizens in our Nation, to focus on how we can live healthier lifestyles, to educate ourselves on what we can do to prevent heart disease and to prevent stroke, and to live the kind of quality of life that we all deserve.

I think it has already been mentioned that heart disease is the number one killer in the United States, and it certainly is a huge problem in the State of Oklahoma. Heart disease afflicts more than one in four Americans, and nearly 80 million in total in our Nation. And for many, it is a deadly disease. Heart disease also kills about two Americans per minute.

And contrary to popular opinion, heart disease is every bit as dangerous for women as it is for men. In the last two decades, more women than men have died from it. In my home State alone, almost 20 women a day die from heart-related illnesses.

Tomorrow, millions of men and women are participating in National Go Red Day. I know I have on black today, and I think all the other ladies have on black, but tomorrow we will be wearing our red. I encourage all of our colleagues here in Congress to wear their red, as well as those around the Nation.

As we wear red tomorrow, we will remind those around us of the importance of fighting this disease. And we can fight this disease by starting just to take some simple precautions: exercising, maintaining healthy eating styles, and refraining of course from habits that are harmful to our health like smoking.

Mr. Speaker, I encourage my colleagues and all Americans to wear red tomorrow, and to remember the millions of people who suffer with heart disease and to think about what we can do to fight this terrible illness.

Mrs. CAPPS. Mr. Speaker, I want to commend our colleagues who have spoken to this important topic, and particularly my good friend and colleague from North Carolina, Mrs. MYRICK, who is symbolizing in her attire what we will all be doing tomorrow, which is not only Valentine's Day but Wear Red Day during Heart Month, to underscore the need for all of us to pay attention to women and heart disease in this month of February.

Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 972, Supporting the Goals and Ideals of American Heart Month and National Wear Red Day. February is American Heart month, and today, I join women across the country by wearing red to increase the awareness of heart disease as the leading killer among women and men.

Minorities are disproportionately affected by cardiac disease. In a diverse State like Hawaii, this is an especially important issue. As a Congresswoman, I support funding for medical research and improved treatment. And I will continue to advocate for affordable, accessible health care for all.

However, fighting heart disease is not only a public policy issue. Americans can help prevent and reduce heart disease and decrease the deaths it causes through education and lifestyle changes. Adults should learn the signs of heart attack and stroke, because quick recognition will increase the chance of survival. And we should all make a point to live healthier. Eating better, exercising more, and refraining from smoking are common sense lifestyle choices that could save our lives. I know how hard it is to make time to eat right and get to the gym—but it is worth it. As we celebrate Valentine's Day and affairs of the heart, let us commit ourselves to making that effort for improved heart health.

Mrs. MYRICK. I have no further speakers, and I also I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 972.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MYRICK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## EXPRESSING SYMPATHIES AND SUPPORT FOR THE INDIVIDUALS AND INSTITUTIONS AFFECTED BY THE POWERFUL TORNADOS THAT STRUCK CERTAIN COMMUNITIES ON FEBRUARY 5, 2008

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 971) expressing the sympathies and support of the House of Representatives for the individuals and institutions affected by the powerful tornados that struck communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee on February 5, 2008.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 971

Whereas on the evening of Tuesday, February 5th, 2008, more than 100 tornados devastated communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee;

Whereas more than 50 lives were lost in the deadliest tornado outbreak in the United States in more than 20 years;

Whereas more than a thousand homes, schools, and businesses were destroyed and tens of thousands of residents of the Mississippi Valley have been left without power;

Whereas the effect of the storms on Mississippi Valley families and businesses is still being felt;

Whereas hundreds of volunteers took time from their daily lives to help ensure that the victims of the storm are sheltered, clothed, fed, and emotionally comforted through this traumatic event;

Whereas the Federal Emergency Management Agency, first responders, the National Guard, and additional emergency personnel have coordinated with local authorities and firefighters and have performed beyond the call of duty in the preservation and protection of human lives; and

Whereas the strength, courage, and determination of the citizens of the Mississippi Valley have been evident following the tornados: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses its deepest sympathies to the citizens of the States hit by the storms over the devastation caused by the powerful tornados that struck their communities on February 5th, 2008;

(2) expresses its appreciation to the Federal Emergency Management Agency, first responders, and the others involved in the relief effort for their valiant service to those affected by the storms; and

(3) expresses its support as the citizens of these communities continue their efforts to rebuild their community and their lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentlewoman from Oklahoma (Ms. FALLIN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 971.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, if it's appropriate, normally I would yield myself time now, but I would like to yield some time on the front end to Mr. TANNER from Tennessee because he has to be somewhere. So with the indulgence of the other side, I would like to first yield to Mr. TANNER for remarks.

Mr. TANNER. Mr. COHEN, I do appreciate this courtesy, and I thank the gentlelady from Oklahoma for allowing me to go ahead and speak.

Mr. Speaker, I want to commend the Federal response to the tornados that occurred in Tennessee. I left here early last week and went down to my district in west and middle Tennessee to view, with the Governor of our State and others, the tremendous damage that was done, the loss of life that occurred. And I want to say that the Secretary of Homeland Security and the Director of FEMA were there as I got there last Thursday morning.

And as we toured in Tennessee, most of the damage that we saw occurred near Jackson, Tennessee, where our daughter, our two grandchildren and son-in-law live, at a place called Union University. President David Dockery met us there that Thursday morning, and I can only describe the devastation to Union, the dorms and so on as horrendous; and also conclude that it was a miracle that there was no more bodily injury or loss of life than occurred at Union.

But the other thing, other than the Secretary and the Director of FEMA being there was, in the aftermath of these tragedies like we've seen, and this is the fourth tornado that has basically hit Jackson, Madison County, Tennessee since 1999, the outpouring of help from friends, neighbors and others there gives one a great sense of resolve and gives one the magnanimous feeling of the human spirit rising out of the ashes of these tremendous natural disasters.

Let me just make the observation that we appreciate the quick response of the Federal Government, the State government, all of the FEMA people there, but particularly to the friends, neighbors and my constituents, of those who were injured, who lost everything, their houses gone, it is truly a blessing to see people come together, even under tragic circumstances.

I want to commend Mr. COHEN for bringing this. It hit Memphis, also, as well as middle Tennessee and the other States. But let me just simply add my congratulations to those who brought this resolution, and my thanks to those for the recognition of so many who are doing so much at this time to help those who have suffered so much.

Mr. COHEN. Mr. Speaker, if I may go on with my remarks.

I rise to support House Resolution 971, which is a resolution to express sympathy and support for the individuals and institutions affected by the powerful tornados that swept through the Southeastern Conference States of Alabama, Arkansas, Mississippi, Kentucky and Tennessee just over 2 weeks ago.

Over 100 tornados landed, they killed over 50 people, destroyed hundreds of homes, schools and businesses, and left thousands of people without power. In true American spirit and resolve, hundreds of volunteers cared for the victims and provided shelter, food and clothing.

I express my heartfelt sympathy to all of our fellow citizens in the wake of Mother Nature's wrath, and to commend the men and women who serve this Nation as first responders, police officers, firefighters and emergency medical personnel who place themselves in great danger every day but did on this day as well to protect us and the people that were in harm's way. Our neighbors and friends deserve our sympathy and prayers, and the first responders deserve our deepest thanks and respect.

On the occasion of the day after the tornados, Congresswoman BLACKBURN joined me in Memphis, and we toured around Hickory Hills and met with some individuals, the mayors of Wharton and Harrington and other city officials in Memphis to make sure that the proper procedures were followed.

I talked to the FEMA Director, Mr. Paulison, and he assured me, and he's followed through on his promise that FEMA would do all they could to help the residents in Tennessee and in the other States as well.

I would like to commend President Bush for his quick response. He responded to Governor Bredeson's request to have Tennessee and other areas declared disaster areas, and that was done. And FEMA is on the ground, already issuing checks and helping people.

We've seen a great response from the Federal Government when it was needed, and we're looking for more response, which we're working on now, to provide to our people throughout that district.

I appreciate the gentlelady from Oklahoma (Ms. FALLIN) indulging me and allowing Mr. TANNER to speak and make his important appointment.

Mr. Speaker, I reserve the balance of my time.

Ms. FALLIN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 971, introduced by Mr. GORDON of Tennessee. The resolution expresses the heartfelt sympathy of the House of Representatives for the victims of the devastating tornados that struck communities in the States of Alabama, Arkansas, Kentucky, Mississippi and Tennessee.

On February 5, 2008, more than 100 tornados devastated communities throughout the Mississippi Valley, resulting in the deadliest tornado outbreak in the United States in 20 years. The tornados took the lives of 50 people, injured countless others, and damaged or destroyed more than 1,000 homes. Additionally, the tornados have left tens of thousands of residents in the Mississippi Valley without power.

In response to these deadly tornados, local, State and Federal officials and emergency personnel responded swiftly to preserve and protect human lives. Their selfless actions saved lives and helped their communities in their efforts to recover from the disaster.

This resolution is a fitting commendation of the courage and determination of local citizens, businesses and volunteer organizations following the disaster. They have shown their heroism and compassion for their fellow citizens while faced with such destruction.

The citizens of the States of Alabama, Arkansas, Kentucky, Mississippi and Tennessee will work hard to rebuild and to make every effort to ensure the recovery of their communities. In recognition of their efforts, this resolution reaffirms our support as they continue to rebuild their homes and their lives.

Mr. Speaker, I'd like to extend my heartfelt sympathy and my prayers to all those who have been affected by this tragedy and to their families. I support this resolution and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I reserve the balance of my time to close.

Ms. FALLIN. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise in support of House Resolution 971, and appreciate the efforts of Mr. GORDON to bring the resolution forward.

Mr. Speaker, my colleagues have spoken about being on the ground and seeing firsthand the devastation and, of course, Congressman TANNER, Congressman COHEN and I all have counties that were affected by this.

We had nine counties that saw devastation and destruction with the impact of this EF-4 tornado. We had Shelby County, Fayette, McNairy, Hardin, Hickman, Perry, Wayne, Williamson, Montgomery County. Each saw devastation, destruction of property and loss of life.

Mr. Speaker, indeed, we extend our condolences to those families who have lost their lives, and to their loved ones who have seen that loss of life. And we also extend our condolences to those families who have lost their livelihood because, indeed, as has been stated, the destruction is unimaginable.

I have a poster right here from Sunday afternoon when we were in Hardin County at Sharon Baptist Church, which was a wonderful church and school. It was completely obliterated. All six buildings on the campus of that church were obliterated.

And while you see the destruction that is just unimaginable, what you also see is the rising of the human spirit and neighbors who are reaching out to help. I asked Dr. Spencer, who pastors that church, what next? How do they move forward? Because they had nothing left. They had a hymnal that was found two counties over, but other than that, nothing left.

And he said, well, tomorrow morning we start to rebuild. And tomorrow morning we're going to be pulling out the scrap metal, and we're going to be moving the rubble to the street. And tomorrow morning is a new day. And that is the spirit that we see of individuals pitching in, neighbors coming to help.

Now they've also been so well supported by FEMA, by Director Paulison, by TEMA, and the team that is on the ground, by our State and local elected officials who didn't sit around and wait for someone to say they're coming to take care of it. They took action and said, we're going to get this done. It has been a wonderful testament to the volunteer spirit of our great State of Tennessee.

I commend all of those who have served, who have shown up to help and again extend my condolences to those who have lost family members and have lost the means of their livelihood.

Mr. COHEN. Mr. Speaker, I yield as much time as the gentleman from Pall Mall, Tennessee (Mr. LINCOLN DAVIS) needs.

Mr. LINCOLN DAVIS of Tennessee. I thank the gentleman from Memphis, and deeply appreciate your management today of this resolution that we are discussing here on the U.S. House floor.

The tornados and storms and winds that recently tore across the South wrought upon each of our States the tragedy of loss of lives and families being separated. By now all of us have seen the images of fallen trees and toppled homes and, one by one, Tennesseans and other Southerners affected by this disaster have begun the seemingly impossible task of piecing their lives together, clearing wreckage, mourning the lost, and recovering whatever the storm failed to claim.

Our planet, for all its blessings, chooses indiscriminately at times to affront our shores, plains, valleys and farmlands with terrible acts. I'm proud to say, though, as we face the worst of the forces we cannot control, we continue to see the best of the humanitarian spirit that is very much within our power to command.

In this time of need, volunteer associations from the United Way to the Red Cross helped bring aid and comfort to the affected. Within days of the tornados' passing, the Red Cross alone helped provide shelter, comfort and over 44,000 meals with the help of nearly 1,600 Red Cross staff and volunteers in Tennessee alone.

Our local sheriff's departments and volunteer fire departments, neighbors, friends, those from the farm next door or the neighbor next door that may not have lost their home gathered together to offer a shoulder of condolence, hope for the future, and concern and compassion for those affected.

□ 1815

It was not long ago that the people of New Orleans endured the worst of what can happen when we fail to act. And in the wake of the storms in Tennessee and the South, we have shown that we will never commit the sin of inaction again. This week and last, we have shown there is no tornado so powerful, no storm so terrible that the winds of compassion cannot restore and repair any damage brought upon us.

We rise today to honor the losses of those affected, to grieve for those who were so callously and abruptly taken from us that night, and we placed a renewal of our great country and our States in the wake of this storm.

Mr. COHEN. Mr. Speaker, I reserve the balance of my time.

Ms. FALLIN. Mr. Speaker, I yield such time as he would consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I think Mahatma Gandhi once said that if all of the people who profess to be Christians would act like Jesus, the world would be at their feet. And I was reminded of that last week, because when we gathered Sunday morning for the Johnson Atchley Sunday School class at Red Bank Baptist Church where I go, ironically the lesson was on witnessing; and many times people consider "witnessing" as sharing the Gospel verbally. But we all know the most powerful witness that anybody can give of their faith and their commitment to the Lord is in what they do. And, man, did we ever see that again last week in Tennessee.

I have to tell of the people in Madison County who've been hit and hit and hit again over the last several years by tornados because one of the students at Union University, who was hurt very badly, is David Wilson, who happens to be a very, very close friend of my family. His parents are two of my wife's and my best friends, and he cotaught that Sunday school class with me at Red Bank Baptist Church for a number of years. His son was transported today from the hospital in Madison County across the street to Erlanger Hospital in Chattanooga where he will be continuing in recovery. But he was hurt critically, and he was underneath the rubble for 4 hours with other students at Union University.

I have got to tell you, the experience that the family saw there was a witness of their faith and their goodness. They not only had the basics of water and food and shelter, they found a home and they took care of them, but they went and got him eyeglasses and met every single need, and they made sure he was flown back to the hospital at home today and met every single need. And that's how people express their love for God is by sharing what they have with others, especially in a time of need.

Tennesseans are good people. And, man, when folks are hurting, everybody comes to help. We saw it again in Madison County. And on behalf of the Wilson family, I want to say from the other end of the State, thank you to the good people of that entire area where the tornados hit yet again. Thank you to Union University for meeting every need. Thank God none of the students died.

David Wilson has got a long, long road back to stand and walk again. We pray for the Wilsons. We pray for David. We pray and thank God for all the people who helped at this time of need. Just appreciate the goodness of the people of Tennessee who came out and helped in so many ways and all of those professionals that were there, it has been said.

And thanks to this delegation for pulling together yet again. And for the people who were hurt in other States and affected and for loss of life, our prayers went up. This is really what it's all about is people being there, because that's really all we are here for is to love God and to serve others.

Ms. FALLIN. Mr. Speaker, I would like to inquire of Congressman COHEN if he has got any more speakers.

Mr. COHEN. Mr. Speaker, no.

Ms. FALLIN. Mr. Speaker, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I want to thank the gentlelady from Oklahoma for her management and Mr. WAMP, Mrs. BLACKBURN, Mr. DAVIS who spoke, and Mr. GORDON and Mr. OBERSTAR who provided statements.

Abraham Lincoln was a great supporter of government and knew that government could do things for people in need and was an important instrument of good in society. Abraham Lincoln might have best expressed it. In a crisis like this, we realize how important government can be when first responders come to the rescue and do jobs of heroic proportion.

Too many times when we are not faced with tragedies and catastrophic events, we don't reflect on the importance of government. And government is the policeman on the street. And it's the paramedic, and it's the firefighter. And it shouldn't just be on 9/11 or on days when you think about 9/11 or tornados you think about these people. But they are government, and they show government works, and they show government worked in this particular situation. It's still working as FEMA's helping people get compensation for their losses and seeing they have habitable places to live in and that the Small Business Administration is helping get businesses started.

Indeed, as Mr. WAMP and others said, it's the volunteer spirit that was shown by people in Tennessee and Alabama and Arkansas and throughout the South. They showed their care for their neighbors. There were people from Georgia and the Red Cross who came into Memphis to help people there.

I want to thank everybody who's helped all of the victims and thank Mr. GORDON for being the proud sponsor on this resolution.

Mr. Speaker, I would ask that everybody join in voting for the passage of this resolution.

Mr. CRAMER. Mr. Speaker, I rise today to honor the victims of the February 6, 2008, tornados in Lawrence and Jackson Counties, Alabama.

Today, I stand with my colleagues from Arkansas, Kentucky, Mississippi, and Tennessee to express our sympathy to the victims of one of the deadliest storms in the past 20 years. In total, over 50 individuals passed away in five states across the Southeast and more than a thousand homes, schools, and businesses were destroyed.

It is with a heavy heart that I remember those from my community who passed, members of the Coleman family of Aldridge Grove, including Gregory, Rebekah, and Gereck; Linda Tinker of Pisgah; and Faye Nell McCullough of Moulton. Thirty-five individuals in north Alabama were also injured, and hundreds of homes were either damaged or completely destroyed by the storm.

On the Thursday following the storm, I joined Alabama Governor Bob Riley to tour the affected areas, and Mr. Speaker, this region has a long road to recovery.

Mr. Speaker, I also rise to thank north Alabama's first responders and State and local emergency management officials for their work throughout the storm and its aftermath. Additionally, I would like to recognize the people of north Alabama, who are once again opening up their hearts and working hard to support the storm victims. I continue to be amazed by the outpouring of sympathy our community exhibits during times of tragedy. These were scenes that I know were similar in communities across the Southeast and I'm proud we recognize these men and women tonight.

As we know, damages caused by tornados are unpredictable. Some families' homes can be lost completely, while their neighbors' homes go relatively untouched. We owe it to those affected to do everything that we can to help them pick up the pieces. We must help them rebuild their homes, repair their community's infrastructure, and move on with their lives.

I encourage my colleagues to support this resolution and help these communities recover.

Mr. WHITFIELD. Mr. Speaker, I rise today in support of this resolution and to offer my most heartfelt sympathy for all Americans who were affected by the tornadoes and other violent weather systems that hit the Delta region States including my State, Kentucky, on February 5th and 6th.

In the First Congressional District of Kentucky, seven individuals tragically lost their lives and many more were injured or displaced. As with any major weather event, there also was significant damage to public and private property, as well as power, water, and communications outages. In total, this storm claimed more than 50 lives across the Nation and thousands of other Americans' lives were dramatically changed in one of the deadliest tornado outbreaks in decades.

Sadly, we are all too familiar with the tragedy and sorrow that takes place when major catastrophic events occur. I had the opportunity to travel to my District shortly after the storms hit, and I was able to speak with many Kentuckians and see firsthand the devastation. While it was heartbreaking to see, I was encouraged by the sense of community and civic responsibility we Americans have. But, these folks cannot go at this alone,

Governor Steve Beshear recently sent a letter to President Bush requesting a Federal disaster declaration and my colleagues and I in the Kentucky delegation sent a letter in support of this request. I hope that this appeal for help will be answered expeditiously.

Mr. Speaker, I also would like to offer my appreciation and gratitude to all the first responders who acted bravely and swiftly to help minimize the effects of these storms. Without their heroism, there could have been far more human suffering that would have taken place.

My thoughts and prayers are with the families and friends of those who lost their lives, and I hope that all Americans affected by this event will soon be able to get their lives back in order.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 971, a resolution to express sympathy for the victims of the tornados that struck Alabama, Arkansas, Kentucky, Mississippi, and Tennessee.

On the evening of February 5th, 2008, more than 100 tornados devastated communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee and provided us yet another reminder of the horrific impacts of natural disasters. I express my heartfelt sympathy to those who have suffered significant losses as a result of these terrible storms, especially to those who suffered the ultimate loss—the loss of a loved one.

I also rise once again, as I did in May of last year in the wake of devastating fires in my district, and again in August of last year after the tragic bridge failure in Minneapolis, to commend the men and women who serve this nation as police officers, firefighters, and emergency medical personnel, placing themselves in great danger every day in order to protect each one of us.

Twenty-four hours a day, every day of the year, all over this country, when any type of tragedy enters our lives, from a medical emergency facing a neighbor to a large-scale natural disaster, terrorist attack, or other incident, our Nation's emergency responders and charitable organizations are the first on the scene to provide professional services, expert help, aid, and comfort. These well-trained, highly skilled individuals are truly on the front lines in preparing for, responding to, and mitigating damages from a variety of hazards.

Disasters such as the devastating tornadoes that hit just last week demonstrate the countless selfless acts of our Nation's charitable organizations and our Nation's rust responders. These first responders deserve our deepest thanks and respect.

I strongly support this resolution and urge its passage.

Mr. GORDON of Tennessee. Mr. Speaker, I rise today in support of H. Res. 971.

My home State is known as the Volunteer State, and over the last 8 days, the people of Tennessee have proven why we wear that nickname so proudly. When I visited with my neighbors in Macon, Sumner and Trousdale counties after the storm, the devastation was unimaginable. In many instances homes and businesses weren't just knocked down; they were completely gone. People were hurting.

But you could not spend time with them without recognizing how strong the community is. And I saw it again and again last week. In the worst of circumstances, friends, neighbors, complete strangers all banded together to help those who are hurting right now. As many of you watched the news last week you no doubt learned that, while Tennessee took the hardest hit, this was not something exclusive to us. People in Alabama, Arkansas, Kentucky, Mississippi, and Indiana also put their lives on hold to help their neighbors recover.

While we can rebuild our communities, we cannot replace human lives. Today I rise to remember the 13 lives lost in Macon County, the 7 in Sumner, the 2 in Trousdale. I also want to honor the First Responders and the volunteers who have treated the injured and who are working so hard to put our communities back together. It's going to take some time, but we're going to get there. And I want to thank President Bush and Governor Bredesen for acting so quickly to get help to our communities.

I thank my colleagues for their support last week and their continued support throughout the recovery process. As the President accurately stated a week ago, at times like these, "Prayers can help and so can the government." In Middle Tennessee and throughout the South, we will continue to need those prayers and need the President's help as we work to rebuild the lives and communities affected by these storms.

The national cameras are gone and the debris is being removed, but we still have a lot of work ahead of us.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H. Res. 971, Expressing the sympathies and support of the House of Representatives for the individuals and institutions affected by the powerful tornados that struck communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee on February 5th, 2008. Our thoughts and prayers are with all of the families that have experienced the loss of loved ones caused by these tornados. This resolution is important, as it communicates to those affected that Congress is here to do all that it can to help rebuild and restore our damaged communities.

While my district was not affected this time by the tornados on February 5, other communities throughout the State of Mississippi were. And as you know, my State has been no stranger to experiencing disasters. In fact, we are still recovering from the damage caused by Hurricane Katrina and empathize with what the affected communities are experiencing.

We know that after a disaster has occurred, the recovery and rebuilding effort of our communities takes time. And when Federal, State and local governments work efficiently and effectively to provide resources to our communities in a timely fashion, the rebuilding effort moves along more smoothly.

As the chairman of the committee with oversight of the Department of Homeland Security, DHS, of which FEMA is a part, our committee works diligently to ensure that DHS is prepared to respond to all disasters—whether they be natural disaster or acts of terrorism. As communities are working hard to recover from the damage caused by the tornados, the committee will closely monitor the responsiveness of FEMA and ensure that the communities affected will receive the assistance that they need to rebuild housing, public facilities and critical infrastructure.

In closing, let me thank my colleague Representative BART GORDON along with my colleagues on the Transportation and Infrastructure Committee for their leadership on this resolution. It is our hope that the rebuilding effort will soon begin, communities will be repaired and that families will begin to heal and return to normalcy.

I encourage my colleagues to support this resolution.

Mr. COHEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALZ of Minnesota). The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 971.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## BLOCKING PROPERTY OF ADDITIONAL PERSONS IN CONNECTION WITH THE NATIONAL EMERGENCY WITH RESPECT TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–95)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order taking additional steps with respect to the Government of Syria's continued engagement in certain conduct that formed the basis for the national emergency declared in Executive Order 13338 of May 11, 2004, including but not limited to its efforts to undermine the stabilization and reconstruction of Iraq.

This order will block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for, to have engaged in, to have facilitated, or to have secured improper advantage as a result of, public corruption by senior officials within the Government of Syria. The order also revises a provision in Executive Order 13338 to block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for or otherwise significantly contributing to actions or decisions of the Government of Syria that have the purpose or effect of undermining efforts to stabilize Iraq or of allowing the use of Syrian territory or facilities to undermine efforts to stabilize Iraq.

I delegated to the Secretary of the Treasury the authority to take such actions, after consultation with the Secretary of State, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I wish to emphasize, as well, my ongoing concern over the destabilizing role Syria continues to play in Lebanon, including its efforts to obstruct, through intimidation and violence, Lebanon's democratic processes.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 13, 2008.*

## FARM BILL MUST NOT REDUCE FOOD STAMP BENEFITS

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, last year the House did its job and passed a fully funded farm bill with important improvements in the food stamp and TEFAP programs. The Senate, unfortunately, was not so responsible.

Now that the farm bill negotiations are under way, we hear that reducing funding for food stamps and food banks is on the table.

Mr. Speaker, this farm bill should not be negotiated on the backs of the hungry. Feeding hungry people is never wrong, but taking food out of their mouths is, and that's what a reduction in the House-passed domestic nutrition title would do.

Mr. Speaker, we must draw a line in the sand and say enough is enough. House farm bill negotiators must stand up to the Senate and say, "Not this time."

The recently passed stimulus package does not include food stamp provisions, even though economists across the political spectrum agree that food stamps are one of the best ways to stimulate the economy.

And now food stamps may be cut below the House-passed levels? We can and must do better.

I submit for the RECORD a letter signed by 153 Democrats to the chairman of the Agriculture Committee urging him to hold the line and insist on the House-passed nutrition title in his negotiations.

JANUARY 30, 2008.

Hon. COLIN C. PETERSON,
*Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.*

DEAR CHAIRMAN PETERSON: We want to thank you and the Members of the Agriculture Committee for your hard work on H.R. 2419, the Farm, Nutrition and Bioenergy Act of 2007. We appreciate how well you balanced the needs of farmers and consumers in the legislation. One of the key reasons for our support for the bill is the inclusion of a strong nutrition title that addresses the needs of the tens of millions of Americans, including many children and working families, who struggle against hunger by investing in and strengthening the Food Stamp Program. This bill also provides needed long-term support to our nation's food banks.

As you know, hunger is getting worse in America while the costs of food, housing and utilities are rising. We have a responsibility to help low- and middle-income families as they face these challenges. The Farm Bill is a safety net that protects people from going hungry; it represents one of the single most important opportunities we have this year to address the needs of disadvantaged children, struggling working families, seniors and people with disabilities in " our communities. We will be doing a disservice to anyone who must rely on these programs if we acquiesce to provisions that ultimately deny hungry Americans food in their time of need.

New investments in the nutrition title are long overdue. The average food stamp benefit is a mere $1 a person a meal. The $10 minimum benefit has been stuck at the same level for 30 years. The $2,000 limit on assets for most food stamp households has not changed in two decades. And the shortfall in TEFAP commodities purchases is leaving many food bank shelves empty. It is vital that the conference agreement secure permanent funding at no less than the House-passed levels for the food stamp and TEFAP programs, and we strongly urge to include these improvements in the conference report.

We commend you for the important improvements included in the nutrition title of the House-passed bill. While there are also many improvements in the nutrition title of the Senate-passed bill, there is a profound and very troubling difference between the House and Senate nutrition titles. The House bill would make these provisions permanent law while, under the Senate bill, all the major benefit improvements would terminate after 2012. Simply, this means that these important policy improvements would return to today's law, resulting in a major reduction in benefits to more than 10 million recipients. Should these improvements sunset in 2013 and return to the 2008 levels, more than 300,000 low-income people would be cut off from food stamps altogether. We should be working to end hunger in America. We think you would agree that a final conference agreement that sunsets and underfunds improvements in the nutrition title would be unacceptable.

Again, we thank you for your commitment to the issues surrounding the people in our country who rely on programs like Food Stamps and TEFAP. We strongly urge the conference report to include permanent funding at no less than the House-passed levels for the food stamp and TEFAP programs. We look forward to working with you to maintain all of the critical improvements in these programs in the final Farm Bill.

Sincerely,

McGovern, James; DeLauro, Rosa; Woolsey, Lynn; Lee, Barbara; Solis, Hilda; Kilpatrick, Carolyn Cheeks; Moore, Dennis; Green, Al; Lewis, John; Filner, Bob; Moore, Gwen; Crowley, Joe; Neal, Richard; Grijalva, Raul; Maloney, Carolyn; Kildee, Dale; Nadler, Jerry; Jackson-Lee, Sheila; Kennedy, Patrick; Markey, Ed; Ellison, Keith; Capps, Lois; Towns, Ed; McDermott, Jim; Watt, Mel; Johnson, Hank; Becerra, Xavier; Hare, Phil; Shea-Porter, Carol; Arcuri, Mike; Tauscher, Ellen; Jefferson, William; Wu, David; Sutton, Betty; Frank, Barney.

Davis, Danny; Allen, Tom; Cuellar, Henry; Gonzalez, Charles; Carnahan, Russ; Christensen, Donna; Waters, Maxine; Guitierez, Luis; Clarke, Yvette; Hinchey, Maurice; Serrano, Jose; DeFazio, Peter; Hirono, Mazie; Ryan, Tim; Clay, William Lacy; Schakowsky, Jan; McNulty, Mike; Weiner, Anthony; Brown, Corrine; Berman, Howard; Jones, Stephanie Tubbs; Doyle, Mike; Butterfield, G.K.; Olver, John; Michaud, Michael; Courtney, Joe; Davis, Susan; Levin, Sander; Matsui, Doris; Yarmuth, John; Murphy, Chris; Fattah, Chaka; Jackson, Jesse; Slaughter, Louise; Doggett, Lloyd; Schiff, Adam; Stark, Pete; Loebsack, Dave; Lynch, Stephen; Langevin, Jim; Oberstar, James; Rush, Bobby; Meek, Kendrick.

Rothman, Steven; Berkley, Shelly; Miller, Brad; Wynn, Al; Kaptur, Marcy; Lowey, Nita; Welch, Peter; Thompson, Bennie; Farr, Sam; Hinojosa, Ruben; Sestak, Joe; Udall, Tom; Engel, Elliot; McCollum, Betty; Norton, Eleanor Holmes; Cummings, Elijah; Wilson, Charles; Pastor, Ed; Ortiz, Solomon; Murphy, Patrick; Miller, George; Delahunt, William; Sanchez, Linda; Sires, Albio; Larson, John; Baldwin, Tammy; Reyes, Silvestre; Wexler, Robert; Watson, Diane; Hodes, Paul; Honda, Michael; Velazquez, Nydia; Braley, Bruce; Price, David; Cardoza, Dennis; Napolitano, Grace; Larsen, Rick; Inslee, Jay; Pallone, Frank; Dingell, John; McNerny, Jerry; Tsongas, Niki; Scott, Bobby.

Cohen, Steve; Gillibrand, Kirsten; Van Hollen, Chris; Murtha, John; Andrews, Rob; Cleaver, Emanuel; Brady, Robert; Conyers, John; Sanchez, Loretta; Sherman, Brad; Roybal-Allard, Lucille; Costello, Jerry; Lofgren, Zoe; Walz, Tim; Sarbanes, John; Hooley, Darlene; Bishop, Sanford; DeGette, Diana; Hall, John; Holt, Rush; Bishop, Tim Payne, Donald Pascrell, Bill Eshoo, Anna Higgins, Brian McCarthy, Carolyn; Davis, Artur; Schwartz, Allyson; Shuler, Heath; Costa, Jim; Castor, Kathy; Waxman, Henry.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## REJECT ANOTHER SHORT-TERM EXTENSION TO THE PROTECT AMERICA ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I hadn't planned on coming down here tonight, but this is a sad and distressing day for this House of Representatives.

Mr. Speaker, I suspect you know, some may not, but there are companies in America that are patriotic and they want to help our Nation fight against those who would do us harm. But amazingly, Mr. Speaker, they feel that they can't. And why? They believe that if they do, they will be sued. That is right, Mr. Speaker. Companies in America believe, and have been given counsel by their attorneys, that if they help the United States Government assist in making our Nation safer, they will be sued. The threat of trial lawyers are preventing our Nation from protecting itself.

Outrageous you say? So do I. So do I.

If Congress doesn't act this week, this week, critical tools that allow our intelligence officers to monitor terrorist communications overseas will expire. Yesterday, the Senate approved a bipartisan bill, a bipartisan bill by a vote of 68–29, to close the terrorist loophole in our intelligence law. The Senate bill represents a remarkable compromise between Congress and the administration.

It rightly restores the original intent of the Foreign Intelligence Surveillance Act, FISA, by ensuring that intelligence officials can conduct surveillance on foreign targets without a court order while still protecting the civil liberties of the American people.

It also grants liability protection to telecommunication companies that helped our government after September 11. Allowing these companies to be subject to frivolous lawsuits threatens their cooperation in the future and would cripple America's counterterrorism efforts. This, unfortunately, Mr. Speaker, appears to be what the House Democrat majority desires.

Every American will become exposed to greater threats. Every American: moms, dads, sons, daughters. Every single American is exposed to greater threats because this majority refuses to consider a long-term solution to the problems facing our intelligence community.

I haven't read, Mr. Speaker, that terrorists have placed an expiration date on their plots to destroy our way of life. Congress shouldn't put an expiration date on our intelligence community's ability to protect our Nation.

This bill expires this week. We must act. Mr. Speaker, elections have consequences, and it appears that the Democrat left majority now in charge is beholden to trial lawyers. I just didn't think that they would put those trial lawyers ahead of national security.

Mr. Speaker, this is a sad day. I can only hope that the American people are paying attention.

☐ 1830

## IRAQ NUMBER 250

The SPEAKER pro tempore (Mr. WALZ of Minnesota). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this is a moment that I had hoped would never come. I am rising for the 250th time to oppose the occupation of Iraq. It's a sad task, because 250 times means that the occupation has dragged on and on nearly 5 years.

I had hoped that my first speech would be my last, or my 50th or even my 100th, but the administration continued to follow its blind and destructive path year after year. As the saying goes, "All that is necessary for evil to triumph is that good people do nothing."

So, to be sure, I have raised my voice time and time again on this floor to protest the administration's folly and hold it accountable for its reckless actions and its reckless policies.

The American people have raised their voices, also, Mr. Speaker. They have said that they want an end to this occupation and a responsible redeployment of our troops. But our leaders in the White House, who first turned a deaf ear to the people of the world when they invaded Iraq, continue to turn a deaf ear to their very own people in the United States of America.

What makes this occasion even sadder for me is that I will have to rise many more times before the occupation ends because the administration has made it absolutely clear that it will continue its occupation right to the bitter end of its term in office.

And I fear that the occupation may go on long after that. A leading Republican Presidential candidate said that he has no problem with the occupation lasting 100 years. No problem. And this same candidate said the other day, and I quote, "There's going to be other wars." This is exactly the kind of "shoot-first, ask-questions-later" thinking that got us into trouble in Iraq in the first place.

Fortunately, the Democratic Presidential candidates have a different mindset, a mindset that uses diplomacy and international cooperation to solve problems, not war. But the current administration is working hard to tie the hands of the very next President. It's negotiating to establish permanent bases in Iraq. And it is planning to keep troop levels absolutely as high as possible.

Remember all the sweet talk, Mr. Speaker, last September about possible troop cuts? It was an absolute sham. And what are we getting for the tragedy of Iraq? Are we any safer? Absolutely not. In fact, the director of National Intelligence has warned that al Qaeda is getting stronger in its cozy safe haven in Pakistan, and that they are busy training more and more operatives.

A whole new generation is growing up in occupied Iraq. Their memories begin after U.S. forces rolled in. Since electricity and water and basic services have been on the fritz. Since whole neighborhoods have become wandering refugees. Many have never known the cultural gems of their own country. This cannot bode well for the region.

Secretary of State Rice has admitted that the Taliban is resurgent in Afghanistan. And the report of the Congressional Commission on the National Guard and Reserves found that there is an "appalling gap" in our ability to defend the homeland because of Guard and Reserve redeployments to Iraq.

Meanwhile, we are squandering $12 billion per month on the occupation while our economy slides into recession and the American people face the loss of their jobs, their health care, and their homes. Let's be clear, Mr. Speaker, the main reason we are in this recession is because of the senseless and unending occupation of Iraq.

And our brave men and women in uniform, what about them? They're paying a very high price for this occupation. Every day, five U.S. soldiers try to commit suicide because the frequency of deployment has put tremendous stress on them and their families. This is simply unacceptable and a national disgrace if we do not act to reverse this trend.

Mr. Speaker, I will be back on this floor talking about this some more, but this is my 250th time, and I want you to know, it's time that this occupation be over.

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## RECOGNIZING THE ACHIEVEMENTS OF ROSEMARY MUCKLOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, today I rise to recognize the achievements of a friend of mine, Rosemary Mucklow. Rosemary is the long-standing executive director of the National Meat Association and has been somewhat of a legend in the meat and food business. Her dedication to the industry is evident by her business achievements, there are so many of them.

Rosemary was born in Scotland and went to work at the Ministry of Agriculture and Fisheries for the British Government before being hired as a secretary at the Pacific Coast Meat Association, which was later named the Western States Meat Association, and then renamed the National Meat Association.

In 1996, Rosemary received the E. Floyd Forbes award from the Meat Association for her outstanding service. She was honored again in 2002 by the American Meat Science Association for her "commonsense leadership." She served on the National Advisory Committee on Meat and Poultry Inspection and was the vice president of the International HACCP Alliance. Throughout her career, she has highlighted the importance of information and education of the meat industry to improve standards, efficiency, and quality.

Rosemary will be retiring very soon, but if I know Rosemary, retirement for her won't mean just quietly fading into the sunset. She is going to be active, probably still in the association, and in the industries.

I had the opportunity to get to know Rosemary about 10 or 12 years ago when we, in the House Ag subcommittee of appropriations were passing the HACCP law. At that time we were moving from visual carcass-to-carcass inspection of meat and poultry to microbial testing, taking this to the modern technology. Rosemary knew so many people in the industry, and there was a lot of controversy, but she was able to get the people together to come up with the right compromises and the right push at the right time to get the thing from floundering.

She also was very active at a time when there was some Salmonella and E. coli issues that had threatened to close down the industry and push through, I think, very aggressive mandatory recall authority for the Secretary of Agriculture. Rosemary brokered some "peace in the valley," you might say.

She's got the kind of enthusiasm that can only be called "contagious." I met her through a man who is a sausage manufacturer in San Francisco named Al Piccetti, and the Piccetti family has also become friends of mine. And it seems like birds of a feather flock together. Rosemary's friends are good people. They have invited Libby and me to go visit them out in San Francisco, and we had a very nice time dealing with them. All the hospitality I would say that they have given us over the years and the friendship, those kind of relationships that in this business are rare to find. I will say this, I have no idea what Ms. Mucklow's politics are, if she's Democrat or Republican. In fact, the last time she was in Washington, she really prefers, for some reason, the west coast, but the last time she was here she said, Jack, I don't need to see you, I'm going to go see Chairwoman ROSA DELAURO because that's where the action is now. And she said that with a twinkle and a smile, and then she went up to go see ROSA. But she has that kind of good will that she can deal with both sides of the aisle and get the argument off politics into what is best for the American food consumer. What's best for the industry and the consumer has always been her goal.

I will say I don't even know what kind of activities she does on a personal level, but I know this, that whatever she is doing right now, she's doing it with a smile and a lot of fun and involving a lot of people.

She's the kind of lobbyist or industry advocate that keeps a good reputation for the industry that she represents because she doesn't cut corners, she doesn't do political things, she doesn't think in terms of backroom deals or power moves or anything like that, she wants to do what's fair and what's just for the American people, and has a broad picture far beyond her job or her industry or her association.

We're going to miss her kind of leadership, but I do hope that in her retirement she does not become a stranger. With that, I want to say thank you, Rosemary Mucklow, for your many years of advocacy for the American food consumer and for the industry.

### Rosemary Mucklow, Executive Director, National Meat Association, Oakland, CA

Rosemary Mucklow is Director Emeritus of National Meat Association, (formerly Western States Meat Association) an Oakland-based trade association representing packers, processors, wholesalers, sausage makers, and other related firms in the U.S. meat and poultry industry.

Until 2007 she was the NMA Executive Director and held this position since 1982 when the Western States Meat Packers Association and the Pacific Coast Meat Association merged to form the stronger, broad-based organization it is today. Rosemary has been associated with the meat industry for over 40 years.

As Executive Director, Rosemary's responsibility's included the administration of the affairs of the National Meat Association. She continues to oversee the activities of NMA as Director Emeritus, and as part of her daily activities she maintains working contacts with NMA's members so that she remains fully informed about the effects on their businesses of government and market activities.

Almost daily, Rosemary advises members on the intricacies of the federal meat and poultry inspection laws, and other laws administered by the Department of Agriculture.

Rosemary has a reputation for "telling it like it is." She is considered a formidable adversary in defending the industry when it's right, and she'll be equally straightforward in making corrections when it is not. In 1996 Rosemary received the E. Floyd Forbes award presented by the National Meat Association in recognition of her outstanding services to the meat industry. In 2002, she was honored by the American Meat Science Association for her "common sense leadership in the areas of food safety and public policy." She was appointed to the National Advisory Committee on Meat and Poultry Inspection and elected Vice President of the International HACCP Alliance. She is an honorary member of the American Association of Food Hygiene Veterinarians.

Aside from her responsibilities as Director Emeritus of NMA Rosemary is a member of various research and industry related organizations. She is a Trustee on several Taft-Hartley Funds administering medical and pension benefits for union workers. She has worked to raise funds in the area of cancer research as President of the Peralta Cancer Institute and has reached out to assist disadvantaged people in the community. She is the President of the Berkeley City Club, as well.

Rosemary was born and educated in Edinburgh, Scotland and had various jobs unrelated to the meat industry before coming to the United States in 1959. She earned her Bachelor of Arts, majoring in Accounting at Golden Gate University, graduating in 1970. She resides in a cottage with a panoramic view of the Golden Gate and surrounded by a woodsy rose garden in Berkeley, California with two feline companions.

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### Jolley: Five Minutes With Rosemary Mucklow, Ret., NMA

Rosemary Mucklow is really going to retire this time, No kidding. Ms. Mucklow, the long-standing Executive Director of the National Meat Association and a legend in the meat business, took a first stab at retirement several years ago. It didn't take. After several fruitless months of searching for her replacement, the National Meat Association's board of directors threw in the towel and asked her to stay on a bit longer.

Her second retirement announcement, issued just a few weeks ago, included a surprise. The next Executive Director had already been chosen—Barry Carpenter, the recently retired Deputy Administrator of the Agricultural Marketing Service and one of the few with the gravitas to follow in the deep foot prints left by Ms. Mucklow.

Note: In writing this, I almost called Carpenter "her replacement," a silly misnomer on my part. To be correct, she will be followed in the office by Mr. Carpenter. No one will ever replace her.

Retirement for Rosemary does not mean she will immediately take up knitting at some condo in Sun City. She won't even hide out at her home in the Berkeley hills. OK, she might do some more knitting, it's always been a hobby. But those needles are much sharper than the standard issue dime store needles—maybe they're those Addi Turbo 47 inch circular brass knitting needles with finely honed points—and they will still be used with great dexterity to prod an occasionally recalcitrant industry onwards.

In this interview, I asked her to construct a mini-hall of fame and induct an inaugural class of people she has worked with in her long career. It was an impressive list but short one name. In any meat industry hall of fame, her name will be listed at the top in recognition of the lengthy and positive impact she's had.

Let's spend five minutes with Rosemary as she prepares to slowly and reluctantly step away.

It's been said that retirement isn't for sissies and that's something you've never been accused of being. So are you really going to do it this time and what does retirement mean to a hyper-active, over-achiever like you?

On February 1, 2007, when Barry Carpenter accepts the position of CEO/Executive Director, my status with NMA will change to Director Emeritus. I expect to turn over the ceo responsibilities to Barry, and as we proceed through a transition time, to be able to focus my time and energy on many undone activities for which there has been very limited time. Retirement is a misnomer really, and because Barry will be recused from certain activities with his former employer, I will be an interim bridge for those purposes. I'm certainly not retiring to my cottage in the hills of Berkeley to knit full time!

In military terms, you seem to be doing a "phased withdrawal" from your duties at NMA. What will keep you busy as your time out of the office expands?

Oh, there are lots of things on the horizon! I'd like to visit and work with individual members more, I'd like to have the time to go through lots of history and big files that have accumulated over the years, and probably to do a little writing about the changes we've already seen, and what might lie ahead.

How about a short history lesson? How and when did you get started in the trade association business? A little background on "why," too

I was hired by then Pacific Coast Meat Jobbers Association on February 1, 1961 as the secretary in a two-person office. Our major focus was collective bargaining on behalf of Bay Area meat jobbers and processors. There were a couple of changes in the man that I worked for that year, and we got through labor negotiations, and by early 1962 I had a new boss who was a lawyer and accountant. After the 1964 negotiations, he told me I was not good as a secretary, and why did I not go back to school and get educated, so I went to Golden Gate University and after five years received my BA in Accounting in 1970.

By that time, the boss was back practicing law, and in absentia, so I got to fill the void and apply what I had learned and we were in the years of implementation of the 1967 changes to the Federal Meat Inspection Act. We were innovative and energetic, I made friends with the bigger organization, Western States Meat Packers Association, and in 1982, under the leadership of Cal Santare of WSMPA, we merged Pacific Coast and WSMPA into Western States Meat Association. In 1996, because of broader interest in what WSMA was doing, we changed the name to National Meat Association. It's been an exciting and bumpy ride!

You've had the opportunity to meet and work with many of the legends in the business. Let's construct a mini-hall of fame here and induct the inaugural members. Who would they be and why would you include them?

First the man who hired me: Tom Morton, who went on to be very successful in the investment business. I should have followed him!

Don Houston, FSIS Administrator, was a good friend, and provided critical access for me to the USDA regulatory process.

Cal Santare, who believed that a woman could do it, when many of his cohorts didn't think so!

Al Piccetti, of San Francisco Sausage, a former President of PCMA, who encouraged me to reach for my dreams.

Ben Goehring, of Goehring Meat, another former President of PCMA and later of WMSA, who inspired me with strength and friendship.

Kathi Mosie, of Saag's Products, who never failed to be supportive.

Phil Bauer of Federal Meat, who had to fight for me on principle, and thus earned unpopularity with some associates.

Cal Faello of King Meat who went to the mat for me as a matter of principle.

John Duyn of Carlton Farms who helped me to make change from good old boys to the next generation.

Dick Lyng, whom I knew in California, who showed me by example how to be a better politician

Phil Olsson of Olsson, Frank & Weeda, friend, lawyer, counselor and absolutely straight arrow for over 30 years.

In the industry, many of the toughies reached out to be helpful to me, including Bob Peterson, Ken Monfort, and more recently Joe Luter. John Miller is a longtime friend, People like Bill Buckner, Dick Bond (whose first job was for one of the early

WSMPA legends, Homer Glover), Rich Vesta, Bernie and Joe Clougherty, Gary Waldman, Terry Caviness, Dave Wood, Les Oesterreich, Warren Wilcox and Harvey Dietrich. In academia, I can never forget Russell Cross, Gary Smith, Jeff Savell, Roger Mandigo, Gary Acuff, and Elsa Murano and lots more. And Lou Gast whom I first knew at FSIS in the early 80s has come through over and over again.

Indeed, I have been blessed, and while there are many omissions from this group, my strength has come from the generosity and kindness of many, many people in this great industry.

You've accomplished a lot during your tenure at WSMA/NMA. What achievements stand out the most?

Running a trade organization is not like playing a football game. There are not winners and losers after a fixed amount of game time!

Some legal wins, such as the Supreme case on Salmonella Testing at the 5th Circuit Court was a powerful event. Also, the driving energy by NMA to get the U.S. Canadian Border open was a special "win."

But the big win is the strong support of people for the goals of NMA and what it stands for, for the respect shown toward me and this organization for what it does to serve the needs and interests of the industry, and for the appreciation of members, large and small, for what we stand for and the efforts we make.

Using your many years of experience, let's look ahead. What does the future look like from your vantage point? Can you talk about issues that we can look at with pride as well as the issues that might create some problems?

I see lots of opportunities that lie ahead! The 21st Century will be a stimulating and exciting time for firms that pay attention to what consumers want to buy, rather than make a commodity product to ship out.

There is a huge amount of innovation going on as we speak in this great industry. I think we need to provide the next generation with relatively simple information about how to make food taste good and be safe, all at the same time. There are a zillion cookbooks, but in addition to easy meals for consumers on the rush, there is a need to demonstrate that good food is a catalyst for good friends and families to get together. I like it best when I hear that competitors can find common ground with each other in the marketplace.

No one is going to eat the same item over and over again. Variety, reasonable portion size, and good taste is very important, I think there are big opportunities for developing new niche markets, and trade organizations will be challenged to fairly represent their members interests in the upcoming debates. I think there are opportunities for small Individuals to bring forward their idea, and it gives me the greatest pleasure to help small firms that have the dynamic energy to grow their market share with a good idea.

As Barry Carpenter prepares to pick up the torch, what advice do you have to give him?

Barry brings strengths to the leadership of this organization that are quite different to mine. He is highly respected for his capacity to understand this industry, and for honesty and integrity. I am thrilled that he will take over, and I will try not to get in his way as he leads with new ideas and creativity and builds on the strengths of NMA as we know it today.

NMA's member response services have created a new gold standard for the industry, for large and small firms. Our availability to assist and guide firms through the maze of regulatory requirements is legendary. I will continue to support Barry in any way appropriate and possible and am thrilled that the lengthy transition will give us opportunities to work together in a different way to serve the needs and interests of our great meat industry, and liberate me to think about new projects that can be valuable for the future of our organization.

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## CONGRESSWOMAN WOOLSEY'S 250TH IRAQ SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Madam Speaker, I come to the floor this evening to join Congresswoman WOOLSEY in her 250th special order on the ongoing quagmire in Iraq. I just want to take a moment to commend Congresswoman WOOLSEY and thank her for her leadership and her commitment to ending this occupation of Iraq and bringing our troops home. It was her resolution several years ago that we were able to begin, actually, the debate on this floor with regard to bringing our young men and women home. So I do have to salute you, Congresswoman WOOLSEY, and thank you again very much for your commitment and your tenacity and your willingness to be a voice that is so desperately needed to be heard.

Madam Speaker, it's really, though, unfortunate that Congresswoman WOOLSEY, myself, Congresswoman WATERS, and all of our colleagues have to come even once to this floor and speak out against the invasion and subsequent occupation of Iraq. But the reality is, we are in Iraq. And the reality is, also, that the cost of our invasion and the subsequent occupation of Iraq have been very high.

As of February 10, 2008, according to the Defense Department, 3,955 of our brave young men and women have given their lives, nearly 30,000 United States troops have been injured, and countless thousands of Iraqis have been killed. We've committed a half trillion dollars and gotten what in return? We are still occupying a country which has undermined our standing and credibility in the world, what we have done as it relates to our occupation of Iraq.

And so we have an opportunity once again to talk about why we do not believe funding the President or giving the President another blank check for waging war in Iraq makes any sense. We have the opportunity to turn this around in the coming war supplemental, which I understand may be once again before us next month. We must insist that the only funds that the President should get should be to protect our troops on the ground and bring them back home safely, not one more dime to continue the occupation, nor one more dime to continue the combat that is taking place in Iraq. And of course we call that, and it is better known as a fully funded redeployment.

Equally as important, when our troops come home, we must ensure that they all come home. And that's why we continue to work with our colleagues to include provisions to prohibit permanent military bases in Iraq. We have been successful, in a bipartisan fashion, in including language in a number of authorizing and appropriation bills, as well as a stand-alone bill, H.R. 2929, which passed the House in July of 2007 by an overwhelming bipartisan vote.

In spite of the fact that the President has signed these provisions into law, I believe it's six times since 2006, he issued a statement as he signed the fiscal year 2008 Department of Defense authorization bill signaling his intention to ignore the provisions banning permanent military bases, to ignore that provision. Sadly, unfortunately, this is a pattern coming from the White House that really does seem intent on cutting Congress out of any decisions relating to the permanent stationing of the United States military in Iraq.

At the end of last year, without formal congressional input, this declaration of principles for a long-term relationship of cooperation and friendship between the Republic of Iraq and the United States of America was discussed between Prime Minister Maliki and President Bush. Now these "principles" will set the stage for future agreements on the disposition of United States troops in Iraq. To make certain that this does not end up being a backdoor way to keep our troops in Iraq indefinitely, which of course many of us are worried about, I recently introduced H.R. 5128, which will require that any formal agreement emerging from this declaration of principles has the approval of both the House and the Senate. Further, it states a sense of Congress that the Iraqi Parliament should put their seal of approval on any agreement as well, which just makes sense.

Finally, it will prohibit funding for any agreement that may emerge from these principles that does not have the approval of the House and the Senate.

There's no denying that a majority of the American people are with us. A recent CNN Opinion Research Corporation poll has found that nearly two-thirds of all Americans oppose the occupation of Iraq.

Madam Speaker, we need to end this occupation and bring our troops home as safely and as quickly as possible. And it is because of the courage and fortitude of Members such as Congresswomen WOOLSEY and WATERS, who come to this floor each and every day. When the history of this period is written, historians will look back and say that there were some who opposed this and wanted it to end and end quickly.

☐ 1845

## FIGHTING IDENTITY THEFT AND DEFENDING THE HOMELAND

The SPEAKER pro tempore (Ms. CLARKE). Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Madam Speaker, according to a 2005 GAO study, employers reported the use of 1.4 million Social Security numbers that did not exist. Nearly 1.7 million numbers had been used by multiple individuals, sometimes as many as 500 times for the same Social Security number. In my district, the Waukegan police find that at least 20 fake Social Security cards are found by law enforcement every week.

Now, upgrading the Social Security card should be common sense. It's about seniors. It's about identity theft. It's about illegal immigration. And it's about keeping Americans safe.

When we look at today's Social Security card, we find a 1930s design. It lacks a picture. It lacks a bar code. It lacks a magnetic strip. It poses almost no barrier to the thousands of counterfeiters that make false Social Security cards.

Today, along with my colleague from Illinois Peter Roskam, we have introduced legislation to finally give Americans the choice between the old 1930s design Social Security card and the new secure Social Security card. This card offers enhanced protections across the board. It would replace that flimsy and easily counterfeitable Social Security card with a 21st century identity document that gives seniors real protection. Our legislation and this design is based on the government's common access card. Already the U.S. government has issued 10 million of these cards, and its protections, in our judgment, we believe, should be offered to people in the 21st century against Social Security card counterfeiters.

We think this legislation is important to propose a significant barrier to those who would counterfeit Social Security cards, to help seniors in fighting identity theft, and to make sure that a person who has that number and this card is really who they say it is.

We saw on September 11 that 18 of 19 hijackers had valid U.S. IDs during their crime of the century. I think it's time to make sure that at least the Social Security card has the 21st century protections that we can offer to make sure that we protect seniors, to make sure that we protect all Americans, and to protect the Social Security system. That's why we think that this legislation to create these secure Social Security cards is an idea whose time has come.

## REPORT ON RESOLUTION PROVIDING FOR ADOPTION OF H. RES. 979, RECOMMENDING THAT HARRIET MIERS AND JOSHUA BOLTEN BE FOUND IN CONTEMPT OF CONGRESS, AND ADOPTION OF H. RES. 980, AUTHORIZING COMMITTEE ON THE JUDICIARY TO INITIATE OR INTERVENE IN JUDICIAL PROCEEDINGS TO ENFORCE CERTAIN SUBPOENAS

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–526) on the resolution (H. Res. 982) providing for adoption of the resolution (H. Res. 979) recommending that the House of Representatives find Harriet Miers and Joshua Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary and for the adoption of the resolution (H. Res. 980) authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas, which was referred to the House Calendar and ordered to be printed.

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## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–527) on the resolution (H. Res. 983) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

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## THANKING THE HONORABLE LYNN WOOLSEY, MEMBER OF CONGRESS, FOR ALL SHE HAS DONE IN TRYING TO CONVINCE CONGRESS TO BRING OUR SOLDIERS HOME FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Madam Speaker, this evening I come to the floor to be with my friend and colleague Congresswoman LYNN WOOLSEY as she gives her 250th speech and Special Order on this floor. I come to be with her to commend her for the tremendous leadership that she has provided not only in speaking out against the war in Iraq, but because she has given numerous press conferences, she has been on numerous speaking engagements, she has spoken with editorial boards, she has written articles, she has done everything that could be done in order to provide leadership and to encourage and urge the Congress of the United States to bring our soldiers home.

Unfortunately, her messages have not always been heard. But there are those of us, those of us who work with her in the Progressive Caucus, those of us who work with her in the Out of Iraq Caucus, who have tried to not only give support but to do the same kinds of things that she has been doing in order to end this war.

The American people are tired of this war, and I find it disingenuous for some of the pundits to say that somehow this is off the radar screen, that this is not an issue that the American public cares about anymore, that somehow it is the economy. Of course it is the economy, but you cannot separate what is going on within our economy from the war. We must look at this war for what it is.

First of all, it is a war that we certainly should not be in. We were misled. There were never any weapons of mass destruction. Saddam Hussein is dead. Four thousand of our American soldiers have been killed in this war. Countless Iraqis, Iraqi civilians, and others who have made up the coalition forces from other countries are also dead. And so here we are, and the pundits are talking about it is not about the war, it's not on the radar screen of the American public, that the economy is, when, in fact, our economy is in recession because of this mismanaged war.

We have a President of the United States who came in as a fiscal conservative supposedly belonging to the party of the fiscal conservatives who have been spending, spending, spending on this war in Iraq, over $500 billion on this war in Iraq, at the same time giving tax cuts to the richest 1 percent of the corporations of America and denying the dollars that we need to invest in our own domestic problems that need to be addressed.

We had a bridge fall down in Minneapolis, and people wondered why did that happen. And when we took a close look at the reviews, the assessments that had been done about the state of affairs of our bridges and our infrastructure, we learned that many of our bridges in America are in the same position that that bridge was in, and we know that they have been assessed to be dangerous, that they need repair.

Why don't we have the money to invest in our infrastructure? Why is it we cannot create the jobs by investing in our infrastructure? Why can't we repair the bridges and the roads and the highways and build credible transportation systems? It is because this administration has decided that we are going to spend a disproportionate amount of the taxpayers' dollars on this war in Iraq, and we don't know when we are going to get out of this war in Iraq. And this administration would have us believe, because they have sent more soldiers and spent more money in the so-called surge, that somehow we are winning the war. What are we winning? What does winning look like? I don't recognize it.

I know this: I know that these 4,000 soldiers that have been killed in Iraq are not with their families, that their families, many, are in disarray; many of them very patriotic, who went to war because the President said that they were needed; and many of them who are no longer with us, their families are suffering. And we have others who have been injured who have come home, and they have not gotten the best medical treatment that they should have received, even though they were promised that, if they serve, they would be taken care of.

So here we are. We have destabilized the Middle East and we have occupied Iraq. We have Iran that is threatening us, Syria, Lebanon destabilized, and Pakistan is a joke.

I will simply conclude by thanking LYNN WOOLSEY for all that she has done to try to convince this Congress we should bring our soldiers home.

## DEATH IS LESS COMPLICATED THAN FILLING OUT YOUR 1040

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Madam Speaker, it's been said over and over again that nothing in this world is certain except death and taxes. I was a practicing physician for over 25 years back in Texas, and I will tell you that sometimes death even seems a little less complicated than our tax system.

The complexity of the Tax Code is a consequence of countless deductions and exemptions aimed at steering a social agenda, a social agenda, when it's supposed to be a Tax Code. The result is a Federal law fraught with opportunities for avoiding taxes and loopholes to be exploited all at the expense of fellow Americans.

Everyone is familiar with the problems inherent in our convoluted Tax Code. Criticizing the Tax Code is as American as apple pie and baseball, and for good reason. Each year Americans spend billions of hours and billions of dollars trying to do their best to comply with our complicated Tax Code. That's not counting the billions of hours they spend complaining about it.

Madam Speaker, time is precious, and too often we don't have enough of it for the personal things we like, such as earning a living, raising our families, spending time with friends. And then there is the dollars and cents side of this equation where time is money, and valuable resources are squandered navigating tax law instead of spent growing the economy and creating jobs. Taken together, this is a strong prescription for real change in our Tax Code.

We know what works when it comes to changing the code because we caught a glimpse of it when Ronald Reagan cut the code in half in 1986. As a result of that reform, the economy grew, revenues increased, and jobs were created. I can't think of a better prescription for our slowing economy than replicating the reform of the Tax Code on an even greater scale.

So what should we do? The prescription is also pretty simple: flatten the tax, broaden the base, and shift the burden away from families and small businesses.

The encouraging news is that we have a practical and effective blueprint for making this real change across the board. This blueprint is called the flat tax. In 1981, Robert Hall and Alvin Rabushka proposed a new and radically simple structure that would transform the Internal Revenue Service and our economy by creating a single rate of taxation for all Americans. Today, several States have implemented a single-rate tax structure for their State income taxes, and from Utah to Massachusetts citizens are seeing the benefit.

In Colorado, a single tax rate generated so much income, so much revenue, that lawmakers actually reduced the rate less than 10 years after its implementation. In Indiana, the economy boomed after a single rate went into effect in 2003, and since that time, the corporate income tax receipts have risen by 250 percent.

Here in Congress we have several people working on the problem. People such as myself; Congressman DAVID DREIER from California, the ranking member of the Rules Committee; and PAUL RYAN of Wisconsin, the ranking member on the Budget Committee, are all working to establish a simple tax rate structure for our United States. Other Members are working on it in the other body as well.

I brought a poster to show you how a faster, flatter, fairer tax structure would work, and it's pretty simple. Here you go: Your name, a little bit of identification data, write in your income, a line for personal exemptions, calculate your deductions for personal exemptions, taxable income, calculate the tax by multiplying by a flat rate, subtract taxes already withheld, and you're done. What did it take, 30 seconds? Not very long.

No more expensive tax attorney bills. Gone are the hours of stressful research trying to figure out whether your military service or your marital status will adversely affect your return. No more headaches trying to determine where the estimated tax payments go.

☐ 1900

A single tax rate structure would eliminate taxes on capital gains, taxes on dividends and taxes on savings. Personal savings would increase. Businesses would expand and create jobs. Without the heavy corporate income tax, which is currently the second highest in the industrialized world, companies would have less incentive to offshore their headquarters, and more importantly, less incentive to offshore their earnings.

And here is where the all-American principle of freedom comes into the prescription: The decision to move to a single rate system would be entirely up to the individual or business, not the government. This would be an optional program. If somebody has constructed their domestic finances or their business finances to maximize earnings under the current Federal income tax code, they will be allowed to stay in the code. But if you are tired of the shoe box, if you want to fill out a single page form and spend the rest of that time with your family or on a personal vacation, you are free to do so.

A flat tax would be much less costly, saving taxpayers more than $100 billion per year, and reduce tax compliance costs by over 90 percent. The resulting increase in personal savings, there is a stimulus package that would have an immediate effect on our American economy.

Recent polling by American Solutions shows that over 80 percent of Americans favor an optional one-page tax return with one rate. After all, who could complain about making something easier, especially a process that comes at such high cost?

Madam Speaker, this is a very political year. We hear a lot of talk about change. You can't turn on the television without hearing talk about change. Let's consider how that change could improve the most complicated of institutions, the Internal Revenue Service, and more importantly, deliver prosperity and return time, return time, to the American taxpayer. That is a stimulus package worthy of everyone's vote.

## HONORING THE MEMORY OF DEREK BRIAN JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Madam Speaker, I rise today to honor the memory of Derek Brian Johnson and the efforts of his father, Robert Johnson, a resident of Easton, Pennsylvania, to seek justice for his son.

Derek Brian Johnson was only 32 when he died. He worked as an Internet security manager. He enjoyed singing, skydiving and motorcycle racing. He was passionate in his support of the

Make-A-Wish Foundation. He also loved music and bands. And it was this last love that ultimately cost him his life.

On February 20, 2003, nearly 5 years ago, Derek went to a club called The Station in West Warwick, Rhode Island, to hear a band called Great White. The club was jammed that night with patrons. As the show ensued, tour manager Daniel Biechele set off a pyrotechnic display that was part of the band's floor show. The display ignited the building's soundproofing foam.

The Station went up like kindling. People rushed for the exits, and panic ensued. Many were crushed as the crowd stampeded to get out of the burning building. In the end, 100 people died that night at The Station, including Derek Johnson.

Ultimately Biechele and club owners Jeffrey Derderian and Michael Derderian were charged with manslaughter as a result of the fire and ensuing deaths. And there began my constituent, Robert Johnson's, quest to find justice for his son, a search that from his point of view has not been at all fruitful.

First, there was the matter of the club itself. There were more people in the club than there should have been. The Station had no sprinkler system, which would have prevented, or at least minimized, the conflagration. And the soundproofing foam was not treated with flame retardant materials.

Second, there were the court proceedings. Biechele pled guilty to 100 counts of manslaughter. He could have gotten 10 years to serve under a plea agreement that Bob claims he did not know about. The judge gave Biechele 15 years but suspended all but 4. Michael Derderian was allowed to plead no contest to 100 counts of manslaughter pursuant to a plea agreement. He too only received 4 years to serve.

Finally, there were the parole hearings. Even though both of these men were responsible for the deaths of 100 people, the State parole board in Rhode Island has decided to release them.

I have to say that I agree with Bob Johnson when he tells me that serving less than 4 years after being found legally responsible for so much carnage hardly seems just. I commend Robert Johnson for the hard work he has put forth to find justice for his son and for the other victims of The Station nightclub fire. I know that the memory of Derek Brian Johnson will live on in his father's heart forever, and I applaud his efforts to soldier on on behalf of a man who was taken from us all too soon.

## GETTING THE NATION BACK ON TRACK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from South Carolina (Mr. BARRETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARRETT of South Carolina. Madam Speaker, it is an honor to come tonight and talk a little about spending, talk a little bit about the budget, talk a little bit about reform, talk a little bit about entitlements, and talk a little bit about earmarks.

What we want to do, Madam Speaker, over the next hour is talk a little bit about what is going on in Washington, what is broken, what needs to be fixed and have a big-picture discussion. We can talk about line items. We can talk about things down in the weeds. But what we want to talk about tonight is a philosophical difference between the Republicans and the Democrats on how we are going to get this country, Madam Speaker, back on track.

Now the President's budget lays out critical fiscal issues that the Congress is going to have to deal with in the near future. Key among them are balancing the budget, promoting sustained economic growth, slowing the growth of Federal spending and addressing the coming entitlement crisis.

First on deficits. Last year at this time, after several years of dramatic declines in the Federal deficit, we found ourselves on what may be described as a glide path to balance in the near term. Now that path has been interrupted, mainly due to the slowdown in the economy and the stimulus package, but we will still balance the budget.

Even while addressing current challenges in the economy, the President's budget achieves balance by 2012 without raising taxes. Now let me say that again, because I think that is extremely important. The President's budget achieves balance by 2012 without raising taxes by demanding the Federal Government get in control of guess what? Spending.

The budget also achieves balance through sustainable fiscal policies that support economic growth and job creation. It maintains the tax policies that have supported the solid growth which until only recently succeeded in producing appreciably higher revenue, appreciably higher revenue, and dramatic reductions in the deficit, and we have got some charts to show you just that.

Finally, the President's budget recognizes that our Nation's challenges go well into the next few years. It takes a significant critical step towards addressing the greatest threat to our Nation's future strength and prosperity, the unsustainable growth of our largest entitlement programs.

While the President's budget doesn't fix the entitlement problem in one fell swoop, it does propose specific reforms, ones which would reduce Medicare's $34 trillion in unfunded liability by nearly a third, and that would be a tremendous step, Madam Speaker, $10 trillion, and I congratulate the President on this step.

These are issues that we can debate on how best to approach that. But to cut the unfunded liability by $10 trillion is remarkable. And if the people want to criticize the President's specific proposals for addressing that problem, that's fine. Then let's make sure they come forward with solutions on how we can fix this stuff. Don't just tell me the problem. Tell me how to fix it.

We must reform these programs so they can meet their mission of providing health and retirement security and a reliable safety net today and in the future. The administration has a proposed plan, but it is Congress who has the power of the purse strings. It is Congress who will decide the Federal budget. And it is Congress who is ultimately responsible and accountable for ensuring a sustainable path to our Nation's future.

Let me show a couple of charts to kind of substantiate what we are talking about, Madam Speaker.

The first chart. Now a lot of people have said the Bush tax cuts, let's make them permanent. Let's do away with them. When we talk about the Bush tax cuts, what are we talking about? We are not talking about the Bush tax cuts. We are talking about real things. We are talking about capital gains. We are talking about the marriage penalty. We are talking about dividends. We are talking about a death tax. A child tax credit. Things that affect everyday Americans, Madam Speaker.

Now this chart shows the best Bush tax cuts of 2001 and 2003. If you look at the red first, this shows what happened before the tax cuts, and the blue shows what happened after the tax cuts. Now my friends on the other side have always said, well, what we need to do, we need to tax the rich. We need to make sure that they are paying more than their fair share.

Let me show this. After the Bush tax cuts, the top 1 percent, their taxes actually went up. That's right. The top 10 percent, guess what? After the Bush tax cuts, their taxes actually went up. The top 50 percent, after the Bush tax cuts, guess what? Their taxes actually went up.

Now, again, the Democrats will argue, well, we need to do more for the little man, for the guy that is in the middle. Look at the bottom down here. The bottom 50 percent after the Bush tax cuts went into effect, their tax liability actually went down. So the argument that we need to tax the rich more to save the little man doesn't quite fit that chart, does it?

Let's show another one. Job creation before and after the Bush tax cuts. If you look at the red lines going south, or below the line, this is before the

Bush tax cuts. Look what happened after the Bush tax cuts. Now it appears to me on this chart that job creation went up. So we have got the lower 50 percent that are actually paying less, and we are creating more jobs.

☐ 1915

An interesting concept. Let me show another one.

Now, Madam Speaker, I really love this one. This is one that me being from South Carolina can truly understand. This is before the Bush tax cuts. Then, after 2003, everything was fully implemented. The line goes increasingly up. So even after the Bush tax cuts were fully implemented, revenues to the Federal Government soared through the roof.

It just proves that when you allow Americans to keep more of their hard-earned money, that they know how to spend it better than we do. They are going to buy a new truck. They are going to build a new building. They are going to hire a new employee. They are going to grow the economy. And the way you grow the economy is through the private sector and not the public sector.

Now, let's change subjects just a little bit. Spending. No matter what we do, whether it is tax policy, whether it is changes here or changes there, we have got to get spending under control. The red line assumes that my friends on the Democrat side are successful and the Bush tax cuts are going to go away. We will have higher taxes. The red line shows here that the taxes are increasing.

But look at the green line. The green line, Madam Speaker, is runaway spending, and you can't address one without addressing the other, because unless we get our fiscal house in order, none of it is worth anything.

Now, I want to read you a quote here. Comptroller General David Walker came in front of our committee and said, "You are not going to tax your way out of this problem. You're not going to grow your way out of this problem. You are not going to do it by constraining spending. You are going to have to do a combination of all these things, and the biggest thing is going to be entitlement reform, Social Security and Medicare, health care being a much greater challenge. And we need to start soon, because time is working against us."

Let's look at entitlements. Now, of course, the top of it says "mandatory spending." There is actually nothing mandatory about this, because Congress can change this if we need to. It is entitlement spending.

In 1995, entitlement spending was roughly about 49 percent of our Federal budget; in 2005, which, by the way, was 3 years ago, 53.4 percent of our budget. And, lo and behold, unless we do something to address entitlement spending, by 2018, it will be 63.3 percent of our budget.

Now, you look at the interest, how it has kind of stayed the same, actually gone down a little bit. But discretionary spending has gone from 36 to 29 percent. Roads, education, infrastructure, defense, things that are vital to our Nation, things that are vital to our national security, are being eroded because of this monster that we call mandatory spending.

This is the last chart I want to show. Now, again, I want to applaud the President for trying to attack entitlement spending. There is $34 trillion, as we speak, of unfunded liabilities. And what his budget proposes is an estimated $10 trillion trying to trim that off.

Now, my chairman, Chairman JOHN SPRATT from South Carolina, an honorable man, sat right in the committee and said these are draconian cuts to Medicare, to Medicaid. But, Mr. Chairman, tell me how to fix it? Let's have an open and honest debate on how to address entitlement spending, because, Madam Speaker, this is the camel that broke the straw's back literally; not the straw that broke the camel's back, but the camel that broke the straw's back.

Madam Speaker, I can go on, and I want to do that, but I have some tremendous partners here with me tonight that want to talk about spending, that want to talk about runaway spending, that want to talk about this system that, personally, I think is broken.

The first gentleman I would like to recognize is a dear friend of mine, a classmate of mine from the great State of Minnesota, Representative Colonel JOHN KLINE.

Mr. KLINE of Minnesota. I thank the gentleman.

Madam Speaker, this is a huge topic that we are talking about tonight of tremendous personal importance to every American. My dear friend and colleague from South Carolina said that we want to talk a little bit tonight about budgeting and about things that are broken in Washington and about spending and all manner of things.

You know, when we budget, whether the President sends over a budget and then Congress works its will on that budget, we are assigning priorities on how we spend taxpayer money, how the government is going to spend that money, and that ought to be a deliberative process, and it is a deliberative process. But then we throw it out the window.

We have a couple of things that I wanted to touch on tonight which break the system. One of them is a subject that has been much in the news lately, and that is porkbarrel spending, earmarks. This is a system that is completely broken in Congress and in Washington, DC.

Spending for pet projects for Members of Congress has nothing to do with an orderly, reasoned system for setting priorities on how we set spending. Decisions are made not on the merits of a proposed project. No, not at all. Decisions are made based on how long a Member has been in Congress, perhaps what committee they are assigned to, perhaps what party they are in. It has nothing to do with the merits of the project.

So we spent last year over $15 billion, that is the entire yearly budget for the State of Minnesota, $15 billion on these pet projects, and done in a way that had nothing to do with an orderly system for assigning priorities on how we spend money.

I don't think I ought to be asking the people of the Second District of Minnesota to spend money on a project for the LA fashion district. I am sorry, I just don't think that is the right set of priorities. We ought to establish those priorities through the institutional system that is here in Congress. We don't do that. We award money based on an entirely arbitrary system.

My friend, our friend, my friend from South Carolina, Mr. BARRETT, and others that are here with us tonight know that we have a friend, Congressman JEFF FLAKE from Arizona, and every time we have a spending bill he brings up six or eight or 10 or 12 examples of this porkbarrel spending and tries to shed some light on it and get a debate and give us a chance to vote on whether or not we think that is the right priority for how we spend taxpayer dollars. But do you know what? It is not a debate. It is not a debate. It is not going to have anything to do with the merits of the project.

Mr. FLAKE's amendments almost, I can only think of one exception, never pass. And why is that? Because the system is broken. Members of Congress don't want to vote against that earmark, because they are afraid that somebody will vote against their pet project. It is a broken system. We need to check it.

Is it a lot of money? Well, the entire annual budget for the State of Minnesota, we think that is a lot of money, and we ought to get that under control. And it is symptomatic of problems we have here.

Another problem that is symptomatic of a broken system is what happens after we go through the process of debating the budget, deciding on a budget, deciding on how much money we are going to spend for defense, for education, for transportation and roads, setting priorities in the way we should be setting priorities.

Then what happens? The system here in Washington, in Congress, says that we have to have a spending bill, an appropriations bill that dictates how much money we are going to spend in theory in keeping with that budget.

But what happens? These bills come up. They are loaded down with this porkbarrel spending. We get to the end of the fiscal year here in Washington, which is the end of September, and we don't have these bills passed.

We get to the end of October, we get to the end of November, and suddenly there is pressure to get the spending bills passed, and the system that has been in place here for a long time is to do what? Take all of these spending bills and roll them up into one great big monstrous bill of spending which they call an omnibus. This omnibus ends up breaking every rule, every priority of spending. It is just one big, huge massive spending bill. That is part of what is broken in Washington.

Now, my friend Mr. BARRETT is talking about entitlement spending, and I am sure we have colleagues here tonight that are going to talk about that and other issues that are trillions of dollars, but we can't even get the relatively small pieces right here.

I am very pleased to say that many people in my party, in the Republican Party, have stepped up and said we have had enough of this porkbarrel spending. We need to take serious action to stop this nonsense. Some of us have said we are not going to participate, me included, until it is fixed. Many of my colleagues have done the same thing, some of them here in this room tonight. But as a party we have taken the position that we need to fix this.

I was very pleased to see that one of our Democrat colleagues today was in the paper saying no more earmarks, because the system is broken, and we welcome that sort of bipartisan support and recognition of a system that is completely, absolutely broken and needs to be fixed.

I know it is symptomatic of some bigger problems. It is not huge money, but it is big enough money that we ought to step up and fix it. And then we ought to fix these other underlying problems like this gigantic omnibus mess, because the green line that my friend showed of this increased spending has got to be brought under control. Even in the wildest dreams of our colleagues on the other side of the aisle, they can't raise taxes enough to fix that. We have to get the spending part of this equation under control.

I believe, as I know Mr. BARRETT does and some of our other colleagues here tonight, that keeping the tax burden low and allowing American families and businesses to spend money according to their priorities will keep this economy growing and tax revenues will continue to flow. We just have to get the spending side under control.

I thank my friend for yielding some time to me and letting me address a couple of the issues in this big picture that he has been trying to lay out for us tonight. I know we have other colleagues, so I yield back.

Mr. BARRETT of South Carolina. I thank the gentleman.

Madam Speaker, I guess it is a philosophical question: Who do you trust? Who do you trust? Do you trust a Federal bureaucracy that has grown and grown and grown? Or do you trust the men and women in South Carolina? Do you trust the men and women in Minnesota? Do you trust the men and women in Texas or Tennessee? Because they are the ones out there day after day busting their humps, making a living, trying to make ends meet. And all they want is a fair shake. All they want is for us to spend their money wisely.

I have never met a constituent, Madam Speaker, that didn't say "I don't want to pay my fair share." But every one of them will tell you "I don't want to pay more than my fair share." And it is incumbent upon us, it is incumbent upon the United States Congress, to do the right thing.

With that, Madam Speaker, there is a lovely lady in the Chamber tonight that is a budget hawk, that is a stalwart when it comes to conservatism in the House, a lady that speaks with a gentle voice but carries a big stick, and I am talking about my dear friend from Tennessee, MARSHA BLACKBURN.

Mrs. BLACKBURN. Thank you so much.

Madam Speaker, I thank the gentleman from South Carolina for yielding the time, and I thank my colleagues for taking the time to come and talk to our colleagues and also to the American people a little bit about the issue of spending.

You have the right to know how we spend your money. Madam Speaker, I think that that is something we need to think about. This is not our money. It is not the government's money. This is the taxpayers' money. And to each and every individual, each and every taxpayer who is listening, you do have a right to know how your money is being spent.

The gentleman from South Carolina spoke so well to the issues that are encapsulated in the budget process. Some of you may be wondering about that budget document. Yes, the President did get it out to us last week. You can actually download the budget document if you want to see it. It is about 2,000 pages.

You think about how small the Constitution is and how big the budget is for this one year. But at Whitehouse.gov/OMB/budget/FY2009, the fiscal year 2009 budget, you can go to that Web site and you can actually print it off and go through and search and look at it, as the gentleman said, entitlements, and the entitlements that are there, the mandatory spending, as it is called, even though it is items that just don't seem to be addressed.

□ 1930

They are put on auto pilot, if you will. And it really takes strength to get in there and address Medicare and Medicaid and Social Security and those items that have been put on auto pilot.

Are these items things that are going to continue to grow every year? Yes, indeed, they do. Do they need to be addressed? Absolutely, they need to be addressed. And the gentleman is right in that, as he was pointing out the amounts of money. And then just making a small little reduction in that spending, you have a Budget chairman who is saying, oh, my goodness, draconian cuts. We can't do that.

So it is important to keep up with actually what is in that document. And I do encourage everyone to print that out, look at it, and stay in touch with us as we continue on a regular basis to come to this floor and talk about how this body spends your money.

Now to follow the good members of the Budget Committee, the gentleman from South Carolina and a couple of Members you will hear from yet a little bit further tonight and to follow some of the process, the process of getting this budget together. The President proposes that budget. You can go to budget.house.gov/republicans, and you can follow the actions that are going to take place as we talk about spending, talk about how the limits are going to be set for the different categories in the budget, as we go through amending that budget and the House putting its mark on that budget. We are the keepers of the purse. And I invite you to follow those actions.

Those of us that are in the Republican Study Committee, which are bringing you this hour tonight and this discussion, you can follow what we are doing with the budget at house.gov/hensarling/rsc, and we encourage you to do that.

We do recognize this is your money, it is not the government's money, and you deserve information on what is happening with spending. As you have heard from the gentleman from Minnesota (Mr. KLINE), and also from South Carolina (Mr. BARRETT), you deserve that info so that you can decide if you think you are getting a good value for the tax dollars that you are sending into the Federal Government. So work through this with us, and then you make the decision as to what kind of value you think you are getting.

Now I will tell you, I am one of those that thinks the President spends too much. I have disagreed with how much he spends. I think this body spends too much. There are all sorts of good ideas that are out there. But every time there is a good idea, you have a price that has to be attached to that. And it is not only a price as to what we are spending here, but it is also the price that is paid because neither the private nor not-for-profit sector is going to fill that need or address that need if the public sector is doing it.

I think as we talk through the issue and as you are listening to the Members that will speak to you tonight, you will agree, government spends too much. As you have heard tonight, taxes are too high. The American people are overtaxed and government has overspent. The bureaucracy is bloated and the bureaucracy needs to be trimmed back. Every year they take a little more and a little more and a little more and go through this process of baseline budgeting, never going back to dollar zero like you do, like we all do with the family budget. Every year they just add on. So the bureaucracy is bloated. And in this season of a new year and new resolutions, the Federal budget is one that needs to be put on a diet. But we all know that government has an insatiable appetite for the taxpayers' money.

There are some actions that need to be taken. As you have heard tonight, you see the mandatory spending, the things that are on auto pilot approaching 60 percent of this budget. It's time to get our hands around that. We're looking forward to beginning some of that process this year, just as we've begun it every year with the budget discussion and driving that debate a little bit further to make certain that fiscal responsibility is restored to this House, to make certain that future generations of Americans have a free Nation in which they can grow up, which they can dream big dreams, where they can have great adventures and they have the confidence of knowing they have a government that is going to work well, a government that is going to be efficient and effective in the tasks that they undertake and the services they provide.

I thank the gentleman from South Carolina for yielding.

Mr. BARRETT of South Carolina. I thank the gentlelady.

Madam Speaker, I couldn't have said it any better. Mrs. BLACKBURN does a beautiful job, and we really appreciate her coming down and sharing some thoughts with us tonight.

My next speaker again is a classmate of mine, a wonderful man, the author of the Family Budget Protection Act, which was a fantastic piece of legislation, and I hope he talks a little bit about it tonight, also the chairman of the Republican Study Committee, and a dear friend, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding. I thank him for his leadership in this body, and I thank him for his friendship.

Madam Speaker, I know of no one in this body who represents greater integrity and greater honor than the gentleman from South Carolina. His district was very wise to send him to the United States House of Representatives. I want to thank the gentlelady from Tennessee who preceded me who is one of the most dynamic Members we have in this entire body for the clarity and persuasion of her speech, a lady who knows how challenging it is for families to be able to put food on the table, put gasoline in the car, pay for their health care expenses, and knows that ultimately it is the family budget that ends up paying for the bloated Federal budget.

Now I didn't join the Budget Committee because I enjoyed numbers. In fact, I think probably the worst grade I ever made in my life was in an accounting course at Texas A&M University many, many years ago. But I joined the Budget Committee because ultimately the budget is about priorities. And, Madam Speaker, I came to this body because I believe America needs greater freedom and greater opportunity. And you can't have more freedom and more government. You have to choose between one or the other. And sometimes, Madam Speaker, especially at a time of challenging economic times, you have got to decide which is more important, a government check or a paycheck. And right now government increasingly is taking a bite out of that family paycheck to pay for bloated Washington spending.

Well, Madam Speaker, I don't know if the American people know it, but right now the Federal Government is spending over $23,000 per American family. It is the first time since World War II that the government has spent that much money, over $23,000. Madam Speaker, I wonder how many families that are listening to this debate tonight think they are getting their $23,000 worth out of the United States Federal Government.

Now some will say government has great needs. But you know what, it's not always how much money you spend in Washington that counts, it's how you spend the money. And I want a Federal Government that does a few things well, like guards my family and the families of all Americans against radical Islamic terrorists. I want a Federal Government that can control our borders. I want a Federal Government that will provide a social safety net for those who are too old, too young, and too disabled to help themselves. But outside of that, I want people to go out and have greater freedom and greater opportunity, and have the greatest welfare system known to mankind. And when I say welfare, I mean greater education, greater housing, greater nutrition. That program is called the American free enterprise system, and it is under assault. And one of the things that is assaulting it is the Federal budget.

Now let's talk about the fight that is taking place in Congress right now, and that is a fight about whether or not Americans ought to receive a huge automatic tax increase that our friends on the other side of the aisle, Madam Speaker, the Democrats, have passed into legislation.

Right now over the next 3 years there will be a huge automatic tax increase on the American people. Now is that what this economy needs now, when people are concerned about their job losses, when they are having trouble filling up their Ford F-150 pickup trucks, when they are having trouble buying milk at the grocery store? I have a 5-year-old and a 4-year-old and they're very thirsty and they drink that milk. And it is expensive.

And so the question right now is, should there be a huge automatic tax increase on the American people? Well, Madam Speaker, the Republicans think that there shouldn't be, that we shouldn't have a huge automatic tax increase. Let me tell you what the Democrats have passed.

Right now, if we don't change this, the top tax income bracket will go to 39.6 percent, an increase of 13.1 percent. Now why is that important? We always hear, well, you know, this is the wealthy and they need to pay more taxes. Well, you know who files at this rate, Madam Speaker, is small businesses. And, guess what, you can't have capitalism without capital. I used to be a small businessman. I signed the front of a paycheck. I used to sign the back of the paycheck, but I signed the front of the paycheck and I have risked capital. So now all of a sudden the Democrats have put into law a 13.1-percent tax increase on hundreds of thousands of small businesses across our Nation at the very time when they are trying to meet their payroll. What sense does that make, Madam Speaker?

Capital gains. The capital of capitalism. Democrats want to increase taxes on that 33.3 percent. If you want to talk about something that's going to send more jobs overseas, it's increasing the tax rate on capital gains. Dividends go up 164 percent. That's right, 164 percent, under the automatic tax increases that the Democrats are going to impose on us.

The death tax. You have already paid taxes on it once. You shouldn't have to visit the undertaker and the IRS on the same day, and yet that is going to go from zero up to 55 percent, Madam Speaker.

The child tax credit is going to get cut in half. And the lowest tax bracket for the lowest wage earners in America, their taxes are going to increase 50 percent. Under the Democrat plan, Madam Speaker, it is going to go from a 10 percent bracket to a 15-percent bracket.

Now is this the recipe that our economy needs? I don't think so. I don't think so. But yet Democrats tell us, well, we need more money because we've got to do all this Washington spending. Well, if you look in the rearview mirror, Madam Speaker, you will see that over the last 10 years government has grown by about 75 percent, and yet the family budget, which has to pay for that Federal budget, has only grown 30 percent.

Now ultimately something has to give. And so again our Democrat colleagues, Madam Speaker, tell us, well, we have to raise taxes. And all those tax increases that they want to impose right when the economy is having troubles, they say, well, we've got to raise taxes to somehow balance the budget.

Well, Madam Speaker, if people would look at this chart, we don't have a taxation problem, we have a spending problem. Right now the difference between this blue line and red line is this huge massive tax increase that the Democrats want to impose upon hardworking American families, on farmers, on teachers, on small businesses. And look at how much revenue it gains you. And this, Madam Speaker, not to get into too much inside baseball, is what we call a static analysis. This assumes that raising people's taxes has no impact on economic growth. We know that's not true.

So given the Democrats' every single assumption, if they do this massive tax increase which is going to amount to roughly $3,000 per American family over the next 3 years, it doesn't get anywhere close to the green line. That's the spending line. That is the line that represents the Federal Government on automatic pilot. That is if no new programs are added, that is how much is going to be spent. And what does that represent? Don't take my word for it; take the Comptroller General's word for it, the chief fiduciary officer in the United States Government. He says that line right there represents either, number one, a doubling of taxes on our children, or it represents a Federal Government that consists of almost nothing but Medicare, Medicaid, and Social Security. And anybody in charge of counting money for the Federal Government will tell you the same thing. Where is the ethic in that? Where is the morality in that? Imposing that kind of burden on the next generation? But, no, we have so many colleagues that care about the next election and not the next generation.

□ 1945

Almost 6 years ago I got in the next generation business because I have a 5-year-old daughter and a 4-year-old son, and I care desperately about their future. So we have to do something about out-of-control spending, and yet our colleagues on the other side of the aisle, the Democrats, every single day they add a new program, completely oblivious to the cost on our children and grandchildren, the least of these, those who cannot vote and those yet to be born.

If we are to work our way out of the economic challenges we have today, much less spare our children and grandchildren a doubling of their taxation to where we would be the first generation in American history to leave the next generation with a lower standard of living, if we are going to keep our faith with our forefathers, if we are going to show fidelity to the future generations and be good stewards of the American dream, we have to defeat these massive Democrat tax increases. We have to defeat their massive increases in spending.

Madam Speaker, it all starts with something we call earmarks, congressional earmarks. As a dear friend of mine in the Senate, TOM COBURN of Oklahoma said, "Earmarks are the gateway drug to spending addiction." There are too many bridges to nowhere, there are too many indoor rainforests. There are too many teapot museums. And the American people are waking up that all too often somebody in this body has taken a bite out of their paycheck so that some Member of Congress can keep his. The system is broken.

Republicans in this body have called for an earmark moratorium. They have called for a select committee to clean up this system where the American people too often see money going into campaign contributions. Money coming in one end of Washington, DC, and they see earmarks coming out the other end. The system is broken. It has to be changed, and all the Democrats have said is no, we are not going to join you. They have gone the complete opposite direction.

I am proud to be a member of this Republican conference that is trying to clean up this earmark mess, trying to control spending and control taxation so we can get this economy going and Americans can keep their jobs and have a brighter future for themselves and their children and their grandchildren.

I thank the gentleman from South Carolina for his leadership, and thank the gentleman for yielding me this time.

Mr. BARRETT of South Carolina. Mr. HENSARLING, I thank you for being here tonight and for your hard work. Your steady leadership with the RSC is truly appreciated. We appreciate you coming down here tonight.

Madam Speaker, my next speaker tonight is a gentleman that we call our songmeister in the Members' prayer breakfast every Thursday morning, a gentleman who is dogmatic when it comes to being a true conservative, when it comes to spending constraint, and when it comes to doing what is right in the United States Congress, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Well, thank you very much for yielding me some time here. I agree with you entirely that Congressman HENSARLING from Texas really does us proud, and we think an awful lot of his constituents for sending Mr. HENSARLING here. He is a great leader and really understands the basic principles and levers on what makes Congress work.

Mr. BARRETT from South Carolina, I appreciate your managing the time before us this evening, and your integrity and leadership, and the fact that you are pretty smart and on top of these issues. We need people like that here.

The question before us tonight, do we want tax increases or tax decreases. It is a pretty simple choice: Tax increases or tax decreases. Historically there were two guys, one guy plugging each one. One was called little Lord Keynesian economics. That is the one that said what we want to do is we want to do tax increases. If the government just spends enough money, by golly, it is just like standing inside a bucket, grabbing the handle and lifting up, and we will just float our way out of any economic problems. So the idea is government will spend a lot of money and increase taxes. That is a Keynesian approach.

The other approach was advanced a little later, after Keynes, and it was Milton Friedman. He said no, when you have your economy in trouble, you are starting to get into a recession, you want to do tax decreases. Now that might sound like a crazy idea because if you cut taxes, you think, I won't be able to pay for all of the things that government is doing. We already have a deficit, how can you cut taxes.

Well, one of the ways to take a look at which one of these ideas is a better idea is take a look at how it has worked historically. We have a long record on that, actually. You can go back to the 1920s, and Calvin Coolidge cut taxes at a time when the economy was having a hard time, and the economy surged. In fact, they gave it a name, they called it the Roaring 20s.

Next was FDR. Now FDR in his earlier years, he was in trouble politically, so he got a clever idea. He said I am going to take some Federal money and start building using Federal money in the States where I need some votes. He goes out and doubles and then triples the budget of the Federal Government. The Federal Government was only spending about 3 percent, and he took it up to 9 percent. That was the 1930s and 1940s. And, of course, the Great Depression was brought on by that extensive spending on the part of the Federal Government and the tax increases that were necessary to try to cover that.

In 1960, and this is a place where we step a little out of the political pattern. In general, Republicans have been on the side of cutting taxes. But here was a Democrat, John F. Kennedy. In 1960 he said the economy is in trouble, and we need to cut taxes. JFK did that, and we had 7 or 8 years of very strong economy.

So again, when you cut taxes, the economy surged and did better.

In the 1980s, Ronald Reagan was stuck with a very difficult economy. He did a huge tax cut. Everybody says Reaganomics, it was foolish to cut taxes, except it worked. We had a tremendously strong economy. It was that strong economy that allowed Ronald Reagan to spend money on defense and basically economically break the back of the Soviet Union, thus winning the Cold War.

Then we came back with Bush I and Clinton. They went back to the raise-taxes formula. The economy gets in trouble. Bush II comes into office in 2000, and we have a recession starting. What happens, in 2003 he does a major tax cut particularly where it was necessary to help small businesses to help invest in the economy, and now we have had about 5 years of a very strong economy because of the tax cuts.

Well, where are we today?

The Democrats today are really into the idea of tax increases. Not only have they raised billions and billions in additional spending in 2007, but they have proposed the mother of all tax increases. That does make me scared around Thanksgiving when you hear about the mother of all tax increases, a $3-plus trillion tax increase. That is going to repeal all of the Bush tax cuts.

So now you have the economy that is pretty shaky right now, and what are you going to do; you are going to slam it with massive tax increases, and that is the formula that goes right back to little Lord Keynesian that the Democrats are pushing.

The question could be asked, we are not being able to cover all of our bills, how can you talk about cutting taxes, being responsible when you talk about cutting taxes, wouldn't you have to pay all of these bills for the government. Well, here is an interesting thing, and it is one that I heard talked about but I never really quite analyzed it. I would like you to picture in your mind that you are king for the day and your job is to try to raise some money for your government to do some programs. The only thing you get to tax is a loaf of bread.

So you start to think this one out. You see this loaf of bread sitting in front of you, and you think, am I going to put a one penny tax on a loaf of bread, and you start calculating how many loaves of bread that we use in the country, and figure out what you raise. You think, why not charge $100 for taxes on a loaf of bread.

Then you think maybe no one would buy the bread then. Common sense says somewhere between a penny and $100 there is some level of tax on the loaf of bread that if you increase it, you will lose tax revenue. And if you decrease it, you will lose tax revenue. So what is going on here is that there is some optimum level of taxing, and when you go beyond it, even though you raise taxes, you are actually crashing the economy and you are not going to collect as much money because the economy is going to die.

You think about the fact in this last Bush administration people were complaining about the tax cuts and the cost of the war. The interesting thing is if you add the cost of the war in Iraq and Afghanistan and the cost of the tax cuts, they don't equal as much as what the recession was costing us in the beginning of 2000. Recessions are very expensive. So if you drive your taxes too much, the economy slows and you don't get the tax revenue. You can raise taxes as much as you want, but if the economy is sick, you are not going to get revenue in.

So that's the logic. It is like a loaf of bread. If you tax it too much, you actually get less revenue coming into the government.

Now the thing that I find ironic about this whole thing, we have all of this history in America and we know that tax cuts are the medicine you need when you have a recession. We don't want excessive spending, and we cannot afford these huge tax cuts. And the ironic thing is that the socialistic Europeans have figured this out. We have the economists who figured it out, and yet we are not acting on the intelligence that we have. The Europeans, they figured hey, this is a good deal, we will cut taxes and our economy will grow. And so they whacked taxes 8 or 9 years ago, and their economy is going gangbusters. All of Europe asks, What did Ireland do? Oh, Ireland cut its taxes. And so good old socialistic Germany and socialistic France, they are working to cut taxes. They figured it out.

And here we are, the people who actually came up under Milton Friedman with this understanding of economics, and what are we doing, we are talking about the mother of all tax increases. This is insanity. I can't understand why the Democrats want to do this. If I were a Democrat, I would want to hand out pork and programs to people; I would want a strong economy. I would want to cut taxes so I would have more money to spend. It doesn't make sense to pass these huge, massive tax increases.

I think we could learn from history, or we could just learn from the Irish.

I certainly appreciate the gentleman from South Carolina yielding me the time to talk about this. The question is are we going to do tax increases or tax decreases? If you care about the economy and if you care about the future of our children, the answer has to be that we have to use the Milton Friedman approach and we have to get control of our spending and we have to cut our taxes.

Mr. BARRETT of South Carolina. I thank the gentleman. I can certainly tell one thing, Madam Speaker, and I know the other folks in the Chamber will agree, that the gentleman from Missouri is certainly passionate and believes in what he is talking about.

Madam Speaker, now it is an honor and a privilege to turn to one of our newer Members, but a Member who has proven himself time and time again, the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman from South Carolina for yielding, and appreciate this opportunity that RSC has put together to talk about taxes and spending and some of the challenges we face as a country.

We live in the greatest country in the world, but we do face some serious challenges. Obviously we face the challenge of terrorism, the threat from people who want to do our country harm and who don't believe in the great values that made us the greatest country in human history.

Also, we face another challenge, and that is the challenge of dealing with the fiscal situation that confronts us as Members of Congress. Just some numbers. The previous speaker from Missouri talked about tax issues. It is important to understand, you hear from time to time tax-and-spend politicians, it is really not that, it is really spend and tax. Spending drives the equation, and we have got to get Federal spending under control.

Just some numbers. The greatest economy in human history is the U.S. economy. It is the largest economy ever, a $14 trillion annual economy.

The second largest economy in the world is the nation of Japan, approximately $3.2 trillion.

The third largest economy, if I can use that term, is the Federal Government. We all just saw the budget that came out last week, a $3 trillion Federal budget. We have a $3 trillion annual operating budget, and we have a $9 trillion national debt. The Federal Government spends $23,000 per year per household; the top 25 percent of income earners pay 84 percent of the taxes. So when you hear these elected officials say we have to give tax cuts to the middle class, we are going to tax the rich, it is already happening. So when people talk about only taxing the rich, what they really mean is they are going to tax taxpayers. Every single family is going to pay more.

We have to get spending under control if we are going to keep taxes low so families have more of their money to spend on their goals and their dreams, their kids and their grandkids.

Last year I was proud to be part of the RSC who worked hard at lowering spending. In fact, we didn't really work to lower spending. What we said to the majority party is, let's spend what we spent last year. We offered a series of amendments. The way the process works around here is we have to have

12 appropriations bills in law by the end of our fiscal year, which is September 30.

□ 2000

So as those bills were moving through, we offered a series of amendments that said, let's spend what we spent the previous year. After all, all kinds of families, all kinds of business owners, all kinds of taxpayers in this great country have had to do that from time to time. Doesn't it make some sense for the Federal Government, where everyone instinctively knows we have waste in spending, doesn't it make sense for the Federal Government to maybe just live on what they did the previous year? But no, the majority party wouldn't do that. And they increased spending on those bills at three and four and in some cases five times the rate of inflation. And all we said was, let's just hold the line.

And the argument we got when we offered our amendments was, you know what, if we can't spend more, the world's going to end, the sky's going to fall, all kinds of terrible things are going to happen. We just can't do that. We've got to spend more.

Well, as the process unfolded, and so that the American people understand, Madam Speaker, we didn't have any one of those bills, not one single bill was enacted by September 30. And so on September 30, we had to pass what's called a continuing resolution, which is a fancy way of saying, let's live on last year's budget.

A few weeks into that, I came to this floor, same spot here, and gave a speech. I said, you know, a few months ago, a few weeks ago we had talked about the fact that we wanted to hold the line on spending and we were told that if we didn't increase spending, all kinds of bad things were going to happen; the sky was going to fall, the sun wouldn't come up.

I said, you know what? For the past 6 weeks we've been living on last year's budget and imagine this: The government's still running. The sun's still coming up; the world hasn't ended. I said, how can that be? And my rhetorical question was, You know what? If we can do it for 6 weeks, I bet we could do it for 6 months, I bet we could do it for a whole year, and save the taxpayers a lot of money and, more importantly, and maybe most importantly, begin to better position ourselves as a country to deal with the long-term problems that we know are out there.

It is important that we get spending under control because when we do, we can make sure our economy continues to grow, we can keep taxes low, and we can let families have the kind of resources they need, their resources, to spend on their goals and dreams.

The last thing I will say is this before yielding back to the gentleman from South Carolina.

The way the world works is this: The economic leader in the world is the military leader in the world. Right now that is one country, the United States of America, and that's a good thing. It is good when American leads.

You know, folks at home in Ohio, folks back home in Carolina, they get it. They understand that instinctively. I think maybe the only people who don't understand that fact is the editorial page of the New York Times.

I love the line Cal Thomas has, syndicated columnist Cal Thomas. He talks about how normal people perceive things, and how sometimes the elite national press perceives things. And he has a great line. He says, I get up every morning, I read my Bible and the New York Times so I can see what each side's up to. And there's some truth to that statement.

It's important that we lead economically. We can do that by keeping spending low and keeping taxes low. And when we do that we can be the leader of the world, which is a good thing for safety around the planet.

With that I would yield back to the gentleman. I appreciate again his putting this hour together and talking about this very important challenge that we face as a country.

Mr. BARRETT of South Carolina. I thank the gentleman from Ohio so much.

My last speaker, Madam Speaker, I don't know what to say. I mean, he's awesome. When you need somebody watching your back in a fight, the gentleman from North Carolina (Mr. MCHENRY) is the guy I want beside me. It is my pleasure to introduce him.

Mr. MCHENRY. Thank you. I appreciate your kind words, Congressman BARRETT, and I really appreciate your leadership. I know the people of South Carolina do as well. As deputy ranking Republican on the Budget Committee, he has his work cut out for him leading us on the Budget Committee.

I want to bring out just a few facts for the American people tonight, Madam Speaker. Congressman JORDAN pointed out very aptly the size of the Federal Government, just so the American people can understand what a $3 trillion government costs, what that actually means though. You say $3 trillion. What does $1 billion look like?

Well, sure, Bill Gates could tell you what $1 billion looks like. He's got that in his checkbook. But for the average American, what does that mean?

And to point out the fact that it's larger than most countries are. We have the third largest economy in the world held just in our Federal budget; greater than the whole economy of China. It's absolutely amazing.

But when we talk about boondoggles in government, folks in North Carolina know about that. Look, in western North Carolina, where I represent, in Hickory, where I'm from, Cherryville, I've got to tell you, the American people know the government's wasteful.

If you're out in the eastern part of the State like in New Bern, for instance, if you're out there, you recognize this stuff, but let's talk about a great, enormous in size and scope boondoggle that we have here in Washington, DC.

There are 111,000 bureaucrats here in Washington, DC. Some don't do much. Others are very active. But 111,000 bureaucrats. The average wage for those bureaucrats here in Washington, DC is $89,561 a year. That's amazing to me that the sheer size of that, the average wage is so high. It's enormous.

But in the Department of Education, we know that education is critical. It's especially critical in western North Carolina. We have 3,224 bureaucrats here in Washington, DC in the U.S. Department of Education. The average wage is $93,773. Now imagine that. The average teacher in America makes $47,000 a year. I would much rather take that money from the bureaucrats and put it in the hands of teachers who are actually educating children.

Madam Speaker, we have a crisis on our hands with the size and scope of government. We have to limit the size and scope of government. We have to bring the budget to balance and do it without raising taxes.

I appreciate and applaud my colleague from South Carolina for hosting this special order so we can bring out these facts to the American people, because as their family budgets tighten, so should the Federal Government's budget.

Mr. BARRETT of South Carolina. In closing, Madam Speaker, when I was working in the furniture store, my furniture store in Westminster, South Carolina, I had a guy named John R. McAllister. I called him Hoss. And Hoss would come in every Friday to see me and he'd make his payment. And it didn't matter whether I was working in the back or working on a truck or unpacking furniture, Hoss would look me up and come grab my hand and shake it and say, thank you for what you're doing. You know, Hoss McAllister probably didn't have an idea close to what I did. But I think about Hoss McAllister tonight, Madam Speaker, and all the Hosses out there that want a fair shake.

We're going to do the right thing. We're going to keep taxes low. We're going to give more money to Hoss so he can make a living.

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## 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. ELLISON). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it's so good to see my friends on the

Republican side talking about making sure that we help people and help the economy. And today, you know, we had a bipartisan piece of legislation that the President signed, which is good, this stimulus package. Of course all of the pieces in that package did not turn out the way everyone wanted it to turn out, but we knew that we had to get it in the hands of American people. It puts hundreds of dollars into the hands of almost 130 million Americans, disabled veterans, also seniors, who will spend these dollars immediately.

Mr. Speaker, I must also say, here in the 30-Something Working Group we talked a lot about the bipartisanship. And my good colleague, YVETTE CLARKE from the great State of New York represents Brooklyn, and was a part of that bipartisanship that we shared here on this floor.

Here in the 30-Something Working Group, we talk about how we can work together on behalf of all Americans, not just Democrats, power Democrats or power Republicans, but also independents. And I think it's important when we work together we're able to achieve goals on behalf of the American people. That's what we're looking for.

But, Ms. CLARKE, one the things that I guess, or two of the things we're going to talk about tonight, not only the President's signing the stimulus package that the House and Senate worked on in a bipartisan way, but we also have to talk about the budget a little bit tonight. I was hoping, since it's one of these cold nights in Washington, DC, that maybe we can accomplish this in a record time of being able to allow folks who, the Federal Government was delayed 2 hours today in opening, but pretty much everyone showed up at my office, and we know that folks have to get home.

But I think it's important, because so many Americans, when the tax rebate comes in, which will be a separate check, their stimulus check will come in and hopefully it will be able to help folks be able to make ends meet.

This tax credit has also offered a one-time rebate of $300 per child. I think that's very, very important for those that are eligible to be able to get that one-time rebate per child.

Also, it expands financial opportunities for Americans in danger of losing their homes because of the mortgage crisis. And as you know, Mr. Speaker and Ms. CLARKE, we have to make sure that we bring about the comprehensive reform that we need. A number of Americans are losing their homes. A lot of us back in our districts, you know, I'm going to have not only a workshop, but an ongoing working group in helping the folks in my district be able to keep their homes. That's the number one investment tool that we use when we do need money. Having that home and owning that home and having equity in that home is very, very important. Also it promotes small business investment in plants and equipment, and it helps create 500,000 jobs by the end of this year.

And I think that just looking at some of the points in this economic stimulus plan, this is a temporary fix. It's not what all of us here wanted. But on behalf of the American people and on behalf of our economy, we have to make sure that we make these ends meet.

One other thing I just want to add, and this is an AP story, Ms. CLARKE, that the President acknowledged today that the country is suffering a tough period of economic uncertainty. We're going to talk about that when we talk about the Federal budget a little later on, a couple of these charts. You know I love charts. But we're going to talk about that, this economic uncertainty and how we get there because I think it ties into what our colleagues were talking about on the other side of the aisle, talking about all and every last tax cut is a good tax cut. And some tax cuts, especially when you're borrowing the money, I mean, we've got to talk straight to the folks, Ms. CLARKE, this economic stimulus package that's going to benefit 130 million Americans, is borrowed money. Let's just go ahead and put it out there now. It's borrowed. I think it's important that we, if we're going to stop borrowing so much money, then we have to be able to set the stage to allow Americans to see exactly what's going on, especially during the political scene. Folks have all these great proposals. Is it paid for? That's my question.

When I got here, Mr. Speaker and Ms. CLARKE, it was, we're selling the future generation. Now I can honestly say that we're selling today when we talk about some of these charts, especially with the President releasing this budget.

But with those opening statements, I yield to you, Ms. CLARKE, at this time.

Ms. CLARKE. Thank you so much, Mr. MEEK. It's great to be back here once again with the 30-Something Working Group in what I call my sophomore year of my freshman term. I wanted to just share some reflections on the economic stimulus package, because I think before we even get to the point of looking at where our economy is today, there should be a moment to pause and look back about 7 years ago when our Nation's budget was in surplus. And in such a short amount of time we've seen our economy just totally get out of kilter, get out of whack, a lot of hocus-pocus being done in the markets, particularly around subprime mortgages, in addition to the fact that there's just been a slow economic growth in some of the sectors that have traditionally provided that economic growth and boost in our economy.

But it's great to know that we all recognize the writing on the wall, and that there wasn't the type of struggle that we have seen around other pieces of legislation with regard to economic stimulus. It was bipartisan effort, and we recognized that it was important and critical that we do this timely, we do it targeted, and we make sure it's temporary because, as my colleague, Mr. MEEK, has already stated, we're borrowing this money. But we know it's important. It's important to jump-start our economy. It's on life support right now, and this is just the type of jolt that we need. It, as has been stated, gives hundreds of dollars to people who will spend it. That is the ultimate goal here is that we spend this money, that we get it back into the stream of economic growth as quickly as possible.

□ 2015

And that will be going to 130 million American families and seniors, including about 8.3 million families in my home State of New York. And what we were able to determine is that the average rebate for New York families would be about $807, putting an estimated $6.7 billion into the hands of New Yorkers, into the hands of those who really, really need it.

And I think what is so crafty about the stimulus package that the Democrats led here in our caucus was the fact that we looked at the struggle that our parents are having; that for our children there's going to be a rebate for each child in the family; that there will be an ability for us to make sure that our small businesses are able to invest in new equipment and that workers will have half a million jobs by the end of this year.

We are looking at providing relief for lower wage and part-time workers by guaranteeing at least $300 for those who are making at least $3,000 in earned income.

This is phenomenal. It's unfortunate that we have to come to these measures, but we know that this stimulus is going to be going directly to those who have suffered the most in our economic crises right now. And I think that the Democratic caucus has certainly led the way with innovation with regard to this stimulus package, and I want to commend, to the extent that I can, the folks on the other side of the aisle who saw that this was a much needed measure and did not spend a whole lot of time debating it but putting it in place, so that by May of this year, we should begin to see some of this really kick into effect across this Nation. It's extraordinary.

You know, our Democratic Party worked with our Republican counterparts in the House and the Senate and the administration to pass this quick relief to help prevent a full-fledged recession, but we didn't get everything we wanted. We really didn't just get everything we wanted. We got it done quickly.

I believe that we need to expand upon the stimulus to keep the relief coming, because even after the rebate checks come, there are people who will continue to be hurting. We need to increase funding for food stamp programs and unemployment benefits, then we need to address the infrastructure problems in our country, Mr. Speaker, including needed repair to our schools, waste water systems, transportation systems, which will also create jobs. We need to invest in affordable housing. That creates jobs. But it also creates local economic development.

Creating jobs through many different means, and the buzz word is "green" jobs, which is, of course, looking at renewable energies and how we really embed that into our economy, so that as we wean ourselves off of the dependency of foreign oil, we see the growth of industry across this Nation from the rural parts of our Nation to the urban parts of our Nation, like New York City, where green jobs can be a major engine for sustainable growth in our Nation.

Of course, we have looked at summer jobs, which is critical. This is a way that we can immediately impact, particularly on our young people and their families, is by giving them that opportunity for exposure to the workplace in the summer job capacity, job training for our workforce, to reorient them to a lot of the emerging industries that we have. We just need the jobs.

So we have a full plate ahead of us. Economic stimulus is just the beginning. That is just shocking the system so we can begin to put the treatments in place to repair and restructure it, and I'm really looking forward to that, because coming out of this Democratic caucus had real innovation, real forward thinking, and real focus on the needs of our people.

As has been stated, Mr. MEEK, you are struggling with the foreclosure crisis in your community. I'm struggling with it in my community where we're in the process of rolling out a series of clinics so that people will feel free to come forth and have their financial situations assessed, their mortgages assessed. Those that can be refinanced, we want to get them in the stream right away, because this is predicted to be a foreclosure phenomenon that will last a number of years.

So we want to try to head it off at the pass for those who may be struggling today. And this economic stimulus package can at least put some funds into the stream by helping homeowners who are struggling with their mortgages and who are in danger of losing their homes.

So I'm excited about the fact that the President signed the package today and that we can get the wheels of the bureaucracy moving to get this stimulus into the stream, into our communities, into the hands of our families as quickly as possible. It's really an important measure, and I look forward to seeing it implemented in each of our communities.

Mr. MEEK of Florida. Well, let me just say, I think it's important that you talk about our stimulus package, talk about the realities of the stimulus package, this bipartisan package. And I think it's important that everyone pay very close attention to not only what we are saying but what we must do. This is a perfect example of how we worked in a bipartisan way. And I have always said bipartisanship is only allowed when the majority allows it to happen. And how we came off of the recess, came back here to Washington, DC, to respond to the crisis that's facing the country. It is not over. It is a temporary fix. You have a Band-Aid box. This is one of the medium-size Band-Aids in the box. It is not one of the big Band-Aids that's there.

I think it's important, and you gave the numbers out, on what happens in New York. But we have 8.3 million households on average that will receive $819 for those that are eligible for this stimulus package. And, Mr. Speaker, it was targeted towards the working families and seniors and those that fall under certain thresholds that we will be talking about in further detail here on the floor when we can talk about the stimulus package and talk about some of the benefits, especially for some of the working Americans who are trying to figure things out.

A lot of the folks, they like to sit down at their dining room table and kind of work this whole piece out on their taxes. Everyone doesn't go into what you may call an H&R Block or something like that to get their taxes done. Some folks sit right there at the dining room table and try to work it out themselves.

So I think it's very important that it's really no secret when we provide tax incentives for rebates for small businesses so that they can grow, and also when we provide those rebates for those families that are eligible, especially the tax child credit, because a lot of folks miss out on that. They're not paying attention to what is going on. And even sometimes individuals that are preparing your taxes, you have to kind of know something when you sit down at that table.

There are Americans in all parties and those that are nonaffiliated parties and those who have not even started voting yet, there are a number of people that you sit down with your tax person, you don't want to sit there with your mouth hung open not necessarily knowing what is going on. You need to know a little bit about what is happening. It is almost like walking into a car lot. You want to know something about the Blue Book value of the car. You want to know the sticker price. You want to know list. You want to know all of those things so that you will have at least some level of knowledge and edge on what is happening.

So many Americans leave money on the table, and I think, Ms. CLARKE, I have asked some of my staff members to get with the Ways and Means staff to talk about how much money is left on the table every year that Americans are eligible for, working Americans are eligible for, small businesses are eligible for that they're not aware of.

So they sign that tax document, not the person that's preparing. I mean, they do, too, but ultimately, the taxpayer has to sign it. And you are responsible for what is on it and what comes back to you, if you have anything that's coming back.

Ms. CLARKE. What I found interesting was our commitment to small business in the stimulus package. I think that too often small business is overlooked and forsaken for the big, megacorporate folks who are always getting the tax breaks. But this stimulus package also takes into account our small business, our "mom and pop," our emerging new start-ups and other organizations in our communities.

The plan will double the amount small businesses can immediately write off their taxes for capital investments made in 2008 from $125,000 to $250,000, and for purchases of new equipment up to $800,000 from $500,000. And that's significant because with the cost rising for materials, and there is a rising cost for oil, and people don't recognize what the rising cost in oil alone does to small business, particularly for those who have to have their goods or their services trucked or shipped. All of that goes into the bottom line of someone who is trying to operate a small operation. It also provides immediate tax relief for all businesses to invest into new plants and equipment by speeding up the depreciation provisions so that firms can write off an additional 50 percent off of investments purchased in 2008. That is extraordinary.

That is extraordinary because, again, because small business is really saddled with the weight of an economy that has been skyrocketing, particularly with the cost of oil and with the cost of doing business overall just escalating each and every year.

And we expect that there will be about $7.5 billion sent out to small business and small business investments over the next 10 years, close to $44 billion in 2008 alone.

So we have looked at every sector of our economy that may be struggling as a result of the sluggishness of the economy at this time, and a recession in some areas; some folks would say even depression in others. But for our businesses, it's important that we provide that buffer so that they're enabled to continue to grow, notwithstanding the challenges that they're facing right now.

So we have covered many bases with this stimulus package. We have covered both the home and the family as well as the small business environment of our communities. And I hope that, as you've said, everyone will take advantage of the rebates and the incentives that have been built into this stimulus package because we are counting on you to spend it out there. It's important. We want to make sure that we can provide the life support to our economy that's required so we don't fall in any deeper into economic crisis.

And this is just the opening salvo. We have a lot more to work out for our communities, for our Nation with regard to sustainable job development and job growth, and I'm looking forward to that part of the conversation, because we are in the 21st century here. We've got the talent, the expertise. We've got the ability out there. We have to be able to make sure that we drive the process of economic growth right here starting from the Hill.

Mr. MEEK of Florida. Mr. Speaker, I always enjoy when the two of us, Ms. CLARKE and I, are on the floor because I like that New York-Florida thing going on, and I tell a lot of folks, Mr. Speaker, whenever I'm in New York, I will always smile at New Yorkers because I think eventually they're going to be my constituents one day in Florida. But it's always good to work with Ms. CLARKE who is a public servant and who has served in the local government and where the rubber meets the road as it relates to that.

Mr. Speaker, as we start to talk about the budget, I want the Members to have the information that I am providing and Ms. CLARKE is providing here on the floor. And all of this information can be found on-line on www.majorityleader.gov. It is a budget clearinghouse that's there. Everything that we show here on the floor will be eligible on www.majorityleader.gov. And they will be able to pull this information down. And I think it's important to share and have transparency as we look at this budget. I think the success of the 30-Something Working Group that we have had over the years is that we've shared the good, bad, and ugly as it relates to not only budgets, but also to initiatives that we are trying to push through Congress.

But like I said, just 2 weeks ago we were talking about holding the line on bipartisanship and making sure the stimulus package passed, and I'm glad we were able to do it and we can all stand under one flag.

I'm going to try to kind of zip through these charts real quick because I know Ms. CLARKE and I have some back-and-forth to do in discussing this budget and what it means, but I just want to frame the debate here.

□ 2030

As you look at this dramatic deterioration in the budget picture, you have to look at the deficit in the billions. These numbers you see are in the billions. The last Clinton administration, when you look at after President Clinton left office, there was a $1.28 billion surplus that's there. You can see that right after President Bush took office, we automatically started deficit spending. This chart is not a chart that was put together by me independently. This is what the Office of Management and Budget has put forth. These are the numbers from the Office of Management and Budget that is overseen by the President's administration, and so these are their numbers.

When you're looking at $158 billion in 02 deficit; $378 billion in '03; $413 billion in '04; and in '05, $318 billion; '06, $248 billion, '07, $162 billion; and here we are in '08, for the FY09 budget, the President is looking to carry us to $110 billion. And then following in '09, $107 billion. This is his proposed budget.

Now let's just talk about this one chart just for a second. I just wanted to shed some light, and then we will move to the next one very quickly.

It's important that Americans understand what we're talking about. So when you hear folks on the floor start talking about tax cuts for the very wealthy and those who did not ask for tax cuts and saying that has to stay alive to be able to help our economy, I want you to reflect back to this chart here. This chart can be seen on majorityleader.gov.

Ms. CLARKE, I know you're familiar with this chart. This chart has been an ongoing chart in the 30-Something Working Group. We talk about President Bush more than doubles the foreign-held debt. It took 42 Presidents 224 years to build up $1 trillion of foreign-held debt. What do we mean by foreign-held debt? This means that foreign countries like China, OPEC, oil-producing countries, this means that Taiwan, this means that Japan, this means that India, this means that countries that we may have issues with, Argentina, a number of countries, they have bought our debt and we borrow money from them.

What does this mean? Forty-two Presidents, $1.01 trillion, 224 years of history in the country, from 1776–2000; 7 years of George W. Bush, some of it is with a rubber-stamp Congress until recently, until the American people spoke in the last election, and we're looking at $1.33 trillion in foreign-owned debt.

What does this mean for the country? I can tell you exactly what it means. It means that countries now look at America in a totally different light. It's almost like you having a friend, Ms. CLARKE, and you borrowing some money. If I was to come to you and say, goodness, Ms. CLARKE, YVETTE, can I borrow $20? Okay. But you see me 3 weeks from now and on your mind, right here in the center of your forehead, you're thinking about that $20. You're thinking if I am ever going to pay you that money again. So, now my influence as it relates to being a "Member of Congress" has been altered a little bit because you're now judging my ability to handle my own finances. We make the same money and all that kind of stuff, and you're saying, why does he have to borrow $20, and, better yet, has no real will or desire to pay me back? So that's where we are right now as it relates to the country. I think that people need to pay very close attention to that chart. And that was just updated in December of last year.

What's left out of Bush's budget? The cost of the war beyond 2009. I think that's very, very important because when you look at this cost of the war, it is not included, and budget analysts have said that it will be $489 billion over the next 5 years. But then again, the President says he is going to balance it very soon.

The AMT, which is alternative minimum tax reform, beyond 2008 is not there. That means that those middle-class families that you're not even recognizing in the President's budget, the spending policy details and beyond of 09 as relates to discretionary is not there. So it's kind of like saying we're going to balance the budget, but we're going to leave major ingredients out to be able to balance it and show how we're going to do it.

The President may only have one more year in office, but the responsibility as chief executive officer goes beyond that to be able to set the stage. What you want to do when you come into a job or you're leaving a job, just for anyone, if you're leaving a job, what do you do? You get everything in order for the next person to come in and to be able to have something to work with when he or she gets there. I think that it's important that the President does that. You're talking about the chief executive of the United States of America.

So look at what he was left with, a $128 billion surplus. And look what he is proposing to leave for the next woman or man to take office. So he had a very ideal situation. And now I'm not blaming this on the President, I'm just saying the Republican majority that we're trying to work with to get out of it now proposing to leave for the next woman or man that deficit.

So when we look at the President's proposed deep cuts and key priorities, I want to make sure that every law enforcement officer, which I used to be a

State trooper, Ms. CLARKE and Members, when you look at the COPS program, that's the Community Oriented Police, these are your bicycle patrol, these are your individuals that prevent crime, don't show up after it's done, but prevent it, and provide other alternatives to youth so that they don't get into trouble. The President cuts that 100 percent. And so when you look at that in the 08 budget, and what we fought for here, we started out with $587 million, I think it's important that everyone understands that that has been cut 100 percent.

Weatherization, and this is important in Ms. CLARKE's area especially. This is the home heating and all the things that our seniors and financially challenged folk need, 100 percent cut. When you look at Department of Homeland Security, State first responder grants, 78 percent cut. First responders, police officers, pay attention to what I'm saying because I want to make sure when folks around here are ho-humming and talking about, well, you know, I'm in support of the present situation as it relates to the White House, I want you to pay attention. This is not my budget. This is the President's budget that I'm talking about here that is not reflecting the priorities of the American people.

The EPA clean-up for water grants, 21 percent cut. When we look at community development block grants, these grants build fire stations, they build community centers that allow local government to be able to do something with Federal dollars for the betterment of their community, a 20 percent cut. And the Low-Income Home Energy Assistance Program, which is again for those that are financially challenged in the country, they're receiving these deep cuts.

I'm coming in for a landing here and I know, Ms. CLARKE, you're going to take it home for me. What Bush inherited and what Bush is leaving behind. I started to tee that up, and that's a golf term, before I got to this chart. A record $1.6 trillion surplus. $400 billion annual deficits. You've got to look at it from this standpoint, and this is available from that Web site I gave you. On track to pay down all publicly held debt when he came in. Exploiting debt burden, short term, so that folks can understand what's going on. The strongest economy in three decades. Economic slowing down sharply, on comparisons. When you look at a robust job growth, and then also when you look at what Bush is leaving for the next person, the weakest job growth since the Hoover administration.

I think when you look at this, I am teeing this thing up, and the way I'm trying to line it up, and Ms. CLARKE is going to share with us, also, is the fact that the only way we can bring about change is in a bipartisan way that Democrats and Republicans work together and do what we did in the economic stimulus plan. Everyone didn't get what they wanted, but the American people are going to be the short-term winners of being able to receive those dollars and being able to make ends meet. And it was an emergency situation. But I think as it relates to our fiscal situation, that is an emergency. And I think it is something that so many folks should be able to pay attention to.

The costs that weren't there, as I turn it over to Ms. CLARKE, the $187 million that was left out of the President's budget. Also alternative minimum tax costs not included, some $408 billion over the next 5 years. The costs for the war not included, $489 billion over the next 5 years.

Again, all of this information is on majorityleader.gov "budget clearing house" for you to see this information, Democrat, Republican, individuals that are concerned about what's going on here in Washington.

Ms. CLARKE.

Ms. CLARKE. Mr. MEEK, I think you're being too kind. We have to put this where this is. The President released his last budget, and this budget is devastating. It's a Republican budget that plunges our country deeper into debt, a debt that we will pass onto our children, our grandchildren, and maybe even our great-grandchildren if we don't turn this situation around and turn it around quickly.

In the area of health care alone, the types of cuts in Medicare and Medicaid for our seniors and to low-income Americans, it's unconscionable. Again, we're facing a crisis in health care. And what are we seeing? Cuts. Cuts to the SCHIP program that are almost $20 billion over the next 5 years. After all we've done to try to expand the program for all eligible children, the National Institutes of Health funding frozen just as we're about to have some breakthroughs in research around Alzheimer's disease and Parkinson's disease and cancer and other diseases that we're desperately looking for treatment and cure for. I mean, in the area of education, and this is supposed to be the leave-no-child-behind administration, we see that the budget totally eliminates crucial programs that provide to the States for technology in classrooms. It eliminates vocational education programs altogether. It completely eliminates the supplemental educational opportunity grants, Perkins loan programs. I mean, our commitment to the development of our Nation has to include a robust educational system.

We are in competition with nations from around the world. And in other nations they're cranking out their engineers and their scientists by the hundreds. We're struggling to keep up. We're struggling to be competitive. This Republican budget does nothing to aid in our cause to go forward in a robust manner. It reduces the funding for after-school programs by over 26 percent.

These are the areas where our communities, our States across this Nation need the support systems in place now that we have a 21st century society where parents are working, where they're not going to be there necessarily all the time at 3 o'clock to pick up their children from school. This is that period of time where all law enforcement agencies will tell you that children get into trouble between 3 and 6 o'clock. Here we see this Republican budget does not take into account the realities of the lives of the constituents that we present. So we're going to have to bring that to the table and make sure that is a part of the conversation as we move forward to shape what has been presented to us, which is really something that is devastating to our Nation at this time.

Homeland security. Now this is an area that really hits home for me. Coming from New York City, knowing what has gone into just building out a new bureaucracy to address our concerns for safety and for real protection of our homeland, to hear after all that our first responders have done to really bring themselves up to speed to be able to meet the needs of their jurisdictions, to then have the Federal Government renege on its commitment to them is a shame and it's a sham. To cut assistance to firefighters where local fire departments have needed equipment to keep our communities safe is unconscionable, totally unconscionable. For example, in New York State where New York City's FDNY are considered national heroes, almost $32 million have been cut in funding. Where do they get that money from? Where are these departments around this Nation going to be able to make up for the shortfall of the commitment made to them by our national leader? Unbelievable.

Cuts to homeland security grant programs, which funds every State based on risk by $750 million, that's an ounce of prevention there, and we see it being pulled away.

☐ 2045

The important Urban Area Security Initiative, UASI, homeland security funding received an increase of only $5 million, which is not even enough to keep up with inflation. So what are we talking about here?

I often hear my colleagues on the other side of the aisle and their concern about border protection. Well, this is it folks. And it's the other side of the aisle that has turned the other way in addressing the priorities through this budget. Cuts to port security, critical transportation infrastructure, targeted infrastructure protection grants programs, and other important homeland security programs, right before our very eyes. And one of the areas that I would have thought we would have really just taken a little time to get fixed up, the Office of Appeals of Redress, which was totally left out of the budget, this department is the department that is responsible for enabling us to travel across this Nation. And for those who have, unfortunately, been put on the terrorist watch list, this is the area where just a little bit of funding would have made the difference between how we are currently conducting business that has shown a low value for our civil liberties and really bringing our processes up to date to meet the needs of real Americans.

So it's devastating. This budget is not reflective of the needs that Americans have been talking about, are concerned about, and it's unfortunate. But it's my hope that we will push, we will move, we will negotiate so that we can get some of this turned around in time for it to make a difference in our lives.

Just think about cuts to child care development block grants, when so many parents now need that extra assistance to be able to make sure that their families are well taken care of as they earn income to keep up with the cost of living. The Low Income Home Energy Assistance Program, as my colleague Mr. MEEK talked about, this is critical in the northeast region where energy costs are skyrocketing and we're seeing some of the worst record winters in my lifetime, perhaps in many folks' lifetime, and not only here but in the Midwest and up the whole northern seacoast.

Social services block grants, these have been the areas where our communities have been just sort of held together by a safety net. It continues to be cuts.

And then of all places, veterans' health care. We talk so much about our concern and our gratitude to veterans particularly in this time of war, and it is just so hypocritical to see the type of budget cuts that are taking place in terms of health care services for our wounded warriors. This is unbelievable.

The Republican budget also assumes that the alternative minimum tax is not fixed. This assumes a significant increase in taxes for over 21 million Americans after 2009, 21 million Americans, and enacting a permanent fix to prevent this tax from taking effect will cost about $313 billion over the next 5 years, and it is something that we as Democrats are committed to doing. Yet nothing, we receive nothing in this budget that indicates that we are gearing up to address this very important issue for working-class Americans.

The Republican budget does not contain accurate numbers for the cost of the Iraq War, as has been stated by my colleague Mr. MEEK, and the administration requested $70 billion, but the average monthly cost of the war is over $10 billion a month. That means that the true cost of the war will be upwards of at least a baseline of $120 billion next year.

So as you can see, we have a real dilemma. The dilemma is do we accept the last budget of Mr. Bush, the Republican budget, which continues to plunge our country deeper and deeper into debt, or do we, as we have in the Democratic caucus, continue to push, to organize, to negotiate, to make sure that the needs of all Americans are attended to in this upcoming budget? It's a mammoth task, but I believe, Mr. MEEK, we are up to it. It is critical that we do this. We have to get on good ground going forward. I mean, it's going to take a lot to get us out of this deficit.

First of all, we are going to have to bring an end to this war in Iraq because that's unfettered spending. That's unfettered spending. But, simultaneously, we need to really set priorities for the American people. And that priority has to be demonstrated in the budget that we pass here. It has to be demonstrated in the way in which we fund the critical areas of our growth and our development as a Nation. And, believe me, this budget falls far short of that.

It's time for folks to get their act together. This Republican budget plunges this country deeper into debt. We cannot afford that. We must become much more sober about our work here and recognize that in order for us to grow, we have to make sure our educational system is sound, our health care system is sound, and certainly make sure that our homeland is protected. And based on what we have received thus far, the Republican budget falls extremely short of that, and that is totally unacceptable.

So, Mr. MEEK, I know that our time together here is winding down. I just wanted to say that this is a very important time for this House. And as we look at our priorities going forward, the stimulus package gave us a window into where we are right now, and that is we are in an economic crisis. And anyone who can't see the writing on the wall is walking around with blinders on. When you compound the economic distress that we are in with a budget that doesn't account for hundreds of billions of dollars that can be spent at a moment's notice, particularly in the misadventure in Iraq, and neglects to build the infrastructure of the Nation, areas of education where we become competitive, our talent is cultivated and developed, providing the support systems for working families like child care support, being able to make sure that we are healthy enough as Americans to continue to do the job and being productive, these areas are very important and crucial areas for us to move this Nation in the 21st century.

I think President Bush has thrown up his hands. This was his last budget. This was the best that he could do. And, unfortunately, it fell too short.

I want to thank you, my colleague, for sharing this time. I look forward to participating with you further in the future.

And I want to thank you, Mr. Speaker, for giving me this time during the 30-Something Working Group.

Mr. MEEK of Florida. Ms. CLARKE, you are a proud member of the 30-Something Working Group.

And, Mr. Speaker, as I mention a lot on the floor, we just don't come to the floor and say, hey, let's go to the floor and talk to our colleagues, let's give a floor speech. Actually, there are is number of meetings that take place in gathering this information to make sure that it is factual. And I think the reason why we are a solid tree in the forest, the 30-Something Working Group, on both sides of the aisle and dealing with the executive branch is that we do our homework. We don't just come to the floor to say things that we think sound good. It's actually something backed up by fact, not fiction. And I think it's important. If we were to play more in the fact versus fiction arena, I think we would get a lot more done here in Washington, DC.

Some of the things that we talked about in the stimulus package, just to recap, are things that are not there. There were some unemployment issues that folks wanted in there. There were some infrastructure issues and putting Americans to work, need it be building bridges or building roads or what have, to put Americans to work.

Also, there was a great discussion about green collar jobs. When you talk about green collar jobs, a lot of folks hear that out in the political world, but I don't think people really break it down to what it really means. And those jobs where we can reduce energy costs in many of our communities. For instance, if you have a flat or an angled roof, trying to put sod on the top, seal it off and put sod on the top to bring that heating and also cooling cost down, that will be a green collar job. That won't be an overseas job. That will be a job where someone could have dropped out of high school or graduated from high school, those that went on and received a 4-year education, those who went on to a master's, doctorate's, architect's, all of these folks will be employed through those kinds of efforts.

We have had an economy, Mr. Speaker and Ms. CLARKE, that has been really based on borrowing, when you think about it. The economy has been set towards your taking out that second mortgage to keep the economy going, cutting interest rates to encourage more borrowing. Back in the old school not too far along, I remember when folks wouldn't buy a car unless they could pay for it. Now it's just common to say what's that interest rate, or is this the rebate I get back from the company? And then now I'm all into this thing for 5 or 6 years, and in some instances for some Americans so they can have transportation to move their kids around and make it to their job, 9 years. I have some constituents that are out there for 9 years on a car loan. So it's a serious situation, and it is something that is an accepted practice now.

When you have a home, of course, getting a loan, you know you will get some equity. Hopefully, that value will go up. But because of the economy, because of the slowdown in the housing market, values are not going up on homes. So some people are losing, and that's the reason why we have this whole mortgage piece. Folks got excited again with subprime mortgages, getting people into homes that they couldn't afford, and we are in this situation on a borrowed economy. So I think it's important to be able to break that, to be able to have an economy based on jobs, not borrowing.

And that's the reason why it's important that folks pay very close attention on whom they elect to be the next President of the United States, that they pay very close attention to those they have already elected to be able to govern here in this House and in the Senate, because you shouldn't forestall this off to January of next year when the next President, he or she, raises their hand on the west side of the Capitol and swear to uphold the Constitution of the United States. We know that the President sets forth the budget. We know we also have a say here in the House. The Senate has a say. We should exercise that.

I think, Ms. CLARKE, your presentation was right on target. And I'm glad you said that I was being kind, because I am glad that Brooklyn is represented once again, making sure that people know what they need to know.

With that, Mr. Speaker, we're going to continue to work on this issue of the budget. We want to come back and get into further detail as it relates to incentives that are out there for small businesses and also for families that are eligible for rebates, working families, and also continue to shed light on the Bush tax cuts that are out there. I think it's important that people pay very close attention. How did we get to those recordbreaking deficits, giving people tax breaks that they didn't ask for. And that is not turning over into the economy, because if it was turning over into the economy, we would not have had to pass a stimulus package. We wouldn't be on the floor talking about some of the issues that we are facing right now.

So we are about solutions. That's why we come to the floor this time of night, with the Democratic majority that's willing to work in a bipartisan way with the Republican minority to be able to do what's best on behalf of the American people.

With that, Mr. Speaker, we would like to encourage the Members, if they have any comments or anyone has any comments based on the presentation tonight, to e-mail us at 30SomethingDems@mail.house.gov.

With that, Mr. Speaker, it was an honor addressing the House once again.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of business in the district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COHEN) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, February 14.

Mr. PRICE of Georgia, for 5 minutes, today.

## BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on February 12, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 3541. To amend the 'Do-not-call' Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal 'do-not-call' registry.

## ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock p.m.), the House adjourned until tomorrow, Thursday, February 14, 2008, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5321. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5322. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5323. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5324. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5325. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Agency's reports containing the 30 September 2007 status of loans and guarantees issued under Section 25(a)(11) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5326. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a report in accordance with Section 25(a)(6) of the Arms Export Control Act (AECA), describing and analyzing services performed during FY 2007 by full-time USG employees who are performing services for which reimbursement is provided under Section 21(a) or Section 43(b) of the AECA; to the Committee on Foreign Affairs.

5327. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting the report entitled, "The Power of Partnerships," the Fourth Annual Report of the President's Emergency Plan for AIDS Relief, pursuant to Public Law 108-25, section 301; to the Committee on Foreign Affairs.

5328. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-281, "Non-Resident Taxi Drivers Registration Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5329. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports/Financial Statements for the First Quarter of FY 2008 ended December 31, 2007, as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

5330. A letter from the Secretary, Department of Education, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Report to Congress on FY 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

5331. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5332. A letter from the Secretary, Department of Labor, transmitting the Department's Performance and Accountability Report Highlights 2007; to the Committee on Oversight and Government Reform.

5333. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5334. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "Annual Report to Congress on Implementation of Public Law 106-107"; to the Committee on Oversight and Government Reform.

5335. A letter from the Comptroller General, Government Accountability Office, transmitting the Office's Performance and Accountability Highlights for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5336. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2009 Performance Budget, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

5337. A letter from the Director, Office of Government Ethics, transmitting the Office's FY 2007 Annual Federal Information Security Management Act and Privacy Management Report, pursuant to 44 U.S.C. 3544(c); to the Committee on Oversight and Government Reform.

5338. A letter from the Acting Controller, Office of Management and Budget, transmitting the 2007 Federal Financial Management Report as required by the Chief Financial Officers (CFO) Act of 1990, marking the 15th report submitted by the Office of Management and Budget (OMB) on the government-wide status of financial management; to the Committee on Oversight and Government Reform.

5339. A letter from the Secretary, Postal Regulatory Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5340. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes [Docket No. FAA-2007-0247; Directorate Identifier 2007-CE-083-AD; Amendment 39-15278; AD 2007-24-12] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5341. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100B SUD, 747-200B, 747-300, 747-400, and 747-400D Series Airplanes [Docket No. FAA-2007-0194; Directorate Identifier 2007-NM-306-AD; Amendment 39-15266; AD 2007-23-18] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5342. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International, S.A. CFM56-5C4/1 Series Turbofan Engines [Docket No. FAA-2007-0108; Directorate Identifier 2001-NE-15-AD; Amendment 39-15270; AD 2007-24-04] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5343. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 206A and 206B Helicopters [Docket No. FAA-2007-0176; Directorate Identifier 2007-SW-14-AD; Amendment 39-15263; AD 2007-23-17] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5344. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0211; Directorate Identifier 2007-NM-221-AD; Amendment 39-15268; AD 2007-24-02] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5345. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A, 206B, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters [Docket No. FAA-2007-0179; Directorate Identifier 2007-SW-36-AD; Amendment 39-15264; AD 2007-19-52] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5346. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company, Model 525B Airplanes [Docket No. FAA-2007-0198; Directorate Identifier 2007-CE-085-AD; Amendment 39-15262; AD 2007-23-16] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5347. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Diamond Aircraft Industries Model DA 42 Airplanes [Docket No. FAA-2007-28955 Directorate Identifier 2007-CE-067-AD; Amendment 39-15260; AD 2007-23-14] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5348. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT-100/200/200S/300 Gliders [Docket No. FAA-2007-28844 Directorate Identifier 2007-CE-066-AD; Amendment 39-15261; AD 2007-23-15] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5349. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B, 205A, 205A-1, 205B, 210, 212, 412, 412EP, and 412CF Helicopters [Docket No. FAA-2007-0180; Directorate Identifier 2007-SW-37-AD; Amendment 39-15265; AD 2007-19-53] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5350. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, A340-300, A340-500, and A340-600 Series Airplanes [Docket No. FAA-2007-0076; Directorate Identifier 2007-NM-241-AD; Amendment 39-15246; AD 2007-22-10] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5351. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2008 IMET funds for the enclosed list of countries, pursuant to Public Law 110-161; jointly to the Committees on Foreign Affairs and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2, of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Ms. SLAUGHTER: Committee on rules. House Resolution 982. Resolution providing for the adoption of the resolution (H. Res. 979) recommending that the House of Representatives find Harriet Miers and Joshua Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary and for the adoption of the resolution (H. Res. 980) authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas (Rept. 110-526). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 983. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules (Rept. 110-527). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Mr. FRANK of Massachusetts (for himself, Mr. YOUNG of Alaska, Mr. TIERNEY, Mr. GILCHREST, Mr. DELAHUNT, Mr. KENNEDY, and Mr. ALLEN):

H.R. 5404. A bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KIRK (for himself and Mr. ROSKAM):

H.R. 5405. A bill to protect seniors from identity theft and strengthen our national security by providing for the issuance of a secure Social Security card; to the Committee on Ways and Means.

By Mr. SULLIVAN:

H.R. 5406. A bill to suspend temporarily the duty on over-the-range microwaves; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5407. A bill to suspend temporarily the duty on certain wooden wall plates; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5408. A bill to extend the temporary suspension of duty on Paraquat dichloride (1,1'dimethyl-4,4'-bipyridinium dichloride); to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5409. A bill to extend the temporary suspension of duty on 4-(trifluoromethyl)-

benzaldehyde; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5410. A bill to extend the temporary suspension of duty on 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylic acid calcium salt; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5411. A bill to extend the temporary suspension of duty on Methyl (E)-methoxyimino-2(2-o-tolyloxymethyl) phenyl) acetate (kresoxim methyl); to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5412. A bill to suspend temporarily the duty on 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propen yl]morpholine; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5413. A bill to suspend temporarily the duty on Thionyl chloride; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5414. A bill to suspend temporarily the duty on Phosphorus Thiochloride; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5415. A bill to suspend temporarily the duty on Sodium Methylate; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5416. A bill to suspend temporarily the duty on Spiroxamine; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5417. A bill to extend the temporary suspension of duty on Permethrin; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5418. A bill to extend the temporary suspension of duty on 2-Chloro benzyl chloride; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5419. A bill to suspend temporarily the duty on product mixtures containing Imidacloprid: 1-(6-Chloro-3-pyridinyl)methyl-N-nitroimidazolidin-2-ylidene amine Z9: (9Z)-9-Tricosene; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5420. A bill to extend the temporary suspension of duty on Resmethrin; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5421. A bill to extend the temporary suspension of duty on N-3[3-(1-methylethoxy)phenyl]-2-(trifluoromethyl)benzamide; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5422. A bill to extend the temporary suspension of duty on mixtures containing methyl 2-(4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-y l)carboxamidosulfonylbenzoate; sodium (4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-ylcarbonyl)(2-methoxy-carbonylphenylsulfonyl)azanide & methyl 4-iodo-2-[3-(4-methoxy-6-methy; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5423. A bill to extend and modify the suspension of duty on polyisobutylene; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 5424. A bill to prohibit the charging of any fee for admission to any permanent exhibit in any museum or facility of the Smithsonian Institution; to the Committee on House Administration.

By Mr. PALLONE (for himself, Mr. FRANK of Massachusetts, Mr. JONES of North Carolina, Mr. KENNEDY, Mr. LOBIONDO, Mr. ANDREWS, Mr. BROWN of South Carolina, and Mr. LAMPSON):

H.R. 5425. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes; to the Committee on Natural Resources.

By Mr. PASCRELL (for himself and Mr. LEWIS of Kentucky):

H.R. 5426. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 5427. A bill to provide that no tax or fee may be imposed on certain coins and bullion; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER:

H.R. 5428. A bill to direct the Commandant of the Coast Guard to issue regulations requiring pilots of certain vessels to carry and utilize a portable electronic device equipped for navigational purposes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska:

H.R. 5429. A bill to amend the Marine Mammal Protection Act of 1972 to authorize appropriations for marine mammal cooperative management agreements in Alaska, and for other purposes; to the Committee on Natural Resources.

By Mr. ELLISON:

H.R. 5430. A bill to suspend temporarily the duty on certain porous hollow fibers; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 5431. A bill to suspend temporarily the duty on certain cellular plastic sheets for use in filters; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 5432. A bill to suspend temporarily the duty on certain plastic mesh for use in filters; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 5433. A bill to suspend temporarily the duty on certain plastic fittings; to the Committee on Ways and Means.

By Mr. HENSARLING:

H.R. 5434. A bill to protect innocent Americans from violent crime in national parks; to the Committee on Natural Resources.

By Ms. SOLIS (for herself, Mr. RODRIGUEZ, and Mrs. CAPPS):

H.R. 5435. A bill to address the digital television transition in border states; to the Committee on Energy and Commerce.

By Mr. HOYER:

H. Con. Res. 293. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. ABERCROMBIE (for himself, Mr. PAUL, Mr. BRADY of Pennsylvania, and Mrs. DRAKE):

H. Con. Res. 294. Concurrent resolution expressing the sense of Congress that the Secretary of Defense take immediate steps to appoint doctors of chiropractic as commissioned officers in the Armed Forces; to the Committee on Armed Services.

By Mr. BILIRAKIS:

H. Con. Res. 295. Concurrent resolution expressing the deepest appreciation of Congress to the families of members of the United States Armed Forces; to the Committee on Armed Services.

By Mr. BOOZMAN (for himself, Mr. SNYDER, Mr. ROSS, and Mr. BERRY):

H. Con. Res. 296. Concurrent resolution expressing support for the designation of August 2008 as "National Heat Stroke Awareness Month" to raise awareness and encourage prevention of heat stroke; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H. Res. 979. A resolution recommending that the House of Representatives find Harriet Miers and Joshua Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary; to the Committee on the Judiciary.

By Mr. CONYERS:

H. Res. 980. A resolution authorizing the Committee on the Judiciary to initiate or intervene in judicial procedings to enforce certain subpoenas; to the Committee on Rules.

By Ms. BALDWIN (for herself and Mr. SESSIONS):

H. Res. 981. A resolution recognizing March 6, 2008, as the first-ever World Glaucoma Day, established to increase awareness of glaucoma, which is the second leading cause of preventable blindness in the United States and worldwide; to the Committee on Energy and Commerce.

By Ms. GIFFORDS (for herself, Mr. BURGESS, Mrs. CUBIN, Mr. CUELLAR, Mr. HALL of Texas, Mr. HUNTER, Mr. DANIEL E. LUNGREN of California, Mr. REHBERG, Mr. RODRIGUEZ, Mr. SALAZAR, Mr. SESSIONS, and Mr. MITCHELL):

H. Res. 984. A resolution expressing support for the designation of July 26, 2008 as "National Day of the Cowboy"; to the Committee on Oversight and Government Reform.

By Mr. TERRY:

H. Res. 985. A resolution expressing support for the designation of March 7 as National Information and Referral Services Day; to the Committee on Energy and Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 5436) for the relief of Kadiatou Diallo, Sankerala Diallo, Ibrahima Diallo, Abdoul Diallo, Mamadou Bobo Diallo, and Mamadou Pathe Diallo; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

**Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:**

H.R. 82: Mr. CHABOT.
H.R. 136: Mr. GOODE.
H.R. 260: Mr. GOHMERT.
H.R. 303: Mr. COHEN.
H.R. 368: Mr. ALEXANDER and Mr. KELLER.
H.R. 506: Ms. SOLIS.
H.R. 555: Mr. DAVIS of Illinois.
H.R. 618: Mr. RYAN of Wisconsin.
H.R. 643: Mr. KLEIN of Florida.
H.R. 690: Mr. KIND.

H.R. 706: Mr. MCGOVERN, Ms. HARMAN, Mr. MCNERNEY, Mr. COSTA, Ms. ROYBAL-ALLARD, Mrs. BONO Mack, Ms. LORETTA SANCHEZ of California, and Ms. Richardson.

H.R. 715: Mr. NEAL of Massachusetts.

H.R. 849: Mr. GOODE.

H.R. 850: Mr. GOODE.

H.R. 871: Mr. TOWNS.

H.R. 971: Mr. WITTMAN of Virginia.

H.R. 1014: Mr. HOLT.

H.R. 1076: Mr. HALL of Texas.

H.R. 1078: Mr. MARKEY.

H.R. 1306: Mr. ALTMIRE.

H.R. 1359: Mr. BROUN of Georgia.

H.R. 1363: Mr. JOHNSON of Georgia.

H.R. 1436: Mr. SAXTON.

H.R. 1439: Mr. WALDEN of Oregon.

H.R. 1537: Mr. ELLSWORTH.

H.R. 1539: Mr. MARCHANT.

H.R. 1576: Ms. GIFFORDS, Ms. ROS-LEHTINEN, and Ms. ESHOO.

H.R. 1643: Mr. GALLEGLY.

H.R. 1644: Mr. RAHALL and Mr. HERSETH SANDLIN.

H.R. 1653: Ms. DELAURO and Mr. JOHNSON of Georgia.

H.R. 1665: Ms. SHEA-PORTER.

H.R. 1767: Mr. AKIN and Mr. GRAVES.

H.R. 1783: Mr. MARKEY and Mr. ROSS.

H.R. 1890: Mr. ROSS and Mr. GENE GREEN of Texas.

H.R. 2040: Mr. LEWIS of Kentucky, Mrs. BLACKBURN, Mr. RYAN of Wisconsin, Mrs. BONO MACK,. Mr. EHLERS, Mr. PEARCE, Mr. DEAL of Georgia, Mr. WELDON of Florida, Mr. STEARNS, Mr. FOSSELLA, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mrs. BACHMANN, Mr. GOODLATTE, Mr. BOUSTANY, Mr. ALEXANDER, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. EVERETT, and Mrs. DAVIS of California.

H.R. 2091: Mr. SOUDER, Mr. CAMP of Michigan, and Mr. SCOTT of Georgia.

H.R. 2131: Mr. FERGUSON.

H.R. 2232: Mr. DOYLE.

H.R. 2303: Mr. MAHONEY of Florida, Mr. MACK, Mr. EDWARDS, Mr. BROWN of South Carolina, and Mr. HONDA.

H.R. 2325: Mr. NEUGEBAUER.

H.R. 2392: Ms. SUTTON.

H.R. 2458: Ms. GIFFORDS.

H.R. 2503: Ms. DEGETTE.

H.R. 2564: Mr. FEENEY.

H.R. 2593: Ms. ESHOO.

H.R. 2702: Mr. BARTLETT of Maryland.

H.R. 2708: Ms. HIRONO.

H.R. 2744: Ms. RICHARDSON, Mr. MCINTYRE, and Mrs. BIGGERT.

H.R. 2820: Mr. MEEK of Florida.

H.R. 2923: Mr. YOUNG of Florida.

H.R. 2991: Ms. HARMAN, Mr. BOSWELL, Ms. SCHAKOWSKY, Mr. PASCRELL, and Mr. SALAZAR.

H.R. 3005: Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. BISHOP of Georgia, and Mr. MEEK of Florida.

H.R. 3008: Mr. FILNER.

H.R. 3014: Mr. BLUMENAUER.

H.R. 3049: Mr. JONES of North Carolina.

H.R. 3088: Mrs. DRAKE.

H.R. 3197: Mr. COURTNEY.

H.R. 3282: Mr. YOUNG of Florida and Mr. SHAYS.

H.R. 3303: Mr. PETRI.

H.R. 3453: Mr. WALZ of Minnesota, Mr. FRANK of Massachusetts, and Mrs. DAVIS of California.

H.R. 3457: Mr. SENSENBRENNER.

H.R. 3563: Mr. CLAY.

H.R. 3616: Mr. WILSON of Ohio.

H.R. 3642: Mr. SCOTT of Virginia.

H.R. 3652: Mr. WATT.

H.R. 3654: Mrs. MYRICK, Mr. PITTS, and Mr. WITTMAN of Virginia.

H.R. 3674: Mr. SHAYS and Mr. COURTNEY.

H.R. 3697: Mr. CUELLAR and Mr. HILL.

H.R. 3822: Mr. WALZ of Minnesota.

H.R. 3980: Mr. FARR.

H.R. 4008: Ms. MCCOLLUM of Minnesota, Mr. SESSIONS, Mr. KUHL of New York, Mrs. TAUSCHER, Mr. SIRES, Mr. ARCURI, Mr. MARCHANT, and Mr. ACKERMAN.

H.R. 4061: Mr. CAMPBELL of California and Mr. BAIRD.

H.R. 4091: Mr. RYAN of Ohio.

H.R. 4099: Mr. NUNES.

H.R. 4105: Ms. WASSERMAN SCHULTZ and Mr. WELDON of Florida.

H.R. 4116: Mr. WALBERG, Mr. WHITFIELD of Kentucky, Mr. LOBIONDO, and Mr. PASTOR.

H.R. 4129: Ms. SCHAKOWSKY.

H.R. 4173: Mr. MURPHY of Connecticut and Mr. MCDERMOTT.

H.R. 4188: Mr. GONZALEZ.

H.R. 4196: Mr. GRIJALVA.

H.R. 4296: Mrs. GILLIBRAND.

H.R. 4355: Mr. MCCARTHY of California and Mr. ARCURI.

H.R. 4449: Mr. HOLT.

H.R. 4450: Mr. SCOTT of Virginia and Mr. COHEN.

H.R. 4611: Ms. ESHOO.

H.R. 4749: Mr. SALI.

H.R. 4838: Mr. BLUMENAUER and Ms. MCCOLLUM of Minnesota.

H.R. 4852: Ms. FOXX, Mr. GARRETT of New Jersey, Mr. BROUN of Georgia, Mr. ALEXANDER, and Mr. DONNELLY.

H.R. 4935: Mr. SESSIONS, Mr. WELDON of Florida, and Mr. ALTMIRE.

H.R. 5056: Mr. BLUMENAUER.

H.R. 5058: Mr. GRIJALVA.

H.R. 5109: Mr. WITTMAN of Virginia, Mr. CHABOT, Mr. BOOZMAN, and Mr. ROYCE.

H.R. 5152: Mr. GALLEGLY and Mr. SHIMKUS.

H.R. 5161: Mr. GINGREY.

H.R. 5173: Ms. HOOLEY.

H.R. 5178: Ms. BERKLEY and Mr. COHEN.

H.R. 5179: Mr. HINCHEY and Mr. PASTOR.

H.R. 5232: Mrs. BLACKBURN, Mrs. DRAKE, and Mr. CULBERSON.

H.R. 5233: Mrs. MYRICK.

H.R. 5236: Mr. SHULER and Mr. BERRY.

H.R. 5244: Mr. ACKERMAN, Mr. MCGOVERN, Mr. HALL of New York, Mr. FILNER, Mr. MCNULTY, Mr. GRIJALVA, Mr. PAYNE, Mr. MCDERMOTT, and Mr. REYES.

H.R. 5268: Mrs. MCCARTHY of New York.

H.R. 5400: Ms. PRYCE of Ohio, Mrs. SCHMIDT, Mr. REGULA, and Mr. SPACE.

H.J. Res. 1: Mr. LAMBORN.

H.J. Res. 12: Mr. RAHALL.

H.J. Res. 67: Mr. KING of Iowa and Mr. BARTLETT of Maryland.

H. Con. Res. 223: Ms. BORDALLO and Mr. DAVIS of Illinois.

H. Con. Res. 244: Mr. BAIRD and Mr. CAPUANO.

H. Con. Res. 263: Mr. UPTON.

H. Con. Res. 285: Mr. COSTELLO and Mr. PATRICK MURPHY of Pennsylvania.

H. Con. Res. 289: Mr. BACA, Mr. BUTTERFIELD, and Mr. HONDA.

H. Res. 49: Mr. GENE GREEN of Texas.

H. Res. 259: Mr. SCHIFF, and Mr. KILDEE.

H. Res. 543: Mr. WOLF.

H. Res. 711: Mr. MCGOVERN.

H. Res. 753: Mr. PETERSON of Pennsylvania.

H. Res. 820: Mr. GRIJALVA.

H. Res. 892: Mr. WHITFIELD of Kentucky, Mr. ANDREWS, Mr. BARROW, Mr. MARSHALL, Mr. MELANCON, Mr. BERRY, Ms. MATSUI, Mr. HOBSON, Mr. LARSEN of Washington, Mr. COOPER, Mr. SHULER, Mr. SPACE, Mr. PATRICK MURPHY of Pennsylvania, Mr. CARNEY, Mr. SESTAK, Mr. PALLONE, Mr. SIRES, Mr. BOUSTANY, Ms. HIRONO, Mrs. GILLIBRAND, Mr. SALAZAR, Mr. GRIJALVA, Mr. KLEIN of Florida, Mr. COURTNEY, Ms. ESHOO, Ms. KAPTUR, Ms. SUTTON, Mr. VAN HOLLEN, Mr. ISRAEL, Mr. HILL, Mr. LINCOLN DAVIS of Tennessee, Mrs. JONES of Ohio, Mr. MATHESON, Mr. GONZALEZ, Mr. HARE, Ms. RICHARDSON, Mr. MURPHY of Pennsylvania, Mr. KAGEN, Mr. JORDAN, Mr. MITCHELL, Mr. GOODE, Mr. RODRIGUEZ, Mr. LOEBSACK, Ms. CASTOR, Mr. HODES, Mr. ELLSWORTH, Mr. ROSS, Mr. TANNER, Ms. BALDWIN, Mr. COSTELLO, Ms. WASSERMAN SCHULTZ, Mr. DONNELLY, Mr. ARCURI, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, and Mr. TIM WILSON of South Carolina.

H. Res. 924: Mr. ARCURI.

H. Res. 937: Mr. DONNELLY, Mr. PASTOR, and Mr. GOODE.

H. Res. 945: Mr. SCOTT of Georgia.

H. Res. 951: Mr. BONNER, Mr. CARTER, Mr. DAVIS of Kentucky, Mr. GOODE, Mr. HELLER, Mr. JORDAN, Mrs. MALONEY of New York, Mr. PEARCE, Mr. MAHONEY of Florida, Mr. SALI, Mr. WILSON of South Carolina, and Mr. YOUNG of Florida.

H. Res. 953: Mr. LATOURETTE, Mrs. MYRICK, Mr. YOUNG of Florida, and Mr. SAXTON.

H. Res. 958: Mr. WITTMAN of Virginia, Mr. AKIN, Mr. BLUNT, Mr. PENCE, Mr. GOODE, Mr. MARCHANT, Mr. GINGREY, Mrs. BACHMANN, Mr. HERGER, Mr. YOUNG of Florida, and Mr. GARRETT of New Jersey.

H. Res. 959: Mr. PITTS, Mr. MARCHANT, Mr. WALBERG, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mr. KLINE of Minnesota, Mr. FRANKS of Arizona, Mr. CHABOT, Mr. CONAWAY, Mr. PRICE of Georgia, Mr. BILBRAY, Mr. KING of Iowa, Mr. LAMBORN, Mr. BARRETT of South Carolina, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. BRADY of Texas, Mr. HERGER, Mrs. BLACKBURN, Mr. GINGREY, and Mrs. BACHMANN.

H. Res. 962: Ms. MATSUI, Mr. BERMAN, and Mr. COSTA.

H. Res. 968: Ms. GIFFORDS, Mr. ISRAEL, Mr. BARTLETT of Maryland, and Mr. ROHRABACHER.

H. Res. 972: Ms. RICHARDSON, Ms. DEGETTE, Ms. TSONGAS, Mr. GORDON, Mr. KANJORSKI, Ms. ESHOO, and Ms. KILPATRICK.

H. Res. 977: Mr. PATRICK MURPHY of Pennsylvania, Mr. CAPUANO, and Mr. KILDEE.

H. Res. 978: Mr. HINOJOSA.

# EXTENSIONS OF REMARKS

## HONORING THE LIFE OF ARMOND J. MAGNARELLI

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. WALSH of New York. Madam Speaker, I rise today to honor the life of a consummate gentleman and a terrific ambassador for the central New York community, the Honorable Armond J. Magnarelli, who passed away last weekend.

A teacher by trade at Lyncourt School, Armond entered elected office as a member of the Syracuse City School District Board of Education, eventually rising to become its president. Armand later ran for and won a seat on the Syracuse City Council and was elected council president, serving until 1985. His public service career also included service in the U.S. Coast Guard during World War II.

Mr. Magnarelli worked as a marketing executive at KeyBank and later as regional director of the State parks and recreation. He was a member of the New York State Council of the Arts, New York State Draft Board, board of directors of P.E.A.C.E., Inc., and board of directors of the Syracuse Chiefs baseball team.

He was inducted into the Greater Syracuse Sports Hall of Fame and the Oswego State Athletic Hall of Fame at his alma mater. In 1950 and 1951, he coached the boys of St. Lucy's to back-to-back parochial league basketball championships.

Regardless of his position and his workload, Armand's heart never ventured far from his native northside of Syracuse. He was a member of the Our Lady of Pompei Holy Name Society for 50 years, served on its parish council, and was active in the fundraising and building of the new parish school in 1966.

Armond was a member of the Italian American Athletic Club and was well-known for his longtime work in local theater and the arts, including the famed Pompeian Players, Salt City for the Performing Arts, and Theater 90. When new development threatened the future of the Landmark Theatre in downtown Syracuse, it was Armond who stepped in to save the treasured facility.

Though retired, Armond kept busy through many civic activities, and up until recently, central New Yorkers could still visit with Armond every Sunday morning as he hosted the popular "Italian Hour" on WFBL radio.

Armond Magnarelli was a prince of a man who dedicated himself to his family, his community, and his passion for living. He will be dearly missed by all who knew him.

## TRIBUTE TO VINCENT R. FARIAS

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. SAXTON. Madam Speaker, I rise today in recognition of Vincent Farias. On February 21, 2008 Mr. Farias will be celebrated for his contributions to Burlington County at the Burlington County Republican Committee and Burlington County Republican Women's Annual Lincoln Day Dinner.

Perhaps one of the most gregarious and enthusiastic Edgewater Park residents, Vince Farias was always a proponent of action leading to results. A veteran schoolteacher, banker, and small business owner, Vincent served 6 years on the Edgewater Park Township Committee and as mayor in 1987 and 1991.

After first filling a vacant freeholder seat in 1991, Vince went on to serve 5 terms as a member of the Burlington County Board of Chosen Freeholders. During that time, Vince was an advocate for the county's open space preservation work and redevelopment plans. One of his most notable projects included the creation and implementation of the NJ Transit Riverline Light Rail system, which made its debut in 2004. Since then, it has had a positive ripple effect on surrounding businesses and residential communities along the Delaware River.

Vince was also instrumental in creating the county's Veterans Military Service Medal. Through this project, several military assistance programs have been developed to help aid our area veterans.

In addition, Vince worked with the South Jersey Freeholder's Association and the New Jersey Association of Counties, where he served as president in 2002. Vince has also worked with the American Red Cross and the March of Dimes.

Madam Speaker, I would like to extend my sincere gratitude for his leadership, commitment, and service to the public.

## HONORING THE COCKE COUNTY NAVAL JUNIOR RESERVE OFFICERS' TRAINING CORPS

### HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to congratulate the Cocke County Naval Junior Reserve Officers' Training Corps (NJROTC) program for their achievements this past year. In 2007, the Cocke County NJROTC program was ranked number one in the State of Tennessee and number six in the United States in competitions including academics, athletics, and military drill.

In addition to achieving such great accolades in competitions, the Cocke County NJROTC planned, coordinated, and completed 2,153 community service hours in the Cocke County, Hamblen County and Knox County areas during the 2006–2007 school year.

The Cocke County NJROTC is a citizen leadership program designed to develop informed and responsible young men and women who embody honor, self-reliance, self-discipline, and respect to authority in a democratic society.

This achievement is a true honor to all the young men and women involved in the Cocke County NJROTC program. The rankings, each respectively, show the dedication and commitment to service and our Nation.

It is exciting for me to see the young men and women of Cocke County NJROTC establishing such high standards at a young age and it bestows great promise for the State of Tennessee and our Nation alike.

Madam Speaker, I ask that the House join me this evening in honoring the Cocke County NJROTC program for their commitment to excellence, dedication, and promise as future leaders of America.

## IN REMEMBRANCE OF ROCCO S. OLIVERIO, JR.

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in remembrance and honor of Rocco S. Oliverio, Jr. He was a beloved member of his west Cleveland neighborhood, and was known for his dedication to the community. He served Ward 14 as a representative to the Cuyahoga County Central Committee with honor and distinction, and touched those around him with his unique sense of humor.

Rocco was never afraid to get involved and confront the challenges of his home neighborhood. He maintained his faith in the innate goodness of people and the ability of community and public services to overcome challenges. He invested a large part of himself in everything he did and was always genuinely interested in helping; even better, he often had a solution.

Rocco is fondly remembered by his daughters, Shellie Gay and Sheila Hall-Blagg, and his eight grandchildren.

Madam Speaker and colleagues, please join me in honoring the memory of Rocco S. Oliverio, Jr., a man whose tireless work towards improving his hometown of Cleveland will set an example for generations to come.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## INTRODUCTION OF THE MARINE MAMMAL COOPERATIVE AGREEMENTS IN ALASKA AMENDMENTS ACT OF 2008

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. YOUNG of Alaska. Madam Speaker, I am pleased to introduce today the Marine Mammal Cooperative Agreements in Alaska Amendments of 2008.

The 1994 amendments to the Marine Mammal Protection Act created section 119 of the Act, titled "Marine Mammal Cooperative Agreements in Alaska," which allows the Secretaries of Commerce and the Interior to enter into cooperative agreements with Alaska Native organizations. These cooperative agreements have been very successful in creating statewide and regional Alaska Native Marine Mammal Commissions protecting species such as the polar bear, walrus, sea otters, beluga whale, harbor and ice seals, and Steller sea lions. The cooperative agreements have provided grants to Alaska Native Marine Mammal Commissions to conduct important marine mammal data collection efforts, marine mammal research, and monitor subsistence activities.

Alaska Natives have been excellent stewards of Alaska's natural resources for centuries. The Alaska Native Marine Mammal Commissions have continued this tradition by working cooperatively with the Fish and Wildlife Service and the National Marine Fisheries Service to successfully manage the species under their respective jurisdictions. In order to further this success, the Commissions have advocated for management of subsistence activities. Section 119 of the MMPA does not currently allow for management of subsistence activities prior to a depletion finding under the Act.

In 2000, the Clinton Administration sent Congress a draft bill to reauthorize the MMPA and included in it authorities for the Alaska Marine Mammal Commissions to manage and enforce subsistence activities. The Bush Administration followed suit including similar language in its own draft bill to reauthorize the MMPA.

I have not taken the exact approach of the Clinton and Bush proposals, however, I do believe this legislation will achieve the same result. I have worked with the administration, the Alaska Native Marine Mammal Commissions, and State of Alaska representatives to develop a bill that allows for management prior to a depletion finding under the MMPA.

The Whaling Convention Act of 1949, which governs the Bowhead whale subsistence activities, and the more recently passed legislation implementing the U.S.-Russia Polar Bear Treaty, governing the subsistence take of polar bears, are two excellent examples of legislation Congress passed to authorize marine mammal management activities.

This legislation will further refine the cooperative management process under the MMPA to ensure that Alaska Natives and the Federal agencies with marine mammal management authority have the tools they need to continue their successful management efforts.

I urge my colleagues to support this important conservation legislation.

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## HONORING THE LIFE OF MONSIGNOR JOSEPH CHAMPLIN

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. WALSH of New York. Madam Speaker, I rise today to honor the life of one of Syracuse's most beloved priests, Monsignor Joseph Champlin, who passed away on January 17 at the age of 77.

Throughout his life Father Joe was dedicated not only to the priesthood and his faith, but also to the people and communities he served.

Ordained in 1956, Father Joe served for 50 years in the Syracuse Diocese. He served as pastor in three parishes, including as rector of the Cathedral of the Immaculate Conception from 1995 until his retirement in 2005. Even in retirement, Msgr. Champlin was active in the church and the community. In 2006 he became priest in residence at Our Lady of Good Counsel Church in Warners, New York.

Father Joe was known worldwide for being a prolific writer. He wrote more than 62 books and pamphlets on liturgy, pastoral theology, love, and marriage. In fact, Father Champlin's "Together for Life" continues to lead Catholic couples across the country and around the world through preparation for marriage.

In addition to his success as a writer, Msgr. Champlin remained committed to the people of the greater Syracuse area throughout his life. In 1997 he founded the Guardian Angel Society, which provides tuition assistance, technological updates, and other improvements to the former Cathedral School in Syracuse. He raised more than $2 million for the program, and for that effort he was awarded the President's Volunteer Service Award by President George W. Bush in 2005. He also received the Post-Standard Achievement Award in 2005 and the Temple Adath Yeshurun Citizen of the year award this past October.

Msgr. Champlin's commitment to the Catholic Church and the people that he served is unquestionable. He was a beloved priest and friend, and will be sorely missed.

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## TRIBUTE TO MARTHA W. BARK

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. SAXTON. Madam Speaker, I rise today in recognition of Martha Bark. On February 21, 2008, Mrs. Bark will be celebrated for her contributions to southern New Jersey at the Burlington County Republican Committee and Burlington County Republican Women's Annual Lincoln Day Dinner.

Martha Bark has dedicated a lifetime of service to our communities. A resident of Medford for over 40 years, Martha served on the township school board for 10 years and the township committee for 7 years. She was also appointed mayor and served two full terms.

Furthering her interest in serving the broad community, Martha was elected to the Burlington County Board of Chosen Freeholders in 1984. Given her background in education and community preservation, she became the chairperson of the Water Quality Management Board and worked on several additional committees aimed at increasing open space. Martha served four consecutive terms and was appointed freeholder director for 2 years.

After her tenure as a freeholder, Martha went on to become a member of the New Jersey State Assembly for 2 years and finally, a member of the New Jersey State Senate in 1997. As a senator, she served on the Transportation and Economic Growth, Tourism, and Agricultural Committee, where she was elected chairperson. As a former business owner, it was natural for Martha to become a member of the Senate Community & Urban Affairs Committee and also a member of the Senate Budget Committee.

Outside public office, Martha has volunteered her time to various organizations. She was a member of the Burlington County Farmland Preservation Advisory Board and the Burlington County Open Space Advisory Board. Martha also sat on the Burlington County Family Services Board and was a member of the HB Industrial Village Conservancy Board of Trustees.

Madam Speaker, I would like to extend my sincere gratitude for her leadership, commitment, and service to the public.

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## HONORING OF ONE ACCORD MINISTRY AND ALL FIRST DISTRICT VOLUNTEERS

### HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the efforts of the volunteers of Tennessee and the First District. Of One Accord Ministry is a charity that is celebrating its 20th anniversary this year. Tennessee has been called the "Volunteer" state by the great efforts of our citizens during The War of 1812. Since The War of 1812 the people of Tennessee continue to show pride, dedication and service through volunteer efforts. People from around the nation are moving into my district to enjoy the wonderful quality of life found in it's beauty and the spirit of its people. Our first volunteers were heroes serving in The War of 1812 and our citizens today are heroes sacrificing their time and effort to volunteer in an assortment of ways.

Of One Accord Ministry serves two rural and lowly populated counties in my district and continually utilizes the efforts of nearly 500 people during 2007. These 500 volunteers have sacrificed over 51,533 hours of service and have served over 71,695 people in various ways. The ministry serves from four physical sites offering emergency food distribution, meal delivery for seniors five days a week, participating in our states summer feeding program, offering a free medical clinic, doing home repairs, organizing the county's Christmas programs and others.

Of One Accord does not work alone. They work hand-in-hand with schools, clubs, scouts, and Postal workers to help complete their mission. Similarly, partnerships with businesses, hospitals and laboratories provide other services for the clinic. The help does not stop there; many others supply resources and help in any way possible.

We tend to overlook the millions of volunteers across the nation giving their time and efforts. Madam Speaker, I rise today to applaud the volunteers from Of One Accord Ministry who have served for 20 years and all of the volunteers in Tennessee's First District alike.

## IN REMEMBRANCE OF DOLORES "DEE" BENSON

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in remembrance and honor of Dolores "Dee" Benson, a beloved figure in Cleveland area politics and a loving wife, mother, and grandmother.

Dee was born in 1925 in Altoona, Pennsylvania, where she spent most of her early life. She was an exceptional student at Altoona High School, and had a special gift for foreign languages and science. She was offered a full tuition scholarship to Penn State University, but chose to go to work instead. She married Bud in 1947 and they moved to Cleveland to raise their seven children, Robert, Patrick, Jacqueline, Mary, Elizabeth, Denise, and Christine. She will also be dearly missed by her 11 grandchildren and six great grandchildren.

Dee was incredibly active in her Cleveland neighborhood, serving as President of the Southwest Military Moms; President, Treasurer, and Secretary of Parma Women's Democratic Club; Precinct Committeewoman and Democratic Ward Leader for the community of Seven Hills; and a founding member of St. Anthony of Padua Parish; just to name a few of her many accomplishments and activities.

Madam Speaker and colleagues, please join me in honoring the memory of Dee Benson, a much-loved activist whose contributions to her community will continue to uphold her legacy.

## IN MEMORY OF CHERIE LOVE

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. GALLEGLY. Madam Speaker, I rise in memory of my longtime friend, Cherie Willard Love. She passed away a couple of weeks ago but she will always be remembered by those she touched.

And she touched many.

Cherie was a Ventura County, California, native, having been born in Oxnard 76 years ago. After earning a bachelor's degree from Whittier College and a master's from La Verne College. Cherie embarked on a career as a kindergarten teacher. For the first twelve years, she taught in Oceano and San Luis Obispo, but then returned to her roots and taught in the Ventura Unified School District for the next 26 years.

Teaching was not a job to Cherie; it was her passion.

That passion for her students and profession earned her recognition in October 1986 as the top teacher of the month by the Greater Ventura Chamber of Commerce's Youth and Education Committee. Outside the classroom, Cherie was an active member of the Philanthropic Education Organization, Alpha Delta Kappa, Delta Kappa Gamma, and the California Retired Teacher's Association.

Cherie also served as president of the Ventura Retired Teachers Association Scholarship Foundation, which provides scholarships to local college students studying for a career in education. As a final act toward her beloved profession. Cherie directed friends and relatives to donate to the fund in her memory.

Cherie outlived two husbands. Don Crinklaw and Don Love, and a son, Bruce Crinklaw, but is survived by a host of other family, including her twin sister, Charlene Blalock-Carlson, and three other sisters, Carrie Perkins, Cyndie Huntsberger, and Sandy Elkhardt; daughters, Sharlee Villa and Carla Dennis; cousin, George Cady; and numerous grandchildren and great-grandchildren.

Madam Speaker, I know my colleagues will join me in remembering Cherie Love's lifelong passion for education and her love of family and community and in offering our condolences to her family and friends.

## IN RECOGNITION OF THE 75TH ANNIVERSARY OF COLEMAN'S AUTHENTIC IRISH PUB

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the 75th anniversary of Coleman's Authentic Irish Pub in Syracuse, New York.

Founded in 1933, Coleman's, located on Tipperary Hill, is a fixture of the Central New York community. Throughout its long history. Coleman's has transformed from a working man's saloon in the 1930's to a college hot spot in the 1970's to the first class restaurant and pub it is today. With its great food, wonderful service, and Irish atmosphere. Coleman's Authentic Irish Pub is a place for all generations to enjoy and is a premiere attraction in central New York.

Coleman's has always strived to maintain the highest standards of public service, and I am proud to recognize them today. I congratulate owner Peter J. Coleman, his wife Mary Pat and children, and his employees, both past and present, on reaching this milestone. On behalf of the people of the 25th District of New York, I thank them for their 75 years of business that has been such a positive influence on the community.

## TRIBUTE TO LARRY CHATZIDAKIS

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. SAXTON. Madam Speaker, I rise today in recognition of Larry Chatzidakis. On February 21, 2008, Mr. Chatzidakis will be celebrated for his contributions to Burlington County at the Burlington County Republican Committee and Burlington County Republican Women's Annual Lincoln Day Dinner.

Since 1985, Larry Chatzidakis has represented the best interests of Burlington County residents. He was first elected to the Mount Laurel Township Council and remained until 2000. Proving a valuable asset to the community, Larry was re-elected mayor four times and spearheaded numerous projects during his tenure. Residents may remember him most for his role in the construction of Laurel Acres Park. It has become a natural choice for Mount Laurel residents looking for recreation, with its many exercise trails, playground equipment, and sledding hill. Most recently, a veteran's memorial was added to the site to honor those who have served in our Armed Forces. In addition to his mayoral duties, Larry was elected to the Burlington County Board of Chosen Freeholders in 1995.

From 1997–2008, Larry represented the 8th District as a member of the New Jersey State Assembly. He continued to offer his talents in the Assembly as a member of the Agriculture & Natural Resources Committee, the Judiciary Committee, and as vice-chair of the Solid and Hazardous Waste Committee. As a conscientious elected public official, Larry took the concerns of his constituents to heart as he became a member of the Commission to Deter Criminal Activity and a member of the Military and Veterans' Affairs Committee.

No stranger to the community at large, Larry served on the board of the Burlington County Red Cross and was also chairman of the Burlington County Boy Scouts Mahalala District. He is also a member of the Mount Laurel Rotary Club for 17 years and served one term as president.

Madam Speaker and colleagues, it gives me great honor to recognize Larry Chatzidakis for his tremendous efforts and devotion to his community. I and the people of New Jersey are greatly appreciative of him and sincerely thank him for all of his dedication.

## IN HONOR OF THE VIETNAMESE NEW YEAR: TET, 2008—YEAR OF THE RAT

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. KUCINICH. Madam Speaker, 2008, is the Year of the Rat. As the Vietnamese community in Greater Cleveland gathers at St. Helena Catholic Church to enjoy their Vietnamese culture, I join them in celebration of this rich heritage.

The Tet is the time of the year for our Vietnamese neighbors to honor those that have gone before us and enjoy the company of family and friends. This year's celebration will honor community leaders, and serve as a demonstration of Vietnamese music and dance.

2008 also marks thirty-three years of service to the community by the Vietnamese Community in Greater Cleveland, Inc. The Vietnamese Community, Inc. has been an invaluable resource for hundreds of Clevelanders, linking them to needed services and serving to maintain the rich heritage of the Vietnamese people.

I would also like to take this opportunity to recognize Le Nguyen, President of the Vietnamese Community in Greater Cleveland, Inc., and all their members, for their commitment to Vietnamese-Americans of Northeast Ohio.

Madam Speaker and colleagues, please join me in celebration of the Vietnamese New Year, Tet 2008: Year of the Rat. May the Vietnamese community of Cleveland, and throughout the nation, carry on their proud heritage throughout the year.

## HONORING BRIGADIER GENERAL EDWARD E. MUNGER

### HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. NUNES. Madam Speaker, I would like to pay tribute to the distinguished life of BG Edward E. Munger of Fresno, CA, who lost his brave battle with cancer on February 11 at the age of 68.

General Munger lived an extraordinary life of service to his country, community and family. He served more than 3 decades in the California National Guard, and served in Washington, DC under Presidents Nixon, Carter and Reagan. General Munger retired on October 30, 1990 after completing 33 years of service to our country.

General Munger's love for his country was also evident in the service he gave to his local community. He served as a Fresno County Reserve Deputy Sheriff for several years on the Power Board Squadron; was a member and at his death the president of I.R.O. Soararsis, a support organization for Kings Canyon National Park; was on the Board of Trustees of Children's Hospital Central California; on the Rotary Club of Fresno Board of Directors; on the Fresno County Planning Commission; and on the Fresno County grand jury. Even being diagnosed with cancer could not prevent him from public service, as he continued to serve the community as chairman of California's 21st Congressional District Military Academy nomination committee.

General Munger inspired all of those he knew, including myself. He was a man full of character and integrity who treated all human beings with dignity and generosity. Munger helped thousands of young people achieve goals that otherwise might not have been possible. From simple guidance to providing a stable home environment or providing free rent to a student in his apartment building, he asked only that they "pay it forward" by helping others when they are in a position to do so.

General Munger is survived by his wife, the former Tamsen Nichols, whom he married 37 years ago, and their adult children, Edward Earl and Eleanor Elizabeth of the San Francisco Bay area.

## PERSONAL EXPLANATION

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall Nos. 43, 44, and 45, had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, February 12, 2008, I was unable to cast my vote on Suspending the Rules and passing H. Res. 954 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 43 on passing H. Res. 954, Honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008, I would have voted "aye."

## BLACK HISTORY MONTH

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. VISCLOSKY. Madam Speaker, it is with a great sense of honor that I rise to celebrate Black History Month and its 2008 theme—Carter G. Woodson and the Origins of Multiculturalism. Dr. Woodson's life and words remind us, as Americans, that in order to continue to move forward, we must take the time to reflect on the past.

The theme for this year's Black History Month, Carter G. Woodson and the Origins of Multiculturalism, is a reminder that in striving for a greater society, we must examine the past. A brilliant author, publisher, and historian, Dr. Woodson understood that history was much more than facts on a page, but rather a detailed account and interpretation of the struggles and achievements of society as a whole. It was this belief that motivated Dr. Woodson to author many books and publish many articles on the outstanding contributions of so many proud and courageous African Americans.

Dr. Woodson's belief in the importance of historical study played a critical role in preserving the rich history of African Americans throughout the United States. His efforts led to the foundation of Negro History Week, which would later become Black History Month. His writings and teachings encourage not only African Americans, but all Americans, to reflect on, become educated about, and treasure these outstanding efforts. Dr. Woodson has also been seen by many other historians as a true inspiration. In the First Congressional District, I am proud to represent organizations such as the Interfaith Federation of Northwest Indiana, under the leadership of Executive Director Patricia Jackson, and the Gary Frontiers Service Club, under the leadership of President Oliver J. Gilliam, which have carried on such important ideals, reiterating the need for merging cultural beliefs and tradition and coming together to reflect on the past in seeking to improve the future.

It is the efforts of organizations like the Interfaith Federation and the Gary Frontiers Service Club that allow us to reflect on what makes the United States of America so special. Nowhere else in the world do you find such an integrated society. While the United States is made up of people from so many different cultural, religious, social, and ideological backgrounds, it is our freedom and our ability to share our backgrounds with each other that is the true testament to the American way of life.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring Dr. Carter G. Woodson, the Interfaith Federation, the Gary Frontiers Service Club and the many organizations throughout the United States that continue to preserve the African American heritage for all Americans. Through their words and teachings, these honorable individuals and organizations remind us all of the struggles and accomplishments that African Americans have made to lead us to where we are as a Nation today, while reminding us that there is still progress to be made.

## RECOGNIZING THE ADVANTAGE THAT LOW INCOME TAXPAYERS WILL TAKE OF THE EITC

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. RANGEL. Madam Speaker, I rise today to express my full support of the EITC, a refundable tax credit that reduces or eliminates taxes that low-income married or single working people pay, and also frequently operates as a wage subsidy for low-income workers. I am expressing my hope that taxpayers with incomes of less than $39,783 will take advantage of the EITC, since this can result in a refund of more than $4,700 for the eligible taxpayers. The EITC is one of the largest antipoverty tools in the United States. This is an opportunity to help people get out of poverty. To educate those who are eligible for the EITC, more tax centers have extended their hours of operation. I encourage my colleagues in Congress to inform their constituents of the available resources. To check one's eligibility and identify the nearest IRS Taxpayer Assistance Center one can go to IRS.gov.

## CELEBRATING VERMONT'S PARTNERSHIP WITH THE REPUBLIC OF MACEDONIA

### HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. WELCH of Vermont. Madam Speaker, Vermont is proud to welcome General Miroslav Stojanovski, Chief of Staff of the Army of the Republic of Macedonia. General Stojanovski's visit is the latest step in a long history of partnership between Vermont and Macedonia.

Established in 1995 through the State Partnership Program of the U.S.-European Command, the partnership began as primarily a military-to-military relationship between the Macedonian Army and the Vermont National Guard. This military partnership has resulted in over 540 joint events that have included over 6,000 members of the Macedonian Army. In September 2006, Vermont National Guard troops and their Macedonian Army counterparts carried out a major, 2-week-long, small-unit exchange exercise to support the professionalization of the Macedonian military in its transformation to meet NATO interoperability standards.

Vermonters' engagement with Macedonia has expanded into civil affairs as well, including the establishment of university partnerships, economic development discussions, and support for the Macedonian youth baseball organization.

In May 2007, the University of Vermont signed an agreement with the SS *Cyril* and Methodius University to promote collaborative scientific research, joint conferences and workshops, and faculty and student exchanges.

Vermonters have also played an important role in bringing baseball, our national pastime, to Macedonia. C.J. Knudsen, the general manager of the Vermont Lake Monsters minor league baseball team traveled to Macedonia to deliver gloves, balls, bats, uniforms, and other equipment to help start the country's first little league.

Macedonia has made incredible strides since its independence in 1991, achieving membership in the United Nations, the Organization for Security and Cooperation in Europe, the World Trade Organization, and to NATO's Partnership for Peace and Membership Action Plan. Macedonia is a candidate for European Union membership and may soon be invited as a full member of NATO, hopefully as soon as April of this year. I look forward to the continued strengthening of the United States and especially Vermont's partnership with the Republic of Macedonia.

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## RESOLUTION RECOGNIZING THE NATIONAL DAY OF THE COWBOY

### HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Ms. GIFFORDS. Madam Speaker, today I introduced a resolution officially designating July 26, 2008, as the "National Day of the Cowboy." Americans are encouraged to observe the national contribution of Cowboys and Cowgirls with appropriate ceremonies and activities.

This resolution declares Congress support for honoring working Cowboys and their ongoing contributions to our communities. It also recognizes the Cowboy as a central figure in literature, film and music, occupying an important place in the public imagination. The "National Day of the Cowboy" honors the livelihood of the Cowboy as one that spans race, gender and generations.

Our legendary Cowboy is embraced and respected by people the world over as a symbol of rugged individualism. He represents a commitment to get the job done and do it well while depending on his own ingenuity for survival. He is loyal to an honorable code of ethics as well as persistent and tenacious in the face of any challenge.

The Cowboy is indeed the ultimate western icon, reminding us of a special time in the heart of America's history.

I am proud to be introducing this resolution today, and I urge my colleagues to join me in declaring congressional support for the "National Day of the Cowboy."

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## HONORING THOMAS BASSANO OF TAMPA, FLORIDA

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor a man dedicated to turning the tragic abduction and murder of Citrus County child Jessica Lunsford into a rallying cause for child advocacy issues. On Saturday, March 1, 2008, Tom will set out from Marina Del Ray, California, on a cross country journey, running 3,000 miles to raise awareness for children's safety and help prevent future children from being harmed by sexual predators.

In the process of planning for his cross-country run, Tom established the Run for the Innocent to gather support for his endeavor. This group is working with Mark Lunsford, the father of Jessica, as well as the Citrus County Child Advocacy Center, Jessie's Place. All of the charity runs scheduled along Tom's path from California to Florida will be coordinated by staff and volunteers from the center, with all charity proceeds going to charity.

Since his daughter was abducted and killed in 2005, Mark Lunsford has led a 50-state effort to strengthen laws targeting sexual offenders and predators. I was proud to work with Mark to pass Federal legislation, the Jessica Lunsford Act, as part of comprehensive child welfare legislation. A man truly dedicated to improving the chances for children affected by abuse, neglect, and sexual predators, Mark established Jessie's Place as a center to serve children affected by child abuse or neglect.

Madam Speaker, I ask that you join me in honoring Tom Bassano for making his commitment to American children and running across the United States to fight violence against children. Tom's effort shows the effect that one man can have on the lives of millions, and should be commended by this entire body for his novel idea to raise money for this worthy cause. We wish Tom luck on his journey and look forward to welcoming him to Citrus County when he finishes his run.

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## HONORING FAMILY SERVICES INC.

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. SHUSTER. Madam Speaker, I rise today to recognize the 80th anniversary of Family Services Incorporated, a non-profit organization located in Altoona, Pennsylvania. Family Services Incorporated has worked to provide vital services to the community.

Known at its founding as the Blair County Children's Aid Society, the organization was created to aid in the care and eventual adoption of abused and neglected children. A community-wide evaluation found that there was a need for a nonprofit agency to offer capable social work services aimed toward resolving individual, marital and family problems in 1967 and 1968. The United Way agency provided funding for Family and Children's Service of Blair County so it could provide programming and services to meet those needs. Throughout the 1970s, the agency established a residential program for individuals with developmental disabilities. Throughout the 1980s the agency served victims of domestic violence, sexual assault, and runaway and homeless children. In 1997 the agency officially became Family Services Incorporated.

Led by a dedicated board of directors and management team, Family Services Incorporated is always willing to adjust programming for adults and children who seek its services. It has constantly endeavored to build healthier relationships within the community. Dedicated staff provide services through the Domestic Abuse Project, Crime Victim Support Services, Street Wise Outreach and Opportunity Program, Runaway and Homeless Youth Program, Emergency Shelter for Men, Men helping Men, Developmental Disabilities Program, Protection from Abuse Office, Women Aware and Counseling.

Family Services Incorporated has provided a trustworthy atmosphere which has worked to help a multitude of men, women, and children throughout its history. I look forward to celebrating the 80th anniversary of such a wonderful organization, as it has brought a greater appreciation to our area and has surely been an asset to the community. I would like to wish Family Services Incorporated all the best in its future endeavors.

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## PERSONAL EXPLANATION

### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. RYAN of Wisconsin. Madam Speaker, I was absent for legislative business conducted on February 12, 2008, due to inclement weather. As a result, I missed rollcall votes 43–45.

Had I been present, I would have voted: "aye" on rollcall vote 43—H. Res. 954, honoring the life of senior Border Patrol agent Luis A. Aguilar who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008; "aye" on rollcall vote 44—H. Res. 909, commemorating the courage of the Haitian soldiers that fought for American independence in the "Siege of Savannah" and for Haiti's independence and renunciation of slavery; and "aye" on rollcall vote 45—H. Con. Res. 238, celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs.

## COMPETING CURRENCIES

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. PAUL. Madam Speaker, I rise to speak on the concept of competing currencies. Currency, or money, is what allows civilization to flourish. In the absence of money, barter is the name of the game; if the farmer needs shoes, he must trade his eggs and milk to the cobbler and hope that the cobbler needs eggs and milk. Money makes the transaction process far easier. Rather than having to search for someone with reciprocal wants, the farmer can exchange his milk and eggs for an agreed-upon medium of exchange with which he can then purchase shoes.

This medium of exchange should satisfy certain properties: It should be durable, that is to say, it does not wear out easily; it should be portable, that is, easily carried; it should be divisible into units usable for everyday transactions: it should be recognizable and uniform, so that one unit of money has the same properties as every other unit; it should be scarce, in the economic sense, so that the extant supply does not satisfy the wants of everyone demanding it; it should be stable, so that the value of its purchasing power does not fluctuate wildly; and it should be reproducible, so that enough units of money can be created to satisfy the needs of exchange.

Over millennia of human history, gold and silver have been the two metals that have most often satisfied these conditions, survived the market process, and gained the trust of billions of people. Gold and silver are difficult to counterfeit, a property which ensures they will always be accepted in commerce. It is precisely for this reason that gold and silver are anathema to governments. A supply of gold and silver that is limited in supply by nature cannot be inflated, and thus serves as a check on the growth of government. Without the ability to inflate the currency, governments find themselves constrained in their actions, unable to carry on wars of aggression or to appease their overtaxed citizens with bread and circuses.

At this country's founding, there was no government controlled national currency. While the Constitution established the congressional power of minting coins, it was not until 1792 that the U.S. Mint was formally established. In the meantime. Americans made do with foreign silver and gold coins. Even after the Mint's operations got underway, foreign coins continued to circulate within the United States, and did so for several decades.

On the desk in my office I have a sign that says: "Don't steal—the government hates competition." Indeed, any power a government arrogates to itself, it is loathe to give back to the people. Just as we have gone from a constitutionally-instituted national defense consisting of a limited army and navy bolstered by militias and letters of marque and reprisal, we have moved from a system of competing currencies to a government-instituted banking cartel that monopolizes the issuance of currency. In order to introduce a system of competing currencies, there are three steps that must be taken to produce a legal climate favorable to competition.

The first step consists of eliminating legal tender laws. Article I Section 10 of the Constitution forbids the States from making anything but gold and silver a legal tender in payment of debts. States are not required to enact legal tender laws, but should they choose to, the only acceptable legal tender is gold and silver, the two precious metals that individuals throughout history and across cultures have used as currency. However, there is nothing in the Constitution that grants the Congress the power to enact legal tender laws. We, the Congress, have the power to coin money, regulate the value thereof, and of foreign coin, but not to declare a legal tender. Yet, there is a section of U.S. Code, 31 U.S.C. 5103, that purports to establish U.S. coins and currency, including Federal Reserve notes, as legal tender.

Historically, legal tender laws have been used by governments to force their citizens to accept debased and devalued currency. Gresham's Law describes this phenomenon. which can be summed up in one phrase: Bad money drives out good money. An emperor, a king, or a dictator might mint coins with half an ounce of gold and force merchants, under pain of death, to accept them as though they contained one ounce of gold. Each ounce of the king's gold could now be minted into two coins instead of one, so the king now had twice as much "money" to spend on building castles and raising armies. As these legally overvalued coins circulated, the coins containing the full ounce of gold would be pulled out of circulation and hoarded. We saw this same phenomenon happen in the mid-1960s when the U.S. government began to mint subsidiary coinage out of copper and nickel rather than silver. The copper and nickel coins were legally overvalued, the silver coins undervalued in relation, and silver coins vanished from circulation.

These actions also give rise to the most pernicious effects of inflation. Most of the merchants and peasants who received this devalued currency felt the full effects of inflation, the rise in prices and the lowered standard of living, before they received any of the new currency. By the time they received the new currency, prices had long since doubled, and the new currency they received would give them no benefit.

In the absence of legal tender laws, Gresham's Law no longer holds. If people are free to reject debased currency, and instead demand sound money, sound money will gradually return to use in society. Merchants would have been free to reject the king's coin and accept only coins containing full metal weight.

The second step to reestablishing competing currencies is to eliminate laws that prohibit the operation of private mints. One private enterprise which attempted to popularize the use of precious metal coins was Liberty Services, the creators of the Liberty Dollar. Evidently the government felt threatened, as Liberty Dollars had all their precious metal coins seized by the FBI and Secret Service this past November. Of course, not all of these coins were owned by Liberty Services, as many were held in trust as backing for silver and gold certificates which Liberty Services issued. None of this matters, of course, to the government, who hates to see any competition.

The sections of U.S. Code which Liberty Services is accused of violating are erroneously considered to be anti-counterfeiting statutes, when in fact their purpose was to shut down private mints that had been operating in California. California was awash in gold in the aftermath of the 1849 gold rush, yet had no U.S. Mint to mint coinage. There was not enough foreign coinage circulating in California either, so private mints stepped into the breech to provide their own coins. As was to become the case in other industries during the Progressive era, the private mints were eventually accused of circulating debased (substandard) coinage, and in the interest of providing government-sanctioned regulation and a government guarantee of purity, the 1864 Coinage Act was passed, which banned private mints from producing their own coins for circulation as currency.

The final step to ensuring competing currencies is to eliminate capital gains and sales taxes on gold and silver coins. Under current Federal law, coins are considered collectibles, and are liable for capital gains taxes. Short-term capital gains rates are at income tax levels, up to 35 percent, while long-term capital gains taxes are assessed at the collectibles rate of 28 percent. Furthermore, these taxes actually tax monetary debasement. As the dollar weakens, the nominal dollar value of gold increases. The purchasing power of gold may remain relatively constant, but as the nominal dollar value increases, the Federal government considers this an increase in wealth, and taxes accordingly. Thus, the more the dollar is debased, the more capital gains taxes must be paid on holdings of gold and other precious metals.

Just as pernicious are the sales and use taxes which are assessed on gold and silver at the State level in many States. Imagine having to pay sales tax at the bank every time you change a $10 bill for a roll of quarters to do laundry. Inflation is a pernicious tax on the value of money. but even the official numbers, which are massaged downwards, are only on the order of 4 percent per year. Sales taxes in many states can take away 8 percent or more on every single transaction in which consumers wish to convert their Federal Reserve Notes into gold or silver.

In conclusion, Madam Speaker, allowing for competing currencies will allow market participants to choose a currency that suits their needs, rather than the needs of the government. The prospect of American citizens turning away from the dollar towards alternate currencies will provide the necessary impetus to the U.S. government to regain control of the dollar and halt its downward spiral. Restoring soundness to the dollar will remove the government's ability and incentive to inflate the currency, and keep us from launching unconstitutional wars that burden our economy to excess. With a sound currency, everyone is better off, not just those who control the monetary system. I urge my colleagues to consider the redevelopment of a system of competing currencies.

## PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Ms. WOOLSEY. Madam Speaker, on February 7, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 32–42.

Had I been present I would have voted:

Rollcall No. 32—"yes"—Providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

Rollcall No. 33—"yes"—Providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

Rollcall No. 34—"yes"—Calling for a peaceful resolution to the current electoral crisis in Kenya.

Rollcall No. 35—"yes"—To extend for one year parity in the application of certain limits to mental health benefits, and for other purposes.

Rollcall No. 36—"yes"—Petri of Wisconsin Amendment No. 4.

Rollcall No. 37—"yes"—Petri of Wisconsin Amendment No. 5.

Rollcall No. 38—"yes"—Davis of Illinois Amendment.

Rollcall No. 39—"no"—To amend and extend the Higher Education Act of 1965, and for other purposes.

Rollcall No. 40—"yes"—To amend and extend the Higher Education Act of 1965, and for other purposes.

Rollcall No. 41—"yes"—Congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his time of transition and his inauguration on February 25, 2008.

Rollcall No. 42—"yes"—Recovery Rebates and Economic Stimulus for the American People Act of 2008.

## HONORING THE LIFE AND WORK OF MARY ISAAK

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of Mary Isaak, a Petaluma activist who was committed to the noble struggle of helping the less fortunate overcome homelessness. Mary died of congestive heart failure last month at the age of 88, leaving an enduring legacy to the people of Petaluma, California through the establishment of COTS—the Committee on the Shelterless.

After receiving a music degree from the University of Oregon, Mary moved to Berkeley, where she met her future husband, who later tired of the area and moved his family to what was then rural California—to the egg basket of the State, Petaluma. There, Mary raised five children and taught at Live Oak High, the small school she started on their 22-acre ranch.

Mary's life of community service continued in the late 1980s, when she and Laure Reichek noticed the increasing number of homeless in the area and determined to obviate the problem. In 1988, they founded COTS. I was on the Petaluma City Council during this time and had the good fortune to work with Mary and Laure in facilitating the establishment of this incredible organization, dedicated to housing homeless families.

"It eventually took on a life of its own," says John Records, COTS current executive director. "It activated something in the community and it gave people the opportunity to help. It offered a way to get involved."

In a town of 55,000 residents, the nonprofit registered more than 50,000 volunteer hours last year alone. These volunteers helped prepare and serve more than 100,000 meals besides working on other programs the facility offers.

The community embraced COTS because Mary set an example, volunteering for countless tasks and remaining on the board of directors.

"Even as she aged and became less strong, she continued to be involved," Records notes.

In 2004, COTS recognized Mary's vision and commitment by naming its new housing facility in her honor—the Mary Isaaks Center. The center houses beds for 300, provides between 50,000 and 100,000 bed-nights per year, and its kitchen offer more than half a million pounds of food each year to the hungry and homeless of Petaluma. Other programs thrive, as well. For example, recently COTS added an innovative pilot trauma center to its services.

Madam Speaker, it is impossible to measure the impact Mary Isaak's work has had on the individuals—both homeless and volunteers—and on the community of my hometown of Petaluma. She leaves to the community a legacy of compassion and involvement that the world would do well to follow. She will be greatly missed.

## INTRODUCING LEGISLATION TO UPGRADE THE SECURITY OF THE SOCIAL SECURITY CARD

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. KIRK. Madam Speaker, today, along with my colleague Mr. ROSKAM, I am introducing legislation requiring the Social Security Administration to develop secure Social Security cards to combat the rising problem of identity theft and immigration fraud.

Since Social Security started in 1935, more than 450 million Social Security cards have been issued. Over the years, we've had 50 card variations, but all have one common element—they are too easy to counterfeit.

According to a 2005 Government Accountability Office report, employers reported the use of 1.4 million Social Security numbers that don't exist. Additionally, nearly 1.7 million numbers have been used by multiple individuals, some as many as 500 times or more.

In 2006, U.S. Immigration and Customs Enforcement (ICE) officials made 1,272 arrests for identity and benefit fraud. While there is no central database for confiscated fraudulent Social Security card statistics, regional illegal document rings illustrate a systemic problem.

Last April, Federal agents arrested 23 individuals and broke up an illegal document ring in the Little Village neighborhood of Chicago. Officials estimated that up to 100 fake Social Security cards were issued each day at the location. According to the Northern Illinois U.S. Attorney's Office, the enterprise netted $3 million per year for a violent Mexico-based crime syndicate.

ICE broke up a similar ring in the same neighborhood in December 2005. Last October, Cook County Sheriff's detectives arrested two individuals for manufacturing hundreds of fake identification documents in Chicago's West Lawn neighborhood. Outside of the Chicago area, one ICE raid in Washington, DC, netted 880 fake Social Security cards.

In Waukegan, police raids discovered numerous crimes of identity theft, including criminals purchasing homes and cars with stolen Social Security numbers. For as little as $100, an individual in Waukegan can purchase a fake Social Security card.

It's time we upgrade Social Security cards with photos and biometric data like a fingerprint to protect seniors from identity theft and prevent draining of Social Security trust funds.

Many government agencies already use secure IDs, including the Department of Defense. An ID with a bar code embedded with biometric data, as well as a picture, will help prevent counterfeiting. We have the technology now—there is no excuse to use a document that anyone can forge at a Kinkos.

To protect seniors, fight identity theft and defend our homeland, I urge my colleagues to join this effort.

## HONORING TOM H. SPARKS

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. UPTON. Madam Speaker, I rise to recognize and pay tribute to Tom H. Sparks of St. Joseph, Michigan, who is celebrating his 100th birthday.

Mr. Sparks was born in a log cabin with a dirt floor and sod roof in Oklahoma in 1908. He was taken out of school at the age of 14 when he went to work to support his family.

He was a member of the "Greatest Generation" and served his country with distinction and honor in World War II in the European Theatre.

Mr. Sparks has been a resident of St. Joseph, Michigan for more than 80 years. To say that Tom Sparks is a man who has been active in his community would be a gross understatement. Mr. Sparks has rarely missed a meeting of the St. Joseph City Commission over the last eight decades. He was first elected to serve on the St. Joseph City Commission in 1948 and served as Mayor of his adopted hometown from 1955 to 1963. Even into his 90s—his name appeared on the ballot seeking a seat on the City Commission.

Mr. Sparks retired from the City of Benton Harbor as assistant to the superintendent and a building inspector in 1975 at the age of 67. As part of his birthday celebration, it is fitting he is being recognized by City Commissioners in St. Joseph.

## FREEDOM FOR CARLOS MARTÍN GOMEZ

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to remind my colleagues about Carlos Martín Gomez, a political prisoner in totalitarian Cuba who continues his struggle to bring human rights and dignity to the people of Cuba.

In 2000 Cuban regime thugs arrested Mr. Martín for "desecrating" the thug-in-chief Fidel Castro. How exactly does one desecrate a tyrannical despot? In Mr. Martín's case by going to the Jose Martí Airport and calling out loud for the end of Fidel Castro's oppression of the Cuban people. Such a brave act earned Mr. Martín a 4-year sentence in the gulag.

The regime may have thought they could quiet Mr. Martín's calls for the end to the dictatorship by throwing him into a prison to suffer under unbearable conditions. But Mr. Martín would not let the walls of the gulag suffocate his continued calls for a free Cuba. Because of his continued crusade to bring freedom to the Cuban people, the regime added somewhere between 14 years and 37 years to his sentence.

Now the dictatorship is trying a different tactic to silence Mr. Martín, they are refusing to provide him with adequate medical care after a fish bone got caught in his throat. According to his sister, Mr. Martín has lost considerable weight as he is only able to ingest liquids due to his untreated throat condition.

Despite the gangster tactics and heinous threats against him, Mr. Martín refuses to back down and be silenced by the totalitarian regime. He still bravely continues to demand human rights and dignity for the Cuban people. On November 5, 2007, Mr. Martín released the following statement for the Cuban people from his prison:

> Cuba is a big prison which the regime has filled with prisons, poverty, famine and disease. The communist thugs have subjected us to this for 48 years. Hopefully, soon we will see freedom in the beautiful land of our birth, and that nobody has to flee . . . I reiterate my affection, respect and love, from the No. 3 cell of the Melena del Sur prison, in Havana province, to all who in one form or another, struggle for the independence and freedom of Cuba.

Madam Speaker, it is unconscionable that Carlos Martín Gomez is locked in a filthy dungeon for calling for human rights and freedom for the Cuban people. My colleagues, we must demand the immediate and unconditional release of Carlos Martín Gomez and every political prisoner in totalitarian Cuba.

## HONORING DELMER WALLEN, SR.

### HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and life of Delmer Wallen, Sr., a true asset to the First Congressional District of Tennessee, who passed away January 28, 2008.

Delmer Wallen, Sr. lived a life of service and entrepreneurship, and was known by all for his compassion to all those around him.

He was born in Kyles Ford, Hancock County, Tennessee and lived in Kingsport for most of his life. Mr. Wallen was employed as president and general manager of Kingsport Grocery Company 32 years. He was in the wholesale grocery business for 40 years managing multiple companies.

A great community leader, Delmer Wallen, Sr. served on numerous boards including Holston Valley Community Hospital and the Salvation Army in Kingsport, Tennessee.

In 1986 Delmer served as president of the Harlan County, Kentucky Chamber of Commerce and Chairman of the Sullivan County Republican party which further shows his commitment to the community that he lived in.

Delmer was also a 50-year member of the American Legion and served this great country in the Korean War as a member of the U.S. Army Corp of Engineers.

Delmer also showed his commitment to his faith by regularly attending West View Primitive Baptist Church. During his time spent with West View Primitive Baptist Church, Delmer served in various positions such as church treasurer and adult Sunday school teacher.

Madam Speaker, I ask that the House join me this evening in offering our sympathies to the family and friends of Delmer Wallen, Sr. He was a dedicated member of the community, the church, and the United States and a true friend of the First District. His service is greatly treasured and he will be deeply missed.

## HONORING RETIRING WEST SENECA TOWN COUNCILMAN CRAIG HICKS

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. HIGGINS. Madam Speaker, I rise today to honor the public career of Craig Hicks.

As a councilman to the Town of West Seneca, a thriving community of 46,000 hard-working residents, Craig spent a great deal of time protecting their ideals and values. During his tenure the town continued its rich heritage and continues to develop into a town of great commercial growth, providing a kind atmosphere to live, work and raise a family. This remained possible as a result of all of the hard work of the town's public officials, and Craig's efforts as a member of the town board demonstrate that commitment.

Madam Speaker, I ask that this Congress join me in extending appreciation to Craig Hicks for his dedicated service and commitment to his community. We wish Craig and his entire family only the very best of health and happiness long in the future.

## COMMEMORATING THE OPENING OF THE STEVEN E. COPELAND GOVERNMENT CENTER

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. BURGESS. Madam Speaker, I rise today to commemorate the grand opening of the Steven E. Copeland Government Center in Cross Roads, Texas in Denton County. The grand opening for this new facility is Friday, February 22, 2008.

The center is named in honor of the late Steven Everett Copeland, an enthusiastic employee of Denton County Road and Bridge East. Mr. Copeland is remembered by his fellow workers and supervisors as a person who took pride in a job done well and was dedicated to giving his best to the citizens of Denton County. This center is dedicated to honor both his memory and his contributions to the local community.

This center will provide the citizens of Denton County increased access to county services and local government officials, including the County Commissioner for Precinct 1, Constable, County Clerk, Justice of the Peace, Tax Assessor, Probation Officers, and the Denton County Sheriff. Many local officials have already moved into the new facility, saying it allows them to be closer to their constituents and provides more efficient access for the public. Local residents are able to pay county taxes, register vehicles, and receive new license plates for their vehicles.

Along with these government offices, the Steven E. Copeland Government Center will also house a community room which is available to the public for use. Denton County has committed itself to providing the best for its citizens, and this new center is a shining example of that commitment.

Madam Speaker, it is with great honor that I congratulate Denton County Commissioner Cynthia White and the Commissioners Court on the opening of this facility. I am proud to represent Denton County in the 26th District of Texas and look forward to seeing the positive effects this center will have on the community.

## PERSONAL EXPLANATION

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Wednesday, February 6, 2008, I was unavoidably detained in my Congressional district.

Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 29: "Yes" on Motion To Suspend the Rules and Pass H. Res. 867;

(2) Rollcall No. 30: "Yes" on Motion To Suspend the Rules and Pass H. Res. 942;

(3) Rollcall No. 31: "Yes" on Motion To Suspend the Rules and Pass H. Res. 943.

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## HONORING SY LENZ, OF SONOMA, CALIFORNIA

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. THOMPSON of California. Madam Speaker, I rise, along with Congresswoman LYNN WOOLSEY, to recognize the gentleman honored by the City of Sonoma as 2008 Alcalde—Honorary Mayor of the Year—Sy Lenz. The honorary position of Alcalde has been bestowed each year since 1975 on a person who has enhanced the welfare of Sonoma by his or her unselfish contributions to the community.

As Alcalde, Sy will be given a silver-headed cane as a symbol of his distinction and will appear in parades, grand openings and other special events throughout the year.

Although Sy and his wife, Harriet, have lived in Sonoma since 1989, when they moved here to be near their daughter, Sy leapt directly into community service. He used his talents as a retired U.S. Air Force Lt. Colonel and executive recruiter to volunteer on the strategic plan for the local school district. He also became active in the Kiwanis Club and with La Luz Center, a local nonprofit serving immigrants, as well as founding and developing Congregation Shir Shalom.

"One project I worked on was an attempt to establish an in-town teen club," Sy says. "We raised thousands of dollars hopefully to find a site, and although it remained out of our reach, it lead to the creation of the 'No-Name Café' at Sonoma Valley High School."

Sy's service is not limited to the younger generation. He has participated in delivering holiday meals to seniors and shut-ins, and was part of the effort to create the Senior Shade Program which provides senior citizens transportation to and from the town's holiday parades and a shady place from which to watch.

Most recently, Sy has served as president of the board of directors of SOS—Sonoma Overnight Shelter—which he and other members of the community started in an effort to extend a helping hand to the homeless and working poor who need assistance with restoring their self-sufficiency. It is a project he has dedicated himself to.

First of all, Sy points out, it is a shelter; it is designed for those who are temporarily homeless. "Most of the time the people we're dealing with are women or single moms," says Sy. These are usually women who have been dependent upon a man and suddenly find themselves alone or alone with children and without life skills needed for independent living. They may stay with family or friends for awhile until that becomes untenable and then they are out on the streets.

"And this," Sy says, referring to the astronomical Bay Area real estate prices. "is a tough place to find an affordable space."

His compassionate service is one reason Sonoma Mayor Joanne Sanders chose Sy for Alcalde. She has known Sy for 20 years and says, "When it's driving rain, late at night, and the phone rings, he's the kind of guy who'll go out and find a place for someone to stay. He's an unsung hero."

Madam Speaker, we would like to join with the City of Sonoma in recognizing the contributions Sy Lenz has made to the lives of the residents of the Sonoma Valley area.

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## HONORING SY LENZ

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

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## COMMEMORATING THE DAY OF REMEMBRANCE

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. HONDA. Madam Speaker, I rise today to commemorate the Day of Remembrance. February 19th, 2008 marks the 66th anniversary of the signing of Executive Order 9066, which authorized the incarceration of over 120,000 Americans of Japanese, Italian and German ancestry. This year also marks the 20th anniversary of the enactment of the Civil Liberties Act of 1988, which formally acknowledged and apologized for violations of fundamental civil liberties and constitutional rights of the Japanese Americans who were interned during World War II.

The Day of Remembrance is of particular importance to me as I spent part of my childhood in Amache, an internment camp in southeastern Colorado. My experiences at Amache helped shape my outlook on life and influenced my political beliefs.

The purpose of the Day of Remembrance is to learn from our nation's past transgressions. In 1942, our nation's leaders failed us. Some 120,000 people were taken from their homes and incarcerated, simply because of their ancestry. Those incarcerated were denied their rights as lawful U.S. citizens or legal permanent residents.

Though the Day of Remembrance has been established to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II, we must continue to work to educate the public about the internment of Americans in order to prevent similar injustices from ever happening again. We must not allow history to repeat itself.

In this post-9/11 world, it is imperative that we remain vigilant in the protection of our civil liberties. As we continue to fight the war against terrorism, we must reaffirm our commitment to the civil liberties granted in the Constitution and resist the urge to give into wartime hysteria. Falling victim to the same kind of racial prejudice and discrimination exhibited during World War II completely disregards the lessons of the war and the purpose of a Day of Remembrance. I am hopeful that my colleagues in both chambers will appropriate funds for Public Law 109–441 to ensure the historic preservation of Japanese American internment sites.–

Although the Civil Liberties Act of 1988 formally apologizes for violating the rights of Japanese Americans during World War II, we must not forget about the experience of Japanese Latin Americans who were also unjustly treated. These people were extricated from Latin America and brought to the United States, only to have their documents taken away from them. Without proper documentation, these Japanese Latin Americans became individuals without a country and were subsequently used as pawns in exchange for POWs in the Pacific theater. H.R. 662, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, seeks to rectify the injustices committed against these Japanese Latin Americans by establishing a Commission to investigate the relocation, interment, and deportations of Japanese Latin Americans and to recommend appropriate actions. I urge my colleagues to cosponsor H.R. 662 to continue the healing process started by the Civil Liberties Act of 1988.

Now, more than ever, we must strive to balance our cherished civil liberties with the need to protect our homeland. Finding this balance is the enduring lesson that the Day of Remembrance teaches us and a lesson that cannot be lost on our nation's policymakers.

## LEE BOTTS

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to honor one of Northwest Indiana's most dedicated, distinguished, and honorable citizens. I have known Lee Botts for many years, and she is one of the most active and involved citizens I have ever known, especially when it comes to her service to protecting the Great Lakes and Lake Michigan's National Lakeshore. Today, Lee is celebrating a milestone, her 80th birthday. In her honor, a celebration will be taking place on Thursday, February 21, 2008, at the Metropolitan Club in Chicago, Illinois.

Lee Botts spent her childhood in Kansas and Oklahoma, and as a young woman, Lee moved with her four children to Chicago's Hyde Park neighborhood. In Chicago, Lee became active in neighborhood associations, such as the Hyde Park-Kenwood Community Conference, and became active in the preservation of the Great Lakes. In 1966, Lee participated in the campaign to acknowledge the Indiana Dunes as a National Lakeshore. While Lee was active in the protection of the lakeshore, she was also a columnist for the Hyde Park Herald, a weekly community publication of which she later became the editor. As well as being active in community press, Lee also established the Hyde Park Garden Fair, which is still held on an annual basis. In the late 1960s, Lee also became a staff member of the Openlands Project in Chicago, an organization dedicated to preserving and enhancing public open space around Chicago and northern Illinois.

In 1971, Lee founded the Lake Michigan Federation, known today as the Alliance for the Great Lakes. The Federation was the first independent citizen organization dedicated to the preservation of a specific Great Lake. As the leader of the Federation, Lee became dedicated to protecting the lakeshore and actively lobbied Congress to tackle issues of environmental protection, focusing on the first federal Clean Water Act. Because of her dedication to the environment, Lee served on the staff of the Environmental Protection Agency for several years when the agency was in its infancy, and in 1977 was appointed by President Carter as the head of the Great Lakes Basin Commission, headquartered in Ann Arbor, Michigan. Following this position, Lee worked with Mayor Harold Washington and the city of Chicago as a staff member and consultant for the city's newly developed Department of the Environment.

Lee also founded the Indiana Dunes Environmental Learning Center, a summer camp offering children of U.S. Steel employees an opportunity to learn about the environment and the necessity of its preservation. In addition to the numerous organizations Lee founded, she also made time to serve in various capacities at several other organizations, such as the Save the Dunes Council, the Northwest Indiana Quality of Life Council, Great Lakes United, the State of Illinois' Task Force of Global Climate Change, the State of Indiana Water Pollution Control Board, Chicago Wilderness, and the Northwest Indiana Regional Planning Commission.

Madam Speaker, Lee Botts has given her time and efforts selflessly to the protection of our environment and lakeshore throughout her many years of service. At this time, I ask that you and all of my distinguished colleagues join me in commending her for her lifetime of service and dedication to her community. I also ask that you join me in wishing her a very happy 80th birthday.

## SUNSET MEMORIAL

### HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with another Sunset Memorial.

It is February 13, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that we lost on September 11th, only it happens every day.

It has now been exactly 12,805 days since the tragic judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them. And all of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

The bedrock foundation of this Republic is the Declaration, not the casual notion, but the Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died without the protection we should have been given them.

But perhaps tonight, Madam Speaker, maybe someone new who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we can never express, and that 12,805 days spent killing nearly 50 million unborn children in America is enough; and that this National is great enough to find a better way than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we hear the cries of the unborn at last. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is February 13, 2008—12,805 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children—this, in the land of free and the home of the brave.

## HONORING RETIRING MARILLA TOWN SUPERVISOR JOHN FOSS

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. HIGGINS. Madam Speaker, I rise today to honor and celebrate the years of faithful public service of John Foss, retiring Supervisor of the Town of Marilla.

Madam Speaker, John Foss is a lot of things, and a lot of adjectives describe him well. Intelligent, committed and focused on the continued growth and improvement of his hometown, John Foss labored hard on behalf of his constituents, and he has the results to show for it.

I have had the pleasure of knowing John way back to the mid-1990s, when as a candidate for the New York State Assembly, John welcomed me to Marilla and introduced me to dozens of his neighbors—local residents and farmers with concerns about the agricultural industry in Erie County and New York State. John's friendship was critical to me in those days and his steadfast support for our efforts to revitalize the economy of Erie County and Western New York remain important to this very day.

Madam Speaker, I ask that you join me in honoring the public service career of retiring Marilla Town Supervisor John Foss, and join me in wishing John and his entire family the very best of good luck and Godspeed as they embark upon this new chapter of their lives, active in the public affairs of the town of Marilla, but outside the formal role of Supervisor. Congratulations, John, on a job very well done.

## CONGRATULATING ROCK THE BOAT ON HIS SUCCESS AT THE WESTMINSTER KENNEL CLUB DOG SHOW

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. BURGESS. Madam Speaker, I rise today to recognize the achievements of Ch. Pinecrest Orchard Hill Rock the Boat at the Westminster Kennel Club Dog Show. Rock the Boat, better known as Rocky, earned the "Best-in-Breed" title among the Cavalier King Charles Spaniels on Tuesday, February 12, 2008, for the second consecutive year.

Cavalier King Charles Spaniels are a part of the toy group, which encompasses twenty-three breeds. The Westminster Kennel Club Dog Show, America's oldest organization dedicated to the sport of purebred dogs, limits entry to 2,500 dogs. Rocky won best-in-breed in his category after going up against a field of thirty-five entrants, and was one of only 169 dogs to receive this honor for 2008.

This triumph is the most recent in a string of successes for Rocky and his owners. In his brief show career, Rocky has accumulated six all-breed Best in Show wins, over thirty Toy Group wins, seven Specialty Best of Breed wins and eight Best in Show wins at the Cavalier King Charles Spaniel Club, USA Specialties, making him the American Kennel Club's #1 Cavalier. His list of achievements is only made more impressive by the fact that he is not yet three years old.

I extend my sincere congratulations to Rocky, as well as his breeder, owners, and trainer, for his many impressive accomplishments. It is an honor to have such a celebrated canine reside in the 26th District of Texas. I look forward to seeing what the future brings for the talented Rocky.

## PERSONAL EXPLANATION

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Wednesday, January 23, 2008, I was unavoidably detained due to a prior obligation. I would like to make a correction to my earlier explanation of my missed votes on January 23, 2008.

Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 21: "yes." On Ordering the Previous Question.

(2) Rollcall No. 22: "yes." On Motion to Pass H.R. 3963, the objections of the President to the contrary notwithstanding.

## RECOGNITION OF CATHY TRAVIS

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to bring to the attention of my colleagues the contributions of a great public servant, Cathy Travis, on the occasion of her retirement from the staff of Congressman SOLOMON ORTIZ and the House of Representatives. On January 1, 2008, after more than 25 years on the Hill, Cathy retired from her position as the senior advisor to Congressman ORTIZ.

Through her dedication and diligence, Cathy also enabled me to maximize my efficiency as the chairwoman of the Texas Democratic congressional delegation. For that, I am grateful.

A native of Jonesboro, Arkansas, Cathy graduated from Arkansas State University with a bachelor's degree in public relations and an emphasis in political science. Politics always fascinated her, and after graduation, she went to work for former Congressman Bill Alexander (D-Arkansas) as a press assistant. She also worked on the floor of the House of Representatives, for the Office of the House Majority Whip, and on numerous political campaigns. She performed all assignments with a sense of humor, a sense of duty and above all, a sense of patriotism.

Since the early 1990s, Cathy Travis saw a need for more educational tools to give the American people a better understanding of how our Government works and the fundamental rights accorded by the Constitution. Thus was born her book, Constitution Translated for Kids, an accessible translation of the document that serves as the foundation of the United States Government. The original text is paired side-by-side with a kid-friendly interpretation to pique interest and stimulate further discussion of American liberties. It also includes a discussion of proposed amendments to the Constitution that have been strongly debated, and a detailed explanation on the separation of powers.

Cathy Travis is a dedicated American in the finest tradition, and this institution will greatly miss her.

## IN HONOR OF GEORGE HOWELL

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. FARR. Madam Speaker, I rise today to honor a father, husband, and soldier who made the ultimate sacrifice in service of the Nation. U.S. Army PFC George Howell was from the small rural central California community of Prunedale. He was a humble man who devoted his life to his family.

George enlisted into the Army in June 2007, and was deployed to Iraq in September 2007, where he fought valiantly as an infantry soldier in the 10th Mountain Division. He fought not only to give freedom to the people of Iraq, but to offer a better life to his family. He was a soldier who rose to defend his country and a young father who rose to provide for his young children. He dedicated his life so that others can live in a future filled with hope.

On December 21, 2007, George was fatally wounded when his unit was attacked while on patrol in northern Iraq. He was laid to rest with full military honors at Arlington National Cemetery on January 25. 2008. George was awarded a Purple Heart and the Army Service Ribbon for his courageous service. These awards depict the greatness of this fine soldier and symbolize the sincere gratitude of this country. Moreover, George's life has inspired the lives of others and has united a community. This soldier, father, and husband shall he remembered for his caring, altruistic life.

Held closest to George's heart is the love and support of his wife. and partner, Kristen, and his two young children, Niya, Raiden, and his yet to be born child. His dream and lifework was his family, and he fought to offer them a life filled with limitless opportunity. In the future, his family will experience the dream their father has waiting for them.

Madam Speaker, I know that I speak for the whole House in extending our deepest sympathies to PFC George Howell's family. While we praise his service and sacrifice for his country, we must never forget the deep personal tragedy of a wife losing her husband and of children losing their father. They are all great American heroes who deserve this Nation's recognition, gratitude, and support.

## IN COMMEMORATION OF THE DAY OF REMEMBRANCE

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Ms. SOLIS. Madam Speaker, I rise today to pay tribute to the 66th anniversary of the National "Day of Remembrance."

I am proud to be a member of the Congressional Asian Pacific Islander American Caucus and to represent a large number of individuals of Japanese descent in the 32nd District.

The internment of Japanese Americans during World War II is one of our government's most shameful actions. Families were ripped from their homes and communities, even while many Japanese citizens served in the U.S. armed forces in World War II.

We cannot sit back and allow similar civil and human rights violations unfold before our eyes. We must remember that any oppression, any injustice, any hatred, is a wedge designed to attack our civilization.

We must remember, and more importantly, we must learn from our past.

## SMITHSONIAN FREE ADMISSION ACT

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Ms. NORTON. Madam Speaker, today, I introduce the Smithsonian Free Admission Act to reinforce 160 years of consistent Smithsonian policy, admitting the public to all permanent exhibits without charge. That policy is embodied in the original intent of the founder's gift to the Federal Government that the Smithsonian be established to increase the knowledge of the public. The first bill establishing the Smithsonian, introduced by Senator William C. Preston on February 17, 1841, stated explicitly that the Smithsonian would "preserve and exhibit with no fee all" works of art and science. This intent and tradition was interrupted by the Board of Regents with the casual comment that this would be the first time admission fees would be charged and was done without notice to anyone when the Regents voted, on January 29. 2007, to institute the first fees in the history of the Smithsonian. The Congress and not the Regents should decide so basic a policy, especially when it departs from longstanding public policy. The admission fee sets a precedent for future permanent exhibits and makes it impossible to deny the other Smithsonian entities the same privilege and may encourage other Smithsonian entities to structure their exhibits to fit the Butterfly Pavilion model.

Legislation, therefore, has become necessary and urgent as the Butterfly Pavilion is set to open on February 14, 2008. Although the Smithsonian has previously charged fees for films and shows, such as IMAX films, the National Air and Space Museum's Planetarium, and the National Zoo's Christmas Light special, the Butterfly Pavilion marks the first time admission fees are charged for a permanent exhibit.

The Smithsonian Institution had an estimated 24.2 million visitors in 2007. The huge number of visitors who come to the Smithsonian's 17 museums and art galleries shows that there are untapped sources of revenue from appreciative Americans and others if the Smithsonian had a first-rate private fundraising effort similar to that of the great museums in this country and worldwide. Our previously introduced bill, H.R. 4098, The Smithsonian Modernization Act of 2007, addresses the Smithsonian's shallow fundraising capacity by restructuring and expanding the Smithsonian Board of Regents from a board almost half of whom are public officials to a board consisting solely of private sector citizens with greater fundraising capacity and experience.

Today the Smithsonian's traditional free access to exhibits is under attack, chiefly because of the $2 billion dollar infrastructure backlog. However, the fundraising capability of the Smithsonian infrastructure is clear in the recent opening of the National Portrait Gallery, according to Congressional Research Service (CRS) RL 33560, donors contributed funds for the new auditorium and roof over the courtyard.

The Smithsonian Modernization Act, not admission fees, provides the most realistic vehicle to raise funds for the Smithsonian without cost to the government or to the public. The Smithsonian has long prided itself on "free access" according to the CRS. Admission fees can bring only a token amount. Admission fees are not the answer for American taxpayers, who have already paid through the 70 percent that the Federal Government already contributes to this public institution. Federal taxpayers don't expect to pay again through a admission fee to a federally financed institution.

## INTRODUCTION OF H.R. 5268, TO PROVIDE A TEMPORARY INCREASE IN FEDERAL MEDICAID ASSISTANCE PERCENTAGE UNDER THE MEDICAID PROGRAM TO STATES

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. DINGELL. Madam Speaker, last week I, with my colleagues Representatives FRANK PALLONE and PETER KING, introduced H.R. 5268, legislation that would provide immediate fiscal relief to States through Medicaid. The States of our Nation and the healthcare safety net are simultaneously facing a crisis. This is not the time for the Federal Government to turn its back. In addition to the broader economic stimulus package that we have approved, it is urgent that we provide States with resources to meet growing healthcare demands.

In 2003, during the last economic downturn, the Federal Government provided fiscal relief to States by increasing Federal Medicaid payments during five quarters. The increased Federal Medicaid payments helped States meet increased demand for Medicaid coverage and successfully fought off many additional and more extensive reductions in healthcare for poor children, the disabled, pregnant women and the elderly who depend on Medicaid health coverage. If the economic downturn continues, States will once again be forced to deny people Medicaid coverage and or reduce Medicaid payments to healthcare providers unless some relief is provided.

If we do not act, the decreased ability to provide health care could mean even more job losses, further exacerbating the economy. According to a 2005 study, for every $1 million of State funds invested in Medicaid, 33 new jobs and $1.23 million in new wages are generated in a year. In 2003, a Republican Congress and President agreed to the temporary increase in Medicaid payments. It was enacted through a number of bipartisan votes. We must once again come together to deliver as we did before. We need to move quickly to strengthen Medicaid, before the effects of a slowing economy cause people who need health care to he turned away.

## HONORING ROB COGORNO

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Rob Cogorno on his 25 years of service to this body.

Rob, I am one of the new folks around here, but in my relatively brief tenure, I have come to appreciate and have great respect for all the floor staff who keep this place running as smoothly as possible . . . especially in a room filled with wall-to-wall politicians.

You've been a great quarterback for the floor staff, and I wish you all the best. Thank you for your service.

## HONORING RETIRING WEST SENECA TOWN COUNCILMAN CHRISTOPHER OSMANSKI

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. HIGGINS. Madam Speaker, today I rise to honor Christopher Osmanski, retiring councilman from the great town of West Seneca.

I have known Chris and his family for many years and I am proud to honor his dedication to effective public service for the residents of the Town of West Seneca. Few public officials love their town the way in which Christopher Osmanski does, and his public acts have always had the intention of making life in the town of West Seneca better for those so fortunate enough to live there.

While Chris's official service has come to an end, it is a virtual certainty that he will remain active in local civic affairs. That is a good thing, for the town of West Seneca is better for the active public service of individuals like Christopher Osmanski.

I want to thank you, Madam Speaker, for offering me this opportunity to honor the public service of retiring Town of West Seneca Councilman Christopher Osmanski, and I hope that you will join me in offering to Mr. Osmanski this Congress's best wishes of good fortune and Godspeed in all of his future endeavors.

## HONORING W.D. LEWIS FOR "CITIZEN OF THE YEAR" AWARD

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. HENSARLING. Madam Speaker, today I rise to recognize community leader W.D. Lewis for being named "Citizen of the Year" by the Chandler-Brownsboro Chamber of Commerce.

A veteran of World War II and the Korean war, Mr. Lewis occupies his time today volunteering in his community. In addition to being an active member of the Kiwanis Club, Mr. Lewis mentors children at Brownsboro Intermediate School and helps the court appointed special advocates provide Christmas gifts to children. Last year, he raised enough money to give Bibles to 192 children.

Since moving to Brownsboro over two decades ago, Mr. Lewis has been a member of Leagueville Baptist Church and the Texas Freshwater Fisheries Center.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Mr. Lewis for generously offering his time and talents to serve his community and for being selected "Citizen of the Year."

## CONGRATULATIONS TO THE LEADERSHIP OF ELEPHANT BUTTE

### HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. PEARCE. Madam Speaker, I rise today to recognize the great accomplishments of leaders of Elephant Butte, New Mexico. Mayor Bob Barnes, Councilor Adrienne Podlesny, and Councilor John Van Gundy truly care about the city of Elephant Butte. Each proudly served since the city was incorporated and are so dedicated they worked out of their homes until the city had an office.

Councilor John Van Gundy served on a planning board for the first 2 years after the city was incorporated then became elected to the council and has now served 8 years.

Both Mayor Barnes and Councilor Podlesny have both worked for the city for 10 years, and Mayor Barnes in fact became the first and only mayor of Elephant Butte.

Through their tireless work and dedication, these individuals have made countless contributions to the community of Elephant Butte. Their legacy of diligent work includes improving city parks, developing a waste water system, and incorporating the city. Other accomplishments include widening and paving city streets, building an addition to the fire department, and numerous other improvements.

The progress and growth of Elephant Butte can be attributed to the diligent hard work of these 3 individuals. I know the people of Elephant Butte have gained many more opportunities and are now able to live better lives because of the leadership and hard work of Mayor Barnes and Councilors Van Gundy and Podlesny. I want to congratulate each of them for their achievements and wish them the best of luck in their future.

## HONORING STANLEY RONDA, JR.

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Ms. KAPTUR. Madam Speaker, I rise today to recognize Stanley Ronda, Jr., of Toledo, Ohio.

It is with the deepest appreciation that I pay tribute to the long life of a good, patient, and kind man, Stanley Ronda, Jr. He lived his years in service to his family, friends, and our Toledo community. Coming from the working class and of Polish-American heritage, he graduated college in architecture in an era when that was a rare achievement for a family of their means. Stan was a path breaker.

He was always generous with his company, his conversation and his artistic creations. He greeted every person with a broad smile and a laugh. He was an engaging conversationalist and a patient teacher, too. He labored to transfer his considerable skills in calligraphy, architectural drafting, and model building to all who expressed an interest.

For decades, he worked for the City of Toledo in the Toledo Lucas County Planning Commissions, from where he retired. I can still see him bent over his light table in the Huron Building preparing the architectural and subdivision drawings for cases pending before the Commission. He reported to work every day, always wearing a white, long-sleeved shirt and held standards of military precision.

Once, when we worked together on a project, we were assigned to field check and map all of Monclova Township, Ohio. That is 16,000 acres. Stan and I worked on that for days. I hold many precious memories of Stan during that laborious effort.

Stan never asked anything for himself. He was always creating lovely-original works for others such as mailings at the holidays or special occasions. Each was carefully drawn and colored with his signature logo was at the lower left corner—a miniature version of him sitting at his drawing table. At Christmas, his logo would wear a tiny Santa hat. On his own initiative, Stan drew many beautiful renderings of landmark structures in Toledo. When I was elected to office, I commissioned Stan to do a rendering of historic churches of Toledo. He gladly accepted and this framed achievement always hangs in our Congressional office.

Though Stan became more fragile with years, he never, ever complained. He always welcomed a visitor with that same open smile. Stan revered the time he witnessed developments of downtown Toledo like the Maumee River Crossing Bridge, the new Ferry Landing, the future Marina District and the Mud Hens. He was overjoyed that day to view his hometown, to which he had dedicated his working years, building forward.

May God welcome Stan home; a good and faithful servant. May He shower him royally with blessings into eternity and bestow upon him a loving peace.

## IN REMEMBRANCE OF DR. HARRY JEFFREY

### HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. ROYCE. Madam Speaker, I rise today to commemorate the 71st anniversary of the birth of Dr. Harry Palmer Jeffrey, Jr.

Dr. Jeffrey obtained his bachelor's degree at Dartmouth College in 1959, his master's degree at Ohio State University in 1961 and his Ph.D. at Columbia University in 1973.

In Congress, he worked for Representatives John Heinz, Paul Schenck, William McCulloch and Senator John Bricker. He served in the White House for the Lyndon Johnson and Richard Nixon Administrations, and met every President of the United States from Herbert Hoover to Bill Clinton.

Dr. Jeffrey ran for office twice. He won the Ohio State GOP primary for the State Legislature in 1960, but lost in the general election. And in 1976, he unsuccessfully sought the GOP nomination for California's 40 District, which I now serve.

He was one of my professors when I was in college at California State University, Fullerton. He taught U.S. history and we used to debate on many issues, which helped to form my political views. He was also the faculty sponsor of my College Republican Club. We stayed in touch for all these years. In fact just recently, I visited his class at Soka University.

Dr. Jeffrey passed away November 4, 2007, and is survived by his wife, Mee-Young, his son, Robert, his step-daughter, Clara, sisters, Julie & Susu, and grandchildren, Marieke & Lex.

Please join me in remembering and honoring Dr. Jeffrey for a life spent dedicated to his family and community.

## HONORING RETIRING CHEEKTOWAGA TOWN SUPERVISOR JAMES J. JANKOWIAK

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. HIGGINS. Madam Speaker, I rise today to honor James J. Jankowiak, who concluded decades of faithful public service by serving one year as Supervisor of the most populous town in the 27th Congressional District, the great town of Cheektowaga.

Jim Jankowiak is, above almost anything else, a man of the people. Jim is a regular guy who worked hard, loved his family and his community, and did everything he could to give back to that community he loved so well. From his career beginnings in the highway garage to his career as the most effective Parks Commissioner in the history of Erie County government, Jim Jankowiak consistently led by example, and the taxpayers of each respective jurisdiction within which he served were better for it.

Jim's service on the local level—first as Chairman of the town's Democratic Committee and later as a Councilman and finally Supervisor, demonstrates clearly his love for the town in which he lived his life. Where I come from—in South Buffalo, NY—we like to say that we're a community of neighborhoods; South Cheektowaga is no different. Differentiated as it is by parishes or by fire districts, it's still a collection of neighborhoods, and Jim Jankowiak is, at heart, a kid from the neighborhood—and he never forgot from whence he came. That's high praise.

Madam Speaker, I ask that you join me in honoring and congratulating Jim Jankowiak upon the conclusion of his official service to the taxpayers of the town of Cheektowaga. I know that you join me and the rest of our colleagues in wishing Jim, his wife Donna and their entire family the very best of good luck and Godspeed in the months and years to come.

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## DIRECT GRADUATE MEDICAL EDUCATION PAYMENTS UNDER THE MEDICARE PROGRAM

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. PASCRELL. Madam Speaker, I rise today to introduce legislation, with my friend and colleague Congressman RON LEWIS, which will bring equity to an unjust Medicare compensation formula currently used to reimburse teaching hospitals.

Under current law, Medicare uses an antiquated formula to determine payments for hospitals with Direct Graduate Medical Education, DGME, programs designed to educate and train physicians. The formula, which was created in the 1980s no longer serves as an accurate reflection of the actual costs of operating training programs in the 21st century.

Currently, more than 600 hospitals that train physicians are paid less than the national average, meaning that Medicare pays less than its fair share for the costs of educating doctors in these hospitals. In my home State of New Jersey alone, teaching hospitals have lost about $6.9 million.

The current system stymies these hospitals' ability to train a workforce sufficient to care for the growing Medicare population.

Despite congressional efforts in 1999 and 2001 to make incremental improvements in DGME payments, hospitals still receive only 85 percent of the cost of the national average that teaching hospitals incur today for operating costs.

Bringing the effort to fruition, this legislation requires Medicare to at least pay the average cost of operating a training program. It would increase the DGME payment—for hospitals whose historical costs are less than the national average—to 100 percent of the national average per resident amount.

The floor should be increased to the national average so no hospitals receive less than Medicare's fair share of the costs of operating a medical education program. This bill does not affect hospitals whose historical costs are above the national average.

I have introduced this measure in the interest of America's hospitals, medical students, and the Medicare patients who will one day depend on their doctors to have the highest level of training and expertise.

As it stands now, hundreds of teaching hospitals are being reimbursed by Medicare at an inadequate level for their work in training America's doctors of tomorrow. Too many hospitals, students, and patients are depending on us to equip teaching hospitals with the financing they need to produce a corps of well trained, experienced physicians.

Without it, I am concerned that these unsustainable losses are a real threat to the future of this nation's healthcare infrastructure.

I urge my colleagues to join me in cosponsoring this legislation to provide a DGME level that accurately reflects of the actual costs of operating physician training programs in the 21st century.

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## RICHARD HATCHER

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 13, 2008*

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to honor one of northwest Indiana's most distinguished and honorable citizens. I have known the Honorable Richard Hatcher for many years, and he is one of the most influential citizens I have ever known, especially when it comes to the progress he made for residents of northwest Indiana and the entire United States. Forty years ago, Richard was elected mayor of Gary, Indiana, and in doing so, he, along with the late Carl Stokes of Cleveland, Ohio, became the first African American individuals elected to serve as mayors of major metropolitan areas. Since this time, Richard has been a constant fixture in not only Gary, but throughout northwest Indiana. Today, as we celebrate this significant event in our Nation's history, we reflect on the magnitude of his election and the progress that has been achieved since that time. In Mayor Hatcher's honor, as well as in honor of Carl Stokes, a celebration will be taking place on Saturday, February 23, 2008, at the Genesis Convention Center in Gary, Indiana.

Richard Gordon Hatcher was born on July 10, 1933, in Michigan City, Indiana. Following his graduation from high school, Richard went on to complete his bachelor of science degree in business and government at Indiana University. Subsequently, he also earned his bachelor of law and juris doctorate degrees from Valparaiso University. After completing law school, Richard relocated to Gary and began practicing law in East Chicago, Indiana. This was the beginning of his remarkable legal career, which included service as a deputy prosecutor for Lake County, Indiana. From there, his political career began when he was elected to the Gary City Council. Then, in 1967, he was elected mayor of Gary, the office he would hold for an astonishing 20 years.

Throughout his political career, Richard was always involved with various commissions and councils, including: the United States Conference of Mayors, for which he served as a member of the executive board and as vice president and president of the conference, the National League of Cities, the National Conference of Black Mayors, for which he was elected its first president, the National Urban Coalition, and the National Black Caucus of Local Elected Officials, for which he served 4 years as president. He also received Presidential appointments to serve on two commissions: the United States Advisory Commission on Intergovernmental Relations and the United States Commission on Education. Richard has also had a great impact on American society through his involvement with several civil rights organizations, both locally and nationally, including: the National Association for the Advancement of Colored People (NAACP), the Urban League of Northwest Indiana, TransAfrica, the National Civil Rights Hall of Fame, the Martin Luther King Center for Non-Violent Social Change, and the Operation PUSH/Rainbow Coalition.

Throughout his illustrious career, Richard has been honored time and time again for his dedication and steadfast efforts in improving the quality of life for all people. To name a few of his accolades, Richard was honored in 1974, by Time magazine as one of the "200 Outstanding Young Leaders in the United States," as well as one of the "100 Most Influential Black Americans" by Ebony magazine. He was also awarded the "President's Award" by the National League of Cities in 1987, the "Adam Clayton Powell Award" by the Congressional Black Caucus in 1977, the Operation PUSH "Award of Excellence" in 1980, and the Roy Wilkens Award from the NAACP in 1989. In addition, he has been honored with the "Urban Leadership Award" by the Indiana Association of Cities and Towns, the "Distinguished Mayor Award" by the National Urban Coalition, and the "Fannie Lou Hamer Freedom Award" from the National Conference of Black Mayors.

Madam Speaker, through his election as mayor of Gary in 1967, Richard Hatcher has been a cornerstone in the building of a better

America. He has continued his efforts toward progress through the many ways he has selflessly given his time and efforts to the people of Gary, northwest Indiana, and beyond. At this time, I ask that you and all of my distinguished colleagues join me in commending him, as well as the late Carl Stokes, on their 40th anniversary of this significant event in our Nation's history, as well as for his lifetime of service and dedication to his community.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 14, 2008 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### FEBRUARY 21

10 a.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

### FEBRUARY 26

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for the Department of the Army, and the future years defense program.
SH–216

10 a.m.
Energy and Natural Resources
To hold hearings to examine U.S. oil inventory policies, focusing on the Department of Energy's Strategic Petroleum Reserve Project Management Office policies.
SD–366

### FEBRUARY 27

9:30 a.m.
Armed Services
To hold hearings to examine the current and future worldwide threats to the national security of the United States; with the possibiliy of a closed session in S–407 following the open session.
SD–106

9:45 a.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Stanley C. Suboleski, of Virginia, to be an Assistant Secretary of Energy (Fossil Energy), and J. Gregory Copeland, of Texas, to be General Counsel, both of the Department of Energy.
SD–366

10 a.m.
Small Business and Entrepreneurship
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Small Business Administration.
SR–428A

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 2229, to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range, S. 2379, to authorize the Secretary of the Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, S. 832, to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value, S. 2508 and H.R. 903, bills to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, S. 2601 and H.R. 1285, bills to require the Secretary of Agriculture to convey to King and Kittitas Counties Fire District No. 51 a certain parcel of real property for use as a site for a new Snoqualmie Pass fire and rescue station, H.R. 523, to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of DouglasCounty, Washington, to the utility district, and H.R. 838, to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah.
SD–366

Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the National Space and Aeronautics Administration (NASA).
SR–253

Intelligence
Closed business meeting to consider pending calendar business.
SH–219

### FEBRUARY 28

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Navy, and the future years defense program; with the possibility of a closed session in SR–222 immediately following the open session.
SH–216

Energy and Natural Resources
To hold hearings to examine the impact of increased minimum wages on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands.
SD–366

### MARCH 5

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Air Force, and the future years defense program.
SH–216

### MARCH 6

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for the U.S. Southern and Northern Command, and the future years defense program.
SH–216

### MARCH 11

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for U.S. Pacific Command and U.S. Forces in Korea, and the future years defense program.
SH–216

### MARCH 12

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine technologies to combat weapons of mass destruction.
SD–106

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs.
SR–232A

### MARCH 13

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009 for the Cooperative Threat Reduction Program and the Proliferation Security Initiative at the Department of Defense, and nuclear nonproliferation programs at the National Security Administration, and the future years defense program.
SR–222

# HOUSE OF REPRESENTATIVES—*Thursday, February 14, 2008*

The House met at 10 a.m.

Monsignor Richard W. O'Keeffe, Immaculate Conception Church, Yuma, Arizona offered the following prayer:

Ditat Deus, God Enriches. Those magnificent words are found on the seal of the State of Arizona as we celebrate today our 96th birthday as entering into the States of the United States. And so this morning we thank God for all those enriched graces that He has given to each and every one of us.

As we pray here this morning, we ask the Lord of all our endeavors to give our elected Congress men and women the courage to follow noble aspirations, strength to support worthy causes, integrity to seek the truth, and in all of their legislative duties, be their inspiration and guide.

Lord, You remember forever Your covenant with us. Even though it was centuries ago that You formed a community of family life with us, still You remain continually faithful. Enable us by Your merciful help to keep faith with You, to renew our covenant at important or difficult moments of our life so that at the end we may receive the promise of the covenant.

Lord, to those who believe in You, You promise kindness and truth, justice and peace. When we are faced with difficulties, increase our faith, but do not lower our ideals. From the least likely places You can bring forth the triumph of Your grace. These things we ask in Your name. Amen.

## THE JOURNAL

The SPEAKER pro tempore (Mr. PALLONE). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oregon (Mr. BLUMENAUER) come forward and lead the House in the Pledge of Allegiance.

Mr. BLUMENAUER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING MONSIGNOR RICHARD O'KEEFFE

The SPEAKER pro tempore. Without objection, the gentleman from Arizona (Mr. GRIJALVA) is recognized for 1 minute.

There was no objection.

Mr. GRIJALVA. Thank you, Mr. Speaker.

It is my pleasure to welcome Monsignor O'Keeffe as our guest chaplain today.

Monsignor O'Keeffe has been tending to the spiritual and human needs of people in Arizona for over 40 years, of which the last 30 has been in Yuma, Arizona. It is fitting that he provides today's blessing, as we also memorialize the passing of Congressman Lantos, a great champion of human rights.

Monsignor O'Keeffe is highly respected in Yuma and all of Arizona for the work he does on behalf of human rights, civil rights and advocating for the underrepresented in our community.

He is an active member of the community, encouraging community leaders to take responsibility for social justice, recruiting young and old to engage in civic participation. His experience and passion has led him to be a founder of the Yuma Interfaith Organizing Committee.

I am honored to work with him and receive spiritual and community guidance from him. He is a source of strength for all of us who interact with him.

Mr. Speaker, I welcome my friend Monsignor O'Keeffe to the House of Representatives.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

## GO TIGERS, GO

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I know today we're going to talk a lot about FISA, but before we do I want to rise to commend the University of Memphis men's basketball team on an outstanding season. So far the Tigers have amassed 24 wins, no losses, earning them the top national ranking in college basketball.

Thanks to the enthusiastic support of the Memphis Tiger fans, and especially the "Blue Crew," the Tigers hold the Nation's longest home court winning streak, 47 wins in a row.

ESPN has called them and their coach, John Calipari, relentless and unselfish.

I applaud the Tiger basketball team for setting an example of teamwork and tenacity that all teams, individuals and even this Congress would do well to follow.

On behalf of the people of the great City of Memphis and the great State of Tennessee, I congratulate the Tigers, and I wish them luck on the remainder of the season.

Thank you for making us proud.

## PRESIDENT BUSH'S BUDGET TARGETS PUBLIC BROADCASTING AGAIN

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Well, it's a new year and again the Bush budget targets public broadcasting. Year after year, they've attempted to chop away at that investment. Year after year Congress rejects it.

This year it is a $420 million reduction, including $200 million that's already been allocated for this year. This assault on public broadcasting is not just undermining the digital conversion, the education and public affairs that we have grown to rely on, it's a direct assault at small-town and rural America where it's more expensive to reach and they don't have the donor base to provide it for themselves.

The irony is that San Francisco, New York, Washington and, dare I say, Portland, Oregon will always have public broadcasting. But if this Bush budget is adopted, it's going to decimate public broadcasting in rural and small-town America.

Please join the over 110 members of the bipartisan Public Broadcasting Caucus to again reject this assault on public broadcasting.

## PROTECT AMERICA ACT

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Mr. Speaker, once again the Protect America Act is set to expire. If the bipartisan Senate FISA bill is not passed in time, our intelligence agency will be blinded to our enemies' plans and required to consult a lawyer before eavesdropping on foreign terrorists.

The House should immediately pass the Senate's bipartisan bill which passed the Senate by a 68–29 vote. Our intelligence community needs a long-term fix in our intelligence laws, not a month-to-month extension.

More importantly, the Senate FISA bill grants liability protection to telecommunications companies that helped the government after September 11. Allowing these companies to be subjected to frivolous lawsuits threatens their cooperation in the future. This could have a crippling effect on America's counterterrorism efforts.

Yesterday, the Democrat majority chose partisan politics in the face of a strong bipartisan solution that directly determines the fate of our intelligence gathering abilities, and the House Democrat leadership failed. The American people have asked for solutions, not political grandstanding.

We should take up the bipartisan Senate FISA bill immediately. This cannot wait until we return from the President's Day recess.

## GUN VIOLENCE

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I come to the floor to speak on what I call "The Daily 45."

The Department of Justice reports that on average, every day here in America, 45 people are shot and killed in a fit of revenge, robbery or troubled relationships. These are more than our soldiers who are killed in Iraq and Afghanistan each and every day.

Today I reflect on a story that has captured the hearts and the minds of Chicago area residents. On Saturday, February 2, the day began like any other day for 6 unsuspecting women. Five of these women, customers and workers at a Lane Bryant clothing store in the southwest suburbs of Chicago, were heartlessly murdered during an apparent midday botched robbery attempt by an assailant wielding a gun.

37-year-old Connie Woolfolk, 42-year-old Rhoda McFarland, 22-year-old Sarah Szafranski, 33-year-old Carrie Hudek Chiuso, and 34-year-old Jennifer Bishop should not be forgotten. Neither should we forget the sixth woman who was shot in the neck, but survived.

When will America say, "Enough is enough"? Stop the killings.

## FISA

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute.)

Mr. HOEKSTRA. Mr. Speaker, what is it that my friends on the other side don't understand about the threat that faces our country today? Have they not seen the reports coming from Iraq where al Qaeda in Iraq has now stated that their objective is to use Iraq to launch attacks against Jerusalem and Israel? Have they not read the reports today about a radical Islamist plot to perhaps assassinate the President of the Philippines? Have they not read about the attacks or the arrests in Denmark of radical Islamists perhaps planning an attack in Denmark?

What is it that you don't understand about the nature of the threat, that this is a global threat that wants to defeat us in Iraq, that wants to destabilize modern Islamic regimes, wants to eliminate the State of Israel, establish the caliphate and reach for the brass ring, which is to attack the United States? Why are you unwilling to put the Senate FISA bill on the floor and give the intelligence community the tools that they need to keep America safe?

## HEALTHY HOSPITALS ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, here's today's grisly toll. 235,626 cases, 11,661 deaths, and a cost of $5.89 billion. What I'm talking about here are the number of people who obtain and die and the overall cost of infections in our hospitals every year, from MRSA, from pneumonia and other infections. It is time that Congress got serious about this.

In the last 3 years since I've first introduced this bill, 90,000 people have died each year from infections they pick up at hospitals. It is time we pass the Healthy Hospitals Act, H.R. 1174, and work to make sure our hospitals are safer.

## THE LAWLESSNESS SOUTH OF THE BORDER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Americans are under vicious attack in Mexico. The new threat comes from south of the border in the form of organized and violent Mexican kidnappers.

Last year, 26 San Diego, California residents were kidnapped and held for ransom while traveling to Mexico. Numerous Mexican nationals also were kidnapped. Some victims were murdered. Only a few of the people kidnapped were ever rescued. They reported that they were beaten, tortured and sexually assaulted.

The FBI says that these sophisticated kidnappers are growing in number. The State Department has even issued a travel alert for U.S. citizens living and traveling in Mexico. This new form of terrorism is very disturbing.

While President Calderon is here in the United States lobbying for illegal immigrants to get amnesty, Mexican and U.S. citizens are being victimized in his home country. President Calderon would do well to stay home in lawless Mexico, get his house in order and protect the rights of hundreds of his own people and the U.S. citizens who are being abducted and held for ransom by these outlaws.

And that's just the way it is.

□ 1015

## IMPERATIVE FISA RENEWAL

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the bipartisan Protect America Act, a critical anti-terrorist law that closes loopholes in our intelligence laws and protects civil liberties is, once again, about to expire. The House must act today on this critical piece of legislation, which passed the Senate by 68–29. If this Senate bill is not passed in time, our intelligence agencies will be blinded to our enemies' plans and required to consult a lawyer before eavesdropping on foreign terrorists.

Democrats have had more than 6 months to make the Protect America Act permanent and provide immunity to telecommunications firms that assisted our government and performed their patriotic duty after 9/11. The time for indecision and second-guessing is over. The time to get this important legislation passed into law is today.

House Democrats should pass the Senate bill and get it to the President, again, today.

## THE NEED FOR A PERMANENT FISA BILL

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, al Qaeda and their terrorist allies are America's number one enemy. We all know that. They are constantly updating the way they communicate and dodge our intelligence networks. We should be doing nothing short of providing our intelligence officials with every tool necessary to always stay a step ahead of these radical extremists.

Admiral Mike McConnell, the Director of National Intelligence, when asked about the Protect America Act, said this, "We must be able to continue effectively obtaining the information gained through this law if we are to stay ahead of terrorists who are determined to attack the United States."

House Republicans have led the way in delivering 21st century intelligence collection to protect our citizens. The law now gives enforcement the tools and flexibility needed to quickly respond to terrorist threats because

House Republicans acted to close a dangerous loophole in an outdated intelligence law. But the law is threatened today by the House Democrat majority who are more interested in getting it for partisan reasons than to provide this country and our allies abroad the protection necessary as we continue to fight terrorism.

A short-term extension is not enough. We need a permanent fix now.

## APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 25, 2008

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*February 14, 2008.*

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25, 2008.

NANCY PELOSI,
*Speaker of the House of Representatives.*

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 18 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1105

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 11 o'clock and 5 minutes a.m.

## MOTION TO ADJOURN

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 2, nays 390, not voting 36, as follows:

[Roll No. 58]

### YEAS—2

Barton (TX)
Johnson (IL)

### NAYS—390

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

### NOT VOTING—36

Ackerman
Berkley
Brown, Corrine
Cardoza
Davis (IL)
Dingell
Doyle
Engel
Garrett (NJ)
Honda
Jackson-Lee (TX)
Jones (OH)
Lowey
Lucas
Mahoney (FL)
Markey
Moore (KS)
Moran (VA)
Pence
Peterson (PA)
Rangel
Renzi
Rohrabacher
Ruppersberger
Ryan (OH)
Sestak
Shays
Shimkus
Simpson
Solis
Tierney
Towns
Watson
Wilson (NM)
Wittman (VA)
Wynn

□ 1157

Messrs. RAHALL, MILLER of Florida, OBERSTAR, and FRANK of Massachusetts changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SESTAK. Madam Speaker, on rollcall No. 58, I was with my six-year-old daughter, Alex, at the hospital. Had I been present, I would have voted "nay."

Ms. SOLIS. Madam Speaker, during rollcall vote No. 58 on the motion to adjourn, I was unavoidably detained. Had I been present, I would have voted "nay."

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5270. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message also announced that pursuant to section 5 of title I of division H of Public Law 110–161, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the U.S.-Japan Interparliamentary Group conference for the One Hundred Tenth Congress:

The Senator from Alaska (Mr. STEVENS).

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## PROVIDING FOR ADOPTION OF H. RES. 979, RECOMMENDING THAT HARRIET MIERS AND JOSHUA BOLTEN BE FOUND IN CONTEMPT OF CONGRESS, AND ADOPTION OF H. RES. 980, AUTHORIZING COMMITTEE ON THE JUDICIARY TO INITIATE OR INTERVENE IN JUDICIAL PROCEEDINGS TO ENFORCE CERTAIN SUBPOENAS

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 982 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That House Resolution 979 and House Resolution 980 are hereby adopted.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

### GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 982 provides that upon its adoption, House Resolution 979 and House Resolution 980 are hereby adopted.

House Resolution 979 recommends that the House of Representatives find Harriet Miers and Joshua Bolten, the White House Chief of Staff, in contempt of Congress for refusal to comply with subpoenas duly issued by the Judiciary Committee.

□ 1200

House Resolution 980 authorizes the Judiciary Committee to initiate or to intervene in any judicial proceedings to enforce certain subpoenas.

Madam Speaker, I've had so many requests for time that I will cut my own time short. I simply want to give some reasons why it's important that we're here today.

In my 21 years in the House, I have known that there were Members who came to Congress simply hoping that throughout their career they will always land on the safe square; not wanting to take a vote that might challenge them in any way, not wanting to take a vote that might require explanation. Fortunately, this is the safe square today.

What we are doing here today is protecting the Constitution of the United States of America, which all of us are pleased, when we come here, to raise our hand and swear so to do. It is critically important that we protect the powers of the Congress of the United States for future generations. It would be dreadful if a future President, having looked back over the recent events, used it as a precedent.

We have a strong case on the merits, is the first point I want to make. The administration's assertions of executive privilege are weak, excessively broad, and unprecedented. We win the executive privilege argument both on legal grounds and our compelling need for requested information.

Aside from prevailing on the merits of the executive privilege dispute, enforcing our subpoenas is part and parcel of our current ability to perform effective oversight. If we accept the White House stonewalling in this instance, the House, in the future, will not be able to conduct its oversight. And every future President can view Congress, not as a coequal branch of this government, but as subordinate to the executive.

The enforcement of the subpoenas in this investigation seeks to strengthen, rather than weaken, the House's prerogatives by demonstrating that we are serious about citizens resisting the issuance of validly authorized congressional subpoenas. If we countenance a process where subpoenas can be readily ignored, where a witness, under a duly authorized subpoena, doesn't even bother to appear, where privilege can be asserted on the thinnest of reeds and the broadest possible manner, then we have already lost, and we may be in much more danger than even we believe.

There's ample precedent supporting the House's prerogative to initiate a civil action. If we pursue this course of action and it proves to be legally incorrect, then we here in Congress, where the laws are passed, can take necessary steps to correct that procedure. If we do not pursue this course of action at all, we, again, have already lost.

There are some who believe that the court will say that indeed we have no rights here. If that is the case, if that even should be a possibility, then I think we have to say that if the Justice Department has become that politicized and that weak, then we are in worse shape in this democracy than we know.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank the gentlelady from New York (Ms. SLAUGHTER) for the time, and I yield myself such time as I may consume.

Madam Speaker, I was in the funeral of our distinguished friend and colleague, Congressman Lantos, someone whom I admired very, very much and who was a personal friend. I was standing by the ranking member of the Rules Committee.

At the time during the funeral, the House was in recess subject to the call of the Chair under the understanding that we would not come back into session until after the funeral. And I was most disturbed and hurt and pained when, even though the funeral was still proceeding and distinguished guests were speaking, the bells rang that the House was going back into session and I had to leave.

Because of my obligation today, I have the assignment, as a member of the Rules Committee, to be here during this rule. I had to leave the funeral to be here today. It's most unfortunate, and I'm very, very sorry that the day has begun in that ultimately unfortunate fashion.

Madam Speaker, today the majority proposes that the House consider a rule that, according to the Parliamentarian, is unprecedented in the history of this institution. It will prevent any and all debate on two contempt motions against former White House Counsel Harriet Miers and White House Chief of Staff Josh Bolten.

A contempt resolution is a privileged matter because it directly concerns the constitutional rights and privileges of the House. Chapter 17, section 2 of House Practice states, "Such a resolution may be offered from the floor as privileged, because the privileges of the House are involved."

The action of the majority today is most unfortunate. Never before in the history of this House has a contempt resolution, one of the highest questions regarding the rights and privileges of this institution, been treated in such an underhanded manner. If this rule is adopted, there will be no debate, no vote, and the contempt resolutions will magically and automatically be hereby adopted when this rule is adopted.

Now, if the majority believes the contempt resolution to be correct, the just and proper course of action to assert the rights of this institution would be to debate and vote on the resolution.

The majority leadership is subverting the rights of every Member of this House, allegedly in order to assert the rights of this House. The irony can escape no one. These are the constitutional rights of this institution that are in question, and not one Member of this institution is going to be allowed to discuss it or vote, to have a vote on these resolutions.

The majority's attempt to rush this contempt resolution through the House will have repercussions that many Members may not be aware of. And so I urge my colleagues to pay close attention because, by this action, the House majority risks causing great harm. It risks causing grave harm and undermining Congress's oversight authority for generations to come, and here is why.

The administration is claiming executive privilege, and any attempt to force testimony from the President's former counsel and his Chief of Staff will be fought by the administration within the courts. This could very possibly lead to the courts ruling that Congress does not have civil contempt authority, for example; that the U.S. Attorney, for example, does not have to prosecute criminal citations against executive officials or that the President's senior advisors are absolutely immune from compelled testimony before Congress. Any of those rulings would weaken Congress's ability to conduct oversight in the future, and a weakened Congress means a strengthened executive.

This is not an extreme or farfetched theory, Madam Speaker. Administrations from both parties have claimed executive privilege for many decades. The former Attorney General, for example, Janet Reno, stated, and I quote, "the President and his immediate advisors are absolutely immune from testimonial compulsion by a congressional committee, because subjecting a senior Presidential advisor to the congressional subpoena power would be akin to requiring the President himself to appear before Congress on matters relating to his constitutionally assigned functions."

What the majority is doing today is needlessly tempting a court loss that could gravely undermine Congress's oversight authority, the very authority the majority is allegedly seeking to protect. If Congress loses in the courts, we could forever disable one of our most important powers, the power of oversight. And for what in return, Madam Speaker? Harriet Miers is no longer with the administration; Alberto Gonzales is no longer Attorney General. But the majority, with its action today, risks quite a bit.

Let's remember, Members will not even get the opportunity to vote on these resolutions today. And that's not only uncalled for, but absolutely unprecedented. Members will only be able to vote on this rule. Once the rule passes, so do the two resolutions and so does the majority's gamble.

So, back in July, the Judiciary Committee cited both Mr. Bolten and Ms. Miers for contempt of Congress. Now, here we are, 8 months later, considering these two contempt resolutions, but not really, just the rule. By passing the rule, automatically those contempt resolution will be passed, after an emergency Rules Committee meeting last night.

So the question is, why the rush? For some reason the majority feels that after 8 months, now this is a pressing issue. But I can think of a large list of other issues that I feel that Americans would rather we address; none more than considering the FISA bill that the Senate approved this week to give the administration the ability to protect the United States from terrorist attacks.

The tragic events of September 11, 2001, taught us many lessons, and one of the lessons we learned that day was that our Nation must remain aggressive in our fight against international terrorism. We must always stay one step ahead of those who wish to harm America, and now is not the time to tie the hands of our intelligence community. And the majority seeks to leave today and go home without addressing this issue.

The modernization of the foreign intelligence surveillance into the 21st century is a critically important national priority, and I'm pleased that several of my colleagues on the other side of the aisle agree as well.

On January 28, 21 members of the Blue Dog Coalition sent a letter to the Speaker in support of the Senate FISA legislation. The letter states, and I quote, "The Senate FISA Rockefeller-Bond legislation contains satisfactory language addressing all these issues, and we would fully support the measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here at home."

Madam Speaker, I will insert the letter sent by the Blue Dogs to the Speaker into the RECORD.

DEAR MADAM SPEAKER: Legislation reforming the Foreign Intelligence Surveillance Act (FISA) is currently being considered by the Senate. Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February.

It is our belief that such legislation should include the following provisions: Require individualized warrants for surveillance of U.S. citizens living or traveling abroad; Clarify that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States; Provide enhanced oversight by Congress of surveillance laws and procedures; Compel compliance by private sector partners; Review by FISA Court of minimization procedures; Targeted immunity for carriers that participated in anti-terrorism surveillance programs.

The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.

It is also critical that we update the FISA laws in a timely manner. To pass a long-term extension of the Protect America Act, as some may suggest, would leave in place a limited, stopgap measure that does not fully address critical surveillance issues. We have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk.

Sincerely,

Leonard L. Boswell, ———, Mike Ross, Bud Cramer, Heath Shuler, Allen Boyd, Dan Boren, Jim Matheson, Lincoln Davis, Tim Holden, Dennis Moore, Earl Pomeroy, Melissa L. Bean, John Barrow, Joe Baca, John Tanner, Jim Cooper, Zachary T. Space, Brad Ellsworth, Charlie Melancon, Christopher P. Carney.

The extension of this important program is set to expire at 11:59 p.m. tomorrow night. After that, our ability to conduct surveillance on foreign terrorists will be severely hampered. It's time to make our country safer, and Congress needs to act today. The House should vote on the Senate measure, and we should do it now, instead of debating these contempt motions in an unprecedented and uncalled-for fashion.

Today I will give all Members of the House an opportunity to vote on a bipartisan, long-term modernization of FISA. I call on my colleagues to join with me in defeating the previous question so that we can immediately move to concur in the Senate amendment and send the bill to the President to be signed into law before the current law expires and our Nation is at greater risk.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan, the distinguished chairman of the Judiciary Committee, Mr. CONYERS.

Mr. CONYERS. Madam Speaker, I will insert into the RECORD from today's New York Times, "Time To Vote Contempt."

[From the New York Times, Feb. 14, 2008]

### TIME TO VOTE CONTEMPT

Alberto Gonzales may be out, but the country is still waiting for a full accounting of how he and his White House patrons cynically politicized the Justice Department. Congress is rightly asking questions about the actions of yet another United States attorney: New Jersey's Christopher J. Christie. The House also needs to stop procrastinating and vote to hold witnesses in contempt for refusing to testify in the wider scandal.

Federal prosecutors must be scrupulously nonpartisan. Mr. Christie, a Republican activist who got his job despite a lack of trial and criminal-law experience, has gone up to the line of acceptable behavior—and possibly crossed it.

He began an investigation of Senator Robert Menendez, a New Jersey Democrat, late in a hard-fought election campaign. The charges now appear baseless, but at the time the news provided a big boost to Mr. Menendez's Republican opponent. Mr. Christie went against a long Justice Department presumption against opening investigations or bringing indictments right before an election, to avoid affecting the outcome.

There are also questions about Mr. Christie's decision to award, without competitive bidding, a lucrative contract to monitor a company accused of consumer fraud. The winner? Former Attorney General John Ashcroft, an influential Republican who was once Mr. Christie's boss. Senate and House leaders have asked the Government Accountability Office to investigate.

Some of the people who likely know the most about the role politics has played in the Bush Justice Department have defied Congressional subpoenas to testify. Joshua Bolten, the White House chief of staff, and Harriet Miers, the former White House counsel, contend that they are protected from testifying by executive privilege. That is not enough. They have a legal obligation to appear before Congress and plead that privilege to specific questions.

The House Judiciary Committee voted in July to hold Mr. Bolten and Ms. Miers in contempt. The House's Democratic leadership has been trying to figure out the pros and cons ever since. The public needs to hear the testimony of these officials (along with Karl Rove, who is also refusing to appear), and the full House should vote as quickly as possible to hold them in contempt.

The House should also approve a resolution authorizing the Judiciary Committee to go to court to enforce the contempt citations if the current attorney general, Michael Mukasey, as expected, refuses to do so.

The stakes are high. There are people in jail today, including a former governor of Alabama, who have raised credible charges that they were put there for political reasons. Congress's constitutionally guaranteed powers are also at risk. If Congress fails to enforce its own subpoenas, it would effectively be ceding its subpoena power. It would also be giving its tacit consent to the dangerous idea of an imperial president—above the law and beyond the reach of checks and balances.

The founders did not want that when they wrote the Constitution, and the voters who elected this Congress do not want it today.

Ladies and gentlemen of the House, the resolution we are considering today is not steps that I take as chairman easily or lightly. It's been 8 months that we've tried to negotiate, nine letters, but this is what is necessary to protect the constitutional prerogatives as a coequal branch of government in this democracy of ours.

I believe the investigation we have been engaged in is an important one. And it's not about whether the U.S. Attorneys can serve at the pleasure of the President. They clearly can and do. But it concerns whether the American people can be assured that their laws are being fairly and impartially enforced by the United States Department of Justice. That's why we're here.

In order to pursue this investigation, we've done what committees in the Congress have traditionally done: We've sought our documents and testimony initially on a voluntary basis and through compulsory process only as a last resort. The investigation did not begin with the White House but has ended up there only after the review of thousands of pages of documents and obtaining the testimony and interviews of nearly 20 current and former Department of Justice employees.

☐ 1215

We have been open at all times to any reasonable compromise and have been fully respectful and cognizant of the prerogatives of the executive branch. As a matter of fact, I have written the White House counsel on no less than 9 separate occasions, and talked with him seeking a compromise on this matter.

What I am not open to, as the chairman of Judiciary, is accepting a take-it-or-leave-it offer which would not allow us access to information that we need, would not even provide for a transcript, and would prevent us from seeking any additional information in the future. That is the only proposal we've ever received from White House counsel, and so I would hope that all of the Members in this body, as an institutional matter, recognize the problems inherent in such an approach.

Now, some may argue that the stakes in this confrontation, and I think that's what's been suggested already, are so high that we cannot afford to risk that we might lose. Well, I'd say to them that if we countenance a process where our subpoenas can be readily ignored, where a witness under a duly authorized subpoena doesn't even have to bother to show up or tell us that they're not coming, where privilege can be asserted on the thinnest of bases and in the broadest possible manner, then we've already lost.

This is not a matter of vindicating the Judiciary Committee; and if you're really concerned about Congress' rights, which I think all of us are, you would contact the White House counsel's office.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 4 minutes to the distinguished ranking member of the Judiciary Committee, Mr. SMITH of Texas.

Mr. SMITH of Texas. Madam Speaker, I rise in strong opposition to the rule.

Yesterday, House Democrats said that Congress does not have enough time to pass critical FISA modernization legislation to keep America safe from foreign terrorists. Today, we are wasting Congress' time on an issue that does nothing to make our Nation safer. Clearly, the Democratic majority is out of touch with the needs of our intelligence community and is placing Americans' lives at risk.

On the eve of the expiration of critical intelligence legislation, the House Democratic majority has chosen to put extreme partisanship ahead of our country's safety. Apparently, the Democratic majority cares more about the alleged steroid use of a few baseball players and the personnel decisions of the White House than they do about promoting national security.

Last year, Admiral McConnell, the Director of National Intelligence, warned Congress that the intelligence community was missing two-thirds of all overseas terrorist communications, endangering Americans' lives. Congress enacted the Protect America Act to close this terrorist loophole.

Now House Democrats are going to let the Protect America Act expire. If the act expires, we will return to the status quo, unable to begin any new foreign intelligence surveillance without a court order and risk losing two-thirds of all foreign intelligence.

Today we find ourselves at two very dangerous thresholds: first, expiration of legislation vital to this Nation's national security, the Foreign Intelligence Surveillance Act. The House Democratic majority has let this legislation lapse without even allowing a straight up-or-down vote on the bipartisan Senate bill approved earlier this week by a vote of 68–29. Instead of reauthorizing FISA, the Democratic majority chooses to take us to another threshold, that of a needless constitutional confrontation in the courts over the dismissal of a handful of United States Attorneys.

We know that the President has the authority to dismiss U.S. Attorneys. We know that his executive privilege claims are consistent with those made by previous Presidents for decades. We know that by tilting at the executive privilege windmill we risk severely undermining the very oversight authority we would want to protect. But most of all, we know that reauthorization of FISA is infinitely more important than this spat over executive privilege.

Once again, we see why Congress' approval rating is at an historic low. It's because the Democratic majority engages in extreme partisanship and ignores the people's business.

I urge my colleagues to oppose this resolution.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Madam Speaker, I am not overly concerned by what the courts ultimately decide executive privilege covers. The Bush administration's claim of executive privilege here goes well beyond any privilege ever recognized by any court decision, but the Republic can obviously survive a court decision on the narrow question of the exact extent of executive privilege.

But, Madam Speaker, the courts must decide. The President cannot decide by decree. The President cannot announce with absolute, unreviewable authority what information the administration will provide or withhold.

The Framers of our Constitution had just fought a war against an autocratic King. It is inconceivable that they intended to create an executive with the powers that the Bush administration now claims and that the minority now supports.

For the entire history of our Republic, our courts have recognized that Congress needs information to carry out our constitutional duties, to decide what the laws should be, to decide what to appropriate Federal funds for, and that we cannot rely on information that is voluntarily, cheerfully provided. Congress must have the power to require information, including information that the President does not want to provide, that the President sees as inconvenient or embarrassing.

We must inquire into the need for new laws. We must inquire into how existing laws are being administered. And the Supreme Court said half a century ago that Congress' investigative powers are never greater than when inquiring into abuse of authority or corruption by Federal Government agencies.

Madam Speaker, the allegations here are very serious. Does the minority think that these are trivial allegations? Prosecutorial decisions cannot be used to reward political friends or punish enemies. Elections have consequences, Madam Speaker; but they should never have these consequences, not in America. Criminal prosecutions guided by political concerns are fundamentally incompatible with democracy and the rule of law.

The two resolutions that we are considering will allow the courts to decide these questions of what information Congress can require in the discharge of our constitutional duties. It will allow important constitutional questions to be decided, as they should be decided in a democracy, by the courts.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 2 minutes to the distinguished minority whip, Mr. BLUNT of Missouri.

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding, and I'm here to say that I am fully supportive of the prerogatives of the Congress. I think the Congress has a right to ask for, receive, demand information from the administration; but I don't think that right extends to this case.

I think the idea that we would expect to get information that is dealing with advice to the President on the status of at-will employees is a loser for us on the House floor. It's a loser for us in court. It will set back the prerogatives of the Congress; and beyond that, I think the idea that we're here today, as we see the Foreign Intelligence Surveillance Act get less value to us every day because we're unwilling to deal with a permanent solution, this is the wrong debate to have at any time. It's certainly the wrong debate to have at this time.

And the idea that somehow if we extend that act, if we've done all we could do by trying to extend an act, a bipartisan group of Members of this Congress for various reasons said we don't want to extend and then we come back today and we take our time focusing on a contempt charge on two dedicated civil servants is the wrong thing to do at any time, and it's particularly the wrong thing to do at this time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to the distinguished Speaker of the House, the Honorable NANCY PELOSI of California.

Ms. PELOSI. Madam Speaker, I thank the gentlelady, the Chair of the Rules Committee, for yielding.

Today is a very sad day for us for more than one reason. One reason is, though, the matter that is before us. I had hoped, frankly, that this day would never have come, that the respectful negotiations that should take place between article I, the legislative branch, and article II, the executive branch, would have yielded the information that is necessary for Congress to make its decisions.

I thank Chairman CONYERS for his distinguished lifetime leadership of protecting the Constitution of the United States. We all take that oath of office, every single one of us who serves. Indeed, every person who serves in any civic capacity in our country does so. Today, we are honoring our oath of office with this resolution that is before us.

Again, I rise in sadness, not in confrontation. This is not a conflict that the Congress has sought. In fact, as the distinguished chairman of the Judiciary Committee has indicated, the committee has repeatedly sought to avoid confrontation, repeatedly making requests that have been ignored or rejected by the White House on completely unacceptable terms.

The Judiciary Committee, indeed the Congress, is clearly entitled to this information. It involves neither national security information nor communications with the President. The President has no grounds to assert executive privilege.

On the other hand, Congress has the responsibility of oversight of the executive branch. I know that Members on both sides of the aisle take that responsibility very seriously. Oversight is an institutional obligation to ensure against abuse of power, in this case the politicizing of the Department of Justice. Subpoena authority is a vital tool for that oversight.

Today, we seek to require the Department of Justice to bring contempt motions against Harriet Miers and Josh Bolten. When our resolution passes, we hope the administration will realize that this House of Representatives, this Congress, is serious about our constitutional role of oversight and will reach a settlement with us over the documents and testimony at issue. I still hold out the hope that they will cooperate.

But if the administration fails to do so, and if it orders the Department of Justice not to file contempt proceedings, we will then, through this resolution, have the power ourselves to go to Federal court and seek civil enforcement of our subpoenas.

The resolution before us today should not be a partisan issue. It should not be. This isn't about Democrats or Republicans. Former Congressman Mickey Edwards, who once served in the Republican leadership, has said that the enforcement of the subpoenas in the U.S. Attorney matter is about defending Congress, not a Democratic or a Republican Congress, but the people's Congress, as a separate, independent, and completely equal branch of government.

The subject of the Judiciary Committee's investigation involves serious and credible allegations that Federal law enforcement was politicized. Political manipulation of law enforcement undermines public confidence in our criminal justice system. Congress must find out what happened not just in terms of those who were fired but also whether improper criteria were used to retain the remaining U.S. Attorneys.

□ 1230

We must have the information in order to protect against political manipulation of law enforcement, and it must be provided in terms consistent with our constitutional obligations.

The so-called White House offer refused to permit even a transcript of any interviews and to permit questions on discussions and required the committee to promise in advance not to seek further information. This is beyond arrogance; this is hubris taken to the ultimate degree.

As former Congressman Edwards, again I remind, a former member of the Republican leadership in the House, said, "No Congress, indeed, no lawyer, would ever agree to such an outrageous demand."

Madam Speaker, we must continue in our efforts to restore our Nation's fundamental system of checks and balances. This Congress and future Congresses must have the ability to conduct meaningful oversight. It is the hallmark of our constitutional democracy that has served us well for more than two centuries.

Thank you, again, Chairman CONYERS, for your leadership, Congresswoman LINDA SÁNCHEZ, chairwoman of the subcommittee that dealt with this issue, Chairwoman LOUISE SLAUGHTER, for the important work of the Rules Committee on all of this. To the new Members of Congress, on this issue of article I led by JOHN YARMUTH, article I, protecting the prerogatives of the Congress of the United States, we thank our new Members for their leadership honoring their oath of office. And BRAD MILLER, an expert on the subject in the Congress, has been a tremendous resource to us as well.

Let us uphold our oath of office by voting for this resolution, my colleagues. Let us restore the rule of law. Let us act to protect and defend our constitution by ensuring appropriate congressional oversight in all areas essential to the well-being of the American people.

I urge my colleagues to support this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 2 minutes to the distinguished ranking member of the Rules Committee, Mr. DREIER of California.

Mr. DREIER. Madam Speaker, Speaker PELOSI is absolutely right, this is a very, very sad day for all of us. We just memorialized our colleague, Tom Lantos, and we have come back today to deal with an issue which I believe is one that creates the potential to undermine the power of the first branch of government.

Now, as has been said, if we looked at the potential court challenge that we can see, this notion that has been put forward by our former colleague, Mr. Edwards, that we are, in fact, a separate, independent, and equal branch of government could be thrown out the window.

The other thing that's very sad about today, Madam Speaker, is the fact that we are here with an absolutely unprecedented rule. Never before in the history of the Republic has there been such a rule. This rule actually undermines the deliberative nature of the people's House. What we're doing is we are saying that there will be no debate whatsoever, no debate whatsoever on these very important two contempt resolutions, no debate whatsoever. When this rule is adopted, we will see those two measures hereby adopted, meaning that there will be no chance for us to, as a House, have the kind of debate that we did for an hour upstairs in the Rules Committee. And so, we're throwing out the window the notion of participation in a free and open debate.

And Madam Speaker, the other thing that is very sad about today is that, while we were promised 1 year ago last month a new direction for America, a new era of openness, an opportunity for free-flowing debate, we will, with passage of this resolution, be on the brink of seeing the 110th Congress, and I will say to the distinguished chair of the Committee on Rules, since she is presiding over this, Madam Speaker, we will have, this Congress, adopted more closed rules than any Congress in the history of the Republic.

I urge a "no" vote on this rule. And I urge strong support for the resolution which will allow us to finally bring about modernization of the Foreign Intelligence Surveillance Act.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the distinguished majority leader of the House, Mr. HOYER of Maryland.

Mr. HOYER. I thank the gentlelady for yielding.

We are dealing, in these days, with serious issues. And serious people have been considering these issues in committee, and we will now consider them on the floor. This matter has been pending now for over half a year.

Madam Speaker, in 1885, a young scholar wrote an influential book about the United States Congress entitled "Congressional Government." And in that book he offered the following observations about legislative branch oversight, and he said this, "Quite as important as legislation is vigilant oversight of the administration. Not any particular administration, but of the other coequal branch of government."

He continued, "It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. The informing function of Congress, not just informing ourselves, but informing the American public as well, the informing function of Congress should be preferred even to its legislative function." An interesting observation. Many years later, in 1913, that young scholar, Woodrow Wilson, became President of the United States.

Congressional oversight of any administration is absolutely imperative to the proper functioning of our government, to our system of checks and balances, and to the fulfillment of our constitutional duty. A President who is forced to answer for his administration's actions, decisions, and conduct is a President who is less likely to amass power beyond that which the Constitution proscribes for his office or to imperil the welfare of our republic form of government. And that is the constitutional interest that today's resolution addresses.

I support the rule before us because I believe in a system of checks and balances in which no branch holds itself above the constitutional objectives of the sharing of authority, which the Founders wisely believed was essential to protect against the abuse of that authority by any one of those branches.

The issue before this body is not fundamentally whether the current administration acted properly and within the law when it dismissed seven U.S. attorneys in 2006, that may be the issue at some point in time, but unless we have the information to get to that point, such a question will be moot. Nor is this a partisan clash between a Democratic House and a Republican President. Rather, the basic issue before this House is this: whether this body and the committee system, which is central to our duties to perform meaningful and vigorous oversight, can simply be ignored by the executive branch when this body seeks testimony and documents relevant to an important public policy controversy.

As the New York Times noted this morning, "If Congress fails to enforce its own subpoenas, it would effectively be ceding subpoena power. It would also be giving its tacit consent to the dangerous idea of an imperial President, above the law, and beyond the reach of checks and balances."

What profit it a Nation if we include checks and balances within our constitutional framework to protect our country's freedom, and more importantly, our people's freedom, if, in fact, we honor it only in the breach? And as Bruce Fein, the constitutional scholar and former Department of Justice official during the Reagan administration, has stated, "If Congress shies from voting for contempt in this case, secret government will become the rule." This is perhaps the most secretive administration in our history. This is a danger to our democracy.

He went on to say "that Congress would be reduced to an ink blot on the constitutional map." That is why every one of us, every one of the 435 of us who have sworn an oath to defend the Constitution of the United States and uphold its laws, ought to vote for this resolution, because it does not matter whether there is a Republican President or a Democratic President, for them to refuse to respond to a subpoena of the Congress of the United States, and to even come here and claim a privilege, which they have not, our democracy will be lessened.

I urge my colleagues to carry out the intent and the vision of the Founders and the writers of our Constitution. Support this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would remind our colleagues that one of the reasons why the minority is outraged with the conduct of the majority today is that we are not even allowed to debate nor vote on the contempt resolutions, but rather on a rule that will self-adopt, automatically adopt even resolutions of this magnitude of importance; totally unprecedented and uncalled for.

Madam Speaker, at this time, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to this resolution.

Yesterday, the Democratic leadership tried to sweep a bipartisan FISA bill under the rug, and today they're trying to throw the President's Chief of Staff in jail. I am curious to know what happened to the pledge of partnership with Republicans in Congress, and with the President, and not partisanship.

The vote we are going to take this afternoon has been festering since July, when the House Judiciary Committee decided to vote on holding White House officials in contempt. This pandering to the left reflected a political and unnecessary escalation on the part of the Democratic majority.

The contempt resolution was approved on a straight party line vote in the committee, and today's vote will be the same. The threat of losing in court should be enough for this institution to back down from this escalation.

My concern with the Democratic leadership's course of action is that it will likely weaken Congress' position in situations where we disagree with the President on matters of executive privilege. If the Speaker and the House Judiciary Committee chairman really cared about getting to the bottom of this matter, they could have taken the nonpolitical route, such as directing the House Office of General Counsel to file a civil lawsuit with the U.S. District Court for the District of Columbia. This proposal, which I suggested last summer, would be a legitimate effort to resolve our issues with the President in an arena where the Congress would have equal footing.

So, what's next? How will we rehabilitate our image to give the public confidence in the Congress? I don't think throwing the President's Chief of Staff in jail will do the trick.

It amazes me that the Democratic leadership would bring such a divisive matter to the floor so soon after receiving accolades for working so well with the minority to pass an economic stimulus package.

I encourage my colleagues to vote "no" on this resolution.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from New York, a member of the Rules Committee, Mr. ARCURI.

Mr. ARCURI. Madam Chairman, today is not about a FISA debate. Actually, it's not even about whether or not Ms. Miers and Mr. Bolten have a right to claim an executive privilege. What it is about is does a person in this country have to follow the laws of the United States, follow the rule of law, follow the Constitution and abide by a legally administered subpoena.

And I guess the best way to talk about that is to draw a comparison. Under the Constitution, a person has an absolute right to claim their fifth amendment right against self-incrimination. So, if a person is subpoenaed to testify in a criminal matter, they can't call the judge up and say, "Judge, I think I might have a fifth amendment problem here. I'm not going to show up." The judge will tell them they have to be in court and they have to assert their fifth amendment right after they are asked a question. The same thing applies here. They have to appear before Congress and at least assert that right before they can claim some kind of privilege; otherwise, the entire system falls apart.

Oh, today is a very important day for Congress. We are taking up a very, very important measure, and that is is the Constitution going to be followed and are we going to do our constitutional job.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 2 minutes to the distinguished Member from California (Mr. DANIEL E. LUNGREN).

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Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Madam Speaker, I have prepared a whole series of remarks to respond to the comments made on the floor as to the substance of the concept citation. Unfortunately, because we're only able to debate the rule, we don't have time to do that. Let me just try to make a couple of points here very quickly.

First of all, the question is, is this the most important thing we should be doing today? Is there a time limit on the action of the House of Representatives that requires us to act on this today? And the answer is no. This doesn't expire today. It doesn't expire tomorrow. It doesn't expire the next day. We are able to do this anytime until the end of this Congress.

But what does expire? The Protect America Act. It expires at midnight tomorrow. We should be doing the Nation's business with respect to that, rather than this. If, in fact, we are serious about the war on terror; if, in fact, we are serious about gathering that information which is necessary to protect us against those who would harm us and those we represent, we would be acting on the FISA Act reconstitution here today. We'd be acting on the Senate bill. That's the time limit.

There is no reason for scheduling this today. We have had 8 months to schedule this. But yet we find that this is what we're going to be dealing with before we go home. And we're going to say it is unimportant as to whether or not we would continue with the Protect America Act. Unimportant except in the opinion of the number one intelligence officer in the United States, Admiral McConnell, who served under Democrat and Republican administrations, who told us if we allow this to go down, that is, the Protect America Act, we will close our eyes for 60 percent of the legitimate terrorist targets around the world prospectively.

What are we doing here?

Mr. ARCURI. Madam Speaker, I yield 2½ minutes to the gentlewoman from California, the Chair of the Commercial and Administrative Law Subcommittee (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, we have reluctantly reached today's vote to hold former White House Counsel Harriet Miers and White House Chief of Staff Joshua Bolten in contempt of Congress.

Since March 9 of 2007, Chairman CONYERS and I have patiently negotiated in good faith to reach an accommodation with the White House for documents and testimony relevant to the U.S. Attorney investigation.

Mr. CANNON. Madam Speaker, will the gentlewoman yield?

Ms. LINDA T. SÁNCHEZ of California. Under normal instances, I would, but I don't have the time. I apologize.

Mr. CANNON. I hope the gentlewoman will remain on the floor so that on my time I will be able to yield for a colloquy.

Ms. LINDA T. SÁNCHEZ of California. I apologize to the gentleman, but this is my time.

The SPEAKER pro tempore. The gentlewoman will proceed.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, we have patiently negotiated in good faith to reach an accommodation with the White House for documents and testimony relevant to the U.S. Attorney investigation. Unfortunately, the White House has stubbornly refused to move off its opening position, an unreasonable offer that testimony be given without an oath or a transcript and that any testimony and documents provided exclude internal White House communications. To have negotiations, concessions by both sides are necessary. Otherwise, it's just capitulation.

I was extremely disappointed that Ms. Miers, Mr. Bolten, and the White House based their refusal to comply with our subpoenas on sweeping claims of executive privilege and immunity that some experts have called "Nixonian in breadth." The subcommittee carefully considered these claims in two separate meetings last year. In detailed rulings, I found that these claims were not properly asserted and were not legally valid. Even if the claims were properly asserted and legally valid, the strong public need for information about the U.S. Attorney firings substantially outweighs the assertion of executive privilege here.

I was also very disappointed to hear from Attorney General Mukasey in testimony before the Judiciary Committee last week that he will direct the D.C. U.S. Attorney not to comply with the contempt statute, which provides that the U.S. Attorney "shall" refer the contempt citation to a grand jury for action after receiving it from the Speaker.

Members on both sides of the aisle should recognize the gravity of this vote. If the executive branch is allowed to simply ignore congressional subpoenas while Congress stands idly by, we will have abdicated our role of oversight of the executive branch and undermined our system of checks and balances. Further, our lack of action will be cited by future Presidents as justification for questionable claims of executive privilege.

I hope that my colleagues on the other side will stand together in support of this body's institutional prerogatives. Time is long overdue for Congress to reassert itself as a co-equal branch of government.

I urge support of the rule and House resolutions 979 and 980.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 4½ minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Madam Speaker, I would ask the chairman of the Subcommittee on Commercial and Administrative Law, who has oversight of this matter and which committee I rank on, to remain on the floor so we could have a colloquy on this issue.

It appears that she has left the floor. That's unfortunate. Her response to my inquiry about yielding was that she didn't have enough time, and we are standing here today with very little time to debate an issue that is dramatically important. It's important for this institution, and, by the way, people on both sides of the aisle have said and the Speaker and majority leader have both made a point of how important this issue is to this body. It is vitally important to me that we retain the rights of this body as it relates to administration, whether that's a Republican administration or Democratic administration.

In his opening statements, Mr. DIAZ-BALART gave a quote from former Attorney General Janet Reno in which she said there was no right to do what we're trying to do today. I would have loved to have asked the chairman on the Subcommittee on Commercial and Administrative Law if she thought that was the case or if she disagreed with what the scope of the right of the administration is to not appear.

Obviously, there is a sense in this case that we ought to get something done; and, in fact, we have done a great deal. We have had hundreds of hours of depositions, literally tens of thousands of pages, tens of thousands of e-mails. We have asked questions of everyone involved in the matter in the case. And what have we come up with? I wanted to ask the chairman what the evidence we are going to present to the U.S. Attorney is that he can take and say, I have a need to get this information from these people in the administration who won't show up to the House. I have a need to understand these facts which seem to be in confusion. I have a need to decide what between these two different stories is the truth.

But we haven't said that to him. We don't have evidence that we can give the U.S. Attorney. What we are giving to him is a desire to continue a witch hunt which has produced up to today zero, nothing, as far as I can tell; and I've been in every meeting, every hearing, and followed on every single deposition that we have had. There is nothing that indicates that anybody has lied or that there is a reason that the White House has been involved. And, therefore, there is no reason that I can understand, and I have asked many times on the record in committee hearings what those reasons are, what it is, what the discrepancies, what the problems are for which we need to subpoena people in the White House and create a showdown, a showdown between our institution and the White House. And I ask the gentleman, as the chairman of the committee has just risen to his feet, and I would love to yield to him if he is willing to answer that question: What are the discrepancies?

Mr. CONYERS. We don't know because we can't get one sheet of paper from Mr. Bolten and nobody else will talk to us. That's precisely why we were forced to this position, sir.

Mr. CANNON. Reclaiming my time, Madam Speaker, I appreciate the gentleman's position. The gentleman has said that eloquently in the past on many occasions. But we are now talking about getting a subpoena, enforcing a subpoena in a criminal process against people for whom we have no evidence, as far as I can tell, and I will be happy to yield to the gentleman if he has evidence, no evidence that they have been involved.

There are no discrepancies in the testimony that we have had before us, is there?

Mr. CONYERS. If the gentleman is so kind to yield again, we don't have any evidence. We aren't accusing them of anything, sir. We're merely seeking the documents that could be relevant to the determination of whether the Department of Justice has been politicized.

Mr. CANNON. Reclaiming my time, Madam Speaker, I appreciate the gentleman's candor, and I appreciate the very gracious way the gentleman has handled this whole investigation. But it comes back down to this: we have no evidence.

Let me just finish by saying that having seen this, if there was a conspiracy, and I know that the majority believes there is something evil that is happening out there, then we ought to have given enough time and enough context to be able to track that down and prove that this administration has done something wrong.

As opposed to what the gentleman has just said, we have had a number of statements by the chairman of this committee saying that there is evidence of corruption. But we have had no evidence of corruption, none at all adduced anywhere from all the investigations we have done, and there is no basis for these contempt citations. I ask that we vote against them.

COOPER & KIRK,
*Washington, DC, December 4, 2007.*

Hon. LAMAR S. SMITH,
*Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.*

DEAR MR. SMITH: We write in response to your request for our views regarding the legal issues raised by the Judiciary Committee's resolution recommending that the House of Representatives find Harriet Miers and Joshua Bolten in contempt of Congress. Each of us has had substantial experience in the Executive Branch, including in the Office of Legal Counsel. Charles J. Cooper served as Assistant Attorney General for the Office of legal Counsel from November 1985 through July 1988. Howard C. Nielson, Jr. served as Deputy Assistant Attorney General for the Office of Legal Counsel from June 2003 through August 2005. In addition, our law firm has successfully litigated a number of significant separation of powers cases.

We have reviewed the opinions of the Justice Department regarding the assertion of executive privilege and testimonial immunity in response to the Miers and Bolten subpoenas. We have also reviewed the committee report relating to this matter, the additional views of the Chairman and Subcommittee Chair, and the minority views. The positions asserted by the Administration reflect the longstanding and considered views of the Executive Branch, views repeatedly affirmed by Administrations of both parties. These views were held during our tenures in the Office of Legal Counsel, and we continue to believe that they are sound. Moreover, we believe that a decision by the House to hold Ms. Miers and Mr. Bolten in contempt would likely be a legally futile gesture that could ultimately undermine Congress's ability to obtain information from the Executive Branch.

As an initial matter, even if the House votes to hold Ms. Miers and Mr. Bolten in contempt, and even if a contempt citation is referred to the appropriate United States Attorney, the United States Attorney will have no choice but to decline to take action on the matter. It has long been the position of the Executive Branch that "the criminal contempt of Congress statute does not apply to the President or presidential subordinates who assert executive privilege." Application of 28 U.S.C. 458 to Presidential Appointments of Federal Judges, 19 Op. O.L.C. 350, 356 (1995) (opinion of Assistant Attorney General Walter Dellinger). As then-Assistant Attorney General Theodore B. Olson explained the position of the Executive Branch in 1984:

"First, as a matter of statutory interpretation reinforced by compelling separation of powers considerations, we believe that Congress may not direct the Executive to prosecute a particular individual without leaving any discretion to the Executive to determine whether a violation of the law has occurred. Second, as a matter of statutory interpretation and the constitutional separation of powers, we believe that the contempt of Congress statute was not intended to apply and could not constitutionally be applied to an Executive Branch official who asserts the President's claim of executive privilege in this context."

Prosecution for Contempt of Congress of an Executive Branch Official Who Has Asserted a Claim of Executive Privilege, 8 Op. O.L.C. 101, 102 (1984); see also id. at 119, 129 (documenting similar positions taken by the Eisenhower and Ford Administrations).

While the Chairman and Subcommittee Chair note that Justice Department opinions such as the Dellinger and Olson memoranda are not binding on Congress or the Judiciary, such opinions are binding on members of the Executive Branch—including the United States Attorney to whom a contempt citation would be referred. Furthermore, because a prosecutor's "decision whether or not to prosecute . . . generally rests entirely in his discretion," Wayte v. United States, 470 U.S. 598, 607 (1985), it is highly unlikely that Congress could obtain any sort of judicial review of the United States Attorney's refusal to submit the contempt citation to a grand jury.

Assuming Congress could somehow obtain judicial review of the claim of executive privilege, we believe that it could not overcome that claim on the facts presented here. To be sure, there is a paucity of judicial authority resolving executive privilege disputes between Congress and the Executive; still, the following factors should persuade a court to uphold the claim of executive privilege here.

First, the threshold arguments that executive privilege has not been, or cannot be, properly invoked to protect the communications at issue here appear insubstantial. The Chairman and Subcommittee Chair have identified no authority—and we are aware of none—requiring the Executive Branch to submit a privilege log to sustain a claim of executive privilege in a legislative proceeding. The letter sent to Chairman Conyers by Counsel to the President Fielding, written "at the direction of the President" to "advise and inform [Congress] that the President has decided to assert Executive Privilege," Letter of Fred F. Fielding to Chairmen Leahy and Conyers at 1 (June 28, 2007), plainly suffices to invoke executive privilege under controlling precedent. See In re Sealed Case, 121 F.3d 729, 744, n.16 (D.C. Cir. 1997). And In re Sealed Case clearly establishes that executive privilege extends to "communications of presidential advisors which do not directly involve the President," id. at 751, and protects "communications that these advisors and their staff author or solicit and receive in the course of performing their function of advising the President on official government matters"—whether or not the President is aware of those communications. Id. at 752. Given the essential role of the President in appointing and removing United States Attorneys, communications to or from senior presidential advisors regarding the replacement of United States Attorneys plainly fall within the scope of the privilege recognized by In re Sealed Case. As the D.C. Circuit explained, where "the President himself must directly exercise the presidential power of appointment and removal . . . there is assurance that even if the President were not a party to the communications over which the government is asserting presidential privilege, these communications nonetheless are intimately connected to his presidential decisionmaking." Id. at 753.

Second, there is nothing novel or unprecedented in the claim of privilege here. On the contrary, many historical precedents support the Administration's refusal to disclose confidential communications and deliberations relating to the appointment or dismissal of executive officers. For example, as early as 1886, the Cleveland Administration rejected Congress's attempt to obtain communications relating to the dismissal of a district attorney (the historical predecessor of today's U.S. Attorneys). As President Cleveland explained, "the documents related to an act (the suspension and removal of an Executive Branch official) which was exclusively a discretionary executive function." History of Refusals by Executive Branch Officials to Provide Information Demanded by Congress, 6 Op. O.L.C. 751, 767 (1982) (opinion of Assistant Attorney General Theodore B. Olson); see also id. at 758–759 (discussing similar refusals to provide information regarding the appointment or removal of executive officers by the Jackson and Tyler Administrations). Furthermore, D.C. Circuit precedent addressing executive privilege expressly recognizes that "confidentiality is particularly critical in the appointment and removal context." In re Sealed Case, 121 F.3d 729, 753 (D.C. Cir. 1997).

Third, when the judiciary has adjudicated executive privilege disputes between Congress and the Executive, it has required Congress to establish that the information it seeks "is demonstrably critical to the responsible fulfillment of [Congress's] functions" to overcome even a generalized claim of executive privilege. Senate Select Committee on *Presidential Campaign Activities* v. *Nixon*, 498 F.2d 725, 731 (D.C. Cir. 1974) (en banc). To satisfy this burden, it is not enough for Congress to show that the information it desires "may possibly have some arguable relevance to the subjects it has investigated and to the areas in which it may propose legislation." Id. at 733. Rather, it must identify "specific legislative decisions that cannot responsibly be made without access to materials uniquely contained in" the documents or testimony it seeks. Id. Furthermore, decisions such as *United States* v. *Nixon*, 418 U.S. 683 (1974), and In re Sealed Case that limit executive privilege to accommodate the special needs of the criminal justice system offer little support for Congress here. As the D.C. Circuit has explained:

"There is a clear difference between Congress's legislative tasks and the responsibility of a grand jury, or any institution engaged in like functions. While fact-finding by a legislative committee is undeniably a part of its task, legislative judgments normally depend more on the predicted consequences of proposed legislative actions and their political acceptability, than on precise reconstruction of past events; Congress frequently legislates on the basis of conflicting information provided in its hearings. In contrast, the responsibility of the grand jury turns entirely on its ability to determine whether there is probable cause to believe that certain named individuals did or did not commit specific crimes."

Senate Select Committee, 498 F.2d at 732. Cf. Nixon, 418 U.S. at 713 ("Without access to specific facts a criminal prosecution may be totally frustrated.").

Given the voluminous documentary evidence and testimony already provided by the Executive Branch—not to mention the additional documents and testimony that the White House has offered to make available in attempt to resolve this controversy, see e.g., Letter of Fred F. Fielding to Chairmen Leahy and Conyers at 1–2 (June 28, 2007)—it seems clear the lingering factual ambiguities identified by the Committee Chairman and the Subcommittee Chair are inadequate to overcome even a generalized claim of executive privilege under controlling precedent. And a judicial determination to that effect would plainly prejudice Congress's ability to obtain sensitive information from the Executive Branch not only in this investigation but in future investigations as well.

The Justice Department's determination that Ms. Miers is immune from compulsion to testify before Congress likewise reflects the longstanding and consistent position of the Executive Branch. As Attorney General Reno explained in a formal opinion to the President, "It is the longstanding position of the executive branch that 'the President and his immediate advisors are absolutely immune from testimonial compulsion by a Congressional committee.'" Assertion of Executive Privilege with Respect to Clemency Decision, 23 Op. O.L.C. 1, 4 (1999) (quoting Memorandum from John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Re: Executive Privilege at 5 (May 23, 1977). This view is not only that of the current Administration and the Clinton Administration. As documented in Attorney General Reno's opinion, this view also reflects the position of the Reagan, Carter, and Nixon Administrations. See id. (collecting opinions from Assistant Attorneys General Theodore B. Olson, John M. Harmon, Roger C. Crampton, and William H. Rehnquist). This view also reflects the position of the Johnson and Truman Administrations. See History of Refusals, 6 Op. O.L.C. at 771–72, 777–78. And as documented by the Justice Department in its opinion regarding Ms. Miers, the Executive Branch—including, again, Administrations of both parties—have long taken the position that the same immunity extends to former Presidents and their Advisors. See Memorandum from Stephen G. Bradbury, Principal Assistant Attorney General Office of Legal Counsel, Re: Immunity of Former Counsel to the President from Compelled Testimony at 2–3 (July 10, 2007) (documenting positions taken by the Truman and Nixon Administrations).

In short, we believe the President's assertions of executive privilege and testimonial immunity in this instance are entirely constitutionally sound. We also believe that a determination by the House to hold Mr. Bolten and Ms. Miers in contempt of Congress would be futile as a legal matter and might ultimately prejudice Congress's ability to obtain information from the Executive Branch.

Sincerely,

CHARLES J. COOPER.
HOWARD C. NIELSON, Jr.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank the distinguished chairwoman from the Rules Committee, a native Kentuckyan and someone who has always stood for the finest traditions of this body.

In November of 2006, the American people decided to give the Democrats the control of the House of Representatives and the Congress. I was fortunate enough to be elected as one of the 43 new Democrats in that class.

And many people have said, in examining that election, oh, we were elected because of the war in Iraq. But that's not what I heard. What I heard when I was campaigning in 2006, and I think most of my colleagues in this class would say the same thing, is we want to return the Government to the tenets of the Constitution. We want to restore the checks and balances that the Founding Fathers prescribed. We want to make sure that this President and every President is held accountable, is not above the law.

So when we came here, one of the things we did was to start talking about article I, which established that all legislative powers herein granted shall be vested in a Congress of the United States. We started wearing these buttons, article I buttons, and we offered them to Members of both parties, hoping that this would not be a partisan issue and not be an expression of partisanship but, instead, a respect for the integrity of this institution.

Unfortunately, most of my colleagues on the other side chose not to wear these buttons. They have chosen to make this a partisan issue in spite of the fact that during the last 6 years before we took control of the Congress, no subpoenas were issued against this President. No efforts to hold him accountable were made, in spite of the fact that in the prior administration a thousand subpoenas were offered by the Republican Congress to the Democratic President.

So, unfortunately, this has become a partisan issue when it shouldn't be. To me this is all about institutional integrity, about restoring the checks and balances.

Fundamental to our power, legislative power, is our ability to gather information. If we do not stand up for our right to gather information, then in spite of the fact that my colleagues on the other side have said we may lose our prerogatives if we go to court, if we don't challenge the President on this issue, we will have surrendered our prerogatives; and that is the worst fate that we could commit this body to.

So I would say, in closing, that many people look at polls today and say the standing of the Congress is at its lowest ebb ever, and they say maybe that's because we are not doing anything. I think it's because the American people recognize that we have been negligent in not upholding our responsibilities under the Constitution.

This is an important step in restoring the integrity of this institution and restoring the confidence of the American people in this body in its willingness to respond to the dictates of the Constitution.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Madam Speaker, rather than spinning our wheels on this issue, there is a much more important issue that we should be dealing with today, and the very safety of our Nation is at issue. I'm disappointed that we have reached the point in this House that reasonable minds could not prevail on an issue that involves the very safety of the American people.

Last August Congress passed, and the President signed into law, the Protect America Act. This critical legislation closed the gaps which had previously caused the intelligence community to miss more than two-thirds of all overseas terrorist communications, finally allowing the United States to stay one step ahead of the terrorists.

The Senate amendments to H.R. 3773 would enable law enforcement and the intelligence community to continue their counterterrorism efforts, including working with telecommunications companies and allowing officials to gather intelligence from potential foreign terrorists outside the United States.

At the same time, this bill is mindful of our Constitution and the protections it affords to U.S. citizens, whether they are inside or outside the United States. Furthermore, the authority provided by the bill would sunset in 6 years, allowing Congress to revisit any issues that might arise.

We cannot afford to let the terrorists, particularly those who are conspiring abroad, to have the upper hand. Our law enforcement and intelligence communities must have every resource available to do their jobs in keeping this Nation safe. I urge my colleagues to support the United States, not the terrorists, by passing the Senate amendments to H.R. 3773.

And I thank the gentleman from Florida for yielding.

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Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), Chair of the Judiciary Committee.

Mr. CONYERS. I wanted to respond, or continue our discussion that was raised by the gentleman from Utah. As a matter of fact, in our resolution recommending that contempt of Congress be issued, we found plenty of evidence of wrongdoing at the Department of Justice, nearly 100 pages of it. This was voted out of the committee. For example:

The decision to fire or retain some U.S. attorneys may have been based in part on whether or not their offices were pursuing or not pursuing public corruption or vote fraud cases based on partisan political factors;

Department officials appear to have made false or misleading statements to Congress, many of which sought to minimize the role of White House personnel in the U.S. Attorney firings;

Actions by some department personnel may have violated civil service laws.

EXECUTIVE SUMMARY

To date, the committee's investigation—which has reviewed materials provided by the Department of Justice in depth and obtained testimony from 20 current and former Department of Justice employees—has uncovered serious evidence of wrongdoing by the Department and White House staff with respect to the forced resignations of U.S. Attorneys during 2006 and related matters. This includes evidence that: (a) the decision to fire or retain some U.S. Attorneys may have been based in part on whether or not their offices were pursuing or not pursuing public corruption or vote fraud cases based on partisan political factors, or otherwise bringing cases which could have an impact on pending elections; (b) Department officials appear to have made false or misleading statements to Congress, many of which sought to minimize the role of White House personnel in the U.S. Attorney firings, or otherwise obstruct the Committee's investigation, and with some participation by White House personnel; and (c) actions by some Department personnel may have violated civil service laws and some White House employees may have violated the Presidential Records Act.

Based on this evidence, and because of the apparent involvement of White House personnel in the U.S. Attorney firings and their aftermath, the committee has sought to obtain relevant documents from the White House and documents and testimony from former White House Counsel Harriet Miers—who appears to have been significantly involved in the matter—on a voluntary basis and, only after taking all reasonable efforts to obtain a compromise, on a compulsory basis. The committee's subpoenas have been met with consistent resistance, including wide-ranging assertions of executive privilege and immunity from testimony. This has gone so far that the administration indicated in July that it would refuse to allow the District of Columbia U.S. Attorney's office to pursue any congressional contempt citation against the White House's wishes. In addition to the many infirmities and deficiencies in the manner in which the White House Counsel has sought to assert executive privilege, in the present circumstance such privilege claims would be strongly outweighed by the committee's need to obtain such information.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would ask the distinguished chairwoman how many speakers she has remaining.

Ms. SLAUGHTER. Possibly five, Madam Speaker.

The SPEAKER pro tempore. The gentleman from Florida has 4 minutes remaining. The gentlewoman from New York has 10 minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve at this time.

Ms. SLAUGHTER. I am pleased to yield 2 minutes to the gentlewoman from Ohio (Ms. SUTTON) who serves on both the Committee on Rules and Judiciary.

Ms. SUTTON. Madam Speaker, let us recall what this is all about. We are here today because the now-resigned Chief of Staff to former attorney, Alberto Gonzalez, ran a plan over a period of just under 2 years during which he maintained a revised list of U.S. attorneys to be fired or retained. If prosecutors were placed on this list for political reasons, or alternatively kept off because of a willingness to engage in political prosecutions, these actions are not only improper and illegal, but they constitute criminal abuse. These are serious allegations, and we have a constitutional duty to pursue this proceeding today.

Congress is not only entitled to look into this matter, we must conduct a thorough oversight of the executive branch. Now, some of my colleagues argue that the United States attorneys serve at the pleasure of the President. However, it is very critical to note that throwing out this term, "at the pleasure of the President," may be accurate in the sense that the President may fire somebody for no reason, Alberto Gonzalez can fire somebody for no reason, but they can't fire him for an illegal reason.

And that is what we are looking at here. The Committee on the Judiciary Chairman CONYERS testified yesterday that he pursued documents from the White House and the testimony of Ms. Miers and from Mr. Bolten for 8 long months, and in return the White House did not provide a single document and specifically directed Ms. Miers and Mr. Bolten to ignore the Judiciary Committee's subpoenas citing executive privilege.

This is not a situation of exerting executive privilege, because Ms. Miers did not even show up for the hearings that they were called to testify before to assert that claim. Furthermore, Madam Speaker, it is one thing for them to decline to answer certain questions based on a claim of executive privilege; it is an entirely different matter to defy even orders to appear.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve, Madam Speaker.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN), a member of the Judiciary Committee.

Mr. COHEN. I appreciate the time. I do serve on Judiciary Committee, and I looked at that empty chair that Ms. Miers was supposed to be sitting in when she was asked to testify before our committee.

Nothing is more contemptuous of an official than not to simply appear. To appear by counsel, to appear in person, to allege a privilege is one thing. Not to show up is the uttermost peak of contempt that a person could have for the Congress and for the legislative body. She didn't even send a little note, Ms. Miers regretfully cannot attend your hearing.

This is the highest contempt. We are representatives of the people, and we are upholding the Constitution and our jobs as being an equal branch of government, which this legislative body is, and there is no such thing as an imperial Presidency, and no one is above the law.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1½ minutes to the gentleman from Florida (Mr. WEXLER) from the Judiciary Committee.

Mr. WEXLER. Madam Speaker, no one is immune from accountability and the rule of law, not Harriet Miers or Josh Bolten, and especially not President Bush or Vice President CHENEY.

It is high time to defend the Constitution and Congress as a coequal branch of government. Our liberty and freedoms as Americans are dependent upon the checks and balances that protect our Nation. Not since Watergate, not since Watergate has a President so openly disregarded the will of Congress. Josh Bolten and Harriet Miers have blatantly ignored congressional subpoenas, thumbing their nose at Congress and our obligation of legitimate oversight.

The power of the congressional subpoena safeguards our liberty. It protects against an all-powerful President. The Constitution demands that we hold these renegade officials in contempt of Congress.

Thank you, Madam Chairman.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that the wearing of communicative badges is not in order while under recognition.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I continue to reserve.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) of the Judiciary Committee.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in support of this resolution. I urge my colleagues on both sides of the aisle as Members of a coequal branch of government to issue these contempt citations to members of the Bush administration who clearly feel that they are above the law.

Last year, when the Judiciary Committee was legitimately investigating the political purge of U.S. attorneys and conducting oversight into the politicization of the Justice Department, administration officials not only failed to turn over key documents after receiving subpoenas, they didn't even bother to show up to testify.

Madam Speaker, I am deeply frustrated by this administration's continued stonewalling and, frankly, the contempt that it has shown for Congress. As our former Republican colleague Congressman Mickey Edwards told our committee, the administration's actions have been outrageous and it continues to erode the separation of powers.

I applaud Chairman CONYERS' patience and his many attempts to resolve this situation short of the manner in which we will today, but I know I speak for many of my colleagues when I say enough is enough.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would ask the distinguished chairwoman how many speakers she has remaining.

Ms. SLAUGHTER. I believe I have just one. And so I will yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank my colleagues of the Judiciary Committee, and I thank my colleagues of the Rules Committee.

Madam Speaker, I stand on this floor with a very heavy heart. It is a heavy heart compounded by the fact that Harriet Miers is my friend. We practiced law together in the State of Texas. We worked together. And so it is very difficult to stand here today and to acknowledge what is an enormous crisis in our Government, and that is the lack of recognition of the constitutional premise of the three equal branches of Government. I came yesterday to talk of the embeddedness of the Constitution not only in many books but also in the hearts of Americans. When I go home to Texas, people still ask the question: What are you doing about the U.S. attorney situation? What happened to the fairness and integrity of the appointment process? The American people want to know. We are now doing their bidding. They want us to be able to clear the air.

As a member of the Judiciary Committee, let me tell you, JOHN CONYERS has the patience of Job. Over and over again, and Chairwoman SANCHEZ, over and over again, working with Ranking Member CANNON, said that we wanted to do this in a way that you could come and give information, that information could be transcripted. We will then try to find out the truth.

We come here with a broken heart, a humble spirit, but with the Constitution deeply embedded in our heart, recognizing that there is nothing to protect if the President says that he is not involved.

Let the Constitution stand. Let us do what we are supposed to do. My friends, vote for this in a bipartisan way so that the Constitution remains sacred in our hearts and in this country.

Madam Speaker, I rise today in strong support of H. Res. 982, which provides that upon adoption of the rule, both H. Res. 979 recommending that the House of Representatives find former White House Counsel Harriet Miers and White House Chief of Staff Joshua Bolten in contempt of Congress for their refusal to comply with subpoenas issued by the Committee on the Judiciary and H. Res. 980—Authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas are adopted. Both of the resolutions were introduced by my distinguished colleague from Michigan, the Honorable JOHN CONYERS, Jr.

### H. RES. 979

This resolution highlights the accountability issues that this body has continued to have with the Bush administration. This committee made attempt after attempt to secure critical information voluntarily from both former White House Counsel Harriet Miers and White House Chief of Staff Joshua Bolten. At no point did they cooperate and comply with our requests. Even as this committee directed their appearance by subpoena, the White House sought to avert our inquiries by citing executive privilege.

Instead, the White House offered this committee a very limited inquiry, completely controlled by providing: (1) virtually no access to internal White House documents, (2) no questioning regarding internal White House discussions, and (3) no interview transcripts. The White House is not bluffing with this act of defiance. Rather, it seems the Bush administration wants to test, and attempt to expand, the limits of presidential power.

Madam Speaker, it was on July 12, 2007 that Ms. Harriet Miers was asked to testify before the Subcommittee on Commercial and Administrative Law investigating the removal of U.S. attorneys by the Bush administration, and did not attend. That same day, the subcommittee's Chair, the Honorable LINDA SÁNCHEZ, undertook the preliminary steps necessary to declare Miers in contempt. The subcommittee voted 7–5 that there was no legal justification for Ms. Miers's failing to appear pursuant to the subpoena.

Notwithstanding this blatant affront to the House Judiciary Committee, Republican Members allowed party affiliation to trump institutional responsibility, just as they had when they controlled Congress. The Minority continues to make excuses for the Bush administration's defiance, and appears content to let the President slight the subcommittee by instructing both Ms. Miers and Mr. Bolten to not testify.

### H. RES. 980 AND CONGRESSIONAL OVERSIGHT

Congresssional oversight is an implied rather than an enumerated power. My colleagues across the aisle may make the argument that nothing explicitly grants this body the authority to conduct inquiries or investigations of the Executive, to have access to records or materials held by the Executive, or to issue subpoenas for documents or testimony from the Executive.

However, congressional investigations sustain and vindicate our role in our constitutional scheme of separated powers. The rich history of congressional investigations from the failed St. Clair expedition in 1792 through Teapot Dome, Watergate, and Iran-Contra, has established, in law and practice, the nature and contours of congressional prerogatives necessary to maintain the integrity of the legislative role. Numerous Supreme Court precedents recognize a broad and encompassing power in this body to engage in oversight and investigation that would reach all sources of information necessary for carrying out its legislative function. Without a countervailing constitutional privilege or this body self-imposing a statutory restriction on our authority, this chamber, along with our colleagues in the Senate, have plenary power to compel information needed to discharge our legislative functions from the Executive, private individuals, and companies.

In McGrain v. Daugherty, 1927, the U.S. Supreme Court deemed the power of inquiry, with the accompanying process to enforce it, "an essential and appropriate auxiliary to the legislative function." Senate Rule XXVI, 26, and House Rule XI, 11, presently empower all standing committees and subcommittees to require the attendance and testimony of witnesses and the production of documents. This chamber was given an implied power of oversight by the U.S. Constitution; that power has supported by our 3rd branch of government, the Supreme Court; we ourselves have expressed this authority in our Senate and House Rules, and yet two attorneys under the direction of the White House continue to tell us we do not have the proper authority.

### H.R. 5230, CONTEMPT OF THE HOUSE OF REPRESENTATIVES SUBPOENA AUTHORITY ACT OF 2008 [110TH]

On February 6, I introduced legislation that would amend Title 28, of the United States Code and grant this chamber the statutory authority to bring a civil action to enforce and secure a declaratory judgment to prevent a threatened refusal or failure to comply with any subpoena or order for the production of documents, the answering of any deposition or interrogatory, or the securing of testimony issued by the House or any of its committees or subcommittees.

Once we pass H.R. 5230, we should have no further need to adopt resolutions for authorization to enforce certain subpoenas; we would already hold that statutory authority. As it stands now, we must collectively support both H. Res. 979 and H. Res. 980 under H. Res. 982, the adopted rule. Therefore, I urge my colleagues to join me in supporting H. Res. 982 an important piece of legislation that allows for not only accountability but enforcement.

Mr. LINCOLN DIAZ-BALART of Florida. I would ask the distinguished chairwoman if she has no other speakers, obviously besides herself.

Ms. SLAUGHTER. That's correct, if the gentleman is prepared to close.

Mr. LINCOLN DIAZ-BALART of Florida. Actually I will yield myself 2 minutes at this time.

The actions of the majority today are unprecedented. We have checked with the House Parliamentarian, and they are absolutely and totally unprecedented, that privileged resolutions would be taken to the floor in this fashion, in effect, avoiding even the floor by virtue of the fact that when the rule is passed, the rule that we are debating, automatically the two privileged resolutions of contempt will be considered adopted. That is absolutely unprecedented as well as uncalled for.

And the nature of the actions of the majority today are most, most unfortunate. I had the recent opportunity to speak at Florida International University's law school. Professor Levitt asked me to speak there about the rule of law. In studying, restudying the issue, the rule of law, I stressed how the independence of the judiciary is perhaps the key, or certainly one of the fundamental keys, to the rule of law. And judicial restraint has permitted the judiciary to remain independent throughout these two-plus centuries. All of the branches, Madam Speaker, must exercise restraint.

And the actions of the majority today manifest the opposite, not only restraint, but I would say unprecedented, uncalled for, an unprecedented and uncalled for manner of dealing with even an issue of this importance.

As I stated, the majority is not even allowing debate on the resolutions of contempt, not even permitting votes on the resolutions of contempt.

The SPEAKER pro tempore. The time of the gentleman has expired.

## MOTION TO ADJOURN

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 2, nays 400, not voting 26, as follows:

[Roll No. 59]

YEAS—2

Johnson (IL)
Young (AK)

NAYS—400

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)

DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—26

Ackerman
Brown, Corrine
Costa
DeGette
Dicks
Edwards
Engel
English (PA)
Frelinghuysen
Green, Gene
Hill
Hinchey
Honda
Hunter
Jones (OH)
Kilpatrick
Lowey
Mahoney (FL)
Markey
Peterson (PA)
Renzi
Ruppersberger
Solis
Tierney
Towns
Young (FL)

□ 1340

Mr. McHUGH, Ms. McCOLLUM of Minnesota, Messrs. LINCOLN DAVIS of Tennessee, HIGGINS, SESTAK, Mrs. MUSGRAVE, Mr. RUSH, and Ms. BERKLEY changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 59, had I been present, I would have voted "nay."

Ms. SOLIS. Madam Speaker, during rollcall vote No. 59, on the motion to adjourn, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The gentleman from Florida has 2 minutes remaining; the gentlewoman from New York has 3½ minutes remaining.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the balance of our time to the distinguished minority leader, the gentleman from Ohio.

Mr. BOEHNER. Madam Speaker and my colleagues, many of you have heard me say on numerous occasions that I think the American people sent us here to work together to get things done on behalf of our country.

Over the last couple of weeks, we have had an opportunity with the economic growth package to work in a bipartisan way on behalf of the American people, and I really think it showed our Chamber and our Congress at its best. But I don't think there is any priority that we have that is more important than protecting the American people.

For more than 6 months, we have reached out to the majority on the Foreign Intelligence Surveillance Act because we want to give our intelligence officials all the tools they need to protect us. That bill that was passed in late July expired on February 1, and several weeks ago we provided an extension that runs out on Saturday. But for the last 6 months, as we have tried to come to an agreement on this bill, we have reached out to the majority, trying to find common ground, and we have been turned down at every turn.

This week, the President, the Senate, and, frankly, a majority of the Members of this House have said enough is enough, no more extensions. But instead of working with the Republicans and Democrats who are interested in working on this bill that would protect our country and protect the American people by passing the bipartisan Senate Foreign Intelligence Surveillance bill, the House floor is the scene of a partisan political stunt.

Yesterday, the majority leader said that this political stunt would occur today because we have space on the House schedule. In other words, we have space on the calendar today for a politically charged fishing expedition, but no space for a bill that would protect the American people from terrorists who want to kill us.

□ 1345

Madam Speaker, I think this is the height of irresponsibility. It is an insult to this House, and it is an insult to the American people. The actions on the floor of this House today will not make America safer. It will not help us protect Americans from being attacked.

Earlier today, the President announced that he would delay his trip to Africa, a long-planned trip. He would delay it so he could work with us to sign the long-term Foreign Intelligence Surveillance Act modernization law into law. House Republicans stand ready to stay here as long as it takes to get this bill passed and get it to the President's desk.

Ladies and gentlemen, we will not stand here and watch this floor be abused for pure political grandstanding at the expense of our national security. We will not stand for this, and we will not stay for this. I would ask my House Republican colleagues and those who believe that we should be here protecting the American people not vote on this bill; let's just get up and leave.

Ms. SLAUGHTER. Madam Speaker, this is an interesting turn of events. They are apparently attaching no importance whatsoever to the Constitution of the United States. But that has not always been the case. I want to read to you a little from the debate in 1998 when Mr. BOEHNER speaks.

Mr. BOEHNER says: "Mr. Speaker, it is time for the stonewall tactics to end and the cooperating to begin. Whether it is stalling on basic requests for information or invoking executive privilege, the result is the same: the American people are denied the right to know what is going on inside their White House. In the end, Mr. Speaker, this is what this fight is about, the American people's right to know what happens in their government.

"The government does not belong to politicians in Washington, D.C. This government belongs to the American people, and they have a right to know what happens in Washington, D.C. They have a right to know what is going on in their White House."

I concur completely with Mr. BOEHNER on that statement. I want neither Republican nor Democrat President to stonewall the House of Representatives or Congress.

Madam Speaker, I yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I thank the gentlelady for yielding.

The debates we have been having over the past few days are consequential and about the most important thing that this body does, and that is uphold the law. Not just pass the law, uphold the law.

As I said a little earlier in this debate, part of that was overseeing the executive branch to ensure that they execute our laws appropriately and legally. And the Congress has been given under the Constitution the authority to seek information. The Judiciary Committee has sought information and that information has not been forthcoming. The Congress, as Mr. BOEHNER said, cannot do its job if the Congress simply fails to assert its constitutional role.

Now there is a situation that we confront that a large number say they want to adjourn. They have been making motion after motion after motion to adjourn and they haven't been voting for it, but they have been making it.

And now they walk off the floor on the assertion that we are not working. They assert that we are not passing the Foreign Intelligence Surveillance Act. They assert that, but they all voted to a person not to give us the time to perform our extraordinarily important duties in resolving the differences between the Senate and the House in a conference committee.

Now, I will tell my friends on the Republican side of the House, they know as well as I do that the reason the Senate did not pass us a bill 3 months after we passed our bill to them was because of Republican delay in the United States Senate. That's the reason this bill is so late getting to us. That is the reason we don't have the time to work it out. That is the reason we are not passing legislation.

Now, the President asserts that the expiration of the Protect America Act will pose a danger to our country. The former National Security Council Adviser on Terrorism says that is not true. Former Assistant Attorney General Wainstein says that is not true. Numerous others, and the chairman, have asserted that is not true. Why is it not true? Because FISA will remain in effect.

The authority given under the Protect America Act remains in effect. And if there are new targets, a FISA Court has full authority to give every authority to the administration to act.

So I tell my friends, we are pursuing the politics of fear, unfounded fear; 435 Members of this House, and every one of us, every one of us, wants to keep America and Americans safe. Not one of us wants to subject America or Americans to danger.

The President's assertion is wrong. I say it categorically: the President's assertion is wrong. Now the President says he will delay his trip to stay here and work with us. I know Mr. REYES and Mr. CONYERS will be contacting Mr. ROCKEFELLER and Mr. LEAHY to discuss with them how we might move forward. They in turn will talk with their Republican counterparts, as well, to see how we can move forward.

But the time that we asked for, less than 24 hours after the Senate passed us a bill, the time we asked for to elect this process, which is the normal legislative process to bring the Senate and the House together to fashion a bill that both Houses feel comfortable with, feel is good for America, was denied to us yesterday by unanimous vote by the minority party and gave us no time to accomplish that objective.

The President said he was going to veto it, which is why I presume all of you voted against it, because, of course, in the first 6 years, we never passed anything to the President that he wasn't supportive of. We were a very cooperative Congress with this President. This President is not used to the Congress saying, We may have a different view, Mr. President. We, too, have a responsibility and we may see it slightly differently than you.

But, yes, as the leader on the other side said, we have come together. We worked together. We passed a stimulus package together. We can do that on this bill. But we can't do it overnight. This matter is much too serious to do it overnight.

My friend from the Rules Committee indicates that this does not give us full time for debate on this rule. He opposes this rule. The interesting thing is he says contrary, we ought to be considering something overnight, overnight, without any time to consider it in conference.

The minority has now effected a strategy that they tried to use on the agriculture bill: let's work, but by the way, we are leaving. And why are we leaving? We are leaving so we can preclude a majority responding to a quorum call and if a majority does not respond, we will have to go out of session. So it is somewhat ironic that on the one hand they say we ought to be doing something, and on the other hand they walk out to preclude us from doing our business.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Madam Speaker, I simply rise to say that my very good friend, the distinguished gentleman from Maryland, is incorrect when he said that we are asking for a measure to be considered overnight. On Tuesday of this week, this measure was sent to this House. We have had an opportunity, as we have looked at the issue of FISA modernization since July of this past year to get it done, and there is an urgency at this moment. So it has not been overnight.

I thank the gentleman for yielding.

Mr. HOYER. I thank the gentleman for his comment. There is no urgency. That claim is a claim made to stampede this House and the American people, I tell my friend from California. And the reason that there is no urgency is because in 1978 this Congress passed legislation to ensure the fact that we could intercept communications while at the same time protecting our Constitution. That is why there is no urgency.

Is there an important reason to act? There is. Do we have every intention of acting? We do. But we will not be presented with a bill on Tuesday night and be asked to pass it on Wednesday afternoon without full and fair consideration. That is our duty, that is our responsibility, and that is what we will do.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 minute.

Ms. SLAUGHTER. Madam Speaker, I began my speech today by saying we must not always live our lives hoping simply to land on a safe square. Some votes may be tough. This one isn't. The first thing we do when we enter this Congress is swear to uphold the Constitution of the United States. That is what we are asking you to do today on both sides of the aisle. For some of our friends, it is obviously easier for them to pass; they would rather not vote on this. But for the rest of us, let us stand up to our duty, why we were sent here, and reassert that the Congress of the United States is a co-equal branch, and vote "yes" on this.

Mr. NADLER. Madam Speaker, I rise today in support of the contempt resolutions. Unfortunately, these resolutions are necessary for Congress to meet its Constitutional obligations and conduct oversight and investigations. We provided many opportunities for the administration to avoid this situation. But here we are.

We are here today to consider issuing contempt citations for former White House Counsel Harriet Miers and White House Chief of Staff Josh Bolten for their failure even to appear in response to valid subpoenas issued in our investigation of the firings of a number of United States Attorneys and related matters concerning the politicization of the Justice Department. We issued these subpoenas only after repeated unsuccessful attempts to secure their cooperation voluntarily.

It is one thing to assert a legal privilege; but no one has a legal right simply to refuse to appear at all.

This investigation seeks answers to ensure that the American people can trust the Justice Department to be guided by the law and not by political obligations or pressures.

This resolution is about the rule of law. We are taught about a system of checks and balances to prevent abuses, but this Executive has shown that it thinks the rules do not apply to it. This sets a dangerous precedent for our democracy. Our system of government works only when each branch respects the authority and role of the others, and follows the rule of law.

For the sake of our democracy, for the sake of the rule of law, and for the sake of our Constitution, I urge my colleagues to support the resolutions.

Ms. HERSETH SANDLIN. Madam Speaker, I plan to vote in favor of this resolution—first and foremost—because of the essential importance of maintaining the constitutional role of the Congress as a coequal branch of government with the executive. However, the partisan division over this resolution is highly regrettable and serves to obscure the vital principles at stake.

As my colleagues are well aware, the House Judiciary Committee has initiated an inquiry into the unusual firing of several U.S. Attorneys. The impartial administration of federal law around the nation depends upon the integrity of the U.S. Department of Justice and the U.S. Attorneys. The decisions of the department and the officials who implement its vast legal authority should be free of even the appearance of impropriety, and free of politics. This is true under any administration, regardless of party.

The importance of the committee's inquiry into this matter is clear. In order to secure the facts necessary to make an informed judgment regarding the propriety of those firings, the committee first sought the voluntary cooperation of the administration in producing all of the information the committee needed to form a fair assessment. When that cooperation was not forthcoming, subpoenas were duly issued to Chief of Staff Joshua Bolten and former White House counsel Harriet Miers. On the basis of an assertion of executive privilege, neither complied with the subpoenas. In the face of the White House's inflexibility and refusal to cooperate, the committee ultimately voted to approve a contempt citation and bring the matter before the House.

I still believe that focusing on civil proceedings as a way to resolve the dispute could have garnered bipartisan support, and thereby avoided much of the partisan division we have witnessed regarding this resolution. However, that is not the choice before the House today. We must choose between recognizing and supporting the constitutional role of Congress, or allowing the administration to direct officials and former officials to ignore an important inquiry under way in the House.

At this crucial moment in our nation's history, it's more important than ever to maintain the balance of powers between the federal government's executive and legislative branches. That balance was carefully designed by the Founders, and we have consistently seen through the years the wisdom of that arrangement. Over the last several years, we witnessed first-hand the unfortunate and regrettable consequences when that balance was disturbed, and Congress failed to carry out its oversight responsibilities. The American people deserve better.

Thus, I cast my vote today not only to support the centuries-old role of the House under the Constitution, but for greater transparency, greater accountability, and to ensure the fair administration of federal law. Once the facts are known, the House can make an informed judgment about what course of action is best. Until we learn what the administration knows, but isn't willing to share with the Congress, we cannot form a final judgment in this matter.

Mr. UDALL of Colorado. Madam Speaker, I regret that it is necessary for the House to consider this matter today, but I will support the resolution because I have concluded that the Bush administration has made it necessary to do so. When this is disposed of, I hope we can promptly return to the pressing needs of the American people that Congress needs to address.

Last year, the Judiciary Committee began reviewing the actions of the administration related to the firings of a number of U.S. Attorneys and allegations that this was part of a pattern of improper politicization of the Justice Department.

After failing to get requested information voluntarily, the Committee served subpoenas on then-White House Counsel Harriet Miers and Chief of Staff Josh Bolten. The president then invoked executive privilege and Ms. Miers and Mr. Bolten, despite the subpoenas, refused to appear before the Committee. In response, the Judiciary Committee approved a resolution citing them both for contempt of the Congress.

I am not a lawyer and certainly not an expert on questions of executive privilege. But it seems clear to me that the administration has refused to negotiate in good faith to resolve this matter, offering only to allow some interviews under severe restrictions, including a bar to keeping of transcripts.

This is not the first time Congress has sought information from a president's advisors. The Congressional Research Service reports there have been 74 instances since World War II where even sitting White House advisers, including White House counsel, have testified before Congress, including 17 between 1996 and 2001. But I am not aware of any instance in which executive privilege has been invoked as a reason why a former advisor—such as Ms. Miers—will not even make an appearance before a Congressional committee in response to a subpoena.

And I am not persuaded by the administration's explanations about why it refused to allow Ms. Miers and Mr. Bolton to even appear, let alone to testify. For example, we have been assured that the President was not involved in the decision to fire the U.S. Attorneys. But if that is true, how can executive privilege, which is intended to assure that a president will receive candid advice, apply to this matter?

After reviewing the history of this matter, I find myself in agreement with someone who is both a lawyer and a distinguished former Member of Congress—Mickey Edwards, who during his service here as a Representative from Oklahoma chaired the Republican Policy Committee.

Commenting on this matter, he has written, "If Congressional leaders are not able to persuade the administration to reverse its position and allow Ms. Miers to testify and Mr. Bolten to produce documents, then all Members of Congress, regardless of party, should insist that the subpoenas be enforced promptly and vigorously and to use civil litigation if, as the White House has hinted, it prohibits the D.C. U.S. Attorney from performing his enforcement duties."

I agree, and because that is exactly the purpose of this resolution, I will vote for it.

Mr. BERMAN. Madam Speaker, I rise in strong support of this resolution. Many Americans are frustrated and angry because they believe that this administration is not being held to account for its actions. Now, after 7 years, much of the public turns this frustration at Congress because it is the branch with the responsibility for oversight.

Last year, the House Judiciary Committee undertook a very serious investigation into allegations that a number of key law enforcement officers in our country—United States attorneys—were being fired for their unwillingness to respond to political pressure in various cases. This led to information about other actions that were clearly politicizing the work of the Department of Justice. You will hear people on the other side talk about the investigation wasting time. This was no fishing expedition. The fact is that the revelations from this investigation led to the resignation of the Attorney General of the United States.

We are here today because this administration responded to a legitimate investigation—the exercise of our oversight duty—by stonewalling in the extreme. The disrespect shown to this body has been stunning, culminating in the fact that when the committee subpoenaed the testimony of Harriet Miers, neither she nor her attorney bothered to even show up to assert the privilege she claimed.

To justify the administration's behavior, the President has asserted an astonishingly broad theory of executive privilege which claims that any document or information from any individual who has ever worked for the President is covered and therefore immune from being compelled to testify before Congress. This view of executive privilege may be unprecedented in our history, and if accepted, it would chill any meaningful oversight of the executive branch and grant near limitless power to the President to hide information from Congress, the courts, and the American people.

The utter contempt shown by this administration toward Congress and its constitutional duties is unacceptable, and to permit these actions to stand unchallenged would be an abrogation of our constitutional responsibility.

Approving these contempt resolutions would send a strong message to the administration that Congress will not be ignored. At the end of the day, whether civil or criminal action is successful, our most important goal should be getting to the truth.

If we do not respond to the administration's disregard of the legislative branch, we risk rendering permanent damage to our own institution and to this country's cherished system of checks and balances. Failure to act will also set a dangerous precedent that future administrations will almost assuredly seek to exploit. To my colleagues on the other side who are trying to dismiss these resolutions as partisan—I urge you not to be shortsighted. This is not a partisan issue. It is a matter that strikes at the heart of our democracy and the checks and balances on which it depends.

Congress has been eminently patient in awaiting the President to provide information on the U.S. attorneys scandal. Yet, rather than work with us to get to the bottom of wrongdoing in his administration, the President has continued his pattern of actively hiding possible evidence of illegal behavior by high-ranking officials in his Government and stonewalling any inquiries to get to the truth. Because it is each Member's very responsibility to support and defend the Constitution, we have absolutely no other choice than to pursue this action against the President's Chief of Staff and his former chief legal counsel. I urge my colleagues to vote "yes."

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong support of H. Res. 982, a resolution recommending that the House find White House Chief of Staff Joshua Bolten and former White House Counsel Harriet Miers in contempt of Congress for refusing to comply with subpoenas properly issued by the Judiciary Committee.

Recommending the House cite someone for contempt of Congress is a significant step, one that I support under only the most necessary circumstance. Regrettably, it is a step that must be taken. Since assuming office in 2001, the Bush Administration has repeatedly thumbed its nose at Congress, ignored our constitutional mandate as a check upon the executive branch.

This resolution comes after the Judiciary Committee attempted for months to gain access to information requested by the committee. The Congress has a responsibility to investigate this matter and therefore, the White House's refusal to cooperate with the Congress leaves us no choice.

Testifying before the House Rules Committee yesterday, my colleague JOHN CONYERS said that he had written nine letters over more than 8 months trying to resolve this matter. But despite properly issued subpoenas, the White House had "determined that it has the unilateral authority to prevent Mr. Bolten from providing us with a single piece of paper and to prevent Ms. Miers from even showing up at a committee hearing." Madam Speaker, the President is wrong and we have a responsibility to the American people to correct him.

If the executive branch can disregard congressional subpoenas in this way, we no longer have a system of checks and balances. That is the cornerstone of our democracy, and it is our responsibility to protect it. That is why I am proud to join my colleagues today in support of the resolution.

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in support of H. Res. 982, yet I feel a great sense of disappointment that Congress has been put in the position to take such action. This resolution recommends that the U.S. House of Representatives finds White House Chief of Staff Joshua Bolten and former White House Counsel Harriet Miers in contempt of Congress for refusal to comply with subpoenas issued by the Committee on the Judiciary. Furthermore, H. Res. 982 authorizes the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas.

Over the past year, Congress has been investigating the firing of U.S. Attorneys by former Attorney General Alberto Gonzales based on what appears to be purely political grounds. Congress has been investigating with the intent of exposing any wrongdoing and to restore integrity and transparency to the Justice Department. Clearly, Congress and the American people will not tolerate an Attorney General, our Nation's top law enforcement officer, politicizing the conduct of the Department of Justice. Congress and the American people have the right to know what role Bush administration officials have played in the dismissal of these Federal prosecutors—including the former U.S. Attorney for Minnesota.

In July of 2007, Congress subpoenaed Mr. Bolten and Ms. Miers after previous requests for information from them had been denied. At the direction of the White House, Mr. Bolten and Ms. Miers refused to comply with the Congressional subpoenas. They cited executive privilege in an apparent attempt to avoid answering questions under oath as to their involvement and their knowledge of the involvement of others in the firing of the U.S. Attorneys.

Now, Congress has decided it must hold Mr. Bolten and Ms. Miers responsible for their failure to appear. A subpoena from Congress is not to be ignored. Their decision to dismiss the Congressional subpoena like a piece of junk mail is regrettable and has serious consequences as H. Res, 982 demonstrates.

The Executive Branch—regardless of occupant of the White House—must be held accountable by both Congress and the American people. The Bush administration too often forgets that Congress is a co-equal branch of government and deserves open and honest cooperation when conducting oversight duties. H. Res. 982 reflects the House of Representatives' frustration with the conduct of this White House in impeding legitimate oversight and I strongly support the passage of this resolution.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 982 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike all after the resolved clause and insert the following:

"That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker's table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 32, answered "present" 1, not voting 173, as follows:

[Roll No. 60]

AYES—223

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—32

Aderholt
Brown (SC)
Burton (IN)
Camp (MI)
Conaway
Cubin
Cuellar
Davis, David
Davis, Tom
Duncan
Ehlers
Fossella
Foxx
Gallegly
Hall (TX)
Hoekstra
Johnson (IL)
King (NY)
Kirk
Kuhl (NY)
LaHood
Latham
LoBiondo
McHugh
Miller, Gary
Moran (KS)
Poe
Ramstad
Sensenbrenner
Simpson
Weller
Wittman (VA)

ANSWERED "PRESENT"—1

Porter

NOT VOTING—173

Ackerman
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Emerson
Engel
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Honda
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (OH)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Murphy, Tim
Musgrave
Myrick
Neal (MA)
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ruppersberger
Ryan (WI)
Sali
Saxton
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Solis
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 4 minutes remaining to vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 1423

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Madam Speaker, during rollcall vote No. 60 on H. Res. 982, Contempt on Miers and Bolten, I was unavoidably detained. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. By the adoption of House Resolution 982, House Resolution 979 and House Resolution 980 stand adopted.

The text of House Resolution 979 is as follows:

H. RES. 979

*Resolved*, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to appear before the Subcommittee on Commercial and Administrative Law as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Ms. Miers be proceeded against in the manner and form provided by law; and be it further

*Resolved*, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to testify before the Subcommittee on Commercial and Administrative Law as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Ms. Miers be proceeded against in the manner and form provided by law; and be it further

*Resolved*, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to produce documents to the Subcommittee on Commercial and Administrative Law as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Ms. Miers be proceeded against in the manner and form provided by law; and be it further

*Resolved*, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of White House Chief of Staff Joshua Bolten to produce documents to the Committee on the Judiciary as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Bolten be proceeded against in the manner and form provided by law.

The text of House Resolution 980 is as follows:

H. RES. 980

*Resolved*, That the Chairman of the Committee on the Judiciary is authorized to initiate or intervene in judicial proceedings in any Federal court of competent jurisdiction, on behalf of the Committee on the Judiciary, to seek declaratory judgments affirming the duty of any individual to comply with any subpoena that is a subject of House Resolution 979 issued to such individual by the Committee as part of its investigation into the firing of certain United States Attorneys and related matters, and to seek appropriate ancillary relief, including injunctive relief.

SEC. 2. The Committee on the Judiciary shall report as soon as practicable to the House with respect to any judicial proceedings which it initiates or in which it intervenes pursuant to this resolution.

SEC. 3. The Office of General Counsel of the House of Representatives shall, at the authorization of the Speaker, represent the Committee on the Judiciary in any litigation pursuant to this resolution. In giving that authorization, the Speaker shall consult with the Bipartisan Legal Advisory Group established pursuant to clause 8 of Rule II.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 966, by the yeas and nays;

H.R. 1834, by the yeas and nays;

S. 2571, by the yeas and nays;

H. Con. Res. 289, by the yeas and nays;

H.R. 4169, by the yeas and nays;

H. Res. 790, by the yeas and nays;

H. Res. 963, by the yeas and nays;

H. Res. 972, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## HONORING AFRICAN AMERICAN INVENTORS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 966, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 966.

The vote was taken by electronic device, and there were—yeas 387, nays 0, not voting 41, as follows:

[Roll No. 61]

YEAS—387

Abercrombie
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—41

Ackerman
Alexander
Bachus
Bono Mack
Boustany
Brown, Corrine
Burgess
Capito
Cole (OK)
Deal (GA)
Doolittle
Drake
Emerson
Engel
Feeney
Hayes
Honda
Jones (OH)
King (IA)
LaTourette
Lowey
Mack
Mahoney (FL)
Markey
McCrery
McMorris Rodgers
Myrick
Neal (MA)
Olver
Peterson (MN)
Peterson (PA)
Price (NC)
Reichert
Rogers (KY)
Ruppersberger
Solis
Stark
Sullivan
Towns
Visclosky
Westmoreland

☐ 1443

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COLE of Oklahoma. Madam Speaker, on Thursday, February 14, 2008, I was unavoidably detained and missed rollcall vote No. 61. Had I been present, I would have voted "yea" (on motion to suspend the rules and agree to H. Res. 966, honoring African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness).

Ms. SOLIS. Madam Speaker, during rollcall vote No. 61 on motion to suspend and pass H.R. 966, honoring African-American Inventors, I was unavoidably detained. Had I been present, I would have voted "yea."

## NATIONAL OCEAN EXPLORATION PROGRAM ACT

Mr. BAIRD. Madam Speaker, I ask unanimous consent that the text of the bill (H.R. 1834) to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration, as proposed to be adopted under suspension of the rules, be modified by the amendment that I have placed at the desk.

(For the text of H.R. 1834, see proceedings of the House of February 13, 2008, at page 2106.)

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Strike all after the enacting clause and insert the following:

### TITLE I—NATIONAL OCEAN EXPLORATION PROGRAM

**SEC. 101. SHORT TITLE.**

This title may be cited as the "National Ocean Exploration Program Act".

### SEC. 102. AUTHORIZATION.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, conduct a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

### SEC. 103. AUTHORITIES.

(a) IN GENERAL.—In carrying out the program authorized under section 102, the Administrator of the National Oceanic and Atmospheric Administration (in this title referred to as the "Administrator") shall—

(1) conduct interdisciplinary voyages or other scientific activities of discovery in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 104;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensors and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—In carrying out the program authorized under section 102, the Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

### SEC. 104. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields to—

(1) advise the Administrator on priority areas for survey and discovery;

(2) assist the program in the development of a five-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) annually review the quality and effectiveness of the proposal review process established under section 103(4); and

(4) provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

### SEC. 105. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

### SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $30,500,000 for fiscal year 2008;
(2) $33,550,000 for fiscal year 2009;
(3) $36,905,000 for fiscal year 2010;
(4) $40,596,000 for fiscal year 2011;
(5) $44,655,000 for fiscal year 2012;
(6) $49,121,000 for fiscal year 2013; and
(7) $54,033,000 for fiscal year 2014.

## TITLE II—UNDERSEA RESEARCH PROGRAM

### SEC. 201. SHORT TITLE.

This title may be cited as the "National Undersea Research Program Act of 2007".

### SEC. 202. AUTHORIZATION.

The Administrator of the National Oceanic and Atmospheric Administration shall conduct an undersea research, exploration, education, and technology development program and shall designate a Director of that program.

### SEC. 203. PURPOSE.

The purpose of the program authorized under section 202 is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, coastal, and Great Lakes resources. The Director, in carrying out the program authorized in section 202, shall cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations. The Director may also enter into partnerships, using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry.

### SEC. 204. PROGRAM.

The program authorized under section 202 shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology. Overall direction of the program will be developed by the program director with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. Draft program direction shall be published not later than 1 year after the date of enactment of this Act. The draft program direction shall be published in the Federal Register for a public comment period of not less than 120 days. Final program direction with Agency responses to the comments received shall be published in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every five years.

### SEC. 205. REGIONAL CENTERS AND INSTITUTE.

(a) PROGRAMS.—The following research, exploration, education, and technology programs shall be conducted through the network of extramural regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(4) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(5) Discovery, study, and development of natural products from ocean and aquatic systems.

(b) OPERATIONS.—Operation of the extramural regional centers and the National Institute for Undersea Science and Technology shall leverage partnerships and cooperative research with academia and private industry.

### SEC. 206. COMPETITION.

(a) DISCRETIONARY FUND.—The program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) COMPETITIVE SELECTION.—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction required in section 204 and every five years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

### SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $17,500,000 for fiscal year 2008;
(2) $19,500,000 for fiscal year 2009;
(3) $21,500,000 for fiscal year 2010;
(4) $23,500,000 for fiscal year 2011;
(5) $25,500,000 for fiscal year 2012;
(6) $27,500,000 for fiscal year 2013; and
(7) $29,500,000 for fiscal year 2014.

## TITLE III—INTERAGENCY PLANNING AND COORDINATION

### SEC. 301. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under titles I and II of this Act;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

Mr. BAIRD (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Washington?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

## NATIONAL OCEAN EXPLORATION PROGRAM ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1834, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 1834, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 49, not voting 27, as follows:

[Roll No. 62]

YEAS—352

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—49

Barrett (SC)
Blackburn
Broun (GA)
Campbell (CA)
Cantor
Carter
Conaway
Culberson
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Hastings (WA)
Hensarling
Johnson, Sam
Jordan
Kingston
Lamborn
Latta
Manzullo
Marchant
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Poe
Radanovich
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shuster
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Walberg
Wilson (SC)

NOT VOTING—27

Ackerman
Bishop (GA)
Bishop (UT)
Boehner
Brown, Corrine
Burgess
Capuano
Conyers
Deal (GA)
Drake
Engel
Feeney
Hayes
Honda
Jones (OH)
Lowey
Miller (NC)
Neal (MA)
Peterson (PA)
Pryce (OH)
Ruppersberger
Slaughter
Solis
Towns
Udall (CO)
Westmoreland
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1453

Mr. PENCE and Mr. LAMBORN changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Madam Speaker, during rollcall vote No. 62, on motion to suspend and pass H.R. 1834, authorizing Ocean Exploration Program Act, I was unavoidably detained. Had I been present, I would have voted "yea".

## MAKING TECHNICAL CORRECTIONS TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2571, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

CARDOZA) that the House suspend the rules and pass the Senate bill, S. 2571.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 28, as follows:

[Roll No. 63]

YEAS—400

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—28

Ackerman
Bishop (UT)
Brown, Corrine
Burgess
Capuano
Conyers
Deal (GA)
Drake
Engel
Eshoo
Feeney
Granger
Hayes
Hinojosa
Honda
Jones (OH)
Klein (FL)
Lowey
Miller (NC)
Moore (WI)
Neal (MA)
Peterson (PA)
Ruppersberger
Slaughter
Solis
Towns
Udall (CO)
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1459

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Madam Speaker, during rollcall vote No. 63, on motion to suspend and pass S. 2571, FIFRA Amendments, I was unavoidably detained. Had I been present, I would have voted "yea."

## HONORING AND PRAISING THE NAACP ON ITS 99TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 289, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 289.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 25, as follows:

[Roll No. 64]

YEAS—403

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder

Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

### NOT VOTING—25

Ackerman
Bishop (UT)
Brown, Corrine
Burgess
Carney
Conyers
Crowley
Cuellar
Deal (GA)
Doolittle
Drake
Engel
Hayes
Honda
Jones (OH)
Lowey
Miller (NC)
Neal (MA)
Peterson (PA)
Ruppersberger
Slaughter
Solis
Towns
Udall (CO)
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1507

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Madam Speaker, during rollcall vote No. 64, on motion to suspend and pass H. Con. Res. 289, praising the NAACP, I was unavoidably detained. Had I been present, I would have voted "yea."

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## PERSONAL EXPLANATION

Ms. SLAUGHTER. Madam Speaker, on rollcall Nos. 62, 63, and 64, had I been present, I would have voted "yea."

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## QUESTION OF PERSONAL PRIVILEGE

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to clause 1 of rule IX, I rise to a question of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentleman's point of personal privilege.

The gentleman from Florida is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is with great regret, but I must rise today for a question of personal privilege. An article appeared today, Madam Speaker, on the Web site of a publication called The Politico reprinting a statement by a spokesperson for the majority leader of this House describing actions of mine as "incomprehensible" and "unjustifiable" and insinuating that I purposely brought disrespect to the House and to the memory of my dear friend and colleague, Congressman Tom Lantos.

It was not my actions which were incomprehensible or unjustifiable, Madam Speaker, but rather the actions of the majority which deprived all Members of this House the opportunity to debate or even consider or vote on the contempt resolutions brought to the floor today by the majority in an absolutely totally unprecedented fashion.

The majority knows that the rule we considered earlier is totally and absolutely unprecedented. Its sole purpose was to prevent us from even debating or voting on these contempt resolutions. And further, the majority denied us the opportunity to take up the Foreign Intelligence Surveillance Act amendments passed by the Senate, which we feel very strongly are in the supreme national interest of the United States.

The majority knew that the minority was strongly of the belief that the only options available to us were procedural votes. The majority knew that we intended to utilize our procedural options to register our displeasure with this uncalled-for process.

We purposely refrained from all procedural motions during the opening moments of the session today precisely to show respect for our friend and departed colleague.

We were assured by the majority that we would not begin consideration of the rule, in other words, that the House would not reconvene until 11:30 a.m. or the conclusion of Mr. Lantos' memorial service.

Tom Lantos, Madam Speaker, was an extraordinary man, a great man, and he was my friend. It was an honor for me to be present today at his memorial service in Statuary Hall. I was suddenly summoned out of the memorial service for my friend Mr. Lantos to perform my responsibilities as a member of the Rules Committee, to manage the rule for the minority side for the contempt resolutions. The majority had decided to resume the session during the memorial service.

Madam Speaker, I am a member of the minority. Neither I nor my leadership control when the House convenes. What we saw today was an uncalled-for effort by the majority to force the minority to give up our rights to protest a process we feel is blatantly unfair.

The majority's decision to reconvene the House interrupted the tribute to my good friend Mr. Lantos. It is the majority that decides when to convene the House. It is the majority that chose to convene the House even though many speakers remained to speak in the memorial for Mr. Lantos.

I was told by my good friend Mr. DREIER that he does not recall any memorial being interrupted by a House session, and he has been here more years than I have. I have been here 15, and obviously I don't recall any either.

Madam Speaker, the statement attacking me today by a spokesperson for the majority leader was totally uncalled for and unacceptable.

I yield such time as he may consume to the ranking member of the Rules Committee, the gentleman from California.

Mr. DREIER. Madam Speaker, I thank my friend for yielding. And we have all come to the conclusion that this has been a very sad day in many ways. Of course, the saddest part of it was the loss of our dear friend and colleague, Tom Lantos.

I would simply like to say that Mr. DIAZ-BALART had the responsibility of serving as the floor manager for a rule that was, as he said in his very thoughtful statement, unprecedented. And we had a debate on that rule, and this House chose to do something it had never done before, pass a rule which took two contempt resolutions and adopted them. That was a decision of the House. And I think it was an unfortunate one.

Mr. DIAZ-BALART had a responsibility to stand up for this institution. He and I stood together at that service, heard from colleagues of ours and heard from many other distinguished people who remembered the life of Tom Lantos.

□ 1515

We were stunned when all of a sudden the bells rang and the House was going to reconvene in the middle of this memorial service.

Now, members of the majority staff, Madam Speaker, had been informed, had been informed, of exactly what it was that we in the minority were going to do. If the House reconvened and we proceeded with consideration of this special rule, we had informed the members of the majority staff that we were going to call for a vote.

So Mr. DIAZ-BALART was simply working to, under very, very, very challenging, and, again, from my perspective, unprecedented circumstances, where I had never before seen the House of Representatives convened during a memorial service being held in Statuary Hall, but under those circumstances, Mr. DIAZ-BALART had the responsibility to fulfill his duties, not to the Republican Members, but to do what he believed to be right, and I agree with him, obviously, in upholding the rights of this institution. So for any Member, any Member or anyone outside to malign Mr. DIAZ-BALART for simply doing his job under very difficult circumstances is not right.

Let me conclude by simply saying that Mr. DIAZ-BALART is one of those Members who we all know is a fighter for freedom and has been throughout his entire life. In many respects, LINCOLN DIAZ-BALART is very similar to Tom Lantos.

Madam Speaker, I will say that it is a tragic irony that as we are remembering the life of Tom Lantos that a Member like LINCOLN DIAZ-BALART would in any way be maligned for his work on behalf of the struggle for freedom and democracy and the liberation of people all over this world.

Mr. BLUNT. Madam Speaker, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Missouri.

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding.

I would say, of course, we come to the floor today with lots of disappointment on what we are failing to do today. We think we should stay until we get other matters done. But on this issue that relates to the activities of the day, first of all, I was at the memorial service, as many of you were. I was privileged to be there. Frankly, there are very few Members of Congress, in the history of the Congress, that could have, on the very short notice that we would have this sad service today, would have the Foreign Minister of Israel, the Secretary of State, the head of the United Nations, the Speaker of the House present. It was an impressive service, and I hate that we are having this debate around any lack of respect for that service.

On the other hand, the only work we had to do today was 1 hour of debate on a rule that would then also replace the debate. One hour of debate. The service was scheduled to last from 10 o'clock until 11:30. It turned out it lasted until 11:50. But it was scheduled to last from 10 o'clock until 11:30.

When at 10:45 the majority decides we are going to start the 1 hour of work we have to do today at 11, the majority should expect the other side to complain. If in fact Mr. DIAZ-BALART had not had his objection, 50 minutes of that 1-hour debate would have gone before I ever walked out of the memorial service. The vote lasted 50 minutes, or thereabouts. Apparently, Members couldn't even get in to vote for 50 minutes, let alone to get in to participate in the debate.

Of course, we should have said, let's not start the debate on the only work we are doing today while we are passing up the work on the Foreign Intelligence Surveillance Act. We are voting to talk about how you can kill rats in the technical correction to the Federal Insecticide, Fungicide, and Rodenticide Act. That is the only debate we were going to have during 50 minutes of the 1 hour of the memorial service. And of course LINCOLN DIAZ-BALART or somebody should have stepped up to stop that, and thank goodness he did.

I am really sad that a service we should have all agreed on would be the priority of the morning, we couldn't manage for that to be the priority of the morning. We had to start the 1 hour of work we had to do 50 minutes before that service turned out to end and 30 minutes before it was scheduled to end.

I am regretful that my good friend had to rise to this moment of personal privilege, but I certainly support him in seeking this privilege and hope that the Members of the House will understand what happened here and appreciate the great respect we all have for Tom Lantos.

Mr. HOYER. Madam Speaker, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. I rise, as I have a couple of times in the past, to simply say that I think on our side, obviously, we believed that we needed to move forward on the work. All of us, however, share what has been said about Tom Lantos, for whom we had the greatest respect, and we all share a sadness at his loss.

I regret that the actions that precipitated this hour that you are taking have occurred. They have occurred. We can't change them. Having said that, I want to say that I understand the point the gentleman is making, and I understand the point my friend Mr. BLUNT has made. I think it will suffice to say that. But I can appreciate the position the gentleman found himself in and that Mr. BLUNT and his leadership found themselves in.

Mr. LINCOLN DIAZ-BALART of Florida. Thank you.

Madam Speaker, I utilized the opportunity of the rules to rise to a question of personal privilege due to the statements attributed in the press that I mentioned before to a spokesperson, which I stated and restated I believe were totally uncalled for and unacceptable.

I thank all of you for having listened to me with such courtesy. It is for someone who arrived as a 4-year-old refugee with his family fleeing oppression, an extraordinary moment in the midst of the sadness of the day, and the offense that I felt, it is an extraordinary moment to be able to rise and invoke the rules of the House to seek the attention of the representatives of this extraordinary Nation. So I thank each and every one of you for your patience and your courtesy.

At this point, after thanking Mr. DREIER, thanking Mr. BLUNT, and thanking the majority leader for their kind words, I simply end remembering a friend who everyone in this room can agree enriched our lives. My son mentioned the other day this week when we were talking about the sad news, he said, Dad, do you remember when I was a little kid and you wanted me to get my posture up, what you would tell me? I will never forget, he told me. Lantos. Your posture. That is one of the first things that impressed me about Tom Lantos, even before I learned about his zealous extraordinary commitment to the oppressed everywhere where people are still longing to be free.

So let us all then end this recollection of what I believe was a very unfortunate moment remembering someone who we can all agree was extraordinary, enriched our lives, and was a great Member of Congress and a great American. Thank you all very much.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4169, by the yeas and nays;

H. Res. 790, by the yeas and nays;

H. Res. 963, by the yeas and nays;

H. Res. 972, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## AMERICAN BRAILLE FLAG MEMORIAL ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4169, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RODRIGUEZ) that the House suspend the rules and pass the bill, H.R. 4169.

The vote was taken by electronic device, and there were—yeas 396, nays 0, not voting 32, as follows:

[Roll No. 65]

YEAS—396

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—32

Ackerman
Barton (TX)
Brown, Corrine
Burgess
Deal (GA)
Doyle
Drake
Engel
Eshoo
Hall (NY)
Hayes
Honda
Jones (OH)
Lofgren, Zoe
Lowey
McNerney
Miller, George
Murphy, Tim
Neal (MA)
Pascrell
Peterson (PA)
Ruppersberger
Sanchez, Loretta
Sestak
Solis
Thompson (CA)
Towns
Tsongas
Udall (CO)
Welch (VT)
Weller
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 5 minutes remaining on this vote.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

☐ 1543

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HALL of New York. Madam Speaker, on rollcall No. 65, I was chairing the VA Disabilities Subcommittee hearing. Had I been present, I would have voted "yea."

Ms. SOLIS. Madam Speaker, during rollcall vote No. 65, on motion to suspend and pass H.R. 4169, Placement of American Braille Tactile Flag, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. SESTAK. Madam Speaker, on rollcall No. 65, H.R. 4169, I was at a special access briefing with U.S. Air Force and immediately attempted to return but votes closed just as I arrived. Had I been present, I would have voted "yea."

Mr. WELLER of Illinois. Madam Speaker, on rollcall No. 65, I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 65, I was unavoidably detained. Had I been present, I would have voted "yea."

## COMMENDING THE PEOPLE OF WASHINGTON FOR SHOWING THEIR SUPPORT FOR VETERANS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 790, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RODRIGUEZ) that the House suspend the rules and agree to the resolution, H. Res. 790.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 45, as follows:

[Roll No. 66]

YEAS—383

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare

Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—45

Ackerman
Andrews
Baca
Barton (TX)
Blunt
Boehner
Boswell
Brown, Corrine
Burgess
Cantor
Cuellar
Davis, David
Deal (GA)
Delahunt
Doolittle
Doyle
Drake
Engel
Eshoo
Gohmert
Hayes
Honda
Issa
Jones (OH)
Lofgren, Zoe
Lowey
Miller, George
Neal (MA)
Olver
Pascrell
Peterson (PA)
Platts
Pryce (OH)
Putnam
Radanovich
Ros-Lehtinen
Ruppersberger
Rush
Solis
Thompson (CA)
Towns
Turner
Udall (CO)
Walberg
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

☐ 1550

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Madam Speaker, during rollcall vote No. 66, on motion to suspend the rules and pass H. Res. 790, Commending State of Washington for Showing Their Support for Veterans, I was unavoidably detained. Had I been present, I would have voted "yea."

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 963, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RODRIGUEZ) that the House suspend the rules and agree to the resolution, H. Res. 963.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 44, as follows:

[Roll No. 67]

YEAS—384

Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)

Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—44

Abercrombie
Ackerman
Andrews
Barrett (SC)
Barton (TX)
Bonner
Broun (GA)
Brown, Corrine
Burgess
Cleaver
Conyers
Deal (GA)
Delahunt
Doyle
Drake
Engel
Eshoo
Feeney
Gohmert
Hayes
Hodes
Honda
Jones (OH)
Lofgren, Zoe
Lowey
Miller, George
Neal (MA)
Pascrell
Pence
Peterson (PA)
Pickering
Platts
Pryce (OH)
Ruppersberger
Rush
Solis
Sullivan
Thompson (CA)
Towns
Udall (CO)
Walsh (NY)
Weldon (FL)
Westmoreland
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

☐ 1556

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Madam Speaker, during rollcall vote No. 67 on motion to suspend and pass H. Res. 963, National Salute to Hospitalized Veterans Week, I was unavoidably detained. Had I been present, I would have voted "yea."

## SUPPORTING THE GOALS AND IDEALS OF AMERICAN HEART MONTH AND NATIONAL WEAR RED DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 972, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 972.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 39, as follows:

[Roll No. 68]

YEAS—389

Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—39

Abercrombie
Ackerman
Andrews
Barton (TX)
Boren
Brown, Corrine
Burgess
Davis, Tom
Deal (GA)
Delahunt
Doyle
Drake
Ellison
Engel
Eshoo
Gohmert
Green, Gene
Hayes
Honda
Jones (NC)
Jones (OH)
Lofgren, Zoe
Lowey
Miller, George
Neal (MA)
Pascrell
Pearce
Peterson (PA)
Pickering
Platts
Pryce (OH)
Ruppersberger
Smith (TX)
Solis
Thompson (CA)
Towns
Udall (CO)
Woolsey
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1603

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 68, had I been present, I would have voted "yea."

Ms. SOLIS. Madam Speaker, during rollcall vote No. 68, on motion to suspend and pass H. Res. 972, American Heart Month and National Wear Red Day, I was unavoidably detained. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mrs. DRAKE. Madam Speaker, on rollcall Nos. 61–68, I was attending a funeral for a Navy SEAL. Had I been present, I would have voted "yea" on each rollcall.

## PERSONAL EXPLANATION

Mrs. JONES of Ohio. Madam Speaker, due to events in my district I will miss votes on February 14, 2008. Had I been present, the RECORD would reflect the following votes:

H. Res. 982, providing for the adoption of H. Res. 979 and H. Res. 980, contempt of Congress resolutions, "yea."

H. Res. 966, honoring African-American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness, "yea."

H.R. 1834, National Ocean Exploration Program Act, "yea."

S. 2571, to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act, "yea."

H. Con. Res. 289, honoring and praising the National Association for the Advancement of

Colored People on the occasion of its 99th anniversary, "yea."

H.R. 4169, American Braille Flag Memorial Act, "yea."

H. Res. 790, commending the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of the other States to pursue creative ways to show their own support for veterans, "yea."

H. Res. 963, supporting the goals and ideals of National Salute to Hospitalized Veterans Week, "yea."

H. Res. 972, supporting the goals and ideals of American Heart Month and National Wear Red Day, "yea."

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COURTNEY). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## UNILATERAL DISARMAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, we leave today for the President's Day Recess. We leave at a time where we have our troops committed in Iraq, we have our troops committed in Afghanistan, where, in the last 48 hours there have been reports that radical Islamists have perhaps been plotting an attack to assassinate the President of the Philippines, where al Qaeda in Iraq has said that they are going to launch new attacks or additional attacks against Israel, against Jerusalem, where there have been arrests in Denmark of individuals perhaps planning to assassinate, murder the cartoonists, their declaration of war by Hezbollah.

And we're going back home without extending the Protect America Act. It's unilateral disarmament. The head of our intelligence community has said that the Protect America Act, that the authorities provided under FISA have been the tip of the spear in keeping America safe.

But it is not only about keeping America safe, because the information, the intelligence that we have gathered under the Protect America Act, under FISA, over the last 6 years have kept America safe, but has also enabled us to identify threats and potential attacks against our allies.

And what this now does, this unilateral disarmament, means that an important tool in keeping America safe and our allies safe expires on Saturday night.

If you take a look at what's happened here, it's the day after September 11. The President, meeting with his national security team, they're looking for ways to identify exactly what the other threats are against the United States, what the capabilities of al Qaeda are. They come back with some suggestions and ideas, one of which is to use our telecommunications folks, perhaps, and others, to get information and insights into al Qaeda and to radical jihadists.

Members of Congress are brought in. The current Speaker of the House was briefed four times, I believe, within the first 8 months in terms of what we were going to do, what we expected to collect and how that would keep us safe. And today, these folks are thrown under the bus.

This unilateral disarmament makes America less safe. The President has said, I'm willing to stay until Congress completes its work. I'm willing to postpone or delay a trip to Africa that's been in the planning stages for a long time so that Congress can complete its work. I'm willing to work with Congress to make that happen.

The Senate did their job. Senator ROCKEFELLER was being briefed at the same time, 6 years ago, that the current Speaker of the House was briefed. He recognizes the responsibility that they have and that the Senate has to making sure that America keeps these tools in the hands of our intelligence community. They did the right thing. Overwhelmingly, the other body passed a bill that keeps America safe, bipartisan, protecting those who helped our government to stay, to put in place the mechanisms to keep us safe over the last 6 years.

And now, the House walks away from this for the next 12 days. And each day that we are gone, our ability to monitor radical jihadists and the threats to the United States begins to erode just a little bit each and every day. But every time we identify potentially a new threat to the United States, we need to go back through a cumbersome process, one that ties the hands of our intelligence community. As al Qaeda and radical jihadists have evolved, and they're becoming more coordinated and more effective in planning attacks against the United States, we're moving back and we're degrading and we are unilaterally disarming.

It is a disappointment and a disgrace that this House is leaving today without finishing this business.

□ 1615

## WE ARE STANDING AT A CRITICAL CROSSROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, we are facing massive problems with regard to the price of energy. Energy costs money, and expensive energy costs jobs, and we are seeing that now happen in our economy.

We are standing at a critical crossroad, and if we fail to deal with our energy needs in a responsible way, we will face not only the concerns about the environment, but we will face and we are facing economic recession threats and major job losses.

Earlier today, the Department of Commerce released December's trade deficit numbers, which, once again, strongly underscored the need for American energy independence. The good news is that the trade deficit shrank by 6.9 percent to $58.76 billion. But the bad news is that energy imports continue to make up over half of our trade deficit, over half, 55 percent. In November, it was the reason why we had major increases.

We continue to see risk that oil was sold for only $50 a barrel a year ago and gas into $2.50, and is going to continue to climb.

As long as we continue down this road of importing foreign oil to the United States, we will be allowing OPEC nations to call the shots for our economy and becoming more dependent upon hostile countries for oil. When OPEC manipulates production, rural oil prices soar. And our President is left to go and ask Saudi leaders to produce more oil, more Saudi oil, not more American oil.

We have Venezuelan leader, President Hugo Chavez, threatening to cut off oil to the United States and Exxon. If they were to do that, the price of oil would increase throughout the world. Chavez himself predicted the cost per barrel would double to $200 and increase our prices. Such a move would show all of these oil-producing countries that they can control our actions by shutting down our access to oil. We've already seen natural gas prices manipulated by Russia. We've seen these energy prices increase. But when we buy oil from countries with a history of supporting terrorism, the worst part about this is we are funding both sides of the war on terror.

Meanwhile, what has Congress done in the last year or two? Well, it's put on an embargo on our own oil. It's blocked exploration for American oil. Congress has voted to prevent oil production; oil drilling in the Atlantic coast, the gulf coast, the Pacific coast, Colorado and Alaska. These bans on drilling for our own oil are particularly preposterous in light of the fact that China and Cuba are drilling within 60 miles of our Florida coast while we are not allowed to drill off our coast.

The U.S. contains 70 percent of the world's shale oil reserves, enough to supply our country with energy for hundreds of years if we are allowed to use it. But rather than turning to this resource that can lead us to energy independence and energy security, we once again turn our backs to it. Last year, we cut off access to 2 trillion barrels of shale oil in the western States in the omnibus spending bill. Such policies have forced us to continue this increase of importing oil.

What happens is the impact upon the American family in terms of costs. We see increased costs for food as we also try using corn for ethanol. But when 20 percent of corn is being used for ethanol, we see the cost of food go up. We see the costs of transporting food go up. We see the cost of wheat climbing because not only is it a concern with regard to shortages of wheat coming from other nations, but it's also a huge concern on the cost of transporting that wheat. So what was $16 per hundred weight last year for wheat for our bakers to use their flour, now it's $40, with anticipation to climb much more.

How will Americans react when they know that while Congress continues to embargo the American oil resources, a loaf of bread is going to climb from $1.50 to $3 a loaf. Americans don't understand why we cannot drill for our own oil.

Yes, we need to do so many things to clean up the air. Yes, we need to make sure we are investing in clean coal technology so that the 300 years' worth of coal we have in this Nation can be used to cleanly produce electricity. We have to make sure we are using clean nuclear energy. We have to make sure that natural gas is used for what it's supposed to be as a chemical product to make fertilizer rather than producing energy at a very high cost and thereby allow us to use it for making fertilizer and other products that can help also reduce the cost of our food products.

But instead, we continue to say no to American oil, and it just doesn't make sense. Here is what America's going to face by 2050: our energy demands are going to double. That means we have 400 coal-fired power plants that need to be rebuilt and an additional 400 built. We have 100 nuclear power plants that need to be rebuilt because they are old, and we need to build an additional 100.

That means starting in the year 2010, we have to open up a new clean coal power plant every 2½ weeks and a nuclear plant every 2½ months, and we haven't even started building them yet. It cannot be done. Instead, what we are probably going to face is rolling brownouts because the efforts we are doing are not going to suffice.

I hope this House will move forward, take the embargoes off coal, and begin to really move towards clean coal technology and stop the embargo on oil.

## THE WHITE FLAG OF SURRENDER?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it's 4:14 p.m. on the 14th day of the second month of this year. This House is basically empty except for a few of us. Everyone has gone home.

We found time today to do important business for the people of the country. I have some of the bills that we passed today. One of those was that we had the time to vote after debate on regulating insects, roaches, fungus, and rats in the United States. Oh, such an important piece of legislation that the House of Representatives debated and voted on.

But while we had the time to vote on these important issues of regulating the rats and roaches and fungi in the United States, we didn't take the time to protect the American people from those people throughout the world who want to kill us, who want to do harm to us and our families. And not to America only, but to all freedom countries throughout the world.

Because we didn't have time to work on the Protect America Act, a bill that does exactly what it says, Mr. Speaker, it protects America. It protects America from terrorists. And one of those ways is being able to eavesdrop into conversations when one terrorist overseas talks to another terrorist overseas, amending the FISA, the Foreign Intelligence Surveillance, Act. But, oh, we didn't have time to do that.

Mr. Speaker, it troubles me because has the House of Representatives, without firing a shot, raised the "white flag of surrender" to those people who wish to do us harm? The head of the National Intelligence Service has told us that 50 percent of the intelligence that they attained is through FISA. And yet we have cut off that resource by failing to vote on that, failing debate on that. But yet we had time to talk about roaches, rats, and fungi.

Mr. Speaker, this ought not to be. Under FISA, we have been able to prevent crimes from being occurred against the United States. One of those was the bombing of the Brooklyn Bridge, another was the bombing of Fort Dix in New Jersey. Those were prevented because of FISA, because we had the intelligence, because we had the eavesdropping, the legal eavesdropping capability.

Mr. Speaker, the House of Representatives has not done a service to the people of the United States by failing to debate this issue and at least have an argument, a lively debate, and then vote on it to protect the United States. The people of the United States deserve better from us. Our job is to protect America through legislation. And, Mr. Speaker, I think we have not done that today because we are off doing other things.

So I hope that I am proven wrong by history that this did not hurt the United States down the road for failing to act on this important legislation. And it's important that the House come back as soon as possible and deal with the issue of protecting America first and making sure that we know what they're saying throughout the world when they want to do us harm, because the people we fight, the war we fight against are people who will do anything to get their way and their radical beliefs including killing children and women and the innocents and car bombs and anyone else that gets in their way.

And there is probably joy throughout the terrorist cells in the world that the United States Congress did not do its duty today.

And, Mr. Speaker, that's just the way it is.

## THE MILITARY FREEDOM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, it is a privilege to follow my friend, a former judge also, from Texas, Mr. POE; and he nailed it on the head. And I tell you, following up on that is another travesty going on this week, and that's why I just filed a bill in the last 15 minutes called the Military Freedom Act.

We are endowed by our creator with liberty. But like any inheritance, we only get to keep it if we are willing to fight for it. That is precisely why so many of our uniformed military members have laid down their lives. And the plain fact is that there is no more important purpose for the Federal Government than to provide for the common defense.

In order to do that, there's got to be a military. But we have all of the rights of freedom of speech. Even those rights have limits, such as when you can't yell "fire" in a crowded theater. There is, however, no right to trespass, there is no right to obstruct lawful ingress and egress into a military recruiter's office. The City of Berkeley, California, chose not to protect the Marines' lawful right to ingress and egress. They instead chose to aid and abet lawbreakers by encouraging them and passing an ordinance to make it easier to violate the Marines' rights.

The restricting of funding that is proposed and put forward in the bill I have just filed has been done previously in matters such as the speed limits of States or to encourage States to limit drinking and driving. So it's nothing new.

It has been deemed appropriate to encourage political entities in areas in which the Federal Government has a vested interest, and it has no more vested interest than what we have in providing for the common defense.

But Berkeley and any other city has the right to rule over its own city as they wish, and they're welcome to do that. But the Federal Government should not reward a city that chooses to obstruct and prevent the obtaining of military members who provide the very freedoms and the umbrella of freedom under which that city acts. They have a right to use freedom of speech, but they have no right to take United States taxpayers' dollars to aid and abet hurting our military readiness.

We took an oath in this body, in this room, to defend this Nation against all enemies, foreign and domestic; and those who prevent the United States from attaining military members are not the Nation's friends. Though such a city may deserve punishment, all we are trying to do with this bill is just not reward them for hurting our national defense.

Other city leaders, such as those in San Francisco, Toledo, Ohio, like the mayor there, have snubbed or restricted our military. They need to be aware that when they begin to prevent the military from having enough troops to protect us and being militarily ready, they should not expect Federal subsidies to assist them.

It is true that the actions addressed in the Military Freedom Act are mainly actions or omissions by community leaders and not all of their citizens. We understand that. There are good citizens in each of those towns. But the choice of the citizens is either to replace the hurtful leaders or bear the consequences or move. The old adage is democracy ensures the people are governed no better than they deserve. Therefore, those cities either deserve to have better leaders who don't hurt our national defense, or they deserve not to have funds to award their harmful conduct.

Cities like Berkeley should take stock of how many of their very own first responders in the business in their cities of saving lives were trained in the military.

I would remind you also, and I remember vividly because I was about to go on active duty about the time Vietnam was ended, our heroes came back from Vietnam and were spit on. Some of the hippies that did the spitting cut their hair, got into positions in cities and have found, figuratively, new, effective ways of spitting on our military.

But everyone should understand, Mr. Speaker, this is not taking away money for expressing free speech. It's simply not rewarding the obstruction of providing for the common defense. Since it will cost additional money to overcome the obstruction to our military readiness, the Military Freedom Act takes money from the appropriate place to do that.

This is the ultimate PAYGO bill for military readiness and national security.

In any event, I hope and I encourage the leaders, the majority leaders, the Democratic majority leaders of this body to bring this bill to a vote and let the cities know that we don't reward those who prevent our providing for the common defense.

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□ 1630

## PAY ATTENTION AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, the American people mostly don't pay a whole lot of attention to what goes on here on the floor, and it's probably better, but hopefully they're paying attention now because it's a sad day, and they need to take note.

Mr. Speaker, I would suggest that what has happened today on this floor has been an abrogation of duty, an abrogation of our duty as representatives of the people, the finest Nation on the face of the Earth. But given what we've done today, we may not be there long.

Mr. Speaker, there are individuals who have as their stated goal the destruction of the West. You can call them what you will, radical jihadists, terrorists. Their threats are real and they are continuing. And this House, under this liberal Democrat leadership, is ignoring their words.

You don't have to take my word for the fact that these threats are real. Benazir Bhutto was assassinated on December 27, allegedly on orders from al Qaeda. And one might say, well, that's 6 weeks ago. Well, just in the past 48 hours we have seen threats from other radical jihadists. In Denmark, 3 jihadists were arrested in a plot to murder a cartoonist for drawing an editorial cartoon years ago that they found objectionable. Mr. Speaker, I know that some on the majority side view this as comic relief, I guess, but the 3 jihadists who were arrested to plot the murder of a cartoonist in Denmark within the past 48 hours didn't view it as comedy. And this Democrat majority and leadership says, oh, that's okay, don't worry about it. Mr. Speaker, I hope the American people are paying attention.

In the last 48 hours, in the Philippines, jihadists with 2 terrorist groups associated with al Qaeda are said to be plotting to assassinate the Filipino President and bomb western embassies. And this Democrat majority leadership says, oh, that's okay, don't worry.

Mr. Speaker, in the last 48 hours in Iraq, the reputed leader of al Qaeda in Iraq posted on a jihadi Web site a call for war with Israel and for jihadists to use Iraq as a launching pad to seize Jerusalem. And this Democrat majority leadership says, oh, that's okay, don't worry about it.

And just this morning, Hezbollah chief Hassan Nasrallah raised the prospect of war with Israel declaring, "Zionists, if you want this kind of open war, let the whole world listen: Let this war be open." And the Democrat majority leadership in this House said, that's okay, don't worry about it.

Mr. Speaker, I am astounded that the House of Representatives will leave town today and go home when Saturday of this week the opportunity and the ability of our intelligence community to protect us and other freedom-loving people around the world will expire. I'm astounded.

Most of what we do on this floor my constituents think doesn't make a whole lot of difference in their lives. Mr. Speaker, this makes a whole lot of difference in the lives of my constituents, in the lives of your constituents, in the lives of every single American. And not to have acted today on this bill to allow our intelligence community to keep us safe and protect us, I would suggest, Mr. Speaker, is an abrogation of duty.

I call on the Democrat leadership and the Speaker of the House to bring us back into session as soon as possible and, on behalf of the American people, act responsibly, live up to your oath, and pass this bill, the Protect America Act.

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## SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this body with another sunset memorial.

It is February 14, 2008, Valentine's Day, in the land of the free and the home of the brave. And before the sunset today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That is more than the number of innocent lives that America lost on September 11, only it happens every day.

It has now been exactly 12,806 days since the tragic judicial fiat of Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of America's own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

And all of them had at least four things in common. They were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each of their other mothers, whether she realizes it or not, will never quite be the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet, even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Mr. Speaker, perhaps it's more important for those of us in this Chamber to remind ourselves again of why we are really all here. Thomas Jefferson said, "The care of human life and happiness and not its destruction is the chief and only object of good government."

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says, "No person shall be deprived of life, liberty, or property without due process of law."

The bedrock foundation of this Republic is the declaration, not the casual notion, but the declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty, and the pursuit of happiness. And every conflict our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the whole world. It is who we are. And yet, Mr. Speaker, another day has passed, and we in this body have failed again to honor that commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died without the protection that we should have given them.

But perhaps tonight, Mr. Speaker, maybe just one someone new who has heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we could never express, and that 12,806 days spent killing nearly 50 million children in America is enough, and that this Nation is great enough to find a better way than abortion on demand.

So, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered, and that all too soon each of us will walk from these Chambers for the very last time. And if it should be that this Congress is allowed to convene on yet other day to come, may that be the day when we hear, when we finally hear the cries of the unborn. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

Mr. Speaker, it is February 14, 2008, 12,806 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children. This, on Valentine's Day, in the land of the free and the home of the brave.

## HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 60 minutes as the designee of the majority leader.

Mr. KAGEN. Mr. Speaker, joining me this evening is Congressman ALTMIRE from Pennsylvania.

I think it's only fitting that on this Valentine's Day we begin to have a discussion about health care in America. It's a heartwarming day. It's a day of friendship, a day of conversation between one's loved ones.

When I was sent here by the people of northeast Wisconsin, I was sent here to listen to their concerns. In my previous existence, I was a physician caring for many thousands of people across northeast Wisconsin. And I continue to listen to them while I'm here in the halls of Congress, and I want to share in the first few minutes of this hour some of their conversations with me.

Tom and Sue Wright from New London, when I asked them what was important to them, 50 million people without health insurance is a disgrace. Tom and Sue are right, but they're not alone. Bob from Green Bay writes, "If taxpayers can't get the same health insurance as Congress, at least get drug costs down so we can afford our pills."

What about from Casco, Russ writes, "I'm 60 years old, and I have a $5,000 deductible on my health insurance per family member; all of my health expenses out of pocket. We need help desperately." That's Russ in Casco.

In Greenville, it's the same story. This is from Al and Linda. "As we near retirement, we know we can't afford health insurance premiums or drugs on our own. Please help. We're getting towards retirement. We don't have the money."

From De Pere, it's Kathleen. "It's time for all Americans to have the same health care benefits as their Representatives in Washington."

And finally, from Crivitz, Al writes, "Without a job that pays a fair wage, I won't have money to pay for health care, gas, a war, Social Security, or anything else."

My friends, my colleagues, it's time for us to have an open and honest discussion about what's important in America. And if it's not your health, I don't know what it is. Because if you don't have your health, you don't have anything.

I yield to my colleague from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. And I want to commend Dr. KAGEN for his leadership on this issue. As all of our colleagues know, Dr. KAGEN, right from the very start, has made health care his priority here in Congress using his expertise.

I have a health care background as well, health care policy is my professional background, and the gentleman and I have spoken numerous times about the importance of health care. And I wanted to come down today to talk about the need for health care reform as we are currently discussing, but also just to commend the gentleman for his continued leadership on this at a time when clearly the political system is in unchartered waters, with a Presidential election that is going on around us, divided governments, we have a Congress with the House and the Senate that are having issues with other things going on.

But we continue to see the health care system get worse and worse. And I think the gentleman and I agree on many things, but most importantly on the need to do something about the health care issue right now. It would be very easy to say let's kick the can down the road another year. We'll come back here in March of 2009 and everything will be different and we'll take up health care then. That's great. You know what? When next year comes along, we are going to take up health care. And there is a variety of differences of opinion on what the approach should be for health care reform, how expansive do you want it to be.

But there are things that we can do now, this year, in this political environment, that are realistic. And that's what the gentleman and I have been discussing. We want to do things this year that would be considered, if not low-hanging fruit, at least issues that we can all agree on or most can agree on that we can pass and set the table for a further discussion next year on health care reform.

□ 1645

We have a country where there is over $2 trillion that gets spent every single year; 17 percent of our GDP goes to health care. And I don't think in my district there's an issue that I hear about more often than health care reform when I go around and visit my constituents, and the reason is this is an issue that affects everybody. It's not just your wallet. Obviously, a $5,000 premium, as Dr. KAGEN was describing, something that we can all relate to, the exponential increases in health care costs. Small businesses every day in this country by the thousands have to make decisions on what to do about their health care costs for their employees. Do they shift the cost to an unmanageable level? Do they stop offering health care? But they know they can't afford it and it affects everything that we do.

$1,500 of the price of your car, if you buy an American-made car, is due to the health insurance costs of the automaker. Your State taxes are higher because of exploding Medicaid costs. Health care is the last remaining item on the table in every labor dispute in the country. That's why those issues come up. And we have a system that in many ways is better than any other system in the world. It's why people from all over the world come here for their transplants and for their high-end, high-tech care. We have medical innovation and technology advances that far surpass anything happening anywhere in the world. That's if you can get in, if you can afford our system.

The problem is when we are compared to other countries as a nation in life expectancy and infant mortality, we're not just in the middle of the pack; we're at the bottom of the pack when compared to other nations. We have tremendous issues. We're talking about 47 to 50 million Americans that lack access to health care. They don't have insurance. There are tens of millions more that live in fear of losing their coverage. They are one accident or illness away from losing everything. So we have major issues to discuss.

Most important, and I know the gentleman is going to deal with this issue at some length tonight, is the fact that if you're an individual or you're a small business owner and one of your employees gets sick or injured, you get a call from the insurance company, and they say guess what, we have to drop you because you've had this incident. And I think everyone can agree that your individual health status shouldn't be a factor in your health insurance rates.

And something that the gentleman has taken a leadership role on, which I'm going to leave him with because I'm on a limited schedule myself, and I appreciate his giving me the time, is talking about ways that we can incentivize the 47 million Americans and others who have insurance to join large risk pools, community-rated risk pools, whether it be the 180 million people in the country that are privately insured, that would be everybody, or metropolitan statistical areas, regional groups, whatever we can agree on. And I realize that there are differences of opinion on how big the group should be. But we can all agree that your individual health status should not be a factor in setting your individual health rates. It should be a larger pool's health status, which would lower the costs for almost everybody.

So at this point I am going to thank the gentleman for allowing me to say a few words and commend Dr. KAGEN for his work.

Mr. KAGEN. I appreciate your being here tonight, Mr. ALTMIRE. Your contributions to Congress have already been exemplary, and I look forward to working with you in the future on health care issues. And it's not just you and I, it's not just the Members of the class of 2006, a group I call America's hope for a real change and a positive change in the direction of our country, it's not just the people that call us up, not just the people who send us postcards, not just my patients back home; but it's the most trusted person in Washington, DC that understands the importance of health care costs today. And who is that person? That's our Comptroller General, David Walker, who, on January 28 before the Senate Budget Committee, had these words to say: "Under any plausible scenario, the Federal budget is on an imprudent and unsustainable path. Rapidly rising health care costs are not simply a Federal budget problem; they are our Nation's number one fiscal challenge. The growth in health-related spending is the primary driver of the fiscal challenges facing the State and local governments. Unsustainable growth in health care spending is a system-wide challenge that also threatens to erode the ability of employers to provide coverage for their workers and undercuts our ability to compete in a global marketplace."

And he went on to say that the key points in his presentation are: "Although recently declines in our annual budget deficit are good news, our longer-term fiscal outlook is worse, and absent meaningful action, we will face spiraling levels of debt. Our long-term fiscal challenge is primarily a health care challenge."

Well, I think the Comptroller General has it right. It's our health care challenge. And people every day in Wisconsin and across the country are challenged when they receive in the mail a solicitation from an insurance company, one such as this: with happy smiling faces on the front, they invite you to call an 800 number to see if you qualify. But here's the list, and it reads: "Important information about preexisting conditions. Although we make every effort to extend coverage to all applicants, not everyone will qualify. If you have had treatment for any of the following conditions, you may not qualify for coverage." And it lists a long list of conditions that many millions of people have. And at the very end there is a real teaser, and it says: "This list is not all-inclusive. Other conditions may apply."

My friends and my fellow Americans, I believe it's time on this Valentine's Day, February 14 of 2008, to bring an end to the discriminatory actions that insurance companies now enjoy. We have to bring an end to the discrimination against any citizen in this country based on their preexisting medical conditions.

Before I highlight the bill that I am putting in for submission today called No Discrimination in Health Insurance Act, I'd like to review with you what we have today in our health care system, and it's here to my right.

Our health care system is simply unsustainable. There are three tiers to health care. In tier one, in red and orange, we have Medicaid, which is 61 million Americans; and Medicare, 43 million. These people, in general, don't pay for the bill. They don't feel the economic costs because government is providing for their needs in most cases.

So in tier one, you have a group of people that aren't paying the bill. In tier two you will pay a portion of your bill, and this has to do with the 149 million Americans that have health insurance. But increasingly today, the health insurance premium is skyrocketing, and the cost for care averages $14,000 each year for a household of four. This price and this cost is beyond what the normal hardworking family in Wisconsin and elsewhere in the country can afford to pay.

In tier three, this is the 47 million American citizens who have no health care coverage at all, and I am one of them as the only Member of Congress who has not signed on for health care benefits. For I didn't come here for a benefit; I came here to guarantee access to affordable care for everyone. But 47 million Americans who choose not to purchase insurance either because they don't have the money in their pocket or they can't afford it. So our system, as it exists today, is unsustainable, unbalanced, and is tipping over rapidly.

That is why I submitted for passage a bill called the No Discrimination in Health Insurance Act. This bill seeks to do three things: first, it guarantees that if you're a citizen, you're in because no insurance company in group or individual health should be allowed to sell you a policy that excludes you from the community. We have to begin again to ensure communities rather than individuals because what's happening amongst the insurance world today is you will be cherry-picked away from your mate. A husband will qualify but not his wife. A mother may be separated from her family. And what's worse, your neighbor may have a completely different health care coverage only because we're being cherry-picked and divided.

I believe we have to get back to community ratings. It's not just my opinion. Many millions of Americans agree with me. The SEIU agrees with this idea, families USA as well. And our Constitution, in fact, guarantees any citizen and every citizen has protections against discrimination. This is the result of very long and hard-won gains by ordinary people who for decades showed extraordinary courage fighting for positive change and the rule of law to protect each and every citizen. Now I believe is the time to apply this fundamental principle of anti-discrimination to our health care system, because my patients, quite frankly, cannot hold their breath any longer. And that's why I have introduced this bill, the No Discrimination in Health Insurance Act. This essential piece of legislation will guarantee access to affordable care for every citizen in America by bringing an end to the discriminatory practices employed by insurance companies today who deny lifesaving coverage to millions of Americans only because of a preexisting medical condition.

Look, the grim reality is that our Constitution protects us from discrimination unless and until we become sick. I believe our legislation here that I am putting forward will put discrimination where it belongs: in the past.

Ending all forms of discrimination is essential, I believe; but it's also time we pull back the veil of secrecy because today the real price of health insurance, the real price of a pill, the real price of a hospital service is hidden. And that's why the second thing that this bill will do is to show us the price, openly disclose the price, and then allow every citizen to purchase that product, that health insurance policy at that same lowest price within the region. Ending all forms of discrimination is paramount and tantamount to why we are here as a Congress.

If you go to your favorite restaurant, you'll find the solution to our health care crisis right in front of you. They'll hand you a menu, and when you open the menu and see that your ice cream for dessert might cost $5 for you, what's the price that the person sitting next to you or across the table will pay? $5. Show us the price, and everyone gets to pay the same price.

If you go today to a pharmacy anywhere in the country and you're standing in line with five people to buy the same prescription drug, you may all pay five different prices for the same product because the price is not openly disclosed and there isn't a free and open medical marketplace.

As a physician for the past 30 years and now as a Congressman for the past 13 months, I understand how difficult it is for families to pay not just their health care bills but their insurance premiums. People today all across the country are choosing between taking their next pill and skipping a meal or vice versa.

But you don't have to be a doctor to know our system is broken because ordinary people cannot afford to pay for their health insurance. These skyrocketing costs are excessive. They're simply out of reach for small businesses. They're out of reach for families across America.

We need to do more. We need to do more now. We need to pass legislation that contains the essential elements of openly disclosing the price, guaranteeing if you're a citizen, you're in and you will not be discriminated against, and that everyone in your region, every citizen or legal resident can pay the lowest price possible.

The reality is our Nation's insurance industry has been successful. It has been successful beyond all measure. And it's been successful by dividing and conquering. Dividing you by your neighbor, dividing up families, and individually insuring people based upon their preexisting condition. We have to put the letters "unity" back into community and restore community-based ratings. We can begin to heal our Nation by doing this, by becoming a community once again.

My No Discrimination in Health Insurance Act requires companies to openly disclose their price, to charge every citizen the same fee for the same service within the region, and allows all citizens to find a benefit by paying the lowest available price. It will end discrimination in health insurance. It's the right thing to do, and it will reduce the cost for everyone across the country for health care. Simply put, if you're a citizen, you're in, without any discrimination against you due to a previous medical condition.

I ask all of you to join me in this effort because it will be a big battle. There are some very strong forces in the insurance industry that don't want to compete for our business. This legislation is essential not just for you and your family; it is essential for small business to survive.

The greatest expense everywhere in Wisconsin, as I went around the district to listen to different employers, whether you're in agriculture and a family farmer or a small businessman trying to run a photography shop, the greatest expense in their overhead is their health care cost. We can and we must do better. And we can do better by forming an openly disclosed marketplace where people begin to compete once again for each other's business. This is important. It is essential not because I say so, but because the people that I represent say so and, as I mentioned earlier, the Comptroller General agrees.

Everyone in this House, every Member of Congress in the Senate and the House has a health care story to tell. I can share that with you nonconfidentially because they come up to me on the floor and ask me about their health.

□ 1700

They ask me about the pills they are taking. And I am here, I am available, and I can't bill them because, well, I have taken an oath. I only get paid by the people I represent.

The fact is everybody has a health care story to tell. We have to make certain that we don't discriminate against people based on their political affiliation, be they independent, Democrat, or Republican, but by the condition that they are a citizen and they ought to be involved in the risk pool.

Mr. Speaker, I will close my remarks on health care by suggesting very strongly that every Member of Congress consider this. Either you are for discrimination and on the side of the insurance industry or you are against it and you are on the side of the consumer, the patients, and the millions and millions of Americans who need health insurance at prices they can afford to pay.

It was said first in the White House several years ago, either you are with us or you are against us. But this bill allows everybody in the House to decide whose side are you on. Whose side are you on? Are you sitting in the boardroom with the CEOs of the insurance company or are you sitting at home at the kitchen table with mothers and fathers who are struggling to pay their bills every month?

In my State of Wisconsin, and it is true across the United States, the most common reason that people go bankrupt today is they go bankrupt because they cannot afford their health care bills. They cannot afford this. In Shawano County several months ago when I stopped into the county courthouse, I was told that 19 out of 20 families who had come through an education policy after going bankrupt did so only because they couldn't afford their health care bills. We can and we must do better in America. And it starts by reforming our health care system. When we drive down the cost of health care, we are going to cut taxes for everyone. Now this sounds like it is voodoo economics, but if I lower the cost of doing business for every city, every county, every town, every State in the country by lowering health care costs, I can reduce your taxes. This is not just a health care issue. It is a business issue. It is a tax issue.

And, Mr. Speaker, I would like to share with you some words I was privileged to listen to in a small town in the northern part of Wisconsin, a district I have the honor and privilege of representing. It is a city called Niagara, Wisconsin. And as Niagara goes, so goes our Nation. Niagara is a small town of 1,880 people. And the major employer there is a paper mill, which was recently purchased and then closed. Three hundred twenty jobs in this small town are about to disappear in April. And I went to Niagara to interview some people and listen to their concerns to see what government can do to help them. I spoke with George. George is nearly 80 years old. I would like to share with you his words for our country. They will be available, if not today, then tomorrow at my congressional Web site, Kagan.house.gov, as a video clip.

I asked George, "Are you still working?" And George responded, "Nope, I'm retired 19 years. Put 41-plus years in there. But what I want to say is that Congress should have been aware of this happening because it has been in all the union papers." And he is referring to the closing of the mill, the one major employer in town. "People been talking about it. They put one or two paper machines out of there. They pulled the machines out. And what do they do? They ship the machine to India. That machine was 100 years old, and now it is operating in India. So why was Congress so lax? All these jobs been deteriorating right along."

And I asked him, "How long have you lived here?" He responded, "All my life."

"You were born right here?"

"Yup. I will be 80 years in April. And I have 5 brothers who worked in the paper mill also, 41, 42, 45, they all worked there that long. And my children during the summer months worked in that mill."

I asked him, "What did you do in the mill?"

"I worked on the paper machines."

"Which one?"

"I worked on them all, all machines. Started off in the old mill, number one, went to number two, and then went to number three, and then to number four"

"And do they have any retirements," I asked him, "at the mill?"

"I have very good benefits, and I am thankful for that. That is what I am worried about now, though. I was told that at the end of 2008, things are going to change. I am going to have to get something else. I don't know that. Nobody told me that. But that is just the rumor. So we have to start looking into something else." He is referring to health care benefits and the prescription pills.

"What makes me mad is that we found out we can get medication in Minnesota and in Canada. And what happens? They tell me I can't do it no more because we would get sued, the company would get sued. They would save the mill about $300 every 3 months, and we would save ourselves $250 every 3 months. And they said, 'No, we can't do it,' so now we have to buy them at Wal-Mart."

And I asked him, "So you think there is a better way of doing things?"

"You better believe it." I asked him then at the end of my conversation if there is anything else he would like Congress to hear? If he were talking then with Congress and with President Bush, what would he have to say, what would you ask him to do.

And George responded, "Get on the ball. Take care of the United States, not foreign countries. They always said foreign countries are going to take us from within. They don't have to fight a war with us. Well, that is what is happening right now. They are buying up all the United States."

George had it right. We have to be able to take care of our own people. I represent people in Wisconsin, not foreign nations. And taking care of people in Wisconsin means, first of all, guarantying them access to health care that they can afford, high-quality care that is delivered right close to home. And how can we do that? How can we afford to continue to pay for those costs when our jobs are being shipped overseas?

So, Mr. Speaker, as a close this evening, I would like everyone to begin to think differently in America. Health care is intimately tied up with our employment opportunities, with our jobs. We need higher wage jobs that will sustain America and provide living wages, a living wage that can afford health care. Health care is intimately involved with our jobs and also with our environment and the education of our children. You can't unwrap all of these problems. They are all stuck together. But the single greatest problem we face today is our health care crisis. And by submitting this bill for passage today, the No Discrimination Health in Insurance Act, I hope to lay the first brick in the new wall for the foundation of the House of Health Care. We have to begin to think differently in America, and hopefully that starts today.

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## BIPARTISAN EARMARK REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Virginia (Mr. WOLF) is recognized for 60 minutes as the designee of the minority leader.

Mr. WOLF. Mr. Speaker, the need for earmark reform should be an issue that we can all agree upon, a bipartisan agreement. As reported last week, Congress' approval rating fell to just 22 percent. Will the House sit idly by patting each other on the back as this issue continues to grow and be one that the American people care deeply about?

Quite frankly, the effort in the House to bring a level of transparency in the earmark process, as good as it may appear, has yet to satisfy the American people. As a first step to restoring confidence in the earmark system, Congressman JACK KINGSTON, a member of the Appropriations Committee, ZACK WAMP, a member of the committee, and myself have introduced H. Con. Res. 263, which calls for a joint select committee to review the earmark process, and it places a moratorium on all earmarks while the panel undertakes its work.

Congress holds the power of the purse, and, quite frankly, I don't believe the American people really want us to cede that authority to the executive branch. Under the Constitution, that is the job of the congressional branch. And while I believe that the majority of earmarks are for purposes which help people, those Members who oppose earmarks have made some legitimate claims, and they have to be addressed.

There have been positive earmarks to fight gangs, to fight the violent MS 13 gangs. We created an office of gang intelligence in the FBI to track the gang movement across the country, and there is a growing problem with regard to gangs.

The Iraq Study Group was an earmark, and that helped bring about fresh eyes on the target, if you will, bringing former Secretary of State Jim Baker and former cochairman of the 9/11 Commission, Lee Hamilton, along with Ed Meese, former Attorney General of the Reagan administration whose son is on the staff with General Petraeus over in Iraq, and people like Chuck Robb who is a former marine and Governor and Senator who fought in Vietnam. So it brought together a group of people to take a look at that, and 61 of the 70-some recommendations of the Iraq Study Group have been adopted now, and that basically was an earmark.

I also was told that the work that Dr. Francis Collins has done, and I may be wrong on this, but Dr. Collins has received the gold medal. He is the one who has mapped the human genome system. And there are people alive today because of the work that Dr. Collins has done. Dr. Collins will map those genes whereby we know that some individual with a certain gene may get a certain condition and now they can deal with that to save their life. So there have been some very positive ones.

But I think it is important to acknowledge that the Members who have opposed earmarks have made some legitimate claims, and they deserve that we look at those claims and address those claims.

The joint select committee on earmark reform, which is called for in the bill, would be comprised of 16 members, Mr. Speaker, evenly split between the House and the Senate, because whatever we do, the House and the Senate have to be together, also, between Republicans and Democrats. And I think the American people are thirsty. They are thirsty for some bipartisan activity out of this Congress. So we will come together, Republicans and Democrats, House and Senate, to form this committee.

The panel would examine the way the earmarks are included in authorizing bills, which has not been done, appropriation bills. And to the credit of the committee, there has been some work done on the appropriations. Also, tax and tariff measures. Also, what has not been done very well, executive branch earmarks would also be studied. I want to stress that again, because I think the Congress has ignored some of this and I think the general public doesn't understand, but this panel would also, Mr. Speaker, look at executive branch earmarks, reviewing earmarks in all bills considered by Congress. All bills is really the key.

The House, during this period of time, should place a moratorium on all earmarks until the joint select committee has finished its work and we are able to put into place a rule system that restores the confidence of Americans that legislation is not loaded up with hidden special interests or wasteful spending. It would restore honesty, integrity, and openness to the process that everyone would feel very confident because the ground rules would have been agreed to by everyone. The American public would see how this was done.

I strongly support the earmark reform, including listing names of sponsors on earmarks or specific line item spending. But the rules, Mr. Speaker, must apply an equal standard to all legislation, appropriations, as well as authorizing and tax bills and disclosing earmark sponsors. It must be across the board in every bill, but it also must be a process of indisputable integrity and probity that is honest and authentic, and one in which the American people have absolute trust. That is the key. It has to be a process, Mr. Speaker, in which the American people have absolute trust.

Earmark reform must be bipartisan. It must be an issue on which both political parties can come together so that every Member of Congress can know what is in there, the American people can know it. And I am hopeful that Members on both sides of the aisle will join this effort and support the Kingston-Wamp-Wolf earmark reform bill.

Then, Mr. Speaker, we have the opportunity after we do that, because I know most Americans are concerned about the spending with regard to the Federal debt and the deficit. I have a bill with Congressman COOPER, again, a bipartisan bill, and again, it is good to see, we have to work across the aisle. It is called the Cooper-Wolf bill, Mr. Speaker, and what it does, it sets up a national commission of eight Republicans and eight Democrats, and I would tell Members that there are 70 Members plus on the bill, roughly 30 Democratic Members and 40 Republican Members. I must say, Congressman HOYER gave a very powerful speech at the Press Club several months ago endorsing this concept. On the bill, we have Congressman BOEHNER, the minority leader. We have Congressman BLUNT, the minority whip. We have people on both sides of the aisle of all political viewpoints from every part of the country. And what it does, Mr. Speaker, it puts everything on the table.

□ 1715

It puts Medicare, Medicaid, Social Security, and tax policy on the table. It has the support of the Heritage Foundation and Brookings. Alice Rivlin, head of the Office of Management and Budget in the Clinton administration, supports it. We have the support of some of the more thoughtful think-tanks, such as Brookings. A lot of different groups. We have had favorable editorials and comments from David Broder from The Washington Post, David Brooks from The New York Times, and Robert Samuelson, who writes a column for The Washington Post. Also we have had editorials in papers like the Tennesseean and the Richmond Times Dispatch and papers like that.

What it would basically do, it would have this national commission of eight Republicans and eight Democrats to go around the country having a conversation with the American people. They would listen to the American people. Then they would hold public hearings in every Federal Reserve district in the Nation. So they are required to go everywhere.

Interestingly enough, the Brookings Foundation and Heritage, along with David Walker of the Government Accountability Office, are now doing this in what they call "wake-up tours," where they are going out around the Nation to tell the American people of the danger, the fiscal danger, the financial danger, that awaits this Nation if we do nothing about this spending and the debt and the deficit.

Congressman COOPER knows so much about this. I wish he was with me here today. But I respect his knowledge and understanding and his work on the Budget Committee.

But, Mr. Speaker, David Walker said, and I will insert it in the CONGRESSIONAL RECORD, I have sent it out to some Members of the House, David Walker said there was a tsunami, a financial tsunami off the coast waiting to come in and overcome and overtake this country.

As the father of five children, if our children were on the beach and someone said there was a tsunami off the coast of New Jersey or the North Carolina coast or the Maryland coast, we would as parents want to do everything we can to help our kids. So for our children and for our grandchildren, we have an obligation to deal with this problem.

Also, Mr. Speaker, I think it is also a moral issue. In the Ten Commandments it says: "Thou shall not steal," and for one generation to be living off the next generation is in essence stealing.

With all the support that we have, the bipartisan support, again, a lot of good Members on both sides of the aisle, I am hopeful that there can be a way that we can bring this bill up and vote on it in this session.

So with the earmark bill that I spoke about earlier which deals with a fundamental problem that the Congress has to deal with, and with this bill, we can have a renaissance in this Nation, create jobs and make a tremendous difference. So I just hope that we can pass both of these bills in this Congress.

I see my friend from Tennessee, and I will yield to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank FRANK WOLF for a distinguished career of public service. We honored the life of Tom Lantos today here in Congress, but FRANK WOLF is the same kind of person as Tom Lantos in terms of always caring about what is right, what is just, human rights anywhere and everywhere in the world that need our attention in the greatest Nation in the history of the world. FRANK WOLF is one of the people here that I look to always for the integrity on decisions that are controversial, that are impassioned. He seems to have a level-headed approach that honors the Constitution, honors what is right.

So here we are again working together. JACK KINGSTON and FRANK WOLF and I, as long-standing Members of the Appropriations Committee, know that this is a problem. This abuse of earmarks has created clearly the need for sweeping reforms of this process. But I think that we need to do it the right way instead of the wrong way.

One of the things I like about JOHN MCCAIN is that he doesn't pander to people based on whatever might be popular for the moment. The right approach to this particular problem with congressional earmarking in 2008 is to step back and establish a bipartisan, bicameral select committee to overhaul the process in its entirety.

I say that because any kind of a ban that is temporary or only for an individual is not lasting. So if you pledge to say no earmarks, well, for how long and who all is affected, and how about the Senate, how about the House, how about the executive branch, how about everybody else? Because unless it is a systemic change, it is not a permanent change; it is not a real change. It is a political posture. Therefore, we should be careful not to pander on this issue, but truly seek change. I think that is what this does.

This select committee, what is a select committee? Well, Congress has this provision so that that committee can rise above the other committees. It has subpoena power. It has tremendous authority. It is unusual. But it is a committee set up to reform a system like this.

Now, a lot of people don't realize that article I, section 9 of the United States Constitution clearly says that Congress shall appropriate the money. We need also look at history and realize over the last 40 years there is a continuing separation of powers under way where the executive branch pulls and pulls more and more authority from the legislative branch.

One of the things that this select committee would allow us to do is over a 6-month period of time, with five public hearings, have a national debate about what is the Congress' role, what is the executive branch's role, both under the Constitution and in reality.

Just 2 weeks ago, February 1, the President's budget request came over. Actually, it was February 4. But when it came over, it was full of specific requests for specific programs which are an earmark. They are earmarks. So one of the first things we need to do with this select committee is define what is an earmark, because right now it is not clear as to what is and is not an earmark.

For instance, is it an earmark for a Member of Congress to request an increase in a specific account at the National Institutes of Health? If it is the National Institutes of Health and you believe that it should be increased and you are a Member of the United States Congress, and under article I, section 9 you have the authority to appropriate money, that should not be an earmark. But I have got news for you. A lot of things right now classified as an earmark should not be an earmark. It should be programmatic in nature; it should be looked at in a different way.

So this whole system needs an overhaul, and that select committee can get to that without people claiming turf protection or feeling like you are stepping on their toes, and then they can come back with these recommendations that would have the force of law and truly change this whole process without the legislative branch retreating from its constitutional responsibility or just ceding more and more authority to the executive branch, many times to people at the Office of Management and Budget, OMB, that submits these budget requests, who are neither elected nor educated enough on these issues to actually make these recommendations. That why it is important for elected representatives to do this in a very responsible way. The select committee is exactly that approach, the responsible way to do this.

It is comprehensive in nature. As Representative WOLF said, it doesn't just apply to the Appropriations Committee. It applies to authorization committees, tax and trade and tariff bills, the executive branch requests, the whole gambit of direction of funding of appropriated dollars. And the whole thing needs to be reformed.

I will give you an example. The Bridge to Nowhere request is one of the most egregious earmarks that we can point to, and it did not come through the Appropriations Committee. It was in fact an authorization bill from the Transportation Committee. That is gas tax dollars that every 5 years the Congress directs to this projects or that projects or this priority or that priority, and in fact that Bridge to Nowhere was an authorization bill. So you can wipe out all the earmarks on appropriations; and if that is allowed to continue, the most egregious abuse we can point to continues.

You need a comprehensive and systemic approach to this, and that is why we have had consensus developing in our conference on the Republican side for basically a timeout, a moratorium: 6 months, no earmarks, hold up the trains, let's stop and do this right. But do it responsibly. Don't just willy-nilly say we are going to do this for political purposes or that for political purposes, or we are going to grandstand or pander. No, we are going to do this the way that people 50 years from now can look back and study the record and say, they put the institution and its congressional prerogatives and responsibilities above the passions of the moment, and they recognized that some people abused it and that needed to be cleaned up and reformed and changed, but they did not give the people down the street at the executive branch more and more authority and violate the separation of powers under the Constitution of the United States.

This is an important principle as we go forward on how to truly have a systemic approach to clean this mess up. But it needs change. Anybody who thinks that this system stands the "smell test" in America is wrong. It needs to change, and we are trying to change it from this place because that is the responsible thing to do. People have abused it.

I would argue that the last election in 2006 was lost by our party in large part because of these abuses of earmarks, on authorization, tax, trade, energy bills and appropriations, and we could use an overhaul, a statutory framework that the House and the Senate would both have to adhere to. The public is demanding it.

So some self-imposed thing is not going to bring about systemic change. Systemic change is what this institution needs, change that will still be here 10 years from now, not just for the next election. This shouldn't be political; it should be bipartisan.

Just this week, one of the leading Democrats here in the House basically called for the same thing. He said we ought to have a moratorium; we ought to have a timeout and we need to overhaul this practice. His name is HENRY WAXMAN. I talked to him today. I don't want to put words in his mouth. But I was encouraged that one of the leading Democrats said the same thing, basically: We need to have a comprehensive reform of this process known as earmarking.

But I believe step one is to define it, what is and what is not an earmark, and then go forward. Things that are existing by law that have been around for a long period of time should not be an earmark.

Another thing we need to do is separate the ability of people to have a cottage industry through lobbying for earmarks. That, frankly, makes everybody in Washington look bad. It erodes the public trust over a period of time.

There are times where someone advocating for you for a specific cause in this country is necessary, and that is called lobbying. Today lobbying has a bad name. If I was a lobbyist I would want these reforms so that my reputation is not tarnished. Just like we appropriators, WOLF, KINGSTON, WAMP, KIRK, CULBERSON, WELDON, GOODE and others that have helped us with this cause, we don't want our integrity tarnished by the people who abused this prerogative under the Constitution.

They are the ones, just like the local law enforcement guy who takes a bribe, all police officers are not like that, and all Members of Congress are not going to do what these people did. Thankfully, the people that have violated our trust are either under investigation or they are already gone or some of them are in jail. But the system needs to be cleaned up so that they cannot do that again. That is what hasn't happened. Frankly, there are some people in this institution who are kind of arrogant about this, saying that it ought to continue and that there is no reason for reform. But that is not true either.

So we have got to meet in a rational, logical way. That is why the select committee approach is the right approach. I am very, very proud to stand with Representatives WOLF and KINGSTON and others in support of this approach, and we will have a moratorium on earmarks until we make the needed changes to begin to restore the public trust and uphold the honor and the dignity that should be associated with our fulfilling our responsibilities under the Constitution of the United States.

I thank the gentleman for yielding time.

Mr. WOLF. I thank the gentleman. His comments are very good. I think it really needs to be bipartisan and it needs to be institutionalized, and it needs to be done in such a way that the American people have confidence.

I would yield to the gentleman from Illinois (Mr. KIRK), also a member of the Appropriations Committee.

☐ 1730

Mr. KIRK. I thank the gentleman for yielding and join this group of what we might call apostate appropriators who are leading the reform cause, because I think we all agree that the current system was broken under Republican leaders and broken under Democratic leaders.

I believe that we should not tax the American people more than necessary, that taxpayer monies should be spent wisely, and that Congress should use its power to cut waste to keep taxes low. Many congressional earmarks are a waste of the taxpayers' money.

I authored the amendment to kill the Bridge to Nowhere. It was a difficult choice, taking on a very powerful Member of Congress who had the ability, in some eyes, to delete all transportation funding for my own district. But I looked at this project, it was an earmark not by the Appropriations Committee but by the Transportation Committee, to build a $320 million structure slightly shorter than the Golden Gate Bridge, slightly taller than the Brooklyn Bridge, connecting Ketchikan, Alaska, population 8,000, with Gravina Island, population 50. Gravina Island has no paved roads, no restaurants, and no stores. It was clear that this was an extravagant expenditure of money by the United States taxpayers to benefit a very, very few number of Americans.

It was also disturbing about how this project was handled, as so many other low quality earmarks are done: air-dropped without consideration by the House or Senate floors; no potential to amend or kill this project by Senators or Members of Congress; added to a conference report, that is a final bill, at the last minute where everyone is only given one vote, "yes" or "no," on the complete package and not able to reach in and delete funding for a low quality project.

Our battle, after the Kirk Amendment passed, was a long one, but finally the Governor of Alaska relented. And thanks to public outrage, thanks to congressional scrutiny, thanks to concerned Americans around this country, the Bridge to Nowhere will not be built.

But we have seen so many other projects which do not pass even a laugh test among American taxpayers. For example, a new earmark, I understand, for the Berkeley school system would create French gourmet menus for school lunches, clearly something that does not even pass the laugh test here on the House floor among Republicans or Democrats.

Also, we have seen these earmarks for Monuments to Me. I think it is perfectly appropriate when we see a proud public structure funded by the taxpayers to be named after one of our national heroes, to be named after a great American, or just great humanitarian from history, but not for sitting politicians who currently hold public office. I am worried that, for example, throughout West Virginia we have many Senator BYRD centers. It seems like almost a large part of the State is now named after a sitting Member of Congress, who comes with feet of clay, someone who can have great, great attributes and great detriments, and someone who really should be judged by history before we name great public works after them.

Our reforms talk about ending funding for these Monuments to Me. It calls for an increased level of, I think, appropriate humility in what we fund. In the past, like many of my colleagues, I have requested earmarks because I have been struck by critical needs in my district. But increasingly, in order to get funding for small projects in your district, you are asked to support funding for large projects in other people's districts, for Bridges to Nowhere, for more Monuments to Me, for things that are, quite frankly, not defensible for the public fisc and for the taxpayers' expenditure. I think we have to recognize that some of these earmarks will simply lead directly to higher taxes for the American people and for programs which do not reflect an appropriate decision by the government to remove funding from an individual taxpayer to provide for these projects.

That is why I back this moratorium that we have come forward with and I back the Kingston-Wolf reforms, because I think it is a recognition by members of the Appropriations Committee that the system is broken; that the public's confidence in how this money is spent is not there; that Republicans and Democrats should join together to fix it; that the power of the purse is rightly put by the Constitution in the Congress. But it has to be a power that is respected. It has to be a power in which judgment is leveled and which the burden of proof is against spending the taxpayers' funds so that always we have a feeling towards the bottom line of balancing the budget and making sure the tax burden on the American people is as low as possible.

That is why I thank the gentleman from Tennessee and the gentleman from Virginia for having this Special Order and hope that this legislation can pick up bipartisan steam and be adopted by the American people. They get it, but some of the elected representatives of the American people here still don't get it, and their voices need to be heard.

I yield back to my friend from Virginia.

Mr. WOLF. I thank the gentleman. And in closing, unless the gentleman has any other comments, I would say this needs to be bipartisan. It is H. Con. Res. 263. I believe it will pass the House. I think it is inevitable that it will pass the House. We have to come together. I acknowledge there have been some sincere efforts made, and I think we come together and institutionalize this with regard to this select committee.

So I want to thank both Mr. WAMP and Mr. KIRK, and Mr. KINGSTON who could not be here, and the other Members who have put this together and say it needs to be done bipartisan. We have to do it so the American people can say, "Well done. It really makes sense."

I yield back the balance of my time.

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## GEORGE WASHINGTON

The SPEAKER pro tempore (Mr. COURTNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, in 1968, Congress officially moved the Federal holiday acknowledging our first President's birthday to the third Monday in February, so now it is commonly known as President's Day. I rise today to give more specificity to such an ambiguously titled designation and to try to pay appropriate tribute to that first President in our experiment of constitutional self-government.

George Washington was born February 22, 1732, almost 276 years ago. He died on December 14, 1799, at the age of 67, a mere 2 years after choosing not to run for a third term, thereby establishing a precedent now enshrined in our 22nd amendment.

He has been described as America's premier military and civilian leader during the Revolutionary era, and yet, as one historian has recently written, young people in particular do not know much about Washington.

By our time, in the early 21st century, George Washington seems so far removed from us as to be virtually incomprehensible. He seems to come from another place, another time, from another world.

He did not write a literary, political, military, or philosophical treatise that transformed our understanding of philosophy, physics, human affairs, or government. Nonetheless, throughout our history he has been compared to Cincinnatus, that late fifth century Roman figure who spurned his plow for a defense of Rome when so called by the Roman Senate. Why is this so?

The basic facts of Washington's life have been retold on innumerable occasions. Nevertheless, if only because this man is on our quarter, on the dollar bill, and on Mount Rushmore, they bear repeating.

Born in 1732 in Virginia along the Potomac River, he was a fourth-generation American. He was not the first-born son and his family was not in the top tier of the Virginia aristocracy. Probably standing at 6-2 to 6-3, and slightly above 200 pounds, he was a physically imposing man. He once threw a stone over the Natural Bridge in the Shenandoah Valley, which was 215 high, was generally regarded as the finest horseman in Virginia, the rider who led the pack of most fox hunts, and was a graceful dancer.

Washington was an adventurer and a surveyor in the Shenandoah Valley as well as an explorer of the Ohio country, then comprised of western Pennsylvania and parts of present-day Ohio. He became a Virginia militia officer, and was at Fort Necessity in 1754 for that ignominious surrender to the French. He left the Army 4 years later, married the wealthiest widow in Virginia, Martha Dandridge Custis, in 1759, and inherited the now magnificent Mount Vernon when his brother Lawrence died.

At this estate, he was an ambitious farmer, planter, and businessman, at first specializing in tobacco. During the course of time that he had Mount Vernon under his direction, he systemically quadrupled its size, eventually overseeing five farms and introducing new crop rotation schemes that are even today admired for their direction.

While he never seemed to have very much to say, he wasn't indifferent to the larger world. We are told he subscribed to ten papers at Mount Vernon, and in the 1760s, despite owning 50,000 acres, found himself 12,000 British pounds in debt. From this and other things, he came to believe the extant system of commercial trading with his British counterparts was designed for his and his neighbors' perpetual indebtedness. He became a nonimportation believer and a supporter of colonial efforts at self-sufficiency.

As we know, Washington served in the Virginia House of Burgesses. He spoke out against the Stamp Act of 1765, the Declaratory Act of 1766, and the Coercive or Intolerable Acts of 1774. During the First Continental Congress, Washington was a member of the Virginia delegation. After the clashes at Lexington and Concord, he attended the Second Continental Congress, wearing his old military uniform, and was nominated by John Adams on June 15, 1775, to command the volunteer forces that had amassed in Massachusetts because of the British occupation of Boston. On July 3, 1775, he took command of that Army, then called the Army of the United Colonies.

A couple of years ago, I was privileged to spend a semester at Harvard, and I remember walking through the streets just sort of looking at the people playing soccer and baseball, and I saw a monument that appeared to be not very spectacular. I went over to see what it was all about, and it was a monument to George Washington taking over that Army. Inscribed on the walls thereon are the words that he spoke that day to those troops. And while I do not have them from memory, I recall that he indicated to the men then assembled that they were to be united in this effort to fight for freedom. And as I stood there and looked at those words and tried to drink them in, you could almost sense the power of such a magnificent figure of George Washington talking to those assembled scattered troops from all over. He was, in a very simple sense, a commander who commanded the attention and the loyalty of his men. Of course, the Army of the United Colonies was the next year changed to the Continental Army, sounding quite a bit more professional than it was in reality.

While never known for groundbreaking military tactics or strategic innovations, Washington nevertheless displayed admirable courage; exemplified by his exploits in 1755 at Pittsburgh when, with British General Braddock injured, Washington had at least two horses shot out from under him, had bullets graze his uniform, only to be unhurt and commended for his bravery in leading the troops and organizing their retreat.

His subsequent leadership during the Revolutionary War was indispensable to the colonies' eventual success, finally achieved 8 long years later in the Treaty of Paris. He never accepted a salary as Commander in Chief of the Continental Army. More importantly, he was a visionary commander, finding such competent and important figures as the 33-year-old Rhode Island Quaker Nathanael Greene and the 25-year-old Boston bookseller Henry Knox.

While he fought a mere total of nine battles of which he only won three, Washington knew he had to keep the colonial forces intact in order to defeat the British and woo the French, a dual task he accomplished by not focusing on captured grounds, a war of posts as they say, but on maneuvering and survival. While highly critical of the untrained and undisciplined colonial forces, as Commander in Chief he wrote annual letters to the State governments and kept Congress knowledgeable of his situation in order to maintain some semblance of trust and harmony.

His surprise military and moral victories at Trenton and Princeton, as well as his steadfastness at Valley Forge the following winter, have gone down in American lore as true measures of commitment, of greatness, of endurance, and leadership. The suffering at Valley Forge was unimaginable. There, he wrote, "To see Men without Cloathes to cover their nakedness, without Blankets to lay on, without Shoes, by which their Marches might be traced by the blood from their feet, and almost as often without Provisions as with; Marching through frost and Snow, and at Christmas taking up their Winter Quarters within a day's March of the enemy, without a House or a Hutt to cover them till they could be built and submitting to it without a murmur, is a mark of patience and obedience which in my opinion can scarcely be parallel'd."

□ 1745

He helped to surround Cornwallis at Yorktown in 1781, effectively ending the military aspect of the war. And after the Treaty of Paris was finalized, he resigned as Commander in Chief of the American forces and surrendered his sword to Congress on December 23, 1783.

Now, his decision to leave for retirement at Mount Vernon and attend the Constitutional Convention in Philadelphia in 1787 was not one without risk. As James Madison said, Washington would be making a decision to "forsake the honorable retreat to which he had retired and risk the reputation he had so deservedly acquired." He did attend the convention and was elected President. As he later said: "Whensoever I shall be convinced the good of my country requires my reputation to be put at risk, regard for my own fame will not come in competition with an object of so much magnitude."

At the Constitutional Convention, his presence was a calming and vital force. Probably "the most graphic illustration of the singular status that Washington enjoyed was the decision of the Constitutional Convention to deposit the minutes of its secret deliberations with him for safekeeping." And as James Monroe later told Thomas Jefferson: "Be assured, his influence carried this government."

His universal admiration helped overcome the suspicions of the possibility of monarchy arising out of the new Constitution and its king-resembling, popularly elected executive office, a suspicion of which he was very much apprehensive. Republics were thought to be possible only in small, homogeneous enclaves, not on sprawling, vast continents. A fear of monarchy and the concomitant heavy-handed government rule, either from necessity or the nature of power-hungry man, was widespread.

As our Nation's first President, he instinctively knew he would be setting precedents for future executives to follow as they walked this tightrope between centralization and dispersion of power, between deference and democracy.

He was twice elected President unanimously by the Electoral College. As one of the premier historians of the founding era has written, "The whole thing," that is the creation of the Constitution, "was merely words on paper until implemented by Washington's government. Washington knew how malleable the situation was; he understood that every move he and his administration made would be a precedent that would shape the actuality of the Constitution, and he proceeded with great care. It was Washington, for example, who created the structure of the executive offices," we now call the Cabinet, "and it was he who defined the Senate's role in foreign policy and something of the operational meaning of the words 'advise and consent.'"

As Washington himself said: "We are a young nation and have a character to establish. It behooves us, therefore, to set out right, for first impression will be lasting."

As President, he believed in the rule of law, however unpopular such a belief might be at any given time. When the Whiskey Rebellion, a popular uprising in four counties in western Pennsylvania protesting an excise tax on whiskey, occurred, when it threatened to stop the normal functioning of civil government, Washington firmly stood against the subverting of civil authorities. More importantly, in relation to constitutional government, Washington was a firm adherent to its principles. He believed, in contrast to others of the age who sympathized with frequent revolutions ex nihilo, that decisions of a republican people "only be unmade in the same way they had been made."

This preference for ballots over bullets and appeal to republican, constitutional, ballot-driven self-government would be made again by Abraham Lincoln in 1861 and be equally as powerful. Self-government in the new Republic required adherence to the law, that is our Constitution, and the laws under it which articulate the boundaries and dimensions of our communal lives together as citizens.

As he said in his farewell address: "This government, the offspring of our own choice uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and support. The very idea of the power and right of people to establish government presupposes the duty of every individual to obey the established government."

So this combination of constitutionalism and consent, he believed, is the bedrock of self-government.

In 1775 Washington said: "Make the best of mankind as they are, since we cannot have them as we wish." And as President, he ably navigated the waters between Anglo and French factions and their sympathizers, both overseas and within his own Cabinet.

It was Thomas Jefferson's opinion that Jay's Treaty of 1795, an important agreement which kept the United States out of the Franco-British imperial intrigues, that it passed because of the "one man who outweighs them all in influence over the people," Washington.

Perhaps the words of the author Joseph Ellis sum up this magnificent life most eloquently when he says: "Throughout the first half of the 1790s, the closest approximation to a self-evident truth in American politics was George Washington. A legend in his own time, Americans had been describing Washington as 'the Father of the Country' since 1776, which is to say, before there ever was a country. By the time he assumed the Presidency in 1789, no other candidate was even thinkable, the mythology surrounding Washington's reputation had grown like ivy over a statue, effectively covering the man with an aura of omnipotence, rendering the distinction between his human qualities and his heroic achievements impossible to delineate."

In fact: "Some of the most incredible stories also happened to be true. During General Edward Braddock's ill-fated expedition against the French outside Pittsburgh in 1755, a young Washington had joined with Daniel Boone to rally the survivors, despite having two horses shot out from under him and multiple bullet holes piercing his coat and creasing his pants. At Yorktown in 1781, he had insisted on standing atop a parapet for a full 15 minutes during an artillery attack, bullets and shrapnel flying all about him, defying aides who tried to pull him down before he had properly surveyed the field of action. When Washington spoke of destiny, people listened."

Finally: "His commanding presence had been the central feature in every major event of the revolutionary era: the linchpin of the Continental Army throughout 8 long years of desperate fighting from 1775 to 1783; the presiding officer at the Constitutional Convention in 1787; the first and only Chief Executive of the fledgling Federal Government since 1789. He was the palpable reality that clothed the revolutionary rhapsodies in flesh and blood, America's one and only indispensable character."

Joseph Ellis's description speaks for itself in relation to the man that we honor this month. Still, it is not only for these facts alone that George Washington has earned our highest esteem. He is also frequently commended in discussions of republican political thought and classical virtue. One historian has recently written that "Washington became a great man and was acclaimed as a classical hero because of the way he conducted himself during times of temptation. It was his moral character that set him off from other men."

Washington's life was immersed in this classical milieu of republicanism, virtue, honor, and deference. Washington loved the classical play "Cato" by Joseph Addison in which virtue, not purely self-aggrandizement, is exemplified and praised. As a young man, he copied for himself a text called "Rules of Civility and Decent Behavior in Company and Conversation," a list of over 100 short instructions on how to conduct oneself in the company of others, in society, and in the cultivation of one's manners and morals. While some may call these pithy exhortations trite or simplistic today, are we really going to ridicule Washington for being concerned with his ethical philosophy, a philosophy in which private and public morality are a seamless whole?

Washington did not have a classical education. He did not attend college. He was always insecure about these facts and tried to make "up for this lack by intensive self-cultivation in liberal enlightened values." This self-cultivation was successful and it helped him lead others throughout his military and civilian endeavors. As one scholar has commented, adulation for Washington's classical virtues cannot simply be dismissed. He writes: "General Greene, a Rhode Islander who became one of his most trusted deputies, told a friend that Washington's very presence spread 'the spirit of conquest throughout the whole army.' Greene hoped that 'we shall be taught to copy his example and to prefer the love of liberty in this time of public danger to all the soft pleasures of domestic life and support ourselves with manly fortitude amidst all the dangers and hardships that attend a state of war.' In part, these rapturous assessments simply expressed the excitability of men putting their lives on the line for what seemed a hopeless cause. They needed to see greatness, and so they saw it. But the accounts are too specific and too consistent for that to be the only reason. Soon after Washington's appointment as Commander in Chief, that dour critic of men, John Adams, told his wife that the Virginian was destined to become 'one of the most important characters in the world.' Again and again, Washington struck the men of his day as an exemplar of ancient republican ideals, almost as though he had stepped from the pedestal of the ages."

Another historian has written: "Washington's writings are crowded with ringing affirmations of revolutionary ideals" and "Washington's friends and enemies alike testified that he deeply believed what he wrote. Like Cromwell's captain, Washington knew what he fought for, and loved what he knew. He was of one mind about that."

Today, Washington speaks to us across the ages about virtue, education, and religious freedom. In his first inaugural address, Washington stated: "There is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity." And "that we ought to be no less persuaded that the propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained."

About the importance of seeing education and virtue as one philosophical whole, Washington wrote to his nephew George Steptoe Washington these words: "Should you enter upon the course of studies here marked out, you must consider it as the finishing of your education, and, therefore, as the time is limited, that every hour misspent is lost forever, and that future years cannot compensate for lost days at this period of your life. This reflection must show the necessity of an unremitting application to your studies. To point out the importance of circumspection in your conduct, it may be proper to observe that a good moral character is the first essential in a man, and that the habits contracted at your age are generally indelible, and your conduct here may stamp your character through life. It is therefore highly important that you should endeavor not only to be learned but virtuous."

In relation to religion, he was also convinced, as he declared in his farewell address, religion was an indispensable foundation for both morality and republican government.

□ 1800

As President, he attended the services of a variety of denominations. He addressed Jews as equal fellow citizens in his famous and articulate letter to the Newport Hebrew congregation in 1790. In it he said, "the citizens of the United States of America, have a right to applaud themselves for having given to mankind examples of a enlarged and liberal policy, a policy worthy of imitation. All possess alike liberty of conscience, and immunities of citizenship. It is now no more that toleration is spoken of, as if it were by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support. . . . May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants; while every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid."

This commitment to freedom of conscience had been previously heard in 1775 when Washington had written, "while we are contending for our own Liberty, we should be very cautious of violating the Rights of Conscience in others, ever considering that God alone is the Judge of the Hearts of Men, and to him only in this Case, they are answerable."

Finally, his Farewell Address, with its encouragement to avoid excessive partisanship, maintain American neutrality, achieve diplomatic independence, in short, to implement "unity at home and independence abroad" still strikes the chords of wisdom and prudence in our ears.

I salute the man in whose tribute a monument without words stands in our capital today. Its height, stature and distinctiveness speak for themselves. He was a unique man who seemed to be immune to both bullets and smallpox. It may or may not be true that Washington "had neither copiousness of ideas nor fluency of words."

Nevertheless, even a sometime harsh critic like Thomas Jefferson had to admit that "the moderation and virtue of a single character . . . probably prevented this revolution from being closed, as most others have been, by a subversion of that liberty it was intended to establish."

Now, Washington did say that "with our fate will the destiny of unborn millions be involved," and as we look to his birth, life, service, and death, we know that he was right, and that should give us pause.

Without Washington's character, his perseverance and achievements, all the important historiographical debates over the founding would be merely parlor games of philosophical intrigue. Unlike events in decades and centuries past, Washington believed in, literally started, and served in the system of government which would be called self-government. Feudalism; monarchy; primogeniture; artificial hereditary distinctions, sectarian bloodbaths. These were not to be the demarcations of this new Nation. As Washington, in his cautiously optimistic manner said in his 1783 Circular to the States, "the foundation of our empire was not laid in the gloomy age of ignorance and superstition, but at an epoch when the rights of mankind were better understood and more clearly defined than at any former period." These rights were understood and defined on this newly freed and expanding continent, a land of which Washington said, "is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. . . . It is well worth a fair and full experiment."

For "Washington, America was a practical experiment in the preservation of liberty and the success of republican government." As he said in his First Inaugural Address on April 30, 1789, "The preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered, perhaps, as deeply, as finally, staked on the experiment entrusted in the hands of the American people."

In contrast to monarchies, Washington established the republican principle of rotation in office. "Presidents, no matter how indispensable, were inherently disposable."

George Washington was "an extraordinary man who made it possible for ordinary men to rule." In the words of the great Frederick Douglass, the former slave and abolitionist, "I would not, even in words," he said, "do violence to the great events, and thrilling associations, that gloriously cluster around the birth of our national independence." "No people ever entered upon pathways of nations, with higher and grander ideas of justice, liberty and humanity than ourselves."

Madam Speaker, we have George Washington to thank for such beneficence. He made it happen. Now let us live up to that challenge to articulate and legislate the contours of liberty and justice for our collective humanity in these United States.

Happy birthday, President Washington. We honor you and appreciate your service to this, to our great country.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ESHOO (at the request of Mr. HOYER) for today after 2:45 p.m.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTINGS of Florida) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HOEKSTRA, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

## ADJOURNMENT

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Friday, February 15, 2008, at 10 a.m.

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## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2007 and the first quarter of 2008, pursuant to Public Law 95–384 are as follows:

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JOSEPH R. PITTS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND JAN. 9, 2008

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Joseph R. Pitts | | 1/1 | United States | | | | [3] 9,544.00 | | | | 9,544.00 |
| | 1/2 | 1/2 | Kuwait | | | | | | | | |
| | 1/2 | 1/3 | Iraq | | | | | | | | |
| | 1/3 | 1/4 | Kuwait | | 164.00 | | | | | | 164.00 |
| | 1/5 | 1/6 | Jordan | | 291.00 | | | | | | 291.00 |
| | 1/6 | 1/9 | Israel | | 2,095.00 | | | | | | 2,095.00 |
| Committee total | | | | | 2,550.00 | | 9,544.00 | | | | 12,094.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Total cost of all commercial flights.

JOSEPH R. PITTS, Chairman, Jan. 29, 2008.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Kyle Parker | | 10/1 | United States | | | | 7,318.79 | | | | 7,318.79 |
| | 10/2 | 10/6 | Poland | | 1,346.95 | | | | | | 1,346.95 |
| Janice Helwig | | 10/1 | United States | | | | 3,130.96 | | | | 3,130.96 |
| | 10/1 | 12/21 | Austria | | 14,298.00 | | | | | | 14,298.00 |
| Mischa Thompson | | 10/6 | United States | | | | 5,169.52 | | | | 5,169.52 |
| | 10/7 | 10/13 | Spain | | 2,156.00 | | | | | | 2,156.00 |
| Janice Helwig | | 10/7 | Austria | | | | 1,496.39 | | | | 1,496.39 |
| | 10/7 | 10/11 | Spain | | 1,732.30 | | | | | | 1,732.30 |
| Hon. Alcee L. Hastings | | 11/26 | United States | | | | 6,199.76 | | | | 6,199.76 |
| | 11/27 | 11/30 | Spain | | 1,419.00 | | | | | | 1,419.00 |
| Lale Mamaux | | 11/25 | United States | | | | 7,698.84 | | | | 7,698.84 |
| | 11/26 | 12/1 | Spain | | 2,115.00 | | | | | | 2,115.00 |
| Winsome Packer | | 11/25 | United States | | | | 5,209.76 | | | | 5,209.76 |
| | 11/26 | 12/1 | Spain | | 2,115.00 | | | | | | 2,115.00 |
| Janice Helwig | | 11/26 | Austria | | | | 1,496.39 | | | | 1,496.39 |
| | 11/26 | 12/1 | Spain | | 2,115.00 | | | | | | 2,115.00 |
| Shelly Han | | 12/9 | United States | | | | 17,222.33 | | | | 17,222.33 |
| | 12/10 | 12/13 | Morocco | | 824.50 | | | | | | 824.50 |
| | 12/14 | 12/18 | Kyrgyzstan | | 1,474.00 | | | | | | 1,474.00 |
| Alex Johnson | | 12/9 | United States | | | | 8,637.50 | | | | 8,637.50 |
| | 12/10 | 12/14 | Morocco | | 1,083.50 | | | | | | 1,083.50 |
| Hon. Alcee L. Hastings | | 12/15 | United States | | | | 8,785.08 | | | | 8,785.08 |
| | 12/16 | 12/19 | Israel | | 1,348.00 | | | | | | 1,348.00 |
| Marlene Kaufmann | | 12/15 | United States | | | | 6,828.28 | | | | 6,828.28 |
| | 12/16 | 12/20 | Israel | | 1,348.00 | | | | | | 1,348.00 |
| Committee total | | | | | 33,375.25 | | 79,193.60 | | | | 112,568.85 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, Jan. 30, 2008.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Collin C. Peterson | 11/18 | 11/20 | Brazil | | 502.00 | | (3) | | | | 502.00 |
| | 11/21 | | Argentina | | 122.00 | | (3) | | | | 122.00 |
| | 11/21 | 11/23 | Colombia | | 198.00 | | (3) | | | | 198.00 |
| | 11/23 | 11/24 | Panama | | 244.00 | | (3) | | | | 244.00 |
| Hon. Randy Neugebauer | 11/26 | 12/1 | Brazil | | 1,474.00 | | (3) | | | | 1,474.00 |
| Hon. John Salazar | 11/26 | 12/1 | Brazil | | 1,474.00 | | (3) | | | | 1,474.00 |
| Hon. Tim Mahoney | 11/26 | 12/1 | Brazil | | 1,474.00 | | (3) | | | | 1,474.00 |
| Hon. Virginia Foxx | 11/26 | 12/1 | Brazil | | 1,474.00 | | (3) | | | | 1,474.00 |
| Hon. Tim Holden | 11/26 | 12/1 | Brazil | | 1,474.00 | | (3) | | | | 1,474.00 |
| Hon. Tim Walberg | 11/27 | 11/28 | Ghana | | 139.00 | | (3) | | | | 139.00 |
| | 11/28 | 11/29 | Burundi | | 136.00 | | (3) | | | | 136.00 |
| | 11/29 | 11/30 | Ethiopia | | 140.00 | | (3) | | | | 140.00 |
| | 11/30 | 12/1 | United Arab Emirates | | 386.00 | | (3) | | | | 386.00 |
| | 12/1 | 12/3 | Czech Republic | | 146.00 | | (3) | | | | 146.00 |
| Committee total | | | | | 9,383.00 | | | | | | 9,383.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

COLLIN C. PETERSON, Chairman, Jan. 31, 2008.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Bud Cramer | 10/4 | 10/9 | Italy | | 4,091.46 | | (3) | | | | 4,091.46 |
| Hon. Bill Young | 10/4 | 10/9 | Italy | | 4,091.46 | | (3) | | | | 4,091.46 |
| Hon. Kay Granger | 10/4 | 10/9 | Italy | | 4,091.46 | | (3) | | | | 4,091.46 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| John Shank | 10/4 | 10/9 | Italy | | 4,091.46 | | (3) | | | | 4,091.46 |
| John Blazey | 10/4 | 10/9 | Italy | | 4,091.46 | | (3) | | | | 4,091.46 |
| Hon. Allen Boyd | 10/5 | 10/7 | Qatar | | 458.00 | | (3) | | | | 458.00 |
| | 10/7 | 10/8 | Jordan | | 279.00 | | (3) | | | | 279.00 |
| | 10/8 | 10/9 | Germany | | 223.00 | | (3) | | | | 223.00 |
| Hon. Roger Wicker | 10/5 | 10/7 | Qatar | | 458.00 | | (3) | | | | 458.00 |
| | 10/7 | 10/8 | Jordan | | 279.00 | | (3) | | | | 279.00 |
| | 10/8 | 10/9 | Germany | | 223.00 | | (3) | | | | 223.00 |
| Paul Terry | 10/5 | 10/7 | Qatar | | 458.00 | | (3) | | | | 458.00 |
| | 10/7 | 10/8 | Jordan | | 279.00 | | (3) | | | | 279.00 |
| | 10/8 | 10/9 | Germany | | 223.00 | | (3) | | | | 223.00 |
| Hon. Ciro Rodgiguez | 10/8 | 10/9 | Mexico | | 493.00 | | | | | | 493.00 |
| Commercial airfare | | | | | | | 460.08 | | | | 460.08 |
| Hon. Ed Pastor | 10/8 | 10/9 | Mexico | | 350.00 | | | | | | 350.00 |
| Commercial airfare | | | | | | | 378.58 | | | | 378.58 |
| Hon. Ben Chandler | 11/2 | 11/5 | Italy | | 2,425.00 | | (3) | | | | 2,425.00 |
| Hon. John Murtha | 11/21 | 11/24 | Kuwait | | 1,210.50 | | (3) | | | | 1,210.50 |
| | 11/24 | 11/25 | Turkey | | 357.00 | | (3) | | | | 357.00 |
| | 11/25 | 11/26 | Brussels | | 975.32 | | (3) | | | | 975.32 |
| Hon. David Hobson | 11/21 | 11/24 | Kuwait | | 1,210.50 | | (3) | | | | 1,210.50 |
| | 11/24 | 11/25 | Turkey | | 357.00 | | (3) | | | | 357.00 |
| | 11/25 | 11/26 | Brussels | | 975.32 | | (3) | | | | 975.32 |
| Hon. Norman Dicks | 11/21 | 11/24 | Kuwait | | 1,210.50 | | (3) | | | | 1,210.50 |
| | 11/24 | 11/25 | Turkey | | 357.00 | | (3) | | | | 357.00 |
| | 11/25 | 11/26 | Brussels | | 975.32 | | (3) | | | | 975.32 |
| Hon. Sanford Bishop | 11/21 | 11/24 | Kuwait | | 1,210.50 | | (3) | | | | 1,210.50 |
| | 11/24 | 11/25 | Turkey | | 357.00 | | (3) | | | | 357.00 |
| | 11/25 | 11/26 | Brussels | | 975.32 | | (3) | | | | 975.32 |
| John Blazey | 11/21 | 11/24 | Kuwait | | 1,000.50 | | (3) | | | | 1,000.50 |
| | 11/24 | 11/25 | Turkey | | 357.00 | | (3) | | | | 357.00 |
| | 11/25 | 11/26 | Brussels | | 871.78 | | (3) | | | | 871.78 |
| Sarah Young | 11/21 | 11/24 | Kuwait | | 1,000.50 | | (3) | | | | 1,000.50 |
| | 11/24 | 11/25 | Turkey | | 357.00 | | (3) | | | | 357.00 |
| | 11/25 | 11/26 | Brussels | | 871.78 | | (3) | | | | 871.78 |
| Hon. Steve Israel | 11/21 | 11/22 | Bahrain | | 114.00 | | (3) | | | | 114.00 |
| | 11/24 | 11/25 | Kuwait | | 104.00 | | (3) | | | | 104.00 |
| Commercial airfare | | | | | | | 10,916.16 | | | | 10,916.16 |
| Hon. Rodney Frelinghuysen | 11/27 | 11/28 | Belgium | | 217.00 | | (3) | | | | 217.00 |
| | 11/28 | 11/30 | France | | 356.00 | | (3) | | | | 356.00 |
| | 11/30 | 12/2 | Germany | | 418.00 | | (3) | | | | 418.00 |
| Hon. James Moran | 11/24 | 11/25 | Germany | | 745.00 | | (3) | | | | 745.00 |
| | 11/25 | 11/27 | Oman | | 815.56 | | (3) | | | | 815.56 |
| | 11/27 | 11/29 | United Arab Emirates | | 2,149.45 | | (3) | | | | 2,149.45 |
| | 11/29 | 11/30 | Behrain | | 407.42 | | (3) | | | | 407.42 |
| | 11/30 | 12/1 | Germany | | 380.00 | | (3) | | | | 380.00 |
| Paul Juola | 11/24 | 11/25 | Germany | | 745.00 | | (3) | | | | 745.00 |
| | 11/25 | 11/27 | Oman | | 711.66 | | (3) | | | | 711.66 |
| | 11/27 | 11/29 | United Arab Emirates | | 2,149.95 | | (3) | | | | 2,149.95 |
| | 11/29 | 11/30 | Behrain | | 381.80 | | (3) | | | | 381.80 |
| | 11/30 | 12/1 | Germany | | 380.00 | | (3) | | | | 380.00 |
| Hon. John Carter | 11/27 | 11/28 | Greece | | 1,044.00 | | (3) | | | | 1,044.00 |
| | 11/29 | 11/30 | Cyprus | | 344.00 | | (3) | | | | 344.00 |
| | 12/1 | 12/2 | France | | 962.00 | | (3) | | | | 962.00 |
| Hon. Tim Ryan | 11/24 | 11/26 | Italy | | 292.00 | | (3) | | | | 292.00 |
| | 11/26 | 11/28 | Chad | | 230.00 | | (3) | | | | 230.00 |
| | 11/28 | 11/30 | Ethiopia | | 610.00 | | (3) | | | | 610.00 |
| | 11/30 | 12/1 | Kenya | | 268.00 | | (3) | | | | 268.00 |
| | 12/1 | 12/2 | Belgium | | 167.00 | | (3) | | | | 167.00 |
| John Blazey | 11/27 | 12/1 | Germany | | 1,159.18 | | | | | | 1,159.18 |
| | 12/1 | 12/4 | Norway | | 1,299.60 | | | | | | 1,299.60 |
| Commercial airfare | | | | | | | 9,553.20 | | | | 9,553.20 |
| Kristi Mallard | 11/27 | 12/1 | Germany | | 1,159.18 | | | | | | 1,159.18 |
| | 12/1 | 12/4 | Norway | | 1,299.60 | | | | | | 1,299.60 |
| Commercial airfare | | | | | | | 9,553.20 | | | | 9,533.20 |
| Hon. Betty McCollum | 11/24 | 11/30 | Jordan | | 1,638.00 | | | | | | 1,638.00 |
| | 11/27 | 11/28 | Syria | | 500.00 | | | | | | 500.00 |
| Misc. Embassy Costs | | | | | | | | | 3,390.51 | | 3,390.51 |
| Commercial airfare | | | | | | | 7,974.91 | | | | 7,974.91 |
| Hon. Robert B. Aderholt | 11/27 | 11/27 | Mauritania | | | | (3) | | | | |
| | 11/27 | 11/28 | Ghana | | 139.00 | | (3) | | | | 135.00 |
| | 11/28 | 11/28 | Burkina Faso | | | | (3) | | | | |
| | 11/28 | 11/29 | Burindi | | 136.00 | | (3) | | | | 136.00 |
| | 11/29 | 11/30 | Ethiopia | | 140.00 | | (3) | | | | 140.00 |
| | 11/30 | 12/2 | United Arab Emirates | | 386.00 | | (3) | | | | 386.00 |
| | 12/2 | 12/2 | Poland | | | | (3) | | | | |
| | 12/2 | 12/3 | Czech Republic | | 146.00 | | (3) | | | | 146.00 |
| Hon. Andrew Crenshaw | 11/27 | 11/27 | Mauritania | | | | (3) | | | | |
| | 11/27 | 11/28 | Ghana | | 139.00 | | (3) | | | | 139.00 |
| | 11/28 | 11/28 | Burkina Faso | | | | (3) | | | | |
| | 11/28 | 11/29 | Burindi | | 136.00 | | (3) | | | | 136.00 |
| | 11/29 | 11/30 | Ethiopia | | 140.00 | | (3) | | | | 140.00 |
| | 11/30 | 12/2 | United Arab Emirates | | 386.00 | | (3) | | | | 386.00 |
| | 12/2 | 12/2 | Poland | | | | (3) | | | | |
| | 12/2 | 12/3 | Czech Republic | | 146.00 | | (3) | | | | 146.00 |
| Hon. Adam Schiff | 12/14 | 12/14 | Ireland | | | | (3) | | | | |
| | 12/15 | 12/15 | Kuwait | | | | (3) | | | | |
| | 12/15 | 12/16 | Iraq | | | | (3) | | | | |
| | 12/16 | 12/17 | Ireland | | 278.00 | | (3) | | | | 278.00 |
| Misc. Embassy Costs | | | | | | | | | 205.00 | | 205.00 |
| Committee total | | | | | 64,455.04 | | 38,836.13 | | 3,595.51 | | 106,886.68 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Includes conference fees.

DAVID OBEY, Chairman.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS (SURVEYS AND INVESTIGATIONS STAFF), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID M. POMERANTZ.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Visit to Iraq, Kuwait, September 26–October 1, 2007: | | | | | | | | | | | |
| Paul Arcangeli | 9/27 | 10/1 | Kuwait | | 465.00 | | | | | | 465.00 |
| | 1/28 | 9/29 | Iraq | | | | | | | | |
| Commercial transportation | | | | | | | 9,416.30 | | | | 9,416.30 |
| Michael Casey | 9/27 | 10/1 | Kuwait | | 465.00 | | | | | | 465.00 |
| | 1/28 | 9/29 | Iraq | | | | | | | | |
| Commercial transportation | | | | | | | 7,938.30 | | | | 7,938.30 |
| Roy Phillips | 9/27 | 10/1 | Kuwait | | 465.00 | | | | | | 465.00 |
| | 1/28 | 9/29 | Iraq | | | | | | | | |
| Commercial transportation | | | | | | | 9,416.30 | | | | 9,416.30 |
| Alexander Kugajevsky | 9/27 | 10/1 | Kuwait | | 465.00 | | | | | | 465.00 |
| | 1/28 | 9/29 | Iraq | | | | | | | | |
| Commercial transportation | | | | | | | 9,416.30 | | | | 9.416.30 |
| Stephanie Sanok | 9/27 | 10/1 | Kuwait | | 465.00 | | | | | | 465.00 |
| | 1/28 | 9/29 | Iraq | | | | | | | | |
| Commercial transportation | | | | | | | 9,416.30 | | | | 9,416.30 |
| Visit to Italy, Germany, October 4–9, 2007: | | | | | | | | | | | |
| Hon. Solomon Ortiz | 10/5 | 10/8 | Germany | | 1,012.00 | | | | | | 1,012.00 |
| | 10/8 | 10/9 | Italy | | 70.00 | | | | | | 70.00 |
| Hon. Candice Miller | 10/5 | 10/8 | Germany | | 1,012.00 | | | | | | 1,012.00 |
| | 10/8 | 10/9 | Italy | | 70.00 | | | | | | 70.00 |
| David Sienicki | 10/5 | 10/8 | Germany | | 1,012.00 | | | | | | 1,012.00 |
| | 10/8 | 10/9 | Italy | | 70.00 | | | | | | 70.00 |
| Visit to Kuwait, Afghanistan, October 11–16, 2007: | | | | | | | | | | | |
| John Kruse | 10/12 | 10/14 | Kuwait | | 210.00 | | | | | | 210.00 |
| | 10/14 | 10/15 | Afghanistan | | 50.00 | | | | | | 50.00 |
| | 10/15 | 10/16 | Kuwait | | 105.00 | | | | | | 105.00 |
| Commercial transportation | | | | | | | 10,455.62 | | | | 10,455.62 |
| Julie Unmacht | 10/12 | 10/14 | Kuwait | | 210.00 | | | | | | 210.00 |
| | 10/14 | 10/15 | Afghanistan | | 50.00 | | | | | | 50.00 |
| | 10/15 | 10/16 | Kuwait | | 105.00 | | | | | | 105.00 |
| Commercial transportation | | | | | | | 8,022.24 | | | | 8,022.24 |
| Roger Zakheim | 10/12 | 10/14 | Kuwait | | 210.00 | | | | | | 210.00 |
| | 10/14 | 10/15 | Afghanistan | | 50.00 | | | | | | 50.00 |
| | 10/15 | 10/16 | Kuwait | | 105.00 | | | | | | 105.00 |
| Commercial transportation | | | | | | | 8,339.84 | | | | 8,339.84 |
| Eryn Robinson | 10/12 | 10/14 | Kuwait | | 210.00 | | | | | | 210.00 |
| | 10/14 | 10/15 | Afghanistan | | 50.00 | | | | | | 50.00 |
| | 10/15 | 10/16 | Kuwait | | 105.00 | | | | | | 105.00 |
| Commercial transportation | | | | | | | 10,878.62 | | | | 10,878.62 |
| Vickie Plunkett | 10/12 | 10/14 | Kuwait | | 15.33 | | | | | | 15.33 |
| | 10/14 | 10/15 | Afghanistan | | | | | | | | |
| | 10/15 | 10/16 | Kuwait | | 7.67 | | | | | | 7.67 |
| Commercial transportation | | | | | | | 10,455.62 | | | | 10,455.62 |
| Visit to Germay, Iraq, Kuwait, October 18–22, 2007: | | | | | | | | | | | |
| Hon. David Loebsack | 10/19 | 10/20 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 10/20 | 10/21 | Iraq | | | | | | | | |
| | 10/21 | 10/22 | Germany | | 298.00 | | | | | | 298.00 |
| Hon. Tom Cole | 10/19 | 10/20 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 10/20 | 10/21 | Iraq | | | | | | | | |
| | 10/21 | 10/22 | Germany | | 298.00 | | | | | | 298.00 |
| Robert DeGrasse | 10/19 | 10/20 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 10/20 | 10/21 | Iraq | | | | | | | | |
| | 10/21 | 10/22 | Germany | | 298.00 | | | | | | 298.00 |
| Kari Bingen | 10/19 | 10/20 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 10/20 | 10/21 | Iraq | | | | | | | | |
| | 10/21 | 10/22 | Germany | | 298.00 | | | | | | 298.00 |
| Visit to Iraq, Kuwait, Germany, November 2–6, 2007: | | | | | | | | | | | |
| Hon. Adam Smith | 11/3 | 11/3 | Kuwait | | | | | | | | |
| | 11/3 | 11/4 | Iraq | | | | | | | | |
| | 11/4 | 11/5 | Germany | | 348.00 | | | | | | 348.00 |
| Hon. Mac Thornberry | 11/3 | 11/3 | Kuwait | | | | | | | | |
| | 11/3 | 11/4 | Iraq | | | | | | | | |
| | 11/4 | 11/5 | Germany | | 348.00 | | | | | | 348.00 |
| Hon. Gabrielle Giffords | 11/3 | 11/3 | Kuwait | | | | | | | | |
| | 11/3 | 11/4 | Iraq | | | | | | | | |
| | 11/4 | 11/5 | Germany | | 134.22 | | | | | | 134.22 |
| Hon. Bill Shuster | 11/3 | 11/3 | Kuwait | | | | | | | | |
| | 11/3 | 11/4 | Iraq | | | | | | | | |
| | 11/4 | 11/5 | Germany | | 348.00 | | | | | | 348.00 |
| William Natter | 11/3 | 11/3 | Kuwait | | | | | | | | |
| | 11/3 | 11/4 | Iraq | | | | | | | | |
| | 11/4 | 11/5 | Germany | | 348.00 | | | | | | 348.00 |
| Timothy McClees | 11/3 | 11/3 | Kuwait | | | | | | | | |
| | 11/3 | 11/4 | Iraq | | | | | | | | |
| | 11/4 | 11/5 | Germany | | 348.00 | | | | | | 348.00 |
| Alexander Kugajevsky | 11/3 | 11/3 | Kuwait | | | | | | | | |
| | 11/3 | 11/4 | Iraq | | | | | | | | |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| | 11/4 | 11/5 | Germany | | 348.00 | | | | | | 348.00 |
| Visit to Brazil, Argentina, Colombia, Panama, November 18–24, 2007: | | | | | | | | | | | |
| Hon. Loretta Sanchez | 11/18 | 11/20 | Brazil | | 502.00 | | | | | | 502.00 |
| | 11/20 | 11/21 | Argentina | | 352.52 | | | | | | 352.52 |
| | 11/21 | 11/23 | Columbia | | 198.00 | | | | | | 198.00 |
| | 11/23 | 11/24 | Panama | | 254.00 | | | | | | 254.00 |
| Hon. Roscoe Bartlett | 11/18 | 11/20 | Brazil | | 502.00 | | | | | | 502.00 |
| | 11/20 | 11/21 | Argentina | | 352.52 | | | | | | 352.52 |
| | 11/21 | 11/23 | Columbia | | 198.00 | | | | | | 198.00 |
| | 11/23 | 11/24 | Panama | | 254.00 | | | | | | 254.00 |
| Debra Wada | 11/18 | 11/20 | Brazil | | 502.00 | | | | | | 502.00 |
| | 11/20 | 11/21 | Argentina | | 352.52 | | | | | | 352.52 |
| | 11/21 | 11/23 | Columbia | | 198.00 | | | | | | 198.00 |
| | 11/23 | 11/24 | Panama | | 254.00 | | | | | | 254.00 |
| Visit to Kuwait, Iraq, Bahrain, Afghanistan, Germany, November 18–26, 2007: | | | | | | | | | | | |
| Hon. Jim Marshall | 11/19 | 11/20 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 11/20 | 11/21 | Iraq | | | | | | | | |
| | 11/21 | 11/22 | Bahrain | | 114.00 | | | | | | 114.00 |
| | 11/22 | 11/23 | Persian Gulf-Carrier Embark | | | | | | | | |
| | 11/23 | 11/24 | Afghanistan | | | | | | | | |
| | 11/24 | 11/25 | Kuwait | | 105.00 | | | | | | 105.00 |
| Commercial transportation | | | | | | | 11,987.19 | | | | 11,987.19 |
| Kevin Coughlin | 11/19 | 11/20 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 11/20 | 11/21 | Iraq | | | | | | | | |
| | 11/21 | 11/22 | Bahrain | | 114.00 | | | | | | 114.00 |
| | 11/22 | 11/23 | Persian Gulf-Carrier Embark | | | | | | | | |
| | 11/23 | 11/24 | Afghanistan | | | | | | | | |
| | 11/24 | 11/25 | Kuwait | | 105.00 | | | | | | 105.00 |
| Commercial transportation | | | | | | | 10,930.19 | | | | 10,930.19 |
| Visit to Kenya, Ethopia, Chad, Belgium, Italy, November 24–December 2, 2007: | | | | | | | | | | | |
| Hon. Kentrick Meek | 11/24 | 11/26 | Italy | | 292.00 | | | | | | 292.00 |
| | 11/26 | 11/28 | Chad | | 230.00 | | | | | | 230.00 |
| | 11/28 | 11/30 | Ethiopia | | 610.00 | | | | | | 610.00 |
| | 11/30 | 12/1 | Kenya | | 268.00 | | | | | | 268.00 |
| | 12/1 | 12/2 | Belgium | | 167.00 | | | | | | 167.00 |
| Mark Lewis | 11/24 | 11/26 | Italy | | 292.00 | | | | | | 292.00 |
| | 11/26 | 11/28 | Chad | | 230.00 | | | | | | 230.00 |
| | 11/28 | 11/30 | Ethiopia | | 610.00 | | | | | | 610.00 |
| | 11/30 | 12/1 | Kenya | | 268.00 | | | | | | 268.00 |
| | 12/1 | 12/2 | Belgium | | 167.00 | | | | | | 167.00 |
| Stephanie Sanok | 11/24 | 11/26 | Italy | | 292.00 | | | | | | 292.00 |
| | 11/26 | 11/28 | Chad | | 230.00 | | | | | | 230.00 |
| | 11/28 | 11/30 | Ethiopia | | 610.00 | | | | | | 610.00 |
| | 11/30 | 12/1 | Kenya | | 268.00 | | | | | | 268.00 |
| | 12/1 | 12/2 | Belgium | | 167.00 | | | | | | 167.00 |
| Catherine Steadman | 11/24 | 11/26 | Italy | | 292.00 | | | | | | 292.00 |
| | 11/26 | 11/28 | Chad | | 230.00 | | | | | | 230.00 |
| | 11/28 | 11/30 | Ethiopia | | 610.00 | | | | | | 610.00 |
| | 11/30 | 12/1 | Kenya | | 268.00 | | | | | | 268.00 |
| | 12/1 | 12/2 | Belgium | | 167.00 | | | | | | 167.00 |
| Delegation Expenses | 11/28 | 11/29 | Ethopia | | | | | | 3,284.22 | | 3,284.22 |
| Visit to India, Afghanistan, Pakistan, Hungary, with CODEL Bennett November 25–December 4, 2007: | | | | | | | | | | | |
| Hon. Joe Wilson | 11/27 | 11/28 | India | | 536.00 | | | | | | 536.00 |
| | 11/28 | 11/29 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 11/29 | 11/20 | Pakistan | | | | | | | | |
| | 11/30 | 12/3 | India | | 1,608.00 | | | | | | 1,608.00 |
| Visit to Germany, France, Belgium, with STAFFDEL Creadon November 26–December 1, 2007: | | | | | | | | | | | |
| Frank Rose | 11/27 | 11/28 | Germany | | 334.00 | | | | | | 334.00 |
| | 11/28 | 11/29 | Brussels | | 380.00 | | | | | | 380.00 |
| | 11/29 | 12/1 | France | | 962.00 | | | | | | 962.00 |
| Commercial transportation | | | | | | | 9,577.89 | | | | 9,577.89 |
| Visit to Mauritania, Burkina Faso, Burundi, Ethiopia, United Arab Emirates, Pakistan, Afghanistan, Poland, the Czech Republic, Ireland, with CODEL Inhofe November 26–December 3, 2007: | | | | | | | | | | | |
| Hon. Mike McIntyre | 11/27 | 11/27 | Mauritania | | | | | | | | |
| | 11/27 | 11/28 | Ghana | | 139.00 | | | | | | 139.00 |
| | 11/28 | 11/28 | Burkina Faso | | | | | | | | |
| | 11/28 | 11/29 | Burundi | | 131.00 | | | | | | 131.00 |
| | 11/29 | 11/30 | Ethopia | | 140.00 | | | | | | 140.00 |
| | 11/30 | 12/2 | United Arab Emirates | | 386.00 | | | | | | 386.00 |
| | 12/1 | 12/1 | Afghanistan | | | | | | | | |
| | 12/2 | 12/2 | Poland | | | | | | | | |
| | 12/2 | 12/3 | Czech Republic | | 147.00 | | | | | | 147.00 |
| Hon. Dan Boren | 11/27 | 11/27 | Mauritania | | | | | | | | |
| | 11/27 | 11/28 | Ghana | | 139.00 | | | | | | 139.00 |
| | 11/28 | 11/28 | Burkina Faso | | | | | | | | |
| | 11/28 | 11/29 | Burundi | | 131.00 | | | | | | 131.00 |
| | 11/29 | 11/30 | Ethopia | | 140.00 | | | | | | 140.00 |
| | 11/30 | 12/2 | United Arab Emirates | | 386.00 | | | | | | 386.00 |
| | 12/1 | 12/1 | Afghanistan | | | | | | | | |
| | 12/2 | 12/2 | Poland | | | | | | | | |
| | 12/2 | 12/3 | Czech Republic | | 147.00 | | | | | | 147.00 |
| Visit to Germany, France, Belgium, England, November 27–December 2, 2007: | | | | | | | | | | | |
| Hon. Neil Abercrombie | 11/27 | 11/28 | Belgium | | 217.00 | | | | | | 217.00 |
| | 11/28 | 11/30 | France | | 356.00 | | | | | | 356.00 |
| | 11/30 | 12/2 | Germany | | 418.00 | | | | | | 418.00 |
| Hon. Susan Davis | 11/27 | 11/28 | Belgium | | 217.00 | | | | | | 217.00 |
| | 11/28 | 11/30 | France | | 356.00 | | | | | | 356.00 |
| | 11/30 | 12/2 | Germany | | 418.00 | | | | | | 418.00 |
| Doulas Roach | 11/27 | 11/28 | Belgium | | 217.00 | | | | | | 217.00 |
| | 11/28 | 11/30 | France | | 356.00 | | | | | | 356.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| | 11/30 | 12/2 | Germany | | 418.00 | | | | | | 418.00 |
| Aileen Alexander | 11/27 | 11/28 | Belgium | | 217.00 | | | | | | 217.00 |
| | 11/28 | 11/30 | France | | 356.00 | | | | | | 356.00 |
| | 11/30 | 12/2 | Germany | | 418.00 | | | | | | 418.00 |
| Visit to Greece, Cyprus, France, with CODEL Sires November 27–December 1, 2007: | | | | | | | | | | | |
| Hon. Phil Gingrey | 11/27 | 11/29 | Greece | | 198.00 | | | | | | 198.00 |
| | 11/29 | 12/1 | Cyprus | | 788.00 | | | | | | 788.00 |
| | 12/1 | 12/2 | France | | 228.00 | | | | | | 228.00 |
| Visit to Kuwait, Iraq, Ireland, Germany, December 14–16, 2007: | | | | | | | | | | | |
| Hon. Gene Taylor | 12/15 | 12/15 | Kuwait | | | | | | | | |
| | 12/15 | 12/16 | Iraq | | | | | | | | |
| | 12/16 | 12/17 | Ireland | | 278.00 | | | | | | 278.00 |
| William Ebbs | 12/15 | 12/15 | Kuwait | | | | | | | | |
| | 12/15 | 12/16 | Iraq | | | | | | | | |
| | 12/16 | 12/17 | Ireland | | 278.00 | | | | | | 278.00 |
| Joshua Holly | 12/15 | 12/15 | Kuwait | | | | | | | | |
| | 12/15 | 12/16 | Iraq | | | | | | | | |
| | 12/16 | 12/17 | Ireland | | 278.00 | | | | | | 278.00 |
| Visit to Kuwait, Iraq, Turkey, December 24–30, 2007: | | | | | | | | | | | |
| Hon. Ike Skelton | 12/23 | 12/24 | Kuwait | | 150.00 | | | | | | 150.00 |
| | 12/24 | 12/25 | Iraq | | | | | | | | |
| | 12/25 | 12/27 | Turkey | | 360.00 | | | | | | 360.00 |
| Hon. Gene Taylor | 12/23 | 12/24 | Kuwait | | | | | | | | |
| Commercial transportation | | | | | | | 3,028.87 | | | | 3,028.87 |
| Hon. Nancy Boyda | 12/23 | 12/24 | Kuwait | | 155.00 | | | | | | 155.00 |
| | 12/24 | 12/25 | Iraq | | | | | | | | |
| | 12/25 | 12/27 | Turkey | | 360.00 | | | | | | 360.00 |
| Hon. Randy Forbes | 12/23 | 12/24 | Kuwait | | 155.00 | | | | | | 155.00 |
| | 12/24 | 12/25 | Iraq | | | | | | | | |
| | 12/25 | 12/27 | Turkey | | 360.00 | | | | | | 360.00 |
| Erin Conaton | 12/23 | 12/24 | Kuwait | | 155.00 | | | | | | 155.00 |
| | 12/24 | 12/25 | Iraq | | | | | | | | |
| | 12/25 | 12/27 | Turkey | | 360.00 | | | | | | 360.00 |
| Stephanie Sanok | 12/23 | 12/24 | Kuwait | | 155.00 | | | | | | 155.00 |
| | 12/24 | 12/25 | Iraq | | | | | | | | |
| | 12/25 | 12/27 | Turkey | | 360.00 | | | | | | 360.00 |
| Kyle Wilkens | 12/23 | 12/24 | Kuwait | | 155.00 | | | | | | 155.00 |
| | 12/24 | 12/25 | Iraq | | | | | | | | |
| | 12/25 | 12/27 | Turkey | | 360.00 | | | | | | 360.00 |
| Committee total | | | | | 36,401.78 | | 129.279.58 | | 3,284.22 | | 168,965.58 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

IKE SKELTON, Chairman, Jan. 31, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Mark Hadley | 11/10 | 11/19 | Kenya | | 1,260.00 | | 9,845.37 | | | | 11,105.37 |
| Barbara Chow | 11/26 | 11/19 | Haiti | | 705.00 | | 1,736.20 | | | | 2,441.20 |
| Committee total | | | | | 1,965.00 | | 11,581.57 | | | | 13,546.57 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN M. SPRATT, JR., Chairman, Jan. 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. John R. Kuhl, Jr., CODEL led by Hon. Eliot Engel to Brazil from November 25–December 1, 2007. | 11/26 | 11/28 | Rio de Janeiro | | 1,237.40 | | (3) | | [4] 691.60 | | 1,929.00 |
| | 11/28 | 11/29 | Brasilia | | 504.60 | | (3) | | [4] 276.17 | | 780.77 |
| | 11/29 | 11/30 | Manaus | | 419.00 | | (3) | | [4] 209.06 | | 628.06 |
| | 11/30 | 12/1 | Salvador | | 467.14 | | (3) | | [4] 223.96 | | 691.10 |
| Hon. Carolyn McCarthy, CODEL led by Hon. Neil Abercrombie to Belgium, France, and Germany from November 27–December 2, 2007. | 11/27 | 11/28 | Belgium | | 217.00 | | (3) | | | | 217.00 |
| | 11/28 | 11/30 | France | | 356.00 | | (3) | | | | 356.00 |
| | 11/30 | 12/2 | Germany | | 418.00 | | (3) | | | | 418.00 |
| Committee total | | | | | 3,619.14 | | | | 1,400.79 | | 5,019.93 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] Hotel expense.

GEORGE MILLER, Chairman, Jan. 31, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date |  | Country | Per diem [1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. BRADY, Chairman, Jan. 22, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date |  | Country | Per diem [1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Steve Cohen | 10/5 | 10/7 | Qatar |  | 458.00 |  |  |  |  |  |  |
|  | 10/7 | 10/8 | Jordan |  | 279.00 |  |  |  |  |  |  |
|  | 10/8 | 10/9 | Germany |  | 223.00 |  |  |  |  |  | 960.00 |
| Hon. Ric Keller | 10/19 | 10/20 | Kuwait |  | 105.00 |  |  |  |  |  |  |
|  | 10/20 | 10/21 | Iraq |  |  |  |  |  |  |  |  |
|  | 10/21 | 10/22 | Germany |  | 298.00 |  |  |  |  |  | 403.00 |
| Hon. Louis Gohmert | 11/24 | 11/26 | Turkey |  | 702.00 |  |  |  |  |  |  |
|  | 11/27 | 11/29 | Iraq |  | 542.00 |  |  |  |  |  |  |
|  | 11/29 | 11/30 | Jordan |  | 274.00 |  |  |  |  |  |  |
|  | 11/30 | 12/2 | Czech Republic |  | 306.00 |  |  |  |  |  |  |
|  | 12/2 | 12/4 | Austria |  | 778.00 |  | 10,542.43 |  |  |  | 13,144.43 |
| Ur Jaddou | 11/24 | 12/2 | Jordan & Syria |  | 835.00 |  | 7,407.36 |  |  |  | 8,242.36 |
| David Shahoulian | 11/24 | 12/2 | Jordan & Syria |  | 835.00 |  | 7,407.36 |  |  |  | 8,242.36 |
| Hon. Bob Goodlatte | 11/27 | 12/1 | England |  | 1,086.00 |  | 1,424.00 |  |  |  | 2,510.00 |
| Committee total |  |  |  |  | 6,721.00 |  | 26,781.15 |  |  |  | 33,502.15 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CONYERS, JR., Chairman, Jan. 31, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date |  | Country | Per diem [1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Christopher Shays | 11/26 | 11/30 | Turkey |  | 843.00 |  | 8,656.65 |  |  |  | 9,499.65 |
|  | 11/30 | 12/2 | Jordan |  | 174.00 |  |  |  |  |  | 174.00 |
|  | 12/2 | 12/3 | Iraq |  |  |  | (3) |  |  |  |  |
|  | 12/3 | 12/4 | Kuwait |  | 105.00 |  |  |  |  |  | 105.00 |
| R Nicholas Palarino | 11/26 | 11/30 | Turkey |  | 843.00 |  | 8,656.65 |  |  |  | 9,499.65 |
|  | 11/30 | 12/2 | Jordan |  | 174.00 |  |  |  |  |  | 174.00 |
|  | 12/2 | 12/3 | Iraq |  |  |  | (3) |  |  |  |  |
|  | 12/3 | 12/4 | Kuwait |  | 105.00 |  |  |  |  |  | 105.00 |
| Hon. Tom Davis | 11/24 | 11/25 | Germany |  | 348.00 |  | (3) |  |  |  | 348.00 |
|  | 11/25 | 11/27 | Oman |  | 143.99 |  |  |  |  |  | 143.99 |
|  | 11/27 | 11/29 | United Arab Emirates |  | 386.00 |  |  |  |  |  | 386.00 |
|  | 11/29 | 11/30 | Bahrain |  | 164.00 |  |  |  |  |  | 164.00 |
|  | 11/30 | 12/1 | Germany |  | 348.00 |  |  |  |  |  | 348.00 |
| Hon. Darryl Issa | 11/26 | 11/27 | Czech Republic |  | 153.00 |  | (3) |  |  |  | 153.00 |
|  | 11/27 | 11/28 | India |  | 536.00 |  |  |  |  |  | 536.00 |
|  | 11/28 | 11/29 | Kabul |  | 75.00 |  |  |  |  |  | 75.00 |
|  | 11/29 | 11/30 | Pakistan |  | 339.00 |  |  |  |  |  | 339.00 |
|  | 11/30 | 12/2 | India |  | 1,513.00 |  |  |  |  |  | 1,513.00 |
|  | 12/2 | 12/3 | India |  |  |  |  |  |  |  |  |
|  | 12/3 | 12/4 | Hungary |  | 131.00 |  |  |  |  |  | 131.00 |
| Frederick Hill | 11/26 | 11/27 | Czech Republic |  | 153.00 |  | (3) |  |  |  | 153.00 |
|  | 11/27 | 11/28 | India |  | 536.00 |  |  |  |  |  | 536.00 |
|  | 11/28 | 11/29 | Kabul |  | 75.00 |  |  |  |  |  | 75.00 |
|  | 11/29 | 11/30 | Pakistan |  | 339.00 |  |  |  |  |  | 339.00 |
|  | 11/30 | 12/2 | India |  | 1,513.00 |  |  |  |  |  | 1,513.00 |
|  | 12/2 | 12/3 | India |  |  |  |  |  |  |  |  |
|  | 12/3 | 12/4 | Hungary |  | 131.00 |  |  |  |  |  | 131.00 |
| Kristina Moore Husar | 12/9 | 12/15 | Indonesia |  | 910.00 |  | 9,069.70 |  |  |  | 9,979.70 |
| Aimee Brooke Bennett | 12/9 | 12/15 | Indonesia |  | 660.00 |  | 9,069.70 |  |  |  | 9,729.70 |
| Jeffery Baran | 12/10 | 12/14 | Indonesia |  | 471.00 |  | 6,258.70 |  |  |  | 6,729.70 |
| Erik Jones | 12/6 | 12/14 | Indonesia |  | 410.00 |  | 7,785.70 |  |  |  | 8,195.70 |
| Hon. Michael Turner | 12/27 | 12/28 | Germany |  | 212.50 |  | (3) |  |  |  | 212.50 |
|  | 12/28 | 12/30 | India |  | 270.00 |  |  |  |  |  | 270.00 |
|  | 12/30 | 1/1 | Egypt |  | 266.00 |  |  |  |  |  | 266.00 |
|  | 1/1 | 1/4 | Israel |  | 519.00 |  |  |  |  |  | 519.00 |
|  | 1/4 | 1/5 | Germany |  | 212.50 |  |  |  |  |  | 212.50 |
| Michael Heaton | 12/27 | 12/28 | Germany |  | 212.50 |  | (3) |  |  |  | 212.50 |
|  | 12/28 | 12/30 | India |  | 270.00 |  |  |  |  |  | 270.00 |
|  | 12/30 | 1/1 | Egypt |  | 266.00 |  |  |  |  |  | 266.00 |
|  | 1/1 | 1/4 | Israel |  | 519.00 |  |  |  |  |  | 519.00 |
|  | 1/4 | 1/5 | Germany |  | 212.50 |  |  |  |  |  | 212.50 |
| Committee total |  |  |  |  | 14,538.99 |  | 49,497.10 |  |  |  | 64,036.09 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

HENRY A. WAXMAN, Chairman, Jan. 30, 2008.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date |  | Country | Per diem [1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Jean Fruci | 11/11 | 11/19 | Spain |  | 2,019.00 |  | [4] 1,854.33 |  |  |  | 3,873.33 |
| Dan Pearson | 11/12 | 11/18 | Spain |  | 1,855.00 |  | [4] 1,199.33 |  |  |  | 3,054.33 |
| Tara Rothschild | 11/12 | 11/17 | Spain |  | 1,620.00 |  | [4] 5,354.24 |  |  |  | 6,974.24 |
| Hon. Laura Richardson | 11/23 | 11/24 | Germany |  | 170.00 |  |  |  |  |  | 170.00 |
|  | 11/25 | 11/27 | Oman |  | 386.00 |  | [4] 5,760.19 |  |  |  | 6,146.19 |
|  | 11/27 | 11/29 | United Arab Emirates |  | [4] 348.00 |  |  |  |  |  | 348.00 |
| Hon. Brian Baird | 11/30 | 12/2 | Jordan |  | 275.00 |  | ([3]) |  |  |  | 275.00 |
| James Turner | 12/16 | 12/22 | India |  | 970.00 |  | [4] 8,358.98 |  |  |  | 9,328.98 |
| Chris King | 12/6 | 12/16 | Indonesia |  | 1,827.00 |  | [4] 7,088.70 |  |  |  | 8,915.70 |
| Bart Forsyth | 12/6 | 12/7 | Singapore |  | 254.00 |  | [4] 10,172.70 |  |  |  | 10,426.70 |
|  | 12/7 | 12/14 | Indonesia |  | 1,274.00 |  |  |  |  |  | 1,274.00 |
| Tara Rothschild | 12/8 | 12/15 | Indonesia |  | 1,827.00 |  | [4] 7,785.70 |  |  |  | 9,612.70 |
| Committee total |  |  |  |  | 12,825.00 |  | 47,574.17 |  |  |  | 60,399.17 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial airfare.

BART GORDON, Chairman, Jan. 29, 2008.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date |  | Country | Per diem [1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Michael Arcuri | 11/24 | 11/28 | Italy |  | 292.00 |  |  |  |  |  | 292.00 |
|  | 11/28 | 11/29 | Ethiopia |  | 12.00 |  | ([3]) |  |  |  | 12.00 |
| Committee total |  |  |  |  | 304.00 |  |  |  |  |  | 304.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM OBERSTAR, Chairman, Jan. 31, 2008.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date |  | Country | Per diem [1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Leonard Boswell | 10/4 | 10/9 | Europe |  | 1,082.00 |  |  |  |  |  | [3] 1,082.00 |
| Hon. Silvestre Reyes | 10/8 | 10/9 | Mexico |  | 300.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 431.08 |  |  |  | 731.08 |
| Michael Delaney | 10/8 | 10/9 | Mexico |  | 300.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 873.58 |  |  |  | 1,173.58 |
| Hon. Silvestre Reyes | 11/28 | 12/1 | Latin America |  | 848.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 8,628.20 |  |  |  | 9,476.20 |
| Michael Delaney | 11/28 | 12/1 | Latin America |  | 848.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 9,863.20 |  |  |  | 10,711.20 |
| Hon. Mike Thompson | 11/25 | 11/28 | Latin America |  | 1,640.12 |  |  |  |  |  |  |
|  | 11/28 | 12/1 | Latin America |  | 1,125.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 8,167.20 |  |  |  | 10,932.32 |
| Linda Cohen | 11/25 | 11/28 | Latin America |  | 1,640.12 |  |  |  |  |  |  |
|  | 11/28 | 12/1 | Latin America |  | 1,125.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 7,038.70 |  |  |  | 9,803.82 |
| Diane La Voy | 11/25 | 11/28 | Latin America |  | 1,640.12 |  |  |  |  |  |  |
|  | 11/28 | 12/1 | Latin America |  | 1,125.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 7,213.70 |  |  |  | 9,978.82 |
| Sarah Roland | 11/25 | 11/28 | Latin America |  | 1,640.12 |  |  |  |  |  |  |
|  | 11/28 | 12/1 | Latin America |  | 1,125.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 7,193.70 |  |  |  | 9,958.82 |
| Hon. Peter Hoekstra | 11/26 | 11/27 | Europe |  | 387.00 |  |  |  |  |  |  |
|  | 11/28 | 12/1 | Europe |  | 1,146.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 8,282.63 |  |  |  | 9,815.63 |
| Jim Lewis | 11/26 | 11/27 | Europe |  | 387.00 |  |  |  |  |  |  |
|  | 11/28 | 12/1 | Europe |  | 1,146.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 6,645.63 |  |  |  | 8,178.63 |
| Hon. Mike Rogers | 11/27 | 11/30 | Middle East |  | 1,569.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 10,287.13 |  |  |  | 11,856.13 |
| Kathleen Reilly | 11/27 | 11/30 | Middle East |  | 1,569.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 11,364.61 |  |  |  | 12,933.61 |
| Donald Vieira | 11/27 | 11/30 | Middle East |  | 1,569.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 11,058.61 |  |  |  | 12,627.61 |
| Wyndee Parker | 11/26 | 11/29 | Europe |  | 402.00 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 11,395.38 |  |  |  | 11,797.38 |
| Hon. Bud Cramer | 11/27 | 12/28 | Europe |  | 217.00 |  |  |  |  |  |  |
|  | 11/28 | 11/29 | Europe |  | 356.00 |  |  |  |  |  |  |
|  | 11/30 | 12/2 | Europe |  | 418.00 |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  | [3] 991.00 |
| Hon. Silvestre Reyes | 11/28 | 11/30 | Latin America |  | 1,640.12 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 8,662.20 |  |  |  | 10,302.32 |
| Michael Delaney | 11/28 | 11/30 | Latin America |  | 1,640.12 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 9,883.20 |  |  |  | 11,523.32 |
| Jeremy Bash | 11/28 | 11/30 | Latin America |  | 1,640.12 |  |  |  |  |  |  |
| Commercial airfare |  |  |  |  |  |  | 3,879.20 |  |  |  | 5,519.32 |
| Mark Young | 11/25 | 11/29 | Europe |  | 1,736.00 |  |  |  |  |  |  |
|  | 11/30 | 12/1 | Europe |  | 868.00 |  |  |  |  |  |  |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| | | | | | | | | | | | [3]2,604.00 |
| George Pappas | 11/25 | 11/29 | Europe | | 1,736.00 | | | | | | |
| | 11/30 | 12/1 | Europe | | 868.00 | | | | | | |
| | | | | | | | | | | | [3]2,604.00 |
| Stacey Dixon | 11/26 | 11/28 | Europe | | 732.00 | | | | | | |
| | 11/28 | 12/1 | Europe | | 1,704.00 | | | | | | |
| Commercial airfare | | | | | | | 9,224.37 | | | | 11,660.37 |
| Jody Houck | 11/26 | 11/28 | Europe | | 732.00 | | | | | | |
| | 11/28 | 12/1 | Europe | | 1,704.00 | | | | | | |
| Commercial airfare | | | | | | | 9,877.37 | | | | 12,313.37 |
| Josh Kirshner | 11/25 | 11/27 | Europe | | 250.00 | | | | | | |
| | 11/27 | 11/29 | Europe | | 1,107.00 | | | | | | |
| | 11/29 | 12/1 | Europe | | 331.61 | | | | | | |
| Commercial airfare | | | | | | | 6,516.49 | | | | 8,205.10 |
| Mieke Eoyang | 11/25 | 11/27 | Europe | | 250.00 | | | | | | |
| | 11/27 | 11/29 | Europe | | 1,107.00 | | | | | | |
| | 11/29 | 12/1 | Europe | | 331.61 | | | | | | |
| Commercial airfare | | | | | | | 6,516.49 | | | | 8,205.10 |
| Fred Fleitz | 11/25 | 11/27 | Europe | | 250.00 | | | | | | |
| | 11/27 | 11/29 | Europe | | 1,107.00 | | | | | | |
| | 11/29 | 12/1 | Europe | | 331.61 | | | | | | |
| Commercial airfare | | | | | | | 6,516.49 | | | | 8,205.10 |
| Committee total | | | | | 43,670.67 | | 169,519.16 | | | | 213,189.83 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

SILVESTRE REYES, Chairman, Jan. 30, 2008

## RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of July 27, 2007, through January 3, 2008, shall be treated as though received on February 14, 2008. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORD.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5352. A letter from the Senior Vice President for Congressional Affairs, Export-Import Bank, transmitting the Bank's FY 2007 annual report for the Sub-Saharan Africa Initiative; to the Committee on Financial Services.

5353. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 2007, pursuant to 12 U.S.C. 635g; to the Committee on Financial Services.

5354. A letter from the Acting Director, Office of Management, Federal Housing Finance Board, transmitting the Board's information on its 2008 compensation program, including current base salary structures, pursuant to 12 U.S.C. 1833b; to the Committee on Financial Services.

5355. A letter from the Chairperson, National Council of Disability, transmitting the Council's report entitled, "The No Child Left Behind Act and the Individuals with Disabilities Education Act: A Progress Report"; to the Committee on Education and Labor.

5356. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of the Energy Information Administration's "Profiles of Foreign Direct Investment in U.S. Energy 2006," pursuant to Public Law 95-91, section 205(h); to the Committee on Energy and Commerce.

5357. A letter from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting the 2006 Annual Report on the activities and expenditures of the Office of Civilian Radioactive Waste Management system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Energy and Commerce.

5358. A letter from the Secretary, Department of Commerce, transmitting the Department's Performance and Accountability Report for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5359. A letter from the Secretary, Department of Energy, transmitting the Department's Fiscal Year 2007 Agency Financial Report; to the Committee on Oversight and Government Reform.

5360. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual Report for 2007 on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106-107, section 5(d); to the Committee on Oversight and Government Reform.

5361. A letter from the Director, Office of Management and Budget, transmitting the Office's annual report for fiscal year 2007, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

5362. A letter from the Secretary of the Board of Governors, U.S. Postal Service, transmitting the Service's Report, as required by Section 3686(c) of the Postal Accountability and Enhancement Act of 2006; to the Committee on Oversight and Government Reform.

5363. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report detailing the progress and the status of compliance with privatization requirements, pursuant to Public Law 105-33, section 11201(c) (111 Stat. 734); to the Committee on the Judiciary.

5364. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2008-9, Waiver of Section 1083 of the National Defense Authorization Act for Fiscal Year 2008; to the Committee on the Judiciary.

5365. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act — January 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5366. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Pottsville, PA. [Docket No. FAA-2005-22490; Airspace Docket No. 05-AEA-018] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5367. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Philipsburg, PA. [Docket No. FAA-2005-22493; Airspace Docket No. 05-AEA-021] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5368. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fort Scott, KS. [Docket No. FAA-2007-28771; Airspace Docket No. 07-ACE-8] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5369. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lee's Summit, MO.

[Docket No. FAA-2007-28776; Airspace Docket No. 07-ACE-10] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5370. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; St. Marys, PA. [Docket No. FAA-2005-22492; Airspace Docket No. 05-AEA-020] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5371. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tappahannock, VA. [Docket No. FAA-2007-29264; Airspace Docket No. 07-AEA-04] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5372. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Muncy, PA. [Docket No. FAA-2007-0023; Airspace Docket No. 07-AEA-08] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5373. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hailey, ID [Docket FAA No. FAA-2007-27911; Airspace Docket No. 07-ANM-8] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5374. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Williamsport, PA. [Docket No. FAA-2005-22491; Airspace Docket No. 05-AEA-019] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5375. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Du Bois, PA [Docket No. FAA-2005-22489; Airspace Docket No. 05-AEA-017] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5376. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Aguadilla, PR [Docket No. FAA-2007-29086; Airspace Docket No. 07-ASO-22] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5377. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30585; Amdt. No. 3249] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5378. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2007-27619; Directorate Identifier 2005-NM-164-AD; Amendment 39-15257; AD 2007-23-11] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5379. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. FAA-2007-28376; Directorate Identifier 2007-NM-108-AD; Amendment 39-15255; AD 2007-23-09] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5380. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 560 Airplanes [Docket No. FAA-2007-0190; Directorate Identifier 2007-NM-234-AD; Amendment 39-15259; AD 2007-23-13] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5381. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes; Model 757-200 Series Airplanes; and Model 767-200, 767-300, and 767-300F Series Airplanes [Docket No. FAA-2007-28380; Directorate Identifier 2007-NM-088-AD; Amendment 39-15254; AD 2007-23-08] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5382. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-28828; Directorate Identifier 2007-NM-010-AD; Amendment 39-15258; AD 2007-23-12] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5383. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes [Docket No. FAA-2007-0073; Directorate Identifier 2007-NM-229-AD; Amendment 39-15240; AD 2007-22-04] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5384. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2007-0158; Directorate Identifier 2007-CE-081-AD; Amendment 39-15253; AD 2007-23-07] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5385. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CTRM Aviation Sdn. Bhd. (Formerly Eagle Aircraft (Malaysia) Sdn. Bhd.) Model Eagle 150B Airplanes [Docket No. FAA-2007-28957 Directorate Identifier 2007-CE-069-AD; Amendment 39-15252; AD 2007-23-06] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5386. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Goodrich Evacuation Systems Approved Under Technical Standard Order (TSO) TSO-C69b and Installed on Airbus Model A330-200 and -300 Series Airplanes, Model A340-200 and -300 Series Airplanes, and Model A340-541 and -642 Airplanes [Docket No. FAA-2007-28882; Directorate Identifier 2007-NM-035-AD; Amendment 39-15247; AD 2007-23-01] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5387. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, A340-300, A340-500, and A340-600 Series Airplanes [Docket No. FAA-2007-0076; Directorate Identifier 2007-NM-241-AD; Amendment 39-15246; AD 2007-22-10] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5388. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes [Docket No. FAA-2007-0073; Directorate Identifier 2007-NM-229-AD; Amendment 39-15240; AD 2007-22-04] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5389. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No. FAA-2007-27927; Directorate Identifier 2006-NM-182-AD; Amendment 39-15239; AD 2007-22-03] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5390. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes [Docket No. FAA-2007-27560; Directorate Identifier 2006-NM-211-AD; Amendment 39-15198; AD 2007-19-07] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5391. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Series Airplanes [Docket No. FAA-2007-28853; Directorate Identifier 2006-NM-218-AD; Amendment 39-15241; AD 2007-22-05] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5392. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2007-28923; Directorate Identifier 2007-NM-133-AD; Amendment 39-15242; AD 2007-22-06] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5393. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Hazardous Materials; Miscellaneous Amendments [Docket No. PHMSA-05-21812 (HM-218D)] (RIN: 2137-AE10) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5394. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30576 ; Amdt. No. 3241] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5395. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30578 ; Amdt. No. 3243] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5396. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30579; Amdt. No. 3244] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5397. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211 Trent 768-60, 772-60, 772B-60, and 772C-60 Turbofan Engines [Docket No. FAA-2007-28976; Directorate Identifier 2007-NE-28-AD; Amendment 39-15244; AD 2007-22-08] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5398. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A, 205A-1, 205B, 212, 412, 412CF, and 412EP Helicopters [Docket No. FAA-2007-27496; Directorate Identifier 2005-SW-37-AD; Amendment 39-15238; AD 2007-22-02] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5399. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A and 206B Series Helicopters [Docket No. FAA-2007-0055; Directorate Identifier 2007-SW-12-AD; Amendment 39-15237; AD 2007-22-01] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. BRADY of Pennsylvania: H. Res. 989. Resolution dismissing the election contest relating to the office of Representative from the Thirteenth Congressional District of Florida (Rept. 110-528). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Mr. ROSS (for himself and Mr. NUNES):

H.R. 5437. A bill to promote alternative and renewable fuels, domestic energy production, conservation, and efficiency, to increase American energy independence, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Oversight and Government Reform, Armed Services, Agriculture, Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 5438. A bill to name the Department of Veterans Affairs medical facility in Tafuna, American Samoa, as the "Fuga Tolani Teleso Satele Department of Veterans Affairs Medical Facility"; to the Committee on Veterans' Affairs.

By Mr. THORNBERRY:

H.R. 5439. A bill to establish the Civil Service Reform Commission; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. KING of New York, Mr. HOEKSTRA, and Mr. SMITH of Texas):

H.R. 5440. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina (for himself, Mr. KLINE of Minnesota, Ms. LORETTA SANCHEZ of California, Mrs. BOYDA of Kansas, Ms. SHEA-PORTER, and Mr. WILSON of South Carolina):

H.R. 5441. A bill to amend title 10, United States Code, to extend the special survivor indemnity allowance to survivors of certain members of the Armed Forces who die on active duty; to the Committee on Armed Services.

By Mr. MARKEY (for himself, Mr. EMANUEL, and Mrs. CAPPS):

H.R. 5442. A bill to provide individuals with access to health information of which they are a subject, to ensure personal privacy, security, and confidentiality with respect to health related information in promoting the development of a nationwide interoperable health information infrastructure, to impose criminal and civil penalties for unauthorized use of personal health information, to provide for the strong enforcement of these rights, to protect States' rights, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Mrs. TAUSCHER):

H.R. 5443. A bill to improve defense cooperation between the Republic of Korea and the United States; to the Committee on Foreign Affairs.

By Mr. CLYBURN (for himself, Mr. HONDA, Mr. FALEOMAVAEGA, Ms. BORDALLO, Ms. HIRONO, Ms. MATSUI, Mr. WU, Mr. ABERCROMBIE, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. RODRIGUEZ, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. SIRES, Ms. KILPATRICK, Ms. LEE, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CLAY, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WYNN, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. RUSH, Ms. RICHARDSON, Mr. RANGEL, Mr. PAYNE, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. MEEKS of New York, Mr. MEEK of Florida, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. JOHNSON of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 5444. A bill making supplemental appropriations for fiscal year 2008 for summer youth employment activities; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself and Mr. SCOTT of Georgia):

H.R. 5445. A bill to amend part B of title XVIII of the Social Security Act to increase Medicare payments for physicians' services through December 31, 2009; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Ms. ROS-LEHTINEN, Mr. LANGEVIN, Mr. PENCE, Mr. WOLF, and Mr. WELDON of Florida):

H.R. 5446. A bill to establish a health and education grant program related to autism spectrum disorders, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TOWNS (for himself, Mr. SHAYS, Mrs. DAVIS of California, Mr. RODRIGUEZ, Ms. LEE, Mr. GUTIERREZ, and Mrs. JONES of Ohio):

H.R. 5447. A bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress on policy issues associated with the recruitment, retention, research, and reinvestment in the profession of social work; to the Committee on Education and Labor.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 5448. A bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder, to improve the diagnosis and treatment of post-traumatic stress disorder by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KAGEN (for himself, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Mr. COHEN, Mr. MCNERNEY, Ms. CASTOR, Mr. WALZ of Minnesota, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Ms. HIRONO, Mrs. NAPOLITANO, Ms. SUTTON, Ms. CLARKE, Mr. CONYERS, and Mr. ELLISON):

H.R. 5449. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit discrimination in group health coverage and individual health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. POMEROY, Mr. HERGER, Mr. CAMP of Michigan, Mr. BRADY of Texas, Mr. TIBERI, and Mr. CANTOR):

H.R. 5450. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. KILDEE, Mr. SAXTON, Mr. DEFAZIO, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. GILCHREST, Mr. FARR, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. ALLEN, Mr. FORTUÑO, Mr. BROWN of South Carolina, Mr. PALLONE, and Ms. ROS-LEHTINEN):

H.R. 5451. A bill to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; to the Committee on Natural Resources.

By Mrs. CAPPS (for herself, Mr. DELAHUNT, Ms. BORDALLO, Mr. INSLEE, Mr. FARR, Mr. HINCHEY, Mr. FALEOMAVAEGA, and Ms. MATSUI):

H.R. 5452. A bill to amend the Coastal Zone Management Act of 1972 to authorize grants to coastal States to support State efforts to initiate and complete surveys of coastal State waters and Federal waters adjacent to a State's coastal zone to identify potential areas suitable or unsuitable for the exploration, development, and production of renewable energy, and for other purposes; to the Committee on Natural Resources.

By Mrs. CAPPS (for herself, Ms. BORDALLO, Mr. SAXTON, Mr. MARKEY, Mr. PALLONE, Mr. INSLEE, Mr. FARR, Mr. DELAHUNT, Mr. FALEOMAVAEGA, Ms. MATSUI, and Mr. HINCHEY):

H.R. 5453. A bill to amend the Coastal Zone Management Act of 1972 to authorize assistance to coastal states to develop coastal climate change adaptation plans pursuant to approved management programs approved under section 306, to minimize contributions to climate change, and for other purposes; to the Committee on Natural Resources.

By Mr. BROWN of South Carolina (for himself and Mr. PRICE of North Carolina):

H.R. 5454. A bill to amend title 38, United States Code, to establish a presumption of service connection of amyotrophic lateral sclerosis for purposes of the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BURTON of Indiana:

H.R. 5455. A bill to amend title 11 of the United States Code to make nondischargeable debts for personal injuries that result in permanent disability; to the Committee on the Judiciary.

By Mr. CLEAVER:

H.R. 5456. A bill to suspend temporarily the duty on Tembotrione; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 5457. A bill to extend the temporary suspension of duty on Deltamethrin; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 5458. A bill to suspend temporarily the duty on Hydrazine monohydrate; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 5459. A bill to extend the temporary suspension of duty on Triadimefon; to the Committee on Ways and Means.

By Ms. ESHOO (for herself and Mr. THOMPSON of California):

H.R. 5460. A bill to amend the Detainee Treatment Act of 2005 and title 18, United States Code, to include waterboarding in the definition of cruel, inhuman, or degrading treatment or punishment and in the definition of torture, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH (for himself, Mr. PORTER, Ms. GINNY BROWN-WAITE of Florida, Mr. CARDOZA, Mr. CUMMINGS, Mr. PAYNE, Mr. HINOJOSA, Mr. COOPER, Mr. STARK, Mr. FILNER, Mr. PLATTS, Ms. LORETTA SANCHEZ of California, Mr. RAMSTAD, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. ENGLISH of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Ms. WOOLSEY, Ms. BORDALLO, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. LAMPSON, Mr. TERRY, Mr. SESTAK, Mr. KENNEDY, Mr. GRIJALVA, Mr. OBERSTAR, Mr. YOUNG of Alaska, Mr. JEFFERSON, Ms. NORTON, Ms. KILPATRICK, and Ms. SCHAKOWSKY):

H.R. 5461. A bill to require the President to call a White House Conference on Children and Youth in 2010; to the Committee on Education and Labor.

By Mr. GOHMERT (for himself, Mr. KLINE of Minnesota, Mr. CAMPBELL of California, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. SALI, Mr. LAMBORN, Mr. CONAWAY, Mr. SHADEGG, Mr. CHABOT, Mr. PRICE of Georgia, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. SAM JOHNSON of Texas, Mr. MANZULLO, Mr. GOODE, Mr. PITTS, Mr. WAMP, Mr. FEENEY, Mr. WALBERG, Mr. GINGREY, Mr. MARCHANT, Mr. HERGER, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. AKIN, Mr. BROUN of Georgia, Mr. BILBRAY, Mr. BROWN of South Carolina, Mr. ISSA, Mr. NEUGEBAUER, Mr. HUNTER, Mr. POE, Mr. HALL of Texas, Mr. EHLERS, Mr. BURTON of Indiana, Mr. BARTON of Texas, Mr. MCHENRY, Mr. SESSIONS, Mr. HAYES, Mr. LATTA, Mr. PENCE, Mr. KING of New York, and Mr. DANIEL E. LUNGREN of California):

H.R. 5462. A bill to amend title 10, United States Code, to deny Federal funds for any State or city, county, or other political subdivision of a State that prohibits or unduly restricts the establishment or operation of a military recruiting office; to the Committee on Armed Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING (for himself and Mr. ROYCE):

H.R. 5463. A bill to protect investors by fostering transparency and accountability of attorneys in private securities litigation; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLEIN of Florida (for himself, Mr. SENSENBRENNER, Mr. NADLER, Mr. CHABOT, Mr. WEXLER, Mr. COHEN, Mr. JOHNSON of Georgia, Ms. SUTTON, Ms. WASSERMAN SCHULTZ, Ms. GRANGER, Mr. CHANDLER, Mr. BURTON of Indiana, Mr. HASTINGS of Florida, Mr. MAHONEY of Florida, Mr. RUPPERSBERGER, Mr. MEEK of Florida, and Mr. SCOTT of Virginia):

H.R. 5464. A bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes; to the Committee on the Judiciary.

By Mr. LOEBSACK (for himself, Mr. GILCHREST, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Mr. BRALEY of Iowa, Ms. HOOLEY, and Ms. SHEA-PORTER):

H.R. 5465. A bill to require the Department of Defense to implement a pain care initiative, and for other purposes; to the Committee on Armed Services.

By Mr. MCDERMOTT (for himself, Mr. STARK, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. DAVIS of Alabama, Ms. DELAURO, and Mr. FATTAH):

H.R. 5466. A bill to improve outcomes for vulnerable children by investing in families, improving accountability in the child welfare system, and finding safe, stable, and permanent homes for foster children; to the Committee on Ways and Means.

By Mr. PATRICK MURPHY of Pennsylvania (for himself and Mr. BILBRAY):

H.R. 5467. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Oversight and Government Reform.

By Mr. SHUSTER (for himself and Mr. PLATTS):

H.R. 5468. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage of drugs prescribed for certain research study child participants; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Ms. SCHWARTZ, Mr. COHEN, Mr. SHAYS, Mr. MCHUGH, Mr. BRALEY of Iowa, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. CUELLAR, Mr. SERRANO, Mr. HIGGINS, Mr. RUPPERSBERGER, Ms. SUTTON, Mr. SNYDER, Mr. BARROW, Ms. KAPTUR, and Mr. KENNEDY):

H.R. 5469. A bill to provide grants for the revitalization of waterfront brownfields; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 5470. A bill to amend the Communications Act of 1934 to require the carriage of all local television signals by satellite carriers in all local markets; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself and Mrs. BLACKBURN):

H.R. 5471. A bill to require the Consumer Product Safety Commission to prescribe rules requiring distinctive markings on toy and look-alike firearms; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY (for himself, Mr. DONNELLY, Mr. SOUDER, Mr. BURTON of Indiana, Mr. HILL, Mr. PENCE, Mr. ELLSWORTH, and Mr. BUYER):

H.R. 5472. A bill to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. WELCH of Vermont:

H.R. 5473. A bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

By Mr. ROGERS of Alabama (for himself, Mr. MEEK of Florida, Mr. TOWNS, Ms. BORDALLO, Mr. ADERHOLT, Mr. MARIO DIAZ-BALART of Florida, Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. GALLEGLY, Mr. UDALL of Colorado, Mr. SNYDER, Mr. BACHUS, Mr. BONNER, Mr. HASTINGS of Florida, Mr. FOSSELLA, Mr. CARTER, Mr. RANGEL, Mr. FARR, Mr. VAN HOLLEN, Mr. FILNER, Ms. SUTTON, Mr. DAVIS of Alabama, Mr. EVERETT, Ms. WASSERMAN SCHULTZ, Mrs. MYRICK, and Mr. CRAMER):

H. Con. Res. 297. Concurrent resolution recognizing the 60th anniversary of the integration of the United States Armed Forces; to the Committee on Armed Services.

By Mr. ISRAEL:

H. Con. Res. 298. Concurrent resolution expressing the Sense of Congress on the Humanitarian Crisis in Iraq; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself and Mr. STEARNS):

H. Con. Res. 299. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month; to the Committee on Energy and Commerce.

By Mr. BOEHNER (for himself, Mr. BLUNT, Mr. PUTNAM, Mr. MCCOTTER, Mr. CANTOR, Ms. GRANGER, Mr. CARTER, Mr. COLE of Oklahoma, Mr. DREIER, Mr. ADERHOLT, Mr. AKIN, Mr. CAMPBELL of California, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. BURGESS, Mr. CAMP of Michigan, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. MARIO DIAZ-BALART of Florida, Mr. EVERETT, Mr. FEENEY, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. HALL of Texas, Mr. HAYES, Mr. HENSARLING, Mr. HUNTER, Mr. ISSA, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LOBIONDO, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. MCKEON, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. POE, Mr. REYNOLDS, Mr. ROGERS of Alabama, Ms. ROS-LEHTINEN, Mr. SAXTON, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. WALBERG, Mr. WESTMORELAND, and Mr. WILSON of South Carolina):

H. Res. 986. A resolution recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict; to the Committee on Armed Services.

By Mr. BAIRD (for himself, Mr. BLUMENAUER, Mr. CROWLEY, Ms. DEGETTE, Mr. EHLERS, Mr. ETHERIDGE, Mr. GORDON, Mr. INSLEE, Mr. LARSEN of Washington, Mrs. MALONEY of New York, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. SMITH of Washington, Mr. UDALL of Colorado, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALDEN of Oregon, and Mr. WAMP):

H. Res. 987. A resolution encouraging Americans to join others across the country in using their rebate checks to invest in renewable energy and energy-efficient products and services in order to save money, stimulate the economy, and reduce greenhouse gas emissions; to the Committee on Energy and Commerce.

By Mr. MATHESON (for himself, Mrs. CUBIN, Ms. BALDWIN, Mr. FERGUSON, Mr. CUMMINGS, Mr. SESSIONS, Mrs. CAPPS, Mr. TIM MURPHY of Pennsylvania, Mr. ROSS, Mr. FOSSELLA, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Mr. TOWNS, Mr. BAIRD, and Ms. HOOLEY):

H. Res. 988. A resolution designating the month of March 2008 as "MRSA Awareness Month"; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself, Mr. PAYNE, Mr. FLAKE, Mr. BERMAN, Mr. ROYCE, Mr. BLUMENAUER, and Mr. MORAN of Virginia):

H. Res. 990. A resolution encouraging the accelerated removal of agricultural subsidies of industrialized countries to alleviate poverty and promote growth, health, and stability in the economies of African countries; to the Committee on Foreign Affairs.

By Mr. ISRAEL:

H. Res. 991. A resolution recognizing the exceptional sacrifice of the 69th Infantry Regiment, known as the Fighting 69th, in support of the Global War on Terror; to the Committee on Armed Services.

By Mr. ISRAEL (for himself and Ms. PRYCE of Ohio):

H. Res. 992. A resolution honoring the sacrifice of all mothers in the Armed Forces who have deployed to theaters of combat on behalf of the United States; to the Committee on Armed Services.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. WITTMAN of Virginia.

H.R. 78: Mr. JONES of North Carolina.

H.R. 552: Mr. WILSON of South Carolina, Mr. PORTER, and Ms. SHEA-PORTER.

H.R. 563: Mr. WITTMAN of Virginia.

H.R. 657: Mr. MICA.

H.R. 760: Mr. COSTA.

H.R. 768: Mr. BURTON of Indiana, Mr. JONES of North Carolina, and Mr. AKIN.

H.R. 769: Mr. AKIN.

H.R. 882: Mr. PUTNAM and Mr. BRADY of Pennsylvania.

H.R. 917: Mr. MANZULLO.

H.R. 946: Mr. MCDERMOTT.

H.R. 997: Mr. WITTMAN of Virginia.

H.R. 1110: Mr. FATTAH.

H.R. 1174: Mr. KIRK.

H.R. 1237: Mrs. GILLIBRAND and Mr. LOBIONDO.

H.R. 1386: Mr. STUPAK and Mr. SESTAK.

H.R. 1419: Mr. GARRETT of New Jersey.

H.R. 1422: Ms. DEGETTE and Mr. WITTMAN of Virginia.

H.R. 1431: Mr. FRANK of Massachusetts.

H.R. 1532: Mr. PAYNE, Mr. MCNULTY, and Mr. MCNERNEY.

H.R. 1576: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1610: Ms. JACKSON-LEE of Texas and Mr. ABERCROMBIE.

H.R. 1629: Mr. PLATTS and Ms. HOOLEY.

H.R. 1665: Mr. WITTMAN of Virginia and Mr. PLATTS.

H.R. 1732: Mr. BRADY of Pennsylvania.

H.R. 1742: Mr. GALLEGLY, Mr. HOEKSTRA, Mr. CHANDLER, and Mr. HINOJOSA.

H.R. 1767: Mr. ADERHOLT, Mr. KING of Iowa, and Mr. LATOURETTE.

H.R. 1884: Ms. NORTON and Mr. MOORE of Kansas.

H.R. 2016: Mr. DEFAZIO and Mr. SARBANES.

H.R. 2040: Mr. THORNBERRY, Mr. HALL of Texas, Mr. HERGER, Mr. ISSA, Mr. SESSIONS, Mr. CONAWAY, Mr. GARY G. MILLER of California, Mr. BRADY of Texas, Mr. GILCHREST, Mr. TOM DAVIS of Virginia, Mr. LINDER, Mr. FORBES, Mr. TERRY, Mrs. CUBIN, Mr. RENZI, Mr. ADERHOLT, Mr. FLAKE, Mr. MCHUGH, Mr. REICHERT, Mr. BROUN of Georgia, Mr. KELLER, Mr. KIRK, Mr. DUNCAN, Mr. LATOURETTE, Mr. JOHNSON of Illinois, Mr. WALDEN of Oregon, Mr. PETRI, Mr. BROWN of South Carolina, and Mr. BLUNT.

H.R. 2169: Ms. DEGETTE and Mr. BRALEY of Iowa.

H.R. 2303: Mr. CHABOT, Mr. KING of Iowa, Mr. WALDEN of Oregon, Ms. GRANGER, Mr. LOEBSACK, and Mr. STEARNS.

H.R. 2312: Mr. MANZULLO, Mr. BARTLETT of Maryland, Mr. MCCAUL of Texas, and Mr. BOOZMAN.

H.R. 2325: Mr. GENE GREEN of Texas.

H.R. 2332: Mr. LATTA and Mrs. MALONEY of New York.

H.R. 2352: Mr. LOEBSACK.

H.R. 2464: Mr. BUYER.

H.R. 2507: Mr. KUHL of New York.

H.R. 2550: Mr. BARRETT of South Carolina.

H.R. 2588: Mr. FOSSELLA and Mr. KUHL of New York.

H.R. 2762: Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. CRAMER, and Mr. WELLER.

H.R. 2827: Mr. UDALL of New Mexico.

H.R. 2922: Mr. JEFFERSON.

H.R. 2933: Mr. WITTMAN of Virginia.

H.R. 2965: Mr. ELLISON and Mr. PASTOR.

H.R. 2991: Mr. DOGGETT and Mr. CHANDLER.

H.R. 3010: Ms. LINDA T. SÁNCHEZ of California, Ms. SHEA-PORTER, and Mrs. MCCARTHY of New York.

H.R. 3041: Mr. PLATTS.

H.R. 3109: Mr. BUYER.

H.R. 3130: Mr. SKELTON.

H.R. 3175: Mr. OBERSTAR and Mr. JEFFERSON.

H.R. 3186: Mr. KUHL of New York.

H.R. 3197: Mr. LOEBSACK.

H.R. 3212: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3232: Mr. YOUNG of Florida.

H.R. 3234: Mr. MCCAUL of Texas.

H.R. 3257: Mr. TOWNS.

H.R. 3286: Mr. HALL of Texas.

H.R. 3289: Mr. BISHOP of New York.

H.R. 3326: Mrs. MALONEY of New York, Ms. BERKLEY, and Mr. BRADY of Pennsylvania.

H.R. 3363: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3366: Ms. WOOLSEY, Mr. HONDA, Mr. PASTOR, Mr. GONZALEZ, Mr. MCDERMOTT, and Mr. FATTAH.

H.R. 3423: Mr. FILNER.

H.R. 3438: Mr. HONDA and Mrs. NAPOLITANO.

H.R. 3439: Mr. HILL and Mr. MATHESON.

H.R. 3494: Mr. WITTMAN of Virginia.

H.R. 3544: Mr. VAN HOLLEN and Mr. RYAN of Ohio.

H.R. 3663: Mrs. CHRISTENSEN, Mr. SARBANES, Mr. SESTAK, Mrs. MCCARTHY of New York, Mr. GONZALEZ, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Ms. MOORE of Wisconsin, Ms. BERKLEY, and Mr. PASTOR.

H.R. 3680: Mr. BURGESS.

H.R. 3700: Mr. WALBERG.

H.R. 3749: Mr. SKELTON.

H.R. 3750: Mr. KNOLLENBERG.

H.R. 3754: Mr. MATHESON and Mr. HILL.

H.R. 3817: Ms. HERSETH SANDLIN and Mr. WALZ of Minnesota.

H.R. 3819: Mr. FILNER and Mr. LIPINSKI.

H.R. 3834: Mr. PASTOR, Mr. RYAN of Wisconsin, Mr. BLUMENAUER, Mr. RENZI, and Mr. PLATTS.

H.R. 3861: Mr. PORTER.

H.R. 3934: Mr. PORTER, Mr. HELLER, Mr. TIM MURPHY of Pennsylvania, and Mr. DAVIS of Illinois.

H.R. 3954: Mr. MCNERNEY.

H.R. 3975: Mr. DAVID DAVIS of Tennessee.

H.R. 3980: Mr. MCDERMOTT.

H.R. 4008: Mr. HOLDEN.

H.R. 4071: Mr. LOBIONDO.

H.R. 4126: Mr. HINOJOSA and Mr. WITTMAN of Virginia.

H.R. 4174: Mr. GRIJALVA.

H.R. 4206: Mr. PAYNE.

H.R. 4208: Ms. MATSUI and Ms. SHEA-PORTER.

H.R. 4218: Mr. TAYLOR, Mr. BISHOP of Georgia, and Mr. MCNULTY.

H.R. 4236: Ms. SOLIS and Mr. HOLDEN.

H.R. 4251: Mr. COHEN and Ms. DEGETTE.

H.R. 4266: Mr. GRAVES.

H.R. 4291: Ms. MCCOLLUM of Minnesota and Mr. PETERSON of Minnesota.

H.R. 4464: Mr. CHABOT, Mr. MANZULLO, Mr. FRANKS of Arizona, Mr. MCCAUL of Texas, Mrs. DRAKE, Mr. HAYES, and Mr. UPTON.

H.R. 4544: Mr. GRIJALVA.

H.R. 4652: Mr. GRIJALVA.

H.R. 4688: Mr. RENZI.

H.R. 4790: Ms. SLAUGHTER.

H.R. 4897: Mr. RUSH, Mrs. NAPOLITANO, and Mr. GORDON.

H.R. 4900: Mr. CAMPBELL of California, Mr. GALLEGLY, Mr. WALBERG, Mr. CONAWAY, Mr. RENZI, Mr. HOLDEN, and Mr. SHULER.

H.R. 4930: Mrs. CHRISTENSEN and Mr. GOODE.

H.R. 4934: Mr. FILNER, Mr. NADLER, Mr. MCNULTY, Mr. STUPAK, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. KILDEE, Mr. STARK, and Mr. HINOJOSA.

H.R. 5032: Mrs. MUSGRAVE, Mrs. BLACKBURN, Mr. FEENEY, Mr. LATTA, Mr. SAM JOHNSON of Texas, Mr. BARTLETT of Maryland, Mr. MANZULLO, Mr. MARCHANT, Mr. GINGREY, and Mrs. MYRICK.

H.R. 5035: Mr. AL GREEN of Texas, Ms. SCHAKOWSKY, Mr. WYNN, and Mr. SERRANO.

H.R. 5036: Mr. CLAY.

H.R. 5057: Mrs. BLACKBURN.

H.R. 5060: Mr. GOODLATTE.

H.R. 5087: Mr. MAHONEY of Florida, Mr. CARNEY, Mr. HALL of New York, and Mr. KIND.

H.R. 5106: Mr. LANGEVIN, Mr. COHEN, and Mr. MORAN of Virginia.

H.R. 5110: Mr. HILL, Mr. DONNELLY, Mr. COHEN, Ms. MCCOLLUM of Minnesota, and Mr. DOYLE.

H.R. 5124: Mr. SAM JOHNSON of Texas, Mr. SULLIVAN, Mr. FRANKS of Arizona, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 5131: Mr. AKIN, Mr. GINGREY, Mr. MARCHANT, Mr. GOODE, Mr. WALBERG, Mr. BARTLETT of Maryland, Mr. HALL of Texas, Mr. SHADEGG, Mr. RYAN of Wisconsin, Mr. SALI, Mr. BILBRAY, Mrs. CUBIN, Mr. BARRETT of South Carolina, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mrs. MUSGRAVE, and Mr. FRANKS of Arizona.

H.R. 5143: Mr. FOSSELLA, Mr. CUELLAR, Mr. HILL, Mr. WALZ of Minnesota, Mr. MEEKS of New York, Mr. WYNN, Mr. WATT, Mr. DINGELL, Ms. ROYBAL-ALLARD, Mr. ARCURI, and Mr. MOLLOHAN.

H.R. 5148: Mr. GALLEGLY and Mr. MCINTYRE.

H.R. 5161: Mr. LIPINSKI.

H.R. 5171: Mr. BLUMENAUER and Mr. INSLEE.

H.R. 5173: Mr. KUHL of New York.

H.R. 5176: Mr. MCNULTY.

H.R. 5180: Mr. WHITFIELD of Kentucky, Mr. BISHOP of Georgia, Mr. LINCOLN DAVIS of Tennessee, Mr. FRANK of Massachusetts, Mr. MATHESON, Ms. BORDALLO, Ms. LORETTA SANCHEZ of California, Mr. CARNEY, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Illinois, Mr. WALDEN of Oregon, Mr. CAPUANO, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Virginia, and Mr. ALLEN.

H.R. 5216: Mr. SALAZAR.

H.R. 5222: Mr. WALDEN of Oregon, Mr. ROGERS of Alabama, Mr. YOUNG of Florida, Mr. ALEXANDER, Mr. GARRETT of New Jersey, Mrs. MUSGRAVE, Mr. BOOZMAN, Mr. MARSHALL, Mr. NEUGEBAUER, and Mr. SHIMKUS.

H.R. 5233: Mr. KUHL of New York, Mr. CANTOR, and Mrs. MUSGRAVE.

H.R. 5236: Mr. PEARCE and Mrs. CUBIN.

H.R. 5242: Ms. GINNY BROWN-WAITE of Florida.

H.R. 5244: Mr. WALZ of Minnesota, Mr. BECERRA, and Mr. CHANDLER.

H.R. 5265: Mr. GENE GREEN of Texas, Mr. STUPAK, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. OBERSTAR, Mr. ETHERIDGE, Mr. FILNER, and Mr. HINOJOSA.

H.R. 5351: Ms. BERKLEY.

H.R. 5430: Mr. NEAL of Massachusetts.

H.R. 5431: Mr. NEAL of Massachusetts.

H.R. 5432: Mr. NEAL of Massachusetts.

H.R. 5433: Mr. NEAL of Massachusetts.

H.J. Res. 67: Mr. WITTMAN of Virginia.

H. Con. Res. 85: Mr. SESTAK.

H. Con. Res. 163: Mr. CARNEY, Ms. ZOE LOFGREN of California, Mr. WELLER, Mr. LAMBORN, Mr. BARTLETT of Maryland, Mr. KING of New York, Mr. GOODLATTE, Mr. WITTMAN of Virginia, Mrs. MALONEY of New York, and Mr. NEUGEBAUER.

H. Con. Res. 249: Mr. EMANUEL.

H. Con. Res. 263: Mr. TOM DAVIS of Virginia, Mr. MCCRERY, Mr. PAUL, Mr. RADANOVICH, and Mr. WALDEN of Oregon.

H. Con. Res. 286: Mr. BACA, Ms. SOLIS, Mr. BECERRA, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. CLARKE, Mr. CLYBURN, Mr. DOYLE, Mr. DOOLITTLE, Mr. FRELINGHUYSEN, Mr. KINGSTON, Mr. ROGERS of Kentucky, Mr. BROWN of South Carolina, Mr. LEWIS of California, Mr. CULBERSON, Mr. LEVIN, Mr. SIRES, Mr. KIND, Mr. RAHALL, Mr. HARE, Mr. KANJORSKI, Mr. ISSA, Mr. CUELLAR, Mr. FARR, Mr. REGULA, Mr. CAPUANO, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, Mr. SHERMAN, Mr. OLVER, Ms. BALDWIN, Mr. VISCLOSKY, Ms. VELÁZQUEZ, Ms. HOOLEY, Mr. MCNERNEY, Mr. BRADY of Pennsylvania, Mr. MURTHA, Mr. DOGGETT, Mr. SALAZAR, and Mr. BOUCHER.

H. Con. Res. 290: Mr. MARKEY.

H. Con. Res. 292: Mr. MOORE of Kansas, Mr. CLAY, Mrs. EMERSON, Mr. GRAVES, Mrs. BOYDA of Kansas, Mr. TAYLOR, Mr. AKIN, and Mr. HULSHOF.

H. Con. Res. 295: Mr. WHITFIELD of Kentucky.

H. Res. 111: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 248: Mr. BROUN of Georgia and Mrs. WILSON of New Mexico.

H. Res. 333: Mr. BOSWELL.

H. Res. 339: Mr. WALZ of Minnesota.

H. Res. 356: Mr. ALTMIRE and Mr. ENGLISH of Pennsylvania.

H. Res. 679: Ms. SCHAKOWSKY and Mr. CUMMINGS.

H. Res. 887: Mr. MARCHANT, Mr. FOSSELLA, Ms. HERSETH SANDLIN, Mr. SHULER, Mr. KLINE of Minnesota, and Mr. ALTMIRE.

H. Res. 924: Ms. SUTTON.

H. Res. 930: Mr. SCOTT of Georgia and Mr. PASCRELL.

H. Res. 934: Ms. GRANGER.

H. Res. 939: Mr. CARTER and Mr. PORTER.

H. Res. 948: Mr. BOSWELL, Mrs. DAVIS of California, Mr. BRALEY of Iowa, Mr. HONDA, Mr. WALZ of Minnesota, Ms. BORDALLO, Mr. JOHNSON of Georgia, Mr. REYES, Mr. ORTIZ, and Mr. RYAN of Ohio.

H. Res. 951: Mr. ARCURI, Ms. BORDALLO, Mr. ETHERIDGE, Mr. GARY G. MILLER of California, Mrs. MUSGRAVE, Mr. SIMPSON, Mr. TIAHRT, Mr. WEXLER, Ms. CLARKE, Mr. LIPINSKI, Mr. HOLDEN, and Mr. KAGEN.

H. Res. 953: Mr. MILLER of Florida, Mr. HAYES, Mr. ROGERS of Alabama, Mr. COLE of Oklahoma, Mrs. MILLER of Michigan, Mr. SESSIONS, Mr. SHUSTER, Mr. LOBIONDO, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. HUNTER, Mr. EVERETT, and Mr. MCHUGH.

H. Res. 962: Mr. WYNN, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 977: Mr. HINCHEY, Mr. TIM MURPHY of Pennsylvania, Mr. PALLONE, Mr. CHANDLER, Mr. ROSS, and Ms. HIRONO.

H. Res. 978: Mr. MOORE of Kansas, Ms. KILPATRICK, and Mr. MEEKS of New York.

# SENATE—*Thursday, February 14, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who desires truth in the inward parts, keep our lawmakers in Your care. As they dedicate their talents to the Nation's well-being, make our Senators faithful to each challenging duty, loyal to every high claim, and responsive to the human needs of this suffering Earth. Set a seal upon their lips that no thoughtless words shall sting or harm another. Strengthen them to meet this day's waiting tasks with kindness and good will. Lord, give them strength of will, steadiness of purpose, and power to do good for the glory of Your Name.

We pray this in the Name that is above every name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 14, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## MEASURES PLACED ON THE CALENDAR—S. 2633, S. 2634, S. 2636

Mr. REID. Mr. President, there are three bills at the desk due for their second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 2633) to provide for the safe redeployment of United States troops from Iraq.

A bill (S. 2634) to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

A bill (S. 2636) to provide needed housing reform.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills, and I object en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

## SCHEDULE

Mr. REID. Mr. President, following my remarks and any the Republican leader wishes to make, we will resume consideration of the Indian Health Care Improvement Act. Senator DORGAN and Senator MURKOWSKI are here. I believe this is our fourth day. Someone told me yesterday: But they were short days. The only reason they were short is because nobody has been here to offer any amendments. They would have been longer days, as I indicated last night.

I hope people will come and offer amendments. That is what we need to do. We need to move through this legislation. We have been told that Members who have amendments are waiting to offer them. I hope they will do that. We are going to finish the bill this week. We have a break coming next week. We really would like to get the work done. We could finish it today. I hope we can do so.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1200, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1200) to amend the Indian Health Care Improvement Act to revise and extend that Act.

Pending:

Bingaman/Thune amendment No. 3894 (to amendment No. 3899), to amend title XVIII of the Social Security Act to provide for a limitation on the charges for contract health services provided to Indians by Medicare providers.

Vitter amendment No. 3896 (to amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service.

Brownback amendment No. 3893 (to amendment No. 3899), to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

Dorgan amendment No. 3899, in the nature of a substitute.

Sanders amendment No. 3900 (to amendment No. 3899), to provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981.

Gregg amendment No. 4022 (to amendment No. 3900), to provide funding for the Low Income Home Energy Assistance Program in a fiscally responsible manner.

Barrasso amendment No. 3898 (to amendment No. 3899), to require the Comptroller General to report on the effectiveness of coordination of health care services provided to Indians using Federal, State, local, and tribal funds.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### 2-YEAR BUDGET PROCESS

Mr. SESSIONS. Mr. President, the congressional budget process, which we will begin again soon, is clearly broken. Since fiscal year 1980, only three times has Congress enacted all its appropriations bills by the start of the next fiscal year, which is October 1.

During that same time, 138 continuing resolutions have been needed to keep the Government running. In other words, if Congress does not appropriate money, it cannot be spent by the executive branch. It cannot be spent by the Government, period. So when we do not pass an appropriations bill to fund the Department of Defense or the Department of Housing and Urban Development, they cannot operate. They shut down. As a result, we come through with continuing resolutions to allow funding to continue at the previous year's level while we debate and argue over the appropriate appropriations for that next fiscal year.

Repeatedly, we have been late. On average, there have been 4.8 continuing resolutions each fiscal year. On average, we have been almost 3 months late passing the appropriations bills, putting us well into the next fiscal year. For fiscal year 1996, 10 years ago, the final appropriations bill was signed almost 7 months late.

Over the past 13 budget cycles, Congress has passed 10 omnibus spending bills. These omnibus bills occur when, instead of passing each of the 12 appropriations bills separately, as we are set up and plan to do, they cannot pass them individually. Because they are so far behind, all the bills are cobbled together in an omnibus bill and moved at one time, which creates so much momentum that it is difficult to stop a bill such as that. It is certainly almost impossible to read and know what is in it. On average, these spending packages have combined 7.6 regular appropriations bills. So the average omnibus bill is 7.6 of the 12 appropriations bills piled all together in 1 bill and passed, basically rammed through the Senate and the House.

Last year, Congress enacted a $555 billion, 1,600-page omnibus package that combined 11 of the 12 required appropriations bills in 1. It was passed in late December, not long before Christmas, when people were anxious to go home. I am sure that is part of the plan. It all moved forward. Mr. President, 1,600 pages—it is unlikely many Members of this Senate read it. Basically, what they would do is send out their staff to determine if something they especially cared about was in it, and if what they wanted was in it, they would vote for the bill. That is the way things have gone around here. It is not a good policy. The package we passed last December was the largest omnibus bill since 1988, when we enacted a $598 billion package that included all 13 bills.

Finally, this broken budget process has resulted in almost $1.7 trillion in deficit spending over the past 13 budget cycles.

There is no single cure, I will certainly admit, for all of what ails Congress and the way Congress spends the people's money. However, a biennial, 2-year budget, 2-year appropriations would be, I am convinced and have been for quite a number of years, a tremendous step in the right direction. It is a good-government reform. I wish to talk about biennial budgeting a bit.

Biennial budgeting has been supported by the last four Presidents. It is a very simple concept. Under current budget law, Congress must pass the twelve 1-year appropriations bills each year to fund the Federal Government. With biennial budgeting, twelve 2-year appropriations bills would be enacted instead of 1-year bills. A change from a 1-year to 2-year budget cycle would have many great benefits.

I emphasize, this is not a partisan matter. This is a matter that I believe will strengthen the Congress and help us increase some of those very poor ratings we have with the American people.

A change from a 1-year to 2-year budget would deal with this problem that is a reality for us: that under the current system, the budget process, the appropriations process is never-ending. We should have completed this process last year before October 1, the start of the new fiscal year, the appropriations funding for the next fiscal year. We did not get that done until late December. Now we are going to be starting soon trying another series of 12 appropriations bills to try to pass them before October 1.

Last year, it took 325 days from the release of the President's budget until the appropriations process was completed on December 26. Now, only 40 days later, the process has begun again with the submission of the President's new budget on February 5.

By limiting budget decisions to every other year, Congress would have considerably more time to spend passing critical legislation. Whether it be immigration reform, which we need to do, tax cuts, or legislation addressing our Nation's housing problems, Congress could focus more on important legislative matters rather than just always every year backed up, jammed up with appropriations debates, arguing over pork and earmarks, among others.

Some will argue that 2-year budgeting would increase the need for enacting supplemental spending. They say we will have more supplemental emergency spending. As such, we will not save a lot of time, and it still will not be a healthy process.

I ask this: How much more supplemental emergency spending can Congress do?

Over the last 10 budget cycles, even though we are passing regular appropriations bills every single year, Congress has enacted at least 25 supplemental emergency appropriations packages. These packages have approved almost $884 billion in additional emergency spending. That is a shocking number.

But I will add this. When someone does bring up an emergency spending bill—and there may be a number of times that it is quite legitimate—and asks that it be brought up and spent above the budget—and that is what emergency spending does; we approve a budget, we should stay within the budget—we pass an emergency bill and it busts the budget. It goes above the budget. We say it is emergency spending that is so important that we don't adhere to the budget and we are going to spend the money anyway. Of course, all of that goes straight to the debt, since we are already in deficit. Any additional spending over our budget is even more monies that go to our debt. But it takes 60 votes, at least. A person is able to come to the floor and object and create a discussion and demand a supermajority of 60 votes to have emergency spending. I think that in itself should deter some frivolous use of emergency spending, I really do.

I think we would be better off, even though I am sure we will have emergency spending packages with a 2-year budget, because we certainly have had them even with a 1-year budget cycle. I do think the taxpayers won't be defenseless when those emergency bills come up.

Another big thing. All of us in the Congress, and I think all of us in the Senate, know in our hearts, know in the deepest part of our being, that we are not doing a good job of oversight over this massive Government we are supposed to be managing. We don't do a good job of oversight. One reason we don't do oversight in an effective way is because we have to pass the funding bills. We are always arguing over how much should be spent on this or that program, how much should be spent on this or that pet project, and we spend our time doing that and not going out and looking at agencies and departments with a fresh view.

The Office of Management and Budget has made a long list of agencies that are poorly performing, that they question the legitimacy of. If we would focus on that effectively, I think we could do a much better job.

Also, I would suggest that with a 2-year budget, Federal agencies could focus more on their core missions. The Department of Defense, for example, spends untold hours preparing their budget every year, and it creates a lot of uncertainty because they are never sure whether this or that program will be continued. It causes quite a bit of stress and uncertainty. Agencies are spending thousands of hours on their annual budget process.

Constituent groups and organizations could save a lot of money. They come up every year. We see them. They are some of the best people we know, and those people come up every year. They wouldn't have to come up but every 2 years with biennial budgeting. Save some money for those agencies and departments that are worried about their budgets and maybe even save our constituents a little money on air travel.

Finally, a 2-year budget would create a more stable system of government because Congress has proven it cannot complete its budget process each year. It can't do it. Funding delays would surely occur less often and less frequently with a 2-year budget, and the Federal agencies could function more effectively.

Process often does drive policy. The current budget process, the current appropriations process, we know, is not working. It is an embarrassment to us. It embarrasses us every year, not just because the Democrats failed last year in their first year in the majority, but because Republicans failed too, consistently, to pass budgets in an effective way. It is a bipartisan problem. We need to look no further than the $400 billion deficit projected for this year, or our Nation's $9 trillion debt to know we are not being effective in managing the taxpayers' money.

By itself, a 2-year budget will not end the profligate spending of Congress, that is for sure. But a 2-year budget cycle would be a huge improvement. I have no doubt about it. Twenty-one States currently operate with a 2-year budget cycle. I think it is time for Congress to do the same.

When I was working on this the last several years, when the Republicans had a majority in the Senate, I felt as though there might be a slight advantage to the majority party because the majority party has an agenda. They have items they feel obligated to effectively promote. But they are not able to do it oftentimes because all the time on the floor of the Senate is spent on trying to pass appropriations bills. So whether it helps the majority or the minority party, I am not sure, but it will help the taxpayers. It is good government reform.

It is not a partisan thing we are talking about. We are talking about a historic change in the way we do business that will help every agency and department of government because they will have at least 2 years of a solid budget from which to work. They will only have to put together their proposals every 2 years instead of every year. Congress will be able to deal with it one time, and then during the off year, we would be able to examine how we are spending money and make new proposals and new ideas for improving the health care system of America, the savings system of America, and the defense of America.

I thank the Chair, and I note my colleague Senator ALEXANDER from Tennessee is here. I know he strongly shares this view. We have both worked with and met with Senator PETE DOMENICI, long-time former chairman of the Budget Committee and a member of the Appropriations Committee in the Senate, who has championed this battle. Frankly, I think it would be a nice tribute to Senator DOMENICI if, when he completes his tenure, distinguished as it has been in the Senate, we were to pass a 2-year budget.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, Senator ALEXANDER has not indicated to me the purpose of his presence on the floor, but we are most anxious to get started on the Indian Health Care Improvement Act. That was scheduled for 9:30 this morning. I wish to begin an opening statement at some point, and I know Senator MURKOWSKI would, and we want to do a managers' package.

Senator COBURN is here, because I asked if he would be here at 9:30, and he has a number of amendments. I appreciate very much his work and his efforts on Indian health care. I am hoping we can work with Senator COBURN this morning to deal with some of his amendments. I know he has filed a number of them, and he and I have had many discussions about it. I appreciate his attendance. He has just walked into the Chamber.

Our interest is in getting a lot of work done this morning and this afternoon in order to try to see if we can finish this bill. This will be the third day that the Indian Health Care Improvement bill has been on the floor, so I wish to begin on that. I know Senator ALEXANDER has appeared, though I don't know for what purpose, and perhaps I would be happy to yield to him if he would tell us if he is wanting to do something else on the floor.

Mr. ALEXANDER. Mr. President, I hope to take 5 minutes on the 2-year budget and how I hope, and many of us hope, that it will be something the Democrats and Republicans can agree on to change the way Washington works.

I will be glad to defer that, knowing the importance of moving ahead on Indian affairs.

Mr. DORGAN. If the statement is 5 minutes, I would not object to that, but I do want, at the end of that 5 minutes, to begin the bill. Again, Senator COBURN has arrived, and we have a lot of work to do. But I know Senator ALEXANDER has worked on budget issues for a long while, so I ask unanimous consent that Senator ALEXANDER be recognized for 5 minutes, and after that I will make some comments, Senator MURKOWSKI then will make some comments, and we will begin a discussion with Senator COBURN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. Mr. President, I greatly appreciate the courtesy of the Senator from North Dakota. He himself is an expert on appropriations and budget matters, both at the Federal level and at the State level. It would be my hope that as this subject I am about to talk about moves ahead, it would be something that would interest him as well.

### 2-YEAR APPROPRIATIONS

I can make my point quickly and simply. We have heard a lot this year that the people of this country would like a change in the way we do business in Washington, DC. One way to do that is change how we go about our business. That means I would prefer, and I believe almost all of us would prefer, and I know the people would prefer, that we focus on big issues and we come up with good principled ideas. And then we debate those principles, and then we reach across the aisle, because it takes 60 votes to get anything done here to come to a result.

We did that on the economic stimulus, we did that on energy, we did that on terrorism, and it didn't mean we didn't have debates. We had big debates. That is why we are here. But we came to a result and the result had to be bipartisan. I am not so interested in the bipartisanship as I am interested in the result. I heard Rick Warren speak the other day, and he said he wasn't so interested in interfaith dialog as he was interested in good works.

I think that is what the people want to see from us. My suggestion for good works and for results is that we adopt a 2-year appropriations and budget process, as described by the Senator from Alabama and as advocated by the Senator from New Mexico, Senator DOMENICI. This is not a Republican idea, this is not a Democrat idea, this is a good idea. It has the support of Senator FEINGOLD from the other side, and it has the support of the independent Senator, Senator LIEBERMAN, so I would hope it has strong support all across the aisle here.

Let me give an example or two of why it would make a difference. When we debate the higher education bill in a few weeks, I am going to ask permission to bring on the floor several boxes containing all the rules and regulations that 6,000 higher education institutions in this country must wade through in order to accept students who receive a Federal grant or a loan. The stack of boxes is about that high—that many rules and regulations. But this new higher education bill that we will likely pass doubles the number of rules and regulations. Maybe some of them are needed, but what we haven't had time to do is go through that stack of boxes as tall as I am to see if we can cut the regulations in half. We don't have time to do that.

If we spent every other year drawing up a budget and our appropriations bills, and then, in the odd year, going back through rules, laws, and regulations already on the books, I think we would have a strong force for fewer rules, fewer regulations, and fewer laws. And also more effective, if not less, spending.

A second example. The State of Missouri has told the Department of Transportation that with the Federal money we already give the State of Missouri, they can repair every broken bridge they have in 5 years. They can do this as long as we let them do it first under their rules and regulations, without waiting for our appropriations process. In other words, if we let them build the bridges and then we buy the bridges to reimburse them, according to specifications, we don't have to spend any more money to fix all the broken bridges in Missouri.

What that should indicate to us is the gross inefficiency of our appropriations and budget processes when it comes to building roads, when it comes to making contracts, when it comes to waging war. Our process wastes billions of dollars a year. No wonder the people of this country are upset with us.

Final action on appropriations measures has occurred, on average, 86 days after the start of the fiscal year. And our fiscal year starts when? On October 1. I mean, who else begins their year on October 1? That is not the Chinese calendar, it is not most Americans' calendar, but it is our fiscal calendar. So everybody has to adjust their business to a strange year, and then we never meet it.

My hope is that this year we can honor Senator DOMENICI and ourselves. We can add a Democratic name right up there with his, as prominently, and we can say to the country: We are going to change the way Washington does business. We are going to do it in a bipartisan way. We are going to adopt a 2-year budget for spending. We are going to spend every other year revising and repealing laws and make the Government run efficiently. And we are going to get our appropriations and budgeting done on time. We can save the taxpayers dollars so that States, cities, companies, and countries that deal with the United States of America can do so in a timely and efficient way.

I thank the President, and I thank again the Senator from North Dakota and the Senator from Alaska for allowing me this time.

Mr. DORGAN. Mr. President, we are going to turn now to the Indian Health Care Improvement Act, and I am going to be very brief, and I know my colleague will as well because we will have a chance later to speak at greater length.

The Indian Health Care Improvement Act has been the subject of reauthorization for many years, and the Congress has not been able to do it. The fact is we have very serious problems with respect to Indian health care. The Indian Health Service is a very important Federal agency. We have some people who work in that area who do important work and are good and dedicated people, but the fact is the system isn't working very well. We have American Indians—the first Americans, by the way—who are supposed to get health care as a result of treaties and trust responsibilities who are not getting the health care they deserve.

I will again, later today, describe the horrors of Indian health care that does not work. People are dying, people are routinely being denied the health care that every one of us would expect for ourselves and our family. We are trying to reauthorize the Indian Health Care Improvement Act after 8 years. Eight years ago, it was supposed to have been reauthorized. Eight years later, we are still on the floor of the Senate, struggling.

So my hope is, perhaps we will now succeed. Senator MURKOWSKI and the Indian Affairs Committee have worked on a piece of legislation that is not giant reform, it is not a huge step forward, but it is a step forward in the right direction.

Some of my colleagues—I believe my colleague, Senator COBURN—will say we need much larger reform. I do not disagree with that. I am going to be supporting much broader reform in Indian health care. But if you cannot get a modest step in the right direction, how on Earth can you get big, bold reform?

This is the first step in a two-step process to fix what is wrong. I think this Indian Health Care Improvement Act will give us substantial opportunity to improve the health care in the lives of American Indians.

Let me make the point that is important. We owe this health care through treaties, through a trust responsibility. We have made commitments. We owe this health care to American Indians through promises the Federal Government has made.

Regrettably, it has not been adequately delivered. So I am going to talk a little bit later. I know my colleague, Senator COBURN, is on the Senate floor, and he has amendments. I am going to give him an opportunity to speak. I am as well, but I will have an opportunity later this morning to describe in much greater detail why there is an urgency and why this system must be improved. We cannot wait any longer.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I thank the chairman of the Indian Affairs Committee for his leadership on this very importation reauthorization bill. As he has indicated, this work is a long time in coming, and it is a collaborative effort not only of those on the committee, those of us who represent so many in Indian country across the Nation, but truly for so many who have put so much work into this reauthorization, this very important health care reform.

We do have amendments we have received and are looking forward to having discussion on them. As Chairman DORGAN has noted, Senator COBURN will have an opportunity to offer some of those this morning. But in the spirit of focusing on what we have in front of us today, I think it is important that we keep in mind we have an obligation to advance a health care system that has been left behind the times in terms of any updates, whether it is in the area of behavioral health or telemedicine or substance abuse or what we are doing with diabetes treatment or how we are moving forward with construction of facilities. We recognize that we have a ways to go in updating the system. This is important and is necessary.

Recognizing the limitations on Senator COBURN's time at this point, I yield to the Senator so he can offer his amendments. We will continue our conversation later in the morning.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first of all, let me thank the chairman and ranking member, Senator MURKOWSKI, for their work on this effort.

### AMENDMENTS NOS. 4024 THROUGH 4037 TO AMENDMENT NO. 3899

Oklahoma is the No. 1 State in the country as far as tribal members. Indian health care is an issue on which we are struggling, and there are all sorts of components for it. I am going to ask unanimous consent now to bring up my amendments numbered 4024 through 4037 as if brought up individually and ask that each be set aside so they will be considered pending. I ask unanimous consent that be carried out at this time.

Mr. DORGAN. I have no objection to that. The Senator and I have talked about this. He wants to get all of his amendments pending. But he will be asking for discussion and votes on a number of them.

Mr. COBURN. Far less than what I bring up.

Mr. DORGAN. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

### AMENDMENT NO. 4024 TO AMENDMENT NO. 3899

(Purpose: To ensure that tribal members receive scientifically effective health promotion services)

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. 8___. SCIENTIFICALLY EFFECTIVE HEALTH PROMOTION SERVICES.**

"Notwithstanding any other provision of this Act, coverage of health promotion services under this Act shall only be for medical or preventive health services or activities—

"(1) for which scientific evidence demonstrates a direct connection to improving health; and

"(2) that are provided in accordance with applicable medical standards of care.

AMENDMENT NO. 4025 TO AMENDMENT NO. 3899

(Purpose: To clarify the absence of authorization of racial preference in employment)

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. 8___. NO RACIAL PREFERENCE IN EMPLOYMENT.**

"Notwithstanding any other provision of this Act, nothing in this Act authorizes any racial preference in employment.

AMENDMENT NO. 4026 TO AMENDMENT NO. 3899

(Purpose: To modify a provision relating to child sexual abuse and prevention treatment programs)

Strike paragraph (5) of section 713(b) of the Indian Health Care Improvement Act (as amended by section 101) and insert the following:

"(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated.

At the end of section 713 of the Indian Health Care Improvement Act (as amended by section 101), add the following:

"(d) LIMITATION ON FUNDING.—Treatment shall be provided for a perpetrator pursuant to this section only if the treatment is scientifically demonstrated to reduce the potential of the perpetrator to commit child sexual abuse again, and shall not provide the basis to reduce any applicable criminal punishment or civil liability for that abuse.

AMENDMENT NO. 4027 TO AMENDMENT NO. 3899

(Purpose: To clarify the effect of a title)

At the appropriate place in title VII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. 7___. CRIMINAL CONDUCT.**

"Nothing in this title—

"(1) establishes any defense, not otherwise applicable under law, for any individual accused of any crime, including physical or sexual abuse of children or family violence; or

"(2) preempts or otherwise affects any applicable requirement for—

"(A) reporting of criminal conduct, including for child abuse or family violence; or

"(B) creating any new privilege concerning disclosure.

AMENDMENT NO. 4028 TO AMENDMENT NO. 3899

(Purpose: To provide a blood quantum requirement for Federal recognition of Indian tribes)

On page 347, after line 24, add the following:

**SEC. 104. BLOOD QUANTUM REQUIREMENT FOR FEDERAL RECOGNITION OF INDIAN TRIBES.**

Effective beginning on the date of enactment of this Act, in determining whether to extend Federal recognition to an Indian tribe or other Indian group under part 83 of title 25, Code of Federal Regulations (or successor regulations), the Secretary of the Interior shall require that each member of the Indian tribe or group possess a degree of Indian blood of not less than 1⁄512.

AMENDMENT NO. 4029 TO AMENDMENT NO. 3899

(Purpose: To require a study of membership criteria for federally recognized Indian tribes)

On page 347, after line 24, add the following:

**SEC. 104. GAO STUDY OF MEMBERSHIP CRITERIA FOR FEDERALLY RECOGNIZED INDIAN TRIBES.**

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of membership criteria for federally recognized Indian tribes, including—

(1) the number of federally recognized Indian tribes in existence on the date on which the study is conducted;

(2) the number of those Indian tribes that use blood quantum as a criterion for membership in the Indian tribe and the importance assigned to that criterion;

(3) the percentage of members of federally recognized Indian tribes that possesses degrees of Indian blood of—

(A) ¼;

(B) ⅛; and

(C) 1⁄16; and

(4) the variance in wait times and rationing of health care services within the Service between federally recognized Indian Tribes that use blood quantum as a criterion for membership and those Indian Tribes that do not use blood quantum as such a criterion.

AMENDMENT NO. 4030 TO AMENDMENT NO. 3899

(Purpose: To ensure tribal members have access to the highest levels of quality and safety in the Service)

Strike section 221 of the Indian Health Care Improvement Act (as amended by section 101) and insert the following:

**"SEC. 221. LICENSING.**

"Nothing in this Act preempts any State requirement regarding licensing of any health care personnel.

AMENDMENT NO. 4031 TO AMENDMENT NO. 3899

(Purpose: To promote transparency and quality in the Service)

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. 8___. GAO ASSESSMENT.**

"Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, an assessment of—

"(1) the average wait time of patients in the Service;

"(2) the extent of rationing of health care services in the Service;

"(3) the average per capita health care spending on Indians eligible for health care services through the Service;

"(4) the overall health outcomes in Indians, as compared to the overall health outcomes of other residents of the United States;

"(5) patient satisfaction of Indians receiving health care services through the Service;

"(6) the total amount of funds of the Service expended for—

"(A) direct medical care; and

"(B) administrative expenses;

"(7) the health care coverage options available to Indians receiving health care services through the Service;

"(8) the health care services options available to Indians; and

"(9) the health care provider options available to Indians.

AMENDMENT NO. 4032 TO AMENDMENT NO. 3899

(Purpose: To protect rape and sexual assault victims from HIV/AIDS and other sexually transmitted diseases)

At the appropriate place in the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. ____. TESTING FOR SEXUALLY TRANSMITTED DISEASES IN CASES OF SEXUAL VIOLENCE.**

"The Attorney General shall ensure that, with respect to any Federal criminal action involving a sexual assault, rape, or other incident of sexual violence against an Indian—

"(1)(A) at the request of the victim, a defendant is tested for the human immunodeficiency virus (HIV) and such other sexually transmitted diseases as are requested by the victim not later than 48 hours after the date on which the applicable information or indictment is presented;

"(B) a notification of the test results is provided to the victim or the parent or guardian of the victim and the defendant as soon as practicable after the results are generated; and

"(C) such follow-up tests for HIV and other sexually transmitted diseases are provided as are medically appropriate, with the test results made available in accordance with subparagraph (B); and

"(2) pursuant to section 714(a), HIV and other sexually transmitted disease testing, treatment, and counseling is provided for victims of sexual abuse.

AMENDMENT NO. 4033 TO AMENDMENT NO. 3899

(Purpose: To allow tribal members to make their own health care choices)

On page 336, between lines 13 and 14, insert the following:

**"SEC. 817. TRIBAL MEMBER CHOICE DEMONSTRATION PROJECT.**

"(a) IN GENERAL.—The Secretary shall establish a demonstration project in not less than 3 Service Areas (chosen by the Secretary for optimal participation) under which eligible participants shall be provided with a risk-adjusted subsidy for the purchase of qualified health insurance (as defined in subsection (f)) in order to—

"(1) improve Indian access to high quality health care services;

"(2) provide incentives to Indian patients to seek preventive health care services;

"(3) create opportunities for Indians to participate in the health care decision process;

"(4) encourage effective use of health care services by Indians; and

"(5) allow Indians to make health care coverage and delivery decisions and choices.

"(b) ELIGIBLE PARTICIPANT.—

"(1) VOLUNTARY ENROLLMENT FOR 12-MONTH PERIODS.—

"(A) IN GENERAL.—In this section, the term 'eligible participant' means an Indian who—

"(i) is a member of a federally-recognized Indian Tribe; and

"(ii) voluntarily agrees to enroll in the project conducted under this section (or in the case of a minor, is voluntarily enrolled on their behalf by a parent or caretaker) for a period of not less than 12 months in lieu of obtaining items or services through any Indian Health Program or any other federally-funded program during any period in which the Indian is enrolled in the project.

"(B) VOLUNTARY EXTENSIONS OF ENROLLMENT.—An eligible participant may voluntarily extend the participant's enrollment in the project for additional 12-month periods.

"(2) HARDSHIP EXCEPTION.—The Secretary shall specify criteria for permitting an eligible participant to disenroll from the project before the end of any 12-month period of enrollment to prevent undue hardship.

"(c) SUBSIDIES REQUIREMENT.—The average amount of all subsidies provided to eligible participants enrolled in the demonstration project established under this section for each 12-month period during which the project is conducted shall not exceed the amount equal to the average of the per capita expenditures for providing Indians items or services from all Indian Health Programs for the most recent fiscal year for which data is available.

"(d) SPECIAL RULES.—

"(1) TREATMENT.—The amount of a subsidy provided to an eligible participant in the project shall not be counted as income or assets for purposes of determining eligibility for benefits under any Federal public assistance program.

"(2) BUDGET NEUTRALITY.—In conducting the demonstration project under this section, the Secretary shall ensure that the aggregate payments made to carry out the project do not exceed the amount of Federal expenditures which would have been made for the provision of health care items and services to eligible participants if the project had not been implemented.

"(e) DEMONSTRATION PERIOD; REPORTS TO CONGRESS.—

"(1) DEMONSTRATION PERIOD.—

"(A) INITIAL PERIOD.—The demonstration project established under this section shall begin not later than the date that is 1 year after the date of enactment of this section and shall be conducted for a period of 5 years.

"(B) EXTENSIONS.—The Secretary may extend the project for such additional periods as the Secretary determines appropriate, unless the Secretary determines that the project is unsuccessful in achieving the purposes described in subsection (a), taking into account cost-effectiveness, quality of care, and such other criteria as the Secretary may specify.

"(2) PERIODIC REPORTS TO CONGRESS.—During the 5-year period described in paragraph (1), the Secretary shall periodically submit reports to Congress regarding the progress of demonstration project conducted under this section. Each report shall include information concerning the populations participating in the project, participant satisfaction (determined by indicators of satisfaction with security, affordability, access, choice, and quality) as compared with items and services that the participant would have received from Indian Health Programs, and the impact of the project on access to, and the availability of, high quality health care services for Indians.

"(f) QUALIFIED HEALTH INSURANCE.—

"(1) IN GENERAL.—In this section, the term 'qualified health insurance' means insurance which constitutes medical care as defined in section 213(d) of the Internal Revenue Code of 1986 without regard to—

"(A) paragraph (1)(C) thereof, and

"(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

"(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c) of such Code).".

### AMENDMENT NO. 4034 TO AMENDMENT NO. 3899

(Purpose: To allow tribal members to make their own health care choices)

On page 336, between lines 13 and 14, insert the following:

**"SEC. 817. TRIBAL MEMBER CHOICE PROGRAM.**

"(a) IN GENERAL.—The Secretary shall establish a program in geographically feasible Service Areas (as determined by the Secretary, taking into account those Service Areas that are likely to have optimal participation) under which eligible participants shall be provided with a risk-adjusted subsidy for the purchase of qualified health insurance (as defined in subsection (f)) in order to—

"(1) improve Indian access to high quality health care services;

"(2) provide incentives to Indian patients to seek preventive health care services;

"(3) create opportunities for Indians to participate in the health care decision process;

"(4) encourage effective use of health care services by Indians; and

"(5) allow Indians to make health care coverage and delivery decisions and choices.

"(b) ELIGIBLE PARTICIPANT.—

"(1) VOLUNTARY ENROLLMENT FOR 12-MONTH PERIODS.—

"(A) IN GENERAL.—In this section, the term 'eligible participant' means an Indian who—

"(i) is a member of a federally-recognized Indian Tribe; and

"(ii) voluntarily agrees to enroll in the program conducted under this section (or in the case of a minor, is voluntarily enrolled on their behalf by a parent or caretaker) for a period of not less than 12 months in lieu of obtaining items or services through any Indian Health Program or any other federally-funded program during any period in which the Indian is enrolled in the program.

"(B) VOLUNTARY EXTENSIONS OF ENROLLMENT.—An eligible participant may voluntarily extend the participant's enrollment in the program for additional 12-month periods.

"(2) HARDSHIP EXCEPTION.—The Secretary shall specify criteria for permitting an eligible participant to disenroll from the program before the end of any 12-month period of enrollment to prevent undue hardship.

"(c) SUBSIDIES REQUIREMENT.—The average amount of all subsidies provided to eligible participants enrolled in the program established under this section for each 12-month period during which the program is conducted shall not exceed the amount equal to the average of the per capita expenditures for providing Indians items or services from all Indian Health Programs for the most recent fiscal year for which data is available.

"(d) SPECIAL RULES.—

"(1) TREATMENT.—The amount of a subsidy provided to an eligible participant in the program shall not be counted as income or assets for purposes of determining eligibility for benefits under any Federal public assistance program.

"(2) BUDGET NEUTRALITY.—In conducting the program under this section, the Secretary shall ensure that the aggregate payments made to carry out the program do not exceed the amount of Federal expenditures which would have been made for the provision of health care items and services to eligible participants if the program had not been implemented.

"(e) IMPLEMENTATION; REPORTS TO CONGRESS.—

"(1) IMPLEMENTATION.—

"(A) INITIAL PERIOD.—The program established under this section shall begin not later than the date that is 1 year after the date of enactment of this section and shall be conducted for a period of at least 5 years.

"(B) EXTENSIONS.—The Secretary may extend the program for such additional periods as the Secretary determines appropriate, unless the Secretary determines that the program is unsuccessful in achieving the purposes described in subsection (a), taking into account cost-effectiveness, quality of care, and such other criteria as the Secretary may specify.

"(2) REPORTS TO CONGRESS.—During the initial 5-year period in which the program is conducted, and during any period thereafter in which the program is extended, the Secretary shall periodically submit reports to Congress regarding the progress of program. Each report shall include information concerning the populations participating in the program, participant satisfaction (determined by indicators of satisfaction with security, affordability, access, choice, and quality) as compared with items and services that the participant would have received from Indian Health Programs, and the impact of the program on access to, and the availability of, high quality health care services for Indians.

"(f) QUALIFIED HEALTH INSURANCE.—

"(1) IN GENERAL.—In this section, the term 'qualified health insurance' means insurance which constitutes medical care as defined in section 213(d) of the Internal Revenue Code of 1986 without regard to—

"(A) paragraph (1)(C) thereof, and

"(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

"(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c) of such Code).".

### AMENDMENT NO. 4035 TO AMENDMENT NO. 3899

(Purpose: To prioritize patient care over administrative overhead)

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. 8___. REQUIREMENT.**

"Not less than 85 percent of amounts made available to carry out this Act shall be used to provide the medical services authorized by this Act.

### AMENDMENT NO. 4036 TO AMENDMENT NO. 3899

(Purpose: To prioritize scarce resources to basic medical services for Indians)

On page 121, strike line 15 and insert the following:

"(c) PRIORITIZATION.—Before providing any hospice care, assisted living service, long-term care service, or home- or community-based service pursuant to this section, the Secretary shall give priority to the provision of basic medical services to Indians.

"(d) DEFINITIONS.—For the purposes of this section,

### AMENDMENT NO. 4037 TO AMENDMENT NO. 3899

(Purpose: To prioritize scarce resources to basic medical services for Indians)

On page 121, strike line 15 and insert the following:

"(c) EFFECTIVE DATE.—

"(1) EFFECTIVE DATE.—This section takes effect on the date on which the Secretary makes the certification described in paragraph (2).

"(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the Secretary to Congress that—

"(A) the service availability, rationing, and wait times for existing health services within the Service are—

"(i) acceptable to Indians; and

"(ii) comparable to the service availability and wait times experienced by other residents of the United States; and

"(B) the provision of services under this section will not divert resources from or negatively affect the provision of basic medical and dental services by the Service.

"(d) DEFINITIONS.—For the purposes of this section,

Mr. COBURN. Let me start by saying, improving the health care of Indians in this country is a widely supported goal. Senator DORGAN's heart is in the right place on this issue. He knows the problems we have, and he spent countless hours trying to get to this point with this bill. I do not want to be seen—I have told him, and I committed to him my goal is not to block his progress on this bill.

However, I believe this legislation as drafted does not fix the underlying problems. He and I have had several conversations about that. It does not fix rationing that is going on today. It does not fix waiting lines that are going on today. It does not fix the inferior quality that is being applied to a lot of Native Americans and Alaskans in this country. It does not fix any of those problems. In fact, it authorizes more services without making sure the money is there to follow it. The average Native American in this country has $2,100 per year spent on them.

Now, let's put that in perspective. The average veteran we take care of has $4,300. The average individual per person, per capita, expenditure in our country is $7,000. Yet we are going to pass a bill that does not fix anything. It does not fix the real problems about addressing the No. 1 problem which is, we are not sending enough dollars to meet the treaty obligations that we have with Native Americans. So really what this bill is, it is called the Indian Health Care Improvement Act, but it improves our position with tribes because we have done something, but it does not improve health care. It is not going to improve health care. It is going to increase the availability of services without the money, without the control, without the quality, without eliminating the waiting lines.

As a matter of fact, it is going to add to the waiting lines as I read this bill, as somebody who is somewhat experienced in medicine. Those who say a failure to reauthorize the Indian Health Care Improvement Act is a violation of our trust obligations are correct. However, I believe simply reauthorizing this system with minor modifications is an even greater violation of that commitment. It is a greater violation. Dozens of tribal leaders are not expressing enthusiasm for the current structure.

Chuck Grim, an Oklahoman, head of this service, knows what is broken. I have had lots of conversations with him. We know what is broken, we know how to fix it, but we have to be bold in how we go about fixing it. We are not bold in this. We are not changing it. We are not doing the structural changes that have to happen for us to live up to the commitment that we have made to Native Americans.

The myriad of problems facing Indian health care in Indian country are many of the same issues that are facing health care delivery throughout rural America. They are compounded, however, in this system by a system that refuses to recognize its own role in holding back health care delivery for Native Americans.

In designing health care reforms, markets work when they are allowed to. They lower the price of all goods and services, and they attract much needed outside investment. Many tribes in Oklahoma are at the forefront of new and innovative health care delivery systems. They are poised to become a model for delivery throughout the system.

Congress must ensure, however, that their efforts are not discouraged or stopped altogether by the current system. Furthermore, there is no good reason that forward-thinking tribal governments should not be prevented from developing market-driven health care centers of excellence that will attract researchers, physicians, and patients for cutting edge lifesaving treatments. We do not do that in this bill.

Furthermore, this legislation fails to focus on empowering individual tribal members. Individual patients tend to receive better care and more effective care when they are empowered to make their own health care decisions. Congress should explore ways to accomplish this objective and give tribal citizens a reason to invest in their own health. Long lines, bureaucratic headaches, and rationed substandard care completely disallow this sort of investment. That is what we have.

Our Chairman has been on the Senate floor multiple times showing how we are rationing care, how we have lines, how we do not give quality care, how we take contract health care—it runs out in 4 or 5 months. And so what happens? People who need care do not get it, and we have not fixed that in this bill. Yet we are calling this health care improvement.

The health care status of tribal members ranks below the general population. The Federal Government has been providing health care to tribal members for 175 years. The first time was to give them a smallpox vaccine in 1807. That is when we started Indian health care. And what we are doing today in comparison to what our treaty obligations are—in comparison, it is the same thing we are doing to the veterans when we tell the veterans: We are going to give you health care and do not give it. It is the same thing we tell schools: We are going to have an IDEA program and then not fund it. It is morally bankrupt legislation that does not meet the commitments that we say we have.

The Snyder Act of 1921 provided a broad and permanent authorization for Federal Indian programs, including—and this is an important thing—the conservation of health; in other words, the prevention of disease, which Chuck Grim was just starting to get into, but we do not have the funding to do it the way we need to do it. We know the manifestation of diabetes and addiction and hypertension and heart disease among our tribal members is higher than any other group in our country. Yet the conservation of health has not been exploited, the paradigm shift that has to happen in Native American care to where we go to prevention instead of treatment of disease. It is not in here. We are not doing it.

Last year, we spent $3.18 billion doing this. If we just funded it at the level we fund per capita veterans care, we should be funding $6.5 billion in Native American health care. That is just on a per capita basis, let alone any structural changes on how we might make preventative care, quality care, timely care, and compassionate care a part of Native American care. But we are not doing that. Indians in comparison with the general population are 6.5 times more likely to die from alcoholism. That is a disease we need to be preventing. That is a health care problem. They are six times more likely to die from tuberculosis, a preventable disease; three times more likely to die from diabetes, a controllable and now preventable disease, it is a preventable disease; 2.5 times more likely to die from an accident.

Now, how can we look those statistics in the face and say we have met our treaty obligations? We have failed. We have absolutely failed. Only 71 percent of Native Americans receive prenatal care. That means one out of four Native American moms who get pregnant do not have any prenatal care. We ought to be ashamed. We have failed. We have failed.

Eighteen percent of Native Americans who are pregnant smoke. That is twice the rate of others. Where is our prevention? Where is our education? Where is the priority on what we can do something about?

American Indians suffer from a great death rate from chronic liver disease and cirrhosis. It is 22.7 per 100,000. That is twice what it is for Whites and three times what it is for African Americans in this country. We know what causes it. We do not put the dollars there. We have not put in a streamlined prevention program.

My words are harsh. They are not intended for either the chairman or the ranking member. I passionately care that we meet our commitments, and so I do not want you to take the words I say as directed toward you because I know you care as well.

Where we have a difference is in the "now." What do we do now rather than what do we do later? I think we should be doing it all now. I think we should radically change how we approach our obligations in Native American health care in this country.

Rationing plagues Indian Health Services. It is rationed care. That is why it is not good care. That is why it is not consistent care. That is why it is not preventative care, because we don't have the resources. We haven't applied the resources to the need. Senator DORGAN has had numerous hearings. He has spoken on the floor about this rationing crisis. But if we don't radically change the system, if we don't change incentives in the system, improving the old will just bring more failure.

The job vacancy rate for dentists is 32 percent. They don't have 80 percent of the nurses they need. They don't have 85 percent of the optometrists, and they only have 86 percent of the doctors, based on the present system. I am proposing a better system with better care based on prevention, a paradigm that says it is a whole lot cheaper to prevent your illness than it is to treat it once you get it. It is common to hear in Indian Country—and I have heard the chairman say it—"don't get sick after June. Contract money is gone. If you get sick after June, nothing will happen. You will not get the referral to the center to take care of you because we don't have the money.

A quote from Dr. Charles Grim, who has been a stellar leader for the IHS:

> We're only able to provide a certain level of dental services in certain populations. We're only able to refer a certain level or number or types of referrals with our contract health service budget into the private sector. . . . But I guess one generalized statement would be that we have a defined population and a defined budget. . . . But it has led to rationing in some parts of our health care system.

Here is the former head of IHS admitting we are rationing the care. When we ration care, we don't match up need with resources. We say: Here are all the resources there are regardless of what the need is. We don't get on the leading edge on prevention. We don't get on the leading edge on treatment because we are scrambling to keep the doors open. How can we have a coherent, fair health care system when we are rationing because the demand is so far greater than we are willing to supply the resources?

According to a GAO report in 2005, health care services are not always available to Native Americans. There are wait times and insufficient care. GAO visited 13 IHS-funded facilities in 2005 and found waiting times at four range from 3 to 6 months to get in to see anybody. Six months? That is worse than England. What happens when you can't get in? The disease gets worse. The complications are worse. The quality of the your health gets worse. Also, the cost to meet the need explodes. So what we have done is raised the cost of care. But more importantly, we have failed on our commitment to provide health to Native Americans.

Three IHS facilities had 90-mile one-way visits to get into a clinic, many without transportation available to them. Three of these, the average was 90 miles to get to a clinic. Even if they have the resources and there is no access because there is a distance to travel, we are going to see the same problem. Nobody is going to go until they absolutely have to. So we lose the benefit of prevention.

Most of the facilities in this GAO report did not have the staff or equipment to offer services onsite so they resorted to contract care. The contract care budget, of course, is small. So what happens? We ration contract care at 12 of the 13 facilities. This idea of rationing isn't a political statement; it is a reality. We are not doing what we are committed by treaty to do. Now we are going to bring a bill to the floor that doesn't meet that commitment. We are still not going to meet the commitment. We will improve it, but we need to overhaul it. We need a top-down, complete change in how we approach our commitment to Native Americans as far as health care. If we did that, we could offer a whole lot more care for a whole lot less money.

We have a bureaucracy that is stumbling all over itself. We are spending money. I will get to the point on the number of bureaucratic positions in IHS that don't deliver any care. Gaps in services result in diagnoses and treatment delays which, of course, make the health of the patient worse and raise the cost. IHS reports that their facilities are required to pay for all priority one services but admit that many of their facilities' available funds are expended before the end of the fiscal year and the payment isn't made.

I experienced that in my own hometown. People come to Hastings Hospital to deliver a baby. Our hospital hasn't been paid on contract care for years. So those in the rest of the community are going to pay for it. The problem is, there is no continuity in care. Prenatal care was provided. Now all of a sudden you don't have a record and you have somebody you have to take care of, let alone that the private hospital that is there isn't going to get paid for the service. Somebody is going to pay for the service, but contract health care isn't. So the fact is, one in four Native Americans in Alaska aren't getting prenatal care. And we know the risk. The average cost for a premature baby is $250,000, let alone the consequence of the problems those kids have. Why in the world would we ever allow that to happen? It is akin to pouring money down the drain because we have not addressed prenatal needs of Native Americans.

Twenty-one percent of those who do get care have less than three prenatal visits on average. That is one in four has less than three prenatal visits. That is like not having prenatal care. Yet we count that as if they had prenatal care. What do we think the consequences will be? The antenatal, postnatal, and perinatal consequences to the Native American population are higher. The birth complications are higher because we are not doing the prenatal care.

The average recommended prenatal visits by the American College of Obstetrics and Gynecology is 14. We average six with Native Americans. You can't call that care.

Under an overburdened system such as this, drastically expanded services to four broad new areas—and this is the problem I have with this bill—will only drain the resources available to the basic core medical services. We are going to expand where we can offer new services. Many of these people are already eligible under Medicaid or Medicaid anyway, but we are going to expand it. What is going to happen is, the tribal government is going to offer the service, and they are going to take the money off the top. They are going to put that into the rest of the tribal funds. So we are actually going to take money out of dollars for health care for tribal members by expanding care and not making sure there are adequate funds.

Making new promises, when we don't keep current ones, doesn't help the Native American population. Let's keep the promises we have already made before we expand services and not throw money at it. It sounds good. The tribes like to hear what we are going to do. We are going to add these four services, but we are not funding the services we are supplying now. Why would we add services knowing that? If we do it, we are going to do it on the cheap. But it feels good because they think we are doing something, when, in fact, we are not fixing the problems. It is kind of like taking a loan out on a brandnew car when you can't buy food. It is the same thing. That is what we are doing with these additional services.

The majority of the bill is more of the same. I have expressed to the chairman that I think we need to radically overhaul the care of Native Americans. I will have a lot more to say. I do have some complications with other commitments in terms of markup. My staff e-mailed me a moment ago that you have made some substantive changes in the managers' amendment on some of the Medicaid and the tribal issues related to urban Indians. I will get with you and try to discuss that because it may affect some of my amendments. I wasn't aware of that until this morning.

I will have an amendment I will talk about now. I don't know that I will when I actually bring it back up. One way to meet our commitment to Native Americans is to give them options.

According to CBO, the amendment I will be offering costs no money. It is a zero cost. But what it allows Native Americans is an insurance policy that says you can apply this and go to any Indian Health Service you want to or anywhere else in the country you want to, but you get to choose. The same dollars get spent, but the services will be far superior.

There are two results. One, when we do that, it makes the Indian Health Service have to get more competitive. No. 2, and most profoundly, when we do that, we finally live up to our commitment that is embodied in every treaty we have with Native Americans. Here is the real care. It is not rationed. It is not limited to contract funds. You don't have to get in line to wait in line. You don't have to get an appointment to get an appointment. You don't have to travel 90 miles, if you don't want to. You don't have to have your care rationed. And at no cost increase to the Indian Health Service, we can give Native Americans their own health insurance policy which gives them freedom, dignity, and choice.

I know that will be controversial. It is not controversial with any Indian I have talked to. It is controversial with tribal leaders because it takes the dominance of tribal leaders away and gives freedom to members of the tribes to whom we have made a commitment for health care.

So as we offer that amendment and look at it, I know there will be objections, but it does—most importantly, with the same dollars—allow us to fulfill a commitment we are not fulfilling today. It allows a pregnant Native American to have 14 visits, allows her to have the same care anybody else would have. It allows us to get better outcomes. It allows us to get a patient into an endocrinologist, where they will manage their diabetes so they will not have complications. Kidney failure is twice as high in this population as anybody else. Why? Because diabetes is not managed. How many of you have gone into a dialysis center and watched people sit there for 8 hours a day, chained to a machine to keep them alive, because we didn't keep our commitment by having the dollars there to prevent the complications of diabetes?

This gives an equal ranking to a Native American as a Member of Congress. You can have preventative care for your diabetes so you don't end up on dialysis or with an amputation or losing your vision. It offers them hope. It offers honor and integrity because we finally keep our commitments.

I wanted to talk about a couple other things and then I will close and come back. I appreciate the chairman giving me this time. As Congress discusses Indian health care over the next several days, America as a country should take note of what a single-payer system means in terms of the quality of care we can expect. America should not go the route of a single-payer system. That is what we are seeing. That is what we have in IHS. It is a single-payer system. The promise sounds alluring, but the reality is inevitably negative. It is negative in terms of prevention. It is negative in terms of care. It is negative in terms of complications. It is negative in terms of innovation. It is negative in terms of the paradigm of prevention.

Second, fixing the system for our Native Americans demands more than adding more new programs and services. We need a fundamental overhaul of the system. The Members of federally recognized tribes whom we have a trust obligation to provide health care for deserve better than is in this bill. Actually, I believe Chairman DORGAN believes that too. He believes this is a stepped process. They deserve a choice. They deserve the security to know they can get health care when they need it. They deserve quality. They deserve the health care outcomes the rest of this country enjoys that they presently do not have.

Throughout this debate on this bill, you will hear the same statistics on rationing, wait lines from both the Democrats and Republicans. We see it. We know it is there. Some will argue it is a solution that just involves passing this bill that has new programs. Every time we pass an Indian Health Care Improvement Act bill, we cite the same terrible statistics. We pass the bill because we need to do something. But each time we pass the Indian Health Care Improvement Act, Indian health care does not improve.

What does that mean? We pass an Indian Health Care Improvement Act, but Indian health care does not improve. Indian health care never improves because we never fix the inefficiency that plagues the IHS. We just reauthorize and add new regulations, new obligations to the same dinosaur.

Now, the statistics I was referring to earlier: The Indian Health Service has 14,392 employees, including 2,192 commissioned officers; the latter COs include 8 Assistant Attorneys General, 439 director grade individuals, 601 senior grade individuals. The salaries for the COs total $135 million. The salaries for all other IHS employees is estimated at $655 million. The IHS spent $33.7 million on travel last year. On travel? Think about what $33 million could do in terms of prevention for the complications of diabetes for American Indians and Native Alaskans.

The other significant thing is, IHS carried, in 2005—I do not have the number for 2006 or 2007 yet—their obligated balance at the end of the year was $162 million. Just efficiency in how we spend the money could improve health care in Indian Country.

I say to the Senator, Mr. Chairman, I appreciate your efforts. I know you are truly committed to trying to make a difference. I believe we need to be bold. I believe we have an obligation to do better. I believe this is short of the mark. So I am going to be voting against this bill. I am going to be offering amendments to try to make it better. I say to the Senator, I know in the long run you and I have a lot of commonality in how we go about trying to solve this problem.

I do not think Indian Country can wait for us to come back. I do not think the lady who gets on a dialysis machine today for the first time thinks we can wait. I do not think the lady who pops into the delivery room who has not had any prenatal care thinks we can wait. I do not think the person who ends up with coronary artery disease at 40 years of age, because their diabetes and their cholesterol and their hypertension have not been managed, thinks we can wait.

The body will probably think we can wait. But I think we have a moral obligation to meet our commitments, and that means radical change. When you have a cancer, you do not treat it lightly. You go in, you cut it out, you treat it, you follow it, and you aggressively change things so you make an impact in the quality of that person's life.

I think we have to do better. I appreciate the efforts of the chairman and ranking member. My hope is we will live up to our obligations.

With that, I yield back the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Oklahoma cannot possibly win a debate we are not having. I have given his speech 17 times on the floor of the Senate. There is no disagreement between us. I am going to give him a chance to be bold, however, as we go down the road on appropriations because that is what he started talking about: the need for the resources, the need for the money. We have to reform this system. I agree with that. Then we have to fund it. The fact is, we are going to have amendments that add sufficient money. You talk about the fact that we are spending twice as much per person on Federal prisoners for health care as we are to meet our responsibility for American Indians—twice as much for those we have incarcerated because we have a responsibility for their health care.

Now, we need additional money in this system, and we need an overhaul of the system itself. The Senator will find no controversy with me with respect to giving American Indians a card to show up at a health facility and get the health care they need. He knows, and I know, there are many American Indians who live far out on a reservation, 90 miles away from the nearest hospital, and they do not have competition in the health delivery system. They have one place to go when they are sick that morning or their child is sick that afternoon.

So we are going to have a chance to be bold. This is an authorization bill, not an appropriations bill. When appropriations come up, we will have a chance to be bold. I hope the Senator will join me on that.

Let me make a couple comments about this issue.

Mr. COBURN. Mr. President, will the chairman yield for a couple moments?

Mr. DORGAN. I am happy to.

Mr. COBURN. Mr. President, I wish to make a couple comments, and then I have to go to a markup.

You will find me an ally on appropriations if we have the courage to make priority choices on where we fund money. You know that. That has been my history. But we do not have extra money, so that means we have to take it from something else. My goal will be that we take from the waste we all know is there and we put it to the commitments.

So I look forward to that debate. I think you are right. I think we need to up the ante, and we need to add the money. But there is plenty of money for us to go get, and I hope the chairman will help me go get it so we can put it there.

Thank you.

Mr. DORGAN. Mr. President, I certainly will do that.

It is interesting, we are spending $16 billion a month, $4 billion a week to replenish the accounts for the war in Iraq and Afghanistan and other issues. There are plenty of places for us to decide it is time to fix things here at home.

But I wish to talk about a couple of issues. First of all, there are waiting lines. There is rationing. The Senator from Oklahoma is absolutely correct. Dr. Grim, by the way, came to the Committee in support always of the President's request, saying that was enough because he had a responsibility and a requirement to support the President's budget. But get him off the dais at the hearing and ask him the question, and he would admit there is rationing. About 40 percent of the health care that is needed by American Indians is not available. That is health care rationing. That would be scandalous if it were happening in other parts of the country. It ought to be front page headlines, but you will not hear and you will not read many stories about it, regrettably.

But the fact is, we have a circumstance that brings tears to my eyes. I disagree with the Senator from Oklahoma that this is not a worthy bill. This is a step forward in the right direction. It is not the reform we need, but this is a two-step process. If you cannot get this kind of thing done for 10 years, how on Earth are you going to decide to do something much bolder?

Now, we just faced a budget that came up last week that says not only do we not have enough money for Indian health care, let's cut it. The President says, let's cut what we do have, at a time when we have 40 percent rationing. So we are fighting a battle just to keep the money we have. We need much more if we are going to do what we promised we were going to do.

But let me show the Senator a photograph, if I might. Let me show him a photograph of Ta'shon Rain Littlelight because he says the system does not work. I showed the photograph before because her family has given me permission. This beautiful young 5-year-old girl is dead. She is dead, in my judgment, because of a system that does not work.

They took her again and again and again and again to the clinic. It was on the Crow Reservation in Montana, where I held a hearing and her grandmother stood up with this photograph. She told about little Ta'shon Rain Littlelight. You can see she loved to dance.

Ta'shon Rain Littlelight got sick, and they took her to the health clinic. They treated her for depression. Again and again, they treated her for depression. Even her grandparents said: Well, the way her fingers look, with the swelling of the fingertips, and so on, there must be something else wrong.

Well, one day, of course, they had to fly her to Billings, MT, and then immediately fly her to Denver, CO, where they discovered she had terminal cancer and about 3 months to live.

She asked if she could go see Cinderella's Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella's Castle. This little girl with terminal cancer, the night before she was to see Cinderella's Castle, in the motel room in Orlando, FL, told her mother, "I am so sorry. I am going to try to be better, Mommy. I won't be sick anymore." And she died in her mother's arms that night. This little 5-year-old died because the system did not work.

I have shown a picture of Avis Littlewind. She was 14 years of age, lying in a fetal position in a bed for 90 days and then finally took her own life because there was no mental health treatment available on that reservation—no mental health treatment available to try to help that little girl who felt hopeless and helpless.

This is a photograph, by the way, of Avis Littlewind on the Spirit Lake Nation Reservation. Avis was 14, and she took her life. Her sister took her life. Avis took her life.

This is a photograph of Ardel Hale Baker. Ardel Hale Baker was having a heart attack, diagnosed as having a heart attack on an Indian reservation. They wanted to send her to a hospital an hour and a half away. She did not want to go in the ambulance because she knew if it did not get paid somehow, she would have to pay it, and she did not have any money. They put her in an ambulance anyway and took her to the hospital. As Ardel Hale Baker was being taken off the gurney in the emergency room in the hospital, to be put on a hospital gurney, here is what was taped to her thigh—a piece of paper taped to the thigh of this Indian woman; and it was to the hospital from the Department of Health and Human Services—it was saying, by the way, "If you admit this woman, understand there is no money in contract health care to pay for her," warning the hospital: "Admit this woman and it is very likely you will not be paid." This woman is having a heart attack, and shows up with a piece of paper taped to her leg, saying: "There is no money for you to be paid, if you admit this woman to your hospital," or the woman who goes to the Indian Health Service with a knee that is so painful she cannot walk. It is bone on bone; an unbelievable problem with her knee that you or I or our family would get fixed by having a new knee joint put in. She goes to the Indian Health Service, and the Indian Health Service doctor says: "Wrap it in cabbage leaves for 4 days." That is Indian health care. That is unbelievable, just unbelievable to me.

My colleague from Oklahoma says, well, he does not support this bill because it is not bold. I have been on the floor of the Senate. I have offered amendments to add $1 billion to Indian health care, and it gets defeated. I have seen the budget that came last week from this administration that says they want less money for Indian health care.

Let me put up something Chief Joseph said years and years ago. We took all this Indian land, took all those millions and millions of acres—hundreds of millions of acres—from the Indians, but we said to them: Trust us. We will make you a promise. We will sign treaties. We will tell you that we will provide for your health care. We believe we have a trust responsibility. You can trust us.

Well, regrettably, that responsibility has not been met. Those promises have not been kept. Here is Chief Joseph. He said:

> Good words don't last long unless they amount to something. Words don't pay for my dead people. . . . Good words cannot give me back my children. Good words will not give my people good health and stop them from dying.

I care a lot about this issue. In my State, we have four Indian reservations. I have spent a lot of time with them. The fact is, we have people living in the shadows. We have people living in abject, desperate poverty.

I sat with a young girl once at a table with her grandfather. This was a young girl who was put in a foster home at age 3. The woman who put her in a foster home was working 150 cases—150 cases. She did not have time to go check out the home, so she put a 3-year-old girl in a foster home. And on a Saturday night, in a drunken party brawl, a young 3-year-old girl got her arm broken, her nose broken, and her hair pulled out by the roots. That young girl will live forever with those scars.

One hundred and fifty cases a social worker is dealing with? There is such unbelievable difficulty because the resources do not exist. We have people living in Third World conditions.

We had a tribal leader, a chairman of a tribe, say: "My two daughters live in used trailer houses that we moved from Michigan to the reservation in South Dakota. They don't have indoor plumbing. They have an outdoor rest room, outdoor toilet. One of them has a wood stove in the living room of the trailer house vented out through the window." I have seen all of these things. I have experienced all of this. My colleague has seen the same in Alaska. We have people living in Third World conditions in this country. There is a full-scale, bona fide crisis in health care, housing, and education. This bill deals with the question of health care. We have a special responsibility, unlike other responsibilities, because this country has promised. We have signed treaties. The Supreme Court says we have a trust responsibility. We have not kept our promise, and we have not met our responsibility. I am just flat tired of it.

My colleague says: Let's be bold. Nobody wants to be bolder than I want to be, but we haven't been able to get a bill through here in 10 years, for God's sake. If you can't pass a bill in a decade, how on Earth are you going to be bold? Let's at least take a step in the right direction. I am going to follow that with step 2 on the Indian Affairs Committee, and that is bold, dramatic reform, because this system is not nearly as good as it can be.

He talks about: Why would you add new services? Well, services dealing with diabetes, with cancer screening, with mental health—let's add those services because they are needed, and then let's decide, when the appropriations bill comes around, to add the funding. My colleague knows this is an authorization bill, not a funding bill. We will have a chance to be bold. Let's see who is going to be bold. Let's add the funding to keep our promises, for a change.

My colleague talked a lot about Dr. Grim. I like Dr. Grim. He retired—resigned, I should say—from the Indian Health Service. Dr. Grim came every year, supporting the President's budget. He knew it was not adequate. We know we are rationing health care. The fact is, we all know it. We need to stop it. Are we rationing health care with incarcerated prisoners in Federal prisons? No, we are not, because we have a responsibility for them. We arrest them, we convict them, we send them to prison, and then it is our responsibility to provide for their health care in Federal prisons, and we do it. We spend twice as much per person for them as we do for American Indians. Yet we have the same responsibility for American Indians because we made the promise, signed the treaties, and told them we would provide for these needs. What gives us the right to continue to break our promises? We have done it for decades and decades over almost 200 years. What gives us the right to continue to do that in the face of little children who are dying and in the face of elders who can't get health care? What gives us that right?

I say to my colleague, if you want to be bold, we are going to have a chance to be bold together, because this country ought to stare truth in the face and look at what is happening on Indian reservations.

The other night, I was on an Indian reservation, having a listening session with Indians. There were two sisters sitting in the front row. One sister stood up to speak, and the other sister sobbed uncontrollably—cried and sobbed. It was an unbelievable story about the sister who desperately needed health care and couldn't get it and couldn't find it. She finally had her heart surgery, and of course it was charged back to her, because there was no contract health care. It has completely ruined her credit rating because she doesn't have anything to pay for it, and the Indian Health Service did not serve her needs. She was also treated for depression. She had a heart valve problem that needed surgery, and she was treated for depression. When she finally found a way to get the surgery, it could not be paid for by Indian contract health because they were out of funds. "Don't get sick after June." We had one reservation tell us, don't get sick after January, because they didn't have the money. This poor woman sat there in the chair sobbing as her sister recounted the details of her desperate attempt to deal with a health care problem that was very acute.

So, yes, I am a little bit emotional about these issues. When we have people say, well, let's do much more, I say: Absolutely. Let's do much more than we are now doing. Let's do that in appropriations. That is an awfully good start.

This is an authorization bill which does a lot more than the current Indian Health Care Improvement Act. It does a lot more in areas we know are in urgent need.

We have teen suicide clusters on Indian reservations. In the northern Great Plains, there is a 10 times greater rate of suicide among teenagers—not double, triple, or quadruple, but 10 times the rate of suicide. I went and sat and talked with kids on that reservation, the one where we had a cluster recently. It was just me with some high school kids, talking about what is going on, what is their life like. It is unbelievable.

We need to address these things. That is what we try to do in this Indian Health Care Improvement Act. It is not perfect, but it is certainly a step in the right direction.

I have other things to say, and my colleague may wish to weigh in, as well. My hope will be at the end of the day today that we will be able to get the amendments up and get them voted on. Some of the amendments my colleague described, I likely will support, because I think we can improve this piece of legislation. I think at the end of the day, all of us will hope we will have done something we are proud of, to say to those who don't now have adequate health care or whom we promised health care that we have made a step forward in trying to meet those needs.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me make just a few comments in response to the Senator from North Dakota.

First of all, I commend him for his work on this bill, as well as the Senator from Alaska, who has worked very hard to get this bill in a position where it could be brought to the floor and considered by this body—in particular, in helping to work out some very contentious issues that have bedeviled people on both sides of the aisle for quite a long time. In the best spirit of working to get legislation accomplished in a bipartisan way, staffs from the committee itself and the two Senators I mentioned and my staff and others rolled up their sleeves, sat down, and have worked out very satisfactory resolutions to three big problems that previously existed. As far as I know now, those issues are totally resolved, language is ready to be substituted into the bill, and it represents a real achievement to try to move this bill forward. I appreciate their cooperation, and I commend the others who have worked on it as well.

I must say also that I am looking forward to working with the Senator from North Dakota when he comes to the State of Arizona to address another issue dealing with Indian Country; that is, the deplorable state of law enforcement, of facilities to deal with people who are apprehended on Indian reservations, and the staff to deal with those. Crime is a huge problem, as is health care, on our Indian reservations throughout the country. It is neglected. It needs more attention. I applaud the Senator from Alaska and the Senator from North Dakota for their attention to this as well, and I look forward to working with them.

Finally, I would note just on a personal basis that a very good thing happened to me because of the Indian Health Service, even though there are a lot of improvements which need to be made in that. Were it not for the Indian Health Service, I probably wouldn't be married to my wife right now. One might say: How on Earth did that happen? But it happened because her father was a pharmacist with the Indian Health Service, and I had the good fortune of being assigned to Tucson, AZ, to work on what was then called the Papago Indian Reservation, now the Tohono O'odham. As a result, his daughter—now my wife—attended the University of Arizona, where we met, and the rest is history, as they say. So I have had some knowledge and information about this for a long time.

I wish to make the point that there are—and I know the Senator from North Dakota and the Senator from Alaska agree with this—thousands of dedicated personnel who are serving our Indian community throughout all of our States under great difficulty. The working conditions are not good, but the professionals are very professional. They are very good. They are dedicated and really work hard on behalf of our Native American citizens. It is as much to give them the resources they need as well as to help those whom they serve to get this legislation adopted and move the process forward.

So I compliment those who have been working on this important legislation and hope that in the remainder of this day—and I will make this point to my colleagues—that if you have amendments you think would improve this legislation, please bring them to the floor so that we can complete work on this legislation, so that we can take the amendments up and we can dispose of them. Based upon the work we have done in the past, I think it is quite possible that a lot of good suggestions can be considered by staff and eventually Members and perhaps adopted without the need to take up the full Senate's time. But, in any event, bring your amendments down here so we can move this legislation forward as soon as possible to do so.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me thank the Senator from Arizona. He has been working very hard with us to try to move this bill along. I would say to my colleagues on this side of the aisle as well: If you have amendments, please bring them. The majority leader has indicated we are going to finish this bill this week, and that will be a significant step forward. I thank the Senator from Alaska and the Senator from Arizona for their work to help us move this bill. He is correct that we had four or five very controversial issues that provoked some opposition. We worked through those, negotiated, and I think all of them are now resolved.

I think when the Senator from Alaska has completed any statement she is going to make, we do have the managers' amendment that amends the substitute we had offered, and that has been negotiated and agreed to on both sides. So when Senator MURKOWSKI has completed her statement, we will ask that it be completed as well.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I understand that the Senator from Oregon, Mr. SMITH, is on his way to the floor, so when he arrives, I will yield such time to him as he needs. I know he wants to speak to an amendment.

I wish to take just a couple of minutes this morning to respond to some of the comments made by the Senator from Oklahoma. Clearly, he is very passionate about Indian health care and making sure that we do right by our treaty obligations and that we do right by all American Indians and Alaska Natives when it comes to their health care needs. He cited some of the obvious. Unfortunately, the statistics are real. In fact, the statistics may be even more devastating than he has indicated because we know that a lot of times our statistics aren't as reliable as we may want, and, in fact, they are worse than what we have seen.

When he spoke to prenatal care, when he spoke to the incidence of diabetes and substance abuse and suicides, we know they are horrific statistics. We recognize we must do more. I, too, applaud him for bold action, for reform in a system that has been unwieldy and bureaucratic and stovepiped in so many areas.

Senator BARRASSO yesterday brought forward an amendment that asks for a GAO study to look to the efficiency. There are some other amendments that have been introduced that also task us with evaluating to make sure we are doing right by the programs that are put in place, how the funding is directed to them, and are we doing what we need to be doing. I think it is fair to say that we recognize it is not sufficient, it is not enough. We do need to be doing more, and certainly, as the chairman of the Indian Affairs Committee has mentioned, we have to put our money where our mouth is. We have to put our money toward those programs. We have to make sure we put the resources there to make the difference.

The Senator from Oklahoma spoke about the rationed care. It is not rationed care because we just don't want to give it; it is rationed care because of the lack of resources, and that is very real and something that must be dealt with, and it must be dealt with in a very strong way.

The Senator from Oklahoma really spoke as well to the issue of prevention, and it was his opinion in his comments that this Indian Health Care Improvement Act doesn't go far enough, that we need to be doing more in the area of prevention. He speaks to a part of me that I feel very strongly about. When we talk about health care in this country, whether it is in Indian Country or in the United States as a whole, it has been referred to as not a system of health care, it is a system of sick care. We take care of you after you are sick. It is no different within the Indian health system. That does have to change. We must focus on the prevention. We know this. We are seeing this. We are working here in the Congress to change those policies to help put greater focus on prevention because we know for a fact that we can reduce costs if we focus on prevention.

Now, the Senator from Oklahoma has indicated that there isn't enough here in the Indian Health Care Improvement Act in the area of prevention. I want to mention some of the initiatives that are included in the legislation that will make a difference, that will reduce health care costs, and that will provide for greater access. It is in the area of prevention.

Diabetes—we have all listened to the stats. They are absolutely unacceptable. We have to be doing more when it comes to diabetes prevention. We must be doing more to keep the elderly woman whom he was discussing off of the dialysis machine. We have to have the focus there. So included within the legislation is a focus on diabetes prevention.

We also look to the issue of domestic violence and sexual assault. Again, in these areas, our statistics with our American Indians and our Alaska Natives are absolutely unacceptable. Are we doing enough in the area? No, we need to do more.

It has been mentioned we have not reauthorized the Indian Health Care Improvement Act in some 10 years. Think about what has happened in this country in terms of health care and how we provide health care, how we focus on prevention in the last 10 years, the technologies that are made available to us, and also the areas of focus. Behavioral health is something about which in my State of Alaska we have been forced to be innovative. We do not have the psychologists and the psychiatrists who are available in all of our little communities. We have been forced to utilize a telehealth system, and we are absolutely making some remarkable progress. But through this Indian Health Care Improvement Act and what we are allowing for, we can allow for expanded opportunities to help, such as in the area of behavioral health.

I have a whole list of other programs that are also included—programs to control blood pressure, immunizations, youth suicide prevention, injury prevention, sudden infant death syndrome training, tobacco cessation programs. These are all programs that go right to the heart of prevention. These are initiatives that will help us reduce our costs, that will help us keep people from becoming ill in the first place, keep people from losing a limb due to diabetes, keep young people from having to live a life afflicted with FAS or FASD.

There are initiatives contained within this legislation that need to be authorized, need to be updated and included to allow American Indians and Alaska Natives the same opportunity for preventive care that we find wherever we go in the country in a community hospital or in the clinic down the street. We have to make sure these programs are included.

Mr. President, I see Senator SMITH has arrived. In recognition of his time limitations today, I yield to him so he can speak to an amendment he is proposing.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes Senator SMITH.

### AMENDMENT NO. 3897 TO AMENDMENT NO. 3899

Mr. SMITH. Mr. President, I ask unanimous consent to call up for consideration amendment No. 3897.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself, Ms. CANTWELL, Mr. WYDEN, Mr. CRAPO, and Mrs. MURRAY, proposes an amendment numbered 3897 to amendment No. 3899.

Mr. SMITH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify a provision relating to development of innovative approaches)

Strike subsection (f) of section 301 of the Indian Health Care Improvement Act (as amended by section 101) and insert the following:

"(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian Tribes and Tribal Organizations, and confer with Urban Indian Organizations, in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, that may include—

"(1) the establishment of an area distribution fund in which a portion of health facility construction funding could be devoted to all Service Areas;

"(2) approaches provided for in other provisions of this title; and

"(3) other approaches, as the Secretary determines to be appropriate.".

Mr. SMITH. Mr. President, I rise today to speak in favor of reauthorizing the Indian Health Care Improvement Act. I begin by thanking Chairman DORGAN and Ranking Member MURKOWSKI for their leadership and for building on the momentum from the last Congress to reauthorize this very important and overdue reauthorization of this act.

Like most of my colleagues, I feel that passing this legislation is critical and it is about time. Since passage of the act in 1976, this legislation has provided the framework for carrying out responsibility to provide Native Americans with adequate health care. As we know, the act has not been updated in 16 years despite the growing needs among Native Americans. We cannot allow the health of this population to remain in jeopardy any longer.

Today, funding levels meet only 60 percent of the demand for services each year which requires the Indian Health Services tribal health facilities and urban Indian health care providers to ration care, resulting in tragic denials of needed services.

Speaking of the urban Indian health programs, reauthorization of the act will facilitate the modernization of the systems, such as prevention and behavioral health programs, for approximately 1.8 million Native Americans. I sincerely hope we can pass this legislation and send it to the President for his signature.

Although this bill makes vast and necessary improvements upon existing law, it is not perfect. Currently, the vast majority of Federal funding for construction and modernization of tribal health care facilities goes to tribes in less than 10 States. Unfortunately, this bill maintains that inequity among tribes by favoring construction in those few States.

I offered today an amendment with Senator CANTWELL that will correct this problem and instill equity among all of the Native American tribes.

This concern is particularly relevant in my home State of Oregon which is 1 of over 40 States that have never—I repeat, never—received funding to build an Indian Health Service hospital.

Since the beginning of last year, I have worked with my colleagues to find a compromise to resolve this issue in a way that is not detrimental to any region of the country. I believe my amendment is just that: a good-faith compromise that will provide equity to the health facility system. It does so by providing the Indian Health Service the authority to use an area distribution fund which would allocate a portion of health facility construction funds to all 12 Indian Health Service areas to improve, expand, or replace existing health care facilities.

This area distribution fund is not the idea of a single Senator or a single region of the country. It is the product of years of work and compromise by the Indian Health Service and tribes and after Congress recognized the need to create a more equitable facilities construction system.

The current system has been locked into place since 1991, and it will be over 20 or 30 years before funding will go to new projects. I do not see how that is fair and equitable if we have an obligation to all.

Sadly, this has resulted in wide disparities in the level of health services provided to tribal communities across the country. I believe this amendment represents a rational middle ground on this issue.

I also want to highlight that this compromise language is supported by regions of the country with nearly 400 of the 561 federally recognized tribes that reside in 23 States. Those folks are out if this does not pass.

I also want to add that it is not my intention to rob one IHS area to pay another. I believe that an area distribution fund works best when and if funding for IHS is expanded. We simply have to enlarge this pie so we are not disadvantaging any tribes in the Southwest of our country, but we must not abandon, as we have been, the tribes all over the rest of the country. That is why I asked my colleagues to join me in sending a letter to the administration seeking a 15 percent increase in IHS funding for fiscal year 2009. I hope we are successful in this effort. But regardless, we must take steps through this bill to establish a fairer system—just a fairer system—to distribute Federal funding.

If we are sincere about the title of the legislation at hand—of better meeting our statutory, our treaty, and our moral obligations to improve the health care of all Native Americans—then my amendment should be adopted.

I ask my colleagues to support this amendment to ensure that all Native American Indians receive the health care they need, they deserve, and what we have promised.

I close with a quote from Morning Dove, the literary name of Christine Quintasket, a Sa-lish tribal woman from the Pacific Northwest, now recognized as the first Native American woman to publish a novel. She wrote:

> Everything on the earth has a purpose, every disease an herb to cure it, and every person a mission . . . this is the Indian theory of existence.

There are, indeed, cures and treatment for the maladies that disproportionately affect Native Americans—diabetes, alcoholism, suicides that result from mental disorders, and so many others. The purpose and the mission of this bill is to connect those cures with those who need it most, those who have sought it longest, and through the dismal chapters of our Nation's history have a unique claim to those cures and treatments.

I urge the adoption of this amendment.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I rise in support of the Mikulski-Coleman-Klobuchar amendment to place a moratorium on CMS's December 4 rule on Medicaid case management services. Last night, Senator MIKULSKI—and I joined with her—and Senator KLOBUCHAR offered this case management legislation as an amendment to the Indian health bill being debated on the floor.

I begin by saying I fully understand the fiscal challenges our entitlement programs face, and I look forward to the day when we can put politics aside and have an honest and productive discussion about how to preserve these programs for future generations. I think we can all agree that the goal of that conversation is to find a delicate balance between fiscal responsibility and making sure our Nation's most vulnerable populations still have access to the health care services they so desperately need. Unfortunately, when it comes to the case management rule, while I support CMS's intent to cut out wasteful spending, it is clear to me that it fails to achieve this delicate balance.

I cannot think of a better way to describe case management than to say it is the glue that holds together our Nation's Medicaid system. In my home State of Minnesota, I have consistently heard from social workers, county supervisors, health care providers, and others about how devastating this new regulation will be for at-risk individuals and families.

Suffice it to say, when I travel throughout Minnesota and I meet with county commissioners, one of the first things they say to me is targeted case management and they raise the deep concern that the proposed CMS rules will have on their ability to service needy individuals in my State. I suspect if my colleagues across the country talk with a county commissioner, this is what they are going to hear.

I hear that without comprehensive case management services, millions of Americans with mental illness will not be able to access the treatment medications they need to survive; that people living with disabilities will find themselves forced to remain in institutions instead of enjoying the dignity of independent community-based living; that our most vulnerable children, those in foster care, will be left alone to navigate a complex and often overwhelming Medicaid system.

That is why I introduced the legislation this amendment is based on, and that is why this legislation is not only cosponsored by 19 of our Senate colleagues but also has the support of several advocacy groups throughout the country, including the Child Welfare League, Muscular Sclerosis Society, National Alliance on Mental Illness, National Council for Community Behavioral Health, and many others.

All these groups recognize the devastating effect this regulation will have on those most in need of important case management services.

Let me take a moment to highlight some of the fundamental problems with this rule. This new regulation requires that case management services must be delivered by a single case manager, which sounds reasonable enough. However, we are talking about populations that can have up to four or five or six chronic conditions. If this rule is finalized, it would require that a single case manager provide quality case management services to a person who may be suffering with HIV, mental illness, and diabetes all at the same time. Should we not have a health system that allows a team of specialized case managers to work together to address each of these complex issues?

Isn't the kind of care, integrated care a key element of making sure our health care system is keeping people healthy, not just treating them when they get sick?

Another concern I have consistently heard is the new limitations on moving people from an institutional setting to a less restrictive community-based setting. Let me remind you that moving people to community-based settings was a key recommendation of the President's own New Freedom Commission on Mental Health. Yet under this new rule, case managers would have significantly less time to prepare people to move from an institution to a community. Let me also point out that the administration has made "home and community-based waivers" a key element of its Medicaid reform efforts. I could not be more supportive of this initiative. We should, whenever possible, make every effort to allow people to live with dignity and independence in the setting of their choice. Unfortunately, this new rule will stand in the way of these efforts and force many people to remain institutionalized.

Finally, this new rule eviscerates case management for some of our Nation's most vulnerable children, those living in the foster care system. By not allowing child welfare workers to provide case management services, many children will be left to fend for themselves when seeking medical services. As I said before, I am all for fiscal responsibility, but I cannot support reforms that will have such a destructive impact on America's foster care system. These children already have enough obstacles to face. Let's not make their lives more challenging by taking away these critical case management services.

I should note that this amendment is fully paid for. Actually, the "paid for" is a key step forward in preserving our entitlement programs. My investigation, as ranking member of the Permanent Subcommittee on Investigations, revealed that thousands of Medicare providers who are supposed to be serving our Nation's elderly and disabled are, instead, cheating American taxpayers in order to line their own pockets. As a solution, a provision in this amendment will save American taxpayers close to $160 million over the next 5 years by ensuring that CMS participates in the Federal Payment Levy Program so that Medicare payments to these tax cheats can be levied. The administration supports this proposal, going so far as to include it in the 2009 budget.

This amendment is simple. We recognize that we need to provide more direction in case management services, but all we are asking CMS to do is take another year and work with Congress and the relevant stakeholders to develop a reasonable rule that clarifies the scope of the case management program but still provides the critical services our most vulnerable populations rely on.

My father was a carpenter by trade. He told me always that we should measure twice and cut once. In this case management program, what we have is individuals working as a system to deliver, in the most effective way possible, services to the neediest. It makes sense. I understand their concerns. CMS in my State—and I suspect in Wisconsin, the State of the Presiding Officer—our folks do this well. CMS found out that, in fact, we are doing it well. We are doing what the program is supposed to do, with very little waste. If there is waste in other areas of the country, let us have a conversation about it but don't hurt the neediest and penalize the States that are doing a good job in providing coordinated services to those at risk and those in need.

As I said before, this is an issue that each and every time I travel and visit with my county commissioners, those involved in the unheralded work of simply dealing with those in need—they don't get a lot of credit being county commissioners, but they are all worried and concerned. They tell me: Senator, we are doing it right and we are about to be penalized.

We should be better than that. Let's step back and take a breath and put a hold on the implementation of this rule, and let's figure out a way to do it right. Let's measure twice and only cut once.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I filed a number of technical improvements to this bill, which I wish to work on with the chairman to see if we can resolve these without a vote. These are very small wording amendments, in some cases, that I would like the chairman and his staff to look at before I call them up, because I think it is very unlikely we will need votes on these particular amendments.

AMENDMENT NO. 4067 TO AMENDMENT NO. 3894

Mr. DEMINT. Mr. President, I call for the regular order with respect to the Bingaman amendment No. 3894 and I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The amendment is pending.

The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4067 to amendment No. 3894.

Mr. DEMINT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting)

At the appropriate place, add the following:

**SEC. ___. RECISSION AND TRANSFER OF FUNDS.**

(a) RECISSION OF CERTAIN EARMARKS.—All of the amounts appropriated by the Consolidated Appropriations Act, 2008 (Public Law 110–161) and the accompanying report for congressional directed spending items for the City of Berkeley, California, or entities located in such city are hereby rescinded.

(b) TRANSFER OF FUNDS TO OPERATION AND MAINTENANCE, MARINE CORPS.—The amounts rescinded under subsection (a) shall be transferred to the "OPERATION AND MAINTENANCE, MARINE CORPS" account of the Department of Defense for fiscal year 2008 to be used for recruiting purposes.

(c) CONGRESSIONAL DIRECTED SPENDING ITEM DEFINED.—In this section, the term "congressional directed spending item" has the meaning given such term in paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

Mr. DEMINT. Mr. President, I ask for the yeas and nays on my amendment and the Bingaman amendment.

The PRESIDING OFFICER. Is there objection to obtaining the yeas and nays on both amendments in one request?

Mr. DORGAN. Mr. President, I object. I have not had a chance to visit with my colleague. I wish to do so first.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, we will talk about it and get the vote later on. I want to say a few words about this amendment.

My amendment is identical to the Semper Fi Act, which I introduced along with Senators ALLARD, BOND, BURR, CHAMBLISS, COBURN, CORNYN, INHOFE, MARTINEZ, MCCONNELL, VITTER, and probably a number of other Members. Since the bill that is pending now will probably be the last vote before the recess, I think it is important that we vote on this Semper Fi amendment. Last week, when I introduced the bill, the majority leader did not recess so that we could not get this on the calendar. This is an important bill, which I will explain in a minute. We also tried to move it by unanimous consent through the hotline process, and all of the Republicans approved the bill, but apparently someone on the majority side is holding it. That is why it is important that this amendment be part of the bill we are considering today.

The Semper Fi Act would rescind all earmarks, or specially designated spending projects, contained in the fiscal year 2008 Consolidated Omnibus Appropriations Act for the city of Berkeley and entities located therein, and redirects those funds to the U.S. Marine Corps.

For those who have not been paying attention, the Berkeley City Council recently voted to ask the U.S. Marine Corps to vacate their recruiting office in town, and that if they chose to stay they did so as "uninvited and unwelcome intruders."

During debate of the resolution, one council member called the Marines "the President's own gangsters" and "trained killers." Another said the Marines had given the country "horrible karma" and said they had a history of "death and destruction." In a document drafted to support the resolution against the Marines, the council stated: "Military recruiters are sales people known to lie to and seduce minors and young adults into contracting themselves into military service with false promises regarding jobs, job training, education and other benefits."

After voting to insult the men and women who fight and bleed for their freedom, the city council cast another ridiculous vote in favor of giving the radical protest group Code Pink a parking space directly in front of the Marine Corps recruiting station. They also voted to give Code Pink a sound permit for protests in front of the Marine Corps building. The city council stated in the resolution that they "encourage all people to avoid cooperation with the Marine Corps recruiting station" and to "applaud" Code Pink for working to "impede, passively or actively" the work of the Marines Corps in Berkeley.

Frankly, I just returned from a visit to Iraq, saw our marines on the ground and what they were doing. It is inconceivable to me that any governing body in this country would say such things to our marines.

Code Pink is a fringe organization that distinguishes itself by attacking American policy, while defending dictator Hugo Chavez. The group is so disrespectful that they have no problems demonstrating in front of wounded soldiers at Walter Reed Medical Center with signs reading "Maimed for a lie."

The council's resolution sparked an escalation of anti-Marine protests. Code Pink organizer Zanne Joy points to the city council as justification for the escalation. She said that "anything legal is justified if it succeeds in persuading the Marine Corps to move its recruiting station out of Berkeley." According to the San Francisco Chronicle, Code Pink protesters have been heard shouting at young men who are trying to enter the recruiting station, "You guys are just cannon fodder!" and "They want to train you to kill babies!"

It is sad to see a city like Berkeley moving so far left. The city in which the legendary World War II Pacific Theater Commander, Fleet Admiral Chester W. Nimitz, established the Naval ROTC in the fall of 1926 is now sadly a shell of its former self, thanks to its elected leadership.

This is disappointing, but in a republican form of government, it must be up to local voters to change their leadership.

However, this particular case became the business of all Americans when they insulted our troops and their constitutional mission to defend our country; while coming to the Federal Government asking for special taxpayer-funded handouts. Over $2 million was secretly tucked away for Berkeley earmarks in the 2008 Omnibus appropriations bill, projects that were never voted on or debated.

I do not believe a city that has turned its back on our country's finest deserves $2 million worth of pork barrel projects. So my amendment revokes these earmarks.

Included in the $2 million worth of pork are some particularly wasteful projects.

One earmark provides gourmet organic lunches to schools in the Berkeley School District. While our Marines are making due with MREs of Sloppy Joe and chili with beans, Berkeley students will get Federal tax dollars to design meals that promote "environmental harmony." Chez Panisse's menu features "Comté cheese soufflé with mâche salad", "Meyer lemon éclairs with huckleberry coulis"; and "Chicory salad with creamy anchovy vinaigrette and olive toast". That is unacceptable.

Are we to understand that the city that has been home to many of the country's most rich and famous cannot afford to pay for its own designer school lunches?

Another $975,000 earmark is for the Matsui Center for Politics and Public

Service at U.C. Berkeley, which may include cataloging the papers of the late Congressman Robert Matsui. Is it really necessary to tax the paychecks of Marines so we can earmark nearly $1 million for a school that is already sitting on a $3.5 billion endowment?

Let me be clear, my amendment does not cut off all Federal funds to the city of Berkeley, though I am sure most Americans would feel that is justified. It merely rescinds wasteful earmarks. Berkeley is free to compete with other towns and cities across America for merit-based Federal grants.

Actions have consequences. When the Berkeley City Council decided to insult the Marines in a time of war, it was a $2 million decision. Especially in a time of war, we cannot just allow cities to play insulting games at our troops' expense while continuing to shower them with congressional favors.

On Tuesday, the city council met to revisit its ridiculous actions. Hundreds of military supporters and antiwar protesters gathered at Berkeley City Hall. Berkeley police reported four arrests before the meeting began, all misdemeanors. Police said there were minor scuffles between the antiwar and promilitary camps. An American flag was set aflame outside the city council chambers, damaging a pair of bicycles. When the council meeting finally started, more than 100 speakers took turns at the podium.

In a sense, what happened in Berkeley was a quintessential American experience, a spirited exchange and protest followed by debate and democratic action. And while I find some of the views and behavior of many of the protestors repugnant, the exchange itself is a solemn reminder of those who have sacrificed so much to preserve our freedom, especially our freedom of speech.

Let me be clear. I do not question the sincerity of anyone on either side of the issue. I think there is genuine concern among many in this country about the war. But while we can respect the legitimate worries about the war and can respect the sincerity of even the most radical protestors, we must recognize that words have meaning and actions have consequences. Some of the hateful words that have come out of Berkeley, CA, have had real consequences on our troops, their families, and our recruiting.

One of those who spoke at the city council meeting was Debbie Lee of Arizona, whose son Marc was the first Navy SEAL to die in the Iraq war. She demanded an apology from the council, and she said: My son gave up his life for you. Lee told the council, as she clutched his framed picture, "I'm appalled at what you did," referring to the council's vote on Marine recruiters.

Debbie Parrish, another military mom whose son Victor is currently serving in Iraq, said to the Berkeley City Council:

> It is despicable what you said about our military. It is very, very sad. Shame on you.

After all the testimony from the military supporters and families, the Berkeley City Council could only muster the votes to not send a letter insulting the U.S. Marines by calling them "uninvited and unwelcomed intruders." Let's be clear. They did not apologize for the letter. They just didn't mail it. Of course, the sending of a letter at this point is inconsequential given that the text of the letter has been running on national television for a week. The city council also modified one of its past resolutions to "recognize the recruiters' right to locate in our city and the right of others to protest or support their presence."

But the resolution also stated that the city council opposes "the recruitment of our young people into this war."

The resolution proposing a formal apology to the Marines failed. The city council also voted to let four additional items passed at last week's meeting stand. One resolution encouraged all people to avoid cooperation with the Marine Corps recruiting station. A second one requested that the city attorney investigate if the Marines are in violation of Berkeley's policy against discrimination based on sexual orientation.

In addition, two resolutions giving the radical antiwar group Code Pink a weekly parking space and a weekly sound permit to protest the Marine recruiting station were upheld by the council's decision.

It was my hope that the city would apologize and revoke its previous resolutions and move on. The council chose not to do that. We have no choice but to acknowledge the reality of what they have done and to defend our military recruiters who are doing the job we asked them to do. If we don't take action, we will be sending a message to other towns or cities that they can use their power to try to influence U.S. foreign policy, thwarting our recruitment efforts.

This issue is not about free speech. It is about a city that has shown total disdain for our Armed Forces and used its official government powers to harass our military as they try to keep our country safe. And this amendment is not about forcing the city to change its mind. It is about whether we are going to shower the city with favors, with special goodies that do not meet national needs. I think the American people have spoken loudly and clearly that they do not believe that should be the case.

There is a video with clips of the city council meeting on YouTube. It has been viewed by over 200,000 people. It is the 70th most viewed video this week and the 11th most viewed video in news and politics, with 767 people posting comments overwhelmingly in support of the legislation. People are paying attention.

I am amazed at the response received regarding my public outrage over the city of Berkeley's behavior. My office has received thousands of calls and letters from military supporters all over the country. On Wednesday afternoon, I received a call from Sgt James Strowe of the U.S. Marine Corps. Sergeant Strowe is currently fighting to protect our freedom in Kuwait. Sergeant Strowe understands what the Marine recruiters in Berkeley are going through quite well because he served as a recruiter himself for 7 years. And he just told me his folks serving with him wanted to thank those of us who were standing up for them while they were fighting for our country.

After talking with the sergeant, I decided it would be a good idea to call the marines at the Berkeley recruiting station to ask how they were holding up amidst all the controversy. I talked to GSgt Rick O'Frente, who seemed to be taking the events in stride. He even said a number of citizens from Berkeley had come into the recruitment office, brought them food, and some had apologized for the actions of the council.

I guess I have said enough about all of what we are hearing. I have pages and pages of comments from people who are asking us to stand up for our marines while they are fighting for us, and we will be asking again for votes as part of the deliberations on this package.

Mr. President, now that I think the chairman has had a chance to understand in more detail what this bill is about, I will once again ask for the yeas and nays on my amendment and the Bingaman amendment.

The PRESIDING OFFICER. Is there objection to obtaining the yeas and nays on both amendments at the same time?

Mr. DORGAN. I object. I have not had a chance to visit with the Senator, and I will be glad to do so at some point.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

### AMENDMENT NO. 4023

Ms. MIKULSKI. Mr. President, I wish to speak on amendment No. 4023, a very important amendment that affects over 200,000 people in my State. I am not calling up the amendment right this moment, pending some other parliamentary action, but I do wish to speak on the amendment.

This is a bipartisan amendment sponsored by Senator KLOBUCHAR, who has taken a very impressive lead, as well as Senator COLEMAN. This bipartisan amendment is to stand up for constituents all over the United States of

America who are severely disabled and who are about to lose their case managers.

Thousands and thousands and thousands of people—severely handicapped or disabled, both children and adults—are about to lose either their social workers or their nurses because of a new, harsh, punitive rule put out by the Centers for Medicaid and Medicare. The amendment does the same thing as Senate Bill 2578 that is sponsored by the Senators from Minnesota and myself and 17 others and would simply do this: It would stop the CMS from implementing the new rule by delaying its implementation until April 2009, when we have a new President and a new attitude.

Now, let me give the background. In December, CMS proposed this rule that would cut Medicaid funding to something called "targeted case management" services. The rule will go into effect March 3. That is why we are offering it on this very important bill of Indian health, and we thank the managers of the bill for their courtesy.

We hear all these government words, but I am going to talk today not only as the Senator from Maryland standing up for my constituents, but also as a professionally trained social worker. What is this? Well, a Medicaid case manager is either a social worker or a nurse who helps adults and children with very complicated problems. Children in foster care and children with disabilities get the medical and social services they need to be able to have a quality of life to be independent. But what does that mean in real terms? Well, let me give you an example.

I have a constituent in Baltimore, a 2-year-old, who was diagnosed with a genetic disorder that leads to significant feeding problems. This disease causes very severe problems and without help in early life. So what does the case manager do? If the case is a very complicated medical situation, often the case manager is a nurse. If it requires lots of complicated social intervention, it will be a social worker. First of all, the case manager gets in there and does a family assessment and works with the doctors, such as Johns Hopkins or the University of Maryland, so we know what medical plan is in order for this little child to have the ability to thrive. Then the case manager works with the family, who is in acute distress, to make sure they know someone is on their side and helps them comply with the treatment plan.

Now, what might that be? Well, in the genetic disorder case, it will be very specialized nutrition services. That is a lot of coordination to get the right people there to help that family. It will be also speech and language and occupational therapy, so a lot of compliance to make sure that child will be able to get what they need. Then, very important, psychosocial help because when a child has this type of disorder, there are other very severe psychosocial problems that emerge. Then the case manager is working with the family to get the child in the appropriate very specialized daycare. You can imagine the kind of supervision this is. This is tough, hands-on, gritty work.

Let's also take a look at when there is a child born with cerebral palsy. Again, you have a biomedical plan and the need to get the right education for the child and also assistance for the family on how to do it, then a lot of nitty-gritty work. In this case, the child would be evaluated, say, at the fantastic Kennedy-Krieger Institute, where some of the best neurosurgeons and neuroscientists will be working with them. But the case manager helps get the family a wheelchair, a ramp for the home, special education services, and counseling for the parents because this is going to be a significant responsibility for a long time.

Without case management, the whole thing falls apart. If you don't get the right services for the family in the home and the educational programs, you will not have the follow through on the biomedical plan that helps them remain independent or able to grow up.

Now, CMS says they do not want to pay for that. They say they have the authority from the Deficit Reduction Act and they can just slash these services from Medicaid funding. Well, in my State, this affects 200,000 people. It means that over 1,400 social workers and nurses who have devoted their life to helping these families will be impacted, and it means a Governor will have to pick up the bill. In my State, these services cost $150 million, with 50 percent paid by the feds and the other 50 percent paid by the State.

CMS wants to eliminate the 50 percent, which means Maryland will lose $75 million. I know Senator KLOBUCHAR will tell us equally horrific stories. Senator COLEMAN has spoken about this. We object to CMS. We object to this rule. We want to delay the rule until sensible heads prevail.

We have 20 Senators who have cosponsored the bill that is the same as this Amendment. They have names such as CARDIN, CORKER, DOMENICI, BINGAMAN, ALEXANDER, VOINOVICH, BROWN, SNOWE, WYDEN, SANDERS, KENNEDY—the list goes on. Thirty States would be so affected they have taken it upon themselves to write directly to CSM.

I must say to the distinguished chairman of the Indian Affairs Committee, this also affects his State of North Dakota. It affects severely handicapped Native American children.

This is not about who is your favorite bean counter at OMB or how can we control runaway Medicaid costs; it is how do we in this country make sure our constituents and our people get the services they need to be able to have an independent life. I believe we can give help to those who are practicing self-help. For those families who are out there struggling to make sure a loved one with a handicap, a child, or an adult is able to remain independent, they need a government on their side.

So my amendment will delay the implementation. It is not my amendment, it is our amendment. It is a bipartisan amendment. I say to my colleagues from the other side of the aisle, let's be those compassionate conservatives whom you once talked about. Join with us. Let's do this.

At the appropriate time, I will call up this amendment officially, and I will ask for a vote on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise to speak in strong support of amendment No. 4023. This is the amendment my friend, Senator MIKULSKI, just spoke about. It is a bipartisan amendment. Cosponsors are myself, Senator MIKULSKI, Senator COLEMAN, and many other Senators from across this country.

This amendment would stop the administration from making drastic changes to its targeted case management system that would hurt those in our country who are most in need of assistance.

Targeted case management benefits children in foster care, kids and adults battling mental illness, and seniors and disabled people receiving institutional care. It exists to help those individuals to navigate the complicated web of available services, to help these men, women, and children overcome bureaucratic barriers in order to achieve independence. These services include transporting people with disabilities to and from doctor's appointments as well as managing pharmacy services for individuals with severe mental illness. These essential services are now threatened by a proposed rule change from the Centers for Medicare and Medicaid Services.

For 8 years, I served as the chief prosecutor and top lawyer for Minnesota's largest county, serving Minneapolis and 45 suburban communities, with a population of over 1 million people. In that role, I worked closely with our county child protection and adult protection agencies, with our hospital, which was the biggest emergency hospital in the State of Minnesota. So I saw firsthand what would happen if we did not prevent people from getting in trouble, what would happen when they would end up at the emergency room or when they would end up in the jail because they were not getting the necessary mental health care they needed. I know firsthand the vulnerability of these individuals, young and old, and the responsibility of Government to help them achieve as much independence, well-being, and dignity as possible.

When Congress passed the Deficit Reduction Act in 2005, it clarified exactly what services are eligible for payment under the Targeted Case Management Program. Senator MIKULSKI went through those important services.

Unfortunately, the Centers for Medicare and Medicaid Services has since come up with a rule that goes miles and miles beyond what Congress intended. That rule is scheduled to be implemented next month. This impending rule will have a devastating fiscal impact on States and local communities. It will endanger the well-being of vulnerable people who benefit the most from these crucial services.

Our States received over $2 billion in funding for targeted case management in 2005. If this rule is put into effect, that funding will be slashed in 2008.

I want to use one example; it is from a county in my State, Dakota County. Now, this is not exactly a sort of wild-eyed county; it tends to be a more conservative county in our State. But, like any other county in our State, they have needs for case management services for people who are mentally ill, seniors, young kids who need help. This county has made a practice of developing a cost-effective, community-based system of services that relies heavily on case management. Why did they do it? Well, they did it to save money.

Medicaid funding has been key to developing service alternatives in homes and in less expensive settings than in institutional settings. This is the kind of innovative, cost-effective approach we want to encourage from Government. Instead, with this sudden rule change, they are being punished. Even worse, the vulnerable individuals they serve are being punished.

I always believed this was a country where we wrapped our arms around the people who need the help. That is what America is about. That is what patriotism is about. But with this rule slash-and-burn of all these services, they are not wrapping their arms around these people, they are rejecting them for Dakota County, this suburban county in Minnesota.

For States such as California, Colorado, Maryland, New Jersey, New York, and North Dakota, pulling the plug on targeted case management will disrupt the lives of those served by these cost-effective efforts. Furthermore, in the end, it will just increase the total costs borne by State, local and Federal governments, which means all of us as taxpayers also pay more. It simply defies common sense.

Our amendment will postpone the Center for Medicaid and Medicare Services' rulemaking by 1 year. We need a year to examine exactly how badly this will hurt our States and local governments, especially the children, the disabled, and the seniors who need these services most.

I occupy the Senate seat once held by Hubert Humphrey. Some of my colleagues had the great privilege of serving in the Senate with him. Hubert Humphrey was someone who, of course, was never at a loss for words. Many of those words were memorable.

There is one statement in particular that I believe is very appropriate for this topic. Senator Humphrey once said this:

> The moral test of Government is how that Government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadow of life, the needy, the sick, and the disabled.

I submit that this hasty, ill-considered action to cut essential services for the most vulnerable people fails that moral test of government. I believe we can and we must do better. That is why I strongly support our bipartisan amendment, an amendment focused on saving money in the long term by keeping people in settings that actually save taxpayers money, by not slashing funds to the most vulnerable in our society. That is why we support this amendment, and we ask our colleagues to vote with us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The second-degree DeMint amendment to the Senator's amendment.

### AMENDMENT NO. 3894 WITHDRAWN

Mr. BINGAMAN. Mr. President, if it is in order, I will withdraw my underlying amendment.

The PRESIDING OFFICER. It is in order. The amendment is withdrawn.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I now call up amendment 4023.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Maryland [Ms. MIKULSKI] for herself, Mr. COLEMAN, and Ms. KLOBUCHAR, proposes an amendment numbered 4023 to amendment No. 3899.

Ms. MIKULSKI. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services)

On page 397, after line 2, add the following:

### SEC. 213. MORATORIUM ON IMPLEMENTATION OF CHANGES TO CASE MANAGEMENT AND TARGETED CASE MANAGEMENT PAYMENT REQUIREMENTS UNDER MEDICAID.

(a) MORATORIUM.—

(1) DELAYED IMPLEMENTATION OF DECEMBER 4, 2007, INTERIM FINAL RULE.—The interim final rule published on December 4, 2007, at pages 68,077 through 68,093 of volume 72 of the Federal Register (relating to parts 431, 440, and 441 of title 42 of the Code of Federal Regulations) shall not take effect before April 1, 2009.

(2) CONTINUATION OF 2007 PAYMENT POLICIES AND PRACTICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy or practice, including a Medical Assistance Manual transmittal or issuance of a letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for case management and targeted case management services if such action is more restrictive than the administrative action, policy, or practice that applies to coverage of, or payment for, such services under title XIX of the Social Security Act on December 3, 2007. Any such action taken by the Secretary of Health and Human Services during the period that begins on December 4, 2007, and ends on March 31, 2009, that is based in whole or in part on the interim final rule described in subsection (a) is null and void.

(b) INCLUSION OF MEDICARE PROVIDERS AND SUPPLIERS IN FEDERAL PAYMENT LEVY AND ADMINISTRATIVE OFFSET PROGRAM.—

(1) IN GENERAL.—Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

"(d) INCLUSION OF MEDICARE PROVIDER AND SUPPLIER PAYMENTS IN FEDERAL PAYMENT LEVY PROGRAM.—

"(1) IN GENERAL.—The Centers for Medicare & Medicaid Services shall take all necessary steps to participate in the Federal Payment Levy Program under section 6331(h) of the Internal Revenue Code of 1986 as soon as possible and shall ensure that—

"(A) at least 50 percent of all payments under parts A and B are processed through such program beginning within 1 year after the date of the enactment of this section;

"(B) at least 75 percent of all payments under parts A and B are processed through such program beginning within 2 years after such date; and

"(C) all payments under parts A and B are processed through such program beginning not later than September 30, 2011.

"(2) ASSISTANCE.—The Financial Management Service and the Internal Revenue Service shall provide assistance to the Centers for Medicare & Medicaid Services to ensure that all payments described in paragraph (1) are included in the Federal Payment Levy Program by the deadlines specified in that subsection.".

(2) APPLICATION OF ADMINISTRATIVE OFFSET PROVISIONS TO MEDICARE PROVIDER OR SUPPLIER PAYMENTS.—Section 3716 of title 31, United States Code, is amended—

(A) by inserting "the Department of Health and Human Services," after "United States Postal Service," in subsection (c)(1)(A); and

(B) by adding at the end of subsection (c)(3) the following new subparagraph:

"(D) This section shall apply to payments made after the date which is 90 days after the enactment of this subparagraph (or such earlier date as designated by the Secretary of Health and Human Services) with respect to claims or debts, and to amounts payable, under title XVIII of the Social Security Act.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

Ms. MIKULSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Ms. MIKULSKI. I ask for a vote at an appropriate time.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if there were ever a time and a piece of legislation where we should try to help the people whom this legislation is directed to help, it is this—Native Americans Indians. But that is not the case. For reasons I do not comprehend, we are not able to legislate on this most vital piece of legislation to an underclass in America that we created—Native Americans.

There is—I knew it—a stall going on in regard to this legislation. I understood the direction of the minority on FISA legislation. They wanted to stall it at the last minute so that the House would have no time to work on it. They accomplished that. But why on this? Why now, when we can legislate to try to help a group of people who badly need help? And the place they need help more than any other place is their ability to be taken care of when they are sick and injured.

Look what has happened in the State of Nevada. We used to have hospitals for Native Americans in Nevada. They are gone. They have been taken away over the years. The health care for Native Americans in Nevada is extremely limited. They are not served well.

We have an obligation—an obligation as a country—to help these people. This is our opportunity, after years, to legislate in that regard, and we are not going to do it. I am saddened to hear about this. I am saddened that the Republican minority is even filibustering Indians. What is this place coming to? Why are they doing this? There is no reason we cannot legislate here, offer amendments dealing with Native Americans. But that is where we are. I am very disappointed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. SANDERS. Madam President, I rise in strong support of the Indian health care package being put together by Senator DORGAN. As Senator REID indicated, these are a group of people who have been the most neglected in our country, and it is imperative we move rapidly to address longstanding concerns.

I have an amendment pending to provide $800 million in emergency funding for the LIHEAP program. The reason I am offering this amendment is simple and obvious. At a time when home heating fuel is skyrocketing, millions of senior citizens on fixed incomes, millions of low-income families with kids, and persons with disabilities are desperately trying to keep their homes warm this winter. Without this additional source of immediate funding, there is a major risk that old people and lower income people all over America will go cold. In the richest country on the face of the Earth, we have a moral responsibility not to allow that.

Over the past week, as everybody knows, in many parts of America, temperatures have been going well below zero. In my State of Vermont, in Lincoln, VT, was 21 below zero. In Nome, AK, the high temperature was 15 below; Grand Forks, ND, 12 below zero; Eureka, SD, 3 below zero. On and on all across the country, temperatures are getting cold. The cost of home heating oil is outrageously high. LIHEAP funding is being depleted. People are unable to afford to keep their homes warm. That, in a nutshell, is what we are discussing.

The amendment I am offering has been endorsed by many organizations and many Members of the Senate. Some of the endorsees include the National Governors Association, the AARP, the National Conference of State Legislatures, many others. Let me briefly excerpt from a letter I received from the National Governors Association in support of the amendment:

> Additional funding distributed equitably under this amendment will support critically needed heating and cooling assistance to millions of our most vulnerable, including the elderly, disabled, and families that often have to choose between paying their heating or cooling bills and food, medicine and other essential needs.

That is from the National Governors Association. The AARP also has come out in support of the amendment, indicating that some of the most significant victims of what happens when it becomes cold are senior citizens who suffer from hypothermia. They are very much in support of this amendment, and we thank them for their support.

This bipartisan amendment is also cosponsored by many of my colleagues, including: Senators CLINTON, OBAMA, SNOWE, COLLINS, LEAHY, SUNUNU, KENNEDY, GORDON SMITH, COLEMAN, KERRY, STABENOW, SCHUMER, LAUTENBERG, LINCOLN, KLOBUCHAR, MURRAY, CANTWELL, MENENDEZ, DURBIN, and WHITEHOUSE. I thank them.

Yesterday, Senator GREGG offered a second-degree amendment to my amendment. In my view, his amendment is a poison pill which, if passed, would either kill or slow down all our efforts to increase emergency funding for LIHEAP. The Gregg amendment would pay for the $800 million increase in LIHEAP by cutting overall discretionary nondefense spending by about .2 of 1 percent. I am opposed to the Gregg amendment for a number of reasons. First, it is an extremely irresponsible way to do budgeting. There are some agencies that need to be cut a lot more than .2 of 1 percent. And there are, in fact, programs and agencies that need significantly more funding. An across-the-board cut, regardless of the needs of a program or agency, is irresponsible.

Secondly, Senator GREGG excludes from his cuts the department that receives over half the discretionary funding, and that is the Department of Defense. If Senator GREGG thinks all of the $500 billion-plus that goes to the Department of Defense is well spent and well accounted for, he is mistaken. You cannot exclude the largest recipient of discretionary funding from examination.

In the real world, what would be the impact of the Gregg amendment if it were to pass? I know that .2 of 1 percent may not seem like a lot of money at first blush, but let's take a look at what this cut would mean. It would mean a $54 million cut for veterans medical care, and overall veterans funding would be reduced by $86 million. I don't think any Member of the Senate supports that. While we are trying to fight and come up with an understanding of various cancers, Alzheimer's disease, Parkinson's disease, the National Institutes of Health would be cut by over $58 million by the Gregg amendment. The Gregg amendment would cut special education by $22 million. People are paying higher and higher property taxes because this Congress, for many years, has not kept the promise it made by adequately funding special education. The Gregg amendment would cut funding for special ed by some $22 million. Head Start would be cut by $14 million. We are grossly underfunding Head Start right now. We have a major early education crisis from one end of America to the other. This would only make that problem worse. The Gregg amendment would cut community health centers by over $4 million at a time when 47 million Americans have no health insurance, creating a process by which even fewer Americans can access primary health care. Homeland security would receive a cut of $70 million. Education would be cut by over $100 million.

I certainly share Senator GREGG's concerns about the national debt. I look forward to working with him and other members of the Budget Committee to discuss how we should reduce our $9.2 trillion national debt, which increased by $3 trillion under President Bush. It is a real issue, one we have to get a handle on. But maybe we will discuss in the Budget Committee the absurdity of trying to eliminate the estate tax which would add $1 trillion to our national debt over 20 years by giving tax breaks exclusively to the wealthiest .3 of 1 percent.

We are debating whether we should help senior citizens who are going cold this winter. But there are many, including the President, who say: No problem, a trillion dollars in tax relief for the wealthiest .3 of 1 percent.

We should be discussing why we are providing other tax breaks to some of the wealthiest people in this country. Perhaps we can discuss the appropriateness of spending $12 billion a month on the war in Iraq, with most of that sum being budgeted as emergency spending. It is not an emergency. We know what is going on. Yet we are not prepared to pay for the war. We are leaving that cost to our kids and grandchildren. That is emergency spending. We can pass that $12 billion a month. Yet there are those who balk at spending $800 million on a real emergency, and that is keeping senior citizens and families all over America warm this winter.

Providing a mere $800 million for LIHEAP would primarily benefit senior citizens, families with children, and people with disabilities earning between $10 and $15,000 a year. At a time when gasoline and home heating oil prices in the State of Vermont and throughout the country are well above $3 a gallon, we should not be forcing seniors and others to make a choice about whether they are going to buy the medicine or food they need—hunger is increasing—or keep warm this winter.

There is no great secret that the American people are increasingly disenchanted with what is going on in Washington, whether in the White House or in Congress. They wonder what planet we are living on. They are struggling, millions, every single day to keep their heads above water to pay for the food they need, to fill up their gas tanks in order to go to work, to keep warm in the winter. They wonder why we are not responding to their needs. We have people here talking about more tax breaks for billionaires, when workers are losing their jobs.

Passing the Sanders amendment certainly is not going to solve all those problems.

But maybe at a time when people are going cold and others know that people are going cold, maybe—maybe—it will make the American people understand some of us are aware of the reality of American life as it exists in cities and towns all across this country, that maybe we know what is going on, and we are prepared to respond in a proper way.

Madam President, having said that, I ask unanimous consent that the Senate now resume the Gregg amendment No. 4022 and that it be modified to be a first-degree amendments and that the Senate then debate concurrently amendments No. 3900 and No. 4022, as modified, with 40 minutes of debate prior to a vote in relation to each amendment, with the time equally divided and controlled between Senator SANDERS and Senator GREGG or their designees; that each amendment be subject to a 60-affirmative vote threshold, and that if the amendment does not achieve that threshold, it be withdrawn; that if either amendment achieves 60 affirmative votes, then the amendment be agreed to and the motion to reconsider be laid upon the table; that the vote in relation to the Gregg amendment No. 4022, as modified, occur first in the sequence and that there be 2 minutes of debate, equally divided, prior to each vote; provided further that no intervening amendment be in order to either amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Gregg amendment, to be followed by a vote in relation to the Sanders amendment.

The PRESIDING OFFICER. Is there objection?

Ms. MURKOWSKI. Madam President, reserving the right to object—and I will object—I am certainly a supporter of LIHEAP, but I object at this time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. SANDERS. Madam President, I am kind of new to the Senate, but I would ask my friend from Alaska or my friend from New Hampshire: Why? Why the objection? If we are sympathetic to LIHEAP——

The PRESIDING OFFICER. To the Senator from Vermont, it is not in order to propound questions to other Senators who do not have the floor.

Mr. SANDERS. Madam President, I wonder why it would be that when we face a dire crisis all across this country, we cannot move forward vigorously in providing relief to seniors and low-income people who need this help. I would love to have a response to that, Madam President.

Mr. GREGG. Madam President, is the Senator yielding the floor?

Mr. SANDERS. Madam President, I yield to my friend from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, obviously, I have an amendment which is caught up in this effort. I would hope we could vote on it. I think it is the right approach that we fund LIHEAP but that we also pay for that funding so we do not pass the bill for LIHEAP on to our children, so we do not put ourselves in a position where we are paying today's energy bills with our children's dollars 10 years from now, plus interest.

But I understand, having heard the majority leader come to the floor earlier and say he did not want this bill filibustered or slowed down, that this is sort of part of an exercise by the leaders of this bill on this bill—because this is the Indian health bill—to try to, I guess, clear the table so amendments which are not directly relevant to Indian health do not end up slowing down this bill.

I do not think this decision can be laid at the feet of either party. It appears it is a joint decision by the leadership of the committee of jurisdiction on Indian health. That is why this proposal, which Senator SANDERS has laid out, which I am perfectly amenable to—and I would actually support the unanimous consent request that he propounded. It has been objected to.

I understand an amendment from our side dealing with the fact that the city of Berkeley has said the Marines there are unwelcome and has offered protesters a free parking site in front of the Marine recruiting headquarters, with a megaphone to yell at the marines—men and woman who have served us in war in Iraq—that proposal, which would have basically laid out the objection of the Senate to that despicable act by the city council in Berkeley relative to the treatment of our marines, is also not going to probably be offered because there is an attempt to move this bill forward.

I guess I appreciate the fact that the Indian health bill is a good—I don't know if it is a good bill; I don't know enough about it, but it appears to be supported by both sides here, and they want to move it forward. It is unfortunate the LIHEAP issue, which I think should be addressed in the context I am proposing, which is that it be paid for, will not be able to be addressed at this time. But I understand the situation, and I understand why it has happened. But I do not think it can be laid at the feet of either party.

Mr. SANDERS. Madam President, reclaiming my time, to the best of my knowledge, I heard the objection coming from the Republican side, not the Democratic side.

Mr. GREGG. Madam President, if I may seek the floor, I think it is pretty obvious what is happening. I want the RECORD to show that prior to the objection being made—it is not my fight—but as a practical matter, the majority leader came to the floor and castigated the fact that the bill was being slowed down by amendments, one of which would be the LIHEAP amendment.

Mr. SANDERS. Madam President, reclaiming my time, it is absolutely not my intention, as I indicated to Senator DORGAN, to slow this down. This is important legislation we want to pass. I would limit my time to 20 minutes, to 10 minutes. I think most people here know what the issue is. I would like an up-or-down vote, and let's move on to Indian health.

Mr. GREGG. Madam President, if the Senator is going to allow the bill to be open to LIHEAP, then I presume it should be open to all extraneous amendments. I suspect the amendment of the Senator from South Carolina relative to the city of Berkeley is an extraneous amendment but one that is worth debating and should be discussed.

Mr. KYL. Madam President, will the Senator from Vermont yield?

Mr. SANDERS. Yes, I yield.

The PRESIDING OFFICER. The Senator from Vermont yields to the Senator from Arizona.

Mr. KYL. I thank the Senator.

Madam President, if I could further explain, first of all, I appreciate that the Senator from Vermont has offered an amendment that is very important to his State. It is not germane to the Indian health bill. I also understand how both Senators from New Hampshire are supportive of the LIHEAP approach. Whether it is paid for or not paid for is another question. But the point is, that amendment is not germane to the Indian health bill, and if there is a vote on the LIHEAP amendment, the amendment of the Senator from Vermont, there will be requests, I know, from this side of the aisle and perhaps other requests to consider other nongermane amendments to the bill.

I think what the majority leader was saying is something that I subscribe to on this side, which is that the Indian health bill is an important bill to get done. If we begin consideration of a lot of extraneous or nongermane amendments to the Indian health bill, it may well jeopardize our ability to conclude work on the Indian health bill. That is the only reason for the objection, and I hope the Senator can appreciate that.

Mr. SANDERS. Reclaiming my time, Madam President, I would ask my friend from Arizona—and I understand that. We want to move to the Indian health bill. There is a real solution to that in the real world if we are serious; that is, limiting the amount of time and reaching a unanimous consent agreement about a few amendments that might be offered so we can vote on them and move on to Indian health.

Would the Senator from Arizona be prepared to do that?

Mr. KYL. Madam President, I would be happy to respond to the Senator from Vermont but in this way: There are people on my side of the aisle who have already attempted to propound nongermane amendments that they would like to have a time agreement on as well. I suspect that before we begin to get into that kind of a negotiation, the leaders will want to consider what that is going to be doing to the time schedule for the bill, and the managers of bill are going to want to do the same because we would like to try to conclude the bill as soon as we can; and that will open up a process that could delay matters.

Mr. SANDERS. Reclaiming my time, Madam President, I think, again, we want to move and pass, I hope, the Indian health bill. But I think if we are honest—obviously, if people want to bring up 30 amendments, that would kill the Indian health bill, but if that is not the desire, if there are very few amendments and leadership can agree on a time limit on them, we can move forward on some serious amendments, have votes, and pass—at least vote on—the Indian health bill.

Again, I ask my friend from Arizona if that is something he would entertain. It does mean that not everybody can offer every amendment they want. There would have to be a limitation and a time limitation.

Mr. KYL. Madam President, I will respond again to the Senator from Vermont: There are nongermane amendments—at least one of which has already been brought up—that I doubt the leaders and certainly the managers of the bill would like to see embroiled into the Indian health care debate. Once the process begins, it is hard to control it. So it is not as simple as asking, would I be agreeable to a time agreement on perhaps the amendment of the Senator from Vermont and the amendment of the Senator from South Carolina—because that would undoubtedly get brought into this. But there may be others as well.

So it is not a question we can answer when one cannot see where the end of it might be. I think that is the concern we have with beginning this kind of process. But I suggest that the Senator from Vermont continue to consult with his leader, with the managers of the bill, and see if we can move the process forward.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, it is more than a little frustrating. We have been here for 3 hours this morning. We have amendments on this bill dealing with Indian health care. We have nongermane amendments that have been offered: Medicare, LIHEAP, earmarks for Berkeley, abortion.

This is a very serious issue. We have people dying in this country with respect to this health care question about American Indians. I spoke earlier this morning that the U.S. Government has a responsibility for health care for Indians. If you ask the question: Why? Because we signed up for it. We signed the treaties. We said: We promise, and we have a trust responsibility for it.

So we spend twice as much money to provide health care to Federal prisoners as we do for American Indians. We are not meeting the needs. We have people dying. So it takes 10 years to get a bill to the floor of the Senate—10 years to get a bill to the floor—to try to improve health care for Indians, and we get here, and we have unending appetites for amendments that have nothing to do with Indian health.

Look, I support low-income energy assistance. I support that. I support a lot of these issues. Many of them have nothing to do with Indian health. We are just trying to get a bill passed here.

Let me describe something I heard about a month ago to describe the urgency. I was at the Standing Rock Indian Reservation in North Dakota. It straddles the North Dakota-South Dakota border. The husband of Harriet Archambault came to a meeting I had—a listening session on Indian health care—and he described his wife Harriet and her battle to try to deal with this health care dilemma. They lived nearly 20 miles from a clinic in South Dakota. It was an Indian health care clinic. She would get up in the morning and drive 18 miles to the clinic because that clinic can take only 10 people in the morning and 10 people in the afternoon. So five times, she got up in the morning to drive to that clinic. All five times she got there, there were 10 people ahead of her.

Her medicine ran out on October 25, 2007, her husband said. Five times for the next month, she got up and drove to that clinic. She could not stay there, because she was also a day care provider for her grandchildren. So this woman went, tried to sign up, but there were 10 people ahead of her—that is all they would take—and she had to go home.

Five times she did that in a month. A month later, she died. Her medicine ran out October 25. She died November 25. She had called her sister about 3 weeks before, and she said: "What do I have to do here to get the medicine I need? Die?" Well, she did die because she could not get service in this Indian health system.

The fact is, people are dying. All we are asking is that we maybe have somebody come over and offer an amendment on Indian health care and start a debate on these amendments. If we have people who have these amendments, come over and offer them. We have some that are filed. Let's have some votes and try to get through this piece of legislation.

This is the third day we are on the floor of the Senate with this bill. I said earlier, it has taken 10 years to get here. Every single year we have worked on this. Senator McCAIN, who was chairman of the Indian Affairs Committee, worked on it with me—Senator MURKOWSKI. We work on it and never get it to the floor. We finally get it to the floor of the Senate, and this is like a root canal, except a root canal hurts less, because at least you are accomplishing something.

Here we come to the floor of the Senate, and we cannot get amendments up. We cannot get amendments voted on. So my hope would be we can find a way to move through this legislation.

Mr. SANDERS. Madam President, will the Senator yield?

Mr. DORGAN. Madam President, I am happy to yield for a question.

Mr. SANDERS. Madam President, I thank my friend from North Dakota.

AMENDMENT NO. 3900 WITHDRAWN

Madam President, I ask for the regular order with respect to the Sanders amendment No. 3900.

The PRESIDING OFFICER. Does the Senator from North Dakota yield for that purpose?

Mr. DORGAN. Madam President, I yield for that purpose. I believe I understand what the Senator from Vermont is doing.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SANDERS. Madam President, given the objection, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DORGAN. Madam President, let me say to the Senator from Vermont, I understand his passion. He knows I have a lot of passion about this bill, and I have expressed it this morning. I understand his passion about LIHEAP. Somebody from Vermont does not have to tell somebody from North Dakota about cold weather. I know about cold weather and my constituents do. LIHEAP is unbelievably important, and we need to find a way to get the money out for LIHEAP. I understand that. I am very sorry he was unable to get the yeas and nays and so on. But he also understands you have to try to offer amendments where you can to authorization bills. I understand that. He is a supporter of this bill, the underlying Indian health care bill we need to get done. It is also the case, I am sure, that the Senator from Alaska knows a little about cold weather. I have been to Alaska. So my hope is that working together in this Chamber we will fund the LIHEAP program, because it is very important. That also can be life or death for people, so my hope is we can get that done.

But having said all of that, again let me say we have a managers' package that perfects—after having negotiated now for several weeks on about five or six very controversial issues, we have negotiated in a way that we have reached a compromise on all of them, satisfactory to all of the parties. We now have that in a managers' package which we intend to offer next. It has not yet cleared. It has been a couple of hours since we have been able to clear that. My hope is that in the next 30 minutes or so we can clear that so at least we can get the managers' package done.

I believe Senator COBURN will be here. He has some amendments filed. I hope he will be here to call up amendments which I believe he will do reasonably soon, and I think Senator TESTER wishes to speak on the bill generally.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 3906 TO AMENDMENT NO. 3899

Ms. MURKOWSKI. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3906. This is the amendment of Senator MARTINEZ of Florida. I ask that it be made the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for Mr. MARTINEZ, proposes an amendment numbered 3906.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend titles XI and XVIII of the Social Security Act to provide increased civil and criminal penalties for acts involving fraud and abuse under the Medicare program and to increase the amount of the surety bond required for suppliers of durable medical equipment)

At the end of title II, add the following:

**SEC. _____. INCREASED CIVIL MONEY PENALTIES AND CRIMINAL FINES FOR MEDICARE FRAUD AND ABUSE.**

(a) INCREASED CIVIL MONEY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended—

(1) in subsection (a), in the flush matter following paragraph (7)—

(A) by striking "$10,000" each place it appears and inserting "$20,000";

(B) by striking "$15,000" and inserting "$30,000"; and

(C) by striking "$50,000" and inserting "$100,000"; and

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking "$2,000" and inserting "$4,000";

(B) in paragraph (2), by striking "$2,000" and inserting "$4,000"; and

(C) in paragraph (3)(A)(i), by striking "$5,000" and inserting "$10,000".

(b) INCREASED CRIMINAL FINES.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended—

(1) in subsection (a), in the flush matter following paragraph (6)—

(A) by striking "$25,000" and inserting "$100,000"; and

(B) by striking "$10,000" and inserting "$20,000";

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(B) in paragraph (2), in the flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000";

(3) in subsection (c), by striking "$25,000" and inserting "$100,000";

(4) in subsection (d), in the second flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(5) in subsection (e), by striking "$2,000" and inserting "$4,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to civil money penalties and fines imposed for actions taken on or after the date of enactment of this Act.

**SEC. ______. INCREASED SENTENCES FOR FELONIES INVOLVING MEDICARE FRAUD AND ABUSE.**

(a) FALSE STATEMENTS AND REPRESENTATIONS.—Section 1128B(a) of the Social Security Act (42 U.S.C. 1320a–7b(a)) is amended, in clause (i) of the flush matter following paragraph (6), by striking "not more than 5 years" and inserting "not more than 10 years".

(b) ANTI-KICKBACK.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended—

(1) in paragraph (1), in the flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years"; and

(2) in paragraph (2), in the flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years".

(c) FALSE STATEMENT OR REPRESENTATION WITH RESPECT TO CONDITIONS OR OPERATIONS OF FACILITIES.—Section 1128B(c) of the Social Security Act (42 U.S.C. 1320a–7b(c)) is amended by striking "not more than 5 years" and inserting "not more than 10 years".

(d) EXCESS CHARGES.—Section 1128B(d) of the Social Security Act (42 U.S.C. 1320a–7b(d)) is amended, in the second flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to criminal penalties imposed for actions taken on or after the date of enactment of this Act.

**SEC. _____. INCREASED SURETY BOND REQUIREMENT FOR SUPPLIERS OF DME.**

(a) IN GENERAL.—Section 1834(a)(16)(B) of the Social Security Act (42 U.S.C. 1395m(a)(16)(B)) is amended by striking "$50,000" and inserting "$500,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to the issuance (or renewal) of a provider number for a supplier of durable medical equipment on or after the date of enactment of this Act.

Ms. MURKOWSKI. Madam President, we understand that Senator MARTINEZ will come to the floor to speak to this amendment that relates to civil and criminal penalties for Medicare fraud, but I did want to get that rolling.

I understand Senator TESTER has some comments he wishes to make at this time regarding the Indian Health Care Improvement Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Madam President, I thank the ranking member of the committee.

Today I rise in strong support of the Indian health care program. The reason this bill is on the floor right now is due to the hard work of our chairman and ranking member which has been exhibited here in the last few minutes. They know how important this bill is. I express my appreciation to Senator DORGAN and Senator MURKOWSKI for all of their hard work.

Since arriving in Washington a little more than a year ago, I have been meeting with leaders throughout Indian country, and one aspect is clear: The challenges that face Indian country are large. I tell tribal leaders that despite all of the good intentions, there is no way Congress can solve all of their problems this year.

As I began my tenure on the Indian Affairs Committee, I asked my friends in Indian country to share with me their top priorities. I have met with representatives and leaders from each of the seven reservations in Montana multiple times, and every time they point out to me that the most important issue is health care or the lack of it.

Why is it such a priority? Let's consider a few examples.

Now 5 years old, a small girl from the Crow tribe was diagnosed with a rare form of cancer in her eye. The condition required that her right eye be surgically removed. When doctors originally removed it in October of 2001, they fitted her with a prosthetic eye with the understanding that every few years, she would need a new prosthesis as she grew. Because doctors had already taken her eye, and because the wrong size prosthetic eye wouldn't immediately threaten her life when she needed a new eye, her case failed to meet medical priority criteria for contract Indian Health Services, which is life or limb. Her family was left with two options: She goes without the new prosthesis, leading to permanent disfigurement or raise $3,000, which is not an easy task for a struggling family on Montana's economically depressed reservations.

Here is another example of the critical needs of the Indian health care system. A 35-year-old Montana woman was diagnosed with a heart condition that led to dramatic heart failure. Her heart lost its ability to pump blood adequately and she could hardly move without becoming short of breath. She needed a new heart. She was referred to the Mayo Clinic where she received special cardiology care and was put on a list for a heart transplant. Thanks to close monitoring and the use of many medications and a permanent pacemaker, her condition stabilized and her ability to function improved a bit. However, due to lack of funding in the Indian Health Service, her ongoing visits with the cardiologist, not to mention the heart transplant, were no longer covered. Without this followup, her prospects for survival are grim.

I could go on and on. There are thousands of examples of how the Indian health care system has failed.

After I asked tribal folks about their priorities, I asked what we can do in the Senate to improve Indian health care. The response is unanimous and overwhelming. They tell me to start with the reauthorization of the Indian Health Care Improvement Act, and do it now.

This reauthorization is long overdue. The last comprehensive authorization of the Indian Health Care Improvement Act was 16 years ago, in 1992. The disparity in the quality of health care provided to Native Americans is real, and it is disturbing. The Indian Health Service, or IHS, reports that members of the 560 federally recognized American Indian and Alaska Native tribes and their descendants are eligible for IHS services. This agency, within the Department of Health and Human Services, is supposed to provide comprehensive health care for approximately 1.8 million of the Nation's estimated 3.3 million American Indians and Alaska Natives. Its annual appropriation is $3 billion—$3 billion. Keep that number in mind as we consider the facts:

Approximately 55 percent of American Indians and Alaska Natives living in the United States rely on IHS to provide access to health services in 49 hospitals and nearly 600 other facilities. American Indians and Alaska Natives die at higher rates from a myriad of things more than regular Americans do: tuberculosis, 600 percent higher; diabetes, nearly 200 percent higher; and the list goes on and on and on.

American Indians and Alaska Natives born today have a life expectancy that is lower than all other races in the United States. This lower life expectancy is due, in part, to the disproportionate disease burden that exists in Indian country.

It is suggested that the IHS-appropriated funding provides 55 percent of the necessary Federal funding to assure mainstream personal health care services to American Indians and Alaska Natives. Let me repeat that: IHS provides only 55 percent of the funding necessary to meet the health care needs of American Indians and Alaska Natives in that IHS system. So now you can see why passing this bill is so critically important to improving health care in Indian country.

This legislation will help the Indian Health Service facilities become up to date. It will create programs to address behavioral and mental health issues that have been severely neglected. It will begin to address the disturbing disparities between the health status of American Indians and the general U.S. population. This legislation authorizes appropriations necessary to increase the availability of health care, develop new approaches to health care delivery, improve the flexibility of the Indian health care service, and promote the sovereignty of American Indian tribes.

Now we must start funding Indian health care at levels authorized in this bill. Don't think that failing to adequately fund Indian health care is a budget savings. Without proper funding of this program, the cost will shift to our emergency rooms and our already overburdened hospitals. Make no mistake about it, we will all pay for the health care of our citizens, but we will pay a premium if we choose not to do the right thing today and fully fund this program.

There is another reason why we need to pass this bill. The Federal Government has a trust responsibility to Native American Indians, a legally binding trust responsibility. As many in this body know, this bill has made it to the Senate floor in previous years and failed. The managers of this bill this year have addressed a few remaining concerns and we have another chance to pass it today. The bill before us is not perfect, but it represents a good compromise bill. At the end of the day, this legislation represents an historic opportunity to make an incredible difference in the lives of Americans who need it most.

This problem will not go away without our action. The longer we wait, the worse the problem becomes. The longer we wait, the more expensive the problem becomes. By passing this important bill, we take a critical step toward improving Indian health care and thus fulfilling our trust responsibility to American Indians.

I hope this bill passes and passes quickly today. I hope it doesn't get bogged down in amendments that are important but have no connection to Indian health care. I ask my comrades here in the Senate to vote yes for this critical legislation.

I yield the floor.

Mr. DORGAN. Madam President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3906, AS MODIFIED

Ms. MURKOWSKI. Madam President, I ask unanimous consent to send to the desk a modification to Martinez amendment No. 3906. With this modification, the surety bond amount is reduced to better effectuate the intent of the act.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title II, add the following:

**SEC. ___. INCREASED CIVIL MONEY PENALTIES AND CRIMINAL FINES FOR MEDICARE FRAUD AND ABUSE.**

(a) INCREASED CIVIL MONEY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended—

(1) in subsection (a), in the flush matter following paragraph (7)—

(A) by striking "$10,000" each place it appears and inserting "$20,000";

(B) by striking "$15,000" and inserting "$30,000"; and

(C) by striking "$50,000" and inserting "$100,000"; and

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking "$2,000" and inserting "$4,000";

(B) in paragraph (2), by striking "$2,000" and inserting "$4,000"; and

(C) in paragraph (3)(A)(i), by striking "$5,000" and inserting "$10,000".

(b) INCREASED CRIMINAL FINES.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended—

(1) in subsection (a), in the flush matter following paragraph (6)—

(A) by striking "$25,000" and inserting "$100,000"; and

(B) by striking "$10,000" and inserting "$20,000";

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(B) in paragraph (2), in the flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000";

(3) in subsection (c), by striking "$25,000" and inserting "$100,000";

(4) in subsection (d), in the second flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(5) in subsection (e), by striking "$2,000" and inserting "$4,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to civil money penalties and fines imposed for actions taken on or after the date of enactment of this Act.

**SEC. ___. INCREASED SENTENCES FOR FELONIES INVOLVING MEDICARE FRAUD AND ABUSE.**

(a) FALSE STATEMENTS AND REPRESENTATIONS.—Section 1128B(a) of the Social Security Act (42 U.S.C. 1320a–7b(a)) is amended, in clause (i) of the flush matter following paragraph (6), by striking "not more than 5 years" and inserting "not more than 10 years".

(b) ANTI-KICKBACK.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended—

(1) in paragraph (1), in the flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years"; and

(2) in paragraph (2), in the flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years".

(c) FALSE STATEMENT OR REPRESENTATION WITH RESPECT TO CONDITIONS OR OPERATIONS OF FACILITIES.—Section 1128B(c) of the Social Security Act (42 U.S.C. 1320a–7b(c)) is amended by striking "not more than 5 years" and inserting "not more than 10 years".

(d) EXCESS CHARGES.—Section 1128B(d) of the Social Security Act (42 U.S.C. 1320a–7b(d)) is amended, in the second flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to criminal penalties imposed for actions taken on or after the date of enactment of this Act.

Ms. MURKOWSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. CORNYN. Madam President, I come to the floor to express grave concern at reports that I hear out of the House of Representatives that they intend to adjourn and basically go on vacation for the next week or so without taking action on the Foreign Intelligence Surveillance Act reauthorization. That, of course, is the legislation we passed out of the Senate that provides the eyes and the ears for the intelligence community in the United States to detect and to deter future terrorist attacks against the United States.

To me, it is unthinkable that the House of Representatives would adjourn and be so irresponsible as to leave this unfinished business undone and to leave America unprotected against future terrorist attacks. I know there is an argument that existing surveillance could be continued for up to a year. But what we are talking about is new contacts, new information that the intelligence community gets that would be impeded, impaired, and blocked by the failure of the House of Representatives to act on this critical piece of legislation that will expire on February 15 unless they act today or tomorrow. So it is the height of irresponsibility. I find myself questioning whether it could possibly be true that would happen.

Also, one important part of the Senate legislation was to provide protection for the telecommunications carriers that may have cooperated with the U.S. Government shortly after September 11, 2001, in providing the means to listen in to al-Qaida and other foreign terrorists who were plotting and planning attacks against the United States and its citizens.

I think it is a terrible message from the House of Representatives, if they are not going to act in a way that provides protection for those citizens, whether they be individual citizens or corporate citizens, who are asked by their country to come to the aid of the American people and provide the means to protect them from terrorist attacks. What kind of message does that send, that we are going to basically leave them out twisting slowly in the wind and being left to the litigation—some 40 different lawsuits that have been filed against the telecommunications industry that may have cooperated with the Federal Government in protecting the American people. This is on a request at the highest levels, from the Commander in Chief, and upon a certification by the chief law enforcement officer of the United States, the Attorney General.

What they were being asked to do was entirely appropriate and within the bounds of the law. But then, when the litigation ensues, to basically leave them hanging out to dry would be wrong. The Senate wisely addressed that issue. But if the House adjourns without passing the Senate version of the reauthorization of the Foreign Intelligence Surveillance Act, which includes protection for the telecommunications industry that may have participated in this lawful exercise of our powers to protect our country, it would again be the height of irresponsibility and send the message that next time a citizen, whether it is a corporate or individual citizen, is asked to come to the aid of their country, you better think twice and consult your lawyers because you are going to get sued and the Congress is not going to take appropriate measures to make sure those who helped protect the safety and security of the American public are protected.

Finally, I don't have the information in front of me right now, but there are substantial news reports that indicate that a group of trial lawyers who stand to make considerable amounts of money in terms of legal fees off this litigation are substantial contributors to Members of Congress. I hope the evidence does not develop that there are decisions being made in the House of Representatives on the basis of the interests of special interest groups such as trial lawyers who stand to gain financially from continuing this litigation that should be brought to an end here and now.

I am here primarily to voice my grave concern that while the Senate has acted responsibly—I know not everybody is happy with the outcome—to address this issue, if the House of Representatives leaves town and leaves this matter undone, the security of the American people is in peril, and it would be a tragedy indeed if something were to happen as a result of our intelligence community being blind or deaf to the dangers that do work both within our shores and beyond.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, let me say, I don't think anybody in the Congress, the Senate, or the House wishes our intelligence community to be blind or deaf. Obviously, we have a process in this country with the FISA Court that allows emergency actions. The opportunity to be able to engage in surveillance and the appropriate surveillance to make sure we are listening to terrorists and all of those things are available.

There is a debate about how wide should the drift net be, that the administration might want to gather almost every communication everywhere in the world and data mine to find out who is saying what. That is an important conversation because it deals with the basic rights in our Constitution. I think there is no one in this Chamber or in the other who believes we want our intelligence community to be blind or deaf and to not have the opportunity to do the kind of surveillance necessary to protect our country. That is very important to state.

Madam President, we are not in morning business, although we are doing some morning business. We are on the piece of legislation that we reported out of the Indian Affairs Committee, dealing with Indian health care improvement. I have always been enormously proud to serve in this body. I am privileged and proud to serve. I have occasionally told friends that the Senate is 100 bad habits—that includes myself, of course. We are not doing anything at the moment, I understand, because one Senator is downtown someplace, giving speeches, and the instruction is that nothing is to be done while that Senator is gone. Good for that Senator, but I don't think this place ought to come to a stop because somebody decides they are going to be gone for 2 or 3 hours, so they want others to object to everything on their behalf. That is, in my judgment, discourteous, and my hope is that the Senate could do a little business today on something that is urgent. That is not too much to ask for the Senate to perhaps consider legislation that is before it. We are now on the third day of the Indian Health Care Improvement Act, a very urgent and serious matter. This is the third day. We have been here for over 3 hours today, and we have had amendments on all kinds of issues, except issues that deal with this legislation.

Even just attempting to offer the managers' package, which has been negotiated over the last month or so, in which we successfully negotiated on about five or six very controversial issues—we negotiated an agreement between the sides, and even being able to offer that at this point is denied because someone who is not even on the Hill told their staff to tell others that the leadership cannot allow this. It is unbelievable to me.

One might expect, perhaps, that today we can make progress on this legislation. Everybody puts on a blue suit and shined shoes and comes to work, and one might expect we can get something done for a change. We will have additional morning business, and we will see if those who have left the Hill and want the entire world to stop and wait for their whims will show up at some point and maybe we can consider some amendments. I hope that will be the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I ask unanimous consent to address the Senate up to 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL REPORT CARD

Mr. BROWN. This past week, President Bush submitted to Congress his last budget for the Federal Government. It is a revealing document that pretty clearly demonstrates the priorities of this administration. It used to be that budgets were designed to rein in the Federal deficit. Under this administration, budget after budget has been submitted that would, if enacted, widen the deficit.

We know 7 years ago, when President Bush took the oath of office in January 2001, we had a huge Federal surplus. Today, we have a huge Federal deficit that will be a burden on the backs of our children and grandchildren.

While funding for programs to help middle-class families hard hit by stagnant wages would be slashed by the President's budget, he gives enormous tax cuts to people who don't need them—and generally didn't ask for them—the wealthiest 1 percent of the population. They simply don't need a tax cut.

In 2009, the President will give tax cuts of $51 billion to those people making over $1 million a year—again, that is $51 billion for those making over $1 million a year. Yet he is cutting $15 billion from many of the programs that I am going to mention.

Perhaps most disconcerting are the President's cuts in Federal programs that serve rural America. The President has failing grades on his budget and what it does. He gets an F in health care, an F in education, an F in law enforcement, and an F in economic development. With faltering infrastructure, such as roads and bridges, disappearing jobs, underfunded schools, and spotty access to health care, rural areas in Ohio, southeast Ohio—and northwest Ohio especially—and across our Nation, these areas are fighting an uphill battle without anywhere near the Federal support they used to get or that they need now.

More than one-half of Ohio's counties are rural as defined by the U.S. Department of Agriculture. Of the top 10 counties in Ohio—and there are 88 counties—with the highest unemployment, every 1 of them is rural. Of the top 10 counties in Ohio with the highest proportion below the poverty line, 9 out of 10 are rural. Of the top 10 counties in Ohio with the highest percentage of residents eligible for Medicaid, 9 are rural.

Seven rural Ohio counties make all three of these lists: Vinton Pike, Scioto, Adams, Meigs, Jackson, and Morgan—all counties in southeast Ohio. Citizens of this counties need our help, and they need it today.

Yesterday, I spoke with about two dozen officials and activists in those counties in southern Ohio—people from the chamber of commerce, the county commissioners, the mayors, health department directors, community development people—and the stories they told about the President's failure on health care, education, law enforcement, and economic development will be devastating and are devastating for southeast Ohio.

Despite the alarming statistics and the crucial role rural America plays in our Nation's self-sufficiency and in our cohesiveness and culture, the President chose to slash funding for rural economic programs, slash funding in rural health care, in rural law enforcement, in rural education—all so that he could give a tax cut of $51 billion in 2009 to people making over $1 million a year and look what happens to health care, education, law enforcement, and economics development.

While communities in rural Ohio struggle to keep jobs, President Bush proposes to wipe away established rural development programs that these people with whom I talked yesterday—Republicans and Democrats alike, conservatives and liberals alike, public health people, chamber of commerce people, mayors, commissioners, community development people—these programs matter to their well-being, to the economic vitality of these rural areas. These housing programs, for instance, support the construction, purchase, and rehabilitation of single-family homes, giving struggling rural Ohioans a chance to own their own homes. With all the problems we have with foreclosures, they are not just urban problems, suburban problems, or rural problems; they are every year. But the President takes special attention to wiping out rural programs that can make a big difference in people's lives.

These programs encourage rural business expansion, job creation, and grants to extend broadband access across Ohio.

These are critical programs that provide water and sewer infrastructure. The EPA comes in and says to these communities: You need major renovation—major replacement in some cases—of a lot of these water and sewer systems, and then they simply do not help them do that. It means higher sewer and water rates for unemployed people and higher sewer and water rates for people struggling, middle-class families who are proud and struggling to stay above water.

In places such as Vinton County in southeast Ohio, a third of the people are on Medicaid. Medicaid is not a luxury; it is a crucial support system for children, the disabled, and the elderly living in poverty. Medicaid covers about one in every three nursing home residents. What is to be become of seniors under the President's Medicaid cuts? Medicaid cuts: F in health care. What is to become of the seniors without this successful insurance program? The President's budget cuts $18.2 billion from Medicaid over 5 years. These cuts touted by the administration as "savings" will be primarily achieved by shifting costs to States, regardless of whether States can actually shoulder these costs. Again, these $18 billion cuts to Medicaid are to pay for a tax cut for people making over $1 million a year.

The Bush budget slashes other programs designed to help rural communities address unique health care challenges. People who have to go to the emergency room have to drive 30 minutes, 45 minutes. A lot of people go to emergency rooms in southeast Ohio because they cannot afford any other care, and they go in hoping to get charity care. These are not people who are lazy. These are not people without a decent work ethic. These are people who work hard, have jobs, are barely making it, they go to food banks, in too many cases, they are on Medicaid, and they have to rely on the Government because they are struggling, working hard, working a couple of jobs, and simply cannot make it.

Rural Ohio is experiencing unprecedented challenges in law enforcement as meth labs multiply and threaten families and communities. Yet, since 2001, President Bush has cut funding for State and local law enforcement programs by over 50 percent. Law enforcement: The President gets an F in rural Ohio for his budget. This year's budget would slash funding 63 percent for all State and local law enforcement programs in the Department of Justice. That is $1.6 billion, again, so the President can give tax cuts to people making over $1 million a year.

The budget also eliminates funding for the COPS Program. Talk to people in Windham, Athens, Gallipolis, Chillicothe or Blair, communities that need the COPS Program to keep these communities safe. It is a program that has worked for 10 years. So the President wants to eliminate it so he can give tax breaks to people making over $1 million.

I sound like a broken record, but it is morally outrageous to do tax cuts for people making over $1 million a year and then earn an F on health care, F on education, F on law enforcement, and F on economic development for these struggling communities, the same kind of rural areas in the Preside Officer's State of Missouri, rural areas where I know she has spent a lot of time, rural areas where I have spent a lot of time, where people are struggling, trying to stay in the middle class, trying to support their kids, and trying to just get along.

The President's proposal short-changes overall education funding by $826 million. This budget would cut or eliminate programs to support educational opportunities for rural Ohio families, particularly programs such as career and technical education, for elementary school counseling, for Safe and Drug-Free Schools—the kinds of jobs many of these people, young people in southeast Ohio, want to get—career education, tech education, elementary school education. They want to teach, they want to be nurses, they want to be occupational therapists, they want to be physical therapists. They want to work in their communities. They don't want to go off to big cities and leave home. They want to raise their children where their parents are so their parents can see their grandchildren. And they need jobs in Chillicothe, in Zanesville, in Cambridge, and all over southern Ohio.

Our Nation's future depends on our actions now. We can either address barriers to our children's success in education, we can address the issues of law enforcement, we can address the needs of health care, or we can abdicate responsibility and watch our rural areas continue to decline. If our rural areas decline—and we know the strength of our rural areas in building our country in the last 200 years—if they decline in Missouri, Ohio, and around this country, it means our country declines, and we cannot stand for that.

As my State's first Senator to serve on the Agriculture Committee in four decades and a member of the HELP Committee, which has jurisdiction over health and education programs, I will continue to fight to ensure that our Nation invests in rural America. It is the smart thing to do for our future. It is the right thing to do for our families.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. I thank the Chair.

(The remarks of Ms. KLOBUCHAR pertaining to the submission of S. 2642 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Senator GRASSLEY pertaining to the introduction of S. 2641 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I know my colleague, Senator COBURN, is here. He is going to offer an amendment. I should tell you how pleased I am. Senator COBURN indicated he would be here around 2 o'clock. He was good enough to come this morning at 9:30 and engage in discussion on this bill.

But we have discussion about virtually everything about the bill on the floor of the Senate, Indian health care. The fact is we have had all kinds of amendments that have nothing to do with the bill. I hope we can finally get this moving.

I had spoken this morning of some people whose experience with the Indian health care system and the lack of health care for American Indians has been devastating. Some people died as a result of not having access to adequate care that we would take for granted in our country.

Let me mention my colleague from Oklahoma is on the floor and is going to discuss one of his amendments. You know, we have a trust responsibility. We have a responsibility to keep a promise we have made in treaty after treaty for Indian health care. I do not think there is a disagreement on the floor of the Senate about that.

There is no disagreement that we have a responsibility, that responsibility is in writing in all kinds of treaties. So we have made the promise; we have not kept the promise.

Let me make one final point. There is no group of Americans who have served this country in greater percentage of their population than American Indians. You take a look at the percentage of veterans who have served this country in wars and during peacetime, no population has had a greater percentage of people who have gone to serve America than American Indians.

I told my colleagues once previously about a Sunday morning in Fargo, ND, at the veterans health care facility, veterans hospital, where a veteran named Edmond Young Eagle was dying of lung cancer. I did not know it that day, but he would die 7 days later of lung cancer.

He was a man who lived on an Indian reservation. When called by his country, he served in Africa during the Second World War, at Normandy, throughout Europe, served with great distinction.

He came back. He never had very much, lived a tough life, didn't have many relatives. At the end of his life his sister asked if I could get his medals he had earned but never received. I did. I took them on a Sunday morning to the veterans hospital in Fargo, to this man who was in his mid- to late-seventies, a World War II veteran, had a tough life, never had very much, was dying of lung cancer. We cranked up his hospital bed to a seated position. He was a very sick man but very well aware of what was going on. I pinned a row of medals on his pajama top at the veterans hospital. The doctors and nurses from the hospital packed into his room. This proud man said to me, as I pinned his medals on his pajama top: This is one of the proudest days of my life.

This is a man who had a difficult time in life. He never had very much but served his country when asked in Africa, in Europe, fought for his country. Many years later, just prior to his death, he was recognized by his country, as I told him: A country that is grateful for your service. There are so many who have provided so much service from Indian reservations, from Indian nations.

We have made a solemn pledge to the Indians—we signed it into treaties; we have it as a trust responsibility—we will provide for your health care.

As my colleague from Oklahoma said this morning, take a look at Medicare, Federal prisons, Indian health, a whole range of things. Just to take Federal prisons as an example, we spend twice as much per person providing health care for prisoners as we do meeting our responsibility to provide health care for American Indians. That is a disgrace. It has to change.

I can't tell you how pleased I am to see my colleague from Oklahoma because we have had so many amendments that have so little to do with the underlying bill. I know my colleagues have offered a number of amendments that deal directly with it.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Oklahoma.

Mr. COBURN. Mr. President, every amendment I have has something to do with this bill. They are all germane, not meant to delay. I am happy to vote for cloture right now to prove that I don't want to delay this bill. What I am going to ask is unanimous consent for the regular order and discuss my amendment No. 4034, after which I will ask for a vote. Then if the leadership wants to stack votes, I am fine with that.

This is a simple amendment. I know the chairman is critical of it because he thinks it is false in terms of its intent. During our budget debate, I plan on adding $2 billion to Indian health care. I also plan on making us make the tough decisions on where we take it from. We don't have extra money, so it is about priorities, about keeping commitments. I will be offering that when we get to the budget to make sure there is an extra $2 billion for Native American care, and then we will decide whether we think that is a priority as we vote on the budget and on the appropriations bills.

This is a straightforward amendment. This allows tribal members to get insurance. If they want to use the IHS service, great. But if they have to wait in line to wait in line to get care, maybe they can go somewhere else. Then we are keeping our commitment. If they know that the care for a certain type of disease is terrible at IHS, they can go where it is better. We are going to put the security of our promise in real terms, and we are going to put choice, the same thing every Member of this body has, and security in health care, into the hands of the Native Americans. That is what the amendment does. The reason it doesn't cost anything is because we are going to charge IHS for what it costs. We have designed the amendment. We are waiting to see what the budget chairman does with the budget and where we are going to find this $2 billion. But I promise you, we are going to get a chance to vote on my amendment to put in $2 billion. So it is not an empty promise.

One of the things we know that improves everything is competition. One of the ways to get rid of some of the waste that is in IHS and to put a priority back in is to start competing.

Mr. DORGAN. Will the Senator yield for a question?

Mr. COBURN. I am happy to.

Mr. DORGAN. This is an authorization bill. The Senator is amending it. Does his amendment anticipate an increase by $2 billion for the authorized level because we are authorizing expenditures? The Senator will perhaps offer a $2 billion appropriations measure. I will as well. I hope we will be able to work together on that. But we will also have to increase the authorization. Does the amendment increase the authorization?

Mr. COBURN. It does not at this time. I will give a commitment to the chairman. Under our rules, when I want to take money away from something else, I have to deauthorize it. We don't have enough money in Indian health so we have to deauthorize something else. If we get it under the budget, I have every intention of making us make a choice. I will vote for an increased authorization at this point in time right now for $2 billion. But I will also come back and say we have to find the money to pay for it.

Mr. DORGAN. Mr. President, why don't we do that, provide the authorized room? The Senator this morning indicated—and I agreed—that we are about $2 billion short of fully funding Indian health care. We have full-scale rationing going on. The amendment has a restriction in it. He limits the amount of funding in his amendment to the amount of funding that currently exists in Indian health. The President has just proposed a reduction in funding, even though we are only meeting 60 percent of current need. My question is, should we not then remove that restriction and actually increase the authorization because he and I have the same goal. Let's get the amount of money in the system that provides health care for Indians that we have promised.

Mr. COBURN. I will happily vote for that. But what we have to do is deauthorize something else. I know you disagree with my thoughts on increased authorizations versus offsets. I believe we have a commitment. I believe we have a treaty obligation. I believe we have a moral obligation. But I also believe it has to be balanced with the obligation that Members of Congress refuse to do, which is to make judgments about priorities. An empty promise to authorize that is not offsetting some authorization somewhere else without coming around and doing it; tons of bills go through this place authorizing things so we can send a signal out there that we did something, knowing that we never intend to fund it.

Right now we have over $8 trillion a year in authorizations. It can't be hard to find $2 billion to deauthorize to increase the authorization for Indian health. We have to have a vote, and we have to decide what that is.

I will commit to the chairman, I will vote for that, as long as we are decreasing somewhere else. I am willing to go find where that is for the chairman. I will commit that I will offer an amendment to increase the spending for this in our budget. I also will commit that when the appropriations come through, although I may not vote for the whole appropriations bill because it is not going to just be for Indian health care, I will vote for amendments that will increase the amount of money that goes to Indian health care as long as it is within the budget. That is why I said my goal is to do that within the budget where we could have a debate about priorities.

Mr. DORGAN. If the Senator will yield further, one of the dilemmas in providing Indian health care, not so much in the State of Oklahoma but in other areas where there are reservations, is in many cases the only health care that is available is the Indian Health Service clinic, and you are 80 miles away from the nearest hospital. In many cases there will never be competition in an area where someone is desperately sick and needs to see a doctor quickly. I happen to agree the underlying notion of this amendment of providing a card to someone to say, take this card to a health care facility and get that need fixed, if you must—I happen to think that has merit. I will be working with the Senator on that with respect to the bolder approaches to Indian health care. But on page 4, line 4, is where you have budget neutrality: In conducting the program under this section, the Secretary shall ensure the aggregate payments made to carry out the program do not exceed the amount of Federal expenditures which have been made available. That is saying that we want to do all of this, which would expand contract care and so on but within the same amount of money that currently exists in Indian health care. It is kind of a chicken and egg.

Mr. COBURN. I would like to reclaim my time if I might. The fact is, we appropriate $280 billion a year in stuff that is not authorized right now. So we will not have any problem appropriating this money if we don't authorize it. A quarter of the discretionary budget is not authorized right now. We will not have any problem with that. My amendment says, on the areas the Senator just described, to do it only if it is geographically feasible. I recognize there are some places where we have isolated reservations and we have IHS. I am willing to put the money behind it, but I also realize more of the same doesn't get it done. So if we double Indian health care money, we are still going to have an inefficient system that will deliver care at a lower level than what you can get in the private sector.

What I am saying with my amendment is, let's have both. We ought to do both. I am making a statement on the Senate floor—and the Senator will recognize, I believe, that I usually keep my word about coming back and doing what I say I will do—I will work to get the extra $2 billion, but an extra $2 billion in a broken system is not just money that is broken with IHS. I believe the chairman will agree. What I wanted to do is fix the system and increase the money, increase the choice and security that Native Americans are entitled to that all the rest of us have.

The fact is, if the only place a Native American can get care is IHS, that is not freedom. That is not the promise kept in its fullest bloom. It is saying, here is the only place you can get care. If the care happens to be great, super. But if the care happens to be average and they need better, they don't have that opportunity. If the care happens to be—and sometimes we know it is, like some of the cases the chairman has presented—when it is substandard and that is the only choice they have, that is not acceptable.

Let me finish my deal, and I will let you go and you can hammer me. I hope I can get you to come around. Maybe I would not get your vote. I know I will get your commitment to work toward it in the future. But I think just adding more money to IHS doesn't fix the problem. I described that earlier when I talked about 30 or 45 minutes. What this does is, it treats Native Americans like every other American. That is what this amendment does. It gives them choice. It gets them out of the prison we have placed them in that says: You only have one place you can go. And, by the way, if we run out of contract funds, even if you need to go somewhere else, you can't go.

Contract funds actually have run out on average in June. So for 5 months of the year, when we need to send Native Americans somewhere else, we don't have the money to do it. So who suffers?

Under this system, you would not run out of contract money because you bought an insurance policy. You have given them the average cost of an individual insurance cost with what we are spending now on care.

By the way, I have another amendment where we describe what an Indian is because, in my State, we have people who are 1⁄512th stepping in front of a full blood. And most people don't think somebody that is 5⁄11th out of 5⁄12th ought to be getting full pay for their health care. And in fact, there are .12 of 1 percent Native blood. We call that light blood in Oklahoma. We have whole blood, mixed blood, and light blood in our State. It actually is very complicated because what is happening now, we have tribes that have quantums and say: If you are not a quarter or an eighth, you are not eligible. But under the IHS system, from some of the other tribes who have members who are 1⁄512th, they come down to their area and they get into IHS. So here is somebody with 1⁄512th taking Indian dollars away from somebody who is a quarter or somebody who is a full blood.

What we have said is: Tribes, you have to decide who is an Indian. We actually have some people who are a thousand and 24th that we are giving full blown care to in Oklahoma. They have access to care somewhere else, but they don't want to pay the deductible or the copay. So they step in line in front of a full blood. We have to change that. We have to fix that. We have to fix that because our obligation has to be to the person with the most and then come down. So if we really have restricted dollars, what we have to say is, if you are below a certain level, you have to contribute something. That is the other way that we solve this problem. That doesn't demean the heritage of our Native Americans.

What that says is, the reality is, in 2016 in this country, we are going to be cutting spending all over the place because that is the year interest rises through the roof. That is the year we run out of Social Security with which to pay for Medicare. That is the year in which for the projected spending, based on revenues, based on growth even at 4 percent, we start running trillion-dollar deficits—trillion-dollar deficits.

Have we ever asked ourselves why gold is worth four times more against the American dollar than it was 10 years ago? Do you think it has anything to do with people thinking we cannot pay back our debt?

So this idea that we are going to have more money in the future to do more things is not going to be there. We need to come to the reality of the situation. We need to start making some of the hard choices. To me, keeping our commitment to Native Americans has to be set up now; otherwise, it is not going to happen, and the funding is not going to get increased between now and 2016. Other than what we do this year, it is going to be hard. The money is going to be hard to get, even if we get out of Iraq.

We are going to get notice today on what I have been working on for 2 years, talking to the Census Bureau about that they are going to be out of control and spend a whole lot more money. I am getting ready to get notice by the Secretary of Commerce—I have a meeting with him this afternoon—that there is going to be a close to $3 billion more pickup to do something we have to do because it has been totally mismanaged—totally mismanaged. We have been having hearings for 2½ years on it, where they have been denying it, and now they are coming to say it has been mismanaged. They are coming to agree.

It is why oversight matters. Had we gotten some of the amendments through this body that we offered on the census, we would not be here. But, instead, we are going to spend $2 billion to $3 billion more because we did not pass the amendments offered based on oversight that we did in my committee.

The whole goal—I am not perfect. I am not right, necessarily, on how I want to do that. I will admit that to the chairman and ranking member. But I know more money does not solve the problem on this, and unless we create real freedom, real choice, and real health care security for Native Americans, we will never have an efficient IHS system, and we will never meet the commitments that we say we have.

So I will ask for the yeas and nays on this amendment. I will listen to the chairman. I do have a meeting at 2 o'clock I have to be at. Whenever the chairman would like to stack the votes, if we run others, I will be happy to work with whatever is his pleasure.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The amendment is not currently pending.

### AMENDMENT NO. 4034

Mr. COBURN. I ask that amendment be brought up, No. 4034 be made pending, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I inquire of the Chair, earlier this morning I made all my amendments pending.

Mr. President, I ask for the regular order on amendment No. 4034.

The PRESIDING OFFICER. The amendment is pending.

Mr. COBURN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague for coming and debating the amendment. I understand he has to leave.

The Senator from Oklahoma certainly is right, it is not more money necessarily that is only going to solve the problem. But I guarantee you that less money will not solve the problem. If we are 40 percent short of money needed now, I guarantee you that the same amount of money will not solve the problem. The amendment he has offered has a provision that says we are going to do something different, we are going to do something that is unique, and, by the way, you cannot spend any more money than you are now spending in a system that is already 40 percent short of money.

How can we have an amendment that restricts the amount of funding? When he says that—he started this morning by saying we are $2 billion short. It is interesting, I do not necessarily disagree with the proposition of trying to find choices, providing an insurance card, or some other mechanism by which we create some competition with the Indian Health Service. But this may be much better for Oklahoma than it might be for other States.

If you have an Indian Health Service area where you are in an Indian reservation 80 miles from the nearest hospital, and the only health care capability you have is to go to the Indian Health Service, well, you know what, we better have adequate funding for that, at least current funding for that. If you add another program on top of this for other Indians who can go somewhere else in a metropolitan area and be able to present a card, because they have now taken money out of the system and purchased their own insurance—you allow that to happen, then the American Indian who is living on the reservation with the current Indian Health Service clinic there has less money.

How does that work to help the folks who are stranded with no competition? It seems to me the way this is written, with a restriction that says there cannot be any additional resources beyond that which currently exist—and, by the way, the President wants to cut that. We have wide-scale health care rationing going on in this country, with people dying because of it, and the President's budget cuts it.

My colleague says: I will support—quoting him—increased funding, increased authorization. But the amendment he authors actually restricts the amount of money available. In order to do something new, if you are going to restrict the amount of money available to what is available now—if you are going to do something new—it is going to come from some place. I will tell you where it is going to come from. It is going to come from clinics out in those reservations where there is no choice.

There is only one opportunity for somebody who has broken an arm or developed an illness or disease and needs to go someplace quickly to find health care. They are going to go to the local Indian health clinic. This money is going to come out of their hide because this amendment offered provides a restriction that no additional resources can exist.

I do not denigrate the idea offered by the Senator from Oklahoma. But this clearly is not something that would be helpful to a lot of American Indians. In fact, I believe it would be hurtful to a lot of American Indians who are the ones who have no choice—who have no choice at all—but must try to get their emergency care and must try to get their basic health care met at those clinics.

I mentioned this morning a woman named Harriet Archambault whose health care was in McLaughlin, SD, in a satellite clinic of the Indian health care facility for the Standing Rock Tribe in Fort Yates, ND. That was her health care: the McLaughlin, SD, satellite clinic. They can handle 10 people in the morning and 10 people in the afternoon. That is it. If you are not on the list of 10, that is it, and you cannot make a reservation. You come and you sign in.

Well, she came five times, drove 18 miles one way each time. Five times she came, and 5 times she was too late to be in the top 10. She could not stay because she was taking care of her grandchildren. She was the daycare provider for her grandchildren. Her medicine had run out for hypertension and high blood pressure in mid-October. Five times she got up early in the morning to drive nearly 20 miles, and she did not get there in time. There were 10 people on the list ahead of her. One month later she died. She tried five times and never got there, in a remote satellite location.

The fact is, people are dying. Children are dying. Elders are dying. There is not nearly enough money to keep the promise this country made to American Indians. The amendment offered today is one I am very interested in working with the Senator from Oklahoma on in a significant reform package in which we dramatically increase the resources to keep our promise, and then try to provide some competition and some choice. I am interesting in doing that, frankly.

I am not interested in passing an amendment that says, let's do this in a way that restricts funding for others, which is what this amendment does. There is a specific restriction on funding, and that means there is going to be less funding for those clinics, including the satellite clinics. That is not something I am willing to entertain.

But, again, I appreciate finally getting an amendment offered. My colleague indicated he will be back. I indicated earlier we are at parade rest because one of our colleagues apparently has an objection, through his staff, through leadership, and he is off, apparently, at a meeting downtown, and has a speech, and he will be back sometime around 3:30 maybe. But in the meantime, through his staff, we are told we are not able to move on anything.

I have a managers' package that is agreed to, I believe, and I want to send it to the desk in a moment. My understanding is, we cannot move to embrace it despite the fact it would be a unanimous consent, because one of our colleagues is downtown and will not be back for an hour and a half. That will make him gone for 3 hours. In the meantime, we sit here with our hands in our pockets trying to figure out how on Earth we explain this is a body that is supposed to get something done.

I said this morning I have often called this place 100 bad habits, despite the fact I feel enormously privileged to be here. I love the Senate. But I am not very happy about the way this place works today because we deal with an important issue that is life or death to some people, and we are having a difficult time.

Senator MURKOWSKI has worked on this bill with me for a long period of time. Before her, Senator MCCAIN worked on this legislation. We are finally on the floor of the Senate, and because of things that have nothing at all to do with this bill, we are standing here frozen because somebody is gone, apparently.

Mr. DURBIN. Mr. President, will the Senator yield?

Mr. DORGAN. Mr. President, I am happy to.

Mr. DURBIN. Mr. President, I say to the Senator from North Dakota, this is a critically important bill for a lot of very vulnerable people, Native Americans, who have not been treated well throughout our history. I thank the Senator from North Dakota for his leadership in trying to bring this bill to the floor. But could I ask the Senator from North Dakota, how many days have we been on the bill on the floor of the Senate?

Mr. DORGAN. Mr. President, this is this third day we have been on the floor of the Senate. Our hope was this would be the day in which we complete action by late this afternoon. Obviously, it does not appear that way.

Mr. DURBIN. Mr. President, is it my understanding that one Senator has announced he is off for lunch and some meetings and would like to stop the Senate from any further consideration of this bill until he decides to return? Is that the situation?

Mr. DORGAN. Mr. President, I am told one of our colleagues, who is upset about something, has gone off to give a speech downtown at a meeting and will not return for a while. His staff indicates we are not to move without his consent, and he won't provide consent until he comes back, if then.

Mr. DURBIN. So the Senate is at a halt at this point until the Senator's personal schedule accommodates his return?

Mr. DORGAN. Well, it sounds that way. But we will see. Again, it is very frustrating. We have worked very hard to bring this legislation to the floor of the Senate. I know a lot of people are counting on the Congress to do the right thing. My hope is we can move forward. I think we have about four amendments we have cleared. We have a managers' package that is cleared. We will get votes on the Coburn amendment, which is germane, right on target, on the bill. So there is no reason we cannot move forward and get this piece of legislation done.

Mr. DURBIN. Mr. President, I would like, through the Chair, to ask the Senator from North Dakota, why don't we go ahead and move the package then, and we can preserve the right of that Senator to offer his amendment when he returns. That is preserving his right as a Senator if he wants to offer an amendment. But to stop the entire amendment process and all the other possibilities—I hope we do not let that happen.

Through the Chair, I ask the Senator from North Dakota, is that being considered?

Mr. DORGAN. Yes. Let me do this. Let me say the managers' package is something we have negotiated. I believe it has been agreed to unanimously. I do not know of any objection to the package itself. I do know of some objections to the process because one Senator who is not here has staff objecting.

Let me suggest in about 5 minutes I am going to send the managers' package to the desk and ask for its consideration. If there is someone who feels a managers' package that has been unanimously agreed to and worked on very hard—by the way, let me say—and my colleague Senator MURKOWSKI can add to it—we have about five or six areas in the managers' package that are very controversial and had caused us a lot of problems. We worked and worked and negotiated with all of those for whom this controversy exists, and we negotiated something that is agreeable to everybody. It was a good thing to have done. Finally, this managers' package, I think, is now agreeable to everybody, and it is a good piece of work. So in about 5 minutes I wish to send it to the desk and ask for its consideration.

Mrs. BOXER. Mr. President, will the Senator yield, through the Chair, for a question?

Mr. DORGAN. I would be happy to yield.

Mrs. BOXER. Thank you. In order to try to get my schedule and Senator BYRD's schedule—I know Senator BYRD wishes to speak for about 20 minutes. I wish to ask unanimous consent if I could follow him because there was an amendment that involved California. I was not able to be here, and I wish to answer that. If I could follow Senator BYRD.

Mr. DORGAN. Mr. President, how much time is Senator BYRD requesting?

Mr. BYRD. Fifteen minutes.

Mr. DORGAN. Mr. President, Senator MURKOWSKI may wish to add some comments, at which point I believe I will send the managers' package to the desk and ask for its consideration.

Mrs. BOXER. Mr. President, can I have an answer to my question?

Mr. DORGAN. I intend to answer the Senator.

Mrs. BOXER. Thank you.

Mr. DORGAN. Following that, I will be happy to yield the floor. As I understand it, the Senator from California wishes to follow the Senator from West Virginia.

Mrs. BOXER. If I might, yes.

Mr. DORGAN. The Senator from West Virginia wants 15 minutes. And the Senator from California wants how much time?

Mrs. BOXER. I think if I have 15 minutes that would be fine.

Mr. DORGAN. Mr. President, let me defer on the managers' amendment for a moment, and let us begin with Senator BYRD's request for 15 minutes, followed by Senator BOXER. Then my hope would be that we can come back to this bill. We have amendments pending and it is very important that we finish the bill itself this afternoon.

Does Senator MURKOWSKI wish to comment at this point before Senator BYRD takes the floor?

Ms. MURKOWSKI. I will defer to Senator BYRD.

Mr. DORGAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

### WAR FUNDS

Mr. BYRD. Mr. President, on February 11, 2008, the Congressional Budget Office responded to an inquiry from Senator KENT CONRAD, the chairman of the Committee on the Budget, regarding the costs to date of U.S. operations and involvement in Iraq and Afghanistan. Allow me to quote in full the critical summary line of this letter:

> If the administration's request for 2008 is funded in full, appropriations for military operations and other war-related activities in Iraq, Afghanistan, and elsewhere in the war on terrorism will rise to $188 billion this year and to a cumulative total of $752 billion since 2001.

It can be difficult to truly grasp how large a number is $752 billion. Let me offer some comparisons. According to Forbes Magazine, the world's most expensive car, a 1930 Bugatti Type 41 Royale, is worth an estimated $10 million. For $752 billion, one could own a fleet—a fleet—of 75,200 Bugatti Type 41 Royales; that is, if more than 6 had ever been made, or for $752 billion one could purchase 442 space shuttles at $1.7 billion each, according to NASA.

Here is one final comparison: According to the Bureau of the Census, the average price of a home in the United States in 2007 was $311,600. Let me repeat: According to the Bureau of the Census, the average price of a home in the United States in 2007 was $311,600, assuming one could still get a mortgage in today's real estate market. For $752 billion, one could buy 2,413,000 homes—enough homes to house every family in a city roughly the size of Jacksonville, FL or Indianapolis, IN.

That is $752 billion and counting, as the President's fiscal year 2009 budget request has come in, and Secretary Gates has suggested that after the "surge" troops come home, troop levels in Iraq will not—not—drop below

130,000 for at least—at least—the remainder of this year. In Afghanistan, the 27,500 troops currently deployed will be augmented by an additional 3,200 marines this spring. So I do not believe that this budgetary comet will do anything but continue its meteoric rise.

We all might still count this $752 billion as well spent if we thought we were getting good value for our money, if both nations were being rebuilt and showing signs of stability and recovery. However, there is evidence that the vast sums of money being thrown at Iraq and Afghanistan are not all being well spent. Far too much money is being siphoned off to line the pockets of greedy contractors while the work which they are being paid to do goes undone or is poorly done. Alarmingly, money, weapons, and oil profits have apparently been delivered directly to insurgents and militias that are not under government control in Afghanistan and Iraq. That must be stopped.

In Afghanistan, one U.S. think tank recently estimated that only $1 of aid out of every $10 actually reaches an Afghan. In Iraq, a local Iraqi businessman told a reporter that:

> I'd say that about 10 percent of business was corrupt under Saddam. Now, it's about 95 percent. We used to have one Saddam, now we have 25 of them.

Despite the growing reports of corrupt practices and the rising number of allegations of the fraud, waste, and abuse of Government contracts, not enough is being done to apply diplomatic pressure on the Governments in Iraq and Afghanistan to clean up their acts, and not enough resources are being applied to efforts to investigate and prosecute contract fraud. Congress has been watching, holding hearings, and complaining on behalf of the taxpayers, but much more—much more—needs to be done. After 7 years, we cannot continue to hide behind feeble excuses. Too much money is being lost to continue to let the systemic abuses persist.

After 7 long years, 7 long years of occupation and reconstruction efforts, much, much remains undone that was supposed to be done long, long ago. As long as in-country government officials and all of the associated contractors continue to profit from corruption and an unchecked ability to commit fraud, waste, and abuse, there is little—little, I say—incentive for anyone to make the progress that would assist the United States and the rest of the international community in departing.

American taxpayers and the Committee on Appropriations have invested $752 billion in Iraq and Afghanistan. We expect to see that treasure treated with the same respect that we give to our troops. They too have worked hard. They too have sacrificed much to provide the security for reconstruction efforts to take place. None of that sacrifice—none of that sacrifice—should be thrown away on cases of fraud, waste, abuse, and through rampant corruption. I—the personal pronoun I—intend to conduct a hearing on this matter as a first step, as a first step in what will be a long, long, hard look at just where—just where—the taxpayers' hard-earned money has been going.

I intend to invite Senator DORGAN, I intend to invite Senator LEAHY, and I intend to invite Representative WAXMAN to testify on the findings of their earlier investigations. I will also invite other witnesses to offer their expertise on issues concerning the abuse, misuse, and loss of U.S. funds to corrupt practices. I appreciate the encouragement and support of our Democratic leader, Senator REID, in tackling this issue.

This is not a partisan issue. Good governance and the wise use of taxpayer dollars are always nonpartisan goals. It is the responsibility of all of us—and I mean all of us—to determine the scope and the scale of the problems and then to devise the best—nothing but the best, and only the best—and fastest solutions to fix them.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the announcement by the Senator from West Virginia, chairman of the Appropriations Committee is, I think, good news. It is the case that the Appropriations Committee appropriates a great deal of money, and the question about oversight is very important. The Senator from West Virginia talks about understanding and needing to know how the money is spent, where the money is spent.

With nearly three quarters of a trillion dollars having been spent on the wars in Afghanistan and Iraq and the war on terror, there has been so much waste, fraud, and abuse, and there has been too little oversight. The Senator from West Virginia is showing great foresight and courage in saying we are going to provide that oversight. I think the Senate and the American people owe him a debt of gratitude for launching this effort. I say thank you.

I know the Senator from California is going to speak. When we finish the request, to be able to share with our colleagues, I may ask her to yield so I might propound a unanimous consent request during her presentation.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 4067

Mrs. BOXER. Mr. President, I am speaking to an amendment that was offered by Senator DEMINT, which he said he wants to reoffer. I want to address this amendment which unfairly targets and penalizes taxpaying Americans by denying them some very important appropriations that were approved by Congress in 2008.

Senator DEMINT came to the floor to describe actions that the city of Berkeley took last week in relation to the U.S. Marine Corps recruiting office. Let me be completely clear about those actions. Three of the members, in particular, wanted to send a letter expressing their disapproval of the Marines having a recruiting center in Berkeley. The language was offensive to many. I did not agree with anything they said.

Now, on Tuesday, they explicitly stated that the ill-advised letter they were planning to send to the Marines would no longer be sent. Therefore, you would think Senator DEMINT would then say, fine, I am glad they changed their mind. In addition, the city said this in writing.

I ask unanimous consent to have printed in the RECORD the statement they made about the Marines, if I might.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF BERKELEY,
CITY CLERK DEPARTMENT,
*Berkeley, CA, February 13, 2008.*

*To: Senator Barbara Boxer, Jennifer Tang:*

Per your request, below is an excerpt from the February 12, 2008 City Council meeting Annotated Agenda in reference to Item 25.

25. Reiteration of Berkeley's Opposition to the Iraq War and Clarification of the City's Support for the Men and Women who Voluntarily Serve this Country in the Military.

From: Councilmembers Olds and Capitelli.

Recommendation:

(1) That the City Council through adoption of this item, publicly differentiate between the City's documented opposition to the unjust and illegal war in Iraq and our respect and support for those serving in the armed forces.

(2) Rescind point 2 of Item 12, of the January 29, 2008 Berkeley City Council Agenda, "Marine Recruiting Office in Berkeley," regarding communications with the Marine Recruiting Station in Berkeley.

Financial Implications: None.

Contact: Betty Olds, Councilmember, District 6, 981–7160.

Action: M/S/C (Mario/Moore) to—

1. Accept Councilmembers Olds and Capitelli's recommendation to publicly differentiate between the City's documented opposition to the unjust and illegal war in Iraq and our respect and support for those serving in the armed forces, and

2. Accept the following statement submitted by Mayor Bates and Councilmembers Anderson, Maio and Moore:

Given the confusion about the Council's action on January 29, 2008, a strong statement of the Berkeley City Council's position regarding the Marine Recruiting Station is needed. The City of Berkeley and the citizens are strongly opposed to the war in Iraq. The war has resulted in over 4,000 soldiers killed, tens of thousands wounded in body and spirit, hundreds of soldier suicides, and millions of Iraqi people killed, injured and displaced from their homes. In addition, the hundreds of billions of dollars spent on this deeply immoral war could have been spent to meet the needs of our people and to strengthen our economy. We recognize the recruiter's right to locate in our city and the right of others to protest or support their presence. We

> deeply respect and support the men and women in our armed forces. However, we strongly oppose the war and the continued recruitment of our young people into this war.
>
> With the issuance of this statement there is no need to send the letter to the Marine Corps that the City Council approved on January 29, 2008.
>
> Noes: Olds, Wozniak.

Mrs. BOXER. Mr. President, they said they "deeply respect and support the men and women of our Armed Forces." I think the council did the right thing. They realized they should not mix up the Iraq war, which was brought to us by this President, and the warriors who fight it. There is a difference. They recognized that. I am very glad about that. You would think Senator DEMINT would be very glad about that. He is not. He is still angry and he is still wanting to fight the battle of a couple weeks ago and not recognize the fact that this letter he was railing about, which offended him and many others, was never sent.

That aside, the DeMint amendment is an attack on the rights of citizens to participate in free speech. There are a lot of things that go on in this country that I think are terrible; I think they are wrong, mean spirited, and hurtful. I think a lot of things, because we all have our own opinions on what is said. If every time I heard about some city councilman in some city in another State saying something I thought was offensive, that hurt our military, our seniors, disabled people, minorities or children, I came out here and said: Oh, my goodness, let's withhold funds from that city because of that city councilman, we would have quite a situation on our hands.

State and local governments all across this Nation pass resolutions and measures that many of us don't agree with on a host of issues. Disagreements are part of the political discourse. Why on Earth would we punish good, decent citizens because some members of their local government or the sewer district or mosquito abatement district or water district or others say something that is offensive? Yes, we have a right to come to the floor, as Senator DEMINT did, and say it is terrible and wrong and take it back. That is fine. I welcome that. But I don't sit around waiting to hear what they are saying in South Carolina, Georgia, Texas, and Oklahoma—those are the States of the Senators who want to take away these funds from the good people of northern California. I don't sit around waiting to see what they might say, and then say I am going to punish everybody because I don't agree with that speech.

The other thing I found interesting is that in a press release the Senator from South Carolina, Senator DEMINT, challenged the process by which the funding requests were granted by the Appropriations Committee. Today, he called them "secret" earmarks. Yet every one of these projects was funded in the most open and transparent manner.

I will show you what those earmarks are. As a matter of fact, this is an opportunity for me to celebrate those particular projects because they are so important to the police, to the fire department, to the children, to the disabled, to students, to the memory of a wonderful Congressman Bob Matsui, and also to the environment. You will see what I mean. Every document pertaining to those projects was made available to the public. Every request was approved in the openness of the House and Senate Appropriations Committees and the openness of the House and Senate Chambers.

If the Senator from South Carolina, Senator DEMINT, was so concerned with these funding requests for our police, for our fire department, for our children, the disabled community, for our environment, and for our college students, he had the opportunity to challenge the funding of those requests. He had that opportunity when the bill was on the Senate floor. He didn't do that. Oh, no, he is going to challenge them because someone in the city council—several members—said something offensive that he didn't like and, therefore, as a result of that, instead of standing up and talking to those people who made those offensive comments and trying to change their mind, he tries to punish all the people in the surrounding area. The reason, I would posit, that the Senator didn't challenge these earmarks at the time they were made is because they are excellent programs.

Congressional and executive funding requests, whether they are earmarks from the President or Congress, should be awarded based on merit, not based on what someone in a community said. It is just beyond belief. They should be able to stand on their own merits and serve the people we represent.

I am going to show you some photographs that talk about some of these earmarks. The first is of these beautiful children standing in this garden that is run for the benefit of public schools in the Berkeley School District. These students learn how to plant and grow vegetables and harvest the vegetables. They work the garden. They learn about nutrition. They learn how to cook the food, serve the food, and clean up. This is such a popular program that it is being replicated in places as far away as Louisiana. We all know we have serious problems with our kids with diabetes. We know our kids don't eat the way we want them to because they are attracted to high-sugar foods and sodas and all the things that are not good for them. Here is a program that teaches them to love the whole notion of eating in a healthy way. That is a program Senator DEMINT went after, along with his friends who are cosponsors. I wish to show you some other programs that are impacted. This is unbelievable.

In this photo, we see a few of the most seriously disabled people you can find in America today. They want to live independently. Here is Ed Roberts, who needs oxygen every second, with a tube in his mouth. We want these wonderful people—some of them who are veterans—to be able to live independently. Here you see pictures of them doing that, with paralyzed bodies—children, moms. He wants to take away the funding because he disagreed with what some people said at the Berkeley City Council, which they now have taken back. Outrageous. Outrageous.

Let's show you the other earmarks they are going after. Here are students at UC Berkeley. There is a program named after Bob Matsui, the beloved Congressman. They are going after that program as well.

Here is a picture of congestion in the San Francisco Bay area, where you can see the Bay Bridge here; and you can barely tell it from where you are sitting, Mr. President, but all these dots are cars. We have the most congested areas in the country. We want to get funding for a ferry boat to carry people and get them out of their cars and use the waterways. This was Congresswoman LEE's earmark. He wants to cut this because he didn't agree with members of the council who have now taken back what they said.

Here are our heroes, the firefighters. They are part of the recipients of an award that we said they deserve so there could be some communication in our region between the fire and the police in the jurisdiction, so that when we have a terror attack—and we hope we never do—or when we have a fire—and we often do—or an earthquake, which we often do, they have communications equipment. This is what Senator DEMINT wants to take away from law-abiding firefighters because he didn't agree with something the city council said, which they took back.

Here is the real point I have to make about all this. Senator CHAMBLISS is an original cosponsor of the DeMint amendment challenging these earmarks. Let's look at an earmark he got in his State. It was for the Daugherty County School System Healthy Lifestyle Program. Ours is the Berkeley Unified School District School Lunch Initiative. I don't see Senator CHAMBLISS trying to give up his program. I would never try to take that away from him because of something somebody said in his State that I didn't agree with.

Here is Senator CORNYN, another proud sponsor of the DeMint amendment to slash these earmarks: Ed Roberts Disability Services Campus in Berkeley. I showed the people coming back from the war, paralyzed veterans in wheelchairs. Senator CORNYN wants to cut that earmark because the city council said something offensive which they have now since taken back. I would never go after Senator CORNYN's paratransit vehicle replacement in Abilene, TX.

Here we go: The Strom Thurmond Fitness and Wellness Center at the University of South Carolina. We don't know who got that earmark because it was secret. It was secret. But I would never try to take away the Strom Thurmond Fitness and Wellness Center. Then let them leave alone the Bob Matsui Center for Public Service at UC Berkeley.

Senator INHOFE, my friend, is a proud sponsor of this amendment, too. He has the Oklahoma City River Ferry Boat Transportation Program. He was proud to get that earmark. I would never go after that if someone in Oklahoma said something that I did not like, a city councilman, a mayor. Maybe I wouldn't like it and I might write them a letter and say what they said was wrong, unpatriotic, I don't agree with it. But I would never go after an earmark that helps move people from place to place. So let him leave alone the San Francisco water ferry.

Here is Senator VITTER, another proud cosponsor of the DeMint amendment. I cannot tell my colleagues how many times I have helped Senator VITTER in my committee get help for the people of Louisiana. Do I agree with what every city council member says in Louisiana? Probably not. And if I did disagree with them, if they said something I found unpatriotic or not caring about our troops, I would send them a letter, but I wouldn't go after Senator VITTER's earmark for the Baton Rouge Communication Technology Pilot Program because I think it is important that police, fire, and emergency workers, who are our heroes, have the funding they need.

The final item I want to show my colleagues is this: This move by Senator DEMINT to take away the funding was addressed by the chair of the Military Affairs Department, Commanding Officer, ROTC, at the University of California. I want to read what he said about the University of California at Berkeley. I will just read certain statements:

> Given the recent spate of controversy surrounding the U.S. Marine recruiting office . . . I feel it is my obligation to inform members of Congress of the relationship we have with the university and the outstanding support it provides not just to the ROTC Program but to all military personnel, their dependents and veterans as well.
>
> UC Berkeley has been and continues to be a very big supporter of all our ROTC programs here on campus. They should in no way be associated with or linked to the actions of the Berkeley City Council which has taken on a very outspoken stance against the United States Marine Corps Recruiting Station in the city. . . .
>
> I would like to ensure that those in favor of the Semper Fi Act understand that UC Berkeley is a tremendous supporter of all the military programs on campus as well as all the military personnel, their dependents and veterans who attend this university. It would be a travesty of justice to . . . punish UC Berkeley for the actions of the Berkeley City Council.

When this was written, I don't know whether Captain Laird knew that the Berkeley City Council did not send that letter and instead finally realized their mistake and said how much they support our men and women in uniform.

The fact is, this kind of a punishment for a community such as this, a community of families who care about their country, who are taxpaying citizens, because of actions of a few, is an outrage. It would be a terrible precedent if we now started punishing children, policemen, firemen, disabled veterans, and students. If that is what we are going to become in this Senate, then we do not deserve to be here. That is absolutely wrong.

The Marine Corps has given 232 years of exemplary service to our Nation and, tragically, 974 of the marines who served in Iraq paid the ultimate price. More than 440 of those were based at Twenty-nine Palms and Camp Pendleton in my home State of California. The Marines deserve our respect and our gratitude and our support.

Again, I am glad that the council realized there is a difference between a war and a warrior.

Again, Senator DEMINT seems to be making political points on an issue that essentially was resolved. But if he wants to come here and debate with me why it is right to take away money from students, if he wants to debate with me why it is OK to take away money from disabled veterans, why it is OK to take away money from firefighters, many of whom are veterans, many of whom put their lives on the line every day, if he wants to have that debate, I will be on my feet, and I will have that debate.

I know Senator DORGAN wishes to have the floor. Mr. President, is Senator DORGAN ready to make his UC request?

Mr. DORGAN. Mr. President, has the Senator from California completed?

Mrs. BOXER. I will yield to Senator DORGAN or I can complete in 2 minutes.

Mr. DORGAN. Mr. President, I ask the Senator from California to complete her statement, after which I will be recognized.

Mrs. BOXER. The point I am making is, we all have our opinion on what constitutes free speech. I support Senator DEMINT's right to express his opinion about what he thought of the proposed actions of the Berkeley City Council. He has every right to do that. He has every right to offer his amendment. But I have every right to come down here and say I think not only is it mean-spirited, it is hurtful to the wrong people. And I have every right to come down here and say: Senator DEMINT, they never sent that letter to the Marines, happily. They rethought it.

If he wants to continue with this amendment, if he wants to offer it to every bill we have, then I will be right down here with these photographs and others that I have. I will be right down here with more testimony from the military who will testify to how incredibly welcoming UC Berkeley is to our men and women in uniform.

There will be wars in the future—we all hope there will not be, but there may be—with which we do not agree, but we must never confuse our anger at the people who would send our young people to a war of choice or a wrongheaded war and the young people who are sent there. We must come here every day to support those young men and women. Let's not use this as a way to take cheap political shots because they do not deserve it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we have been patiently waiting for some hours now. It is pretty unbelievable to watch this process work. The old saying about watching sausages being made or laws being made, it is not a very attractive picture. That certainly is true today on the floor of the Senate.

We have legislation we reported out from the Indian Affairs Committee dealing with an obligation that this country has to provide Indian health care. It is an obligation we promised in treaties. It is a trust obligation reaffirmed by our courts, and it has been nearly 10 long years getting to the floor to reauthorize the Indian Health Care Improvement Act. It is not as if anybody is speeding around here.

We finally get to the floor of the Senate, we are on the third day, and we have all kinds of amendments that have little to do with Indian health care.

We have been standing at parade rest for 3 hours while one of our colleagues has been giving speeches downtown and their staff has indicated they must object to this request. I do not understand the 25 stages of approval required in this Chamber to say hello or goodbye. Perhaps we can find a way to move on the issue that confronts the Senate at this moment, and that is Indian health care. Even as we talk, people die out there because there is full-scale rationing of health care.

One part of this legislation that we have worked on is called the managers' package. It is not a typical managers' package we see with other legislation where there are a lot of additions. This managers' package is a requirement we had to try to negotiate about five very difficult and very controversial issues. We had great objections to certain areas of the bill, so Senator MURKOWSKI and I and our staffs worked over the last month to negotiate, and we reached agreement on five or six areas.

That agreement was pretty difficult to reach, but we did it with a lot of people on both sides of the aisle. That is what is comprised of this managers' package.

### AMENDMENT NO. 4082 TO AMENDMENT NO. 3899

Our managers' package is at the desk. I ask unanimous consent that the pending amendment be set aside and that the managers' amendment, which is at the desk, be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Ms. MURKOWSKI, proposes an amendment numbered 4082 to amendment No. 3899.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 139, strike lines 5 through 9 and insert the following:

"(III) may include such health care facilities, and such renovation or expansion needs of any health care facility, as the Service may identify; and

On page 143, strike lines 15 through 17 and insert the following:

wellness centers, and staff quarters, and the renovation and expan-

On page 145, line 13, insert "and" after the semicolon.

On page 145, line 16, strike "; and" and insert a period.

On page 145, strike lines 17 and 18.

On page 146, line 9, strike "hostels and".

On page 147, strike lines 15 through 21 and insert the following:

"(e) FUNDING CONDITION.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) or sections 504 and 505 of that Act (25 U.S.C. 458aaa–3, 458aaa–4).

Beginning on page 159, strike line 12 and all that follows through page 161, line 16, and insert the following:

**"SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.**

"(a) DISCRETIONARY AUTHORITY; COVERED ACTIVITIES.—The Secretary, acting through the Service, may utilize the negotiating authority of section 23 of the Act of June 25, 1910 (25 U.S.C. 47), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of safe water and sanitary waste disposal facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to rules and regulations promulgated by the Secretary, that the project or function to be contracted for will not be satisfactory or that the project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

"(1) ownership and control by Indians;

"(2) equipment;

"(3) bookkeeping and accounting procedures;

"(4) substantive knowledge of the project or function to be contracted for;

"(5) adequately trained personnel; or

"(6) other necessary components of contract performance.

"(b) PAY RATES.—For the purpose of implementing the provisions of this title, the Secretary shall assure that the rates of pay for personnel engaged in the construction or renovation of facilities constructed or renovated in whole or in part by funds made available pursuant to this title are not less than the prevailing local wage rates for similar work as determined in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

On page 176, strike lines 12 through 15 and insert the following:

"(3) staff quarters; and

"(4) specialized care facilities, such as behavioral health and elder care facilities.

On page 196, line 15, insert ", including programs to provide outreach and enrollment through video, electronic delivery methods, or telecommunication devices that allow real-time or time-delayed communication between individual Indians and the benefit program," after "trust lands".

On page 269, strike line 18 and insert the following:

"(d) ALLOCATION OF CERTAIN FUNDS.—Twenty per-

On page 336, between lines 2 and 3, insert the following:

**"SEC. 8___. TRIBAL HEALTH PROGRAM OPTION FOR COST SHARING.**

"(a) IN GENERAL.—Nothing in this Act limits the ability of a Tribal Health Program operating any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a compact with the Service pursuant to title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.) to charge an Indian for services provided by the Tribal Health Program.

"(b) SERVICE.—Nothing in this Act authorizes the Service—

"(1) to charge an Indian for services; or

"(2) to require any Tribal Health Program to charge an Indian for services.

On page 347, after line 24, add the following:

**SEC. 104. MODIFICATION OF TERM.**

(a) IN GENERAL.—Except as provided in subsection (b), the Indian Health Care Improvement Act (as amended by section 101) and each provision of the Social Security Act amended by title II are amended (as applicable)—

(1) by striking "Urban Indian Organizations" each place it appears and inserting "urban Indian organizations";

(2) by striking "Urban Indian Organization" each place it appears and inserting "urban Indian organization";

(3) by striking "Urban Indians" each place it appears and inserting "urban Indians";

(4) by striking "Urban Indian" each place it appears and inserting "urban Indian";

(5) by striking "Urban Centers" each place it appears and inserting "urban centers"; and

(6) by striking "Urban Center" each place it appears and inserting "urban center".

(b) EXCEPTION.—The amendments made by subsection (a) shall not apply with respect to—

(1) the matter preceding paragraph (1) of section 510 of the Indian Health Care Improvement Act (as amended by section 101); and

(2) "Urban Indian" the first place it appears in section 513(a) of the Indian Health Care Improvement Act (as amended by section 101).

(c) MODIFICATION OF DEFINITION.—Section 4 of the Indian Health Care Improvement Act (as amended by section 101) is amended by striking paragraph (27) and inserting the following:

"(27) The term 'urban Indian' means any individual who resides in an urban center and who meets 1 or more of the 4 criteria in subparagraphs (A) through (D) of paragraph (12).".

Beginning on page 358, strike line 23 and all that follows through page 360, line 11, and insert the following:

(d) SATISFACTION OF MEDICAID DOCUMENTATION REQUIREMENTS.—Section 1903(x)(3)(B) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is amended—

(1) by redesignating clause (v) as clause (vii); and

(2) by inserting after clause (iv), the following new clauses:

"(v) Except as provided in clause (vi), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

"(vi)(I) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of United States citizenship or nationality under the regulations adopted pursuant to subclause (II).

"(II) Not later than 90 days after the date of enactment of this subclause, the Secretary, in consultation with the tribes referred to in subclause (I), shall promulgate interim final regulations specifying the forms of documentation (including tribal documentation, if appropriate) deemed to be satisfactory evidence of the United States citizenship or nationality of a member of any such Indian tribe for purposes of satisfying the requirements of this subsection.

"(III) During the period that begins on the date of enactment of this clause and ends on the effective date of the interim final regulations promulgated under subclause (II), a document issued by a federally recognized Indian tribe referred to in subclause (I) evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood) accompanied by a signed attestation that the individual is a citizen of the United States and a certification by the appropriate officer or agent of the Indian tribe that the membership or other records maintained by the Indian tribe indicate that the individual was born in the United States is deemed to be a document described in this subparagraph for purposes of satisfying the requirements of this subsection.".

On page 360, strike lines 21 and 22.

Beginning on page 361, strike line 19 and all that follows through page 362, line 4, and insert the following:

"(1) NO COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY OR THROUGH INDIAN HEALTH PROGRAMS.—

"(A) NO ENROLLMENT FEES, PREMIUMS, OR COPAYMENTS.—

"(i) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, a Tribal Organization, or an urban Indian organization, or by a health care provider through referral under the contract health service for which payment may be made under this title.

"(ii) EXCEPTION.—Clause (i) shall not apply to an individual only eligible for the programs or services under sections 102 and 103 or title V of the Indian Health Care Improvement Act.

Mr. DORGAN. Mr. President, about 5 hours ago, we were hoping to send that amendment to the desk and have it considered. We hoped to have a vote on it. What we are waiting for at the moment is the remainder of the unanimous consent request. The remainder of the unanimous consent request I will propound, when we determine who offers levels of approval in the Chamber, will be that we have a vote—the way it is constructed is at 3 o'clock, but that was 25 minutes ago—that we have a vote on two amendments.

One will be the managers' amendment I sent to the desk on behalf of myself and Senator MURKOWSKI, bipartisan, I believe, an amendment that does not have objections anywhere in the Chamber because we have resolved those objections, but we will have a recorded vote on that, and then we will have a recorded vote on the amendment that has been offered by Senator COBURN, amendment No. 4034.

My hope is that we will be able to propound a unanimous consent request that will be approved in a few minutes, with a couple-minute debate prior to each vote, and then we will have two votes. Our hope is to begin that at 3 o'clock. My hope remains that will be the case. I will not propound the unanimous consent request at the moment because I understand it has not yet been cleared.

I understand it has now just been cleared, which is great news.

I ask unanimous consent for the following: that the pending amendment, which is the managers' amendment that I just filed on behalf of myself and Senator MURKOWSKI, be set aside and that at 3 p.m. today, the Senate proceed to vote in relation to the amendment, the managers' amendment; that the amendment not be divisible; and that upon disposition of that amendment, the Senate resume the Coburn amendment No. 4034; that there be 2 minutes of debate prior to a vote in relationship to that amendment; and that no amendments be in order to either amendment prior to the vote, with the second vote in sequence 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, for the information of Senators, the vote will begin in about 3 minutes, and we will have two votes in sequence.

The PRESIDING OFFICER. The Senator from Florida.

### AMENDMENT NO. 3906

Mr. MARTINEZ. Mr. President, I wish to speak on amendment No. 3906, which has been pending. I believe I can do that between now and the time of the vote. I ask to be recognized for the time remaining before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, after high tax rates, the thing that disturbs Americans the most about their Government is that their tax dollars are too often misspent. Nowhere is this problem more prevalent than in the Medicare Program where fraud is concerned.

Currently, Medicare fraud consumes an estimated $60 billion a year. That is as much as 20 percent of the program lost to criminals scamming the Federal Government.

In South Florida, the region has only 8 percent of the Nation's AIDS patients. Yet 73 percent of Federal AIDS medication payments are sent there. That alone is an estimated $2 billion of fraud.

We have only recently begun to uncover some of the cases of widespread fraud and abuse. An 82-year-old constituent of mine kept getting $10,000 Medicare payment statements. If you looked at the bills, it appeared this elderly woman had artificial knees, ankles, one glass eye, was in a wheelchair, and suffered from diabetes and AIDS. The truth is, she is completely healthy. She had not called on Medicare, and someone else was using her stolen Medicare number.

Her case is typical of many in my State and far too many other States where Medicare fraud abuse has been reported.

Hard-working Americans are outraged by seeing their tax dollars lost to criminal fraud. My amendment to the Indian health bill will double the jail time, double the penalties, and give judges greater discretion in sentencing those who are guilty of Medicare fraud. The message needs to be stronger than a slap on the wrist. It has to be hard time.

But tougher penalties are only a first step. There is a larger problem. We need better oversight, more accountability, and fewer dollars sent to organizations that can't prove they are anything more than a P.O. box. So I call upon my colleagues to join with me in addressing this situation. Help put a stop to the billions and billions of taxpayer dollars padding the pockets of criminals each and every year. We owe it to the American people to handle their money with greater care, and I believe we can do this by just cutting wasteful spending and stiffening the penalties that already exist for fraud cases.

There are a number of cases I can point to in my State, and these are just cases that have come to the attention of my office. Maggie of Sunrise talks about a doctor she had never seen billing Medicare for $2,590 worth of services in July of 2006. Leslie of Punta Gorda reported a fraudulent claim filed using his deceased wife's claim number after her death. The claim was filed in April of 2006, and his wife passed away in March of 2005.

There are many other examples like these. For that reason, I urge passage of my amendment, and I know it may be part of the managers' package, which I think would be a great step forward in stemming the waste, fraud, and abuse in this program.

I thank the Chair.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator's time has expired.

The question is on agreeing to amendment No. 4082, the managers' amendment.

Mr. DORGAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DORGAN. Have the yeas and nays been ordered on the Coburn amendment?

The PRESIDING OFFICER. There is a sufficient second, and the yeas and nays have been ordered on the Coburn amendment as well.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—95

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl

Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—5

Clinton
Graham
Inouye
McCain
Obama

The amendment (No. 4082) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4034

The PRESIDING OFFICER. There will now be 2 minutes of debate evenly divided on the Coburn amendment, No. 4034.

The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, this is a pretty simple amendment. What it says is we are going to give the Native Americans what we promised them in our treaties. We are going to give it to them in the same way we deliver security, choice, prosperity, and health care for Members of Congress. We are going to give them an insurance policy. In basics, I think my chairman agrees with it; he does not agree with the way we are doing it at this time. I understand that. What you all should know is three-quarters of the Native American population of this country lives in urban areas; it does not live on the reservation. That is three-quarters.

What this does is fulfill our commitment through giving them access to quality choice and care—not substandard care, not rationed care, but real care.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I oppose the amendment, as does my colleague Senator MURKOWSKI.

Senator COBURN offers some interesting ideas here, but he offers them in the context of saying: We will do some different and additional things with Indian health care, but we will explicitly restrict any additional money that is in the bill itself. That means if you have Indian reservations out in the country someplace, there is an Indian health clinic, and that is the only health care available, I guarantee you they will end up with less money to provide health care to those Indians on those reservations given that restriction in the bill.

For that reason I do not support it, but I look forward to working with my colleague from Oklahoma on ideas of this type.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 67, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—28

Alexander
Allard
Barrasso
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
DeMint
Ensign
Enzi
Grassley
Gregg
Hutchison
Inhofe
Isakson
Kyl
Martinez
McConnell
Sessions
Shelby
Specter
Sununu
Vitter
Warner

NAYS—67

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Hatch
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Stevens
Tester
Thune
Voinovich
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—5

Clinton
Graham
Inouye
McCain
Obama

The amendmemt (No. 4034) was rejected.

Mr. DURBIN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NELSON of Florida. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4036

Mr. COBURN. Madam President, I now ask unanimous consent that we have the regular order on Coburn amendment No. 4036.

The PRESIDING OFFICER. Without objection, the amendment is pending.

The Senator from North Dakota.

Mr. DORGAN. Madam President, if I might, the Senator from Oklahoma is intending to debate and discuss amendment Nos. 4032 and 4036, and requests recorded votes on both. First of all, I appreciate his cooperation. I understand he is prepared to initiate that debate. What I would like to suggest is whatever time he needs for that debate, we could probably, by consent, with the consent of Senator MURKOWSKI, agree to a time for both those votes.

I might ask the Senator, how long would he like to debate both amendments?

Mr. COBURN. Probably, Madam President, I will not use more than 30 minutes and probably less.

Mr. DORGAN. Madam President, would it be satisfactory to the Senator from Oklahoma and Senator MURKOWSKI if we set the two votes on amendment No. 4032 and amendment No. 4036 no later than 4:20?

Mr. COBURN. That is 30 minutes for me and none for you.

Mr. DORGAN. Let's make it 4:30, Madam President.

Mr. COBURN. I do not have any problem with that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, amendment No. 4036 is a real simple amendment. What it says is we are going to prioritize the funds that go into the Indian Health Service. We have had debate all day on whether we are improving Indian health care when we add services but do not add money, and we have not done the structural reforms that need to happen in the Indian Health Service.

We know the Indian Health Service is plagued by rationing on a life-and-limb basis. As to the quality of care we are offering in IHS, for some places it is great, but on average it is less than what we offer other people. Instead of fixing the problem with basic medical services, this bill includes new services. We are not funding the services we do now, and the services we are funding are not at the level they need to be in terms of their quality.

This bill expands the burden of IHS to fund things that in terms of priority are not as important, No. 1, but, more importantly, most have an eligibility avenue with which to get these services through some other Government program. So by supporting this amendment, you are not denying the four new services because they are already available, just not through the IHS.

This amendment would require funding go to what has already been promised to tribal members before we expand to new promises. In other words, before we add new services, let's make sure we are funding the services we are offering now and that we are funding them at a level of quality that is acceptable.

So this would say IHS would have to prioritize basic medical services before paying for new programs. We have talked a lot about the history on this. We know where our problems are. The chairman is trying to move in a direction to help solve some of the problems.

I disagree that we are making the major steps. I think we have to totally reform IHS. I have said that to the chairman. He knows the structural problems that are there. I think when we promise health care, we ought to give it.

We talked earlier today that one in every four Native American women have a baby without any prenatal care. The average number of visits for those who have prenatal care is half what the national average is. So just in prenatal care, in pediatrics, and diabetes we know we are behind the curve. Yet we are going to add new services in the bill that are already available in other ways.

We also know, as the chairman has said, that we spend half per capita on Native Americans than we do on prisoners. We spend less than half than we do on veterans. We spend a third based on what we spend on Medicare. So we are obviously not there, and a lot of it is money. There is no question about it. But it is not all money. It is structural.

Obviously, that is the reason for my opposition to this bill because I think we have an opportunity to go much further to totally change the structure and quality and delivery and to get a lot of the bureaucracy out. I think we also need to add money. We need to do all three.

This amendment is designed to make IHS prioritize the money. So even though we authorize these programs—this does not eliminate the authorization—it just says you cannot effectively do it until you have funded adequately what you are already promising Native Americans.

What this bill will do, in my estimation, is drain resources available to basic core medical services. It is also going to do something else. Our tribes are getting to be pretty good businessmen. What it is going to do is, it is going to put into individual tribes businesses for these services.

So what is going to happen is, these services are going to be part of the tribal organization business complex but not part of the service, and so we are going to transfer funds outside IHS, transfer IHS moneys into tribal organizations with no guarantees that the money that was spent is going to come back into health care. So if we were to do this, what I would rather is these be IHS services only, rather than out for bid to be utilized that may be not at a competitive bid price so we enhance private profitability rather than tribal health care. So there is that other little problem. Again, if we make new promises, at a time when we are not funding the promises we have, we are not helping the Native American population.

This amendment is about priorities. It is not saying IHS cannot fund these new programs. It is just saying we need to focus on basic medical services first, such as prenatal care. When one in four Native Americans do not have prenatal care, and we are going to add long-term home health care, hospice, DME, and some of these other areas, when we are not taking care of the women who walk in and deliver without prenatal care, it does not make sense.

So I will put this amendment up. I am going to ask for the yeas and nays on amendment 4036. I appreciate the consideration of the chairman and his heart toward Native Americans. But a half promise fulfilled is a promise not kept, and that is where we are on health care. Making us prioritize—in some places we will be able to do this; where we have effective, efficient care, they will have the money to offer these services. In areas where we are not doing well, they should not be expanding into new services when they are not taking care of the services we have today.

So the flexibility is completely up to the IHS. Nothing limits it other than you have to meet the core basic medical needs first before you go into other areas.

With that, I yield the floor and await the response from my chairman. Then I will talk about the other amendment in a moment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, with the permission of the Senator from Oklahoma, let me ask if he might also discuss his second amendment.

Mr. COBURN. Madam President, I will be happy to.

Mr. DORGAN. Thank you very much.

The PRESIDING OFFICER. The Senator from Oklahoma.

### AMENDMENT NO. 4032

Mr. COBURN. Madam President, amendment No. 4032, which the chairman has graciously allowed me to discuss at this time, which I also would like to call up and have as the pending order of business under the regular order, is real simple. We do this in a lot of other places, but we do not do it in IHS.

I ask unanimous consent for that.

The PRESIDING OFFICER. The unanimous consent has been granted.

Mr. COBURN. I thank the Chair.

This is a real straightforward amendment. It says if you are a tribal member and you have been the victim of rape or sexual assault, the right to have your assailant tested for HIV and AIDS and other sexually transmitted diseases cannot be denied you. We have done this a lot of times. Most of us agree with that. We think it is the right thing to do when somebody is an assailant and we have people at risk, and not putting those Native Americans into a period of a year waiting or taking medicines they should not have to take because they do not know the status of the person who committed an assault on them.

So it is very straightforward. I will not spend a lot of time on it. I am not trying to inflame the issue. I think it is something Native Americans ought to have that every other American today has.

I yield back and intend to ask for the yeas and nays at the appropriate time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Madam President, let me talk for a moment about amendment No. 4032, the HIV mandatory testing issue. I support that, I think, at the request of the victim. I think that is a thoughtful amendment and would have accepted it. I understand the Senator wishes a recorded vote. I understand why that is the case. But I do think it is an amendment that has a lot of merit.

### AMENDMENT NO. 4036

With respect to the other amendment, No. 4036, I understand what the Senator is trying to do. I am going to oppose the amendment and vote against the amendment. He is talking about using the funds for essential medical services. Yes, I am all in favor of that. But let me also say that the issue of hospice care and some long-term care issues we have added to this bill—if you visited a hospice care setting, it is pretty hard to take a look at what hospice care is offering dying patients and suggest that is not essential as well.

That is a wonderful health care option that is available to many in this country. What we have tried to do in the Indian Health Care Improvement Act is to expand some services. That is correct. The Senator and I talked a little bit about that this morning. But they are in most cases services that many other Americans have available to them that we would hope and expect would be made available to American Indians as well. My colleague and I both described this morning our interest in adequately funding Indian health care. He said—and I agree, and I said earlier—that about 60 percent of Indian health care is delivered to American Indians, and 40 percent is withheld. That means you have full-scale health care rationing going on. It should be front-page, scandalous headlines in this country. It ought to be trumpeting the news in this country. But it is not.

There is a giant sleep going on about what is happening to people out there who are living in the shadows, desperately poor, in many cases an hour, an hour and a half, 2 hours away from the nearest large-scale health care clinic, so their opportunity to get health care is through the Indian Health Service, and we are trying very hard to improve that.

But I understand the purpose of the amendment offered by the Senator. I would hope, however, when we finish doing what he said he is going to do, and what I said I am going to do, and when we talk about what we are really going to fund this year, that we will have sufficient funds; A, that we will have a system we are proud of, that delivers health care to people who are sick and who were promised health care; and B, to fully fund the services that most people expect would be available to them and their loved ones, and that would include hospice care.

Mr. COBURN. Madam President, will the Senator from North Dakota yield?

Mr. DORGAN. I am happy to yield.

Mr. COBURN. Madam President, through the Chair, would the chairman agree a large portion of people who are eligible for Indian health care service today already have these services available to them through another Federal Government program?

Mr. DORGAN. A large portion? I don't know that I would agree with that. I don't believe I would at all.

Mr. COBURN. A large portion of them are Medicaid eligible. As a matter of fact, 27 percent of the funds that go into IHS are people from Medicaid. If they are Medicaid eligible, then they are eligible for every one of these programs. A large portion are Medicare eligible. A large portion of money that comes into IHS comes from Medicare, and they are also eligible under that. So the majority of our Native American population already have these services available to them under two other programs.

The other question I would ask through the Chair of the chairman is—there are other clinics and IHS facilities, I believe, and please correct me, that are being run well and that will be able to utilize these services for that smaller portion of Native Americans because they will have the funds because they are meeting basic core medical needs now. My amendment doesn't take that away. It just says if you are in an IHS clinic and over half of them already have these services available through another government program, why would we add that when we are not taking care of the diabetes, the dialysis, and every other thing we have?

My question to the chairman is—I would love for him to consider that this is a better way to go rather than blanketly treating everybody the same and that we have to prioritize, and that by having IHS Directors make that priority—in different areas, that is true—in terms of what goes through the tribal government, what we will get is better care.

Mr. DORGAN. Madam President, we look at this and, in many ways, see the same side. I think the Senator from Oklahoma and I see a situation in which gripping poverty exists in many areas, joblessness, inadequate health care. The Senator from Oklahoma is correct there are circumstances—I have been there, I have seen them—where the health care is wonderful. I toured a clinic recently and the doctor—a wonderful doctor at that clinic working for the Indian Health Service, who is very dedicated and by all accounts a terrific doctor—said to me: You know, we are waiting for this new x-ray equipment that is supposed to come. The waiting room is full, by the way. The building is in disrepair, it is an old building, but the doctor is giving me a tour, and he says: We are waiting for this x-ray machine which is really going to help us out.

I said: How long have you been waiting?

He said: Two years.

I said: What is the trouble?

He said: Well, I wish I knew. It is paperwork. Can't get it through the regional office. The money is there. The money is there for it, but we can't get the regional office to get the paperwork done to get the x-ray machine.

So the Senator from Oklahoma and I both know there are circumstances where there is unbelievable bureaucracy that is almost shameful, and nothing gets done. There are other areas where there is sterling medical care by men and women who, in that service, get up every morning and say: I want to make a difference in the lives of people. So all of that exists.

The point I have been trying to make most of today is when you have 40 percent of the health care needs unmet, we are in a desperate situation. We need to fix that.

The Senator from Oklahoma has talked a lot about reform, and I am very anxious, when we get this bill done—we will get it out of the Senate, we will get it to conference, and hopefully get it signed into law by the President. We will, for the first time in nearly a decade, have advanced an improvement in Indian health care. I am very anxious to turn immediately—and the Senator serves on our committee—to work with him and Senator MURKOWSKI from Alaska to say: All right, now, let's put this on a different course with a much bolder, a much bigger bite, to try to figure out how we dramatically improve health care. That would not be done unless we have substantial additional income as well. But income is not going to solve the problem by itself. You need reform.

It is interesting. When the Senator talked earlier today about giving American Indians the opportunity to go someplace with a card and say: Here is my health care coverage—I am in favor of that. But that card would not do much good for somebody who is sick and is living, for example, in Fort Yates, ND, because the only option they have is to go to that Indian Health Service or they can get in the car and drive a fairly long way to find a hospital someplace. So we need to address these issues.

I want the Indian Health Service to be better, to be more effective, to provide better health care for American Indians, and I want to reform the entire system to see if we can establish competition where competition will work. I know Senator COBURN will readily agree there are places in the country where you can't even talk about real competition because you are living way out, way away from any other facilities, and all that exists is the Indian health care facility.

If I might make one additional point I understand why—I quoted Chief Joseph this morning. I understand why American Indians are a little skeptical. They have been lied to, cheated. They have had their agreements in writing, and they haven't been worth the paper on which they are written. It is pretty unbelievable when you think about it. We have all seen this, the promises that were made but never, ever kept. The purpose of today and the purpose of our work is to say: You know what. These were the first Americans and we have certain obligations to them and we must do a better job of meeting those obligations.

So I don't know that I was particularly responsive to the Senator from Oklahoma, but both of us want the same thing, we end up wanting exactly the same goals out of this debate. And my hope is, working together during the next couple of years we will take two steps, both in the right direction and both in a constructive way to help American Indians.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I just want a few more minutes and then I am through.

The Senator from North Dakota makes a great point: that there are people who are using reservation-based IHS facilities who are essentially trapped. They are trapped. They don't get the option to go somewhere else. What this bill does—and in many of those instances, the core medical needs are not being met. What this bill does is makes sure the core medical needs are going to be met because we are going to add four new services for those people. So now they are trapped in a system that doesn't deliver the quality, doesn't deliver the service, and doesn't deliver the prevention, we are going to make it worse. We are going to make it worse because we are going to add services that are available to half of the Native American population right now through another Government program, and we are going to dilute the resources for the very people who are trapped on reservations.

But the very point is, three-quarters of Native Americans are in an urban area. They are not limited to that. They are not limited at all. They should have had the choice to be able to go wherever they wanted to go today. We turned that down. We had 29 people vote for that—or 28 people vote for that.

I know the chairman is going to work with me to try to get there someday. But that is when you give Native Americans their due and meet our commitments. When they have the same choice, the same security, the same health care that you and I have, then we will have met our commitment under our treaties, and not until then would we have met it.

Mr. DORGAN. Madam President, if the Senator would yield on that point just briefly.

Mr. COBURN. I will yield.

Mr. DORGAN. Do you know why in many cases the urban Indians are a population that is exclusive? Because we went through a period of time when we did these zigzags. At one point in this country we said to the Indian community: You know what. Yes, you are on a reservation. Here is a one-way bus ticket. We want you to leave. So we sent them to the cities. Now we promised them health care back on the reservation. Now we say: You have a bus ticket one way. Go to the city. In fact, the budget request this year once again says: By the way, we don't intend to fund any—we don't intend to fund any health care for urban Indians. Well, we should, and I think we will say to the President that we don't agree with that recommendation. But we have done a lot of egregious things in this country, even with respect to preventing Indians the right to vote for the majority of the history of this country. They didn't get the right to vote until about 90 years ago or so.

Mr. COBURN. Madam President, I would like to reclaim my time, if I might.

Mr. DORGAN. Yes, of course.

Mr. COBURN. Madam President, I want to make a couple of points because what we have heard is a lot of negative today. I want to say how proud I am of the Cherokees, the Chickasaw, the Choctaw, and the Creek in Oklahoma. I totally disagree with gaming. I think it undermines virtue. I think it is destroying a lot of society. But several of the tribes in my State have invested their dollars—not IHS dollars, their dollars—in health care, and they need to be recognized. Their facilities, most oftentimes, are fantastic, and their care is fantastic. So I don't want us to leave the debate without recognizing some of the vast improvements that where we have failed, the tribes have actually picked it up and supplied it, and that means shame on us because maybe there wouldn't be as much gaming if we were fulfilling the needs. Gaming is not without its societal consequences, regardless of how much we benefit in terms of dollars that come into the Treasury.

So I didn't want us to leave this without recognizing that we have lots of great performance in lots of great areas. We also have lots of great providers and doctors and workers in IHS, but we have some who aren't. We also have some who couldn't get a job anywhere else, some whom nobody else would hire. Yet we will hire them because we are so short, both on funds and needs. That ought not to be there either. If somebody is not competent to practice with the public, they shouldn't be competent to practice at IHS and the same at the VA and the same in our prisons and the same in other areas.

So it is my hope we will look straight forward. It is hard to run against your own chairman on amendments on a bill, and we intentionally did not put up these amendments at the request of the chairman when we were doing the markup on the Indian health care bill.

Again, I will state in finality, and then sit down, these "improvements" in many areas will offer some improvement but in many more areas will take away from core medical care that is offered to the very people who aren't getting adequate care today. So it ought to be flexible. It ought to be where the core medical needs are met, we are offering these, and whether or not we shouldn't be offering them because what we are doing is, we are taking that lady who is going to be on dialysis, and we could have prevented it because we are not doing the core medical things and we are looking at the wrong thing. We are taking a gal who has early diabetic neuropathy and we are going to condemn her to a life on dialysis or a kidney transplant, and most of them would not get kidney transplants. They are going to get hooked up to a machine for 8 hours a day because we are—but we are going to feel good about ourselves saying we now have hospice and long-term care, and all of these other things.

I think it is a mistake the way we have done that. It is my main opposition to the bill. I think we have an opportunity to rigorously and tremendously change the structure, the delivery of care. We have an opportunity to change the paradigm under which we treat Native Americans, to prevention. We have talked about suicide on all of the reservations. The chairman and many have been concerned about prevention of that. But we ought to be just as concerned about prevention of all of the other diseases and change the paradigm under which IHS works instead of more of the same.

So with that, I ask for the yeas and nays.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, the Senator may seek the yeas and nays on both amendments with one show of hands.

Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

Mr. DORGAN. Madam President, I ask unanimous consent that when we do vote at 4:30, we vote on amendment No. 4036 first and amendment No. 4032 second, and that there be 2 minutes between the votes, a minute on each side, and that there be no intervening second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENTS NOS. 4070, 4073, 4066, AND 4038 TO AMENDMENT NO. 3899, AND AMENDMENT NO. 4015

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the pending amendments be set aside, and I call up these four amendments on behalf of Senator DEMINT: Nos. 4070, 4073, 4015, and 4066; and I call up amendment No. 4038 on behalf of Mr. VITTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for Mr. DEMINT, proposes amendments Nos. 4070, 4073, 4015, and 4066, en bloc.

The Senator from Alaska [Ms. MURKOWSKI, for Mr. VITTER, proposes an amendment numbered 4038.

The amendments are as follows:

### AMENDMENT NO. 4070

On page 309, between lines 19 and 20, insert the following:

"(c) FIREARM PROGRAMS.—None of the funds made available to carry out this Act may be used to carry out any antifirearm program, gun buy-back program, or program to discourage or stigmatize the private ownership of firearms for collecting, hunting, or self-defense purposes.

### AMENDMENT NO. 4073

At the end, add the following:

### TITLE III—APPLICABILITY

**SEC. 3___. INDIAN TRIBES OPERATING CLASS III GAMING ACTIVITIES.**

This Act and the amendments made by this Act shall not apply to any Indian tribe carrying out any class III gaming activity (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

### AMENDMENT NO. 4066

On page 207, strike lines 4 and 5 and insert the following:

care organization;

"(4) a self-insured plan; or

"(5) a high deductible or health savings account plan.

### AMENDMENT NO. 4038

On page 294, strike lines 11 through 15 and insert the following:

grams involving treatment for victims of sexual abuse who are Indian children or children in an Indian household.

### AMENDMENT NO. 4015

(Purpose: To authorize the Secretary of Health and Human Services to establish an Indian health savings account demonstration project)

On page ____, between lines ____ and ____, insert the following (at the end of title VIII of the Indian Health Care Improvement Act, as amended by section 101(a) add the following):

**"SEC. 818. INDIAN HEALTH SAVINGS ACCOUNT DEMONSTRATION PROJECT.**

"(a) IN GENERAL.—The Secretary shall establish a demonstration project under which eligible participants shall be provided with a subsidy for the purchase of a high deductible health plan (as defined under section 223(c)(2) of the Internal Revenue Code of 1986) and a contribution to a health savings account (as defined in section 223(d) of such Code) in order to—

"(1) improve Indian access to high quality health care services;

"(2) provide incentives to Indian patients to seek preventive medical care services;

"(3) create Indian patient awareness regarding the high cost of medical care; and

"(4) encourage appropriate use of health care services by Indians.

"(b) ELIGIBLE PARTICIPANT.—

"(1) VOLUNTARY ENROLLMENT FOR 12-MONTH PERIODS.—

"(A) IN GENERAL.—In this section, the term 'eligible participant' means an Indian who—

"(i) is an eligible individual (as defined in section 223(c)(1) of the Internal Revenue Code of 1986); and

"(ii) voluntarily agrees to enroll in the project conducted under this section (or in the case of a minor, is voluntarily enrolled on their behalf by a parent or caretaker) for a period of not less than 12 months in lieu of obtaining items or services through any Indian Health Program or any other federally-funded program during any period in which the Indian is enrolled in the project.

"(B) VOLUNTARY EXTENSIONS OF ENROLLMENT.—An eligible participant may voluntarily extend the participant's enrollment in the project for additional 12-month periods.

"(2) HARDSHIP EXCEPTION.—The Secretary shall specify criteria for permitting an eligible participant to disenroll from the project before the end of any 12-month period of enrollment to prevent undue hardship.

"(c) SUBSIDY AMOUNT.—The amount of a subsidy provided to an eligible participant for a 12-month period shall not exceed the amount equal to the average per capita expenditure for an Indian obtaining items or services from any Indian Health Program for the most recent fiscal year for which data is available with respect to the same population category as the eligible participant.

"(d) SPECIAL RULES.—

"(1) NO DEDUCTION ALLOWED FOR SUBSIDY.—For purposes of determining the amount allowable as a deduction with respect to amounts contributed to a health savings account by an eligible participant under section 223 of the Internal Revenue Code of 1986, the limitation which would (but for this paragraph) apply under section 223(b) of such Code to such participant for any taxable year shall be reduced (but not below zero) by the amount of any subsidy provided to the participant under this section for such taxable year.

"(2) TREATMENT.—The amount of a subsidy provided to an eligible participant in the project shall not be counted as income or assets for purposes of determining eligibility for benefits under any Federal public assistance program.

"(3) BUDGET NEUTRALITY.—In conducting the demonstration project under this section, the Secretary shall ensure that the aggregate payments made to carry out the project do not exceed the amount of Federal expenditures which would have been made for the provision of health care items and services to eligible participants if the project had not been implemented.

"(e) DEMONSTRATION PERIOD; REPORTS TO CONGRESS; GAO EVALUATION AND REPORT.—

"(1) DEMONSTRATION PERIOD.—

"(A) INITIAL PERIOD.—The demonstration project established under this section shall begin on January 1, 2007, and shall be conducted for a period of 5 years.

"(B) EXTENSIONS.—The Secretary may extend the project for such additional periods as the Secretary determines appropriate, unless the Secretary determines that the project is unsuccessful in achieving the purposes described in subsection (a), taking into account cost-effectiveness, quality of care, and such other criteria as the Secretary may specify.

"(2) PERIODIC REPORTS TO CONGRESS.—During the 5-year period described in paragraph (1), the Secretary shall periodically submit reports to Congress regarding the success of demonstration project conducted under this section. Each report shall include information concerning the populations participating in the project and the impact of the project on access to, and the availability of, high quality health care services for Indians.

"(3) GAO EVALUATION AND REPORT.—

"(A) EVALUATION.—The Comptroller General of the United States shall enter into a contract with an organization with expertise in health economics, health insurance markets, and actuarial science for the purpose of conducting a comprehensive study regarding the effects of high deductible health plans and health savings accounts in the Indian community. The evaluation shall include an analysis of the following issues:

"(i) Selection of, access to, and availability of, high quality health care services.

"(ii) The use of preventive health services.

"(iii) Consumer choice.

"(iv) The scope of coverage provided by high deductible health plans purchased in conjunction with health savings accounts under the project.

"(v) Such other issues as the Comptroller General determines appropriate.

"(B) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit a report to Congress on the evaluation of demonstration project conducted under this section.".

Ms. MURKOWSKI. Madam President, if I may take a few moments to speak to some of the issues the Senator from Oklahoma has raised about the prioritization, giving priority to the provision of those basic medical services, medical needs.

I think we all agree that is the first requirement, to make sure those services are provided for. In the State of Alaska, we hear from those most vulnerable in our Alaska Native population, our elderly—the elders in the village who have lived through some pretty incredible times. At the end of their lives, they are certainly seeking basic medical services. Yet we recognize that with the facilities we have available to them, the services we have available to them, the medical professionals we have available to them, it is very difficult to meet all of those needs. So for them, the opportunity for hospice care, assisted living service, long-term care service, or the home or community-based service—that is singled out in the amendment. They are looking at this not as a luxury, or an add-on, certainly, but something that is basic, something that would be fundamental to a quality of life in their final years.

This is a matter for many seniors, not just in the State of Alaska, and for many who are looking to, again, provide for those services at a level and in a manner that is culturally relevant and appropriate—the community-based services, home-based services. I think it is important that we recognize we are not without limitation when we are talking about the services that are provided to American Indians and Alaska Natives. You have heard time and time again on the Senate floor that we are not meeting their needs; that we are funding at 60 percent; that there is a curtailment or a shortage in services based on the resources. So when we are able to enhance the quality of life, whether it is through assistance, such as long-term care services or assisted living or the community-based services, or whether it is enhancing the end-of-life care, as we do throughout this Indian Health Care Improvement Act, these are the things we ought to be encouraging, that we ought to be moving forward with in a positive manner.

So I stand in opposition to the amendment of the Senator from Oklahoma which says we cannot attend to any of these quality-of-life issues—if it is in your final days—unless and until the Secretary has given priority to the provision of these basic medical services to all Indians.

It is, again, a situation where we want to attempt to do as much as we possibly can. But I think if you were to tell the elder in the community of Buckland that somehow or other services to help her in her final years, to die gracefully and with dignity in her home, is something she doesn't qualify for, is not eligible for, I think we would all find that cuts to the quick.

Madam President, I understand that there are several Members who are here and wish to speak briefly on FISA for a few minutes before we move to our vote. I am prepared to yield to the Senator from Missouri.

### FISA

Mr. BOND. Madam President, I will take a minute to update my colleagues on some information we received from the Director of National Intelligence in an open hearing that is going on in Hart 216 right now. I thought it was important to clarify some points that he made in response to some very important questions raised by Chairman ROCKEFELLER.

Chairman ROCKEFELLER asked what would happen if FISA expires—as it does on February 15—without being renewed. He asked, could these collections not continue? There is a very important "yes, but"—for acquisitions that have been ordered by the FISA Court which have years in length; it is possible that those could continue. But the major problem the Director sees and the attorneys with him see is that if they needed to change targets, if they needed to change methods, if they needed to change means by which they gathered the information, they would not be able to do so.

Furthermore, he highlighted a very real problem having to do with the private sector. As we have said on the floor before, the private sector carriers are absolutely essential to the operation, not only of FISA, foreign intelligence surveillance, but for work with the FBI and others on criminal matters. The fact that we have left the telecom carriers, that are alleged to have participated in the President's lawful terror surveillance program without liability protection, they are being advised by their general counsel of their responsibility under Sarbanes-Oxley, and others, that they could only cooperate with a fresh court order. Since there is no authority for additional court orders, they have a grave question as to whether they are risking not only their firm's reputation but under Sarbanes-Oxley certain duties to shareholders. That is why he felt it was necessary to get this measure that has passed the Senate implemented by the House.

I also noted in my comments that the House passed its bill almost as long ago as the Senate passed its bill. At that time, the intelligence community said it was not workable, that the Rockefeller-Bond proposal that passed overwhelmingly 2 days ago was the only thing that was workable; and the fact that the House says they don't have time to work on it ignores the fact that they have known for a couple of months that they were going to have to make significant revisions in their measure if they wanted it to be passed and signed into law. So my sympathies for the House. I understand they are pressed for time, but they knew this was coming. They have a measure before them that could be passed, which I hope they will pass.

One other thing. I asked the Director about some of the very misdirected, improper, wrong and, in some instances, irresponsible suggestions made on the floor about the tactics that the CIA may use in questioning high-value detainees. The DNI made it clear, as I attempted to make clear yesterday, all of the things banned by the Army Field Manual, such as burning, electrocuting, beating, sexual harassment—all those things are not only repugnant but they are not permitted to be used by any of our intelligence agencies. He reiterated that waterboarding is not permitted under the political guidelines that include legislation and that we have passed here in direct orders.

So what was done yesterday does not prevent torture. That is prevented already. It doesn't prevent cruel, degrading, and inhumane interrogation techniques. It does not prevent other cruel, degrading, or inhumane acts by the intelligence agencies. Those are already prohibited.

What the measure that was passed yesterday does—were it to be signed into law, and I certainly hope it will not be—would be to deny the intelligence community the ability to use techniques that are similar to but different from the techniques authorized in the Army Field Manual. These enhanced techniques have been used only on roughly a couple of dozen detainees in the custody of the CIA. They are lawful, and they have produced some of the most important intelligence that the intelligence community has gathered to identify high-level members of al-Qaida and other terrorist organizations, and to interfere, impede, and stop terror attacks directed not only at our troops abroad, our allies, but the United States.

Unfortunately, some people were misled by comments that were bordering on irresponsible on the floor yesterday, to say that we banned torture, cruel, inhumane, and degrading conduct. That is not what happened. We tied the hands of the CIA with the purported provision that would severely limit their ability to gain information using totally lawful techniques in questioning high-value detainees. Rather than being a blow for freedom, reaffirming our values, it merely proposed to cripple our intelligence collection.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I commend the ranking member and chairman of the Select Committee on Intelligence for the outstanding work they have done on this critical piece of legislation, passing it in the Intelligence Committee by a vote of 13 to 2, which was no easy feat. This passed in the Senate by a strong bipartisan vote of 68 to 29, I believe. It is about as strong a bipartisan vote as you can possibly get. This is a well-thought-out piece of legislation that, once sent over to the House of Representatives, we were told the House of Representatives, rather than to deal with this legislation, would simply decide to fold their tent and go home. That is the height of irresponsibility.

The Senator from Missouri described why it is so important for us to be able to listen to our enemies: Because, simply, it saves American lives. We learned a harsh lesson on September 11, 2001, which is that we are not safe even within our own shores.

There are those who believe in a radical ideology that celebrates the murder of innocent men, women, and children, and who are willing to use instruments of destruction, whether they be primitive tools such as flying an airplane into a building, or chemical, biological, or nuclear weapons—whatever they can get—to kill innocent civilians. We have to do everything in our power to protect ourselves. Thank goodness, due to the noble work of our men and women in uniform who are fighting in places such as Afghanistan, Iraq, and elsewhere around the world, we are keeping the enemies of the United States on the run.

The best way we can deter these terrorist attacks is to listen in on conversations and communications. That is the only way we are going to be able to continue to do it. For the House of Representatives to know that they are causing our intelligence community to go deaf to the communications of terrorists who are plotting attacks against the United States is the height of irresponsibility. I hope it is not true and that they reconsider.

My hope is they will come back and they will pass this important legislation that will encourage our telecommunications industry to cooperate with the lawful requests of the Commander in Chief as certified by the chief law enforcement officer of the United States, and that is the Attorney General, so we can continue to listen to these communications in a lawful and legal way and protect the American people. For the House of Representatives to refuse to take up this matter and to vote on it is, again, I say, the height of irresponsibility, and it endangers American lives.

I yield the floor.

### AMENDMENT NO. 4036

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4036.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 21, nays 73, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—21

Alexander
Allard
Barrasso
Brownback
Burr
Chambliss
Coburn
Cornyn
DeMint
Ensign
Enzi
Grassley
Gregg
Inhofe
Isakson
McConnell
Sessions
Shelby
Sununu
Vitter
Warner

NAYS—73

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Hatch
Hutchison
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Voinovich
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—6

Boxer
Clinton
Graham
Inouye
McCain
Obama

The amendment (No. 4036) was rejected.

AMENDMENT NO. 4032

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on Coburn amendment No. 4032.

The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, this is a straightforward amendment that says when somebody has been abused or sexually assaulted, they have the right, postindictment, to have the person who assaulted them tested for HIV and sexually transmitted diseases. It is current law in many other areas, and I would appreciate your support.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I support the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered on amendment No. 4032. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—94

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—6

Boxer
Clinton
Graham
Inouye
McCain
Obama

The amendment (No. 4032) was agreed to.

The PRESIDING OFFICER. The Republican leader.

FISA

Mr. MCCONNELL. Mr. President, we have a serious crisis confronting our country as a result of the House of Representatives' refusal to take up the Senate-passed Foreign Intelligence Surveillance Act. We know for a fact the following: We know that the Senate approved yesterday, with 69 votes, a Foreign Intelligence Surveillance Act crafted by Senator ROCKEFELLER and Senator BOND that came out of the Intelligence Committee 13 to 2. This is about as bipartisan as it ever gets around here. We know in addition this bill is the only bill that can pass the House of Representatives. They took up yesterday a 21-day extension of existing law, and it was defeated. It was defeated because there were 20 to 25 House Democrats who didn't want the bill at all, want it to die, want to walk away from it and leave the American people unprotected.

In fact, there is a bipartisan majority for the Senate-passed bill in the House, and that is the only bill for which there is a bipartisan majority in the House. Now we have all learned that the House of Representatives is going to close up shop and simply leave town, arguing that somehow allowing this law to expire will not harm America.

We know that at the heart of this struggle is retroactive liability for communications companies that stepped up, in the wake of the 9/11 disaster, at the request of the Government, to help protect us from terrorism. As a result, there are numerous lawsuits pending against these companies, I assume largely by the American Civil Liberties Union. The CEOs and the boards of directors of these companies have a fiduciary responsibility to their shareholders. These lawsuits have the potential to put them out of business. As a result of doing their duty and responding to the request of the President of the United States to help protect America, they run the risk of being put out of business. That is what is before us. This retroactive liability problem continues. It is not solved by continuation of existing law.

In addition, with the law expiring, it hampers opportunities prospectively in the future to surveil new terrorist targets overseas. So the notion that somehow no harm is done by allowing the law to expire is simply incorrect. In fact, it borders on outrageous.

This was going to be another example of bipartisan cooperation on behalf of the American people. We saw it at the end of the year last year when we passed a bipartisan AMT fix without raising taxes on anybody else. We passed an energy bill without a tax increase and without a rate increase. We met the President's top line on the appropriations bills. And, yes, we appropriated $70 billion for Iraq and Afghanistan without any kind of micromanagement. At the beginning of this year, we came together. It was a bit challenging in the Senate, but we came together and passed a bipartisan stimulus bill to try to deal with our slowing economy. We did it in record time. In fact, the President had a signing ceremony 2 days ago.

I am wondering why this new bipartisan spirit we experienced in December and again in January is breaking down on a matter that is extraordinarily important to protecting the American people. It is absolutely irresponsible for the House of Representatives to simply throw up its hands and leave, particularly when the only measure that enjoys a bipartisan majority in the House is exactly what enjoyed a bipartisan majority in the Senate. It is the only measure that can pass the House. So the refusal of the House leadership to take up and pass the only bill that could possibly pass is an act of extraordinary irresponsibility. Nothing else would pass over there.

I don't know why the House is even thinking about leaving town. They have an important responsibility to help protect the American people. The opportunity is right before them, and they will not take it.

Mr. CORNYN. Will the Senator yield for a question?

Mr. MCCONNELL. I am happy to yield the Senator from Texas for a question.

Mr. CORNYN. I ask the distinguished Republican leader whether the voluntary cooperation of the telecommunications companies that have cooperated at the request of the Government and upon certification by the chief law enforcement agent of the country, the Attorney General, is in jeopardy, if we merely continue the current law as opposed to passing the bipartisan Senate bill? And if that is the case, doesn't that just as effectively deny us access to terrorist communications as if we did not pass the law itself?

Mr. McCONNELL. My understanding is the question suggests the answer. The leadership of these companies has indeed a Hobson's choice, two bad alternatives. They either continue to respond to the request of the American Government to protect the homeland and then run the risk of squandering all the assets of their companies and, thereby, generating a lot of shareholder lawsuits against the directors for violating their fiduciary responsibility. It is a terrible position to be put in. They are entitled to be able to cooperate with the request of our Government and not squander all the assets of their companies.

Mr. LEAHY. Will the Senator yield for a question?

Mr. CORNYN. Will the Senator yield for another question?

Mr. McCONNELL. I yield to my friend from Texas.

Mr. CORNYN. Mr. President, I would like to ask the distinguished Republican leader if, in fact, because of the burden of these lawsuits, some 40 different lawsuits against any telecommunications companies that may have participated, if, in fact, they chose not to participate in this program, is there any other option available to the intelligence authorities to listen in on communications between terrorists who are bent on wreaking havoc, death, and destruction on the American people? Is there anywhere else to go?

Mr. McCONNELL. I don't think so, Mr. President. This is the only solution to the problem. What is tragic, we know as a result of a letter from the so-called blue dog Democrats, the more conservative Democrats in the House, to Speaker PELOSI for sure that there is a bipartisan majority in the House for passing the bill the Senate passed. This is what the blue dog Democrats had to say to the Speaker.

> Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires.

That, of course, will be Saturday.

> We—

Referring to the blue dog Democrats——

> fully support the Rockefeller-Bond FISA legislation, should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives in our country.

The blue dog Democrats, coupled with House Republicans, make it absolutely certain there is a bipartisan majority for our bill in the House.

> Further, the consequences of not passing such a measure could place our national security at undue risk.

This is 21 blue dog Democrats in the House requesting the Speaker to take up the bill that passed the Senate with 69 votes, obviously an overwhelmingly bipartisan vote, pass it and send it to the President for signature. This refusal to act is stunning, almost incomprehensible.

Mr. CORNYN. Will the Senator yield for one final question?

Mr. McCONNELL. I will.

Mr. CORNYN. The Republican leader is aware that the House of Representatives only recently had widely publicized hearings into the use of steroids and human growth hormone by baseball players. There has also been an action taken recently to hold a former White House counsel and the Chief of Staff of the President in contempt. Yet there appears to be no time available on the House calendar to do things that actually would protect the lives of the American people. Perhaps it is an obvious answer, but it would seem to me to be clear that this ought to be a high priority. Before we get to these kinds of political machinations or perhaps publicity stunts, we ought to first protect the security of the American people by passing this bipartisan legislation.

Mr. McCONNELL. Mr. President, it is my understanding that the House was dealing with steroid use in baseball and trying to punish some White House official over some internal dispute. It does strike me that is a strange use of time, when we are 2 days from the expiration of arguably the most important piece of legislation we have passed since 9/11 to protect us here at home. It is no accident that we haven't been attacked again since 9/11. There are two reasons for it. One is, we went on the offense and have had great success in Afghanistan and Iraq, killing a lot of terrorists, many of them at Guantanamo, which I happen to think is a good place for them. A lot of the rest of them are on the run. I am often asked: We don't have Osama bin Laden. I say: Well, we wish we did. But I can assure you, he is not staying at the Four Seasons in Islamabad. He is in some cold cave somewhere looking over his shoulder, wondering when the final shoe is going to drop. So going on offense was an important part of protecting America and also this extraordinarily significant legislation about which we have had testimony from the highest officials that it has actually helped us thwart attacks against our homeland. There isn't anything we are doing that is more important than this, certainly not looking at steroid use in baseball. As important as that may be, it certainly does not rise to this level, or censoring White House officials.

Mr. LEAHY. Will the Senator yield for a question?

Mr. McCONNELL. I yield to my friend from Arizona for a question.

Mr. KYL. Mr. President, the first question I have is: Could the intelligence community acquire new targets, if the Protect America Act expires, without going to the FISA Court for some kind of an additional warrant?

Mr. McCONNELL. Mr. President, it is my understanding they will not be able to do that. So in addition to the retroactive liability issue, which clearly is not solved by failing to act, we have this problem that the Senator from Arizona has raised with regard to new targets. We are clearly more vulnerable as a result of allowing this legislation to expire, which will happen Saturday if the House of Representatives does not act.

Mr. KYL. If the Senator will continue to yield, my recollection of the words of Admiral McConnell, Director of National Intelligence, is that—and I ask the leader to verify if I recall this correctly; I think I am recalling it correctly—it doesn't matter whether the Protect America Act expires or does not expire or is simply reauthorized in its exiting form; the reality is, unless a new law is passed that contains the retroactive liability protection feature, it will become or is becoming increasingly difficult for the telecommunications companies to provide the service the U.S. Government needs them to provide to acquire this intelligence.

I wish to make sure I am not misstating this, that it is increasingly difficult for these telecommunications companies to provide the service our Government needs to collect this intelligence.

Mr. McCONNELL. My understanding is, the Senator from Arizona is correct. It is not exactly that these public, spirited corporate leaders do not want to help prevent terrorist attacks. It is that the exposure to their companies as a result of these lawsuits runs the risk of destroying the company and then opening them up to shareholders' suits for irresponsible actions or violations of their fiduciary responsibilities to their shareholders.

They are in an impossible position. We have, in effect, put them in an impossible position by failing to provide for them the retroactive immunity from liability they clearly deserve. These were public, spirited Americans responding to a request from the Government to help protect us at home. What they got for it was a couple of scores of lawsuits.

Mr. KYL. I thank the leader.

Mr. REID addressed the Chair.

Mr. McCONNELL. Mr. President, I still have the floor.

Mr. REID. I am sorry about that.

Mr. McCONNELL. But I will be happy to yield.

Mr. REID. I did not want to interrupt the distinguished Republican leader. Have you finished?

Mr. McCONNELL. I will be happy to yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The majority leader is recognized.

Mr. LEAHY. Mr. President, will the distinguished majority leader yield for a question from me?

Mr. REID. Sure.

Mr. LEAHY. Mr. President, I tried to get the distinguished Republican leader to yield, but he was unwilling.

Let me ask the distinguished majority leader, is it not a fact that these public, spirited telephone company owners are threatening to turn off wiretaps, according to the press accounts, that have been legally ordered through search warrants because the U.S. Government has failed to pay them millions of dollars, and does not pay them the millions of dollars? I just wonder if any of the legislation we are talking about might be mandating our own Government to pay the bills for the wiretaps.

I ask that only because it seems this public spiritedness goes one way if they want to be immunized or the administration wants to be immunized from anybody asking them questions, but it goes a different way if it comes down to the question of getting paid.

Mr. REID. My understanding is, there are millions of dollars owed to the telephone companies, Mr. President.

Mr. LEAHY. Thank you, Mr. President.

Mr. REID. Mr. President, my friend from Texas talked about a publicity stunt. That is what we have, but it is inverse. The publicity stunt is all from the White House, supported by the people in the Senate, the Republicans, who always walk lockstep with whatever President Bush wants.

First of all, Mr. President, legal scholars are almost uniform in saying that existing orders are broad enough and they would be broad enough for the next year. Whatever is happening now is good for next year. In fact, if someone disagrees with that, you have existing FISA law that allows application for an emergency.

Mr. President, let me say this: I sent to the President of the United States today a letter. Let me read this:

> Dear Mr. President:
>
> I regret your reckless attempt to manufacture a crisis over the reauthorization of foreign surveillance laws. Instead of needlessly frightening the country, you should work with Congress in a calm, constructive way to provide our intelligence professionals with all needed tools while respecting the privacy of law-abiding Americans.
>
> Both the House and the Senate have passed bills to reauthorize and improve the Protect America Act. Democrats stand ready to negotiate with Republicans to resolve the differences between the House and Senate bills. That is how the legislative process works. Your unrealistic demand that the House simply acquiesce in the Senate version is preventing that negotiation from moving forward.
>
> Our bicameral system of government was designed to ensure broad bipartisan consensus for important laws. A FISA bill negotiated between the House and the Senate would have firmer support in Congress and among the American people, which would serve the intelligence community's interest in creating stronger legal certainty for surveillance activities.
>
> That negotiation should take place immediately. In the meantime, we should extend the current Protect America Act. Earlier this week you threatened to veto an extension, and at your behest Senate Republicans have blocked such a bill. Yesterday every House Republican voted against an extension.

So it is obvious the marching orders have come from the White House. That was a paraphrase from me. That was not in the letter. I continue the letter:

> Your opposition to an extension is inexplicable. Just last week, Director of National Intelligence McConnell and Attorney General Mukasey wrote to Congress that "it is critical that the authorities contained in the Protect America Act not be allowed to expire."

In commentary, Mr. President, I say this is from the head of the National Intelligence Agency, Director McConnell, and General Mukasey, our Attorney General. They said:

> [I]t is critical that the authorities contained in the Protect America Act not be allowed to expire.
>
> Similarly, House Minority Leader Boehner has said "allowing the Protect America Act to expire would undermine our national security and endanger American lives, and that is unacceptable." And you yourself said at the White House today—

That is today, Thursday—

> "There is really no excuse for letting this critical legislation expire." I agree.

I agree, Mr. President.

> Nonetheless, you have chosen to let the Protect America Act expire. You bear responsibility for any intelligence collection gap that may result.
>
> Fortunately, your decision to allow the Protect America Act to expire does not, in reality, threaten the safety of Americans. As you are well aware, existing surveillance orders under the law remain in effect for an additional year, and the 1978 FISA law itself remains available for new surveillance orders. Your suggestion that the law's expiration would prevent intelligence agents from listening to the conversations of terrorists is utterly false.
>
> In sum, there is no crisis that should lead you to cancel your trip to Africa. But whether or not you cancel your trip, Democrats stand ready to negotiate a final bill, and we remain willing to extend existing law for as short a time or as long a time as is needed to complete work on such a bill.

I signed that "Harry Reid."

Mr. President, the President has created a crisis. As I have said on the Senate floor, during the past 7 years he has become increasingly proficient at scaring the American people. That is what he is trying to do again today. Cancel his trip to Africa for this? But we, Mr. President, are willing to work with him. The expiration of the law stands on the shoulders of one person: George Bush. I am sure his ear has been whispered in several times in the last week or so by the Vice President. But the President is the one responsible ultimately. He has instructed Republicans in the House not to agree to any extension, and obviously the Senate Republicans also.

### UNANIMOUS CONSENT REQUEST—S. 2615

So, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 571, S. 2615; the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object.

Mr. REID. This is a 15-day extension.

Mr. McCONNELL. Yes. Reserving the right to object, there is no need for an extension. This current law expires Saturday. We know 68 Members of the Senate have already voted for a Protect America Act that would extend the law for 6 years. We know a majority of the House of Representatives, on a bipartisan basis, thinks that law ought to be taken up and passed. That is what we ought to be doing.

I am sure the Democrats in the House are grateful to their good friend, the majority leader, for trying to protect them from their actions. But the fact is, there is only one reason we have a crisis. It is because the House Democratic leadership refuses to act on a bill that enjoys bipartisan majority support in the House of Representatives that we have already passed overwhelmingly. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

### UNANIMOUS CONSENT REQUEST—H.R. 3773

Mr. REID. Mr. President, I ask unanimous consent that the Senate request the House to return the papers of H.R. 3773, FISA legislation; and that if the House agrees to the request, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with no intervening action or debate.

Is it my understanding the first request was objected to. Is that right?

The PRESIDING OFFICER. There was objection. Objection was heard.

Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, there is no need for a conference when you have an overwhelming bipartisan majority of the Senate in favor of the bill and a bipartisan majority of the House in favor of the same bill that the Senate has already passed. There is no need to go to conference because we know where the majority of the Senate is and we know where the majority of the House is. Why would we want to have a conference when the work the Senate has done, the Rockefeller-Bond bill, is supported by a bipartisan majority in the House? Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority whip.

Mr. DURBIN. Mr. President, what we are witnessing is not a crisis in security. It is a crisis in logic. How can the Republican leader stand here and argue how endangered America would be if we allowed this law to expire and then object to extending the law? How can the minority leader, Senator McCONNELL, stand here and argue that we should pass this legislation and then object when the majority leader asks for a conference committee?

This is not a crisis in security. It is a crisis in logic. This is a manufactured political crisis by the White House and the Republican leaders. If the Republican leader was so focused on giving this power to the President, he could have said, "I do not object," when the majority leader asked for a 15-day extension.

But, no, they want a press release. They want something to put in front of the American people to take their minds off the state of our economy, to take their minds off the fact that we are just, unfortunately, a few lives away from losing 4,000 soldiers in this war in Iraq. They want to manufacture a security crisis.

The Senator from Kentucky should know—and I am sure he has able staff to alert him—the law, as it currently exists, the FISA law—even if we do not change it—gives ample authority to this President to continue to monitor the conversations of those who endanger the United States.

But, instead, as Senator Harry Reid has said repeatedly, this President is trying to make America afraid—make America afraid. I thought there was a great leader who said once: The only thing we have to fear is fear itself. It turns out that it is fear itself that is motivating this Republican leadership. If they would have provided 30 votes yesterday in the House of Representatives, this law would have been extended. But they had their marching orders from the White House to vote no, and they did. So the attempt to extend it failed. If only 30 Members on the Republican side in the House had stood up and voted to extend the law, it would have happened.

If the Republican minority leader, Senator McCONNELL, had not objected just moments ago to the unanimous consent request of Senator REID, the Democratic leader, this law would have been extended.

It is obvious to those following the debate, the crisis is in the logic on the Republican side. You cannot have it both ways. You cannot complain that the law is going to expire, and then object to an extension. It does not work that way. Even at the University of Louisville, it does not work that way. Their philosophy department would tell you that does not track, it does not follow.

So I would urge the Senator from Kentucky, if you really are concerned about whether this law is extended, please reconsider your objection to extending this law, as Senator REID has asked repeatedly. I think the American people know what is going on here. This is not about security. This is about political cover. This is about manufacturing a political argument and manufacturing a crisis—a crisis of the White House's own creation. The President and his party bear full responsibility if any intelligence gaps result.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Now, Mr. President, facts are a stubborn thing—a very stubborn thing—and I am sure the Democrat leadership over in the House appreciates the efforts being made by the majority leader and the majority whip to protect them from the obvious. The obvious is—and they know this even at the University of Illinois—that the majority of the Senate has spoken, an overwhelming majority of the Senate, not just on final passage which was 68 to 29, and cloture, which was 69 to 29, but also the Feingold amendment was defeated 63 to 35, the Dodd amendment 67 to 31, the Feingold amendment 60 to 37, the Specter-Whitehouse amendment 68 to 30. This is not close. This bill went out of the Senate with a riproaring, bipartisan majority. And we know for a fact—and facts are a stubborn thing, I say to my good friend from Illinois—we know for a fact that the Rockefeller-Bond bill is supported by a bipartisan majority in the House of Representatives. We know that. It is a matter of simple addition. So why would we want to have a short-term extension to provide an opportunity to resolve a dispute that doesn't exist?

The majority has spoken in the Senate. The majority will speak in the House if given the opportunity to speak. They are being denied the opportunity to speak because the House runs in a different way from the Senate, and the House leadership can simply refuse to take up a matter that is supported by a bipartisan majority in the House. In this particular instance—talk about a publicity stunt or creating a crisis—what created the crisis was the refusal of the House of Representatives to act. Now, the notion that somehow they didn't have time—we have been dealing with this issue since last August—since last August. The House had previously sent a bill over here that was unacceptable. We are all familiar with the subject matter.

It is time to let a majority of the House of Representatives speak—legislate. They are waiting there to be given permission to ratify the fine work led by Senator ROCKEFELLER and Senator BOND here in the Senate and ratified by a total of 68 out of 100.

So we have a crisis, but the crisis is created by the majority in the House and its refusal to accept the obvious, which is that a majority of the Congress wishes to pass the legislation in the form that will achieve a Presidential signature.

Mr. President, I yield to the Senator from Texas for a question.

Mr. CORNYN. Mr. President, I ask the distinguished Republican leader—the majority whip has said there is some sort of crisis in logic, but I ask the minority leader to respond. Isn't the crisis in logic that the telecommunications carriers, whose cooperation is absolutely essential to the continuation of our ability to listen in on communications between terrorists, isn't that what is at risk here, by merely extending the current law and finally to come to grips with the bipartisan legislation that passed the Senate and is supported by a bipartisan majority in the House?

Mr. McCONNELL. Mr. President, I say to my friend from Texas, he is entirely correct. There are multiple lawsuits pending against the companies. They are surely being pressured by their shareholders and their boards of directors on the issue of whether continued cooperation means the demise of the companies. The status quo, as the Senator from Texas indicates, is not acceptable. Not only that, but we know for a fact that the continuation of the status quo hampers the ability to go up on new targets prospectively, so we not only have a deteriorating situation in terms of continued cooperation from the communications companies—not because they are not public-spirited citizens, not because they don't want to help America, but because they run the risk of squandering all the assets of their companies and enhanced exposure to new actions that might occur by terrorists.

So the status quo is clearly not acceptable, I say to my friend from Texas. I think his question suggests the answer.

This is a very serious matter and I regret that we are where we are. We had gotten off, I thought, to a pretty good bipartisan start this year. I had hoped—and frankly expected—that we would be having another signing ceremony down at the White House on the Rockefeller-Bond bill in the next few days and we could breathe easy that we had done our job and had protected the American people to the maximum extent possible for the foreseeable future.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, facts are stubborn. The facts are that within the last few days, we received a communication from the Attorney General of the United States and the man who is the Director of National Intelligence saying: "It is critical the authorities contained in the Protect America Act not be allowed to expire." That is a fact. That was followed up with a statement by the House minority leader who said: "Allowing the Protect America Act to expire would undermine our national security and endanger American lives, and that is unacceptable." And today, the President of the United States said: "There is really no excuse for letting this critical legislation expire."

Those are the facts. So when we ask to accomplish what they want, there is an objection.

It is very clear, this is not an effort by the White House to protect the American people, it is an effort to protect the phone companies. It is not the American people.

We heard from the Attorney General, we heard from the Director of National Intelligence, the minority leader of the House, and the President of the United States. We agreed to do what they want to do to try to extend. The Republicans were given the orders not to do what they wanted. Those are the facts.

Now another issue that is very important: The majority in the House of Representatives and the majority in the Senate have both spoken. A basic elementary rule of this Government is that we have a bicameral legislature. We have the House and the Senate. In November, the House passed by a majority what they thought should happen in the way of extending this. We, a few days ago, decided what we thought we should do. It is elementary that after that happens, there must be a conference. They won't let us go to conference—"they" meaning the Republicans. So a majority of the House voted in November for a different bill. That is why we need a negotiation. That is why we need a conference. That is how a bill becomes law. That is the way it is. That is the law. We have already decided that facts are stubborn. Clearly, if we were arguing this case to a jury—and I think probably as well the American people—they probably know that this is an effort by the President to scare us and in exchange for that, he wants to try to take care of the phone companies, not the American people.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, my name has been invoked frequently here over the last several weeks as passing a bill which was not favored by the majority of the people of my aisle, and the phrase actually was used by the majority leader, who is never wrong, that we did what the President wanted.

I didn't do what the President wanted. I did what I thought was the right thing to do. I was joined by a variety of my colleagues, including the Presiding Officer, who reserved the right to have other views on the floor, which he did, but ended up voting for the bill.

What absolutely baffles me is that we are literally—we can do this FISA bill. I am meeting tomorrow morning with the chairman of the House Intelligence Committee, who may be the only House member in town—I have no idea, but I don't care because he is the chairman—on what we can do to save this. I am absolutely convinced that we can have—in the hearing this afternoon, the Presiding Officer heard me put this to the Director of National Intelligence, who couldn't answer it because it was not a policy question, but more of a political question. I said: You are going to get the majority of your information all the way through August. The President praised our bill and then came out the next day and said: Of course, if the House doesn't pass it, we are going to lose our intelligence and we will be vulnerable to the terrorists. That was a misstatement, I think an annoying misstatement.

I don't understand. I simply don't understand, if something is good and if the President is willing to sign a bill which this Senator in his conscience feels is right, and it takes 15 days to do it, what the minority leader needs to understand—and he served in the House. I am sure he understands that they have now been jammed twice. They have been jammed. There is something called human nature, and it is not illegal to talk about human nature on the floor of the Senate. They have been jammed. They have been pushed down to a 2-day period or a 3-day period when they had to make a decision. They resent that. But if they were given a period of time, they would come, in my judgment, to where we are, and the bill would go to the President and he would sign it.

Now, let me say something more. What people have to understand around here is that the quality of the intelligence we are going to be receiving is going to be degraded. It is going to be degraded. It is already going to be degraded as telecommunications companies lose interest. Everybody tosses that around and says: Well, what do you mean? I say: Well, what are they making out of this? What is the big payoff for the telephone companies? They get paid a lot of money? No. They get paid nothing. What do they get for this? They get $40 billion worth of suits, grief, trashing, but they do it. But they don't have to do it, because they do have shareholders to respond to, to answer to. There is going to be a degrading of the nature of our intelligence in some very crucial areas if we follow the path that the minority leader is suggesting, because we will go right back to where we were last August, and that will be a further jolt to the telecommunications companies, because they will understand that you cannot count on the Congress, you cannot count on us to make policy which will give stability to their—not government agencies but to their corporations.

Fifteen days. We are off for a week, so maybe it has to be 25 days. I don't know. I don't care about that. We could have the same bill on this floor from the House. I am convinced of it. It is human nature. Give them a chance to have a grudge. I am going to meet with the chairman tomorrow. Let him rip into me for not giving the House an adequate chance for the second time to discuss this matter. But I am absolutely convinced that we could have that bill on the floor in this body and pass it and send it to the President. Why they don't want to do that, I do not know.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

### AMENDMENT NO. 4080 TO AMENDMENT NO. 4070

Mr. DEMINT. Mr. President, I call for the regular order with respect to amendment No. 4070, and I call up amendment No. 4080 as a second-degree amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4080 to amendment No. 4070.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting)

At the appropriate place, add the following:

**SEC. ___. RECISSION AND TRANSFER OF FUNDS.**

(a) RECISSION OF CERTAIN EARMARKS.—All of the amounts appropriated by the Consolidated Appropriations Act, 2008 (Public Law 110-161) and the accompanying report for congressional directed spending items for the City of Berkeley, California, or entities located in such city are hereby rescinded.

(b) TRANSFER OF FUNDS TO OPERATION AND MAINTENANCE, MARINE CORPS.—The amounts rescinded under subsection (a) shall be transferred to the "OPERATION AND MAINTENANCE, MARINE CORPS" account of the Department of Defense for fiscal year 2008 to be used for recruiting purposes.

(c) CONGRESSIONAL DIRECTED SPENDING ITEM DEFINED.—In this section, the term "congressional directed spending item" has the meaning given such term in paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

Mr. DEMINT. Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

AMENDMENT NO. 3893, AS MODIFIED

Mr. BROWNBACK. Mr. President, I ask for the regular order and call up my amendment No. 3893. I send a modification to the desk.

The PRESIDING OFFICER. The amendment is pending.

The amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

### TITLE III—MISCELLANEOUS

**SEC. 301. RESOLUTION OF APOLOGY TO NATIVE PEOPLES OF UNITED STATES.**

(a) FINDINGS.—Congress finds that—

(1) the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

(2) for millennia, Native Peoples have honored, protected, and stewarded this land we cherish;

(3) Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;

(4) the arrival of Europeans in North America opened a new chapter in the history of Native Peoples;

(5) while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

(6) the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples in the vicinities of the settlements;

(7) in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, "The utmost good faith shall always be observed toward the Indians";

(8) Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

(9) Native Peoples and non-Native settlers engaged in numerous armed conflicts in which unfortunately, both took innocent lives, including those of women and children;

(10) the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

(12) the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the "Indian Removal Act");

(13) many Native Peoples suffered and perished—

(A) during the execution of the official Federal Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(B) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(C) on numerous Indian reservations;

(14) the Federal Government condemned the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (commonly known as the "General Allotment Act"), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

(15) officials of the Federal Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

(16) the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

(17) despite the wrongs committed against Native Peoples by the United States, Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native Peoples have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

(18) Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official Federal Government positions, and by leadership of their own sovereign Indian tribes;

(19) Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

(20) the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to Native Peoples and their traditions; and

(21) Native Peoples are endowed by their Creator with certain unalienable rights, and among those are life, liberty, and the pursuit of happiness.

(b) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(c) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

Mr. BROWNBACK. Mr. President, this is an amendment brought up at the very outset of this debate. I understand there has been an agreement that we can move forward with this amendment. So I have worked with the chairman of the committee and the ranking member, and the modifications have been made.

I ask for the yeas and nays on this amendment.

Mr. DORGAN. Mr. President, my understanding is that we were going to voice vote this amendment. Senator MIKULSKI is in the room, and she will want to call up her amendment No. 4023. My hope is that we could agree to these two amendments en bloc by voice vote.

Mr. BROWNBACK. We do not need a recorded vote. I will agree to a voice vote.

First, I ask unanimous consent to add Senator COBURN as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4023

Ms. MIKULSKI. Mr. President, I ask unanimous consent that my amendment No. 4023 be considered en bloc with Senator BROWNBACK's amendment. I do not need a recorded vote. I am more than happy to accept a voice vote.

Mr. DORGAN. Mr. President, both amendments have been cleared. I ask for a favorable consideration of the two amendments.

The PRESIDING OFFICER. The question is on agreeing to the Brownback amendment No. 3893, as modified, and the Mikulski amendment No. 4023, en bloc.

The amendments (Nos. 3893, as modified, and 4023) were agreed to en bloc.

Mr. BROWNBACK. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senator from Hawaii, Mr. AKAKA, be recognized for 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

### VETERANS BENEFITS ENHANCEMENT ACT

Mr. AKAKA. Mr. President, I come to the floor today to speak—again—about S. 1315, the Veterans Benefits Enhancement Act of 2007. This critical legislation would affect real change in the treatment of our Nation's veterans.

Provisions in S. 1315 would improve life insurance programs for disabled veterans, expand the traumatic injury protection program for active duty servicemembers, and provide individuals with severe burns specially adapted housing benefits. These provisions are vital to improve benefits and services for our veterans.

However, for many months now, S. 1315 has been blocked from debate by Republican Members opposed to a provision in the bill that would extend certain VA benefits to Filipino veterans, residing in the Philippines, who fought alongside U.S. troops during World War II. These veterans have been denied these benefits for over 50 years. I believe it is time to give these elderly veterans the benefits that they earned and so richly deserve.

In the 62 years since the end of the Second World War, Filipino veterans have worked tirelessly to secure the veterans status they were promised when they agreed to fight under U.S. command during World War II. They were considered U.S. veterans until that status was taken from them by an Act of Congress in 1946.

At the conclusion of my remarks, I will ask that a letter to Senator CRAIG from General Delfin Lorenzana, the head of the Office of Veterans' Affairs for the Embassy of the Philippines, be printed in the RECORD. This letter presents a historical overview of Filipino involvement during World War II and what has ensued since that time.

General Lorenzana notes that these veterans fought in a war between the United States and Japan, under the U.S. flag as part of the U.S. Army Forces in the Far East. He notes that out of the nearly half-a-million Filipino veterans who served, only 18,000 survive today. In another decade, only a few of them will remain.

I am happy to note that many Filipino veterans enjoy eligibility for benefits and health care services on the same basis as other U.S. veterans. However, there is still work to be done in order to extend these eligibilities to all of those who served with the United States military during World War II.

Last June the committee held a markup where the then ranking member, Senator CRAIG, offered an amendment to reduce the amount of pension that Filipino veterans residing in the Philippines would receive under S. 1315. I stress that the amendment was not to strip pension benefits from the bill entirely—merely to reduce the benefit in line with what Senator CRAIG viewed as appropriate. I disagreed with Senator CRAIG's assessment and his amendment was not adopted.

In the months that followed markup, consideration of S. 1315 was put off while Republican leadership on the committee suddenly changed hands.

In late fall, my efforts to seek a middle ground between the level of pension benefits in the bill as reported, and the level former Ranking Member CRAIG sought during markup, were rejected. When a counteroffer was finally made by the committee's new ranking member, Senator BURR, supported by Senator CRAIG, it proposed to entirely strip pension benefits from Filipino veterans residing in the Philippines from the bill. This is not acceptable to me. It is possible, however, that it might be acceptable to some in the Senate. That is why I continue to ask that we move forward with deliberation of this measure. Let us have a real debate on this bill, and then have an up-or-down vote.

I again ask that the Senate be allowed to debate this important measure. Our committee must be permitted to finish our work. America's veterans deserve no less.

Mr. President, I ask unanimous consent that the letter from General Lorenzana, which I mentioned earlier, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMBASSY OF THE PHILIPPINES,
*Washington, DC, February 6, 2008.*

Hon. LARRY E. CRAIG,
*Member, Senate Veterans' Affairs Committee,*
*Hart Senate Office Building, U.S. Senate,*
*Washington, DC.*

DEAR SENATOR CRAIG: In November and December last year, S1315, the Veterans Benefits Enhancement Act (which includes benefits for surviving Filipino World War II veterans) was brought to the Senate Floor for unanimous consent. On both occasions, you strongly objected to the passage of the Bill, specifically Title IV, the portion on Filipino WWII veterans, citing reasons such as: the Filipino veterans are not U.S. citizens; the proposed benefits are too generous; they would have undue advantage over U.S. veterans residing in the U.S.; we have treated them fairly by providing $620M in reconstruction after the war ($6.7B in today's dollars); we have a hospital in the Philippines; we are taking away money from our veterans to give to a foreign veteran—a Filipino (the Robin Hood in reverse effect).

It would be reasonable for such arguments to appeal to the American public, especially those who are uninformed of the complete facts of the issue. But in the interest of fairness, it is necessary to see the entire picture.

First of all, Filipinos who served under the U.S. Army pursuant to a military order by President Franklin D. Roosevelt on July 26, 1941 were in fact U.S. veterans by U.S. definition and the Rider to the Rescission Act of 1946 (PL 79-301) was, therefore, grossly discriminatory, unfair and unjust.

The Filipino WWII Veterans claim is based on the Philippines' status as a U.S. colony and a U.S. law, the Tydings-McDuffie Act of 1934, also known as the Philippine Independence Act. This law was passed by the U.S. Congress on March 24, 1934 to provide self-government to the Philippines leading to its eventual independence from America after a transition period of 10 years. This law mandates that all citizens of the Philippines shall owe allegiance to the United States. Under this law, the United States of America retains control and supervision of national defense and foreign affairs. The President of the United States of America was likewise granted power to call into service all military forces located within the Philippine Commonwealth Government. This power was invoked and exercised by President Franklin D. Roosevelt on July 26, 1941 when war with Japan became imminent.

Some have argued that the responsibility for taking care of Filipino veterans rests upon the Philippine Government because they fought for their country. Our Government has been doing this within its resources for more than 60 years. In fact the Philippine Congress is passing a law that would allow these veterans to continue receiving their old-age pensions even after the U.S. has passed a law that would give them veterans benefits.

That they fought for their country's liberation cannot be denied. But primarily, these veterans fought in a war between U.S. and Japan, under the U.S. flag as part of the United States Army Forces in the Far East (USAFFE). Japan invaded the Philippines to defeat the American forces stationed thereat which it considered an obstacle in its drive to the resource-rich Dutch East Indies. Some historians have argued that if the Philippines then had not been a colony of the U.S., it could have been easily bypassed by Japan in its southward drive. Because of the vagaries of history we will never know this for sure, but the fact is, Thailand, a country not under a colonial rule, was not invaded.

You claimed that the pension benefit is too generous ($375 for veterans with dependents, $300 for single veterans, and $200 for widows of veterans). What is the price of the services and sacrifices so generously given to America by these veterans and the entire Filipino nation during that Great War, Senator Craig? They were prepared to offer the ultimate sacrifice for America. Their homeland was made a battlefield in a war between Japan and the United States. An estimated one million Filipinos, combatants and non-combatants, died in that war. If at all, for so many of these veterans, these benefits may be too little, too late.

And yet after the war, these veterans were denied their benefits under U.S. laws by an Act of Congress (PL 79-301). It was a discriminatory, unfair and unjust law because while it barred these veterans from getting benefits it also provided for widows and orphans of those who died in line of duty and to those who had service-connected disabilities even if only at 50 cents to the dollar. But were the services of the survivors less important than those who were killed at the onset of the war and later or those who were imprisoned, wounded and incapacitated?

In reality, they were an indispensable part of the underground Army that tied up large number of Japanese forces otherwise deployed elsewhere. They aided and protected

American officers and soldiers who escaped capture. They served in the underground units led by USAFFE officers. They provided vital intelligence and forces-in-place that facilitated the counter-invasion of the allied forces that minimized allied casualties. They provided invaluable intelligence and combat support in the rescue of 513 American POWs in Cabanatuan in Central Luzon on January 28, 1945—considered as the most successful rescue in the annals of the U.S. Army. This rescue operation was later made into the acclaimed book "The Ghost Soldiers" and eventually into a movie "The Great Raid".

U.S. role in the Philippine postwar reconstruction and rehabilitation was to be expected. The war, after all, was on account of the United States. But these postwar reconstruction and aid came at a great cost to the fledgling Philippine Republic as this excerpt from a history book states: "The Philippines had gained independence in the 'ashes of victory'. Intense fighting, especially around Manila in the last days of the Japanese retreat (February–March 1945), had nearly destroyed the capital. The economy generally was in disarray. Rehabilitation aid was obviously needed, and President Roxas was willing to accept some onerous conditions placed implicitly and explicitly by the U.S. Congress. The Bell Act in the United States extended free trade with the Philippines for 8 years, to be followed by 20 years of gradually increasing tariffs. The United States demanded and received a 99-year lease on a number of Philippine military and naval bases in which U.S. authorities had virtual territorial rights. And finally, as a specific requirement for release of U.S. war-damage payments, the Philippines had to amend its constitution to give U.S. citizens equal rights with Filipinos in the exploitation of its natural resources—the so-called Parity Amendment." The aggressor nations were actually treated better.

Your statement that granting these benefits to the Filipino veterans is stealing money from U.S. veterans and giving it to a foreign veteran—a Filipino (the Reverse Robin Hood effect), is most unfair to all these veterans, Filipinos and Americans. They served the United States faithfully and selflessly and it is uncharacteristic that they should be pitted against each other over benefits. These Filipinos are U.S. veterans at the end of WWII as pointed out earlier. Our research into U.S. Congressional records of early 1946 indicates that, in fact, it was the Filipino veterans who were stripped of their rightful benefits under U.S. laws by an act of Congress. During the deliberation of the Rescission Act of 1946, the Head of the Veterans Administration testified that the Filipino soldiers who served under the U.S. Army during World War II pursuant to the military order' of President Franklin Roosevelt satisfy the statutory definition of a U.S. veteran and that it would cost the U.S. $3.2B to pay them on equal terms as their U.S. counterpart. Subsequently, the Rider to P.L. 79–301 was inserted to become Sec. 107, Title 38 of the U.S. Code which S1315 aims to amend. How much is $3.2B in today's dollars, Senator Craig? Furthermore, the Rider to P.L. 79–301 provided an appropriation of $200M to the Philippine Army to compensate Filipino veterans. Immediately upon enactment of P.L. 79–301, the Philippine Resident Commissioner to the U.S., the Honorable Carlos P. Romulo, protested the Rider and rejected the $200M appropriation to the Philippine Army. Our research yields no record of the amount going into the Philippine Army budget in the years 1946–48. Again, how much is this in today's dollars? By all accounts, this measure has saved the U.S. billions of dollars at the expense of the Filipino veterans.

Mr. Senator, these Filipino WWII veterans were no different from the more than 15 million American men and women who were discharged from the military service at the end of WWII. They came from all walks of life and cross-section of the country the same as their U.S. counterparts: from cities, small towns, farms and villages. But the similarity ends there. After the war the U.S. veterans could go to school under the GI Bill of Rights. They were eligible to generous housing loans, medical and other benefits. Educated and trained, they became a vital cog of postwar America that propelled this great nation to its preeminent place in the world today. Two of your esteemed Senate colleagues, Senators John Warner and Frank Lautenberg, both WWII veterans, jumpstarted their careers through the GI Bill. No such luck came for the Filipino veterans.

Senator Craig, the 110th Congress is in a position to redress a 62-year old injustice done to Filipino veterans by the same institution that you now serve, by passing S1315. Out of the original 470,000 listed after the war which the U.S. Army trimmed down to 260,143 in 1948, barely 18,000 survive today. They are in their mid-80s and in about a decade only a few of them would be left. They are not seeking equal benefits as their American counterparts. The Veterans Federation of the Philippines welcomes and fully supports the Senate Veterans Affairs' Committee markup. Your statement that it would give them undue advantage over U.S. veterans residing in the U.S. vis-à-vis the difference in the cost of living in both countries is not the case on closer scrutiny. Whilst the U.S. veterans have access to VA medical facilities & medicines, loan guarantees, low insurance premiums and food stamps the Filipino veterans do not. Only those in Luzon have easy access to the Veterans Memorial Medical Center in Manila (a hospital built by the U.S. in 1950 and conveyed to the Philippine Government in 1953) but they usually pay for their own medicines. Whatever meager income they have is augmented by a 5,000 pesos old-age pension from the Philippine Government. Furthermore, the appreciation of the Peso against the Dollar which was 55:1 a year ago is now 40: 1, thus greatly diminishing the real value of the proposed pension benefits.

We hope that the debate on the Filipino WWII veterans issue would focus more on the merits of their claims and not their being non-U.S. citizens. After all, this was not an issue in 1941 when the U.S. President ordered them into the service of the U.S. Army to fight under the U.S. flag. They were U.S. veterans under U.S. law after the war and entitled to VA benefits until PL 79–301 was passed.

As we commemorate the Anniversary of the Rescission Act of 1946 on February 18, we pray that this 62-year old claim for recognition and benefits of these remaining gallant men and women who served America with utmost loyalty and devotion during WWII be finally granted.

Lastly, the Philippines is one of the leading allies of the U.S. in today's war against terror. In the same way that the Filipino soldiers in WWII shed their blood with U.S. soldiers in defense of freedom and democracy, today's Filipino soldiers help make the world a safer and more secure place to live. Would it be too much to ask, therefore, that if only in tribute to their long lasting partnership, that a great injustice be formally corrected and our WWII veterans given the recognition and benefits they so richly deserve. That's all that we ask.

With my best wishes for your continued success, I remain

Sincerely yours,
DELFIN N. LORENZANA,
*Special Presidential Representative/*
*Head, Office of Veterans' Affairs.*

Mr. AKAKA. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENTS NOS. 4078, AS MODIFIED; TO AMENDMENT NO. 3899, AND 4083

Mr. DORGAN. Mr. President, I have a unanimous consent request that has been cleared on both sides, to clear some amendments that are agreed to.

I ask unanimous consent that the pending amendment be set aside so that I may call up the following amendments en bloc: Coburn, No. 4078, as modified; Vitter, No. 4038; Bingaman, No. 4083.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. COBURN and Mr. BINGAMAN, proposes amendments numbered 4078, as modified, and 4083, en bloc.

The amendments are as follows:

### AMENDMENT NO. 4078, AS MODIFIED

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. 8___. STUDY ON TOBACCO-RELATED DISEASE AND DISPROPORTIONATE HEALTH EFFECTS ON TRIBAL POPULATIONS.**

"Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, in consultation with appropriate Federal departments and agencies and acting through the epidemiology centers established under section 209, shall solicit from independent organizations bids to conduct, and shall submit to Congress, no later than 5 years after enactment, a report describing the results of, a study to determine possible causes for the high prevalence of tobacco use among Indians.

### AMENDMENT NO. 4083

(Purpose: To require the Comptroller General of the United States to conduct a study on payments for contract health services)

At the end of title I, add the following:

**SEC. _____. GAO STUDY AND REPORT ON PAYMENTS FOR CONTRACT HEALTH SERVICES.**

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study on the utilization of health care

furnished by health care providers under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian Tribe, or a Tribal Organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act).

(2) ANALYSIS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the amounts reimbursed under the contract health services program described in paragraph (1) for health care furnished by entities, individual providers, and suppliers, including a comparison of reimbursement for such health care through other public programs and in the private sector;

(B) barriers to accessing care under such contract health services program, including, but not limited to, barriers relating to travel distances, cultural differences, and public and private sector reluctance to furnish care to patients under such program;

(C) the adequacy of existing Federal funding for health care under such contract health services program; and

(D) any other items determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations regarding—

(1) the appropriate level of Federal funding that should be established for health care under the contract health services program described in subsection (a)(1); and

(2) how to most efficiently utilize such funding.

(c) CONSULTATION.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Comptroller General shall consult with the Indian Health Service, Indian Tribes, and Tribal Organizations.

Mr. DORGAN. Mr. President, I ask unanimous consent that the following amendments be agreed to en bloc: Martinez, No. 3906, as modified; Bingaman, No. 4083; Barrasso, No. 3898; Coburn, No. 4078, as modified; Coburn, No. 4029; and Vitter, No. 4038.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3906, as modified; 4083; 3898; 4078, as modified; 4029; and 4038) were agreed to en bloc.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NOS. 4024, 4025, 4026, 4027, 4028, 4030, 4031, 4033, 4035, AND 4037 WITHDRAWN

Mr. DORGAN. Mr. President, Senator COBURN has indicated to me that the pending Coburn amendments will not be dealt with further. Therefore, on his behalf, I ask that the Coburn amendments be withdrawn. I believe Senator MURKOWSKI is with the same understanding. He came to both of us. He offered some of his amendments. He got us to accept other amendments without a vote. We appreciate very much his cooperation. But the other pending amendments that were accepted originally to be en bloc, we ask they be withdrawn.

Ms. MURKOWSKI. Mr. President, we have no objection on this side to withdrawing the pending Coburn amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are withdrawn.

The Senator from North Carolina.

Mr. BURR. Mr. President, I ask unanimous consent to address the Senate for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SECTION 303

Mr. KENNEDY. Mr. President, I would like to thank the senior Senator from North Dakota for his leadership on the issue of Indian health care. As he and the Senator from Alaska have emphasized during the debate in recent days, our Government must ensure that Native Americans have access to quality health care throughout our country.

Mr. DORGAN. I thank the Senator from Massachusetts for his support.

Mr. KENNEDY. I understand that in the managers' amendment, section 303(b) of the bill has been modified so that the language is now identical to current law; is that correct?

Mr. DORGAN. Yes. The intent of the provision in the managers' amendment to the bill is to maintain current law. Generally, when Indian health facilities are constructed or renovated, Davis-Bacon prevailing wage rates apply. However, pursuant to current Federal law and longstanding policy of the Department of Labor, Indian Health Service, and Bureau of Indian Affairs, when Indian tribes and tribal organizations construct or renovate federally funded Indian health facilities using their own employees, Davis-Bacon prevailing wage rates do not apply. Our intention in the managers' amendment is to maintain the status quo of current law and policy in these regards.

Mr. KENNEDY. So this language does not change the construction or application of existing statutes?

Mr. DORGAN. Correct, it does not change current law. It is our intent that the prevailing wage provisions in both the Indian Health Care Improvement Act and the Indian Self-Determination and Education Assistance Act will continue to apply when Federal funds are used for the construction and renovation of Indian health facilities, except where such work is carried out by tribal or tribal organization employees.

Ms. MURKOWSKI. That is my understanding as well. The only reason that the managers' amendment restates section 303, as opposed to simply leaving section 303 in current law untouched, is a purely technical matter arising from the difficulty, or awkwardness, of leaving only one provision of the Indian Health Care Improvement Act in place while restating or amending the rest of that act.

Mr. DORGAN. That is correct, that is why the managers' amendment restates current section 303 verbatim.

Ms. MURKOWSKI. More specifically, it is my understanding that by simply restating section 303 verbatim in this bill, Congress is not superseding or altering the effect of the prevailing wage provisions of the Indian Self-Determination and Education Assistance Act—including the exception referred to by the Senator from North Dakota applicable when construction or renovation work is carried out by employees of an Indian tribe or tribal organization—the regulations promulgated under that act.

Mr. KENNEDY. That is correct.

Mr. DORGAN. Yes, that is correct.

Mr. BROWN. Mr. President, I rise today in support of amendment No. 4023, which would halt draconian new rules that would hamstring cost-effective case management services under the Medicaid Program.

In March of this year, the Centers for Medicare and Medicaid Services plans to implement a regulation designed to limit case management services: For children in foster care; for the elderly, who, if not for case management, would be in nursing homes; for Americans with disabilities; and or individuals with severe mental illness.

These are Americans who not only live with severe health or mental disabilities, they live in poverty.

This administration is nothing if not consistent.

This administration consistently woos those with wealth and neglects those in need.

Ohio has worked over the past 24 years to develop and fine tune an effective system for providing case management to Medicaid beneficiaries who meet a nursing home level of care but want to remain in their homes.

Enabling these Ohioans, most of whom are elderly, to live independently is not only right, it is smart.

Per capita nursing home care is more expensive than per capita home health care.

And home and community-based care fosters independence, self-determination, and rehabilitation.

Case managers are the foundation of this system of care. It cannot work without them.

But case managers cannot do their jobs if they are hung up by rules that just do not make sense.

CMS is attempting to chop the case management system into pieces, wrap it in red tape, and sit back as it withers on the vine.

They are limiting case management, as if the lack of it is in some way a reasonable solution to rising health care costs. Nothing could be further from the truth.

At a time when our health care system is overburdened and our economy is in a slump, why would we introduce chaos into cost-effective, coordinated care?

If the administration hamstrings effective case management, Medicaid costs will not drop, they will likely balloon. Without solid case management grounded in seamless administration and service delivery, state Medicaid Programs will lose ground.

They will forsake precious progress they have made toward eliminating duplicative or unnecessary care, reducing hospitalizations, and improving outcomes.

This rule is bad for Ohio and bad for the nation.

It is misguided, and frankly, it is cruel.

Whether your vote arises from compassion or common sense, I urge every Member to support this amendment.

Ms. CANTWELL. Mr. President, I rise in strong support of the Indian Health Care Improvement Act and the reauthorization we are considering today.

Passage of this bill in the Senate is long overdue. We haven't passed an update to the Indian Health Care Improvement Act since 1992, and the law has now been expired for 8 years.

Since this time, we have seen the continuation of unacceptable trends in the health of American Indians and Alaskan Natives. American Indians and Alaskan Natives across the country are 400 percent more likely to die from tuberculosis, 291 percent more likely to die from diabetes complications, and 67 percent more likely to die from influenza and pneumonia than other groups.

In my State of Washington, the average life expectancy of an American Indian is estimated to be 4 years below that of the general population, as reported by the Indian Health Service for the years 2000 through 2002. This is a troubling increase from the gap of 2.8 years reported by the Indian Health Service for 1994.

These disparities must not continue. We owe it to Indian Country to make good on our promise—a promise embedded in long-standing trust agreements—to ensure that the health needs of American Indians and Alaskan Natives are taken care of.

Enactment of this bill, of which I am a proud cosponsor, is a necessary step that will help us fully realize our obligations. The Indian Health Care Improvement Act must be reauthorized, and most importantly, modernized to ensure that the services delivered under the Indian Health Service reflect the advances made in health care delivery.

This reauthorization makes much needed improvements to the way health care is administered to American Indians. It makes new authorizations for home and community based care, a cost-effective and much desired alternative to traditional long-term care facilities. It expands behavioral health services to address disorders beyond the traditional focus on alcohol and substance abuse. And it requires that individuals in need of mental help get access to a continuum of care such as hospitalization and detoxification services.

Importantly, this bill includes long-term reauthorization of health services for urban Indians. As my colleagues know, urban Indians account for a vast majority of the American Indian population, with nearly 7 out of 10 American Indians and Alaskan Natives living in or near an urban area.

Such a large population cannot be left behind in this reauthorization. Urban Indians face similar health disparities as their counterparts who live on reservations, and they are not removed from our Nation's trust obligation because of where they live.

Washington State is grateful for the efforts of two urban Indian organizations working to provide critically needed health care to this underserved population. The Seattle Indian Health Board and the N.A.T.I.V.E. Project of Spokane have remained strong components of our State's health and social safety net, providing over 15,000 unique patients with comprehensive primary care, mental health, and social services.

The Seattle Indian Health Board also serves as a vital health research and surveillance center for the country under its Urban Indian Health Institute program. There is much to be learned about the issues and barriers facing urban Indians, making the comprehensive collection and analysis of information from this program indispensible to our work to improve the health of our communities.

Continuing Federal support for these and the other 32 entities currently receiving Federal resources for urban Indian health care must remain a top priority under this Government's strategy to address the disparities facing all American Indians.

I am excited that we have come so close to passing this reauthorization. I hope to work with Chairman DORGAN, Vice Chairman MURKOWSKI, and my colleagues on the Indian Affairs and Finance Committees to seeing this through and getting a bill signed into law.

However, I want to also urge my colleagues to remember that our trust responsibility does not end with reauthorization of the Indian Health Care Improvement Act. It continues as we craft a budget for the coming fiscal year and make the appropriations for the Indian Health Service. The programs we are about to reauthorize are useless if we don't make gains in the paltry amount of funds for health services, urban Indian health, and facilities construction. As my colleagues know, the Indian Health Service is only funded at 60 percent of estimated need.

Today's actions should be the beginning of a renewed commitment to our first Americans. I look forward to starting a new chapter in our relationship with Indian Country.

Mr. WYDEN. Mr. President, today the Senate is considering the Indian Health Care Improvement Act Amendments. American Indians and Alaska Natives—along with all other Americans—should receive modern, efficient, and quality health care. Unfortunately, too many of those in the Indian health system do not receive that care today. This important legislation will change that.

Reforming our Nation's broken health care system is one of my highest priorities and I strongly support efforts to shore up Indian health care services, such as those proposed in this important legislation. Like all Americans, American Indians and Alaska Natives cannot prosper without access to modern, efficient, and quality health care.

The most recent census information available indicates there are 2.3 million American Indian and Alaska Native people in the United States. In my State of Oregon alone there are nine federally recognized tribes, and a large urban Indian population. Less than 40 percent of their people reside on reservations. It is a continuing failure of this Nation that American Indian and Alaska Native people rank at or near the bottom of so many social and economic indicators.

Most striking of these indicators are the health statistics involving American Indian and Alaska Natives. Diabetes, tuberculosis, alcoholism, fetal alcohol syndrome, and increasingly, AIDS, plague America's Native communities at rates far and above those of other Americans. As of 2007, there is a $1 billion backlog in unmet needs for health facilities, contributing to the degenerating health of Native communities.

The plight of Native American health care in this country is the result of one simple and tragic fact: The Federal Government has failed to meet its promise to Native Americans.

Through treaties and statutes, the Federal Government has promised to provide health care to American Indians and Alaska Natives. A critical aspect of this promise is sufficient funding for the Indian Health Service, IHS, part of the Department of Health and Human Services. IHS arranges health care services for Native Americans and provides some services through direct care at hospitals, health centers, and health stations, which may be federally or tribally operated. When services are not offered or accessible onsite, IHS offers them, as funds permit, through contract care furnished by outside providers.

In addition, in the Indian Health Amendments of 1992, Congress specifically pledged to "assure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy." These combined commitments are absolutely essential to help the Federal Government meet its legal and moral responsibilities to Native Americans.

Sadly, we haven't even come close to honoring these commitments. Sufficient funding has not been provided. IHS is so underfunded and understaffed that patients routinely are being denied care that most of us would take for granted and, in many cases, would consider essential. The resulting rationing of care means that all too often Indians are forced to wait until their medical conditions become more serious—and more difficult to treat—before they can even access necessary health care. The chronic underfunding has only grown worse in recent years, as Federal appropriations failed to keep up with the steep rise in public and private health care costs and expenditures.

The results are startling and disturbing. While per capita health care spending for the general U.S. population is about $7,000, the Indian Health Service spends only about $2,100 per person on individual health care services. The Government also spends considerably less on health care for Indians than it spends for Medicare beneficiaries, Medicaid recipients, and veterans.

It is appalling that we can live in one of the most prosperous nations on Earth, where most—but by far not all—Americans have access to health care services, yet we provide woefully inadequate health care for our Native American population.

These resource shortcomings underscore the need to make the Indian Health Service a priority in the Federal budget. It is also why I am supporting an amendment offered by my colleague from the State of Oregon, Senator GORDON SMITH, along with my colleague from Washington State, Senator MARIA CANTWELL. It would provide for innovative approaches in funding health care facilities by providing a way to distribute funds more equally with the establishment of an area distribution fund.

Each year, I travel to every county in Oregon to learn firsthand the challenges confronting my constituents. I often find that my most enlightening visits occur when I travel to Indian Country, especially when I hear or read compelling stories about Indian health care afforded to my tribal constituents. But I am also pleased that the northwest region has its share of success stories and examples of medical care for Native Americans that have worked.

With the support of the Native American Rehabilitation Association's Diabetes Prevention Program, made possible by the IHS Special Diabetes Program for Indians, diabetes patients are losing weight and improving their lifestyle. I am also pleased to note that the One Sky Center, a National Native Resource Center for Substance Abuse and Mental Health Services located at Oregon Health and Science University in Portland, is the only National Resource Center of its kind in Indian Country. Indian Country is in a crisis in combating alcohol, substance abuse, and methamphetamine. There is a real need for such a center for not only tribal people, but also for those who work and interface with Indian Country to try to find solutions, leverage programs, and build partnerships to address these key health issues.

In addition, on the national level, the recently reauthorized Special Diabetes Program for Indians, SDPI, has had significant success and is viewed as a model for improving preventive care and disease management for this significant chronic illness. Tragically, Native Americans are 2.6 times more likely to be diagnosed with diabetes than the general U.S. population and diabetes mortality is believed to be 4.3 times higher in the Native American population than in the general U.S. population. The combination of this special program and the legislation before us today could help make significant strides against this ongoing public health threat that disproportionately hits Native Americans. Importantly, the SDPI has given Indian health programs and tribal communities invaluable resources and tools to help prevent and treat diabetes. And it has had real medically measurable results. In just 10 years, the mean blood sugar level has decreased by 13 percent. Scientific research demonstrates that such a decrease results in a 40-percent decrease in diabetes-related complications, such as blindness and amputations. Furthermore, on the prevention front, it has also increased school-based prevention programs for children, such as increased physical activity programs, better school lunches, and removal of junk food-filled vending machines, and diabetes awareness education. There are also more community-based wellness centers offering exercise and nutrition programs for individuals at risk for diabetes.

Yet, this program has been funded apart from the traditional sources of funding for Indian health care, the IHS. It is imperative that Congress pass the Indian Healthcare Improvement Act Amendments so that our country can begin to fill the many gaps in Indian health care and have more success stories like the ones I just described.

I want to just take a few moments to reiterate how important it is for all Americans that the Federal Government move to reform our nation's health care system. It is very clear, in my view, that our Nation faces a health care crisis. In fact, I think when we get on the floor debating any health program, the Senate will see and the country will see that this debate illustrates how broken our health care system is.

Native Americans are not the only Americans who believed they would have health care when they would need it, only to find that faced with a serious or life-threatening illness the care or coverage available doesn't match their need. Despite paying more per person for health care services than any nation on Earth, so many go without care or coverage. For some Americans, this happens when they have lost a job, and hence the coverage that went with it, or they had minimal insurance that doesn't come close to providing them the financial security needed to cover the costs of the health care services they need. For 47 million Americans, often through no fault of their own and despite having tried to be able to afford or purchase health coverage, they find themselves with no health coverage at all. These fellow citizens are at the mercy of hospital emergency rooms should health care tragedy strike them or their families. Plus, in an unconscionably large number of cases, they are unable to pay for needed care without risking personal bankruptcy, if at all.

Many people agree with the need for change, but have a healthy skepticism about whether real, meaningful structural reform is possible in our lifetimes. I understand these doubts, and I do not underestimate the challenge. Yet, I do believe we have the possibility of a real ideological truce now in health care. More and more Senators of both political parties have come to understand that to fix health care we must cover everybody. If we don't cover everybody, people who are uninsured shift their bills to those who have insurance. So colleagues on my side of the aisle who made the point about getting everybody coverage, in my view, have been correct, and clearly the country and citizens of all political persuasions have come around to that point of view.

There is also strong support for something the Republicans feel strongly about, and that is not having the government run everything in health care. There can be a role for a healthy private sector in universal health care, one where there is a fairer and more efficient market. And there ought to be more choices; in fact, there can be an abundance of choices in a system like Members of Congress enjoy today.

I am very pleased that I could join with Senator BENNETT of Utah, a member of the Republican leadership, in offering a bill based on just those principles. It is S. 334, the Healthy Americans Act, and it is the first bipartisan universal coverage bill in more than 13 years. The last bipartisan, universal coverage health bill was offered by the late Senator Chafee more than 13 years ago. Now we do have the opportunity for the Senate to come together on a bipartisan basis and deal with the premier challenge at home, and that is fixing American health care.

My fellow Senators, it is my hope that we pass the Indian Healthcare Improvement Act Amendments as soon as possible and live up to our legal and moral obligations to provide health care services to our Native American population. I have been proud to join efforts to increase funding for the Indian Health Service, and I will continue to fight for more IHS funding because it benefits all people, Native and non-Native people, in tribal and surrounding communities. I am pleased to support these needed improvements and funding, which will move forward the cause of improved Indian health care.

### LIFE INSURANCE BENEFITS FOR DISABLED VETERANS

Mr. BURR. Mr. President, a few minutes ago the chairman of the Veterans' Affairs Committee came to the floor and talked about the history of a bill, S. 1315, the spirited debate we had in committee and the continued negotiations that have gone on since that markup. I am here to announce that today I introduced an alternative bill to S. 1315. I know I am joined by millions in America who also salute our Nation's veterans. These brave men and women and their families have sacrificed so much to defend our country and to protect our freedoms.

As the ranking Member of the Senate Committee on Veterans' Affairs, I take very seriously my responsibilities to ensure that our veterans are getting the respect and benefits they deserve.

This appreciation is the very reason why I wish to talk about the substitute to S. 1315. My bill is a commonsense alternative to an omnibus veterans bill that was reported out of the Senate Committee on Veterans' Affairs last June contained over 35 provisions compiled from other bills.

Unlike in past Congresses, S. 1315 does not enjoy the kind of customary bipartisan support that such omnibus bills have received in the past. Why is this? In addition to all the good things it would do for the veterans, this bill also is a vehicle for a provision that would take money away from helping veterans of the war on terror and instead send the money overseas. I am talking about a provision that would establish a flat rate special pension for World War II Filipino veterans who did not suffer any wartime injuries, generally are not U.S. citizens, and who do not even live in the United States. In a few minutes, I will talk more about the Filipino provision benefits and why it is wrong and the wrong priority at the wrong time.

First, I wish to share some good provisions of S. 1315 which I have included in the alternative omnibus bill I have introduced today.

S. 1315 has some very important provisions to help our men and women who have fought in the war on terror and should be passed as soon as possible by this body.

It provides retroactive payments—between $25,000 and $100,000—to all disabled veterans who sustained severe injuries since the war on terror began. Currently, severely injured veterans can only receive this retroactive payment if they sustained their injuries in Iraq or Afghanistan. But if they were injured on the way to or returning from a combat zone, they are not eligible. This provision would correct that mistake.

It also increases the amount of insurance coverage available to severely disabled veterans under the Veterans' Mortgage Life Insurance Program.

Additionally, it provides adapted housing and auto grants to veterans with severe burn injuries who require modifications to their homes or their vehicles. And it provides severely injured service men and women with housing grant assistance who temporarily live with family members while still on Active Duty. My bill would keep these provisions and other good provisions from S. 1315.

So what would my bill do that differs from S. 1315?

First, it would eliminate the provision that creates a special pension for non-U.S. citizens, Filipino veterans who live in the Philippines and do not have wartime injuries. This would free up over $220 million to spend on benefits for veterans of Operation Enduring Freedom and Operation Iraqi Freedom.

It is important to note it would still provide over $100 million to grant full equity to Filipino veterans living in the United States and full disability compensation for those living abroad who have service-related injuries.

Also, my bill would create savings by changing how S. 1315 would fund State approving agencies, the entities that accredit schools and training programs for VA education benefits. My bill would begin to transition these entities from entitlement funding to discretionary appropriations. Subjecting these agencies to the annual appropriations process would help make sure veterans are being well served by any funds spent on this bureaucratic function.

My bill then takes these savings, the savings we have gained from eliminating this pension fund for non-U.S. citizens and Filipinos not injured in the conflict and it would provide funding to increase the specially adapted housing grants for severely disabled veterans from $50,000 to $55,000 and for less severely disabled veterans from $10,000 to $11,000. It would then annually adjust the amount of these grants for inflation.

My bill would also increase the auto grant assistance for traumatically injured veterans from $11,000 to $16,000, and then also index that grant for inflation.

This benefit provides mobility and freedom to people such as SGT Eric Edmundson—whom my colleague from North Carolina talks about frequently—a young veteran from my State of North Carolina who lost the use of his legs after being injured during combat. As a result, Eric now uses a motorized wheelchair. The expense to get a van that is wheelchair accessible is enormous. This provision makes it financially possible for others, such as Eric, to afford what most of us take for granted: mobility.

My bill would also provide annual increases in the funeral assistance and plot assistance benefits to families of deceased veterans to keep up with inflation.

It would increase "kickers" for members of the Guard and Reserve from $350 to $425 per month, providing extra monthly education benefits that may be paid to members with certain critical skills.

It also allows Guard and Reserve personnel activated for a cumulative 2 years after the war on terror began to receive maximum education benefits. The current requirement is either 3 cumulative years or 2 continuous years of service. This change will make it easier for our men and women who have gone on multiple deployments, including many of the Guard and Reserve from my home State of North Carolina, to earn the highest level of education benefits.

With these changes to S. 1315, we have a well-balanced package of benefit enhancements for our Nation's veterans which could garner the support of the entire Senate.

Unfortunately, the same cannot be said about S. 1315 in its current form. The problem with S. 1315 is the provision that creates a special pension for World War II Filipino veterans. This is both wrong and it is costly. It is wrong because it takes money from American veterans and sends it to the Philippines to create a special pension for noncitizen, nonresident Filipino veterans with no service-connected disabilities.

Allow me to explain this provision in S. 1315 and what it would actually do.

It proposes to send $328 million over 10 years in benefits for Filipino veterans. Although I am supportive of the increased benefits for Filipino veterans residing in the United States and even increasing benefits for Filipinos with service-connected injuries residing elsewhere, I cannot support sending $221 million to the Philippines to create a special pension for noninjured Filipino veterans.

To some, this may sound like a nice thing to do, and I fully respect their desire to recognize the valued service made by Filipino veterans in defense of the Philippine islands. But I point out that our Government has already done a great deal to provide for Filipinos who fought in World War II.

For instance, after the war, the United States gave $620 million to the Philippines for repair of public property and war damage claims; provided partial-dollar VA disability compensation to Filipinos with service-related disabilities, and provided benefits to the survivors of Filipinos injured in the war.

The United States also provided $22.5 million for the construction and equipping of a hospital in the Philippines for the care of Filipino veterans and later donated that hospital to the Philippine Government. On top of that, the United States continues to provide annual grants to support the operation of that hospital in the Philippines.

For those Filipinos legally residing in the United States, the benefits are even more robust. They are eligible for full-dollar disability compensation, for cash burial benefits, access to our VA health delivery clinics and medical centers, and burial in our national cemeteries.

With these initiatives and others, our Government has taken a significant step to recognize the service of Filipino veterans. More importantly, the money that S. 1315 would send overseas to create a new special pension for Filipinos is money that is needed in the United States to support our men and women who have served our country, especially in Iraq and Afghanistan. Simply put, with our Nation now at war, this Filipino pension provision is the wrong priority at the wrong time.

Since the committee's markup, we have tried to refocus this bill and the priorities that so many of our colleagues share, such as enhancing benefits for men and women fighting in the war on terror. Because those efforts have not worked, I introduced today an alternative omnibus bill to 1315. I kept most of the provisions found in 1315 because it is generally a good bill. It would provide enhancements to a wide range of benefits for our Nation's veterans.

In short, my bill serves as a fair and just compromise. It improves benefits for Filipinos, but it also places the appropriate priority on our returning OIF and OEF veterans. I believe it is a reasonable alternative to S. 1315, and I believe it is one we can all embrace and pass quickly. I ask my colleagues for their support.

I am ready to debate the contents of this bill against S. 1315. I am sure, if the leadership sees fit, they will set the structure up to do that. But it is important that every Member of the Senate and every American understand we have done a tremendous job of supporting people who have fought with us in battle, and the Filipinos are no different. The reality is, at this time, we should focus on the needs of those who are U.S. citizens, the needs of those who were injured in battle, but not to create a special pension fund for individuals who had an affiliation, and I might say that exceeds the annual income of most Filipino residents.

I urge my colleagues to learn about this issue and to get ready to engage in debate.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### HONORING OUR ARMED FORCES

### SERGEANT EDWARD O. PHILPOT

Mr. McCONNELL. Mr. President, I rise to speak on behalf of a fallen soldier. On October 23, 2007, SGT Edward O. Philpot of Manchester, KY, was on patrol with U.S. soldiers and members of the Afghan National Army in Kandahar, Afghanistan, conducting tactical convoy operations in hostile territory. Sergeant Philpot was killed in a tragic humvee rollover accident. He was 38 years old.

Sergeant Philpot handled a number of jobs in his unit, from gunner to driver to humvee commander. He was proud to wear the uniform and proud to serve his country.

"Ed had found his calling with the military," says Renee Crockett, his sister. "He loved being a soldier and felt he was finally doing exactly what he was supposed to do."

For his bravery in uniform, Sergeant Philpot received numerous medals and awards, including the Bronze Star Medal.

Military service ran in Ed's family, as his Uncle Willard Philpot of Manchester served in Vietnam and, sadly, perished in Thailand. Family members saw a lot of similarities between Ed and his uncle, who died before Ed was born. "Both were quiet, warm, and caring individuals, and both gave the ultimate sacrifice while serving their country," says Renee.

Raised by his parents, Ottas and Willa Philpot, Ed grew up a student of history. He soon amassed a personal library of books on many historical figures. He was also a fan of mystery books, and enjoyed a sharp political debate.

Ed was born in Farmington, MI, and grew up in that State. As a child, he spent all his holidays and most of his summers in Kentucky, in Manchester, with his paternal grandparents Walter and Lillie Philpot, and would travel back and forth often between Kentucky and Michigan.

When Ed was only 8 or 9 years old, he began to learn how to play the saxophone. One day he took out his horn to practice and found a perfect audience in Sandy, the family dog, sitting on the patio. Young Ed began playing with all the charisma and passion he could muster, but it wasn't good enough for Sandy, who ran all the way to the backyard and buried her head beneath her paws. Thus ended Ed's musical career.

Ed graduated from Garden City High School in Garden City, MI, in 1987 and Coastal Carolina University in Conway, SC, in 1992. After college, Ed returned to Manchester, where he spent some of the happiest times of his youth.

Ed went into law enforcement, becoming the director of a home incarceration program. In 1995, he married Stephanie, and they raised three beautiful daughters, Hollen, Lily, and Ella Grace. Eventually, Ed and his family settled in South Carolina.

Ed's family was the most important thing to him. "He would take his daughters out to the coffee shop for cookies on Saturday mornings," his sister Renee said. Ed loved to take walks with them and ride them on his shoulders. He would also take them for daddy-daughter dates to celebrate their accomplishments.

Sergeant Philpot's family "was clearly his life and his motivation," says MAJ Bill Connor, who served with him in Afghanistan. "He spent his little bit of off-duty time going to the nearest bazaar to buy trinkets for his daughters and his family."

Ed enlisted in 2001 and served with the South Carolina Army National Guard's 1st Battalion, 263rd Armor Regiment in Afghanistan, where he was promoted to sergeant. He enjoyed the simple pleasure of giving candy to Afghan children.

"He was one of the most dedicated men you would ever see," said SGT Kenneth Page, who served alongside Sergeant Philpot. "He always liked to hang around at the armory, even when it wasn't drill weekend. He just liked to be there."

The Philpot family is in my prayers today as I recount Ed's story. We are thinking of his wife Stephanie; his daughters Hollen, Lily, and Ella Grace; his father Ottas; his mother Willa; his sister Renee Crockett; his nephew Trevor Crockett; his niece Taylor Crockett; and many other beloved family members and friends.

Ed was predeceased by his grandparents Walter and Lillie Philpot and Tom and Viola Hollen, all of Manchester.

His funeral service was held October 30 last year in Manchester at the Horse Creek Baptist Church. After the service, the funeral procession stopped for a moment of silence in front of Hacker Elementary School, where the entire student body and staff assembled outside. Ed's parents had both attended Hacker Elementary as children.

Thirty-eight young students each held a red, white, or blue balloon, one for each year of Ed's life. At the same moment, they released the balloons up into the air. The rest of the students held up American flags, in honor of the soldier who had given his life for that same flag.

"Ed was always quick with a smile and a positive attitude that was remembered by all," says his sister Renee. "He is definitely a hero."

I want the Philpot family to know that this Senate agrees, and today we honor SGT Edward O. Philpot's life of honor and of service. His immense sacrifice made on behalf of his Nation, State, and family allows us all to live in freedom.

### IMPORTANT MILE MARKER IN WAR ON TERROR

Mr. President, an important mile marker in the war on terror was passed late Tuesday night. A terrorist by the name of Imad Mugniyah, one of the world's most wanted murderers and a top commander of Hezbollah, was killed in Damascus. With his death, long-delayed justice has finally been served.

News reports are still coming in, and so far no one has claimed responsibility for his death. But we know one thing for certain: As Sean McCormack, a spokesman for the State Department put it, "The world is a better place without this man in it."

Let me describe for my colleagues just a few of this murderer's many heinous crimes. American officials accuse him of plotting the 1983 bombing of a U.S. Marine compound in Beirut, killing 241 troops.

He is accused of masterminding a car bomb which exploded at an American embassy in Beirut, also in 1983, killing 63 people.

American prosecutors charged him in the hijacking of a TWA jetliner in 1985. He is also accused of shipping arms to violent, radical terrorist groups.

And then there is one brutal act that struck deep in the heart of my hometown of Louisville, KY. Imad Mugniyah was behind the brutal kidnapping, torture and murder of U.S. Marine COL William Richard Higgins.

Colonel Higgins was a Kentuckian, born in Danville. He graduated from Southern High School in Louisville, participated in ROTC at Miami University in Ohio, and served multiple tours in Vietnam.

Over a 20-year military career, he received numerous medals and awards, including the Defense Distinguished Service Medal, the Defense Superior Service Medal, the Legion of Merit, the Bronze Star with combat "V" and the Purple Heart.

On February 17, 1988, Colonel Higgins was captured by armed terrorists in Lebanon while serving on a U.N. peacekeeping mission. He was held, interrogated and tortured.

A year and a half after his capture, terrorists released a grisly videotape of Colonel Higgins's lifeless body, hung by the neck, which played on television sets around the world.

In Louisville, we built a memorial to Colonel Higgins on the grounds of his alma mater, Southern High School.

We were outraged then and we are still outraged now to see what happened to this good and brave man at the hands of thugs.

Now, at long last, we know justice has been brought to his murderers.

In an essay titled "My Credo," Colonel Higgins once wrote: "As an officer of Marines, I believe it is my charge to set the example."

Well, Colonel, the high-school students in Louisville who pass by your memorial every day will always remember the example you set. You served your country with pride, and now may rest in peace.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, it is difficult to speak publicly or privately expressing your views that you are glad someone is dead, but I say, through the Chair to my friend, the distinguished Republican leader, I join in his remarks. This was a vicious man.

There is nothing we can do to restore the lives of those he is responsible for killing, the number of which we don't know.

But what happened yesterday will cause this man not to be involved in killing other innocent people. So as difficult as it is to recognize that someone's life has been snuffed out, it goes without saying that for mankind this was the right thing to do. However it happened, it was the right thing to do. This was a person who was waiting for the next opportunity to see what he could do to act out his devilish ways.

### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk on the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dorgan substitute amendment No. 3899 to S. 1200, the Indian Health Care Improvement Act Amendments.

Harry Reid, Russell D. Feingold, Kent Conrad, Richard Durbin, Amy Klobuchar, Patty Murray, Maria Cantwell, Jon Tester, Jeff Bingaman, Carl Levin, Max Baucus, Byron L. Dorgan, Barbara Boxer, Dianne Feinstein, Debbie Stabenow, Ken Salazar, Daniel K. Akaka.

### CLOTURE MOTION

Mr. REID. Mr. President, I send a second cloture motion to the desk on the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1200, the Indian Health Care Improvement Act Amendments.

Harry Reid, Russell D. Feingold, Kent Conrad, Richard Durbin, Amy Klobuchar, Patty Murray, Maria Cantwell, Jon Tester, Jeff Bingaman, Carl Levin, Max Baucus, Byron L. Dorgan, Barbara Boxer, Dianne Feinstein, Debbie Stabenow, Ken Salazar, Daniel K. Akaka.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the substitute amendment occur at 5:30 p.m., Monday, February 25; that if cloture is invoked on the substitute, all postcloture time be yielded back except for the times specified in this agreement, and that the managers each have 10 minutes of debate for their use; that all debate time be equally divided and controlled in the usual form; that Senator DEMINT be recognized for up to 1 hour to speak with respect to any of his pending germane amendments; that with respect to the Vitter amendment No. 3896 and a first-degree germane amendment from the majority on the subject matter of Vitter, that debate time on these two amendments be limited to 60 minutes each; that the Smith amendment No. 3897 be limited to 20 minutes of debate; that no further amendments be in order, and that upon the use of time with respect to the DeMint amendments, the Senate then proceed to vote in relation to the amendments; that the vote sequence occur in the order in which the amendments are listed in this agreement except the majority amendment with respect to the Vitter amendment would occur first; that there be 2 minutes of debate prior to each vote; further, that upon the disposition of all pending amendments, the substitute, as amended be agreed to, and the bill be read a third time, and the Senate then proceed to vote on the motion to invoke cloture on the bill; that if cloture is invoked, all postcloture time be yielded back, and without further intervening action or debate, the Indian Affairs Committee be discharged from further consideration of H.R. 1328, the House companion, and the Senate then proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 1200, as amended, be inserted in lieu thereof; that the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that upon passage of H.R. 1328, S. 1200 be returned to the calendar; further, that the mandatory quorum be waived; provided further that if cloture is not invoked, this agreement is null and void.

I would further inform all Members that debate time utilized will be utilized on Monday. We will have three votes on Monday beginning at 5:30, and we will have the other two votes Tuesday morning. Senator KYL asked for this. I think it is reasonable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me say that I send my appreciation to Chairman DORGAN and Ranking Member MURKOWSKI. They worked very hard. Of course, I want to express my appreciation to Senator KYL who has been involved in our getting to this point. He has been a big help to our getting here. It has been a difficult road.

It is a bill that is long overdue but certainly is necessary to do. I appreciate everyone's cooperation. I am going to confer briefly, in a matter of minutes, with the distinguished Republican leader to determine if there is any reason for us to be in session tomorrow. That announcement will be made very quickly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent the Senate proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

## CELEBRATING PRESIDENT'S DAY

Mr. BYRD. Mr. President, on Monday, February 18, the United States will celebrate President's Day. President's Day takes on a particular significance this year, as the Nation is actively involved in the selection process for a new President. It is heartening to see the level of interest and participation in all of the Presidential campaign events and in the primaries and caucuses. It is a sign that Americans' faith in the basic processes of their Government is still strong, even as a recent poll indicates that the public holds a very low opinion of the current President and of Congress. In a 1789 letter to Richard Price, Thomas Jefferson wrote that, "Whenever the people are well-informed, they can be trusted with their own Government. Whenever things get so far wrong as to attract their notice, they may be relied upon to set them to rights." I believe we are witnessing the truth of Thomas Jefferson's observation.

As early as 1796, Americans were observing the birthday of our first, and still one of our greatest, Presidents, George Washington. According to various old style calendars, George Washington was born on either February 11 or February 22, 1732. On whichever date people preferred, President Washington's birthday was feted with "Birthnight Balls," speeches, and receptions. Here in the Senate, one of our most enduring traditions is the annual reading of Washington's 1796 Farewell Address by a current Member of the Senate. This practice began in 1862, and became an annual event in 1893. Beginning in 1900, the Senator who read the address then signed his or her name and perhaps wrote a brief remark in a book maintained by the Secretary of the Senate. For the historically curious, both Washington's Farewell Address and a selection of the remarks from the book can be found on the Senate's Web site (www.senate.gov/artandhistory/history/common/generic/FarewellAddressBook.htm).

After the 1865 assassination of President Lincoln, another revered President who was also born in February, similar memorial observations sprang up around the Nation. In 1865, both Houses of Congress gathered for a memorial address. President Lincoln's birthday became a legal holiday in several States, although it did not become a Federal holiday like President Washington's. However, in 1968, legislation was enacted to simplify the Federal holiday schedule. As a result, Washington's birthday observance was moved to the third Monday in February, regardless of whether or not that day was February 22. Officially, this holiday is still known as Washington's Birthday, but it has become popularly known as President's Day to honor both Washington and Lincoln, as well as all who have served as President.

Why were President Washington and President Lincoln so widely and spontaneously revered by the public, even in the immediate aftermath of their deaths, before time had a chance to burnish their memories and fade their less enobling characteristics? Certainly, the great events that were shaped for the better by their decisions were a major factor. Both George Washington and Abraham Lincoln made a name for themselves as inspiring leaders of men and the Nation during pivotal wars in our Nation's history. Both demonstrated true patriotism, a deep love of the Nation that was the prism through which they viewed all problems and made all decisions. Both men selflessly sacrificed their own personal lives to serve the Nation throughout their lives.

In honor of President's Day, I urge everyone to listen to or read Washington's Farewell Address and apply its wisdom to the Nation's current situation and to the decision each of us will make in November. A collaborative effort between George Washington and the authors of The Federalist Papers, James Madison, Alexander Hamilton, and John Jay, Henry Cabot Lodge wrote of the Farewell Address that ". . . no man ever left a nobler political testament." In it, Washington supported the Federal Government as "a main pillar in the edifice of your real independence . . ." warned against a party system that ". . . serves to . . . agitate the Community with ill-founded jealousies and false alarms . . ." and ". . . kindles the animosity of one . . . against another." He stressed the importance of religion and morality, famously warned against the entanglements of permanent foreign alliances, cautioned against an over-powerful military establishment as ". . . inauspicious to liberty . . ." and urged the Nation to ". . . cherish public credit . . ." by using it as little as possible. Only then could the Nation avoid the accumulation of debt, because ". . . towards the payments of debts there must be Revenue, that to have Revenue there must be taxes; that no taxes can be devised, which are not . . . inconvenient and unpleasant." We cannot have our cake and eat it, too—tax cuts and deficit spending cannot occur simultaneously if the economy is to remain sound over the long run.

Washington's experience and wisdom may serve us well as the true litmus test to apply to our prospective 44th President. Mr. President, I close with a poem by the author of The Life of Abraham Lincoln, Josiah Gilbert Holland (1819–1881) called "God, Give Us Men!" Penned before women had won the right to vote, it nonetheless resonates today and applies to anyone, man or woman, who would lead our Nation.

### GOD, GIVE US MEN!

God, give us men! A time like this demands
Strong minds, great hearts, true faith and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office can not buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without winking!
Tall men, sun-crowned, who live above the fog
In public duty, and in private thinking;
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo! Freedom weeps,
Wrong rules the land and waiting Justice sleeps.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I never cease to be amazed at our senior colleague, Senator BYRD of West Virginia, for the great oratorical skills he has, the vast memory store he carries, of which we have just had an example that from memory he can recite poems and he can recite historical dates. He is such an inspiration to the rest of the Senators, and he is, indeed, the pillar upon which this Senate rests. Once again, we have been treated to the oratory of the great Senator from the State of West Virginia.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. NELSON of Florida. I am happy to yield to the distinguished Senator.

Mr. BYRD. Mr. President, I deeply thank the able and distinguished Senator from the State of Florida in which I once lived. I thank him. I cherish his friendship. May he ever be one for whom the motto "E pluribus unum" will dwell in his heart.

Mr. NELSON of Florida. Mr. President, that is about the best admonition this Senator could have. E pluribus unum—out of many, one. I am grateful to the Senator from West Virginia for reminding not only me but the whole Senate of that duty, that responsibility, that obligation we all have.

## FARC HOSTAGE TAKING

Mr. NELSON of Florida. Mr. President, it has been 5 years since four Americans disappeared in the jungles of Colombia while helping that country's Government fight its war against narcoterrorism. Five years ago yesterday, a single-engine plane carrying these Americans lost engine power and crashed into the jungle. One of those Americans and a Colombian colleague were brutally executed by the terrorist group the Revolutionary Armed Forces of Colombia, commonly known as FARC. The remaining three—Keith Stansell, Thomas Howes, and Goncalves—were taken hostage by the FARC and have since languished in the Colombian jungle prison, where they are held despite repeated appeals for their freedom.

Fortunately, we think, through recent news crews, that those Americans are still alive. They are being held somewhere in an undisclosed location in the jungle along with untold numbers of other hostages. These men were involved in our decades-long struggle against drugs that are polluting our children's minds and the lawlessness in Colombia. Their sacrifice and those of their families—and most of those families live in Florida—is all too real. We can't forget them. That is why I am making these remarks after this 5-long-years' anniversary that occurred yesterday.

Last year, I introduced a resolution condemning the FARC for its use of hostage taking and drug cultivation to visit terror upon peaceful people. Our colleagues passed that resolution, which also called for the immediate release of all those FARC hostages, including the Americans I have mentioned.

I am here today, after 5 long years of these Americans' captivity, to again remind our colleagues of the plight of these men and their families and to ask for their support in doing everything possible, as we continue to try to secure their freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I appreciate my colleague from Florida raising the issue of people whom we hope to get out alive and also appreciate the poetry of my colleague from West Virginia. I, too, am amazed and quite a bit envious that he has so many poems memorized and he can deliver them so well. It is a lost art, more of his generation than mine, but maybe it will come back in the next.

## CRISIS IN CONGO

Mr. BROWNBACK. Mr. President, I rise to raise the awareness of my colleagues to an issue. I will be putting in a bill on it and hope to attract their attention.

I have worked on Africa for some period of time. A humanitarian crisis of incredible proportions is taking place in many places in Africa. We need to do more, and a lot more people are doing more.

I think we are at a moment where Africa is becoming a focus in both Europe and the United States, left and right; for economic reasons, the Chinese are going in very aggressively; for militant Islamic reasons, people are coming in trying to penetrate into the continent.

One of the first things we need to do to be able to grow the continent and allow people there to develop some sort of standard of living, some sort of quality of life and to be able to live, is to get the conflict out. One of the key things we need to go at in reducing the conflict is getting the money out of the conflict. We have had some success about this in the past.

A decade ago, people were talking about blood diamonds in Western Africa and getting those out of the trafficked portion, out of the commodity business, and getting them into legitimate means of commerce. Out of that, we reduced the money into the conflict, and, as a result, had a substantial impact on the conflict and reducing the conflict in Western Africa.

I wish to show a picture to my colleagues, many of whom I think probably are not aware of what it is. This is coltan. It is a booming commodity that is in this item. I realize, and I hope my colleagues, particularly the Senator from West Virginia, will allow me to show this, what should not be on the Senate floor, but to show this for purposes of demonstration of what this is doing and why it is important.

This is a BlackBerry. Cell phones used to get hot when people would use them for a period of time. They tried to figure out what can we do to try to cool them down. They found a substance called coltan that they were able to transition into tantalum. It now carries the current in this electronic equipment. It doesn't get hot. Eighty percent of Africa's coltan comes out of Congo. Eighty percent of the world's coltan comes out of Africa, and most of this comes out of a conflict region in Eastern Congo.

I believe most of this is funding a good portion of the conflict in Eastern Congo, where 1,500 people a day are dying because they cannot get access to medical care, they cannot get access to water, they cannot get access to food—because of the conflict. And the conflict is funded by this stuff: It is funded by coltan.

There is a long history of what has been taking place in Congo. Many people remember reading such books as "The Heart of Darkness" and "King Leopold's Ghost" and about the raiding that has taken place in Congo for a century. Unfortunately, we are in the latest chapter of that conflict.

In Joseph Conrad's "Heart of Darkness," Conrad describes King Leopold's colonial project of the Democratic Republic of Congo, then known as Congo Free State, as "the vilest scramble for loot that ever disfigured the history of human conscience." Solely for the purpose of extracting a very precious manufacturing resource of the day—and that resource was rubber—King Leopold seized Congo and exploited the local population by turning it into a slave colony. During his 24-year tyranny of Congo Free State, 13 million Congolese died. Leopold's legacy lives on in the coltan mining processes of today.

That is chapter one.

Chapter 2: In November of 1965, Lieutenant-General Mobutu seized power of Congo, then known as Zaire, in a bloodless coup. During his 32-year dictatorship, he consistently exploited the natural resources of then Zaire. He evaded international humanitarian human rights standards, and by the mid-1980s, Mobutu's personal fortune was estimated at 5 billion U.S. dollars.

The end of the Cold War brought internal and external pressure upon Mobutu for a democratic transition. In 1997, with the support of Burundi, Uganda, and the Rwandan Tutsi Government, Laurent Kabila and his forces pushed Mobutu out of Government in a full-scale rebellion.

A repetitive pattern of alliances made and broken began, and by 1998 Kabila's former allies in Uganda and Rwanda had turned against him. In 2001, Kabila was assassinated.

While he succeeded his father and took charge of the country in 2001, it was not until November 2006 Joseph Kabila was democratically elected as the Congolese President. However, his control of Congo is limited. Today in the mineral-rich eastern region of Congo, violent thugs from at least four factions wage near constant war for control.

Chapter 3: Sadly, 100 years later, Conrad's statement about the Congo was not only astute but prophetic. The corruption and exploitation of natural resources in the Congo has never stopped but has moved from hand to hand and moved from one resource to another; from rubber to diamonds, from diamonds to gold, from gold to coltan.

The issue of conflict coltan—so we are calling it "conflict coltan" and "conflict commodities"—is not new. The coltan rush hit in the late 1990s, as the consumer electronic industry figured out we have a problem, we have to solve this, and coltan arrived to the rescue. By December of 2000, a pound of coltan was worth as much as $400.

In 2001, a panel of experts for the United Nations went to eastern Congo and wrote a report on their findings concerning the illegal exploitation of natural resources and other forms of wealth. The U.N. report documents the rebel groups' use of forced labor, illegal monopolies, and civilian murder in their high-stakes game to extract these valuable resources.

I wish to show you a picture.

This picture was taken in 2007 of some of the mining techniques of this coltan in the coltan rush. You can see a child here, in a very shallow mine, using a hammer and a pick to dig out coltan.

What is taking place is, many of these rebel groups will overrun a village, scatter the men, go directly to the coltan area, taking the women and children, and then start the extraction of coltan, to mine it and put it on the backs of people to carry it out at $400 a pound.

The U.S. Geological Survey has identified that most of the coltan mining in Congo is "artisan." According to the U.N. report, most coltan mining is done by poor people, and many of them are children.

These novice miners, who are often held against their will, sift for coltan in riverbeds or dig it out of abandoned mines.

A report issued by the Johns Hopkins School of Advanced International Studies, a review in 2002, found that the "supply chain" of coltan is extensive and distorted. The SAIS review report states that Rwanda and Uganda were directly or indirectly appointing local rebel faction leaders and field commanders to serve as conduits for illicit trade originating from the occupied territories of eastern Congo. The war appears now to be self-financing.

Rebel movements were motivated by economic incentives rather than the pursuit of political ideals.

Middlemen were then hired to form relationships with clients. They then facilitated transactions between those who controlled the resources and foreign corporations without the question of legitimacy.

At the time of the U.N. report of 2002, 34 foreign companies were identified in importing minerals from the Congo via Rwanda.

The war in Congo officially ended in 2003 with a signed peace agreement between the Congolese Government and the rebels.

Yet, at the same time, rebel factions still controlled the east, and there was no centrally elected government in Congo. Rwandan and Ugandan soldiers were still attacking territories in the provinces of Ituri and the Kivu across the boarder in eastern Congo.

With the election of President Kabila in 2006, it was reported that neighboring governments withdrew their troops from Congo.

But now chapter 4. The story continues. The U.N. and SAIS reports I have cited were published in 2001 and 2002 respectively. However, these pictures I am showing you were taken within the last 12 months.

The current fighting in eastern Congo—there was a peace agreement recently signed, and then it was broken 2 days ago—involves renegade GEN Laurent Nkunda and his group, the National Congress for the Defense of the People, the Mai-Mai rebels, the Hutu extremists, and those loyal to the Congolese Government.

Now, if all these names can seem a bit blurring to people, at the bottom line, I hope you can remember two factors here: 1,500 people a day dying because of this; $400 a pound for coltan, financing this death and destruction daily.

After the release of the U.N. report, we saw companies within the high-tech industry respond to the report by asking suppliers to certify that the tantalum—that is what coltan is processed into—tantalum they were purchasing did not originate from the eastern region of DRC.

These same companies stated that without certification they would not buy from the region of Central Africa. They were requesting that their tantalum be "conflict free" and from legit sources, and I applaud their efforts. Today, we know that most of the world's tantalum is supplied by Australia. That is the processed coltan. But now where does Australia get the coltan and these companies get the coltan?

Recent reports state that the channel in which coltan was once being smuggled out of Congo is still alive and active. And in this chain of supply and demand, one simple bad actor involves us all.

Recent reports state that Rwanda and others are using the war in Congo to continue the exploitation of coltan. Once it is extracted, we are told, it is then sent down to Australia, where it is mixed with Australian coltan—where 20 percent of the world's coltan comes from—before being processed into tantalum. Processed tantalum is then traded among countries and private companies on the international market.

But as some private companies and some foreign countries are not required to produce public records of their tantalum trade, tracking exact amounts is extremely difficult to obtain.

Australia, specifically, has a confidentiality clause for private companies that purchase their tantalum. So we do not know. From 2002 to 2005, Australia accounted for 54 percent of the world's tantalum. Unfortunately, it is impossible to say with any certainty that the tantalum supply coming out of Australia is conflict free.

While we know this exploitation continues today, as it did 10 years ago, and we see the immense difficulty in tracking it, we will not turn a blind eye to this.

I met with people from the consumer electronics industry today to tell them we are going to focus on this because if this can defund the conflict so people can live free and be able to survive—get some clean water, get some health care, get some food—then we need to go at this. We should not fund this conflict. We should not be buying the product if it is coming from conflict areas. We should be able to certify that is the case.

I commend to my colleagues a recent report from the International Rescue Committee entitled, "Mortality in the Democratic Republic of Congo, An Ongoing Crisis." This was released on January 22 of this year, citing that 1,500 people a day are dying. In this report, we learn that since 1998, 5.4 million people have died in Congo—5.4 million. These deaths can be directly or indirectly attributed to the ongoing conflicts in the region, which can be attributed to the exploitation of natural resources, primarily coltan mining.

Death comes at the butt of a gun and with the bite of a mosquito. There casualties stem from the violence of this brutal ongoing war, which has marred the country for the past 10 years, and from the resulting displacement of the Congolese. When you flee for your life in these areas of Congo, there often is no other town or village in which to take shelter.

When you ask a Congolese about becoming displaced, their response to you is: Which time? They flee into the bush for months at a time with only the clothes on their back and a child in their arms.

Senator DURBIN and I went to Congo together 2 years ago. We saw some of the impact.

Chapter 5. I want to show you a specific story here, a heartbreaking story of one young boy and his family.

This is a picture of a 3-year-old boy. He is one of the millions of victims of displacement and malnourishment. His family fled into the jungle from a rebel group that had burnt their village to the ground in the North Kivu Province in the eastern part of Congo. They lived in the jungle and had been constantly on the move. Food became scarce, and meals became as sporadic as two to three a week.

When his mother brought him and his younger brother to the local health clinic, they were immediately referred to an international humanitarian organization in the area. There, this young boy was diagnosed with malaria. They immediately began his treatments, which his small, frail body rejected.

His doctors then discovered he had been eating that which his mother could gather in the jungle and only once every 3 to 4 days. Due to lack of nutrition, he was anemic. As they started his anemia treatment, his body began to shut down; he rejected the oral and IV treatments.

This 3-year-old passed away within 8 hours of first being diagnosed—minutes after this photo was taken. He is one of the millions of victims from this raging, complex conflict. As the IRC reports, the war is having direct and indirect impact on these deaths. While a small portion is dying directly from the conflict—bullets, bombs, and rifle butts—the majority are dying from malaria, malnourishment, diarrhea, and poor neonatal care.

While children under the age of 5 make up 19 percent of the population in the Congo, they comprise over 47 percent of the deaths in the recent mortality study. Nineteen percent of the population under the age of 5, 47 percent of the deaths in Congo.

The national rate of mortality is 60 percent higher in the Congo than the average mortality rate in sub-Saharan Africa. Sexual violence and rape is also on the rise in the Congo and has become a symptomatic tool of war there.

The U.N. reported 4,500 sexual violence cases had been reported in South Kivu the first half of 2007. Most of these cases reported have been committed by some of the 6,000 to 7,000 members of foreign armed groups operating in the eastern part of the Congo, funded by coltan that we purchase to put in our Blackberries.

The U.N. reported that the Congolese national army, national police force, and increasing numbers of civilians were also brutalizing women, often during violent clashes with political rivals. Perpetrators are now making no distinctions between women and children. The local hospital in Goma, Congo, where Senator DURBIN and I both visited, a hospital named Heal Africa, tells a story of a 13-year-old girl who had been raped so viciously by her perpetrators that she couldn't walk for 2 weeks. She then walked approximately 7 miles to a facility for treatment. Her doctors reported her internal injuries were beyond their imagination.

A collapse in infrastructure such as the one we see in the Congo does not happen overnight. This is due to an ongoing 10-year conflict which has exploited that country, its people, its children. Coltan and other natural resources are at the root of that exploitation.

I want to show another display here. In spite of their sad history, the Congo is a beautiful country with resilient people. It is a country with so much potential for growth and development. Unfortunately, the Congo's story is one of devastation, forced labor, child soldiers, rape, curable illnesses left untreated, and deaths of 1,500 a day, as I have stated, and all because, all because of—and funded by this—a Blackberry that we buy.

My colleagues can see here in the pictures taken of a very rudimentary mine, but a mining operation of coltan in the Congo; rebel child soldiers—very common in this part of the world—well armed, deadly; a coltan battery, and cell phones.

Peace agreements call for implementation of a commission to oversee the conflict in this region. The Goma peace agreement was signed on January 22, 2008. I mentioned that previously, and that has recently been broken. The immediate cease-fire of the peace agreement was broken the first time within 5 days after it took place. While we must play our part, they must play their part as well, and I strongly urge all parties in that region to respect their commitments within this agreement.

The peace agreement calls for implementation of a commission to oversee disarmament of the Nkunda rebels and the extremist fighters. These fighters will either integrate into the Congolese national army or demobilize.

I strongly urge the implementation of these terms. This is another step in the right direction for the Congo and its people. However, I feel that as long as there is demand for valuable Congolese resources and thugs with the power to control these resources, this will not be the final chapter of this conflict. It has happened for too long.

The United States is completely dependent on foreign supplies of tantalum, and we admit to this. Both the "Minerals Yearbook," published by the U.S. Geological Survey, and the Department of Strategic and Critical Material Report to the Congress, coltan, also known as tantalum, is classed as a "critical" mineral.

We have come to a point where we cannot live without this mineral. However, neither can we ignore nor will we sit idly by while others suffer. We need to be responsible as a nation and as consumers. We must hold our suppliers accountable.

In the coming days I will be introducing legislation requiring certification of the origin of coltan for all U.S.-based companies that use tantalum in manufacturing. It will further require manufacturers who use tantalum to have a certificate of origin. All we want to do with this is make sure that the coltan, the tantalum we are using, comes from legitimate sources. That is all we are asking. As a supply chain, the Congolese government can set this up, saying that we register and license and saying this is the coltan that is coming out of here, coming from legitimate sources. I am fine with that. But we want that and we want to know where it is coming from and that is that it is not conflict coltan that is used to pay for the suffering of so many people.

We all must be good actors in this chain. With 1,500 people dying a day, there is no room for turning a blind eye on this matter.

American greatness has always been founded on our fundamental goodness. We need to be a nation where the strong protect the weak and people of privilege assist those in poverty. It says a lot about the kind of America we all should work for when we speak out against this type of tragedy and commit ourselves to those who are suffering there.

I will be sending around a "Dear Colleague" letter about this. I will be happy to supply more information. There are a number of reports from the United Nations and from Johns Hopkins that I have been citing, and others. We have some photographs of what is taking place presently, and I ask simply that if people are going to cause this suffering which we completely disagree with, they are not going to do it by us paying for it.

Mr. President, I thank the Chair.

## COMMENDING SENATOR DANIEL K. INOUYE

Mr. BYRD. Mr. President, with great pleasure I extend my most heartfelt congratulations to our esteemed colleague, the senior Senator from Hawaii, DANIEL K. INOUYE, for casting his 15,000 vote in the Senate.

Many times on this floor I have referred to Senator INOUYE as my "No. 1 hero," and he is. Few have ever served our country more bravely and with more loyalty and determination than has Senator INOUYE.

DANIEL INOUYE was a member of the famed 442nd Infantry Regimental Combat Team of World War II, the most decorated Army unit in U.S. history.

During one bloody battle, Platoon Leader INOUYE led an assault on a heavily defended Nazi position. Although gravely wounded, he still managed to destroy three Nazi machine gun nests. Anyone who is not familiar with the details of this amazing display of heroism should make it a point to become so.

For his incredible heroism, DAN INOUYE was awarded the Distinguished Service Cross, the Bronze Star, the Purple Heart, and the Congressional Medal of Honor, making him one of only seven Senators to have achieved our Nation's highest military honor. Senator INOUYE is the Senate's only Congressional Medal of Honor recipient from World War II.

In 1963, he became the first Japanese American to serve in the U.S. Senate, where he continues to represent his State and our country with great distinction and dedication. This man of incredible integrity has worked tirelessly in the Senate on behalf of his constituents and our country. Senator INOUYE served on the Select Committee on Presidential Campaign Activities—Watergate Committee—the Select Committee on Secret Military Assistance to Iran, and the Nicaraguan Opposition, Iran-Contra. He is the next in line on the Democratic side to chair the Senate Appropriations Committee and is currently the chairman of the Appropriations Subcommittee on Defense. He also served as Secretary of the Democratic Conference from 1977 to 1989. I have always respected DANNY's deep loyalty to the Senate. I will always appreciate his loyalty to me when I was the Senate Democratic leader and I relied on his sage advice.

Senator INOUYE is now the fourth longest serving U.S. Senator in history.

With today's vote, he is now the fourth U.S. Senator in history to have cast 15,000 votes.

Mr. President, I again congratulate my good friend, my outstanding colleague, and my "No. 1 hero" for another important milestone in his outstanding life:

God, give us men!
A time like this demands strong minds,
Great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.
Men who can stand before the demagogue
And brave his treacherous flatteries without winking.
Tall men, sun-crowned;
Who live above the fog,
In public duty and in private thinking.
For while the rabble with its thumbworn creeds,
Its large professions and its little deeds,
Mingles in selfish strife,
Lo! Freedom weeps!
Wrong rules the land and waiting justice sleeps.
God give us men!
Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character;
Men of sterling worth;
Then wrongs will be redressed, and right will rule the earth.
God Give us Men!

## REMEMBERING RICHARD DARMAN

Mr. BYRD. Mr. President, I was sad to learn that Richard Darman passed away last week. Mr. Darman was a good man, an outstanding public servant, and a great American. I liked him very much. Dick Darman was a graduate of Harvard and Harvard Business School whose career in Washington spanned two and a half decades. He served in five Presidential administrations and worked in six Cabinet departments and the White House.

Mr. Darman was a player in many of the important events of the last quarter of the 20th Century. While serving in the Justice Department, he helped arrange the plea bargain that eased Vice President Spiro T. Agnew out of office. Along with his boss, Attorney General Elliot Richardson, he was a victim of the infamous Saturday Night Massacre of the Watergate era. He served in the Reagan administration, eventually rising to the position of Assistant Secretary of the Treasury, where he helped formulate the economic policies of the Reagan revolution and helped negotiate the 1986 Tax Reform Act. And he served as Director of the Office of Management and Budget in the administration of the first President Bush.

It was during the 1990 budget summit that I really came to know and respect Mr. Darman. I quickly learned that Budget Director Darman was a pragmatist and a realist, who was opposed to budget gimmicks and simple and easy solutions to our Nation's fiscal woes. Concerned about a decade of devastating budget deficits he called for serious, realistic steps to get our Nation's budget under control. And he was not opposed to working with Democrats in seeking those solutions. As a result, we were able to craft the landmark 1990 deficit-reduction plan—a deal between a Republican-controlled White House and a Democratic Congress that marked a high point of bipartisan cooperation. This budget agreement helped reverse a decade of budget deficits and gave the economy a boost that lasted for more than a decade. Along with President Clinton's 1993 budget agreement, it helped lay the groundwork for the fiscal balance and economic growth of the 1990s.

This incredibly successful budget agreement, unfortunately, destroyed Mr. Darman's career in government. This man of deep integrity and incredible intelligence was eventually forced out of Government because too many people in his own political party had ideological differences with the contents of the 1990 budget agreement.

Mr. President, I extend my most heartfelt condolences to his wife Kathleen and his three sons and all of his family and friends. I am so pleased and proud to consider myself as one of the latter.

## OFFICE OF GOVERNMENT INFORMATION SERVICES

Mr. LEAHY. Mr. President, with the enactment of bipartisan Freedom of Information Act, FOIA, reform legislation late last year, Congress demanded and won more openness and accountability in monitoring the activities of our Government. But, regrettably, just weeks after this historic open government legislation was signed into law, there are troubling signs from the Bush administration regarding how this law will be enforced.

Last week, the President buried a provision in the administration's fiscal year 2009 budget proposal that would move the functions of the new Office of Government Information Services, OGIS, which was created under the OPEN Government Act, from the independent National Archives and Records Administration to the Department of Justice. The President's proposal is not only contrary to the express intent of the Congress, but contrary to the very purpose of this legislation—to ensure the timely and fair resolution of American's FOIA requests.

The Office of Government Information Services was established to, among other things, mediate FOIA disputes between Federal agencies and FOIA requestors, review and evaluate agency FOIA compliance and house the newly established FOIA ombudsman. When Senator CORNYN and I drafted the OPEN Government Act, we intentionally placed this critical office in the National Archives, so that OGIS would be free from the influence of the Federal agency that litigates FOIA disputes—the Department of Justice. We also placed OGIS in the apolitical National Archives to enhance this office's independence, so that all Americans can be confident that their FOIA requests would be addressed openly and fairly.

Given the clear intent of Congress to establish OGIS as an independent office in the National Archives, the President's budget proposal should not—and cannot—go unchallenged. What's more, given the Justice Department's own abysmal record on FOIA compliance—a recent Bureau of National Affairs Daily Report for Executives article found that the Justice Department's Office of Information Policy is burdened by increasing FOIA backlogs—it is simply unfathomable that this agency would be entrusted with overseeing the processing of American's FOIA requests.

When the Congress unanimously passed the OPEN Government Act just a couple months ago, Democrats and

Republicans alike joined together in promising the American people a more open and transparent government. I intend to work to ensure that that this was not an empty promise, but one that will be honored and fulfilled.

I call on all Members of Congress, on both sides of the aisle and in both Chambers, to join with me to ensure that the Office of Government Information Services is promptly established and fully funded within the National Archives. The American people have waited for more than a decade for this office and for the other historic FOIA reforms contained in the OPEN Government Act. They should not be forced to wait any longer.

Mr. President, I ask unanimous consent that a copy of a letter from a coalition of more than 40 different open government organizations that strongly oppose moving the Office of Government Information Services to the Department of Justice be printed in the RECORD.

Congress must work to beat back the administration's ill-advised attempts to undermine the intent of Congress in a bill that this President signed into law. In the coming weeks and months, I will be working with other advocates of FOIA in the Senate to do just that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 6, 2008.

Hon. ROBERT C. BYRD, Chairman
Hon. THAD COCHRAN, Ranking Member,
*Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN BYRD AND RANKING MEMBER COCHRAN: We are writing to express our concern that the Bush Administration's proposed FY 2009 budget attempts to repeal a section of law and shift funding for a new Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to the Department of Justice (DOJ). President Bush signed the Openness Promotes Effectiveness in our National Government Act (OPEN Government Act), which creates OGIS at NARA, a mere five weeks ago. We urge you to ensure the President's budget reflects congressional intent and the explicit mandate of the statute as the budgetary process unfolds.

Currently, the president's budget proposes: "The Department of Justice shall carry out the responsibilities of the office established in 5 U.S.C. 552(h), from amounts made available in the Department of Justice appropriation for General Administration Salaries and Expenses. In addition, subsection (h) of section 552 of title 5, United States Code, is hereby repealed, and subsections (i) through (l) are redesignated (h) through (k). (Commerce, Justice, and Related Agencies Appropriations Act, 2008.)" (Section 519 of Title V of the Department of Commerce; p. 239 of the Appendix)

The OPEN Government Act (P.L. 110–175) established OGIS specifically at NARA. It did so as a result of congressional findings that interests promoted by the Freedom of Information Act (FOIA), as well as American traditions and ideals regarding the value of an informed citizenry and the legitimacy of representative government, were being insufficiently served by the existing system of agency practices and implementation, in which DOJ has been the lead agency for 30 years. Additionally, since it is the responsibility of the Department to defend its government-agency clients in litigation brought by requestors, there is a built-in conflict of interest in vesting DOJ with responsibilities to resolve FOIA disputes informally and to hold agencies accountable for FOIA implementation. Congress specifically directed the creation of an ombudsman office apart from the Department of Justice for mediation of contested requests, thus reducing the amount, and concomitant costs, of litigation—burdens whose reduction would be beneficial to all. The new office, established with strong bipartisan support in both Houses of Congress, also has the critical mandate to evaluate agency implementation of FOIA with a disinterested eye.

We strongly oppose this effort to use the budget process to rewrite the law, undermining congressional intent and flouting a specific statutory mandate. We urge you to appropriate necessary funds to establish the Office of Government Information Services in the National Archives and Records Administration, as your legislation wisely requires, and, to reinforce the intent of the OPEN Government Act, reject Section 519 of the proposed budget.

Sincerely,

Access Reports, Inc.; American Association of Law Libraries; American Association of Publishers; American Civil Liberties Union; American Library Association; American Booksellers Foundation for Free Expression; Association of Research Libraries; Bill of Rights Defense Committee; Californians Aware; Citizens for Responsibility and Ethics in Washington; Citizens for Sunshine; Coalition on Political Assassinations; DownsizeDC.org, Inc.; Electronic Frontier Foundation; Essential Information; Feminists for Free Expression; Government Accountability Project; Indiana Coalition for Open Government; The James Madison Project; Justice Through Music; League of Women Voters of the U.S.;

Liberty Coalition; Maine Association of Broadcasters; Minnesota Coalition on Government Information; National Coalition Against Censorship; National Freedom of Information Coalition; The National Security Archives; 9/11 Research Group; OMB Watch; Open Society Policy Center; OpenTheGovernment.org; PEN American Center; Project On Government Oversight; Public Citizen; Readthebill.org Foundation; The Rutherford Institute; Society of Professional Journalists; Society of Professional Journalists Montana Professional Chapter; Special Libraries Association; Sunlight Foundation; United States Bill of Rights Foundation; Velvet Revolution; Washington Coalition for Open Government.

## AMERICAN SOCIETY OF HEMATOLOGY

Mr. SPECTER. Mr. President, I congratulate the American Society of Hematology—ASH—on its 50th anniversary and to pay tribute to the contributions they have made in preventing and eliminating blood related diseases.

The society has grown substantially from its 200 members at its inception in 1958, to over 15,000 members presently, and is recognized as the world's premier organization in research promotion, clinical care, education, training, and advocacy in the field of hematology.

Society members consist of practitioners and researchers who have been able to translate Federal research dollars into effective treatments for millions of people afflicted with diseases that were at one time untreatable and fatal. The blood and blood-related diseases studied and treated by hematologists include disorders such as leukemia and lymphoma, thrombosis, anemia and bleeding, and congenital disorders such as sickle cell anemia, hemophilia, and thalassemia. The advancements in remedies of these disorders are a direct result of the continuing efforts made by the AHS.

I sustained an episode with Hodgkin's lymphoma cancer 2 years ago. That trauma, that illness, I think, could have been prevented had that war on cancer declared by the President Nixon in 1970 been prosecuted with sufficient intensity. All of us know people who have been stricken by fatal diseases and many other maladies. It is my hope that other organizations will use the success of the AHS as an example in contributing to this Nation's desire for finding cures for the most fatal diseases.

As chairman, and now ranking member of the appropriations Subcommittee on Labor, Health and Human Services, I have been an ardent supporter of securing Federal funds for the National Institutes of Health the crown jewel of the Federal Government, maybe the only jewel of the Federal Government. Health is the country's No. 1 capital asset, and the American Society of Hematology has contributed to its success.

Hematologists have been instrumental in pioneering the use of hydroxyurea in the treatment of sickle cell disease and have developed the first successful cure of childhood leukemia. Moreover, hematologists were responsible for the research that led to, Gleevac, the first anticancer drug developed to target a molecular problem that causes chronic myelogenous leukemia.

The American Society of Hematology has played an important role in the unprecedented growth and advancement of hematology research. With so many great successes over the past 50 years, I am confident the next 50 years will bring ASH and its over 15,000 members even more accomplishments in treating and eliminating blood diseases.

## ADDITIONAL STATEMENTS

## COMMENDING ESTHER G. KEE

• Mr. AKAKA. Mr. President, it is a privilege for me to honor Mrs. Esther

G. Kee who is retiring as president of the United States-Asia Institute which she cofounded with the late Joji Konoshima in 1979, with the encouragement and support of then-President Jimmy Carter.

The objectives of the United States-Asia Institute are to promote better understanding between the United States and Asia, to conduct work and educational visits to Asia for Members of Congress and their staff, to maintain close ties with Asian diplomatic missions, to organize international and conferences and symposiums in the U.S. and Asia on political, economic, and security topics, and to host small, off-the-record meetings of American and Asian officials, businessmen and academic leaders providing a venue for free and open discussions and exchange of views.

Under Mrs. Kee's stewardship, the institute has successfully met its objectives, and I am confident that it will continue to do so under the tutelage of her successor. One of Mrs. Kee's most successful initiatives has been staff codels which she has organized and led. As an example, there were 70 staff codels with 800 senior congressional staff that traveled to China to meet and discuss issues with high government officials. This has facilitated mutual understanding, a core objective, and people-to-people diplomacy the benefits of which will continue to inure to our mutual benefit.

As Mrs. Kee retires from active leadership of the United States-Asia Institute, I have every confidence that she will continue to be active in the institute and United States-Asia relations as a valued adviser. On a personal level, I look forward to her continued counsel and advice.

Mahalo nui loa—thank you very much—Esther G. Kee, for all that you have done on behalf of our country in its continuing and important mission of promoting better understanding between the United States and Asia.●

## CONGRATULATING JOSEPH M. DELL'OLIO

● Mr. BIDEN. Mr. President, I wish today to commend someone whom I have admired for my entire time in this body, a man who has committed his life to helping society's most vulnerable. Joe Dell'Olio, who is retiring after 35 years at Child, Incorporated, is a dedicated public servant in the true sense of the word.

Joe started at Child, Inc., of Wilmington after spending his early career fighting to reduce Delaware's crime rate. In 1972, after just 2 years as the executive director of the Delaware Agency to Reduce Crime, we saw the crime rate cut by 7 percent. As the head of the agency responsible for leading that fight, perhaps no one was due more credit than Joe.

Joe then joined Child, Inc. in 1973, the same year I was sworn in to the Senate. As executive vice president, he was responsible for the development and administration of a wide range of advocacy and service programs for victims of domestic violence and their families. Joe and I grew together as we fought to empower and protect victims of domestic violence in our community.

While I labored in the Senate to write and pass the Violence Against Women Act, Joe Dell'Olio was on the front lines in our battle. He was the one on the street or in the counseling room. He was the one securing legal help when victims could not afford it. And he was the one who made sure someone was there when a victim had nowhere to go.

I consider the Violence Against Women Act my proudest legislative accomplishment. But the Joe Dell'Olios of the world are the ones who deserve the credit for our progress. Joe has received several awards, including some from the U.S. Departments of Justice and Health and Human Services.

Throughout my career, I have been privileged to work with some of the finest public servants our Nation has ever known, those who committed their lives to the greater good. None have been more unwaveringly focused on a worthy cause than has Joe Dell'Olio, even as he raised a loving family of his own. Joe's tireless sense of duty and his unrelenting service never cease to amaze me.

I wish him the best in all his future endeavors.●

## 100TH ANNIVERSARY OF THE CITY OF LARKSPUR

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the 100th anniversary of the city of Larkspur, located in Marin County, CA.

The city of Larkspur was incorporated into the State of California on March 1, 1908. This year, we celebrate its centennial anniversary. With a downtown that is listed on the National Register of Historic Places, the architecture that defines the city of Larkspur has fascinated and charmed visitors for decades. Its historical structures and natural surroundings provide residents and visitors alike a glimpse of California the way it was at the start of the 20th century.

The city is divided into two distinct areas, with its historic downtown area to the west of Highway 101 and Larkspur Landing, an outdoor shopping area with sublime bay views, to the east of Highway 101. Just across the street from Larkspur Landing, travelers can catch the Larkspur Ferry to the San Francisco Ferry Building, a ride that offers spectacular views of Mount Tamalpais, Angel Island, and the Golden Gate Bridge. This outstanding natural scenery in the midst of such a finely preserved historical setting makes the slogan "Meet me in Larkspur" a common phrase amongst residents and visitors alike.

From the preservation of historic Magnolia Avenue to the conservation of the celebrated Blue Rock Inn, the city of Larkspur offers visitors a vibrant look at smalltown California as it was in the early 1900s. For 100 years, the city of Larkspur has not only served as a recreational escape and historical wonderland for those visiting the city but a place to call home for its more than 11,000 residents. I commend the city of Larkspur for maintaining the natural beauty and historical significance that defines this fine city.

The city of Larkspur's vision and commitment to protecting its small piece of California history should be commended. I congratulate the city of Larkspur for its hard work on this special occasion, and I look forward to future generations having the opportunity to visit and enjoy this unique city.●

## RETIREMENT OF CAROLYN DOWNS

● Mr. JOHNSON. Mr. President, I wish to recognize the service of Carolyn Downs. She has tirelessly worked on behalf of the poor throughout her life, including many years of outstanding service as the director of The Banquet in Sioux Falls, SD. Carolyn has been committed to providing a safe place where people may gather to receive nourishment and fellowship.

Throughout her 20 years at The Banquet, Carolyn has touched the lives of innumerable needy individuals and families. Her devotion to feeding the hungry sets an example to the community of a life devoted to the betterment of people all over South Dakota. All of the guests that she has served have seen what is described as her cheerful strength.

Her work at The Banquet has not only touched the lives of the hungry but has given many South Dakotans an opportunity to volunteer and become involved in their community. Carolyn's work has brought out the best in people around her and is an inspiration to all of South Dakota.

Under her leadership, The Banquet turned into a vital resource center institution for the hungry and is one of the pillars of the Sioux Falls community. Her humility, grace, leadership skills, and humble service will be greatly missed when she retires. All of her work has not been for public praise or external reward but, rather, a deeply held belief in serving others. The State of South Dakota and all of its residents owe her a debt of gratitude for all that she had done to better it.

Carolyn will be retiring this February. Though her day-to-day presence at The Banquet will be greatly missed, her years of hard work are appreciated by all that volunteer and use The Banquet. I applaud Carolyn Downs's service and thank her for her time and efforts. ●

## TRIBUTE TO LABRADFORD EAGLE DEER

● Mr. JOHNSON. Mr. President, today I wish to offer a statement about a distinguished South Dakota youth, LaBradford Eagle Deer. LaBradford, 16, of St. Francis, SD, was one of two teens who represented the United States at the United Nations' observation of the 20th International Day for the Eradication of Poverty last October. Six young people from across the world were chosen to speak at the event on a panel about what they thought needed to be done about poverty.

According to the United Nations' Web site, the U.N. General Assembly declared October 17 as the International Day for the Eradication of Poverty and invited all States to devote the day to presenting and promoting, as appropriate in the national context, concrete activities with regard to the eradication of poverty and destitution. The resolution further invites intergovernmental and nongovernmental organizations to assist States, at their request, in organizing national activities for the observance of the day, and requests the Secretary-General to take, within existing resources, the measures necessary to ensure the success of the day's observance by the United Nations.

Eagle Deer exemplifies the goals of this important day. Eagle Deer lives on the Rosebud Sioux Indian Reservation, where almost half of children younger than 17 live in poverty, according to the U.S. Department of Agriculture's Economic Research Center. Eagle Deer discussed the hopelessness that poverty creates in a person saying, "suicide, addiction, dropout and crime rates are so high in poverty-stricken areas on our reservation, as well as other areas in the world."

Eagle Deer has taken a leading role to improve his community. An honor student at Todd County High School, he is president of the St. Francis Youth Center He coaches flag football and is himself involved in cross country, basketball, and track. Staying true to his culture, he has organized a traditional youth-honoring powwow. A sentiment that I agree with, Eagle Deer values education as a pathway out of poverty.

LaBradford is an example to other poverty stricken children, and I commend his efforts to alleviate the effects of poverty on children in South Dakota and children worldwide.●

## REMEMBERING VADA SHEID

● Mrs. LINCOLN. Mr. President, it is with a heavy heart that today I honor one of the true pioneers for women in Arkansas, Vada Webb Sheid, who passed away this past Monday. Mrs. Sheid was a remarkable woman who was an enterprising entrepreneur and built a business, Sheid's Furniture Company, with her husband Carl in Mountain Home.

But Mrs. Sheid is best remembered as a dedicated public servant who became the first woman in Arkansas to serve in both the Arkansas House of Representatives and Senate.

She began her public service at 19 years old when she became the Izard County welfare director. Soon after, she met Carl, and they opened the area's first self-serve food market in Mountain Home. During World War II, Carl was drafted in the Army, and Mrs. Sheid went to work as a payroll clerk for a company building the Norfork Dam. After the war, they opened up a grocery store before finally starting the Sheid's Furniture Company in 1957, which her family still runs today.

It was around this time that Mrs. Sheid began to consider furthering her career in public service. She served as Baxter Country treasurer from 1960 to 1964 before being elected to the Arkansas House. As a State legislator, she focused on issues affecting the elderly and was asked by then-Governor Dale Bumpers to serve as a representative to the White House Conference on Aging.

In 1976, Mrs. Sheid sought higher office and was elected to the Arkansas Senate. She served in that capacity until 1985. Shortly thereafter, then-Governor Bill Clinton appointed her to the Arkansas Police Commission, where she later served as chairman.

Mrs. Sheid had many great accomplishments in the Arkansas Legislature. She sponsored legislation creating Arkansas State University-Mountain Home and North Arkansas Community College in Harrison. She also authored legislation to construct the twin bridges over Lake Norfork, as well as numerous highway projects.

Mr. President, as a woman growing up in Arkansas, Vada Sheid was a true inspiration to me and many others. The example she set is one that I can only hope to follow. She will be missed by all Arkansans. At this time, my thoughts and prayers go out to her family.●

## REMEMBERING MIKE WILSON

● Mrs. LINCOLN. Mr. President, I speak with great sadness as I remember the life of a great Arkansan who passed away on February 8, 2008: Michael Evans "Mike" Wilson.

For the last 20 years, Mike served as the chairman and CEO of Lee Wilson and Company, a business that began to transform and build the Arkansas Delta region more than 100 years ago. Growing up the daughter of a rice farmer in eastern Arkansas, I knew of the Wilson family and how their name was synonymous with the values of hard work and enterprise throughout our region.

Mike was not only the leader of his longtime family business; he was also a tireless servant for the city of Wilson and the State of Arkansas. He had served as mayor of Wilson since 1986 and was committed to economic development and advancing educational opportunity in Arkansas. He also lent his time to a considerable number of charitable organizations' boards and committees to further those goals.

A 1965 graduate of the Citadel, Mike also loved his country. He served our Nation in the U.S. Army upon graduation and achieved the rank of captain before his honorable discharge.

He was passionate about life, and I consider him a true friend. He will be missed by us all.

My thoughts and prayers are with his wife Pat, son Perry, daughter Natalie, and their entire family at this time.●

## IN HONOR OF JOHN ROBERTS

● Mr. NELSON of Nebraska. Mr. President, today I wish to honor John Roberts of Omaha, NE.

John was an independent and dedicated individual who found comfort in life through helping others. He was a 2001 graduate of Omaha Westside High School and a 2005 graduate of the University of Nebraska-Lincoln, studying art history. His inquisitive nature toward different cultures and languages, along with his desire to help others, led him to volunteer for the Peace Corps. John was sworn in on December 8, 2005, and served as a construction and skilled trades education volunteer on the island of Erromango in the Republic of Vanuatu.

John's impact in Vanuatu was tangible to the people who lived in his village. He was credited for strengthening South River's transportation, income generation, and communications capabilities. When his parents visited him in Vanuatu, they were proud to see the sense of community John brought to his village. His father, Doug, said the people loved him as though he were one of their own; one Erromango community representative regarded him "as our son." His sincerity and enthusiasm to help those in need is epitomized by his Peace Corps aspiration statement:

> Why I have volunteered is a question that I do not fully know the answer to. Coming from a stable farming family I was always taught to help my neighbors but I also feel an internal pull to help lend a hand. Somewhere back in my short life, I made a choice to serve and have been doing so every since. Instead of a single moment defining my reasons to serve, a whole lifetime of learning is driving me to volunteer for the Peace Corps.

On October 11, 2007, John passed away while working at his site, a branch that was being cut by a student inadvertently struck John and another member of the community. He is survived by his parents Doug and Rose of Omaha.

Today, I join all Americans in mourning the loss of this remarkable young man. John Roberts' altruism, compassion, and exemplary service will remain an inspiration for those who wish to follow in his footsteps. •

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## RECOGNIZING HAVEN'S CANDIES

• Ms. SNOWE. Mr. President, as today is Valentine's Day—a day when everyone deserves to enjoy at least a little chocolate—I commend a small chocolatier from my home State of Maine that has produced quality chocolates and candies for nearly a century. Haven's Candies of Westbrook is an innovative candy factory that sells a wide variety of chocolate favorites in addition to both traditional and original Maine treats.

The early history of Haven's Candies has an element of romance to it. Herbert Haven, the company's founder, followed his sweetheart from Boston, MA, to Portland, ME, in the early 1900s. They were soon married, and Herbert, who was the son of a candy maker, teamed up with his wife to produce handcrafted candies in their kitchen, which they began selling from the front parlor of their house in 1915. From this humble start, Haven's Candies has grown to become a well-known name in candy making. The company now has a factory and store in Westbrook, as well as retail locations in Windham and Portland, one block from the house where Haven's began. And as ranking member of the Senate Committee on Small Business and Entrepreneurship, I am particularly pleased that the U.S. Small Business Administration has been able to help Haven's over the years through financing and other assistance.

Using time-tested methods, Haven's still handcrafts its candies. Haven's offers customers an extensive array of exquisite goods, including homemade fudge, marzipan, jumbo peanut butter cups, and buttercrunch toffee. The company also produces a varied selection of sugar-free candies, including peanut brittle and cashew turtles. Some of the Maine-themed candies sold at Haven's include the needham, a chocolate with a soft potato, coconut, and vanilla center, and delicious blueberry creams, celebrating Maine's rich heritage of blueberry harvesting. Perhaps Haven's most impressive production is its salt water taffy. Made by hand, its dozens of unique flavors include creamsicle, maple, and watermelon. Haven's salt water taffy has attracted significant attention, and retailers of the candy include Maine's own L. L. Bean.

Haven's production methods allow for the romantic in all of us to surprise our sweethearts any day of the week. The company can make monogrammed chocolates and offers personalized packaging to create anyone's favorite combination of sweets. For Valentine's Day, Haven's offers chocolate-dipped strawberries, fancy hearts filled with a mix of chocolates, and the unique Valentine party tray, which includes a great variety of chocolates surrounding a heart-shaped tray filled with mixed nuts. Haven's also makes assorted holiday gifts for other occasions, including Easter and Father's Day. The company holds a free open house every Columbus Day when children can make their own candy at the factory. Additionally, Haven's raises funds annually for the Center for Grieving Children by hosting "make your own candy cane" events.

On Valentine's Day, we take the opportunity to enjoy the sweeter side of life. Luckily for the employees of Haven's Candies, they get to enjoy it every day! Not only is the candy they produce scrumptious, but their work ethic is exemplary, and their dedication to putting smiles on the faces of children of all ages is commendable. I congratulate owner Andy Charles and everyone at Haven's who continue to make delectable candies nearly 100 years after this company's remarkable inception and wish them future success.•

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## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

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## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2633. A bill to provide for the safe redeployment of United States troops from Iraq.

S. 2634. A bill to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

S. 2636. A bill to provide needed housing reform.

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## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL:

S. 2637. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Finance.

By Mr. KOHL:

S. 2638. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on Rules and Administration.

By Mr. JOHNSON (for himself and Ms. SNOWE):

S. 2639. A bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care; to the Committee on Veterans' Affairs.

By Mr. BURR (for himself, Mr. CORNYN, and Mr. CRAIG):

S. 2640. A bill to amend title 38, United States Code, to enhance and improve insurance, housing, labor and education, and other benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY (for himself and Mr. KOHL):

S. 2641. A bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Ms. SNOWE, and Ms. CANTWELL):

S. 2642. A bill to establish a national renewable energy standard, to extend and create renewable energy tax incentives, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. BIDEN, Mr. KERRY, Mr. MENENDEZ, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. GREGG):

S. 2643. A bill to amend the Clean Air Act to require the Administrator of the Environmental Protection Agency to promulgate regulations to control hazardous air pollutant emissions from electric utility steam generating units; to the Committee on Environment and Public Works.

By Mr. BROWN:

S. 2644. A bill to clarify and improve information for members and former members of the Armed Forces on upgrades of discharge, to prohibit personality disorder discharges in cases of post-traumatic stress disorder and traumatic brain injury, and for other purposes; to the Committee on Armed Services.

By Mr. STEVENS:

S. 2645. A bill to require the Commandant of the Coast Guard, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, to conduct an evaluation and review of certain vessel discharges; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG:

S. 2646. A bill for the relief of Thomas Stephen Long, Patricia Merryl Long, Stephanie Bianca Long, and Chelsea Ann Long; to the Committee on the Judiciary.

By Mr. KOHL:

S. 2647. A bill to suspend temporarily the duty on fan assisted, plug-in, scented oil dispensing, electrothermic appliances; to the Committee on Finance.

By Mr. SCHUMER:

S. 2648. A bill to amend the Workforce Investment Act of 1998 to improve programs carried out through youth opportunity grants, and for other purposes; to the Committee on Finance.

By Mr. ISAKSON:

S. 2649. A bill to allow an income tax exception to limitations on personal casualty losses for losses occurring in tornado disaster areas; to the Committee on Finance.

By Mr. SPECTER (for himself, Mrs. DOLE, Mr. ENSIGN, Mr. MARTINEZ, Mr. CORNYN, Ms. STABENOW, and Mrs. HUTCHISON):

S. 2650. A bill to provide for a 5-year carryback of certain net operating losses and to suspend the 90 percent alternative minimum tax limit on certain net operating losses; to the Committee on Finance.

By Mr. INHOFE:

S. 2651. A bill to amend the Clean Air Act to make technical corrections to the renewable fuel standard; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself, Mr. INOUYE, Mr. STEVENS, Mr. LAUTENBERG, Mr. VITTER, Mr. COCHRAN, Mrs. DOLE, Mr. GRAHAM, and Mr. ALEXANDER):

S. 2652. A bill to authorize the Secretary of Defense to make a grant to the National World War II Museum Foundation for facilities and programs of America's National World War II Museum; to the Committee on Armed Services.

By Mr. COLEMAN (for himself and Mr. BINGAMAN):

S. 2653. A bill to further United States security by restoring and enhancing the competitiveness of the United States for international students, scholars, scientists, and exchange visitors and by facilitating business travel to the United States; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. CHAMBLISS):

S. 2654. A bill to provide for enhanced reimbursement of servicemembers and veterans for certain travel expenses; to the Committee on Armed Services.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. HATCH, Mr. MENENDEZ, Mr. SPECTER, and Mr. BROWN):

S. Res. 454. A resolution designating the month of March 2008 as "MRSA Awareness Month"; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. FEINGOLD, Mr. COLEMAN, Mr. VOINOVICH, and Mr. MENENDEZ):

S. Res. 455. A resolution calling for peace in Darfur; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Ms. COLLINS, and Mr. SUNUNU):

S. Res. 456. A resolution directing the United States to undertake bilateral discussions with Canada to negotiate an agreement to conserve populations of large whales at risk of extinction that migrate along the Atlantic seaboard of North America; to the Committee on Foreign Relations.

By Mr. REID:

S. Res. 457. A resolution recognizing the cultural and historical significance of the Chinese New Year or Spring Festival; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 60

At the request of Mr. INOUYE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 702

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 702, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 791

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 791, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 911

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1010

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1277

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1277, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the Medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1382

At the request of Mr. REID, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1418

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1499

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1499, a bill to amend the Clean Air Act to reduce air pollution from marine vessels.

S. 1846

At the request of Mr. BOND, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1926

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2136

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2182

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2182, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2218

At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2218, a bill to provide for the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in a test of atomic weapons.

S. 2369

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2401

At the request of Ms. CANTWELL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to allow a refund of motor fuel excise taxes for the actual off-highway use of certain mobile machinery vehicles.

S. 2543

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2543, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 2550

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2578

At the request of Mr. COLEMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S. 2580

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2595

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes.

S. 2596

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2596, a bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

S. 2618

At the request of Ms. KLOBUCHAR, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2625

At the request of Mr. HARKIN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2625, a bill to ensure that deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts, be excluded from consideration as annual income when determining eligibility for low-income housing programs.

S. 2627

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2627, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 2633

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2633, a bill to provide for the safe redeployment of United States troops from Iraq.

S. 2634

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2634, a bill to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

S. RES. 439

At the request of Mr. LUGAR, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Res. 439, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

S. RES. 449

At the request of Mr. SMITH, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 449, a resolution condemning in the strongest possible terms President of Iran Mahmoud Ahmadinejad's statements regarding the State of Israel and the Holocaust and calling for all member States of the United Nations to do the same.

AMENDMENT NO. 3893

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 3893 proposed to S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

AMENDMENT NO. 3896

At the request of Mr. VITTER, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 3896 proposed to S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

AMENDMENT NO. 3967

At the request of Mr. COBURN, the names of the Senator from Georgia

(Mr. CHAMBLISS), the Senator from Mississippi (Mr. WICKER) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

### AMENDMENT NO. 4023

At the request of Ms. MIKULSKI, the names of the Senator from Maine (Ms. COLLINS), the Senator from Maryland (Mr. CARDIN), the Senator from Ohio (Mr. VOINOVICH), the Senator from Iowa (Mr. HARKIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. SANDERS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 4023 proposed to S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 2638. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on Rules and Administration.

Mr. KOHL. Mr. President, today I rise to introduce the Weekend Voting Act. This legislation will change the day for Congressional and Presidential elections from the first Tuesday in November to the first weekend in November. This legislation is nearly identical to legislation that I first proposed in 1997.

Currently, we are in the midst of the most serious business of our democracy—the primary elections to select the nominees to be our next President. We all want every eligible voter to participate and cast a vote. But recent elections have Shown us that unneeded obstacles are preventing citizens from exercising their franchise. The debacle of defective ballots and voting methods in Florida in the 2000 election galvanized Congress into passing major election reform legislation. The Help American Vote Act, which was enacted into law in 2002, was an important step forward in establishing minimum standards for States in the administration of Federal elections and in providing funds to replace outdated voting systems and improve election administration. However, there is much that still needs to be done.

With more and more voters needing to cast their ballots on election day, we need to build on the movement which already exists to make it easier for Americans to cast their ballots by providing alternatives to voting on just one election day. Twenty-eight States, including my own State of Wisconsin, now permit any registered voter to vote by absentee ballot. These States constitute nearly half of the voting age citizens of the U.S. Thirty-one States permit in-person early voting at election offices or at other satellite locations. The State of Oregon now conducts statewide elections completely by mail. These innovations are critical if we are to conduct fair elections, for it has become unreasonable to expect that a Nation of 300 million people can line up at the same time and cast their ballots at the same time. And if we continue to try to do so, we will encounter even more reports of broken machines and long lines in the rain and registration errors that create barriers to voting.

That is why I have been a long-time advocate of moving our Federal election day from the first Tuesday after the first Monday in November to the first weekend in November. Holding our Federal elections on a weekend will create more opportunities for voters to cast their ballots and will help end the gridlock at the polling places which threaten to undermine our elections.

Under this bill, polls would be open nationwide for a uniform period of time from 10 a.m. Saturday eastern time to 6 p.m. Sunday eastern time. Polls in all time zones would in the 48 contiguous States also open and close at this time. Election officials would be permitted to close polls during the overnight hours if they determine it would be inefficient to keep them open. Because the polls would be open on both Saturday and Sunday, they also would not interfere with religious observances.

Keeping polls open the same hours across the continental U.S. also addresses the challenge of keeping results on one side of the country, or even a State, from influencing voting in places where polls are still open. Moving elections to the weekend will expand the pool of buildings available for polling stations and people available to work at the polls, addressing the critical shortage of poll workers.

Most important, weekend voting has the potential to increase voter turnout by giving all voters ample opportunity to get to the polls without creating a national holiday. There is already evidence that holding elections on a nonworking day can increase voter turnout. In one survey of 44 democracies, 29 held elections on holidays or weekends and in all these cases voter turnout surpassed our country's voter participation rates.

In 2001, the National Commission on Federal Election Reform recommended that we move our federal election day to a national holiday, in particular Veterans Day. As expected, the proposal was not well received among veterans and I do not endorse such a move, but I share the Commission's goal of moving election day to a nonworking day.

Since the mid 19th century, election day has been on the first Tuesday of November. Ironically, this date was selected because it was convenient for voters. Tuesdays were traditionally court day, and landowning voters were often coming to town anyway.

Just as the original selection of our national voting day was done for voter convenience, we must adapt to the changes in our society to make voting easier for the regular family. We have outgrown our Tuesday voting day tradition, a tradition better left behind to a bygone horse and buggy era. In today's America, 60 percent of all households have two working adults. Since most polls in the United States are open only 12 hours on a Tuesday, from 7 a.m. to 7 p.m., voters often have only one or two hours to vote. As we have seen in recent elections, long lines in many polling places have kept some voters waiting much longer than one or 2 hours. If voters have children, and are dropping them off at day care, or if they have a long work commute, there is just not enough time in a workday to vote.

With long lines and chaotic polling places becoming the unacceptable norm in many communities, we have an obligation to reform how our Nation votes. If we are to grant all Americans an equal opportunity to participate in the electoral process, and to elect our representatives in this great democracy, then we must be willing to reexamine all aspects of voting in America. Changing our election day to a weekend may seem like a change of great magnitude. Given the stakes—the integrity of future elections and full participation by as many Americans as possible—I hope my colleagues will recognize it as a common sense proposal whose time has come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2638

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Weekend Voting Act".

**SEC. 2. CHANGE IN CONGRESSIONAL ELECTION DAY TO SATURDAY AND SUNDAY.**

Section 25 of the Revised Statutes (2 U.S.C. 7) is amended to read as follows:

"SEC. 25. The first Saturday and Sunday after the first Friday in November, in every even numbered year, are established as the days for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January thereafter.".

**SEC. 3. CHANGE IN PRESIDENTIAL ELECTION DAY TO SATURDAY AND SUNDAY.**

Section 1 of title 3, United States Code, is amended by striking "Tuesday next after the first Monday" and inserting "first Saturday and Sunday after the first Friday".

**SEC. 4. POLLING PLACE HOURS.**

(a) IN GENERAL.—

(1) PRESIDENTIAL GENERAL ELECTION.—Chapter 1 of title 3, United States Code, is amended—

(A) by redesignating section 1 as section 1A; and

(B) by inserting before section 1A the following:

**"§1. Polling place hours**

"(a) DEFINITIONS.—In this section:

"(1) CONTINENTAL UNITED STATES.—The term 'continental United States' means a State (other than Alaska and Hawaii) and the District of Columbia.

"(2) PRESIDENTIAL GENERAL ELECTION.—The term 'Presidential general election' means the election for electors of President and Vice President.

"(b) POLLING PLACE HOURS.—

"(1) POLLING PLACES IN THE CONTINENTAL UNITED STATES.—Each polling place in the continental United States shall be open, with respect to a Presidential general election, beginning on Saturday at 10 a.m. eastern standard time and ending on Sunday at 6 p.m. eastern standard time.

"(2) POLLING PLACES OUTSIDE THE CONTINENTAL UNITED STATES.—Each polling place not located in the continental United States shall be open, with respect to a Presidential general election, beginning on Saturday at 10:00 a.m. local time and ending on Sunday at 6:00 p.m. local time.

"(3) EARLY CLOSING.—A polling place may close between the hours of 10 p.m. local time on Saturday and 6 a.m. local time on Sunday as provided by the law of the State in which the polling place is located.".

(2) CONGRESSIONAL GENERAL ELECTION.—Section 25 of the Revised Statutes of the United States (2 U.S.C. 7) is amended—

(A) by redesignating section 25 as section 25A; and

(B) by inserting before section 25A the following:

**"SEC. 25. POLLING PLACE HOURS.**

"(a) DEFINITIONS.—In this section:

"(1) CONTINENTAL UNITED STATES.—The term 'continental United States' means a State (other than Alaska and Hawaii) and the District of Columbia.

"(2) CONGRESSIONAL GENERAL ELECTION.—The term 'congressional general election' means the general election for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

"(b) POLLING PLACE HOURS.—

"(1) POLLING PLACES INSIDE THE CONTINENTAL UNITED STATES.—Each polling place in the continental United States shall be open, with respect to a congressional general election, beginning on Saturday at 10 a.m. eastern standard time and ending on Sunday at 6 p.m. eastern standard time.

"(2) POLLING PLACES OUTSIDE THE CONTINENTAL UNITED STATES.—Each polling place not located in the continental United States shall be open, with respect to a congressional general election, beginning on Saturday at 10 a.m. local time and ending on Sunday at 6 p.m. local time.

"(3) EARLY CLOSING.—A polling place may close between the hours of 10 p.m. local time on Saturday and 6 a.m. local time on Sunday as provided by the law of the State in which the polling place is located.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 1 and inserting the following:

"1. Polling place hours.

"1A. Time of appointing electors.".

(2) Sections 871(b) and 1751(f) of title 18, United States Code, are each amended by striking "title 3, United States Code, sections 1 and 2" and inserting "sections 1A and 2 of title 3".

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By Mr. GRASSLEY (for himself and Mr. KOHL):

S. 2641. A bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I come to the floor for the purpose of introducing a bill. The bill's title is the Nursing Home Transparency and Improvement Act of 2008.

I introduce this bill along with Senator KOHL of Wisconsin. It is a bipartisan bill. Senator KOHL, because he is in the majority, has the distinguished pleasure of serving as chairman of a special committee on aging which is also a very important responsibility, particularly since our Government spends about more than $50 billion a year on nursing home care for elderly, among other things that are the responsibility tie of that committee.

The bill that we are introducing is an important piece of legislation that aims to bring some overdue transparency to consumers regarding nursing home quality. It also provides long-needed improvements to our enforcement system.

This legislation further strengthens nursing home staff training requirements. In America today, there are over 1.7 million elderly and disabled individuals in roughly 17,000 nursing homes.

As the baby boom generation ages, that number probably will rise, unless we do something about the problems of osteoporosis and Alzheimer's and diabetes. Hopefully, we can do those things so our nursing homes do not fill up more. But those are some of the health problems that are facing 77 million baby boomers. Some of them undoubtedly will end up in nursing homes.

So we have to have not only a tremendous interest in ensuring nursing home quality based upon the number of people who are already there, but we are going to have more in the future.

While many people are using alternatives such as home care or other methods of community-based care, nursing homes are going to remain a critical option for our elderly and our disabled. I always think in terms of nursing homes being at the end of a continuum of care for people who need some help.

People want to stay in their own home. When there is a question, can they do that without endangering them, bring some help to the home, relatives or home health care types.

If that is not the right environment, then assisted living. And then other things that might eventually bring a person to a nursing home. But a nursing home is a last resort. I say that because during my tenure as chairman of the Aging Committee from 1997 to the year 2001, versus the period of time I was chairman of the Senate Finance Committee, dealing with a lot of aging issues, interacting with a lot of older people, I have never once had anybody say to me that: I am just dying to get into a nursing home.

So I think it is important we do whatever we can to keep people out of nursing homes. But there are some people, a lot of people, and a growing number of people who are going to need that type of care.

So we have to be concerned about the quality of care in nursing homes. We surely owe it to them to make sure they receive the safe and quality care they deserve. Unfortunately in many areas, the nursing homes, we have a few bad apples always spoiling the barrel. Too many Americans receive poor care, often in a subset of a nursing home.

Unfortunately, this subset of chronic offenders stays in business, in many ways keeping their poor track records hidden from the public at large and often facing little or no enforcement from the Federal Government.

As ranking member of the Senate Finance Committee, I have a long-standing commitment to ensuring that nursing home residents receive the safe and quality care we expect for our own loved ones. But this effort requires transparency, transparency in the nursing home industry so consumers are armed with information, consumers having information they need to make the best decisions possible for loved ones. This same transparency also provides additional market incentives for bad homes to improve.

This effort also requires a strong mandatory enforcement and monitoring system to ensure safe and quality care at facilities that would not take the steps needed to do so voluntarily.

The Grassley-Kohl legislation seeks to strengthen both areas, transparency and enforcement. It is a bill that is good for consumers, good for nursing home residents, and good even for the nursing home community.

Let's look at transparency. In the market for nursing home care, similar to all markets, consumers must have adequate data to make informed choices. For years people looking at a nursing home for themselves or loved ones had no way of knowing whether that home was—this is kind of a legal term in the regulations—a "special focus facility," a designation meaning they had been singled out as a consistently poor performer.

Why should consumers not have access to this information? The Government has it and so should consumers. To that end, this bill requires that the "special focus facilities" designation be placed on the CMS website. Nursing Home Compare is the name of that website.

By giving consumers this information, we will both give consumers information necessary to make informed choices and poorly performing homes an extra incentive to shape up or consumers then can go elsewhere.

This bill also requires more transparency about ownership information. What is so secretive about who owns a nursing home? Also, it provides transparency in inspection reports and more accountability for large nursing home chains and the development of a standardized resident complaint form so there is a clear and easy way to report problems and have them resolved.

The bill would also bring more transparency on what portion of a nursing home's spending is used for direct care for residents and also bring more uniformity to the reporting of nursing staffing levels so people can make an apples-to-apples comparison between nursing homes.

But even with improved transparency, there are some nursing homes that will not improve on their own. In the nursing home industry, most homes provide quality care on a consistent basis. But as in many sectors, this industry is given a bad name by a few bad apples that spoil the barrel.

So we need to give inspectors better enforcement tools. The current system provides incentives to correct problems only temporarily and allows homes to avoid regulatory sanctions while continuing to deliver substandard care to residents. That system must be fixed.

In ongoing correspondence that I have had with Terry Weems, the Acting Administrator of CMS, that agency has requested the statutory authority to collect civil monetary penalties sooner and hold them in escrow pending appeal. To that end, this bill requires penalties be collected within 90 days following a hearing; after that, they be held in escrow pending appeal.

Penalties should also be meaningful. Too often they are assessed at the lowest possible amount, if at all. Penalties should be more than merely the cost of doing business, they should be collected in a reasonable timeframe and should not be rescinded easily.

These changes would help prod the industry's bad actors to get their act together or get out of business. In addition to increased transparency and improved enforcement, this bill provides commonsense solutions to a number of other problems as well.

This legislation requires the Secretary of Health and Human Services to establish a national independent monitoring program to tackle problems specific to interstate and large intrastate nursing home chains. This legislation directs the Government Accountability Office to, one, conduct studies on the role, if any, of financial problems in the poor performance of special focus facilities; identify best practices at the State level in temporary management programs; and, three, determine what are the barriers preventing the purchase of nursing homes with a record of poor quality.

Finally, in the case of nursing homes being closed due to prior safety or quality of care, the bill requires that residents and their representatives be given a sufficient notice so they can adequately plan a transfer to a better performing nursing home. I happen to be very sensitive to the fact that nursing home residents are often old and fragile. Moving them into new facilities is often very traumatic. So we have to make sure these residents are transferred appropriately and with the time and care deserved.

This bill would also strengthen training requirements for nursing staff, by including dementia and abuse prevention training as part of the preemployment training.

The Grassley-Kohl bill also requires a study on the appropriateness of increasing training requirements for nurse aids and supervisory staff.

I am proud to introduce this bill today, along with the distinguished Senator from Wisconsin, Mr. KOHL, the chairman of the Aging Committee. He and I have a long history of working on issues together, particularly for the elderly. We will continue to do everything we can to make sure America's nursing home residents receive the safe and quality care they deserve. Increasing transparency, improved enforcement tools, and strengthening training requirements will go a long way toward achieving this goal.

Mr. KOHL. Mr. President, I rise today to introduce the Nursing Home Transparency and Improvement Act of 2008 with my distinguished colleague, Senator GRASSLEY. Senator GRASSLEY conducted a great deal of valuable oversight for nursing homes during his tenure as Aging Committee chairman from 1997 through 2000, and he continues to make major contributions in this area today. Working toward higher standards of nursing home quality is a tradition of which I am proud to be a part.

It is staggering to think that the most recent major law dictating Federal standards for quality, for data reporting, and for enforcement was passed in 1987. Twenty-one years later, we know that it has spurred important improvements in the quality of care provided in nursing homes. Yet we are far from finished, and there are additional improvements that need to be made.

The first is in the area of transparency. If consumers can easily tell which homes have a solid enforcement track record, which are well-staffed, which are owned by a chain with a good reputation for providing excellent services—and which homes are not—then this sort of disclosure can serve as a powerful motivation for homes to provide the best possible care, to hire and keep the most dedicated staff, and to always prioritize the interests of residents. The court of public opinion and the strength of market forces are powerful and inexpensive tools we should be putting to good use.

Our legislation will make sure all this information is available to consumers in a timely and easy-to-use fashion. We want Americans to be able to use the Federal Government's Web site, *Nursing Home Compare*, with ease. We want Americans to have access to the type of information that matters, such as the number of hours of care their loved one will receive from staff every day. We want Americans to be able to use this Web site to lodge complaints of mistreatment or neglect. These are simple, effective ideas, and our bill will make them a reality.

The second area in need of improvement is our Government's system of nursing home quality enforcement. Under the current system, nursing homes that are not providing good care, or—even worse—are putting their residents in harms way, can escape penalty from the Government by abusing a lengthy appeal process, while they slip in and out of compliance with Federal regulations. This is unacceptable. We need the threat of sanctions to mean something—and under my bill with Senator GRASSLEY, they will. Our legislation will require that all civil monetary penalties be collected and placed in an escrow account as soon as they are levied, pending the final resolution of any appeal. Financial penalties will be increased for serious quality deficiencies that cause actual harm to nursing home residents or put them in "immediate jeopardy."

In addition, our policy enables regulators to respond effectively when serious quality problems are evident in order to protect the safety of residents. The bill requires that States and facilities provide a secure and orderly process when relocating residents due to a nursing home closure. It also proposes national demonstrations to promote innovations in information technology and "culture change" in order to improve resident care.

The Federal Government now spends $75 billion annually on nursing homes through Medicare and Medicaid, and spending is projected to rise as costs associated with the boomer generation increase. Congress has a responsibility to demand high-quality services for residents and accountability from the nursing home industry in return for this huge investment of public resources. I urge my colleagues to join

Senator GRASSLEY and myself in sponsoring this commonsense piece of legislation.

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By Ms. KLOBUCHAR (for herself, Ms. SNOWE, and Ms. CANTWELL):

S. 2642. A bill to establish a national renewable energy standard, to extend and create renewable energy tax incentives, and for other purposes; to the Committee on Finance.

Ms. KLOBUCHAR. Mr. President, I am here to talk about the American Renewable Energy Act which I am introducing today, along with my colleagues, Senator SNOWE from Maine and Senator CANTWELL from Washington.

Last week, we passed a short-term stimulus package that will help change the economic direction of this country by putting money in the hands of American families, including our seniors and veterans. Last week's action was a start, but we must begin focusing on long-term policies that will help our economy long after these rebate checks have been cashed. If we do not do that, we are going to be back exactly in the place we were before. We need long-term policies that will encourage sustainable economic growth in every corner of this country.

In January, I traveled all around my State on a Main Street tour of Minnesota. We talked about the economic challenges facing the people of our State, but we also talked about the opportunities. Energy was a topic that came up everywhere. It came up when people were filling up their cars and trucks with gas, and it came up when we talked about the opportunities.

I visited southwestern Minnesota, which is home to hundreds of large-scale wind turbines, helping to make Minnesota the Nation's third largest producer of wind energy. Along with ethanol, these wind-energy farms have spurred a rural economic renaissance in our part of the State.

For example, in 1995, SMI & Hydraulics, Inc., began their business in Porter, MN, primarily as a welding and cylinder repair shop for local farmers and businesses. Today, SMI & Hydraulics manufactures the bases for the wind towers we sell all across this country. It just recently expanded its facility to 100,000 square feet and created over 100 new jobs, many of which are traditional manufacturing jobs.

My colleagues have to understand, these places are like barns. They started out as farmers' barns and have expanded and expanded as they have been able to meet this country's rising energy needs.

The success of companies such as SMI & Hydraulics is not unique to Minnesota. Renewable energy has been a bright spot in an otherwise lagging economy. Last year, the renewable electricity sector pumped more than $20 billion into the U.S. economy, generating tens of thousands of jobs in construction, transportation, and manufacturing.

Throughout the country, renewable energy has led us down a path toward new jobs, lower energy bills, and enhanced economic development. That is why today I am introducing this bill, along with my friends Senator SNOWE and Senator CANTWELL, to help lead us further down the path to a better, cleaner, more prosperous energy future, with new opportunities for investment, innovation, and job creation.

Our bill, as I said, is called the American Renewable Energy Act. There are two key elements of this legislation.

First, the American Renewable Energy Act creates strong, consistent incentives for private sector investment in renewable energy resources and technology by extending tax incentives, such as the production tax credit, for 5 years. Of course, this covers wind, solar, geothermal, hydro, and other forms of renewable energy, and making sure that is in place so we can spur the kind of investment that will create jobs and allow us to be on the same path other countries around the world are on.

Second, the legislation establishes a national renewable energy standard requiring that 20 percent of our energy come from renewable sources, such as wind, solar, and biofuels, by the year 2025. A national renewable energy standard will create a large market for clean sources of energy, reducing global warming pollution, and strengthening our economy.

Let me briefly describe each of these elements. First, the renewable energy tax incentives. Already the industries for solar, wind, and biomass are expanding at annual rates exceeding 30 percent. But at the same time, we are no longer the world leader in two important clean energy fields. Even though all the technology was developed in our country, we rank third in wind power production behind Denmark and Spain, and we are now third in photovoltaic power installed, behind Germany and Japan.

Ironically, these countries surpassed us largely by adopting technologies that had been first developed here in the United States. We came up with the right ideas, but we didn't capitalize on these incentives by having these innovations, by having the right policies in place to support their commercial development and rise and support the jobs that would have come with developing the technology. Our foreign competition was able to leapfrog over American businesses because these other countries have government-driven investment incentives, aggressive renewable energy targets, and other bold national policies.

What I am proposing with my legislation is a package of tax incentives to spur investment in advanced clean technologies to serve the growing market for renewable energy sources. Specifically, in the bill Senator SNOWE and Senator CANTWELL and I are introducing today, we want to extend and expand the existing Federal production tax credit for renewable energy, and I want to make sure it is a long-term credit and businesses will have the clarity and certainty they need to make their own large-scale, long-term capital investments in these technologies.

Currently, the production tax credit and other key energy efficiency tax incentives are set to expire at the end of this year. Our legislation will extend these tax incentives for 5 years.

To pay for these incentives, the legislation will repeal several tax giveaways that currently go to the major oil companies. ExxonMobil shattered another record profit, earning $11.7 billion last quarter and totaling over $40 billion in profits in 2007. Big oil doesn't need these tax incentives, but our rural economies do.

Over the years, the production tax credit has been a problem because of its short-term green light-red light nature. The cycle begins with strong investment and growth in the renewable power industry, thanks to the tax incentive, but then the investment and growth slow down as the tax incentive nears expiration and is allowed to lapse. When the incentive gets restored, the renewable power industry takes time to regain its footing, and then experiences strong growth again until the incentive nears expiration again. Up and down, up and down, up and down. It is no way to run a government policy that should be geared toward creating more jobs in our country.

In fact, the American Wind Energy Association has recently noted that the slowdown in wind industry activity actually starts about 8 months before the tax credit's expiration date. These are large-scale, capital-intensive projects that often take long years to develop. But uncertainty about the future of the production tax credit discourages project development and investment. Extending the tax credit for 5 years would create a much stronger incentive and investment environment for renewable energy development.

Simply put, a new economic sector is emerging. It is one that can shift the Nation's economy to clean energy production, generation, and use. But without the continued support of tax incentives to help this emerging industry compete on a level playing field, the opportunity will be lost.

Over the past few years, the solar energy industry has witnessed unprecedented growth. This growth pumped over $2 billion into the U.S. economy and created 6,000 new jobs. Developing solar energy is an economic engine for our country. From 2006 to 2007, the job base in the solar energy industry grew by 103 percent. Almost all of this growth is directly attributable to the solar investment tax credits that are scheduled to expire at the end of this year. If we allow these credits to expire, those jobs will dry up. We will lose out on creating new companies and we will lose out on creating new opportunities for clean energy.

I have focused on wind and solar, but there are amazing opportunities in other renewable energy fields, including hydro. There are amazing opportunities with geothermal. But we are never going to reach the full potential for jobs in this country if we keep going back and forth, up and down. We have to have a policy that is geared to the long term.

I will also say that in visiting with farmers and ranchers around our State, the other thing we need to do—but we will have to focus on in another bill—is look at creating incentives for individuals and small businesses that may want to put up their own wind turbine. That is a subject for another day, but we have to do everything we can to promote this renewable energy.

The second element in this legislation would provide an additional incentive for investment in renewable energy technology and resources. It would establish an aggressive, nationwide renewable electricity standard, one requiring that all electricity providers generate or purchase 20 percent of their electricity from renewable sources by the year 2025.

Currently, as I show on this chart here, there are 24 States, plus the District of Columbia, that have renewable electricity standards. Together, these States account for more than half of the electricity sales in the United States. You can see what these States are doing here. All on their own, the States have risen to the occasion, and said: Well, the Federal Government isn't doing anything, so I guess we will do it on our own.

California is at 20 percent, Minnesota at 27.4 percent by 2025—one of the most aggressive standards in the country. Bipartisan agreement, a Democratic legislature, and a Republican Governor reached this agreement with our utilities, including Excel Industry signing on and not opposing this agreement. We have New York at 24 percent, Wisconsin at 10 percent by 2015; 15 percent by 2015 for Montana—15 percent by 2020. Look at these States along the way, all over this country, and we are seeing these standards taking place.

While Minnesota, Maine, Washington, and other States are already headed down the path toward a new clean energy economy, the Federal Government hasn't even made it to the trail yet. The Federal Government is still stuck in the fossil age. There is a famous phrase: "the laboratories of democracy." That is how Supreme Court Justice Louis Brandeis described the special role of States in our Federal system. In this model, States are where new ideas emerge and innovative proposals are tested. But Brandeis did not mean for this to serve as an excuse for inaction by the Federal Government. Good ideas and successful innovations are supposed to emerge from the laboratory and serve as a model for national policy and action. The responsibility is on us.

We know what is going on in these States around the country. The courage we are seeing in the States as they seize opportunities offered by renewable energy should be matched by courage in Washington. I think it is time for the Federal Government to follow the lead of Minnesota, Washington, Maine, and other States around the country and adopt a forward-looking renewable energy standard.

There are many benefits from having a strong national standard. It would save money for American consumers, as much as $100 billion in lower electricity and natural gas bills. It would aid in the fight against climate change by preventing well over 3 billion tons of carbon dioxide from being emitted into the atmosphere by 2030. It would create jobs and increase income across the country, especially in rural areas. Each large utility-scale wind turbine that goes on line generates over $1.5 million in economic activity. Each turbine provides about $5,000 in lease payments for 20 years or more to farmers, ranchers, or other landowners.

You can see from this chart the job creation with this national renewable electricity standard set at 20 percent—355,000 new jobs, nearly twice as much as generating electricity from fossil fuels; $72.6 billion in new capital investment; $16.2 billion in income to farmers, ranchers, and rural landowners; $5 billion in new local tax revenues.

Then look at these consumer savings—$49 billion in lower electricity and natural gas bills; a healthier environment; reductions in global warming pollution equal to taking nearly 71 million cars off the road; less air pollution, damage to land, and less water use. These are the benefits.

We pay for it by taking back some of those tax giveaways we give to those oil companies—ExxonMobil, $11.7 billion in one quarter. So are we going to give them more money or try to create 355,000 new jobs in this country? That is the choice.

I believe the combination of an aggressive renewable electricity standard and a strong package of tax incentives can begin to move our Nation to a new, cleaner, and more prosperous energy path. It is long overdue. The private sector is already beginning to invest in this energy future, and they are ready to invest more. But our Government must provide the right policies and incentives so they will be prepared to make the large-scale, long-term investments that are required to make it happen.

The opportunities are enormous for creating new technologies, new industries, new businesses, and new jobs, while at the same time promoting our energy independence, strengthening our national security, and protecting our global environment. This piece of legislation, cosponsored by my friends Senator SNOWE and Senator CANTWELL, this bipartisan piece of legislation is about leading the new economy, not following along; not doing countless rebate checks after rebate checks—which we need to do right now, but we are never going to get on the path to a new economic future unless we lead the way, and this is Washington's time to lead. This is about making America the global energy leader instead of the lagger. It is about creating a better economy for the next generation by leading a whole new industry. It is about not being complacent. It is about getting on a new energy path.

I believe an aggressive renewable electricity standard, coupled with strong tax incentives, leads us down this path. I urge all of my colleagues to support the American Renewable Energy Act.

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By Mr. KOHL:

S. 2647. A bill to suspend temporarily the duty on fan assisted, plugin, scented oil dispensing, electrothermic appliances; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce legislation that would temporarily suspend the duty on fan assisted, plug-in air fresheners imported by S.C. Johnson, a company headquartered in Racine, WI.

I understand the importance of manufacturing and the role it plays in our everyday lives. It is no secret that the Bush administration has enfeebled the manufacturing sector, cutting needed funding that helps manufacturers stay competitive. Since 2001, Wisconsin has been hit hard, losing over 63,000 manufacturing jobs. A healthy manufacturing sector is key to better jobs, rising productivity and higher standards of living. Every individual and industry depends on manufactured goods. The production of those goods creates the quality jobs that keep so many Amerian families healthy and strong.

This legislation would suspend the duty on fan assisted, plug-in air fresheners which S.C. Johnson assembles and packages in Racine, WI. Currently, there is no domestic manufacturer, which forces S.C. Johnson to import the product that has a 2.7 percent tariff. Suspending the tariff will cut production costs, keep jobs at home and allow S.C. Johnson to be more competitive in the global marketplace.

S.C. Johnson was created in 1886 as a parquet flooring company and today is one of the world's leading manufacturers of household products including Ziploc storage containers, Windex glass cleaner, Raid insect repellant, and Glade fragrances. Today, S.C. Johnson employs 3,000 people in Wisconsin and provides products in more than 110 countries around the world.

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By Mr. SCHUMER:

S. 2648. A bill to amend the Workforce Investment Act of 1998 to improve programs carried out through youth opportunity grants, and for other purposes; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I rise today to introduce the STEP-UP Act. The STEP-UP Act is a comprehensive policy solution directed toward fighting unemployment, particularly among less educated African American men, by implementing innovative and successful job training efforts and improving existing tools like the Earned Income Tax Credit and the Work Opportunity Tax Credit.

In America and my home state of New York there is a growing crisis of joblessness for African American men. The crisis is profound, persistent and perplexing. Across the country and in our own backyard, far too many black men lack an adequate education and face difficulty finding and keeping work. The numbers are staggering and getting worse.

Poverty is not new. African American disadvantage is—sadly—not new. But now is the time for fresh solutions and urgent action, especially now that we are facing an economic recession. We know all too well, that when our economy faces a downturn, the most vulnerable members of the labor force face the greatest challenges in the job market.

My goal today is to both shine a firm spotlight on a problem has received scant attention, inadequate resources, intermittent focus and poor coordination and also to introduce legislation that will offer some solid, practical steps forward. To be clear, the provisions in the STEP-UP ACT will be open to all Americans, but the legislation contains services and incentives that are particularly needed among young African American men.

I am introducing the STEP-UP ACT for several reasons.

First, the problem of African American male unemployment is severe and it is worsening. Consider this: In 2000, 65 percent of black male high school dropouts in their 20's were jobless—in other words not looking or unable to find work—and by 2004, the share had grown to 72 percent "jobless." That translates to almost one out of three men. By comparison the rate for white male high school dropouts was 34 percent and Hispanic males 19 percent. Between 1992 and 1999—the greatest economic expansion in our nation's history—the labor force participation of young black men actually declined from 83.5 percent to 79.4 percent. Clearly the rising tide did not lift all boats.

Second, there is an unprecedented need to fill unskilled and semi skilled jobs across the countries as baby boomers retire, and there is a large supply of jobless black men who could fill them.

Third, after much trial and error, we now have several successful job training programs that work, as well as federal policy options with a proven track record of making a real difference in the labor force. Yet sadly, while the programs are finally working, the Federal funding has gone down by 90 percent.

There is a complex interplay of forces that led us to this point, and many of them are familiar culprits such as: Failing schools, dysfunctional families, high incarceration rates, overt and subtle racism, and the decimation of manufacturing jobs that typically afforded opportunities to men.

All these political, cultural, economic and personal elements combine to erect a steeplechase of barriers that is far too difficult to traverse for far too many urban black men.

While this is a sensitive subject, there is also a subculture of the street that provides easy money and allows some to eschew personal responsibility. But we can't sit passively by and let that subculture claim another generation of these men. The public sector—on all levels—has an obligation to intercede. The Reverend Johnny Ray Youngblood, a pastor and friend of mine from Brooklyn, said it best: "Government has a moral responsibility to compete against, and win against, subcultures that are immoral, illegal and really inhuman."

Let me be clear: There is a host of dedicated, even heroic, leaders who have been addressing these issues every day for years. There are ideas and leaders out there can turn this problem around. However, on the Federal level, there has been no comprehensive public policy response to this situation. We have allowed the problems of black men to grow worse unabated.

Last year, as Chairman of the Joint Economic Committee, I held a hearing on this very issue. Our witnesses provided testimony that vividly illustrated how devastating this crisis truly is. This hearing was an eye-opener for me and my colleagues. The hearing also began a dialog in Congress on how we can move forward legislatively to expand job opportunities and incentives for African American men.

I believe there is a rare confluence of forces that should be exploited—now—to ramp up efforts to aggressively attack the plight of jobless black men. The American labor force is in transition and therein lies the opportunity. By 2010 as many as 64 million Americans from the generations born before and after World War II will approach retirement age. Over this period we will be losing 20 percent of our entire workforce—a turnover rate the likes of which our country has never experienced.

Many of the new jobs I am speaking about don't require college degrees, many are entry level, but many can pay upwards of $40,000 with benefits. And the best part is, they can't be outsourced or downsized—because they're crucial to keeping cities working. A nurse, welder, mechanic or long-haul commercial driver doesn't do us any good if he or she is working in Bangalore. We have never before had such a clear picture of where the jobs will be—or what we have to do to connect our struggling young people to them.

What we need to do now is ensure that black men have access to the best, most successful job training programs that can prepare them for these jobs. After years of trying, I believe there is a new paradigm for job training that will make this possible. For the past year, I have been working on the STEP-UP Act to do just that.

Let me tell you about one innovative job training program that was founded in East Harlem but has been replicated successfully throughout the United States and Europe: its called STRIVE and it offers some good clues on what makes a job program work.

Here is the most important thing you need to know about STRIVE: 70 percent of their graduates retain their jobs after 2 years, compared to a 40 percent city-wide average. I visited them to see firsthand how they do it. It impressed me so much I brought 3 Senators to visit STRIVE's offices in Washington, DC, and it blew their hair back as well.

First, STRIVE's core program does not begin with teaching participants how to read an account ledger or hammer in a nail. It begins with what they call "soft skills" like how to dress for work, interact with your boss and superiors, and accept criticism. Seems obvious enough, but for many it is harder than it should be to tell the difference between constructive criticism and a provocative "dis" that, in the code of the street, demands an aggressive reaction.

In addition to focusing on those elemental "soft skills," STRIVE provides intensive follow-up, long-term involvement with additional training opportunities, and wrap-around services to address the whole host of obstacles that black men face when trying to enter and remain in the workforce.

Our current Federal job-training program—the Workforce Investment Act—WIA—has been steadily underfunded in recent years. To give a sense of how much we have walked away from such initiatives, in 1978 we spent $9.5 billion on jobs programs—$30 billion in today's dollars. In 2007 we spent only $5.1 billion. On top of that, WIA does not mandate or even encourage the STRIVE model. The WIA program hasn't been reauthorized since it expired in 2003 and it needs to be updated to incorporate the lessons of STRIVE.

My bill, the STEP-UP Act, moves our job training agenda closer to the STRIVE model. If we can duplicate some semblage of STRIVE's 70 percent success rates—which they have duplicated in 22 locations around the country—we can begin to really move the employment needle in the right direction.

The STEP-UP Act reauthorizes funding for the Youth Opportunity Program, YO, which was originally established in 1998 to provide grants to programs that offer intensive job training and placement services for hard-to-serve youth between the ages of 16 to 24. When it was created, the YO program was meant to be the "model" job training program, the shining star in a system replete with false starts and failed efforts. It drew on the best practices from a generation of previous job training efforts, understanding that attacking the scourge of unemployment meant offering comprehensive services to at risk youth. Preparing young men and women for the workforce has to be more than just teaching someone to touch-type or hammer a nail. A job training program can put anyone into a job, but their efforts will only be successful if we give them a comprehensive skill set and support services.

This legislation draws on the strengths of the YO program but makes some important modifications based on the experience of grantees. First, programs that receive YO grants will be required to provide "wrap-around" services. This means not only workforce training, but also those "soft skills" that are so essential to keeping a job.

Secondly, the STEP-UP Act encourages grantees to engage with local resources, such as labor organizations, educational institutions, as well as the private sector. By bringing in private businesses, we can truly bridge the gap between training and employment.

Finally, to make sure we don't travel willy-nilly down the same path, we must invest in proven models, we must track progress and we must make adjustments to improve programs as the facts flow in. That is why the STEP-UP Act mandates strict oversight of job training programs that will participate in the Youth Opportunity Grant programs. My bill requires the Secretary of Labor to perform evaluations of participants after the 24 months and report to Congress on the best practices implemented by participants. Too frequently, we have funded job training efforts but we have not demanded results. The Department of Labor needs to dedicate themselves to understanding what programs work best and why.

To summarize for a moment: we know the jobs are out there for young black men, we know there are training programs that work, so what's the missing link? The missing link is ensuring that work pays well enough to help lure young men into the workforce.

Given the limited earning potential for many young African American males, there can be a lot of bottom line reasons not to work in the formal economy. Working a tough job in a warehouse for $7 an hour would put less than $300 a week and around $13,000 a year in your pocket. In 2008, those wages don't go too far.

We need to make work pay for African American men.

The STEP-UP Act offers an economic incentive to join the workforce through a targeted expansion of the Earned Income Tax Credit, EITC. My bill doubles the current credit from $438 up to $875. Effectively, this broadens the scope of the credit and you will be able to receive some credit up until your income reaches $22,880. For someone without kids or a family to support, the extra money you would get from this program would make a real difference.

The second thing my bill does is extend the EITC to those low-wage earners who have kids and are current on their child support payments. There are lots of men out there who really want to work and do right by their families. It can be an uphill battle for them, but many find a way to make it happen.

Considering that about a third of low-income noncustodial fathers nationwide are black, a federal EITC expansion could have a big impact for them. Here is how my bill does it: If you are a dad paying your child support, the existing childless tax credit is quadrupled from $438 to $1,719 a year. This is still much smaller than the credit a family with one child will receive, which is $2,917 in 2008.

Let me be clear: enhancing the EITC is not just about getting men working but about strengthening families, and encouraging low-income fathers to fulfill their parenting responsibilities and stay current on their child support payments. Studies have documented a direct correlation between fathers who pay child support and their involvement in their children's lives. If we can get men working and they become a positive force in the lives of their sons and daughters, we will have achieved two very worthy objectives.

The Earned Income Tax Credit is just one example of a tax incentive that translates to real dollars for working families. Another issue that I want to address is the problem of keeping people in the workforce. Too many men are cycling in and out of employment. We need to make steady employment pay.

The Work Opportunity Tax Credit, or WOTC, is one incentive that I think needs to be strengthened and modified. Currently, WOTC is only a credit for employers, and at its maximum it is worth $2,400 if the worker is employed for 400 hours or more. So if a worker making $7 an hour stays on the job for about 5 months, then his employer gets the maximum credit, but he does not receive anything for hitting this benchmark.

The STEP-UP Act expands WOTC to include employees so that it is not only an employer credit, and to maximize its potential over time. Specifically, once a worker has reached 1,500 hours on the job, or 52 weeks, both the employer and employee should get a $500 credit. We need to encourage employers to really invest in their workers and to ensure that workers are staying on the job.

Today I am asking my colleagues on both sides of the aisle to carefully consider this legislation. Given the severity of the African American jobless problem and the unprecedented opportunity that will result from the mass retirement of workers from the post war generation, shame on us if we do not figure out how to take action to put people who want to work into jobs that pay. It is up to us to align these tools and make them work. We must. Not only must it be a moral imperative that we give more opportunity to African American men, it must be a national imperative to keep our country competitive in the 21st century. I ask my colleagues to join me in this effort and take this initial step towards success.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2648

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Supporting Training and Employment Potential for Underemployed Populations Act" or the "STEP UP Act".

## TITLE I—YOUTH OPPORTUNITY GRANT PROGRAM

**SEC. 101. FINDINGS.**

Congress finds the following:

(1) Finding employment that provides steady income and a career track is a problem for young, undereducated men and women who lack educational credentials and are disconnected from the labor market.

(2) That problem is particularly acute for young African-American men. In 2006, over ⅕, or 21.8 percent, of black men ages 16 through 24 were unemployed. This is roughly double the unemployment rate for all young men (11.2 percent).

(3) Even over a period of relative economic growth, employment for disconnected African-American men has declined. In 1999, 65

percent of African-American male high school dropouts were jobless and not looking for work. In 2004, that rate had risen to 72 percent.

(4) The Youth Opportunity Grant Program was established in the Workforce Investment Act of 1998 to provide intensive job training and placement activities as well as other educational, social, and recreational services to at-risk, hard-to-serve youth.

(5) The Youth Opportunity Grant Program built upon the most promising strategies of previous demonstration programs that strongly suggest the effectiveness of intensive case management and follow-up services in assisting disconnected young men and women in finding long-term employment.

(6) By reauthorizing and refining the Youth Opportunity Grant Program, Congress could help make strides against those serious problems faced by both young African-American men and other disconnected youth.

(7) Over the course of the Youth Opportunity Grant Program, 36 localities with high poverty rates received funding through grants. The Youth Opportunity Grant Program was effective in assisting hard-to-reach populations. The Department of Labor estimates that 42 percent of the eligible youth and 62 percent of the eligible out-of-school youth in the target areas enrolled in the Youth Opportunity Grant Program.

(8) Further understanding of the successes of, challenges faced by, and shortcomings of, the Youth Opportunity Grant Program in the past, and in the future, will require extensive evaluation and study by the Department of Labor.

**SEC. 102. YOUTH OPPORTUNITY GRANTS.**

Section 169 of the Workforce Investment Act of 1998 (29 U.S.C. 2914) is amended to read as follows:

**"SEC. 169. YOUTH OPPORTUNITY GRANTS.**

"(a) GRANTS.—

"(1) IN GENERAL.—Using funds made available under subsection (j), the Secretary shall make grants to eligible local boards described in subsection (c) and eligible entities described in subsection (d) to carry out programs that provide activities described in subsection (b) for youth and young adults. The boards and entities shall carry out the programs to increase the long-term employment of youth and young adults who seek assistance and who live in empowerment zones, enterprise communities, or high poverty areas.

"(2) DEFINITION.—In this section:

"(A) HARD-TO-SERVE YOUNG ADULT.—The term 'hard-to-serve young adult' means an individual who is—

"(i) not less than age 25 and not more than age 30; and

"(ii)(I) an unemployed individual;

"(II) a school dropout;

"(III) an individual who has not received a secondary school diploma or its recognized equivalent;

"(IV) an ex-offender; or

"(V) a noncustodial parent with a child support obligation.

"(B) YOUTH OR YOUNG ADULT.—The term 'youth or young adult' means an individual who is not less than age 14 and not more than age 30.

"(3) GRANT PERIOD.—The Secretary may make a grant under this section for a 2-year period, and may renew the grant for each of the 3 succeeding years.

"(4) GRANT AWARDS.—In making grants under this section, the Secretary shall ensure that grants are distributed equitably among local boards and entities serving urban areas and local boards and entities serving rural areas, taking into consideration the poverty rate in such urban and rural areas, as described in subsection (c)(3)(B).

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A local board or entity that receives a grant under this section shall use the funds made available through the grant to provide job training and employment activities and related services, including—

"(A) activities that meet the requirements of section 129;

"(B) youth development activities such as activities relating to leadership development, citizenship, and re-entry from the justice and juvenile justice systems, community service, and recreation activities; and

"(C)(i) workforce preparation and attitudinal training;

"(ii) sector-specific skills training as described in subsection (f)(1)(D);

"(iii) educational completion services, including classes that lead to a secondary school diploma or its recognized equivalent (and programs to prepare for such a class), remedial reading and mathematics classes (including classes to prepare an individual to read and do mathematics at a college level), and skills certification and credentialing programs;

"(iv) access to internships, transitional jobs, work experience, and nontraditional employment opportunities;

"(v) access to other services either directly or through an organization that enters into a strategic partnership described in subsection (e) with the local board or entity, including parenting classes for fathers and mothers, financial literacy services, services to improve health care (and mental health care) treatment and access, and services to improve access to affordable housing and shelter; and

"(vi) assistance in obtaining the earned income credit under section 32 of the Internal Revenue Code of 1986 and obtaining benefits through government entitlement programs, such as the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and unemployment compensation programs, as well as other State and local entitlement programs that may be applicable.

"(2) INTENSIVE PLACEMENT AND FOLLOW-UP SERVICES.—In providing activities under this section, a local board or entity shall provide—

"(A) intensive placement services; and

"(B) follow-up services, including case management, every 2 months for not less than 24 months after the completion of participation in the other activities described in this subsection, as appropriate.

"(3) LIMITATION ON USE FOR HARD-TO-SERVE YOUNG ADULTS.—The local board or entity shall not use more than 25 percent of the funds made available through the grant to provide activities for hard-to-serve young adults.

"(c) ELIGIBLE LOCAL BOARDS.—To be eligible to receive a grant under this section, a local board shall serve a community that—

"(1) has been designated as an empowerment zone or enterprise community under section 1391 of the Internal Revenue Code of 1986;

"(2)(A) is a State without a zone or community described in paragraph (1); and

"(B) has been designated as a high poverty area by the Governor of the State; or

"(3) is 1 of 2 areas in a State that—

"(A) have been designated by the Governor as areas for which a local board may apply for a grant under this section; and

"(B) meet the poverty rate criteria set forth in subsections (a)(4), (b), and (d) of section 1392 of the Internal Revenue Code of 1986.

"(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity (other than a local board) shall—

"(1) be a recipient of financial assistance under section 166; and

"(2) serve a community that—

"(A) meets the poverty rate criteria set forth in subsections (a)(4), (b), and (d) of section 1392 of the Internal Revenue Code of 1986; and

"(B) is located on an Indian reservation or serves Oklahoma Indians, or Native villages or Native groups (as such terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

"(e) STRATEGIC PARTNERSHIPS.—

"(1) LOCAL BOARDS.—An eligible local board may—

"(A) work independently to provide activities under this section; or

"(B) enter into a strategic partnership to provide activities under this section with 1 or more entities consisting of—

"(i) a community-based job training provider who is an eligible provider identified in accordance with section 122(e)(3), or another provider selected by the local board;

"(ii) State or local government entities;

"(iii) labor organizations;

"(iv) other entities described in the statement of need required by subsection (f)(1)(C);

"(v) private sector employers;

"(vi) educational institutions, including secondary schools (which may be public schools, parochial schools, or other private schools) or community colleges; or

"(vii) entities in the judicial system, entities in the juvenile justice system, or organizations representing probation and parole officers.

"(2) ENTITIES.—An eligible entity may—

"(A) work independently to provide activities under this section; or

"(B) enter into a strategic partnership to provide activities under this section with—

"(i) the local board; and

"(ii) 1 or more entities described in paragraph (1)(B).

"(f) APPLICATION.—To be eligible to receive a grant under this section, a local board or entity shall submit an application (individually or as part of a strategic partnership described in subsection (e)) to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1)(A) a description of the activities that the local board or entity will provide under this section to youth and young adults in the community described in subsection (c) or (d);

"(B) a description of the strategic partnership referred to in subsection (e), if any, that the applicant intends to enter into to provide activities under this section;

"(C)(i) information describing how the applicant will coordinate the planning and implementation of the activities to be carried out under the grant with entities serving youth in the community involved, including the one-stop operator and one-stop partners in the local workforce investment system, educational institutions including institutions of higher education, child welfare agencies, entities in the juvenile justice system, foster care agencies, and such other community-based organizations as may be appropriate; and "(ii) a statement of need for the community;

"(D) information identifying employment sectors in the local and regional economy that could employ youth and young adults served under the grant and a plan to provide sector-specific skills training for jobs in those sectors and employment opportunities in those sectors; and

"(E) information identifying the specific role, if any, that private sector employers in growing employment sectors in the local and regional economy will play in that plan, including information describing their skills training curricula and job placement programs;

"(2) a description of the performance measures negotiated under subsection (h), and the manner in which the local boards or entities will carry out the activities to meet the performance measures;

"(3) a description of the manner in which the activities will be linked to activities described in section 129; and

"(4) a description of the community support, including financial support through leveraging additional public and private resources, for the activities.

"(g) CONSIDERATION.—In making grants under this section, the Secretary shall give special consideration to a local board or entity that submits an application under subsection (f) as part of a strategic partnership described in subsection (e) that includes a private sector employer if the employer agrees to—

"(1) commit to hire youth and young adults who complete the program carried out under the grant involved;

"(2) provide personnel, facilities, equipment, and a skills training curriculum for the program;

"(3) provide internships, mentoring, and apprenticeship opportunities for participants in the program; or

"(4) provide funding, scholarships, and access to specified employer-based resources for the program.

"(h) PERFORMANCE MEASURES.—

"(1) IN GENERAL.—The Secretary shall negotiate and reach agreement with the local board or entity on performance measures, for the indicators of performance referred to in subparagraphs (A) and (B) of section 136(b)(2), that will be used under paragraph (3) to evaluate the performance of the local board or entity in carrying out the activities described in subsection (b). Each local performance measure shall consist of such an indicator of performance, and a performance level referred to in paragraph (2).

"(2) PERFORMANCE LEVELS.—The Secretary shall negotiate and reach agreement with the local board or entity regarding the—

"(A) overall performance levels expected to be achieved by the local board or entity on the indicators of performance; and

"(B) separate performance levels for those indicators for the performance of the board or entity—

"(i) regarding participants in the activities who are not less than age 14 and not more than age 24; and

"(ii) regarding participants in the activities who are not less than age 25 and not more than age 30.

"(3) EVALUATIONS AND REPORTS.—

"(A) EVALUATIONS.—

"(i) EVALUATIONS OF PRIOR ACTIVITIES.—Not later than 2 years after the date of enactment of the Supporting Training and Employment Potential for Underemployed Populations Act, the Secretary shall complete the evaluations described in paragraph (1) of local boards and entities, using performance measures with overall performance levels described in paragraph (2)(A), concerning activities carried out under subsection (b) prior to that date of enactment.

"(ii) EVALUATIONS OF NEW ACTIVITIES.—Not later than 2 years after a local board or entity receives a grant under this section after that date of enactment, the Secretary shall conduct the evaluations described in paragraph (1) of that local board or entity, using performance measures with overall performance levels described in paragraph (2)(A) and performance measures with separate performance levels described in paragraph (2)(B).

"(iii) COMPARISON GROUPS.—The evaluations conducted under this paragraph shall include evaluations of carefully matched comparison groups.

"(B) REPORTS.—The Secretary shall prepare a report, based on the evaluations described in subparagraph (A)(i), that contains the baseline data obtained and that begins to detail the best practices of recipients of grants under this section throughout the Nation. The Secretary shall prepare an annual report, based on the evaluations described in subparagraph (A)(ii), that contains the data obtained and that details the best practices of recipients of grants under this section throughout the Nation, with attention to how different activities impact both different demographic sectors of the population and different age groups in the population.

"(4) USE.—If the Secretary, in conducting evaluations under paragraph (3), determines that a local board or entity fails to meet the performance measures for 2 fiscal years, the local board or entity shall not be eligible to receive a grant under this section for a subsequent fiscal year.

"(i) INCENTIVES FOR BUSINESS PARTNERS.—The Secretary shall establish a plan to increase the availability of bonds through the Federal Bonding Program carried out through the Employment and Training Administration to employers that are partners in the programs carried out under this section.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for fiscal year 2008 and each subsequent fiscal year.".

### SEC. 103. CONFORMING AMENDMENTS.

Section 127 of the Workforce Investment Act of 1998 (29 U.S.C. 2852) is amended—

(1) in subsection (a)(1)—

(A) by striking "sections" and inserting "section"; and

(B) by striking "and 169" and all that follows and inserting "; and"; and

(2) in subsection (b)(1)(A)—

(A) in clause (i), by striking "provide youth opportunity" and all that follows through "grants) and"; and

(B) by striking clause (iv).

## TITLE II—EARNED INCOME TAX CREDIT ENHANCEMENT

### SEC. 201. SHORT TITLE.

This title may be cited as the "Earned Income Tax Credit Enhancement Act of 2007".

### SEC. 202. FINDINGS.

Congress finds the following:

(1) The earned income tax credit is considered one of the most successful antipoverty programs in the United States. Previous expansions of the earned income tax credit in the 1990s were instrumental in lifting families, especially single parents, out of poverty by increasing income and building assets.

(2) However, the earned income tax credit provides little assistance for childless workers and noncustodial parents. The credit for childless workers is only 15 percent of the credit for a worker with 1 child.

(3) Increasing the maximum earned income tax credit amount for childless workers would help to lift more individuals out of poverty and mirror the successful credit expansion of the 1990s. Additionally, lowering the age of eligibility will extend this important credit to the growing population of young adults living in poverty.

(4) Although the effectiveness of the work opportunity tax credit has come under scrutiny, the credit is limited in scope. The credit is only available to employers and offers no benefits to employees to encourage job retention. Additionally, the credit only addresses short-term job retention, not long-term employment.

(5) Expanding the work opportunity credit to employees and increasing the time period of the credit's availability could provide greater incentives for employees to stay in their jobs and for employers to retain these workers over long-term periods.

### SEC. 203. ENHANCEMENTS TO EARNED INCOME TAX CREDIT.

(a) CREDIT ALLOWED FOR CERTAIN CHILDLESS INDIVIDUALS OVER AGE 18.—

(1) IN GENERAL.—Subclause (II) of section 32(c)(1)(A)(ii) of the Internal Revenue Code of 1986 (relating to eligible individual) is amended by striking "age 25" and inserting "age 21".

(2) EXCEPTION FOR FULL-TIME STUDENTS.—Paragraph (1) of section 32(c) of such Code is amended by adding at the end the following new subparagraph:

"(G) EXCEPTION FOR FULL TIME STUDENTS.—The term 'eligible individual' shall not include any individual described in subparagraph (A)(ii) if such individual has not attained the age of 25 before the close of the taxable year and is a full time student for more than one half of such taxable year.".

(b) MODIFICATION OF CREDIT AMOUNT FOR INDIVIDUALS WITHOUT QUALIFYING CHILDREN.—

(1) MODIFICATION OF CREDIT PERCENTAGE.—The last row in the table in section 32(b)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "7.65" in the middle column and inserting "15.30".

(2) MODIFICATION OF PHASEOUT AMOUNT.—Subparagraph (A) of section 32(b)(2) of such Code is amended to read as follows:

"(A) IN GENERAL.—Subject to subparagraph (B)—

"(i) in the case of an eligible individual with 1 qualifying child—

"(I) the earned income amount is $6,330, and

"(II) the phaseout amount is $11,610,

"(ii) in the case of an eligible individual with 2 or more qualifying children—

"(I) the earned income amount is $8,890, and

"(II) the phaseout amount is $11,610, and

"(iii) in the case of an eligible individual with no qualifying children—

"(I) the earned income amount is $4,220, and

"(II) the phaseout amount is 200 percent of the dollar amount applicable under subclause (I).".

(c) INCREASED CREDIT FOR CERTAIN INDIVIDUALS WITHOUT QUALIFYING CHILDREN.—

(1) IN GENERAL.—Paragraph (1) of section 32(b) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) INCREASED CREDIT FOR CERTAIN INDIVIDUALS WITHOUT QUALIFYING CHILDREN.—In the case of an eligible individual described in subparagraph (C), the credit percentage under subparagraph (A) shall be 30.6 percent.

"(C) ELIGIBLE INDIVIDUAL DESCRIBED.—An eligible individual is described in this subparagraph with respect to a taxable year if—

"(i) with respect to such eligible individual for the taxable year, another individual—

"(I) bears a relationship to the eligible individual described in section 152(c)(2),

"(II) meets the requirements of section 152(c)(3), and

"(III) has the same principal place of abode as the eligible individual for less than one-half of such taxable year,

"(ii) such eligible individual is required to make child support payments with respect to the individual described in clause (i), and

"(iii) such eligible individual has made all such required child support payments during the taxable year.

For purposes of clause (iii), an eligible individual shall be treated as having made all required child support payments during a taxable year if such eligible individual has made child support payments in an amount not less than the total amount of child support payments required for such eligible individual for such taxable year.".

(2) NOTIFICATION OF FAILURE TO PAY CHILD SUPPORT.—Section 464(b) of the Social Security Act (42 U.S.C. 664(b)) is amended by adding at the end the following new paragraph:

"(3) The Secretary shall use notices of past-due support under this section in administering the earned income tax credit under section 32 of the Internal Revenue Code of 1986 for eligible individuals described in subsection (b)(1)(C) of such section. The regulations promulgated pursuant to this subsection shall require States to submit such notices at a time adequate to allow the Secretary to properly administer such credit for such individuals.".

(d) REPEAL OF EGTRRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions) shall not apply to the amendments made by section 303 of such Act (relating to marriage penalty relief for earned income credit; earned income to include only amounts includible in gross income; simplification of earned income credit).

(e) ELECTION TO AVERAGE EARNED INCOME.—Paragraph (2) of section 32(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(n) ELECTION TO AVERAGE EARNED INCOME.—

"(1) IN GENERAL.—Under rules established by the Secretary, in the case of an eligible individual who has made an election under this subsection, subsection (a) shall be applied—

"(A) by substituting 'the taxpayer's 2-year averaged earned income' for 'the taxpayer's earned income for the taxable year' in paragraph (1) thereof, and

"(B) by substituting '2-year averaged earned income' for 'earned income' in paragraph (2)(B) thereof.

"(2) 2-YEAR AVERAGED EARNED INCOME.—For purposes of this subsection, the term '2-year averaged earned income' means, with respect to any taxable year, the average of—

"(A) the taxpayer's earned income for such taxable year, and

"(B) the taxpayer's earned income for the preceding taxable year.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 204. CARRYBACK AND CARRYFORWARD OF STANDARD DEDUCTION AND PERSONAL EXEMPTION DEDUCTIONS.

(a) STANDARD DEDUCTION.—Section 63 of the Internal Revenue Code of 1986 (relating to taxable income defined) is amended by adding at the end the following new subsection:

"(g) CARRYBACK AND CARRYFORWARD OF DEDUCTIONS FOR INDIVIDUALS WHO DO NOT ITEMIZE.—

"(1) IN GENERAL.—In the case of an eligible taxpayer, if the sum of the deductions described in subsection (b) exceeds the amount of the adjusted gross income of such taxpayer for such taxable year (hereinafter in this subsection referred to as the 'unused deduction year'), such excess may be—

"(A) carried back to the preceding taxable year, and

"(B) carried forward to each of the 2 taxable years following the unused deduction year

"(2) AMOUNT CARRIED TO EACH YEAR.—

"(A) ENTIRE AMOUNT CARRIED TO FIRST YEAR.—The entire amount of the unused deduction for an unused deduction year shall be carried to the earliest of the 3 taxable years to which (by reason of paragraph (1)) such deduction may be carried.

"(B) AMOUNT CARRIED TO OTHER 2 YEARS.—The amount of the unused deduction for the unused deduction year shall be carried to each of the other 2 taxable years to the extent that such unused deduction may not be used for a prior taxable year because of the amount of adjusted gross income of the taxpayer for such taxable year.

"(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' means, with respect to any taxable year, a taxpayer with respect to whom a credit under section 32 is allowable for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

### SEC. 205. ADVANCED REFUNDABLE CREDIT FOR MEMBERS OF TARGETED GROUPS.

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

### "SEC. 36. EMPLOYMENT CREDIT FOR MEMBERS OF TARGETED GROUPS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as credit against the tax imposed by this title for the taxable year an amount equal to $500.

"(b) ELIGIBLE INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible individual' means an individual who is a member of a targeted group and—

"(A) who—

"(i) has worked exactly 1,500 hours for an employer during any period beginning on the date such individual was hired and ending with or within the taxable year, and

"(ii) was continuously employed by such employer during such period, or

"(B) who—

"(i) began work with an employer during any 52-week period ending with or within such taxable year, and

"(ii) was continuously employed by such employer during such 52-week period.

"(2) MEMBER OF A TARGETED GROUP.—The term 'member of a targeted group' has the meaning given such term under section 51(d).

"(c) SPECIAL RULES.—For purposes of subsection (a)—

"(1) only 1 employer may be taken into account with respect to any eligible individual for any taxable year, and

"(2) an individual may not be treated as an eligible individual more than once with respect to any employer.

For purposes of this subsection, rules similar to the rules of subsections (a) and (b) of section 52 shall apply.

"(d) COORDINATION WITH ADVANCE PAYMENTS.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment is made to the individual by an employer under section 3511 during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowed under this part.

"(e) COORDINATION WITH CERTAIN MEANS TESTED PROGRAMS.—For purposes of—

"(1) the United States Housing Act of 1937,

"(2) title V of the Housing Act of 1949,

"(3) section 101 of the Housing and Urban Development Act of 1965,

"(4) sections 221(d)(3), 235, and 236 of the National Housing Act, and

"(5) the Food Stamp Act of 1977,

any refund made to an individual (or the spouse of an individual) by reason of this section, and any payment made to such individual (or such spouse) by an employer under section 3511, shall not be treated as income (and shall not be taken into account in determining resources for the month of its receipt and the following month).".

(2) CONFORMING AMENDMENTS.—

(A) Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period at the end ", or enacted by section 204 of the Earned Income Tax Credit Enhancement Act of 2007".

(B) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating the item relating to section 36 as relating to section 37 and by inserting after the item relating to section 35 the following new item:

"Sec. 36. Employment credit for members of targeted groups.".

(b) ADVANCED PAYMENTS.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

### "SEC. 3511. ADVANCED PAYMENT OF EMPLOYMENT CREDIT FOR MEMBERS OF TARGETED GROUPS.

"(a) IN GENERAL.—Except as otherwise provided in this section, every employer making a payment of wages for a payroll period to an individual who is an eligible employee with respect to such payroll period shall, at the time of paying such wages, make an additional payment to such employee of $500.

"(b) ELIGIBLE EMPLOYEE.—For purposes of this section, the term 'eligible employee' means, with respect to any payroll period, an individual—

"(1) who is an eligible individual (as defined by section 36(b)), and

"(2) with respect to whom an eligibility certificate under this section is in effect.

"(c) ELIGIBILITY CERTIFICATE.—For purposes of this title, an eligibility certificate under this section is a statement furnished by an employee to the employer which—

"(1) certifies that the employee is a member of a targeted group (as defined in section 51(d)),

"(2) certifies that the employee does not have an eligibility certificate under this section in effect for the calendar year with respect to the payment of wages by another employer, and

"(3) contains such other information as the Secretary may require.

"(d) PAYMENTS TO BE TREATED AS PAYMENTS OF WITHHOLDING AND FICA TAXES.—

"(1) IN GENERAL.—For purposes of this title, payments made by an employer under subsection (a) to his employees for any payroll period—

"(A) shall not be treated as the payment of compensation, and

"(B) shall be treated as made out of—

"(i) amounts required to be deducted and withheld for the payroll period under section 3401 (relating to wage withholding), and

"(ii) amounts required to be deducted for the payroll period under section 3102 (relating to FICA employee taxes), and

"(iii) amounts of the taxes imposed for the payroll period under section 3111 (relating to FICA employer taxes),

as if the employer had paid to the Secretary, on the day on which the wages are paid to the employees, an amount equal to such payments.

"(2) ADVANCE PAYMENTS EXCEED TAXES DUE.—In the case of any employer, if for any payroll period the sum of the aggregate amount of payments under subsection (a) plus any amount paid under section 3507 exceeds the sum of the amounts referred to in paragraph (1)(B), each such advance payment shall be reduced by an amount which bears the same ratio to such excess as such advance payment bears to the aggregate amount of all such advance payments.

"(3) EMPLOYER MAY MAKE FULL ADVANCE PAYMENTS.—The Secretary shall prescribe regulations under which an employer may elect (in lieu of any application of paragraph (2))—

"(A) to pay in full all amounts under subsection (a), and

"(B) to have additional amounts paid by reason of this paragraph treated as the advance payment of taxes imposed by this title.

"(4) FAILURE TO MAKE ADVANCE PAYMENTS.—For purposes of this title (including penalties), failure to make any advance payment under this section at the time provided therefor shall be treated as the failure at such time to deduct and withhold under chapter 24 an amount equal to the amount of such advance payment.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end the following new item:

"Sec. 3511. Advanced payment of employment credit for members of targeted groups.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 206. MODIFICATIONS TO WORK OPPORTUNITY CREDIT.**

(a) EXPANSION TO YOUTH OPPORTUNITY PROGRAM PARTICIPANTS, WIA YOUTH ACTIVITY PARTICIPANTS, AND YOUNG OFFENDERS.—

(1) IN GENERAL.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 (relating to members of targeted groups) is amended by striking "or" at the end of subparagraph (H), and by adding at the end the following new subparagraph:

"(J) a youth opportunity program participant,

"(K) a qualified WIA youth activity participant, or

"(L) a qualified young offender.".

(2) DEFINITIONS.—Subsection (d) of section 51 of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (11), (12), and (13) as paragraphs (14), (15), and (16), respectively, and by inserting after paragraph (10) the following new paragraph:

"(11) YOUTH OPPORTUNITY PROGRAM PARTICIPANT.—The term 'youth opportunity program participant' means an individual who is certified by an eligible local board or eligible entity (as such board and entity are described in section 169 of the Workforce Investment Act of 1998)—

"(A) as having completed a program carried out under that section, and

"(B) as having a hiring date which is not more than 1 year after the last date on which such individual completed such a program.

"(12) QUALIFIED WIA YOUTH ACTIVITY PARTICIPANT.—The term 'qualified WIA youth activity participant' means any individual who is certified by a designated local agency—

"(A) as an eligible youth (as defined in section 101 of the Workforce Investment Act of 1998) who—

"(i) is not less than age 18 and not more than age 21, and

"(ii) has been enrolled in or has received a youth activity (as so defined) under chapter 4 of subtitle B of title I of such Act, and

"(B) as having a hiring date which is not more than 1 year after the last date on which such individual was so enrolled or so received such activity.

"(13) QUALIFIED YOUNG OFFENDER.—The term 'qualified young offender' means any individual who is certified by a designated local agency—

"(A) as being not less than age 18 and not more than age 21,

"(B) as having been convicted of a misdemeanor, and

"(C) as having a hiring date which is not more than 1 year after the last date on which such individual was so convicted or was released from prison.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

(b) ADDITIONAL WORK OPPORTUNITY CREDIT FOR RETAINED EMPLOYEES.—

(1) IN GENERAL.—Subsection (a) of section 51 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking "equal to 40 percent of the qualified first-year wages for such year." and inserting "equal to the sum of—

"(1) 40 percent of the qualified first year wages for such year, plus

"(2) $500 for each retained employee.".

(2) RETAINED EMPLOYEE.—Section 51 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(l) RETAINED EMPLOYEE.—For purposes of this section, the term 'retained employee' means an employee who is a member of a targeted group and—

"(1) who—

"(A) has worked exactly 1,500 hours for the taxpayer during any period beginning on the date such employee was hired and ending with or within the taxable year, and

"(B) was continuously employed by such taxpayer during such period, or

"(2) who—

"(A) began work with the taxpayer during any 52-week period ending with or within such taxable year, and

"(B) was continuously employed by such taxpayer during such 52-week period.

For purposes of the preceding sentence, no employee may be treated as a retained employee more than once with respect to any taxpayer.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 207. PUBLICATION OF CHANGES AND ASSISTANCE WITH PREPARATION.**

The Secretary of the Treasury shall—

(1) publicly disseminate information with respect to the amendments made by this title (including the dissemination of such information to State and local government one-stop job centers), and

(2) provide appropriate assistance to taxpayers (through low-income taxpayer clinics and other sources) for the purpose of allowing taxpayers to benefit from the amendments made by this title.

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By Mr. SPECTER (for himself, Mrs. DOLE, Mr. ENSIGN, Mr. MARTINEZ, Mr. CORNYN, Ms. STABENOW, and Mrs. HUTCHISON):

S. 2650. A bill to provide for a 5-year carryback of certain net operating losses and to suspend the 90 percent alternative minimum tax limit on certain net operating losses; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to expand a widely used business tax benefit whereby business owners balance out net losses over prior years when the business has a net operating gain. Spreading out this tax liability helps a business to decrease the adverse impact of a difficult year. Specifically, this legislation increases the general net operating loss, NOL, carryback period from 2 years to 5 years in the case of an NOL for any taxable year ending during 2006, 2007, or 2008.

I am pleased with the quick passage of H.R. 5140, the Recovery Rebates and Economic Stimulus for the American People Act of 2008. It provides tax rebates for individuals, capital investment incentives for businesses, and important modifications to our housing laws that will enable more homeowners to refinance their unmanageable mortgages. However, it is my belief that several important items were left behind that deserved to be included. The bill I am introducing today is identical to Section 113 of a modified Senate Finance Committee Economic Stimulus package, Senate Amendment No. 3983 to H.R. 5140. On February 6, 2008, the Senate rejected this broader package on a procedural vote, leaving it just one vote short of the 60 that were required. I am still hopeful that Congress will revisit some of these important issues in 2008, either as stand-alone legislation or as part of another stimulus package if it is determined to be appropriate.

One particular industry that would benefit from passage of this legislation is the home building industry, which is currently struggling due to a huge inventory of new homes under construction with few buyers. Under present law, a business loss can only be deducted from taxes paid from the previous 2 years. If the loss cannot be carried back, it must be used in the future. Many home builders are now reporting financial losses when a few years ago they were generating jobs, providing local development, and paying taxes. Expanding the NOL carryback provision to 5 years would enable builders and other businesses to receive an immediate rebate on taxes paid in previous years and provide a much needed infusion of capital to their businesses. The inability to do so will result in the need to either increase high-cost borrowing or further liquidate land and homes, which would only compound the existing inventory problem.

The Joint Committee on Taxation estimated that passage of this provision as part of the Senate Finance Committee Stimulus package would have cost $15 billion in 2008 and $5.1 billion over 10 years.

I urge my colleagues to support this important legislation that will help numerous industries that are currently struggling to survive in a harsh economic downturn.

By Mr. INHOFE:

S. 2651. A bill to amend the Clean Air Act to make technical corrections to the renewable fuel standard; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I rise to introduce the Technical Corrections to the Clean Air Act's renewable fuels standard. This bill is a measured response to the overly aggressive biofuels increase mandated by the Energy Independence and Security Act of 2007 passed in December. The Energy bill's mandates allow no room for error in a fuels industry already constrained by tight supplies, full capacity, environmental regulation, and volatile market conditions. This technical corrections bill is not an effort to substantively overhaul the RFS program but rather is an attempt to smooth its unintended consequences. Recognizing the delicate political balance surrounding RFS, these simple fixes are intended to provide flexibility for the fuels industry in meeting these mandates. As ranking member on the Environment and Public Works Committee I did not support the 2007 Energy bill. The enactment of these technical corrections would not change my overall opposition to the current flaws enacted to the RFS program, but my bill does make this new RFS less onerous.

The first correction to the Clean Air Act's renewable fuels standard allows a carryover of ethanol credits. This improvement does nothing to change the currently mandated numbers. Rather, it provides flexibility to an industry facing many uncertainties. In 2007, the industry used approximately 2 billion gallons of ethanol over and above the necessary levels prescribed in the Energy Policy Act of 2005, EPACT. However, EPACT language and EPA rulemaking do not allow for 2-year consecutive "carryover" of credits. This means that although the industry has exceeded the 2007 requirements, they would be unable to apply these credits after 12 months. My bill would accommodate the uncertain levels of production from year to year. Considering the myriad variables involved in the ethanol production process including crop yields, land use, and feed stock prices, it only makes sense to allow more flexibility.

Another fix extends the small refinery exemption by 2 years. This language also does nothing to change mandated levels. A small refinery produces less than 75,000 barrels average daily aggregate and EPACT exempts these facilities from the renewable fuels numbers until 2011. These refineries are dealing with drastically smaller economies of scale in production. In order to protect these refineries from potential economic hardship and subsequent job loss, this exemption should be extended from the year 2011 to 2013.

I am hopeful that my colleagues in the Senate will join me and quickly pass the bill I am introducing today.

By Ms. LANDRIEU (for herself, Mr. INOUYE, Mr. STEVENS, Mr. LAUTENBERG, Mr. VITTER, Mr. COCHRAN, Mrs. DOLE, Mr. GRAHAM, and Mr. ALEXANDER):

S. 2652. A bill to authorize the Secretary of Defense to make a grant to the National World War II Museum Foundation for facilities and programs of America's National World War II Museum; to the Committee on Armed Services.

Ms. LANDRIEU. Mr. President, the Second World War will probably be known as one of the greatest achievements in American history. The ultimate victory over enemies in the Pacific and in Europe is a testament to the uncommon valor of American Soldiers, Sailors, Airmen, and Marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry which supplied our fighting men on two distant fronts. As the generation that faced this challenge comes to a close, it is important that we take the time to honor them for the many sacrifices they made. It was the gallantry of American troops abroad and the tireless devotion of workers at home that brought the end of this Great War.

I come to the floor today, to honor all of the 16 million World War II veterans and their families for the many sacrifices they made. Today, along with eight of my colleagues, I would like to introduce America's National World War II Museum Expansion Act.

On June 6, 2000, the 56th anniversary of the D-Day invasion of Normandy, the National D-Day Museum, operated in New Orleans, LA, opened their doors. The museum is the only museum in the U.S. that exists for the exclusive purpose of accounting for the American experience during World War II, both on the battlefront and at home. The museum educates on all of the branches of the Armed Forces and the Merchant Marine.

The museum was founded by the late World War II historian Stephen Ambrose. The museum and the decision to locate it in New Orleans was the result of a conversation Mr. Ambrose had with President Dwight D. Eisenhower. It was said in the conversation that President Eisenhower and former Supreme Commander, Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the man behind Higgins Industries in New Orleans, as the "man who won the war for us". Higgins designed and produced amphibious landing crafts that became known as the Higgins Boats. These boats were used in every major amphibious operation of World War II, including D-Day, and responsible for transporting the men from the ship to the shore.

The museum is a premier educational institution, which educates diverse audiences through its collection of artifacts, photographs, letters, documents, and personal testimonies of participants in the war and on the home front. It is important that we continue preserving, maintaining, and interpreting the artifacts, documents, images, and history collected by the museum. For these reasons, in 2003 Congress designated the National D-Day Museum in New Orleans as America's National World War II Museum. Since the designation, the Museum Board has embarked on an extraordinary expansion, with plans to quadruple its size. The museum will account for all service branches and campaigns of the war, including the war on the home front.

This bill is a one time permanent $50 million authorization for the expansion of the National World War II Museum in New Orleans. Specifically, the $50 million authorization would provide funding for the U.S. Freedom Pavilion, which is part of the museum's expansion. The U.S. Freedom Pavilion will be the main entrance building to the main theatre, exhibit halls, and other pavilions. Among its major exhibits, the Freedom Pavilion will contain an interactive exhibition honoring all of the World War II veterans who have also served the nation as President, or as a member of the U.S. Senate or the U.S. House of Representatives between the years of 1941 and 1945.

A combination of State, local, and private funding, totaling $240 million, will match the $50 million Federal authorization. To date, the State of Louisiana has already dedicated $33 million toward the expansion, and has pledged additional funds up to $50 million to match dollar for dollar the $50 million Federal authorization, if approved by Congress. The private sector support has already surpassed $40 million, and the remaining balance of the expansion will be raised privately.

A House companion bill, H.R. 2923, has been introduced by Chairman DINGELL and is cosponsored by 11 other members, including all members of the Louisiana U.S. House of Representatives Delegation. In closing, I want to give many thanks to Senators INOUYE, STEVENS, LAUTENBERG, VITTER, DOLE, ALEXANDER, COCHRAN and GRAHAM, for joining me in helping to preserve an important piece of our history. I would like to give special thanks to Senator INOUYE, Senator STEVENS, and Senator LAUTENBERG. This museum is a tribute to you and your fellow servicemen.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2652

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "America's National World War II Museum Expansion Act".

**SEC. 2. GRANT TO NATIONAL WORLD WAR II MUSEUM FOUNDATION FOR AMERICA'S NATIONAL WORLD WAR II MUSEUM.**

(a) GRANT.—The Secretary of Defense may make a grant in the amount of $50,000,000 to the National World War II Museum Foundation for use in accordance with subsection (b) for the museum in New Orleans, Louisiana, designated as America's National World War II Museum by section 8134 of the Department of Defense Appropriations Act, 2005 (Public Law 108-87; 117 Stat. 1103) (referred to in this section as the "Museum").

(b) USE OF FUNDS.—The grant under subsection (a) shall be used for the following:

(1) The planning, design, and construction of a new facility for the Museum, to be known as the United States Freedom Pavilion, and its exhibitions, and the planning, design, and construction of a new canopy over the courtyard of the Museum, to be known as the Canopy of Peace.

(2) The public display of artifacts, photographs, letters, documents, and personal histories dating from 1939 to 1945, including exhibits portraying American sacrifices both on the battlefield and on the home front and the industrial mobilization of the American home front.

(3) Educational outreach programs for teachers and students.

(4) Traveling exhibitions on the history and lessons of World War II for United States military facilities.

(5) Educational programs to foster the expansion of European and Pacific exhibits at the Museum to be included in the Center for the Study of the American Spirit.

(6) Projects that enable the Museum to function as a liaison between museums, scholars, and members of the general public in the United States and around the world.

(7) A readily accessible repository of information and materials reflecting the historical, social, and cultural effects of World War II.

(8) The preservation, interpretation, and public exhibition of memorabilia, models, artifacts of significance (and replicas), and oral histories from the combat experience of members of the United States Armed Forces.

(9) Other appropriate activities relating to the management and operation of the United States Freedom Pavilion, including the sale of concessions, appropriate mementos, and other materials, the proceeds of which would help support the overall operation of the Museum and the United States Freedom Pavilion.

(c) REPORT.—Not later than 60 months after receiving a grant under this section, the Secretary shall submit to Congress a report documenting how the Museum used the grants funds and evaluating the success of the projects and activities funded by the grant.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

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By Mr. COLEMAN (for himself and Mr. BINGAMAN):

S. 2653. A bill to further United States security by restoring and enhancing the competitiveness of the United States for international students, scholars, scientists, and exchange visitors and by facilitating business travel to the United States; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, today, along with my distinguished colleague from New Mexico, Senator BINGAMAN, I am introducing legislation to restore and enhance our Nation's competitiveness for international students, scholars, scientists, and exchange visitors, and better facilitate legitimate business travel to the U.S.

In the immediate aftermath of the events of 9/11, it was necessary to take the steps we did to improve and enhance our Nation's security. But in the more than 6 years since 9/11, these well-intentioned changes have had unintended consequences, stifling legitimate academic and scientific exchange and international business travel, and tarnishing our Nation's image around the world.

Three years ago, Senator BINGAMAN and I introduced a similar bill designed to reverse the decline in the number of foreign students studying at American colleges and universities. At that time, international applications to U.S. graduate schools and to English as a Second Language, ESL, programs were plummeting, and visa delays were numbering in the thousands. Visa delays were also negatively impacting the scientific and business communities, resulting in billions of dollars of losses for the U.S. economy, as scientific research, conferences, and business meetings had to be canceled and shifted to overseas locations.

Over the past 3 years, there have been improvements with visa issuance, and it is the State Department's Bureau of Consular Affairs, particularly Assistant Secretary Maura Harty, who deserves much of the credit. I am pleased with their advancements to enhance consular staff; adopt newer, more efficient technology; offer international students, scholars, and exchange visitors preferential consideration when scheduling in-person interview appointments; and extend security clearance validity. The Department also has established a business visa center to field inquiries from U.S. businesses and their worldwide counterparts, although the center cannot expedite in-person interview appointments or the processing of visa applications.

This is not to say that visa delays have disappeared entirely. Delays do continue to occur, albeit not at the huge volume they once were. Because of this, there is a lot of lingering uncertainty about the process which generates a great deal of concern for international students, scholars, exchange visitors, and business travelers, and reinforces a perception that America is not a welcoming place for international visitors.

Indeed, serious concerns remain regarding the U.S. position in the competition for international talent, particularly among higher education, the scientific community, and the private sector. Our competitiveness problem is not just a visa problem—we cannot solve it simply by fixing the visa problems that were created after 9/11.

The U.S. now faces strong competition for international students, scholars, scientists, and exchange visitors. The United Kingdom, Australia, New Zealand, and the European Union all have coordinated, government-led strategic plans in place for attracting international students and scholars to their colleges and universities. Even our neighbor to the north, Canada, plans to announce a strategic plan this year. Meanwhile, traditional sending countries such as China and India are expanding their own higher education offerings, both to retain more of their own students and to attract international students. In the face of this competition, the U.S. still struggles along with piecemeal efforts, with each positive action seemingly cancelled out by a negative action and persistent negative perceptions. The results are worrisome.

While international student enrollment in the U.S. declined in both the 2003–2004 and 2004–2005 academic years, and remained stagnant in 2005–2006, over the same period, enrollment in the United Kingdom jumped more than 80,000, in Australia and France more than 50,000, and in Germany and Japan more than 20,000. In 2006, then-U.K. Prime Minister Tony Blair announced a goal of attracting an additional 100,000 international students to Great Britain in the next 5 years.

Although we have started to see the enrollment numbers tick upwards slightly just this past year—in Minnesota, 9,048 international students were studying at colleges and universities last academic year, contributing $186.4 million to the state's economy—it is still below the peak level of 9,143 achieved in 2003–2004, so there is still ground to make up for what was lost over the past 3 years to ensure we regain our place as the most desired destination for study and for research. Even if we return to pre-9/11 numbers, we may find we have lost market share to competing nations.

Why should this matter to the U.S.? Recent public opinion polls taken around the world show that the U.S. has fallen out of favor. But these same polls also show that foreigners who have personally visited the U.S. have a significantly more favorable opinion than those who have never visited.

International students and scholars benefit greatly from their experiences in the U.S., not only from their studies and research, but also from living in daily American life. They carry these experiences home, often becoming ambassadors of goodwill and understanding. Many go on to achieve leadership positions in their home countries in government, business, or education. These exchanges also benefit American students, researchers and business colleagues, who similarly have the opportunity to learn about another culture in this globalized world.

Two expert commissions recently issued recommendations citing international educational exchange as a critical form of public diplomacy outreach. Last November, the Center for Strategic and International Studies' Commission on Smart Power cited international educational exchange as a key element for improving America's declining standing and influence in the world. Just last month, the Secure Borders and Open Doors Advisory Committee, a federal advisory committee tasked by the Departments of Homeland Security and State to provide recommendations on the Departments' missions to protect not only America's security but also our economic livelihood, ideals, image, and strategic relationships with the world, cited the need for a proactive national strategy to mobilize all the tools and assets at our disposal to attract international students and scholars to the U.S.

International students and scholars are not only important for public diplomacy, they also are essential for our Nation's global competitiveness. They make significant contributions to our economic growth and innovation. According to recent National Science Board data, nearly half of all graduate enrollments at U.S. colleges and universities in the science and engineering fields are international students. And these students often go on to positively impact future research and technology output in this country. I strongly support efforts to build up America's own supply of science and technology talent, but we also must continue to actively attract international talent to our shores if we are to retain our innovative edge.

It is a reality of our time that, at the high-skill level, the temporary immigration system has become a conveyor belt of talent into the permanent immigration system. Most foreign students do want to go home after graduation, but some want to stay and use the knowledge they have acquired at our universities. For example, Ms. Indra Nooyi, the current CEO of PepsiCo, the world's fourth largest food and beverage company, is herself a former international student who received her master's degree from Yale University's School of Management.

So it is for all these important reasons that Senator BINGAMAN and I once again introduce legislation on this important issue: The American Competitiveness Through International Openness Now, ACTION, Act of 2008.

This year's bill once again calls for the establishment of a strategic plan for increasing the competitiveness of the U.S. in recruiting international students, scholars and exchange visitors. The U.S. can no longer sit back and rest on its laurels when engaging in this global competition, especially when all of our competitors clearly have stepped up their game.

Our biggest problem is our inability to marshal the efforts of all the relevant agencies into one coherent effort. Too often, these agencies work in an uncoordinated manner, or worse, at cross purposes. The PR blunder cases, where one arm of our government sets up exchange programs to attract people and another arm of the government detains them at the border, is only the tip of the iceberg. Our legislation would create a White House-chaired International Education Coordinating Council to guide the work of the myriad agencies that affect our competitiveness for international students and exchange visitors.

One of the most important provisions in the legislation would remove the nonimmigrant intent requirement for international students, the so-called 214(b) rule. This outdated requirement that all applicants for student visas must intend to return home after their studies makes no sense, especially when talent-starved high-tech industries actively court international students upon graduation. As I stated earlier, our ability to attract international talent is essential to sustaining our competitive edge in the world. Retaining such a requirement is simply out of step in this day and age, especially when most of our competitors are going out of their way to enact policies to make it easier for international students to stay after graduation.

The bill calls for further improvement in the timeliness and efficiency of the visa issuance process for those in the sciences. It directs the Secretary of State to issue guidance to reduce the length of time to issue visas to scientists to a maximum of 30 days, and to provide a special review process for those cases that are delayed more than 45 days. It also directs the Secretary of State to review and update the Technology Alert List on a regular basis, and to consult with academia and the private sector as part of this review, to ensure the list reflects the current state of technology.

It also calls for expediting visa reviews for so-called "Trusted Travelers": easily identifiable, low-risk frequent travelers who have a history of past visa approvals, haven't violated their immigration status, and have provided their biometric data, plus any additional information required, to the consulate. This would both ease travel for these individuals and permit consular resources to be focused on more important cases. There is also a provision to also allow expedited visa reviews for international students, scholars and exchange visitors who leave the United States temporarily to visit their families or attend conferences and require a new visa to return to the same program. Today, these people can be stranded abroad for months without being able to return to their programs.

The legislation calls for the reinstatement of domestic or stateside visa renewals for those here on employment-based non-immigrant visas. This practice was discontinued in 2004, because U.S. consulates abroad were better equipped to collect the required biometric data from the renewal applicant. Given today's available technology, we should seek to reinstate this practice. This would help to alleviate the volume of renewal applicants at our overseas consulates, as well as help renewal applicants who often opt to forgo travel overseas due to the uncertainty of timely and efficient processing of their renewal applications.

Finally, there has been much public debate about driver's licenses and Real ID. In our well-intentioned efforts to ensure that only persons in the U.S. legally are able to acquire driver's licenses, we have unintentionally hamstrung the ability of legal nonimmigrants to have licenses. Real ID's unrealistic documentation and renewal requirements for international students and scholars send yet another negative signal about America's openness to them, and frankly ignore technical advances which could provide both better assurances about a person's legal status and licenses of a longer validity. Our bill will correct this problem in a way that will strengthen, not weaken, the integrity of driver's licenses.

For all of these reasons, our legislation is endorsed by NAFSA: Association of International Educators, the world's largest professional association advocating for international education and exchange programs, by the National Foreign Trade Council, the Nation's premier business organization dedicated to advancing global commerce, and by USA Engage, a leading broad-based coalition of trade associations promoting global economic engagement.

The American way of life owes its success and vitality to its historic ability to harness the best in knowledge and ideas, not only those that are homegrown, but also those that come from outside our borders. The longer we wait to take action, the more we risk missing out on future U.S. academic, business, and research success.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2653

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness Through International Openness Now Act of 2008" or as the "ACTION Act of 2008".

### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Although the United States is engaged in a global competition for international students and scholars, the United States lacks a comprehensive strategy for conducting and succeeding in this competition.

(2) In January 2008, the Secure Borders and Open Doors Advisory Committee of the Homeland Security Advisory Council issued a report that specifically cites international education as a key component of public diplomacy, stating: "America is losing competitiveness for international students for one primary reason . . . because our competitors have—and America lacks—a proactive national strategy that enables us to mobilize all the tools and assets at our disposal, and that enables the federal bureaucracy to work together in a coherent fashion, to attract international students."

(3) Attracting the world's most talented students and scholars to campuses and research institutes in the United States will contribute significantly to the leadership, competitiveness, and security of this Nation.

(4) The international student market has been transformed in the 21st century. Traditional competitor countries have adopted and implemented strategies for capturing a greater share of the market. New competitors, primarily the European Higher Education Area, have entered the market. Traditional sending countries, such as China and India, are expanding their indigenous higher education capacity, both to retain their own students and to attract international students. All of these changes are giving international students many more options for pursuing higher education outside their home countries.

(5) The number of international students enrolled in United States higher education institutions declined in the academic years 2003–04 and 2004–05, and remained constant in academic year 2005–06. In academic year 2006–07, international student enrollments increased 3 percent, yet remained below the peak level, achieved in the 2002–03 academic year.

(6) From 2003 to 2006, international student enrollments increased—

(A) by more than 80,000 in the United Kingdom;

(B) by more than 50,000 in Australia and France; and

(C) by more than 20,000 in Germany and Japan.

(7) Anecdotal evidence indicates that international students, scholars, and scientists continue to find the process of gaining entry to the United States to be demeaning and unnecessarily cumbersome.

(8) While intensive English programs in the United States are a gateway to degree programs, international student enrollments in such programs have declined by almost 50 percent since 2000, and many schools offering such programs have closed. This is due primarily to the difficulty of obtaining a United States visa for the purpose of studying English.

(9) At a time when talent is both scarce and mobile and attracting talent is essential to the leadership, competitiveness, and security of the United States, it is as important for our Nation's visa system to be a gateway for international talent as it is for it to be a barrier to international criminals. Although the Department of State has made significant progress in improving the United States visa system, the system still does not effectively serve this dual purpose.

### SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that it should be the policy of the United States—

(1) to make international educational exchange a priority in order to promote United States leadership, competitiveness, and security;

(2) to restore United States competitiveness for international students, scholars, scientists, and exchange visitors;

(3) to ensure that all agencies of the United States Government work together to create a welcoming environment for legitimate international students, scholars, scientists, and exchange visitors, without sacrificing safety;

(4) to pursue a visa policy that keeps the United States safe, prosperous, and free, by—

(A) addressing legitimate security concerns; and

(B) keeping the United States a welcoming Nation; and

(5) to ensure that United States consulates have adequate resources to perform their required duties.

### SEC. 4. ENHANCING UNITED STATES COMPETITIVENESS FOR INTERNATIONAL STUDENTS, SCHOLARS, SCIENTISTS, AND EXCHANGE VISITORS.

(a) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a strategic plan for increasing the competitiveness of the United States for international students, scholars, scientists, and exchange visitors.

(2) CONTENT.—The strategic plan submitted under this subsection shall include—

(A) a clear directive to the Department of State, the Department of Homeland Security, the Department of Education, the Department of Commerce, the Department of Energy, and other Federal departments that impact—

(i) the propensity of international students, scholars, scientists, and exchange visitors to visit the United States;

(ii) the ability of such individuals to gain entry into the United States; and

(iii) the ability of such individuals to obtain a driver's license, Social Security card, and other documents essential to daily life in the United States;

(B) a marketing plan, including continued improvements in the use of the Internet and other media resources, to promote and facilitate study in the United States by international students;

(C) a clear division of labor among the departments referred to in subparagraph (A);

(D) a plan to enhance the role of the educational advising centers of the Department of State that are located in foreign countries to promote study in the United States and to prescreen visa applicants;

(E) a clarification of the lines of authority and responsibility for international students in the Department of Commerce;

(F) a clear role for the Department of Education in increasing the competitiveness of the United States for international students; and

(G) a clear delineation of the lines of authority and streamlined procedures within the Department of Homeland Security related to international students, scholars, scientists, and exchange visitors.

(b) INTERNATIONAL EDUCATION COORDINATION COUNCIL.—

(1) ESTABLISHMENT.—There is established in the Executive Office of the President a council to be known as the International Education Coordination Council (referred to in this subsection as the "Council").

(2) PURPOSE.—The Council shall coordinate the activities of the Federal Government in order to further the purposes of this Act.

(3) CHAIR.—The President shall designate an official of the Executive Office of the President to preside over the Council.

(4) COMPOSITION.—The Council shall be composed of the following positions, or their designees:

(A) The Secretary of State.

(B) The Secretary of Homeland Security.

(C) The Secretary of Education.

(D) The Secretary of Commerce.

(E) The Secretary of Energy.

(F) The Secretary of Labor.

(G) The Director of the Federal Bureau of Investigation.

(H) The Commissioner of Social Security.

(I) The head of any other agency designated by the President.

(c) ELIMINATION OF NONIMMIGRANT INTENT CRITERION FOR STUDENTS.—

(1) IN GENERAL.—Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) is amended—

(A) by striking "having a residence in a foreign country which he has no intention of abandoning," and inserting "having the intention, capability, and sufficient financial resources to complete a course of study in the United States,"; and

(B) by striking "and solely".

(2) PRESUMPTION OF STATUS.—Section 214(b) of the Immigration and Nationality Act is amended by striking "subparagraph (L) or" and inserting "subparagraph (F), (L), or".

(d) COUNTERING VISA FRAUD.—The Secretary of State shall—

(1) require United States consular offices, with particular emphasis on consular offices in countries that send large numbers of international students and exchange visitors to the United States, to submit to the Secretary plans for countering visa fraud that respond to the particular fraud-related problems in the countries where such offices are located; and

(2) not later than 180 days after enactment of this Act, report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the measures taken to counter visa fraud under the plans submitted under paragraph (1).

(e) IMPROVING THE SECURITY CLEARANCE PROCESS FOR SCIENTISTS.—

(1) DURATION OF SECURITY CLEARANCES.—The Secretary shall extend the duration of security clearances for scientists admitted under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)) until sooner of—

(A) the expiration of the program for which the scientist was admitted; or

(B) the date that is 5 years after the beginning of such extension.

(2) PORTABILITY OF SECURITY CLEARANCES.—

(A) VALIDITY ACROSS NONIMMIGRANT CLASSIFICATIONS.—Except as provided under subparagraph (B), a security clearance issued with respect to an individual classified within a nonimmigrant classification shall remain valid with respect to a change of the individual to another nonimmigrant classification if the security clearance approved in connection with the first classification is in substantially the same field as the field involved in the subsequent classification.

(B) NATIONAL INTEREST WAIVER.—Subparagraph (A) shall not apply with respect to an applicant for a security clearance if the Secretary determines that the application of such subparagraph with respect to such applicant is not in the national security interests of the United States.

(3) VISA PROCESSING TIME.—The Secretary shall issue appropriate guidance to—

(A) reduce the length of time required to issue visas to scientists to a maximum of 30 days; and

(B) provide for a special review process to resolve instances in which the length of time required to issue visas to scientists exceeds 45 days.

(4) REVIEW OF TECHNOLOGY ALERT LIST.—

(A) INTERAGENCY PROCESS.—The Secretary shall establish an interagency group to review the technology alert list not less frequently than once every 2 years.

(B) CHAIR.—The interagency review group established pursuant to subparagraph (A) shall be chaired by an appropriate official of the Department of State.

(C) CONSULTATION.—As part of its assessment of the current state of technology, the interagency review group shall consult with academic experts and with companies that manufacture and distribute the items on the technology alert list.

(D) IMPLEMENTATION.—The Secretary shall—

(i) promptly revise the technology alert list in accordance with the recommendations of the group; and

(ii) promptly notify consular officials of the Department of State of the revisions.

(5) ANNUAL REPORT.—

(A) SUBMISSION.—The Secretary shall submit an annual report on the implementation of this subsection to—

(i) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(ii) the Committee on Foreign Relations of the Senate;

(iii) the Committee on Armed Services of the Senate;

(iv) the Committee on Energy and Commerce of the House of Representatives;

(v) the Committee on Science and Technology of the House of Representatives; and

(vi) the Committee on Armed Services of the House of Representatives.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include such information as the Secretary determines appropriate, including—

(i) progress made to reduce the length of time required to process visas to scientists, including the average processing time to complete security clearances for visa applicants in each nonimmigrant visa classification under section 101(a)(15) of the Immigration and Nationality Act;

(ii) any revisions made to the technology alert list under paragraph (4);

(iii) the number of individuals in each nonimmigrant visa classification who have—

(I) received a security clearance in the preceding year;

(II) been approved for a visa after receiving such clearance; or

(III) been denied such clearance; and

(iv) the distribution of such individuals by country of nationality.

(6) DEFINITIONS.—In this subsection:

(A) SCIENTISTS.—The term "scientists" means individuals subject to clearance under section 212(a)(3)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)(i)(II)).

(B) SECRETARY.—The term "Secretary" means the Secretary of State.

(C) TECHNOLOGY ALERT LIST.—The term "technology alert list" means the list of goods, technology, and sensitive information that is maintained by the Department of State.

(f) SHORT-TERM STUDY ON TOURIST VISA.—Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended by inserting "for a period longer than 90 days" after "study".

(g) DRIVERS' LICENSES FOR INTERNATIONAL STUDENTS AND EXCHANGE VISITORS.—Section 202(c)(2)(C) of the Real ID Act of 2005 (49 U.S.C. 30301 note) is amended by adding at the end the following:

"(v) PROVISIONS FOR NONIMMIGRANTS MONITORED UNDER THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM.—With respect to a nonimmigrant subject to the monitoring system required under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372)—

"(I) notwithstanding clause (ii), a temporary driver's license or temporary identification card issued to such nonimmigrant pursuant to this subparagraph shall be valid for the shorter of—

"(aa) the period of time of the nonimmigrant's authorized stay in the United States; or

"(bb) the standard issuance period for drivers' licenses provided by the State; and

"(II) valid status under that monitoring system shall be deemed to be valid documentary evidence that the nonimmigrant maintains status for purposes of clause (iv).".

(h) CHANGE OF STATUS FOR CERTAIN F-VISA HOLDERS SEEKING ADJUSTMENT OF STATUS.—An individual who has been in valid status under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) shall be considered to have remained in such status until the beginning of a fiscal year if—

(1) a petition under section 101(a)(15)(H)(i)(b) of such Act has been filed on behalf of such individual and has been approved for such fiscal year;

(2) the cap with respect to such petitions provided in paragraph (1)(A) or (5)(C) of section 214(g) of such Act was reached before such fiscal year; and

(3) such individual's valid status under section 101(a)(15)(F) of such Act would otherwise terminate not more than 6 months before such fiscal year.

(i) SOCIAL SECURITY ENUMERATION AT PORTS OF ENTRY.—

(1) FINDING.—Congress finds that section 205(c)(2)(B)(i)(I) of the Social Security Act (42 U.S.C. 405(c)(2)(B)(i)(I)) requires the Commissioner of Social Security to assign Social Security numbers, to the maximum extent practicable, to aliens at the time of their lawful admission to the United States—

(A) for permanent residence; or

(B) under any other status which permits such aliens to engage in employment in the United States.

(2) MEMORANDUM OF UNDERSTANDING.—Pursuant to such section, not later than 180 days after the date of the enactment of this Act, the Commissioner of Social Security, the Secretary of State, and the Secretary of Homeland Security shall reach agreement on a memorandum of understanding to expand the enumeration-at-entry program to include all eligible individuals seeking admission to the United States under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)).

(3) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the expanded enumeration-at-entry program described in paragraph (2) shall become effective at all United States ports of entry.

### SEC. 5. FACILITATING BUSINESS AND ACADEMIC TRAVEL.

(a) EXPEDITED VISA REVIEWS FOR TRUSTED TRAVELERS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall establish a trusted traveler program for international students, researchers, scholars, and individuals engaged in business, which shall operate in accordance with such guidance and procedures as the Secretary may determine.

(2) TRUSTED TRAVELER DESCRIBED.—The trusted traveler program shall provide for expedited visa review for—

(A) frequent low-risk visitors to the United States, who—

(i) have a history of visa approvals;

(ii) have not violated their immigration status;

(iii) have provided biometric data; and

(iv) have agreed to provide the consulate with such information as the Secretary may require; and

(B) aliens admitted under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15), who—

(i) are pursuing a program in the United States;

(ii) have not violated their immigration status;

(iii) have left the United States temporarily; and

(iv) require a new visa to return to the same program.

(3) AUTHORITY TO WAIVE PERSONAL APPEARANCE.—Notwithstanding section 222(h) of the Immigration and Nationality Act (8 U.S.C. 1202(h)), the Secretary may waive the requirement for an in-person interview by a consular officer with respect to trusted travelers described in paragraph (2).

(b) ENHANCING CONSULAR RESOURCES AND PERFORMANCE.—

(1) REQUIREMENT.—The Secretary of State shall—

(A) issue instructions providing for—

(i) enhanced staffing of United States consulates with high demand for visas and long visa-processing backlogs; and

(ii) enhanced training, in partnership with institutions of higher education, leaders in educational exchange, and the business community, for consular officers with respect to processing visas for international students and scholars and individuals traveling for business;

(B) issue strong operational guidance to all United States consular posts to eliminate inconsistencies in visa processing; and

(C) through regular reviews, hold such posts accountable for removing such inconsistencies.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the implementation of this subsection.

(c) RESTORATION OF REVALIDATION PROCEDURES FOR EMPLOYMENT-BASED VISAS.—

(1) IN GENERAL.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following:

"(i) The Secretary of State shall issue regulations to permit an alien granted a nonimmigrant visa under subparagraph (E), (H), (I), (L), (O), or (P) of section 101(a)(15) to apply for a renewal of such visa within the United States if—

"(1) such visa is valid or did not expire more than 12 months before the date of such application;

"(2) the alien is seeking a nonimmigrant visa under the same subparagraph under which the alien had previously received a visa; and

"(3) the alien has complied with the immigration laws of the United States.".

(2) CONFORMING AMENDMENT.—Section 222(h) of such Act is amended, in the matter preceding subparagraph (1), by striking "Notwithstanding" and inserting "Except as provided under subsection (i), and notwithstanding".

(d) COMPREHENSIVE HUMAN CAPITAL WORKFORCE PLAN.—The Secretary of State and the Secretary of Homeland Security shall jointly—

(1) develop a plan for the appropriate selection, training, and supervision of Federal Government officials whose contact with foreign citizens impacts the international image of the United States, including consular and customs and border protection officials; and

(2) submit an annual report on the implementation of the plan described in paragraph (1) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 454—DESIGNATING THE MONTH OF MARCH 2008 AS "MRSA AWARENESS MONTH"

Mr. DURBIN (for himself, Mr. HATCH, Mr. MENENDEZ, Mr. SPECTER, and Mr. BROWN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 454

Whereas Methicillin-resistant Staphylococcus aureus (MRSA) is a type of infection that is resistant to treatment with the usual antibiotics and is one of the most common pathogens that cause Healthcare-Associated Infections (HAIs) in the United States and in many parts of the world;

Whereas a study led by the Centers for Disease Control and Prevention estimates that in 2005 more than 94,000 invasive MRSA infections occurred in the United States and more than 18,500 of these infections resulted in death;

Whereas the percentage of Staphylococcus aureus infections in the United States that are attributable to MRSA has grown from 2 percent in 1974 to 63 percent in 2004;

Whereas the annual number of hospitalizations associated with MRSA infections, including both HAIs and community-based infections, more than tripled between 1999 and 2005, from 108,600 to 368,600;

Whereas approximately 85 percent of all invasive MRSA infections were associated with healthcare;

Whereas serious MRSA infections occur most frequently among individuals in hospitals and healthcare facilities, particularly the elderly, those undergoing dialysis, and those with surgical wounds;

Whereas individuals infected with MRSA are most likely to have longer and more expensive hospital stays, with an average cost of $35,000;

Whereas there has been an increase in reported community-acquired staph infection outbreaks, including antibiotic-resistant strains, in States such as Illinois, New York, Kentucky, Virginia, Maryland, Ohio, North Carolina, Florida, and the District of Columbia;

Whereas clusters of community-acquired MRSA infections have been reported since the late 1990s among competitive sports teams, correctional facilities, schools, workplaces, military facilities, and other community settings;

Whereas a person who is not infected with MRSA can be a vehicle for the transmission of infections through skin-to-skin contact; and

Whereas many instances of MRSA transmission can be prevented through the use of appropriate hygienic practices, such as hand washing and appropriate first aid for open wounds and active skin infections, are followed: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the need to apply what is already known about reducing the transmission of infections in hospitals, effectively using diagnostics, and ensuring appropriate use and utilization of antibiotics to meet patient and public health needs;

(2) recognizes the need to pursue operational research to find the best ways of preventing hospital- and community-acquired Methicillin-resistant Staphylococcus aureus (MRSA) and developing new antibiotics for improving care for MRSA patients;

(3) recognizes the importance of raising awareness of MRSA and methods of preventing MRSA infections;

(4) supports the work of advocates, healthcare practitioners, and science-based experts in educating, supporting, and providing hope for individuals and their families affected by community and healthcare associated infections; and

(5) designates the month of March 2008 as "MRSA Awareness Month".

Mr. DURBIN. Mr. President, in response to the emerging threat of methicillin-resistant staphylococcus aureus, or MRSA, infections, I introduced legislation in November to improve the prevention, detection, and treatment of community and healthcare-associated infections. The Community and Healthcare Associated Infections Reduction Act of 2007 builds on what hospitals are already doing and what infectious disease experts and government agencies agree is critical to reducing the emergence of these infections.

In the last few months, the problem has persisted and Congress has done little. The problem is not going away. Just last month a hospital in Chicago treated a patient with a nasty sore on his wrist that was attributable to MRSA. Unfortunately, the hospital found that the infection was unresponsive to two medications that have been recommended, mainstay treatments for MRSA. The already-formidable microbe has strengthened its defenses.

Scientists are constantly trying to learn more information about MRSA and its impact on communities, even while healthcare professionals are fighting to keep patients safe. Although MRSA infections can be mild or moderate, almost 100,000 become serious and lead to 19,000 deaths each year, according to the Centers for Disease Control and Prevention.

The CDC estimates that in 2005 in the U.S., 94,000 people developed an invasive drug-resistant staph infection. Out of 94,000 infections, researchers found that more than half were acquired in the health care system—people who had recently had surgery or were on kidney dialysis, for example. The 9,000—often needless—American deaths from these infections every year account for more than the number of people who died from HIV/AIDS, homicide, emphysema, or Parkinson's.

MRSA infections are a persistent crisis. In 2002, Illinois hospitals diagnosed 6,841 cases of MRSA. In 2006, that number was 10,714. Steady growth in the incidence of MRSA cases shows a 56.7 percent increase over a 5-year period. As a result, the State of Illinois has taken aggressive steps to identify the infection before it grows out of control. Illinois was the first State to require testing of all high-risk hospital patients and isolation of those who carry the MRSA bacteria. Twenty-two States have passed laws that will give their residents important information about hospital infections. Nineteen States have laws that require public reporting of infection rates.

Hospitals are actively working to identify and control infections, implementing infection control plans to maintain the safety of patients. For example, Evanston Northwestern Hospital is now placing patients who test positive for MRSA in "contact isolation." That means patients are placed in private rooms or rooms with other MRSA-positive patients. Also, patients who developed symptoms of infection at the hospitals are tested and treated on the premises. The strategy is working. Evanston Northwestern went from 1,200 cases of patient-to-patient MRSA transmission in 2003 to 80 cases in 2006, and the $600,000-a-year program saved twice as much as it cost.

But we can't leave it up to the hospitals to control these infections. About half of the infections that end up being treated in hospitals were actually picked up in the community. Schools in Illinois, Connecticut, Maryland, North Carolina, Ohio, Virginia and Kentucky have had to close to help contain the spread of an infection. School officials in Mississippi, New Hampshire, New York, and Virginia have reported student deaths from bacteria, while officials in at least four other States reported cases of students being infected.

Today, I am introducing a bipartisan resolution with the support of my colleagues Senator HATCH, Senator MENENDEZ, Senator SPECTER, and Senator BROWN to designate March as MRSA Awareness Month. We hope this resolution will bring more attention to the need to address this critical public health issue—not only by communities and healthcare organizations, but by the Federal Government.

## SENATE RESOLUTION 455—CALLING FOR PEACE IN DARFUR

Mr. DURBIN (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. FEINGOLD, Mr. COLEMAN, Mr. VOINOVICH, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 455

Whereas, during the past 4 years in Darfur, hundreds of thousands of innocent victims have been murdered, tortured, and raped, with more than 2,000,000 people driven from their homes;

Whereas some but not all of the parties to the conflict in Darfur participated in the first round of a United Nations-African Union peace process launched in October 2007 in Sirte, Libya;

Whereas the Comprehensive Peace Agreement (CPA) reached between the Government of Sudan and the Sudanese People's Liberation Movement (SPLM) in January 2005 has not been fully or evenly implemented;

Whereas the Government of Sudan has continued to obstruct the deployment of a joint United Nations-African Union peacekeeping force to Darfur that would include non-African elements;

Whereas elements of armed rebel movements in Darfur, including the Justice and Equality Movement (JEM), have made violent threats against the deploying peacekeeping force;

Whereas 13 former world leaders and current activists, including former president Jimmy Carter, former United Nations Secretary-General Kofi Annan, Bangladeshi microfinance champion Muhammed Yunus, and Archbishop Desmond Tutu, have called for the immediate deployment of the peacekeeping force; and

Whereas, while these and other issues remain pending, it is the people of Darfur, including those living in refugee camps, who suffer the continuing consequences: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls upon the Government of Sudan and other signatories and non-signatories to the May 5, 2006, Darfur Peace Agreement to declare and respect an immediate cessation of hostilities, cease distributing arms to internally displaced persons, and enable humanitarian organizations to have full unfettered access to populations in need;

(2) calls upon the Government of Sudan to facilitate the immediate and unfettered deployment of the United Nations-African Union peacekeeping force, including any and all non-African peacekeepers;

(3) urges all invited individuals and movements to attend the next round of peace negotiations and not set preconditions for such participation;

(4) calls upon the diverse rebel movements to set aside their differences and work together in order to better represent the people of Darfur and end their continued suffering;

(5) encourages the participation in future talks of traditional Arab and African leaders from Darfur, women's groups, local nongovernmental organizations, and leaders from internally displaced persons (IDP) camps;

(6) condemns any intimidation or threats against camp or civil society leaders to discourage them from attending the peace talks, whether by the Government of Sudan or rebel leaders;

(7) condemns any action by any party, government or rebel, that undermines or delays the peace process in Darfur; and

(8) calls upon all parties to the Comprehensive Peace Agreement (CPA) to support and respect all terms of the agreement.

Mr. DUBRIN. Mr. President, time and time again I have come to the floor to speak about the ongoing genocide in Darfur.

For more than 4 years the world has watched this humanitarian crisis unfold—thousands murdered, tortured, raped, and chased from their homes. Thousands more languishing year after year in refugee camps.

Many of us on both sides of the aisle have repeatedly called for greater U.S. and international action. President Bush has called the situation genocide and British Prime Minister Brown said "Darfur is the greatest humanitarian crisis the world faces today."

U.N. Secretary General Ban Ki-moon has made ending the crisis in Darfur one of his top priorities.

Thirteen former world leaders and current activists—a group of "Elders"—including former president Jimmy Carter, former U.N. Secretary General Kofi Annan, Bangladeshi microfinance champion Muhammed Yunus, and Archbishop Desmond Tutu have called for the immediate deployment of a peacekeeping force to Darfur.

Here at home, thousands of students, churches, and other activists have helped raise awareness of the horrible human suffering in Darfur.

Such efforts led to an important vote last year by the U.N. Security Council to deploy 26,000 peacekeepers from the U.N. and African Union. This peacekeeping force would go to Darfur to halt the violence and create conditions for a long-term political settlement.

Late last year, Congress passed the Sudan Divestment and Accountability Act, which will help concerned Americans ensure that their investments do not support the murderous regime in Khartoum.

Yet, despite such overwhelming calls for action, the Sudanese government continues to brutalize its own people and thumb its nose at the international community.

Earlier this week Sudanese army and allied militia forces, with the help of helicopter gunships and planes, conducted yet another major assault in Darfur, burning villages, killing civilians, and forcing thousands more to flee into increasingly unstable Chad.

Equally troubling are blatant efforts by the Sudanese government to obstruct deployment of the peacekeeping force. For example, Sudan's leaders have balked at deployment of non-African forces. Last month government forces fired upon a peacekeeping convoy.

In recent months the regime has even appointed notorious figures complicit in the Darfur genocide to senior government positions. Two are wanted by the International Criminal Court for war crimes.

Incredibly, one such figure, Ahmed Haroun, was actually appointed to be Minister of Humanitarian Affairs, ostensibly to assist the very people he helped displace.

It is time to bring an end to the violence and set the conditions for a long-term political settlement.

Last week Senator BIDEN led a resolution that called on the President to immediately address any equipment shortcomings with the peacekeeping force.

I wholeheartedly agree.

The White House must not allow a modest shortage of equipment to prolong the suffering in Darfur.

Today I am introducing a resolution, along with Senators BIDEN, BROWNBACK, COLEMAN, FEINGOLD, MENENDEZ, and VOINOVICH calling for an immediate halt to the violence and a commitment from all sides to participate in the next round of peace talks.

The resolution also calls upon the government of Sudan to facilitate the immediate and unfettered deployment of the U.N.-African Union peacekeeping fôrce, including any and all non-African peacekeepers.

The resolution calls upon the diverse rebel movements to set aside their differences and work together in order to better represent the people of Darfur and end their continued suffering.

The resolution condemns any action by any party—government or rebel—that undermines or delays the peace process.

The resolution call upon the government of Sudan to enable humanitarian organizations to have full unfettered access to populations in need; and it calls upon all parties to the Comprehensive Peace Agreement between North and South Sudan to support and respect all terms of the agreement.

We have allowed the humanitarian crisis in Darfur to continue for far too long. We have allowed a brutal regime to repeatedly obstruct and ignore the international community.

I call on my colleagues to join us as we call on the U.S. to put is full weight behind deployment of a peacekeeping force and pushing all sides toward a long-term political solution.

## SENATE RESOLUTION 456—DIRECTING THE UNITED STATES TO UNDERTAKE BILATERAL DISCUSSIONS WITH CANADA TO NEGOTIATE AN AGREEMENT TO CONSERVE POPULATIONS OF LARGE WHALES AT RISK OF EXTINCTION THAT MIGRATE ALONG THE ATLANTIC SEABOARD OF NORTH AMERICA

Ms. SNOWE (for herself, Ms. COLLINS, and Mr. SUNUNU) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 456

Whereas populations of large whales in the north Atlantic, including north Atlantic right whales, fin whales, and humpback whales, were substantially reduced, largely due to commercial whaling efforts that ended more than 60 years ago in the United States and more than 30 years ago in Canada, and rebuilding and protecting these species requires significant conservation efforts;

Whereas the United States and Canada share the goals of marine resource conservation through sound scientific research and seek to protect large whales at risk of extinction;

Whereas north Atlantic right whales, humpback whales, and fin whales are listed as "endangered" under the United States Endangered Species Act and "depleted" under the Marine Mammal Protection Act, and north Atlantic right whales are listed as "endangered" and fin whales are listed as a species of "special concern" under Canada's Species at Risk Act;

Whereas north Atlantic right whales, humpback whales, and fin whales, migrate throughout the north Atlantic Ocean, including through the waters of the United States and Canada along the eastern Atlantic Seaboard;

Whereas the populations of large whales in the north Atlantic Ocean are affected by natural factors including availability of forage and oceanographic conditions such as water temperature, salinity, and currents, and additional research on these topics will facilitate whale conservation;

Whereas some fishermen in both the United States and Canada employ fixed gear types within the migratory range of large whales, thereby exposing the species to risks of entanglement, and ships transiting both United States and Canadian waters have been known to strike large whales resulting in injury or death of the cetaceans;

Whereas the United States has taken significant regulatory and advisory steps to reduce the impacts of its fishing and shipping activities on large whale species, including restrictions on fixed fishing gear, closures of areas to certain types of fishing effort seasonally, and advisory restrictions on vessel traffic;

Whereas effective regulations to ensure conservation and protection of these large whale species must be a transboundary, bilateral effort that equitably distributes the costs and benefits of whale conservation among regulated and other concerned parties in each Nation, including the United States and Canadian governments, the fishing and shipping industries, States, Canadian provinces, and interested nongovernmental organizations;

Whereas Canada and the United States have a history of cooperation on transboundary marine resource issues, including a joint effort by the Canadian Department of Fisheries and Oceans and the United States' Provincetown Center for Coastal Studies and the New England Aquarium to assist entangled large whales in the Bay of Fundy and Gulf of Maine;

Whereas the United States National Oceanic and Atmospheric Administration has long been involved with a series of bilateral discussions with Canada concerning the United States Atlantic Large Whale Take Reduction Plan, and the Canadian Species at Risk Plan;

Whereas encouraging collaboration between representatives of the United States and Canadian Federal governments, affected States and Canadian provinces, affected fishing and shipping industries, and non-governmental organizations will facilitate the parties' ability to develop a sound, scientifically supported, mutually acceptable agreement: Now, therefore, be it

*Resolved, by the Senate*, That—

(1) the United States should undertake bilateral discussions with Canada to negotiate an agreement for the conservation and protection of migratory or transboundary populations of large whales at risk of extinction in the northwest Atlantic Ocean;

(2) the agreement negotiated pursuant to paragraph (1) should contain mechanisms, inter alia, for reducing incidents of endangered large whales becoming entangled in fishing gear, being struck by ships, or otherwise adversely impacted by human activity;

(3) the mechanisms developed pursuant to paragraph (2) should ensure that—

(A) the costs and benefits of whale conservation regulations are to the extent feasible fairly and equitably distributed among regulated and other concerned parties including the United States and Canadian governments, the fishing and shipping industries, States, Canadian provinces, and interested nongovernmental organizations;

(B) the full economic impact on fishing communities is considered in the development of such measures; and

(C) the best available science on whale behavior, including diving, feeding, and migration, is used to develop conservation mechanisms;

(4) as any bilateral agreement is negotiated and implemented, the United States and Canada should consult with, inter alia, affected fishery management agencies, coastal States and provinces impacted by the agreement, and appropriate industry and nongovernmental organizations; and

(5) until the agreement pursuant to paragraph (1) becomes operational, the United States should continue to undertake efforts to reduce the impacts of human activity on endangered large whales while taking steps, to the extent consistent with United States law, to minimize the economic impact of such efforts on affected industries.

Ms. SNOWE. Mr. President, I rise today to introduce a resolution directing the U.S. to undertake bilateral discussions with Canada to negotiate an agreement to conserve endangered large whales that migrate along the Atlantic seaboard of North America. I would also like to thank my colleagues, Senators COLLINS and SUNUNU for their cosponsorship. Whales do not recognize international boundaries, and it is critical that we work with our neighbors to develop consistent means to protect whales from potentially harmful interactions with fishing gear, ships, and other manmade threats.

Both the U.S. and Canada have taken steps to reduce the impacts of their respective maritime industries on endangered whale populations, but neither country can provide adequate protection working independently of the other. Large whales, including critically endangered north Atlantic right whales, humpback whales, and fin whales, migrate throughout the north Atlantic Ocean, crossing frequently between Canadian and U.S. waters where fishermen on both sides of the boundary employ fishing methods that pose a risk of entanglement, and transiting ships have been known to strike the cetaceans, resulting in serious injury or death.

The U.S. has long been a global leader in marine mammal protection. The Atlantic Large Whale Take Reduction Plan, developed under the auspices of the National Marine Fisheries Service, NMFS, carries a mandate to reduce incidents of whale entanglement with fishing gear and of ship strikes, and it has issued numerous regulations aimed at achieving its goals. Unfortunately, many of its regulations on the U.S. fishing industry have not been matched by their management counterparts north of the border. Most recently, in October of this year, NMFS issued new regulations, including a mandate for lobster fishermen to use sinking rope to connect their strings of lobster pots. The intent of this rule is to reduce the amount of rope in the water column and thus the risk of a whale becoming entangled. Traditionally, lobstermen have fished using floating rope because in the strong tides and rocky sea floor we experience in many areas off the coast of Maine, sinking rope can chaff, abrade, and break quite easily. These rules, which are due to take effect in October of this year will increase fishermen's overhead cost by requiring more frequent replacement of degraded rope, and pose a safety hazard for our lobstermen. Canadian fishermen experience no similar restrictions on their gear, thereby reducing their overhead costs relative to U.S. fishermen. This not only gives them a competitive advantage in the marketplace, but also provides no benefit to the endangered species of whales our lobstermen are making sacrifices to protect.

Canada should be praised, however, for its efforts to implement regulations on its shipping industry, including imposing speed limits in areas whales are known to frequent. NMFS's Take Reduction Team has developed similar regulations for shippers transiting areas of U.S. waters, and NMFS sent its final rule to the Office of Management and Budget nearly 1 year ago, but to date, that office has failed to release it. I find it inexcusable that the administration finds it acceptable to impose harsh restrictions on the lobster industry, which is comprised of hardworking small businessmen struggling to make ends meet, but refuses to impose restrictions on a multi-billion dollar industry. This despite the fact that the cost of the ship strike rules, expressed as a percentage of the affected industry's total earnings, will be a fraction of the cost of the gear restrictions. This inequity is exacerbated by the fact that since 2001, nearly three times more whales have been confirmed killed by ship strikes than by entanglement in fishing gear.

I expect that this resolution will serve to spur productive conversations between the U.S. and Canada that will ultimately lead to development of bilateral whale protection measures. By agreeing to equal protection measures in U.S. and Canadian waters, we can not only guarantee more comprehensive protection for endangered whales, but also a fair distribution of cost to affected industries and a level playing field for both U.S. and Canadian products.

## SENATE RESOLUTION 457—RECOGNIZING THE CULTURAL AND HISTORICAL SIGNIFICANCE OF THE CHINESE NEW YEAR OR SPRING FESTIVAL

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 457

Whereas the Chinese New Year is celebrated on the second new moon following the winter solstice;

Whereas February 7, 2008, marks the first day of the Chinese New Year for 2008, also known as the Year of the Rat or the Year of Wu Zi;

Whereas the Chinese New Year festivities begin on the first day of the first lunar month and end 15 days later with the celebration of the Lantern Festival;

Whereas there are approximately 3,500,000 Chinese-Americans in the United States, many of whom will be commemorating this important occasion;

Whereas this day will be marked by celebrations throughout our country as Chinese-Americans gather to watch the dragon and lion dances; and

Whereas the United States Postal Service will debut a new stamp series for the 12 animals in the Chinese calendar on February 9, 2008, with the series continuing through 2019: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the cultural and historical significance of the Chinese New Year or Spring Festival;

(2) in observance of the Chinese New Year, expresses its deepest respect for Chinese-Americans and all those throughout the world who will be celebrating this significant occasion; and

(3) wishes Chinese-Americans and all those who observe this holiday a happy and prosperous new year.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4038. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act.

SA 4039. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4040. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4041. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4042. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4043. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4044. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4045. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4046. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4047. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4048. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4049. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4050. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4051. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4052. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4053. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4054. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4055. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4056. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4057. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4058. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4059. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4060. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4061. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4062. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4063. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4064. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4065. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4066. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 4067. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3894 proposed by Mr. BINGAMAN (for himself and Mr. THUNE) to the amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 4068. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4069. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4070. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 4071. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4072. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4073. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 4074. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4075. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4076. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4077. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4078. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 4079. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4080. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4070 submitted by Mr. DEMINT to the amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 4081. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4082. Mr. DORGAN (for himself and Ms. MURKOWSKI) proposed an amendment to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 4083. Mr. BINGAMAN (for himself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 4084. Mr. REID (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 444, expressing the sense of the Senate regarding the strong alliance that has been forged between the United States and the Republic of Korea and congratulating Myung-Bak Lee on his election to the presidency of the Republic of Korea.

## TEXT OF AMENDMENTS

**SA 4038.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 294, strike lines 11 through 15 and insert the following:

grams involving treatment for victims of sexual abuse who are Indian children or children in an Indian household.

**SA 4039.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

Beginning on page 7, strike line 17 and all that follows through page 9, line 5.

**SA 4040.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 7, line 23, strike "and Urban Indians".

**SA 4041.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 8, lines 19 and 20, strike ", and conference with Urban Indian Organizations,".

**SA 4042.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 11, strike lines 7 through 9 and insert the following:

"(B) providing immunizations.

**SA 4043.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 11, strike lines 17 through 19 and insert the following:

medicine, environmental health and engineering, and allied health professions.

**SA 4044.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 11, strike lines 21 through 23 and insert the following:

"(A) improving health, including by raising public awareness about

**SA 4045.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 12, strike lines 3 and 4.

**SA 4046.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 12, strike lines 5 and 6.

**SA 4047.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 12, strike lines 7 and 8.

**SA 4048.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 12, strike lines 9 and 10.

**SA 4049.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 12, strike line 18.

**SA 4050.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 12, strike line 24.

**SA 4051.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 13, strike lines 5 and 6.

**SA 4052.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 13, strike line 15.

**SA 4053.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 13, strike line 19.

**SA 4054.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 14, strike line 1.

**SA 4055.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 14, strike line 8.

**SA 4056.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 14, strike lines 10 and 11 and insert the following:

by the Service or a Tribal Health Program to pro-

**SA 4057.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 14, line 20, strike "(i)".

On page 15, line 2, strike "or".

On page 15, strike lines 3 and 4.

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**SA 4058.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 15, line 6, insert "or" after the semicolon.

On page 15, strike lines 8 through 10 and insert the following:

Interior to be an Indian for any purpose.

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**SA 4059.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 16, lines 5 and 6, strike "including former reservations in Oklahoma, Indian allotments, and" and insert "including Indian allotments and".

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**SA 4060.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 18, strike lines 12 through 20 and insert the following:

the States in which they reside.

"(B) The individual is determined to be an

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**SA 4061.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 48, strike lines 13 and 14 and insert the following:

efforts of an Indian Health Program; and

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**SA 4062.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 92, strike lines 22 and 23.

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**SA 4063.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 92, strike lines 14 through 16 and insert the following:

and therapeutic and residential treatment centers.

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**SA 4064.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

Beginning on page 159, strike line 12 and all that follows through page 161, line 16.

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**SA 4065.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

Beginning on page 170, strike line 14 and all that follows through page 172, line 1, and insert the following:

"(1) GENERAL PROJECTS.—The Secretary may approve under this section demonstration projects that meet the following criteria:

"(A) There is a need for a new facility or program, such as a program for convenient care services, or the reorientation of an existing facility or program.

"(B) A significant number of Indians, including Indians with low health status, will be served by the project.

"(C) The project has the potential to deliver services in an efficient and effective manner.

"(D) The project is economically viable.

"(E) For projects carried out by an Indian Tribe or Tribal Organization, the Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

"(F) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services in order to expand the availability of services.

On page 173, line 5, strike "(1)(A)" and insert "(1)".

On page 173, line 22, strike "(1)(A)" and insert "(1)".

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**SA 4066.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 207, strike lines 4 and 5 and insert the following:

care organization;

"(4) a self-insured plan; or

"(5) a high deductible or health savings account plan.

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**SA 4067.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3894 proposed by Mr. BINGAMAN (for himself and Mr. THUNE) to the amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; as follows:

At the appropriate place, add the following:

**SEC. ___. RECISSION AND TRANSFER OF FUNDS.**

(a) RECISSION OF CERTAIN EARMARKS.—All of the amounts appropriated by the Consolidated Appropriations Act, 2008 (Public Law 110–161) and the accompanying report for congressional directed spending items for the City of Berkeley, California, or entities located in such city are hereby rescinded.

(b) TRANSFER OF FUNDS TO OPERATION AND MAINTENANCE, MARINE CORPS.—The amounts rescinded under subsection (a) shall be transferred to the "OPERATION AND MAINTENANCE, MARINE CORPS" account of the Department of Defense for fiscal year 2008 to be used for recruiting purposes.

(c) CONGRESSIONAL DIRECTED SPENDING ITEM DEFINED.—In this section, the term "congressional directed spending item" has the meaning given such term in paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

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**SA 4068.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

Beginning on page 221, strike line 1 and all that follows through page 245, line 24.

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**SA 4069.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 260, between lines 15 and 16, insert the following:

"(g) LIMITATION.—Notwithstanding any other provision of law, no funds shall be made available under this section for any needle exchange program.

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**SA 4070.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 309, between lines 19 and 20, insert the following:

"(c) FIREARM PROGRAMS.—None of the funds made available to carry out this Act may be used to carry out any antifirearm program, gun buy-back program, or program to discourage or stigmatize the private ownership of firearms for collecting, hunting, or self-defense purposes.

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**SA 4071.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 364, strike lines 7 through 9 and insert the following:

or colony, including

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**SA 4072.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 364, strike lines 17 through 23.

On page 364, line 24, strike "(D)" and insert "(C)".

On page 365, line 1, strike "through (C)" and insert "and (B)".

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**SA 4073.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—APPLICABILITY**

**SEC. 3___. INDIAN TRIBES OPERATING CLASS III GAMING ACTIVITIES.**

This Act and the amendments made by this Act shall not apply to any Indian tribe carrying out any class III gaming activity (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

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**SA 4074.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the end add the following:

**TITLE III—APPLICABILITY**

**SEC. 3___. INDIAN TRIBES WITH CERTAIN GAMING REVENUES.**

This Act and the amendments made by this Act shall not apply to any Indian tribe for each calendar year during which the revenues of the Indian tribe from any class III gaming activity (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) are in excess of $100,000,000.

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**SA 4075.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

Strike paragraph (12) of section 4 of the Indian Health Care Improvement Act (as amended by section 101) and insert the following:

"(12) The term 'Indian' means any individual who is a member of an Indian Tribe.

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**SA 4076.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

In section 213(a) of the Indian Health Care Improvement Act (as amended by section 101), strike paragraphs (1) through (4) and insert the following:

"(1) hospice care; and

"(2) home- and community-based services.

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**SA 4077.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

Strike section 814 of the Indian Health Care Improvement Act (as amended by section 101) (relating to establishment of a National Bipartisan Commission on Indian Health Care).

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**SA 4078.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

**"SEC. 8___. STUDY ON TOBACCO-RELATED DISEASE AND DISPROPORTIONATE HEALTH EFFECTS ON TRIBAL POPULATIONS.**

"Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, in consultation with appropriate Federal departments and agencies and acting through the epidemiology centers established under section 209, shall solicit from independent organizations bids to conduct, and shall submit to Congress a report describing the results of, a study to determine possible causes for the high prevalence of tobacco use among Indians.

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**SA 4079.** Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. ____. GAO STUDY AND REPORT ON PAYMENTS FOR CONTRACT HEALTH SERVICES.**

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study on the utilization of health care furnished by health care providers under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian Tribe, or a Tribal Organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act).

(2) ANALYSIS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the amounts reimbursed under the contract health services program described in paragraph (1) for health care furnished by entities, individual providers, and suppliers, including a comparison of reimbursement for such health care through other public programs and in the private sector;

(B) barriers to accessing care under such contract health services program, including, but not limited to, barriers relating to travel distances, cultural differences, and public and private sector reluctance to furnish care to patients under such program;

(C) the adequacy of existing Federal funding for health care under such contract health services program; and

(D) any other items determined appropriate by the Comptroller General.

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**SA 4080.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

**SEC. ___. RECISSION AND TRANSFER OF FUNDS.**

(a) RECISSION OF CERTAIN EARMARKS.—All of the amounts appropriated by the Consolidated Appropriations Act, 2008 (Public Law 110–161) and the accompanying report for congressional directed spending items for the City of Berkeley, California, or entities located in such city are hereby rescinded.

(b) TRANSFER OF FUNDS TO OPERATION AND MAINTENANCE, MARINE CORPS.—The amounts rescinded under subsection (a) shall be transferred to the "OPERATION AND MAINTENANCE, MARINE CORPS" account of the Department of Defense for fiscal year 2008 to be used for recruiting purposes.

(c) CONGRESSIONAL DIRECTED SPENDING ITEM DEFINED.—In this section, the term "congressional directed spending item" has the meaning given such term in paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

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**SA 4081.** Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 397, after line 2, add the following:

**SEC. 213. EXTENSION OF PROHIBITION ON MEDICAID PUBLIC PROVIDER AND GRADUATE MEDICAL EDUCATION RULES.**

Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110–28) is amended in the matter preceding subparagraph (A) by striking "1 year" and inserting "2 years".

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**SA 4082.** Mr. DORGAN (for himself and Ms. MURKOWSKI) proposed an amendment to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; as follows:

On page 139, strike lines 5 through 9 and insert the following:

"(III) may include such health care facilities, and such renovation or expansion needs of any health care facility, as the Service may identify; and

On page 143, strike lines 15 through 17 and insert the following:

wellness centers, and staff quarters, and the renovation and expan-

On page 145, line 13, insert "and" after the semicolon.

On page 145, line 16, strike "; and" and insert a period.

On page 145, strike lines 17 and 18.

On page 146, line 9, strike "hostels and".

On page 147, strike lines 15 through 21 and insert the following:

"(e) FUNDING CONDITION.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) or sections 504 and 505 of that Act (25 U.S.C. 458aaa–3, 458aaa–4).

Beginning on page 159, strike line 12 and all that follows through page 161, line 16, and insert the following:

**"SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.**

"(a) DISCRETIONARY AUTHORITY; COVERED ACTIVITIES.—The Secretary, acting through the Service, may utilize the negotiating authority of section 23 of the Act of June 25, 1910 (25 U.S.C. 47), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of safe water and sanitary waste disposal facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to rules and regulations promulgated by the Secretary, that the project or function to be contracted for will not be satisfactory or that the project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

"(1) ownership and control by Indians;

"(2) equipment;

"(3) bookkeeping and accounting procedures;

"(4) substantive knowledge of the project or function to be contracted for;

"(5) adequately trained personnel; or

"(6) other necessary components of contract performance.

"(b) PAY RATES.—For the purpose of implementing the provisions of this title, the Secretary shall assure that the rates of pay for personnel engaged in the construction or renovation of facilities constructed or renovated in whole or in part by funds made available pursuant to this title are not less than the prevailing local wage rates for similar work as determined in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

On page 176, strike lines 12 through 15 and insert the following:

"(3) staff quarters; and

"(4) specialized care facilities, such as behavioral health and elder care facilities.

On page 196, line 15, insert ", including programs to provide outreach and enrollment through video, electronic delivery methods, or telecommunication devices that allow real-time or time-delayed communication between individual Indians and the benefit program," after "trust lands".

On page 269, strike line 18 and insert the following:

"(d) ALLOCATION OF CERTAIN FUNDS.—Twenty per-

On page 336, between lines 2 and 3, insert the following:

**"SEC. 8___. TRIBAL HEALTH PROGRAM OPTION FOR COST SHARING.**

"(a) IN GENERAL.—Nothing in this Act limits the ability of a Tribal Health Program operating any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a compact with the Service pursuant to title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.) to charge an Indian for services provided by the Tribal Health Program.

"(b) SERVICE.—Nothing in this Act authorizes the Service—

"(1) to charge an Indian for services; or

"(2) to require any Tribal Health Program to charge an Indian for services.

On page 347, after line 24, add the following:

**SEC. 104. MODIFICATION OF TERM.**

(a) IN GENERAL.—Except as provided in subsection (b), the Indian Health Care Improvement Act (as amended by section 101) and each provision of the Social Security Act amended by title II are amended (as applicable)—

(1) by striking "Urban Indian Organizations" each place it appears and inserting "urban Indian organizations";

(2) by striking "Urban Indian Organization" each place it appears and inserting "urban Indian organization";

(3) by striking "Urban Indians" each place it appears and inserting "urban Indians";

(4) by striking "Urban Indian" each place it appears and inserting "urban Indian";

(5) by striking "Urban Centers" each place it appears and inserting "urban centers"; and

(6) by striking "Urban Center" each place it appears and inserting "urban center".

(b) EXCEPTION.—The amendments made by subsection (a) shall not apply with respect to—

(1) the matter preceding paragraph (1) of section 510 of the Indian Health Care Improvement Act (as amended by section 101); and

(2) "Urban Indian" the first place it appears in section 513(a) of the Indian Health Care Improvement Act (as amended by section 101).

(c) MODIFICATION OF DEFINITION.—Section 4 of the Indian Health Care Improvement Act (as amended by section 101) is amended by striking paragraph (27) and inserting the following:

"(27) The term 'urban Indian' means any individual who resides in an urban center and who meets 1 or more of the 4 criteria in subparagraphs (A) through (D) of paragraph (12).".

Beginning on page 358, strike line 23 and all that follows through page 360, line 11, and insert the following:

(d) SATISFACTION OF MEDICAID DOCUMENTATION REQUIREMENTS.—Section 1903(x)(3)(B) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is amended—

(1) by redesignating clause (v) as clause (vii); and

(2) by inserting after clause (iv), the following new clauses:

"(v) Except as provided in clause (vi), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

"(vi)(I) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of United States citizenship or nationality under the regulations adopted pursuant to subclause (II).

"(II) Not later than 90 days after the date of enactment of this subclause, the Secretary, in consultation with the tribes referred to in subclause (I), shall promulgate interim final regulations specifying the forms of documentation (including tribal documentation, if appropriate) deemed to be satisfactory evidence of the United States citizenship or nationality of a member of any such Indian tribe for purposes of satisfying the requirements of this subsection.

"(III) During the period that begins on the date of enactment of this clause and ends on the effective date of the interim final regulations promulgated under subclause (II), a document issued by a federally recognized Indian tribe referred to in subclause (I) evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood) accompanied by a signed attestation that the individual is a citizen of the United States and a certification by the appropriate officer or agent of the Indian tribe that the membership or other records maintained by the Indian tribe indicate that the individual was born in the United States is deemed to be a document described in this subparagraph for purposes of satisfying the requirements of this subsection.".

On page 360, strike lines 21 and 22.

Beginning on page 361, strike line 19 and all that follows through page 362, line 4, and insert the following:

"(1) NO COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY OR THROUGH INDIAN HEALTH PROGRAMS.—

"(A) NO ENROLLMENT FEES, PREMIUMS, OR COPAYMENTS.—

"(i) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, a Tribal Organization, or an urban Indian organization, or by a health care provider through referral under the contract health service for which payment may be made under this title.

"(ii) EXCEPTION.—Clause (i) shall not apply to an individual only eligible for the programs or services under sections 102 and 103 or title V of the Indian Health Care Improvement Act.

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**SA 4083.** Mr. BINGAMAN (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. ____. GAO STUDY AND REPORT ON PAYMENTS FOR CONTRACT HEALTH SERVICES.**

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study on the utilization of health care furnished by health care providers under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian Tribe, or a Tribal Organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act).

(2) ANALYSIS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the amounts reimbursed under the contract health services program described in paragraph (1) for health care furnished by entities, individual providers, and suppliers, including a comparison of reimbursement for such health care through other public programs and in the private sector;

(B) barriers to accessing care under such contract health services program, including, but not limited to, barriers relating to travel distances, cultural differences, and public and private sector reluctance to furnish care to patients under such program;

(C) the adequacy of existing Federal funding for health care under such contract health services program; and

(D) any other items determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations regarding—

(1) the appropriate level of Federal funding that should be established for health care under the contract health services program described in subsection (a)(1); and

(2) how to most efficiently utilize such funding.

(c) CONSULTATION.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Comptroller General shall consult with the Indian Health Service, Indian Tribes, and Tribal Organizations.

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**SA 4084.** Mr. REID (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 444, expressing the sense of the Senate regarding the strong alliance that has been forged between the United States and the Republic of Korea and congratulating Myung-Bak Lee on his election to the presidency of the Republic of Korea; as follows:

On page 2, strike "the Republic of Korea is the United States seventh largest training partner and the United States is the third largest trading partner of the Republic of Korea, with nearly $80,000,000,000 in goods and services passing between the 2 countries each year" and insert "the economic relationship between the United States and the Republic of Korea is deep and growing and has been mutually beneficial to both countries".

## NOTICE OF HEARING

### SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on February 28, 2008, at 2:00 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 177/H.R. 2085, to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; S. 1473/H.R. 1855, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project; S. 1474/H.R. 1139, to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes; S. 1929, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed; S. 2370, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; H.R. 2381, to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 11:10 a.m. in open session, in order to receive testimony on the strategy in Afghanistan and recent reports by the Afghanistan study group and the Atlantic Council of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ARMED SERVICES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 2:30 p.m. in open session, in order to receive testimony on the strategy in Afghanistan and recent reports by the Afghanistan study group and the Atlantic Council of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 14, 2008, at 10 a.m., in order to conduct a hearing entitled "The State of the United States Economy and Financial Markets."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee an Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, February, 14, 2008, at 9:30 a.m., in room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding the President's fiscal year 2009 budget request for the USDA Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 14, 2008 at 10:30 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Legislative Hearing on the Marine Vessel Emissions Reduction Act of 2007, S. 1499."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on "International Aspects of a Climate Change Cap and Trade Program".

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 3:45 p.m. in order to hold a committee coffee with Her Excellency Dora Bakoyannis, Foreign Minister of the Hellenic Republic.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, February 14, 2008, at 10:00 a.m. in SD-430.

*Agenda*

S. 579. Breast Cancer and Environmental Research Act of 2007; S. 1810, Prenatally and Postnatally Diagnosed Conditions Awareness Act; S. 999, Stroke Treatment and Ongoing Prevention Act of 2007; S. 1760, Healthy Start Reauthorization Act of 2007; H.R. 20, Melanie Blocker-Stokes Postpartum Depression Research and Care Act; S. 1042, Consistency, Accuracy, Responsibility, and Excellence in Medical Imaging and Radiation Therapy Act of 2007.

Nominations: Jonathan Baron, (National Board for Education Sciences), Frank Handy, (National Board for Education Sciences), Sally Shaywitz, (National Board for Education Sciences), Jamsheed Choksy, (National Foundation on the Arts and Humanities), Gary Glenn, (National Foundation on the Arts and. Humanities), David Hertz, (National Foundation on the Arts and Humanities), Marvin Scott, (National Foundation on the Arts and Humanities), Carol Swain, (National Foundation on the Arts and Humanities), Julia Bland, (National Museum and Library Science Board), Jan Cellucci, (National Museum and Library Science Board), William Hagenah, (National Museum and Library Science Board), Mark Herring, (National Museum and Library Science Board), Javaid Anwar, (Truman Scholarship Foundation), and Neil Romano, (Assistant Secretary of Labor Department).

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 1:30 p.m. in order to conduct a hearing entitled "The Homeland Security Department's Budget Submission for Fiscal Year 2009."

The PRESIDING OFFICER. Without objection it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate, on Thursday, February 14, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct an Oversight Hearing on the President's fiscal year 2009 Budget Request for Tribal Programs.

The PRESIDING OFFICER. Without objection, it is so orderd.

### COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, February 14, 2008 at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

*Agenda:*

I. Bills: S. 2304, Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007 (Domenici, Kennedy, Specter, Leahy); S. 2449, Sunshine in Litigation Act of 2007 (Kohl, Leahy, Graham); S. 352, Sunshine in the Courtroom Act of 2007 (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin); S. 2136, Helping Families Save Their Homes in Bankruptcy Act of 2007 (Durbin; Schumer, Whitehouse, Biden); S. 2133, Home Owners "Mortgage and Equity Savings Act" (Specter, Coleman).

II. Nominations: Kevin J. O'Connor to be Associate Attorney General, Department of Justice, Gregory G. Katsas to be Assistant Attorney General, Civil Division, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 9:45 a.m., in order to conduct a hearing entitled, "Building and Strengthening the Federal Acquisition Workforce."

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 14, 2008, at 2:30 p.m., to hold an open hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. CORNYN. Madam President, I ask unanimous consent that Colin Brooks, a fellow in my office, be given floor privileges for the remainder of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LIHEAP

Mr. REID. Mr. President, I feel I wouldn't be doing my duty if I didn't refer to the distinguished Chair at this time and indicate what a tremendous job he has done in advocating for some of the poorest people in America. But for you, the issue dealing with people being cold in their homes, not having money to pay their heating and other bills—mainly heating—would not be on the floor of this body. We are going to get that done. We have to get it done before the cold is gone.

I say to my friend, being from Vermont, you experience the bitter winters. We in Nevada experience the very hot summers, and people in Nevada who are poor and infirm suffer as much from the heat as people in

Vermont do from the cold. So just because winter is not in its full throes a month from now, we are going to continue to push on this issue until we get it done. We are not going to wait until next year to do that.

## UNANIMOUS CONSENT AGREEMENT—S. 2633 AND S. 2634

Mr. REID. Mr. President, I ask unanimous consent that on Monday, February 25, notwithstanding rule XXII, it be in order to move to proceed to the following in the order listed, and that cloture be filed; and once the motion has been made and cloture filed, the motion to proceed be withdrawn and the mandatory quorum be waived, with the cloture vote occurring on Tuesday, February 26, upon disposition of H.R. 1328, with 2 minutes of debate prior to each cloture vote specified in this agreement, equally divided and controlled between the leaders or their designees: Calendar No. 575, S. 2633, safe redeployment of U.S. troops, and Calendar No. 576, S. 2634, global strategy report on terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 340, H.R. 3221, and ask the clerk to report the cloture motion.

### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 340, H.R. 3221.

Harry Reid, John D. Rockefeller, IV, Russell D. Feingold, Max Baucus, Charles E. Schumer, Kent Conrad, Patty Murray, Amy Klobuchar, Jeff Bingaman, Richard Durbin, Mark L. Pryor, Carl Levin, Edward M. Kennedy, Patrick J. Leahy, Bernard Sanders, Debbie Stabenow, Byron L. Dorgan.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote not occur prior to the aforementioned cloture votes, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion, Mr. President.

The PRESIDING OFFICER. The motion is withdrawn.

The PRESIDING OFFICER. The Senator from Florida.

## CAMERON GULBRANSEN KIDS AND CARS SAFETY ACT OF 2007

Mr. NELSON of Florida. Mr. President, on behalf of Senator CLINTON, Senator SUNUNU, and myself, I ask unanimous consent that the Commerce Committee be discharged and the Senate proceed to the immediate consideration of H.R. 1216, the Kids and Cars Safety Act, otherwise known as the Cameron Gulbransen Kids and Cars Safety Act.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 1216) to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside and outside of light motor vehicles, and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. SUNUNU. Reserving the right to object, and I certainly will not, given that the Senator from Florida has offered the consent on my behalf, I thank him for stepping forward and offering his request.

This is legislation that I coauthored with Senator CLINTON. On the House side, there were Representatives JAN SCHAKOWSKY and PETER KING who introduced companion legislation. It addresses the issue of known traffic accidents. There were 230 children killed last year in nontraffic auto accidents. We worked very cooperatively with Senator NELSON and others on the Commerce Committee to put together a package that could be implemented quickly and effectively to help reduce this unnecessary loss of life.

I thank Senator NELSON for his work on the committee and certainly offer my praise for the work done on the other side. I am pleased to see that this legislation is going to be passed and sent to the President and become law. Again, I thank the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1216) was ordered to be read a third time, was read the third time, and passed.

The PRESIDING OFFICER. The Senator from Florida. Mr. NELSON of Florida. Mr. President, I just want to say this has been a long time coming. There was a hiccup back in December. We tried to get it cleared then. This is the backover bill, the horror of any parents that their child is behind the car, and they cannot see the child or a neighbor is backing from their garage down their driveway, and they cannot see the child.

So what this bill will require is a device that can be either a sensor or a viewer. It will require that in future vehicles. It will also require that when automatic windows go up, if they hit an object, such as a child's neck and head, automatically that window goes down.

This is much-needed legislation. We are very appreciative that the Senate has cleared this action, and we can get it over to the House and try to get it passed.

I yield the floor.

## ALLIANCE BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 444 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 444) expressing the sense of the Senate regarding the strong alliance that has been forged between the United States and the Republic of Korea and congratulating Myung-Bak Lee on his election to the presidency of the Republic of Korea.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendment which is at the desk be agreed to, the preamble, as amended, be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 444) was agreed to.

The amendment (No. 4084) was agreed to, as follows:

(Purpose: To modify the description of the economic relationship between the United States and the Republic of Korea)

On page 2, strike "the Republic of Korea is the United States seventh largest training partner and the United States is the third largest trading partner of the Republic of Korea, with nearly $80,000,000,000 in goods and services passing between the 2 countries each year" and insert "the economic relationship between the United States and the Republic of Korea is deep and growing and has been mutually beneficial to both countries".

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

### S. RES. 444

Whereas the United States and the Republic of Korea enjoy a comprehensive alliance partnership founded in shared strategic interests and cemented by a commitment to democratic values;

Whereas the alliance between the United States and the Republic of Korea has been forged in blood and honed by struggles against common adversaries;

Whereas on December 19, 2007, the Senate passed S. Res. 279, marking the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States, and recognizing that "the strength and endurance of the alliance between the United States and the Republic of Korea should be acknowledged and celebrated";

Whereas during the 60 years since the founding of the Republic of Korea on August 15, 1948, the Republic of Korea, with unwavering commitment and support from the United States, has accomplished a remarkable economic and political transformation, rising from poverty to become the 11th largest economy in the world and a thriving multi-party democracy;

Whereas the economic relationship between the United States and the Republic of Korea is deep and growing and has been mutually beneficial to both countries;

Whereas there are deep cultural and personal ties between the people of the United States and the people of the Republic of Korea, as exemplified by the large flow of visitors and exchanges each year between the 2 countries and the nearly 2,000,000 Korean Americans who currently reside in the United States;

Whereas the United States and the Republic of Korea are working together to address the threat posed by North Korea's nuclear weapons program and to build a lasting peace on the Korean Peninsula;

Whereas this alliance is promoting international peace and security, economic prosperity, human rights and the rule of law, not only on the Korean Peninsula, but also throughout the world; and

Whereas Myung-Bak Lee, who won election to become the next President of the Republic of Korea, has affirmed his deep commitment to further strengthening the alliance between the United States and the Republic of Korea, by expanding areas of cooperation and realizing the full potential of our mutually beneficial partnership: Now, therefore, be it

*Resolved*, That the Senate congratulates Myung-Bak Lee on his election to the presidency of the Republic of Korea and wishes him and the Korean people well on his inauguration on February 25, 2008.

## EXPRESSING STRONG SUPPORT OF SENATE FOR NATO TO ENTER INTO A MEMBERSHIP ACTION PLAN WITH GEORGIA AND UKRAINE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 574, S. Res. 439.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 439) expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 439) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 439

Whereas the sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe and Eurasia;

Whereas NATO members can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for emerging democracies in Europe and Eurasia;

Whereas lasting stability and security in Europe and Eurasia require the military, economic, and political integration of emerging democracies into existing European structures;

Whereas, in an era of threats from terrorism and the proliferation of weapons of mass destruction, NATO is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states;

Whereas the Government of Georgia and the Government of Ukraine have each expressed a desire to join the Euro-Atlantic community, and Georgia and Ukraine are working closely with NATO and its members to meet criteria for eventual NATO membership;

Whereas, at the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2005, NATO and Ukraine launched an Intensified Dialogue on membership between the Alliance and Ukraine;

Whereas, following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between NATO and Georgia;

Whereas the Riga Summit Declaration, issued by the heads of state and government participating in the meeting of the North Atlantic Council in November 2006, reaffirms that NATO's door remains open to new members and that NATO will continue to review the process for new membership, stating "We reaffirm that the Alliance will continue with Georgia and Ukraine its Intensified Dialogues which cover the full range of political, military, financial, and security issues relating to those countries' aspirations to membership, without prejudice to any eventual Alliance decision. We reaffirm the importance of the NATO-Ukraine Distinctive Partnership, which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue. We appreciate Ukraine's substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage Ukraine to continue to contribute to regional security. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defense, reform of the defense-industrial sector and fighting corruption. We welcome the commencement of an Intensified Dialogue with Georgia as well as Georgia's contribution to international peacekeeping and security operations. We will continue to engage actively with Georgia in support of its reform process. We encourage Georgia to continue progress on political, economic and military reforms, including strengthening judicial reform, as well as the peaceful resolution of outstanding conflicts on its territory. We reaffirm that it is of great importance that all parties in the region should engage constructively to promote regional peace and stability.";

Whereas, in January 2008, Ukraine forwarded to NATO Secretary General Jaap de Hoop Scheffer a letter, signed by President Victor Yushchenko, Prime Minister Yulia Tymoshenko, and Verkhovna Rada Speaker Arseny Yatensyuk, requesting that NATO integrate Ukraine into the Membership Action Plan;

Whereas, in January 2008, Georgia held a referendum on NATO and 76.22 percent of the votes supported membership;

Whereas participation in a Membership Action Plan does not guarantee future membership in the NATO Alliance; and

Whereas NATO membership requires significant national and international commitments and sacrifices and is not possible without the support of the populations of the NATO member States: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Senate—

(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates; and

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership;

(2) the expansion of NATO contributes to NATO's continued effectiveness and relevance;

(3) Georgia and Ukraine are strong allies that have made important progress in the areas of defense, democratic, and human rights reform;

(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member States; and

(5) the United States should take the lead in supporting the awarding of a Membership Action Plan to Georgia and Ukraine as soon as possible.

## RECOGNIZING CULTURAL AND HISTORICAL SIGNIFICANCE OF CHINESE NEW YEAR OR SPRING FESTIVAL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 457.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 457) recognizing the cultural and historical significance of the Chinese New Year or Spring Festival.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I come to the floor today with the distinct honor of supporting a resolution recognizing the cultural and historical significance of the Chinese New Year, held annually on the first day of the first lunar month of the Chinese calendar.

For the approximately 3.5 million Chinese-Americans currently living in the United States, the Chinese New Year represents one of the most important times for families and friends to get together and celebrate their rich cultural history. In my home county, Clark County, NV, thousands of Chinese-Americans, and Asian-Americans of various nationalities and ethnicities, recently celebrated the inception of the Year of the Rat.

In fact, February 7, 2008, of our calendar, the date on which the Year of the Rat began, marked the beginning of year 4705 of the Chinese calendar. I am so proud to recognize and offer my best wishes to all those Nevadans and Americans who have followed in the footsteps of so many past generations to observe this 2-week long festival, which culminates in the Lantern Festival to be held on the fifteenth day of the first lunar month.

Throughout this 15-day celebration, many members of Nevada's Chinese-American community will take this opportunity to spend time with their families and engage in traditional activities, such as the dragon and lion dances. To all of my friends back in Clark County, and throughout Nevada as a whole who observe this holiday, I wish you a joyous and prosperous New Year.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 457) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 457

Whereas the Chinese New Year is celebrated on the second new moon following the winter solstice;

Whereas February 7, 2008, marks the first day of the Chinese New Year for 2008, also known as the Year of the Rat or the Year of Wu Zi;

Whereas the Chinese New Year festivities begin on the first day of the first lunar month and end 15 days later with the celebration of the Lantern Festival;

Whereas there are approximately 3,500,000 Chinese-Americans in the United States, many of whom will be commemorating this important occasion;

Whereas this day will be marked by celebrations throughout our country as Chinese-Americans gather to watch the dragon and lion dances; and

Whereas the United States Postal Service will debut a new stamp series for the 12 animals in the Chinese calendar on February 9, 2008, with the series continuing through 2019: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the cultural and historical significance of the Chinese New Year or Spring Festival;

(2) in observance of the Chinese New Year, expresses its deepest respect for Chinese-Americans and all those throughout the world who will be celebrating this significant occasion; and

(3) wishes Chinese-Americans and all those who observe this holiday a happy and prosperous new year.

## PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to the immediate consideration of H. Con. Res. 293.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows.

A concurrent resolution (H. Con. Res. 293) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 293) was agreed to, as follows:

H. CON. RES. 293

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on the legislative day of Thursday, February 14, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Friday, February 15, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Friday, February 15, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10 a.m. on Tuesday, February 19, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Tuesday, February 19, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until noon on Thursday, February 21, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Thursday, February 21, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 25, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, February 15, 2008, through Friday, February 22, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 25, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to section 5 of title I of Division H of Public Law 110–161, appoints the following Senator as vice chairman of the U.S.-Japan Interparliamentary Group conference for the 110th Congress: the Senator from Alaska, Mr. STEVENS.

The Chair, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 110–161, appoints the following individuals to serve as members of the National Commission on Children and Disasters: Mark Shriver of Maryland and Sheila Leslie of Nevada.

The Chair, on behalf of the President pro tempore, pursuant to the provisions of 2 U.S.C. Sec. 1151, as amended, appoints the following individual to the Board of Trustees of the Open World Leadership Center: the Senator from Mississippi, Mr. WICKER.

The Chair, on behalf of the President pro tempore, pursuant to the provisions of Public Law 100–702, reappoints the following individual to the Federal Judicial Center Foundation Board: John B. White, Jr., of South Carolina.

## AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. I ask unanimous consent that Senate committees may report legislative and Executive Calendar business, notwithstanding a recess or adjournment of the Senate, on Friday, February 22, 2008, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. I ask unanimous consent, notwithstanding the Senate being in pro forma session on Friday, February 15, that the RECORD remain open until 12 noon for bill introductions and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, Friday, February 15; that on Friday, the Senate meet in pro forma session only with no business conducted; that the Senate recess until 11 a.m. on Tuesday, February 19, for a pro forma session only, with no business conducted; the Senate then recess until 10 a.m. on Friday, February 22, for a pro forma session only; that at the close of Friday's session, the Senate adjourn until 3 p.m. on Monday, February 25; further that the Journal of proceedings be agreed to, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and following the reading of the Washington's Farewell Address, the Senate resume consideration of S. 1200, the Indian Health Care Improvement Act, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 8:13 p.m., recessed until Friday, February 15, 2008, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### FEDERAL INSURANCE TRUST FUND

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE THOMAS R. SAVING.

### THE JUDICIARY

DAVID GUSTAFSON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE CAROLYN P. CHIECHI, TERM EXPIRED.

ELIZABETH CREWSON PARIS, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE JOEL GERBER, RETIRED.

### DEPARTMENT OF STATE

JOSEPH EVAN LEBARON, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

STEPHEN JAMES NOLAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

### INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

SAMUEL W. SPECK, OF OHIO, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE DENNIS L. SCHORNACK.

### THE JUDICIARY

WILLIAM T. LAWRENCE, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA, VICE JOHN DANIEL TINDER, ELEVATED.

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. WALTER L. SHARP, 4862

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. JAMES M. LARIVIERE, 1304
COL. KENNETH J. LEE, 0401

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) MOIRA N. FLANDERS, 1143

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) TIMOTHY V. FLYNN III, 7136

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) VICTOR C. SEE, JR., 8526

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) KAREN A. FLAHERTY, 4900

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) RAYMOND P. ENGLISH, 2452

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) JULIUS S. CAESAR, 5106
REAR ADM. (LH) WENDI B. CARPENTER, 4980
REAR ADM. (LH) GARLAND P. WRIGHT, 7679

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) WILLIAM R. BURKE, 0448
REAR ADM. (LH) MARK H. BUZBY, 9492
REAR ADM. (LH) PHILIP H. CULLOM, 8151
REAR ADM. (LH) MARK I. FOX, 9454
REAR ADM. (LH) TIMOTHY M. GIARDINA, 6234
REAR ADM. (LH) ROBERT S. HARWARD, JR., 7314
REAR ADM. (LH) WILLIAM H. HILARIDES, 1848
REAR ADM. (LH) DANIEL HOLLOWAY, 6912
REAR ADM. (LH) DOUGLAS J. MCANENY, 1528
REAR ADM. (LH) JOHN W. MILLER, 1380
REAR ADM. (LH) MICHAEL S. O'BRYAN, 5763
REAR ADM. (LH) FRANK C. PANDOLFE, 0875
REAR ADM. (LH) DAVID L. PHILMAN, 6805
REAR ADM. (LH) BRIAN C. PRINDLE, 1835
REAR ADM. (LH) DONALD P. QUINN, 9338
REAR ADM. (LH) WALTER M. SKINNER, 1667
REAR ADM. (LH) JAMES P. WISECUP, 1213

# EXTENSIONS OF REMARKS

## HONORING STATION MENEMSHA AS THE RECIPIENT OF THE SUMNER I. KIMBALL AWARD

**HON. WILLIAM D. DELAHUNT**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. DELAHUNT. Madam Speaker, I rise today to honor United States Coast Guard Station Menemsha, of Martha's Vineyard, Massachusetts, as the recipient of the prestigious Sumner I. Kimball Readiness Award.

The Kimball Award is a rarity in the United States Coast Guard, as very few units attain this level of outstanding performance. It demands a grade of 90 percent or higher during a rigorous week-long inspection, requiring a combination of exemplary test scores, crew proficiency, superb vessel condition, excellent performance in drills, a successful and progressive unit training program, survival systems readiness and good administrative work by all members.

This award actually marks the second time that Menemsha has been given this prestigious honor—they won it for the first time in 2004.

This award is named after the Maine native who introduced training, performance standards and accountability into the life saving organization that eventually became the Coast Guard. This honor is extremely difficult to achieve, and even more noteworthy considering the high-tech vessel the crew must master and maintain, the 47-foot Motor Lifeboat. Of the 200 Coast Guard stations throughout the country, only a handful receive the Kimball Award, and only two stations that operate the 47-foot MLB were so honored.

The Menemsha Coast Guard station has come a long way. In the early 1990s it was in danger of closing, but the people of Martha's Vineyard rallied to save it. For a brief period it was used by the Town of Chilmark, and then it became a substation of the Woods Hole station. In recent years, it became a full-time station and—time and time again—has proven its importance. This award is not just a testament to the station, but it is a tribute to the hardworking men and women who serve our Coast Guard and who are willing to put their life on the line to protect the safety of mariners and the integrity of our coast.

On the Vineyard, the Coast Guard is an important part of the community. Those who first served as life savers came from the island, and are part of a very proud tradition that began here years ago. Today, those who serve in Station Menemsha are not just representing a Federal agency, but are very much members of the community, honoring the proud tradition of service that the people of Martha's Vineyard hold dear.

Station Menemsha's remarkable achievement is not just about receiving an award; it is a testament to the professionalism and dedication that each member of the station brings to the job. In their line of work, readiness and competence is the difference between life and death.

I would like to congratulate and recognize Station Chief Steve Barr and the men and women stationed at Menemsha for their exemplary service:

BM3 Dustin Shaw, BM2 Matthew Sponable, BM2 Bill Robertson, SK2 Rachel Glade, MK3 Christopher Guice, FN Julie Lopatka, BMCM Jack Downey, BMC Chris Bobrowski, FN Shannon Heintzelman, BM3 Rajeah Wilson, BM2 Lance Nelligan, MK3 Greg Lockwood, SN Derek Perendy, BM3 Daniel Carrillo, MK1 Mike Micucci, MK2 Nicholas Prescott, SN Jarrett Dube, RADM Timothy Sullivan, MK3 Andrew Chace, BM2 Patrick Bryant, BM3 Andrew Leblanc, BM3 Joe Pancotti, CAPT Raymond Perry, and BM3 Mark Chaknis.

[From the Martha's Vineyard Times, Jan. 31, 2008]

### STATION MENEMSHA WINS RARE READINESS AWARD

(By Steve Myrick)

Last summer, a fishing boat in a dangerous stretch of water off Aquinnah was taking on water. The call for help came to United States Coast Guard Station Menemsha.

Petty Officer Second Class Lance Nelligan scrambled his crew, and guided the station's 47-foot motor lifeboat to the distressed vessel, where the fishing crew was moments away from abandoning their sinking boat.

"They came across Devil's Bridge," said Petty Officer Nelligan, "bounced a couple of rocks, split a whole bunch of big cracks in the bottom of their hull. We were able to get out there, we put two people on board to rig a pump and get the boat pumped."

Petty Officer Nelligan recounts the story of his day's work the way most people mention writing a sales report, replacing a fan belt, or waiting on a customer. The skill, training, and preparation of his crew saved a valuable boat and got two very grateful fisherman safely back to port. But to him, it's no big deal.

But the Sumner I. Kimball Award? Now that's a big deal to Petty Officer Nelligan. "To have somebody come in and say the job that you're doing is award worthy, is a really big deal," he said. "The things that we're tested on, it's absolutely everything you can think of. It takes a lot, a lot, a lot of work to keep those boats ready, and keep the crew ready."

"In my mind," adds Petty Officer Second Class Bill Robertson, "this is almost the Super Bowl of the Coast Guard."

### BOAT OF NOTE

The Kimball Award is named for the Maine native who introduced training, performance standards, and accountability into the life saving organization that eventually became the Coast Guard.

The honor is extremely difficult to achieve, and even more noteworthy considering the high-tech vessel the crew must master and maintain. It is a test of readiness, including the condition of the vessel, along with the skill and training of the crew, administered by inspectors so tough that they inspire awe among the enlisted men and women.

"This isn't flag football, everybody gets a trophy sort of a deal," said Rear Admiral Tim Sullivan, who flew to the Island to present the honor to station personnel this past Friday. Admiral Sullivan commands the Coast Guard's First District, which includes eight northeast states and 2000 miles of coastline from the Maine to northern New Jersey.

Of more than 200 Coast Guard stations throughout the country, only a handful receive the Kimball Award, and only two stations that operate the 47-foot motor lifeboat were so honored.

"It's the most complicated boat we have, it's a beast of a machine," said Lieutenant Commander Chris Cederholm, who represented Coast Guard Group Woods Hole at the ceremony.

"This award will become a benchmark," Admiral Sullivan said. "You guys really set a benchmark as a crew. Your outstanding performance is really your gift to a lot of future generations. A lot of folks will follow behind you, they will have to stand on a lot of big blue shoulders. People are going to be standing on your shoulders. This is a day you'll look back on, maybe when you're an old grey admiral. Think about that legacy, of people that will follow behind you."

Coast Guard Petty Officers (left to right) BM2 Bill Robertson and BM2 Lance Nelligan were all smiles, holding the pennant they will fly aboard Station Menemsha's 47-foot motor lifeboat. The pennant symbolizes the Kimball Award, earned by only one other boat of this kind in the entire Coast Guard this year. Click photo for larger version.

### TOUGH TEST

Seven months after the grueling evaluation, MK First Class Mike Micucci, the head engineer, still scolds himself about one of the most serious faults the inspectors found in the material condition of his vessel: a missing screw in a plastic cover. It was nothing that would have interfered in the boat's operation, but it cost him a precious point in the rating system.

"I can't believe I missed that," said Petty Officer Micucci. "The guys that come and do the inspections, they know what to look for, you have to be one step ahead of them."

Senior Station Chief Steve Barr was unable to attend the ceremony. At the moment his station personnel received the award, he was welcoming newborn son Isaac into the world.

"He's got a good excuse," said Admiral Sullivan. "Another little Coastie coming along."

"I wish I could have been there, absolutely," said Chief Barr. "It's a joy for me that my crew got this award, with or without me. The fact that we got this Kimball with the 47-foot motor lifeboat is just amazing. It's a big deal, and we have a lot of junior people there. They did exceptionally well. I'm very proud of all their hard work."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

### READY AND ABLE

As difficult as the Kimball Award is to get, it is not difficult to understand how the station achieved the honor. Speaking to the personnel offers a glimpse of the professionalism, pride, and dedication which courses through the ranks. They understand that the award represents more than passing an exam on a specific day. They know an engine leak, a poorly maintained pump, or a navigation error may mean points deducted from the Kimball award grade sheet. "They watch us plot position, lay down courses," said Petty Officer Nelligan. "How we organize the crew, how we get our boat set up, how we're going to respond. They're pretty much testing everything that could possible go wrong."

The unit also realizes these things can mean life or death when it's not a drill. "We are a search and rescue station," said Petty Officer Nelligan. "It's the middle of the night, it's the middle of the day, during a meal, those are the times you really have to snap to and get the boats ready."

Petty Officer Nelligan joined the Coast Guard shortly after the September 11, 2001 attacks on the World Trade Center in New York City. "I wanted to be involved in some branch of the service that I knew was going to protect my family, and this country," said the Dennis native.

Petty Officer Robertson, who grew up in Wrentham, is a six-year veteran of the Coast Guard. He flashes a broad grin when recalling the day Chief Barr told the assembled crew that they had won the Kimball Award. "Definitely a lot of big smiles and high fives," he said.

Petty Officer Robertson likes the Menemsha assignment so much, he asked to extend his duty an extra year. "I like the whole Island vibe, the whole atmosphere," he said. "We have a blast in the summer, we have a really tight-knit crew here. We work hard and play hard."

The pride carries over to the town of Chilmark, which has come to think of the station as its own. "They are an integral part of our community," said Chilmark selectman Frank Fenner Jr., who along with selectman Riggs Parker, and a large contingent of town officers, police officers, residents, attended the morning ceremony. "I'm proud that this station is doing so well."

## HORRIFIC ATTACK ON BAGHDAD MARKET

### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. REICHERT. Madam Speaker, I rise today with a heavy heart. On February 1, 2008, two young women with developmental disabilities walked into a Baghdad market, most likely unaware that they were being used as walking bombs, about to be remotely detonated.

In a horrific and coordinated attack, these vulnerable women lost their lives, along with more than 70 other innocent bystanders.

As the godfather of a young boy who has developmental disabilities and as a strong advocate for that community, it is my hope that we continue to fight against the exploitation of these heroic people anywhere in the world.

This horrific attack is the latest demonstration of the kind of uncivilized evil that we are confronting in the war on terror. We have even heard rumors this week that young children are being used by these terrorists. What kind of human being would stoop to this level to achieve their aims?

Madam Speaker, this event should serve as an example why our Nation must continue to protect the rights of the innocent and to continue to preserve freedom for everyone.

## TRIBUTE TO DEBBIE HALEY

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to a longtime civic and political leader from East Houston—Debbie Haley of Terrell—who died recently at the age of 72. Mrs. Haley was an outstanding citizen who devoted a lifetime to helping those in her community, and she will be missed by all those who knew her.

Leona Deborah Penn Haley was born on February 24, 1935, in Queens, a borough of New York City, the daughter of Edward and Rella Penn. She was a graduate of Queens College. From 1958 to 1966, Haley taught in elementary schools in New York and Nashville, TN. In 1968, Haley and her husband, a physician, moved to Houston.

Mrs. Haley emphasized education as the key to advancing minority interests. Founder of the Texas Black Caucus, in 1976, she was a delegate to the Democratic National Convention.

Debbie Haley was also a president of the Cultural Arts Council of Houston and Harris County. For years, she also was a board member of the United Negro College Fund.

Madam Speaker, Debbie Haley's commitment to her community, her legacy of generosity, and her selflessness serve as an example to all Americans. It is people like Debbie, working together in communities in Texas that make our Nation so great. We can celebrate the power of one individual, Debbie Haley, by bringing the best out of all us in our neighbors, our community, and our Nation.

In addition to her son Anthony, survivors include her husband, Ronald Haley of Houston; two other sons, Sean Haley of Pearland and Kyle Haley of North Hollywood, Calif.; and a daughter, Rhonda Sewell of Sugar Land.

She was well-loved and well-respected in Houston and Texas, and she will be missed by all those who knew her. Madam Speaker, I am honored today to pay a final tribute to this outstanding community leader, Debbie Haley.

## HONORING MR. VIC TRUJILLO

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. UDALL of Colorado. Madam Speaker, I rise today to congratulate Mr. Vic Trujillo for receiving the "7-Everyday Hero" award. I am pleased to recognize his service and the many contributions he has made to our community.

For the last 12 years, Lions Club member Vic Trujillo and his wife Ida volunteered side by side. Their dedication to the community blossomed into a program to prevent neighbors from going hungry while empowering youth to help others. Mr. Trujillo has continued the family's commitment to community service even after his wife's passing.

Partnering with schools in the tri-town area of Firestone, Frederick, and Dacono, the Trujillos have created a canned-good competition in which area schools compete to collect the most canned goods. Prairie Ridge Elementary School won the most recent competition—collecting well over 4,000 canned food items. With the cans from other schools, this program fills the tri-town food closets each year—providing about 60 families with donated food every month. For people who do not have homes or food, this service is life-saving. To augment the canned resources, Mr. Trujillo has also encouraged these schools to sponsor a community bingo game.

Madam Speaker, I ask my colleagues to join with me in congratulating Mr. Vic Trujillo for his exceptional community work and to express our appreciation for his efforts. I'm proud to acknowledge his reception of the "7-Everyday Hero" award and wish him good health, happiness, and success in his future endeavors.

## PERSONAL EXPLANATION

### HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. HULSHOF. Madam Speaker, on February 12, 2008, I was unavoidably detained and missed votes. Listed below are the votes I missed and how I would have voted had I been there.

H. Res. 954, rollcall No. 43—Honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008. Had I been here, I would have voted "yes."

H. Res. 909, rollcall No. 44—Commemorating the courage of the Haitian soldiers that fought for American independence in the "Siege of Savannah" and for Haiti's independence and renunciation of slavery. Had I been here, I would have voted "yes."

H. Con. Res. 281, rollcall No. 45—Celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs. Had I been here, I would have voted "yes."

## HONORING JOHN MIKOLAJCIK, OF AMERICAN CANYON, CALIFORNIA

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize John

Mikolajcik in honor of his service to the city and people of American Canyon, California.

Mr. Mikolajcik was born in Cohoes, New York, on April 30, 1921. He received his call of duty a day after Pearl Harbor. He enlisted in the United States Marine Corps, where he served 4½ years as a mess sergeant. In 1954 he built and opened the Mid City Nursery in American Canyon, a nursery which has continued to flourish throughout the years. He began his career of public service when he was appointed to the American Canyon School Board, which was consolidated into the Napa Valley Unified School District, serving a total of 22 years. Thanks to the guidance of Mr. Mikolajcik, American Canyon now has three elementary schools, two middle schools and a high school projected to open in the near future.

Mr. Mikolajcik was a strong proponent of American Canyon during his tenure on the Napa City Council, where he served two terms from 1980 to 1988. Mr. Mikolajcik was at the forefront of the negotiations to integrate American Canyon into Napa County, and in 1992 that goal was achieved. He continued in his civic efforts and served one term on the Napa County Planning Commission, where he was involved in the formation of a volunteer fire department and a water and recreation district.

Madam Speaker, it is appropriate at this time that we thank John Mikolajcik for his years of dedication and service on behalf of the Napa Valley. He has been a model citizen and leader in American Canyon and his presence there has enriched the lives of everyone in our community.

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## COMMENDING DR. KHEM AGGARWAL FOR HIS CONTRIBUTIONS TO HIGHER EDUCATION

### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. ALEXANDER. Madam Speaker, I rise today to commemorate Dr. Khem Aggarwal for his outstanding contributions to the field of higher education.

Dr. Aggarwal has been an educator in higher education for over 50 years, having served in his homeland, India, for 13 years, at the University of Wisconsin, Whitewater, Wis., from 1983 to 1986, Temple University, Philadelphia, Pa., from 1981 to 1983, and currently serving as Professor of Mathematics at Louisiana State University at Alexandria, Alexandria, La., where he has been teaching since 1986.

Dr. Aggarwal has made a tremendous impact on the achievements and successes of students who have enrolled in his college courses. His first priority has and continues to be ensuring the academic development of his students, as evidenced by time spent with them both inside and outside of the classroom setting.

Throughout his tenure at Louisiana State University at Alexandria, alumnae as well as university graduates have consistently reported how Dr. Aggarwal contributed to their success in their chosen career fields. Moreover, his colleagues regard him as an excellent professor and deem him a gracious and grateful person deserving of recognition and honor for his active role in the advancement of higher education.

Madam Speaker, I ask my colleagues to join me in commending Dr. Khem Aggarwal for his exceptional contributions and remarkable influence on the field of higher education.

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## TRIBUTE TO GULF COPPER & MANUFACTURING

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. PAUL. Madam Speaker, on February 27, the Galveston Chamber of Commerce will present its business of the year award to Gulf Copper & Manufacturing Corporation, Gulf Copper, in recognition of the many contributions that it has made to the Galveston community. I am pleased to join my friends from the Galveston Chamber of Commerce in paying tribute to Gulf Copper.

Gulf Copper is an employee-owned company that has been in existence for over 50 years. Originally specializing in the installation of copper tubing on marine vessels, Gulf Copper has since expanded into the offshore, military marine, petrochemical, and industrial markets with base services including full topside marine repair, steel fabrication, steel and mechanical repair, machining, painting, and blasting. These expansions of service are helping Gulf Cooper achieve their objective of being the preferred provider of marine and industrial fabrication and repair services in the Texas gulf coast.

Gulf Copper's customer list includes most major U.S. commercial ship operators as well as the U.S. Government Maritime Administration, Coast Guard, U.S. Navy, U.S. Army Corps of Engineers, and the Military Sealift Command.

Gulf Copper's success has brought many benefits to Galveston. For example, Gulf Cooper is responsible for pumping a seven-digit revenue stream into the Port of Galveston. Gulf Cooper is also a source of employment for many residents of Galveston County. In June 2007, Gulf Copper Dry Dock and Rig Repair added an additional 683 employees to its already large staff. Gulf Copper has also helped attract London-based Rolls Royce Commercial Marine to the Galveston area.

Gulf Copper also benefits the people of Galveston by serving as a model of corporate civic involvement. The company has helped promote Galveston's Oceans of Opportunities Job Fair and works with Galveston College to promote Workforce Investment Act-funded welding and pipe fitting classes.

Gina Spagnola, president of the Galveston Chamber of Commerce, said that Gulf Copper deserves this award because: "They are actively involved in the Galveston community and have made a positive impact on both employers and workers. This chamber and the City of Galveston are grateful for Gulf Copper's commitment to our community."

Madam Speaker, I am pleased to join the Galveston Chamber of Commerce in honoring the management and staff of Gulf Copper for all of their contributions to the economy and community of Galveston, Texas.

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## PERSONAL EXPLANATION

### HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. FRANKS of Arizona. Madam Speaker, on rollcall No. 43, I was unavoidably detained. Had I been present, I would have voted "yes."

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## HONORING AN ADVOCATE FOR ARMY QUALITY OF LIFE, WILLIAM A. ARMBRUSTER

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. FARR. Madam Speaker, I rise today to honor a tireless public servant who has dedicated much of his career to improving the quality of life for our soldiers and their families. William A. Armbruster shortly will be retiring from the Army as he steps down from his role as Deputy Assistant Secretary of the Army for Privatization and Partnerships.

I first came to know Bill through the Army's collaboration with myself and local officials over re-use issues at the former Fort Ord, which was closed in a BRAC action in 1991. More importantly, Bill was pivotal in shepherding plans to privatize Army housing at the Presidio of Monterey—now known as the Ord Military Community—in one of the most successful Residential Community Initiatives ever undertaken in the United States. In Monterey there is a strong military presence including the Army and Navy and related agencies. Both services were in dire need of upgrading their housing to accommodate growing numbers of personnel. Rather than expend millions of dollars in rehabbing inadequate barracks and family quarters for soldiers and their families who are attached to the Defense Language Institute, Bill helped craft a first-in-the-nation joint RCI project between the Army and the Navy using private capital to leverage new and improved housing stock. Now not only do both the DLI and the Naval Postgraduate School have premier housing for their personnel, they have it at minimal cost to the Federal government.

This is the sort of creative thinker Bill Armbruster is. He uses the power of his office to make positive changes in his department and for the men and women who serve our military.

Even more recently Bill has been front-and-center on negotiating a complicated land swap at the former Fort Ord that, again, will result in much needed housing for Army personnel and for the first time will make available this housing to essential personnel attached to the DLI and other Federal agencies. This deal, colloquially known as the Stilwell Kidney exchange, involves the Army, the City of Seaside, the California State Parks system and the American Youth Hostel. It has taken 4 years to accomplish. But Bill stuck with it because he knew it was the right thing to do to advance the mission of the Army and the nation.

Madam Speaker, I will miss Bill Armbruster for his creativity, his dedication and especially his humaneness. He was always looking out for our service men and women's quality of life. It has been a joy to work with a man of such integrity, and I wish him well in the years ahead.

## THE KING LEGACY AWARD FOR INTERNATIONAL SERVICE

### HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. JACKSON of Illinois. Madam Speaker, I rise today to bring attention to "The King Legacy Award for International Service." In January 2007, Greek Ambassador Alexandros Mallias received this coveted award for his contributions to peace in the Balkans, to Greek-American relations, and to efforts to prevent such abhorrent practices as human trafficking, which is a modern form of slavery.

Accepting the award, the Greek ambassador spoke of Dr. King's struggle for freedom and against discrimination in the context of the search for justice memorialized by classic Greek tragic playwrights, like Aeschylus in his play "Prometheus Bound" and Sophocles in his play "Antigone." He also highlighted the inspiration given by Dr. King to struggles for democracy worldwide, including Greece during military dictatorship in the late 1960s, and against discrimination, noting also that AHEPA, the largest and oldest Greek-American association, was founded in Atlanta, GA in 1922, precisely to defend Greek immigrants from persecution and segregation.

Below is an article Ambassador Mallias wrote on Dr. King and the Greek classics.

[From the Washington Times, Jan. 29, 2008]

DR. KING AND THE GREEK CLASSICS

(By Alexandros P. Mallias)

This year will mark the 40th anniversary of the death of Martin Luther King, Jr. His death on April 4, 1968, found my country in the midst of one of its darkest hours, as the one year anniversary of an oppressive military dictatorship neared.

With my fellow citizens living under military rule and deprived of the very basic freedoms, I was inspired by the people of Birmingham, Ala., of Memphis and Atlanta, who, in a most dignified way, poured into the streets, standing up for what was rightly theirs.

Across the Atlantic, the civil-rights movement reached us in the clarion voice of Martin Luther King Jr., and hope stirred in the hearts of many Greek people like myself that "We", too, "Shall Overcome."

Upon my arrival in Washington as Greece's ambassador, and influenced by what I call the current "Golden Age for the Classics" in the United States, I have gone back to the staples of my education with new appreciation—Sophocles, Plato, Homer, Heraclitus, Thucydides. And I realized that the Rev. King's speeches and homilies are fraught with references to the Greek classics.

I pored over his writings and speeches and realized his was no simple preaching. I began to sense he had a profound understanding of what we call the "classics." In his Nobel acceptance speech, he spoke of Greek literature, of Homer and the temptresses Sirens, of Orpheus—not in dry academic fashion, but as part and parcel of his understanding of the world.

As the beneficiary of a classical education, as were most young Greeks of my generation, the words of Dr. King brought to mind great orators of ancient Greece—Demosthenes, for one, who had to overcome his own particular limitations.

In his sermon "Loving Your Enemies," delivered at Dexter Avenue Baptist Church in Montgomery, Ala., Nov. 17, 1957, Dr. King expounded on the power and comprehensiveness of the Greek language, explaining how Greek "comes to our aid beautifully in giving us the real meaning and depth of the whole philosophy of love . . . for you see the Greek language has three words for love . . . eros . . . a sort of aesthetic love. Plato talks about it a great deal in his dialogues, a sort of yearning of the soul for the realm of the gods. Then the Greek language talks about philia . . . the intimate affection between personal friends. The Greek language comes out with another word for love. It is the word agape . . . the understanding, creative, redemptive good will for all men. It is a love that seeks nothing in return."

Erudite men and women have researched the education of Dr. King, concluding that he studied the ancient Greek classics at length and drew inspiration not only from the Bible, but also from ancient Greek philosophers, playwrights and political figures.

Dr. King's "Letter From Birmingham Jail" of April 16, 1963, was addressed to his fellow clergymen and expounded upon his own theory of civil disobedience: "I submit that an individual who breaks a law that conscience tells him is unjust and who willingly accepts the penalty of imprisonment . . . is in reality expressing the highest respect for law" brought to mind Antigone, a reluctant but inevitably brave heroine, in Sophocles' namesake play, who said: "I will not obey an unjust law, and if something happens because of it—so be it."

This was not wasted on classics professor Lewis Sussman of the University of Florida, who wrote extensively on this connection.

I need no further proof of the inspiration Dr. King imparted from the classics than his own words in the last speech of his life, "I've Been to the Mountaintop," which resounded around the world on April 3, 1968, just one day before his assassination in Memphis: "I would take my mental flight by Egypt through, or rather across the Red Sea, through the wilderness on toward the promised land. And in spite of its magnificence, I wouldn't stop there. I would move on by Greece, and take my mind to Mount Olympus. And I would see Plato, Aristotle, Socrates, Euripides and Aristophanes assembled around the Parthenon as they discussed the great and eternal issues of reality."

Dr. King's words continue to inspire me. And what I impart from him is similar to what I imparted from the ancient Greek tradition that the "good life" is the one in which the individual partakes in the responsibility and concerns of all society.

## HONORING ALIPIO COCO CABRERA

### HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. SIRES. Madam Speaker, I rise today in honor of Alipio Coco Cabrera on his 25th anniversary in radio and television broadcasting. Coco can be considered a communicator by nature. He was born in Villa Mella, Dominican Republic. He started his career as a journalist for "Noti Tiempo" commercial radio station as well as a writer for "El Nacional" newspaper. Coco immigrated to the United States in 1978, settling in New York City. He continued to work for Dominican Republic Media but also became a radio correspondent for "Radio Mil and Nacional."

Coco received a contract with Hispanic Broadcasting Association, HBC, to work on many of their projects. He is now part of the powerful radio and television chain known as Univision. He can be heard on various radio programs, "Coco and Gisela," "Coco Clasicos," and "The Coco and Celines Show" on 105.9 Latin Mix. This show is known as one of the most important morning radio shows in the New York area. He has also made guest appearances on Univision TV shows such as "Despierta America," "Al Despertar" and "Don Francisco Presenta."

Throughout his career, Coco has received numerous national and international awards, which include: "Cassandra Distinguished Radio Personality," presented by the Association of Arts & Journalism of Santo Domingo. He was the first Dominican to receive this award that lived outside the country. In 2007, Coco received the "Distinguished Journalist and Citizen Award" presented by Dr. Pedro Henriquez Ureña, director of Human Rights Organization of Santo Domingo.

Alipio Coco Cabrera is a veteran of radio and is best known for his unique style and electric personality. It is only fitting that on February 17, 2008, he will be honored for 25 years in the radio broadcasting business at a banquet to be held at the United Palace Theater in New York City.

Please join me in honoring Alipio Coco Cabrera for his outstanding achievements and in congratulating him, his children Jean Carols and Jacyra.

## RECOGNIZING UNO, THE FIRST BEAGLE TO WIN "BEST IN SHOW" AT THE 2008 WESTMINSTER KENNEL CLUB DOG SHOW

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing Uno, the first beagle to win "Best In Show" at the 132nd Westminster Kennel Club Dog Show at Madison Square Garden.

Uno was bred and is co-owned by Kathy Weichert, of Belleville, IL. While Uno came into this competition with 32 previous best in show ribbons, he faced considerable competition at this year's Westminster event. Not only had no beagle ever won "Best In Show" at Westminster, no beagle had even placed first in the hound division since 1939.

Uno not only won the recognition of the judges at this year's Westminster Kennel Club Dog Show, but he was also the fan's favorite as was made evident by the rousing, standing ovation from the capacity crowd at Madison Square Garden when his victory was announced.

Madam Speaker, I ask my colleagues to join me in congratulating Kathy Weichert, owner of K-Run Kennels in Belleville, IL and recognizing Uno, this year's "Best In Show" winner at the 2008 Westminster Kennel Club Dog Show.

## TRIBUTE TO CHARLES E. POWERS

### HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. SPRATT. Madam Speaker, I rise to pay tribute to Mayor Charles E. Powers, the former mayor of Fort Mill, SC, a town I have the honor of representing. I call his service to the attention of the House because his long years in office are a model for local government.

Charles Powers served as mayor of Fort Mill for 24 years, and before that, as a member of the city council. During all these years, he worked and raised a family, but the City claimed his devotion. As mayor, he was totally committed. Fort Mill came first.

While serving as mayor, Charles Powers oversaw his small town as it grew and grew in the backwash of Charlotte, NC. He made sure that Fort Mill got its share of the growth, yet never lost its hometown quality, its hospitality and friendship. He helped Fort Mill remain a special place, and not become a bedroom suburb of Charlotte. He had the vision to see the need for a new city hall, for a local library, for a visitors' center on Main Street, and for numerous other projects. Under his leadership, things got done. Fort Mill flourished as an all-American town.

In his latest race for re-election, Charles Powers did not have the good fortune of winning, but he took defeat with the grace and goodwill that always marked his years in office.

Just a few days ago, Charles Powers, in his well worn role as ambassador of good will, opened the door of a local convenience store, and spoke kindly to the stranger going out. Before he realized that the man had just robbed the store, the stranger turned his pistol on Charles Powers and shot him. Fortunately, Charles Powers survived the assault, and is out and about Fort Mill again.

Local elected officials like Charles Powers deal with problems that nettle people most, from potholes to public schools. Leaders like him solve those problems and make our democracy work and our communities livable. When they step down after years of service, they deserve our recognition and respect.

## IN TRIBUTE TO ABRAHAM BALDWIN AGRICULTURAL COLLEGE

### HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. MARSHALL. Madam Speaker, I rise today to pay tribute to Abraham Baldwin Agricultural College as it marks 100 years since its doors first opened for classes.

The school, which is known throughout Georgia as ABAC, has grown from a high school with three instructors and 27 students to more than 3,600 students with a reputation as one of the Nation's 10 best community colleges.

Located in Tifton, GA, the school is the product of a 1906 Georgia law that established a district agricultural high school in each of Georgia's congressional districts. Mr. H.H. Tift successfully led an effort to secure the school for Tifton, which outbid other area cities. The school—originally named The Second District A&M School—opened its doors on February 20, 1908.

Madam Speaker, students received a high school education that let them go on to careers in farming, business and medicine, but as education improved in rural areas, the State saw the need for a men's senior State college in South Georgia. In 1924, the school began the transition from a high school curriculum to a college program as the South Georgia A&M College.

This would be the first of several changes to the school's name and purpose. The biggest change came in the midst of the Great Depression in 1933, when the college's focus was narrowed to just agriculture and home economics and it was renamed the Abraham Baldwin Agricultural College to honor a Georgia signer of the United States Constitution.

Madam Speaker, the school's focus has expanded over the years and now includes 57 diverse programs of study, including bachelor of applied science degrees in diversified agriculture and in turfgrass and golf course management.

ABAC's programs in turfgrass and golf course management have been cited as some of the best in North America, and the college has also been recognized for its top marks in student-facility interaction and academic challenge.

Madam Speaker, I am confident my colleagues will join me in honoring ABAC for its 100 years of service to Georgia's students.

## HONORING CLARENCE, NEW YORK

### HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. REYNOLDS. Madam Speaker, it is with great honor that I rise today in celebration and recognition of the 200th anniversary of Clarence, NY.

The roots of this historic town date back to 1799, when Asa Ransom became the first to settle there. Ransom opened a tavern, sawmill and gristmill in the area that is today known as the Clarence Hollow. Also among the first to settle in Clarence was Asa Harris, who opened a tavern on the other side of the town in 1807.

It was 1 year later on March 11, 1808, that Clarence was incorporated. This made Clarence the oldest town in Erie County. After its incorporation, Clarence continued to attract farmers and businesses; churches also began to spring up throughout the 52 square mile town. This growing town played a large role in Western New York during the War of 1812. When people fled the City of Buffalo in 1813 due to the fires set by the British, many took refuge in Clarence. Among those who sought shelter were the Salisbury Brothers, who published the Buffalo Gazette from the Asa Harris Tavern.

The late 1800s saw a number of cultural advances in the then small town of Clarence. The first carrousel built in the United States was constructed in Clarence in 1897 by Carl Newman and Carl Landow. This hand operated carrousel was utilized by the people of Clarence for over 30 years. Also, the importance of education has a strong history in the town. In 1897, the Parker Union Academy received a large addition, including two towers, one for an observatory and one for a bell. The dedication to the improvement of the school system has been a tradition carried on to the current students in Clarence. A most recent achievement in this area was the Blue Ribbon National School of Excellence award that Clarence High School earned in the 2001–2002 school year.

After World War II, Clarence experienced a great period of growth. The population rose from 2,948 residents to about 13,267 by 1960. The population was not the only thing growing in Clarence in the first half of the twentieth century; the discovery of natural resources opened the doors for many businesses and industries. After gypsum was detected in 1925, the National Gypsum Company was formed and mined for gypsum until 1982. Other resources that were discovered in Clarence during this period were sand and gravel, which provided supplies for many important industries in western New York.

The expansion of industry and culture was also fueled by the implantable pacemaker, patented by Wilson Greatbatch in 1962. Following the invention of this lifesaving device, Greatbatch founded the Wilson Greatbatch LTD. in 1970. The location of this research facility in Clarence opened the doors for a number of employment opportunities and technological advances.

Finally, the history of Clarence can not be discussed without noting that the town's greatest resource is the hard-working members of the community. In Clarence, you find generous, down-to-earth, friendly people who are willing to help their neighbors. More than anything else to celebrate on this 200th anniversary is the good-hearted and gracious people of Clarence.

Thus, Madam Speaker, in recognition of its rich history, agricultural tradition, innovation, and its wonderful residents, I ask that this Honorable Body join me in celebrating the 200th anniversary of the Town of Clarence.

## HONORING STATION POINT ALLERTON AS THE RECIPIENT OF THE SUMNER I. KIMBALL AWARD

### HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. DELAHUNT. Madam Speaker, I rise today to honor those serving in the United States Coast Guard at Station Point Allerton of Hull, Massachusetts. They are the proud recipient of the prestigious Sumner I. Kimball Readiness Award.

The crew at Station Point Allerton has upheld a long tradition of life saving and mission excellence that was started by Joshua James and Sumner Kimball, the General Superintendent of the Life-Saving Service from 1878–1916. James and Kimball were among the most celebrated life savers in the world and they both served just a short distance from their current Coast Guard station.

The Sumner I. Kimball Readiness Award was established in April of 2001 to recognize United States Coast Guard Boat Force units that are truly the best of the best. It is a rarity in the Coast Guard, as very few units attain this level of outstanding performance. It demands a grade of 90 percent or higher during a rigorous week-long inspection, requiring a combination of exemplary test scores, crew proficiency, superb vessel condition, excellent performance in drills, a successful and progressive unit training program, survival systems readiness and good administrative work by all members. In their line of work, readiness and competence is the difference between life and death.

What makes this feat more impressive is that all 6 boats and their substation, Station (small) Scituate, had to perform at this remarkably high level. I would like to congratulate Commanding Officer Thomas J. Guthlein and the men and women stationed at Point Allerton for their exemplary service:

BMC Michael Dibartolomeo, MKC Kevin Nuzzolilli, BM1 Luis Catala, BM1 Sean Goodwin, BM1 Wayne Lougee, BM1 Christopher Carson, MK1 Robert Chofay, SK1 Michael Murphy, BM2 Phillip Garrett, BM2 James Mankus, BM2 Nicholas Linstrom, BM2 Kleverson Lemos, BM2 Logan Adkisson, MK2 Dominc Michael, MK2 Michael Cella, MK3 Ryan Fahey, FS2 Patrick Kelly, FS2 John Robbins, BM3 Noah Rowland, BM3 Adam Griffin, BM3 Christopher Dangelo, BM3 Matthew Renner, BM3 Jonathan Cunningham, BM3 Jessica Adams, BM3 Glenn Fenstra, MK3 David Northrop, MK3 Manish Moideen, SN Brittany Coyne, SN Daniel Williams, SN Adam Ruffner, SN Roger Souliere, FN Angela Klingler, SN Tony Layne.

It is very fitting that such this particular Coast Guard unit receive this very prestigious award. It is given in honor of Sumner Kimball who established the tradition of training and preparedness years ago off the waters of Hull. Even more remarkable, is the fact that this is the second time that Station Point Allerton has received this award, with the first being in 2002. This award is not just a testament to the station, but it is a tribute to the hard working men and women who serve our Coast Guard and who are willing to put their life on the line to protect the safety of mariners and the integrity of our coast.

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## TRIBUTE TO U.S. AMBASSADOR SPEARMAN

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, today I pay tribute to the life of Leonard H.O. Spearman, an outstanding individual who served as ambassador to two African countries and later headed an advisory board to historically black colleges, who passed away on January 16, 2008, at the age of 78 in Katy, Texas.

Leonard Hall O'Connell Spearman, Sr., was a native of Tallahassee, Florida, and a 1947 graduate of what is now Florida A&M University, where he played cornet in a band that included saxophonist Julian "Cannonball" Adderley.

At the University of Michigan, he received a master's degree, 1950, and a doctorate, 1960, in clinical psychology. He was a psychology professor and a dean at Southern University in Baton Rouge before moving to Washington in 1970 to work for the old Department of Health, Education and Welfare. He spent 9 years at HEW, helping shape the educational opportunity programs for disadvantaged students, as well as Federal student loan programs.

Later, he served as U.S. ambassador to Rwanda and Lesotho during the administration of President George H.W. Bush.

After leaving his ambassadorial posts, he taught educational administration at Texas Southern until 1998. From 1993 to 2001, he chaired the nonprofit organization, Rural Electrification for African Development, which advocated solar technology in African villages. Dr. Spearman was honored for his work in education and public service by the National Council of Negro Women among other groups.

I ask my colleagues to join me in extending our condolences to the family of Ambassador Spearman, his wife of 57 years, Valeria Benbow Spearman, and three children, Lynn Dickerson of Baton Rouge, Leonard H.O. Spearman, Jr., of Katy, and Charles M. Spearman of Alexandria, Virginia; a brother, Rawn W. Spearman, Sr., of Virginia Beach; two sisters, Olivia Parker of Washington, DC, and Agenoria Paschal of Miami, Florida; and seven grandchildren.

Ambassador Spearman was a true American hero whose accomplishments are a testament to his humanitarian spirit.

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## HONORING SIR FRANKLIN MILLER

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. UDALL of Colorado. Madam Speaker, I rise today to congratulate one of my esteemed colleagues and former classmates, Sir Franklin Miller, for receiving honorary knighthood by the British Government. Queen Elizabeth II, during her fall 2007 visit to Washington, DC, awarded Mr. Miller with honorary knighthood—a Knight Commander of the Order of the British Empire—in gratitude for his work to strengthen U.S.-U.K. defense collaboration during his career with the Department of Defense and as Special Assistant to President George W. Bush. I am pleased to recognize his commitment to America's security.

Frank and I were both members of the Williams College Class of 1972. After graduating, he served as Communications Officer and Anti-Submarine Warfare Officer aboard the USS *Joseph Hewes,* a *Knox*-class frigate, with deployments in the Mediterranean Sea, Indian and Atlantic Oceans. In 1977, he returned to school and received his MPA from Princeton University's Woodrow Wilson School of Public and International Affairs.

His talents at defense studies brought him to the State Department's Bureau of Political-Military Affairs from 1977 to 1979. For 22 years, he served under seven Secretaries in a series of progressively senior positions. His final assignments were twice as Acting Assistant Secretary for International Security Policy and once as Principal Deputy Assistant Secretary for Strategy and Threat Reduction.

Frank Miller served as Special Assistant to President George W. Bush and as Senior Director for Defense Policy and Arms Control on the National Security Council staff between 2001 and 2005. This made him responsible for Presidential policy initiatives in the fields of nuclear deterrence policy, strategic arms reduction, national space policy, defense trade reform, land-mines, and transforming the American and NATO militaries.

He heroically assumed responsibility for the operation and management of the White House Situation Room immediately following the attacks on the World Trade Center Towers on September 11, 2001. This led him to direct interagency support of both Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom.

For his distinguished service, he was honored five times with the Defense Department's highest civilian award, the Defense Distinguished Civilian Service Medal. In addition, he has been awarded the Norwegian Royal Order of Merit, Grand Officer, and the French Legion of Honor, Officer. Knighthood is another fitting tribute to Sir Miller's distinguished 31-year career.

Mr. Speaker, I ask my colleagues to join with me to congratulate Sir Miller for his recent knighthood. We are grateful to Sir Miller for his outstanding commitment and service to improving the security of this country. I wish him good health, happiness, and success in his future endeavors.

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## PERSONAL EXPLANATION

### HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. HULSHOF. Madam Speaker, on February 6, 2008, I was unavoidably detained and missed votes. Listed below are the votes I missed and how I would have voted had I been there.

H. Res. 867, rollcall No. 29, Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup: Had I been here, I would have voted "yes."

H. Res. 942, rollcall No. 30, Recognizing the significance of Black History Month: Had I been here, I would have voted "yes."

H. Res. 943, rollcall No. 31, Remembering the Space Shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986: Had I been here, I would have voted "yes."

## HONORING THE LOUISIANA SBDC 25TH ANNIVERSARY

### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. ALEXANDER. Madam Speaker, I rise today to commemorate the 25th Anniversary of the Louisiana Small Business Development Center (Louisiana SBDC).

For over a quarter century, the Louisiana SBDC, a network of nine service centers operating in Louisiana, has provided communities throughout the state with the means to launch new businesses and maintain successful existing businesses through offering consulting, business education classes, information resources and other specialized services.

Just in the last six years, the Louisiana SBDC has counseled over 25,000 entrepreneurs, created nearly 7,000 new jobs, and has assisted small businesses in securing nearly $359 million dollars in financing. Initiatives such as the Louisiana SBDC with its track record of success are just what our nation needs during this time of decline in our economy. This work is made possible through the Louisiana SBDC's partnership with the U.S. Small Business Administration, Louisiana Economic Development, participating universities and economic development agencies.

With the help of federal funding, The University of Louisiana at Monroe's College of Business in partnership with the Louisiana SBDC, is poised to develop the Northeast Louisiana Business and Community Development Center. This allows the Louisiana SBDC to continue its mission in Northeast Louisiana and provide for greater opportunity for rural businesses. This center will be a source of entrepreneurship expertise for rural communities in this area, and I expect great things for Louisiana's 5th Congressional District's economy to emerge from the efforts of this center.

Madam Speaker, I ask my colleagues to join me in honoring the 25th Anniversary of the LSBDC as it continues its commitment to empowering local citizens to reach their goals of establishing successful new businesses, which create not only a stronger Louisiana but a stronger national economy.

## HONORING H.O. TANNER TEACHERS

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. PAUL. Madam Speaker, on February 21 the Texas Delta Xi Chapter of the Honorary Educators Organization Alpha Delta Kappa will honor those Texas Delta Xi teachers who attended the H.O. Tanner School in Texas, and then returned to teach at H.O. Tanner after completing their education. H.O. Tanner was constructed in 1900 in order to ensure that Texas' segregation laws did not prevent African-American children from obtaining a quality education.

Laws dictating what schools a child can and cannot attend, based solely on that child's race, are a shameful aspect of America's history. It is hard to think of a better way to celebrate Black History Month than by honoring those who did not allow the burden of the "Jim Crow" laws stop them from obtaining an education, and then used their education to serve the children of their community by devoting their lives to teaching.

It is therefore with the greatest pleasure that I join Texas Delta Chapter of Alpha Delta Kappa in honoring Geneva Barrett, Cora Mack, Berniece Smith, and Sister Julia Mack, who taught kindergarten at the "new" Henry O. Tanner; Sister Mary Crecy, Geneva Barrett (both of whom will be honored posthumously), and Mary Dixon who taught at the original Henry O. Tanner School; and Sisters Julia and Cora Mack who attended classes on the "new" H.O. Tanner campus.

## PERSONAL EXPLANATION

### HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. FRANKS of Arizona. Madam Speaker, on rollcall No. 44 I was unavoidably detained. Had I been present, I would have voted "yes."

## A TRIBUTE TO JILL THOMPSON

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. SKELTON. Madam Speaker, I rise today to honor the life of Jill Thompson. Mrs. Thompson, a registered nurse, was administrator of the Lafayette County, Missouri, Health Department. Sadly, Mrs. Thompson lost her fight with cancer on January 26, 2008.

Mrs. Thompson was an employee at the Lafayette County Health Department for 29 years. She also served two terms as the rural health department representative from the Northwest District on the Partnership Council, was president of the Missouri Association of Public Health Agencies, and served on the board of the West Central Missouri Area Health Education Center. She is fondly remembered by her colleagues as someone who was incredibly dedicated to public health and passionate about serving her community.

Further recognizing her commitment to public health, Mrs. Thompson was a founding member of the Sounds of the Heart organization, which raised money to place automated external defibrillators in locations throughout the community. She was also a member of the Cancer Assistance Relief organization. This organization provides cancer patients with rides to doctors' appointments and hospitals.

Friends and family will never forget her warm personality, dedication, and intelligence. Mrs. Thompson is survived by her husband Larry, three children, and two grandchildren. I'm sure Members of the House will join me in paying tribute to the life of Jill Thompson for her vision and leadership in the field of public health in the State of Missouri.

## HONORING THE DEDICATION OF THE MARY E. SMITHEY PACE LEARNING CENTER

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. MARCHANT. Madam Speaker, I wish to honor the dedication and renaming of the PACE School to the Mary E. Smithey PACE Learning Center in Duncanville, Texas.

On Sunday, February 17, 2008, a ceremony will be held honoring Mary E. Smithey for her many years as a teacher in the Duncanville school system. When Mrs. Smithey began teaching in Duncanville in 1946, she was one of eight teachers who served 287 students in grades one through twelve in one school building, now known as Central Elementary. Mrs. Smithey was the first retiree of the Duncanville Teachers Association and spoke highly of her career, particularly of her students.

Mary E. Smithey was an exemplary teacher who was loved and respected by her students, their families and her peers. Mrs. Smithey, along with her husband, Grady Sr., have held long careers in public service in their community and the tradition continues as three of their grandchildren are teachers. The Smithey's two sons, Grady Jr. and Gary Ervin, are Duncanville school graduates.

The Mary E. Smithey PACE Learning Center is an alternative school for students, grades 9 to 12, who need additional assistance in their education. The smaller class sizes and individual learning available at this campus help young people gain confidence and success. Students study a core curriculum, along with electives, on a flexible schedule allowing them the opportunity to achieve a high school diploma.

I am honored to pay tribute to Mary E. Smithey and the Duncanville Independent School District in the dedication and renaming of the PACE School in her memory. The objectives of the PACE Learning Center will perpetuate Mrs. Smithey's legacy in education for many years to come. I am privileged to represent the Duncanville ISD in the 24th District of Texas.

## DEATH OF ARCHBISHOP CHRISTODOULOS

### HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. ROYCE. Madam Speaker, I rise in recognition of the life of the Archbishop of Athens and all Greece, Mr. Christodoulos, who passed away late last month.

Since becoming ordained as a deacon in 1961 and a priest in 1965, Archbishop Christodoulos showed a dedication to his faith and people that earned great admiration and respect among his followers. He was a leading voice on the origins of Christianity, and on the role Christianity had in the creation of the European world and the identity of its citizens.

It was obvious to many that Archbishop Christodoulos cared greatly for his people and worked tirelessly to represent his faithful followers. He also actively sought to bring faith to younger generations, jocularly inviting them back to the church as they were "earrings and all."

Madam Speaker, Archbishop Christodoulos was a remarkable man whose death will be mourned by many. His legacy, however, will impact generations of loyal Greek Orthodox and other members of the Dyophysite faith.

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## DAY OF REMEMBRANCE

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Ms. MATSUI. Madam Speaker, on February 19, this Nation will recognize the 66th anniversary of the "Day of Remembrance." This was the day in 1942 that President Roosevelt signed Executive Order 9066, which led to the internment of over 120,000 Americans of Japanese ancestry.

The President's decision to intern Americans was an avoidable consequence of racial prejudice and wartime hysteria. The government at all levels was blinded by war, and made decisions that were contrary to our Constitution. The failure of each branch of government to uphold the rights of individuals must be taught so that future generations resist succumbing to the politics of fear.

Because of one of the darkest periods of our Nation's history, we learned of the damage that could be done when we let the politics of fear cloud our judgment. I hope every American will take this day to reaffirm their commitment to our Constitution and the rights and protections it guarantees for all of us. This commitment is a way to prevent such injustice from ever becoming a reality again.

Congress has not only recognized a Day of Remembrance, but it also supports and funds internment site preservation as the physical reminder of past inequality. I look forward to working with my colleagues to ensure that future generations will be able to visit the internment camps to gain a better understanding of the previous generation's experience.

This year also marks the 20th anniversary of the enactment of the Civil Liberties Act of 1988. This act proves what is great about our country. When this act passed, our Nation formally acknowledged and apologized for violations of civil liberties and constitutional rights of over 100,000 interned Americans.

As we look back on a time in our Nation's history, and how our country has responded since, we should have hope for the future. Around the world, human rights violations continue unabated. Yet, we can combat this by working with a single purpose towards a future wherein every person, regardless of race, gender, nationality or creed enjoys equal treatment in this world.

And today, 66 years after the signing of Executive Order 9066, we must renew our commitment to bringing these rights to all people.

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## IN HONOR OF MR. JOHN R. COCHRAN

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to reccognize Mr. John Cochran, Business Development Executive of Bank of America Card Services. John will retire this year from his position as a leader in a company with the largest credit card portfolio in North America, having over 40 million customers amounting to $190 billion in high-interest loans.

During his time at Bank of America, John was responsible for all business development endeavors for Bank of America Card Services. Prior to the January 2006 merger with Bank of America, John was the chief operating officer of MBNA Corporation, which he also helped to found in 1982. Under John's direction as head of Business Development, MBNA became a pioneer in issuing so-called "affinity" credit cards—cards endorsed by alumni associations, interest groups, professional organizations, clothing manufacturers, sports teams, and others. Cards emblazoned with the logo of a much-loved alma mater or team proved to be appealing to many consumers and, as a result of John's ingenuity, MBNA enjoyed runaway growth. Within 10 years, MBNA had become one of Delaware's largest employers, and remains so today under the Bank of America name. John is also the person behind Bank of America's 3 major affinity relationships: the National Education Association, Ducks Unlimited, and the American Automobile Association, all 3 of which will celebrate 27 years of successful marketing agreements with Bank of America this year.

John was born and raised in Baltimore, Maryland. He attended Loyola College, where he currently sits on the board and has served as its chairman. Though not a Delaware native, John contributes to the State of Delaware in more ways than just furthering private sector development. John is a member of the board of directors of the Delaware Council for Economic Education. He is also a member of the board of trustees of the Delaware Public Policy Institute.

I acknowledge Mr. John Cochran for his many years of service and numerous contributions to Bank of America, the credit card industry, and the State of Delaware. I am confident that as he enjoys his retirement with his wife and children, and cheers for his beloved Baltimore Orioles, he will remain an active and influential member of our community.

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## PERSONAL EXPLANATION

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Ms. MOORE of Wisconsin. Madam Speaker, on Wednesday, February 13, I was detained and unable to vote on rollcall 46. Had I been present I would have voted "no."

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## IN MEMORY OF GLADYS JOY KENNEDY

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. SCHIFF. Madam Speaker, I rise today to honor the late Gladys Joy Kennedy. Ms. Kennedy was a devoted and active member of the Pasadena community.

Gladys Joy Kennedy was born on June 1, 1965, the beloved child of Thomas Foster Kennedy, now deceased, and Leola Sudduth Kennedy of Pasadena, California. Gladys, a twin, was the ninth of 10 children. A Pasadena area resident all of her life, she attended Cleveland Elementary School, McKinley Junior High School, and Blair High School.

Gladys was active in many churches in the Pasadena area, including Holy Deliverance Church and Lincoln Avenue Baptist Church. She was a proud and devout member of the Metropolitan Baptist Church in Altadena, where she was an enthusiastic and devoted volunteer. Gladys also volunteered extensively for the National Association for the Advancement of Colored People, Pasadena Branch, and assisted with numerous local political campaigns.

Gladys Joy will be greatly missed, and I extend my sincere condolences upon the untimely and very sad loss of Gladys Joy to the extended Kennedy family.

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## PAYING TRIBUTE TO GARY DOUGLAS MEADE

### HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. BOUCHER. Madam Speaker, I rise today to honor Gary Douglas Meade and pay tribute to his 43-year public service career to the Commonwealth of Virginia.

Douglas Meade, the son of a coal miner, grew up on a farm in Wise County, Virginia. He started his public service career in 1964 as a social worker in Wise County. In 1970 after receiving a master's degree in social work from Virginia Commonwealth University, Douglas worked briefly for the Virginia Department of Social Services in Richmond, Virginia, before returning back to his native roots in southwest Virginia.

For the past 36 years, Douglas has been the director of the Washington County, Virginia, Department of Social Services. His office administers and provides annually over $40 million in services to citizens of Washington County. In fiscal year 2007–2008, the Washington County Department of Social Services will touch the life in some way of over 16,000 county citizens. Over the years, Douglas has served on numerous State and local task forces and committees that focused on improving the quality of life and opportunities for rural Virginians. Currently he is involved in several southwest Virginia regional initiatives that are focused on improving the job skills, employment opportunity, health care access, and educational attainment of area citizens.

Through his advocacy and public policy development work, Douglas has worked extensively with the Virginia General Assembly and has done some work at the Federal level. He has been recognized as a leader in his field and has received numerous awards. In 1994, Douglas received the President's Award, the Distinguished Service Award, and a Certificate of Appreciation from the Virginia League of Social Service Executives for his work.

Douglas' rural upbringing has helped form his strong work ethic, values and community spirit. His warmth and eternal optimism brighten the lives of his family and friends.

In 2005, Douglas graduated from the nationally renowned University of Virginia's Sorenson Political Leadership Institute. After retiring from a 43-year career in social services, Douglas has not ruled out running for a political office or continuing, in some way, his commitment to public service.

Madam Speaker, I am proud to honor the distinguished career of Douglas Meade and the outstanding public service he has given to the Commonwealth of Virginia.

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## PERSONAL EXPLANATION

### HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. FRANKS of Arizona. Madam Speaker, on rollcall No. 45 I was unavoidably detained. Had I been present, I would have voted "yes."

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## PERSONAL EXPLANATION

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Thursday, February 7, 2008, I was unavoidably detained in my Congressional district. I would have voted as follows:

Rollcall No. 32: "yes," on Ordering the Previous Question; rollcall No. 33: "yes," On Agreeing to the Resolution; rollcall No. 34: "yes," on Motion to Suspend the Rules and Pass H. Con. Res. 283; rollcall No. 35: "yes," on Motion to Suspend the Rules and Pass H.R. 4848; rollcall No. 36: "yes," on Agreeing to the Amendment; rollcall No. 37: "yes," on Agreeing to the Amendment; rollcall No. 38: "yes," on Agreeing to the Amendment; rollcall No. 39: "no," on Motion to Recommit; rollcall No. 40: "yes," on Passage of H.R. 4137; rollcall No. 41: "yes," on Motion to Suspend the Rules and Pass H. Res. 947; rollcall No. 42: "no," on Agreeing to the Senate Amendment to H.R. 5140.

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## INTRODUCTION OF THE WATERFRONT BROWNFIELDS REVITALIZATION ACT

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Ms. SLAUGHTER. Madam Speaker, today I am proud to introduce the Waterfront Brownfields Revitalization Act. This bill will authorize a much-needed grant program to assist communities that are overcoming the unique challenges of waterfront brownfields and foster innovative approaches to remediation.

America's industrial heritage was established along the banks of its rivers, lakes, and coasts. Our Nation's vast and interconnected natural water system helped provide the power that fueled our rise to international prominence, and allowed us to move our manufactured goods efficiently to all corners of the country. However, that legacy also includes many decades of environmental contamination on the waterfront. Abandoned factories, dilapidated mills and underutilized ports can be found along the shores of many metropolitan areas. As localities seek to reconnect with their waterfronts and revitalize their downtowns, brownfield barriers threaten to derail community efforts to create jobs, promote recreational opportunities, restore the ecology, increase tourism, and grow their tax base.

Waterfront brownfields present challenges beyond typical environmental assessment and cleanup projects. Hydrology, water quality, wetlands, endangered species, habitat, dredged materials, flooding, environmental infrastructure, navigation, and other considerations must be carefully addressed so as not to exacerbate existing site contamination. Typically, waterfront brownfields require the involvement of multiple governmental agencies. As such, waterfront brownfields require special attention and resources to overcome their larger hurdles.

In my own district, the city of Rochester, NY, is currently working to revitalize its beautiful waterfront, while attempting to cope with the unique challenges that waterfront brownfields present. The city is undertaking a major community revitalization strategy to redevelop its port and waterfront area into a mixed use development, which will include housing, commercial, retail, and educational uses, enhanced recreation, new parks and open space, and improved public access to Lake Ontario, the Genesee River and the surrounding ecosystem. However, because the Port of Rochester was used extensively for industrial purposes from the late 1800s into the first half of the 20th century, significant environmental remediation will be required prior to redevelopment.

Initial investigations have found that more than 10 acres of the site contain up to several feet of slag from a former iron works. Portions of the site are impacted from petroleum releases and unsuitable fill materials. Old Genesee River deposits on the site and bank sediments have been shown to contain high levels of heavy metals cadmium and silver as well as pesticides and furans. The marina must also be dredged. Before the waterfront reuse can proceed, the Port of Rochester must first address an estimated $500,000 in environmental assessment issues related to contaminated sediments, beneficial reuse of sediments, groundwater contamination, and waste characterization related to the construction of the marina—and an unknown level of remediation.

Madam Speaker, Rochester is not alone in facing these types of complicated and expensive challenges to redevelopment. Cities all across the country are dealing with similar roadblocks as they try to engage incorporate waterfront real estate into their redevelopment plans, from Yuma, AZ, and Portland, OR, in the west, to Savannah, GA, and Philadelphia, PA, in the east, and almost everywhere in between where lakes and rivers exist.

My bill recognizes that the Federal Government can be an effective partner to communities interested in reconnecting with their waterfronts. Specifically, this legislation would authorize the U.S. Environmental Protection Agency to establish a waterfront brownfields pilot demonstration program to provide localities and other eligible entities with up to $500,000 to assess and clean up waterfront brownfields. The bill would also establish an interagency taskforce on waterfront brownfields restoration to identify barriers and potential solutions to waterfront brownfields revitalization, and seek methods for Federal interagency collaboration on such projects.

As cities across the country struggle to thrive in a changing global economy, and as our domestic manufacturing continues to diminish, it is imperative that Congress do all that it can to help these cities redevelop and succeed. Industrialization and manufacturing helped make this country the power that it is today, but as manufacturing has moved overseas it has not only taken jobs and changed the economic base of many industrial cities, it has also left behind decades of contamination. This legislation will give these cities the support they need to redevelop in an environmentally safe way, and utilize their waterfront as an incredible economic asset.

## INTRODUCING TECHNOLOGIES FOR RESTORING USERS' SECURITY AND TRUST (TRUST) IN HEALTH INFORMATION ACT

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. MARKEY. Madam Speaker, the development of a nationwide interoperable health information infrastructure holds tremendous promise for improving patient care, reducing medical errors and lowering costs. Today's health care system needs to be transformed to improve health care quality, safety and affordability, and interoperable health information networks can play an important role in this transformation.

At the same time, without sufficient privacy and security safeguards, such electronic systems could turn the dream of integrated, seamless health IT networks into a nightmare for consumers, reducing the likelihood that patients and providers will embrace and utilize such systems. If we fail to require strong privacy and security standards now, during the early stages of development of nationwide interoperable health IT systems, we run the risk that Americans' medical secrets will be extremely vulnerable to being lost or stolen from these systems, whose weak privacy and security safeguards will be an open invitation to identity thieves, fraudsters and others seeking unauthorized access.

The great Irish poet William Butler Yeats famously wrote that "In dreams begins responsibility." The dream of a nationwide, seamless, effective health IT infrastructure certainly is enticing. Let us hope that we can realize this dream in the future. Today Congress has a responsibility to ensure that patients' personal medical secrets are not put at risk in the process.

According to a report released last year by the Government Accountability Office, GAO, the Department of Health and Human Services, HHS, has taken some steps to identify solutions for protecting patient privacy in health IT systems, but HHS has "not yet defined an overall approach for integrating its various privacy-related initiatives and addressing key privacy principles, nor has it defined milestones for integrating the results of these activities." (GAO–07–400T) Over the past 3 years, repeated breaches of electronic systems containing Americans' Social Security numbers, addresses and other sensitive personal information have reinforced the need for strong data safeguards for Americans' medical records. According to Privacy Rights Clearinghouse, a non-profit consumer organization, more than 218 million data records of U.S. residents have been exposed due to security breaches since January 2005.

I am pleased that Representative RAHM EMANUEL is joining me in introducing the Technologies for Restoring Users' Security and Trust, TRUST, in Health Information Act. The TRUST Health Information Act promotes development of a nationwide interoperable health IT infrastructure that improves patient care, reduces costs and protects the privacy and security of Americans' personal medical information. The Trust Act contains provisions to encourage the development of health IT networks through grants and standard-setting processes while also ensuring that patients' medical records will be protected by strong privacy and security safeguards. For example, the TRUST Act:

Empowers patients to keep their medical records out of health IT databases unless they first give their consent;

Requires patients to be notified if the systems that contain their health information is breached and their information is exposed;

Mandates the use of data security safeguards such as encryption and other technologies that render the information unreadable to individuals who are not authorized to access it;

Authorizes grant funding to enable the purchase and enhance the use of qualified health IT systems; and

Establishes a public-private partnership to make recommendations concerning health IT standards, criteria for the electronic exchange of personal health information and related purposes to encourage the creation of a nationwide interoperable health information technology infrastructure.

Patient privacy and security protections are enablers of, not impediments to, successful nationwide interoperable health IT systems. Only after patients have confidence in these protections will they trust their sensitive medical information to such systems.

The Trust Act is supported by Patient Privacy Rights, Microsoft Corporation, the American Psychoanalytic Association, American Association of Practicing Psychiatrists and the National Association of Social Workers.

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## RECOGNIZING JAMES BENJAMIN FARMER

### HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. JONES of North Carolina. Madam Speaker, I proudly pause to recognize James Benjamin Farmer, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 6, and in earning the most prestigious award of Eagle Scout.

Benjamin has been active with his troop, participating in many Scout activities. Over the years Benjamin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. For his Eagle Scout Project, Benjamin renovated a room that now serves as a Sunday School Classroom at First Baptist Church in Kinston, NC.

Madam Speaker, I proudly ask you to join me in commending James Benjamin Farmer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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## SUNSET MEMORIAL

### HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with another Sunset Memorial.

It is February 14, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that we lost on September 11th, only it happens every day.

It has now been exactly 12,806 days since the tragic judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them. And all of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

The bedrock foundation of this Republic is the declaration, not the casual notion, but the declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died without the protection we should have been giving them.

But perhaps tonight, Madam Speaker, maybe someone new who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we can never express, and that 12,806 days spent killing nearly 50 million unborn children in America is enough; and that this Nation is great enough to find a better way than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we hear the cries of the unborn at last. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is February 14, 2008—12,806 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children—this, in the land of free and the home of the brave.

## ARMS SALES TO SAUDI ARABIA

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. BERMAN. Madam Speaker, as part of the Gulf Security Dialogue between the Gulf States and the United States, the President has proposed the commercial sale of a number of significant U.S-produced weapon systems that the President believes will contribute to U.S. national security in the Gulf Region.

There has been a good deal of controversy surrounding these proposed arms sales included in the Gulf Security Dialogue, and, in particular, the sale of Joint Direct Attack Munitions (JDAMs) to Saudi Arabia.

The Foreign Affairs Committee has taken the reported concerns seriously. The Committee has held four highly classified briefings on the Gulf Security Dialogue. As part of this ongoing dialogue, Chairman Lantos asked the Secretary of State to provide to the Committee, in writing, additional assurances that can be released publicly that this sale will not threaten our interests or those of our friends in the region. Chairman Lantos received a letter with these assurances from the Secretary of State.

Madam Speaker, as the Acting Chairman of the Foreign Affairs Committee, I ask that this letter be printed in full in the RECORD so that all of our colleagues in the Congress can be aware of the assurances which the Committee has received.

THE SECRETARY OF STATE,
*Washington, DC, February 6, 2008.*

DEAR MR. CHAIRMAN: I am writing to you regarding the proposed sale of Joint Direct Attack Munitions (JDAMs) to Saudi Arabia under the rubric of the Gulf Security Dialogue. Over the last year, we have consulted closely with Congress and our partners in the region on the proposed sale. This sale is important to U.S. national interests in the Gulf region. It will strengthen our relationship with Saudi Arabia and will enhance regional security and stability.

The United States has offered for sale a number of military goods to friendly governments in the region to support U.S. interests. In preparing these sales, we have worked closely with our friends in the region to ensure the proposed transfers strengthen stability and security regarding potential challenges from Iran or other threats in the region. We have consulted closely about this sale with Israel and remain committed to the preservation of Israel's qualitative military edge. I can assure you that the sale of JDAMs to Saudi Arabia will not affect Israel's qualitative military edge. The Government of Israel understands the reasons for this sale and does not object to it.

We are mindful of the sensitivity of some of the technology being transferred, and will continue to keep Congress informed on the details of this sale, particularly of any changes in the arrangements we have briefed the committee. We have had, and will continue to have, thorough discussions with the Government of Saudi Arabia regarding its obligations resulting from this sale. As a result of these discussions, we are confident that the Government of Saudi Arabia will undertake all necessary measures to secure these weapons and to assure their use only in ways which we support. In particular, the Government of Saudi Arabia will provide adequate security for the JDAMs such that these weapons will not fall into the hands of other nations or groups. Moreover, the Government of Saudi Arabia will ensure that these weapons will not be used against U.S. forces or the forces of U.S. allies.

I hope this resolves any concerns that might exist about this sale. We would be happy to discuss further with you, if you desire. We look forward to working with you to secure the advancement of U.S. interests in the Gulf region.

Sincerely,
CONDOLEEZZA RICE.

## PERSONAL EXPLANATION

### HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. HINOJOSA. Madam Speaker, I rise to inform you that I was unavoidably detained in my district over the past few days to come to the floor of the House of Representatives to cast my vote on certain rollcall votes.

Had I been present, I would have voted the following way:

I would have voted "aye" for rollcall Nos. 43 through 45, rollcall Nos. 48 through 51, and rollcall Nos. 53 through 57.

I would have voted "nay" for rollcall Nos. 46, 47, 52.

## REMEMBERING RAFIQ HARIRI AND THE IMPORTANCE OF LEBANON

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. ACKERMAN. Madam Speaker, I rise today in a mixture of sadness and outrage to commemorate the third anniversary of Rafiq Hariri's assassination. Sadness because the former Prime Minister, a man of vision and courage, was cut down in his prime as he stood up for the idea of a Lebanon as a nation free from external control, a sovereign, united and independent Lebanon that would regain its rightful place among the nations of the Middle East.

Three years ago a massive car bomb deprived the Hariri family of a husband and father and deprived the Lebanese people of a leader. It would prove to be the first in a dozen political assassinations that have plagued that nation for the last three years orchestrated by the enemies of a free and democratic Lebanon.

And it is this fact, Madam Speaker that fills me with outrage and should fill all our colleagues with outrage as well. Lebanon's future continues to be strangled by Iran and Syria whose agents Hezbollah, Amal and Michel Aoun, try to take through violence and intimidation what they cannot achieve at the ballot box. The slow strangulation of the state has left Lebanon without a President for almost 3 months, paralyzing the nation and raising the specter of renewed civil war.

On the third anniversary of former Prime Minister Hariri's murder, the international community must renew its commitment to the people of Lebanon and again speak out against the campaign of naked aggression that has left the March 14 movement only two parliamentarians away from losing their hard won majority. We must renew our demand that Damascus and Tehran lift their boots off Lebanon's neck. And we must ensure that justice is done in the case of Rafiq Hariri and all the other victims of the 3 year campaign to deny Lebanon its rightful place among free and independent nations. Toward that end, the United States and the rest of the international community must make it crystal clear to Syria that the Special Tribunal established by the United Nations Security Council to investigate the terrorist attack on February 14, 2005, is not a bargaining chip to be traded away. The interests of justice in this case far outweigh any concession that the government of Syria might hope to offer. The guilty must be held accountable for their crimes.

The international community has spoken frequently and eloquently through United Nations Security Council resolutions in support of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon, and has demanded the disarmament of all armed groups in Lebanon. These goals and this unity of purpose must not be abandoned or allowed to wither either from self-interest or distraction. The enemies of Lebanon believe they have time on their side—that they merely need to wait us out and Lebanon will once again be theirs to control.

The conflict in Lebanon is not a sideshow in the Middle East, it is the main event. Lebanon is where Tehran intends to fulfill its aspirations to regional hegemony and Shiite dominance. There is too much at stake for Lebanon and for the entire region for the world to leave the Lebanese to the mercies of the radical mullahs in Tehran, the thugs in Damascus and their terrorist allies, Hezbollah.

I urge all my colleagues to not only remember Rafiq Hariri and his sacrifice but to speak out in support of the legitimate democratic aspirations of the people of Lebanon. They want only what we enjoy every day—a free, sovereign and democratic state, the servant only of its own people and the master of its own destiny. It's worth fighting for.

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## HONORING THE HIROSHIMA-NAGASAKI A-BOMB EXHIBITION

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Ms. BALDWIN. Madam Speaker, I rise today to recognize the Hiroshima-Nagasaki A-bomb Exhibition at the Wisconsin Capitol rotunda. Because of the dedicated efforts of a coalition of Madison organizations, the Hiroshima-Nagasaki A-bomb Exhibition Committee, and the Hiroshima Peace Culture Foundation, this exhibition has made an incredibly important contribution toward educating Wisconsinites and our country about the devastation in Hiroshima and Nagasaki caused by nuclear weapons.

I am heartened by the mission of these organizations to spread peace and international understanding and grateful to the citizens of Madison who helped bring this vital message to our Capitol. I further commend the Exhibition's goal to raise awareness about abolishing nuclear weapons. This is an issue that demands our close attention.

I want to take this opportunity to reaffirm my support for nonproliferation strategies designed to eliminate weapons of mass destruction from U.S. and worldwide arsenals. I strongly support the Treaty on the Nonproliferation of Nuclear Weapons (NPT), which sets forth objectives to prevent the spread of nuclear weapons and weapons technology and further the goal of achieving nuclear disarmament. I also believe we need to terminate efforts to enhance U.S. military capabilities of the U.S. nuclear arsenal.

My thanks go out to the citizens and organizations of Wisconsin who have dared to imagine peace and help make it a reality.

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## CONGRATULATING ROB COGORNO ON HIS SERVICE TO THE HOUSE OF REPRESENTATIVES

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to Rob Cogorno, who will soon be leaving his Congressional career here in the House of Representatives for new opportunities off of Capitol Hill.

Rob's formal title is Floor Director for the Majority Leader, but he is truly a servant of this institution. Rob has worked for several Members of Congress over his 25-year Capitol Hill career, but the reality is that he has truly served both this institution and the ideals that make it what it is.

As a former Congressional staffer, I recognize the value of our staff. We would not be who we are and our country would not be where it is without, in part, our dedicated, smart and hardworking staff. Throughout his career in the House, Rob has served both the individual Members of Congress he worked for and all the Members of Congress of this institution.

Rob is a strategist. He's a master of the procedures that make the House run. He knows what makes the Democratic Caucus tick. He knows how the various groups that make up our Caucus think. He did more than make the trains run on time or make sure that we, as Members of Congress, had an outlet for our various requests. He gave us his unvarnished opinion, in his calm, easy-going, unflappable way, and at times, he was on the receiving end of some very "spirited" rants and complaints from Members of Congress and their staff. But he always behaved professionally and always worked for what he thought was right.

Rob's knowledge and experience will not be easily filled. But more importantly, there will not be another Rob Cogorno in this institution. Yes, there will be other staffers who will fill his role, but Rob cannot be replaced.

The House is losing one of its own—someone who loves and respects this institution; someone who not only believes in the ideals that make up the Democratic party but also believes in fairness for all who make up this body; and someone who has worked every single day to make our country and this world a better place.

Rob—you will be missed, but you won't be forgotten. I appreciate what you've done for this institution and for the Nation, and I thank you for your hard work and dedication. Good luck in the next phase of your professional life.

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## HONORING THE 20TH ANNIVERSARY OF THE NAGORNO KARABAKH FREEDOM MOVEMENT

### HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. McNULTY. Madam Speaker, I join today with many of my colleagues in extending my congratulations to the people of Nagorno Karabakh on the anniversary of the Nagorno Karabakh Freedom Movement.

On February 20, 1988, the people of Nagorno Karabakh officially petitioned the Soviet government to reunite with Armenia and reverse the injustice perpetrated by the Soviet dictator, Joseph Stalin.

This peaceful and legal request was met with violent reaction by the Soviet and Azerbaijani leadership and escalated into full military aggression against Nagorno Karabakh. The people of Nagorno Karabakh bravely defended their right to live in freedom on their ancestral land.

Today, Nagorno Karabakh continues to strengthen its statehood with a democratically elected government, a capable defense force, and an independent foreign policy.

I stand with the people of Nagorno Karabakh in celebrating their continuing freedom and democracy.

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## HONORING STEVEN J. BREEZE

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. SHIMKUS. Madam Speaker, I rise today to honor Centralia, Illinois native Steven J. Breeze on being awarded the United States Air Force Distinguished Flying Cross and upon his promotion to Lieutenant Colonel.

Lt. Col. Breeze was awarded the Distinguished Flying Cross for his role in a March 22, 2003 mission during Operation Iraqi Freedom. His low level flight lasted 3 hours, covering 590 miles. His skills saved 58 lives and delivered an assault force on time to their destination.

I am proud to recognize Lt. Col. Breeze for his service to the United States of America. I join a grateful Nation in thanking him for his service and congratulating him on this award.

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## PERSONAL EXPLANATION

### HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. HAYES. Madam Speaker, on February 13, 2008, I was unable to participate in the following votes. If I had been present, I would have voted as follows;

Rollcall vote 43, I would have voted "yea."
Rollcall vote 44, I would have voted "yea."
Rollcall vote 45, I would have voted "yea."

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## PERSONAL EXPLANATION

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, February 13, on very urgent business. Had I been present for the five votes which occurred yesterday, I would have voted "aye" on H. Res. 976, rollcall vote No. 48; I would have voted "aye" on H. Res. 976, rollcall vote No. 49; I would have voted "aye" on H. Res. 976, rollcall vote No. 50; I would have voted "aye" on H. Res. 976, rollcall vote No. 51; and I would have voted "no" on Motion to Adjourn, rollcall vote No. 52.

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## COMMEMORATING THE OPENING OF THE DENTON COUNTY AFRICAN AMERICAN MUSEUM

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. BURGESS. Madam Speaker, I rise today to commemorate the opening of the

Denton County African American Museum. This museum is being dedicated on Saturday, February 16, 2008, and will reflect the resilience and determination of the African American citizens of Denton County.

The museum is located in an original Quakertown house that was restored under the guidance of the Historical Park Foundation of Denton County. With its dedication, the Denton County African American Museum joins the Courthouse-on-the-Square Museum and the Bayless-Selby House Museum as part of the Denton County Museums.

The Museum's historical exhibits will feature African American families of Denton County as well as the Quakertown experience. It will also house the collection of artifacts from Dr. Edwin D. Moten, Denton's first African American doctor. The collection includes more than 600 letters written by Dr. Moten to family, friends, and professional colleagues as well as photographs, postcards, medical records, medicine cases, his medical shingle from in front of his office, prescription pads and narcotics register from Denton County.

As someone who practiced medicine in the Denton area for nearly 30 years, I am fascinated by the pieces in Dr. Moten's collection from both a medical and a historical perspective. My own grandfather, Dr. Harry Clifton Burgess, was a contemporary of Dr. Moten. While it is interesting to think about how these men practiced before the advent of anesthesia and antibiotics, it is also inspiring to think of the courage that someone like Dr. Moten would have had to practice in such inhospitable conditions both personally and professionally. His perseverance during these harsh conditions is remarkable.

Madam Speaker, today I commend people like Dr. Edwin Moten for their inspiration and proudly rise to recognize the culturally rich addition of this important museum to Denton and the entire north Texas area. I also call on north Texans and all Americans to reflect and recall the courage, perseverance, and spirit of those honored in the new Denton County African American Museum. It is an honor to represent the 26th Congressional District of Texas and to commemorate this historical occasion.

## HONORING HELEN LODGE, DR. JOREA MARPLE, SARAH STEBBINS, AND JENNIFER BAILEY

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mrs. CAPITO. Madam Speaker, I rise today to honor four outstanding women in my district who are being honored for their commitment to their communities and for serving as role models to countless young women, empowering them to succeed. The Young Women's Christian Association of Charleston, WV named Helen Lodge, Dr. Jorea Marple, Sarah Stebbins, and Jennifer Bailey as the 2008 Women of Achievement Honorees.

Helen has spent her career as a dynamic leader and advocate for health and nutrition in West Virginia. Early in her career, she was integral in the West Virginia State Legislature passing legislation to require early detection testing for newborns for phenylketonuria, PKU, a simple test that can prevent mental deficiency in newborns. She has received numerous recognitions throughout her career and currently chairs the West Virginia Board of Licensed Dieticians. As active leader in her Charleston community, Helen assists with the fundraising efforts of the West Virginia Symphony League and Youth Symphony and the American Heart Association.

Dr. Jorea Marple represents one of the most noble professions, educating our young people. Her 30-year career includes stints as a teacher, reading specialist, graduate and undergraduate instructor, and a former superintendent of Kanawha County schools. Her most noteworthy achievement is authoring the book, An Insider's Guide to Making School Systems Work. Dr. Marple currently serves as Assistant State Superintendent of the West Virginia Department of Education overseeing curriculum and instruction.

Sarah Stebbins is a pioneer among women in the development of information technology in the aeronautics and astronautics industries. A graduate of WVU, she began her career in the development of early computers and later worked as an aerospace research analyst for the Air Force and as a project leader in the Naval Research Lab in the Space Systems Development Department. Her most notable achievement is helping with the software development of the Global Positioning System, a technology that has revolutionized the way we view and navigate our world and beyond. Sarah retired in her hometown of Charleston, WV with her husband and family.

Finally, I would like to honor Jennifer Bailey, the recipient of the YWCA Women of Achievement Empowerment Award. Jennifer stands as a success story among the mission of the YWCA and is an inspiration to women in all walks of life for her ability to persevere and overcome numerous obstacles. The YWCA was there for Jennifer every step of the way in helping her overcome numerous personal obstacles. Jennifer now enjoys spending time with her son, working in retail, and maintaining a 4.0 G.P.A. in her classes.

Again, I congratulate Helen Lodge, Dr. Jorea Marple, Sarah Stebbins, and Jennifer Bailey, who will be honored February 21, 2008. It is an honor to represent such distinguished and inspiring women in West Virginia's Second Congressional District.

## HONORING ST. LOUIS PARK FOR AWARD WINNING YOUTH PROGRAMS

### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. ELLISON. Madam Speaker, I rise today honor the great city of St. Louis Park, Minnesota for winning the America's Promise Alliance's 100 Best Communities for Young People competition for the third year in a row. St. Louis Park is one of the cities in the Fifth Congressional District of Minnesota.

St. Louis Park is an amazing community for young people because residents engage youth with meaningful artistic, cultural and civic opportunities. One such opportunity is the Friends of the Arts program, which pairs youth with donated musical instruments and offers creative writing classes for teens. A local church, the Lutheran Church of the Reformation, offers young artists the ability to improve their artistic skills and a platform to perform or display their work.

Residents of St. Louis Park's Lake Forest Neighborhood organize a program called "Arts Crawl" which sponsors family art programs and raises scholarship funds for youth. Additionally, the city government makes an effort to invite young people to community events and meetings.

The City of St. Louis Park and its residents are committed to a brighter future for their city, their state and their country. I applaud Mayor Jeff Jacobs, the residents of St. Louis Park and especially the young people for their hard work and dedication to improving their communities.

## A TRIBUTE TO THE LATE RUSSELL HAMMER

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the late Rusty Hammer, a dedicated leader and advocate on behalf of the Los Angeles business community and a dear friend, who passed away recently after a long battle with cancer.

I had the privilege of working with Rusty during his 5 years as President and Chief Executive Officer of the Los Angeles Chamber of Commerce.

At the chamber's helm, Rusty dedicated himself to improving the quality of life and economic prosperity of the Los Angeles Chamber's 1,500 members and their more than 600,000 employees throughout the Los Angeles region.

Under Rusty's dedicated leadership, the Los Angeles Chamber successfully built partnerships between business, community, labor and civic organizations. Today, these partnerships have reestablished the Chamber as the Los Angeles region's premier business advocacy organization.

Rusty's talents, innovative strategic thinking and willingness to work with stakeholders on all sides of the political spectrum played an integral role in the Los Angeles area's economic growth. I observed this first hand during the chamber's annual trips to Washington, DC, which became immensely productive and influential under Rusty's leadership.

While we all deeply miss Rusty, I know his work and many contributions will continue to benefit the Los Angeles business community for many years to come. My thoughts and prayers are with Rusty's special wife, Pam, and their family during this difficult time.

Madam Speaker, in honor of Rusty's life, I would like to submit for the RECORD his obituary that appeared in the Los Angeles Times on January 30. It provides more insight into Rusty's full and accomplished life.

### RUSSELL HAMMER, 54; HEAD OF L.A. BUSINESS GROUP

(By Elaine Woo)

Russell J. "Rusty" Hammer, former president and chief executive of the Los Angeles Area Chamber of Commerce, died Monday at a hospice in San Jose. He was 54.

The cause was leukemia, according to a chamber spokeswoman.

Hammer was credited with revitalizing the Los Angeles business group, which he led for five years until 2006, when he stepped down because of his illness. During his tenure, chamber membership grew from 1,200 to 1,600 companies, and new initiatives helped to refocus the organization on local, state and national policy issues.

"He had a substantial impact on the chamber and also on the people he worked with," said George Kieffer, a Los Angeles attorney who was chairman of the chamber during the first few years of Hammer's presidency. "The chamber has an extraordinary legacy but . . . had become less active in the business community and the greater civic community. Rusty played a very big part in turning that around."

Born on May 12, 1953, in Orleans, France, Hammer grew up in San Jose. He received a bachelor's degree in political science at the University of Santa Clara in 1975 and a master's in public administration from San Jose State University in 1979.

He entered politics at an early age, organizing high school students for Sen. Robert F. Kennedy's presidential campaign in 1968. Hammer ran for office himself in 1972, becoming at 18 the youngest person elected to the Campbell, Calif., City Council. At 21, he became mayor and made headlines as the nation's youngest mayor.

After two terms as mayor, he entered business and served in a variety of management positions, later rising to president of Quadrex Corp., an engineering firm.

In 1994 he was recruited to become chief executive of the Sacramento Metropolitan Chamber of Commerce. Over the next seven years he raised the profile of the Sacramento chamber, leading it to take a prominent role in local issues, such as the effort to save McClellan Air Force Base, and starting a public policy seminar that attracted world figures, including Henry Kissinger and Margaret Thatcher.

When he arrived in Los Angeles in 2001, Hammer worked in a similar fashion, finding ways to make the Los Angeles chamber more relevant to members. He reached out to other local business groups, small companies and entrepreneurs and organized events that offered a regional perspective, such as a 2002 conference on transportation that drew 500 participants from business and government.

In 2003 he was diagnosed with a rare form of leukemia and spent 303 days in a hospital undergoing intensive treatment. While battling his illness, he helped organize a Silicon Valley branch of the Wellness Community, a support group for cancer patients.

He also wrote a book, "When Cancer Calls . . . Say Yes to Life," which he published on his own last year. The book discusses how his battle against cancer forced major adjustments in his life and changed his values.

He told the San Jose Mercury News last year that he was inspired to write the book by his children, twins Gerald and Jennifer, who told him he could not die until he had taught them everything he could about how to approach life. He is also survived by his wife, Pamela.

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## CELEBRATING THE 35TH ANNIVERSARY OF CHRISTIAN COMMUNITY ACTION AND THEIR CONTRIBUTIONS TO THE NORTH TEXAS COMMUNITY

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. BURGESS. Madam Speaker, I rise today to congratulate Christian Community Action for celebrating its 35th anniversary. Christian Community Action, an organization devoted to helping those in need, has made a tremendous impact on area citizens during its tenure in the north Texas community.

Founded on February 22, 1973, Christian Community Action began by serving local congregations. The group soon began distributing fliers in needy areas offering assistance to those local families who needed it most. CCA provided gifts of food, clothing, housewares, and repair work, but soon realized that for the group to have the effect they wanted, they needed to find a way to expand their reach and obtain financial resources.

It was this decision that caused the organization to connect with area families on a much more personal level. CCA caseworkers learned all about each family's income, budgeting, and spending habits, which presented them with both the information they needed to provide assistance and the coveted opportunity to bond with those they served.

Beginning in 1975, Christian Community Action began focusing on larger scale initiatives, such as resale shops. Now the CCA has evolved from a small bible study group to a thriving organization serving Lewisville and the surrounding area with three CCA resale stores, an adult health center, food services, and education and vocational training.

I would also like to commend Christian Community Action on the importance of the role they play in helping meet the health assistance needs in Denton County, where there is no county hospital to assist. As an OB/GYN in Denton County for almost 30 years, I'm acutely aware of the needs of the mothers and young children and I especially thank Christian Community Action for their mission in meeting these health needs.

It was also through my work with Christian Community Action that the idea for a program within the Consumer Product Safety Commission to increase awareness for second-hand retailers regarding recalled products was initiated. This project was successfully adopted in the Consumer Product Safety Modernization Act, and I commend CCA for their dedication to improving awareness about dangerous recalled products for similar organizations all across the United States.

With more than 2,500 volunteers, CCA touches the lives of approximately 12,000 people every year. However, they are far more than a charity group. To the 1,500 patients treated in the health center each year; to the parents of the children provided with lunches, school supplies, Christmas presents, and clothes; to the 1,660 people who have been given educational and vocational training; to these people, Christian Community Action offers hope. The building blocks provided by the CCA create a foundation for those in our community to create better lives for themselves.

Madam Speaker, it is with great honor that I stand here today to honor Christian Community Action on their anniversary. Thirty-five years of service is a milestone to be celebrated.

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## TRIBUTE TO REVEREND DR. JEREMIAH A. WRIGHT, JR., SENIOR PASTOR OF THE TRINITY UNITED CHURCH OF CHRIST (TUCC) OF CHICAGO, ILLINOIS

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. RUSH. Madam Speaker, I rise today to pay tribute to and honor the Reverend Dr. Jeremiah A. Wright, Jr., who delivered his final sermon on Sunday, February 10, 2008, as the Senior Pastor of the Trinity United Church of Christ of Chicago, IL.

Dr. Wright was born on September 22, 1941, in Philadelphia, PA to the union of the Reverend Jeremiah Wright, Sr. and Dr. Mary Henderson Wright. His parents were his earliest influences, instilling in him the possibility of balancing the intellectual with the spiritual. Upon completion of his elementary and secondary education in Philadelphia, Dr. Wright matriculated at Virginia Union University. After 3½ years at Virginia Union, Dr. Wright left school and entered the U.S. Marine Corps. He transferred from the USMC into the U.S. Navy where he served as a cardiopulmonary technician.

After 6 years with distinction in the military, Dr. Wright transferred to Howard University where he completed his undergraduate studies and received his first master's degree. His second master's degree was from the University of Chicago Divinity School and he furthered his academic pursuits with a doctorate from the United Theological Seminary. In addition to Dr. Wright's four earned degrees, he has been the recipient of eight honorary doctorates. He is the recipient of numerous awards, including three presidential commendations.

An accomplished musician, theologian and author, Wright has written four books, numerous articles and countless sermons and was named one of Ebony's top 15 preachers. Dr. Wright has lectured at seminaries and universities across the United States and has represented Trinity and The United Church of Christ around the world.

Dr. Wright became Pastor of Trinity UCC on March 1, 1972. Under his leadership, the membership grew from 87 members to nearly 10,000 today with over 70 ministries offered to enhance the Christian journey. Dr. Wright shares his life and ministry with his wife, Rev. Ramah Reed Wright, and is the father of five children and grandfather of three.

Madam Speaker, I am proud to recognize the life achievements of Reverend Dr. Jeremiah A. Wright, Jr., Senior Pastor of the Trinity United Church of Christ and I want to encourage Dr. Wright to continue to be "Unashamedly Black and Unapologetically Christian". I am truly honored to pay tribute to this outstanding Servant of God and I am privileged to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

## IN HONOR OF PHILLIP MORRIS

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mrs. JONES of Ohio. Madam Speaker, today I rise to honor Phillip Morris, a good friend and a great constituent of the Eleventh Congressional District of Ohio.

Phillip Morris is characterized by many as an "affable and altruistic man." Phillip Morris joined the staff of the Case Western Reserve University law school on October 4, 1971, as building superintendent when the law school was located on Adelbert Road in Cleveland, Ohio. Since then he has worked tirelessly providing support for over one hundred faculty and staff, over six hundred students, and to keep the facilities of the building running smoothly.

Phillip's calm demeanor and great sense of humor have become an invaluable presence at the law school as well as his ability to prepare the building for classes and special events. Phillip has also been described by some as, "The ultimate handyman". When Phillip is not working in the law school, he can be found working on carpentry and construction projects at his home.

In 2004, Phillip Morris was chosen as one of three recipients of the President's Award for Distinguished Service at Case Western Reserve University. This is the highest award that the University confers on its staff personnel. The award recognizes an individual's dedication to provide outstanding service to the Case Western Reserve University community.

Phillip Morris retired from his work on February 1, 2008. Phillip and his wife will enjoy retirement in their newly purchased home in the suburbs of Nashville, Tennessee.

On behalf of the Eleventh Congressional District of Ohio it gives me great pleasure to congratulate my friend, Phillip Morris, for his service to Case Western Reserve University, and the Eleventh Congressional district of Ohio.

## PINELLAS COUNTY, FLORIDA COAST GUARD AUXILIARY TEAM WINS INTERNATIONAL SEARCH AND RESCUE COMPETITION

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. YOUNG of Florida. Madam Speaker, For the first time ever, an American team has won the International Search and Rescue Competition in Toronto, Canada and I am proud to say that the four members of the team are from Pinellas County, Florida, which I have the privilege to represent.

Representing the Coast Guard Atlantic Area, the Seventh Coast Guard District, Sector St. Petersburg, and Search and Rescue Station Sand Key, team captain Kevin McConn of Tarpon Springs, and Don Hoge, Jim Ryder, and Max Garrison all of Dunedin beat 11 other U.S. and Canadian teams, scoring an impressive 88 out of 104 possible points. They finished 35 points ahead of the second place team.

Two volunteer Coast Guard Auxiliary Flotillas combined into one team that trained together for more than 5,000 hours during an 8-month period. To get to Toronto, they first had to win district and regional events.

The international competition emphasizes events that are designed to test teams' abilities to plan, communicate, and carry out a maritime search and rescue mission. These are skills that all Coast Guard sailors and auxiliary members must know and be able to execute on a moment's notice to save a life or lives at sea.

The team will be honored on Wednesday, February 27, 2008, during ceremonies at Coast Guard Search and Rescue Station Sand Key when they will officially receive the winning trophy for the 2007 International Search and Rescue competition. Rear Admiral David Kunkel, the commanding officer of Coast Guard District Seven, will preside at the ceremony.

Coast Guard Search and Rescue Station Sand Key is one of four major Coast Guard installations I have the privilege to represent in the 10th Congressional District of Florida and this winning team is symbolic of all the men and women of the United States Coast Guard who serve to defend our coastline and protect lives every day of the year, regardless of the threat and the weather.

Madam Speaker, please join me in congratulating these volunteers from Pinellas County that through hard work, dedication, professionalism, and spirited teamwork have brought great honor to our Nation and the United States Coast Guard and the United States Coast Guard Auxiliary.

AUXILIARY WINS INTERNATIONAL SEARCH AND RESCUE COMPETITION

A quartet of U.S. Coast Guard Auxiliarists from Pinellas County Fla., beat five other U.S. teams and six Canadian teams at the 2007 International Search and Rescue Competition in Toronto Harbor, Canada Sept. 28-29.

For the first time in the eight year history of the competition, American lifesavers carried home the coveted trophy.

To get to ISAR, teams of lifesavers must compete in preliminary regional events. Teams are judged in skill areas in the field of Maritime Search and Rescue. ISAR 2007 featured events that are designed to test the volunteers' ability to plan, communicate and prosecute a maritime search and rescue mission.

A Person-In-the-Water Recovery Event evaluated each team's ability to safely approach and retrieve a person or other object in the water and rescue a person from a burning boat. Other events included: Search and Rescue Planning, Seamanship, Communications, Dewatering Line Toss and Marlinspike and two surprise events, one with the boat helmsman blindfolded and taking direction from a crewman and another where crews rowed out to retrieve and backboard a mannequin and bring this simulated victim to shore.

The winning American team consisted of team captain Kevin McConn, 48, of Tarpon Springs, Don Hoge, 59, Jim Ryder, 69, and Max Garrison, 65, all of Dunedin, Fla. In events that included skills involving strength and speed, these veteran American mariners beat out teams that included much younger U.S. and Canadian competitors. Scoring an impressive 88 out of a possible 104 points, the Florida Auxiliarists bested the closest competitors, a Canadian team, by an impressive 35 points.

## CONGRATULATING GREG WEATHERFORD ON HIS COMMUNITY CONTRIBUTIONS

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2008*

Mr. BURGESS. Madam Speaker, I rise today to recognize a student from my district who has been nationally recognized for commendable volunteer service in his community. Greg Weatherford of Little Elm, Texas has been acknowledged as a distinguished finalist in Texas by the 2008 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State and the District of Columbia.

Greg, a senior at Little Elm High School, established the youth service organization "Young People Who Care" 4 years ago. This group gives students the opportunity to become active in their community. "Young People Who Care" has established, among other things, a district-wide peer tutoring program, a school and community beautification committee, and a school-wide recycling program. Greg will receive an engraved bronze medallion for his achievements.

The Prudential Spirit of Community Awards was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to emphasize to all youth volunteers that their contributions are vitally important and highly valued, and to inspire other young people to follow in their footsteps. Since its founding, the program has become the Nation's largest youth recognition effort based solely on community service, and has honored more than 80,000 young volunteers at the local, State, and national level.

Greg should be extremely proud of his achievement. I heartily applaud him for the positive impact he has had on the community. Greg has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. It is an honor to represent such an extraordinary young person in the 26th district of Texas, and I earnestly look forward to the positive contributions he will undoubtedly bestow upon the north Texas community.

# HOUSE OF REPRESENTATIVES—*Friday, February 15, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCGOVERN).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*February 15, 2008.*

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, creator of the universe, we bless You and we praise You for all the blessings showered upon this Nation. Yesterday, with sacred words from the Hebrew Scriptures, memorable songs, and beautiful expressions of memory and thanksgiving, this Congress celebrated the life, love, and illustrious service of the Honorable Tom Lantos. May You who create harmony in the heavens bring peace to all who mourn now.

His passing is a great loss to this body and the Nation because of his strong leadership and his ability to create faithful and lasting friendships both as a statesman and a champion for human rights. Lord, may Your people from all across this Nation and from around the world continue to console his wife, Annette, and his family, staff, and friends, with their prayers, affection, and sympathy.

Lord, because the Honorable Tom Lantos lived a great American story, he will inspire many. May You, our provident God, empower many more to draw upon his great legacy and work for securing human rights and human dignity for every person everywhere here on Earth both now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. PRICE) come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## HOUR OF MEETING ON MONDAY, FEBRUARY 25

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 21, pursuant to this order, it adjourn to meet at 4 p.m. on Monday, February 25.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, if I may.

Mr. Leader, I just had the opportunity to lead the house in the Pledge, which is a solemn honor. We stand here in an empty Chamber, virtually. Yesterday this House had an opportunity to act and protect our Nation to a greater degree by adopting FISA, which the Senate adopted in a bipartisan manner 68–29. It troubles me and many on our side that we're not proceeding with that business today, and I think that it's important that we know, the Nation knows, Representatives here know that this House is not acting when it could, and I would suggest respectfully, Mr. Leader, we should.

Mr. HOYER. Would the gentleman yield under his reservation?

Mr. PRICE of Georgia. I am happy to yield.

Mr. HOYER. I thank the gentleman for yielding.

In fact, I am from this very Chamber about 25 feet from here going to have a meeting with Mr. ROCKEFELLER, Mr. REYES, Mr. LEAHY, and Mr. CONYERS on proceeding to accomplish the objective the gentleman wants to seek and we want to seek.

As you also know, 2 days ago, we had a vote on ensuring the extension of the existing statute, not because we believed that was necessary but for an abundance of caution, and as the gentleman knows, every one of your Members voted against that extension on the demand that we do what you wanted us to do now. But in the protection that was available to you to extend for 21 days the protections you say are now going to be absent, every one of you voted "no." I'm sorry that that happened.

Mr. PRICE of Georgia. Reclaiming my time and continuing to reserve the right to object, the gentleman certainly knows that this has been extended from August until earlier this month. And then we agreed to a 14-day extension, until this evening. We believe, as I know you know well, our side believes that this needs to be adopted. Bipartisan action in the Senate proceeded along those lines and agrees that it ought to be adopted. We believe that letting the time lapse further only brings significant potential detriment to our Nation. So we strongly believe that it needs to be adopted.

You know that we're not in the majority. We're in the minority. Thirty-four of your Members voted not to extend for 21 days. Not to extend. Your side, the majority, could have adopted an extension had you been able to muster the votes, but we don't have the majority. We're at your disposal, if you will. But we strongly believe that here we are in a Chamber that is virtually empty, and in fact I would suggest, Mr. Leader, respectfully, that we're abrogating our duties as representatives of the people.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield under his reservation?

Mr. PRICE of Georgia. I am happy to yield.

Mr. DANIEL E. LUNGREN of California. I would just like to make something very clear for the record. In a statement that is contained in the Washington Post today, written by the DNI, the Director of National Intelligence, he points out that it is not only necessary to extend the Protect America Act but it is absolutely essential, in his opinion and in the opinion of the others in the intelligence community leadership, that we have an immunity for those telecommunications companies that responded affirmatively to the request of our intelligence agency to assist after 9/11. He states unequivocally that it's his opinion and the opinion of the others of the leadership of the intelligence community that we put ourselves at risk if we do not do that and that failure to do that has already visited upon us some problems with respect to cooperation around the world.

So let's just please let the record be correct that it is not just the extension of the Protect America Act, which was the sole subject of the vote that we had 2 days ago, or 3 days ago, but it is also the question of immunity, or the Good

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Samaritan law, to apply to those companies who have responded affirmatively to the request to save our Nation. And that needs to be stressed. That's the crux of the question, as the gentleman from Maryland made very clear on the floor yesterday, or 2 days ago, in the debate.

I thank the gentleman for yielding.

Mr. HOYER. Would the gentleman yield so I might respond to the gentleman from California's response?

Mr. PRICE of Georgia. Under my reservation, I'm happy to yield to the gentleman from Maryland.

Mr. HOYER. I disagree with Mr. McConnell, Admiral McConnell, whose op-ed I read this morning. And as the gentleman knows, I would reiterate, had we extended by 21 days the Protect America Act, which all of your Members voted against, had we done that, the immunity which was provided in that would have continued. As the gentleman also knows, that the only issue here is whether or not the administration has to go to the trouble to go to the FISA Court, which it has done so over 16,000 times, not this administration but the previous administration, and only had its request rejected five times; 99.9 percent of the time the FISA Court has approved. And once it approves, the telecoms, the telecommunication companies, acting in response to that court order are not liable for their actions. Therefore, we regret that we have not extended that, but, as I said, I am meeting today, we will be meeting through the next days, to try to come to an agreement.

Because the Senate delayed its action for 3 months after we passed our bill, it presented us with a bill that you wanted us to take as a fait accompli, without going to conference, without having the opportunity to discuss it. We think that was unreasonable and we didn't agree. So we're going to pursue this process and we are all in agreement that we ought to get this done.

Mr. PRICE of Georgia. Reclaiming my time, continuing under my reservation, I would just point out to the gentleman, as he well knows again, that the majority party could have passed a 21-day extension had it desired, but it was unable to do so.

Mr. HOYER. Will the gentleman yield?

Mr. PRICE of Georgia. I am happy to yield to my friend.

Mr. HOYER. Ninety percent of our party voted for that. All we needed was just a few from your side, and you all, each and every one without exception, voted against extending the present law which you now say if it lapses will put the country at risk. We do not agree with that, but that is your contention, not our contention. And it is somewhat, I think, contradictory for you on the one hand to say we're putting our country at risk and on the other hand voting to a person to not extend the law which you say protects our country.

Mr. PRICE of Georgia. Reclaiming my time, I would just point out once again that this has been delayed from August until earlier this month, and then 14 days, or until this evening. I respect the leader greatly, but frankly many, the vast majority if not all Members on our side, never believed that the majority party would, in fact, allow this to lapse. And so to unilaterally disarm us, as many folks have described this action on the part of the majority, is something that was, we felt, unconscionable.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. PRICE of Georgia. I'm happy to yield under my reservation to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. The gentleman from Maryland knows that I have great respect for his abilities here on the floor and consider him an expert in parliamentary procedure. However, when the opinion of the DNI, Admiral McConnell, comes to bear, I must respectfully tell the gentleman from Maryland that I believe he has the experience upon which we should rely in this Chamber. He is not a partisan. He has served both Democrat and Republican administrations. He was the head of the NSA during at least 4 if not 6 years of the Clinton administrations, and he is, I believe, a straight shooter. He is the one who came to us and said because of the decision by the FISA Court, reinterpreting in a sense the state of the law, that at least 60 percent of the valuable, legitimate terrorist targets internationally are closed off to us if we do not have the provisions of the Protect America Act and, he said, an immunity given to those companies which have assisted us in the past.

Now, the gentleman can smile about it, I understand, but the fact of the matter in he is the top intelligence expert in the United States. He along with the unanimous opinion of the top intelligence officers of the United States have told us that is a fact.

Now, the gentleman, as I said, is a well-respected parliamentarian, a well-respected leader in this House, and I would certainly respect his opinion on those issues. But what we're talking about here is intelligence. And so I think we have laid bare the differences. You on your side believe with your knowledge and experience that the law we had prior to our passage of the Protect America Act is sufficient to protect the Nation. That is directly contradicted by Admiral McConnell, directly contradicted by someone who served both Democrat and Republicans and has had their respect.

I do not recall the gentleman from Maryland ever calling into question the opinion or the direction or the leadership of Admiral McConnell when he served in the Clinton administration, and I don't understand that while his judgment was appropriate there, his judgment is to not be respected here. So the fact of the matter in the dispute is whether we believe the top intelligence officers of the United States that we need this law, including the immunity, or I call it the Good Samaritan law, for those telecommunications companies that have responded positively to our request to help find out what the enemy is doing, or as the gentleman from Maryland suggests, superior knowledge and judgment with respect to this, and, therefore, we ought to put aside what Admiral McConnell has told us in the past and continues to tell us even till today.

Mr. PRICE of Georgia. Reclaiming my time, I thank the gentleman for his response.

Mr. HOYER. Would the gentleman yield?

Mr. PRICE of Georgia. I'm happy to yield under the reservation to my friend the leader.

Mr. HOYER. I thank the gentleman for yielding.

This is an important issue which is therefore why I think it's worthy of making sure that everybody understands. The gentleman from California makes the point that he believes that we are at risk. I again reiterate, all of your Members voted against the extension. The gentleman from Georgia says we had a lot of time. Very frankly Senator REID has given the opinion, it is my opinion, respected as a parliamentarian apparently or knowledge of parliamentary procedure, that the reason it was delayed in coming to this body was because, as the gentleman from Georgia pointed out, you made the comment, which I think is absolutely accurate, all of you on your side of the aisle thought that we would take whatever the Senate gave us because we would be fearful; we would be fearful of not pursuing substantive legislative process to discuss this very important issue. I agree with you. Every one of your Members thought, in your words, we would blink. The question is not blinking. The question is substantively getting to a result that furthers the protection of our country and the protection of our Constitution. That is our perception. That is our belief. And I will tell my friend from California that it's not my opinion alone but it's the opinion of a number of people, including the former adviser to this administration on terrorism as well as the previous administration on terrorism, Richard Clarke, that the opinion I have expressed is an accurate opinion.

The gentleman also knows in terms, and I want to say, also, I don't think it's the appropriate place nor do I intend to get into my perception of Admiral McConnell's position. That's not the purpose of this debate. I have some views, but I'm not going to get into those. What I am going to get into and simply respond to these observations is that we believe the country is protected. We believe that in terms of all of those al Qaeda objects that you make reference to, I hope and presume, I do not know, I have no secret information that I'm disclosing, but I would be shocked and dismayed and deeply disappointed if at this point in time the administration did not have in place orders that covered at least from now until August of this year, which is when we last authorized this bill, the Protect America Act, and under which the administration could have gotten authority which would have lasted for a full year. So those orders are still in place, they will not lapse, and it will be no impediment to further interception of those communications.

Mr. PRICE of Georgia. Reclaiming my time, and I appreciate those comments. There's clearly a difference of opinion. Just to set the record straight, it's important that this House and the Nation know that 34 of your Members voted not to extend for 21 days, a little greater number than the 21.

Mr. HOYER. If the gentleman will yield, a lot of them didn't believe that the act ought to be in place, you understand, at all.

Mr. PRICE or Georgia. I appreciate that, because I was about to make that point. The objection to the extension comes from both the left and the right. It's not that we thought you would blink. We could not believe that the majority would not live up to its primary responsibility, which we perceive as making certain that this Nation is protected. That's what we believed.

This House, Mr. Speaker, has adopted billions and trillions of dollars worth of spending in less time than it would have taken this week to come to conference and reach an agreement. We're here on Friday. We're ready to go. We are ready to go, Mr. Speaker.

Mr. HOYER. I believe the gentleman is speaking about when you were in charge, passing those trillions of dollars in very short periods of time. We took a longer time, as you may recall. I think you were responsible, as a matter of fact, for some of that time that we spent.

Mr. PRICE of Georgia. And I appreciate that, Mr. Leader. We slowed that down a little bit and hopefully we spent a little less.

Mr. HOYER. Right.

Mr. PRICE of Georgia. I appreciate that. But our side looks at the world and sees Hezbollah challenging Israel to open war. We look at the world and we see al Qaeda threatening to assassinate the Filipino President. We look at the world in, I believe, realistic eyes, and we cannot believe that this House will leave this Nation exposed to threats in this time in our history. It just is astounding to us.

And so I rise, Mr. Speaker, to reserve the right to object, because I believe strongly that the majority of Members of this House, if given the opportunity, would support the bill that came from the Senate.

I am pleased to yield under the reservation to my friend from California.

Mr. DANIEL E. LUNGREN of California. To underscore that point, as the gentleman from Maryland knows, a letter was sent by 21 Members on your side of the aisle to the Speaker asking that the Senate bill be presented and stating that they would support it in whole if it were presented on the floor. Now, again, I'm not a math major, but 21 on your side and virtually everyone on our side perhaps, with the exception of three, certainly adds up to a majority in this House.

So, if the question is would the House be given the time to work its will, the statement of support on your side of the aisle in written form from your membership sufficient to create a majority in this House shows that we had the will if given the opportunity to support a bill coming out of the Senate which responded affirmatively to the presentation made by Admiral McConnell.

I again understand the gentleman from Maryland disagrees with the admiral, disagrees with the assessment, but the fact of the matter is a majority in this House disagrees with the gentleman from Maryland. They specifically said in their letter that all of the specific aspects of the bill about which they were concerned were taken care of by the Rockefeller-Bond bill and would support it if it were presented here on the floor and said a key part of that was the inclusion of the immunity for those companies who had assisted this Nation. And, remember, it's not a blanket immunity. It is an immunity only if they acted in good faith at the request of the United States Government from 9/11 up until the present time. That is not a blanket immunity, and that's what we are confronted with here, a failure to allow us just to vote it on the floor. We could debate it then and the gentleman from Maryland and his minority of Members, a strong minority but a minority of Members who believe the admiral is wrong would have their opportunity to debate and attempt to persuade the majority of Members who have already indicated that they support the admiral's position and believe that we should follow on that support with actual legislation.

So that's the point I think that ought not to be lost here. It's not that we're not in charge or you're in charge. It's a question of whether the leadership will allow the majority of the House of Representatives to work its will on probably the most important issue facing the American people at the present time.

I thank the gentleman for yielding.

Mr. PRICE of Georgia. Reclaiming my time, I appreciate that and I appreciate, Mr. Speaker, the indulgence of the House in allowing this debate to go forward which I think has been important.

I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 1216. An act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H. Con. Res. 293. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that pursuant to section 5 of title I of division H of Public Law 110–161, the Chair, on behalf of the Vice President, appoints the following Senator as Vice Chairman of the U.S.-Japan Interparliamentary Group conference for the One Hundred Tenth Congress:

The Senator from Alaska (Mr. STEVENS).

The message also announced that pursuant to the provisions of title 2, United States Code, section 1151, as amended, the Chair, on behalf of the President pro tempore, appoints the following individual to the Board of Trustees of the Open World Leadership Center:

The Senator from Mississippi (Mr. WICKER).

The message also announced that pursuant to the provisions of Public Law 100–702, the Chair, on behalf of the President pro tempore, reappoints the following individual to the Federal Judicial Center Foundation Board:

John B. White Jr. of South Carolina.

The message also announced that pursuant to the provisions of Public Law 110–161, the Chair, on behalf of the Democratic Leader, appoints the following individuals to serve as members of the National Commission on Children and Disasters:

Mark Shriver of Maryland and Sheila Leslie of Nevada.

## ADJOURNMENT

Mr. HOYER. Mr. Speaker, pursuant to House Concurrent Resolution 293, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes a.m.), the House adjourned until Tuesday, February 19, 2008, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

**Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:**

5400. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Wood Packaging Material; Treatment Modification [Docket No. APHIS-2006-0129] (RIN: 0579-AC32) received February 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5401. A letter from the Secretary, Securities and Exchange Commission, Securities and Exchange Commission, transmitting the Commission's final rule—ELECTRONIC FILING AND REVISION OF FORM D [RELEASE NOS. 33-8891; 34-57280; 39-2453; IC-28145; FILE NO. S7-12-07] (RIN: 3235-AJ87) received February 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5402. A letter from the Chairperson, National Council on Disability, transmitting a copy of the NCD's "National Disability Policy: A Progress Report," as required by Section 401(b)(1) of the Rehabilitation Act of 1973, as amended, covering the period from December 2005 through December 2006, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and Labor.

5403. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Allotments From Federal Employees (RIN: 3206-AJ88) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5404. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Reexportation of Controlled Substances [Docket No. DEA-276F] (RIN: 1117-AB00) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5405. A letter from the Assistant Secretary for the Army for Civil Works, Department of Defense, transmitting the Department's report on the Hurricane and Storm Damage Risk Reduction System Vertical Settlement, New Orleans, LA, pursuant to Pub. L. 109-234, Title II, Chapter 3; to the Committee on Transportation and Infrastructure.

5406. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on the progress of the Louisiana Coastal Protection and Restoration (LaCPR) Study, pursuant to Public Law 109-148; to the Committee on Transportation and Infrastructure.

5407. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on the progress of the Comprehensive Plan report on the Mississippi Coastal Improvements Program (MsCIP), pursuant to Public Law 109-148; to the Committee on Transportation and Infrastructure.

5408. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's recommended re-authorization of a flood damage reduction project for the Santa Barbara Streams, Lower Mission Creek, Santa Barbara, California; to the Committee on Transportation and Infrastructure.

5409. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's environmental assessment report for the Tanque Verde Creek, Arizona; to the Committee on Transportation and Infrastructure.

5410. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a report to Congress on the extent to which the implementation by the United States Coast Guard of regulations issued or enforced, or interpretations or guidelines established, pursuant to Public Law 104-55, carry out the intent of Congress and recognize and provide for the differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes of fats, oils, and greases described under that law; to the Committee on Transportation and Infrastructure.

5411. A letter from the Secretary, Department of Transportation, transmitting the Department's interim report in accordance with Section 1807(e) of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; to the Committee on Transportation and Infrastructure.

5412. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "2006 Status of the Nation's Highways, Bridges and Transit: Conditions and Performance," pursuant to 23 U.S.C. 502(h); to the Committee on Transportation and Infrastructure.

5413. A letter from the Chair, National Surface Transportation Policy and Revenue Study Commission, transmitting the Commission's report entitled, "Transportation for Tomorrow: Report of the National Surface Transportation Policy and Revenue Study Commission"; to the Committee on Transportation and Infrastructure.

5414. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Guidance Necessary to Facilitate Electronic Tax Administration-Updating of Section 7216 Regulations [TD 9375] (RIN: 1545-BA96) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5415. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding Marketing of Refund Anticipation Loans (RALS) and Certain Other Products in Connection with the Preparation of a Tax Return [REG-136596-07] (RIN: 1545-BH12) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5416. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Revenue Procedure 2008-12—received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Ms. BORDALLO (for herself and Ms. ROS-LEHTINEN):

H. Con. Res. 300. Concurrent resolution recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, and for other purposes; to the Committee on Natural Resources.

By Mr. KIRK (for himself, Mr. TANNER, and Mr. LAMPSON):

H. Con. Res. 301. Concurrent resolution encouraging the United States Geological Survey, the National Science Foundation, and the Department of Defense to support a recovery mission for the human remains of the crew killed in the George One crash in Antarctica, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Science and Technology, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## ADDITIONAL SPONSORS

**Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:**

H.R. 82: Mr. SKELTON.

H.R. 1032: Mr. BERMAN, Mr. RANGEL, Ms. SOLIS, and Ms. BERKLEY.

H.R. 1419: Mr. HOLT.

H.R. 2352: Mr. COHEN.

H.R. 2702: Mr. LOEBSACK.

# SENATE—*Friday, February 15, 2008*

*(Legislative day of Thursday, February 14, 2008)*

The Senate met at 10 o'clock and 2 seconds a.m., on the expiration of the recess, and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

## APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 15, 2008.*

*To the Senate:*

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

## NATIONAL DRUG PREVENTION AND EDUCATION WEEK

● Mr. JOHNSON. Mr. President, I speak today in recognition of National Drug Prevention and Education Week. One of the most serious issues facing our youth in rural America and throughout the United States is drug use and abuse. Drug abuse and addiction is a problem that never seems to go away and prevention and education are two of the most important steps that we can take to ensure the welfare of our next generation while preserving our current generation. As a nation, we cannot sit idly by and watch the trend of substance abuse grow.

We, as a community, must continue fighting the challenges imposed by drugs on our communities. We have to face the fact that cocaine, marijuana, and heroin remain a constant threat. We cannot ignore the rapidly increasing use of meth or the abuse of prescription drugs in our rural communities across South Dakota and throughout the Nation. I will continue to seek funding for organizations and programs like South Dakota's Glory House Methamphetamine Addiction Treatment Center and Martin Addiction Recovery Center to help those addicted to drugs and alcohol. We cannot afford to let these and other programs disappear from lack of funding. As we all know, the devastating effects of drug addition do not just affect those who are addicted, but everyone around them. The services they provide to addicts and families of addicts are irreplaceable in communities in South Dakota. We have a responsibility to our citizens, our State, and our Nation to continue the fight against drug use, abuse and addiction.

Education and prevention are the first steps in this fight against substance abuse. For that reason, the Senate passed S. Res. 434, a resolution designating this week as National Drug Prevention and Education Week. We urge local communities, schools, friends, youths and parents to carry out drug education and drug prevention activities not only throughout this designated week, but throughout the year so we can continue to beat back the horrible tide of drug use and abuse to preserve the health of our Nation for years to come.●

## BLACK ENGINEER OF THE YEAR AWARD WINNERS

● Mr. BROWN. Mr. President, I speak today to honor the public service of four great Ohioans—Dr. Woodrow Whitlow, Jr., Jo Ann Charleston, Dr. Rickey Shyne, and Dr. Yolanda Hicks. I am proud to honor these four NASA Glenn engineers for their achievements in the fields of science, engineering, and technology.

On the Shores of Lake Erie, just outside the city of Cleveland, OH, world class scientists and engineers at the NASA Glenn Research Center are conducting world class research. Dr. Whitlow, Ms. Charleston, Dr. Shyne, and Dr. Hicks, each of whom has contributed meaningfully to NASA Glenn's important work, are rightfully being honored at this year's Black Engineer of the Year Awards ceremony.

It is the pragmatic, yet creative, approach taken by researchers like Dr. Whitlow, Ms. Charleston, Dr. Shyne, and Dr. Hicks that will allow this country to remain at the forefront of aerospace and space exploration technology. It is the work of the many dedicated scientists and engineers like them that drives our economy and ensures our country's future prosperity.

I am proud to honor these great Ohioans, the work of the NASA Glenn Research Center, and the many other award recipients at the Black Engineer of the Year Awards ceremony. In this new global economy, American innovation in the fields of math, science, and engineering is critical. The hard work and dedication of these four serve as an inspiration for the next generation of American innovators.●

## HONORING OUR ARMED FORCES

● Mr. LAUTENBERG. Mr. President, another 2 months have passed, and more American troops lost their lives overseas in Iraq and Afghanistan. It is only right that we take time in the Senate to honor them.

Since last memorializing the names of our fallen troops on December 19, the Pentagon has announced the deaths of 79 troops. They lost their lives in Iraq and in Operation Enduring Freedom, which includes Afghanistan. They will not be forgotten. Today I submit their names into the RECORD:

SGT Corey E. Spates, of LaGrange, Georgia
SSGT Javares J. Washington, of Pensacola, Florida
PFC Jack T. Sweet, of Alexandria Bay, New York
SP Michael T. Manibog, of Alameda, California
SGT Timothy P. Martin, of Pixley, California
SSG Jerald A. Whisenhunt, of Orrick, Missouri
SGT Gary D. Willett, of Alamogordo, New Mexico
PO1 Luis A. Souffront, of Miami, Florida
SSG Bradley J. Skelton, of Gordonville, Missouri
CPL Miguel A. Baez, of Bonaire, Georgia
SGT John C. Osmolski, of Eustis, Florida
SGT Timothy R. Van Orman, of Port Matilda, Pennsylvania
SSG Donald T. Tabb, of Norcross, Georgia
SSG Rafael Alicea Rivera, of Bayamon, Puerto Rico
CPO Michael E. Koch, of State College, Pennsylvania
CPO Nathan H. Hardy, of Durham, New Hampshire
SP Christopher J. West, of Arlington, Texas
SSG Chad A. Barrett, of Saltville, Virginia
SGT Matthew F. Straughter, of St. Charles, Missouri
CAPT Michael A. Norman, of Killeen, Texas
CAPT David E. Schultz, of Illinois
SGT James E. Craig, of Hollywood, South Carolina
SSG Gary W. Jeffries, of Roscoe, Texas
CPL Evan A. Marshall, of Athens, Georgia
SP Brandon A. Meyer, of Orange, California
PFC Joshua A.R. Young, of Riddle, Oregon
SGT Mikeal W. Miller, of Albany, Oregon
MAJ Alan G. Rogers, of Hampton, Florida
SSG Robert J. Wilson, of Boynton Beach, Florida
SFC Matthew R. Kahler, of Granite Falls, Minnesota
CPL Duncan C. Crookston, of Denver, Colorado
SGT Tracy R. Birkman, of New Castle, Virginia

SSG Robert J. Miller, of Iowa City, Iowa
PFC Billy M. MacLeod, of Cheboygan, Michigan
SGT Michael R. Sturdivant, of Conway, Arkansas
LCpl James M. Gluff, of Tunnel Hill, Georgia
SPC Richard B. Burress, of Naples, Florida
SPC Jon M. Schoolcraft III, of Wapakoneta, Ohio
SSG Justin R. Whiting, of Hancock, New York
PFC Danny L. Kimme, of Fisher, Illinois
PFC David H. Sharrett II, of Oakton, Virginia
SPC John P. Sigsbee, of Waterville, New York
LCpl Curtis A. Christensen Jr., of Collingswood, New Jersey
PFC Keith E. Lloyd, of Milwaukee
LTC Richard J. Berrettini, of Wilcox, Pennsylvania
CPL Todd E. Davis, of Raymore, Missouri
SSG Jonathan K. Dozier, of Rutherford, Tennessee
SSG Sean M. Gaul, of Reno, Nevada
SGT Zachary W. McBride, of Bend, Oregon
SFC Matthew I. Pionk, of Superior, Wisconsin
SGT Christopher A. Sanders, of Roswell, New Mexico
SGT David J. Drakulich, of Reno, Nevada
SGT David J. Hart, of Lake View Terrace, California
PFC Ivan E. Merlo, of San Marcos, California
PFC Phillip J. Pannier, of Washburn, Illinois
MAJ Michael L. Green, of Chagrin Falls, Ohio
SGT James K. Healy, of Hesperia, California
PFC Timothy R. Hanson, of Kenosha, Wisconsin
CPL James D. Gudridge, of Carthage, New York
POSC Menelek M. Brown, of Roswell, New Mexico
CPL Jason F. Lemke, of West Allis, Wisconsin
MAJ Andrew J. Olmsted, of Colorado Springs, Colorado
CAPT Thomas J. Casey, of Albuquerque, New Mexico
SPC Joshua R. Anderson, of Jordan, Minnesota
SSG Ryan D. Maseth, of Pittsburgh, Pennsylvania
SGT Shawn F. Hill, of Wellford, South Carolina
FCGEN P. Douglas, U.S. Navy, of Newcomb, Tennessee
SGT Reno S. Lacerna, of Waipahu, Hawaii
PFC Brian L. Gorham, of Woodburn, Kentucky
PFC Joseph R. Berlin, Jr., of Chelsea, Alabama
POFC Victor W. Jeffries, of Honolulu, Hawaii
CAPT Rowdy J. Inman, of Panorama Village, Texas
SGT Benjamin B. Portell, of Bakersfield, California
SGT Bryan J. Tutten, of St. Augustine, Florida
SGT Peter C. Neesley, of Grosse Pointe Farms, Michigan
SrA Nicholas D. Eischen, of Sanger, California
PFC George J. Howell, of Salinas, California
1LT Jeremy E. Ray, of Houston, Texas
CPL Robert S. Ferrell, of Dallas, Texas

We cannot forget these men and women and their sacrifice. These brave souls left behind parents and children, siblings, and friends. We want them to know the country pledges to preserve the memory of our lost soldiers, who paid the ultimate price, with the dignity they deserve.●

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## RECESS UNTIL 11 A.M., TUESDAY, FEBRUARY 19, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 11 a.m. on Tuesday, February 19, 2008.

Thereupon, the Senate, at 10 o'clock a.m. and 35 seconds, recessed until Tuesday, February 19, 2008, at 11 a.m.

# EXTENSIONS OF REMARKS

## LEAVE NO SAILOR BEHIND

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 15, 2008*

Mr. KIRK. Madam Speaker, today I introduced a resolution calling on the Department of Defense, the U.S. Geological Survey, and the National Science Foundation to support a mission to recover the remains of three naval aviators in Antarctica.

On December 30, 1946, a Navy aircraft participating in Operation Highjump over Antarctica crashed, killing three of the nine on board. Among those killed in the crash of the "George One," as the seaplane was known, was Radioman Wendell Hendersin, the brother of Betty Jean Spencer of Mundelein, Illinois.

Along with the other casualties, Hendersin was buried in a common grave near the crash site. Although the survivors held a small service, Hendersin never received a proper burial.

After 2 weeks stranded on the ice, the survivors were rescued, but the remains of the three Americans were never recovered. At the time, servicemembers killed overseas were usually buried abroad. Due to the risks involved at the time, the Navy decided against undertaking a recovery mission. In the 61 years that have passed, Department of Defense policy changed and technology now makes a recovery operation likely to succeed at lower risk.

Thanks to the efforts of the U.S. Geological Survey, the location of the George One is known. The USGS estimates that the wreckage is under about 165 feet of ice. With the location known and the technology in place to launch a successful recovery mission, the time has come to bring these brave naval aviators home.

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## HONORING FLINT SCOTTISH BAND

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 15, 2008*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the Flint Scottish Pipe Band. The Flint Scottish Pipe Band has won several competitions in the United States and Canada over the past year and will celebrate their victories at the annual Ceilidh on February 16, in Davison, Michigan. The Ceilidh will feature traditional music and Scottish food.

Scottish immigrants to the Flint, Michigan, area founded the Flint Scottish Pipe Band in 1916. The Band's Gaelic motto is "Cuidich 'n Righ" which means, "Help the King." Their emblem is the stag's head of the MacKenzie Seaforth Highlanders. Composed of both pipes and drums the band is under the direction of Pipe Major Dennis Lowe and Drum Sergeant Teddy Barr.

In 2007, the Flint Scottish Pipe Band won the U.S. championship in grade 5, the Canadian championship in grade 5, the southern U.S. championship in grade 5, and they are the eastern U.S. champions in grade 5. Over the past season the pipe section took first place 9 times, the mid section took first place 3 times, and the drum section swept first place in all competitions.

The members of the Flint Scottish Pipe Band gather every Thursday in Flint to practice and they are preparing to travel to Scotland in 2009 to compete in the world championships. Their membership comes from all over Michigan and is open to persons with a love for the traditional pipe and drum music of Scotland.

Madam Speaker, I ask the House of Representatives to join me in applauding the Flint Scottish Pipe Band for their achievements over the past year. I wish them the best success in the upcoming competitions and the world championships. They are to be commended for preserving the traditions of Scotland in the heart of Michigan and bringing the music of the pipes and drums to thousands.

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## HONORING POTEET HIGH SCHOOL'S AWARD WINNING BANDS

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 15, 2008*

Mr. HENSARLING. Madam Speaker, today I rise to recognize the Poteet High School Marching Band for winning the 2007 UIL Class 4A State Marching Title and the Honor Band for being named the 2008 Class 4A Honor Band for the State of Texas by the Texas Music Educators Association.

Last fall, the Poteet High School Marching Band secured the state championship title for its division for the second time in 3 years. The marching band received perfect scores from four of the five judges, placing them above 23 other elite bands.

Meanwhile, the Poteet High School Honor Band was named the 2008 Class 4A Honor Band for the State of Texas, the most prestigious honor for a high school concert band. For their achievement, the band will perform at the Texas Music Educators Association Convention in San Antonio, Texas.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize the Poteet High School Marching and Honor Bands, both the directors and students, for their talent, dedication to the arts, and their exceptional performance.

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## CONGRATULATING MICHELE "MISSY" MANDELL ON HER SERVICE TO THE PEOPLE OF TEXAS

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 15, 2008*

Mr. CONAWAY. Madam Speaker, I rise today to thank and commend Mrs. Michele "Missy" Mandell for her dedication to the people of central Texas. For the past 19 years Missy has worked at the Lower Colorado River Authority, LCRA, most recently as the executive manager of Federal affairs. She departs at the end of this month, but leaves a legacy of tireless work to meet the needs of the communities in the 58 counties where the LCRA operates.

Missy served as a liaison to the myriad of stakeholders in public water service and power generation, including local communities, Federal agencies, industry organizations, and elected officials, such as myself. No matter the issue, she was always able to navigate the complex web of laws, rules, and regulations to help LCRA provide services to its clients. I was fortunate to work with her here in Washington and always found her to be a valuable partner in solving the critical issues facing my constituents. It is likely that the customers of LCRA do not know Missy Mandell, but they all owe her a great debt for her work on their behalf.

In addition to her constant work for the LCRA, Missy also found time to give back to her community. She has donated her time and considerable experience by serving on the board of directors for the Children's Advocacy Council; the advisory board of the LBJ Liberal Arts and Sciences Academy; and the city of Austin's Environmental Board and the Charter Revision Council. Through her selfless giving, the city of Austin is a better place.

I am certain that Missy will prosper in her new career; she has the drive, experience, and intellect to thrive in whatever she chooses. The LCRA is not merely losing a long-serving employee, but a passionate advocate, a tireless consensus-builder, and ever-optimistic citizen, always seeking to improve the lives of those she worked for. It has been my pleasure to know and work with Mrs. Missy Mandell and I offer her my best wishes and prayers, safe in the knowledge that God will smile on her future endeavors.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## RECOGNIZING DR. MARTINEZ OF UNIVERSITY OF CONNECTICUT

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 15, 2008*

Mr. COURTNEY. Madam Speaker, dreams of higher education have become increasingly elusive for thousands of well-qualified students from low-income and disadvantaged backgrounds. On February 7, 2008, the House passed the College Opportunity and Affordability Act, legislation that will move our Nation one step closer to expanding higher education opportunities for all. I rise today to celebrate this achievement and recognize the role that Dr. Maria Martinez, the University of Connecticut's director of the Center for Academic Programs, has served in delivering higher education outreach services to Connecticut's most vulnerable communities.

For the past four decades, TRIO programs, including Talent Search, Upward Bound, and Student Support Services, have facilitated access to higher education opportunities for disadvantaged students in Connecticut and across the Nation. Dr. Martinez is charged with implementing TRIO and similar programs at the University of Connecticut. On March 22, 2007, in light of pending reauthorization of these programs under the College Opportunity and Affordability Act, Dr. Maria D. Martinez testified before the House Committee on Education and Labor.

Perhaps the most poignant of her testimonials included a reference to one of UConn's TRIO alumni, Dr. Franklin Chang-Diaz. She stated that Franklin struggled with English in high school and was recruited into UConn's Student Support Services program. Upon completing his undergraduate degree, Franklin earned a doctorate in plasma physics at MIT, was recruited by NASA, and became America's first Hispanic astronaut. He currently holds the world record for most space missions flown.

The College Opportunity and Affordability Act strengthens these programs and brings hope to thousands of students just like Franklin. In Dr. Chang-Diaz's words, "TRIO is one of the ways this country really becomes the land of opportunity."

Madam Speaker, education systems form the pillars for potential prosperity and health of any society. Our Nation must remain vigilant of these systems and continue to improve them until they reflect our highest aspirations. Continuing to support programs like TRIO is necessary to ensure these worthy objectives. I ask my colleagues to join with me and my constituents in recognizing the importance of TRIO programs and Dr. Martinez's role in delivering these services to underprivileged students in Connecticut.

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## REGARDING THE PRESIDENT'S BUDGET AND IRAQ

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 15, 2008*

Ms. SCHAKOWSKY. Madam Speaker, this week, the Washington Post listed a number of existing programs that would be eliminated in President Bush's budget. These are programs that make a real difference in people's lives but have gotten less attention than the major cuts in his budget.

For example, the President's budget proposes to eliminate the Commodity Supplemental Food Program, which provides food packages for about 500,000 low-income elderly persons, women, and children each month. The program received $140 million in 2008. To put that in context, $140 million is the cost of funding 10 hours of the war in Iraq.

During this economic downturn, the President's budget eliminates the Community Services Block Grant and other community services programs. These programs, which were funded at $698 million in 2008, reduce poverty and provide assistance for individuals dealing with housing, health, nutrition, energy, and substance abuse problems. $698 million is the cost of a little more than 2 days of the war in Iraq.

At a time of soaring energy prices and record oil company profits, the President's budget eliminates Weatherization Assistance to help Americans lower their energy bills by making improvements to their home's energy efficiency. At $227 million, these program cuts would provide to funding for a little more than 16 hours of the war in Iraq.

The President's budget also eliminates the COPS program, which provides grants and other assistance to help communities hire, train, and retain police officers and to improve law enforcement technologies. In 2008 it received $587 million, the cost of about a day and a half in Iraq.

The President's budget eliminates the Manufacturing Extension Partnership, which helps small U.S. manufacturers by providing resources to help them create jobs, leverage private-sector investment, and be more competitive. These cuts would reduce private-sector investment in U.S. manufacturing by an estimated $1.5 billion, and lead to the loss of approximately 37,000 jobs which could be created or retained. The MEP only cost $87 million in 2008, the cost of a little more than 6 hours in Iraq.

The budget eliminates $1.2 billion in funding for career and technical education in high schools and vocational colleges. This would withdraw assistance for approximately 8 million students who are currently supported by the program—at a cost of approximately 3½ days in Iraq.

Finally, the President's budget eliminates Medicaid funding for the Graduate Medical Education program, which provides physician training programs to pediatricians to address the major shortfall in pediatric specialists. The policy reduces funding to the program by $302 million—the cost of a little less than 1 day for the war in Iraq.

Taken together, all of these programs, which benefit millions of Americans, would pay for a little more than a week in Iraq. President Bush's budget represents a sad continuation of his failed fiscal policies. With this budget, the President is telling us that he believes that America should slash investments that help the families across the Nation who are struggling to make ends meet, and that we should instead waste billions of dollars on a misguided war and on tax cuts for his wealthy friends.

I hope that my colleagues reject these cuts and reject any budget that makes funding the war in Iraq a higher priority than meeting the needs of American families.

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## HONORING MARGARET GALLAGHER-ZELLEY-SCHMIT

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 15, 2008*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the life of Margaret Mary Gallagher-Zelley-Schmit as she celebrates her 90th birthday. Her family and friends will gather on Sunday, February 24, in Grand Blanc, Michigan.

Born on February 21, 1918, in Boyne City, Michigan, Margaret Gallagher graduated from St. Joseph High School in Escanaba, Michigan, in 1936. She attended the Chicago Business School and married LeRoy Zelley. LeRoy became a licensed funeral director in 1938 and the couple started Zelley Funeral Home on the east side of Flint, Michigan in 1953. The funeral home quickly became an institution and landmark in the Flint community. The couple had four sons: LeRoy III, Glen, Michael and Joseph.

Margaret obtained her college degree from Wayne State University and funeral director's license in 1967. Margaret and LeRoy provided funeral services to over 4,000 families before LeRoy passed away in 1976. Margaret retired in 1987 and married Roy "Bud" Schmit in 1989. In 2004, Bud passed away.

Margaret spends her time organizing her photos and memorabilia for a book she is planning to write about her life. She also celebrates and promotes her Irish heritage and in 2006 was the Flint St. Patrick's Day Irish Mother of the Year.

Madam Speaker, I ask the House of Representatives to join me in congratulating Margaret Mary Gallagher-Zelley-Schmit as she turns 90 years old. I would like to extend best wishes for her upcoming birthday and for many, many more. May her coming year be filled with happiness and good health.

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## HONORING EDWARD E. MUNGER

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 15, 2008*

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of BG Edward E.

Munger for his dedication and service to his country and his community. General Munger passed away at the age of 68 on February 12, 2008, at his home in Fresno, California. A service honoring his life will be held on Friday, February 15, 2008, in Fresno.

General Munger was born in Fresno on February 15, 1939. As a senior at Fresno High School, he decided to enlist as a private in the California Army National Guard and was selected to attend the California Military Academy Officer Candidate Program. In 1959 he received his commission as a second lieutenant in the United States Army. Twenty years later, General Munger was selected to attend the National War College. At the War College his major focus was on the Middle East. He was able to travel throughout the region to meet with leaders including President Anwar Sadat of Egypt, King Faud and Crown Prince Abdullah of Saudi Arabia, the Emir and leaders of the ruling Al-Khalifa family in Bahrain, and Prime Minister Menachem Begin of Israel. Upon completing his studies at the War College he was promoted to full colonel and accepted a 4-year tour of active duty service as the Executive Staff Director and Chief of Staff of the Reserve Forces Policy Board in the Office of the Secretary of Defense at the Pentagon. After serving for 32 years, General Munger retired from the military as a brigadier general in 1990. With his departure he was awarded the Legion of Merit and the Defense Superior Service Medal.

Outside of the military General Munger was a businessman who also gave a great amount of time and effort to the community. General Munger owned Engineered Sound, an electronics engineering and installation company. He served as a Fresno County deputy sheriff. He and his brother were co-owners of the Granada Capital Company. He was very involved with the Boy Scouts of America. He earned the prestigious Silver Beaver Award and the Sequoia Council Distinguished Scout Award. He was the president of I.R.O. Soararsis, a support organization for Kings Canyon National Park. He was a member of the Valley Children's Hospital Board of Trustees and also created the Fairy Godfather fund. This fund assists the hospital financially and also provides a toy or stuffed animal for sick and terminally ill children whose families cannot afford it. General Munger was a member of the Rotary Club of Fresno's board of directors and a member of the Fresno County Planning Commission.

In 2004 General Munger returned to the Middle East with a civilian group called Brotherhood of the Badge. They delivered law enforcement equipment, two way radios, and protection vests to the new Iraqi Police in Baqubah. Since the first visit, more than 12,000 vests and other equipment have been delivered to the Iraqi Police through the U.S. military. General Munger was diagnosed with liver cancer in 2005, shortly after returning from the Middle East.

General Munger will be remembered for all that he has sacrificed and for all that he has achieved. He is preceded in death by his parents and his brother Maynard. He is survived by his wife of 37 years, Tamsen Munger, and their adult children, Edward and Eleanor.

Madam Speaker, I rise today to posthumously honor Brigadier General Edward E. Munger for his dedication to his family, his country and his community. I invite my colleagues to join me in honoring his life and wishing the best for his family.

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## HONORING THE LIFE AND SERVICE OF MRS. SUE MASON

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 15, 2008*

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Sue Mason upon receiving the Women of Westland's 2008 ATHENA Award. The ATHENA Award recognizes individuals who have attained and personified the highest level of professional excellence in their business or profession, have devoted time and energy to the community in a meaningful way, and have opened the door of leadership opportunity for women.

Throughout her distinguished career Sue has been committed to her family and community. Mrs. Mason faithfully serves as the community editor for the Westland and Garden City Observer newspaper. Her community service activities revolve around her children's education and athletics as she supports the Wayne-Westland Soccer Association, and she is a valued member of the Garden City Public School's Foundation for Educational Excellence committee.

Sue has earned numerous awards throughout the years for her service and professional conduct including being named the O&E Journalist of the Year and being recognized by the Westland Civitans as their Citizen of the Year. Sue has also been honored by the Michigan PTA and Wayne-Westland community schools for her exemplary coverage of educational issues. Sue has been described as "a well-rounded, thoughtful individual who is a genuine asset to our local journalistic community." Of all her accomplishments, Sue is most proud of her family, and celebrates this honor with her husband Bob and her children Bobby and Carol Lee.

Madam Speaker, I ask my colleagues to join me in extending sincere congratulations to this year's ATHENA Award winner, Sue Mason, for her dedication to professional excellence and commitment to her community and country.

# HOUSE OF REPRESENTATIVES—*Tuesday, February 19, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. VAN HOLLEN).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*February 19, 2008.*

I hereby appoint the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

Dr. Alan N. Keiran, Chief of Staff, Office of the Senate Chaplain, offered the following prayer:

Lord God, we ask that You would equip the Members of this body and all who serve here with the wisdom, strength, and perseverance needed to overcome any obstacles we will face in serving this Nation and its citizens. Bless our Representatives with opportunities to advance democracy, justice, and economic parity. Bless their staff members as they labor to support the honorable men and women they serve. For military men and women deployed in harm's way and their families, we pray Your providential protection, comfort, and peace. O Lord, our precious savior and eternal king, equip leaders across this great land with the wisdom and endurance to meet the challenges ahead.

In Your holy name we pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. PETERSON) come forward and lead the House in the Pledge of Allegiance.

Mr. PETERSON of Minnesota led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore HOYER on Friday, February 15, 2008:

H.R. 5270, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

## ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. HOYER, on Friday, February 15:

H.R. 5270. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

## ADJOURNMENT

Mr. PETERSON of Minnesota. Mr. Speaker, pursuant to House Concurrent Resolution 293, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes a.m.), the House adjourned until Thursday, February 21, 2008, at noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5417. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands [RM08-6-000] received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5418. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2008 Summer Flounder, Scup, and Black Sea Bass Specifications; Preliminary 2008 Quota Adjustments; 2008 Summer Flounder Quota for Delaware [Docket No. 071030625-7696-02] (RIN: 0648-XC84) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5419. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Vermillion Snapper Fishery Management Measures [Docket No. 070518142-7238-02] (RIN: 0648-AV45) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5420. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation [Docket No. 060824226-6322-02] (RIN: 0648-XE38) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5421. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No. 070213032-7032-01] (RIN: 0648-XE81) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5422. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No. 070227048-7091-02] (RIN: 0648-XE82) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5423. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report and environmental assessment of the Swope Parl Industrial Area, Blue River Basin, Kansas City, Missouri; to the Committee on Transportation and Infrastructure.

5424. A letter from the Paralegal, Department of Transportation, transmitting the Department's final rule — National Transit Database: Amendment to Reporting Requirements and Non-Substantive Technical Changes [Docket No: FTA-2007-27319] (RIN: 2132-AA94) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5425. A letter from the Paralegal, Department of Transportation, transmitting the Department's final rule — CHARTER SERVICE [Docket No. FTA-2005-22657] (RIN: 2132-AA85) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5426. A letter from the Deputy General Counsel (Administration & Management), National Aeronautics and Space Administration, transmitting the Administration's final rule — Patents and Other Intellectual Property Rights [NOTICE: (07-083)] (RIN: 2700-AD35) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Mr. MITCHELL:

H.R. 5474. A bill to prevent payments of educational assistance for veterans and members of the Selected Reserve from being offset in the calculation of financial aid under the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. MOORE of Kansas (for himself, Mrs. BIGGERT, Mrs. BOYDA of Kansas, Ms. GINNY BROWN-WAITE of Florida, Mr. CASTLE, Mr. CHABOT, Mr. CHANDLER, Mr. CLEAVER, Mr. CRAMER, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. EDWARDS, Mr. GORDON, Ms. GRANGER, Ms. HERSETH SANDLIN, Mr. HILL, Mr. ISRAEL, Mr. JONES of North Carolina, Mr. KIND, Mr. KIRK, Mr. LAHOOD, Mr. LAMPSON, Mr. MARSHALL, Mr. MATHESON, Mr. PETERSON of Minnesota, Mr. POE, Ms. PRYCE of Ohio, Mr. RAMSTAD, Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. VAN HOLLEN, and Mrs. WILSON of New Mexico):

H.R. 5475. A bill to amend title 18, United States Code, to make a technical correction to ensure sex offenders who travel between States, regardless of when they traveled, must register with appropriate state and local authorities; to the Committee on the Judiciary.

By Mrs. JONES of Ohio (for herself and Mr. TIBERI):

H. Res. 993. A resolution expressing support for the second annual America Saves Week 2008 from February 24, 2008 through March 2, 2008; to the Committee on Financial Services.

## MEMORIALS

**Under clause 3 of rule XII, memorials were presented and referred as follows:**

235. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution No. 11 urging the Congress of the United States to take action to honor the sovereignty of the individual states to regulate and command the National Guard of the states; to the Committee on Armed Services.

236. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 116 urging the Congress of the United States and the President of the United States to reverse the decision to close Fort Monmouth; to the Committee on Armed Services.

237. Also, a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution No. 21 opposing the designation of any area in the state as a world heritage site, biospere reserve, or any other type of international designation without the consent of the Alaska State Legislature and affested local governments; to the Committee on Natural Resources.

238. Also, a memorial of the Legislature of the State of Alaska, relative to Senate Joint Resolution No. 6 urging the Congress of the United States to defeat H.R. 39 titled, "To preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans"; to the Committee on Natural Resources.

## ADDITIONAL SPONSORS

**Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:**

H.R. 219: Mr. DUNCAN.

H.R. 241: Mr. CARTER and Mr. BURTON of Indiana.

H.R. 1701: Mr. LEWIS of Kentucky.

H.R. 1767: Mr. DUNCAN.

H.R. 1897: Mr. LAMBORN.

H.R. 2421: Mr. GILCHREST.

H.R. 3650: Mr. FERGUSON, Mr. WILSON of South Carolina, and Ms. GIFFORDS.

H.R. 3726: Mr. LOEBSACK.

H.R. 3800: Mr. HOBSON and Mr. STUPAK.

H.R. 5087: Mr. BARTLETT of Maryland.

H.R. 5237: Mrs. EMERSON.

H. Con. Res. 239: Mr. GINGREY.

H. Res. 888: Mr. CALVERT, Mr. LAMBORN, Mr. ALEXANDER, Mr. SMITH of Nebraska, Mr. MICA, Mr. DEAL of Georgia, Mr. MARCHANT, Mr. HALL of Texas, Mr. HULSHOF, and Mr. INGLIS of South Carolina.

H. Res. 952: Mr. GERLACH, Ms. SHEA-PORTER, Ms. SOLIS, Ms. ZOE LOFGREN of California, Mr. LIPINSKI, Ms. DEGETTE, and Mr. GEORGE MILLER of California.

H. Res. 957: Mr. RANGEL, Mrs. BIGGERT, Ms. SCHAKOWSKY, Mr. BLUMENAUER, and Mr. POMEROY.

# SENATE—*Tuesday, February 19, 2008*

*(Legislative day of Thursday, February 14, 2008)*

The Senate met at 11:01 and 35 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., February 19, 2008.*

*To the Senate:*

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. LIEBERMAN thereupon assumed the Chair as Acting President pro tempore.

## RECESS UNTIL 10 A.M., FRIDAY, FEBRUARY 22, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Friday, February 22, 2008, at 10 a.m.

Thereupon, the Senate, at 11:02 and 10 seconds a.m., recessed until Friday, February 22, 2008, at 10 a.m.

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

# EXTENSIONS OF REMARKS

## HONORING LIEUTENANT COLONEL MARY MARTIN, U.S. ARMY

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 19, 2008*

Mr. SESTAK. Madam Speaker, on behalf of all the citizens of the 7th Congressional District of Pennsylvania, it gives me great pleasure to thank and congratulate Lieutenant Colonel Mary Martin, USA, for her dedicated service to the armed force of the United States of America.

LTC Martin's academic credentials are remarkable. She is a graduate of The Pennsylvania State University with a Bachelor of Arts Degree in Psychology and a Master's Degree in Human Resources Management from Chapman University, she was commissioned a Second Lieutenant, Medical Service Corps through ROTC in 1987. Also a graduate of the Medical Service Corps Basic Course, the Medical Logistics Management Course (Honor Graduate), the Combined Logistics Officer Advanced Course (Honor Graduate), the U.S. Army Medical Materiel Agency Internship, Command and General Staff College, and the Navy Advanced Management Program.

LTC Martin has had a variety of key leadership and management positions throughout her career including: Platoon Leader and Division Medical Supply Officer, 7th Medical Battalion, 7th Infantry Division (L), Fort Ord, CA; Chief, Distribution Division, 6th Medical Supply, Optical, and Maintenance Battalion, Camp Carroll, Korea; Commander, Charlie Company and later S3, 325th Forward Support Battalion, 25th Infantry Division (L), Schofield Barracks, HI; Chief, Logistics Division, Dunham Army Health Clinic, Carlisle Barracks, PA; Logistics Readiness Officer, U.S. Army Pacific, Fort Shafter, HI; Executive Officer, Pacific Regional Dental Command, Tripler Army Medical Center, HI; Program Manager, ECAT, Defense Supply Center, Philadelphia; Chief, Joint Readiness, Defense Supply Center, Philadelphia; and Chief, Customer Facing Division, Defense Supply Center, Philadelphia.

Most importantly, LTC Martin has been a healer, warrior and ambassador of goodwill for our nation through difficult deployments to the Republic of Haiti in support of Operation Uphold Democracy; to East Timor in support of Operation Stabilise; to Iraq in support of the Coalition Provisional Authority Ministry of Health; and to Kuwait in support of Operation Iraqi/Enduring Freedom. She has also deployed to Sri Lanka, Thailand, Vietnam and Cambodia in support of medical humanitarian outreach programs.

Her awards speak to an extraordinarily successful career and include: Defense Meritorious Service Medal, Meritorious Service Medal with 4 Oak Leaf Clusters, Joint Service Commendation Medal, Army Commendation Medal with 2 Oak Leaf Clusters, Army Achievement Medal with 1 Oak Leaf Cluster, Armed Forces Expeditionary Medal, Iraqi Campaign Medal, Humanitarian Service Medal with 1 Oak Leaf Cluster, the coveted Expert Field Medical Badge, and the Parachutist Badge. LTC Martin was also inducted in the Order of Military Medical Merit.

LTC Martin's family, friends and neighbors of the 7th Congressional District, the Commonwealth of Pennsylvania and our entire nation extend their gratitude to her for a career of selfless dedication to our safety and security.

## TRIBUTE TO SAMUEL J. DANIEL, M.D.

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 19, 2008*

Mr. SERRANO. Madam Speaker, I rise today to honor Samuel J. Daniel, M.D., for his contributions to medicine and his dedication to the improvement of our communities. As our Nation celebrates Black History Month and the many contributions African Americans have made to our Nation, it is an honor for me to pay tribute to Dr. Daniel.

Dr. Daniel, a native of Antigua, is the president and CEO of North General Hospital, the only not-for-profit, private teaching hospital located in central Harlem. Dr. Daniel has made important contributions in the treatment of Chronic Hepatitis C, an area in which he was a principal investigator in several clinical trials studying this disease. In 2005, Dr. Daniel coauthored the book Hepatitis C: The Black Person's Guide.

Well respected among his peers, Dr. Daniel has been frequently cited for professional excellence. In a 2000 issue of New York Magazine, Dr. Daniel was recognized as one of "The Best Doctors in New York." One year later, Network Journal and Black Enterprise Magazine recognized him as one of the Nation's leading physicians.

However, Dr. Daniel is equally committed to the improvement of our communities as he is to the improvement of our health. In 2004, he received the Leon Bogues Award for commitment to social reform from the Black and Hispanic Legislative Caucus. In 2006, he received the Roy Wilkins Outstanding Leadership Award from the National Association for the Advancement of Colored People (NAACP). Furthermore, Dr. Daniel holds many distinguished membership positions on the boards of nonprofit organizations, including the Primary Care Development Corporation, the Greater New York Hospital Association, and the League of Voluntary Hospitals and Homes, among others. Despite his many commitments and public service activities, Dr. Daniel also maintains an active and successful practice in gastroenterology in the Harlem community.

Madam Speaker, thanks to Dr. Daniel's hard work and dedication to the progress of medicine and his commitment to the improvement of our communities, underserved populations have been able to receive the quality medical care they deserve. I ask that my colleagues join me in honoring Dr. Daniel.

## HONORING H.O. TANNER TEACHERS

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 19, 2008*

Mr. PAUL. Madam Speaker, on February 21 the Texas Delta Xi Chapter of the Alpha Delta Kappa International Sorority for Women Legislators will honor some distinguished alumni of the H.O. Tanner School in Brazoria, TX, who attended H.O. Tanner when it was a segregated school. Among those honored will be Julia Mack, who taught at H.O. Tanner after segregation was ended. H.O. Tanner was constructed in 1900 in order to ensure that Texas' segregation laws did not prevent African-American children from obtaining a quality education.

Laws dictating what schools a child can and cannot attend, based solely on that child's race, are a shameful aspect of America's history. It is hard to think of a better way to celebrate Black History Month than by honoring those who did not allow the burden of the "Jim Crow" laws to stop them from obtaining an education, and returning to their community to devote their lives to teaching all students.

It is therefore with the greatest pleasure that I join Texas Delta Xi Chapter of Alpha Delta Kappa in honoring Geneva Barrett, Cora Mack, Berniece Smith, Julia Mack (who taught kindergarten at the desegregated Henry O. Tanner); Mary Crecy, Geneva Barrett (both of whom are being honored posthumously) and Mary Dickson who taught at the original Henry O. Tanner School, and sisters Julia and Cora Mack who attended classes on the desegregated H.O. Tanner Campus.

## THE RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT

### HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 19, 2008*

Mr. HARE. Madam Speaker, I rise today in support of H.R. 5140, the Recovery Rebates and Economic Stimulus for the American People Act.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

For 7 years the Bush administration has pursued economic policies that have been focused on making the wealthy in this Nation even wealthier, while ignoring the middle class—the backbone of our Nation.

Only now as the economy is dangerously close to recession, Congress is attempting to take the burden off the backs of those who need the most relief—hard-working American families.

The tax rebates passed in H.R. 5140 will put money back into the pockets of American families, and in turn, back into the American economy.

I am extremely supportive of the Senate amendment, which extended the rebates to 20 million seniors and 250,000 disabled veterans. During this time of economic uncertainty, no one should be left out of this stimulus package.

While today's stimulus package is a good first step to revitalizing our economic well-being, checks in the mail alone are not going to get the job done. Recently, after Maytag and Carhartt, among others, moved their operations from Illinois, yet another plant in my district announced it was closing its doors, costing us another 700 jobs.

My constituents need more than just a check. They need fair trade policies that do not provide incentives for companies to outsource jobs to other countries. My constituents need an overhaul of the Trade Adjustment Assistance program and increased funding in order to establish the safety net they deserve. My constituents need unemployment benefits to help them survive long periods of joblessness exacerbated by an unstable economy. I am extremely disappointed that we missed another opportunity to extend unemployment benefits to millions of Americans who are left out of this stimulus package.

Today's legislation is a good step toward addressing the hardships felt by many Americans, and I am proud to support it. I strongly urge the President to quickly sign this measure into law.

## TRIBUTE TO IRAN "THE BLADE" BARKLEY

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 19, 2008*

Mr. SERRANO. Madam Speaker, I rise today to pay tribute to Mr. Iran Barkley, a towering local hero who defied the odds to reach the pinnacle of professional boxing excellence. Throughout his career, in times of triumph and heartbreak, Iran Barkley showed resilience and indomitable courage in pursuit of greatness. His gritty determination and willingness to stand toe-to-toe in the ring endeared him to fans worldwide, and often disproved critics who believed they were the last word on the outer limits of a fighter's ability.

Born in the South Bronx on May 9, 1960, Mr. Barkley, also known as "The Blade," was the youngest of eight siblings. Mr. Barkley's older sister, Yvonne, was an amateur boxer and lightweight contender in New York; she brought young Iran with her to local gyms as a way to keep him off the street. In the years that followed, under the tutelage of Connie Bryant, Bobby Miles, and with the friendship of another talented young fighter named Davey Moore, young Iran quickly demonstrated considerable in-ring ability. In 1981, Iran won the Empire State Games and was a finalist in the New York State Golden Gloves Competition. By 1982, he had joined the U.S. Amateur Boxing Team and traveled throughout Europe, medaling at the Copenhagen Boxing Club and the World Games in Munich, Germany. Shortly thereafter, Iran "The Blade" Barkley turned pro.

Mr. Barkley began his professional boxing career with an impressive 10–3 record. Through management changes and a controversial loss in his first World Title shot, Mr. Barkley later shocked the boxing world by defeating Tommy "Hitman" Hearns in a third round knockout to become Middle Weight Champion of the World. Mr. Barkley held this title until losing a controversial decision bout to Roberto Duran in what Ring magazine called "The Fight of the Year." Later, in part due to a string of injuries and managerial setbacks, Mr. Barkley's career would ebb and flow, with stunning victories sometimes paired with heartbreaking defeats. All told, however, this Bronx born boxing phenom would go on to be a five time World Champion, winning titles in three weight classes, and holding the distinction of being the only man ever to beat Tommy Hearns twice. In heavily contested and physical bouts, "The Blade's" mettle earned him the respect of his opponents.

His relentless and efficient punching power thrilled boxing enthusiasts around the globe, and his ring accomplishments have left little doubt in the minds of boxing historians as to his abilities and class.

Madam Speaker, each February we honor the contributions of our African American brothers and sisters. We know that one month is hardly enough time to reflect upon the incalculable enrichments that African Americans have made to our nation. However, we also know that each time we pay special tribute to the legacies of African Americans, we move one step closer to fulfilling the promise of a free and equal society. The Bronx has always had, in my view, an embarrassment of riches in its African American community—so many heroes, so many fighters, so many champions of the people. But Iran "The Blade" Barkley is truly a legendary figure. His punching power has been matched only by his staying power in the world of professional sport. Unquestionably, he is an example, for all of us, of what can be accomplished through persistence, will and heart. I ask that my colleagues join me in recognizing a giant in the world of professional boxing, and more, Iran "The Blade" Barkley.

## HONORING MAJOR WILLIAM E. DICKENS

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 19, 2008*

Mr. DAVIS of Kentucky. Madam Speaker, today, I wish to honor a great man and a true American hero.

MAJ William E. Dickens serves as a chaplain in the United States Air Force Reserve. In 2005 and 2007, Major Dickens volunteered and was deployed to support the ongoing military efforts of Operation Iraqi Freedom. He has worked to establish a foundation of support for the troops in that region and continues to provide an invaluable service to military personnel and their families.

Major Dickens served as the senior Protestant chaplain at Kirkuk Regional Air Base in Iraq, providing a comprehensive ministry to more than 3,100 troops during his deployment. In 2005, while serving at Ali Al Salem in Kuwait, Bill visited more than 5,600 soldiers, sailors, airmen and marines. During his service there, he made two convoy trips into Iraq to minister to 800 airmen at Camp Bucca who were without a chaplain. As the chaplain for the 445th Airlift Wing, Major Dickens has spent long hours providing reintegration counseling to service men and their families.

For his great service, Major Dickens was chosen as the Reserve Officers Association 2007 Chaplain of the Year. The Reserve Officers Association is a 70,000-member professional association with representatives from all seven of the uniformed services of the United States. This honor recognizes Chaplain Dickens' extraordinary contributions to the welfare, morale, and effectiveness of the armed services.

On the 12th of February, Chaplain Dickens provided the opening prayer for the House of Representatives. I ask the House to join me in congratulating Major Dickens on receiving this great distinction and in offering him our sincerest thanks for his years of service to our Nation.

## THE STUDENT VETERAN FINANCIAL AID FAIRNESS ACT

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 19, 2008*

Mr. MITCHELL. Madam Speaker, earlier today I introduced the Student Veteran Financial Aid Fairness Act, a bill to exempt service-connected education benefits from being figured into a veteran's financial aid needs.

This Congress has made education one of its top priorities. Last session, I proudly supported the College Cost Reduction and Access Act, which lowers student loan interest rates and increases Pell grants. This is an important step toward making a higher education affordable for all students. I was happy to see the President sign it into law.

Just last week, we continued our commitment to make a higher education more affordable by passing the College Opportunity and Affordability Act. Again, I proudly supported this legislation and was particularly pleased to support the important resources it provides for student veterans.

As a Member of the House Veterans' Affairs Committee, I have spoken to many veterans from my home State of Arizona and all around the country. These veterans have told me about the difficulties they face in readjusting to civilian life and they have consistently told me that the college environment is a good way to ease that transition.

Many student veterans are under different pressures than their non-veteran peers in college. Some have families of their own, some have full-time jobs, and most are a good deal older than the other students on campus. Additionally, many veterans, especially from the wars in Iraq and Afghanistan, are coping with injuries like post traumatic stress disorder and traumatic brain injury.

And making matters worse, the rising cost of higher education is making it more difficult for veterans to go to college.

We promised a higher education to our servicemembers when they joined and it is our responsibility to see that they get it when they become veterans.

This is not the case, right now. When a veteran applies for financial aid using the FAFSA, their G.I. Bill benefits are considered resources, which are then counted against the amount of aid they can receive. My bill would fix that problem and ensure that the G.I. Bill is used as intended, a benefit for military service, as opposed to a means to reduce the amount of student aid our veterans can receive.

The current law prevents student veterans from taking full advantage of Stafford and Perkins Loans, Pell Grants, and Federal Work-study. I believe it is critical that we continue to fight for college affordability, especially when it comes to providing for our veterans.

I think it is wrong to judge the needs of our veterans with the same standard as other students without military service.

I know Mr. FILNER, the Chairman of the House Veterans' Affairs Committee, has made it a priority to reform the G.I. Bill this session, but in the mean time, it is important that we work together as a Congress to fix this financial aid problem.

## HONORING THE LEAGUE OF WOMEN VOTERS

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 19, 2008*

Mr. SESTAK. Madam Speaker, since 1920, the League of Women Voters (LWV) has fought for good government and an engaged, enlightened citizenry.

Founded by Carrie Chapman Catt just six months before the 19th amendment to the U.S. Constitution was ratified and women were afforded the right to vote, this vital organization works tirelessly to protect the democratic process in 50 states, the District of Columbia, Puerto Rico, the Virgin Islands and Hong Kong.

The League began as a "mighty political experiment" to help 20 million women carry out their new responsibilities as voters and encourage them to use their new power to shape public policy. As their mission statement demands, the League of Women Voters is a nonpartisan political organization to encourage informed and active participation in government, increase understanding of major public policy issues, and influence public policy through education and advocacy.

Over its history, the League's legislative priorities have reflected the greatest needs of our society. Our victories in the House and Senate in addressing the concerns of Americans owe much to the efforts of those dedicated patriots of the League of Women Voters.

I would like to congratulate and honor the League of Women Voters on its 78th anniversary. In the 7th Congressional District of Pennsylvania, I am fortunate to represent constituents from Delaware, Montgomery and Chester counties. In our district, the League of Women Voters is superbly represented by Ms. Lora Lavin and Ms. Norma Tower of Swarthmore Pennsylvania, Ms. Rosemary Kessling of Drexel Hill Pennsylvania, Gayla McCluskey of Radnor Pennsylvania, Susan Fields of Kemblesville, Pennsylvania, May Bell Ball of Flourtown, Pennsylvania, Suzanne F. Andrews of Norristown, Pennsylvania and Carol Snow of Bryn Mawr, Pennsylvania.

For their energy, dedication to the highest ideals of democracy and service to their neighbors, I request that we recognize this extraordinary organization and its members for their invaluable contributions to our great nation.

## TRIBUTE TO DEAN MEMINGER MAYO

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 19, 2008*

Mr. SERRANO. Madam Speaker, I rise to honor an important figure in the city of New York, a man whose voice reaches thousands of people, and who has consistently proven himself to be principled and fair in his judgment, Mr. Dean Meminger Mayo. In his professional capacity as a news reporter and anchor for the NY1 network, Mr. Meminger is charged with chronicling major events and other matters of importance to residents of New York. He approaches this work with a poise and professionalism beyond his years, and many have come to view his reporting as an unvarnished source of information upon which they can better comprehend the issues of the day. In his personal history as a native New Yorker, someone who has chosen to make our beloved city his home, we trust that the lens through which he views New York can be at once constructively critical and yet understanding.

Born in Harlem Hospital but raised in the Bronx, Mr. Meminger attended St. Augustine's Elementary School and later Cardinal Spellman High School. A bright and athletically gifted student, Dean was awarded a track and field scholarship to Pace University in Westchester, New York. While at Pace, Dean discovered both his love and talent for media and communications. He joined the college radio station as a disk jockey only to rise quickly to the position of news director. During his senior year of college, Dean interned with the Sports Department of WABC-Eyewitness News, giving him exposure to professional news coverage and cementing his desire to make his mark in this field.

Mr. Meminger got his break in 1995, when he was hired by BronxNet TV as a reporter and substitute news anchor. Then in 1997, Mr. Meminger joined the team at NY1 News, one of the city's most watched cable news channels. Over the past decade while at NY1, he has covered some of the city's biggest stories, bringing to his coverage everything from sharp analysis to compassion, but always with the goal of bringing unbiased and clear reporting to his viewers. Recently, Mr. Meminger played an important role in reporting the events of a tragic house fire in the Bronx that claimed the lives of 9 children in two families of African immigrants. The painful events surrounding this story, coupled with a simultaneous national debate about U.S. immigration policy and enforcement, caused this family's personal loss to become a national story. For days, the whole of New York grieved with this family. And as the grieving process unfolded, Mr. Meminger was on hand to report the developments as they arose, helping us to understand exactly what had occurred and what was yet to come for these families and for their community. Sensitive coverage of wrenching events like the Highbridge fire have become Mr. Meminger's hallmark, but his history as a sought after resource during difficult events dates back to September 11th, 2001 and to the shootings of Amadou Diallo and Sean Bell.

Madam Speaker, Dean Meminger helps us to better understand and reflect upon the fluid state of affairs that we as New Yorkers all must learn to navigate. He is a proud man who possesses a keen intellect and an ever-growing capacity for insight. As an African-American, he inspires us, as people of color, when we see his face on television tackling issues that often cross color lines. The need still exists in America for greater acceptance in our society; for more, not less, tolerance and understanding. By being a positive and thoughtful voice in our city, Dean gains entry into our homes and earns our trust on a daily basis, and this, I am sure, is only a good thing. His profession requires that he not be an advocate for any one issue above another, but by virtue of his person, Dean advocates every day for multiculturalism and pluralism in this city. So on this February day during Black History Month, I ask that my colleagues join me in paying tribute to a man who is not only reporting, but also influencing history, Mr. Dean Meminger Mayo.

# HOUSE OF REPRESENTATIVES—*Thursday, February 21, 2008*

The House met at noon and was called to order by the Speaker pro tempore (Mr. MCGOVERN).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*February 21, 2008.*

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

The Reverend J. Cletus Kiley, President, The Faith & Politics Institute, Washington, DC, offered the following prayer:

Let us be mindful of God's presence.

Loving God, as a Nation, we celebrate these days in memory of two of our great Presidents, the Honorable George Washington and the Honorable Abraham Lincoln. It was Mr. Lincoln, once a Member of this House who, reflecting on Your divine will, wrote, "The will of God prevails. God cannot be for and against the same thing at the same time. And, it is quite possible that God's purpose is something different from the purpose of either party."

Lord, Mr. Lincoln made this meditation on Your divine will in a different context and at a most perilous time in the history of our Nation. The times have changed, but there are newer and different challenges we face. It still behooves us well, as did Mr. Lincoln, to meditate for a moment on Your will and Your purpose.

Before we take up our important business here, may You pour out upon us an ample portion of Your spirit that each of us gathered here may truly discern Your will and purpose. And may we confirm our decisions, our comportment, and our actions accordingly. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. PETERSON) come forward and lead the House in the Pledge of Allegiance.

Mr. PETERSON of Minnesota led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore VAN HOLLEN on Tuesday, February 19, 2008:

H.R. 1216, to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

## ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. VAN HOLLEN, on Tuesday, February 19, 2008:

H.R. 1216. An act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

## ADJOURNMENT

Mr. PETERSON of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Monday, February 25, 2008, at 4 p.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5427. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Cattle; State and Area Classifications; Texas [Docket No. APHIS-2008-0003] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5428. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2 [Docket No. AMS-FV-07-0115; FV08-948-1 FR] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5429. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5430. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Mandatory Reliability Standards for Critical Infrastructure Protection [Docket No. RM06-22-000; Order No. 706] received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5431. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") [RIN: 3084-AB03] received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5432. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-291, "Rhode Island Metro Plaza Revenue Bonds Approval Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5433. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Clarification of NRC Civil Penalty Authority over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities (RIN: 3150-AH59) received February 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5434. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Also Part 1, 6662, 6694, 1.6662-4, 1.6694-2) (Rev. Proc. 2008-14) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5435. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — APPEALS SETTLEMENT GUIDELINE ALL INDUSTRIES LOSSES CLAIMED AND INCOME TO BE REPORTED FROM SALE IN/LEASE OUT (SILO) TRANSACTIONS [UIL: 9300.38-00] received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

5436. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Release of Lien or Discharge of Property [TD 9378] (RIN: 1545-BE35) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5437. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transition Guidance for New Funding Rules and Funding-Related Benefit Limitations under PPA '06 [Notice 2008-21] received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5438. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 411. — Minimum Vesting Standards 26 CFR 1.411(b)-1: Accrued benefit requirements. (Also, 7805; 301.7805-1.) (Rev. Rul. 2008-7) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5439. A letter from the Secretary, Department of Health and Human Services, transmitting a draft of proposed legislation entitled the "Medicare Funding Warning Response Act of 2008"; (H. Doc. No. 110-96); jointly to the Committees on Energy and Commerce, Ways and Means, and the Judiciary and ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MILLER of North Carolina:

H.R. 5476. A bill to extend the temporary suspension of duty on ethofumesate in bulk or mixtures; to the Committee on Ways and Means.

By Mr. SCHIFF:

H.R. 5477. A bill to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the "Chi Mui Post Office Building"; to the Committee on Oversight and Government Reform.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 463: Mr. BRALEY of Iowa.

H.R. 1553: Mrs. GILLIBRAND, Mr. PASTOR, and Mr. NADLER.

H.R. 1992: Mr. ARCURI and Mr. ACKERMAN.

H.R. 2352: Mr. ARCURI, Mr. DEFAZIO, Mr. ORTIZ, and Mr. HONDA.

H.R. 2507: Mr. GINGREY.

H.R. 2604: Ms. SHEA-PORTER.

H.R. 3212: Mrs. DAVIS of California.

H.R. 3609: Mr. SERRANO, Mr. TURNER, Ms. SHEA-PORTER, and Mr. SIRES.

H.R. 3650: Mr. ISSA.

H.R. 3819: Mr. BRALEY of Iowa, Ms. SLAUGHTER, and Mr. SESTAK.

H.R. 4291: Mr. HIGGINS.

H.R. 4829: Mr. LAMPSON.

H.R. 4900: Mr. RAHALL, Mr. PETERSON of Pennsylvania, Mr. ROGERS of Alabama, Mr. WAMP, Mr. BURTON of Indiana, Mr. BISHOP of Utah, Mr. CANTOR, and Mr. CARTER.

H.R. 5475: Mr. ROSKAM, Mr. TANNER, Mr. ROSS, Mrs. TAUSCHER, Mr. MILLER of Florida, and Mrs. EMERSON.

H.J. Res. 12: Mr. ENGLISH of Pennsylvania and Mr. BISHOP of Utah.

H. Con. Res. 278: Mr. ISSA and Mr. COSTA.

H. Res. 939: Mrs. MUSGRAVE.

# EXTENSIONS OF REMARKS

## HONORING BUCKS COUNTY RESIDENT TODD STONE

### HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 21, 2008*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Bucks County resident Todd Stone, the founder of the Gallows Run Watershed Association.

Mr. Stone is an example of how an ordinary citizen can make a change to benefit our entire community. Mr. Stone's involvement with this issue resulted in the establishment of a clean water advocacy group committed to improving our water quality and environment. And that is something we can all be proud of.

The Gallows Hill Watershed Association was founded by Todd Stone in 2002 and consists of representatives from a wide variety of private and government groups, all with the common goal of improving our environment. This group's educational outreach, scientific research and active participation in the legal system effecting local land use have brought key people together with a shared objective.

Madam Speaker, Todd Stone is an extraordinary example of community advocacy. His passion for improving our environment and his tireless community involvement is undeniable. His work is inspiring and I am honored to recognize him for his many accomplishments.

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## RECOGNIZING WILLIAM (BILL) DENNISON

### HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 21, 2008*

Mr. DOOLITTLE. Madam Speaker, today I wish to express my warm thanks, congratulations, and best wishes to William (Bill) Dennison. Mr. Dennison is being recognized by the California Board of Forestry and Fire Protection and will be the recipient of its highest honor, the Francis H. Raymond Award for his 30 years of service and commitment to the California forest industry.

After being raised in rural Northern California, Mr. Dennison earned a bachelor of science degree in forestry from the University of California, Berkeley in 1959. Bill's passion for the forest began while working for the Diamond Match Lumber Company in Stirling City, and within a few short years, he became a registered professional forester.

Mr. Dennison's knowledge and leadership in the forest industry set him apart from others and quickly qualified him to take the reins as the vice president and later president of the California Forestry Association (CFA). During his 14 year tenure, Bill represented the industry both in Sacramento and Washington, DC, and was able to navigate CFA though some of the most difficult forest management issues it ever faced.

Throughout his career, Mr. Dennison has distinguished himself as a visionary leader with the ability to educate the public on the value that California forest products provide. Bill was a critical member of the Quincy Library Group, helped organize the National Forest Counties and Schools Coalition and later served as the executive director of the Sierra Cascade Logging Conference.

Although Mr. Dennison's accomplishments in the forest industry are legendary, his greatest legacy may be his commitment to advancing forestry education programs and creating a network of forest community organizations known as the Alliance for Environment and Resources that are today the model throughout the country.

Most recently, Mr. Dennison served as the Third District supervisor for Plumas County. He quickly became a national leader on resource conservation, water quality and rural management issues while serving as chairman of the Public Lands Steering Committee for the National Association of Counties.

Bill has served on numerous boards and commissions and has received dozens of community and national awards including: the Plaque of Commendation by the National Forest Products Association; Award of Appreciation for Services by the National Forest Counties and Schools Coalition; and my favorite, selected twice with his wife Pat, as the Grand Marshall for the Chester Rotary Club Fourth of July Parade.

It is with deep respect and personal gratitude that I thank Bill Dennison for his service to the forest industry and to the citizens of Northern California.

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## CHI MUI POST OFFICE BUILDING

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 21, 2008*

Mr. SCHIFF. Madam Speaker, I rise today to honor a well-respected and dedicated leader in the 29th Congressional District and a role model in the Asian community, Chi Mui, mayor of the city of San Gabriel. It is with great pride that I introduce a resolution today to pay tribute to Chi Mui, with what may be the first honor of its kind for a Chinese-American, by naming the San Gabriel, California Post Office for him.

Born in Toisan, China, on October 26, 1952, Chi Mui was a man of humble origins whose early experiences enabled him to relate and connect to the Asian community in California. His parents, a seamstress and a cook, left for the United States in 1963 when Chi Mui was 10 and moved to New York City's Chinatown. It was in New York City that Mui learned to speak English and graduated cum laude with a bachelor's degree in civil engineering from Polytechnic University of New York in 1980.

After moving to Southern California in 1980, Chi Mui began working to better the lives of immigrants in the region. Chi Mui's immigrant roots and experiences gave him special insight, wisdom and the ability to connect with the experiences of generations of people who have come to this country and to San Gabriel for a better life. Mayor Mui always recognized, and never failed to pay tribute to, his parents for their sacrifices and encouragement of their children's education and aspirations for the future.

Mui was a key player in the development of 600 units of affordable and senior housing for Chinatown and taught citizenship to help hundreds of legal residents become United States citizens. He led the effort to save the 50-acre "Cornfield" in downtown Los Angeles as open space, was instrumental in organizing the Chinatown Yard Alliance, and successfully obtained $35 million from the state in 2001 to build the first urban state park and community facilities on the Cornfield.

An avid runner and athlete, Chi Mui cofounded the Los Angeles Chinatown Athletic Association Volleyball Club where he coached young people in teamwork and sportsmanship. He also worked to expand existing recreational facilities in the Chinatown community. In recognition of his leadership, he was elected president of the Los Angeles Chinese American Citizens Alliance—twice. The Alliance was founded in 1895 to advocate for equal political, economical and educational opportunities for Chinese-Americans.

Active in local politics early on, he was a field representative for Rep. LUCILLE ROYBAL-ALLARD (D–Los Angeles) when she was in the Assembly, and he worked for former Assemblyman Richard Polanco (D–Los Angeles) and State Sen. Gloria Romero (D–Los Angeles). In March 2003 he made history as the first Asian and Chinese-American to be elected to the San Gabriel City Council since its incorporation in 1913.

In a city where one in every two residents is Asian, Mayor Mui often played an important role as a liaison between the city government and the Asian community and he worked diligently to improve the lives of all residents. As a city councilmember, Chi Mui led the effort to maintain better hours at the county public library in San Gabriel to provide greater access to residents and students without increasing costs. An advocate of parks and open space, the 'greening' of San Gabriel was a personal passion, to which he brought considerable connections and resources. He was instrumental in helping the City obtain an additional $50,000 for the master plan and redesign of Vincent Lugo Park.

Mayor Mui passed away on April 27, 2006 after a courageous battle with cancer. The

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

loss is still being felt by the communities he served and those that had the privilege of working closely with him for the betterment of the region. Although we cannot know how Mayor Mui might have continued to shape lives in the Los Angeles area, I can say with confidence that his work and contributions will always be cherished. Please join me in honoring this devoted public servant by dedicating the San Gabriel Post Office in his name.

## PERSONAL EXPLANATION

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## HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 21, 2008*

Mrs. LOWEY. Madam Speaker, due to illness, I regrettably missed the rollcall votes from February 6th through February 14th. Had I been present, I would have voted in the following manner:

Rollcall No. 29: "yea," rollcall No. 30: "yea," rollcall No. 31: "yea," rollcall No. 32: "yea," rollcall No. 33: "yea," rollcall No. 34: "yea," rollcall No. 35: "yea," rollcall No. 36: "aye," rollcall No. 37: "aye," rollcall No. 38: "aye," rollcall No. 39: "nay," rollcall No. 40: "yea," rollcall No. 41: "yea," rollcall No. 42: "yea," rollcall No. 43: "yea," rollcall No. 44: "yea," rollcall No. 45: "yea," rollcall No. 46: "nay," rollcall No. 47: "nay," rollcall No. 48: "yea," rollcall No. 49: "aye," rollcall No. 50: "aye," rollcall No. 51: "aye," rollcall No. 52: "no," rollcall No. 53: "yea," rollcall No. 54: "aye," rollcall No. 55: "yea," rollcall No. 56: "aye," rollcall No. 57: "yea," rollcall No. 58: "nay," rollcall No. 59: "nay," rollcall No. 60: "aye," rollcall No. 61: "yes". rollcall No. 62: "yes," rollcall No. 63: "yes," rollcall No. 64: "yes," rollcall No. 65: "yes," rollcall No. 66: "yes," rollcall No. 67: "yes," rollcall No. 68: "yes."

# SENATE—*Friday, February 22, 2008*

*(Legislative day of Thursday, February 14, 2008)*

The Senate met at 10:00 and 15 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 22, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

## ADJOURNMENT UNTIL 3 P.M., MONDAY, FEBRUARY 25, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Monday, February 25, 2008, at 3 p.m.

Thereupon, the Senate, at 10:00 and 45 seconds a.m., adjourned until Monday, February 25, 2008, at 3 p.m.

# SENATE—*Monday, February 25, 2008*

The Senate met at 3 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hidden, cleanse the thoughts of our hearts by the inspiration of Your presence.

Lead our Senators, Your chosen servants, as they face their daily responsibilities. Help them to maintain an unsullied integrity. May they regard their public office as a sacred trust, always striving to please You. Guide and guard them through the storms of these challenging times.

Today, as George Washington's words reverberate in this Chamber, remind our lawmakers that leaders must be just and good. Then they will be like the light of the morning when the Sun rises. They will be like the tender grass springing from the Earth, like sunshine after the rain. We pray in the Name of Him who is the light of the world. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 25, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 4, 2008, the Senator from Arkansas, Mr. PRYOR, having been appointed by the Vice President, will now read Washington's Farewell Address, as follows:

Mr. PRYOR, at the rostrum, read the Farewell Address, as follows:

*To the people of the United States:*

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals, that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite movement that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed, in order to give trade a stable course—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that is must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## UNANIMOUS-CONSENT AGREEMENT—S. 1200

Mr. REID. Mr. President, I ask unanimous consent that the previous order with respect to H.R. 1328 be vitiated and that the Senate vote on passage of S. 1200, as amended; further, that any order that would have occurred on passage of H.R. 1328 now be effective on passage of S. 1200, and that all other provisions of previous orders remain in effect.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

## SCHEDULE

Mr. REID. Mr. President, today we have heard the Farewell Address of General Washington.

Today we will debate the remaining pending amendments to the Indian Health Care Improvement Act. At 5:30 this evening, we will have a cloture vote on the substitute amendment and votes in relation to two of the pending germane amendments by Senator DEMINT.

## INDIAN HEALTH CARE

Mr. REID. Mr. President, in the month since this year's congressional session has opened, we have had the ability to focus on some of the domestic priorities our country faces.

Today we turn to the Indian Health Care Improvement Act. Although we often have legitimate disagreements on matters of policy, Senator McCONNELL and members of the Republican Caucus have worked with us in a bipartisan manner on what we believe is a critical piece of legislation that does so much for the Native American community. I appreciate their efforts.

Chairman DORGAN and Senator MURKOWSKI deserve our thanks for their leadership and hard work in managing this legislation.

Chairman BAUCUS and Senator GRASSLEY followed suit, working on a bipartisan basis on provisions to improve the way by which the Indian health care system and tribal recipients can participate more fully in Social Security and the benefits that relate to health in Social Security. Senators KENNEDY, BINGAMAN, KYL, and ENZI spent years working on this legislation. Because of their efforts and those of countless tribal leaders and Federal agency staff, this is legislation that Democrats and Republicans can all support now.

A final word of praise is due to the tribal advocates who stood behind this cause from the beginning: The National Congress of American Indians, the National Indian Health Board, the National Council of Urban Indian Health, the Indian Health Board of Nevada, and other State tribal organizations which have played crucial roles in this legislation. I say with confidence that this bill reflects their priorities, their varied interests, and their solutions to the problems that plague the health care system upon which Native Americans rely.

I was glad to be an original cosponsor of this initiative. Over the past 8 years, my staff and I have had countless meetings with tribal leaders. Now tribal leaders are making clear how this legislation is needed all over the country. It is needed for 30,000 Native Americans living in Nevada and millions living throughout the United States.

Right now, our Native American communities have access to the least adequate health care in America. Far too many Native children are diagnosed with diabetes, suffer from abuse and neglect or die prematurely because of accidents or illness that could have been prevented or cured with basic health care. Far too many adult Indians get lost in a sea of bureaucracy and fail to receive preventive care and other health benefits they need and deserve. We can and must do better, and this legislative initiative will help Federal and tribal health professionals deliver quality care to Native Americans of all ages. It supports the recruitment and retention of doctors, nurses, pharmacists, and other health professionals for Indian health programs. It strengthens and expands health services to American Indians. For the first time, tribes will be allowed to use Federal funds to provide hospice, long-term care and home-based and community-based care for elders and the most vulnerable tribal members. It increases individual access to health services by facilitating third-party reimbursements from private insurance, Medicaid, Medicare, and other Federal health benefit programs. It expressly addresses behavioral health needs of adults and children by authorizing programs to address suicide, substance abuse, sexual abuse, and domestic violence programs affecting some communities and households. It furthers tribal self-determination sovereignty by authorizing consultation and rulemaking on important programs affecting health delivery and access.

Chairman DORGAN has often said America spends more on health care, per person, on Federal prisoners than on Native Americans. Senator DORGAN has said that many times. This bill is only part of the solution, but it is a critical first step. I urge all my colleagues to finish work and approve this bill in the same spirit of bipartisan cooperation it has seen from the beginning.

Millions of our first Americans await our action. Let's quickly pass this bill and send it to the President for his signature. We must let our country's Native Americans know they are not forgotten and that we will deliver them the care they have earned.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## FISA

Mr. McCONNELL. Mr. President, this is going to be a very busy few weeks and a very important few weeks. First, we have to complete the Indian health bill. Then we will have a debate on progress in Iraq. After the Iraq debate, we will turn to the economy and home ownership, and then the annual budget debate when the two parties put their priorities on the table.

So in the midst of an extremely consequential Presidential race, the Senate will debate some of the most important issues of the day, including terrorism and the economy.

But the debate over FISA—the Terrorist Surveillance Act—should be over. A bipartisan majority in the Senate has already voted to revise and extend our Nation's foreign intelligence surveillance program. A majority in the House, we know—a bipartisan majority—supports the Senate bill, and the Director of National Intelligence says our ability to track terrorists was weakened by the House leadership's failure to act.

This failure to act on FISA has weakened our ability to track terrorists. For the safety of the American people, the House needs to take up the Senate bill that got 68 votes in the Senate, and it should do so without further delay.

Two competing plans for moving America forward will be on vivid display over the next few weeks. The two parties will make their case on the issues that matter most. Republicans are ready and eager for the debate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the minority leader of the Senate, Senator McCONNELL, for making that statement, but I would like to amend it. I would like to add something he failed to add and failed to advise the Senate.

We offered to extend the terrorist surveillance law. We said there shouldn't be any gap in terms of the efforts of the United States to monitor these conversations. We made a repeated effort on the floor of the Senate to extend the law. Each and every time we offered to extend the law, an objection was heard from either Senator McCONNELL or another person on the Republican side. It appears this is not about the security advantage of the United States in fighting terrorism but about some political advantage that if this law appears to lapse, they believe they can make some political gain, I guess. That is the only thing I can deduce is their reason; otherwise, they would have extended this important law, but the decision was made by the Republican leadership not to extend the law. I don't know why. We tried. We will continue to try, and we will continue to try to work out an agreement between the House and the Senate to make certain America is safe.

## TRAGEDY AT NORTHERN ILLINOIS UNIVERSITY

Mr. DURBIN. Mr. President, about 60 miles west of the city of Chicago is the city of DeKalb, IL. DeKalb is a town of great historic importance not only in our State but to our Nation. Many years ago in DeKalb, they invented barbed wire. It sounds like a small matter, but it turned out to be a major part of the settling of the Western part of the United States. The town of DeKalb grew up around the farms that provided not only produce but jobs, and eventually gave birth to a great university: Northern Illinois University. Last night I was at that university. I went into the convocation hall there, to a gathering that was called together to memorialize a terrible tragedy.

On February 14, as this Senate was leaving Washington, we heard word that a shooter had come on campus, gone into a lecture hall and opened fire, wounding a score of students and killing five. It is hard to imagine. It is hard to imagine that a tragedy would take place at that great university. Today, Senator OBAMA and I are introducing a resolution expressing our condolences and the condolences of the Senate to all those affected by this tragedy.

If my colleagues have ever been to that campus, they know that under normal circumstances, it is the picture-perfect American university campus. On any day, you are going to find thousands of students and faculty in their classrooms and research labs, on athletic fields and in the dorms, eating pizza, studying, stuck in front of their computers, going through the happiest moments of their lives. I look back, as many of us do, on my college days, and realize what a good time it was, meeting all those wonderful new people, being challenged, learning so many important things, and making friendships that last a lifetime.

Tragically, for many of those students on the campus of Northern Illinois University on February 14, that atmosphere and that environment changed. They were literally running for the exits of that lecture hall as this man stood before them, repeatedly firing handguns and a shotgun, killing their fellow students. Within minutes, the campus police were there. No one has questioned the response to this tragedy, nor should they. There was a good plan in place to deal with it. They executed the plan, but when they arrived, it was too late. Students had already been shot and wounded. Five students died and seventeen were wounded. We mourn their loss.

It is interesting, because in a circumstance such as this, we come to know the victims and their families. Gayle Dubowski of Carol Stream, IL. She was a devout member of her church. She sang in the church choir. She worked as a camp counselor and volunteer in rural Kentucky. When her parents went to her dorm room after she had been killed, they found the Bible open on her bed. Her faith was very important to her life.

Catalina Garcia, of Cicero, a first-generation American. Her parents are from Mexico. She wanted to make them proud. She was her family's princess, her family said, and their inspiration. She wanted to be a teacher. She always had a smile on her face. If you saw the photograph they used in most of the newspapers, you saw her beautiful smile.

Julianna Gehant of Mendota, IL. What a great story. She spent 12 years of her life in the U.S. Army, serving overseas and serving her Nation. She was in the Army Reserves. She went on to Northern Illinois to become a teacher.

Ryanne Mace, of Carpentersville, a much-loved only child who was rarely without a smile, and her dream was to be a counselor, to help those in need.

Daniel Parmenter of Westchester, known as "Danny," a 6-foot-5-inch rugby player, known as the gentle giant by all of his friends. He was a man who was sitting in that lecture hall next to his new girlfriend. He was going to give her a silver necklace the day after this shooting. It never happened. He died trying to protect his girlfriend from the gunfire, and she was able to survive.

On February 14, five beautiful lives ended in Cole Hall, a lecture hall at Northern Illinois University. Last night at the gathering there were 10,000 people filling the university center. Senator OBAMA was there. We had four Members of our House delegation from Illinois. I was glad they came: Congressman DON MANZULLO, Congressman PETER ROSKAM, Congresswoman MELISSA BEAN, and Congressman RAHM EMANUEL. The Governor of our State was there and many other State officials.

What struck me as touching was that as soon as we entered this hall, it was to silence; 10,000 people sitting in silence at this memorial tribute. Prayers were offered, as they should be, for the families of those who died and for the families of those who were wounded and are still recovering. They should not be forgotten. We wish them a speedy recovery. But we also commended the emergency responders, the law enforcement officers, the health care providers. They were there on February 14, and they did what they promised they would do: Everything they could to save lives and heal the wounded. They were trained, they were prepared, and they responded with courage. The toll from this shooting could have been worse if it wasn't for their efforts.

I wish to also acknowledge President John Peters of Northern Illinois University and the entire administration. The program last night was a beautiful program which they organized, but even more important was the work they have done since February 14 to bring that campus back together.

Today, classes resumed at Northern Illinois University. Lessons were being taught. But last night, we gathered at the memorial service to reflect on the lessons of life we have learned from February 14. First, we thanked all those across America who have joined us in expressing sympathy for our loss and solidarity of purpose for our future. From the moment that news spread about this tragedy in DeKalb, IL, America has been standing with the Northern Illinois University community.

This tragedy is a terrible reminder that we in Congress have work to do to make our campuses and our country safer. We need to do all that we can to make schools a safe place. When we grew up, we always thought school was the safest place one could be. Now look what we face.

Last April, Senator OBAMA and I introduced campus safety legislation in response to the Virginia Tech shootings. The Presiding Officer certainly knows the pain and sorrow and the grief that were associated with that tragedy. Key parts of that legislation will reach the President's desk soon as part of the Higher Education Act reauthorization. I hope these new measures Senator OBAMA and I are supporting will allow campuses and universities to think of ways to make those environments safer for students and everyone who visits in the future.

But we also need to take a look at two controversial issues. We need to take a look at gun violence. There is an epidemic of gun violence in our Nation. We have reached the point in Congress where we don't talk about it, or if we do, it is in hushed tones. There is almost a feeling of inevitability that because there are 300 million guns in America, there is nothing we can do about it. We get tied up in political knots, every time we discuss it, about whether we are going too far, infringing on constitutional rights, or whether we are going far enough to spare innocent victims such as these five college students.

In America, every day, we lose 81 people who die from gun violence. 30,000 Americans die every year from gun violence, which is more than twice as many as die from HIV/AIDS. That doesn't count the 176 people who are wounded every day in this country by gunfire. It is of epidemic proportions. No matter where you are, where you live, or how safe you think you are, any of us could be among the dozens of victims each day who end up on the wrong side of a gun.

Just a few months ago, I was invited to speak at a memorial service for a little girl who was killed near Logan Square in Chicago. She was playing on a playground and got caught in the crossfire of gang violence. The gangs started shooting at one another, and this little girl was killed. Her mother could hardly stand, as she was sobbing uncontrollably, even days after it occurred. As I went up to say a few words, the minister said to me, "Don't bring up the gun control issue, it's too controversial." I reflected on that for a long time, and I abided by his wishes and the wishes of the family not to bring it up. But that is an indication of the fact that we cannot even talk about it. We cannot talk about reasonable ways so that guns don't get in the hands of people who will misuse them.

The vast majority of people who own guns in America obtain them legally and use them legally and responsibly. We should do everything we can to protect their rights under our laws to continue to use guns in a safe and legal manner, for sporting purposes or self-defense. But we know—even gun owners know—there are people buying guns at this very minute who have an intent in mind of killing innocent people. This great Nation has to do a better job of keeping those guns out of the hands of those who would misuse them.

The second issue is equally challenging; it is the issue of mental illness. It is ironic that 30 years ago a young boy whom I knew in my hometown of East St. Louis, IL—and I had known him since he was a 2-year old—grew up, graduated high school, and went away to Northern Illinois University. He was gone 5 weeks, and he was sent home. We started asking, "Why did Gary come back? What happened?" We never got the full story until a few months later. When Gary went up to Northern Illinois University, for the first time in his life, he exhibited problems with mental illness, serious mental illness. They decided it was in his best interest for him to go home. And he did. He had a serious problem. Unfortunately, it troubled him for his entire life before he died. It first exhibited itself on that college campus. That is not unusual. Many people who leave their homes for the first time—leave the shelter and comfort of the home environment and head out to a new place, like a new campus or university, move into a dorm room—have a problem that exhibits itself for the first time. When we talk to those who are leaders of universities, they say they offer counseling and try to find the students who need help.

In times gone by, in worst-case scenarios, many students took their lives. The suicide rate on college campuses is higher than people talk about.

Now there is a new element. I spoke to the president of a major university in Illinois about mental illness among the college population. He said that, in years gone by, a student would take his life and it was a tragedy for the school and their family. But now this is a new era, where that student buys a firearm and wants to take others with him. This university president said, "I don't understand. I don't know if it is the video games or the movies or whatever it is; but this idea that you will shoot innocent people before you kill yourself, as this gunman did at Northern Illinois University—this is a challenge for all of us."

We have to first understand that mental illness is an illness and not a curse. It can be treated successfully in the vast majority of cases. We need to enact the Mental Health Parity Act so that more people have mental health protection as part of their health plans. We have to offer counseling for students and people who need a helping hand in this circumstance. We have to understand that the college campus can be an especially important place to focus our resources. We have to encourage students to move into those resources and get help. We cannot penalize or stigmatize them for fear that they won't seek help. But we also have to be protective of the innocent people around them and to understand that at some point you have to draw a line and say this person is now in an unstable or dangerous situation, should never be allowed a firearm, and needs to be at least monitored carefully, if not some other action taken.

This is a difficult issue because for many years we didn't talk honestly and responsibly about mental health. We should. The shooter of these innocent students at Northern Illinois University obviously was suffering from some form of mental illness. I don't know if it could have been traced ahead of time and acted upon, but we have to think about the future and what we can do.

After the shootings at NIU, a group of parents whose children died at Virginia Tech wrote to the newly bereaved parents at NIU to offer their support. Those parents are now joined together by a bond that no parent ever wants to share. The letter from the Virginia Tech parents is posted on the Web site of Northern Illinois University. The question facing us now is, how much larger will we allow the circle of grief to become? How many more support groups will be formed by those who lose someone they love in school and on a campus?

We know guns and mental illness are controversial issues, but we also know that five of the finest young men and women you could ever ask for were taken from us on February 14. If there is any way we could have prevented their loss, we need to find it.

In the days and weeks to come, the victims of the shooting will be in our thoughts and prayers. We stand in solidarity with the Huskies of Northern Illinois University, the students, faculty, the staff, and the members of the families as they mourn their losses and recover from this tragic incident.

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## EXPRESSING THE CONDOLENCES OF THE SENATE TO THOSE AFFECTED BY THE DEVASTATING SHOOTING INCIDENT OF FEBRUARY 14, 2008, AT NORTHERN ILLINOIS UNIVERSITY IN DEKALB, ILLINOIS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 458, which was submitted earlier today by myself and Senator OBAMA.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 458) expressing the condolences of the Senate to those affected by the devastating shooting incident of February 14, 2008, at Northern Illinois University in DeKalb, Illinois.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD at the appropriate place as if read.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 458) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 458

Whereas, on Thursday, February 14, 2008, a gunman entered a lecture hall on the campus of Northern Illinois University and opened fire on the students assembled there;

Whereas the gunman took the lives of 5 students and wounded 17 more;

Whereas the 5 students who lost their lives that day were—

(1) Gayle Dubowski, age 20, of Carol Stream, Illinois, a devout member of her church who sang in the church choir and worked as a camp counselor and volunteer in rural Kentucky;

(2) Catalina "Cati" Garcia, age 20, of Cicero, Illinois, a first-generation American who had hoped to be a teacher, was her family's "princess" and inspiration, and was rarely seen without a beaming smile;

(3) Julianna Gehant, age 32, of Mendota, Illinois, who dreamed of becoming a teacher, and who had spent more than 12 years in the United States Army and Army Reserve serving our Nation and saving money for college;

(4) Ryanne Mace, age 19, of Carpentersville, Illinois, a much-loved only child who was rarely without a warm smile and hoped to be a counselor so she could help others; and

(5) Daniel Parmenter, age 20, of Westchester, Illinois, "Danny" to his friends, a 6-foot, 5-inch rugby player with a gentle spirit and a bright future, who died trying to protect his girlfriend from gunfire;

Whereas the Northern Illinois University Police Department, the Police Departments of DeKalb, Sycamore, Aurora, Batavia, Cortland, Galesburg, Genoa, Geneva, Mendota, St. Charles, Rockford, and the Village of Winnebago, the Conservation Police, the Sheriff's Offices of DeKalb County, Winnebago County, and Kane County, the Kane County Bomb Squad, the Illinois State Police, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Reach/Air Angel, Flight for Life, Life Line, the Salvation Army, and the Fire and Emergency Medical Services Departments of DeKalb, Sycamore, Cortland, Malta, Maple Park, Rochelle, Hampshire, Burlington, Shabbona, Hinckley, Genoa-Kingston, Waterman, Elburn, St. Charles, Ogle-Lee, Kaneville, Sugar Grove, North Aurora, and Somonauk responded to the emergency promptly and assisted capably in the initial crisis and the subsequent investigation;

Whereas the emergency responders and the doctors, nurses, and other health care providers at Kishwaukee Community Hospital, Saint Anthony Medical Center, Good Samaritan Hospital, Rockford Memorial Hospital, and Northwestern Memorial Hospital provided professional and dedicated care to the victims;

Whereas hundreds of volunteer counselors from Illinois and across the Nation have come to Northern Illinois University to assist the campus community;

Whereas the students, faculty, staff, and administration of Northern Illinois University, the people of the city of DeKalb and the State of Illinois, and all Americans have mourned the victims of this tragedy and have offered support to the victims' friends and families and to the greater Northern Illinois University community;

Whereas Northern Illinois University has established a scholarship fund to honor the memory of the students slain in the February 14 tragedy; and

Whereas the Northern Illinois University community is determined to move "forward, together forward", in the words of the Huskie fight song, and to persevere through this tragedy with heavy hearts but unbroken spirits: Now, therefore, be it

*Resolved,* That the Senate—

(1) expresses its sincere condolences to the families, friends, and loved ones of those who were killed in the tragic shooting on February 14, 2008, at Northern Illinois University in DeKalb, Illinois: Gayle Dubowski, Catalina Garcia, Julianna Gehant, Ryanne Mace, and Daniel Parmenter;

(2) extends its support and prayers to those who were wounded and wishes them a speedy recovery;

(3) commends the emergency responders, law enforcement officers, healthcare providers, and counselors who performed their duties with professionalism and dedication in response to the tragedy;

(4) reaffirms its commitment to helping ensure that schools, colleges, and universities in the United States are safe and secure environments for learning; and

(5) expresses its solidarity with Northern Illinois University and its students, faculty, staff, and administration as they mourn their losses and as they recover from this tragic incident.

## INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1200, which the clerk will state by title.

A bill (S. 1200) to amend the Indian Health Care Improvement Act to revise and extend that act.

Pending:

Vitter amendment No. 3896 (to amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service.

Dorgan amendment No. 3899, in the nature of a substitute.

Smith amendment No. 3897 (to amendment No. 3899), to modify a provision relating to development of innovative approaches.

Murkowski (for DeMint) amendment No. 4015 (to amendment No. 3899), to authorize the Secretary of Health and Human Services to establish an Indian health savings account demonstration project.

Murkowski (for DeMint) amendment No. 4066 (to amendment No. 3899), of a perfecting nature.

Murkowski (for DeMint) amendment No. 4070 (to amendment No. 3899), of a perfecting nature.

Murkowski (for DeMint) amendment No. 4073 (to amendment No. 3899), of a perfecting nature.

DeMint amendment No. 4080 (to amendment No. 4070), to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the city of Berkeley, CA, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my understanding is that we have a cloture vote that will begin at 5:30 this evening. I know Senator DEMINT has two amendments he intends to offer this evening. We expect to have votes on those amendments. I have an opening statement I wish to give for a short period, and I will defer on that. Senator KYL wishes 10 minutes to speak, with 5 minutes on the bill and 5 minutes, I believe, in morning business. I don't want to disadvantage either of my colleagues. I want to comment about the legislation.

We are finally, at long last, going to pass an Indian Health Care Improvement Act. It has been 8 long years. It is long past due. By tomorrow midday, we will have disposed of all of the amendments, and having succeeded in invoking cloture, we will have finally done something that will give cause for millions of Americans to celebrate in this country for the first time in a long time—an improvement in Indian health and Indian health care.

Mr. President, Senator KYL has asked that he be allowed to speak for 5 minutes at this point. I ask unanimous consent that Senator KYL be recognized, following which I would like to speak—and I will make it short—and then Senator DEMINT will be recognized. I notice that the ranking member, Senator MURKOWSKI, is on the floor as well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, first of all, I will address an amendment to the underlying Indian health bill. It is amendment No. 3897, offered by my friend from Oregon. It is an amendment which I hope my colleagues will reject.

This is an amendment that deals with the way in which moneys are disbursed for health facility construction on Indian reservations. For those of us who represent the majority of our Native American population in the United States, this is a very important proposition because most of the construction, as you could imagine, is on the Indian reservations in the Southwest—in particular, Arizona, New Mexico, and, to a lesser extent, some of the other States. It is wrong, therefore, to try to change the formula by which funding is allocated for construction of these facilities to a broader based around-the-country formula rather than based upon the population we are trying to serve. As a result, I think my colleagues should oppose the amendment.

It is helpful that the amendment is not mandatory but, rather, provides that the Secretary can use what is called an "innovative approach" and distribute funding equally among the Indian health care regions rather than target funding to areas where the health care services are needed the most. But it still doesn't make sense to try to use this Indian construction funding as kind of a honey pot of money for everybody to share in equally when certain key areas have the bulk of the need based upon their population. I think this priority based upon need is a much more sensible way to serve our Indian population.

I disagree that the area distribution fund is the answer. It will turn the current process upside down. It would disrupt pending projects. While it may be well intentioned, the amendment doesn't ensure that Federal dollars will be appropriately allocated based upon the greatest health care needs of the individual members of the tribes. Therefore, I urge my colleagues to oppose that amendment.

### THE FISA LEGISLATION

Mr. President, I wish to take 2 minutes to address the matter dealt with by my counterpart on the majority side a little while ago, legislation we will presumably have to deal with again—certainly the House of Representatives will—and that is the FISA

Act legislation. I wish to put a couple of things in the RECORD. I will explain what they are, and then I will ask consent to do that.

As you know, the Senate has passed this important FISA legislation. The legislation will enable us to continue to collect foreign intelligence on our terrorist enemies. We are waiting for the House of Representatives to act on that legislation so that it can be sent to the President for signature.

There has been some confusion about what the effect of the failure of the House to act really is, because the House allowed the current law to lapse. The person who ought to know what the effect is is Admiral McConnell, the Director of National Intelligence, who joined with Attorney General Mukasey in writing a letter to the chairman of the House Permanent Select Committee on Intelligence, dated February 22, in which he addressed the significant concerns we have, given the fact that there is no current law that enables us to appropriately collect this intelligence.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 22, 2008.

Hon. SILVESTRE REYES,
*Chairman, House Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.*

DEAR CHAIRMAN REYES: The President asked us to respond to your letter of February 14, 2008, concerning the urgent need to modernize the Foreign Intelligence Surveillance Act of 1978 (FISA). Your assertion that there is no harm, in allowing the temporary authorities provided by the Protect America Act to expire without enacting the Senate's FISA reform bill is inaccurate and based on a number of misunderstandings concerning our intelligence capabilities. We address those misunderstandings below. We hope that you find this letter helpful and that you will reconsider your opposition to the bill passed last week by a strong bipartisan majority in the Senate and, when Congress returns from its recess, support immediately bringing the Senate bill to the floor, where it enjoys the support of a majority of your fellow members. It is critical to our national security that Congress acts as soon as possible to pass the Senate bill.

### INTELLIGENCE COLLECTION

Our experience since Congress allowed the Protect America Act to expire without passing the bipartisan Senate bill demonstrates why the Nation is now more vulnerable to terrorist attack and other foreign threats. In our letter to Senator Reid on February 5, 2008, we explained that: "the expiration of the authorities in the Protect America Act would plunge critical intelligence programs into a state of uncertainty which could cause us to delay the gathering of, or simply miss, critical foreign intelligence information." That is exactly what has happened since the Protect America Act expired six days ago without enactment of the bipartisan Senate bill. We have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act. Because of this uncertainty, some partners have reduced cooperation. In particular, they have delayed or refused compliance with our requests to initiate new surveillances of terrorist and other foreign intelligence targets under existing directives issued pursuant to the Protect America Act. Although most partners intend to cooperate for the time being, they have expressed deep misgivings about doing so in light of the uncertainty and have indicated that they may well cease to cooperate if the uncertainty persists. We are working to mitigate these problems and are hopeful that our efforts will be successful. Nevertheless, the broader uncertainty caused by the Act's expiration will persist unless and until the bipartisan Senate bill is passed. This uncertainty may well continue to cause us to miss information that we otherwise would be collecting.

Thus, although it is correct that we can continue to conduct certain activities authorized by the Protect America Act for a period of one year from the time they were first authorized, the Act's expiration has and may well continue to adversely affect such activities. Any adverse effects will result in a weakening of critical tools necessary to protect the Nation. As we explained in our letter to Senator Reid, expiration would create uncertainty concerning: The ability to modify certifications and procedures issued under the Protect America Act to reflect operational needs and the implementation of procedures to ensure that agencies are fully integrated protecting the Nation; The continuing validity of liability of protection for those who assist us according to the procedures under the Protect America Act; The continuing validity of the judicial mechanism for compelling the assistance of private parties needed to protect our national security; The ability to cover intelligence gaps created by new communication paths or technologies.

Our experience in the past few days since the expiration of the Act demonstrates that these concerns are neither speculative nor theoretical: allowing the Act to expire without passing the bipartisan Senate bill has had real and negative consequences for our national security. Indeed, this has led directly to a degraded intelligence capability.

It is imperative that our intelligence agencies retain the tools they need to collect vital intelligence information. As we have explained before, the core authorities provided by the Protect America Act have helped us to obtain exactly the type of information we need to keep America safe, and it is essential that Congress reauthorize the Act's core authorities while also extending liability protection to those companies who assisted our Nation following the attacks of September 11, 2001. Using the authorities provided in the Protect America Act, we have obtained information about efforts of an individual to become a suicide operative, efforts by terrorists to obtain guns and ammunition, and terrorists transferring money. Other information obtained using the authorities provided by the Protect America Act has led to the disruption of planned terrorist attacks. The bipartisan Senate bill would preserve these core authorities and improve on the Protect America Act in certain critical ways, including by providing liability protection to companies that assisted in defending the country after September 11.

In your letter, you assert that the Intelligence Community's ability to protect the Nation has not been weakened, because the Intelligence Community continues to have the ability to conduct surveillance abroad in accordance with Executive Order 12333. We respectfully disagree. Surveillance conducted under Executive Order 12333 in a manner that does not implicate FISA or the Protect America Act is not always as effective, efficient, or safe for our intelligence professionals as acquisitions conducted under the Protect America Act. And, in any event, surveillance under the Protect America Act served as an essential adjunct to our other intelligence tools. This is particularly true in light of the changes since 1978 in the manner in foreign targets with speed and agility. If we revert to a legal framework in which the Intelligence Community needs to make probable cause showings for foreign terrorists and other national security threats located overseas, we are certain to experience more intelligence gaps and miss collecting information.

You imply that the emergency authorization process under FISA is an adequate substitute for the legislative authorities that have lapsed. This assertion reflects a basic misunderstanding about FISA's emergency authorization provisions. Specifically, you assert that the National Security Agency (NSA) or the Federal Bureau of Investigation (FBI) "may begin surveillance immediately" in an emergency situation. FISA requires far more, and it would be illegal to proceed as you suggest. Before surveillance begins the Attorney General must determine that there is probable cause that the target of the surveillance is a foreign power or an agent of a foreign power and that FISA's other requirements are met. As explained above, the process of compiling the facts necessary for such a determination and preparing applications for emergency authorizations takes time and results in delays. Again, it makes no sense to impose this requirement in the context of foreign intelligence surveillance of targets located overseas. Because of the hurdles under FISA's emergency authorization provisions and the requirement to go to the FISA Court within 72 hours, our resource constraints limit our use of emergency authorizations to certain high-priority circumstances and cannot simply be employed for every foreign intelligence target.

It is also inaccurate to state that because Congress has amended FISA several times, there is no need to modernize FISA. This statement runs counter to the very basis for Congress's passage last August of the Protect America Act. It was not until the passage of this Act that Congress amended those provisions of FISA that had become outdated due to the communications revolution we have experienced since 1978. As we explained, those outdated provisions resulted in dangerous intelligence gaps by causing constitutional protections to be extended to foreign terrorists overseas. It is critical that Congress enact long-term FISA modernization to ensure that the Intelligence Community can collect effectively the foreign intelligence information it needs to protect the Nation. The bill passed by the Senate would achieve this goal, while safeguarding the privacy interests of Americans.

### LIABILITY PROTECTION

Your assertion that the failure to provide liability protection for those private-sector firms that helped defend the Nation after the September 11 attacks does not affect our intelligence collection capability is inaccurate and contrary to the experience of intelligence professionals and to the conclusions the Senate Select Committee on Intelligence reached after careful study of the matter. It also ignores that providing liability protection to those companies sued for answering their country's call for assistance in the aftermath of September 11 is simply the right thing to do. Through briefings and documents, we have provided the members of your committee with access to the information that shows that immunity is the fair and just result.

Private party assistance is necessary and critical to ensuring that the Intelligence Community can collect the information needed to protect our country from attack. In its report on S. 2248, the Intelligence Committee stated that "the intelligence community cannot obtain the intelligence it needs without assistance" from electronic communication service providers. The Committee also concluded that "without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation. The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation." Senior intelligence officials also have testified regarding the importance of providing liability protection to such companies for this very reason.

Even prior to the expiration of the Protect America Act, we experienced significant difficulties in working with the private sector because of the continued failure to provide liability protection for such companies. These difficulties have only grown since expiration of the Act without passage of the bipartisan Senate bill, which would provide fair and just liability protection. Exposing the private sector to the continued risk of billion-dollar class action suits for assisting in efforts to defend the country understandably makes the private sector much more reluctant to cooperate. Without their cooperation, our efforts to protect the country cannot succeed.

PENDING LEGISLATION

Finally, as you note, the House passed a bill in November to amend FISA, but we immediately made clear that the bill is unworkable and unacceptable. Over three months ago, the Administration issued a Statement of Administration Policy (SAP) that stated that the House bill "falls far short of providing the Intelligence Community with the tools it needs to collect effectively the foreign intelligence information vital for the security of the Nation" and that "the Director of National Intelligence and the President's other senior advisers would recommend that the President veto the bill." We adhere to that view today.

The House bill has several grave deficiencies. First, although numerous senior intelligence officials have testified regarding the importance of affording liability protection for companies that assisted the Government in the aftermath of September 11, the House bill does not address the critical issue of liability protection. Second, the House bill contains certain provisions and serious technical flaws that would fatally undermine our ability to collect effectively the intelligence needed to protect the Nation. In contrast, the Senate bill deals with the issue of liability protection in a way that is fair and that protects the national security. In addition, the Senate bill is carefully drafted and has been amended to avoid technical flaws similar to the ones in the House bill. We note that the privacy protections for Americans in the Senate bill exceed the protections contained in both the Protect America Act and the House bill.

The Department of Justice and the Intelligence Community are taking the steps we can to try to keep the country safe during this current period of uncertainty. These measures are remedial at best, however, and do not provide the tools our intelligence professionals need to protect the Nation or the certainty needed by our intelligence professionals and our private partners. The Senate passed a strong and balanced bill by an overwhelming and bipartisan margin. That bill would modernize FISA, ensure the future cooperation of the private sector, and guard the civil liberties we value. We hope that you will support giving your fellow members the chance to vote on this bill.

Sincerely,

MICHAEL B. MUKASEY,
*Attorney General.*
J.M. MCCONNELL,
*Director of National Intelligence.*

Mr. KYL. Mr. President, in addition to that, the Department of Justice has issued a news release dated February 23 that is titled "Statement by the Department of Justice and the Office of the Director of National Intelligence Regarding Cooperation with Private Partners," which press release makes it very clear that we are having a very difficult time in dealing with the telecommunications companies that are assisting the U.S. Government in the absence of a law which properly provides for liability protection for them and sets out the ground rules for their intelligence collection.

I ask unanimous consent to have printed in the RECORD the statement to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE DEPARTMENT OF JUSTICE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE REGARDING COOPERATION WITH PRIVATE PARTNERS

As stated in the joint letter from the Attorney General and the Director of National Intelligence dated February 22, the Department of Justice and the Intelligence Community have been working assiduously to mitigate the effects of the uncertainty caused by the failure to enact long-term modernization of the Foreign Intelligence Surveillance Act of 1978. We learned last night after sending this letter that, as a result of these efforts, new surveillances under existing directives issued pursuant to the Protect America Act will resume, at least for now. We appreciate the willingness of our private partners to cooperate despite the uncertainty. Unfortunately, the delay resulting from this discussion impaired our ability to cover foreign intelligence targets, which resulted in missed intelligence information. In addition, although our private partners are cooperating for the time being, they have expressed understandable misgivings about doing so in light of the on-going uncertainty and have indicated that they may well discontinue cooperation if the uncertainty persists. Even with the cooperation of these private partners under existing directives, our ability to gather information concerning the intentions and planning of terrorists and other foreign intelligence targets will continue to degrade because we have lost tools provided by the Protect America Act that enable us to adjust to changing circumstances. Other intelligence tools simply cannot replace these Protect America Act authorities. The bipartisan Senate bill contains these authorities, as well as liability protection for those companies who answered their country's call in the aftermath of September 11. We hope that the House will pass this bill soon and end the continuing problems the Intelligence Community faces in carrying out its mission to protect the country.

Mr. KYL. Finally, Mr. President, the Director of National Intelligence, Admiral McConnell, was on a television program in which he made some points related to this issue. Among other things, he said:

> We cannot do this mission, we cannot do this activity without the help of the private sector.

Upon expiration of the Protect America Act "the private sector partner said, 'Well, wait a minute, are we now protected?' So we went through a discussion for the entire week. Now, this is the problem. We may have the authority to conduct surveillance, and we do, for example, on al-Qaida, but you can't make that actionable if you don't have something specific to load in our systems to target. So when we wanted to load new information, the private partners said, 'We're not prepared to do that.' So we negotiated all week to be able to come to closure."

The point he is making is, we are in a situation right now of grave vulnerability. Intelligence is not being collected, so there is no law under which it can be collected. The private parties with whom we must work to collect that intelligence are in a position of great vulnerability because of lack of liability protection, as a result of which there can undoubtedly arise a question as to whether they will continue to be able to perform this service for us. That is why we ask the House of Representatives to take up the Senate-passed legislation and to pass it as soon as possible and send it to the President so this vulnerability of which the Director has spoken can come to an end and we can resume collection of intelligence on our terrorist enemies.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will make a few comments, and then Senator DEMINT, by unanimous consent, will be recognized. He will have the time that he desires to speak about his two amendments that we will vote on this evening.

I begin quickly by saying that we have had a lot of help to get this bill this far: Senator REID, first of all, for allowing us and being persistent in getting this bill to the floor and to keep it here. Senator KYL has worked closely with us. Senator MURKOWSKI, the ranking member, has worked very hard to help me get this bill from our committee to the floor. Senator KENNEDY and Senator ENZI and so many others have worked with us to try to make a difference on this legislation.

Let me describe why there is an urgency. We have a trust responsibility for Indian health care. That is different from other responsibilities. A trust responsibility means we took the land from the indigenous Americans, from the first Americans. We took their land but signed treaties and said: Tell you what, we will give you a deal. Here is our responsibility: We will provide health care for you. That was interpreted much later as a trust responsibility.

Let me show what we do on Indian health care compared to other responsibilities we have. This describes how much we spend per person on Medicare, veterans, Medicaid, and so on. We actually spend twice as much money to provide health care for Federal prisoners, those incarcerated in Federal prisons, as we do to meet our responsibility for health care for American Indians. We have a responsibility for both, but we spend twice as much for Federal prisoners' health care as we do for American Indians.

It is not as if there is not a need. American Indians have a 600 percent higher rate of tuberculosis, a 510 percent rate of alcoholism, and diabetes is off the charts. There are about one-third of doctors for Indians versus other populations, and one-fourth of nurses for Indians as other populations. There is a much higher rate of sudden infant death syndrome. Cervical cancer is four times higher. The suicide rate among Indian teens is 10 times higher in the northern Great Plains, and it is triple in the rest of the country. The statistics are endless. We have a full-scale health care crisis.

This bill in itself will not fix all that is wrong, but it is the first time in 8 years we are finally getting this bill reauthorized. It should have been done 8 years ago. It is now being done, and it is important.

I have described this bill through the eyes of two girls—one age 5, the other age 14, both dead. Let me describe them. Their relatives and parents have allowed me to use their names so that we understand what this is about and what this urgency is.

First, I will explain Ta'Shon Rain Littlelight, a beautiful 5-year-old Indian girl from the Crow Reservation in Montana. Ta'Shon Rain Littlelight died, and the last 3 months of her life was in unmedicated pain. This little girl went to an Indian health clinic again and again to be diagnosed as having a condition of depression, and she was treated for depression. It turns out she had terminal cancer. She was finally rushed to Billings, MT, then rushed to Denver, CO, and diagnosed as having terminal cancer when it was undiagnosed many months before, and it may well have been able to be treated.

When they finally diagnosed this 5-year-old girl, who loved to dance the Indian dances, as having terminal cancer, she asked her mom if she could go to Disney World and see Cinderella's castle and the Make-a-Wish Foundation allowed her to go to Orlando, FL, to see Cinderella's castle.

They got there and checked into a motel, and that evening, in her mother's arms, Ta'Shon Rain Littlelight said: Mommy, I'm sorry I'm sick. I will try to be better. She died that night in her mother's arms. She never got to see Cinderella's castle.

This little girl deserved health treatment, deserved a health system that we would expect for our children, a good diagnosis, first-class health treatment. She did not get it, and she is dead.

So is Avis Littlewind. Avis was 14. Avis Littlewind committed suicide. She lay in her bed for 90 days in a fetal position, missing school, missing everything. Her sister had committed suicide. Her dad took his own life. This young girl age 14 was lying in a fetal position for 3 months and somehow nobody missed her. No mental health treatment was available. Nobody seemed to identify this little girl was in trouble. And then she hung herself. She felt hopeless and helpless and took her life.

A 14-year-old girl is gone. A 5-year-old girl is gone. But it is thousands, thousands of people suffering with a health care system that is not working. It is not working the way we would expect it to work for us and for our families, and it does not work for Native Americans, the first Americans, for whom we have a trust responsibility and to whom we made a promise. That is why we must get this bill done. We will have a cloture vote at 5:30 p.m.

We will have two amendments this evening by Senator DEMINT, a couple of amendments tomorrow morning, and final passage, and there will be a celebration by people who have waited a long time for this legislation to move through the Senate.

Mr. President, I know my colleague, Senator DEMINT, has been waiting patiently. I yield the floor, and my guess is that Senator MURKOWSKI, the ranking member, will wish to be recognized following Senator DEMINT.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I appreciate the words of the chairman on the need to improve Indian health care. It is clear from the Government Accounting Office study that there is no doubt Indian health is suffering and there are many reforms that are desperately needed. I wish to talk about several amendments we proposed that we think will help the bill. One is related to what Senator DORGAN was just talking about and the fact that there is just not enough money currently to provide the health care that is needed for many Indians across the country today.

Unlike a lot of other Federal support for health care, Indian health care provides 100 percent coverage to all members of tribes across the country, regardless of income level. The problem that creates at a time when we are offering new programs and reforms is we are not offering enough money to actually support all the programs that are in this new bill.

My amendment No. 4073, which we call the Indian gaming amendment, would allocate the scarce resources to the poorer tribes by excluding some of the richer tribes that benefit from class III or casino-style gambling.

Many of us have looked at the statistics. Revenues from Indian casino gambling have surpassed $12 billion, and many members of these tribes will receive income from these casinos from $30,000 to over $300,000. There are clear discrepancies in the income in the tribes across the country, and in designing Indian health care reform, it is important that we recognize that fact.

In 2001, there were 290 Indian casinos across 28 States that brought in more than $12.5 billion with more than $5 billion in profit. To put this in context, the average family in South Carolina makes around $50,000 a year. These families, sometimes on their own, sometimes through their employers, have to pay and help pay for their health care and many times deductibles and copays. The average income in the tribes that have casino gambling is generally much higher than that amount. Yet we are providing free health care for these tribes.

This amendment would exclude from the new programs in the underlying bill those tribes with casino gambling, class III gambling, which would take the money that is provided in the bill and allocate it to the poorer tribes, which uses just basic common sense. If we have a limited amount of money to go around, let's target those tribes with the greatest poverty and the greatest need and allow those tribes with the highest incomes to participate in purchasing their own health care. That is amendment No. 4073. We will vote on that amendment today.

Let me address another amendment that will be voted on today; that is, amendment No. 4070 which recognizes that some of the programs in the bill that are designed for injury prevention or safety have actually been used in the past by Government agencies to promote antifirearm programs, gun buyback programs, or programs that generally stigmatize the ownership of guns for collecting, hunting, or self-defense.

This amendment provides that none of the funds in the bill may be used to fund antifirearm programs, gun buyback programs, or programs aimed at discouraging or stigmatizing the private ownership of firearms for collecting, hunting, or self-defense. That is basically the language in the bill.

We know from programs we have looked at before—we have legislation, for instance, that we passed that would prohibit the Centers for Disease Control from doing exactly the same thing; that is, using money that is supposed to be used for safety programs or other injury prevention and actually use it to promote a political agenda which is an anti-second-amendment agenda. This is another amendment we will vote on today.

So two amendments we will be voting on today after the cloture motion vote is the Indian gaming amendment that would exclude those tribes that have the revenue from casinos, as well as the other amendment which would prohibit funds from being used to stigmatize the ownership of guns.

Mr. President, I wish to address another amendment which is pending to this bill, which is what we call the health savings account choice. This amendment would simply make another choice available to Indians in the purchase of their health care. Right now, they have most of the options that we have at the Federal level in our Federal employees plan, but they do not yet have a health savings account option which we have added to our Federal programs. This simply would allow Indians the same choice that we have. They could purchase a PPO or other plans—managed care, HMO, or with this amendment, they could also have a health savings account with a high-deductible plan.

I encourage my colleagues to support this amendment. I am actually working with the chairman on the possibility that this amendment could be accepted and avoid a vote on the amendment tomorrow; otherwise, we will be voting on it tomorrow before final passage.

I wish to make a few comments on a second-degree amendment that I added to one of these amendments the week before we left last week which we call the Semper Fi amendment. This is an amendment that is not germane and will fall after cloture but still deserves some comment. The Semper Fi amendment is named in honor of the marine motto, which means "always faithful," and it is a bill which I introduced after the Berkeley, CA, city council voted to refer to our marines as unwelcome intruders and had proposed that they leave town—that their recruiting office actually leave town. When I heard of this, it immediately angered me and we developed this bill which would simply take away about $2 million of wasteful Federal earmarks, which were not voted on in the Senate or the House, but were added as what we call report language. We are not trying to take away all their Federal funding but simply to say, if they are not going to respect our marines or their mission, which part of it is recruiting, then certainly they should not be the beneficiary of taxpayer-funded earmarks, and certainly those that aren't necessary.

When I first introduced this bill, it was more to make a point and maybe rattle the cages of the city council, because I know all the people in Berkeley don't feel this way. If anyone looked at the video—and it was one of the most watched videos on YouTube—you could see person after person stepping up and maligning our marines and the job they are doing, not only in Iraq but throughout history, and referring to them as murderers and thugs, unthinkable things being said about the same marines who provided them their freedom of speech.

Some have said by my introducing this bill I am against freedom of speech, and that is not it at all. In fact, the anti-American group Code Pink had been demonstrating for months in front of the marine recruitment office there in Berkeley, and I have no problem with that. They have every right. But they wanted more than freedom of speech, they wanted the power of the local government behind them, to give them an advantage over those who supported the marines, supported their mission, and supported our country. So the city council voted to give Code Pink a free parking place in front of the marine recruitment office, and also voted to give them a permit to use a bullhorn, a megaphone, to shout down any who would want to come into that recruitment office. That is not free speech. That is a government-sponsored political agenda that took the side of a few liberal demonstrators against traditional Americans and the marines who have fought for our freedom of speech.

My amendment got a fair amount of attention and a lot of supporters here in the Senate, which I appreciate. The same bill was also introduced in the House by a number of Republicans. I have been surprised at the response we have gotten—literally thousands of phone calls and e-mails and letters. What this has exposed to me is it is not only a single event, but it has exposed a raw wound not only of our marines but everyone serving in uniform, and their families.

I have heard it when I have been in Iraq, more than once, when I ask our soldiers, marines, and airmen what they need, and the response has often been: Don't forget us. The letters and e-mails I have gotten have indicated the same thing, that finally some are standing up for those who are fighting for our freedoms.

I was surprised by the response. I have gotten letters at home from mothers who have sent me pictures of their marines, thanking those of us who have stood up for their marines. I have agonized over the fact that they need someone to stand up for them.

But when I go back and see what was said in this Chamber and the House Chamber, and what governments such as the city of Berkeley have done, it should come as no surprise to us that there are doubts in the minds of those who put on the uniform that we support them, that we believe in what they do, and that we support their constitutional mission to recruit and to talk about what we offer in our services. People—Americans—are concerned about this.

We have tried to get the Semper Fi act on the floor for an up-or-down vote, and we have not been able to do so. We tried to pass it by unanimous consent, which got 100 percent Republican support but was blocked on the Democratic side. I added it to an amendment to this bill, to try to get a vote, but it will fall after we vote for cloture.

I promise the marines and all those in uniform that I am going to continue to persist until we get a vote on this, because it is not just about this amendment, it is not just about those who support it, it is about letting those who put on the uniform and who are willing to fight for our freedoms know we stand behind them. When any government, at any level, takes a position against them, it is our responsibility here in the Congress to stand up for those marines and those fighting men and women and not to allow them to be taken advantage of and intimidated and bullied by some local government such as we saw in Berkeley.

I have been happy to see some local governments across the country actually pass resolutions in support of the marine recruiters, and I appreciate any across this country who stand and make a statement on behalf of those who are fighting for our freedom. Again, I emphasize that anyone who wants to speak out in protest against marine recruiters, against the Iraq war, or anything, it is their free right. But when government, whether it is a local government or a State government, takes a position against our Federal constitutional amendment to defend this country, which requires the recruitment of marines, soldiers, airmen, and Coast Guard, that is part of our job. It is not freedom of speech when a local government takes a position against what we are charged to do here at the Federal level.

I encourage all those parents, all those in uniform, that the majority of those here in the Senate, in the House, and across this country respect and appreciate what you are doing every day. I got back from Iraq last week, with 2 days on the ground, and I know I speak for all my colleagues when I say I was never prouder of my country and what I do here than when I stood with those in uniform who are sacrificing, in many instances, more than a year away from their family, and some on second and third tours. They are fighting for us and we need to stand up for them. I am going to continue to persist until my colleagues give me a chance to stand with our marines and to support the Semper Fi bill.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, at this time I yield 7 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Alaska.

I rise in support of renewing and reinvigorating the Indian health care programs. For too long we have neglected our duty to review this program and ensure that it continues to efficiently deliver high-quality health care. As part of that effort in the last Congress, Senator MCCAIN and I and Senator DORGAN and Senator MURKOWSKI introduced comprehensive legislation that would do that, and I am pleased that a great portion of the bill we are discussing today includes provisions of that bill, which was S. 4122.

In crafting that legislation last Congress, we kept in mind the 80/20 rule in working between the Health, Education, Labor and Pensions Committee and the Indian Affairs Committee. We used this 80/20 rule—or the 80-percent rule—which is that 80 percent of the time we are going to agree on a topic and it is only 20 percent of the time that we disagree. So to gain broad support we focused on that 80 percent to ensure it was a strong bipartisan piece of legislation. It is a piece that is long overdue. This should have been reauthorized years ago. It leaves out some important things that are necessary for the tribes in administering Indian health.

A few weeks ago, I did mention a few remaining concerns I had with the underlying Indian health care bill, and thankfully, due to the work of many in this Chamber, and particularly Senator DORGAN and Senator MURKOWSKI, I no longer have concerns with the underlying legislation. The improvements to the bill required minimal language changes, but they do have huge policy implications. I am glad we are better able to clarify the scope of Federal liability coverage. By doing so, we no longer imply that the Federal Government could be telling Americans how to practice their own religious beliefs. For this and the issue of urban Indians, we were able to find a third way, a middle ground, on the appropriate role for providing services to urban Indians.

I am also pleased to hear that at least two outstanding issues within the Finance Committee's title of this bill have also been resolved. I thank Senator KYL for all his efforts in the area to create better Medicaid copays and better citizenship documentation. I realize others may not see these compromises as the perfect solution. However, they are moving us in the right direction on these key topics. As I remind people around here a lot, there is no such thing as a perfect piece of legislation.

The 80 percent this bill contains will solve immense problems for tribes throughout the United States. It will move health care forward for all who are involved, and it will make a huge difference. It is past due. We still can work on other issues that are outstanding that we hear mentioned around the Chamber in the debate, but this piece of legislation needs to pass. It needs to pass now. It should have passed a year and a half ago.

We almost passed it at the end of that session, until we got the scoring, and the scoring used the wrong bill. They did not use the bill Senator MCCAIN and I and Senators MURKOWSKI and DORGAN put together. They used a different bill, and the cost came in extremely high. And it would, under that bill. It wasn't this bill. It wasn't what we worked on.

It has taken us another year and a half to get to the point where we can pass a bill that will solve the problems for the tribes and keep this program moving forward in a very positive way. I am glad we will be able to pass this legislation out of the Senate, and I look forward to working with others to get this bill signed into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the comments of my colleague from Wyoming, speaking to essentially the urgency of where we are, and the recognition that we have been working on this legislation, the Indian Health Care Improvement Act and its reauthorization—and as he mentioned, it should have passed a year and a half ago—but that we have been working on it for a good 10 years. It has been a collaborative effort of many leaders in the Senate. Senator MCCAIN has been mentioned, as the former chairman of the Indian Affairs Committee. Prior to his chairing that committee, it was Senator Ben Nighthorse Campbell who was leading the effort to move forward with this very important reauthorization.

I had the opportunity to go home to Alaska over this past recess, and it was a busy recess for me, as it was for, I know, many of my colleagues. I had an opportunity to visit Galena, which is the Athabascan Indian village on the Yukon River. I was in Fairbanks, Seward, Anchorage, and my hometown of Girdwood. I had a chance to visit with seven or eight Alaskan natives who are training under the dental health aide therapist program in Anchorage. This is a very unique partnership with the University of Washington School of Medicine. What we are doing in Alaska now is training Alaska natives as mid-level professional dental health aide therapists to go out and provide for the dental health needs of so many in our rural communities, in our villages around the State where they simply do not have any level of dental health care. I am not talking about a dentist who comes every other week. I am saying we don't have a dentist every other year practically in some of these villages. So we are providing a training opportunity that is unique to Alaska and is very important.

So even though it is tough to leave home and come back here to work, it is good to be back here knowing that we are working on the Indian Health Care Improvement Act, working to finish this very important legislation.

We have had many of our colleagues speak about the challenges of delivering quality health care to America's Native people and the funding environment that all have admitted is inadequate to support those needs.

Those challenges are not limited to the lack of funding, they also include the lack of trained personnel who are willing to live in some of the most remote places in which Indian health care is delivered. So that is one side of the coin. But there is also some very real innovation that is going on within the Indian health care delivery system.

As I listened to the debate that went on on the Senate floor in the past several weeks, it dawned on me that we saw a lot of focus, a lot of attention on some of the inadequacies but that we did not spend any time during that debate to recognize the people, the tribal leaders, the health care professionals who are unwilling to let the lack of funding stand in the way of excellence in health care delivery.

So as we move to conclude our debate on this very important piece of legislation for the health of our Native people, I wish to take a few moments this evening to focus on some of the ways, in my home State, our Native leaders and our Indian health care professionals have partnered to overcome what seemed to be insurmountable obstacles in their quest for excellence.

My focus now on these examples from Alaska is not intended to imply we are not seeing innovation in Indian health care delivery in other places of Indian Country, but I have chosen to speak about these programs because I know them, I believe in them.

In the State of Alaska, we have Native people who have lived in more than 200 traditional villages along the rivers and coasts for thousands of years, and Natives continue to occupy those villages today. But those are places, many of them are places where doctors and nurses and physicians assistants or the PAs, where they did not live, and they will not live.

But that does not mean Alaska's Native people lack access to basic medical care. If one gets sick or injured in a Native village which may be hundreds of miles from the nearest hospital, you need to know you are not alone. In our State, we faced up to the challenge of providing access to medical care in remote places by training Native people to serve as community health aide practitioners. This is a program that originated during the tuberculosis epidemics back in the 1950s. They had volunteer chemotherapy aides who gave out oral medicine in the village under the remote supervision of a physician.

In the 1960s, a structured training program was created to train Native people residing in the villages to function as the eyes and ears, the hands of medical personnel who may be hundreds of miles away.

At one point in time, this link between the village health aide and the doctor in the regional hospitals was carried out by a single-sideband radio similar to what the ham operators use. Then later it was carried out by telephone, subsequently e-mail. Now we have a state-of-the-art telemedicine backbone that connects the health aides and the supervising physicians.

Alaska's Community Health Aide/Practitioner Program was first recognized and funded by the Congress in 1968 and is 40 years old this year. It has earned the respect of the medical profession and has tremendously improved the health condition of Alaska's Native people. I mentioned earlier I had a chance to view those young people who are currently in the Dental Health Aide Therapist Program. This is an extension of this concept to improve the oral health condition of Native people who live in places where the dentists may visit once a year if they visit at all.

These are a few examples from my State of the kind of innovation we have seen going on in Indian health care delivery for some time. I wish to give you a more recent example. This is the Southcentral Foundation's patient-centered primary care initiative.

The initiative has transformed the quality of health care delivered to Native people residing in a service area of 150,000 square miles within southcentral Alaska. The Southcentral Foundation is a tribal health provider which delivers health care under a self-governance compact with the IHS.

Our CEO of the Southcentral Foundation is Katherine Gottlieb, an Aleut. She was the first Alaskan ever to win the MacArthur Foundation Genius Award. She won that award for the patient-centered primary care initiative I will describe for you.

The initiative itself has been discussed in professional journals ranging from the Journal of the American Medical Association, the Family Practice Magazine published by the American Association of Family Physicians. It is the subject of a case study published by the Institute for Health Care Improvement in Boston, which is one of our Nation's foremost think tanks on health care quality.

In 1977, when Southcentral Foundation began to take over primary care delivery from the IHS, the average delay to schedule a routine appointment ranged from 4 weeks to several months. The no-show rate was about 25 percent for appointments, and patients did not have any idea who their primary care provider was. In 1999, Southcentral Foundation embarked on a massive effort to redesign their system.

Today, patients are guaranteed same-day access to their own primary care provider if they call by a certain point in the afternoon; they get to choose their own primary care provider. They get to change their provider if they do not like the one they have chosen. Use of the emergency room and urgent care for primary care is down 50 percent. Use of specialists is down 50 percent. Wait times have decreased across the system.

Customer satisfaction, 91 percent of customers rate their overall care favorably. That is pretty impressive. Staff satisfaction has improved immeasurably. This is a system where you have members of the medical team, the doctors, the nurses, the physicians assistants, their technicians, and they all come together, they all rely on one another. Everyone is expected to work at the highest level allowed by their professional license.

What we saw with this transformation of Southcentral Foundation was it was not just achieved by throwing more money at the problem, it was achieved by changing the values of the system, from a staff-centered system to a patient-centered system that basically went from kind of a big and impersonable crank-them-through-the-process place—and these are the words of the medical director, Doug Eby—to a customer-owned-and-directed system which operates in accordance with Native values, not necessarily bureaucratic principles.

That transformation began with the decision of Native leaders to exercise their rights of self-governance under the provisions of the Indian Self-Determination and Education Assistance Act.

These self-governance provisions allowed tribes to take over the responsibilities for the delivery of health care from the Federal Government. The bill that is before us today, the Indian Health Care Improvement Act, will provide self-governance providers, such as Southcentral Foundation, with the tools and the flexibilities they need to further expand these innovations.

We know the bill, S. 1200, was not written in an ivory tower; it was written primarily by Indian health care providers, tribal leaders who know the challenges we face in improving the health conditions of our Native people.

The leaders of our Alaska Native delivery system were key players in the process of formulating this legislation. For me, it is truly an honor and a privilege to be able to give voice to their ideas in the Senate. It is my sincere hope our colleagues today will vote to bring the debate on this important legislation to a close.

The process, as has been mentioned, of drafting this legislation began back in 1999. It has moved through the Indian Affairs Committee in so many different years—I mentioned, under the leadership of Senator Nighthorse Campbell, Senator MCCAIN, Senator Thomas before his death, Senator DORGAN, so many who have put so much time and effort into this very important legislation.

It is long time that Congress modernize the legislation which governs the Indian health care delivery system in a way that promotes exactly this type of innovation I have spoken to that we have seen in Alaska. It is long time that we give our Indian health care providers the tools they need in their quest for excellence.

I anticipate we will move this legislation to final passage. It is something that as I speak to my constituents back home and as we talk about those issues that are most important to them, so much seems to come back to health care and how we are providing health care within the State of Alaska or around the Nation.

So passage of the Indian Health Care Improvement Act is long overdue. I look forward to seeing the day the President will be able to enact these changes into law.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent that the vote sequence beginning at 5:30 today be as follows:

Cloture on the Dorgan-Murkowski substitute amendment; DeMint amendment No. 4070; and DeMint amendment No. 4073.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the votes following the first vote be 10-minute votes, with 2 minutes equally divided for debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me explain that the legislation, the Indian Health Care Improvement Act, does a number of things. We have talked about the urgency for it, but it expands cancer screenings, for example; it expands monitoring and prevention programs for communicable and infectious diseases; it expands recruitment and scholarship programs for those nurses and doctors who serve American Indians; it seeks to address the epidemic of teenage suicides on some Indian reservations; it enhances and expands the current diabetes screening efforts; it tries to address the shortage of health care professionals; provides for home- and community-based services and hospice care; also authorizes convenient care services; and authorizes programs to address domestic violence and sexual abuse.

In short, it is a piece of legislation that attempts to modernize the Indian health care system that has been waiting to be reauthorized now for 8 years. So this is a piece of legislation that I think is going to make a difference in the lives of Americans who have expected and have been promised good health care and have, for a long time, not received it.

While we are waiting for colleagues who may wish to speak prior to 5:30, I ask unanimous consent to speak for 3 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### STRATEGIC PETROLEUM RESERVE

Mr. DORGAN. Tomorrow, we have a hearing in the Senate Energy Committee that deals with the issue of the Strategic Petroleum Reserve, called SPR, and the Administration's oil fill policies. In the 1970s, we have created a Strategic Petroleum Reserve to put oil underground to save it in case of a national security concern. It would be for an emergency so we would have some that is saved and would be available to take out of the underground caverns and use it in these circumstances. This is the basis of our strategic petroleum reserve. It is now almost 97 percent filled. Over its 30-year lifetime, the barrels that have been put into the Strategic Petroleum Reserve have averaged about a $27 a barrel. Yet, right now, when oil is trading at $100 a barrel and gasoline prices are going through the roof, we are putting 50,000 to 60,000 barrels a day underground into the Strategic Petroleum Reserve that is already almost 97 percent full.

How are we doing that? Our Government carries that out through royalty-in-kind transfers. This oil is primarily coming from the Gulf of Mexico through the drilling and the production that occurs there. We are receiving this oil in kind in lieu of royalties paid to the government for its production. So rather than put that oil into the supply system, get the money for it, and reduce the Federal deficit, we are effectively sticking that money underground in a hole. At a time when oil is $100 a barrel and gas is $3 to $3.50 a gallon, we are taking 50,000 to 60,000 barrels a day and sticking it underground. Is somebody missing a few tubes here? I don't understand it. The wiring must be wrong for people who think that is the right thing to do. This is exactly the wrong time to be sticking oil underground when oil is $100 a barrel. Yet I have tried very hard to get this changed, and I have been unable to do so.

We have a hearing tomorrow where we have representatives coming from the Department of Energy as well as other witnesses. I will have an opportunity, if I am not here on the floor—and I hope I am not—to question them. I have recently introduced legislation—S. 2598, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008. I will try very hard to move this bill on anything that moves, especially a supplemental appropriations bill, to make sure we stop this as soon as possible.

I chair the Senate Energy and Water Appropriations Subcommittee that funds the Department of Energy. When I write my bill this spring, I will be able to put a provision that stops filling the SPR in my bill. But that bill likely won't be effective until towards the end of the year. By that time, they will have continued to put all of this oil underground to its full capacity and also boost the gas prices for the American driver. I don't understand what they could be thinking.

As a part of this fill policy, they are putting underground a disproportionate amount of sweet light crude. That is a subset of the oil produced in the U.S. We had testimony before a joint Energy and Government Affairs/Homeland Committee hearing last year by an expert, Dr. Phillip Verleger, who said that even the small amount of sweet light crude they are putting underground is having a disproportionate impact on the markets and may be increasing the price of gasoline by 10 percent.

If there are some wires crossed someplace, I urge the Department of Energy to track those wires down and get them squared away. Let's start thinking straight. Do not be sticking oil underground when oil is $100 a barrel. That takes oil out of our supply. It means supply is diminished, even if it is a seemingly small amount as DOE contends. It means the price goes up.

This is a classic supply-demand question. All of us have studied economics. I taught economics in college ever so briefly. I was able to overcome that experience, nonetheless. But we all understand the supply-demand relationship. If you take oil out of what otherwise would be 50,000 or 60,000 additional barrels in the supply, you put upward pressure on gasoline prices. That is especially true if you take the subset of sweet light crude coming from the Gulf of Mexico and stick it underground at exactly the time it ought be to be in the supply pipeline.

Tomorrow, we will have the opportunity to have a public discussion with the Department of Energy and representatives with other opinions. If they don't do what is, in my judgment, obvious, I intend to move my legislation forward. I have introduced this bill with about six cosponsors. I certainly hope many others will join me to put the brakes on what the Department of Energy is now doing.

It is completely counterintuitive to anything one would expect that should be done at a time when oil is bouncing around at $100 a barrel and you have to get a loan to gas up your car these days. My hope is we can get the Department of Energy to think straight about this issue of putting oil underground in the SPR.

It felt good to say that because I have been thinking about it all weekend. There is so much we need to do that just represents a deep reservoir of common sense. This is one of those steps. My hope is we will make some progress on it.

Mr. COCHRAN. Mr. President, I am pleased to be a cosponsor of the Indian Health Care Improvement Act.

Under the terms of many treaties and agreements, the U.S. Government has the responsibility to provide health care and other benefits to Native Americans.

The Indian Health Care Service estimates that it provides only about 60 percent of the health care that is needed in Indian Country: an amount that is less than half of what we spend on the health care needs of Federal prisoners. Tribes with the resources, attempt to make up the difference. In most cases, the result is inadequate to meet the needs of our Native American population.

In my State, the Mississippi Band of Choctaw Indians has made progress in improving its health care, and the overall health of its population, over the last 30 years. But, the sad fact is that health care on the reservation is not adequate.

There are 9,600 members of the tribe and there are only 4 doctors. Their small hospital has only 14 beds.

Over the last 5 years, there has been a 30.4-percent increase in the number of patients from the Mississippi Band of Choctaw Indians who accessed the health care system. During that same time period there was a 41.4-percent increase in the number of ambulatory visits.

According to the Centers for Disease Control, 7 percent of Americans have diabetes. By comparison, 20.5 percent of Choctaws have diabetes, one of the highest percentages of any tribe in the country. Over the last 5 years, there was a 62.3-percent increase in the number of patients diagnosed with diabetes.

Statistics for other tribes are similar. Some include alarming incidences of suicide, high infant mortality rates and practically nonexistent mental health care.

Some in the Senate have suggested that those tribes that have made progress with economic development initiatives, specifically through gaming, ought not be eligible for Indian Health Care Services. I don't agree. The tribe in my State should not be penalized for its modest economic success.

The tribe is responsible for the safety of not only its members but those who visit. It maintains roads, schools, courts, law enforcement, fire fighting, housing, and other services we expect from local and State governments.

It has a poverty rate of approximately 30 percent. Forty years ago there was a near 100 percent unemployment rate of tribal members.

There is no health care system near the tribe that has the capacity to serve tribal members. Even now, treatment facilities for dialysis, heart patients, and serious medical conditions are 80 miles away.

I urge the Senate to support the Indian Health Care Improvement Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

### CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dorgan substitute amendment No. 3899 to S. 1200, the Indian Health Care Improvement Act Amendments.
>
> Harry Reid, Russell D. Feingold, Kent Conrad, Richard Durbin, Amy Klobuchar, Patty Murray, Maria Cantwell, Jon Tester, Jeff Bingaman, Carl Levin, Max Baucus, Byron L. Dorgan, Barbara Boxer, Dianne Feinstein, Debbie Stabenow, Ken Salazar, Daniel K. Akaka.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3899, offered by the Senator from North Dakota, Mr. DORGAN, to S. 1200, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. OBAMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland (Mr. CARDIN) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), the Senator from Virginia (Mr. WARNER), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Texas (Mr. CORNYN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 85, nays 2, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—85

Akaka
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Voinovich
Webb
Whitehouse
Wyden

NAYS—2

DeMint
Vitter

NOT VOTING—13

Alexander
Burr
Cardin
Clinton
Cornyn
Inouye
Kerry
Landrieu
McCain
Obama
Stabenow
Warner
Wicker

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 4080

Mr. DORGAN. Mr. President, I make a point of order that the DeMint amendment No. 4080 is not germane postcloture.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

### AMENDMENT NO. 4070 TO AMENDMENT NO. 3899

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 4070 offered by the Senator from South Carolina, Mr. DEMINT.

Who yields time?

Mr. DEMINT. Mr. President, the underlying Indian health care bill allows Federal funds to be used for certain health promotion activities which include injury prevention, personal safety, and violence prevention. My amendment would simply say that none of these funds in the bill may be used to fund any firearm programs, gun buyback programs, or programs aimed at discouraging or stigmatizing the private ownership of firearms for collecting, hunting, or self-defense purposes, which are important to the Indian community. So that is my amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I have no objection to the amendment. I know of no cases in which Indian health funds have been used for firearms programs. So I have no objection to the amendment and intend to vote for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. OBAMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), the Senator from Virginia (Mr. WARNER), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Texas (Mr. CORNYN) would have voted "yea."

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 11, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—78

Akaka
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Webb
Wyden

NAYS—11

Biden
Boxer
Durbin
Feinstein
Kennedy
Lautenberg
Menendez
Mikulski
Reed
Schumer
Whitehouse

NOT VOTING—11

Alexander
Cardin
Clinton
Cornyn
Inouye
Landrieu
McCain
Obama
Stabenow
Warner
Wicker

The amendment (No. 4070) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4073 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4073 offered by the Senator from South Carolina, Mr. DEMINT.

Mr. DORGAN. Mr. President, on behalf of the sponsor, I ask unanimous consent that amendment No. 4073 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, with the withdrawal of the last amendment, there will be no further votes tonight. My understanding is the next vote starts at 10 tomorrow morning. The withdrawal of the second amendment on which we were going to have a recorded vote means there will be no further recorded votes necessary this evening.

Mr. REID. Mr. President, the only question is, I have not had a chance to confer with my distinguished Republican colleague, Senator McCONNELL. We will make a decision as to what time we should start in the morning. There is a lot of committee business going on, and I want to visit with Senator McCONNELL first.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3897

Mr. SMITH. Mr. President, I rise today to speak in favor of my amendment No. 3897. The amendment is cosponsored by Senators CANTWELL, MURRAY, CRAPO, and WYDEN. It clarifies section 301(F) of the Indian health bill regarding innovative approaches to funding Indian Health Services facilities construction.

The amendment would allow those innovative approaches to include an area distribution fund. Such a fund would allow the IHS to take a portion of facility construction dollars and cede that money to all 12 IHS areas throughout the country.

To be clear, my amendment neither creates an area distribution fund nor does it require the IHS to do so; rather, we are simply giving IHS the authority to do what is needed to bring equity to the system.

Currently, the vast majority of Federal funding for construction and modernization of tribal health care facilities goes to tribes in less than 10 States. In fact, my home State of Oregon, among many other States, has never received funds to build an Indian Health Services hospital. This is a function of the current flawed construction formula and of the regrettably low levels of funding for IHS, particularly its facilities construction budget.

These two wrongs, however, do not make a right. To correct this, it will take a two-part process: one part to increase funding for IHS and its construction budget, but this is an appropriations issue. Another is to amend the language in the Indian health bill to create some level of parity in the way IHS funds construction projects, and that is an authorizing issue.

As we debate today about the authorization of health care funding, I stand here to represent all the tribes that do not have access to funding to improve or build health care facilities because of an archaic formula. If tribes do not have access, no amount of appropriations will make a difference. We have to create the access, and my amendment would do just that. Again, it would authorize, not require, the IHS to use an area distribution fund.

The amendment would not rob one IHS area to pay for another. It simply allows other tribes across the Nation to also be eligible for funding. This area distribution fund is not the idea of a single Senator or a single region of the country. It is the product of years of work and compromise by the Indian Health Services and tribes after Congress recognized the need to create a more equitable facilities construction system.

This approach is supported by tribes and area health boards that cover IHS areas representing over 400 of the 562 federally recognized tribes that are based in 39 States. For Members and staff currently listening to my floor statement, allow me to read a list of the States where IHS areas want the type of flexibility provided by my amendment. To my colleagues in the Senate, if they have the privilege of representing Native Americans, I hope they will listen to find out if their State is mentioned because, right now, if they are mentioned, they are not getting any construction dollars. It is that simple.

The Nashville area, which serves 28 States, includes these States: Maine, Pennsylvania, Virginia, West Virginia, New Hampshire, Vermont, Maryland, Ohio, Massachusetts, Rhode Island, Connecticut, North Carolina, South Carolina, New York, New Jersey, Delaware, Kentucky, Indiana, Tennessee, Georgia, Florida, Alabama, Illinois, Missouri, Arkansas, Louisiana, Texas, and Mississippi. Then the Bemidji area which serves three States: Minnesota, Wisconsin, and Michigan; the Alaska-California areas which serve those States; the Oklahoma area which serves Oklahoma and Kansas; the Portland area which serves Oregon, Washington, and Idaho. Additionally, many tribes in Nevada also support this amendment.

The State of the Presiding Officer was mentioned, and so was mine. Mr. President, you are getting no construction dollars because of the way this is managed.

Last May, during an Indian Affairs Committee meeting, we were doing a markup on the Indian Health Care Improvement Act. I filed a much more prescriptive amendment which would have mandated funds for the area distribution fund. I withdrew that amendment in good faith because I wanted to work with the chairman and the vice chair and my other colleagues to find a win-win compromise on this issue. Since then tribes have put in hundreds of hours of work to find a compromise that could benefit all of Indian country. I have since scaled back my original amendment to reflect and recognize this compromise between the majority of the IHS areas.

Unfortunately, my efforts to reach a compromise before floor action were not successful. Yet I believe this issue is better left to the Indian Health Services than Members of Congress. That is why my amendment would simply give them the flexibility to work this out on their own in consultation with the tribes. Opposition to my amendment is based on the notion that IHS funds will remain at the slow drip they are now for the foreseeable future. I wish to change that. I want IHS facility funds to grow and to flow to every area that needs them. But then again, that is an appropriations issue and not an authorization issue, the business before us.

I have already written to the administration in support of increased IHS funding, and I intend to follow up on that request with the Appropriations Committee. I am hopeful that request will be met and that some of those funds would make their way to the 43 tribes in the Pacific Northwest or to the 25 tribes in the Nashville IHS area or the 40 tribes in the Oklahoma IHS area or the 109 tribes in the California IHS area, among others across the Nation. My amendment preserves that possibility for every State and every Native American in Indian Country.

On numerous occasions, Chairman DORGAN has invoked the words of Chief Joseph, who said: "Good words do not last long unless they amount to something." Chief Joseph said those words after being chased by the U.S. Cavalry out of the Wallowa Valley of Oregon, through the States of Washington, Idaho, Wyoming, and Montana toward Canada. Chief Joseph also rightfully said: "I am tired of talk that comes to nothing."

I feel the same way. Eight years ago, Congress asked IHS and the tribes to revise the failed system for allocating facilities funding. The compromise they reached may amount to nothing without my amendment. That is why I feel so strongly about this issue. It is not just about one region or a group of regions, this amendment is about holding true to the government-to-government relationship the United States holds with all tribes.

I ask my fellow colleagues to support this amendment to ensure that all Native American Indians receive the health care they need—the health care they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me very briefly say that I understand the point Senator SMITH is making. There is not enough money for the facilities in these programs. There is a $3 billion backlog for facilities. I am not able to support his amendment, however, and the difficulty is to create an area-wide distribution fund right this moment, at a time when we have a priority list and some tribes have been waiting on that priority list for a long period of time for the construction that was to begin in their area. I think that would be the wrong approach.

But I do think we ought to, in a more comprehensive way, on the Indian Affairs Committee, with the help of Senator SMITH and Senator MURKOWSKI and my colleagues, we ought to try to work through this to figure out how we do a better job of getting the funding for the construction that is necessary. I have been to so many facilities that are terrible facilities in terrible disrepair, and they are desperately in need of reform and change and new construction, and we have to get about the business of doing it. But I regret I can't support this amendment. He is raising the right question, just providing the wrong solution, in my judgment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, while we are waiting, I wish to make a few brief comments in reference to the amendment Senator SMITH has introduced regarding the area distribution fund.

Coming from the State of Alaska, I do support Senator SMITH's amendment, as we believe it will enable more Indian tribes to build the facilities and to address the inequities currently in the system. We recognize it has been under review, having been looked at for revision for years, but I think it is time to do something to create improvements to the system to get more facilities for the tribes.

Now, we recognize that funding is at the crux of this, but Senator SMITH's amendment does not mandate that the Secretary create this system. It says if funding is available, that opportunity exists. Furthermore—and I think this goes to the concern many have—that within the current priority system, if there is a change, somehow or other those who have made their way up to the top will somehow be displaced. We understand it doesn't impact the current health care facilities priority system. What we are attempting to do with this amendment is to enhance that system.

I appreciate Senator SMITH working with the committee, with the tribes, and with our colleagues on this issue. It is a very important issue, as Senator DORGAN has noted. So I do stand in support of Senator SMITH.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we were expecting to clear two unanimous consent requests, but I am told that, at the moment, the minority side has yet to clear them. If we are not able to clear them at the moment, perhaps we will be able to clear them first thing in the morning before we go to the votes that will be scheduled tomorrow.

I think we are at a point where we have about two or three votes remaining and then final passage tomorrow. And that should occur probably close to midday, which will be a pretty happy occasion for a lot of folks who have waited a long time for this legislation to pass the Senate.

I know a couple of my colleagues are waiting to do a colloquy, so if we are not yet cleared, I think we will try to clear both these unanimous consent requests tomorrow morning. Our colleagues, I believe, are not on this subject, so at this point I will defer and we will come back to this tomorrow morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business and also to engage in a colloquy with my colleague from Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CHILDHOOD CANCER

Mr. REED. Mr. President, I initially wish to make a few comments, and then I will yield to my colleague from Oregon. Today, I rise to honor two young heroes and their families. Ben Haight of Rhode Island and Boey Byers of Oregon were two remarkable young people whose lives were cut short by cancer, but whose hopes were not.

Of course, when a child has cancer, it deeply affects the parents, siblings, friends, and extended family. In fact, a pediatric illness affects the entire family. Even those who don't bear the damage of the illness bear the pressures, the strains, and the frustrations over dealing with the serious illness of a child. These two young children were extraordinary. We mourn their loss and at the same time we celebrate their lives.

Ben Haight was only 4 years old when he was diagnosed with neuroblastoma. He fought valiantly, enduring chemotherapy, two bone marrow transplants, and total body radiation. Ben did not let cancer stop him from living life. I am told he would dictate his treatment schedules to his doctors: "No treatments during science class; have to be out by 3 to go to Cub Scouts, baseball or soccer."

Even at a young age, Ben knew a lot about what was important in life. He cared about others and wanted to help. He held a bandaid drive at school to donate colorful bandaids to the hospital, which used plain bandaids to save money. Ben knew that patients enjoyed picking out a "cool" bandaid and that this simple pleasure offered them a brief respite from the rigors of their disease.

Ben's cancer went into remission, but after 2 years it came back. The doctors gave him 3 months to live, but he was tough. He fought for 2 more years. Ben was 9 years old when he died.

I never had a chance to meet Ben, but I have had the honor of meeting his wonderful family. His family has turned the tragedy of losing their son into a message of hope for other families.

Just before Ben died, he and his family enjoyed a special activity together—swimming with dolphins. Now, the Haight family's mission is to do all they can to fight cancer and to provide one child a year with the opportunity to swim with dolphins.

I think there is a sort of symbolic link here between his family and these dolphins. His father was a career enlisted man in the U.S. Navy, a chief in our submarine service. Of course, submarines use the dolphins as the symbol of their service branch. This is a family who has served the Nation in uniform and who continues to serve the Nation by fighting hard for other families who are afflicted by childhood cancer.

Now, Boey Byers was, in her words, a warrior against cancer, and I was very saddened to learn she has recently passed way. A few months ago, I had the privilege of speaking with Boey over the phone. She was full of life and spirit and struck me as very polite, poised, and wise beyond her years. I wanted to thank Boey for all she was doing to try to help other kids with cancer. Her passion in life was to find a cure for her warrior friends, as she called them, so they didn't have to suffer anymore and so they could live out their dreams and contribute to this great country.

We must remember there are thousands of children like Ben and Boey across the country. Each year, there are about 9,500 new cases of pediatric cancer, the leading cause of death by disease among children in the United States. While the incidence of cancer in children is increasing, the causes are largely unknown.

The National Cancer Institute—the NCI—currently spends about $170 million a year on pediatric cancer research, but most of the money goes toward laboratory research and preclinical testing. While it is important to test treatments in a test tube, Petri dish, or on animals, it is equally important to test treatments on humans in clinical trials.

For example, a recent clinical trial found that for children with neuroblastoma, less intensive chemotherapy is as effective as more intensive and toxic chemotherapy.

In 2002, an NCI peer review group of scientists recommended about $50 million in funding for pediatric cancer clinical trials. That level was never funded, and since then it has been cut, despite biomedical inflation and the increasing incidence of childhood cancer. Unfortunately, declining funding has stopped promising clinical trials. Pediatric cancer researchers expect only flat funding for clinical trials this year.

We can do better. The Conquer Childhood Cancer Act invests $30 million a year to expand pediatric cancer research and develop pediatric cancer clinical investigators. The bill also creates a national childhood cancer registry to track pediatric cancer. Researchers would be able to contact patients within weeks, enroll them in research studies, and follow up with them over time. Similar registries are already in place in Europe. If Europe can do it, we can do it, and we should do it.

This bill awaits action by the full Senate. It recently reached a significant milestone, garnering its 51st cosponsor. So even before any vote, we know for sure a majority of the Senate supports the bill. It has broad bipartisan support, with 14 Republican cosponsors and the support of both the majority and minority leaders.

Regrettably, a small minority is blocking this bill, and I call on the Senate to carry out the will of the majority and pass the bill. It is my hope that in doing so we will intensify our fight against childhood cancer, so that one day the hopes of Ben and Boey, and thousands of children like them, will be realized.

Mr. President, I yield now for the purpose of a colloquy with my colleague from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, first, I wish to commend my friend from Rhode Island for persistently and energetically prosecuting this cause, because having gotten to know Boey at home and visiting her in the hospital, I think all of us will understand it is hard to conceive of anything more tragic than seeing a young person's life claimed by cancer.

Senator REED has been educating the Senate on this issue of importance, of research of this disease. I got to know Boey, and that is why I am glad he referred to her as a warrior. I would just tell my colleagues that if Boey had been an elected official, she would have been the chair of the Warrior Caucus because this very young child really did not know how to rest in the effort to try to get this legislation passed and to help our youngsters.

When she was taken from us, she had battled cancer not once but twice. The first time, she had beaten her cancer into remission. She lost her second battle, but she simply never rested. The day that I saw her last in the hospital, what we spent our time on was Boey and I walking down the halls with Boey trying to cheer up the other youngsters who were at the hospital. She put aside her own pain and fear that cancer would claim her life because she wanted to be, as Senator REED has noted so eloquently, a warrior for all of the other children who have been suffering.

I am pleased to be out here with Senator REED. I think this is another example of the entire country coming together to try to stand up for these kids. As Senator REED has noted, when cancer strikes, it strikes a whole family. That was the certainly the case with Boey. Her loving parents, Rob and Rachel, her older brothers, Chris and Joe—all of us have continued to think about Boey and all she did to brighten our lives and particularly stand up for our children.

So for purposes of this evening, I simply wanted to ask my friend one question. This Senate can certainly have spirited debates about a lot of issues. Senators can have differences of opinion on a variety of questions, and we come from different parts of the land. The Senator from Rhode Island represents a State 3,000 miles from mine where Boey lives. But I am still troubled why the Senate cannot come together and pass this legislation. I think Senator REED has made the case and made it well. He has clearly reached out to colleagues on both sides of the aisle. Surely, there should be nothing partisan about legislation such as this that will be so meaningful to children and their families.

For purposes of this evening, I wanted to get a sense from my colleague of what else he felt we ought to be trying to do to pass this important legislation and get it on its way to the President.

Mr. REED. I thank the Senator. One of the things we are doing this evening is once again highlighting the critical importance of this legislation, the impact it would make in the lives of children and families across the country. And your voice is a strong voice for not only this legislation but for issues affecting health care and children in this country.

I think we are picking up speed, but we need the cooperation of virtually all of our colleagues, not to pass the bill—we have 51 votes—but to get it on the floor. That is not something unusual here in the Senate. But I think this is the type of legislation that should not be caught up in the kind of procedural rules that we all use.

I am going to try to reach out and explain personally what is at stake, how we have tried to make changes, how we have pursued a bipartisan approach. I hope we can be persuasive enough to get this legislation on the floor for a vote. I do not think the opposition, frankly, is the concept and the mechanisms we are talking about. Certainly it is not opposition to helping families and children who have cancer. I think it is caught up in other issues. We would like to disentangle those issues and focus on what we can for children who have cancer.

I think that is one of Boey's works.

Mr. WYDEN. One of her many, and you can see her enthusiasm literally popping out of the drawing. She was an incredibly passionate woman. You have stated it well. I know of no Members of the Senate who get up in the morning and say they want to be hostile to children who are suffering this way. I think a piece of legislation such as this gets lost in the clutter of the Senate calendar and the business of the Senate.

All of us have staffers who handle health legislation and staffers who are serving as legislative directors. I think for purposes of tonight, particularly given your eloquent remarks, I hope the phone will ring off the hook in your office tomorrow with Senators and staffers calling and making clear they want to know more about this legislation and hopefully be cosponsors so we can get it passed.

Mr. REED. I am encouraged also. It is incumbent upon supporters like myself and yourself to begin to reach out, which I think we are both committed to doing, and doing it personally to try to get through. I think my sense is a lot like yours. It is not an issue that people are objecting to; it is caught up in bigger issues. And sometimes we just have to step back and understand that the big issues will still be there and the points can still be made, but we can get this bill done.

I noticed the warriors in Boey's drawing at the White House. My hope is one day the President in the White House is going to sign this bill. She will be there, and Ben will be there in spirit because they are the warriors, and the young men and women who are helping us in our mission.

So that is my hope. I think we can do that. We are going to try. If it is because we have not been as explicit or as communicative as we should have been with all of our colleagues, that is something we will correct very quickly.

Mr. WYDEN. I will do everything I can to help. I think the Senator has said it well. In a sense, his work acknowledges something we all see every time we are home, and that is that health care has always been the biggest issue here at home.

The Senator from Rhode Island is someone I admire in so many areas, relating to international affairs, with great expertise, and obviously there are many pressing concerns around the world. But the reality is, here at home, if our loved ones and our families do not have their health, it is hard to do anything else. I know in the case of Boey and the wonderful family, Rob and Rachel and her brothers, they were consumed by this. They all threw everything they had into trying to be there to comfort Boey, to get her the treatment she needed. So we ought to do this for the kids, and we ought to do this for the families. There are a lot of other issues we will be tackling both in health care and around the Senate schedule. This is something we ought to do now.

Mr. REED. I agree. I think it is something we can do. The effort is to bring people together and move from 51 to 61 to 71 to 100. I think we can.

Mr. WYDEN. Well said.

Mr. REED. We have begun in earnest months ago, and we are picking up the pace. I thank the Senator for his wise and kind words.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask consent to speak for 10 minutes in support of the Vitter amendment. I believe there is a time agreement for 30 minutes on each side of the Vitter amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, if my colleagues need to interrupt, I would be happy to yield to them.

I yield to the Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent that the vote sequence with respect to S. 1200 tomorrow be as follows: Vitter amendment No. 3896, Smith amendment No. 3897, DeMint amendment No. 4015, DeMint amendment 4066, and final passage of S. 1200; further, that the cloture motion with respect to S. 1200 be withdrawn, with no debate time in order except for 2 minutes prior to each vote; that after the first vote, vote time be limited to 10 minutes each; all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I further ask unanimous consent that on Tuesday, February 26, upon disposition of S. 1200, there be a period of morning business until 12:30 p.m., with Senators permitted to speak therein, with the time equally divided and controlled between the two leaders or their designees, with Senator FEINGOLD controlling 20 minutes of the majority time, if available; that at 2:30 p.m., there be 20 minutes of debate prior to a vote on the motion to invoke cloture on the motion to proceed to S. 2633, with the time divided and controlled between the leaders, with the majority leader controlling the final 10 minutes prior to the vote; that upon the use of that time, the Senate then vote on the motion to invoke cloture on the motion to proceed to S. 2633, with other provisions of the previous order remaining in effect.

My understanding is that this has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me do one small piece of business with the bill before the Senator from Kansas proceeds.

### AMENDMENTS NOS. 4019, AS MODIFIED, AND 4021 TO AMENDMENT NO. 3899

Senator MURKOWSKI and I wish to have considered two unanimous consent requests that were originally to have been included in the previous unanimous consent by which we conducted business today. One is amendment No. 4021, and one is amendment No. 4019, as modified.

I send both amendments to the desk and ask that they be considered en bloc and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 4019, as modified, and 4021) were agreed to, as follows:

### AMENDMENT NO. 4019, AS MODIFIED

On page 298, after line 25, insert the following:

**"SEC. 71_. TESTIMONY BY SERVICE EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.**

"(a) APPROVAL BY DIRECTOR.—

"(1) IN GENERAL.—The Director shall approve or disapprove, in writing, any request or subpoena for a sexual assault nurse examiner employed by the Service to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the nurse examiner.

"(2) REQUIREMENT.—The Director shall approve a request or subpoena under paragraph (1) if the request or subpoena does not violate the policy of the Department to maintain strict impartiality with respect to private causes of action.

"(3) TREATMENT.—If the Director fails to approve or disapprove a request or subpoena by the date that is 30 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this subsection.

"(b) POLICIES AND PROTOCOL.—The Director, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service.".

### AMENDMENT NO. 4021

(Purpose: To require a study of tribal justice systems)

On page 347, after line 24, add the following:

**SEC. 104. GAO STUDY OF TRIBAL JUSTICE SYSTEMS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study of the tribal justice systems of Indian tribes located in the States of North Dakota and South Dakota.

(b) INCLUSIONS.—The study under subsection (a) shall include, with respect to the tribal system of each Indian tribe described in subsection (a) and the tribal justice system as a whole—

(1)(A) a description of how the tribal justice systems function, or are supposed to function; and

(B) a description of the components of the tribal justice systems, such as tribal trial courts, courts of appeal, applicable tribal law, judges, qualifications of judges, the selection and removal of judges, turnover of judges, the creation of precedent, the recording of precedent, the jurisdictional authority of the tribal court system, and the separation of powers between the tribal court system, the tribal council, and the head of the tribal government;

(2) a review of the origins of the tribal justice systems, such as the development of the systems pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the "Indian Reorganization Act"), which promoted tribal constitutions and addressed the tribal court system;

(3) an analysis of the weaknesses of the tribal justice systems, including the adequacy of law enforcement personnel and detention facilities, in particular in relation to crime rates; and

(4) an analysis of the measures that tribal officials suggest could be carried out to improve the tribal justice systems, including an analysis of how Federal law could improve and stabilize the tribal court system.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 3896

Mr. BROWNBACK. I rise to discuss the Vitter amendment to the Indian Health Care Improvement Act No. 3896. It is an important amendment. I am a cosponsor.

I want to give a bit of outline on this provision. This codified within the Indian Health Care Improvement Act a provision that is referred to as the Hyde amendment that has been public law for some 25 years. Congressman Henry Hyde, whom both the Presiding Officer and myself served with in the House of Representatives, who passed away last year, was a giant on the issue, bringing the issue of life to the Congress, to the country.

The so-called Hyde amendment prohibits taxpayer funding for abortions other than in case of rape, incest, and the life of the mother. This is a provision which has really not been contested for some period of the time because while we have a contentious debate about abortion in the United States, the level of the contention of the debate is much lower regarding taxpayer funding of abortion when it involves anything other than rape, incest, life of the mother. That has generally been agreed to in this body, that we should not use taxpayer money in those particular situations.

What the Vitter amendment does is take that particular provision and puts it in the Indian health care bill and says that we should not fund abortions through the Indian health care provisions or Indian health care facilities other than in cases of rape, incest, or the health of the mother. Federal taxpayer dollars should not be used. Most people agree. They may be pro-choice, they may be pro-life, but they are saying still—most people in this country do not want their Federal taxpayer dollars used for this purpose. And what we are doing in this particular provision is codifying within the Indian Health Care Improvement Act this provision. The Hyde amendment is normally put in the Labor-HHS appropriations bill. It has typically not been put within the Interior appropriations bill where Indian health care is normally funded.

Indian health care legislation being an authorizing piece of legislation, I think it is important that we codify this particular provision. This will be a key vote. It will be a key vote on people's views toward taxpayer funding of these types of abortions other than in cases of rape, incest and the life of the mother. I would hope that most of our colleagues would say, even if they are pro-choice: Well, I do not think that is something we should be doing with Federal taxpayer dollars. I would hope a number of people would look and say: This is such a contentious debate and so many people in the country do not agree with abortion and particularly do not want their dollars, their taxpayer dollars used to fund selective abortions, that people say: Okay, you are right, an individual may be pro-choice, but I do not think we ought to do that in this particular situation, and would then vote for the Vitter amendment.

It is very carefully drafted. It is narrowly cast. It is a policy issue where there has been agreement between the House, the Senate, and the President. There has been agreement on the Hyde amendment provision for over 20 years, particularly cast on this contentious issue.

That is why I hope colleagues will look at this carefully and say: I have supported Hyde amendment-type language in the past. This makes sense. It is a commonsense provision.

I hope my colleagues will support the Vitter amendment because of this particular provision and will agree that it makes sense to them as well.

Overall, it is a contentious issue, but this particular provision should not be. I urge my colleagues to look at it carefully and see if they could not support the Vitter amendment. I strongly urge its passage.

I ask unanimous consent that any time I did not use be kept on the Vitter amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I am pleased we are making headway and are approaching finality and conclusion in regard to the Indian Health Care Improvement Act. I give great credit to Senator DORGAN from North Dakota and Senator MURKOWSKI from Alaska for their persistence in working with the leaders on both sides to get this legislation moved and ultimately adopted.

It has been a long time since we have had the Indian Health Care Improvement Act reauthorized. I think it goes back to about 2001. So this is a long overdue step toward attempting to improve health care throughout Indian Country, and I applaud the work that has been done. I hope tomorrow we can dispose of the final amendments that remain and get to a final vote on this legislation so we can begin to address what are some very serious needs regarding Indian Country and health care.

I wish to specifically acknowledge a couple of amendments—one that is still pending and one that has been adopted.

AMENDMENT NO. 3896

First, Mr. President, I wish to speak to the Vitter amendment, which is going to be voted on tomorrow. If adopted, this amendment would codify longstanding policy against the funding of abortions with Federal Indian Health Service funds.

Senator VITTER's amendment would permanently apply to the IHS the policy set forth by the Hyde amendment, which prohibits the Federal funding of abortions and has been national policy since 1976. For over 30 years, Democratic and Republican administrations, the U.S. Supreme Court, and bipartisan Congresses have all upheld and affirmed this essential policy. In addition to maintaining this legislative precedent, amendment No. 3896 includes important exceptions to save the life of the mother or in cases of rape or incest.

Now, some of my colleagues may ask why statutory codification of this policy is necessary. Let me assure them it is necessary to ensure this decades-long legislative precedent does not fall needlessly through procedural and political cracks.

Without this amendment, there is no true assurance that Federal IHS funds will not be used to pay for abortions on demand in the future. As everyone in this Chamber knows, the language of future HHS appropriations bills depends upon a host of political and legislative contingencies which can shift suddenly and unpredictably.

This amendment would extend and codify good policy—policy that protects the vulnerable rather than restricting rights. The Federal Register contains scores of national policies that are in place to protect women, young children, and citizens of minority status from harm.

Abortion is a practice that can harm women physically, emotionally, and spiritually. Statistics clearly demonstrate that abortion in this country falls disproportionately on minority populations, including Native Americans.

By supporting this amendment, we affirm life. As a nation we have come a long way in protecting the unborn since the Supreme Court's decision in Roe v. Wade. However, we still have a long way to go in the fight to protect life in this country. I believe there is an essential human dignity attached to all persons, including the unborn, and I will continue working with my colleagues in the Congress to promote a culture of life in this Nation.

As a cosponsor of this amendment, I offer my strong support of amendment No. 3896, and I urge my colleagues to support it.

I hope when the vote comes up tomorrow, we will have a good, strong bipartisan vote in support of this amendment.

Mr. President, I see the majority leader has come on the floor. I yield to him at this time. I assume he has some business to dispose of.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I very much thank my distinguished friend from the State of South Dakota who has, certainly, intimate knowledge of Native Americans. His State, I think, has one of the largest reservations in the country and one of the poorest all at the same time.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## BLACK HISTORY MONTH

Mr. DURBIN. Mr. President, I rise today in recognition and support of one of the most important months of the year that should be celebrated year round: Black History Month.

Dr. Carter G. Woodson, a prominent African-American historian, author, and journalist, founded "Negro History Week" in 1926 to establish a sense of pride in African Americans who had been ignored or misrepresented in traditional American History lessons. "Negro History Week" later evolved into Black History Month, a celebration of the people, history, culture, and contributions of persons with African heritage.

In part because of Black History Month, many are familiar with prominent African Americans who have changed the course of history: Martin Luther King, Jr., and Rosa Parks were at the forefront of the civil rights movement, Shirley Chisholm was the first African-American woman elected to Congress, and Jackie Robinson was the first African American to play major league baseball. But let's not overlook people such as the Golden Thirteen, the first African Americans to receive officer's training by the U.S. Navy.

At the Great Lakes Naval Training Station in my home State of Illinois, these young men worked and studied together for the comprehensive exam that would allow them entry into Officer Candidate School. Not only did they pass the exam and go on to become commissioned officers in the Navy, they earned the highest grades ever recorded in Navy history. In fact, their record has yet to be broken. Though they were often denied the privilege and respect afforded White naval officers, they served with distinction in World War II and knocked down the walls of Jim Crow in the process.

Illinois, in fact, has produced some of the greatest contributors to Black history, including jazz musician Miles Davis, Olympic track and field runner Jackie Joyner Kersee, famed composer Quincy Jones, and countless others. Illinois also has the unique distinction of electing two of the five African Americans who have served in the U.S. Senate: our very own Senator BARACK OBAMA and former Senator Carol Moseley-Braun.

During the past 400 years, against all odds and in spite of numerous roadblocks, African Americans have woven themselves into the fabric of this country. Through academics, government, music, art, food, sports, America would not be what she is without the contributions of her African-American population.

## HONORING OUR ARMED FORCES

### SPECIALIST CHAD D. GROEPPER

Mr. GRASSLEY. Mr. President, today I pay tribute to an American hero who was killed on February 17, 2008, in Diyala Province, Iraq, while supporting Operation Iraqi Freedom. His bravery and selflessness will not be forgotten. I extend my thoughts and prayers to his wife Stephanie, his daughter Clarissa, and all his family and friends.

Chad Groepper was raised in Kingsley, IA, and graduated from Kingsley-Pierson Community High School in 2004. He enlisted shortly after his graduation. Chad was known for his ability to put smiles on faces, make people laugh, and for being involved with outside sports such as dirt biking and four-wheeling. He met his wife while stationed at Fort Lewis, WA, and their daughter is only 4 months old.

Specialist Groepper was assigned to Headquarters and Headquarters Company, 2nd Battalion, 23rd Infantry Regiment, 2nd Infantry Division out of Fort Lewis, WA. He will be remembered for his courageous sacrifice and energetic personality. Kingsley mayor Wayne Plendl describes Groepper as "a nice, nice young man who was highly thought of." He will be greatly missed. I ask my colleagues here in the Senate and all Americans to remember with gratitude and appreciation a heroic soldier, SPC Chad D. Groepper.

## ASSURED FUNDING FOR VETERANS HEALTH CARE ACT

Mr. JOHNSON. Mr. President, on February 14, 2008, I was pleased to introduce the Assured Funding for Veterans Health Care Act, along with my colleague Senator SNOWE. This legislation is the companion bill to legislation introduced in the House by Representative Phil Hare, with a number of cosponsors.

This bill will make spending for the VA health care system mandatory, rather than discretionary. Under this legislation, the base-line funding year would be 130 percent of the fiscal year 2006 VA health care budget. This amount would be adjusted annually to reflect the total number of veterans participating in the VA health care system and would account for the annual rise in the cost of providing health care services.

From 1996 to 2003, the enrolled VA patient population increased 134 percent. Appropriated funding, however, only increased 44 percent. These discrepancies are intolerable. We must give the VA the funding it needs to provide our service men and women with the quality health care they deserve and were promised.

As chairman of the Military Construction and Veterans Affairs Appropriations Subcommittee, I was pleased to help secure full funding for the VA for the first time in 21 years. The Assured Funding for Veterans Health Care Act is needed, however, to ensure that this is a regular occurrence. Our veterans deserve to know that Congress will provide for their health care needs and will not subject them to the whims of the annual appropriations process.

This legislation enjoys the support of every major military and veterans association, including the American Legion, the Disabled American Veterans, the Paralyzed Veterans of American, and the Veterans of Foreign Wars. I commend this legislation to the attention of my colleagues and urge them to lend their support by cosponsoring this bill.

## THE MATTHEW SHEPARD ACT

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February 12, 2008, Lawrence King, an eighth grader in Ventura County, CA, was shot at school allegedly for being gay. He was known by classmates as an outcast who often came to school in high heels, jewelry, and makeup. He had come out just weeks before the shooting. King was working in a computer lab along with 20 other students that day when, witnesses say, 14-year-old classmate Brandon McInerney approached Lawrence and shot him in the head with a handgun. King was rushed to a local hospital where he was later declared brain dead. Once the victim died, prosecutors charged McInerney with murder as a premeditated hate crime and gun possession. He will be tried as an adult.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## 100TH ANNIVERSARY OF THE U.S. ARMY RESERVE

Mrs. BOXER. Mr. President, I take this opportunity to observe the 100th anniversary of the U.S. Army Reserve and to recognize its installations in California that comprise the U.S. Army Combat Support Training Center, CSTC.

Initially established by Congress in 1908 to provide a reserve force of medical officers, today's Army Reserve is a vital operational component in the world's most powerful and sophisticated Army. The Army Reserve provides the specialized skills and manpower the Army depends on and currently assists the Army in locations worldwide, including Iraq, Afghanistan, the Horn of Africa, the Philippines, and Latin America. As a result of their extensive peacetime and wartime accomplishments over the last 100 years, the men and women who have served and continue to volunteer to serve in the U.S. Army Reserve deserve the greatest respect and admiration.

Established in June 2005, CSTC is the Army's newest training center and the first of its kind to serve as a premier training center for Army Reserve soldiers in the Western United States. CSTC provides ranges, training areas, and facilities to prepare and train Army Reserve soldiers and encompasses four geographically separated installations throughout northern and central California: Moffett Field in the city of Mountain View, B.T. Collins Army Reserve Center in the city of Sacramento, Camp Parks in the city of Dublin, and Fort Hunter Liggett in southern Monterey County.

Until 1993, Camp Parks and Fort Hunter Liggett were separate installations under the control of the U.S. Army Reserve Command, USARC. However, in 1995, USARC placed these two posts under Fort McCoy, WI, which in turn developed the original CSTC concept. With headquarters at Camp Parks, which oversees the base operations, training facilities, and housing assets of Fort Hunter Liggett and Camp Parks, the CSTC also provides military housing at Moffett Field and lodging and dining facilities at the B.T. Collins Army Reserve Center.

I commend the CSTC for its success in providing the training grounds, facilities, and support to Army Reserve soldiers. The world-class support and training reservists receive at CSTC is worthy of the utmost praise. I commend the U.S. Army Reserve for 100 years of stellar service to our State and Nation. I will continue to support the Army Reserve as a vital component of America's national defense.

## HONORING THE PEACE CORPS

Mr. PRYOR. Mr. President, today I wish to honor National Peace Corps Week and the 47th anniversary of the Peace Corps. I add my voice to celebrate the hard working men and women who volunteer for Peace Corps service.

As an Arkansan and a believer in Senator J. William Fulbright's legacy, I consider this program to be one of the most important mechanisms we have to encourage international cooperation, peace, and security. I believe we are morally obliged to help those in need around the world and work to reduce poverty in order to fight global epidemics, to enhance education, and to reduce hunger.

I am continually heartened by the good works of Arkansans in the State, Nation, and abroad. Our State has a storied history of service, and I am pleased that there are 36 Arkansans currently serving as Peace Corps volunteers in Africa, Eastern Europe, Asia, and Latin America. I am proud to say that Arkansas is also home to one of the pioneering families of the Peace Corps, Carolyn and the late Bob Moffett. Inspired by President Kennedy's challenge to the American people, Bob entered into service as a volunteer in the summer of 1962. Carolyn was with Bob every step of the way and devoted her life to taking care of her family and the other volunteers; hosting holidays, weddings, and even funerals.

But Bob and Carolyn are just one story in the 47 years of Peace Corps history. Working in the fields of education, health and HIV/AIDS, the environment, youth, agriculture, information technology, and business development, 190,000 brave men and women, serving in 139 countries, have dedicated over 2 years of their lives to make significant achievements, enriching the lives of others and serving their country.

In these uncertain times, Peace Corps volunteers remain committed to the goals of international peace, friendship, and understanding by sharing their unparalleled experience to those back home. I pray that the good work of these and other Peace Corps volunteers will raise awareness and that others will be called to follow their good example.

For the record, I would like to submit the names of the 36 Arkansans currently serving in the Peace Corps. They are John Armstrong, Amanda Barker, Anthony Barnum, Melanie Berman, Susan Boswell Pierce, Robert Bryant, Allyson Carr, Adam Carson, Garrard Conley, Erin Gibbs, Jared Gillis, Laurel Gladish, Allison Green, Rebecca Hedges, Cameron Highsmith, Brian Hilburn, Joseph Hill, James Hollins, Jenny Hurst, Julia Jones, Adelia Kittrell, Nicholas Klinger, Theodis Lever, Tara Loftis, Stanley Luker, Jennifer Lusk, Daniel McGinley, Joshua Mosley, Danielle Rinke, Mary Rinnert, Rebecca Robinson, Deborah Romes, Christin Spradley, Kristen Straw, Jackson Taylor, Nikolette Williams. I thank them all for their devoted service to their country and steadfast dedication to improving the lives of the disadvantaged.

## ADDITIONAL STATEMENTS

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## REMEMBERING DEAMONTE DRIVER

• Mr. CARDIN. Mr. President, today I come to the floor to mark the 1-year anniversary of Deamonte Driver's death.

Deamonte was a 12-year-old from Prince George's County, MD. He died at Children's Hospital here in Washington as the result of a brain infection brought on by an untreated tooth abscess.

The Driver family, like many other families across the country, lacked dental insurance. At one point his family had Medicaid coverage, but they lost it because they had moved into a temporary shelter and their paperwork fell through the cracks. When advocates for the family tried to help, it took more than 20 calls just to find a dentist who would treat him.

Deamonte began to complain about a headache on January 11. But an evaluation at Children's Hospital led beyond basic dental care to emergency brain surgery. He later experienced seizures, and he then required a second operation.

Even though he received additional treatment and therapy, and he appeared to be recovering, medical intervention had come too late. Deamonte passed away on Sunday, February 25, 2007.

At the end, the total cost of his treatment exceeded a quarter of a million dollars—more than three thousand times the $80 it would have cost for a tooth extraction.

When his case was brought to light, I believe that it served as a wake-up call for our Nation. Many of my colleagues also came to the Senate floor to speak about the lessons of this case. Senators BINGAMAN, COLLINS, SNOWE, and SANDERS, and many others, have been outspoken about these issues for years, and I want to acknowledge and thank them for their efforts.

We talked about the realities of access to dental care in this country. Here are some basic facts:

According to the American Academy of Pediatric Dentistry, dental decay is the most common chronic childhood disease among children in the United States. It affects one in five children aged 2 to 4, half of those aged 6 to 8, and nearly three-fifths of 15-year-olds. Tooth decay is five times more common than asthma among school-age children. Children living in poverty suffer twice as much tooth decay as middle- and upper-income children; 39 percent of Black children have untreated tooth decay in their permanent teeth; 11 percent of the Nation's rural population have never visited a dentist; and an estimated 25 million people live in areas that lack adequate dental care services.

Today the Senate is moving toward completion of the Indian Health Care Amendments Act of 2007, a bill that I support. According to a study released this week in the Journal of the American Academy of Pediatrics, of all groups in this country, Native American children had the worst access to dental care, and double the odds of White children of having their dental needs unmet.

At the end of January, a survey from the Maryland Department of Health and Mental Hygiene showed that fewer than one-third of Maryland kindergarten and third grade students have dental sealants. This report also shows that a third of these students also have untreated dental disease. These results correspond with the findings of a Dental Action Committee that our Health Secretary convened last year.

As we move forward, I want to emphasize that this is not just about dental care. This is a question of whether we are truly committed to improving the overall health of our children. Our former Surgeon General C. Everett Koop, once said, "There is no health without oral health."

Medical researchers have discovered the important linkage between plaque and heart disease; that chewing stimulates brain cell growth; and that gum disease can signal diabetes, liver ailments and hormone imbalances. They have learned the vital connection between oral research and advanced treatments like gene therapy, which can help patients with chronic renal failure. They determined that a pregnant woman who has periodontal disease can be as much as seven times more likely to give birth to a premature or low-birthweight baby.

We heard the call to action in the 110th Congress, and demonstrated strong support for efforts to improve dental care for children in our Nation.

One year ago, I said that I hoped that Congress would include a dental guarantee in the CHIP reauthorization bill. We did that in a fiscally responsible way with bipartisan support. We also added provisions to improve the availability of information about dental coverage and participating dentists. But the President chose to veto that bill. We will keep trying because we know how important these provisions are to the overall health of our Nation's children.

We will also continue to work to increase funding for grants to States and expand training opportunities for pediatric dentists. We do not have enough professionals who are trained and available to treat children with dental problems, and it is a Federal responsibility to fix that. And we must improve public reimbursements to dental providers in offices and clinics so that no child who needs treatment will be turned away.

February is National Children's Dental Health Month. And so, this is a sad anniversary, but it is also our opportunity to recommit ourselves to addressing one of the most pressing health care issues facing our children. It is our duty to do so. We will never forget Deamonte Driver and we will never forget our responsibility to improving dental care for America's children.●

## IN MEMORY OF OFFICER RANDAL SIMMONS

● Mrs. BOXER. Mr. President, the city of Los Angeles and the nationwide law enforcement community has lost an exemplary leader. Officer Randal Simmons, a 27-year veteran of the Los Angeles Police Department and 20-year member of the department's elite Special Weapons and Tactics Team, SWAT, is the first officer in the team's four-decade history to die in the line of duty. I would like to take a few moments to recognize Officer Randal Simmons' many important accomplishments and the tremendous impact he made as a leader in both his personal and professional life.

Originally from New York City, Simmons' family moved to southern California early in his life. He graduated from Fairfax High School in 1974 and then attended Washington State University where he studied criminology and was a member of the University's football team.

After college, Simmons returned to the city of Los Angeles and became a member of the Los Angeles Police Department. During his career, Simmons served in many high-crime areas where he worked to not only protect the local community but also to combat gang activity. His dedication to serving the residents of Los Angeles was well recognized when he earned the distinction of becoming a member of the department's elite SWAT Team.

Simmons was not only a leader to his fellow officers but also a highly respected leader in his community. Serving as an ordained minister, he was an active member of his church and helped to build a community gymnasium. He volunteered much of his time to lead a group ministry that served nearly 1,500 children and also found time to serve as coach for his son's football team. His presence in the community will truly be missed.

I invite all of my colleagues to join me in recognizing and honoring Officer Randal Simmons for his guidance and leadership in fighting to improve the lives of all Angelinos. He is survived by his wife Lisa and their two children, to whom I send my heartfelt condolence. Officer Simmons leaves a lasting legacy of caring and compassion that serves as a model to us all.●

## REMEMBERING VADA SHEID

● Mr. PRYOR. Mr. President, today I wish to celebrate the life and accomplishments of a great Arkansan, Mrs. Vada Webb Sheid. Mrs. Sheid was a civil servant; she was an entrepreneur; she was an inspiration. After a long battle with Alzheimer's, Vada Sheid passed away on February 11, 2008, at the age of 91. She will be sorely missed.

Born and raised in rural Arkansas near Calico Rock in the north central part of the State, she became known as one of the Twin Lakes area's biggest movers and shakers. She came from a rare breed of politicians, one marked with sincere intentions and a sense of duty. Starting as the Izard County Welfare Director at the young age of 19, her public service career stretched across five decades. Her love of public service, the area, and the people of her area was apparent in her work.

She understood the needs of her constituents and committed her time and efforts to addressing them. From the time she was first elected in 1966, she set out to replace the ferry system on Norfork Lake by building bridges across it. After nearly 20 years of unwavering pursuit, the Norfork Lake bridges were constructed, an act credited as her crowning achievement.

Education was another cornerstone of her tenure. As a supporter of the Arkansas Freedom of Information Act, Mrs. Sheid donated her papers to the

University of Arkansas Special Collections in 1989 so that they may be shared and studied for generations to come. North Central Arkansas did not have much to offer as a means of college education prior to the work of Vada. During her tenure, she introduced a measure that established the North Arkansas Community College in Harrison and was a key factor to the creation of the Arkansas State University at Mountain Home.

Vada and my father, David Pryor, were dear friends and had a close relationship during their many years of public service in Arkansas. I had the privilege of serving with her in the Arkansas House of Representatives. She had this calming influence about her that led her to become a mentor to many of us. Given her reputation, she was trusted as a sounding board across the State on key issues and new ideas. There is not really a story I could tell about Vada Sheid to encompass the person she was. Her story was filled with a lifetime of integrity and a steadfast passion for public service.

Her accomplishments and passion for public service continue to be an inspiration to me. I recognize the value and impact of her work in Arkansas, and during my time in the Senate, I have worked to secure Federal funding for the Vada Sheid Community Center on the Arkansas State University at Mountain Home campus. With the groundbreaking set for April 11, I am committed, now more than ever, to working with stakeholders to complete this project as a tribute to Mrs. Sheid.

Arkansas has a rich heritage of powerful, groundbreaking women. Vada Sheid's accomplishments place her in the ranks of historic greats like Hattie Caraway, Judge Elsijane Trimble Roy, my dear colleague, Senator Blanche Lambert Lincoln, and my grandmother, Susie Newton Pryor. This woman rose above the times and crossed milestones in so many of her endeavors. She was the first woman to be elected in her own right to the Arkansas Senate, and the first woman to serve in both Chambers of the Arkansas General Assembly.

My heart goes out to her family, friends, and Arkansans alike as we mourn this loss. Vada left Arkansas and the world a better place than when she found it and her legacy will continue to live on for generations to come.●

## RECOGNIZING THE LADY BULLDOGS

● Mr. THUNE. Mr. President today I wish to honor the Madison High School gymnastics team for winning their 14th consecutive South Dakota State Gymnastics title and breaking the national record for most consecutive State gymnastics team titles. This is truly an impressive accomplishment, and I am proud to have such fine athletes representing the State of South Dakota.

Last year, the Madison High School Bulldogs were tied with Sehome High School from Bellingham, WA, for most consecutive championship wins. However, as a result of their countless hours of hard work and dedication, the Bulldogs have shown to the Nation their outstanding athletic talent and determination by winning the 2008 State Championship and clinching the national record.

Not only did the Lady Bulldogs top the national record for most consecutive State wins, they also beat their State-best score from last year. Madison had four of the top scores in the vault, the top three in the balance beam, three of the top five in the uneven bars, and two of the top three in the floor exercise. This is evidence of the team's ability to perform well and work together in all of the categories of the championship.

The Lady Bulldogs sealed their 14th win with a final score of 141.896 points. I would like to congratulate all the young women who have worked so hard this year to win the State championship. The gymnasts of the Lady Bulldogs for the 2007–2008 season, in alphabetical order, are as follows: Laura Blom, Danielle Bloom, Katie Breuer, Kassie Finck, Lexi Finck, Theresa Knapp, Katie Mackenzie, Heidi Mogck, Mara Riedel, Sara Rogers, Jessica Strom, Kaitlyn Walker, and Heather Williams.

This remarkable accomplishment would not have been possible without the guidance and encouragement of the team's excellent coaching staff, head coach Maridee Dossett and assistant coach Kindra Wiese. Coach Dossett has been a Lady Bulldog since 1995, first as an athlete and now as a coach. She was part of the team when they won their first State title in 1995. Upon graduation, she has continued to contribute to the team and spur them on to continued success.

Bud Postma, the athletic director of the Lady Bulldogs, said the streak was a testament to past gymnasts and coaches at Madison. Linda Collignon was the coach who started the record-breaking streak 14 years ago. This national record was made possible by the dedication of the gymnasts and coaching staff of the Madison High School gymnastics team throughout the years.

I would also like to acknowledge the support and devotion of the families of the Madison Gymnastics team members and the community of Madison. Without the encouragement and sacrifice from the gymnasts' families and the dedicated support of the Madison community, this amazing accomplishment would not have been possible.

On behalf of the State of South Dakota, I am pleased to congratulate the Lady Bulldogs Gymnastics team on their recordbreaking national accomplishment and wish them the best of luck for their continued success.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which were previously signed by the Speaker pro tempore (Mr. HOYER) of the House:

H.R. 1216. An act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H.R. 5270. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for her purposes.

At 3:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2571. An act to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1834. An act to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

H.R. 4169. An act to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 289. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary.

At 6:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4137. An act to amend and extend the Higher Education Act of 1965, and for other purposes.

H.R. 5478. An act to provide for the continued minting and issuance of certain $1 coins in 2008.

## MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on February 19, 2008, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HOYER) had signed the following enrolled bills:)

H.R. 1216. An act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H.R. 5270. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4137. An act to amend and extend the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5478. An act to provide for the continued minting and issuance of certain $1 coins in 2008; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 289. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary; to the Committee on the Judiciary.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1834. An act to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2665. A bill to extend the provisions of the Protect America Act of 2007 until July 1, 2009.

S. 2664. A bill to extend the provisions of the Protect America Act of 2007.

S. 2663. A bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5117. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Add Mauritius to the List of Regions Where African Swine Fever Exists" (Docket No. APHIS-2007-0151) received on February 20, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5118. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Add Portion of Los Angeles County, CA, to the List of Quarantined Areas" (Docket No. APHIS-2008-0004) received on February 20, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5119. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Designation of Portion of San Diego County, CA, as a Quarantined Area" (Docket No. APHIS-2008-0005) received on February 20, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5120. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 2008 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5121. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Carfentrazone-ethyl; Pesticide Tolerance" (FRL No. 8349-4) received on February 15, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5122. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mesotrione; Pesticide Tolerance" (FRL No. 8349-7) received on February 15, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5123. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Formetanate Hydrochloride; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8343-6) received on February 15, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5124. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a public-private competition that was completed at the Defense Logistics Agency on July 26, 2007; to the Committee on Armed Services.

EC–5125. A communication from the Chief of the Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to a public-private competition that was conducted at Nellis Air Force Base in Nevada; to the Committee on Armed Services.

EC–5126. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Home Equity Conversion Mortgages: Determination of Maximum Claim Amount; and Eligibility for Discounted Mortgage Insurance Premium for Certain Refinanced HECM Loans" (RIN2502-AI49) received on February 15, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5127. A communication from the Secretary of the Commerce, transmitting, pursuant to law, an annual report relative to the Emergency Oil and Gas Guaranteed Loan Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–5128. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report relative to the Emergency Steel Loan Guarantee Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–5129. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Atwater, CA" ((RIN2120–AA66) (Docket No. 07–AWP–3)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5130. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Castle Airport, Atwater, CA" ((RIN2120–AA66) (Docket No. 07–AWP–3)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5131. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Springfield, CO" ((RIN2120–AA66) (Docket No. 07–ANM–4)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5132. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of VOR Federal Airway 363, CA" ((RIN2120–AA66) (Docket No. 04-AWP–08)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5133. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Helena, MT" ((RIN2120–AA66) (Docket No. 07–ANM–11)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5134. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mooresville, NC" ((RIN2120–AA66) (Docket No. 07–ASO–11)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5135. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Poplar Bluff, MO" ((RIN2120–AA66) (Docket No. 07–ACE–9)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5136. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursyant to law, the report of a rule entitled "Establishment and Amendment of Class D and E Airspace; Easton, MD" ((RIN2120–AA66) (Docket No. 07–AEA–02)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5137. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Montrose, PA" ((RIN2120–AA66) (Docket No. 07–AEA–11)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5138. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Honesdale, PA" ((RIN2120–AA66) (Docket No. 07–AEA–12)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5139. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; McGrath, AK" ((RIN2120–AA66) (Docket No. 07–AAL–15)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5140. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Soldotna, AK" ((RIN2120–AA66) (Docket No. 07–AAL–16)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5141. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lewiston, ME" ((RIN2120–AA66) (Docket No. 07–ANE–95)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5142. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Farmington, ME" ((RIN2120–AA66) (Docket No. 07–ANE–93)) received on February 15,2008; to the Committee on Commerce, Science, and Transportation.

EC–5143. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Selawik, AK" ((RIN2120–AA66) (Docket No. 07–AAL–05)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5144. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Buckland, AK" ((RIN2120–AA66) (Docket No. 07–AAL–12)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5145. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Chevak, AK" ((RIN2120–AA66) (Docket No. 07–AAL–13)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5146. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Kenai, AK" ((RIN2120–AA66) (Docket No. 07–AAL–14)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5147. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Model400A Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–106)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5148. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation AE 3007A and AE 3007C Series Turbofan Engines" ((RIN2120–AA64) (Docket No. 99–NE–01)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5149. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cirrus Design Corporation Model SR22 Airplanes" ((RIN2120–AA64) (Docket No. 2007–CE–091)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5150. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hartzell Propeller Inc. Model HC–E5N–3(), HC–E5N–3()(L), and HC–E5B–5() Propellers" ((RIN2120–AA64) (Docket No. 2007–NE–31)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5151. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GROB–WERKE GMBH AND CO KG Models G102 CLUB ASTIR III, G102 CLUB ASTIR IIIb, and G102 STANDARD ASTIR III Gliders" ((RIN2120–AA64) (Docket No. 2007–CE–060)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5152. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Societe de Motorisations Aeronautiques SR305–230 and SR305–230–1 Reciprocating Engines" ((RIN2120–AA64) (Docket No. 2006–NE–36)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5153. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 2S1 and 2S2 Turboshaft Engines" ((RIN2120–AA64) (Docket No. 2007–NE–17)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5154. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Trent 768–60, 772–60, and 772B–60 Turbofan Engines" ((RIN2120–AA64) (Docket No. 2006–NE–30)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5155. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–241)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5156. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Confidential Business Information" (RIN2127–AJ95) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5157. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Theft Prevention Standard Update to Appendix A" (RIN2127–AJ97) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5158. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Response to Petitions for Reconsideration on 5th Percentile Dummy Belted Barrier Crash Test Procedures" (RIN2127–AK03) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5159. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Joint Amendment 27 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico and Amendment 14 to the FMP for the Shrimp Fishery of the Gulf of Mexico" (RIN0648–AT87) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5160. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correction to the Final Rule for Expansion of the Pacific Coast Groundfish Fishery Vessel Monitoring System" (RIN0648–AU08) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5161. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska" (RIN0648–XF23) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5162. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Georges Bank Yellowtail Flounder Possession Prohibition" (RIN0648–XF04) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5163. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XF21) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5164. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648–XF21) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5165. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648–XF34) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5166. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska" (MB Docket No. 07–143) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5167. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notification of 2008 No-Harvest Guideline for the Northwestern Hawaiian Islands Crustaceans Fishery" (RIN0648–XF19) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5168. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to a statistical program on trade in services; to the Committee on Commerce, Science, and Transportation.

EC–5169. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Administrative Rewrite of FMVSS No. 108; Lamps, Reflective Devices, and Associated Equipment" (RIN2127–AJ75) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5170. A communication from the Deputy General Counsel, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Cross-Waiver of Liability" (RIN2700–AB51) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5171. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to progress made in licensing and constructing the Alaska natural gas pipeline; to the Committee on Energy and Natural Resources.

EC–5172. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Clarification of NRC Civil Penalty Authority over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities" (RIN3150–AH59) received on February 21, 2008; to the Committee on Environment and Public Works.

EC–5173. A communication from the Executive Director, National Surface Transportation Policy and Revenue Study Commission, transmitting, pursuant to law, a report entitled "Transportation for Tomorrow"; to the Committee on Environment and Public Works.

EC–5174. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus Magdalenae var. peirsonii" (RIN1018–AU98) received on February 15, 2008; to the Committee on Environment and Public Works.

EC–5175. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Berberis nevinii" (RIN1018–AU84) received on February 15, 2008; to the Committee on Environment and Public Works.

EC–5176. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Vitamin E, d-alpha tocopherol, dl-alpha tocopherol, d-alpha tocopheryl acetate, and dl-alpha tocopheryl acetate; Inert Ingredients; Exemption from the Requirement of a Tolerance" (FRL No. 8347–8) received on February 15, 2008; to the Committee on Environment and Public Works.

EC–5177. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; VOC Emissions from Fuel Grade Ethanol Production Operations" (FRL No. 8529–8) received on February 15, 2008; to the Committee on Environment and Public Works.

EC–5178. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1-Propanesulfonic acid, 2-methyl-2-[(1-oxo-2-propenyl)amino]-monosodium salt, polymer with ethenol and ethenyl acetate; Exemption from the Requirement of a Tolerance" (FRL No. 8344–7) received on February 15, 2008; to the Committee on Environment and Public Works.

EC–5179. A communication from the Secretary of Health and Human Services, transmitting, proposed legislation to respond to the warning that was issued in April 2007 relative to Medicare funding; to the Committee on Finance.

EC–5180. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payments from the Primary Matching Payment Account" ((RIN1545–BH41)(TD9382)) received on February 20, 2008; to the Committee on Finance.

EC–5181. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payments from the Presidential Primary Matching Payment Account" (Rev. Proc. 2008–15) received on February 20, 2008; to the Committee on Finance.

EC–5182. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Advanced Coal Project Program—Special Allocation Round" (Notice 2008–26) received on February 20, 2008; to the Committee on Finance.

EC–5183. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TIPRA Amendments to Section 199" ((RIN1545–BF79)(TD 9381)) received on February 20, 2008; to the Committee on Finance.

EC–5184. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "GO Zone Bonus Depreciation Recapture" (Notice 2008–25) received on February 15, 2008; to the Committee on Finance.

EC–5185. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Time and Manner for Electing Capital Asset Treatment for Certain Self-Created Musical Works" ((RIN1545–BG35)(TD 9379)) received on February 15, 2008; to the Committee on Finance.

EC–5186. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data in support of the sale of Sikorsky Model S–70A Helicopters for the United Arab Emirates Armed Forces; to the Committee on Foreign Relations.

EC–5187. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–10—2008–17); to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 14, 2008, the following reports of committees were submitted on February 22, 2008:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 2324. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes (Rept. No. 110–262).

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with amendments:

S. 2142. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes (Rept. No. 110–263).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2450. A bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine (Rept. No. 110–264).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes (Rept. No. 110–265).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS RECEIVED DURING RECESS

On February 15, 2008, under the authority of the order of the Senate of February 14, 2008, the following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ:

S. 2655. A bill to provide relief for veterans with a disability rated as total; to the Committee on Finance under authority of the order of the Senate of 02/14/2008.

By Mr. SALAZAR:

S. 2656. A bill to prohibit the transport of hydrolysate from the Pueblo Chemical Depot, Colorado, to an offsite location; to the Committee on Armed Services under authority of the order of the Senate of 02/14/2008.

By Mr. KERRY:

S. 2657. A bill to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation under authority of the order of the Senate of 02/14/2008.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 2658. A bill to amend the Servicemembers Civil Relief Act to extend from 90 days to one year the period after release of a member from the Armed Forces from active duty during which the member is protected from mortgage foreclosure; to the Committee on Veterans' Affairs.

By Mr. REID (for Mrs. CLINTON):

S. 2659. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that all trailers or mobile homes purchased by the Federal Emergency Management Agency meet the safety standards established by the Secretary of Housing and Urban Development for housing used in programs of the Department of Housing and Urban Development; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANDERS (for himself, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. KENNEDY, and Mr. LEAHY):

S. 2660. A bill to amend the Federal Power Act to ensure that the mission and functions of Regional Transmission Organizations and Independent System Operators include keeping energy costs as low as reasonably possible for consumers, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. NELSON of Florida, and Mr. STEVENS):

S. 2661. A bill to prohibit the collection of identifying information of individuals by false, fraudulent, or deceptive means through the Internet, a practice known as "phishing", to provide the Federal Trade Commission the necessary authority to enforce such prohibition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself and Mr. GREGG) (by request):

S. 2662. A bill to respond to a medicare funding warning; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. STEVENS, Mr. INOUYE, Ms. COLLINS, Mr. NELSON of Florida, and Ms. KLOBUCHAR):

S. 2663. A bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; read the first time.

By Mr. REID:

S. 2664. A bill to extend the provisions of the Protect America Act of 2007; read the first time.

By Mr. REID:

S. 2665. A bill to extend the provisions of the Protect America Act of 2007 until July 1, 2009; read the first time.

By Ms. CANTWELL (for herself, Mr. SMITH, Mr. KERRY, Mr. COLEMAN, and Mr. SALAZAR):

S. 2666. A bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. HATCH):

S. Res. 458. A resolution expressing the condolences of the Senate to those affected by the devastating shooting incident of February 14, 2008, at Northern Illinois University in DeKalb, Illinois; considered and agreed to.

By Mr. LUGAR (for himself and Mr. VOINOVICH):

S. Res. 459. A resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to extend invitations for membership to Albania, Croatia, and Macedonia at the April 2008 Bucharest Summit, and for other purposes; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 460. A resolution to authorize representation by the Senate Legal Counsel in the case of National Association of Manufacturers v. Taylor, et al; considered and agreed to.

## ADDITIONAL COSPONSORS

### S. 22

At the request of Mr. WEBB, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

### S. 211

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

### S. 243

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 243, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

### S. 367

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

### S. 548

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

### S. 718

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

### S. 950

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 950, a bill to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Nino events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes.

### S. 1001

At the request of Mrs. HUTCHISON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

### S. 1125

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

### S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

### S. 1181

At the request of Mr. REED, his name was added as a cosponsor of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

### S. 1287

At the request of Mr. SMITH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

### S. 1373

At the request of Mr. PRYOR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

### S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

### S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

### S. 1390

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

### S. 1494

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

### S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

### S. 1707

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1707, a bill to reduce the duty on certain golf club components.

### S. 1738

At the request of Mr. BIDEN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

### S. 1901

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1901, a bill to amend Public Law 98-513 to provide for the inheritance of small fractional interests within the Lake Traverse Indian Reservation.

### S. 1921

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

### S. 2064

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2064, a bill to fund comprehensive programs to ensure an adequate supply of nurses.

### S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Illinois (Mr. OBAMA) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

### S. 2144

At the request of Mr. COLEMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2144, a bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

### S. 2166

At the request of Mr. CASEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

### S. 2279

At the request of Mr. BIDEN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2279, a bill to combat international violence against women and girls.

### S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2323

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2323, a bill to provide for the conduct of carbon capture and storage technology research, development, and demonstration projects, and for other purposes.

S. 2372

At the request of Mr. SMITH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2433

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2439

At the request of Mr. MENENDEZ, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2444

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2444, a bill to direct the Secretary of Education to provide grants to establish and evaluate sustainability programs, charged with developing and implementing integrated environmental, economic, and social sustainability initiatives, and to direct the Secretary of Education to convene a summit of higher education experts in the area of sustainability.

S. 2460

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2523

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2560

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2560, a bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

S. 2569

At the request of Mrs. BOXER, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2575

At the request of Mrs. HUTCHISON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2578

At the request of Mr. COLEMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2595

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes.

S. 2596

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2596, a bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

S. 2618

At the request of Ms. KLOBUCHAR, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2631

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2631, a bill to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2631, supra.

S. 2633

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. BYRD), the Senator from Ohio (Mr. BROWN), the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Vermont (Mr. SANDERS), the Senator from Connecticut (Mr. DODD), the Senator from New York

(Mrs. CLINTON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2633, a bill to provide for the safe redeployment of United States troops from Iraq.

### S. 2634

At the request of Mr. FEINGOLD, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. BYRD), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. OBAMA), the Senator from California (Mrs. BOXER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2634, a bill to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

### S. 2636

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Colorado (Mr. SALAZAR), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY), the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. BOXER), the Senator from Rhode Island (Mr. REED), the Senator from Illinois (Mr. OBAMA), the Senator from Maryland (Mr. CARDIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2636, a bill to provide needed housing reform.

### S. 2643

At the request of Mr. SUNUNU, his name was added as a cosponsor of S. 2643, a bill to amend the Clean Air Act to require the Administrator of the Environmental Protection Agency to promulgate regulations to control hazardous air pollutant emissions from electric utility steam generating units.

### S. 2650

At the request of Mr. SPECTER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2650, a bill to provide for a 5-year carryback of certain net operating losses and to suspend the 90 percent alternative minimum tax limit on certain net operating losses.

### S. RES. 454

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 454, a resolution designating the month of March 2008 as "MRSA Awareness Month".

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS RECEIVED DURING RECESS

By Mr. SALAZAR:

S. 2656. A bill to prohibit the transport of hydrolysate from the Pueblo Chemical Depot, Colorado, to an off-site location; to the Committee on Armed Services under authority of the order of the Senate of 02/14/2008.

Mr. SALAZAR. Mr. President, I rise today to introduce legislation that will help us achieve swift and safe destruction of the chemical weapons stored at the Pueblo Chemical Depot in Colorado. Congressman JOHN SALAZAR and Congressman MARK UDALL are introducing similar legislation today in the House.

The Pueblo Chemical Depot is home to 780,000 munitions filled with over 2,600 tons of liquid mustard agent—around 8.5 percent of the original U.S. chemical stockpile. The munitions sit in 96 high security igloos as they await disassembly and destruction.

The congressionally ratified Chemical Weapons Convention mandates that these munitions be destroyed by 2012. Unfortunately, the Department of Defense is woefully behind in fulfilling its responsibilities because it consistently underfunds a program that is essential to our national security and to the safety of nearby communities.

Every year we have to fight to put money back into the Assembled Chemical Weapons Alternatives, ACWA, program, the authority that is overseeing the destruction operation at Pueblo and at the Blue Grass Army Depot, in Kentucky. But, thanks to Congressional intervention, we have succeeded in getting the program moving. Last year Congress allocated over $400 million for weapons destruction at the Pueblo Chemical Depot and the Blue Grass Army Depot. I want to thank Chairman LEVIN and Ranking Member MCCAIN of the Armed Services Committee, Chairman INOUYE and Ranking Member STEVENS of the Defense Appropriations Subcommittee, and Chairman DORGAN and Ranking Member HUTCHISON of the Military Construction and Veterans Affairs Appropriations Subcommittee for all their help.

If you visit the Pueblo Chemical Depot today, you will see that contractors have begun to lay the utilities and foundations for the processing facility that will treat the agent. And you will see that they have begun construction of the biotreatment facility, which will treat the hydrolysate that is the byproduct of the mustard neutralization process. It is a welcome sight to finally see earth moving. In addition to the funding that Congress restored in fiscal year 2008 for chemical weapons destruction, we also passed legislation to set a hard deadline of 2017 for the Department of Defense to complete all chemical weapons destruction activities.

It is no secret that DOD is going to miss the 2012 treaty deadline for weapons destruction at Pueblo. That's what happens when you drag your feet and fail to put adequate resources behind a program. But the law we passed last year says that even if they miss the 2012 deadline, the Department of Defense shall complete work on the destruction of the entire stockpile of lethal chemical agents and munitions absolutely no later than 2017. Every six months, the department has to report to Congress on the progress they are making, what resources are needed, and how much funding is programmed to fulfill this requirement.

For those of us who have been fighting this fight for the Pueblo site, the hard deadline of 2017 is a dramatic improvement. At the pace that we were moving under administration's funding projections last year, destruction activities there were expected to be completed sometime in 2021.

This is absurd, especially with DOD's own admission that with higher funding levels they could complete destruction at Pueblo a full five years earlier than that.

I am proud that this 2017 deadline has been signed into law and I look forward to working with the Department of Defense to ensure that the U.S. Government meets this legal obligation.

Unfortunately, we still have more work to do to see that these chemical weapons are destroyed as swiftly and safely as possible. For one thing, we will have to continue to hold DOD's feet to the fire to ensure that they are devoting adequate resources to chemical weapons destruction.

We will also have to work to help make the chemical weapons destruction process proceed as smoothly, safely, and expeditiously as possible. This means watching to make sure that DOD does not get bogged down in bureaucracy or red tape that could cause delays.

There is a real danger of this at the Pueblo Site, where the Department of Defense is yet again studying whether it should ship hydrolysate, a byproduct of neutralizing mustard agent, to an off-site location for destruction. Hydrolysate is a hazardous waste that must be subjected to a biotreatment process to make it non-hazardous.

At Pueblo, they have already begun construction of an on site biotreatment facility to neutralize the hydrolysate. This is great news. It is the simplest solution and, according to two recent studies, the fastest way to treat all the hydrolysate.

These two studies, completed in 2007, both concluded that shipping hydrolysate off-site would yield few, if any, cost-savings and would likely result in litigation, strong public opposition, and potential delays to chemical weapons destruction. An analysis conducted by Mitretek found that "a decision for off-site treatment will probably result in litigation of the CD at Pueblo, resulting in extensive delays. Every month of delay costs roughly $15–$16 million. Any delay over 6 months, regardless of cause, would be expected to erase all possible savings, even under the most optimistic assumptions."

The report by Lean Six Sigma concluded that off-site destruction would actually cost more and could result in as much as a five-year delay in chemical weapons destruction at Pueblo.

Given the conclusions of these recent studies on hydrolysate destruction, I am perplexed that the Department is conducting yet another study on the potential cost savings of hydrolysate destruction. It is unclear to me what questions remain unanswered. These studies clearly show that shipping hydrolysate off-site raises risks of permitting delays or litigation. With a 2017 deadline to meet, the Department of Defense can't afford a permitting delay that sets the project off course.

The bill I am introducing today is very simple. It prohibits the Secretary of Defense from shipping hydrolysate at the Pueblo Chemical Depot off-site for treatment. This will ensure that DOD can continue to proceed on its current path toward treating hydrolysate on-site. It will help the U.S. Government meet its legal obligation to complete chemical weapons destruction by 2017. And it will provide some certainty to the communities that have waited so long for these chemical weapons to be safely destroyed.

We need to put this potentially costly and dilatory issue behind us and proceed with the safe and swift destruction of our Nation's stockpile of chemical weapons.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 2658. A bill to amend the Servicemembers Civil Relief Act to extend from 90 days to one year the period after release of a member from the Armed Forces from active duty during which the member is protected from mortgage foreclosure; to the Committee on Veterans' Affairs.

Mr. KERRY. Mr. President, in the Congress and in Washington these last years, there has been a tragic disconnect between the words spoken about keeping faith with those who wear the uniform of our country, and the actions actually taken to make those words count.

From the tragic conditions at Walter Reed to the backlog of claims at the Veterans Administration, there has been a long list of problems unaddressed—and of problems that arose because someone, somewhere didn't plan ahead to prevent problems for those who sacrifice for all of us.

Today we know from VA estimates that nearly 200,000 veterans are homeless on any given night and that nearly 400,000 veterans experience homelessness over the course of a year—a national disgrace to consider that in the richest country on the planet perhaps one out of every three homeless men sleeping in a doorway, alley or box once wore the uniform of our country.

We also know from the Bush administration's own U.S. Labor Department, that, for example, in 2006, the unemployment rate for young veterans of the wars in Iraq and Afghanistan was 15 percent, more than triple the national average back then. We know that too many unemployed veterans are National Guard or Reserve troops who were called to duty but found when they came home that their old jobs were gone, that they'd lost their place in line in the local economy, or that the small businesses they'd left behind to serve overseas were in dire straits when they came home.

We know these two challenges—the homeless rates for veterans and the unemployment numbers for veterans—demand big solutions, and we are working to provide them.

But we should also know by now that the least we can do is stop these problems from becoming worse. We have seen a wave of foreclosures send a ripple effect across the economy. By late 2007, 2.5 million mortgages were in default—a 40 percent increase from just 2 years earlier. Last month, foreclosures in Massachusetts alone were up 128 percent from the previous January. In fact, in 2007 alone 1.6 million Americans defaulted on their home loans, and as many as 3.5 million more are expected to do the same by mid-2010.

Every U.S. Senator would agree that the thought of our men and women in uniform being thrown out of their homes because of mortgage foreclosures is miles beyond unacceptable. The question is, in the middle of a national housing crisis and a subprime mortgage collapse, what can be done—done at a minimum—to ensure that Washington acts to shield veterans from becoming the faces of the foreclosure crisis, and from making today's Iraq and Afghanistan veterans the faces of tomorrows' homeless and jobless populations.

We know that the soaring and staggering foreclosure statistics are directly affecting Americans from all walks of life, and our military is not exempt from the pain. The least we can do today is make it clear that we will pay some small measure of respect to veterans by helping them avoid foreclosure. They need more time and greater flexibility as they return to civilian life. The Commission on the National Guard and Reserves has urged us to take preventative action. The Commission found that the transition from military to civilian life extends well beyond the current timelines which forces many service members to focus their attention on imminent foreclosure instead of first locating a competitive job or addressing any mental or physical health concerns that they may be facing.

That is why today I am introducing commonsense legislation that would protect servicemembers and veterans involved in the wars in Iraq and Afghanistan by securing a longer grace period for payment. My bill would extend the time from 90 days to 1 year the time period that a servicemember is protected from foreclosure. By extending the deadline to 1 year, I hope we can take one small step to prevent future homelessness throughout the veteran's community.

If America's leaders truly support our troops, we owe them more than a polite thank you and best wishes. We owe them action. We cannot tolerate a pattern in Washington that has persisted for too long—provide lip service about supporting the troops but not the lifesaving body armor they need; talk a good game about veterans but cut funding for their healthcare. It is wrong, and it is time for it to end. We should act now to ensure that those saddled with the burden of the mortgage crisis are not those who have carried the greatest responsibility for America overseas in the fight for freedom. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2658

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF MORTGAGE FORECLOSURE PROTECTION PERIOD FOR SERVICEMEMBERS.**

(a) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(c)) is amended by striking "90 days" and inserting "one year".

(b) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section (50 U.S.C. App. 533(b)) is amended by striking "90 days" and inserting "one year".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to individuals performing a period of military service (as that term is defined in section 101(3) of the Servicemembers Civil Relief Act (50 U.S.C. App. 511(3))) that begins on or after October 7, 2001.

By Mr. SANDERS (for himself, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. KENNEDY, and Mr. LEAHY):

S. 2660. A bill to amend the Federal Power Act to ensure that the mission and functions of Regional Transmission Organizations and Independent System Operators include keeping energy costs as low as reasonably possible for consumers, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SANDERS. Mr. President, today I am introducing legislation to help protect consumers from high electricity prices that have followed deregulation of electricity markets. I am honored to have many of my colleagues joining me in offering this legislation—Senator SNOWE, Senator KERRY, Senator COLLINS, Senator KENNEDY, and Senator LEAHY.

Market pricing of electricity promised to bring lower costs to consumers. Unfortunately, consumers in organized market regions—those that have a Regional Transmission Organization or Independent System Operator, RTOs or ISOs as they are called—are experiencing just the opposite: substantial, across-the-board problems with spiraling costs, unaccountable governance, and a chronic lack of oversight. Increasingly, RTOs/ISOs are adopting questionable, unproven, and expensive market mechanisms, and there seems to be little interest at the Federal Energy Regulatory Commission, FERC, or the RTOs/ISOs to question any of the economic theories behind these mechanisms. I note that on February 21, 2008, FERC finally took a step toward acknowledging that the markets are not working by issuing a proposed rule that would address some concerns. I believe, however, that the legislation I am introducing today will focus FERC on consumer issues, which were not adequately addressed in the proposed rule.

The goal of lowering costs to consumers has been lost in the race to create competitive electricity markets. In fact, something as simple as keeping costs to consumers as low as reasonably possible is not even part of the mandate, or mission statement, of any of the Nation's ISOs or RTOs! In New England, we have seen what can happen—there have been several instances in which ISO-New England has implemented expensive market mechanisms, over the objection of significant segments of electric stakeholders, without either conducting a cost-benefit analysis or comparing the costs of the proposed initiative with alternative means of achieving the desired results.

Showing the strong interest in this issue in the New England region, the legislation is supported by the Northeast Public Power Association, the Vermont Public Power Supply Authority, the Burlington Electric Department, Kennebunk Light & Power District, the Massachusetts Municipal Wholesale Electric Company, Connecticut Municipal Electric Energy Cooperative, the Connecticut Office of Consumer Counsel, and the Pascoag Utility District. The Ohio Consumers' Counsel, the Maryland Office of People's Counsel, Electricity Consumers Resource Council, and the Utility Consumers' Action Network support the legislation as well.

The legislation I am introducing today would refocus FERC on the consumer cost impacts of RTO/ISO actions. Consistent with existing law, the bill makes explicit that, when FERC considers the lawfulness of RTO/ISO rates, it must assess whether those rates will ensure that consumer costs are as low as reasonably possible consistent with the provision of reliable service. Also, in recognition of the uniquely important roles played by RTOs and ISOs, this bill requires FERC to make both goals—cost minimization and reliability—a part of each RTO or ISO's mission. These changes clarify and amplify existing law as applied to these important organizations, but do not alter, diminish, or imply an absence of similar requirements with respect to other public utilities regulated by FERC.

I believe these simple, commonsense issues, when posed by FERC to an RTO/ISO that is seeking approval for a rate, charge, or rule, will instill a much stronger sense of cost accountability. The bottom line, as I see it, is that this simple bill will likely yield substantial benefits for consumers and for many regional economies.

I urge my colleagues to join me in pushing for adoption of the Consumer Protection and Cost Accountability Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2660

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Consumer Protection and Cost Accountability Act".

**SEC. 2. REQUIREMENTS RELATING TO TRANSMISSION ORGANIZATIONS.**

(a) DEFINITIONS.—In this Act:

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) LOWEST REASONABLE COST.—The term "lowest reasonable cost" means the lowest total delivered cost to consumers consistent with the provision of reliable service.

(3) TRANSMISSION ORGANIZATION.—The term "Transmission Organization" has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(b) RATE AND CHARGES; SCHEDULES; SUSPENSION OF NEW RATES.—Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end the following:

"(g) REQUIREMENTS RELATING TO TRANSMISSION ORGANIZATIONS.—

"(1) DEFINITION OF LOWEST REASONABLE COST.—In this subsection, the term 'lowest reasonable cost' means the lowest total delivered cost to consumers consistent with the provision of reliable service.

"(2) CONSIDERATION OF TRANSMISSION ORGANIZATION RATES.—With respect to determining whether a rate or charge made, demanded, or received (including any rule or regulation promulgated by a Transmission Organization relating to a rate or charge made, demanded, or received) is consistent with each requirement described in subsection (a) or section 206, as applicable, the Commission shall consider whether the rate or charge (including each rule or regulation relating to the rate or charge) would enable the Transmission Organization to provide, or facilitate the provision of, reliable service to consumers at the lowest reasonable cost.

"(3) CONSIDERATION OF TRANSMISSION ORGANIZATION RATE CHANGES.—In determining whether any filing by a Transmission Organization to establish or change a rate or charge made, demanded, or received (including any rule or regulation promulgated by a Transmission Organization relating to a rate or charge made, demanded, or received) is consistent with each requirement described in subsection (a), the Commission shall consider whether the rate or charge (including each rule or regulation relating to the rate or charge) would—

"(A) provide consumer benefits that outweigh any anticipated direct or indirect costs to consumers, as demonstrated by a cost-benefit analysis to be submitted by the Transmission Organization to the Commission; or

"(B) have only a de minimus impact on the total delivered costs to consumer.

"(4) BIENNIAL AUDITS.—The Commission shall ensure that each Transmission Organization is subject to biennial, independent audits that—

"(A) include—

"(i) an assessment of the performance of the Transmission Organization; and

"(ii) recommendations to lower the costs and improve the performance of the Transmission Organization; and

"(B) are made available to the public.".

(c) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commission shall submit to the appropriate committees of Congress a report describing each determination of the Commission with respect to whether each Transmission Organization provides, or facilitates the provision of, reliable service at the lowest reasonable cost to consumers.

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By Ms. SNOWE (for herself, Mr. NELSON of Florida, and Mr. STEVENS):

S. 2661. A bill to prohibit the collection of identifying information on individuals by false, fraudulent, or deceptive means through the Internet, a practice known as "phishing", to provide the Federal Trade Commission the necessary authority to enforce such prohibition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that focuses on eliminating online fraud and identity theft that is facilitated through the use of phishing schemes, as well as deceptive and misleading domain names. Phishing is a method of online identity theft that takes the form of fraudulent e-mails or fake Web sites in order to deceive the recipient into giving personal or financial account information. In addition to victimizing unsuspecting consumers, phishing scams maliciously exploit the trust that legitimate businesses have worked so hard to establish with consumers.

The Anti-Phishing Consumer Protection Act of 2008 would prohibit the practice of phishing—the deceptive solicitation of a consumer's personal information through the use of e-mails, instant messages, and misleading Web sites that trick recipients into divulging their information to identity thieves. The legislation would also prohibit related abuses, such as the practice of using fraudulent or misleading domain names, by defining them as deceptive practices under the FTC Act.

Additionally, the legislation seeks to solidify the integrity of domain name registration, a longtime goal for the Federal Trade Commission, by making it illegal for a domain name registrant to provide false or misleading identifying contact information in a WHOIS database when registering a domain name. Too often law enforcement officials have been hindered in their pursuit of phishers and other online scams because the person responsible is hiding behind the anonymity of false registration information—this legislation would put an end to that practice by requiring accurate registration information about those that own Web sites and domain names that are used to harm consumers.

The reason it is imperative to address this through legislation is because online fraud and, more specifically, phishing scams are running rampant. A December 2007 New York Times article reported that more than 3.5 million Americans lost money to phishing schemes and online identity theft over a 12-month period ending in August 2007—this is a 57-percent increase over the previous year. The total amount lost by the victims, $3.2 billion dollars. The Anti-Phishing Working Group found, in November 2007, that 178 corporate identities and brands were hijacked and used for phishing scams, which is the highest number ever reported. All of these figures are very disconcerting and will only increase if we don't put greater effort on curtailing this online fraud.

Phishing and other forms of identity theft continue to have a detrimental effect on e-commerce by eroding consumers' confidence in online transactions. According to a 2007 Javelin Strategy & Research study, 80 percent of Internet users are concerned about being victims of online identity theft. What is more, a 2006 Zogby Interactive poll found that 78 percent of small business owners polled stated that a less reliable Internet would damage their business. While consumer confidence is critical in any commerce activity, it is paramount for online transactions. Phishing and other online fraud activities directly undermine that vital trust.

Phishing schemes aren't just isolated to individuals and e-commerce. Companies, organizations, and government agencies are also targets. A form of phishing known as spear phishing targets these entities to gain unauthorized access to the organization's computer system in order to steal financial information, trade secrets, or even top-secret military information. The security risks that phishing poses in the world of cyberterrorism is very significant.

But one doesn't have to look to some distant country to find the origin of traditional phishing schemes. The United States only until recently was consistently the top country that hosted the most phishing Web sites. While China now holds that claim, the United States is a very close second—hosting approximately 24 percent of phishing Web sites. So we can definitively do more within our borders to make the Internet notably safer.

Since President Bush signed the stimulus package into law earlier this month, millions of Americans will be expecting to receive tax rebate checks this May. But before those checks arrive, taxpayers should also expect to be targets of numerous phishing schemes between now and then. Many of these scams involve official-looking e-mail messages that try to trick the recipient into entering their personal information at a fake IRS Web site by stating in the e-mail that they are eligible for a refund check. This is not the first time the IRS identity has been misused for phishing scams, and it will continue if we don't do more to go after phishers.

And this is what the Anti-Phishing Consumer Protection Act of 2008 does. It looks to make the Internet safer and more reliable. It also facilitates the restoration of trust and consumer confidence that has been eroded by the prevalence of deceptive e-mails and Web sites, which has, in part, mired the Internet from achieving its full potential. That is why I sincerely hope that my colleagues join Senators BILL NELSON, STEVENS, and me in supporting the critical legislation.

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By Mr. BAUCUS (for himself and Mr. GREGG) (by request):

S. 2662. a bill to respond to a Medicare funding warning; to the Committee on Finance.

Mr. BAUCUS. Mr. President, under a provision of the 2003 Medicare bill, the Medicare trustees are required to determine the point at which general revenues will finance at least 45 percent of Medicare's total outlays. If for 2 consecutive years, the trustees predict that this 45 percent threshold will be exceeded in the next 6 years, they are required to issue a "Medicare Funding Warning," which they did last April. As a result, the law requires the President to submit and Congress to receive a legislative proposal to reduce general revenues as a share of total Medicare spending.

The President has now submitted proposed legislation to Congress in response to the funding warning, and I am therefore required to introduce the President's proposal. So today, Senator GREGG and I will introduce a bill to respond to a Medicare funding warning. But I do so while emphasizing that the President's proposal, contained in this very bill, is not the answer to the Medicare program's problems.

Everyone agrees that Medicare faces a serious long-term financing problem that must be addressed. But the challenge facing Medicare is not what share of its funding comes from general revenues—the problem is rising health care costs in the health care system as a whole. Medicare's costs are increasing because costs throughout the health care system are skyrocketing. Addressing the causes of these system-wide costs will be the key to addressing Medicare's long-term financing.

With health care costs increasing much faster than wages and inflation, Congress must find ways to control these rising costs in order to ensure the long-term financial viability of the Medicare program. We must also address current Medicare policies—such as overpayments in the Medicare Advantage program—that exacerbate the problem.

While I am statutorily required to introduce the President's Medicare bill at this time, I still fully intend to pursue real Medicare reform legislation in the coming weeks. That bill will increase access to preventive benefits and primary care, and will improve the quality of care delivered under the program. I will also seek to help low-income seniors with the costs of rising Medicare premiums, and to offer timely, appropriate improvements for the prescription drug benefit.

Beyond advancing a more realistic Medicare reform bill this year, I also intend for the Finance Committee to launch an aggressive look at comprehensive health care reform. Working together, my colleagues and I will examine the underlying causes of rising health care costs in the entire health care system and explore solutions that can be the foundation for system-wide reform—the only way truly to control costs in the Medicare program.

I am required by law to introduce the White House's legislation on Medicare today, but I am compelled by my commitment to America's seniors to insist on better solutions. Where the President's bill cobbles together ill-conceived or premature proposals to check the box on curbing Medicare costs, I intend for the Senate to consider a carefully crafted, thoughtful package of real improvements to the Medicare program overall—and to spend the rest of this year preparing for a time when real health reform is within our grasp. Working together, we can do better by America's seniors.

By Mr. PRYOR (for himself, Mr. STEVENS, Mr. INOUYE, Ms. COLLINS, Mr. NELSON of Florida, and Ms. KLOBUCHAR):

S. 2663. A bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; read the first time.

Mr. PRYOR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2663

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "CPSC Reform Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Consumer Product Safety Act.
Sec. 3. Reauthorization.
Sec. 4. Personnel.
Sec. 5. Full Commission requirement; interim quorum.
Sec. 6. Submission of copy of certain documents to congress.
Sec. 7. Public disclosure of information.
Sec. 8. Rulemaking.
Sec. 9. Prohibition on stockpiling under other Commission-enforced statutes.
Sec. 10. Third party certification of children's products.
Sec. 11. Tracking labels for products for children.
Sec. 12. Substantial product hazard reporting requirement.
Sec. 13. Corrective action plans.
Sec. 14. Identification of manufacturer by importers, retailers, and distributors.
Sec. 15. Prohibited acts.
Sec. 16. Penalties.
Sec. 17. Preemption.
Sec. 18. Sharing of information with Federal, State, local, and foreign government agencies.
Sec. 19. Financial responsibility.
Sec. 20. Enforcement by State attorneys general.
Sec. 21. Whistleblower protections.
Sec. 22. Ban on children's products containing lead; lead paint rule.
Sec. 23. Alternative measures of lead content.
Sec. 24. Study of preventable injuries and deaths of minority children related to certain consumer products.
Sec. 25. Cost-benefit analysis under the Poison Prevention Packaging Act of 1970.
Sec. 26. Inspector general reports.
Sec. 27. Public internet website links.
Sec. 28. Child-resistant portable gasoline containers.
Sec. 29. Toy safety standard.
Sec. 30. All-terrain vehicle safety standard.
Sec. 31. Garage door opener standard.
Sec. 32. Reducing deaths and injuries from carbon monoxide poisoning.
Sec. 33. Completion of cigarette lighter rulemaking.
Sec. 34. Consumer product registration forms.
Sec. 35. Repeal.
Sec. 36. Consumer Product Safety Commission presence at National Targeting Center of U.S. Customs and Border Protection.
Sec. 37. Development of risk assessment methodology to identify shipments of consumer products that are likely to contain consumer products in violation of safety standards.
Sec. 38. Seizure and destruction of imported products in violation of consumer product safety standards.
Sec. 39. Database of manufacturing facilities and suppliers involved in violations of consumer product safety standards.

### SEC. 2. AMENDMENT OF CONSUMER PRODUCT SAFETY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

### SEC. 3. REAUTHORIZATION.

(a) IN GENERAL.—Section 32 (15 U.S.C. 2081) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking subsections (a) and (b) and inserting the following:

"(a) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

"(1) $88,500,000 for fiscal year 2009;
"(2) $96,800,000 for fiscal year 2010;
"(3) $106,480,000 for fiscal year 2011;
"(4) $117,128,000 for fiscal year 2012;
"(5) $128,841,000 for fiscal year 2013;
"(6) $141,725,000 for fiscal year 2014.
"(7) $155,900,000 for fiscal year 2015.

"(b) There are authorized to be appropriated to the Commission for the Office of Inspector General—

"(1) $1,600,000 for fiscal year 2009;
"(2) $1,770,000 for fiscal year 2010;
"(3) $1,936,000 for fiscal year 2011;
"(4) $2,129,600 for fiscal year 2012;
"(5) $2,342,560 for fiscal year 2013;
"(6) $2,576,820 for fiscal year 2014; and
"(7) $2,834,500 for fiscal year 2015.

"(c) There are authorized to be appropriated to the Commission for the purpose of renovation, repair, construction, equipping, and making other necessary capital improvements to the Commission's research, development, and testing facility (including bringing the facility into compliance with applicable environmental, safety, and accessibility standards), $40,000,000 for fiscal years 2009 and 2010.

"(d) There are authorized to be appropriated to the Commission for research, in cooperation with the National Institute of Science and Technology, the Food and Drug Administration, and other relevant Federal agencies into safety issues related to the use of nanotechnology in consumer products, $1,000,000 for fiscal years 2009 and 2010.".

### SEC. 4. PERSONNEL.

(a) PROFESSIONAL STAFF.—

(1) IN GENERAL.—The Consumer Product Safety Commission shall increase the number of fulltime personnel employed by the Commission to at least 500 by October 1, 2013, subject to the availability of appropriations.

(2) PORTS OF ENTRY; OVERSEAS INSPECTORS.—The Consumer Product Safety Commission shall hire at least 50 additional personnel to be assigned to duty stations at United States ports of entry, or to inspect overseas production facilities, by October 1, 2010, subject to the availability of appropriations.

(b) PROFESSIONAL CAREER PATH.—The Commission shall develop and implement a professional career development program for professional staff to encourage retention of career personnel and provide professional development opportunities for Commission employees.

### SEC. 5. FULL COMMISSION REQUIREMENT; INTERIM QUORUM.

(a) NUMBER OF COMMISSIONERS.—

(1) IN GENERAL.—The Congress finds that it is necessary, in order for the Consumer Product Safety Commission to function effectively and carry out the purposes for which the Consumer Product Safety Act was enacted, for the full complement of 5 members of the Commission to serve and participate in the business of the Commission and urges the President to nominate members to fill any vacancy in the membership of the Commission as expeditiously as practicable.

(2) REPEAL OF LIMITATION.—Title III of Public Law 102–389 is amended by striking the first proviso in the item captioned "CONSUMER PRODUCT SAFETY COMMISSION, SALARIES AND EXPENSES" (15 U.S.C. 2053 note).

(b) TEMPORARY QUORUM.—Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Consumer Product Safety Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the 9-month period beginning on the date of enactment of this Act.

### SEC. 6. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any rule, regulation, or order to the contrary, the Commission shall comply with the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)) with respect to budget recommendations, legislative recommendations, testimony, and comments on legislation submitted by the Commission to the President or the Office of Management and Budget after the date of enactment of this Act.

(b) REINSTATEMENT OF REQUIREMENT.—Section 3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is amended—

(1) by striking "or" after the semicolon in paragraph (31);

(2) by redesignating paragraph (32) as (33); and

(3) by inserting after paragraph (31) the following:

"(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or".

### SEC. 7. PUBLIC DISCLOSURE OF INFORMATION.

Section 6 (15 U.S.C. 2055) is amended—

(1) by inserting "A manufacturer or private labeler shall submit any such mark within 15 calendar days after the date on which it receives the Commission's offer." after "paragraph (2)." in subsection (a)(3);

(2) by striking "30 days" in subsection (b)(1) and inserting "15 days";

(3) by striking "finds that the public" in subsection (b)(1) and inserting "publishes a finding that the public";

(4) by striking "notice and publishes such a finding in the Federal Register)," in subsection (b)(1) and inserting "notice),";

(5) by striking "10 days" in subsection (b)(2) and inserting "5 days";

(6) by striking "finds that the public" in subsection (b)(2) and inserting "publishes a finding that the public";

(7) by striking "notice and publishes such a finding in the Federal Register." in subsection (b)(2) and inserting "notice.";

(8) in subsection (b)—

(A) by striking "(3)" and inserting "(3)(A)"; and

(B) by adding at the end thereof the following:

"(B) If the Commission determines that the public health and safety requires expedited consideration of an action brought under subparagraph (A), the Commission may file a request with the District Court for such expedited consideration. If the Commission files such a request, the District Court shall—

"(i) assign the matter for hearing at the earliest possible date;

"(ii) give precedence to the matter, to the greatest extent practicable, over all other matters pending on the docket of the court at the time;

"(iii) expedite consideration of the matter to the greatest extent practicable; and

"(iv) grant or deny the requested injunction within 30 days after the date on which the Commission's request was filed with the court.";

(9) by striking "section 19 (related to prohibited acts);" in subsection (b)(4) and inserting "any consumer product safety rule or provision of this Act or similar rule or provision of any other Act enforced by the Commission;";

(10) by striking "or" after the semicolon in subsection (b)(5)(B);

(11) by striking "disclosure." in subsection (b)(5)(C) and inserting "disclosure; or";

(12) by inserting in subsection (b)(5) after subparagraph (C) the following:

"(D) the Commission publishes a finding that the public health and safety requires public disclosure with a lesser period of notice than is required under paragraph (1).";

(13) in the matter following subparagraph (D) of subsection (b)(5) (as added by paragraph (12) of this section), by striking "section 19(a)," and inserting "any consumer product safety rule or provision under this Act or similar rule or provision of any other Act enforced by the Commission,"; and

(14) by adding at the end of subsection (b) the following:

"(9) PUBLICLY AVAILABLE DATABASE OF REPORTED DEATHS, INJURIES, ILLNESS, AND RISK OF SUCH INCIDENTS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the CPSC Reform Act, the Commission shall establish and maintain a publicly available searchable database accessible on the Commission's web site. The database shall include any reports of injuries, illness, death, or risk of such injury, illness, or death related to the use of consumer products received by the Commission from—

"(i) consumers;

"(ii) local, State, or Federal government agencies;

"(iii) health care professionals, including physicians, hospitals, and coroners;

"(iv) child service providers;

"(v) public safety entities, including police and fire fighters; and

"(vi) other non-governmental sources, other than information provided to the Commission by retailers, manufacturers, or private labelers pursuant to a voluntary or required submission under section 15 or other mandatory or voluntary program.

"(B) ADDITIONAL CONTENTS.—In addition to the reports described in subparagraph (A), the Commission may include in the database any additional information it determines to be in the public interest.

"(C) ORGANIZATION OF DATABASE.—The Commission shall categorize the information available on the database by date, product, manufacturer, the model of the product, and any other category the Commission determines to be in the public interest.

"(D) TIMING.—The Commission shall make such reports available on the Commission website no later than 15 days after the date on which they are received.

"(E) REMOVAL OF INACCURATE OR INCORRECT INFORMATION.—If the Commission determines, after investigation, that information made available on the database is incorrect the Commission shall promptly remove it from the database.

"(F) MANUFACTURER COMMENTS.—A manufacturer, private labeler, or retailer shall be given an opportunity to comment on any information involving a product manufactured by that manufacturer, or distributed by that private labeler or retailer, as the case may be. Any such comments may be included in the database alongside the information involving such product if requested by the manufacturer, private labeler, or retailer.

"(G) DISCLOSURE.—The Commission may not disclose the names or addresses of consumers pursuant to its authority under this subsection.

"(H) APPLICATION WITH OTHER PROVISIONS.—Subsection (a) and the preceding paragraphs of this subsection do not apply to the public disclosure of information received by the Commission under subparagraph (A) of this paragraph.".

### SEC. 8. RULEMAKING.

(a) ANPR REQUIREMENT.—

(1) IN GENERAL.—Section 9 (15 U.S.C. 2058) is amended—

(A) by striking "shall be commenced" in subsection (a) and inserting "may be commenced";

(B) by striking "in the notice" in subsection (b) and inserting "in a notice";

(C) by striking "unless, not less than 60 days after publication of the notice required in subsection (a), the" in subsection (c) and inserting "unless the";

(D) by striking "an advance notice of proposed rulemaking under subsection (a) relating to the product involved," in the third sentence of subsection (c) and inserting "the notice,"; and

(E) by striking "Register." in the matter following paragraph (4) of subsection (c) and inserting "Register. Nothing in this subsection shall preclude any person from submitting an existing standard or portion of a standard as a proposed consumer product safety standard.".

(2) CONFORMING AMENDMENT.—Section 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by striking "an advance notice of proposed rulemaking or".

(b) RULEMAKING UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—

(1) IN GENERAL.—Section 3(a) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)) is amended to read as follows:

"(a) RULEMAKING.—

"(1) IN GENERAL.—Whenever in the judgment of the Commission such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Commission may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances, which it finds meets the requirements of section 2(f)(1)(A).

"(2) PROCEDURE.—Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall be governed by the provisions of subsections (f) through (i) of this section.".

(2) PROCEDURE.—Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking "Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: Provided, That if" and inserting "Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of subsections (f) through (i) of section 3 of this Act, except that if".

(3) ANPR REQUIREMENT.—Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) is amended—

(A) by striking "shall be commenced" in subsection (f) and inserting "may be commenced";

(B) by striking "in the notice" in subsection (g)(1) and inserting "in a notice"; and

(C) by striking "unless, not less than 60 days after publication of the notice required in subsection (f), the" in subsection (h) and inserting "unless the".

(4) OTHER CONFORMING AMENDMENTS.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended—

(A) by striking paragraphs (c) and (d) of section 2 and inserting the following:

"(c) The term 'Commission' means the Consumer Product Safety Commission.";

(B) by striking "Secretary" each place it appears and inserting "Commission" except—

(i) in section 10(b) (15 U.S.C. 1269(b));

(ii) in section 14 (15 U.S.C. 1273); and

(iii) in section 21(a) (15 U.S.C. 1276(a));

(C) by striking "Department" each place it appears, except in sections 5(c)(6)(D)(i) and 14(b) (15 U.S.C. 1264(c)(6)(D)(i) and 1273(b)) , and inserting "Commission";

(D) by striking "he" and "his" each place they appear in reference to the Secretary and inserting "it" and "its", respectively;

(E) by striking "Secretary of Health, Education, and Welfare" each place it appears in section 10(b) (15 U.S.C. 1269(b)) and inserting "Commission";

(F) by striking "Secretary of Health, Education, and Welfare" each place it appears in section 14 (15 U.S.C. 1273) and inserting "Commission";

(G) by striking "Department of Health, Education, and Welfare" in section 14(b) (15 U.S.C. 1273(b)) and inserting "Commission";

(H) by striking "Consumer Product Safety Commission" each place it appears and inserting "Commission";

(I) by striking "(hereinafter in this section referred to as the 'Commission')" in section 14(d) (15 U.S.C. 1273(d)) and section 20(a)(1) (15 U.S.C. 1275(a)(1)); and

(J) by striking paragraph (5) of section 18(b) (15 U.S.C. 1261 note).

(c) RULEMAKING UNDER FLAMMABLE FABRICS ACT.—

(1) IN GENERAL.—Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking "shall be commenced" in subsection (g) and inserting "may be commenced by a notice of proposed rulemaking or"; and

(B) by striking "unless, not less than 60 days after publication of the notice required in subsection (g), the" in subsection (i) and inserting "unless the".

(2) OTHER CONFORMING AMENDMENTS.—The Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking paragraph (i) of section 2 (15 U.S.C. 1191(i)) and inserting the following:

"(i) The term 'Commission' means the Consumer Product Safety Commission.";

(B) by striking "Secretary of Commerce" each place it appears and inserting "Commission";

(C) by striking "Secretary" each place it appears and inserting "Commission", except in sections 9 and 14 (15 U.S.C. 1198 and 1201);

(D) by striking "he" and "his" each place they appear in reference to the Secretary and inserting "it" and "its", respectively;

(E) by striking paragraph (5) of section 4(e) (15 U.S.C. 1193(e)) and redesignating paragraph (6) as paragraph (5);

(F) by striking "Consumer Product Safety Commission (hereinafter in this section referred to as the 'Commission')" in section 15 (15 U.S.C. 1202) and inserting "Commission";

(G) by striking section 16(d) (15 U.S.C. 1203(d)) and inserting the following:

"(d) In this section, a reference to a flammability standard or other regulation for a fabric, related material, or product in effect under this Act includes a standard of flammability continued in effect by section 11 of the Act of December 14, 1967 (Public Law 90-189)."; and

(H) by striking "Consumer Product Safety Commission" in section 17 (15 U.S.C. 1204) and inserting "Commission".

### SEC. 9. PROHIBITION ON STOCKPILING UNDER OTHER COMMISSION-ENFORCED STATUTES.

Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

(1) by inserting "or to which a rule under any other law enforced by the Commission applies," after "applies,"; and

(2) by striking "consumer product safety" the second, third, and fourth places it appears.

### SEC. 10. THIRD PARTY CERTIFICATION OF CHILDREN'S PRODUCTS.

(a) IN GENERAL.—Section 14(a) (15 U.S.C. 2063(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (5);

(2) by striking "Every manufacturer" in paragraph (1) and inserting "Except as provided in paragraph (2), every manufacturer";

(3) by designating the second and third sentences of subsection (a) as paragraphs (3) and (4), respectively;

(4) by inserting after paragraph (1) the following:

"(2) Beginning 60 days after the date on which the Commission publishes notice of an interim procedure designated under subsection (d)(2) of this section, every manufacturer, or its designee, of a children's product (and the private labeler, or its designee, of such product if it bears a private label) manufactured or imported after such 60th day that is subject to a children's product safety standard shall—

"(A) have the product tested by a third party laboratory qualified to perform such tests or testing programs; and

"(B) issue a certification which shall—

"(i) certify that such product meets that standard; and

"(ii) specify the applicable children's product safety standard.";

(5) by striking "Such certificate shall" in paragraph (3) as redesignated by paragraph (1) and inserting "A certificate required under this subsection shall"; and

(6) in paragraph (5), as redesignated by paragraph (1)—

(A) by striking "required by paragraph (1) of this subsection," and inserting "required by paragraph (1) or (2) (as the case may be),"; and

(B) by striking "requirement under paragraph (1)" and inserting "requirement under paragraph (1) or (2) (as the case may be)".

(b) TESTING PROGRAMS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by inserting "(1)" before the first sentence;

(2) by designating the second sentence as paragraph (2); and

(3) in paragraph (2), as so designated, by striking "Any test or" and inserting "Except as provided in subsection (a)(2), any test or".

(c) CHILDREN'S PRODUCTS; TESTING BY INDEPENDENT THIRD LABORATORIES; CERTIFICATION.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

"(d) APPLICATION TO OTHER CONSUMER PRODUCTS; CERTIFIER STANDARDS; AUDIT.—

"(1) IN GENERAL.—The Commission—

"(A) within 1 year after the date of enactment of the CPSC Reform Act shall by rule—

"(i) establish protocols and standards—

"(I) for acceptance of certification or continuing guarantees of compliance by manufacturers under this section; and

"(II) for verifying that products tested by third party laboratories comply with applicable standards under this Act and other Acts enforced by the Commission;

"(ii) prescribe standards for accreditation of third party laboratories, either by the Commission or by 1 or more independent standard-setting organizations to which the Commission delegates authority, to engage in certifying compliance under subsection (a)(2) for children's products or products to which the Commission extends the certification requirements of that subsection;

"(iii) establish requirements, or delegate authority to 1 or more independent standard-setting organizations, for third party laboratory testing, as the Commission determines to be necessary to ensure compliance with any applicable rule or order, of random samples of products certified under this section to determine whether they meet the requirements for certification;

"(iv) establish requirements for periodic audits of third party laboratories by an independent standard-setting organization as a condition for accreditation of such laboratories under this section; and

"(v) establish a program by which manufacturers may label products as compliant with the certification requirements of subsection (a)(2); and

"(B) may by rule extend the certification requirements of subsection (a)(2) to other consumer products or to classes or categories of consumer products.

"(2) INTERIM PROCEDURE.—Within 30 days after the date of enactment of the CPSC Reform Act, the Commission shall—

"(A) consider existing laboratory testing certification procedures established by independent standard-setting organizations; and

"(B) designate an existing procedure, or existing procedures, for manufacturers of children's products to follow until the Commission issues a final rule under paragraph (1)(A).

"(e) DEFINITIONS.—In this section:

"(1) CHILDREN'S PRODUCT.—The term 'children's product' means a product (other than a medication, drug, or food) designed or intended for use by, or care of, a child 7 years of age or younger that is introduced into the interstate stream of commerce. In determining whether a product is intended for use by a child 7 years of age or younger, the following factors shall be considered:

"(A) A statement by a manufacturer about the intended use of such product, including a label on such product, if such statement is reasonable.

"(B) Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for children 7 years of age or younger.

"(C) Whether the product is commonly recognized by consumers as being intended for use by a child 7 years of age or younger.

"(D) The Age Determination Guidelines issued by the Commission in September 2002 and any subsequent version of such Guideline.

"(2) CHILDREN'S PRODUCT SAFETY STANDARD.—The term 'children's product safety standard' means a consumer product safety rule or standard under this Act or any other Act enforced by the Commission, or a rule or classification under this Act or any other Act enforced by the Commission declaring a consumer product to be a banned hazardous product or substance.

"(3) THIRD PARTY LABORATORY.—

"(A) IN GENERAL.—The term 'third party laboratory' means a testing entity that—

"(i) is designated by the Commission, or by an independent standard-setting organization to which the Commission qualifies as capable of making such a designation, as a testing laboratory that is competent to test products for compliance with applicable safety standards under this Act and other Acts enforced by the Commission; and

"(ii) except as provided in subparagraph (C), is a non-governmental entity that is not owned, managed, or controlled by the manufacturer or private labeler.

"(B) TESTING AND CERTIFICATION OF ART MATERIALS AND PRODUCTS.—A certifying organization (as defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations) meets the requirements of subparagraph (A)(ii) with respect to the certification of art material and art products required under this section or by regulations issued under the Federal Hazardous Substances Act.

"(C) FIREWALLED PROPRIETARY LABORATORIES.—Upon request, the Commission may certify a laboratory that is owned, managed, or controlled by the manufacturer or private labeler as a third party laboratory if the Commission—

"(i) finds that certification of the laboratory would provide equal or greater consumer safety protection than the manufacturer's use of an independent third party laboratory;

"(ii) establishes procedures to ensure that the laboratory is protected from undue influence, including pressure to modify or hide test results, by the manufacturer or private labeler; and

"(iii) establishes procedures for confidential reporting of allegations of undue influence to the Commission.

"(D) PROVISIONAL CERTIFICATION.—

"(i) IN GENERAL.—Upon application made to the Commission less than 1 year after the date of enactment of the CPSC Reform Act, the Commission may provide provisional certification of a laboratory described in subparagraph (C) of this paragraph, or a laboratory described in subparagraph (A) of this paragraph, upon a showing that the laboratory—

"(I) is certified under laboratory testing certification procedures established by an independent standard-setting organization; or

"(II) provides consumer safety protection that is equal to or greater than that which would be provided by use of an independent third party laboratory.

"(ii) DEADLINE.—The Commission shall grant or deny any such application within 45 days after receiving the completed application.

"(iii) EXPIRATION.—Any such certification shall expire 90 days after the date on which the Commission publishes final rules under subsections (a)(2) and (d).

"(iv) ANTI-GAP PROVISION.—Within 45 days after receiving a complete application for certification under the final rule prescribed under subsections (a)(2) and (d) of this section from a laboratory provisionally certified under this subparagraph, the Commission shall grant or deny the application if the application is received by the Commission no later than 45 days after the date on which the Commission publishes such final rule.

"(E) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify a third party laboratory (including a laboratory certified as a third party laboratory under subparagraph (B) of this paragraph) if it finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.".

(d) CONFORMING AMENDMENTS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by striking "consumer products which are subject to consumer product safety standards" and inserting "a consumer product that is subject to a consumer product safety standard, a children's product that is subject to a children's product safety standard, or either such product that is subject to any other rule under this Act (or a similar rule under any other Act enforced by the Commission)"; and

(2) by striking ", at the option of the person required to certify the product," and inserting "be required by the Commission to".

(e) LABEL AND CERTIFICATION.—Not later than 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall prescribe a rule in accordance with section 14(a)(5) and (d) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(5) and (d)) for children's products (as defined in subsection (e) of such section).

(f) PROHIBITION ON IMPORTS OF CHILDREN'S PRODUCTS WITHOUT THIRD PARTY TESTING CERTIFICATION.—Section 17(a) (15 U.S.C. 2066(a)) is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking "(g)." in paragraph (5) and inserting a "(g); or"; and

(3) by adding at the end the following:

"(6) is a children's product, as that term is defined in section 14(e), or a product for which the Commission, under section 14(d)(1), has required certification under section 14(a)(2), that is not accompanied by a certificate from a third party as required by section 14(a)(2).".

(g) CPSC CONSIDERATION OF EXISTING REQUIREMENTS.—In establishing standards for laboratories certified to perform testing under section 14 of the Consumer Product Safety Act, as amended by this section, the Consumer Product Safety Commission may consider standards and protocols for certification of such laboratories by independent standard-setting organizations that are in effect on the date of enactment of this Act, but shall ensure that the final rule prescribed under subsections (a)(2) and (d) of that section incorporates, as the standard for certification, the most current scientific and technological standards and techniques available.

### SEC. 11. TRACKING LABELS FOR PRODUCTS FOR CHILDREN.

(a) LABELING REQUIREMENT FOR INTERNET AND CATALOGUE ADVERTISING OF CERTAIN TOYS AND GAMES.—Section 24 of the Federal Hazardous Substances Act (15 U.S.C. 1278) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) INTERNET, CATALOGUE, AND OTHER ADVERTISING.—

"(1) REQUIREMENT.—

"(A) CAUTIONARY STATEMENT.—Any advertisement posted by a manufacturer, retailer, distributor, private labeler, or licensor for any toy, game, balloon, small ball, or marble that requires a cautionary statement under subsections (a) and (b), including any advertisement on Internet websites or in catalogues or other distributed materials, shall include the appropriate cautionary statement required under such subsections in its entirety displayed on or immediately adjacent to such advertisement. A manufacturer, distributor, private labeler, or licensor that uses a retailer to advertise a product shall inform the retailer of any cautionary statement that may apply to such products in any communication to the retailer that contains information about the products to be advertised. The requirement imposed by the preceding sentence shall only apply to advertisements by the retailer if the manufacturer, importer, distributor, private labeler, or licensor affirmatively informs the retailer that such cautionary statement is required for the product.

"(B) DISPLAY.—The cautionary statement described in subparagraph (A) shall be prominently displayed—

"(i) in the primary language used in the advertisement, catalogue, or Internet website;

"(ii) in conspicuous and legible type in contrast by typography, layout, or color with other material printed or displayed in such advertisement; and

"(iii) in a manner consistent with part 1500 of title 16, Code of Federal Regulations.

"(C) DEFINITIONS.—In this paragraph, the terms 'manufacturer, retailer, distributor, private labeler, and licensor'—

"(i) mean any individual who, by such individual's occupation holds himself or herself out as having knowledge or skill peculiar to consumer products, including any person who is in the business of manufacturing, selling, distributing, labeling, licensing, or otherwise placing in the stream of commerce consumer products; but

"(ii) do not include an individual whose selling activity is intermittent and does not constitute a trade or business.

"(2) ENFORCEMENT.—The requirement under paragraph (1) shall be treated as a consumer product safety standard promulgated under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056). The publication or distribution of any advertisement that is not in compliance with paragraph (1) shall be treated as a prohibited act under section 19 of such Act (15 U.S.C. 2068).".

(b) TRACKING LABELS FOR PRODUCTS FOR CHILDREN.—Section 14(a) of the Consumer Product Safety Act (15 U.S.C. 2063(a)), as amended by section 10(a) of this Act, is further amended by adding at the end thereof the following:

"(6) Effective 1 year after the date of enactment of the CPSC Reform Act, the manufacturer of a children's product or other consumer product (as may be required by the Commission in its discretion after a rulemaking proceeding) shall place distinguishing marks on the product and its packaging, to the extent practicable, that will enable the ultimate purchaser to ascertain the manufacturer, production time period, and cohort (including the batch, run number, or other identifying characteristic) of production of the product by reference to those marks.".

(c) ADVERTISING, LABELING, AND PACKAGING REPRESENTATION.—Section 14(c) (15 U.S.C. 2063(c)) is amended—

(1) by striking "(c) The" and inserting "(c)(1) The";

(2) by striking "rule)—" and inserting "rule):";

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(4) by indenting the sentence beginning "Such labels" and inserting "(2)" before "Such labels"; and

(5) by adding at the end thereof the following:

"(4) If an advertisement, label, or package contains a reference to a consumer product safety standard, a statement with respect to whether the product meets all applicable requirements of that standard.".

### SEC. 12. SUBSTANTIAL PRODUCT HAZARD REPORTING REQUIREMENT.

Section 15(b) (15 U.S.C. 2064(b)) is amended—

(1) by striking "consumer product distributed in commerce," and inserting "consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) distributed in commerce,";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) fails to comply with any rule or standard promulgated by the Commission under this or any other Act;".

### SEC. 13. CORRECTIVE ACTION PLANS.

Section 15(d) (15 U.S.C. 2064(d)) is amended—

(1) by inserting "(1)" after "(d)";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(3) by striking "more (A)" in subparagraph (C), as redesignated, and inserting "more (i)";

(4) by striking "or (B)" in subparagraph (C), as redesignated, and inserting "or (ii)";

(5) by striking "whichever of the following actions the person to whom the order is directed elects:" and inserting "any one or more of the following actions it determines to be in the public interest:";

(6) by indenting the sentence beginning "An order" and inserting "(2)" before "An order";

(7) by striking "satisfactory to the Commission," and inserting "for approval by the Commission,";

(8) by striking "described in paragraph (3)." and inserting "described in paragraph (1)(C)."; and

(9) by adding at the end the following:

"(3)(A) If the Commission approves an action plan, it shall indicate its approval in writing.

"(B) If the Commission finds that an approved action plan is not effective, or that the manufacturer, retailer, or distributor is not executing an approved action plan effectively, the Commission may by order amend, or require amendment of, the action plan.

"(C) If the Commission determines, after notice and opportunity for comment, that a manufacturer, retailer, or distributor has failed to comply substantially with its obligations under its action plan, the Commission may revoke its approval of the action plan. The manufacturer, retailer, or distributor to which the action plan applies may not distribute the product to which the action plan relates in commerce after receipt of notice of a revocation of the action plan.".

### SEC. 14. IDENTIFICATION OF MANUFACTURER BY IMPORTERS, RETAILERS, AND DISTRIBUTORS.

Section 16 (15 U.S.C. 2065) is amended by adding at the end thereof the following:

"(c) Upon request by an officer or employee duly designated by the Commission—

"(1) every importer, retailer, or distributor of a consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) shall identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request to the extent that the information is known, or can be determined, by the importer, retailer, or distributor; and

"(2) every manufacturer shall identify by name, address, or such other identifying information as the officer or employee may request—

"(A) each retailer or distributor to which it directly supplied a given consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act);

"(B) each subcontractor involved in the production or fabrication of such product or substance; and

"(C) each subcontractor from which it obtained a component thereof.".

### SEC. 15. PROHIBITED ACTS.

(a) SALE OF RECALLED PRODUCTS.—Section 19(a) (15 U.S.C. 2068(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is regulated under this Act or any other Act enforced by the Commission, that is—

"(A) not in conformity with an applicable consumer product safety standard under this Act, or any similar rule under any such other Act;

"(B) subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public, but only if the seller, distributor, or manufacturer knew or should have known of such voluntary corrective action; or

"(C) subject to an order issued under section 12 or 15 of this Act, designated a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.);";

(2) by striking "or" after the semicolon in paragraph (7);

(3) by striking "and" after the semicolon in paragraph (8);

(4) by striking "insulation)." in paragraph (9) and inserting "insulation);"; and

(5) by striking "18(b)." in paragraph (10) and inserting "18(b); or".

(b) EXPORT OF RECALLED PRODUCTS.—

(1) IN GENERAL.—Section 18 (15 U.S.C. 2067) is amended by adding at the end thereof the following:

"(c) Notwithstanding any other provision of law, the Commission may prohibit a person from exporting from the United States for purpose of sale any consumer product, or other product or substance that is regulated under this Act of any other Act enforced by the Commission, that the Commission determines, after notice to the manufacturer—

"(1) is not in conformity with an applicable consumer product safety standard under this Act or with a similar rule under any such other Act and does not violate applicable safety standards established by the importing country;

"(2) is subject to an order issued under section 12 or 15 of this Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

"(3) is subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to mandatory corrective action under this Act or any other Act enforced by the Commission if voluntary corrective action had not been taken by the manufacturer, except that the Commission may permit such a product to be exported if it meets applicable safety standards established by the importing country.".

(2) PENALTY.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (a) of this section, is further amended—

(A) by striking "or" after the semicolon in paragraph (10);

(B) by striking "37." in paragraph (11) and inserting "37; or"; and

(C) by adding at the end thereof the following:

"(12) violate an order of the Commission under section 18(c).".

(3) CONFORMING AMENDMENTS TO OTHER ACTS.—

(A) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(b)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(b)(3)) is amended by striking "substance presents an unreasonable risk of injury to persons residing in the United States," and inserting "substance is prohibited under section 18(c) of the Consumer Product Safety Act,".

(B) FLAMMABLE FABRICS ACT.—Section 15 of the Flammable Fabrics Act (15 U.S.C. 1202) is amended by adding at the end thereof the following:

"(d)(1) Notwithstanding any other provision of law, except as provided in paragraph (2), the Consumer Product Safety Commission may prohibit a person from exporting from the United States for purpose of sale any fabric, related material, or product that the Commission determines, after notice to the manufacturer—

"(A) is not in conformity with an applicable consumer product safety standard under the Consumer Product Safety Act or with a rule under this Act;

"(B) is subject to an order issued under section 12 or 15 of the Consumer Product Safety Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

"(C) is subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to mandatory corrective action under this or another Act enforced by the Commission if voluntary corrective action had not been taken by the manufacturer.

"(2) The Commmission may permit the exportation of a fabric, related material, or product described in paragraph (1) if it meets applicable safety standards of the country to which it is being exported.".

(c) FALSE CERTIFICATION OF COMPLIANCE WITH TESTING LABORATORY STANDARD.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (b)(2) of this section, is further amended—

(1) by striking "or" after the semicolon in paragraph (11);

(2) by striking "18(c)." in paragraph (12) and inserting "18(c); or"; and

(3) by adding at the end thereof the following:

"(13) sell, offer for sale, distribute in commerce, or import into the United States any consumer product bearing a registered safety certification mark owned by an accredited conformity assessment body, which mark is known, or should have been known, by such person to be used in a manner unauthorized by the owner of that certification mark.".

(d) MISREPRESENTATION OF INFORMATION IN INVESTIGATION.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (c) of this section, is further amended—

(1) by striking "or" after the semicolon in paragraph (12);

(2) by striking "false." in paragraph (13) and inserting "false; or"; and

(3) by adding at the end thereof the following:

"(14) misrepresent to any officer or employee of the Commission the scope of consumer products subject to an action required under section 12 or 15, or to make a material misrepresentation to such an officer or employee in the course of an investigation under this Act or any other Act enforced by the Commission.".

(e) CERTIFICATES OF COMPLIANCE WITH MANDATORY STANDARDS.—Section 19(a)(6) (15 U.S.C. 2068(a)(6)) is amended to read as follows:

"(6) fail to furnish a certificate required by this Act or any other Act enforced by the Commission, or to issue a false certificate if such person in the exercise of due care has reason to know that the certificate is false or misleading in any material respect; or to fail to comply with any rule under section 14(c);".

(f) UNDUE INFLUENCE ON THIRD PARTY LABORATORIES.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (d) of this section, is further amended—

(1) by striking "or" after the semicolon in paragraph (13);

(2) by striking "Commission." in paragraph (14) and inserting "Commission; or"; and

(3) by adding at the end thereof the following:

"(15) exercise, or attempt to exercise, undue influence on a third party laboratory (as defined in section 14(e)(2)) with respect to the testing, or reporting of the results of testing, of any product for compliance with a standard under this Act or any other Act enforced by the Commission.".

### SEC. 16. PENALTIES.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Section 20(a) (15 U.S.C. 2069(a)) is amended—

(A) by striking "$5,000" and inserting "$250,000";

(B) by striking "$1,250,000" each place it appears and inserting "$20,000,000"; and

(C) by striking "December 1, 1994," in paragraph (3)(B) and inserting "December 1, 2011,".

(2) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)) is amended—

(A) by striking "$5,000" in paragraph (1) and inserting "$250,000";

(B) by striking "$1,250,000" each place it appears in paragraph (1) and inserting "$20,000,000"; and

(C) by striking "December 1, 1994," in paragraph (6)(B) and inserting "December 1, 2011,".

(3) FLAMMABLE FABRICS ACT.—Section 5(e) of the Flammable Fabrics Act (15 U.S.C. 1194(e)) is amended—

(A) by striking "$5,000" in paragraph (1) and inserting "$250,000";

(B) by striking "$1,250,000" in paragraph (1) and inserting "$20,000,000"; and

(C) by striking "December 1, 1994," in paragraph (5)(B) and inserting "December 1, 2011,".

(4) MAXIMUM PENALTY FOR CERTAIN VIOLATIONS.—Section 20(a)(1) (15 U.S.C. 2069(a)), section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)), and section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)) are each amended by inserting "The Commission shall impose civil penalties exceeding $10,000,000 under this paragraph only when issuing a finding of aggravated circumstances." after "violations.".

(b) CRIMINAL PENALTIES.—

(1) IN GENERAL.—Section 21(a) (15 U.S.C. 2070(a)) is amended to read as follows:

"(a) Violation of section 19 of this Act is punishable by—

"(1) imprisonment for not more than 5 years for a knowing and willful violation of that section;

"(2) a fine determined under section 3571 of title 18, United States Code; or

"(3) both.".

(2) DIRECTORS, OFFICERS, AND AGENTS.—Section 21(b) (15 U.S.C. 2070(b)) is amended by striking "19, and who has knowledge of notice of noncompliance received by the corporation from the Commission," and inserting "19".

(3) UNDER THE FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(a) of the Federal Hazardous Substances Act (15 U.S.C. 1264(a)) is amended by striking "one year, or a fine of not more than $3,000, or both such imprisonment and fine." and inserting "5 years, a fine determined under section 3571 of title 18, United States Code, or both.".

(4) UNDER THE FLAMMABLE FABRICS ACT.—Section 7 of the Flammable Fabrics Act (15 U.S.C. 1196) is amended to read as follows:

"PENALTIES

"SEC. 7. Violation of section 3 or 8(b) of this Act, or failure to comply with section 15(c) of this Act, is punishable by—

"(1) imprisonment for not more than 5 years for a knowing and willful violation of that section;

"(2) a fine determined under section 3571 of title 18, United States Code; or

"(3) both.".

(c) CIVIL PENALTY CRITERIA.—Within 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall initiate a rulemaking in accordance with section 553 of title 5, United States Code, to establish criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances.

(d) CRIMINAL PENALTIES TO INCLUDE ASSET FORFEITURE.—Section 21 (15 U.S.C. 2070) is amended by adding at the end thereof the following:

"(c)(1) In addition to the penalties provided by subsection (a), the penalty for a criminal violation of this Act or any other Act enforced by the Commission may include the forfeiture of assets associated with the violation.

"(2) In this subsection, the term 'criminal violation' means a violation of this Act or any other Act enforced by the Commission for which the violator is sentenced to pay a fine, be imprisoned, or both.".

**SEC. 17. PREEMPTION.**

The provisions of sections 25 and 26 of the Consumer Product Safety Act (15 U.S.C. 2074 and 2075, respectively)), section 18 of the Federal Hazardous Substances Act (15 U.S.C. 1261 note), section 16 of the Flammable Fabrics Act (15 U.S.C. 1203), and section 7 of the Poison Packaging Prevention Act of 1970 (15 U.S.C. 1476) establishing the extent to which those Acts preempt, limit, or otherwise affect any other Federal, State, or local law, any rule, procedure, or regulation, or any cause of action under State or local law may not be expanded or contracted in scope, or limited, modified or extended in application, by any rule or regulation thereunder, or by reference in any preamble, statement of policy, executive branch statements, or other matter associated with the publication of any such rule or regulation.

**SEC. 18. SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.**

Section 29 (15 U.S.C. 2078) is amended by adding at the end thereof the following:

"(f)(1) The Commission may make information obtained by the Commission under section 6 available to any Federal, State, local, or foreign government agency upon the prior certification of an appropriate official of any such agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement or consumer protection purposes, if—

"(A) the agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

"(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

"(i) laws regulating the manufacture, importation, distribution, or sale of defective or unsafe consumer products, or other practices substantially similar to practices prohibited by any law administered by the Commission;

"(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

"(iii) with respect to a foreign law enforcement agency, with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government; and

"(C) the foreign government agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

"(2) Except as provided in paragraph (3) of this subsection, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

"(A) any material obtained from a foreign government agency, if the foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

"(B) any material reflecting a consumer complaint obtained from any other foreign source, if the foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

"(C) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign government agencies.

"(3) Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.

"(4) The Commission may terminate a memorandum of understanding or other agreement with another agency if it determines that the other agency has not handled information made available by the Commission under paragraph (1) or has failed to maintain confidentiality with respect to the information.

"(5) In this subsection, the term 'foreign government agency' means—

"(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

"(B) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (A).".

**SEC. 19. FINANCIAL RESPONSIBILITY.**

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.) is amended by adding at the end thereof the following:

"FINANCIAL RESPONSIBILITY

"SEC. 39. (a) The Commission, in a rulemaking proceeding, may establish procedures to require the posting of an escrow, proof of insurance, or security acceptable to the Commission by—

"(1) a person that has committed multiple significant violations of this Act or any rule or Act enforced by the Commission;

"(2) the manufacturer or distributor of a category or class of consumer products; or

"(3) the manufacturer or distributor of any consumer product or any product or substance regulated under any other Act enforced by the Commission.

"(b) AMOUNT.—The escrow, proof of insurance, or security required by the Commission under subsection (a) shall be in an amount sufficient—

"(1) to cover the costs of an effective recall of the product or substance; or

"(2) to cover the costs of holding the product and the destruction of the product should such action be required by the Commission under this Act or any other act enforced by the Commission.".

(b) CONFORMING AMENDMENTS.—

(1) The table of contents is amended by striking the item relating to section 10 and inserting the following:

"Sec. 10. [Repealed].".

(2) The table of contents is amended by inserting after the item relating to section 34 the following:

"Sec. 35. Interim cellulose insulation safety standard.
"Sec. 36. Congressional veto of consumer product safety rules.
"Sec. 37. Information reporting.
"Sec. 38. Low-speed electric bicycles.
"Sec. 39. Financial responsibility.".

**SEC. 20. ENFORCEMENT BY STATE ATTORNEYS GENERAL.**

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.) is amended by inserting after section 26 the following:

"ENFORCEMENT BY STATE ATTORNEYS GENERAL

"SEC. 26A. (a) Except as provided in subsection (f), whenever the attorney general of a State has reason to believe that the interests of the residents of that State have been, or are being, threatened or adversely affected by a violation of any consumer product safety rule, regulation, standard, certification or labeling requirement, or order prescribed under this Act or any other Act enforced by the Commission (including the sale of a voluntarily or mandatorily recalled product or of a banned hazardous substance or product), the State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States to obtain injunctive relief provided under such Act.

"(b) The State shall serve written notice to the Commission of any civil action under subsection (a) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice immediately upon instituting such civil action.

"(c) Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

"(1) be heard on all matters arising in such civil action; and

"(2) file petitions for appeal of a decision in such civil action.

"(d) Nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

"(e) In a civil action brought under subsection (a)—

"(1) the venue shall be a judicial district in which—

"(A) the manufacturer, distributor, or retailer operates; or

"(B) the manufacturer, distributor, or retailer is authorized to do business;

"(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

"(3) a person who participated with a manufacturer, distributor, or retailer in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

"(f) If the Commission has instituted a civil action or an administrative action for violation of this Act or any other Act enforced by the Commission, no State attorney general, or other official or agency of a State, may bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this Act alleged in the complaint.

"(g) If the attorney general of the State prevails in any civil action under subsection (a), it can recover reasonable costs and attorney fees from the manufacturer, distributor, or retailer.".

(b) CONFORMING AMENDMENT.—The table of contents is amended by inserting after the item relating to section 26 the following:

"Sec. 26A. Enforcement by state attorneys general.".

**SEC. 21. WHISTLEBLOWER PROTECTIONS.**

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.), as amended by section 19, is further amended by adding at the end the following:

"WHISTLEBLOWER PROTECTION

"SEC. 40. (a) No manufacturer, private labeler, distributor, or retailer, nor any Federal, State, or local government agency, may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of an order, regulation, rule, or other provision of this Act or any other Act enforced by the Commission;

"(2) testified or is about to testify in a proceeding concerning such violation;

"(3) assisted or participated or is about to assist or participate in such a proceeding; or

"(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of an order, regulation, rule, or other provision of this Act or any other Act enforced by the Commission.

"(b)(1) A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2)(A) Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B)(i) The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3)(A) Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

"(B) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

"(i) to take affirmative action to abate the violation;

"(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

"(iii) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

"(C) If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $1,000, to be paid by the complainant.

"(4) If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(B). The court shall have jurisdiction to grant all appropriate relief to the employee available by law or equity, including injunctive relief, compensatory and consequential damages, reasonable attorneys and expert witness fees, court costs, and punitive damages up to $250,000.

"(5)(A) Any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

"(B) An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(6) Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

"(7)(A) A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

"(c) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

"(d) Subsection (a) shall not apply with respect to an employee of a manufacturer, private labeler, distributor, or retailer who, acting without direction from such manufacturer, private labeler, distributor, or retailer (or such person's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, regulation, or consumer product safety standard under this Act or any other law enforced by the Commission.".

(b) CONFORMING AMENDMENT.—The table of contents, as amended by section 19 of this Act, is further amended by inserting after the item relating to section 39 the following:

"Sec. 40. Whistleblower protection.".

### SEC. 22. BAN ON CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.

(a) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this Act, any children's product (as defined in section 14(e) of the Consumer Product Safety Act (15 U.S.C. 2063(e))) that contains lead shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

(b) TRACE AMOUNTS OF LEAD.—

(1) INITIAL STANDARD.—For purposes of subsection (a), a children's product shall be considered to contain lead if any part of the product contains lead or lead compounds and the lead content of such part (calculated as lead metal) is greater than 0.03 percent by weight of the total weight of such part (or such lesser amount as may be established by the Commission by regulation).

(2) REDUCED THRESHOLD.—

(A) IN GENERAL.—Beginning on the date that is 3 years after the date of enactment of this Act, paragraph (1) shall be applied by substituting "0.01 percent" for "0.03 percent" unless the Consumer Product Safety Commission determines that a standard of 0.01 percent is not technologically feasible. The Commission may make such a determination only after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children's products.

(B) ALTERNATIVE REDUCTION.—If the Commission determines under subparagraph (A) that the 0.01 percent standard is not technologically feasible, the Commission shall, by regulation, establish a lesser amount that is the lowest amount of lead, lower than 0.03 percent by weight, the Commission determines to be technologically feasible to achieve. The amount of lead established by the Commission under the preceding sentence shall be substituted for the 0.03 percent standard under paragraph (1) beginning on the date that is 3 years after the date of enactment of this Act.

(c) EXCEPTIONS.—

(1) INACCESSIBLE COMPONENTS.—After notice and a hearing, the Commission may determine that subsection (a) does not apply to a component of a children's product that is not accessible to a child because it is not physically exposed by reason of a sealed covering or casing and will not become physically exposed through normal and reasonably foreseeable use and abuse of the product. In making its determination under this paragraph, the Commission may not consider paint, coatings, or electroplating to be a barrier that would render lead in the substrate inaccessible to a child through normal and reasonably foreseeable use and abuse of the product.

(2) ELECTRONICS.—If the Commission determines that it is not feasible for certain electronic devices, including batteries, to comply with subsection (a) at the time the regulations take effect, the Commission shall, by regulation—

(A) issue standards to reduce the exposure of and accessibility to lead in such electronic devices; and

(B) establish a schedule by which such electronic devices shall be in full compliance with the regulations prescribed under subsection (a).

(d) REGULATIONS.—Notwithstanding the provisions of subsection (b), the Commission may by regulation establish such lower thresholds for lead content in children's products than those set forth in subsection (b) as the Commission finds to be technologically feasible.

(e) PAINT STANDARD FOR ALL PRODUCTS.—Effective on the date that is 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall modify section 1303.1 of its regulations (16 C.F.R. 1303.1) by substituting "0.009 percent" for "0.06 percent" in subsection (a) of that section.

(f) APPLICATION WITH ASTM F963.—To the extent that any standard or rule promulgated by the Consumer Product Safety Commission under this section (or any section of the Consumer Product Safety Act or any other Act enforced by the Commission, as such Acts are affected by this section) is inconsistent with the ASTM F963 standard, such promulgated standard or rule shall supersede the ASTM F963 standard to the extent of the inconsistency.

### SEC. 23. ALTERNATIVE MEASURES OF LEAD CONTENT.

The Consumer Product Safety Commission, in cooperation with the National Academy of Sciences and the National Institute of Standards and Technology, shall study the feasibility of establishing a measurement standard based on a units-of-mass-per-area standard (similar to existing measurement standards used by the Department of Housing and Urban Development and the Environmental Protection Agency to measure for metals in household paint and soil, respectively) that is statistically comparable to the parts-per-million measurement standard currently used in laboratory analysis.

### SEC. 24. STUDY OF PREVENTABLE INJURIES AND DEATHS OF MINORITY CHILDREN RELATED TO CERTAIN CONSUMER PRODUCTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Government Accountability Office shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan Native, and Asian/Pacific Islander children in the United States.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drowning including those associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall report its findings to the Senate Commerce, Science, and Transportation Committee and the House of Representatives Energy and Commerce Committee. The report shall include—

(1) the Commission's findings on the incidence of preventable risks of injury and death among children of minority populations and recommendations for minimizing such increased risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce current statistical disparities.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Commission $500,000 for purposes of carrying out this section for fiscal year 2009.

**SEC. 25. COST-BENEFIT ANALYSIS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970.**

Section 3 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472) is amended by adding at the end thereof the following:

"(e) Nothing in this Act shall be construed to require the Secretary, in establishing a standard under this section, to prepare a comparison of the costs that would be incurred in complying with such standard with the benefits of such standard.".

**SEC. 26. INSPECTOR GENERAL REPORTS.**

(a) IMPLEMENTATION BY THE COMMISSION.—

(1) IN GENERAL.—The Inspector General of the Consumer Product Safety Commission shall conduct reviews and audits of implementation of the Consumer Product Safety Act by the Commission, including—

(A) an assessment of the ability of the Commission to enforce subsections (a)(2) and (d) of section 14 of the Act (15 U.S.C. 2063), as amended by section 10 of this Act, including the ability of the Commission to enforce the prohibition on imports of children's products without third party testing certification under section 17(a)(6) of the Act (15 U.S.C. 2066)(a)(6), as added by section 10 of this Act;

(B) an assessment of the ability of the Commission to enforce section 14(a)(6) of the Act (15 U.S.C. 2063(a)(6)), as added by section 11 of this Act, and section 16(c) of the Act, as added by section 14 of this Act; and

(C) an audit of the Commission's capital improvement efforts, including construction of a new testing facility.

(2) ANNUAL REPORT.—The Inspector General shall submit an annual report, setting forth the Inspector General's findings, conclusions, and recommendations from the reviews and audits under paragraph (1), for each of fiscal years 2009 through 2015 to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about violations of rules or regulations of the Consumer Product Safety Act or any other Act enforced by the Commission; and

(B) the process by which corrective action plans are negotiated with such employees by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(c) LEAKS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall—

(A) conduct a review of whether, and to what extent, there have been unauthorized and unlawful disclosures of information by Members, officers, or employees of the Commission to persons not authorized to receive such information; and

(B) to the extent that such unauthorized and unlawful disclosures have occurred, determine—

(i) what class or kind of information was most frequently involved in such disclosures; and

(ii) how frequently such disclosures have occurred.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

**SEC. 27. PUBLIC INTERNET WEBSITE LINKS.**

Not later than 30 days after the date of enactment of this Act, the Consumer Product Safety Commission shall establish and maintain—

(1) a direct link on the homepage of its Internet website to the Internet website of the Commission's Office of Inspector General; and

(2) a mechanism on the homepage of the Office of Inspector General's Internet website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Commission.

**SEC. 28. CHILD-RESISTANT PORTABLE GASOLINE CONTAINERS.**

(a) CONSUMER PRODUCT SAFETY RULE.—

(1) ESTABLISHMENT.—There is established, as a consumer product safety rule promulgated by the Commission in accordance with section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), a requirement that each portable gasoline container for sale in the United States shall conform to the child-resistance requirements for closures on portable gasoline containers specified in the standard ASTM F2517-05, issued by ASTM International.

(b) REVISION OF RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2), if, after the date of the enactment of this Act, ASTM International proposes to revise the child resistance requirements of ASTM F2517-05—

(A) ASTM International shall notify the Commission of the proposed revision; and

(B) the proposed revision shall be incorporated in the consumer product safety rule established by subsection (a).

(2) EXCEPTION.—If, not later than 60 days after the date of the notice described in paragraph (1)(A), the Commission notifies ASTM International that the Commission has determined that such revision is inconsistent with subsection (a), the requirement of paragraph (1)(B) shall not apply.

(c) IMPLEMENTING REGULATIONS.—With respect to the promulgation of any regulations by the Commission to implement the requirements of this section—

(1) section 553 of title 5, United States Code, shall apply; and

(2) sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056 and 2058) shall not apply.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce a report on—

(1) the degree of industry compliance with the consumer product safety rule established by subsection (a);

(2) any enforcement actions brought by the Commission to enforce such rule; and

(3) incidents involving children interacting with portable gasoline containers (including both those that are and are not in compliance with the rule established by subsection (a)).

(e) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(2) PORTABLE GASOLINE CONTAINER.—The term "portable gasoline container" means any portable gasoline container intended for use by consumers.

(f) EFFECTIVE DATE.—The rule established by subsection (a) shall apply to portable gasoline containers manufactured on or after the date that is 6 months after the date of enactment of this Act.

**SEC. 29. TOY SAFETY STANDARD.**

(a) IN GENERAL.—Beginning 60 days after the date of enactment of this Act, ASTM-International Standard F963–07, Consumer Safety Specifications for Toy Safety, as it exists on the date of enactment of this Act shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) REVISIONS.—If more than 60 days after the date of enactment of this Act, ASTM-International proposes to revise Standard F963–07, Consumer Safety Specifications for Toy Safety, or a successor standard, it shall notify the Commission of the proposed revision and the proposed revision shall be incorporated in the consumer product safety rule. The revised standard shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 30 days after the date on which ASTM-International notifies the Commission of the revision unless, within 60 days after receiving that notice, the Commission notifies ASTM-International that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard. If the Commission so notifies ASTM-International with respect to a proposed revision of the standard, the existing standard shall continue to be considered to be a consumer product safety rule without regard to the proposed revision.

**SEC. 30. ALL-TERRAIN VEHICLE SAFETY STANDARD.**

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.), as amended by section 21 of this Act, is further amended by adding at the end thereof the following:

"ALL-TERRAIN VEHICLE SAFETY STANDARD

"SEC. 41. (a) IN GENERAL.—

"(1) MANDATORY STANDARD.—Notwithstanding any other provision of law, within 90 days after the date of enactment of the CPSC Reform Act the Commission shall publish in the Federal Register as a mandatory consumer product safety standard the American National Standard for Four Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA-1-2007). The standard shall take effect 150 days after it is published.

"(2) COMPLIANCE WITH STANDARD.—After the standard takes effect, it shall be unlawful for any manufacturer or distributor to import into or distribute in commerce in the United States any new assembled or unassembled all-terrain vehicle unless—

"(A) the vehicle complies with each applicable provision of the standard;

"(B) the vehicle is subject to an ATV action plan filed with the Commission before the date of enactment of the CPSC Reform Act, or subsequently filed with and approved by the Commission, and bears a label certifying such compliance and identifying the manufacturer, importer or private labeler and the ATV action plan to which it is subject; and

"(C) the manufacturer or distributor is in compliance with all provisions of the applicable ATV action plan.

"(3) VIOLATION.—The failure to comply with any requirement of paragraph (2) shall be deemed to be a failure to comply with a consumer product safety rule under this Act and subject to all of the penalties and remedies available under this Act.

"(4) COMPLIANT MODELS WITH ADDITIONAL FEATURES.—Paragraph (2) shall not be construed to prohibit the distribution in interstate commerce of new all-terrain vehicles that comply with the requirements of that paragraph but also incorporate characteristics or components that are not covered by those requirements. Any such characteristics or components shall be subject to the requirements of section 15 of this Act.

"(b) MODIFICATION OF ALL-TERRAIN VEHICLE SAFETY STANDARD.—

"(1) ANSI REVISIONS.—If the American National Standard ANSI/SVIA-1-2007 is revised through the applicable consensus standards development process after the date on which the product safety standard for all-terrain vehicles is published in the Federal Register, the American National Standards Institute shall notify the Commission of the revision.

"(2) COMMISSION ACTION.—Within 120 days after it receives notice of such a revision by the American National Standards Institute, the Commission shall issue a notice of proposed rulemaking in accordance with section 553 of title 5, United States Code, to amend the product safety standard for all-terrain vehicles to include any such revision that the Commission determines is reasonably related to the safe performance of all-terrain vehicles, and notify the Institute of any provision it has determined not to be so related. The Commission shall promulgate an amendment to the standard for all-terrain vehicles within 180 days after the date on which the notice of proposed rulemaking for the amendment is published in the Federal Register.

"(3) UNREASONABLE RISK OF INJURY.—Notwithstanding any other provision of this Act, the Commission may, pursuant to sections 7 and 9 of this Act, amend the product safety standard for all-terrain vehicles to include any additional provision that the Commission determines is reasonably necessary to reduce an unreasonable risk of injury associated with the performance of all-terrain vehicles.

"(4) CERTAIN PROVISIONS NOT APPLICABLE.—Sections 7, 9, 11, and 30(d) of this Act shall not apply to promulgation of any amendment of the product safety standard under paragraph (2). Judicial review of any amendment of the standard under paragraph (2) shall be in accordance with chapter 7 of title 5, United States Code.

"(c) REQUIREMENTS FOR 3-WHEELED ALL-TERRAIN VEHICLES.—Until a mandatory consumer product safety rule applicable to 3-wheeled all-terrain vehicles promulgated pursuant to this Act is in effect, new 3-wheeled all-terrain vehicles may not be imported into or distributed in commerce in the United States. Any violation of this subsection shall be considered to be a violation of section 19(a)(1) of this Act and may also be enforced under section 17 of this Act.

"(d) FURTHER PROCEEDINGS.—

"(1) DEADLINE.—The Commission shall issue a final rule in its proceeding entitled 'Standards for All Terrain Vehicles and Ban of Three-wheeled All Terrain Vehicles'.

"(2) CATEGORIES OF YOUTH ATVS.—In the final rule, the Commission may provide for a multiple factor method of categorization that, at a minimum, takes into account—

"(A) the weight of the vehicle;

"(B) the maximum speed of the vehicle;

"(C) the velocity at which a vehicle of a given weight is traveling at the maximum speed of the vehicle;

"(D) the age of children for whose operation the vehicle is designed or who may reasonably be expected to operate the vehicle; and

"(E) the average weight of children for whose operation the vehicle is designed or who may reasonably be expected to operate the vehicle.

"(e) DEFINITIONS.—In this section:

"(1) ALL-TERRAIN VEHICLE OR ATV.—The term 'all-terrain vehicle' or 'ATV' means—

"(A) any motorized, off-highway vehicle designed to travel on 3 or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control; but

"(B) does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

"(2) ATV ACTION PLAN.—The term 'ATV action plan' means a written plan or letter of undertaking that describes actions the manufacturer or distributor agrees to take to promote ATV safety, including rider training, dissemination of safety information, age recommendations, other policies governing marketing and sale of the vehicles, the monitoring of such sales, and other safety related measures, and that is substantially similar to the plans described under the heading The Undertakings of the Companies in the Commission Notice published in the Federal Register on September 9, 1998 (63 FR 48199-48204).".

(b) GAO STUDY.—The Comptroller General shall conduct a study of the utility, recreational, and other benefits of all-terrain vehicles to which section 38 of the Consumer Product Safety Act (15 U.S.C. 2085) applies, and the costs associated with all-terrain vehicle-related accidents and injuries.

(c) CONFORMING AMENDMENT.—The table of contents, as amended by section 21 of this Act, is further amended by inserting after the item relating to section 40 the following:

"Sec. 41. All-terrain vehicle safety standard.".

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

### SEC. 31. GARAGE DOOR OPENER STANDARD.

Notwithstanding section 203(b) of the Consumer Product Safety Improvement Act of 1990 (15 U.S.C. 2056 note) or any amendment by the American National Standards Institute and Underwriters Laboratories, Inc. of its Standards for Safety-UL 325, all automatic garage door openers that directly drive the door in the closing direction that are manufactured more than 6 months after the date of enactment of this Act shall include an external secondary entrapment protection device that does not require contact with a person or object for the garage door to reverse.

### SEC. 32. REDUCING DEATHS AND INJURIES FROM CARBON MONOXIDE POISONING.

(a) IN GENERAL.—The Consumer Product Safety Commission shall issue a final rule in its proceeding entitled "Portable Generators" for which the Commission issued an advance notice of proposed rulemaking on December 12, 2006 (71 Fed. Reg. 74472), no later than 18 months after the date of enactment of this Act.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Consumer Product Safety Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation that—

(1) reviews the effectiveness of its labeling requirements for charcoal briquettes (16 C.F.R. 1500.14(b)(6)) during the windstorm that struck the Pacific Northwest beginning on December 14, 2006;

(2) identifies any specific challenges faced by non-English speaking populations with use of the current standards; and

(3) contains recommendations for improving the labels on charcoal briquettes.

### SEC. 33. COMPLETION OF CIGARETTE LIGHTER RULEMAKING.

The Consumer Product Safety Commission shall issue a final rule mandating general safety standards for cigarette lighters in its proceedings entitled "Safety Standard for cigarette Lighters" for which the Commission issued an advance notice of proposed rulemaking on April 11, 2005 (68 Fed. Reg. 11339) no later than 24 months after the date of enactment of this Act.

### SEC. 34. CONSUMER PRODUCT REGISTRATION FORMS.

(a) CONSUMER PRODUCT REGISTRATION FORMS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate final consumer product safety rules that require manufacturers of durable infant or toddler products—

(A) in accordance with paragraph (2), to provide consumers with postage-paid consumer registration forms with each such product;

(B) in accordance with paragraph (5), to maintain a record of the names, addresses, e-mail addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(C) to place permanently the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(2) REQUIREMENTS FOR REGISTRATION FORMS.—

(A) IN GENERAL.—The registration forms required by paragraph (1)(A) shall provide space sufficiently large to permit easy, legible recording of the information specified in subparagraph (B)(i).

(B) ELEMENTS.—Such forms shall include the following:

(i) Spaces for a consumer to provide the following:

(I) The consumer's name.

(II) The consumer's postal address.

(III) The consumer's telephone number.

(IV) The consumer's e-mail address.

(ii) The manufacturer's name.

(iii) The model name and number for the product.

(iv) The date of manufacture of the product.

(v) A message that—

(I) explains the purpose of the registration; and

(II) is designed to encourage consumers to complete the registration.

(vi) A statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product.

(vii) A message that explains the option to register via the Internet, as required by paragraph (4).

(C) PLACEMENT.—Such form shall be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer will notice and handle the form after purchasing the product.

(3) TEXT AND FORMAT OF REGISTRATION FORMS.—In promulgating regulations under paragraph (1), the Commission may prescribe the exact text and format of such form.

(4) INTERNET REGISTRATION.—In promulgating regulations under paragraph (1), the Commission shall require manufacturers of durable infant or toddler products to provide a mechanism for consumers to submit to the manufacturer via the Internet electronic versions of the registration forms required by paragraph (1)(A).

(5) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—The rules promulgated under paragraph (1) shall require each manufacturer of a durable infant or toddler product—

(i) to maintain a record of consumers who register for such product that includes all of the information provided by such consumers; and

(ii) to use such information to notify such consumers in the event of a voluntary or involuntary recall of, or safety alert regarding, such product.

(B) PERIOD OF MAINTENANCE.—Such rules shall require such manufacturers of durable infant or toddler products to maintain the records described in subparagraph (A)(i) for a period of not less than 6 years after the date of manufacture of the product concerned.

(C) LIMITATION ON USE OF INFORMATION COLLECTED.—The rules promulgated under paragraph (1) shall prohibit manufacturers from using or disseminating to any other party the information collected by the manufacturer under this subsection for any purpose other than notification to the consumer concerned in the event of a product recall or safety alert regarding the product concerned.

(D) RESERVATION.—Nothing in this section requires a manufacturer to collect, retain, or use any information unless it is provided by the consumer.

(b) REPORT AND STUDY.—Not later than 4 years after the date of enactment of this Act, the Commission shall—

(1) conduct a study on the effectiveness of the rules promulgated under subsection (a) in facilitating product recalls; and

(2) submit to Congress a report on the findings of the Commission with respect to the study required by paragraph (1).

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(2) DURABLE INFANT OR TODDLER PRODUCT.—The term "durable infant or toddler product" means a durable product intended for use by, or that may be reasonably expected to be used by, children younger than the age of 5 years, including the following:

(A) Full-size cribs and nonfull-size cribs.

(B) Toddler beds.

(C) High chairs, booster chairs, and hook-on chairs.

(D) Bath seats.

(E) Gates and other enclosures for confining a child.

(F) Play yards.

(G) Stationary activity centers.

(H) Infant carriers.

(I) Strollers.

(J) Walkers.

(K) Swings.

(L) Bassinets and cradles.

### SEC. 35. REPEAL.

Section 30 (15 U.S.C. 2079) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

### SEC. 36. CONSUMER PRODUCT SAFETY COMMISSION PRESENCE AT NATIONAL TARGETING CENTER OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Except as provided in subsection (c), not later than 6 months after the date of the enactment of this Act, the Consumer Product Safety Commission shall enter into a memorandum of understanding with the Secretary of Homeland Security for the assignment by the Commission of not less than 1 full-time equivalent personnel to work at the National Targeting Center of U.S. Customs and Border Protection.START HERE

(b) RESPONSIBILITIES.—Any personnel assigned under subsection (a) shall, in cooperation with other personnel working at the National Targeting Center, identify products, before such products are imported into the customs territory of the United States, that—

(1) are intended for importation into such customs territory; and

(2) pose a high risk to consumer safety.

(c) WAIVER.—The Consumer Product Safety Commission may waive the requirement of subsection (a) if the Commission determines that an assignment under subsection (a) would not improve the effectiveness of the Commission in identifying products described in subsection (b) before such products are imported into the customs territory of the United States.

### SEC. 37. DEVELOPMENT OF RISK ASSESSMENT METHODOLOGY TO IDENTIFY SHIPMENTS OF CONSUMER PRODUCTS THAT ARE LIKELY TO CONTAIN CONSUMER PRODUCTS IN VIOLATION OF SAFETY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall develop a risk assessment methodology for identification of shipments of consumer products that are—

(1) intended for import into the customs territory of the United States; and

(2) are likely to include consumer products that would be refused admission into such customs territory under section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)).

(b) USE OF INTERNATIONAL TRADE DATA SYSTEM.—The methodology developed under subsection (a) shall, as far as practicable, use the International Trade Data System (ITDS) established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411) to evaluate and assess information about shipments of consumer products intended for import into the customs territory of the United States before such shipments enter such customs territory.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

### SEC. 38. SEIZURE AND DESTRUCTION OF IMPORTED PRODUCTS IN VIOLATION OF CONSUMER PRODUCT SAFETY STANDARDS.

(a) LIST OF PRODUCT DEFECTS THAT CONSTITUTE A SUBSTANTIAL PRODUCT HAZARD.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Consumer Product Safety Commission shall publish a list of product defects that constitute a substantial product hazard (as defined in section 15 of the Consumer Product Safety Act (15 U.S.C. 2064)).

(2) UPDATES.—The Consumer Product Safety Commission shall, as the Commission considers appropriate—

(A) update the list required by paragraph (1); and

(B) provide a copy of the updated list to the Secretary of Homeland Security.

(b) DESTRUCTION OF NONCOMPLIANT IMPORTED PRODUCTS.—Section 17(e) (15 U.S.C. 2066(e)) is amended to read as follows:

"(e) PRODUCT DESTRUCTION.—The Secretary of Homeland Security shall ensure the destruction of any product refused admission into the customs territory of the United States under this section unless such product is exported, under regulations prescribed by the Secretary or the Commission, as appropriate, within 90 days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.".

(c) INSPECTION AND RECORDKEEPING REQUIREMENTS AS CONDITIONS ON IMPORTATION.—Section 17(g) (15 U.S.C. 2066(g)) is amended by striking "Commission may" and inserting "Commission shall".

(d) PROVISION OF INFORMATION TO COOPERATING AGENCIES.—Section 17(h)(2) (15 U.S.C. 2066(h)(2)) is amended by striking "Commission may" and inserting "Commission shall".

(e) CONSTRUCTION.—Section 17 (15 U.S.C. 2066) is amended by adding at the end the following:

"(i) CONSTRUCTION.—Nothing in this section shall be construed to prevent the Secretary of Homeland Security from prohibiting entry or directing the destruction or export of a consumer product under any other provision of law.".

(f) CONFORMING AMENDMENTS.—Such section 17 is further amended—

(1) in subsection (a), by striking "Any consumer" and inserting "REFUSAL OF ADMISSION.—Any consumer";

(2) in subsection (b), by striking "The" in the first sentence and inserting "SAMPLES.—The";

(3) in subsection (c), by striking "If" and inserting "MODIFICATION.—If";

(4) in subsection (d), by striking "All actions" in the first sentence and inserting "SUPERVISION OF MODIFICATIONS.—All actions";

(5) in subsection (f), by striking "All expenses" in the first sentence and inserting "PAYMENT OF EXPENSES OCCASIONED BY REFUSAL OF ADMISSION.—All expenses";

(6) in subsection (g), by striking "The Commission" and inserting "IMPORTATION CONDITIONED UPON MANUFACTURER'S COMPLIANCE.—The Commission";

(7) in subsection (h), by striking "(h)(1) The Commission" and inserting "(h) PRODUCT SURVEILLANCE PROGRAM.—(1) The Commission".

(g) TECHNICAL AMENDMENTS.—Such section 17 is further amended—

(1) by striking "Secretary of the Treasury" each place it occurs and inserting "Secretary of Homeland Security"; and

(2) by striking "Department of the Treasury" each place it occurs and inserting "Department of Homeland Security".

### SEC. 39. DATABASE OF MANUFACTURING FACILITIES AND SUPPLIERS INVOLVED IN VIOLATIONS OF CONSUMER PRODUCT SAFETY STANDARDS.

(a) DOCUMENTATION OF ACTS AND OMISSIONS.—If the Consumer Product Safety

Commission discovers evidence that a violation of a consumer product safety rule was the result of an act or omission by a manufacturing facility or supplier, the Commission shall document the following:

(1) The date on which the violation occurred.

(2) A description of the violation and the circumstances that led to the violation.

(3) Details of the act or omission and the relation of such act or omission to the violation.

(4) Identifying information about the manufacturing facility or supplier, including the name and address of such manufacturing facility or supplier.

(b) DATABASE.—The Consumer Product Safety Commission shall establish and maintain a database that contains the following:

(1) All of the information documented under subsection (a).

(2) Any information submitted under subsection (d).

(c) NOTICE.—The Commission shall take reasonable steps to provide notice to each manufacturing facility or supplier documented in the database required by subsection (b) of the inclusion of such manufacturing facility or supplier in such database and the reasons for such inclusion.

(d) COMMENTS.—The Commission shall establish a process by which a manufacturing facility or supplier included in the database required by subsection (b) for an act or omission described in subsection (a) may submit information to the Commission for inclusion in the database. Such information may consist of—

(1) evidence refuting evidence contained in the database that a violation described in subsection (a) was the result of an act or omission by such manufacturing facility or supplier; and

(2) evidence of remedial measures taken by such manufacturing facility or supplier to correct such act or omission.

Information submitted under this subsection shall be treated the same as information in the database for purposes of subsections (g) and (h).

(e) AVAILABILITY OF DATABASE TO U.S. CUSTOMS AND BORDER PROTECTION.—The Consumer Product Safety Commission shall make the database established under subsection (b) available on a real-time basis to the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security.

(f) USE OF DATABASE BY U.S. CUSTOMS AND BORDER PROTECTION.—The Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security shall use the information stored in the database required by subsection (b) in determining—

(1) whether a container being imported into the United States contains consumer products that are in violation of a consumer product safety standard of the Commission; and

(2) whether action should be taken with respect to any consumer products in such container under section 17 of the Consumer Product Safety Act (15 U.S.C. 2066).

(g) LIMITATION ON DISCLOSURE OF INFORMATION IN DATABASE.—

(1) IN GENERAL.—The Consumer Product Safety Commission and the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security shall not disclose any information contained in or provide access to the database required by subsection (b) to any person except as provided in paragraph (2), provided that this limitation does not apply to the disclosure of information that was collected, received, or maintained by the Commission for purpose other than inclusion in the database.

(2) EXCEPTION FOR LAW ENFORCEMENT AND NATIONAL SECURITY.—The Consumer Product Safety Commission and the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security may disclose information contained in and provide access to the database required by subsection (b) to a law enforcement agency or an intelligence agency of the United States if the Commission or the Commissioner determine that such disclosure is necessary—

(A) to prevent a crime; or

(B) to detect, prevent, or respond to a threat to national security.

(3) EXEMPTION FROM FREEDOM OF INFORMATION ACT DISCLOSURE REQUIREMENTS.—The database required by subsection (b) shall not be subject to the disclosure requirements of section 552 or 552A of title 5, United States Code.

(h) LIMITATION ON USE OF INFORMATION IN DATABASE FOR CERTAIN CIVIL OR CRIMINAL PENALTIES.—

(1) PROHIBITION ON IMPOSITION BY CONSUMER PRODUCT SAFETY COMMISSION OF PENALTIES SOLELY ON BASIS OF DATABASE.—The Consumer Product Safety Commission may not impose any penalty under section 20 or 21 of the Consumer Product Safety Act (15 U.S.C. 2069, 2070) on any person solely on the inclusion of information on a person in the database required by subsection (b).

(2) PROHIBITION ON IMPOSITION BY U.S. CUSTOMS AND BORDER PROTECTION OF PENALTIES SOLELY ON BASIS OF DATABASE.—Notwithstanding any other provision of law, the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security may not impose any civil or criminal penalty on any person solely on the inclusion of information on a person in the database required by subsection (b).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

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By Mr. REID:

S. 2664. A bill to extend the provisions of the Protect America Act of 2007; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2664

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Protect America Short-term Extension Act".

**SEC. 2. EXTENSION OF THE PROTECT AMERICA ACT OF 2007.**

Subsection (c) of section 6 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 557; 50 U.S.C. 1803 note), as amended by section 1 of the Act to Extend the Protect America Act of 2007 for 15 Days (Public Law 110–182), is amended by striking "195 days after the date of the enactment of this Act" and inserting "on the date that is 30 days after the date of the enactment of the Protect America Short-term Extension Act".

**SEC. 3. EFFECTIVE DATE.**

The amendment made by section 2 shall take effect as if enacted on February 15, 2008.

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By Mr. REID:

S. 2665. A bill to extend the provisions of the Protect America Act of 2007 until July 1, 2009; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2665

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Protect America Long-term Extension Act".

**SEC. 2. EXTENSION OF THE PROTECT AMERICA ACT OF 2007.**

Subsection (c) of section 6 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 557; 50 U.S.C. 1803 note), as amended by section 1 of the Act to Extend the Protect America Act of 2007 for 15 Days (Public Law 110–182), is amended by striking "195 days after the date of the enactment of this Act" and inserting "on July 1, 2009".

**SEC. 3. EFFECTIVE DATE.**

The amendment made by section 2 shall take effect as if enacted on February 15, 2008.

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By Ms. CANTWELL (for herself, Mr. SMITH, Mr. KERRY, Mr. COLEMAN, and Mr. SALAZAR):

S. 2666. A bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, the issues of housing are very much on the minds of the American people and those of us in Congress. While we focus on the challenges that homeowners currently are facing, we must not fail to recognize that there are a lot of families that dare not dream of owning their own home; they dream simply of having access to safe, affordable rental housing in our communities.

Today, I am pleased to introduce the Affordable Housing Investment Act, a bill that will update and modernize the low-income housing tax credit program—a program that we all know has been tremendously successful in helping construct needed affordable housing in communities across our country.

We often find ourselves reacting to Government programs that are broken; this bill is about a Government program that works but can be improved upon. The low-income housing tax credit program was created as part of the Tax Reform Act of 1986 and made permanent in 1993. Designed as a public/private funding partnership, largely administered by the States, this program has become the most successful housing production program in existence.

These tax credits make it attractive for investors to forego highly profitable luxury residences, in order to provide housing for those most in need. Without affordable housing, many low-income Americans would find themselves on the street. Instead, these families can provide shelter to their children and have a secure place to live near where they work and go to school.

State agencies award housing tax credits to housing developers, who turn the credits into construction funds by selling them to investors. There funds allow developers to borrow less money and pass through the savings in lower rental rates for low-income tenants. Investors, in turn, receive a 10-year tax credit based on the cost of constructing or rehabilitating apartments that cannot be rented to anyone whose median income is higher than 60 percent of the median income in the area.

Each State's annual housing credit allocation is capped. In 2007, the cap is $1.95 per capita, with a minimum of $2.275 million. States put each development through three separate, rigorous evaluations to make sure it receives only enough housing credits to make it viable as low-income housing for the long term.

Since its inception, this program has created nearly 2 million homes for low-income families at restricted rents for terms of at least 30 years—housing that would not have occurred without the tax credit.

The credit is responsive to the needs of local communities. It works for new construction, rehabilitation, and preservation of affordable housing. It works in cities, suburbs, and rural areas. It revitalizes low-income communities. It serves families, the elderly, the disabled, and the homeless. Each State sets its own housing priorities, and developers compete aggressively to meet these priorities.

The program is cost efficient and has a high compliance rate. The marketplace imposes discipline on the program so that taxpayers' dollars are well-spent. Investors receive their tax credits only if housing is built on time and on budget, operates successfully within local housing markets, and is well maintained over time. The annual failure rate for housing credit properties is 0.02 percent annually, well below that for other housing or commercial real estate.

As successful as the housing tax credit program is, it could benefit significantly from updating.

The Affordable Housing Investment Act of 2008, which I am introducing with Senators SMITH, KERRY, COLEMAN and SALAZAR, modernizes the tax credit rules in order to make it even more useful.

First, it eliminates the penalties for combining housing credits with other Federal housing programs. The bill proposes to remove various restrictions that make it hard to coordinate housing credits with other Federal policies and programs. These restrictions frustrate efforts to address local needs and add unnecessary legal and accounting costs. In some cases, these restrictions were set many years ago to prevent properties from receiving excessive subsidies. Such restrictions are no longer needed because States examine each project at three points to ensure that it needs the amount of housing credits allocated to it. In addition, the high demand for housing credits and other subsidies motivates all subsidy providers to limit subsidies to the minimum amount necessary.

Second, the bill helps foster low-income community revitalization by facilitating the construction of child care, primary health care, recreation and other community service facilities and aiding with the specific needs for housing in rural areas.

Third, the bill preserves existing affordable housing by easing restrictions on rehabilitation of older properties.

Finally, the bill eliminates unneeded inefficiencies in the tax laws that serve no public policy purpose.

The legislation has been endorsed by the National Council of State Housing Agencies, the Affordable Housing Tax Credit Coalition, the Housing Development Consortium, Local Initiatives Support Corporation and Impact Capital, National Association of State and Local Equity Funds, Seattle Housing Authority, and the Washington State Housing Finance Commission.

The tax credit program may be invisible to the people that now have a roof over their head, but it is indispensable to our ability to meet the growing demand—and diminishing supply—for affordable housing.

For example, Port Orchard Vista—a 42-unit apartment building for low-income seniors—would not have been built without the tax credit program. One resident, a 62-year-old grandmother named Jackie, would be homeless if this project had not been built. Jackie's Social Security check is $600 per month. Her rent was $605, not including utilities—or groceries! She was selling her furniture and her mom's old cookbooks to make up the difference. She was just a few months away from being homeless.

Thanks to the tax credits, the Kitsap County Consolidated Housing Authority was able to get this project built and keep Jackie off the street. Today, Jackie's rent is $200—including utilities.

The Village at Overlake Station in Redmond, Washington, was built in 2001 and offers beautiful public spaces and apartment homes. Sarah, a single mother, came to Overlake Station in late 2005 after spending that summer and fall living out of her vehicle with her two children. She was extremely grateful to find a suitable, affordable apartment before the cold weather came. She and her children were forced to huddle together in the backseat of her car to stay warm as they slept and she was concerned about their safety. Though she tried to be cautious, she just knew she should find a better way to take care of her children.

Sarah and her children have proudly lived at Overlake for 2 years. Soon they will move into a new house, thanks to Habitat for Humanity. In two years, Sarah has gone from homelessness to homeownership—thanks to the Low-Income Housing Tax Credit program.

These stories can be replicated in every community in my State and across the country.

In 2002, the Millennial Housing Commission said in its final report to the Congress:

> Securing access to decent, affordable housing is fundamental to the American Dream. All Americans want to live in good-quality homes they can afford without sacrificing other basic needs. All Americans want to live in safe communities with ready access to job opportunities, good schools, and amenities. All parents want their children to grow up with positive role models and peer influences nearby. And the overwhelming majority of Americans want to purchase a home as a way to build wealth.

By leveraging private capital to build affordable housing units, we are also helping our local communities. People left with no affordable housing options join the ranks of the homeless and then become the responsibility of our cash-strapped communities. We can alleviate some of the community responsibilities of caring for the homeless, the disabled, and other vulnerable low-income families by helping to provide these people an affordable place to call home. I encourage my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

### S. 2666

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE, ETC.**

(a) SHORT TITLE.—This Act may be cited as the "Affordable Housing Investment Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—FACILITATE DEVELOPMENT OF HOUSING CREDIT PROPERTY

Sec. 101. Renaming the low-income housing credit as the affordable housing credit.

Sec. 102. Modification of rules for determining applicable percentage.
Sec. 103. Increase in credit for buildings in State designated areas.
Sec. 104. Modification of scattered site rule.
Sec. 105. Treatment of rural projects.
Sec. 106. Expansion of allowable basis for community service facilities.

TITLE II—IMPROVE COORDINATION WITH OTHER FEDERAL HOUSING PROGRAMS

Sec. 201. Affordable housing credits allowed for section 8 moderate rehabilitation developments.
Sec. 202. Modification to low-income housing credit rules for reduction of eligible basis by grants received.

TITLE III—FACILITATE PRIVATE INVESTMENT CAPITAL TO INCREASE THE EFFICIENCY OF AFFORDABLE HOUSING INVESTMENT

Sec. 301. Repeal of recapture bond rule.
Sec. 302. Affordable housing credit allowed against alternative minimum tax.
Sec. 303. Interest on qualified mortgage bonds, qualified veterans' mortgage bonds, and qualified residential rental project exempt facility bonds exempt from alternative minimum tax.

TITLE IV—HELP PRESERVE EXISTING AFFORDABLE HOUSING

Sec. 401. Repeal of 10-year rule for acquisition housing credits.
Sec. 402. Modification of related person rule for affordable housing credit.

TITLE V—SIMPLIFY ADMINISTRATION OF THE HOUSING CREDIT PROGRAM

Sec. 501. Elimination of certain annual recertifications of tenant incomes.

TITLE VI—CONFORM MULTIFAMILY HOUSING BOND RULES TO HOUSING CREDIT RULES

Sec. 601. Coordination of certain rules applicable to affordable housing credit and qualified residential rental project exempt facility bonds.

TITLE VII—IMPROVE THE MORTGAGE REVENUE BOND PROGRAM

Sec. 701. Special rule for use of mortgage bonds for disaster victims, single parents, and homemakers.
Sec. 702. Repeal of required use of certain principal repayments on qualified mortgage issues to redeem bonds.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

## TITLE I—FACILITATE DEVELOPMENT OF HOUSING CREDIT PROPERTY

### SEC. 101. RENAMING THE LOW-INCOME HOUSING CREDIT AS THE AFFORDABLE HOUSING CREDIT.

(a) IN GENERAL.—The heading of section 42 (relating to low-income housing credit) is amended by striking "low-income" and inserting "affordable".

(b) CONFORMING AMENDMENTS.—

(1) Sections 38(b)(5), 42(a), 772(a)(7), and 772(d)(5) are each amended by striking "low-income" and inserting "affordable".

(2) The headings of subparagraphs (3)(D) and (6)(B) of section 469(i) are each amended by striking "LOW-INCOME" and inserting "AFFORDABLE".

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 42 and inserting the following:

"Sec. 42. Affordable housing credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

### SEC. 102. MODIFICATION OF RULES FOR DETERMINING APPLICABLE PERCENTAGE.

(a) IN GENERAL.—Subsection (b) of section 42 is amended—

(1) by striking the semicolon and all that follows to the period in the heading,

(2) by striking paragraph (1) and inserting the following new paragraph:

"(1) IN GENERAL.—For purposes of this section, the term 'applicable percentage' means the greater of the alternative applicable percentage determined under paragraph (2) or—

"(A) 9 percent in the case of any building to which subparagraph (B) does not apply, and

"(B) 4 percent in the case of—

"(i) any existing building, and

"(ii) any new building if, at any time during the taxable year or any prior taxable year, there is or was outstanding any obligation—

"(I) not taken into account under section 146,

"(II) which is exempt from tax under section 103, and

"(III) the proceeds of which are or were used (directly or indirectly) with respect to such building or the operation thereof.",

(3) by striking "BUILDINGS PLACED IN SERVICE AFTER 1987" in the heading for paragraph (2) and inserting "ALTERNATIVE APPLICABLE PERCENTAGE", and

(4) by striking "In the case of any qualified low-income building placed in service by the taxpayer after 1987, the term 'applicable percentage' means" in paragraph (2)(A) and inserting "For purposes of paragraph (1), the term 'alternative applicable percentage' means".

(b) MODIFICATION OF RULES RELATED TO FEDERAL SUBSIDIES.—

(1) IN GENERAL.—Paragraph (2) of section 42(i) (relating to determination of whether building is Federally subsidized) is amended to read as follows:

"(2) EXCEPTIONS FOR CERTAIN NEW BUILDINGS OTHERWISE SUBJECT TO 4 PERCENT CREDIT LIMITATION.—

"(A) ELECTION TO REDUCE ELIGIBLE BASIS BY PROCEEDS OF OBLIGATIONS.—A tax-exempt obligation shall not be taken into account under subsection (b)(1)(B)(ii) if the taxpayer elects to exclude the proceeds of such obligation from the eligible basis of the building for purposes of subsection (d).

"(B) SPECIAL RULE FOR SUBSIDIZED CONSTRUCTION FINANCING.—A tax-exempt obligation used to provide construction financing for any building shall not be taken into account under subsection (b)(1)(B)(ii) if—

"(i) such obligation (when issued) identified the building for which the proceeds of such obligation would be used, and

"(ii) such obligation is redeemed before such building is placed in service.".

(2) CONFORMING AMENDMENT.—Section 1400N(c)(6) is amended by striking "December 31, 2010" and inserting "the date of the enactment of the Affordable Housing Investment Act of 2008".

### SEC. 103. INCREASE IN CREDIT FOR BUILDINGS IN STATE DESIGNATED AREAS.

(a) IN GENERAL.—Clause (i) of section 42(d)(5)(C) (relating to increase in credit for buildings in high cost areas) is amended by striking "or difficult development area" and inserting ", difficult development area, or State designated project".

(b) STATE DESIGNATED PROJECT.—Subparagraph (C) of section 42(d)(5) is amended by adding at the end the following new clause:

"(v) STATE DESIGNATED PROJECT.—For purposes of this subparagraph, the term 'State designated project' means any project published as part of a State's qualified allocation plan (as defined in subsection (m)(1)(B)) and designated by the housing credit agency as meeting such criteria for designation under this clause as the State in which such project is located may specify. The rules of clauses (ii)(II) and (iii)(II) shall not apply for purposes designations made under this clause.".

(c) CONFORMING AMENDMENT.—The heading of subparagraph (C) of section 42(d)(5) is amended by striking "BUILDINGS IN HIGH COST AREAS" and inserting "CERTAIN BUILDINGS".

### SEC. 104. MODIFICATION OF SCATTERED SITE RULE.

Paragraph (7) of section 42(g) (relating to scattered site projects) is amended to read as follows:

"(7) SCATTERED SITE PROJECTS.—Buildings which would (but for their lack of proximity) be treated as a project for purposes of this section shall be so treated if the rent-restricted (within the meaning of paragraph (2)) residential units of such project are distributed among such buildings in proportion to the number of residential units in each building.".

### SEC. 105. TREATMENT OF RURAL PROJECTS.

Section 42(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(8) TREATMENT OF RURAL PROJECTS.—For purposes of this section, in the case of any project for residential rental property located in a rural area (as defined in section 520 of the Housing Act of 1949), any income limitation measured by reference to area median gross income shall be measured by reference to the greater of area median gross income or national non-metropolitan median income.".

### SEC. 106. EXPANSION OF ALLOWABLE BASIS FOR COMMUNITY SERVICE FACILITIES.

Section 42(d)(4)(C) (relating to inclusion of basis of property used to provide services for certain nontenants) is amended—

(1) by striking "10 percent of the eligible basis" in clause (ii)and inserting "20 percent of the first $5,000,000 in eligible basis plus 10 percent of the remaining eligible basis", and

(2) by adding at the end the following new flush sentences:

"For each calendar year beginning after 2008, the dollar amount in clause (ii) shall be increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3), determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof. If any amount adjusted under the preceding sentence is not a multiple of $100,000, such amount shall be rounded to the next lowest multiple of $100,000.".

## TITLE II—IMPROVE COORDINATION WITH OTHER FEDERAL HOUSING PROGRAMS

### SEC. 201. AFFORDABLE HOUSING CREDITS ALLOWED FOR SECTION 8 MODERATE REHABILITATION DEVELOPMENTS.

Paragraph (2) of section 42(c) (relating to qualified low-income building) is amended by striking the last sentence.

### SEC. 202. MODIFICATION TO LOW-INCOME HOUSING CREDIT RULES FOR REDUCTION OF ELIGIBLE BASIS BY GRANTS RECEIVED.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.42-16(b) to provide that none of the following shall be considered a grant made with respect to a building or its operation for purposes of section 42(d)(5)(A) of the Internal Revenue Code of 1986:

(1) Rental assistance under section 521 of the Housing Act of 1949 (42 U.S.C. 1490a).

(2) Assistance under section 538(f)(5) of the Housing Act of 1949 (42 U.S.C. 1490p-2(f)(5)).

(3) Interest reduction payments under section 236 of the National Housing Act (12 U.S.C. 1715z-1).

(4) Rental assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

(5) Rental assistance under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013).

(6) Modernization, operating, and rental assistance pursuant to section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132).

(7) Assistance under title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.).

(8) Tenant-based rental assistance under section 212 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742).

(9) Assistance under the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.).

(10) Per diem payments under section 2012 of title 38, United States Code.

(11) Rent supplements under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

(12) Assistance under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r).

(13) Any other ongoing payment used to enable the property to be rented to low-income tenants.

(b) Effective Date.—The modifications required by this section shall take effect on the date of the enactment of this Act.

(c) No Inference.—Nothing contained in subsection (a) may be construed to create any inference with respect to the consideration of any program specified under subsection (a) as a grant made with respect to a building or its operation for purposes of section 42(d)(5)(A) of the Internal Revenue Code of 1986 as in effect on the day before such date of enactment.

## TITLE III—FACILITATE PRIVATE INVESTMENT CAPITAL TO INCREASE THE EFFICIENCY OF AFFORDABLE HOUSING INVESTMENT

### SEC. 301. REPEAL OF RECAPTURE BOND RULE.

(a) In General.—Paragraph (6) of section 42(j) (relating to recapture of credit) is amended to read as follows:

"(6) No recapture on disposition of building (or interest therein) reasonably expected to continue as a qualified low-income building.—

"(A) In general.—In the case of a disposition of a building or an interest therein, the taxpayer shall be discharged from liability for any additional tax under this subsection by reason of such disposition if it is reasonably expected that such building will continue to be operated as a qualified low-income building for the remaining compliance period with respect to such building.

"(B) Statute of limitations.—

"(i) Extension of period.—The period for assessing a deficiency attributable to the application of subparagraph (A) with respect to a building (or interest therein) during the compliance period with respect to such building shall not expire before the expiration of 3 years after the end of such compliance period.

"(ii) Assessment.—Such deficiency may be assessed before the expiration of the 3-year period referred to in clause (i) notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.".

(b) Information Reporting.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by inserting after section 6050V the following new section:

### "SEC. 6050W. RETURNS RELATING TO PAYMENT OF LOW-INCOME HOUSING CREDIT REPAYMENT AMOUNT.

"(a) Requirement of Reporting.—Every person who, at any time during the taxable year, is an owner of a building (or an interest therein)—

"(1) which is in the compliance period at any time during such year, and

"(2) with respect to which recapture is required by section 42(j),

shall, at such time as the Secretary may prescribe, make the return described in subsection (b).

"(b) Form and Manner of Returns.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of each person who, with respect to such building or interest, was formerly an investor in such owner at any time during the compliance period,

"(B) the amount (if any) of any credit recapture amount required under section 42(j), and

"(C) such other information as the Secretary may prescribe.

"(c) Statements To Be Furnished to Persons With Respect to Whom Information Is Required.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

"(2) the information required to be shown on the return with respect to such person.

The written statement required under the preceding sentence shall be furnished on or before March 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(d) Compliance Period.—For purposes of this section, the term 'compliance period' has the meaning given such term by section 42(i).".

(2) Assessable penalties.—

(A) Subparagraph (B) of section 6724(d)(1) (relating to definitions) is amended by inserting after clause (xxi) the following new clause:

"(xxii) section 6050W (relating to returns relating to payment of low-income housing credit repayment amount),".

(B) Paragraph (2) of section 6724(d) is amended by striking "or" at the end of subparagraph (BB), by striking the period at the end of subparagraph (CC) and inserting ", or", and by adding after subparagraph (CC) the following new subparagraph:

"(DD) section 6050W (relating to returns relating to payment of low-income housing credit repayment amount).".

(3) Clerical amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Returns relating to payment of low-income housing credit repayment amount.".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply with respect to any liability for the credit recapture amount under section 42(j) of the Internal Revenue Code of 1986 that arises after the date of the enactment of this Act.

(2) Special rule for low-income housing buildings sold before date of enactment of this act.—In the case of a building disposed of before the date of the enactment of this Act with respect to which the taxpayer posted a bond (or alternative form of security) under section 42(j) of the Internal Revenue Code of 1986 (as in effect before such date of enactment), the taxpayer may elect (by notifying the Secretary of the Treasury in writing)—

(A) to cease to be subject to the bond requirements under section 42(j)(6) of such Code, as in effect before such date of enactment, and

(B) to be subject to the requirements of section 42(j) of such Code, as amended by this section.

### SEC. 302. AFFORDABLE HOUSING CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.

(a) In General.—Subparagraph (B) of section 38(c)(4) (relating to special rules for specified credits) is amended by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively, and by inserting after clause (i) the following new clause:

"(ii) the credit determined under section 42(a),".

(b) Effective Date.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

### SEC. 303. INTEREST ON QUALIFIED MORTGAGE BONDS, QUALIFIED VETERANS' MORTGAGE BONDS, AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS EXEMPT FROM ALTERNATIVE MINIMUM TAX.

(a) In General.—Clause (ii) of section 57(a)(5)(C) (relating to exception for qualified 501(c)(3) bonds) is amended to read as follows:

"(ii) Exception for certain bonds.—For purposes of clause (i), the term 'private activity bond' shall not include—

"(I) any qualified 501(c)(3) bond (as defined in section 145);

"(II) any qualified mortgage bond (as defined in section 143(a));

"(III) any qualified veterans' mortgage bond (as defined in section 143(b)); and

"(IV) any exempt facility bond (as defined in section 142(a)) issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)).".

(b) Effective Date.—The amendment made by this section shall apply to bonds originally issued after the date of the enactment of this Act.

## TITLE IV—HELP PRESERVE EXISTING AFFORDABLE HOUSING

### SEC. 401. REPEAL OF 10-YEAR RULE FOR ACQUISITION HOUSING CREDITS.

(a) In General.—Subparagraph (B) of section 42(d)(2) (relating to existing buildings) is amended by striking clause (ii) and by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(b) Conforming Amendment.—Section 42(d) is amended by striking paragraph (6) and by redesignating paragraph (7) as paragraph (6).

### SEC. 402. MODIFICATION OF RELATED PERSON RULE FOR AFFORDABLE HOUSING CREDIT.

(a) In General.—Clause (iii) of section 42(d)(2)(D) (related to related person, etc.) is amended to read as follows:

"(iii) RELATED PERSON.—For purposes of subparagraph (B)(iii), a person (hereinafter in this subclause referred to as the 'related person') is related to any person if the related person bears a relationship to such person specified in section 267(b) or 707(b)(1), or the related person and such person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52.".

(b) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

### TITLE V—SIMPLIFY ADMINISTRATION OF THE HOUSING CREDIT PROGRAM

**SEC. 501. ELIMINATION OF CERTAIN ANNUAL RECERTIFICATIONS OF TENANT INCOMES.**

Paragraph (8) of section 42(g) (relating to qualified low-income housing project) is amended—

(1) by striking "may waive" in the mater preceding subparagraph (A);

(2) by inserting "may waive" before "any recapture" in subparagraph (A); and

(3) by inserting "shall waive" before "any annual recertification" in subparagraph (B).

### TITLE VI—CONFORM MULTIFAMILY HOUSING BOND RULES TO HOUSING CREDIT RULES

**SEC. 601. COORDINATION OF CERTAIN RULES APPLICABLE TO AFFORDABLE HOUSING CREDIT AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.**

(a) DETERMINATION OF NEXT AVAILABLE UNIT.—Paragraph (3) of section 142(d) (relating to current income determinations) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR PROJECTS WITH RESPECT TO WHICH AFFORDABLE HOUSING CREDIT IS ALLOWED.—In the case of a project with respect to which credit is allowed under section 42, the second sentence of subparagraph (B) shall be applied by substituting 'building (within the meaning of section 42)' for 'project'.".

(b) STUDENTS.—Paragraph (2) of section 142(d) (relating to definitions and special rules) is amended by adding at the end the following new subparagraph:

"(C) STUDENTS.—Students (as defined in section 152(f)(2)) shall not be treated as satisfying the requirements of subparagraph (A) or (B) of paragraph (1) except under rules similar to the rules of 42(i)(3)(D).".

(c) SINGLE-ROOM OCCUPANCY UNITS.—Paragraph (2) of section 142(d) (relating to definitions and special rules), as amended by this Act, is further amended by adding at the end the following new subparagraph:

"(D) SINGLE-ROOM OCCUPANCY UNITS.—A unit shall not fail to be treated as a residential unit merely because such unit is a single-room occupancy unit (within the meaning of section 42).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations of the status of qualified residential rental projects for periods beginning after the date of the enactment of this Act, with respect to bonds issued before, on, or after such date.

### TITLE VII—IMPROVE THE MORTGAGE REVENUE BOND PROGRAM

**SEC. 701. SPECIAL RULE FOR USE OF MORTGAGE BONDS FOR DISASTER VICTIMS, SINGLE PARENTS, AND HOMEMAKERS.**

(a) IN GENERAL.—Paragraph (2) of section 143(d) (relating to exceptions to 3-year requirement) is amended by striking "and" at the end of subparagraph (C) and by inserting after subparagraph (D) the following new subparagraphs:

"(E) financing of residences for individuals with an ownership interest in a principal residence which—

"(i) is located in an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and

"(ii) has been rendered uninhabitable by reason of the major disaster,

"(F) financing of residences for individuals who—

"(i) are not married, and

"(ii) have one or more qualifying children (within the meaning of section 152), and

"(G) financing of residences for displaced homemakers,".

(b) DISPLACED HOMEMAKERS.—Section 143(d) is amended by adding at the end the following new paragraph:

"(4) DISPLACED HOMEMAKER.—For purposes of paragraph (2)(G), the term 'displaced homemaker' means any individual who is—

"(A) over 18 years of age,

"(B) is not employed or underemployed and is experiencing difficulty in obtaining or upgrading employment, and

"(C) has not worked full-time full-year in the labor force for a number of years before the date on which financing for a residence is supplied, but has, during such years, worked primarily without remuneration to care for the home and family.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

**SEC. 702. REPEAL OF REQUIRED USE OF CERTAIN PRINCIPAL REPAYMENTS ON QUALIFIED MORTGAGE ISSUES TO REDEEM BONDS.**

(a) IN GENERAL.—Subparagraph (A) of section 143(a)(2) (relating to qualified mortgage issue defined) is amended by inserting "and" at the end of clause (ii), by striking ", and" at the end of clause (iii) and inserting a period, and by striking clause (iv) and the last sentence.

(b) CONFORMING AMENDMENT.—Clause (ii) of section 143(a)(2)(D) is amended by striking "(and clause (iv) of subparagraph (A))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments received after the date of the enactment of this Act.

### TITLE VIII—EFFECTIVE DATE

**SEC. 801. EFFECTIVE DATE.**

Except as otherwise provided in this Act, the amendments made by this Act shall apply to—

(1) housing credit dollar amounts allocated after the date of the enactment of this Act, and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

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## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 458—EXPRESSING THE CONDOLENCES OF THE SENATE TO THOSE AFFECTED BY THE DEVASTATING SHOOTING INCIDENT OF FEBRUARY 14, 2008, AT NORTHERN ILLINOIS UNIVERSITY IN DEKALB, ILLINOIS

Mr. DURBIN (for himself, Mr. OBAMA, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 458

Whereas, on Thursday, February 14, 2008, a gunman entered a lecture hall on the campus of Northern Illinois University and opened fire on the students assembled there;

Whereas the gunman took the lives of 5 students and wounded 17 more;

Whereas the 5 students who lost their lives that day were—

(1) Gayle Dubowski, age 20, of Carol Stream, Illinois, a devout member of her church who sang in the church choir and worked as a camp counselor and volunteer in rural Kentucky;

(2) Catalina "Cati" Garcia, age 20, of Cicero, Illinois, a first-generation American who had hoped to be a teacher, was her family's "princess" and inspiration, and was rarely seen without a beaming smile;

(3) Julianna Gehant, age 32, of Mendota, Illinois, who dreamed of becoming a teacher, and who had spent more than 12 years in the United States Army and Army Reserve serving our Nation and saving money for college;

(4) Ryanne Mace, age 19, of Carpentersville, Illinois, a much-loved only child who was rarely without a warm smile and hoped to be a counselor so she could help others; and

(5) Daniel Parmenter, age 20, of Westchester, Illinois, "Danny" to his friends, a 6-foot, 5-inch rugby player with a gentle spirit and a bright future, who died trying to protect his girlfriend from gunfire;

Whereas the Northern Illinois University Police Department, the Police Departments of DeKalb, Sycamore, Aurora, Batavia, Cortland, Galesburg, Genoa, Geneva, Mendota, St. Charles, Rockford, and the Village of Winnebago, the Conservation Police, the Sheriff's Offices of DeKalb County, Winnebago County, and Kane County, the Kane County Bomb Squad, the Illinois State Police, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Reach/Air Angel, Flight for Life, Life Line, the Salvation Army, and the Fire and Emergency Medical Services Departments of DeKalb, Sycamore, Cortland, Malta, Maple Park, Rochelle, Hampshire, Burlington, Shabbona, Hinckley, Genoa-Kingston, Waterman, Elburn, St. Charles, Ogle-Lee, Kaneville, Sugar Grove, North Aurora, and Somonauk responded to the emergency promptly and assisted capably in the initial crisis and the subsequent investigation;

Whereas the emergency responders and the doctors, nurses, and other health care providers at Kishwaukee Community Hospital, Saint Anthony Medical Center, Good Samaritan Hospital, Rockford Memorial Hospital, and Northwestern Memorial Hospital provided professional and dedicated care to the victims;

Whereas hundreds of volunteer counselors from Illinois and across the Nation have come to Northern Illinois University to assist the campus community;

Whereas the students, faculty, staff, and administration of Northern Illinois University, the people of the city of DeKalb and the State of Illinois, and all Americans have mourned the victims of this tragedy and have offered support to the victims' friends and families and to the greater Northern Illinois University community;

Whereas Northern Illinois University has established a scholarship fund to honor the memory of the students slain in the February 14 tragedy; and

Whereas the Northern Illinois University community is determined to move "forward, together forward", in the words of the Huskie fight song, and to persevere through this tragedy with heavy hearts but unbroken spirits: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its sincere condolences to the families, friends, and loved ones of those who were killed in the tragic shooting on February 14, 2008, at Northern Illinois University in DeKalb, Illinois: Gayle Dubowski, Catalina Garcia, Julianna Gehant, Ryanne Mace, and Daniel Parmenter;

(2) extends its support and prayers to those who were wounded and wishes them a speedy recovery;

(3) commends the emergency responders, law enforcement officers, healthcare providers, and counselors who performed their duties with professionalism and dedication in response to the tragedy;

(4) reaffirms its commitment to helping ensure that schools, colleges, and universities in the United States are safe and secure environments for learning; and

(5) expresses its solidarity with Northern Illinois University and its students, faculty, staff, and administration as they mourn their losses and as they recover from this tragic incident.

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## SENATE RESOLUTION 459—EXPRESSING THE STRONG SUPPORT OF THE SENATE FOR THE NORTH ATLANTIC TREATY ORGANIZATION TO EXTEND INVITATIONS FOR MEMBERSHIP TO ALBANIA, CROATIA, AND MACEDONIA AT THE APRIL 2008 BUCHAREST SUMMIT, AND FOR OTHER PURPOSES

Mr. LUGAR (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

### S. RES. 459

Whereas the North Atlantic Treaty Organization (NATO) will hold a Heads of State and Government summit at Bucharest, Romania in April 2008;

Whereas NATO has successfully defended the territory and interests of its members for more than 50 years and contributed to the spread of freedom, democracy, stability, and peace throughout Europe;

Whereas Albania, Croatia, and Macedonia have been preparing for NATO membership for more than 8 years and are undergoing a historic process of democratic and free market transformation after emerging from decades of occupation;

Whereas Albania, Croatia, and Macedonia have made important progress toward establishing civilian control of their militaries and demonstrating their ability to operate with the military forces of NATO nations at Alliance standards;

Whereas Albania, Croatia, and Macedonia continue to make important contributions to the United Nations-mandated International Security Assistance Force, operating under NATO leadership to assist the Government of Afghanistan in extending and exercising its authority and influence throughout Afghanistan, creating the conditions for stabilization and reconstruction;

Whereas Albania, Croatia, and Macedonia have made important improvements in their democratic processes, including—

(1) embracing ethnic diversity;

(2) respecting human rights;

(3) building a free market economy; and

(4) promoting good neighborly relations;

Whereas NATO conducted military operations against the Federal Republic of Yugoslavia to further the objective of a lasting peace in Kosovo;

Whereas the United States has diplomatically recognized the independence of Kosovo and should support the integration of Kosovo into international and Euro-Atlantic institutions;

Whereas lasting stability and security in Southeastern Europe requires the military, economic, and political integration of emerging democracies into existing European structures;

Whereas Albania, Croatia, and Macedonia can play important roles in NATO activities in Southeastern Europe, through their unique geostrategic position and by deterring and disrupting any efforts by any party to destabilize the region through violence;

Whereas Article 10 of the North Atlantic Treaty, done in Washington on April 4, 1949, states: "any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area" may be granted NATO membership; and

Whereas the Riga Summit Declaration, issued by NATO in November 2006, reaffirms that "NATO remains open to new European members": Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the political independence and territorial integrity of the emerging democracies in Southeastern Europe are vital to European peace and security and to the interests of the United States;

(2) the expansion of NATO contributes to the Alliance's continued effectiveness and relevance;

(3) the Senate reaffirms its support for continued enlargement of NATO to include qualified candidates; and

(4) the United States should take the lead in supporting the awarding of invitations to Albania, Croatia, and Macedonia to join the Alliance at the NATO Summit at Bucharest, Romania in April 2008.

Mr. LUGAR. Mr. President, I rise today to introduce a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to extend invitations for membership to Albania, Croatia, and Macedonia at the April 2008 Bucharest Summit.

The goal of this legislation is to reaffirm United States support for continued enlargement of NATO to democracies that are able and willing to meet the responsibilities of membership. In addition, it represents a call to the administration to provide leadership at the upcoming summit to secure this important step in the development of the NATO Alliance. Albania, Croatia, and Macedonia have clearly stated their desire to join NATO and are working hard to meet the specified requirements for membership.

The Governments in Tirana, Zagreb, and Skopje have been preparing for NATO membership for more then 8 years. Each of them is undergoing a historic process of democratic and free market transformation after emerging from decades of occupation. They have made important progress in establishing civilian control of their militaries and demonstrating their ability to operate with the military forces of NATO nations at alliance standards. Albania, Croatia, and Macedonia continue to make important contributions to the United Nations-mandated International Security Assistance Force, ISAF, operating under NATO leadership to assist the Government of Afghanistan in extending and exercising its authority and influence across the country and creating the conditions for stabilization and reconstruction. In addition the three candidates have made important improvements in their democratic processes; toleration of ethnic diversity; respect for human rights; building a free market economy; and promotion of good neighborly relations.

On February 18, 2008, the United States and many of our European allies diplomatically recognized the independence of Kosovo. This was an important step in putting the bloody history of the Balkans in the past, but our work there is not done. The United States and our allies must support the integration of Kosovo into international and Euro-Atlantic institutions. We must also be prepared to work closely with Serbia and assist with their goals of joining the European Union and engaging European institutions. In my view, lasting stability and security in southeastern Europe requires the military, economic, and political integration of emerging democracies into existing European structures.

Albania, Croatia, and Macedonia can play important roles in NATO efforts in Southeastern Europe. These three countries occupy critical geostrategic locations and are best situated to deter and disrupt any efforts by any party to destabilize the region through violence. NATO membership for these countries would be a success for Europe, NATO, and the United States by continuing to extend the zone of peace and security into a region that produced a world war and numerous regional conflicts that have cost the lives of hundreds of thousands, including Americans.

Bruce Jackson, president of the Project on Transitional Democracies, wrote in the Washington Post on February 4 that "the transatlantic allies face two critical questions when they gather for their summit in Bucharest in April. The first is whether to invite Albania, Croatia and Macedonia to join NATO, a decision that is the culmination of a 15-year effort to end the wars that followed the breakup of Yugoslavia." Mr. Jackson points out that "critics say that Albania, Croatia and Macedonia are not ready for NATO membership . . . But the fact is that Albania, Croatia and Macedonia have spent more than eight years in rigorous preparation for NATO membership."

Albania, Croatia, and Macedonia are not perfect, and there is more each of them needs to do economically and politically. Nevertheless, all three countries bring important backgrounds to the table: "Croatia has the most impressive economic performance, and real estate prices, of any country in southern Europe. In recent years, Albania has contributed more soldiers to missions in Iraq, Afghanistan and international peacekeeping than most NATO allies. And since the end of the Balkan wars in 1999, Macedonia has covered more ground in building an integrated, multi-ethnic society in a short time than any other European nation. We now have a chance to bring Catholic Croatia, secular-Islamic Albania and multi-ethnic, Orthodox Macedonia into the Euro-Atlantic community of democracies. Not bad."

Mr. Jackson concludes by asking an important question. "Imagine if [the Alliance] had waited until Greece and Turkey had completed their internal debates before inviting them to join NATO. Any further delay on the candidacies of Albania, Croatia and Macedonia will diminish regional stability just as Kosovo begins its extended period of supervised independence, and will confuse and undercut the European Union as it takes over chief security responsibilities from the United States and NATO throughout the region. An inability to close this chapter in the Balkans would also dangerously slow our engagement with Europe's East."

Now is the time for NATO to invite these three important Balkan leaders to join the alliance. If NATO is to continue to be the preeminent security alliance and serve the defense interests of its membership, it must continue to evolve and that evolution must include enlargement. Potential NATO membership motivates emerging democracies to make important advances in areas such as the rule of law and civil society. A closer relationship with NATO will promote these values in Albania, Croatia, and Macedonia and contribute to our mutual security.

Five years ago, the U.S. Senate unanimously voted to invite seven countries to join NATO. Today, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are making significant contributions to NATO and are among our closest allies in the global war on terrorism. It is time again for the United States to take the lead in urging its allies to bring in new members and to offer timely admission of Albania, Croatia, and Macedonia to NATO.

## SENATE RESOLUTION 460—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF NATIONAL ASSOCIATION OF MANUFACTURERS v. TAYLOR, ET AL.

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 460

Whereas, in the case of National Association of Manufacturers v. Taylor, et al., Case No. 08–CV–208–CKK (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff is asserting that the reporting requirements of section 4(b)(3) of the Lobbying Disclosure Act of 1995, 2 U.S.C. §1603(b)(3), as amended by section 207 of the Honest Leadership and Open Government Act of 2007, Pub. L. No. 110–81, 121 Stat. 735, 747, are unconstitutional;

Whereas, the plaintiff has named the Secretary of the Senate, Nancy Erickson, as a defendant in her capacity as the officer of the Senate responsible for the receipt of lobbying disclosure registrations and reports;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent the Secretary of the Senate in the case of National Association of Manufacturers v. Taylor, et al.

## NOTICES OF HEARINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 27, at 9:30 a.m., in room 485 of the Russell Senate Office Building in order to conduct a hearing on S. 2232, the Foreign Aid Lessons for Domestic Economic Assistance Act of 2007.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled "The President's FY2009 Budget Request for the Small Business Administration," on Wednesday, February 27, 2008, at 10 a.m., in room 428A of the Russell Senate Office Building.

### COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, February 27, 2008, at 10 a.m. to hear testimony on Protecting Voters at Home and at the Polls: Limiting Abusive Robocalls and Vote Caging Practices.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

## PRIVILEGES OF THE FLOOR

Mr. SMITH. Mr. President, I ask unanimous consent that David Harrelson, an intern in my office and a member of the Confederated Tribes of the Grand Ronde in Oregon, be granted the privilege of the floor for the remainder of the debate on the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROVIDING FOR THE SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ—MOTION TO PROCEED

### CLOTURE MOTION

Mr. REID. Mr. President, pursuant to the order of February 14, I now move to proceed to Calendar No. 575, S. 2633, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 575, S. 2633, safe redeployment of U.S. troops.

Russell D. Feingold, Edward M. Kennedy, Patrick J. Leahy, Robert Menendez, Ron Wyden, Sherrod Brown, Richard Durbin, Bernard Sanders, Patty Murray, Frank R. Lautenberg, Christopher J. Dodd, John D. Rockefeller, IV, Amy Klobuchar, Charles E. Schumer, Tom Harkin, Barbara Boxer.

Mr. REID. Mr. President, I now withdraw the motion pursuant to the previous order.

The PRESIDING OFFICER. The motion is withdrawn.

## REQUIRING A REPORT SETTING FORTH THE GLOBAL STRATEGY OF THE UNITED STATES TO COMBAT AND DEFEAT AL QAEDA AND ITS AFFILIATES—MOTION TO PROCEED

### CLOTURE MOTION

Mr. REID. Mr. President, pursuant to the order of February 14, I now move to proceed to Calendar No. 576, S. 2634, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undesigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 576, S. 2634, global strategy report.

Russell D. Feingold, Edward M. Kennedy, Patrick J. Leahy, Robert Menendez, Ron Wyden, Sherrod Brown, Richard Durbin, Bernard Sanders, Patty Murray, Joseph R. Biden, Jr., Frank R. Lautenberg, Christopher J. Dodd, John D. Rockefeller, IV, Amy Klobuchar, Charles E. Schumer, Tom Harkin, Barbara Boxer.

Mr. REID. Mr. President, I now withdraw the motion pursuant to the previous order.

The PRESIDING OFFICER. The motion is withdrawn.

## AUTHORIZING LEGAL REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 460.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 460) to authorize representation by the Senate Legal Counsel in the case of National Association of Manufacturers v. Taylor, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, S. Res. 460 concerns a civil action filed in the U.S. District Court for the District of Columbia. The National Association of Manufacturers is challenging the constitutionality of section 207 of the Honest Leadership and Open Government Act of 2007, which amended the Lobbying Disclosure Act of 1995 to strengthen the reporting requirements for coalitions and associations that engage in lobbying activities.

As amended, the law mandates that registrants disclose the members of their organization that contribute more than $5,000 in a quarterly period to the lobbying activities of the organization and "actively participate in the planning, supervision, or control of such activities." Under prior law, disclosure was required of those members who contributed at least $10,000 for lobbying semiannually but only if those members "in whole or in major part" planned, supervised, or controlled such lobbying activities.

The plaintiff National Association of Manufacturers alleges that its members face sustained injury to their first amendment rights, including their right to anonymous policy speech, and seeks to prevent the enhanced disclosure requirements from taking effect on the initial quarterly period filing date, April 21, 2008.

NAM named as defendants the U.S. attorney for the District of Columbia, the Secretary of the Senate, and the Clerk of the House. The Secretary and the Clerk are responsible for providing guidance and assistance on lobbying disclosure requirements, receiving lobbying registration and report filings, reviewing, inquiring, and verifying the accuracy of the filings without investigating, notifying lobbyists that appear not to be in compliance with the law, and notifying the U.S. attorney of lobbyist who have been so notified and have failed to submit an appropriate response. The U.S. attorney has the duty to enforce the disclosure requirements through civil, and, under the new law, criminal, actions.

This resolution authorizes the Senate legal counsel to represent the Secretary of the Senate to defend the constitutionality of the lobbying disclosure amendment in the Honest Leadership and Open Government Act and to seek dismissal of the action, in conjunction with counsel for the House of Representatives and the Department of Justice.

Senate counsel will present to the court the bases for the Congress's judgment, after more than a dozen years of experience under the Lobbying Disclosure Act, that enhanced reporting requirements are necessary to inform Congress and the public of the identity of those organizations actively participating in lobbying the Federal Government. As Justice Louis Brandeis famously wrote, "Sunlight is said to be the best of disinfectants."

The lobbying amendments enacted last year were an important part of the Congress's efforts to restore public confidence through integrity and openness in Government and lobbying activities. Disclosure of the identities of organizations that actively participate in supervising or planning lobbying campaigns will yield a sizable public benefit while imposing a modest burden on the exercise of the right of organizations such as the National Association of Manufacturers freely to associate to petition the Government in furtherance of their legislative agenda.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 460) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 460

Whereas, in the case of National Association of Manufacturers v. Taylor, et al., Case No. 08–CV–208–CKK (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff is asserting that the reporting requirements of section 4(b)(3) of the Lobbying Disclosure Act of 1995, 2 U.S.C. 1603(b)(3), as amended by section 207 of the Honest Leadership and Open Government Act of 2007, Pub. L. No. 110–81, 121 Stat. 735, 747, are unconstitutional;

Whereas, the plaintiff has named the Secretary of the Senate, Nancy Erickson, as a defendant in her capacity as the officer of the Senate responsible for the receipt of lobbying disclosure registrations and reports;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent the Secretary of the Senate in the case of National Association of Manufacturers v. Taylor, et al.

## MEASURES READ THE FIRST TIME—S. 2663, S. 2664, AND S. 2665

Mr. REID. Mr. President, there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 2663) to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

A bill (S. 2664) to extend the provisions of the Protect America Act of 2007.

A bill (S. 2665) to extend the provisions of the Protect America Act of 2007 until July 1, 2009.

Mr. REID. Mr. President, I now ask for the second reading en bloc and object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I would say that S. 2663 is a bipartisan piece of legislation, the Consumer Product Safety Act. We have been working for months to get this going. It is my understanding now that Senators PRYOR and STEVENS asked that this matter move forward.

The other matter related to the FISA bill, we are trying to work something out with the House, and hopefully we can get something done on that soon.

Mr. President, tonight I am introducing and beginning the rule XIV process on two bills related to the Foreign Intelligence Surveillance Act. One bill would extend the Protect America Act, the PAA, for 30 days, while the other would extend that law until July 1, 2009.

Earlier this year I introduced S. 2556 which would have extended the PAA for 30 days, and S. 2257, which would have extended the PAA until July 1, 2009. The bills I am introducing tonight would extend the PAA for the same periods of time, but they are drafted to take account of the fact that the PAA has expired. In addition, they contain a post hoc effective date that is intended to eliminate any potentially adverse legal effect resulting from the expiration of the PAA.

My purpose in introducing bills with two different extension lengths is to demonstrate once again that I am willing to extend the PAA for as long a time, or as short a time, as is needed to finalize a strong final bill.

Now that the House and Senate have both passed bills—H.R. 3773 and S. 2248—to strengthen the PAA, the right way to get to a final bill is through bipartisan negotiations. Unfortunately, my Republican friends appear unwilling to negotiate. We convened two negotiating sessions last week, but Republican staff members and administration lawyers declined to attend.

Meanwhile, President Bush says that the expiration of the Protect America Act has made America less safe, but he threatened to veto a bill extending that law while negotiators work on a final bill. The President's position is inexplicable and reckless.

The bottom line for Senate Democrats is clear: We want to give our intelligence professionals all needed tools while protecting the privacy of law-abiding Americans. We are willing to extend the Protect America Act for as long as it takes to get a final bill.

## ORDERS FOR TUESDAY, FEBRUARY 26, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, February 26; that following the prayer and the pledge, the Journal of proceedings be agreed to, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1200, the Indian Health Care Improvement Act, as under the previous order. Further, I ask that the Senate stand in recess from 12:30 p.m. until 2:30 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, there could be as many as five rollcall votes beginning as early as 10 tomorrow morning. The first votes will be on Indian health care. In addition, there are other votes, as I have outlined.

## ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent that we return to the Indian Health Care Improvement Act, and that the Senator from South Dakota be allowed to speak for whatever time he may consume, and that following his remarks, the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007—Continued

Mr. THUNE. Mr. President, I want to pick up where I left off regarding the Indian Health Care Improvement Act, which is the pending business before the Senate. As I stated earlier, we will be having a series of votes tomorrow on a number of amendments. One, I think, improves this bill and addresses an issue which is important to me and a number of my colleagues. The amendment is offered by our colleague from Louisiana, Senator VITTER, amendment No. 3896.

If the amendment is adopted, it would codify Federal Indian health care service funds. I hope that is an amendment that will be adopted to the bill. I think that is important to have.

Also, as we consider these final amendments, I hope we can also see action in the other body, the House of Representatives, because the Senate acting on this is long overdue. It is critically important to the tribes I represent that we get an Indian Health Care Improvement Act reauthorization in place. But the fact that the Senate has acted won't amount to much if in fact the other body doesn't also take up this legislation and pass it and enable us to go into conference and get a bill we can put on the President's desk that he can sign into law.

I wish to speak specifically to one amendment that was adopted. Again, I thank my colleagues Senators MURKOWSKI and DORGAN for working with me to have it adopted. It has to do with tribal justice in the Dakotas.

One of the amendments I offered to this bill, No. 4021, goes a long way toward attempting to improve the issue that, in my view, is at the core fundamentally to a lot of issues we are having in Indian country, and that is law enforcement. The amendment simply attempts to help with the process, the analysis of what is happening with regard to justice and law enforcement in Indian Country by having the GAO complete a study within 1 year of the tribal justice systems within North Dakota and South Dakota, two States that have a high incidence of crime on our reservations.

Specifically, I am asking the study to focus, one, on how tribal courts currently function and how they are supposed to function; second, an analysis of the components of tribal justice systems; third, a review of the origins and development of tribal justice systems; fourth, an analysis of the weakness of the tribal justice systems; five, an analysis of tribal leader suggestions to the current problems.

This is where I think it is important that we listen to the elected leadership on the reservations. Last week during the congressional break, I happened to have had the opportunity to travel across my State. I stopped at a couple different reservations. I was up on the Standing Rock Sioux Tribe's reservation and also at the Sisseton-Wahpeton Oyate reservation with the tribal chairmen. The chairman of the Standing Rock Sioux Tribe is Ron His Horse Is Thunder, and the chairman of the Sisseton-Wahpeton Oyate tribe is Michael Selvage.

One of the issues that came up in the meetings was this issue of law enforcement. There is, of course, in the Standing Rock Sioux Tribe a good example of what I am talking about in terms of the dimensions of this problem. You have 2.4 million acres of land on the Standing Rock Sioux Tribe reservation. Yet you have about 10,000 people and you only have about 9 policemen, law enforcement personnel out there, who are committed to that large geographic area. At any given time, you are only going to have a couple of them on duty. So you have all kinds of issues that come up relating to being able to respond in a timely way to calls and to make arrests. I think it is a very difficult challenge that we face on the reservations partly because of the geography but also because of the sparsity that we have today of law enforcement personnel.

I think the GAO study will look at a lot of issues and that will be one component. It will look at the tribal court system, which is also something we need to look at and determine what, if anything, can be done to improve the workings of the system. We clearly have a problem that, if you look at the data, needs to be addressed.

If you don't contemplate or understand the need for this amendment, let me give you a couple of pieces of information. Studies show that one out of every three Native American women will be raped in their lifetime. The Department of Justice has found that American Indian women are 2½ times more likely to be raped or sexually assaulted than women throughout the rest of the country. Remote reservations in North Dakota and South Dakota have an average of 10 times as much crime as the rest of the Nation.

What this GAO study would do is it would assist the tribes not only in North Dakota and South Dakota but I think assist policymakers in Congress concerning possible solutions that could be used to reduce the higher rates of crime on reservations. Having met numerous times with members of the tribal government, tribal councils, and the chairmen on these reservations, and having listened to the stories of people who live there, there isn't anything we can do that is more important, in my view, than to provide security.

We are talking about the Indian Health Care Improvement Act. This is a health and public safety issue. If you don't have that, you cannot have economic development; you cannot have kids learning in a safe and secure environment. They are not going to be able to learn at the very fastest rate possible if they are worried about their security. This is an important issue, one that I think needs to be addressed.

Again, I appreciate the willingness on behalf of the managers of the bill to accept this amendment. I hope as the process moves forward, we will see action by the House of Representatives that will allow us to get a bill passed through the Congress and on the President's desk, signed into law, which will address the serious health care needs on the reservations, but also this important amendment, the GAO study, will allow us to take a close look—for the first time, a sort of outside objective third-party look at tribal justice in the Dakotas.

As I mentioned, it is a very serious need and challenge we face. I got lots of good information during my visit last week from members of the tribal council and the chairmen regarding that subject. I think they are all anxious to get the study under way and anxious to get the results so we can move forward with policies that make sense and that will keep our reservations safe for young people to learn and for those who want to come there and start businesses and have a safe environment in which to do that.

With that, I yield back the remainder of my time.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:35 p.m., adjourned until Tuesday, February 26, 2008, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF STATE

SCOT A. MARCIEL, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) AFFAIRS.

DONALD E. BOOTH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

NANCY E. MCELDOWNEY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

STEPHEN GEORGE MCFARLAND, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

GILLIAN ARLETTE MILOVANOVIC, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

### SMALL BUSINESS ADMINISTRATION

CAROL DILLON KISSAL, OF MARYLAND, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE ERIC M. THORSON.

### DEPARTMENT OF DEFENSE

JOSEPH A. BENKERT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE PETER CYRIL WYCHE FLORY, RESIGNED.

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

*To be lieutenant general*

LT. GEN. STANLEY A. MCCHRYSTAL

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

*To be lieuenant general*

BRIG. GEN. JOSEPH F. DUNFORD, JR.

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. WILLIAM H. MCRAVEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSTIION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10. U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. MICHAEL C. VITALE

# HOUSE OF REPRESENTATIVES—*Monday, February 25, 2008*

The House met at 4 p.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, in today's world of computer communication and wireless transactions, time itself may seem relative or irrelevant. But there are those who know, be they actors or politicians, that the art of timing is the key to their success.

Lord, help the Members of Congress and all who work on Capitol Hill make the most of the time given them. Some break new ground; others simply plant the seed; others only nurture the progressive growth; and still others are there only to bind up the harvest. Yet all rejoice in the final product, even if they only added to what others did before them. May everyone find satisfaction in that small portion each one is required to do, which contributes to the whole.

In the end, Lord, let all rejoice together in the common effort to protect, defend, and guide the establishment of laws and policies that are best for this Nation. Then, to You, Lord God, there will be thanks and praise because You glory in the work and the workers who accomplished Your holy will for the moment and forever.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Connecticut (Mr. COURTNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. COURTNEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## PROTECT AMERICA ACT MUST BE MADE PERMANENT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, it has been more than a week since the House left town without voting on critical intelligence legislation. This bipartisan legislation would have permanently fixed the Foreign Intelligence Surveillance Act, FISA, and enabled our intelligence community to monitor effectively foreign terrorists in electronic communications.

A 6-month fix to FISA, the Protect America Act, expired on February 17. It had allowed our intelligence agencies to monitor foreign terrorists' electronic communications on foreign soil without time-consuming court orders. But the House refused to take up the bill that passed the Senate with broad bipartisan support by a vote of 68–29. More than 20 Democrats voted in favor of this legislation to make the Protect America Act permanent. By refusing to consider this legislation, the House is embarking on an act of reckless irresponsibility.

America cannot afford to hit pause on our surveillance of foreign terrorists. Now that the Protect America Act has expired, our intelligence community faces cumbersome bureaucratic hurdles to monitoring the communication of suspected foreign terrorists. This paper-pushing approach takes precious time, which could mean the difference in thwarting the terrorists' plans or even protecting the lives of our troops.

We must pass this bill now. The votes are there. Not acting endangers our Nation's security and puts barriers in the way of fighting radical terrorists. This bill has broad bipartisan support, and refusing to allow it to come up for a vote amounts to putting the so-called civil liberties of terrorists before the safety of all Americans.

## THOU SHALT NOT FLIRT

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the Saudi Arabian religious police will arrest its citizens for a multitude of "sins." Last week, the religious police arrested 57 Arabian men in front of a mall in Mecca for, get this, the crime of flirting. The 57 men were dancing to pop music and not wearing traditional clothing. The religious police arrested them and refused to release the men unless they can prove they did not flirt with women. So much for innocent till proven guilty.

This is yet another example of when civil governments use their state religion of Islam to put their own citizens in jail for religious activity.

The powerful religious police make sure that women are covered up, that they don't wear makeup, that the sexes don't mingle, and that the stores close five times a day for Muslim prayers, and that men worship at the mosque.

Earlier this month, Saudi Arabia banned the sale of red roses and other symbols that marked Valentine's Day because they are connected with a Christian holiday. Saudi Arabia certainly cannot allow any religious dissension in their country. Saudi Arabia expects other countries to be tolerant of Islam but is intolerant of all religions except its own. I wonder if hypocrisy is a violation of the Islam religion?

And that's just the way it is.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. ROSS) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, February 21, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 21, 2008, at 1:08 p.m.:

That the Senate agreed to the conference report accompanying the bill: H.R. 2082.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
*Clerk of the House.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

## SCHOOL SOCIAL WORK WEEK

Mr. COURTNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 978) expressing support for the designation of the week of March 3–7, 2008, as "School Social Work Week" to promote awareness of the vital role of school social workers in schools, and in the community as a

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

whole, in helping students prepare for their future as productive citizens.

The Clerk read the title of the resolution.

. The text of the resolution is as follows:

H. RES. 978

Whereas the School Social Work Association of America declared the week of March 3–7, 2008, "School Social Work Week";

Whereas the House of Representatives recognized the importance of school social work through the inclusion of school social work programs in the current authorization of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act;

Whereas school social workers serve as vital members of a school's educational team, playing a central role in creating partnerships between the home, school, and community, to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for school districts to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address the emotional, physical, and environmental needs so that students may achieve behavioral and academic success;

Whereas to achieve the goals of the No Child Left Behind Act of 2001 of help for all children in reaching their optimal potential and achievement, including those with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and the President's New Freedom Commission on Mental Health indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration of "School Social Work Week" highlights the awareness of the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors and recognizes the contributions of school social workers to the success of students in schools across the Nation; and

(2) encourages the people of the United States to observe "School Social Work Week" with appropriate ceremonies and activities that promote awareness of the vital role of school social workers in schools, and the community as a whole, in helping students prepare for their future as productive citizens.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. COURTNEY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. COURTNEY. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 978 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. COURTNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 978, a resolution to recognize the week of March 3–7 as National School Social Worker Week.

School social workers have long played a critical role in schools in the community as a whole. They are professionals with training in social mental health intervention who work with youth to address their emotional, social, and developmental needs. For example, students in elementary school are just beginning to develop their academic self-concept and their feelings of competence. School social workers help students build their confidence as learners.

In middle school, many new challenges arise. During this passage from childhood to adolescence, middle school students are characterized by a need to explore a variety of interests connecting their learning into the classroom to its practical application in life. For these students, school social workers provide proactive leadership that engage all stakeholders in the delivery of programs and services to help students navigate the challenges and achieve success.

And in high school, students begin separating from parents and exploring and defining their independence. They face increased pressure regarding risk behaviors involving sex, alcohol, and drugs, while exploring the boundaries of the more acceptable behavior and mature, meaningful relationships. School social workers help make them concrete and compounded decisions.

On top of this, school social workers must be responsive to the range of challenges that young people face every day such as poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning.

School social workers are also on the front lines when disaster strikes, such as the Southern California wildfires or Hurricane Katrina, as well as other traumatic incidents such as the atrocities on 9/11. There is a documentation of the growing need for school districts to expand mental and student support services in schools. The numbers indicate that only 1 in 5 of the 17,500,000 children in need of mental health actually received those services.

Many students go underserved primarily because the national average ratio of student-to-school social workers is far beneath the 400–1 ratio recommended by the School Social Work Association of America.

Mr. Speaker, this resolution serves to recognize the treasure that is the school social worker and acknowledge the priceless role that they play in guiding our students' success in the ever-changing world of the 21st century.

I urge my colleagues to resoundingly pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I rise today to support H. Res. 978, which expresses the support for the designation of the week of March 3–7 of this year as the School Social Work Week. And it will promote the awareness of the vital role of school social workers in schools, and in the community as the whole, where they help students to prepare for their future as productive citizens.

From time to time, students face certain challenges to achieving academic success. The emotional, social, and behavioral problems can be serious impediments to learning and can have a deleterious effect not just on the individual student, but on others in the school setting. Schools, families, communities must work collaboratively to assist students to achieve the positive academic and behavioral outcomes.

School social work service provides a comprehensive approach to meeting the needs of students through early identification, prevention, intervention, counseling, as well as support. And school social workers are trained, qualified professionals who meet the State requirements to practice social work specifically in a school setting. They provide direct services to students who experience academic and social difficulties. They develop relationships that bolster self-esteem, reward positive behavior. School social workers support teachers by offering options for addressing student needs and by participating in the student support team. School social workers work with families and communities, coordinate services to the students as well as to the family.

According to the National Mental Health Association, there are between 17 and 18 million children who are in need of mental health services, and those are just the ones I taught in my classes. These workers address those particular needs. School social workers help students who otherwise might not receive services due to inaccessibility or lack of availability of services.

So I commend these dedicated professionals for the service they provide, and I ask my colleagues also to support this resolution which would identify School Social Work Week this coming March.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. COURTNEY. I would just say in conclusion, Mr. Speaker, I would join the gentleman from Utah in support of this resolution which recognizes an important group in our country and salutes the work that they perform. And I would urge all Members to support this resolution.

Mr. KENNEDY. Mr. Speaker, I rise today in support of House Resolution 978, supporting "School Social Work Week."

I introduced this resolution in order to recognize and support the critical, unsung work performed by social workers in schools across our country.

Each day across the country, school social workers can be found assisting educators to understand family, cultural, and community factors affecting students and meet the demands of providing quality educations for students of diverse backgrounds.

Each day they can be found working with administrators to design and implement effective prevention programs and policies that address school attendance, teen pregnancy, school violence and school safety, child abuse and neglect, special education, and more.

Each day school social workers can be found working with parents so that they may effectively participate in their child's education, improve their parenting skills, understand special education services, and access school and community services related to their child's needs.

Services provided by school social workers strengthen the ability of children to learn and to improve their futures.

It is a shame that fewer than 1 in 5 of the 17 million children in need of mental health services actually receive them. Improved and expanded school mental health programs would help to provide these services. The kinds of services that so many students desperately need are precisely the type of services that school social workers can provide.

That is why I am proud to be the sponsor of this resolution. I would like to thank the chairman and ranking member of the House Education and Labor Committee for allowing this resolution to come to the floor, and I urge all of my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my support of House Resolution 978, designating March 3–7, 2008, as "School Social Work Week" introduced by my distinguished colleague from Rhode Island, Representative PATRICK KENNEDY. This important legislation recognizes and celebrates the many contributions of school social workers in our schools, communities, and government agencies.

Social work is a relatively young profession with roots in the social reform movements, self-help societies, and social service organizations which formed in the latter half of the 19th century to provide assistance to the needy and oppressed. Today, social workers are committed to serving culturally diverse populations and the oppressed, promoting social justice, providing leadership in social policy formulation and implementation, and advancing the knowledge base of the profession. School social work is a specialized area of practice within the broad field of the social work profession that works directly with children, families, schools, and the community at-large.

School social workers bring unique knowledge and skills to the school system and the student services team. School social workers enhance the school district's ability to meet its academic mission, especially where home, school and community collaboration is the key to achieving that mission.

The position of school social workers in local school systems has grown rapidly in the last few years. As schools look at preparing students both academically and socially, the role of the professionals working with students has expanded. Effective school social work services contribute not only to a healthy school environment, but benefit society as a whole. They provide crisis intervention, counseling services, and support; they link students and families with school and community resources; and they work with all school personnel to help students succeed.

Working one-on-one with a student or designing group activities that reinforce successful learning skills, school social workers create a team environment where everyone works for the betterment of their students. Student success is heightened when families, teachers, and school social workers work collaboratively to provide positive school-home communication. Earlier this month, Texas held its Seventeenth Annual School of Social Work Conference.

The Texas School Social Worker of the Year Award went to James Montoya of Nacogdoches Independent School District. Mr. Montoya has been a social worker for over 30 years, with the last 8 as a school social worker. For the past 5 years, he has produced and hosted a local television show, "La Conexion Hispana." This production highlights resources in the community, features school personnel and Hispanic leaders who model and encourage students to stay in school, and provides Mr. Montoya with an opportunity to reach out and "touch" many families throughout the region. He is the first social worker to serve in this capacity and this is the first Spanish program of its kind to be offered in the region. In August 2005, following Hurricane Katrina, Mr. Montoya was instrumental in registering over 800 displaced students into the school district. His efforts included working in the shelters and providing translation services to those in need. I would like to congratulate him and the many school social workers like him, for all the work they have done and continue to do for our children, our communities, and our country.

As a member of the Children's Caucus, I am proud to support House Resolution 978 and I urge my colleagues to join me in supporting this important piece of legislation.

Mr. COURTNEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 978.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COURTNEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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□ 1615

## CAREER AND TECHNICAL EDUCATION MONTH

Mr. COURTNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 930) supporting the goals and ideals of "Career and Technical Education Month," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 930

Whereas there are over 15,000,000 secondary and postsecondary career and technical education students in the United States;

Whereas nationwide, there are over 10,000 secondary high schools and career tech centers and over 9,000 postsecondary institutions offering career and technical education programs;

Whereas a competitive global economy requires workers trained in skilled professions;

Whereas career and technical education plays a crucial role in preparing a well-educated and skilled workforce in America;

Whereas career and technical education prepares students for all of the 20 fastest growing occupations identified by the U.S. Department of Labor;

Whereas according to the U.S. Chamber of Commerce, nearly 75 percent of employers report severe conditions when trying to hire qualified workers and 40 percent say that applicants are poorly skilled;

Whereas students taking career and technical education courses have higher grade point averages in college, are less likely to drop out in high school and college, and have better employment and earnings outcomes than other students;

Whereas, in 2006, Congress reauthorized with bipartisan support the Carl D. Perkins Career and Technical Education Act, which provides states with Federal resources to support career and technical education programs; and

Whereas the Association for Career and Technical Education has designated February as "Career and Technical Education Month" to celebrate career and technical education across the country: Now, therefore, be it

*Resolved*, That the United States House of Representatives—

(1) supports the goals and ideals of Career and Technical Education month;

(2) recognizes the importance of career and technical education in preparing a well-educated and skilled workforce in America; and

(3) encourages educators, counselors, and administrators to promote career and technical education as an option to students.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. COURTNEY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

### GENERAL LEAVE

Mr. COURTNEY. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 930 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. COURTNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 930, which will designate February 2008 as "Career and Technical Education Month" and recognize the important role career and technical education plays in the instruction of America's students.

Today, over 15 million students participate in career and technical education programs. Career and technical education programs offer diverse courses in subject areas that support the development of a competitive economy, and the courses are constantly evolving to meet the needs of the global market. For example, the Cisco Networking Academy has focused on giving students across the Nation hands-on activities within its 18 programs to prepare students for career opportunities in telecommunications and continuing their education.

Another such institution is Marshall Academy. This CTE program at this Fairfax, Virginia, high school strives to expose students to various career paths through a full line of technical and professional courses. Classes in business management, auto services, criminal justice, and culinary arts are bolstered through business partnerships with companies such as Microsoft, Sheridan Hotels, and Ford Motor Company. Career and technical programs like these are responsive to the business needs of the community and set students on a successful path for the future. These programs can be found throughout communities across the country and are integral to ensuring America's place in the global economy through the integration of science, math, and literacy in technical course work.

The success of CTE can be seen in the data that we have in students who participate in CTE courses. We know that students who take career and technical education courses are more likely to stay in school and, while there, obtain higher grade point averages than their peers. And we also know that when a course combines rigorous academic content with technical subject matter, students are encouraged to actively engage with their studies.

Additionally, career and technical education programs are an effective means of linking high schools with community colleges. These links introduce students to future learning opportunities and ease the transition to a post-secondary education.

Lastly, programs such as these help foster a highly educated and skilled workforce through internships, job shadowing, and other cooperative work experiences. These courses provide a foundation of skills that prepare students for gainful employment in the United States.

Studies have shown that students who participate in career and technical education programs have better employment opportunities and earn more than their general education counterparts.

I am encouraged by the many gains students have made through career and technical education programs and believe that a skilled workforce is paramount when competing in a global economy. In my district, there are four CTE school programs and I think like all Members across the country, they are extremely impressive institutions with great committed faculty and students who are totally motivated and engaged in the special skills that they have the opportunity to get a head start in terms of their future job growth and their job opportunities.

Mr. Speaker, once again, I express my support for Career and Technical Education Month, and I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 930, which supports the goals and ideals of Career and Technical Education Month.

Eighty-five years after the passage of the first piece of Federal vocational education legislation, career and technical education continues to evolve from its original and sole focus of preparing students for work immediately following high school.

Today, the goal of career and technical education is to empower students to participate effectively in an international economy. Career and technical education programs contribute to broad educational achievements of students. These programs may include classes in basic skills, but also higher level skills, such as the ability to utilize technology, the ability to think creatively, solve problems, and the ability to work independently and as part of a team.

Career and technical education is offered in middle school, high school, 2-year community and technical colleges, as well as other post-secondary schools. And career and technical education is designed to prepare high school students to transition successfully to post-secondary education. It is also designed to help college students acquire the skills and knowledge that are needed to find gainful employment. And it is designed to help workers acquire job skills in new fields or to refresh skills in their existing career path.

According to the U.S. Bureau of Labor Statistics, 18 of the 20 fastest growing occupations within the next decade will require career and technical education. And according to the U.S. Chamber of Commerce, 40 percent of employers report that job applicants need better skills in this area.

Career and technical education programs are an integral part of the public education system and are designed to educate for careers. Career and technical education prepares students for more than just a good-paying job; it is the beginning of a career path. And in today's workforce and economy, it is essential that students and workers remain life-long learners because the cutting edge skills don't remain cutting edge for long. Access to formal and informal training opportunities is critical to remain competitive. Career and technical education programs are the solution for securing this type of training.

Today's career and technical education programs are increasingly incorporating rigorous and challenging academic content standards. They provide a non-duplicative sequence of courses leading to an industry-recognized credential or certificate, or an associate or baccalaureate degree.

The programs of study offered through career and technical education are essential for our students and our workforce. For these reasons I stand in support of Career and Technical Education Month.

With that, I also thank the gentleman from Washington (Mr. BAIRD) for introducing this bill. At some time I would hope he would answer whether skiing is considered part of career and technical education in his bill. And I ask my colleagues, in the bipartisan spirit that permeates our committee, to support this bill as well.

Mr. Speaker, I reserve the balance of my time.

Mr. COURTNEY. Mr. Speaker, I yield to the gentleman from Washington (Mr. BAIRD) as much time as he shall consume.

Mr. BAIRD. I thank my friends and colleagues from Connecticut and Utah. The reference was I had the privilege of graduating from the University of Utah where, to some degree, I majored in skiing, and for me it was a career and technical path.

I am pleased to be here today to speak in support of H. Res. 930, a resolution introduced by myself and my good friend from Pennsylvania, PHIL ENGLISH.

The resolution supports the goals and ideals of Career and Technical Education Month, which we are celebrating this month of February. This resolution expresses the support of the House of Representatives for the goals and ideals of Career and Technical Education Month, recognizes the importance of career and technical education in preparing a well-educated and skilled workforce, and encourages educators, counselors, and administrators to promote career and technical education as an option to students.

Our country is currently facing a growing problem of not having enough qualified workers to fill high-demand jobs. Across the Nation, employers are facing difficulties in finding skilled employees. Indeed, one survey showed that nearly 75 percent of employers report severe difficulties trying to hire qualified workers. Career and technical education provides students with the skills they need to find employment in skilled professions and to compete in a growing and competitive global economy.

Career and technical education also helps students receive and complete their education. Those who participate in these programs have higher grade point averages in college and are less likely to drop out. In fact, according to the Department of Labor, career and technical education prepares students for all of the 20 fastest growing occupations in our Nation today.

Career and technical education is also unique in the way it engages students in their learning. I visited skill centers in my district, including the Clark County Skills Center and the New Market Skills Center in Thurston County last year, and I found students genuinely interested and involved in the classroom and in their education. Indeed, in my school visits, it is not at all uncommon to go to one, apparently, academic class, where students seem disinterested or maybe bored with their course of study. You encounter them somewhat later in the career and tech courses, and they're motivated, enlightened and enthused. Indeed, I could well imagine a young person saying they have no concern at all for what the Pythagorean Theorem is; A squared plus B squared equals C squared doesn't mean anything to them until they realize that's how you frame a roof, and that suddenly has relevance.

I believe the Federal Government needs to focus more attention and resources on career and technical education. The Federal Government funds career and tech ed through the Perkins Act, which is the primary source of funding for career and technical education at the local level. Unfortunately, as we debate this resolution on the House floor, the administration has once again proposed eliminating funding for these programs. In fact, the Perkins grant program has not received a substantial increase in funding since 2002. I am hopeful we will not only honor career and technical education today, but work in the months ahead to restore funding for these very important programs.

I want to applaud the Association for Career and Technical Education for its efforts. I also want to recognize the more than 15 million students currently involved in career and technical education in this country, and the more than 19,000 institutions that are presently offering career and technical education programs nationwide.

Those folks who are studying and teaching in career and tech programs should know that they have friends and allies here in the Congress. In fact, last year I joined my colleague from Pennsylvania in creating the Congressional Career and Technical Education Caucus. This bipartisan group is working to raise awareness of the benefits of career and technical education in Congress and to support funding and policies to benefit career and technical education.

I would urge my fellow Members to join the caucus and work with us to expand and strengthen career and technical education in this country.

Finally, I would just offer a suggestion to my friends and colleagues in this institution and those colleagues who happen to be running for President. We often, in our political speeches, say things like, we want to make college education more affordable. Well, as a former college instructor and a chair of the department, I believe we ought to make college education more affordable, but I would encourage all of us to insert the words "career and technical education" when we talk about supporting education in this country. We should make career and technical education every bit as high a priority, as high in prestige, and as fully supported financially as we endeavor to do with college education.

With that, I would like to close by thanking again the chairman of the committee, Chairman MILLER, and Ranking Member McKEON. And I would also like to thank my good colleagues who spoke on this issue today. I look forward to working with them on issues relating to career and tech education, and I urge passage of this resolution.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I rise today in support of H. Res. 930, and especially in support of Indiana Tech in Fort Wayne, Indiana.

In my district, Mr. Speaker, there is a huge need for high-skilled workers, and Indiana Tech plays a critical role in helping our region meet this demand. Each year Indiana Tech provides thousands of students opportunities to "skill up," so that they can better contribute to local employers and better provide for their families.

According to the U.S. Department of Labor, the top 20 fastest-growing occupations in our country are supplied by career and technical education. The U.S. Chamber of Commerce reports that nearly three-quarters of employers struggle to hire qualified workers. Clearly the need for career and technical education is severe, and we in Congress must do what we can to encourage its growth.

In northeast Indiana—as in the rest of the country—a high quality education is critical to obtaining a good, well-paying job. While northeast Indiana is still a manufacturing center of the country, these jobs are becoming increasingly more high-tech and require higher levels of skills and training. Schools like Indiana Tech are helping prepare students for these changes.

Mr. Speaker, as competition in our global economy continues to grow more fierce, career and technical education is essential to preparing a well-educated, skilled workforce. I ask that my colleagues join with me in expressing support for Indiana Tech and schools like it. They are critical to the future of northeast Indiana, and they are critical to the future of our country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 930, supporting the goals and ideas of Career and Technical Education Month, introduced by my distinguished colleague from Washington, Representative BAIRD. This important piece of legislation expands the pathways to social and economic mobility, for more people in this country.

Career and technical education is a substantial enterprise in this country. Thousands of comprehensive high schools, vocational and technical high schools, area vocational centers, and community colleges offer career and technical education programs. Virtually every high school student takes at least one career and technical education course, and one in four students takes three or more courses in a single program area. One-third of college students are involved in career and technical programs, and as many as 40 million adults engage in short-term postsecondary occupational training.

Eighty-five years after the passage of the first piece of Federal vocational education legislation, career and technical education is evolving from its original and sole focus on preparing students for work immediately following high school. Today's career and technical education programs increasingly incorporate rigorous and challenging academic content standards and provide a nonduplicative sequence of courses leading to an industry-recognized credential or certificate, or an associate or bachelor's degree.

In my district, we have several vocational and technical schools and programs such as the Bradford School, ITT Technical Institute, Everest Institute, Remington College at Houston, and American Intercontinental University in Houston. Each of these schools and programs is committed to providing the skills and technical knowledge necessary for entry-level employment positions in business and industry.

Career and technical education is about helping students, workers, and lifelong learners of all ages fulfill their working potential. First and foremost it's about high school and college education that provides students with: (1) academic subject matter taught with relevance to the real world, often called contextual learning, (2) second-chance education and training for the unemployed and those seeking to upgrade their employability skills, and (3) corporate training, continuing education, skills upgrades and refresher courses for those already in the workplace.

I join Congressman BAIRD in raising awareness about the increased need for career and tech programs that will better prepare and train America's growing workforce. I have long supported education initiatives that not only seek to educate, but to also inspire entrepreneurship. I support this legislation and I urge my colleagues to join me in supporting this legislation.

Mr. SOUDER. Mr. Speaker, I rise today in support of H. Res. 930, and especially in support of Indiana Business College in Fort Wayne.

In my district, Mr. Speaker, there is a huge need for high-skilled workers, and Indiana Business College plays a critical role in helping our region meet this demand. Each year they provide thousands of students opportunities to "skill up," so that they can better contribute to local employers and better provide for their families.

According to the U.S. Department of Labor, the top 20 fastest-growing occupations in our country are supplied by career and technical education. The U.S. Chamber of Commerce reports that nearly three-quarters of employers struggle to hire qualified workers. Clearly the need for career and technical education is severe, and we in Congress must do what we can to encourage its growth.

In Northeast Indiana—as in the rest of the country—a high quality education is critical to obtaining a good, well-paying job. While Northeast Indiana is still a manufacturing center of the country, these jobs are becoming increasingly more high-tech and require higher levels of skills and training. Schools like Indiana Business College are helping prepare students for these changes.

Mr. Speaker, as competition in our global economy continues to grow more fierce, career and technical education is essential to preparing a well-educated, skilled workforce. I ask that my colleagues join with me in expressing support for Indiana Business College and schools like it. They are critical to the future of Northeast Indiana, and they are critical to the future of our country.

Mr. Speaker, I rise today in support of H. Res. 930 and especially in support of Brown Mackie College in Fort Wayne, Indiana.

In my district, Mr. Speaker, there is a huge need for highly skilled workers, and Brown Mackie College plays a critical role in helping our region meet this demand. Each year they provide thousands of students opportunities to "skill up," so that they can better contribute to local employers and better provide for their families.

According to the U.S. Department of Labor, the top 20 fastest growing occupations in our country are supplied by career and technical education. The U.S. Chamber of Commerce reports that nearly three-quarters of employers struggle to hire qualified workers. Clearly the need for career and technical education is severe, and we in Congress must do what we can to encourage its growth.

In northeast Indiana—as in the rest of the country—a high quality education is critical to obtaining a good, well-paying job. While northeast Indiana is still a manufacturing center of the country, these jobs are becoming increasingly more high-tech and require higher levels of skills and training. Schools like Brown Mackie College are helping prepare students for these changes.

Mr. Speaker, as competition in our global economy continues to grow more fierce, career and technical education is essential to preparing a well-educated, skilled workforce. I ask that my colleagues join with me in expressing support for Brown Mackie College and schools like it. They are critical to the future of northeast Indiana, and they are critical to the future of our country.

Mr. COURTNEY. Just to close, Mr. Speaker, again, Congressman BAIRD, who is a passionate advocate on this issue, I think said it all. For all the reasons that he stated and Mr. BISHOP from Utah, I would urge all Members to support this resolution and its passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 930, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COURTNEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## HONORING LIEUTENANT GENERAL RUSSEL L. HONORÉ

Mr. COURTNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 944) honoring the service and accomplishments of Lieutenant General Russel L. Honoré, United States Army, for his 37 years of service on behalf of the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 944

Whereas Lieutenant General Russel L. Honoré is a native of Lakeland, Louisiana;

Whereas Lieutenant General Honoré graduated from Southern University and A&M College in 1971 with a bachelor's degree in vocational agriculture and, upon graduation, was commissioned as a Second Lieutenant in the United States Army;

Whereas Lieutenant General Honoré graduated from Troy State University with a master's degree in human resources, received an honorary doctorate in public administration from Southern University and A&M College, and received an honorary doctorate in law from Stillman College;

Whereas Lieutenant General Honoré served in a number of infantry command positions in the Army, including overseas tours in Germany and as a commanding officer in the Second Infantry Division in Korea;

Whereas Lieutenant General Honoré saw action in Iraq and Kuwait during Operation Desert Storm;

Whereas Lieutenant General Honoré served as vice director for operations for the Joint Chiefs of Staff, Washington, District of Columbia, deputy commanding general and assistant commandant of the United States Army Infantry Center and School at Fort Benning, Georgia, and assistant division commander, maneuver/support for the First Calvary Division at Fort Hood, Texas;

Whereas Lieutenant General Honoré commanded the Joint Force Headquarters for Homeland Security;

Whereas Lieutenant General Honoré commanded the First United States Army, which is responsible for the training and deployment of 500,000 National Guard and Reserve members.

Whereas the awards and decorations of Lieutenant General Honoré include the Defense Distinguished Service Medal with Oak Leaf Cluster, the Distinguished Service Medal with Oak Leaf Cluster, the Defense Superior Service Medal, the Legion of Merit with four Oak Leaf Clusters, the Bronze Star Medal, the Defense Meritorious Service Medal, the Meritorious Service Medal with three Oak Leaf Clusters, and the Army Commendation Medal with three Oak Leaf clusters;

Whereas Lieutenant General Honoré led the Joint Task Force Katrina following the hurricane's destruction of the Gulf Coast in 2005, where he commanded all active-duty troops from all military branches dedicated to the storm recovery operations; and

Whereas Lieutenant General Honoré and his wife Beverly raised four children, Stephanie, Kimberly, Stephen, and Michael, and their son Michael has served in Iraq as an Army sergeant: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors Lieutenant General Honoré for his 37 years of service on behalf of the United States;

(2) commends Lieutenant General Honoré for his dedication and commitment to the Army and his leadership in the post-Katrina recovery effort; and

(3) recognizes Lieutenant General Honoré as a soldier, commander, and leader and for displaying throughout his distinguished military service the highest levels of leadership, professional competence, integrity, and courage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. COURTNEY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

### GENERAL LEAVE

Mr. COURTNEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

☐ 1630

Mr. COURTNEY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 944, honoring the service and accomplishments of Lieutenant General Russel L. Honoré, United States Army, for his 37 years of service on behalf of the United States.

And let me first take a moment to thank Representative David Scott of Georgia for helping us to recognize General Honoré and getting this resolution to the floor here today. And I want to certainly allow him the spotlight in terms of talking about this extraordinary gentleman.

Very briefly, he is a native of Lakeland, Louisiana, graduated from Southern University and A&M College in 1971. Upon graduation, he was commissioned as a second lieutenant in the United States Army.

During his career, General Honoré has served a number of infantry command positions in the Army, including tours in Germany and as commanding officer of the Second Infantry Division in Korea. He had also seen action in Iraq and Kuwait during Operation Desert Storm and served as Vice Director for Operations for the Joint Chiefs of Staff here in Washington, DC.

Through his efforts and command, he was responsible for the training and deployment of a half million National Guard and Reserve members. In addition, he led the Joint Task Force Katrina following the hurricane's destruction of the gulf coast in 2005, where he commanded all active duty troops from all branches dedicated to storm recovery operations.

This Nation owes a debt of gratitude to General Honoré for his commitment to the defense of our great Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 944, which honors the distinguished career of Army Lieutenant General Russel Honoré, who is retiring, as has been said, after 37 years of service to this great Nation.

The United States Army is known for its tradition, strength, and valor, and Lieutenant General Honoré exemplifies what it means to be a soldier. The general has had a career that young soldiers dream about. He saw action in both Iraq and Kuwait during the first Gulf War. He has earned 15 awards and decorations and has served overseas in both Germany and Korea. But perhaps his most significant contribution to the Nation was as commander to the Joint Task Force Katrina following the devastation of the gulf coast in 2005.

The general commanded troops from all branches of our military in one of the worst natural disasters that our country has ever experienced. He was working not only to help repair his native State of Louisiana, but he was working to repair his country, and he did so in exemplary fashion.

I wish to honor Lieutenant General Honoré and his family, Beverly, Stephanie, Kimberly, Stephen, and Michael, the best in what comes next for them, and I thank them for their commitment to this country as a family. I congratulate the general on his magnificent career, and I urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. COURTNEY. Mr. Speaker, it is my honor to yield 5 minutes to my friend and colleague, the sponsor of this resolution, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. To my two distinguished colleagues who have taken the leadership on this time on the floor, I thank you for your graciousness in allowing us to bring up H. Res. 944 and at the same time to recognize what is arguably an extraordinary and great moment in American history.

For this man, Lieutenant General Russel Honoré, the only word that comes to mind, Mr. Speaker, is that word "great." There have been some great moments and great events in the last 7 years of this country that have threatened the very foundation of our country. The 9/11 of 2001 that launched the vicious attack on this country that led us into this extraordinary period of this war on terror, and then just 4 years later a great catastrophe, one of the greatest natural disasters to have ever hit the United States of America and to the gulf coast of this country: Hurricane Katrina. Great events, great occasions bring forth the need to rise up to this occasion and these great occasions great men.

We are here today to honor a great American, and we ought to pause for a moment and think about this word "great" that we are using to describe this great American, Lieutenant General Russel Honoré. The word "great" means something of great magnificence. When that question was put to the great philosopher Aristotle, what does it take to be a great man, Aristotle said the first thing you've got to do is know thyself.

Well, I am here to tell you, Mr. Speaker, Russel Honoré knew himself, and not only did he know who he was, Russel Honoré knew whose he was, that he was foremost and first of all a child of God that had been brought on this Earth for a great need and a great occasion.

Later on in history that question was put to the great Roman general and soldier Marcus Aurelius. The question was put to Marcus Aurelius, what does it take to be a great man? Marcus Aurelius said, in order to be a great man, you must, first of all, discipline yourself. And so much has been said about the great soldiering of this great American. The hallmark word is "discipline," "focus." He endured hardness and toughness as a good soldier, and through that discipline came the loyalty, came the courage that it took to fighting the wars in Iraq and Afghanistan but, more than that, to expound the toughness and the discipline that was needed to our fellow soldiers that came under his care. For there is no greater thing of General Honoré than the love of his soldiers, and he exemplified that by heading up the commandant post in my district at Fort Gillem, Georgia. For three-quarters of the National Guard that had to be positioned, had to be trained, had to be deployed into the war zones came through the hand of Russel Honoré at Fort Gillem in Clayton County and Forest Park in Georgia and my congressional district.

And, finally, that question was put to the great Messiah and prophet Jesus Christ when He was asked, Jesus, what does it take to be a great man? And Jesus replied, first of all, in order to be a great man, you must sacrifice yourself. And, oh, what a great sacrifice. And you must love your fellow man as you do yourself. And what greater exemplary of that was in going down into Katrina and not just soldiering, not just taking the time to protect the area, but clothing the people there, finding food and shelter for them, and taking the time to stop beside the road of the agony that they were experiencing, put an arm around them, and help that gulf coast to recovery.

Yes, "greatness" is the word for General Russel Honoré. And we are so grateful for him, for the role that he has played, and for the greatness of this man. For he came at the most opportune time to provide the most opportune service, and he is truly a great American serving a great Nation.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

And, Mr. Speaker, I will just tell you it's a privilege to stand on the floor here today to hear the testimony of my colleagues on both sides of the aisle in tribute to this great American.

Mr. Speaker, I am honored to stand here today in support of H. Res. 944, recognizing the 37 years of service of Lieutenant General Russel Honoré.

At a time it seemed our country's civil fabric was tearing before our very eyes, all of us felt we saw a Nation in peril. The efforts of elected officials at the local level, at the State level, at the Federal level were not up to the task of dealing with the aftermath of Hurricane Katrina. It took officers of the United States Armed Forces who provided the security that the whole country longed to see, and at the center of that was Lieutenant General Russel Honoré.

Mr. Speaker, it was my honor to go with my committee to the City of New

Orleans in October of that year to try to help with the restoration of some of the medical care of the City of New Orleans, and during that trip, I went to the Oschner Clinic, which is there near downtown New Orleans. It's on a natural sort of rise between the Mississippi River and downtown New Orleans, so it was buffeted by the winds of the storm but spared from the floodwaters and was struggling valiantly to keep up with the stream of human injury that was coming through the doors on a 24-hour-a-day basis.

Specifically, I spoke with some doctors in the emergency room at the Oschner Clinic. The feeling at the clinic was that they were going to be okay from the standpoint of did they have enough diesel fuel to run their generators, did they have enough medicines, but the civil unrest, which was building outside their walls, clearly continued to imperil them. Again, these were individuals who had ridden out the storm. They had stayed in the hospital during the storm to see the sick and wounded who managed to come in. They had stayed at their posts as the floodwaters rose around them, not knowing if the floodwaters would stop before they got to their doors, but, indeed, stop they did.

But you can imagine the heartbreak of this young emergency room physician who described to me 3 days into their turmoil, 3 days into their task, saved from the winds, spared from the waters, but they could hear the civil unrest boiling outside the doors. They could hear the gunshots. They could hear the shouts of the crowds. And they knew that their facility was clearly going to be targeted because they had seen on the news where other health care facilities had been targeted, because of perhaps drug-seeking behavior, who knows why, but they were very much at risk.

This emergency room doctor had brought his wife to the hospital because he felt she wasn't safe at home. He described how they had spent the night under his desk in their office waiting for the end to come. They had survived the winds. They had survived the water. They were not going to survive the riots outside the door.

And then right before dawn, he heard a helicopter. Not unusual because there were news helicopters circling around the city on an almost continual basis. But this was a different kind of helicopter. It had a much throatier roar. And then there was another one and another one and another one. And they turned on the television to see the landing of Lieutenant General Russ Honoré taking command of the city, taking control back. I cannot tell you today the relief in this young man's voice as he described that scenario that unfolded before him.

I'm happy to come to the floor with my colleagues and honor the service of Lieutenant General Russ Honoré.

Thank you, sir, for what you did in restoring order to our country. Thank you for helping that young family in the emergency room that day. This Nation will forever be in your debt.

Mr. COURTNEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman from Georgia, Representative DAVID SCOTT, for bringing this resolution to the floor today to honor General Russel L. Honoré.

While General Honoré deserves to be honored for his service to our Nation and by the people of Georgia for the experiences he has had in connection with them, in truth he belongs, at his roots, to the people of Louisiana.

General Russel Honoré was born in Louisiana in the rural parish of Pointe Coupee. I have known him for 39 years. I met him when he was a brash, young ROTC cadet at the college we both attended, Southern University and A&M College in Baton Rouge. In fact, we've often kidded that since I was a few years ahead of him at Southern and his battalion commander there when he joined our ROTC, I can take some real credit for his success as a soldier.

However that may be, Russel Honoré showed the attributes back then that led to what can only be described as a legendary career in the U.S. Army. He was a serious student, an eager participant in everything the ROTC had to offer outside of the classroom and inside, and he had a big, courageous, fun-loving heart.

We who have known him for years, then, are not surprised that he led with distinction commands in Fort Hood, Texas; Washington, D.C.; Georgia; and Korea; and most recently as commander of the U.S. Southern Command for Homeland Security.

Americans, however, will always remember him most for the order he brought out of the chaos in the aftermath of the terrible storms Hurricanes Katrina and Rita that ripped apart the lives of our people in Louisiana. He, more than anyone else, took charge of the urgent rescue and relief of flooding victims there and made the bureaucracy bow to reason and good judgment.

We applaud him for that. We congratulate him on a distinguished military career. A grateful Nation, therefore, wishes General Russel Honoré God's choicest blessings in his retirement years.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 944, honoring the service and accomplishments of Lieutenant General Russel L. Honoré United States Army, for his 37 years of service on behalf of the United States. I would like to thank my distinguished colleague Congressman DAVID SCOTT for introducing this important legislation, of which I am proud to be an original cosponsor.

Mr. Speaker, Hurricane Katrina was one of the darkest hours of our Nation's recent history. Although the courage and generosity demonstrated by the American people was nothing short of heroic, the response of the federal government, especially FEMA, was nothing short of an embarrassment. I never imagined that my neighbors in New Orleans would be called and treated like refugees in war ravaged developed countries. The response of the Bush Administration was unacceptable.

However, even in the midst of tragedy and mismanagement, many Americans throughout this country stepped up to help those affected by this disaster. This demonstrated that once again in our darkest hour that we united as a nation to help our brothers and sisters who sought to recover and rebuild their lives. In particular, a small number of extraordinary individuals became true heroes; one of the most remarkable was Lieutenant General Russel Honoré.

Called by New Orleans Mayor Ray Nagin a man who can "get some stuff done," Lieutenant General Honoré's life is truly an American story. Born in Lakeland, Louisiana, General Honoré graduated from Southern University and A&M College in Baton Rouge, Louisiana. After graduating with a baccalaureate degree in vocational agriculture, General Honoré was commissioned as a Second Lieutenant in the United States Army. General Honoré eventually graduated from Troy State University with a master's degree in Human Resources and received an honorary doctorate in public administration from Southern University and A&M College.

General Honoré began his distinguished military career serving in a number of infantry command positions for the Army, including overseas tours in Germany and as a commanding officer in the Second Infantry Division in Korea. He saw action in Iraq and Kuwait during Operation Desert Storm. Honoré's experience and skill made him a logical candidate to serve as vice director for operations for the Joint Chiefs of Staff; deputy commanding general and assistant commandant of the United States Army Infantry Center and School at Fort Benning, Georgia; and assistant division commander, maneuver/support for the First Calvary Division at Fort Hood, Texas.

But more than his impressive record of military service, Lt. General Russel Honoré is perhaps best known for his strong leadership attributes. Lieutenant General Honoré commanded the First United States Army, responsible for the training and deployment of 500,000 National Guardsmen and reserve service members. Lieutenant General Honoré also led the Joint Task Force Katrina, following the hurricane's destruction of the Gulf Coast in 2005, where he commanded all active-duty troops from all military branches dedicated to the storm recovery operations.

Mr. Speaker, my home district in Houston has been pleased to welcome with open arms well over 100,000 survivors fleeing the storm, including a reported 21,000 children. I spent countless hours after this immense tragedy with the men, women, and children who fell victim to this catastrophic storm; I witnessed first hand the terror and despair of children separated from their parents, men and women who had lost their entire livelihoods, and families who had seen homes full of memories and treasures destroyed in flood waters. I represent thousands of the Katrina evacuees who continue to reside in Houston, I consider their plight and hardship a personal one with which I am intimately familiar, and I am proud of my community's response to this tragedy.

In the hours, days, weeks, and months after the Katrina struck the gulf coast, the actions of Lt. General Honoré and those like him were a lifeline for thousands of displaced, frightened, and imperiled residents. His bravery was so often the difference between life and death, or between hope and despair. Those of us who were on the ground in those days and weeks following the storm know just how valuable his actions were, just how vital his leadership was, and just how much the region needed many more leaders like him.

I would like to commend Lieutenant General Honoré for his 37 years of service on behalf of the United States. Lieutenant General Honoré has proven his dedication and commitment to the Army and his leadership in post-Katrina recovery effort. I recognize his loyalty as a soldier, commander, and leader and for displaying throughout his distinguished military service the highest levels of leadership, professional competence, integrity, courage. Many of those who survived this storm did so only because of the bravery, selflessness, and immense leadership of Lt. General Honoré and other heroes like him.

Over two years have passed since Hurricane Katrina struck the Gulf Coast, and we continue to mourn the at least 1,836 innocent victims of the storm. We also continue to address the difficult issues raised by the storm, including the rebuilding of affordable housing in the area, and the restoration of local education systems. As a proud Houstonian, a firsthand witness to the devastation wrought by Hurricane Katrina, and a believer in the power of the American people, as demonstrated by Lt. General Honoré, I strongly urge my colleagues to remember those who perished, honor those who found such bravery within themselves, and to continue to work to provide for the still-suffering victims of the storm.

In a recent media interview, Lt. General Honoré spoke of what he hoped his legacy would be. He spoke of an effort to guide civilian America, encouraging a "culture of preparedness" in the spirit of his own cold-war upbringing. He stated that despite government investment in disaster response mechanisms, civic response remains weak, stating, "I'm sure you and your wife have a plan to meet at Uncle Joe's house, but does your plan include asking Mrs. Smith next door if she needs a ride?" This is a vital, and too often overlooked, component of disaster planning.

Mr. Speaker, I would again like to voice my support for H.R. 944, and finally give back something to a man that has already given so much to his country.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. COURTNEY. Mr. Speaker, at this time I have no further requests for time. Again, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 944, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COURTNEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1645

## PROVIDING FOR THE CONTINUED MINTING AND ISSUANCE OF CERTAIN $1 COINS IN 2008

Ms. MOORE of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5478) to provide for the continued minting and issuance of certain $1 coins in 2008.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 5478

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That clause (i) of section 5112(n)(1)(B) of title 31, United States Code (as in effect on the day before the date of the enactment of Public Law 110–82) shall continue in effect, notwithstanding the amendment made by section 3 of Public Law 110–82, until the effective date of the amendment made by section 2 of such Public Law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. MOORE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

### GENERAL LEAVE

Ms. MOORE of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. MOORE of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5478 corrects an oversight made in the Native American $1 Coin Act which passed the House by voice vote on June 12, 2007, and became public law on September 20, 2007.

The Native American $1 Coin Act authorized the minting of the "Sacagawea Design" golden dollar coin for circulation beginning in January, 2009. In that legislation, we purposely did not require the production of 2008 Sacagawea coins for circulation; however, the act unintentionally eliminated the Mint's authority to issue "Sacagawea Design" golden dollars in 2008 for coin collection purposes.

As a result, many of the standard U.S. Mint products the coin-collecting public is expecting to order and receive this year, such as annual proof and uncirculated sets, will not include a 2008 Sacagawea dollar.

The legislation before us would correct this oversight and immediately authorize the continued minting and issuance of 2008 "Sacagawea Design" golden dollars for numismatic purposes only. This is an important bill for coin collectors nationwide and for the popularity of the Sacagawea dollar coin.

I urge all Members to support its passage.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill before us is truly a technical amendment that deals with the Native American $1 coin. It is a good bill for collectors. It does no harm to the Nation. It does not cost the taxpayers a dime, or in this case, it doesn't cost them a dollar. I urge its immediate passage.

Mr. Speaker, the bill before us is a technical amendment only. When the Native American $1 Coin Act passed the House last spring, it was envisioned the one-dollar coins with a regularly changed reverse celebrating different Native American themes would start being issued by the Mint last month—January 2008.

However, due to the press of other important business, the Senate was unable to pass the bill until the end of July and the minor changes made there required House approval. The result was that this very laudable program did not get to the President's desk until September, which triggered language in the text intended to ensure that the U.S. Mint had enough time to properly design the first coin, and so the program wills start next January instead.

To avoid having to send the bill back to the Senate again and further elongate the timeline, no attempt was made to change language that ended the production of the then-current design of the Sacagawea dollar coin, so that there would not be two designs co-circulating. That meant that the Sacagawea dollar by law cannot be produced this year, for the 5–10 million U.S. Mint proof sets that otherwise would have contained it.

Mr. Speaker, this bill merely corrects that issue, so that collectors will be able to get the last of that design of the dollar coin during 2008 in their collectible sets. Next year new dollar coins will start circulating alongside the Presidential dollars, still bearing the image of Sacagawea on the front but once a year having a different reverse design representing the contributions of Native Americans to our heritage.

This bill will be good for collectors, will do no harm and will not cost the taxpayers a dime—or a dollar. I urge its immediate passage.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. MOORE of Wisconsin. I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. MOORE) that the House suspend the rules and pass the bill, H.R. 5478.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BALDWIN) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 978, by the yeas and nays;

H. Res. 930, by the yeas and nays;

H. Res. 944, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## SCHOOL SOCIAL WORK WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 978, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 978.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 49, as follows:

[Roll No. 69]

YEAS—379

Abercrombie
Ackerman
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Filner
Flake
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth

NOT VOTING—49

Aderholt
Allen
Bachus
Bishop (GA)
Capuano
Carnahan
Doolittle
Edwards
Ellison
Farr
Ferguson
Forbes
Gallegly
Gerlach
Gilchrest
Graves
Grijalva
Gutierrez
Hall (TX)
Hastings (WA)
Herseth Sandlin
Hinojosa
Hulshof
Hunter
Keller
Kingston
LaTourette
Lewis (CA)
Lucas
Lungren, Daniel E.
Marchant
Neal (MA)
Peterson (PA)
Platts
Pomeroy
Pryce (OH)
Reynolds
Ruppersberger
Rush
Sherman
Space
Spratt
Towns
Turner
Udall (CO)
Weldon (FL)
Woolsey
Young (AK)
Young (FL)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1855

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## COMMEMORATING THE RECENT TRAGEDY AT NORTHERN ILLINOIS UNIVERSITY

(Mr. MANZULLO asked and was given permission to address the House for 1 minute.)

Mr. MANZULLO. Madam Speaker, it is with a heavy heart that I rise today to ask the House to observe a moment of silence for the tragedy that beset Northern Illinois 11 days ago. On the afternoon of February 14, five bright, energetic young people, Gayle Dubowski, Juliana Gehant, Catalina Garcia, Ryanne Mace, and Daniel Parmenter, were killed and 16 others injured as a deranged gunman opened fire on students at Northern Illinois University in DeKalb, Illinois, before committing suicide himself.

Today, we grieve with our friends at NIU and millions around the world as we try to make sense of this unfathomable tragedy. Let us stand with and pray for the families of the victims and the 25,000 students who will have to deal with the aftermath of this senseless violence for years to come.

I know others in the Illinois delegation join me in this House in extending our condolences to all concerned and commend the brave and noble actions of our first responders.

We respectfully ask for a moment of silence to be observed in this body.

The SPEAKER pro tempore. Members will rise and observe a moment of silence.

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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

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## CAREER AND TECHNICAL EDUCATION MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 930, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 930, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 0, not voting 48, as follows:

[Roll No. 70]

YEAS—380

Abercrombie
Ackerman
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth

NOT VOTING—48

Aderholt
Allen
Bachus
Bishop (GA)
Capuano
Carnahan
Doolittle
Edwards
Ellison
Ferguson
Forbes
Gallegly
Gerlach
Gilchrest
Graves
Grijalva
Gutierrez
Hall (TX)
Hastings (WA)
Herseth Sandlin
Hinojosa
Hulshof
Hunter
Keller
Kingston
LaTourette
Lewis (CA)
Lucas
Lungren, Daniel E.
Marchant
Neal (MA)
Peterson (PA)
Platts
Pomeroy
Pryce (OH)
Reynolds
Ruppersberger
Rush
Sherman
Space
Spratt
Towns
Turner
Udall (CO)
Weldon (FL)
Woolsey
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

☐ 1906

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## HONORING LIEUTENANT GENERAL RUSSEL L. HONORÉ

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 944, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 944, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 0, not voting 48, as follows:

[Roll No. 71]

YEAS—380

Abercrombie
Ackerman
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper

Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth

### NOT VOTING—48

Aderholt
Allen
Bachus
Bishop (GA)
Capuano
Carnahan
Doolittle
Edwards
Ellison
Ferguson
Forbes
Gallegly
Gerlach
Gilchrest
Graves
Grijalva
Gutierrez
Hall (TX)
Hastings (WA)
Herseth Sandlin
Hinojosa
Hulshof
Hunter
Keller
Kingston
LaTourette
Lewis (CA)
Lucas
Lungren, Daniel E.
Marchant
Neal (MA)
Peterson (PA)
Platts
Pomeroy
Pryce (OH)
Reynolds
Ruppersberger
Rush
Sherman
Space
Spratt
Towns
Turner
Udall (CO)
Weldon (FL)
Woolsey
Young (AK)
Young (FL)

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1919

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. ELLISON. Madam Speaker, on February 25, 2008, if I were present, I would have voted "yea" on rollcall Nos. 69, 70, and 71.

## DISMISSING THE ELECTION CONTEST RELATING TO THE OFFICE OF REPRESENTATIVE FROM THE 13TH CONGRESSIONAL DISTRICT OF FLORIDA

Mr. GONZALEZ. Madam Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House, House Resolution 989; that the resolution shall be considered as read; and that the previous question shall be considered as ordered on the resolution to its adoption without intervening motion except 10 minutes of debate equally divided and controlled by the chairman and the ranking minority member of the Committee on House Administration, or their designees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Madam Speaker, pursuant to the previous order, I call up House Resolution 989 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 989

*Resolved*, That the election contest relating to the office of Representative from the Thirteenth Congressional District of Florida is dismissed.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Texas (Mr. GONZALEZ) and the gentleman from California (Mr. MCCARTHY) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. GONZALEZ. Madam Speaker, I would ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Madam Speaker, I yield myself as much time as I may consume.

On February 12, the Committee on House Administration unanimously recommended dismissal of the election contest relating to the 13th Congressional District of Florida.

The late chairwoman, Juanita Millender-McDonald, established a task force to investigate this contested election in which over 18,000 ballots did not show a vote cast in the United States congressional race in Sarasota County, Florida. The task force consisted of Representative ZOE LOFGREN and Representative KEVIN MCCARTHY of California, and I had the honor of serving as the Chair of the task force.

After the task force established the need to conduct an investigation, every vote by the task force to determine the scope and direction in the investigation was, in fact, unanimous.

I want to thank the members of the task force for their dedication to the investigation and the Government Accountability Office for a systematic investigation of the voting equipment. I would also like to thank both the majority and the minority staffs, along with the House recording studio.

The task force authorized the GAO to investigate whether the voting machines used in Sarasota County contributed to the unusually high number of undervotes. The task force also directed the GAO to evaluate whether additional testing was needed. After the GAO recommended further testing in October, the task force directed the GAO to design and execute testing to determine the reliability of the Sarasota voting equipment.

The GAO presented its final findings to the task force on February 8, 2008, when the GAO reported the Sarasota County voting machines did not contribute to the large undervote in the congressional race for the 13th District of Florida.

The GAO acknowledged that the undervote could have been caused by other elements, such as voters who intentionally did not vote in the race or voters who unintentionally did not cast their ballots because of poor ballot design.

However, because the contestant's central argument claimed voting machine malfunction caused the abnormal undervote, the GAO's analysis was limited to the voting machine malfunction issue. Due to the GAO's determination with a high degree of certainty that the voting machines did not cause the undervote, the task force unanimously recommended to the full committee, and the full committee has unanimously recommended to the House, that the contest be dismissed.

I urge Members to vote in favor of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. MCCARTHY of California. Madam Speaker, I yield 3 minutes to the ranking Republican on the full committee, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding.

Madam Speaker, this is the third time I have served or been involved with a task force dealing with contested elections, and I believe this is by far the best procedure that has been developed and can help serve as a model for future decisions of this sort.

I congratulate the two gentlemen before you, who, representing the majority and the minority, did the yeoman's work on investigating the issue, deciding to pull in the Government Accountability Office, which I think was a good addition to the entire process. A careful examination has made it very clear that there was nothing wrong with the voting machines in this particular election; and, therefore, the contestant's claims that the undervote was caused by faulty machines is just not valid.

What the real reasons were, we will never know. It could have been ballot design. It could be several other factors that we have considered.

But the simple fact is that Mr. BUCHANAN did win the election, and the results of our vote tonight will demonstrate that. He did, in fact, win the election and will remain as a Member of the Congress.

I want to once again compliment the individuals here. Chairman GONZALEZ of the task force was eminently fair, thorough, and complete in all his evaluations and discussions. Mr. MCCARTHY, in his first time on an assignment of this sort, has carried it out very carefully, very thoroughly and contributed a great deal to the discussions and the decisions.

I am just very proud that the House Administration Committee has completed this task which can be, I can assure you, a very onerous and difficult task; but the committee has completed it very competently, thoroughly and fairly; and the result, I believe, is beyond question.

This will serve as a model for future situations of this sort.

Mr. GONZALEZ. Madam Speaker, I reserve the balance of my time.

Mr. MCCARTHY of California. Madam Speaker, I rise today in support of this resolution to dismiss the election contest related to the results of the 13th Congressional District of Florida race in 2006.

Madam Speaker, I want to congratulate the chairman of this task force, Mr. GONZALEZ. It was a three-member task force with Congresswoman ZOE LOFGREN and myself. Every bit of this contest, as we went through studying it and spent the hours on it, was a unanimous decision. This was a bipartisan movement, a bipartisan investigation; and I just want to thank the chairman for his professionalism, his respect and the ethics in which he carried this out.

In my former life, I was actually a staff member to a former chairman of House Administration, and I was an individual that investigated some contestant elections. I will tell you this is probably the most thorough investigation we have seen.

We knew after the last election that there were races in this body that were even closer, within 100 votes; and we did not contest those as they went. But we wanted to make sure, as Christine Jennings moved this debate and this argument, as we were going through, that we looked at every single one.

I want to thank the State of Florida. Before we even went to study it, they went through analyzing all the machines. We had the GAO look at every ability of the machines, even miscalculating the machines as they came forward to make sure they were still correct.

The American public can be very proud to know that every vote in the 13th District was counted. The outcome was correct, and Congressman VERN BUCHANAN was elected on that day and still elected today. I want to congratulate the work that was done by the task force.

Madam Speaker, I yield back the balance of my time.

Mr. GONZALEZ. Madam Speaker, I just do want to have some parting words to the members of the task force, Congresswoman ZOE LOFGREN, and, of course, my colleague from California, Congressman MCCARTHY, because they really worked very hard. As I indicated, all decisions were unanimous, which made the process go smoothly.

I also want to recognize Congressman DAN LUNGREN from California, who is not an official member of the task force but was present during some of the briefings and was very instructive.

The last thought is, of course, that the task force and the full committee simply were acknowledging the responsibility that is laid before this body, and that is to determine the qualifications and who actually will sit and take the oath and have the great privilege of joining us here in what is often referred to as the people's House.

Mr. BRADY of Pennsylvania. Madam Speaker, I rise in support of House Resolution 989.

Madam Speaker, on February 12th the Committee on House Administration unanimously recommended dismissal of the election contest relating to the 13th Congressional district of Florida. The late Chairwoman Juanita Millender-McDonald had established a task force to investigative this contest election in which over 18,000 ballots did not show a vote cast for the U.S. Congressional race in Sarasota County, Florida. Former judge, and our colleague, Representative CHARLES GONZALEZ was appointed Chair, along with Representatives LOFGREN and MCCARTHY as members of the task force. After the task force established the need to investigate, every vote to determine the scope and direction of the investigation was unanimous.

The task force engaged the Government Accountability Office (GAO) to explore whether the voting machines used in Sarasota County contributed to the unusually high number of undervotes. GAO also was instructed to assess whether additional voting machines testing was needed. When GAO recommended further testing in October 2007, the task force directed the GAO to design and execute testing protocols to determine the reliability of the Sarasota County voting equipment.

Last week, the GAO presented its findings and conclusions to the task force. They found that the Sarasota County voting machines did not contribute to the large undervote in the Congressional race for the 13th District of Florida. The GAO acknowledged that the undervote could have been caused by voters who chose not vote for that race, or by voters who did not properly cast their ballots because of poor ballot design. In any case, the machines were not the culprits. Since that time, some groups have attacked the GAO study as imprecise for a host of speculative reasons. However, the Contestant's central argument in the election contest before the committee was that voting machine malfunction caused the abnormal undervote, and GAO's focus of analysis was directed solely to the voting machine malfunction issue.

Under the Federal Contested Election Act, a Contestant must submit allegations that, if proven, would have altered the election outcome. The task force and the Committee on House Administration have conducted a thorough investigation and believe that the findings of the GAO are compelling. Therefore, the Contestant's argument that malfunctioning electronic voting machines caused the 18,000 undervote in Sarasota County was not supported. For this reason, I urge members to support to passage of House Resolution 989 to dismiss this election contest.

Mr. GONZALEZ. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of today, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1930

## HONORING RICHARD JOHNSON, JR.

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, community volunteers run our school boards, our civil centers, help with youth programs, and assist our hospitals. They make a difference to so many and ask for nothing more than an opportunity to give.

Richard Johnson, Jr., is not your average community volunteer, and during Black History Month, I would like to honor him for his dedication to service. A community activist and well-known civil volunteer, Richard has devoted his spare time to promote education, health care, and politics around the Aiken area.

He is not only a volunteer to his region, he has also served his Nation in the United States Army and is a member of the Korean War Veterans Association.

Each of the boards Richard serves, councils he governs, and committees he chairs, bears the benefit of his knowledge, commitment, and experience.

During this month, our Third District of South Carolina recognizes the true community service of Richard Johnson, Jr., and I proudly thank him for those he has served in his State and in his Nation.

## ATPA EXTENSION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, extending the existing Andean Trade Preference Act for Colombia, Peru, Bolivia, and Ecuador through 2008 is a necessary measure, but one that only goes halfway. It cannot substitute for passage of the Colombia Free Trade Agreement, which is of central importance in defending critical U.S. strategic interests in the region.

Colombia has been an indispensable ally in the fight to keep drugs off American streets, and it has successfully battled armies of narcoterrorists even as it has consolidated its democracy. It is a steadfast partner in an increasingly unstable region where enemies of the United States and strategic competitors are making rapid advances.

But the strongest argument for the Colombian Free Trade Agreement is that although it would benefit Colombia enormously, it would benefit the United States even more. Those opposed to the Colombia FTA do not understand that the existing trade preferences give Colombian businesses easy access to U.S. markets but do nothing about giving U.S. businesses greater access to Colombia's markets.

Madam Speaker, only the free trade agreement can do that. Let us pass it soon.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## WRONG DIRECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, the favorite question of political pollsters of late is the benchmark right direction/wrong direction question: "Do you think our country is headed in the right direction or the wrong direction?"

This year, most people say "wrong direction," and the reason is because our jobs are headed in the wrong direction. There is a new report out by AMTAC, the American Manufacturing Trade Action Coalition, that details the extent of the job loss in Ohio, the State I represent, just since 2000.

The job washout in Ohio over the past 7 years is the worst since the Great Depression. The damage to Ohio's economy has been concentrated in the manufacturing sector. Our farmers are currently enjoying record high prices for corn, soybeans, wheat, and eggs.

But manufacturing is a different story. It is the story of lost strength and of lost independence. It is the story of one of America's largest States teetering on the precipice. And the situation in Michigan is even more dire.

Our Nation has lost 3.4 million jobs in manufacturing and another 700,000 in the information sector since the beginning of the Bush administration. In the past 7 years, total nonfarm employment in Ohio has declined by 3.7 percent, a loss of over 209,400 jobs, according to Dr. Charles McMillion, author of the report. In the manufacturing sector, Ohio has lost over 236,000 jobs, most of those good-paying jobs with good benefits.

According to the Bureau of Labor Statistics, manufacturing employment in Ohio dropped from 1 million jobs at the end of 2000 to 777,200 jobs at the end of 2007. That loss of 236,000 manufacturing jobs represents a 23.3 percent drop in employment.

Put another way, almost a quarter of the manufacturing jobs in Ohio have disappeared in the last 7 years. Only three of Ohio's metropolitan areas added jobs over the past 3 years, and none of them even matched the 4.3 percent overall U.S. job growth, which, by the way, is the weakest 7-year period since the mid-1940s demobilization after World War II.

Akron has the best recent record in Ohio, adding 4.1 percent to its job base. Then came Cincinnati and Columbus at 2 percent or less. I am going to place in the RECORD the job casualties in Ohio by metropolitan statistical area, and I would invite all of the candidates running for President to get off of their high horses and all these stage crowd rallies and come to us, to travel with the delegation from Ohio to places like Cleveland, Elyria, and Mentor which have lost over 48,800 manufacturing jobs. Or to Youngstown/Warren that has lost over 14,000; or to Steubenville/Weirton, West Virginia, over 3,800 jobs; or to Sandusky, which I represent, having lost 3,500 manufacturing jobs.

There you have it. That's why people in Ohio say the country is headed in the wrong direction. And why is this happening, why has Ohio lost more than a quarter of a million manufacturing jobs? The main reason, according to Auggie Tantillo, executive director of AMTAC, is the Bush administration's failed trade policies, and I might say the prior administration's as well, and the flood of imported products from everywhere in the world: China, Mexico, Indonesia, and Malaysia. The U.S. imported $1.37 trillion in manufactured goods in 2007 alone, and we incurred a trade deficit in manufacturing of half a trillion dollars. This is not the hallmark of a strong economy. This is not characteristic of an independent people. And Communist China accounted for more than 50 percent of that half-trillion-dollar deficit in manufactured goods.

According to AMTAC, America can't keep running on its China credit card to buy foreign manufactured goods. We need to make things here. We need to be a production economy, not just a finance economy. We have to restart our manufacturing engine.

According to Dr. McMillion, the author of the AMTAC report, the jobs data tell only one important part of Ohio's past-7-year economic story, yet these record job losses bear strong witness to the depressing effects of record trade deficits and the loss of U.S. production that they represent. Another key part of Ohio's past-7-year economic history is the unprecedented level of household and Federal debt that even in Ohio played a vital role in moderating the effects of import competition, outsourcing, and job loss. With the soaring engine of household debt now sputtering and debt service payments rising, strong industrial and trade policies seem urgently needed to halt Ohio's further decline.

The candidates coming through Ohio keep wondering: What do Ohioans care about? They care about job creation in the United States of America. They care about exporting goods, not jobs. They care about independence for America and the future of good jobs with good wages.

The favorite question of political pollsters is the benchmark right direction/wrong direction question. "Do you think the country is headed in the right direction or wrong direction."

This year, most people say "wrong direction," and the reason is because our jobs are headed in the wrong direction.

There's a new report out by the American Manufacturing Trade Action Coalition (AMTAC) that details the extent of the job loss in Ohio since 2000.

The job washout in Ohio over the past 7 years is the worst since the Great Depression.

The damage to Ohio's economy has been concentrated in the manufacturing sector. Our farmers are currently enjoying record high prices for corn, soybeans, wheat and eggs.

But manufacturing is a different story. It's the story of lost strength and the loss of independence. It is the story of one of America's largest states, teetering on the precipice. (And the situation in Michigan is even more dire.)

Our Nation has lost 3.4 million jobs in manufacturing and another 700,000 in the information sector since the beginning of the Bush administration.

In the past 7 years, total non-farm employment in Ohio has declined by 3.7 percent, a loss of 209,400 jobs, according to Dr. Charles McMillion, author of the report.

In the manufacturing sector, Ohio has lost 236,000 jobs—many of them good paying jobs with good benefits.

According to the U.S. Bureau of Labor Statistics, manufacturing employment in Ohio dropped from 1.01 million jobs at the end of 2000 to 777,200 at the end of 2007. That loss of 236,000 manufacturing jobs represents a 23.3 percent decline in employment.

Put another way, almost a quarter of the manufacturing jobs in Ohio have disappeared in the past seven years.

Only three of Ohio's metropolitan areas added jobs over the past 3 years and none of them even matched the 4.3 percent overall U.S. job growth (which, by the way, is the weakest 7-year period since the mid–1940's demobilization from World War II).

Akron has the best recent record in Ohio, adding 4.1 percent to its job base. Then came Cincinnati and Columbus (2 percent or less).

Here are the job casualties in Ohio by Metropolitan Statistical Area:

Cleveland/Elyria/Mentor: 48,800 manufacturing jobs; Cincinnati/Middletown: 27,100 manufacturing jobs; Dayton: 25,100 manufacturing jobs—one of the worst hit cities; Columbus: 24,700 manufacturing jobs; Toledo: 14,100 manufacturing jobs; Youngstown/Warren: 14,000 manufacturing jobs; Canton/Massillon: 13,200 manufacturing jobs; Akron: 10,100 manufacturing jobs; Springfield: 6,000 manufacturing jobs—the hardest hit city in Ohio; Mansfield: 4,300 manufacturing jobs; Lima: 3,900 manufacturing jobs; Steubenville/Weirton, West Virginia: 3,800 manufacturing jobs; and Sandusky: 3,500 manufacturing jobs.

There you have it.

That's why people in Ohio say the country's headed in the wrong direction.

And why is this happening? Why has Ohio lost more than a quarter of a million manufacturing jobs?

The main reason, according to Auggie Tantillo, executive director of AMTAC, is the Bush administration's failed trade policies and a flood of imported products from China and other low-wage countries.

The U.S. imported $1.37/trillion in manufactured goods in 2007, according to the report.

The U.S. incurred a trade deficit in manufacturing of $499 billion. That is not the hallmark of a strong economy. That is not the characteristic of an independent people.

And Communist China accounted for more than 50 percent of that half-trillion-dollar deficit in manufactured goods.

According to AMTAC, America can't keep running up its 'China credit card' to buy foreign manufactured goods. We need to make things here. We need to be a production economy, not just a finance economy. We have to restart our manufacturing engine.

According to Dr. McMillion, author of the AMTAC report:

> The jobs data tell only one important part of Ohio's past seven year economic story. Yet these record job losses bare strong witness to the depressing effects of record trade deficits and the loss of US production that they represent. Another key part of Ohio's past seven year economic history is the unprecedented levels of household and federal debt stimulus that—even in Ohio—played a vital role in moderating the effects of import competition, outsourcing and job loss. With the soaring engine of household debt now sputtering and debt service payments rising, strong industrial and trade policies seem urgently needed to halt Ohio's further decline."

## AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, today is day 404 of incarceration for two former United States Border Patrol agents. Agents Ramos and Compean were convicted in March of 2006 for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas.

These two decorated Border Patrol agents who were doing their duty to protect the American people from an illegal alien drug smuggler have now served more than a year of their 11- and 12-year prison sentences.

On December 3, 2007, the Fifth United States Circuit Court of Appeals in New Orleans heard oral arguments for the agents' appeal. During the hearing, one of the three judges on the case, Judge E. Grady Jolly, said, "It does seem to me that the government overreacted here. For some reason, this one got out of hand." A ruling on their appeal is now expected any day, and the American people are anxiously awaiting the result.

Many of us in Congress and millions of American citizens feel that the United States Attorney's Office in the Western District of Texas was not justified in indicting these agents.

Nothing can erase the suffering these agents have undergone and the many months they have spent in prison away from their families. However, a judgment in favor of Ramos and Compean in this appeal would be the first act of justice these agents have seen since their arrest.

Madam Speaker, the injustice of this case should not go unexamined. A number of days ago, I hand-delivered a letter to JOHN CONYERS, the chairman of the House Judiciary Committee and a man I greatly respect, to request a hearing on this case. There have been many letters sent to the White House by Members of Congress and the American people calling on the President to pardon these agents. As of this time, the White House has not even responded to any of these calls from the American people. That is why it is critical that Chairman CONYERS hold hearings to examine the injustice. The comments by the appeals judge are justification enough for the House Judiciary Committee to review this case to determine exactly why this case "got out of hand."

Madam Speaker, as the American people eagerly await a ruling by the Fifth Circuit Court of Appeals, my prayers are with the agents and their families. It is my hope that the judge's decision will rectify this gross miscarriage of justice, and faith in our judicial system may be restored.

Madam Speaker, before I close tonight, I would like to say to the families of Agents Ramos and Compean that many of us here in the House of Representatives of both parties have not forgotten this injustice that has befallen your families, and we promise to do our best to see the injustice become a justice for the Compean and Ramos families.

☐ 1945

## TEN AMERICANS SHOWING AMERICA'S BEST FACE FROM THE 10TH DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Madam Speaker, I'd like to talk about 10 Americans showing America's best face from the 10th Congressional district. Today I rise to honor 10 very special individuals from my congressional district who are making a difference for the United States overseas. These "Ten for the Tenth" go beyond dedicating themselves to building a stronger community here, but also show the best face and values of America overseas.

Marillyn Tallman, from Highland Park, has been working for more than 60 years, leading the fight against anti-Semitism. After a trip to the Soviet Union in 1968, Marillyn joined Chicago Action for Soviet Jewry to fight human rights violations against Jews. Since 1972, the Highland Park-based Chicago Action has been a vocal advocate for the third largest Jewish community in the world, sponsoring fact-finding missions, linking synagogues with communities in the former Soviet Union, and pressing for legislative action.

Lori Dillon, from Lake Forest, works closely with Eric Peasah at the Counter Trafficking Center to support the rescued children sold into child labor in Ghana. They have been working to save hundreds of trafficked children. Lori started a pen pal program where children in the Lake Forest community write to rescued children in Ghana offering support. She also started a child trafficking awareness initiative at the Deerpath Middle School and Lake Forest High School where her daughter, Claire, is a sophomore.

Zack Harris, of Glencoe, was a New Trier freshman when he learned about and studied the conflict in Darfur, and he became determined to help. As an 8th-grade student and president of the Central School in Glencoe, he organized a "Dance for Darfur," a fundraiser for the Luol Deng Foundation, which works with the World Food Program in Darfur, to assist in food distribution. The "Dance For Darfur" was the first charity dance ever held at the school, and helped raise awareness, and over $1,000, with over $5,000 more contributed by the community.

Gene Marks, of Northbrook, realized that many Latinos in the 10th Congressional District come from only three villages in Mexico: La Luz, Tonatico, and San Jose. Last year Northbrook purchased a new ambulance for the Fire Department, and instead of scrapping the fully operational older ambulance, Gene contacted my office and arranged with our Latino Advisory Board member, Miguel Arizmendi, to donate this ambulance to Tonatico, Mexico, the first ambulance they will ever have, where it will benefit thousands.

Connie Duckworth, of Lake Forest, after retiring as a partner and the managing director of Goldman Sachs, she founded Arzu to better the lives of Afghan women. This nonprofit group provides sustainable incomes and access to education for many women in Afghanistan by selling homemade rugs here in the United States.

The Fred Outa Foundation in Northbrook, in 2006 Susan Vaickauski of Northbrook and Maryann Gibbs of Gurnee founded this foundation to raise money for a girls school in Kenya. The foundation provides school supplies, food and medicines, all for Fred Outa's school in Kenya.

The International Sharing Ministry in Libertyville was created by Libertyville's St. Joseph's parish in 2005 to build an elementary school for the children of Mailisita in Tanzania. Additionally, the organization is now building a guest house in Moshi to generate revenue for people traveling in the country or climbing Mt. Kilimanjaro. To date, they have raised over $100,000 and built five classrooms already.

Pastor Stackhouse of Waukegan, who from May 2007 to July 2007 led his church members at Sign of the Dove Church in Waukegan and North Chicago to institute a water system and clean rainwater for local residents in Masaka, Uganda. This is notable because his community of South Waukegan and North Chicago is a lower-income community. But they are representing the United States very well overseas.

Wendy Abrams of Highland Park is one of the leaders in the fight against climate change. Wendy developed and implemented Chicago's "Cool Globes" art and public awareness exhibit along the lake front. In conjunction with the city, 123 five-foot-tall globes were designed for artists on environmental themes to raise awareness about reducing our carbon footprint.

The COVE Alliance of Indian Creek, in April 2005 formed a nonprofit organization serving orphaned and vulnerable children in central Uganda. Parishioners are actively involved in fundraising, as well as mission trips to Kapeeka, Uganda.

Finally, an honorable mention to Dr. Wayne Goldstein, who is a doctor to doctors in Sierra Leone. These 10, with an honorable mention, 11 Americans, have led the best face of the United States overseas from my congressional district.

## SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I once again stand before this body with yet another sunset memorial. It is February 25, 2008, in the land of the free and the home of the brave, and before the sun set in America, almost 4,000 more defenseless unborn children were killed by abortion on demand just today. That is more than the number of innocent Americans lost in September 11's tragedy, only it happens every day.

Madam Speaker, it has now been exactly 12,817 days since the travesty called Roe v. Wade was handed down. Since then the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts these children might have brought to humanity are now lost forever.

Yet, even in the full glare of such tragedy, this generation clings to a blind invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims yet to date, those unborn.

Madam Speaker, perhaps it's important for those of us in this Chamber to remind ourselves again of why we are really all here. Thomas Jefferson said: "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty, and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet, Madam Speaker, another day has passed and we in this body have failed again to honor that foundational commitment. We've failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

But perhaps tonight, Madam Speaker, maybe someone who hears this sunset memorial will finally realize that abortion really does kill little babies, and that it hurts mothers in ways that we can never express, and that 12,817 days spent killing nearly 50 million unborn children in America is enough, and that America, that same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered, and that all too soon each one of us will walk from these Chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty, to protect these, the least of our tiny little brothers and sisters, from this murderous scourge called abortion on demand.

It is February 25, 2008, Madam Speaker, 12,817 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children. This in the land of the free and the home of the brave.

## GLANZMANN'S RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Speaker, I rise today to present a resolution promoting awareness of Glanzmann's Thrombasthenia, a little known, yet debilitating disorder that affects numerous Americans every day.

Glanzmann's Thrombasthenia is a genetic blood disorder that is inherited, putting children and young adults at risk. Leading physicians report that Glanzmann's Thrombasthenia presents many symptoms that are often mistaken for other bleeding disorders. This, along with the lack of information on the disorder itself, has caused Glanzmann's to be frequently misdiagnosed. People with Glanzmann's are missing a protein on the surface of the platelet that is vital to the clotting process. People suffering from this disorder have serious problems with uncontrollable bleeding and severe, painful bruising. Their activities can be strictly limited and their lives can be at stake without any warning. Currently there is no cure for this disorder, but research is very promising. The leading researchers in this field firmly believe a cure for Glanzmann's Thrombasthenia can be found through current ongoing research. With proper funding, Glanzmann's could be controllable in the foreseeable future, and some suggest as soon as 10 years from now.

A young constituent of mine who lives in Augusta, Georgia, suffers from Glanzmann's Thrombasthenia. Julia Smith is only 9 years old and every day lives and deals with the realities of her disorder. When Julia was born, she was covered in bruises, but blood tests came back normal. Doctors assured her parents that the bruising was just the result of a difficult delivery. When Julia was 6 weeks old, she got a tiny scratch on her cheek; this small scratch bled enough to cover her entire face in blood and saturate her sheets. After this incident, Julia's mother, Helen, took her to the Medical College of Georgia in Augusta and asked that tests be run to find out what was wrong with her daughter. After countless tests and consultations, the Medical College of Georgia's Children's Medical Center physicians diagnosed Julia with Glanzmann's Thrombasthenia.

Frantic for information that could save her daughter, Mrs. Smith attempted to research the disorder, and was frustrated and disheartened by the lack of available information. She began to put her name and information on internet registries for individuals suffering from other disorders, hoping that someone who had similar symptoms would make contact with her. She found numerous cases of people equally distraught, seeking information for themselves or their loved one who was dealing with the same misdiagnosed disorder. This realization, along with a small contribution from the grandmother of a Glanzmann's sufferer who wanted to donate money to help others, compelled Mrs. Smith to begin the Glanzmann's Research Foundation in 2001. This non-profit foundation is the focal point for information to others in need and the sole source for funding the ongoing research efforts that will lead to a cure. Mrs. Smith is truly a mother on a mission.

Augusta, Georgia, holds a special place in my heart. I graduated from the Medical College of Georgia in Augusta in 1971, and I am proud to have begun my medical career there. I am delighted to represent a city that contains, not only the Glanzmann's Research Foundation, which is quite significant in its own right, but also the preeminent public medical college in the southeast, the Medical College of Georgia.

To promote awareness for Glanzmann's Thrombasthenia, March 1 has been recommended as the day to establish a National Glanzmann's Thrombasthenia Awareness Day. This date was chosen to coincide with the Glanzmann's Research Foundation's annual fundraiser.

## EXPIRATION OF THE PROTECT AMERICA ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from New Mexico (Mrs. WILSON) is recognized for 60 minutes as the designee of the minority leader.

Mrs. WILSON of New Mexico. Madam Speaker, I appreciate the opportunity to talk to folks this evening about something that's critical to our country. Ten days ago a very important law was allowed to expire. It's called the Protect America Act, and it made changes to our foreign intelligence surveillance laws.

We passed the Protect America Act in August of this last year to close a gap in our intelligence collection caused by changes in technology. Unfortunately, that law had a sunset in it. It expired after 6 months.

The Senate passed a bill, a bipartisan bill, overwhelmingly in the Senate, and sent it over to the House. I believe that that bill, if it were brought up on the floor of this House, would pass overwhelmingly here as well. Consideration of that legislation is being blocked by the liberal Democratic leadership in the House of Representatives, and it is putting all of us as Americans at very serious risk.

Ten days. Ten days we've been going without the ability to listen to foreigners in a foreign country without a warrant because the Protect America Act has been allowed to expire.

I wanted to take this opportunity tonight, with some of my colleagues, to explain why this matters, what the foreign intelligence surveillance laws are, why we should care.

Now, I believe that the greatest accomplishment of the last 6 years has been what has not happened. We've not had another terrorist attack on our soil since the morning of 9/11. And they have tried.

The first line of defense against terrorism is good intelligence. The intelligence problem has changed since the Cold War when I served in the military. In the Cold War, our biggest enemy was the Soviet Union, and we had no doubt about where they were. In some ways they were a very convenient enemy. They had exercises from the same barracks every year at the same time using the same ray of lines and the same radio frequencies. They were very easy to find. Had they ever attacked us, they would have been very difficult to defeat; but we know where they were. We know what their capabilities were.

Today, the problem has completely changed. We have terrorist networks that are hiding in the midst of civil society using commercial telecommunications. If we can find out what they're doing, we can stop them and prevent another terrorist attack. It's almost like it's a Where's Waldo problem. You have to find Waldo who's hiding in the midst of regular, everyday confusion. If we can find him, we can stop him. The hard part is the intelligence problem. It is finding him. It's uncovering what their plans and capabilities and intentions are. And so that's why these laws make so much difference.

We need to be able to listen to communications among foreigners in foreign countries, do so very quickly, so that we can act on tips as soon as we get them, and use our great strengths in telecommunications to uncover what our enemies are trying to do and prevent another terrorist attack by then using our law enforcement, our military, our financial networks to shut down and arrest and, in some cases, eliminate these terrorist threats.

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I want to talk a little bit about what the Foreign Intelligence Surveillance Act is for, and then one of my colleagues has joined me here from Oregon, and I will yield to him whenever he is ready to speak.

The Foreign Intelligence Surveillance Act was put in place in 1978. It was as a result of some abuses by the intelligence community where they had been listening to Americans, and it puts in place protections for Americans so that if you are in America and, for foreign intelligence reasons, the government wants to listen to you, they think you are a spy, you have to go to a court and get a warrant. That's the basics of it. But we do not require warrants and we never have under, or it was never intended under the initial law to require warrants to listen to people overseas.

America spies on its enemies. We are trying to figure out what the North Koreans are intending to do, whether they have developed a nuclear weapon, whether they're going to sell that materiel to someone. Likewise, we are trying to figure out what is going on in Venezuela or in Iran or Syria or any hotspot around the world. We seek, through our intelligence agencies, to know the plans and capabilities and intentions of other countries and groups around the world who may harm us. We spy.

The Foreign Intelligence Surveillance Act says that you cannot do that on a U.S. person in the United States without going to a special court set up for that purpose and getting a warrant saying you have probable cause to believe that this American is an agent of a foreign power or this person is in America.

But the problem is technology changed. In 1978, that was the year that I graduated from high school, the telephone was something that was on the wall in the kitchen. The word "Internet" didn't exist. There were no such things as cell phones. I mean, that was Buck Rogers stuff. Technology changed, but the law did not change to keep pace with technology.

Under the original Foreign Intelligence Surveillance Act, they made a distinction among technology. It said, if it bounces over the air, you don't need a warrant no matter where you are listening. That's because at that time almost all international calls bounced over the air over satellites. At the time in 1978, almost all local calls were over a wire. And so the law was written that said if you touch a wire in the United States, you have got to have a warrant. You are presumed to be impacting a U.S. person. So it was technology-specific for that moment in time.

But technology has changed. Today, almost all international traffic goes over a wire or a fiber-optic cable. And in complete reverse from 1978, there are over 2 million cell phones in this country. So a majority now of local calls actually bounce over the air. So we needed to modernize the law so it was no longer technology specific. And what happened over a period of 1 year or 2 was that the Foreign Intelligence Surveillance Court started saying no matter where a person is, if you are trying to listen to somebody in Pakistan, talk to somebody else in Pakistan, you needed to get a warrant if you sought to collect that communication by touching a wire in the United States.

This created havoc with our intelligence collection, particularly with fast-moving terrorist targets, and we were losing access to intelligence information from overseas. You can understand why, because you know it's kind of hard to develop a case for probable cause for somebody who is overseas potentially talking to somebody else overseas. I mean, it is not like you can have the FBI go and talk to their neighbors.

So a problem built that was compromising America's security.

I would be happy to yield to my colleague from Oregon.

Mr. WALDEN of Oregon. I appreciate my colleague's comments. I think you have laid out very clearly the problems that we face, and I couldn't agree more. You know, I will always remember being on these grounds of the United States Capitol on the morning of 9/11, September 11, 2001, and the attacks that occurred on our country, and I will always remember going back to the apartment I lived in at the time, three blocks from the Pentagon, and the smoke from the burning roof of the Pentagon wafted in all day because the air-conditioning was on.

I swore then, and I have kept that pledge and promise, that I would never forget what happened to this country. And like you and many of my colleagues on this floor and in this Congress, we said, How could this happen? What went wrong? What was the failure? How did we miss seeing this coming?

As my colleague from New Mexico knows all too well, because you are on the Intelligence Committee and I'm not, there are lots of investigations. And we said we will never let this happen. We brought in the outside experts, the best people in the land: tactical experts, policy experts. We did reviews, we second-guessed everybody in every position, and we changed the law. We changed the law to protect the lives of Americans and to prevent attack.

It is sad today to be here on this floor 10 days after the Protect America Act has expired and know that the only people who are gleeful about that are probably residing in caves and camps in Pakistan and Afghanistan and who knows where else. They have to be looking at us saying, What fools, and thank you, thank you for opening the door and closing your eyes and your ears to our communications because you won't modernize a law that is anchored back in the 1970s.

Technology, as you have clearly pointed out, has changed. You think about these kids who buy these cell phones that are throw-away. Or if you are on the Internet, how do you know where somebody is or where they're downloading or wherever? Technology has changed; the law hasn't. And the people who seek to do our country and our people and our allies harm, they understand technology. That's one of the lessons we learned coming out of 9/11.

And so many people on both sides of the aisle changed a lot of Federal laws to try to leap forward so that we would be protected, so that our professionals, the intelligence community, would have every tool and asset to make sure it never happened again. How many people on this floor, how many Americans pledged after 9/11 to say we will do whatever it takes to make sure innocent American lives are never taken down by terrorists again? We all said that. I was in briefings on this floor, closed door, open door, where there was that unified feeling that we've just got to get with it. We've got to figure it out.

It's terrible tonight to be here knowing this law has expired and that there is a bipartisan fix. Senator ROCKEFELLER, who chairs the Intelligence Committee in the Senate, wrote the bipartisan measure that passed with 68 votes. More than two-thirds of the United States Senate supported this bipartisan fix that provides Americans more protection than the existing law, or certainly the bill that the House had.

Now, I dare say on some matters Mr. ROCKEFELLER is no friend of President Bush's, as he would probably tell you that. He certainly said it publicly. But he knows in the crafting of this bill that America has got to come first, our intelligence gathering has to come first. There are privacy protections, but we don't close the eyes and ears of our intelligence community listening overseas to see who's plotting to do us harm. That bill, I dare say, if brought to this floor, would pass in a heartbeat. Pass in a heartbeat.

And if I might just quote from a letter to the chairman of the House Permanent Select Committee on Intelligence from both the Attorney General and Admiral McConnell, the Director of National Intelligence, said, among other things, this is a letter dated February 22: Our experience since Congress allowed the Protect America Act to expire without passing the bipartisan Senate bill demonstrates why the Nation is now more vulnerable to terrorist attack and other foreign threats. In our letter to Senator REID on February 5, 2008, we explained that the expiration of the authorities in the Protect America Act would plunge critical intelligence programs into a state of uncertainty which could cause us to delay the gathering of or simply miss critical foreign intelligence information. Underlining for emphasis, they write: That is exactly what has happened since the Protect America Act expired 6 days ago without enactment of the bipartisan Senate bill. We have lost intelligence information this past week as a direct result of the uncertainty created by Congress's failure to act.

Mrs. WILSON of New Mexico. Madam Speaker, one of the things that bothers me about this is that one of the frustrations is that we can't talk about specific instances, but the Director of National Intelligence, Admiral McConnell, has said very clearly, and now publicly, we've lost intelligence.

On one of my visits to one of our intelligence agencies where I was there to oversee a particular program and get briefed on it, but when we started out the briefing, the director of that agency said, Congresswoman, I just want you to get a flavor for our highest priority threads we are following today, and he passed a sheet across the table for me to look at what exactly they were trying to, you know, the tips that they had, the leads that they had that day that they were trying to listen in to disrupt attacks on this country.

It is a very dynamic situation where you get a tip today, do we have 12 terrorists that are transiting Spain, that are coming from Pakistan, where are they going? They picked up cell phones. We think we have the numbers. Can we listen to them before they move to someplace else and before they move to another number? Can we be as fast as they are, because if we are not, the consequences are devastating.

And all of us remember where we were the morning of 9/11. Almost no American remembers where you were the morning that the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow and blowing them up simultaneously over the Atlantic, within 48 hours of killing thousands of Americans who were just flying from Heathrow to JFK or La Guardia. We don't remember it because it didn't happen. And it didn't happen because of the expertise of our intelligence agencies and cooperation with the British and Pakistani Governments. We figured it out before they walked through security at Heathrow, and people didn't die.

I yield to my colleague from Oregon.

Mr. WALDEN of Oregon. Madam Speaker, the thing that strikes me is, before we went out for the President's district work period, this Congress had time to spend a full day trying to figure out whether Roger Clemens was on steroids, used steroids, used human growth enhancement, whatever, and this Congress couldn't take up this law to protect America. And I dare say to my colleague and to my fellow colleagues, that if we were, God forbid, to get attacked again, that every committee will grab jurisdiction around here to do an oversight hearing to find out who failed. They need to pick up a mirror and look in it before it happens and ask that question. Will we fail America's security? Or will we take a bill that passed by two-thirds majority plus 2 in the Senate and put it on this floor today, tomorrow, as soon as possible? There is nothing even scheduled for Thursday of this week, I see. There are no bills scheduled. We have plenty of time. It is available. Why? For the life of me, I don't understand why we take this risk.

Mrs. WILSON of New Mexico. Reclaiming my time, there are a number of things that bother me most about this, but here in this House, I believe that if this bill were brought up for a vote on the floor of the House, it would pass with the same overwhelming bipartisan majority that it passed the Senate and it would be signed by the President, and we would close the gap that is putting Americans at risk.

And we have a small number of people who are liberal Democrats in the elected leadership who are blocking the will of this House. They are preventing this bill from coming to the floor that would pass overwhelmingly if we had the opportunity to vote. And the will of the country is that we fix this problem, and they are standing in the way of the will of the country.

We are joined by my colleague from Georgia (Mr. GINGREY), and I would be happy to yield to him if he would like to join us.

Mr. GINGREY. Madam Speaker, I know that as we go through our time in the Congress, each of us wants to be remembered for some signature accomplishment, and Madam Speaker, I want to commend the gentlewoman from New Mexico. I would say that maybe she's got many signature issues that she brought before the membership of this body, but certainly this issue of intelligence and national security is a signature issue. I commend her for her will and determination in trying to explain to her colleagues on both sides of the aisle an issue that may be somewhat difficult to understand.

There is a lot of arcaneness about this issue when you try to get into the weeds of it. So it's important to have Members like Representative HEATHER WILSON and PETER HOEKSTRA, ranking member on the House Select Committee on Intelligence, to help frame this issue for us.

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But I think it's important to understand, as my neighbor, my colleague and friend from Oregon, Representative WALDEN, just pointed out, the bottom line, when you cut right to the chase, is that last Thursday we left this place and went home for our district work period during the Presidents Day recess without addressing this issue and we took a break. Maybe some Members were even out of the country. I know, Madam Speaker, I stayed in my district the whole time hoping, literally hoping every day that I would get that call to come back to Washington to fix this because, as my colleagues have pointed out, this is just so important to let something like this lapse.

I would like to have our colleague leading the hour, Representative WILSON, maybe explain to the membership here so they can get a better understanding of why we need to modernize this 30-year-old FISA, Foreign Intelligence Surveillance Act, passed in 1978, why it is so important to be able to bring it into the 21st century. And maybe she could explain to our colleagues on both sides of the aisle the importance of data mining, of being able to get the cooperation of telecommunication companies, if she has not already done that, why it is important to get that information and look at patterns of communication so that we can understand what these terrorists and what these foreign intelligence agents are doing, and why it's such a tremendous threat to this country.

I yield back to my colleague. And I will remain here during this hour and hopefully engage her in more colloquy, and with the gentleman from Oregon, but I would like to hear some discussion on that.

Mrs. WILSON of New Mexico. The key change in the Protect America Act, and also in the Senate bill that is now being blocked here on the floor of the House, is to allow American intelligence to listen to foreigners in foreign countries without a warrant, even if the point of access to that communication is a wire here in the United States. That's really the fundamental change. It has very strong privacy protections for Americans. Americans, wherever they may be, whether you're off in Germany on vacation with your family, you're an American, you have protections and rights under our Constitution. Foreigners in foreign countries do not have those rights under our Constitution, and we are seeking to gather information on terrorist targets overseas.

So it's foreigners in foreign countries. And it just has to do with touching a wire in the United States to gather that information. And it says if the point of access happens to be a wire in the United States, that doesn't matter. What matters is you reasonably believe they are a foreigner in a foreign country.

I yield to my colleague from Oregon.

Mr. WALDEN of Oregon. I appreciate that because I think you've summed it up quite well.

And once again, for our colleagues who have just joined us, this is all about a 30-year-old law that needs to be updated, because in the last 30 minutes technology has probably changed on us; but think about what's happened in 30 years: There was no Internet available to the public; there were no cell phones; there might have been a car radio phone or something somebody had somewhere. But we're dealing with highly trained, sophisticated terrorist organizations who show no allegiance to any country or rules or conventions, who have proven their will to use whatever force they can muster to attack innocent civilians in America and elsewhere. And we're now covering the eyes and ears of our intelligence professionals and reducing their ability to try to prevent another attack.

One of the issues that has come up in this debate, of course, is the participation of the private companies. And I would like to share some information from, again, a letter from the United States Attorney General and the National Intelligence Director where they take on this issue. Because you have to remember that all this stuff is networked. The government doesn't control every phone line and every Internet connection and all of that. You have to have a partnership. And I know after 9/11 the intelligence community and the President said, what do we need to do to work together to make sure we don't get attacked again? Are we going to get attacked again? You remember those days right after 9/11, we had the anthrax attack again here at the Capitol they never have solved. People lost their lives around America. We were really concerned, and rightfully so, that we had missed the big one, and it should never happen again. So they involved the telecommunications companies, because you can't do it without them.

Now, the Senate looked at this issue. The Attorney General and the head of National Intelligence wrote back to the chairman of the House Select Committee on Intelligence and said: "Private party assistance is necessary and critical to ensuring that the intelligence community can collect the information needed to protect our country from attack." Pretty strong words.

In its report on S. 2248, that's the Senate bill, the Intelligence Committee stated that, and this is from the Senate Select Committee on Intelligence: "The intelligence community cannot obtain the intelligence it needs without assistance" from electronic communication service providers.

The committee also concluded that "without retroactive immunity, the private sector might be unwilling to cooperate with lawful government requests in the future without unnecessary court involvement and protracted litigation. The possible reduction in intelligence that might result in this delay is simply unacceptable for the safety of our Nation." That's not President Bush and his people saying that. That's the Senate Select Committee on Intelligence, Permanent Select Committee on Intelligence headed by J. ROCKEFELLER, a Democrat from West Virginia.

The letter goes on to say: "Senior intelligence officials also have testified regarding the importance of providing liability protection for such companies for this very reason."

Do you want to do everything in your power in this Congress to safeguard America, not only here at home, but our allies overseas, and probably our men and women whose lives are on the line in the battlefields across the world? Because, you see, they're being threatened by terrorists, too. It is those communications we're trying to also find out where they plan the next car bomb attack. Where do they plan to take down one of our men and women in uniform whom we hold so high? What if their communication happens through the United States? Do we have to spend 72 hours before a court and a judge, and maybe some trial lawyers to boot, to figure out what we can listen in to and how we can act on it?

Mrs. WILSON of New Mexico. If the gentleman will yield.

Mr. WALDEN of Oregon. I will be happy to yield.

Mrs. WILSON of New Mexico. It was actually a situation like that which caused me to say enough is enough, we have to get this fixed. It was last May, and at the time we couldn't talk about it, but it's been talked about publicly since then.

We had soldiers who were kidnapped in Iraq. We had, we thought, a tip on who might have done it. And there was an army of lawyers here in Washington and over a 24-hour delay in listening to communications because they had to touch a wire in the United States. I mean, you think about it, it's your kid, it's your kid that's been kidnapped. All of us are familiar here in America with the AMBER alerts. Speed matters when someone's been kidnapped, and you want to get information out as quickly as possible to try to save somebody. If it was your kid who was in a combat zone who has been kidnapped by insurgents, and we've got a room full of lawyers in Washington trying to get a warrant to listen to the communications of the insurgents that took him? That's not good enough. It's not good enough. And we should expect more of our government than that. And the responsibility for fixing it rests right here in this body.

We've got this odd situation with soldiers overseas in Afghanistan and Iraq and the Philippines in dangerous situations where they've got the authority to shoot an insurgent, but they can't listen to him without a warrant. Where is the sense in that?

Mr. WALDEN of Oregon. You're kidding. Is that actually the case? So they can shoot them, but they can't listen to their cell phone?

Mrs. WILSON of New Mexico. That's right.

I yield to my colleague from Pennsylvania.

Mr. DENT. I thank the gentlelady. And I thank you for your leadership as a member of the Permanent Select Committee on Intelligence. But to just follow up on what you said, if there are two insurgents or two terrorists in Iraq talking to each other by cell phones, what appears to be a wireless communication, one to the other, it's likely that that call will be routed through the United States, hit a wire, and then that would pretty much trigger the Wire Act. And that's what caused the intervention of all the lawyers.

So we're talking about the denial of tactical intelligence to our men and women who are on the ground, soldiers on the ground and marines on the ground not being able to pursue a hot tip or a hot bit of information because of the inadequacy of current law.

Mrs. WILSON of New Mexico. And it's even worse than that. You've got your two cell phones there. If the soldiers were able to intercept between that insurgent's cell phone and the tower that it's going to, that's all fine; you don't need a warrant for that. It's only if it happens to route through the United States and you touch the wire where it's actually easier to listen to it that you need a warrant. So it depends on the point of collection. This is stupid.

I yield back to my colleague from Pennsylvania.

Mr. DENT. I've been following this dialogue very carefully, and I commend you all for your leadership on this, but I want to say something. You know, the American people, I think, they believe that Washington is broken, and they get sick and tired of the mindless partisan bickering. But as has been stated here already, we have a strong bipartisan consensus, veto proof majority in the Senate. Senator ROCKEFELLER, and I won't read his quote just now, but we have people who are prepared to vote for this.

In the House, we have 20 Members who signed the letter, 20 Democratic Members who signed the letter saying they support this bill as it passed the Senate, our friends and our colleagues. We stand ready to work with them in a bipartisan manner to pass this bill.

You know, sometimes I think the Speaker of the House has to take "yes" for an answer. It's time to get the job done. The time for debate is over. It's time to get the job done. And, again, our failure to act on this legislation is tantamount to dereliction of duty. And I think all of us have had enough. Let's get it done. The consensus has been reached. It's time to move forward.

DEAR MADAM SPEAKER: Legislation reforming the Foreign Intelligence Surveillance Act (FISA) is currently being considered by the Senate. Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February.

It is our belief that such legislation should include the following provisions: Require individualized warrants for surveillance of U.S. citizens living or traveling abroad; Clarify that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States; Provide enhanced oversight by Congress of surveillance laws and procedures; Compel compliance by private sector partners; Review by FISA Court of minimization procedures; Targeted immunity for carriers that participated in anti-terrorism surveillance programs.

The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.

It is also critical that we update the FISA laws in a timely manner. To pass a long-term extension of the Protect America Act, as some may suggest, would leave in place a limited, stopgap measure that does not fully address critical surveillance issues. We have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk.

Sincerely,

Leonard L. Boswell, ——, Mike Ross, Bud Cramer, Heath Shuler, Allen Boyd, Dan Boren, Jim Matheson, Lincoln Davis, Tim Holden, Dennis Moore, Earl Pomeroy, Melissa L. Bean, John Barrow, Joe Baca, John Tanner, Jim Cooper, Zachary T. Space, Brad Ellsworth, Charlie Melancon, Christopher P. Carney.

Mrs. WILSON of New Mexico. I yield to the gentleman from Georgia.

Mr. GINGREY. And I appreciate my colleague from Pennsylvania bringing that out. In fact, I will use some of the quotes. And I think this is important that my colleagues understand this, Madam Speaker, because this was a decision that the Democratic leadership made, almost 9 days ago now, to leave this place without reauthorizing and giving that liability protection to the telecommunications industry that is so important and that has made this program work ever since 9/11. This is basically what the majority leader of this House said, and I quote from Representative STENY HOYER: "I don't think anything is going to erode." And that's basically what he said when he left here. But the truth is, and my colleague from Pennsylvania alluded to comments made by the chairman of the Senate Select Committee on Intelligence, J. ROCKEFELLER, the Democrat from West Virginia, and basically he said, clearly, what people have to understand around here that the quality of the intelligence that we are going to be receiving is going to be degraded, it is going to be degraded, it is already going to be degraded. And he said that on the Senate floor on Valentine's Day, 2/14.

Here is what 21 Blue Dog House Democrats said when they wrote a letter to Speaker PELOSI: "We have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law, and we should do so."

And then finally, as we have said here several times tonight, Madam Speaker, Admiral Mike McConnell, the Director of National Intelligence, after all, it was the Democratic majority that wanted a Director of National Intelligence, it was the 9/11 families that wanted a Director of National Intelligence. And here he says to us: "Some have claimed that expiration of the Protect America Act would not significantly affect our operations. Such claims are not supported by the facts. Without the act in place, vital programs would be plunged into uncertainty and delay, and capabilities would continue to decline."

I yield back to my colleague from New Mexico, but it's clear, it's so clear.

Mrs. WILSON of New Mexico. I yield to my colleague from Oregon.

Mr. WALDEN of Oregon. I just want to pick up in the timeline where you left off, because then Attorney General Mike Mukasey and the Director of National Intelligence, Mike McConnell, the admiral you referenced, head of our national intelligence wrote: "Our experience in the past few days, since the expiration of the act, demonstrates that these concerns are neither speculative, nor theoretical. Allowing the act to expire without passing the bipartisan Senate bill has had real and negative consequences for our national security. Indeed, this has led directly to a degraded intelligence capability."

You know, if he testified to that before the 9/11 Commission or any of these commissions that occurred after 9/11, this House and the Senate would have said, my gosh, we've got to make sure we fix that problem. But for some reason, here we are in 2008 and there are some in the leadership who act like we'll just go about our merry way, everything's fine, there won't be a problem. And hopefully there won't be a problem. But, to me, when the Director of National Intelligence says our intelligence capabilities are degraded, we are losing intelligence-gathering abilities, we are at risk, et cetera, et cetera, it is time to act.

FEBRUARY 22, 2008.

Hon. SILVESTRE REYES,
*Chairman, House Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.*

DEAR CHAIRMAN REYES: The President asked us to respond to your letter of February 14, 2008, concerning the urgent need to modernize the Foreign Intelligence Surveillance Act of 1978 (FISA). Your assertion that there is no harm in allowing the temporary authorities provided by the Protect America Act to expire without enacting the Senate's FISA reform bill is inaccurate and based on a number of misunderstandings concerning our intelligence capabilities. We address those misunderstandings below. We hope that you find this letter helpful and that you will reconsider your opposition to the bill passed last week by a strong bipartisan majority in the Senate and, when Congress returns from its recess, support immediately bringing the Senate bill to the floor, where it enjoys the support of a majority of your fellow members. It is critical to our national security that Congress acts as soon as possible to pass the Senate bill.

### INTELLIGENCE COLLECTION

Our experience since Congress allowed the Protect America Act to expire without passing the bipartisan Senate bill demonstrates why the Nation is now more vulnerable to terrorist attack and other foreign threats. In our letter to Senator Reid on February 5, 2008, we explained that: "the expiration of the authorities in the Protect America Act would plunge critical intelligence programs into a state of uncertainty which could cause us to delay the gathering of, or simply miss, critical foreign intelligence information." That is exactly what has happened since the Protect America Act expired six days ago without enactment of the bipartisan Senate bill. We have lost intelligence information this past week as a direct result of the uncertainty created by Congress's failure to act. Because of this uncertainty, some partners have reduced cooperation. In particular, they have delayed or refused compliance with our requests to initiate new surveillances of terrorist and other foreign intelligence targets under existing directives issued pursuant to the Protect America Act. Although most partners intend to cooperate for the time being, they have expressed deep misgivings about doing so in light of the uncertainty and have indicated that they may well cease to cooperate if the uncertainty persists. We are working to mitigate these problems and are hopeful that our efforts will be successful. Nevertheless, the broader uncertainty caused by the Act's expiration will persist unless and until the bipartisan Senate bill is passed. This uncertainty may well continue to cause us to miss information that we otherwise would be collecting.

Thus, although it is correct that we can continue to conduct certain activities authorized by the Protect America Act for a period of one year from the time they were first authorized, the Act's expiration has and may well continue to adversely affect such activities. Any adverse effects will result in a weakening of critical tools necessary to protect the Nation. As we explained in our letter to Senator Reid, expiration would create uncertainty concerning:

The ability to modify certifications and procedures issued under the Protect America Act to reflect operational needs and the implementation of procedures to ensure that agencies are fully integrated protecting the Nation; the continuing validity of liability protection for those who assist us according to the procedures under the Protect America Act; the continuing validity of the judicial mechanism for compelling the assistance of private parties needed to protect our national security; the ability to cover intelligence gaps created by new communication paths or technologies.

Our experience in the past few days since the expiration of the Act demonstrates that these concerns are neither speculative nor theoretical: allowing the Act to expire without passing the bipartisan Senate bill has had real and negative consequences for our national security. Indeed, this has led directly to a degraded intelligence capability.

It is imperative that our intelligence agencies retain the tools they need to collect vital intelligence information. As we have explained before, the core authorities provided by the Protect America Act have helped us to obtain exactly the type of information we need to keep America safe, and it is essential that Congress reauthorize the Act's core authorities while also extending liability protection to those companies who assisted our Nation following the attacks of September 11, 2001. Using the authorities provided in the Protect America Act, we have obtained information about efforts of an individual to become a suicide operative, efforts by terrorists to obtain guns and ammunition, and terrorists transferring money. Other information obtained using the authorities provided by the Protect America Act has led to the disruption of planned terrorist attacks. The bipartisan Senate bill would preserve these core authorities and improve on the Protect America Act in certain critical ways, including by providing liability protection to companies that assisted in defending the country after September 11.

In your letter, you assert that the Intelligence Community's ability to protect the Nation has not been weakened, because the Intelligence Community continues to have the ability to conduct surveillance abroad in accordance with Executive Order 12333. We respectfully disagree. Surveillance conducted under Executive Order 12333 in a manner that does not implicate FISA or the Protect America Act is not always as effective, efficient, or safe for our intelligence professionals as acquisitions conducted under the Protect America Act. And, in any event, surveillance under the Protect America Act served as an essential adjunct to our other intelligence tools. This is particularly true in light of the changes since 1978 in the manner in which communications are transmitted. As a result of these changes, the Government often has been required to obtain a FISA Court order prior to surveillance of foreign terrorists and other national security threats located outside the United States. This hampered our intelligence collection targeting these individuals overseas in a way that Congress never intended, and it is what led to the dangerous intelligence gaps last summer. Congress addressed this issue temporarily by passing the Protect America Act but long-term FISA reform is critical to the national security.

We have provided Congress with examples in which difficulties with collections under the Executive Order resulted in the Intelligence Community missing crucial information. For instance, one of the September 11th hijackers communicated with a known overseas terrorist facility while he was living in the United States. Because that collection was conducted under Executive Order 12333, the Intelligence Community could not identify the domestic end of the communication prior to September 11, 2001, when it could have stopped that attack. The failure to collect such communications was one of the central criticisms of the Congressional Joint Inquiry that looked into intelligence failures associated with the attacks of September 11. The bipartisan bill passed by the Senate would address such flaws in our capabilities that existed before the enactment of the Protect America Act and that are now resurfacing. We have provided Congress with additional and detailed examples of how the Protect America Act temporarily fixed this problem and have demonstrated the operational need to provide a long-term legislative foundation for these authorities by passing the bipartisan Senate bill.

In your letter, you also posit that our intelligence capabilities have not been weakened, because the Government can employ the outdated provisions of FISA as they existed before the Protect America Act. We respectfully disagree. It was that very framework that created dangerous intelligence gaps in the past and that led Congress to pass the Protect America Act last summer.

As we have explained in letters, briefings and hearings, FISA's requirements, unlike those of the Protect America Act and the bipartisan Senate bill, impair our ability to collect information on foreign intelligence targets located overseas. Most importantly, FISA was designed to govern foreign intelligence surveillance of persons in the United States and therefore requires a showing of "probable cause" before such surveillance can begin. This standard makes sense in the context of targeting persons in the United States for surveillance, where the Fourth Amendment itself often requires probable cause and where the civil liberties of Americans are most implicated. But it makes no sense to require a showing of probable cause for surveillance of overseas foreign targets who are not entitled to the Fourth Amendment protections guaranteed by our Constitution. Put simply, imposing this requirement in the context of surveillance of foreign targets located overseas results in the loss of potentially vital intelligence by, for example, delaying intelligence collection and thereby losing some intelligence forever. In addition, the requirement to make such a showing requires us to divert our linguists and analysts covering al-Qa'ida and other foreign threats from their core role—protecting the Nation—to the task of providing detailed facts for FISA Court applications related to surveillance of such foreign targets. Our intelligence professionals need to be able to obtain foreign intelligence from foreign targets with speed and agility. If we revert to a legal framework in which the Intelligence Community needs to make probable cause showings for foreign terrorists and other national security threats located overseas, we are certain to experience more intelligence gaps and miss collecting information.

You imply that the emergency authorization process under FISA is an adequate substitute for the legislative authorities that have lapsed. This assertion reflects a basic misunderstanding about FISA's emergency authorization provisions. Specifically, you assert that the National Security Agency (NSA) or the Federal Bureau of Investigation (FBI) "may begin surveillance immediately" in an emergency situation. FISA requires far more, and it would be illegal to proceed as you suggest. Before surveillance begins the Attorney General must determine that there is probable cause that the target of the surveillance is a foreign power or an agent of a foreign power and that FISA's other requirements are met. As explained above, the process of compiling the facts necessary for such a determination and preparing applications for emergency authorizations takes time and results in delays. Again, it makes no sense to impose this requirement in the context of foreign intelligence surveillance of targets located overseas. Because of the hurdles under FISA's emergency authorization provisions and the requirement to go to the FISA Court within 72 hours, our resource constraints limit our use of emergency authorizations to certain high-priority circumstances and cannot simply be employed for every foreign intelligence target.

It is also inaccurate to state that because Congress has amended FISA several times, there is no need to modernize FISA. This statement runs counter to the very basis for Congress's passage last August of the Protect America Act. It was not until the passage of this Act that Congress amended those provisions of FISA that had become outdated due to the communications revolution we have experienced since 1978. As we explained, those outdated provisions resulted in dangerous intelligence gaps by causing constitutional protections to be extended to foreign terrorists overseas. It is critical that Congress enact long-term FISA modernization to ensure that the Intelligence Community can collect effectively the foreign intelligence information it needs to protect the Nation. The bill passed by the Senate would achieve this goal, while safeguarding the privacy interests of Americans.

### LIABILITY PROTECTION

Your assertion that the failure to provide liability protection for those private-sector firms that helped defend the Nation after the September 11 attacks does not affect our intelligence collection capability is inaccurate and contrary to the experience of intelligence professionals and to the conclusions the Senate Select Committee on Intelligence reached after careful study of the matter. It also ignores that providing liability protection to those companies sued for answering their country's call for assistance in the aftermath of September 11 is simply the right thing to do. Through briefings and documents, we have provided the members of your committee with access to the information that shows that immunity is the fair and just result.

Private party assistance is necessary and critical to ensuring that the Intelligence Community can collect the information needed to protect our country from attack. In its report on S. 2248, the Intelligence Committee stated that "the intelligence community cannot obtain the intelligence it needs without assistance" from electronic communication service providers. The Committee also concluded that "without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation. The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation." Senior intelligence officials also have testified regarding the importance of providing liability protection to such companies for this very reason.

Even prior to the expiration of the Protect America Act, we experienced significant difficulties in working with the private sector because of the continued failure to provide liability protection for such companies. These difficulties have only grown since expiration of the Act without passage of the bipartisan Senate bill, which would provide fair and just liability protection. Exposing the private sector to the continued risk of billion-dollar class action suits for assisting in efforts to defend the country understandably makes the private sector much more reluctant to cooperate. Without their cooperation, our efforts to protect the country cannot succeed.

### PENDING LEGISLATION

Finally, as you note, the House passed a bill in November to amend FISA, but we immediately made clear that the bill is unworkable and unacceptable. Over three months ago, the Administration issued a Statement of Administration Policy (SAP) that stated that the House bill "falls far short of providing the Intelligence Community with the tools it needs to collect effectively the foreign intelligence information vital for the security of the Nation" and that "the Director of National Intelligence and the President's other senior advisers would recommend that the President veto the bill." We adhere to that view today.

The House bill has several grave deficiencies. First, although numerous senior intelligence officials have testified regarding the importance of affording liability protection for companies that assisted the Government in the aftermath of September 11, the House bill does not address the critical issue of *liability protection*. Second, the House bill contains certain provisions and serious technical flaws that would fatally undermine our ability to collect effectively the intelligence needed to protect the Nation. In contrast, the Senate bill deals with the issue of liability protection in a way that is fair and that protects the national security. In addition, the Senate bill is carefully drafted and has been amended to avoid technical flaws similar to the ones in the House bill. We note that the privacy protections for Americans in the Senate bill exceed the protections contained in both the Protect America Act and the House bill.

The Department of Justice and the Intelligence Community are taking the steps we can to try to keep the country safe during this current period of uncertainty. These measures are remedial at best, however, and do not provide the tools our intelligence professionals need to protect the Nation or the certainty needed by our intelligence professionals and our private partners. The Senate passed a strong and balanced bill by an overwhelming and bipartisan margin. That bill would modernize FISA, ensure the future cooperation of the private sector, and guard the civil liberties we value. We hope that you will support giving your fellow members the chance to vote on this bill.

Sincerely,

J.M. MCCONNELL,
*Director of National Intelligence.*

Mrs. WILSON of New Mexico. And one of the things that baffles me is to be able to hear the Director of National Intelligence, Admiral McConnell, say those things, to have very clear testimony both publicly and privately that the problems they predicted are actually taking place, and yet the Democratic leadership in the House is still in a state of denial, just hoping that we don't miss something important.

Now, you kind of wonder, why on Earth are they willing to take this risk? Why are they willing to put the rest of us at risk? And I have difficulty understanding that. And I listened to some of my colleagues on the floor of the House here in the debate last week when one of my Democratic colleagues actually said that he thought that listening to foreigners in foreign countries without a warrant was suspicious and disrespectful.

Mr. WALDEN of Oregon. He said what?

Mrs. WILSON of New Mexico. He said it was suspicious and disrespectful to listen to foreigners in foreign countries without a warrant.

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And I couldn't believe he said it. I just couldn't believe it. As if this is about America being polite to terrorists.

Mr. GINGREY. If the gentlewoman would yield, I would say the ultimate disrespect was 9/11.

Mrs. WILSON of New Mexico. I yield to my colleague from Pennsylvania.

Mr. DENT. Thank you. I'd like to try to answer the question you just raised. Why wouldn't we pass this bill, given the comments by Senator ROCKEFELLER, who said on three separate occasions, as the gentleman from Georgia pointed out, that our intelligence capacities had been degraded? And the Director of Intelligence, Director McConnell, he has made similar statements. So the question is why aren't we dealing with this.

I think the answer is this: that there are people in this body who are prepared to put the special interests ahead of the national interests. And it's quite clear they are protecting the interests of the most litigious members of our society at the expense of the security of the American people. And that is wrong.

And, again, I believe many of us standing here, I know I have tried to work in a bipartisan manner on a number of issues in this Congress. I have reached out on a number of issues from SCHIP to stem cell research to others. We're doing it again today on intelligence, and we are being brushed aside, and I think it's simply disgraceful.

And I also want to read a comment, if I may. The Veterans of Foreign Wars has weighed in on this issue, and their commander, Commander George Lisicki said, "Americans are protected from illegal search and seizures by the fourth amendment, but critical legislation is now being delayed because some would extend these same constitutional protections to those who want to harm America, people who kill without conscience, who represent no country, and who have no agenda other than the total destruction of our country." That's not me. That's from the VFW.

It's been pointed out that Senator ROCKEFELLER, the Democratic Chair of the Senate Intelligence Committee, has said that our intelligence capacities are being degraded. The Attorney General and National Intelligence Director McConnell have said, and I quote, that that is exactly what has happened since the Protect America Act expired 6 days ago without enactment of the bipartisan Senate bill. "We have lost intelligence information this past week as a direct result of the uncertainty created by Congress's failure to act. Because of this uncertainty, some partners have reduced cooperation. In particular, they have delayed or refused compliance with our requests to initiate new surveillance of terrorists and other foreign intelligence targets under existing directives issued pursuant to the Protect America Act."

What they are saying is that those people who were partnering with us, helping us to protect America, are now afraid to do so out of fear of lawsuit. They'll have to be compelled to cooperate. And that's really the tragedy here, in addition to saving American lives.

Mrs. WILSON of New Mexico. One of the things that I think we need to dispel is a couple of myths, and they are myths being promulgated by the Democratic leadership that is blocking the will of the majority in this House from passing this legislation. And one of them is that, oh, well, we can start emergency surveillance, emergency wiretaps in a matter of minutes. It's really just not that big a deal, when, in fact, that's not true.

The requirement under the existing law is that the Attorney General can start a wiretap without going to the court in an emergency, but he has to stand in the shoes of the court. He has to certify that all the elements of probable cause to get a warrant are already there. So all of the material that would be presented to the court has to be completely worked up. And we found in the real world when it really mattered, we had three soldiers that were kidnapped in Iraq, it took over 24 hours to gather the information, build the case for probable cause. And some of my colleagues said, well, you know, you should have just gone ahead and done it and we would have just taken care of it after the fact. We had testimony in front of the Intelligence Committee where the chairman actually said that. And I looked at the young man who was there who was a member of the intelligence community, and I said, Is it true that initiating a wiretap without authority is a felony?

And he said, Yes, ma'am, it is.

I said, Would you be willing to risk a felony, hoping that this body would somehow cut you some slack or the prosecutor wouldn't go after you?

And he said, I'm an officer of the court. I'm a lawyer. I can't knowingly commit a felony. I can't do that.

Mr. DENT. Madam Speaker, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to my colleague from Pennsylvania.

Mr. DENT. Along those very same lines about protecting our intelligence agents and our counterterrorism officials, it's my understanding that because of this legalistic approach to intelligence gathering, this approach to national security, that has forced intelligence officers to take out liability insurance for fear of investigations or prosecutions for taking the kinds of liberties that someone suggested they take but knowing they are committing a felony. Is that your understanding too, that these intelligence officials are actually having to take out liability insurance to protect themselves not from al Qaeda, not from the enemy, but from prosecution or congressional inquiry?

Mrs. WILSON of New Mexico. The sad thing in this city is that we have people taking tremendous risks on our behalf under complete orders to do so, that we're certified, we're lawful and everything else, and they are so afraid of the kind of after-the-fact inquiries that this body can levy on them that they have taken out liability insurance so that they are not bankrupted by the actions of this Congress.

I yield to my colleague from Oregon.

Mr. WALDEN of Oregon. You raised an interesting point about this sort of smoke-and-mirrors argument of how quickly the FISA Court can act on a surveillance order. The Speaker of the House, Ms. PELOSI, was quoted as saying in a statement on FISA negotiations on February 22, "The FISA Court can approve surveillance orders quickly." But I think what I learned tonight from you is that while that may be the case, they don't get that request until somebody's built up the whole probable cause work; right?

Mrs. WILSON of New Mexico. If my colleague would think about that for a second, you've got a tip. Most people know that a lot of big cities have gang units. Put this in this context. You got a tip that somebody may be a terrorist overseas, but really all you have is maybe a name and maybe a phone number. That's not enough to get probable cause for a warrant. So you've got to be able to amass why is it that you think this is the person. What relationships do they have? You have to build up this whole case. And unlike something in America where it would be the gang unit in the Albuquerque Police Department or the Washington Police Department, we're talking about people in foreign countries. It's not as though you can send the FBI out to talk to their neighbors to build a case for probable cause to get a warrant to believe that this person is affiliated with a terrorist organization. So in many cases you cannot even reach that standard to get a wiretap in an emergency situation because the probable cause standard was set up to protect Americans who have rights under our Constitution with respect to law enforcement investigations. This is applying a whole body of law to something it was never really intended to be applied to.

Mr. GINGREY. Madam Speaker, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to my colleague from Georgia.

Mr. GINGREY. I appreciate so much the gentlewoman's yielding.

Madam Speaker, I think one of the most important aspects of this hour, and I know we are running short on time and I want to yield back to the gentlewoman from New Mexico, but one of the most important things for people to understand, Members of this body on both sides of the aisle, is the telecommunications companies voluntarily but yet under the law, under the PATRIOT Act, were required to provide information of their records, their phone records, under the threat of criminal and civil penalties from our own Justice Department. So that's why it's so important that they have retroactive immunity in regard to this issue. And these records are so important, and I will quickly say this, what people are doing today that's part of the modernization, they are not using hard lines. My colleague from Pennsylvania held up those two cell phones. They're buying these throw-away $49.95 cell phones and burn cards, and the only way you can develop a pattern is if our intelligence experts have access to the records of the telecommunications companies so they can look at it and develop a pattern. So that's why that's so important.

Mrs. WILSON of New Mexico. I yield to my colleague from Oregon.

Mr. WALDEN of Oregon. I think, though, it's important for us, too, to talk about the safeguards for American citizens on American soil because I hear that when I go home: Are they listening in when I call my aunt or somebody across the street? This warrantless wire eavesdropping. Can you speak to that, about the protections that are still there and, in fact, strengthened under the Senate version?

Mrs. WILSON of New Mexico. In fact, the Senate bill for privacy protections for Americans are stronger than the Protect America Act and stronger than current law under the Foreign Intelligence Surveillance Act because the Foreign Intelligence Surveillance Act really focused on technology. It was technology specific and assumed that things that were on a wire were local calls in the United States. Well, we have said that's changed. The bill that we want to bring up and pass in the House has very strict protections for Americans wherever they are and for anyone reasonably believed to be in the United States.

Now, there are some folks who think if somebody's not a citizen or if they are here in the country illegally, you should be able to listen to them. This bill doesn't even authorize that. It has very strict protections for Americans in the United States or for Americans wherever they happen to be.

Now, we collect intelligence. We spy overseas. When I was an officer stationed overseas, one of my jobs at one post was to negotiate with the Soviets back when the Soviets existed. We knew who the KGB guy was in their delegation. If we happened to intercept his report back to Moscow and it mentioned me, there were already procedures in place to mask or so-called minimize the existence of an American that we may have picked up intelligence overseas. This law actually strengthens that. The bipartisan bill that we'd like to see passed here strengthens it even further so that if I am an American businessperson living in Germany, they'd have to actually get a warrant to listen to me in Germany, which is a stronger protection than we have ever had before.

I yield to my colleague from Pennsylvania.

Mr. DENT. I thank the gentlewoman from New Mexico for yielding.

And to follow up on your very valid point about how this law does provide protection for American citizens, in the letter that was signed by about 20 of our Democratic House colleagues in support of the Protect America Act, and the legislation that we'd all like to have considered, they have said that this legislation should include the following provisions:

First, require individualized warrants for surveillance of U.S. citizens living or traveling abroad. So there is protection in there for American citizens who are living or traveling abroad.

It clarifies that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States.

It provides enhanced oversight by Congress of surveillance laws and procedures; compels compliance by private-sector partners; review by the FISA Court of minimization procedures that I believe you have just alluded to; and targeted immunity for carriers that participated in antiterrorist surveillance programs.

So I think that there are plenty of protections in place stronger than current law. And I think there is one other issue that needs to be addressed here and now, immediately. Some have suggested, that I think they have irresponsibly suggested, that the PAA's, Protect America Act's, existing certifications will cover all potentially needed surveillance, and I think it's quite clear that in the event that it expired, which it has, it's unclear whether a court would find any directives under the PAA enforceable once the act expires. And it's my understanding too, if a previously unknown group were to attack or kidnap American soldiers after the act expires, it would not be covered under the certifications of the Protect America Act. And I think we should talk about that.

And there is another thing that I think we have to be concerned about too is that I guess within 48 hours after the act expired, around February 14, there were at least a few incidents that occurred around the world where we have seen threats from radical jihadists or radical extremists. In Denmark 2 days after February 14, we saw three jihadists that were arrested in a plot to murder a cartoonist for drawing an editorial cartoon years ago that they found objectionable. We've all heard about that case. In the Philippines it's my understanding that there were two jihadists associated with al Qaeda who were said to be plotting the assassination of the Filipino President and bombing western embassies. And, of course, there were repeated threats against Israel that we have all heard about, including one from Mr. Nasralla, the chief of Hezbollah, who raised a prospect of a war with Israel. He even said, "Zionists, if you want this kind of open war, let the whole world listen. Let this war be open." And this was all said within 48 hours after the expiration, I believe, of the act.

Mrs. WILSON of New Mexico. Madam Speaker, we have been joined by my colleague from Texas, who is one of the few Members of this House who has direct experience in working with the Foreign Intelligence Surveillance Act when he worked for the Justice Department.

I would be happy to yield to him.

Mr. McCAUL of Texas. I thank the gentlewoman from New Mexico for your great leadership on this very important issue and for having this debate tonight.

I think we are denying democracy its voice by not allowing the Members who represent the American people the opportunity to vote on the Protect America Act and to make that act permanent.

As the gentlewoman mentioned, I do have experience in the Justice Department in this area. I applied for FISA warrants while I was there. This statute was never intended to apply to overseas intelligence. It was solely intended to apply to agents of a foreign power who were in the United States.

This is a very dangerous game, and it's probably the most important debate that I've seen since I have been elected to the Congress. By allowing the Protect America Act to expire, by walking away from this Chamber 10 days ago and doing nothing about that, we see what the consequences are. We have heard the letters from the Director of Intelligence, from the Attorney General, and the failure now to be able to capture critical intelligence overseas.

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In fact, some estimates are as high as 66 percent. In other words, we are going dark now in parts of the world where we should be paying attention. This is a dangerous game of politics; in my view it is partisan politics at its worst.

We are literally putting Americans at risk. The most solemn obligation we have as Members of Congress is to protect the American people. And there is a reason why since September 11 we haven't seen a September 11.

Intelligence is the best weapon we have, as the gentlewoman has mentioned, in this war on terror. And the idea that somehow when American soldiers are kidnapped in Iraq overseas by al Qaeda and yet we are denied the opportunity to listen in because we have to get lawyered up, and we have to go through the FISA Court to get that emergency warrant, and in the meantime one soldier is killed and two we have not heard from since, really saddens my heart as an American. And I believe, as the gentleman from Pennsylvania said, we are derelict in our responsibilities.

I want to share with the gentlewoman an editorial, an op-ed that I wrote with Admiral Bobby Inman. Why is Admiral Inman important? He was the Director of National Intelligence, the Deputy Director of the CIA under both Democrat and Republican administrations. Admiral Inman was one of the principal authors of the FISA statute. And in this editorial he says, to apply FISA to monitoring foreign communications, a suspected terrorist operating overseas such as Osama bin Laden and other key al Qaeda leaders, turns the original intent of FISA on its head. Turns the original intent of FISA on its head.

That is what a few key leaders on the other side of the aisle have done. By not allowing us to vote, they know that it would pass. It passed overwhelmingly in the Senate in a bipartisan way. And he goes on to say, contrary to some of the rhetoric coming from the Democrats, it is the members of al Qaeda, not American citizens, who are the target of these intelligence-gathering activities.

I submit the question, don't you think that most Americans want us to be listening to what al Qaeda is saying overseas? Don't you think most Americans want to hear the conversations that we know they are having, because this is a long-term struggle, and we know that they are planning to attack us again? Don't the American people want us to be listening to that? And yet by failing to make this Protect America Act permanent, we are denying that opportunity.

If I can just by saying that if, God forbid, something happens between now and the time we can finally get this body together to pass this act, and American blood is spilled, that blood will be on the hands of all Members of Congress. We need to get this act passed.

Mrs. WILSON of New Mexico. I yield to my colleague from Pennsylvania.

Mr. DENT. The gentleman from Texas made a very eloquent point. It is well stated. His op-ed is worth reading. I would recommend anybody to read this. It states all the points.

But to follow up, we did have an incident in this country where there were two suspected terrorists in the United States, and in August of 2001, I believe this was written about in the 9/11 Commission Report, there were two suspected terrorists, and I know there was an individual whose name I can't recall at the moment, but I believe he was in the counterterrorism division of the FBI who was very concerned about two individuals who he thought were in this country, and he wanted a nationwide manhunt.

And he had written a memo in August of 2001 saying, some day someone is going to care about this, that all the protections are being provided to al Qaeda and bin Laden at the expense of the security of the American people. Those two people he was concerned about were the two who crashed the plane into the Pentagon on September 11. I believe it was sometime in the afternoon of September 11 he received his request to go engage in that nationwide manhunt for those two individuals. So this is a very real issue.

And I think we should try to conclude this program in the way it began, in talking about the need for bipartisanship, particularly when it comes to national security issues. And it can't be stated enough that our friends on the other side of the aisle in the Senate and many in this House are waiting to vote for this bill. We just want to have the opportunity. As I said earlier, I think it is almost tantamount to a dereliction of duty that the Speaker has not allowed a vote on this issue.

Sometimes, we have to take "yes" for an answer. We have the solution. It is in our reach. It is time to get the job done. And maybe if we do that, the American people will look more favorably upon Congress.

Mrs. WILSON of New Mexico. We are very close to the time being up in the hour that we have had this evening. But I think it is important to summarize some of the things we have talked about here tonight.

The Foreign Intelligence Surveillance Act was intended to protect the civil liberties of Americans while also allowing our intelligence agencies to collect the intelligence information that can protect us. That is all it was intended to do. But it has become outdated because of changes in technology.

We have a bill that has been passed in the Senate by 68 votes. There has been a letter from 20 Democrats to their own leadership saying, please, take up this bill because we want to vote for it. We all know here that if we were allowed to vote on this bill, it would pass overwhelmingly in the House, and the President has already said that he would sign it. Instead, we are here tonight, 10 days after a law expired, that our Director of National Intelligence, Admiral Mike McConnell, has said has already degraded our ability to gather intelligence on the people who are trying to kill Americans. I think that is inexcusable.

I think we made a decision as a country on the morning of 9/11. We made a decision that we were going to go on offense. We were going to play away games because the home games cost too much.

I want the leaders of al Qaeda hiding in a hole in the mountains between Pakistan and Afghanistan wondering whether they can use their cell phones without being detected by American Special Forces, rather than Americans using their cell phones to call home one last time. That is the difference.

As my colleagues from Texas and Pennsylvania said, God forbid, God forbid that we have to have another 9/11 Commission, that we have another terrorist attack. I believe that the greatest accomplishment of the last 6 years has been what has not happened. There has not been another terrorist attack on our soil, and they have tried. Our first line of defense in preventing another terrorist attack is good intelligence. And because this law expired 10 days ago, we are tying the hands of the intelligence agencies who are sworn to protect us. We are making it harder for them. We are making them jump through hoops that in some cases are too high and taking tremendous risks for the American people. Why? Because a minority of Democrats, including their leadership, refuse to allow a bipartisan bill to be brought up on the floor of this House. Shame on them. Shame on them for not putting the security of this country first.

If we have that other commission after another terrorist attack, they are going to be saying, why didn't you protect us? What you are seeing tonight is why. You can't connect the dots unless you can collect the dots in the first place. This is about allowing our intelligence agencies to collect the dots that can protect us.

I would urge the Democratic leadership, as my colleague from Pennsylvania said, to take "yes" for an answer, to fix this problem, to close this gap this week. We have nine suspensions on the floor. We are naming post offices tomorrow. Pull it up tomorrow. And I will stand here shoulder to shoulder with them on the floor of this House, we will overwhelmingly pass it, and we can walk down to the White House tomorrow afternoon so that the President can sign it and protect this country.

I yield the balance of our time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Mr. HOYER) for today.

Mr. EDWARDS (at the request of Mr. HOYER) for today on account of death in the family.

Mr. ELLISON (at the request of Mr. HOYER) for today on account of official business.

Mr. RUPPERSBERGER (at the request of Mr. HOYER) for today on account of medical reasons.

Mr. SHERMAN (at the request of Mr. HOYER) for today.

Ms. WOOLSEY (at the request of Mr. HOYER) for today and for the balance of the week on account of medical reasons.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of a family commitment.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. KIRK) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and February 26, 27, and 28.

Mr. JONES of North Carolina, for 5 minutes, today and February 26, 27, and 28.

Mr. KIRK, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today and February 26, 27, and 28.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, February 28.

## ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10:30 a.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 8 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 26, 2008, at 10:30 a.m., for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5440. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting notice of the completion of a public-private competition at the Defense Logistics Agency, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

5441. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, Department of Defense, transmitting notice of a public-private competition of the Commander of Headquarters Air Combat Command (HQ ACC), 57th Maintenance Group, Nellis Air Force Base, Nevada, pursuant to 10 U.S.C. 2462; to the Committee on Armed Services.

5442. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of December 31, 2007, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

5443. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5444. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Certification of the Fiscal Year 2008 Total Non-Dedicated Local Source Revenues in Support of the District's $333,840,000 General Obligation Bonds (2007C)," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

5445. A letter from the Secretary, Department of Education, transmitting the Department's 2007 Annual Report on Grants Streamlining, pursuant to Public Law 106-107, section 5; to the Committee on Oversight and Government Reform.

5446. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5447. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5448. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5449. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5450. A letter from the Secretary, Mississippi River Commission, Department of the Army, Department of the Army, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

5451. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting the Department's Annual Report on grants streamlining and standardization, covering the period from September 2006 to November 2007, pursuant to Public Law 106-107, section 5; to the Committee on Oversight and Government Reform.

5452. A letter from the Acting Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting a report on the Administration's category rating system covering the period from November 2006 through November 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

5453. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

5454. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for Astragalus magdalenae var. peirsonii (Peirson's Milk-Vetch) [[FWS-R8-ES-2008-0019] [92210-117-0000-B4]] (RIN: 1018-AU98) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5455. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Berberis nevinii (Nevin's barberry) [[FWS-R8-ES-2008-0011][92210-1117-0000-B4]] (RIN: 1018-AU84) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5456. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as "foreign terrorist organization" pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

5457. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Buzzards Bay, Massachusetts; Navigable Waterways within the First Coast Guard District [CGD01-04-133] (RIN: 1625-AB17) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5458. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Milhomme Bayou, Stephensville, LA. [Docket No. USCG-2007-0146] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5459. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chelsea River, Chelsea and East Boston, MA [USCG-2007-186] received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5460. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Mile 131.8, Clearwater, FL [Docket No. CGD07-07-107] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5461. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Model 400A Series Airplanes [Docket No. FAA-2007-28883; Directorate Identifier 2007-NM-106-AD; Amendment 39-15267; AD 2007-24-01] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5462. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation AE 3007A and AE 3007C Series Turbofan Engines [Docket No. FAA-2007-26966; Directorate Identifier 99-NE-01-AD; Amendment 39-15271; AD 2007-24-05] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5463. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Model SR22 Airplanes [Docket No. FAA-2007-0250; Directorate Identifier 2007-CE-091-AD; Amendment 39-15279; AD 2007-24-13] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5464. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Model HC-E5N-3(), HC-E5N-3()(L), and HC-E5B-5() Propellers [Docket No. FAA-2007-28656; Directorate Identifier 2007-NE-31-AD; Amendment 39-15280; AD 2007-24-14] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5465. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE GMBH & CO KG Models G102 CLUB ASTIR III, G102 CLUB ASTIR IIIb, and G102 STANDARD ASTIR III Gliders [Docket No. FAA-2007-28670 Directorate Identifier 2007-CE-060-AD; Amendment 39-15277; AD 2007-24-11] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5466. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Societe de Motorisations Aeronautiques (SMA) SR305-230 and SR305-230-1 Reciprocating Engines [Docket No. FAA-2006-26102; Directorate Identifier 2006-NE-36-AD; Amendment 39-15272; AD 2007-24-06] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5467. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2S1 and 2S2 Turboshaft Engines [Docket No. FAA-2007-28125; Directorate Identifier 2007-NE-17-AD; Amendment 39-15276; AD 2007-24-10] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5468. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 768-60, 772-60, and 772B-60 Turbofan Engines [Docket No. FAA-2006-26052; Directorate Identifier 2006-NE-30-AD; Amendment 39-15275; AD 2007-24-09] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5469. A letter from the Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Qualifying Advanced Coal Project--Special Allocation Round [Notice 2008-26] received February 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5470. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 C.F.R. 702.9037-2T: Payments from the Presidential Primary Matching Payment Account (temporary). (Rev. Proc. 2008-15) received February 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5471. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Payments from the Presidential Primary Matching Payment Account [TD 9382] (RIN: 1545-BH41) received February 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5472. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — TIPRA Amendments to Section 199 [TD 9381] (RIN: 1545-BF79) received February 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5473. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's notification of the intention to obligate FY 2008 funds under the Cooperative Threat Reduction Program, pursuant to Public Law 104-106, section 1205; jointly to the Committees on Armed Services and Foreign Affairs.

5474. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the January 2008 Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) as amended by Pub. L. 108-375, Pub. L. 109-102, Pub. L. 109-364, Pub. L. 109-440, and Pub. L. 110-28; jointly to the Committees on Foreign Affairs and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANGEL: Committee on Ways and Means. H.R. 5264. A bill to extend certain trade preference programs, and for other purposes; with amendments (Rept. 110-529). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

*[The following action occurred on February 22, 2008]*

Pursuant to clause 2 of rule XII, the Committees on Energy and Commerce and the Judiciary discharged from further consideration. H.R. 275 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GUTIERREZ (for himself, Mr. BACHUS, Mr. FRANK of Massachusetts, and Mr. PAUL):

H.R. 5478. A bill to provide for the continued minting and issuance of certain $1 coins in 2008; to the Committee on Financial Services. considered and passed.

By Mr. EHLERS (for himself, Mr. WALBERG, Mr. UPTON, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Mr. LEVIN, Mr. DINGELL, Mr. ROGERS of Michigan, Mr. CAMP of Michigan, Mr. KILDEE, Ms. KILPATRICK, Mr. MCCOTTER, Mr. STUPAK, Mr. KNOLLENBERG, and Mr. CONYERS):

H.R. 5479. A bill to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. HOYER (for himself and Mr. BOEHNER) (both by request):

H.R. 5480. A bill to respond to a Medicare funding warning; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 5481. A bill to provide an additional 0.5 percent increase in the rates of military basic pay for members of the uniformed services above the pay increase proposed by the Department of Defense so as to ensure at least a minimum pay increase of 3.9 percent for members and to further narrow the pay gap that exists between the military and private sector pay scales; to the Committee on Armed Services.

By Mr. BROWN of South Carolina:

H.R. 5482. A bill to extend the duty suspension on Allyl isosulfocynate; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia:

H.R. 5483. A bill to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the "Private First Class David H. Sharrett II Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts:

H.R. 5484. A bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes real property tax abatements for seniors and disabled individuals in exchange for services; to the Committee on Ways and Means.

By Mr. MILLER of North Carolina:

H.R. 5485. A bill to establish a program to evaluate HIV/AIDS programs in order to improve accountability, increase transparency, and ensure the delivery of evidence-based services; to the Committee on Foreign Affairs.

By Mr. ROGERS of Alabama (for himself and Mr. ADERHOLT):

H.R. 5486. A bill to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama; to the Committee on Natural Resources.

By Ms. LORETTA SANCHEZ of California (for herself and Ms. CLARKE):

H.R. 5487. A bill to establish the Affordable Homeownership Preservation Fund of the Neighborhood Reinvestment Corporation; to the Committee on Financial Services.

By Ms. GRANGER (for herself, Mr. KENNEDY, and Mr. WYNN):

H. Con. Res. 302. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOYLE (for himself and Mr. SMITH of New Jersey):

H. Con. Res. 303. Concurrent resolution recognizing the importance of autism awareness, supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. BURGESS, Mr. BOUSTANY, Mr. PRICE of Georgia, Mr. PAUL, Mr. WESTMORELAND, Mr. SNYDER, Mr. LINDER, Mr. GINGREY, Mrs. CHRISTENSEN, Mr. DEAL of Georgia, and Mr. KAGEN):

H. Res. 994. A resolution expressing support for designation of a National Glanzmann's Thrombasthenia Awareness Day; to the Committee on Oversight and Government Reform.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. SIRES, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, Mr. FORTUÑO, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. KLEIN of Florida, Mr. ENGEL, Mr. MICA, Mr. WEXLER, Mr. LOBIONDO, Mr. KINGSTON, Mr. HASTINGS of Florida, Mr. SAM JOHNSON of Texas, Mr. CHABOT, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. BROUN of Georgia, Mr. GARRETT of New Jersey, Mr. TIM MURPHY of Pennsylvania, Mr. BUCHANAN, Ms. CORRINE BROWN of Florida, and Mr. BOYD of Florida):

H. Res. 995. A resolution commemorating the 12th anniversary of the 1996 shooting down of 2 unarmed Brothers to the Rescue civilian aircraft, licensed by the United States, by the Cuban regime; to the Committee on Foreign Affairs.

By Mrs. JONES of Ohio (for herself, Mr. TIBERI, Mr. BECERRA, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. DAVIS of Illinois, Mr. ENGLISH of Pennsylvania, Mr. HINOJOSA, Mr. SAM JOHNSON of Texas, Mr. MCNULTY, Ms. MOORE of Wisconsin, Mr. PAYNE, Mr. RANGEL, Ms. SUTTON, Mrs. BIGGERT, Mr. BLUMENAUER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. EMANUEL, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCOTTER, Mr. MEEK of Florida, Ms. NORTON, Mr. POMEROY, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. JEFFERSON, and Mr. COOPER):

H. Res. 996. A resolution expressing support for the second annual America Saves Week 2008 from February 24, 2008 through March 2, 2008; to the Committee on Financial Services.

By Mr. WEXLER (for himself, Mr. GALLEGLY, and Ms. SCHWARTZ):

H. Res. 997. A resolution expressing the strong support of the House of Representatives for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine; to the Committee on Foreign Affairs.

## ADDITIONAL SPONSORS

**Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:**

H.R. 136: Mr. LAMPSON.

H.R. 303: Ms. SLAUGHTER.

H.R. 333: Mr. SCOTT of Georgia, Mr. PATRICK MURPHY of Pennsylvania, Mr. FARR, and Mr. MICA.

H.R. 351: Mr. GRIJALVA.

H.R. 583: Mrs. MYRICK.

H.R. 636: Mr. CAMP of Michigan.

H.R. 643: Mr. ROSS.

H.R. 661: Mr. TOWNS.

H.R. 685: Mr. GONZALEZ.

H.R. 687: Mr. MCDERMOTT.

H.R. 697: Mrs. WILSON of New Mexico and Mr. BROUN of Georgia.

H.R. 758: Ms. HERSETH SANDLIN, Ms. CLARKE, Mr. BECERRA, Ms. WATSON, Mr. BUTTERFIELD, Mr. WELCH of Vermont, and Ms. SUTTON.

H.R. 849: Mr. LAMPSON.

H.R. 850: Mr. LAMPSON.

H.R. 938: Mr. BROUN of Georgia.

H.R. 1014: Ms. TSONGAS.

H.R. 1043: Mr. SIRES.

H.R. 1078: Mr. LOBIONDO.

H.R. 1110: Mr. HALL of Texas.

H.R. 1245: Mr. SAXTON.

H.R. 1342: Mr. BROUN of Georgia.

H.R. 1359: Mr. CANNON.

H.R. 1436: Mr. FORTUÑO and Mr. ENGLISH of Pennsylvania.

H.R. 1439: Mr. BERRY and Mr. SALI.

H.R. 1518: Mr. TOWNS.

H.R. 1541: Mr. GORDON.

H.R. 1586: Mr. BROUN of Georgia.

H.R. 1621: Mr. PLATTS, Mrs. MALONEY of New York, and Mr. MARKEY.

H.R. 1653: Ms. SCHWARTZ.

H.R. 1738: Ms. BALDWIN.

H.R. 1783: Ms. DEGETTE, Mr. GUTIERREZ, and Mr. GONZALEZ.

H.R. 1926: Mr. CLAY.

H.R. 1937: Mr. SALI and Mrs. MUSGRAVE.

H.R. 1983: Mr. HOLT.

H.R. 2020: Mr. BOSWELL and Mr. ROSS.

H.R. 2040: Mr. ALTMIRE, Mr. CRAMER, Mr. ANDREWS, Mrs. BOYDA of Kansas, Mrs. TAUSCHER, Ms. BERKLEY, Mr. MCGOVERN, Mr. KILDEE, Mr. RANGEL, Mr. LEVIN, Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, Mr. LANGEVIN, Mr. HODES, Mr. BECERRA, Ms. HOOLEY, Mr. BRALEY of Iowa, Mr. FARR, Mr. SKELTON, Mr. KAGEN, Mr. BAIRD, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. MCNERNEY, Mr. OLVER, Mrs. CAPPS, Ms. SOLIS, Mr. BISHOP of New York, Mr. LARSON of Connecticut, Mr. RODRIGUEZ, and Mr. VAN HOLLEN.

H.R. 2188: Mr. RENZI.

H.R. 2189: Mr. WEINER.

H.R. 2193: Mr. COHEN.

H.R. 2221: Ms. MCCOLLUM of Minnesota.

H.R. 2493: Mr. PLATTS.

H.R. 2578: Ms. DELAURO and Mrs. CAPITO.

H.R. 2588: Mr. PAUL and Mr. BARTLETT of Maryland.

H.R. 2676: Mr. RAHALL.

H.R. 2702: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2712: Mr. FRANKS of Arizona.

H.R. 2802: Mr. CARDOZA.

H.R. 2812: Mr. PAUL.

H.R. 2933: Mrs. EMERSON.

H.R. 2991: Mr. HALL of New York and Mr. PERLMUTTER.

H.R. 3036: Mr. ETHERIDGE.

H.R. 3080: Mr. SHAYS.

H.R. 3088: Mr. BURTON of Indiana and Mr. ENGLISH of Pennsylvania.

H.R. 3114 Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mr. BOSWELL, Mr. MICHAUD, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. BERMAN, Mr. HARE, and Mr. YARMUTH.

H.R. 3197: Mr. SIRES, Mr. TOWNS, and Mr. MEEKS of New York.

H.R. 3212: Mr. DELAHUNT.

H.R. 3219: Mr. TOWNS.

H.R. 3327: Mr. TOWNS.

H.R. 3404: Ms. SCHWARTZ.

H.R. 3429: Mr. GORDON.

H.R. 3457: Mr. FARR.

H.R. 3533: Mr. STARK, Mr. ELLSWORTH, and Mr. ALEXANDER.

H.R. 3543: Mr. KUCINICH.

H.R. 3652: Mr. HARE, Mr. LIPINSKI, Ms. MCCOLLUM of Minnesota, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. HIGGINS, and Mr. HILL.

H.R. 3689: Mr. VAN HOLLEN and Mr. YARMUTH.

H.R. 3748: Mr. GORDON of Tennessee.

H.R. 3750: Mr. RYAN of Ohio.

H.R. 3797: Mr. LARSON of Connecticut, Mr. HINOJOSA, Ms. LINDA T. SÁNCHEZ of California, and Mr. WU.

H.R. 3819: Mr. LOBIONDO and Mr. BOUCHER.

H.R. 3852: Mr. WILSON of Ohio and Mr. ALEXANDER.

H.R. 3865: Ms. WOOLSEY and Mrs. BOYDA of Kansas.

H.R. 3934: Mr. NUNES, Mr. TERRY, and Mr. JOHNSON of Georgia.

H.R. 4044: Mr. MILLER of Florida.

H.R. 4054: Mr. SCOTT of Virginia and Mr. HODES.

H.R. 4088: Mr. KLEIN of Florida.

H.R. 4089: Mr. FRANK of Massachusetts, Mr. FARR, Mr. BRALEY of Iowa, and Mr. DOYLE.

H.R. 4102: Mr. RANGEL, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. GEORGE MILLER of California, and Mr. WU.

H.R. 4105: Mr. ETHERIDGE and Mr. DAVIS of Illinois.

H.R. 4138: Mr. TIBERI.

H.R. 4139: Mr. OBERSTAR, Mr. WALDEN of Oregon, Mr. RODRIGUEZ, Mr. HINCHEY, Mr. THOMPSON of California, and Mr. THOMPSON of Mississippi.

H.R. 4236: Mr. MCDERMOTT, Ms. WOOLSEY, Mr. CUMMINGS, Mrs. MCCARTHY of New York, Mr. JOHNSON of Georgia, Mr. KUCINICH, Mr. COSTELLO, and Mr. HODES.

H.R. 4237: Ms. SHEA-PORTER.

H.R. 4266: Mr. PRICE of North Carolina and Mr. MOORE of Kansas.

H.R. 4280: Mr. ELLSWORTH.

H.R. 4294: Mr. DOGGETT.

H.R. 4296: Mr. TOWNS.

H.R. 4307: Mr. UPTON, Mr. HENSARLING, and Mr. PAUL.

H.R. 4308: Mr. FORTUÑO.

H.R. 4318: Mr. SALI.

H.R. 4335: Mr. BRADY of Pennsylvania and Mr. WEINER.

H.R. 4449: Mr. SCOTT of Georgia and Mr. ROSS.

H.R. 4461: Mr. WILSON of Ohio.

H.R. 4833: Mr. GRIJALVA.

H.R. 4915: Mr. LOBIONDO and Mr. HASTINGS of Washington.

H.R. 4926: Mr. PAYNE, Mrs. DAVIS of California, Ms. HIRONO, Mr. ISRAEL, Mr. HARE, Mr. SCOTT of Virginia, Mrs. MCCARTHY of New York, Mr. GOODE, and Mr. SESTAK.

H.R. 4930: Mr. PENCE and Mr. SOUDER.

H.R. 4987: Mr. BUYER, Mr. HELLER of Nevada, and Mr. PLATTS.

H.R. 4992: Ms. HIRONO.

H.R. 5028: Mr. MCNULTY.

H.R. 5031: Mr. GOODLATTE.

H.R. 5036: Ms. DEGETTE, Mr. BRALEY of Iowa, Mr. ENGEL, and Mr. PAYNE.

H.R. 5057: Mr. ARCURI, Ms. SUTTON, Mr. DEFAZIO, Mr. SESTAK, Mr. CHABOT, Mr. VAN HOLLEN, and Ms. MATSUI.

H.R. 5058: Mr. WEINER and Mr. ROTHMAN.

H.R. 5087: Mr. UDALL of Colorado, Mr. GOODE, and Mr. GRAVES.

H.R. 5110: Mr. VAN HOLLEN and Mr. BRALEY of Iowa.

H.R. 5134: Mr. SMITH of Nebraska.

H.R. 5148: Mr. SESTAK, Mr. PORTER, Mr. SALI, Mrs. CAPITO, Ms. JACKSON-LEE of Texas, Mrs. LOWEY, Mr. LOBIONDO, Mrs. BONO MACK, and Mr. SMITH of New Jersey.

H.R. 5152: Mr. WEINER.

H.R. 5161: Mr. GORDON of Tennessee and Mr. BAIRD.

H.R. 5167: Mr. GRIJALVA.

H.R. 5173: Ms. SLAUGHTER, Mr. WU, Mr. GILCHREST, and Mr. TOWNS.

H.R. 5180: Mr. PASTOR, Ms. ZOE LOFGREN of California, Ms. SCHAKOWSKY, Mr. LYNCH, Mr. MCGOVERN, Ms. TSONGAS, Mr. DEFAZIO, Mr. HIGGINS, Ms. HIRONO, Mr. WEXLER, Mr. GERLACH, Ms. MATSUI, Mr. ORTIZ, Mr. PLATTS, Mr. FATTAH, Mr. CARDOZA, Mr. LAMPSON, Mr. WU, Ms. MOORE of Wisconsin, Mr. FILNER, Mr. RAHALL, Mr. MOORE of Kansas, Mr. HALL of New York, and Mr. ENGEL.

H.R. 5223: Mr. MCINTYRE, Mrs. TAUSCHER, Mr. GRIJALVA, and Mr. SMITH of Washington.

H.R. 5233: Mr. FEENEY.

H.R. 5235: Mr. CALVERT.

H.R. 5244: Mr. CONYERS, Ms. MCCOLLUM of Minnesota, Mr. WU, Mr. RODRIGUEZ, Mr. KENNEDY, Mr. CLAY, and Ms. WOOLSEY.

H.R. 5265: Mr. ALLEN, Ms. MCCOLLUM of Minnesota, Mr. PASTOR, Ms. SHEA-PORTER, Mr. MICHAUD, Mr. HINCHEY, Mr. PLATTS, Mr. GOODE, Mr. MCDERMOTT, Mr. RODRIGUEZ, Mr. WELCH of Vermont, Mr. MURPHY of Connecticut, and Mrs. CAPPS.

H.R. 5351: Mr. LOEBSACK and Mr. FALEOMAVAEGA.

H.R. 5401: Mr. HOLT.

H.R. 5428: Ms. WOOLSEY.

H.R. 5440: Mr. TERRY, Mr. FEENEY, Mr. ROHRABACHER, Mr. WALBERG, Mr. PRICE of Georgia, Mr. KUHL of New York, Mr. MCCOTTER, Mr. THORNBERRY, Mr. SHUSTER, Mr. HUNTER, Mr. GINGREY, Mr. WILSON of South Carolina, and Mr. PLATTS.

H.R. 5441: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5445: Mr. BOEHNER.

H.R. 5450: Mr. MCCRERY, Mr. EMANUEL, Mr. ENGLISH of Pennsylvania, Mrs. MYRICK, Mr. KLINE of Minnesota, and Mrs. BLACKBURN.

H.R. 5462: Ms. FOXX.

H.R. 5465: Mr. ELLISON and Mrs. TAUSCHER.

H.R. 5469: Mr. WU and Mr. BRADY of Pennsylvania.

H. Con. Res. 69: Mr. SERRANO, Mr. BROWN of South Carolina, and Mr. BURTON of Indiana.

H. Con. Res. 81: Mr. BOUCHER.

H. Con. Res. 232: Mr. AKIN.

H. Con. Res. 244: Mr. WITTMAN of Virginia, Mr. HASTINGS of Washington, and Mr. HOBSON.

H. Con. Res. 268: Mr. MURTHA.

H. Con. Res. 280: Mr. WEINER and Mr. BARROW.

H. Con. Res. 290: Mr. ISSA.

H. Con. Res. 292: Mr. ALLEN, Mr. BACA, Mr. BARROW, Mr. BERMAN, Mr. BLUNT, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. CARNAHAN, Mr. CLYBURN, Mr. CROWLEY, Mr. CUMMINGS, Mr. ELLSWORTH, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FOSSELLA, Ms. GIFFORDS, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HIGGINS, Mr. ISRAEL, Mr. LOEBSACK, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MEEK of Florida, Ms. MOORE of Wisconsin, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. ORTIZ, Mr. PAYNE, Mr. RANGEL, Mr. REYES, Mr. SERRANO, Mr. SNYDER, Mrs. TAUSCHER, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. WAXMAN, Mr. WEINER, Mr. WU, Ms. SCHAKOWSKY, and Mr. SESTAK.

H. Con. Res. 295: Mr. FORTUÑO, Mr. JONES of North Carolina, Mr. BRADY of Pennsylvania, Mr. FOSSELLA, Mr. TOWNS, and Mr. MILLER of Florida.

H. Res. 102: Mr. KILDEE and Mr. DAVIS of Illinois.

H. Res. 163: Mr. NEAL of Massachusetts.

H. Res. 265: Mr. BRADY of Pennsylvania, Ms. SUTTON, Mr. REYES, and Mr. ORTIZ.

H. Res. 339: Mr. PLATTS.

H. Res. 356: Mr. ROYCE and Mr. GARRETT of New Jersey.

H. Res. 672: Mr. FERGUSON and Mr. ROSS.

H. Res. 792: Ms. BALDWIN.

H. Res. 795: Ms. SHEA-PORTER and Mr. BLUMENAUER.

H. Res. 858: Mr. MCDERMOTT, Mr. MCGOVERN, Mr. KILDEE, Mr. HINOJOSA, Mr. CARNEY, Ms. NORTON, and Mr. MCNULTY.

H. Res. 883: Mr. LEWIS of Georgia, Mr. WEINER, Mr. HINCHEY, and Ms. CORRINE BROWN of Florida.

H. Res. 887: Mr. ELLSWORTH.

H. Res. 888: Mr. TERRY, Mr. BROWN of South Carolina, and Mr. CONAWAY.

H. Res. 900: Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. BRADY of Texas, Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mr. CLEAVER, Mrs. JONES of Ohio, Mr. CLAY, Mr. CONYERS, and Ms. LEE.

H. Res. 924: Mr. HARE, Mr. CARNEY, and Mr. WELCH of Vermont.

H. Res. 934: Mr. NEUGEBAUER.

H. Res. 939: Mr. SALI and Mr. FRANKS of Arizona.

H. Res. 951: Mr. BACA, Mr. BARTON of Texas, Mr. SHIMKUS, Mr. KIND, Mr. COBLE, Mr. COSTELLO, Mr. GORDON of Tennessee, Mr. MEEK of Florida, Ms. GIFFORDS, Mr. STEARNS, Mr. MILLER of Florida, Mr. RANGEL, Mr. HODES, Mr. HIGGINS, Mr. SULLIVAN, Mr. BARROW, Ms. ROS-LEHTINEN, Mr. DAVIS of Illinois, Mr. CHANDLER, Mr. JOHNSON of Georgia, Mr. EDWARDS, Mr. SESTAK, Mr. GALLEGLY, Mr. BARTLETT of Maryland, Mr. SOUDER, Mr. SAM JOHNSON of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LINDER, Ms. SCHAKOWSKY, and Mr. SMITH of Texas.

H. Res. 962: Ms. MOORE of Wisconsin, Mr. FATTAH, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. HONDA, Mr. LEWIS of California, and Mr. CUMMINGS.

H. Res. 968: Mr. HUNTER, Mr. LEWIS of California, and Mr. TOM DAVIS of Virginia.

H. Res. 977: Ms. SCHAKOWSKY, Mr. CUMMINGS, and Mr. GORDON.

H. Res. 978: Mrs. BOYDA of Kansas, Mr. YARMUTH, Ms. MATSUI, Mr. WALZ of Minnesota, Mr. RAMSTAD, Mr. DAVIS of Illinois, and Mr. HALL of New York.

H. Res. 981: Mrs. CAPPS, Mr. ROSS, Mr. GENE GREEN of Texas, Mr. MCHUGH, Ms. CORRINE BROWN of Florida, Mr. SMITH of New Jersey, Mr. RUSH, Mr. MCDERMOTT, Mr. DOYLE, Mr. TOWNS, Mr. LOEBSACK, Mr. GRIJALVA, and Mr. ENGEL.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

**Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:**

OFFERED BY MR. RANGEL

"H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI."

# EXTENSIONS OF REMARKS

## RECOGNIZING MR. SCOTT STOREY

### HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. TANCREDO. Madam Speaker, I rise today to congratulate Mr. Scott Storey, District Attorney for the First Judicial District of Colorado, including Jefferson and Gilpin counties, for his recent distinction as Elected Official of the Year by the West Chamber. A native son of Colorado, Mr. Storey's recognition is just a small display of appreciation for his commitment towards upholding justice and integrity in the legal realm.

Mr. Storey is a veteran prosecutor who has spent the last 20 years in public service.

Madam Speaker, I proudly ask you to join me in congratulating Mr. Storey for his dedicated work and promise for Coloradans.

## HONORING JOHN PETE MICHAEL

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievement of John P. "Pete" Michael of Kansas City, Missouri. Pete has been awarded the President's Volunteer Service Lifetime Achievement Award. This prestigious recognition requires more than four thousand hours of volunteer service over a lifetime.

Madam Speaker, Pete Michael has worked tirelessly on behalf of the children of the great state of Missouri for nearly all 74 years of his life. Pete has served as a police officer and Squadron Commander of the Civil Air Patrol. As a pilot, he has devoted countless hours to flying sick children to Shriners Hospitals to receive emergency care.

Madam Speaker, I ask that you join me in applauding Pete Michael's selfless acts of generosity through volunteerism and his example which inspires all walks of life throughout our great Nation to help one another.

## MS. GRACE DO DISTINGUISHED FINALIST PRUDENTIAL SPIRIT OF COMMUNITY AWARD

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Ms. Grace Do, who has been selected as a Distinguished Finalist for the Prudential Spirit of Community Award, which honors young people for outstanding acts of volunteerism. The Prudential program was created in 1995 to emphasize the importance our nation places on service to others, and to encourage all young Americans to contribute to their communities.

A junior at Corona del Sol High School, Grace leads two tutoring programs in her community that help immigrants learn English. Grace, who used to struggle with English because she spoke Mandarin Chinese at home, is now co-director of the Chinese Immigrant Tutoring Center at her church, where she has volunteered for five years. In addition, she cofounded a similar tutoring program at a local library three years ago.

Grace should be proud of her accomplishments. Again, I congratulate Grace on her award and thank her for a job well done.

## A TRIBUTE TO THE ROTARY CLUB OF PASADENA SUNRISE

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. SCHIFF. Madam Speaker, I rise today to honor the Rotary Club of Pasadena Sunrise upon the occasion of its seventieth anniversary. The Rotary Club of Pasadena Sunrise is a group whose members are active contributors to the community, both locally and nationally.

Over the past seventy years, the Rotary Club of Pasadena Sunrise has exemplified the Rotary motto: "Service Above Self." The club's nonprofit foundation has raised several hundred thousand dollars to benefit the community.

For over a decade, the Rotary Club of Pasadena Sunrise has "adopted" Field Elementary School in Pasadena and has donated to the school's library and landscaping. Annually, the club also recognizes outstanding Field Elementary School students. Minigrants are awarded annually to Pasadena Unified School District school teachers to meet needs that are not funded by the district.

Internationally, the club has done much volunteer service in Mexico, including building houses for the homeless, donating a fire truck and emergency vans to small towns, and sending medical supplies to villages. The club also provides funding for overseas projects in nations such as Uganda, Nigeria, and Liberia. In addition, the club is sponsoring a project in India, where a child care center and a computer/vocational center will be created in the village of Chahalka, India.

For their extraordinary commitment to making both the local and the international community a better place, I ask all members of Congress to join me in congratulating the members of the Rotary Club of Pasadena rise upon their seventieth anniversary.

## HONORING THELMA TRAYLOR SEALE

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life of Mrs. Thelma Traylor Seale of Oakland, California. A caring friend, mentor, mother, and grandmother, Thelma was an extraordinary presence in our community. Mrs. Seale passed on January 25, 2008.

She was the loving mother of Mr. Bobby Seale, co-founder of the Black Panther Party, Ms. Bettye Seale-Williams, and Mr. John Henry Seale. With eight grandchildren and three great grandchildren, Thelma understood the value of family and the importance of togetherness. With Thelma's passing, we look to her family to remind us of her extraordinary life and her unwavering strength of character.

Mrs. Seale was 37 days shy of her 100th birthday at the time of her passing. The shear breadth and substance of such a long life attests to Thelma's vitality and energy. She experienced first-hand the most important and dynamic moments in the struggles of African-Americans in our country throughout the last century. More than a witness, Thelma Traylor Seale was on the frontlines of history through the African-American community's resilient pursuit of equality and justice.

Mrs. Seale was born in Jasper, Texas on March 3, 1908. She was the fifteenth of sixteen children born to her family, and she lived to be the oldest. During World War II, Mrs. Seale was an employee of Kelly Air Force Base in San Antonio, Texas. She arrived in Berkeley, California in 1943, where she resided in the Codornices Village housing projects. In the 1950's Mrs. Seale moved to Oakland, where she remained as an involved and dedicated member of the community for the remainder of her life.

In spite of the many challenges Mrs. Seale faced in her life, the injustices she witnessed, and the hardships she overcame, she was known first and foremost for her sweet and caring personality. Mrs. Seale's love for others and the joy she spread through laughter and good humor are what her family remembers most about her.

A survivor, a loving matriarch, and a pillar in our community, Thelma will be sorely missed. However, we are thankful for the opportunities she gave us to come together and celebrate the hope and love in our lives. As we say goodbye to her, we have been given yet another opportunity to reflect on the rich past of our community and the century Thelma lived to see.

Today, California's 9th Congressional District salutes and honors a great human being, our beloved Thelma Traylor Seale. We extend

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

our deepest condolences to Thelma's family and to her children. Thank you for sharing her great spirit with us. May her soul rest in peace.

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## RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF THE GUAM TERRITORIAL BAND

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Ms. BORDALLO. Madam Speaker, for more than 30 years now, the Guam Territorial Band has served the community of Guam by providing music for official events and activities, and more importantly, by helping young musicians in my district to hone and refine their musical talent.

With fond memories of the Navy Band's Sunday concerts in our Plaza de Espana prior to World War II, Governor Ricardo J. Bordallo, my late husband, established the Governor's Youth Band in 1976 to encourage young musicians to perform for the public outside the school setting. Interest and participation was immediate, and under the direction of Mr. Peter Leon Guerrero, the first Governor's Youth Band performed for the inauguration of Saipan's Governor Carlos S. Camacho. With funds raised entirely by community donations, the Governor's Youth Band traveled to Washington, DC and represented Guam in the parade for the inauguration of President Jimmy Carter in January 1977. With that auspicious start, the band evolved to fulfill Governor Bordallo's expectations, with one exception: the musicians remained unpaid volunteers.

Governor Bordallo's successor, Governor Paul Calvo, changed the band's name to the Guam Youth Band. The name was later changed again to the Guam Territorial Band and membership was opened to all ages. Today, supported entirely by private donations, the Guam Territorial Band continues its service to the people of Guam by performing at village fiestas, graduations, military change of command ceremonies, our annual Veteran's Day and Memorial Day commemorations, and other various public and private ceremonies.

Although severe cold weather in 1985 forced the cancellation of President Ronald Reagan's inaugural parade and precluded the band's performance at another presidential inaugural, the Guam Territorial Band continues to share its talent beyond Guam's shores. The band performed at the Republic of Palau's 5th Constitutional Anniversary in 1997; in Australia and New Zealand in 1993 and 2005; in South Korea in 1995; in the United Kingdom in 1998; in Japan in1999 and 2003; in Hawaii's 19th Pacific Basin Music Festival in 2004; for President Bill Clinton's historic visit to Guam in 1998 and for Philippines President Fidel Ramos in 2002; and most recently, at the New York's Carnegie Hall as part of the New York Band and Orchestra Festival on April 21, 2007. The Guam Territorial Band is also expected to perform at the opening ceremonies of the 2008 Olympics in Beijing.

The Guam Territorial Band is a recipient of the Australian International Music Festival's Gold Award (2005) and Bronze Award (1993). It is also the second place winner of the International Lions Parade (Marching Unit) Competition (1998).

These accolades over the years are the result of the devotion of the volunteer musicians and from inspired and enthusiastic leadership. The band's first official director, Mr. George Toal, also was a founding member of the Guam Territorial Band Society, non-profit organization that supports the band. Mr. Toal's successors are Mr. Dave Poblete, Ms. Cheryl Bay, Mr. Charles Hardy, Mr. Brad McNeal, Dr. Milton Crotts, and Mr. Delfin Damian. The band's current director, Mr. Maximo Ronquillo, Jr., founded the Tumon Bay Music Festival in 2005. Organized with the help of Dr. Robert Halseth, professor of music at California State University, Sacramento, the festival has become the band's signature event and will be in its fourth year in March 2008.

We are proud of our territorial band and encourage its continued growth and success. We also commend Mr. Ronquillo, his predecessors, and all the members of the band, both past and present. Thank you all for the wonderful music you bring into our lives.

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## IN HONOR OF PHILLIP MOSES

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mrs. JONES of Ohio. Madam Speaker, today I rise to honor Phillip Moses, a good friend and a great constituent of the Eleventh Congressional District of Ohio.

Phillip Moses is characterized by many as an "affable and altruistic man." Phillip Moses joined the staff of the Case Western Reserve University law school on October 4, 1971, as building superintendent when the law school was located on Adelbert Road in Cleveland, Ohio. Since then he has worked tirelessly providing support for over one hundred faculty and staff, over six hundred students, and to keep the facilities of the building running smoothly.

Phillip's calm demeanor and great sense of humor have become an invaluable presence at the law school as well as his ability to prepare the building for classes and special events. Phillip has also been described by some as, "The ultimate handyman". When Phillip is not working in the law school, he can be found working on carpentry and construction projects at his home.

In 2004, Phillip Moses was chosen as one of three recipients of the President's Award for Distinguished Service at Case Western Reserve University. This is the highest award that the University confers on its staff personnel. The award recognizes an individual's dedication to provide outstanding service to the Case Western Reserve University community.

Phillip Moses retired from his work on February 1, 2008. Phillip and his wife will enjoy retirement in their newly purchased home in the suburbs of Nashville, Tennessee.

On behalf of the Eleventh Congressional District of Ohio it gives me great pleasure to congratulate my friend, Phillip Moses, for his service to Case Western Reserve University, and the Eleventh Congressional District of Ohio.

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## MARKING THE 47TH ANNIVERSARY OF THE PEACE CORPS

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. VAN HOLLEN. Madam Speaker, I rise to pay tribute to the Peace Corps, one of the most important and worthy institutions our country has ever established. More than 190,000 Americans have served as Peace Corps Volunteers since its inception in 1961 by President John F. Kennedy, who inspired Americans to serve their country in the cause of peace by living and working in developing countries. I am proud that 34 of my constituents are currently serving as Volunteers in a number of countries around the world, and I wish them well in their worthwhile endeavors.

The Peace Corps brings out the best of the American character. It demonstrates to the rest of the world, where misconceptions of the United States are too often prevalent, that we are a caring people, interested in the well-being of mankind. The Volunteers live in the communities in which they serve by working as teachers and development experts, and they assist in post-conflict relief and reconstruction efforts and health care crises, such as the HIV/AIDS pandemic.

With the break-up of the former Soviet Union and the emergence of many new states around the world, Peace Corps Volunteers are serving in more countries than ever before. Volunteers learn more than 250 languages and dialects, and they receive extensive cross-cultural training that enables them to work effectively. In many remote places, they are often the only contact that villagers have with Americans. Our country owes the Peace Corps Volunteers, who often work under very difficult circumstances, a debt of gratitude for their service that has improved the image of our country overseas and improved the lives of millions of people around the globe.

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## HONORING SERGEANT JOSEPH CHRISTOPHER GENTILE

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Ms. NORTON. Madam Speaker, I rise today to congratulate Joseph Christopher Gentile on his retirement from the Metropolitan Police Department. With devotion, professionalism, and expertise, from October 9, 1967, until October 21, 2007, Sergeant Gentile, or the "godfather" as his friends and colleagues call him, fulfilled the mission of the Metropolitan Police Department to safeguard the District of Columbia and protect its residents and visitors by providing the highest quality of police service with integrity, compassion, and a commitment to innovation that integrates people, technology, and progressive business systems.

Upon completion of recruit training, Sergeant Gentile was assigned to the First District as a patrol officer. In September of 1969, he was assigned to the Community Relations Division, Public Information Branch. In 1977, then-Public Information Officer Gentile, emerged as a national television presence when a Hanafi Muslim group stormed three DC buildings. This act resulted in the killing of a radio reporter, and a security guard and then-DC Councilman, Marion Barry, were both shot and wounded. This was the first of many local, national, and international incidents that would thrust Public Information Officer Gentile into the limelight. These incidents include, but are not limited to, the 1982 shooting of President Ronald Reagan, the 1994 fatal shootings of a Metropolitan Police Department, MPD, sergeant and two FBI agents inside police headquarters, and hundreds of homicides during the 1990s when the District of Columbia was the Nation's murder capital.

Public Information Officer Gentile was promoted to the rank of sergeant on November 15, 1982, and remained assigned as the Public Information Officer because of his invaluable knowledge and years of experience. Sergeant Gentile proudly served as the MPD spokesman for 34 years, during the tenure of eleven chiefs of police. He also participated in ten Presidential inaugurations and served during the 1968 riots, the 1972 May Day demonstrations, the 1982 Air Florida crash and subsequent fatal Metrorail crash, the 1991 Mount Pleasant Riots, and the 2000 IMF demonstrations.

In December of 2006, then-Chief Charles H. Ramsey awarded Sergeant Gentile with a medal and dedicated the public information office in his name. In October of 2007, Chief Cathy L. Lanier presented Sergeant Gentile with a Distinguished Service Award for 40 years of dedicated and loyal service.

A tireless performer and distinguished law enforcement professional, Sergeant Gentile deserves the admiration of all who come into contact with him. Thank you, Sergeant Gentile, for your exceptional service to the Metropolitan Police Department, the Congress, the District of Columbia, and the American people, and congratulations on achieving this important milestone.

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## PERSONAL EXPLANATION

### HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. HODES. Madam Speaker, due to a misunderstanding on the floor I missed one vote in a series of votes on Thursday, February 14, 2008. As a co-sponsor of the bill, I would have voted "yes" for the following vote: H. Res. 963—Supporting the goals and ideals of National Salute to Hospitalized Veterans Week, and for other purposes.

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## A TRIBUTE TO ABE AND DONNA LEE GOLDSTEIN

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Abe and Donna Lee Goldstein for their contributions to the Cub Scout program. Growing up in Wilmington, DE, Abe belonged to the Civil Air Patrol. He attended the University of Delaware and earned a bachelor's degree in geology and a master's degree in geophysics. After marrying Donna Lee, the two moved to Maryland to raise their new family.

When their oldest son Greg joined the Cub Scouts as a Tiger, the Goldsteins became active members in Maryland's Pack 880. Donna Lee served as the Pack's Den Leader and Song Mistress, while Abe took on the responsibility of being the Committee Chair. Even after their oldest son, Greg, had bridged out from the Cub Scouts and 3 years before their youngest son, Max, could become a Tiger in the Pack, Abe and Donna Lee continued their involvement, opening their personal workshop for the scouts' Pinewood Derby clinics and assisting with the building of the new race track. For his years of consistent dedication to the program, Abe was recently named Cub Master of Pack 880.

The Cub Scout program gives adults the opportunity to have a positive influence on children's lives. People like the Goldsteins have helped sustain the Cub Scout program throughout its history, encouraging more families to become involved. By donating their time, resources, and talent to this worthwhile program, the Goldsteins have enriched the lives of countless children in the Cockeysville community.

Madam Speaker, I ask that you join with me today to honor Abe and Donna Lee Goldstein. Their commitment and dedication to the scouting program through the years is truly commendable. The impact of the Goldsteins' contributions will affect the youth of their community for years to come. It is with great pride that I congratulate Abe and Donna Lee Goldstein on their exemplary involvement in the Cub Scout program.

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## H.R. 1528: NEW ENGLAND NATIONAL SCENIC TRAIL DESIGNATION ACT

### HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mrs. BOYDA of Kansas. Madam Speaker, we heard a lot of debate recently that focused on the threat of passing the New England National Scenic Trail Designation Act. The other side of the aisle attacked the bill with the proclamation that private property owners would have their land seized by the Federal government. This clearly wasn't the case. As stated before, the bill only allowed the National Park Service to purchase land from willing sellers. But in the spirit of that debate, I'd like to take a moment and discuss eminent domain.

I know that myself, the constituents of the Second District of Kansas, nearly every American has the same feelings towards eminent domain. No one wants a federal official knocking on their door asking for their keys and telling them to "pack up and move." Our founding fathers created this country to throw off such tyrannical uses of power by the Government, and we must continue that legacy today.

State, local and Federal Government has a duty to its citizens to preserve their right to private property and use eminent domain only in the rarest of circumstances when it is absolutely necessary. Those occasions should be few and far in between. And in every circumstance, the Government must look at all options and alternatives to seizing someone's home, business and livelihood. We must ensure proper compensation to private property owners, and not force our citizens into untenable situations.

What was truly upsetting about our debate was the other side of the aisle throwing out this term, getting the American people in an uproar, with no factual basis that eminent domain would be used. It would seem that the Minority's only goal is to further divide this country and make the passage of legislation impossible. We have seen this time and time again. The Minority would rather sit in their corner making baseless attacks against good legislation when they should be fulfilling their constitutional role as Representatives, as leaders, and work with my colleagues to do what is best for the country.

I was pleased to see both sides coming together to quickly pass an important economic stimulus package, but more cooperation is needed for children's health insurance, the Farm Bill and this year's upcoming appropriation process. I hope in this new session we see more of what we saw during the passage of the economic stimulus bill, and not a return to the same old politics that plagued our Chamber last year.

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## MS. KAITLYN MULHOLLAN TOP YOUTH VOLUNTEER OF ARIZONA PRUDENTIAL SPIRIT OF COMMUNITY AWARD

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Ms. Kaitlyn Mulhollan, who has been selected to receive the Prudential Spirit of Community Award as Arizona's Top Youth Volunteer. The Prudential Spirit of Community Award, which honors young people for outstanding acts of volunteerism, was created in 1995 to emphasize the importance our nation places on service to others, and to encourage all young Americans to contribute to their communities.

A senior at Corona del Sol High School, Kaitlyn has helped build 10 houses for needy families over the past five years as a volunteer with Habitat for Humanity, and now serves as a team leader for the local Habitat chapter.

After working on her first house when she was only 13 years old, Kaitlyn has shown up early every Saturday morning when projects are under way. As a team leader, Kaitlyn has the responsibility of guiding and assisting many small groups of volunteers on the construction site. In addition, Kaitlyn has worked tirelessly to educate others about Habitat for Humanity's mission, even recruiting friends and classmates to join the effort. She has also persuaded her employer, California Pizza Kitchen, to provide meals for construction volunteers.

As a state honoree, Kaitlyn will join youth from across the country here in Washington DC in May. Kaitlyn should be proud of her accomplishments. Again, I congratulate Kaitlyn on her award and thank her for a job well done.

## IN MEMORY OF GEORGE EARL McNEELY

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. ROSS. Madam Speaker, I rise today to honor the memory of George Earl McNeely of McGehee, Arkansas, who passed away February 8, 2008, at the age of 80.

I will forever remember George McNeely as a good friend, a devoted family man and someone who cared deeply about improving the quality of life in his community. As a natural born leader, he was an inspiration to all who knew him. After attending high school in McGehee and Tillar, he continued his education at the University of Arkansas. Mr. McNeely then honorably served his country in the United States Marine Corps during World War II.

After the war, George McNeely returned home to southeast Arkansas to pursue his true passion of agriculture. As one of the original founders of catfish farming in Arkansas, he was a true business pioneer and his contributions to aquaculture helped revolutionize the industry. In his spare time, he dearly loved the outdoors and the opportunity to share all of the recreational opportunities it offered with his friends and family. In addition to catfish farming, he devoted his time and energy to numerous other passions that included land clearing, demolition and ag-aviation.

Along with his tremendous leadership in the field of agriculture, George McNeely was active in numerous other worthwhile endeavors throughout his community. He was a longstanding member of the Freemasonry and the Shriner's of North America. Perhaps none of his work or involvement as a Shriner was more important than all the time he contributed helping disabled and burned children at the Shriner's Hospital for Children.

George McNeely will always be known for his outstanding service to our country and his community. Above all, he will sorely be missed as a friend. I extend my deepest condolences to his wife, Mary Ann McNeely; his sons, David Earl McNeely of McGehee, Arkansas and James Allen McNeely of Magnolia, Arkansas; and to his numerous grandchildren, great-grandchildren and friends. George McNeely will be greatly missed in McGehee, Desha County, and throughout the state of Arkansas, and I am truly saddened by this loss.

## HONORING THE LOWER SOUTHAMPTON FIRE DEPARTMENT ON ITS 77TH ANNIVERSARY

### HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the Lower Southampton Fire Department on the occasion of its 77th anniversary. The Lower Southampton Fire Department has a long and commendable history of public service.

Since receiving its charter on July 31, 1931, the Lower Southampton Fire Department has supported and protected the residents of our community dutifully and honorably. When called upon, the firefighters of the Lower Southampton Fire Department have not been daunted by even the most dangerous of challenges. Their daily efforts to ensure the safety of the people of Lower Southampton are inspiring, and that is why I am proud to recognize them on this important anniversary.

Just recently, several of these firefighters once again displayed the courage and heroism that has been so characteristic of their department. While preparing for an Advanced Swift Water Class, the firefighters observed a man, alone and without a lifejacket, who had flipped his kayak and appeared to be in distress. Despite the rapid speed and low temperature of the water, the firefighters acted quickly, with little concern for their own safety, and performed a successful rescue.

The courageous members of the Lower Southampton Fire Department who were involved in this rescue included: Acting Chief Steven Krippel, Assistant Chief Stephen Brookes, Dive Team and Swift Water Manager Lt. James W. McGuire III, Lt. Christopher Hawraney, Firefighter/Rescue Diver Marc Kaman, Firefighter/Swift Water Operator Nick Owarzani, and Firefighter/Swift Water Operator Adam Noel. In addition, Firefighter/Swift Water Operator William Martin, of the Southampton Fire Company, participated in the rescue. Were it not for the efforts of each of these brave men, the victim would likely not have survived.

Madam Speaker, I am proud to recognize the Lower Southampton Fire Department and all of its members for their consistently outstanding service and their heroic acts in the face of danger. These fine public servants are worthy of our commendation, and I am honored to serve as their Congressman.

## REMEMBERING THE TRAGEDY OF KHOJALY

### HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Ms. FOXX. Madam Speaker, while there has been considerable congressional attention to tragic events which took place in Somalia, Rwanda, Cambodia, Bosnia, Darfur, and elsewhere, very little light has shined on what happened in 1992, less than 20 years ago in the Caucasus.

Everything changed for the small, little known Azerbaijani town of Khojaly between February 25–26, 1992. Sixteen years later, for the people of Azerbaijan and the region, the word "Khojaly" stirs up memories of pain and sorrow.

In the middle of the Armenia-Azerbaijan conflict, Armenian troops supported by a Russian infantry regiment razed Khojaly, brutally murdering 613 people, annihilating families, disabling some 1,000 civilians, capturing 1,275 persons and leaving 150 people unaccounted for.

This year, as in previous years, those residents of Khojaly, who survived the massacre, are appealing to hold Armenia responsible for this crime. "We appeal to the international community with pain and hope," says a statement by survivors of Khojaly.

Many human rights groups and media outlets at the time sought to draw attention to the events and solicit international condemnation.

Human Rights Watch called the tragedy at the time "the largest massacre to date in the conflict." The extent of the cruelty of this massacre against women, children and the elderly was unfathomable.

Memorial, a Russian human rights group, reported that "scores of the corpses bore traces of profanation. Doctors on a hospital train in Agdam noted no less than four corpses that had been scalped and one that had been beheaded . . . . and one case of live scalping:"

According to the British newspaper The Independent (February 29, 1992), "Elif Kaban, a Reuters correspondent in Aghdam, reported that after a massacre, Azeris were burying scores of people who died when Armenians overran the town of Khojaly, the second-biggest Azeri settlement in the area. 'The world is turning its back on what's happening here. We are dying and you are just watching,' one mourner shouted at a group of journalists."

Nearly one month later, TIME magazine (March 16, 1992) wrote "While the details are argued, this much is plain: something grim and unconscionable happened in the Azerbaijani town of Khojaly two weeks ago. So far, some 200 dead Azerbaijanis, many of them mutilated, have been transported out of the town tucked inside the Armenian-dominated enclave of Nagorno-Karabakh for burial in neighboring Azerbaijan. The total number of deaths—the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children—is unknown."

On November 29, 1993, Newsweek quoted a senior U.S. Government official describing the aftermath of Armenia's occupation, "What we see now is a systematic destruction of every village in their way. It's vandalism."

Even in far-away Australia, The Age (March 6, 1992) wrote "The exact number of victims is still unclear, but there can be little doubt that Azeri civilians were massacred by the Armenian Army in the snowy mountains of Nagorno Karabakh last week."

Every year religious leaders of Azerbaijan's Christian, Jewish, and Muslim communities issue appeals on the eve of the commemoration of the massacre of Khojaly. They urge the international community to condemn the February 26, 1992 bloodshed, facilitate liberation of the occupied territories and repatriation of the displaced communities.

Despite the efforts by many, regrettably, the international community's response has not been adequate. That is why I urge Congress to join all Azerbaijanis in commemorating the tragedy. The world should know about and remember Khojaly.

## RECOGNIZING JAMES DRUMMOND OF LADY LAKE, FLORIDA

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor a man who served with honor and distinction in World War II. Following his enlistment in the Army in 1940, Lieutenant Colonel Drummond was honored with the Purple Heart, Distinguished Service Medal and the Air Medal for his actions in battle. Serving in both the Army and the Navy until 1972, Lieutenant Colonel Drummond is truly one of America's heroes.

At the end of 1944, Lieutenant Colonel Drummond entered the U.S. Navy, took basic training and was sent to Treasure Island, California. From there he went to Okinawa and Japan where he loaded a Marine expeditionary force of 1,800 Marines and left for China. Their mission was to evacuate Americans and Allied Nationals to areas where they could be transported to Guam and Hong Kong.

In 1949, Lieutenant Colonel Drummond rejoined the U.S. Army and took basic training at Fort Jackson, South Carolina. Upon completion of basic training he was awarded the grade of Corporal and assigned to the 41st Field Artillery. He and his fellow troops then received orders for assignment as part of the first American Division to arrive in support of South Korea.

During his service in Korea, Lieutenant Colonel Drummond was wounded three times by the enemy. Following his third injury, he returned to the U.S. and joined the U.S. Army Artillery School at Fort Sill, Oklahoma. During the rest of his long and distinguished career, Lieutenant Colonel Drummond took command of Headquarters Battery 18th Airborne Corps Artillery, was assigned to the intelligence school staff in Ft. Holabird, Maryland, served as director of the Advanced Intelligence Department U.S. Army Intelligence Staff Officers Course, and had assignments with the Directorate of Staff intelligence in the Office of the Deputy Chief of Staff for Intelligence, U.S. Army, at the Pentagon.

In September 1972 James was medically retired with a total of 27 years of service in the U.S. Armed Forces. He is currently rated as 100% combat-related disabled and upon discharge moved to Federal, North Carolina. During his retirement Lieutenant Colonel Drummond was a charter member of the Lafayette Kiwanis Club and was elected president in 1978.

Lieutenant Colonel Drummond and his wife of 51 years currently live in the Villages in Lady Lake. They have one daughter, Brenda Gail, four grandchildren and three great-grandchildren. Madam Speaker, veterans like James Drummond should be recognized for their service to our Nation and for their commitment and sacrifices in battle. I am honored to present Mr. Drummond with his long overdue Purple Heart, Distinguished Service Medal and all the other medals he earned over his many years of service. All Floridians should know that we truly consider him one of America's heroes.

## HONORING THE LAKE HIGHLANDS EXCHANGE CLUB AND LAKE HIGHLANDS MILITARY MOMS

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. HENSARLING. Madam Speaker, today I would like to recognize the Lake Highlands Exchange Club and Lake Highlands Military Moms for their dedication in honoring the men and women in uniform who defend our Nation.

Recently, the Lake Highlands Exchange Club and the Lake Highlands Military Moms joined together to ensure that our service men and women are receiving the local recognition they deserve for their heroic efforts. The members of the Lake Highlands Exchange Club and Lake Highlands Military Moms created posters, similar to the posters for athletes, cheerleaders, and band members in area high schools, featuring photographs of 54 military men and women from Lake Highlands' community in training or serving our Nation in uniform. With already 250 posters on display in Lake Highlands area schools, churches, libraries, and businesses, the Exchange Club is trying to fulfill the high demand by printing additional copies.

I would like to specifically recognize two individuals that had a key role in this project: Bill Duhman, for designing the posters, and Rhonda Russell, the Exchange Club's publicity director and founder of Lake Highlands Military Moms. In 2005, Ms. Russell began collecting the names of military mothers and formed the support group known as Military Moms. Today, Military Moms meets once a month to exchange stories, updates and photographs of their children overseas. Ms. Russell's son, Lee Russell, returned from service in Iraq in 2005 and is currently working in military intelligence.

America owes our service men and women a huge debt of gratitude. It is through their sacrifice and patriotism that we have the security, prosperity and freedom that we enjoy today.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to be able to recognize the Lake Highlands Exchange Club and Lake Highlands Military Moms for their continued efforts in honoring the brave Americans that have gone into harm's way so that we could enjoy the blessings of liberty and prosperity. As President Calvin Coolidge once said, "the nation which forgets its defenders will itself be forgotten," and these groups are working hard to ensure that America's service men and women receive the honor and recognition they deserve.

## PERSONAL EXPLANATION

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows:

February 14, 2008, Rollcall vote 61, on motion to suspend the rules and agree—H. Res. 966, Honoring African-American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness—I would have voted "aye".

## HONORING NATIONAL TRIO DAY

### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. SIMPSON. Madam Speaker, I rise in recognition of National TRIO Day, which was on February 23, 2008, and in support of this important program and the positive influence it has on young people in our country.

Higher education is an important component of success in today's economy, as well as a valuable end in itself. A college education opens doors to exciting new job fields, new experiences, and a deeper understanding of the world. Yet many lower-income Americans face a multitude of obstacles when they consider furthering their education. Parental income is one of the top predictors of whether or not a child will succeed in college, and if he or she is the first in the family to pursue a college education, the challenges can seem insurmountable.

This is why I am a strong supporter of the TRIO programs, which were created to support Congress's commitment to providing educational opportunities for all Americans regardless of race, ethnic background, or economic circumstance. TRIO programs help students exceed societal expectations and predictions by providing tutoring in college preparatory classes and help in navigating through the sometimes daunting maze of required forms and tests known as the college admission process.

Congress enacted the National TRIO Day in 1986 in order to increase awareness and support for the programs, as well as to recognize the achievements of the TRIO programs and their important role in advancing equal opportunity in post-secondary education. Congress declared National TRIO Day "a day on which the nation is asked to turn its attention to the needs of disadvantaged youth and adults aspiring to improve their lives, to the investment necessary if they are to become contributing citizens of this country, and to the talent which will be wasted if that investment is not made."

National TRIO Day gives us an opportunity to celebrate this investment in the lives of young people and in the future of our nation. It is also a National Day of Service, and on February 23" the TRIO programs in my State commemorated the day by doing a wide range of service projects throughout their communities.

As co-chair of the TRIO Caucus, it is my goal to make people aware of this important program and the profound impact that it is having on the lives of students in my home State of Idaho and elsewhere. National TRIO Day gives us a valuable opportunity to recognize that impact and commit ourselves to ensuring that these programs can continue to change the lives of students for years to come.

## HONORING REVEREND G.L. JOHNSON

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Rev. G.L. Johnson upon his 80th birthday and his 45th anniversary with Peoples Church, as well as his retirement from the church. Reverend Johnson will be honored on Sunday, February 24, at Peoples Church in Fresno, California.

Reverend Johnson was born in 1928 in Houston, Texas. He attended Navarro Junior College in Corsicana, Texas and Southwestern Assembly of God College in Waxahachie, Texas. He has ministered in many different capacities since 1946, moving from Texas to various cities around the United States.

His ministry began in 1946 when he served as a youth speaker, traveling around the United States speaking at various functions and prayer services. Shortly after marrying Jacqueline Cockerell in 1950, he settled in Corsicana and took a position as a full-time Pastor. In 1951, Reverend Johnson became ordained. His ministries took him back on the road in 1953, as he traveled throughout Texas as an evangelist. In 1957, Reverend Johnson moved his family to Kentucky for a year and then to Florida to serve as a Pastor. In 1961 Reverend Johnson took on a different role. He became the associate director of the Latin American Orphanage. In 1963, he joined People's Church as the senior pastor and has been there ever since.

In Reverend Johnson's time with Peoples Church, he has seen the church build a new facility and has seen different staff members come and go. More importantly, he has seen the rise of the church's attendance and influence. Today the Sunday morning services' attendance averages 4,000 worshipers. This service is also broadcast over the radio every Sunday morning. Along with his position with Peoples Church, he is also involved in a number of religious and civic boards and finds time to teach.

Reverend Johnson has served as the chairman on many religious boards, including: Assemblies of God Theological Seminary Development Committee, Fresno Christian Schools, International Board of Asian Outreach based in Hong Kong, Asian Outreach USA, and Northern California National Association of Evangelicals. Various other board memberships include: Assemblies of God Theological Seminary board of directors; Vanguard University in Costa Mesa, California; Church Growth International in Seoul, Korea; Presbyterian International Missionary Advance in Seoul, Korea; Asian Center for Theological Studies; and more. Outside of the church, Reverend Johnson serves on the Board of Sequoia Council of the Boy Scouts of America, Fresno Leadership Foundation, Police Activities League, Clergy Advisory Council for Clovis Unified School District, North Fresno Rotary Club, and The International Fellowship of Christian Schools. He still finds the time to teach as an adjunct professor at California Theological Seminary and Institute for Clergy Enrichment.

Reverend Johnson has given himself to the church and the community. He has been invited to attend and speak at conferences around the world. He has had numerous books and articles published and has received many professional honors and awards. Reverend Johnson has had a positive impact and success on the many projects he has been involved in.

Madam Speaker, I rise today to commend and congratulate Rev. G.L. Johnson upon his 80th birthday, his 45th anniversary and his retirement from Peoples Church. I invite my colleagues to join me in wishing Reverend Johnson many years of continued success.

## HONORING DR. ELVIS HESTER

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to a man of God who has dedicated the past 28 years of his life to a church in Georgia's 3rd Congressional District.

Only those who have never darkened the door of a church hold the mistaken impression that preachers work 1 day a week. The writing and delivery of the Sunday morning sermon comprises just a small portion of what a minister does in the service of God each week. In addition to a teacher, a great minister also serves as a CEO of a nonprofit and as a shepherd of the flock, who tends to the sick, the lost and those in need.

Dr. Elvis Hester has fulfilled all of these roles, and his leadership in the service of the Lord has blessed his flock at Eagle's Landing Church of God in McDonough.

As CEO of a big church, a minister often is as deeply involved in management and logistics as he is in pastoral care. Dr. Hester started his career working in logistics for the Federal Government. He went on to serve a stint as an adviser to the nation of Bahrain. There in the Middle East, he helped establish a Church of God populated with 100 Christian converts. A colleague established a sister church in Pakistan.

Upon Dr. Hester's return to the United States he went into the ministry full time, first working at a church in Franklin, GA. In 1980, he took the helm of the church that would become Eagle's Landing Church of God. Under Hester's leadership, the church experienced tremendous growth, with membership topping 1,000.

But Dr. Hester's church members don't focus on how he has affected membership numbers. They reflect on how he has touched their lives.

"The pastor has led our congregation by example for 28 years, serving us all through thick and thin," said church member Janice Ross. "My family remembers when a life- and-death crisis kept us up all night and the next day. After going through a horrible operation, we were blessed by the sound of the pastor in prayer. We are thankful that our pastor has stayed faithful to the Lord and the Word of God."

One of his staff members, youth minister Brian Coody, said: "Our Pastor is the type who is open for everyone to talk to, often going out of his way when you need counsel. He is very much filled with the spirit and he touches the lives of all those he meets. I have personally seen him moved to tears when a troubled soul was touched by Christ. Pastor Hester is a great man of God."

Dr. Hester's ministry has extended far beyond Henry County. He spread the Word in many countries throughout South America, Africa, Europe and Asia.

"While they say there are no absolutes in life, I truly believe that the one absolute that does exist is that long after Pastor Hester and his wife, Rita, are gone, the things that were done and said by our once-in-a-lifetime pastors will be treasured and used by generations to come to spread goodwill and bring the light of Christ into people's hearts and minds," said a friend in the mission field, Charles Lambert.

Madam Speaker, I join Dr. Hester's church members and friends in honoring his 28 years of service at Eagle's Landing Church of God and wish him the best in all his future endeavors.

## CONGRATULATING SERENTO GARDENS ALCOHOLISM AND DRUG SERVICES FOR MORE THAN 30 YEARS OF SERVICE TO NORTHEASTERN PENNSYLVANIA

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Serento Gardens Alcoholism and Drug Services in Hazleton, PA, for more than three decades of counseling and drug prevention work throughout the greater Hazleton area.

Edward Pane, president and chief executive officer of Serento Gardens, has always maintained that it is their mission to provide education, prevention, treatment, and support to all those affected by addiction.

The gravity of the substance abuse addiction problem was recently underscored when a study committee, chaired by Mr. Pane, discovered that 93 percent of addicts began their use before the age of 17. Sixty-three percent began before the age of 14. And, alarmingly, 80 percent of those in prison in the United States are there for drug-related offenses.

Serento Gardens is the sole provider of drug and alcohol counseling and prevention services to children, teens, and adults in the greater Hazleton area. In 2006, the agency's programs reached more than 22,000 individuals in Pennsylvania's 11th Congressional District. In its 30-year history, the agency has directly benefited hundreds of thousands of individuals in northeastern Pennsylvania.

In 2007, Serento Gardens was named the Pennsylvania Counseling Agency of the Year by the Pennsylvania Certification Board in Harrisburg. The PCB is the body which certifies all substance abuse counselors and educators in the Commonwealth.

Madam Speaker, please join me in congratulating Serento Gardens for the invaluable work that is done to prevent people from succumbing to the ravages of addiction and to rescue those already addicted so they can return to a productive life. The work being accomplished by Serento Gardens has improved the quality of life for thousands of people and has earned it the respect of a grateful community.

## HONORING MARINA E. ORTEGA

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. ENGEL. Madam Speaker, it is with great sadness that I report the passing of Marina E. Ortega, a long time resident of Mount Vernon, who died on February 7, 2008. She was born January 18, 1938 to Felix and Maria Ortega in Jamaica, West Indies, where she was raised. She trained as a nurse in England, graduating as a state certified midwife.

In 1968, she arrived in the United States and worked as head nurse in the medical/surgical unit at United Hospital. She also obtained her certificate as a nurse practitioner, HIV counselor, and New York State certified nurses aids trainer and examiner.

She retired in 1992 and worked as a volunteer at the Mount Vernon Neighborhood Health Center until June 2006. During this period she established a volunteer services program and placed over 300 volunteers at the center; she set up and coordinated a Reach-Out and Read literacy program for children, which became a model program for the State; and served on all fundraising committees.

In 2006, Ms. Ortega organized and served as president of the Caribbean Cultural Caucus where she fought vigorously for an amnesty bill for the English-speaking Caribbean nations. In 2000, in part because of her work, I introduced legislation to amend the Immigration and Nationality Act in regard to Caribbean-born immigrants.

Ms. Ortega was a member of Trinity Episcopal Church in Mount Vernon. She is survived by a sister, Helen Graham; three brothers, Francisco Ortega, Sisto Ortega, and St. George Walker; two aunts, Josepha, Castera and Daisy Hernandez; a sister-in-law, Sylvia Webb; with Carol Morris and a host of nieces, nephews, cousins, and friends.

Marina and I worked together many times in helping the Caribbean community. She was ardent and steadfast in helping people as a nurse, as a volunteer, and as someone who cared deeply for her community. It is with great sorrow that I and the entire community say farewell to her.

## HONORING TONI BEATTY

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. UDALL of New Mexico. Madam Speaker, Rio Rancho, NM, is known as the City of Vision. It exists today because of the vision of countless citizens and public servants who are transforming a desert into a metropolis.

Toni Beatty had a particular kind of vision. While others imagined homes and businesses and roads, she imagined a community of readers and thinkers and dreamers.

When Toni moved to Rio Rancho in 1986, the town had just begun to grow into a city. She was hired to build a library system that would keep pace with the area's dramatic growth. As Rio Rancho has grown over the last two decades, Toni's libraries have grown with it. They have hosted art shows and horse fairs. They have exposed residents to ancient cultures and current events. And they have always reflected Toni's remarkable combination of intellectual curiosity and public spirit.

Now, Toni is leaving Rio Rancho to return to Mexico City. She leaves behind a community more developed in every way than the one she moved to 22 years ago. She also leaves behind a library system that would be the envy of any city. During her time in Rio Rancho, she recruited and trained a professional staff that will remember her ability and kindness long after she has left. Rio Rancho will miss her, but we wish her well as she begins the next chapter in her impressive career.

## HONORING CARTER G. WOODSON FOR BLACK HISTORY MONTH

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Ms. NORTON. Madam Speaker, during the early years of the 20th century, a small number of intellectuals began to question whether the United States was simply a transplant of English civilization. W.E.B. Dubois, Theodore Herzel, and Randolph Bourne believed that modern America should embrace the cultural differences that newcomers brought with them to America. Democracy, they believed, required tolerance of difference and could sustain those differences in harmony.

Among those intellectuals of the Progressive era, Carter G. Woodson did most to forge an intellectual movement to educate Americans about cultural diversity and democracy. For the sake of African Americans and all Americans, Woodson heralded the contributions of African Americans and the Black tradition. In 1915, he established the Association for the Study of Negro Life and History and by the time of his death in 1950, he had laid the foundation for a rethinking of American identity.

The multiculturalism of our times is built on the intellectual and institutional labors of Woodson and the association he established. He should be known not simply as the Father of Black History, but as a pioneer of multiculturalism as well. In honor of its founder, the Association for the Study of African American Life and History devotes the 2008 Annual Black History Theme to both the labors of Woodson and the origins of multiculturalism.

I ask the House to join me in carrying out the work of Carter G. Woodson and to celebrate his many contributions to Black History.

## RECOGNIZING STEVEN FRANK LAVALLIE FOR SERVICE DURING WORLD WAR II

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor a man who served with honor and distinction in World War II, and who was taken from us in battle much too soon. Following his induction into the Army in 1942, Steven LaVallie served outside the continental United States in the cause of freedom and liberty against the Axis powers. While he fought bravely for the better part of 2 years, Mr. LaVallie was sadly killed in action fighting the Germans in France on October 28, 1944.

Originally hailing from Montville, Connecticut, Mr. LaVallie eventually earned his GED certificate. In addition to his marriage to his wife Elsie and the birth of his son Steven J. LaVallie, Mr. LaVallie was an active member of the Masonic Fraternal Organization. I was very honored to present his son, Mr. Steven J. LaVallie of Wesley Chapel, Florida with his father's posthumous Purple Heart in a ceremony earlier this month.

While Mr. LaVallie did not make it home from the front lines of World War II, his contributions to world freedom and liberty will never be forgotten. He may have been taken from his family too soon, but his son and dearly departed widow Elsie LaVallie should know that he gave his life so that others might be free.

Madam Speaker, soldiers like Steven Frank LaVallie should be recognized for their service to our Nation and for their commitment and sacrifices in battle. I am honored to present Mr. LaVallie's son with his long overdue Purple Heart earned on the battlefields of France so many years ago. All Floridians should know that we truly consider him one of America's heroes.

## HONORING CARMEL REILLY

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. ENGEL. Madam Speaker, Carmel Reilly has been a member of the Rockland County Ancient Order of Hibernians for 8 years and in that relatively brief time has been involved in so many activities involving AOH causes that she has been named its 2008 Hibernian of the Year.

Carmel is the daughter of Matt and Moira Reilly from Blauvelt where she grew up along with her three sisters. The family's Irish heritage was incorporated into everyday life and Irish step-dancing lessons resulted in Carmel being a participant in Rockland County's first ever Feis in 1974.

Carmel has participated in all things Irish: St. Patrick's Day parades, Irish festivals, and Feiseanna, to mention just a few events.

She joined the Ladies Ancient Order of Hibernians Division 3 in 2001 and quickly joined the Rockland County St. Patrick's Day Parade Committee. In 2003, she was part of the newly formed Halfway to St. Patrick's Day committee. As chairperson of the committee's highly successful Night at the Races, over $20,000 was raised for the Rockland County St. Patrick's Day Parade over the next 2 years.

As a Ladies AOH member, Carmel was always ready to volunteer. She has been the chair of more than a dozen Christmas and St. Patrick's Day dinners. She has contributed to the Rockland AOH/LAOH Feis for several years and was a co-chairperson, along with Michael O'Sullivan, of the Feis journal for 2 years.

In 2004, Carmel began raising funds for the Rockland Gaelic Athletic Association, originating the highly successful Pub Quiz, which is in its fifth season.

Carmel also has the Irish love of horses and in 2006 she invested in two racehorses—one of which, Tater Tutt, recently won his fifth race from his last six starts.

Carmel, a Dominican College alumna, is employed as the Treasury/Budget Manager for Common Ground, an organization that helps the homeless find housing.

Working with the Rockland AOH in assisting hurricane victims or sending a notice of a fundraiser to hundreds of supporters, Carmel tirelessly gives her time and energy. Her energy and devotion have earned her this honor, and I join in congratulating her for this recognition.

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## HONORING JAMES RYAN JOE TURNER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize James Ryan Joe Turner, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 215, and by earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. James started his journey with the Boy Scouts as a tiger cub. Over the years James has been involved in scouting, he has earned 27 merit badges, and also completed the achievements for his Bronze Palm. For his Eagle Scout project, James installed handrails at McMurry United Methodist Church.

Madam Speaker, I would be remiss if I did not mention the strong family foundation James has supporting him. His proud parents Rochelle Fee and James Kelly Turner, as well as his grandfather Robert Axtell who was the most influential person in James' scouting life.

Madam Speaker, I proudly ask you to join me in commending James Ryan Joe Turner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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## MS. MEGAN YEE DISTINGUISHED FINALIST PRUDENTIAL SPIRIT OF COMMUNITY AWARD

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Ms. Megan Yee, who has been selected as a Distinguished Finalist for the Prudential Spirit of Community Award, which honors young people for outstanding acts of volunteerism. The Prudential program was created in 1995 to emphasize the importance our nation places on service to others, and to encourage all young Americans to contribute to their communities.

A senior at Desert Mountain High School in Scottsdale, Arizona, Megan organized a series of computer classes to teach members of the Phoenix area's Chinese-American community how to use word-processing programs, spreadsheets, e-mail, and the Internet. Megan worked hard to design the curriculum, recruit volunteers to teach the classes, prepare all of the lesson plans, and teach classes herself.

Megan should be proud of her accomplishments. Again, I congratulate Megan on her award and thank her for a job well done.

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## CONGRATULATING LOYOLA SACRED HEART SPEECH AND DEBATE

### HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. REHBERG. Madam Speaker, today I rise to recognize the continued excellence of a speech and debate program in Montana that has won 25 state championships in a row. With this quarter-century milestone, the Loyola Sacred Heart High School speech and debate team is building on the longest streak of such state championships in United States history.

Speech and debate is an activity that fosters valuable skills such as public speaking, bolstering confidence and poise, and critical thinking while showing an awareness of current events. Students compete in two debate events—team debate and Lincoln-Douglas debate—and seven individual public speaking events—extemporaneous speaking, impromptu speaking, original oratory, memorized public address, expository speaking, serious oral interpretation of literature, and humorous oral interpretation of literature. Team scores are accumulated by individual performances in each of these events, so just like this championship streak is made up of many teams, each team is made up of many talented students.

This year's championship team included five individual state champions. Dan Evans won the state in Extemporaneous Speaking for an unprecedented third time. Nick Corn, Will Blair, Emily Mihalic and Emilie Loran also took home individual gold for Loyola. They are joined by the remainder of the team, Mike Tarbert, Kevin Conley, Katie Neher, Mary Callahan-Baumstark, Matt Eddy, Myles Dauterive, Dillon Linhart, Dan Cloninger, Nick Mihalic, Lyle Pocha, Laura Snook, Tricia Karsky, Erik Kappelman, Mike Evans, Mariah Rys-Sikora, Brooke Sauro, Kyle Doyle, Justin Dart, Dylan Hyland, Alex Hughes, Ashley Wegener, Ali Hege, Erich Dieziger, Erik Dale, Rachel Lee, Erik Loran, Shawnae Stanton, Griffin Woodall, Alex Ward and Matt Dollar. The team is coached by Head Coach Matt Stergios and Assistant Coaches Sarah Jennings, Stephanie Mansanti, Chuck Hansberry and Theresa Stergios.

I am proud to recognize the achievements of this year's team, building on the shoulders of 24 championship teams before them.

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## RECOGNIZING ANNETTE SYKORA AS CHAIRWOMAN OF THE NADA

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. NEUGEBAUER. Madam Speaker, I rise to congratulate Mrs. Annette Sykora of Slaton, Texas, on becoming chairwoman of the National Automobile Dealers Association. Annette comes from a family of auto dealers and is the dealer principal of Smith South Plains Ford/Mercury in Slaton, Texas, and South Plains Ford/Lincoln Mercury/Dodge/Jeep/Chrysler in Levelland, Texas.

From an early age, Annette knew her heart was in the automobile business. At age 19, she told her father of her dream that one day she would run his dealership. By age 26, she was general manager, and by 29 she had a controlling share of the store.

In addition to running a successful business, Annette is also an active leader in her community. She is the chair of the finance committee of the First United Methodist Church of Slaton and serves as board member of the Slaton Chamber of Commerce.

As chairwoman of the NADA, Annette wants to strive to help connect domestic dealerships with valuable resources that are available through the NADA. Car dealerships in Texas alone bring in $55 billion of revenue and employ more than 85,000 people. She also brings years of hard work and experience, as well as a message of hope for the future of domestic dealerships in America.

I, along with all the citizens of Slaton, am proud to celebrate Annette Sykora as the first woman to become chair of the NADA. I wish her continued success.

## RECOGNIZING MR. GREG PRESTEMON OF ST. CHARLES, MISSOURI, AS NON-PROFIT EXECUTIVE OF THE YEAR

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. AKIN. Madam Speaker, I rise today in recognition of Mr. Greg Prestemon, of St. Charles, Missouri, as the 2008 Non-Profit Executive of the Year at the 3rd Annual Honors Program organized by the Saint Charles Business Magazine.

Since Greg's arrival at the Economic Development Center, EDC, in 1993, St. Charles County's population has grown from 232,360 to nearly 350,000 today. In fact, St. Charles County continues to be one of the fastest growing counties in the State of Missouri.

As president and chief executive officer of the Economic Development Center of St. Charles County, Greg has served 15 successful years at the helm of the Economic Development Center, which is also celebrating its 15-year anniversary of their small business incubator facility in St. Peters, Missouri.

Mr. Prestemon's nomination highlights the way that St. Charles County has grown and prospered, particularly through his work at the Economic Development Center and Partners for Progress.

During Greg's tenure, the accomplishments of the Economic Development Center include more than $100 million of business financing, the creation and retention of nearly 5,300 jobs, more than 150 business graduates and 500 jobs from the EDC incubation program. These accomplishments do not even include the thousands who have attended EDC business training events, and Greg's involvement in countless special projects such as workforce housing, health care and education initiatives and the road tax campaign.

I thank Greg for his service to the community. He is a shining example of the great leadership we have in Missouri and I ask my colleagues to join me in congratulating him on his nomination.

## PERSONAL EXPLANATION

### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. ELLISON. Madam Speaker, on February 14, 2008, I inadvertently failed to vote on rollcall No. 68. Had I voted I would have voted "aye."

## INTRODUCTION OF THE MEDICARE FUNDING WARNING RESPONSE ACT

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. HOYER. Madam Speaker, today I introduce the Medicare Funding Warning Response Act of 2008 at the request of the President pursuant to section 803(a) of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 which requires me to do so.

The Secretary of Health and Human Services submitted this proposed legislation to the House of Representatives on February 15, 2008.

The Medicare Modernization Act established a process requiring the President to propose and Congress to consider a legislative response to a Medicare funding warning. A Medicare funding warning is triggered if the Medicare Board of Trustees makes a determination in 2 consecutive years that general revenue Medicare funding is expected to exceed 45 percent of Medicare outlays for the current fiscal year or any of the next 6 fiscal years.

The trustees issued a Medicare funding warning in April 2007. Under the statute, the President is required to submit a legislative proposal to Congress that will lower the ratio to the 45 percent level. The statute further requires the Majority and Minority Leader or their designees to introduce the legislation submitted by the President. Thus today, I am fulfilling my statutory obligation by introducing this legislation.

Let me stress that introducing a bill "by request" should not be interpreted to imply endorsement of the legislation as submitted. As I mentioned, this introduction by me is required, it is not discretionary. Furthermore, let me be clear: While some of the items in the proposal deserve consideration, the proposal includes provisions that I oppose. For example, I have consistently voted against medical malpractice proposals similar to the proposal included in this package.

I have strong reservations about the basic approach of the trigger. The trigger establishes an arbitrary limit on general revenues that does not provide a meaningful measure of Medicare's fiscal health and would take some legitimate options for strengthening Medicare financing off the table. The focus on general revenue spending inherently favors some options over others.

Ironically, this process was included in the Medicare prescription drug legislation enacted by the then-Republican Majority and signed by President Bush—legislation that increased the liabilities of the Medicare program by $8.5 trillion. In fact, we would not have exceeded the 45 percent threshold but for the prescription drug benefit financed by general revenues.

In sharp contrast, the Democratic Majority in this House is committed to ensuring that the Medicare program continues to function effectively for beneficiaries, providers and taxpayers well into the future. Remember, the House enacted reforms to strengthen Medicare as part of the Children's Health and Medicare Protection (CHAMP) Act of 2007. The CHAMP Act would have extended Medicare solvency by 2 years. The savings from reforming spending on Medicare Advantage plans in the CHAMP Act would have met the requirements of the trigger.

Let me say that it is imperative that we get serious about our long-term fiscal challenges. Analysts of diverse ideological perspectives and nonpartisan officials at the Congressional Budget Office, CBO, and the Government Accountability Office, GAO, have all warned that current fiscal policy is unsustainable over the long term even under the most optimistic projections. Medicare and Medicaid will grow by nearly five times as a share of the economy by 2050 under current projections if the growth of health care costs does not slow. And these programs will absorb as much of our Nation's economy by the late 2040s as the entire Federal budget does today.

Turning a blind eye to our long-term challenges would not only be irresponsible, it would be dangerous to our Nation's continued success. Those of us who believe that the American people want their government to invest in national security, health care, education, infrastructure, scientific research and other priorities have a critical stake in addressing the budgetary pressures that will be created by the growth of entitlement spending.

Finding a politically viable, equitable and financially sound solution to our fiscal challenges and meeting our responsibility to future generations will require bipartisan discussions in which all options must be on the table. Unfortunately, the Medicare trigger is ill-suited to such a process. Further, I am very skeptical that we can deal with the issue of entitlements in a bipartisan manner in the current environment, especially since the current administration has made it clear that it is not willing to discuss all options.

I believe it is critical that we begin to lay the foundation for bipartisan action on this issue in the next Congress. I am encouraged that efforts to establish a bipartisan task force with a broad mandate to address our fiscal challenges have been initiated. I believe this issue will be one of the most important that the next Congress and the administration must address.

We must have an open, honest debate about the best way to strengthen our entitlement programs that millions of Americans count upon.

## RECOGNIZING UNIVERSITY OF KANSAS AEROSPACE ENGINEERING EXCELLENCE

### HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. MORAN of Kansas. Madam Speaker, sports fans across the country likely know the University of Kansas for its winning tradition in men's basketball and recently for the success of its football team that won the 2008 Orange Bowl. While these are accomplishments Kansans are proud of, I want to draw attention today to the impressive talents and accomplishments in the University's aerospace engineering program.

Earlier this year, at the American Institute of Aeronautics and Astronautics 46th Annual Aerospace Sciences Meeting and Exhibit, two University of Kansas students and one professor were honored for excellence in aircraft design, aeronautics research and instruction.

Nobuya Nishio, an aerospace engineering student, won first place in the international aircraft design competition for designing an eye-catching two-seat airplane with a 300-mile range capable of traveling 143 miles per hour. Nobuya is the eighteenth student from the University of Kansas to place first in this competition since 1968.

Another Kansas student, Roelof Vos received the Abe M. Zarem Award for Aeronautics Research. Roelof's groundbreaking work on actuators will enhance the ability of airplanes to fly through turbulent air while maintaining smooth flight. In addition to the improvements this will bring to passenger comfort, planes will benefit from the new actuator technology by experiencing less airframe fatigue, which leads to less stressed aircraft, safer flight and ultimately lower cost air travel.

Both of these students were under the instruction and mentorship of Dr. Ron Barrett-Gonzalez, Associate Professor of Aerospace Engineering. Professor Barrett received the Abe M. Zarem Educator Award in recognition of his outstanding instruction. His research focuses on flight control using adaptive aerostructures that have been integrated in high speed, high precision flight control systems and are ideal for countermunitions. Professor Barrett's lab is the only academic facility in the country that specializes in these countermunitions that protect our Armed Forces by intercepting mortars and other weapons.

American economic competitiveness is strengthened as more students study and excel in the academic areas of science, technology, engineering and mathematics. I join Kansans in congratulating Nobuya, Roelof and Professor Barrett for their outstanding creativity, insight and hard work. Jayhawks not only excel in athletics but fly high in the classroom, as well.

## TOM LANTOS PASSES HUMANITY'S TORCH

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. MCGOVERN. Madam Speaker, this House lost one of its finest Members with the passing of Tom Lantos. He was a dear friend, who taught me a great deal about human rights and a life dedicated to service, and I will miss him. One of my favorite memories of our service together is the day I was arrested alongside Tom in front of the Sudanese Embassy in Washington, DC, protesting the continuing genocide in Darfur.

I would like to bring to the attention of my colleagues an article from the February 22, 2008 edition of the Boston Herald that urges everyone to emulate Tom's legacy of service and devotion to human rights. Written by Anthony Barsamian with the Armenian Assembly of America and Michael Ross, the son of a Holocaust survivor, it expresses what we all feel about Tom's commitment to ending man's inhumanity to man.

[From the Boston Herald, February 22, 2008]

TOM LANTOS PASSES HUMANITY'S TORCH

(By Anthony Barsamian and Michael Ross)

Humanity lost one of its greatest voices this month. No one lived up to the promise of the words "never again" better than Rep. Tom Lantos. As the only Holocaust survivor to have served in Congress, he dedicated his career to working on behalf of others.

Those who survive genocide live with complexities that few can understand—post-traumatic stress, feelings of guilt for having survived, a victim of man's most diabolical incarnation, a witness to history—to name a few. On the one hand, a survivor must rectify his tragic past while on another, he must make sense of a stunted future. With great strength and determination, survivors and their families move forward and rebuild their lives, for a second time.

To start a life anew is difficult enough. To do so as a U.S. congressman is nothing short of miraculous. Only in America—as Lantos would say.

For Holocaust survivors and their families, Lantos was a source of pride. For those who searched for a voice of justice, in him they found their greatest friend.

Tom Lantos spoke out against genocide in Darfur, at one point being arrested for protesting outside the Sudanese Embassy along with four other Democratic lawmakers, including Bay State Reps. Jim McGovern and John Olver.

One of his final acts was a resolution that would recognize the slaughter of innocent Armenians for what it was—genocide. As chairman of the House Foreign Affairs Committee, Lantos refused to be part of a campaign of denial and looked beyond the politics of convenience by passing the resolution.

During a PBS interview last October, Lantos said, "This is one of those events which has to be settled once and for all: 1.5 million utterly innocent Armenian men, women and children were slaughtered. And the Turkish government, until now, has intimidated the Congress of the United States from taking this measure. I think it's important, at a time when genocides are going on in Darfur and elsewhere, not to be an accomplice in sweeping an important genocide under the rug."

The resolution has yet to be acted upon by the entire House—something, no doubt, Lantos, would want.

Lantos understood what it meant to stand up for his fellow man, much in the same way someone helped him when he needed it. An otherwise ordinary bureaucrat, Raoul Wallenberg, chose to become an extraordinary person when, over the course of his diplomatic career, he found a way to save 100,000 Hungarian Jews. Lantos was among them.

As people who have inherited a legacy from our families, we have an obligation to recognize man's inhumanity to man regardless of whether it is convenient to do so. We have an obligation to properly recognize an injustice by its name, regardless of the political discomfort or cost. And, like Lantos, we have an obligation to live by the words "never again" and to remind the world when those ominous words are back in play.

In Tom Lantos' passing we lost the sentinel on humanity's gate. We owe it to those he protected to speak the truth, no matter the cost.

## A TRIBUTE TO ROB COGORNO

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Ms. DELAURO. Madam Speaker, in 1993, I was privileged to be appointed to the Appropriations Committee. I brought to the assignment my ideas and priorities and a determination to use the power of the purse to change lives for the better.

To be effective I needed much more. I needed Rob Cogorno.

Rob joined our staff bringing with him years of experience working on issues that had my strongest interest. It was a blessed partnership from the first day.

Rob came with remarkable qualities. He knew the issues thoroughly. He was tireless. He knew the answer or how to find it.

But to focus only on Rob's mastery of the process would be an injustice. He is effective because he is compassionate and sincere as well as smart.

He cares about people. Low income heating assistance was not just a program, it was thousands of cold seniors. National Cancer Institute funding was not just about scientists and research grants, it was millions of people suffering from diseases that he believed could be helped. The Ryan White AIDS funding legislation was about millions of Americans and about people he knew personally who needed a cure and needed hope.

His commitment earned him the respect of his colleagues and members. He is a warm person. He takes the time to make you laugh, share a piece of gossip, lift your spirits. Over the years he has held important positions working for the Democratic House Leadership and most recently for the Majority Leader.

I am grateful to Rob for his leadership, passion, and partnership over the years. I wish you well. I treasure our friendship.

Buona Fortuna!

## PERSONAL EXPLANATION

### HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. CUMMINGS. Madam Speaker, on February 12, 2008, due to obligations in the district, I missed the following recorded votes:

Roll No. 43, on H. Res. 954—Honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008; had I been present, I would have voted "aye."

Roll No. 44, on H. Res. 909—Commemorating the courage of the Haitian soldiers that fought for American independence in the "Siege of Savannah," and for Haiti's independence and renunciation of slavery; had I been present, I would have voted "aye."

Roll No. 45, on H. Con. Res. 281—Celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs; had I been present, I would have voted "aye."

## IN CELEBRATION OF BLACKS WHO HAVE CHANGED THE COURSE OF HISTORY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. RANGEL. Madam Speaker, I rise today to honor Black History Month and to enter into the RECORD an editorial from New York CaribNews for the week ending February 19, 2008, "Blacks Who Helped Change the Course of History and Improved the Quality of People's Lives Everywhere."

This editorial makes mention of many Blacks who have contributed to American history, with deeds that have benefited the lives of all Americans. Some of these pioneers have familiar names—other names are not as familiar, however, their contributions are important all the same. They include: Oscar DePriest, the first Black Congressman of the 20th century; Mary McLeod Bethune, educator and White House advisor; A. Philip Randolph, the trade union leader; and Dr. Charles Drew, the pioneer of blood plasma. This editorial highlights the many accomplishments of Black Americans in religion, the arts, education, and science. It would take years to complete a list of all the accomplishments Blacks have made in America, which have transformed our own lives, as well as those of people around the world.

[From the New York Carib News, Feb. 19, 2008]

BLACKS WHO HELPED TO CHANGE THE COURSE OF HISTORY AND IMPROVED THE QUALITY OF PEOPLE'S LIVES EVERYWHERE

"Ask historians about Oliver Cromwell and they would quickly point to the man who became Lord Protector of England, Ireland and Scotland between 1653-58.

But there was another Oliver Cromwell, who was born in Burlington County in New Jersey, exactly a century after the gentleman who essentially was a dictator turned down the English crown.

While the American is often ignored by the chroniclers of the nation's past, the fact of the matter is that he made his presence felt when George Washington crossed the Delaware River on the Windy night of December 25, 1776 to attempt to capture the British garrison at Trenton. Actually, the Black man was among 2,400 hand picked troops who caught the unsuspecting mercenaries of the British unawares. It was a much needed victory that did much to lift the spirits of colonists and boost people's morale. The rest, as they say, is history. George Washington and his forces eventually went on to victory in the battle for independence stretched over a number of years after the river Crossing.

This episode is important because what it demonstrates once again is the role which Blacks played in fighting for America's freedom. They were present at the creation of the nation and have been working assiduously ever since. In almost every major battle in America's history, whether military or civil, Blacks have shouldered their share of the burden and took up the challenge of defending or building the country.

They persisted against all odds.

Today, their names litter the pages of history, covering everything from religion, science, the arts, health, education make such a long list of Black pioneers that it would take years to complete.

Some like the Benjamin Banneker, a mathematical wizard; Prince Hall, the fraternal leader; Paul Cuffee, a late 18th century ship builder and owner; Elijah McCoy and Granville Wood, inventors; George Washington Carver, the savior of southern agriculture; Daniel Hale Williams, the first successful heart surgeon; and Charles Drew, the pioneer in blood plasma. In their different ways these Blacks helped to transform our lives, making them better for every one.

But the list doesn't end there. Harriet Tubman, the liberator of slaves; Sojourner Truth, a pilgrim of freedom; Madame C.J. Walker, the cosmetics manufacturer; Paul R. Williams the architect, and A.G. Gaston, the shining light for free enterprise who showed the way forward towards success in commerce are also among them.

How about the contributions of Oscar DePriest, the first Black Congressman of the 20th century; A. Philip Randolph, the preeminent trade union leader; Edward W. Brooke, the U.S. Senator from Massachusetts who represented a new breed of politicians in Washington, Dr. Martin Luther King Jr., the great humanist and civil rights leader of the 20th and any century; Mary McLeod Bethune, the cotton-picker, educator and White House adviser; and Congressman Charles Rangel, the long serving Democrat from Harlem and Chairman of the Ways & Means Committee of the House of Representatives, an eloquent voice for reason and social justice? They are but a small sampling of the voices for the multitude.

Think of the persons who helped to widen the entrance to education and Carter Woodson, the father of Black History Month, Arthur Schomburg, the bibliophile and antiquarian, Alain Locke, the Rhodes Scholar and philosopher, and John Hope Franklin, the historian spring quickly to mind.

James Weldon Johnson, the gentleman of letters, Gwendolyn Brooks, a Pulitzer Prize winner and Paul Lawrence Dunbar, the people's poet are among the tellers of troubled or delightful tales.

These Black American contributors helped to ease our pain, bring smiles to our faces and opened human civilization to new vistas.

In the process they became worthy of the praise being showered on them and many more African-Americans during Black History month.

## RECOGNIZING THE 90TH ANNIVERSARY OF ST. ANTHONY'S SCHOOL IN HEREFORD, TEXAS

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. NEUGEBAUER. Madam Speaker, I proudly congratulate St. Anthony's School on the occasion of its 90th anniversary. The school's 90th anniversary was celebrated along with Catholic Schools Week from January 27–February 2, 2008.

St. Anthony's began providing Catholic education in 1914 with the purpose of supplying children with knowledge of the Catholic faith, as well as a strong foundation for future learning. In 1917–1918, continuous classes were introduced. St. Anthony's moved to its current location in 1955 where 14 classrooms, a library, a meeting room, a cafeteria and a gym now make up the school.

Throughout its history, several orders of religious nuns have staffed the school. Presently, the Franciscan Sisters of Mary Immaculate make up the faculty. They have taught and maintained St. Anthony's since the 1987–1988 school year.

St. Anthony's provides classes from preschool through sixth grade. The school remains focused on teaching the Catholic faith while also providing the opportunity for students to acquire the skills needed to achieve high honors upon entering the Hereford Independent School District upper grades. Students participate in acts of service, the Accelerated Reading Program and after-school activities such as sports or choir. The six-member board of education along with Principal Ann Lueb and Rev. John Valdez govern the school and determine policies.

During the 90th anniversary celebration, Dolores Loerwald Brorman was presented with the 2008 National Catholic Education Association Distinguished Graduate Award. The award recognizes individuals who have made a significant contribution to American society and the Catholic Church and has been presented to a deserving graduate of St. Anthony's School every year since 1993.

I applaud St. Anthony's school for providing quality education and developing knowledgeable and honorable students for 90 years. Also, I congratulate Dolores Loerwald Brorman on receiving the 2008 Distinguished Graduate Award and making such a mark in her community.

## IN HONOR OF MR. ELMER D. SAXTON, SR.

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. CASTLE. Madam Speaker, I rise today to recognize and pay tribute to the late Elmer D. Saxton, Sr. Mr. Saxton passed away peacefully at the age of 87 on Monday, February 18, 2008, surrounded by his family. Formerly, Mr. Saxton served as the State of Delaware Service Officer for the Veterans of Foreign Wars organization.

Mr. Saxton was born in Philadelphia, Pennsylvania. He was preceded in death by his wife of 50 years, Agnes, in 1993. A career soldier, Mr. Saxton proudly served our country as a member of the United States Army in both World War II and the Korean War. He was recognized for his service in various artillery and ordinance corps by several commendation medals. Following his retirement from active duty, Mr. Saxton worked for the University of Delaware and the United States Postal Service before taking his position at the Veterans of Foreign Wars.

Upon his retirement from his position as Delaware's VFW Service Officer, Mr. Saxton continued to put forth tireless effort in assisting those in need. As a member of the American Legion and the Knights of Columbus, as well as an ongoing member of the VFW, he devoted himself to ensuring that flags were placed on all veterans' graves and that members of the honor guard served for fallen comrades. In addition, Mr. Saxton was instrumental in the establishment of the Veterans Memorial Cemetery and the Veterans Nursing Home in Milford, Delaware. As a founder and faithful member of Holy Family Church for many years, he enthusiastically participated in community outreach and service projects, including the collection and distribution of food with Val's Needy People fund and the delivery of emergency and holiday groceries. Mr. Saxton faced all challenges with one goal in mind: to help another.

Mr. Saxton, or "Pop", as he was called by his family, will be lovingly remembered by his three children, nine grandchildren, and eleven great-grandchildren. They will remember him as a man who loved to solve crossword puzzles, loved to root for his beloved Philadelphia Eagles and Phillies and Wilmington Blue Rocks, and loved to help others. His superlative example of heroism, dedication, and selflessness will serve as an inspiration to all those who knew him.

## HONORING THREASA MILLER

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor the dedication and tireless service of Threasa Miller. Threasa will be retiring from her position as Executive Director of the PACE Center for girls in Immokalee, Florida on March 7th of this year.

Threasa has served troubled girls in Collier County at the PACE Center for 10 years. The Practical Academic Cultural Education program initially served 20 at-risk girls and has grown to reach over 75 girls each year. More than 500 girls have completed the PACE program in Collier County and have become successful young women in our community.

All who know Threasa know she has a special place in her heart for children. Before joining PACE fulltime, Threasa had a career in social services with the Department of Children and Families and the Department of Juvenile Justice. Her life-long commitment to children has not gone unnoticed. I am very grateful for her contribution to our community and honored to call her my friend.

## TRIBUTE TO CAROL P.W. WEATHERINGTON

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to Carol P.W. Weatherington on the occasion of her retirement from the Miami-Dade County Public School System (MDCPS) after over 30 years of service and dedication.

Mrs. Weatherington's original ambition was to serve her community in the healthcare field as a nurse. Yet, after she interned as a teacher for the MDCPS she quickly realized that she had a gift in uplifting and building positive relationships with young people in an effort to prepare them for a bright future.

A native Miamian, she grew up in Coconut Grove and attended George Washington Carver Senior High School. After graduating from high school, she decided to break her family's tradition of attending Florida Agricultural & Mechanical University and matriculated to Bethune-Cookman College. She then obtained her master's degree in education from Nova Southeastern University.

She complimented her educational achievements with her involvement in various organizations such as Delta Sigma Theta Sorority, Incorporated, Miami Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated, Educational Excellence School Advisory Committee (EESAC), Language Arts Chairperson, Eighth Grade Team Leader/Eighth Grade Activities Advisor, and President of the Miami-Dade Chapter of the Bethune-Cookman University Alumni Association.

She began her career as a Language Arts teacher at Brownsville Middle School. During her 15 years at Brownsville Middle, she witnessed her students' reading level scores soar dramatically. Today, many of her students continue to thank her for teaching them their reading fundamental skills. Following her tenure at Brownsville Middle, she went on to continue teaching at Rockway Middle School where she received numerous accolades, including a nomination for "Teacher of the Year". Presently, she is teaching Language Arts and Reading at Charles R. Drew Middle School, and is successfully meeting the challenge of educating the needs of her community's young people.

This public servant has shared over 20 years of marriage bliss with Major Arnie Weatherington, and has one daughter, Argatonia. She has been a diligent and dedicated steward at Greater New Bethel Missionary Baptist Church where she devotes countless hours to the Youth Ministry, as a Sunday school teacher and assisting with other church activities and projects.

It is an honor to have the privilege of knowing this valued educator and leader of the Miami-Dade County community and beyond. I salute Mrs. Carol P.W. Weatherington on behalf of a grateful community that she truly loves and cares for. Now, in retirement, she embarks upon new challenges in life and I am certain her legacy of greatness will only grow and develop as she enters this new phase of life. I wish her every happiness and success.

## IN HONOR OF ONE OF AMERICA'S LONGEST MARRIED COUPLES

### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mrs. BACHMANN. Madam Speaker, I am thrilled to rise today and congratulate an amazing Minnesota couple from White Bear Lake.

Clarence and Mayme Vail, ages 101 and 99, just celebrated their 83rd anniversary, making them perhaps the longest married couple in the Nation.

Sixty years ago their marriage was almost cut tragically short when Clarence became severely ill.

But Mayme made a promise to God that if Clarence recovered she would go to Mass every single day. Sure enough, Clarence got well, and Mayme kept her promise.

Clarence and Mayme's marriage has brought much joy to the world and touched many lives—including six children, 39 grandchildren, 101 great-grandchildren, and 40 great-great grandchildren.

Their amazing relationship is a profound testament to love, faith, and the cherished institution of marriage. Madam Speaker, I ask that this body join me in honoring Clarence and Mayme for what is truly a moving and inspiring achievement.

## TRIBUTE TO PAUL ROGERS OF CHARLTON, MASSACHUSETTS

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. MCGOVERN. Madam Speaker, it is with great pleasure and pride that I rise today to recognize Paul Rogers. Paul is an outstanding asset to the entire community and has spent over 50 years sharing his passion for horticulture with the people of Massachusetts. This weekend, Paul is being honored by the Stockbridge Alumni Association with their prestigious "S" Award and this year's annual Central Massachusetts Flower Show Dinner has been named "A Tribute to Paul Rogers."

An alumnus of the Stockbridge School of Agriculture at UMASS, Paul Rogers received an associates degree in horticulture. Mr. Rogers took time away from school to serve during the Korean War from 1951 to 1954, when he was stationed in East Africa. Upon returning to the United States, Paul Rogers continued his education and earned a bachelor's degree from Clark University in Worcester.

Following his education, he served as a landscape superintendent at Holy Cross College for 20 years. He began his own greenhouse, Stonehenge Gardens, and served as a horticultural consultant throughout the area. He was nominated as the president of the Worcester Horticultural Society, the Massachusetts Horticultural Society and the Horticultural Club of Boston and was the only person ever to hold all three of these positions.

Currently, Mr. Rogers can be found in a number of places throughout the State, teaching horticulture and inviting others to share in his passion. For the past three decades he has served as the host of "Gardener's Calendar" on WTAG radio and as the garden writer for the Worcester Telegram & Gazette. In addition, he is a lecturer at the Landscape Institute of Harvard at the world renowned Arnold Arboretum. And he is a member of many societies, including the Worcester County Horticultural Society, the Massachusetts Horticultural Society, the American Horticultural Society, the Horticultural Club of Boston, Garden Writers Association of America, and a Trustee of Old Sturbridge.

Madam Speaker, I am truly appreciative of the work Paul Rogers has done for the residents of the 3rd Congressional district. For his outstanding service, I ask my colleagues in the United States House of Representatives to join me in honoring Paul Rogers.

## PAYING TRIBUTE TO "ALIPIO COCO CABRERA" ON HIS 25TH ANNIVERSARY "ON THE AIR"

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. RANGEL. Madam Speaker, it is with great honor and enthusiasm that I rise to congratulate Alipio "Coco" Cabrera in celebration of his 25th anniversary as a radio host and personality. He along with the Univision Radio family will be celebrating this very momentous and joyous occasion with a concert held on February 17th, 2008 at the United Palace Theatre in my district.

"Coco," as he is referred to by his fans, has a very rich history that has given him longevity in the radio industry for the past 25 years. His career began in the Dominican Republic as a journalist and writer, for the well known newspaper "El Nacional." Looking for better opportunities, in 1978 he decides to embark on a journey to New York City. As many immigrants that come to our shores, Alipio had to earn a living by working tough jobs such as a cab driver, tailor, and factory worker.

In 1980, after he was able to enter New York City's rigid media field, his dreams finally became a reality. He was able to demonstrate his talent to popular radio stations such as: WBNX, WSKQ and WKDM where for the first time, he gained the highest ratings for an AM Radio Station during 1984 to 1988. Shortly after, the largest Hispanic radio group in the country, Hispanic Broadcasting Corporation (HBC) gains interest in Coco's talents and hires him to work in various projects and popular radio shows in prime time.

Coco is very well respected by those in the radio industry and also by the thousands of fans that listen to him on a weekly basis. He is a regular guest in Univision Spanish Language Television shows such as: "Despierta America," "Al Despertar," and "Don Francisco Presenta."

Alipio Cabrera has received various important awards and recognitions nationally and internationally. After conquering the radio and television industries, Mr. Cabrera decided to journal his triumphs in an autobiography titled "Abriendo el Coco" (Opening the Coconut) which narrates his struggles and desire to better himself as a professional and as a human being.

His greatest achievement has been his involvement with many charitable organizations. He was instrumental in the relief effort to assist those affected by hurricane George. Again faced with another tragedy, Coco again became involved in the relief efforts for the affected areas of Hurricane Noel and Olga in the Dominican Republic and the many victims of the earthquake in Peru. Alipio is a faithful supporter of St. Jude's Children's Research Hospital in Memphis, TN.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring and congratulating Alipio Coco Cabrera on his historic 25th Anniversary. His dedication, commitment, and joyous spirit is worthy of the highest commendation. As New York's favorite Latin radio personalities, just a mere mention of his name brings a smile to all.

## CONGRATULATIONS ON SPECIALIST BYERS RECEIVING THE ARMY COMMENDATION MEDAL

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. NEUGEBAUER. Madam Speaker, at this time, I would like to recognize one of my distinguished constituents, SPC Russell W. Byers, who has recently been honored with the Army Commendation Medal from the Department of the Army.

SPC Russell W. Byers is attached to the Headquarters Battery, 1st Battalion of, the 319th Airborne Field Artillery Regiment. He was awarded this citation by the Secretary of the Army for "Meritorious service during combat operations in support of Operation Iraqi Freedom." The award further commends Specialist Byers, stating "Your Tactical and technical proficiency, hard work and mission dedication have greatly contributed to the overall mission success of the task force. Your actions reflect great credit upon you, Task Force Panther and the United States Army."

This is Specialist Byers' first commendation, and was presented to him after a one year tour in Iraq. Duties he performed to receive this high honor include being an expert on the Command Post of the Future (CPOF) computer system, where he gathered, analyzed and developed vital intelligence for the Task Force. In addition, he gathered intelligence from HUMINT, prepared summarized reports and organized data, maintaining a complex database that captured all the significant enemy activity within the Task Force's combat zone.

In the recommendation letter for this medal, Specialist Byers' superior officer wrote, "SPC Byers' ability to multi-task and present information in a clear and consistent manner is of the highest military standards. He is extremely diligent and competent in accomplishing all assigned tasks with little or no supervision, while producing dynamic results. SPC Byers leads the way with a 'can do' attitude and an outstanding drive to go the distance, even when it requires him to go above and beyond his assigned scope of duties and responsibilities. He is well ahead of his peers in military bearing and fortitude."

I am well aware that there are thousands upon thousands of soldiers, airmen, Marines and sailors that earn prestigious citations such as this, but I am excited that a proud son from West Texas is among them.

Congratulations SPC Russell W. Byers; you have served your country with distinction. I would like to express my gratitude on behalf of a grateful Nation, and especially your neighbors in the 19th Congressional District. We all sleep well every night, knowing dedicated people like you are defending all we hold dear.

## DR. JAMES REDD

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. GRAVES. Madam Speaker, I rise today in recognition for Athletic Director, Dr. James C. Redd. On February 10, 2008, Dr. Redd was enshrined into the Missouri Sports Hall of Fame.

Jim excelled as a student athlete throughout high school and college, thereby earning First Team Defensive Lineman and Second Team Offensive Tackle awards at Northwest Missouri State University. After graduating with a double major in Physical Education and Social Science, Jim returned to the sidelines, this time as a graduate assistant at the University of Colorado-Boulder. Before returning to his alma mater as head coach of the Bearcats in 1976, Jim earned a master's degree in Physical Education and School Administration. Within three years he was selected as the MIAA Coach of the Year.

In 1986, Jim decided to take a sabbatical from a 17-year coaching career and return to school, this time completing his doctorate in education from Oklahoma State University-Stillwater.

Upon graduation, Dr. Redd returned to Northwest Missouri State to coordinate the graduate program in Health and Physical Education, and eventually to serve as Director of Athletics for Northwest. In 2001, Dr. Redd retired from Northwest State University. However, by May 2002 he was appointed Director of Athletics and Physical Education Chair at William Jewel College in Liberty, Missouri, a position he still holds.

Madam Speaker, please join me in congratulating Dr. Jim Redd, as he will be forever remembered for his athletic and educational achievements as a member of the Missouri Sports Hall of Fame.

## REMEMBERING THE ANNIVERSARY OF THE KHOJALY TRAGEDY

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. ORTIZ. Madam Speaker, I rise to commemorate the 16th anniversary of the Khojaly tragedy, when on February 25–26, 1992, the town of Khojaly in the Nagorno Karabagh region of Azerbaijan was brutally attacked by Armenian forces. The town of Khojaly, which was home to 7,000 people, was completely destroyed; a total of 613 people were killed, of which 106 were women and 83 were children, and 56 of whom are purported to have been killed with extreme cruelty and torture. Additionally, 1275 were taken hostage, 150 went missing; 487 people became disabled (76 of whom are teenagers); 8 families were wiped out; 25 children lost both of their parents, and 130 children lost one of their parents.

The Khojaly massacre was not an isolated incident. In fact, the level of brutality and the atrocities committed at Khojaly set a pattern of destruction that Armenian troops would adhere to for the remainder of the Nagorno-Karabakh War.

No one has been prosecuted for the crimes committed in Khojaly and, unfortunately, the Nagorno-Karabakh conflict still remains.

On January 21, 2008, Azerbaijan's Foreign Minister Elmar Mammadyarov noted in the Wall Street Journal that it has been almost 14 years since the Armenia-Azerbaijan war ended in a Russian-mediated ceasefire, but Armenian troops remain on Azerbaijan's territory.

Minister Mammadyarov opined: "The so-called Minsk process, an OSCE-led effort to find a peaceful, negotiated settlement to this conflict, has been helpful in providing the framework for dialogue between Azerbaijan and Armenia. It also gives an international dimension to this conflict. But we need to urgently conclude this process. Maintaining the status quo is just too costly."

Foreign Minister Mammadyarov contends that diplomacy is Azerbaijan's preferred solution. The resolution of this issue would not only improve bilateral relations between Azerbaijan and Armenia, it could also improve Armenia's relationship with Turkey.

The resolution of the conflict would ensure regional security and economic growth. As Azerbaijan looks forward, it is also important to look back. While not forgetting the past, Azerbaijan is ready to resolve the conflict and move into the future.

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## PERSONAL EXPLANATION

### HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. BACHUS. Madam Speaker, on February 25, 2008, I missed votes because my flight was delayed. Southwest Flight 1357, scheduled to depart BHM at 1:20 p.m. and arrive at BWI at 4:10 p.m., did not depart BHM until 3:15 p.m. and arrived at BWI at 6 p.m.

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## TRIBUTE TO MR. VERDERY ROBERSON

### HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 25, 2008*

Mr. CRAMER. Madam Speaker, I rise today to pay tribute to an outstanding individual from my district, Mr. Verdery Roberson.

Mr. Roberson is a World War II Navy veteran and a graduate of Paine College. In 1988, he retired to Huntsville, Alabama, after thirty-eight years as a civilian Electronics Fire Control Specialist with the U.S. Army at the Augusta Arsenal in Augusta, Georgia, and the Anniston Army Depot.

Mr. Roberson is most well known for his lifelong membership and continuing commitment to the Boy Scouts of America. In 1944, four years after joining the Boy Scouts, he became the first African-American in the Georgia-Carolina Council of Boy Scouts to receive a Scout's highest rank, Eagle Scout.

Mr. Roberson has passed on his extensive scouting knowledge and beliefs to countless young men as an adult leader, mentor, and member of the Eagle Board of Review. He is the founder and former Cub Master for the Cub Scout Pack 314 at the Center Grove United Methodist Church, as well as a founding member of the Urban Emphasis Scout Leaders Council. The Council is an urban and rural Scout outreach, or Scout Reach, organization for the Huntsville-Madison County community.

For his lifetime of inspirational service and outreach with the Boy Scouts, Mr. Roberson was one of the first recipients from North Alabama to receive the Whitney Young Service Award. This award is presented nationally to those nominated by their local councils who have provided Scouting opportunities for young men from rural and low-income urban backgrounds.

On Friday, February 22, 2008, Mr. Roberson's family and friends celebrated his life, his contributions to the Boy Scouts, and his selfless devotion to the positive development of numerous young men. I rise to join them in their tribute and to thank Mr. Roberson for his many years of service to our community.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 26, 2008 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

FEBRUARY 27

9:30 a.m.

Armed Services

To hold hearings to examine the current and future worldwide threats to the national security of the United States; with the possibility of a closed session in S–407 following the open session.

SD–106

Indian Affairs

To hold hearings to examine S. 2232, to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals.

SR–485

Veterans' Affairs

To hold hearings to review veterans' disability compensation, focusing on expert work on post-traumatic stress disorder and other issues.

SH–216

9:45 a.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Stanley C. Suboleski, of Virginia, to be an Assistant Secretary of Energy (Fossil Energy), and J. Gregory Copeland, of Texas, to be General Counsel, both of the Department of Energy.

SD–366

10 a.m.

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Environmental Protection Agency.

SD–406

Health, Education, Labor, and Pensions

Business meeting to consider S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatal and postnatal diagnosed conditions, S. 999, to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation, S. 1760, to amend the Public Health Service Act with respect to the Healthy Start Initiative, H.R. 20, to provide for research on, and services for individuals with, postpartum depression and psychosis, and S. 1042, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly, and any pending nominations.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine U.S. reliance on private security firms in overseas operations.

SD–342

Judiciary

To hold hearings to examine S. 2041, to amend the False Claims Act, focusing on strengthening the government's most effective tool against fraud for the 21st century.

SD–226

Rules and Administration

To hold hearings to examine protecting voters in the United States at the polls, focusing on limiting abusive robocalls and vote caging practices.

SR–301

Small Business and Entrepreneurship

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Small Business Administration.

SR–428A

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the U.S. Army, Department of Defense.

SD–192

Aging

To hold hearings to examine issues relative to surgeons, focusing on conflicts and consultant payments in the medical device industry.

SD–628

2 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine supporting the front line in the fight against crime, focusing on restoring federal funding for state and local law enforcement.

SD–226

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 2229, to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range, S. 2379, to authorize the Secretary of the Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, S. 832, to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value, S. 2508 and H.R. 903, bills to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, S. 2601 and H.R. 1285, bills to require the Secretary of Agriculture to convey to King and Kittitas Counties Fire District No. 51 a certain parcel of real property for use as a site for a new Snoqualmie Pass fire and rescue station, H.R. 523, to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district, and H.R. 838, to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah.

SD–366

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the National Space and Aeronautics Administration (NASA).

SR–253

Intelligence

Closed business meeting to consider pending calendar business.

SH–219

3 p.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 for the Active component, Reserve component, civilian personnel programs, and the future years defense program.

SR–232A

FEBRUARY 28

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Navy, and the future years defense program; with the possibility of a closed session in SR–222 immediately following the open session.

SH–216

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009 for Department of the Navy, and the future years defense program; with the possibility of a closed session in SR–222 immediately following the open session.

SH–216

Energy and Natural Resources

To hold hearings to examine the impact of increased minimum wages on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands.

SD–366

Foreign Relations

To hold hearings to examine the policy options of the United States in post-election Pakistan.

SD–419

Joint Economic Committee

To hold hearings to examine the total economic costs of the war beyond the federal budget.

SD–106

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semiannual monetary policy report to the Congress.

SD–538

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold oversight hearings to examine the Nuclear Regulatory Commission, focusing on the security of the nuclear power plants in the United States.

SD–406

Commerce, Science, and Transportation

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Transportation.

SR–253

Finance

To hold hearings to examine the real estate market, focusing on building a strong economy.

SD–215

Judiciary

Business meeting to consider S. 2304, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, S. 2449, to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, S. 352, to provide for media coverage of Federal court proceedings, S. 2136, to address the treatment of primary mortgages in bankruptcy, S. 2133, to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, S. 2041, to amend the False Claims Act, and the nominations of Kevin J. O'Connor, of Connecticut, to be Associate Attorney General, and Gregory G. Katsas, of Massachusetts, to be an Assistant Attorney General, both of the Department of Justice, Brian Stacy Miller, to be United States District Judge for the Eastern District of Arkansas, and James Randal Hall, to be United States District Judge for the Southern District of Georgia.

SD–226

2 p.m.

Appropriations

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee

To hold hearings to examine the recent Hallmark/Westland meat recall.

SD–192

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 177 and H.R. 2085, bills to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, S. 1473 and H.R. 1855, bills to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project, S. 1474 and H.R. 1139, bills to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, S. 1929, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed, S. 2370, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and H.R. 2381, to promote Department of the Interior efforts to provide a scientific basis for the management of

sediment and nutrient loss in the Upper Mississippi River Basin.
SD–366

2:30 p.m.
Foreign Relations
International Development and Foreign Assistance, Economic Affairs and International Environmental Protection Subcommittee
To hold hearings to examine international deforestation and climate change adaptation.
SD–419

Judiciary
To hold hearings to examine weaknesses in the visa waiver program, focusing on possible safeguards needed to protect the United States of America.
SD–226

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

### FEBRUARY 29

10 a.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine government-wide intelligence community management reforms, focusing on ensuring effective Congressional oversight and the role of the Government Accountability Office.
SD–342

### MARCH 4

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for the United States Central Command and the United States Special Operations Command, and the future years defense program; with the possibility of a closed session in S–407 immediately following the open session.
SD–106

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for Transportation Security Administration, Department of Transportation.
SR–253

Appropriations
Homeland Security Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Homeland Security.
SD–192

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine protecting seashores from oil spills, focusing on operational procedures and ship designs.
SR–253

### MARCH 5

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Air Force, and the future years defense program.
SH–216

10 a.m.
Judiciary
To continue oversight hearings to examine the Federal Bureau of Investigation.
SD–226

### MARCH 6

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for the U.S. Southern and Northern Command, and the future years defense program.
SH–216

10 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the U.S. Coast Guard and conduct oversight.
SR–253

### MARCH 11

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for U.S. Pacific Command and U.S. Forces in Korea, and the future years defense program.
SH–216

10 a.m.
Environment and Public Works
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the U.S. Army Corps of Engineers Civil Works Program, and the implementation of the Water Resources Development Act (WRDA) of 2007 (Public Law 110–114).
SD–406

Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2009 to support U.S. basic research.
SR–253

2:30 p.m.
Judiciary
To hold hearings to examine the nomination of Grace C. Becker, of New York, to be Assistant Attorney General for the Civil Rights Division, Department of Justice.
SD–226

### MARCH 12

9:30 an.
Armed Services
Readiness and Management Support Subcommittee
To receive a briefing on the current readiness of the armed forces of the United States.
SH–219

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Housing and Urban Development and conduct oversight.
SD–538

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine technologies to combat weapons of mass destruction.
SD–106

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs.
SR–232A

### MARCH 13

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for the United States European Command and the United States African Command, and the future years defense program.
SH–216

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009 for the current readiness of the armed forces, and the future years defense program.
SR–232A

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009 for the Cooperative Threat Reduction Program and the Proliferation Security Initiative at the Department of Defense, and nuclear nonproliferation programs at the National Security Administration, and the future years defense program.
SR–222

# HOUSE OF REPRESENTATIVES—*Tuesday, February 26, 2008*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. CLARKE).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*February 26, 2008.*

I hereby appoint the Honorable YVETTE D. CLARKE to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE) for 5 minutes.

## FREEDOM FOR CUBA IS A WORTHY GOAL

Mr. FLAKE. Madam Speaker, just 2 days ago, we witnessed a transition of power in Cuba. It is no surprise that the new government in Cuba looks a lot like the old. It's time for a get-tough policy on Cuba. It's time to end the isolation that has been both a friend and an enabler to decades of oppression. This isolation has given the Cuban Government a convenient scapegoat for the failure of socialism. We should not give Raul Castro the same benefits that we gave his brother Fidel. We cannot continue to be the Goliath to their David.

For too long, U.S. policy toward Cuba has missed the island by about 90 miles. Our Cuba policy, under both Republican and Democratic administrations, has been more about Florida than about Cuba, more about securing votes in Miami than securing the right to vote in Havana.

Madam Speaker, we are too great a country than to deny Cuban American families the right to visit family members in Cuba. We are too great a country than to deny our own citizens the right to travel to the island and to give aid and comfort to those who have endured decades of oppression.

Freedom in Cuba is a worthy goal, a goal that would perhaps be more easily achieved if we practice a little more of it ourselves.

## SUPPORT FOR PRESIDENT KARZAI

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Pennsylvania (Mr. PITTS) is recognized during morning-hour debate for 1 minute.

Mr. PITTS. Madam Speaker, recently there have been a number of stories in the Western media bashing Afghanistan President Karzai. One in the Washington Post even raised doubts about his anti-Taliban activities before he became President. This is deeply disturbing.

President Karzai has a proven track record of being a very strong ally of the United States and a courageous and visionary leader for his own country. His record of activities against the Taliban are well-known and well-documented. He testified before the Senate Foreign Relations Committee in the year 2000. And in a policymakers' forum, right here in this Capitol building in 1999, he warned us of the dangers of neglecting Afghanistan and the threat the cruel and brutal Taliban posed to the stability and security of Afghanistan and the region and, indeed, the world.

This rash of articles is perplexing. Karzai is a leader who clearly holds the best chance of leading his country towards lasting peace, unity and democracy. The international community and the United States must continue to support President Karzai.

## STEROIDS IN SPORTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. STEARNS) is recognized during morning-hour debate for 5 minutes.

Mr. STEARNS. Madam Speaker, like many of my colleagues, I'm a big sports fan. I have had the opportunity to play sports in high school and in an industrial league. I played it in the Boys Club back in 90-pound football. And I think, like most of us, we understand that the vast majority of stars today were a testament to true hard work. They were determined to succeed and often times under difficult situations. Their performances, victories, records, and careers seemed to capture the straightforwardness of honesty, hard work and integrity that is based upon the heart of sports today, at least in the past, the ideal that sports allow success based upon merit, whether it be on the court, the field or the track.

Unfortunately, Madam Speaker, the scourge of steroids and performance-enhancing drugs is not simply a footnote in the history of sports in America. Steroid use goes much deeper, to the basic integrity of sports and all of athletics. At the most fundamental level, steroid use is just plain cheating. And furthermore, it is illegal.

Steroids are classified as a Schedule III controlled substance under the Controlled Substance Act. Those caught in illegal possession of steroids without a prescription face arrest and prosecution. Dealers face a Federal felony charge and up to 5 years in prison.

Furthermore, steroid use involves significant health risks for all athletes who use them. Studies suggest that use of steroids can lead to stunted growth in adolescents, increased risk of heart and liver disease, as well as cancer and hormonal problems for both men and women. And that is why these and other factors demand that our elite athletic organizations, both professional and amateur, establish uniform, world-class drug testing standards that are consistent and robust, just as our criminal laws are today.

However, the most worrisome development is that steroids are not only infiltrating their professional and elite amateur leagues, they are finding their way into middle schools and high school sports programs. In fact, according to the most recent Monitoring for the Future survey, funded by the National Institute on Drug Abuse, 3½ percent of high school seniors have used steroids with similar percentages for grades 8–10.

These are alarming numbers that represent just a part of the susceptible youth population that is out there. These estimates suggest that the high school steroid problem is just as great, if not greater, than it is in the professional leagues.

As any parent knows, high school is a trying time for many kids, let alone student athletes. These exceptional kids now face yet another hazard all the way to adulthood, that is trying to claim the safe haven of sports as its next growth market.

We must take an aggressive stand against this plague before these pressures lead young student athletes to

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

use steroids, its destructive effects on honesty and fair play and ultimately, their very health and well-being.

And here and before the Commerce Trade and Consumer Protection Subcommittee last year, which I chaired in the last Congress, we heard testimony from a parent of a young man who tragically took his own life when that pressure to succeed, coupled with steroids, became too much. Unfortunately, these tragic stories are all too common.

Richard Pound, the founder and chair of the World Anti-Doping Agency says, "Do we want our children to be forced to become drug addicts in order to be successful in sports? Like it or not, sports stars are heroes and idols to our kids. Our kids copy their heroes' behavior. That's why we have to encourage the stars to be good role models both on and off the field." Congress must continue to look into the use of illegal steroid and performance enhancing drug use.

Professional leagues have an obligation to be the gold standard with regard to education, detection and sanctions for the illicit use of steroids and other performance-enhancing drugs. The recent scandals in baseball, the Olympics, professional wrestling and in other professional amateur sports have served to highlight the significance of the steroids problem.

Now, sometimes I'm asked back in the district why I care about drugs in sports. Shouldn't the athletes perhaps do whatever they want? They are only hurting themselves, is the reply. The use of steroids and performance-enhancing drugs by athletes today goes beyond just the integrity of the sport. By using illegal drugs, athletes are, in effect, telling our children that the only way to be successful and compete at the highest level is to cheat. That is not the message I want our children to hear.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess until noon.

☐ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at noon.

## PRAYER

The Reverend Dr. Adolphus C. Lacey, Mount Olivet Baptist Church, Peekskill, New York, offered the following prayer:

Eternal and all wise God, creator of life and light, we bless You on this day that You have let life and light dwell in each of us. We thank You, O God, for another opportunity to get it right. We pray now for Your discernment for these Representatives as they deliberate on the course of this great Nation. May their thoughts be on the common good and their actions help form a more perfect Union. We pray for strength in the continued sacrifices that each son and daughter, husband and wife make as they send a piece of themselves to serve all of us. May their sacrifices be not in vain. Grant now to each Representative purpose, clarity of mind, determination and commitment, not only for this day, but also in the continuing days of this 110th Congress. Hear our prayer, O God, and grant to each of us Your peace.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING REV. DR. ADOLPHUS C. LACEY

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. HALL) is recognized for 1 minute.

There was no objection.

Mr. HALL of New York. Mr. Speaker, I am honored to be able to stand here today and thank the Reverend Dr. Adolphus C. Lacey for leading the House of Representatives in prayer today. I am hopeful that his presence and prayer here today will help us in the House to display the same leadership and sense of community that he exhibits every day in the Hudson Valley.

Rev. Lacey came to Mount Olivet Baptist Church in Peekskill, New York, in 2005 to serve as its 14th pastor and has been a leader in the community ever since. He is also president of the Peekskill/Cortlandt area Pastors Association and has been a strong voice in the public sphere for the values that are guided by his faith.

In addition to serving as a religious and community leader, Rev. Lacey is also a family man. He is the husband of Cheryl Mathews Lacey and the father of Cameryn Alexandra and Adolphus Matthew.

I have had the honor of addressing his congregation and been able to see his leadership where his counsel is often sought. I thank him again for leading us in prayer today.

## DEMOCRATS FIGHT TO END SUBSIDIES FOR BIG OIL AND INSTEAD SUPPORT RENEWABLE ENERGY

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, this week the House Democrats will build upon our economic stimulus package by passing an energy bill that is designed to lower prices at the gas pump, which are currently over $3 a gallon. The price of oil is hovering around $100 a barrel and many predict that if we don't act now, it's going much higher.

The Renewable Energy and Energy Conservation Tax Act extends and expands tax incentives for renewable energies including renewable electricity and fuel, hybrid cars and energy-efficient homes and appliances.

By investing in renewable energy, we can take another critical step in reducing our Nation's dependence on foreign oil. And at a time when our economy is struggling to produce new high-paying jobs, this legislation will help create hundreds of thousands of new green jobs in renewable energy that will help us provide a cleaner environment for the next generation.

Mr. Speaker, our legislation is also fully paid for by repealing $18 billion in tax subsidies that big oil companies continue to receive despite record earnings. It's time Congress modernizes our Nation's energy policy by passing this important bill regardless of President Bush's opposition.

## CUBAN PEOPLE DESERVE FREEDOM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Fidel Castro has stepped down as President and dictator of Cuba and handed over his communist rule to his brother Raul. The news of Castro's resignation was met with cautious optimism by many who see this as an opportunity for the Cuban people to build a new and free society. However, it appears that for now the Castro family elite will continue to reign in a communist state and stifle the voices of reform.

Today, political prisoners remain housed in inhumane conditions. The current Cuban legal system that authorizes the arrest of people for the crime of pre-criminal activity must be drastically reformed. The Cuban people deserve to live in a democratic society based on the rule of law that recognizes the rights of its citizens to the freedoms of speech, religion, and association.

I am inspired by the phenomenally successful and patriotic Cuban American business leaders in the community I represent, such as Louis and Nena Gonda, who have always kept alive the ideals of a free Cuba to provide opportunity for the people of Cuba.

In conclusion, God bless our troops, and we will never forget September the 11th.

## WISCONSIN NEEDS FEDERAL HELP WITH SNOWFALL EMERGENCY

(Ms. MOORE of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOORE of Wisconsin. Mr. Speaker, as I speak, more snow is blanketing Milwaukee and southern Wisconsin, the latest in an unending series of snowfall that has overwhelmed municipalities in Wisconsin this winter. By mid-February, Milwaukee had received over 75 inches of snow compared to 33 inches at this time last year. Madison, our State capital, has already broken its record for the snowiest winter.

A few weeks ago, one storm dumped at least a foot of snow in southern Wisconsin, including 17 inches in downtown Milwaukee. Just outside of Madison, some 2,000 cars were stranded on a highway for up to 12 hours. Last week, Wisconsin's Governor, Jim Doyle, requested Federal assistance to help Wisconsin deal with snow removal and other emergency costs.

Yesterday, the entire Wisconsin delegation sent a letter urging the President to approve this request. Mr. Speaker, Wisconsinites are proud of our ability to handle snow; but in this case, Federal help is sorely needed and should be swiftly approved and provided.

## PASS THE SENATE INTELLIGENCE BILL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the Democratic majority's decision to ignore the requests of our intelligence community has endangered our national security. Why do House Democrats refuse to give the intelligence community the tools they need to protect American lives?

A strong bipartisan bill passed the Senate by a vote of 68–29. The bill also was supported by the administration, the intelligence community, as well as the majority of Members of the House. Yet the Democrats' leaders refused to bring the bill up for a vote.

Congress has no greater responsibility than to ensure that our intelligence-gathering laws are strong and our Nation is safe from future attacks. Let's hope, for the sake of our country, the Democratic leaders will decide before it's too late to pass the bipartisan Senate bill.

## HONORING ESSIE MAE REED DURING BLACK HISTORY MONTH

(Ms. CASTOR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR. Mr. Speaker, here on Black History Month, I'm very pleased to salute Essie Mae Reed from Tampa, Florida, a true community hero. Essie Mae Reed has been an outspoken voice for the poor and struggling families in Tampa for decades. As a resident of the Central Park Village housing project in 1967, she created the first tenants association and ultimately advocated on behalf of thousands of families in Tampa.

Essie Mae Reed established the Boys and Girls Club. She ensured children could go to the community college for enrichment programs. She publicized unsanitary conditions. She ensured children will receive lunch in schools. She fought to have hot water heaters installed in public housing. She forced a change in public housing policy that barred single mothers from public housing.

Essie Mae Reed was the first African American woman to run for the Tampa City Council; and when they charged her a substantial qualifying fee, she challenged it, and the Federal district court threw it out and ruled it unconstitutional.

Essie Mae Reed is a Tampa and American treasure. She stood up for so many that didn't have a voice and improved lives throughout our community.

## DEPUTY CRAIG MILLER—ANOTHER CASUALTY OF A WEAK U.S. IMMIGRATION POLICY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the people of Houston, Texas, are in mourning today because they have lost another brave protector of our community. While working undercover surveillance on February 21, Harris County sheriff deputy Craig Miller was killed when an 18-wheeler darted onto I–10 in Houston and recklessly drove across three lanes of the freeway crashing into Miller's SUV. Miller's vehicle became airborne, and he was fatally injured in the crash.

Narcotics Officer Miller was 43 years of age, married to Michelle and has two young children. Friends described him as a comedian that could have been a regular on Saturday Night Live. Deputy Miller grew up in Houston and attended Stratford High School. He enjoyed protecting and serving the people of the Houston area.

So as peace officers wear the black band of sacrifice across their badges in honor of Deputy Craig Miller, we remember that lawmen are all that separate civilization from the uncivilized.

The driver of the 18-wheeler was charged with negligent homicide. He is a foreign national and his legal status is undetermined. Deputy Miller is yet another recent death in a series of Houston area lawmen that have been killed by foreign nationals. Deputy Miller is a casualty of a weak, chaotic, and inconsistent and overbroad immigration policy this country has.

And that's just the way it is.

## FISA IS STILL IN FULL EFFECT

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, the President and his followers are telling the American public that the fight about the Foreign Intelligence Surveillance Act, known as FISA, is endangering America; but the reality is that FISA is still fully in effect and administration officials have acknowledged that.

What this fight is really about is the President wants to give telecom companies retroactive immunity for turning over private information about Americans to the executive branch without a court order. Now, some companies refuse to go along, so obviously there could be a problem here. We should not and cannot give immunity until we know what we are giving immunity for. This is like a defendant coming into court saying to a judge, I may or may not have done something wrong. I don't want to tell you about it, but I want you to say that I am not liable, and then the judge agrees.

We would not accept that for an individual, and we must not accept it for corporations or for the government either. As John Adams said, we are a government of laws, not men, and we must honor the Constitution.

□ 1215

## ENERGY TAX HIKE MEANS HIGHER GAS PRICES

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, this week the House will, for the third time, debate an energy bill which actually raises gas prices for the American people, sends manufacturing jobs overseas, and increases our reliance on foreign energy. This energy tax hike will raise taxes on domestic energy producers, in essence making it more difficult and expensive to produce American energy for American consumers.

As you know, oil has reached and broken the previously untouched benchmark of $100 a barrel, and the average national price of gasoline has gone up 16 cents in just 13 days. In my State of Nebraska, gas prices are hitting $3.14 in Grand Island, and in Scottsbluff they're hitting $3.08.

The American public is deeply worried about the rising cost of energy, yet we stand on the verge of making it worse by stubbornly going forward with this legislation. It's simple, really; raising taxes on American energy leads to higher gas prices and a greater dependency on foreign sources of energy.

## POLITICS OF FEAR IS BACK

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, after a brief reprieve, the politics of fear is back in full force. The White House and my colleagues on the other side of the aisle are saying that the expiration of the Protect America Act has made this Nation more vulnerable. That is simply false. The Washington Post did a nice job of refuting this claim in saying Mr. Bush's pass-it-now-or-the-terrorists-will-win rhetoric is overheated fearmongering.

Before the Presidents Day recess, I encouraged my colleagues to stay in Washington and forge a bipartisan long-term solution. I regret that we didn't do that, but I'm not afraid of the expiration of the Protect America Act. I voted for that piece of legislation.

As a 24-year veteran of the Army National Guard, I know the importance of having the tools to fight the terrorists. However, I'm committed to working with my colleagues on both sides of the aisle to find a long-term bipartisan solution that strengthens national security, protects our civil liberties, and does so without providing blanket immunity to companies that may have broken our laws.

I hope that we can end the fearmongering and the political rhetoric that have characterized this debate and get down to America's business. And I think it needs to be pointed very clearly to this Nation's enemies, this Nation is protected, this Nation stands united on the issue of protecting us, and no amount of rhetoric will change that.

## ENERGY

(Ms. FALLIN asked and was given permission to address the House for 1 minute.)

Ms. FALLIN. Mr. Speaker, the energy problems facing our Nation are obvious: Our economy suffers from out-of-control gasoline prices while national security remains at risk from an overreliance on foreign oil. Immediately increasing the amount of energy produced on U.S. soil is the first step to addressing both of these issues.

Rather than pursue a commonsense solution, the House Democrats are once again proposing billions of dollars in punitive tax increases on American oil companies. Heavily taxing oil and gas will discourage exploration and production, and that is exactly what we don't need to do. It will drive up the cost at pumps for consumers and further reduce the incentives for domestic production of oil and gas.

This week marks the third time this year that House Democrats have tried to enact an energy policy that would hurt American families and businesses, increase our reliance on foreign energy sources, and put the long-term energy needs of the United States at risk.

## FISA

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, as a recipient of the nastiest attack ad in the last election cycle, I was sad to see this past weekend that it's already started. Yes, the Swift Boat crews were out and at it again, this time trying to convince the American people that because some Members of Congress felt it was better for our security to extend the FISA bill for 21 days rather than let it expire, that somehow they don't care about America's security. Well, that's not only untrue, it's downright insulting.

And the rationale: We should just trust the President's judgment on this matter and rubber-stamp his decisions. This is the same President who assured us that there were weapons of mass destruction in Iraq. Well, I want the cowards who crafted these intentionally deceiving messages to know that I was not sent to Congress to be a rubber stamp for this President or anyone else. I will continue to voice my opposition to the President whenever it is necessary to ensure the rights guaranteed under the Constitution are protected.

## QUIT HIDING BEHIND BLAMING GEORGE BUSH

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, my good friends on the other side of the aisle are hiding behind a cloak that I believe is unfair. They're blaming the President of the United States for protecting this country. They're blaming the President of the United States for something that he is doing to protect this country to make sure that we have the flexibility to make sure that we can listen to enemies who are trying to do us harm. The President, as well as intelligence officials, have fought for the last 3 years to make sure that we can hear those things that were intercepts on the battlefield and turn them around to protect our troops.

Make no mistake about it, my good friends the Democrats today are here on the floor of the House of Representatives saying that they don't want to be a rubber stamp for protecting this country. I want to be a person that says that every single person should understand that today the lawful use of the ability to be effective and efficient in protecting not only our troops but this country has been taken away. Yes, we can still listen, but it's got to go through another process, back through FISA, that takes a month's worth of work through a bunch of judges that help protect this country. We need to get this done. Quit hiding behind some bit of blaming George Bush.

## FISA: PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Washington Republicans are throwing the facts out the window and are trying to scare the American public into believing that our Nation is less safe today than it was under the administration's supposed Protect America Act.

The Bush administration was wrong when it said the intelligence community would go dark, outrageous, when the act expired earlier this month.

Kenneth Wainstein, the Assistant Attorney General for National Security, said that even after the President's law expired, "intelligence officials would still be able to continue eavesdropping on already-approved targets for another year." And Kate Martin, the Director of the Center for National Security Studies, said our government could immediately listen in on any new individual plotting a terrorist attack without a court order under existing FISA emergency authority.

Clearly, our intelligence community is not going dark. And I would hope that congressional Republicans would stop this scare tactic.

## EXTEND PRODUCTION AND INVESTMENT TAX CREDIT

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Mr. Speaker, tomorrow the House will vote on commonsense legislation to extend the production tax credit and investment tax credit and pay for it by reducing wasteful subsidies to big oil companies.

As an expert in renewable energy, I am confident that this legislation will ease the pain at the pump and allow our economy to create family wage jobs and make America less dependent on foreign oil.

The bill we will vote on comes just after the big five oil companies report record profits. Our bill will channel unnecessary funding that goes to oil companies back to the renewable industry where it's greatly needed. I cannot overstate the urgency of extending the production tax credit and the investment tax credit as soon as possible.

As with any other form of electrical generation, renewable energy products must adhere to development timelines. And if the schedule of a project is delayed due to uncertainty about the tax credits, a year-long construction cycle will be lost, setting our country further behind foreign competition.

Mr. Speaker, I urge all my colleagues to see the importance of this legislation and join us tomorrow in passing it.

## FISA: PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, the politics of fear are alive and well in the Republican Party. Despite the fact that the House and Senate are actively working to craft a strong new FISA bill, Republicans and the White House refuse to attend the negotiations. Instead, they're insisting that this House simply rubber-stamp a bill that was recently passed by the Senate.

The decision to boycott these negotiations shows that Republicans prefer a political issue rather than a strong new FISA bill.

Democrats are hopeful that Republicans will consider their decision to sit on the sidelines and will instead join us in crafting a bill that protects our country while respecting the fundamental rights of American citizens.

Mr. Speaker, House Democrats passed a bill in November that meets both of these criteria. Then, earlier this month, the Senate passed its own version. As is common procedure here on Capitol Hill, we are now in the process of negotiating the differences between the two bills in order to come up with the strongest bill possible. I would hope Republicans would want to remain relevant and would join us in passing the strongest FISA bill we can.

## FISA: PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, President Bush and congressional Republicans are playing politics with our national security. They're falsely claiming that the expiration of a temporary provision of the Foreign Intelligence Surveillance Act is endangering America and compromising our national security. If that is indeed the case, why did the President threaten to veto any extension of his own law? And why did every House Republican vote against a 21-day extension of the law earlier this month?

If the expiration of this law would, indeed, endanger the American public as Republicans suggest, wouldn't House Republicans do everything in their power to actually keep the law in place? And despite all this fearmongering, House Republicans know that all of our electronic surveillance capabilities are still in place.

Mr. Speaker, while the White House and congressional Republicans play games with our national security, congressional Democrats will continue to work to pass a final FISA bill that will give our intelligence community the tool it needs to protect our Nation while we also protect our citizens' civil liberties.

## PROVIDING FOR CONSIDERATION OF H.R. 3521, PUBLIC HOUSING ASSET MANAGEMENT IMPROVEMENT ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 974 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 974

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3521 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 955 is laid upon the table.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas, Representative SESSIONS. All time yielded during consideration of the rule is for debate only.

### GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

☐ 1230

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 974 provides a structured rule for consideration of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. The rule provides 1 hour of general debate controlled by the Committee on Financial Services. The rule makes in order two amendments printed in the Rules Committee report accompanying this resolution. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, I am especially pleased that the rule makes in order an amendment offered by my colleague from Florida, Representative KENDRICK MEEK. His amendment ensures that in extreme cases where HUD is forced to take over control of a housing authority, it must honor any and all existing agreements between the local housing authority and tenant associations. This amendment is needed in south Florida and throughout the country, and I urge my colleagues to support it.

Mr. Speaker, the skyrocketing number of foreclosures and the lack of affordable housing are some of the greatest financial problems our Nation faces today. In Broward County, the county in which I live in Florida, foreclosure rates tripled in 2007 alone. It is obvious this situation has grown beyond a crisis and extends into our entire economy.

One group of service providers that is suffering significantly from this economic crisis is our public housing authorities. For this reason I support this rule and underlying legislation that will provide flexibility to public housing authorities during our Nation's housing crisis so that they are able to sufficiently meet the needs of our constituents.

There are approximately 3,300 individual public housing authorities in the United States serving 1.2 million households. Low- and middle-income individuals and families making between 50 percent and 80 percent of the median income level in their community are eligible for Federal assistance. Without this assistance, literally millions of people would be homeless or in some cases even worse. Despite this known reality, HUD recently issued a ruling which will result in funding cuts for over 800 housing authorities throughout the country. If the House does not act, then 26 percent of the housing authorities in the United States will lose significant funding because of HUD's decision. To make up for the anticipated funding shortfalls, the underlying legislation gives housing authorities the flexibility to transfer funds from their capital to operational accounts. This move will ensure that housing authorities will not be forced to close down existing public housing units because of HUD's shortsightedness.

Finally and importantly, the legislation also reaffirms the role that tenants play in determining where they live and how those communities are governed.

Mr. Speaker, unfortunately, the problems addressed in this legislation are not the only obstacles public housing authorities have been forced to deal with over the last 7 years. As my colleagues know, the current administration has a long record of failing to meet America's low- and middle-income housing needs. For example, funding shortfalls have become regular staples in the President's public housing budgets, while the administration continues to neglect the more than $18 billion backlog in deferred maintenance for public housing units, allowing the deterioration of public housing units to the point that many of them are completely uninhabitable. This is simply unacceptable.

In my district some housing units are literally falling apart. Roofs are leaking and in some instances even caving in. Appliances are broken and decades, not years, old. Units are deteriorating, unattractive, and lacking in some of the most basic amenities. Even more is that security in many of the public housing communities has been consistently disappearing. Residents in some public housing units in my congressional district alone are literally afraid to leave their homes.

Yes, we are working to address these and other public housing issues. But we will not be able to fully address these issues if the underlying legislation does not pass.

Mr. Speaker, this housing bill was reported out favorably by the Financial Services Committee, the whole committee, by voice vote. The minority members of the committee did not offer any amendments during markup, and not one Republican amendment was submitted to the Rules Committee.

It is my sincere hope that the House will pass this rule and underlying bill with that same overwhelming bipartisan support. I urge my colleagues to support this rule and the Public Housing Asset Management Improvement Act of 2007 as we work to improve public housing throughout America.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Florida for yielding me this time, and I yield myself such time as I may consume.

This bill is real simple. It's real simple. For several years there was a negotiation with HUD to look at the best practices across this country from people who are in the housing industry to determine best how to go about and manage assets of housing units. This bill is all about taking away the best practices that exist for nongovernment housing, the rest of the industry, because it will take money away from people who don't engage in best practices. Of course it will take money away from them. But what this is all about is to try to take a negotiation that has happened for about 7 years from what the previous Congresses have passed to say we think that public housing needs to raise its standards to where we do have proper public housing, public housing that works, public housing that can pass the smell test of asset management.

Now my good friends, led by our Speaker, NANCY PELOSI, want to say forget the standards. Forget the standards of the industry. If they have to live up to those standards of proper management, of best practices, do you realize what that would mean to us? We couldn't pass those audits; so we will lose our money. So this rule and this new change that we are having here that's called the Public Housing Asset Management Improvement Act of 2007 is all about trying to say forget trying to do something that's better. Forget following standards that have been established in the public sector. We don't want those to apply. So now we're going to pass a rule and a law that says you don't have to do that because if you did, you would lose money.

Mr. Speaker, I rise in opposition. I rise in opposition not only to the rule, which I believe is unnecessarily restrictive, but also to the provisions in this bill and the underlying legislation that unilaterally and at the last minute seeks to abuse the Congress's power and to undo specific parts of a process that have previously been carefully negotiated over years with the private sector best practices and brokered over the last decade to make public housing more accountable for its spending and more accountable to the public housing units that we don't want to go into disrepair in the United States of America.

In 1998 Congress passed the Quality Housing and Work Responsibility Act, which among other things required a deliberate and negotiated rule-making process to bring asset management at our Nation's public housing administrations up to a reasonable standard. What we are here to do today is to say we don't want that standard.

And you're right. The gentleman from Florida is right. Public housing units that cannot meet the standards would lose money. That's why we talk about waste, fraud, and abuse. People that do not use the money that has been given them by this Congress, by the taxpayer to work in the best interests, we thought, I think, as we vote to spend money, of people who are in public housing, who, through some sometimes no fault of their own, have to end up in public housing and find out they are in a rat-infested, bad housing project because asset management standards aren't followed. Amazing.

By adopting widespread private sector common practices such as project-based budgeting and accounting to ensure that costs are known, managed, and maintained at a reasonable level, which is what the current bill is about, which is what we're going to undo, Congress wisely gave public housing administrations the tools they needed, and just like private sector tools, to manage their own finances better, bringing them into line with every other operator of subsidized housing in this country and ensuring that spending moneys to support their tenant and tenants remain the highest priority. We are going to do away with that today. That's what we are going to do away with, and we call that new and approved. I call that a sham and disrespectful of the residents whom we are trying to help.

Today's legislation would overturn these longstanding negotiations and turn back the clock for public housing administrations nationwide by eliminating any restrictions on the amount of management fees they could charge, promoting inefficiency, reducing the level of funding available to tenants, and decreasing oversight and accountability. In other words, making sure that these public housing agencies stay on the watch list for waste, fraud, and abuse rather than using private sector standards of best practices to make them better.

Mr. Speaker, I cannot understand why this self-proclaimed most honest, ethical, and open Congress in history would use this time today to bring this legislation to the floor to make financial management of mid-sized public housing administrations less transparent, less responsive, and not even following the standards established by the private sector and by unilaterally overturning a lengthy and fairly negotiated rule-making process. But here we are.

In fact, if Speaker PELOSI really wanted to demonstrate her commitment to honest, open, and ethical government, she could be using this time instead to take up a resolution that I and over 150 of my Republican colleagues have cosponsored, authored by my good friend, Representative JACK KINGSTON from Georgia, which is a continuation of House Republicans' long-term commitment to reform the earmark process. Congressman KINGSTON's bill would create a Joint Committee on Earmark Reform to conduct a full study of the earmark practices of the House, the Senate, and executive branch. Upon completion of this study, the joint committee would file a report of its findings and its recommendations. Most importantly, until this report is filed, the House would put in place an immediate moratorium on the consideration of all earmarks.

By the way, that's the people's money. That's the people's money that people really back home are worried about.

Instead, Mr. Speaker, this House, which recently tied the record as the most closed Congress in history, with 49 closed rules so far in the 110th Congress, will consider this legislation that will impede the successful transition to, and implementation of, asset management by overturning a long negotiated process that is consistent with proper standards of the private sector.

□ 1245

I know that other bills like the bipartisan Senate legislation to give our Nation's intelligence services tools that they need to protect Americans against terrorists is also trying to be taken up by the House. But, instead, this Democrat leadership has chosen to miss yet another opportunity to provide Americans with greater security by instead allowing the Protect America Act to expire. If there is any question as to why the public holds Congress in such low regard, with only about one in five Americans approving the job that this House is doing, one need not look any further than the congressional calendar this week, again, this week, and examine what both the Democrat leadership and the House are doing and what we are neglecting to do.

Mr. Speaker, at this time I would like to insert in the RECORD a Statement of Administrative Policy explaining their strong opposition to H.R. 3521's passage.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, February 12, 2008.*

STATEMENT OF ADMINISTRATION POLICY

H.R. 3521—PUBLIC HOUSING ASSET MANAGEMENT IMPROVEMENT ACT

The Administration is strongly committed to the successful transition to and implementation of asset management for Public Housing Agencies (PHAs). Asset management will adopt widespread private sector practices, including project-based budgeting and accounting, to assure costs are known, managed, and maintained at reasonable levels—ensuring public housing tenants are the first priority. However, the Administration is deeply concerned that H.R. 3521, as reported by the House Financial Services Committee, would severely undermine PHAs' long-awaited conversion to asset management and the adoption of conventional business practices. For the reasons that follow, the Administration strongly opposes House passage of H.R. 3521.

H.R. 3521 would exempt 88 percent of PHAs, those which own or operate fewer than 500 public housing units, from the requirement to convert to asset management. The increase of the threshold for exemption from asset management, from 250 to 500 public housing units, would directly contradict a fundamental element of the Operating Fund negotiated rulemaking process.

The bill also would eliminate any restriction or limitation on the amount of management and related fees that a PHA could charge through January 2011. This change would promote program inefficiency, likely reduce funds available to directly assist tenants, and erode effective program oversight and accountability. Moreover, the Department of Housing and Urban Development (HUD) has already provided the PHAs with the flexibility to phase-in management fees through 2011, provided they include reasonable documentation in their Annual Plan.

PHAs would be allowed to spend as much as 20 percent of their Capital Fund grant on central office costs related to the operation of public housing. The extra 20 percent is above and beyond the 10 percent of the Capital Fund grant that the PHA earns as a management fee, and on top of the normal management fees that a PHA earns for operating each project. The Administration strongly opposes this provision because it could lead to excessive Capital Fund diversions and expenditures on administrative costs, and because HUD has already allowed PHAs until 2011 to abide by the new management fee guidelines, with supporting documentation. Beyond that date, PHAs should abide by the new management fee guidelines so that Capital Fund amounts are spent, to the maximum extent possible, on capital works projects, not on central overhead costs.

Under the bill, HUD is directed to ensure that PHAs encourage the reasonable efforts of resident tenant organizations to represent their members, and to issue guidance encouraging resident participation in the implementation of asset management. Although these provisions are well-intended, HUD's regulations already encourage resident and tenant participation, especially in the adoption of Annual Plans. Moreover, the provisions in H.R. 3521 giving wide latitude to a PHA's determination and use of management fees are directly contrary to the interests of public housing residents. Such provisions encourage PHAs to direct valuable resources away from the direct operation of public housing projects in favor of central overhead.

The Administration looks forward to working with the Congress to ensure that the long-awaited conversion of PHAs to asset management occurs smoothly and under the guidance of conventional business practices. However, H.R. 3521 moves in the wrong direction and would undermine these efforts.

I urge all my colleagues to vote against the previous question and this rule so that today the House can actually take up legislation that will move America in a positive direction.

Mr. Speaker, I think it is bad policy when you stand up and try and pass a law that takes away more accountability, more opportunity for sunlight, but most of all a standard that exists everywhere else. The people we are really robbing, hurting, harming, and continuing to harm are the people that live in public housing. We believe transparency is important. But we believe in responsibility. We believe that people who are in public housing are entitled to know that where they live that someone is responsible, looking at the dollars wisely, and prepared with the investments that had been made on their behalf. To be worried about leaving where they are, I do understand. As the gentleman from Florida has said, people are concerned that they even leave where they are, concerned that something will happen. Well, that's right. That's right.

And today, what this House wants to do is to lower the standards even lower. I am disappointed. But I remain optimistic, because we have got a vote in just a few minutes and we can change that pathway.

Mr. Speaker, the tragic events of September 11 taught us many lessons, and one of the most basic lessons was that our Nation must remain aggressive, nimble, proactive, and adaptable in our fight against international terrorism. To accomplish this commonsense goal, and a goal that I think we, as Members of Congress, when we raise our hand to say we will support and defend our country, Congress must give our intelligence agencies the tools that they need to stay one step ahead of terrorists who wish to harm Americans.

Telecommunications technology has changed greatly since 1978 when FISA was first written, and the modernization of foreign intelligence surveillance to adapt to the realities of the 21st century should be a critical national security priority. I am pleased that several of my colleagues on the other side of the aisle also agree.

On January 28, 21 members of the Blue Dog coalition sent a letter to Speaker PELOSI in support of the Rockefeller-Bond FISA legislation in the United States Senate. The letter states, "The Rockefeller-Bond FISA legislation creates satisfactory language addressing all of these issues which we fully support that would measure and should reach the House floor without substantial change. We believe these components will ensure a strong security apparatus that can thwart terrorism across the globe and save American lives here in our country."

Mr. Speaker, at this time, I will insert into the RECORD the letter by the Blue Dogs to Speaker PELOSI.

DEAR MADAM SPEAKER: Legislation reforming the Foreign Intelligence Surveillance Act (FISA) is currently being considered by the Senate. Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February.

It is our belief that such legislation should include the following provisions: Require individualized warrants for surveillance of U.S. citizens living or traveling abroad; Clarify that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States; Provide enhanced oversight by Congress of surveillance laws and procedures; Compel compliance by private sector partners; Review by FISA Court of minimization procedures; Targeted immunity for carriers that participated in anti-terrorism surveillance programs.

The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.

It is also critical that we update the FISA laws in a timely manner. To pass a long-term extension of the Protect America Act, as some may suggest, would leave in place a limited, stopgap measure that does not fully address critical surveillance issues. We have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk.

Sincerely,

Leonard L. Boswell, Marion Berry, Mike Ross, Bud Cramer, Heath Shuler, Allen Boyd, Dan Boren, Jim Matheson, Lincoln Davis, Tim Holden, Dennis Moore, Christopher Carney, Earl Pomeroy, Melissa L. Bean, John Barrow, Joe Baca, John Tanner, Jim Cooper, Brad Ellsworth, Charlie Melancon, Zack Space.

It is unfortunate that House Democrat leaders chose to allow the Protect America Act to expire instead of bringing to the House floor the bipartisan measure that passed the United States Senate by a vote of 68–29. To make our country safer, Congress needs to act immediately. Today, I will once again give all the Members of the House an opportunity to vote on a bipartisan long-term modernization of FISA. I will call on all my colleagues, including members of the Blue Dog coalition that signed the letter to Speaker PELOSI, to join me in defeating the previous question so that we can immediately move to concur in the Senate amendment and send the bill to the President to be signed into law quickly.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I urge my colleagues to vote "no" on the previous question and in favor of a bipartisan permanent solution that closes the terrorist loophole.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am hard put to move hurriedly, so I will yield myself such time as I may consume. I am also hard put, Mr. Speaker, to restrain myself and not get involved with the ongoing discussion and the numerous ads that I saw during the previous recess that were very much in error concerning the House of Representatives' actions on the FISA legislation.

Mr. Speaker, I served for 7 years on the House Select Committee on Intelligence. I find it hard to believe that my colleagues on the other side of the aisle, or that anyone, would believe that the distinguished Chair of the Intelligence Committee, SILVESTRE REYES, the distinguished Chair of the Judiciary Committee, JOHN CONYERS, the distinguished Chair of the Homeland Security Committee, BENNIE THOMPSON, their counterparts in the United States Senate, all combined would want to put this Nation in jeopardy in any way.

Enough of the fearmongering. Enough of making people think that something is going to happen that is not going to happen. The simple truth is that there will be legislation that will be legislation fashioned by the House and by the United States Senate and not by the United States Senate and not by this administration without those of us who have actual concerns about the United States Constitution having our say in that regard.

Civil liberties and civil rights are critical to America, and the foundational aspects of our country allow full airing before conclusions are made by people that have oriented the most secretive administration that I know of in the history of this country.

I won't go much further on that score on the previous question, Mr. Speaker. I return now to what we have heard about why we must pass this rule and the Public Housing Asset Management Improvement Act, which we are here about today. It is nice to have the nuances. It is nice to have the process. It is nice to have the procedural opportunities that the minority takes, and correctly they can bring up those matters which are not on the agenda today. I can assure my friends on the other side that the Speaker of the House of Representatives and those in this body, including the Blue Dogs, will address FISA legislation, and it will be appropriately undertaken to protect every American, every American's civil liberties and civil rights, and more important, to protect the Constitution of the United States of America.

Mr. Speaker, the American people deserve an opportunity to improve their lives. Transitional public housing opportunities have served this purpose for decades, nurturing families and yielding such leaders as some of us who serve in this Congress. Public housing authorities must be empowered to effectively and flexibly manage their assets with appropriate tenant oversight. My colleague on the other side mentioned private sector tools. I am fascinated by the notion that the private sector, which all of us respect, has been so careful with all of their management. If their management has been so successful, why is it, then, that there is a housing crisis in this Nation with reference to foreclosure?

This morning, Mr. Speaker, and I take the liberty of doing this because occasionally we come to the floor and talk about different matters, but a distant cousin of mine in Fort Worth, Texas, called me. Her name is Sharon Samuels. And Sharon shared her story with me about her involvement with her mortgage company, Countrywide. She has been in her home since 1993, she said, and in addition, thereto, had never taken out any of her equity out of her home. She has three children, all of them that she has managed to educate. And she was pursued by Countrywide to enter into a mortgage set of circumstances that has now led from her mortgage rising from $1,100 to $2,200 and foreclosure proceedings going forward without any forbearance or opportunity for her to do anything other than lose all of her assets that she had developed during the years since 1993. I mention that because that is the private sector that has put an individual in a home, in a position of being in need of this kind of stuff that we are talking about here today. Hard-working Americans families should not suffer as a result of HUD's failed policies.

I applaud my colleagues for joining together in this effort that will benefit the low-income families, the elderly and the disabled Americans who live in public housing. This bill has been endorsed by all the groups that represent not only public housing administrators and agencies but also tenant advocacy groups. The bill is supported by the Council of Large Public Housing Authorities, the Public Housing Authorities Directors Association, the National Association of Housing and Development Officials, National Housing Law Project, and the National Training and Information Center.

But guess who doesn't support it? Some people on the other side of the aisle who had an opportunity in the Financial Services Committee to offer amendments if they so choose, and they chose not to do so, and yet they will come here today and say that we are lacking on our side of the aisle in providing the necessary standards and providing the necessary tools for people to live in public housing.

Mr. Speaker, 15 years ago, I ran for the United States Congress, and among the things that I said was I would try to improve public housing in my congressional district and throughout this Nation. I don't feel that I have succeeded. Twelve of those years have been spent under Republic administrations that were controlled by Republicans, 12 years in the House, 8 years just now, ending soon, happily, in November so that these $18 billion backlogs and so that housing won't collapse and fall down around people.

This is the same administration that didn't answer in New Orleans. But what have we done? In the limited time that we are here, and I continue to hear criticism about what we have not done. What we have done in the House, we passed the section 8 voucher reform program that increases the number of families, veterans, and seniors that are able to afford safe homes by adding 20,000 new vouchers. We did expand the Homeownership Act of 2007 that allows the population of borrowers to have access to the Federal Housing Administration. In this House we have passed the National Affordable Housing Trust Fund Act of 2007, which creates a fund to use and build more affordable housing for low-income families and families who have lost their homes to foreclosure.

□ 1300

They keep saying that the agenda isn't good. We passed the Housing Finance Reform Act and expanded the size of loans that can be issued by Freddie Mac and Fannie Mae. We passed the Mortgage Reform and Anti-Predatory Lending Act that increases transparency and heightens standards to keep brokers from practicing predatory lending. Save us from these people who argue that asset management is a landmark program change now several years in the making? You bet it is.

What I don't understand is why is it poor people are always the ones that have to take it right on the chin every time this Nation gets itself in a crisis. The National Training and Information Center sponsored by La Raza; the Center for Community Change; the Chicago Rehab Network; Cleveland Housing Tenant Association; Fall River Housing Joint Tenants Council; Legal Aid Justice Center; Miami Workers Center, all sorts of organizations. I will include all of the letters of all of the organizations I have for the RECORD.

NATIONAL TRAINING
AND INFORMATION CENTER,
*Chicago, IL, February 7, 2008.*

Hon. NANCY PELOSI,
*Speaker of the House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER, The undersigned 150 democratic grassroots resident organizing groups and allies would like to convey our strong support for protecting the rights of public housing residents to organize, as delineated in H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. As the transition to a system of asset management is one of the most significant shifts facing the administration of public housing in many years, it is more important than ever that public housing residents are involved in the decisionmaking processes at the local and national levels.

In April of 2007, the National Training & Information Center (NTIC) submitted a letter to Congress endorsed by local, statewide, and national organizations in protest of recent attempts to undermine the efforts of resident and community organizations to participate in the decisions around public housing that impact their communities and their lives. One of those attempts was a notice by HUD on March 1, 2007 to streamline the process to waive 24 CFR 964, which outlines the rights of residents to organize, for PHAs transitioning to asset management. Section 4 of H.R. 3521 is critical in order to ensure that the congressionally sanctioned rights to organize for public housing residents are protected.

The NTIC network is of the perspective that residents must be central to the discourse around policies that impact them—both at the local and national level. Section 4 of this bill will ensure that the voices of public housing residents are not lost in the implementation of asset management. Over the past year, NTIC has brought together public housing residents and allies from 38 cities to identify the most pressing areas for reform of public housing policy. The right to organize and meaningful resident participation are among the highest priorities for residents across the country. In order to make asset management work for everyone, it is critical that residents are involved in decisions around its implementation.

The undersigned 150 local, statewide, and national organizations would like to convey our support for the principles outlined in Section 4 of H.R. 3521. Namely, we feel strongly that residents should have a right to organize in public housing and should be meaningfully and substantively involved in the decisions that impact their lives—both at the local and national level. Specifically, it is critical that the rights bestowed by 24 CFR 964 not be undermined by the transition to asset management. We hope that we can rely on your support for these principles.

Access Living—Chicago, IL.

Annapolis Tenant Task Force—Boston, MA.

Beacon Glen Resident Association—Cincinnati, OH.

Bethel New Life—Chicago, IL.

Bethune Village Resident Council—Daytona Beach, FL.

Border Fair Housing & Economic Justice Center—El Paso, Texas

Bowen Homes Resident Association—Atlanta, GA.

Cabrini Green Rowhouse Council—Chicago, IL.

California Coalition for Rural Housing—California State

Center for Community Change—National

Central Advisory Council—Chicago, IL.

Central Illinois Organizing Project—Central Illinois

Chicago Coalition for the Homeless—Chicago, IL.

Chicago Rehab Network—Chicago, IL.

Cleveland Housing Resident Association—Cleveland, TN.

Clinton Springs Resident Association—Cincinnati, OH.

Coalition to Protect Public Housing—Chicago, IL.

Communities United for Action—Cincinnati, OH.

Community Voices Heard—New York, NY.

Connecticut Legal Services—Connecticut State

Consumer Action—National

Crossroads Urban Center—Salt Lake City, UT.

Detroit United Organizing for Power—Detroit, MI.

District of Columbia Grassroots Empowerment Project—Washington, DC.

Empower DC—Washington, DC.

Empowering & Strengthening Ohio's People—Cleveland, OH.

Erie Tenant Council—Erie, PA.

Everywhere & Now Public Housing Residents Organizing Nationally Together—National

Fall River Housing Joint Tenants Council Inc.—Fall River, MA.
Families United for Racial and Economic Equality—New York, NY
Faneuil Tenant Task Force—Boston, MA.
Findlater Gardens Resident Association—Cincinnati, OH.
Fuerza Laboral/Power of Workers—Providence, RI.
Good Old Lower East Side—New York, NY.
Grass Roots Organizing—Mexico, MO.
Guste Homes Resident Management Corporation—New Orleans, LA
Hartford Organizing for Power & Equality—Hartford, CT.
Homeline—Minnesota State
Horizon Hills Resident Association—Cincinnati, OH.
Housing Action Illinois—Illinois State
Housing Choices Coalition—Santa Cruz, CA.
Housing Rights Committee of San Francisco—San Francisco, CA.
Housing Trust Fund Project—National
Illinois Network of Centers for Independent Living—Illinois State
Imagine Supported Living—Santa Cruz, CA.
Iowa Citizens for Community Improvement—Iowa State
Jane Addams Senior Caucus—Chicago, IL.
Janie Poe Residents Council—Sarasota, FL.
Jurisdiction-Wide Resident Advisory Board—Cincinnati, OH.
Just Cause Oakland—Oakland, CA.
Kalamazoo Homeless Action Network—Kalamazoo, MI.
Lafayette Resident Advisory Board—Lafayette, WI.
Lake City House Council—Seattle, WA.
Lake County Center for Independent Living—Lake County, IL.
Lake Park East Tenant Association—Chicago, IL.
Lakeview Action Coalition—Chicago, IL.
La Playa Resident Council—San Diego, CA.
La Raza Centro Legal—San Francisco, CA.
Lawyers' Committee for Better Housing—Chicago, IL.
Lebanon Tenants Association—Lebanon, PA.
Le Claire Court Community Development Corporation—Chicago, IL.
Legacy of Equality, Leadership and Organizing—Seattle, WA.
Legal Aid Justice Center—Charlottesville, VA.
Legal Aid Justice Center—Richmond, VA.
Legal Assistance Resource Center of Connecticut—Connecticut State.
Liberty Apartments Resident Association—Cincinnati, OH.
Livermore Tenants and Neighbors—Livermore, CA.
Logan Square Neighborhood Association—Chicago, IL.
Los Angeles Coalition to End Hunger and Homelessness—Los Angeles, CA.
Lowden Homes Local Advisory Council—Chicago, IL.
Low Income Families Fighting Together—Miami, FL.
Madera Action Coalition—Madera, CA.
Maine Association of Interdependent Neighborhoods—Maine State.
Maine Equal Justice Partners—Maine State
Mar Vista Gardens Resident Advisory Committee—Los Angeles, CA.
Massachusetts Alliance of HUD Tenants—Massachusetts State
Massachusetts Union of Public Housing Tenants—Massachusetts State.
Mennonite Central Committee—National.
Metro Atlanta Task Force on Housing & Homelessness—Atlanta, GA.
Metropolitan Tenants Organization—Chicago, IL.
Miami Workers Center—Miami, FL.
Millvale Resident Association—Cincinnati, OH.
Mineral Manor Resident Council—Reno, NV.
Minneapolis High Rise Council—Minneapolis, MN.
Mission Terrace Residents Association—San Jose, CA.
Mississippi Coalition for Citizens with Disabilities—Mississippi State.
Mobilizing and Organizing for Victory and Empowerment—Minneapolis, MN.
Mothers on the Move—New York, NY.
Myra Birch Manor Resident Council—Reno, NV.
National Alliance of HUD Tenants—National.
National Association for the Advancement of Colored People—Richmond, VA.
National Association of Consumer Advocates—National.
National Association of Resident Management Corporations—National.
National Economic and Social Rights Initiative—National.
National People's Action—National.
National Training & Information Center—National.
New Direction for Change—Chicago, IL.
New Orleans Women's Health Clinic—New Orleans, LA.
New Orleans Women's Health & Justice Initiative—New Orleans, LA.
Neill Resident Association—St. Paul, MN.
North Valley Community Cooperative—North Valley, NM.
North West Bronx Community & Clergy Coalition—New York, NY.
North West Side Housing Center—Chicago, IL.
New York City AIDS Housing Network—New York, NY.
New York City Public Housing Residents Alliance—New York, NY.
Oahu Housing Task Force—Oahu, HI.
Old Colony Tenant Task Force—Boston, MA.
Organization of the North East—Chicago, IL.
Organizing Neighborhood Equity DC—Washington, D.C.
Peabody-Englewood Tenant Task Force—Boston, MA.
People for Community Recovery—Chicago, IL.
People Organized for Westside Renewal—Los Angeles, CA.
People Organized to Win Employment Rights—San Francisco, CA.
People Organizing to Demand Environmental & Economic Rights—San Francisco, CA.
People United to Secure Housing—Kalamazoo, MI.
Pittsburg Community Reinvestment Corporation—Pittsburg, PA.
Portland Tenants Union—Portland, ME.
Praxis Project—National.
Public Housing Association of Residents—Charlottesville, VA.
Public Housing Residents of the Lower East Side—New York, NY.
Public Housing Residents of Trumbull Park Homes—Chicago, IL.
Resident Owned Business, Inc.—Gary, IN.
Residents of Salem United—Salem, OH.
Rhode Island HUD Tenant Project—Rhode Island State
Richland Resident Council—Richland County, MT.
Rogers Park Section 8 Tenants Council—Chicago, IL.
Rose Garden Apartment Association of Residents—Las Vegas, NV.
Safe Streets/Strong Communities—New Orleans, LA.
Senior Action Council—Phoenix, AZ.
Seventy St. Botolph Street Tenant Taskforce—Boston, MA.
Single Mothers on the Move—Hartford, CT.
South Austin Coalition Community Council—Chicago, IL.
Southside Together Organizing for Power—Chicago, IL.
Sunflower Community Action—Kansas State
Survivors Village—New Orleans, LA.
Sutter View Resident Council—Cincinnati, OH.
Syracuse United Neighbors—Syracuse, NY.
Tenants Union of Washington State—Washington State
Tenants Rallying In Unity to Maintain Public Housing—New York, NY.
Transadvocacy Coalition—Hartford, CT.
Tri-City Resident Council—Southeastern Kentucky
Union de Vecinos—Los Angeles, CA.
United Community Housing Coalition—Hartland, VT.
United Residents for Housing Rights—Jackson, OH.
Upland Residents Association—Upland, CA.
West Broadway Tenant Task Force—Boston, MA.
Whittier Street Tenant Task Force—Boston, MA.
Winton Terrace Resident Association—Cincinnati, OH.

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NATIONAL ASSOCIATION OF HOUSING
AND REDEVELOPMENT OFFICIALS,
*Washington DC, February 1, 2008.*

Hon. ALBIO SIRES,
*House of Representatives,*
*Washington DC.*

DEAR REPRESENTATIVE SIRES: On behalf of the more than 22,000 members of the National Association of Housing and Redevelopment Officials (NAHRO), I am pleased to join with our industry colleagues the Public Housing Authority Directors Association (PHADA) and the Council of Large Public Housing Agencies (CLPHA) in formally expressing our strong support for House passage of H.R. 3521, "The Public Housing Asset Management and Improvement Act."

We believe H.R. 3521 contains provisions that will help ensure a responsible and practicable transition to asset management. The bill would establish a reasoned process for defining and determining management and related fees and a suitable transition period for implementing them. The bill also addresses concerns expressed by NAHRO and our industry colleagues with regard to the practicality and cost-effectiveness of asset management for local housing agencies with fewer than 500 public housing units. We believe H.R. 3521 correctly makes the transition to asset management optional for agencies with portfolios of this size. The legislation also confirms current law enabling the use of capital fund dollars used for operating purposes as permitted for central office costs.

Finally the legislation reaffirms current statute with respect to the right of residents to provide input and participate in the development of local agency policies.

NAHRO maintains that the provisions contained in H.R. 3521 are necessary and would, upon final enactment, resolve some of the more difficult and problematic concerns expressed by our members with regard to the transition to asset management as defined by recent HUD policies and directives. NAHRO has and will continue to work with the Department to ensure a smooth transition to public housing asset management, but strongly feels that congressional action providing clarity and certainty with respect to the items noted above is necessary and warranted.

We thank you for your leadership on this issue and stand ready to be of further assistance as appropriate.

Respectfully,

SAUL N. RAMIREZ, Jr.

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COUNCIL OF LARGE
PUBLIC HOUSING AUTHORITIES,
*Washington, DC, January 30, 2008.*

Hon. BARNEY FRANK,
*Chairman, Committee on Financial Services, House of Representatives, Washington, DC.*

DEAR CHAIRMAN FRANK: On behalf of the Council of Large Public Housing Authorities (CLPHA), I am writing in support of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007, and to urge passage of this sensible legislation by the U.S. House of Representatives.

Asset management is landmark program change now several years in the making. CLPHA members have made the commitment to transition to a flexible asset management system, a shift involving sweeping management and accounting changes.

Provisions in the legislation of most concern to our members are those relating to management and related fees and the prohibition on restriction of fungibility of capital fund amounts. The legislation allows:

Housing agencies and HUD to have an expanded formal process by April 1, 2009, the basis of which is already established in the Public Housing Operating Fund Final Rule, enabling the negotiation of appropriate property management, bookkeeping and asset management fees. Once arrived upon, execution of those fees would commence in 2011; and

Housing agencies to use a portion of their Capital Fund grant towards eligible operating expenses. This provision was first established by Congress in 1996 and reinforced in the 2008 HUD appropriations bill in recognition of housing agencies' need for funding flexibility—a need which has only increased over time.

We thank you for your leadership and support of public housing and look forward to working with you on passage of this legislation.

Sincerely,

SUNIA ZATERMAN,
*Executive Director.*

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NATIONAL HOUSING LAW PROJECT,
*Oakland, CA, February 25, 2008.*

Hon. ALBIO SIRES,
*Committee on Banking, Housing and Urban Affairs, Longworth Office Building, Washington, DC.*

DEAR CONGRESSMAN SIRES: We are writing to convey our support for H.R. 3521, the Public Housing Asset Management Improvement Act. The focus of our support is based upon the resident participation provision.

The National Housing Law Project (NHLP) is a 40 year old national housing law and advocacy center whose mission is to advance housing justice for poor people. NHLP's goals are to increase and preserve the supply of decent affordable housing, improve housing conditions for very low-income persons and households, expand and enforce low-income tenants' and homeowners' rights and increase housing opportunities for racial and ethnic minorities. In pursuit of these goals, NHLP provides support through written materials, training, legislative and administrative advocacy, litigation, and technical assistance on housing issues affecting very low income families. NHLP works with numerous legal services organizations around the country.

HUD and public housing agencies (PHAs) are currently engaged in the very substantial effort of transitioning to and implementing asset management. This effort is having a substantial impact at the local level. PHAs that never applied for operating subsidies are now doing so. Other PHAs are experiencing cuts in operating subsidies due to asset management and the new funding formula. All PHAs are making new staffing and program determinations because of the requirements of project-based management and project-based budgets, all of which affect current residents. Simultaneously most PHAs are experiencing a cut in operating subsidies because of the low level of funding for such subsidies. In this environment of change, it is vital that the Secretary of HUD issue guidance supporting resident participation in the implementation of asset management and the development of local policies that arise from that effort.

It is also critical that Congress recognize the rights of public housing residents to organized and represent their members. Previously, Congress recognize these rights for residents of other federally assisted but privately owned housing. See 12 U.S.C. §1715z-1b(4). It is important that Congress also recognize the same rights for the approximately 1.2 million public housing families.

Sincerely,

CATHERINE M. BISHOP,
*Staff attorney.*

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PUBLIC HOUSING AUTHORITIES
DIRECTORS ASSOCIATION,
*Washington, DC, January 31, 2008.*

Hon. ALBIO SIRES,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE SIRES: On behalf of its members. PHADA thanks you for your support of the public housing program and for your efforts to ensure the workability of public housing asset management. Asset management is a landmark program change now several years in the making. During this time, PHADA has advocated for a cost-effective and practicable transition to asset management; a transition that would also enable smaller housing agencies (for whom the transition to individual project based management is neither cost effective nor practical) to be exempt from the process altogether.

The Public Housing Asset Management Improvement Act of 2008 (H.R. 3521) would authorize in statute recommendations long advocated for and broadly supported by PHADA's membership; recommendations that would accomplish this overall objective. PHADA is pleased to express its strong support for the passage of this important and necessary legislation.

H.R. 3521 will make possible the following:

1. In 2009, housing agencies and HUD will have an expanded formal process, the basis of which is already established in the Public Housing Operating Fund Final Rule, enabling the negotiation of appropriate property management, bookkeeping and asset management fees. Further, once arrived upon, execution of those fees would commence in 2011.

2. Small housing authorities that own and manage between 250 to 500 public housing units, 12 percent of all agencies, will gain regulatory relief in that the transition to asset management will be optional for them.

3. The legislation upholds current statute by which public housing residents may organize and participate in the development of policies at public housing agencies.

PHADA believes these simple provisions will mitigate implementation impediments broadly identified by its members and would provide flexibility critical to housing agencies' survival in a time of dwindling resources.

PHADA views these items as being essential to the fair, efficient and effective implementation of asset management as currently defined by HUD. It welcomes the opportunity to continue to work with the Department and Members of Congress to ensure that the administration of asset management is handled in a responsible manner going forward. Thank you for the opportunity to express these views.

Respectfully,

TIMOTHY G. KAISER,
*Executive Director.*

Mr. Speaker, I am prepared to yield back the balance of my time, but not before saying that I urge a "yes" vote on the previous question and the rule and remind people that this passed the Financial Services Committee by voice vote.

Oh, no, we are not here about FISA. We are not here about earmarks. We are here about public housing for poor people in a country that has dumped on them over and over and over again. We will get to earmarks. We will get to FISA.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 974

OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 4. "That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker's table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion."

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

On approving the Journal, by the yeas and nays;

On ordering the previous question on H. Res. 974, by the yeas and nays;

On adopting the resolution, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 226, nays 183, answered "present" 1, not voting 18, as follows:

[Roll No. 72]

YEAS—226

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gerlach
Gillibrand
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (PA)
Petri
Pickering
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sullivan
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Whitfield (KY)
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Mack
Mahoney (FL)
Manzullo
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Stupak
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)

Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

### ANSWERED “PRESENT”—1

Tancredo

### NOT VOTING—18

Allen
Gohmert
Gonzalez
Graves
Gutierrez
Hulshof
Jones (OH)
Keller
Lungren, Daniel E.
Marchant
Mollohan
Pryce (OH)
Reynolds
Rush
Ryan (OH)
Sutton
Wexler
Woolsey

□ 1328

Mr. SHADEGG and Mrs. MYRICK changed their vote from “yea” to “nay.”

Mr. JOHNSON of Georgia and Ms. SLAUGHTER changed their vote from “nay” to “yea.”

So the Journal was approved.

The result of the vote was announced as above recorded.

## PROVIDING FOR CONSIDERATION OF H.R. 3521, PUBLIC HOUSING ASSET MANAGEMENT IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 974, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 212, nays 198, not voting 18, as follows:

[Roll No. 73]

### YEAS—212

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wu
Wynn
Yarmuth

### NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

### NOT VOTING—18

Allen
Graves
Gutierrez
Hinojosa
Hulshof
Jones (OH)
Keller
Lungren, Daniel E.
Marchant
Mollohan
Pryce (OH)
Rangel
Reynolds
Rush
Ryan (OH)
Sutton
Wexler
Woolsey

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1335

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 190, not voting 20, as follows:

[Roll No. 74]

### AYES—218

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre

McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wu
Wynn
Yarmuth
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

### NOES—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)

### NOT VOTING—20

Allen
Boswell
Graves
Gutierrez
Hinojosa
Hulshof
Jones (OH)
Keller
Lungren, Daniel E.
Marchant
Mollohan
Moore (WI)
Pryce (OH)
Reynolds
Rush
Ryan (OH)
Smith (TX)
Sutton
Wexler
Woolsey

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1342

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

**Ms. MOORE of Wisconsin.** Mr. Speaker, on rollcall No. 74, had I been present, I would have voted "aye."

### PERSONAL EXPLANATION

**Mr. HINOJOSA.** Mr. Speaker, on rollcall Nos. 73 and 74, had I been present, I would have voted "yea" on No. 73 and "aye" on No. 74.

The SPEAKER pro tempore. Pursuant to House Resolution 974, House Resolution 955 is laid on the table.

## RESIGNATION AS MEMBER OF COMMITTEES ON AGRICULTURE AND SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committees on Agriculture and Science and Technology:

FEBRUARY 21, 2008.

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*The Capitol, Washington, DC.*

DEAR MADAM SPEAKER: Thank you for your service and for your leadership. I appreciate all your hard work and commitment to upholding the proud traditions of the House of Representatives.

Due to my impending appointment to the Committee on Appropriations, I hereby respectfully submit my resignation from the Committee on Agriculture and the Committee on Science and Technology, effective Monday, February 25, 2008.

I appreciate your consideration and I look forward to working with you in the future. Please do not hesitate to contact me if I can ever be of assistance.

With kind regards, I am,
Sincerely,

JO BONNER,
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## ELECTING MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PUTNAM. Mr. Speaker, by direction of the House Republic Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 998

*Resolved*, That the following Members are, and are hereby, elected to the following standing committees:

(1) COMMITTEE ON APPROPRIATIONS.—Mr. Bonner of Alabama;

(2) COMMITTEE ON THE BUDGET.—Mr. Jordan of Ohio;

(3) COMMITTEE ON FINANCIAL SERVICES.—Mr. Heller of Nevada;

(4) COMMITTEE ON NATURAL RESOURCES.—Mr. Smith of Nebraska, and Mr. Wittman of Virginia; and,

(5) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Latta.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. SIRES. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 999

*Resolved*, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON FOREIGN AFFAIRS.—Ms. Lee.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SIRES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3521, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

☐ 1345

## RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, February 21, 2008.*

Speaker NANCY PELOSI,
*House of Representatives,*
*Washington, DC.*

MADAM SPEAKER: This letter serves as my intent to resign from the Committee on Small Business, effective Monday, February 25, 2008. It has been my honor and pleasure to serve on the committee and I look forward to the work ahead for the remainder of the 110th Congress.

Sincerely,

JIM JORDAN,
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## RESIGNATION AS MEMBER OF COMMITTEES ON NATURAL RESOURCES, EDUCATION AND LABOR, AND SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committees on Natural Resources, Education and Labor, and Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, February 22, 2008.*

Speaker NANCY PELOSI,
*The Capitol,*
*Washington, DC.*
Minority Leader JOHN BOEHNER,
*The Capitol,*
*Washington, DC.*

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: This letter serves as my intent to resign from the House Natural Resources Committee, Education and Labor Committee, and Small Business Committee, effective Monday, February 25th, 2008. If you have any questions regarding this matter, please feel free to contact me. Thank you.

Sincerely,

DEAN HELLER,
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## PUBLIC HOUSING ASSET MANAGEMENT IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 974 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3521.

□ 1348

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New Jersey (Mr. SIRES) and the gentleman from Illinois (Mr. ROSKAM) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SIRES. Mr. Chairman, I am very happy to be here debating this bill to help public housing authorities across this Nation. Let me start by thanking Chairman BARNEY FRANK for his support on this bill and his leadership in the committee.

Let me start by explaining why I introduced this bill. Shortly after I was sworn in, I received a letter from the Jersey City Housing Authority in my district. They told me they had laid off 34 employees because of asset management. When I looked into this, I learned that Jersey City was not unique. Over 800 public housing authorities had their operating budgets cut because of the way asset management was implemented by the U.S. Department of Housing and Urban Development. At the same time, the Department limited the amount of flexibility given to public housing authorities to make ends meet.

I knew something had to be done. With the support of Chairman FRANK, Chairwoman WATERS, and others, I introduced H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. You will note that the title indicates that the bill improves asset management. It does not, and I repeat, it does not put an end to asset management. That is because I feel strongly that the goals of the asset management are worthwhile. By making public housing authorities run more efficiently, asset management has the potential to improve the lives of all those who live in public housing in this country.

My bill simply makes four improvements to the asset management rule. First, it requires renewed negotiations over the management fee. A little background in this is probably helpful. In 1998, Congress passed the Quality Housing and Work Responsibility Act of 1998, which called on the Department to replace the old funding system with a new, more efficient system. In 2004, a negotiated rulemaking committee gathered to decide how to implement this new system known as asset management. One key piece was the management fee, and Congress required that the fee be reasonable. The negotiators never discussed the management fee, and industry groups have argued that it was set arbitrarily by the Department in its final rule because it lacked input from the negotiated rulemaking committee. My bill requires new negotiations to establish a reasonable fee and allows public housing authorities to revert back to their old funding mechanism until final implementation of asset management on January 1, 2011.

Second, my bill reaffirms current law by allowing public housing authorities to transfer funds between their operating fund and their capital fund. This provision prevents the Department from prohibiting such transfers. This flexibility is vital to agencies, particularly since the public housing program is underfunded. Housing authorities know best where they need funding, not Washington. There is wide agreement on this provision. In fact, this provision was included in the Consolidated Appropriations Act for Fiscal Year 2008. That provision, however, is only valid for 1 year. My bill would make the change permanent.

Third, my bill increases the exemption threshold from small to medium-sized public housing authorities. The Department recognized that small authorities with fewer than 250 units of housing would not benefit from the efficiencies of asset management. The final rule exempts public housing authorities with fewer than 250 units of housing from implementing asset management. My bill simply raises this threshold to 500 units. Again, there is little disagreement on raising the threshold. The Consolidated Appropriations Act for Fiscal Year 2008 raised the exemption threshold to 400. My bill goes a little further to 500 units. The impact of this change will only affect 441 public housing authorities, some of whom may not opt out of asset management because they think it makes good sense. Even with this change, over two-thirds of all public housing units still will be covered by asset management rules.

Finally, my bill restates current law in terms of tenant participation. It simply says that tenants should be allowed to participate in the decisions affecting their homes. It prohibits the Department from altering tenant participation rights, and it encourages public housing authorities to include tenants in discussion about asset management that directly affects their home.

Let me end by talking about who supports this bill. We have received letters of support from the Council of Large Public Housing Authorities, the Public Housing Authorities Directors Association, the National Association of Housing and Redevelopment Officials, and the National Training and Information Center.

I submit these letters for the RECORD.

NATIONAL TRAINING
AND INFORMATION CENTER,
*Chicago, IL, February 7, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: The undersigned 150 democratic grassroots resident organizing groups and allies would like to convey our strong support for protecting the rights of public housing residents to organize, as delineated in H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. As the transition to a system of asset management is one of the most significant shifts facing the administration of public housing in many years, it is more important than ever that public housing residents are involved in the decision-making processes at the local and national levels.

In April of 2007, the National Training & Information Center (NTIC) submitted a letter to Congress endorsed by local, statewide, and national organizations in protest of recent attempts to undermine the efforts of resident and community organizations to participate in the decisions around public housing that impact their communities and their lives, One of those attempts was a notice by HUD on March 1, 2007 to streamline the process to waive 24 CFR 964, which outlines the rights of residents to organize, for PHAs transitioning to asset management. Section 4 of H.R. 3521 is critical in order to ensure that the congressionally sanctioned rights to organize for public housing residents are protected.

The NTIC network is of the perspective that residents must be central to the discourse around policies that impact them—both at the local and national level. Section 4 of this bill will ensure that the voices of public housing residents are not lost in the implementation of asset management. Over the past year, NTIC has brought together public housing residents and allies from 38 cities to identify the most pressing areas for reform of public housing policy. The right to organize and meaningful resident participation are among the highest priorities for residents across the country. In order to make asset management work for everyone, it is critical that residents are involved in decisions around its implementation.

The undersigned 150 local, statewide, and national organizations would like to convey our support for the principles outlined in Section 4 of H.R. 3521. Namely, we feel strongly that residents should have a right to organize in public housing and should be meaningfully and substantively involved in the decisions that impact their lives—both at the local and national level. Specifically, it is critical that the rights bestowed by 24 CFR 964 not be undermined by the transition to asset management. We hope that we can rely on your support for these principles.

Thank you for listening to the voices of the people!

Signed,

Access Living—Chicago, IL.

Annapolis Tenant Task Force—Boston, MA.

Beacon Glen Resident Association—Cincinnati, OH.

Bethel New Life—Chicago, IL.

Bethune Village Resident Council—Daytona Beach, FL.

Border Fair Housing & Economic Justice Center—El Paso, TX.

Bowen Homes Resident Association—Atlanta, GA.

Cabrini Green Rowhouse Council—Chicago, IL.

California Coalition for Rural Housing—California State

Center for Community Change—National

Central Advisory Council—Chicago, IL.

Central Illinois Organizing Project—Central Illinois

Chicago Coalition for the Homeless—Chicago, IL.

Chicago Rehab Network—Chicago, IL.

Cleveland Housing Resident Association—Cleveland, TN.

Clinton Springs Resident Association—Cincinnati, OH.

Coalition to Protect Public Housing—Chicago, IL.

Communities United for Action—Cincinnati, OH.

Community Voices Heard—New York, NY.

Connecticut Legal Services—Connecticut State

Consumer Action—National

Crossroads Urban Center—Salt Lake City, UT.

Detroit United Organizing for Power—Detroit, MI.

District of Columbia Grassroots Empowerment Project—Washington, DC.

Empower DC—Washington, DC.

Empowering & Strengthening Ohio's People—Cleveland, OH.

Erie Tenant Council—Erie, PA.

Everywhere & Now Public Housing Residents Organizing Nationally Together—National

Fall River Housing Joint Tenants Council Inc.—Fall River, MA.

Families United for Racial and Economic Equality—New York, NY.

Faneuil Tenant Task Force—Boston, MA.

Findlater Gardens Resident Association—Cincinnati, OH.

Fuerza Laboral/Power of Workers—Providence, RI.

Good Old Lower East Side—New York, NY.

Grass Roots Organizing—Mexico, MO.

Guste Homes Resident Management Corporation—New Orleans, LA.

Hartford Organizing for Power & Equality—Hartford, CT.

Homeline—Minnesota State

Horizon Hills Resident Association—Cincinnati, OH.

Housing Action Illinois—Illinois State

Housing Choices Coalition—Santa Cruz, CA.

Housing Rights Committee of San Francisco—San Francisco, CA.

Housing Trust Fund Project—National

Illinois Network of Centers for Independent Living—Illinois State

Imagine Supported Living—Santa Cruz, CA.

Iowa Citizens for Community Improvement—Iowa State

Jane Addams Senior Caucus—Chicago, IL.

Janie Poe Residents Council—Sarasota, FL.

Jurisdiction-Wide Resident Advisory Board—Cincinnati, OH.

Just Cause Oakland—Oakland, CA.

Kalamazoo Homeless Action Network—Kalamazoo, MI.

Lafayette Resident Advisory Board—Lafayette, WI.

Lake City House Council—Seattle, WA.

Lake County Center for Independent Living—Lake County, IL.

Lake Park East Tenant Association—Chicago, IL.

Lakeview Action Coalition—Chicago, IL.

La Playa Resident Council—San Diego, CA.

La Raza Centro Legal—San Francisco, CA.

Lawyers' Committee for Better Housing—Chicago, IL.

Lebanon Tenants Association—Lebanon, PA.

Le Claire Court Community Development Corporation—Chicago, IL.

Legacy of Equality, Leadership and Organizing—Seattle, WA.

Legal Aid Justice Center—Charlottesville, VA.

Legal Aid Justice Center—Richmond, VA.

Legal Assistance Resource Center of Connecticut—Connecticut State

Liberty Apartments Resident Association—Cincinnati, OH.

Livermore Tenants and Neighbors—Livermore, CA.

Logan Square Neighborhood Association—Chicago, IL.

Los Angeles Coalition to End Hunger and Homelessness—Los Angeles, CA.

Lowden Homes Local Advisory Council—Chicago, IL.

Low Income Families Fighting Together—Miami, FL.

Madera Action Coalition—Madera, CA.

Maine Association of Interdependent Neighborhoods—Maine State

Maine Equal Justice Partners—Maine State

Mar Vista Gardens Resident Advisory Committee—Los Angeles, CA.

Massachusetts Alliance of HUD Tenants—Massachusetts State

Massachusetts Union of Public Housing Tenants—Massachusetts State

Mennonite Central Committee—National.

Metro Atlanta Task Force on Housing & Homelessness—Atlanta, GA.

Metropolitan Tenants Organization—Chicago, IL.

Miami Workers Center—Miami, FL.

Millvale Resident Association—Cincinnati, OH.

Mineral Manor Resident Council—Reno, NV.

Minneapolis High Rise Council—Minneapolis, MN.

Mission Terrace Residents Association—San Jose, CA.

Mississippi Coalition for Citizens with Disabilities—Mississippi State

Mobilizing and Organizing for Victory and Empowerment—Minneapolis, MN.

Mothers on the Move—New York, NY.

Myra Birch Manor Resident Council—Reno, NV.

National Alliance of HUD Tenants—National

National Association for the Advancement of Colored People—Richmond, VA.

National Association of Consumer Advocates—National

National Association of Resident Management Corporations—National

National Economic and Social Rights Initiative—National

National People's Action—National

National Training & Information Center—National

New Direction for Change—Chicago, IL.

New Orleans Women's Health Clinic—New Orleans, LA.

New Orleans Women's Health & Justice Initiative—New Orleans, LA.

Neill Resident Association—St. Paul, MN.

North Valley Community Cooperative—North Valley, NM.

North West Bronx Community & Clergy Coalition—New York, NY.

North West Side Housing Center—Chicago, IL.

New York City AIDS Housing Network—New York, NY.

New York City Public Housing Residents Alliance—New York, NY.

Oahu Housing Task Force—Oahu, HI.

Old Colony Tenant Task Force—Boston, MA.

Organization of the North East—Chicago, IL.

Organizing Neighborhood Equity DC—Washington, D.C.

Peabody-Englewood Tenant Task Force—Boston, MA.

People for Community Recovery—Chicago, IL.

People Organized for Westside Renewal—Los Angeles, CA.

People Organized to Win Employment Rights—San Francisco, CA.

People Organizing to Demand Environmental & Economic Rights—San Francisco, CA.

People United to Secure Housing—Kalamazoo, MI.

Pittsburg Community Reinvestment Corporation—Pittsburg, PA.

Portland Tenants Union—Portland, ME.

Praxis Project—National

Public Housing Association of Residents—Charlottesville, VA.

Public Housing Residents of the Lower East Side—New York, NY.

Public Housing Residents of Trumbull Park Homes—Chicago, IL.

Resident Owned Business, Inc.—Gary, IN.

Residents of Salem United—Salem, OH.

Rhode Island HUD Tenant Project—Rhode Island State

Richland Resident Council—Richland County, MT.

Rogers Park Section 8 Tenants Council—Chicago, IL.

Rose Garden Apartment Association of Residents—Las Vegas, NV.

Safe Streets/Strong Communities—New Orleans, LA.

Senior Action Council—Phoenix, AZ.

Seventy St. Botolph Street Tenant Taskforce—Boston, MA.

Single Mothers on the Move—Hartford, CT.

South Austin Coalition Community Council—Chicago, IL.

Southside Together Organizing for Power—Chicago, IL.

Sunflower Community Action—Kansas State

Survivors Village—New Orleans, LA.

Sutter View Resident Council—Cincinnati, OH.

Syracuse United Neighbors—Syracuse, NY.

Tenants Union of Washington State—Washington State

Tenants Rallying In Unity to Maintain Public Housing—New York, NY.

Transadvocacy Coalition—Hartford, CT.

Tri-City Resident Council—Southeastern Kentucky

Union de Vecinos—Los Angeles, CA.

United Community Housing Coalition—Hartland, VT.

United Residents for Housing Rights—Jackson, OH.

Upland Residents Association—Upland, CA.

West Broadway Tenant Task Force—Boston, MA.

Whittier Street Tenant Task Force—Boston, MA.

Winton Terrace Resident Association—Cincinnati, OH.

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NATIONAL ASSOCIATION OF HOUSING
AND REDEVELOPMENT OFFICIALS,
*Washington, DC, February 1, 2008.*

Hon. ALBIO SIRES,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE SIRES: On behalf of the more than 22,000 members of the National Association of Housing and Redevelopment Officials (NAHRO), I am pleased to join with our industry colleagues the Public Housing Authority Directors Association (PHADA) and the Council of Large Public Housing Agencies (CLPHA) in formally expressing our strong support for House passage of H.R. 3521, "The Public Housing Asset Management and Improvement Act."

We believe H.R. 3521 contains provisions that will help ensure a responsible and practicable transition to asset management. The bill would establish a reasoned process for defining and determining management and related fees and a suitable transition period for implementing them. The bill also addresses concerns expressed by NAHRO and our industry colleagues with regard to the practicality and cost-effectiveness of asset management for local housing agencies with fewer than 500 public housing units. We believe H.R. 3521 correctly makes the transition to asset management optional for agencies with portfolios of this size. The legislation also confirms current law enabling the use of capital fund dollars used for operating purposes as permitted for central office costs.

Finally the legislation reaffirms current statute with respect to the right of residents to provide input and participate in the development of local agency policies.

NAHRO maintains that the provisions contained in H.R. 3521 are necessary and would, upon final enactment, resolve some of the more difficult and problematic concerns expressed by our members with regard to the transition to asset management as defined by recent HUD policies and directives. NAHRO has and will continue to work with the Department to ensure a smooth transition to public housing asset management, but strongly feels that congressional action providing clarity and certainty with respect to the items noted above is necessary and warranted.

We thank you for your leadership on this issue and stand ready to be of further assistance as appropriate.

Respectfully,

SAUL N. RAMIREZ, Jr.

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COUNCIL OF LARGE
PUBLIC HOUSING AUTHORITIES,
*Washington, DC, January 30, 2008.*

Hon. BARNEY FRANK,
*Chairman, Committee on Financial Services,*
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN FRANK: On behalf of the Council of Large Public Housing Authorities (CLPHA), I am writing in support of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007, and to urge passage of this sensible legislation by the U.S. House of Representatives.

Asset management is landmark program change now several years in the making. CLPHA members have made the commitment to transition to a flexible asset management system, a shift involving sweeping management and accounting changes.

Provisions in the legislation of most concern to our members are those relating to management and related fees and the prohibition on restriction of fungibility of capital fund amounts. The legislation allows:

Housing agencies and HUD to have an expanded formal process by April 1, 2009, the basis of which is already established in the Public Housing Operating Fund Final Rule, enabling the negotiation of appropriate property management, bookkeeping and asset management fees. Once arrived upon, execution of those fees would commence in 2011; and

Housing agencies to use a portion of their Capital Fund grant towards eligible operating expenses. This provision was first established by Congress in 1996 and reinforced in the 2008 HUD appropriations bill in recognition of housing agencies' need for funding flexibility—a need which has only increased over time.

We thank you for your leadership and support of public housing and look forward to working with you on passage of this legislation.

Sincerely,

SUNIA ZATERMAN,
*Executive Director.*

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NATIONAL HOUSING LAW PROJECT,
*Oakland, CA, February 25, 2008.*

Hon. ALBIO SIRES,
*Committee on Banking, Housing and Urban Affairs, Washington, DC.*

DEAR CONGRESSMAN SIRES: We are writing to convey our support for H.R. 3521, the Public Housing Asset Management Improvement Act. The focus of our support is based upon the resident participation provision.

The National Housing Law Project (NHLP) is a 40 year old national housing law and advocacy center whose mission is to advance housing justice for poor people. NHLP's goals are to increase and preserve the supply of decent affordable housing, improve housing conditions for very low-income persons and households, expand and enforce low-income tenants' and homeowners' rights and increase housing opportunities for racial and ethnic minorities. In pursuit of these goals, NHLP provides support through written materials, training, legislative and administrative advocacy, litigation and technical assistance on housing issues affecting very low income families. NHLP works with numerous legal services organizations around the country.

HUD and public housing agencies (PHAs) are currently engaged in the very substantial effort of transitioning to and implementing asset management. This effort is having a substantial impact at the local level. PHAs that never applied for operating subsidies are now doing so. Other PHAs are experiencing cuts in operating subsidies due to asset management and the new funding formula. All PHAs are making new staffing and program determinations because of the requirements of project-based management and project-based budgets, all of which affects current residents. Simultaneously most PHAs are experiencing a cut in operating subsidies because of the low level of funding for such subsidies. In this environment of change, it is vital that the Secretary of HUD issue guidance supporting resident participation in the implementation of asset management and the development of local policies that arise from that effort.

It is also critical that Congress recognize the rights of public housing residents to organized and represent their members. Previously, Congress recognized these rights for residents of other federally assisted but privately owned housing. See 12 U.S.C. 1715z-1b(4). It is important that Congress also recognized the same rights for the approximately 1.2 million public housing families.

Sincerely,

CATHERINE M. BISHOP,
*Staff Attorney.*

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PUBLIC HOUSING AUTHORITIES
DIRECTORS ASSOCIATION,
*Washington, DC, January 31, 2008.*

Hon. ALBIO SIRES,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE SIRES: On behalf of its members, PHADA thanks you for your support of the public housing program and for your efforts to ensure the workability of public housing asset management. Asset management is a landmark program change now several years in the making. During this time, PHADA has advocated for a cost-effective and practicable transition to asset management; a transition that would also enable smaller housing agencies (for whom the transition to individual project based management is neither cost effective nor practical) to be exempt from the process altogether.

The Public Housing Asset Management Improvement Act of 2008 (H.R. 3521) would authorize in statute recommendations long advocated for and broadly supported by PHADA's membership; recommendations that would accomplish this overall objective. PHADA is pleased to express its strong support for the passage of this important and necessary legislation.

H.R. 3521 will make possible the following:

1. In 2009, housing agencies and HUD will have an expanded formal process, the basis of which is already established in the Public Housing Operating Fund Final Rule, enabling the negotiation of appropriate property management, bookkeeping and asset management fees. Further, once arrived upon, execution of those fees would commence in 2011.

2. Small housing authorities that own and manage between 250 to 500 public housing units, 12 percent of all agencies, will gain regulatory relief in that the transition to asset management will be optional for them.

3. The legislation upholds current statute by which public housing residents may organize and participate in the development of policies at public housing agencies.

PHADA believes these simple provisions will mitigate implementation impediments broadly identified by its members and would provide flexibility critical to housing agencies' survival in a time of dwindling resources.

PHADA views these items as being essential to the fair, efficient and effective implementation of asset management as currently defined by HUD. It welcomes the opportunity to continue to work with the Department and Members of Congress to ensure that the administration of asset management is handled in a responsible manner going forward. Thank you for the opportunity to express these views.

Respectfully,

TIMOTHY G. KAISER,
*Executive Director.*

My office has taken calls from public housing authorities across this Nation, small, large, urban, and rural authorities supporting this bill, and I hope that Members will support this bill. Please make a difference for public housing residents and public housing authorities by easing their regulatory burden. Vote "yes" on H.R. 3521.

Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. The bill makes several changes to the Department of Housing and Urban Development's Public Housing Agency Asset Management Final Rule. And what I'd like to do, rather than reading a lengthy statement, is just sort of summarize some of my concerns in a nutshell.

Without question, there's been a great deal of good work and good faith that's been put in on this bill, but I think that there's a couple of key points that just fall a little bit short, and I think we can do better.

The first is, the exemption of so many public housing authorities from the asset management mandate. And that's something that's a good thing, on balance. Asset management says that if you've got unit A and unit B and unit C of public housing, then we're going to determine the cost of unit A, the cost of unit B, and the cost of unit C, and that we're not going to mix all these things up together and act as if each individual one isn't responsible for an individual cost. Asset management is a good business practice that makes all kinds of sense. And if the bill, as amended, is ultimately passed by this House, 88 percent of public housing authorities in the United States would be exempt. That's a bad idea.

The second thing that is actually a bigger concern to me, is section 2 of the bill, and it relates to management and related fees. Let me just read part of the language that this House is being asked to vote on. It says, "The Secretary shall not impose any," and that's the operative word, Mr. Chairman, "any restriction or limitation on the amount of management and related fees with respect to a public housing project if the fee is determined to be reasonable by the Public Housing Agency unless," and then there's a couple of limitations that have to do with timing. The Secretary shall not impose any restriction or limitation. Any restriction? Any limitation? And who is it that's going to determine whether a fee is reasonable?

Well, under this bill, as amended, under this bill, it's going to be the very entity that's going to be the beneficiary of that fee. So we're essentially saying to the fox, Why don't you guard the henhouse? Why don't you decide what your fee is going to be, and you simply send the bill to the taxpayer, and that's the bill that's going to be paid? I think that's unreasonable. I think that common sense says, no, no, no. Common sense says, there's going to be someone else that determines reasonableness of fees before a bill is going to be paid. And what this does is it says, and it's a curious thing to me. I can't figure out for the life of me why. It says that the determination of reasonableness and the renegotiation of reasonableness can't be brought up for another year. This can't even be the subject of a conversation, a substantive negotiation, until April 1 of 2009. And then, even if something is negotiated then, it can't be imposed until 2011, 3 years away. I just think that's unreasonable, and I think it is a financial control that's in place that is being put adrift, and we're not going to be able to get it back for 3 years. Costs are going to go up. Mark my words.

Finally, this allows for the diversion of capital funds, Mr. Chairman. You know, there's always a natural tension, right, between capital funds and operating funds, and we hear that all the time. There is no shortage of national attention and national conversation and national concern about the atrophying of our capital, the atrophying of our infrastructure. And what we ought not be doing is creating more fungibility, in other words, more pressure to take money and divert precious capital money from capital expenditures, which are the traditional bricks and mortars of public housing to go into the operating side. And for those reasons, I rise in opposition.

Mr. Chairman, I reserve the balance of my time.

□ 1400

Mr. SIRES. Mr. Chairman, I yield 5 minutes to the gentlelady from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I am indeed honored to be an original cosponsor of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007; and I want to thank Mr. SIRES and Chairman FRANK for their dedication and commitment to resolving this, at times, perplexing and confusing process known as asset management to which our public housing agencies have been struggling to adapt for several years now. This struggle has been made all the worse by the Department of Housing and Urban Development's overly prescriptive guidance on some issues, lack of guidance on other issues, and contradictory or insufficient guidance on everything in between.

I think we can all agree that public housing agencies can be better at managing our public housing resources and that asset management has the potential to improve how public housing is managed nationwide. However, in examining the issues behind the implementation of asset management, it has become clear that HUD's one-size-fits-all approach simply won't work. In addition, the Department's willful disregard of existing statute as a part of the implementation is eroding the trust of housing agencies' residents and some Members of this Congress.

In light of the Department's actions and the need to proceed with asset management, my friend from New Jersey who introduced this bill, H.R. 3521, maintains and respects the negotiated rulemaking agreed to by all parties, housing agencies, their industry representatives and HUD and still requires housing agencies to convert to asset management by 2011.

However, the bill settles three outstanding issues that have slowed the implementation of asset management: number one, the amount of management fees; number two, the ability of housing agencies to use a portion of their capital funds while operating expenses as allowed under statute; and number three, the kind of housing agencies that must convert to asset management. These are all critical issues that must be decided before 2011.

H.R. 3521 would require negotiated rulemaking to settle the issue of management fees. The fees that the Department is attempting to impose on housing agencies are, in many cases, insufficient and will not meet the needs of housing agencies that have been historically underfunded.

In addition, these fees appear to have been arrived at in an arbitrary manner.

Negotiated rulemaking on the subject of management fees would allow the Nation's housing managers to work with HUD to determine a reasonable fee for managing public housing. Because the date for full implementation of asset management would stay the same, negotiated rulemaking would not delay or stall conversion to asset management.

On the use of capital funds for operating expenses, the statute is very clear. Housing agencies have the ability to move 20 percent of their capital funds to their operating fund. However, in its guidance, the Department has disregarded this plain-as-day statute and has limited capital fund fungibility to 10 percent. The bill simply asserts what is already in law.

Large housing agencies will benefit the most from asset management due to the economies of scale that will result from streamlining their operations. By raising the threshold for conversion from housing agencies that manage 250 units to those that manage 500 units, the bill simply ensures that only those housing agencies with the ability to benefit from asset management are required to comply with it.

Furthermore, the bill makes sure that asset management does not stifle tenant participation and resident organization. Public housing residents are very concerned about how asset management will impact their ability to participate and to organize. The bill ensures that the ability of residents to remain involved and to be represented is not impinged upon.

Mr. Chairman, this bill does not undo, reverse, or undermine the original negotiated rulemaking between housing agencies and the Department. It simply settles four outstanding issues so that asset management can move forward.

Mr. ROSKAM. Mr. Chairman, I have no other speakers, and I will reserve the balance of my time.

Mr. SIRES. Mr. Chairman, I yield 4 minutes to my friend from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007.

I commend Chairman FRANK and commend Chairwoman WATERS and my colleague from New Jersey, Congressman ALBIO SIRES, for bringing to the floor this very important legislation. This is the most significant administrative transformation, Mr. Chairman, in 30 years dealing with all of the public housing authorities throughout the United States.

This bill, developed with the input of public housing agencies, administrators and tenants, is a commonsense measure that provides flexibility to the Nation's public housing authorities as they transition to asset management.

I must say to my friend from Illinois, the points that you bring up are salient, but it doesn't work here, and I will tell you why. H.R. 3521 was included as part of H.R. 2764, the Consolidated Appropriations Act of 2008, which the President signed on December 26, 2007. It's already law.

Specifically, the Consolidated Appropriations Act included the provision to allow flexible funding between the capital and operating funds. It also expanded the exemption from implementing asset management from public housing authorities with less than 250 units to public housing authorities with less than 400 units. This legislation that is before us today increases that threshold to 500 units. So what we are taking is something already in the law and expanding it.

H.R. 3521 would also be permanent whereas the Consolidated Appropriations Act would only put provisions in place for the year 2008. I ask that that be considered, and I think it is a very important part of what we are debating today.

Asset management is an efficient administrative style that allows public housing authorities to manage each individual housing development on a project-level basis as opposed to managing developments on an agency-wide basis.

While most stakeholders support the idea of asset management, they believe that HUD has implemented its inflexibility. For example, HUD has mandated that public housing authorities demonstrate compliance. So this is not a willy-nilly situation here. This is something you have to comply to the law. New rules will be established by 2011, which the PHAs believe is too soon. You have to get these public housing authorities that have been operating, many of them for 30 years, the flexibility for compliance. And HUD is overseeing them. You act as if there is no one who is auditing the books.

We need time to issue timely and complete guidance on these new regulations causing some PHAs to lose funding and staff. I don't think any of us want that.

During this time of declining resources for public housing, when is the last time we built public housing? When is the last time we built public housing for seniors at a time when we know what is going on out there with people losing homes? When is the last time we have provided public housing?

So during this time of declining resources for public housing, it is imperative that we provide them with the flexibility they need to use their funds as they see fit. This legislation requires new negotiated rulemaking to begin in 2009 to ensure that housing authorities are funded according to an accurate funding formula and allows the public housing authorities the flexibility to move small amounts of funding from capital to operating funds.

Also, this legislation exempts small public housing authorities from asset management, as they generally will see no economic or efficiency improvements from its implementation and ensure that the PHAs involve tenants in every decision.

Mr. Chairman, this bill makes real practical changes that will truly benefit our public housing agencies as they implement asset management. I urge my colleagues to support its passage, and I commend the sponsors of this legislation.

Mr. ROSKAM. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the tone of the discussion this afternoon very, very much. I just want to point out and really ask the House if you notice something, and at the beginning of my remarks, I put out, essentially as a challenge, this concern that I have of this language: the secretary shall not impose any restriction or limitation on the amount of management and related fees. Nothing: no restrictions, no authority, completely stripped so that there is nobody that has the ability that can come in and say this invoice for management, this amount of money for management, are you kidding me? That's outrageous. Nobody has the authority to do that. They do now, they do currently have that ability, but under this bill, Mr. Chairman, that authority goes away.

Now, the gentleman from New Jersey, the previous speaker, mentioned the fungibility argument. I accept that as an argument. I just don't think it is a good idea. I don't think that something that's in an appropriations bill, just because it's a bad idea, that it needs the House's imprimatur once again. That's going to expire at the end of the year, and I think we can do better.

So just in summary, what we are being asked to do today is essentially to limit down the amount of public housing authorities that would be under asset management to only 12 percent of the public housing authorities in the United States. Only 12 percent of them would be subject to asset management if this bill is enacted.

So I think those are sufficient numbers to say, you know what, I think we can do better. Those are sufficient reasons, sufficient arguments that would suggest that we can do better. This should go back to the drawing board. And I urge a "no" vote.

With that, I yield back the balance of my time.

Mr. SIRES. Mr. Chairman, just in closing I would like to say that there is oversight, and the 20 percent that we are talking about is just increasing 10 percent because already they have the ability to move 10 percent. With all of the costs, all of the increases and the underfunding of these housing authorities, I think this is reasonable.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3521

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Public Housing Asset Management Improvement Act of 2007".*

***SEC. 2. REVISIONS TO ASSET MANAGEMENT RULES AND RELATED FEES.***

*(a) MANAGEMENT AND RELATED FEES.—The Secretary shall not impose any restriction or limitation on the amount of management and related fees with respect to a public housing project if the fee is determined to be reasonable by the public housing agency, unless such restriction or limitation imposed by the Secretary on such fees—*

*(1) is determined pursuant to a negotiated rulemaking which is convened by the Secretary no earlier than April 1, 2009, and in accordance with subchapter III of chapter 5 of title 5, United States Code, with representatives from interested parties; and*

*(2) is effective only on or after January 1, 2011.*

*(b) INCREASE OF THRESHOLD FOR EXEMPTION FROM ASSET MANAGEMENT REQUIREMENTS.—Any public housing agency that owns or operates fewer than 500 public housing units under title I of the United States Housing Act of 1937 may elect to be exempt from any asset management requirement imposed by the Secretary.*

***SEC. 3. PROHIBITION ON RESTRICTION OF FUNGIBILITY OF CAPITAL FUND AMOUNTS.***

*The Secretary of Housing and Urban Development shall not impose any requirement, regulation, or guideline relating to asset management that restricts or limits in any way the use by public housing agencies of amounts for Capital Fund assistance under section 9(d) of such Act, pursuant to paragraph (1) or (2) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)), for costs of any central office of a public housing agency.*

***SEC. 4. TENANT PARTICIPATION.***

*(a) RULE OF CONSTRUCTION.—Neither the requirements of this Act, nor any other requirement, regulation, guideline, or other policy or action of the Department of Housing and Urban Development relating to public housing asset management may be construed to repeal or waive any provision of part 964 of title 24 of the Code of Federal Regulations, regarding tenant participation and tenant opportunities in public housing. The Secretary of Housing and Urban Development shall ensure that public housing agencies encourage the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize.*

*(b) GUIDANCE.—Guidance issued by the Secretary of Housing and Urban Development shall encourage participation by residents in the implementation of asset management and the development of local policies for such purposes.*

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-524. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SIRES

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-524.

Mr. SIRES. Mr. Chairman, as the designee of Mr. FRANK of Massachusetts, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SIRES:

Page 2, after line 17, insert the following: The Secretary may not consider a public housing agency as failing to comply with the asset management requirements of subpart H of part 990 of title 24 of the Code of Federal Regulations, or any successor or amended regulation containing asset management requirements, or determine that an agency fails to comply with such requirements, because of or as a result of the agency determining its fees in accordance with this subsection.

At the end of the bill add the following new section:

**SEC. 5. INELIGIBILITY OF ILLEGAL IMMIGRANTS FOR ASSISTANCE.**

Immigrants who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

The CHAIRMAN. Pursuant to House Resolution 974, the gentleman from New Jersey (Mr. SIRES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 1415

Mr. SIRES. This manager's amendment covers two different aspects of the bill. The first part addresses compliance with section 2 of the bill. Section 2 grants agencies that lost funding because of asset management to walk out of the funding agreement. The bill allows them to set their own reasonable management fee until a new negotiated rulemaking takes place. However, the Department recently announced that any agency compliant with this provision of the bill will be deemed as noncompliant with the Asset Management Final Rule. The manager's amendment makes it clear that these agencies are compliant.

The second part of the manager's amendment restates current law that undocumented immigrants are ineligible for financial assistance under section 214 of the Housing and Community Development Act of 1980. These changes are technical and should be adopted.

Chairman FRANK and I urge a "yes" vote on these amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I rise today in support of H.R. 3521, the Public Housing Asset Management Improvement Act. This legislation works to provide flexibility to public housing agencies as they make the transition to the new asset management system.

As we are working to enact this legislation, I am pleased that we incorporated provisions to ease the potential burdens for many smaller public housing authorities, including many in my Congressional district. I am also pleased to see that the Manager's Amendment we are considering includes language that reaffirms current Federal law and ensures that illegal immigrants do not receive public housing benefits that should only go to those who rightfully deserve them.

Mr. Chairman, in closing, I would like to express my appreciation to Mr. SIRES of New Jersey for introducing this legislation and to Chairman FRANK for working to include language in the Manager's Amendment pertaining to illegal immigration. I urge my colleagues to vote in favor of H.R. 3521, the Public Housing Asset Management Improvement Act.

Mr. ROSKAM. Mr. Chairman, we have no opposition to the amendment, and I yield back the balance of my time.

Mr. SIRES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SIRES).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SIRES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. MEEK OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-524.

Mr. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MEEK of Florida:

Page 3, line 23, after the period insert the following: "In the case of any public housing agency in receivership, the Secretary of Housing and Urban Development or any receiver may not abrogate, waive, repeal, or modify any provision of part 964 of title 24 of the Code of Federal Regulations or any provision of a formalized housing agreement entered into pursuant to such part 964 (including pursuant to section 964.11, 964.14, 964.18(a)(6), or 964.135 of such part) before the commencement of such receivership by a resident or tenant organization and the public housing agency.".

The CHAIRMAN. Pursuant to House Resolution 974, the gentleman from

Florida (Mr. MEEK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MEEK of Florida. Members, I think that this amendment is well in order. First of all, I want to thank the chairman of the committee, Mr. FRANK, and also Mr. SIRES, who has been a leader in this, my friend from New Jersey, and also Chairwoman WATERS.

Mr. Chairman, this amendment simply, on page 3, line 23, gives those individuals who find themselves in the middle of a dispute between the Department of Housing and Urban Development and a local housing authority, when that particular local housing authority falls into receivership, all agreements that have been agreed upon as it relates to tenants and that housing authority should be honored when that takes place.

Case in point: In south Florida we were awarded a HOPE VI grant, and the housing authority failed the residents in being able to implement that grant, and then the residents and housing authority came together for the better good to make sure there weren't a number of homeless individuals, and those agreements ended up going south. And I think there are other communities that will be going through this in the very near future.

I am offering this amendment, and hopefully the Members will accept this amendment in good faith and it will help us move forward as we look at these situations in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. ROSKAM. Mr. Chairman, I reserve the balance of my time.

Mr. MEEK of Florida. Mr. Chairman, I would like to recognize the gentleman from New Jersey (Mr. SIRES) for 1 minute.

Mr. SIRES. I would like to thank Mr. MEEK for offering this amendment.

This amendment clarifies that the Department cannot prevent public housing authorities in receivership from benefiting from this bill.

Chairman FRANK and I fully support this amendment, and we urge adoption.

Mr. MEEK of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I yield back the balance of my time.

Mr. MEEK of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MEEK).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROSKAM. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-524 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SIRES of New Jersey.

Amendment No. 2 by Mr. MEEK of Florida.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

### AMENDMENT NO. 1 OFFERED BY MR. SIRES

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SIRES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 18, as follows:

[Roll No. 75]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)

Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Allen
Boucher
Brown-Waite, Ginny
Christensen
Fortuño
Graves
Gutierrez
Hulshof
Jones (OH)
Keller
Lungren, Daniel E.
Peterson (PA)
Pryce (OH)
Reynolds
Ryan (OH)
Sutton
Wexler
Woolsey

☐ 1446

Messrs. CALVERT, PEARCE, and GINGREY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 2 OFFERED BY MR. MEEK OF FLORIDA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MEEK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 337, noes 77, not voting 19, as follows:

[Roll No. 76]

AYES—337

Abercrombie
Ackerman
Aderholt
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—77

Akin
Bachmann
Barrett (SC)
Bilirakis
Blackburn
Blunt
Brady (TX)
Broun (GA)
Burgess
Buyer
Campbell (CA)
Carter
Conaway
Cubin
Culberson
Davis, David
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Granger
Hall (TX)
Heller
Hensarling
Herger
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latta
Lewis (KY)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Pence
Peterson (PA)
Poe
Price (GA)
Radanovich
Rohrabacher
Roskam
Royce
Sali
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—19

Allen
Boucher
Brown-Waite, Ginny
Christensen
Fortuño
Graves
Gutierrez
Hodes
Hulshof
Jones (OH)
Keller
Lewis (GA)
Lungren, Daniel E.
Pryce (OH)
Reynolds
Ryan (OH)
Sutton
Wexler
Woolsey

### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain on this vote.

☐ 1454

Mrs. MCMORRIS RODGERS and Mr. PENCE changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. SERRANO, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, pursuant to House Resolution 974, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am in its current form.

Mr. SIRES. Madam Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SMITH of Texas moves to recommit the bill, H.R. 3521, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

POINT OF ORDER

Mr. SIRES. Madam Speaker, I make a point of order that the amendment is not germane to the bill. The bill H.R. 3773 has nothing to do with the asset management bill under consideration.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. SMITH of Texas. Yes, I do, Madam Speaker.

Madam Speaker, once again, the Democratic majority is insisting on a procedural objection to block consideration of the Senate-passed FISA modernization bill. This motion to recommit adds the bipartisan bill passed 2 weeks ago by the Senate, 68–29.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman must confine his remarks to the gentleman from New Jersey's point of order.

Mr. SMITH of Texas. Madam Speaker, there is nothing more germane to the security of the American people than to take up the Senate bill as quickly as possible.

Now I would like to reiterate my disappointment that the majority has raised a point of order against this motion to recommit.

Mr. SIRES. Madam Speaker, the gentleman is not speaking on the point of order.

The SPEAKER pro tempore. The gentleman from Texas must confine his remarks to the point of order.

Mr. SMITH of Texas. Madam Speaker, I would like to ask the gentleman to withdraw his point of order and allow for an up-or-down vote on the bipartisan Senate reform bill.

Mr. SIRES. Madam Speaker, I insist on my point of order.

The SPEAKER pro tempore. The instructions in the motion to recommit propose an amendment consisting of the text of an entirely different measure that falls outside the jurisdiction of the Committee on Financial Services. The instructions are therefore not germane. The point of order is sustained. The motion is not in order.

Mr. SMITH of Texas. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. SIRES

Mr. SIRES. Madam Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SIRES. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 195, not voting 15, as follows:

[Roll No. 77]

AYES—218

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Allen
Brown-Waite, Ginny
Frank (MA)
Graves
Gutierrez
Hulshof
Jones (OH)
Keller
Lungren, Daniel E.
Peterson (MN)
Pryce (OH)
Ryan (OH)
Sutton
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1520

Mr. SHADEGG, Mr. BOEHNER and Mr. LEWIS of California changed their vote from "aye" to "no."

Mr. ISRAEL and Mr. SMITH of Washington changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber yesterday and today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 69, 70, 71, 72, 73, 74, 75, 76, and 77.

### MOTION TO RECOMMIT OFFERED BY MRS. BACHMANN

Mrs. BACHMANN. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. BACHMANN. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Bachmann moves to recommit the bill H.R. 3521 to the Committee on Financial Services with instructions to report the same back to the House promptly with the following instructions:

Page 2, after line 17, insert the following:

The Secretary of Housing and Urban Development shall not accept as reasonable any fees for enforcing any provision of a dwelling lease agreement or other similar agreement that requires the registration of or prohibits the possession of any firearm that is possessed by an individual for his or her personal protection or for sport the possession of which is not prohibited, or the registration of which is not required, by existing law.

The SPEAKER pro tempore. The gentlewoman from Minnesota is recognized for 5 minutes.

Mrs. BACHMANN. Madam Speaker, our Founding Fathers wrote our Nation's fundamental values of freedom and representative government into our Constitution. This includes the people's second amendment right to keep and bear arms.

Citizens who are in compliance with the law should not have those rights taken away, including those who live in public housing. Yet, public housing authorities, including the one right here in our Nation's Capital, are telling residents that in order to be a resident of public housing, you must give up your second amendment rights. You must give up your right to own a firearm for sport or for hunting or, most importantly, to protect yourself or your family.

Let me quote from the January 2008 dwelling lease agreement for DC: "Lessee and all Others are required to comply with the following use restrictions and requirements . . . To refrain from storing, maintaining, using, distributing, purchasing or selling any type of firearms or ammunition on the Leased Premises or the Development, whether registered or unregistered."

In other words, Madam Speaker, even if you comply with all the laws of the District of Columbia related to gun ownership, you are prohibited from owning a gun if you are a resident of public housing.

We are talking about law-abiding citizens, not criminals. Criminals are already largely prohibited from residing in public housing. Residents of public housing share the same legal rights to possess lawful property and to take measures to defend their lives as do homeowners who control their estate.

The DC policy clearly discriminates against the poorest members of our society simply because they are residents of public housing.

Less than 2 weeks ago, 250 Members of this House of Representatives, including 65 Members of the majority, who said there shouldn't be any gun ban here in the District of Columbia signed a bipartisan amicus curiae brief in District of Columbia v. Heller, which said it is a case that currently is before the United States Supreme Court which questions the constitutionality of the DC gun ban. The amicus brief supports the ruling by a lower Federal appeals court which upheld the constitutional right of individual citizens to keep and bear arms.

Just to refresh my colleagues one more time, one notable line from the brief states, and I quote, "Had Americans in 1787 been told that the Federal Government could ban the frontiersman in his log cabin, or the city merchant living above his store, from keeping firearms to provide for and protect himself and his family, it is hard to imagine that the Constitution would have been ratified."

The DC public housing restriction goes even further than the DC gun ban in question in this case.

Madam Speaker, we must assure that Americans living in public housing have their personal right to possess firearms for hunting or self-defense.

This motion to recommit is simple. It clarifies that public housing authorities that participate in the asset management program cannot prohibit their law-abiding tenants from possessing firearms and ammunition.

Madam Speaker, I ask my colleagues to join me in supporting this motion, and I yield back the balance of my time.

Ms. WATERS. Madam Speaker, I rise to oppose the motion.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Madam Speaker, I rise almost in disbelief that my friends on the opposite side of the aisle, led by Mrs. BACHMANN, would dare bring to this floor a motion that basically would say to us that the Federal Government cannot direct this issue on Federal property.

We own these public housing authorities. The people who are here live under the rules that we develop for living in public housing. We are confronted with the problem in America, and that problem is, unfortunately, and painfully, we have poor people who are isolated, and they find their power and their strength in the gun.

There are far too many guns raging every night in America in public housing authorities, whether it is Los Angeles or New York or down south.

What you find are young jobless men in gangs who shoot throughout the night where people are ducking under their beds, afraid to open their doors. Many of these public housing authorities are on main thoroughfares, next to shopping centers, on your way to the airport.

These bullets don't limit themselves to inside these public housing authorities. They could end up shooting people who are passing through the area.

I understand, perhaps, the argument that one would make about constitutional rights. While I disagree with that, I think it is foolhardy and foolish to talk about we don't have the authority to determine what happens on our property.

There are those in this room who would shout down public housing authorities and not give people a place to live at all, because they said there is too much violence, there is too much joblessness, there is too much violence. There are those of us who have worked for years not only to clean up these public housing authorities but to make sure that the people who live there are abiding by the law.

I am in disbelief that anyone could believe it's all right to continue what is happening in America today in many of these public housing authorities where young people are dying. Of course we don't like it. Of course we are appalled at it. We are pained with it. But give me a break. All of us are much more responsible than this motion to recommit would have us believe.

I would yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentlelady for yielding.

Would the gentlelady, the sponsor of the motion to recommit, yield for a question?

Mrs. BACHMANN. Yes.

Mr. HOYER. I thank the gentlelady.

Would the gentlelady agree to a unanimous consent request to make your amendment a forthwith amendment so that it could be voted upon? My presumption is the gentlelady wants the amendment adopted, the gentlelady believes the majority of the House is for it. Would the gentlelady agree to such a unanimous consent?

Mrs. BACHMANN. Madam Speaker, I appreciate the request from the majority leader; however, the answer would be no.

We are aware of this problem, and it's very important that we send this back to the committee so that it will be fixed.

Mr. HOYER. Reclaiming my time, so it's more important to delay it than to adopt it now?

Mrs. BACHMANN. Madam Speaker and Majority Leader, as you know, the important point is that the committee has a chance to look at this measure. They did not have a chance to do so.

We want to make sure that they have the opportunity to fix the bill.

☐ 1530

Mr. HOYER. Madam Speaker, I ask unanimous consent that the motion to recommit be amended by substituting the term "promptly" with the term "forthwith."

The SPEAKER pro tempore. The Chair will recognize only the proponent of the motion for such a request.

Ms. WATERS. Madam Speaker and Members, our majority leader just put before us a motion that I think we should all support. It is unreasonable for us to think that somehow we are going to not give this House the opportunity to provide leadership on crime.

There are Members on the opposite side of the aisle who would identify themselves as being law and order people, of wanting to get rid of guns and crime. Well, this is an opportunity to show where you stand. Do you stand with us to keep Americans safe? Do you stand with us to make the rules on Federal property, or are you going to vote us down?

The SPEAKER pro tempore. The gentlewoman's time has expired.

Pursuant to section 2 of House Resolution 974, further proceedings on H.R. 3521 are postponed.

## HONORING ANTHONY "TONY" EUBANKS

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Mr. Speaker, Anthony "Tony" Eubanks, professional basketball player, collegiate basketball record holder and two-time All American, during Black History Month, I would like to recognize his efforts as a mentor to our Christian youth in South Carolina.

Through his professional basketball career, Tony was able to travel to the Middle East, Europe, and Argentina. This travel led him to work with youth as a volunteer for Young Life, FCA, and other ministries.

Currently, he now serves as the chaplain of the Clemson Tigers football team and volunteers with FCA on the Clemson campus.

South Carolina is proud to have this citizen who is so truly dedicated to strengthening youth faith. Each day, he contributes to pregame chapels, coaches' Bible study and graduate assistants' Bible studies, and other ministries that continue to make a difference in the lives of athletes, coaches, and the community.

Tony is not only a leader for our youth, but also a strong role model for athletes. He is a true athlete for Christian Ministries.

## PASS PROTECT AMERICA ACT NOW

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the men and women in our intelligence agencies are facing uncertainty. They are telling us this, and that is posing a very real national security risk to us in our homeland.

Today I rise to encourage this House to close the terrorist loophole for good by passing a bill that would permanently update the Foreign Intelligence Surveillance Act.

The Senate passed this bipartisan bill with 68 votes. The House leadership will not bring it to the floor. They had another opportunity today, and they passed on that opportunity.

Mr. Speaker, time has run out. The Protect America Act has expired. The Democratic leadership of the House has had more than 6 months to tackle this problem. They continue to delay. Let's not delay another day. Let's bring our intelligence capabilities into the 21st century. Let's pass the Protect America Act now.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## REINVESTING TAXPAYER SUBSIDIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ISRAEL) is recognized for 5 minutes.

Mr. ISRAEL. Mr. Speaker, this week the House will vote to reinvest taxpayer subsidies from the most profitable oil companies in the world to the American people in the form of lower gas prices, lower home heating oil costs, and new jobs in clean, renewable technologies.

For 6 years under Republican management, we attempted a strategy to reduce our dependence on foreign oil and to lower gas prices. The strategy was to provide $14 billion in industry subsidies to the largest oil companies in the world, the most profitable oil companies in the world. So $14 billion to them, and at the same time the Bush administration submitted budgets to this Congress that actually reduced funding for renewable energies, for energy efficiency, for weatherization, for solar, for hydrogen, for other renewable technologies.

And so what was the result? The result was this: Gas prices doubled; home heating oil prices tripled; oil company profits quadrupled, but the average American was now faced with an additional $1,500 in gas prices. And at the same time as oil company profits went up and as pocketbooks got lower and lower, the wallets of the American people lost more and more value, we actually increased our dependence on foreign oil. This year we are actually importing 1.6 million barrels of oil a day more than we were before the energy policy that the prior Congress passed and that the President signed.

☐ 1545

So we're actually more dependent on foreign oil, and the American people are less well off. Oil companies did very, very well. But we did nothing to reduce our dependence on foreign oil, and the American people lost $1,500 in the process.

Well, we're going to change that. We have the opportunity to change that this week. We're going to pass, I hope on a bipartisan basis, a new approach, a new strategy, a fundamental change in energy policy. And we're going to redirect those subsidies from oil companies to the pocketbooks of the American people. We're going to create as many as 3 million jobs in renewable technologies. We're going to invest those subsidies in the creation of new green jobs in solar and hydrogen and wind and geothermal. We're going to create those new jobs and regain our manufacturing capacity and capabilities.

Mr. Speaker, it troubles me that here we are, the country that defeated the most monumental threat of the 20th century in Nazi Germany and Japan, and we're now behind Germany and Japan in solar technologies. Of the top 10 wind companies on Earth, only one is American. Iceland, Denmark, now making great strides in geothermal and wind. We're not. Seven out of every 10 cars in Brazil are fuel flexible. We're not.

We can regain our capacities. We can regain our skills, we can regain our competitive edge in the world. We can regain our manufacturing strength in the world by leapfrogging ahead of them in renewable technologies. To do that, we've got to make investments in the American people, not the bottom line profits of oil companies.

When we gave those oil companies the opportunity to make those investments in the American people, what did they do? They made those investments in the oil companies' CEOs. One cashed out with about $60 million.

We believe that it's time to make those investments in the American people, in American jobs, in renewable energy. And by doing so, we can reduce our dependence on foreign oil.

We have created a paradigm, Mr. Speaker, where, with a $9 trillion debt, we are borrowing money from China to fund our defense budgets to buy oil from the Persian Gulf to fuel our military to protect us from China and the Persian Gulf. It makes no sense.

This week, we have the opportunity to take a giant leap for common sense: reinvest in the American people, reinvest in American jobs, reinvest in our defense, reinvest in our competitive edge, reinvest in our human capital, reduce our dependence on foreign oil. And that's precisely what we will do by passing this bill.

## VICTIMS OF CRIME ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I want to talk about one of the novel concepts that Congress has come up with over the years. It goes back to the Reagan administration and a bipartisan bill signed by President Reagan, the VOCA Act was established. It is called the Victims of Crime Act. It's a novel idea in that convicted felons in Federal court who are assessed fees and fines must pay those fees and fines into a fund. That fund then is saved and reserved for victims of crime for restitution. It also establishes and takes care of domestic violence shelters where spouses can hide away from those abusers. It establishes rape crisis coalition centers. It promotes and sends money to the victim advocates throughout the United States who go to court with victims of crime, especially in violent crime. It does many good things. And over the years, because our Federal judges have continued to fine and assess greater penalties to criminals, that VOCA fund, as of today, is $1.7 billion, money contributed by criminals that goes to crime victims. What a wonderful idea. And let me make it clear, this is not taxpayer money. Taxpayers didn't fund this. Criminals did. Criminals paying the rent on the courthouse, paying for the system that they have created.

So what is the problem? The problem is, Mr. Speaker, that that fund, every year, that's administered by the Federal Government continues to be robbed by other bureaucrats and continues to be less money that's available for crime victims. This year we have $1.7 billion in the fund. Last year $635 million of that was used for crime victims, but this year the fund is being cut by the bureaucrats to $590 million. That's not a lot of money, but it means that victims shelters throughout the country will be closed, that these rape crisis coalition centers will be closed because they're barely keeping the lights on.

So why is that happening, Mr. Speaker? I do not know.

I do know that the Justice Department now is going to charge a surcharge on the victims fund of 5.5 percent to administer the fund. They are doing so without the approval of Congress. They have no right to take $30 million to pay for their own bureaucracy. That's not authorized by Congress.

We also know that the administration wants to take part of that money and apply it to other programs out there.

Once again, this is not taxpayer money. It's money that belongs to victims. And the Federal Government and, specifically, the Justice Department and the Federal bureaucrats need to keep their hands off that money, because it's not their money. It belongs to victims of crime.

Mr. Speaker, victims of crime do not have a lobbyist up here in Washington, DC, a high-dollar lobbyist advocating on their behalf. They expect us, Members of Congress, to be their lobbyist, and it's important that we do not let the bureaucrats, the robber barons take money out of that VOCA fund and apply it to other programs.

Find that money somewhere else. This money belongs to crime victims. It should not be robbed by the bureaucrats. It should be left alone. And, if anything, we ought to raise how much money we take out of that fund for victims of crime.

It's $1.7 billion this year. Next year it's going to be $1.9 billion criminals contribute to that fund. And yet our government continues to let less and less money be applied to victims. We have more crime victims in this country than we did last year, and we need victims assistance.

The Victims of Crime Act is a good idea. Let's leave it alone and quit robbing it to pay for other Federal programs. And if the Federal Government needs money to pay for these other programs, take money out of foreign aid or something. But leave victims alone.

Victims are a unique breed of people in our country, Mr. Speaker, and it's our responsibility to take care of them and make sure that they get the compensation they need, paid for by criminals who commit crimes against them.

And that's just the way it is.

## FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION HAS FAILED DISPLACED GULF COAST RESIDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker and Members, I rise today to share with this body the unbelievable circumstances surrounding the victims of Hurricanes Rita and Katrina.

I thought the American people had been shocked at the lack of response by our Government to the victims of these hurricanes. I thought the American people could hardly ever get over the fact that they witnessed victims of a natural disaster held up in a convention center in New Orleans for days without food, without water, begging for help.

It was unbelievable when we discovered that the head of FEMA, Mr. Brown at the time, said that he did not know that those victims were out in front of the convention center waving white flags, inside the convention center sick and even dying.

It was unbelievable to witness one of the richest, if not the richest country in the world with the lack of adequate response to its citizens at a time when we were needed most.

And so we're trying to work through this. We have been working to try and get money to the gulf coast, to New Orleans, to Mississippi. We have tried to work to save public housing so that residents could return who had been evacuated and told that the housing would be rehabilitated and they could return.

Many of us have been pushing not only on FEMA and our government, but working with the State and local government trying to correct the injustices that we have now come to know that have taken place in the gulf coast.

And now we're confronted with another unbelievable situation. How much bungling can you do? How much mismanagement can you be responsible for?

Finally, we find there's more. The Federal Emergency Management Administration, that is, FEMA, has admitted what people living in trailers have known for several years: that these trailers contain high levels of formaldehyde that pose serious health risks for residents. Almost after moving in, trailer residents started to complain about respiratory and other formaldehyde-related health problems.

The first private study on the unacceptable levels of formaldehyde in these trailers was in 2006. A few months later, the Occupational Health and Safety Administration conducted its own testing and found formaldehyde concentration as high as 5 parts per million, or 50 times higher than the level the Environmental Protection Agency considers elevated. But FEMA didn't stop the sale or deployment of trailers until July of 2007. And here it is 2008, and it still has no plan to move families out of these environmental health hazards and into safe, permanent, and affordable housing.

Mr. Speaker and Members, we've got to force FEMA to rise to the challenge of getting these 38,000 families out of these toxic trailers as soon as possible and move them into safe, permanent, and affordable housing. Unfortunately, because affordable housing creation has not been a priority of this Bush administration, I know this is going to be a difficult task.

The Bush administration has failed to ensure that the gulf coast region has an adequate supply of affordable housing for its displaced persons, including those in trailers. The administration approved redevelopment plans in Mississippi and Louisiana that provide less affordable housing than was available before Hurricane Katrina. It even allowed, believe this, the State of Mississippi to move $600 million away from housing assistance to the redevelopment of the Port of Gulfport.

Now, mind you, there are still people who are out of State who want to come home. There are still people living in trailers. There are still people doubled up with family members. And this administration, this Housing Secretary said to the State of Mississippi, go ahead and take $600 million from housing assistance and you can go ahead and use it for the redevelopment of the port.

In New Orleans, the administration has approved the demolition of 4,500 units of public housing, with no regard to the fact that there are 12,000 homeless persons who could have benefited from having a roof over their heads. The demolition of New Orleans' public housing during an affordable housing crisis is a prime example of this administration's shortsightedness and lack of concern for our country's lowest income renters.

Mr. Speaker and Members, I simply close by saying, here we are, FEMA again, mismanagement, lives at stake. They have no answers.

☐ 1600

## SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this body with yet another sunset memorial. It is February 26, 2008, in the land of the free, home of the brave; and before the sun sets today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That is more than the number of innocent Americans that we lost on September 11, only it happens every day.

It has now been exactly 12,818 days since the travesty called Roe v. Wade was handed down; and since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them cried and screamed as they died; but because it was amniotic fluid passing over the vocal cords instead of air, we could not hear them in this Chamber.

All of them had at least four things in common: first, they were each just little babies who had done nothing wrong to anyone. Second, each one of them died a nameless and lonely death and each of their mothers, whether she realizes it or not, will never be quite the same. And all of the gifts these children might have brought to humanity are now lost to us forever.

Yet even in the full glare of such tragedy, this generation clings to blind, invincible ignorance while history repeats itself in our own silent genocide which mercilessly annihilates the most helpless victims to date, those yet unborn.

Mr. Speaker, perhaps it's important for those of us in this Chamber to remind ourselves again of why we are really all here. Thomas Jefferson said: "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet, Mr. Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Perhaps today, Mr. Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,818 days spent killing nearly 50 million unborn children is enough and that America, the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous enough, compassionate enough to find a better way than abortion on demand.

So tonight may we each remind ourselves that our own days in this Chamber and in this sunshine of life are numbered and that all too soon each one of us will walk from these Chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn, may that be the day when we finally find the humanity, the courage and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is February 26, 2008, Mr. Speaker, 12,818 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children, and this is in the land of the free and the home of the brave.

## THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Madam Speaker, we are looking forward to spending some time on the floor over the next several months and several weeks and spending some time talking with our colleagues and talking with the American people about the budget.

Everybody hears a lot about the budget and about this budget document that is several hundred pages thick, that it is what directs the spending, and I think that most Americans know that the House of Representatives is basically the keeper of the purse, if you will, for the American public.

Now, some of my colleagues from the Republican Study Committee and I want to make certain that we all understand how this money is spent because we fully believe that the American people have the right to know, they have the right to know and they should know, how their budget gets spent, how those tax dollars get spent because we know, Madam Speaker, this is not the Government's money; it is the taxpayers' money. And we want to shine the light on how those dollars are being spent. We want to break down this process. We want to demystify the process and invite the American people to join us and follow us.

We believe Government spends too much money. We believe that Government never gets enough of your money. They never get enough of the taxpayers' dollars and, indeed, one of my favorite analogies is from one of my favorite plays, "Little Shop of Horrors," and I think we have many Americans who fully believe that the U.S. House of Representatives, the Congress, that the Federal Government, that this big enormous bureaucracy that liberals have built as a monument to themselves, the bureaucracy never gets enough of the taxpayers' money. It's like Audrey II in "Little Shop of Horrors," never can get enough to eat. And what that bureaucracy wants to just chomp away on every day is your money. It is the taxpayers' money.

So we want to make certain that we spend some time going through this budget process spelling out where those dollars get spent, how the dollars get spent, actually, basically, holding a classroom for our colleagues, spending some time talking about the budget document; talking about the consequences that come with baseline budgeting; talking about what would happen if we went to zero-based budgeting; talking about performance-based budgeting; dissecting the appropriations bills; highlighting the risk of growing entitlements; and also addressing the waste that we find in earmarks.

So today as our first session, we thought it would be a good idea to review how Washington spent the taxpayers' money last year.

We have it broken down by household, and we always find that when we speak in terms of billions and trillions in Washington-speak, that we are talking about numbers that are really big. So we went in here and said how much is it per household that was spent in 2007 in the name of Government. What did we appropriate and spend of your money? Came out to be $24,106 per household. That's the highest total since World War II.

The Federal Government collected about $21,992 per household in taxes. So what did that give us? If you are spending $24,106 per household and then you are taking in $21,992 per household, Madam Speaker, think about that. That is each household's share of taxes: $21,992.

But it wasn't enough. That wasn't enough. Audrey II wanted a little bit more. The bureaucracy wanted more. The bureaucracy couldn't curb their spending. So they spent that $24,106. So that leaves the taxpayer and future generations a deficit each year that becomes a debt. And the deficit last year came out to $2,114 per household.

All of that is going to land in the laps of our children, and in my case, a grandchild that is going to arrive in May. Welcome. Because there's going to be a debt from the U.S. Government on that child's head when he arrives.

Madam Speaker, I want to yield at this time to the gentleman from California (Mr. CAMPBELL) who chairs our Republican Study Committee budget committee and is doing great work on this issue. He's going to take the lead on many of these issues; and at this time I yield to the gentleman from California.

Mr. CAMPBELL of California. Madam Speaker, I thank the gentlelady from Tennessee very much for yielding on this important issue of the budget.

Now you know in the next couple of weeks we will vote on a budget here, Madam Speaker, in this House. And that budget will undoubtedly have a deficit somewhere over $400 billion. Let me say that again: we will vote on a budget in the next few weeks with a deficit of somewhere over $400 billion.

Now as Mrs. BLACKBURN indicated, these are big numbers and they're hard to relate to. I understand that. Until I was elected to Congress, they were pretty hard for me to relate to, too. When 9/11 happened, we had a big deficit. The economy dropped off, as you recall. We spent a lot of money going after al Qaeda and so forth at that time. But since then, we've had three straight years of declining deficits. It has been coming down. And in fact, this last year it looked like finally perhaps a balanced budget was in sight.

But now this year, this year for the first time in 4 years, the deficit's going to go up, and it is not just going to go up a little; it's almost certainly going to more than double, more than double this deficit. And that's just this year. But if we look at the future, it gets even worse. If we look here at what is going to happen, and if you just look at this, this shows what will happen to the deficit, to spending in this Government over time if we don't change where we are headed.

You see, the problem we have got is not that the American people are taxed too little. It's that this Congress spends too much. There were tax cuts back in 2003 and in 2001; but since 2003, the revenue of the Federal Government has risen almost 50 percent. Let me make sure people understand that. We reduced tax rates, but because economic activity was generated by that, revenue to the Federal Government actually went up, and it went up every year. But spending keeps going up faster than that, and that's what has got to stop.

And where is it going up? It's going up in just about every category. As we pile deficits on deficits, the interest we pay goes up. Defense spending is continuing to rise; other spending is continuing to rise. But we also have Medicare, Medicaid and Social Security, three things which currently take up over 50 percent of the taxes that everyone pays, Madam Speaker.

If we leave them alone, if we don't reform them, if we don't change them, you will have to literally double tax rates on every single American in order to have Social Security, Medicare and Medicaid and keep anything else like a military, like national parks, like anything else. Nearly double tax rates. That is unsustainable.

☐ 1615

What are we doing in this budget to deal with that? Nothing. Not a single thing.

Now, this isn't just me saying this or just Republicans saying this. Every single analyst, liberal, conservative, right, left, Republican, Democrat agrees that we're headed towards these numbers, that we are headed towards a situation that's unsustainable. Either Medicare goes away, Social Security goes away, Medicaid goes away, Defense Department, all military goes away, and pick two or three or four of those or we more than double taxes on the American people.

Now, we can wait. That's what we always seem to do, we just wait, let time go on a little bit, let the next generation deal with it, let the next Congress deal with it. But the longer we wait, the worse it gets.

And we're not making this hole any smaller right now. We're more than doubling the deficit. It will be proposed to more than double the deficit in what we're about to vote on in the next couple of weeks. So, we're actually making this chart much worse.

The problem is spending. You can't tax the American people enough to spend everything that all of this is, that all of this that we're headed for, that all everybody in this Congress seems to want to spend, so we've got to control the spending.

Now, I have a suggestion for that, Madam Speaker. Because if you look, since 1960, over the last, I think it's 48 years now, I believe this is right, it may be off by one, but since 1960, I believe we've had only 4 years in which there was a surplus, only 4 years in the last 48 in which the government did not spend more money than it took in. So, that shows you that deficits aren't new. And they're not assigned, frankly, to either party. There have been deficits under Republican Congresses, Democratic Congresses, Republican Presidents, Democratic Presidents, and every combination thereof. Deficits seem to be a fundamental problem with this institution.

Our Democratic colleagues came into power last year. And when they came in, they said these deficits are terrible, this debt we're putting on our children is terrible, we're going to solve these deficits. And what did they do? They set up a few rules which they've, within a year, decided they would waive and ignore, and now they're about to propose doubling last year's deficit. You see, the spending goes on.

And there are people out there now talking about socialized medicine. They're saying, gee, we have to cover everyone with some government plan on health insurance. Where is the money going to come from? Where is it going to come from? You can't pay now for Medicare and Medicaid. The people that are currently under government function programs, you don't have enough money to pay for them for the next 20 years, where are you going to get it to pay for everybody else?

Madam Speaker, that's why one of the suggestions that the lady from Tennessee and I have, and various other people, is that we're going to need a spending limit. You know, average Americans understand, Madam Speaker, that they should save for their retirement. Well, you know, it's tough sometimes because there's things you would like to spend, things maybe you need to spend money on now, and it will eat up all the money you have if you let it. So, you set up an external discipline, like a 401(k) or something, where money comes out of your paycheck so I don't have the opportunity to spend it and I'm saving for the future.

Congress can do the same thing as American taxpayers do, which is, set up an external discipline that keeps us from spending more money than is coming in. We need a spending limit. We need something that keeps Congress from spending money faster than the American taxpayer is earning it. Because, you see, if government grows faster than the income of the average American, the only way to get that money is to take more of the average American's money. And that means you're giving the average American less of their own money to spend on their priorities so that we here in Washington can spend more of their money on ours. And that's just wrong.

Spending in this place should not be allowed to grow faster than American's incomes. And we will make some proposals to put that kind of limit on this Congress so that the limits are here and Americans have limits and restrictions removed off of them so they can earn more money and keep it, because that's what everyone wants to do.

I yield back to the lady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman from California. And if he would yield for a moment of colloquy.

I want to go back to the issue of the deficit, because you mentioned that the deficit had gone down over the past few years and this year the deficit is going to more than double. And of course we know that much of that is because of increased spending. And I would like for you to go back and touch on that point one more time.

Mr. CAMPBELL of California. Sure. I appreciate the lady from Tennessee yielding for this.

Yes, we have had increased tax revenues every year. In fact, all but one year out of the last 4 years it has been double digits, in other words, 10 percent or more. That's pretty good. I think a lot of Americans out there would love to see their paycheck rise by 10 percent a year. Well, the Federal Government's paycheck has been rising by that amount over the last 4 years, but we've continued to spend money. And so now revenue is dropping off a little bit, the increases aren't quite as big as they were the last 4 years, but government spending has proposed to keep on trucking, keep on going up. And that's why you're going to see this deficit nearly double, probably more than double.

Mrs. BLACKBURN. If the gentleman will yield. What we saw from the '01 and '03 tax reductions was that the Federal Government's revenue, the money the taxpayers are sending in for us to appropriate and spend on behalf of them at the Federal level, that money has been increasing in double digits every year since we started the tax reductions, which allows our taxpayers to keep more money in their pockets. So, what we saw was we made those reductions, and then the Federal Treasury is bringing in more money from the taxpayers. But what we also saw was that Congress continued to increase the percentage and increase their spending.

Mr. CAMPBELL of California. That's absolutely right. And again, as I pointed out, the Democrats who came into power, many of them campaigned and made a big deal about, their issues were, that they would, wanted a balanced budget, wanted to move towards a balanced budget, but now we're doubling the deficit.

Mrs. BLACKBURN. And if the gentleman will yield, what we also saw was that the deficit was down, both as a percentage of the GDP and also in the amount of the deficit, the dollar amount, much of that due to the Deficit Reduction Act that we passed that was the '06 budget. And then what has happened last year and what we will see this year is that that deficit is going to double because of increased spending.

Mr. CAMPBELL of California. That increased spending, and the fact that revenue has dropped off some. I mean, the growth in revenue has, in fact, dropped off, the economy is down, and so people are not making as much money and paying as much taxes. So, there is that, too.

But that's the point of all of this is that the government can't keep on spending; when times are good, increase spending a lot, and when times are bad, increase spending a lot, too. That's what we can't do. And that's what has gotten us in this mess, that's what has gotten us this big national debt, and that's what has gotten us into these deficits. And now we're having a little drop off in revenue. It's still probably going to increase, but just not at a 10 percent rate like it has before.

And so I'm looking to see, where is the proposal on the part of the majority party here to reduce spending so that we can try and, if we don't balance the budget this year, so that at least we don't double it, at least we try to control it a little bit, try and get it back on track towards balance. But that's not what we're seeing. That's not what we're seeing.

Mrs. BLACKBURN. And if the gentleman will yield. One of the things that we have long supported is balancing the budget and making certain that we do have a balanced budget, like many of our States have and like many of our counties and cities operate under a balanced budget, but we don't. And we do have our entitlement spending with the chart in front of you. 2050. I will yield back to the gentleman from California to show where we get to the point there at 2050 where it takes all of our tax revenue to pay our Medicare, Medicaid, and Social Security. And I yield.

Mr. CAMPBELL of California. Sure. If you look at this little red line here, that's the taxes that people pay. That's the 30-year average tax revenue. And this isn't in dollar terms; this is in terms of a percent of the economy. So it's not like this year you're paying the same dollars in taxes that you would in 2080; it's that you're going to pay the same percentage of the overall economy in taxes.

So, if you look at that, that's the tax rates. And if you see right here, 2000-2010, we've been running deficits during all this period, but you still see that this line here is the total spending, it's a little bit over. And we don't like the deficits we have now. I mean, I've talked about it, people on the other side of the aisle talked about it. You don't like the deficits you've got now. Well, look at the difference between this red line and the spending now and what happens in 2030 or 2040 or 2050. It's huge. And when you get out here to 2060, you see that you have to just about double taxes to pay for everything at that point. And if you double taxes, people can't and won't make as much money because it will all be coming here and nobody will have money to invest. And so it's really worse. This chart, it's scary, but it almost actually makes it look better than it really is.

And so we really have to tackle some of these things. We really have to take this on because we say, 2050, that's a long time, I may be dead by then. Whatever. But that's not what in this House we're supposed to be thinking. We're not supposed to be thinking about us; we're supposed to be thinking about the American people now and in the future. And if we're going to be thinking about the American people now and in the future, it's going to be a whole lot tougher to deal with this problem in 2020 than it's going to be to deal with it in 2010. And that's why, Mrs. BLACKBURN, we should be dealing with this now, in the budget now. But nope, it's just kick the can down the road; accept that doubling of the budget deficit and just kick the can down the road. And I yield back.

Mrs. BLACKBURN. Well, I appreciate that. And especially when you consider the fact that 77 million baby boomers are going to retire between now and 2029. You were just pointing to 2030. And where we are with getting to that budget in 2030, you would be able to pay for Medicare, Medicaid, Social Security, and defense when you get to the line on 2030. And I think also, as we look at our entitlements and we look at Social Security, we know that in 1960, we had a 5:1 worker ratio, five workers for every one retiree. In 2007, this past year, we've had three workers for every one retiree. And by the time we get to 2030, we're going to have two workers for every one retiree. So you're going to have a married couple with children supporting their family plus supporting a retiree, and I think that that adds to the push that we feel and the urgency that we feel.

You're exactly right. And I thank the gentleman from California for all the leadership that he brings to this issue because beginning to deal with the long-term structural issues that exist in this budget are vitally important to us. It is something that has to be dealt with, and it's something we can't kick the can down the road. And I yield.

Mr. CAMPBELL of California. And if the lady will yield for one last parting comment, as you look at this chart, if you look at this chart, because you will hear some people in the majority party talk about that the whole problem is the war in Iraq and it's defense spending. If you look at this chart over time, the width of this green defense bar doesn't change that much over time. Now, who knows what will happen, but projections are that defense spending as a percentage of the economy, which is historically not that high right now, but that it wouldn't change over time. The big problems, the ones that are small here and get really fat there, are if you take the two biggest. One is Medicare and the other is interest on the debt.

Interest on the debt gets big because we keep throwing deficit after deficit after deficit. The way to get that down is simple: Balance the budget, stop running deficits. But we haven't, as I mentioned, except for 4 years, I think over the last 40-something, we haven't had the will here to do that.

The other thing is Medicare. And what's so interesting is that that is government-paid-for medical insurance for older Americans, for seniors. But you have people out there now advocating that we should have Medicare for everyone, which you've got a problem with Medicare as it is, a huge problem in that it would almost take up all of your tax money by 2080, almost take up all your tax money all by itself.

So, I thank the lady from Tennessee very much and yield back.

Mrs. BLACKBURN. I thank the gentleman from California, and I look forward to hearing him talk a bit more as we go through the coming weeks about what we should do about entitlements, how we should address this issue, how we should make the budget process more transparent, and how we need to go about reforming these processes and changing how we spend the taxpayers' money, because we do fully believe, Madam Speaker, that the taxpayers do have the right to know and should know how this body spends their money.

☐ 1630

At this time I want to yield to the gentleman from New Jersey (Mr. GARRETT), who is a member of the Budget Committee and has been an advocate for reforming budget processes and reforming the way we go through this.

And at this time I yield to the gentleman from New Jersey for his comments on how we make certain that the taxpayers know how we spend their money.

Mr. GARRETT of New Jersey. I thank the gentlewoman from Tennessee for yielding, and I also very much thank her for organizing this Special Order, to be able to have the opportunity to come to the floor tonight.

As we have said, the bottom line up front, how much we take in and how much we spend. The American public must sit home and watch this and read the papers and live in a frustrated state, realizing that so much of their hard-earned money comes to Washington, and what we have here is a Byzantine system of archaic rules and what-have-you wrapped around policy statements, what-have-you, that the American public doesn't oftentimes get a clear picture to understand just where their dollars go.

And that's what the purpose is here tonight and in subsequent weeks I believe as well, to try to remove that shroud of mystery behind the system that we have here, to shine the light of day, as we are oftentimes saying, on the budgetary process, to give the American public a clear picture of exactly where their dollars go to. And we do this with not just an educational point in mind or a goal but to also allow the American public and the voter and the taxpayer to be in a better posture to decide among themselves just where they want their Government to go in this election and future elections and of course over their lifetime as well.

It was just this past week when we were back at home in the district work period and I was able to sit at my dining room table. Around this time of year, April 15 is coming up, tax time, and my wife said now is the time to start getting the paperwork out, Scott, and begin to look at it and getting all the stuff you need to send to the accountant to do our taxes, because I had given up, quite candidly, years ago trying to figure out myself, as I imagine most Members of Congress have, to try to figure out the Byzantine Tax Code that we have created for the American public as well.

So I began the process of collecting all my documents. And, of course, some of those are some of the basic ones, like your W–2 to show you how much you've earned over the last 12 months, over the last year. And then there's one of those little boxes, I think box 8 or 9 on there, that also begins to show you just how much money has been taken out of your paycheck week after week. You don't see it so much, especially nowadays because so many people have direct deposit and it goes right into their checking account or bank account. You don't see how much is actually taken out.

But at the end of the year you sure do. At the end of the year you get that W–2 and you look at that box, and I say, oh, my gosh, that's how much money. In payroll taxes and income taxes, you put them out all together, and it's in the five digits for a lot of middle-class Americans.

I come from the great State of New Jersey where middle-class America lives and works hard to make a paycheck and pay their bills. They would be astounded if they looked at their W–2s, as I did and maybe you should as well, to see how much taxes are taken out and sent down here to Washington.

The Government took in $21,992, almost $22,000, in household taxes. Now, mind you, those $22,000 are all household taxes. I believe that also includes payroll taxes alike. So your income taxes and payroll taxes, $22,000. The government spends $24,000 per household. So that's very easy math, and it's basically telling us that we are engaged in deficit spending. But look at that number: $22,000 taken out of the average middle-class American's paycheck.

When the average household income in some parts of the country is around 40-some-odd-thousand dollars, half of that money, figuratively speaking, is going in taxes. I know it doesn't come out of that tax rate for that particular family, but that's enough for some Americans to live on entirely in certain parts of this country with a little bit of assistance on the side. And that's how much is being paid per household in U.S. taxes.

For some of us, we think that's just too much. The numbers have been projected with a little bit of varying degree of certainty on this, but on average the American household, the American family, a middle-class American works starting on January 1, just a month or so ago, and works all the way to sometime in mid-May just to pay their Federal taxes, State and local taxes as well. And then if you want to add onto that all the burden and the costs of all the Federal regulations and everything that also is a burden on us as well, you have to work almost all the way until sometime in the summertime, the beginning of July. So think about that. You're working almost the entire half of the year just to pay your taxes and the burden of the Federal, State, and local Governments.

And where do those dollars go? Well, that's something that we're talking about here. On average, first of all, the burden falls around 18.3 percent of

GDP. What does that mean? The historical average of all the revenue coming into the Federal Government from the 1960s all the way up until the present time varies up and down, some years more, some years less. But on average as a percentage of GDP, it's around 18.3 percent.

Now, what this means is that at certain times the tax rates and the burden on the American family is greater than others; sometimes it's less than others. But we're here to point out where those dollars go and what can we do to make sure that that tax burden does not continue to creep up higher and higher and higher so that the American family sees even more of their tax dollars go to that level and to purposes that they can only fathom a guess at.

If you have listened to the debate on this floor in past times, you've heard talk about earmarks and waste, fraud, and abuse. Earmarks are part of the problem, but they are only a small, small percentage of where our tax dollars go. The gentleman who was just speaking before spoke a little bit about the entitlements, Medicare and Medicaid, a much larger percentage. Let me fall someplace in between. As I sat there at my dining room table looking at the double-digit numbers as far as what my family has to pay in Federal taxes, I realize, as most Americans do, that we have an obligation to pay taxes into our Federal Government to provide for such things as national defense and homeland security, and we don't begrudge the Federal Government for any of those things. But as I also sat back, being a Member of Congress, knowing about the waste, fraud, and abuse and the unnecessary expenditures, that's when I and middle-class America begin to be concerned.

For example, nobody has to think back too far about all the dollars that we spent mistakenly in the area of Hurricane Katrina and the waste in portions of that spending. I had folks sitting in my office who did independent investigations on Katrina to see where those dollars were going to. Granted, there was a lot of necessary cost down there. But the waste, fraud, and abuse down there is telling. Fraud related to Hurricane Katrina spending is estimated to top $2 billion. One of the areas that the investigators who spoke to me were talking about was the debit cards, debit cards that were issued repeatedly to the same people. That means over and over again, even though they should have applied and qualified for one, in some cases debit cards and checks were being sent out to people regardless of need. In other cases, cards being sent out to people even though they did not live in the area, to be used for all sorts of things, from a Caribbean vacation to NFL tickets and so on and so forth.

Likewise, auditors discovered that 900,000 of the 2.5 million recipients of emergency Katrina assistance provided false or duplicate names, addresses, and Social Security numbers. And the interesting thing there, and I will make this last point on Katrina, is that even though the fraud investigators found out about this and they told FEMA about it, FEMA continued to issue those cards.

The other side of the aisle sometimes makes the case with regard to corporate welfare, and I agree with them. The Federal Government spends too much of wasteful money with regard to corporate welfare as well. According to some statistics, Washington spends $60 billion annually on corporate welfare versus $43 billion on homeland security. So note that we are spending more money on corporate welfare to some of the largest corporations in this country and the world than we are on homeland security. Likewise on corporate welfare, the Advanced Technology Program, which sounds like an admirable program, spends $150 million annually subsidizing private businesses, and 40 percent of that money goes to Fortune 500 companies.

So as middle-class America sits at home saying, where are my tax dollars going, that's some of the places where it's going.

I will yield back and maybe speak again in a moment on some other points. But let me just close on this: I have the honor and privilege of serving on the Budget Committee, the committee in which we have the opportunity to sit back and look at the entire Federal budget, the big picture overview, and I have had the opportunity to do this now for 5 years. And during that time, many of these examples come before us; and during that time we have, let's call it, partisan differences from the other side of the aisle and ours on what we should be doing about it.

But mind you, in the 5 years that I have served on this committee, the 5 years that I have served in this House, not one time do I recall anyone from the other side of the aisle suggesting that the solution to taking the burden off middle-class America is to reduce their tax rate and to do so by actually reducing tax expenditures. On the contrary, everything I have seen over the past 5 years, and as has been pointed out by the gentleman from California right now, has been in the opposite direction, an increase in Federal spending and, as we have seen now with the mother of all tax increases, an increase of the tax burden on middle-class America as well.

Those are the points that I believe the American public has got to understand. As they pay their taxes April 15, where are their tax dollars going? It's going to, if the other side has its way, increased Federal spending on programs like these and other programs as well and an increased burden on middle-class America, things that those on this side of the aisle vehemently oppose and are doing our best to rein in.

Mrs. BLACKBURN. Reclaiming my time, I thank the gentleman from New Jersey for his leadership and his guidance on so many of our budgetary issues and for his desire. Madam Speaker, it is a true desire that he has to be certain that we provide transparency to the American people and that we become good stewards of the tax dollar, that we exercise good stewardship, because these are dollars that the taxpayers send to us and entrust to us to use. As I said earlier and as the gentleman from New Jersey pointed out so well, $21,992 per household in taxes, and even that is not enough to meet the $24,106 that the Federal Government spent per household. And this is where some of that money goes:

Social Security and Medicare, $8,301 of that $21,992 went to Social Security and Medicare. Defense saw $4,951. The anti-poverty programs, which are our TANF programs, supplemental security income, things of that nature, $3,500. Interest on the Federal debt, $2,071; Federal retiree benefits, $907. This is all out of that, per family, per household. Health research and regulation, $664; veterans benefits, $627; education, $584; highways and mass transit, $418; justice administration, $392; natural resources and the environment, $305. And certainly we know much of that money is going into bureaucracy, much of it is going into wasteful spending.

At this time I want to yield to the gentleman from Pennsylvania (Mr. TIM MURPHY), who has been a leader on the Energy and Commerce Committee and on the Energy Subcommittee, to talk a little bit about energy and environment spending and some of the ways that we need to put the focus on how the taxpayers' dollars are being spent on those issues, and I yield to the gentleman from Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. I thank my friend from Tennessee for yielding.

Madam Speaker, when we look at the economy that our Nation is facing and what we should be doing about it, quite frankly, in the area of energy, what we need to see is our Nation take on the issue of energy as a scientific challenge of our time. Really, it should be nothing less than the Apollo Project of our time where our resources for research and development and our educational institutions look to answer the question: How do we make our country energy secure in a way that is respectful of the environment and our public health?

I was noticing today that oil is trading at $100 a barrel. This will probably continue to climb. It will continue to climb as long as we continue to embargo our own oil resources off the Atlantic Coast, the gulf coast, the Pacific Coast, the Western States, and Alaska.

And, yes, we need to do a great deal to improve the efficiency of automobiles. We need to do a great deal to improve the efficiencies of our highways, which waste massive amounts of fuel. But in terms of our economy, we cannot continue to have our families suffer the high prices that come when we say we will continue to be more and more dependent upon importation of foreign oil sources. We also are more and more dependent upon the marketplace with regard to natural gas. When we see our chemical companies shutting down plants in America and instead saying they'll build plants in the Mideast because the cost of natural gas is so much cheaper there, perhaps 25 cents to $1 per million Btus, whereas here it may fluctuate to $6 or $8 or $10 or $12, it is something that's costing jobs and costing our economy.

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It is something that is costing jobs and costing our economy. It is difficult to see our President of the United States go and talk to Saudi leaders and ask them to increase production of oil recognizing that we are at their mercy as OPEC continues to set prices. We can change that by saying we will explore in environmentally responsible ways Americans' oil resources.

Let's look, for example, to shale oil in Colorado. Estimates are 2 trillion barrels of oil there, 2 trillion barrels of shale oil. We cut that off in our omnibus spending bill. This is forcing us to continue to import oil, some 60 percent. We limit development on natural gas. We also have situations where we are hurting our coal development. Our energy bills that we are facing this week and have faced for a while have not done much to improve our use of coal, but we have some 300 years' worth of coal.

What we ought to be doing is focusing our research and development dollars into using coal and cleaning it up so it does not have emissions, so it does not have large levels of $CO_2$s, so it does not pollute. That is a scientific challenge of our time. That is something we should be challenging our students as they go through school to think about how they can solve these issues, how they can create clean energy from our abundant resources of coal, how they can continue to find ways of using oil resourcefully and with environmental respect.

This is not something we are doing enough of. So what happens? It costs families more to go to work, it costs families more to feed their families. Look at what is happening with wheat prices. Yes, there are problems with wheat production in other parts of the world, but a big part of those costs has to do with the cost of transporting things. Last summer, flour was sold at about $16 per hundredweight. Now it is $40 or so, probably climbing to $60. How will we handle it if a loaf of bread doubles on top of the increased prices people have to pay driving their cars to get to the grocery store? It is too much of a burden.

If we treat our energy needs as our Apollo project of this 21st century, of this decade, we would find jobs and more jobs and more jobs come out of this. The best economic stimulus package is a job. That is where we should be focusing. What can we do to build our infrastructure there? What kind of jobs come from building energy power plants? What happens when we start to put all our laborers, carpenters, ironworkers, boilermakers and electrical workers to build these plants?

Let me tell you how big this demand is. We have 400 old coal-fired power plants with inefficient or no pollution controls on many of them. We need to replace those 400 coal power plants, and because our energy demands of this country are going to double by 2050, we have to build an additional 400. We have to replace 100 nuclear plants and build an additional 100.

What that means is, starting in 2010, a ribbon-cutting ceremony to open up a new coal-fired power plant every 2 weeks and a new nuclear plant every 2½ months. These are massive jobs for America. We should be making those investments so we have those jobs. And the best thing we can be doing is finding ways to clean up our resources. Why, the Pittsburgh coal seam alone, as my friend from Tennessee knows, overlaps my State of Pennsylvania, Ohio, West Virginia, Tennessee, Kentucky, and Alabama. And that is just one of our vast resources.

Let's focus our energy on doing what is right for the long-term for America, for America's jobs and America's economy, and stop saying "no" to energy security.

Mrs. BLACKBURN. I thank the gentleman from Pennsylvania for continuing the conversation about how we should be good stewards with the taxpayers' dollars and looking at how we spend those environment dollars, $305 per family, spent on environment and energy programs last year. Unemployment benefits, as he said, the best economic stimulus is a job, unemployment benefits, $299 per family. As you talk about developing energy resources, community and regional development, $282 per family. But his point is it is imperative that regardless of what the sector, regardless what we are talking about, whether it is Social Security, defense, antipoverty programs, community development, or unemployment, it is imperative that we exercise good judgment and we use wisdom as we make these decisions, because the taxpayers do need to know how we are spending their money and how it relates to each and every family and what their share of that pie is.

Really, the leading expert on the family budget in the House is the gentleman from Texas (Mr. HENSARLING) who is chairman of the Republican Study Committee which is embarking on this project to demystify the budget and to make certain that our constituents and our colleagues all understand how we bring the budget together.

At this time I would like to yield to the gentleman from Texas for his comments.

Mr. HENSARLING. Well, I thank the gentlewoman for yielding, and I certainly appreciate her leadership in helping illuminate for families all across America exactly how this process of the Federal budget works. It is very important, Madam Speaker, that people pay attention to this Federal budget because at the end of the day, it is the family budget that pays for the Federal budget. Unfortunately, there is no free lunch. Somebody has to pay for this. And all of government will be paid for, and it is paid for out of the family budget.

It is especially important today, Madam Speaker, as families all across America are struggling to fill up their gas tanks. They are struggling to pay their health care premiums. They are struggling to send their kids to college. And every single dollar that is used to plus up a Federal budget has to come out of some family budget. If you are going to plus up the Federal budget, you are going to decrease the family budget. And so it is important that families pay attention to how their money is spent.

So I applaud the gentlewoman from Tennessee for organizing a series of Special Orders on the floor of the United States House in order to help educate and enlighten the American people about this budget.

The first thing that the American people need to know about the budget is that, contrary to almost every single thing we do in this body, the budget doesn't even have the force of law. That's right, Madam Speaker. At best, it is a mere suggestion. Now, it takes an act of Congress to change the name of a post office, but somehow, the United States budget, the United States budget doesn't bear the force of law. It is a suggestion.

Now, many Republicans have come to this floor to try to say, at a bare minimum, the budget ought to be honest. And when we set a budget, it's supposed to be a ceiling on how much money we take away from American families, how much bread we take off of their table, how many opportunities we take away from them to give to government. There at least, at some point, has to be a ceiling where we say no more, we are not going to take any more away from American families. But instead, it is just a suggestion.

And so if we look in our rearview mirror, Madam Speaker, we unfortunately discover, just look for the last 5 years, 10 years, every time there has been a Federal budget, ultimately, Congress spent more money than what that budget provided. And so legislation has been brought by members of the Republican Study Committee, the Conservative Caucus of the House, to change that. But unfortunately we have yet to meet with success. But we will continue to ensure that there is a limit to how much money is taken away from American families.

Well, today how much money is taken? Over $24,000 per family is what the Federal Government is spending. Now, whether it is paid for by cash or credit card, ultimately all government will be paid for. And this is, Madam Speaker, only the first time since World War II that the Federal Government has spent so much of the people's money. And that is an inflation adjusted number. Over $24,000.

Madam Speaker, I just wonder how many people who are listening to this debate this afternoon really think they are getting their $24,000 worth out of the Federal Government. Now, clearly there are many good things that the Federal Government does. But there has been an explosion of government, an explosion of government that, again, ultimately has to be paid for by the family budget.

Over the last 10 years, Madam Speaker, the Federal budget has grown by 66 percent; yet the family budget, as measured by median family income, has only grown 30.2 percent, less than half that. So families who have to pay for it are having to take a bigger bite out of their paycheck in order to write out that IRS check. Well, Madam Speaker, how long can this go on? How long can the Federal budget exceed the spending of the family budget? American families need to know that. And that is why it is important that these Special Orders have been organized by the Republican Study Committee to let the American people know just how much money is being spent of theirs and how that money is being spent.

Now, some will say, and we often hear it, this budget is being cut and that budget is being cut. I wish for once it were true. But there is this thing in Washington, and it is a little bit of inside baseball, called "baseline budgeting," which as this series continues we will speak about more, Madam Speaker, but baseline budgeting is an accounting concept that would make an Enron accountant blush. It automatically inflates all the numbers of the Federal budget.

Now, people all across America believe that if you spend the same amount of money on something next year as you did this year, but that is not a cut, but under the concept known as "baseline budgeting" and something called the "current services budget," government automatically inflates all of these government accounts. And then say, for example, if you don't increase the Housing and Urban Development budget by 2.7 percent, say you only increase it 2 percent, that is a cut. That is what "baseline budgeting" means. Again, Republicans representing the Republican Study Committee have come to the House floor to try to introduce honest accounting and transparency on this House floor.

Unfortunately, we have not had any cooperation by our friends on the other side of the aisle who want to continue with this thing called "baseline budgeting" that inflates the government budget at the expense of the family budget.

And just listen to some of these budgets, Madam Speaker. Over the last 10 years, the international affairs budget has grown 128 percent. The energy budget, what we call budget function number 270, has grown 229 percent. The transportation budget, Federal transportation budget has grown 88 percent. Community and regional development, 132 percent. And the list goes on and on. And again, over the last 10 years, the family budget, which has to pay for it, has only grown a little over 30 percent.

So government, the Federal budget, is growing at a huge multiple over the family budget, and yet the family budget has to pay for it. And it is that family budget, that family paycheck that is getting stressed. And so it is another reason why the American people need to pay very close attention.

Now, how is all of this government paid for? We have the single largest budget that is about to be proposed by the Democrats in the history of America. It is going to weigh in at over $3 trillion, continuing the exponential growth of government at the expense of the family budget. Well, how is it paid for? Well, two different ways: cash and credit. And the cash is taxes.

Now, my friends and I on the other side of the aisle will say, well, all we need to do to balance the budget is raise taxes. Well, they hadn't balanced it yet. But they certainly, certainly have done an excellent job of raising taxes. Already, Madam Speaker, it is very important that the American people know this, but there are huge automatic tax increases that are scheduled, courtesy of our friends on the other side of the aisle, the Democrats. Right now, the single largest tax increase in American history is due to be imposed upon the American people over the next 3 years. This is written into law.

The American people need to know what kind of bite is going to come out of their paycheck to inflate the Federal budget at the expense of the family budget. Already, with these scheduled Democrat tax increases due to take place over the next 3 years, the average family in America is going to be socked with an additional tax burden of over $3,000 per family. That's right, Madam Speaker, over $3,000 per American family courtesy of our friends on the other side of the aisle.

What is going to happen? Well, at the bracket, ordinary income, the top bracket will go from 35 percent to 39.6 percent, which is an increase of 13 percent. Now, some say, well, that is the wealthy. Let's go tax the wealthy. Well, Madam Speaker, how many people in America when they hear that really believe it?

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Anytime you hear that phrase, it is time for middle-income people to grab their wallets, because it means that Washington is going to go on another money grab.

Also, Madam Speaker, it is important to note that approximately over 70 percent of those people who file at that rate are small businesses, the backbone of the American economy. We on this side of the aisle want to help ensure paychecks. Paychecks are more important than welfare checks.

So here it is: The Democrat party is getting ready in their budget to once again increase taxes on small business. The capital gains tax, the "capital" of capitalism, the fuel of free enterprise, that tax is due to increase 33.3 percent over the next 3 years.

Dividends are due to increase, a 164 percent tax increase on dividends, courtesy of our friends on the other side of the aisle, the Democrats.

The death tax. You have already paid taxes on the income once; but yet under the death tax, American people, Madam Speaker, are compelled to visit both the undertaker and the IRS on the very same day. That is just an outrage. That tax is due to go from zero to up to 55 percent. People in the Fifth District of Texas, Madam Speaker, can work their entire lives trying to build a ranch, trying to build a farm, trying to build a small business, having the American Dream of thinking maybe one day I can leave that to my children or my grandchildren, only to see Uncle Sam come in and take 55 percent.

The Democrats' budget proposals will gut the American Dream. They will just take away any opportunity to leave that farm, that ranch, that small business. I talked to a rancher in my district who said, Congressman, once Uncle Sam takes his piece, there is not enough left for the family. That shouldn't happen in America.

I would be happy to yield back to the gentlelady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman from Texas. I want to go back to a point that you made. The tax burden on the average family, already they are turning over $21,992. The Federal Government is spending $24,106. So they have got this debt, this deficit in there, that is being passed on to their children and grandchildren. But you said that tax burden is getting ready to go up $3,000?

Mr. HENSARLING. That is right. If the gentlewoman will yield, over the next 3 years, on average, the average American family will see their tax burden increase by $3,000 per family to pay for the spending spree of Big Government by our friends on the other side of the aisle, the Democrats.

Mrs. BLACKBURN. I thank the gentleman for that. So we have got the $21,992 that the average household paid in 2007, and then they had on top of that the $2,100 deficit for the year, and the Federal Government spending $24,106. But what you are saying is the current budget policies are going to push that up even another $3,000 per family over the next 3 years.

I just highlight to my colleagues that we have talked a good bit today about the overall budget process and why we think the taxpayer has the right to know how this body spends your money. The taxpayer has the right to know what is going to be there in the form of a deficit and a debt that their children are going to have to pick up the burden on and carry that burden.

The taxpayer has the right to know what is looming with Medicare and Medicaid and Social Security and the entitlements that are there that are put on automatic pilot. They have the right to know what the budget processes are, what is the difference in baseline budgeting and zero-base budgeting and performance-based budgeting; what are the benefits that would be derived by transparency.

They have the right to know how the Budget Committee goes through the process of setting the parameters on this budget. And certainly they have the right to know what takes place in the appropriations process. They have the right to know what is wasteful spending and what are earmarks and what is in front of us with this entire document.

Madam Speaker, I thank you for the time that you have yielded to us. We are going to be back next week. We are going to continue to talk about this issue. I hope that people will follow this with us at House.Gov/Hensarling/RSC. We would hope that we hear from them and that we bring an element of transparency and therefore accountability to the budgeting process.

## ADMINISTRATION NOT COOPERATING WITH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Madam Speaker, I come to the floor tonight with a heavy heart. The nature of the allegations I make speaks poorly of this administration. In my heart of hearts, I have always wanted this administration to succeed, but the issue at hand is of such magnitude that the American people need to know what is being done and what precedents are being set.

In my tenure as a senior member of the House Foreign Affairs Committee, both as chairman and ranking member of an investigative subcommittee, I have witnessed firsthand behavior by the Bush administration which I find deeply troubling.

The disdain and uncooperative nature that this administration has shown toward Congress, including Republican Members, is so egregious that I can no longer assume that it is simply bureaucratic incompetence or isolated mistakes. Rather, I have come to the sad conclusion that this administration has intentionally obstructed Congress' rightful and constitutional duties.

Tonight I will discuss some serious examples of this administration's contemptuous disregard for the authority delegated to Congress by the Constitution. This bad attitude has consistently manifested itself in a sophomoric resentment toward Congress' constitutional role as an equal branch of government. The result has been an executive branch too insecure to let Congress do its job, an executive branch that sees Congress, even when Republicans held the majority, as a rival and a spoiler, rather than as elected representatives of the American people playing a rightful role in establishing policy for our great country.

Unfortunately, when the President of the United States rejects the legitimacy of congressional prerogatives, there are serious consequences. Tonight, I will provide examples of how this administration for the past 7 years has undercut congressional investigators, has lied to Members of Congress, and has forged ahead with secret deals in spite of efforts and pleas by Congress to be informed, if not involved.

In the last Congress, I was chairman of the Oversight and Investigations Subcommittee of the House Foreign Affairs Committee. In that capacity, I learned that in the time immediately leading up to the bombing of the Federal Building in Oklahoma City, convicted Oklahoma City bomber and murderer Terry Nichols had been in Cebu City in the Philippines. His stay in Cebu City coincided with another visitor to that city, al Qaeda's terrorist leader Ramsey Yousef. Interestingly, both Nichols and Yousef used similar bombs and methods just 2 years apart to blow up two American targets. Yousef was the mastermind of the first attack on the World Trade Center in 1993. Nichols was a coconspirator in the bombing of the Oklahoma City Federal Building in 1995.

By the way, I would like to acknowledge that today happens to be the 15-year anniversary of that first devastating attack on the World Trade Center.

These individuals, one American and one Arab, were responsible for planning two of the most lethal terrorist attacks on our countrymen in our history. We are to believe that by coincidence they ended up in an off-the-beaten-track city in the Southern Philippines? One doesn't have to be a conspiracy nut to understand that this coincidence is certainly worth looking into.

I started an official congressional investigation sanctioned by Henry Hyde, then the chairman of the International Relations Committee, to see whether Terry Nichols or his accomplice, Timothy McVeigh, had foreign help in their murderous terrorist bombing of the Alfred Murrah Building in Oklahoma City.

In light of the fact that Terry Nichols and Ramsey Yousef were both in Cebu City at the same time prior to hauntingly similar terrorist attacks, it was no stretch for a congressional investigative committee to be looking into this matter. However, the Bush administration felt quite differently. To those I had to deal with, it was "case closed, don't bother us." They had looked into the matter, and Congress should simply and blindly accept their conclusion that there was no Nichols-Yousef connection. "Don't bother us." This was at times bureaucratic laziness, and at other times it was clearly based on a disdain for congressional investigations and authority.

During my investigation, I secured Ramsey Yousef's cell phone records. The records were part of the phone calls that he made when he was in that New York City area in the months just prior to the bombing of the World Trade Center in 1993.

The phone records show that Ramsey Yousef made at least two phone calls to a row house in Queens, New York. That row house was occupied by the cousin of Terry Nichols' Filipina wife. Let me repeat that. The terrorist bomber of the first World Trade Center attack, the nephew of al Qaeda 9/11 mastermind Khalid Sheikh Mohammad, made phone calls to the same row house that was occupied by Terry Nichols' cousins-in-law just 2 months before he exploded the bomb in the garage of the World Trade Center 15 years ago. Another coincidence?

I gave this information to the Department of Justice and since that time have repeatedly sought their help in investigating this matter. Time after time, my requests have gone unanswered or have just been flatly denied.

I also asked the Department of Justice on numerous occasions to help me investigate the name Samir Khahil. This name is on a list of unindicted coconspirators of the 1993 World Trade Center bombing, again in connection with Ramsey Yousef.

It also is the name, by the way, of an Iraqi man in Oklahoma City who at the time of the Oklahoma City bombing employed an Arab immigrant who fits the description originally made by numerous witnesses as to John Doe II.

This Oklahoma-based Iraqi lied, meaning the John Doe II look-alike, lied to the investigators about his whereabouts at the time of the Oklahoma City bombing, yet there was little if any follow-up on this John Doe II look-alike. In fact, the FBI simply declared that John Doe II never existed. The existence of John Doe II, let it be remembered, was based on a sketch and sketches derived from witnesses on the scene of the Oklahoma City bombing and the truck rental company in which that bomb was placed on a truck from that truck rental company. Those witnesses described a man who, as I say, looked very much like Samir Khahil's employee.

Now, I have repeatedly asked the Department of Justice to tell me if the Samir Khahil on the unindicted coconspirators list of the 1993 World Trade Center bombing is the same Samir Khahil who employed a man originally identified as John Doe II, the bomber, the number two bomber in the Oklahoma City bombing. The Justice Department's answer: "It would be too burdensome to find out if it was the same man."

Further, we asked help in finding the Arab immigrant who looked like John Doe II and the man who was employed by Samir Khahil. We traced him to Boston, but we have had no support or cooperation in finding this very possible terrorist, or at least terrorist suspect. He may well have been working at Boston's Logan Airport on 9/11/01, the day that a plane took off from that airport and was hijacked and crashed into the World Trade Center. Another weird coincidence to the Oklahoma City bombing. Another coincidence, yes.

You don't have to be a conspiracy nut to believe that these things should be investigated. Instead, there has been no follow-through, no interest. The case is closed, forget it, both in terms of Samir Khahil and his Iraqi employer and employee; and both of these people, of course, reside in the United States right now.

That is just a small taste of the deplorable lack of cooperation for a legitimate congressional investigation. And it was no fluke. I didn't just happen to snag some uncooperative Federal employee. No, this is the level of non-cooperation Congress has learned to expect from this administration.

Yes, Departments and agencies do have limited resources, and I understand that. I used to work in the executive branch. So, yes, there may be some better uses for and some good uses for those limited resources and better uses for their time and investigators, rather than just following up on leads that are provided by Members of Congress.

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You can hear someone explaining that. But the lack of cooperation that we have had goes far beyond the fact that they are not going to give their limited resources or even use some of their investigators to track down what most of us would consider a very worthwhile lead, especially considering that the terrorist that we are asking to look into currently resides in the United States and may well have had something to do with the bombing of the World Trade Center and the bombing of the Oklahoma City building there.

But, again, a lot of my requests don't require a lot of time and effort on the part of the executive branch, and I still have been stonewalled. For the past year, for example, I have repeatedly requested to interview the imprisoned terrorist Ramzi Yousef. He is in Colorado and in strict lockup. He has been there for 10 years.

This would have taken no time and no resources from any executive branch or Federal employee. None. This request is well within my committee's jurisdiction as ranking member of the Investigative Subcommittee of the House Foreign Affairs Committee.

This request has been supported by the chairman of the Investigative Subcommittee, the chairman of the full Foreign Affairs Committee, the chairman of the Judiciary Committee, and the chairman of the Intelligence Committee.

Such attention by Congress should be welcomed by this administration and every administration. The legislative branch can help bring new information to light and inform the public.

Nevertheless, the Department of Justice, consistent with its treatment of congressional inquiries during the tenure of this President, has dismissed this valid request. This request has been treated with what can only be described as contempt and condescension.

The point is, unfortunately, that this rejectionist attitude is typical. It is not that they don't have enough resources to help out, to look into an easy matter to look into. It is just that they do not want to cooperate with Congress, even when it's a Republican in Congress, even when the Congress was controlled by a Republican majority.

So, why would this administration obstruct congressional inquiries such as this? Remember, Ramzi Yousef was the mastermind behind several devastating terrorist attacks and plots against America. He led the first murderous attack on the World Trade Center in 1993, as I say.

After fleeing to the Philippines, he and two other terrorists plotted to kill thousands of Americans by blowing up 12 commercial airliners over the Pacific at the same time. It was known as the Bojinka plot. It was within 2 weeks of being executed when it was discovered and thwarted by Philippine police.

Interestingly, the terrorist operation, the Bojinka plot, was to take place about the same time as the Oklahoma City Federal building bombing, perhaps on the same day. We don't know. Perhaps we should know. Perhaps we should ask Ramzi Yousef about that.

Ramzi Yousef has been in Federal prison for over a decade. He is a prisoner with a unique understanding of the al Qaeda terrorist structure. He is the nephew of Khalid Sheik Mohammed, the mastermind of the 9/11 attack on the World Trade Center.

In 2006, when I was the chairman of the House Oversight Investigations Subcommittee on the Foreign Affairs Committee, I was investigating Yousef's movements and activities not only in the United States but in the Philippines. I even traveled to the Philippines to question authorities who had captured Yousef's roommate and coconspirator in the Bojinka plot.

In spite of that fact and in spite of the fact that I was looking into Yousef's terrorist activities and in spite of the fact that I had obtained new information about Yousef's phone calls right here in the United States and new information about his associates while he was in the United States, the Department of Justice still dismisses the effort and, more than that, they are obstructing a legitimate congressional investigation, refusing to permit this elected Member of Congress, a ranking member of a congressional investigating committee, to interview a Federal prisoner. They refused access to Yousef claiming that there is a "ongoing investigation."

This prisoner has been in jail for over 10 years. It is more likely that what we have here is an ongoing coverup and not an ongoing investigation. In fact, I have been told recently by a former member of the Justice Department that they were told routinely simply to give answers that there is an ongoing investigation even if no ongoing investigation was underway, but simply using it as a phrase to dismiss a request from Congress.

Well, this is outrageous, but it's typical of this administration. This is a lot more than just a hurtful pride on my part of being turned down.

This administration is setting a terrible precedent. What people have to understand, when I am turned down like this, is when there is a liberal Democrat in the White House, the President will have set that Members of Congress can simply be dismissed, and that when they are trying to do a congressional investigation need not be cooperated with, in fact, can be obstructed. Is that the type of President that we want? Is that acceptable? It shouldn't be acceptable to Democrats and it shouldn't be acceptable to Republicans.

Doesn't Congress have a right to talk to Federal prisoners. Are these the rules of engagement? Is it really the rules of engagement that we want for our government that Members of Congress and the legislative branch don't have a right to talk to Federal prisoners?

Well, that's apparently what the Bush administration is trying to establish as the executive authority, as executive authority, the right to deny congressional investigators access to Federal prisoners. The danger of this should be easy to understand, both on my side of the aisle, the Republican side, and the Democratic side of the aisle.

Again, the attitude, apparent in the treatment of this request, is not an aberration or is it some sort of situation where this is not really a representative way the President has acted with his authority. No, I am afraid that's not the case.

This request was first made and denied when the Republicans controlled the Congress and I was the chairman of the Investigative Subcommittee.

Now Congress has a Democrat majority. In my position as ranking member of the International Organizations, Human Rights, and Oversight Subcommittee of the House Foreign Affairs Committee, I have seen it time and time again.

Our subcommittee chairman, BILL DELAHUNT from Massachusetts, read in the newspaper that our President is negotiating a security agreement with the Iraqi Prime Minister that will govern the future relationship of our countries.

Now let me say that again. The chairman of the Oversight Subcommittee on Foreign Affairs Committee is getting the information about a hugely important foreign bilateral security agreement by reading the newspaper. So, Chairman DELAHUNT conducted a hearing about the status of such an agreement and invited the administration to send a witness to testify before Congress.

How did the administration respond? They ignored the request. So the hearing was held with a private panel of witnesses, and, yes, the public has a right and an obligation to fully understand such commitments that are being made by the President in our name.

In a democratic society, policy is made after having an open dialogue. George Bush was elected President, not king.

In another attempt last month, our subcommittee held another hearing on the Iraqi security agreement and, again, our panel invited and pleaded with the administration to provide a witness. Their response? Silence.

Our subcommittee held another, a third hearing on this topic. Again, our subcommittee invited the administration to attend and explain to Congress what kind of commitment our government has agreed to with the government of Iraq. Even our full committee chairman wrote letters asking for the administration to participate in the subcommittee hearing. All the requests to the administration by our committee and by the superiors in the full committee were ignored, except for one, and, in one instance, where the contact was made, and I am sad to say that once again this administration was less than honest on a matter of national importance, Chairman DELAHUNT's subcommittee was told by a White House staffer that the administration's unwillingness to participate in hearings was because "There is nothing to talk about because we haven't put pen to paper" on security, because they haven't put the pen to paper on the security agreement, supposedly.

Well, when confronted with the fact that the New York Times had written a story saying that a 17-page agreement was being passed around, this White House staffer backtracked and quibbled.

This is unacceptable, it's dishonest, and it's typical. It's like saying there is an ongoing investigation; don't discuss anything anymore with me. There is nothing going on here.

Now, there is something going on, just as, instead of talking and trying to negotiate about what type of spokesman we could have at a hearing, instead, what we get is an undermining of the congressional right to oversee for the foreign policy decisions of this administration.

This stonewalling prevailed until a few weeks ago, when Condoleezza Rice, Secretary of State Condoleezza Rice, a person and a leader who I deeply admire, testified at a hearing of the full International Relations Committee.

When asked about this issue, about witnesses not showing up from the State Department and this administration to explain to us in public and to discuss in public these very important agreements that are being negotiated with Iraq, she pledged at that time that there would be future witnesses dealing with this Iraqi agreement.

At least Condoleezza Rice, the Secretary of State, feels secure enough in this administration to do what's right and to talk directly to Congress and to send her people over to talk to us.

Unfortunately, we had to go all the way to the Secretary of State before we could get anybody in this administration to participate. Let me note, I am a supporter of the President's Iraqi policies. I have been a supporter since day one. I supported the surge, and I am not in favor of some of the propositions made by my friends on the other side of the aisle, which I consider would be a precipitous leaving of Iraq and would cause damage, I believe.

But that's not the point. The point is, Congress has a legitimate oversight responsibility and that the President of the United States should be discussing in public so that the public could understand why policy is being made rather than trying to secretly arrange a policy agreement and then surprise everybody, you know, as a done deal. Sadly, this administration's antipathy to the constitutional responsibilities of the legislative branch of government does not stop and end with my efforts and those of my subcommittee on investigations.

In October of last year, 22 of my colleagues and I wrote to the Acting Attorney General, Peter Keisler, regarding the pending lie detector test for former National Security Advisor Sandy Berger.

Madam Speaker, I submit for the RECORD, a copy of a letter concerning making that request of Acting Attorney General Peter Keisler.

*Washington, DC, October 10, 2007.*

Mr. PETER D. KEISLER,
*Acting Attorney General, Department of Justice,*
*Washington, DC.*

DEAR ACTING ATTORNEY GENERAL KEISLER: In 2005, former Clinton National Security Advisor Sandy Berger pled guilty to the mishandling and destruction of classified documents.

He admitted to entering the National Archives and unlawfully removing, then subsequently destroying, classified documents dealing with terrorist related issues. He removed the documents by stuffing them down his pants and in his suit jacket, presumably with the intention of getting rid of any damning evidence showing his involvement in the failure of our intelligence and law enforcement communities to prevent the Sept. 11th attacks prior to his testimony before the 911 Commission. These documents have never been recovered.

As part of a plea deal, Mr. Berger agreed to take a polygraph test to be administered by the Department of Justice. It has been two years since that agreement and Mr. Berger has yet to fulfill his obligation.

We are writing to officially request that as Attorney General you direct the Department of Justice without any further delay to administer a lie detector test to Mr. Berger and determine what documents were stolen and how our National Security was compromised.

The Congress, and the American people, deserve to know the facts of this crime and what Mr. Berger was covering up. Therefore we respectfully request a directive be issued by your office ordering Mr. Berger to surrender to the Justice Department immediately and that a polygraph test be administered forthwith.

Sincerely,

DANA ROHRABACHER,
*Member of Congress.*

In 2005, Sandy Berger pled guilty to the mishandling and destruction of classified documents. He admitted that he unlawfully removed and subsequently destroyed classified documents from the National Archives. These documents dealt with the failure of our intelligence agencies during the Clinton administration to prevent the horrendous attacks on 9/11.

As part of his plea, Mr. Berger agreed to a lie detector test which was given by the Department of Justice. This would determine what documents had been stolen by Mr. Berger. We are still waiting for that test to be administered.

As a member, as a senior member of the House Foreign Affairs Committee, I was and still am rightfully concerned about the length of time between his crime and the administration of his lie detector test.

So on October 10, 2007, I sent a letter, that letter signed by 22 of my colleagues, asking the Department of Justice why the test had not been administered.

On October 22, 2007, my office received a form letter acknowledging the DOJ's receipt of our inquiry. It was signed with an illegible signature. We have no idea who signed it. All we know is that he or she penned it "for" next to a printed name Brian Benczkowski.

Principally, he is the principal Deputy Assistant Secretary General.

□ 1730

We were also given a tracking number so we could track any future correspondence. In spite of that fact, we received a computer-generated response and a tracking number to an official congressional inquiry, okay, signed by 23 Members of Congress. We had hoped that we would actually have an answer to our request and that there would actually be a human being rather than a tracking number that we could look to.

Well, we got our wish and we got a letter back. On January 24, 2008, 94 days after the letter, we received a response, and I submit the response for the RECORD.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
*Washington, DC, January 24, 2008.*

Hon. DANA ROHRBACHER,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN ROHRBACHER: This is in response to your letter, dated October 10, 2007, in which you requested that the Department of Justice administer a polygraph examination to Mr. Samuel Berger, who pleaded guilty in April 2005, to violations of federal law relating to the removal of copies of classified documents from the National Archives.

We appreciate your interest and have enclosed a copy of our letter, dated February 16, 2007, to the Honorable Henry A. Waxman, Chairman of the Committee on Oversight and Government Reform, advising him of our views regarding the Minority Staff Report that was issued regarding this matter. As stated in our response to Chairman Waxman, we believe that there are no facts that would justify a polygraph of Mr. Berger at this time.

We are sending an identical response to the other Members who joined in your letter to us. Please do not hesitate to contact this office if you would like additional assistance regarding this or any other matter.

Sincerely,

BRIAN A. BENCZKOWSKI,
*Principal Deputy Assistant Attorney General.*

The letter was dismissive and said that the DOJ found no reason to issue a polygraph test to Sandy Berger, and attached was an old letter the DOJ had sent to Chairman WAXMAN of the House Oversight and Government Reform Committee almost a year before our correspondence. The letter this time was signed by Brian Benczkowski.

Madam Speaker, I have been a Member of Congress for 19 years. I have never seen such a pattern of blatant disregard and outright disdain for Members of Congress. If Sandy Berger is not to be polygraphed to verify the documents that were stolen from the Archives, we need to know why such verification is not being done. This administration wouldn't even give a respectable answer to the rightful inquiry of Members of Congress of why we are not verifying through a polygraph test what documents were stolen from the National Archives by the former National Security Adviser.

On the one hand, this President believes he has a right to make demands on us. The President said in his State of the Union address that Congress must act on certain issues. We must do as he wishes. We must pass legislation he deems necessary. Yet while 23 Members of Congress write his Justice Department a serious letter of inquiry about a national security issue, we get a computer-generated form letter and a copy of an old response to a different inquiry. The bad attitude I am detailing is pervasive.

The handling of a proposed totalization agreement with Mexico is again yet another example. The totalization agreements, and totalization agreements are not necessarily a bad thing, they can serve a useful function. Large corporations both in the United States and abroad often assign people to work in an overseas office for several years. During these years, employers are double taxed. They pay both Social Security and the equivalent tax in their native countries. Allowing the Social Security Administration and foreign agencies to give credit under one system towards retirement makes sense if there are a limited number of people involved and the people who are involved in this are working here legally and temporarily. The concept itself is not alarming.

However, this is emphatically not the case with Mexico. We have millions of Mexican citizens living illegally in the United States. This is not a limited number of Swedish or Japanese executives who will only work here for a number of years and then go home. Not only are Mexicans not going to return to Mexico; the Mexican Government encourages them to stay in the United States. After all, if the U.S. is going to pay for their health care, their education and now their retirement, why should Mexico be bothered.

Knowing the volatility of the American people on both the Social Security and illegal immigration issues, the totalization negotiations with Mexico were kept totally under wraps. Now remember, these negotiations with Mexico started in 2002 with a Republican-controlled Congress. One would think that a Republican administration would at the very least advise Congress, perhaps giving a status report, concerning such diplomatic efforts as the totalization negotiations with Mexico.

Well, Congress did not know the details until it hit the press. Worse, these press releases on the agreement, put out by the administration, were misleading and it appears that Congress was being misled as to just what the administration had agreed to concerning Social Security benefits for Mexican nationals illegally working in the United States.

Now, I have proposed legislation to ensure that no work done while someone is in this country illegally should be counted towards a Social Security benefit. The administration apparently agreed in the totalization agreement negotiations that illegal aliens from Mexico will be eligible for the same treatment under Social Security as U.S. citizens without ever becoming a legal resident or citizen. It took a long, drawn-out legal battle in the form of a Freedom of Information lawsuit to get the details of this agreement from the administration. Again, stonewalling and concealment, whether it deals with Iraq or whether it deals with a totalization agreement dealing with Social Security rights for the people from Mexico who come to our country illegally.

In both cases, regardless of how you feel about the Iraq policies or Social Security for illegal immigrants into our country, the point is we should not be keeping this debate secret. Congress has a right to oversee such agreements, and we should have a public dialogue about these types of decisions.

This administration has, as I am pointing out, a history of concealment and in some cases of distorting and actually not telling us the truth about what is going on with these negotiations and agreements that are happening behind closed doors.

Once Congress and the public found out about the agreement in the totalization agreement, a fire storm broke out not just about giving illegals Social Security but about keeping it secret from Congress. Yes, as I said, Congress, as well as America's seniors, have every right to know if the President of the United States is in the process of signing an agreement to give

Social Security benefits to illegal immigrants. It is something we should discuss. It is not something where the President should try to make an agreement behind closed doors. In this case the administration is undermining the public's right to know and the Congress is being left in the dark.

And please remember, the danger from this agreement is not past. Due to the public outrage, it has been put on the back burner, but the President at any time can submit this agreement to Congress even if he has not detailed it for us now so we can discuss it.

What I am describing is a pattern of arrogance and contempt, and that is especially true not just with Social Security but with broader issues relating to illegal immigration and on issues dealing with Mexico.

The tragic case of wrongly imprisoned Border Patrol agents Ignacio Ramos and Jose Compean exemplifies the worst aspects of this administration's attitude problem, and will forever leave a black mark on this administration.

President Bush has himself made decisions that directly led to the ongoing tragedy which sees these two Border Patrol agents languishing in solitary confinement; and that's where they are today, in solitary confinement, being treated worse than we treat the terrorists in Guantanamo. That is where we are now. That is what they have had to endure in that solitary confinement for over a year.

Now, this is clearly a questionable case, but President Bush has deliberately dug in his heels to protect his good friend and young protege, the prosecutor, U.S. Attorney Johnny Sutton. Rather than entertain the probability that a terrible injustice was in progress and instruct the Justice Department and the Department of Homeland Security to cooperate so Congress could get to the bottom of this nightmare, this President has thumbed his nose at the congressional concerns and initiated a policy of obstruction and denial in terms of Ramos and Compean.

Since the Ramos and Compean case was brought to my attention in September 2006, I have written over a dozen letters to this administration requesting various documents regarding the harsh prosecution of Ramos and Compean. I have been joined by several other Members of Congress in this effort, including Congressmen POE, CULBERSON, and McCAUL. These three Members of Congress, in fact, attended a briefing on Ramos and Compean's prosecution by the Department of Homeland Security Inspector General's Office on September 26, 2006.

In that briefing, serious questions were raised by these three Members about the fundamental justification for this prosecution to begin with. The President and his lap-dog prosecutors would like us to believe that they have no discretion, but these Members of Congress who have long histories in the law and in prosecution, they know. They could see there was something wrong because we know that the actual charges being brought against Ramos and Compean, and they were fully aware of this because these Members of Congress, as I said, have a big background in law, they knew that what charges were being brought were totally at the discretion of the prosecutors. The prosecution's hands were not tied.

What were the grounds for charging these men with crimes like attempted murder, assault with a deadly weapon, the unlawful discharge of a firearm during a crime of violence, and a Federal civil rights violation? These charges that could have put Ramos and Compean in prison for 10–20 years were totally at the discretion of the prosecution. Did this fit the crime? If there was any crime at all that was committed, why would they be charged with this overwhelming attack by the prosecution knowing that by making these charges these men are going to end up being put away for one or two decades of their life.

These two Border Patrol agents had wounded a fleeing illegal alien drug smuggler who was escaping after assaulting one of the officers who had intercepted the drug dealer during an attempt to bring $1 million worth of drugs into this country. Although they were never intended by Congress to be applied in this way, the gun laws which were applied by the prosecution, the gun law of mandatory prison sentence, was applied to the law enforcement officers in this case, and these law enforcement officers had made a split-second decision to discharge their weapons. Is that right? Isn't there some question about that, considering they threw the book at these guys?

The prosecutors knew that it was not the intent of Congress that they should be charging law enforcement officers with split-second decisions in the discharge of a weapon; but they threw the book at the agents, including the charges that required tens of years of mandatory imprisonment. Again, it was at their discretion that they made these charges.

When Congressmen POE, CULBERSON, and McCAUL asked why the most serious charges that could be leveled at the Border Patrol agents were initiated by the prosecutors, and why the prosecutors took the word of the drug dealer that he had no weapon rather than the word of the law enforcement officers, the DHS officials, briefing these Congressmen, assured them that this was a legitimate and righteous prosecution. These were, according to the DHS briefing given to these Members of Congress, these were rogue cops. Ramos and Compean were rogue cops, and the Congressmen were told they actually confessed that they knew that the drug smuggler was unarmed and that the agents didn't really feel threatened.

And the biggest lie of all, the Department of Homeland Security briefer insisted that Ramos and Compean had told fellow officers the day of the incident that they "wanted to shoot a Mexican" that day. That charge raised eyebrows considering that the accused, Ignacio Ramos and Jose Compean, are themselves Mexican Americans married to Mexican American wives with Mexican American children. Sure, they just go out and intentionally shoot some Mexicans that day. Sure.

This is what Members of Congress were told in an official briefing. Asking for proof, the three Congressmen who were being briefed were told that the charges were documented in the reports of the investigative officers. The Department of Homeland Security briefer promised to provide this proof that Ramos and Compean had actually intended that day to go out and "kill a Mexican." Of course, the proof never came.

The Congressmen kept asking. Calls weren't returned. The Department of Homeland Security stalled for 5 months. Members asked for copies of the completed report of investigation which should have backed up the alleged facts that were told to Members during the September 26 briefing to the Members of Congress.

Months passed, and nothing more. Just months passed. Nothing from the Department of Homeland Security. Several letters and public pressure arose, and the Department of Homeland Security finally released a redacted version of the official report of investigation in February 2007. And surprise, surprise, the alleged confession of Ramos and Compean was nowhere to be found in that document. The documentation of the charge that they had brazenly proclaimed their intent to kill a Mexican was not there. But that charge was repeated over and over again.

How could this be? How could the Department of Homeland Security officials, how could they assure Members this was a solid prosecution and that evidence existed that Ramos and Compean were guilty and they wanted to shoot a Mexican? These were flat out lies told to Members of Congress who were being officially briefed by this administration.

During a Department of Homeland Security subcommittee hearing on February 6, 2007, DHS Inspector General Richard Skinner was questioned by Congressman CULBERSON about this issue. Under oath Skinner acknowledged the information given to the Texas Congressman was in fact false, but he smugly justified his blatant and willful lying by calling it "mischaracterization unfortunately repeated at the briefing."

□ 1745

No, Mr. Skinner, it was a lie, no matter how colorful the euphemism.

Ollie North was prosecuted on a charge far less egregious than what we're talking about now. Ollie North gave, or so it was alleged, misinformation to congressional staffers who were not part of an official briefing of Members of Congress; yet, he was prosecuted.

This administration ends up lying in a briefing to Congress and shrugs it off. To this day, absolutely nothing has been done about this crime. And yes, lying to Congress, especially about an issue of this magnitude, is a crime.

Administration officials deliberately misled Members of Congress in order to discourage them from pursuing the Ramos and Compean case, and no one has been held accountable for this crime. The Ramos and Compean case has stunk since day one. The President, instead of looking into the matter, which he should have done, has dug in his heels, permitting his appointees to slander these two agents.

Even worse, the President has personally made decisions that have resulted in these two agents languishing in solitary confinement. They are in solitary confinement because of decisions made directly by the President of the United States. U.S. Attorney Johnny Sutton publicly labeled Ramos and Compean as corrupt; yet, again, when asked for some sort of justification on this, what corruption charges were brought against these people, there were no charges of corruption.

To say that this is a mean-spirited and vindictive prosecution is to put it mildly. This case demonstrates why hearings are an integral part of the check-and-balance system created by our Founding Fathers. It is in this venue that the executive branch is held accountable for their actions. Under oath, it was only when an administration official was under oath that the lies about Ramos and Compean were admitted. But this administration has decided to thumb its nose at that obligation and has decided not to make its case under oath at a public hearing and, instead, has actually said things, as I say, calling Ramos and Compean corrupt in radio interviews and such.

Chairman WILLIAM DELAHUNT graciously approved my request to hold hearings on the Ramos and Compean case. In doing so, an official subcommittee investigation into the case in preparation for the hearing was authorized. During the course of this investigation, the resistance from the Department of Justice, Homeland Security, and State was consistent with the arrogance and obfuscation that flows through this administration from the top down. Our hearing had to be postponed for months because of the administration's refusal to provide documents or to send the necessary witnesses to testify before the subcommittee, citing that the committee did not have proper jurisdiction; therefore, the U.S. Attorney Johnny Sutton, the Department of Homeland Security Inspector General Skinner, or any of his other investigators need not appear. That decision was clearly made by the White House.

Our Government provided a flawed immunity agreement, free health care, unconditional border crossing cards to an illegal alien criminal drug smuggler in exchange for his testimony that sent Border Patrol Agents Ramos and Compean to prison.

Our Government kept secrets from the jury that the drug dealer intercepted by Ramos and Compean had hauled another shipment of drugs across the border, this, while on a Government-issued border crossing pass.

Clearly, this is well within the jurisdiction of an oversight investigative committee responsible for overseeing relations with other countries, including Mexico, and including international drug smuggling. Clearly, the public has a right to know about these things.

This administration apparently believes there is no obligation to answer questions in public and under oath about the actions or policies of the administration. And in preparation for that hearing, we made a request, and request after request, countless phone calls, and even a freedom of information lawsuit by a watchdog group, Judicial Watch, and the administration still refuses to release copies of the border crossing cards that were issued to the drug smuggler in this case. Of course, they are claiming, when we make this request about these cards issued to the drug smuggler that permitted him to freely go across the border, they say that the drug smuggler is protected under, get this, "the privacy act." This is what the Justice Department tells us.

I was instructed by the Justice Department to obtain a privacy waiver in order that that information be released, a privacy waiver for an illegal alien criminal. This is absurd and just another example of the condescending and dismissive attitude. This type of obstructionism, however, is the rule, not the exception, of this administration.

By the way, due to a bureaucratic fluke, the border crossing cards, we actually got a hold of them, and this is how we have learned that this person that was involved with the Ramos and Compean event actually took a second shipment of drugs.

I submit for the RECORD the letters and copies of these exchanges with the administration.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 12, 2006.*
Attorney General ALBERTO GONZALES,
*Department of Justice,*
*Washington, DC.*

DEAR ATTORNEY GENERAL GONZALES: We are writing to you as members of Congress with deep concern over the Justice Department's wrongheaded prosecution of two U.S. Border Patrol agents who were simply doing their jobs to protect our homeland.

Agents Ignacio Ramos and Jose Alonso Compean should have been commended by our government for their actions last year in attempting to apprehend a Mexican drug smuggler who brought 743 pounds of marijuana across our border. But because of an incomprehensible prosecution by the U.S. Attorney's Office—including granting full immunity to the smuggler so he could testify against our agents—these men may soon receive 20-year prison sentences for firing shots at the fleeing smuggler, who they believed carried a gun. The smuggler—who received complete medical care at William Beaumont Army Medical Center in El Paso, Texas—is now suing the Border Patrol for $5 million for violating his civil rights!

The Justice Department's unjust prosecution does nothing but tie the hands of our Border Patrol and prevent them from securing America against a flood of illegal immigrants, drugs, counterfeit goods and quite possibly, terrorists. This demoralizing prosecution puts the rights of illegal alien drug smugglers ahead of our homeland security and undermines the critical mission of better enforcing our immigration laws. The convictions against these agents demand oversight.

Due to significant concerns over the circumstances surrounding the prosecution of Agents Ramos and Compean, the House Judiciary Committee has already recognized the need for a thorough review of this case by calling for Congressional hearings and an investigation of the Department of Homeland Security, Office of the Inspector General, U.S. Customs and Border Patrol and the U.S. Attorney's Office.

Mr. Gonzales, we strongly urge the Department of Justice to postpone the sentencing of Agents Ramos and Compean, and to reopen their case for a fuller investigation of the facts.

Sincerely,
Walter B. Jones, Tom Tancredo, Ted Poe, Charlie Norwood, Ernest Istook, Dana Rohrabacher, Sue Myrick, Virginia Foxx, John Duncan, Barbara Cubin, Jim Ryun, Virgil Goode, Ginny Brown-Waite, Gary G. Miller, Kenny Marchant, Ed Whitfield, Ed Rover, Dan Burton, Robin Hayes, Henry Brown, John Campbell, Michael Bilirakis, Members of Congress.

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DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
*Washington, DC, February 16, 2007.*
Hon. HENRY A. WAXMAN,
*Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.*

DEAR CHAIRMAN WAXMAN: This letter responds to concerns expressed in the January 9, 2006, Minority Staff Report, "Sandy Berger's Theft of Classified Documents: Unanswered Questions" ("the Report"). The Report alleges failures in the Department's handling of the Berger investigation. We have reviewed the Report and respectfully disagree with its characterization of the Department's investigation.

The Department's investigation began when we were first advised of Berger's actions by the National Archives and Records Administration Inspector General (IG) on October 15, 2003, almost two weeks after Archives staff and agents of the IG had begun their own investigation of the incident. The Department and the Federal Bureau of Investigation (FBI) devoted significant resources to the task, including prosecutors and FBI Special Agents trained in the investigation of national security cases. The FBI conducted over 50 interviews, made inspections of the Archives facilities, and reviewed thousands of pages of documents, in addition to other law enforcement efforts. We examined Mr. Berger's conduct during all four of his visits to the Archives.

The Report suggests that the Department did not inquire about Mr. Berger's first two visits to the Archives, citing the IG's recollection that the Department had informed the IG in April 2004 that the Department had not questioned Mr. Berger about his May 2002 and July 2003 visits. This suggestion appears to be based on a misunderstanding of the sequence of the Department's investigation. As of April 2004, the Department had not yet asked Mr. Berger any questions, as he had not yet agreed to an interview. When the Department did subsequently interview Mr. Berger, the Department questioned him regarding all of his visits. Furthermore, the Department questioned every witness with knowledge of Mr. Berger's visits about all of his visits. Neither Mr. Berger nor any other witness provided the Department with evidence that Mr. Berger had taken any documents beyond the five referenced in the plea agreement.

In this, as in all criminal investigations, the Department's obligation was to gather the available testimonial and documentary evidence and then rigorously put that evidence to the test—often pitting the memory of witnesses against the written record supplied by the documents—in order to determine as accurate a picture as possible of what transpired. In this case, as in others, some of the initial allegations did not withstand further analysis.

For example, the Report suggests that the Department did not give sufficient weight to the accounts of Mr. Berger's activities provided by Archives staff, most notably the e-mail sent on September 2, 2003, from Official A to Senior Official 1. In this e-mail, Official A described an encounter with Mr. Berger that day in which he saw Mr. Berger "fiddling with something white which looked to be a piece of paper or multiple pieces of paper" down by his ankle. The Department was fully aware of this e-mail, and knew that Berger had in fact removed his notes and a document on the visit of September 2, 2003. The e-mail was a significant piece of information that the Department appropriately investigated.

The account described in the e-mail was evaluated in conjunction with Official A's interview with the IG's agents on October 15, 2003, conducted before the Department was involved in the case. The recording and transcript of the interview with the IG's Agents were reviewed in full in the course of our investigation. According to the IG's recorded interview, Official A repeatedly stated that the interaction was "very quick" and he could not be certain what he saw. Further, Official A told the IG's Agents, "I could not, um, you know, swear that what I saw was documents, but it certainly unnerved me enough." Later, Official A was asked by the IG's agents how he was feeling and he responded, "very unsettled. I mean, it's, it's unsettled but at the same time I mean, not, not unsettled in the way that I'm a hundred percent sure of what I've seen and, and I'm sick, just like, did I see what, what I, you know possibly could . . . There was a certain grey area in my mind and whether this was actually a document, a piece of paper."

When Official A was interviewed later by the FBI on October 17, 2003, he once again expressed uncertainty about what he saw, diminishing further the probative value of his e-mail. The e-mail, and Official A's interviews with the IG's agents and the FBI, had to be further weighed against the evidence that after the e-mail was sent and after Official A discussed with Senior Official 1 what he saw, Senior Official 1 contacted a supervisor, but the Archives staff did not confront Mr. Berger, did not search him, and did not contact any security or law enforcement officials. In light of these additional facts, the Report's suggestion that the Department somehow failed to consider the full import of the e-mail and related information is unfounded.

The Department's analysis of the other documentary and testimonial evidence in this case was similarly thorough. And at the conclusion of its extensive investigation, the Department secured a guilty plea from Mr. Berger, pursuant to which he admitted to "conceal[ing] and remov[ing]" five copies of classified documents from the Archives, concealing them at his office, and "cut[ting] three of the documents into small pieces and discard[ing] them"—all in violation of 18 U.S.C. §1924. April 1, 2005 Factual Basis for Plea at 2. The Department stands by its investigation and believes that this resolution was the best one possible in light of the available evidence,

The Report also suggests that, as a result of Mr. Berger's conduct, the 9–11 Commission may have been deprived of the information necessary to render its final report. The Department, however, has no evidence indicating that this suggestion is accurate. In the course of its investigation, the Department interviewed numerous witnesses who might have had knowledge of any missing items. None of these witnesses, however, provided the Department with evidence that Mr. Berger's conduct deprived the 9–11 Commission of information or documents. Nor has the IG ever advised us—either at the time of our investigation or at any time since—of any evidence that Mr. Berger had taken any documents other than the five referenced in the plea agreement.

Thus, not the Department, the FBI, or the Archives IG has found any evidence that Mr. Berger took any documents other than the five referenced in the plea agreement. The Department's public statements made after Mr. Berger's April 1, 2005, guilty plea reflected the results of its extensive investigation into this matter, and were based solely on the evidence gathered in that investigation and contained in the detailed factual statement—the contents of which Mr. Berger admitted as a condition of his plea agreement.

Under the terms of his plea agreement, Mr. Berger must cooperate with the Archives IG and make himself available for any cooperation with the government. Indeed, on July 8, 2005, after the plea and prior to sentencing, the IG, along with Department attorneys and FBI agents, also questioned Mr. Berger. At this meeting, Mr. Berger was again questioned about all of his visits to the Archives, including those that occurred in May 2002 and July 2003. Again, Mr. Berger's answers in this session were evaluated and compared to his previous answers and the vast amount of evidence collected in the investigation.

In light of Mr. Berger's disclosures during an extensive interview in March 2005 and his acceptance, as part of his guilty plea, of a detailed factual basis for the charges against him, the judgment of the Department and the FBI was not to administer a polygraph examination to Mr. Berger. The Department is aware of no new facts regarding the law enforcement aspects of this investigation to suggest that it should revisit that judgment.

In closing, I would like to emphasize that the Department's silence with respect to certain other factual assertions and conclusions in the Report should not be mistaken for agreement. Indeed, to cite but one additional example, the Department disagrees with both the manner in which certain of its employees were interviewed and the manner in which their statements to Committee staff were presented in the Report. We nevertheless hope that this letter provides you assurance that the Department takes investigations regarding the mishandling of classified information and documents very seriously, and vigorously investigates and prosecutes those who endanger our national security. We appreciate your attention to this matter.

Sincerely,

RICHARD A. HEATING,
*Acting Assistant Attorney General.*

This is plea after plea from Members of Congress, I might add that even a majority of Members of Congress have voted for and supported on both sides of the aisle. Chairman DELAHUNT of our Investigative Subcommittee knows that there's something wrong with this case. As I say, it stinks and has stunk from the beginning.

We have asked for the President to intervene on behalf of Ramos and Compean personally, either by pardoning or commuting their sentences. These requests have been ignored over and over again. And last year, I personally reached out to the President to take the pressure and confrontation out of this issue. I suggested that the President direct the Department of Justice to request that Ramos and Compean be permitted to remain free on bond pending their appeal. Even common criminals in our society are able to stay out pending appeal of a decision.

And what was the response? The White House released a press release the next day, it was issued the very next day, proclaiming that the administration opposes letting Ramos and Compean out pending appeal and that no special consideration would be granted to anyone.

Now, that's a lot of holier than thou rhetoric, okay? So no special consideration was going to be given to anyone, much less these two Border Patrol agents. Now, that sounds righteous, a position of not making any exceptions, except, of course, for the fact that a short time later, White House Aide Scooter Libby had his sentence commuted by the President in a heartbeat.

For the record, I found out, and let me just note, I believe that commuting Scooter Libby's sentence was justified.

But it's totally inconsistent with what we had been told of why Ramos and Compean couldn't even be considered to let them out, even waiting, pending appeal.

Yeah, Scooter Libby got a raw deal. But the fact is that what's happening, what we see is only members of the President's personal clique get such consideration. It's clear, that's evident, and it's disgraceful.

It is truly with a heavy heart, Madam Speaker, that I stand here reciting example after example of the maliciousness and condescending attitude exhibited by this administration. It is a problem that's flowing from the top.

When I hear my friends on the other side of the aisle accusing this administration of stonewalling, of coverups, or thwarting investigations, I sadly must concur with them. Even though I may disagree with what the policy issue of the day is, I have to agree that Congress is not being treated with respect and that the President is engaged in obfuscating and in stonewalling of rightful requests by this body.

This White House exemplifies needless hostility, turf jealousy, and obstructionism. The American people should know it and should know that these charges come not from a partisan Democrat, but from a lifelong conservative Republican. I have worked in the White House. I worked for 7 years as a special assistant to President Ronald Reagan.

Ronald Reagan, as much as people can disagree or agree with the policies that he espoused, was a person who never acted arrogantly towards others. He never, when he was giving State of the Union messages, never used the word "must," never made demands. And I think that President Reagan would not feel comfortable with the type of attitude that is exemplified in this administration. He, instead, wanted to reach out to people and cooperate.

This administration seems to want to just bulldoze whoever gets in their way and does not have the human concern for other people, especially for people like Ramos and Compean, the little guys, that we saw in Ronald Reagan, which made him so popular and successful.

I would ask that the rest of my remarks be put into the RECORD. Thank you very much for permitting me this hour.

And to the American people, I say, carefully consider who our leaders are going to be and carefully consider the issue of the day. We have a wonderful democratic society. There's a balance of power here set up by our Founding Fathers. And it's important, whether you're Republican or Democrat, that we maintain this balance of an authority, the legislative, executive, and judicial in this country, and we should not be setting precedents that the President of the United States has the lion's share of the power in this great democracy of ours. The power is rested in these three branches and in the people themselves.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Ms. SLAUGHTER (during the Special Order of Mr. ROHRABACHER). Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5351, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

Ms. SLAUGHTER (during the Special Order of Mr. ROHRABACHER), from the Committee on Rules, submitted a privileged report (Rept. No. 110–530) on the resolution (H. Res. 1001) providing for consideration of the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, which was referred to the House Calendar and ordered to be printed.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATERS) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ISRAEL, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, March 4.

Mr. BURTON of Indiana, for 5 minutes, today, February 27 and 28.

## ADJOURNMENT

Mr. ROHRABACHER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 27, 2008, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5475. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Decreased Assessment Rate [Docket No. AMS-FV-0114; FV07-966-2 IFR] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5476. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Decreased Assessment Rate [Docket No. AMS-FV-07-0104; FV07-987-1 FIR] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5477. A letter from the Principal Deputy Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program for FY 2007, pursuant to 37 U.S.C. 323 (h) Public Law 106-398, section 633 (a); to the Committee on Armed Services.

5478. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel James M. Holmes, United States Air Force, to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5479. A letter from the Assistant Secretry for Installations and Environment, Department of the Navy, Department of Defense, transmitting notification of the decision to conduct a streamlined A-76 competition of aircraft maintenance, administration, and corrosion control functions performed by military personnel in various locations; to the Committee on Armed Services.

5480. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5481. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research--Disability and Rehabilitation Research Projects and Centers Program--Disability Rehabilitation Research Projects (DRRPs), Rehabilitation Research and Training Centers (RRTCs), and Rehabilitation Engineering Research Centers (RERCs) — received February 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5482. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Measuring Educational Gain in the National Reporting System for Adult Education (RIN: 1830-ZA06) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5483. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Exceptions of Alternatives to Labeling Requirements for Products Held by the Strategic National

Stockpile [Docket No. 2006N-0466] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5484. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the enclosed correspondance from the Prime Minister of Kosovo Hashim Thaci and the Speaker of the Parliament of Albania Jozefina Topalli expressing their condolences on the passing of Chairman Tom Lantos; to the Committee on Foreign Affairs.

5485. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(a) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Government of the United Arab Emirates (Transmittal No. DDTC 001-08); to the Committee on Foreign Affairs.

5486. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of Russia, Ukraine and Norway (Transmittal No. DDTC 023-08); to the Committee on Foreign Affairs.

5487. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 025-06); to the Committee on Foreign Affairs.

5488. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of Russia and Kazakhstan (Transmittal No. DDTC 024-08); to the Committee on Foreign Affairs.

5489. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5490. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5491. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5492. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5493. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5494. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5495. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5496. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5497. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5498. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5499. A letter from the Chairman, National Transportation Safety Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Board's Report to Congress on the Fiscal Year (FY) 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

5500. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Career and Career-Conditional Employment and Adverse Actions (RIN: 3206-AL30) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5501. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5502. A letter from the Director of Human Resources, Railroad Retirement Board, transmitting the Board's report on the use of the Category Rating System during fiscal year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

5503. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Western Pacific Crustacean Fisheries; 2008 Harvest Guidelines (RIN: 0648-XF19) received February 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5504. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Gulf of Alaska Pacific Cod Total Allowable Catch Amount [Docket No. 070213032-7032-01] (RIN: 0648-XE80) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5505. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 061109296-7009-02] (RIN: 0648-XE43) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5506. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF14) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5507. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries [Docket No. USCG-2006-25708] (RIN: 1625-AB09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5508. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac and Anacostia Rivers, Washington, DC and Arlington and Fairfax Counties, VA [USCG-2008-0005] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5509. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30581; Amdt. No. 3246] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5510. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30582; Amdt. No. 471] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5511. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30584; Amdt. No. 3248] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5512. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Time and Manner for Electing Capital Asset Treatment for Certain Self-Created Musical Works [TD 9379] (RIN: 1545-BG35) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5513. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — GO Zone Bonus Depreciation Recapture [Notice 2008-25] received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Ms. MATSUI: Committee on Rules. House Resolution 1001. Resolution providing for the consideration of the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation. (Rept. 110-530). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Ms. WATERS (for herself, Ms. LEE, and Ms. WOOLSEY):

H.R. 5488. A bill to provide for the recovery and stability of Iraq, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WITTMAN of Virginia (for himself, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. GOODE, Mr. SCOTT of Virginia, Mr. WOLF, Mr. BOUCHER, Mrs. DRAKE, Mr. FORBES, and Mr. GOODLATTE):

H.R. 5489. A bill to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CHABOT:

H.R. 5490. A bill to reform the program for rental assistance under section 8 of the United States Housing Act of 1937, and for other purposes; to the Committee on Financial Services.

By Mr. LATOURETTE (for himself, Mr. LYNCH, and Mr. BURTON of Indiana):

H.R. 5491. A bill to amend the Public Health Service Act to authorize grants to States to establish and implement programs for registering pharmaceutical technicians; to the Committee on Energy and Commerce.

By Ms. MATSUI (for herself, Mr. BECERRA, and Mr. SAM JOHNSON of Texas):

H.R. 5492. A bill to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Pennsylvania:

H.R. 5493. A bill to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; to the Committee on House Administration.

By Mr. BURTON of Indiana:

H.R. 5494. A bill to amend title 11 of the United States Code to make nondischargeable debts for personal injuries that result in permanent disability; to the Committee on the Judiciary.

By Mr. GERLACH:

H.R. 5495. A bill to extend for one year the exemption of returning workers from the numerical limitations for H-2B temporary workers; to the Committee on the Judiciary.

By Ms. MATSUI:

H.R. 5496. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies; to the Committee on Energy and Commerce.

By Mr. MURTHA:

H.R. 5497. A bill to amend the Internal Revenue Code of 1986 to provide for tax preferred savings accounts for individuals under age 26, and for other purposes; to the Committee on Ways and Means.

By Mr. POE (for himself, Mr. COSTA, Mr. WEINER, Mr. BRALEY of Iowa, and Mr. REICHERT):

H.R. 5498. A bill to increase the cap on the obligation of receipts for the Crime Victims Fund; to the Committee on the Judiciary.

By Ms. TSONGAS:

H.R. 5499. A bill to provide for a timetable for the redeployment of the United States Armed Forces from Iraq and to seek political and diplomatic solutions for the security and stability of the Republic of Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN:

H.R. 5500. A bill to amend the Fair Credit Reporting Act to provide forbearance from foreclosures of subprime mortgages in the determination of a consumer credit score, and for other purposes; to the Committee on Financial Services.

By Mr. PUTNAM:

H. Res. 998. A resolution electing Minority Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. EMANUEL:

H. Res. 999. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. DOYLE (for himself, Mr. ALTMIRE, and Mr. TIM MURPHY of Pennsylvania):

H. Res. 1000. A resolution to commemorate the 250th Anniversary of the Naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the Continent, and in spreading the ideals of freedom and democracy throughout the world; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mr. BOUCHER, Mr. CAPUANO, Mr. CHANDLER, Mr. CLEAVER, Mr. COHEN, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DICKS, Mr. DOYLE, Ms. ESHOO, Mr. HINCHEY, Mr. HOLDEN, Mr. HONDA, Mr. JOHNSON of Illinois, Mr. KENNEDY, Mr. KILDEE, Mr. LAHOOD, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. MICHAUD, Ms. NORTON, Mr. OBERSTAR, Mr. PAYNE, Mr. REYES, Mr. ROSS, Mr. SPRATT, Mrs. TAUSCHER, Mr. WALDEN of Oregon, and Mr. WU):

H. Res. 1002. A resolution expressing support for designation of April 2008 as "Public Radio Recognition Month"; to the Committee on Oversight and Government Reform.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mrs. MYRICK.
H.R. 136: Mr. GOHMERT.
H.R. 223: Mr. LAMBORN.
H.R. 279: Mr. ROGERS of Alabama.
H.R. 549: Mr. ROGERS of Michigan.
H.R. 592: Mr. MCCOTTER and Mr. GALLEGLY.
H.R. 631: Mr. HERGER.
H.R. 718: Mr. LOEBSACK.
H.R. 728: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 850: Mr. GOHMERT.
H.R. 861: Mr. CAMPBELL of California.
H.R. 1029: Mr. WALBERG.
H.R. 1076: Mr. MCHUGH.
H.R. 1108: Mr. CLEAVER.
H.R. 1237: Mr. KUHL of New York.
H.R. 1264: Mr. WALBERG and Mr. TIM MURPHY of Pennsylvania.
H.R. 1295: Mr. ROSS, Mr. INGLIS of South Carolina, Mr. WITTMAN of Virginia, and Mr. HAYES.
H.R. 1320: Mr. ANDREWS.
H.R. 1336: Mr. MATHESON.
H.R. 1426: Mrs. DRAKE.
H.R. 1431: Mr. FILNER, Mr. ROSS, and Mr. AL GREEN of Texas.
H.R. 1497: Mr. INGLIS of South Carolina and Mr. SESTAK.
H.R. 1524: Mr. FRANK of Massachusetts.
H.R. 1553: Mrs. BLACKBURN.
H.R. 1565: Ms. SHEA-PORTER.
H.R. 1576: Mr. HASTINGS of Florida, Mr. WELCH of Vermont, and Mr. HILL.
H.R. 1589: Mr. MICA, Ms. FOXX, and Mr. JONES of North Carolina.
H.R. 1609: Mr. MCINTYRE.
H.R. 1663: Mr. PRICE of North Carolina.
H.R. 1707: Mr. BRADY of Pennsylvania.
H.R. 1726: Mrs. TAUSCHER, Ms. LEE, Mr. GRIJALVA, Mrs. CAPPS, Mr. TOWNS, Mr. COHEN, and Mr. RANGEL.
H.R. 1732: Mr. CARTER and Mr. MILLER of Florida.
H.R. 1840: Mr. LIPINSKI.
H.R. 1843: Mrs. LOWEY and Mr. FEENEY.
H.R. 1884: Mr. GEORGE MILLER of California and Ms. HERSETH SANDLIN.
H.R. 1889: Ms. MCCOLLUM of Minnesota.
H.R. 2040: Mr. YOUNG of Alaska, Mr. WEINER, Mr. FALEOMAVAEGA, Mr. MILLER of North Carolina, Mr. DEFAZIO, Ms. NORTON, Ms. TSONGAS, Mr. EDWARDS, Mr. LOEBSACK, Ms. LINDA T. SÁNCHEZ of California, Ms. ESHOO, Ms. RICHARDSON, Mr. ACKERMAN, Ms. DEGETTE, Mr. DINGELL, Mr. DAVIS of Illinois, Mr. PRICE of North Carolina, Mr. MCNULTY, Ms. ZOE LOFGREN of California, Mr. REYES, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. UDALL of Colorado, Mr. SARBANES, Mr. LYNCH, Mr. FILNER, Mr. HALL of New York, Mr. SMITH of Washington, Mr. ABERCROMBIE, Mr. KIND, Mr. SERRANO, Mr. MOLLOHAN, and Mr. RAHALL.
H.R. 2122: Mr. ANDREWS.
H.R. 2158: Ms. FOXX and Mr. HELLER.
H.R. 2266: Mr. KENNEDY and Mrs. MCCARTHY of New York.
H.R. 2303: Mr. GALLEGLY, Mr. WALZ of Minnesota, Mr. BURTON of Indiana, Mr. BISHOP of Utah, Mr. SIMPSON, Ms. SLAUGHTER, Mr. MICHAUD, Mr. GINGREY, Mr. LINDER, Mr. KAGEN, and Mr. PERLMUTTER.
H.R. 2370: Mr. TOWNS and Ms. SHEA-PORTER.
H.R. 2452: Ms. WOOLSEY.
H.R. 2464: Mr. WELCH of Vermont and Mr. WYNN.
H.R. 2507: Mr. MILLER of Florida.
H.R. 2508: Mr. HELLER.
H.R. 2511: Mr. TOWNS.
H.R. 2668: Ms. SUTTON.
H.R. 2711: Mr. TOWNS.
H.R. 2744: Mr. PETERSON of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. REICHERT, Mr. ENGEL, and Mr. PLATTS.
H.R. 2762: Mr. STUPAK, Mr. HOEKSTRA, Mr. TANCREDO, Mr. KIND, and Mr. WALBERG.
H.R. 2922: Mr. PAUL.
H.R. 2941: Ms. SHEA-PORTER.
H.R. 3010: Mr. SHERMAN, Ms. LEE, and Mr. JACKSON of Illinois.
H.R. 3021: Ms. HOOLEY.
H.R. 3042: Ms. SCHAKOWSKY.
H.R. 3109: Mr. HELLER, Mr. WALBERG, Mr. PITTS, and Mr. HASTINGS of Washington.
H.R. 3140: Mr. WITTMAN of Virginia and Mr. GRIJALVA.
H.R. 3145: Mr. HELLER.
H.R. 3175: Ms. ZOE LOFGREN of California and Mr. HINCHEY.
H.R. 3192: Mr. JEFFERSON.
H.R. 3359: Mr. CRENSHAW.
H.R. 3457: Mr. BOEHNER and Mr. TIBERI.
H.R. 3598: Ms. SHEA-PORTER.
H.R. 3609: Mr. SHAYS.

H.R. 3643: Mr. TOWNS, Ms. BALDWIN, Mr. SESTAK, Mr. ENGEL, Mr. ROTHMAN, Mrs. CAPPS, Mr. GENE GREEN of Texas, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Mr. WAXMAN, and Ms. DEGETTE.

H.R. 3646: Mr. MILLER of North Carolina.

H.R. 3769: Mr. TANCREDO and Mr. LAMBORN.

H.R. 3820: Mr. LIPINSKI and Mr. GONZALEZ.

H.R. 3852: Mr. JEFFERSON.

H.R. 3916: Mr. MCNERNEY.

H.R. 3934: Mr. SHAYS and Mr. KELLER.

H.R. 4061: Mr. DEAL of Georgia and Mr. WALBERG.

H.R. 4088: Mr. HELLER.

H.R. 4093: Mr. COHEN.

H.R. 4133: Mrs. BACHMANN.

H.R. 4188: Mr. PAYNE.

H.R. 4236: Mr. FRANK of Massachusetts.

H.R. 4244: Mr. GRIJALVA.

H.R. 4247: Mr. GORDON.

H.R. 4544: Mr. PORTER.

H.R. 4775: Mr. GRIJALVA.

H.R. 4790: Mr. RUSH.

H.R. 4930: Mr. PLATTS, Mr. ROGERS of Alabama, Mr. HONDA, Mr. PORTER, and Mr. BACHUS.

H.R. 5057: Mr. SHIMKUS and Ms. HERSETH SANDLIN.

H.R. 5087: Mr. ELLSWORTH.

H.R. 5109: Mr. CONAWAY and Mr. SMITH of Texas.

H.R. 5110: Mr. SHULER, Mr. DOGGETT, and Mr. SKELTON.

H.R. 5126: Mr. SOUDER.

H.R. 5131: Mr. PLATTS, Mr. JONES of North Carolina, Mr. STEARNS, Mr. ROHRABACHER, and Mr. MCCOTTER.

H.R. 5157: Mr. FATTAH.

H.R. 5160: Mr. ALLEN.

H.R. 5161: Ms. MATSUI.

H.R. 5167: Mr. MCGOVERN.

H.R. 5173: Mrs. GILLIBRAND and Mr. MCHUGH.

H.R. 5229: Ms. DEGETTE.

H.R. 5241: Mr. SALAZAR.

H.R. 5267: Mr. JONES of North Carolina, Mr. AKIN, Mr. DAVID DAVIS of Tennessee, and Mr WEINER.

H.R. 5351: Mr. LIPINSKI.

H.R. 5425: Mr. PAUL, Mr. FOSSELLA, Mr. ORTIZ, Mr. BISHOP of New York, Mrs. DRAKE, and Mr. KING of New York.

H.R. 5440: Mr. WOLF and Mr. BOUSTANY.

H.R. 5445, Mr. SESSIONS.

H.R. 5449: Ms. SHEA-PORTER and Mr. NADLER.

H.R. 5452: Mr. GILCHREST and Mr. WAXMAN.

H.R. 5454: Mr. KUHL of New York, Mr. PAUL, Mr. MCINTYRE, and Mr. ENGLISH of Pennsylvania.

H.R. 5461: Ms. DEGETTE, Ms. JACKSON-LEE of Texas, Mr. HARE, and Mr. MCGOVERN.

H.J. Res. 12: Mr. WALBERG.

H. Con. Res. 195: Mr. WOLF.

H. Con. Res. 255: Mr. ELLSWORTH and Mr. FORTUÑO.

H. Res. 111: Ms. JACKSON-LEE of Texas.

H. Res. 248: Ms. DEGETTE and Mr. GERLACH.

H. Res. 282: Mrs. EMERSON.

H. Res. 356: Mr. THOMPSON of California.

H. Res. 638: Mr. PENCE and Mr. SHAYS.

H. Res. 784: Mr. JONES of North Carolina.

H. Res. 820: Ms. JACKSON-LEE of Texas.

H. Res. 829: Mr. MORAN of Kansas.

H. Res. 892: Mr. RANGEL, Ms. HOOLEY, Mr. HOLDEN, Mr. YOUNG of Alaska, Mr. WALBERG, and Mr. CLAY.

H. Res. 911: Mr. BLUMENAUER, Mr. HINOJOSA, Mr. COHEN, and Mr. ALLEN.

H. Res. 924: Mr. DAVIS of Illinois.

H. Res. 935: Ms. DELAURO.

H. Res. 936: Ms. DELAURO.

H. Res. 948: Mr. CLEAVER.

H. Res. 951: Mr. HASTINGS of Washington, Ms. SCHWARTZ, Ms. CASTOR, Mr. MARSHALL, Ms. BEAN, Mr. BACHUS, Mr. SMITH of Nebraska, Mr. WEINER, and Mr. STUPAK.

H. Res. 953: Mrs. CAPITO, Mr. ANDREWS, Mr. SESTAK, Mr. JONES of North Carolina, Mr. DAVIS of Kentucky, Mr. MCKEON, and Mr. MARSHALL.

H. Res. 958: Mr. GARY G. MILLER of California and Mr. JONES of North Carolina.

H. Res. 985: Mr. KING of New York, Mr. BRADY of Pennsylvania, and Mr. FERGUSON.

H. Res. 988: Mrs. MYRICK, Ms. SCHAKOWSKY, and Mr. COOPER.

# SENATE—*Tuesday, February 26, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of perfect goodness, give us today a vision of You that we might be renewed by Your forgiving love and challenged by Your righteousness.

Inspire the Members of this body with Your presence. Give them such confidence in Your providential leading that they will find rest from their burdens. Let peace reign in their hearts, thoughts, and conversations, as You order their steps and direct their paths.

Sovereign God, You know better than we what is best for us and our world; so use us today for Your glory. We pray in the Redeemer's Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 26, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## MEASURES PLACED ON THE CALENDAR—S. 2663, S. 2664, AND S. 2665

Mr. REID. Mr. President, I believe there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2663) to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

A bill (S. 2664) to extend the provisions of the Protect America Act of 2007.

A bill (S. 2665) to extend the provisions of the Protect America Act of 2007 until July 1, 2009.

Mr. REID. I object, Mr. President, to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following my remarks and those of my colleague, Senator McCONNELL, the Senate will resume consideration of S. 1200, the Indian Health Care Improvement Act. We will have a series of probably only four votes, and those votes should start momentarily.

Following our caucus luncheons, there are three cloture votes with which we have to deal. I am going to talk to the distinguished Republican leader, Senator McCONNELL, as to time limits.

I was thinking to myself, Mr. President, as the prayer was being offered by our wonderful Chaplain, Admiral Black, that one thing I could use a little help on is this scheduling. I mean, it is really not funny, even though it is kind of funny. One Senator has to leave at a certain time, one has to be back at a certain time, and another doesn't want us to do anything. So it is hard to make everyone happy, and that is one of my jobs: to try to make everyone happy. Sometimes it is impossible. So I would maybe alert the Chaplain that maybe he should start praying for a little scheduling ease sometime in the near future.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## FEINGOLD AMENDMENTS

Mr. McCONNELL. Mr. President, this afternoon we will indulge in a little bit of nostalgia with another vote on the Feingold bill to cut off funds for our troops in Iraq. I don't know what our friends on the other side expect to accomplish, but if past experience is any guide, we already know the outcome.

Last May, 67 of us voted against the proposal to cut off funds for our troops in the field. Mr. President, 4 months later, 70 Senators—3 more—voted against it the second time. Two weeks after that, 68 Senators voted against it for a third time. And in December, 71 of us—more than three-fourths of the Senate—voted no once again to cutting off funds for troops in the field.

So the outcome of the final vote on the Feingold bill is obvious: The Senate is on record not once but four times that it will not cut off funds while our troops are in the field.

All the more so will we oppose it when the fight in Iraq, by all accounts, is showing clear-cut tactical progress, and now, at last, some important political progress is also apparent over in Iraq.

This bill does give us an opportunity—an opportunity to step back and highlight the remarkable progress that has been made in Iraq since the first time our friends proposed cutting off funds last May. It gives us a chance to highlight why we were wise to reject it even when the outcome in Iraq was unclear, much less now when progress is clearly being made.

Two months ahead of another visit by General Petraeus and Ambassador Crocker, we should acknowledge the heroic sacrifices of our men and women in uniform and the important turnaround they have achieved in Iraq on behalf of the American people. The brave Iraqis who have stood with them also deserve our praise. All of this is in our Nation's long-term security interests.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I will make a statement prior to the Iraq votes, and I will be happy to lay out why we are doing this. We are doing this because the majority of the American people recognize this war in Iraq is costing huge amounts of money. Some are saying now as much as $15 billion a month.

But let's say it is not that much. Let's say it is only the lower figure of $10 billion to $12 billion a month. I met yesterday with the Speaker and all the 28 Democratic Governors, and they are desperate for money to do what their States need in dealing with health care, infrastructure, and fighting crime. They are desperate. Where is the money they need? It is going to Iraq in the sum of about $400 million a day.

So we are going to continue to debate this because the American people know what is taking place, and I will discuss this more fully right before the votes on the two cloture motions that have been filed on the Iraq situation.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate resumes consideration of S. 1200, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 1200) to amend the Indian Health Care Improvement Act to revise and extend that act.

Pending:

Vitter amendment No. 3896 (to amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service.

Dorgan amendment No. 3899, in the nature of a substitute.

Smith amendment No. 3897 (to amendment No. 3899), to modify a provision relating to development of innovative approaches.

Murkowski (for DeMint) amendment No. 4015 (to amendment No. 3899), to authorize the Secretary of Health and Human Services to establish an Indian health savings account demonstration project.

Murkowski (for DeMint) amendment No. 4066 (to amendment No. 3899), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

### AMENDMENT NO. 3896

Mr. DORGAN. Mr. President, I believe by previous unanimous consent the Senate will now consider the Vitter amendment.

The ACTING PRESIDENT pro tempore. The Senator is correct. There are 2 minutes of debate equally divided.

The Senator from Louisiana.

Mr. VITTER. Mr. President, I strongly urge all of my colleagues to support this mainstream amendment. The Vitter amendment codifies the Hyde amendment and simply says in Indian health care no taxpayer funds will be used to support abortions, with the normal exceptions of the Hyde amendment.

Up to now, this has been the practice and the law, but only because the Indian health care law points to whatever the current appropriations language is on the subject in Labor, Health, and Education. And so it is a very tenuous policy that is subject to change and a vote and a change in policy every year.

This amendment will solidify that policy. It will put the Hyde amendment in permanent Federal authorization law with regard to the Indian health care act, just as was done decades ago in the Defense authorization bill. It is a solid mainstream amendment, and I urge support from both sides of the aisle.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this is not a debate about whether Federal dollars should be used for abortion services. Current law already prohibits that. I oppose Federal funding for abortions, and I have supported the Hyde provision. But the Vitter amendment is completely unnecessary.

First of all, we have a provision in the underlying bill that relates to the Hyde provision that applies to all other appropriations bills. But I do want to say this: This is not a mainstream amendment that everybody is clear about. In fact, there is a provision in this amendment on page 2, section B. I don't know what it means, and I don't think Senator VITTER knows what it means. There have been no hearings, no discussion, yet onward through the fog on amendments like this.

The fact is, we ought to have a hearing, but there has been no hearing. I don't understand what section B means, nor does the author, I believe.

Having said all that, again, this is not a debate about whether Federal dollars should be used for abortion services. Current law already prohibits the use of Federal funds for abortion services, and the underlying bill contains a provision that relates to current law and continues the same policy.

The ACTING PRESIDENT pro tempore. All time has expired. The Senator from Louisiana.

Mr. VITTER. I ask unanimous consent for 30 additional seconds.

Mr. DORGAN. I will agree, provided I am allowed 30 additional seconds following Senator VITTER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I do this to ask the distinguished Senator about the provision he is talking about. Maybe we can have a discussion about it rather than him vaguely alluding to it without pointing out the language and claiming nobody knows what it means.

Mr. DORGAN. Well, Mr. President, the appropriate place for that kind of discussion would have been a congressional hearing. That is where you discuss what provisions mean and how they are written.

The provision reads: As to provide or pay any administrative cost of any health benefits coverage that includes coverage of an abortion.

I don't understand what that means with respect to facilities or other issues. There are a series of issues that relate to that. And that is not, incidentally, just codifying the Hyde amendment, as the Senator alleges. This provision doesn't exist with the Hyde amendment. This is something the Senator conceived of and added.

My point is, it ought to be the subject of a hearing. We don't disagree on the issue of Federal funding for abortion. We agree on that. But the Senator has mischaracterized his amendment.

Mr. VITTER. Reclaiming my remaining time, that was language I pointed out to the distinguished Senator 3 weeks ago when I introduced my amendment and we discussed it. So I think it is a little disingenuous to bring it up at this point.

Mr. DORGAN. And, Mr. President, he indicated when he pointed it out to me that this is why it was different than the Hyde amendment, which doesn't point to what he claims today.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. VITTER. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—52

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Casey
Chambliss
Coburn
Cochran
Coleman
Corker
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Landrieu
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Reid
Roberts
Salazar
Sessions
Shelby
Smith
Stevens
Sununu
Thune
Vitter
Voinovich
Wicker

NAYS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Reed
Rockefeller
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—6

Clinton
Cornyn
Dodd
McCain
Obama
Warner

The amendment (No. 3896) was agreed to.

Mr. DORGAN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3897

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate equally divided in relation to amendment No. 3897.

The Senator from Oregon.

Mr. SMITH. Mr. President, 8 years ago, Congress asked the Indian Health Service and the tribes to revise a failed system for allocating facilities funding. The compromise they reached may amount to nothing without this amendment. That is why I feel so strongly about it. It is not only about one region or group of regions; this amendment is about holding true the government-to-government relationship the United States holds with all tribes. I ask my colleagues to support the amendment to ensure that all Native Americans receive the health care they need and deserve.

Members should know it is unlikely that Native Americans in their States are receiving construction funding for Indian Health Service facilities. All this does is say to the Indian Health Service: Come up with a formula that is fair. Otherwise, your State, the tribes you represent, will receive nothing.

Mr. BINGAMAN. Mr. President, I rise in opposition to Senator SMITH's amendment, No. 3897, to the Indian Health Care Improvement Act, S. 1200, and urge my fellow Senators to vote against this amendment.

This amendment would expressly authorize the Secretary of Health and Human Services, HHS, to utilize a new "area distribution fund" methodology to allocate Indian Health Service, IHS, health care facilities construction, HCFC, funding.

This approach could result in critical projects that are on the current IHS HCFC priority list from receiving funding. These projects have been waiting for many years, and in some cases decades, to receive funding. Furthermore, section 301 of the underlying bill, which the Smith amendment would amend, represents the results of hours of bipartisan negotiations on this issue throughout the last 2 years. While I understand Senator SMITH's desire to provide a possible avenue for his tribes to receive funding, this amendment would undo the very delicate compromise that was reached in the underlying bill.

According to the IHS staff briefings, the entire concept of an area distribution fund does not guarantee that all IHS service areas receive HCFC funding; instead, it creates a new criterion that must be used to determine IHS HCFC funding priorities. The current criteria utilized by IHS are focused on directing funding to the IHS areas in most need, where IHS patients are most isolated and least likely to have access to care. This geographic criterion does not represent good policy but simply an attempt to spread the very paltry funding provided for IHS HCFC projects even more thinly based on location instead of need. Instead of playing games with the distribution formula, we in Congress should be working to ensure that there is adequate funding for IHS HCFC projects so that the current backlog is addressed and new projects from throughout the country may be added.

I note that Navajo Nation also strongly opposes this amendment. The following discussion provides a summary of their concerns.

I. CONGRESS SHOULD LEAVE THE CURRENT LANGUAGE OF SECTION 301 AS CONTAINED WITHIN H.R. 1328 AND S. 1200 UNCHANGED

The current language of section 301 "grandfathers" in those health facility projects that have completed phase one and two of the current health care facilities construction priority system, and places them on the construction priority list upon enactment of the Indian Health Care Improvement Act.

The following projects have completed phase one and two of the current health facilities construction funding process: Winslow Dilkon, AZ, Pueblo Pintado, NM, Bodaway-Coppermine, AZ, Gallup Indian Medical Center, NM, Alamo, NM, Albuquerque, NM, Ft. Yuma, AZ, Rapid City, SD, Sells, AZ, Crown Point, NM, and Shiprock, NM. These projects should not be penalized for following the rules by eliminating the old process and instituting a new ill-defined funding system.

II. A LACK OF CONGRESSIONAL FUNDING CREATED CONTROVERSY OVER DISBURSEMENT OF HEALTH FACILITIES CONSTRUCTION DOLLARS

According to the Conference Report for H.R. 2466, the fiscal year 2000 Interior appropriations bill, the managers recognized the need for a "base funding amount" for facilities: "Given the extreme need for new and replacement hospitals and clinics, there should be a base funding amount, which serves as a minimum annual amount in the budget request." Unfortunately, the managers' intent was never fulfilled, and funding levels have dropped consistently for several years. Congressional funding for health care facilities construction has decreased from a high of $134,300,000 in fiscal year 1993 to $13 million in fiscal year 2007.

Given the limited amount of funding, tribes are now competing over an ever-decreasing pool of money for tribal health facilities.

III. THE CURRENT SYSTEM RIGHTLY HONORS FUNDING FACILITIES BASED UPON A VOLUME OF SERVICES

Most of the health facility projects on the current priority list have been in the planning process for 20 to 30 years. These projects have done all that is asked of them including adapting to any new requirements imposed on them midway through the planning process.

The current health facilities construction priority system prioritizes projects based on several relevant factors such as volume of services provided; square footage needs; size; age; condition of existing facilities; demographics; population density; isolation; and distance to inpatient, outpatient, and alternative facilities.

The current priority system favors providing health facility construction dollars to those facilities that will provide a large volume of services over 10 years. For example, if a facility will serve 90,000 patient visits a year, calculated over 10 years, then this amount would total 900,000 patient visits in a 10 year period. The current system favors providing a volume of services that provides the most access to health care by the largest pool of people and need.

On the other hand, any system that distributes funding based upon equal distribution among the Indian health care regions could not provide a sufficient volume of services because some regions have larger native populations with less access to health care than others. In other words, fewer people would be provided health care by more facilities.

Keeping the current priority system would provide certainty and reinforce the work put into developing existing health facility projects.

IV. DO NOT AUTHORIZE A VAGUE CONCEPT

There is currently no consensus as to the meaning or impact of an area distribution fund. In fact, the Federal Appropriation Advisory Board, the workgroup created by the IHS to evaluate various facilities construction funding schemes, did not define the area distribution fund. It is at best only a concept without a set methodology, structure, or any idea of what effects such a change may have on the current funding system. Randall Gardner, Acting Director of the IHS Office of Environmental Health and Engineering, OHE, has referred to the area distribution fund as only a concept in need of further evaluation. It would be the height of irresponsibility for Congress to replace a known system with the uncertainty of a concept without further investigation.

V. THE ISSUE IS ABOUT ACCESS TO HEALTH CARE AND NOT WHETHER TO BUILD ANOTHER HOSPITAL

Some groups have argued that their IHS service areas have not received much needed health facility funding. However, the statistics, when weighed against isolated areas like Sells and the Navajo Nation, do not support the need for another hospital in, for example, the Portland, California, Bemidji, or Nashville service areas. According to the IHS, the Portland area has 218 hospitals providing health services to 157,000 tribal members.

The California, Bemidji, and Nashville areas are similarly situated with respect to health care. In fiscal year 2001, California tribal health programs had 119,362 registered users with 69,238 active users served by 438 hospitals. The Bemidji area comprising Wisconsin, Minnesota, and Michigan, is made up of 34 tribes with 90,000 individual patients served by 494 hospitals. Finally, the Nashville area, which is the largest service area, has a native population of 45,000 Indian people with access to over 1,000 hospitals.

However, the Navajo Nation area, which is as large as West Virginia, has 238,515 users living on, or near, the reservation with access to only 6 hospitals. That is 1 hospital for every 39,753 users. The need for more health care facilities within the Navajo Nation area is clear.

Further, IHS statistics show that while the Portland, California, Bemidji, or Nashville service areas have not received any health facility construction dollars, the native people in these areas have always had access to superior health care. All Native Americans living within IHS areas also do not receive health facility dollars receive contract health care dollars that cover expenses incurred at non-IHS facilities.

The current priority system rewards basic health care access over building redundant hospitals in areas with many non-IHS facilities that can provide much needed health care services. Building another hospital in the Portland, California, Bemidji, or Nashville service areas when the Navajo Nation and other IHS area have significant unmet needs is redundant and inefficient use of federal funds.

### VI. CONCLUSION

The current HCFC system now provides funding to ensure that large populations without access to nearby hospitals receive health care facilities funding. The area distribution fund concept has yet to be established with any certainty as to its meaning or impact. A new ill-defined system should not replace the existing priority system without some study. Authorizing such a concept without investigating thoroughly the overall effect of such a dramatic change to how IHS health care facilities funded would be irresponsible.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I share the frustration of the Senator from Oregon, but I must oppose the amendment. We have a backlog of $3 billion in facilities. If the Secretary chooses to establish what is an area distribution fund, moneys would be taken from the priority list. Many of the tribes on that list have waited a long time for funding for facilities. If the Secretary begins to take money from that priority list and does an area-wide distribution, it would be a serious problem. I want to work with the Senator from Oregon. We desperately need new and improved facilities. We need more money addressed to that. He is raising the right question. I happen to believe it is the wrong answer. I regretfully will vote against it.

Mr. SMITH. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3897. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 38, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—56

Akaka
Alexander
Bennett
Biden
Bond
Boxer
Brownback
Byrd
Cantwell
Casey
Chambliss
Cochran
Coleman
Collins
Corker
Craig
Crapo
Dole
Durbin
Ensign
Feingold
Feinstein
Gregg
Hatch
Hutchison
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Levin
Lincoln
Lugar
McConnell
Menendez
Murkowski
Murray
Pryor
Reed
Reid
Roberts
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Vitter
Voinovich
Whitehouse
Wicker
Wyden

NAYS—38

Allard
Barrasso
Baucus
Bayh
Bingaman
Brown
Bunning
Burr
Cardin
Carper
Coburn
Conrad
DeMint
Domenici
Dorgan
Enzi
Graham
Grassley
Hagel
Harkin
Inhofe
Inouye
Johnson
Kyl
Leahy
Lieberman
Martinez
McCaskill
Mikulski
Nelson (FL)
Nelson (NE)
Rockefeller
Salazar
Sanders
Sessions
Tester
Thune
Webb

NOT VOTING—6

Clinton
Cornyn
Dodd
McCain
Obama
Warner

The amendment (No. 3897) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 4015 WITHDRAWN

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate in regard to amendment No. 4015.

Mr. DORGAN. Mr. President, we have reached agreement, and I ask unanimous consent that amendment No. 4015 be withdrawn.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### AMENDMENT NO. 4066

Mr. DORGAN. Mr. President, we have also been in discussions with Senator DEMINT, and we are prepared—and I believe it has been agreed to on both sides—to accept amendment No. 4066 without debate. I ask unanimous consent that the amendment be adopted.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4066) was agreed to.

Mr. CONRAD. Mr. President, I want to join my colleagues in strong support of the Indian Health Care Improvement Act. Today has been a long time in coming. I want to particularly recognize the work of my friend Senator DORGAN, the chairman of the Indian Affairs Committee. We would not be here today without his dedication and persistence.

In 2004, the U.S. Commission on Civil Rights issued a report on the Native American health care system. One item in the report struck a very somber note with me. The report notes that as early as 1926 the adequacy of the delivery of health care to Native American was formally questioned by the government. In response, a report was issued 2 years later that sparked a host of statements by the Federal Government that the health status of Native Americans was "intolerable."

Unfortunately, the Commission notes that much of the 1928 report remains true today. It is indeed sad that in the 21st century Native Americans still do not have the access to and quality of health care to which they are entitled.

As my colleague from North Dakota has so poignantly illustrated time and time again, there is a health care crisis in Indian country. Native Americans are 200 percent more likely to die from diabetes, 500 percent more likely to die from tuberculosis, 550 percent more likely to die from alcoholism, and 150 percent more likely to die from accidents. Suicide is the second-leading cause of death for Native American adolescents, 2½ times the national average. Native Americans have a life expectancy nearly 6 years less than the rest of the U.S. population.

That is unacceptable. And it is why it is so important that we pass the reauthorization of the Indian Health Care Improvement Act.

More than 1.8 million Native Americans and Alaska Natives rely on the Indian Health Service for health care. Since the act was first authorized in 1976, the ways in which health care is delivered in this country have changed enormously. The bill before us helps meet the contemporary needs of Indian country.

I believe that the inability of many Indian people to receive preventive and nonemergency care is one of the reasons why there are such significant health disparities that exist between Native Americans and the rest of the U.S. population. In North Dakota, when the IHS clinic closes at 5 p.m. on the weekdays and is closed on the weekends, many go without care. I am pleased the bill before us addresses this challenge by establishing grants for demonstration projects including a convenient care services program to expand the availability of health care. It also has a renewed emphasis on disease prevention and health promotion.

The bill also takes important steps to provide training and incentives to increase the number of health care professionals in Indian country, especially Native health care professionals who understand the unique conditions facing their own communities and can provide care with greater cultural awareness. At the University of North Dakota, three programs authorized by the Indian Health Care Improvement Act—the Quentin N. Burdick Indians Into Medicine, Indians Into Nursing, and Indians Into Psychology Programs—are recruiting increasing numbers of Native Americans into medical professional programs. Graduates of these programs are making a real difference throughout Indian country, and I am pleased these successful programs are continued in the bill.

It also includes much needed provisions to address the youth suicide crisis that exists throughout Indian country by authorizing grants to deliver more counseling and suicide prevention services to tribal communities.

Finally, I am pleased my amendment to increase the use of video service delivery to assist in the outreach and enrollment of individual Indians in Medicare and Medicaid was incorporated into the managers' amendment. Remote video access to government services has all the benefits of face-to-face communication, without the costs and difficulties associated with traveling long distances from rural and remote reservations. To date, video service delivery has allowed for more than 300 completed applications for benefits, more than double what would be expected through conventional delivery methods. My amendment will allow for the expansion of this successful effort to other reservations across the country.

We have been working on reauthorization of the Indian Health Care Improvement Act for a number of years. I think Native Americans have waited long enough and it is time we deliver them this bill which begins to reverse the disparate health disparities that exist.

I do not expect that we will be able to solve all of the health care challenges that exist in Indian country with this one bill, but I expect that we will be able to make substantial progress in addressing some of the most pressing needs and creating a stronger system for the future.

Again, I want to recognize the extraordinary work of Senator DORGAN in delivering a truly bipartisan bill that meets the urgent health care needs of Native Americans in North Dakota and across the country. I urge my colleagues to support this bill.

Mr. LEVIN. Mr. President, today the Senate will pass the Indian Health Care Improvement Act of 2008. This bill would reauthorize and modernize the Indian Health Care Improvement Act which funds and authorizes health care services and programs to Native American Indians and Alaska Natives and reaffirms our commitment to ensuring that we meet our treaty and legal obligation to provide these communities with access to quality health care.

Reauthorizing the Indian Health Care Improvement Act has been long overdue. The last time the Congress reauthorized the Indian Health Care Improvement Act was in 1992, and this act has been up for reauthorization since 2001. The Indian Health Service has not been updated for far too long. As health care evolves and improves programs must be modernized to reflect new advances in the health care system. The Indian Health Care Improvement Act has not been modernized since 1992, 16 years ago, and is falling behind. We have a trust responsibility to provide health care to Native American Indians and Alaska Natives. We have not met that responsibility.

The disparities that exist between Indian communities and other Americans are overwhelming. The life expectancy for Indians is almost 6 years less than the rest of this country's population and the suicide rate is 2.5 times higher than the national average. Death due to alcoholism or tuberculosis is more than 600 percent more likely; and, Indians are 318 percent more likely to die from diabetes. These statistics are unacceptable and we need to continue to ensure that we close the gap.

The passage of this bill brings us one step closer to ensuring that the Indian Health Service is adequately funded and that programs to address the health care needs of these communities are available.

Mr. FEINGOLD. Mr. President, I am pleased to support final passage of the Indian Health Care Improvement Act Amendments of 2007. This bill is long overdue, and I hope that House works expediently to move this bill forward so that we can get this bill to the President and signed into law.

Throughout the Senate's work on this bill, I have been impressed with the bipartisan work that Senator DORGAN and the Senate Indian Affairs Committee have put into moving this bill forward. It was not any easy process, but I commend the committee for its ongoing dedication to significant consultation with Indian Country in drafting this bill and seeing it through to completion.

There are significant unmet needs in Indian Country throughout this Nation, and addressing the unmet health care needs ranks as one of the most significant problems that we must address. The Federal Government has a longstanding and well-established trust responsibility with regard to American Indian affairs, and this trust responsibility extends to providing good health care to communities throughout Indian Country.

For too long, the Federal Government has not lived up to its Federal trust responsibility commitments, but I hope that passage of this legislation will set the Federal Government on a course toward better supporting the needs of our American Indian communities, whether they be health care, education, or housing needs. While this bill is a vital step in the right direction, we need to follow through with fiscally responsible increased funding for the important programs authorized in this legislation.

This bill has the support of tribal governments throughout the United States, including the 11 tribes in my State of Wisconsin. I have heard from a number of constituents in Wisconsin about the need to pass this bill this year. The improvements that the legislation will make to various Indian Health Service programs including clinical programs on the various reservations throughout the State and urban Indian programs in Milwaukee and Green Bay are significant, and it is my hope that this bill will help improve the quality of health care provided to American Indians living throughout Wisconsin.

Health care is consistently the No. 1 issue that I hear about all over my home State of Wisconsin. When I hold my annual townhall meetings across the State, many people come to tell me about problems with our overall health care system, and data shows us that these problems are often most acutely felt in Indian Country. Lack of access to good health care is a problem that disproportionately affects American Indians throughout the United States. According to recent studies, American Indians and Alaska Natives are 200 percent more likely to die from diabetes, more than 500 percent more likely to die from alcoholism, and approximately 500 percent more likely to die from tuberculosis.

Some may doubt whether this legislation is needed or whether it will really help improve the lives of Americans. The staggering statistics that highlight the health care disparities faced by American Indians show just how imperative it is that we pass this legislation, which is long overdue. These statistics also help illustrate the vast amount of work that remains to be done to improve the quality of health care in American Indian communities beyond passage of this legislation. Nevertheless, this bill takes an important first step toward addressing these health care disparities through the many reforms it makes to Indian health care programs. For example, modernizing Indian Health Services programs through this legislation will help to address the diabetes and suicide crises that exist on reservations—just two examples of the many health care issues that impact the daily lives of American Indians across the country.

Reauthorization of this bill will help encourage health care providers to practice at facilities in Indian Country and encourage American Indians to enter the health care profession and serve their communities. Recruiting talented and dedicated professionals to serve in IHS facilities, whether urban or rural, is a key challenge facing many tribal communities in Wisconsin and around the country. I hope these provisions will help bring additional dedicated doctors, nurses, and other health care professionals to our tribal populations.

This bill also reauthorizes programs that assist urban Indian organizations with providing health care to American Indians living in urban centers around the country. The Urban Indian Health Program represents a tiny fraction of the Indian Health Services budget, but the small amount of resources given to the urban programs provides critical health services to those Indians living in urban areas. Contrary to what some people may think, the majority of American Indians now live in urban areas around the country, including two urban areas in my State—Milwaukee and Green Bay. Throughout our Nation's history, some American Indians came to urban centers voluntarily, but many were forcibly sent to urban areas as a result of wrongheaded Federal Indian policy in the 1950s and 1960s and have since stayed in urban areas and planted roots in these communities.

As a result of this movement to urban centers, Congress created the urban Indian program in the late 1970s to address the growing urban Indian population around the country. The Federal Government's responsibility to American Indians does not end simply because some American Indians left their ancestral lands and moved to urban locations—particularly when some of them had little choice in the matter.

While this legislation takes important steps toward improving urban Indian health care programs, we need to do much more to support these urban programs, including fighting for increased appropriations. I have been disappointed that the President has proposed zeroing out the urban Indian program in past budgets, and unfortunately, the President's budget request for fiscal year 2009 is no different. As in years past, I have joined with my colleagues to urge the Senate to restore funding for urban Indian programs to the Federal budget for fiscal year 2009, and I hope this year the Senate can also provide a much-needed boost in funding for the urban Indian programs.

I voted for an amendment offered by Senators SMITH and CANTWELL that would permit, but not require, the Secretary of HHS to create an area distribution fund to allocate funding resources for IHS facilities construction to all 12 of the IHS service areas. I have heard a lot of concern from tribes in my State of Wisconsin about the way that construction facility funds are allocated and the fact that certain IHS service areas, including the Bemidji region covering Wisconsin, do not fare well under the current system. I recognize that there needs to be an overall boost in the appropriations for IHS facilities construction to help tribes currently on the construction priority list as well as those tribes that cannot even get on the current list, and I look forward to supporting fiscally responsible efforts to boost funding for various IHS programs, including this one. But in the meantime, we should explore opportunities to address innovative solutions to this problem, and this amendment takes a reasonable approach to addressing this problem. Any efforts to create an area distribution fund should involve significant consultation with tribes throughout Indian Country, and I am pleased this amendment makes clear that such consultation would be required.

I also voted for amendment 4032, offered by the Senator from Oklahoma, because it is critically important that sexual assault victims be able to find out whether they have been exposed to HIV. However, I am concerned about the way that the amendment was drafted. If there is a conference on this bill, I would urge conferees to consider making this provision consistent with the existing provision governing the testing of defendants in Federal cases, 42 U.S.C. section 14011, or at a minimum to clarify how it would relate to that law. I also would urge them to ensure that the new provision complies fully with the requirements of the fourth amendment.

Mr. President, Indian Country has made many compromises in order to move this bill forward, and passage of this bill is long overdue. The Senate's actions today mark an enormous victory for Indian Country, and I hope that the House will quickly take this bill up so that we can get this bill signed into law by the President this year.

This bill takes concrete and positive steps toward addressing some of the health care needs facing American Indian communities around the country, and I look forward to working with my colleagues to build on this legislation in the coming months and years. Challenges facing American Indians throughout the United States extend beyond health care issues into issues of improving economic development, educational opportunities, and affordable and safe housing opportunities, and I hope we can continue to work together in a bipartisan way to pass other important measures this year. Together, tribal nations throughout all our States can work closely with the Federal Government to address the vast array of these unmet needs. Passage of the Indian Health Care Improvement Act Amendments of 2007 today provides an important foundation going forward, and it is up to all of us to see that this foundation is strengthened in the coming months and years.

Mr. DORGAN. Mr. President, I wish to take a few minutes to talk about the vote we had earlier today on an amendment offered by Senator VITTER to the Indian Health Care Improvement Act. Senator VITTER described his amendment, which was adopted by the Senate, as codifying a longstanding policy that prohibits Federal funds from being used to pay for abortions.

I agree that Federal funding should not be used to pay for abortions. I have always supported the existing funding prohibition known as the Hyde amendment that has been added in the appropriations process every year since 1976.

That being said, I opposed Senator VITTER's amendment because the amendment would only codify the Hyde amendment with respect to the Indian Health Service. I think we should apply the same standard to all Federal health programs and not set up a separate standard that only applies in Indian Country.

Mr. DORGAN. Mr. President, the next vote will be a vote on final passage. I will take just 30 seconds.

I do want to say that Senator MURKOWSKI has helped get us to this point in a very significant way. As to Senators BAUCUS, GRASSLEY, KENNEDY, ENZI, KYL—and especially Senator REID, who allowed us to spend time on the floor on this bill—and the 31 cosponsors of the legislation, I thank all of them.

I thank Allison Binney, the majority staff director, and David Mullon, the minority staff director, and the really talented group of staff members who worked very hard on this legislation. I say a hearty thank-you to them.

Mr. President, I ask unanimous consent that a list of all their names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*Indian Affairs (Democratic staff)*

Allison Binney (Staff Director), Ted Charlton, Cindy Darcy, Heidi Frechette, John Harte, Tracy Hartzler-Toon, David Holland, Jerci Powell (intern), Eamon Walsh, Rollie Wilson.

*Indian Affairs (Republican staff)*

David Mullon (Staff Director), Megan Alvanna-Stimpfle, Jim Hall, Rhonda Harjo, Gerald Moses, Jonathan Murphy.

*Finance Committee (Senator Baucus' staff)*

Catherine Dratz, Michelle Easton, Deidre Henry-Spires, Richard Litsey, David Schwartz, Russ Sullivan.

*Finance Committee (Senator Grassley's staff)*

Becky Schipp, Rodney Whitlock.

*Democratic Policy Committee (DPC)*

Kory Caro, Liz Engel, Ryan Mulvenon.

*HELP Committee (Senator Kennedy's staff)*

David Bowen, Caya Lewis, Lauren McFarran, Peter Romer-Friedman, Tanchia Terry, Portia Wu.

*HELP Committee Staff (Senator Enzi's staff)*

Greg Dean, Shana Christup, Katherine McGuire, Randy Reid (Senator Enzi's Legislative Director), Amy Shank.

*Senator Reid's Leadership staff*

Carolyn Gluck, Kate Leone, Darrel Thompson, Marcela Zamora.

*Senator Kyl's staff*

Jennifer Romans.

Mr. DORGAN. It has been 8 years now that we should have advanced this legislation to improve Indian health care, and after 8 long years we finally have it done—at least through the Senate after this final passage vote. I say thanks to all of my colleagues for their patience and also their help.

I yield the floor to Senator MURKOWSKI.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I, too, want to thank so many who have done so much to advance this legislation. Very rarely do we see an opportunity for Indian bills of any nature to receive floor time, so I want to thank all our colleagues to be able to debate this very important issue with them.

I thank especially Chairman DORGAN for his leadership on this legislation. He has mentioned so many who have participated throughout the years, including the staffs, but we also need to recognize the leadership of the former chairman, Senator Ben Nighthorse Campbell, and, of course, Senator MCCAIN, Senator DORGAN, Senator INOUYE—so many who have done so much.

I also want to acknowledge the National Tribal Steering Committee for their efforts—great tribal leaders coming together to advance this very important legislation.

I have a long list of thank-yous, but truly it has been a great effort, and we appreciate the leadership on both sides in advancing this legislation.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, the one thing both of these Senators did not mention is the wonderful work they have done. The chairman and ranking member of the Indian Affairs Committee were able to reach out to Members on both sides of the aisle. This is truly a bipartisan piece of legislation. Is it everything we wanted? Is it everything they wanted? No. But it is a good piece of legislation. For the Indians around America today, it is a really bright day. So I appreciate the good work of Senators DORGAN and MURKOWSKI, who have done very good work.

Mr. President, I am happy to yield to my friend.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, let me add my congratulations to Senator DORGAN and particularly Senator MURKOWSKI for their excellent work in putting together this very important piece of legislation. I commend them both for outstanding work.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the previous order, the Senate recess from 12:30 to 2:25 p.m. for the weekly caucus lunches; that at 2:25 p.m. the Senate begin the 20 minutes of debate prior to a vote on the motion to invoke cloture on the motion to proceed to S. 2633 as provided under the previous order, with all other provisions of the previous order remaining in effect; further, that if cloture is not invoked, the next rollcall vote on the motion to invoke cloture on the motion to proceed to S. 2634 occur at 4 p.m, with the Senate in a period of morning business until 4 p.m., with the time equally divided and Senators permitted to speak up to 10 minutes each.

So, Mr. President, because of problems that sometimes come here with scheduling, we are going to bifurcate, but it will only be for about 50 minutes. We will have about 50 minutes of morning business until the vote at 4 o'clock. I appreciate everyone's cooperation.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Under the previous order, the Dorgan substitute amendment, as amended, is agreed to.

The amendment (No. 3899), as amended, was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. LIEBERMAN) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 10, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—83

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Voinovich
Webb
Whitehouse
Wicker
Wyden

NAYS—10

Allard
Coburn
Corker
DeMint
Graham
Gregg
Inhofe
Sessions
Sununu
Vitter

NOT VOTING—7

Clinton
Cornyn
Dodd
Lieberman
McCain
Obama
Warner

The bill (S. 1200), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. DORGAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, the Senate has taken an important step today by passing S. 1200, the Indian Health Care Improvement Act Amendments of 2007.

I am now pleased to join the other 30 cosponsors of this legislation in sending it to the House for their consideration.

When signed into law, this legislation will:

increase and improve recruitment and retention programs for Indian health professionals;

improve communicable and infectious disease monitoring and provide for more research on issues unique to those living on reservations;

improve and expand diabetes screening and treatment programs;

expand programs to prevent domestic violence, sexual abuse, and substance abuse, in Native American communities;

incorporate and encourage the use of technology in delivering health care services and providing treatment, which is so important to our rural Indian communities;

and encourage States to increase outreach to Indians to help them to enroll in Medicaid and SCHIP programs.

This legislation is supported by a broad, bipartisan coalition, those in Indian Country, and many organizations that advocate for eliminating disparities in health care.

I would like to take this opportunity to acknowledge the support and leadership of particular Senators and their staffs.

The bill managers have been strong and articulate advocates for the bill, and shown great flexibility.

I commend Senator DORGAN and his staff, particularly Allison Binney, Cindy Darcy, Heidi Frechette and Ben Klein.

I commend Senator MURKOWSKI and her staff, including David Mullon and Nathan Bergerbest.

I commend Senator BAUCUS, and his staff, particularly David Schwartz and Richard Litsey; and Senator GRASSLEY and his staff, including Rodney Whitlock, who have insisted on improvements in the administration of Indian health programs.

I commend Senator KENNEDY and his staff, particularly Caya Lewis, and Senator MIKE ENZI and his staff, including Randi Reid, Shana Christrup, Greg Dean and Amy Shank, who helped us negotiate many difficult issues.

On my staff and part of the Democratic leadership team, I commend Kate Leone, Carolyn Gluck; Kory Vargas Caro, Elizabeth Engel, and Ryan Mulvenon.

I want to say a special word of thanks to Tracy Hartzler-Toon, who has worked tirelessly for over a year to help make today possible.

She has served me, the Indian Affairs Committee, and the Senate very well. And most importantly, she has served the residents of Indian Country exceedingly well.

I also thank my colleagues, the Republican leader, Senator MCCONNELL, and his health policy advisor, Megan Hauck, and Senator JON KYL, and particularly Jennifer Romans, for their agreement and commitment to see that this bill finally received its due consideration.

Lastly, I want to acknowledge the support of the late Senator Craig Thomas of Wyoming. Before he passed away last year, his leadership on the Indian Affairs Committee was helpful in bringing the Senate to this moment.

With the help of so many, both in the Capitol and around the country, we have taken an important step toward providing Indian Country some of the health care services that many in the rest of this Nation have enjoyed for years.

I urge the House to take quick action on H.R. 1328, the companion bill to what we passed today, so we can get this important legislation to the President's desk and make these services a reality.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I wish to say a few words about this vote, and then I am going to ask unanimous consent that Senator MURKOWSKI be recognized, then Senator ENZI, Senator FEINGOLD, and Senator BOXER. I believe Senator ENZI is going to ask for 10 minutes, Senator FEINGOLD 20 minutes, and Senator BOXER 15 minutes. I ask by unanimous consent that be the order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I will take a couple of additional minutes to say how pleased and proud I am that we have passed by a very wide margin the first improvement in Indian health care since 1992. These, after all, are the first Americans. They were here first. We signed treaties with them, we took their land, we put them on reservations, made promises, and we have a trust responsibility. We said "we promise." The fact is, we have not kept those promises for a long time, especially with respect to Indian health care.

Finally, at long last, this Congress—and thanks to Senator REID and all the folks who allowed this to be on the floor of the Senate for the time that it was—we finally have made some progress, the first time since 1992 that we have reauthorized the Indian Health Care Improvement Act. This is a big deal. This will save lives. We have more steps to take. The House has a bill with which it has to deal. It will, and we will be in conference, and finally we will be able to have a bill before the President of the United States for his signature in this year.

I have spoken at length. I know people are tired of hearing me. The Presiding Officer is from Montana. He and I held a hearing on the Crow Indian Reservation in Montana. We heard an earful about Indian health. I have held listening sessions around the country in different States with Indian tribes. I cannot tell you the number of stories I have heard that had me going away from these meetings shaking my head wondering: What on Earth can we do to fix this situation? How much will it take for us to fix this situation?

I recall a grandmother on the Crow Reservation, MT, standing up with a beautiful picture of her 5-year-old granddaughter who had died. After essentially a rather lengthy story, she asked: How do you justify this, a young girl spending the last 3 months of her life in unmedicated pain because the health care system does not work for that young girl? The stories go on and on.

I am convinced we must do better, and I am determined and it was my priority when I became chairman of this committee to finish this job. I know Ben Nighthorse Campbell worked hard on it, and Senator MCCAIN, when he was chairman of the committee, worked hard on it. Finally, Senator MURKOWSKI and I made it a priority for this committee to say: We have to fix this situation. This is not some option. The promise of health care means if we do not keep this promise, people will die. I have named some of those people, some of them children.

We have to do better. And this vote today, a very significant vote in the Senate, an overwhelming vote, 90 percent of the Senate saying we agree, let's fix it, that is something I think is going to be unbelievably welcome news to American Indians all across this country today. It has been a long time coming, 16 years, but finally—finally—we made progress, and I believe this progress will save lives.

Mr. President, I thank Senator MURKOWSKI who has been an enormous partner in trying to get this bill completed. As I close, I will mention our staff director, Allison Binney, also Ted Charlton, Cindy Darcy, Heidi Frechette, John Harte, Tracy Hartzler-Toon, David Holland, Jerci Powell, Eamon Walsh, and Rollie Wilson on our side; and David Mullon, staff director on the minority side, Megan Alvanna-Stimpfle, Jim Hall, Rhonda Harjo, Gerald Moses, Jonathan Murphy, and so many others.

Those people I have named have worked a lot. They worked behind the scenes, long hours, late at night, and on weekends to help make this possible. I say a heartfelt thanks to them for their wonderful work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise to recognize the passage of the Indian Health Care Improvement Act. I again thank the majority leader and minority leader for committing floor time for this bill. Rarely have Indian bills received time on the Senate floor, but this is one that is very important to the well-being of our country's Native people that the attention it has been given by the Senate is more than justified.

I thank my colleagues for their commitment in considering this legislation, addressing the issues, and supporting our efforts to improve health care services for American Indians and Alaska Natives.

As with many bills, the provisions fall under more than one committee's jurisdiction. The Committee on Indian

Affairs, on which I serve as the vice chairman, has shared this bill with the Finance and HELP Committees, and both of these committees have worked in earnest to assist us in crafting a bill to carry the Indian health care system into the 21st century.

I am fortunate to have a chairman on the Indian Affairs Committee—Senator DORGAN—with whom I share a close working relationship. We both have significant populations of Native people in our States with similar issues and challenges in many areas such as health care, education, housing, economic development and transportation.

We have had numerous opportunities to work together in our committee, particularly on youth suicide prevention and treatment and telemedicine. I truly appreciate his persistence and dedication in advancing this bill.

Senators GRASSLEY and BAUCUS have also worked with us closely to advance this measure through the Finance Committee last year which reported the bill out favorably in both the 109th and 110th Congresses. I also wish to recognize their staff Rodney Whitlock, Becky Shipp, and David Schwartz, who worked so closely with the Indian Affairs staff on this bill.

Likewise, Senator ENZI, in his capacity as chairman and now as ranking member of the HELP committee—worked very diligently on this legislation to refine key pieces of the legislation during the 109th Congress and again this year. Greg Dean, Shana Christrup, Randi Reid and Amy Shank devoted countless hours of work with the Indian Affairs Committee to work out issues, which I appreciate. I especially appreciate the leadership and commitment of Senator KYL. He has one of the largest Indian populations in his State. His commitment to Indian issues was reflected by his continued involvement and that of his staff, Jennifer Romans, in working out issues to advance this bill.

We must not forget that this bill reflects the work of our dear colleague and my predecessor, the late Senator Craig Thomas, who held the reins as vice chairman last year. He eagerly pursued efforts to improve health care services for all American Indian communities, including those in his home State of Wyoming on the Wind River Indian Reservation, and it is most fitting that we will honor his work with the passage of this bill. I pointed out on the floor yesterday, in the 109th Congress, Senator MCCAIN made a great effort to reauthorize the act in his role as chairman of the Indian Affairs Committee. Before that, Senator Campbell, who also served as chairman of the Indian Affairs Committee, carried this legislation since the 106th Congress as the original sponsor, along with Senator INOUYE, until Senator Campbell's retirement in 2004.

Between Chairmen Campbell and MCCAIN in the 108th and 109th Congresses, there were 8 hearings on the reauthorization, including joint hearings with the HELP Committee and with the House Resources Committee.

Our efforts had also great help from my good friends Senators STEVENS, DOMENICI, SMITH, COCHRAN, HATCH, and THUNE. These Senators have been longtime friends of our country's Native people, and I want to acknowledge their dedication in promoting American Indian and Alaska Native health.

The Republican staff of the Senate Committee on Indian Affairs has waited a long time for this day to come. David Mullon, the Republican staff director and chief counsel, and Rhonda Harjo, the deputy chief counsel, came to the committee during Senator Ben Nighthorse Campbell's tenure.

Rhonda Harjo has been the lead Republican staff member of the committee for Indian Health Care Improvement Act reauthorization since 2003. Indian country takes pride in her devotion to the betterment of her Native people and I share that pride today.

I also wish to acknowledge the efforts of Jim Hall and Jon Murphy and two Alaskans who recently joined the committee—Gerald Moses and Megan Alvanna-Stimpfle—in preparing this bill for floor consideration.

I also acknowledge the tireless efforts over the past 8 years of the Indian tribal and health care leaders and advocates across the U.S. in helping develop the legislative proposal which served as the basis for this bill. In particular, the National Tribal Steering Committee, consisting of tribal leaders and Indian health representatives, brought together the diverse interests of over 560 tribes across the country to a consensus on this very important measure.

That is no small task and it was handled dutifully by the cochairs of the National Tribal Steering Committee, Chairman Buford Rolin of the Poarch Band of Creek Indians in Atmore, Alabama, Rachel Joseph, former Chairwoman of the Lone Pine Paiute-Shoshone Tribe, in Lone Pine, California, and staff, Kitty Marx from the National Indian Health Board.

Three key Alaska Native leaders played significant roles on the National Tribal Steering Committee: Sally Smith, the chairman of the National Indian Health Board and the Bristol Bay Area Health Corporation; Don Kashevaroff, the president of the Seldovia Village Tribe and chair of the Tribal Self-Governance Advisory Committee; and Valerie Davidson from the Alaska Native Tribal Health Consortium. I appreciate their leadership and thoughtful consideration in the development of this legislation.

A lot of good work went into this bill and our efforts should not go in vain. I look forward to working with my House colleagues and getting this bill on to the President's desk for signature.

Mr. President, we had a brief opportunity to express our thanks to those who have worked so hard on the reauthorization of the Indian Health Care Improvement Act. Again, my sincere thanks and gratitude to Chairman DORGAN for all that he has done.

This is a good day for Indian country, for Alaska Natives who are just waking up back home right now. They are going to wake up to news that they have been waiting to hear for a good decade: that finally we have advanced the Indian Health Care Improvement Act. We have taken that step. We recognize this is not the end-all and be-all in terms of providing for the health care needs of American Indians and Alaska Natives. We know we need to do more, and we are challenged to do that.

We talked about the funding issue and how we must make that next step to make sure it is not just what we put in the authorization, but we back that up with the dollars for the programs.

We have a long way to go, but I think we have made a very significant step today. I am proud of the work of my colleagues today and those who came before us on this very important issue.

### "EXXON VALDEZ" OILSPILL

Mr. President, I wish to take a few minutes this morning to talk about tomorrow because tomorrow the United States Supreme Court will hear the appeal of the ongoing litigation between ExxonMobil and commercial fishermen and other plaintiffs whose livelihoods were negatively impacted, devastated, in fact, by the 1989 *Exxon Valdez* oilspill. The *Exxon Valdez* ran aground on Bligh Reef at 12:04 a.m. on March 24, 1989. It spilled 11 million gallons of oil—this is about the same size as 125 Olympic-sized swimming pools—directly into Prince William Sound in Alaska. The oil from the spill migrated several hundred miles from Bligh Reef and polluted roughly 1,300 miles of Alaskan shoreline. There were 11,000 square miles of ocean that were ultimately affected by this spill, which is believed to be the worst oilspill worldwide with respect to environmental damage.

Regrettably, the spill area is still affected some 19 years later. In 2001, the National Oceanic and Atmospheric Administration studied the shoreline of Prince William Sound for any remaining effects of the spill. Scientists reviewed 91 sites within Prince William Sound and found that 58 percent of these locations were still polluted by oil. Again, this is 19 years after the fact. Some estimates note that beaches and streams in this area are still polluted with over 25,000 gallons of oil.

Of course, the fisheries in Prince William Sound were affected. The herring fishery in this area experienced a dramatic decrease in the years immediately after the 1989 spill. As of 2007, the herring fishery had not improved to the pre-1989 levels. Another example is what has happened with the value of the fisheries permits in this part of the State. In 1988, a fishing permit in Prince William Sound was worth $400,000. As of 2004, the value of each such permit was less than $70,000, a drop of more than 82 percent.

There was a class action jury trial held in Federal court in Anchorage, AK, in 1994. The plaintiffs at that time included over 30,000 commercial fishermen, among those whose livelihoods were gravely affected by the disaster. The jury awarded $5 billion in punitive damages to the plaintiffs. This punitive damage award has been on repeated appeal by ExxonMobil since that time. On December 22, 2006, the Ninth Circuit Court of Appeals reduced the punitive damage award to $2.5 billion. In early 2007, ExxonMobil petitioned the Ninth Circuit for a rehearing en banc. Within a few months, the Ninth Circuit denied this petition and ExxonMobil appealed to the Supreme Court. Unfortunately, in this intervening time period, with years and years of litigation bringing delay in resolution, we have had several thousand plaintiffs pass away since this litigation began.

Due to the limitations in admiralty law with respect to the recovery of compensatory damages, many *Exxon Valdez* plaintiffs were not able to recover the financial losses they sustained in the aftermath of this spill. So the punitive damages that are under consideration by the Supreme Court will provide them that level of compensation.

Once the Supreme Court decided to hear this case, I joined with Senator STEVENS and Representative YOUNG in submitting an Alaska congressional delegation amicus brief to the U.S. Supreme Court. In that brief, we argue that the award of punitive damages in this case of reckless and wanton conduct by Exxon not only is permissible under the Clean Water Act, but it is supported by Federal maritime law. Only punitive damages will provide those who were harmed—and who continue to be harmed—with the justice and the fair compensation they deserve.

This litigation needs to end. Nineteen years is far too long for these plaintiffs to wait to be compensated for their loss of income. I am hopeful that the Supreme Court will rule in favor of the plaintiffs in this case, and I, along with so many Alaskans, look for a final resolution to this great tragedy that occurred to us as a State some 19 years ago.

Mr. President, I yield the floor.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 12:30 p.m., with the time equally divided and controlled between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Under the previous order of the Senate, the Senator from Wyoming is recognized for 10 minutes.

## EQUALIZING THE TAX TREATMENT OF HEALTH INSURANCE

Mr. ENZI. Mr. President, I wish to congratulate the Senator from North Dakota, Mr. DORGAN, and the Senator from Alaska, Ms. MURKOWSKI, on the piece of legislation we just passed. It is extremely critical to a number of people in the United States, the Native Americans.

It was an extremely difficult piece of legislation to do because it is such a diverse group of people. There are Native Americans who are living in cities, there are Native Americans living on reservations, and there is even a difference in reservations because there are some that have a lot of land and a few people, and some have a lot of people and very little land. To come up with a one-size-fits-all is not possible. This bill takes care of all of those people wherever they are and under the circumstances they are under, and it does meet the promise that was given. It culminates 15 years of work that should have been done 15 years ago, but because of the diversity, it was extremely difficult to do. And the chairman and the ranking member, working together, were able to pull that together. So I congratulate both of them for their efforts and their capability of working with everybody in this body, with probably about 100 amendments that were thought about, though not all were offered. The solutions, the ways to solve a lot of those problems are included in the bill. I think it is a very good bill, and they deserve a lot of credit for the way they worked on it and the effort they put into it and the result they got. I am looking forward to getting it resolved on both ends of the building and the President signing it, and I congratulate both of them.

I do rise today, however, to talk about finding other solutions to our health care crisis. That is a part of it. We have extended the children's health insurance plan until March of 2009, so that part has been partly solved, but my wife Diana and I travel to different parts of Wyoming most weekends, and the No. 1 issue on people's minds is their health care. They all ask me what I am going to do to make sure they have the health care they need. I am able to tell them a lot of things I am working on, but I am not able to tell them very much about things actually getting accomplished. This troubles me because our constituents deserve our help. It is time for real action, and I hope we are able to do something on health care this year.

As the senior Republican on the Committee on Health, Education, Labor and Pensions, I spend a lot of time working on health care issues. I have spoken to this body many times about a bill that I am working on, that I have been working in conjunction with anybody in this Chamber who is interested in health care, and trying to pull together the idea so that we can do some things in health care, any one of which would help us to get closer to a solution for all Americans.

The bill I have put together is one called Ten Steps to Transform Health Care in America. That will fix many of the common complaints I hear from my constituents. Why ten steps? Well, I have discovered over the course of the years I have been in this Chamber that if you try to put together one massive comprehensive bill that solves everything, you will have one piece that 5 people don't like, another piece 8 people don't like, another 11 people don't like, and another 3 people don't like, until pretty quickly you are at 51 votes and you can't get the bill done. When you try to do something comprehensively, it often looks revolutionary. And we don't do things revolutionarily; we do them evolutionarily. So I put together 10 pieces, any one of which gets us closer to having every American insured. All 10 would get every American insured. So I hope people will take a look at it.

Today, I am just going to focus on one step; that is, the first, and that is equalizing the tax insurance treatment for all Americans, not just the ones who get health insurance at work. I encourage everyone watching to look at my Web site, enzi.senate.gov, to learn more about all the steps of the bill. Again, I emphasize that these are bipartisan ideas people have given me.

Because the chairman of the committee has been so involved in the education portion—and we are making progress on the education portion, having sent several pieces to the President already, and we are going to finish the higher education bill, and we are going to finish No Child Left Behind—I have been given the flexibility to look into this health care area. The chairman and I sat down and worked on principles of health care, and then I have sought to get ideas from both sides of the aisle and incorporated them as much as I can into 10 steps.

Before I go into the details of step 1, I wish to say a few things about the entire proposal.

If the Ten Steps bill were to become law, the end result would be an insurance card for everyone. Now, lots of people have insurance cards—Members of Congress have them, people who work for big companies have them, the kids in Wyoming who participate in the State Children's Health Insurance Program have them. Lots of people have them, and most of those people who have insurance cards are happy with the care they are getting. They do not want change. And the bill doesn't change that. If you have an insurance card now, you can keep that card and keep getting the exact same care you are getting. The problem is the 47 million or so Americans who don't have an insurance card. My bill gives all those people cards. If they can't afford the cards because they are low income, this bill helps them by giving them the money they need to purchase the insurance card. The bottom line is that everyone has a card and everyone will be able to get the care they need.

So how does the bill get everyone an insurance card, and will we bust the budget in the process of getting everyone an insurance card? The bill won't bust the budget. It won't be free, but it won't bust the budget. So how is this possible? Well, in order to understand how the bill works, it is important to review a few facts about the history of health insurance in this country.

Right now, about 60 percent of the folks under age 65 are getting their health insurance through their job. The question is why. Why are 60 percent of Americans getting their health insurance through their job? Well, the short answer to that question is, because of the way employer-sponsored health insurance is treated for tax purposes.

Our current health insurance system is biased toward employer-based coverage due to a historical accident.

During World War II, we had wage controls. Wage controls increased competition among employers for recruiting the best employees, and health care incentivized employers by allowing them to offer health benefits instead of prohibited wage increases.

In 1954, Congress codified a provision declaring that such a contribution would not count as taxable income—an added incentive. This tax policy made it very favorable for individuals to get their health benefits through their employers and consequently has penalized individuals who get their coverage through the individual market.

We must eliminate the unfair tax treatment of health insurance, which will expand choices in coverage and give all Americans more control over their own health care.

The Joint Committee on Taxation estimated that removing this tax bias—and a few related health care tax policies—would save the Federal Government $3.6 trillion over the next 10 years. That is a lot of money—even around here, that is a lot of money—that can and should be used to expand choices and access and give individuals more control over their health care.

Ten Steps ensures that every American can benefit from this savings whether they get their health care from their employer, from the individual insurance market, or they decide they want to get off of Medicaid and switch to private insurance. So how does the bill do this? The plan gives all Americans who have at least a certain amount of health insurance a standard deduction. The national above-the-line standard deduction for health insurance would equal $15,000 for a family and $7,500 for an individual. The bill also gives low-income folks a tax credit equal to $5,000 for a family or $2,500 for an individual. The subsidy amount phases out as income gets higher, so folks won't be eligible for the subsidy at all, but everyone is eligible for the standard deduction. Because the bill takes this hybrid approach to coupling the standard deduction proposal with the tax credit proposal, no particular population is adversely affected. The Tax Code would no longer penalize folks who don't get their insurance through their job.

Let me be clear. My goal is not to erode employer-based health insurance, given that Ten Steps does not alter the way employers treat health insurance. Rather, I wanted to provide more options for individuals who don't currently have insurance through their employer. Correcting a flawed tax code would make it easier for working Americans to buy health insurance. Jobs don't need health insurance, people need health insurance. American families who aren't insured through their employers should have the same accesses to care. Everyone should be treated equally.

I hope we can move forward quickly on making these changes so that every American can get health insurance. It is time for real action. We need to do something. It isn't necessary to wait for the end of a Presidential election to solve basic problems for the American people. These 10 steps will take care of a lot of things. We can do any one of them and make a difference now and show that Congress can get things done.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

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## COMPREHENSIVE REPORT ON AL-QAIDA

Mr. FEINGOLD. Mr. President, the Senate will vote later today in relation to two bills I recently introduced with Majority Leader REID addressing the war in Iraq and the disastrous toll it continues to take on our top national security priority, the global fight against al-Qaida.

Many of my colleagues have expressed concern that the exhausting rate of deployments in Iraq and the resources we are committing to that country are undermining our ability to protect ourselves at home and respond to dangers abroad, including the deteriorating situation in Afghanistan and the global threat posed by al-Qaida. While we all hope that the recent decline in violence in Iraq will hold, lasting stability remains elusive and there is a serious danger that our troops will remain mired in Iraq while our ability to combat al-Qaida elsewhere and protect ourselves at home continues to deteriorate.

Senator REID and I have introduced two bills to address these problems head-on. One of these bills, S. 2633, is similar to legislation we have offered before. I am pleased that this bill is also cosponsored by Senators BOXER, BROWN, BYRD, CARDIN, CLINTON, DODD, DURBIN, HARKIN, LEAHY, MENENDEZ, OBAMA, SANDERS, SCHUMER, WHITEHOUSE, and WYDEN. It requires the President to safely redeploy U.S. combat troops from Iraq with very narrow exceptions. Effective 120 days from enactment of this bill, U.S. troops could only remain in Iraq for the following purposes: conducting targeted military operations against al-Qaida and its affiliates, providing security for U.S. personnel and infrastructure, providing limited training of Iraqi Security Forces, providing equipment and training to our own troops, and continuing to redeploy from Iraq.

Unlike previous legislation I have offered, this bill does not have an end date for redeployment. Some of my colleagues who oppose the war have expressed concern about Congress setting such a date, and in drafting this legislation we have tried to address their concerns. By not including an end date, we are trying to provide additional flexibility in how the troops are redeployed. And we are also making doubly clear that at no point will funding be denied to the troops—they will continue to be fully funded throughout their redeployment.

If there is no end date for redeployment, then (what is to stop the administration keeping troops there indefinitely? The answer is that, after 120 days, troops can only remain in Iraq for the narrowly defined purposes in the bill. Because these exceptions are so narrow, the bill removes any incentive for the President to delay or "slow walk" redeployment.

Now, some on the other side are arguing that this new bill is tougher than previous versions, because the funding restriction kicks in sooner, in 120 days. Of course, these are the same people who oppose any limitations on the war, so I don't take their arguments too seriously. I suspect they haven't actually read the new bill, or they would realize that the bill is quite a bit more flexible, for the reasons I just mentioned.

Right now, the administration is considering various "drawdown" plans, all of which would leave well over 100,000 troops in Iraq through the end of the year. That would continue to require an exhausting rate of deployments that we simply cannot afford—for our military readiness, our fiscal bottom line, and our national security.

This administration has put Iraq first for too long. In an effort to refocus our national priorities, the second bill Senator REID and I have introduced with Senators BOXER, BROWN, BYRD, CARDIN, CASEY, CLINTON, DODD, HARKIN, LAUTENBERG, LEAHY, MENENDEZ, OBAMA, SCHUMER, and WHITEHOUSE, would require the administration to come up with a strategy to wage a comprehensive, global campaign against al-Qaida, without undermining our military readiness. The legislation, S. 2634, does this by requiring a comprehensive report from the Secretaries of Defense, State and Homeland Security, working in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence. The report will examine the threat posed by al-Qaida and affiliates around the world and recommend ways to ensure that our national security assets are properly deployed to address this threat. To be clear, I am not just talking about military assets, we also have intelligence, diplomatic and other assets that we need to use to defeat al-Qaida. We can't just rely on boots on the ground—we need to use all of the other facets of U.S. power, including aggressive public and private diplomacy, to counter al-Qaida.

Some of the information called for in this bill will probably need to be contained in a classified annex. But there is no reason the administration cannot also provide a public report identifying in broad terms the threat we face and how to respond to it. The American public should be kept as informed as possible about how we are protecting them from the number one threat we face.

I know some of my colleagues do not want to be talking about Iraq again. I know some of them complain that we spent too much time debating Iraq last year and I know some of them have concerns about whether now is the right time to bring these bills up for a vote. But we cannot allow the focus on Iraq to fade because violence has declined in parts of Iraq. It is true violence levels are down to where they were in 2005, but Iraq is still extremely and unacceptably violent, as it was in 2005. Violence has risen in Mosul and in the south, and U.S. casualty rates in January were higher than in December. All is not calm in Iraq, as the administration would have you believe.

Moreover, the surge has not brought Iraq any closer to legitimate political reconciliation at the national level—and it may, in fact, have undermined the prospects for such reconciliation in the long term. The President's policies have empowered former insurgents and militia-infiltrated security forces with questionable loyalties. By supporting sheiks in al Anbar—and elsewhere—we may have reduced violence in the near term, but only by making it more difficult to achieve national reconciliation in the long run. The Director of National Intelligence, or DNI, testified this month that many Sunnis who participate in local security initiatives remain hostile to the Shi'ite leaders in Baghdad, and that some of those leaders see the Sunnis we are supporting as "thinly disguised insurgents" who are plotting against them. Mr. President, we cannot, and should not, ask our brave men and women in uniform to resolve these sectarian disputes. Military operations are not a substitute for a viable political settlement, and the American people are simply not willing to leave our troops on the front lines indefinitely in hopes that some day such a settlement will arrive.

Recent gains in Iraq are tactical successes at best, devoid of an overarching strategy to integrate local powerbrokers into a broader national framework. Our presence has only added to the complexities in Iraq as we meddle in local dynamics and contribute to internal divisions and sectarian tensions. Keeping a significant military presence in Iraq will not bring lasting stability to that country. Indeed, the Iraqi people and the Iraqi parliament continue to oppose an open-ended U.S. military presence in their country, which is something they have in common with the American people.

Keeping our troops in Iraq will not solve Iraq's problems, and it won't help us address the growing threat posed by al-Qaida around the world. It makes no sense to devote so many of our critical resources and so much of our attention to one country, rather than to the global fight against al-Qaida.

Every year, I hold town hall meetings in each of the 72 counties of Wisconsin, and over the January and February recess I held some 30 meetings in some of the most conservative parts of the state. I didn't bring up Iraq at those January meetings because I wanted to see whether it was still a major concern, particularly with these audiences. And guess what, in every single meeting, they brought it up with me. And they didn't just bring it up, they asked what we are doing to bring home the troops. But I had to tell them that, instead of getting out of Iraq, we will likely be sending one-third of the members of the Wisconsin National Guard back to Iraq next year, many of whom have served within the last 2 or 3 years.

They will be torn from their family, their jobs, their communities, to be put in harm's way, all in order to create space for a political reconciliation in Iraq that is always just over the horizon. They will not be there to protect the people of Wisconsin in the event of an emergency, nor will they be reinforcing our troops in Afghanistan, who face what one recent report described as a "stalemate" in fighting al-Qaida's ally, the Taliban. Like Americans all across the country, the people of Wisconsin don't think this makes sense. They want an end to our involvement in this war in Iraq, and they want to know what's stopping us from making it happen.

This administration has been so distracted by Iraq that it has neglected to address the top threats to our national security. It has allowed security conditions in Afghanistan to deteriorate tremendously, to the point where former NATO Commander General Jones recently concluded that we are in a "strategic stalemate." I need hardly remind my colleagues that this is the country from which al-Qaida launched the 9/11 attacks, and where it continues to operate.

While agreeing to provide 3,200 U.S. troops to Afghanistan, Secretary Gates has also requested additional ground troops from our allies. If our allies are unwilling to provide those troops or worsening conditions require additional troops, it is far from clear that we will have the forces we need in Afghanistan without further undermining military readiness and homeland security.

Across the Afghan border, in Pakistan, things are also looking bad. The Director of National Intelligence testified recently that "al-Qaida's central leadership based in the border area of Pakistan is al-Qaida's most dangerous component." The DNI also said that since the middle of 2006, there has been an influx of "new Western recruits" into this part of the world, an indication that al-Qaida is "improving the last key aspect of its ability to attack the United States: the identification, training, and positioning of operatives for an attack in the homeland." His testimony closely echoed his warnings from almost a year ago when he noted that future attacks against our nation were likely to come from that part of the world. It is worth mentioning that this is the same exact warning we received from the July 2007 NIE, which assessed that al-Qaida has regenerated and reconstituted itself in the Pakistan-Afghanistan border region.

The administration has made matters worse by associating itself with an undemocratic, authoritarian regime in Pakistan, one that the Pakistani people, finally given the chance to make their voices heard, roundly rejected. In return for questionable anti-terrorism assistance, we have given the Musharraf regime billions of dollars, not to mention the cost to our credibility, and to our ability to build strong, sustainable partnerships in Pakistan.

Our endless presence in Iraq is distracting us from these core threats to our national security. Instead of dancing around these vital concerns, we need to address them head on and that is why we need a strategy for defeating al-Qaida and its affiliates around the globe. We need a strategy which identifies the gravest threats to our national security and makes recommendations for addressing them with both military and nonmilitary initiatives.

I know there is no silver bullet to defeat al-Qaida. But it has been made very clear to Congress, and to the American public that if we are to protect ourselves at home, there must be a dramatic shift in how we order our national priorities. We cannot continue with the current agenda. We must refocus not just so we have the capacity to respond to other contingencies abroad but also because our heavy footprint in Iraq makes us more vulnerable at home.

We need to rebuild our domestic response capability, which has been severely compromised by repeated deployments of our National Guard. As long as we keep over 100,000 troops in Iraq we will have to continue to deploy Guard units in a manner that compromises their ability to prepare for domestic incidents. Deployments to Iraq have left those responsible for protecting us at home with, on average, only 56 percent of the essential "dual-use" equipment needed to respond to a domestic incident.

Indeed, the National Guard Bureau estimates that it is facing a $47 billion equipment shortfall, including a $20 million shortfall in equipment needed to respond to a chemical, biological, or radiological incident at home, notwithstanding the fact that it is the stated intention of al-Qaida to pursue such weapons. The Commission on the National Guard and Reserves concluded that "[b]ecause our nation has not adequately resourced its forces designated for response to weapons of mass destruction, it does not have sufficient trained, ready forces available."

(Disturbance in the Visitors' Galleries).

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will restore order in the Senate.

The Senator may continue.

The Commission characterized this as an "appalling gap." I wholeheartedly agree. This is unacceptable more than 6 years after 9/11, and is clear evidence that our national security priorities need to be reexamined and realigned.

Rather than giving the National Guard the $47 billion it needs, the President has asked for another $100 billion for operations in Iraq in 2008 alone, in addition to the $86 billion we have already appropriated. If we don't significantly draw down our troops in Iraq this year, we will end up spending another $170 billion in Iraq next year.

The Army Chief of Staff has stated that our current rate of deployment is unsustainable, and a recent survey of military officers found that 88 percent believe the demands of the Iraq war have "stretched the U.S. military dangerously thin."

There are other costs to the war in Iraq, Mr. President, and they are considerable. The war is simultaneously deepening instability throughout the Middle East, undermining the international support and cooperation we need to defeat al-Qaida, and providing al-Qaida and its allies with a rallying cry and recruiting tool.

That is why I am offering, with Majority Leader REID, legislation to redeploy our troops and refocus our national priorities. It is our job to listen to the American people, to save American lives, and to protect our Nation's security by redeploying our troops from Iraq because the President will not.

This war is exhausting our country, straining our military, and distracting us from our top national security priorities. Even with the recent decline in violence in Iraq, the American people know the war is misguided and they continue to call for its end. They know we need to do a better job of protecting ourselves at home and fighting al-Qaida abroad. I urge my colleagues to vote yes on both of these Feingold-Reid bills so we can finally heed their call to action.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I am proud to rise in support of Senator FEINGOLD's two bills. The first bill requires that the President begin the safe redeployment of U.S. troops from Iraq within 120 days. There is no end date for redeployment. It only starts the redeployment. It includes exceptions for missions against al-Qaida, force protection, and training. The second bill requires that the administration provide to Congress a full report outlining a comprehensive global strategy to defeat al-Qaida and its affiliates.

As someone who voted to go get bin Laden after 9/11, I am dismayed that this President has turned away from that mission and put so much into an ill-fated war in Iraq. Senator FEINGOLD is proposing a policy for us that is consistent with common sense and our national security because the war in Iraq has not made us safer. It has made us vulnerable. The war in Iraq has not reduced the influence of al-Qaida. Actually, it has made al-Qaida a hero, unfortunately. It has been seen as one of the best recruiting tools of al-Qaida. I want to get al-Qaida, and that is what Senator FEINGOLD's bills will result in because we will refocus our attention on capturing bin Laden and getting al-Qaida.

We are in a quagmire in Iraq. We are told that quagmire will go on indefinitely. I believe it is undermining our national security. It is undermining our economic security. When I tell you what it is costing, it is a stunning number. It has diverted critical resources from the hunt for Osama bin Laden. He has been at large more than 6 years. And despite the administration's rhetoric, our own intelligence agencies again are telling us that the war in Iraq is proving to be a critical recruitment and fundraising tool for the terrorists we want to beat.

We see a toll on our military. We hear phrases such as a "death spiral." The Washington Post reported that Army and Marine officials refer to the readiness death spiral that senior officers warn puts our Nation at risk. Why? Because we lack the strategic reserve of ground forces to be able to respond to crises throughout the world. This single-minded focus on Iraq and the ever-changing mission there is not making us stronger. It is making us weaker. We now see that suicide attempts among U.S. troops have reached a record high, a sixfold increase since 2002. And while promising junior officers are leaving the military at record rates, we hear that the services are lowering their standards to meet recruitment goals. They are recruiting convicted felons now, people convicted of sex crimes, people convicted of making a false terror threat, assault with a deadly weapon. We are taking felons into the military. This is wrong for our Nation.

Once upon a time we were told that this Iraq war was about weapons of mass destruction that Saddam Hussein was hiding, and it was about also Saddam's ties to al-Qaida. Our military did its job. They found out there weren't weapons of mass destruction, and our intelligence people did their job. They said there were no al-Qaida cells in Iraq at the time of 9/11.

Then we were told the war was about getting rid of Saddam and liberating Iraq from that brutal tyrant. Our military did that. Then we were told the war was about holding elections and promoting democracy. You remember President Bush in his flight suit with big words "mission accomplished." Well, there were many missions accomplished. There were no weapons of mass destruction. There were no ties to al-Qaida. We got Saddam Hussein. We got his relatives. Three elections were held. Our military did every single thing that was asked of them to the point where the President said "mission accomplished." But, no, the troops are there. They are suffering. Believe me, there is no end in sight because I personally asked our Secretary of State Condoleezza Rice how long she, at the time, thought we would be in Iraq. She said she couldn't answer. I said: How much do you think we will have to spend? She couldn't answer. What kind of administration comes forward with a war and has no way out?

RUSS FEINGOLD is saying: All right. We won't set an end date. We will change the mission to get our troops out of harm's way. Let them continue to train Iraqis. Let them go after al-Qaida. Let them protect our forces there and our personnel there. But get them out of the business of kicking down doors in Iraq. We have lost so many of these brave men and women, and so many are coming home who will never be the same.

We have this war based on shifting missions. The President said: Mission accomplished. DICK CHENEY said we are in the last throes. But it goes on and on under shifting rationales, going on 5 long years. Will it be another 5 years? They will not tell us. Will it be another 10 years? They will not tell us.

Some of this administration's supporters say it will be 50 years. Some say it will be 100 years. How many brave men and women will die in addition to those who have already died? How many will be wounded? There are no answers.

Will we spend $1 trillion? Will we spend $2 trillion, $3 trillion? No answer. The toll is too high already. Thousands dead, tens of thousands injured, $10 billion a month for Iraq.

The Nation's Governors met with the President yesterday. On a bipartisan basis they asked to see increased spending on America's crumbling roads and highways and bridges. They said it would help our struggling economy, and we can't grow economically if we don't have an infrastructure. I am chair of the Public Works Committee of the Senate. My friend, Senator INHOFE, and I do not agree on the war in Iraq, but we certainly agree that we need to have an infrastructure. The President said: No, there is no money. There is only money for Iraq, an open checkbook, $10 billion a month. We can't fix our falling bridges. The $10 billion a month is equivalent to $2.5 billion a week, $357 million a day.

For less than the cost of 3 months in Iraq, we could enroll every eligible child in America in the Head Start program for 1 long year. For the cost of 1 month in Iraq, we could provide afterschool care for our kids for 4 years. For the cost of 2 weeks in Iraq, we could provide health insurance for a year to 6 million uninsured kids. Last year we asked the President to help us with children's health. He said no. He vetoed that critical investment. He just said no to the Governors on rebuilding the roads and highways. Open checkbook for Iraq; closed checkbook for America.

Do you remember when the President's then-Budget Director, Mitch Daniels, told us the war in Iraq would cost no more than $60 billion? He was wrong. Paul Wolfowitz assured us Iraqi revenue would pay for the war. No, we remember there were a couple in the administration who said the war might cost as much as $200 billion. They were ridiculed. The President's most recent supplemental request for Iraq was $200 billion in itself, bigger than the stimulus package we just passed. The President has spent more than a half trillion dollars on his failed policy, and there is literally no end in sight. I think we need to remember this is all borrowed money. The cost of interest on Iraq-related debt is $23 billion a year for fiscal year 2008 alone. The President's policy is being paid for on a credit card, and we are sticking my grandchildren and yours with the tab.

The cost of a barrel of oil has tripled since the war began, much to the benefit of countries such as Russia, Sudan, and Iran. According to the Joint Economic Committee, if you factor in the cost of the oil, the President's policy in Iraq has already cost the average family $416,500, and no end in sight.

It needs to stop. We are hemorrhaging money. The waste in this war is beyond disgraceful. We spent $32 million for a base in Iraq that was never built. We paid a contractor $72 million to build a barracks for the police academy in Baghdad and instead got a building with giant cracks snaking through newly built walls and human waste dripping from the ceiling. That is from a report. The administration loaded $9 billion in cash on to pallets and shipped it into Iraq where it promptly disappeared.

I ask you: Imagine what would happen if $9 billion disappeared from one of our cities. The people responsible would be in prison. But in Iraq, the President shrugs it off.

When the President vetoed the Water Resources Development Act, he said it lacked fiscal discipline. He said it wasn't fiscally responsible. I would ask rhetorically: Not fiscally responsible to maintain our waterways and keep our commerce moving in this, the greatest Nation in the world? This, coming from a President who inherited a budget surplus and turned it into a huge debt, with the largest budget deficits in history as well, and money for Iraq every day, every hour, every minute, no end in sight, billions missing, billions on bases that were never built. It is breathtaking. The President and his supporters shrug it off. They don't even address it. It is unbelievable. The sky is the limit. But when it comes to investing in America or extending the stimulus for seniors and disabled vets, we are told: Sorry, we need to show fiscal discipline. Thank goodness we were able to get that through above the President's objections.

Our own military leaders tell us time and time again there is no military solution. God bless our soldiers. They have given us a breathing space. Yet the Iraqi Government is just making changes around the edges.

We have trained 440,000 Iraqis militarily. Imagine, 440,000 Iraqis. Why can't they defend themselves? Countries defend themselves. We have given so much in blood, in tears, in sweat, in dollars, in commitment, in trust. After the elections last year, I thought the President would come to the table when the Democrats took over and said we wanted to end the war. We thought he would come to the table. We were wrong. He did not come to the table. He is continuing this war, no end in sight, no plan to get out.

When I asked that question to Condoleezza Rice, I was stunned. She said: I can't answer the question of how long we will be there. I can't answer the question of what it will cost—as if I didn't have a right to ask the question. That is why I am sent here.

I represent, along with Senator FEINSTEIN, 37 million people. We have taken a hit on soldiers killed. We have taken a hit on soldiers burned. We have taken a hit on soldiers permanently disabled. So you better know I am going to ask these questions.

Today, Senator FEINGOLD is saying: Let's get started. Let's start telling the Iraqis, by our actions not just our words, that they have to step up to the plate.

We have to make a choice as a nation.

Is it time for America? It is time for our families, for our soldiers, for our children, for our grandchildren?

Or is it time to continue this open-ended commitment to a war without an end, a war that has no plan of ever ending, a war that is tying our hands in this recession?

I say it is time for a change in America. It is time to vote for the Feingold bill and start bringing our troops home.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

## ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of Senator LIEBERMAN's remarks I be recognized for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair and my friend from Oklahoma.

## IRAQ

Mr. LIEBERMAN. Mr. President, I rise to speak against the measure introduced by Senator FEINGOLD.

It has been only a year since GEN David Petraeus arrived in Baghdad and took command of American forces in Iraq. But in these brief 12 months, he and the American and coalition troops under his command have brought about a tectonic shift in Iraq that has altered the course of the war there and, with it, the future of at least two great nations—Iraq and the United States of America—and the lives of hundreds of millions of people in those two nations and so many others threatened by violent jihadist terrorists in the Middle East and beyond.

When the surge first began a year ago, many doubted that the violence then raging in Iraq could be brought under control. Even as American troops began implementing this bold new counterinsurgency strategy, some opponents of the war inside and outside of Congress declared that the war in Iraq was already "lost," that the surge had already been "tried and failed," and that it mattered more, frankly, that we get out of Iraq than that we succeed in Iraq.

They could not have been more wrong. Thanks to the surge, the bravery and skill of American and Iraqi troops and the will of the Iraqi people to be free from terrorists, conditions on the ground in Iraq have been totally transformed from those of a year ago.

A year ago, al-Qaida in Iraq was entrenched, in control of, exercising murderous control in Anbar Province and Baghdad. Now those evil forces of Islamist extremism are facing their single greatest and most humiliating defeat since 2001.

This is not just my opinion. It is a matter of fact. In Baghdad, a fact: sectarian killings are down 95 percent in the last year; suicide bombings are down nearly 70 percent; IED attacks have been cut nearly in half.

In the face of those extraordinary improvements in Iraq—and many more I will speak of in a moment in the social and political and economic life of that great country—however, antiwar forces here in America have reacted not with sighs of relief and gratitude but, instead, by doing everything in their power to downplay or diminish our hard-won gains in Iraq.

Rather than admit the possibility that they had been wrong about the surge and about the capability of reestablishing security in Iraq, they, instead, reached for another rationale for retreat. What they argued was the lack of political progress in Iraq and, therefore, that the surge had failed.

But this argument has also now been defeated by facts on the ground in Iraq.

In the first place, the Iraqi people have taken over their local and provincial governments in a grassroots up democratic revolution. At the national level, a response is occurring. It took too long, but it is now significant. Benchmark legislation has surged forward in the Iraqi Parliament. The budget law, passed; the debaathification law, passed; the provincial powers and election law, passed; the amnesty law, passed.

Thanks to the surge, the Sunni Arabs, who once constituted the core of the insurgency, have now risen, because we stood by them, to join with us and go ahead on their own to fight against al-Qaida and put al-Qaida—the same al-Qaida that attacked us on 9-11-01—on the run.

Thanks to the surge, the Shiites, who had turned in desperation to militias and death squads for protection from al-Qaida and Iranian-backed extremists, are now rejecting those militias, death squads, and extremists. They want a better, more peaceful life for themselves and their families. And the American-led surge has put that within their reach.

Last week, Moqtada al-Sadr announced he is extending his unilateral cease-fire. He did not do this as a favor to the United States of America or the Maliki Government in Baghdad. He did it because in Iraq today, thanks to the surge, and all that has been part of it, the rules of the game have changed. Violence and extremism are no longer the clear path to power in Iraq. In fact, they are becoming the path to political oblivion in Iraq. The people of Iraq want peace and stability and hope.

What then has been the reaction of antiwar groups here at home to these enormous achievements in Iraq? Are they now ready to admit they were wrong about the surge? Even if they were opposed to the war in Iraq in the first place, are they now ready to acknowledge that we are there, we are succeeding, and it would be wrong and hurtful to the United States for Congress to force a retreat now that would, in Churchill's terms, "snatch defeat from the jaws of victory"?

To judge by the resolution now before us, the answer to that question is no. On the contrary, even as the facts on the ground have changed so much for the better, the resolution before us offers the same familiar prescription for retreat and surrender—ordered by Congress, not by our military leaders in the field or here at home—and it orders that, no matter what the consequences for the freedom of the Iraqi people, the future of the Islamic world, and the future national security of the United States of America.

Some claim the war in Iraq is a distraction from the "real" war on terror. Al-Qaida disagrees. And so do I. Al-Qaida's leadership has repeatedly made clear they consider Iraq to be the central front of their campaign against us and most of the rest of the civilized world. According to our intelligence agencies, al-Qaida in Iraq remains al-Qaida's most visible and capable affiliate worldwide and the only one known to have expressed a desire to attack the American homeland—us here at home.

I know there are some who hear these arguments, watch what is happening, and say: Oh, no. The sponsors of this legislation certainly understand exactly how much political and military progress we are making against al-Qaida and Iranian-backed extremists in Iraq and how much is riding on the line there for America and most of the rest of the civilized world faced by this threat of violent jihadist terrorism. But this argument goes that the sponsors of this kind of resolution feel compelled to offer it to show antiwar groups in the United States that they have not forgotten them.

I refuse to believe that. I refuse to believe—I do not believe it—that my colleagues would so trifle with the honor of American soldiers who have served and are serving in Iraq—too many of whom have given their lives in that service—or they would play such a political game with our national security. I respect my colleagues too much to take this legislation as anything other than what it says. It orders a retreat within 120 days.

It actually imposes so-called caveats on American forces after that 120 days, which are exactly the kind of caveats, limitations, on what they can do that we are now arguing with our European allies to stop in Afghanistan. In Afghanistan, some of our NATO allies are there, but they can only do certain things. They cannot enter into battle, et cetera. They cannot go out into the field with the Afghani National Army. We are saying you cannot fight a war that way.

Listen to what one section of this matter before us offered by the Senator from Wisconsin says. Our troops, after the 120 days, can provide training to members of the Iraqi Security Forces "provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces."

That is a caveat, a limitation, exactly what we are arguing with our European allies to stop doing in Afghanistan.

The fact is, the legislation, this measure now before this Chamber, flies in the face of the recommendations of our proud and tested commanders on the ground in Iraq. If enacted, it would unravel all the hard-won gains our troops have made in the past year. It would hand victory to the suicide bombers and fanatics who are now on the run. It would betray the millions of Iraqis who are standing with us today because they desire a better, freer life for themselves and their children. And it would endanger the lives of and hopes of hundreds of millions more who live in the Middle East and throughout the Islamic world who yearn for a life of peace and justice, not a life of extremism, death, and primitivism that al-Qaida offers them.

I wish to close, if I may, with a word directed to my colleagues on this side of the aisle, the Democratic Members of this Senate. I have thought a lot about this war, and I cannot help but wonder, in a moment such as this, what some of the political heroes of my youth, who were Democrats, would think if they were here and could see and listen to this debate and read this resolution.

I think of President Kennedy, who declared:

> We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

In my opinion, that is exactly what we are doing in Iraq today.

I ask my colleagues: Do these words have meaning, have significance or are these just words?

I think of President Harry Truman, who proclaimed, at the outset of the Cold War:

> It must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.

Are these too just words? Isn't that exactly what is happening in Iraq today? The people of Iraq, liberated from the terrible dictatorship of Saddam Hussein, hoping to secure a better future for themselves, now, with our assistance and encouragement, "are resisting attempted subjugation by armed minorities"—read here: al-Qaida—"or by outside pressures"—read here: Iran. Are these just words? I hope not. I do not believe they are.

There was a time when these were not just words, but they were the convictions that lay at the heart of the Democratic Party's foreign and national security policy.

The legislation now before this Chamber, if implemented, would not, in my opinion, only betray our friends in the Middle East, it would not only betray America's own vital national interests against our deadliest enemies, al-Qaida and Iran, it would also betray the best ideals of the Democratic Party that I joined decades ago.

They were strong and liberal ideals, and I use those words intentionally. Presidents Roosevelt, Truman, and Kennedy, great Democratic Senators such as Hubert Humphrey and "Scoop" Jackson, believed that the party stood for being liberal at home and liberal abroad. What did that mean? Liberal in the classic sense of the term "freedom," which is what America is all about: The self-evident truth that we are all endowed by our Creator with the rights to life and liberty.

So I wish to appeal particularly today to my Democratic colleagues in the Senate to reject this resolution, and in that sense to return to what I believe are the strongest, proudest, most purposed moments of the history of the Democratic Party in recent decades on matters of foreign and national security policy.

In sum, a year ago, the Bush administration acknowledged its mistakes in Iraq and changed course there. It is now time for opponents of the war and the surge to do the same. It is time for them to admit that the surge has worked and that America's security and freedom are on the line in Iraq today, that we are winning there, and it would be a disastrous mistake to impose the policies ordered by this resolution, this amendment, which would deprive our brave American men and women in uniform and the brave soldiers of other countries, including Iraq, of the victory that they are winning now for the people of Iraq, the people of America, and the cause of freedom, which is America's cause.

I implore my colleagues, vote against this resolution.

I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me, first of all, commend our colleague who just spoke. Senator LIEBERMAN is very knowledgeable. It has been such an honor for me, in the years I have been in the Senate, to be serving on both the Armed Services Committee with him as well as the Environment and Public Works Committee.

I very much am opposed to Senator FEINGOLD's bills. But I wonder, in this short session, in the short time we have left—we have such things to debate: the budget, housing, energy, consumer product safety, education, farm programs—and I have to ask: Why are we wasting valuable time on these bills? And why at this time do we need another report?

The National Security Strategy was written in 2006, and another will be required 150 days after the new administration comes in. The National Military Strategy review has been completed, and the Chairman of the Joint Chiefs is conducting his own additional review. The Quadrennial Defense Review will be out later this year. And the National Defense Strategy is also mandated by law. We currently have the strategy in place to win the global war on terror.

The study prescribed by S. 2634 ties the hands of our military by telling them to outline a strategy that does not let them utilize the full extent of their resources.

Furthermore, the substance of Senator FEINGOLD's bills has been debated and defeated. On December 18, 2007, we voted against an amendment of the same nature as S. 2633 from the very same Senator, Senator FEINGOLD. It was a troop withdrawal amendment, it was No. 3875, and it was defeated 71 to 24. We have already done this. Senator MCCAIN said it best when he said that a majority had, by December 18, engaged in no less than 40 legislative attempts to achieve the misguided outcome of precipitous withdrawal. This makes Nos. 41 and 42. All of these 40-odd, time-wasting attempts have been defeated. Why? Because we are doing the right thing in Iraq.

We did away with the oppressive regime of Saddam Hussein, where mass graves, torture, and rape were normal and everyday occurrences. We did away with terrorist training camps in Samarra, Ramadi, Sargat, Salmon Pak—and incidentally, Salmon Pak, in that training camp, they had a fuselage of an old 707 there, teaching people how to hijack airplanes. I guess we will never know whether the perpetrators of 9/11 were trained there. But nonetheless, there were four training camps there. They are gone now. They are closed.

We helped the Iraqi people create a free and Democratic country, where representation and the rule of law are replacing coercion and terror. The Iraqi Parliament has passed legislation that has reformed the de-Ba'athification, enacted pension reform that allowed former Ba'athists to collect their pensions. They enacted a law defining the provincial and central government roles and responsibilities. They passed the 2008 budget—faster than we are doing it, actually—and enacted an amnesty law that could lead to the release of thousands of detainees, removing a stumbling block standing in the way of reconciliation.

We have done the right thing, and we are winning.

It is interesting. A lot of the people who were the defeatists come back now—Katie Couric is an example—who says we are actually winning. Less than half the al-Qaida leaders who were in Baghdad when the surge began are still in the city. They have either fled or were killed and captured.

In addition to the list Senator LIEBERMAN talked about and in terms of the successes, there has been a 75-percent reduction in religious and ethnic killings in the capital, they have doubled the seizure of insurgents' weapons caches, there has been a rise in the number of al-Qaida killed and captured, they have knocked out six media cells, making it harder for al-Qaida to spread their propaganda, and Anbar incidents of attacks are down from 40 a day to less than 10 a day. There has been economic growth, markets are open, and the streets are crowded.

We have been over there and we have seen it. You didn't used to be able to do that. The Iraqi Army is performing well.

The Iraqi citizens formed a grassroots movement called Concerned Citizens Leagues. This is interesting because this is allowing citizens, as we have in Washington, DC, and in Tulsa, OK—we have groups that go out there to protect ourselves, and that is what these people are doing. They are unarmed. They are going out now with paint cans and drawing circles around undetonated IEDs and unexploded ordnance.

COL Tom James, one of the commanders of the 3rd I.D. in Iraq, said last Friday, February 22:

> The current security situation is stable and I am optimistic about the future. Sunni extremists are severely disrupted. They no longer find sanctuary and support from the population.

We are winning because we are supporting our war fighters with a fundamental advantage, allowing them to command and control their forces—not doing it from here. Senator FEINGOLD's amendment serves to tie the hands of our commanders on the ground.

S. 2633 legislates defeat. There is no other way to put it. The amendment legislates defeat. Secretary Gates said: If we were to withdraw, leaving Iraq in chaos, al-Qaida most certainly would use Anbar Province . . . as another base from which to plan operations not only inside Iraq, but first of all in the neighborhood and then potentially against the United States.

I must remind Senator FEINGOLD and the cosponsors of this amendment that al-Qaida is not the only threat to America and to our ideals. Ahmadinejad said on August 28—this is very interesting. He said:

> Soon we will see a huge power vacuum in the region.

A power vacuum.

He said this expecting our defeatism—he is talking about these resolutions—he said:

> Of course, we are prepared to fill the gap.

Now here is Iran, a country which recently declared a doubling of its uranium enrichment program and has been testing ballistic missiles, talking about filling this gap, the void that would be created.

A lack of a secure and stable Iraq means instability in the Middle East and a clear avenue for terror and oppression to spread, and already has spread, into Africa.

I have had occasion to be in what we refer to as the CENTCOM and now AFRICOM and EUCOM some 27 times since 9/11. A lot of that time is down in areas such as Djibouti and in the heart of Africa, where we have our forces down there, because with this squeeze taking place in the Middle East, there is a lot of the terrorist traffic going into Africa. As for S. 2634, as the one before it, it is a thinly veiled attempt to end the war in Iraq by legislating defeat.

The bill proposes to micromanage military strategy by forcing the administration to narrowly define the future movement and employment of military personnel. It attempts to define the type of missions the military can conduct and places constraints on the length of time the military can deploy. It falsely presumes our professional warriors would be better served by limiting their deployments rather than supporting their victory over the enemy.

By the way, all these people who now talk to me about the long deployments—and I agree the deployments are too long—I wonder where they were in the 1990s when we cut down the size of our military, when we brought the number of divisions down from 18 to 10. I can remember being on the floor saying this day was going to come and that some day we were going to say: Why did we cut back so far?

Again, COL Tom James, speaking about our recent successes, said:

> It all goes back to this window of security being opened, and being able to exploit that window of opportunity through governance and economics and building the capacity of the Iraqi security forces. This has all been enabled because of the surge.

Proposing specific deployment and dwell times would limit the flexibility of our commanders to conduct operations in the field and infringe on the President's authority as Commander in Chief.

So this is the same flexibility that allowed the Commander in Chief to surge forces and turn the tide in Iraq. I am one of those who personally observed the changes that took place in Iraq with the surge. It was about a year ago right now. I recall a report where our intelligence was actually attending all the weekly Friday mosque meetings, and at that time, my recollection is 85 percent of those messages given by the imams and the clerics were anti-American messages. That stopped in April, and they realized things are working there. There is so much talk about the political leaders, I kind of look at the religious leaders as part of the reason for the successes we have had.

So I think we have already voted on these. They have been voted down, and we don't need to waste any more time on it. I think common sense—when we sit on the Senate Armed Services Committee, as we did this morning, and we looked at the brilliant generals who were testifying before us, such as General Casey, these people spend a lifetime knowing what is going on and how to negotiate wars. We are winning. Things are good right now. I have often thought—I was honored in 1991 to be on the first freedom flight back to Kuwait. At that time, the Iraqis didn't know the war was over. They were still burning the fields. I remember going into one of the houses that actually was the Ambassador to the United States from Kuwait, a family of nobility, going into their home. They wanted to see what it looked like. Saddam Hussein had used it for one of his headquarters, and the little daughter going up to her bedroom to see what it looked like, they had used her bedroom for a torture chamber. The unimaginable things that were going on over there: Looking into the mass graves. I would think that those individuals on the other side, if nothing more—if that were all there were to it—would say we have to finish. It is our humanitarian responsibility.

We are experiencing a victory, the surge is working, and I hope we will be able to dispose of, in a very quick way, these two bills authored by Senator FEINGOLD.

I yield the floor.

## RECESS

There being no objection, the Senate, at 12:40 p.m., recessed until 2:25 p.m., and reassembled when called to order by the Presiding Officer (Mr. CARPER).

## PROVIDING FOR THE SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ—MOTION TO PROCEED

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, as we take up the issue of Iraq once again, the question that should be foremost in our minds is this: Has the situation improved since the Petraeus plan was put into place? And if so, if the terrorists who have been murdering coalition and Iraqi soldiers and civilians there for years are now seriously wounded and on the run, as we are told they are, then the obvious followup question is this: How do we ensure that the progress not only continues but actually lasts?

Our friends on the other side never seem to let the facts get in the way of their proposals for securing Iraq. When the President announced a new counterinsurgency strategy last year, many of them said it would not work. Even the plan's most vocal critics voted to confirm the general who would carry it out. The junior Senator from Illinois embodied this approach when he predicted: The President's strategy will not work, and then cast a vote confirming General Petraeus for the job. Then, when General Petraeus returned from Iraq to report that the strategy was bearing fruit, some of our friends on the other side covered their ears and questioned his integrity.

The junior Senator from New York embodied this view when she said the general's report required "a willing suspension of disbelief," then voted against a resolution that condemned an ad accusing him of lies. And now, after months of positive reports on improved safety and even important political progress, some of our friends on the other side once again want to cut funding for the troops.

In the words of the first Feingold bill that we might be voting on, they want to "promptly transition the mission." They want to tear up the Petraeus plan and cut off funds for the very troops who are carrying it out.

The second Feingold bill is just as odd. It would require the Bush administration, now in its final months, to set out a new global strategy for fighting terrorism even as our military fights the terrorists neighborhood by neighborhood in Iraq and even as congressional Democrats continue to block a bipartisan surveillance bill that we know would improve our ability to disrupt terrorist plots. The second Feingold bill would also require reducing the pace of deployments and an increase in overall military readiness. This would mean not only full funding for the Defense Department but also directing an even greater share of the Nation's resources to defense—something the junior Senator from Wisconsin has not been known to champion in the past.

In other words, the second Feingold bill claims to advance an effective antiterrorist program even though the first one attempts to block a counterinsurgency plan that even early critics of the war are now calling a success. It calls for a new strategy against al-Qaida even while Democrats in the House block one of the most effective tools we have in the fight against al-Qaida.

All of which leads me to wonder, what possible deduction of reason has prompted our friends on the other side to believe either of these bills is a good idea? We already know what will happen to the first bill. Last year, we overwhelmingly rejected it—not just once but four times. It never achieved more than 29 votes. And that was before the success of the Petraeus plan.

But given what has happened since then, the proposal to cut funds, to scrap the Petraeus plan, makes even less sense today. Just consider what has taken place in Iraq over the last year.

Since the implementation of the Petraeus plan, violence in Iraq has fallen dramatically. Over the past year, civilian deaths are one-sixth of what they were in November of 2006. High-profile bombings are down by two-thirds since June. The discovery and seizure of guns and other weapons caches has more than doubled nationally and tripled in Anbar. The worst kind of violence is dramatically down. Ethno-sectarian conflict—the fighting has fallen from a peak of about 1,100 incidents in December of 2006 to about 100 such incidents this past November. That is less than 1 year. Locals are energized about fighting back against terrorists, with between 70,000 and 100,000 ordinary citizens stepping forward to help local police root out terrorists. And the terrorists themselves are becoming demoralized, with even those who share their religious beliefs driving them into hiding.

This kind of progress is changing minds. One harsh early critic of the war, Anthony Cordesman, recently visited Iraq, looked at the new data, and came to a different conclusion.

Here is what Anthony Cordesman says now:

> No one can spend 10 days visiting the battlefields in Iraq without seeing major progress in every area. If the U.S. provides sustained support to the Iraqi Government, in security, governance, and development, there is now a very real chance that Iraq will emerge as a secure and stable state.

A very real chance that Iraq will emerge as a secure and stable state. These are the words of a man whose judgment our friends on the other side were appealing to just last year in arguing for withdrawal. Last July, the junior Senator from New Jersey, speaking on the Senate floor, cited the opinion of Mr. Cordesman before declaring: Mr. President, it is over; your failed strategy, your ill-conceived war must come to an end before more damage is done.

All of this reminds me of something we saw last summer after the New York Times ran an op-ed by two early critics of the war who had begun to change their views on the Petraeus plan once those views became inconsistent with the facts on the ground. About a week after the piece appeared in print, the senior Senator from Illinois concurred with its central point, after early and outspoken opposition to the Petraeus plan.

> More American troops have brought more peace to more parts of Iraq. I think that is a fact.

Yet, since those comments, violence in Iraq has gone down even more, and the kind of political progress the authors of that New York Times piece were hoping for is finally taking place.

A provincial powers law passed, with elections set to take place sometime before October. The Iraqi Parliament passed a partial amnesty law for prisoners—a sign of thawing relations between the Sunnis, who make up most of the prison population, and the majority Shias. The Iraqi Parliament has also approved a national budget that allocated Government revenue, most of it from oil, out to the provinces.

To most people, the lesson of the last year is obvious: Coalition forces are winning this fight, and they deserve our full support and our thanks. The response from most of us has been a mix of pride and new confidence, especially now that some concrete political progress is being made. For others, however, the lesson to be drawn from success is the same as it was when we faced the strongest adversity: Cut the funds, withdraw the troops, and leave Iraq to the terrorists. Fortunately, most of the Senate will reject this view when we defeat the Feingold bills, hopefully for the last time.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I will use my leader time and ask unanimous consent that the vote not occur at 2:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, during the recess we had, I was in Nevada. People all across the State of Nevada, just like people all across this country, are committed to ending the war in Iraq.

These are the facts. We need to end the worst foreign policy blunder in our Nation's history, which started with the invasion of Iraq. What has 5 years of war brought to America, to the Middle East, to the world? It has brought thousands of deaths, almost a trillion dollars in debt, catastrophic failure of diplomacy. What has 5 years of war brought to America, to the Middle East, and the world? Debt, depression, and death.

My Republican colleagues, think what this war has done to our Nation's fiscal soundness. It has destroyed it. In less than a year borrowed money for Iraq will be $1 trillion—soon $1 trillion of borrowed money, with the likely Republican nominee for President saying we may need to be in Iraq for another 100 years. We are nearing the tragic milestone of 4,000 dead Americans, more than 30,000 wounded Americans, many gravely wounded, amputations, blindness, hearing loss, untold thousands with head trauma, making life after the war most difficult. This week brings news from the Pentagon that there will be 140,000 American troops in Iraq still in July, 8,000 more than when the surge began in January of 2007.

In Iraq a civil war rages, with the past 2 days bringing us the news of Sunni attacks on Shias while the Shias observe a religious holiday, attacks that killed at least threescore, wounded more than 100. And, of course, the Shias will reciprocate; and just in an off place that you have to search hard in the newspaper, three more dead American soldiers. These are the facts.

In Israel we find the Bush administration has been too preoccupied to be concerned with the volatility of the Palestinian-Israeli situation. Now we have a raging civil war in the Palestinian territory, Hamas versus Fatah. A government can't be formed in Lebanon where some say is also a civil war. Iran is thumbing its nose at us and the world community. Torture, Abu Ghraib, Guantanamo, warrantless spying on American citizens—all as a result of this misplaced war. These are the facts.

In an op-ed published in today's Washington Post, three noted writers and foreign policy experts said this:

> Republicans will claim that after four years of disastrous mistakes, the Bush administration finally got it right with its troop "surge." Yet despite the loss of nearly 1,000 American lives and the expenditure of $150 billion, the surge has failed in its stated purpose: providing the Iraqi government with the breathing space to pass the 18 legislative benchmarks the Bush administration called vital to political reconciliation.
>
> To date it has passed only four.

And some say the four passed are for show; they have no substance.

Moreover, as part of the surge, the administration has further undermined Iraq's government by providing arms and money to Sunni insurgent groups even though they have not pledged loyalty to Baghdad.

My high school pal, my buddy, I named one of my boys after him, he named one of his boys after me. I am proud of my namesake. He is a heroic helicopter pilot, having served a very difficult tour in Afghanistan and now Iraq. We exchanged regular e-mails during his time overseas. These e-mails were wonderful. Before going to Iraq, we had the opportunity to meet in Las Vegas for dinner. He was on his way. It was a nice dinner. He proudly told me of his war stories, stories of real-life valor. Now the e-mails have stopped. I had the good fortune of meeting my friend at my home in Searchlight last week, last Monday, a week ago yesterday.

I said: Why don't I get e-mails anymore. His dad told me that his son said: They need to get us out of here. He wants to come home with the rest of our gallant, even heroic troops. These are the facts.

The mission has not been accomplished. We have not been met as liberators. After 5 years of war, we are still an occupying force. Iraq, with untold wealth because of its oil supply, must take care of its own citizens. Americans need to start taking care of Americans. We cannot spend a half billion dollars every day in Iraq. These are the facts.

We will soon vote on two amendments that will begin to change course in the bloody Iraq civil war. Our first vote is on a bill to responsibly begin to redeploy our troops so we can refocus on other threats and challenges around the world. Do we have them? General Casey testified today in a building a short distance from here that the Army is in a state of distress. We heard on the media this morning about what is going on in the Pacific. The admiral in charge there doesn't have the necessary force to do even intelligence. It has been shipped to Iraq.

We need to begin to redeploy our troops. That is what this amendment is about. We can refocus on other threats and challenges, and there are many, and limit the troops to counterterrorism, force training, and protecting our assets.

The other bill we will vote on later is also extremely important. It calls for a report from the administration on the status of the fight against al-Qaida, the fight against terrorism. As the war in Iraq rages, bin Laden remains free, and his terrorist network is gaining power worldwide. This legislation will shine the spotlight on this unmet challenge of fighting terrorism and keeping America safe—today, tomorrow, and beyond.

I urge my colleagues to seek common ground toward a new American foreign policy that strengthens our security, supports our troops, and begins to restore our Nation's ability to once again lead in the way we have in generations past.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 575, S. 2633, safe redeployment of U.S. troops.

Russell D. Feingold, Edward M. Kennedy, Patrick J. Leahy, Robert Menendez, Ron Wyden, Sherrod Brown, Richard Durbin, Bernard Sanders, Patty Murray, Frank R. Lautenberg, Christopher J. Dodd, John D. Rockefeller IV, Amy Klobuchar, Charles E. Schumer, Tom Harkin, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2633, a bill to provide for the safe redeployment of United States troops in Iraq, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "yea."

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 70, nays 24, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—70

Akaka
Alexander
Allard
Bennett
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Reid
Roberts
Rockefeller
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Thune
Vitter
Voinovich
Whitehouse
Wicker
Wyden

NAYS—24

Barrasso
Baucus
Bayh
Biden
Bingaman
Carper
Casey
Conrad
Dorgan
Enzi
Hagel
Johnson
Landrieu
Levin
Lieberman
Lincoln
McCaskill
Nelson (FL)
Nelson (NE)
Pryor
Reed
Salazar
Tester
Webb

NOT VOTING—6

Byrd
Clinton
Cornyn
McCain
Obama
Warner

The PRESIDING OFFICER. On this vote, the yeas are 70, the nays are 24.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The clerk will report the motion.

The legislative clerk read as follows:

A motion to proceed to the bill (S. 2633) to provide for the safe redeployment of United States troops from Iraq.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that there be 2 hours of postcloture debate prior to the motion to proceed being agreed to, with the time equally divided and controlled between the two leaders or their designees; further, that upon disposition of this legislation, S. 2633, the Senate then proceed to a cloture vote with respect to S. 2634.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will object, we now have an opportunity to discuss the issue the majority feels we ought to be talking about. I have a number of speakers lined up on my side. I assume that is the case on the other side. So it is time to debate the Feingold proposal; therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I am satisfied that we got cloture on the motion to proceed to this important legislation, and I appreciate the bipartisan vote in this regard. Usually, however, when we get cloture on a motion to proceed, it means Senators are prepared to actually begin consideration of that legislation. However, I have asked consent that we do just that. My minority colleagues have objected.

The only conclusion a reasonable person could have is that they are resorting to a new variation of the old theme. Remember, in 1 year—last year—the Republican minority broke all rules in filibusters. In 1 year, we had to file cloture 68 different times. So it is obvious this is only an effort to stall, as they have done for the entire time we have been in the majority.

Now, we are happy to legislate regarding Iraq, but it is obvious to me what the game plan is. They want us to slow the Senate down from getting things done. It is interesting to note that when the 30 hours is up, we will automatically go to cloture on the piece of legislation that calls for a reporting requirement on the global war on terror. From the statements made by the distinguished Republican leader, they don't like that. So it would seem to me it is very clear that they are going to do everything they can to stop us from getting to the housing legislation, which the American people badly need. I think it is important that we do the housing legislation and that we do consumer product safety. Of course, we are going to do the budget resolution. It is obvious the Republican minority is in their usual stalling tactic.

Now, we have a few people who can speak, too, during these 30 hours, but what we should be doing is legislating on this most important legislation. Remember, the Iraq war is within a matter of days going to be starting the sixth year—the sixth year of this war. It has been reported that in less than a year, this war will cost the American taxpayer $1 trillion. Remember, Lindsey was fired because he said it would cost $100 billion. He was fired. Well, he was a little off.

We know that in a matter of a few days we are going to have a milestone, a tragic milestone. There will be 4,000 dead Americans. Our troops have fought valiantly. We all acknowledge that. But as I indicated in my statement earlier today, they want to come home. Wherever you go, that is what they tell you. The parents tell you that. The troops tell you that. A Capitol policeman came home. He has been over there for almost a year. I talked to him yesterday: When are you going back?

He said: In 2 weeks.

How has it been, Jim?

He said: It has been pretty tough.

He is a different person than he was, having been through what he has been through.

So if the Republicans want to talk about Iraq, we are happy to talk about Iraq and about how this money we have borrowed and continue to borrow—$1 trillion—is preventing us—I met with the Governors yesterday, the Democratic Governors. They know what they are not doing in their States because they have no money, whether it is infrastructure, the deterioration of roads, bridges, and dams or whether it is health care. They can't take care of some of the basic needs of the people from their States, and they know it is because of this war.

The President doesn't like to borrow money, except for this war. There is a carte blanche: Borrow as much as you need. This war is costing us now about a half a billion dollars a day—a day. So isn't it good that the American people are hearing us talk about this?

As I indicated in an earlier statement I made a few minutes ago, let's not start boasting about the surge. During the surge, we have lost about 1,000 American troops—1,000 American troops. We are glad the violence is down, but that is all a matter of degree. The Shia religious holiday they are trying to finish, in 2 days, more than 60 killed, more than 100 wounded, and this is Sunni on Shia, and you can bet whatever you have to bet, the Shias will be back to inflict equal damage against the Sunnis, and the Sunnis, to whom we have paid huge amounts of money, have not even declared loyalty to the Baghdad Government.

So we are happy to talk about Iraq. It is obvious the Republicans are doing everything they can to stop us from going forward on legislation, something dealing with the economy, of course. What would have been the right thing to do, if they were sincere about moving forward, a motion to proceed. I want everyone who is within the sound of my voice to understand that motions to proceed are routine. No one made us go forward on motions to proceed, until this Republican minority showed up, and then on virtually everything, they are doing the slow walk on everything—everything. If they were legitimate and genuine about what they want to do, we would be on this piece of legislation that has been introduced and we would be talking about the merits of it. But, no, that can't start.

Understand that at the end of 30 hours, automatically we have a vote on the next cloture that has been filed because everything we do around here, we have to file cloture on a motion to proceed because of the big stalls taking place. So we are ready to talk as long as people want to talk on this issue. We have Democratic Senators who want to talk about this because they know what this war has done to what is taking place in our States, as indicated by the Governors whom I met with yesterday.

Mr. McCONNELL. Mr. President, my good friend, the majority leader, seems to regret that we are having a debate on the matter he put in the queue for us to have a debate on. We would not be dealing with this issue this week but for his decision to file cloture on two motions to proceed on two Feingold bills. The first Feingold bill which is before us, we have actually essentially voted on four times already since the new majority took over in January of 2007. In fact, this will be the 35th Iraq vote we have had since the new majority has taken over.

We spent a lot of time discussing Iraq over the last year. During much of that time, the view of what was happening in Iraq was not nearly as positive or optimistic as it is now. Why we should have a truncated discussion of Iraq at a time when things are getting dramatically and measurably better strikes me as somewhat curious.

So obviously the Iraq debate of the moment has commenced. I have a number of speakers on my side who wish to talk about the success of the surge, the improvement in Iraq, the improvement on the Government side as well as the military side. So we are happy to engage in this debate. It was not our decision to schedule it. This was the decision of the majority to devote whatever time was necessary this week to a discussion of these two Feingold bills related to Iraq.

So we look forward to the discussion. I believe we have a number of people lined up who would be happy to engage in the Iraq discussion, and we will continue that until such time as there is a mutual agreement to yield back time, which may or may not occur, depending upon the situation and how many speakers we have. This is the way the Senate frequently operates. It is the way it was when our good friends on the other side were in the minority. There is nothing unusual about this at all. The one thing we know the majority leader can do is schedule, and it was his decision to schedule the two Feingold bills, and the first of which is now being talked about.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I am happy to yield to my friend from Illinois in a minute.

We are happy to debate the Iraq issue. We have always been happy to do it. Thirty-five times we have, and that is 35 times more than when the Republicans were in the majority. The war went on for years with no oversight, none whatsoever. We have at least demanded that, and I think it is important we have done that.

I would also ask my Republican colleagues, why don't they ever talk about the costs of this war? The costs in life, bodily injury, and money—money that is keeping this country from taking care of its own?

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I rise in support of S. 2633 offered by Senator FEINGOLD.

I think it is unfortunate the Republican leadership has once again put the Senate into a stall. It seems as if the Republicans feel that it takes them 30 hours to make up their mind to do anything. They want to burn off 30 hours of Senate time. I don't know why. What Senator REID offered them was a chance to move to this resolution, to debate it, and if amendments are going to be offered, they would be offered. They turned it down. They want to wait 30 hours before we even possibly reach that point. As Senator REID explained it, there may be an intervening motion that slows us down there. But that is what this is all about. This is the Republicans' slow boat for America. They want to slow everything down to a snail's pace, and it is unfortunate that they do.

They know what we want to do. We want to have a good, open debate on the policy on the war in Iraq, followed this week by emergency legislation to deal with the housing crisis in America. So their strategy is to avoid that debate on Iraq, a debate that leads to the actual bill, tie us up in procedural issues, and hope we don't get to the housing crisis by the end of the week. I guess at the end of the week the Republicans will say: Job well done. The Senate went home and didn't do anything for another week. Well, I guess that is what they think the minority is all about, to stop anything from happening. Isn't it unfortunate.

If you listen to Presidential campaigning on both sides, Republicans and Democrats talking about change, they point an accusing finger at us, saying that time and again, Senators and Congressmen dream up ways to avoid facing the important issues in America. Well, it is time for us to face those issues in a timely way, to give ample opportunity to minority and majority, to debate, to amend, to move forward. Yet the Republicans, as they did last year, are doing everything this year again to obstruct, to stall, and to stop.

Why is this important? The minority leader, Senator MCCONNELL of Kentucky, was complaining that we have had 35 votes on the war in Iraq. He is war weary of voting on Iraq. Well, I want to say to him I am war weary as well. I am weary of 3,972 U.S. service men and women killed in Iraq. I am weary of 29,000 injured, many seriously, and with permanent conditions they will struggle with for a lifetime. I am weary of a war this President won't pay for, that costs us $10 billion to $15 billion a month. I am weary of the excuses we have made for the Iraqis who have failed to lead their own Nation while we risk and give American lives in this conflict. I am weary of the missed opportunities in America that $1 trillion spent on this war could have bought us to make our Nation stronger at home—better schools, making certain our teachers are compensated for good work, the technology we need so our children can be successful in this 21st century, medical research funds that have been cut under this administration, funds for extending health care and insurance for families across America, putting infrastructure in place in America so our economy can grow and move forward with good American jobs building those roads and highways and airports and mass transit. I am weary of that too.

No apologies for the Senator from Kentucky for 35 votes on Iraq. That is hardly 1 vote for every 100 Americans who have been killed in that country. It certainly is worth our time to debate this. Even more important, it is worth our time to change this policy in Iraq.

I salute Senator FEINGOLD. He has been a lone voice. There were times I didn't agree with him. I thought he had an approach for this that we weren't ready for. But over time, I have come to understand his wisdom and his insight, and his political courage to bring this issue to the floor. If he didn't fight doggedly to make sure we didn't have this Iraq war debate, we would skate along perhaps month after month without ever facing the music. What we face is a reality.

The Republican plan is to stall and wait 11 months until President George W. Bush, on January 20, 2009, can leave the White House, give a fond adieu to Washington, DC, and say: Well, I left the war; now it is up to the others to try to solve this. Well, it is going to take quite a bit to try to undo the worst foreign policy decision in modern memory in America.

Many of us remember that night in October of 2002 when here in the Senate Chamber we voted on authorizing this President to go to war. I was a member of the Senate Intelligence Committee then. I listened behind closed doors to classified and confidential information, and I couldn't put it together. I couldn't square with the information we received in the Intelligence Committee all of the dire predictions being made by President Bush, Vice President CHENEY, Condoleezza Rice, and Donald Rumsfeld. It didn't square away.

Where in the world were the threats they were talking about—the weapons of mass destruction, the nuclear weapons, the connections with 9/11? It turned out none of them existed—not one. We found no weapons of mass destruction. We found no nuclear weapons. We found no connection between Saddam Hussein and the terrible tragedy of 9/11. All of the pretenses and reasons given by this President to engage us in this war, to risk American lives, and to drag us on for more than 5 years in this conflict turned out to be false; all of it.

There is no greater deception in a democracy than for the leader to mislead the people of a nation into a war, to ask families to offer their children and their children's lives in service to this country for reasons that turn out not to be true. No weapons of mass destruction, no nuclear weapons, no connection with 9/11, and here we are, still bogged down, mired in this conflict.

It is cold comfort to know that as we sent 20,000 or 30,000 more soldiers into Iraq last year that things got better. I am glad they did. I have been there since then. I am glad the surge brought some peace to some sections of Iraq. But that wasn't the reason for the surge. The surge was put in place so the Iraqis could finally take responsibility for their own country, so they could make hard political decisions and govern and lead and defend themselves. Here we are, almost a year later, and what do we have to show for it? An Iraqi Parliament that when we can get them to meet won't even face the serious issues. Time and again they fail to make the decisions they need to make so their Government can govern. Time and again we find excuses from them: They need a little more time. Every day they need is at the expense of American soldiers. Every month they take to finally reach a decision means that more body bags will come home to America and more wounded soldiers will return. So as they take their sweet time making their decisions, we are paying a heavy price as a Nation. And the complaint from the other side is we have had 35 votes on this; haven't we had enough? No, we haven't had enough until we change this policy, until we start bringing the troops home.

You are going to hear a lot of things said about this Feingold resolution. I certainly hope that colleagues and Members will take the time to read it. Here is what it says: It says our future role in Iraq is going to be limited. We are not going to say to the military: Do whatever you like. We are going to say to our military in Iraq: Here is your role. This is what you can do. This is what we will provide funds for.

First: Conduct targeted operations, limited in duration and scope, against members of al-Qaida and affiliated terrorist organizations.

That is certainly something we all agree on. Al-Qaida was behind 9/11, not Saddam Hussein, and we should continue to target them. They have used Iraq as a land of opportunity now to go in and sow their seeds of division and hatred, to try to kill innocent people and to kill American soldiers. Senator FEINGOLD says we will continue to fight to eliminate al-Qaida in Iraq.

Second: Provide security for personnel and infrastructure of the U.S. Government.

That should never be in question. We should make certain our Armed Forces are always there to protect our people and to protect important installations.

Third: Provide training to members of the Iraqi security forces who have not been involved in sectarian violence or in attacks upon the U.S. Armed Forces.

If the Iraqis are ever going to take over defense of their own country so that we are not in Iraq for 50 years or 100 years or even 1,000 years, as one of the Presidential candidates has said—if we are ever going to avoid that terrible outcome, the Iraqis have to stand and fight and defend their own country.

Senator FEINGOLD says that is one of the legitimate reasons we can stay in Iraq. I agree with him.

Fourth: To provide training, equipment, and other materials to members of the U.S. Armed Forces to ensure, maintain, or improve their safety and security.

No argument there.

And finally: The resources to redeploy members of the U.S. Armed Forces from Iraq.

What is missing from this? What is missing is any unilateral combat operation that opens a new part of this war. For 5 years we have given the Iraqi people all they could ever ask for. We deposed their dictator, we brought the best military in the world to their country, we gave them a chance to elect their own Government, write their own Constitution, and govern and defend themselves. What more could they ask for? We have paid for it mightily, with almost 4,000 lives, the hundreds of thousands who have served, and the thousands who have come home wounded, injured.

I will tell you, for those who think we ought to look the other way for 11 months so President Bush can get out of town, they ought to go to these National Guard deployments and redeployments and look into the eyes of our guardsmen and their families, their tear-filled eyes as they send their soldiers off for yet another deployment.

We have a young man here on the Capitol Police force who works with my office. He is about to face his second deployment with the Navy Reserve. He is taking it very well, with a smile, but he is going to be gone for 8 months—8 months away from his family, making less money serving with the Navy than he makes serving as a Capitol policeman—taking a pay cut because the Federal Government is too cheap to provide what private corporations do for their activated employees—and he will be away from his family for another 8 months.

Easy for us to say: Well, it is only 11 months. There will be a new President. Maybe there will be a change. But what about those soldiers and sailors and marines, airmen, all of our military who are called to serve? That 11 months will be a lifetime away from their families, and during that 11 months some of them will give their lives. That is why this debate is important and why it is timely and why I am glad Senator FEINGOLD has brought it before us.

It is unfortunate the Republican side wants to stall this debate, stall it for 30 hours in hopes we can drag everything out so we will never quite get to the issue here on Iraq and maybe never get to the issue of the housing crisis in America. That is the Grand Old Party's brandnew strategy: Stall, try to delay, find ways to make sure we don't get to the important issues. It is little wonder that the opinion of the American people of this Congress is low.

What we should do is look to the positive side. If we change this policy in Iraq, if we tell the President on a bipartisan basis that we have had enough of this, that we want to see a change in mission, we have a chance to change this country. We can take the resources that would have been spent in Iraq and spend them in America. We can make sure we are providing health care, job training, and building schools, roads and bridges. We can create an economic stimulus in the United States instead of an economic stimulus in Iraq. I think a strong America begins at home. Wouldn't it be great if we invested our precious tax revenues in that belief?

Let me tell you what the National Intelligence Estimate said about the state of this war in Iraq. Last year, they gravely noted that:

> The Iraq conflict has become the cause celebre for jihadists, breeding a deep resentment of U.S. involvement in the Muslim world, and cultivating supporters for the global jihadist movement.

That is a quote from the National Intelligence Estimate. What it says is that as we battle on in Iraq and lose American lives and spend American dollars, we are creating a magnet for the extremists around the world to come and kill our troops and to be inspired in their own sad and devilish ways to kill other innocent people around the world. Did anyone bargain for that when we invaded Iraq? Did anyone think it would make the war on terror more difficult to win? That is what the National Intelligence Estimate tells us.

This administration has recklessly diverted critical military intelligence and civilian assets from Afghanistan in the process. That was a war I voted for, without reservation—a unanimous vote in the Senate, just days after the attack on 9/11. We knew where that attack came from. It didn't come from Saddam Hussein and Iraq, it came from Osama bin Laden and the Taliban, and the al-Qaida forces that were running rampant through Afghanistan. Well, the situation in Afghanistan has deteriorated because we have spent so much on human life and American dollars on Iraq. That is the reality of this administration's priorities.

The Taliban and al-Qaida, sadly, are regrouping in Afghanistan, and we know for sure Pakistan, the neighboring country, is increasingly unstable. In fact, the strongest military on Earth is apparently so overstretched at this moment, the administration can't even find a handful of transport helicopters to help the desperately needed people of Darfur with the U.N. peacekeeping force.

How long will we stand by this failed foreign policy, this disaster in Iraq, at such a high cost in human lives, dollars, reputation, and national security? We are hearing once again that we are seeing progress in Iraq. How many times have we heard this story? At least for 5 years—from the beginning, from Vice President CHENEY's rosy scenario of the troops being greeted with parades and arms laden with flowers to welcome them to Iraq, something that unfortunately did not occur—until the present time, when the so-called surge has turned everything around. And yet 150,000 American lives are still at risk this morning, this afternoon, and this evening in Iraq.

The entire point of the surge was to carve out political space for the Iraqi political leadership. They haven't used the time; they haven't used the surge for that to happen. Does anyone honestly believe we are closer to the day that the Iraqis will take responsibility for their own future? They will if this passes, because they will know our days are numbered in Iraq. We are not going to be there for 25, 50, or 1,000 years. That is not fair to our soldiers; it is not fair to America.

This administration has no strategy beyond "stay the course" until January 20, 2009. We in Congress have a responsibility to change direction. Our responsibility is for those soldiers and their families, it is for those guardsmen and their families, it is for everyone risking their life today in Iraq. They need to come home. And when they come home, we know that we have our hands full.

They come home with serious problems. The suicide rate among soldiers is at a record high. It is even higher among Guardsmen who are activated to serve. Post-traumatic stress disorders of years gone by intensify in the returning soldiers from Iraq and Afghanistan.

We know those who suffered serious injuries—amputations, traumatic brain injury—are going to need our help for a long time to come. This administration has shortchanged the Veterans' Administration. When we begged them to put in the billions of dollars necessary to keep our promise to these veterans and those from other wars, they said they did not need it. Then, of course, they were proven wrong.

We continued to put billions of dollars into the Veterans' Administration, and we should and we will for the future, trying to pay the long-term costs of this war, a heavy cost that future generations will carry. And those on the other side say: Well, let's just let this go for another 11 months. Let's see how this all works out, another 11 months of returning veterans, returning wounded, another 11 months of more responsibility to future generations.

Staying with the failed strategy is no strategy at all. Changing course in Iraq is long overdue. Quite simply, we cannot give this administration another blank check because we know what they are going to do with it. They are going to continue this policy as we see more and more American soldiers in harm's way. The bill before us is reasonable, it is measured, it is a thoughtful effort to put before this administration a new approach, a new policy, and a new direction in Iraq.

Starting to redeploy the majority of U.S. troops from Iraq within 120 days is a reasonable thing to do. Certainly, many of them will stay there for those specified responsibilities, but as they start to leave, the Iraqis may wake up to the reality that it is their country and their responsibility. The question is no longer whether the surge, or more accurately a significant escalation of troops, has worked. The question is how we can return our focus to the original al-Qaida threat.

Sad to say, 6 years, more than 6 years after 9/11, Osama bin Laden is still on the loose. He is still guiding in his way the al-Qaida forces that threaten us in the rest of the world. We need to help countries such as Jordan that have been overrun with Iraqi refugees. We certainly have to understand that a country that has been that friendly to the United States deserves a helping hand, and we have to start to rebuild our international image and reputation.

It is unfortunate to hear people around the world, once our friends, once our allies, once our supporters, so critical of the United States because of the colossal mistake made by the Bush administration with this invasion of Iraq. We have to turn that page, and we cannot wait until January 20, 2009, to do it.

Last year, a New York Times-CBS News poll showed that only 5 percent of Americans trust this President to successfully resolve the Iraq war; 1 out of 20 Americans trust President Bush to resolve this war. Well, I do not believe he will either. I would be with the 95 percent. But Congress has an equally important responsibility to oversee this war as it is fought, to do everything we can to protect our troops and to resolve this war so our troops can come home to the heroes, welcome they richly deserve. We need to step into the leadership void that this White House has left and change directions for our policy in Iraq.

I am going to support this bill to bring an end to this war. I was 1 of 23 who voted against it. Of all of the votes that I have ever cast in this Congress in the House and Senate, I look back with the greatest assurance that was the right vote, the right vote for America. I do not think anything that has transpired since that late October night in 2002 has ever made me waiver in my belief that it was a serious mistake for the United States to give to this President and this administration the authority to begin this war, which has cost us so much over the years.

I believe we have to be careful in our foreign policy. Of course, defend America, that is our first responsibility. But never engage in a war when we cannot understand the consequences that might follow, like this war. It is so much easier to get in a war than it is to get out of one.

Senator FEINGOLD is engaging this Senate in a debate that is long overdue for a change in policy that is long overdue. The Republicans are going to stall, try to avoid the vote, try to speechify us to death, not going to face this vote or a vote on the housing crisis. But that is nothing new. As the majority leader, Senator REID has said, last year 68 times they initiated a filibuster. That is a brandnew record in the Senate. Before that it was 61 filibusters in 2 years. That was the record. Well, they managed 68 in 1 year.

It shows you what they are up to. They just want to grind us down, slow us down, and make us avoid the issues that count in America. One of those issues is ending this war the right way, and another which will follow is the housing crisis which plagues our economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I am a little confused. About an hour and a half ago the majority leader brought up a bill. He and the Senator from Wisconsin had filed this bill to leave Iraq in 120 days. And he filed cloture on that to see whether enough Senators would agree to debate the bill. So that we can start to debate it, it took 60 Senators to vote yes. The majority leader must have been surprised when we voted yes because he does not seem to want to take yes for an answer.

He filed the bill, wanted to debate it, and presumably have a vote on it. But when we agreed to debate it, he called foul and said: You are trying to stall because you did not vote no so that we can move on to the next bill and then the next bill which will be the economic stimulus package.

So I am confused. Maybe I should not be because almost half of the members of the majority voting voted against cloture; that is to say, they voted against proceeding to the bill that the majority leader had filed. Now, ordinarily members of the majority do not vote against these cloture motions that the majority leader files to take up a bill. Ordinarily, all of the members of the party vote with their leader on these votes.

I gather that the majority leader must have thought that the bill would not get cloture; that is to say, that we would not start the debate. Then I suppose Republicans would be accused of trying to stall, of not being willing to vote on the bill that he and the Senator from Wisconsin had filed, maybe putting Republicans into a no-win situation, damned if we do and damned if we do not.

If we agree with the majority leader and take up his bill to debate it, we are stalling. And if we do not agree, then I suspect we would have been accused of not being willing to debate Iraq and not being willing to vote on the amendments or the bill that he and the Senator from Wisconsin filed.

So as I say, I am confused. All Republicans did was to say: OK, you wanted to debate the bill that you filed. We will agree to proceed with that. Now the distinguished minority whip just said Republicans are speechifying this to death. Well, Republicans have spoken about 5 minutes out of the last hour. All of the rest of the time has been taken by members of the majority party. The majority whip himself spoke, I think, a little over half an hour. I do not intend to take that long.

But I think it is hard to accuse Republicans of speechifying the bill to death when all we did was, an hour and a half ago, agree to debate, and the minority leader has spoken a total of about 5 minutes. Do you want a debate on Iraq or not? Now that the surge is working, it appears maybe that members of the majority party are not so anxious to have that debate.

But as Minority Leader McCONNELL pointed out, Republicans are willing to have that debate. A group of Republicans were just in Iraq over the course of the last week. Several of us have been there since the first of the year and have a very positive story to report about the work that our troops are doing there and the effect of their efforts.

There is a positive report that the American people deserve to hear. So I think you will see Republicans agreeing to debate the resolution. For my purpose, I am perfectly happy to vote on it. But under the rule that the majority leader has taken advantage of, as soon as we have had 30 hours to debate this, then automatically we go to the next Feingold-Reid bill.

That is a bill that does not have us get out of Iraq, but rather says we should try to develop a strategy to deal with al-Qaida. Well, of course, the administration's first strategy, as we have discussed on this floor many times, the first, best way to deal with terrorists is to get good intelligence on them to know what they are up to. Maybe we could have prevented 9/11 had we had better intelligence. And so the FISA—this is the law that allows us to listen in on the communications of these terrorists—that bill, that law expired.

The President said: We are losing good intelligence. You need to act to reauthorize that law.

The Senate did. I think we had 68 votes, a bipartisan vote. We acted in a bipartisan way to support that. Many of our colleagues, I think it was 28 or

29, voted to oppose that. Now the leadership of the House of Representatives has said: Well, let it expire. And they went on the break 12 days ago without having acted to reauthorize the so-called FISA law.

That law needs to be reauthorized. Each day that passes that it is not reauthorized, we are losing intelligence. Now, what happens if there is another 9/11 and we later find out that one of the reasons is because for a period of several weeks we could not listen in to what those terrorists were saying? We are missing intelligence.

Frankly, we ought not to do anything else around here until we get that law reauthorized and the President can sign it into law. But the majority leader said: First, we are going to have a debate on the Feingold-Reid bill to get out of Iraq in 120 days. Then we need to have a debate on developing a new strategy for dealing with al-Qaida.

Okay. Republicans are happy to engage in that debate, as I said. But to be accused by the majority of trying to stall by simply agreeing to the debate that the majority requested, is not correct.

Moreover, nobody is trying to stall consideration of a housing bill or an economic stimulus package. We understand that the majority is going to be bringing such a package to the floor. We have not seen it. We do not know what is in it. We are certainly not stalling it. It is not here yet. The majority leader could have brought that to the floor. He could have told us what is in it. He could have filed cloture on it so that we had the vote on whether we are going to take it up, but instead he brought up the first Iraq resolution. Then that is going to be automatically followed by a second resolution dealing with al-Qaida. Then, only after that, apparently, do we get to the economic stimulus or housing package.

So it is not Republicans who are holding it up. We have not done anything to hold it up. We have not even seen it yet.

So I think this criticism of Republicans for stalling simply because we agreed with the majority leader to take up his bill and debate it is not accurate, and it is not fair to Republicans.

Now what about the surge and this Iraq resolution? I think it is interesting that the first criticism was that we had a failed policy in Iraq. So when General Petraeus developed a new policy, the surge policy, which began to work, the debate suddenly began to shift. Now that it is very clear the surge has worked it is shifting even more. It is shifting now to, well, OK, maybe the surge is working, but the Iraqi Government needs to do more.

Well, the Iraqi Government is now doing a lot more, too, as we will hear. But I suspect nothing is going to be good enough for those who want to get out of Iraq now because, as the majority whip has pointed out, we really need to improve America's image abroad. And there a lot of people who disagree with us, so that is one of the reasons we need to get out of Iraq.

But he also said—how many times—that we are doing better in Iraq. Well, I do not know how many times, but certainly since General Petraeus reported to the Congress, and every week thereafter, there has been improvement. And all we have to do is listen to our colleagues who have been there recently to see this reported progress in Iraq.

I do not know why people are so afraid of good news when you are winning in a war. Why is that not a good thing? Why are you not proud of that? Why do you not say: That is great; let's finish the job.

I suspect if you ask the majority of our troops: Now that you have got your boot right on the neck of these enemy terrorists, do you think we ought to let it up and walk away or do you think we ought to finish the job? My guess is they would all say: Let's finish the job or you all back in Washington let us finish the job. Do not pull the plug on us so that we have to leave Iraq before we finish the job.

It is interesting there is now a new argument: OK, maybe the surge is working. Maybe the Iraqi Government is going to be taking the action we asked them to do. And, in fact, they have. They are now taking action on the so-called reconciliation there on local elections and the like.

But now the argument is, well, we could actually spend this money on other things. Of course, you can always spend money on other things. When you are in a war, however, it is a little different. You cannot just pull the plug and say we would rather spend the money on housing or transportation or education than we would on the war. You do not have that option. You cannot just pick up stakes and leave because you have to consider the cost of what you leave behind.

Most of the experts who have talked about this have made it crystal clear if we decide we want to leave because we would rather spend the money on something else, the ultimate cost would be far greater than if we finished the job. Because by most estimates, the situation would deteriorate. Al-Qaida would reinfiltrate, and the other enemies of the Iraqi people would create more problems. The next thing you know, we would have to come back in and try to clean up the mess that was created because we left prematurely. The bottom line is, the cost of leaving prematurely would be far greater than the cost of finishing the job once and for all. It is also difficult to put a price on our national security, especially because of those young men and women who have given the ultimate sacrifice. We owe it to them to ensure that what they have done, the sacrifice they have made, is not going to be wasted, is not going to be lost because we were too anxious to get out of there to spend money on something else. That is not good policy. It is not the way to win a war. It is certainly not the way to beat the terrorists.

The final point the majority whip made was we should return to the original al-Qaida threat. I get back to the point I made before. If you want to return to the original al-Qaida threat, there is no better way than, A, to finish the job in Iraq where we have al-Qaida on the run—they are essentially defeated; let's don't let them rise back up again—and B, pass the FISA legislation, the Foreign Intelligence Surveillance Act, which allows us to collect intelligence on these terrorists abroad. Again, we did that in the Senate, though many on the other side—28—voted against it.

The House of Representatives leadership has an obligation to try to get this done. Therefore, I call upon the Democratic House leadership to bring up the bill the Senate passed and see if it will pass the House of Representatives. I suspect the reason it has not been brought up is because they know it would pass. That is a bill the President would sign. Why wouldn't that be a good thing? That is the appropriate way to move forward.

Let me try to summarize. Republicans have put us into a stall, our Democratic friends say, because we agreed to debate the bill they wanted us to debate. They expected us to say no, that we wouldn't debate it. Then we would have been accused of trying to avoid debate. But we agreed. We will have the debate. It is only 30 hours. That is hardly enough time for all of my colleagues to be able to say the things they want to say, if we have half of that time, but nonetheless we will try to give the report of the truth of what is happening in Iraq. The American people will be better off for that. So I am glad we agreed with the majority leader to proceed to the debate on this bill. I suspect we will want to do the same thing on the next bill.

If and when the Democratic majority puts together an economic stimulus package, then we can take a look at that and see whether we want to debate that as well. But, again, our first priority ought to be to get the Foreign Intelligence Surveillance Act passed because every day that goes by that that law is not in effect, we jeopardize our national security. We jeopardize our ability to collect intelligence on al-Qaida and other terrorists, and we put the lives of Americans at risk. That is unacceptable.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from New Jersey.

Mr. MENENDEZ. Madam President, how much time do I have?

The PRESIDING OFFICER. Each Senator may speak up to 1 hour.

Mr. MENENDEZ. Madam President, I came to the floor to speak in support of the Feingold amendment. I came purposely to talk about that issue, but I am compelled, having heard some of the remarks made by some of our colleagues, to first preface my remarks as it relates to this debate.

Yes, we are happy to have a debate, but it doesn't take 30 hours to come to the same conclusion the American people have clearly come to in this country: that continual engagement in the war in Iraq and the course we are on is not in the national interests of the United States. They have come through the common sense Americans always show. This is overwhelmingly the conclusion of a great majority of Americans. They understand. It doesn't take us 30 hours to do that. We can have an open, honest, and intelligent debate with a few Members on each side making the case for their respective points of view, but we don't have to take 30 hours in order to get to that goal so that we can move to the other important business of the Senate.

This is important business. It deserves a thorough debate. But, by the same token, it is clear that the whole process of objecting to the majority leader's effort to limit the scope of time so that we can have a robust debate but then go on to the other business before the Senate is to extend the time, is to delay us.

We have seen through a record number of filibusters the Republican minority has used in this Chamber in a way that defies all historic proportions. It is clear that what was intended to be used as a rare occasion to protect the rights of the minority, particularly on exceptional critical issues of the time, has now been abused in such a way in which it is intended to stall the work of the Senate but, more importantly, the work of the American people. That is the framework in which we start this debate. We can have a robust debate, but we don't need 30 hours to accomplish it.

Secondly, I cannot understand how some Members can come to the floor of the Senate and rail against the fact that the foreign intelligence surveillance bill has not been passed by the House of Representatives when they refused to agree to a 21-day extension of the existing law that gives the administration everything they want to do. So if this is such a critical issue, as has been described by Members of the Republican side of the aisle, why would they not have agreed to continue while the Congress debated the opportunity to extend the law that allows you to do all those things you say are critical to the protection of the American people?

I can only come to the conclusion that either it is not as critical as they define, because fear is what we sell, it seems, on the Republican side—we have been hearing fear for quite some time; the American people have caught up to that—or, in fact, they simply want to have the proposition for a political purpose. If not, we would have had the 21-day extension. Everything the administration claims they needed, they would have had, and therefore we would have been able to move forward. Those two items need to be put in context.

Let me get to the main purpose of what I came to the floor to speak about, and that is in support of the Feingold amendment.

The Senate has an opportunity, once again, to vote to transition our troops out of Iraq with honor and refocus our efforts on defeating al-Qaida. It is long past time for us to make that decision. The administration has never told us the truth about the war in Iraq. Some people want to gloss over that. But if what is past is prologue, then we need to be worried about what we constantly hear.

The budget they submitted to Congress is the latest proof of that. The budget is terrible in a lot of ways. It leaves millions of children without full access to health care. It fails to wean us off our addiction to foreign oil. It fails to adequately address climate change. It fails to repair our education system or shrink the ballooning deficit. Basically, it fails to make a serious effort to tackle the most pressing problems average Americans face in their lives each and every day.

Beyond that, the budget is dishonest about the cost of one of the most expensive wars in our history, a war that has lasted more than America's engagement in World War II. It lists the cost of the war in Iraq for next year at $70 billion. All the other calculations in the budget, including the debt and the deficit, in some way assume that $70 billion is all the war is going to cost in the next fiscal year. We have to wonder if whoever wrote the section of the budget on Iraq found their job after leaving their old post at the accounting department of Enron because it is clearly the same type of accounting.

Recently, the Secretary of Defense took a baby step toward honesty and estimated the true cost for next year at another $170 billion of America's money. He said that was just a rough estimate, because when you have already spent more than a half trillion dollars, I guess you just round up to the nearest hundred billion. This is from an administration that over 5 years of a historical engagement in Iraq knows how many troops we have, knows the projection moving forward, and therefore knows what the consequences in terms of cost are. To send a budget to the Congress that everyone knows in the context of the cost in Iraq is a farce, this type of carelessness—if one can call it carelessness—in accounting is offensive to the American people who are funding the war.

This administration is so dead set on staying in Iraq. I know some Presidential candidates have suggested that we will do so for 100 years, if necessary. They just don't seem to care how much tax money they spend. They don't seem to care how much money they have to borrow from the Chinese to pay the bills, because we don't pay for this in terms of how we are going to afford the war. We don't domestically decide, well, this is going to be offset by some either revenue stream or cuts in programs. No, under this administration, we just keep adding it to the next generation—more debt, more debt. They don't seem to care how much wind gets knocked out of our economy because the money could have gone to creating jobs, stimulating the production of green energy, or helping families make ends meet.

As a matter of fact, we could use that money to do something that is critically important as well—protect America here on domestic soil. Because as we look at the President's budget, what does it do? It eliminates COPS funding that put 100,000 police officers on the streets of the cities. It cuts homeland security grants to States by 70 percent. It cuts port security by half. It cuts infrastructure security by half. This at a time in which every report, including those of the administration, has al-Qaida reconstituted on the Pakistan-Afghanistan border, and reports are coming out that they have been reconstituted with the strength and the ability to perform another attack on the United States.

The terrorists have to only get lucky once. We have to be right 100 percent of the time. How can you achieve those goals when you eliminate the very essence of the funding for those who, as we learned on September 11, came to respond on that fateful day? It wasn't the Federal Government, it was local police and firefighters and emergency management and hospital personnel. That is who came. What does this budget do? It slashes the living daylights out of those very first responders who are critical to our domestic security.

What does it do about one of the gaping wounds we have in the country in terms of security? It slashes port security. Everybody who comes to the Capitol has to go through a security device, 100 percent. Everybody who goes to the White House has to go through a security device, 100 percent. But when we talk about cargo coming from all over the world, only 5 percent has to go through the scanning process. Yet we are going to cut port security by 50 percent.

Mass transit: The Congress spoke in the last session and put mass transit up there, understanding we saw what happened in Madrid and Mumbai and other places in the world. Yet the President cuts mass transit security by 56 percent.

So to those who argue we cannot talk about the consequences of our engagement in Iraq in a financial context here at home, well, in the context of security here at home, at a time of a regrouping and restrengthening of al-Qaida on the Pakistan-Afghanistan border, with the ability to ultimately commit terrorism domestically in the United States, yes, there is a real causal connection and a real consequence and we have to include that as part of the debate and part of the consequences in our continuing engagement in Iraq in an open-ended way.

Now, with what we heard the Secretary of Defense talk about with the amount of money the Secretary of Defense thinks we might spend in Iraq next year, in a different context we could have more than doubled our package to stimulate the economy this year. When Americans get rebate checks in a month or so, they should imagine them more than twice as big because that is what this year in Iraq would cost.

If we want to imagine the total financial cost of the war in Iraq over almost 5 years, if we want to imagine what $608 billion means, we could divide that up and send every American a check for $2,000.

If we want to know what the war will cost over the next decade if we continue the course we are on, that is about $2.8 trillion. Every American should picture a check for more than $9,000. That is what the war costs: more than $9,000 for every man, woman, and child living in the United States of America. If there are four people in your family, that is $36,000 that potentially could have been put in your family's economy.

When so many hard-working families are struggling to keep their homes, and so many are struggling to help keep up with the rising cost of health care and college tuition and heating oil, when so many have to care for aging parents, put food on the table, and struggle to make ends meet each month, $36,000 would go a long way. So it is a different way of looking at it.

There are many different ways of looking at the costs of the war. So here is how it all adds up. We cannot think about economic stimulus without thinking about how we can stimulate peace. We cannot heal our economy without closing the financial hemorrhage that is the war in Iraq. It seems to me that in addition to those financial contexts, there is the whole question of security—the security I talked about in a domestic capacity; the security challenges we have by overextending our troops in such a way in which all of our military leadership speaks about the challenges we would have if we had to meet another security challenge in the world; and basically an understanding that, God forbid, we had another security challenge, while we are still engaged in Iraq in the way in which we are engaged, while we have a resurgence in Afghanistan of the Taliban, with some of the latest reports talking about some very fierce fighting and the lack of response by NATO and a pumping up of our troops there; and looking at that scenario and now looking at the Afghanistan-Pakistan border, where al-Qaida has reconstituted. And that is, God forbid, if anything else happens in the world.

That is our challenge, in a security context, if we continue the course: a challenge that those who have the military prowess tell us we cannot meet if we continue in this way.

For 5 years, the administration has parroted the line that: "We're fighting them over there so we don't have to fight them here." But now more than ever we realize that one of the biggest impacts of the war has been we are spending our money over there and, therefore, we cannot spend it here—money that includes billions of dollars that have been misspent, including hundreds of millions of dollars in reconstruction projects that are unaccounted for.

I came back from Iraq about a month ago. I must say, when I see schools going wanting here in America, when I see hospitals closing in my home State, when I see roads that have deteriorated, bridges that have fallen, and see reconstruction in Iraq but no construction here at home, those are real consequences of the war.

When I see us talk about the genocide in Darfur, and we are universally committed to the proposition "never again," "never again," what does "never again" mean? That we will not repeat the legacies of the past, the failures of the past: in the Holocaust, in Rwanda, in the Armenian Genocide. No, no, we will act. Yet because of our present security challenges, and the consequences of being engaged in Iraq in the way we are, we stand by and watch people in Darfur be slaughtered. So much for "never again."

Not long ago, about a month ago, I had the chance to make a trip to Iraq myself. First and foremost, the trip proved something I believed for a long time: We should be incredibly proud of the men and women who wear the uniform of the United States and who are serving there. They do not ask whether this is the right or wrong mission. They just serve with honor and integrity, and they risk their lives every day.

I came away extremely impressed with their commitment, and I felt honored to be able to share some time with them, including many from my home State of New Jersey who are serving there. So we need to give them a mission worthy of their sacrifice. I believe that is what Senator FEINGOLD's amendment does.

Beyond that, one other thing became very clear to me. The solutions to Iraq's problems lie in the hands of the Iraqis. We cannot achieve peace, we cannot achieve reconciliation, we cannot achieve power sharing, we cannot get Sunni, Shia, and Kurd to sit side by side at the point of a military gun.

As long as we continue to, in essence, be enablers of an Iraqi leadership that has become so dependent on the United States and refuses to meet the challenges of the hard choices, compromises, and negotiations necessary for their Government to ultimately achieve, they will never, ever feel the urgency of now.

When the President sent 30,000 additional troops into harm's way in Iraq last year, the purpose—his purpose, his stated purpose; not my view of it, his stated purpose—his stated purpose was to allow Iraqis to have the opportunity and the space, the environment, to strengthen the Federal Government and achieve national reconciliation.

That, no matter how we try to paint it, has not been accomplished. Even our own benchmarks, that even the administration agreed to and the Iraqis agreed to, have largely not been accomplished. So to use a sports analogy, we keep changing the goalposts every time, further and further away from the obligations the Iraqi leadership has.

Not too long ago, Iraq's Parliament finally passed three laws, after months of bitter squabbling. We certainly should applaud them for that. But the Bush administration is touting this event as an end-all, be-all political breakthrough. But, as usual, they are taking a small bit of good news and trying to whitewash the bigger picture.

The agreement the Iraqi Parliament reached is basically temporary. The provincial powers arrangement is set to expire—guess what—in 1 year—what they passed has an expiration in 1 year—to hold the politicians over so they can have the same arguments all over again next year.

Iraqi politicians are still a long way from permanent agreements over fundamental issues because they do not have the pressures of the necessity to do so. The reason is, as long as we continue to insist in an open-ended presence in the lives of Americans and the national treasure of the United States, they will not make the hard choices and compromises necessary to achieve lasting stability.

When I went to Iraq and met with a lot of the Iraqi elected leadership and some of the tribal chiefs and whatnot, I was stunned that they kept telling me about what America needed to do. My response to them was: Iraq's future is in your hands, not in America's hands. You must make these decisions for your country.

I know we have heard a lot about the surge, and certainly it depends on what your measurement is. If you are talking about greater security in Baghdad, the answer is, yes, yes; no question—although Baghdad has become far more segregated as a city, so that one of the ways in which security has been achieved is that we segregate Sunnis and Shias into different parts of Baghdad's neighborhood. Maybe that is the cost.

But when I landed, I was supposed to go to Mosul. I was not able to go to Mosul because they could not guarantee my protection. We have millions of displaced Iraqis who are beginning to come back. And now they come back to neighborhoods and to homes where the person living there is—not only has their home been taken over, but they are not even from their same sect. So they feel they cannot go live there.

I asked: How are you ready to take on the displacement of several million of your country people coming back to the country? They have no real plan. We have 80,000 or so concerned local citizens, individuals who at one time fought us and have decided to join us but who are on the payroll—we pay them every week to be there—and their expectation is they are going to be integrated either into the security forces or get some type of employment. We do not have from the Iraqis a clear sense of how they are going to meet that challenge. These are 80,000 individuals who have weapons on them.

So when we hear about the surge, let's not forget what President Bush said was the purpose. It was to create the space and environment necessary for the opportunity for Iraqi leadership to make the hard choices, compromises, and negotiations, to pass the benchmarks we had passed and the Iraqis agreed to. That has failed. That has failed.

About security: Yes, we have created greater security in Baghdad. We also have created greater segregation in Baghdad. And we have pushed the challenges elsewhere in the country.

At Combat Post X-Ray outside of Baghdad, I met with troops from New Jersey serving in the Air Force. An IED had just killed one of their colleagues and wounded several others.

The hardest thing I have had to do in 33 years of public life is to call a family and give them my condolences because a loved one has been killed. It is the hardest thing I have had to do in public life. It is hard enough for a parent or a wife or a husband or a mother or a father to hear that when they believe their family member was fighting for freedom and for our security. It is incomprehensible when that death was about Iraqi politicians fighting for resources and power.

When General Petraeus was here last year and came before the Senate Foreign Relations Committee, he said in his testimony that what we have in Iraq going on is a fight over power and resources.

I do not think Americans believe that sending their sons and daughters into harm's way so Iraqis can fight over power and resources is a mission worthy of their sacrifice. There is no military solution in Iraq. Everyone, including General Petraeus, has admitted that.

The only way to pressure Iraqi politicians into making the choices necessary to move their country forward is to stop signing blank checks and to set a timetable to transition our troops back home. That is, in essence, what my colleague, Senator FEINGOLD, does. He creates a transition, effective 120 days after this law is passed and signed by the President. But that still permits us to meet critical missions, to conduct targeted operations against members of al-Qaida, the real threat to the United States, and affiliated international terrorist organizations; to provide the security for our own personnel and the infrastructure of the U.S. Government; to provide training to members of the Iraqi security forces who have not been involved in sectarian violence or in attacks upon the U.S. Armed Forces so that we can ensure that they can ultimately be able to stand up for their own country as our major focus; and to provide training, equipment, or other materiel to members of the U.S. Armed Forces to ensure, maintain, or improve their safety and security while redeploying members of the U.S. Armed Forces.

That, in my mind, is ultimately an opportunity to transition with honor; focus our mission on whom we need to—al-Qaida; strengthen the Iraqi security forces to meet their own challenge; and send a message to the Iraqi leadership that you must do what you have failed to do. The opportunity has been given to you. We cannot continue an open check in terms of national treasure or a continuing loss of American lives.

Finally, I felt truly blessed to step onto American soil after flying back from Iraq. Too many American men and women over there do not have the option right now of taking that return flight, and too many Americans have not returned, and others may not as well. I have seen firsthand how bravely our troops have served, but let's be clear about that service: American troops cannot be waiting for Iraqis forever to make the choices necessary to achieve success in their country. They cannot be asked to serve up a functional society on a platter. They cannot be expected to be the only ones serving up a functional electric grid, sewer systems, or revenue-sharing agreements about oil. As the former Chief of Staff said, we need the Iraqis to love their children more than they hate their neighbors. That is a powerful truism, but that does not come at the point of a gun.

If Iraqi politicians think they can sit back and keep looking at the menu of options and squabble over the choices no matter what, Americans will keep delivering everything they order; they will keep picking up the tab, they will never feel the pressing urgency to build a functional country for themselves. It is time for that type of service to end. It is time for every American soldier to have the most wonderful privilege we as Senators have had who have visited Iraq: the privilege of booking a return home ticket.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I rise for just a few minutes. I know the distinguished Senator from Michigan wants to speak, and I will not be long, but I feel compelled to come to the floor today to speak about S. 2634, to require a report back to the people of the United States and to the Congress on our country's plan to address al-Qaida and its affiliates on a worldwide basis. It is very disappointing to me that we would put something on the floor like that when, in fact, it is those who have objected to the plan we have who are causing all of the problems we are experiencing today. I wish to go through it for a moment because there is a plan.

Nine days after 9/11, when the United States of America was attacked and New York City was attacked and the world saw the evil of al-Qaida and the evil of terrorism, the President of the United States went to the floor of the U.S. House of Representatives, and he made a speech in which he declared a change in U.S. policy—a change from one of reaction to one of preemption.

So, first of all, we don't need a 60-day report back to the people of the United States on what our policy is. Our policy is one of preemption. Now, if you want to argue whether that is right or wrong, it is fine with me, but don't pretend as though we don't have a plan.

Secondly, in terms of preemption, it is a proposition where you don't want to see what happened on 9/11 happen again, so you are proactive rather than reactive. We were attacked as a country in the late 1990s and early 2000 seven different times in which we reacted after the fact. In most cases, those reactions were benign. In one case, we sent one missile into an aspirin factory, but it was too late for the diplomats who had died, for the soldiers and sailors on the *Cole* who had died, and for others who had died tragically under terrorist attack.

So, first and foremost, I would submit that we have a policy called preemption.

Thirdly, I would submit it has been a pretty good policy because since the President of the United States established it in that speech on the floor of the House in September of 2001, there has not been a single executed attack on the United States of America on our homeland. I think that is pretty good evidence that we have a plan, and a plan that is working in the interest of the safety of the American people.

Fourth, recommendations regarding the distribution and deployment of U.S. military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph 1. The people who want to pass this bill are the very people who 2 weeks ago would not allow us, in the House of Representatives, to extend the Foreign Intelligence Surveillance Act. Here we are asking what our plan is going to be. Yet people are voting against the United States having the intelligence to conduct the worldwide program against al-Qaida and its affiliates. You just can't have it both ways.

I respect anybody being opposed to our deployment in Iraq. I respect anybody's opinion in this body—or any other body, for that matter—on the policy of the United States. But do not on the one hand assume we have no policy and then on the other hand vote against every meaningful contribution to the policy we do have, and the absolute prima facie evidence of that is FISA. Go look at the votes in the Senate on who voted against the extension of FISA, and you will find the same people who are supporting and furthering S. 2634. It is on its face patently unacceptable.

Lastly, it requires recommendations to ensure that the global deployment of the U.S. military of personnel and equipment best meets threats identified and described in paragraph 1; and, A, doesn't undermine the military readiness; B, requires the deployment of Reserve units more than twice, once every 4 years; and C, requires further extension of deployments of members of the U.S. Armed Forces.

Let me interpret what that means. In 60 days, they want us to report to our enemies exactly what our military deployments are going to be in the future. One thing you don't do when your sons and daughters are engaged in harm's way around the world is tell your enemy what your game plan is. Sure, you should have one, and it should be one we all listen to on the fourth floor in our secured briefing rooms, but don't require it to be advertised to the world.

We live in the greatest, freest, most liberty-loving country in the world. We fight in this body every day to protect the Bill of Rights. But we have to recognize something: The terrorists don't want what we have. They don't want us to have what we have. They don't want us to have a first amendment to protect speech or for me to be able to stand up here and express myself. They don't want a law-abiding citizen to be able to carry a firearm or own a firearm. They don't want you to be able to worship on Sunday or worship on Friday or worship on Saturday or worship five times a day if you are a Muslim. They want to be able to dictate how you worship and whom you worship. We have to remember that, as we talk about the individual liberties and freedom we protect, those are the very liberties al-Qaida and its affiliates, as this bill portends, want to take away from us. The last thing we want to do is pass legislation requiring us to give them our game plan.

I welcome debate on these issues anytime we want to come to the floor. I take pride in the accomplishments of the young men and women who stand today in Afghanistan, in Iraq, and in other places around the world furthering the interests of the United States of America and protecting us against al-Qaida and its operatives. We have a policy, and it is called preemption. We have a plan, and it is our plan, and it doesn't need to be advertised to them. Most importantly of all, we have the finest men and women in the world executing that plan today around the world on behalf of the people of the United States of America. But let's not require disclosure of our plan, and let's not pretend we don't have a way to attack al-Qaida and its affiliates. We do. It is called preemption. As of yet, they haven't hit us on our territory, in our country since the day we established that as the policy of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, will the Senator from Georgia yield for a question?

Mr. ISAKSON. Absolutely.

Mr. FEINGOLD. I wish to ask the Senator through the Chair—he indicated that our strategy vis-a-vis al-Qaida after 9/11 has to do with the doctrine of preemption. I am intrigued by that. I know that was a justification for going into Iraq, but I wonder if the Senator could explain how the doctrine of preemption is going to help us against an organization that is existing in some 80 countries in the world. Are we going to invade and preempt 80 different nations?

Mr. ISAKSON. Madam President, after seeing what al-Qaida wants to do to us and has done to us, I don't think we should minimize what the effort might be that we have to take.

I say to the Senator from Wisconsin, it is one of preemption, and the No. 1 way to preempt is to know in advance what the enemy is going to do, and the No. 1 way to do that is to be able to surveil known enemies. That is why we have the FISA bill. You can preempt when you have the knowledge. If you don't have the knowledge and you strip your intelligence agency of the business, yes, they are going to grow in 80 countries, and yes, they are going to hit us. So we have a policy of preemption. The best way to preempt is to have good intelligence, and the best way to get their attention is to let them realize we will go after them wherever they are as long as they declare war on the United States of America.

Mr. FEINGOLD. So you are not referring here to the doctrine of preemption to use as a justification for invading Iraq; you are talking about the need for intelligence, is that correct?

Mr. ISAKSON. The President of the United States—I believe it was 9 days after 9/11—announced the change of U.S. policy to be one of preemption. That is what I addressed in my remarks. The FISA reference I made was to say that I found it a little unusual for the people who were supporting the bill of the Senator from Wisconsin—whom I completely respect—to be most of the same people who voted against us having the intelligence to be able to preempt them. And then to have a bill that portends we don't have a policy? I just didn't think it made good sense.

Mr. FEINGOLD. Madam President, if the Senator will further yield for a question, I understand what he is saying in terms of the need for intelligence, but the doctrine of preemption that was announced by the President 9 days after 9/11 and through that period was not about intelligence. It had to do with the notion of where we could intervene in various nations. So I am just a little bit confused about that and trying to understand the connection.

Mr. ISAKSON. Madam President, responding through the Chair, I appreciate the clarification. My point is you can't intervene if you don't know where it is going to happen.

Let me just make a point, if I can. I live in the great State of Georgia, and I live in a suburb of Atlanta. There will be a trial in April of two students at Georgia Institute of Technology—Georgia Tech. Because of the PATRIOT Act and the FISA law, our intelligence agencies tracked communications from Islamabad, Pakistan, into Atlanta, GA, to the library at Georgia Tech to two students, Islamic students who were then communicating to Toronto, Canada, to establish a cell in Atlanta. Days before they were to activate the plan of that cell, our authorities moved in and put them under arrest, and they are going to trial. The cell was never activated. No lives were lost. That is how you preempt. You preempt through intelligence, you preempt from knowing what the enemy is going to do before they do it, and you preempt by having the strong intelligence and military forces to make it work.

Mr. FEINGOLD. Madam President, I appreciate the Senator responding to me. I will simply say that I virtually agree with that general proposition that we need to be able to have the information and we need to stop terrorist attacks, and I am glad we were able to do it in Georgia.

But the fact is, al-Qaida is operating in 80 countries around the world, and because of putting so much focus on Iraq, including so much focus of our intelligence system in Iraq, we don't have the adequate resources to preempt terrorist attacks throughout the world. That is the very problem. There are terrorist attacks going on in places such as Algeria and Morocco and Afghanistan and Southeast Asia, and because we are so consumed with Iraq, we can't pursue the very notion of preempting the terrorist attacks to which the Senator from Georgia properly refers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, first let me indicate that as my colleagues were speaking a moment ago, I think it is incredibly important to understand that, in fact, we are talking about a threat in 80 countries, and we do have a FISA law that, in fact, has worked, and no one is suggesting we do not have the need for strong intelligence and support for our intelligence operations. In fact, that is what all of us are willing to see happen. But what we are talking about in this resolution is whether we are going to continue to keep our focus on a country that is now in the middle of a civil war or whether we are going to redirect our efforts to address our real threats not only abroad but threats at home.

When we talk about the threats to our families, I would suggest that if we are now spending somewhere around $15 billion a month, some say, that when we look at what could be done here at home to address the very real threats of job loss, people losing their homes, children walking into schools that are crumbling, the lack of health care, those are also very important threats.

So we certainly want to make sure we are safe and address those threats abroad, but, more broadly, we have many threats affecting our families right now, and they expect us to use the very best judgment to keep them safe both from threats outside our country as well as from threats at home, including a huge economic cloud over many families.

Madam President, I rise today to lend my strong voice of support for the Feingold legislation to provide the safe redeployment of U.S. troops from Iraq, and to refocus us on, in fact, those things that are threats to our country and to the families of this country. Tonight, 591 members of the Michigan National Guard will bed down after a long day of working and fighting and facing danger at every turn in the harshest physical conditions imaginable. For every single one of these men and women, a family will go to sleep in Michigan tonight worried that their son or daughter, father or mother, sister or brother won't make it home.

The true cost of this war cannot be measured in dollars and cents. The real cost is measured in the sacrifices of our brave men and women and their families every day. This cost is more than just the possibility and the reality of physical danger. This cost includes the sacrifices that every single American family makes by being apart from each other time and time again. It isn't right what is happening; it isn't fair; it isn't safe. It isn't making us safer as a country, and we need to change this policy.

That is why I am so grateful that, once again, Senator REID has made it a priority for us to focus on the war in Iraq and what is happening to troops and families and people here at home, and the cost of the lost opportunity by spending upwards of $15 billion a month now in Iraq.

Tonight 591 Guard members in Iraq, with 591 families at home, 591 will have missed birthdays, missed Father's Days and Mother's Days, missed high school graduations and children's first steps or anniversaries or family funerals or holidays; 591 will have missed paychecks, sidetracked careers, with small businesses and farms put in economic danger; 591 lives that will never be the same; 591 sets of missed opportunities that will never be replaced. And these members of the Michigan National Guard make up only a fraction of the 160,000 men and women in uniform currently serving bravely and honorably in Iraq, or the countless others who have served.

In too many cases, these men and women are back in Iraq for their second, third, or fourth redeployment. In addition to the 591 who are already deployed, there are about 1,000 members of the Michigan National Guard who have been mobilized and who will deploy this year. Many of them will be doing their second, third, or fourth deployment to a combat zone. This year alone, there will be a thousand more missed paychecks, a thousand more missed birthdays and holidays and special occasions, and a thousand more lives that will never be the same.

Our fighting men and women are the greatest single resource our military has, and this Government is abusing that resource. America puts our trust in our military to defend us. When our sons and daughters join the military, they are putting their trust in us to give them the tools, the resources they need, and to treat them with the respect they have earned. The current administration policies on redeployment have violated that trust. Those policies have let our troops down. Once again, I am proud to join with my colleague from Wisconsin in saying: Enough is enough when it comes to placing our armed services in harm's way by stretching them to the breaking point with redeployment after redeployment. Enough is enough when it comes to being in the middle of a civil war. And enough is enough when it comes to this administration taking its eye off the ball on the war on terror.

We are all aware of the worsening situation in Afghanistan. However, this administration continues to focus on a civil war in Iraq. Our Armed Forces have traveled a tough road since we invaded Iraq. They have shouldered a heavy burden with pride, with confidence, and with honor. We have asked extraordinary things from them at every turn, and at every turn they have delivered. They have done us all proud. They have faced tough situations and have done their duty. Now we need to do what is right for them. It is time to face the tough situations. It is time to make the hard choices, to make them proud of us, and it is time to remove them from the civil war in Iraq, to change course, and to refocus, as this bill does, and redistribute our resources to those areas that truly address the threats facing our families and our country.

America's soldiers, sailors, airmen, and marines are always there when we call on them. The question is: Will we be there for them? What this legislation proposes is as simple as it is right. It requires our forces in Iraq to target operations against al-Qaida and other international terrorist groups.

Why is this important? Because al-Qaida has declared war against us. We know that. The people in Iraq are in the middle of a civil war that is something they now have to address and come to terms with and bring their own resources to address. So while our troops are in Iraq, they should be targeting those who have said they wished to do harm to us.

Also, our troops in Iraq would be required to focus on providing security for U.S. personnel, of course, and that is extremely necessary in order to bring them home safely. I understand the Iraqi security forces are still developing, still learning, as I have met with them in traveling to Iraq. We have heard certainly of the continual need to train, the need for them to continue to develop, and we know we have a role in supporting that, and this bill recognizes that fact. It would allow our troops to continue to train Iraqi security forces, but only if our troops are training the Iraqis who have not been involved in the sectarian violence or attacks against our troops.

This bill will allow our troops to continue to train the Iraqi security forces, but only if that training does not result in our troops being in combat. Training, yes; but they need to step up at this point, after 5 years, and be the ones at the front line.

This bill also brings our troops home safely. It specifically allows our military to train and equip itself to ensure its safety. Most importantly, it requires that we begin to bring our troops home.

This administration said a surge was necessary; that the surge would give the Government of Iraq the time to reach the political solutions necessary to end their civil war and to end the violence. They said time was needed. Well, the Government has had time, and during this time our troops have continued to pay the price. Our troops have been caught in the middle of a civil war. They have been victims of IEDs. They have come home with post-traumatic stress disorder and other mental and physical ailments. The bottom line is, it is time for our troops to be placed first and to begin to bring them home.

That is all this bill does, and it does that while allowing our troops to continue to focus on who we all agree is the real enemy: Al-Qaida.

On October 11, 2002, I was proud to be 1 of 23 Members of this body who stood in this Chamber and said the war was the wrong choice. This administration, I believe, since that time has in fact failed our troops and the American people by committing our troops to a war without a clear reason or goal, and by squandering resources that are desperately needed here at home to rebuild America and to invest in American communities. This administration has failed our troops by not having a clear mission for our Armed Forces in Iraq, by not providing the proper equipment and body armor and logistical support for the troops, by poor planning on the invasion in Iraq and the lack of planning for how to secure the country and what would happen after the initial attack. I believe they have failed by sending our brave men and women back into harm's way over and over again without the proper rest between redeployments.

History will be a harsh judge of this administration, because I believe they have failed the American people. This administration failed because they took their eye off the ball. This legislation is about putting our eye back on the target of what we ought to be doing together.

In closing, let me reemphasize the fact that while the most important thing is to be supporting our troops, to be addressing the threats to them while they are in harm's way, to address the lives lost and the people who are coming home who will need help the rest of their lives, it is also important to look at this from the standpoint of the precious resources that have been lost at a time when so many American families are struggling. We always make decisions based on values and priorities, and it is shocking to me, as we have seen this war go forward, to see upwards of, some say $12 billion, some say now upwards of $15 billion a month—not part of the normal budget—going directly on the national deficit, the national debt, to be paid by our children and grandchildren. But let's say it is $15 billion a month. To see that continue month after month after month, and to see us work together on a bipartisan basis to pass a critically important piece of legislation to increase health care for 10 million children across this country, which costs only $7 billion a year, and yet that is vetoed—there is not a willingness to invest in American children to the tune of less than half of what it is costing per month in Iraq—these are the wrong values and wrong priorities.

We see schools being rebuilt in Iraq, and yet I can go in too many schools in Michigan where there is a bucket in the corner to catch the water dripping from the roof, or we don't have the kind of computer technology in the classroom every single child will need to know how to use in any job they get, from working at a gas station to working at a technology company. We know we have crumbling roads and bridges here in America. We know every time we invest in and rebuild in America, those are jobs that aren't going to be outsourced to another country. Those are American jobs—rebuilding American roads and American bridges and water and sewer systems in America. We are told we can't do that, that there are not the resources to invest in America, but we are spending $15 billion a month in Iraq.

We now have a whole new group of industries producing what are called green collar jobs, and I am very proud to have joined in working with many of my colleagues to focus on the new alternative energy technologies and other things we need to do—small investments with huge results for energy independence and creating more jobs and addressing global warming.

And yet we consistently hear there are not the resources for any new investments in America. There are so many areas where we are told there is no money: for doing the bold research we need to solve Alzheimer's and Parkinson's disease and to aggressively move forward on other health research; the desire not to help those who lost their jobs because of trade, to be able to go back and get the training they need to be able to move on to new kinds of jobs so that we have a middle class in this country; and that families can pay their mortgage and electric bill and heating bill and know that they have the opportunity to keep their standard of living in our country.

There is a lot at stake. And this bill, while it focuses on what we need to do to change the mission, to refocus on ways to truly keep us safe, to begin to bring our troops home from Iraq, from a civil war where we need to leave and redirect our troops to those areas where, in fact, we will be focusing on the real threat to our country, that is, on the surface, what this legislation does.

I would suggest it does more than that because this is about who we are as Americans, what our priorities are: No. 1, how to make sure we are truly smart enough to be focused on what keeps us safe; and, No. 2, understanding that we have much to do in our country.

Our families are feeling squeezed on all sides. Communities need help, and we have an opportunity to not only redirect our troops and our focus but to redirect critical dollars to be able to make sure, in fact, we are finally putting the interests of America's families first.

I urge my colleagues to support this important bill.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I think the Senator from Oklahoma will return in a moment. If it would be appropriate, I would suggest that he go. I think he will go next, followed by myself, a Democrat, then Senator SESSIONS.

I will get started. Senator COBURN, I think, has been to Iraq just a week or so ago. I look forward to hearing what he has to say about the condition on the ground as he found it.

And to my friend, Senator FEINGOLD, one thing I think all of us should agree upon is that you pushed this idea of withdrawing from Iraq for a very long time. There is no question in my mind that you are very sincere, that you believe it makes America stronger not weaker, and that if the polls were 90–10 to stay, you would be doing this, simply because that is what motivated you as a Senator.

I have nothing but the utmost respect for what makes you tick as a Senator. I know you take on some very difficult challenges, sometimes not popular, and this particular piece of legislation, I think, is ill-advised. I will speak for a while as to why it should be defeated.

But the author of the amendment is consistent, is as patriotic as anybody else who will speak, and we need more of this, not less. So what is the Senate all about? We are talking about important things. There are a million things going on in this country that need to be addressed. But I think taking some time to talk about Iraq, where we are, where we are going to go, and how we are going to get there is probably time well spent. I think most Americans are very interested in the outcome in Iraq.

Having just returned from Iraq, I think Senator COBURN can give us his view of what he found.

I yield the floor and will speak after he is through.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, first of all, I, too, want to express my respect for the Senator from Wisconsin. We have a lot of things on which we agree. This happens to be something on which we adamantly disagree. But I appreciate, as someone who pushes the limits in this body, his desire to have this debate because I think it is important.

We just heard the Senator from Michigan talk, and the statement would have been a fairly accurate reflection 2 years ago. But it has nothing to do, and it is not even anywhere close, to what is ongoing in Iraq today.

I think the case could have been made 2 years ago that Iraq was in a civil war. Nobody who has visited Iraq in the last 2 months can make that claim. It is not there. Outside of the Green Zone, I met with people whose daughters had been murdered by al-Qaida. I met with people whose father had been murdered. I met with both Sunni and Shia in the same village, in multiple villages, who had reconciled because they reject the terrorism of al-Qaida.

There is no question lots of mistakes have been made with the Iraq policy. But the claims under which we try to describe Iraq today in light of how it was 12 months ago are fictitious at best and damaging probably in terms of what the truth is.

Do we find ourselves in a very difficult situation? Absolutely. Is this an expensive war? Absolutely. Would we all like to not be where we are? I think almost everybody would agree to that. But probably the more important question for me is, where are we today compared to where we were 12 months ago, and have, in fact, the mistakes of the past been reflected in policies that have changed and bode for a greater future absent additional mistakes?

The desire of the Senator from Wisconsin to have us out in a way that limits our exposure is something that I would love to be able to see. But the practical nature of what he wants to accomplish could not be accomplished in less than 18 to 24 months. I mean, it could not happen. You go and talk to the military; it could not happen without us leaving tons of equipment.

But the point is, we should not dwell on that. The point is, did we make the necessary changes that can create an outcome that gives us an honorable exit from the situation, and does it leave a genocide behind? I firmly believe, having traveled—my trip prior to this one was 6 months before the surge. I want to tell you the difference is like night and day, everywhere I went. I duplicated places I went before.

So with the earnestness that the Senator from Wisconsin drives his position, we ought to reflect on what has been accomplished. I also find it very disingenuous to talk about the cost of this war by the person who sponsored more legislation and greater Government spending than anybody in this body in the 109th Congress, in the first session of this Congress.

The fact is, $349 billion worth of new spending was coauthored by the Senator from Michigan last year, $349 billion, the same Senator who voted to fund the bridge to nowhere.

I happen to agree we ought to be paying for the war. We ought to be paying for the war, and we could easily pay for the war by eliminating wasteful spending.

I would direct you to the Reader's Digest last month where they estimated $1 trillion we are missing in wasteful spending. That is an underestimate. So for us to make a claim of a fiscal nature, by the person who has cosponsored more spending than anybody in this body, and has voted against amendments to decrease wasteful spending, is somewhat less than genuine, I believe.

I think the other thing that needs to be said is we had a debate, and we actually funded the surge. It actually happened. We ought to be talking about what happened with that. To me, it is phenomenal, the difference. I will tell you, I am very—we lost a soldier from Ardmore, OK, a 19-year-old soldier killed by an IED.

How can it be that we can continue to do this unless we are doing it for the right reasons and the right cause? I believe if we walk away, no matter how we got there, rightly or wrongly, if we walk away, what I see happening, from my experience in Iraq in 1993 after the first gulf war and before this one, as a medical missionary, here is what I see happening: If we do what the Senator from Wisconsin wants us to do, and we effectively carry this out, I see an unstable northern Iraq. I see a war between Iran, Turkey, and Kurdistan. I see a marked civil war between Shia and Sunni, with involvement of the Sunni Triangle, Sunni crescent. I see a total destabilization of the Mideast. But beyond all of that, what I see is tremendous additional tragedy that we will have impacted onto the people of Iraq, and in the deaths of 500,000 to 1 million more people.

And the question ought to be: Do we have a moral obligation to fix what we started? The assessment of the Senator from Wisconsin is that we cannot fix it so therefore we ought to come home, we ought to get out, that it was a mistake to begin with; it does not matter what has happened in the past other than we learned from it.

The question is, what can we do about the future? I want to tell you, I do not buy everything the Pentagon says. I am pretty critical across their spending, across everything else. I accused them of lying to me on the training of Iraqi troops in 2006.

But when you see what has been transformed in the training of troops in Iraq, which is comparable to our training of our own troops over the same period of time, and what they have accomplished both in terms of synergism with both their equipment, their military leaders, and their troops, and they walk out of training as a Sunni and Shia together and you see that and you say we are going to walk away from that, we are not going to finish it, we are going to allow this thing to collapse—and it will.

So then the question is, have we made another mistake in not fulfilling an obligation in something that we started? I do not believe we can do that. If we do that, I think the blood of every Iraqi that is displaced or dies after that is on us—not on the Taliban, not on al-Qaida, not on Shia extremists, not on Sunni extremists but on us.

We can win. We will win. We can. There is political progress all across the board, locally and at the regional and at the national government level. I would remind the Members of this body how long it took us to get a functioning government, a functioning government after our independence, one that was based on a constitution, one that was based on the rule of law. It was not smooth sailing. We did not do it in a short period of time. And we did not even get it right when it came to equal rights of individuals. We did not get it right. Yet we are frustrated with that.

I see a new day in Iraq. It is not over. It is dangerous, it is still very dangerous. But the progress, the improvement, the reconciliation between Shia and Sunni is unbelievable.

In province across province, the Shia, the Sunni awaking, the sons of Iraq phenomenon, the coordination of local governments across ethnic lines is in stark contrast with what was there a year and a half ago. Do we just abandon that? Think about the message it sends if we are not going to create a stable Iraq. What immediately do they do? They immediately start going to their own intrinsic ethnic corner. We divide. We send the Kurds one way, the Shia one way, and the Sunni one way. We create a holocaust.

I want to say publicly I have had a lot of misgivings about what our country has done in the Middle East. But I have no misgivings at all at this time about the course we are on. The leadership of General Petraeus, the leadership of Ambassador Crocker, the leadership of the people within Iraq, sheikhs within small communities risking their lives every day to stand up and say: I will join hands with a Sunni, with the Shia. I am going to reject al-Qaida and we are going to get our lives back together—that is happening. That is a dynamic that is forcefully happening because people want peace.

This will eliminate that movement. This will create insecurity. This will drive people to their corners. This will drive people to extreme positions. In fact, what we have accomplished in the last 12 months will be denuded and neutered out to the point where we will have created a worse situation rather than a better one.

To the soldiers and families who have sacrificed so much in this war, I say thank you from my family. The real problem of the administration, the mistake they made, is we should all be sacrificing for this war, not just our military families. We have refused to do that as Members of the Senate by making sure that we pay for this war, by getting rid of things that are lower priorities, getting rid of things that are duplicative. We didn't do that. We said, we will charge it to our kids. We can't ruffle any feathers and make the hard choices.

The Senator from Michigan said: We do things based on value and priorities. That is baloney. We do things based on how we get reelected, with the exception of the Senator from Wisconsin, who is one of the most honorable men in this body. He never thinks about that issue. He thinks about what he thinks is right. But the way we do things around here is what is politically expedient, not what is right. For her to claim that that is how we do things, when we can't even get rid of billions of dollars in duplicative programs, $8 billion worth of buildings that the Pentagon wants to get rid of because it might ruffle some politician's feathers somewhere—we don't do things based on priority or on value. We do it on political expediency.

Again, I thank the troops and the families who are sacrificing. I am amazed at the progress that has been made, literally amazed. I believe we ought to honestly look at that before we walk a different direction. We ought to truly reassess where we are. It is a big price. I know it is. We have paid a big price in this endeavor. It is fair to question whether we should continue it. But it is not fair to not look at what has happened over the last 12 months in a realistic and open assessment that says, is there light at the end of the tunnel? I will tell you, there is. Individually, in talking to Shia and Sunni families while over there, outside of the Green Zone, walking among them without protection, seeing the hope in their eyes that finally things are going to get back to where they can take care of their families, move ahead with their goals and their personal lives, the leadership exhibited by our military, not just in leadership roles but all the way down to the private and what they are doing and how they are doing it and how they are carrying it out in Iraq, is something we can all be proud of. I don't think we should jeopardize what they are doing by voting for this bill. It is great for us to question. Sometimes we haven't done that well enough. But to ignore the reality of what is happening today in Iraq and the trend lines and the movement lines and the economic growth lines and the power lines and the oil production lines and the agreement among Shia and Sunni at all of these regional and provincial levels, to ignore that is a grave mistake on our part.

It is my hope that we don't carry forward with this idea. It is also my hope that we will truly recognize, not be blinded, not be sold a bill of goods. I am not suggesting that. We should ask the tough questions. But to deny the marked change, the tremendous progress, the tremendous freedom, the tremendous lifting of the burden on the Iraqi people that has happened in the last 12 months and not say that means something and not say that that means we are going absolutely in the right direction—we haven't won this war, but we certainly have them on the run. We certainly have the Iraqi people enamored with us to the point where we are not despised. We are welcome now in the vast majority of Iraq. In 95 percent of Iraq we are welcome because we are a liberator of them from al-Qaida, not from Saddam but from al-Qaida, the one who cut their 8-year-old daughter's head off because she looked at them wrong, the ruthlessness of radical Islam. That is what is at stake right now. We can differ in our approach on how we might battle that, but this is the heat sink right now. Iraq is the heat sink for al-Qaida. It is where they are, where they are coming.

We are winning. The Iraqi people are winning, and the Iraqi troops are winning. Let's not destroy that.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I returned Thursday of last week from Iraq after my tenth visit. A year ago this time I quite honestly thought we were going to lose this thing—incredibly depressed, because you could see over about a 2½ to 3-year period it getting worse with each visit. Things have changed dramatically. But it is important for every Senator to put Iraq in context so their constituents and the Nation can judge what our proposals are and what makes us tick on Iraq.

I believe Iraq is the central battlefront, not the only one, in the overall struggle against radical Islamic terrorism. At the time Saddam Hussein was invaded and replaced, it wasn't to drive al-Qaida out of Iraq, absolutely not. It was a dictator who had created war and chaos in the region as long as he had been a dictator, who had defied 17 U.N. resolutions to let us inspect his weapons program. It was the Russians, the French, and every other intelligence organization in the world believing that Saddam Hussein was trying to acquire weapons of mass destruction. It was basically neutering the effectiveness of the U.N. The Oil for Food Program designed to help the Iraqi people and control the dictator was a joke. So the reason we invaded Iraq is because the dictator was defying the world. He made us want to believe he was trying to procure weapons. Because if he wasn't, he should have opened his country to inspection. He was living off the Oil for Food Program.

We had 70 something Senators vote to authorize force. The reason most of us voted that way is because all the evidence possessed by everybody in the world suggested that Saddam Hussein was not becoming the solution to the Mideast; he was still the problem.

What happened? We displaced the dictator and we got it very badly wrong after the fall of Baghdad. We had a model that was short on troops. There was a period of time when we allowed the country to become lawless. Instead of stopping looting and pillaging, we let it grow. We disbanded the Iraqi Army, and they could have been helpful, at least some of them. We made a lot of mistakes after the fall of Baghdad. For about 3 years plus, we were pursuing a strategy that was not producing results. Why? Because we didn't have enough troops. The enemy was getting stronger, not weaker.

We had a great debate last year as to whether we should change course. Everybody in the body suggested we change course, because it was clear the old strategy was not working and it was depressing to go to Iraq and hear the people in charge on the ground say things are fine, when you knew they weren't.

I am not a military commander. I am a military lawyer. But common sense would have told you a couple years ago that this thing was slipping away. So it was time to act and change course. There were two ways to do it. You could pull the plug and start pulling people out or you could add more troops to secure the Nation in a way that we should have done after the fall of Baghdad.

I will take responsibility for my point of view of not pushing harder early on to have more troops. But I can promise you this: For a couple years, along with Senator McCAIN, we pretty much were the lone voices to add more into Iraq. As the polling numbers on Iraq changed, the desire to add more troops dramatically got more difficult for a politician. But that is what we needed. I am here to tell you a year after the surge began that those who said the war in Iraq was lost were wrong. Those who said the surge had failed last April before it even started were wrong. Senator FEINGOLD passionately believes that the troop presence in Iraq should change, and he was suggesting withdrawal long before it was popular. There are some people who have been playing Iraq for the next election, not for the next generation or the next decade. They have made bold statements such as it is all lost, that we have lost in Iraq. They never told us who won, because wars are about winning and losing.

If you believe, as I do, that this is a battle in a greater war, could you afford to lose? What is the price to the United States to lose a battle against al-Qaida anywhere in the world? What would it cost us as a nation for al-Qaida to be able to stand on every street corner in the Middle East and tell people: We drove the Americans out of Iraq? They came to Iraq after the fall of Baghdad for the very reason we went into Iraq, except with a different result in mind. We wanted to replace the dictator and allow people in Iraq who had been oppressed for 30-something years to have a better life and ally themselves with us and be a peaceful neighbor rather than an agent for destruction in the region. We wanted to allow a woman to have a say about her children. We wanted Sunnis and Shias to be able to live together and prosper. We wanted a peaceful Iraq.

Al-Qaida saw what we were doing, and they came in droves to make sure we were not successful. The question has to be: Why does bin Laden care about Iraq? Why is he sending everybody he can get to go into Iraq? Why is he disappointed with the performance of al-Qaida in Iraq? Because he said the land of the two rivers is the great battle of our time. The land of the two rivers is Iraq. Bin Laden, no matter what you think about him, understands the consequences of us succeeding in Iraq. It is a nightmare to his way of doing business. The thought of a woman being able to run for office, hold office, have a say about her children is a nightmare. The idea that Sunni, Shias, and Kurds can live together and not be told how to worship God is an absolute affront to his way of thinking. The idea that the Iraqi people would align themselves with us for a peaceful Mideast must drive him crazy.

They came, al-Qaida, with a mission in mind. That was to drive us out and kill this effort at moderation. Thank God the President changed course with a mission in mind. We put more troops on the ground beginning last February. A year later I am here to tell my colleagues, it worked. All of those who said we had lost in Iraq and the surge had failed were absolutely wrong. Thank God we didn't listen to them. Because if we had left Iraq, al-Qaida, as sure as I am standing here, would be claiming all over the world they beat America. Iran would be the biggest winner, second only to al-Qaida. And Iraq would be a chaotic place where the Sunni-Shia fight would spill over to the region. If you think there is a problem now between Turkey and the Kurdish rebels up in the north, imagine a collapsed Iraq. What is that worth to prevent? Let me tell you what it is worth. It is worth everything we have to throw at it.

Let's talk about the troops for a minute. We all appreciate them. I don't doubt that one bit. But answer this question: Why do they reenlist after serving in Iraq and Afghanistan at higher levels than anywhere else in the military? What do they see that we don't see? Why do they keep going back the second and third and fourth time?

My opinion is: They get it. They understand their commitment and their sacrifice now will prevent their children from having to go to such a battle in the future. And they buy this idea that if we can contain extremism and defeat it in Iraq, we are safer here at home. They believe it so much they keep going and going and going.

Let me tell you something no one said yet: Well done. We should take this 30 hours and celebrate what I think is the most successful military counterinsurgency operation in the history of the world. We should take the 30 hours and go over in detail what the commanders and the troops under their command have accomplished. It is a phenomenal story that will be talked about in military history for decades to come. It has exceeded every expectation I had. Adding more troops into Iraq, I thought, was essential and would matter, but I never dreamed it would matter this much.

Let's talk about what has happened since the surge began.

Monthly attack levels have decreased 60 percent since June of 2007 and are now at the same levels as early as in 2005 and some points of 2004. In other words, we are rolling back the clock on attacks.

Civilian deaths are down approximately 75 percent since a year ago, dropping to a level not seen since the beginning of 2006.

Now, what does that mean? The better security, the more likely the Iraqi people will step up to the plate and reconcile their differences. I have always believed that was the key to stabilizing Iraq.

Now, when we try to do things such as immigration—and my good friend in the chair knows how hard that is—they run awful ads against you and say terrible things about you on the radio and make life pretty difficult for a politician to take on the hard things. Everybody likes doing the easy things. Very few of us like doing the hard things. But when you do the hard things, you get a lot of push-back. But we keep trying.

Imagine trying to sit down across the table or the aisle with someone of a different sect, and they kill your family. Now, what kind of world is that? The violence in Iraq had gotten so out of control that the idea of political reconciliation, to me, was impossible. To expect people to go to Baghdad and solve their nation's problems—because the threat of violence covered the country, I knew we would never get reconciliation. But here is what I hoped.

I hoped if we could turn this around and reduce civilian casualties and reduce the level of attacks and reduce sectarian deaths—which have decreased by 90 percent in the Baghdad security districts; listen to this: a 90-percent reduction in sectarian killings in Baghdad—I always believed if we could do that, the Iraqi people would rise to the occasion because they do want a new Iraq. That was my bet. That was my hope. And if they do not want it as much as I want it, or more than I want it, then it is never going to happen.

But here is the evidence, after a year of sacrifice, blood, and treasure—not just by us but by the Iraqi people. Their army and security forces have increased by 100,000.

Let me tell you what it is like to go to the recruiting station in Berkeley. You get pushed back because of the city council ordinance.

Let me tell you what it was like to go to the recruiting station in parts of Iraq a year ago. They were killing people who were trying to join the army and security forces. They were attacking recruiting stations. They were getting the names of those who wanted to join the army and security forces, and they were coming after their families; and they still came.

I have been to Iraq 10 times, and I can tell you, I met people the first couple visits who are now dead because the terrorists killed them. Because what the people were trying to do is create a moderate form of living that is an absolute nightmare for al-Qaida.

I have always believed, after having gone there so many times, that the Iraqi people are willing to die for their own freedom, and if they can pull this off, it makes me and my family and my country safer. So that is why we stay, that is why we fight. And we are winning.

What has happened in the last 60 to 90 days? Not only have we reduced the level of attacks by 60 percent—and civilian deaths are down by 75 percent and sectarian deaths are down by 90 percent—we have doubled the amount of weapons caches found because we are getting better information from the population. They are telling us things they did not tell us before.

Ten of the eighteen provinces have been taken over by Iraqi security forces. The Iraqi security forces grew by 100,000 in 2007 and stand now at more than half a million.

All I can tell you is the Iraqi people have taken the opportunity we provided them with the surge to stand up for their own freedom. They are dying at 3 to 1 our rate. They have paid a heavy price. Our country has paid a heavy price. But the reason the Iraqis keep coming after somebody falls is because they want a better way.

If I had to put in a story line the most important aspect of the surge, it would be as follows: A Muslim country made up of different Islamic sects turned on al-Qaida. Listen to that. With better security and a strong commitment from the United States that we will be your ally, we will not leave you, we will not abandon you to this vicious enemy, they slowly but surely turned on al-Qaida, beginning in Anbar and now marching throughout the whole country.

What does that mean for the overall war on terror? That is something we should be on the floor celebrating because the way you win this war is not: Kill every terrorist. The way you win this war is: You stand by forces of moderation and you give them the ability and the tools to change their own destiny.

Look what has happened. Anbar Province, a year ago, was determined lost by the Marine Corps. This year, they celebrate a 5-K run through the streets of Ramadi. Why? Because the sheiks, the tribal leaders, the average citizen said no to al-Qaida, aligned themselves with us, and al-Qaida has been diminished in great measure.

To those who want to defeat al-Qaida, stay with the Iraqi people and help them defeat al-Qaida. What a message to the Mideast: Muslims turn on al-Qaida with American support. What is that worth? That is priceless. That is how we win the war.

GEN David Petraeus should have been the man or person of the year. What he has accomplished in a year absolutely is stunning, militarily. It has come at a heavy price in blood and treasure. But to all those who have served under his command, congratulations. You have made military history. You have made your country safer. You have been al-Qaida's worst nightmare. And we are not going to let the Congress undercut you.

Now, the surge was not just about killing al-Qaida. The surge was about providing better security so the Iraqi people could build capacity to defeat their own enemy, enemies within their country, and reconcile themselves.

There have been major benchmarks out there for political reconciliation for quite a while. I said in October of last year, if I do not see progress by January or February of 2008, I am going to reevaluate my position vis-a-vis the Iraqi central government. One thing I can tell you, after a year, and going into March of 2008, the Iraqi political reconciliation has astonished me.

They have passed the debaathification law, and they deserve credit for it. What does it mean? It means Sunnis who held jobs in the Government during the Saddam era are going to be allowed to get some of their jobs back. What does that mean in real terms? That means the Shias and the Kurds have looked at a former oppressive group—people who ran Saddam's government—and said: Come on back. Let's build a new Iraq.

My God, what a statement to make. How hard that must have been for people who have lived under the thumb of Saddam Hussein and the people who ran his government, to turn to that same group and say: Let's move forward. Come back and help us build a new Iraq.

A provincial powers law just passed. What does that mean? It means the central government in Iraq, where the Shias dominate, has allowed the opportunity for local elections to occur in October of this year, hopefully.

That means that the Sunnis in Anbar can actually elect their own local leadership. They can elect people to send to Baghdad to represent their interests.

That means the Shias in the south are going to have a chance to elect their equivalent of a mayor, a county councilman, a Governor.

It means the central government, dominated by Shias, has turned to every province in Iraq—Sunni, Shia, and Kurd—and said: Instead of us running your life, you elect your local leaders.

That means they bought into this idea of democracy, where people vote for whom they want to make local decisions.

Here is what I predict: that in 2008 there will be provincial elections, and there will be a huge turnout. In 2005, the Sunnis boycotted the elections in Iraq because they were not certain that democracy was for them, and they were afraid of being left out. It is the Sunnis who are pushing for local elections, and they were able to win in Baghdad.

They passed a $48 billion budget—something we cannot do. A $48 billion budget has been passed, with the blessing of all groups, that will allow money to flow from Baghdad to reconstruct the country in every corner.

The hardest thing for one politician to do for another is to reach a deal in allocating resources because you always want more for your people and less for the others. We still do that here. I love Colorado, but I like South Carolina to get its fair share; and usually that means I care more about South Carolina spending than I do Colorado. But people, such as the Presiding Officer and myself and everybody else in this body, usually were able to give and take and get a budget that helps everybody.

Can you imagine how hard that must be for a group of people who have lived under a dictator who have never had that responsibility before and who have been suffering from violence inspired by al-Qaida, sectarian in nature? They were able to overcome that hatred and that bitterness that has been inspired by al-Qaida and say to each other: Here is the money of the country. You get your share.

That is progress. That is hope. That is al-Qaida's worst nightmare.

The one that means the most to me is that the general amnesty law was recently passed. I have been a military lawyer for 25 years and a student of history to some extent. What happened in Baghdad is astonishing. The prisons are full of insurgents. People aligned themselves with the insurgency during this lawless period. Blood has been taken and shed from each group, one to the other. Most of the people in jail are Sunnis. There are more and more Shia militia, but right now it is Sunnis.

The central government in Baghdad passed a general amnesty law where a committee will be formed of all groups to go through the files of those in prison to allow them to come back home and be part of the new Iraq. That is a level of forgiveness and a desire to start over that had to be incredibly difficult because there is nothing sweeter than revenge.

The people who were on the bottom in Iraq for a long time, the Shias and the Kurds, and those in the Sunni world who were trying to basically prevent Iraq from coming together as one, have now seen it is better for them to chart a new destiny, a new course together. They have a long way to go, and they are going to be fought at every turn.

If you understand nothing else from this speech, as Senator MCCAIN would say, understand this: al-Qaida is diminished, but they are not defeated. Their goal tonight or tomorrow or the next day is to create a spectacular attack that will make headlines all over the world, and people in this body will respond to those headlines and try to change course in policy. I would argue the worst thing we could do is allow one of the most vicious movements in the history of mankind to change American foreign policy because they have the ability and the desire to commit mass murder. So beware of al-Qaida. They are diminished, but they are not yet defeated, and they know they can't win in Iraq, but they are still not sure they can't win in Washington. They are not going to win in Anbar. They are not going to win in Baghdad, they are not going to win in Fallujah, they are not going to win in Diyala, and they are not going to win in Basra. But the question is, Can they still win in Washington? I hope the answer after this debate is no. If we would take winning in Washington off the table, reconciliation in Iraq would go at a faster pace, not a slower pace.

Economic progress in the last year: Oil production in Iraq has risen by 50 percent over what it was a year ago. Oil production is up 50 percent because of better security. Oil revenues are double what they were a year ago, and the Iraqi central government has shared the resources with everybody in the country. Inflation has fallen from 66 percent to less than 5 percent in a year. What does better security buy you? It buys you a functioning economy, political reconciliation, and better military security. Electricity demand is up more than 25 percent since last year. People are purchasing, they are buying, they are building hopeful lives. There are 21 new health clinics in Baghdad, 1,885 new schools, and 604 refurbished schools throughout Iraq.

People say: What about South Carolina? What about the schools in South Carolina? Lord knows we have our fair share of educational challenges in South Carolina and, like every other place in the country, we could use more money. But I am here to tell my constituents that the price to be paid in blood and treasure in the future losing Iraq is far greater than the price we are paying now, in my opinion. If I did not believe it, I would not say it. If the men and women in uniform didn't believe it, they wouldn't go back time and time again. If we can continue this model that has produced dramatic success beyond my imagination, we will win in Iraq, and everybody in this body, their families, and our Nation as a whole will be safer for the experience because it means al-Qaida lost.

Al-Qaida came to Iraq with a purpose: to undermine this effort at moderation, stability. They came for a purpose: to make sure a woman never had a say about her children. And they are losing. They have not yet lost, but they are on the road to losing, and they know it.

What is it worth for our country to align itself with a Muslim nation to turn on al-Qaida? It is worth everything to me. It is certainly worth my political future.

A year ago, when this debate was started, the polls were incredibly against the idea of sending more troops. The need for more troops existed, in my opinion. A year later, the results of more troops and better security is astonishing.

The way to get the Iraqi people to reconcile themselves is not to leave them, not to set a timetable for withdrawal that will encourage the enemy who is on the mat to get back up into the fight. The way to get them to reconcile themselves is to stand with them, to stand by them, invest in the training of their army, help them get on their feet. That is the way to beat al-Qaida. Winning is going to happen in Iraq unless we change this model here at home.

People ask me: Senator GRAHAM, what is winning? Winning, to me, is a stable, functioning government, aligned with democratic principles, at peace with its neighbors, that rejects Islamic extremism, will deny al-Qaida a safe haven, and will align itself with us in the greater war on terror, and finally, will create a system where a mother can have a say about her children. We are not there yet, but we are well on our way.

We have a model that will lead us to victory: a general who knows what he is doing and brave young men and women who are sacrificing because they understand the need to sacrifice. They are excited. They want to come home, but more than anything else, they want to win. That is why they keep going, going, going, and going. They are going to win unless we do something here at home to make it hard for them to do so.

The worst thing we could do now as a nation is to ignore the results of the last year, worry more about the next election than we do about winning this global war, and try to get an advantage over each other based on the next election cycle. I hope the Members of this body will understand that the turnaround in Iraq is not only dramatic, it makes us safer as a nation here at home, and that we now have a model that will allow us to win what I think is a war we can't afford to lose.

Let it be said, finally, that there are Muslims in this world of different sects who will come together and fight al-Qaida with us. Let it be said that there is a nation called Iraq that has lived under an oppressive dictatorship for over three decades, that is beginning to taste freedom, that they are fighting and dying for their own freedom in large measure, that they are beginning to reconcile their political differences, they are beginning to build a larger army that is combat ready, that they are beginning to create an economy that will allow them to sustain themselves, and they are beginning to create a society that will allow us to live in peace with them and be a force of moderation for the region. That, I say to my colleagues, is an outcome very beneficial to the United States.

I am glad we are having this debate. I am glad we have a little bit of time in a chaotic election year to take a breath and at least allow one Senator to say to the troops: You are winning. You should be proud. Good job. We are behind you here at home. We are behind the policy you are trying to implement. I hope they come home sooner rather than later. I believe they will. But when they come home, they are going to come home in a way that will allow them to tell their grandchildren: I did something that mattered for our country. That is why they keep reenlisting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I come to the floor today to discuss the state of our economy, the budget cuts proposed by this administration, and yes, the war in Iraq and the need to set our priorities straight in this country. Like my colleague from South Carolina, I wish to thank our troops. Like the Presiding Officer, I visited Iraq and saw firsthand the bravery of these troops everywhere I went. Of course, I was very focused on Minnesota troops. They would come up to me in cafeteria lines and airport tarmacs and never complain about a thing. They didn't complain about the heat or their equipment or their long tours of duties. Many of our Minnesota National Guard extended over and over and over again. They really only asked me to do one thing, and that was when I got home, that I call their moms and dads, their husbands and their wives, and tell them they were OK.

When I got home, I talked to their families. I think I called over 50 moms and dads, husbands and wives. I heard a little bit different story. I heard stories of families waiting and waiting and waiting, with anxiety over jobs that might be lost or never gotten back. One of the moms I talked to when I went back in March—I left a message for her. A few months later, I called her again when her son had been killed. I met her.

I have to tell my colleagues, these troops, as my friend from South Carolina said, have done their duty. They deposed an evil dictator. They guaranteed free elections in Iraq. Now it is time for us to do our duty for them.

We all know there can be no purely military solution in Iraq. This has been agreed to by so many military commanders and experts and Members of this body on both sides that it is not really worth arguing about anymore. We all recognize that true stability in Iraq will only come through political and economic compromises between Iraq's main ethnic groups and that only the Iraqis themselves can reach these agreements. Given this, I believe our strategy should be focused on transitioning to Iraqi authority and bringing in other countries and that we cannot keep doing this alone.

I was listening to my friend from South Carolina speak so eloquently, and one of the things that struck me that he said was that this was priceless, and he meant this in the best of all ways. He said it was priceless. I just can't say this war has been priceless. After 4 years, 5 years, over 3,600 American soldiers have been killed. Over 25,000 have been wounded. We have been in this war now longer than World War II. Almost $450 billion—$450 billion has been spent. We cannot wait until next year to change our strategy.

The President is intent on leaving the current situation for the next administration to resolve. Unfortunately, our soldiers in the field don't have the luxury of simply running up the clock on this administration. We owe it to them to begin bringing our combat troops home. I think we all know we can't do this overnight. We know we are going to have troops remaining to guard our embassies and to train police and to act as special forces, but I do believe that if we want to push this Government to get its act together, the Iraqi Government, we have to send a clear message that we are not staying there indefinitely. So we owe it to our troops, but we also owe it to the people of this country. We can no longer continue to give the President the blank checks he keeps asking for. We must ensure the safety and the well-being of our troops in the field, but funding must be conditioned on a plan for responsible redeployment of U.S. combat forces from Iraq.

Now, why is this so important to our own country and to our own future and to our own children? Well, as I said, the war in Iraq has already cost over $490 billion directly, and by some estimates it has cost the American people almost $1.5 trillion when factoring in all of the costs. For each month that passes, we spend another $12 billion on the war, and we cannot separate the President's spending in Iraq from the economic and the budgetary problems we face.

One of the things that has always really bothered me on behalf of the people whom I represent is that this administration never really adequately calculated the repercussions of this war. I think the troops in the field—and I will say one thing. Despite the clear disagreements on strategy for this war, there has been bipartisan agreement that our troops need to be treated with the kind of respect they deserve. When they signed up for war, there wasn't a waiting line. When they come home and need medical care and they need mental health care, they need to get their education benefits, they shouldn't be waiting. It is this Democratic Congress that took on this issue and looked at the facts. Why are all of these men and women coming up to me out in Minnesota and saying they couldn't get health care? Look at the facts. The Pentagon underestimated the number of troops coming home from Iraq and Afghanistan by four times the amount—four times more returning troops needed health care than they estimated. We put billions of dollars into that.

We are willing to rise to the occasion and say we are not going to make the same mistake we made after Vietnam. We are going to treat our troops with the respect they deserve when they come home. But again, when the administration made its plans for this war—a war I did not support from the beginning—when they made their plans, they did not anticipate the enormous costs.

Mr. DORGAN. Mr. President, would the Senator yield for a unanimous consent request?

Ms. KLOBUCHAR. Yes.

Mr. DORGAN. I ask unanimous consent that I be recognized following the remarks of the Senator from Minnesota.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

### ECONOMIC GROWTH

Ms. KLOBUCHAR. Mr. President, the administration did not anticipate the cost for our troops. The war has already cost over $490 billion, $1.5 trillion when you factor in all costs, $12 billion a month. They did not anticipate what was going on with this economy. They did not respond the way they were supposed to to the mortgage crisis. They did not anticipate. They listened to their friends in the special interest groups, and look where we are now. Look where we are now.

Two weeks ago we passed a short-term stimulus package that will help change the economic direction of this country by putting money in the hands of American families, including our seniors and our veterans. This action was a start. But today we must begin focusing on the long-term policies to spur economic growth long after the rebate checks are spent. We have to get this economy on the right track, and it means making a reckoning for that money that is spent in Iraq, to start bringing home some of our combat troops, to start being more responsible about this budget.

Today we announced our next step, which is to look at this mortgage crisis, really the crisis that I say fundamentally puts us where we are right now. Mr. President, 8.8 million families across the United States are underwater. They owe more to lenders than they have equity in their home, giving them limited or no options for refinancing.

The Foreclosure Prevention Act, which I am going to talk about later, and I hope will come to the floor this week, signifies a major step in the right direction, curbing the disastrous effect the foreclosure crisis has had on our families and our economy. The time to act is now.

We also need long-term economic policies that will encourage sustainable economic growth in every corner of this country. From the impact of the mortgage crisis and the value of homes, to the skyrocketing cost of oil that fuels cars, trucks, and heats homes, to rising prices in the grocery stores, the middle class is being squeezed from every side.

Back in January, I traveled around my State. I visited towns all the way from Worthington up to Halleck, MN. You haven't been anywhere, Mr. President, unless you visited Embarrass, MN, in the middle of January. It is always one of the coldest places in our country. We were all over our State. People are concerned. They are Minnesotans so they try to be optimistic, especially when it is January. They try to look to the future. They look at the potential with this energy revolution. But they would come out to cafes, come out to college campuses and talk about how it is getting harder and harder for them to send their kids to college, to afford health care, and to fill their cars up with gas.

To give a sense of what we are looking at in our State—and our State has always had a diverse economy; we are eighth in the country for Fortune 500 companies—the unemployment rate for Minnesota recently jumped to 4.9 percent, up from 4.4 percent the month before. Our State has lost 23,000 jobs in the last 6 months alone. Home heating prices for Minnesota families have also risen by 14.1 percent per household in the past year alone.

On the foreclosure front, the statistics in Minnesota are equally devastating. At the end of 2007, over 50,000 families in Minnesota were delinquent on their home payments. It is estimated that 30,000 will lose their homes in the next several years if something is not done.

What are these families like? They are like the Gray family in Minnesota with whom I met. They are both teaching. They were all excited to buy their new house. They got a mortgage approved, a standard mortgage. It turned out the home values were much higher, and they were not able to afford a home. So they went to someone they thought they could trust and got one of these adjustable rate mortgages. They were told a lower rate at the beginning, $1,500, and it might go up a few hundred dollars. By 2008, it was up to $3,300 a month from $1,500 a month. We know that is not the rate of inflation. We know it is not the right thing to happen.

I use that as one example of what we are seeing across this country and why this administration has its priorities messed up and why people such as the Grays, good people who are just trying to have a home for their family, have found themselves in the middle of this mess. It is where Wall Street has hit Main Street. It is where the Bush administration's priorities to spend $12 billion a month have hit people like the Grays right in their homes.

The cost of foreclosures is not limited to these families. If something is not done, Minnesotans will lose an estimated $1.6 billion in declining home values. That is because the chickens have come home to roost. When it comes to this mortgage crisis, it is not just one family, one foreclosure. It affects real estate values on an entire street, an entire neighborhood, an entire community.

We need an economy that creates stable middle-class jobs. We need infrastructure investments so we don't have bridges falling, as we did in our State, right in the middle of America. We need energy investments that will reduce our dependency on foreign oil and create good "green collar" jobs in the growing clean alternative energy sector of our economy.

The people we serve are asking for a new direction, a government that spends their money wisely, that represents their values, that works for American families. America wants a Washington that is going to offer new priorities and new solutions.

Last year, our Congress succeeded in a downpayment on change. It was a beginning. We were hampered by procedural rules and all these filibusters, but we moved this country. There is so much more to do. We moved, first of all, to a more responsible budget process. We gave working Americans an increase in the minimum wage. We provided greater financial aid to help their kids go to college. And we passed a new energy bill that raises fuel efficiency standards for the first time since I was in junior high.

But there is much more that needs to be done.

Senator DORGAN and I heard about it at an economic hearing we had in my State just last week where we met with a panel of economists and experts on energy policy and what was going on in our economy in Minnesota. One economist described our current condition as "serious, unstable, and declining." In our State, families sense their stability is slipping, with 67 percent of middle-class Americans having an increased sense of anxiety about their futures.

Tom Stinson, Minnesota's chief economist, discussed the frightening unemployment statistics. We haven't added any new jobs over the past year, and we are not alone. States that have historically had lower unemployment rates are now creeping toward the national average.

Unfortunately, when we look at this problem we are facing, and we know there are solutions, we know there is a way to get this economy back on track and be fiscally responsible, but President Bush's new budget proposal falls far short of what America needs to address our economic downturn and invest in meaningful recovery effort.

This new budget request does not offer new priorities or now solutions. Instead, this budget continues a familiar pattern of misplaced priorities. It continues a 7-year pattern of fiscal irresponsibility: borrowing money and leaving an ever-larger debt to our children and grandchildren.

Look at this, the wall of debt we have seen and how quickly it has risen from 2001 to 2013. This administration took a $200 billion surplus and turned it into a $300 billion budget deficit. Do you know what it means to middle-class families? When I talk to people in our States about what all these millions and billions and trillions mean, it means that 1 out of 12 Federal tax dollars goes to pay interest on that debt. That money is not going to the United States. Most of that money is going to companies in foreign countries. That is what is happening to this country.

I was listening before to my colleague from Oklahoma talking about how we have to be willing to make these sacrifices and pay for things. I find this so ironic because it is people on our side of the aisle who have been willing to talk about rolling back some of the Bush tax cuts on people making over $200,000. Think how that money can go to pay off this debt, to go into infrastructure investment we have been talking about, to move this economy in the right direction. It is people over on our side of the aisle who have been talking about oil giveaways and putting them into renewable energies so we can start investing in farmers and workers in the Midwest instead of oil cartels in the Mideast.

How about the debate we had on the middle-class tax issue, on AMT tax relief? We were willing to talk about how we wanted to pay for it. We wanted to pay for it off those hedge fund operators, but they wouldn't go for it. It is this Congress that put the pay-as-you-go back.

When I talk to people in my State, they understand we need to have a short-term stimulus package, why we need it, and why economists believed it was a good idea. But when we go forward in the long term, we cannot keep going the way we are going with this wall of debt. We are not going to end up where we want to go. We are going to be right back where we were before we put the stimulus in place, and we need to make bold changes in this country.

In just 7 years, this administration took that budget surplus, $158 billion—think of that money—and made it into a $400 billion deficit. So when we talk about this war in Iraq and when my esteemed colleague from South Carolina talks about it being priceless, it is not priceless. It is $12 billion a month.

Meanwhile, this new budget continues to neglect crucial investments that are needed to strengthen our economy and our Nation for the long term. It does not make the investments we need in our Nation's transportation infrastructure. It does not make the investments we need in developing renewable energy sources to move us toward greater energy independence and security. It does not make the investments we need to support the basic medical and scientific research that has always been a key driver of our country's innovation and growth.

I come from Minnesota, a State where we believe in science. We brought the world everything from the Post-It note to the pacemaker, and we believe this investment pays off not only in the health of our citizens but also for jobs and looking to the future and not letting other countries such as India, China, and other countries go ahead of us because we have failed in this country to have an investment strategy and put those Government policies in place that drives that investment.

Here are a few examples from my State of where the President's budget goes wrong.

Americans are struggling to lower home heating costs in any way they can. Nationwide, the average household is expected to pay 11 percent more for heating this winter compared to last year. Families who rely on home heating oil are facing record prices, 30 to 50 percent above last winter.

So what does the administration do in its budget? It cuts this funding. It ends the Department of Energy Weatherization Assistance Program. The Weatherization Assistance Program increases the energy efficiency of homes occupied by low-income Americans, directly reducing their energy costs. It cut it by 100 percent.

The funds appropriated in fiscal year 2008 for this program will enable upgrades for as many as 85,000 homes. With energy costs rising significantly and an economy poised on the brink of recession, the weatherization program and the Low-Income Home Energy Assistance Program are necessities, they are not luxuries.

Another example: Nearly 6½ years after the terrorist attacks of September 11, Americans are well aware of the need for State and local governments to be prepared as possible against future threats. I heard you talking, Mr. President, earlier this afternoon about the importance of putting that money into our own homeland security. So what does the administration do with this budget? It slashes funding for State and local first responders' efforts, cutting firefighter assistance grants from $1.2 billion to $300 million, and the State Homeland Security Grant Program from over $1 billion to $200 million, and, once again, it proposes to eliminate the cost of the COPS Program.

As a former prosecutor, I take this personally because I saw how that COPS Program worked, how it added police officers to our neighborhoods, how it brought down crime. Look at this: What is the comparison when we are looking at this budget as we are talking about priorities of the $12 billion a month on the war in Iraq? This is the amount the President would need to add to his budget to maintain this police program which puts police out in the neighborhoods at a 2008 level, plus inflation.

Personally, I would like to do more, especially in our rural areas. I think we need meth cops out there. Just to restore it to 2008 levels plus inflation would cost $596 million. What would you do if you just roll back the tax cuts for those making over $1 million in 2009? I am not talking about people making over $250,000; I am talking about people making over $1 million. What would you bring in with that? You would bring in $51 billion. Look at the comparison. Think about how many police you could buy on the streets. Think how much you could buy to help people afford their homes. Think of the benefits. Look at what you can do for $51 billion to help our veterans.

We have soldiers coming home from Iraq that just this summer in Minnesota were told: You are the longest serving unit, you Red Bulls from Minnesota, of the National Guard in Iraq. But guess what. Your paper only says 729 days. So guess what. You are not going to get your full education benefits, even though you served longer than 729 days.

Obviously, we took up this matter with General Shellito, head of our National Guard, took up this matter with the Army, and it is working to fix it. Oh, well, it saved some money to write that down as 729 days. But think about $51 billion and what we could do with that. We are talking about priorities here.

Fiscal responsibility is also about making sure down the line that these priorities are right. Do we want a budget that offers tax giveaways to the wealthiest or a budget that provides relief to middle-class families squeezed by rising costs for health care, housing, energy, college tuition, childcare and care for aging parents?

Do we want a budget that gives lucrative special favors to the giant oil and pharmaceutical companies, or a budget that invests in our future prosperity, such as research and development on renewable energy?

Do we want a budget that continues to spend $12 billion a month in Iraq or a budget that provides our veterans with the help they need; that makes sure we have the money we need to keep our troops there for the focused purpose of guarding our embassy and training police and having them there for special forces; and money for the COPS program—that $596 million it would cost to restore that? That is about homeland security.

I want to see an administration that aims for fiscal responsibility by reversing or rolling back these tax cuts for the wealthiest Americans—people making over $200,000.

I want to see an administration that aims for fiscal responsibility by eliminating offshore tax havens for multimillionaires so people aren't hiding money in the Cayman Islands.

I want an administration that aims for fiscal responsibility by ending the tax breaks and giveaways that have been handed out year after year to the big oil companies.

I want to see an administration that aims for fiscal responsibility by allowing Medicare to negotiate for lower prices for prescription drugs for our seniors.

The President's budget does not provide the new priorities and the new solutions America needs. Instead, it continues to take us down the wrong path. This budget is only the most recent example of an administration that is putting its head in the sand and ignoring the reality of the looming economic recession.

As the housing market is crumbling, and millions of families are expected to lose their homes in the next couple of years, the administration seems to hope this problem will go away. This is why I have cosponsored the Mortgage Foreclosure Prevention Act, and I am committed to working with my Senate colleagues on a bipartisan basis to pass this bill to help keep our families in their homes and get the middle class back on their feet. Across the country, we are seeing families struggling to keep their homes. If something isn't done, over 2 million families will lose that struggle in the next 2 years.

Through a pilot project conducted by the Federal Reserve Bank in Minneapolis, we have been able to track by ZIP Code all of the outstanding subprime mortgages in our State. This data is a startling reminder that we are seeing only the beginning of this crisis if we don't do anything about it. By being able to track the reset dates of all the subprime mortgages in Minnesota, the study shows thousands of mortgages resetting to higher interest rates monthly, causing more and more families to fall behind on their payments. Congress must act quickly if we are going to curb any effects of the housing crisis.

In my home county, where I was chief prosecutor of Hennepin County, we have seen an 82-percent increase in sheriff sales of foreclosed homes. The problem extends to greater Minnesota. We have seen the foreclosures double in some of our urban areas. We have seen 3 out of 100 households—3 out of 100 households—that are in foreclosure.

Something must be done to help these families. I have met them. These are not just statistics and numbers; these are real families living in the State of Minnesota. This is why I believe we need to pass the Foreclosure Prevention Act and why I believe we need to reprioritize what is happening in this country—$12 billion a month in Iraq, with no end in sight, and some people saying we are going to stay there for 100 years, while these families are losing their homes, while our veterans are still not getting a fair shake.

This bill, the Foreclosure Prevention Act, would give $200 million to families to counsel them in ways to avoid foreclosure. I will put that chart up again showing an example of these priorities. This is for people making over $1 million a year—people making over $1 million a year. Here is our $51 billion. Think of this mortgage counseling. It is a proven way to work here. It would be only $200 million.

Our State finance agencies are in a perfect position to help families refinance loans, but their hands have been tied by ceilings on the amount of State-backed mortgage bonds they can use. This bill makes it easier for them to help find families and rework their mortgages. That is what we are trying to do. It will not work for every one of these people. Some we don't want to help. They are not deserving of this. They maybe speculated on these mortgages to begin with. But many of these families I have personally met, including the family from Ohio we saw today here in the Senate. These are hard-working families who were maybe not told the truth about their mortgage or misled about their mortgage or the whole mortgage was set up to get them in trouble down the line, and the mortgage lender goes away and sells it to someone else, who sells it to someone else, who sells it to someone else, and pretty soon it doesn't just hurt that family, it hurts the entire street, and it hurts the entire neighborhood.

This is about getting our priorities right. Yes, it is about the war in Iraq and an administration that refused to account for the cost, refused to have a plan to start bringing our troops home, that refuses to admit we are in financial straits—financial straits they got us into. Because we must remember, when they came in, we had $200 billion surpluses, and now we are where we are with this wall of Federal debt.

The American people are tired of this. They want a fair accounting of what is going on in this country. They want a fair accounting of this war and a plan to bring our troops home. That is the best thing we can do for our troops, and that is the best thing we can do for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been listening to the discussion this afternoon, which is a repeat of a discussion we have heard often in this Chamber: Who supports our troops; who waves the white flag of surrender. You know, in the discussion in this Chamber and out on the Presidential trail, we hear all of those terms, and who is willing to stick with it and defeat the terrorists with respect to the war on terror.

Well, let me, if I might, suggest there is a smart way and a tough way to deal with terrorists, and we are not doing it very effectively, in my judgment. I want to review for a moment, because we have people coming to the floor who forget to review where we are, and where we have been, especially.

In 2001, on September 11, terrorists attacked our country. Following the attack that killed thousands of innocent Americans—the World Trade Center, the Pentagon, and a farm field in Pennsylvania—following that attack, Osama bin Laden and the leadership of al-Qaida boasted that they engineered the attack against the American people. They boasted they engineered the attack against the American people. So the President says: We are going to have an effort to bring to justice the terrorists.

Well, it is now 2008. That was 2001. In 2008, our National Intelligence Estimate, released about 4 months ago, said the greatest terrorist threat to our country, to our homeland, is the al-Qaida organization and its leadership, who are now plotting additional attacks against our country. Our National Intelligence Estimate says the greatest terrorist threat to our country, 7 years after 9/11, is the al-Qaida leadership, because they are planning new attacks. They have reconstituted in a safe and secure hideaway in northern Pakistan. Those are the words of our National Intelligence Estimate, not my words—safe, secure. Iraq leadership, Osama bin Laden, still alive 7 years later and creating new training camps, training new terrorists.

So how effective has the war on terror been when the greatest terrorist threat to our country 7 years after the 9/11 attack, the greatest terrorist threat is now building and reconstituting in northern Pakistan? It is reasonable to ask the question: Who took their eye off the ball? Why has this country, why has our policy not been a policy to bring to justice Osama bin Laden and his al-Qaida leadership? Instead, 7 years later, we are mired down in a war in Iraq, we have spent nearly two-thirds of $1 trillion dollars, thousands of American soldiers have died, and we have people asking us about who waves the white flag of surrender and who supports our soldiers. That is unbelievable to me.

Let me review a bit. Following 9/11, we had top secret briefings for Senators and Congressmen—top secret briefings conducted by the head of the CIA. The Vice President was involved, the head of the National Security Agency, Condoleezza Rice, was involved. We went to those top secret briefings. All of us did. We were told things in top secret, shown classified materials, about what was happening in Iraq. It turns out that was a foundation for the invasion of Iraq. In fact, it was presented at the United Nations by Secretary of State Colin Powell. It turns out most of it was false; wrong on its face.

Let me review it for a moment—the issue of mobile chemical weapons laboratories in Iraq that threatens our country. Mobile chemical weapons laboratories in Iraq. You know where that came from? We now know it came from a single source, through our intelligence organizations to the American people, to Congress, in top secret briefings, to the world at the United Nations, a single source: A fellow who used to drive a taxicab in Baghdad nicknamed "Curveball" and widely considered by German authorities as a drunk and a fabricator.

A single source named Curveball gave this administration the ability to, in top secret briefings, tell us that Iraq had mobile chemical weapons laboratories and gave then-Secretary of State Colin Powell the opportunity to tell the world that Iraq had mobile chemical weapons laboratories. Turns out it wasn't true.

Will Rogers once said:

> It is not what he says he knows that bothers me, it's what he says he knows for sure that just ain't so.

Curveball. One single source this administration used to tell us that mobile chemical weapons laboratories in Iraq threatened this country, and it turns out to have been false, and they should have known it. And some may have known it, as it was described to us.

The aluminum tubes. The aluminum tubes for the reconstitution of a nuclear capability in Iraq. Now, Secretary of State Condoleeza Rice, then National Security Adviser, even used the term the specter or the threat of a nuclear—or I guess she said mushroom cloud on television. The mushroom cloud. Well, it turns out her office had the information that a substantial portion of the Government didn't believe the nuclear tubes that were ordered by the Iraqis were for the purpose of reconstituting a nuclear capability. Most of that was discredited. The information in the National Security Adviser's office existed to say that there were very qualified people in this Government who didn't believe that.

It turns out none of that was true. The aluminum tube issue was not true. Those who were telling the world, and in top secret briefings telling Members of Congress about the threat of the nuclear tubes for the reconstitution of nuclear capability, had information in their possession and knew better.

Yellowcake from Niger is another big deal that made it into the President's address to the Congress in the State of the Union. It turns out that was based on falsified documents. It is unbelievable.

Maybe we should review the facts a bit. All of this information turns out to have been false—the information that represented the foundation on which the administration made the case about the need to invade Iraq. Well, this country invaded Iraq and had no plans, once the invasion was complete and the military takeover was complete, on how to deal with Iraq at that point, and it turned into a civil war.

Saddam Hussein, following that invasion, was captured and executed. He was hung by his neck until dead. He doesn't exist anymore. The Iraqi people then voted for a new constitution, and then the Iraqi people voted to constitute a new government.

So Saddam Hussein was killed, executed, a brutal dictator was executed by the Iraqi people. They got a new Constitution, they got a new Government, and then this country, in the context of spending almost two-thirds of a trillion dollars, this country spent $16 billion training 350,000 able-bodied Iraqis to be policemen and firefighters and safety personnel and soldiers. We trained an array of people in Iraq for security; $16 billion training 350,000 Iraqis, principally for security, police, and soldier duty.

Now, if the able-bodied people in Iraq who have been trained by this country are not willing and cannot and will not provide security in their country, our soldiers cannot stay there forever and do it. We cannot.

It is interesting to me, and very disappointing to me, that the President decided: We are going to invade Iraq, but we are not going to pay for it. Every single penny we are going to borrow.

So we are going to send soldiers to Iraq and send the bill to the debt. When the soldiers come back, they can pay the debt.

As I said earlier, it is two-thirds of a trillion dollars now in Iraq and Afghanistan, all of it emergency, none of it paid for. In my judgment, that is exactly the wrong thing to have done. We should have been saying: Yes, we will ask soldiers to sacrifice. If that is what we ask our soldiers to do, we will ask the American people to reach a similar sacrifice. But this President would not do that.

So we come now to a position where we have been in Iraq longer than we were engaged in the Second World War and we have folks who come to the Senate Chamber and we have folks out on the campaign trail saying: Who is going to wave the white flag of surrender?

Some say we are going to stay in Iraq forever, 100 years. Others look at a Taj Mahal that has been built in Iraq, nearly $800 million for an embassy in Iraq, the largest embassy in the world by far, and they think they know, as a result of that, how long some intend for us to stay in Iraq.

But we cannot do that. Let me mention one other addition. On top of all the things I have described—basically the false foundation of information on which this country made a decision to go to war—on top of all that, with this money we have spent, there has been the greatest amount of waste, fraud, and abuse in the history of this country and nobody seems to care very much.

Let me tell a couple stories: $85,000 trucks on the side of the road in Iraq, because they had a flat tire and no wrench to fix it, so they torched it, burned it. It does not matter, the American taxpayer is paying for it because big companies got sweetheart, no-bid, cost-plus contracts. Got a flat tire, torch the truck. Got a plugged fuel pump, it does not matter, torch the truck.

I mean, the stories are unbelievable. You got two builders to provide ice. The Haliburton Company is going to select between two bidders to provide ice. One is seven times more than the other bid. Well, pick the contract that costs seven times more than the other because the taxpayer is picking up the tab.

They buy little hand towels for the troops, because Haliburton has to do that. Well, they do not want to buy ordinary hand towels for the troops, they want their logo embroidered on the hand towels, KBR, the subsidiary, Kellogg Brown and Root. Well, that is going to increase the cost of the hand towels triple, quadruple. It does not matter; the taxpayer is going to pay the bill.

Do you want to know where there are 50,000 pounds of nails, 25 tons of nails? They are on the sands in Iraq. They ordered them. They were too short. What do you do with 50,000 pounds of nails that are too short? You throw them away because the taxpayer is going to pick it up. You just order the right size.

This is the most unbelievable story that is yet to be told about the greatest waste, fraud, and abuse in the history of this country. There is a lot to talk about.

We are going to have a hearing in the Senate Appropriations Committee. I have held 12 hearings in the policy committee on these issues. We are going to hold more. I have to run to a meeting. But I did want to come and talk a bit. I did not have the opportunity to describe who is it that is supporting America's soldiers and what is it that does support our fighting men and women? We send them off to war.

There is going to be a Medal of Honor, by the way, awarded next Monday at 2:30 in the White House to a man who died 26 years ago, a Sioux Indian named Woody Keeble. I hope perhaps to come over tomorrow and tell the story of Woody Keeble. There are soldiers who have given so much for this country.

Woody Keeble had 85 pieces of lead in his body when he finished what he did. He was still alive.

But these folks then go to war and do what they do and come back home. And then the question is: Who stands up for our soldiers? Who stands up for our veterans? Who is willing to stand here and say we will keep our promise for veterans health care? Who does that?

There is a lot to say. I regret I have a commitment that I have to be at in the majority leader's office, but I would like tomorrow to come back and speak at greater length about a remarkable American who on Monday will be recognized by President Bush, a North Dakotan from Wahpeton, ND, Standing Rock, the Wahpeton-Sisseton Sioux Tribe. He will be recognized as the first Sioux Indian in this country's history to receive the Medal of Honor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to make a few brief comments in response to my eloquent colleague from North Dakota. The rhetoric he utilizes has been used for a long time.

We have heard this rhetoric before each one of our evaluations of the way ahead in Iraq. And we have each time concluded that our national interests call on us to remain active and strong in Iraq and active and strong against terrorism around the world.

I would note, to remind everyone, every intelligence agency in the world thought weapons of mass destruction were in Iraq when the war began. In fact, Saddam Hussein did not seriously deny that these weapons existed. Saddam denied the U.N. inspectors the right to look for WMD, even though he had agreed to do so after suing for peace in 1991. At that time, after he had invaded Kuwait, we agreed not to take Baghdad and grab him by the scruff of the neck. He agreed he would allow his country to be inspected by the United Nations.

He did not do that. He systematically violated 13 U.N. resolutions. As the well-known magazine, The Economist, said: We either have to give up and let Saddam break the embargo or we have to fight? They said: We believe we should fight.

That, I suggest, is the fundamental reason we had to authorize the President to use force. A lot more can be said about it, but those were some of the things we were considering at the time. I would note also that an official commission report concluded that, while U.S. forces did not find weapons of mass destruction in Iraq, Saddam Hussein planned to work his way out from under the sanctions and to reconstitute his weapons of mass destruction.

That has been clearly established. Most of us were surprised we did not find nuclear or chemical weapons in Iraq. I have to tell you, I was surprised. In 1991, when we had the first Gulf War to repulse Iraq, which had invaded Kuwait, we discovered that Iraq's nuclear program was far more advanced than we had previously thought. That is indisputable.

We know that after 1991, and before the 2003 invasion of Iraq, Saddam had utilized weapons of mass destruction, poison gas, against the Kurds of Iraq, killing thousands of his own people. How could he not have weapons of mass destruction? It still remains baffling to me that we did not find them.

So I wish to rebut this old rhetoric that somehow President Bush lied to get us into the war. We spent months discussing this and debating all the issues. We had private briefings. We knew basically everything the President knew. And what we knew was the CIA Director George Tenet, who had been appointed by President Clinton, told the President of the United States: It was a slam dunk; that weapons of mass destruction existed in Iraq.

That is the kind of information that the President acted on. He was not lying to the American people. This Senate authorized the President to use force in Iraq by a more than three-fourths majority vote. A majority of both parties, a majority of the Democratic Senators, a majority of the Republican Senators voted to authorize the President to use force in Iraq. And that is how we got here.

So the question is: What do we do now? This is a great Nation. We are not some fly-by-night bunch who can change our minds every time the poll numbers change. We have responsibilities to our Nation, to our allies. We have committed our men and women to harm's way. We have lost a large number of American soldiers to execute a policy we sent them to execute.

I have to tell you, we lost far fewer in the initial invasion than I imagined, but have lost far more than I imagined in the post-invasion period. Things are never quite certain in war, however.

People who fight you and desire to kill you usually do not want to be killed themselves. Military action is a tough thing and always causes us to remember we should avoid it whenever we possibly can. It should be a last resort. It is only acceptable when we have no real other alternative.

I do not believe the Lord is happy when his children fight and kill one another. It cannot be a good thing. It is a bad thing. Sometimes, because we are so flawed and we have options that are so grim, military action becomes the best decision that can be made under the circumstances. I think that is where we were in 2003 when it came to the Iraq debate.

In the fall of 2006, in an election that came during one of the worst periods of time in Iraq, the Republicans lost control of both Houses of Congress. The President's polling numbers were terrible. The following summer we had a national debate about whether to allow General Petraeus to continue the surge. We had a commission that General Jones headed, with 15 members. I asked him at the hearing: General Jones, do you and the members of your commission believe we have a chance to be successful if we execute this surge? He said: I do. He looked around. Any of the other members want to rebut what I have said or have a different opinion? Not a single one did.

That commission unanimously reported that they thought we could be successful. We had General Petraeus testify, and we had the GAO issue a report in September after the surge had actually begun.

We noticed some progress. But it was premature to see that as a sustained trend. We knew that. And we continued again at that time to allow the surge to go forward. We believed things were going to get better. That was my conclusion after hearing everyone's opinion.

I remember asking General Petraeus: Sir, will you tell us the truth, the good and bad? And he committed in private and in public to do that.

Will you give us your best judgment? Will you let us know if you think this is not an acceptable, feasible action in Iraq; that we need to acknowledge that we can't be successful? He made that commitment.

So what has happened since? We sent five additional brigades into Iraq as part of the surge. Three have already returned to the United States. The other two are planned to be returned by summer. We will be at or possibly below the 15 combat brigades that we had in Iraq before the surge.

General Casey was asked today in the Armed Services Committee about that plan and whether it meant we could move from having our soldiers on 15-month deployments to 12 month deployments. He said: When we get back to 15 brigades—and at this time we are projected to be there by July—he believed then that we could go back to a 1-year rotation instead of the longer 15-month rotation. 15 month rotations have been so painful to our military personnel and their families. That is a long time. We need to keep it to 12 months if we possibly can.

We are anticipating three reports in April. General Petraeus will come, as he promised, to give us a report on the status of Iraq and what he thinks about our future military commitment and soldier strength there. We will also receive a report from the Joint Chiefs of Staff and a report from Admiral Fallon, the CENTCOM commander who has Iraq the rest of the Middle East under his command. We will have those three reports in April. That is the time for us to begin to evaluate again what our next step will be.

General Petraeus has said that we need to be careful to consolidate the gains we have made, to help the Iraqi people and government move to a more stable footing for the long term. If we were to pass the Feingold legislation, it would be a slap in the face to our commander on the ground who is absolutely one of the finest generals this Nation has ever produced. It would be unthinkable that we would, in a time of great success, reject the commander's recommendations and the military's recommendations after we took their recommendations when things were not good a year ago. We were worried a year ago. There was cause for legitimate concern. I do not deny it. But, goodness sakes, we have had some success in recent months.

The military estimates that attacks against coalition forces and Iraqi forces and Iraqi civilians have collectively fallen by 60 percent against Iraq since June of last year. Iraqi Army estimates put the number as high as an 80-percent reduction. In June there were almost 1,700 IED explosions across Iraq. That number fell to 600 in December. While one U.S. combat death is so serious that we are not able to articulate the gravity of it, we are seeing, I am pleased to say, a major reduction in casualties among our troops and Iraqi troops. It is quite remarkable. December of 2007 was the second lowest combat death total of the war for American forces behind May of 2003. January and February of this year have shown comparably low death rates. That is something for which we can be thankful. Every single life is important. But we have to understand that when we commit troops to combat, there are going to be casualties. Having a good movement in the right direction is a cause for confidence, not a basis to cut and run.

From January to December of 2007, sectarian attacks and death among Iraqis in the Baghdad area decreased by 90 percent. I want to just say, we should be skeptical of these numbers when we hear them just one time. Are the trends sustained? How accurate are these facts? Those are legitimate questions for members of Congress to ask.

When I see soldiers in the Atlanta airport—most of them are on their R&R or coming home from Iraq or Afghanistan—I speak to them about their experiences. I spend a lot of time in the Atlanta airport, more than I like. I ask them how things are going. And I am hearing, from them, information that directly confirms the reports we are getting.

Just this month, a soldier I met was saying he worked at a base in Iraq. He said they used to take incoming rounds against the base throughout the day every day. Now they go days without any attacks. Another soldier told me things were getting boring. Every morning they used to meet. There would be some emergency, some serious challenge they had to address. Now when they meet, they can go weeks without anything serious happening. These observations are from sergeants, enlisted people, junior officers. It confirms, I will just say to you, the information we are receiving.

How has this success happened? What has occurred? The ranks of Sunni volunteers who have chosen in recent months to switch sides and turn against al-Qaida as members of local citizen councils have grown to more than 91,000, according to statistics from the U.S. military. The Sunnis, who are the minority group in Iraq, used to run Iraq under Saddam Hussein. They have been taken from power. They were strong Baathists. They were attracted to al-Qaida and their false promises. Many, though not most, were in cahoots with al-Qaida. They have now rejected al-Qaida. Whole tribal regions have publicly renounced them. They said they don't care about their people. They try to run their neighborhoods. They are corrupt. They don't support them. And 91,000 have joined local citizens councils part of the awakening, they call it, to turn against al-Qaida.

Sunnis are turning these guys in. Most al-Qaida are foreigners. They don't live in Iraq. So the Sunnis know who they are. The Sunni folks know them. Once they turned on al-Qaida, we have seen a dramatic change in the Sunni areas.

Shia groups, citizens councils are growing around the country as well. More and more the people are getting tired of murderous killers and religiously driven extremists. They realize this is no foundation on which to build their future. Three critical laws have been passed. Critics say: We have to have laws passed. Surely we do, although the President and all the masters of the universe in America, I guess, determined that we would pass an immigration law. They said we had to do it. We had to have this program, this amnesty. They were going to ram it right through here. It failed flatter than a fritter. So just saying a bill needs to be passed in a democratic parliamentary situation doesn't mean that is so easy to be done.

Three critical laws were passed by the Iraqi Parliament on February 13 of this year. They enacted a $48 billion budget for 2008. They granted amnesty to thousands of Sunni detainees and passed a provincial power law defining the relationship between the central government and provinces. These last two were on the list of benchmarks demanded by Congress.

Last fall when General Petraeus was here, the critics of the war said: You are not meeting these benchmarks. We are not interested in the military side. We are only interested in the political side. Well, we are making some progress now in the political area. In one sense things are even better than they appear on the political side because, throughout the region, reconciliation has been undertaken, and Baathists have been accepted back into Government positions, even in the absence of a national law. The oil money was and is being fairly distributed, even though they haven't agreed on an absolute firm legal formula for distribution of revenues.

Last Friday, February 22, the Shiite cleric, Moqtada al Sadr, who controls the Mahdi army, instructed his followers to extend their cease-fire against the Sunnis and the Americans for another 6 months. This is a big deal. The Sunnis have come around and now al Sadr, with the Shia, has also recommended that his followers continue their cease-fire.

U.S. Ambassador to Iraq, Ryan Crocker, with whom I have met in Iraq, said this last week:

> We are indeed seeing the signs of that political surge. Putting all of that together would have been just unthinkable 6 months ago.

Let me say this Feingold bill would be disastrous if it were passed. It would cut off funding after 120 days for any missions not approved by Senator FEINGOLD and politicians in Washington. It would replace the deployment decisions and recommendations of General Petraeus with political decisions. Some, I guess, who are in the moveon.org camp think General Petraeus is a betrayer. That is what they put in an ad in the paper last year. I say he is one of the best generals we have had. He has had a remarkable tenure of success in Iraq.

The Feingold bill would forbid us from training any members of neighborhood councils that have sprung up under the Sunni awakening, unless we could certify that they had never been involved in sectarian violence or in attacks upon the U.S. Armed Forces. Well, we want them on our side. I don't know what motivated them at one point or another to oppose the United States. But if they have made a decision, as a lot of Sunnis clearly have, to switch sides, to turn in al-Qaida, to kill al-Qaida, isn't that good enough? Why shouldn't we welcome them back into the fold of the Iraqi Government and give them a chance?

We have to be careful. In fact, I think the State Department and the military are too naive in their belief that the prisoners we now have in custody can be released in the interests of reconciliation. Many of these, I am afraid, are just killers and murderers and thugs. Releasing too many of these people can create violence in the community. I don't doubt that some have had a change of heart because many have. But we have to be careful about how many of these prisoners we release.

This bill would prevent us from attacking terrorists or sectarian militias unless we can be sure that the targets are "members of al Qaeda and affiliated international terrorist organizations."

How is this supposed to work in practice, let me ask? Will we ask al-Qaida to wear special hats or badges or uniforms so we can distinguish them from simple local terrorists?

The likely consequences of this legislation would be renewed sectarian violence, expanded "breathing room" for al-Qaida and other terrorist groups, and decreased possibilities for political reconciliation. It would create major political instability in Iraq.

The frequently referenced final report of the Iraq Study Group described, in grim detail, the results of an American decision to abandon Iraq:

> Because of the importance of Iraq, the potential for catastrophe, and the role and commitments of the United States in initiating events that have led to the current situation, we believe it would be wrong for the United States to abandon the country through a precipitous withdrawal of troops and support. A premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions, leading to a number of the adverse consequences outlined above. The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory.
>
> If we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

This was a serious evaluation by serious men and women who have studied this area in depth. I do not think anybody can deny that this is a realistic description of what would occur if we were to pass the Feingold bill.

Well, Mr. President, I see others here who want to talk, and it looks as though we will have more time tomorrow. I say to my fine colleague from Florida, I enjoy serving with him, as he is chairman of our Strategic Subcommittee in Armed Services.

I conclude by saying, we are a great nation. We made some tough decisions. We went through a full debate last summer. We decided to give General Petraeus a chance. We gave him a chance. We supported the surge in a bipartisan vote. We sent the money. We sent him the resources to carry out the surge. It has been successful beyond anything we could have imagined at the time. And now, to undertake a precipitous withdrawal, directly contrary to his opinion as to what should be done to help continue to secure Iraq, would be unthinkable. No great nation should flip-flop around like that, certainly not the United States of America.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to make sure I have in the RECORD why I had opposed the motion to invoke cloture on the motion to proceed to the Feingold bill, S. 2633.

This Senator is certainly for a gradual withdrawal from Iraq. But the Feingold bill has a considerable pitfall because it starts the withdrawal within a certain period of time and cuts off the funding with the exception of allowing funding, for example—I am going to read—for "Conducting targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations."

In other words, the Feingold bill would allow funding to continue to conduct operations against al-Qaida, but only "limited in duration and scope." I do not think we ought to limit the ability of the U.S. Government to go after al-Qaida in Iraq.

Furthermore, this clause in the Feingold bill would allow funding to go not only against al-Qaida, "limited in duration and scope," but also against "affiliated international terrorist organizations." The word "affiliated" means affiliated to al-Qaida.

There are a bunch of other terrorist organizations in the world we want to go after, and this limitation of funding would be only for those affiliated with al-Qaida. I do not want the Government of the United States limited in its ability to go after al-Qaida and then only those other terrorist organizations affiliated with al-Qaida.

I have voted against the motion to invoke cloture. There seemed to be only about a dozen of us who voted against that motion to invoke cloture. As we proceed, I will certainly, if we get to the bill, try to amend that portion; otherwise, I will certainly be constrained to have to vote against this bill.

Mr. President, I have another matter I will bring up at another time. I will let the debate proceed on this Feingold bill, so I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, it is suggested we should not be discussing Iraq. Well, the last time I checked, the majority leader sets the agenda. The majority leader brought up Iraq, and if he wants to bring up Iraq, we can discuss Iraq.

I too am wondering why it is being brought up because we have other important issues we could be dealing with. For example, I wish to see the Congress turn its attention to a pro-growth economic package, a discussion of how we can help this economy move. I think once we have that opportunity to debate, we will have a good, principled exchange of ideas here.

My suspicion is that from the other side of the aisle we will hear a number of expensive spending proposals, and from our side of the aisle we will hear a different agenda, an agenda that says we want a bigger, bolder, broader pro-growth economic agenda so we can move this economy in a more positive direction.

Part of that would have to do with lower tax rates for individuals, such as to permanently reduce the dividend, capital gains, and estate tax rates to 15 percent. Part of it would be to lower corporate tax rates, reducing the capital gains tax for corporations from 35 percent to 25 percent so our companies in America can compete in the world. Part of it would be indexing the capital gains tax for inflation so that double taxation of capital would at least reflect inflation. Part of it would be something that many Members of this Chamber have talked about for a long time: a simpler, flatter tax, giving taxpayers the option of filing a 1-page return with a 17-percent flat tax rate.

I wish to see—and I plan to introduce within the next few days—legislation that would make permanent the expensing provisions for small business that we passed in a bipartisan way before the recess in the pro-growth package to help stimulate the economy. Those provisions increased the small business expensing limits and allowed a 50 percent bonus depreciation.

Now it is not unusual to hear Republicans talking about lower tax rates. But that is only a part of—a part of—what we would propose if our debate were here for a pro-growth economic package. I wish to see us bring up Senator ISAKSON's proposal, which would create a $5,000-a-year, 3-year tax credit for buyers of foreclosed or new homes to get buyers back in the marketplace.

I wish to see us begin to more seriously implement the America COMPETES Act. That is part of a pro-growth agenda as well. We worked hard in this Chamber across party lines for 2 years to advance legislation to increase our nation's competitiveness in the global economy. The President made a priority of it. He said we ought to have an 18 percent increase in funding for the physical sciences in this year's budget. We should talk about that and make a commitment to make room in the budget for that so we can double funding in the physical sciences over the next 5 years so we can keep our brainpower advantage so our jobs will not go overseas.

As one Senator, I want to see that we continue to in-source brainpower for new jobs by pinning a green card on the lapel of every foreign student who earns a degree in science, technology, engineering, or mathematics from a U.S. university, and who is legally here and passes a background check. We could have a good debate here in the Chamber about whether it is a good idea to do that. I think it is.

We have 570,000-something foreign students here. Why would we attract the brightest people in the world to study here and make them promise to go home and create new jobs in India and in China? Let's create them here.

We could make the research and development tax credit permanent. We could have a full-day debate about how to improve our schools. I see the Senator from New Hampshire is in the Chamber; he was one of the principal authors of the No Child Left Behind Act. There is a provision in that legislation which is called the Teacher Incentive Fund. It tackles one of the most difficult problems in American education. How do you reward outstanding teaching? Well, you cannot do it from Washington. But you can fund it from Washington, so in Philadelphia and in Phoenix and in Memphis school leaders and teachers are part of plans where you pay them more for leading well and pay them more for teaching well.

I did that in Tennessee in 1983 when I was Governor. Mr. President, 10,000 teachers went up a career ladder. As soon as I left, its opponents killed it. But teacher after teacher comes back to me saying they wish it were still there. Every time we have a hearing on education, we hear the need to keep and attract outstanding teachers.

We could talk about and debate—and I am sure we would debate—Pell Grants for Kids. Why not give vouchers to poor kids so they can go to some of the schools that people with money go to?

Why not go ahead and implement the provisions in the America COMPETES Act for adding 10,000 math and science teachers, and give a million and a half more low-income children the opportunity to take Advanced Placement tests?

If we want to talk about growing the economy, we can do that. We could talk about stopping runaway lawsuits and enacting small business health plans. We can talk about lower energy costs. We can talk about lowering the cost of Government. Or we can talk about Iraq.

I have been one of those who, over time, has had some difference of opinion with the President on Iraq. I thought he should have embraced the Iraq Study Group plan as soon as it came out: Put Secretary Baker, Congressman Hamilton, and the other members of the Iraq Study Group up there in the Gallery and honor them and accept their suggestions.

Mr. REID. Mr. President, will my colleague yield for a brief statement?

Mr. ALEXANDER. Mr. President, I would be glad to yield to the majority leader.

### ORDER OF BUSINESS

Mr. REID. Mr. President, I just finished a conversation with the Republican leader. We have decided it is to the interest of everyone we have no more votes tonight, so everyone should understand that. We will be out tomorrow to decide what we are going to do after Senator MCCONNELL and I have a chance to get together in the morning. No more votes tonight.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the majority leader.

Mr. President, I would say that last year I thought I had succeeded in doing something that no one else had been able to do. I unified President Bush and Senator REID on Iraq in their opposition to our Iraq Study Group legislation. But my point is that while I have been one on this side of the aisle who wishes the President had taken a different tact, I think in all honesty we are talking about how things have changed in Iraq.

If we look at the Iraq Study Group recommendations, what were they? First, transition of mission. Let's shift our military forces out of direct combat and into roles of supporting, training, and equipping Iraqi forces as security conditions on the ground permit. That is happening. It is happening province by province. That wasn't foreseen quite as clearly by the authors of the Iraq Study Group report. I am not sure any of us saw it. General Petraeus was wise enough to see it. He is helping Iraq have a transition of mission of U.S. forces from mainly combat to mainly support, training, and equipping. But the Iraq Study Group itself, while it set a goal for that shift of mission, explicitly rejected the idea of a deadline. As the Senator from Alabama said earlier, it explicitly rejected the idea of a deadline.

The second recommendation of the Iraq Study Group was that we maintain a long term, but diminishing, presence in Iraq, with an emphasis on diminishing. That is happening. Troops are coming out instead of troops going in. Now, they are not coming out as rapidly as many had hoped, but they are coming out. They are coming out in the spirit of the Iraq Study Group report—not as rapidly as the report originally recommended, but as quickly as conditions on the ground will now permit. The limited mission the Iraq Study Group envisioned, in addition to supporting Iraqi forces, includes protection of coalition forces, counterterrorism operations, border security, intelligence-sharing, supporting provisional reconstruction teams, and search and rescue.

Finally, the Iraq Study Group urged that we undertake a new diplomatic offensive, that we step up regional and diplomatic efforts to press others in the region to help Iraq succeed. Well, that has been happening. It may not be happening as rapidly as everyone in the Chamber would like, but these efforts are well underway, with a more expansive United Nations mission. But higher profile efforts are also needed, including by the President.

So I would not stand here and say that the Iraq Study Group legislation that Senator SALAZAR and I introduced—supported by eight Democrats and eight Republicans, and which we unsuccessfully urged the President and this body to adopt a year ago—I would not say we should do that today. But I would say as one Senator that I believe that is the direction in which we are moving, and the Iraq Study Group has made a significant contribution to that effort. I, frankly, believe the bipartisan approach here by those 16 Senators also helped move us in that direction.

Now, Senator FEINGOLD's proposal and the Iraq Study Group recommendations are at odds. In the first place, the Feingold legislation sets a 120-day deadline for changing the mission of our forces in Iraq and requiring a massive withdrawal. The bipartisan Iraq Study Group specifically opposed such a deadline, saying that transition should be, as I said, subject to unexpected developments in the security situation on the ground.

The Feingold amendment and the Iraq Study Group differ in another way: the continuing mission for the troops. My reading of the Feingold bill says that it would prevent American troops from being embedded with Iraqi forces, from securing Iraqi borders, from fighting terrorists who aren't known to be affiliated with al-Qaida, and performing various intelligence operations. Those missions are all supported by the Iraq Study Group. It is part of our long term, but diminishing, role in Iraq.

As has been noted today, this is not a new subject for the Senate. We have had perhaps three dozen votes on Iraq last year. Perhaps we should have that many votes. What else is more important than Iraq? But at some point, we have come to a conclusion, and I think on the issue of the Feingold bill, this body, by a large majority, has already expressed itself. There were four previous votes on similar—not exactly the same but similar—funding cut and withdrawal proposals offered by Senator FEINGOLD. Those were on December 18, 2007, and 71 Senators voted against that Feingold amendment. Then, on October 3, 2007, 68 Senators voted against that Feingold amendment. Then, on September 20, 2007, 70 Senators voted against that Feingold amendment. Then, on May 16, 2007, 67 Senators voted against that Feingold amendment.

We have 100 Senators, and 49 of us are Republicans. Not all of us agree on Iraq. So that meant that a substantial number of Democrats consistently voted against those Feingold amendments.

So I know Senator FEINGOLD is sincere and passionate in his beliefs, but it would seem to me that four votes are enough on this subject, and—as important as it is—we could turn our attention to other issues. But if the majority leader, for whatever reason, feels a need to bring this issue to the floor of the Senate, then we are ready to talk about it.

We are not all of one mind here, even on the Republican side. We have some on this side of the aisle who said when the Iraq Study Group report came out that it was a recipe for surrender. I disagreed with that and said so publicly and said so privately to the President. He was good enough to hear me out one-on-one. I find him to be a very good listener.

I, for one, am enormously impressed with General Petraeus's counterinsurgency strategy. I, like most of us, have had a chance to go to Iraq—in my case, two times to Iraq, and three times to Kuwait. I have had a chance last year in August to visit with General Petraeus and General Odierno and to go into the outskirts of Baghdad and to see an area where our soldiers were in camp and to have dinner with a group of sheiks. One of the sheiks' sons had been murdered in his front yard, and they were fed up with the al-Qaida terrorists and were convinced that because the American forces were there, that the Iraqis could risk their lives by teaming with the American forces to run the terrorists out of town, which in many places they have done.

I still think it would have been better for our troops and it would send a clear message to the enemy if we had, as an administration and as a Congress, embraced the Iraq Study Group Report because it said basically what we are doing today. It said we need to change direction. We need to, No. 1, shift our mission, which we are doing. It specifically embraced the idea of a surge, if that was necessary. It rejected the idea of a specific deadline and said it should be subject to developments on the ground. It said we should identify a long-term but diminishing presence in Iraq, which we have been doing as a country. The Iraq Study Group Report said also that we should step up our diplomatic efforts. Its goal—not its binding effect but its goal—was that all of its recommendations could be accomplished more rapidly than has been done. That is true. But at the same time, it recognized that it was all subject to security developments on the ground.

So when we have a success—or it may be more accurate to say a series of small successes in a difficult arena such as Iraq—when we have military leadership such as General Petraeus and his team who have stuck to a new counterinsurgency strategy—at least new to Iraq that took our forces out of the Green Zone and placed them on the outskirts—when we have done that, then I think we ought to recognize that for what it is.

I am glad to have this opportunity to talk about Iraq and the progress we are making there. I hope we can make more there. I would like for more of our Tennesseans to come home. In the National Guard alone, we have had more than 10,000 Tennesseans in Iraq, some for a year, some twice, some three times. They are our uncles, and they are our aunts. They are our neighbors, our deputy sheriffs, the mayor of Lexington, the postmaster from Robbinsville. They have mortgages. They have kids. Ninety have died, 90 Tennesseans in this period of time. So it is good to have this discussion. If the majority leader wants to bring it up, we should. But I think at the same time we ought to recognize it for what it is. We have changed direction. The troops are coming out instead of going in. The mission is shifting. The role is diminishing. It will be there for a long time, and the diplomatic effort is stepped up. If that is succeeding, then our country is succeeding, and we can spend more time on other issues.

### TORNADOES IN TENNESSEE

Now, if I may—I see the Senator from Florida may be wanting to speak, and if he would indulge me another 3 or 4 minutes, I wish to discuss what has happened in Tennessee with tornadoes in the last couple of weeks.

On the night of February 5, tornadoes began to hit Memphis at about 6 o'clock. While many people were watching the Tennessee-Florida basketball game safely in their homes, a tornado touched down in Macon County, TN, and stayed on the ground for 21 miles. More than two dozen people were killed.

Prior to that, it hit in Jackson, TN, nearly wiping out Union University. Fortunately, at Union University, president David Dockery had conducted drills, and the students had enough warning to get to the safest places in their dormitories, and no one was killed there. That was not by accident; it was because of good leadership. It was also because of a good early-warning system.

The point of my remarks tonight is that we sometimes hear in connection with disasters—particularly since Hurricane Katrina—that our disaster response system and our emergency response system isn't as good as it should be. I can't speak to every case, but over the last 30 years, as Governor for some years and in the Cabinet for 2 years and now in the Senate, I have seen a lot of disasters and tragedies. I have never seen an example where the local officials, the Governor of the State, and the President of the United States acted more rapidly, more effectively, or more humanely.

The Governor, Gov. Phil Bredesen of Tennessee, a Democrat, was on the scene immediately. He gathered all of his information—not too rapidly because he knows it needs to be accurate—and he had it to President Bush on the night of February 7 at about 7 p.m. By 10 p.m. President Bush had approved it—had called the Governor and approved individual and public assistance for five of the hardest hit counties. The Governor then went on to commit that the State would pay half of the local share of the disaster aid that needs to be paid.

I went with the President and Congressman GORDON and Senator CORKER to the Macon County area on the Friday after it hit. I visited Jackson last week. What I found was that FEMA has already received 3,700 applications from 14 approved counties. FEMA has distributed $1.9 million in 14 counties. The first small business loan was approved on the day I was there.

I visited those whose homes were blown away. It is a terrifying thought that in just 60 seconds everything is demolished. You don't know where to hide. But I also visited with the emergency responding team and a couple whose home was hit in Jackson, TN. They were told via the television at 6 o'clock that the tornado was coming, and they were told 10 minutes before it hit their house that if they lived on the north side of the interstate, the tornado would be there in 10 minutes, and it was. That was the kind of early warning system they had. And in Macon County, a tornado that hit at 9:30 at night has been anticipated. By midnight, FEMA personnel from Atlanta were at the Tennessee border at Chattanooga. And by 7 a.m. the next morning, disaster recovery centers were set up in Macon County.

I wish to express my admiration, first, for the local officials for doing a first-rate job; second, to FEMA and TEMA, the Tennessee emergency management professionals who were there on the spot; third, to Governor Bredesen who could not have done a better, more thorough, more sensitive job; and fourth, to the President and the Washington officials who were on the ball.

It is important occasionally to find the good and praise it in Government service, and in this case, I believe—well, I know—every single person I talked with in the west Tennessee area or the Macon County area felt as if the Governor, the President, and the local officials were doing everything they could to be helpful, and they were deeply grateful for it.

I yield the floor.

• Mr. McCAIN. Mr. President, I strongly oppose, as I have before, the legislation offered by the Senator from Wisconsin.

This bill would mandate a withdrawal of U.S. combat forces from Iraq and cut off funds for our troops 120 days after enactment. The one exception would be for a small force authorized only to carry out narrowly defined missions. If this latest attempt sounds familiar, it should—the majority has thus far engaged in no less than 40 legislative attempts to achieve this misguided outcome. And, just like the 40 votes that preceded this one, the result of this effort will undoubtedly be the same.

The reason is clear. To pass such legislation would be to court disaster, and to set a date certain for the withdrawal of U.S. forces from Iraq, regardless of the conditions on the ground or the implications for our national security, would be tantamount to setting a date for surrender. Should we ignore the signs of real progress in Iraq and legislate a premature end to our efforts there, the Congress would be complicit in all the terrible and predictable consequences that would ensue.

The Senate, in facing this choice time and again over the past year, has voted against legislated surrender in Iraq. Instead, we have decided to build on the clear successes of our new strategy and to give GEN David Petraeus and the troops under his command the time and support they have requested to carry out their mission. The interests of America, the future of the Iraqi people, and the stability of the Middle East are the better for it.

But the Senate has come to this conclusion only after repeated attempts to do what the proponents of this bill would have us do today—bring the war in Iraq to a premature and disastrous close through legislative fiat. If ever there was a case for precipitous withdrawal from Iraq—and I believe there never was—now is the last time anyone should consider such a step. If abandoning Iraq was a terrible idea when we were unsuccessful in our efforts there, it is a catastrophic proposal today, when we are winning.

The supporters of withdrawal said in 2007 that the surge could never work, that extra American brigades could do nothing to bring greater security to Iraq, that no new counterinsurgency strategy could succeed in protecting the population. We were losing in Iraq, they said, and nothing could change that. Some even declared that the war was already lost.

But they were wrong. As General Petraeus put it in his end of the year letter to the troops, "A year ago, Iraq was racked by horrific violence and on the brink of civil war. Now, levels of violence and civilian and military casualties are significantly reduced and hope has been rekindled in many Iraqi communities." In fact, the surge has succeeded well beyond the projections of even most optimists. Let me cite a few examples.

In Baghdad, ethno-sectarian violence has fallen over 90 percent in a year. IED attacks in Baghdad are down by 45 percent since February 2007. The specter of civil war in Iraq's capital, a real threat when the surge began, has retreated significantly. The capital's population has begun to retake its streets, its schools, and its markets.

The remarkable progress is not confined only to Baghdad. Attacks have decreased in 17 of 18 provinces in Iraq since the surge began. In the country as a whole, attacks are down by some 60 percent and stand at the level experienced in early 2005 or even 2004. Car bombs across Iraq are down, the number of civilian deaths has fallen, and IED explosions are down, all by significant margins. Intelligence tips are up, discovery of weapons and explosive caches has increased, and al-Qaida is on the run, having been forced by U.S. and Iraqi troops out of the urban areas like Baghdad, Ramadi, Fallujah, and Baquba and into isolated rural areas. U.S. casualties, too, have fallen significantly, even in the midst of ongoing operations.

As GEN Barry McCaffrey put it in a recent report, Iraq is seeing "dramatically reduced levels of civilian sectarian violence, political assassinations, abductions, and small arms/indirect fire and IED attacks on U.S. and Iraqi Police and Army Forces. This is the unmistakable new reality . . . The national security debate must move on to an analysis of why this new political and security situation exists—not whether it exists."

In the face of such facts, it is beyond perplexing to see the proponents of this legislation seek not to consolidate our gains and ensure that they continue but, rather, to force a troop withdrawal that would reverse all of the achievements I just cited. Understanding what we now know—that our military is making remarkable progress on the ground, and that their commanders request from us the time and support necessary to succeed in Iraq—it is inconceivable that we in Congress would end this strategy just as it is succeeding.

This is not to say that all is rosy in Iraq. It is not, and neither I nor our military commanders make any such argument. The cumulative results of nearly 4 years of mismanaged war cannot be reversed overnight. Al-Qaida is on the run but has not disappeared, and we can expect them to fight back. Fighting among Shia factions in the south presents a significant challenge, and violence and crime remain at unacceptably high levels in a number of areas. The road in Iraq remains, as it always has been, long and hard. But this is an argument for continuing our successful strategy, not for abandoning it in favor of sure failure.

At some point last year, a few of the proponents of withdrawal from Iraq began conceding that the surge was having tangible, positive effects. They went on to argue, however, that securing the population was irrelevant, as the point of the surge was to see political progress and there had been none. Yet even while this new debate began, political progress at the local level took off across Iraq. Tens of thousands of Iraqis—most of them Sunnis who were, or would have been, part of the anticoalition insurgency—joined Concerned Local Citizens groups and aligned themselves with our efforts. Moqtada al-Sadr announced that the Mahdi army would observe a 6-month ceasefire, a pledge he renewed just last week for an additional 6 months. In Anbar and elsewhere, local populations turned to the coalition and against al-Qaida, turning that province from

Iraq's most dangerous into one of its safest.

In the face of these new facts, supporters of withdrawal changed their argument yet again. Maybe the surge had brought about greater security, they said, and perhaps this had helped generate political progress at the local level, as counterinsurgency doctrine would suggest. But this was irrelevant, they said, so long as national level political reconciliation is lacking—and since we can never expect that, the troops must leave.

Yet they were wrong again. In January, the Iraqi Parliament passed the long-awaited debaathification law that restores the eligibility of thousands of former party members for government jobs lost because of their Baathist affiliation. Earlier this month, a provincial powers law passed that devolves a significant amount of power to the provinces and mandates new provincial elections by October 1 of this year. The Parliament passed a partial amnesty for detainees that can facilitate reconciliation among the sects, and it completed a landmark 2008 budget.

Again, these significant achievements come coupled with remaining challenges. Parliament has yet to pass an oil law, though oil revenues are being shared in its absence; the Maliki government remains unwilling to function and provide services as it must, and other difficulties abound. Yet it is telling that in his latest report, military analyst Anthony Cordesman said, "No one can spend some 10 days visiting the battlefields in Iraq without seeing major progress in every area . . . If the U.S. provides sustained support to the Iraqi government—in security, governance, and development—there is now a very real chance that Iraq will emerge as a secure and stable state."

No one can guarantee success in Iraq or be certain about its prospects. We can be sure, however, that should the U.S. Congress succeed in terminating the strategy by legislating an abrupt withdrawal and a transition to a new, less effective and more dangerous course—should we do that, then we will fail for certain.

Let us make no mistake about the costs of such an American failure in Iraq. Should Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back—in Iraq and elsewhere—in many more desperate fights to protect our security and at an even greater cost in American lives and treasure.

In his testimony before the Armed Services Committee in September, General Petraeus referred to an August Defense Intelligence Agency report that stated, ". . . a rapid withdrawal would result in the further release of strong centrifugal forces in Iraq and produce a number of dangerous results, including a high risk of disintegration of the Iraqi Security Forces; a rapid deterioration of local security initiatives; al Qaeda—Iraq regaining lost ground and freedom of maneuver; a marked increase in violence and further ethno-sectarian displacement and refugee flows; and exacerbation of already challenging regional dynamics, especially with respect to Iran."

Those are the likely consequences of a precipitous withdrawal, and I hope that the supporters of such a move will tell us how they intend to address the chaos and catastrophe that would surely follow such a course of action. Should we leave Iraq before there is a basic level of stability, we invite chaos, genocide, terrorist safehavens and regional war. We invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq. If our notions of national security have any meaning, they cannot include permitting the establishment of an Iranian dominated Middle East that is roiled by wider regional war and riddled with terrorist safehavens.

The supporters of this amendment claim that they do not by any means intend to cede the battlefield to al-Qaida; on the contrary, their legislation would allow U.S. forces, presumably holed up in forward operating bases, to carry out "targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations." But such a provision draws a false distinction between terrorism and sectarian violence, between counterterrorism and counterinsurgency. Moving in with search and destroy missions to kill and capture terrorists, only to immediately cede the territory to the enemy, is the failed strategy of the war's first 4 years. We should not, and must not, return to such a disastrous course.

Americans were divided over this war from the beginning, and we remain so today. All of us want our troops to come home, and to come home as soon as possible. But how we leave—that is of the utmost importance. We must not leave, as the supporters of this amendment would have it, in a way that erodes all the security gains that our brave men and women have fought so hard to achieve and in a way that puts us on the road to surrender. The stakes are too high, we have come too far and sacrificed too much for that. Instead of surrendering, we should persevere with the pursuit of our strategic objectives: to defeat al-Qaida, not be defeated by it; to implant in Iraq the forces of stability and tolerance, not chaos and civil war; to demonstrate that America keeps its word with its friends and allies, rather than abandoning them to horrific consequences. The American soldiers we have sent to battle deserve to return to us with honor—the honor of victory that is due all of those who have paid with the ultimate sacrifice.

Before I close, I would note that there will be another vote soon on the motion to proceed to legislation requiring the administration to develop a new al-Qaida strategy within 60 days, and to report it to Congress. I oppose putting such a mandate in law for several reasons. The National Security Act of 1947 requires the President to transmit to Congress each year a comprehensive report on the national security strategy of the United States. Title 10 requires the Chairman of the Joint Chiefs of Staff to produce a national military strategy and to conduct a biennial review of that strategy, a review that was recently completed. The Chairman has indicated that a new national military strategy is under development and, of course, the next President will be required to issue a fresh national security strategy. In short there are, and will remain, a number of legislative requirements for security strategies that include a counterterrorism approach.

Finally, this bill would attempt to limit the President's use of the military by imposing dwell times for our forces. While I fully support the goal of achieving sustainable dwell times for our Armed Forces, I do not believe that we should try to force such a restriction on the President irrespective of any contravening interests.

Mr. President, as the debate over Iraq goes on, let us remember to whom and what we owe our first allegiance—to the security of the American people and to the ideals upon which our Nation was founded. That responsibility is our dearest privilege, and to be judged by history to have discharged it honorably will, in the end, matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage or office. I hope we might all have good reason to expect a kinder judgment of our flaws and follies because when it mattered most we chose to put the interests of our great and good Nation before our own and helped, in our own small way, preserve for all humanity the magnificent and inspiring example of an assured, successful and ever advancing America and the ideals that make us still the greatest Nation on Earth.●

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise today to express my concerns, shared by so many of my constituents in Pennsylvania and across the country, about the war in Iraq and how our efforts there have exacted a direct cost on the fight against al-Qaida and its affiliates in Afghanistan.

The bills introduced today by Senator FEINGOLD and Majority Leader REID have prompted an important debate about our national security. I believe it is our duty, as elected officials, to level with the American people on the war in Iraq, both on the reality of the situation on the ground and in the context of our Nation's broader strategic priorities. We must speak truth to the anxiety of the American people on what we are doing to make this country more secure.

Our Nation recently marked the 1-year anniversary of the President's decision to initiate a troop escalation into Iraq. We are quickly coming up on the fifth anniversary of the invasion of Iraq. As the President said in January of 2007, when announcing the goals of his troop escalation, "Iraqis will gain confidence in their leaders and the government will have the breathing space it needs to make progress in other critical areas." Judged by those standards enunciated by the President himself, the surge has not worked. While we all welcome the reduction in violence, that metric was never the be-all and end-all in determining whether the surge worked.

Monday of this week, the Pentagon said it expected 140,000 U.S. troops would remain in Iraq this July, 8,000 more troops than when the President's troop buildup began in January of 2007.

These extended troop deployments have imposed a significant toll on a U.S. military already stretched dangerously thin by this war. We have provided Iraqis with some "breathing space" and violence in many parts of Iraq is, indeed, down. That fact is attributable to the fine men and women of our armed services and to their skills as the finest fighting force in history. Yet Iraq is still not a secure Nation because progress on the essential tasks of political reconciliation has not been achieved by the Iraqis. General Petraeus has been very clear on this point: The war in Iraq can only be won politically, not militarily.

Although the Bush administration immediately praised the three reform measures recently passed by the Iraqi Parliament, the package served only to postpone critical discussions on the future of the country and underscore the fractured State of the Iraqi Government. The Parliament approved a 2008 budget, passed a provincial powers law defining a division of responsibility between the central government in Baghdad and regional authorities, and issued an amnesty bill that may free thousands of prisoners from the disaffected Sunni community. But the potential details and implementation of these laws, especially on the amnesty bill, remain a critical question mark. What the Iraqi leadership failed to achieve and the decisions of Parliament chose to kick down the road, so to speak, is perhaps more notable than the short-term successes. The government has yet to tackle the most divisive issue in Iraq, and that is this: who controls the country's oil and how to distribute the proceeds. To take the most egregious example, the Kurdistan regional government in the north passed its own oil law last August, signing dozens of contracts with international oil firms, which the central government in Baghdad deems illegal. The Iraqis have devised a de facto approach for splitting oil proceeds in the short term, but that arrangement is vulnerable to breakdown at any time.

Legislative accomplishments by the Iraqi Parliament are welcome but can be very deceiving. So long as the very parliamentarians who passed these recent bills cannot leave the Green Zone without fear of assassination attempts or suicide bombings, Iraq remains an unsecured nation.

Just as Iraqi progress on internal reconciliation is sorely lacking, I am also distressed by our short-term strategy of pacifying local actors in Iraq to improve security while ignoring the underlying political and sectarian fault line in Iraq. In short, this approach is not sustainable and is undermining—undermining—our overarching objective of national reconciliation.

At the same time we speak of bridging the sectarian divides, the U.S. "awakening strategy" in western and central Iraq is arming Sunni tribal leaders and integrating former insurgents into the rough equivalent of militias—all in a process separate from and parallel to the national armed forces of Iraq.

As an article in Time magazine recently noted, a number of these "concerned local citizens" militias, organized and supported by the U.S. military, are now turning on each other in a contest for influence and territory. The Shia-led central government views these armed militias as undermining its central authority and has balked at integrating large numbers of Sunnis into the national Iraqi security forces. So at this point we must ask ourselves whether the U.S. Government, in service of a worthy but short-term objective of suppressing violence in Iraq, is only paving the road for a large-scale future conflict by arming sectarian groups separate from the national army and police. That is an important question we must consider.

Let me say, Mr. President, sometimes short and telling anecdotes tell a story. We have read recently that the Iranian President, Mr. Ahmadinejad, will make a visit to Baghdad next week for talks with Prime Minister al-Maliki and other officials. This visit has already been announced, with details of his itinerary available to the press and the public. By sharp contrast, when President Bush, Secretary Rice and/or Secretary Gates visit Iraq, they travel to Baghdad unannounced and rarely leave the fortified walls of the Green Zone.

Another example. When Senator DURBIN and I visited Iraq last August, we flew from the airport to the Green Zone in low-flying, fast-moving helicopters practicing evasive maneuvers. Here is a question we should ask ourselves: Why can the Iranian President drive in an open manner into Baghdad while U.S. leaders must sneak into the country under the cloak of darkness? Five years into our occupation of Iraq, what does this say about our role in Iraq and the security of that nation?

As Iraq continues to dominate the attention and resources of our Government, it clouds and confuses our long-term U.S. strategic priorities. I remain troubled, as so many others here remain troubled, that a "Declaration of Principles" signed on November 26, 2007, by President Bush and Prime Minister al-Maliki commits our Nation to "providing security assurances and commitments to the Republic of Iraq to deter future aggression against Iraq that violates its sovereignty and integrity of its territories, waters, or airspace." That is what the Declaration of Principles says in part.

Although Secretary Rice assured me during a recent Senate Foreign Relations hearing that no such commitments will be extended to Iraq, I remain deeply skeptical. In concert with my colleagues, I will continue to exercise vigorous oversight to ensure that President Bush does not lock the United States into a binding and long-term security commitment to Iraq.

It is time to refocus our energies and our efforts on the "forgotten war" in Afghanistan. Our focus on Iraq has distracted from and undermined the central front in the war on terrorism.

ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, recently testified before Congress, and he said:

> In Afghanistan, we do what we can. In Iraq, we do what we must.

With all due respect to Admiral Mullen, he has it wrong. We should do what we must in both places.

We know that 6 years ago America was fighting and winning the war in Afghanistan, and al-Qaida and the Taliban were on the run. But instead of staying and accomplishing our mission in Afghanistan by hunting down those who planned the 9/11 attacks, this administration diverted our attention to Iraq. Today, the Taliban has returned with a vengeance and controls more territory than at any time since its ouster in 2001. Afghanistan is on the brink of becoming yet again a failed state and thus a safe haven for al-Qaida to launch deadly attacks, including against the American homeland.

Three recent bipartisan reports on Afghanistan concluded that the situation on the ground is dire. One report, coauthored by retired general Jim

Jones and Ambassador Thomas Pickering, puts it bluntly, and I quote in part:

> The progress achieved after 6 years of international engagement is under serious threat from resurgent violence, weakening international resolve, mounting regional challenges, and a growing lack of confidence on the part of the Afghan people about the future direction of their country. The United States and the international community have tried to win the struggle in Afghanistan with too few military forces and insufficient economic aid, and without a clear and consistent comprehensive strategy.

That is the Jones and Pickering report from which I am quoting.

When Secretary of Defense Gates is forced to go public with criticisms of the refusal of our NATO allies to deploy more forces in Afghanistan and his skepticism of their ability to conduct counterinsurgency operations, we must admit that the situation on the ground is getting worse in Afghanistan, not better. Military officials expect the coming year to be even more deadly, as the Taliban becomes more deadly and deploys greater numbers of suicide bombers and roadside explosives. U.S. forces remain largely isolated in Afghanistan, with key NATO allies refusing to provide ground support and imposing onerous restrictions on where and how they can fight. The end result is that the very future of NATO, the most successful alliance in modern history, is now in grave danger.

In a welcome display of straight-talk, Secretary Gates admitted that the very reason large segments of the European public do not support NATO operations in Afghanistan is due to their antipathy toward U.S. policy in Iraq. Secretary Gates recently asserted in Munich:

> Many of them, I think, have a problem with our involvement in Iraq and project that to Afghanistan, and do not understand the very different—for them—the very different kind of threat.

That is what Secretary Gates said recently.

Mr. President, let me conclude with this thought: The war in Iraq has indeed strained our military, limiting the number of combat divisions we can provide in Afghanistan. It has undermined our global leadership, depriving us of the moral authority to demand more of our allies, and it has diverted the attention of our senior military and civilian leadership, allowing the Taliban to mount a comeback under our very eyes. We are losing a war we cannot afford to lose in a futile and misguided effort to force success in another conflict that can only be won politically, not militarily. Our priorities are tragically mistaken, and our Nation is paying a severe cost.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REMEMBERING DENISE ANN PHOENIX

Mr. REID. Mr. President, I rise today to recognize Denise Ann Phoenix, a role model, native Nevadan, and hero. Ms. Phoenix, known by her nickname "Auntie," devoted her life to improving her Native American community and promoting child safety. Following in the footsteps of her father, Leroy Phoenix, Sr., she pursued a career in law enforcement and became one of few women to serve as an investigator with the Bureau of Indian Affairs. She died in the line of duty on February 14, 2008, after coming into contact with an unidentified substance and contracting a fatal lung disease. She was 42 years old.

Ms. Phoenix grew up on the Pyramid Lake Paiute Reservation in northern Nevada. After graduating from Sparks High School, she began her career as a tribal ranger on the reservation and later became BIA chief of police of Carson City, NV. She emphasized the importance of community-oriented policing and her service was exemplary. She will continue to be an inspirational example to young Native American women.

The dedication Ms. Phoenix demonstrated as an officer was complemented by her dedication to children. In 2000, she lost her own children, Shasta and Justin, along with her brother Ronald, to a car accident along the Pyramid Highway in Sparks, NV. In response to this devastating tragedy, she established youth outreach programs in her children's memory. She was also instrumental in getting a median divider installed on the stretch of road where the accident occurred, once again showing her profound commitment to the safety of others.

Though I am saddened by her passing, I share with this body my gratitude for her devotion to her community. I also extend to her family, friends, and colleagues my condolences.

## PRESERVE ACCESS TO AFFORDABLE GENERICS ACT

Mr. KYL. Mr. President, I ask unanimous consent to have the following letter from the Justice Department commenting on S. 316, the Preserve Access to Affordable Generics Act, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF, LEGISLATIVE AFFAIRS,
*Washington, DC, February 12, 2008.*

Senator Jon Kyl,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR KYL: This responds to your request for the Department's views regarding the competitive implications of S. 316, the "Preserve Access to Affordable Generics Act." S. 316 addresses the issue of reverse payments associated with the settlement or resolution of an infringement lawsuit in the context of the Hatch-Waxman Act. The bill would make it a per se violation of the antitrust laws to be a party to an agreement in which an Abbreviated New Drug Application (ANDA) filer receives value and agrees not to research, develop, manufacture, market, or sell the ANDA product for any period of time. The Department believes that the bill addresses a serious competition issue, but, for the reasons discussed below, the Department has concerns with this bill as drafted.

As an initial matter, there is the potential for such settlements to be anticompetitive. For example, if the potential losses in profits due to increased competition from entry by the ANDA filer are large, the ANDA filer may be persuaded to drop a strong claim of patent invalidity or non-infringement in return for significant payments. As described below, however, settlements between an ANDA filier and the patent holder also can benefit consumer welfare. Accordingly, the Department of Justice does not believe per se liability under the antitrust laws is the appropriate standard. Per se liability generally is reserved for only those agreements that unequivocally have an anticompetitive effect, while a rule of reason analysis is better suited to instances when the economic impact of the agreement is less certain. In this context, per se illegality could increase investment risk and litigation costs to all parties. These factors run the risk of deterring generic challenges to patents, delaying entry of competition from generic drugs, and undermining incentives to create new and better drug treatments or studying additional uses for existing drugs.

The United States has a strong policy of encouraging settlement of litigation. A settlement reduces the time and expense of litigation, which can be quite substantial. Further, it reduces the uncertainty associated with the pending litigation. A settlement can thereby free up management time and resources and reduce risk, enabling a company to focus on developing new and better products.

The Hatch-Waxman Act context presents a distinct set of circumstances, but settlements creates a structure designed to encourage generic drug makers to challenge these patent rights by asserting either that the relevant patents are not valid or that the generic version would not infringe the patents. Among other things, the Hatch-Waxman Act provides an opportunity for the generic company and the patent holder to litigate those issues prior to the generic's launch of a potentially infringing product. Thus, unlike most patent litigation in which the patent holder has a claim for damages, the patent holder in the Hatch-Waxman context typically has no claim for damages because the generic company has not yet launched a product.

In any patent litigation, the principle means available to the patent holder to induce the generic company to settle the litigation is to offer something of value. If the patent holder has a damages claim for infringement, it can offer to reduce or waive its damages. However, in the Hatch-Waxman context the patent holder typically has no damages claim, so its only means of offering value to induce a settlement is to offer to transfer something of value, such as cash or other assets. Under S. 316, the only value that a patent holder could offer to settle a patent infringement claim would be "the right to market the ANDA product prior to the expiration of the patent" at issue (i.e., waiving its patent rights in whole or in part). The per se liability under S. 316 eliminates any other transfer of value if the settlement also includes a provision requiring the generic company to respect for any period of time the patent holder's right to exclude under the patent. The net result may be to reduce the likelihood of potentially beneficial settlements and to increase the risk that a generic company would need to litigate a case to judgment (and through an appeal in many instances). Patent holders would face greater disincentives to investing in research and development of new and better treatments if they had to litigate every challenge to a judgment and through an appeal. Further, such litigation can take many years to complete and will divert the time, attention and resources of both parties during that time.

Settlement should not serve as a vehicle to enable patent holders to preserve or expand invalid or non-infringed patents by dividing anticompetitive profits with settling challengers. However, the public policy favoring settlements, and the statutory right of patentees to exclude competition within the scope of their patents, would potentially be frustrated by a rule that subjected patent settlements involving reverse payments to automatic or near-automatic invalidation. These competing considerations suggest that an appropriate legal standard should take into account the relative likelihood of success of the parties' claims and the potential benefits of a settlement in a given situation. It is important that parties maintain the ability to settle, and that the law permit flexibility for settlement negotiations to capture efficient agreements that are motivated by legitimate business objectives rather than anticompetitive goals.

Finally, we note that subsection 4(a) of the bill appears to contain a typographical error. We believe that the intended reference to the United States Code should be "21 U.S.C. 355 note" (rather than section "3155").

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that, from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

BRIAN A. BENCZKOWSKI,
*Principal Deputy Assistant Attorney General.*

## SCHOOL SAFETY AND LAW ENFORCEMENT IMPROVEMENT ACT

Mr. LEAHY. Mr. Presdient, since my last statement on the need for prompt congressional action to address incidents involving threatening conduct and, too often, deadly acts of violence at our schools and college campuses nationwide, the violent incidents have continued, with tragic results.

In the week between February 8 and February 15, there were at least four incidents at schools and universities resulting in death or serious injury to victims of all ages.

On February 8, a female student killed two other students, and then herself, inside a classroom on the campus of Louisiana Technical College in Baton Rouge. Three days later, a student at Mitchell High School in Memphis, TN, was left in critical condition after a violent incident in the school's cafeteria. The day after that, a 15-year-old boy at E.O. Green Junior High in Oxnard, CA, was critically wounded by a classmate. He was later declared brain dead.

Then, on February 14, tragedy struck at Northern Illinois University. A former student opened fire in a geology class, killing 5 students and wounding 16, before killing himself. As hundreds of mourners remembered one of the Northern Illinois University victims at a funeral service on February 19, more than 1,000 Virginia Tech students gathered in solidarity for a candlelight vigil in Blacksburg, VA.

It has been over 10 months since the horrific incident at Virginia Tech resulted in the tragic deaths of 32 students and faculty members, and serious injuries to many other innocent victims. During that time, we have seen a barrage of new incidents at our schools and college campuses nationwide.

The Judiciary Committee reported out the School Safety and Law Enforcement Improvement Act of 2007, S. 2084, more than 6 months ago to address these incidents. Regrettably, the Senate has failed to take up and pass that bill to improve school safety. This comprehensive legislation should be considered and passed without further delay.

In originating the bill more than 6 months ago, the Judiciary Committee showed deference to Governor Tim Kaine and the task forces at work in Virginia, and sought to complement their work and recommendations. Working with several Senators, including Senators BOXER, REED, SPECTER, FEINGOLD, SCHUMER, and DURBIN, the committee originated this bill and reported it at the start of the 2007 academic year. My hope was that Congress would adopt these critical school safety improvements last fall.

The recent incidents at E.O. Green Junior High, Mitchell High School, LA, Technical College and Northern Illinois University are just a few of the tragic events that have claimed the lives or resulted in serious injuries to students in the past few months. Since this bill was reported out of the Judiciary Committee, we have seen tragic deaths at Delaware State University and the University of Memphis, and grievous injuries sustained by students and teachers at SuccessTech Academy in Cleveland, OH. We have also seen numerous lockdowns nationwide as a result of threatening conduct in our schools, including recent lockdowns at Fern Creek High School in Louisville, KY, and St. Peter's College in Jersey City, NJ.

The School Safety and Law Enforcement Improvement Act would address the problem of violence in our schools in several ways. The bill authorizes Federal assistance for programs to improve the safety and security of our schools and institutions of higher education, provides equitable benefits to law enforcement serving those institutions including bulletproof vests, and funds pilot programs to develop cutting-edge prevention and intervention programs for our schools. The bill also clarifies and strengthens two existing statutes—the Terrorist Hoax Improvements Act and the Law Enforcement Officers Safety Act—which are designed to improve public safety.

Specifically, the bill would improve the safety and security of students both at the elementary and secondary school level and on college and university campuses. The K–12 improvements are drawn from a bill that Senator BOXER introduced last April, and I want to thank Senator BOXER for her hard work on this issue. The improvements include increased funding for much-needed infrastructure changes to improve security as well as the establishment of hotlines and tip-lines, which will enable students to report potentially dangerous situations to school administrators before they occur.

To address the new realities of campus safety in the wake of Virginia Tech and more recent college incidents, the bill also creates a matching grant program for campus safety and security to be administered out of the COPS Office of the Department of Justice. The grant program would allow institutions of higher education to apply, for the first time, directly for Federal funds to make school safety and security improvements. The program is authorized to be appropriated at $50,000,000 for the next 2 fiscal years. While this amounts to just three dollars per student each year, it will enable schools to more effectively respond to dangerous situations on campus.

The bill would also make sworn law enforcement officers who work for private institutions of higher education and rail carriers eligible for death and disability benefits, and for funds administered under the Byrne grant program and the bulletproof vest partnership grant program. Providing this equitable treatment is in the best interest of our Nation's educators and students, and will serve to place the support of the Federal Government behind the dedicated law enforcement officers who serve and protect private colleges and universities nationwide. I commend Senator JACK REED for his leadership in this area.

The bill helps law enforcement by making improvements to the Law Enforcement Officers Safety Act of 2003, LEOSA. These amendments to existing law will streamline the system by which qualified retired and active officers can be certified under LEOSA. It serves us all when we permit qualified officers, with a demonstrated commitment to law enforcement and no adverse employment history, to protect themselves, their families, and their fellow citizens wherever those officers may be.

The bill focuses on prevention as well, by incorporating the PRECAUTION Act at the request of Senators FEINGOLD and SPECTER. This provision authorizes grants to develop prevention and intervention programs for our schools.

Finally, the bill incorporates the Terrorist Hoax Improvements Act of 2007, at the request of Senator KENNEDY.

The Senate should move forward and act. The Virginia Tech Review Panel—a body commissioned by Governor Kaine to study the Virginia Tech tragedy—has already issued its findings based on a 4-month long investigation of the incident and its aftermath. This bill would adopt a number of recommendations from the review panel aimed at improving school safety. We must not miss this opportunity to implement these initiatives nationwide, and to take concrete steps to ensure the safety of our kids. I hope the Senate will promptly move forward to invest in the safety of our students and better support law enforcement officers across the country by considering and passing the School Safety and Law Enforcement Improvement Act of 2007.

## THE MATTHEW SHEPARD ACT

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In the early morning hours of February 15, 2008, a young man and his friend were passing through Temple University's campus in Philadelphia, PA, when they found themselves in a physical fight with four Temple students. According to reports, the two non-Temple students were standing in front of a traditionally Jewish fraternity house when they were accosted by the four attackers. One of the four allegedly asked the two visitors if they were Jewish. When they replied that they were not, one of the Temple students evidently began to yell, "We hate Jews! We hate Jews!" According to police, one of the two victims was seriously injured and suffered a broken nose and fractured right eye socket. Temple released a letter characterizing the incident as a hate crime. The attackers have been suspended pending a University Disciplinary Committee hearing, while Philadelphia police are pursuing criminal charges and have issued warrants for the suspects' arrest.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## INDIAN HEALTH CARE IMPROVEMENT ACT

Mr. LIEBERMAN. Mr. President, I regret having missed the final vote for the Indian Health Care Improvement Act of 2007. I support the passage of this bill and would have voted in the affirmative.

It has been over 15 years since the Indian Health Care Improvement Act has been reauthorized. It is critical to strengthen the provision of care, through the Indian Health Service, IHS, to American Indian and Alaska Native populations, who suffer from significant health disparities compared to the general U.S. population, including a life expectancy that is 2.4 years lower, and significantly higher death rates from tuberculosis, alcoholism, diabetes, suicide, and infant mortality.

The Indian Health Service derives its authorities from the Indian Health Care Improvement Act and its mission is to improve the health status of American Indians and Alaskan Natives by constructing, maintaining, and managing health care delivery and sanitation systems through a network of 49 hospitals, 6,500 IHS, tribal, and private contract facilities. The IHS provides ambulatory, emergency, dental, and preventative health services to 58 percent of the 3.3 million American Indians and Alaska Natives; however, it is confronting these challenges with significant health care workforce shortages. Anywhere from 12 to 32 percent of positions for dentists, nurses, optometrists, physicians, and pharmacists, among other health professionals, are currently vacant. Thus, the passage of this legislation is critical to strengthening the IHS and providing critical services to American Indians and Alaskan Natives.

Specifically, the reauthorization will improve the recruitment and retention of health providers in the IHS, provide support for American Indians and Alaska Natives to enter the health professions, provide funds for the construction of health and sanitation facilities, expand Medicare, Medicaid, and CHIP reimbursement and enrollment to all American Indians and Native Alaskans health programs, eliminate Medicare and CHIP cost-sharing and premiums for American Indians and Native Alaskans served by tribal health programs, improve IHS information systems, billing, and patient care and training, mandate that the Departments of the Interior and Health and Human Services design a comprehensive approach to behavioral health assessment, treatment, and prevention services, establish a National Bi-Partisan Commission on Indian Health Care to study the delivery of services to American Indians and Native Alaskans, require an annual report to Congress on the enrollment and health status of American Indians and Native Alaskans served by Federal health programs, reauthorize the Indian Health Care Improvement Fund to support health promotion and disease prevention programs, cancer screenings, epidemiological and health services research, and catastrophic healthcare, and modernize health care delivery for American Indian and Native Alaskan seniors requiring long-term care, hospice, home/community-based care, and assisted living.

I commend the work of both the Senate Indian Affairs and Finance Committees and, most importantly, Senators DORGAN and MURKOWSKI for their leadership and commitment to this bill.

## HONORING THE 4TH BRIGADE COMBAT TEAM, 1ST CAVALRY DIVISION

Mrs. HUTCHISON. Mr. President, I rise today to honor the outstanding service of the 4th Brigade Combat Team, 1st Cavalry Division, as they complete their service in Iraq and return to their loving families.

I am so proud of the brave servicemembers of the 4-1 Cavalry who have sacrificed so much to keep our Nation safe. I also appreciate the commitment of their family members, who have borne a heavy burden to advance the cause of liberty. All of them deserve our sincere appreciation and gratitude.

Since September 11, 2001, our Nation has been at war with terrorists who are determined to kill innocent Americans and destroy freedom around the world. We cannot let that happen. Our country has the greatest capacity and will to fight for freedom. If freedom dies in America, it will die throughout the world. I have no doubt we will win this war because our Nation is blessed to have heroes like the courageous men and women of the 4-1 Cavalry.

The 4th Brigade Combat Team, 1st Cavalry Division command team, consists of COL Stephen Twitty and CSM Stephan Frennier. The brigade combat team is a relatively new unit that activated on October 18, 2005, at Fort Bliss, TX. The subordinate units consist of the 1st Battalion, 9th Cavalry Regiment, 2nd Battalion, 7th Cavalry Regiment, 2nd Battalion, 12th Cavalry Regiment, 5th Battalion, 82nd Field Artillery Regiment, 4th Brigade Special Troops Battalion, and the 27 Brigade Support Battalion.

The 4th Brigade Combat Team received orders to deploy to Iraq in support of Operation Iraqi Freedom in July of 2006. Upon completion of mission readiness exercises and a rotation at the national training center, the 4-1 Cavalry began to deploy in September of 2006.

By their first anniversary, the 4-1 Cavalry arrived in Ninewa Province, the second largest province in Iraq. The 2-12 Cavalry deployed to Baghdad to augment the 1st Infantry Division.

The brigade headquarters was based in Mosul, Ninewa's provincial capital, which is the site of the biblical city of Ninewa. The province, slightly larger than the State of Maryland, is in the extreme northern part of Iraq. It borders Syria to the west and is comprised of Sunni Arabs, Shia Arabs, Turkmen, and Christians. The mission of the 4-1 Cavalry was to build capable Iraqi security forces, to conduct counterinsurgency operations in order to neutralize anti-Iraqi forces and to transition responsibility for defeating the insurgency to the Iraqi security forces, and the provincial government. They performed that mission superbly.

Despite being subjected to IEDs, VBIEDs, and small arms fire, the members of the 4-1 Cavalry did an outstanding job protecting the people of Ninewa Province. Due to their professionalism and courage, attacks in the province went from 15 to 18 per day in December of 2006 to 7 to 9 attacks per day by September of 2007. In conjunction with their Iraqi counterparts, they also found several tons of military grade weapons and IED-making material and detained over 1,500 insurgents. Altogether, they overcame numerous challenges, and through courage and dedication, they succeeded beyond anyone's expectations. They have much to be proud of.

On February 27, 2008, the city of El Paso will hold a parade to honor the brave men and women of the 4-1 Cavalry. Our Nation is a better place because of their service and sacrifice on behalf of a noble cause. We can never forget them or their family members. We honor their struggles and successes in that mission.

It is with sincere gratitude that I recognize them today.

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## NATIONAL PEACE CORPS WEEK

Mr. DOMENICI. Mr. President, I rise today to commemorate National Peace Corps Week and to honor more than 190,000 Peace Corps Volunteers from both my home State of New Mexico and across the Nation. Each year these courageous men and women embark on a 2 year journey to help develop the societies of 139 countries around the world.

Almost 47 years ago, then Senator John F. Kennedy challenged students at the University of Michigan to serve their country by peaceably living and working to develop another country. Over the years, volunteers have made significant and lasting contributions around the world by educating people on basic health issues, performing youth outreach, developing businesses, and offering assistance to small farmers to increase food production.

Today, over 8,000 volunteers are serving in the communities of 74 countries. Many Peace Corps volunteers from New Mexico are currently posted in Bolivia, Ecuador, and Honduras. Volunteers range in age from 25 to 80, with varying levels of education including individuals with undergraduate and graduate degrees. Additionally, the Peace Corps offers programs that support academic studies once a term of service has concluded, which allows many volunteers to further their education after their self-sacrificing service.

The experience volunteers take back with them from their host countries helps shape the course of their lives. Lifelong connections and friendships span these gaps of distance, and volunteers have the satisfaction of not only a job well done, but also of the positive image they created for our Nation.

Throughout this week of celebration, I encourage Americans to ask themselves, "What can I do for my country?"

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## ADDITIONAL STATEMENTS

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(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## UNITED STATES ARMY'S RESIDENTIAL COMMUNITIES INITIATIVE

• Mrs. CLINTON. Mr. President, I am proud to recognize a truly successful program that, over the past decade, has made important contributions to improving quality of life for our soldiers and their families. Now entering its 10th year, the Residential Communities Initiative, or RCI, has brought together members of the private real estate community and the Army to build new family housing, and upgrade and modernize existing family housing, on flagship Army bases all across the country.

Back in 1996, the Army faced the enormous and costly challenge of replacing and renovating its aging and substandard family housing. Too many soldiers and their families were living in inadequate housing. According to the Army itself, roughly 70 percent of housing needed replacement or renovation at an estimated cost of $7 billion. It was clear that action had to be taken, and in 1996, Congress established the framework for what would become the Residential Communities Initiative when it authorized the Military Housing Privatization Initiative.

Under the MHPI umbrella, the Residential Communities Initiative was presented in 1999 as one significant component of the Army's plan to address this challenge of overhauling inadequate family housing. Thanks in large part to the visionary leadership and hard work of my friends, Congressman CHET EDWARDS of Texas and then-Assistant Secretary of the Army for Installations, Logistics and Environment Mahlon Apgar, RCI successfully navigated both the Pentagon bureaucracy and a maze of congressional committees to come to fruition.

Congressman EDWARDS's advocacy of RCI was particularly important and is just one example of his many successful efforts to improve quality of life for our troops and veterans. Congressman EDWARDS works on these critical issues as cochairman of both the House Army Caucus and the USO Congressional Caucus. Most recently, in 2007, as chairman of the Military Construction and Veterans' Affairs Appropriations Subcommittee, Congressman EDWARDS authored the largest VA budget increase in the VA's 77-year history.

Indeed, both Congressman EDWARDS and Secretary Apgar should be proud of what their efforts have since spawned. RCI has made, or will be making, its way to 45 different Army installations all across the United States, from Fort Lewis in Washington State to Fort Hood in Texas to Fort Drum and Fort Hamilton in my home State of New York. At each of these bases, RCI has helped to provide our soldiers and their families with the kind of modern, quality housing choices that they deserve. In less than 10 years, more than 86,000 houses have been transferred to public-private partnerships under RCI, and thousands of Army families have already benefited from renovation and new construction completed under RCI.

This initiative has not only been good for our soldiers and their families but also for American taxpayers. In the last decade, more than $10 billion of new private capital has been invested under the RCI program, compared with roughly $1 billion in government equity. In other words, RCI has produced a ten-fold return on our public investment.

With so many of our brave servicemembers serving the Nation in Iraq, Afghanistan, and elsewhere around the world, it is our responsibility to ensure that they and their families have all of the support that they need and deserve here at home. This not only includes the best health care available but also modern, clean, and comfortable housing choices. I invite my fellow Senators from both sides of the aisle to join me in applauding the Residential Communities Initiative and its early champions, CHET EDWARDS and Mahlon Apgar, for doing so much to enhance quality of life for our Army families.●

## HONORING FALLEN HEROES

● Mr. BROWNBACK. Mr. President, I rise to acknowledge the sacrifice of our young men and women in the Armed Forces. Yesterday, I was fortunate enough to meet my friend, Albert Carey Caswell, a respected member of the Capitol Guide Service staff, in the Halls of the Capitol. He has written a poem in honor of Army SGT Jeff Mersman from my hometown of Parker, KS. Sergeant Mersman died in Afghanistan while on his fourth tour of duty with the 2nd Battalion, 503rd, Airborne Infantry Regiment, 173rd Airborne Brigade Combat Team. I ask to have printed in the RECORD Mr. Caswell's poem in memory of SGT Jeff Mersman and all those heroes like him who gave their lives so valiantly for our country.

We owe them a debt which can never be repaid.

The poem follows:

### WHO WILL GO?

Who Will Go?
And who will live, and who will die? And not ask why! a Mother cries, as her sweet child has died. . . Who will go? A Mother cries!

Who will lead?
So that we all can so live in peace. Who will die, and who will bleed?
Who will go, so that we all can so succeed?

Who will serve?
Who will hear that call, that cry. . .those most solemn words?
Who will bring a better world? Who will go? Out into the face of hell, with but their magnificent flags unfurled!

So our children can awake. . .
In a better world, with but smiles in their hearts and souls. . .as their first steps they so take!
Who will go?

Who will leave, their loved ones behind so?
With brothers and sisters in arms, together bonding into such an angelic glow. . .
Who will go?

Who will leave all that they so love?
Out there into the darkest of all evils, to so rise above!
Who will go?

Who will give up their fine young lives?
To Save The World, all in their most magnificent short lifetimes so unfurled?
Who will go?

All we have. . .
Are but moments in time!
In our short lives! To grab hearts, to Heaven rise. . .To Make A Difference. . .in all our short lives!

Who will give?
Give up their arms and legs, their bright eyes and faces so have all of they! And take up that charge?
To so make our world, a better place to live? Who will go?

What families shall live?
With such heartache, because to this country their fine sons and daughters lives did so give!
Who will cry? And who will go?
Who up to Heaven shall so rise?
All of those fine patriots, whom have so died. . . and all of those loving mother's now with tears in eyes!
And all of those fine families, All of these, and all of those!
To Heaven, They Will Go! They will go!
Amen!●

## IDAHO TEENS RAISE AWARENESS OF DATING VIOLENCE

● Mr. CRAPO. Mr. President, during the first full week of February this year, we recognized the third annual National Teen Dating Violence Awareness and Prevention Week. In addition to the U.S. Senate, close to 50 national, State, and local agencies and organizations and many Governors also participated in the awareness efforts this year. Domestic violence and legal advocates, education and child advocacy organizations, public officials and law enforcement have joined this nationwide effort to raise awareness of teen dating violence. I am pleased to report that Idaho students, under the guidance of the Idaho Coalition Against Sexual and Domestic Violence, are among the Nation's leaders in this campaign. Members of the Idaho Teen Advisory Council, a coalition of Idaho teens from cities and towns statewide, have volunteered to be the first voices speaking out against dating violence and emotional abuse in their respective communities and schools.

As we look back on another successful Teen Dating Violence Awareness and Prevention Week, I would like to call public attention to the following Idaho students who work to promote healthy relationships among their peers not just during the awareness week but all year long:

Sarah Marie Grigg from Pinehurst; Katherine Kilbourne from Osburn; Tiffany Delphous from Elk River; James Walker from Orofino; Benjamin Allen from Kooskia; Kyle Conger from Kooskia; Samantha Larsen from Weiser; Megan Keller from Kuna; Kelsey Eldridge from Boise; Katie Seale from Boise; Christi Avery from Boise; Challis Lewis from Jerome; Bronwen Kate Raff from Hailey; Erika Ramirez from American Falls; Monique Betty from Pocatello; Natalie Milligan from Idaho Falls; Jordyn Bochenek from Rexburg; Jaden Cook from Rexburg/Madison High, and Haley Nord from Caldwell.

I proudly and publicly honor these students today for their selfless and committed contribution to reducing teen dating violence and emotional abuse in Idaho.●

## LEAP YEAR CAPITAL OF THE WORLD

● Mr. DOMENICI. Mr. President, I wish to recognize Anthony, NM, today for being the Leap Year Capital of the World. A leap year only occurs once every 4 years, and is something to be celebrated. Anthony has taken this unique day and made it a staple celebration for their community.

Twenty years ago in Anthony, two neighbors who shared a common birthday, February 29, decided they should find other people with the same unique situation and have a giant birthday party; after all, it only happens once every 4 years. Mary Ann Brown and Birdie Lewis created the Worldwide Leap Year Birthday Club which now has almost 500 members. Because of the popularity of the birthday club, they have also created the Worldwide Leap Year Anniversary Club for couples who celebrate their anniversaries on this special day.

The Anthony Chamber of Commerce has planned several events this year for those with leap year birthdays and anniversaries and also for those with birthdays on the other 365 days of the year. The Worldwide Leap Year Festival will be kicked off with a parade, and then those attending will enjoy a leap year birthday dinner complete with birthday cake. Also in attendance will be Josephine Concho Abeita, a true New Mexico native, born in 1908, 4 years before New Mexico was even a State. Ms. Abeita will celebrate her 100th birthday and her 25th actual leap year birthday. I want to commend the citizens of Anthony and the creative way they have designed to promote their city. I wish them much success for this year's celebration.●

## TRIBUTE TO DIANE WOLF

● Mr. LAUTENBERG. Mr. President, sadly, I wish to pay tribute to Diane Wolf, who died January 10 at the age of 53. Diane was someone many of us in the Senate knew well. She was unabashed in her interest in government and worked tirelessly to improve the world in which we live. She was willing at all times to use her personal resources to make issues clearly understood and actively supported. She considered it an obligation of our democracy to express herself on the importance of matters under consideration by the Congress.

Diane served on countless committees ranging from the arts to government. In addition to her role as a benefactor of the Metropolitan Museum of Art in New York, Diane Wolf was active in the cultural atmosphere in our nation's Capital. There, she worked on the boards of trustees for the U.S. Senate Preservation Board, the Foundation for the National Archives, and the Washington National Opera, as well as holding board positions on the Library of Congress Madison Council, Smithsonian Council of American Art, and the Kennedy Center National Committee, among others. In 1985, she was appointed by President Reagan to the U.S. Commission of Fine Arts, and Diane had an immediate impact in this new role. She worked to change the design on U.S. coins and allow creativity and American history to serve as the basis for their design. While her effort to revolutionize our coinage did not materialize, Diane displayed the tenacity and commitment that characterized everything she undertook.

Diane Wolf was blessed with a loving family who took pleasure in every aspect of her life and her interests. Though she was taken from them far too early in her life, memories of her being will be the greatest of family treasures. As we look to the future, let us pause and remember Diane Wolf, an outstanding, caring human being who dedicated her life to helping others. She will be missed by all who knew her.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States sumitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2663. A bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2664. A bill to extend the provisions of the Protect America Act of 2007.

S. 2665. A bill to extend the provisions of the Protect America Act of 2007 until July 1, 2009.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5188. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyroxsulam; Pesticide Tolerances" (FRL No. 8349–9) received on February 21, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5189. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyfluthrin; Pesticide Tolerance" (FRL No. 8350–3) received on February 21, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5190. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the report of a violation of the Antideficiency Act in a Treasury Appropriation Fund; to the Committee on Appropriations.

EC–5191. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report on the Department's Operation and Financial Support for Military Museums; to the Committee on Armed Services.

EC–5192. A communication from the General Counsel, Department of Defense, transmitting, the Department's proposed National Defense Authorization Bill for fiscal year 2009; to the Committee on Armed Services.

EC–5193. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the funding needed to sustain key military equipment; to the Committee on Armed Services.

EC–5194. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iranian Assets Control Regulations, Narcotics Trafficking Sanctions Regulations, Burmese Sanctions Regulations, Sudanese Sanctions Regulations" (31 CFR Parts 535, 536, 537, 538, 539, 540, 541, 542, 545, 560, 585, 586, 587, 588, 593, 594, and 595) received on February 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5195. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Response to Petitions for Reconsideration on EDR Final Rule" (RIN2127–AK12) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5196. A communication from the Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Wireless E911 Location Accuracy Requirements" (FCC 07–166) received on February 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5197. A communication from the Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report relative to its use of category rating; to the Committee on Commerce, Science, and Transportation.

EC–5198. A communication from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Seaway Regulations and Rules: Periodic Update, Various Categories" (RIN2135–AA27) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5199. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Passenger Train Emergency Systems; Emergency Communication, Emergency Egress, and Rescue Access" (RIN2130-AB72) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5200. A communication from the Senior Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Railroad Operating Rules: Program of Operational Tests and Inspections; Railroad Operating Practices: Handling Equipment, Switches and Fixed Derails" (RIN2130-AB76) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5201. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Cargo Carrying Capacity of Motor Home and Travel Trailers" (RIN2127-AJ57) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5202. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Radiation Source Use and Replacement"; to the Committee on Energy and Natural Resources.

EC–5203. A communication from the Assistant Secretary for Management, Department of Veterans Affairs, transmitting, pursuant to law, an annual report for fiscal year 2007 relative to alternative fuel vehicles; to the Committee on Energy and Natural Resources.

EC–5204. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's Financial Report for fiscal year 2007; to the Committee on Energy and Natural Resources.

EC–5205. A communication from the Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, a report relative to the implementation of Energy Conservation Standards Activities; to the Committee on Energy and Natural Resources.

EC–5206. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle program for fiscal year 2007; to the Committee on Energy and Natural Resources.

EC–5207. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality

Implementation Plans; State of Maryland; Revised Definition of Volatile Organic Compound" (FRL No. 8532-4) received on February 21, 2008; to the Committee on Environment and Public Works.

EC–5208. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Open Burning Rule" (FRL No. 8526-5) received on February 21, 2008; to the Committee on Environment and Public Works.

EC–5209. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Revisions to Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for El Paso, Gregg, Nueces, and Victoria Counties and the Ozone Standard Nonattainment Areas of Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston" (FRL No. 8532-1) received on February 21, 2008; to the Committee on Environment and Public Works.

EC–5210. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Montana; Revisions to Administrative Rules of Montana, and Interstate Transport of Pollution" (FRL No. 8527–1) received on February 21, 2008; to the Committee on Environment and Public Works.

EC–5211. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Existing Regulation Provisions Concerning Reasonably Available Control Technology" (FRL No. 8532–6) received on February 21, 2008; to the Committee on Environment and Public Works.

EC–5212. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dibasic Esters; Exemption from the Requirement of a Tolerance" (FRL No. 8341–4) received on February 21, 2008; to the Committee on Environment and Public Works.

EC–5213. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Clean Watersheds Needs Survey 2004 Report to Congress"; to the Committee on Environment and Public Works.

EC–5214. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Medicare bundled end-stage renal disease prospective payment system; to the Committee on Finance.

EC–5215. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on defense trade cooperation; to the Committee on Foreign Relations.

EC–5216. A communication from the Chair, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, an annual report relative to the activities of the Goldwater Foundation in fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–5217. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Ensuring Access to Health Insurance Coverage in the Large Group Market"; to the Committee on Health, Education, Labor, and Pensions.

EC–5218. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Exceptions or Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile" (Docket No. 2006N–0466) received on February 21, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5219. A communication from the Secretary of Education, transmitting, pursuant to law, an annual report relative to the implementation of the Federal Financial Assistance Management Improvement Act; to the Committee on Health, Education, Labor, and Pensions.

EC–5220. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to testing for rapid detection of adulteration of food; to the Committee on Health, Education, Labor, and Pensions.

EC–5221. A communication from the Ombudsman, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, a report relative to the Energy Employees Occupational Illness Compensation Program; to the Committee on Health, Education, Labor, and Pensions.

EC–5222. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 2002–2005: Report to Congress"; to the Committee on Health, Education, Labor, and Pensions.

EC–5223. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Performance and Accountability Highlights"; to the Committee on Homeland Security and Governmental Affairs.

EC–5224. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, an annual report relative to privacy and security for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5225. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "Accounting for Laws that Apply Differently to the United States Postal Service and its Private Competitors"; to the Committee on Homeland Security and Governmental Affairs.

EC–5226. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–291, "Rhode Island Metro Plaza Revenue Bonds Approval Act of 2008" received on February 21, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5227. A communication from the Special Inspector General for Iraq Reconstruction, transmitting, pursuant to law, the Quarterly Report for January 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5228. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems: Definition of the Municipality of Bayamon, PR, to a Nonappropriated Fund Federal Wage System Wage Area" (RIN3206–AL43) received on February 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5229. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems: Abolishment of Rock Island, Illinois, as a Nonappropriated Fund Federal Wage System Wage Area" (RIN3206–AL44) received on February 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5230. A communication from the Director, Office of the Combined Federal Campaign, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations—Eligibility and Public Accountability Standards" ((RIN3206–AL47) (5 CFR Part 950)) received on February 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5231. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Certification of the Fiscal Year 2008 Total Non-Dedicated Local Source Revenues in Support of the District's $333,840,000 General Obligation Bonds (Series 2007C)"; to the Committee on Homeland Security and Governmental Affairs.

EC–5232. A communication from the Executive Director, White House Commission on Remembrance, transmitting, pursuant to law, the Commission's Annual Report on the National Moment of Remembrance for fiscal year 2007; to the Committee on the Judiciary.

EC–5233. A communication from the White House Liaison, Office of Legal Counsel, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, received on February 21, 2008; to the Committee on the Judiciary.

EC–5234. A communication from the White House Liaison, Office of Legal Counsel, Department of Justice, transmitting, pursuant to law, the report of action on the nomination for the position of Assistant Attorney General, received on February 21, 2008; to the Committee on the Judiciary.

EC–5235. A communication from the White House Liaison, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Attorney General, received on February 21, 2008; to the Committee on the Judiciary.

EC–5236. A communication from the White House Liaison, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a nomination and designation of an acting officer for the position of Assistant Attorney General, received on February 21, 2008; to the Committee on the Judiciary.

EC–5237. A communication from the White House Liaison, Tax Division, Department of Justice, transmitting, pursuant to law, the report of a nomination and action on the nomination for the position of Assistant Attorney General, received on February 21, 2008; to the Committee on the Judiciary.

EC–5238. A communication from the White House Liaison, Environmental and Natural Resources Division, Department of Justice, transmitting, pursuant to law, the report of action on a nomination, received on February 21, 2008; to the Committee on the Judiciary.

EC–5239. A communication from the White House Liaison, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, received on February 21, 2008; to the Committee on the Judiciary.

EC-5240. A communication from the White House Liaison, Office of the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Associate Attorney General, received on February 21, 2008; to the Committee on the Judiciary.

EC-5241. A communication from the White House Liaison, Office of the Deputy Attorney General, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Deputy Attorney General, received on February 21, 2008; to the Committee on the Judiciary.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ:

S. 2667. A bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. ENSIGN):

S. 2668. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. PRYOR, Ms. COLLINS, and Mr. KERRY):

S. 2669. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. Res. 461. A resolution designating March 1, 2008 as "World Friendship Day"; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 394

At the request of Mr. AKAKA, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 396

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 396, a bill to amend the Internal Revenue Code of 1986 to treat controlled foreign corporations in tax havens as domestic corporations.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 588

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 588, a bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents.

S. 911

At the request of Mr. REED, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 989

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 989, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 1069

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1069, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1838

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1838, a bill to provide for the health care needs of veterans in far South Texas.

S. 1945

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1945, a bill to provide a Federal income tax credit for Patriot employers, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2182

At the request of Mr. SMITH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2182, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2505

At the request of Ms. CANTWELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

### S. 2533

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

### S. 2544

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2544, a bill to provide for a program of temporary extended unemployment compensation.

### S. 2566

At the request of Mr. ISAKSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

### S. 2590

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2590, a bill to authorize the Secretary of the Interior, acting through the Director of the National Park Service, to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and as a unit of the National Park System, and for other purposes.

### S. 2614

At the request of Mr. BARRASSO, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2614, a bill to facilitate the development, demonstration, and implementation of technology for the use in removing carbon dioxide and other greenhouse gases from the atmosphere.

### S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

### S. 2627

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2627, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

### S. 2633

At the request of Mr. FEINGOLD, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2633, a bill to provide for the safe redeployment of United States troops from Iraq.

### S. 2634

At the request of Mr. FEINGOLD, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2634, a bill to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

### S. 2636

At the request of Mr. REID, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2636, a bill to provide needed housing reform.

### S. 2662

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2662, a bill to respond to a medicare funding warning.

### S. 2663

At the request of Mr. PRYOR, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

### S. RES. 252

At the request of Mr. BOND, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

### S. RES. 449

At the request of Mr. SMITH, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Res. 449, a resolution condemning in the strongest possible terms President of Iran Mahmoud Ahmadinejad's statements regarding the State of Israel and the Holocaust and calling for all member States of the United Nations to do the same.

### S. RES. 455

At the request of Mr. DURBIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nebraska (Mr. HAGEL), the Senator from New York (Mr. SCHUMER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Res. 455, a resolution calling for peace in Darfur.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. ENSIGN):

S. 2668. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator ENSIGN and I are introducing the MOBILE Cell Phone Act, Modernize Our Bookkeeping in the Law for Employees' Cell Phone Act 2008. The purpose of this legislation is to update the tax treatment of cell phones and mobile communication devices.

During the past 20 years, the use of cell phone and mobile communication devices has skyrocketed. Cell phones are no longer viewed as an executive perk or a luxury item. They no longer resemble suitcases or are hardwired to the floor of an automobile. Cell phone and mobile communication devices are now part of daily business practices at all levels.

In 1989, Congress passed a law, which added cell phones to the definition of listed property under section 280F(d)(4) of the Internal Revenue Code of 1986. Treating cell phones as listed property requires substantial documentation in order for cell phones to benefit from accelerated depreciation and not be treated as taxable income to the employee. This documentation is required to substantiate that the cell phone is used for business purposes more than 50 percent of the time. Generally, listed property is property that inherently lends itself to personal use, such as automobiles.

Back in 1989, cell phone technology was an expensive technology worthy of detailed logsheets. At that time, it was difficult to envision cell phones that could be placed in a pocket or handbag. Congress was skeptical about the daily business use of cell phones.

Technological advances have revolutionized the cell phone and mobile communication device industries. Twenty years ago, no one could have imagined the role BlackBerries play in our day-to-day communications. Cell phones and mobile communication devices are now widespread throughout all types of businesses. Employers provide their employees with these devices to enable them to remain connected 24 hours a day, seven days a week. The cost of the devices has been reduced, and most providers offer unlimited airtime for one monthly rate.

Recently, the Internal Revenue Service reminded field examiners of the substantiation rules for cell phones as listed property. The current rule requires employers to maintain expensive and detailed logs, and employers caught without cell phone logs could face tax penalties.

The MOBILE Cell Phone Act of 2008 updates the tax treatment of cell phones and mobile communication devices by repealing the requirement that employers maintain detailed logs. The tax code should keep pace with technological advances. There is no longer a reason that cell phones and mobile communication devices should be treated differently from office phones or computers.

I urge my colleagues to support this commonsense change.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2668

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Modernize Our Bookkeeping In the Law for Employee's Cell Phone Act of 2008".

**SEC. 2. REMOVAL OF CELLULAR TELEPHONES (OR SIMILAR TELECOMMUNICATIONS EQUIPMENT) FROM LISTED PROPERTY.**

(a) IN GENERAL.—Subparagraph (A) of section 280F(d)(4) of the Internal Revenue Code (defining listed property) is amended by inserting "and" at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

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By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. PRYOR, Ms. COLLINS, and Mr. KERRY):

S. 2669. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I am proud to join my friend Senator SNOWE and our colleagues Senator PRYOR, Senator COLLINS, and Senator KERRY in introducing the Green Chemistry Research and Development Act. This legislation is a bipartisan effort to promote the efforts of some of the most brilliant minds in academia, government, and industry to both reduce the environmental impacts of common chemical processes and to foster the development of a new generation of environmentally responsible chemical products.

My fellow cosponsors and I seek to help the chemical industry reduce its use and production of hazardous substances and the overall effect on the environment of the business of chemistry. As it was in the past when Senator SNOWE and I previously introduced legislation to promote "Green Chemistry," this legislation is supported by the chemical, pharmaceutical, and biotechnology industries and academic institutions because it is designed to hasten the attainment of a goal we all share: making the production of the chemical products we need in ways not detrimental to the environment using engineering processes that save both money and the planet. The products and engineering processes we believe will be developed will produce benefits across the entire economy.

What we call "green chemistry" is nothing more than what every industry in the United States should strive to be. Chemical companies employing green chemistry techniques will challenge their best scientists, engineers, and product developers to make new products that are better suited to the task for which they are created than the products they will replace using state-of-the-art manufacturing that minimizes or completely eliminates both the use of environmentally unsustainable substances as inputs or results in environmentally unsustainable substances as byproducts. Our purpose in introducing this legislation is to make certain that the nascent green technology revolution does not bypass the chemical industry by providing significant and ongoing support for green chemistry research, development, demonstration, education, and technology transfer.

When enacted, the Green Chemistry Research and Development Act will create a Federal Interagency Working Group—made up of representatives from the National Science Foundation, the National Institute of Standards and Technology, the Department of Energy, and the Environmental Protection Agency—to fund and oversee research through merit-based grants to universities, industry, and nonprofit organizations to promote the development and adoption of green chemistry processes and products. Further, the Interagency Working Group will help expand education, training in, and the flow of information about sustainable chemical engineering, including development of green chemistry curricula for undergraduate and graduate students. Finally, Federal resources in funding and technical expertise will seek to identify barriers to the commercialization of the products of a rejuvenated, more environmentally responsible domestic chemical industry.

These are challenging times for the domestic chemical industry. High prices for necessary feedstocks and transportation to customers, along with all the other hurdles that must be overcome in the global economy, have put this industry, which began here and which supplied vital products to customers the world over, at risk of being another industry the United States could lose to our foreign trading competitors. However, this industry meets challenges every day. This legislation will allow American chemical companies to once again demonstrate a passion for excellence, safety, and innovation that will be a source of envy around the world and create a generation's worth of good-paying jobs that States like West Virginia can build an economy around.

Mr. President, I call on my colleagues to take up and pass the Green Chemistry Research and Development Act.

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## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 461—DESIGNATING MARCH 1, 2008 AS "WORLD FRIENDSHIP DAY"

Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 461

Whereas it should be the goal of all Americans to promote international understanding and good will;

Whereas personal friendships among individual citizens can foster greater understanding among nations and cultures;

Whereas people all over the world have travelled or opened their homes as hosts in order to promote international understanding;

Whereas nonprofit organizations such as Friendship Force International, which was founded in Atlanta, Georgia, in 1977, have helped to promote such international exchanges;

Whereas, today, there are more than 35,000 members of Friendship Force International in 40 States and 58 foreign countries who are building bridges across the cultural barriers that separate people; and

Whereas, in order to celebrate on an annual basis the cause of peace through international understanding, March 1, 2008 should be recognized as World Friendship Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors those who promote international understanding and good will in the world; and

(2) designates March 1, 2008 as "World Friendship Day", and asks people everywhere to mark and celebrate the day appropriately.

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## AMENDMENTS SUBMITTED AND PROPOSED

SA 4085. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table.

SA 4086. Mr. NELSON of Florida (for Mr. INOUYE (for himself and Mr. STEVENS)) proposed an amendment to the bill S. 428, to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

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## TEXT OF AMENDMENTS

**SA 4085.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ——. INDUSTRY-SPONSORED TRAVEL BAN.**

(a) IN GENERAL.—The Act, as amended by section 30 of this Act, is further amended by adding at the end thereof the following:

**"SEC. 42. PROHIBITION ON INDUSTRY-SPONSORED TRAVEL.**

"(a) PROHIBITION.—Notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Commission shall accept payment or reimbursement for travel, subsistence, or related expenses with respect to attendance by a Commissioner or employee at any meeting or similar function relating to official duties of a Commissioner or an employee, from a person—

"(1) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

"(2) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

"(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICIAL TRAVEL.—There are authorized to be appropriated, for each of fiscal years 2009 through 2011, $1,200,000 to the Commission for travel, subsistence, and related expenses necessary in furtherance of the official duties of Commissioners and employees.".

(b) CONFORMING AMENDMENT.—The table of contents, as amended by section 30 of this Act, is further amended by inserting after the item relating to section 40 the following:

"Sec. 42. Prohibition on industry-sponsored travel.".

**SA 4086.** Mr. NELSON of Florida (for Mr. INOUYE (for himself and Mr. STEVENS)) proposed an amendment to the bill S. 428, to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes; as follows:

On page 11, strike lines 1 through 7 and insert the following:

"(e) FCC AUTHORITY TO REQUIRE 9-1-1 SERVICE.—The Commission may require any provider of a voice service that is a substitute for telephone exchange service (as defined in section 3(47) of the Communications Act of 1934 (47 U.S.C. 153(47))) to provide 9-1-1 service, including enhanced 9-1-1 service, to its subscribers. Nothing in this subsection shall limit or otherwise affect the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).".

On page 11, beginning in line 12, strike "that term" and insert "the term 'Interconnected VoIP Service'".

On page 11, beginning in line 14, strike "(47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time." and insert "(47 C.F.R. 9.3).".

On page 18, strike lines 8 through 17 and insert the following:

(b) AVAILABILITY OF PSAP INFORMATION.—The Federal Communications Commission may compile a list of public safety answering point contact information, as well as contact information for 9-1-1 component providers, for the purpose of assisting IP-enabled voice service providers and others in complying with this Act and section 158(d) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(d)) as amended by subsection (a), and may make any portion of such information available to the public if such availability would improve public safety.

On page 19, line 13, insert "Federal Communications" after "The"

On page 20, after line 9, insert the following:

SEC. 7. Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking "the 'Improving Emergency Communications Act of 2007'." and inserting "the '911 Modernization Act'.".

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, March 4, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on the Energy Information Administration's revised Annual Energy Outlook.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 12, 2008 at 2:15 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on Hardrock Mining: Issues Relating to Abandoned Mine Lands and Uranium Mining.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Patty Beneke at 202–224–5451 or Gina Weinstock at 202–224–5684.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 26, 2008, at 9:30 a.m., in open session in order to receive testimony on the Department of the Army in review of the defense authorization request for fiscal year 2009 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Tuesday, February 26, 2008, at 10 a.m., in room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding U.S. oil inventory policies, including the Strategic Petroleum Reserve policies.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, February 26, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on "Economic and Fiscal Conditions of the States."

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 26, 2008, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT REQUEST—H.R. 1254

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 435, H.R. 1254, the Presidential Library Donation Reform Act of 2007; that the committee-reported amendments be considered and agreed to; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD, as if read, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object, I ask the Senator to modify his request to include an amendment I have at the desk which makes the bill applicable to Presidents serving on or after January 21, 2009.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. NELSON of Florida. Mr. President, there is an objection. I object.

The PRESIDING OFFICER. The Senator declines to modify his original request. Is there an objection to the request as originally stated?

Mr. STEVENS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, I want to clarify why I am objecting to the passage of H.R. 1254, the Presidential Library Donation Reform Act, in its current form.

In the past, I supported a bill very similar to this. I have always supported transparency in these matters.

My concern is in the fairness of passing this legislation today. When this legislation was introduced at the very beginning of this administration's tenure, I supported it because it would have provided sufficient notice to the new administration of a change in reporting requirements.

However, this administration's final term is near an end, and I do not believe it is fair to change the rules on them.

This administration has complied with the existing procedures. Changing them now would put a greater burden on them than any other past administration which already finished collecting the majority of donations for their libraries.

Enacting this bill to apply only to future administrations would solve this problem, and put them on notice of the new reporting requirements and procedures.

I have an amendment to this bill so that it will be enacted only to apply to administrations serving on or after January 21, 2009. If this amendment is accepted, I will be happy to support the legislation.

## IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY ACT OF 2007

Mr. NELSON of Florida. Mr. President, I have a unanimous consent request that has been cleared on both sides. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 327, S. 428.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 428) to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "IP-Enabled Voice Communications and Public Safety Act of 2007".*

***SEC. 2. DUTY TO PROVIDE 9–1–1 AND E–9–1–1 SERVICE.***

*(a) IN GENERAL.—The Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615 et seq.) is amended by adding at the end the following:*

***"SEC. 7. IP-ENABLED VOICE SERVICE PROVIDERS.***

*"(a) IN GENERAL.—It shall be the duty of every IP-enabled voice service provider engaged in interstate or foreign communication to provide 9–1–1 service, including enhanced 9–1–1 service, to its subscribers in accordance with orders of the Commission in effect on the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, as such orders may be modified by the Commission from time to time.*

*"(b) ACCESS TO 9–1–1 COMPONENTS.—*

*"(1) REGULATIONS.—Within 90 days after the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, the Commission shall issue regulations granting IP-enabled voice service providers right of access to 9–1–1 components that are necessary to provide 9–1–1 service, on the same rates, terms, and conditions that are provided to commercial mobile service providers. In promulgating the regulations, the Commission shall take into account any technical, network security, or information privacy issues that are specific to IP-enabled voice services, including the security of 9–1–1 networks. The Commission shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9–1–1 service and access.*

*"(2) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under paragraph (1) to State commissions or other State agencies or programs with jurisdiction over emergency communications.*

*"(c) SAVINGS CLAUSE.—Nothing in the IP-Enabled Voice Communications and Public Safety Act of 2007 shall be construed as repealing or otherwise altering, modifying, affecting, or superseding Federal regulations obligating an IP-enabled voice service provider to provide 9–1–1 service or enhanced 9–1–1 service.*

*"(d) LIMITATION ON COMMISSION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.*

*"(e) FCC AUTHORITY TO REQUIRE 9–1–1 SERVICE.—The Federal Communications Commission is authorized to require other providers of communications services using wire or radio communication in interstate or foreign commerce to provide 9–1–1 service, including enhanced 9–1–1 service, to users for the purpose of promoting safety of life and property.".*

*(b) DEFINITIONS.—Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b) is amended by adding at the end thereof the following:*

*"(8) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' has the meaning given that term by section 9.3 of the Commission's regulations (47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time.*

*"(9) IP-ENABLED 9–1–1 SERVICE.—The term 'IP-enabled 9–1–1 service' means any 9–1–1 service provided by an IP-enabled voice service provider, including enhanced IP-enabled 9–1–1 service.*

*"(10) ENHANCED IP-ENABLED 9–1–1 SERVICE.—The term 'enhanced IP-enabled 9–1–1 service' means any enhanced 9–1–1 service so designated by the Federal Communications Commission in its Report and Order in WC Docket Nos. 04-36 and 05–196, or any successor proceeding.*

*"(11) 9–1–1 COMPONENT.—The term '9–1–1 component' means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, nondialable p-ANI's, or other related facility necessary for the delivery and completion of 9-1-1 or E–9–1–1 calls and information related to such calls, as determined by the Commission.".*

***SEC. 3. PARITY OF PROTECTION FOR PROVISION OR USE OF IP-ENABLED VOICE SERVICE.***

*(a) IN GENERAL.—Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended—*

*(1) by striking "carrier," in subsection (a) and inserting "carrier, IP-enabled voice service provider, or alternative emergency communications service provider,";*

*(2) by striking "its" the first place it appears in subsection (a) and inserting "their";*

*(3) by striking "emergency calls or emergency services." in subsection (a) and inserting "emergency calls, emergency services, or alternative emergency communications services.";*

*(4) by striking "service shall" in subsection (b) and inserting "service, or IP-enabled voice service, shall";*

*(5) by striking "wireless." in subsection (b) and inserting "wireless, IP-enabled, or alternative emergency communications.";*

*(6) by striking "communications," in subsection (c) and inserting "communications, IP-enabled voice service communications, or alternative emergency communications,"; and*

*(7) by striking "wireless." in subsection (c) and inserting "wireless, IP-enabled, or alternative emergency communications.".*

*(b) DEFINITIONS.—Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b), as amended by section 2(b), is further amended by adding at the end thereof the following:*

*"(12) ALTERNATIVE EMERGENCY COMMUNICATIONS SERVICE.—The term 'alternative emergency communications service' means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9–1–1 and enhanced 9-1-1 Services.*

*"(13) ALTERNATIVE EMERGENCY COMMUNICATIONS SERVICE PROVIDER.—The term 'alternative emergency communications service provider' means an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Commission or, in the absence of any such requirement, is specifically authorized by the appropriate local or State 9–1–1 governing authority, to provide alternative emergency communications services.".*

***SEC. 4. STATE AUTHORITY OF FEES.***

*Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a), or any Federal Communications Commission regulation or order shall prevent the imposition on, or collection by, a provider of IP-enabled voice services or commercial mobile service, of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 9–1–1 or E 099-1–1 services if that fee or charge—*

*(1) for IP-enabled voice services, does not exceed the amount of any such fee or charge imposed on or collected by a provider of telecommunications services; and*

*(2) is obligated or expended in support of 9–1–1 and E 099–1–1 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.*

***SEC. 5. FEE ACCOUNTABILITY.***

*To ensure efficiency, transparency, and accountability in the collection and expenditure of 9–1–1 fees, the Federal Communications Commission shall submit a report within 1 year after the date of enactment of this Act, and annually thereafter, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce detailing the status in each State of the collection and distribution of 9–1–1 fees and include findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any fee or charges are presented.*

***SEC. 6. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.***

*(a) IN GENERAL.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—*

*(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;*

*(2) by inserting after subsection (c) the following:*

*"(d) MIGRATION PLAN REQUIRED.—*

*"(1) NATIONAL PLAN REQUIRED.—No more than 270 days after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications and improving information sharing among all emergency response entities.*

*"(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—*

*"(A) outline the potential benefits of such a migration;*

*"(B) identify barriers that must be overcome and funding mechanisms to address those barriers;*

*"(C) provide specific mechanisms for ensuring the IP-enabled emergency network is available in every community and is coordinated on a local, regional, and Statewide basis;*

*"(D) identify location technology for nomadic devices and for office buildings and multi-dwelling units;*

*"(E) include a proposed timetable, an outline of costs and potential savings;*

*"(F) provide specific legislative language, if necessary, for achieving the plan;*

*"(G) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network;*

*"(H) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007;*

*"(I) document solutions that a national IP-enabled emergency network will provide for 9–1–1 access to those with disabilities and needed steps to implement such solutions, including a recommended timeline for such implementation; and*

*"(J) analyze technologies and efforts to provide automatic location capabilities and provide recommendations on needed regulatory or legislative changes necessary to implement automatic location solutions for 9–1–1 purposes.*

*"(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, and others it deems appropriate."; and*

*(3) by striking "services." in subsection (b)(1) and inserting "services, and for migration to an IP-enabled emergency network.".*

*(b) AVAILABILITY OF PSAP INFORMATION.—The Federal Communications Commission may compile a list of public safety answering point contact information, testing procedures, classes and types of services supported by public safety answering points, selective router contact information, or other information concerning necessary 9–1–1 components, for the purpose of assisting providers in complying with this section, and may make any portion of such information available to the public if such availability would improve public safety.*

*(c) DEVELOPMENT OF STANDARDS.—The Federal Communications Commission shall work cooperatively with public safety organizations, industry participants, and the E–9–1–1 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—*

*(1) defining geographic coverage areas for Public Safety Answering Points;*

*(2) defining network diversity requirements for delivery of IP-enabled 9–1–1 calls;*

*(3) call-handling in the event of call overflow or network outages;*

*(4) Public Safety Answering Point certification and testing requirements;*

*(5) validation procedures for inputting and updating location information in relevant databases; and*

*(6) the format for delivering address information to Public Safety Answering Points.*

***SEC. 7. ENFORCEMENT.***

*The Commission shall enforce the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) as if that Act were part of the Communications Act of 1934. For purposes of this section, any violation of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a), or any regulation promulgated under that Act, is deemed to be a violation of the Communications Act of 1934 or a regulation promulgated under the Communications Act of 1934, respectively.*

***SEC. 8. COMPLETION OF THE HATFIELD REPORT.***

*(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Federal Communications Commission shall remit all amounts promised for the completion of an update to the Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 9–1–1 Services by Dale N. Hatfield filed at the Commission on October 15, 2002, in WT Docket No. 02-46.*

*(b) SUBMISSION OF REPORT.—Mr. Hatfield shall submit his written findings as of May 1, 2006, to the Federal Communications Commission not later than 60 days after receiving the payment described in subsection (a).*

Mr. STEVENS. Mr. President, I congratulate the Senator from Florida for this bill as modified. I think it is a step in the right direction. I am pleased to support the bill.

Mr. NELSON of Florida. Mr. President, I thank the distinguished Senator from Alaska because he has been very much a part of this effort, along with Senator INOUYE.

As a result of several things they did, I now ask unanimous consent that the amendment at the desk be considered and agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4086) was agreed to, as follows:

(Purpose: To clarify the FCC's authority to require 9–1–1 service, and for other purposes)

On page 11, strike lines 1 through 7 and insert the following:

"(e) FCC AUTHORITY TO REQUIRE 9–1–1 SERVICE.—The Commission may require any provider of a voice service that is a substitute for telephone exchange service (as defined in section 3(47) of the Communications Act of 1934 (47 U.S.C. 153(47))) to provide 9–1–1 service, including enhanced 9–1–1 service, to its subscribers. Nothing in this subsection shall limit or otherwise affect the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).".

On page 11, beginning in line 12, strike "that term" and insert "the term 'Interconnected VoIP Service'".

On page 11, beginning in line 14, strike "(47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time." and insert "(47 C.F.R. 9.3).".

On page 18, strike lines 8 through 17 and insert the following:

(b) AVAILABILITY OF PSAP INFORMATION.—The Federal Communications Commission may compile a list of public safety answering point contact information, as well as contact information for 9–1–1 component providers, for the purpose of assisting IP-enabled voice service providers and others in complying with this Act and section 158(d) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(d)) as amended by subsection (a), and may make any portion of such information available to the public if such availability would improve public safety.

On page 19, line 13, insert "Federal Communications" after "The"

On page 20, after line 9, insert the following:

SEC. 7. Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking "the 'Improving Emergency Communications Act of 2007'." and inserting "the '911 Modernization Act'.".

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 428), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 428

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "IP-Enabled Voice Communications and Public Safety Act of 2007".

**SEC. 2. DUTY TO PROVIDE 9–1–1 AND E–9–1–1 SERVICE.**

(a) IN GENERAL.—The Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615 et seq.) is amended by adding at the end the following:

### "SEC. 7. IP-ENABLED VOICE SERVICE PROVIDERS.

"(a) IN GENERAL.—It shall be the duty of every IP-enabled voice service provider engaged in interstate or foreign communication to provide 9–1–1 service, including enhanced 9–1–1 service, to its subscribers in accordance with orders of the Commission in effect on the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, as such orders may be modified by the Commission from time to time.

"(b) ACCESS TO 9–1–1 COMPONENTS.—

"(1) REGULATIONS.—Within 90 days after the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, the Commission shall issue regulations granting IP-enabled voice service providers right of access to 9–1–1 components that are necessary to provide 9–1–1 service, on the same rates, terms, and conditions that are provided to commercial mobile service providers. In promulgating the regulations, the Commission shall take into account any technical, network security, or information privacy issues that are specific to IP-enabled voice services, including the security of 9–1–1 networks. The Commission shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9–1–1 service and access.

"(2) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under paragraph (1) to State commissions or other State agencies or programs with jurisdiction over emergency communications.

"(c) SAVINGS CLAUSE.—Nothing in the IP-Enabled Voice Communications and Public Safety Act of 2007 shall be construed as repealing or otherwise altering, modifying, affecting, or superseding Federal regulations obligating an IP-enabled voice service provider to provide 9–1–1 service or enhanced 9–1–1 service.

"(d) LIMITATION ON COMMISSION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

"(e) FCC AUTHORITY TO REQUIRE 9–1–1 SERVICE.—The Commission may require any provider of a voice service that is a substitute for telephone exchange service (as defined in section 3(47) of the Communications Act of 1934 (47 U.S.C. 153(47))) to provide 9–1–1 service, including enhanced 9–1–1 service, to its subscribers. Nothing in this subsection shall limit or otherwise affect the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).".

(b) DEFINITIONS.—Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b) is amended by adding at the end thereof the following:

"(8) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' has the meaning given the term 'Interconnected VoIP Service' by section 9.3 of the Commission's regulations (47 C.F.R. 9.3).

"(9) IP-ENABLED 9–1–1 SERVICE.—The term 'IP-enabled 9–1–1 service' means any 9–1–1 service provided by an IP-enabled voice service provider, including enhanced IP-enabled 9–1–1 service.

"(10) ENHANCED IP-ENABLED 9–1–1 SERVICE.—The term 'enhanced IP-enabled 9–1–1 service' means any enhanced 9–1–1 service so designated by the Federal Communications Commission in its Report and Order in WC Docket Nos. 04–36 and 05–196, or any successor proceeding.

"(11) 9–1–1 COMPONENT.—The term '9–1–1 component' means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, non-dialable p-ANI's, or other related facility necessary for the delivery and completion of 9–1–1 or E–9–1–1 calls and information related to such calls, as determined by the Commission.".

### SEC. 3. PARITY OF PROTECTION FOR PROVISION OR USE OF IP-ENABLED VOICE SERVICE.

(a) IN GENERAL.—Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended—

(1) by striking "carrier," in subsection (a) and inserting "carrier, IP-enabled voice service provider, or alternative emergency communications service provider,";

(2) by striking "its" the first place it appears in subsection (a) and inserting "their";

(3) by striking "emergency calls or emergency services." in subsection (a) and inserting "emergency calls, emergency services, or alternative emergency communications services.";

(4) by striking "service shall" in subsection (b) and inserting "service, or IP-enabled voice service, shall";

(5) by striking "wireless." in subsection (b) and inserting "wireless, IP-enabled, or alternative emergency communications.";

(6) by striking "communications," in subsection (c) and inserting "communications, IP-enabled voice service communications, or alternative emergency communications,"; and

(7) by striking "wireless." in subsection (c) and inserting "wireless, IP-enabled, or alternative emergency communications.".

(b) DEFINITIONS.—Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b), as amended by section 2(b), is further amended by adding at the end thereof the following:

"(12) ALTERNATIVE EMERGENCY COMMUNICATIONS SERVICE.—The term 'alternative emergency communications service' means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9–1–1 and enhanced 9–1–1 Services.

"(13) ALTERNATIVE EMERGENCY COMMUNICATIONS SERVICE PROVIDER.—The term 'alternative emergency communications service provider' means an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Commission or, in the absence of any such requirement, is specifically authorized by the appropriate local or State 9–1–1 governing authority, to provide alternative emergency communications services.".

### SEC. 4. STATE AUTHORITY OF FEES.

Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a), or any Federal Communications Commission regulation or order shall prevent the imposition on, or collection by, a provider of IP-enabled voice services or commercial mobile service, of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 9–1–1 or E 099–1–1 services if that fee or charge—

(1) for IP-enabled voice services, does not exceed the amount of any such fee or charge imposed on or collected by a provider of telecommunications services; and

(2) is obligated or expended in support of 9–1–1 and E 099–1–1 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

### SEC. 5. FEE ACCOUNTABILITY.

To ensure efficiency, transparency, and accountability in the collection and expenditure of 9–1–1 fees, the Federal Communications Commission shall submit a report within 1 year after the date of enactment of this Act, and annually thereafter, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce detailing the status in each State of the collection and distribution of 9–1–1 fees and include findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any fee or charges are presented.

### SEC. 6. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

(a) IN GENERAL.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

"(d) MIGRATION PLAN REQUIRED.—

"(1) NATIONAL PLAN REQUIRED.—No more than 270 days after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications and improving information sharing among all emergency response entities.

"(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

"(A) outline the potential benefits of such a migration;

"(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

"(C) provide specific mechanisms for ensuring the IP-enabled emergency network is available in every community and is coordinated on a local, regional, and Statewide basis;

"(D) identify location technology for nomadic devices and for office buildings and multi-dwelling units;

"(E) include a proposed timetable, an outline of costs and potential savings;

"(F) provide specific legislative language, if necessary, for achieving the plan;

"(G) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network;

"(H) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007;

"(I) document solutions that a national IP-enabled emergency network will provide for 9–1–1 access to those with disabilities and needed steps to implement such solutions, including a recommended timeline for such implementation; and

"(J) analyze technologies and efforts to provide automatic location capabilities and provide recommendations on needed regulatory or legislative changes necessary to implement automatic location solutions for 9–1–1 purposes.

"(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, and others it deems appropriate."; and

(3) by striking "services." in subsection (b)(1) and inserting "services, and for migration to an IP-enabled emergency network.".

(b) AVAILABILITY OF PSAP INFORMATION.—The Federal Communications Commission may compile a list of public safety answering point contact information, as well as contact information for 9–1–1 component providers, for the purpose of assisting IP-enabled voice service providers and others in complying with this Act and section 158(d) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(d)) as amended by subsection (a), and may make any portion of such information available to the public if such availability would improve public safety.

(c) DEVELOPMENT OF STANDARDS.—The Federal Communications Commission shall work cooperatively with public safety organizations, industry participants, and the E-9-1-1 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—

(1) defining geographic coverage areas for Public Safety Answering Points;

(2) defining network diversity requirements for delivery of IP-enabled 9–1–1 calls;

(3) call-handling in the event of call overflow or network outages;

(4) Public Safety Answering Point certification and testing requirements;

(5) validation procedures for inputting and updating location information in relevant databases; and

(6) the format for delivering address information to Public Safety Answering Points.

**SEC. 7. ENFORCEMENT.**

The Federal Communications Commission shall enforce the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) as if that Act were part of the Communications Act of 1934. For purposes of this section, any violation of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a), or any regulation promulgated under that Act, is deemed to be a violation of the Communications Act of 1934 or a regulation promulgated under the Communications Act of 1934, respectively.

**SEC. 8. COMPLETION OF THE HATFIELD REPORT.**

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Federal Communications Commission shall remit all amounts promised for the completion of an update to the Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 9–1–1 Services by Dale N. Hatfield filed at the Commission on October 15, 2002, in WT Docket No. 02–46.

(b) SUBMISSION OF REPORT.—Mr. Hatfield shall submit his written findings as of May 1, 2006, to the Federal Communications Commission not later than 60 days after receiving the payment described in subsection (a).

**SEC. 9. 9/11 COMMISSION ACT OF 2007.**

Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking "the 'Improving Emergency Communications Act of 2007'." and inserting "the '911 Modernization Act'.".

Mr. NELSON of Florida. Mr. President, I thank the Senate. This has been 2 years coming because 2 years ago, a young mother in Deltona, FL, which is north of Orlando in Volusia County, watched her baby die as she tried in vain to reach emergency 911. She had a telephone that she did not realize, because it was voice over the Internet, there was no provision for emergency 911 services.

Following that tragedy of the death of that child, where a 911 emergency response team never arrived because they did not receive the call, we introduced this bipartisan legislation that requires all VOIP providers to offer the emergency 911 service, and this legislation gives them the tools they need in order to do that.

We have been working on this legislation a long time. It passed the Commerce Committee unanimously in 2005. It was also added to a Senate port security bill in 2006, and then the conference committee stripped it out.

Since the bill was first introduced, to the credit of the Federal Communications Commission, they took some action to require that VOIP customers have full access to the emergency 911. We appreciate that very much. But there are holes in those regulations. Those holes need to be filled, and this legislation we passed tonight—and is very similar to a House bill that passed a couple of months ago—will fill those legislative holes.

This legislation will resolve any remaining questions regarding the Federal Communications Commission jurisdiction over VOIP services by requiring full access to 911 service by the VOIP customers.

This bill also resolves any issues relating to the potential liability of the VOIP providers that offer access to 911 services. The legislation also requires the national E–911 Implementation Coordination Office to work with industry to oversee the next generation of emergency 911 network.

This network is going to be resilient and redundant. It is going to allow 911 calls to automatically be routed to a functional 911 call center in the event of a disaster. Think about what happened down in New Orleans during Katrina. We had a certain way these 911 calls had to go to get to the emergency call center. Some of those lines were out of service, and so those calls never got there.

This new system is going to send these little packets of information in any route it can to get to that call center. It is going to be redundant, it is going to be resilient so we will not have a repeat of people desperately down in New Orleans making 911 calls and not getting a response.

This is a chart that pretty well depicts that every day thousands of Americans rely on these call centers so they can reach responders, and every day we have to wait to upgrade the network and those lives are at risk.

We have gone all the way from just the rotary service telephones to the future, where we have something like these iPhones we have today that have so many different services on them. We need a system that can get this emergency service through these new kinds of mechanisms. That is what we are going to do.

Going back to this terrible tragedy that happened a couple years ago in my State, this is just one newspaper headline that said trying to get that 911 call, it couldn't go because there was not a provision in VOIP.

Lives have been lost. Lives were at risk. They are still at risk until we can get this legislation signed into law. I am extremely grateful to the Senate for having passed this legislation tonight.

## UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 3896, AS MODIFIED

Mr. CASEY. Mr. President, I ask unanimous consent that notwithstanding the passage of S. 1200, the Vitter amendment 3896 be modified with the change at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 309, strike lines 1–7 and insert the following:

**"SEC. 805. LIMITATION RELATING TO ABORTION.**

"(a) DEFINITION OF HEALTH BENEFITS COVERAGE.—In this section, the term 'health benefits coverage' means a health-related service or group of services provided pursuant to a contract, compact, grant, or other agreement.

"(b) LIMITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no funds or facilities of the Service may be used—

"(A) to provide any abortion; or

"(B) to provide, or pay any administrative cost of, any health benefits coverage that includes coverage of an abortion.

"(2) EXCEPTIONS.—The limitation described in paragraph (1) shall not apply in any case in which—

"(A) a pregnancy is the result of an act of rape, or an act of incest against a minor; or

"(B) the woman suffers from a physical disorder, physical injury, or physical illness that, as certified by a physician, would place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself.".

## APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 107–12, the appointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board: Trevor Whipple of Vermont.

## ORDERS FOR WEDNESDAY, FEBRUARY 27, 2008

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, February 27; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for up to 60 minutes with Senators permitted to speak therein for up to 10 minutes each, and the time be equally divided and controlled between the two leaders or their designees, with the Republicans in control of the first half and the majority in control of the final half; that following morning business, the Senate resume the motion to proceed to S. 2633; further, I ask that the Senate stand in recess from 12:30 to 2:15 p.m. and that all time during any recess, adjournment, or morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:03 p.m., adjourned until Wednesday, February 27, 2008, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SHEILA MCNAMARA GREENWOOD, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE STEVEN B. NESMITH, RESIGNED.

### DEPARTMENT OF THE TREASURY

EDWIN ECK, OF MONTANA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008, VICE KAREN HASTIE WILLIAMS, TERM EXPIRED.

KENNETH E. CARFINE, OF MARYLAND, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 21, 2010, VICE ROBERT M. TOBIAS, TERM EXPIRED.

### DEPARTMENT OF STATE

PETER E. CIANCHETTE, OF MAINE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

### THE JUDICIARY

COLM F. CONNOLLY, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE, VICE KENT A. JORDAN, ELEVATED.

### DEPARTMENT OF HOMELAND SECURITY

PAUL A. SCHNEIDER, OF MARYLAND, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY, VICE MICHAEL JACKSON, RESIGNED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

*To be brigadier general*

COL. MARK W. TILLMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. VERN M. FINDLEY II

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. ANN E. DUNWOODY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

RICHARD E. MICHAEL

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

MICHAEL E. MCCOWAN

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

MICHAEL F. SZYMANIAK

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

BARBARA T. EMBRY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

JOSE A. ACOSTAHERNANDEZ
MARY E. CAPOCCIONI

### IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

PHILLIP J. WOODWARD

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JEFFREY S. CLEMONS
MARC G. GERADS
ANTHONY J. GIOVENCO, JR.

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

BRIAN J. CORRIS
CHRISTOPHER K. MILLER
LARRY MIYAMOTO

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

DONALD F. CARTER, JR.
JERRY R. COPLEY
JOSE L. SADA
JAMES R. TOWNEY

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

CHRISTOPHER J. COX
DOUGLAS M. TAYLOR

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ROBERT A. DILL
BRUCE A. JONES
ROBERT A. PETERSEN
GEORGE L. ROBERTS
EDWARD T. SEIFERT

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

BILLY A. DUBOSE
DANA R. FIKE
DANIEL E. GUIMOND
DIRK D. KUNTZ
MARK A. MITCHELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

STEPHEN M. BREEN
PAUL D. CONGER
WILLIAM P. DAVIS
IAN FERGUSON
JOSEPH J. GARCIA
BRIAN K. MORGAN
CHELE S. ROBERTSON
TODD W. RYDER
CLYDE WALKER
RAYMOND J. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ROBERT S. ADAMS
MICHAEL D. ALLEN
DALE E. ANDERSON
JOHN R. ANDREW
BRETT D. BARKEY
FRITZ J. BARTH
JOHN W. BATEMAN
JEFFREY A. BAUMERT
MITCHELL F. BECKER
WILLIAM J. BECKER
JOSEPH S. BELFLOWER
DAVID G. BELLON
ROBIN K. BENNETT
ANNITA M. BEST
AUGUSTIN BOLANIO
JOSEPH B. BRICKLEMYER
RICHARD A. BROCK
TERRY L. BRUNING
SHAWN P. BYRNE
ROBERT L. CHAPPELL
BRENT C. CHERRY
BRIAN A. CHIN
MICHAEL L. CLANTON
TIMOTHY D. CORLEY
DAVID A. DAWSON
DAVID W. DEIST
RALPH A. DENGLER
TIMOTHY E. DESALVO
RAYMOND R. DESCHENEAUX
RICHARD B. DODDS
THOMAS M. DOMAN
DOUGLAS T. EDWARDS
BRIAN P. ELSTAD
TERENCE R. EULING
MICHAEL F. FAHEY III
TRACEY A. FARRIS
KEVIN L. FITZWATER
WEYDAN S. FLAX
WILLIAM P. FLINTER
MICHAEL J. FLYNN
MARC J. FRENKEL
DAVID N. GAMBERT
RICHARD J. GIUDICE
JAMES J. HAMM III
MARK E. HARRIS
MARKUS U. HARTMANN
KELLY C. HEATHERMAN
JOHN C. HEMMERLING
KIMO S. HOLLINGSWORTH
THOMAS B. HUETTEMANN
DAVID L. INMON
JAMES D. KENKEL
MICHAEL F. KENNY
LEO A. KILGORE
JOHN D. KLINK
MICHAEL A. KORMAN
ROBERT J. LABRIOLA, JR.
KURTIS E. LANG
RAYMOND J. LIDDY
JOSEPH P. LISIECKI III
DAVID P. LUCCI
JAMES A. MACMURTRIE, JR.
SEAN M. MAGEE
HENRY D. MALANOWSKI
BRADLEY G. MCALLISTER
ARLENE M. MCCUE
THOMAS W. MCKNIGHT
MICHAEL P. MCSWEENEY
STEVEN T. MELBOURNE
CATHERINE J. METZGER
STEPHEN E. MOTSCO
KRISTIN L. MOXLEY
ROBERT R. MULLINS, JR.

DAVID M. MYERS
TIMOTHY F. OKEEFE
DOUGLAS G. OLBRICH
TAZ R. OLSON
JEFFRY L. PARSHALL
LAWRENCE A. PECCATIELLO
KEN A. PERMANN
JONATHAN L. PIRKEY
ANTHONY W. PRATO
HELEN G. PRATT
DAVID J. RILEY
PAUL L. ROCHE III
STEVEN M. ROEPKE
JAMES M. ROSE
KEVIN B. RUSH
LISA R. SCHADE
JON D. SCHLEIFER
JOHN J. SEGA
ELDON C. SHOMBER
MICHAEL J. SPERRY
BRIAN L. SULC
STUART M. SWAN
TROY D. TAYLOR
ERICK P. THOMAS
CONWARD S. THOMPSON
TIMOTHY C. TOCWISH
STEPHEN W. WAITE
MARIANNE S. WALDROP
MARK A. WHITSON
WENDELL C. WILLIAMS
JAMES R. WOLD
JOHN G. WORMAN
JOHN M. YURCAK, JR.
PETER A. ZARCONE
JOHN G. ZUPPAN

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

DAVID M. ABEL
JASON J. ABEL
THOMAS J. ABELL
IVAN A. ACOSTA
BERT W. ADAMS
BRIAN S. ADAMS
JUSTINE A. ADAMS
PAUL J. ADAMS
PAUL E. ADAMSON
NICHOLAS B. ADCOCK
RYAN J. ADDAMS
JEREMY B. AHLSTROM
MICHAEL S. ALBERT
MARC A. ALBRITTON
ARTHUR A. ALCANTARA
ROLANDO P. ALEJO
JAMES G. ALEXANDER
JEREMY B. ALEXANDER
MICHAEL J. ALEXANDER
PAUL J. ALEXANDER
ALFRED R. ALLEN
BENJAMIN D. ALLEN
ERIC J. ALLEN
JANA R. ALLEN
JASON D. ALLEN
MATTHEW D. ALLEN
MATTHEW S. ALLEN
RANDAL T. ALLEN
THOMAS G. ALLEN
ROBERT J. ALTEMUS
NIEL W. ALTOM
ANEEL M. ALVARES
JENNIFER A. AMATO
GREGORY A. AMIG
EDWARD T. AMRHEIN
KEVIN G. AMSDEN
LANNY R. ANAYA
SERGIO E. ANAYA
ANGELA M. ANDERSON
COURTNEY D. ANDERSON
JAMES C. ANDERSON
KEVIN L. ANDERSON
MICHAEL J. ANDERSON
MICHAEL L. ANDERSON
MICHAEL S. ANDERSON
SHANON E. ANDERSON
STEVEN J. ANDERSON
MORGAN C. ANDREWS
JAY F. ANNIS
CHAD M. ANTHONY
TEODORO G. APALISOK
RICARDO L. ARAGON
SAMUEL A. ARIEFF
JASON M. ARMSTRONG
JOHN C. ARMSTRONG
KYLE D. ARMSTRONG
ERIC T. ARNOLD
KIM M. ARNOLD
BEN J. ARONHIME
JACK R. ARTHAUD
ERIC J. ARTZER
MARK A. ARZATE
CHAD C. ASHCRAFT
KAREN M. ASHTON
MIKE D. ATCHLEY
RICHARD A. ATWELL, JR.
CHRISTOPHER M. AUGER
JOSEPH R. AUGUSTINE
DAVID N. AUMACK
BENJAMIN W. AUVILLE
SCOTT M. AVENT
JOHN H. AVERY
TODD J. AVRITT
MANUEL J. AYALA
NATHAN P. AYSTA
SCOTT M. BABB
WILLIAM J. BABBITT
JOSEPH E. BABBONI
SEAN P. BAERMAN
BEVERLY A. BAKER
CHUNICHI R. BAKER
DARIAN W. BAKER
JULIE A. BALDUF
JOHN E. BALES
TIMOTHY J. BAMFORD
GREGORY E. BARASCH
JOSEPH S. BARBARE
DONNA L. BARBER
KRIS E. BARCOMB
RYAN M. BARE
MICHAEL B. BARKER
MICHELLE L. BARKER
JASON H. BARLOW
MARTIN A. BARNARD
GREGORY J. BARNHART
MERRICK P. BARONI
SEAN R. BARR
MICHAEL E. BARRON
KEVAN A. BARRY
SHAWN J. BARRY
FRANK J. BARTEK
CHRISTOPHER D. BARTH
PAUL R. BARTHEL
DERRICK R. BARTHOL
BENJAMIN A. BARTLETT
KEVIN S. BARTLETT
ROBERT L. BARTLOW, JR.
PHILIP A. BARTOO
JOHN BASEL III
ALFRED B. BASIOA, JR.
DARREN E. BATES
AUDRY J. BATISTE
CHRISTOPHER G. BATTERTON
JOHN J. BAUM
CORETTA BAWN
KEVIN S. BEACH
AARON J. BEAM
GREGORY S. BEAULIEU
HERBERT S. BEAUMONT
COREY A. BEAVERSON
JOHN L. BEBO
CATHERINE M. BECK
JEFFERY D. BECKER
RICHARD R. BECKMAN
ROBERT C. BEEBE
PHYLLIS M. BEGOSHASHLEY
GABRIEL M. BEHR
JONATHAN W. BEICH
BRIAN E. BEISHEIM
ANDREW P. BEITZ
LEONARD E. BELARMINO, JR.
MICAH K. BELL
PAUL M. BELL
TRACY L. BELL
DAVID G. BELLAS
MARK M. BELLOTT
ANDREW J. BEMIS
ELIZABETH T. BENEDICT
NATHAN T. BENN
LANCE R. BENSON
TODD J. BENSON
RICHARD S. BENTLEY
BROCK C. BENTZ
DAVID M. BERGIN
CLAUDIA E. BERMUDEZ
DEAN P. BERRY
MATTHEW O. BERRY
BRYAN L. BEST
RONALD L. BETTS
TODD G. BETZ
MATTHEW H. BEVERLY
JOHNNY D. BEVERS
GREGORY L. BEYER
JASON D. BIALON
DANIEL V. BIEHL
ROBERT M. BIGGERS
KEVIN M. BIGGS
ERIC R. BIPPERT
KRISTOPHER T. BIRD
MICHAEL P. BITTENBENDER
KEITH W. BITTLE
ERIC S. BIXEL
SCOTT T. BJORGE
JASON S. BLACKERBY
CAROL A. BLACKINGTON
CHRISTOPHER M. BLACKWELL
CODY L. BLAKE
TERRY J. BLAKEMORE
ADAM L. BLANCHARD
JAMES M. BLANTON
THOMAS S. BLAZNEK, JR.
JAROD P. BLECHER
KARL J. BLINKINSOP
JOHN W. BLOCHER
MICHAEL T. BLUNT
BRANDON D. BLY
RICHARD D. BOATMAN
RICKARDO B. BODDEN
LEE M. BOEDEKER
BENJAMIN D. BOEHM
JOHN A. BOEN
JILL M. BOESE
JESSE B. BOGART
KELLY W. BOLEN
JONATHAN M. BOLING
ANNETTE D. BONARO
BYRON R. BONE
JAMES M. BONO
TIMOTHY B. BOOHER
MELISSA F. BOOKMAN
MICHAEL J. BOOMSMA
WYATT D. BORA
SEAN M. BORLAND
AARON M. BOSTON
ANDREW G. BOSTON
JENNIFER U. BOUDREAU
KENNETH N. BOURQUE
ROBIN L. BOWMAN
SHAWNA L. BOWSHOT
CHRISTOPHER J. BRADLEY
DENOAH BRADLEY
RAYMOND BRADLEY III
ZACHARY J. BRADY
CHRISTOPHER M. BRAGDON
MATTHEW G. BRANCATO
PHILIP W. BRANDT
AMY E. BRANTLEY
ALBERT J. BRASSEUR III
AMY H. BRAUTIGAN
ALONZO C. BRAY, JR.
CARLOS BRAZIEL
GEREMIAH J. BREKKE
JAMES A. BRENNING
KEVIN J. BREWER
MICHAEL E. BREWSTER
PATRICK J. BRIDGES
MORGENSTARR K. BRIENZA
JOHN H. BRINER
CHARLES P. BRISBOIS III
LATISHA R. BRISTOW
DANIEL S. BROCK
DAVID L. BRODEUR
AARON D. BROOKS
LEONCE K. BROOKS
MICHAEL A. BROOKS
DARRYL P. BROOME
ANDRE L. BROWN
BRIAN L. BROWN
CHRISTOPHER E. BROWN
CRAIG S. BROWN
DAVID J. BROWN
DEMETRIUS O. BROWN
JASON P. BROWN
MATTHEW G. BROWN
PAUL N. BROWN
ROBERT L. BROWN
WILLIE J. BROWN
BRADLEY J. BRUMBAUGH
DARREN L. BRUMFIELD
JAMES E. BRUNNER
DAVID BRUTON
GABRIELLE J. BRYANTBUTLER
ROBERT M. BRYANT
STEVEN E. BRYCE
CHAD T. BUBANAS
DAVID A. BUCHANAN
MICHELLE C. BUCHANAN
ROBERT E. BUCHANAN
ERIC W. BUCHEIT
HEIDI A. BUCHEIT
MARK W. BUCHHOLZ
SCOTT A. BUCHTEL
CORBETT H. BUFTON
MICHAEL E. BULLARD
BENJAMIN J. BULLER
JARED R. BURDIN
JONATHAN B. BURKE
THOMAS E. BURKE
SPENCER A. BURKHALTER
RUSSELL C. BURKS
RAYBURN S. BURNS
AUSTIN F. BURRILL
KIMBERLY M. BURT
STEVEN E. BURY
JAMES W. BUSCH
JONATHAN D. BUSCH
KEITH J. BUTLER
SEAN C. BUTLER
MARCINDA L. BUTTIE
JASON D. BYAL
JUSTIN L. BYBEE
WILLIAM L. BYERS
JONATHON E. BYRNES
DONA L. BYRON
CHARLES B. CAIN
JONMICHAEL V. CALHOUN
NICK D. CALLAWAY
THOMAS R. CALLEN
JASON A. CAMILLETTI
LANCE G. CAMPBELL
NATHAN E. CAMPBELL
SCOTT A. CAMPBELL
MICHAEL P. CAMPOS
DAVID M. CANADY, JR.
ASHLEY E. CANNON
KEVIN A. CANTERA
GABRIEL A. CANTU
STEVEN T. CAPPELLI
ROBERT N. CARDEN
MICHAEL L. CARDONA
EHREN W. CARL
ANGELA V. CARLINGTON
CHRISTOPHER L. CARMICHAEL
JENNIFER S. CARNEGIE

CLINTON G. CARR III
ALICIA A. CARROLL
KEITH CARSON
JAMES M. CARSTEN
JAYME S. CARTER
CHAD M. CARTIER
TONY D. CARTWRIGHT
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AMIT C. SUBRAMANI
JOHN A. SULLIVAN
JOHN T. SULLIVAN
LAWRENCE T. SULLIVAN
RYAN D. SULLIVAN
JAMES C. SUMMERS
MARC W. SUMMERS
DAVID A. SUTTER
ERIC E. SUTTON
MATTHEW P. SUTTON
ERIC J. SVEE
LYLE D. SWAPP
JUSTIN W. SWARTZMILLER
WILLIAM E. SWARTZWELDER
ROBERT J. SWEARINGEN
RYAN J. SWEAZEY
PATRICK J. SWEENEY
ROBERT J. SWEENEY
BROOK C. SWEITZER
CRAIG M. SWIERZBIN
JACK K. SWINEHART
JAMES P. SWISHER
GARY B. SYMON
LOUIS M. SZCZUKOWSKI
TIMOTHY K. SZESZULSKI
BREANNE TABOR
ROBERT D. TACKETT, JR.
KHALIM A. TAHA
BRIAN J. TANNEHILL
MICHELLE A. TARKOWSKI
DONALD C. TASKER
DEREK R. TATE
DAVID L. TAYLOR
DELEMESA-M. TAYLOR
JASON E. TAYLOR
LELAND J. TAYLOR
MARLON TAYLOR
RYAN D. TAYLOR
STEVEN C. TAYLOR
JASON L. TERRY
JOHN A. TESAR
CLIFFORD M. THEONY
PETER E. THERN
MATTHEW A. THIEL
KRISTIAN S. THIELE
LISA S. THIEM
KENNETH G. THILL
ANTHONY A. THOMAS
BRIAN J. THOMAS
JEFFREY D. THOMAS
MATTHEW J. THOMAS
MATTHEW M. THOMAS
PAMELLA J. THOMAS
ROGER M. THOMAS
RYAN W. THOMAS
JONATHAN H. THOMASSEE
DAVID S. THOMPKINS

CHRISTIAN K. THOMPSON
NORRIS B. THOMPSON
SAMMIE L. THOMPSON, JR.
SANDRA L. THOMPSON
BRODY J. THOMSON
TODD A. THORPE
BILL T. TICE, JR.
WESLEY D. TICER
JEFFREY J. TIMMERWILKE
SHAWN R. TIMPSON
FRANK L. TISDEL
KATHERINE A. TODOROV
SACHA N. TOMLINSON
JILLIAN B. TORANGO
JERI D. TORRERO
DARAH A. TORRES
GUILLERMO TORRES
CLIFFORD A. TORRIJOS
THOMAS E. TORTORELLA
JAMES C. TOTH, JR.
CLAY R. TOULA
PETER G. TOVES
CRAIG M. TOWELL
PAUL K. TOWER
SEAN M. TOWNSEND
ERIC A. TRAMEL
JASON L. TRANUM
BENJAMIN R. TRAVERS
ANDREW R. TRAVIS
FRANCISCO L. TREJO
JASON M. TREW
SETH W. TRIBETT
WILLIAM P. TRICHE
DANIEL R. TRIPLETT
SONJA C. TRITSCH
RYAN J. TRUSCHINSKI
GARY W. TUCKER
GRADY W. TUCKER, JR.
SEAN E. TUCKER
RICHARD D. TUNDER
CHRISTOPHER H. TURNER
JASON A. TURNER
JASON C. TURNER
ABIZER H. TYABJI
TERRY L. TYREE, JR.
KRISTOPHER J. UBER
MONYCA J. UECKER
HEATHER M. UHL
HORST K. UHL
L. WILLIAM UHL
ROSS G. UHLER
ROBERT T. UNGERMAN III
BILLY J. UPSHAW
SHELLY A. UZPEN
JOHN L. VALA
MATTHEW S. VANHOOK
TERENCE J. VANCE
ROBERT M. VANDAWAKER
JAMES L. VANDROSS
NEAL A. VANHOUTEN
NATHAN K. VANNATTER
RICHARD L. VANSLYKE
KERRI A. VANTZELFDE
ERWIN VARGAS
CHRISTOPHER G. VECCHIONE
ANDREW C. VENNE
ERNESTO VERGER
PHILLIP A. VERROCO
JOSEPH H. VERSTRATEN
RYAN J. VETTER
KEVIN J. VEZINO
ROBERT P. VICARS IV
BRUS E. VIDAL
BRIAN H. VILLAVASO
MICHELLE K. VILLAVASO
JOHN R. VINSON
JAMES N. VINUP
ROBERT K. VITT
RANDELL D. VOAS
JOSEPH N. VOCCA
KENNETH J. VOIGT, JR.
JOHN R. VOLCHECK
RYAN M. VONEIDA
JASON D. VOORHEIS
GEORGE M. VRANIAK
MATT J. VUKICH
JAMES T. WACKER
ALAN R. WADE
BRYANT P. WADE
MATTHEW T. WAGGONER
RICHARD H. WAGGONER
RICHARD W. WALDROP
DIETER A. WALDVOGEL
KENNETH G. WALKER
MARK T. WALKER
PHILLIP WALKER, SR.
BRIAN P. WALLACE
PRESTON R. WALLECH
JASON R. WALLS
BRIAN P. WALSH
TRAVIS D. WALTERS
JUSTIN L. WALWORTH
BRANDON WAREING
PHILLIP WARNER
TIMOTHY M. WARNER
CHARLTON L. WARREN
STEVEN W. WASHKO
MATTHEW N. WASZAK
SCOTT D. WATJUS
CHRISTOPHER D. WATT
DAVID S. WATTS
JOHN G. WEAVER
SHONRY O. WEBB
KEVIN M. WEBSTER
JAMES T. WEDEKIND
MARTIN W. WEEKS III
SCOTT M. WEHRLE
JEREMY F. WEIHRICH
AARON M. WEINER
JAMES P. WEIR
TROY C. WELKER
MATTHEW D. WELLING
GARY L. WELLMAN
BRENT N. WELLS
MARION R. WENDALL
SCOTT H. WERLEY
CHRISTOPHER W. WERNER
STEVEN T. WESTBROOK
RODNEY E. WESTON
JEFFREY B. WESTPHAL
SCOTT P. WEYERMULLER
KEVIN J. WHALEY
DANIEL J. WHEELER
SCOTT A. WHINNERY
STEVEN S. WHISLER
MICHAEL S. WHITACRE
ALTON S. WHITE
JOHN D. WHITE
WALTER J. WHITE, JR.
ROBERT A. WHITED
LAURA M. WHITEHEAD
RYE M. WHITEHEAD
SCOTT B. WHITEHURST
DENNIS A. WHITLOCK
CODY D. WHITTINGTON
TYLER D. WICKHAM
JEREMY P. WIEDER
SCOTT M. WIEDERHOLT
STEVEN T. WIELAND
ERICK W. WIGDAHL
THOMAS T. WIGGINS
HOBART D. WILBANKS
JOE F. WILDMAN
LISA M. WILDMAN
KEVIN M. WILEY
STEVEN E. WILINSKI
CHRISTOPHER D. WILKINSON
DAVID E. WILLARD
AARON J. WILLIAMS
BRAD D. WILLIAMS
BRIAN D. WILLIAMS
CHRISTOPHER S. WILLIAMS
DELVIN R. WILLIAMS
DOUGLAS A. WILLIAMS
EARL WILLIAMS III
JENNIFER L. WILLIAMS
JESSICA C. WILLIAMS
JOSHUA J. WILLIAMS
MARK L. WILLIAMS
MATTHEW K. WILLIAMS
REGINALD L. WILLIAMS
SEAN M. WILLIAMS
STACEY L. WILLIAMS
TIMOTHY E. WILLIAMS
RUSSELL S. WILLIFORD
MICHELLE L. WILLISON
LANCE J. WILLOUGHBY
JAMES B. WILLS
BRIAN W. WILSON
ROCKIE K. WILSON
SANDRA J. WILSON
SCOTT R. WILSON
TODD J. WILSON
WILLIAM H. WIMSATT III
GUY J. WINGENBACH
JOSEPH J. WINGO
BRIAN F. WINKLER
JASON J. WINKLER
DERRICK B. WINNER
WALTER M. WINTER
CRAIG J. WINTERS
AARON A. WIRTZ
ANDREW I. WISTRCILL
DONALD W. WITTENBERG
PATRICK V. WNETRZAK
JOHN D. WODOCHEK
WINSTON C. WOLCZAK
JAMES E. WOLFE
MARC E. WOLFE
ROBERT W. WOLFE
ELIZABETH A. WOOD
GARY A. WOOD
JARED W. WOOD
JOHN D. WOOD
DOUGLAS A. WOODLEY
THOMAS J. WOODRING
JOHN M. WOODS
SABRINA WOODS
NOEL M. WOODSTUFF
CHRISTOPHER WORKINGER
GREGORY M. WRATHER
DAVID M. WRAZEN
MICHAEL L. WREY
ALEXANDER E. WRIGHT
CHAD R. WRIGHT
JAMES A. WRIGHT
RENAE L. WRIGHT
TIMOTHY A. WRIGHT
ROBERT S. WRINKLE
RODNEY Y. WROTTEN
STEPHEN G. YANTKO III
MICHAEL C. YARBROUGH
MICHAEL D. YARINA
JAMES B. YEAKLEY
JOHN M. YERGER
KEITH N. YESTER
JULIAN J. YNIGUEZ
ERIC J. YOAST
BRIAN K. YOSHIMOTO
JENINA C. YOST
DAVID A. YOUNG
DOMINICK B. YOUNG
GEOFFREY YOUNG
JASON E. YOUNG
ANGELENA R. YULEESMITH
STEPHEN R. ZAISER
JOSHUA J. ZAKER
JASON A. ZARBCOUSIN
JEFFREY S. ZDENEK
THOMAS M. ZEEFF
CHRISTOPHER J. ZEGAR
SCOTT D. ZELLER
CHRISTOPHER G. ZEPPOS
YAN C. ZHU
JOHN P. ZIELINSKI
ANTHONY J. ZILINSKY III
CHRISTOPHER J. ZILKA
DAVID L. ZIMMERMAN
GARRETT C. ZINDEL
MICHAEL P. ZINK
ANDREW W. ZINN
STEVEN M. ZOLLARS
JODY L. ZOLMAN
CHRISTOPHER P. ZORICH
JOHNATHAN B. ZULAUF
MICHAEL M. ZWALVE

## WITHDRAWALS

Executive message transmitted by the President to the Senate on February 26, 2008 withdrawing from further Senate consideration the following nominations:

CATHERINE G. WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008, VICE KAREN HASTIE WILLIAMS, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

PETER E. CIANCHETTE, OF MAINE, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010, VICE NANCY KILLEFER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

STANLEY C. SUBOLESKI, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE JEFFREY D. JARRETT, RESIGNED, WHICH WAS SENT TO THE SENATE ON DECEMBER 11, 2007.

# EXTENSIONS OF REMARKS

## IN RECOGNITION OF THE SMALL BUSINESS CONSORTIUM OF ALABAMA STATE UNIVERSITY

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. ROGERS of Alabama. Madam Speaker, I rise today to pay recognition to the work of the Alabama State University Small Business Consortium on its 29th anniversary.

Since its establishment in 1979, the Small Business Development Consortium has helped support the establishment of small businesses across Alabama. From its humble beginnings, the consortium has expanded to include 11 business development centers in universities across central Alabama, and thanks to the vision of the consortium's founder, Dr. Percy Vaughn, resources for hundreds of fledgling enterprises.

I would like to congratulate the consortium, Alabama State University, and the other member institutions on reaching this important milestone for their organization, and wish them all the best in the future.

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## THE PRESIDENT'S BUDGET

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. RANGEL. Madam Speaker, I rise today to express my concern over President Bush's handling of the budget and to enter into the RECORD editorials from today's Washington Post, "Budget Mess—President Bush's last spending plan only adds to a disastrous fiscal legacy" and from today's New York Times, "Lame-Duck Budget."

President Bush was given a gift 7 years ago; the gift was a projected surplus of $5.6 trillion over the next decade. He has been neither appreciative nor responsible with this gift that America entrusted him with to make the lives of all Americans better. Instead his policies have benefited select groups and special interest. Case in point, his tax cutting agenda has greatly improved the lives of households with incomes totaling more than $450,000 a year. These are some of the wealthiest American households.

The national debt has grown by $2 trillion and the projected $725 billion surplus for the upcoming fiscal year (2009) has disappeared and in its place has appeared a $407 billion deficit. Based on Mr. Bush's recent budget submission, he proposes to pay for additional tax cuts through $397 billion deficit spending over the next 5 years.

Mr. Bush leaves behind a legacy of failed fiscal policies and priorities. Mr. Bush stated his budget plan would put the country on the road to balancing the budget by 2012. However, he mistakenly forgot to inform the American people that his plan only partially funds the wars in Iraq and Afghanistan for 2009, and starting in 2010, he has planned zero spending. This is a disingenuous attempt to make his budget plan seem plausible.

There are no winners with the Bush budget proposal; domestic spending programs will be cut or remain flat. There is no long-term planning for the alternative minimum tax and both Medicare and health care spending will suffer devastating cuts.

Given the uncertain economic future of the country Mr. Bush's budget proposal leaves his successor with a very difficult task ahead. This is especially disheartening since his predecessor left him with a surplus.

[From the Washington Post, Feb. 2, 2008]

### BUDGET MESS

Seven long years ago, a new president submitted his first budget—an optimistic document now relevant only as a chastening artifact of a bygone era. In that "Blueprint for New Beginnings," George W. Bush grappled with the supposed challenge of dealing with a projected surplus of $5.6 trillion over the next decade. The president proposed to pay down the debt by $2 trillion during that time, which, he said, was as much as could be responsibly redeemed. He offered lavish tax cuts. And he vowed to "confront great challenges from which Government has too long flinched," putting Social Security and Medicare on solid financial footing.

The final budget of Mr. Bush's presidency arrived yesterday, and the contrast between then and now could hardly be more sobering. Instead of being paid down, the national debt has grown by $2 trillion. The $725 billion surplus once projected for the coming fiscal year (2009) has evaporated. In its place is a $407 billion deficit—an unrealistically rosy number that omits billions in likely war spending and is artificially reduced by including the $200 billion Social Security surplus. The explosion in entitlement costs has been left unaddressed and is therefore even more daunting. Indeed, on entitlements, Mr. Bush's legacy will be to have added to the long-term tab with the addition of an expensive Medicare prescription drug benefit.

Some of this transformation, as the administration would be the first to point out, is not Mr. Bush's fault. Even as he submitted that initial budget, the economy was slowing. The attacks of Sept. 11, 2001, further rattled the economy and imposed huge unanticipated costs for homeland security and military operations overseas. Mr. Bush tried to launch the necessary debate on Social Security, and, although the president can be faulted for having poisoned the well with a relentlessly partisan legislative strategy, congressional Democrats chose to respond with more partisanship.

But the fact remains that the purported surplus on which Mr. Bush based his tax-cutting agenda was always something of a mirage, and the president has never been willing to adjust his agenda to the grim new fiscal reality. Yesterday's promise of a small surplus by 2012 is once again premised on omitting likely costs (zero is budgeted for operations in Iraq and Afghanistan) and by assuming cuts to domestic spending that are unachievable politically and, in large part, unwise as a matter of policy.

As always, Mr. Bush pledges to press ahead with his tax-cutting agenda: another $2.4 trillion over the next decade, $3.7 trillion if relief from the alternative minimum tax is included. The President argues that failing to extend his previous tax cuts would result in an average tax increase of $1,800. But Mr. Bush neglects to point out that the overwhelming share of the tax cuts go to the wealthiest Americans. The top 1 percent of households—those with incomes of more than $450,000—would get 31 percent of the benefits, with tax cuts averaging $67,000 by 2012. And Mr. Bush does not even propose fully paying for these cuts: The budget he submitted yesterday envisions another $397 billion in deficit spending over the next five years because it would devote more money to tax cuts than it would cut in spending.

Mr. Bush inherited a potential windfall—and squandered it. The next president will inherit his mess.

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[From the New York Times, Feb. 5, 2008]

### LAME-DUCK BUDGET

President Bush's 2009 budget is a grim guided tour through his misplaced priorities, failed fiscal policies and the disastrous legacy that he will leave for the next president. And even that requires you to accept the White House's optimistic accounting, which seven years of experience tells us would be foolish in the extreme.

With Mr. Bush on his way out the door and the Democrats in charge of Congress, it is not clear how many of the president's priorities, unveiled on Monday, will survive. Among its many wrong-headed ideas, the budget includes some $2 billion to ratchet up enforcement-heavy immigration policies and billions more for a defense against ballistic missiles that show no signs of working.

What will definitely outlast Mr. Bush for years to come are big deficits, a military so battered by the Iraq war that it will take hundreds of billions of dollars to repair it and stunted social programs that have been squeezed to pay for Mr. Bush's misguided military adventure and his misguided tax cuts for the wealthy.

The president claimed on Monday that his plan would put the country on the path to balancing the budget by 2012. That is nonsense. His own proposal projects a $410 billion deficit for 2008 and a $407 billion deficit next year. Even more disingenuous, Mr. Bush's projection for a balanced budget in 2012 assumes only partial funding for the wars in Iraq and Afghanistan for 2009, and no such spending—zero—starting in 2010.

It also assumes that there will be no long-running relief from the alternative minimum tax—which would be ruinous for the middle class—and that there will be deep cuts in Medicare and other health care spending that have proved to be politically impossible to enact.

Mr. Bush, of course, inherited a surplus from the Clinton administration, which he quickly used up on his tax cuts. He then continued cutting taxes after the surpluses were gone and even after launching the war in Iraq—$600 billion and counting. Mr. Bush remains unrepentant. Even now, with the economy—and revenues—slowing, he is pushing to make those tax cuts permanent. That would be fiscally catastrophic.

The big winner, predictably, is the Pentagon. After adjusting for inflation, the proposed defense budget of $515.4 billion—which does not include either war spending or the cost of nuclear weapons—would be up by more than 30 percent since Mr. Bush took office and would be the highest level of military spending since World War II.

Mr. Bush's war of choice in Iraq, on top of the war of necessity in Afghanistan, has seriously strained the American military—its people and its equipment. Even a new president committed to a swift withdrawal of American troops from Iraq will have to keep asking for large Pentagon budgets, both to repair that damage and to prepare the country to face what will continue to be a very dangerous world.

What is so infuriating about this budget is there is not even a hint of the need for real trade-offs. As far as anyone can tell, not a single weapons system would be canceled. That means it will be up to Congress—also far too captive to military-industry lobbyists—to start scaling back or canceling expensive programs that don't meet today's threats, or tomorrow's.

There is one place we're delighted to see Mr. Bush invest more money: a proposal to hire 1,100 new diplomats. The next president will need all of the diplomatic help he or she can get to contain the many international disasters Mr. Bush will leave behind.

Predictably, the big losers in Mr. Bush's budget are domestic-spending programs—including medical research, environmental protection and education—which will either be held flat or cut.

Even more predictably, most of Mr. Bush's touted savings would come from programs intended to protect the country's most vulnerable citizens: the elderly, the poor and the disabled. The budget would sharply restrain the growth of spending on the huge Medicare health insurance program, in an effort to save some $178 billion over the next five years. The administration would achieve that primarily by cutting the annual increases in payments to hospitals, nursing homes and other health care providers that are designed to keep up with the rising costs of caring for Medicare beneficiaries.

There is clearly room to restrain the rate of growth in some of these payments. But the size and duration of the cuts are irresponsible. Meanwhile, Mr. Bush—who insists that every answer to the country's health care woes can be found in the private sector—has left largely untouched the big subsidies that prop up the private Medicare Advantage insurance plans. Eliminating these unjustified subsidies could save Medicare more than $5o billion over five years and $150 billion over 10 years.

Just as the nation seems on the edge of a recession, the budget would also shave federal contributions to state Medicaid programs by some $17 billion over five years. That is exactly the wrong direction to go in tough economic times, when low-income workers who lose their jobs need Medicaid coverage and states have fewer funds to supply it.

All of this means that Mr. Bush will leave his successor a daunting list of problems: the ever-rising cost of health care, the tens of millions of uninsured, a military that is desperately in need of rebuilding. Thanks to Mr. Bush's profligate ways, it also means that the next president will have even less money for solving them.

## HONORING GENERAL MONTGOMERY C. MEIGS, USA

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. SESTAK. Madam Speaker, it gives me great pleasure to thank and congratulate General Montgomery C. Meigs, USA, for his dedicated service to the armed forces of the United States of America.

General Meigs is receiving the General Alexander M. Haig, Jr. "Guardian of Liberty" award from the West Point Society of Philadelphia. This is awarded to individuals who exemplify the Motto of "Duty, Honor, Country" while contributing to and guarding the freedom which we all enjoy. Past recipients have been General Haig, General Jowlan, Secretary of the Army Tom White, General Clark, General Shinseki, General Reimer, and General Downing.

General Meigs' academic credentials are remarkable. He is a graduate of the United States Military Academy and he graduated from the University of Wisconsin with a Master's Degree and a Doctorate in History. He also is a graduate of the Armor Officer Basic and Advanced Courses, United States Army Command and General Staff College, and National War College.

General Meigs has had a variety of key leadership and management positions throughout his career including: Squadron Maintenance Officer, Vietnam; Chief, Strategic Application Branch, Office of the Director for Strategic Plans and Policy, J–5, The Joint Staff Washington, DC; Commander, 2d Brigade, 1st. Armored Division, United States Army Europe and Seventh Army, Germany and Operation Desert Shield/Desert Storm, Saudi Arabia; Commanding General, United States Army Europe and Seventh Army, Germany and Commander, Stabilization Force, Bosnia-Herzegovina.

His awards speak to an extraordinarily successful career and include: Defense Distinguished Service Medal, Distinguished Service Medal with Oak Leaf Cluster, Defense Superior Service Medal, Legion of Merit with Oak Leaf Cluster, Bronze Star Medal with "V" device, Bronze Star Medal with Oak Leaf Cluster, Purple Heart, Meritorious Service Medal, Air Medals, Army Commendation Medal with 2 Oak Leaf Clusters, Ranger Tab, and Joint Chiefs of Staff Identification Badge.

General Meigs' family, friends, the Commonwealth of Pennsylvania and our entire nation extend their gratitude to him for a career of selfless dedication to our safety and security.

## PERSONAL EXPLANATION

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, February 25, on very urgent business. Had I been present for the three votes which occurred yesterday, I would have voted "aye" on H. Res. 978, rollcall vote No. 69; I would have voted "aye" on H. Res. 930, rollcall vote No. 70; and I would have voted "aye" on H. Res. 944, rollcall vote No. 71.

## THE UNIVERSITY OF KANSAS AND FORT LEAVENWORTH PILOT PARTNERSHIP FOR WOUNDED WARRIORS

### HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mrs. BOYDA of Kansas. Madam Speaker, earlier this month, the University of Kansas and Fort Leavenworth agreed to conduct a pilot program that would allow Wounded Warriors, both active duty and retired, the opportunity to complete a graduate degree program and then return to the Army to work in assignments at Fort Leavenworth related to their recently earned degrees. In a ceremony at the Lewis and Clark Center at Fort Leavenworth on February 6, 2008, Secretary of the Army Pete Geren and University of Kansas Chancellor Robert Hemenway welcomed eight Army Wounded Warriors into the pilot program.

The concept for the program was developed in September 2007 and presented to the Secretary of Defense, who encouraged the Army to proceed. Soldiers accepted for the program will be assigned to the Combined Arms Center at Fort Leavenworth with duty at the University of Kansas. There they will work to complete master degree programs in areas that can support programs or academia at the Combined Arms Center. The cost of the degree awarding program will be covered by the Army. The University of Kansas was asked to be the partner in this program due to its strong relationship with the Combined Arms Center and its superior academic reputation and accessibility for disabled students.

I am so pleased that these two great institutions have come together to provide a way for wounded Soldiers who may not be able to return to battle the ability to continue to serve their country. I congratulate both the Combined Arms Center and Fort Leavenworth for their initiative and I invite my colleagues to do the same.

## INTRODUCTION OF A RESOLUTION EXPRESSING SUPPORT FOR THE DESIGNATION OF APRIL 2008 AS PUBLIC RADIO RECOGNITION MONTH

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce a resolution expressing support for the designation of April 2008 as "Public Radio Recognition Month." This legislation celebrates the contributions of public radio to America's communities and enduring civic spirit.

Today, more than 33 million Americans listen to and appreciate public radio through more than 800 locally controlled stations, spanning every State and congressional district. Public radio is committed to community-based and fact-based journalism, as well as preserving and enhancing the archetypal musical genres of American music history, such as classical, Celtic, jazz, the blues, and bluegrass. This source for local, national, and international news, as well as informative, cultural, and musical programming, is a unique and valued service to our communities.

I invite my colleagues to recognize these achievements and cosponsor this important resolution.

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## RECOGNIZING MICHELLE LINGO AS ESCAMBIA COUNTY TEACHER OF THE YEAR

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Michelle Lingo, Escambia County's Teacher of the Year.

For the past 11 years, Michelle Lingo has influenced the academic success of elementary school students. Ms. Lingo's exceptional teaching capabilities have enhanced the learning opportunities for the students she teaches, while her countless hours of service and dedication have enabled her students to attain academic excellence. When asked to elaborate upon her profession, Ms. Lingo replies that as a teacher, she "view[s] every day as a new chance to inspire a child." Her passion for teaching is rivaled only by the love she has for her students, and her unwavering devotion strengthens the school system as a whole.

Propelled by her dedication to the education system, Ms. Lingo began her teaching career in 1996 as a first grade teacher. Over time, Ms. Lingo furthered her devotion and expanded beyond the parameters of the typical classroom, first as a reading coach and then as a media specialist, a position in which she continues to serve. Though some would consider her current position overwhelming, Ms. Lingo balances the demands of her career with a jubilant attitude and exceptional enthusiasm.

The title of Teacher of the Year is an immense honor and is evidence of the greatness Ms. Lingo has attained. Beyond the title lies Ms. Lingo's dedication and devotion to not only her students, but to the entire community. Her teaching skills and affable personality have influenced many and have pushed countless students to a higher level of academic achievement. Ms. Lingo's outstanding accomplishments have distinguished her as one of the great teachers in northwest Florida, and the Escambia County School District is honored to have her as one of their own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Michelle Lingo on this outstanding achievement and for her exemplary service in the Escambia County School District.

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## PERSONAL EXPLANATION

### HON. RIC KELLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. KELLER of Florida. Madam Speaker, I have remained in Orlando, Florida with my wife as she prepares to give birth to our second child. If I had been present yesterday, I would have voted in the following manner: rollcall 69: "yea"; rollcall 70: "yea"; and rollcall 71: "yea."

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## HONORING RANDY JONES

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. SHIMKUS. Madam Speaker, I rise today with a heavy heart to pay tribute to a great American patriot.

Randy Jones served the American people as a staff sergeant in the U.S. Army from 1972 until 1980, and then as a civilian employee of the U.S. Army Corps of Engineers for over 20 years. He did his duty to our Nation through two deployments overseas in the war on terror and through his work at the Melvin Price Lock and Dam. At the time of his death last week, he was the Lockmaster at Lock and Dam 27 on the Mississippi River. He is remembered by his colleagues as a dedicated employee and a mentor to a great many co-workers.

My thoughts and those of the House go out to his wife Sharon, and his three daughters and two sons-in-law, Lori and Jeremy Cole, Meredith and Kenneth Zimmer, and Shara Jones, his son and daughter-in-law, Chad and Ann Jones, his eight grandchildren, as well as his brothers and sisters and all his neighbors and friends in Brighton, Illinois.

All of America is grateful for Randy's service to our Nation, and he will be dearly missed by all who knew him.

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## IN RECOGNITION OF THE LIFE AND LEGACY OF MRS. JOHNNIE R. CARR

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask for the House's attention today to honor the life and legacy of one of our Nation's most important Civil Rights figures, Mrs. Johnnie Carr, who passed away on February 22nd at the age of 97.

As so many of my colleagues know, Mrs. Carr was a tireless advocate for the advancement of Civil Rights and equality for all Americans. During a tumultuous time for our Nation, in 1964 Mrs. Carr and her husband Arlam filed suit against the Montgomery County, Alabama, Board of Education in an attempt to desegregate the Montgomery County school system. Her desire was simply to help provide a more hopeful future for her son Arlam Carr Jr. and thousands of other African American children in Alabama. In addition to her legal action against the school board, Mrs. Carr pushed to open segregated Montgomery communities to African American residents.

Not only did her leadership and courage help bring about the end of the segregation of our schools, she helped usher in a new era of equality and freedom for African Americans across our Nation. Throughout her life she continued her activism as a voice for Civil Rights in the Montgomery area and beyond, and was a frequent face at community events throughout her entire life.

Mrs. Carr was an anchor for her family, who will surely remember her as a caring mother and grandmother who held her family together through trying times. Despite her tireless efforts to help advance Civil Rights for all Americans, she always put her family first. Mrs. Carr's passing is mourned by us all, Madam Speaker, and we all send her family our prayers at this difficult time. Thank you for the House's attention today to her life, and to her legacy.

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## PREDATORY LENDERS CAUGHT THEIR PREY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD a February 14th editorial from the New York Times by Eliot Spitzer, Governor of New York, "Predatory Lenders' Partner in Crime".

This editorial talks about the role the Office of the Comptroller of the Currency (OCC) had in preempting state laws designed to protect consumers from mortgage loans with deceptive "teaser" rates and hidden fees. Several states had enacted laws to protect consumers from these practices. Many low- and middle-income borrowers are not able to absorb monthly payment increases when variable terms reset, such as the expiration of teasers rates and/or interest rate increases. Many of these loan products are so complex, that the disclosures currently available are inadequate to protect consumers. The end result is that hardworking Americans are stripped of the equity they have built in their properties, and they lose their homes.

Who would have thought that the OCC would issue formal opinions in 2003 that preempted state laws designed to protect consumers from lending practices and would put consumers in jeopardy of losing their homes? This was so egregious that all 50 state attorney generals and state banking superintendents vigorously fought the new rules. The fight was to no avail—the Bush administration won and the banks were protected.

Greater regulatory oversight is necessary to ensure borrower confidence in the banking system, and the availability of quality loan products in the market place. The end result is where the U.S. finds itself today—with record rates of foreclosures and an economy in a perilous condition.

[From the New York Times, Feb. 14, 2008]

### Predatory Lenders' Partner in Crime

(By Eliot Spitzer)

Several years ago, state attorneys general and others involved in consumer protection began to notice a marked increase in a range of predatory lending practices by mortgage lenders. Some were misrepresenting the terms of loans, making loans without regard to consumers' ability to repay, making loans with deceptive "teaser" rates that later ballooned astronomically, packing loans with undisclosed charges and fees, or even paying illegal kickbacks. These and other practices, we noticed, were having a devastating effect on home buyers. In addition, the widespread nature of these practices, if left unchecked, threatened our financial markets.

Even though predatory lending was becoming a national problem, the Bush administration looked the other way and did nothing to protect American homeowners. In fact, the government chose instead to align itself with the banks that were victimizing consumers.

Predatory lending was widely understood to present a looming national crisis. This threat was so clear that as New York attorney general, I joined with colleagues in the other 49 states in attempting to fill the void left by the federal government. Individually, and together, state attorneys general of both parties brought litigation or entered into settlements with many subprime lenders that were engaged in predatory lending practices. Several state legislatures, including New York's, enacted laws aimed at curbing such practices.

What did the Bush administration do in response? Did it reverse course and decide to take action to halt this burgeoning scourge? As Americans are now painfully aware, with hundreds of thousands of homeowners facing foreclosure and our markets reeling, the answer is a resounding no.

Not only did the Bush administration do nothing to protect consumers, it embarked on an aggressive and unprecedented campaign to prevent states from protecting their residents from the very problems to which the federal government was turning a blind eye.

Let me explain: The administration accomplished this feat through an obscure federal agency called the Office of the Comptroller of the Currency (OCC). The OCC has been in existence since the Civil War. Its mission is to ensure the fiscal soundness of national banks. For 140 years, the OCC examined the books of national banks to make sure they were balanced, an important but uncontroversial function. But a few years ago, for the first time in its history, the OCC was used as a tool against consumers.

In 2003, during the height of the predatory lending crisis, the OCC invoked a clause from the 1863 National Bank Act to issue formal opinions preempting all state predatory lending laws, thereby rendering them inoperative. The OCC also promulgated new rules that prevented states from enforcing any of their own consumer protection laws against national banks. The federal government's actions were so egregious and so unprecedented that all 50 state attorneys general, and all 50 state banking superintendents, actively fought the new rules.

But the unanimous opposition of the 50 states did not deter, or even slow, the Bush administration in its goal of protecting the banks. In fact, when my office opened an investigation of possible discrimination in mortgage lending by a number of banks, the OCC filed a federal lawsuit to stop the investigation.

Throughout our battles with the OCC and the banks, the mantra of the banks and their defenders was that efforts to curb predatory lending would deny access to credit to the very consumers the states were trying to protect. But the curbs we sought on predatory and unfair lending would have in no way jeopardized access to the legitimate credit market for appropriately priced loans. Instead, they would have stopped the scourge of predatory lending practices that have resulted in countless thousands of consumers losing their homes and put our economy in a precarious position.

When history tells the story of the subprime lending crisis and recounts its devastating effects on the lives of so many innocent homeowners, the Bush administration will not be judged favorably. The tale is still unfolding, but when the dust settles, it will be judged as a willing accomplice to the lenders who went to any lengths in their quest for profits. So willing, in fact, that it used the power of the federal government in an unprecedented assault on state legislatures, as well as on state attorneys general and anyone else on the side of consumers.

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## HONORING MRS. LOIS KELLY

## HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. DUNCAN. Madam Speaker, I had the privilege this past Saturday to attend the 100th birthday party for Mrs. Lois Kelly.

Mrs. Kelly is a very special, even amazing, woman. She has the beauty and spirit of a woman 20 years younger. It is simply hard to believe she is 100.

She is still very active, and I was told she recently bought a new Cadillac.

The article below by Robert Booker, describes her much better than I ever could.

Suffice it to say that through her work in education and her church and home, she has helped make this Nation a much better place.

Lois Kelly is a great American, and I was very honored to join many others in her birthday celebration.

I would like to encourage my colleagues and other readers of the RECORD to read the column by Mr. Booker, which ran in the February 26 issue of the Knoxville News Sentinel.

### Lois Kilgore Kelly—A Century of Service

(By Robert J. Booker)

Two years ago while moping around the house suffering from one of those virus things, I got a delightful telephone call. I had committed to participating in a program in the city but had to cancel. Unfortunately, when the word of my illness circulated, some people had me sicker than I really was.

The phone call I got offering assistance came from a 98-year-old woman who wanted to make me some soup or go to the drugstore for me. I had to chuckle at the thought of a woman of that advanced age running an errand for me. But it was no surprise that Lois Kilgore Kelly would make such an offer. I had known her almost 60 years and was very familiar with her community activities.

She is one of the most outgoing, energetic, enthusiastic people one can meet. She can be seen attending various community functions, participating in organizational meetings and offering sympathy at funerals. She seems to be everywhere and drives her own car to get there.

Seventy-nine years ago "The Knoxville Negro," a book of 1929 published a chronicle of black life in Knoxville and noted Mrs. Kelly in its youth section. Under the heading of "Who's Who Among the Negro Youth of Knoxville 1928-1929," the publication said. "The sons and daughters of today are the fathers and mothers of tomorrow. This section offers a view of prospective Negro leadership."

The 1929 sketch on her said, "Lois Kilgore is preparing to make a worthwhile contribution to the educational field. Her ambitions are to become a good housewife and to teach. She recites and is an active member of the Church of God."

I first met Mrs. Kelly in 1947 when I became a seventh-grade student at Green School. although she was not one of my teachers, I saw her many times. It seems that she always had a smile as she does today. I have never seen her when she is not cheerful.

She was born in Kingsport, Tenn., Feb. 23, 1908, and moved to Knoxville at an early age and attended the Normal Department at Knoxville College. She graduated from Knoxville Colored High School in 1927 and received her bachelor of arts degree in elementary education from Tennessee State University in Nashville in 1931.

Mrs. Kelly began her teaching career in 1932 in Covington, Tenn., before returning to Knoxville in 1934 to teach at Green School. The principal was Charles W. Cansler who had been her principal when she was a student at Knoxville Colored High School. She said it was an honor to have him select her as one of his teachers. She taught there 22 years.

She later taught at Cansler Elementary School named for Cansler's mother. She also taught at Maynard and Lonsdale elementary schools before retiring in 1994 after 60 years of service in the school system.

Early in her teaching career, she was visiting a friend in Nashville and met Curtis Kelly, an up and coming young man who, she said, "swept her off her feet." They married in 1940 when he moved here to take a job with the Tennessee Valley Authority. After his service in the Army he attended Meharry Medical School of Dentistry and set up his practice here in 1951.

Mrs. Kelly and her husband became very active in the Democratic Party and worked tirelessly to register people to vote. They worked at the polls and helped to sponsor rallies to bring out the vote. along the way, she took, time to be active in the National Association for the Advancement of Colored People and held various offices at Shiloh Presbyterian Church, where she has been a member for 74 years. During the sit-in movements of the 1960s, she helped to transport Knoxville College students to and from the picket lines.

On Feb. 23, Nu Zeta chapter of Zeta Phi Beta Sorority held a reception to honor Mrs. Kelly on her 100th birthday at Mount Zion Baptist Church. Hundreds of friends and well-wishers turned out for the occasion. She has been a member of that sorority for 74 years and has served as financial secretary, treasurer and undergraduate adviser she is well know throughout the sorority's South Central Reigon.

Bonita Gillespie, Nu Zeta chapter president and close friend of the honoree, says when Mrs. Kelly is asked to describe her long life, she responds, "I just lived." Gillespie says that, despite Mrs. Kelly's age, "She still drives her own car, shops for groceries, goes to the mall, attends aerobics at the O'Conner Senior Center, watches her favorite soap operas, plays bridge at every opportunity, and does whatever else she decides to do. She is glued to the TV set when Tiger Woods plays in a golfmatch."

Some of those other things are to pick up friends to chauffeur them to activities and to call those not feeling well to see if they need her to run an errand.

## PERSONAL EXPLANATION

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. GRAVES. Madam Speaker, I would like to state for the RECORD my position on the following votes I missed due to personal reasons.

On Monday, February 25, 2008, I missed rollcall votes 69, 70, and 71. Had I been present, I would have voted "aye" on all three votes.

## HONORING DR. MICHAEL CROPP, 2008 RECIPIENT OF THE LEUKEMIA AND LYMPHOMA SOCIETY "SERVICE TO MANKIND" AWARD

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. HIGGINS. Madam Speaker, I rise today to congratulate Dr. Michael Cropp on receiving the Western New York and Finger Lakes Chapter of the Leukemia and Lymphoma Society 2008 "Service to Mankind" Award. Dr. Michael Cropp was honored at the 16th Annual Diamond Ball on Saturday, February 23, 2008. Dr. Cropp is a brilliant example of commitment and devotion to one's community and fellowman.

Dr. Cropp serves as the president and chief executive officer of Independent Health. He received his undergraduate and medical degrees from Brown University and MBA from the State University of New York at Buffalo in 2003. A board-certified family physician, he has worked in medicine and led health systems for over 30 years.

His dedicated work and leadership have served several partners in western New York including Millard Fillmore Health System in Buffalo, United Way, the March of Dimes, Camp Good Days, and Special Times. Dr. Cropp acts as chairman of the Pursuing Perfecting, P2, collaborative of western New York, which addresses breast cancer and heart disease, and serves on the boards of the National Federation for Just Communities, the Buffalo Niagara Enterprise, the Elizabeth Pierce Olmsted Center for the Visually Impaired, and the Buffalo Niagara Partnership. His service is far-reaching and has powerfully touched the lives of patients, families, and their communities.

Dr. Cropp's work should inspire us all to serve our communities and fellow man with dedicated hearts and committed lives. I am proud to congratulate Dr. Cropp for this great honor, and wish him and his family the very best.

## RECOGNIZING VICKY EYNON

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. POE. Madam Speaker, in our modern, fast paced world many people often forget to take the time to appreciate their surroundings. Inhabitants of the beautiful north Houston neighborhoods are fortunate enough to reside in an area deemed the "livable forest." As these communities progress into the future, residents like Vicky Eynon work at the same time to preserve these unique surroundings. As a result of her efforts FamilyTime has awarded her the 2007 Women of Achievement Award.

An advocate for the trees, Vicky Eynon's commitment to improving the lives of fellow Texans is truly admirable. Not only has she dedicated herself to local forests, as a school nurse she is also an advocate for the wellbeing of children. For 23 years she worked as a school nurse for Humble ISD.

By observing and predicting health concerns among students Vicky became instrumental in the fight for providing schools with Automatic Emergency Defibrillators. Not long after their implementation, she was able to help save a teacher's life as a result of the AED. Although she is now retired, Vicky Eynon's dedication to serving others further extends into the local church community. At Atascocita Presbyterian Church she teaches CPR, instructing others in the art of compassion.

I salute Vicky Eynon not only for the charity demonstrated through her work as a nurse but also for her environmental activism. Due to the work of Vicky and her group of volunteers, citizens in surrounding areas were made aware of the construction plans and were encouraged to take action. Her belief in the power of people through positive action is inspirational. As a result of Vicky's dedication, development projects involving the removal of large numbers of trees unnecessarily were reconfigured to allow for a more natural landscape.

Because of her efforts to preserve the landscape of Southeast Texas, Vicky Eynon was awarded from FamilyTime the 2007 Women of Achievement Award. This remarkable Texan's commitment to improving many different aspects of the community affects the lives of countless people.

And that's just the way it is.

## ENDORSING THE IDEA THAT THE PAPERS OF CARIBBEAN LEADERS BE MADE PUBLICALLY AVAILABLE THROUGH THE UNIVERSITY OF THE WEST INDIES

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. RANGEL. Madam Speaker, I rise today to call attention to the University of the West Indies and its recent push to make publicly available those official papers penned by some of the Caribbean's greatest leaders. These papers shed invaluable insight into the area's national and regional public policy, and their availability would grant a host of students, citizens, and political analysts knowledge of their governments' inner workings. The New York CARIB News article, "Give Us Your Papers, They Would Help Future Generations," published on Feb. 5, makes the case.

UNIVERSITY OF THE WEST INDIES TO FORMER CARIBBEAN LEADERS: GIVE US YOUR PAPERS, THEY WOULD HELP FUTURE GENERATIONS

"Give us your official papers that deal with both national and regional public policy."

That appeal to former leaders of several CARICOM nations, from P.J. Patterson of Jamaica, Dr. Kenny Anthony of St. Lucia and James "Son" Mitchell of St. Vincent to Owen Arthur and Sir Lloyd Sandiford of Barbados has come from Dr. Nigel Harris, Vice Chancellor of the University of West Indies. He told the Carib News in New York yesterday that such papers would enhance the ability of future generations of students, political scientists and researchers to understand the development of the region's public policies.

"First of all such donations would be a service to the region as a whole," Dr. Harris said. "Secondly, it gives enduring value to the University that this is a place that our leaders see as being vitally important; understand its enduring value; and in that context have a sense of comfort, if you will that what they leave, that part of their life that they are leaving to the University, will be preserved. It will serve to inform future generations of our peoples and our scholars."

Dr. Harris was in New York for the glitzy annual awards gala of the American Foundation for the University of the West Indies. Almost 400 guests attended the Black Tie dinner at the Waldorf Astoria in Manhattan where more than a dozen people were honored for their contribution to the development of the Caribbean or the societies in which they now live and work.

So far Edward Seaga, a former Prime Minister of Jamaica has donated his papers to the UWI's Mona campus; the papers of the late Dr. Eric Williams, the father of Trinidad and Tobago's independence, who helped to create CARICOM, are now housed at the St. Augustine campus in Trinidad; while those of Sir Shridath Ramphal, a former Commonwealth Secretary who later became the University's Chancellor, are at the Cave Hill campus in Barbados.

"We in the Caribbean need a place that scholars, students and others can go to understand, read and learn about public policy," Dr. Harris said. "Such collections shouldn't be stored in a willy-nilly fashion." The Vice Chancellor thinks the papers of Patterson and Arthur would be vital to an understanding of their approach to regionalism and to the policies affecting people in Jamaica, Barbados and the rest of the region.

In Arthur's case, he spent almost 14 years as the head of the government with lead responsibility for the launching of the Caribbean Single Market and Economy and Dr. Harris said his papers were an "extremely valuable" source of information and guidance for future generations.

"Owen Arthur has been one of the thought leaders, if you will, with respect to the implementation of the CSME," Harris said. "It was a charge that he took on. He was engaged in a number of meetings and conferences, some of our university people were there, in terms of thinking through the CSME, the integration of the Caribbean and I think we can learn a lot from that in the short term. We can also learn a lot in the long-term in terms of the journey that we took, so to speak, when it comes to Barbados' development at this point in time and the journey we are going through right now to achieve the Caribbean Single Market and Economy."

Interestingly enough, Dr. Harris said that technological development was making it easier to store and gain easier access to the papers than ever before and that should be an attraction to the donors and the users of such documents.

"Now that we can digitize material, which is what Mr. Seaga is doing with his papers, digitizing hundreds of thousands of pages, it is going to make it so easily accessible and acceptable to scholars in years and decades to come," was the way he put it. "Just plain folks who are interested throughout the region would be able to come in and examine them and learn about how decisions were made and positions taken. We have methods already that can readily assemble and store masses of information in ways that would be able to access easily." The UWI is celebrating its 60th anniversary and many of honorees who received awards on evening were hailed for their work in the Caribbean or the United States. "It was a very highly successful event," Dr. Harris said. "The American Foundation of the University for the West Indies plays a vital role in our University's continuing expansion."

Sir George Alleyne, UWI Chancellor, described the gala as a "special event" one that was particularly true as "our university celebrates" an important milestone in its history. "In a young institution like ours we must mark this early milestone and use them not only to review what we have done, but to see what else we may do and how much we can do better when we are doing."

During the gala awards were presented to Denis O'Brienm, founder of Digicel; Dr. John Agard, senior lecturer in the UWI's faculty of science and agriculture at St. Augustine; Prof. Anthony Chen, professor of applied physics at Mona; Dr. Leonard Nurse, a senior lecturer in the Center for Resource Management and Environmental Studies at Cave Hill; Kenneth DeGhetto, a former member of the Foundation's Board of Trustees; Reggie Canal, first vice president of African Heritage Banking at HSBC; Raymond Goulbourne, BET's Executive Vice President; Noel Hankin, Senior Vice President of Multi-Cultural Relations at Moet Hennessy USA; Roy Hastick, founder and chief executive officer of the Caribbean American Chamber of Commerce and Industry in Brooklyn; Marc Morial, a former Mayor of New Orleans who is the President of the National Urban League; Colbert Narcisse, chief administrative officer of Global Investment Bank and the chief operating officer of the Americas Investment Bank at Merrill Lynch; Paul Altman, Managing Director of Altman Real Estate, the Caribbean's leading real estate company; Winston Bayley, UWI's chief financial officer; Dr. Rollin Bertrand, CEO of the TCL Group; Stephen Cozier, Managing Director of ScotiaBank's Eastern Caribbean operations; Vincent Hosang, founder of Caribbean Food Delights and Royal Caribbean Bakery; and Minna Israel, Managing Director for RBTT Bank Jamaica Limited.

Harry Belafonte, world famous entertainer and civil rights activist, was also honored. Susan Taylor of Essence Magazine accepted the award for him in his absence. Brenda Blackmon of WWOR-TV, My 9; and Maurice Dubois of WCBS-TV were the gala's hosts. The Rt. Rev. E. Don Taylor, Episcopal Vicar Bishop of New York City delivered the invocation.

"We salute the immense contributions of our luminaries and other awardees," said Karl Rodney, New York Carib News publisher, chairman of the dinner committee. Michael Flanagan, the Foundation's Chairman, said that the event and the Foundation continue to "focus on supporting the University so that the institution can continue to expand and meet demands and remain relevant to the societies it serves."

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## HONORING THE 25TH ANNIVERSARY OF EBONY EXPRESSIONS CULTURAL AWARENESS PROJECT

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Ms. BALDWIN. Madam Speaker, I rise today to honor the 25th anniversary of Ebony Expressions Cultural Awareness Project in Madison, WI. Each year, Ebony Expressions auditions and selects students from Madison area high schools to take part in a program that uses music, dance, drama, and spoken word to deliver a positive and thought-provoking message about the African American experience. Over the years, the performances have left a profound and lasting impression on audiences throughout our great State. Founded in 1982 under the direction of Ed Holmes, Ebony Expressions has fulfilled its mission to educate all people on the richness of the African American culture and community.

Although February represents African American History Month, Ebony Expressions reminds us to recognize and value the cultural contributions of African Americans all year round. Since the time our Nation was just an idea, African Americans have been instrumental in creating and fortifying American culture through contributions in music, dance, and performing arts.

In addition to highlighting cultural contributions of African Americans, Ebony Expressions also addresses important social and political issues affecting the African American community today. The young performers initiate an important public dialogue while transcending damaging stereotypes. Too often, our young people of color are not given the chance to express themselves in a positive light. Ebony Expressions gives students the opportunities they deserve to articulate their beauty and intellect and turn a debilitating label of "at-risk to fail" into a success story of "at-risk to succeed and become leaders." Thanks to the tremendous work of Mr. Holmes and others in the Madison area, we can and will achieve something better.

To honor Ebony Expressions' 25-year legacy of dedicated service to our community, past and present performers will gather this week to present a special program titled "The Best of Ebony" to celebrate the most memorable performances over the last two-and-a-half decades.

I would like to congratulate Ebony Expressions on this magnificent milestone and I wish everyone involved 25 more years of continued success.

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## IN SUPPORT OF MRS. LEAH GALANTE SCHAD

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the memory and life of Mrs. Leah Galante Schad, a woman who devoted over 40 years of her life to protecting Florida's Everglades and a driving force in the American environmental movement. Her contributions helped bring about a new era in our country in which organizers, activists, and politicians worked together to implement courses of action that would improve our environment and our lives. After her recent passing, I am moved to reflect on her accomplishments and legacy as we strive to enact environmental policies for our districts, States, and Nation.

A native of Kentucky, Leah Schad became active in Florida's environmental movement shortly after she moved to the State in 1961. In the following decades, Mrs. Schad would become renowned for her fierce determination and uncompromising will to improve Florida's Everglades and wildlife, earning her the title of "The Grand Dame of Environmentalism." Realize, this title was not given to Mrs. Schad arbitrarily. As a board member of the National Audubon Society and the South Florida Water Management District, chairwoman of the Florida Audubon Society, and president and treasurer of the Audubon Society of the Everglades, Leah Schad had the audacity to successfully challenge decades of environmental mismanagement and to lead the effort to leave the earth in better shape than when we got it.

Without doubt, Mrs. Schad's passion and persistence inspired communities, organizations, and elected officials to engage in efforts to preserve and improve our environment. She received numerous awards for her decades of service including: the Florida Audubon Society's Chapter President of the Year Award in 1979, the Women's Chamber of Commerce of the Palm Beaches Award in 1997, and the American Diabetes Society Valor Award in 2002. However, those who knew and admired Mrs. Schad understood that she worked in pursuit of a greater reward.

Mrs. Schad fought for environmental protection and restoration in Florida despite the people and institutions that threatened her mission and the cancer that threatened her life. Although we in Congress have made enormous environmental progress, our battle is far from over. Leah Galante Schad's struggles and successes remind us that we must confront adversity to ensure that we achieve our goal of comprehensive environmental restoration and protection.

Madam Speaker, in 1907 President Theodore Roosevelt told Congress, "The conservation of our natural resources and their proper use constitute the fundamental problem which underlies almost every other problem of our national life." As we reflect on the life and legacy of Mrs. Leah Galante Schad, we must enhance our efforts to restore the Everglades and other national treasures to their natural state. I urge my colleagues to continue the work of Leah Galante Schad, and other pioneers who fought to ensure that our Nation's unique habitats and wildlife are preserved for the enjoyment of the present generation and for generations to come.

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## PERSONAL EXPLANATION

## HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. ANDREWS. Madam Speaker, I was unavoidably detained on matters affecting my family from voting on the afternoon of February 14, 2008. Had I been present I would have voted "yea" on the following rollcall votes: rollcall 66, rollcall 67, rollcall 68.

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## PERSONAL EXPLANATION

## HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. POMEROY. Madam Speaker, on February 25, 2008, due to flight delays, I missed rollcall votes Nos. 69, 70, and 71. Had I been present, I would have voted in the following manner: rollcall No. 69, "yea"; rollcall No. 70, "yea"; rollcall No. 71, "yea."

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## SPOTLIGHT ON AFRICAN-AMERICAN HISTORY

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. RANGEL. Madam Speaker, I rise today to honor Black History Month and to enter into the RECORD an editorial from New York CaribNews for the week ending February 19, 2008, "Harriet Tubman: Moses of Her People—She Demonstrated the Courage and Grit of a Freedom Fighter."

Harriet Tubman was born a slave in 1820 on a Maryland plantation. In 1849 she escaped to Philadelphia and immediately began her mission of freeing as many slaves as she could on what became known as the "Underground Railroad", a network of antislavery activists and safe houses. Harriet Tubman is credited with rescuing over 300 slaves. The Underground Railroad operated at night with escaping slaves following the Northern Star. This enterprising operation involved the following states: Ohio, Indiana, Pennsylvania, Delaware and Maryland and ultimately was responsible for guiding more than 2,500 slaves to freedom.

Harriet Tubman was so successful that a $40,000 reward was issued for her capture, dead or alive. However, this was not a deterrent to her mission. Even with the enormous price on her head she returned south to free her family and made 19 additional trips while eluding her enemies. She was said to have never lost a passenger.

During the Civil War Harriet Tubman joined the Union Army and worked first as a cook and a nurse and later as a scout and spy. When the war ended Harriet Tubman took on the role of community mother taking care of elderly and needy Blacks while supporting the establishment of Southern Freed People's school. She continued caring for the community well into her 80's.

As Michael D. Roberts states at the end of his CaribNews essay, "For all her toughness Harriet Tubman, who died at age 90, was first and foremost a decent, kind, and loving human being who only wanted the best for her people."

HARRIET TUBMAN: MOSES OF HER PEOPLE—SHE DEMONSTRATED THE COURAGE AND GRIT OF A FREEDOM FIGHTER

(By Michael D. Roberts)

This tiny but exceptionally brave Black woman commanded the grudging respect of white southern slave owners. As a matter of fact they put out a huge reward of $40,000 for her capture dead or alive. In the north they called her the "Moses of her people" because of her legendary exploits in getting slaves out of the racist south.

Her name was Harriet Tubman and she was born a slave on a Maryland plantation. Then in 1849 she escaped to Philadelphia and immediately joined what has now come to be known as the "Underground Railroad" a complex and secret passage used by abolitionists to conduct slaves to the free north.

It operated at night and followed the Northern Star. Its conductors met and accompanied the runaway slaves leading them through an intricate web of roads, barns, paths and hideouts to confuse irate southern slaveowners hot in pursuit. The states involved were Ohio, Indiana, Pennsylvania, Delaware and Maryland. And the Railroad's greatest conductor was Harriet Tubman. In a daring enterprise, and with more than 3,200 people involved, this Railway was responsible for guiding to the north more then 2,500 slaves between 1830 and 1860.

The story of Harriet Tubman began when she freed herself and then returned, even with a price on her head, to the hostile south to free her family. She made 19 additional trips to the south and was able to elude her enemies by guile and cunning. She became an embarrassment to the intelligence organizations of the south as she avoided trap after trap and earned the name "Scarlet Pimpernel" for her exploits. Her trips to the south resulted in freedom for more than 300 slaves who were conducted by "General Moses" to the north and Canada. Known for her great physical strength, Harriet Tubman also became widely known for her courage and resourcefulness. Always she was able to confuse the slaveowners. For example, she once let loose several chickens she had just bought in a southern market place to avoid being recognized by a former master. And another time she deliberately took a southern bound train to shake off her pursuers. Said to be deeply religious, it was the strength of her convictions that motivated her to do what she did—she was convinced that she was doing the Lord's work.

When the Civil War broke out Harriet Tubman enlisted in the Union Army and became a spy and scout because of her knowledge of the outdoors and her uncanny intelligence.

She was placed in this dangerous role also for her ability to operate under extreme pressure and to handle difficult situations. From all reports her dispatches were informative and led to many successes for the Union forces.

Not one to remain complacent she also worked as a nurse in a hospital for freed slaves and helped them economically by raising money from the sale of eggs and chickens.

When the guns of the Civil War fell silent Harriet Tubman made New York her home and cared for her aged parents. She became something of a community mother because she took in other needy Blacks who were struggling to make a new life in New York.

Never able to read or write she nevertheless knew the value of education and was shrewd enough to realize that Blacks would have to educate themselves to make it in the United States. She therefore supported the establishment of Southern Freed People's Schools.

Well into the twilight of her years Harriet Tubman set up a home to care for old and poor Blacks. It is correct to say that she remained the Moses of Her People right on to the end of her long life. When she set up the "poor people's home" she was at the ripe old age of 80 years. Harriet Tubman proved that age was never a fetter to advancement and that complacency and inaction were the greatest enemies of Blacks in America. She demonstrated that conviction; determination and bravery were necessary tools in fighting for human and civil rights. Harriet Tubman has left an example on how to love people. She did what no government or institution was able to do for her people. She became in the process an institution herself. Her exploits and bravery will always be remembered as will be her humanity and compassion.

For all her toughness Harriet Tubman, who died at age 90, was first and foremost a decent, kind and loving human being who only wanted the best for her people.

## TRIBUTE TO JUDAH FOLKMAN, MD

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. CAPUANO. Madam Speaker, I rise to honor the work and to mourn the loss of Judah Folkman, doctor and teacher, a brilliant scientist, a devoted clinician, an inspiring mentor. I am privileged to represent great universities, research institutes, and teaching hospitals and the men and women who make them great. Many of my constituents inspire the world's admiration and respect. Their work has assuaged suffering and prolonged lives and earned the heartfelt thanks of all they have helped. None to my knowledge are loved as Judah Folkman was loved, by his colleagues, students, and patients. The most fitting tribute seems that given by his friend and colleague, Dr. James Mandell, president and CEO of Children's Hospital Boston, which I here enter into the RECORD:

Judah's wife said she was sorry for giving me this burden, to speak on behalf of the medical and academic community at his memorial service. It is actually a sorrowful joy to remember him on behalf of so many. I must also tell you however that despite the fact I have had so many speaking opportunities in my career, I've never been so worried about getting it right.

It just isn't possible to sum up the life and work of Judah Folkman in these words, in such a short time. He was larger than life in so many ways, to so many of us.

On a personal note—Judah and I were colleagues for a very long time. He was a generous mentor and wise guide to a young urology trainee 30 years ago when I shared an office in his administrative suite. I learned by his example. He treated every parent with unequaled kindness and respect and every child with patience and tenderness. When I returned to start the urology research program effort, he was there for me. When I went to Albany as dean of the Medical College, he was my first commencement speaker. And when I returned in 2000, he and Paula welcomed Val and me as neighbors. In fact, Val mentioned to Paula that perhaps if we walked to work together, my IQ might go up.

His contribution to science, to medicine, and the world, are far too vast to enumerate here. We have all heard and seen tributes to him in every form of media all over the world in the last week.

As a result of his vision and persistence, people all over the world are benefiting from his discoveries.

Today, more than 1,000 laboratories worldwide are engaged in the study of angiogenesis. A million patients worldwide are now receiving anti-angiogenesis therapy for cancer and macular degeneration, and there are more than 50 angiogenic inhibitors in clinical trials.

But Judah envisioned a day when people would have an annual blood test to screen for biomarkers of malignant diseases and if evidence of early stage, yet undetectable disease was found, they would be given nontoxic, angiogenic inhibitors to prevent disease from occurring. He said that location wouldn't matter. It would be just like heart disease, where statins are given for control of biologic markers of future disease like cholesterol.

What a vision, Judah.

I thought you'd be here to see it.

Judah was honored by societies and foundations all over the world. The walls of his conference room on Karp 12 are lined with them. His awards were incredible in depth and breadth, including one he was particularly proud of—the Helen Keller award for his work in the prevention and treatment of blindness.

He was a member of nearly every medical society, yet he was particularly proud of the fact that he was inducted as an honorary member of the Academic Society of Black Surgeons.

He wrote more than 400 original publications and over 100 book chapters himself, but it was with such great joy that he brought over to my office a couple of months ago a book he didn't author or edit. It was the first clinical textbook teaching clinicians about how to treat cancer with angiogenic inhibitors.

As I look around this room, I see, however, what will be his most lasting legacy. It is a living testament to one of his greatest gifts—his unique ability to recognize and cultivate talent and brilliance in others.

He grew the program for vascular biology from the surgical research program at Children's, starting with one-half of a floor of the Enders Research Building. He expanded and nurtured it with devotion, commitment, and love. He was always in my office, lobbying hard for more space and ended up with two entire floors in the Karp Family Research Building.

But more importantly, he had this gift of mentoring his staff in a way that is unequaled by anyone I have ever known. His work will continue in the hands of the incredible talent in vascular biology in the program he built.

It consoles me to some extent that the work Judah started with a singular, seminal glimmer of an idea more than 40 years ago will continue to thrive, grow, and succeed in their hands.

Judah's lasting legacy will continue to extend far beyond our walls, improving the lives of millions of people around the world.

Farewell, our friend, and thank you.

## REGARDING TWO AMICUS BRIEFS FILED WITH THE SUPREME COURT IN DISTRICT OF COLUMBIA V. HELLER

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. UDALL of Colorado. Madam Speaker, I have reviewed two amicus briefs filed for consideration by the U.S. Supreme Court in connection with the case of District of Columbia v. Heller.

One brief has been signed by a majority of our colleagues in Congress. The other was filed on behalf of the Bush administration by the Solicitor General, Paul D. Clement. I want to explain why I have decided not to join in signing the first one.

First of all, I want to make clear I am aware of the importance of this case as regards the interpretation of the constitutional reach of the Second Amendment. As I said when the United States Court of Appeals for the District of Columbia decided Parker v. District of Columbia last year, I am convinced that the Constitution's Second Amendment protects the rights of individuals to keep and bear arms. I believe the Court of Appeals' decision striking down several gun laws passed by the D.C. City Council in that case was rightly decided and persuasively reasoned with regard to that fundamental point. As one who reveres the Bill of Rights and as a strong proponent of individual liberty in other contexts, like privacy and freedom of expression, I am very comfortable asserting that the Second Amendment ought to be recognized as protecting individual rights and not just a collective right to form militias.

The decision in Parker has been appealed to the Supreme Court in District of Columbia v. Heller, and I had an opportunity to read the amicus brief in support of upholding the decision of the Court of Appeals that Members of Congress were urged to sign. After carefully reviewing the brief, I found that I agreed with the arguments in 29 of its 31 pages, which support my view about the nature of the individual right guaranteed by the Second Amendment.

If the brief stopped there, I would support it without hesitation. However, it does not stop there. Page 30 of the amicus brief includes declarations that "the District's handgun ban is unreasonable on its face" and further, that "The lower court's categorical approach in holding a prohibition on handguns to be unconstitutional per se was correct."

Those assertions directly contradict statements in the Solicitor General's brief warning that while the Second Amendment does protect an individual right, the lower court's categorical approach to reviewing the D.C. laws in question "could cast doubt on the constitutionality of existing federal legislation" including restrictions on possession of firearms by convicted criminals, fugitives from justice, illegal immigrants, and people suffering from mental disorders.

Some may ask why the many Members of Congress who signed the first brief did not similarly hesitate to so flatly contradict the arguments of the Solicitor General. It is possible that my colleagues read the brief as only trying to make clear that the lower court rightly ruled about the nature of the right protected by the Second Amendment and rightly rejected the absurd argument advanced by the District of Columbia that if any individual right attached to the Second Amendment it should only apply to weapons (not handguns) known at the time the founders drafted the Constitution. But if that was the intention, the amicus brief is drafted in an ambiguous way that is regrettable.

I can speak only for myself, but as a nonlawyer who thinks Mr. Clement is highly qualified to serve as Solicitor General, I find it difficult to reject his concerns outright. And it is for this reason I cannot unequivocally endorse the amicus filed by my colleagues. It seems to me that the Supreme Court will need to take the Solicitor General's views into account when the Court considers the right standard for reviewing the decision of the lower court.

## HONORING JANEL'S INDUSTRIES, INC.

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. UPTON. Madam Speaker, I rise today to recognize Janel's Industries, Inc. of Cassopolis, Michigan, as the recipient of the Defense Logistics Agency's, DLA, Business Alliance Award for Outstanding Readiness Support in the Service Disabled, Veteran-Owned Small Business Category.

Janel's Industries, Inc. specializes in cable assemblies and wiring harnesses, which have been used to support the mission of our brave soldiers here in the United States as well as those actively serving in Iraq. Janel's Industries, Inc., has supported the DLA mission as well as our national interests by satisfying the military's increased demand for supplies in an expedited manner. In addition, these products were shipped to the military ahead of schedule, at no additional cost to the U.S. Government or the American taxpayer.

Once again, I would like to personally recognize Janel's Industries, Inc. and its employees for going above and beyond to provide such an invaluable service to our military. The United States is truly a better place because of their contributions.

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## A TRIBUTE IN HONOR OF NATIONAL PEACE CORPS WEEK

### HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. MCINTYRE. Madam Speaker, I am pleased to join the 110th Congress in celebrating National Peace Corps Week from February 25 to March 3, 2008, as well as the upcoming 47th anniversary of the Peace Corps. As of September 30, 2007, over 8,000 Peace Corps volunteers are currently at 68 posts serving 74 countries, representing the largest number of Americans serving in the Peace Corps since 1970.

Eleven Peace Corps volunteers from my district in southeastern North Carolina are currently serving in 11 nations. These North Carolinians continue to help countless individuals who want to build a better life for themselves, their children, and their communities through their work as Peace Corps volunteers. I am impressed with their passion and dedication as promoters of humanitarianism throughout the world. These individuals truly represent the kind and compassionate spirit of my district. Each Peace Corps volunteer sent out into the field represents an opportunity not only to make a significant and lasting difference but to foster a better understanding of Americans throughout the world.

Madam Speaker, I stand today to honor the lasting legacy of all former and current Peace Corps volunteers and the important work that they do, especially as we celebrate National Peace Corps Week. I hope that each of the Members and all Americans can join to look back on the Peace Corps's honorable 46-year legacy of service at home and abroad as we also look forward to the continued success of this invaluable and effective American organization.

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## HONORING THE LIFE OF MURLIDHAR DEVIDAS AMTE

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. ANDREWS. Madam Speaker, I rise today to celebrate the life of Mr. Murlidhar Devidas Amte, affectionately known as Baba Amte. Over 60 years ago, Mr. Amte moved his wife and infant children to barren, desert land with the goal of creating a community for the most downtrodden people in India, leprosy patients. Today, Anandwan is a self-sustaining community of over 2,500 leprosy patients, orphans, and other social outcasts built on the belief that "work builds, and charity destroys." This community builds their own homes, grows their own food, and practices recycling techniques beyond those of most communities in the world. Anandwan has a college to teach self-sustaining, organic farming techniques, and also schools for the deaf and blind children of the greater community.

As a successful lawyer during the independence movement in India, Mr. Amte was a staunch believer in Gandhian philosophy and chose to change his entire life to help uplift people that did not have the same luck at birth that he was bestowed.

Beyond Anandwan, Mr. Amte worked with his two sons to build other communities for tribal people still living in the jungle without health care. He furthered his reach when he chose to become an activist for not only people, but the environment. With a degenerative spinal disease that eventually made him bedridden, he traveled to a site for a proposed dam, the Narmada Dam Project, which would destroy the land and force thousands of people from their homes. He camped out in a van on the site in protest of not only that dam but all dam projects in India.

Mr. Amte has received numerous humanitarian and environmental awards in his lifetime including The United Nations Human Rights Prize (1988), The Templeton Prize (1990), The Gandhi Peace Prize (1999), Dr. Ambedkar International Award for Social Change (1999), and countless others.

Baba Amte left this world on February 8, 2008, but his spirit will always live on through the thousands of lives he helped. I want to thank Baba Amte for all he has done for the people of Anandwan and the world.

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## IN RECOGNITION OF DAVID M. NAGEL ACHIEVEMENT OF EAGLE SCOUT RANK

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate David Nagel, who has successfully completed the requirements for the rank of Eagle Scout. The Boy Scouts of America program recognizes the Eagle Scout as the highest attainable rank; less than four percent of Scouts achieve the rank of Eagle.

The process of becoming an Eagle Scout involves earning numerous merit badges and demonstrating spirit, service, and leadership. Scouts must plan, organize, lead, and manage an extensive service project. David took the initiative to develop a plan for landscaping improvements at the Kiwanis Building in his hometown of Fountain Hills, Arizona. David led the project to remove a large amount of sand from a volleyball court in order to turn the area into a park. He enthusiastically installed a sprinkler system and laid sod in order to beautify the Kiwanis Building. Through his work, David has showed his strong commitment to his community and to the Boy Scouts of America, and has developed strong leadership and management skills that will serve him well in the future.

David should be proud of his accomplishments. Again, I congratulate him on his achievement of Eagle Scout and say thank you for a job well done.

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## CELEBRATING THE 90TH BIRTHDAY OF GOVERNOR OTIS R. BOWEN, M.D. OF BREMEN, INDIANA

### HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. DONNELLY. Madam Speaker, I rise today to express my congratulations to Governor Otis R. Bowen, M.D., former Governor of Indiana, on the occasion of his 90th birthday. Having served two consecutive terms as Governor of Indiana, Dr. Bowen's life has been marked with great achievements in his work on both a national and local level.

Governor Bowen was born on February 26th, 1918 near Rochester, Indiana to Vernie Bowen and Pearl Wright. After graduating from Indiana University, he went on to earn his medical degree from Indiana University Medical School in 1942. During World War II, he served in the army medical corps and was with the first wave of allied troops in the invasion of Okinawa in 1945. After discharge, Bowen returned to Indiana where he served as county coroner before his election to the House of Representatives in 1956. He became minority leader in 1965 and served as Speaker of the House through 4 legislative sessions.

In 1972, Dr. Bowen was elected Governor of Indiana. That year, a constitutional amendment was ratified allowing governors to serve consecutive, 4-year terms, and in 1976 he became the first governor to succeed himself. His tenure in office was marked by a major tax restructuring program reducing reliance on property taxes, major improvements to state park facilities, development of a statewide emergency medical services system, and adoption of a medical malpractice law that would later serve as a national model.

In 1985, Dr. Bowen received the nomination for Secretary of the Department of Health and

Human Services from President Ronald Reagan. After a quick confirmation by the Senate, Dr. Bowen served in the cabinet until President Reagan left office in January 1989.

Now retired, Dr. Bowen resides in Bremen, Indiana. He has been awarded over twenty-five honorary degrees during his life, including one from the University of Notre Dame and another from Baylor University.

So, today I rise to pay tribute to Dr. Bowen for the great achievements he has gained not only for himself, but for the people of Indiana. His service to this nation is admirable and his legacy serves as a great example of a life well-lived.

## CELEBRATING THE AFRICAN-AMERICAN CONTRIBUTION TO BLACK HISTORY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. RANGEL. Madam Speaker, I rise today to honor Black History Month and to enter into the RECORD an editorial from New York CaribNews for the week ending February 19, 2008, "Celebrating the African-American Contribution to Black History—the NAACP—Then and Now."

The National Association for the Advancement of Colored People (NAACP), originally called the National Negro Committee was founded on February 12, 1909 by Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, William English Walling. The 6 founders, who comprised a multi-racial group of Americans, renewed the struggle for civil and political liberty. We now know the organization as the NAACP.

In the early years, the NAACP concentrated on using the courts to overturn the Jim Crow laws that permitted racial discrimination. The NAACP in 1913 organized opposition to President Woodrow Wilson's introduction of racial segregation into the federal government policy. The NAACP devoted a significant amount of energy after World War I and in the 1920s and 1930s to publicize the lynching of blacks throughout the United States and sought federal legislation against those states which refused to prosecute.

Today, the NAACP continues its mission to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.

(From the CaribNews, Feb. 19, 2008)

### CELEBRATING THE AFRICAN-AMERICAN CONTRIBUTION TO BLACK HISTORY—NAACP—THEN AND NOW

The NAACP was founded as the National Negro Committee on February 12, 1909, by a multi-racial group of political activists including W.E.B. DuBois, Ida B. Wells, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling. DuBois edited the association's magazine, The Crisis, which reached more than 30,000 people. One often overlooked aspect of the NAACP's history is that the Jewish community contributed hugely to the NAACP's founding and continued financing.

In 1914, Professor Emeritus Joel Spingarn of Columbia University became Chairman of the NAACP and recruited for its board such Jewish leaders as Jacob Schiff, Jacob Billikopf, and Rabbi Stephen Wise.

In the climactic civil rights drives of the 1950s and 1960s, Jewish participation was all but overwhelming.

The NAACP's headquarters are in Baltimore, Maryland and it has regional offices in California, New York, Michigan, Missouri, Georgia, Texas, and Maryland. Each regional office is responsible for coordinating conferences in the states included in that region. Local, youth, and college chapters organize activities for individual members. The NAACP is governed nationally by a 64-member board of directors led by a chairman. The board elects one person as the president and chief executive officer for the organization.

Departments within the NAACP govern areas of action. Local chapters are supported by the Branch and Field Services department and the Youth and College department. The Legal Department focuses on court cases of broad application to minorities, such as systematic discrimination in employment, government, or education. The Washington, D.C. bureau is responsible for lobbying the U.S. Government. The Education Department works to improve public education at the local, state and federal levels. The goal of the Health Division is to advance health care for minorities through public policy and education.

As of 2004 the NAACP had approximately 500,000 members.

## HONORING LOIS AUKLAND

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize Lois Aukland of the Royal Neighbors of America Chapter in Humboldt, Iowa, for receiving the National Fraternal Congress of America's, NFCA, Most Valuable Participant, MVP, Award.

The MVP award highlights Lois' service to her community and relief organizations around Iowa. Lois is the local secretary and treasurer and has held the office of recorder for 13 years. She has been the strongest recruiter for the chapter by increasing the active members from 5 to 20.

Lois has also been involved in many volunteer organizations and activities which include: the Domestic/Sexual Assault Outreach Center planning committee, vice president of the Dakota City Worth While Club, the Girl Scouts representative for JOIN HANDS DAY, and a member of a team for the local Relay for Life fundraiser. Lois has received various awards including the Rookie of the Year by Humboldt Ox Bow Chapter of Izaak Walton League of America and was the inspiration behind her local chapter receiving the Camp Recognition Award each year since its inception.

Lois earned this award for her dedication to supporting women and serving communities, which is what Royal Neighbors of America is all about. Lois has been a tremendous example for her community, and I commend her ongoing commitment to helping others.

I know that my colleagues in the United States Congress join me in commending Lois Aukland for her leadership and service to Humboldt, Iowa. I consider it an honor to represent Lois in Congress and I wish her the very best in her future endeavors.

## HONORING WOMEN'S CLUB OF SARASOTA'S 95TH ANNIVERSARY

### HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. BUCHANAN. Madam Speaker, I rise today in honor of the Women's Club of Sarasota, which is celebrating it 95th anniversary this year.

Since 1913, the members of the Women's Club of Sarasota have been a persuasive voice for political causes, provided educational opportunities for area children, and facilitated several community improvement projects.

Founded by 63 women, the Club's motto of "Not Self, but Service" has been evident in its many accomplishments over the years. Their first clubhouse served as the public library for 30 years, providing the community with a place for social and cultural activities. Concerned about the well-being of area children, they helped pass the compulsory school attendance law, introduced medical-dental inspections and inoculations in public schools, organized a local PTA, and helped found the Helen Payne Nursery School.

During World War I, the group supported the war effort by organizing a local chapter of the American Red Cross. They also increased access to health care by helping to establish Sarasota Memorial Hospital—a community owned hospital. They helped with the city census, and were strong proponents of the 19th Amendment to the U.S. Constitution giving women the right to vote.

Today, the Sarasota Women's Club continues the same spirit of service with annual educational scholarships, special donations to several charitable organizations.

On their anniversary, I congratulate them for their achievements and have every confidence they will continue to play an important role in the improvement of our community and the lives of others.

## PERSONAL EXPLANATION

### HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. HULSHOF. Madam Speaker, on February 25, 2008, I was unavoidably detained and missed votes. Listed below are the votes I missed and how I would have voted had I been here.

H. Res. 978, Rollcall No. 69: Expressing support for the designation of the week of March 3–7 as "School Social Work Week" to promote awareness of the vital role of social workers in schools, and in the community as a whole. Had I been here, I would have voted "yes."

H. Res. 930, Rollcall No. 70: Supporting the goals and ideals of "Career and Technical Education Month." Had I been here, I would have voted "yes."

H. Res. 944, Rollcall No. 71: Honoring the service and accomplishments of Lieutenant General Russel L. Honoré, United States Army, for his 37 years of service on behalf of the United States. Had I been here, I would have voted "yes."

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## HONORING MARISSA JUNIOR & SENIOR HIGH SCHOOL FOR RECEIVING A BRONZE MEDAL AS ONE OF U.S. NEWS & WORLD REPORT'S "AMERICA'S BEST HIGH SCHOOLS"

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in congratulating Marissa Junior & Senior High School, in Marissa, Illinois, for receiving a bronze medal as one of "America's Best High Schools" as determined by U.S. News & World Report.

Our future will be determined, to a great extent, by the success of our Nation's high schools in preparing our next generation of leaders, innovators and problem-solvers. Our students must be able to compete for the highly skilled jobs that are driving economic growth. For these reasons, our schools must continually challenge themselves in pursuit of educational excellence. This designation from U.S. News & World Report clearly shows that Marissa Junior & Senior High School is doing a good job in this regard.

U.S. News & World Report looked at over 18,000 high schools from across the country and ranked them according to specific, objective criteria. In order to be considered for the top rankings, a school must perform above other schools in its State. This includes evaluation of reading and math testing with consideration for percentage of disadvantaged students. Additional evaluations looked at the performance of the least advantaged students as well as those top-performing, college bound students.

Of the over 18,000 schools evaluated through this process, less than 1,600 (about 9 percent) were awarded gold, silver or bronze medals. Marissa Junior & Senior High School being named to this elite group is a testament to the careful planning and support by the board and administration, the dedication, preparation and instructional excellence of the faculty and staff and the hard work and high level of achievement on the part of the students.

Madam Speaker, I ask my colleagues to join me in congratulating the board members of Marissa School District #40 as well as the administration, faculty, staff and students of Marissa Junior & Senior High School for their recognition as one of the best high schools in the United States.

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## HONORING THOSE KILLED IN THE KHOJALY MASSACRE

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor those killed during the Khojaly Massacre on the 16th anniversary of that terrible event. On February 26, 1992, 613 Azerbaijanis lost their lives. I ask that this Congress remember those who were killed that tragic day.

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## HONORING THE RECIPIENTS OF THE OUTSTANDING AWARD FOR THE SPRINGVILLE AREA CHAMBER OF COMMERCE

### HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. REYNOLDS. Madam Speaker, I rise today to honor the 2008 recipients of the outstanding award for the Springville Area Chamber of Commerce in New York State. Grace Gentner, the Johnson Family of Dealerships, and Meals on Wheels. Their dedication and commitment to the community should be applauded. The awards are presented to individuals, businesses, and non- profits that exemplify outstanding service and involvement in the Springville area.

As one of western New York's outstanding citizens, Grace Gentner is a role model for Americans. Grace's kind spirit and dedication to helping others has made her community a better place. Grace has spent countless hours volunteering at several organizations in the Springville area as well as serving as a leader in the community. Due to her commitment to community service Grace was honored with this year's Citizen of the Year award by the Springville Chamber of Commerce. Among the many service organizations Grace spends most of her time contributing to the Historical Society, Bertrand Chaffee Hospital, Springville Food Pantry, Meals on Wheels and she served as an Extraordinary Minister at St. Aloysius Catholic Church. In addition, Grace has been an elected leader by serving many years as Town Clerk and tax collector for the Town of Concord as well as president of the Senior Citizens. As someone who has blessed me with her friendship I am fortunate to have been a beneficiary of Grace's wisdom, counsel and guidance. I am pleased that her hard work helping people has been recognized by the Springville Area Chamber of Commerce.

Springville's Johnson Family of Dealerships takes great pride in its tradition of contributing to the community. The family dealership was founded by Bob and Bernice Johnson in 1951, and continues to be run and operated by Mike and Tom Johnson along with General Managers Darin and Derek Johnson. The Johnson Family of Dealerships has been a cornerstone of the Springville business community. This family owned and operated business and its employees have contributed countless hours of community service from helping with the Dairy Festival, to the Annual Golf Tournament which benefits Chaffee Hospital. A true neighborhood business, they host annual Christmas and Halloween parties, events that all members of the community look forward to. It is because of their long standing tradition of service to the community that they have been awarded Business of the Year by the Springville Chamber of Commerce.

Meals on Wheels is a non-profit organization whose volunteers are the unsung heroes of the Village of Springville and the Town of Concord. This organization specializes in bringing warm meals to the citizens of Springville and the Town of Concord who are unable to leave their homes. The Meals on Wheels volunteers also provide much needed companionship and deserve the recognition of Not-for-Profit Organization of the Year awarded by the Springville Chamber of Commerce.

Thus, Madam Speaker in recognition of their service to the Springville Area, I ask that this honorable body join me in honoring Grace Gentner, the Johnson Family Dealership, and Meals on Wheels.

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## HONORING ELNORA GEORGE

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Elnora George upon her retirement from John C. Fremont Healthcare District. Mrs. George will be honored at a reception to be held at the Mariposa Senior Center in Mariposa, CA, on February 27, 2005.

Mrs. George began her career with the John C. Fremont Healthcare District in 1998 as the interim Chief Executive Officer and Chief Financial Officer. The district was facing financial difficulties when Mrs. George started. The district was facing substantial debt problems that were affecting the operations and livelihood of the district. That was before Mrs. George started with the company and began to make changes.

Mrs. George began her tenure by negotiating payment plans on existing debt, renegotiating purchase plans with various suppliers, and she found a way to complete a remodeling project that was already in the works. She applied for and was awarded grants to assist in purchasing new equipment. With this additional funding the district was able to complete the renovation of, and expand, the emergency department. This was just the beginning of the expansion.

John C. Freemont Healthcare District, with the guidance of Mrs. George, has been able to expand their services across the board. They are currently contracted with Mariposa County to provide medical services to the County Adult Detention Facility. A joint effort between the district and the County Health Department has made it possible for the establishment of a County Medical Services Program through a MediCal Wellness Grant to provide psychiatry services to the poor and underserved in the county. The surgery department has been reopened for outpatient surgeries and procedures. New imaging services have been added along with the most up-to-date technologies including CT, ultrasound, and MRI equipment. Mrs. George was able to achieve accreditation as a Critical Access Hospital and had the area designated as a Healthcare Physician Shortage Area. This accreditation and designation have allowed the district to expand the education department to include community classes and a nursing assistant program.

More recently, under Mrs. George's leadership, a Private Duty department was created. This department provides nursing, homemaking and handyman services. Telemedicine is now in use for physician consultations in the clinics and for in-home units for personal health monitoring. Finally, the Northside Clinic in Greeley Hill was opened for family practice care.

Madam Speaker, I rise today to commend and congratulate the accomplishments of Elnora George upon her retirement from John C. Fremont Healthcare District, I invite my colleagues to join me in wishing Mrs. George many years of continued success.

## INTRODUCTION OF THE PUBLIC HEALTH PREPAREDNESS WORKFORCE DEVELOPMENT ACT

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 26, 2008*

Ms. MATSUI. Madam Speaker, I am proud to introduce the "Public Health Peparedness Workforce Development Act of 2008." This much-needed legislation will help provide the critical workers that our public health community so desperately needs.

These skilled public health professionals include the nurses, epidemiologists, lab technicians, and others who keep our communities healthy and safe. They deliver our vaccines, ensure that our drinking water is safe, test for infectious diseases, and serve as our front-line defense against biological and chemical attacks. The responsibilities of our public health workers reach into our daily lives.

Unfortunately, our country has under-invested in this critical area for decades, and our public health workforce is near the breaking point.

We are simply not producing or retaining enough public health workers to meet the increasing demand for their essential services. Nearly a quarter of the public health workforce is set to retire by 2012.

As a result, the Association of Schools of Public Health estimates that our country's public health schools would have to train three time the current number of graduates over the next 12 years just to maintain current levels of preparedness.

We cannot continue to underestimate or undervalue the importance of a strong public health system. As we focus on preventing outbreaks and attacks through preparedness and vigilance, we will rely ever more heavily on our public health workers.

However, public health positions are often not economically competitive with those offered by the private sector. We must create the proper incentives offered for our Nation's brightest public health graduates to serve in the public sector, and the Public Health Preparedness Workforce Development Act is a strong step toward doing so.

It offers scholarships, loan repayment programs, and mid-career training grants to recent public health graduates and to current public health employees looking to supplement their education. It also creates an electronic clearinghouse to make it easier for workers to find available public health positions to the Federal Government.

Additionally, this bill will improve the training of public health workers and introduce many more of them to the field by spurring the creation of academic health departments. These departments, formed by the union of State and local health agencies with schools of public health, will serve as training grounds analogous to medical schools and teaching hospitals.

Closer coordination between academia and the people we charge with protecting the public welfare is essential to keeping our constituents safe from threats like avian flu, staph infections, and other public health challenges, By melding the academic and the practical, this legislation will significantly improve our ability to respond effectively to public health emergencies.

A strong and robust public health workforce is not a luxury, Madam Speaker. It is a necessity. The Public Health Preparedness Workforce Development all my colleagues to support it.

# HOUSE OF REPRESENTATIVES—*Wednesday, February 27, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*February 27, 2008.*

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

Rev. Wayne Graumann, Salem Lutheran Church, Tomball, Texas, offered the following prayer:

O Father in heaven, Your very name is holy; help us to speak it with reverence and awe. May we extend the boundaries of Your goodness to those around us, and may we trust that Your provision is all that we need for today and eternity. Bless us with what we need on a daily basis, since, without Your gifts, we are helpless. When we err, cleanse us with Your forgiving love, and may the forgiveness You offer motivate us to have a forgiving spirit toward those who harm us. Do not let us be led astray by greed or pride. Graciously keep watch over us so that the destructive forces may not overpower us. You are our majestic God; all things belong to You and all praise goes to You.

Your Son taught us this form of prayer, and therefore, I offer this prayer in Jesus' name. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POE. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Iowa (Mr. BRALEY) come forward and lead the House in the Pledge of Allegiance.

Mr. BRALEY of Iowa led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

> S. 428. An act to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

The message also announced that pursuant to Public Law 107–12, the Chair announces, on behalf of the Majority Leader, the appointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board:

Trevor Whipple of Vermont, vice David E. Demag of Vermont.

## WELCOMING REV. WAYNE GRAUMANN

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. MCCAUL) is recognized for 1 minute.

There was no objection.

Mr. MCCAUL of Texas. Mr. Speaker, I'm always inspired by the fact that we begin our business here in the Congress with a prayer to God and a pledge to this great country.

Mr. Speaker, I rise today to pay tribute to a great man, a man of God, a man of faith, a man who has devoted his entire career, indeed his entire life, to the service of his fellow man. Pastor Wayne Graumann, who offered this morning's prayer for the House of Representatives, is revered, admired, and loved by all in his congregation and by all those whose life he has touched. He is the voice and the shepherd of Salem Lutheran Church in Tomball, Texas.

Born in Granite, Oklahoma, Pastor Graumann became a pastor after completing his education at Concordia Theological Seminary in Springfield, Illinois. He eventually accepted a calling from Salem Lutheran in Tomball, Texas, and has served and strengthened his flock there for the past three decades.

Pastor Graumann has been married to his wife, Kathy, for more than 36 years. They have been blessed with two children and two beautiful grandchildren. Pastor Graumann also spends countless hours working on world missions for the health and well-being of others, particularly in Honduras, Kenya, and Mexico.

Everyone who knows Pastor Graumann knows him as a true messenger of Christ. In his words and in his deeds and, above all, in his heart, his example is a beacon of light which draws us all closer to our Creator. His faith and devotion to the life of Christ is an inspiration to us all.

I'm reminded of the Gospel of Matthew when Jesus said, "Let your light so shine before men that they may see your good works and glorify your Father who is in heaven."

May the peace of Christ be with you and may He hold you in the palm of his hand.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests of 1-minute speeches on each side of the aisle.

## ACHIEVEMENTS OF AFRICAN AMERICANS IN CELEBRATION OF BLACK HISTORY MONTH

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to honor the achievements of African Americans in celebration of Black History Month. I find it quite fitting to address the House on this particular date when, in 1869, John Menard, the first African American elected to Congress, presented his case for being unfairly denied his seat as a Representative for the Second Congressional District of Louisiana. His testimony made him the first African American to address Congress on the House floor.

Now, almost 140 years later, we bear witness to the fruits of his labor by

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

having 41 African American Members of the U.S. House and 1 African American Member of the United States Senate. That's why I'm so proud to represent the First District of Iowa where, in this great State, we have created a legacy of diversity and our own mark in history.

Iowa was home to Lulu Johnson, the first African American woman to receive a Ph.D. It is also home to 12 of the Tuskegee Airmen. Iowa State University, my alma mater, educated George Washington Carver and also houses Jack Trice Stadium, the only division 1–A football stadium to be named in honor of an African American. Iowa State also educated the current highest ranking African American health policy adviser in the U.S. House of Representatives, Mr. Aranthan Jones.

It's these types of accomplishments that inspire me to continue to work and stand up for people of all backgrounds fighting for justice and working toward equality.

## BRITAIN OLYMPIC GAG

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the press in Great Britain has reported that British Olympic athletes will be required as a requirement for their inclusion on the Olympic team to sign a contract promising not to speak about China's appalling human rights record. I'm surprised and dismayed that a country with a history such as Britain's would be so short-sighted. The country that paved the way for the enumerated rights of individuals in the Magna Carta is now restricting the free speech of its athletes from condemning some of the most brutal human rights violations in the world today.

The country of William Wilberforce, the man who was so outspoken in his campaign to end the slave trade, must have forgotten its history as a society dedicated to human rights. It is deeply disappointing that our closest ally has chosen to kowtow to the Chinese regime.

Wilberforce's friend, another British statesman, Edmund Burke, once said, "All that is necessary for the triumph of evil is for good men to do nothing."

## WE SHOULD DO AS WE SAY, NOT AS WE DO

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, yesterday the Turkish Government took its troops into northern Iraq and went after their nemesis, the terrorist, the PKK. They defeated, destroyed, and killed a great number of the PKK who've killed over 40,000 Turks since the 1980s and what is possibly the greatest terrorist group to attack a sovereign country.

Our Secretary of Defense Gates is going to be in Turkey today and has said he will tell the Turks to make their foray short, a matter of days, weeks, not months, and to respect the sovereignty of the Iraqi Government. I can only imagine what the Turks will tell Secretary Gates. Do as I say, not as I do. For have we respected the sovereignty of the Iraqi Government? Has our foray been short? Can we afford to lose more blood and more dollars in a losing attack in Iraq?

I submit to Secretary Gates, Mr. Speaker, we should do as we say, not as we do.

## INNOVATION, NOT NEW TAXES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, if at first you don't succeed, try, try again.

The Democrats have failed three times to push through their energy tax increase but here it is on the floor again today. When will our neighbors across the aisle realize we cannot tax our way to energy independence? Innovation and competition, the free market forces that have led to extraordinary discovery, do not emerge from tighter bureaucracy and punitive tax policies; yet, the majority still wants to raise taxes on the American people.

The truth is that our antiquated domestic refinery capacity, a dependence on foreign oil, and a growing global demand for oil are responsible for the increase in oil prices. Raising taxes on American companies simply punishes American taxpayers by implementing a policy which will raise the price at the pump and hit us all in the wallet.

Let's expand our energy development and workable conservation programs, but let's promote innovation, not new taxes.

In conclusion, God bless our troops, and we will never forget September the 11th.

## ON DEFENDING OUR CITIZENS

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, almost before the ink was dry on the February 22 letter to Intelligence Chairman REYES claiming that the telecommunications companies were balking at their surveillance support requests, the DNI and Attorney General were forced to admit that the companies were, in fact, cooperating with the U.S. Government surveillance activities. It is not simple patriotic duty; it's the law. They must cooperate. Under FISA, if they're compelled to cooperate, they are automatically provided immunity.

The truth is that the only time FISA phone taps have been turned off lately is when the President failed to pay the FBI phone bills. If you don't believe me, look at the Inspector General's report of the Department of Justice in 2008 this year.

The real issue before us is this: How do we produce law that provides us better intelligence and safeguards Americans' liberties? The answer is we've done it through the RESTORE Act, and the sooner that House-passed bill becomes the law of the land, the better. Requiring the government to apply to a court and demonstrate to a standard of probable cause that they know what they're doing not only protects the liberty of Americans, it produces better intelligence.

☐ 1015

## SAMUEL McCULLOCH, JR.—FIRST BLOOD

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, born in South Carolina in 1810, Sam McCulloch, Jr. arrived in Texas with his father and three sisters just prior to the Texas War for Independence from Mexico.

McCulloch was a free black, and with his freedom he volunteered as a private in the Texas Army to fight for independence. On October 9, 1835, McCulloch took part in the Battle of Goliad. While storming the Mexican line, McCulloch was severely wounded when a musket ball shattered his right shoulder. Thus, Samuel McCulloch, Jr. became the first Texas casualty of the war.

After Texas won its independence and became a free Republic, Samuel McCulloch, Jr. went on to fight against the Comanches along with the Texas Rangers at the famous Battle of Plum Creek, and he served as a spy for the Texas Army when Mexico reinvaded Texas in 1842. Later, McCulloch lived as a farmer and a rancher with his family on the land that the Texas government gave him for his service to the Republic.

He died in November of 1893. He triumphed over all obstacles and voluntarily risked life and limb to establish freedom for Texas, the land he loved. During Black History Month, we honor this freedom fighter and this first to shed blood for Texas independence.

And that's just the way it is.

## BALANCING SECURITY WITH CIVIL RIGHTS

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Mr. Speaker, when 9/11 happened, we, as a Nation, realized that, while we used to like away games, we liked our wars over there, suddenly we were confronted with a home game, a danger right here in America. And so the discussion over the last few weeks over the wiretapping capability of the United States is absolutely critical. I know. I headed, after 9/11, the Navy's Antiterrorism Unit.

When the bill came over here from the Senate, we asked for what we should have done. Time to address two important issues. One, what's the proper oversight that we should have on those who wiretap? An Inspector General, a report to Congress and to the Surveillance Court. And second, amnesty. Do we give someone who has broken the law, the telecommunication companies, amnesty for facilitating wiretapping? We may. But first let us know, before you give someone amnesty, why they did it and what they did.

In short, right now we're operating under the same rules as President Reagan had, as the first President Bush and the second President Bush had for 6½ years. Now we need to compromise on both sides to ensure that our security is balanced with proper civil rights.

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## CELL PHONE BILL

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, picture a cell phone in 1989. Back then, cell phones were huge, the size of a suitcase, and air time cost a fortune.

A law was put in place in 1989 to require that detailed log sheets be kept by employees of their cell phone use in order to document their business use. Those rules made sense back then.

Fast forward to today. Clearly, time and technology have marched on and companies give their employees cell phones and BlackBerrys with unlimited minutes. And these communication devices are really just an extension of the business day and place to anywhere at any time.

The IRS wants employees to keep detailed call sheets or be forced to include the value of cell phones and BlackBerrys in their pay. The law needs to be brought up to date with the fact that the office cell and BlackBerry is just an extension of the phone on an employee's desk. Employees and employers have better things to worry about than keeping detailed logs of calls only for tax purposes.

It's time for the Congress to pass the Mobile Cell Phone Act, H.R. 5450, and stop the IRS harassment.

## ON FISA, PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Good morning, Mr. Speaker.

The Bush administration continues a daily drumbeat of fearmongering on the Foreign Intelligence Surveillance Act, wiretapping, despite its own admission over the weekend that it has access and authority to continue all surveillance.

The U.S. intelligence community has expansive authorizations for wide-ranging surveillance limited by each American's right to privacy. If any new surveillance needs to begin, the FISA Court can approve a request within minutes. But National Security Director Mike McConnell says President Bush is holding up a compromise on FISA legislation because he wants to give blanket immunity to telecommunications companies who turned over information about their customers. Once again, President Bush is putting the biggest corporations first and shrinking the constitutional rights we all enjoy as Americans.

We can protect this country and the Constitution at the same time, and that's precisely what the Democratic majority will do.

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## PROVIDING FOR CONSIDERATION OF H.R. 5351, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1001 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 1001

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) an amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative McCrery of Louisiana or his designee, which shall be in order without intervention of any point of order (except those arising under clause 7 of rule XVI, clause 9 of rule XXI, or clause 10 of rule XXI), shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5351 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 983 is laid upon the table.

### POINT OF ORDER

Mr. CONAWAY. Mr. Speaker, I make a point of order against the consideration of the resolution because it is in violation of section 426(a) of the Congressional Budget Act.

The resolution provides that all points of order against consideration of the bill are waived except those arising under clause 9 and 10 of rule XXI. This waiver of all points of order includes a waiver of section 425 of the Congressional Budget Act which causes the resolution to be in violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Texas makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Texas and a Member opposed, the gentlewoman from California, each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Speaker, this bill that is the subject of this rule that is about to come before us includes two tax increases, one on section 199, which eliminates the oil and gas industry's ability to take advantage of this provision within the law to increase their taxes over the next 10 years by some $13 billion. There is also some tweaking with, and that's an odd word to use when it raises $4 billion, but a tweaking with the way foreign oil and gas income plays into the computation of the foreign tax credits that these companies could take advantage of.

□ 1030

Both of these violate the Unfunded Mandate Reform Act provision on private initiatives and therefore are subject to this point of order on being waived. So I think that favorable consideration of this point of order is where we should be going with respect to the private sector mandates that are waived under this rule.

Mr. Speaker, I would also at this point in time like to yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, as was mentioned, you could easily say that there are unfunded mandates in the bill. You could also say there is a particular earmark in the bill. Because the bill didn't go through regular order and we don't have a committee report to go along with it, there was not a certification that came saying that there were no earmarks in the bill.

Of particular concern is a provision that would allow New York City to keep up to $2 billion worth of the employer share of payroll taxes and invest the funds in a transportation project. This is not the first time we have seen this. The New York Liberty Zone Tax Credit earmark was included in a previous energy bill passed by the House, but it was removed by the Senate.

Now, I think we can all quibble about where the benefits go on some of these things, but it's clear that the target here is New York City. It's a targeted tax provision, and it's what we typically refer to as an earmark in the authorizing bill. And I would say that if it looks like an earmark and acts like an earmark, it is one. And it shouldn't be in this bill unless there is some kind of certification or something that is not an earmark. I just don't know how you can call it anything but that. This is just another example of how little impact Congress's steps to reform the process have actually had in the day-to-day operation of the House.

For a point of order against an earmark to be rejected, the chairman needs to simply insert a statement into the RECORD saying there are no earmarks in the bill, and then the point of order can't be lodged. Here we don't even have that kind of statement, and still we are saying a point of order can't be lodged in this regard.

So I would say that we ought to reject this bill for many reasons, not the least of which it's going to blow a $2 billion hole in the budget here for a limited specific tax provision benefiting only one group across the country.

With that, I thank the gentleman for yielding.

Mr. CONAWAY. I thank my colleague for pointing that out.

Mr. Speaker, the Congressional Budget Office on a similar, almost exact, bill, 2776, earlier in the year, clearly stated that these were unfunded mandates. They breached the threshold appropriate under the Unfunded Mandate Reform Act, and a point of order should be sustained against this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

This point of order is about whether or not to consider this rule and ultimately the underlying bill. In fact, I would say that it is simply an effort to try to kill this bill before we even have an opportunity to debate it. I hope my colleagues will vote "yes" on this procedural motion so we can consider this important legislation today.

Mr. Speaker, H.R. 5351 is about investing in clean, renewable energy and energy efficiency. It is about boosting our economy and national security while protecting our environment.

It is abundantly clear that our dependence on foreign oil has skyrocketed with much of it imported from the volatile Middle East with a price tag today of $102 a barrel. It's time to reduce our dependence on foreign oil, not only to strengthen our national security but to support domestic production of renewable energy. We need to take action now and start by considering and passing the Renewable Energy and Energy Conservation Tax bill today.

This bill is about the hardworking American families. It is about creating jobs for the American worker and about protecting their rights. If we are creating jobs in this bill, which we are, we should be making sure that workers are making prevailing wages.

The Davis-Bacon Act requires contractors to pay no less than the locally prevailing wage on Federal contract construction. Davis-Bacon was adopted in 1931, during the Hoover administration, to protect the rights of the American workforce. During the more than 70 years since its enactment, Davis-Bacon has come under fire many times but has always received support from the Congress and American families who benefit from it.

The Renewable Energy and Energy Conservation Tax Act addresses the priorities of the American people. In addition to tackling our energy crisis, H.R. 5351 complies with PAYGO rules, which is a priority of the 110th Congress. The bill is therefore paid for. Most of the funding is by reducing tax cuts to the top-earning oil companies. In order to pay for the important tax extensions and comply with PAYGO, there had to be revenue raisers. Our country is facing record deficits, and this Congress is acting responsibly.

This bill will develop a progressive energy policy that is long term, not shortsighted. It does away with the tired strategies of the past, which focused only on producing more oil at the expense of the environment and of the American taxpayer. We are heeding the calls of the American people by adopting it.

Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I oppose this point of order. I think that the gentlewoman from California made it very clear that it is appropriate and needed that we do what we're trying to do with H.R. 5351. And I want to support the rule for H.R. 5351, and I would like to thank Congresswoman MATSUI for her leadership and Chairman RANGEL for their continued work to ensure these vital tax credits are extended.

This legislation takes many needed steps to ensure the United States continues to be a major player on the renewable energy stage. This legislation extends the renewable energy production tax credit which Iowa and my district have seen firsthand the benefits of. It creates a cellulosic alcohol production tax credit which will give a 50 cent per gallon credit for cellulosic alcohol produced for use of fuel, a step to get us out of bondage to OPEC, and anybody knows we have got to do this for the salvation of this country. This legislation also extends the biodiesel production tax credit and creates a new credit for plug-in hybrid vehicles, among other things.

I'm also pleased to see that components of a bill I introduced, H.R. 5373, the Consumer and Manufacturer Energy Efficient Tax Credit Extension Act, were also included in this legislation. The underlying bill, which goes further than mine, would extend and modify the energy efficient appliance credit for 3 years and extend and modify the energy efficiency tax credits for improvements to existing homes.

I'm very pleased to see that the chairman, the gentlewoman from California (Ms. MATSUI), and the House leadership recognize these tax credits are important, not only to the environment but also to the economy. I believe that all consumers want to make more energy-efficient choices, and this legislation will help them do that. It's a win-win situation for the environment and the American consumer's pocketbook.

Iowa has been a leader for renewable energy, and I am proud to say in my district we are leading the State with a new biodiesel plant in Newton just last year and a new wind turbine plant, which provides the State with the equipment needed to supply its growing wind energy.

I am also excited that we have the opportunity to make America more energy independent, create high-tech "green" jobs for a "green future," ensure low-income families have affordable energy costs, and I look forward to continuing to work for a more energy-efficient future.

So, again, I thank the gentlewoman for this time. And I would once again reiterate my support for this rule, that we can move on and oppose this point of order.

Ms. MATSUI. Mr. Speaker, I reserve the balance of my time.

Mr. CONAWAY. Mr. Speaker, I yield myself such time as I may consume.

I was laboring under a misconception that the debate was to be limited to the point of order rather than the underlying bill itself. So since the other side has raised the issues in the bill, I'll take a couple of seconds to add some gratuitous comments about those as well rather than strictly talking about my point of order.

At a time when we are clearly dependent on foreign oil, imported foreign oil, crude oil, and natural gas, and everyone recognizes that it's a strategic vulnerability to our country, a reduction in domestic production of crude oil and natural gas seems to be very wrongheaded in the sense of trying to reduce our dependency on imported foreign oil and natural gas.

This bill will take $17 billion out of the search for crude oil and natural gas, domestic supplies in most instances, and put it towards some very worthy initiatives in terms of trying to find alternatives to that. There is no rational projection that any of these alternatives will develop in the next 15 to 20 years to supplant the need for crude oil and natural gas to drive the economy, whether you're talking about generating electricity or driving cars and trucks and airplanes. So at a time when we are fully dependent on crude oil and natural gas, it seems to make eminent sense that we ought to be encouraging domestic oil and gas companies to reinvest their profits, reinvest their moneys back in the ground.

Now, mechanically what happens with respect to the oil and gas business is when they do find crude oil and natural gas, they find reserves in the ground and there is value associated with those reserves. Typically, those producers then go to the bank and use those reserves as collateral in the ground to borrow more money to spend additional money going into the ground. So for each dollar that we increase their taxes, there is a multiple of that dollar that does not get spent on searches for crude oil and natural gas that would be used domestically. We do nothing about the restrictions on a responsible, environmentally sound development of other areas that have proven crude oil and natural gas reserves, domestic crude oil and natural gas reserves. We do nothing in this legislation to affect that.

In addition, my colleagues brought up the vaunted PAYGO rule, which is used almost every day in this Chamber. Quite frankly, these taxes have been used multiple times already in this Congress to pay for a variety of things. So if our constituents back home fully understood how theatrical the PAYGO situations with this bill really are, they would be probably offended, that that is just the typical Washington business-as-usual kinds of things that are going on.

So while this bill, I believe, creates an unfunded mandate that is in violation of the Unfunded Mandate Reform Act and it should be properly subject to this point of order, the underlying bill itself is flawed on a variety of things as well.

I will close, then, by just saying that I believe this point of order should be sustained and this rule should be defeated.

With that, Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Again, Mr. Speaker, I urge my colleagues to vote "yes" on the motion to consider so we can debate and pass this important piece of legislation today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is: Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONAWAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 186, not voting 18, as follows:

[Roll No. 78]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—186

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—18

Aderholt
Brown-Waite,
Ginny
Cubin
Diaz-Balart, M.
Doolittle
Gilchrest
Gohmert
Jones (OH)
Keller
LaTourette
Lungren, Daniel
E.
Miller, George
Moran (VA)
Reyes
Ryan (OH)
Smith (NJ)
Woolsey
Young (AK)

□ 1108

Mr. KIRK changed his vote from "yea" to "nay."

Mr. SHULER changed his vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

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## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5351, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded for consideration of the rule is for debate only.

### GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1001 provides for consideration of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008 under a structured rule. The rule provides 90 minutes of debate on the bill, equally divided and controlled by the Committee on Ways and Means. The rule makes in order an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD if offered by Representative MCCRERY or his designee. The substitute amendment is debatable for 1 hour. The rule also provides for one motion to recommit the bill, with or without instructions.

Mr. Speaker, today's debate is quite simple: It is about taking action on an important priority of the American people. It is about investing in renewable energy, which will chart a new direction for our country's energy policy. This bill will ensure that hardworking Americans can buy affordable energy that is environmentally sound. It restores balance to our energy policy after years of favoring Big Oil.

Mr. Speaker, hardworking American families are struggling to pay their bills in an uncertain economy. They face the growing cost of basic necessities, such as gasoline and heating oil. This is a direct result of rising oil prices.

As Members of Congress, we have a responsibility to protect our constituents from big oil companies and countries that are taking advantage of working families. The Renewable Energy and Energy Tax Conservation Act restores balance to our energy policy. For years, we have had a tax structure that favors huge oil companies over the American family.

Mr. Speaker, I believe the facts speak for themselves. Oil costs today rose to $102 a barrel for the first time in history. It is more expensive for Americans to drive their kids to school, to go to the grocery store, to heat their homes, and to vacation with their families. Americans are paying more than ever to fill up their cars, and big oil companies are reaping the profits.

In my home State of California, the price of gasoline is more than double what it was when this administration came into office. Last year, ExxonMobil posted the largest profit in American history, nearly $40 billion to one company. This equation is simple: Americans pay more; oil companies make more. This is unacceptable for the families we represent.

Unfortunately, it is perfectly acceptable for our President. This is a President who said that we don't need incentives for oil and gas companies to explore. That was back when the price of oil was $55 per barrel. It is now almost double that. It is obvious that any system that rewards the top earning oil companies and neglects our constituents and the environment ignores the priorities of the American people.

Mr. Speaker, today's legislation will correct this inequity. It will transfer some of the massive profits enjoyed by these oil companies and invest them in renewable resources that will power our economy in the future.

Our scientists have been hard at work researching ways to harness the powerful assets of our planet. We can have a healthy economy even as we preserve our natural resources and our skies. Solar, wind, and geothermal technologies are ready for the mainstream. Our legislation will help get them there.

In the case of solar, we are not just creating new incentives. We are extending successful tax breaks that have helped these industries get off the ground. Our legislation will allow public agencies to issue bonds to pay for clean energy projects. Some of the most effective public energy agencies in the country have put this provision at the top of their priority list.

This bill envisions a future where our country is no longer beholden to the oil market. It will dramatically pump up our domestic production of renewable fuels, such as biodiesel and cellulosic alcohol. The bill also contains a tax break to increase the number of alternative refueling stations so that Americans have options to fill up on the next generation of fuels.

□ 1115

This legislation recognizes that we can and must create the technologies today that we will use in the future. It harnesses our inventive American spirit to tackle our energy problems. It creates a sliding-scale tax incentive for consumers to purchase plug-in hybrid electric vehicles. It encourages investment in solar fuel cells and harnesses the power of cutting-edge technologies that produce energy from landfill gas and marine sources.

It builds on the desire of the American people for a more balanced and progressive energy policy. Making our homes and buildings more energy efficient is one of the most cost-effective ways to save money and power.

Our legislation contains significant incentives for efficiency programs. These changes will save money for constituents in the short and long run. They will also help preserve jobs. If tax incentives for wind and solar production are not extended, 116,000 American jobs will be lost. The legislation before us is critical to the health of our economy.

Most important, though, is that this legislation builds on the desire of the American people for a more balanced and progressive energy policy. The American people want us to take action to modernize our energy supply, and that is what we are doing. This bill will also help to lessen our dangerous dependence on oil from unstable parts of the world.

Earlier this month, our energy markets were disturbed by rumors that Venezuela was cutting off oil shipments. Events like these are a stark reminder that even though we are the strongest country in the world, we are also very vulnerable.

The short-sighted energy policy of the past is undermining our national security. We will only get weaker unless we change course now and invest in renewable fuels that are produced here at home, not in countries that wish us harm.

This House has heard the message that the American people have been sending us for a long time. We must overhaul our energy policy, and this bill is the second step toward this goal. We took the first step late last year when Democrats reached across the aisle. We worked in a bipartisan manner to pass the first increase in fuel economy standards in decades.

We could have done even more to restore balance to our energy policy. Many of the provisions in today's bill were a part of last year's energy legislation passed by this House. But we were stymied by Republican obstructionism in the Senate.

I am one of the millions of Americans who want to see us do even more. People like Luquita Hutchinson from my hometown of Sacramento. She and her family are the reasons we must chart a new course forward here today.

Because of trying to balance her household budget, Luquita has stopped buying meat at the grocery store because she has to pay so much for gas at the pump. Today, in Sacramento, it's $3.35 a gallon. She has to make a choice between buying food for her family or filling up her gas tank.

It is for the sake of people like Luquita that I encourage my colleagues to support the legislation on the floor today. This bill makes us safer by reducing our dependence on foreign oil. It protects the pocketbooks of hardworking Americans like Luquita Hutchinson, and it transforms our energy policy to maximize the benefits of clean, affordable, and renewable energy. If we pass today's bill, this kind of clean energy future is within our grasp.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from California (Ms. MATSUI), for the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this closed rule. I know the majority calls this a structured rule, but it's a closed rule. Technically the majority gave the minority the ability to offer a substitute amendment if the substitute amendment was printed in the CONGRESSIONAL RECORD before the end of the legislative day. The rule giving the minority the opportunity to draft a substitute was passed out of the Rules Committee at about 5:20 yesterday evening. The House finished its legislative day at 5:57, giving the minority 37 minutes in which to draft a substitute to a very complex tax issue while meeting PAYGO and germaneness requirements. I understand that at the time the House went out of session last night, minority staff from the Ways and Means Committee were talking to the Office of Legislative Counsel and the Joint Committee on Taxation in hopes of drafting a substitute amendment. But since they couldn't get all their work done in 37 minutes, the minority, in fact, was closed out and prohibited from offering any amendments under this closed rule.

What is even more disturbing is that I am informed that during consideration of the rule yesterday, the distinguished chairwoman, Ms. SLAUGHTER, informed Ranking Member DREIER that the majority would keep the House in session so that the minority would have ample time to complete work on a substitute amendment. But the question must be asked of the majority at this time: How is 37 minutes enough time to draft legislation, especially on something as complicated as an energy tax bill?

Mr. Speaker, it is not enough time. It is most unfortunate that the majority did not give the minority time to complete its work and that we are now proceeding under this closed process.

Everyone in this body seeks to leave our children and grandchildren a better world in which to live. This great Nation has made great strides in protecting human health and the environment, but, clearly, we can do more.

From 2001 to 2006, Republican-led Congresses invested nearly $12 billion to develop cleaner, cheaper and more reliable domestic renewable energy sources. This included sources such as cellulosic ethanol, hybrid electric vehicle technologies, hydrogen fuel cell technologies, wind and solar energy, clean coal and advanced nuclear technologies.

I am pleased by the inclusion of the production tax credit, the PTC, in the underlying legislation being brought to the floor today. The PTC provides a tax credit for electricity produced from renewable energy facilities. Sources such as wind, solar and biomass are included under the tax credit. Since its enactment in 1992, the credit has encouraged the development of thousands of megawatts of clean, renewable electric generation facilities.

But we must keep in mind that alternative fuels will not eliminate the need for traditional energy resources. Without additional supply, the tight market conditions that have put pressure on prices are going to persist, and this bill, the legislation being brought to the floor today under this rule, will do nothing to lower gas prices.

Unfortunately, the majority has included in H.R. 5351, the underlying legislation, more than $17 billion in tax increases, including a repeal of the section 199 manufacturing deduction. This tax incentive in current law is aimed at reducing U.S. dependence on foreign oil by encouraging domestic exploration and production of oil and natural gas. By removing this incentive for the domestic production of oil and natural gas, we would increase the incentive to look overseas for those energy resources. How would that be in our national interest? How does increasing the cost of doing business in the United States decrease the cost of gasoline for Americans? Why would we want to deincentivize investment in a sector of our economy with 1.8 million well-paying jobs in the United States of America?

Removal of these incentives will drive up prices to the American consumer even further and increase our dependence on foreign suppliers such as the buffoon Hugo Chavez, who earlier this month cut off oil sales to ExxonMobil and threatened once again to cut off all oil sales to the United States.

And while the buffoon Chavez makes those threats to our energy supplies, the majority has decided that his company, Citgo, would continue to receive a tax break that the majority in the underlying legislation seeks to take away from American companies.

Yes, under this legislation, three American oil and gas companies, ExxonMobil, Chevron and ConocoPhillips, will lose their current deduction while Citgo will continue to get theirs. That's unbelievable.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, before I yield to my next speaker, I would like to say to the gentleman that this is a very fair rule. It allows extra debate time so that all Members have a chance to speak.

As is usual for a tax bill, we allowed a Republican substitute amendment to be made in order. Unfortunately, the Republican substitute amendment offered during the Rules Committee did not meet PAYGO requirements. The minority had the opportunity to submit the substitute if they wanted, but they did not.

With that, Mr. Speaker, I yield 3½ minutes to the gentlewoman from Florida, a member of the Rules Committee, Ms. CASTOR.

Ms. CASTOR. I thank my colleague from the Rules Committee.

Mr. Speaker, I rise in support of the landmark Renewable Energy and Energy Conservation Tax Act of 2008, and this rule.

Mr. Speaker, we are fighting for fundamental change in our Nation's energy policy. For too long, the big oil companies have had a stranglehold over politicians in Washington, DC and over our country's energy policy.

All we have to do is examine the headlines these days: "Pain at the Pump Grows." Another headline: "Cost of Gas Hits All-Time High."

But there is a very interesting juxtaposition of headlines, because the other headlines in our Nation's newspapers read something like this: "ExxonMobil Profit Sets Record Again." That's right, almost $41 billion last year, breaking the record that they had set only last year.

This sales figure alone exceeds the gross domestic product of 120 countries. To put this in perspective, ExxonMobil earned more than $1,287 of profit for every second in the year 2007.

So here is the question: Do the American people continue to subsidize big oil companies while they are making record profits? Or do we shift our investment to cleaner, renewable fuels?

Mr. Speaker, I know the White House does not like this. President Bush said he would veto this, but we are not going to give up. This new Congress, led by Democrats, is responding to folks in every State in America demanding change in our country's energy policy.

They understand that this is vital to our national security, and it's vital to their pocketbooks. The contrast between the politics of the past, represented by the White House, and our forward-looking bill could not be clearer.

Remember just 7 years ago, the administration's energy task force met behind closed doors. It consisted of oil company executives, and the administration fought to keep everything secret. Renewable sources of energy were not a priority. The Earth's climate change was not a priority. And the recommendations involved more drilling, more mining and more of the same, which led only to record gas prices for families, record profits for oil companies and disastrous national security consequences. I mean, after all, under the current administration, gas prices have doubled.

In contrast, our groundbreaking efforts to date are setting our country on a path towards energy independence. Despite the fact that the White House continues to side with Big Oil and threaten a veto of this bill, we are not going to give up.

We already have a great record. We have strengthened national security by increasing fuel efficiency standards. We have raised the fuel economy standards. We have lowered energy costs by focusing on conservation and efficiency. We have tackled global climate change, but we are only just beginning to set the new course on the Nation's energy policy.

By repealing subsidies to the big oil companies and investing in the renewable energy technologies, we will continue to march towards new energy solutions. The status quo in Washington is not acceptable anymore. The White House might threaten veto, but we are not going to give up.

☐ 1130

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Michigan (Mr. HOEKSTRA) 4 minutes.

Mr. HOEKSTRA. Today is day 11, day 11 since the Protect America Act expired.

The Director of National Intelligence has clearly stated that each and every day that we move past the expiration of the Protect America Act our ability to monitor, to track radical jihadist groups and others, people who want to attack America, would erode. Those comments were reinforced by the chairman of the Intelligence Committee in the other body.

The other body did the appropriate thing and passed a long-term FISA, Foreign Intelligence Surveillance Act, bill, enabling our intelligence community to have the tools that they need to keep America safe. It has been 2 weeks since the other body passed their bill. It has been more than 2 weeks of inaction by this House.

I guess this House did have action. We went home for 12 days on an extended vacation. I guess this House did have action, we left late in the afternoon yesterday. We worked until almost 6:00 making sure we did not address this FISA issue, this key component of national security.

Each and every day we become more vulnerable. How vulnerable does the other side want us to become? Each and every day the other side fights to give more rights to people who might do America harm. Each and every day we undercut the activities of the men and women in the intelligence community who are doing everything that they can to keep America safe, but who find each and every day the other side tying their hands behind their backs and limiting their capabilities to keep America safe.

At a time when we are in a very dangerous world, the efforts by radical jihadists to attack us and our troops in Iraq and Afghanistan, they do continue. There is an urgency, as far as our troops are concerned, that this issue needs to be dealt with, even though individuals on the other side repeatedly say there is no urgency to deal with this issue. The other side says there is no urgency. Tell that to our men and women in Iraq and Afghanistan. Tell that to our allies in the Middle East, our allies in Israel who the leader of al Qaeda in Iraq has recently said, Let's use Iraq to be a launching pad to attack Jerusalem. Tell that to our allies, the Israelis, who are under threat from Hezbollah. Tell that to our allies throughout the Middle East where the second goal and objective of radical jihadists is to undermine their regimes and overthrow them and establish the caliphate and impose shariah law.

It seems that much of the world believes that there is an urgency, as do the President and the other body. The President and the other body negotiated and reached an agreement. We agree with that direction. House Republicans and many Democrats would vote for it, but Democratic leadership continues to stand in the way and prevent this bill from coming up and being considered by this House. There is an urgency, as much as the other side would like to believe there is not. Vote against the previous question and allow the Senate bill to come up for a vote today.

Ms. MATSUI. Mr. Speaker, before I yield to the next speaker, I would just like to say, unfortunately, it is ironic that the minority is coming to the floor with this issue yet again, especially since the minority has refused to come to the table as we are trying to work out the differences between the House and Senate versions. Yes, we have been trying to move forward with the negotiations, but the minority has not been willing to participate.

I would also like to remind my colleagues that one of the most destabilizing forces in the world is the competition for declining oil resources in the world. When we break our dependence on foreign oil with this bill today, we will be safer and our country will be better positioned to respond to the threats we face.

Mr. Speaker, I yield 2 minutes to the gentleman from New York, a member of the Rules Committee, Mr. ARCURI.

Mr. ARCURI. Mr. Speaker, I thank the gentlewoman from California, and I would just like to say we are hearing about everything except this energy bill. And, Mr. Speaker, I would point out this is a good bill, and so the people on the other side of the aisle want to talk about everything but this rule and this bill.

I rise today in strong support of this rule and this bill, H.R. 5351, the Renewable Energy and Energy Conservation Act, which will not only bring this country into a new alternative energy future, but strengthen our economy, create jobs, and boost small businesses in the very towns and rural communities where we need it most.

During these uncertain economic times, it is absolutely critical that we pass legislation to invest in jobs for today and long-term development for tomorrow.

The best way to encourage growth and development of new technology is to let businesses invest their own money in ways that expand our economic horizons. Tax credits for alternative energy production have the power to truly jump-start our economy and create good-paying, highly skilled jobs that can't be sent overseas.

In my upstate New York district, our location with natural resources and first-class scientific and technological community makes us perfectly poised to seize the opportunity to create a new green economy, complete with green jobs.

I recently had the opportunity to see firsthand what investments in alternative energy production can do. I attended a groundbreaking at Mascoma's $30 million cellulosic ethanol facility in Rome, New York, and went to the grand opening of the Schuyler Wood Pellet plant in Herkimer County, which will create 18 full-time green jobs on-site, enough wood pellets to heat 33,000 homes, and provide a $10.5 million investment in upstate New York's future. That is the kind of future and the kind of bill we are here to support today.

This is why I am especially glad to support the over- $8 billion in long-term renewable energy tax incentives included in the Renewable Energy and Energy Conservation Act, tax incentives that will help companies like Mascoma and Schuyler Wood Pellet continue to grow and spur additional economic activity.

I urge my colleagues on both sides of the aisle to support this rule and the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, my colleague from California has said that we are trying to work something out on FISA, and the majority has been trying to engage the minority on FISA and it is really too bad we won't participate.

I have to tell my colleague from California that I am the ranking member on the Technical and Tactical Intelligence Subcommittee, and I have been invited to no meetings. The ranking member of the entire House Committee on Intelligence has been invited to no meetings. And the reason is that there has been no motion to go to conference on the FISA bill, and there is a difference within the Democratic Caucus. You can't even come talk to us until you resolve your own problems internally, because the reality is that a majority of this body, Democrats and Republicans, want to immediately take up this bill that will close the gap in our intelligence collection that has existed now for 11 days.

The rule that we are being asked to consider today actually tables the FISA legislation. And if the rule is defeated, we will immediately bring up the Senate bill that closes this critical intelligence gap.

You don't have to believe me. Senator ROCKEFELLER, on the floor of the United States Senate 12 days ago, said, "People have to understand around here that the quality of intelligence we are going to be receiving is going to be degraded. Is going to be degraded. It's already going to be degraded."

The Senate bill will reestablish the procedures that we set up in August to listen to foreigners in foreign countries without a warrant, to require warrants for Americans, and put in place stronger civil liberty protections than we had in the base bill that has been in existence since 1978, and will provide liability protection for our partners in this effort and tools to compel assistance similar to those that are under the criminal wiretap procedures.

Americans need to understand that the Senate has passed a bill to close this intelligence gap. That bill could be passed on the floor of this House today and the President would sign it. We are operating today under outdated procedures that are delaying our ability to listen rapidly to new tips that come in today.

I have been out to our intelligence agencies, and sometimes they start out by saying, Congresswoman, I know you are here to look at a particular program, but I want you to look at what we are tracking today. This is what we are trying to find out today. Here are the five people we are worried about most today. Here are the terrorists that we think are transiting Madrid. They have just come from Pakistan. We don't know where they are going and what they are planning.

We are trying to disrupt and stop terrorist attacks every single day in this country, and the minority, the Democrat liberal leadership of this House, refuses to bring to the floor of this House a bill that will close that gap, and you are compromising the security of this country by doing so. I urge a "no" vote on this rule.

Ms. MATSUI. Mr. Speaker, before I yield time to our next speaker, first I would like to say that the Foreign Intelligence Surveillance Act continues to give the intelligence community the tools it needs to monitor terrorists. The government always has the option of tapping targets immediately and returning to the FISA Court within 72 hours to obtain an order.

Additionally, any surveillance gathered before the expiration of the Protect America Act is in place for 1 year. The FISA Court backlog has been cleared, and the intelligence community can and was always able to do its job.

I would like to remind my colleagues that we are considering the rule for the Renewable Energy and Energy Conservation Tax Act.

Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. I want to thank the gentlelady for giving me the opportunity to speak on such an important issue. Before I go with my remarks, I would just like to point out that the issue of FISA has to do with making sure that the President gets immunity, not the telecom companies, and the rush to try to do something is really disappointing when we are a Nation of rule of law, and it is important for the American people to understand exactly what happened here after 9/11 with the telecommunications companies giving information to the President illegally.

Having said that, I represent the 16th Congressional District of Florida. My district is home to a subtropical climate and rich soil. It is the largest and most varied producer of the biomass needed to produce cellulosic ethanol.

Unfortunately, some of my rural areas are also the poorest in Florida, where we have high unemployment and an almost 40 percent dropout rate in our high schools. Many of our rural youth don't see that getting their high school diploma will make a difference in their lives.

Thanks to Congress, the day is coming when America can turn its back on foreign oil because we had the courage to create a biofuels industry here in America, a business that will transform rural America.

Thanks to Chairman RANGEL, H.R. 5351 helps to make this vision a reality by giving gasoline companies a tax credit for blending cellulosic ethanol. This credit, in addition to the energy and farm bills we passed last year, will get Wall Street to open their wallets and invest in cellulosic ethanol businesses throughout rural America. It will give our rural youth hope and the opportunity to have a job with a future.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 4 minutes to the gentleman from Texas (Mr. SMITH), the ranking member of the Judiciary Committee.

Mr. SMITH of Texas. Mr. Speaker, today is day 11 without the Protect America Act and so our Nation continues to be at greater risk of attack from terrorists.

Yesterday I submitted an amendment to the Rules Committee to attach the Senate-passed FISA bill to H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008. House Democrats once again refused to bring this commonsense, bipartisan bill to the floor for a straight up-or-down vote.

Last year, Admiral McConnell, the Director of National Intelligence, warned Congress that the intelligence community was missing two-thirds of all overseas terrorist communications, further endangering American lives. Congress enacted the Protect America Act to close this loophole for terrorists.

The Senate, working with the administration, drafted legislation to modernize FISA and give our intelligence agencies a long-term law under which they could operate. It has been 2 weeks since the Senate overwhelmingly approved their bill by a vote of 68–29. We should vote on it immediately to better protect American lives.

Mr. Speaker, I also oppose H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008. H.R. 5351 contains some beneficial provisions, such as creating incentives to make energy efficiency improvements to new and existing homes and extending tax credits to encourage the production of alternative forms of energy. But while it is well and good to encourage alternative energy development, Congress should not do so by damaging our domestic oil and gas industry.

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According to the Department of Energy, in 2006 all renewable energy sources provided only 6 percent of the U.S. domestic energy supply. In contrast, oil and natural gas provided 58 percent of our domestic energy supply. The numbers don't lie. Oil and natural gas fuel our economy and sustain our way of life.

Furthermore, almost 2 million Americans are directly employed in the oil and natural gas industry. Punishing one of our Nation's most important industries does not constitute a national energy policy.

The answer to lowering gas prices and reducing our dependence on foreign oil is not to remove $17.6 billion in tax incentives from the oil and gas industry. The answer is to utilize our domestic resources, including ANWR.

According to former Interior Secretary Gale Norton, "ANWR would supply every drop of petroleum for Florida for 29 years, New York for 34 years, California for 16 years, or New Hampshire for 315 years." It could also supply Washington, DC for 1,710 years.

The answer is also to build new refineries and to develop more nuclear energy, as most European and Asian countries have already done. But no new major refinery has been built in the United States in the past 15 years. And no new nuclear facility has received a construction license in the United States for 30 years, even though safe technology is now available.

Mr. Speaker, instead of penalizing the oil and gas industry, Congress should pass real energy reform, expand domestic exploration of oil and gas, build more refineries, and construct more nuclear facilities.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentlelady very much.

For nearly 8 years, this administration's backwards energy policy has lined the pockets of oil company executives, while hurting American consumers, the economy, and the planet.

Since President Bush took office, the price of oil has gone from $30 a barrel to a new record high price of $101 a barrel yesterday. As a result of this administration's failed energy policies, our dependence on foreign oil is now over 60 percent, and we are hemorrhaging funds to pay for our oil addiction at the rate of over $500,000 a minute, $30 million an hour, $5 billion a week sent overseas. And consumers are the ones paying the price for our oil addiction. Gas prices are now at a nationwide average of $3.14, up nearly $1 from a year ago.

This administration's oil-centric energy policy has proven itself to be completely bankrupt for everyone except Big Oil. While American consumers are being tipped upside down at the pump and having money shaken out of their pockets, Big Oil is recording the greatest corporate profits we have ever seen in the history of the world.

Today, we debate whether we will repeal unnecessary tax breaks for the biggest oil companies and use those funds to spur investment in renewable energies, biofuels and energy efficiency. The future of renewable energy is in America's hands. But the money to fund the renewable revolution is stuck in Big Oil's pockets.

Renewable energy is ready to take off, but it needs us to build the runway. That is what we are going to be debating here today. Thirty percent of all new electricity in the United States last year was wind. There was an 80 percent increase in photovoltaic installations in the United States last year.

The future is clear. It is in front of our eyes. We must give it the boost we need.

Vote "aye" on this very important legislation today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I can't tell you how disappointed I am in the majority today because in this bill you effectively kill our opportunity to talk about FISA and the renewal of our opportunity to listen to foreign terrorists talking to foreign terrorists overseas. And it's intellectually not honest with the American people if you don't tell them what you're doing, because it's dangerous. It's really dangerous.

This is day 11, day 11 that you're starting to slowly turn off our ability to listen to bad guys plotting to kill Americans and to kill our allies overseas, men, women, children, Christians, Jews and Muslims. The danger of this is very real and very palpable.

They passed a bipartisan bill in the Senate and said this is urgent; let's do it. Two weeks ago, the Director of the ODNI came out and said, this is important.

We've often said here we should listen to our commanders in the field. They are screaming at the top of their lungs, give us this authority so we can continue to keep America safe.

I heard some argument that, gee, we can just listen if we want and we can come to the FISA Court if we want.

I used to be an FBI agent. It took me 9 months to develop the probable cause on my first case to get a criminal title III, which is the same as a FISA, to listen to somebody's conversations. And it should be that hard. It should be that hard for United States citizens. They deserve that protection under our Constitution.

But what you're saying is you think that those overseas criminals, a criminal in Pakistan, a terrorist plotting to kill Americans, making a phone call from Pakistan that ends up in Saudi Arabia, we ought to say, well, wait a minute; we need to come all the way back to the court, we need to work up probable cause and try to figure out if we ought to be listening to that conversation.

No American out there, including the majority of the Senate and I think the majority in this Chamber, believes that's the right standard to keep America safe. This is dangerous.

Now I know you're down here with the jangly keys theory and thinking, if we just distract them long enough they'll think this is about big oil companies and all of that mess. This is about the majority killing our opportunity to give this tool, this authority which they have used responsibly to make sure that we don't have attacks against Americans here.

What does a majority of the Senate and a majority of this House see that the majority leadership does not? What won't they see, and why won't they tell the American people what they're doing?

It's day 11. Every day that goes by we are in jeopardy of attack.

I will guarantee you this today. There is somebody picking up some electronic instrument to communicate what plan they may have to kill Americans or, as I said before, our allies, or Christians or Jews or Muslims.

What will it take for the majority to stand up and stop politicking on the lives of Americans, our allies and every global person, to stand up and say we will stand for the defense of the United States and its allies and we will stop terrorists in their tracks?

I would urge the strong rejection of this rule.

Ms. MATSUI. Mr. Speaker, I want to just say, as I said before, this is just to remind my colleagues that we are considering the rule for the Renewable Energy and Energy Conservation Tax Act today.

With that, I would like to yield 2 minutes to the gentleman from Washington (Mr. INSLEE), a member of the Energy and Commerce Committee.

Mr. INSLEE. Mr. Speaker, it is not day 11 of FISA. We have passed FISA. It is day 2,593 of the Bush administration that has allowed us to remain addicted to oil, has allowed the price of gas to be doubled during his administration, and has allowed us to continue on a course of being insecure because we are wrapped around the axle of oil because of these tax subsidies. It is time to turn course.

This side of the aisle believes the status quo in energy is acceptable. We don't think that's good enough. We believe that Americans are smart enough, creative enough, and innovative enough to launch a new Apollo Project in energy so that we can do for energy what Kennedy did for space, and this bill is step one in that regard.

All over this country Americans are inventing a new energy future for us: the OSPRA solar energy company in Florida with clean solar thermal power; the Nanosolar Company that made the first commercial sale of thin cell photovoltaics last month; the Imperium Company in my State of Washington with biodiesel that powered the first jet airliner flight with biodiesel with Virgin Air last weekend; the Altarock Company, the first enhanced geothermal company now growing in the State of Washington; the Janicki Company, which is opening up a new wind turbine blade construction project.

We essentially are ready to launch a rocket of clean energy innovation in this country. But this side of the aisle and my friends, unfortunately, have put a hold on the countdown, and we're about 2 seconds away to really having a burst of economic growth in this country. But they are allowing these tax breaks to expire, which are strangling the birth of these new industries.

In the last several weeks I've got scores of phone calls from people all over the country ready for these new companies to start. But they're strangling them. We've got to keep this growth going. Launch a clean energy revolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, the gentlelady from California pointed out rightly that a barrel of oil has come up to $100. But what if I told you of an industry or a group that wanted the consumer to have to pay $330 for a comparable barrel of oil?

Mr. Speaker, this rule is protecting an industry and a plot to pick the pockets of the American consumer, while polluting our air. And what I am talking about is the fact that in California today, the Federal Government is mandating that we put an additive into our gasoline. We're being required to have corn ethanol put into our gasoline, what is costing a comparable $6 a gallon.

So when someone stands on the floor and says they're outraged at the price of gasoline, let me just ask you, you either have to confront the fact that this rule is protecting a bill that is protecting the picking of our pockets and the polluting of our air with corn ethanol. And everyone knows that it's a sham. They know that it's out there costing more.

And those of us that have worked on the air pollution issue, as myself, the California Air Resources Board is telling you, not only don't mandate this stuff, outlaw this stuff. It is polluting our air and costing a comparable $6 a gallon.

So I hope the American people remember, when someone stands up here and says, this is a green bill, this bill stinks to high heaven. It's polluting our air and picking our pockets under the guise of protecting the environment and protecting the consumer.

The group that is working together to cause this rip-off and this pollution is the United States Congress. The blame goes on both sides. But the majority has the chance now to address this issue.

Now I understand those who may have corn producers in their district justifying this kind of action. But what about all of us that don't have that?

I ask you today, stand up for the environment, stand up for the consumer, vote against this rule and bring it back without corn subsidies.

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Ms. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, when I joined the Navy during the Vietnam War, we had one destroyer in the Persian Gulf. And a few years later in the early 1970s, we had our very first embargo of oil, blockade of oil of the United States when OPEC, which today controls 42 percent of the oil resources, shut off the spigot. Shortly thereafter, in the Navy, we moved an aircraft carrier battle group into the Persian Gulf where it has remained ever since.

Including during the war, the tanker war in the 1980s where we convoyed oil tankers back and forth, and as we did so and I did so, I just questioned all the time, Why are we doing this? Can't we act? I watched from the mid-1980s as the amount of oil imports from overseas increased from 27 percent to 60 percent today. We are en route to 70 percent by 2025. And $7 trillion we have lost due to these price disruptions and these price manipulations by those overseas.

Do we expect the price to go down like it did after the 1970s? I'm not so sure, unless we take action. Because now we have China that just this past year passed us as the number one emitter of bad air emissions at 22 percent of all bad greenhouse emissions. This is a China that in the next decade wants an Ozzie and Harriet home for everyone in its populace. In one decade that will take as much energy that we have used as a world in the last two centuries.

As I sit back, I believe that this bill is late. It should have been done before. It should have had these incentives for us to manufacture energy-efficient appliances; to have working families then be incentivized to purchase them; to have production tax credits in order to have affordable energy, solar power, and geothermal energy.

I speak here from the experience of being out there. This is a military security issue. This is an energy security issue but also a military security issue, a national security issue.

And on FISA, if I might speak, I headed the Navy's antiterrorism unit. I was in the White House working terrorism issues. This bill is about efficiency, not effectiveness. We are as safe today as when President Reagan operated under FISA as the first President Bush, as this President. I know. I was on the ground in Afghanistan. I wanted that intelligence. There is no way I would even vote in order to do what we are doing on FISA if I didn't know the men and women who wear the cloth of this Nation are not as safe today as they were a year ago.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, my distinguished friend from New York pointed out earlier that this rule that we are debating is on the energy bill. She pointed that out because we have been stressing the need to debate the Foreign Intelligence Surveillance Act. And I want to point out, Mr. Speaker, to our colleagues that the rule that we are debating today, this rule lays on the table, it tables H. Res. 983, authority to address legislation concerning foreign intelligence surveillance. So it's quite germane and relevant in discussing and debating this rule to be insisting upon a debate on FISA.

And with that in mind and having said that, I yield 2 minutes to the distinguished gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I have heard several Members come down to the floor and talk about FISA and talk about this is not part of the bill; we are supposed to be here to debate energy. In fact, what the gentleman from Florida is talking about is that we have a responsibility here in the Congress to protect the American people, and our military commanders say we need this, this FISA extended, a permanent extension, so that we can continue to watch over terrorists that are trying to call in and out of our country. This is imperative that we get this done.

And so when you start to look at what are we doing here today talking about this energy bill, well, this is once again one of these energy bills where we are just going to tax the American consumer. We are going to tax domestic oil producers. And this bill has no chance to make it through the Senate. This bill has no chance to become law. So why would we be here today when we are on day 11, as Mr. HOEKSTRA said earlier, we are day 11 where we have not been able to surveil terrorists that are trying to call in and out of this country, but instead we are debating an energy bill that taxes domestic oil producers, taxes big oil companies, and leaves a glaring loophole so that Hugo Chavez's CITGO still continues to get tax breaks. .

So I can understand if some of the Democrats want to tax Exxon and the big oil companies. They don't like oil. They don't want to use oil. They want to raise the oil prices of the American consumer. But why, why would you give tax breaks to Hugo Chavez? That I cannot understand. We need to get off of this bogus debate on taxing oil companies, and we need to get back on to protecting the American people and bring up this FISA bill today.

Ms. MATSUI. Mr. Speaker, just before I yield to my next speaker, I just want to remind everyone that the Protect America Act expiration has not reduced our ability to conduct surveillance.

With that, I would yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Ways and Means Committee.

Mr. BLUMENAUER. Mr. Speaker, it's interesting our colleagues on the other side of the aisle are trying desperately to change the subject. There could be a FISA extension in a heartbeat. They turned that down. If they cared truly about national security, they would be embarrassed about the bankrupt energy policy that puts our Nation at risk. We wouldn't have a third of a million American soldiers and civilian contractors in Iraq today spending 1 trillion American tax dollars if Iraq didn't have the second largest oil reserves and that we have an energy policy that doesn't meet the needs of America today, much less for the future.

The bill that we have before you that this rule enables us to consider will be passed. It will be passed through the House today. It will pass the Senate, it is only a question of when. It may take an election for the American people to be clear that they're tired of investing in energy policies from the past, for the past.

This isn't a tax increase. Our bill has exactly the same amount of money coming in as going out. But instead of subsidizing the purchase of the largest gas guzzling SUVs, we are going to subsidize hybrid plug-ins. Instead of giving $14 billion of unneeded subsidies to the five largest oil companies who made over half a trillion dollars in profit, we are going to help avoid the starving of the wind energy business.

Approve the rule. Vote for the bill.

Mr. LINCOLN DIAZ BALART of Florida. I would inquire of my friend if she has any additional speakers.

Ms. MATSUI. Mr. Speaker, I have one additional speaker.

Mr. LINCOLN DIAZ-BALART of Florida. I will reserve then.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to a member of the Rules Committee, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, the basic question that we face in America is the basic question we face in Congress, and that is, are we going to turn the page on a fossil fuel-based energy policy that needs to change? Are we going to embrace an alternative energy policy that is going to allow us: A, to protect our environment; B, to create jobs; and C, to give us much more flexibility and independence in foreign policy?

This legislation is a step along the road of a new energy policy and a new future for this country. This is not just something that is going to do the things other speakers have spoken about, but it is a partnership with our States.

Yesterday, Mr. Speaker, the Vermont Senate approved a very wide-ranging energy bill that's going to promote renewable energy and energy efficiency. The bill that we pass today will partner with that bill and work its way through the Vermont legislature by providing tax incentives that will stimulate a growing market all around the State and the country. This legislation is going to provide up to $3.6 billion in interest-free financing to help our State and our local governments finance environmental conservation and efficiency programs.

We all have our positions on how this affects oil. Oil is doing pretty well, $100 a gallon. Consumers aren't. We are looking for ways to provide relief, but we are looking for ways to protect our environment at the same time.

What this legislation embodies is a confidence that we have the technology and the intellectual strength in this country to forge a new energy policy that is renewable, that in the process can create jobs and work well with our States who are often ahead of us here on providing that leadership.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, it's disappointing that the majority has decided really to waste the time of this Congress with legislation that three times has failed to make it through the Senate and that observers covering Congress have called a rerun. Instead of wasting time on legislation that will never make it into law, we should be considering bipartisan legislation that will protect Americans from international terrorism.

On February 14, the majority decided to leave Washington to take a Presidents Day recess and allow the Protect America Act to expire 2 days later, rendering U.S. intelligence officials unable to begin new terrorist surveillance without cumbersome bureaucratic hurdles. Because of the deliberate inaction of the majority, the United States today is more vulnerable to a terrorist attack. And this did not have to happen.

Earlier this month, the Senate passed by a bipartisan vote of 68–29 a bill updating the Foreign Intelligence Surveillance Act, a bill that the chairman of the Intelligence Committee said, " . . . it's the right way to go in terms of the security of the Nation."

Mr. Speaker, we would have easily considered that legislation, but the majority decided instead to head home. The House should vote on the Senate measure and we should do it now, instead of debating this legislation which will not become law and is really nothing more than a rerun.

We must always stay one step ahead of those who wish harm on Americans. Now is not the time to, in any way, in any way tie the hands of our intelligence community. The modernization of foreign intelligence surveillance into this century is a critical national security priority.

I'm pleased that several of my colleagues on the other side of the aisle also agree. On January 28, 21 members of the Blue Dog Coalition sent a letter to the Speaker in support of the Senate legislation. The letter states, "The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues, and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives in the United States."

Today I will give all Members of this House an opportunity to vote on the bipartisan long-term modernization of FISA. I call on all of my colleagues, including members of the Blue Dog Coalition that signed the letter to the Speaker, to join with me in defeating the previous question so that we can immediately move to concur in the Senate amendment and send the bill to the President to be signed into law.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. HOLDEN). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I urge my colleagues to vote "no" on the previous question and in favor of a bipartisan permanent solution that will help protect American lives from international terrorism.

With that, Mr. Speaker, I yield back.

Ms. MATSUI. Mr. Speaker, today's debate is really about the future of our country. Those of us who think that American leadership can create new sources of clean energy will vote for this bill. Those of us who think that high oil prices, economic uncertainty, and dependence on foreign oil are good energy policy will vote against it.

I know where my loyalties lie in this debate. They lie with Americans who are struggling to find the money to drive their children to school. They lie with people in my State of California who are concerned about global warming. They lie with my constituents who want a new direction for energy policy. It is for them that I support this legislation today. It is for them that I urge all of my colleagues to support this legislation.

Voting for the Renewable Energy and Energy Conservation Tax Act is a way to show our constituents that the energy policies of the past are no longer acceptable. The American people are challenging us to create a new strategy focused on renewable and affordable energy. Those of us who support today's bill are meeting that challenge.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1001

OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 4. "That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker's table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion."

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Approval of the Journal, de novo;

Ordering the previous question on H. Res. 1001, by the yeas and nays;

Adoption of H. Res. 1001.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

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## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 185, answered "present" 1, not voting 25, as follows:

[Roll No. 79]

YEAS—217

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Gerlach
Gonzalez
Goodlatte
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuster
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—185

Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Chandler
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom

Deal (GA)
Diaz-Balart, L.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Goode
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

### ANSWERED "PRESENT"—1

Gohmert

### NOT VOTING—25

Aderholt
Barton (TX)
Braley (IA)
Brown-Waite, Ginny
Clay
Conaway
Cubin
Diaz-Balart, M.
Frank (MA)
Garrett (NJ)
Gingrey
Hunter
Jones (OH)
Keller
Lungren, Daniel E.
McMorris Rodgers
Miller (NC)
Pearce
Renzi
Reyes
Ryan (OH)
Slaughter
Sullivan
Udall (CO)
Woolsey

☐ 1239

Ms. GRANGER and Messrs. RYAN of Wisconsin, THOMPSON of California, and RAMSTAD changed their vote from "yea" to "nay."

Mr. WATT changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

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## PROVIDING FOR CONSIDERATION OF H.R. 5351, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1001, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 189, not voting 25, as follows:

[Roll No. 80]

### YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

### NAYS—189

Akin
Alexander
Bachmann
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Donnelly
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

### NOT VOTING—25

Aderholt
Bachus
Bilbray
Brown-Waite, Ginny
Conyers
Cubin
Davis, Lincoln
Diaz-Balart, M.
Doolittle
Garrett (NJ)
Herger
Jones (OH)
Keller
Lungren, Daniel E.
Lynch
McMorris Rodgers
Miller (NC)
Pickering
Renzi
Reyes
Rogers (KY)
Royce
Ryan (OH)
Udall (CO)
Woolsey

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1245

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. ROYCE. Mr. Speaker, on rollcall No. 80, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 188, not voting 20, as follows:

[Roll No. 81]

### YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

### NAYS—188

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

### NOT VOTING—20

Aderholt
Berry
Brown-Waite, Ginny
Cubin
Davis (CA)
Diaz-Balart, M.
Garrett (NJ)
Jones (OH)
Keller
Knollenberg
Lungren, Daniel E.
McMorris Rodgers
Miller (NC)
Radanovich
Reyes
Ryan (OH)
Saxton
Tierney
Udall (CO)
Woolsey

□ 1252

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, on rollcall No. 81, I was unavoidable detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 1001, House Resolution 983 is laid on the table.

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## RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 1001, I call up the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5351

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Renewable Energy and Energy Conservation Tax Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—PRODUCTION INCENTIVES

Sec. 101. Extension and modification of renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Extension and modification of energy credit.
Sec. 104. New clean renewable energy bonds.
Sec. 105. Extension and modification of special rule to implement FERC and State electric restructuring policy.
Sec. 106. Extension and modification of credit for residential energy efficient property.

TITLE II—CONSERVATION

Subtitle A—Transportation

PART 1—VEHICLES

Sec. 201. Credit for plug-in hybrid vehicles.
Sec. 202. Extension and modification of alternative fuel vehicle refueling property credit.
Sec. 203. Modification of limitation on automobile depreciation.

PART 2—FUELS

Sec. 211. Extension and modification of credits for biodiesel and renewable diesel.
Sec. 212. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 213. Credit for production of cellulosic alcohol.

PART 3—OTHER TRANSPORTATION INCENTIVES

Sec. 221. Extension of transportation fringe benefit to bicycle commuters.
Sec. 222. Restructuring of New York Liberty Zone tax credits.

Subtitle B—Other Conservation Provisions

Sec. 231. Qualified energy conservation bonds.
Sec. 232. Extension and modification of credit for nonbusiness energy property.
Sec. 233. Extension of energy efficient commercial buildings deduction.
Sec. 234. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 235. Five-year applicable recovery period for depreciation of qualified energy management devices.

TITLE III—REVENUE PROVISIONS

Sec. 301. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.

Sec. 302. Clarification of determination of foreign oil and gas extraction income.

Sec. 303. Time for payment of corporate estimated taxes.

TITLE IV—OTHER PROVISIONS

Subtitle A—Studies

Sec. 401. Carbon audit of the tax code.

Sec. 402. Comprehensive study of biofuels.

Subtitle B—Application of Certain Labor Standards on Projects Financed Under Tax Credit Bonds

Sec. 411. Application of certain labor standards on projects financed under tax credit bonds.

## TITLE I—PRODUCTION INCENTIVES

### SEC. 101. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" and inserting "January 1, 2012":

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking "the 8 cent amount in paragraph (1)," in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

"(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

"(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

"(i) the applicable percentage with respect to such facility, multiplied by

"(ii) the eligible basis of such facility.

"(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

"(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

"(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may be carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

"(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

"(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

"(ii) METHOD OF PRESCRIBING APPLICABLE PERCENTAGES.—The applicable percentages prescribed by the Secretary for any month under clause (i) shall be percentages which yield over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

"(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

"(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

"(II) by using a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, and

"(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

"(D) ELIGIBLE BASIS.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

"(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

"(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

"(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

"(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

"(I) which a qualified facility will require for utilization of such facility, and

"(II) which is not a qualified facility.

"(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

"(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.

"(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is placed in service at the mid-point of such year or the first day of the following calendar year.".

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.".

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

(3) LIMITATION BASED ON INVESTMENT IN FACILITY.—The amendment made by subsection (b)(2) shall apply to property originally placed in service after December 31, 2009.

(4) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (c) shall apply to electricity produced and sold after the date of the enactment of this Act.

(5) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

### SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

"(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.".

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101(a), is amended by striking "January 1, 2012" and inserting "the date of the enactment of paragraph (11)".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

### SEC. 103. EXTENSION AND MODIFICATION OF ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2017".

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2016".

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.".

(c) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking "$500" and inserting "$1,500".

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) INCREASE IN LIMITATION FOR FUEL CELL PROPERTY.—The amendment made by subsection (c) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsection (d) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

### SEC. 104. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

### "Subpart I—Qualified Tax Credit Bonds

"Sec. 54A. Credit to holders of qualified tax credit bonds.

"Sec. 54B. New clean renewable energy bonds.

### "SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

"(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

"(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

"(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a new clean renewable energy bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

"(2) SPECIAL RULES RELATING TO EXPENDITURES.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

"(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

"(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

"(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

"(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

"(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(a)(1).

"(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

"(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

"(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

"(4) SPECIAL RULES RELATING TO ARBITRAGE.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

"(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

"(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

"(i) such fund is funded at a rate not more rapid than equal annual installments,

"(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

"(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

"(5) MATURITY LIMITATION.—

"(A) IN GENERAL.—An issue shall not be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue exceeds the maximum term determined by the Secretary under subparagraph (B).

"(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

"(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

"(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

"(e) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).

"(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

"(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

"(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

"(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

**"SEC. 54B. NEW CLEAN RENEWABLE ENERGY BONDS.**

"(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers or cooperative electric companies for one or more qualified renewable energy facilities,

"(2) the bond is issued by a qualified issuer, and

"(3) the issuer designates such bond for purposes of this section.

"(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

"(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

"(A) not more than 60 percent thereof may be allocated to qualified projects of public power providers, and

"(B) not more than 40 percent thereof may be allocated to qualified projects of cooperative electric companies.

"(3) METHOD OF ALLOCATION.—

"(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under subparagraph (2)(A) bears to the cost of all such projects.

"(B) ALLOCATION AMONG COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraph (2)(B) among qualified projects of cooperative electric companies in such manner as the Secretary determines appropriate.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider or a cooperative electric company.

"(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

"(3) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

"(4) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(5) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking "subpart C" and inserting "subparts C and I".

(2) Section 1397E(c)(2) is amended by striking "subpart H" and inserting "subparts H and I".

(3) Section 6401(b)(1) is amended by striking "and H" and inserting "H, and I".

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking "**CERTAIN BONDS**" and inserting "**CLEAN RENEWABLE ENERGY BONDS**".

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

"SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

"SUBPART I. QUALIFIED TAX CREDIT BONDS.".

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

### SEC. 105. EXTENSION AND MODIFICATION OF SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) (relating to special rule for sales or dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy) is amended by inserting "(before January 1, 2010, in the case of a qualified electric utility)" after "January 1, 2008".

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

"(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

"(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).".

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking "December 31, 2007" and inserting "the date which is 4 years after the close of the taxable year in which the transaction occurs".

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.".

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

### SEC. 106. EXTENSION AND MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) (relating to maximum credit) is amended by striking "$2,000" and inserting "$4,000".

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking "$6,667" and inserting "$13,333".

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) (relating to allowance of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1) (relating to maximum credit) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.".

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.".

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) (relating to wind facility) is amended by adding at the end the following new sentence: "Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) (relating to maximum expenditures) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.".

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a) (relating to allowance of credit), as amended by subsection (c), is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1) (relating to maximum credit), as amended by subsection (c), is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.".

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d) (relating to definitions), as amended by subsection (c), is amended by adding at the end the following new paragraph:

"(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

"(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

"(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

"(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) (relating to maximum expenditures), as amended by subsection (c), is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.".

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

“(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

“(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

“(2) CARRYFORWARD OF UNUSED CREDIT.—

“(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

“(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting “and section 25D” after “this section”.

(B) Section 24(b)(3)(B) is amended by striking “and 25B” and inserting “, 25B, and 25D”.

(C) Section 25B(g)(2) is amended by striking “section 23” and inserting “sections 23 and 25D”.

(D) Section 26(a)(1) is amended by striking “and 25B” and inserting “25B, and 25D”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

### TITLE II—CONSERVATION

### Subtitle A—Transportation

### PART 1—VEHICLES

**SEC. 201. CREDIT FOR PLUG-IN HYBRID VEHICLES.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

**“SEC. 30D. PLUG-IN HYBRID VEHICLES.**

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each qualified plug-in hybrid vehicle placed in service by the taxpayer during the taxable year.

“(b) PER VEHICLE DOLLAR LIMITATION.—

“(1) IN GENERAL.—The amount determined under this subsection with respect to any qualified plug-in hybrid vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

“(2) BASE AMOUNT.—The amount determined under this paragraph is $4,000.

“(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

“(c) APPLICATION WITH OTHER CREDITS.—

“(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

“(2) PERSONAL CREDIT.—

“(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

“(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

“(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

“(d) QUALIFIED PLUG-IN HYBRID VEHICLE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified plug-in hybrid vehicle’ means a motor vehicle (as defined in section 30(c)(2))—

“(A) the original use of which commences with the taxpayer,

“(B) which is acquired for use or lease by the taxpayer and not for resale,

“(C) which is made by a manufacturer,

“(D) which has a gross vehicle weight rating of less than 14,000 pounds,

“(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

“(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

“(i) has a capacity of not less than 4 kilowatt hours, and

“(ii) is capable of being recharged from an external source of electricity, and

“(G) which either—

“(i) is also propelled to a significant extent by other than an electric motor, or

“(ii) has a significant onboard source of electricity which also recharges the battery referred to in subparagraph (F).

“(2) EXCEPTION.—The term ‘qualified plug-in hybrid vehicle’ shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

“(3) OTHER TERMS.—The terms ‘passenger automobile’, ‘light truck’, and ‘manufacturer’ have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(4) BATTERY CAPACITY.—The term ‘capacity’ means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

“(e) LIMITATION ON NUMBER OF QUALIFIED PLUG-IN HYBRID VEHICLES ELIGIBLE FOR CREDIT.—

“(1) IN GENERAL.—In the case of a qualified plug-in hybrid vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

“(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of qualified plug-in hybrid vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

“(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

“(A) 50 percent for the first 2 calendar quarters of the phaseout period,

“(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

“(C) 0 percent for each calendar quarter thereafter.

“(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

“(f) SPECIAL RULES.—

“(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

“(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

“(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

“(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

“(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.”.

(b) PLUG-IN VEHICLES NOT TREATED AS NEW QUALIFIED HYBRID VEHICLES.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

“(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.”.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking “and” each place it appears at the end of any paragraph,

(2) by striking “plus” each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (31) and inserting “, plus”, and

(4) by adding at the end the following new paragraph:

"(32) the portion of the plug-in hybrid vehicle credit to which section 30D(c)(1) applies.".

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by this Act, is amended by striking "and 25D" and inserting "25D, and 30D".

(B) Section 25(e)(1)(C)(ii) is amended by inserting "30D," after "25D,".

(C) Section 25B(g)(2), as amended by this Act, is amended by striking "and 25D" and inserting ", 25D, and 30D".

(D) Section 26(a)(1), as amended by this Act, is amended by striking "and 25D" and inserting "25D, and 30D".

(E) Section 1400C(d)(2) is amended by striking "and 25D" and inserting "25D, and 30D".

(2) Section 1016(a) is amended by striking "and" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", and", and by adding at the end the following new paragraph:

"(37) to the extent provided in section 30D(f)(1).".

(3) Section 6501(m) is amended by inserting "30D(f)(4)," after "30C(e)(5),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30D. Plug-in hybrid vehicles.".

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

"(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking "sections 27, 30, and 30B" and inserting "sections 27 and 30".

(B) Paragraph (3) of section 55(c) is amended by striking "30B(g)(2),".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

### SEC. 202. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C (relating to alternative fuel vehicle refueling property credit) is amended—

(1) by striking "30 percent" in subsection (a) and inserting "50 percent", and

(2) by striking "$30,000" in subsection (b)(1) and inserting "$50,000".

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) (relating to termination) is amended by striking "December 31, 2009" and inserting "December 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

### SEC. 203. MODIFICATION OF LIMITATION ON AUTOMOBILE DEPRECIATION.

(a) IN GENERAL.—Paragraph (5) of section 280F(d) (defining passenger automobile) is amended to read as follows:

"(5) PASSENGER AUTOMOBILE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'passenger automobile' means any 4-wheeled vehicle—

"(i) which is primarily designed or which can be used to carry passengers over public streets, roads, or highways (except any vehicle operated exclusively on a rail or rails), and

"(ii) which is rated at not more than 14,000 pounds gross vehicle weight.

"(B) EXCEPTIONS.—The term 'passenger automobile' shall not include—

"(i) any exempt-design vehicle, and

"(ii) any exempt-use vehicle.

"(C) EXEMPT-DESIGN VEHICLE.—The term 'exempt-design vehicle' means—

"(i) any vehicle which, by reason of its nature or design, is not likely to be used more than a de minimis amount for personal purposes, and

"(ii) any vehicle—

"(I) which is designed to have a seating capacity of more than 9 persons behind the driver's seat,

"(II) which is equipped with a cargo area of at least 5 feet in interior length which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment, or

"(III) has an integral enclosure, fully enclosing the driver compartment and load carrying device, does not have seating rearward of the driver's seat, and has no body section protruding more than 30 inches ahead of the leading edge of the windshield.

"(D) EXEMPT-USE VEHICLE.—The term 'exempt-use vehicle' means—

"(i) any ambulance, hearse, or combination ambulance-hearse used by the taxpayer directly in a trade or business,

"(ii) any vehicle used by the taxpayer directly in the trade or business of transporting persons or property for compensation or hire, and

"(iii) any truck or van if substantially all of the use of such vehicle by the taxpayer is directly in—

"(I) a farming business (within the meaning of section 263A(e)(4)),

"(II) the transportation of a substantial amount of equipment, supplies, or inventory, or

"(III) the moving or delivery of property which requires substantial cargo capacity.

"(E) RECAPTURE.—In the case of any vehicle which is not a passenger automobile by reason of being an exempt-use vehicle, if such vehicle ceases to be an exempt-use vehicle in any taxable year after the taxable year in which such vehicle is placed in service, a rule similar to the rule of subsection (b) shall apply.".

(b) CONFORMING AMENDMENT.—Section 179(b) (relating to limitations) is amended by striking paragraph (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

## PART 2—FUELS

### SEC. 211. EXTENSION AND MODIFICATION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking "December 31, 2008" and inserting "December 31, 2010".

(b) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking "diesel fuel" and inserting "liquid fuel",

(2) by striking "using a thermal depolymerization process", and

(3) by striking "or D396" in subparagraph (B) and inserting "or other equivalent standard approved by the Secretary for fuels to be used in diesel-powered highway vehicles".

(c) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following flush sentence:

"Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking "(as defined in section 45K(c)(3))".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (c) shall apply to fuel produced, and sold or used, after February 13, 2008.

### SEC. 212. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) BIODIESEL FUELS CREDIT.—Paragraph (5) of section 40A(d), as added by subsection (c), is amended to read as follows:

"(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel unless—

"(A) such biodiesel is produced in the United States for use as a fuel in the United States, and

"(B) the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the location of such production.

For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(b) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(h), as added by subsection (c), is amended to read as follows:

"(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel unless—

"(A) such biodiesel or alternative fuel is produced in the United States for use as a fuel in the United States, and

"(B) the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of such biodiesel or alternative fuel which identifies the product produced and the location of such production.".

(c) PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.—

(1) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

"(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(2) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

"(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(3) EXCISE TAX CREDIT.—

(A) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

"(h) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

"(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

"(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.".

(B) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(h).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (c) shall take effect as if included in section 301 of the American Jobs Creation Act of 2004.

(B) ALTERNATIVE FUEL CREDITS.—So much of the amendments made by subsection (c) as relate to the alternative fuel credit or the alternative fuel mixture credit shall take effect as if included in section 11113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

(C) RENEWABLE DIESEL.—So much of the amendments made by subsection (c) as relate to renewable diesel shall take effect as if included in section 1346 of the Energy Policy Act of 2005.

### SEC. 213. CREDIT FOR PRODUCTION OF CELLULOSIC ALCOHOL.

(a) IN GENERAL.—Subsection (b) of section 40 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) CELLULOSIC ALCOHOL FUEL PRODUCER CREDIT.—

"(A) IN GENERAL.—The cellulosic alcohol fuel producer credit of any cellulosic alcohol fuel producer for any taxable year is 50 cents for each gallon of qualified cellulosic fuel production of such producer.

"(B) QUALIFIED CELLULOSIC FUEL PRODUCTION.—For purposes of this paragraph, the term 'qualified cellulosic fuel production' means any cellulosic alcohol which is produced by a cellulosic alcohol fuel producer, and which during the taxable year—

"(i) is sold by such producer to another person—

"(I) for use by such other person in the production of a qualified mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such alcohol at retail to another person and places such alcohol in the fuel tank of such other person, or

"(ii) is used or sold by such producer for any purpose described in clause (i).

"(C) CELLULOSIC ALCOHOL.—For purposes of this paragraph, the term 'cellulosic alcohol' means any alcohol which—

"(i) is produced in the United States for use as a fuel in the United States, and

"(ii) is derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.

For purposes of this subparagraph, the term 'United States' includes any possession of the United States.

"(D) CELLULOSIC ALCOHOL FUEL PRODUCER.—For purposes of this paragraph, the term 'cellulosic alcohol fuel producer' means any person who produces cellulosic alcohol in a trade or business and is registered with the Secretary as a cellulosic alcohol fuel producer.

"(E) ADDITIONAL DISTILLATION EXCLUDED.—The qualified cellulosic fuel production of any producer for any taxable year shall not include any alcohol which is purchased by the producer and with respect to which such producer increases the proof of the alcohol by additional distillation.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 40 is amended by striking "plus" at the end of paragraph (1), by striking "plus" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", plus", and by adding at the end the following new paragraph:

"(4) in the case of a cellulosic alcohol fuel producer, the cellulosic alcohol fuel producer credit.".

(2) Clause (ii) of section 40(d)(3)(C) is amended by striking "subsection (b)(4)(B)" and inserting "paragraph (4)(B) or (5)(B) of subsection (b)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to alcohol produced after December 31, 2008.

## PART 3—OTHER TRANSPORTATION INCENTIVES

### SEC. 221. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) (relating to general rule for qualified transportation fringe) is amended by adding at the end the following:

"(D) Any qualified bicycle commuting reimbursement.".

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.".

(c) DEFINITIONS.—Paragraph (5) of section 132(f) (relating to definitions) is amended by adding at the end the following:

"(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

"(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

"(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

"(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

"(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

"(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).".

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting "(other than a qualified bicycle commuting reimbursement)" after "qualified transportation fringe".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

### SEC. 222. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

### "SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

"(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

"(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

"(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

"(B) any such expenditures—

"(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

"(ii) not previously allocated under paragraph (3).

"(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

"(3) GENERAL ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

"(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

"(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

"(i) $169,000,000, plus

"(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

"(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

"(i) the lesser of—

"(I) such excess, or

"(II) the qualifying project expenditure amount for such calendar year, reduced by

"(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

"(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

"(c) CARRYOVER OF UNUSED ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

"(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2008.

"(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

"(A) the State of New York,

"(B) the City of New York, New York, and

"(C) any agency or instrumentality of such State or City.

"(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

"(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

"(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

"(1) which certifies—

"(A) the qualifying project expenditure amount for the calendar year, and

"(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

"(2) includes such other information as the Secretary may require to carry out this section.

"(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.".

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical in the flush language after clause (v) thereof and inserting "(in the case of nonresidential real property and residential rental property, the date of the enactment of the Renewable Energy and Energy Conservation Tax Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)".

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking "section 1400L(a)" and inserting "section 1400K(a)".

(2) Section 168(k)(2)(D)(ii) is amended by striking "section 1400L(c)(2)" and inserting "section 1400K(c)(2)".

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

"Sec. 1400L. New York Liberty Zone tax credits.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

## Subtitle B—Other Conservation Provisions

### SEC. 231. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by section 104, is amended by adding at the end the following new section:

### "SEC. 54C. QUALIFIED ENERGY CONSERVATION BONDS.

"(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

"(2) the bond is issued by a State or local government, and

"(3) the issuer designates such bond for purposes of this section.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (d).

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,600,000,000.

"(d) ALLOCATIONS.—

"(1) IN GENERAL.—The limitation applicable under subsection (c) shall be allocated by the Secretary among the States in proportion to the population of the States.

"(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

"(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

"(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

"(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

"(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

"(e) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

"(A) Capital expenditures incurred for purposes of—

"(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

"(ii) implementing green community programs,

"(iii) rural development involving the production of electricity from renewable energy resources, or

"(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

"(B) Expenditures with respect to research facilities, and research grants, to support research in—

"(i) development of cellulosic ethanol or other nonfossil fuels, "(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

"(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

"(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

"(v) technologies to reduce energy use in buildings.

"(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

"(D) Demonstration projects designed to promote the commercialization of—

"(i) green building technology,

"(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

"(iii) advanced battery manufacturing technologies,

"(iv) technologies to reduce peak use of electricity, or

"(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

"(E) Public education campaigns to promote energy efficiency.

"(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

"(f) POPULATION.—

"(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

"(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

"(g) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

"(1) an Indian tribal government shall be treated for purposes of subsection (d) as located within a State to the extent of so much of the population of such government as resides within such State, and

"(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by section 104, is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

"(A) a new clean renewable energy bond, or

"(B) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).".

(2) Subparagraph (C) of section 54A(d)(2), as added by section 104, is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(i) in the case of a new clean renewable energy bond, a purpose specified in section 54B(a)(1), and

"(ii) in the case of a qualified energy conservation bond, a purpose specified in section 54C(a)(1).".

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54C. Qualified energy conservation bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

### SEC. 232. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d) is amended by striking subparagraph (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

"(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

"(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

"(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.".

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

### SEC. 233. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

### SEC. 234. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible", and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by

striking "3-calendar year" and inserting "2-calendar year".

(c) Types of Energy Efficient Appliances.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) Types of Energy Efficient Appliance.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) Aggregate Credit Amount Allowed.—

(1) Increase in limit.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

"(1) Aggregate credit amount allowed.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) Exception for certain refrigerator and clothes washers.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) Amount allowed for certain refrigerators and clothes washers.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) Qualified Energy Efficient Appliances.—

(1) In general.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) Qualified energy efficient appliance.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) Clothes washer.—Section 45M(f)(3) (defining clothes washer) is amended by inserting "commercial" before "residential" the second place it appears.

(3) Top-loading clothes washer.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) Top-loading clothes washer.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) Replacement of energy factor.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

"(6) Modified energy factor.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) Gallons per cycle; water consumption factor.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

"(9) Gallons per cycle.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) Water consumption factor.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) Effective Date.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

### SEC. 235. FIVE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) In General.—Section 168(e)(3)(B) (relating to 5-year property) is amended by striking "and" at the end of clause (v), by striking the period at the end of clause (vi) and inserting ", and", and by inserting after clause (vi) the following new clause:

"(vii) any qualified energy management device.".

(b) Definition of Qualified Energy Management Device.—Section 168(i) (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

"(18) Qualified energy management device.—

"(A) In general.—The term 'qualified energy management device' means any energy management device which is installed on real property of a customer of the taxpayer and is placed in service by a taxpayer who—

"(i) is a supplier of electric energy or a provider of electric energy services, and

"(ii) provides all commercial and residential customers of such supplier or provider with net metering upon the request of such customer.

"(B) Energy management device.—For purposes of subparagraph (A), the term 'energy management device' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

"(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

"(ii) provides for the exchange of information between supplier or provider and the customer's energy management device in support of time-based rates or other forms of demand response, and

"(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically.

"(C) Net metering.—For purposes of subparagraph (A), the term 'net metering' means allowing customers a credit for providing electricity to the supplier or provider.".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

## TITLE III—REVENUE PROVISIONS

### SEC. 301. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) Denial of Deduction for Major Integrated Oil Companies for Income Attributable to Domestic Production of Oil, Gas, or Primary Products Thereof.—

(1) In general.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by inserting after clause (iii) the following new clause:

"(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).".

(2) Primary product.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

"For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.".

(b) Limitation on Oil Related Qualified Production Activities Income for Taxpayers Other Than Major Integrated Oil Companies.—

(1) In general.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) Special rule for taxpayers with oil related qualified production activities income.—

"(A) In general.—If a taxpayer (other than a major integrated oil company (as defined in section 167(h)(5)(B))) has oil related qualified production activities income for any taxable year beginning after 2009, the amount of the deduction under subsection (a) shall be reduced by 3 percent of the least of—

"(i) the oil related qualified production activities income of the taxpayer for the taxable year,

"(ii) the qualified production activities income of the taxpayer for the taxable year, or

"(iii) taxable income (determined without regard to this section).

"(B) Oil related qualified production activities income.—The term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.".

(2) Conforming amendment.—Section 199(d)(2) (relating to application to individuals) is amended by striking "subsection (a)(1)(B)" and inserting "subsections (a)(1)(B) and (d)(9)(A)(iii)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

### SEC. 302. CLARIFICATION OF DETERMINATION OF FOREIGN OIL AND GAS EXTRACTION INCOME.

(a) In General.—Paragraph (1) of section 907(c) is amended by redesignating subparagraph (B) as subparagraph (C), by striking "or" at the end of subparagraph (A), and by inserting after subparagraph (A) the following new subparagraph:

"(B) so much of any transportation of such minerals as occurs before the fair market value event, or".

(b) Fair Market Value Event.—Subsection (c) of section 907 is amended by adding at the end the following new paragraph:

"(6) Fair market value event.—For purposes of this section, the term 'fair market value event' means, with respect to any mineral, the first point in time at which such mineral—

"(A) has a fair market value which can be determined on the basis of a transfer, which is an arm's length transaction, of such mineral from the taxpayer to a person who is not related (within the meaning of section 482) to such taxpayer, or

"(B) is at a location at which the fair market value is readily ascertainable by reason of transactions among unrelated third parties with respect to the same mineral (taking into account source, location, quality, and chemical composition).''.

(c) SPECIAL RULE FOR CERTAIN PETROLEUM TAXES.—Subsection (c) of section 907, as amended by subsection (b), is amended to by adding at the end the following new paragraph:

"(7) OIL AND GAS TAXES.—In the case of any tax imposed by a foreign country which is limited in its application to taxpayers engaged in oil or gas activities—

"(A) the term 'oil and gas extraction taxes' shall include such tax,

"(B) the term 'foreign oil and gas extraction income' shall include any taxable income which is taken into account in determining such tax (or is directly attributable to the activity to which such tax relates), and

"(C) the term 'foreign oil related income' shall not include any taxable income which is treated as foreign oil and gas extraction income under subparagraph (B).''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 907(c)(1), as redesignated by this section, is amended by inserting "or used by the taxpayer in the activity described in subparagraph (B)" before the period at the end.

(2) Subparagraph (B) of section 907(c)(2) is amended to read as follows:

"(B) so much of the transportation of such minerals or primary products as is not taken into account under paragraph (1)(B),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

### SEC. 303. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 3.00 percentage points.

## TITLE IV—OTHER PROVISIONS

## Subtitle A—Studies

### SEC. 401. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

### SEC. 402. COMPREHENSIVE STUDY OF BIOFUELS.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(1) current biofuels production, as well as projections for future production,

(2) the maximum amount of biofuels production capable on United States farmland,

(3) the domestic effects of a dramatic increase in biofuels production on, for example—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop acreage and other land use,

(D) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(E) the price of feed,

(F) the selling price of grain crops,

(G) exports and imports of grains,

(H) taxpayers, through cost or savings to commodity crop payments, and

(I) the expansion of refinery capacity,

(4) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(5) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation, and

(6) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The National Academy of Sciences shall submit an initial report of the findings of the report required under subsection (a) to the Congress not later than 3 months after the date of the enactment of this Act, and a final report not later than 6 months after such date of enactment.

## Subtitle B—Application of Certain Labor Standards on Projects Financed Under Tax Credit Bonds

### SEC. 411. APPLICATION OF CERTAIN LABOR STANDARDS ON PROJECTS FINANCED UNDER TAX CREDIT BONDS.

Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of any tax credit bond (as defined in section 54A of the Internal Revenue Code of 1986).

The SPEAKER pro tempore. Pursuant to House Resolution 1001, the gentleman from New York (Mr. RANGEL) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 45 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the tax provisions of H.R. 5351. The technical explanation expresses the committee's understanding and legislative intent behind this important legislation. This explanation, document JCX–19–08, is currently available on the Joint Committee's Web site.

H.R. 5351 presents a step in the right direction as Congress moves to address the issue of climate change and energy security.

Mr. Speaker, we have an opportunity today to once again visit this important international and certainly national crisis that our country is facing today. RICHARD NEAL, an outstanding member of the Oversight Committee, working with my dear friend, PHIL ENGLISH, was able to explore how the Congress might be more aggressive in dealing with this serious problem.

It is clear that one day our children and grandchildren will be asking us, during this period of time, what were we doing as relates to climate control. What role did we play to avoid our dependency on fossil fuel? How many lives have been lost as a result of our Nation feeling insecure about oil reserves throughout the world? Did we attempt to conserve? Did we protect the Earth? Did we create the jobs? Did we fulfill our moral obligation?

I hate to see that the record is going to say that here we go again, that we have done this before, that the Senate hasn't acted, or that other Members would take the time to talk about other pieces of legislation instead of devoting all of their attention as to how we can make this issue one that the President can come to the table and join with us and attempt to resolve.

Mr. Speaker, we have an obligation to find renewable sources of energy, to conserve what we have, to test the winds, the waters, solar, to do all that we can to make certain that we meet the challenges that arise on our watch.

And so I reserve the balance of my time, Mr. Speaker, but I do hope that the discussion we have today, that Members realize that the whole world is watching, history is being made, and it is our choice as to whether we have made a positive contribution or whether some Members have preferred to be a political impediment to that progress. But no matter how many times we are rejected by the Senate, our Speaker and leadership are committed to be able to say that on our watch, while we were here, we have done all we could do in order to face and resolve this serious problem.

I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was Ralph Waldo Emerson who once wrote that a foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines.

Mr. Speaker, our friends on the other side of the aisle have today trumpeted forward an energy bill which they claim will promote America's energy independence. As the chairman of the Ways and Means Committee noted, this is a serious issue. But for those of you who are inclined to actually keep track of these things, this is actually the fourth time that the majority has advanced this particular flawed proposal in one form or another. That to me is a foolish consistency, or just like a broken record, this bill clearly is not playing with the American people.

We fear that it will harm consumers, both individual consumers and companies, and it will also hurt the competitive position of the American economy. At a time when that economy is teetering on the lip of a recession and we are passing through this Chamber stimulus legislation, Washington ought to think twice before we go forward with a bill like this instead of embracing an energy policy that meets the needs of our economy now and that anticipates the challenges of the future.

It is clear today that the majority have not chosen this necessary path. In reality, Mr. Speaker, our friends on the other side of the aisle have presented the House Chamber with a placebo that will ultimately reduce domestic energy production, will punish American energy companies that do what we want them to, and that is invest their profits in exploration here at home, will encourage greater dependence on foreign oil, and will potentially damage America's manufacturing base.

□ 1300

This bill is not a serious solution. It is "energy policy-lite," and it is clearly intended to appeal more to the blogosphere than to market forces. The Democrat solution to America's energy crisis is to single out what they claim are the five largest oil and gas producers for a tax increase.

The fact is, Mr. Speaker, this legislation is not likely to impact oil producers' profits in any way, shape, or form. It is also not limited to the five largest producers, as they claim. The one thing you can be sure that this bill will do is raise prices at the pump for American consumers and create a looming sense of uncertainty which will compound the forces increasing prices today in the marketplace.

Furthermore, it creates disincentives that will erode the supply of domestic natural gas and oil and increase our country's energy imports. While H.R. 5351 not only forces our country to become more dependent on foreign oil, it will also force America's working families to bear the brunt of increased energy costs. The effects of high gas prices will ripple through the economy, increasing prices on everything from electronics to school supplies.

H.R. 5351 is also, I am afraid, an assault against America's manufacturing base. Using nearly one-third of the Nation's energy both as fuel and feedstock, energy production is the very heart of American manufacturing. With such an energy-intensive sector, raising energy prices will make domestic manufacturers less competitive in the world market, forcing more of our good-paying manufacturing jobs to go overseas.

Mr. Speaker, I have long advocated for a comprehensive energy plan that will reduce our dependence on foreign oil and increase Americans' access to clean, affordable, and dependable energy for their cars, their homes, and their businesses. Yet, here again, Mr. Speaker, this bill is moving in the wrong direction. It throws effective incentives for producing renewable energy out the window and replaces them with backward and broken provisions.

In this bill, the wind credit gets a substantial modification that will dramatically reduce its effectiveness for some of its most successful consumers. This will eliminate a critical incentive to increase renewable energy sources, one that has worked.

Mr. Speaker, this version of the Democrats' energy bill is also in an odd way hostile to domestic not only economic interests, but I would argue foreign policy interests. This bill raises taxes on American oil producers while cutting a break for the Venezuelan state-owned oil company, CITGO. In effect, Mr. Speaker, this legislation will take away incentives that have proven to bolster domestic energy production right here at home, while giving more American dollars to, I guess we would call him a tin horn leftist dictator who has threatened to sever Venezuelan energy supplies destined to the United States. Clearly, America's best interests are not in the heart of this plan.

This bill further repeals the domestic manufacturing deduction for domestic oil and gas companies, but allows all other oil and gas companies to receive a 6 percent deduction. This creates a situation whereby foreign-owned companies can claim the U.S. domestic manufacturing deduction, but certain U.S. employers can't.

H.R. 5351 is simply not the answer. It wasn't in any of its three previous incarnations, and it isn't today. This legislation threatens America's investment, threatens Americans' jobs, threatens the American economy, and puts the consumer at a disadvantage.

Mr. Speaker, I urge that we defeat this here today.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, referring to the threat of the national security of the oil producers in Venezuela is a clear example of a failed energy policy in this country, whether it is South America or whether it is the Middle East. But it should be pointed out for the record, as compiled by the Center for American Progress, profits during the Bush administration for oil companies have risen from $30 billion to $103 billion. We don't think it is asking too much for them to assist in partnership to find out whether there is a better way to fuel our energy needs.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), an outstanding Member of the Congress and distinguished member of the Ways and Means Committee.

Mr. LEVIN. Mr. Speaker, as you listen to the minority, it shows the bankruptcy of their approach to energy. They have been in control of this town for all these years, and we have moved backwards. So, instead of coming up now with an alternative of their own, what they do is raise arguments that are so irresponsible. For example, about raising gas prices. The Joint Economic Committee has refuted that.

There isn't a single argument that Mr. ENGLISH raised that can bear any weight of observation. It is absolutely mysterious why, in a time of global warming, what they do on the minority side is come here with a cold shoulder.

This is a responsible bill, a balanced bill. It addresses long-term needs on energy, long-term incentives for renewable energy, solar, wind, biomass, and also tries to give impetus to the use of biofuels like E85, and actually tries to make some progress with the deployment of pumps. Also, in terms of what we use every day, refrigerators, washing machines, there is an incentive here to increase the efficiency and also to do so with American jobs.

So I stand here today wondering, where have you been all of these years when you controlled this institution and the White House? And that is, I think you have not only been out to lunch, but you have been out to dinner, and you come here today with nothing but attacks that are unwarranted.

Mr. Speaker, I urge that we move this bill once again, and hope the Senate will find the 60 votes and that the President will come to his senses on energy in this country.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself 15 seconds simply to point out to the other gentleman that some of the provisions that he cited were actually originally written into the law during Republican Congresses when we were in the majority and when we were fighting against their opposition to pursue these important conservation measures.

Mr. Speaker, I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I don't want to burst anyone's rhetorical bubble here, but this is not a new direction in energy. We ought not oversell this bill. It has some good things we all support, renewable investments and renewables for wind and solar and biomass, hydro and others, which are really good, but 90 percent of this bill is just an extension of what is already in law today.

The only new direction in this bill is that we are outsourcing American energy jobs and raising prices at the pump.

A couple years ago, Congress, worried about too many jobs going overseas, sat down and worked out a new Tax Code that said if you invest, produce, and create jobs here in America, we will give you a lower tax rate than if you do the same overseas. What this bill does is it singles out one American industry, the energy industry, and says no, but not for you. We are going to treat your jobs like foreign jobs. We are going to treat your investments like foreign investments. We are going to treat you as foreign companies, just so we can take your money.

Here we are, almost 2 million American energy jobs at risk, people who have mortgages, have children, are day-to-day doing good work providing us energy, all of a sudden they don't matter anymore. As a result, here we are, facing recession, job losses in America, Michigan, Ohio, and across this country, and we are willing to outsource our American jobs overseas for a political exercise.

The result of this bill, there will be less investment in American energy, there will be less production of American energy, we will have more dependence on foreign oil, and we will have higher fuel prices.

Make no mistake, politicians are shooting at Big Oil, but they are hitting American energy workers and they are hitting families in the pocketbook. Whenever there is no argument left, you will hear this: ExxonMobil is making record profits. You will hear it over and over again.

Well, politicians in Washington ought to hold a mirror up to find out why there are record profits. We have locked off reserves in the gulf and ANWR. We have locked off oil shale. We are killing coal. We are chasing American energy deeper and deeper into costly offshore areas.

More and more of the world's oil reserves are held in unstable governments: Russia, Venezuela, Iran. No wonder prices are so high. The world knows Americans won't take responsibility for its own energy needs, won't explore in stable governments like ourselves, so the American public is paying a political tax at the pump because we won't take responsibility for our own energy needs.

What this Congress has done to lower fuel prices: allowed people to sue OPEC, promoted longer-lasting light bulbs, and, to their credit, directed higher fuel mileage, which is good for everyone but American automakers.

The false choice today is punish American energy, or renewable energy. No. This country needs to do both. Invest in America's traditional energy supply and go after new energy.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas and the distinguished member of the Ways and Means Committee I think explained why there are such high profits in the oil industry, and if that is the explanation, I assume, if they are looking forward to continuous higher profits as they have been reaping during this administration, that they are in support of this legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Ways and Means Committee.

Mr. MCDERMOTT. Mr. Speaker, the gentleman from Texas brings tears to my eyes. Big Oil has America over the proverbial barrel. Not only are we paying $100 a barrel for oil and over $3.30 a gallon at the pump, and it will soon be $4.00, not only are oil companies piling up record profits at $10 billion a quarter, but the American people are sending truckloads of taxpayer money to fatten Big Oil's wallet every month.

The legislation before us would stop the madness of American people subsidizing oil companies after they got their Republican friends in the White House and the people's House to give them a windfall they didn't earn, didn't deserve, and don't need.

The legislation before us today will keep America on course to a sustainable renewable energy future. We can dramatically reduce the energy consumption by dramatically increasing energy efficiency, and this bill does that, using tax credits and interest-free financing to partner with the American people to enable them to renovate their homes, to reduce consumption, and to install efficient appliances.

We can dramatically increase the development and deployment of alternative fuels like biodiesel and produce advanced biodiesel fuels with an even lower carbon footprint. And this bill goes in the right direction. We can dramatically increase the development of clean and renewable sources like solar, and this bill does that. Extending the investment tax credit for solar energy production will keep 240 million tons of $CO_2$ out of the atmosphere. That is like parking 52 million cars.

Today we declare that America will not permit corporate greed to force the American people to choose between food on the table and fuel to heat their house or get to work. Today we declare that America will put Americans ahead of Big Oil. Today we declare that America will power tomorrow with clean, renewable, and sustainable resources. And today we declare we will consume less power tomorrow.

I urge my colleagues to pass this legislation and declare the dawn of a new day in America, when the rising sun not only symbolizes the hope for a new day, but delivers the energy for a tomorrow.

□ 1315

Mr. ENGLISH of Pennsylvania. Mr. Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 35¾ minutes remaining. The gentleman from New York has 35½ minutes remaining.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from California and a senior member of the Ways and Means committee, Mr. HERGER.

Mr. HERGER. Mr. Speaker, today's bill is eerily reminiscent of legislation we saw back in August, modest renewable energy tax incentives, which I have long supported, mixed with a reformulation of billions of dollars in new taxes on America's predominant energy manufacturers.

Apparently the majority is more interested in scoring political points than in providing anything close to an energy plan. The Democrats even make sure to preserve a carveout that will enable Hugo Chavez's Venezuela state-owned oil company to claim a U.S. tax deduction.

When our constituents ask us to do something about gas prices, they don't want us to raise them. Yet by increasing taxes on U.S. energy manufacturers by more than $17 billion, this bill creates a significant disincentive for domestic production, decreasing our energy security and increasing our overreliance on uncertain foreign supplies.

Expanding the diversity of our domestic supplies is one step. That will be accomplished over time through tax incentives such as the energy investment and production tax credit for resources like forest, biomass, geothermal, and solar energy.

But we can't possibly hope to meet demand by raising taxes and making U.S. production even more costly. While it may make a nice talking point, taxes won't help our constituents or make energy less costly.

I urge my colleagues to oppose this bill.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Would the gentleman from California be kind enough to specify specifically what the carveout he thinks is in this bill for Hugo Chavez.

Mr. HERGER. With the carveout, I noticed that we are taxing those American companies producing in the United States.

Mr. BLUMENAUER. So there is no carveout for Hugo Chavez.

Mr. HERGER. But it leaves a carveout because it doesn't touch or affect Hugo Chavez.

Mr. BLUMENAUER. Reclaiming my time, it is very clear that the gentleman does not know of any "carveout" for Hugo Chavez. He is just talking about the largest five oil companies that under this bill would get an unnecessary tax subsidy and instead would go to emerging technologies that do need the help.

Mr. RANGEL. I would like to yield 3 minutes to an outstanding Member of Congress who has worked so hard on the Ways and Means Committee, Ms. SCHWARTZ of Pennsylvania.

Ms. SCHWARTZ. Mr. Speaker, last week the price of oil surpassed $100 per barrel for the first time ever. American families are hurting from these record prices. Gas prices are up 17 cents in just the last 2 weeks. Since 2001 when President Bush came into office, gas prices have doubled, up to $3.13 a gallon from $1.47 in 2001.

At the same time, oil company profits have tripled, from $30 billion in 2001 to $123 billion in 2007. ExxonMobil alone had a profit of $40 billion, $132 for every American citizen.

It's time our country set a new direction for energy policy by taking advantage of America's greatest resource, our ingenuity and our innovation. This legislation embraces this goal. It accelerates the use of clean domestic renewable energy sources and alternative fuels through long-term extension of production tax credits.

This legislation increases research, development and deployment of clean, renewable energy-efficient technology, and this legislation promotes the use of energy-efficient products and conservation, including a provision for energy-efficient commercial buildings, which I introduced as separate legislation called the Buildings for the 21st Century Act. That's why this bill was endorsed by the 83,000-member American Institute of Architects.

THE AMERICAN INSTITUTE
OF ARCHITECTS,
*February 24, 2008.*

Hon. NANCY PELOSI,
*Speaker of the House, Capitol Building, Washington, DC.*
Hon. HARRY REID,
*Senate Majority Leader, Capitol Building, Washington, DC.*

DEAR SPEAKER PELOSI AND LEADER REID: The American Institute of Architects (AIA) commends you for your leadership in advancing legislation that will put America on the path towards energy independence. While our nation has made great strides in pursuing energy efficiency and developing renewable energy sources, the AIA believes that the federal government can and must do more to bring energy efficient technologies to the marketplace.

One of the most effective strategies to do this is through tax incentives. We therefore strongly support provisions within H.R. 5351, that provide tax incentives to spur the construction of energy efficient buildings and encourage businesses to use renewable sources of energy, specifically solar power.

In order to significantly improve energy efficiency in the United States, we must make a serious commitment to designing and constructing more energy efficient buildings. The building sector is one of the largest consumers of energy in our nation and is responsible for a massive share of the electricity used. Section 233 of H.R. 5351 extends the Energy Efficient Commercial Buildings Tax Deduction. This deduction will provide the necessary incentives to stimulate the design and construction of more energy efficient buildings in the United States. We urge Congress to include an extension of the Energy Efficient Commercial Buildings Tax Deduction in the energy tax package.

This year, Congress has a unique opportunity to pass energy legislation that will set our nation on the path to a secure energy future. To meet this challenge, Congress should pursue policies that will both reduce the amount of energy our nation's buildings consume and increase the use of renewable sources of energy.

Providing tax incentives to achieve these goals is one of the most effective tools Congress can use to achieve these goals. For these reasons the AIA strongly urges Congress to pass H.R. 5351.

Sincerely,
ANDREW L. GOLDBERG,
*Senior Director, Federal Affairs.*

Cynics say that America isn't ready to embrace an economy that runs on a diversity of clean, American-made energy, but our renewable energy industries are ready to make America more energy independent, more energy efficient and ready to run on safer, cleaner and cheaper energy. This bill before us moves us more quickly and more deliberately towards this goal. It will make us safer, healthier and more economically competitive in the future.

And we pay for this bill. We do so by repealing taxpayer subsidies for the five biggest oil companies, redirecting these revenues towards these renewable sources of energy and energy conservation, creating new jobs in America and spurring new economic development.

I urge all of us who believe in the capacity of American innovation to power American businesses and industries and to make us more energy independent, to build a safer, cleaner future for all of us to support this legislation and to pass it today.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I would first like to yield myself 30 seconds to clear the record.

It has been intimated here that somehow Hugo Chavez's CITGO does not get a special break, and yet the definition in the bill, I think, clearly excludes it. Basically this bill would repeal the special domestic manufacturing deduction for major integrated oil companies, but under the strict definition included, CITGO is not defined as a major integrated oil company since it does not produce crude oil itself. Based on this, CITGO would continue to receive the domestic manufacturing deduction while a number of U.S.-based companies will not.

With that I will retain the balance of my time but yield 3 minutes to a very distinguished member of the Energy and Commerce Committee and ranking member of the Energy and Air Quality Subcommittee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, by the year 2030, our country is going to need between 40 and 50 percent more energy, and that means we need more nuclear, we need more clean coal, we need more renewable, we need better technology, carbon sequestration and, yes, we do need tax incentives for wind and solar, there is no question about that.

But raising taxes on the oil and gas industry is not the answer. My State of Michigan in answer to our budget woes, in fact, did raise taxes. And a couple of things are happening: people are leaving and so are businesses.

Many of us in this body have been complaining for years that we didn't have new refineries being built and established in this country. We passed the 2005 act and we have seen some changes. What's going to happen if we take those incentives away? We are not going to see new refinery capability again come back to this country.

We need to have incentives in place to help our oil and gas industry. And to take those incentives away, well, they are going to leave. Frankly, I view that as a national security issue.

Countries overseas would love this bill to pass. Countries like India, they can hardly wait for us to raise taxes here so that they will have a better advantage as they build new refineries to send their refined oil to this country.

In fact, right now, 10 percent of the gasoline that comes to this country comes from refineries overseas. That wasn't always the case, but it is today.

So what's going to happen if we raise the taxes? Two things: number one, we will have further incentives to have those companies leave and costs are going to be passed on to the consumer. With gas prices, at least in my district, already averaging about $3.30 a gallon and reports that they are going to go to $4, what's going to happen then? Those costs are going to be passed along. Does anyone really think that this is going to help?

Now most of our renewable sources, wind, hydro, solar, those facilities are, frankly, where there are not often a lot of energy needs. They are not in our big cities. They are not in our suburbs.

I don't know if you can remember, but this last summer, we had a vote that, in fact, was somewhat regional in nature, but it took away, it took a stand on a new transmission line that impacted folks here in the Northeast. I viewed it as a test vote as to whether additional renewables, services, that we do want, would we have the transmission line to actually send that energy to our cities and to our suburbs.

I don't know if you saw yesterday's USA Today, but "Lines Lacking to Transmit Wind Energy," we don't have the sources in it. It takes 5 to 10 years to build these transmission lines, and yet it only takes about 18 months to build the wind and other different devices that we have. But if you don't have the transmission, we can't get that energy to our folks that need it the best.

I'll bet that just about all those that voted to deny that transmission line last summer will be voting for this bill. You can't have it both ways. Let's have a serious discussion that's bipartisan to address the country's energy needs.

Mr. RANGEL. Mr. Speaker, it seems as though a lot of attention is being given to Hugo Chavez and CITGO and, I guess, Castro and maybe Osama bin Laden, but when the final record is established, it would be that we have a lousy energy policy in this country. We just hope you would join with us in trying to protect our great national security.

I would like to yield 3 minutes to RICHARD NEAL from Massachusetts, the subcommittee chairman of oversight, who has done a fantastic job on this subject, and for this your Nation is thankful.

Mr. NEAL of Massachusetts. Let me commend Mr. RANGEL again for his continued leadership on a very important national issue.

Mr. Speaker, this morning's New York Times headlines tell part of the story: "Gas Prices Soar, Posing a Threat to the Family Budget." Gas prices have been soaring for the last 2 years. Last evening's newscast led with, "What's Happened to Gasoline Prices?"

If you live in the Northeast, Mr. Speaker, you know what's happened to low-income and middle-class families during this winter heating season. They are struggling to pay energy costs that have skyrocketed in the middle of a harsh winter.

The elderly are particularly vulnerable at a time when they are trying to secure medicine, food and other daily necessities. Circumstances similar to this were evident last week when HHS belatedly released $40 million in emergency contingency funds from the Low Income Home Energy Assistance Program, LIHEAP.

By the way, for our Republican friends who might have forgotten, it was Congressman Silvio Conte, a Republican, who helped to inaugurate the LIHEAP program here in Congress that has done so much good for all Americans.

We can and should do more so that struggling people don't have to fear the possibility of going to bed in a cold house. In a Nation that has been blessed with so much, we ought to be able to agree on the necessities of food and medicine and shelter, and, yes, to make sure people don't go to bed in a cold house.

This bill offers important incentives for renewable and efficient energy programs, as well as energy conservation.

We held hearings last year on all of these initiatives. They were met with standing-room-only audiences. People are anxious to explore the advantages of alternative energy resources.

This legislation in front of us today helps to invite a debate and a discussion about where we need to go as a Nation. This important legislation calls attention to the opportunity to promote progressive energy and cost savings for the American family.

Whether it's clean, renewable energy bonds for municipalities, something I am particularly excited about, and my guess is even those who don't like this bill today on the Republican side, they will encourage their municipalities to take advantage of these opportunities should they arise.

It also offers a residential energy-efficient property credit. It offers improved incentives for businesses to deploy wind, solar, geothermal and other promising technologies.

I would think if you were a Member of Congress from Texas, you certainly would like the incentives that are offered here on the basis of wind power.

This legislation will put us on a path to cleaner, greener and stronger families and a stronger America.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is now my privilege to yield 2 minutes to a distinguished member of the Energy and Commerce Committee, the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise today to oppose this bill. It doesn't produce one bit of energy. It does not generate one kilowatt of electricity. It does not move us toward energy independence. Certainly those are things that need to be a priority when we discuss energy.

Now the price of a barrel of oil, we have talked about that today. It is topping $100, but where was it a year ago? It was at $56 for a barrel of oil.

□ 1330

I like to talk about what that means to my consumers and the impact that has on my constituents in my district. We have seen the price of a gallon of gas go up 75 cents per gallon in the Seventh District of Tennessee over the past year. Let's say a typical mom in Tennessee's Seventh Congressional District fills up her 15-gallon tank once a week. That is $47 per fill-up. Every month she is spending $44 more on that gasoline than she was last February. The difference for the year is $528 more coming out of her pocket to pay the additional energy cost.

Now, there is a bill before us that would tax energy companies and stop new domestic oil and gas production and discourage new investments in refinery capacity. Instead of making America more energy secure, we are seeing things that would drive us to be more dependent on sources from Venezuela, Saudi Arabia, and other nations.

It would be great if we were to have a debate on revolutionizing energy and revolutionary energy legislation. But, in reality, the legislation we are discussing today does not alleviate the strain on the consumers. It would be great if we were talking about energy independence. It would be great if we were talking about increasing refinery capacity and if we were going to look at short-term, mid-range, and long-term solutions to our Nation's energy needs.

I would encourage all to oppose this bill. Let's talk about solving the energy problem.

Mr. RANGEL. Mr. Speaker, when history is reviewed and we see where our Nation is and what bright light we have in not just identifying the problem but providing the solutions, the Speaker has given us all an opportunity to be a part of that great compromise in terms of working with the private sector and working with Republicans and Democrats. And it doesn't make any difference how many setbacks we have, the commitment she made continues. And until we can get a bipartisan ear in the White House, or until the Senate understands that our time has come to face up to the problems in terms of global warming and national security and in terms of the ever-increasing costs of fuel, and to be able to say on our watch we met the challenge and we moved forward, no one voice, no one leader has provided more of an opportunity for us to resolve this serious problem than the Speaker of the House of Representatives. It is indeed my privilege to yield 1 minute to her at this time.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, for his very generous remarks, and for his tremendous leadership. Once again, he is providing an opportunity for this Congress to come down on the side of America's families instead of a special interest. Once again, he has come down at a place that talks about energy independence and security for our country.

One year ago, actually a little longer, in January of 2007, Mr. RANGEL brought to the floor legislation similar to this. What it did was to repeal the subsidies for Big Oil and to use the funds for research into renewable energy resources and incentives, tax incentives for that purpose. The bill passed the House overwhelmingly. It again passed as part of our bipartisan energy bill, but it did not survive the Senate because the President threatened to veto the bill if these subsidies to Big Oil were repealed. Imagine that. And so the energy bill, as much of a triumph as it was by having new CAFE standards for the first time in 32 years in the bill, did not have this very important other part, which would be the tax incentive for renewable energy resources.

Again, I thank Chairman RANGEL for his persistence and for bringing this legislation to the floor now to give us this very special opportunity.

When Mr. RANGEL first brought the bill to the floor last January, since then the price of gasoline at the pump has gone up 75 cents; 75 cents since we first took up this legislation. Imagine what that means to a household income. It is 17 cents, the price at the pump has increased 17 cents just in the past 2 weeks. Just yesterday, oil prices reached another new record at more than $101 per barrel. This is at a time when oil companies are making record profits.

Listen to this, my colleagues. Last year, ExxonMobil earned $40.6 billion in profit; $40.6 billion in profit. The largest corporate profit in American history. And yet, the administration refuses to repeal billions of dollars in subsidies to Big Oil.

This bill repeals those subsidies and invests in clean renewable energy that will put us on a path toward energy security and energy independence in a fiscally responsible way, by repealing subsidies to Big Oil, only to Big Oil, already making record profits.

With the Renewable Energy and Energy Conservation Tax Act that we are considering today, we have the opportunity to invest in clean, renewable energy and energy efficiency and grow our economy, creating new jobs, lower energy costs, strengthen national security and reduce global warming.

This legislation, and it is very important because there are so many people across the country who are being innovators, who are being disrupters, who are making change, and this change centering around energy is very, very important, and this legislation is vital to them. This legislation strengthens and extends the production tax credit which will spur deployment of wind, biomass, geothermal, hydropower, tidal, and landfill gas. It extends the solar and fuel cell investment tax credit and offers tax incentives for residential solar, wind, and geothermal technologies. It creates a new production tax credit for cellulosic ethanol and extends the biodiesel production tax credit.

It expands the tax credit for gas stations that install alternative fuel pumps, such as the E85 pumps.

It includes tax incentives to promote greater efficiency for homes and businesses and creates a new tax credit for plug-in hybrid vehicles.

It creates a new category of tax credit bonds to fund local initiatives to promote the deployment of green technologies. I know this has been said before. I reiterate this because this is very, very important and represents real change for our country.

This bill helps create broadly based prosperity with an $18 billion investment in the future. It will spur the production of clean renewable energy resources and provide business with the certainty necessary to make long-term plans to build viable and sustaining markets for these technologies. This is all about answers in the marketplace.

It will ensure that we keep the jobs that were created with the renewable tax credits and create hundreds of thousands more, the next generation of good-paying, green collar jobs that will be right here in America.

Because this legislation is vital for a greener and more prosperous future, it is supported by a broad coalition from business, environmental, and labor communities, from corporations such as Home Depot and Dow Chemical Company, to the Sierra Club, to the United Steelworkers and the National Farmers Union. I have a long list which I will submit for the RECORD, corporate, labor, Florida Power & Light Company. The list goes on and on. MMA Renewable Ventures, National Association of Home Builders, National Association of Industrial and Office Properties, National Association of Realtors, National Electrical Manufacturers, Dupont, Earth Justice, all on the same page. The list goes on and on and on.

This Congress has already taken action to send our Nation in a new direction of energy independence, as I mentioned, by increasing fuel efficiency standards for the first time in 32 years. That was bipartisan legislation signed into law by the President. What is missing are these tax incentives that the distinguished chairman, Mr. RANGEL, is bringing to the floor today.

Energy independence is an economic issue in terms of budgets for America's families and creating new green jobs. It is an urgent national security issue to reduce our dependence on foreign oil. It is an environmental and health issue to reduce global warming and protect the health of our children, and it is a moral issue to care for our planet. We work closely with the evangelical community on these issues because they believe, as do I, that this planet is God's creation and we have a moral responsibility to preserve it.

I urge my colleagues to support the Renewable Energy and Energy Conservation Tax Act of 2008 and, in doing so, take the next step for a green economy, green jobs, and a green future.

FEBRUARY 26, 2008.

DEAR REPRESENTATIVE: As a coalition of businesses, environmental groups, investors, labor, nongovernmental organizations, public health organizations, and utilities we urge you to vote yes on the Renewable Energy and Energy Conservation Tax Act of 2008 (H.R. 5351). The bill would extend federal tax incentives for energy efficiency and renewable energy technologies that have expired or will expire at the end of this year. These incentives must be extended immediately to avoid significant harm to the developing clean energy industries in the United States. The technologies produced by these industries play a vital role in reducing global warming pollution, creating new high-wage jobs in our country, and saving consumers and businesses money on their energy bills.

H.R. 5351 would extend tax incentives for renewable energy production, energy efficiency in commercial buildings, investment in solar electric systems, use of efficient home heating and cooling equipment, production of efficient home appliances, efficiency retrofits to existing homes, and consumer purchases of energy efficient products.

The incentives in H.R. 5351 would remain effective for multiple years, which is essential for the development of the clean energy technology industries. Congress has historically extended the clean energy incentives in two-year increments, which creates a boom-bust cycle for the technologies covered by the incentives. This cycle undermines the efficient development of the clean energy technology industries into mature industries.

Most of the incentives in H.R. 5351 have either expired or will expire at the end of this year. It is critical for the sustained development of the clean energy technology industries that these incentives be continued. A disruption of the incentives would lead to layoffs and a decrease in much needed private capital flowing to these industries. According to a recent study by Navigant Consulting, allowing the renewable energy incentives to expire would lead to about 116,000 jobs being lost in the wind and solar industries from now until the end of 2009.

Although H.R. 5351 was introduced without an extension of the efficient new home tax credit and certain critical changes to the energy efficiency and renewable energy incentives, we look forward to working with you to incorporate the efficient new home credit and these enhancements into the bill later in the legislative process.

America is on the cusp of a new, clean energy economy. The clean energy tax incentives in H.R. 5351 would help our country make the transition to this economy—an economy powered by low-carbon technologies that help solve global warming, reduce energy prices for consumers and create new high-wage jobs. We urge you to vote yes on H.R. 5351.

Sincerely,

Abengoa Solar; Akeena Solar; Alliance to Save Energy; Ameresco; American Institute of Architects; American Council for an Energy Efficient Economy (ACEEE); American Council on Renewable Energy (ACORE); American Rivers; American Wind Energy Association; Applied Materials, Inc.; Apricus Inc.; American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE); Association of Home Appliance Manufacturers (AHAM); Audubon; Ausra, Inc.; Ballard Power Systems; Best Buy Co., Inc.; BrightSource Energy; Building Owners and Managers Association (BOMA) International.

Business Council for Sustainable Energy; California Energy Commission; California Solar Energy Industries Association (CALSEIA); CCIM Institute; Climate Solutions; Conenergy; Constellation Energy; The Dow Chemical Company; DuPont; Earthjustice; Energy Conversion Devices; Energy Innovations, Inc.; Environment America; Environmental and Energy Study Institute (EESI); Environmental Law & Policy Center (ELPC); EPV Solar; Exelon Corporation; Florida Power & Light Company; Friends Committee on National Legislation (FCNL); Friends of the Earth; Fuel Cell Energy.

Great River Energy; Greenpeace; GridPoint; The Home Depot, Inc.; Hydrogenics; Institute of Real Estate Management; Insulating Concrete Form Association; International Council of Shopping Centers; Johnson Matthey; Lowe's Companies, Inc.; Macy's Inc.; Millennium Cell, Inc.; Mitsubishi Electric & Electronics USA, Inc.; North American Insulation Manufacturers Association (NAIMA); MMA Renewable Ventures, LLC; National Association of Home Builders; National Association of Industrial and Office Properties (NAIOP); National Association of REALTORS; National Electrical Manufacturers Association (NEMA).

National Small Business Association; National Tribal Environmental Council; National Wildlife Federation; Natural Resources Defense Council; New

Voice of Business; Northeast Public Power Association; Oerlikon; Owens Corning; PG&E Corporation; Physicians for Social Responsibility; Polyisocyanurate Insulation Manufacturers Association (PIMA); Plug Power, Inc.; PPG Industries; PPM Energy, Inc.; Public Citizen; Q-Cells AG; REgrid Power; The Real Estate Roundtable; ReliOn; Retail Industry Leaders Association.

Sacramento Municipal Utility District (SMUD); Safeway, Inc.; SANYO Energy (U.S.A.) Corporation; SCHOTT Solar, Inc.; Schuco USA LP; Sharp Solar; Sierra Club; SkyFuel Inc.; Solar Energy Industries Association; Solar Integrated; Solar Millennium LLC; Solar Power, Inc.; Solar World; SOLEC-Solar Energy Corporation; Southern Alliance for Clean Energy; Spire Solar, Inc.; SunEdison; SunPower Corporation; Suntech America, Inc.; Target Corporation.

Trane; Trinasolar; Union of Concerned Scientists; United Solar Ovonic; USA Biomass; US Fuel Cell Council; The United Steelworkers (USW); United Technologies Corporation; The Vote Solar Initiative; Wal-Mart Stores, Inc.; Western Organization of Resource Councils (WORC); Western Renewables Group; Whirlpool Corporation; Whole Foods Market, Inc.; Xcel Energy Company; Yahoo! Inc.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 6½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. First, Mr. Speaker, let me talk about a provision in here called New York Liberty Zone Tax Credits. I hope all the Members understand that a precedent is being made right here today.

What this bill does is it gives the New York City government and the New York State government the authority to take the withholding, the Federal tax withholding from their employees and not send the money to the Federal Government as every single other taxpayer in America is made to do, but rather keep that money and spend it on rail infrastructure. This sets up a whole new policy preference and precedent that I think we should be alarmed about.

But I have one question for the distinguished chairman of the Ways and Means Committee on this particular matter, and that is this. In Senate Report 110–228, the director of the Joint Committee on Taxation to the chairman of the Finance Committee says that this provision constitutes a tax earmark given that it only goes to two taxpayers. So in light of the fact that the head of the Joint Committee on Taxation has specified in the Senate that this is a tax earmark, yet the chairman has certified in this bill that there are no tax earmarks contained in this legislation, could the chairman answer me: How does one reconcile the fact that in this bill under the joint tax definition there is a tax earmark, yet the chairman certifies that there are no earmarks in this bill?

I would be happy to yield to the gentleman from New York to answer the question. Just a brief yield, though.

Mr. RANGEL. I really want to thank the gentleman for the way you have raised the question. Rumor had had it that you intended to attack this provision of the bill.

Mr. RYAN of Wisconsin. With all due respect, Mr. Chairman, I am not trying to attack a provision. I am simply trying to get an understanding of what seems like something that is not reconciled.

Mr. RANGEL. I want to thank the gentleman for that, and what I was about to say, that it didn't surprise me that you did not attack it. I said rumor had it, but knowing the gentleman that you are and the concern you do have for sound fiscal policy, I want to first thank the gentleman for the way you raised the question and giving me an opportunity to share this provision with you. And if necessary, I will perhaps give myself additional time if you are not adequately satisfied.

First of all, I think we all agree when 9/11 occurred and the World Trade Center was hit——

Mr. RYAN of Wisconsin. If I could just interject for a second, there are a few more points I would like to make on my time. With all due respect, I would like to keep this brief.

Mr. RANGEL. If you are going to restrict my response, the general explanation for what you ask is in the President's budget. He has supported it in his budget, and the Joint Committee advisory opinion has been superseded by the chairman of the committee, which is me, has been authorized in support of requests by a Republican mayor and a Republican Governor.

Now, the answer to what you want is in the Department of Treasury report, 2008. If you don't want the details, then I yield back to you and I cannot answer any further.

Mr. RYAN of Wisconsin. Reclaiming my time, and with all due respect, I am simply trying to manage my time efficiently here.

Mr. RANGEL. I understand that, but you can't ask serious questions and expect not to get answers.

Mr. RYAN of Wisconsin. Reclaiming my time, the administration does earmarks in their budgets. That it is in the President's budget does not mean this is or is not an earmark.

Mr. RANGEL. It is not an official earmark. And it can't be determined that, and the RECORD would so record that it is not an earmark.

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Mr. RYAN of Wisconsin. So am I correct in understanding that irrespective of the fact that the Joint Committee on Taxation defines this as an earmark, that the chairman of the Ways and Means Committee has chosen to supersede that ruling and claim that this is not in his filing in the bill; is that correct?

Mr. RANGEL. Only because the opinion was considered officially and legally as an advisory opinion.

Mr. RYAN of Wisconsin. Okay. So the chairman has decided that that's an incorrect opinion?

Mr. RANGEL. Let me make this abundantly clear. Earmark or no earmark, our country was hit, it was New York City, came to the rescue. Because of the way the bond issue was created, it expired, and the President of the United States believed, in fairness to the community that was hit, on behalf of the people of the United States of America, that there should be an extension of this. So we're not talking about any new earmark. We're talking about an extension of the compassion that this Congress has given my city and my community.

Mr. RYAN of Wisconsin. So the chairman does not believe this is not an earmark, even though it goes to just two tax beneficiaries?

Mr. RANGEL. Let the record establish that the Chair has shared with you, and you can call the Parliamentarian or anyone else you want, this is not considered as an earmark.

Mr. RYAN of Wisconsin. Okay.

Mr. RANGEL. But let me say further that even if it was, I would side with the President of the United States.

Mr. RYAN of Wisconsin. I thank the chairman for yielding. That was enlightening. I think we're just going to agree to disagree on this one. I think that this looks like a tax earmark, and we ought to call it that, regardless of the merits of the policy.

Two other quick points, Mr. Chairman. We've been hearing this rhetoric about tax subsidies to big oil companies. It's almost as if the Republican Congress decided to give a big tax break to just a couple of oil companies. What is this policy we're looking at?

A few years ago, we decided we wanted to do something to stop jobs from being pushed overseas. We wanted to do something to help American manufacturers keep jobs here in America. So what did we do? We said, if you make or produce something in America, you will pay lower taxes here in America than if you make it overseas. We're going to reward you with lower taxes, all manufacturers, if you make it here in America than if you ship jobs overseas and make it overseas.

And so what is the majority doing? The majority is saying, well, okay, but not for the oil and gas industry. We're going to separate out the oil and gas industry and make them pay these higher overseas tax rates.

This was not a targeted tax benefit to one industry. This was a policy to help bring back manufacturing jobs in America. And so to call this a tax subsidy to just the oil industry, number one, is incorrect. But number two, the effect of this policy will do three things: this is going to raise the price of gasoline, this is going to push more jobs overseas, and most of all it's going to make us more dependent on foreign oil.

We ought to pass an energy policy that makes us less dependent on foreign oil, not more dependent on foreign oil. Unfortunately, that is exactly what this bill does.

The last and final point is this, Mr. Speaker. We are sitting in this bill picking winners and losers in the marketplace. Rather than investing in basic research, rather than investing in the ideas of tomorrow that have yet to be spawned, we are simply saying, today's technology is going to be subsidized; we're going to pick you as a winner and you as a loser, and we are going to do so at the expense of tomorrow's ideas.

It's bad policy. It makes us more dependent on foreign oil. I think we should vote this bill down.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a part of the Democratic leadership in the House, an outstanding member of the Ways and Means Committee, and I welcome his being recognized.

Mr. BECERRA. I thank the chairman for yielding the time.

Let me see if I can get this straight. ExxonMobil, which made over $40 billion in profits recently, the most ever made by any corporation in our country's history, needs a tax break, a tax subsidy. The five largest oil companies which had revenues of $123 billion last year need a tax break so they can have a reason to keep jobs in America.

Today Americans, I know back home in Los Angeles, my constituents are paying over $3.30 a gallon for gasoline at the pump. From those $3.30 a gallon, every gallon of gas that's pumped, the oil companies extract the moneys that gave them these massive profits. Yet now it's not enough that they take the money from our constituents' pockets for gasoline but they have to take it in the taxes that our constituents are paying to the Federal Treasury to give tax subsidies to the largest oil companies in America so that they can be persuaded to keep jobs in America. Something is wrong. That's why this bill is on the floor today.

We're going to take this debate on energy policy in a new and different direction. Think solar. Think wind. Think geothermal. Think hydro power. This bill takes us in a different direction because we think that industries that are saying we want to create clean burning energy, we want to create new jobs and pay great wages is the best way to go.

Today our country is suffering from the highest inflation rates it's seen in almost three decades. Today we see sinking employment numbers, and today we have companies, large corporations that are making vast profits asking for tax breaks. Something is wrong. This bill tries to cure it.

I am proud to join with my constituents, the American Wind Energy Alliance, the Solar Energy Industries Association, the Natural Resources Defense Council, Public Citizen, Pacific Gas and Electric Corporation, Target, Whole Foods, the Real Estate Roundtable, the National Association of Realtors and many more in saying enough is enough. Let's pass this new energy policy legislation.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SHAYS) for a unanimous consent request.

Mr. SHAYS. Mr. Speaker, I rise in support of this very important legislation.

Mr. Speaker, I rise in support of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act, which extends Federal tax incentives for energy efficiency and renewable energy technologies that have expired, or will expire, at the end of 2008.

I strongly support promoting increased use of renewable energy and developing renewable energy technologies. Currently, renewable energy sources account for only two percent of our Nation's electricity supply. We need to increase the supply of clean, renewable energy, but we also need to be more energy efficient and slow the growth of demand.

H.R. 5351 would extend tax incentives for wind, geothermal and biomass energy through 2012, and extend the tax incentives for solar electric systems through 2016. The bill also extends credits for consumer purchases of energy efficient products through 2014, and creates a credit for plug-in hybrid vehicles for 2008.

The Production Tax Credit (PTC) helps the United States create thousands of megawatts of new, clean, renewable electricity, and has been a major driver of wind and solar power development.

To fund these tax credits, this bill will repeal some of the tax breaks we give to the oil companies.

I have long advocated repealing some of the tax breaks we give oil companies as "incentives," and voted that way, because our current marketplace provides adequate incentive for oil and gas exploration.

We will never resolve our energy needs because we are not conserving energy . . . we are wasting it. We just continue to consume more and waste more, consume more and waste more, and act like it doesn't matter. H.R. 5351 moves us closer to energy-diverse fuel and independence by incentivizing the industries and technologies that will take us there, and I urge its support.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 4 minutes to a great leader on energy policy who is recognized on both sides of the aisle in this Chamber, the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I've always believed as a Nation we should wean ourselves from our dependence on fossil fuels and invest in the energy of the future. However, I also believe we must promote the technologies of tomorrow in a way that will benefit, not harm, our constituents and our long-term energy security.

Today, the House is making its fourth attempt this Congress to pass a renewable energy tax package, H.R. 5351. I supported the first attempt last January, H.R. 6, even though I feared it could reduce incentives for domestic production.

Every House package since includes a new or different combination of revenue raisers that target the energy industry and extract billions more than prior versions. If Congress singles out one industry for billions of dollars, you cannot go back for more and expect enough gasoline for our cars and fuel to heat and cool our homes.

Compared to the original H.R: 6, H.R. 5351 includes $17.6 billion in new taxes on the energy industry. That's an increase of over $10 billion in just 1 year. House debates on these measures have been filled with misinformation and unwillingness to review the facts. If Congress took a moment to inject objective analysis in the debate, we could see that the profit margins of energy industries are in line with and, in many cases, below that of other industries.

For every dollar of sales in the third quarter of 2007, the oil and natural gas industry earned 7.6 cents in profit margin, compared to 21.6 cents for the beverage and tobacco industry, 18.8 cents for the pharmaceutical industry, 14.6 cents for the electrical equipment industry, and 14.5 cents for the computer equipment industry.

Again, nationwide, all manufacturing companies, excluding the struggling automotive industry, earned 9.2 cents per dollar of sales, as compared to energy that was 7.6. So there may be great profits in it, but there are also great profits in other corporations.

So are the profits of the energy industry disproportionate with most U.S. industries? Clearly the answer is no. If you evaluate industry tax contributions, we would see that companies are paying more than their fair share and growing the numbers in the coffers of State, Federal and local governments.

In 2006 the effective tax rate for the top energy companies was 37 percent, more than the top corporate tax rate of 35 percent. Between 2004 and 2006, the total current income taxes paid by the 27 top energy companies nearly doubled, nearly doubled in 2 years, growing from $44 billion to $81 billion. So we do have a progressive tax, and it has doubled with the profits.

Recently, the amount that ExxonMobil, a frequent target of criticism, paid in U.S. taxes actually exceeded their U.S. earnings by $18.7 billion. So ExxonMobil is paying a lot of taxes. And I'm not so sure that ExxonMobil or Chevron or ConocoPhillips, or any of the energy industry, if they pay more taxes in this bill, that it will actually not go back to the bottom line that we're already paying at the pump, or to pay to heat and cool our homes.

I wish I could tell you they're going to take it out of their profits, but they're not required to do that. They could just raise prices, and so we'll see even more price increases.

Despite these figures, no industry is as heavily scrutinized as America's oil and natural gas companies. That's probably because most of the production in our country comes from Texas, Louisiana, Mississippi, Alabama and Alaska. Most States don't want it. But they always want their lights to be turned on and their cars to be filled up.

What's most concerning is we continue to move tax packages that target this industry and expect different results.

The Senate has twice failed to reach cloture on these provisions, and the President continues to issue veto threats.

We're debating press releases and not actually legislating. We did legislate last January and we had a tax package that passed this House with only four negative democratic votes. But since then we've had problems with it.

It's time we get serious about our renewable energy and conservation policy. Let's put rhetoric aside for a moment and find a way to move forward on a renewable energy package that can actually become law without jeopardizing our energy security.

Mr. Speaker, I have always believed that as a Nation we should wean ourselves from our dependence on fossil fuels and invest in the energy of the future.

However, I also believe we must promote the technologies of tomorrow in a way that will benefit, not harm, our constituents and our long term energy security.

Today, the House will make its fourth attempt this Congress to pass a renewable energy tax package with H.R. 5351.

I supported the first attempt in January of last year—H.R. 6—even though I feared it could reduce incentives for domestic production.

Every House package since includes a new or different combination of revenue raisers that target the energy industry and extract billions more than prior versions.

If Congress singles out one industry for billions of dollars, you cannot go back for more and expect enough gasoline in our cars and fuel to heat and cool our homes.

Compared to the original H.R. 6, H.R. 5351 includes $17.6 billion in new energy taxes on U.S. companies. That's an increase of over $10 billion in 1 year.

House debates on these measures are filled with misinformation and an unwillingness to review the facts. If Congress took a moment to inject objective analysis into this debate, we would see that the profit margins of energy companies are in line with, and in many cases, below that of other industries.

For every dollar of sales in the third quarter of 2007, the oil and natural gas industry earned 7.6 cents in profit margin. Compare this to the: 21.6 cents earned by the beverage and tobacco industry; 18.8 cents for the pharmaceutical industry; 14.6 cents for the electrical equipment industry; and 14.5 cents for the computer equipment industry.

Nationwide, all manufacturing companies—excluding the struggling automotive industry—earned 9.2 cents per dollar of sales.

So are the profit margins of the energy industry disproportionate from most U.S. industries? Clearly, the answer is "no."

If we evaluate industry tax contributions, we would see that companies are paying more than their fair share and growing the coffers of Federal, State, and local governments.

In 2006 the effective tax rate for the top energy companies was 37 percent, more than the top U.S. corporate income tax rate of 35 percent.

Between 2004 and 2006, the total current income taxes paid by the top 27 energy companies nearly doubled, growing from $44 billion to over $81 billion.

Recently, the amount that ExxonMobil, a frequent target of criticism, paid in U.S. taxes actually exceeded their U.S. earnings by $18.7 billion. That's right. They paid more in U.S. taxes than they earned in the U.S.

Despite these figures, no industry is as heavily scrutinized as America's oil and natural gas companies.

What's most concerning is that we continue to move tax packages that target the energy industry and expect different results.

The Senate has failed twice to reach cloture on these provisions and the President continues to issue veto threats.

This is debating press releases and not legislation. It's time to get serious about our renewable energy and conservation policy.

Let's put rhetoric aside for one moment and find a way forward to support a renewable energy package that can actually become law and won't jeopardize our energy security.

Our Nation and our constituents deserve that opportunity.

Mr. RANGEL. I would like to recognize for 2 minutes the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this debate is not nearly so much about fossil fuels as fossilized thinking. Conceivably there was a time in this country when federal tax policy that was "of, by and for Big Oil" meant dependable energy for our families. But now that approach of overreliance is as outdated and ill-conceived as eight-track tapes and President Bush's "Mission Accomplished" banner.

Today's legislation would mean more renewable energy production, more solar energy, more wind energy, and provisions that I authored to encourage plug-in hybrid vehicles and geothermal heat pumps. And we don't borrow the money to pay for this renewable energy policy as the spend-and-borrow Republicans always insist. We pay for the measure by asking Big Oil to share just a tiny part of the tax subsidies that they have received for decades with these emerging renewable energy sources.

One of the new tax loopholes that we close in this bill would otherwise have allowed Big Oil to claim a dollar for every gallon that it produced by simply dropping a little dab of grease in petroleum, ironically a provision intended to assist biofuels companies to help us achieve energy independence. And the cost of this modest increase in addressing these unjustifiable tax breaks for Big Oil is so small that I doubt it will even warrant a footnote in the astronomical earnings report of ExxonMobil.

The charge made here today that the price of gas will go up if this bill passes is ludicrous. Does anyone here remember the price of gas going down when the oil companies got this unjustifiable tax break? It didn't go down a dime. And this charge comes from the same crowd that stood idly by while the cost of gas at the pump skyrocketed and did absolutely nothing.

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Of course the biggest subsidy of all for our fossilized foreign energy police is the military presence that we must maintain in foreign lands, places as volatile as the petroleum underneath them. We need real change in our energy policy that will bring us closer to a solution for both global warming and global war. I am proud that the City of Austin, Austin Energy, and people throughout Central Texas have taken a leadership role to move us in that direction.

The bill we have today is green. It is a green light to green jobs and a green environment. And the only folks that are seeing red today are those whose padded profits compel them to block the door to progress that this legislation would open.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER) a distinguished member of the Ways and Means Committee.

Mr. WELLER of Illinois. Mr. Speaker, I reluctantly stand in opposition of this legislation. We had an opportunity to develop bipartisan legislation, and I regret that was not achieved today.

Mr. Speaker, I insert into the RECORD this particular advertising for the building trades of the AFL–CIO.

New energy taxes won't create energy . . . but they will destroy jobs.

Reliable, affordable supplies of energy fuel America's economy and support millions of American jobs.

But some in Congress want to put all this in jeopardy with new, higher taxes on energy. History shows such taxes reduce domestic energy production. But they also threaten to undermine America's economy—and send American jobs overseas.

Americans need energy policies that ensure reliable supplies to create jobs and support our quality of life for generations to come Americans need more energy, not more energy taxes.

And let me quote this ad here. It says, "Reliable, affordable supplies of energy fuel America's economy and support millions of American jobs.

"But some in Congress want to put all this in jeopardy with new, higher taxes on energy. History shows such taxes reduce domestic energy production. But they also threaten to undermine America's economy, and send American jobs overseas."

Very simple. Very succinct. The primary reason most Members who oppose this bill stand in opposition, because it raises taxes on domestic manufacturers and domestic jobs. I would like to keep those jobs in America, and this bill will send those jobs elsewhere.

I also want to draw attention to something I find, frankly, kind of alarming in this legislation, and the reason I would encourage my colleagues who are thinking about supporting this legislation to think twice. And that's what has become known as the Venezuela carve-out in this legislation. Now, the Chavez government in Venezuela admittedly is no friend of the United States. We just hear the rhetoric each and every day, and they've made that very clear. But this legislation carves out the PDVSA, the Venezuelan Government-owned oil company, from the tax increases. Now the biggest gasoline retailer in America is the Venezuelan Government-owned oil company, and one of the biggest refineries of America is CITGO, and they're exempt from the tax increases.

Now, who is the Chavez government? The Chavez government is Iran's best friend. The Chavez government started direct flights between Caracas and Tehran, and now Iranian's intelligence and security operatives use that to come into Latin America and the Western Hemisphere. And frankly, it was the Chavez government that sent troops into a Jewish grade school just two years ago and just this past December raided a Jewish community center in Caracas claiming that the community was hiding guns.

And also, just this past week, President Chavez of Venezuela said it is his policy to keep oil at $100 a barrel, that he is going to work with OPEC to keep oil prices high. And this legislation, I can't believe it was done intentionally, but this legislation gives a carve-out to the Venezuelan Government-owned oil company. No friends of ours. I hope my colleagues think twice about supporting this.

I believe we had an opportunity for bipartisanship. Much in this bill are good ideas. Much of it builds on what we passed in 2005 in the energy bill of 2005, which I strongly supported.

My own district, the revisions in the 2005 energy bill that provided incentives for the development of alternative sources of energy, renewable sources of energy, have attracted hundreds of millions of dollars of investment in the 11th Congressional District of Illinois: wind energy, biofuels, ethanol, and biodiesel. And it creates jobs right here at home. There are some good ideas. We need to work on it in a bipartisan way. Unfortunately, this bill does not achieve that goal.

Mr. RANGEL. Mr. Speaker, I guess the RECORD should indicate that our failed energy policy is due to Hugo Chavez.

I would like to yield 2½ minutes to my friend from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, this debate has been quite extraordinary for my friends on the other side of the aisle. They create a picture of great concern: poor, poor oil companies. Oil priced globally at over a hundred dollars a barrel. Prices at the pump approaching record levels, certain to hit record levels at the time the North Dakota farmers have to go to plant their crops. Oil companies reporting record profits. Now, not just record profits relative to their earnings and profits of years past. I mean with ExxonMobil, the biggest profit ever posted by a corporation in history.

And yet, when we look at trying to break this stranglehold on imported oil and build renewable sources of energy so that our economy is not so dangerously dependent upon imported oil, we look to using as a pay-for for these renewable energy incentives a tax provision exploited by oil companies beyond what was ever intended by the Ways and Means Committee. You have the White House threatening veto. You have House Republicans screaming tax increase. I'll tell you, that is an energy policy completely out of gas. We need to move, and move now, to renewable sources.

Take, for example, one, wind power. You know, we are now into a period of time where the wind production tax credit expires at the end of this year. The consequence relative to new products put online is already going to be felt. A recent study by the Solar Energy Industry Association, American Wind Energy Association estimates that if this credit expires, it will cost 6,000 megawatts of new wind energy production, nearly 77,000 jobs, 11.5 billion in economic impact, all in 2009.

This is the group on the other side when they were in the majority that allowed the wind production tax credit to expire three times since 1999. They extended it an additional five times. Now, how in the world can we build a renewable energy system when you have got a tax credit that maybe there isn't there, you can never get your financials right, to make the move this country must make to renewables with wind power playing the major role.

We need to pass this bill and break this lock that oil companies have had on policies coming out of this Chamber.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I'd yield myself 30 seconds to simply point out to the gentleman from North Dakota, who I know is an authentic and sincere advocate of the wind energy credit, that in this bill there is a cap on the wind energy credit which will have the effect of undermining the benefits for many wind energy credit participants. And this is extremely important. By putting a cap on this credit, it will have the effect of discouraging many from participating in the wind energy credit, and for a district like mine that produces windmill technology, this is a real cause for concern.

And with that, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON), who has been a strong advocate on energy policy.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I stand ready to support every renewable form of energy that we can produce. We can't do it fast enough. But a year ago we had $55 oil. Today we have $100 oil, and I'm not going to blame the Democrats like you blamed Mr. Bush. We are all guilty. Congress is the reason we have hundred dollar oil. And I think the Bush administration could have been a lot more aggressive in its energy policies, but the 2005 act had a lot of things in it that your side fought that are reaping benefits today.

But hundred dollar oil is because this Congress has decided we are not going to produce oil and gas anymore, clean natural gas. We are not going to do coal to liquids, coal to gas. We are going to do just renewable.

Let's look at the chart.

At the top, the orange, the buff, the yellow, yellow is nuclear, coal, this is our energy use today, and this is a projection on the right-hand side, on the right-hand side of where it's going to be by 2030 according to the Energy Department.

If we double wind and solar in the next 5 years, it will be less than 3 quarters of 1 percent of our energy use in America. We have to double it. We have to quadruple it before it really makes a measurement difference.

Oil companies make huge profits when they own the rights to oil and Congress locks up the ability to harvest them in America and forces us to go offshore to buy them. We have been gaining 2 percent a year since I have been here. This will be the 12th year. Every year dependence grows 2 percent because Congress has locked up supply. We have to go over there to buy it, foreign unstable countries.

And when you own it and we lock it up and the market goes high and crazy, Wall Street does that. Oil companies don't set the price; Wall Street does. I have been trying to produce clean natural gas. I haven't been able to get a majority for that. Clean and natural gas. I haven't been able to get a majority for that. And that's the one that's vital to the manufacturers of America because it is not a world price, and we have the highest prices in the world.

However, what hope does this bill actually give to young families with home heating costs? Nothing. What hope does this bill bring to poor folks living in rural and urban America who struggle to drive to work, to school, to the doctor's office, to do their shopping? It doesn't do anything. What hope does this bill give to independent truckers who are struggling to pay their fuel oil bill, soon approaching $4, if they try to make a profit with their independent trucks? It doesn't do anything. What does this bill do for rural and suburban seniors who keep their thermostat at 58 degrees last winter and this winter so they can cut their fuel costs? It doesn't do anything.

What does this bill do to prevent the tragedy that happened in my district last year when an elderly gentleman tried to warm, on a sub-zero night, by putting coal in a wood stove and he burned in a fire? This bill would not have saved his life.

Mr. RANGEL. Mr. Speaker, I recognize Mr. PASCRELL for 2 minutes.

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H.R. 5351, and now we are trying to shift from fear to new policy. That's what this is all about. Chairman RANGEL deserves ample commendation for crafting this wise bill. I can't totally disagree with the gentleman from Pennsylvania that just spoke. So we should want to turn to the next chapter. We should all feel proud that this Congress is, again, showing that we understand the urgency of the situation.

New Jersey gas prices have risen 119 percent since 2001. You cannot tell me that now is not the time to get serious about investing in clean energy, renewable energy, and energy efficiency. You cannot tell me that ending unnecessary subsidies to big oil companies who make record profits is an unfair course of action. No one suggested on this floor that we are going to move from fossil fuel to alternative, and nobody suggested that here. You would think that, though. And when I listen to those arguments, indeed it is long past time we wean ourselves off of foreign energy addiction.

This is a homeland security issue, pure and simple. This bill will help provide for alternative measures for the American consumer at a time when families across our land are hurting.

Put simply, H.R. 5351 reinvests taxpayer subsidies to oil companies already earning record profits into clean renewable energy, creating jobs, making America less dependent on foreign oil, strengthening our national security, and helping to lower energy prices in the long term.

This bill contains incentives to expand production of homegrown fuels including the creation of a new production tax credit for cellulosic ethanol produced in America. It extends tax credits for biodiesel and renewable diesel. Likewise, it provides tax incentives to help homeowners and businesses reduce their energy costs by investing in energy-efficient property. I know businesses throughout my State in New Jersey are eager to lower their energy bills, but the costs at the front end are sometimes too much of a burden. These tax incentives ease that burden.

And I have to make a choice, Mr. Speaker, between the incentives that are provided to the oil companies and the incentives that are provided to those companies who want to produce alternative energy sources.

□ 1415

Mr. ENGLISH of Pennsylvania. Mr. Speaker, may I inquire as to how much time is remaining on each side?

The SPEAKER pro tempore (Mr. GUTIERREZ). The gentleman from Pennsylvania has 11½ minutes. The gentleman from New York has 17½ minutes.

Mr. ENGLISH of Pennsylvania. I wonder if I might invite the gentleman from New York to perhaps proceed.

Mr. RANGEL. I would be glad to. And I would like to ask that the gentleman from Illinois (Mr. EMANUEL) be recognized for 2 minutes.

Mr. EMANUEL. Mr. Speaker, the American people are being asked to pay twice, once at the pump, and once on tax day, in supporting big oil companies. There are record prices at the pump, and now we have record taxpayer subsidies for the big oil companies. As my mother used to say, Such a deal.

ExxonMobil reported earning $40 billion in 2007, the largest corporate profit in American history. At the same time, oil prices topped $100 a barrel for the first time in history, and the New York Times reported this morning that by spring a gallon of gas could cost $4 per gallon. Now I don't think there's anything wrong with record profits. That's not unseemly, in my view. What's unseemly is if the Congress continues to give companies that are making record profits $14 billion in taxpayer subsidies. That is what's unseemly. Not the profits. They make whatever they need to make. I just want to know when the free market principles are going to take over here. At what point do the oil companies, without taxpayer subsidies, go out and enjoy the benefits of a free market? At what point do we stop treating taxpayers as dumb money? That's what I don't understand. I got it when oil was at $15 or $25, energy companies needed help. At $100 a barrel? You've got to enjoy the free market at some point here.

Now here is the problem: We have wedded the country and the taxpayers to a 20th-century energy source rather than investing in 21st-century sources, whether that's wind, solar or thermal. We've got to stop asking the taxpayers to subsidize the past and start asking them to invest in the future. That's exactly what the chairman's legislation does. And it's time that we start to do that.

This would be a hat trick for the United States. Usually there's just winners and losers. If we did this and got this to the President's desk and he had the courage to finally give up on his addiction to Big Oil, we would actually have something that's good for the environment, good for the economy, and good for our foreign policy and our security interests. That is what we're trying to do with this legislation. It is a total hat trick.

Like what we did with the student loans, we stopped subsidizing the big banks and started helping middle-class families. Like we suggested on health care with the HMOs, stop subsidizing the HMOs and start helping the consumers. This legislation begins to end the taxpayer subsidies to Big Oil, and invests in our future by making sure we have energy independence with wind, solar and thermal.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, now it is my privilege to yield 3 minutes to a truly distinguished expert on energy policy that serves on the Ways and Means Committee, the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I rise in opposition to this bill. Ninety-six percent of our energy comes from nuclear, oil and coal in this country. Only 4 percent comes from solar and wind. And I am very supportive of creating more energy by wind, creating more energy by using solar panels, but the problem, Mr. Speaker, is that this is not going to solve our problems.

We've heard many Members talk about the price of oil here today. When the price of oil is $100 a barrel, it's because there's not enough oil on the market to meet the demand, largely because we have refused in this country to drill for oil anywhere. We've barred the east coast, the coast of Florida. We even have Cuba now coming in and drilling off the coast of Florida. In California, we don't drill there for oil anymore. And even to go as far as Alaska, the northern slope of Alaska where we have an oil reserve there, we won't even drill for oil in Alaska. So when you talk about having $100 a barrel oil, it's because we refuse to drill for oil, and we rely on oil from other countries to meet our growing demand.

When you look at the problems here that this bill creates, it's taking away tax subsidies to oil companies. But what it does is it only hits the top five oil companies, and you leave out one of the biggest oil companies in the world, and that's the oil company called

CITGO which is owned by Hugo Chavez in Venezuela.

If you really wanted to tax the oil companies, you ought to tax all of the oil companies, not just tax our domestic companies that, quite frankly, puts us at a disadvantage to those that produce oil in the Middle East and Venezuela and everywhere else.

And so if we're going to look at real energy policy here, more solar, more wind, that's all great, but, folks, we're going to rely on oil, nuclear power and coal power in this country for a very long time. I think this Congress has a responsibility to the American people to lower the cost of energy that the American consumer uses, and this bill doesn't do it.

So, with that, Mr. Speaker, I urge my colleagues to vote "no" on this bill.

Mr. RANGEL. At this time, I would like to yield 2 minutes to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the chairman for yielding and for his leadership on this and so many other issues.

Mr. Speaker, as a former utility company attorney, I rise in strong support of this important legislation which will help our Nation and my home State of Nevada to move towards a cleaner, more sustainable energy future.

I am very proud of my State of Nevada. Our legislature has passed a renewable energy portfolio. It mandates that by the year 2015, 20 percent of the power sold to Nevadans must be produced from renewables.

Energy providers in the State of Nevada have built or planned half a dozen major solar power projects in order to meet this requirement. And that's just solar. There is also wind, geothermal, and countless other projects that can and will help lessen our dependence on fossil fuel with the passage of this bill.

This bill provides substantial tax incentives for energy produced from renewable resources, including wind, including solar, geothermal, biomass, many other possibilities. These incentives will provide badly needed assistance to companies that are working hard to diversify our energy resources, improve the economy by creating green jobs, and clean up the air we breathe and our environment.

I believe energy independence is an economic issue, an environmental issue, and a national security imperative.

Mr. Speaker, it is time that our Nation stop depending on corrupt dictators and nations that finance and support terrorists and terrorism around the planet to satisfy our energy needs. We pay exorbitant prices for foreign oil from countries who support and encourage terrorist activities around the world. We must stop funding both sides of this war on terror. By encouraging the development of renewable energy and energy independence, this bill helps move this country in the right direction; $102 for a barrel of oil is reason enough for everybody in this body to support this bill. This package is good for Nevada. It's good for our Nation.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, with the indulgence of the other side, I would like to reserve our time.

Mr. RANGEL. I welcome the opportunity to recognize Mr. VAN HOLLEN from Maryland for 3 minutes.

Mr. VAN HOLLEN. I thank the chairman of the Ways and Means Committee for his leadership on this very important national issue.

The legislation before us today presents a very clear choice: Does the people's House stand with the American consumer or do we stand with big oil companies and the special interests?

With gas prices now more than twice as high as they were the day President Bush took office, the American people can simply not afford a continuation of those failed policies that brought us to this point. They're looking to us to take specific steps towards strengthening our national security by reducing our dependence on foreign oil, cleaning up our environment, and creating millions of good-paying green collar jobs and saving on their costs at the pump.

Now the energy bill that this Congress passed last session was a very important step in the right direction. We improved automobile efficiency standards and provided greater incentives to renewable fuels and new economy-wide efficiency standards, and that will help ease the demand for fossil fuels and spur important energy alternatives.

However, we left a very important piece of that on the table because Senate Republicans and the White House refused to accept a very simple proposition. We want to take the $14 billion in taxpayer subsidies that the Bush administration and the earlier Congress gave the oil and gas companies and we say let's reinvest them in a new energy strategy that focuses on renewable energy and energy efficiency. And now on the other side they say no, we don't want to make that choice. We think the taxpayers, all of us and all the people around this country, should continue to subsidize oil and gas companies that are making record profits rather than making this choice.

Well, that's what this bill is about: let's make a choice. Let's use those resources to invest in over $8 billion in electricity generated from clean, homegrown renewable sources. Let's expand production of homegrown fuels like cellulosic ethanol and renewable biodiesel so that we can reduce our dependence on foreign oil. And let's empower consumers interested in being part of the solution by incentivizing the purchase of energy-efficient appliances and advanced plug-in hybrid vehicles.

There is a whole new energy frontier out there for us to seize upon if only we will make the right choices. And instead of looking backwards and continuing to subsidize companies with the hard-earned dollars of the American people, let's instead invest in an energy future that puts millions of people back to work in green technologies, that advances our national security interests by reducing our reliance on foreign oil, and which addresses major environmental concerns that we all face with respect to climate change.

That is the fundamental question at stake today. Let's make the right choice. Let's make a choice that the people's House can be proud of and support the American consumer and the American people, and not the special interests.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I will just yield myself 1 minute to set the record straight.

The underlying legislation is not going to, as the last speaker suggested, reduce the dependency of the U.S. on foreign oil. In fact, every analyst who has looked at this suggests it will increase the dependency on foreign oil. It certainly in the short run, courtesy of its $17 billion in tax increases on energy production, will increase prices. And that's because the tax increases that are in here are not taxes on profits.

We've heard a lot about oil company profits, but in fact what we are taxing here under their bill is any investment in enhanced production. In other words, any time an oil company takes their profits and invests it in new production and doing what we would expect them to do, we're going to hit them over the head. And this should be a cause for concern because we've heard some rhetoric about how energy costs have gone up, but since they took the majority, gas prices have gone up 30 percent. And under the spot market, a barrel of oil has gone from $55 to $100 a barrel. That is not a favorable trend.

Mr. RANGEL. Mr. Speaker, I would like to recognize the gentlelady from Arizona (Ms. GIFFORDS) for 2 minutes.

Ms. GIFFORDS. Thank you, Chairman RANGEL.

I am proud to be a Member of a congressional body that, first, recognizes the fact that global warming is happening, but is also willing to take action to reduce our dependence on foreign oil and foreign energy.

In our first year, we passed the Energy Independence and Security Act which authorized a number of renewable energy programs. That legislation, I think, was a good first step towards moving us towards energy independence. But what is missing today is the passage of the Renewable Energy and Energy Conservation Tax Act.

I come from the great State of Arizona, a State known for a tremendous amount of sunshine. Just last week, plans were introduced to build the world's largest solar power plant in our back yard. It's going to be big enough to power over 70,000 homes. But a project like this will not be constructed without the solar Investment Tax Credits.

In recent years, the solar industry has been one of the fastest growing industries in the country. It creates high-quality jobs; it provides us with tremendous energy independence; and it addresses global warming. Our Nation cannot afford to have these vital tax incentives sunset like they're set to do in 2008 unless this Congress acts.

□ 1430

For our Nation, for our planet, but, most importantly, for our kids who are going to inherit this planet that we leave behind, it is critical that we pass this legislation and we urge our colleagues in the Senate to pass this legislation as well.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself 15 seconds simply to note that the Senate has already passed legislation which, unfortunately, has not been brought up by the other side. I attempted to offer that version as an amendment to this legislation, and I'm afraid the Rules Committee did not make it in order.

If we really wanted to move something to the President's desk that would work, the majority had the opportunity to do that and has been quick to fritter it away.

With that, Mr. Speaker, I would like to yield 4 minutes to a gentleman who has been a true leader on energy policy in this Chamber through many sessions, who will be retiring at the end of this session, but today I think we have an opportunity to hear him on energy one more time, the ranking member of the Ways and Means Committee, the gentleman from Louisiana (Mr. McCRERY).

Mr. McCRERY. I thank the gentleman for yielding.

Mr. Speaker, I want to address a couple of issues that have been mentioned here today a number of times.

The first is this issue of subsidies. Several speakers have said we need to end this subsidy to the oil and gas industry. Well, the so-called subsidy that's being ended in this bill is the section 199 provision that applies to all manufacturers in the United States. It was designed to make American manufacturers more competitive and to create jobs here in this country. What this bill does is it excepts from all manufacturers only the oil and gas industry, so it's punitive to the oil and gas industry. It's not removing some special subsidy. It's taking away from only the oil and gas a general deduction for all manufacturers in the United States. So much for these special subsidies that we keep hearing about.

The next thing I would like to talk about is the issue of profits. My good friend, the chairman of the Ways and Means Committee, earlier in this debate said, at the beginning of the Bush administration, profits of the five biggest oil companies in America were $30 billion; at the end of the Bush administration, the profits are $100 billion.

Well, guess what? At the beginning of the Bush administration, the biggest five oil companies in this country, American oil companies, invested in exploration, research, and development, trying to find sources of energy for this country, about $40 billion, more than the profits that they had in that year. And that investment, over the term of the Bush administration, has grown to this last year almost $100 billion. So you can say, ladies and gentlemen, that the profits that have been so denigrated here by some today moved pretty much in parallel with the level of investment of our American companies to find new sources of energy to help us meet our energy needs in this country. That's reality.

All this hocus-pocus about renewable fuels and sun, that's swell, but it is a drop in the bucket of what we need to operate this country today and for the foreseeable future.

So if you want a reasonable, well-balanced energy policy, this bill is certainly not the answer. This bill is part of the answer because it pretty much continues the bill that we passed several years ago when we were in control of this Chamber, but it makes a bad mistake when it punishes. It doesn't remove some special subsidy. It punishes just the oil and gas industry for only American companies. That is wrongheaded. It will result in higher prices at the gasoline pump. It's spiteful and it's wrong. And we ought not to pass this bill and get busy passing a true comprehensive energy policy for this country.

Mr. TANNER. Mr. Speaker, I am pleased to recognize the majority leader for 1 minute.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, there are few Members on this floor whom I respect more than the gentleman who has just spoken. JIM McCRERY from Louisiana is going to be a loss to this House and to our country. He is a thoughtful, fair, and considerate legislator. He represents his State well. He has represented this House well. And I congratulate him for his service. But people of goodwill can disagree, and I want to make an observation on this punitive measure.

In 2004, the Republicans passed a tax bill. Historically, manufacturers had gotten a tax break to incentivize keeping jobs here and trying to grow jobs in America. The oil companies were not included in that law, as the gentleman knows so well, but the Republicans added oil companies into the category of manufacturers. Now they are being taken out. So he says we added them in and now it would be unfair to take them out. They weren't in originally; we are taking them out.

Mr. Speaker, this important legislation is an explicit recognition that our great Nation must make critical investments today in the development of clean, renewable energy and energy efficiency; energy investments that will strengthen our national, economic, and environmental security for generations to come.

I appreciated Mr. McCRERY's observation that part of this bill was a good bill. He disagrees with other parts. That's understandable. But we must simply begin to break our addiction to fossil fuels, not because the oil companies are bad. They're not. They produce a product that's absolutely essential and they create jobs, good-paying jobs. So this is not about trying to take it out on the oil companies, but it is to say that fossil fuels are a wasting resource. That is to say, we're going to use it up, it's going to go away, and we need to look to alternatives.

This morning's headline in the New York Times states that the harsh reality is "Gas Prices Soar, Posing a Threat to Family Budget." The fact is the nationwide average for a gallon of regular gasoline was $3.14 this week, an increase of 19 cents in just the last 14 days. Some energy experts fear gas prices could hit $4 a gallon by this spring. Diesel prices are hitting new records daily, and oil hit a record high of $100.88 a barrel on Tuesday.

This, again, is not about the bad oil companies. What this is about is America's dependence on foreign sources of oil and on oil generally. Either it's going away or we will be in the grasp of OPEC, of nations who are not particularly friendly to us: Venezuela; Saudi Arabia sometimes, sometimes not; Iraq; Iran; other oil-producing states that can go away in a second. We are vulnerable, and we need to look to alternatives. That's what this bill seeks to do.

To be clear, this legislation alone will not bring down gas prices. But it is a vital step forward and may bring down gas prices 3 years from now or 10 years from now or 15 years from now. This bill is nothing less than a critical investment in the low carbon economy of the future that will result in the creation of millions of new jobs.

It extends the production tax credit for wind, geothermal, and other renewables to 2011 and renews the investment tax credit for individual homeowners and businesses to maintain incentives for solar energy through the end of 2016. Without the prompt extension of these tax credits, renewable energy project work stoppages could cost 116,000 jobs at a time when we're trying to stimulate the economy.

Furthermore, this bill will spur the commercialization of the next generation of automobiles by establishing a

$4,000 credit for the purchase of a plug-in hybrid. Tax credits, tax incentives, are to get something that you need and might not otherwise get unless you get an incentive. I'm going to speak to that with reference to the oil companies in just a second.

It will encourage investments in cleaner fuels, creating economic incentives to invest in biofuels, including biodiesel and cellulosic ethanol. And it will close the so-called "Hummer" tax loophole, which encourages taxpayers to buy gas-guzzling SUVs. That makes no sense.

In addition, this legislation will create incentives for the construction of energy-efficient buildings and the retrofitting of existing homes, which will reduce pollution and energy use.

Finally, the energy conservation bonds included in this bill will spur investments in efficiency, create jobs, and reduce carbon emissions.

I would think all of those objectives are objectives that this House, in a bipartisan way, would seek to achieve.

Now, in keeping with this Democratic majority's commitment to fiscal responsibility, this legislation will not add to the deficit. I will tell you that your previous bills dealing with tax incentives could not make that comment. Rather, the tax incentives contained in the bill are offset by repealing $18 billion in unnecessary tax subsidies over the next 10 years that otherwise will be enjoyed by the largest oil and gas companies in America. Mr. McCRERY referenced a discussion about that.

Last year alone, the five largest oil companies had a combined profit of $123 billion. God bless them. But it only provokes this question: Do these companies need taxpayer subsidies to look for new product?

I'm a big proponent of the free market system. Supply and demand works. The demand for oil is high. The prices reflect that demand, and they are the highest they have been in history. They don't need any incentive to look for new product. The incentive is the free market system which is buying their product for the highest prices they have ever sold it. So it is foolish to ask the taxpayers to not only pay those high prices at the pump but also to pay additional taxes because the oil companies aren't paying the same kind of level of taxes that they are. Last year alone, as I said, they made the highest profits they have made.

The answer, of course, to my question, do they need incentives to get new product? They do not. They do not. There is not an oil company executive in the world who's going to say let's not look for new oil when their product is getting the highest prices they have gotten in history.

Even President Bush, and I want all my Republican friends to hear this. There aren't very many of them on the floor. There aren't very many Democrats on the floor. But I hope they are watching on television. President Bush, a former oil company executive, said in 2005, and I want you to hear this quote, George Bush, President of the United States, former oil executive, 2005: "I will tell you, with $55 a barrel oil, we don't need incentives to oil and gas companies to explore." I'm sure all of you got that. At $55 a barrel, the President of the United States said we don't need incentives for the companies to explore.

Prices now are almost 100 percent above that dollar figure which the President of the United States said would obviate the need for incentives. With the price of a barrel of oil hovering around $100, do we really believe that this incentive is justified? The President of the United States said no. Hopefully, this Congress today will say no.

This legislation is a thoughtful effort to set our Nation's energy priorities and thereby strengthen our national, economic, and environmental security.

Last year when we passed the Energy Independence and Security Act, the President and Senate Republicans removed a package of economic incentives, including the extension of tax credits for wind and solar energy and biofuels. We must move towards those alternatives. With this bill, we continue the fight for this critical aspect of our energy policy.

I thank the chairman for his leadership on this very important piece of legislation, and I thank the Republican colleagues on the committee as well for working on this product.

We may have differences, but this is a critical issue for the future of our country and for generations yet to come. Vote for this bill.

□ 1445

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I was very impressed by the last speech, and I wish I could be as charitable about the underlying product or about the effort that we are making on the floor today. I do want to congratulate the chairman of the Ways and Means Committee for having given our Select Revenue Subcommittee the opportunity to explore through hearings what our tax policy should be at energy and policy, and I am hopeful that the day will come when those hearings will yield the results that we would hope. I am afraid today is not likely to be that day.

The crisis we are facing is a real one. Mr. Speaker, we are facing a rising global demand for energy of all sorts as the economies of China and India grow. We are seeing the phenomenon of peak oil playing out. Clearly, we are not going to see the growing reserves that we have enjoyed in the past, and increasingly many of the remaining reserves are being mediated by state-owned oil companies with ideological or nationalistic agendas.

Our consumers, both our individual consumers and our corporate consumers, are facing the consequences of high prices, and yet we are imposing on our production artificial restrictions on new production. That is the wrong policy at a time like this. And we are facing aging energy infrastructure, whether it is a power grid that frankly is facing brownouts or refineries that are now at 92 percent of capacity. So if any one of them breaks down, we face a shortage in energy.

These are real problems. And coupled with them is the legitimate concern about externalities, the fact that greenhouse gases from the consumption of fossil fuels are having an uncertain impact on our climate. And yet in the context of all of that, H.R. 5351 is simply not the answer, Mr. Speaker. It wasn't in any of its three previous incarnations, and it is not now. It is bad energy policy. And it is bad tax policy. There are parts of it that represent a continuity with the policies of past Congresses, and I salute the other side for including the extenders. But just like a car with an empty gas tank, this legislation is a nonstarter. It is not going to go anywhere in the Senate. It is not going to get on the President's desk. And today I would ask all of those who join me with these concerns to join in voting against this wrongheaded bill.

I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, first let me once again thank Mr. ENGLISH for the diligent way that he addresses the problems that are before our committee. His working with RICHARD NEAL makes me proud to be a member and chairman of the Ways and Means Committee. I do hope that at some point that we will be able to get past the barrier of partisanship to deal with a national security issue, a global climate issue, an issue that should challenge all partisanship as we move forward.

It defies common sense to believe that the oil industry that is receiving billions of dollars in profit would even consider the $14 billion that we are talking about. It is almost like grains of sand on the beach. We are asking them to be partners with us, not just for their shareholders, which they know how to take care of, but for their country, to be able to say that our foreign policy should not be directed by where oil is, to be able to say at the end of the day we can tell our kids and grandkids that we tried to protect the atmosphere of this great country, to be able to say that there are alternatives, that we don't have to rely on fossil fuels. We have the genius. We have the creativity. And this bill provides the incentives to see whether we can use the wind, the water, waste, solar, whatever it takes. We have the know-how given the opportunity which this bill will give to deal with it. We can create products that conserve energy. We can increase our surplus in terms of trade by being able to produce products that are far more competitive than what we are doing today. What a great opportunity for us.

And when we talk about potential recession or whatever the President wants to call it, we have to recognize the big role that the increase in the price of oil has played with families who used to consider themselves middle income and now are faced with ever-increasing home fuel costs, automobile costs and all of these things, and to find that we have to give them $159 billion because they don't have the ability to put food on the table or shoes on their kids' feet or to pay their rent or to pay their mortgage. All of this, we can handle these problems if we work together in a bipartisan way. We even go as far as to say in the bill that we don't have all of the answers. We provide tax-exempt bonds for mayors and Governors and people with exciting ideas of how to make greenhouses and increase the efficiency of our commercial buildings as well as our residents.

Why don't we give hope a chance and give the challenge to America a chance, force the Senate to come to meet with us and in a bipartisan way in the House to be able to say that we are prepared to do these things.

And so I do hope that people would reconsider that did not support H.R. 5351. I do hope and congratulate the leadership and NANCY PELOSI, our Speaker, for never giving up and not giving in just because we face political obstacles. The record is going to indicate which side we were on, and it is abundantly clear, were you on the side of Big Oil or were you on the side of change and wanting to make certain that we met the challenges that we are forced to do.

### GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill, H.R. 5351.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, I encourage our membership to support this bill.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008. I commend the Speaker and the Ways and Means committee for their tireless efforts on behalf of this important legislation.

We are at a crucial point in the United States in the development of our alternative energy economy. We are at a point where, without our support, these industries could either grow and prosper or be sent overseas. This bill represents an important step to ensure that alternative energy technologies like windmills and fuel cells are manufactured in Connecticut, not China and in Indiana, not India.

Tax credits for alternative energy technologies are crucial to these industries across the United States, and particularly in Connecticut. Connecticut has become a leader in the alternative energy field, particularly in the area of fuel cell technology. We have succeeded as a result of investment in research and development, partnerships between the industry and the state and federal government and the ingenuity and talented workforce in the state.

The impact of the fuel cell industry on Connecticut's economy has been powerful. The Connecticut fuel cell industry has created over 2,000 jobs statewide and generates $29 million in tax revenues to the state annually.

The Renewable Energy and Energy Conservation Tax Act of 2008 strengthens and extends the tax credits for investment in fuel cell technology for 8 years, providing much needed certainty to the industry. It also extends the production tax credit for alternative energy technologies like wind, solar and geothermal energy.

In a recent New York Times article, a reporter traveled to small towns in Texas that people had all but given up on because of their faltering economies. These same towns are now experiencing a rebirth because the wind industry is bringing jobs back to their community. This is the impact this important legislation can have on towns throughout the Nation and why I rise today in strong support of H.R. 5351.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008.

For the last 20 years, my colleagues in the scientific community have issued warnings that the release of greenhouse gases is altering the earth's climate in ways that are both expensive and deadly. It is well established that the climate change of recent decades can be attributed to the way we use energy. In fact, the greatest insult to our planet is the way we produce and use energy. This is one of the principle subjects that I have spoken about and worked on since I first ran for Congress, and it is one of the reasons, I believe, that my constituents sent me to Congress.

As an energy scientist, I know how much can be done technically to reduce our dependence on fossil fuels and to slow the rate of climate change. Last year, Congress passed H.R. 6, the Energy Independence and Security Act, historic legislation that took the long overdue first steps toward addressing global climate change and addressing our long term energy needs. Unfortunately, the U.S. Senate removed a provision from the H.R. 6 that would have repealed billions in tax subsidies for oil companies and instead invested in the production of renewable energy. I am pleased that the House is reconsidering these important provisions today in H.R. 5351. If this legislation becomes law it will be a significant second step toward implementing a rational, sustainable national energy policy.

Today, consumers are paying more at the pump than ever before. My constituents in my Central New Jersey district are paying $2.95 at the pump, a 119 percent increase from what they paid in 2001. Gas prices throughout the country over the last two weeks have risen an additional 17 cents, and oil prices have reached a record high at $102 per barrel. While American families transportation and heating costs continue to rise, the five top oil companies posted record profits for 2007, and ExxonMobil posted the largest corporate profit in American history of $40.6 billion. At this time of record profits, oil companies are receiving huge government subsidies. It is past time that we reverse this failed policy which has only benefited big oil companies at the expense of American families and our environment.

The legislation before us today would eliminate the $18 billion in tax breaks that have been awarded to big oil. It will use this money to extend and expand tax incentives for renewable electricity, energy and fuel, as well as for plug-in hybrid cars, and energy efficient homes, buildings, and appliances. Specifically, it would extend existing tax credits for the production of renewable energy, including solar, wind, biomass, geothermal, hydro, landfill gas and trash combustion, as well as adding new incentives for the use and production of renewable energy.

My home state of New Jersey has been a leader in solar production, with over 2,400 solar installations in place and I am told that it has the fastest growing solar market in the United States. The extension of the solar energy tax credit through 2016 will help ensure that the use of solar will continue to proliferate in New Jersey. This will help New Jerseyans reach our goal of having 20 percent of the State's electricity come from renewable sources by 2020.

The renewal of these tax credits will also help to increase our economy by creating hundreds of thousands of jobs. According to a recent study, if the renewable energy tax breaks expire at the end of this year over 116,000 jobs in wind and solar industries would be lost in one year. Today, when the predicted economic growth forecast is an anemic pace of 1.3 to 2 percent and unemployment is likely to climb above percent, we in Congress should do everything we can to ensure job growth and preserve jobs.

Of course, this bill is not enough. If it becomes law it will be an excellent continuation of the work we began last year. Having passed this bill we will be able to continue to consider other alternative energy and climate change legislation, and I am confident that we will. I urge my colleagues to support this legislation.

Ms. HIRONO. Mr. Speaker, I rise in support of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act.

I am proud to be an original cosponsor of this bill, which promotes renewable energy by providing more than $8 billion in long-term tax incentives for electricity produced from renewable sources and encourages greater energy efficiency improvements to homes and commercial buildings.

H.R. 5351 also repeals $18 billion in tax subsidies and loopholes that have for too long benefited the big multi-national oil and gas companies, even as they continue to reap record-breaking profits. While Exxon Mobil raked in $40 billion in earnings last year, American families paid skyrocketing gas prices. In my home State of Hawai'i, where about 90 percent of our energy comes from imported petroleum, residents pay among the Nation's highest prices for electricity and fuel, an average of $3.54 per gallon at the pump. In some parts of the State, the cost for a gallon of regular gas has risen to nearly $4.00. Consumers in Hawaii and across the Nation should not be burdened by excessively high energy costs while also facing a growing credit and housing crisis.

We cannot continue to rely upon Big Oil and offshore oil producers to supply our energy needs at the expense of consumers and the environment. This bill contains long-term tax incentives to achieve energy independence by expanding production of renewable homegrown fuels and electricity in addition to extending tax credits for solar energy, fuel cell investment, and residential energy efficient property.

I believe that H.R. 5351 will do much to put us on a path toward energy independence, create new jobs as we invest in renewable energy production, and help tight global warming. I urge my colleagues to support this measure.

Mr. STARK. Mr. Speaker, I rise today to join with my colleagues to once again support legislation that would take a modest first step towards a rational energy policy. By "rational," I mean that this bill employs the revolutionary concept that legislation should be crafted with the American people in mind, rather than huge multinational oil companies. By "modest," I mean that we have much more work to do to confront global warming and wean our Nation off our addiction to fossil fuels.

The headlines tell a somber story of an economy on the brink. Earlier today, oil reached an all-time high of $102 a barrel. The International Herald Tribune reported that we can expect to see gas cost more than $4 a gallon this spring. And the Washington Post this morning quoted an economist who announced that "We're in stagflation, and it's going to get worse."

Not everyone is singing the blues, however. Earlier this month, the New York Times reported that Exxon Mobil once again set the record for the highest profits ever recorded by a single company, with a net income of $40.6 billion. As reported by the Times, Exxon made $1,287 of profit per second in 2007. Through loopholes in our tax code, taxpayers subsidized much of that profit.

I support the tax portion of this package that ends the over $16 billion in tax breaks for companies like Exxon-Mobil. Today's bill also closes a ridiculous loophole that allows business owners to claim $25,000 deductions for each gaz-guzzling Hummer they purchase. The savings generated are then invested in developing clean energy.

The bill before us today makes important progress and I once again urge my colleagues to support it. Tinkering with the tax code, however, will only get us so far. We must be prepared to take bold action to combat global warming by engaging with the rest of the world and adopting either a progressive carbon tax or a robust cap and trade policy.

Mr. PEARCE. Mr. Speaker, let it be clear, an overwhelming majority of the members of this House, including this member, strongly support extending the Wind and Solar tax credits. These credits will help begin new investments to create new jobs, establish new industries in this country and eventually create more energy for America.

However, in order to pay for these new investments, this bill will kill thousands of current manufacturing jobs by raising taxes and giving foreign companies a competitive advantage.

Are we willing to sacrifice jobs Americans have right now for the promise or opportunity for future jobs? I would say that we don't have to make that choice. Yet, the Majority clearly believes that is the only choice before us.

Instead of the massive new tax increases in this bill, we could open up development 44 miles off the coast of Florida beside the Chinese companies working with the Cuban government to drill 46 miles off the coast of Florida.

We could open up new opportunities off the coast of California where new rigs could drill for oil and serve as new platforms for generating renewable wind and tidal energy.

We could lease more areas in Alaska, where a sale last month generated $2.6 billion in revenues for America in lease sales and will generate tens of billions in royalties in the years to come.

If our goal is to reduce our dependence on foreign energy, this bill fails to accomplish that. I would rhetorically ask the Chairman how much of a tax increase in this bill is on oil companies based in Venezuela or Iran? The answer is none. How much of the tax increases in this bill fall on American companies working in Artesia or Farmington, New Mexico? One hundred percent.

We don't have to choose promoting new industries by destroying old industries. This is a case where we could have it all, new energy development and more energy development, unfortunately the Speaker wont let us make that choice.

Mr. MCKEON. Mr. Speaker, I rise in opposition to H.R. 5351, the latest in a string of flawed energy proposals that will drive up prices for consumers while rewarding special interests.

As Senior Republican on the Education and Labor Committee, I oppose not only the bill's unprecedented energy tax hike, but also its inclusion of bureaucratic mandates that will drive up costs for taxpayers and stifle job creation.

This bill furthers the majority's aggressive expansion of Davis-Bacon wage mandates, a Depression-era policy that saddles federal projects with complicated and highly inaccurate prevailing wage requirements.

Davis-Bacon wages can inflate project costs by as much as 15 percent—costs that get passed on to taxpayers. They also force private companies to do hundreds of millions of dollars of excess administrative work each year, squandering resources that would be better spent creating jobs and spurring innovation.

H.R. 5351 creates and expands bond authority for energy conservation and clean renewable energy. Unfortunately, these bond programs are prone to waste, fraud, and abuse because of a lack of clear oversight. Moreover, projects funded through these bonds would be subject to Davis-Bacon wage mandates.

The notion of a one-size-fits-all federal wage mandate is bad enough, but the specifics of the Davis-Bacon rules are even worse. Because of flawed wage calculations, use of Davis-Bacon wages can drive up wages on one project, while shortchanging workers on another.

The costly and time-consuming requirements of Davis-Bacon bias government contracting against small businesses that are often minority- or female-owned—businesses that simply do not have the resources to comply. As a result, large, unionized companies are more often awarded government contracts—even for small projects.

We need energy independence and lower fuel costs. This bill imposes energy tax hikes that will drive up costs for consumers. We need to eliminate federal red tape to promote job creation. This bill expands the bureaucracy by layering costly Davis-Bacon wage mandates on bond programs already prone to waste, fraud, and abuse.

For these and many other reasons, Mr. Speaker, I cannot support this energy tax increase, and I urge my colleagues to join me voting "no."

Mr. DINGELL. Mr. Speaker, I rise today in support of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008. With this legislation, we take another step forward in the fight to combat global warming and achieve energy independence.

It is critical to our Nation's future that we invest in the energy sources of the 21st century. H.R. 5351 does this by reforming the Tax Code to reflect America's energy priorities. The bill includes, extends, and expands tax incentives for biodiesel production, solar energy and fuel cell investment and energy efficiency improvements to existing homes. The bill also provides new incentives for plug-in hybrid vehicles and cellulosic ethanol production. These investments will help us achieve my goal of reducing greenhouse gas emissions by 60–80 percent by 2050 in order to limit the effects of global warming.

In the interest of fiscal responsibility, H.R. 5351 pays for these investments in the energy resources of the future by cutting subsidies for industries that clearly need no help. The bill saves $18 billion by ending tax loopholes and subsidies for multinational oil and gas companies which are already reaping huge, record profits. No longer will oil and gas companies be able to game the Tax Code by understating their income from foreign oil and gas extraction. These long overdue reforms send a clear message that oil and gas companies will no longer get privileged treatment while Americans pay higher fuel prices and home heating costs.

H.R. 5351 also demonstrates that clean energy investments can create new jobs in addition to benefiting the environment. By extending the renewable energy production tax credit for wind, biomass, geothermal, and other renewable energy sources, the bill provides new opportunities for job growth in these areas.

With its stellar research institutions and wealth of experts on engine design, Michigan has the potential to reap significant benefits from this legislation. Governor Jennifer Granholm has made clear her commitment to creating green-collar jobs through a renewable energy mandate and other reforms. I look forward to building on the progress made in this bill. With future reforms we can continue to reduce greenhouse emissions, secure our energy independence, and create new green industry jobs for Michigan and America.

Mr. UDALL of Colorado. Mr. Speaker, I am very pleased to see this legislation come to the floor today that will extend critical tax credits for renewable energy while not adding to the Federal deficit.

The Production Tax Credit, PTC, in particular, has been instrumental in promoting the creation of a renewable energy industry. An extended PTC will provide more market certainty, and expanding the PTC to include solar, open-loop biomass, geothermal, and small irrigation power will ensure that all renewable energy sources can benefit. We must have an extension of this key tax credit before the current credit expires at the end of 2008, and this bill will extend it to the end of 2011.

The bill also authorizes $2 billion of new clean renewable energy bonds, CREBS, for public power providers and electric cooperatives. This is a critical tool, especially for Colorado's rural co-ops and municipal utilities.

But this bill would also benefit families who want to invest in renewable energy. The bill would extend the credit for residential solar property for 6 years and increase the annual credit cap, currently capped at $2,000, to $4,000. And it would expand the definition to include residential small wind equipment and geothermal heat pumps so that consumers have more options.

Of course, the cheapest kilowatt of energy is the one you don't use, and energy efficiency also has a key role in addressing our energy needs. This bill will extend the tax credit for energy efficiency improvements to existing homes. It will also extend the energy efficient commercial buildings deduction for 5 years and the modification and extension of the energy efficient appliance credit for 3 years.

Rising gas prices are forcing many Coloradans to dip into their savings just to make ends meet. This bill will help families reduce their fuel bills by providing between $4,000 and $6,000 in tax credits toward the purchase of fuel-efficient, plug-in hybrid vehicles. It will also help address long-term fuel cost concerns by expanding production of homegrown fuels, including creating a new production tax credit for cellulosic ethanol produced from domestic, non-food feedstocks such as switchgrass, corn stover, sawdust, and paper pulp, as well as an extension of the tax credits for biodiesel and renewable diesel.

I supported the energy bill that the House passed last year, which included many of these important tax provisions. But, for the lack of just one more vote in the Senate, these provisions were not included in the final bill that the President signed into law.

I hope today we can move this bill forward and promote positive change that will benefit rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

I strongly encourage my colleagues in the House to vote for this needed legislation, and also encourage quick action in the Senate so that we may move it to the President's desk.

Mr. RANGEL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1001, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOEKSTRA. Yes, I am in its current form.

Mr. RANGEL. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoekstra moves to recommit the bill, H.R. 5351, to the Committee on Ways and Means, with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

### SECTION 1. FINDINGS.

Congress finds the following:

(1) The energy security of the United States is tied directly to the national security of the United States, the stability of the United States economy, and the stability of key oil producing nations.

(2) Radical jihadists who attacked the United States on September 11, 2001, continue planning to attack the United States and its citizens. If successful, such attacks would directly impact the energy security of the United States. Radical jihadists also seek to replace the governments of key oil producing nations with a caliphate.

(3) The Protect America Act of 2007, which provided key tools to detect and prevent potential terrorist attacks in foreign countries and within the United States expired at midnight, February 17, 2007.

(4) Without those key tools, the capability of the United States intelligence community to detect and prevent potential attacks has begun to substantially degrade, placing at risk the national security of the United States and the energy security of the United States.

(5) Consistent with a bipartisan consensus, Congress must take immediate action to adopt legislation to provide the intelligence community with strong and effective tools to ensure the national security and the energy security of the United States.

### SEC. 2. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008" or the "FISA Amendments Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Findings.
Sec. 2. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Weapons of mass destruction.
Sec. 111. Technical and conforming amendments.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

Sec. 201. Definitions.
Sec. 202. Limitations on civil actions for electronic communication service providers.
Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.
Sec. 204. Preemption of State investigations.
Sec. 205. Technical amendments.

TITLE III—OTHER PROVISIONS

Sec. 301. Severability.
Sec. 302. Effective date; repeal; transition procedures.

## TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

### SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

## "TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

### "SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

"Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

### "SEC. 702. DEFINITIONS.

"(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

"(b) ADDITIONAL DEFINITIONS.—

"(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

"(A) the Select Committee on Intelligence of the Senate; and

"(B) the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

"(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

"(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

### "SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

"(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

"(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

"(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

"(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

"(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706;

"(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

"(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4) for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 7 days after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

"(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(v) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

"(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

"(i) appointed by the President, by and with the consent of the Senate; or

"(ii) the head of any element of the intelligence community.

"(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

"(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence

Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

"(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

"(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

"(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

"(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(F) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

"(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

"(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

"(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

"(5) ORDERS.—

"(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

"(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(ii) cease the acquisition authorized under subsection (a).

"(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

"(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

"(i) during the pendency of any rehearing of the order by the Court en banc; and

"(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

"(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

"(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

"(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

"(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

“(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

“(k) ASSESSMENTS AND REVIEWS.—

“(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

“(A) the Foreign Intelligence Surveillance Court; and

“(B) the congressional intelligence committees.

“(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

“(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

“(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

“(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

“(D) shall provide each such review to—

“(i) the Attorney General;

“(ii) the Director of National Intelligence; and

“(iii) the congressional intelligence committees.

“(3) ANNUAL REVIEW.—

“(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

“(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

“(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

“(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

“(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

“(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

“(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

“(i) the Foreign Intelligence Surveillance Court;

“(ii) the Attorney General;

“(iii) the Director of National Intelligence; and

“(iv) the congressional intelligence committees.

### “SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

“(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

“(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

“(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

“(b) APPLICATION.—

“(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

“(A) the identity of the Federal officer making the application;

“(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

“(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

“(i) a person reasonably believed to be located outside the United States; and

“(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(D) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

“(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

“(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

“(i) the certifying official deems the information sought to be foreign intelligence information;

“(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(iii) such information cannot reasonably be obtained by normal investigative techniques;

“(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

“(v) includes a statement of the basis for the certification that—

“(I) the information sought is the type of foreign intelligence information designated; and

“(II) such information cannot reasonably be obtained by normal investigative techniques;

“(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

“(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

“(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

“(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

“(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

“(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

“(c) ORDER.—

“(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

“(A) the application has been made by a Federal officer and approved by the Attorney General;

“(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

“(i) a person reasonably believed to be located outside the United States; and

“(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

"(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

"(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

"(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

"(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

"(E) the period of time during which the acquisition is approved.

"(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

"(A) that the minimization procedures be followed;

"(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

"(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

"(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

"(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

"(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

"(d) EMERGENCY AUTHORIZATION.—

"(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

"(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

"(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

"(f) APPEAL.—

"(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

### "SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

"(a) JURISDICTION AND SCOPE.—

"(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

"(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

"(3) LIMITATIONS.—

"(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

"(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

“(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

“(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

“(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

“(A) a person reasonably believed to be located outside the United States; and

“(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(3) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

“(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

“(A) the certifying official deems the information sought to be foreign intelligence information; and

“(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

“(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

“(c) ORDER.—

“(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

“(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

“(i) a person reasonably believed to be located outside the United States; and

“(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

“(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

“(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

“(3) REVIEW.—

“(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

“(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

“(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

“(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

“(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

“(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

“(d) EMERGENCY AUTHORIZATION.—

“(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

“(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

“(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

“(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section be followed.

“(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

“(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(e) APPEAL.—

“(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

“(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

### “SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

“(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(c) or section 705(c), as applicable.

“(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

### “SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

“(a) Information Acquired Under Section 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

“(b) Information Acquired Under Section 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

### “SEC. 708. CONGRESSIONAL OVERSIGHT.

“(a) Semiannual Report.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

“(b) Content.—Each report made under subparagraph (a) shall include—

“(1) with respect to section 703—

“(A) any certifications made under subsection 703(f) during the reporting period;

“(B) any directives issued under subsection 703(g) during the reporting period;

“(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

“(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

“(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

“(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

“(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

“(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

“(G) any procedures implementing this section;

“(2) with respect to section 704—

“(A) the total number of applications made for orders under section 704(b);

“(B) the total number of such orders either granted, modified, or denied; and

“(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

“(3) with respect to section 705—

“(A) the total number of applications made for orders under 705(b);

“(B) the total number of such orders either granted, modified, or denied; and

“(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.”.

(b) Table of Contents.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

“TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

“Sec. 701. Limitation on definition of electronic surveillance.
“Sec. 702. Definitions.
“Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.
“Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.
“Sec. 705. Other acquisitions targeting United States persons outside the United States.
“Sec. 706. Joint applications and concurrent authorizations.
“Sec. 707. Use of information acquired under title VII.
“Sec. 708. Congressional oversight.”.

(c) Technical and Conforming Amendments.—

(1) Title 18, United States Code.—

(A) Section 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting “(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)” after “electronic surveillance”.

(B) Section 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting “or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978” after “assistance”.

(2) Foreign Intelligence Surveillance Act of 1978.—

(A) Section 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

“(e) Definition.—For the purpose of this section, the term ‘electronic surveillance’ means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.”.

(B) Section 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an “(a)” before “Civil Action”,

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

“(b) Definition.—For the purpose of this section, the term ‘electronic surveillance’ means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.”.

(C) Section 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

“(C) pen registers under section 402;

“(D) access to records under section 501;

“(E) acquisitions under section 704; and

“(F) acquisitions under section 705;”.

(d) Termination of Authority.—

(1) In general.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.

(2) Continuing applicability.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) for information, facilities, or assistance provided during the period such directive was or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

### SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) Statement of Exclusive Means.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

“STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

“Sec. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.”.

(b) Table of Contents.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

“Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.”.

(c) Conforming Amendments.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking “, as defined in section 101 of such Act,” and inserting “(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)”.

### SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) Inclusion of Certain Orders in Semiannual Reports of Attorney General.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking “(not including orders)” and inserting “, orders,”.

(b) Reports by Attorney General on Certain Other Orders.—Such section 601 is further amended by adding at the end the following:

“(c) Submissions to Congress.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

“(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

“(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

"(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.".

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(e) DEFINITIONS.—In this section:

"(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term "'Foreign Intelligence Surveillance Court'" means the court established by section 103(a).

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).".

### SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

### SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

"(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) resonably determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

### SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

### SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

"(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).".

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

### SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "7 days"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "7 days".

### SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

"(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

"(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).".

### SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting ", the international proliferation of weapons of mass destruction," after "international terrorism".

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking "or" at the end

(B) in subparagraph (C), by striking "or" at the end; and

(C) by adding at the end the following new subparagraphs:

"(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

"(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or".

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

"(p) 'Weapon of mass destruction' means—

"(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

"(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

"(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

"(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting "'weapon of mass destruction'," after "'person',".

### SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703"; and

(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703".

## TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

### SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term "assistance" means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term "contents" has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term "covered civil action" means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term "electronic communication service provider" means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

### SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

### SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

## "TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

### "SEC. 801. DEFINITIONS.

"In this title:

"(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

"(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

"(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

"(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

"(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(6) PERSON.—The term 'person' means—

"(A) an electronic communication service provider; or

"(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

"(i) an order of the court established under section 103(a) directing such assistance;

"(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

"(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

"(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

### "SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

"(a) REQUIREMENT FOR CERTIFICATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

"(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

"(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

"(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

"(D) the person did not provide the alleged assistance.

"(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

"(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

"(1) review such certification in camera and ex parte; and

"(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

"(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

"(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

"(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

### SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

### "SEC. 803. PREEMPTION.

"(a) IN GENERAL.—No State shall have authority to—

"(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

"(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

"(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

"(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

### SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"Sec. 801. Definitions.
"Sec. 802. Procedures for implementing statutory defenses.
"Sec. 803. Preemption.".

## TITLE III—OTHER PROVISIONS

### SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

### SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

Mr. RANGEL (during the reading). Mr. Speaker, I move unanimous consent for the suspension of the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HOEKSTRA. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue reading.

Mr. RANGEL. I have a point of order at the desk and I insist on my point of order.

The SPEAKER pro tempore. The Clerk will continue to read the motion to recommit.

Mr. HOEKSTRA (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

### POINT OF ORDER

Mr. RANGEL. Mr. Speaker, I make a point of order that the motion to recommit is not germane to the underlying bill, and I insist on my point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. HOEKSTRA. Mr. Speaker, I would like to be heard.

Mr. Speaker, as the distinguished chairman talked about in his closing remarks, and as the majority leader discussed in his closing remarks, the energy security of the United States is directly tied to the national security of the United States.

It is beyond me to understand how the proponents of this bill can claim that the legislation before us this afternoon protects the energy independence and energy security of the United States when our critical foreign intelligence capabilities, designed specifically to protect the national security of the United States, continue to degrade. This, of course, happened 11 days ago with the expiration of the Protect America Act.

Again the proponents of the bill say the energy security of the United States is directly tied to the national security of the United States. And that is why this motion to recommit should be considered in order.

The national security of the United States is directly tied to the effectiveness of the tools that we give to the intelligence community. The same radical jihadist groups who attacked the United States on September 11, 2001 are continuing their plans to attack the United States and its citizens. You don't have to take my word for it. Read the declassified excerpts of the National Intelligence Estimate released by Director McConnell.

The majority leader and others who are proponents of this bill have pointed out America's vulnerability on energy issues.

Mr. RANGEL. Mr. Speaker, I object. The proponent is not dealing with the question of the point of order but is dealing with another subject matter.

Mr. HOEKSTRA. I would like to continue.

The SPEAKER pro tempore. The gentleman from Michigan must confine his remarks to the point of order.

Mr. HOEKSTRA. Thank you. That is exactly what I am talking about. I thank my colleague for pointing that out.

And as we have said, your words were that this is a national security issue and it is imperative that we deal with it. The majority leader's words, we are talking about the threats to our oil supply and our energy supply, whether it was from Venezuela, whether it was from the Middle East or other parts of the world. We significantly enhance and increase our vulnerability on an energy standpoint when we let the tools of the intelligence community erode and when we no longer have good insight into what radical jihadists may be doing in Pakistan or what they may be doing in the Middle East or what they may be doing in South America when specifically these are the home bases of radical jihadists. You also have to take a look specifically at radical jihadists and take a look at where they are saying they want to act. They want to destabilize many of the governments that provide us with the oil and energy supplies that this country is so dependent on.

The SPEAKER pro tempore. The gentleman from Michigan will suspend.

Mr. RANGEL. The proponent's speech is not related to the parliamentary question of the relevancy to the point of order.

The SPEAKER pro tempore. The Chair will hear the gentleman on the point of order, but his remarks must be confined to the question of the point of order and may not dwell on the underlying substantive issue.

Mr. HOEKSTRA. Thank you.

Again, getting back to the point, the chairman has talked about energy security being tied to national security. This motion to recommit will do more to secure our energy independence and will do more to protect our energy security and national security than many of the other provisions in the bill because it specifically gives the tools to our intelligence community to protect not only our domestic sources of energy, but also enables us to protect the sources of energy that come from overseas.

☐ 1500

Mr. RANGEL. Mr. Speaker, it is abundantly clear that the rules of the House are being abused for purposes of calling attention to another piece of legislation, and I insist on my point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. RANGEL. I would like to be heard in opposition.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. RANGEL. Mr. Speaker, I have all the respect for the proponent of the motion to recommit on the subject matter that he is trying to bring to the attention of this House, but the RECORD has got to indicate that as this great Nation and this House try to deal with the serious problem of global warming, of loss of jobs, of national security, of a variety of things that we should be focused on, that if the rule should be used constantly throughout this debate for a purpose other than the reason why this bill is before this House, it not only violates the parliamentary rules, but the spirit in which we should be looking at this energy bill. So I insist on my point of order.

The SPEAKER pro tempore. If no other Member wishes to be heard, the Chair is prepared to rule.

The Chair will rely on the precedent of February 26, 2008. The instructions in the motion to recommit address a totally unrelated measure within the jurisdiction of committees not represented in the underlying bill. The instructions are therefore nongermane and the point of order is sustained. The motion is not in order.

Mr. HOEKSTRA. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOEKSTRA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 191, not voting 15, as follows:

[Roll No. 82]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes

Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

### NAYS—191

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

### NOT VOTING—15

Aderholt
Brown-Waite, Ginny
Delahunt
Diaz-Balart, M.
Ferguson
Goodlatte
Jones (OH)
Keller
Lungren, Daniel E.
Reyes
Ryan (WI)
Stark
Tierney
Udall (CO)
Woolsey

□ 1527

Messrs. DAVIS of Alabama, OLVER and MARKEY changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### MOTION TO RECOMMIT OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ENGLISH of Pennsylvania. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. English of Pennsylvania moves to recommit the bill H.R. 5351 to the Committee on Ways and Means with instructions to report the same back to the House promptly with the following amendments:

Strike subsection (b) of section 101 (relating to modification of credit phaseout).

Strike section 203 (relating to modification of limitation on automobile depreciation).

Strike subsection (c) of section 211 (relating to coproduction of renewable diesel with petroleum feedstock).

Strike section 212 (relating to clarification that credits for fuel are designed to provide an incentive for United States production).

Strike section 221 (relating to extension of transportation fringe benefit to bicycle commuters).

Strike section 222 (relating to restructuring of New York Liberty Zone tax credits).

Strike section 231 (relating to qualified energy conservation bonds).

Strike title III (relating to revenue provisions).

At the end of the bill, add the following new title:

### TITLE V—REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF AND MODIFICATIONS TO CHILD TAX CREDIT

#### SEC. 501. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF AND MODIFICATIONS TO CHILD TAX CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to—

(1) sections 301, 302, and 303 of such Act (relating to marriage penalty relief), and

(2) section 201 of such Act (relating to modifications to child tax credit).

Mr. ENGLISH of Pennsylvania (during the reading). Mr. Speaker, I would seek unanimous consent to have the motion considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

□ 1530

Mr. ENGLISH of Pennsylvania. Mr. Speaker, when the Democrats took control of this body, prices at the pump were about 30 percent lower. The price on the spot market for a barrel of oil was $55, not $100 the way it was last week. They promised to address the energy crisis that has plagued the economic stability of this country and seek lower prices at the pump for American consumers.

Unfortunately, the bill that stands before us today fails to accomplish this goal and fails to meet the needs of the American people. By taking away the very tax incentives that helped promote oil and gas exploration here at home, this bill diminishes domestic companies' opportunity and incentive to produce gasoline. This in turn will raise energy costs for cash-strapped consumers.

While the majority party has come to believe that handing out new tax credits and new bonding authority to Governors and mayors is a coherent energy policy, there are many of us in this Chamber who are a little skeptical on that point.

These dulcet-sounding bond programs lack effective safeguards to ensure that the money from the newly created liberal slush fund would go toward environmentally sound projects that will promote or improve energy independence in America.

This Rube Goldberg device can't be seriously expected to help the average American cope with today's high energy prices. What's more, these things certainly do nothing to help consumers cope with tomorrow's higher energy prices that the tax increases incorporated into this bill will certainly generate.

This legislation will not help Americans who carpool to work and will not help working moms driving their children to school. It will not bring down home heating costs for families struggling to make ends meet during this winter season, and it will not lower the cost of fertilizer for farmers.

Mr. Speaker, our motion to recommit will help ease the burden of economic hardship for many of these working families. This motion will strike all of the tax increases from the bill at the time when the economy needs more innovative solutions rather than simply stacking tax increase upon tax increase with no help for working families. It will strike the massive haircut that this bill gives to the most effective renewable energy policy in this code, the wind credit. The bill risks undermining the success of the wind credit, which has been the most promising source of alternative energy. This motion to recommit restores it to its full value.

This motion also rids the underlying bill of the egregiously wasteful bond program that, in our view, is nothing more than a waste of taxpayer dollars with no real potential oversight.

We also eliminate something that I know is dear to some of my friends on the other side of the aisle, and that is the tax incentive for people who ride their bikes to work, and I am sure I will hear about this from my paperboy.

This motion represents a much more rational approach for moving American energy policy forward. As we all know, the pro-growth tax policies enacted by Republican Congresses have been a source of fertility in the American economy, helping tens of millions of taxpayers; and for that matter, millions who don't pay taxes but receive refundable tax credits from the IRS every year.

While Washington Democrats have continued to demonize tax cuts for only helping the rich, the facts speak for themselves.

This motion to recommit preserves two critical pro-growth policies and prevents tax increases for many working Americans.

First, it would prevent the current $1,000 child tax credit from being slashed in half in 2011 through Democrat inaction.

Second, it would prevent a substantial increase in the marriage tax penalty which is set to occur in 2011. According to the Treasury Department, allowing these tax incentives to sunset will force more than 6 million additional taxpayers to become subject to the individual income tax, and 116 million families will have an average tax increase of more than $1,800.

Sunsetting the $1,000 child tax credit and keeping the marriage tax penalty on the books will, without a doubt, subject millions of families to being hit with serious tax increases.

What does the majority's inaction on these tax reforms mean? It means higher taxes on low-income families with children and higher taxes on married couples. What does passing the energy bill in front of us mean? It means higher energy prices across the board and greater dependence on foreign oil. What does passing the motion to recommit mean? It means preventing tax increases.

Mr. Speaker, I urge all of my colleagues to vote in favor of the motion to recommit and against this badly flawed underlying bill.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Before I speak, may I have a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. RANGEL. Notwithstanding the rhetoric of the sponsor, does this motion to recommit kill the underlying bill?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. RANGEL. I am asking what would be the impact if this were to pass. Would it kill the bill?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Mr. RANGEL. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, I oppose the motion, and I am a little embarrassed about an issue that came up during the debate on this bill as related to the unity and the support for my great city, New York. I oppose the motion for many reasons, but the prime one is that this actually kills the bill and prevents us from taking a vote, but I don't think that they seriously would want us to consider the provisions here that they have in the motion.

But having said that, I am embarrassed that one of the issues that is in the motion to recommit is that they not allow the City of New York, with the support of the President of the United States, and have it included in the President's budget, the opportunity to utilize tax-exempt bonds, bonds that were given for the specific purpose of assisting us in recovering from that tragic terrorist attack on September 11.

After study by the administration and conversations which they had with the Republican and Democrat mayor and Governor of our great State, they reached the conclusion that the fair and equitable thing, because of the impediment under which the original tax-exempt bond issue was written, that it was inaccurately written and it would expire if this provision wasn't there. Someone on the other side called it an earmark. Well, if it is an earmark, it is a compassionate earmark that is supported by the President of the United States and the Secretary of the Treasury.

I just ask you, in case somebody of good conscience would ask, Why would you do a thing like that in a motion to recommit? to give you the opportunity to say, I just didn't know that it was in there.

So for all of those reasons, I ask that we defeat the motion to recommit, Mr. Speaker.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it not true that if indeed this motion passed, the bill could be reported back from the respective committee from which it came and that the bill could be reported back as soon as tomorrow?

The SPEAKER pro tempore. The Chair will answer the gentleman that it can be done at some subsequent time.

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. RANGEL. If it was reported back, would it comply with the PAYGO rules of the House of Representatives, Mr. Speaker?

The SPEAKER pro tempore. That would call for an advisory opinion.

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts may state his parliamentary inquiry.

Mr. FRANK of Massachusetts. If the bill were to go back to committee and be reported out, would it have to go to the Rules Committee and would other rules that require layovers before the House can act apply?

The SPEAKER pro tempore. As the Chair stated on November 15, 2007, an order of recommittal does not necessarily waive any rules, but the Chair can not render an advisory opinion on what points of order might lie.

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. When you say this does not waive any rules, would that include the rule of the House that requires this to go to the Rules Committee with all of the appropriate times? Is that one of the rules that would not be waived?

The SPEAKER pro tempore. Ordinary procedures will adhere.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Isn't it true that the majority can make the rules up as they go?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 197, nays 222, not voting 9, as follows:

[Roll No. 83]

YEAS—197

Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito

Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

### NAYS—222

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

### NOT VOTING—9

Aderholt
Brown-Waite, Ginny
Diaz-Balart, M.
Ferguson
Jones (OH)
Keller
Lungren, Daniel E.
Reyes
Woolsey

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised this is the 2-minute warning.

□ 1604

Messrs. McDERMOTT, CARDOZA and LARSON of Connecticut changed their vote from "yea" to "nay."

So the motion was rejected.

The result of the vote was announced as above recorded.

## LEGISLATIVE PROGRAM

Mr. HOYER asked and was given permission to address the House for 1 minute.

Mr. HOYER. Mr. Speaker, as all of us know, we have been considering for a number of years now the question of how we ensure that we have ethical conduct in this body, but more importantly, how we give confidence to the American people that we are handling their business in a fashion which they can trust and be proud of. It is a difficult effort.

We had scheduled for tomorrow a rule which would have established a process of access and oversight that many believe would be an improvement. The committee that was set up was chaired by Mr. CAPUANO, and Mr. SMITH, LAMAR SMITH, was his ranking member or cochair.

Mr. SMITH just an hour ago or so, or 2 hours ago, brought a new proposal, which we had not seen, to the Rules Committee. We have asked Mr. CAPUANO about that proposal. He has indicated that he wants an opportunity to review it because he had not seen it before.

In light of that, I have had discussions with the other side of the aisle with reference to a procedure in which we would not consider the rule that was proposed, the rules change that was proposed, tomorrow. We do expect to consider it soon, but not tomorrow.

Tomorrow, and I will be asking at the end of this for unanimous consent, I have discussed with Mr. BOEHNER and Mr. BLUNT doing the seven suspension bills. There are eight suspension bills scheduled for today. One of them is the Andean bill, which I think is not of any controversy, the 10-month extension on that bill. I will be asking for unanimous consent, therefore, for tomorrow to be a suspension day.

This will give Mr. CAPUANO and Mr. SMITH the opportunity to discuss a new proposal which has been put on the table just this afternoon, and they will discuss that.

I know that Mr. BOEHNER and Ms. PELOSI, the Speaker, have had discussions. I presume those discussions will continue.

So my expectation is tomorrow, after the unanimous consent, we will conclude this bill. We will then have no further business. We will have the Andean suspension bill. After the conclusion of the Andean suspension bill, we will have no further business for today that Members would be voting on. And then we would, tomorrow, consider the seven suspension bills, and my presumption is it will be a relatively early day tomorrow, Thursday.

## MAKING IN ORDER MOTIONS TO SUSPEND THE RULES ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to recognize motions for suspension of the rules tomorrow as though clause 1 of rule XV were in place. In other words, I'm asking for authority to have a suspension calendar tomorrow. Absent the unanimous consent, we would simply go to the Rules Committee and get a rule to do that.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. BLUNT. Reserving the right to object, Mr. Speaker, I would like to clarify. The only work done between now and the end of the day tomorrow would be the anticipated eight bills, one tonight and seven tomorrow that we had expected to get done this week on the suspension calendar; is that right?

Mr. HOYER. The gentleman is absolutely correct. There are eight suspension bills, the Andean today, and we will do the balance of seven tomorrow. I believe it will be a relatively early day.

Mr. WAMP. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Tennessee.

Mr. WAMP. I just wanted to make our colleagues aware that besides the Smith bill, which I'm pleased to hear the Rules Committee will take time to hear, there is another bipartisan alternative that Mr. HILL of Indiana and myself have offered as well where there is substantial bipartisan support for a third alternative that's not a Democratic or Republican bill, but when we are considering matters of the House, it is truly a bipartisan compromise. And the gentleman is on his feet from Indiana as well, and I thank you for the time.

Mr. HOYER. I yield to my friend.

Mr. HILL. I have been working on this issue for over a year. I filed a bill that would, in my view, be true reform.

Mr. BLUNT. Madam Speaker, I believe I have the time.

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). The gentleman is absolutely correct.

Mr. BLUNT. I would be happy to yield to Mr. HILL.

Mr. HILL. As my friend, the majority leader, knows, I filed a bill last year that, in my view, required real reform on ethics. I campaigned on this issue extensively in the year 2006, and it is a bill that I actually talked about in that election year in 2006, and it fell on friendly ears for people who listened to it.

It is a proposal that would allow former Members of Congress to comprise the ethics commission. They would have full subpoena powers. The Republicans on this commission would be appointed by the Democrats, and the Democrats would be appointed by the Republicans.

This bill is now changing because it is now gaining bipartisan support.

Mr. HOYER. Madam Speaker, I will tell you, Members have expressed great concern that they didn't know about the proposals that were being made. My suggestion on both sides of the aisle is that we listen to these proposals as carefully as you are going to want to discuss them in the future.

Mr. HILL. Madam Speaker, I will try to be brief. What happened today is my friend from Tennessee (Mr. WAMP) had some ideas that were similar to mine, and so we joined forces today to try to make this a bipartisan bill. So it is a third alternative. I hope people will take a look at it. I think it's something that both Republicans and Democrats can support, and I believe that it is a real reform.

Mr. BLUNT. Madam Speaker, I would yield to the gentleman from Ohio.

Mr. BOEHNER. Madam Speaker, I just wanted to take a moment to thank the majority leader for his consideration of the Members on both sides of the aisle that had concerns about the way we were proceeding.

I think all of us have, as I said upstairs in the Rules Committee, have the same objective: to have a fair process that clearly enforces the rules of the House. The American people have the right to expect the highest ethical standards of all of us, and how we achieve that objective is where the debate is. I think all of us have the same goal.

But I just want to rise to say thank you to the majority leader for giving us time to try to resolve the differences that we might have.

Mr. BLUNT. Madam Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

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## RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDERMOTT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 182, not voting 11, as follows:

[Roll No. 84]

YEAS—236

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Richardson
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—182

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)

Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Aderholt
Brown-Waite, Ginny
Diaz-Balart, M.
Jones (OH)
Keller
Lungren, Daniel E.
Matheson
Mica
Miller (MI)
Reyes
Woolsey

☐ 1630

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MICA. Madam Speaker, I was unavoidably detained and was unable to cast a vote on rollcall 84. Had I been present, I would have voted "nay" on the measure.

## APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Naval Academy to fill the existing vacancy thereon:

Mr. FRELINGHUYSEN, New Jersey

## ANDEAN TRADE PREFERENCE EXTENSION ACT OF 2008

Mr. LEVIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5264) to extend certain trade preference programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5264

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Andean Trade Preference Extension Act of 2008".

**SEC. 2. ANDEAN TRADE PREFERENCE ACT.**

(a) EXTENSION.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended by striking "February 29, 2008" and inserting "December 31, 2008".

(b) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 204(b)(3) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) in subclause (II), by striking "5 succeeding 1-year periods" and inserting "6 succeeding 1-year periods"; and

(ii) in subclause (III)(bb), by inserting "and for the succeeding 1-year period," after "for the 1-year period beginning October 1, 2007,"; and

(B) in clause (v)(II), by striking "4 succeeding 1-year periods" and inserting "5 succeeding 1-year periods"; and

(2) in subparagraph (E)(ii)(II), by striking "December 31, 2006" and inserting "December 31, 2008".

**SEC. 3. CUSTOMS USER FEES.**

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking "December 13, 2014" and inserting "December 27, 2014"; and

(2) in subparagraph (B)(i), by striking "December 13, 2014" and inserting "December 27, 2014".

**SEC. 4. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 0.25 percentage points.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of extending the Andean Trade Preference Act, which provides duty-free treatment to certain exports from Bolivia, Colombia, Ecuador, and Peru.

The ATPA program is a program that has been working. It has benefited the region by providing much-needed economic development to these four countries. There is also some evidence that it has helped create some alternatives to the illegal drug trade.

Importantly, and I emphasize this, this has all been accomplished in a way that is more complementary than it is competitive; so there have been economic benefits for the four nations and for our Nation. In fact, if you exclude oil and oil products, the U.S. has a trade surplus with the region. We export about $13 billion to these four countries, and they export about $11 billion to us.

Beyond the numbers, the composition of the trade is also complementary. With agriculture, it's the seasonal nature of the trade. Crops from these countries tend to be imported when the U.S. crops they compete with are not in season.

It's also complementary in textiles and apparel trade. Under ATPA the U.S. textile industry ships U.S. yarns and fabrics to the region, and they export to us apparel made with those U.S. inputs. In fact, U.S. exports of yarn and fabric to the region were $111 million in 2007, up from $58 million in 2002. The only apparel that comes in duty free that is not made with U.S. yarn and fabrics is made with materials that we don't have in our country like pima cotton and alpaca.

It's the complementary nature of this trade that has generated widespread support for the extension of this program, including support from the business community and the labor community.

Concerns have been raised about whether Ecuador and Bolivia are living up to their ATPA obligations and treating U.S. investors fairly. And the answer is, and I want this to be clear, that the administration has the authority to revoke ATPA status to any country failing to meet any of the ATPA criteria, and there is a broad range of them, including those related to the treatment of investors.

If this program is not extended, it would be mutually disadvantageous to both the United States and to these four countries.

I want to emphasize, as I did some months ago when there was an extension, we are talking today about the Andean Trade Preference Act. We are not talking about any other FTA, whether it be Colombia, Korea, or any other place. Each agreement must be decided on its own merits. In any respect, therefore, it would be counterproductive to vote against extending the Andean Trade Preference Act.

I strongly urge approval of this 10-month extension.

Madam Speaker, I reserve the balance of my time.

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this short-term extension of the Andean trade preferences. This extension will provide a necessary bridge to provide time for the implementation of the U.S.-Peru Trade Promotion Agreement and for Congress to consider the U.S.-Colombia Trade Promotion Agreement.

The short duration of the extension signifies that Congress is concerned with the deteriorating investment climate for U.S. investors in Ecuador and Bolivia and that these countries must quickly and completely comply with all their international obligations with regard to investment disputes. While the Andean trade preference program provides important economic benefits to exporters in Bolivia, Colombia, Ecuador, and Peru, it is not a substitute for moving toward a reciprocal arrangement that also provides benefits to U.S. exporters. Congress has already taken the first step in this process by passing the U.S.-Peru Trade Promotion Agreement. Now Congress must take the next step to pass the U.S.-Colombia Trade Promotion Agreement.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, it is now my pleasure to yield 4 minutes to my colleague from Washington (Mr. MCDERMOTT), a valued member of the committee.

Mr. MCDERMOTT. Madam Speaker, I rise in support of shaping globalization to ensure that its benefits are shared more broadly, particularly for the vulnerable living in America or in developing countries.

President Kennedy said that American apathy "would be disastrous to our national security, harmful to our comparative prosperity, and offensive to our conscience." His observation rings true today perhaps more than yesterday. Globalization is not helping the poor around the world as much as it is helping the rich. We have a moral obligation to adjust our trade and development policies to reverse this situation.

The bill before us would extend a program that's enabling developing countries within our own hemisphere to diversify and grow their own economies. The Andean trade preference program has enabled the creation of jobs in Peru, Colombia, and Ecuador by reducing import tariffs on American-bound products from these countries.

These economies are doing well in part because of the partnership achieved through ATPA, so it's important that we extend this program in order to not undo the progress that has been achieved in what can be a very economically and politically fragile region of our hemisphere.

This extension, while important, is a baby step. It is imperative that this Congress this year examine the need to reform our trade policies to ensure we provide maximum opportunity to the poorest of the world's poor.

One of six children in Africa, where the majority of the world's poor live, will die before reaching age 5, on a continent where hunger is a key factor in more deaths than those caused by all infectious disease.

The United States, in agreeing to the Millennium Development Goals in 2000, committed to fully opening our markets to the least developed countries. It's been 8 years. It's time to act.

The African Growth and Opportunity Act and the Generalized System of Preferences continues to fall short. I'm really disappointed that we could not achieve bipartisan consensus on making some modest improvements in GSP and AGOA within this bill, but I am confident we will reach consensus in the future.

Madam Speaker, I will enter into the RECORD a letter from the Catholic Bishops. This letter encourages us to pass the bill before us and pass legislation to improve our trade policies with the least developed countries.

DEPARTMENT OF JUSTICE, PEACE,
AND HUMAN DEVELOPMENT,
*Washington, DC, February 25, 2008.*

Hon. HENRY M. PAULSON, JR.,
*Secretary of the Treasury,*
*Washington, DC.*
Ambassador SUSAN SCHWAB,
*U.S. Trade Representative,*
*Washington, DC.*
Senator HARRY REID,
*Majority Leader, U.S. Senate,*
*Washington, DC.*
Senator MITCH MCCONNELL,
*Minority Leader, U.S. Senate,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*
Hon. JOHN BOEHNER,
*Minority Leader, House of Representatives,*
*Washington, DC.*

DEAR SECRETARY PAULSON, AMBASSADOR SCHWAB, SENATOR REID, SENATOR MCCONNELL, SPEAKER PELOSI, AND CONGRESSMAN BOEHNER: I am writing on behalf of the United States Conference of Catholic Bishops (USCCB) to offer reflections on several key trade measures that Congress may act on this year.

USCCB takes a particular interest in trade policy and legislation because of its potential to promote integral human development in the poorest countries and among the poorest communities around the world. Much more than fostering economic growth, trade should play an essential role in reducing poverty by helping to shape domestic and international legal frameworks to protect workers and the environment, ensure opportunities for decent work at a just wage for struggling families and provide access to technology and knowledge for those at the margins of society.

In the Church's vision, economic life should be guided by a moral framework that respects the life and dignity of every person. The Catechism of the Catholic Church teaches: "The human being is the author, center and goal of all economic and social life. The decisive point of the social question is that goods created by God for everyone should in fact reach everyone in accordance with justice and with the help of charity." (# 2459)

Trade policy should include complementary policies and initiatives that promote equitable development for all people. Increased trade should leave no one behind, particularly the least among us. For this reason, the United States has an obligation to ensure that trade agreements reach beyond merely economic considerations to wider concerns of the common good of all and the well-being of the poorest in particular.

Some steps have been taken over the past year to improve current trade policies so that they foster genuine development. Last year, our Conference welcomed the bipartisan trade framework agreed to by Congressional leaders and the Administration. In 2008, there are several ways to build upon work already done to help make trade work for all:

Haiti Trade Preferences: USCCB actively worked for enactment of trade preference legislation for Haiti in 2006. The Haitian Hemispheric Opportunity through Partnership Encouragement (HHOPE) Act was an initial step in building trade capacity that offered some Haitians a chance to escape poverty and build a future for themselves and their families. HHOPE's successes are modest but real. USCCB urges you to work to improve the existing legislation in ways that lead to longer-term development. The United States should seize the earliest opportunity to make a significant improvement in the lives of Haitians.

Andean Trade Preferences (ATPDEA): USCCB supports long-term renewal of trade preferences for Bolivia, Ecuador, Colombia and Peru. The Andean countries continue to have high levels of poverty. The original intention of this program was to help poor countries in the hemisphere diversify their economies in ways that would offer alternatives to illicit drug crop production. Weakening these export opportunities may also weaken counter-narcotics efforts in the Andean region. The recent practice of short-term extensions of these trade preferences is damaging to economic development. Our nation should not hold some of the poorest people in the Hemisphere in economic limbo in the hope of gaining leverage in efforts to pass other bilateral agreements. The poor must not be made to compete for trade preferences that are a vital part of reducing deprivation.

New Partnership for Development Act (NPDA) H.R. 3905: H.R. 3905 would create a mutually beneficial trade relationship between the world's richest economy and the world's least developed countries. NPDA would help ensure that the poorest countries can benefit from appropriate trade preferences by including significant trade capacity building assistance. The poor should have "preference" as the Church teaches. NPDA makes this preference concrete; showing that U.S. trade policy can become more effective and fair.

United States-Colombia Free Trade Agreements: The May 2007 bipartisan trade policy framework led to some improvements in the trade agreement between the United States and Peru. The United States-Colombia trade agreement reflects these changes. The changes made to the intellectual property provisions within the agreement that would more readily ensure access to life-saving medicines are particularly important. However, the likely negative impact of the agreement on Colombia's small farmers and rural communities is troubling. There must be more effective mechanisms to alleviate the adverse effects on Colombia's rural communities. Rural desperation could lead to increased coca production with dire consequences not only for Colombia, but for the United States and the entire region. Given its multifaceted provisions, USCCB does not take an overall position on the agreement, but it is our hope that the debate and decisions on the proposed U.S.-Colombia FTA lead to improved and meaningful steps forward in advancing fair trade relations between the countries.

With good wishes for your efforts to make trade work for all and for poor people in particular, I remain,

Sincerely yours,
THOMAS G. WENSKI,
*Bishop of Orlando,*
*Chairman, Committee on International Justice and Peace.*

In conclusion, the contrast between the lives led by those enriched countries and those in poor countries is only less scandalous than this Congress's apathy if we fail to act. I'm looking forward to working with my colleagues on renewing America's leadership and promoting development around the world. The first step in this process is passing H.R. 5264, which is before us today.

Mr. HERGER. Madam Speaker, at this time I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), an active member of the Ways and Means Committee and very active in trade, particularly in Central and South America.

Mr. WELLER of Illinois. Madam Speaker, I rise in support of this important legislation, bipartisan legislation.

I note it's a 10-month extension of the existing trade preferences we grant our friends in Bolivia, Ecuador, Peru, and Colombia. What's important about this 10 months is it gives us ample opportunity for our friends in Peru to work with us to implement the recently ratified U.S.-Peru Trade Promotion Agreement. It gives us the opportunity over the next 10 months to move forward on ratification of the U.S.-Colombia Trade Promotion Agreement, of course Colombia being our most reliable partner for the United States in Latin America.

But today we want to talk about trade preferences for the Andean region. When you think about it, 2 million families today are watching the United States Congress. Two million families in the four countries in the Andean region have jobs and livelihoods that depend on the trade preferences. If the trade preferences go away, the livelihood for those 2 million families goes away.

Peru, 800,000 jobs have been created by trade preferences. Colombia, 600,000 jobs. Ecuador, 350,000 jobs. Bolivia, up to 150,000 jobs directly and indirectly created as a result of the Andean trade preferences. And when you think about it, what's the alternative? In this region, which is seeking opportunity, and thanks to the U.S. Congress and the Bush administration we have worked to create these trade preferences, the alternatives, if they lose their jobs, are they become part of the wave of illegal immigration as they seek economic opportunities or to become involved in illicit activity, such as the growing of coca and involved in narcotrafficking networks. They don't want to do that. They want good, honest jobs, and the trade preferences give them that.

This past week I was part of a bipartisan delegation visiting Ecuador and Bolivia with my friend ELIOT ENGEL and others. It was a bipartisan delegation. We saw firsthand how regular folks, little people, workers, small businesses, men and women, particularly those who in the past have been denied economic opportunity, because of the trade preferences, the opportunity to export to the U.S. market, they have economic opportunity.

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In Otavalo, Ecuador, we met with a women's cooperativo where they made sweaters and textiles for the U.S. market. We visited those who are involved in cacao production for the purpose of making chocolate, and they are creating organic chocolates that we consume, they can sell in the U.S. market. We, of course, visited organic coffee growers, and we saw how they can take advantage of preferences creating jobs in Ecuador. In Bolivia we visited a textile factory where thousands of workers who otherwise would not have jobs were involved in making garments, assembling textiles and various materials inputs that are manufactured in the United States that are assembled in La Paz, Bolivia, creating jobs and economic opportunity. The point is easily well made that without the trade preferences, those jobs go away.

And what is the consequence to America? Another wave of illegal immigration, people seeking economic opportunity, the temptation to become involved in the growing of coca and other crops that are used for narcotics.

What is really important I think to note is when we talk about what we as Americans can do to help lift up our neighbors, the trade preferences really work. They come at little or no cost to the United States. But they create a tremendous amount of opportunity in the democracies of Bolivia, Ecuador, Peru and Colombia.

I urge bipartisan support.

Mr. LEVIN. Madam Speaker, it is now my privilege to yield 3 minutes to our distinguished colleague from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding.

I too rise in support of this bill, H.R. 5264, to extend the Andean Trade Preference Act for another 10 months to our friends and allies in Bolivia, Colombia, Ecuador and Peru.

At some point, we are going to find that this Congress will move closer to a bipartisan trade agenda because for many years, it was absent, but I think you see in the seeds of this legislation and in previous actions on the Peru Free Trade Agreement the opportunities for us to not only move towards a bipartisan trade agenda, but quite honestly a nonpartisan trade agenda where what we are talking about is an American trade agenda that promotes the interests of our workers and of our industries and so that when we reach a hand out to our neighbors whether in our hemisphere or otherwise, we are doing this in a way that promotes not just competition, healthy competition among our friends, but it also makes it possible for us to move forward the thing that will keep the engine of American ingenuity going.

And so as we try to figure out how to open the doors to the markets of the world, to our interests, so that our American workers can continue to produce more goods and goods of excellent quality, we will be able to open our door to the goods of other countries where, based on a fair trade agenda, we can do so and feel comfortable that we are bringing in quality goods that are safe and reliable here in the U.S. for its use.

Now whether you are with the labor movement, and the AFL-CIO has come out and supported this extension, or whether you are with the U.S. Chamber of Commerce, which has also come out in support of this, I think what we are finding is that the seeds can be planted for us to move forward on trade in a way that leaves out the words "party affiliation" completely and lets us talk about how the trade agenda for this country, for America, will be not only advanced but benefit so many people in this country who work.

I believe that this is a chance for us to show our friends in Bolivia, Colombia, Ecuador and Peru that we want to strengthen our friendship with them, that we want to increase our ties with our hemispheric neighbors and make this into something that leads towards an American agenda on trade that we can all feel very comfortable with and get resounding support in this House.

Mr. HERGER. Madam Speaker, I yield now at this time 3 minutes to the gentleman from Texas (Mr. BRADY), again an active member of Ways and Means and the Trade Subcommittee.

Mr. BRADY of Texas. Madam Speaker, I thank the gentleman from California for his leadership on trade issues.

I too rise in support of this bill. I think it is important for Peru to have the transition time to enact the free trade agreement we just worked on. It is important to buy additional time for us to discuss and ultimately pass the Colombian Free Trade Agreement. And I think it is important for our friends in Bolivia and Ecuador to understand that these preferences are temporary, that we want a full trading partnership with them, and it is important that they take concrete steps to move toward the types of signals and improvements in their country, in government, that would allow us ultimately to move to a full partnership for free trade.

When we began this trade agreement, trade preferences in the 1990s, our hope was to create jobs away from drug trafficking in these countries, and it has worked. Millions of jobs have been created benefiting not just the Andean region, but the American workers as well. But this bill is no substitute for a free trade agreement with Colombia. Today we are allowing these countries to sell duty-free, almost without restrictions, into the United States, competing against our workers. We are doing that to help pull them toward democracy, to stimulate their economy, to move them away from narcotrafficking. And it is working. But what we want ultimately is two-way trade. We want the ability of our factory workers, our plant workers, our steelworkers in Texas, for example, today they can go down to the store and buy products from Colombia, Bolivia and Ecuador but when we try to sell the products they produce overseas, we are not allowed to. The barriers exist. How is that free trade? How is that fair to the American workers? It is to me irresponsible for us to not take up the Colombian Free Trade Agreement. This is a country with a growing economy. It is a strong ally to the United States. It has made remarkable progress on labor violence. They are in the midst of a civil war. And President Uribe is taking commendable steps, strong leadership steps to solidify that country, to bring democracy and the rule of law, to prosecute those violators. He has made remarkable progress in quelling violence against labor leaders. And indeed unions, productive unions in Colombia support this free trade agreement. For those who believe America is going it alone far too much in the world, it is incomprehensible we would go it alone without Colombia, that we would leave them, walk away from our commitments in that region. It is vital both from an economic standpoint and vital from a security standpoint that we take up and pass the Colombian Free Trade Agreement this year.

Mr. LEVIN. It is now my pleasure to yield 3 minutes to the gentleman from New York (Mr. ENGEL) who is indeed very active in these international issues.

Mr. ENGEL. I thank the gentleman for yielding to me.

Madam Speaker, I rise in strong support of H.R. 5264 which extends trade preferences for Peru, Colombia, Ecuador and Bolivia. I want to thank Chairman LEVIN and Chairman RANGEL, the dean of our New York delegation, for their leadership on this issue. This is certainly a bipartisan issue, and it is a very, very important issue.

I am the chairman of the Western Hemisphere Subcommittee of the House Foreign Affairs Committee. And as chairman of that subcommittee, I believe that the extension of the Andean Trade Preferences is crucial in promoting the development of the economically and politically fragile Andean region while at the same time supporting the United States' geopolitical goals.

ATPDEA has been enormously successful, as all my colleagues have stated, having created hundreds of thousands of jobs in the Andean region. Every job created in the Andean region, as was mentioned before, is another potential illegal immigrant remaining in their home country. Without the extension of ATPDEA, these jobs, which are in sectors that do not directly compete with U.S. jobs, will be eliminated.

I just returned a few short days ago from leading a bipartisan congressional delegation which included Ecuador and Bolivia. In fact, Madam Speaker, at this time I will submit into the RECORD a letter that the five of us who were on the trip sent around to the rest of our colleagues supporting the extension of the Andean Trade Preferences, signed by myself, Mr. WELLER, Mr. HINCHEY, Mr. GREEN, and Ms. FOXX.

CONGRESS OF THE UNITED STATES,
*Washington, DC, February 25, 2008.*

### SUPPORT EXTENSION OF THE ANDEAN TRADE PREFERENCES

DEAR COLLEAGUE: Having just returned from a CODEL to Ecuador and Bolivia, we are writing to urge you to vote for H.R. 5264—which would extend trade preferences for Colombia, Peru, Ecuador and Bolivia for 10 months—when it is on the House floor on Tuesday. While many of us would prefer a longer term extension of ATPDEA, we believe that a 10 month extension is a good start.

We are a bipartisan group of Members who believe that the Andean Trade Promotion and Drug Eradication Act (ATPDEA) is a win-win for both the citizens of the Andean region and the U.S. private sector. ATPDEA has literally created hundreds of thousands of jobs in the Andean region, while at the same time supporting essential U.S. geopolitical goals.

We fear that if the Andean trade preference program is eliminated, many of the unemployed would turn to drug cultivation after they lose their jobs. Assistant Secretary of State for Western Hemisphere Affairs Tom Shannon has argued that ATPDEA, "has been an important counterpoint to drug production in the region. It's produced hundreds of thousands of jobs in the region, so in that sense it's been a very, very successful program." We firmly agree.

We visited with producers of flowers, broccoli, coffee, cacao and other products in, Ecuador. Without ATPDEA, workers in these sectors would undoubtedly lose their jobs, leaving them with little option outside of the illegal drug trade or illegal immigration to the United States.

In Bolivia—the poorest country in South America—we met with textile workers whose jobs would also be eliminated without an extension of ATPDEA. Many of these workers are indigenous women, who are among the most historically marginalized members of society in Bolivia and throughout the Andean region.

Finally, failure to extend ATPDEA would put many U.S. jobs at risk. For example, U.S. yarns, fabrics, fibers and other textile inputs are exported to the Andean region, where they are incorporated into finished garments and exported back into the United States.

While we all supported ATPDEA prior to our trip, meeting firsthand with the people in Ecuador and Bolivia who. are directly impacted by ATPDEA renewed our commitment to this crucial trade preference program. Please join us in supporting the citizens of the Andean region by voting for H.R. 5264 when it is on the House floor on Tuesday.

Sincerely,

ELIOT L. ENGEL,
*Chairman, Subcommittee on the Western Hemisphere.*
MAURICE HINCHEY,
*Member of Congress.*
JERRY WELLER,
*Member of Congress.*
GENE GREEN,
*Member of Congress.*
VIRGINIA FOXX,
*Member of Congress.*

We visited on the trip with producers of flowers, broccoli, coffee, cacao and other products. Without the Andean Trade Preferences, workers in these sectors would undoubtedly lose their jobs, leaving them with little option outside of the illegal drug trade or illegal immigration to the United States.

In Bolivia, which is the poorest country in South America, my delegation met with textile workers whose jobs would also be eliminated without an extension of ATPDEA. Many of these workers are indigenous women who are among the most historically marginalized members of society in Bolivia and throughout the Andean region.

I truly fear that without the extension of ATPDEA, many of the unemployed in the Andean region would turn to drug cultivation after they lose their jobs. The Andean preference program was originally created not only to support economic development in the region but also to divert illegal coca manufacturing towards legitimate industries. Using these trade preferences as a tool in the drug war is no less important today. Indeed it is more important.

While I have been a long-time supporter of ATPDEA, meeting firsthand with the people in Ecuador and Bolivia who are directly impacted by these crucial trade preferences renewed my commitment to it. Having visited Colombia twice in the past 4 months, I am also convinced that that country, along with Peru, would have great benefits from this bill.

We need to be engaged in the Western Hemisphere. If we don't, we do so at our own peril. And so I urge my colleagues overwhelmingly in a bipartisan fashion to please vote for this bill and send a very strong message to our friends in Latin America that the United States is a good partner and we can be counted on in time of need. It helps them. It helps us. It is a winner for both of us.

Mr. HERGER. Madam Speaker, can I inquire of the other side how many speakers they have remaining.

Mr. LEVIN. I am the only speaker remaining. Why don't you proceed.

Mr. HERGER. We have three more speakers on our side, and then I will close.

At this time I yield 2 minutes to my good friend, the gentleman from California, a member of the Foreign Affairs Committee, Mr. ROYCE.

Mr. ROYCE. While I support this legislation, we should be doing better, much better. And unfortunately, Madam Speaker, many in the majority are undermining our interests throughout the Andean region.

There is no excuse, in my view, for bottling up the Colombia TPA which should be on this floor. It is a much better proposal than what we are debating today. Without the Colombia TPA, we are denying American businesses and workers greater access to Colombia.

With this legislation today, American exporters will continue to pay tariffs to Colombia, 80 percent on beef, 15 percent on tractors. So unlike the Colombia TPA which slashes Colombian taxes on our exports, this bill does nothing to increase U.S. exports to Colombia or to the three other countries it includes.

It is ironic that many who routinely attack trade agreements are giving Colombia preferential treatment and getting little in return when there is so much opportunity. With the Colombia TPA, we could get on a two-way street, one that lifts American workers as well. We could also have a deal that is stronger on labor protections. But many in the majority are settling for less, and far less at that.

And then there are our strategic interests in Colombia. It is our closest partner in a very important region. Colombia is locked in a deadly struggle with well-financed forces, undemocratic, terrorist and drug trafficking forces. Its government has made great strides against the narcoterrorists and improved the economy for millions. It has significantly reduced violence against labor leaders. This is major progress for Colombia.

The Colombia TPA is the next step for our partnership. Instead, with our inaction we are kicking Colombia, jeopardizing our regional standing. This bill is a poor substitute for the Colombia TPA. I know the chairman would like to do more. Let's get to the real business of approving that important agreement.

Mr. HERGER. Madam Speaker, I yield at this time 2 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member of the Western Hemisphere Subcommittee on the Foreign Affairs Committee.

□ 1700

Mr. BURTON of Indiana. Madam Speaker, I want to associate myself with the remarks just made by Mr. ROYCE of California. I think he made the case very well for the Colombian Free Trade Agreement.

Colombia has been a great friend of ours under President Uribe, and we ought to be doing more to make sure that that government down there is stable and that the trade with us improves. Right now we have about a $2.56 billion trade deficit, because they have access to our markets but we don't have access to theirs, like we should, because of the tariffs. If we pass a Colombian Free Trade Agreement, it will be a two-way street that will help them, will help us create more jobs in the United States, as well as more jobs in Colombia.

But there is more to it than that. Right now, there is a threat from the FARC guerrillas in Colombia, and right on the border is Venezuela. President Chavez of Venezuela has recognized the FARC down there and is kind of working with those people, and I think that is a peril that faces Colombia over the long haul. Having a strong free trade agreement that will create jobs and a stronger economy in Colombia I think will be one of the things that will help stop the terrorists down there, the FARC guerrillas, the ELN and those who may be coming out of Venezuela.

So I think this is a very good first step tonight. We are extending the trade preferences for the next 9 or 10 months, and I think that that is all right. But we need to get on with the business of making sure we pass a free trade agreement with Colombia, as we did with Peru. I think it is in our national interests and their national interests. They are a good friend, and we should get the job done.

Mr. HERGER. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today in support of this important legislation. The Andean Trade Preferences program continues to be a vital component of our efforts to promote peace, prosperity and stability in South America, and it should be extended.

But, Madam Speaker, listening to the debate today, I was reminded of an old adage that says "political friendships follow the trade lanes." Consider Colombia. The success of this program there demonstrates just how critical trade is to creating friendly and democrat allies in troubled regions.

But there is more that we can do and should be doing. We must act quickly to approve the Colombian Free Trade Agreement, not only to meet our international obligations, but to strengthen our economy by boosting U.S. exports to Latin America. Last year alone, my home State of Illinois exported $214 million in merchandise to Colombia, ranking it fourth among the States. More importantly, Illinois exports to Colombia grew 136 percent between 2002 and 2006.

These trends are not unique. For all of our economic troubles, U.S. exports continue to drive profits and job growth. According to the Treasury Department's latest economic update, real exports have risen 7.7 percent in just the last four quarters.

A free trade agreement will promote even faster growth by giving U.S. exporters duty free access to Colombian markets, the same access that our Colombian exporters already enjoy to the U.S. At the same time, it will strengthen our friendship with a vital ally and provide for stronger protection of the rights of laborers in that region.

Madam Speaker, the bill before us today is a good first step. I commend the chairman and ranking member of the Ways and Means Committee for their bipartisan efforts, and urge my colleagues to support this bill. But I also ask my colleagues to keep in mind that action today must be followed by action tomorrow. We must work as quickly as possible to pass the Colombian Free Trade Agreement in the coming months.

Mr. HERGER. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DREIER), the ranking member of the Rules Committee, someone who has long been active in the area of trade.

Mr. DREIER. Madam Speaker, I thank my very good friend from California, the ranking member of this very important Trade Subcommittee, and I congratulate my good friend from Michigan for moving forward this very important 10-month extension.

Obviously, it is clear that we are using this time to talk about the importance of coming together in a bipartisan way, working as Democrats and Republicans, to ensure that we are able to proceed to deal with both the economic as well as the national security implications of ultimately seeing us put into place the Colombian Free Trade Agreement.

One of the great misconceptions around here and one that unfortunately has been spread very widely, Madam Speaker, is the fact that many people say that the Government of Colombia has been involved in killing labor leaders. I have heard that said on many occasions. I think it is very unfortunate that that and things close to that have gotten out there, when in fact we have seen since 2002 a 50 percent increase in the level of funding for the Fiscalia, the entity spending a great deal of time prosecuting those who have been responsible for killings of those labor leaders.

Similarly, it is important to note that there are roughly 1,500 labor leaders who get protection provided by the Government of Colombia. They are working to ensure the safety of those labor leaders, number one; and, number two, they are working to ensure that they bring to justice those who might be responsible for any of those killings.

There is no desire on the part of the government to do that. The government has done everything it possibly can to demobilize the paramilitaries, the FARC, the ELN and others who have been involved in the narcotrafficking and other criminal activity that has taken place in the country.

There is no nation on the face of the Earth that in a 5-year period of time has gone through a greater transition than Colombia has, and the leadership of President Uribe and so many others in his country who are dedicated to the future of that nation have, I believe, laid the groundwork for us to ensure the strength of the relationship between our two countries and to deal with the national security implications.

I have to say in closing, Madam Speaker, that I truly do believe that this will help us stabilize this very important part of the Western Hemisphere.

Mr. HERGER. Madam Speaker, in closing, I yield myself such time as I may consume.

Madam Speaker, today we are voting on the Andean Preferences, but the U.S.-Colombia TPA is far superior to the Andean Trade Preferences in several very important ways. The Andean trade preferences program provides duty-free access for imports from Colombia, but not for U.S. exports to Colombia, which face an average duty of over 11 percent. As a result, U.S. exporters are at a major disadvantage.

Here are just a few of the examples in which imports from Colombia receive duty-free access to the U.S. markets and the significant tariffs U.S. exporters currently face which would be eliminated upon implementation of the U.S.-Colombia TPA: U.S. wheat, fruits and vegetables; soybean meal; paper products; aircraft; turbines; diesel engines; and tractors.

Passing the U.S.-Colombian TPA would level the playing field for U.S. exporters. However, the longer we wait, the worse the situation becomes. Currently, several countries, including Argentina, Brazil and Chile, have preferential access into the Colombian market. Canada and the EEU are close to completing trade agreements with Colombia that would provide their businesses with a competitive advantage in the Colombian market. All of these countries are major competitors with U.S. exporters.

Failure of Congress to pass the U.S.-Colombia TPA does not preserve the status quo. It exacerbates and magnifies disadvantages already faced by U.S. exporters.

Madam Speaker, the facts are clear: The U.S.-Colombian TPA is far superior in every way to the Andean Trade Preferences program, and Congress should use the next 10 months to pass the agreement for the benefit of U.S. businesses and U.S. workers.

Madam Speaker, I yield back the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

In closing, let me just emphasize a few points. Mr. RANGEL and I and others offered a bill for a longer extension than this one, but we weren't able to bring that about here on a bipartisan basis. So what we have today is a 10-month extension, and I very much urge its passage.

I simply want to emphasize that every program has to be considered on its own merits. This is a continuation of a preference program that has been mutually beneficial. This is not involving an FTA with any of these countries. FTAs involve different and broader considerations. So I think discussion of that must be left for a different time under different circumstances after different events have occurred.

Madam Speaker, I urge passage of this bill.

Mr. DREIER. Madam Speaker, I have always been a strong supporter of the Andean Trade Preference Act. These preferences have been critical in encouraging both development and liberalization in a key region. But as we look at where each of the four Andean nations stands today, we see that they are all at very different stages, with preferences having significance for different reasons.

Peru is a country that has made tremendous strides in its economic liberalization process while remaining a close political ally, and we have propelled our trade relationship forward through ratification of a free trade agreement (FTA). As we go through the implementation process, preferences are still necessary to provide continuity until the agreement is fully realized. But Peru has clearly graduated beyond one-sided preferences, and our engagement will only grow exponentially.

In the case of Colombia, once again, this is a country that has made outstanding progress on economic and political fronts, and has negotiated an FTA with us in good faith. We have left this agreement in limbo for far too long, and should vote to pass it immediately. I have supported repeated extensions of our preference system for Colombia, because it would be unfair to punish them for our inability to make progress. But this is a critical agreement that will help to lock in great gains, and we cannot afford to allow the U.S.-Colombia FTA to languish any longer.

Bolivia and Ecuador, however, have not made the great progress in liberalization that their neighbors have. Our trade preferences in these two countries are critically important, but for very different reasons. It is important for us to continue to engage with them, to encourage both economic and political liberalization. Preferences can help workers in these countries reach that first rung of the economic ladder. And with new opportunities come rising living standards, and momentum for greater reform.

However, there can be no progress without the rule of law. Both countries are facing great challenges on this front, with justice systems that are unable—or perhaps at times even unwilling—to uphold the law and create an environment that supports free markets and accountable governments. In some instances, there have been egregious abuses in the courts, punishing those who have invested in the economy and creating a powerful deterrent to other prospective investors. Both Bolivia and Ecuador have much to gain by focusing on strengthening the rule of law, and much to lose by neglecting to do so. Without an improved legal environment, our trade preferences will be of little value.

Furthermore, failure in this regard will erode support in Congress for preferences altogether. I believe the fact that we are considering only a ten-month extension of the program is a reflection, in part, of grave concerns that many Members hold for the direction Bolivia and Ecuador are heading. It is my hope that ten months from now, when we again address the issue of preferences for the Andean countries, we will be witnessing a renewed commitment in these two countries for the reform and liberalization that are essential to eliminating poverty and improving the standard of living for every Bolivian and Ecuadorian.

Mr. MORAN of Virginia. Madam Speaker, I rise in support of the H.R. 5264, the Andean Trade Preference Act (ATPA), a program meant to assist the Andean countries in their economic development. The ATPA provides duty free treatment for 94 percent of imports from the four Andean nations-Colombia, Peru, Bolivia, and Ecuador.

The original Andean Trade Preferences Act was passed in 1991 and extended and expanded in 2002 with the Andean Trade Promotion and Drug Eradication Act (ATPDEA), and again extended last June 2007. This program is fundamental in our mission to foster trade-based economic relations between the United States and the Andean region and stimulate legitimate economic alternatives to narcotics production and trafficking in the Andean region.

If Congress does not pass the Andean Trade Preference Act, the previous extension of the program will expire on February 29, 2008. Renewing ATPA will continue to build on the program's success and help us achieve our larger policy goals for the Andean region. At a time of increasing economic uncertainty, it will help sustain critical U.S. jobs that are dependent on stable trade with and investments in the Andean region.

From 2003 to 2006, U.S. textile exports to the Andean region increased by more than $50 million signifying a 40 percent increase. However, with the uncertainty the constant renewal brings, last year it was extended for 8 months 2 hours before it was set to expire, it has discouraged companies from continuing their investment in the Andean region.

Our current regional partnership is grounded on the joint struggle to eradicate the narcotics menace that terrorizes both the Andean region and the United States and to provide economic stability through trade. As the Andean region currently enjoys duty-free treatment, an expansion of these trade policies, like the U.S.-Peru Free Trade Agreement, would allow us to enter into a full partnership with the remaining Andean countries instead of just a one way trading benefit.

While free trade agreements are not on the immediate agenda of Congress, I urge a vote in favor of H.R. 5264, to extend trade preferences for Colombia, Peru, Ecuador and Bolivia and continue to show our support for our Andean neighbors and allow U.S. companies to continue investing in that region.

Mr. STUPAK. Madam Speaker, today the U.S. House of Representatives agreed to suspend the rules and pass H.R. 5264 by voice vote. Had I been given the opportunity to vote on this measure I would have voted "no" on H.R. 5264, the Trade Preference Extension Act of 2008.

In fact, prior to the voice vote on H.R. 5264, I sent a Dear Colleague with Representatives DALE KILDEE and MARCY KAPTUR to all Members of the U.S. House of Representatives urging our colleagues to vote against extending the Andean Trade Preference Act.

The Trade Preference Extension Act of 2008 extends the Andean Trade Preference Act for another 10 months. Since the last extension, 8 months ago, Congress has still not adequately addressed fundamental problems of labor practices in the region and the agreement's effect on U.S. agriculture. Furthermore, with the on-going debate surrounding the Colombia Free Trade Agreement it is irresponsible to simply extend these preferences without thorough discussions.

Originally passed in 1991, the Andean Trade Preference Act, ATPA, was designed to develop economic alternates to narcotics production in Bolivia, Colombia, Ecuador, and Peru. However, ATPA has failed to reduce cocaine production, but it has harmed American farmers.

In both Colombia and Peru, the size and production of illegal drug crops has remained virtually unchanged. In a 2001 report to Congress, the U.S. Foreign Agricultural Service said that they "do not believe that Peruvian asparagus production provides an alternative economic opportunity for coca producers and workers—the stated purpose of the Act."

As a result of the ATPA, the U.S. had a $10 billion trade deficit with the four ATPA countries in 2006. Specifically, the asparagus and fresh-cut flower industries have been severely hurt by lower prices. Since the implementation of ATPA, asparagus acreage in the United States dropped from 90,000 acres in 1991 to under 49,000 acres in 2006.

There are 40,000 flower workers in Ecuador and over 100,000 in Colombia working to grow, harvest, and package flowers. Unfortunately, these workers routinely experience labor rights violations including violations of the right to freedom of association. H.R. 5264 does not include stronger labor provisions.

Before agreeing to extend the Andean Trade Preferences Act for a third time, Congress should have taken a closer look at damage it has done to American farmers and how it has failed to reduce illegal drug production in Bolivia, Colombia, Ecuador, and Peru.

Mr. LEVIN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 5264, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to extend the Andean Trade Preference Act, and for other purposes.".

A motion to reconsider was laid on the table.

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## COMMENDING ELDER HIGH SCHOOL STUDENTS FOR SUPPORTING ELDER HIGH SCHOOL ALUMNI SERVING OUR NATION OVERSEAS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, a few years ago, I had the honor of coming to the floor of this House to congratulate Cincinnati's Elder High School for winning the Ohio State Division 1 football championship 2 years in a row, quite an accomplishment.

Today, I want to recognize and commend Elder High school seniors Matt Brannon and Ben Combs and a group of about a dozen fellow Elder students for doing something every bit as worthy of recognition. These young men, on their own initiative, raised the necessary funds to ship care packages to Elder alumni who are serving our Nation in uniform overseas. In the words of Matt Brannon, "I want to help people who are risking their lives for us."

Such patriotism should be an inspiration to us all, and Elder High School can be proud that they are educating and instilling in their students the highest values.

Thank you, Elder Panthers. Well done.

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□ 1715

## SPECIAL ORDERS

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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## WHO SEEKS INDEPENDENCE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, it is written that governments are instituted among men, deriving their just powers from the consent of the governed, and that when any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it and to institute new government.

Madam Speaker, this eternal statement from the Declaration of Independence clearly states the United States' right to self-determination. We used this natural right to break away from Great Britain.

Last week Kosovo unilaterally declared itself an independent and sovereign state, and the announcement has ushered violence in the region and opposition from the country it broke from, Serbia. Following Kosovo's declaration of independence, the United States was one of the first world powers to grant official recognition to the self-declared independent Kosovo. Since then, several other countries have followed. Of course, not everyone agrees that Kosovo may unilaterally declare its independence from Serbia. Certainly Serbia objects.

At the same time, Russia, China and Spain have shared their strong opposition to the declaration. Each of these countries is struggling with its own separatist communities. They are afraid that Kosovo's unilateral declaration will encourage secessionist groups in their own country to rebel and declare themselves independent and sovereign states.

When we start meddling in the internal affairs of international nations like Serbia, consequences are sure to follow. Let me be clear, I am not talking about a people rising up and overthrowing a civil government, but a people separating themselves from a civil government and forming a new nation.

The question is, do all peoples have this right of separation, and does the United States support that? What position will the United States take as other peoples may decide self-determination, separation and independence? By recognizing Kosovo, the United States is setting a precedent, and it needs to take that position very seriously, because there are consequences.

Is the United States willing to offer recognition to the Basque and Catalan people of Spain if they declare independence or to Chechnya if they break away from Russia? Or how about Tibet if they decide to leave China? Separatist communities across the world are interpreting the actions of the United States in Kosovo to suggest that America supports movements of self-determination.

A columnist for an African newspaper recently wrote a newspaper article titled "Kosovo—the precedent that will enflame Africa." This journalist predicts that the Kosovo recognition will ignite a revival of secessionist groups across the African continent. Will the United States be prepared to deal with that if it happens? And what will we do? Will we send troops? Will we send aid to these movements?

We've even got folks from the State of Montana here in the United States saying they are going to secede from the Union if the Supreme Court rules a certain way on gun ownership. Is self-determination allowed in Montana?

Looking at our country's history, it is pretty clear that the right of self-determination of a people is expensive, and it has costs. If it weren't for the courage and self-determination of our country's founders, we would still be a colony of Great Britain.

But the United States has been inconsistent on the right of self-determination. For example, in the 1860s, the United States rejected this self-determination here at home. More than 650,000 Americans were killed during the War Between the States when the South claimed the right of self-determination and the North went to war to prevent it and to prevent southern independence.

Independence is a serious and volatile matter. Thomas Jefferson said, "What country can preserve its liberties, if its rulers are not warned from time to time that the people preserve the spirit of resistance? Let them take up arms." These are strong words from the author of the Declaration of Independence.

Is this statement U.S. policy? It may very well be the case that the United States' position in Kosovo will encourage more turmoil throughout the world. What will the United States do then? Is the United States going to choose to either fully support or fully oppose the right to self-determination for other peoples? Or is the United States going to continue down its path of inconsistent foreign policy on self-determination?

People with aspirations of independence all over the world are watching the United States and trying to interpret what our foreign policy is. They need to know what our position is on independence, and the American public needs to know where we stand on independence for other peoples.

And that's just the way it is.

## KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Madam Speaker, I rise because I listened intently to the remarks just made by my friend from Texas, and I want to say that as someone who has supported the independence of Kosovo for the past 20 years, I couldn't disagree more.

I am proud of the United States for supporting and encouraging the independence of Kosovo. I am proud of the Bush administration for doing the right thing in Kosovo. I am proud of the United States standing on the side of freedom and self-determination and independence, and I am proud that the United States understands that the people of Kosovo are entitled to the same kinds of freedoms that we had for ourselves in our own revolution more than 200 years ago.

No, I don't think that every independence or separatist movement in the world is entitled to declare independence, but I think that we need to look at everything in terms of its context.

The former Yugoslavia broke up. There were several components of the former Yugoslavia. We now have several independent countries of Macedonia and Croatia and Slovenia and many others, Montenegro, and Kosovo, also, as part of the former Yugoslavia is entitled to that same kind of independence and self-determination.

We remember where the former leader of Serbia, Slobodan Milosevic, had set out to ethnically cleanse his country of Albanians, to commit genocide against the Albanians in Kosovo to drive them out, to indeed burn practically every Albanian home in Kosovo when they were driven out. It was only because of the courage at that time of President Clinton and the United States where we helped and bombed and prevented genocide that that was prevented.

So I think the situation in the former Yugoslavia, in Kosovo, is unique. I think that Serbia relinquished any kind of claim to Kosovo by the way their former leader Milosevic persecuted and committed genocide against the Albanian population.

Self-determination for the people of Kosovo is the right thing to do. The United States and the European Union have stood strong in supporting Kosovo independence. Kosovo, indeed, will be a strong ally of the West, of the United States, of the European Union.

The people of Kosovo love the United States. They trust us. They care about us. They know we are there for them. I want to tell you, as someone who has been so involved with this issue for the past 20 years, there are no better friends that we have across the world, the United States has, than the people of Kosovo.

So I am very, very proud that that is a new nation. I am very proud that the United States has recognized them. I, indeed, would urge all freedom-loving countries of the world to recognize the people of Kosovo.

We in this wonderful democracy are so blessed and so fortunate to live in the United States, and we have principles for which we stand, and those are the same principles that the people of Kosovo are standing for and looking at us to follow exactly what we have done in terms of democracy. I hope to go to Kosovo in the very, very near future to celebrate with the people there.

I want to say one other thing. Kosovo will be a multiethnic state, and that means that minority rights have to be protected in Kosovo. There are some who are concerned about Serbian Orthodox churches and that minority rights, including Serbs, need to be protected. I agree. Those churches need to be protected. Minority rights need to be protected. I am confident that the leaders of Kosovo will protect those churches, will protect those rights, will protect the rights of all Kosovors, whether they be Albanian, Serb or others, and the people understand that. I know the people of Kosovo, and I know they understand that.

I just want to very, very strongly state that I am proud to be a friend of the people of Kosovo. This Congress has been a friend of the people of Kosovo. Our government has been a friend of the people of Kosovo, and I think we as Americans can hold our heads up high and say that the ideals for which our revolution was fought more than 200 years ago are the same ideals of the revolution for the new independence and new nation of Kosovo.

## SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial. It is February 27, 2008, in the land of the free and the home of the brave, and before the sun sets today in America, almost 4,000 more defenseless unborn children will have been killed by abortion on demand, just today. That is more than the number of innocent American lives lost on September 11, only it happens every day.

It has now been exactly 12,819 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children.

Some of them cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them. All of them had at least four things in common: They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it's important for those of us in this Chamber to remind ourselves again of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The 14th amendment capsulizes our entire Constitution. It says, "No state shall deprive any person of life, liberty or property without due process of law." Protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

Yet, Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

But perhaps tonight, Madam Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that can never be expressed, and that 12,819 days spent killing nearly 50 million unborn children in America is enough, and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn children than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is February 27, 2008, 12,819 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children. This, in the land of the free and the home of the brave.

## 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Thank you very much, Mr. Speaker, and thank you again to the Speaker of the House, Ms. PELOSI, for giving the opportunity to the 30-Something Working Group to come to the floor once again to talk about some of the great progress that we believe this House is making on behalf of our constituents, the American people.

We are going to have an abbreviated edition of the 30-Somethings today, and I am going to turn this over to Mr. MEEK in a moment.

But suffice it to say that once again I think we did some justice when it comes to energy policy on the floor this week. We have passed, once again, a bill that will extend enormous tax benefits to thousands of Americans and, even more, small businessmen and the people who profit from those businesses, who work for those businesses, so that they can invest in the new American economy that is the green economy and do it through no additional cost to the taxpayers by simply repealing billions of dollars that we have given to the oil industry under the Republican Congress and turn those tax subsidies around to average consumers and average small businesses who are now going to do right by this new renewable economy that we are building.

□ 1730

It is a start. It is not everything. We have not done a 180 on energy policy, but we are beginning what will be a long but continuous path to energy independence.

And I yield to my friend, the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. MURPHY, it is an honor to be on the floor with you. We appreciate all that you have done during your time here in Congress.

I can tell you, Mr. MURPHY, one of the very important measures that passed today on the House floor was the energy bill, the Renewable Energy and Energy Conservation Tax Act, and I think it is important as we look at this piece of legislation because it is actually paid for, and we pay for it with the subsidies that previous Congresses gave big oil companies, those subsidies they didn't ask for. Well, maybe they did ask for them.

I had a chart, Mr. MURPHY, in previous Congresses that I used to bring to the floor. I am talking about the meeting Vice President DICK CHENEY had in 2001 in his office with all of the major oil executives, and in that chart it showed how profits went up from that point on.

"Profits" is not a bad word, but when you look at it, especially in how the big oil companies increased prices on individuals that were not only paying taxes, U.S. taxpayers that were paying for the subsidies they were getting, but also were paying more at the pump, and it is so very, very important that we identify that and reverse that.

This piece of legislation that we passed today actually does that, H.R. 5351. So many times in America, Americans, they look at Congress and they look at what we do and how we do it and they don't quite understand how it happens to them twice: A, we are subsidizing big oil companies; and, B, why are they paying more for gas.

What we have done in this Congress and in previous energy bills that we have passed, we have focused on green and focused on innovation and focused on how can ethanol, and we focused on making sure that cars can go further with less.

We have also stood under the banner of investing in the Midwest versus the Middle East. And I think it is important that we continue with that theme. Today's legislation that passed the floor continues that theme.

I talked a little earlier about the big five oil companies that recently reported record profits in 2007. Exxon earned $40.6 billion, the largest corporate profit in the history of the United States of America. Some of that came about because of the tax dollars being generated back into dollars that they didn't have to spend. Usually with profits of any business, you take those dollars out to be able to do more and better in the future. Well, we don't have a problem with that happening, but we don't want it to be on the backs of the U.S. taxpayers.

I also think, Mr. MURPHY, one other point that I want to make, with the economy now and how these energy prices continue to squeeze American families, I think it is important that since August, when the House took up the bill, and the price of oil has risen almost $25 per barrel to a new record high of $102 per barrel today. Gas is up 17 cents a gallon in the last 2 weeks, and up 75 cents from a year ago. Gas prices also doubled on home heating costs, and tripled on American families since 2001.

When we start looking at those statistics, we have to do something about them, and today's legislation does something about them. I am proud to be a Member of the 110th Congress that is turning this ship around as it relates to how the U.S. taxpayers view Congress, one; and two, making sure that we can reverse some of those cake and ice cream giveaways that were given under the Republican-led Congress.

I encourage Members to continue to head down this track of assisting U.S. families. And in the 30-Something Working Group, we work hard towards promoting that kind of philosophy, not only within the Capitol building talking here on the floor, but also back in our districts, to talk about the good things that we are doing that will assist U.S. families talking at their dining room table and when they get together for Little League games and whatever, talking about gas prices and talking about making America greener and talking about investing in the U.S. so we can have U.S. jobs.

With that, I yield back, but I think it is important that we continue to head down this track. Even though we have had some objections from the other side of the aisle, this is the right thing to do because we are on the side of the American people and not the big five oil companies.

Mr. MURPHY of Connecticut. Thank you very much, Mr. MEEK.

I want to quickly let people know what this legislation does that we passed here. We have talked about the amount that it invests in this new economy, but let's talk about how it does that.

There is $8 billion in this new bill in long-term, clean renewable energy tax incentives for energy accrued from sources varying from wind to solar to geothermal, biomass, hydropower, ocean tides, landfill gas. Overnight, this bill is going to invest in these types of renewable energy sources that are going to power the next economy.

We know that energy independence doesn't come easy. We have become addicting over a long period of misguided and shortsighted Federal policy so that we have an unreliable and unsustainable reliance on dirty energy, on energy produced by oil, produced by gas-powered plants, produced by coal-powered plant. You don't change that overnight. It takes time. Now, government can't do it alone. We can't suddenly decide that we are going to take the generosity of the Federal Government and start buying up renewable energy to completely replace those old, dirty sources.

What we can do is use a little bit of Federal incentive to give reason for private individuals and private businesses to make those choices themselves. That is what we have done here. My office went through a long and important process of becoming carbon neutral, becoming energy independent.

How we did that, we brought some energy auditors into our office and we assessed our carbon footprint and then we found a number of ways, a myriad of different efforts that we could undertake to reduce that carbon footprint. It included everything from changing all the light bulbs in our offices to putting on automatic timers where we could, to making sure that we were printing on both sides of the page.

We tried to reduce our individual carbon footprint, as individuals and businesses can do, seeing that they find that not only the right thing to do by our environment, but the right thing to do from a cost standpoint as well.

But even after doing all of those things, Mr. Speaker, we still found we had an amount of pollution from old, dirtier sources that we couldn't completely eliminate.

So what we did, we went out to offset that remaining dirty carbon footprint by purchasing tax credits for renewable energy. Basically going out and purchasing, putting renewable energy out there on the grid to make up for what dirty energy remained in our office.

What we found for us was that it still cost a little bit more to purchase those renewable energy tax credits, those renewable energy credits, than it would have to have bought oil or gas or coal credits. But it was not four times as much. It is not three or twice as much. It is still a little bit more expensive for an individual homeowner or an individual business to purchase renewable energy, but it is getting less expensive every day. Why is that?

It is getting less expensive every day because the economy, those that invest and fuel the economy from an economic standpoint are figuring out that there is money to be made in renewable energy, that there is a demand for it, and that every cent that they can lower the cost of that renewable energy resource, the more profit there will be built in because of the greater utilization.

And so that is what we are attempting to do here. Rather than putting $18 billion into more tax subsidies, more regulatory subsidies for the oil industry, we are saying let's take that $18 billion and let's put it into tax subsidies for homeowners and businesses and local and State governments to make up that little difference between the price of old energy and the price of new energy.

And that small, little incentive not just makes the difference for the bottom line for that particular company or for that particular homeowner, it then starts to increase the volume of renewable energy that we are producing. It starts to create more capital for those companies that are doing the research and development into renewable energy so that they can advance their efforts to create newer, cheaper technologies. That's how we are going to grow this renewable economy.

And for some reason for a very long time, for the 12 years that the Republicans controlled this House, and in particular for the past 7 years, the 6 of it where the President served along with the Republican House, they didn't get it. They didn't get that you can start to incentivize and create this new renewable economy, this green economy, not with the largess of the Federal Government but with targeted, direct incentives to make up that small difference between old and new energy. And this is about building that new economy and this is also about trying to right some wrongs that this Congress has perpetuated on the American people for far too long.

I hope that people will look at the facts that underlie this chart standing beside me right now. The price of gas, and this is looking at increases in commodities and profits from 2001 to 2008, a 113 percent increase in the price of gas. Much of that has come just in the last few years, as more and more motorists, more and more commuters have found it almost impossible to make their budgets meet now that gas prices seems to be staying above that $3 a gallon level.

We all feel this one. There is a 213 percent increase in the price of home heating oil. My wife and I are flabbergasted on a weekly and monthly basis as we look at the amount that we are paying to heat our own very small and modest home. Even with all of the different improvements that we have tried to make regarding oil efficiency and heat efficiency, we, along with millions of other American homeowners, have an old house. We cannot make it completely, totally energy efficient, and so we are paying through the nose, as are millions of other American homeowners, for this 213 percent increase in heating oil profits.

The price of crude oil has gone up 215 percent during that time. And all the while, during that same period of time over the last 7 years, the profits of American oil companies have gone up 310 percent.

There aren't many things in this world in a 7-year span that increase threefold. Wages for the average Americans are lucky to creep up by 1 percent a year. Profits for most American businesses, in particular those small businesses and medium-sized businesses that power our economy, are lucky to grow by 5 or 10 percent every year. Even in robust economic times, 310 percent growth in profits over a 7-year period is unheard of.

And when those profits are derived in large part due to Federal policy through these $18 billion in Federal tax breaks that have gone to the oil companies, it should have a long time ago caused this Congress to step back and ask why.

Well, there are a lot of different reasons, and I am not here to suggest that those $18 billion in oil subsidies are the sole reason why you see a 310 percent spike in oil company profits. We have increased demand around the globe for oil, not just here in the United States but in India and China and in developing nations.

But I would also posit that another reason is not just because of the subsidies we have given these industries, but also because we have done almost nothing here in this Congress, before 2007 when the 110th Congress was sworn in, to really start to work with the competitors of the oil industry, to try to give at least the same benefit that we give to the oil industry to the wind industry, to the solar industry, the geothermal industry, the tidal industry, all of the other energy competitors who ultimately will make sure that we never see another 310 percent, 7-year growth in profits.

☐ 1745

And so I think a lot of us are really excited about the direction we're going with energy policy. It's not just the bill that we passed today which shifts that $18 billion in oil company energy profits to incentives and tax subsidies to individuals and small businesses and governments that are prepared to do the right thing and invest in renewable energy sources. This is also about what we've done to increase the fuel efficiency of vehicles, the first time in 30 years this Congress has passed and signed by the President an increase in fuel efficiency standards so that the average fleet sold here in the United States will now have to be up around the 35 mile per gallon standard, still not what it could be, but a lot better than the level that we've been sitting at for the last 30 years.

A new investment in green technology and green jobs, grants now going to businesses and nonprofit organizations that are going to do the training necessary to teach a whole new workforce how to compete and how to win in a renewable energy economy; and legislation that will say no more going to the store and looking at one product that's energy star or energy efficient rated and another product that hasn't had any improvements on it in the last 20 years, now every appliance, every microwave, every toaster that you buy, by virtue of legislation passed in the House and the Senate and signed by the President will make sure that appliances that you buy are going to meet the highest energy efficiency standards.

We still have to go farther. There's still so much more we can do. We can pass a renewable energy portfolio standard to say that 15 to 20 percent of the energy produced in this country comes from renewable energy sources. We should pass a cap and trade system that limits the amount of pollution and carbon that we emit into the air. But these are monumental steps forward that would have never happened if we didn't have a change in control of this Congress, because you've got a whole new group of people here. Mr. ALTMIRE and I are the two members of the 30-Something Group that are part of this new class of freshman Members of Congress. But you have a new group of Members here, in particular this freshman class, that really had a sense, from spending the last 2 years, 2005 and 2006, out campaigning for office but just frankly being on the outside of this institution for all of our lives, that the public got it; that the public understood that it was about time that we started shifting our resources, both privately and publicly, into a renewable economy. They understood that energy independence is the Holy Grail of Federal and State energy, of Federal and State policy, period, because it's not just about energy prices, the fact that by investing in renewable energy, increasing volume, increasing research and development, that you will eventually drive down energy prices.

It's also about the environment. We could talk for another hour about the benefit that investments in renewable energy will do to the air that we breathe around us, what it will do to combat the growing trend towards the warming of this planet.

It's also about our economy, as we've talked about. And we may not make rubber balls in this country like we used to. We may not have the large volume manufacturing base that we did 20 to 30, 50 years ago, but we can be the center of research and development for renewable energy technology. There are great strides still ahead of us on cellulosic ethanol, on photovoltaics, on the hydrogen economy. Our economic future here in the United States can be based in renewable energy.

And lastly, folks out there know that it's about national security as well. They know that by creating a dependence on domestically produced energy, rather than on foreign produced oil, that we will make decisions with regard to international policy, based not on our national energy interests but on our national security interests.

And so on behalf of the 30-Something Working Group, we're pretty excited about the bill that we were able to pass today, as we are about the entire trend that's happening here in Congress with regard to energy policy. We have farther to go, but the reason that we, as the 30-Something Working Group, talk about this is because the investments that we make today will pay off in 10 and 20 and 30 and 40 years, when our future children and grandchildren are living in this world. They might not have to deal with the consequences of a Congress that ignored the energy crisis in this country if we make the right decisions over the next several Congresses.

So I appreciate, as we always do, the opportunity for the 30-Something Working Group to come down here. It's a busy day and evening here, so Mr. MEEK was only able to join us for a short period of time. Mr. ALTMIRE had to leave before the hour started. We know when we come back to this floor next week, we'll make sure to have the full contingent of 30-Somethings down here on the floor. We miss Ms. WASSERMAN SCHULTZ as well.

With that, Mr. Speaker, again I thank you for the opportunity to speak before the floor today. I thank the Speaker for her engagement with the 30-Something Working Group.

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## ENERGY ISSUES AND THE OIL AND GAS INDUSTRY

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. CONAWAY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CONAWAY. Mr. Speaker, it's good to be with you this afternoon.

I want to spend most of the next hour talking about the oil and gas business and energy issues in general but specifically about the oil and gas business.

In the interest of full and fair disclosure, I grew up in West Texas, home to much of the oil and gas production from the Permian Basin, and I now have the high honor of representing much of that region in Congress. My dad was in the oil business. He had a service company for the last 25 years of his career. I had oil and gas clients in my professional career. And so I hope the fact that I have some background and experience in this area doesn't disqualify me from talking about things that I know and that doesn't discount what I have to say.

In looking at our overall energy picture, almost every legitimate projection of energy usage in this country, over the next 20-plus years, shows that crude oil and natural gas will continue to be a vital part, an important part of the energy complement for this country for the next 20-plus years, as I mentioned.

There are no breakthrough technologies. There are no scientific advances that anyone can anticipate today that would reduce our dependency, particularly as it relates to driving cars and trucks and airplanes, on crude oil and natural gas. We don't produce enough of it domestically to meet the needs of our existing oil and gas needs, so consequently we import 60-plus percent of the crude oil, natural gas and gasoline products that we use every single day. And that percentage is growing, unfortunately.

Most commentators, and I agree, would believe that this importation of crude oil and natural gas from foreign sources coming from countries whose leadership hate us, whose political schemes are directly opposed to what we would want to do, is not in our best interest and represents a strategic vulnerability that our country has to other parts of the world that in many instances can be far less stable than you would want to count on.

So given the fact that we will be using crude oil and natural gas for the next 20, 30-plus years, and that we don't produce enough of it ourselves, it would seem that it would be in our best interest to promote policies that encourage and incentivize additional production of domestic crude oil and natural gas, policies and incentives like allowing the responsible and environmentally sound exploration of areas in this country which we currently, either by law or by executive order, prevent our crude oil and natural gas exploration companies from having access to, promoting policies that, to the extent that it is safe and sound, reducing and eliminating unnecessary bureaucratic red tape.

You can look at the reasons we've not built a refinery in this country for a number of years is because of the long lead times it takes to get that done. The approval process, or the bureaucratic nightmare that companies have to go through, all of the money they invest on the front end, they don't get the return on that money until the plant is built and done, and the longer you extend that timeframe between when you start to when you actually begin to refine crude oil adds to your cost, it adds to the carrying cost, it adds to the cost of the money you've borrowed, and is a disincentive to actually entering into that particular business.

So when we on this floor from time to time, today may have been one of those times, when we on this floor from time to time put in place new laws, new regulations, added taxes and other burdens on the domestic and international oil and gas companies, we are, in effect, I believe, cutting our nose off to spite our face, because increased domestic production offsets the need for additional import of crude oil and natural gas.

No one that I'm aware of with any rational thought thinks that we can produce enough domestic crude oil and natural gas to completely wean ourselves from international imports or foreign imports of crude oil and natural gas. So it's not about totally doing away with those, but at least putting ourselves in a position to make ourselves less dependent on those foreign sources of crude oil and natural gas.

My colleagues earlier this afternoon were talking about the high cost of gasoline. And gasoline is high here in the United States. It is higher in other parts of the world than it is here in the United States, but that's scant comfort to the consumers and the folks out there who are, as they stand at the pump and they watch that price ratchet up past $40 and $50 for a tank full of gasoline, the fact that there are people around the world paying more for their gasoline than we are is not much comfort as that happens.

I understand that the high cost of diesel, whether it's ag producers or farmers or long distance truckers, whatever it is, adds to their operating cost. The cost of gasoline, of course, has taken an increasingly larger share of the family budget as that number goes up, and that's something that should be of concern to all of us.

The bad news is that over time those costs will simply continue to get higher. Short of a worldwide recession, in which demand for crude oil and natural gas was dramatically lessened or reduced, we are going to continue to have increases in the price of crude oil, an increase in the price of natural gas, and that, of course, will be reflected at the pump.

Our job should be to try to minimize those increases or delay those increases as long as we can, to smooth them out as best we can to allow consumers and businesses to make the accommodations they need to to begin to live with these higher gasoline and diesel prices that we're currently experiencing.

□ 1800

A big jump that we have seen from $30 a barrel to today, I guess, $100-plus per barrel has had an impact, a surprisingly limited impact to the extent that the economy that we've enjoyed over the last several years has not gone down as much as most folks had predicted with a rapid increase in crude oil and natural gas prices. But nevertheless, families are paying more out of their family budget each month for gasoline, and that's not going to get any better.

We can make it worse with the policies that we pass on this floor to the extent that as we make it more expensive to find and produce crude oil and natural gas, we will add to the costs and the burdens of families that are unnecessary additions to costs by taking a different tack of promoting and incenting crude oil and natural gas producers to produce more, then we would help go a long way of providing additional supply as the demand goes up.

So I was in Midland, Texas, in 1998 and 1999 when the price of crude oil was $10, $11 a barrel, a scant 9 years ago. It's hard to believe that today it's 10 times that number. But there's the yo-yo effect with respect to crude oil and natural gas prices. We have seen those prices go up and down dramatically over the last 40 years.

I think the difference this time in this run-up is that China and India are much greater consumers of crude oil than they were in the late 1990s, so we were able to see a price drop to $10 a barrel. I don't think anyone realistically expects that to happen because you have got additional consumers in the market, and those consumers are China and Japan, as I mentioned. I was in China last April and was told that a thousand new cars a day are being added to the traffic pattern in Beijing alone. A similar statistic for Shanghai. These aren't cars or people that are switching from one car to another. These are folks who are getting off their bicycles and beginning to drive automobiles. So this is a net-plus increase in the demand for crude oil and natural gas that has not been there before.

So while the prices are high, they will fluctuate some, but I don't think we will ever go back to the levels that we have seen 5 and 6 and 7 years ago.

The people who produce crude oil and natural gas, those companies are vilified in the press and, sad to say, with our Presidential candidates from time to time, as well as Members of this House come to this floor and will say some pretty outrageous things about the companies that supply us with the level of crude oil and natural gas that we have today at these prices as if they are some sort of a bad person.

When we make critical statements, critical statements about corporations, and let's take ExxonMobil, for instance, because they're the easiest target having just released earnings this past week or so, earlier this month, showing that they had set a record for a 2007 profit of some $40.7 billion. That is a huge number in any comparison, except, perhaps, maybe the total Federal budget. But it's out of context as it is taken most the time. It can be criticized, and some very unflattering adjectives are used such as "outlandish," "unjustifiable," or "appalling" or "ruthless." These words have been used by some of my colleagues to describe ExxonMobil, and that's unfortunate.

Now, I'm not an apologist for ExxonMobil. They're a corporation, and if they've done something wrong, they should be held to high standards of conduct. But to the extent they have played the rules and played the game within the rules that are set for them, the fact that they have been successful, the fact that they have done well should not be held against them simply because the fact that they've done this well. They are not price gouging. Their prices are set by the international market like everybody else's. And the fact that they are big helps them do things that smaller companies simply cannot do.

The investments, the billion-dollar investments that are necessary to explore for and to produce crude oil in some of the more remote areas of this world require huge investments, and it takes big companies to be able to do that. And the fact that ExxonMobil is in that arena and is successful at it should not be denigrated the way it is.

Here is some of the bad things that ExxonMobil does, if you think that making money in the oil business is, in and of itself, bad.

They produce some 4.2 million barrels of crude oil a day, an oil equivalence of some 637,000 barrels a day. So that's a sizable production of things. I don't have the exact percentage of total worldwide percentage that that is off the top of my head, but I think the production is about 80 million barrels a day. ExxonMobil is 4.2. So that is a sizable piece.

When you consider the governmentally owned entities in that 80 million, ExxonMobil is a small player, given the fact that Saudi Arabia and others, as a group owned by the governments, are much bigger producers than that.

ExxonMobil, out of that $40.7 billion that they earned in 2007, they paid out $7.6 billion in dividends to their shareholders.

Now, when we denigrate corporations, it's easy to do because we don't put a face on the corporation. We just think of it as an entity. But the truth of the matter is corporations can't do anything without people, employees, and directors and others at ExxonMobil. So when we make negative and ugly comments about this corporation or any corporation, we are, in effect, talking about the people who work there.

ExxonMobil has some 82,000 employees worldwide. That's 82,000 families who feed their families, feed their kids from hard work and the successful work at ExxonMobil; 82,000 families who own homes, 82,000 families that try to find a way to send their kids to college and pay for health care and take care of the things that they need to do to put braces on their children and all of those kind of things that families do. Those people are no different than anyone else working in America or around this world. They've got the exact same cares and responsibilities that every parent has. And so to denigrate the corporation and, by extension, these 82,000 people is really unfair.

Hidden in the conversation about the profits that ExxonMobil made of some $40.7 billion was the fact that they paid some $32 billion in taxes; $32 billion in taxes. Now, if you added up the bottom 50 percent of all individual taxpayers in the United States, I think that number is some $27 billion. And so ExxonMobil single handedly paid as much in taxes as half of the individual taxpayers in the United States, actually paid more than that half.

And so as you talk about all of the bad things that ExxonMobil has done, saying they're guilty of some pretty rotten stuff: creating 82,000 jobs, paying out $7.6 billion in dividends to their shareholders, creating the wealth that relates to what those shareholders do. Those shareholders have bought stock in this company. They bought it expecting to be able to sell it at some point in time in the future for a profit, which is not bad, because when they sell that, they will pay capital gains taxes on that. The 7.6 billion, to the extent it went to taxable entities and not to retirement plans or IRAs, those taxpayers pay taxes on that 7.6 billion.

So there's an additional 7.6. The 82,000 employees that are U.S. citizens pay individual income taxes on their salaries as well. And they're paying the payroll taxes, and ExxonMobil is matching those payroll taxes in a responsible way.

So, as you see, the comments made about the amount of money that ExxonMobil has made, please put it into context with the amount of money that they would have to invest in order to do that. The return on shareholders' investments is in line with other U.S. corporations and other industries within the United States. It should be a good investment. It should create wealth for the shareholders that are able to take advantage of owning that stock having bought it when hopefully the price is lower than what they could sell it for.

So, as you hear comments, negative comments, if it is about the breaking of a law or something like that, fine. We will deal with that. But if it is just the fact that they're big and the fact that they found a lot of crude oil, natural gas, and produced a lot of it, then those are misplaced. And when you make those comments about what Exxon does within the rules, you are criticizing people. You are criticizing 82,000 folks around this world who are getting up, going to work every single day trying to do the best job they can at providing a resource and a commodity that all of us enjoy each and every single day.

I did not mention the fact that ExxonMobil refines 5.6 million barrels a day worldwide and almost 4.7 million barrels a day here in the United States. So, again, jobs are created up and down the stream with respect to the oil and gas business.

As you look at energy policy, I think that we spend a lot of time in this Hall talking about what we should be doing, and yet we don't listen to each other very well in terms of what the impact is of what we are trying to do. And consequently, we don't have in place rational policy for what we should be doing in this country.

There are two broad areas of energy that we should talk about separately: One is electricity generation and the other is crude oil and natural gas. That is what we use to drive our cars.

With respect to electricity, we have had a dramatic event in Florida yesterday where we had a blackout, an infrastructure failure, overload of some sort that quickly got corrected, but it was a microcosm of a wreck that would happen if we didn't have adequate supplies of electricity.

Now, the growth in this country in terms of population, with it comes an automatic growth in the use of electricity. That's just the nature of the beast. Now, we should be doing all that we can to conserve. We should be using smart appliances and smart light bulbs and doing all of those kinds of things. But the truth of the matter is, as the population of the United States increases, we need more energy, more electricity to be able to meet the needs of this increased population, whether that is lighting their homes, air-conditioning their homes, providing electricity to power the businesses in which they work. That is going to be a demand that is there and is growing.

If we don't continue to invest in generating capacity, then we are going to get caught in a circumstance where our demand has outrun or outstripped our ability to supply that energy, and we will have very sizable increases in the cost of electricity.

You can see what happened a number of years ago in California where they got caught in that exact same wrinkle. They discouraged generating capacity to be built in California, but yet the demand for electricity continued to increase and they got caught in circumstances where the demand was higher than the supply and they had a dramatic increase in prices. They had some regulatory issues involved that created that problem, but when you have demand that outstrips supply, you have large price increases in that arena. And those kinds of circumstances have the dramatic effect on individuals as well as businesses, because when you are putting your monthly budget together or your business plan for your company, you try to estimate what your costs are going to be over a near-term and mid-term circumstance; and you ought to be able to predict reasonably close what your energy costs should be over the next 4 or 5 or 6 months. And when you get sharp spike increases, as was seen in California, then that wreaks havoc not only in the family budget but also with businesses that are subject to passing on those electrical costs through their products and services ultimately to consumers.

So as we look at the electrical side of this thing, we should be promoting wind, as we see in west Texas, and solar and hydropower. All of these alternative and green sources of electricity should be promoted as well. But the growth in that side of the business cannot even keep up with the growth in the demand. We've got two circumstances: natural gas-generated electricity, we've got coal used to generate electricity, and we've got nuclear that is used to generate electricity. Those are the three main backbones of the current grid.

And so as you look at those plants, they are all getting older every single day. Recently, the Nuclear Regulatory Commission has been able to go through a second round of licensing for existing plants and has been able, because of the good maintenance and upkeep and the proper operating procedures and plans that have been in place at the nuclear plants, have been able to extend the useful life of the current complement of plants we have for another 10 to 15 to 20 years, which is important, because the time frame of which a lot of that production capacity was built, they're all going to fall off the grid in a relatively short period of time, which means the supply is going to dry up if we don't create additional sources of electrical generation that can be counted upon.

□ 1815

So we've got a problem, going forward, with how to generate electricity. The green sources can't keep up with the growth in demand. Natural gas is an expensive commodity. We're not drilling for sources of domestic gas. And because natural gas is hard to import, those prices and costs of generating electricity using natural gas will continue to go up faster than the cost of using coal or nuclear.

The backbone of the grid, for certainly my lifetime and perhaps even my children's lifetime and beyond, will have to be nuclear and clean coal burning technologies. I don't think realistically there is any other way to generate electricity on the scope that we're going to have to generate it on and get it done.

If you don't acknowledge that, if you put your head in the sand, then you develop policies that will not promote a rational, orderly, thoughtful process of how to provide electricity for this country over the next 50 or 60 years, and that is an unfortunate circumstance that we see ourselves in.

None of the alternative sources can fully replace everything that's going on, and yet we seem to be placing great reliance, or hope, that we can develop these alternative sources, green sources of electrical generation in time to offset the loss of the nuclear power plants that ultimately wear out, the coal-powered plants that ultimately wear out, and the natural gas that is a commodity of seemingly infinite supply. But that's wrong, too, because crude oil and natural gas are finite resources. There will be a day, a long time from now, when the last barrel will be produced and the last MCF of natural gas will be produced because it is such a finite resource and takes so long, millions of years, to create it underground.

The argument about nuclear is that it's unsafe and unsound. It's dangerous. I had the opportunity to visit the Comanche Peak Nuclear Power Plant that's just on the eastern edge of my district. It's not in my district, it's just outside on the eastern edge. Quite frankly, I had never been to a nuclear power plant, and so it was an eye-opening experience for me. Everybody had the little meters on, DOSA meters on that will show whether or not you've had an exposure to radiation that is inappropriate.

We actually, as a part of that tour, went into the storage facility for the spent fuel rods, the spent rods that they've used over the years to create the nuclear reactions. And I'll admit to being a little apprehensive. You simply walk through this door and you're standing in front of what appears to be a giant swimming pool. At the bottom of this pool of water are these spent rods. And I kept kind of glancing at my DOSA meter to make sure that I wasn't getting a dose of radiation. Sure enough, I was not. It's perfectly safe. But I didn't know that. Ahead of time, if you would have said that this spent fuel is stored underwater like that in an open arena pool, I would have been a little bit skeptical about how safe that was. But our nuclear industry is a safe industry and deserves to be exploited as we look at ways to generate electricity.

The argument is that spent fuel creates a hazard and a problem for disposal and storage, and that's the case. But you have to weigh that against the way electricity is produced everywhere else. If we continue to use coal, until we learn how to capture the $CO_2$ and sequester that $CO_2$, the equivalent amount of electricity between producing with coal versus nuclear, the coal will have produced X tons of carbon dioxide that would have gone into the atmosphere, versus on the nuclear side, a small, relatively containable and handleable spent fuel that we have to deal with.

So you look at the two. And clearly, given the emphasis on global warming and climate change, the folks who are proponents of that argue that $CO_2$ and climate change are the single biggest things threatening our lives. Well, if $CO_2$ is the biggest threat to our way of life, why not deal with that by using nuclear? I mean, nuclear waste has to be way down the list of things that are dangerous for us to deal with.

I'm not a Pollyanna. I understand that when you build a nuclear plant, that it is subject to being somebody's target to do something stupid. But we have done a good job the last 7 years, since 9/11, protecting the nuclear plants, we'll get better at it, and assessing the risks to those power plants and understanding the opportunities that some bad guys might want to do at a nuclear power plant. But getting exposed to it, which is probably not a good word, but at least understanding and becoming more informed about how the nuclear power plants work and how the controls are in place, the systems they have in place for fail-safe circumstances, in addition to developing new generation or next-generation power plants which use a different model that in and of itself is a safer model of a way to generate electricity, and approaching that in a rational, thoughtful manner is going to be in all of our best interests.

And yet there are still an awful lot of people out there who are apprehensive to the point of not wanting to use nuclear because they believe that the risks are too great. We need to have these conversations between the folks who believe it's too risky and the experts who understand exactly what it is and how it works and where those risks are and where those risks aren't, to get those to come together and help us understand how we mitigate the risks and how we adjust them and go forward with a source for the grid that is clean, zero emissions, and is going to be one of those sources of electricity generation for the U.S. that is important to our grid. It's important already in France, and other countries of the world are using it safely without incident. And certainly we're as good as the French are at doing things, I would expect, and should be able to handle nuclear power in ways that are responsible, both to the areas where the plant would be, as well as to how we handle the spent fuel and the waste that is an issue, and where we store that. All those kinds of things can be solved and should be solved if we can begin to deal with the issue, and first dealing with our irrational paranoia about it, getting past that and dealing with the realities that the experts and the scientists could certainly help us understand that.

So, Mr. Speaker, the national energy policy, we've had several attempts at it over the years. We currently don't have one that's rational, I don't think. We continue to penalize the oil and natural gas industry with added taxes, as we did this afternoon, with red tape, with regulation that prevents them from being efficient. We lock away vast areas of the United States to prevent domestic production of crude oil and natural gas. We don't have a thoughtful, rational approach to electrical generation and how we're going to get that. Clearly, clean burning coal and nuclear have to be exploited and explored. Yes, continue to work on the wind and solar and other ways of generating electricity, but the truth of the matter is that those are going to be at the margin of the electrical grid.

Every American alive today, when they walk into a room and flick the switch on, expects the lights to come on. They don't know how that happens, but they expect it to happen. And except for yesterday afternoon in Florida, most all the time it does. When it doesn't happen, like what happened yesterday in Florida, it shows how vulnerable we are to not having electricity, what impact that has. You saw the traffic grids, the traffic parking lots across Florida because the traffic lights went out. You couldn't move traffic the way it normally moves. And all the people trapped in elevators and all that kind of anecdotal excitement that happens when that goes on helps give us a little bit of a sense of what a world without all the electricity that we need to produce and to use is not readily available at our fingertips at the flick of a switch.

With respect to crude oil and natural gas production, again, as I mentioned earlier, we are going to be using it for a long, long, long time. If it's imported from countries that are not operating in the same thought patterns that we are with respect to human rights and women's issues and other kinds of things, if it creates a strategic vulnerability to this country to import crude oil and natural gas, then it seems logical to me that we would put in place policies and regulations that would promote the domestic production of crude oil and natural gas as opposed to hindering them.

To reduce domestic supplies is wrongheaded. And when we increase taxes on the oil and gas business, that is money that is taken away from the exploration for new sources and new supplies of crude oil and natural gas.

The mechanics of an oil and gas company typically says that when you find, through the exploration process, through drilling and finding it, you understand that there's a reservoir of crude oil or natural gas underground. Through scientific estimates and from petroleum engineers, you can determine what the value of those reserves are once you've drilled a well and begun to produce those.

Typically what happens, the independent producers in particular then go to the bank with the reserve report that shows what they think the estimated value of that crude oil and natural gas is in the ground. They go to the bank and use those reserves as collateral to borrow additional dollars to drill with and to explore that field further or to increase production. And so each dollar that goes somewhere else other than back into production is a multiple of that dollar that is not used to explore for and to produce crude oil and natural gas.

Most of the independents that I represent in West Texas are trying to drill in the United States. Statistics show that independents, as that term is defined, typically reinvest 600 percent of their profits back in the ground. In other words, they borrow six times as much money as they earn in a year in order to continue to grow their reserve base to replace the production that they've already produced and to continue to do the things that they do best. Major oil companies, such as ExxonMobil, are generally well above 100 percent, I think it's 170 percent of their profits go back into the ground to explore for and to produce additional crude oil and natural gas, much of that is worldwide, which in a commodity such as crude oil and natural gas, there is really no distinction between the oil produced around the world versus domestic production as far as creating supply against the demand that is out there and is a growing demand as well.

So a broad-based national energy policy that encompasses electricity production, how we drive cars and fly planes and drive trucks and those kinds of things, I think it is awfully important that this Congress come to grips with.

I have not mentioned conservation, but that is a huge piece of the pie as well. We can use less per person than we currently are, and that's less electricity and certainly less gasoline in our cars.

I have introduced a bill that would create a public-private partnership in order to help remind consumers that they have a direct role in energy usage in this country. The partnership would point out things that we can do individually, by choice, to reduce our own demand. Our own use of gasoline is an example. And it doesn't have to be draconian. I'm not talking about giving up your automobile and riding a bicycle to work. That's not rational. We're not going to do those kinds of things. But there are some small things that each one of us can do and choose to do on our own that would have a dramatic impact across the system. As an example, if we would arrange our affairs next week to use one gallon of gasoline less than we used this week, that would have a dramatic effect if everybody decided to do it. If the millions and millions of consumers and drivers out there would just simply use one gallon less, you would see a dramatic increase in inventories. When inventories go up, the folks who are in the business of retailing gasoline are very price sensitive, and their prices move around, up, and they also come down. But if their inventories begin to grow unexpectedly because we just simply used a little bit less individually, but if collectively across all the United States, you would see a big rise in inventory.

Now that does two things. One, you would save the cost of that one gallon of gasoline. And at $3.50 a gallon, you may think, well, that's not all that much. But if you look at the impact that that savings would have across the system, you would save $3.50 per person, but you would also see a drop in the price of that gasoline because the supplies and inventories would go up. That means that collectively all of us would be better off.

☐ 1830

Now, how do you save a gallon of gasoline? You do some simple things like you keep your tires aired up to the proper limit. You take the extra weight out of the trunk of the car so you're not hauling it around. You think each day about what are the trips I'm going to make today. How can I drive a few miles less today than I drove yesterday, and just be smart about it. You can be a safer, more polite driver to the extent that as you accelerate your car, if you're not aggressive in accelerating it, if you don't slam the accelerator down and race away from red lights and stop signs, if you drive a little friendlier than some of us are used to, that uses less gasoline as well.

So there are a lot of things that you and I can choose to do. It doesn't require a government mandate. It doesn't require a bureaucracy to administer. It's just simply all of us working in our own best interests to save a little bit of gasoline. And, again, 1 gallon this week less than I used less last week would have a dramatic impact on those prices, and we would all collectively benefit because we would be doing what we ought to be doing, and that is conserving the resources that we've got responsibility for.

The same thing applies to electricity. Using less electricity, you could do a lot of things, and we all can do that, to reduce the growth in the demand for electricity. Again, you're not going to read at night by candlelight or campfire or lanterns. We're not going to do those kinds of things, but we can have a dramatic impact on electrical uses.

I had a client when I was with Price Waterhouse back in the early 1970s, Recognition Equipment. Recognition Equipment made some pretty, at that time, sophisticated optical readers, and they had a very complicated cost accounting system in which they would allocate their indirect costs, heating and air-conditioning and lighting and all those kinds of stuff, would allocate those to their products that were being produced. As you remember, in 1973 we had the Arab oil embargo and prices shot up from $3 a barrel to 30 bucks a barrel. There was a big push to use less electricity, to use less energy. REI went all through their plant and did everything they thought they could do rationally to reduce their electrical usage; things like they went to every other light in the hallways and all kinds of things. They were able to so dramatically reduce their electrical usage that it screwed up or messed up their indirect cost allocation to their products, and they had to go back through and readjust the amount of money that they were applying to come up with the cost of their products through their process. So we can do those kinds of things when we have to. Typically when we have to is when the prices get so exorbitant that we are forced to do it. We can choose to do those things ahead of time without being forced to.

I currently represent a chain of convenient stores in west Texas where I know the folks who run it, and we were talking about gasoline uses. They make a lot of money selling gasoline at these convenience stores. And 2 years ago when the price first started going over 3 bucks a gallon, they could see a dramatic difference and a change in their consumer patterns when the price of gasoline was above $3 versus when it was below. Consumers would immediately react to that. Now we have become desensitized or less sensitive to the $3 number, and that new number is somewhere north of that where we would feel the pain enough where we would be willing to make some changes in our own personal life to do that. We don't have to wait for that price to go up in order to motivate us to do those kinds of things. There should be plenty of motivation for us to be able to take the kinds of conservation steps that each one of us individually could do as a free-will choice that would help this issue tremendously as we move forward.

In conclusion, Mr. Speaker, there are no magic bullets. There's no magic wand that we could wave across this problem and instantly fix it. It requires thoughtful compromise across a lot of folks who are in this arena, folks who have legitimate concerns, legitimate worries, legitimate issues. Working through those, working off of sound science, looking at rational approaches to things and not taking the extremes is going to be important as we as a society continue to move forward with an energy policy that makes sense.

Calling each other names, talking about the producers of crude oil and natural gas like ExxonMobil in some very unflattering terms is counterproductive to the system. Beating up ExxonMobil makes absolutely no sense if you think that the product that they are producing is something that we need. Now, you may not like the prices that they're producing it at, but those 82,000 people who work for ExxonMobil are human beings. And when they hear their company denigrated by folks in this Chamber and Presidential candidates and others because they have been successful working within the rules and within the laws, that sends a really bad message to folks who are providing a service, providing a commodity to us that we simply can't get along without.

So thank you, Mr. Speaker, for allowing me this time tonight. I would encourage my colleagues to thoughtfully think about the words they use, the adjectives they use as they describe this problem. This is not a Republican issue. It's not a Democrat issue. This is an issue that's important to every single American out there. It's one that deserves our best, thoughtful consideration. It deserves our listening to each other and hearing the concerns each of us have and working toward a solution and actually putting it into place.

## ENERGY

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. KLEIN) is recognized for 60 minutes.

Mr. KLEIN of Florida. Mr. Speaker, it's a pleasure to be here. I'm going to be joined by a number of the members of the freshmen class, and I appreciate the Speaker being one of our Members from Ohio. We have a great group of Members from all over the United States who were elected a year ago on certainly a campaign of change and bringing some new ideas, new energy. And energy is going to be the subject tonight because a lot of us have a lot of it.

I know Americans are looking for some new ideas on how to solve our problems with energy and how to move our country forward. And the reason it's important, particularly important today is because today this House Chamber took a bold, new step, and we passed the Renewable Energy and Energy Conservation Tax Act of 2008. And as I said, many freshmen, and many Members, Democrat and Republican, ran on a platform of change and new ideas. Energy is that idea. It's that platform.

And if you're old enough, you'll remember the Manhattan Project. I know I'm speaking to people who are listening in this Chamber tonight that are familiar with that Manhattan Project. It was that great ingenuity that Americans came together and knew what they had to do in order to win World War II. It was done in secret, but it produced the results that were necessary to save lives at the end of the day.

More recently, again a number of years but more recently, we had something called the Sputnik that Russia sent up, a little tin can that went up into space. And for those people who were alive at that time, they were frightened, rightfully so, that the Russians had gotten ahead of us and had put something in space that could potentially give the Russians the control, the Soviet Union control, of the space above our heads and maybe they would rain down on us weapons and have other kinds of threats against the United States.

And President John F. Kennedy, at that moment in time when Americans looked up and saw that can, that little flash in the sky, and realized that it wasn't the United States that put that up there but a country that at that time was viewed as in competition and the Cold War was just developing, what happened at that moment was John F. Kennedy said we are going to take this moment, capitalize on the concern, and channel that into a new program, a space program that was going to put a man on the moon by the end of the decade. And, boy, that was something that was incredible. It was unheard of. Could we do it? I mean, the Moon is up there, and it would take a great amount of technology and science, and maybe it was a dream that our philosophers and other scientists years ago had, but to actually accomplish that in 10 years?

And lo and behold, in 1969, in July, I remember the moment. I was in a camp at that time, and I remember watching with my friends. In July of 1969, Americans put a man on the Moon and landed a man on the Moon. What an incredible accomplishment. And today we are still receiving the dividends from a space program that has just had so much impact not only on American ingenuity in terms of the space program and all the great things that have come out of that, but in consumer products, microwave ovens and a whole lot of other things that we take for granted today that came out of the science, and the math and the science and all the great things that went on in our schools to create the future leaders and the science program and the space program that has continued through today.

This is that moment. This is that time when Americans need to seize this crisis that has been developing for quite some time, and we need to do something about it. And there are three groups of people in the United States that are all coming together behind renewable energy and making sure that America becomes energy self-sufficient over the next number of years.

We have had many people in this country from the environmental community that for years have said that the pollution caused by various types of fossil fuels have clouded our air and damaged and polluted our waters, and it's not only in the United States but throughout the world. The environmental community has been very concerned about this and has tried to build bridges and coalitions, and they've really worked hard on that. And they are now joined by two other groups.

All Americans join in the notion that as a matter of national security, and I certainly believe this and I know the Speaker does too, and many of the men and women in this room and most Americans understand this, that for too long we in America have made foreign policy decisions based on where the next drop of oil is coming from. And what a mistake. What a mistake. We've done it over and over and over again, whether it's dealing with Iran in our past history, dealing with Iraq presently, dealing with Venezuela, or any number of other countries in the Middle East, some of whom at best, at best, may not be our friends and, at worst, are our enemies. And yet every time you go to the pump, you're putting money not necessarily in an American company, but you are putting money that is eventually getting into the pockets of some of the owners of these oil wells in these countries that are damaging our interests and in many cases are funneling to the terrorists and the people around the world that are really putting our men and women at risk, whether it's in Iraq or anywhere around the world. This is a very dangerous prospect and it's unacceptable.

The third group, of course, and I think this is one of the most exciting things, is the new economy that is developing out of this energy discussion. The job opportunities, the great innovators, the scientists, the American men and women at our universities, our business entrepreneurs that understand that not only is this good for America in terms of our environment and our national security but we could be very successful at it from a business point of view. We can create new technologies. We can do lots of things that create jobs, create revenue, create income, make our standard of living higher and greater. And we cannot only take that and build for America, this can be the next economic boom that exports our technology, our products, our sciences to other countries around the world. It's pretty exciting.

And I really believe very strongly that the great notions that have come out of today's bill recognize the fact that a few years ago when President Bush was inaugurated as President, oil was at $26 a barrel. Think about that. That's $26 a barrel. Today it's hovering around $100 a barrel. And I know that every American should say shame on all of us, not only as elected officials, but also as American consumers, shame on us for allowing that to happen. That's not just a political thing; that's literally our responsibility. We have our own responsibility to make a decision and make a difference here.

So what we have done today, and I am joined by other members of our freshmen class and others and we are all going to talk about this for a few minutes, is pass a bill that does what we were talking about. It puts the emphasis, it puts the incentives, economic and otherwise, into the science, the technology of renewable energy sources, whether it's wave power, wind power, any combination of coal, nuclear.

And, yes, I hear from so many people that some of these have issues, technology issues, safety issues. And they may. And it's up to us to solve those. Let's think big. I'm not here to advocate for any one of these alternatives. I think all of them have possibilities, and we have to make sure that all of them have the necessary safety and necessary science that goes with them before we move in any direction. But this is the time for us to focus all of our energy, our attention, and our resources on making sure our country is energy independent. And today is the first step where we are going to do that. And I look forward to working with all of our colleagues in the Senate and hopefully get our President to go along with us because I know America is ready, willing, and able to accomplish this goal.

I am joined by a good friend, Congressman ELLISON. Congressman ELLISON has been a very outspoken person on the importance of energy independence, and I'm going to yield to him to give his thoughts on today's action.

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Mr. ELLISON. Representative KLEIN, thank you, and your introduction was excellent because it really does set the stage for this new energy future that America is walking into.

Today, the House considered H.R. 5351 which would end unnecessary subsidies to big oil companies and invest in clean, renewable energy and energy efficiency. It is similar to the House bill passed, the Renewable Energy and Energy Conservation Tax Act passed as part of a bipartisan energy package in August 2007.

And I just want Americans to know that when you sent this class, this 110th Congress, this freshman class here to Washington, you expected that we would take a step in favor of our energy future. And I want you to know that we are doing that. We are stepping into that energy future, putting innovation, putting incentives into the hands of people who are going to make the difference, and we are putting the best interests of the American people forward.

As I think about our energy future, I think about it every time I walk up to the pump, Representative KLEIN. Every time I go to the pump, I am reminded of why we need a new energy future. I remember back in 2001 when I would be able to put that gas pump in the tank, and I think I was paying somewhere around $1.50 a gallon. Well, that is not so today. You and I both, whether you are in Florida or Minnesota, or whether you are in California or Arizona, you are probably paying somewhere north of $3, somewhere close to $3. And that is double what I remember paying. And that is wrong.

And this is especially at a time when we are seeing energy prices go up and food prices go up, because it costs money to get food from one place to another, and we see family budgets being pinched. We are in the middle of this subprime mortgage crisis. And it is time that we get a handle on our energy future, get a handle on not only the issue of global climate change, not only on the issue of pollution, but on the issue of cost to the American consumer that we get our hands on top of this important issue.

So as I hand it back to you, Representative KLEIN, let me just say that the big five oil companies recently reported record profits in 2007. ExxonMobil earned $40.6 billion, the largest corporate profit in American history. These profits, well, I just want to say that the American taxpayer, we are paying a whole lot more, and it might be going pretty good for some folks, but a lot of the rest of us are hurting.

So let me toss it back to you, Representative KLEIN, and thank you for leading the charge today on this new energy future.

Mr. KLEIN of Florida. Thank you, Congressman, and I appreciate, I know you come from the Midwest and obviously dealing at this time of the year with the oil costs for people that have to heat their homes and to drive cars, this is a very serious issue.

As we take a look at some of these charts that we have here, we already talked about the fact back in January of 2001, it cost $1.47 for a tank of gas. Today, it is $3.13. Now the inflation rate hasn't gone at that pace. The inflation rate is starting to pick up now, but nothing like this. And I have to tell you something, where I live in south Florida, it is not $3.13. It is higher than that. It is $3.40.

Mr. ELLISON. That is what it means at the pump. But what does it mean in terms of food prices and prices of other things, because you have to ship this stuff, right?

Mr. KLEIN of Florida. Absolutely. And as a matter of fact, we had a discussion in our Financial Services Committee today. I am on the Financial Services Committee with you. And we heard Mr. Bernanke, who is the chairman of the Federal Reserve, who is really trying to do the best that he can under difficult circumstances, and he talked about 6 months ago, we talked about the fact that we had a subprime mortgage crisis problem and a couple of other things, but that all the other indicators, inflation and cost of living were pretty okay. Well, guess what? Today, we see the things that really affect families. When we talk about families, we are not talking about Wall Street. We are talking about what it really costs to live day to day. Look through your checkbook, your monthly expenses. Your mortgage or your rent, the cost of utilities, all have gone up because oil prices have gone up. The cost of food, extraordinarily, inflation, big inflation costs of food, a gallon of milk, vegetables, fruits, cereals, all these kinds of things all have gone up. Gasoline now costs $50, $60 a tank, depending on what kind of car you have or how big the tank is. Do you know something? For people that are earning 20, 30, $40,000 a year, it is pretty hard to make ends meet. For people on minimum wage, it is even worse. So I think this is a real economic issue for people at this moment that we have to solve. And there will be short-term issues we put in this bill and some longer term issues we started out talking about today.

Let me just talk for a second, Congressman, about the bill itself and talk about what it does. First of all, it extends the tax credit for solar energy and qualified fuel cells. We start talking about some of these renewable energy ideas. I happen to be from Florida, so I'm a big fan of solar. But do you know something? The State of Washington, with all the rain that Seattle gets actually does more solar than other States and Florida does. Nationwide there are opportunities to do solar. Solar power has been around a long time. Many countries depend on solar. The State of Israel, the Middle East, a big portion of their electric grid is supported by solar power. Technology just has to make some changes in the battery capacity and storage and things like that. But these are all solvable problems when we put our minds to it.

Again, investment tax credits, using the Federal Government to stimulate market, which is exactly what we want to incentivize the science and business development.

We are authorizing over $2 billion of new, clean renewable energy bonds for public power providers and electric cooperatives, again encouraging through market, through incentives, our utilities, to start to convert over to clean, renewable energy products and fuels.

We create a new production tax credit for cellulitic alcohol produced for fuel in the United States. Now we all know about corn ethanol, corn-based ethanol. Brazil, the largest industrial country in South America, 190 million people, they are now energy independent. This is not an 8 million person country. This is a country that put its goal on the line about a generation ago and said we are going to do it, and a whole lot of different types, but they use sugar-based ethanol as one way of doing it. We extend the biodiesel production tax credit. We extend the tax credit for purchase of fuel-efficient plug-in hybrid vehicles. We extend the energy-efficient commercial buildings deduction. All these things are designed to create market. We don't have to have the Federal Government involved in all of this, other than to say create market. Federal buildings, let's make them energy independent. And by doing so, as taxpayers, we are getting a better cost for our utility, and we are also creating the products and encouraging the development of products that are going to save money.

So these are the kinds of things that are in this bill. And there are a whole lot of other things we have already done. We have increased the CAFE standards, that is for fuel miles per gallon in automobiles, for the first time in 36 years. Imagine Congresses over the last 10, 20 years that haven't touched that. Technology has grown, but no commitment. So I am really proud that we have worked together in a bipartisan way to do this.

And President Bush has gone along. One thing President Bush has not gone along with, and I hope he does right now, is this notion of $15 billion or so of tax rebates or incentives to oil companies for more oil drilling. God bless the oil companies. They are doing just fine. As a matter of fact, I think there is a chart that we have here on oil company profits. This is not a question of bashing oil companies. We are all entrepreneurs. We are all capitalists. We understand what that means. But at the same time, a little fairness here, this is a chart that shows the major oil companies in the United States. In 2002, $30 billion of profit. In 2004, $109 billion of profit, 2 years later. In 2007, $123 billion of profit. That is a lot of profit. That is more money than any other company in the history of the United States has ever made.

Now I am not even going to knock that. But what I will say is the American taxpayer doesn't have to put $15 billion of additional taxpayer money on top of that. And when you hear our friends on the other side of the aisle say, oh, well, if you take away the incentives that the Federal Government is giving them, all you are going to do is raise the price at the pump. Excuse me? Lots of profit here to generate more oil wells and things like that, and they will do that because it makes good economic sense, and let them do it. That is good. I just don't think we have to put some frosting on the cake. I would rather take our taxpayer money and put it toward development of energy independence.

Mr. ELLISON. Let me just lend my voice and agree with you. I do believe that the oil companies do not need any more help from the American taxpayer. It's time to repeal these tax breaks and credits, and I am glad that we have done so. I just want to say that the 110th Congress, this Congress that you and I came in as freshmen, as majority makers, really has been productive in the area of energy.

I am so glad that within the first 100 hours, and I know Congressman KLEIN, you will remember the first 100 hours, that we passed a bill to repeal tax breaks to the big oil companies and to incentivize production of clean and renewable sources. And then, of course, it was just last year that we passed the bill for CAFE standards. So many Congresses, so many years passed where we had no CAFE standards to speak of, no increases in the CAFE standards. Now we are at 35 miles per gallon. I think we should look at this not as some great victory but as a start down the road of progress.

And then again today we passed this I think historic bill and it signals change. It signals change. It signals that the United States Congress is serious about our renewable future. It signals a change that we can have a future where we can have air that we can breathe, where we can be at peace with our environment and not warm up the globe to the degree that no life can live on it, or that the changes in the world temperatures will be so drastically changing that we can't sustain life as it exists now.

And I think that we can also live in a future where we can get around and have transportation that is affordable and make some sense and actually is something that we can all live with and all participate in. But I think that these changes that we have seen in the 110th Congress, the 100 hours, CAFE standards and then today, signal that we are going in the right direction.

We need the American people to continue to fuel the movement that we are on. And one thing we are doing here tonight is trying to let you know what we have done and then ask for your continued participation. Because the American people are demanding change, and I think that the 110th Congress is giving it to you.

Let me just say that those statistics that were just shown about oil profits earned, I just think it is very important to bear in mind that as oil profits have been skyrocketing, the average person that we have seen increases in prices in everything from food to fuel, we have also seen inflationary tendencies, and we have also seen increase in unemployment. We are in a time where clean, renewable energy and a new path towards energy is something that everyone needs, and it is something that I think our entire society, our entire economy, oil companies included, need to take a part in and need to look at the tremendous bounty they have received from being able to be an American corporation and saying that, look, we are going to do something to participate.

I would like to see our oil companies take some of their own profits and invest it into renewable energies. I would like to see them take some of the great bounty they have received and make a commitment to the American people to get into a green future. So again, what we see today is signaling change, sending us in the right direction, and I look forward to going much, much further.

Mr. KLEIN of Florida. Thank you, Congressman, and I just want to touch on, if I can, because this freshman class of ours along with many others in the Congress were very frustrated, along with most Americans, about the way that Congress had been operating for the last number of years. The last 6 years before this past term, Congress was passing these bloated budgets, the President was signing them going deeper and deeper into deficit, and obviously there are a lot of very expensive things going on right now, but no lack of discipline in terms of control of our fiscal house. And I have kids, Congressman, you have kids, we all have children, grandchildren, parents whatever, why would we, as a country, want to continue to put ourselves farther and farther in debt? And that is the direction we have been going.

I am very proud to say that this Congress in the first week, we passed something called PAYGO. It's a simple principle, pay as you go. It is no different from when I had a business, if I couldn't meet my payroll, I made cuts. You can't spend more than you have coming in. Maybe you can borrow a little bit. But you have to pay your debt service. You can't keep on borrowing, and in the case of government, printing money. The good news is that this Congress is showing fiscal discipline for the first time in a long time. I am committed to it, I am a fiscal discipline person, a hawk if you will, and I know you are, as well, Congressman, and as we go through this process, this bill is fully paid for. And the rule that we have, PAYGO, is that no bill can pass unless it is fully paid for. So that means no speculation that the budget is going to grow by 3 percent next year and we will have the money next year, and money is going to appear out of nowhere. The money has to be in the budget. We have to make cuts somewhere else or prioritize something. And that is exactly what budgeting is all about.

I am proud not only as a Democrat but as an American, as a Member of this Congress, that is the direction we are going. It is going to take time to dig out of this hole, but it is a start. This particular piece of legislation is paid for. The way it has been paid for is in part taking the subsidy I mentioned a few minutes ago which is billions and billions of dollars and saying instead of just giving it to oil companies for more oil drilling, oil is always going to be a part of our national energy policy. But it can't be the only. And just to give more money and flush it in that way, let's bring it in. And so we have taken money from one source and put it in what I believe and I think many of us believe is a higher priority of renewable energy sources and moving in that direction.

I will just share this with you real quickly because I thought it was quite unique. A lot of this stuff that we pass out of Washington is viewed in a partisan way, but there are different groups that have different positions on it and different opinions. I am going to read, this is a very long list, I will read just a handful of the supporters, the organizations that are supporting this energy legislation because I think it speaks volumes coming from different points in the country and how important it is.

We have the American Institute of Architects, American Society of Heating, Refrigerating and Air-Conditioning Engineers, the Audubon Society, DuPont, a big manufacturer; Friends of the Earth, an environmental group; Greenpeace, The Home Depot, Florida Power & Light, a big producer in my State of electricity; Macy's, Mitsubishi Electric and Electronics U.S.A., National Association of Home Builders, National Association of Industrial Office Properties, PG&E Corporation, Target Corporation, Wal-Mart, Yahoo. And I can go on. There are pages and pages of groups that are behind this, environmental all the way on one end or wherever you want to place them, to large industrial corporations, entrepreneurs, innovators, venture capitalists, scientists and universities on the other. That to me is the ideal position you want to be in. You want to have an ownership of an idea that we've taken into context all the various ideas and brought in a piece of legislation that is good for everyone.

It is not perfect. We are going to continue to build on this. But it is an excellent first step, Congressman.

Mr. ELLISON. Let me just say that I agree with you. You have to understand that when you borrow all this money to fund the government, you have to pay that back. And that payback accounts for a part of your budget which squeezes out other things you might really want to do. So pay as you go has a whole lot of merit, and I'm glad we are not adding already to the enormous debt. As you know, when this President came into office, he inherited a fairly significant budget surplus. But that is yesterday.

One of the things I want to mention, Congressman KLEIN, about this important bill, is that provisions are critical to creating hundreds of thousands of good-paying, green collar American jobs. This issue of jobs, green collar jobs, is critical. Green collar jobs are jobs perhaps in the construction industry where people would help retrofit old buildings in order to make them more fuel efficient. For example, green roofs on buildings, more fuel efficiency in buildings, construction jobs, jobs that people can earn a good wage in.

I think it is important to understand that part of the new energy future that we are talking about takes into consideration not just the scientists who are going to be working in labs and not just the folks who are going to be working on the policy issues, but actually hardworking Americans who work every single day to put food on the table for their families. The green collar job is something I think we have to pay close attention to. And as you may know, our farm bill actually included a provision about green collar jobs, which is very important. I was happy to be a part of that.

The preservation of existing jobs relies on these green collar jobs as well. A recent study showed that allowing the renewable energy incentives to expire would lead to about 116,000 jobs being lost in the wind and solar industries through the end of 2009.

Now this is a big deal, because if we incentivize the production of clean, renewable energy, of wind, of solar, of biomass, of cogeneration, of other forms of energy production, it has the effect of spinning off more and more employment. And, of course, as I led in before, the first part of creating a green future for America is in conservation. That which we save, we never have to use energy to fuel. And so in this area of conservation, as I mentioned before, all kinds of jobs in the area of construction, in the area of so many things that would allow people who can make a good honest living and at the same time preserve our energy future and make our economy cleaner and make our economy one in which everybody can even avoid the health risks associated with some of the burning of hydrocarbons.

So, again, green collar jobs is a big part of what we did today, a big part of what we have been doing, and I am proud to be associated with that.

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Mr. KLEIN of Florida. Well, I agree with you. And if you think about the bills that we passed, this one and the other one, the other bill we passed, in addition to increasing the fuel efficiency for automobiles, which I think is long overdue, also creates changes in specifications of light bulbs, dishwashers, refrigerators, freezers.

These are products all of us have in our home. Many of them, they are inefficient. They may be older, or they may just not be efficient to start with. What we have done is, as the products are now going to come out of the market, they are going to have to have a greater efficiency standard for the amount of power that they use.

That is a very important thing, because now what we are seeing is with light bulbs or any other thing that uses electricity out there, that over time we are going to be able to save massive amounts of power, and the amount of power that we save directly goes into the amount of fuel and pollution and hydrocarbons and all of the rest of those things that are produced.

This is something that Americans are asking for. And as competition comes into play, more and more companies will be producing these, the prices will come down, the normal competitive forces work.

So the fact that if you hear about one company right now that manufactures a refrigerator that uses 30 percent less power but it costs you $1,000 more, well, you are not going to buy it. Some people may, but it is not going to have wide market appeal. But it will when you have 10 companies producing it, and they are all in there trying to make it better than the other companies.

This is just like any other product that comes to market. We know that happens with TVs, and even with the flat screen TVs. They are all coming down in price now, and DVDs and VCRs and all those kinds of things. It is the same concept. American people want products that are going to be efficient because they can save money in the long run. If you can pay for it over the next 3 years in savings, it is a wonderful thing.

But I think it is very exciting, because we are in there to promote the general idea of renewable energy. There is not one answer for all of this, but there are so many different parts of this country where there is lots of great research going on.

Right off the coast of Florida where I live is the Gulf Stream. You may be familiar with the Gulf Stream. It is a current that developed off the coast of the United States and goes all the way up north.

I am told by the scientists who are working on this right now that the power of the Gulf Stream, if harnessed with various types of turbines and things like that, and these turbines have to be generated and have to be environmentally friendly and all the rest and all of this is under development, that over time they believe that power can generate enough electricity to power half of Florida's power needs. Wow. I don't know if that is going to happen, but I like the idea that people are thinking and creating and innovating.

We have enough coal in the ground in the continental United States to power this country for decades to come, but there are problems with coal. Some of it is high sulfur and it creates pollution problems. But there may be technology that can be developed to scrub the coal. Again, there needs to be this emphasis to say, we are not just going to accept the fact that this is coal and that we are going to continue to pollute. We are going to be able to find a solution here. There are solutions to every problem.

As I said before, it is not only the United States, because we can do all that we want to do in terms of leading the world in dealing with these environmental issues and energy solutions, but there are other countries, China and so many other countries, that are huge power users and huge fossil fuel users, that if we can create something that is cost-effective, environmentally friendly, will create a better life for everybody, we are going to have a huge market to sell those products to.

So, I am just very excited, and you can probably hear it in my voice because I have been talking about this for many years, but I am so happy to be a part of Congress with our freshman class, Democrats and Republicans and Members who just have been hearing loud and clear from people back home, all over America, that they want change. And this is one of these areas that allows such opportunity for us to come together as a country, solve a problem, create jobs, fix the environment, and do things that will increase our national security.

As we go forward with this, we have so many members of our caucus who have been interested in this. We are joined by another member of our freshman class, I like to call them freshmen, we are still freshmen, it is Congressman HALL from New York. Congressman HALL has a long history before he got to Congress of having a tremendous amount of interest in energy, and he has some personal experiences in work in his own community on energy issues.

I am glad you joined us for this discussion. We have been talking about the landmark bill that we passed today and what a great thing it is for America and how we are going to take many, many more steps forward. But please give us your thoughts, Congressman HALL.

Mr. HALL of New York. Thank you, my colleagues. This is an important step we took today. Simply put, our success in ending our addiction to foreign oil and fossil fuels is going to determine whether or not America will continue to grow and prosper in the 21st century. There is perhaps no other issue that could have as much of a profound effect on our economy as our ability to meet this goal of producing our own energy and new breakthroughs in ways of developing that energy.

We have seen the terrible toll that the economic downturn has taken on working families over the past few months. Skyrocketing energy costs have made the burden harder to bear, and, at the same time, wages have stagnated, growth is far from certain, oil is over $100 a barrel, translating into homes in my district that are literally burning up their savings every time they burn oil to heat their home.

I would remind those of you who don't know that you can call up your local distributor of heating oil if you, as my wife and I do, burn heating oil to heat your homes, and ask for biodiesel. Ask for a biodiesel blend. You will be surprised at how many distributors have it. We are currently burning in New York State, in my home in Dover Plains, a 20 percent soy-biodiesel blend, and that is that many barrels of oil less that have to come into the country from unstable parts of the world.

Failure to take swift aggressive action would simply result in more of the same. I think that the House has taken leadership, which I am proud of, and all of the government can join us in this leadership, toward clean energy technology.

The Renewable Energy and Energy Conservation Tax Act which we passed today will provide the kind of market incentives and financial support needed to usher in a new era of clean energy technology and innovation that will create jobs here, enhance our security, retrieve our balance of payments deficit, protect our environment and create thousands of green jobs.

I just want to point out too that some people might see this, might read this, especially with the connotations that have been attached to the word "tax ," and think that this is something that it is not.

Actually what this bill did was to take back a tax giveaway that was given by a previous Congress to the oil companies who are reporting, even week-to-week now we seem to hear about new record profits being set by companies which are breaking their own record from only a couple of years ago. And it is hard to juxtapose that and to balance that in my mind with the increased poverty rate, with the increased amount of personal indebtedness and national indebtedness and the balance of trade deficit that is being fed and exaggerated by our addiction to oil.

I would prefer that we go in the direction of the bill we passed today, which will support new technologies to power our homes, business economies and vehicles, and the vital tax incentives to spur renewable energy generation, the production of biofuels of all kinds, innovative technologies like plug-in hybrid cars.

I am driving an American made, union-made, Detroit hybrid four-by-four, which I hope soon I will be able to convert into a plug-in hybrid. In fact, there is a company in Massachusetts that is already making a plug-in conversion kit to double the gas mileage of a car like mine, or a Prius or any hybrid. So we can help push these things forward.

In my district, the 19th District of New York, we have had meetings all around the five counties I represent about renewable energy. We have a solar forum and wind forum and a geothermal forum. And one of the most popular things, the thing that got adults on their feet, was the students' presentation from Newburgh Free Academy, Newburgh, New York, of the solar racing team.

They had a beta vehicle that ran on solar energy. It was a little bit larger than this oval table sitting here. It looked sort of like a flying saucer. It had a seat that a student could crouch in and just barely get behind the steering wheel. It is covered entirely with solar panels and has batteries to store the energy in it. And it won, or tied for first place, in a race from Houston, Texas, to Newburgh, New York, 2,000 miles on the highway in a car powered by solar power and electricity generated therefrom, and built by the BOCES vocational track high school students who know how to put together machinery and weld and so on, and working with the advanced placement math and science kids, who know how to calculate how many square inches of solar panels you need to produce the sufficient amount of electricity. It was the kids who got the adults excited.

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I ran into constituents of mine who were leaving there saying, why don't the big auto companies do this with the resources they have? Why can't government incentivize this sort of thing with the resources that government has? I am happy to say that we are taking a big step in that direction today, and I encourage our colleagues in the Senate to follow suit and to join us.

Just this weekend on the front page of the New York Times, a major story about a wind boom in Texas, which is now the leading State for installed wind technology. None other than T.

Boone Pickens, the oil tycoon, was quoted, if I could paraphrase him saying he is as excited now about wind power as he ever was about any oil field he ever discovered.

That warms my heart to hear a guy like Mr. Pickens recognizing the financial value, which also translates into the jobs value and the boost to our economy that can come from wind and solar and geothermal and low-head hydroelectric power and all the other biofuels and all the other things that we are trying to incentivize and give tax credits for in this legislation.

I am just thrilled to be here to talk with my colleagues about it and to be here today to vote on it, because I see it as moving from the lose-lose-lose energy policy of the past or, unfortunately, still the present, where we send billions of dollars a day to the oil potentates in the Middle East which, either by weaponry, some of that money goes to fund radical schools which result in young, mostly men but some women in those parts of the world being taught, among other things, to attack U.S. interests or Israeli interests or to be seen as, you know, as fighting against America.

Then for the privilege of doing that, and also funding, as Tom Friedman likes to write in his columns, we pay for our troops to try to go and defend our interest, and at the same time we get to borrow the money from the Chinese for the whole endeavor, because we don't have it. So for all of this trouble and all of this expense of this lose-lose-lose policy, we also have asthma and emphysema epidemics in our inner cities, acid rain, oil spills, et cetera.

The win-win-win policy would put us back in control of our own foreign policy, put us back in control of our own economic policy, would make us, once again, leaders in the technologies that we should have been leading in all along, like hybrid technology or wind and thin film flexible solar technology and so on.

I am glad to see us moving toward the win-win-win.

Mr. KLEIN of Florida. Well, I hope that as we are all discussing this today, it's clear that the level of deep understanding of this issue from my colleagues here and many on the floor of the United States House of Representatives today really gives you the sense that we are moving in a direction that has been well thought out, it has been deliberated carefully.

As I said before, you have got a remarkable group of people from one end of our country to the other, the business community, the environmental community that have come to embrace this and break down this, it's either good for the environment and bad for the economy or, you know, bad for jobs and good for the environment. It's a fallacy. It's a false statement, it's a misstatement, and it's just the wrong way to approach it, but it has been that way for so many years. People seem to position it that way in the political environment.

As you very clearly made the case today, it's a win-win-win, good for the environment, good for our economy and people's lives and really solves a national security problem that we should have never been in but has now come to the point where we have to listen to OPEC. We have to listen to these countries that are deciding our future.

As I said previously in this Chamber, all it's going to take is one super tanker to go down the Strait of Hormuz in the Middle East and we will have a worldwide energy crisis. We can't allow that to happen. We cannot allow that to happen. We will not solve it overnight, we will have to take the necessary steps, but today through your efforts Mr. HALL and Mr. ELLISON and so many people in the United States House of Representatives, so many Americans who came forward and said take these ideas and put them in legislation and collaborate together, work with Democrats and Republicans, people from all walks of life to come up with something that is innovative, exciting, forward thinking, progressive, this is what we have today.

I thank the gentleman from New York for great insight and great thought, because you are truly one of the architects of the great piece of legislation today.

Mr. ELLISON, I know you were ready to add something to Mr. HALL's comments as well.

Mr. ELLISON. That's right, and I do thank you. I will have to take my leave shortly after making my remarks, but I want to thank you for holding it down tonight. Mr. KLEIN, you are doing a good job as usual.

But I just want to say as I hear Mr. HALL make comments about young people who are involved in innovation and creative use of their talents and skills, it reminds me of the fact that this bill that we passed today, plus the bill that we passed in the 100 hours, plus the farm bill and the energy bill we have already passed, is a policy that all Americans can get behind, whether you are a young person in high school trying to figure out how much of the surface of your solar vehicle needs to be paneled so that it can run efficiently, or whether you are a person working in a company or whether you are a person who is just trying to earn enough money for a family, this is a bill that meets the needs of many people, which is why it's good legislation.

You ran off a list of supporters of the bill. I also just want to point out that whether you are a mom and a dad or whether you are Home Depot or even Dow Chemical or the Sierra Club, or the United Steelworkers or the National Farmers Union, this is good legislation. This is legislation America can get behind.

I look forward to a more renewable, greener future that we all can participate in, and I just want to say, finally, to our oil companies that have made such monumental profits over the last numbers of years, I do hope that you all look within yourselves and take some of those profits that you have been able to get based on you being an American company and invest in America.

Mr. KLEIN of Florida. Thank you, Congressman. Again, Minnesota is well served by great leadership there. You know, it's funny, as the gentleman was talking about our children, I look back and think when I was growing up, and you would drive down the road, and people would just, when they were done with a bag of food, they would just throw it out the window; a can of soda, throw it out the window; cigarettes, throw it out the window. On any side road, you just see garbage.

It wasn't until our kids started saying what are you doing, why are you doing this? Then the whole notion of recycling and how that became built in. But it wasn't from parents that came forward or grandparents. It was children. Learning in school, learning about their environment, learning about how important it was to preserve and to protect and clean up and not add to pollution and things that caused environmental problems.

Those are the things. Those are the changes. Seat belts, those are another example. Children were taught about it. We as adults, many people didn't do it. Obviously laws were passed later, but it was children. I remember my kids saying to my wife early on, you got in the car, where is your seat belt? Why don't you put your seat belt on? She obviously was not shamed into it but learned from our kids.

I think our generation today is a generation, as I started today's conversation, this is the calling of this generation, a calling of our young people to call upon our adults, our grandparents, everyone in America to say this is something that is so important to the United States on so many levels as we have been discussing, that we are going to have to do it.

It's the generation that's in school today, that's in college today that are young adults that are driving and realize that they have a lifetime to live. That lifetime needs to be on a planet that is clean, has fresh air, has fresh water and all the things that are important, and, at the same time, we can live in a country that produces high-quality jobs and creates all sorts of products and services that can be done.

Last week in West Palm Beach, I was in an office building that's a green building, a certified building. Now some people don't know what that is, and I am learning about this as we go, but this is a building that is designed from top to bottom. Its energy use, the whole construct of the building is such that it is really designed to save energy, to create a much more productive environment. So it's not just the energy side, but it's the whole environment, working and living and all those kinds of things.

It was fascinating, because a lot of people say, well, I am not going to go there. It costs a lot more. If you build it from the ground up, it doesn't cost that much more. There are a lot of savings to be generated out of these types of savings, savings of water in the plumbing, savings of water in the energy, the lights, the electricity, the heating, the ventilating and the air conditioning, all very important, lots of opportunity.

Market is being created. The support is there. These people are leasing up this building. Things are a little slower for it right now, but this gentleman who has speculated on this building, he is finding tenants because they are saying, you know something, it makes sense. It's good for my corporate image. It's good for my employees, my production. We're going to save money in the long run. Why not.

There are lots of ways to retrofit buildings, too, that I know the gentleman is very familiar with. So these are the kinds of things that I know are very important to all of us that are created and encouraged in this bill and in other bills. Of course, as we move forward we are going to look for ideas from our constituents, our business people, our kids, our scientists and what other things we can do for our country, some through legislation, some just talking about it, moving it forward.

These are the things, and now we are joined by another Member who is so active, and I know his campaign was heavily involved in environmental and energy issues, the gentleman from California, the Golden State, Mr. McNERNEY. If you would please join us and give us your thoughts on today's legislation and how you feel about the issue.

Mr. McNERNEY. I have to say, I started my career developing wind energy technology. I got started when I was in college because of a few things that motivated me. We had the oil embargo of 1973. We had exciting technology that was being developed, computer simulations, actual hardware being placed in the field and then tremendous economic promise.

What spurred that on was the tax incentives of the 1970s. They gave us the motivation to move forward and to develop these new technologies. I can tell you the first time we put a wind mill together, we brought the investors in, we turned on the machine, and the wind, the blades flew everywhere, we would have had to run for cover, but that was the very start.

We kept going, the motivation was there, the economics were there. We kept improving year by year. We improved the aerodynamics, we improved the control system, we improved the mechanical system, the gears. Every bit of that technology and knowledge was improved over a 20-year period until today. We have one of the most economic forms of new energy technology in the world. It's growing by leaps and bounds all over the world, and I think there is a very big parallel to what's happening today.

Right now, we have a national security issue. We have very exciting technology taking place all over this great country. There is economic security at stake and now we also have a new element. It's global warming. So the motivation is there.

The problem is that the companies can't move forward without long-term planning. Part of that long-term planning is knowing what your rate of return is going to be, and if we don't move forward with production tax credits and investment tax credits, then the investors don't know what to expect, so they are not going to get into the game.

This has happened to our country repeatedly over the last 20 years, whereas Europe has kept a very steady plan, a very steady investment incentive, and they are way ahead of us in terms of renewable energy technology in terms of production, in terms of employment.

Now it's our turn to catch up. A 5-year extension is just exactly what we need, and I am so happy that the House, I am so proud of the House for coming together and moving forward with this legislation.

It's going to keep us competitive, it's going to create jobs throughout our great country in rural areas that have been depressed. It's going to create jobs in cities, in manufacturing, so this is the kind of legislation that I was sent here to produce. This is the kind of legislation that my colleagues all agree with me that is so important to our country, and I think the House did a wonderful job today.

It's going to help our country long, long into the future, and it's going to also benefit our national security, as I mentioned before, because we are importing about 11 million barrels of oil per day into this country. That's a tremendous amount of money going overseas. That's a tremendous amount of carbon dioxide going into the air.

So we are motivated by national security. We are motivated by economic security, and we are going to fight global warming, and we are going to adapt and we are going to move forward with the new technology, creating the kind of country that we want for our children to live in.

My good friend from New York, you look like you are ready to talk.

Mr. HALL of New York. I am always ready to talk, my friend. I was thinking, as you were speaking, about how institutions starting with the United States Government and State and county and local governments can all do their part, and we have done our part by voting today for this legislation, by voting, actually, earlier in this session, last year, in the Transportation and Infrastructure Committee, we voted out legislation to put solar panels on the south-facing wall on the Department of Energy building, which would be a symbolic step forward, as well as a practical one, because the south-facing wall was designed in the 1970s when the Department of Energy was first created to be at the proper angle for photovoltaic cells to generate the best and most power from the sun.

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It is that kind of investment that government can make. It is that kind of investment that States can make.

I met today for probably the third time with representatives of New York State's Energy Research and Development Authority about ideas like putting infrastructure on the New York State thruway service stations, the whole route that goes from Buffalo across to Albany and down to New York City of interstate highways, which would include biofuels and which would include at least a blend of biodiesel, and hopefully some E85. We have hundreds of thousands of vehicles, at least, of vehicles that have been sold as flex-fuel vehicles to American citizens by TV commercials saying you are doing something green when you buy them.

But in New York State, the 19th Congressional District of New York State that I represent, we got a call in our district office from a lady saying, "I just bought a flex-fuel vehicle. Where can I get some fuel?" And our staffer had to say there is one pump in Albany and another one in Westchester somewhere.

Congressman MARKEY told me that in Massachusetts, he said there is one pump for the whole State for E85 and 140,000 flex-fuel vehicles on the roads. So we have to start pulling the string through the tube, the string of demand through the tube, and make sure there is more supply created by creating the demand.

I would hope that the Arlington High School Action Club which I just met with last week, which is in the middle of a project right now of putting solar panels on the roof of their school, a new wing of their school, and I suggested to them that their next project, after they do their solar panels, they should switch their school bus fleet for that school district to biodiesel or to a biodiesel blend. It is made to order for school bus fleets, for post office trucks, for town and county highway trucks, any entity of government or private enterprise like FedEx or UPS, or trucking companies that use a lot of diesel fuel, can just as well burn. If I can burn 20 percent biodiesel at home, they can burn it in their diesel trucks.

Some of my musician friends, Willie Nelson and Bonnie Raitt, have been driving for years tour buses and trucks all over this country on biodiesel. It definitely can be done, and I think each of us as Americans should look at this as an opportunity to lead and to do our part to push this revolution forward and to push this new policy into being.

Government can't do everything. It certainly can't do everything all at the same time. But together, businesses, government, and individuals can make the decisions on a day-to-day basis to vote with our dollars for those new forms of energy, where available, whether it is by flipping our electric bill over and voting for wind. In New York State, we are allowed to do that. We are allowed to choose whether it is wind or hydro or whatever form of electrical generation we choose, whether it is by asking for biofuels whenever we can get them, by driving the most fuel-efficient car, in the most fuel-efficient way, I might add.

At any rate, there is nowhere to go but up. And in the process, we will regain our sovereignty and somewhere down the road we will not have to worry about speaking honestly to Saudis or other nondemocratic governments about human rights, just as we won't have to worry about speaking honestly to the Chinese about lead-tainted toys because we are afraid we won't get the oil from one or get the debt floated by the other.

So it is getting ourselves back on our feet economically and diplomatically and energywise.

Mr. KLEIN of Florida. I thank the gentleman from New York for the encouragement to help move this in the right direction.

And to close, I yield to the gentleman from California.

Mr. McNERNEY. We have just seen the gentleman from New York showing his excitement about the future of energy technology in his own district.

I have seen this with Representatives from New York, from Alaska. Well, a new Representative we are going to have in 2009 from Alaska, from California where I live, from all over the country. From the Great Plains, even from the South where they don't have wind, they are always cloudy there, but they have biomass. So everybody can get excited, everybody can take part. Our whole country can move together, forward together in such a way that benefits all of us and enhances our national security.

So I am looking forward to opening up a whole new economy. The naysayers are saying we can't afford what is going to happen with global warming. I can tell you we can more than afford it. We can't afford not to. It is going to create jobs and it is going to create security. It is going to create a great future for our country.

Mr. KLEIN of Florida. I thank the gentleman from California.

I certainly call on those in the other body, the Senate, to also think boldly about energy independence and help us pass this bill as fast as possible.

When the Senate passes the energy bill, we as Americans urge the President of the United States to sign it quickly and to join together with all of us. This is the calling of our generation, and the time is now. I thank the gentlemen and all of our Members of the House of Representatives, those who supported the bill today, and encourage others to join us on the ride.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for February 26 after 2 p.m. and the balance of the week on account of a family medical emergency.

Mr. KELLER of Florida (at the request of Mr. BOEHNER) for February 25 and the balance of the week on account of the birth of his baby daughter.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALTMIRE) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. POE, for 5 minutes, March 5.

Mr. FRANKS of Arizona, for 5 minutes, March 4 and 5.

Mr. HAYES, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

## ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2082. An act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

## SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2571. To make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

## BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on February 25, 2008 she presented to the President of the United States, for his approval, the following bills:

H.R. 1216. To direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H.R. 5270. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

## ADJOURNMENT

Mr. KLEIN of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, February 28, 2008, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5514. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting notification of the 2008 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix, in accordance with Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; to the Committee on Agriculture.

5515. A letter from the Secretary, Department of Commerce, transmitting the annual report on the Emergency Steel Loan Guarantee Program, as required by Section 101(i) of Chapter 1 of Pub. L. 106-51; to the Committee on Financial Services.

5516. A letter from the Assistant Secretary for Policy, Department of Labor, transmitting the Department's Report on the Impact of Increased Minimum Wages on the Economies of American Samoa and the Commonweath of the Northern Mariana Islands, pursuant to Public Law 110-28, section 8104; to the Committee on Education and Labor.

5517. A letter from the Assistant Secretary for Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's semi-annual Implementation Report on Energy Conservation Standards Activities, pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

5518. A letter from the Public Printer, Government Printing Office, transmitting the Office's Annual Report for Fiscal Year 2007; to the Committee on House Administration.

5519. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report that summarizes the activities regarding prison rape abatement during calendar year 2006, pursuant to Public Law 108-79, section 5(b); to the Committee on the Judiciary.

5520. A letter from the Ombudsman for Part E, Department of Labor, transmitting the Third Annual Report of the Ombudsman for Part E of the Energy Employees Occupational Illness Compensation Program, pursuant to 15 U.S.C. 7385s-15(e); to the Committee on the Judiciary.

5521. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Recurring Marine Events in the Seventh Coast Guard District [Docket No. USCG-2007-0179] (RIN: 1625-AA08) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5522. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Port of Tampa, Port of St. Petersburg, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River; Florida [USCG-2007-0062] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5523. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Molokini Crater, Maui, HI [Docket No. USCG-2007-0128] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5524. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Trent River between New Bern and James City, North Carolina [USCG-2007-0169] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5525. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Trent River between New Bern and James City, North Carolina [Docket No. USCG-2007-0169] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5526. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Northeast Gateway, Deepwater Port, Atlantic Ocean, Boston, MA [USCG-2007-0191] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5527. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulation; San Francisco Bay, CA [Docket Number: USCG-2007-0023 formerly CGD11-04-002] (RIN: 1625-AA01) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5528. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulation; Port Everglades, FL [Docket No. USCG-2007-0036, formerly CGD07-122] (RIN: 1625-AA01) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5529. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds, Hampton Roads, VA [Docket No. USCG-2008-0041 formerly published under CGD05-06-064] (RIN: 1625-AA01) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5530. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Maryland and Virginia [USCG-2008-0015] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5531. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River — Eastern Branch, at Norfolk VA [USCG-2008-0018] received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5532. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulation; Gulf Intracoastal Waterway (Algiers Alternate Route), Belle Chasse, LA; Correction [[USCG-2007-0176] Formerly published as [CGD08-07-042]] (RIN:1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5533. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Norwalk River, Norwalk, CT [USCG-2007-185] received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5534. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Corson Inlet, New Jersey Intracoastal Waterway (NJICW), Townsend Inlet, NJ [[USCG-2007-0026] [formerly published under CGD05-07-093]] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5535. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Isle of Wight Bay (Sinepuxent Bay), Ocean City, Maryland [[USCG-2007-0065 [previously published as CGD05-07-100]] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5536. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kahului Harbor, Maui, HI [Docket No. USCG-2007-0093] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5537. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Port of Tampa, Rattlesnake, Big Bend, Florida [Docket No. USCG-2007-0097] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5538. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting a copy of a draft bill to authorize a temporary surcharge on the passenger aviation security fee to enhance deployment of checked baggage screening systems, to modify the use of the Aviation Security Capital Fund, and to increase training fees applicable to registration of aliens in U.S. flight schools; to the Committee on Transportation and Infrastructure.

5539. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30580; Amdt. No. 3245] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5540. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30583; Amdt. No. 3247] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5541. A letter from the Executive Director, National Surface Transportation Policy and Revenue Study Commission, transmitting the Commission's final report entitled, "Transportation for Tomorrow"; to the Committee on Transportation and Infrastructure.

5542. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill to authorize major medical facility projects for the Department of Veterans Affairs for fiscal year 2009; to the Committee on Veterans' Affairs.

5543. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Fiscal Year 2009 Budget Overview; to the Committee on Ways and Means.

5544. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Medicare bundled end-stage renal disease prospective payment system, pursuant to Public Law 108-173, section 623(f)(1); jointly to the Committees on Energy and Commerce and Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. PAYNE, Ms. LEE, Mr. WAXMAN, and Ms. JACKSON-LEE of Texas):

H.R. 5501. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself and Mr. YOUNG of Alaska):

H.R. 5502. A bill to amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 5503. A bill to suspend temporarily the duty on certain engines for snowmobiles; to the Committee on Ways and Means.

By Mr. ROSS (for himself, Mr. SNYDER, Mr. BERRY, and Mr. BOOZMAN):

H.R. 5504. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. RUSH:

H.R. 5505. A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility of designating the study area as the Black Metropolis District National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Natural Resources.

By Mr. SIRES:

H.R. 5506. A bill to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the "Bishop Ralph E. Brower Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY (for herself, Ms. LEE, Ms. WATERS, Ms. CLARKE, Mr. CUMMINGS, and Mr. GRIJALVA):

H.R. 5507. A bill to require the safe, complete, and fully-funded redeployment of United States Armed Forces and contractor security forces from Iraq and to prohibit the establishment of any enduring or permanent United States military bases in Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H. Con. Res. 304. Concurrent resolution expressing the sense of Congress that allowing motor carriers domiciled in Mexico to operate in the United States without adequate regulation jeopardizes the safety and security of United States citizens, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. PUTNAM, Mr. MCCOTTER, Ms. GRANGER, Mr. CARTER, Mr. COLE of Oklahoma, Mr. DREIER, Mr. CANTOR, Mr. CAMP of Michigan, Mr. HOBSON, and Mr. TIAHRT):

H. Res. 1003. A resolution amending the Rules of the House of Representatives to provide increased accountability and transparency in the Committee on Standards of Official Conduct; to the Committee on Rules.

By Mr. ROHRABACHER (for himself and Mr. HUNTER):

H. Res. 1004. A resolution expressing sincere congratulations to the United States Navy and the Department of Defense for successfully intercepting the disabled National Reconnaissance Office satellite, NROL-21, on February 20, 2008; to the Committee on Armed Services.

By Mr. TOM DAVIS of Virginia (for himself and Mr. VAN HOLLEN):

H. Res. 1005. A resolution supporting the goals and ideals of Borderline Personality Awareness Month; to the Committee on Oversight and Government Reform.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 5508) for the relief of Daniel Wachira; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. SIMPSON.

H.R. 351: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 371: Mr. DAVIS of Illinois.

H.R. 402: Mr. ROGERS of Alabama.

H.R. 460: Mr. FILNER.

H.R. 688: Mr. SMITH of New Jersey, Mr. COHEN, Mr. PLATTS, Mr. VISCLOSKY, and Mr. LAHOOD.

H.R. 943: Mr. GALLEGLY.

H.R. 1000: Mr. KING of New York, Mr. MCHENRY, Mr. BILBRAY, Mrs. BONO MACK, Mrs. DRAKE, Mr. DREIER, Mr. FORBES, Mr. PEARCE, Mr. PORTER, Mr. REICHERT, Mr. REYNOLDS, Mr. ROSKAM, Mr. SESSIONS, Mr. SMITH of Texas, Mrs. WILSON of New Mexico, Mr. CASTLE, Mr. CHABOT, Mr. UPTON, and Mr. WITTMAN of Virginia.

H.R. 1197: Mr. FILNER.

H.R. 1273: Mrs. MALONEY of New York.

H.R. 1278: Mr. WALBERG.

H.R. 1320: Mr. EHLERS.

H.R. 1328: Mr. PEARCE.

H.R. 1418: Mr. ROGERS of Alabama.

H.R. 1436: Mr. KAGEN.

H.R. 1439: Mr. LATOURETTE.

H.R. 1537: Ms. CASTOR and Ms. SCHWARTZ.

H.R. 1554: Mrs. WILSON of New Mexico.

H.R. 1565: Mr. TAYLOR.

H.R. 1576: Mr. SMITH of Nebraska.

H.R. 1653: Mr. HINCHEY and Ms. MATSUI.

H.R. 1687: Ms. SOLIS.

H.R. 1709: Mr. SHAYS.

H.R. 1742: Mr. OBERSTAR, Ms. MATSUI, Ms. HERSETH SANDLIN, and Mr. WEINER.

H.R. 1829: Mr. REHBERG.

H.R. 1881: Mr. BISHOP of Georgia, Mr. GOODE, and Mr. VAN HOLLEN.

H.R. 1932: Mrs. WILSON of New Mexico.

H.R. 1992: Mr. MARKEY and Mr. DELAHUNT.

H.R. 2016: Mr. GONZALEZ and Mr. PASTOR.

H.R. 2040: Ms. KILPATRICK, Mr. SPRATT, Mr. ORTIZ, Mr. EMANUEL, Mr. SESTAK, Ms. BORDALLO, Mr. COURTNEY, Mr. MURTHA, Mr. CAPUANO, Mr. DELAHUNT, Mr. DOYLE, Mr. GEORGE MILLER of California, Mr. VISCLOSKY, Mr. ROTHMAN, Mr. NEAL of Massachusetts, Mr. COSTELLO, Ms. SHEA-PORTER, Mr. WALZ of Minnesota, Mr. SHERMAN, Mr. GUTIERREZ, Mr. ISRAEL, Mr. WELCH of Vermont, Mr. UDALL of New Mexico, Mr. LARSEN of Washington, Mr. MITCHELL, Mr. SIRES, Mr. RUPPERSBERGER, Mr. DONNELLY, Ms. HIRONO, Mr. OBERSTAR, Mr. LIPINSKI, Mr. GENE GREEN of Texas, Mr. YARMUTH, Ms. MOORE of Wisconsin, Mr. PERLMUTTER, Mr. PASCRELL, Mr. OBEY, Mr. TANNER, Ms. WATERS, Mr. WU, Mr. ENGEL, Mr. CLYBURN, Mr. MURPHY of Connecticut, Mr. CUELLAR, Mr. RYAN of Ohio, and Mr. KANJORSKI.

H.R. 2045: Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. DAVIS of Illinois, and Mr. SESTAK.

H.R. 2046: Mr. GEORGE MILLER of California.

H.R. 2075: Ms. FALLIN.

H.R. 2169: Mrs. LOWEY.

H.R. 2183: Mr. MCHENRY.

H.R. 2219: Mrs. MUSGRAVE.

H.R. 2266: Mr. CLAY.

H.R. 2331: Mr. CUELLAR and Mr. PASCRELL.

H.R. 2352: Mr. THOMPSON of Mississippi.

H.R. 2521: Mr. GALLEGLY.

H.R. 2539: Mr. ENGLISH of Pennsylvania.

H.R. 2567: Ms. SHEA-PORTER.

H.R. 2606: Mr. GONZALEZ, Mr. SIMPSON, Ms. MCCOLLUM of Minnesota, Mrs. CAPITO, Mr. ROSS, Mr. CULBERSON, Mr. PAUL, Mr. MICHAUD, and Mr. SCOTT of Virginia.

H.R. 2634: Mr. WALZ of Minnesota.

H.R. 2708: Mr. SCOTT of Virginia.

H.R. 2762: Mr. LATHAM.

H.R. 2818: Mr. PORTER and Mr. HINOJOSA.

H.R. 2864: Mr. COSTELLO and Mr. LOBIONDO.

H.R. 2885: Mr. BILBRAY, Mr. SALI, Mr. FRANKS of Arizona, and Mr. WALBERG.

H.R. 2894: Mr. PITTS and Ms. TSONGAS.

H.R. 2915: Ms. HERSETH SANDLIN and Mr. MARKEY.

H.R. 2991: Ms. BERKLEY and Mr. WAMP.

H.R. 3041: Mr. WILSON of Ohio.

H.R. 3223: Mr. GILCHREST.

H.R. 3232: Mr. COURTNEY, Mr. REICHERT, Mr. RANGEL, and Mr. VISCLOSKY.

H.R. 3471: Mr. MICHAUD.

H.R. 3533: Mr. NEAL of Massachusetts, Mr. UPTON, and Mrs. MILLER of Michigan.

H.R. 3618: Mr. RAHALL, Mr. GENE GREEN of Texas, and Mr. GORDON.

H.R. 3622: Mr. FEENEY, Mr. HELLER, Mr. RAMSTAD, Ms. MCCOLLUM of Minnesota, Mr. MILLER of Florida, Mr. KLINE of Minnesota, and Mr. KING of New York.

H.R. 3654: Mr. TANNER.

H.R. 3660: Mr. WELDON of Florida.

H.R. 3663: Mr. REICHERT.

H.R. 3692: Mr. WEXLER.

H.R. 3700: Mr. PRICE of North Carolina.

H.R. 3819: Mr. INSLEE.

H.R. 3820: Mrs. MYRICK.

H.R. 3902: Mr. FILNER.

H.R. 4061: Mr. STARK and Mr. MATHESON.

H.R. 4116: Mr. FORBES.

H.R. 4133: Ms. FOXX and Mr. BROWN of South Carolina.

H.R. 4185: Mr. ISSA, Mr. DOOLITTLE, Mr. MCKEON, Mr. NUNES, and Mr. ROYCE.

H.R. 4201: Mr. LOBIONDO.

H.R. 4206: Mr. WEINER.

H.R. 4218: Ms. SHEA-PORTER.

H.R. 4236: Mr. DELAHUNT.

H.R. 4264: Mr. PUTNAM.

H.R. 4305: Ms. BERKLEY.

H.R. 4460: Mr. TANCREDO, Mr. INGLIS of South Carolina, Mr. NEUGEBAUER, Mr. CAMP of Michigan, and Mr. CHABOT.

H.R. 4464: Mr. TIBERI, Mr. BONNER, Mr. MCHENRY, Mr. BROWN of South Carolina, Mr. LINCOLN DAVIS of Tennessee, Mr. BARTLETT of Maryland, Mr. HASTINGS of Washington, and Mr. POE.

H.R. 4545: Mr. PASTOR, Mr. FRANK of Massachusetts, Mr. THOMPSON of Mississippi, and Mr. BUTTERFIELD.

H.R. 4926: Mr. PLATTS and Mr. FILNER.

H.R. 5058: Ms. SHEA-PORTER.

H.R. 5131: Mr. BUCHANAN and Mr. BILIRAKIS.

H.R. 5157: Mr. SIRES.

H.R. 5161: Ms. RICHARDSON, Mr. MCNERNEY, and Mr. CARNAHAN.

H.R. 5167: Ms. WOOLSEY.

H.R. 5173: Mrs. BACHMANN, Mr. HINCHEY, Ms. LEE, Ms. SUTTON, Mr. ALTMIRE, and Mr. LOEBSACK.

H.R. 5174: Mr. DAVIS of Illinois.

H.R. 5180: Mr. POE, Mr. MCNERNEY, Mr. PAYNE, Mr. COURTNEY, Ms. SHEA-PORTER, Mr. RUSH, Mr. MARSHALL, Mr. HARE, Mr. RAMSTAD, Mr. SALAZAR, Mr. JEFFERSON, Mr. Miller of North Carolina, Mr. RENZI, Mr. GRIJALVA, Mr. SIRES, Ms. GIFFORDS, Mr. LIPINSKI, and Mr. NADLER.

H.R. 5191: Mr. ENGLISH of Pennsylvania.

H.R. 5232: Ms. FOXX.

H.R. 5233: Mr. CONAWAY.

H.R. 5235: Mr. JORDAN, Mr. MCHUGH, Mr. ENGLISH of Pennsylvania, Mr. PLATTS, Mr. KING of New York, Mr. JONES of North Carolina, and Mr. YOUNG of Alaska.

H.R. 5238: Mrs. MUSGRAVE.

H.R. 5244: Mr. BAIRD, Mr. CUMMINGS, Mr. SIRES, and Mr. BERMAN.

H.R. 5265: Mr. WAXMAN, Mr. SKELTON, Mr. FRANK of Massachusetts, and Mrs. EMERSON.

H.R. 5435: Mr. ORTIZ and Mr. GONZALEZ.

H.R. 5443: Mr. FRANKS of Arizona.

H.R. 5445: Mr. SHADEGG, Mr. SAM JOHNSON of Texas, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. BROUN of Georgia, Mr. FEENEY, Mr. LAMBORN, Mr. BROWN of South Carolina, Mr. MCHENRY, Mr. AKIN, Mr. GOODLATTE, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. DAVID DAVIS of Tennessee, Mr. WESTMORELAND, Mr. CONAWAY, and Mrs. BLACKBURN.

H.R. 5454: Mr. PETERSON of Pennsylvania and Mr. PASTOR.

H.R. 5461: Mr. MILLER of Florida.

H.R. 5465: Mr. SESTAK, Mr. FRANK of Massachusetts, and Mr. FILNER.

H.R. 5475: Mr. BOSWELL, Mr. NEUGEBAUER, Mr. WAMP, Mr. SHULER, and Mr. CONYERS.

H.R. 5491: Mr. PORTER.

H.J. Res. 68: Ms. JACKSON-LEE of Texas, Mr. PETERSON of Minnesota, Mr. KIND, and Mr. SESTAK.

H. Con. Res. 163: Mr. ROGERS of Alabama, Ms. BALDWIN, and Mr. PEARCE.

H. Con. Res. 285: Mr. PLATTS.

H. Con. Res. 290: Mr. SHERMAN.

H. Con. Res. 295: Mr. FEENEY and Mr. STEARNS.

H. Res. 49: Mr. HIGGINS, Mr. GONZALEZ, and Mr. PORTER.

H. Res. 241: Mr. CAPUANO.

H. Res. 259: Mrs. MALONEY of New York, Mr. SIRES, Mr. RANGEL, and Mr. GONZALEZ.

H. Res. 265: Mr. SESTAK, Mr. MILLER of Florida, Mr. PETERSON of Minnesota, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Ms. SLAUGHTER, Ms. BORDALLO, and Mr. WILSON of South Carolina.

H. Res. 424: Mr. HOLT.

H. Res. 795: Mr. MICHAUD.

H. Res. 821: Mr. FORTUÑO, Mr. TIAHRT, and Mr. SESSIONS.

H. Res. 838: Mr. AKIN, Mr. FORTENBERRY, Mr. GINGREY, Mr. MACK, Mr. MCCAUL of Texas, Mr. MCHUGH, and Mr. WILSON of South Carolina.

H. Res. 854: Mr. SHERMAN.

H. Res. 888: Mr. MILLER of Florida, Mr. PAUL, and Ms. FALLIN.

H. Res. 896: Mr. DAVIS of Illinois.

H. Res. 924: Mr. HODES.

H. Res. 925: Mr. CUMMINGS.

H. Res. 937: Mr. LATHAM.

H. Res. 951: Mr. UDALL of Colorado, Mrs. BONO MACK, Mr. CANNON, Mr. ELLSWORTH, Mr. SIRES, Mr. WELDON of Florida, Mr. SHERMAN, Mr. MARKEY, Ms. GRANGER, Mr. TANNER, Mr. LATHAM, Mrs. NAPOLITANO, Mr. LYNCH, Mr. WAXMAN, Mr. COLE of Oklahoma, Mr. SAXTON, Mr. WU, and Mr. JONES of North Carolina.

H. Res. 962: Mr. TOWNS, Mrs. NAPOLITANO, Mr. MEEKS of New York, Ms. CLARKE, and Mr. BISHOP of Georgia.

H. Res. 977: Mr. BISHOP of New York and Mr. HODES.

H. Res. 997: Mr. HASTINGS of Florida.

# SENATE—*Wednesday, February 27, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our help in ages past, our hope for years to come, thank You for the gift of another day. Because of You, we live and breathe and have our being, and we would not take the gift of our heartbeats for granted.

Guide our Senators in their labors. Give them the grace to work together in the strategic mix that is our legislative process. Make them such models of integrity that their actions will match their words. Help them to resist the tendency to rely too much on their own wisdom, as they permit You to lead them to truth. Grant that their lives this day will be infused with Your presence, love, wisdom, and power.

We pray in the Redeemer's Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 27, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, there will be a period of morning business for an hour, with the Republicans controlling the first half, the majority controlling the final half. Following morning business, we will resume the motion to proceed to S. 2633, a bill that calls for the safe redeployment of the troops in Iraq. Today, the Senate will stand in recess from 12:30 until 2:15 p.m.

### IRAQ

Mr. President, another day in Iraq. As we see from the morning papers—the Washington Post is a good example—headline: "Suicide Bomber Hits Bus in Iraq's North." Among other things, the article goes on to state:

> A suicide bomber detonated his explosives belt outside a bus in northern Iraq on Tuesday, killing at least eight people and injuring many more.

In a different paragraph:

> The Tall Afar bombing followed a bloody weekend of attacks against Shiite pilgrims, the deadliest incident taking place on Sunday when a suicide bomber killed at least 63 pilgrims near the southern town of Iskandariyah. Even as overall violence has fallen, the recent attacks underscore the tenuous security environment and the resiliency of the insurgency.
>
> In volatile Diyala province, armed men set up a fake checkpoint and kidnapped 21 people.
>
> Near the oil-rich city of Kirkuk, gunmen attacked a checkpoint manned by Sunni volunteers, killing the Sunni volunteers.

Mr. President, this is 1 day and a half billion dollars. That is what is going on in Iraq.

What impact does that have? General Casey testified here yesterday. General Casey said:

> The cumulative effects of the last 6-plus years of war have left the Army out of balance, consumed by the current fight, unable to do the things we know we need to do.

And I failed to mention in my earlier comments that below the article about the suicide bomber is the report of three more dead American soldiers: CPT Nathan R. Raudenbush, LCpl Drew W. Weaver, and SPC Keisha M. Morgan.

So that is where we are on the Iraq debate today. I will sum up in a short time, after I make a few other remarks, and I will ask consent so that we have some idea today as to how we will proceed.

I would tell all Senators that we will have, sometime today, either after the 30 hours or before a vote on the motion to proceed to the matter that is now before the Senate—immediately after that, no matter what happens on that—we will have a cloture vote on the second matter, which is, as we all know, a piece of legislation that calls for periodic reports by the President on the war on terror. Following that, when that is disposed of, we will go to the housing stimulus package. That is what I would like to spend a few minutes on because we will get to that sometime this week. It is only a question of when we get to it.

### HOUSING

Mr. President, the sights and signs of America's housing crisis are all around us. There is not a State in the Union that doesn't feel the housing crisis. Neighborhood streets are dotted with one "For Sale" sign after another. And once we have one "For Sale" sign or, even worse, the bank has a foreclosure sign on it, it affects the whole neighborhood.

One of my boys lives in Las Vegas, in a nice neighborhood. The housing prices there in the last 3 months have dropped 20 percent—20 percent. In Las Vegas, last month, there were more foreclosures than there were sales of new homes. This is very unusual because Las Vegas has been the fire that has burned upward for 20 years, creating such an economic strong point that it has been known for 20 years as the most rapidly growing State in the Union.

In these struggles, construction workers are having trouble finding jobs. Construction workers are having trouble making payments on their homes. In desperation, hard-working people have been talked into bad mortgages and are now seeing their homes just slip away. Every day, new statistics illuminate the depth of this growing crisis in the housing market.

The crisis is everyplace. Today, the Associated Press reported that the number of homes facing foreclosure across our country grew by 57 percent in the month of January. That is compared to a year ago. We also now know that sales prices have lost almost 10 percent in the final quarter of last year, and I am sure this quarter is going to be even worse. The last quarter marked the steepest drop in the 20-year history of the Standard & Poor's housing index.

In the crisis in Nevada, I have mentioned briefly last month that we saw the rate of foreclosures rise 95 percent from the previous year; in Reno and Sparks, 611 percent. Now, who suffers from these foreclosures? Families who own the homes? Of course they do, but they aren't the only ones. It is the whole neighborhood, those who live near foreclosures, families who have done nothing wrong, who have paid

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

their bills on time. Yet they are seeing the value of their property zapped.

The Center for Responsible Lending has estimated that 40 million neighboring homes will experience a loss in equity if the expected foreclosures materialize. That would likely lead to a total decline of more than $200 billion in home equity, and some say that is very conservative. This could mean more than $3 billion in losses for Nevada alone.

If that is not bad enough for homeowners, it is very bad for local governments that have already been forced to cut services as a result of the shrinking tax base. One example: Washaw County—that is Reno—is facing a $26 million cut to its local budget, and they say it is mainly due to the housing crisis, and $26 million to Washaw County is a lot of money.

These numbers are staggering. We all know the housing crisis isn't just about statistics, it is about families. I have had, in the State of Nevada, six mobile resource centers where I bring in people. We do advertising and let them know we are going to be there. We bring in experts to talk, and we have people who service the loans there, we have credit counselors, and we have representatives from FHA. We have a wide range of experts there to talk to these desperate people to see if anything can be done to help them, and there are some things that can be done to help. These centers bring borrowers and mortgage services together to talk about how to help homeowners facing foreclosure.

The stories they tell are heartbreaking. I could tell lots of stories, but the one that stands out in my mind is a man by the name of Elisario. What extraordinary challenges this man and his family face. He is a marine veteran of the Iraq war. He has three children, three little girls. Like thousands of others of these heroes returning from Iraq and Afghanistan, the war took its toll on him. He suffers from post-traumatic stress disorder and is recovering from many surgeries related to injuries he sustained in Iraq. As a result of the injuries he suffered in service to our country, his family was forced, for a time, to rely on the income from his wife's part-time job. Now, remember the three little girls. They fell behind in their mortgage payments. That doesn't surprise anyone. He called his lender but was told it was his responsibility to pay the loan. They weren't willing to work with them at all. He was told to sell the home and get an apartment.

All across the country, people just like Elisario are looking to us for help. In far too many cases, people like him saw their mortgage payments skyrocket after the interest rate on their loan was reset. The sudden loss of income combined with the dramatic increase in the monthly payment is lethal for any homeowner. These are the families whom the legislation we will get to—hopefully sooner rather than later—this week will help.

This legislation we have is not for speculators. It is not for speculators who lost a bet. Are we going to bail out lenders who underwrote mortgages? No. They shouldn't have made those loans. That is their problem. We are not trying to bail out borrowers who should have known better. We are trying to give families like Elisario's a chance to keep their homes and stabilize the Nation's economy in the process.

The administration deserves credit for taking some first steps. I appreciate Secretary Paulson and like him a lot. He has led the efforts to gather mortgage servicers, investors, and housing counselors to form the Hope Now Alliance and Project Lifeline. These efforts should help, but it is such a tiny bit of help, and they are all voluntary. They fall completely short. Some estimate that less than 3 percent of at-risk families will be reached under his proposals—less than 3 percent. We have to help the 97½ percent who won't be reached.

The legislation before us does that. It will keep families in their homes by increasing preforeclosure counseling funds, expanding refinancing opportunities, and amending the Bankruptcy Code to allow more home loans on primary residences to be modified. This will help communities impacted by foreclosures by allowing parts of the country with high foreclosure rates to access Federal funds to purchase foreclosed properties for rehabilitation, rent, or resale.

The bill will help struggling businesses by making it easier for them to utilize losses incurred in 2006, 2007, and 2008 to offset prior years' income to recoup previously paid income taxes. This was the provision that was in our previous stimulus package that our colleagues on the other side of the aisle stopped us from moving forward on. It is one the home builders liked very much.

The legislation that will be before the Senate shortly will help families avoid foreclosure in the future by improving loan disclosures during the original loan and refinancing process. And one of the provisions that was also in our package that we had, that my good friends on the other side of the aisle defeated, was one the President called for in his State of the Union Message—revenue bonds to help people get into some of these homes that are being foreclosed upon.

Title IV of the legislation makes changes to the Bankruptcy Code. These changes would allow a bankruptcy judge to modify the terms of a mortgage on a primary residence but only under very limited circumstances, limited in scope and duration. Only families who can pass a strict means test in bankruptcy and are currently struggling with an adjustable rate mortgage and subprime loan that already exists are eligible. That is all.

There are limits to the modifications a judge can make to the interest rate, term, the principal amount of the mortgage. We do not aim to drive struggling families into bankruptcy with this proposal. No one should abuse the Bankruptcy Code to get out of debts they owe.

The means test provided in this legislation should prevent that from happening. Remember the reason this is necessary today. For example, in Las Vegas, if you own a home down on the oceanfront in Malibu, you buy that and finances go bad, you can go to bankruptcy court. The bankruptcy court can readjust that loan on your vacation property, your second home, but cannot do that on your primary residence. That is not the way it should be.

We are also mindful of concerns that this provision could make access to mortgages more difficult by increasing costs, it could inject more uncertainty into the market. All the experts say that is untrue. Georgetown has completed a study.

In today's New York Times, there is an article: "Getting Real About the Rescue." That is what it is about. And they go on to state how important it is that we do this stimulus package but especially we do this bankruptcy provision. This editorial says, among other things:

> If the bankruptcy provision becomes law, as it should, lenders will have a powerful incentive, which they currently do not have, to modify troubled loans voluntarily. If they can't or won't come to new terms with borrowers, then they would run the risk that a bankruptcy court would do the modifying for them.

But most, or all, I repeat, independent experts agree that any increase in costs would be nonexistent. Meanwhile, this modified bankruptcy language would help more than 200,000 families avoid foreclosure. It would stabilize the housing market, prevent future, perhaps deeper losses to families, investors—and that is so important, we have to do that. That is why we have to act.

There may be no perfect solution to the growing housing crisis, but standing back and doing nothing would be a real mistake. The legislation that will shortly be before us will make a real difference to homeowners, neighborhoods, and our economy.

More than 700,000 families will benefit from the policies in this measure, 80,000 vacant foreclosed homes will be put back to productive use, 30,000 jobs, and $10 billion in economic activity will be created.

I hope my colleagues will join us to support cloture on the motion to proceed to this matter so we can pass the legislation and bring the relief to hundreds of thousands of Americans.

## UNANIMOUS-CONSENT REQUEST

Mr. REID. Mr. President, yesterday, at 3:16 in the afternoon, the Senate voted to invoke cloture on the motion to proceed to S. 2633, which is a bill to provide for the safe redeployment of U.S. troops from Iraq.

After the cloture vote, I made a proposal that we would have postcloture debate for a period of time, a significant period of time, agree to the motion, and then go to the bill. But once we completed action on this, S. 2633, we would have a cloture vote on the motion to proceed to the next matter that I talked about earlier today. That consent was rejected.

I ask unanimous consent that all postcloture time be yielded back, and the motion to proceed be agreed to; that upon disposition of S. 2633, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to S. 2634; further, that if cloture is invoked, notwithstanding rule XXII, the Senate then proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 3221, the housing bill.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Reserving the right to object, the question of the Iraq debate, once again at this particular juncture, was not the decision of the minority. Nevertheless, having put the Iraq issue back before the Senate, there are a number of members of my conference, many of whom have been to Iraq recently, who were anxious to discuss the undeniable progress that has occurred in Iraq over the last 6 months.

We had a good discussion yesterday. I have more members who would like to continue the discussion today. There is obviously an opportunity later in the morning or this afternoon to discuss further with the majority leader the possibility of shortening the time.

But for the moment, there are a number of Senators on my side of the aisle who are anxious to discuss the progress in Iraq, happy to have the debate time. Therefore, for the time being, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. McCONNELL. Mr. President, let me say briefly, the matter before us, the Feingold withdrawal amendment is in basically the form it has been before us, has been voted on four times before. Each of the times it was voted on in the past, one could argue that things were going less well in Iraq than they are today. The highest number of votes the Feingold withdrawal proposal has received at any point in these 4 votes is 29 votes.

It will be, should it be voted on, defeated once again. It certainly should be because now we have had 6 months or so of undeniable progress on all fronts. The security situation is dramatically improved. Even on the political side, where I think Members on both sides were frustrated with the new Iraqi democracy, they finally have begun to take the kind of steps that are needed—the debaathification law was approved, local elections have been scheduled for later in the year.

They are finally making some progress on the Government side as well as the undeniable progress on the security side, at this point, not brought about strictly by American troops but also the sons of Iraq. These people who decided to defend their neighborhoods and defeat, help us defeat al-Qaida, have grown dramatically in terms of numbers and commitment.

So there is, as I indicated, a lot of interest on our side in continuing to at least point out the progress that has been made in Iraq, both in terms of security and on the political side. So we will have that discussion later into the morning, and the majority leader and I will have an opportunity later in the day to discuss where we go from here.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

## TENNESSEE TORNADOS

Mr. CORKER. Mr. President, thank you for the opportunity to speak for a few minutes this morning.

While I would like to speak about health care and on some of the comments made about the stimulus package that is going to be debated apparently in upcoming days, I would first like to make mention of the tornado damage that has occurred in our State.

We have officially 32 deaths. That number may rise. Certainly, we have had numbers of people in our State who have gone without housing. They have lost their worldly possessions. They have lost family members. In this time of grief for many people, I think we have also seen something that has been very uplifting.

Certainly, after other disasters that have taken place in this country in recent times, there, in some cases, has been a sense of concern about whether our Government is able to meet the needs of these disasters we have seen in various parts of the country and in some cases the world.

In the State of Tennessee FEMA, under the leadership of Director Paulison, and TEMA, under the leadership of General Bassham, and then the leadership of various local agencies that deal with disasters have responded in incredible ways.

In our State, I think what we have seen is an unprecedented cooperation that has taken place, one that I think is going a long ways toward causing people to see our Government responding in a way that is very responsible.

We have also seen numbers of people who have given of themselves to help their neighbors. We have had Red Cross personnel on site, we have had lots of volunteers from various organizations throughout our State helping those in need.

It has caused me to feel great about our leadership, Federal, State and local, as it relates to responding to these people in times of need. I know this will continue as 16 counties right now are under the Federal disaster designation; there may be more coming. But my hat is off to all those who have been involved in helping people in this time of need.

## ECONOMIC STIMULUS

Mr. CORKER. Mr. President, I do wish to refer briefly to the stimulus package that was discussed by our majority leader. I have a great deal of respect for him. I was 1 of 16 Senators who voted against the last stimulus package, which I thought was absolutely a waste of money, causing people around America to think we were possibly doing something to help.

I noticed all the discussion around this crisis, if you will, we are having in our country, or a correction, as some people may call it, have focused on credit issues. I found it most interesting that as you might expect here in Washington, with help on the way, we would do something totally unrelated to the problem and instead sprinkle money all around America and ask people to spend it as quickly as they could when we have a credit problem.

I will say I had hoped we might focus on the stimulus, on the stimulus in an appropriate way, something that would create long-term jobs and investment, not spending by individuals, which causes them, in some cases, to even go further in debt.

But I have to say this housing package that is getting ready to be before us, in my opinion, is an unmitigated disaster. I cannot imagine us getting between judges and people who borrow money in such a manner as to alter the relationship that people who borrowed money have with those who lend them the money.

This is one of those things that, to me, is unbelievable that we would even discuss altering that relationship certainly on a voluntary basis. This is something that might make some sense. Certainly, companies that can loan money excessively in ways that are inappropriate need to be dealt with. But to unilaterally decide that judges can alter the amount of money people owe, to me, is an unmitigated disaster. I hope this bill will never see the light of day. I hope others will join in making sure this does not happen.

## HEALTH CARE

Mr. CORKER. Mr. President, let me mention the real reason I came down here was to talk about health care. I have noticed all the Presidential candidates who are out there today are talking about health care. I am glad to see that. I know a number of Republicans have gathered around the notion of making sure every American has access to health care.

I myself have authored a bill with Senator BURR from North Carolina, a number of others have joined in. I know Senator WYDEN from Oregon has joined in with BOB BENNETT of Utah, they have authored a bill.

But I think we have a tremendous opportunity during this year to help shape the debate on health care legislation, my sense is, in a very bipartisan way, that in this next Congress, in 2009, we are going to have the opportunity to actually create health care legislation that focuses on the private sector, that ensures people have choice in order to maintain the quality of health care they would like to see.

But my guess is we have a tremendous opportunity. I wish to say today I would like to join in with other Senators on both sides of the aisle, to ensure we do those things, create the mechanisms to allow people who cannot afford health care today to be able to afford it but to do so in a manner that preserves choice, preserves quality, preserves the doctor-patient relationship that now exists.

We have been able to do that in other ways dealing with seniors, we have been able to do that certainly with those people throughout our country who cannot afford health care through programs such as Medicaid. Obviously, the focus of this effort needs to be on preserving the private-sector means of delivering health care. But I wish to say to you I am uplifted by what I am seeing on both sides of the aisle.

I know Republicans and Democrats together want to make sure we solve this problem. I know, Mr. President, you have been very involved yourself. I wish to say to you I think this is a tremendous opportunity for us in this body to come together and do something the American people want to see done but do so in a manner that at the same time preserves the best qualities of our health care system.

I wish to offer up my efforts to join in with others to make sure this happens.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, could I be informed when 10 minutes is up.

The ACTING PRESIDENT pro tempore. The Chair will so notify you.

Mr. ALEXANDER. I wish to thank my colleague from Tennessee for his comments on health care, for his leadership. He has been, on our side of the aisle, one of the principal actors in the effort to try to combine the idea of, as some say, "universal access," with two other words, "private sector." Four words that usually do not go together.

I agree with him. If there was one agenda item on the Republican side of the aisle we could all agree on this year as a goal that we would like to start this year, it would be having every American insured.

We would like to make it possible for every American family to have access to and to be able to afford health insurance. I would like to speak to that.

First, I would like to comment on the majority leader's comments and those of the Republican leader. We respect the majority leader's right to set the agenda on the Senate floor, and he decided to bring up the Iraq debate this week. But if he brought it up, why doesn't he want to talk about it? We were here yesterday. We are here today.

I came down last night and talked about the fact that even though I have had differences with the President on Iraq, we are moving in the right direction. We should say that to our enemy, to our troops, and to the world. Troops are coming out instead of going in; the mission is shifting province by province; we are identifying a long-term but diminishing role in Iraq; and diplomatic efforts are stepped up. Those are basically the three recommendations of the Iraq Study Group, which I wish the President had embraced. He didn't embrace the report itself, but he is headed in that direction. So we are glad to talk about it.

Although I agree it would have been better to talk about the economy and housing, we are ready to talk about that as well. But if we are going to talk about housing and the economy, we are ready to take action this year, and we have some pretty big differences of opinion across the aisle.

We were able to agree on a stimulus package. First, we had to stop $40 billion in extra spending, but we were able to agree on allowing individuals, largely, to keep their own money. Mr. President, 2.7 million Tennesseans will receive a so-called rebate this spring.

There were provisions I liked so well that I am going to introduce legislation to make them permanent. These are the small business provisions that in Tennessee counties, such as Cheatham County where 400 different small businesses will be eligible for accelerated depreciation and expensing. This allows those businesses to keep more money, create more jobs, and stimulate the economy. In Washington County, it is several thousand small businesses. These are good provisions and a good start. I agree we should get on with the next steps to make sure we have a strong, vibrant economy. This is the economy that produces about a third of the money in the world for just 5 percent of all the people in the world. We are in a slowdown right now, but there are steps we can take to step it up.

We would say, on this side of the aisle, that would be a bigger, bolder, broader pro-growth economic plan including such things as lower taxes. For example, making permanent the dividend, capital gains, and estate tax rate at 15 percent. Or lowering the corporate tax rate from 35 to 25 percent, so our companies can be competitive with the world and keep their jobs here instead of going overseas. Or a simpler flatter tax giving taxpayers the option of filing a one-page return with a 17-percent or so flat rate.

We would support doubling funding on the physical sciences to keep our brain power advantage and can continue to grow jobs here, so these jobs would not go to India and China. That is part of a pro-growth Republican economic plan that would also attract significant independent and Democratic support. We would like to continue to in-source brain power by giving green cards to foreign students who are legally here and who want to stay here and work, creating jobs here instead of going back to India, Ireland, or China and creating jobs there. We would like to make the research and development tax credit permanent, so companies can create more jobs here. We would like to reward outstanding teachers and outstanding school leaders. We can debate that. We would like to give Pell grants to low-income kids so they can have more choices of schools. We would like to implement the America COMPETES Act which we agreed on in a bipartisan way. We would like to lower energy costs by more conservation and nuclear power. We would like to lower the cost of Government by fewer rules and regulations. As Senator CORKER was talking about, we would like to lower health care costs.

The words that we could most easily agree on on this side of the aisle—and there might not be so much objection over there either—are "every American insured." There is a step-by-step process to get to that. We have over 800,000 Tennesseans without health insurance. We have about 47 million Americans without health insurance.

We are at a time in our history where reports by distinguished journals of medicine, such as the New England Journal of Medicine, the Institute of Medicine, and the Trust for America's Health say today's children are likely to be the first generation to live shorter, less healthier lives than their parents. That is a health care crisis. At the same time, the most rapidly growing part of the Federal budget is spending for Medicare and Medicaid. It is growing so rapidly we can't sustain it, so we need an overhaul of our health care system. We need to lower health care costs for the average family so each family can be able to afford at least a basic health insurance policy that doesn't go away when they lose their job.

On the way to lowering health care costs and giving every American access to such a health care insurance policy are several pieces of legislation, many of them bipartisan, which we could pass this year. For example, the Kerry-Ensign e-prescribing bill would provide for electronic transmittal of prescription information from the doctor to the pharmacists. In addition, we could pass legislation to allow small business health plans this year. Senator ENZI has been the leader on this issue, and he has worked on legislation that basically would allow small businesses to pool their resources in order to offer health insurance to their employees at an affordable rate—to let them do the same thing big businesses can do. Senator ENZI estimates that could provide insurance to more than 1 million Americans who are not now insured.

Senator MARTINEZ has introduced legislation to help get rid of fraud and abuse in Medicare and Medicaid. Tens of billions of dollars are wasted there, and it would lower health care costs to pass the Martinez legislation.

Senator GREGG has offered legislation which isn't bipartisan but deserves to be. I hope it can be. It would put limits on damages from lawsuits against doctors who serve pregnant women. Medical malpractice insurance has gone sky high, over $100,000 a year because of lawsuits in some States. As a result, the doctors are leaving the rural areas, and pregnant women are having to drive 40, 50, 60 miles for prenatal health care or to deliver their babies, because the doctors aren't there anymore. In a few places such as Mississippi, Texas, and Kentucky, steps have been taken to say: As long as you are damaged, you can collect, but there is a limit on the damages in those States. Where the rules have been changed, doctors are moving back into those States and back into rural areas. That also lowers health care costs.

I am here today as a cosponsor of three different health insurance bills which I hope will move us toward the idea of every American insured, and I would like to talk about two of them today. Senator COBURN, Senator BURR, and Senator CORKER have one of those bills, and I am a cosponsor. Senator WYDEN and Senator BENNETT have another of those bills, and I am a cosponsor of that as well. It has six Republicans and six Democrats. I don't agree with every part of the Wyden-Bennett bill, specifically the mandates from the beginning, but I agree with the spirit of what they are trying to do. Most Americans like the fact that they are working across the aisle to try to make real the idea that every American can have access to health insurance, and they are willing to include—and we would emphasize—the private sector in that solution.

We have a whole year. This is a Presidential year. That doesn't mean we should take a vacation. We got off to a pretty good start with the stimulus package. We got off to a very good start with the FISA bill. Unfortunately, the House took a vacation without acting on it. I suggest that Republicans are ready to join with Democrats and take steps this year toward the goal of every American insured.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. ALEXANDER. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

## IRAQ TROOP WITHDRAWAL

Mr. CHAMBLISS. Mr. President, I rise to speak in opposition to the Iraqi troop withdrawal bill that we are discussing, the bill as proposed by Senator FEINGOLD. We have been here before, simply stated. The Senate has voted to reject measures similar to this bill at least three times over the past year. The only thing that has changed since we have had those votes is that conditions on the ground in Iraq have continued to improve as a result of the President's new strategy. Even the opponents of the surge have had to acknowledge that it is, in fact, working. In the midst of this progress and of al-Qaida's continued retreat in Iraq, the Senator from Wisconsin would have us surrender to an enemy that is on the run.

I understand his concern for the welfare of our soldiers and for those who have sacrificed in Iraq. But the way we pay tribute to those who have sacrificed and to our brave men and women still fighting in Iraq today is to finish what we started so that we honor them and bring those who are still in Iraq home victorious and not defeated. If we are trying to reverse the progress we have made in Iraq, embolden our enemies and the enemies of the Iraqi people, and ensure that our mission fails, I probably could not have crafted a better bill than that of the Senator from Wisconsin.

As a result of the U.S. troop surge, the Al Anbar awakening, significant al-Qaida in Iraq defeats, and the unilateral cease-fire last August declared by Muqtada al-Sadr, the security in Iraq has steadily improved. Violence has reached its lowest level since the insurgency began, and there has been a large increase in Iraqi security forces trained and equipped. Today that stands at about 440,000 men. In the last year ethnosectarian-related deaths have decreased 95 percent. Suicide attacks in Baghdad have gone from 12 a month in January of last year to just 4 last month, a 66 percent decrease. Attacks have decreased in 17 of the 18 provinces in Iraq, and IED detonations are down by 45 percent in Baghdad itself. Security incidents countrywide and in the 10 Baghdad security districts have declined to their lowest level since February 2006 when the Samarra Golden Mosque was bombed.

As Sunnis in Al Anbar got frustrated with AQI, the troop surge provided the opportunity for them to work with coalition forces to disrupt AQI operations. Al Anbar now will be transferred to Iraqi security control in the near future, bringing 10 of the 18 provinces in Iraq under the sole control of Iraqis. AQI attempted to shift operations to Baghdad and its surrounding northern provinces, but the Al Anbar awakening movement prompted other awakening movements and concerned local citizen groups began to spring up all over Iraq. As a result, AQI has been disrupted. But as the DNI told the Senate Intelligence Committee in February, "AQI remains capable of conducting destabilizing operations and spectacular attacks, despite disruptions of its networks."

These successes cannot blind us to AQI's abilities or to their resolve in attacking Americans. Kurdish areas in northern Iraq were the safest in Iraq a year ago, but today AQI is taking advantage of this safety by establishing around Mosul and launching attacks against the population. This is an area where U.S. troops are used sparingly. In my humble opinion, that is no coincidence. U.S. operations forced AQI out of al-Anbar, restricted their operations in Baghdad, and they are now moving to more rural areas with less U.S. military.

If this legislation passes and our troops must withdraw from Iraq, AQI will have the freedom to terrorize the rest of Iraq and beyond. The Director of National Intelligence stated that he is "increasingly concerned that as we inflict significant damage on al-Qa'ida in Iraq, it may shift resources to mounting more attacks outside of Iraq . . . Although the ongoing conflict in Iraq will likely absorb most of AQI's resources [over] the next year, AQI has leveraged its broad external networks—including some reaching into Europe—in support of external operations." Forcing our troops out of Iraq would result in a resurgent AQI which could mount attacks from Iraq against Americans and our allies.

Security is not the only aspect improving in Iraq. On the political front, the Council of Representatives is taking steps to institute necessary legislation to help reconcile Iraq.

Earlier this month, the Council of Representatives passed a debaathification law which will help reintegrate former regime officials into society. Two weeks ago, the Council of Representatives passed three key pieces of legislation: an amnesty law, a provincial powers law, and the 2008 fiscal budget. For the first time, Iraq's main political parties compromised in order to support passage of these bills. The provincial powers law requires the council to pass an election law within 90 days and for provincial elections to occur no later than October 1, 2008. These are encouraging steps. In spite of the fact that the provincial powers law was vetoed yesterday, it is encouraging, and I am very hopeful we are going to see the differences reconciled in short order and that law become permanent.

By limiting our military actions to specific areas, this bill would ensure that every one of these successes and improvements in security is reversed. In the midst of progress in Iraq, which no one denies, and with a strategy that is working, it simply does not make sense to tie the hands of the commanders on the ground and force them to implement a strategy which will lead to failure—a strategy that in the best judgment of our military leaders, our intelligence agencies, and from the perspective of countless outside observers have stated will lead to the failure of our mission and the rapid deterioration of conditions in Iraq and for the Iraqi people.

Hopefully, it is evident to people who are watching this debate and have examined the Feingold bill that the strategy which inspires the provisions and limitations in this bill is not a military strategy; it is a political strategy. The tactics being used by those who would enact conditions and limitations on our involvement in Iraq, such as those contained in this bill, are not based on strategic thought or analysis. Rather, they appeal to a political base that has always opposed the war, refuses to acknowledge the progress we are making, and wants to see our mission fail.

Political strategies for fighting wars such as the rhetoric some are now imploring all have one thing in common: They all result in failure. They are shortsighted, politically motivated, do not serve any national security objective and, most importantly, are a disservice to the men and women who have been called into action and are on the ground in Iraq.

We are making progress in Iraq. The strategy our President and our military commanders have implemented is working. We are receiving positive updates from our leaders in the field. Our leaders are adjusting their strategy in accordance with those developments on the ground as well as the realities back home. They are doing this wisely, not hastily or in response to opinion polls, but according to good judgment and a realistic assessment of what will work, what will not work, and what is appropriate at this point in time.

The Feingold bill will stop our leaders' ability to do this. It will keep them from doing the jobs we sent them to do; and that is to lead, to decide, to make judgments, and to report back to us on their effectiveness. Most importantly, it will keep them from completing the job we have sent them to perform. This is unacceptable. For these reasons, I urge my colleagues to vote against this bill.

Mr. President, I yield back.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. BUNNING. Mr. President, I request that the time I use in morning business not be counted against any of the Democratic time that has been set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

## IRAQ TROOP WITHDRAWAL

Mr. BUNNING. Mr. President, I rise today to speak in opposition to pulling our troops out of Iraq based on political timetables conceived in the Senate.

I have voted against similar measures in the past. I intend to vote against them again this week. These bills do nothing more than tie the hands of our commanders on the ground while pandering to special interests here in the United States—antiwar groups.

These are the same commanders who are risking their lives daily that our mission in Iraq can continue to succeed. And our mission is succeeding. General Petraeus is succeeding. Violence in Iraq is at the lowest since the insurgency began. Suicide bombings are down 70 percent. IED attacks have been cut in half.

The surge is working. Since it began less than a year ago, we have succeeded in putting al-Qaida on the run, while rooting out the terrorists neighborhood by neighborhood. In return, Iraqis have partnered with U.S. troops, forming their own security forces, and stabilizing their own neighborhoods. These efforts have served to unite torn communities, such as Anbar Province, and pave the way for political reconciliation.

The other side has said for months the surge has failed because it has not created an environment for political progress in Iraq. Well, they are wrong. The correlation between the surge and security is obvious. In the past few weeks, as we continue to see increased stability throughout Iraq, the Iraqi Government has made great political strides.

On February 13, the Iraqi Council of Representatives passed three key pieces of legislation: An amnesty law, the 2008 budget, and a provincial powers law. These political milestones are made possible by Sunnis, Shiites, and Kurds reaching out to each other and working to find solutions that represent all Iraqis.

This is General Petraeus's counterinsurgency at work. It worked when he was commander of the 101st Airborne Division in Mosul, and now it is working all across Iraq.

So I ask my colleagues across the aisle: Why, when you see our mission in Iraq is succeeding, and the Iraqi people are making real political progress, do you want to pull the rug out from underneath our commanders and our troops?

Last July, the Senate overwhelmingly supported, by a vote of 94 to 3, a sense-of-the-Senate amendment stating that it is in our national security interests that Iraq not become a failed state and a safe haven for terrorists.

Well, wake up. Cutting and running from Iraq will only benefit the terrorists, while jeopardizing our national security and that of the Iraqi people.

Make no mistake, Iraq is the central battleground in our fight in the global war on terror. This is not just my opinion. Osama bin Laden has called Iraq the "central front" in his war against America. He knows that the premature withdrawal of U.S. troops from Iraq will strengthen his terrorist organization, enabling him to set up training camps in that country.

Although it has been over 6 years since we have experienced a terrorist attack on U.S. soil, we must never forget that there are those out there who wish to do us harm on a daily basis. And those who wish to do us harm will benefit if we pull out of Iraq and leave a failed state behind.

Al-Qaida and its allies flourish and multiply in the chaos of failed States with no rule of law or respect for human rights. Instead of debating a cut-and-run strategy in Iraq that has already failed on the floor of this Senate four times, we should be focusing on how to provide the defenders of our freedom—our commanders and our troops—with the necessary tools to complete their mission.

Last week, I had the opportunity to meet with the new commanding general of the 101st Airborne at Fort Campbell, KY. Located on the southern border between Kentucky and Tennessee, the Fort Campbell community has felt the effects of deployments and casualties.

Right around 200 soldiers from Fort Campbell have given their lives for their country. Thousands of good men and women have spent tours of 15 months away from their families—some four, some three, others two, and some one: tours of 15 or 12 months from the 101st Airborne in Iraq.

Speaking with the commanding general only reinforced my belief that we have some of the finest patriots serving in our Nation's military. The brave men and women who answer the call to defend our Nation, and the families and communities who support them, are our most valuable national asset. I do not want to see their unbelievable efforts in Iraq fail. We as a nation have invested too much to hand a big victory to al-Qaida in Iraq.

This political show needs to end.

In April, General Petraeus will report back to Congress on the state of our mission in Iraq. As Senators who voted in support of his confirmation, we owe him this opportunity to present his report to us, instead of cutting him off at the knees right before his report. We should show him the respect of listening to his report. We owe an honorable man, who has spent—I want you to remember this—who has spent most of the last 5 years away from his family in Iraq to see that freedom in America is preserved.

I urge my colleagues to join me in giving General Petraeus this opportunity and opposing these bills.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Maryland is recognized.

## IRAQ WAR

Mr. CARDIN. Mr. President, first of all, I welcome this opportunity to talk about the current status of the involvement of the United States in Iraq. I am glad we are having this discussion. I start by thanking the troops for their incredible service to our country and the incredible work they are doing, and I think this Congress, by words and deeds, has shown its support for our troops. The budget we provided last year provides the resources to take care of our veterans and the funds to take care of our active military. That is what we should be doing.

But we have now been in Iraq for many years. Several years ago I was in Iraq. I had a chance to visit our troops and take a look at what was happening on the ground. I saw then that we didn't have the right equipment there; that the administration had sent our troops without having the right support. I was proud of the action the Congress took in providing the military support and the type of equipment our troops needed.

But the discussion of what is best for our troops is whether we have the right mission in Iraq. This campaign is now entering its sixth year. We have been in Iraq longer than we were in World War II. We have now spent a half trillion dollars directly on our war in Iraq. Almost 4,000 Americans have been killed, almost 30,000 have been wounded, 67 Marylanders have given their lives, and over 800 have been injured. Many of these injuries are life changing.

I have had a chance to visit Andrews Air Force Base as our wounded soldiers come home, and I have been able to see firsthand the type of injuries they sustained. They will have to deal with them for the rest of their lives.

When we look at the strength of al-Qaida, our experts tell us they are stronger today than they have ever been. So we haven't accomplished our mission as far as dealing with the threat against the United States.

Let's talk about the facts. The inescapable conclusion is that President Bush was wrong in sending our troops to Iraq in the first place. I am proud I voted against that authorization when I was in the other body. Our troops are involved in trying to referee a civil war. That is their primary focus. Yes, we are fighting terrorists, and we need to continue to do that, but the primary need for American troops is to deal with the civil unrest that is currently taking place in Iraq.

The costs, as I explained before, in lives has been our deepest loss, but also the dollars—a half trillion dollars. Think about what we could have done with that money. I think about schools in Baltimore that should be replaced. We could have replaced every school with the money that has been spent so our children could get a proper education. We could have dealt with the energy crisis in this country and built the transit systems we need and become energy independent so we are not dependent on foreign oil in the Middle East. We could have done something about the health care system in this country.

A year ago, Diamonte Driver died in Prince George's County, MD, because he couldn't get dental care. We are suffering an economic downturn right now because we have large debt, in part, and that debt is accumulating because we are not only spending a half trillion dollars, we are not paying for it. We are borrowing the money. It is making it even more dangerous for our economy.

So I know there has been a lot of debate on this floor about whether the President's surge policy has worked. I must tell my colleagues, I think our soldiers are performing, as I said earlier, in a great manner. When you put American troops in a country, they are going to do their job and they are going to provide the type of help to that country and to its communities that American troops are trained to do. But the problem is the mission is wrong. The surge has not worked in accomplishing the U.S. mission that is in the best interests of this country.

I remember when the President said: We are going to have the surge because we are going to provide stability in the country so the Iraqi Government can take control and we can bring our troops home. That was the mission. That is what we are trying to accomplish, but we haven't accomplished that. Let's look at the facts. Look at the facts.

Violence in Iraq continues today. The majority leader mentioned the headlines in today's paper. Violence continues. It is a dangerous country. Suicide bombers operate at will. The troop levels were supposed to be reduced. In January of 2007 we had 130,000 American troops in Iraq. Today we have in excess of 140,000. There is now a pause in reducing our troop levels. We haven't been able to reduce the troop levels. On governance, on the Iraqi Government representing the people of Iraq, they set their own benchmarks. We didn't set them. Of 18 benchmarks, only 3 have been accomplished. So, no, we haven't accomplished the mission the President established for why we needed our troops in Iraq.

But let's take a look at our military and foreign policy experts. They tell us our military today is spread too thin, that we aren't looking after the best interests of America's military interests. Talk to our people who run our National Guard and Reserve units.

I had a chance to meet with members of the Maryland National Guard. They have, again, answered the call. People of the Maryland National Guard have been deployed regularly into Iraq and Afghanistan. But I am told today we don't have the equipment in our National Guard to continue the proper training missions because the equipment was left in Iraq. We haven't replaced that. Also, recruitment is going to be more difficult, and we need to deal with the reintegration of the National Guard people who are coming back to Maryland in our community, and that is going to take a real effort. Now they have to be prepared for redeployment.

We have lost our focus, according to our experts on the war against terror. We should have taken care of Osama bin Laden in Afghanistan. We haven't done that. Now Afghanistan looks as if it is moving in the wrong direction because we are not focusing on the threat, which is terrorism. Instead, we have our troops dealing with a civil war in Iraq. There is no disagreement among the foreign policy experts that America has lost its leadership internationally and is galvanizing the international community to help us in the war against terror. We have lost that focus. So our mission is wrong.

The question, though, is where do we go from here. Well, if we want to follow President Bush's policy, we will have a permanent presence of American troops in Iraq. I think that is the wrong policy. I believe the people of Maryland and of this Nation believe it is the wrong policy. The President's policy is basically waiting out the burning out of the civil war. We know 4 million Iraqis are displaced, some in the country, some outside the country. That is not the right answer for the people of Iraq, and it is certainly not the right answer for U.S. policy.

So we have an alternative. Senator FEINGOLD has brought to us a bill which I believe warrants our support. It is the right mission for our troops and our Nation. Fighting terrorism, I am for that. That is what we should be doing. Protecting our troops, that is what we should be doing. Helping the Iraqis in the training of their own military, that is what we should be doing. It focuses our mission on what is in the best interests of the United States. We need a political solution, not a military solution, for the people of Iraq. The Feingold resolution acknowledges that.

We need to work with the international community. We work best when we work with the international community. The international community is wondering what we are doing in Iraq.

The Feingold bill does not place a time limit on the withdrawal of U.S. troops. It is an honorable and orderly process for us to complete a mission in Iraq. I believe it is in the best interests of the United States. I believe it is the right policy for our soldiers, and I believe it deserves the support of this body.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank Senator CARDIN for his excellent remarks and for his leadership on this issue. It has been very helpful during a very tough battle that we have to keep fighting.

We had an interesting debate yesterday on the two bills I have offered with the majority leader. I know some of my colleagues expressed concern that we were spending too much time on this issue. Well I, for one, am pleased we are able to discuss one of the most pressing problems facing this country. Maybe now that they have allowed us to have this debate, the Republicans will allow us to actually consider and vote on these bills.

While I appreciate the chance to have this debate, I would like to take this chance to respond to some of the statements that have been made on the other side. I have actually been accused of "legislating defeat in Iraq" or other variations on that theme, and somehow trying to micromanage the job of the commanders. Actually, we have already accomplished our military mission in Iraq: Removing Saddam Hussein. I am interested in achieving victory in the global effort to combat al-Qaida. We have to make a choice. The Army Chief of Staff has been clear that "the numbers of forces we have committed in Iraq now increases our level of strategic risk."

So what does that mean? It means we must choose between letting the Iraqi people resolve their sectarian disputes on their own or, on the other hand, exhausting our troops in Iraq and losing ground in the global fight against al-Qaida.

Senator INHOFE said my bill demanding a strategy to defeat al-Qaida wasn't needed because we already have a plan to defeat al-Qaida. He failed to explain why, though. If we already have a strategy to defeat al-Qaida, why is it that al-Qaida has regenerated and reconstituted itself and is planning more attacks on our homeland? Admiral Mullen has been quite clear that under our current strategy, Afghanistan is a second priority where we only "do what we can"—do what we can. In other words, we are so bogged down in Iraq, we don't have the forces to respond to the situation on the ground in Afghanistan. If this is a strategy, it sure isn't working, which is why the majority leader and I want to require the administration to develop a plan that prioritizes the fight against al-Qaida and protecting ourselves at home over an endless war in Iraq.

Senators INHOFE and LIEBERMAN have claimed that we do already have political reconciliation in Iraq and that we have seen benchmark legislation in the Iraqi Parliament. Yes, a debaathification law has passed, an amnesty law has passed, and the provincial powers election power law passed. Yes, we have seen movement in the Iraqi Parliament after waiting for more than 4 years. It is my great hope that the laws recently passed will bring the Sunnis fully into the political process. But as we well know, passing a law is one thing, but actually seeing it successfully implemented is another, particularly given the country's weak national government.

I think national reconciliation still looks far off. The passage of what the administration is calling "benchmark" laws does not ensure society-wide sectarian reconciliation. There are still significant concerns about how the local efforts we have supported to bring about declining violence will actually be integrated into the national framework. To illustrate this, the Sunni Awakening has taken tens of thousands of former insurgent Sunni militia fighters and provided them with U.S. funding in exchange for helping combat al-Qaida and Iraq. But to what extent we can rely on the long-term loyalties of these fighters is a very open question. We do know, however, that this policy actually risks increasing distrust between the local Sunnis and the national government, which of course is led primarily by Shiites.

I would just like to ask, if Iraqis have agreed to political reconciliation, as Senator INHOFE suggested, well then doesn't that mean we have achieved the objectives of the surge and we can start bringing the troops home? When does the other side think we can bring the troops home? They never talk about that. Five years? Ten years? Twenty years? One hundred years? What kind of success is that?

After more than 4 years of waiting for the Iraqi Government to make progress, we have lost nearly 4,000 Americans, with no end in sight and no clear path for a reconciliation that incorporates all aspects and elements of Iraqi society.

Now, another argument we have heard is it has been suggested that Iraq would collapse or that genocide would occur if U.S. troops leave. Of course, that assumes our military presence there is actually helping the situation rather than simply postponing an inevitable day of reckoning. If we bring our troops out of this quagmire, Iraqis and their neighbors would have to confront the crisis head on. Now, I am not calling for the United States to abandon Iraq, but there is simply no way we can fix the mess we have made without a legitimate political settlement.

A U.S. redeployment would actually put new pressure on Iraqis and on countries in the region to engage productively and to make the decision as to whether a full-fledged civil war is really in the interests of Iraq or its neighboring countries. I suspect—I really do feel strongly about this, having looked at this issue for many years in both the Foreign Relations Committee and the Intelligence Committee—that if these countries were faced with that decision, they would actually try harder to reconcile their differences peacefully rather than further ignite tensions.

Some Members of this body seem to believe the war in Iraq is between U.S. troops on the one side and al-Qaida on the other. That is not what is going on. In fact, that is dangerous, wishful thinking. The recent patterns of violence in Iraq actually confirm what the intelligence community has said all along: that the war in Iraq is sectarian and intrasectarian and far from the oversimplified "us versus them" that proponents of an endless military engagement in Iraq continue to describe. Moreover, in mixed areas such as

Mosul, violence is actually increasing. And in the south, the increased violence is among Shiites, and reduction in areas such as Anbar, which is almost entirely Sunni or in Baghdad, where sectarian cleansing has already occurred, do not represent a diminishment of the underlying tensions that could explode at any time.

Contrary to what we heard yesterday, Iraq simply is not the central front on the war on terrorism. To the extent to which there is such a front in this very global conflict, it is clearly Pakistan and Afghanistan. No rational reading of press reports, independent studies or our own intelligence could possibly conclude otherwise. While the administration has focused on Iraq, al-Qaida has reconstituted itself along the Afghanistan-Pakistan border. That sounds like a big mistake. That sounds like a real strategic error in an international battle against terrorism. Yet far too many people in the administration and my colleagues somehow believe Iraq is what it is all about. What a terrible strategic mistake.

Early this month, the DNI testified before Congress that the central leadership based in the border area of Pakistan is al-Qaida's most dangerous component. And a few months ago, the DNI again repeated the intelligence community's assessment that over the last 2 years "Al Qaeda's central leadership has been able to regenerate the core operational capabilities needed to conduct attacks in the Homeland"—in the homeland, our homeland, our country, the United States of America.

The DNI also testified that al-Qaida "is improving the last key aspect of its ability to attack the U.S.: The identification, training, and positioning of operatives for an attack in the Homeland"—in this country.

Meanwhile, the Federally Administered Tribal Areas—or FATA region—in Pakistan is serving as a staging ground for al-Qaida in support of the Taliban and providing it with a base similar to the one it used to have across the border in Afghanistan.

Over the past year, as we all know, we have seen an unprecedented rise of suicide bombings in Pakistan. The Taliban is gaining ground in Afghanistan, and while we may be sending an additional 3,200 marines to Afghanistan in the near future, we have been fighting for far too long there with too few soldiers and too few reconstruction funds. The price of that neglect is a dramatic resurgence of militants that must be urgently addressed.

Yesterday, a Washington Post article noted that:

> More foreign soldiers and Afghan civilians died in Taliban-related fighting last year than in any year since U.S. and coalition forces ousted the extremist Islamic militia, which ruled most of the country, in 2001. Military officials expect the coming year to be just as deadly, if not more so, as the Taliban becomes more adept militarily and more formidable in its deployment of suicide bombers and roadside explosives.

With the Joint Chiefs saying: "In Iraq we do what we must and in Afghanistan we do what we can," it is no wonder Afghanistan is teetering on the edge. It has been neglected, shoved to the back burner so the President can pursue an open-ended war in Iraq.

I remind my colleagues it was from Afghanistan, not Iraq, that the 9/11 attacks were planned, and it was under the Taliban regime, which is once again gaining ground, that al-Qaida was able to flourish so freely. This is the actual position, this is the actual situation in terms of this global fight against those who attacked us on 9/11. It is not all about Iraq.

Al-Qaida affiliates from Africa to Southeast Asia pose a significant terrorist threat. While we have been so myopically fixated on Iraq, the threat from an al-Qaida affiliate in North Africa has grown and now, according again to the testimony of the Director of National Intelligence, "represents a significant threat to the United States and European interests in the region."

Since its merger with al-Qaida in September 2006, it has expanded its targets to include the United States, United Nations, and other interests, and it likely got a further boost when al-Qaida leadership announced last November that the Libyan Islamic Fighting Group united with al-Qaida under AQIM's leadership. Its possible reach covers Tunisia, Morocco, Nigeria, Mauritania, Libya, and other countries. Meanwhile, it is using deadly tactics that suggest it is acquiring knowledge and help from the war in Iraq, basically a training ground for those who get exported to attack us.

Al-Qaida has affiliates around the world—in Saudi Arabia, United Arab Emirates, Yemen, Lebanon, where al-Qaida poses a "growing threat," the Horn of Africa, and Southeast Asia. And a few weeks ago, there were more arrests in Europe. None, not one of these developments has been prevented by the war in Iraq.

We cannot ignore the rest of the world to focus solely on Iraq. Al-Qaida is and will continue to be a global terrorist organization with dangerous affiliates around the world. The administration claims al-Qaida in Iraq may be on the run, but al-Qaida has not abandoned its efforts to fight us globally. In fact, we are watching al-Qaida strengthen and develop its affiliates around the world, while we remain bogged down in Iraq. How foolish can we be to allow them to reconstitute all over the world as they watch us unable to extricate ourselves from a mistake which was, of course, going into Iraq the way we did.

We need a robust military presence and effective reconstruction program in Afghanistan. We need to build strong partnerships where al-Qaida and its affiliates are operating—across North Africa, in Southeast Asia, and along the borders of Pakistan and Afghanistan, and we need to address the root causes of the terrorist threat, not just rely on military power to get the job done.

I would like to turn now briefly to the impact of the Iraq war on our military and National Guard. There is nobody in the Senate who cares more about this than the Presiding Officer. I will start by repeating what GEN George Casey, the Chief of Staff of the Army, said yesterday in congressional testimony:

> The cumulative effects of the last six-plus years at war have left our Army out of balance, consumed by the current fight and unable to do the things we know we need to do to properly sustain our all-volunteer force and restore our flexibility for an uncertain future.

Many U.S. troops currently in Iraq, as we all know, are now in their third or fourth tours of duty. Approximately 95 percent of the Army National Guard's combat battalions and special operations units have been mobilized since 9/11.

Mr. President, 1.4 million Americans have served in Iraq and over 420,000 have served multiple tours in Iraq and Afghanistan. As I said before, nearly 4,000 of our men and women have been killed in Iraq, and over 27,000 have been wounded.

The Army cannot maintain its current pace of operations in Iraq without seriously damaging the military. Young officers are leaving the service at an alarming rate.

Readiness levels for the Army are at lows not seen since the Vietnam war. Every active Army brigade currently not deployed is unprepared to perform its wartime mission.

More than two-thirds of Active Duty Army brigades are unready for missions because of manpower and equipment shortages, most of which, of course, can be attributed to Iraq.

There are insufficient Reserves to respond to additional conflicts or crises around the world.

This failure to prioritize correctly has left vital missions unattended. Natural disaster response, U.S. border security, and international efforts to combat al-Qaida are all suffering due to the strain on military forces caused by poor strategy and failed leadership in Iraq.

In addition, thousands of our troops have, as we well know, returned home with invisible wounds, such as PTSD and TBI, traumatic brain injury, which will have a long-term impact on veterans and their families. These invisible wounds are not counted in the casualty numbers, but we will be struggling with them for generations.

I haven't even touched on the massive debt we are running up to pay for this war. We are spending approximately $10 billion a month in Iraq.

Congress has appropriated over $525 billion for this war, and the debt keeps mounting.

We heard eloquent floor statements yesterday on this side about how these costs are affecting our ability to address other priorities. I will not repeat all of what was said, but I do want to note that the war in Iraq keeps us from adequately addressing critical gaps in our homeland security and law enforcement. While we had 92,000 more troops to the Army and Marine Corps, the city of New York has 5,000 fewer police officers on the beat than it did on September 11, 2001.

This year, we will spend a fifth of our $740 billion "national security budget" on Iraq, twice what the Federal Government spends defending our Nation. Meanwhile, the administration wants to cut grants for first responders, and the Coast Guard is struggling with an inadequate force size.

It doesn't make sense. It simply doesn't make sense. The American people know that, which is why they voted the way they did last November. More than 60 percent of Americans are in favor of a phased withdrawal. They don't want to pass this problem off to the next President and another Congress, and they sure don't want another American servicemember to die or lose a limb while elected representatives put their own political comfort over the wishes of their constituents.

Polls continue to show voters strongly oppose the war in Iraq, and that is one of the top issues on which they will be voting. A recent Washington Post/ABC poll found that 65 percent of Americans disapprove of the situation in Iraq and 56 percent disapprove strongly. The same poll also found this is the second most important issue to voters in November, behind the economy and jobs. And a recent Gallup poll showed a majority of Americans, 56 percent, do not believe the surge is working and want a timetable to get out of Iraq. Those Americans need to be heard, and that is what we are trying to do with this important debate.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## PROVIDING FOR THE SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2633, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to consider S. 2633, a bill to provide for the safe redeployment of United States troops from Iraq.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, today we are here to address the issue of the Iraq war, and many are saying: Well, why should we address the Iraq war again? Because, obviously, it is still going on; there is still no direction in terms of political progress; the Shiites, the Sunnis, and the Kurds still have their age-old enmities; the goals of the Iraqi Government set by this Government for them have not been met; but most of all, I think we are here to debate this issue, at least in my judgment, because we are at a turning point in terms of the debate in Iraq. That turning point—the case against this war—has been building for a long time. As we debate this bill on Iraq, we are at a turning point in the argument against the war. We have always been aware of the cost in life, both American and Iraqi, and we have known how severe that cost is. Despite the good works of our troops, we are continually troubled by the tragic loss of life. The American people are baffled by the lack of political progress and, most of all, the American people are beginning to comprehend the eye-popping figures of what this war is costing our budget and our economy. It is becoming clear to all Americans—Republicans, Democrats, and Independents—that by continuing to spend huge amounts on Iraq, we are prevented from spending on desired goals and needs here at home.

So the turning point is this: The lack of progress, particularly on the political front, continues; the tragic loss of life continues; but the cost of the war and the inability to use those funds to help us here at home, the cost of the war and the inability to use those funds to properly go after the most dangerous nexus of terror, which is a thousand miles to the east—Afghanistan, Pakistan, and Iran—is now becoming a clinching argument that we must quickly and soon change the course, the direction, of this war in Iraq.

I went to Iraq over New Year's. I spent time with our soldiers. They are wonderful. They are awe-inspiring. The troops are awe-inspiring, from the private I met from Queens, just out of high school, who had enlisted 8 months previously and was in Iraq 3 weeks, to the majors and captains who had served 10 years in the Army or the Marines and had made the military their life's work—they see a greater good than just themselves, and it is wonderful—all the way to the generals. I spent time with General Petraeus at a New Year's Eve dinner. I spent time with General Odierno. They are fine, intelligent, good people.

When I went to Iraq, I assured our soldiers, from the private to the generals, that one good thing that would come out of this war is the esteem that we hold for both the military and our soldiers would be greater when the war finished than when it started—a far different cry than the Vietnam War, which is one of the most disgraceful times in America, when our soldiers were too often vilified for simply serving our country.

But after I left Iraq, I came to this conclusion, Mr. President, and that is that even if we were to follow General Petraeus's game plan—which, of course, involves not just military success in security but winning over the hearts and minds of the people—it would take a minimum of 5 years and have about a 50 percent chance of success of bringing stability—not democracy but at least stability—to large portions of Iraq. That is not the military's fault, and that is not America's fault. That is because of the age-old enmities within Iraq—the Sunnis, the Shiites, and the Kurds, and then within the groups themselves. It would be very hard to create permanent stability without a permanent and large structure of troops.

Now, I ask you, stability in Iraq—a worthy goal, but is it on your top-five list for America? Is it on any American's top-five list? A few, maybe, not the vast majority. We have many other higher goals that cost the same dollars and need the same attention and energy that is now diverted to Iraq. Our education system is declining, our health care system doesn't cover people, and we are paying $3.30 for gas because we don't have an energy policy. And even if your goals are just foreign policy, shouldn't we be taking the time and effort that is all now focused on Iraq, as well as the dollars, and spending more focus on the dangerous triangle composed of Pakistan, Iran, and Afghanistan? Of course. We must ask ourselves: Is it worth spending trillions of dollars needed elsewhere on such an uncertain and unpredictable outcome?

So the debate is changing. The costs of Iraq, the simple costs alone, are weighing too heavily on the American people, the American Government, and on our national purpose. While admirable as a goal, it is hardly the most important goal we have in this changing and dangerous and exciting world in which we live. The cost of the war has become the $800 billion gorilla in the room. The backbreaking cost of this war to the American families, the Federal budget, and the entire economy is becoming one of the first things, after loss of life, people think about.

A report issued by the Joint Economic Committee, which I chair, estimated that the total costs of the war will double what the administration has spent directly on the war alone—$1.3 trillion through 2008. And that is a conservative estimate. According to budget figures on Iraq spending for 2000, the Bush administration wants to spend $430 million a day on Iraq. For 1 day of the war in Iraq, we could enroll an additional 58,000 children in Head Start per year, we could put an additional 88,900 police officers on our streets per year, we could hire another 10,000 Border Patrol agents per year, we could make college more affordable for 163,000 students per year, and we could help nearly 260,000 American families keep their homes per year. In the fiscal year of 2008, we put $159 billion into Iraq. That doubles our entire domestic transportation spending to fix roads and bridges, and it dwarfs all the funds we provide to the National Institutes of Health to discover cures for diseases such as cancer and diabetes. Iraq spending is seven times our spending to help young Americans get a college education. The costs are mountainous, and in this changing world, where we have to fight to keep America No. 1, we cannot afford such costs, as I said, despite the great efforts our soldiers are putting into Iraq.

Now, tomorrow morning, Mr. President, we in the Joint Economic Committee—and I see my colleague from Virginia here, and he is on that committee with me—we are going to hold our first congressional hearing of the year, and it will be appropriately devoted to the skyrocketing cost of the Iraq war. That will be the Joint Economic Committee. We are going to have Nobel Prize-winning economist Dr. Joseph Stiglitz talk for a time about his new book, about to be published, and the title speaks for itself: "The $3 Trillion War." Dr. Stiglitz got information out of the Government and out of the Pentagon, after much long work, and has new estimates that make our estimates on the Joint Economic Committee seem small—$3 trillion. That is the title of his book. He is going to talk about the cost of that war. We are going to have national security experts, such as Bob Hormats and Ron Bier, discuss their views on how the out-of-control costs of the war have impacted our economy, our reputation abroad, our military strength and readiness, and the future of our children. Our JEC report estimated $1.3 trillion, but Dr. Stiglitz—and he has talked to the experts from the Pentagon—has even more massive numbers.

So we desperately need a change of course in Iraq. That is what this amendment calls for. It calls for limiting what our troops will do to force protection, of course, to training the Iraqi army, to fighting al-Qaida and fighting terrorism, but not to be in the middle of a civil war where we continually police the age-old enmities of the various factions in Iraq.

History will look upon this Iraq war in two ways: It will admire the bravery of our soldiers, from the privates to the generals, and it will be amazed at the mistakes made by this administration in starting and continuing this war, far too expensive in loss of life and in dollars.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I ask unanimous consent that after Senator WEBB's speech, Senator GREGG from New Hampshire be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise today to strongly oppose any Senate amendment that would require the immediate and arbitrary withdrawal of U.S. forces from Iraq. This amendment is the latest attempt in a year-long effort to constrain the ability of our generals and our brave men and women in uniform to fight this war effectively.

During the past year, the Senate has voted over 40 times on bills to limit the generals' war strategy. Not one has become law or even come close. Since this assembly line of votes started in February 2007, the situation in Iraq has changed considerably and it has changed for the better.

While some Senators were insisting that the war was lost, General Petraeus was in the process of implementing a strategic readjustment that has produced remarkable progress on the battlefield. It has been said on this floor: We need to change the direction. We are changing the direction. We are changing the strategy. We are going in the right direction.

I got back from Iraq 2 days ago. I saw for myself the enormous military gains we have achieved in that country. While in Baghdad, I put on a suit of body armor. I traveled in an MRAP vehicle with our troops through the streets of Baghdad. I was able to go to a police station where we have embedded troops there.

I met with General Petraeus and Ambassador Crocker, and troops from Reese Air Force Base, Ft. Hood, the Red River Army Depot, and others from the Texas National Guard. Because of the leadership of our commanders and the courage of our service men and women, there is new reason for optimism in Iraq.

The numbers speak for themselves. The murder rate in Baghdad has plunged by 80 percent. Al-Qaida has been routed in every neighborhood. Iraqi forces have formally taken control of security across much of the country. Violence is at the lowest level since 2003. Roadside bomb attacks have receded to a 3-year low. Discovery of weapons caches has more than doubled in the last year. The Iraqi security forces have grown to 440,000 trained and equipped.

At the police station where our Armed Forces are embedded with the Iraqi police, I can see that the Iraqis are taking more responsibility for their security. The Sons of Iraq are an example of that growth and responsibility. The Sons of Iraq, which is now over 90,000 strong, essentially serve as neighborhood watches and manned checkpoints. By providing forces for protecting key infrastructure and information about al-Qaida, the Sons of Iraq has enabled coalition forces to target al-Qaida precisely. This ensures the right people are targeted, and it helps avoid collateral damage, both of which are helping to strengthen confidence in the Iraqi Government.

The transition in responsibility from the U.S. military to Iraqi authority is a major step toward decreasing the presence of the United States in Iraq.

There are other reasons to be hopeful about the future. Our military gains are beginning to contribute to the political gains. Recently the Iraqi Parliament passed three laws that should begin to bring the Sunnis more fully into the governing process and achieve national reconciliation.

First, Parliament passed a law that bolsters the power of the provinces to provide roads and utilities to the residents. Second, it has passed a partial amnesty for political prisoners, 80 percent of whom are Sunnis, in an effort to reduce the conflict and promote peace among different sects. Finally, it approved a $48 billion national budget that allocates Government revenue, 85 percent of which is from oil, to the provinces, allowing more local control and less dependence on the central government. Altogether the recent military and political news out of Iraq provides further evidence that our strategies must be determined by events in theater, not timetables set by politicians 6,000 miles away.

In the past year so much has changed in Iraq. Yet here on the Senate floor, it seems nothing has changed at all. We are still voting on imprudent bills for premature withdrawal when, in fact, we should be providing a vote of confidence in our troops. The mission of our troops is vital to our security. If we abandon Iraq prematurely, it will become a sanctuary for terrorists to launch attacks against the American people.

There is also a real danger that Iraq could become a satellite of Iran. The Iranian Government has a long record of sponsoring terrorism and arming the insurgents who are killing our brave soldiers in Iraq.

And what about the practical realities of such an irresponsible act of Congress? I am told it would take over a year to retrieve our arms, equipment, and technology. I ask those who are voting for this resolution: Would they leave our arms there for the terrorists to be able to use? What about our advanced technological equipment? What about our surveillance equipment? What is the security threat to the troops left behind if the reduction in strength leaves them without enough protection?

Those who are voting for this resolution, are they concerned about this enemy, this enemy that has no rules of engagement, an enemy that is not in the armed forces of any country, an enemy that executes hostages in front of television screens? Are they concerned that this enemy would be emboldened by an adversary that would abandon its commitment?

Are they concerned that they might attack harder, especially if they could seize our weapons to use against us or make us leave faster so we would leave the weapons and technology?

I ask the supporters of this resolution: What about the oil revenue? What if al-Qaida is able to get access to the millions that it is producing for Iraq? If Iraq collapses and the terrorists take hold with the oil revenue, how far could their heinous crimes go? How far could they spread?

I have heard the arguments about the cost of the war. And the cost is huge. What about the cost of another terrorist attack on the United States of America? What about the cost in life and treasure of another terrorist attack on this country? Have we forgotten already the cost of 9/11, around 3,000 lives in America, billions to our economy, and the damages to clean up New York City? Are we not thinking of the consequences of this kind of action? This resolution may be an attempt to make a point. This is the United States Senate. I truly believe we should be more responsible. We are the leaders of our country. We should think of the consequences, the worst that could happen, not just the best. If we are able to pick up and leave, even though it would not be the honorable thing for the greatest Nation on the Earth to do, maybe it would be flawless. But we need to think through these consequences and we need to know what is the worst case if we are the leaders of this country.

This resolution is not the act of a thoughtful, informed group of leaders. I urge my colleagues to stop voting on this kind of resolution. I urge the majority leader to stop scheduling the votes that at best serve no legitimate purpose, and at worst demoralize our troops and embolden our enemy.

We have so much that is going for the better in Iraq. Is it as fast as we would like? Of course not. I would love to have our troops walking out right now. I met with hundreds of them this weekend. I know they are committed. But I also have met with the parents and the spouses of those who have lost their lives, who have given the ultimate sacrifice in Iraq and Afghanistan. They have said to me: Do not leave with the job undone, because then I will feel that my son or my daughter or my husband has lost his life or her life in vain.

We cannot do that to those who have served so honorably and we cannot walk away from our commitment. We are the Senate. We should be able to take actions that are responsible, that are thoughtful, that will not put our troops in harm's way, that will not leave our equipment to be taken over by the terrorists, that will not leave a country that could turn into a terrorist haven and take revenue and spread their terrorism and their heinous crimes to other places in the world and to our country.

We are here to protect our people. It is our job to act responsibly, and I hope we will do so by rejecting this resolution.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY.) The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent that following the remarks of the Senator from New Hampshire, the senior Senator from Montana be recognized on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I rise in opposition to this bill but in support of the concepts that have motivated it. I think the Senator from Wisconsin fully understands this. We have discussed this.

I wanted to add my comments with that perspective in mind, because I do not agree with a lot of the comments coming from the other side of the aisle with respect to why this amendment should be defeated.

I cannot support personally an amendment that involves an entrenchment on an appropriations measure. I do not believe the best way for us to address this situation is to cut off funds or to stipulate a series of conditions that might be overinclusive or underinclusive, depending on the situation on the ground in Iraq.

But at the same time, I strongly disagree with the notion that a withdrawal from Iraq at this time is premature. I believe that with the right national leadership, first, we never should have gone into Iraq, but, secondly, that we could have begun a withdrawal with the right national strategy more than 4 years ago.

What we have been engaged in since shortly after the invasion is an occupation, not a war. It has been a military holding action. In the context of history, a military holding action takes place in order to enable the political process and, unfortunately, we have not seen that sort of political leadership from this administration. That is a totally different concept than the one that seems to make it into our debates here.

I have written a lot of books in my life. I made my living before I came to the Senate writing histories and novels. There were many times when I watched this debate that I would think about how this is going to look through the prism of history. How are people going to look back at this period of years in terms of how our national leaders were conducting themselves?

One thought that sticks in my mind is that we tend, when we debate Iraq, to look at this issue almost as if Iraq was an island in the middle of an ocean, disconnected from the rest of the region or even the rest of the world. That is ironically how we ended up in Iraq in the first place, because once we started debating whether we would go into Iraq, we changed from a debate about the dangers of international terrorism and started focusing more and more specifically simply on Saddam Hussein, on the conditions inside Iraq, which obviously was a country that was not even directly threatening us. Most of us sitting on the outside who had years of experience in national security could see that, even as the debate narrowed into Iraq rather than international terrorism.

We are doing it again. We are doing it again when we talk about the success or failure of the surge or where we should go from here with respect to this block or that block or this city or that city or this specific unit of the military. We have fallen into what could be called a double strategic mousetrap. On the one hand, we have the greatest maneuver forces in the world bogged down, occupying cities in one country that was not even threatening us, while the people we are supposed to be going after, the forces of international terrorism, know no international boundaries, work the seams of international law, and are able to maneuver at will. We are seeing that clearly.

Before I went to Iraq in November, I was getting briefings. The comments and the briefings from the Pentagon were that terrorism activity had been reduced inside Iraq. I mentioned I have been doing this for 40 years, from the time I was a young marine. If I were the forces of international terrorism, I don't think I would be in Anbar Province right now either. I think I would be heading to Afghanistan and Pakistan. That suggestion was basically dismissed in the briefings. Within a few weeks, Benazir Bhutto was assassinated by al-Qaida, and we are seeing heightened activity in Afghanistan such as, less than a week ago a suicide bombing at a dog fight near Kandahar, where more than 100 people were killed by al-Qaida. That is what a strategic mousetrap is.

When you are going up against people who know what they are doing and who are very dedicated to it, you get yourself bogged down in one spot where you can't get out, and then they have the maneuverability.

The second strategic mousetrap we can clearly see involves how we are addressing the rest of the world. In terms of our military posture, we have burned out our military. We are not focusing properly on the strategic issues facing us globally, particularly the situation that we face with an ever-evolving China, and the need to regrow our Navy. And our national economy is going into a tailspin.

When I look at this region, I see a region in chaos. We can talk about whether you can go to the market in Baghdad. Wherever the U.S. military has been sent, it has done its job historically. I had the honor of serving in Vietnam. On the 20th anniversary of the fall of Vietnam, the Communist government admitted that it lost 1.4 million soldiers dead on the battlefield; this illusive guerilla force, 1.4 million soldiers dead. We did our job. That doesn't address the larger issues in which the military performs its job and doesn't address that issue in Iraq today either.

We are very proud of what our military has done. I am proud of my son. He served as an enlisted Infantry marine in Ramadi in some of the worst fighting. But this region is in turmoil from Lebanon to Pakistan. Anyone who has been involved in these issues intimately understands that. People are betting against us, not in terms of our military operations but as a leading nation.

When we were preparing to go into Iraq, it cost $24 for a barrel of oil. Yesterday the market closed above $101 for a barrel of oil. When we were getting ready to go into Iraq, as I recall, gold was less than $300 an ounce. It is up almost at $1,000 an ounce today. The dollar is in jeopardy. Our budgets are in deficits. Our infrastructure is diminishing to the point that we have to worry about whether we can be a leading nation in terms of technology, the sorts of things that have always made us great—roads, bridges. All of these issues do tie together. Even when we start arguing about how this surge has affected the conditions inside Iraq, if we are going to be honest, if we are going to look at the situation as it really is rather than simply as one political side or another wants to make it, we have a lot going on in Iraq, a lot of moving pieces that don't exactly add up to the possibility of great success in the near term.

I have heard people from General Petraeus to people on the other side talk about how the surge is responsible for the period of decreased activity in Al Anbar, around Ramadi. That began before the surge was announced. There were two reasons for that. One, al-Qaida overplayed its hand there. The Sunnis made a deal with our side. The Sunni insurgency made a deal with our side and they hated al-Qaida more than they hate us. We don't know how long this is going to last. They don't like an occupying force.

The second is, al-Qaida is pretty smart. They are fluid. They are mobile while we are tied down. If you go up to the Kurdish areas, which have been sort of the bulwark of our strength in terms of relations, we see that the Turkish parliament has approved military activity by their military inside Iraq. They have begun an incursion more than a week ago where they have been operating inside northern Iraq. Imagine what the other side would be saying right now if the Iranians were conducting military activities inside Iraq. We have a region that has been filled with chaos from refugees, external refugees, internal refugees, by some accounts more than 30 percent of pre-Iraq war population refugees, either outside the country, heavily burdening Syria—by the way, more than a million refugees in Syria—but also inside. Eighty percent of those internal refugees in Iraq right now are women and children.

We need to be able to address this honestly, and we need to be able to agree that the way out of this isn't simply through the performance of our military. It is that we need national leadership that will put a formula together so that we can remove our military. There is no true strategy if you cannot articulate an end point. When you look at it, one of the things I keep going back to is what General Dwight Eisenhower said in the dark days of the Korean war when we were stuck in a stalemate, when he was thinking about running for President and then running for President. One might compare this with comments we hear from the present administration. He said:

> [The Korean War] was never inevitable, it was never inescapable. . . . When the enemy struck, on that June day of 1950, what did America do? It did what it always has done in all its times of peril. It appealed to the heroism of its youth. . . . The answer to that appeal has been what any American knew it would be. It has been sheer valor on all the Korean mountainsides that, each day, bear fresh scars of new graves. Now—in this anxious autumn—from these heroic men there comes back an answering appeal. It is no whine, no whimpering plea. It is a question that addresses itself to simple reason. It asks: Where do we go from here? When comes the end? Is there an end? These questions touch all of us. They demand truthful answers. Neither glib promises nor glib excuses will serve. They would be no better than the glib prophecies that brought us to this pass. . . . The first task of a new Administration will be to review and re-examine every course of action open to us with one goal in view: To bring the Korean War to an early and honorable end.

I suggest that is the prospect that faces all of us. On what do we need to be focusing? I agree, by the way, that this is not something that is going to get us very far in the next couple of days, other than to air our concerns. We need to be getting a GI bill for the people who have been serving since 9/11. I would invite people from the other side of the aisle to support this. We keep calling these people the next greatest generation. They deserve a GI bill at the same level of those who served during World War II when they got all tuition paid for, books bought for them, and a monthly stipend. I introduced that bill my first day as a Senator last year. We have more than 30 cosponsors. Let's come together. Let's make that happen. Let's give these people the first-class future they deserve.

We need to focus on the agreement that is now being negotiated between this administration and the Maliki government, where they are saying they will consult with the Congress. This type of long-term agreement, going into security issues, is, in fact, a treaty, no matter what we call it. It is a treaty that they are negotiating, and we in the Senate should advise and consent on that. We need to focus on the wartime contracting commission that just became law where we can root out fraud, waste, and abuse, the billions of dollars of no-bid and instant contracts that were put into Iraq from 2003 forward. In other words, let's create the environment where we can get the right kind of diplomatic solution and remove our combat troops from Iraq. Let's focus on the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

### BUDGET ISSUES

Mr. GREGG. Mr. President, I recognize that much of the debate the past 2 days has been about our status in Iraq and what we should be doing in Iraq relative to the two proposals offered by Senator FEINGOLD. Clearly, the issue of how we fight terrorism and how we confront the threat of Islamic fundamentalism and its avowed purpose of destroying Western culture and specifically targeting America and Americans is probably the overriding issue we must address. But right behind that issue is the question of what type of nation are we going to pass on to our children relative to the fiscal strength of our Nation. We confront an issue there which is as significant for the prosperity of our children as the issue of terrorism is relative to the security of our country.

We are faced with a situation where, as a result of the pending retirement of the baby boom generation, three specific programs—Medicare, Medicaid, and Social Security—will grow at such exponential rates that they will essentially bankrupt our Nation if we don't do something.

This chart reflects those three programs, the red line here, and their rate of growth. This black line reflects what has historically been the amount of money the Federal Government has spent. The Federal Government has historically spent about 20 percent of the gross national product of America. These three programs alone, by the year 2025, 2028—it varies depending on who you talk to—will cost 20 percent of the gross national product. Trying to put this in perspective, by the year 2030, when the baby boom generation is fully retired and is receiving its benefits, the cost of supporting that generation through Medicare, Medicaid and Social Security will be so high that if you put it in the context of what we traditionally spend in this Government, we will have no money available to do anything else as a government. We will have no money for national defense, no money for education, no money for laying out roads, no money for environmental protection.

It does not stop there, because the costs incurred continue to go up. They continue to go up at such a rate that by about the year 2035, we will essentially have a situation where approximately 28 percent or more of the gross national product would have to be spent to support these three programs.

Then, of course, you have the additional obligations of Government. What does that lead to? Well, if that were allowed to occur, it would lead to a situation where our children and our children's children would be paying so much in taxes to support the costs of maintaining these three programs for my generation—the baby boom generation—that our children would essentially have no opportunity to send their children to college, to buy their first home, to live the prosperous and fulfilling lifestyle we have today in America because all those discretionary dollars would be absorbed through taxes to support these programs.

To put it in a different context, with numbers which are almost incomprehensible but which need to be pointed out, we are told by the Comptroller General's Office that the unfunded liability of Medicare, Medicaid, and Social Security is $66 trillion. That means after you figure in all the money you pay for Social Security taxes, and all the money you pay for health insurance taxes, the HI tax, the Medicare taxes—after you figure in all that money, there is still a responsibility, an obligation on the books that is not paid for. That amounts to $66 trillion—trillion with a "T."

Now, $1 trillion is almost an incomprehensible term, so to try to make it a little more comprehensible, if you took all the money paid in taxes since our country was formed, since we began, that is $42 trillion. That is all the money that has been paid in taxes. We have a liability on the books that exceeds all the money paid in taxes throughout the history of our Nation.

To put it in another context, if you take all the assets of America—everyone's home, everybody's car, all your stocks, all your small businesses—and you add them up—everybody's net worth—that amounts to $59 trillion.

So we have a debt on the books that exceeds our net worth as a nation. That is called bankruptcy, and that is what we are headed toward unless we address this issue.

This week, the administration, under a direction from the Congress, sent up a proposal to try to address the biggest part of this problem, which is the cost of Medicare.

When we passed the Part D drug benefit for seniors, there was language put in that bill—remember that bill was passed with a strong bipartisan vote—that said if Medicare started to have its financial resources—its support, the dollars that paid for Medicare—come out of the general fund at a rate that exceeded 45 percent of the overall cost of Medicare, then the trustees—if that was projected to occur for 2 years over a 7-year period—the trustees were directed to direct the President to make a proposal to bring the cost of Medicare back under control. It is called a trigger. That is what it is referred to.

Why did we put that in or why was that language put in? It was put in because Medicare was always conceived to be an insurance program, even though it gets a fair amount of support out of the general fund, the general fund being general taxes. Everybody pays their taxes: income taxes, corporate taxes. Those taxes are used to operate the Government generally: to pay the defense budget, to pay the education budget, to pay the environmental agency—to pay the different activities the Government undertakes. That is the general fund. Those funds were not supposed to be the funds that supported health insurance for seniors.

Medicare was supposed to be an insurance program, as is Social Security, where the funds are collected from people, working under the HI tax, which you pay, which is withheld. Those funds are what are supposed to support Medicare.

If you start taking money out of the general fund, it is generally acknowledged—not through too many "generals," but it is generally acknowledged you are basically creating an income transfer event, a redistribution of wealth event, where you are taking money from basically the general operation of the Government and you are putting it into the support of people on Medicare who are retired. That was never the goal of Medicare.

So recognizing that, but also recognizing that a brandnew benefit was being put on the books that was fairly significant—the drug benefit—it was decided to put in place this law that said we want to keep Medicare primarily as an insurance event rather than an event which basically is unsupported, a cost that is basically supported by the general taxpayers of America who need to support the regular operations of the Government: defense, education, things such as that. So this trigger was put in.

Well, we have now had the trustees evaluate the Medicare fund, and they have concluded that in the 7-year window, under present projected spending patterns, Medicare's support—the dollars necessary to support Medicare—will require a call on the general fund that will exceed 45 percent of the general expenditures of Medicare.

That is a serious issue, and it goes to the larger serious issue of this unfunded liability question, because Medicare makes up $34 trillion of the unfunded liability. Do you remember the prior chart, where I pointed out there is $66 trillion of unfunded liability? Well, of that $66 trillion, the majority of it is the obligations under Medicare. So it is Medicare spending that is driving the problem which we confront, which is pointed out in this chart, which is that we are headed toward a government that our children cannot afford and which will bankrupt our children unless we do something.

So this proposal that was put into the Part D drug law, in which the trustees direct the President essentially to propose changes in Medicare spending, which will allow us to make the Medicare Program affordable and continue it to be an insurance program, is a step, and a fairly significant step, if followed correctly, down the road toward reducing this outyear threat of a fiscal meltdown.

It is critical we heed the law we passed and, specifically, the statement and the execution of the statement that has been made by the Medicare trustees that the trigger must be exercised. And the administration has the obligation to set up a way to accomplish these savings.

Now, under the law, the administration sends up its proposal, which it has done, which proposal is required to bring the Medicare system back into balance, so it is not taking more than 45 percent of the general fund. That bill is then required to be introduced by the majority and the minority on the House side and Senate side. The chairman of the Finance Committee has introduced a bill, I believe last night, with myself as ranking member of the Budget Committee as the primary sponsor on our side. That does not mean it is agreed to. It means that under the law it has to be introduced.

I happen to think what the administration has sent up makes sense. But what cannot be denied is that this problem is very real. I was extremely surprised, for example, to hear Senator KENNEDY say: The proposal sent up by the administration is dead on arrival, and the administration has trumped up a phony crisis in Medicare.

You tell me how $66 trillion of unfunded liability is a phony crisis in Medicare. The Medicare trustees, who have a fiduciary responsibility, the highest standard we have under law to protect the solvency of the Medicare trust fund, tell us the law is being violated and that changes must occur. You tell me that is a phony crisis.

What is unfortunate is this "bury the head in the sand" approach that is being taken by the majority party, as reflected by Senator KENNEDY, in facing this issue. This issue must be faced. We need to act.

Now, what has the administration suggested we do? They have suggested three basics in order to bring this in line.

First—and I cannot understand why anybody opposes this proposal—they have suggested that under Part D, which is, again, the drug benefit, people pay a portion of the premium of the cost of the drug benefit. But high-income people pay a very small portion of the cost of the drug benefit compared to what they can afford to pay. They pay about 25 percent of the cost of the premium of the Part D drug benefit.

Somebody such as Warren Buffett, who qualifies for the Part D benefit—I am not picking on him specifically, but he is a national figure of some note, and he obviously has a fair amount of assets—his premium under Part D, in order to purchase drugs, is being subsidized by John and Mary Jones, who work in a restaurant in Nashua, NH, or by Bill and Susan Parker, who work in a gas station in Epping, NH. Their taxes are actually subsidizing Warren Buffett's drug insurance, his ability to buy drugs, which is totally wrong.

What the administration has suggested is that people, individuals who have incomes over $80,000, and joint taxpayers who have incomes over $160,000, or approximately that amount—fairly wealthy people by American standards—should pay more than 25 percent of the cost of their drug premium. I think they have suggested they pay 50 percent or maybe 60 percent but not the entire premium. They are still going to be subsidized by John and Mary Jones who are probably making a lot less than $160,000 working at a restaurant in Nashua, NH.

That is their first proposal.

The second proposal they put forward is that we should have an IT proposal, something that basically means using technology to communicate more effectively the costs of health care, to create a more integrated system where you could get more effective information on what health care costs in order to drive better purchasing practices. We all know that is going to significantly improve the delivery of Medicare and all health care, if we do this. It is something that should be done and, therefore, is appropriate.

The third thing they have suggested is that we limit basically frivolous lawsuits that are driving up the cost of health care and actually driving some doctors in the area of OB/GYN—baby doctors—out of the practice, that we essentially adopt what is known as the California Plan for medical liability insurance—again, a very rational approach.

None of the ideas the administration has put forward are radical. None of them are even targeted in a way that would significantly affect very many beneficiaries. In fact, as to the entire proposal they put on the table, 94 percent of Medicare beneficiaries would not be affected by any of these proposals—94 percent. Only 6 percent; that is, the wealthiest 6 percent, those people with incomes over $80,000 individually or $160,000 jointly. Those folks having to pay a portion of their Part D premium would be impacted, and they should be impacted.

So that proposal has been put forward.

Three ideas—all of them reasonable, all of them initiatives which we should be able to accomplish, and which would, if undertaken, actually reduce this insolvency in Medicare dramatically. I think the estimates are that over the 75-year life, you might take as much as $8 billion out of this insolvency number if you did these proposals which the administration is suggesting. That is a huge number over 75 years. It would actually be a major step in the right direction. But, more importantly, it would respond to what the law says we should do. So I certainly hope we are not going to sit on our hands.

I see the chairman of the Finance Committee is in the Chamber. He says he is going to act. I hope his colleagues will follow him, because that is the type of leadership we need.

Now, the administration's three proposals aren't the beginning and the end of the process. Anything can be on the table to try to get this resolved. But the fact is, we need to resolve it. The trigger has been pulled. We are over the 45 percent or we are projected to be going over the 45 percent. We need to act not only because of that but because of, more importantly, this outyear problem. We have no right as policymakers to pass our generation's problem on to our children, which is exactly what we are going to do if we don't act. Our generation is the one that is creating the issue because of the demands we are going to put on the system because we are such a large generation. We are in the position of making Government change, and we should address this. We should take that action, and I certainly hope we can over the next few weeks.

Mr. President, I appreciate the courtesy, and I yield the floor.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I thank the Senator from New Hampshire for his comments and for pointing out the budget expenditures and exposure down the road. The only point I wish to make about his presentation is that the increase in entitlements is not so much because of Social Security—that is not the big problem for the next 15 or 20 years. Rather, it is the increases in Medicare and Medicaid that are going to be very expensive for us to accommodate. The real question is, What is the solution? We know what the problem is. The question is, What is the solution?

It is interesting that Peter Orszag of the Congressional Budget Office printed a report just about a month ago saying that the rise in the number of baby boomers is part of the problem, but that is not the big problem. The main reason that Medicare is going up at such a rapid rate and that Medicaid is also going up at a significant rate is because health care costs in this country are rising at such a rapid rate. So I think it is important to address not just the symptoms; that is, the wacky Medicare, but it is much more important to look at the direct causes or what is causing these increases.

Our country today spends about $2 trillion on health care—about $2 trillion. About half of that is in the public sector and half in the private sector. The projections of the Congressional Budget Office, a nonpartisan organization, are that private health care costs are going to increase very significantly over the next 20 years and Medicaid costs are going to also increase significantly but, for Medicare, much more. The rate of increase in the private sector will be a little less because the private sector tends to control costs a little better. For Medicaid, the rate of growth will be not quite as high as Medicare growth because States pay for part of the Medicaid costs and States are going to get a little more control of their State budgets.

The real problem is the increase in health care costs. We in America spend twice as much per capita on health care costs than the next most expensive country, and I don't know that we are twice as healthy as the next most expensive country. We have great health care in America. Our technology is the envy of the world. Our drugs are the envy of the world. But we have a system which basically is unnecessarily expensive and is going to cause us to be anticompetitive in future years.

I was in Bangalore, India, not long ago. I brought about 15 or 20 Montanans. It was a trade trip partly to China and also to India. We went to the John F. Welch Technology Center, which is one of General Electric's three technology centers in the world. Kind of "gee whiz" stuff, kind of interesting. During the tour, I walked up to the manager. He was the only non-Indian there. He is a German, Argentine his background.

I walked up to him, and I said: Why are you here in India? Why are you here, right here? Why is your research facility here?

He said: Greatest talent pool.

I said: Well, what country has the next greatest talent pool?

China, he said.

I asked: Where are we as Americans?

He said: You are kind of down here.

What does it take, I asked, to get us up there?

He looked at me without skipping a beat, and he looked me straight in the eye, and he said: Education and health care. He says: You have to educate your people a lot better than you are. Second, you have a health care system that is making you anticompetitive, you Americans.

It is true, our health care costs are so much higher than the costs of companies in other countries. About 18 percent of our total health care costs are administrative; in other countries, it is about 4 or 5 percent. There are a lot of ways to get at this problem. The real question is, What is a solution? How do we get health care costs more under control?

I daresay that whoever is elected President is going to be forced to and should be and will have an opportunity to make a major health care proposal to our country. We on the Finance Committee are starting to hold a lot of hearings on health care. There are a lot of provocative questions. We need to not be flat-footed, and we need to work in tandem with whoever is elected President so we can begin to address two main points. One is coverage. We are the only industrialized country in the world where people don't have health insurance that is not universal coverage. We need to have that. Second is to address costs. We need to figure out how we can get a handle on the excessive increase of health care costs in our country.

I commend my friend from New Hampshire for raising the problem, but the real question is, What is the solution? The President's letter is not even a glancing blow to solutions; it kind of touches on some possible solutions. It is critical for us to address the underlying questions. What are the underlying causes of increased health care costs? I don't have the time here to go into all of what I think we need to look at and will be focusing on in the Finance Committee, but that is a major challenge we face as a country, and it is a great opportunity for all of us to dig deep and help to solve this problem so Americans can be proud of the country we have, with universal coverage, and also get a handle on excessive costs.

(The remarks of Mr. BAUCUS pertaining to the submission of S. Res. 462 are printed in today's RECORD under "Submited Resolutions.")

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I would like to use about 10 minutes or so, if I may, to discuss what I think is an important topic for the country. The Senate has allowed itself to discuss progress in Iraq—or the lack thereof, depending on how you view these things—and to discuss a measure proposed by my good friend, Senator RUSS FEINGOLD, that would require us to withdraw troops, I think within a 120-day period, leaving troops behind in a very limited role and basically telling the world and our enemies we are leaving Iraq, and the people left behind would have a very limited function in terms of what they could do—a complete change in strategy. It would be saying to the Petraeus strategy: It failed, it didn't work, and we are going to replace the Petraeus strategy with the Feingold strategy.

Now, as much as I admire Senator FEINGOLD—and that is a great deal, to be honest with my colleagues, because he takes his job very seriously, as do the rest of us, but he is willing to do and say things very few people will do or say, and I think that makes the country a better place. Sometimes I disagree with him. This is an occasion where I find the Feingold strategy replacing the Petraeus strategy would be a disaster for the country, the region, and our national security interests, and I say that with all due respect.

Now, one of the central theses of Senator FEINGOLD and others who support this measure is that Iraq is a side venture, not part of the war on terror, and our presence there is making us less secure, not more, and that we have taken our eye off the ball. I would argue that the enemy doesn't see it that way. It is my belief and contention, and has been for a very long time, that Iraq has become the central battlefront in the war on terror. That happened when al-Qaida decided to go into Iraq after the fall of Baghdad and undermine this attempt at moderation in Iraq, tried to drive us out, and a year ago this time, I was worried that they were going to succeed.

For about 3, 3½ years, we got it wrong in Iraq. We didn't have enough troops. We had a training model that was not delivering quality in numbers in terms of the Iraqi Army. The insurgency was thriving. There was a lawless period. You had the Abu Ghraib episode that allowed al-Qaida to go on a recruiting drive all throughout the Mideast.

Thank God we changed strategy this time last year. I wish to compliment the President, and all of those—particularly Senator McCAIN—who spoke loudly and clearly that we needed to change strategy. It wasn't a debate about changing in Iraq. Everybody wanted a change. Some wanted to just leave and worry about the consequences later. Senator McCAIN and others said: No, we need not only to stay, we need to put more troops on the ground and come up with a way to suppress this insurgency because without security there will never be reconciliation. I think the results are in, and they are overwhelming, and they exceed all expectations I had in terms of success for the surge.

But to the central point: If you believe, as I do, that this is one battle, the central battle in regard to a global struggle, not an isolated event, it is a battle you can't afford to lose. If Iraq fell apart, broke into three parts, became a chaotic state, the national security implications for our Nation are enormous.

They start with the following: Al-Qaida would be on every street corner in the Mideast saying that we beat America and ran them out of Iraq. What would that do in terms of a chilling effect on moderation in the region? Who would be the next group of moderates to stand up and say: Come help me fight against extremism, America, after our behavior of leaving Iraq, and those who helped us to try to make Iraq a better place, a new place? They would surely get killed. If we left Iraq, withdrew, gave the battle space in Anbar to al-Qaida totally, they would have killed everybody who tried to help us, and it would have taken decades to get over the consequences of that mistake. You cannot leave people behind to be slaughtered by terrorists and expect to ever win this war.

Here is what bin Laden said in 2002 about Iraq:

> I now address my speech to the whole of the Islamic Nation. Listen and understand. The most important and serious issue today for the whole world is the Third World War. It is raging in the land of the two rivers. The world's millstone and pillar is Baghdad, the capital of the caliphate.

Bin Laden did not get the memo that Iraq is not about a global struggle. Clearly, from his point of view, it is the defining battle in terms of his goals and ambition for the al-Qaida movement. The reason al-Qaida came into Iraq was to make sure we would lose, that moderation would fail. Their worst nightmare is for a mother to have a say about her children, and if we can pull this off in Iraq, where the different groups—the Sunnis, the Shias, and the Kurds—can live together under the rule of law, have a central government and local governments that work together and allow people to raise their children without fear and prosper together and a woman has a say about her children, that is an absolute nightmare for al-Qaida. They see the outcome in Iraq as very important to their agenda. I hope we are smart enough to see the outcome in Iraq in terms of our own national security because I have said a thousand times, you cannot kill the terrorists and win this war. Killing terrorists is a part of this war. The war is an ideological struggle. The high ground in this war is the moral high ground. That is why Abu Ghraib hurt so badly. That is why we have to, at every turn, showcase our values as being different from our enemy's. When we capture an al-Qaida operative, it becomes about us. The rules we employ in the capture of an al-Qaida member or any other terrorist showcases who we are, and we cannot use as an excuse they do terrible things and they don't believe the same things we do; therefore, we are going to throw the rules out and be like them. That is the one way to lose this war.

I am proud of my Nation standing by moderation in Iraq. I am sorry to the American people and all those who have gone to Iraq many times that we got it wrong so long. But wars are that way. The model we had after the fall of Baghdad allowed the enemy to grow and become stronger, and it made it difficult to reconcile the country, which is in our national interest.

A year ago about this time, a new general took over with a new strategy: 30,000 troops were interjected into the battle space. But it is not about 30,000 troops. This general understood how to win. We took the troops out from behind the walls, and they started living with the Iraqi Army and police forces in neighborhoods. We took each neighborhood block by block, securing people in a way where they felt comfortable enough to talk to us about their future, about their hopes, and about their dreams, and over time they helped us.

This infusion of military might into Anbar, where al-Qaida was roaming freely, allowed people who tasted the al-Qaida life to say: I don't want to live this way. The Sunni awakening was an effort by a very brave sheik, who is now dead, to break loose from the al-Qaida agenda and come to the American and coalition forces and say: I would like to align with you because this is not the way I want to raise my kids, these are not the hopes and dreams I have for my people in Anbar.

They killed him, and if you go to Anbar, there are photos of this guy everywhere. They killed him, but they did not kill his idea. As a matter of fact, at his funeral and thereafter, the people of Anbar have upheld this sheik as a model of the future, as a hero. Al-Qaida overplayed their hand. They tried to intimidate everybody around them. They are trying to intimidate us: Do it my way or die. Do it my way or watch your children die in front of you. Do it my way or we will burn your children right in front of you. Live my way religiously or lose everything you have, including your life.

You know what, the good news from the surge, beyond all other news, is that a Muslim population had a chance to experience this al-Qaida life and said no. That, to me, is the single most important event that has happened in the last year, that Muslims would turn on al-Qaida and fight them and say: You are wrong; this is not what the Koran teaches, this is not the way we are going to live our lives. And they have done something about it.

The sheik has given his life. Many others in Anbar have given their lives to make sure al-Qaida does not win. Al-Qaida lost in Anbar because we had enough military presence, along with a new attitude of the people who live there, to beat these guys. They are not 10 feet tall. They are thugs, and history is full of people such as this who have had ideas that certain groups are not worthy of living. The Nazis had their view of who could live and who would die, and it was based on racial stereotyping, prejudice. There have been other episodes in history where religious bigotry determined who lived or died.

The way you beat these people is not for the good people to come home and leave the battlefield to the enemy; it is for the good people to rally around the values that make this place worth living and fight these people. The way you win this war is you align yourself with people willing to take on the terrorists and extremists and fight back against al-Qaida, and that is what General Petraeus did. When the awakening occurred in Anbar, we put tanks around every leader we could find and told them: We are not leaving; we are here with you.

The Sons of Iraq is an organization that sprung up from the population, where almost 80,000 people now belong to this organization where they patrol the streets at night to make sure al-Qaida does not come back. Anbar is a completely different place. Al-Qaida has been diminished and defeated in Anbar, and they are moving to other places in Iraq. They are not defeated yet, but they are certainly on the run.

For America not to appreciate what has happened here, for this Congress not to celebrate what has happened in the last year I think is sad. We should be using this 30 hours to say to General Petraeus, thank you; to Ambassador Crocker, thank you; to all those under your command, thank you for having the courage and the wisdom to turn this around, and we acknowledge that you are turning it around. We know you have a long way to go yet, but thank God you have turned the corner, and we have turned the corner. And the corner I wanted to see turned was when the people of Iraq would stand up to the extremists and fight back with our help.

GEN David Petraeus said in May of 2007:

> Iraq is, in fact, the central front in al Qaeda's global campaign.

GEN Michael Hayden, Director of the CIA, said in January 2007:

> I strongly believe [that U.S. failure in Iraq] would lead to al Qaeda with what it is they said is their goal there, which is the foundations of the caliphate, and in operational terms for us, a safe haven from which to plan and conduct attacks against the West.

It is clear to me Iraq is a central battlefront. It is clear to me about 3 years we were losing. It is abundantly clear to me now that we are winning. The Iraqi people have stepped to the plate and produced results that are astonishing, and it has come from a new strategy that has produced better security.

The monthly attack levels have been decreased by 60 percent since June of 2007. How did that happen? This new strategy of General Petraeus of getting military power out into neighborhoods, staying on the insurgency, giving them no rest, emboldening the citizens to fight back has paid great dividends. It is still a dangerous place but what a dramatic change: a 75-percent drop in civilian deaths since the beginning of 2006. From January to December, sectarian attacks and deaths have decreased over 90 percent in the Baghdad security district. How did that happen? We had a plan to secure the capital city by getting out from behind walls, going into neighborhoods, providing firepower and assistance, and the Iraqi people have done their part.

Coalition forces cleared approximately 6,956 weapon caches in 2007, over twice what we found in 2006. How? People are telling us where the weapons are because they want a new country. They see us as a solution to their problems, not the problem, and they are coming forward telling us things they did not tell us last year because they have sensed momentum, they feel as if they are safer and they don't want to go back to the old ways and they are helping us help them.

Iraqi security forces in the last year are responsible for security in 10 of the 18 Iraqi provinces. One of the biggest stories in this year has been the improvement of the Iraqi security forces, particularly the army. The national police have been a real problem. Even they are beginning to turn around. There are 100,000 new members of the Iraqi security forces, many of them being able to operate independently from us, for a total of a half a million people in uniform.

The Iraqi people have stepped to the plate. They are helping themselves in a way I admire. The casualty rate among

Iraqis is three times that of our American and coalition forces. Every American death we mourn, but the reenlistment rates among American soldiers, military members who have served in Iraq and Afghanistan, is through the roof. What do they see that we don't? Why do they go back so many times? I know what I hear. I hear overwhelmingly: Senator GRAHAM, I want to get this right so my kids don't come. I hear from the soldiers, sailors, airmen, and marines: If we win here, it makes us safer at home. It is hard, it is tough, it is difficult, and they keep going back because they know the outcome in Iraq affects us at home. And God bless them for doing it.

One brief statement: Well done. You have exceeded every expectation I have had. You have done a marvelous job. You performed your mission beyond any measure. You are involved in the most successful counterinsurgency in military history. All those who have taken part will go down in military history. We should be celebrating as a nation what I think is one of the biggest military achievements in the history of the world. But we cannot quite do that. I don't know why.

Al-Qaida is diminished but not defeated, but they are on their way to being defeated.

The big debate has been, what will make the Iraqi politicians get their act together. If we threaten to leave them there, they will start doing business in a better way. I have always felt that if you threaten to leave Iraq, every moderate will be chilled and every extremist will be emboldened. If you want to bring back life to a diminished enemy, let them read some headline somewhere in the world: "America begins to withdraw," as this Feingold resolution would suggest or as Senators OBAMA and CLINTON would have suggested. You would literally breathe life into a defeated, diminished enemy. It would be music to their ears. For every moderate who has sacrificed, lost family members as judges, as lawyers, as policemen, as army members, it would be heartbreaking.

I cannot believe people do not understand the consequences to the world if the American Congress said: We are going to leave Iraq in a set period of time. I cannot believe we do not understand how that would resonate throughout the world. It would be music to an enemy that is really on the run. It would rip the heart out of those who brought this about. And you want political progress in Iraq to go forward? Tell al-Qaida we are going to leave and see what kind of progress we get in Iraq.

The politicians in Baghdad have been frustrating to deal with, sort of similar to here at home. But you know what. I am here to say something I did not think I would say last year: Well done. The debaathification law has passed. What does that mean? It means the Shias and the Kurds have welcomed people back from the Sunni Baathist Party that ran the Government under Saddam to their old jobs, made them eligible for their old government jobs, and they are saying to their Sunni Baathist neighbors: Let's build a new Iraq; let's not look backward.

Can you imagine how hard, I say to Senator LIEBERMAN, that must have been, to have grown up in Iraq, and the people who ran the Government under Saddam Hussein made their life miserable and you have a chance to be on top; you can fire them all and make them miserable, and then suddenly, after a lot of dying, you realize: Wait a minute, we have to go forward, not backward. The debaathification law is a huge step toward reconciliation.

A $48 billion budget was passed.

Politicians in the Congress can relate to one thing: Money. We are always fighting to get our fair share for our State and our districts. The $48 billion budget that was passed has money allocated to every region of Iraq, and reconstruction can now go forward. And the ministries delivering the money are better than they have ever been but with a long way to go.

The fact that Sunnis, Shias, and Kurds would share the wealth of the country with each other seems to me to suggest that they view Iraq as a country. And to give money to someone who may have been involved in trying to kill your family just months ago is very difficult to do. But they have overcome, I think in great measure, the biggest impediment that every country eventually has to overcome—and that is forgiveness. There is a long way to go in Iraq, but we are a lot closer to getting there than we were last year. And the only way we are going to lose is for Washington to screw it up.

The provincial powers law, it passed the Parliament and went to the Council of Presidents. It will allow local elections in every province beginning in October. And I predict if that law becomes reality, Sunnis will vote in large numbers, and they boycotted in 2005.

The central government run by the Shias came to the conclusion that we are going to decentralize power; we are going to let each province elect their local leaders, instead of trying to micromanage everything from Baghdad. You know what that means? Democracy.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator is advised by the Chair that there is a preceding order to recess at 12:30.

Mr. GRAHAM. To be continued. I yield.

Mr. LIEBERMAN. Mr. President, with the indulgence of the Chair, I ask unanimous consent to speak as in morning business on another subject for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAHAM. May I have 2 minutes to finish my thoughts?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. The provincial election law was vetoed by Abdul Mahdi, a Shia Vice President, over the issue of whether governors elected to the province can be replaced by a majority vote in the Parliament. That is going to their Supreme Court. It is a unique and novel issue, and, to me, it gives great hope because they are resorting to the law rather than the gun. It is constitutional democracy playing out in front of us. It is something we should celebrate.

Amnesty: There are thousands of people in the jails of Iraq now, mostly Sunnis, who have been tied to the insurgency. The Parliament passed a law that will allow a community of Sunnis, Shias, and Kurds to go through the files of the people in jail and say to some of those who have taken up arms against the Government: Go home, my brother, and let us build a new Iraq. That is a stunning development.

Now, how did all this happen? Iraq is war weary. People are tired of living in fear. We have given them better security; we put al-Qaida on the run, which has been trying to stir up trouble ever since Baghdad failed; and people have a sense of economic and political hope they have never had before. Oil revenues are up, have doubled. Oil production is up 50 percent. The economy is moving forward at a very fast pace. All of this is due, in my opinion, to resolve, to the surge, to the bravery of the Iraqi people and the American military and coalition forces who brought it about.

To my friends and colleagues in Congress: We are going to win in Iraq. Finally, we have a model that will lead us to a stable and functioning government rejecting terrorism and aligning with us in the war on terror. And the only way we will lose now is for Washington to lose its will and undercut this model. I hope we understand what this debate is about. It is about winning and losing a battle that we can't afford to lose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Again, I thank the Presiding Officer for staying in the chair for a period of 10 minutes.

## TRIBUTE TO WILLIAM F. BUCKLEY, JR.

Mr. LIEBERMAN. Mr. President, this morning we learned of the death of William F. Buckley, Jr. I wanted to come to the floor and reminisce a bit about Bill Buckley, whom I have been privileged to know for more than 40 years, and to pay tribute to a devoted and patriotic American, a remarkably creative and eloquent man of letters, a person with an extraordinary sense of humor and a kind of spirit to him that infused anyone around him.

He was a person who believed in the power of ideas and loved the exchange of ideas. He lived a remarkable life, with great effect for this country that he loved, and a tremendous impact on people who read his novels, his books, and his columns in the National Review, or watched him for so many years on that wonderfully thoughtful, cerebral, provocative TV program "Firing Line," which was open not just to conservatives such as Bill Buckley, but to people with all shades of opinion who were willing to engage him—Bill Buckley, WFB—on the field of ideas. A remarkable man.

I was privileged to get to know him more than 40 years ago when I became the editor—at Yale, of course, editor wasn't a good enough title. I was called the chairman of the board of the Yale Daily News. And there was a gentleman at the Yale Daily News named Francis Donahue—Tackie Donahue—and he had been there forever as the permanent business manager. I remember the day after I was chosen, he told me he had informed Bill Buckley of this in one of his regular memos back and forth to Buckley. I was fascinated by this and began a communication with Bill Buckley at that time, and he took a wonderfully warm, kind of brotherly interest in those who were at the Yale Daily News, as he had been in the early 1950s. He invited me and a couple of our friends from the news to come to his house in Stamford, CT, for a dinner or two, which were stimulating, thrilling evenings.

Our friendship went on, and I will come back to that, but Buckley's life is an extraordinary life. He came out of Yale, became very well known for a book he wrote about what he thought was the hostile environment at Yale toward people of faith, toward people who were conservative, et cetera, et cetera, "God and Man at Yale." He went from that to starting the National Review in the mid-1950s. I believe it was 1955. I remember reading once that he had said in the founding issue that the publication would derive from original ideas of the moral order.

Bill Buckley was a person who studied history, studied literature, learned from it, and also was infused with a deep and profound commitment to his Roman Catholic faith. That, I think, was the origin of the moral order which he gave expression to in all that he did in writing for the National Review and speaking out and conducting himself as a provocative, loving American. He believed that ideas mattered, and they did.

The National Review, in some sense, gave birth to the modern American conservative movement. But it wasn't always a Republican movement. His was a matter of ideals and ideas and philosophy—conservatism. Incidentally, he rejected extremism. To his everlasting credit, he took on the extremists of the John Birch Society, which wasn't popular for him to do at the time he did it.

I am just remembering words of Buckley. He said he was a conservative ideologically, not always favorable to Republican candidates. I remember reading about an editorial he wrote in the National Review endorsing General Eisenhower for President. While everyone else was echoing the slogan "We Like Ike," Buckley's editorial said, "We Prefer Ike." So it was a relative judgment that he made.

He was thrilled, of course, much more by the candidacy of a former Member of this body, a distinguished Member, Senator Barry Goldwater, and most of all by the candidacy of President Reagan. At one point, in the mid-1960s, he ran for mayor of New York. And again as a kind of joyous, thought-provoking, elegant, eloquent exercise in being involved in the marketplace of public ideas, perhaps most famous, though perhaps not the most substantive thing he said in that campaign, is when they asked what he would do when he was elected. Bill Buckley famously said: I will demand a recount. And that is a good message for all of us when we approach campaigns.

Well, I continued to be involved with him in communication in many ways. My wife and I had the privilege of spending wonderful evenings with him and his late wife Patricia at their home in Stamford, CT. These were classic evenings of great food, some drink, and good spirited conversations—cigar and brandy to follow—but always open to ideas and always with a ready willingness to laugh. In fact, he passed away earlier today, apparently in his study in his magnificent home on Wallace Point in Stamford, CT, probably working on a column or some other piece of writing.

I was particularly grateful to him for all that I learned from him, all the good times I had with him, and in some sense, you might say I would not be a United States Senator were it not for Bill Buckley, although Buckley would not say that. When I ran for the Senate in 1988, let's just say with the diplomacy that marks this Chamber that Bill Buckley was not a fan of the incumbent Republican Senator, and he called me up and said—I wish I could impersonate him—Joe, I'm thinking of endorsing you. Do you think that will help?

I said: Well, now, that's very good of you. Then he interrupted and said: Please understand this is the only time I am likely to endorse your career. So I said that it probably would; what do you have in mind?

Well, he actually wrote a column, a very good column in the National Review, and I think in his syndicated column. He also, with the puckishness that was part of him, started something he called Buck PAC, which was, he said, a PAC open to anyone in Connecticut whose name was Buckley and who was committed to the defeat of the incumbent Senator at that time. He printed bumper stickers and the like and helped out in the campaign.

I said to him after I won that election—and I won it by very little—that I thought that in a close election—as the Presiding Officer of the Senate knows, there are so many reasons one is successful—but I said: You have reason, Bill, to take part of the credit. I won by less than 1 percent of the vote. And I said: You know, I would go so far as to say you played a rabbinical role for me in this campaign.

Well, what do you mean by that? So I said: Your endorsement of me and the columns you wrote said to Republicans in Connecticut who really didn't like the incumbent Senator, it is kosher to vote for LIEBERMAN. And he laughed. I remember that well.

There is so much I could say about his contribution to our country, to his openness to ideas, to his civility. One could disagree with Bill Buckley, as I did quite frequently, and never lose respect or affection, dare I say love, for a wonderful human being. We would all benefit from that.

I perhaps would close this impromptu tribute to Bill Buckley, mourning his loss today, by offering condolences to his family: Chris Buckley, his son, who is a wonderful writer and confuses me as well as others with the multisyllabic words that he uses just as his father did; his sisters, Priscilla L. Buckley of Sharon, where the family has longed lived; Patricia Buckley Bozzell of Washington; Carol Buckley of Columbia, SC; his brothers, Judge James Buckley of Sharon, CT, and F. Reid Buckley of Camden, SC; and a granddaughter and grandson.

I pray that they will be strengthened by their faith and comforted by good memories and pride and the extraordinary person in Bill Buckley.

I think most fitting of all, I will end with a quote from President Reagan on the occasion of the 30th anniversary of the National Review in 1985. Reagan says when he first picked up his first issue of National Review, he received it in a plain brown wrapper and still anxiously awaited his biweekly edition but no longer in a plain brown wrapper.

But this is what Reagan said of Buckley:

> You didn't just part the Red Sea—you rolled it back, dried it up, and left exposed, for all the world to see, the naked desert that is statism. And then, as if that weren't enough, you gave the world something different, something in its weariness it desperately needed, the sound of laughter and the sight of the rich, green uplands of freedom.

I thank the Chair for giving me the opportunity to bid farewell in this Senate Chamber to a great American and a dear friend, William F. Buckley, Jr. I pray with confidence and the faith that Bill Buckley had that his soul will be taken up truly in the bonds of eternal life.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

## PROVIDING FOR THE SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ—MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, another day in Iraq. Today American taxpayers' dollars will be spent in Iraq, almost a half a billion dollars. More than $400 million will be spent today in Iraq.

Here is what we get from it as seen by—you pick about any newspaper—the Washington Post, which was at my doorstep this morning: "Suicide Bomber Hits Bus in Iraq's North, Killing at Least Eight."

> A suicide bomber detonated his explosive belt outside a bus in Northern Iraq on Tuesday, killing at least eight people, injuring at least eight others.

You drop down, it tells about all of the violence.

> The Tall Afar bombing followed a bloody weekend of attacks against Shiite pilgrims, the deadly incident taking place Sunday when a suicide bomber killed at least 63.

As we learned yesterday, that one blast injured more than 100. You drop down in this news article:

> Even as overall violence has fallen, the recent attacks underscore the tenuous security environment and the resiliency of the insurgency.

In volatile Diyala Province, it goes on to explain how 21 people were kidnaped yesterday. At the bottom of the page, it has the names of three of our soldiers who were killed. And then, of course, we have General Casey. General Casey, the Army Chief of Staff, said yesterday in testimony before the Armed Services Committee:

> The cumulative effect of the last 6 years plus at war have left our Army out of balance, consumed by the current fight and unable to do the things we know we need to do.

We have had some good debate. My Republican colleagues think the war is going great. I think they are certainly entitled to their opinion. But it has been a good debate. We, of course, have spent time on Iraq on this side of the aisle, but also on how the war has done so much to damage our security and our economy.

There is a book coming out tomorrow or the next day that talks about—it is by Mr. Stiglitz, who is a Pulitzer Prize winner—maybe Nobel; I think Nobel. It is called "The $3 Trillion Mistake."

The book is on the war. Now, in actual numbers that I understand, in about a year they will be up to $1 trillion. Mr. Stiglitz, an economist, far smarter than I am, says it is $3 trillion. That is what we have talked about. This war that will soon be going into the sixth year has been devastating to our country.

We had a meeting that just took place about the budget. The President's budget cuts virtually everything. One of the victims in his budget is Public Broadcasting, cut by 70 percent. I talked to Senator CONRAD as we were leaving. I said: What did you do with Public Broadcasting?

We restored the money.

And even restoring it takes into consideration some of the cuts the President has made in that program over the 7 years he has been President.

We do not have money to do the basics this country needs to do because we have borrowed $1 trillion to take care of the war.

So we have had a good debate. Each side has spent a little over 3 hours discussing these issues. I believe there has been sufficient debate on the motion to proceed.

I ask unanimous consent that all postcloture time be yielded back and the motion to proceed be agreed to; that the Senate now vote on the motion to invoke cloture on the motion to proceed to S. 2634, and that if cloture is invoked, notwithstanding rule XXII, the Senate immediately proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 3221, the vehicle we will use for the housing market crisis.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I will make two quick comments. Certainly I respect the majority leader's comments. He talked about the fact that violence is down in Iraq. But, of course, the suicide bombers continue to wreak havoc. We all deplore that.

I was in Israel last week at the border town in Gaza—Sderot is the name—and terrorism from Hamas continues to bedevil the people of that town with rockets coming over every day. But they cannot leave and leave the terrorists to prevail there. I think the same thing is the situation in Iraq.

The majority leader talks about the costs, and they are significant. But the costs if we had to come back in and clean up after the terrorists take over, if we left prematurely, could be far greater than what we are expected to have to pay. In any event, it is very difficult to put a price on freedom and security.

I think we have had a good debate. We have speakers on our side actually for about another about 4½ hours or so. But as I told the majority leader, we could yield back some time on our side to work with the majority leader to develop a schedule that would be convenient for all of the Members.

At this time, because of the precise nature of the unanimous consent request, I object on behalf of the minority but would suggest it should be possible this afternoon, early this afternoon, for the majority and minority leaders to sit down and work out a schedule that would meet the needs of all of our Members and convenient for the entire body.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I rise today to speak about Iraq. Following the bombing of the Golden Mosque in Samarra, our enemies tried to plunge Iraq into chaos, and in certain parts of Iraq they were succeeding. Terrorists and extremists were pitting Iraqi against Iraqi, Sunni against Shia, Shia against Sunni. In Baghdad, Iraqi families were being forced to leave their homes and to resettle in areas where other members of their religious community resided.

Iraqi police and army units were nowhere near capable of taking the lead during operations. On the political front, progress was very slow. When the going got tough, many called for U.S. withdrawal and abandonment of Iraq.

Thankfully, the President did not listen to the calls for defeat and retreat. The President reviewed our strategy and changed course. This change was needed. I visited Iraq twice before this change of strategy. I can tell you it was a dangerous place. During one of my trips, we had to take a helicopter from the Green Zone to Baghdad International Airport because of an IED threat.

In January of 2007, the President and General Petraeus launched the surge of American forces into Iraq. The Iraqi people quickly realized that something dramatic had happened. Those who had worried that America was preparing to abandon them instead saw tens of thousands of American forces flowing into their country. They saw our forces moving into the neighborhoods, clearing out the terrorists, and staying behind to ensure that the enemy did not return. They saw our troops, along with provincial reconstruction teams, coming in to ensure that improved security was followed by improvements in daily life.

The surge is now achieving its primary aims of improving population security in Baghdad and reversing the cycle of sectarian violence that plagued Iraq. Although there is much more work to be done, security has improved considerably since General

Petraeus began implementing this new strategy that became fully operational in mid-June.

According to the U.S. military, monthly attack levels have decreased 60 percent since that time. Civilian deaths are down approximately 75 percent. Although al-Qaida in Iraq remains a dangerous threat, its capabilities are severely diminished. Thousands of extremists in Iraq have been captured or killed, including hundreds of key al-Qaida leaders and their operatives.

Iraqi forces now have assumed responsibility for security in 9 of 18 Iraqi provinces and are now leading combat operations all over the country. Iraqi security forces and concerned local citizen groups continue to grow, develop capabilities, and provide more security for their country. The Government of Iraq is committed to one day assuming fiscal and overall responsibility for CLCs, which some now call the Sons of Iraq, and has begun structuring vocational training programs for these CLCs who want to rejoin the civilian workforce.

The President's strategy in Iraq has put us on a path to success. U.S. and Iraqi troops, working together, have achieved significant results. Violence is down dramatically and political progress is being made. The Government in Baghdad recently passed debaathification legislation and a pension law, and is sharing oil revenues with the different provinces.

Significant bottom-up political progress is occurring at the local level in Iraq, where provincial governments continue to spend national revenue on reconstruction, and many people are engaging in local politics.

On the economic front, the central Government of Iraq recently reached its 2007 target of $30.2 billion in budget revenue 1 month before the end of the year. The Government of Iraq recently completed early repayment of its outstanding obligations to the International Monetary Fund. The Baghdad Chamber of Commerce recently hosted a business expo which more than 8,000 executives, entrepreneurs, salesmen, and investors attended.

Mr. President, approximately 2 weeks ago, I traveled again to Iraq and was briefed by General Petraeus, other commanders on the ground, and Iraqi security officials. Petraeus and his troops are obviously and undoubtedly doing a remarkable job at turning things around. This was a different trip for me. There was a more secure feeling in the air. I felt optimistic, more so than at any other time since the war started. You can tell that things have remarkably changed for the better. I visited a town south of Baghdad where 3 months ago al-Qaida had been in total control. I felt so safe that, along with 2 other Senators and our staffs, we walked through a local market without a helmet and spoke to dozens of residents, including children, through a translator. One of the Iraqi people's biggest fears is that America will surrender and leave prematurely. They fear for their lives, their children, and the future of the country if we surrender.

Great, almost unbelievable strides have obviously been made, and we are headed in the right direction. Despite this fact, some of my colleagues on the other side of the aisle continue to introduce defeatist legislation, such as what we have before us today, S. 2633, that call for tying our hands on this front line of the war on terror. So as things get better and better, the Democrats continue to call for retreat. They continue to politicize the war in Iraq, persisting in calls for troop withdrawal, when the surge is demonstrating real success, both military and political.

Scaling back withdrawing when we are succeeding so brilliantly clearly equals defeat and makes absolutely no sense. The Democrats have concluded that America has lost and refuse to listen to the judgment of our military leaders.

Responding to whether gains made in Iraq would be lost if we abruptly withdrew our troops, Speaker of the House NANCY PELOSI recently stated:

> There haven't been gains. The gains have not produced the desired effect, which is the reconciliation of Iraq. This is a failure. This is a failure.

Such defeatist nonsense is not the way to boost the morale of our troops on the ground or to show gratitude for their success. I call on the Speaker to visit Iraq, to talk to our troops, to talk to the Iraqi people, and to see how successful the surge is working for her own eyes.

Further, I find it peculiar that the Democrats keep calling for withdrawal over and over again when initially they criticized the administration for not sending more troops to Iraq. When plans for the surge were announced, they roundly attacked it, going so far as to say the war was already lost. Then when the surge began to show great success, Democrats again criticized it and said the only purpose of the surge was to enable political reconciliation in Iraq. Now that both military and political successes are being realized, the Democrats are once again going to have to redefine what failure looks like.

When General Petraeus first took command, he said, "Hard is not hopeless." Today, there is hope and optimism in Iraq. Amazing progress has been made. I should not have to say this, but we must support our troops, not just in word but in deed. The Democrats need to stop playing games with the brave men and women who are sacrificing so much for this country. They need to stop introducing legislation that ties strings to money for our troops. They need to stop introducing legislation that would prematurely bring our troops home and ruin all the gains they have made over the last 5 years. Partisan politics need to be set aside. We need to come together as a Congress, as a country, and get behind the effort and the mission in Iraq. Let's finish what we started, not just for today but for the future. We are all Americans first. It is time we started acting like that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, yesterday one of our colleagues came before this body and stated for all who cared to listen that he was weary, weary of this war.

I, too, am weary, but weariness does not lead me to embrace the policy of surrender or succumb to the nihilistic business that is defeatism.

History is replete with examples of leaders who fell victim to the temptation of defeatism. Shall the Senate similarly repeat this folly?

No, sir.

In this country, commitment and dedication to noble pursuits have defined our great Nation. We must not give way to weariness now.

The Senate is where great ideas and thoughts are to be put forth and considered, ideas and thoughts that are designed to lead to a better life for the American people and secure a safer world where the inalienable rights of all are respected.

But I, too, am weary, weary of the policies of appeasement that have become the guiding principles of some in the majority party. Have they learned nothing? Has history not taught us, through the pain and suffering of millions, that the philosophy of appeasement only provides a slight respite from the forces of evil before they unleash incalculable pain and suffering on the innocent?

What happens if we adopt the troop withdrawal legislation before us? Do they really think al-Qaida is just going to leave us alone? Make no mistake, the majority of the forces that oppose us in Iraq are affiliated with al-Qaida.

Do the supporters of this bill think al-Qaida will conclude: "Well, we have won in Iraq, now let's leave the Americans to live in peace?" Does anybody really believe that?

That is the question the American people have to ask themselves. What will happen if we pick an arbitrary time to leave Iraq based on a policy of appeasement rather than accomplishments of our new counterinsurgency strategy?

I have been to Iraq twice. The first time, I admit to being a little discouraged. The second time was a year later. During this second visit, we actually flew into Al Anbar really before it was completely as open as it is today. We walked the streets of Ramadi. We high-fived with the kids who were on the street. The difference between my two visits was striking. It was a complete change and that change is because of our current military leadership.

Again, the question the American people have to ask themselves: What will happen if we pick an arbitrary time to leave Iraq based on a policy of appeasement rather than the accomplishments of our new counterinsurgency strategy?

Simply put, what happens the day after?

Will not al-Qaida use Iraq, with the world's third largest oil reserves, as a bank to fund their worldwide activities? Will they not use Iraq as a base to launch attacks against all those who disagree with their radical policies?

What are the answers offered to these questions by the proponents of this legislation? From what I can discern from the Members who have taken to the floor to defend it, the answer is simple: nothing. They simply do not have a plan for the day after.

What of the nearly 4,000 servicemembers who volunteered to fight for their country and who have now paid the ultimate sacrifice? Does their memorial in history read: Thank you for your service, but some Members of Congress grew weary, and therefore your sacrifice and the sacrifices of your family were in vain.

I know what those sacrifices are like. Our family lost my only living brother in World War II on the Ploesti oil raid. That was the raid that attempted to knock out Hitler's oil reserves and it was one of the most important operations of World War II.

My brother's loss was hard on our family. But we were proud of my brother. We were proud that he was willing to sacrifice his life for us, just as we are proud of our young men and women who are fighting in Iraq and Afghanistan today.

What is General Petraeus's conclusion, if we begin a precipitous withdrawal? Almost everybody has praised General Petraeus. You just have to. My gosh, the man has completely transformed the situation in Iraq. He has been right in his approach toward these problems over there. He wrote the Army's manual on fighting in surgencies.

As recently as February 15, General Petraeus stated what we all know to be true if we were to begin a precipitous withdrawal:

> You would see a resurgence of ethno-sectarian violence. You would see al Qaeda regain its safe havens and sanctuaries. There's no telling what would happen with displaced persons.

In other words, if we leave, the chaos that could result might make the wholesale slaughter that occurred after the fall of Indochina look minuscule by comparison. I wonder what fanciful legislative fix our colleagues will offer then.

So what is the alternative? Do opponents of this bill offer only empty rhetoric?

No, we support the comprehensive counterinsurgency strategy devised and implemented by General Petraeus. It is a strategy that is producing remarkable results, results that point to only one conclusion. In little over a year, the coalition has regained the initiative.

For example, General Petraeus stated in his December 30 briefing that overall attacks have decreased by 60 percent. Civilian deaths are also down by 60 percent. The ethno-sectarian component of those fatalities has decreased by 80 percent.

Those findings are supported by other commanders in Iraq, including MG Joseph Fil, the commanding officer of the 1st Cavalry Division and the officer who until December was responsible for our operations in Baghdad. He stated in an interview late last year with the New York Times that coalition forces have dramatically reduced, if not eliminated, al-Qaida's presence in every neighborhood in Baghdad. The general also pointed out that murders in Baghdad are down 80 percent.

In addition, during a recent briefing, LTG Raymond T. Odierno, who just returned from Iraq and has been nominated to become the Army's new Vice Chief of Staff, stated that terrorist operations in Baghdad have decreased by 59 percent. In the past year, suicide attacks in Baghdad have been reduced 66 percent, from 12 to 4 a month. The number of improvised explosive device attacks in Baghdad has also declined by 45 percent.

Baghdad is not the only area where we have seen success. During my trip to Iraq last year, I was able to witness the dramatic changes that have occurred in Al Anbar, where al-Qaida has been thrown out of vast areas of that province, including its major cities, Ramadi and Fallujah, areas that were once deemed refuges for al-Qaida's vile perversion of a dignified and peaceful religion.

The success of Baghdad and Al Anbar is also being repeated throughout Iraq. In the north, Operation Iron Harvest has been launched.

This operation has already achieved some important successes. For example, during the month of December, the coalition and Iraqi security forces have killed or captured over 20 al-Qaida emirs in the north. This included the capture of Haider al-Afri, who was the main security emir in Mosul and was responsible for organizing the flow of foreign fighters into the Mosul area. His replacement did not fare much better; he was captured on February 18.

The number of attacks in Diyala has also decreased. No doubt that the recent killing of the al-Qaida emir of Diyala helped this trend.

In addition, in the past two weeks, the coalition killed Abu Karrar, who was a senior al-Qaida intelligence operative and an individual who has the infamous distinction of organizing murders to be carried out by female suicide bombers.

Which leads me to the inevitable question: What do you think these senior al-Qaida leaders would be doing with their time if we left Iraq? I wonder if they ever will grow weary as some in this body have?

How are all these successes possible? The answer is our generals over there, led by General Petraeus. His strategy is based upon the classic counterinsurgency tactic of providing security to the local population, thereby enabling the Government to provide services to its people, which in turn creates in the population a vested interest in the success of Government institutions.

One of the ways this is accomplished is through the use of joint security stations. Under this tactic, a portion of a city such as a neighborhood is cordoned off, then searched for insurgents. Previously, once this was accomplished, our forces would return to large forward-operating bases, usually on the periphery of the city. The result was easy to predict. The insurgents would return once the sweep had concluded.

Under General Petraeus's strategy, our forces remain in the neighborhoods and build joint security stations. These joint security stations then become home to a company-sized unit of American servicemembers as well as Iraqi Army and police units. These facilities not only help secure the surrounding areas but simultaneously enable our forces to .train and evaluate Iraqi forces. Much like the local police officer in a major urban area, our forces use the joint security stations to learn about the locale to which they are assigned and can quickly adapt to meet the unique security needs of the individual community.

The success of these joint security stations can be seen in their creation throughout Iraq, with over 50 of them in Baghdad alone. However, under this legislation, our forces will no longer be able to conduct operations from joint security stations. In fact, they would be banished to bases isolated from the Iraqi people and unable to accompany Iraqi forces on missions. Under this bill, the few remaining forces would only be able to conduct limited operations against al-Qaida. The security provided to the Iraqi people, which is the foundation of our recent success, would be entirely lost.

So let's review the policy advocated by this bill. No. 1, it guarantees defeat. No. 2, it provides al-Qaida with another base of operations, and, unlike Afghanistan, Iraq's oil wealth will provide substantial financial resources to purchase whatever the terrorists choose. In the past, it has been publicly reported that al-Qaida has actively sought the acquisition of weapons of mass destruction.

Neville Chamberlain would be proud.

So yes, I, like others, am weary, but I am weary of appeasement. I am weary of such defeatist legislation being debated on the floor of the Senate. This is a Chamber for great ideas and concepts that will ensure the betterment of the American public and lead to the freedom of oppressed people all over the world. This legislation falls far short of that August standard.

Just think about it, here we have this country, Iraq, with 3 different factions who are working together, who are making headway, who have enormous oil wealth that could be used for their people, who are tired of al-Qaida, who have been throwing them out of the various provinces, who are cooperating with the United States of America, and who are starting to cooperate with each other, who sit between two of the most roguish nations in the world, Iran and Syria. All of this success happening, and we have people who want to pull us out prematurely. I don't understand it personally.

I respect the sincerity of the sponsors and of those who will vote for this. I think that if we are going to be weary, let's be weary of the way to handle things.

### WILLIAM F. BUCKLEY, JR.

Mr. HATCH. Mr. President, I rise to reflect on the passing of William F. Buckley, Jr. I am aware of my limitations in speaking about Bill Buckley. Anything I might add to the eloquent words that have already come from his friends at the National Review and from his friend, and my friend, the Senator from Connecticut, JOE LIEBERMAN, will seem small by comparison.

Still, as someone who knew Bill, as someone who admired Bill, and as someone who learned a great deal from Bill, I would be remiss if I did not say a few words about this extraordinary man and his extraordinary life.

The life of William F. Buckley, Jr., reads like something from one of his many fiction novels. Growing up in Mexico, his first language was Spanish.

As a prep school student, he demonstrated that he was a real entrepreneur, typing his classmates' papers for $1 at a crack. And consistent with the writer America got to know over the years, he would charge an extra 25 cents to correct their grammar.

After graduating, he spent time at the University of Mexico, studying Spanish, and he served his country in the Army, making second lieutenant.

Only after serving in the Army did he go on to college, something widespread in those days—when a hot war was followed by a long, cold war—and largely unknown today with the exception of those in ROTC and benefitting from the GI bill.

As a student at Yale, he distinguished himself. In addition to his studies in political science, economics, and history, he cut his teeth as a debater and was elected chairman of the Yale Daily News.

Following college, a year in the CIA, and the publication of his book "God and Man at Yale," he began a career as a writer.

In 1955, his public life began as he founded the National Review. The National Review never had a massive circulation. It continues to be subsidized by the contributions of its readers. But its significance was titanic. Simply put, there was no conservative movement before William F. Buckley, Jr., and the magazine he founded and cultivated.

For decades, the progressive left had been triumphant. Herbert Croly, The New Republic, Woodrow Wilson, and Franklin Roosevelt—there was no real answer to the arguments they made on behalf of higher taxes, a comprehensive state, and a highly regulated economy. For sure, there was a Republican Party, and Republicans continued to have electoral success. But there was no real consistent conservative point of view. The battlefield of ideas had been abandoned to the progressive left.

Bill Buckley, foot by foot, began retaking some of that ground, and establishing a framework of conservative ideas—themes of limited government, the protection of human liberty, economic entrepreneurship, and military strength in the face of a totalitarian threat bent on world domination.

The development of these ideas was not always pretty. But through fits and starts a movement grew. We first heard its voice in the 1964 Presidential election, an election in which Republicans were trounced. But by 1980, these conservative ideas had become a majority, one that helped to put Ronald Reagan in the White House.

Bill was no doubt combative, but I think most would say he was always having fun. He was a real intellectual, but he was no dour academic. He loved to sail. He used to make his way around New York City on a motorcycle. When he made his long-shot run for mayor of New York City and was asked what he would do if he won, he responded, "Demand a recount."

He took up the harpsichord at the age of 50. He became a novelist. His television show "Firing Line" ran from 1966 to 1999. I enjoyed being on "Firing Line" with him, basking in his wisdom, answering his questions, and on occasion irritating him to death. But I loved the man.

Bill was a man who loved the written word, and it was fitting that he passed away at his desk and at his home. His son Christopher, also an accomplished writer, noted, "he might have been working on a column." And I have no doubt we would have benefitted from it, Democrats and Republicans alike.

As the authors of The Federalist Papers, Abraham Lincoln, Franklin Roosevelt, and Ronald Reagan understood, America remains an experiment. It is an experiment in republican self-government. And that experiment is constantly being tested.

Bill lived through extraordinary and challenging times, times like our own that tested that experiment, and I have no doubt he was very important in helping us through them.

With wit and aplomb, he pushed the envelope. He argued and fought. He made us a better country. He was a great American who led a great American life, and America will miss him.

I have to say I knew Bill Buckley. I appreciated Bill Buckley. He had an enormous influence on me. As a former liberal Democrat, he helped me to see the merit in intelligent conservative approaches.

He appealed to so many of us, including some of my liberal colleagues, who loved to debate him and loved to chat with him, because he was at bottom a decent, honorable, funny, person who was open to basically everybody.

No doubt the absence of Bill will be even more painful to the family he has left behind. But consistent with the Catholic faith, one kept deeply by Bill, I hope this is also a moment of happiness for them as they know that Bill is now in Heaven with the love of his life, Patricia.

I offer my condolences to the Buckley family. All of you and Bill are in my prayers. His brother, James Buckley is in my thoughts in particular. It was my honor to serve with Bill's brother in a variety of capacities. His brother is a true gentleman, a wonderful human being. Although he was only here for one term, he was a great Senator. The examples of both Bill and Jim Buckley show how this unique American family has contributed so much to our public life.

I can assure you that the Congress, including members who differed with Bill Buckley, will miss his humor and will miss him personally. I know one thing: This Senator from Utah will miss him deeply.

Mr. President, I thank my colleague from Michigan and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to speak about what is currently happening on the floor of the Senate and what I am hopeful will happen.

Our leader, Senator REID, has one more time brought us—and rightly so—to a point to debate and try to move forward on changing course in the war in Iraq. There have been 5 years of war, with the largest expenditure now of the Federal Government in terms of monthly expenditures, and certainly in terms of loss of life. It goes on every day, day after day. All you have to do is look at the newspaper and see that families continue to pay a huge price for this war.

I stood on the floor of this Senate 5 years ago and was one of 23 Members who voted "no" on going into this war. But I have spent every other moment, every other vote, doing everything I can to support our troops, to make sure I do everything I can to make sure we honor them through our efforts to equip them and make sure they have the resources, and that when they come home and put on the veteran's cap that we are, in fact, providing the health care and the resources they need. I am proud to be part of a caucus, a new majority that has placed veterans health insurance, health care as a top priority to make that happen.

But I often think back to the discussions before my vote, and discussions with my husband, who is a 14-year veteran of the Air Force and the Air National Guard, and him reminding me that the best way to support American troops, the best way to support our troops is to give them the right mission. The second thing is to make sure they have the resources they need. The third thing is to make sure there is a clear exit strategy for that mission.

I did not support that mission and believe there was not the evidence that was needed to carry on that mission. I have supported those resources, however, that they need.

Now it is important, it is critical, that we as a body, as a Congress, come together to support the exit strategy, the effort to change the mission that needs to occur in Iraq, to be able to bring our people home, to be able to stop the multiple deployments, redeployments that are going on, and that we refocus on those areas of the world and those groups such as al-Qaida that truly are a threat to us. That means Afghanistan, that means other kinds of strategies to be able to truly keep us safe. That is what we need to do.

The most important thing is to keep us safe as a country, to be smart about our strategy. That is what we are debating, here: whether we are going to be smart about our strategy to keep us safe, whether we are going to pay attention to the daily loss of life in Iraq, and whether we are going to pay attention to the almost $15 billion a month that is being spent on that war, which is now a civil war, that is not being invested back home in America.

That is what I want to speak about for a moment, understanding that the most important thing is the loss of life and what is happening to our troops and their families.

As I said, I am extremely proud of the fact that we made a very top priority for us in the new majority coming in the full funding of veterans health care. We have done that. We have tackled the problems we have seen with Walter Reed and the inability for our troops, as they move between systems, to get the effective care they need by passing the Wounded Warriors legislation.

We have continued to bring forward other efforts to be able to address what I consider to be the abuse of our troops by continual redeployment without enough dwell time, rest time, for them to be here at home, as the Army Manual would require.

But we also have another very important piece of this which goes to what is happening when we have almost $15 billion a month that is being diverted from our economy, which from Michigan surely looks like a recession. I cannot speak to every other part of the country, but from our economy and our families and our communities, it is being spent on a war that a majority of Americans—not a majority of Democrats—a majority of Americans—Democrats, Republicans, and Independents—people of all persuasions in all States are saying: We no longer want to go in this direction. We want to change this mission. We want to bring our people home.

But we are now getting ready to do a budget. The distinguished Acting President pro tempore today is on the Budget Committee. He has served with distinction in the House and now in the Senate. Mr. President, you know as well as I do that we are now grappling with very tough decisions about how to address the needs here in America.

I think that on top of the issues of national policy and how to keep us safe, and the loss of life, and how to support our troops, we have to grapple with the fact that last year, for instance, when we passed, with overwhelming bipartisan support in the Senate, an effort to extend health care, health insurance to 10 million children of working families, the President vetoed it, saying it was too much money. Yet it was about half of the cost of 1 month of what we are spending in Iraq today.

Investing in children, healthy children in our country, of working families who unfortunately are working in jobs where they do not have health insurance and do not have enough of a wage to be able to afford the $1,000 a month premium or more that they would have to pay—do we focus on supporting those families and change this direction or do we continue down this road of saying no to our children?

We have the opportunity to create new jobs in the energy economy. In Michigan, we are moving full speed ahead on alternative energy, and not only in our vehicles. But windmills and solar and biofuels and all of these things take partnerships and investments.

We have an energy tax provision—a measure for which we came one vote short of being able to override one of the multitude of filibusters that has gone on on this floor: a historic level of filibusters stopping us at every turn—we came one vote short. We are talking about having some resources to be able to put into tax incentives to be able to produce alternative energies and the infrastructures so the biofuels can actually get to the pump so you not only can buy a E–85 car but get E–85 at the pump. It takes some investments to be able to do that.

We have been told no on being able to put dollars into that area. Yet the amount of money we are talking about is less than 2 months of spending in Iraq.

Infrastructure, roads and bridges. We saw last year what happened in Minnesota in terms of a huge bridge collapse and what happened with human life and what happened to the community involved. We have roads and bridges across our country, water and sewer systems that are aging, that need a facelift, and we need to be able to get some additional dollars so we can bring ourselves into the modern age for much of our infrastructure. Yet we are told again: No, there are no resources to put money into our infrastructure. However, we are rebuilding roads in Iraq, we are rebuilding schools in Iraq.

In fact, one of the original items I will never forget was to put wireless technology into schools. That was in the budget, but it wasn't the American budget, it was the Iraqi reconstruction budget. I have been working for years to get technologies in our schools, new technology, because every single student is going to face, at a minimum, working with a computer, whether you work at a gas station or whether you work at a high-tech company. Yet we can't do that in America. We have been told by this administration and by those who had been in the majority for 6 years: No. But at the same time, it was in the budget for Iraq.

We now find ourselves in a situation with a tremendous housing crisis. In my State of Michigan, it has frankly masked a larger economic crisis, where people have been losing their jobs, they are losing their incomes, seeing all their costs go up, but they have had that equity in their home that was keeping them going. All of a sudden, all of the values go down, and we are seeing a collapse in the housing market which has rippled out way beyond housing now into our capital markets, into our entire economy. Yet when we come to the floor—and we are going to be asking shortly, after we vote to end this filibuster that is going on, on the change in the Iraq mission—we are going to be asking to come together around a housing proposal that, frankly, I think is pretty modest. It is important, it is good, it is the right thing to do, but it certainly is something within the realm of reasonableness. Yet I know it is going to be difficult to be able to get this passed. The cost of it, again, is about 2 weeks in Iraq, to be able to focus on one of the most devastating crises going on in America today.

Most middle-class families save through equity in their home. That is how most people are able to get into the middle class. We are talking about people who have worked hard, played by the rules, done all the right things, got a job, saved up the downpayment, were able to get a home, and then find themselves in a situation where they are looking around saying: Wait a minute. What is going on here? What about me? What is happening in our economy? I need some help. We are trying to do that. I hope we are going to be able to come together and do that. But if we hear one more time: No, we can't do that, we can't afford it—we are talking about less than 2 weeks of what is being spent in Iraq.

How many times have we heard all the comments about Leave No Child Behind, about the fact that we are not keeping our promises as it relates to education. We passed new high standards. We all support the high standards. What we promised was that with that would come resources to help children, help schools succeed. We have seen dramatic underfunding. Again, in this President's budget, he eliminates 48 different education programs, including efforts that focus on vocational education and other things that are important for the future—48 different programs. We will be told that if we try to invest in education, that it is too much. It is too much. We can't afford to keep the promise of Leave No Child Behind.

We passed, on a bipartisan basis, something called the America Competes Act. I wish to congratulate my colleagues. This was a great bipartisan effort. I know the Senator from Tennessee, Mr. ALEXANDER, was a real champion of that. It focuses on math and science and technology and investments in the future. I wish we had seen those investments fully authorized, fully funded in the President's budget—health research to save lives, science research, the National Science Foundation, those things that will make us competitive for the future. Every other country is racing to invest in science. We see China is racing, along with Japan and South Korea and other countries around the world, to get to that next technology, whether it is advanced battery technology research, whether it is biotechnology, whether it is new cures in health care. Yet we, the greatest country in the world, are seeing those things cut, but $15 billion a month is being spent in Iraq which is, by the way, not paid for and goes right on to the deficit for our children to pay for in the future. These priorities don't make sense. They make no sense when we look to the future.

I would like to ask the President: How about just 1 month for America? How about just 1 month? We will take 1 month of $15 billion invested to help us with jobs, keeping American jobs here, opportunity through education and innovation, helping our own families with health care, and people being able to keep their homes. How about just 1 month for America?

This debate we are having on the floor about Iraq is incredibly important on so many different levels, and that is why I appreciate Senator REID bringing us to this point. There are other pieces of this that we are committed to addressing such as a modern GI bill. My father went to school on the GI bill after World War II. We ought to be doing the same thing for our returning veterans. It will cost some dollars. Are we going to hear once again: Well, we can't afford it. We can't afford to invest in our veterans. I hope not.

The reality is there is a great connection between what is happening now in terms of filibustering our effort to move forward, to change direction in Iraq—one more time, one more filibuster—and what we want to do next, which is focus on the incredibly serious housing crisis in America. There is a connection because we are saying that not only are we not doing the smartest thing to keep us safe from a strategic, from a national security standpoint, we are also using dollars—precious dollars, taxpayer dollars—in a way that is actually making us less safe at home by undercutting our ability to have a strong economy, strong families, to support those who are in the middle class, who are trying to work hard to get into the middle class, struggling to stay in the middle class. The majority of Americans find themselves in great jeopardy right now on a number of fronts. This is the time they look to their Government to play a role to help create opportunity, to be able to make strategic investments here at home that will make sure we can continue to have the American way of life of which we are so proud.

So this matters. This matters. I am looking forward to the time when we are going to change that direction in Iraq, and I hope it comes soon. I hope we are able to say to our men and women who are on their third or fourth redeployment now: Job well done. Thank you for your service. You can come home now. Hopefully, they will come home to a veterans system that works for them, that they will come home to a GI bill of rights that creates a way for them to have opportunity, that they will come home to an economy that works for them and their families. That is our goal. We are going to keep focusing on this issue until we create that change.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. KYL. Madam President, yesterday, I inserted into the RECORD a couple of items. I wish to speak to them briefly now.

The primary item was a letter that had been sent to the chairman of the House Intelligence Committee by Attorney General Mukasey and Admiral McConnell, the Director of National Intelligence. It was a letter that tried to explain the problems we are having in gathering intelligence on terrorists as a result of the lapse of the Foreign Intelligence Surveillance Act provisions, the so-called Protect America Act.

What we are debating right now is a resolution that focuses on when and how we should leave Iraq. Presumably, the next resolution we will be debating focuses on developing a strategy to fight al-Qaida. Most of us appreciate the fact that the best way to deal with terrorists, the very first thing we should do is to have in place a good intelligence-gathering capability, primarily in understanding the communications that terrorists are having with one another abroad.

The reason that is the No. 1 part of a strategy in dealing with terrorists is that unlike a war in which we are fighting an enemy with uniforms representing another country, these terrorists are shadowy characters who live anywhere in the world, who travel all around, who get together in cells every now and then and plan some kind of activity which is designed to terrorize, whether in London or Spain or Malaysia or the United States or wherever.

In order to fight the terrorists, we first want to understand what they are up to and then prevent it from occurring.

If we are having to react to a terrorist attack after it has occurred, we are in a very bad situation.

We created the Department of Homeland Security, and we have a lot of different plans and procedures for dealing with an attack after it has occurred. But in many respects, then it is too late.

So in this war against these radical Islamists, these terrorists who would kill anywhere they can and target innocent people, the very first thing we want to do is to be able to have good intelligence on that activity.

We collect intelligence in a variety of ways, but in modern times, one of the best ways to collect intelligence is by intercepting communications. There are a variety of means by which that is done. One of the things the Congress did was to develop a law that provides protection to American citizens and others to ensure that this intelligence collection does not impinge on our civil rights. We do not want to have the Government eavesdropping on us, and that is appropriate for us to ensure.

The problem is, because technology has outpaced the law back when it was written in the 1970s and technology now enables us to do electronic intercepts against foreign targets through some very sophisticated and new means, the law that set up the process for getting approval to do that takes far too long, it is far too complicated and, in fact, the bottom line is it just plain does not work. It is "paperwork in an electronic era" kind of comparison.

So the President came to the Congress and said: You have to get a new way of doing this activity that enables us to utilize this new technology we have to intercept these communications. And last August, we passed the Foreign Intelligence Surveillance Act, the FISA law—it has another acronym, Protect America Act—which enables us to utilize this new technology and also, importantly, to provide that the telecommunications companies that work with us do not have to worry about somebody suing them because they are helping the U.S. Government collect intelligence.

The law we passed had two problems. No. 1, it expired after 6 months because some in the Congress felt they wanted to take another look at it; and, secondly, it did not have liability protection for these telecommunications companies for the previous work they had done for us. It was only for the work going forward. The telecommunications companies essentially said to the U.S. Government: We are not going to continue to do this work for you unless you can ensure we are not going to get sued and that the lawsuits that are currently pending go away.

I am oversimplifying. The lawsuit said: You shouldn't have done what you did because the U.S. Government shouldn't have been engaged in this kind of surveillance.

That is not the fault of the telecommunications companies. They were simply doing what the Government asked them to do. They were a volunteer to provide their services, their very essential services, to help us collect this intelligence. As with any other volunteer, you should not get sued just because you stopped to help somebody along the side of the road who got hurt in an accident. The same thing is here. The Government asked them to volunteer their services to help collect this intelligence, and they should not be sued. But lawyers being what they are filed some lawsuits, and those lawsuits need to go away.

The President said: When you revise the law and pass it in February of 2008, make sure you have liability protection not only going forward but also for the suits that have already been filed. Sure enough, the Intelligence Committee in the Senate, by a bipartisan vote of 13 to 2 or 12 to 2—but a very strong bipartisan vote—agreed to extend the law for another 6 years and add the retroactive liability protection, precisely what is needed.

However, when the bill was sent over to the House of Representatives, the House Democratic leadership said: No, we are not going to take this up and promptly went on the recess that we just got back from, a 12-day period in which Congress was not in session. During that period of time, the law lapsed and General Mukasey and Admiral McConnell in this letter made it clear that during that period of time, we lost intelligence that could be very meaningful to us. We don't know whether it is or not because we lost it. We could not collect it. But the kind of intelligence that we have been collecting under this program has been very helpful for us to know what these terrorists are up to so that we can prevent attacks.

We are now in a situation where we are not able to commence certain intelligence gathering. In addition, and perhaps more important in the long run, we have not done anything to solve the problem of these lawsuits, the retroactive liability, with the result that, as they write in this letter, the telecommunications companies are becoming increasingly concerned about their ability to continue to help us. They are all responsible to their shareholders, and their shareholders do not like to see their company is getting sued. It reduces the value of the company. It creates problems and costs. When they try to do business with other companies, the other companies say: Wait a minute, are you involved in these lawsuits? If so, we don't want to enter into a new contract with you.

They work with companies all over the world. A lot of these companies are concerned that American telecommunications companies are going to have this kind of exposure, and they don't want to get involved in it.

It can hurt business substantially, as a result of which some of these companies have conveyed to our intelligence community their distress, anxiety, and concern about continuing to participate in this program.

Fortunately, through negotiations, according to this letter, companies are still working with us. They are still participating, but without them we have no program. This is not something the U.S. Government can do on its own. This is something that only works if all of the companies that provide our telecommunications services are working with us.

So we have to act pretty soon or we could well be in a situation where the very companies that are critical to the operational success of this program decide that discretion is the better part of valor on their part and they are just not going to be able to continue to help us. At that point, we have lost one of the most important intelligence-gathering operations in this war against terrorists.

I want to go back to the days following September 11, 2001. There was a lot of finger-pointing. A commission was established to try to figure out what went wrong. There were a lot of areas identified where we should have known better, and had we done things differently, at least potentially 9/11 could have been prevented.

We found that the FBI and CIA were not talking to each other, and the Justice Department had constructed a sort of wall between the two, even within the FBI itself which prevented one hand from communicating to the other very important information. In fact, there is information relating to a couple of terrorists that, had they been able to talk to each other, might well have resulted in these terrorists being picked up in the United States, people who were directly involved in the 9/11 attack and, at least theoretically, could have been prevented had they been able to communicate with each other.

The bottom line is, retroactive, after 9/11, we could have been doing more but did not. That report was very critical of the Congress, of the administration, of the intelligence community, of the FBI, CIA, and others for not doing everything that could have been done to prevent 9/11.

If there were to be, God forbid, another terrorist attack on the United States and the commission that is inevitably going to study what happened would look at the days prior to that event in the Congress, what they would find is a House of Representatives that is sitting on its hands, that is unwilling to take up the Senate-passed bill. That bill passed with 68 Senators voting yes, obviously Democrats and Republicans voting yes, a very strong bipartisan bill. The President says he will sign it. He said we need it. The intelligence community says we need it.

Now it has been 2 weeks, and we don't have a law that enables us to engage in this intelligence collection.

What happens if before we get that law there is an attack or even an attack after that based upon communications of terrorists that we could have intercepted but didn't because we didn't have the means to do it?

There is going to be a lot of finger-pointing, and rightfully so. The Senate said we are going to do our part, we are going to pass this law so there are no gaps in our intelligence collection.

The House of Representatives continues to sit on its hands. What will it take to get the House leadership to take up the Senate-passed bill and send it to the President for his signature? I hope it doesn't take another terrorist event.

This debate we are having about our policy in defeating al-Qaida and how Iraq fits into that is part of an overall debate about our approach to the war against militant Islam, the terrorists who strike innocent people. As I said in the beginning, the most important thing that we can do in starting our effort in the war is to have good intelligence. In this case, the best offense is not going to war in some foreign country, not bombing somebody, but finding out what these bad actors are up to and preventing them from putting their plans into effect.

Partially because it has been quite a long time since 9/11, and partially because it is not possible to talk about some of these events because they are highly classified, the American public probably is not as aware as it should be of the kind of activities that go on every day. What happens every day is that there are all over the world thousands of would-be terrorists meeting, planning, communicating, training, and, in some cases, carrying out their intentions engaging in terrorist activity. And because we have had good intelligence collection, much of which is done through this electronic interception of communications, we have been able to stop specific terrorist attacks. Some of these are chronicled by the communications from the Attorney General and the Director of National Intelligence. Some are laid out in reports from the CIA and other unclassified reports—just to mention one: an effort to blow up elements of the Los Angeles Airport, LAX. There are others. I have kind of forgotten which ones are classified and which aren't, so I am not going to describe any more. But the reality is, it is going on all the time, and only by good intelligence can we find out in advance and then either infiltrate the cell, work with our counterparts in another country to round up the bad guys, or perhaps, if the plans haven't gotten to the execution stage, use our knowledge to gain additional information to track other terrorists. In any event, at some point, when it looks as if the plan may be about to be executed, either we or our allies have to come in and arrest the individuals so that the attack doesn't occur. But we can't do that if we don't know what they are up to.

It is unfortunate that a lot of the information about how we collect intelligence has gotten out, but it is fortunate that we have companies in the United States that are willing to cooperate with their Government because they are in a position to help the Government intercept these communications. It just happens to be because of the way the modern telecommunications technology now works.

We should be doing everything we can to protect these volunteers, in effect. They have relied, in good faith, on the representations of the Government that the President had the authority to engage in these operations and requested their services. This is not my conclusion, this is the conclusion of the Senate Intelligence Committee in its report on the legislation we passed. It pointed out that it had examined the record and found these communications companies had, in fact, acted in good faith. So there is no reason for them to be subjected to lawsuits. Unless those lawsuits go away, it is quite possible that one by one the companies that are assisting us are going to conclude that it is not in their financial best interests to do so and that, as much as they would like to, they are simply not in a position to continue to be able to do so. That would be disastrous for our intelligence gathering.

So, as I said, the fix is the legislation that passed the Senate. It is a good bill. It reauthorizes this program for 6 more years and adds the one important additional element, and that is the protection from liability.

It also adds some additional civil liberties protections, by the way, for Americans abroad. One of our colleagues, Senator WYDEN, had inserted the provision that adds an extra layer of protection for an American who might happen to be abroad and find himself or herself a target of some of this interception because of a call made to the individual or that individual making a call to somebody else who is under surveillance and so on. It is a rather rare occurrence, but we have provided protections so that a warrant would have to be obtained in that circumstance, and Americans' civil liberties would be protected.

So no one should be under the assumption here that somehow or other reauthorizing this law lets the Government loose to begin spying on people. Believe me, there is so much information out there which we don't even have the time or the ability to check out that we are not going to go out of our way to spy on people on whom we have no reason to spy. This is simply a matter of trying to identify those instances in which known terrorists, or people who affiliate with these terrorists abroad, are communicating with each other.

By the way, importantly, if that communication comes into the United States, we want to know whom they are communicating with here because that could be the late stages of an operation. That could be an indication that there is an element embedded in the United States—a terrorist cell, perhaps, that is ready or at least is in the process of planning to engage in some kind of attack.

So these are the kinds of things we need to know about and which have protected the American public since 2001. It is no accident that America has not had an attack on our soil since 2001. It is also no accident that, frankly, the number of attacks in other places around the world is far less than would have been the case had we and these other countries not had in place good intelligence-gathering operations and good cooperation, I might add, among our intelligence services once we find out something that needs to be acted upon.

So as we debate these resolutions that focus on getting at al-Qaida—our colleagues on the other side of the aisle are insistent that we should be focusing our efforts not on extraneous aspects of this war against terrorists but on al-Qaida—I simply say to all of you that focusing on al-Qaida means first and foremost getting good intelligence on what they are up to. In today's modern world, that cannot be done without a reauthorization of this law that enables us to collect this telecommunications intelligence. That is not going to happen unless the bill passes and is sent to the President. Every day that goes by that the House leadership sits on the legislation we here in the Senate passed and doesn't send that to the President is another day of vulnerability. It is a day in which we will never get back the intelligence we might have collected.

This is not something where we can catch up. It is not something where it is not doing us any harm. As General Mukasey and Admiral McConnell pointed out, it is lost information forever. That telephone call we might have communicated is not going to happen again. Now, maybe a subsequent call will, but we will never have the benefit of the communication that occurred yesterday or the day before or later on today because we don't have the ability to engage in that collection.

I can't think of anything more important to our national security than getting this legislation adopted. It is one of the reasons we agreed with the majority leader's cloture petition to debate this question of how we should be focusing our effort on al-Qaida, because we wanted to ensure that the American people understood what is at stake here and understood what is at risk by the House of Representatives not taking up and passing the Senate legislation on intelligence collections abroad.

Madam President, I hope the House leadership will take this up quickly, will get the bill to the President so that he can sign it into law and Americans will once again be protected by the most advanced techniques and technologies we have.

I see my colleague from Tennessee is here, our distinguished conference chairman, and I will relinquish the floor so that he may speak. I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from Arizona, and I appreciate his remarks. I agree with his sentiments.

I might start with that. I thought the Congress got off to a pretty good start this year. The President and the House of Representatives agreed on an economic stimulus package. All of us had different ideas about it, but the President and the House agreed on something, sent it over here, and we had what I would call a principled debate about it—a disagreement over whether to spend $40 billion more on it than the House-passed legislation, and the Senate objected to that. That was dropped. Then we passed it, sent it to the President, and he signed it. That spirit of having a principled argument, resolving it, and helping the American people got us off to a good start. We did the same thing on the FISA legislation Senator KYL, the Senator from Arizona, just described. He was a major force in that. That was a principled debate as well.

Samuel Huntington, the distinguished Harvard professor who is the former president of the American Political Science Association, says that most of our conflicts in our democracy are conflicts between or among principles, with which most of us agree—for example, liberty and security. Each American has a right to liberty, each American values security, and we debated that here for nearly 6 months, from August through today: If we are going to intercept communications from terrorists overseas calling into this country, under what conditions may we do that and still respect our traditions of liberty? Security versus liberty. Differences of opinion.

The Judiciary Committee got in the middle of it. The Intelligence Committee was in the middle of it. In the end, the members of the Intelligence Committee produced a piece of legislation by a vote of 13 to 2, a bipartisan piece of work they believed respected liberty and security—and after a good debate here on the floor of the Senate, nearly 70 Senators agreed. That is about as well as you can do in the Senate when you have a major difference of opinion. And off that went to the House of Representatives.

Well, if what happened here was an example of what Americans like to see from their legislators, what happened in the House of Representatives is not what Americans like to see.

What I think most Americans want to see in Washington is not that we always agree. I mean, this is a debating society. It is the Senate. The issues are here because we don't agree, in many cases. So we have these debates on liberty versus security, for example, and then we resolve them. We show that in the end we resolve them. That is what people like.

Then it goes over to the House of Representatives. And let me put it in the words of some Tennessee folks last week. I was in Tennessee last week when the Senate was out of session, and the most frequently asked question, the most frequently made comment went something like this—and I will paraphrase, but just a little bit:

Senator ALEXANDER—someone in the back of the room at Ashland City might rise and say—I have a question for you. How is it that the House of Representatives has time to investigate baseball, has time to play politics with the White House staff members, has time to take a 10-day vacation, but doesn't have time to deal with an intelligence bill?

And I had to say to them: I am disappointed with what happened in the House of Representatives because it did so well with the economic stimulus package that I thought we were off to the kind of start the American people would have agreed with.

So I believe most Americans understand that the failure to deal with the Foreign Intelligence Surveillance Act legislation means this: It means fewer surveillances. It means fewer companies and individuals willing to cooperate with our Government in overhearing conversations between those who would destroy us when they call in to our country to talk about it. And it means we are less safe as a result of that.

My hope would be that we can deal with this Intelligence bill quickly and promptly. The House of Representatives is certainly capable of that. There are good men and women there. We recognized that when we basically adopted the House's economic stimulus package, with minor adjustments. Some Senators said: Well, the Senate ought to have a lot to say about that. Well, we—most of us in the Senate—are rarely guilty of an unexpressed thought, that is true, but it is not a bad idea for us also to recognize wisdom and good ideas when they come from the other part of the Capitol. We saw in the economic stimulus package some wise decision making and, for the most part, adopted it, with some amendments.

My hope would be that the House of Representatives would do the same with the Senate's 68-vote decision on the Intelligence bill. My understanding is that there is a majority of Democrats and Republicans in the House of Representatives today who agree with the Senate bill and who would vote for it if it were brought up. If they will do that, that would be very helpful.

I see the Senator from Oklahoma is here. Would he like to make some remarks between now and 4 o'clock?

Mr. INHOFE. Yes, I would.

Mr. ALEXANDER. I would like to take 4 or 5 minutes to say a word about William Buckley and then turn the floor over to the Senator.

Mr. INHOFE. Would the Senator yield? I would like to know what the regular order is here.

The PRESIDING OFFICER. There is no order.

Mr. ALEXANDER. I ask unanimous consent that following my remarks, the Senator from Oklahoma be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### TRIBUTE TO WILLIAM F. BUCKLEY, JR.

Mr. ALEXANDER. Madam President, the news came today that William F. Buckley died. For most Americans, that brings back a lot of memories. Since the early 1950s, he has been synonomous with public television. "God and Man at Yale" was an important book, even though he was a very young man when he wrote it. And William F. Buckley's style, his choice of words, his manner of speaking, and his unfailing courtesy have set an example for debaters of important issues in this country for more than half a century.

In 1984, a couple of years after I had been a guest on "Firing Line," which was William Buckley's television show, I sat next to him at a dinner. It was a Howard Baker fundraising roast in Washington, DC. William Buckley was the master of ceremonies.

I wrote about that visit in a little book I put out after I was Governor called "Steps Along the Way."

"When do you write?" I asked him.

"Anytime," he replied. "Books are about the only thing I write in a methodical way. I do them in Switzerland, after I ski, between about 5:30 and 7 p.m."

I told him that when our family had visited Chartwell, Winston Churchill's former secretary said that Churchill sometimes dictated 5,000 words in a night.

Buckley was surprised. "I can do 1,100 or so in a couple of hours," he said, "Sometimes more, maybe up to 2,800 words at a time, but 5,000 would be a very productive night. With the advent of computer technology I can know exactly what I do each time I write. For example, my last book took 112 hours."

"When do you make corrections?" I asked him.

"I do that in about thirty minutes the next morning, before I go skiing."

"You mean that you finish off the last day's work so you can be ready to start when you return from skiing?"

"That's right. Then I send the transcript to five friends. When the transcripts come back, I put the five edited versions side by side and decide what changes to make."

"What about your columns?" I asked him. "How long do they take to write?"

"You mean after I get them in mind?" He said.

"Yes."

"About twenty to thirty minutes. Westbrook Pegler once told me it took him eleven hours to do a column."

"Do you make changes?" I asked him.

"No." Said William Buckley.

"I've been doing it for nineteen, no, twenty-two years. I know the rhythm, the internal consistency of the column. I have it down. I don't change it. That would be like asking a jazz pianist to change his improvisation."

That was William Buckley in 1984. He was a pianist. He really preferred the harpsichord, the clavichord. He told me he played Bach because you played what you loved the most. He loved music. He loved talking. He loved people. He loved his family. He was, of course, a wonderful conservative leader. He changed the way many Americans thought about our Government and our society. And he always seemed to have the right thing to say.

In 1996, after I had competed for the Presidency, I was at some dinner. He walked all of the way across the room. You never know what to say to someone who has lost an election. It is kind of like what do you say to someone at a funeral? But he walked all the way across his room and put his hand on my shoulder and said: That was a noble thing that you did. That has always struck me as the one of the nicest things anybody has said to me after having lost an election.

So I will miss William Buckley. So will our country. So will the conservative movement. My family and I send our condolences to the Buckley family. We know they are proud of his life. They will miss him. I am glad to have these few minutes on the Senate floor to remember William F. Buckley's contribution to our public life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I understand I have 15 minutes. I might wish to take a little bit longer than that. I ask unanimous consent to speak as in morning business for as long as 30 minutes.

Mr. DOMENICI. Reserving the right to object, I was supposed to be recognized next on our side. I was not going to speak long. I had rearranged an appointment.

Mr. INHOFE. You go ahead. I want to hear everything you have to say. Let me suggest that after the Senator from New Mexico, at the conclusion of his remarks, I be recognized for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, might I say to the Senator from Oklahoma, I greatly appreciate what you have done. I thank you very much.

I have always been in complete support of our troops who risk their lives every day to defend the United States of America. I voted for every dollar requested to fully fund our troops and against every effort to dictate the tactics of war from the Halls of Congress.

However, last year I began to express my concerns about the deteriorating conditions in Iraq and called on the Iraqi Government to do more and to do more quickly. I pointed to benchmarks laid out by the President and Congress that had a great deal of resonancy to them and that were rather unanimous in terms of support.

These were benchmarks on the ways that the Iraqi Government could and should move its country forward. I am glad to say that since General Petraeus took charge in Iraq, conditions have improved and the benchmarks have been met. I am glad to say that since General Petraeus took charge in Iraq, conditions have improved.

Iraq's different sects are working together. There has been a renewed spirit of reconciliation among Sunnis, Shiites, and Kurds. A debaathification law has been passed. Iraqis are taking an interest in their own safety and security, forming neighborhood watch groups and looking out for each other.

There is no question, I know there are some who would not like to admit the facts, but the facts are the facts. Things have changed since last year in Iraq and they have changed for the better. I have briefly outlined how it happened and who made it happen.

There can be no doubt that the military hero of this war is General Petraeus. There can be no doubt he carries a heavy burden on his shoulders now to see if things can be wrapped up in a way that is good for the Iraqis, good for the entire Middle East and obviously in many ways would vindicate America's activities and what we have done there.

Iraqis are taking an interest in their own safety and security. They are forming neighborhood watch groups and are looking out for each other. One thing, and this kind of disturbs me, is that much of the information which I have to get, because I am not able to go to Iraq, is to talk to our own Senators who have been there. Because even though things have changed, Baghdad is safe, we just are not getting the coverage from the press of the United States or the press of the world that the change deserves. Because everybody in America should know what I am saying in this speech.

The very simple fundamental things that have happened have happened since General Petraeus set about with his approach that he told the country about. He named it. He told the President about it, and he did not ask for too much in order to exhibit and exercise his leadership.

Moreover, an Iraqi Army brigade recently deployed itself for operations against al-Qaida. Partially because of these efforts, there is less violence in Iraq now than when the insurgency began.

The Iraqi Government has passed an amnesty law for the country's Sunnis. Many said it would never be done. It was. The Government has further passed a budget—maybe we will not even pass ours this year, but they passed theirs for $50 billion for 2008. That is a compromise between the Sunnis, the Shiites, and the Kurds. They were able to sit down and solve their problems, their budget problems, and to pass a budget.

That is truly significant and truly different and obviously indicates that things have changed for the better. Oil revenues are going to Iraq's provinces to fund reconstruction efforts. That is another one everybody said would never happen, they will never be able to reach agreement on that. They have.

Even the New York Times has noted progress in Iraq, reporting that the newly passed legislation in Iraq:

> Has the potential to spur reconciliation between Sunnis and Shiites and set the country on a road to a more representative government, starting with new provincial elections.

That is something when the New York Times would choose to say that. They have not covered it very well, but at least the words I read are words found in the New York Times, which would clearly indicate that even they, they of little faith and they of quick judgment on the war in Iraq, had to say what I have quoted.

Now, I am proud to be here today to note this progress, the progress of the Iraqi Government, because it is the progress of the Iraqi people, the people whom we went there to help.

It is their progress, their victory, their win. Yet we are proud it was led by an American who has apparently an exceptional capacity in these areas, the areas that festered and caused these people to remain far apart until the last 18 months.

They have made significant, notable progress in the past 6 months and are on the right path to a stable and secure Iraq. General Petraeus and our soldiers deserve our thanks, our thanks and support for their efforts in Iraq and in the larger global war on terror.

I yield the floor and thank my friend once again for yielding to me.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I understand my friend is here wishing to speak. I have a quick unanimous consent request.

I ask unanimous consent that at 6:30 tonight, all postcloture debate time be yielded back and the motion to proceed be withdrawn; the Senate then proceed to the cloture vote on the motion to proceed to S. 2634; further that the time until 6:30 p.m. be equally divided and controlled between the two leaders or their designees, with the final 20 minutes equally divided between the leaders, with the first half under the control of the Republican leader and the final 10 minutes under the control of the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, for all Members, we will have a vote at 6:30 tonight on the second Feingold piece of legislation. Following that, if cloture is invoked, of course, there is 30 hours on the motion to proceed. I have had a number of conversations today with the distinguished Republican leader. He and I will discuss later this evening and tomorrow how we are going to work through the rest of this week. My goal, as has been indicated a number of times over the last 24 hours on the Senate floor, is to make sure that sometime this week we are on the housing stimulus package, and we will do that. We will see if we can do it with an agreement rather than running out all the time.

As I indicated earlier today, I think the debate on this Iraq legislation has been good. My friends on the minority side think the war is going great. We have some concerns on this side.

Just in passing, I had a meeting in my office about an hour ago. We have a wonderful facility being built in Las Vegas, a performing arts center. It will be wonderful. It will be like the Kennedy Center. They have raised all but $50 million of this $475 million project. I told those who were assembled: This is about the same amount of money being spent in 1 day in Iraq, the $420 million, the money they have raised.

It has been a good debate, a good discussion. I think it is good that the body spend some time on this very important issue. One thing that has been quite good, and I commend Senators on both sides, is it has been a very civil debate. We have a significant disagreement on the situation in Iraq, but we have had a good debate. The American people should feel good about the discussion. It has been very tempered and dictated by actual feelings on both sides.

Mr. McCONNELL. Madam President, let me echo in part the majority leader's comments with regard to the process. As he has indicated, we will have a vote at or around 6:30, and then he and I tomorrow will discuss how we move forward on the housing issue. It would be our intent to either get to a vote or get on, based upon a consent agreement, that subject matter no later than sometime at a civilized hour tomorrow.

Mr. REID. Madam President, I ask unanimous consent that the time at 5:55 today—Senator McCONNELL and I have from 6:10 to 6:30. Senator FEINGOLD has asked that he be recognized at 5:55 until we speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, I would like to take a little longer view of what is going on right now in the war for the liberation of Iraq, the good things that are happening, the surge, and kind of go back to give a better perspective as to how we got here in the first place.

There was this euphoria that was going around back in the early 1990s: The Cold War is over, we don't need a military any longer. They talked about such things as the peace dividend at that time, and this is what precipitated 9/11. The Clinton administration came in, and this is the amount of the actual DOD budget at that time. This was the baseline. This is a very simple chart that tells us a lot. If we were to merely have maintained the level of defense spending as it took place in the last year of the Bush 1 administration and then had nothing except the inflation rate, which wasn't all that great, it would be this black line taking us up to fiscal year 2001. This was what would have happened if we didn't do anything else. But down here the red line indicates where President Clinton made his budget request. That was his annual DOD request. If you forget about the middle line, the difference between his request and if we just maintained the same position that we were in in fiscal year 1993, it would have been $412 billion less; in other words, in that short timeframe, we would have cut defense real spending in constant dollars by $412 billion.

The Congress didn't let that happen. This middle line, the green line, is what actually was budgeted. So what we did was to say to the White House: You are not taking good enough care of our military needs. And so we raised it by about $99 billion over that period. That means the real shortfall was $313 billion in that timeframe.

I show this chart because there was an attitude in this country at that time that there weren't any real serious problems. People kept saying we were the world's greatest superpower, and we appropriated more money than anyone else. I wanted it to continue that way, but there were some things that were going on that I would like to remind us of. That was called an acquisition holiday or a peace dividend. I think it was more of a holiday in leadership at that time. International terrorism took to the forefront as bin Laden began his war against freedom. Afghanistan was used as a training ground for terrorists, and the Taliban regime allowed al-Qaida unfettered mobility. We were on holiday. We were not fighting back. They took advantage of this in some major attacks.

Somehow I think the memory of the American people isn't very long because they forgot about these attacks that were taking place. Remember the first attack on the World Trade Center was in 1993, February 26. It was a car bomb that was planted in an underground parking garage below the World Trade Center, and that was way back in 1993. In 1996, the Khobar Towers, we remember that well. They were bombed by Hezbollah with the intelligence pointing toward al-Qaida, still al-Qaida. At the same time this was going on, in northern Africa their presence was visible at that time. Further on down in southern Africa we had the Embassy bombings in Kenya and Tanzania. That was in 1998. That was in Dar es Salaam and Nairobi. It went unanswered at that time. So we had all of this going up through 1998.

Then there is the year 2000, when suicide bombers used a boat to attack the USS *Cole* while it was moored in Yemen.

Yemen is right at the horn of Africa on the other side. And now we know that as the squeeze has taken place, that has become a very prominent place for al-Qaida and for the terrorists. So you had Djibouti, we were starting to put troops in there, but we had that suicide bombing. That was a major thing. It let us know, it reminded us that we could have a ship, the USS *Cole* at that time, and have nothing but just a little outrigger going out there and blowing it up and causing the deaths and the damage that took place.

The response—this was back in the first of the Clinton years—was pretty benign. It was restrained and at best inconsistent. Operation Infinite Reach included cruise missile attacks against Afghanistan and Sudan. There was no real change. The administration was distracted at that time. This inadequate response has been cited as a factor emboldening al-Qaida to undertake further plans. Yet we continued on our holiday at that time. In Operation Restore Hope, we became embroiled in Somalia, and we remember what happened in the streets of Mogadishu when finally the people woke up when they saw the naked bodies dragged through the streets. President Clinton directed U.S. forces to stop all actions except those required in self-defense, and we withdrew from the country shortly thereafter. .

It is kind of hard for America to get in the habit of withdrawing. We stake out our position, and we have historically stood strong and carried it out. In 1999, as a NATO member, the United States became involved in a bombing campaign against Yugoslavia and a subsequent U.N. peacekeeping force. The holiday that we were on at that time ignored the rising threats against our national security, mortgaged our military, leaving a bold challenge for the next administration.

The first Rumsfeld confirmation was rather enlightening because what we did at that time was to try to determine what our needs were going to be for the future. We had to rethink where we were before. And at that time we were trying to reevaluate where we were. We were recalling some of the bad things that had happened. We remember so well the 1991 Persian Gulf war. There was a group that went over, a bipartisan group. I remember Tony Coelho at the time. He had been the Democratic lead in the House. I was in the House at the time. We had the first freedom fight, and we sent a group over to Kuwait. It was the day that the war was officially over. The problem was the Iraqis didn't know that the war was over at that time, and so we had the first freedom fight. We went over there.

Al Haig, I ran into him the other day. We kind of relived that experience we had over there. We had with us a very special guest. He was the Kuwaiti Ambassador to the United States. He had his daughter. They were a family of nobility. They had a palace on the Persian Gulf. But, of course, they hadn't been there because that was a war zone, that was Kuwait. So we went over there, this group of nine of us, Democrats and Republicans, and I remember when the wind shifted, the oil fields were still burning. It was a mess over there. But they wanted to go back, the Ambassador wanted to go back and see what their house looked like, if it had been damaged in the war.

When we got there, we found that his house had been used for one of Saddam Hussein's headquarters. His daughter, she was either 7, 8, or 9 years old. I remember so well because she wanted to go up and see her bedroom and the dolls and all of that. We went up into this mansion on the Persian Gulf, a beautiful place, only to find out that her bedroom had been used as a torture chamber. There were body parts stuck to the walls. I saw a little boy who had his ear cut off, maybe 6 or 7 years old, because they found him carrying a tiny American flag. That was back at the time when unconscionable murders were taking place where Saddam Hussein, after that was over, started killing anyone who was suspect and torturing them to death. There are stories documented that people would beg to be dropped, lowered into vats of acid head first so they would die quicker.

Being put through grinding machines, like you are shredding documents; the open graves; the documentation of weddings that were for a while taking place—many of them outdoors; that is the way they did it over in that area—and Saddam's sons, at that time they were alive and the regime was in there, they would go through and bust up weddings and rape all the girls and take them and bury them alive. I actually looked down into those open graves, and people were so quick to forget what a monster he was.

I have often said, even if that had not happened, even if we did not have the problems with the terrorist activity in Iraq and the fact that they were training people in Iraq to be involved in terrorist activity—al-Qaida was very prominent—that even if that had not been the case, how could we as a country allow the hundreds of thousands of people to be tortured to death in such a cruel way? I do not think we could. Certainly, we could not if people had a chance to see it.

So the time went by, and they started talking about, of course, going into this liberation movement in Iraq.

Now, there has been a lot of discussion over the years about weapons of mass destruction. Those of us who were over there—I would say to you, Madam President, that while I have not been this many times to Iraq, I have actually been in the area 27 different trips—27 different times. Sometimes it was at CENTCOM, sometimes the Horn of Africa and other areas. But, see, the terrorist activity and the war was not just in Iraq. It was in the whole surrounding area. So in all those times I was there, I had a chance to, on a firsthand basis, see what was involved.

We know we had to go in there. We know we had to go in there and finish what had been started in Iraq.

Now, there are 3 things that were started. No. 1, we had to liberate Iraq from a tyrannical leader—we have already talked about him—No. 2, eliminate a safe haven for terrorists and their training camps; and then, No. 3, to help the Iraqi people create a free and democratic country strategically located right in the Middle East where we have the greatest needs.

Well, No. 1, the liberation of Iraq: After the first Persian Gulf war, I told you, we had what we called the first freedom flight into Kuwait. But that liberation was necessary to put an end to Saddam Hussein's regime of torture.

Now, when they talked about weapons of mass destruction, yes, weapons of mass destruction were not found. We know they were there. They were used on the Kurds in the north. Saddam Hussein used weapons of mass destruction to painfully murder thousands of his own people using gas that burned them alive. That was happening. But, nonetheless, for those of us who were aware, that was not the real reason.

If you look at the second reason, that Iraq was a major terrorist training area—a lot of us are familiar with Samarra and Ramadi, but some have forgotten or may have never even known about some of the other areas.

Sargat was an international terrorist training camp in northeastern Iraq near the Iranian border, run by Ansar al-Islam, a known terrorist organization. Based on information from the U.S. Army Special Forces, operators who led the attack on Sargat said: It is indeed more than plausible that al-Qaida members trained in that particular training camp.

Now, one of the interesting places where this was taking place was a place called Salman Pak. In Salman Pak they had—and I think it is still there to this day—on the ground an old fuselage of a 707, and that was used to train people on how to hijack airplanes. I have often wondered if that could have been where the perpetrators of 9/11 got their training. I have no way of knowing. We never will know. But we do know this: That location, along with the problems in Sargat, had major training areas for the terrorists. So we were able to shut those down. I would say this: That alone would be enough motivation for us to go and liberate the people of Iraq.

But the third one is to help the Iraqi people create a free and democratic country. Iraq is trying to do what we tried to do 230 years ago. They are risking their lives, as we risked our lives some 230 years ago. They are seeking a constitution, a parliament, freedom, and democracy. These are things they are trying to accomplish.

I think of that first election that took place out in Fallujah, when the Iraqi security forces were going to vote. I was there. I was in Fallujah actually for all three elections, I believe. But I remember the Iraqi security forces in that first election. Everybody remembers the purple fingers so they could identify who was voting in those elections. And these guys—the security forces—went out and voted the day before the elections. They did not wait for the elections. They were doing it the day before so they would be there on election day to provide the security.

People were risking their lives to go out and vote. We know the cases of people being attacked by the terrorists to keep them from voting. They were easy to identify because of the purple fingers. But these guys were gladly going in there at that time, going to vote, and then returning the next day to protect our people who were there.

Our men and women serving in Iraq are providing the Iraqis the same inspiration our forefathers provided us. Iraq is becoming an example to the world of how to reject terror and confront those who practice it. The world sees now the Iraqi citizens are realizing their potential, signing up as Concerned Citizens, sons of Iraq—72,000.

It is a pretty amazing thing when you look and see that instead of the mass graves and all these things, you are seeing a mass participation in Iraq. They are returning to normalcy now. A lot of people are asking: Is the surge really working? I do not believe anyone is out there who can conscientiously deny that the surge has worked.

It was about a year ago that General Petraeus went in. What happened? Three things happened. One was that Petraeus—by far, the greatest guy for the job out there; and I do not think anyone except moveon.org disagrees with that now—that Petraeus took over. Secondly, the surge, in certain strategic areas, increased in numbers. But the third thing that happened was there have been so many resolutions like the one that is before us right now that I refer to as "resolutions of surrender" that got the attention of a lot of the religious leaders.

I often draw a distinction from my own personal experience. I have met with the political leaders, of course, like all the other Members who have gone over there. I have done it more because I have been there more times. But the religious leaders are the ones who have the greatest impact on what is going on in Iraq. Up until—and this is a statement no one has refuted—up until about a year ago, our defense intelligence people would attend and monitor the Friday night mosque meetings that took place throughout Iraq. These are with the clerics and the imams, the religious leaders. Prior to that time, 85 percent of the messages that were preached, I guess you would say, in the mosques were anti-American. To my knowledge, there has not been an anti-American message given from a mosque in Iraq since last April because they realize if we leave, then the terrorists will move in.

So that is why we are getting—it has been talked about by many people on the Senate floor—the attitudinal change. The neighborhood watch programs—in my hometown of Tulsa, OK, we have a neighborhood watch program. We have them in Washington. They have them over there, with private citizens who have the courage to go out without any arms and confront terrorists; where they can, through their own intelligence and sheer numbers, determine where there are RPGs and IEDs that are not detonated, and then they identify them by little orange paint cans, where they draw a circle around there, and then we can go in there and detonate these and save many lives.

Well, we are today experiencing all that help. I can remember when our troops who were working out of Baghdad would come back to the Green Zone every night. They do not do that anymore. They go out and they actually bed down and live with the Iraqi security forces and their families, develop intimate relationships with them. It is a totally different thing there altogether.

I can remember there was not a way in the world you could walk through the markets in Baghdad. The last time I was there, I walked through, and I intentionally did not take anybody with me except an interpreter because I did not want to give that image that you have to have armed guards and all that, and I remember stopping and talking to people. I like to single out people who are holding babies. They have this love for us that they did not have before.

So we now see these changes that are taking place. We see that basic economics is taking root and Iraqis are spending money on Iraqi projects. Iraqis are taking back control of their country. We are helping the Iraqi people create a free and democratic country where representation and the rule of law are replacing coercion and terror.

The Iraqi Parliament has passed legislation that reforms debaathification. They have enacted pension reform that allows former Baathists to collect their pension. They have enacted laws defining provincial and central government roles and responsibilities to delineate what each person is supposed to do—the distinction between the police and the security forces, what their functions are, what their missions are.

They passed a 2008 budget. They did it sooner than we did it in this country. They enacted an amnesty law that could lead to the release of thousands of detainees, removing a stumbling block standing in the way of reconciliation.

More than any previous legislation, these new initiatives have the potential to spur reconciliation between Sunnis and Shiites and set the country on the road to a more representative government, starting with new provincial elections.

Now, in the future, where do we go from here? Our Nation has paid, and continues to pay, a heavy price. People in this Chamber have talked about the heavy price. They are right. It is not cheap. It is very expensive. We have paid a heavy price in dollars and lives, with our sons and daughters and brothers and sisters. We are doing a difficult thing. But just as Americans have always tried to do the right thing, we are doing the right thing in Iraq.

Iraq is at a decisive turning point in their journey toward democracy. The fight in Iraq is not about today or tomorrow but about many tomorrows to come and about the future. It is about our grandchildren's grandchildren and the world they will live in.

It is not just Iraq. Right now, a lot of concern is taking place as to Iran and Ahmadinejad and some of the political leaders and the things they are promoting. One of the greatest obstacles they have in Iran is they are right next door to Iraq, and there are so many people who share family members, and they are looking over wistfully and seeing that people are getting married without the disruptions, that girls are actually getting an education. This is not the Iraq they knew before. So these things are happening.

Secretary Gates said:

> If we were to withdraw, leaving Iraq in chaos, al Qaeda almost certainly would use Anbar province . . . as another base from which to plan operations not only inside Iraq, but first of all in the neighborhood and then potentially against the United States.

Al-Qaida is not the only threat to America and our ideals. I mentioned a minute ago Ahmadinejad. He said, on August 28, 2007—just a short while ago—

> Soon, we will see a huge power vacuum in the region.

Now, what he was talking about is the type of resolution we are considering right now. He is saying a cut-and-run resolution would create a huge power vacuum. What else did he say? He said that expecting this defeatism, expecting that we would vote for this—which we are not. We are not going to vote for this resolution. We know that. We have had the same resolution voted down 71 to 24 the last time we had a vote on it. But, nonetheless, he said: "Of course, we are prepared to fill the gap. . . ."

So you have Iran filling the gap that would be there if we were to get up and leave in the victorious moments we are having now.

Iran's nuclear work continues, including recent doubling of their enrichment of uranium, which could easily be used as part of a nuclear weapons program, a decision in the hands of Mahmoud Ahmadinejad.

In the last 2 years Iran has continued to develop ballistic missile technology, launching missiles over 2,000 kilometers.

Coalition forces have intercepted Iranian arms shipments in Iraq, including materials that are used to make explosively formed penetrators, the EFPs, the most deadly of the IEDs, which are being used against American troops. This is what Iran is doing today.

Coalition forces have also detained Iranian agents in Iraq. A lack of a secure and stable Iraq means instability in the Middle East and a clear avenue for terror and oppression to spread. Instability in the Middle East will continue to spread, as it already has, into Africa, Asia, and Europe, and ultimately find its way to our shores.

We know what is happening right now in Africa. I know probably more than some of the others do, because I have seen firsthand. I have sat down and talked with such Presidents as President Museveni in Uganda. I have talked to Prime Minister Meles in Somalia—in Ethiopia, and many of the others, including John Kufuor in Ghana, all about the threat they face of terrorism all throughout Africa. In our infinite wisdom here, it was our decision a few years ago to go in and help the Africans build five African brigades, so that as this moves into their area, they are able to fight off terrorism without using our troops. We have such programs as the 1206, 1207, and 1208, where we are arming and equipping, training and equipping programs for these countries. These are things we are helping them do so we can avoid having to be on the front lines of the battle against the terrorists. They can do that too.

Patrick Henry said:

> We shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles with us.

That is what is happening over there at this time.

So the coalition forces have been doing a great job, and right now we are observing the successes of the surge. They watch with great interest as defeatist legislation is repeatedly brought up on the floor, hoping that Congress will do what they cannot: give them victory in Iraq and the Middle East. So we must not try to micromanage our military. One of the two bills that is on the floor right now would actually micromanage it. It is as if we in our infinite wisdom in the Senate are smarter than General Petraeus, General Odierno, and all of the professionals. Yes, I was in the U.S. Army many years ago, so I have some hands-on experience in this type of thing, certainly not that of the professionals. The worst thing we can do is try to micromanage our military and place restrictions on them, telling them how many troops they should withdraw and what our troop strength should be over there, and at the same time anything we do over here, the enemy knows we are doing it also. Our professional warriors want to and can succeed with our support.

That is what this is all about. I have no doubt in my mind we will defeat these things. In a way, I am glad Senator FEINGOLD brought these bills to the floor, because this gives us a forum to talk to the American people about things they may not be getting in the media. It is interesting that it used to be when I went over to Iraq, the first thing the kids over there would ask me is why doesn't the media like me. They don't talk that way anymore. Even people who were anti this administration, people such as Katie Couric, went over and observed what is going on. Once you go and observe, you can see we are winning, this is working, and this liberation is taking place.

I know my 30 minutes has expired, but we are here to continue what we have started. The worst thing we could do right now is to take success out of the hands of the military who are successfully winning the liberation of Iraq and start to micromanage this politically from the Senate floor. This isn't going to happen. We are winning over there now. It is so refreshing, after all these years. Yes, it has been a long time. People keep reminding us this is longer than World War II. I know that, because each year I have had an opportunity to spend time over there, quality time, and see the changes that are taking place via the plan of this genius named David Petraeus, it is working. So we don't want to get in their way, and we won't get in their way, and we will go ahead and defeat these bills and let the military run the liberation as they see fit, and we are going to join them in our victory.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I know we are on a 30-hour postcloture period dealing with a piece of legislation related to Iraq. I want to speak about something else today, but let me at least begin by describing a somewhat different view.

The fact is, Saddam Hussein was hung until he was dead, hung by his neck, and this brutal tyrant is dead. I suppose most of us wish that Osama bin Laden had been brought to justice, but it is Saddam Hussein who has been brought to justice in the country of Iraq. He is dead. The Iraqis have their own Constitution because they voted for it. The Iraqis have their own Government because they voted for it. The American taxpayer has spent $16 billion training 350,000 police and soldiers in Iraq for security purposes. Now the question is: Do the Iraqis who have been trained for police protection and security—both in the police force and as soldiers—do they have the will to provide for their own security? If they do not, this country cannot do it for any great length of time.

We have been in Iraq for almost 5 years. Some day we are going to leave Iraq. The question is not whether; the question is when and how. The American people are not going to have us in Iraq for 10 and 15 and 20 years. That is not the case. We are spending massive amounts of money, about $16 billion a month. Last year the President asked for more than $190 billion in emergency funding for the war. That is $16 billion a month, $4 billion a week.

It is time we begin to understand we have needs here at home, to begin taking care of things here at home. We are spending money on hundreds of water projects in Iraq. We are spending money on road-building in Iraq. We are spending money on health clinics in Iraq. Yet we get a President's budget sent to us saying we don't have enough money for those things in our country. We will dramatically cut water projects in the United States. We will cut back on all of these investments in the United States, even as we are making those substantial investments in the country of Iraq.

My point is that at some point we are going to have to bring American troops home. We can't keep doing as the President suggests, and that is spending emergency money by sending soldiers to Iraq and putting this on top of the debt so that when those soldiers come back from Iraq, they can help pay the debt. That is not the right way to approach what is happening in the country of Iraq.

All of us want the same thing for our country. We want our country to succeed. We want our country to confront and defeat terrorists. Yes, we want Osama bin Laden. Osama bin Laden is the person who heads al-Qaida. We are told by the Director of National Intelligence that he is safe and secure in northern Pakistan. There ought not be one square inch on the face of this Earth that is safe or secure for those who murdered Americans on 9/11. Yet more than 6 years later, this administration has not brought the leader and the leadership of the terrorist organization that attacked our country to justice. That is a failure, in my judgment, and it is a failure that results from taking our eye off the ball and having too few troops in Afghanistan and allowing Osama bin Laden to escape through Tora Bora, and then invading Iraq and committing ourselves to that over a lengthy period of time. The result is the greatest terrorist threat—according to the National Intelligence Estimate, the greatest terrorist threat against our country at this point is the leadership of al-Qaida. They are in a safe and secure haven in northern Pakistan. It seems to me that 7 years after 9/11, that has to be considered a failure. My hope would be all of us would engage in ways that begin to devote our attention to the greatest terrorist threat facing our country, and that is, as the National Intelligence Estimate says, the leadership of al-Qaida. They are recruiting and building new training camps and strengthening themselves even as we are tied down in the country of Iraq spending $16 billion a month.

Madam President, I ask unanimous consent to speak in morning business for 15 minutes on another subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

### MEDAL OF HONOR FOR WOODROW WILSON KEEBLE

Mr. DORGAN. Madam President, this is a picture of a man named Woodrow Wilson Keeble, a Sioux Indian. Woodrow Wilson Keeble died 26 years ago. If you take a look at this soldier's medals, you will see 2 Bronze Stars, a Silver Star, the Distinguished Service Cross, the second highest medal given in our country, and Purple Hearts.

I want to tell my colleagues about Woody Keeble, a big man, well over 6 foot, and well over 200 pounds. On Monday of next week at 2:30 in the afternoon, at the White House, President Bush will present the Medal of Honor to Woody Keeble. As I said, he has been dead for 26 years. His wife Blossom Keeble died last summer. We had hoped this would be done before his wife died, but that was not to be the case.

I want to tell my colleagues about him because it is so unusual that a Medal of Honor will be presented posthumously to a soldier who demonstrated great acts of courage and heroism in both the Second World War and the Korean war.

He was a Lakota Sioux born in Waubay, SD, and grew up in Wahpeton, ND, and lived most of his life there. He was wounded at least twice in World War II and 3 times in the Korean War. Let me describe what he did so that my colleagues will know why he is being given the Medal of Honor all of these years later.

In World War II Woody Keeble served with the famed 164th Infantry Regiment of the North Dakota National Guard. Shortly after joining in 1942, he found himself on Guadalcanal, in some of the most aggressive and dangerous hand-to-hand combat in the Second World War. He was in combat in the South Pacific until the war ended. He saw a great deal of combat. One of his fellow soldiers said the safest place to be was next to Woody. Woody earned a Bronze Star and Purple Heart in the Second World War. Woody was an unbelievable soldier.

Then the Korean War came along and at age 34 this Lakota Sioux Indian signed up again. He said: Somebody has to teach the kids how to fight. So he went to Korea. He was attached to George Company, 2nd Battalion, 19th Infantry Regiment of the 24th Division. They were near the Kumsong River in North Korea in October of 1951. He was the acting platoon leader of the 1st platoon of "G" Company. Casualties were very heavy. Because the company's officers were killed, he ended up in charge of the 1st Platoon, the 2nd Platoon, and the 3rd Platoon. It was brutally cold in North Korea at the time, and the enemy, the Chinese, were entrenched on a hill with a rugged cliff, and the side of that mountain was a very difficult thing that the U.S. troops had to take.

So Woody Keeble, in charge of these 3 platoons, made 3 attempts to take that hill from the Chinese. The Chinese had 3 machine gun nests on top of the hill and soldiers in trenches defending that hill. Three times these platoons, with Woody leading them, went up the hill, and 3 times they were repulsed and rejected, with heavy casualties.

After 3 attempts to take that hill, Woody Keeble decided he would try it by himself. With grenades and a Browning Automatic Rifle he crawled back up the hill to the Chinese positions. Witnesses said he crawled through very heavy machine gun fire and through a blizzard of grenades. Woody Keeble scaled the hill, went around the pillboxes and knocked out all 3 machine guns by himself and then cleared out the trenches between them. When he returned they extracted 83 pieces of shrapnel from his body—83 pieces of shrapnel. But he wouldn't leave the battlefield until all of his men were on top of the hill and in a defensive position and only then would he allow himself to be evacuated.

Right after the engagement all of the surviving members of G Company signed a letter putting him in for the Medal of Honor. It got lost and never got from the battlefield to the Pentagon. They did it a second time a month later and it too never got from the battlefield to the Pentagon.

But in this photo, my colleagues can see the medals he did get: Multiple Purple Hearts, wounded 5 times; 2 Bronze Stars, a Silver Star; the Distinguished Service Cross, the second highest medal. He was a well-decorated soldier. He went to Korea to help teach those kids how to fight and it turns out he is the one who climbed the hill and saved his soldiers, knocked out 3 machine gun nests by himself.

Many years later the question was asked: Why was he not given the Medal of Honor? Those with whom he served began piecing together the action that day, all of those who were eyewitnesses and a part of the action on that hill in North Korea.

A woman named Merry Helm especially took it upon herself over the years to try to reconstruct Woody's story. It took a lot of time to do so. Then it was sent to the U.S. Secretary of the Army with a request that he review the original request that had never been received at the Pentagon that Woody Keeble be awarded the Medal of Honor.

The Secretary of the Army looked into the case and decided that Woody Keeble had indeed earned the Medal of Honor. The Chairman of the Joint Chiefs agreed.

But then all the people involved were informed that there is a 3-year statute of limitations on the request for a Medal of Honor. The Secretary of defense could only consider Woody's case if that statute of limitations was waived.

At the request of those who had worked on it, I and my colleague from North Dakota, Senator CONRAD, and our colleagues from South Dakota, Senator JOHNSON and Senator THUNE, introduced legislation on an appropriations bill that waived the 3-year statute so the Secretary of the Defense could look at this case and decide.

The Secretary of the Defense began evaluating what happened on that hill in North Korea on a cold day when Woody Keeble was a real hero. He eventually decided, having looked at all the information, that, indeed, this Lakota Sioux Indian who served this country in 2 wars, was wounded 5 times, deserved the Medal of Honor. He sent it to the White House with the recommendation that the President approve the Medal of Honor.

This coming Monday, at 2:30 in the afternoon, I will be at the White House witnessing a ceremony at the invitation of the President in which the President Bush will present a Medal of Honor posthumously to a really remarkable, courageous American soldier named Woodrow Wilson Keeble, the only Sioux Indian ever to have received the Medal of Honor, someone who served this country with unbelievable courage and distinction and valor.

After the Korean war, he came back to Wahpeton, ND, and worked at the Wahpeton Indian School much of his life. He suffered multiple strokes, suffered significant health problems, and died 26 years later.

The moment won't pass without some notice because the President is making a presentation on Monday. However, I wanted to say something here on the floor of the Senate so those who read the RECORD of the Senate will understand this was an extraordinary American.

We are hearing a lot of discussion these days about the bill on the floor of the Senate dealing with Iraq and about who stands up for soldiers, who cares about American soldiers. The fact is, every single person in this Chamber cares about American soldiers and wants to support them, understands that they get up in the morning in some parts of this world—in Iraq especially—and they strap on body armor before they go out because they know there is a chance they can be killed or harmed. All of us understand what soldiers are doing for this country. I believe the one thing that unites this Chamber is we want to do right by American soldiers. The story of Woody Keeble is a story that ought to inspire all of us about what soldiers do for our country.

I have told my colleagues previously about another soldier, another American Indian. His name was Edmund Young Eagle. He was from the Standing Rock Sioux Tribe of North Dakota. He went to war. He was in northern Africa, he was in Normandy, he was in Europe. He came back and lived with the Standing Rock Sioux Tribe. He never had very much. He had kind of a tough life.

At the end of his life, he was lying in a hospital bed at the VA hospital in Fargo, ND. His sister asked if I would get the medals he earned in the Second World War and never received. I did, and I took them to the VA hospital on a Sunday morning in Fargo, ND. The doctors and nurses crowded into his room, and Edmund Young Eagle—who at the time I didn't know was going to die 7 days later of lung cancer. Edmund Young Eagle was a sick man but very proud that morning. We cranked his bed up to a seated position, and then I pinned on his pajama top a row of medals this American Indian had earned serving his country in the Second World War. As sick as he was, he said quietly to me: This is one of the proudest days of my life—seated on his hospital bed wearing his pajama tops with his military medals.

There are so many whose names we will not talk about on the floor of the Senate today, but I do say Woody Keeble and Edmund Young Eagle are just two of thousands—millions of American soldiers over the years who have refreshed this democracy by being willing to risk their lives.

I wanted to call to the attention of the Senate Woodrow Wilson Keeble. I am enormously proud of him and his family and his memory, and I am anxious to be at the White House on Monday when he receives posthumously the Medal of Honor.

### STRATEGIC PETROLEUM RESERVE

Mr. DORGAN. Madam President, I wish to make a couple of additional comments on another subject.

The price of oil is bouncing around at $100 a barrel, the price of gas is up to $3.00, $3.50, or more per gallon. There are people who kid about having to take out a loan at the bank to fill their gas tank. The question is, What is happening with oil?

Let me tell you something. In the Energy & Natural Resources Committee this year, we have had witnesses testify that there is not a bit of justification for the price of a barrel of oil to be over $50 or $65 a barrel right now. So why is it $100 a barrel? Two reasons. One is that we have unbelievable speculation, a carnival of greed, with hedge funds and speculators neck deep in the futures markets speculating on oil. We have investment banks for the first time that are actually buying oil storage tanks so they can buy the oil and keep it off the market in order to sell it later when the price is higher. There is unbelievable speculation in the futures market pushing up oil which has nothing to do with the fundamentals of supply and demand, and there ought to be a full and complete investigation. I am asking the GAO to do that.

The other issue is one that I find preposterous, and I am going to do everything I can in the coming days and weeks to stop it. Do you know that even as the price of oil is bouncing up at $100 a barrel of oil, this Government, this Department of Energy is putting oil underground for storage? We are awarding royalty-in-kind contracts to companies to take oil out of the Gulf of Mexico and instead of them selling the oil and putting it into the supply to put downward pressure on price, we are putting 60,000 barrels every single day underground in the Strategic Petroleum Reserve. Having the Strategic Petroleum Reserve is fine. Save it for a rainy day, save for our security, put some away—I understand that. But why would you do that when oil prices are $100 per barrel? The Strategic Petroleum Reserve is 97 percent full, and we are taking 60,000 barrels per day and sticking it underground? That is preposterous. Toward the second half of this year, the Department of Energy will be putting approximately 125,000 barrels per day underground. There ought not be one additional barrel go underground at that point. It ought to go into the supply.

I used to teach a little economics. I understand supply and demand. If you decrease supply, you increase price. It is just a fact. So this administration, by taking this royalty-in-kind oil from the Gulf of Mexico and sticking it underground into the Strategic Petroleum Reserve, is pushing up the price of oil and gas.

In fact, we had a witness in the Energy & Natural Resources Committee who testified that the Department of Energy is taking light, sweet crude off the market to put into the SPR. That is a subset of oil, a much more valuable kind of oil. One witness said just that amount—sticking it underground by this administration could have increased the price of oil by as much as $10 per barrel. What is our Government doing increasing the price of oil by 10 per barrel? What do they think? Does somebody have their wires crossed someplace, and could they please see if they can figure out maybe with some common sense what they ought to do when oil is $100 a barrel, and that is stop putting oil underground and put it into the marketplace so we put some downward pressure on gas prices?

I introduced legislation that puts an end to this practice. I am chairman of the appropriations subcommittee that funds the Energy Department's programs, including the Strategic Petroleum Reserve. I say to the Secretary and to those who made this decision: One way or another, I am going to win on this issue. We are not going to allow you to continue to stick oil underground when the price of oil is $100 a barrel and the price of gas is ranging up between $3.50 and $4 a gallon. We are just not going to allow you to continue to do that. This Congress is going to use some common sense and say stop it.

Mr. President, that was therapeutic to say. My hope would be that at some point soon I will have a chance to offer that amendment, and we are all going to have a chance to vote on it. I will insist we vote on it. I believe this Congress is going to tell this administration to stop it, use a reservoir of common sense; don't stick oil underground when it's $100 per barrel. Put it into the supply, and put downward pressure on the price of oil. How about standing up for the American people and American drivers? Let's do that.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, is there any prearranged agreement on the speaking order?

The PRESIDING OFFICER. There is an order that the Senator from Wisconsin will be recognized at 5 minutes to 6. There is no other sequence.

Mr. BROWNBACK. I see my colleague from California. I would like to speak for a few minutes. We are shortly coming to the hour. I don't know if we have been alternating back and forth.

Mrs. BOXER. Madam President, I only need to speak for less than 10 minutes, if I may, because I have been sitting here for a very long time.

Mr. BROWNBACK. Madam President, the time of the agreement says at 5 o'clock the Senator from Wisconsin gets the floor.

The PRESIDING OFFICER. No, at 5:55.

Mr. BROWNBACK. At 5:55. I thought the Presiding Officer said 5 o'clock. I will be happy to yield. I ask unanimous consent that after the Senator from California speaks, I be allowed to speak and then my colleague from South Carolina be allowed to follow me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I thank my friend and colleague. I will be brief because the message I have is a pretty straightforward message; that is, it is time for a change in Iraq. It has been a long time coming. We have been there 5 years, longer than we were in World War II, and it is time for a change in Iraq. It is time for a good change. What does that mean? It means that it is time for the Iraqis to stand up and fight for themselves.

We know the violence there continues. We know that 15 percent of that violence is being perpetrated by foreign fighters, al-Qaida, and the rest—85 percent—is Iraqi-on-Iraqi ethnic violence. If the Iraqis are not ready to stop hurting each other and blowing each other up, if they are not ready to give that up, then we need to be ready to start pulling our troops out. It is pretty clear to me after 5 years that all our presence is doing at this point is acting as a recruiting tool for al-Qaida. Because we have this open-ended commitment—some on the other side are talking about 50 to 100 years—there really is not anything on our side to exert that leverage on the Iraqis. They are not fulfilling the benchmarks in the Government that this administration said they had to do.

Here we have a situation where we have now lost 3,972 fighters on our side. Twenty-one percent of those were either born in California or were based in California. 29,275 Americans have been wounded, some of them grievously wounded, many more have traumatic brain injury and post-traumatic stress. The suicide rate is off the charts.

There is no way out. There is no plan. There never has been a plan. It seems to me this open-ended commitment has to stop, and the Feingold bill essentially says we are going to have a very responsible withdrawal. There is no end date, but we are going to start it within 120 days of enactment of the bill, and we are going to shift the mission so that it continues training Iraqis.

By the way, I don't know if I mentioned this, the taxpayers of our country have paid to train 440,000 Iraqis.

We are spending $10 billion a month. That leads me to my final point of why I wanted this time this afternoon.

We have to start looking at what this is costing us. I say it is time for America. We are shortchanging our children. We need to provide health insurance to many of our children. To provide health insurance to 10 million uninsured children for 5 years would cost us what it costs for 5½ months in Iraq. To enroll all eligible 3- to 4-year-olds in Head Start for 1 year would cost us 3 months in Iraq. To enroll 2.5 million kids in afterschool programs—and, boy, do I have a feeling for that one because I worked with Senator ENSIGN to set up the first afterschool program, and it has been shorted. For 7 days in Iraq, we can enroll 2.5 million kids in afterschool programs for 1 year.

What else can I tell you about the funding? We are shortchanging America's workers. We can immediately replace structurally deficient bridges in the United States and create more than 3 million good-paying jobs for 6½ months of the cost in Iraq. Don't you think our workers deserve it? I do.

We could extend 13 additional weeks of unemployment insurance to the chronically unemployed workers in high-unemployment States. One month in Iraq.

We could help an additional 1 million families keep their heat on this winter through the LIHEAP program. One day in Iraq, Madam President.

My colleagues come here and they have no end in sight for Iraq. Open checkbook for Iraq. Iraq in the morning, Iraq in the afternoon, Iraq at night, Iraq for 20 years, 50 years, maybe 100 years, as one Senator said. We can't afford it anymore.

OK, let's look at what else we could do. For those people like myself who care about homeland defense, for 6 weeks in Iraq we could ensure full interoperability of all our communication systems. Our firemen could talk to our policemen, who could talk to our sheriffs, who could talk to our hospitals, who could talk to our Red Cross. Six weeks in Iraq. We could provide first responders with 3 million communications devices for 1 month in Iraq. We could provide firefighters with 12 million breathing devices for 1 month in Iraq.

Finally, if you care about America's environment, as I do, and many of the people I represent do, we could extend renewable energy production tax credits for 4 years. We could do those tax cuts for investments in renewables for 3 weeks in Iraq. For less than 3 days we could erase the Superfund backlog. And for less than 1 day we could triple the Energy bill authorization to train green-collar workers.

The American people have got to connect the dots here. We can't take care of our own. We can't take care of our kids. We can't do what we have to do for our workers. We can't do what we have to do for our businesses. We can't do what we have to do for our environment. And the reason is, our priority right now in this government, because of this administration and their friends in Congress, is Iraq in the morning, Iraq at 10 o'clock in the morning, Iraq at noon, Iraq at 5, Iraq at night, and we ignore the needs of our people.

There is a time and a place to say to a country that is independent, after all we have done for it: Enough is enough. We trained 440,000. We put our American lives on the line. Our brave soldiers have done everything asked of them and more. They allowed three elections to be held. They got Saddam Hussein, they got Saddam's family, and they found there were no weapons of mass destruction. They did everything we asked them to do. And the Iraqi Government takes tiny little steps, baby steps forward, while we continue having our soldiers die and get wounded and our taxpayers have an open checkbook.

My people come and say to me: Why can't we do more for our kids? Why can't we do more to protect our environment? Why can't we do more for our workers and our businesses? Why can't we do more to protect our people by investing in homeland security? I am now telling them the truth: Because the money is floating out of here straight to Iraq.

And by the way, a lot of it is not accounted for—$9 billion missing in cash that was sent. The administration shrugs its shoulders: Oh, well, we don't know much about it. Scandals in contracting, embassies that are larger than the U.N. complex. Some of the Iraqi people call it GW's palace. I was in Saddam's palace, and I will tell you something. That was not a happy feeling because that is not something that we want to replicate, huge buildings like that, fancy. How much does it cost? Almost $800 million. It was supposed to cost $592 million. It doesn't matter, it is in Iraq. Open the checkbook and write the checks, says the President, the Vice President, and their friends in Congress, who are coming here and saying: No, no, no, every time we want to finally begin to bring this war to a close.

Well, I have to tell you, I am ready for change, my constituents are ready for a change, and right now the Feingold legislation is responsible because it says we will keep troops there to protect our forces. We will slowly start bringing them home. We will redeploy them and have all the money we need to responsibly do that. And we will go after al-Qaida.

I voted to go to war against Osama bin Laden. What happened to Osama bin Laden dead or alive? Oh, no, this administration turned around, went into Iraq, and as a result, we are not safe. Al-Qaida has reconstituted itself, and we are shortchanging the American people.

I thank Senator BROWNBACK for allowing me to go first, and I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from California for her comments. I respect her thoughts and her opinions and her consistency of position. I disagree, and I will articulate why on that.

Mr. President, we have been arguing and debating on Iraq for some period of time, since we have gone to war, which we did on a bipartisan basis, and aggressively decided that this was an important strategy to pursue together. We did that 5 years ago. We have invested a lot of time and energy and life and blood and limb from this country.

I was with a young man from Wichita, KS, yesterday who has a prosthesis on the bottom right of his foot. He was pleased to serve in Iraq. He doesn't like it that he has lost his foot, but he wants us to win and he wants us to see it on through.

So here we are, 5 years later, a lot of investment, particularly of people and lives, and it would seem as if a fair number of people now in this body would say: OK, we have done it long enough, let's quit. Let's pull on out and let's hope it all works out.

I don't think that is a responsible strategy. If I am hearing the people who have served there right, they want to see it through. They want to see us win, and they want to see us get it done right. They want to see us be able to bring a democracy that can stand on its own—certainly not perfect, but one that can stand on its own in that region of the world. And they don't want to see us lose the investment we have made to date. And we have made a heavy investment. They don't want to see us walk away from it and say: OK, we didn't get it quite the way we wanted to. They do not want to see us walk away at such a point that the soldiers or the foreign fighters follow us back here and we see another 9/11.

The bottom line is the safety and security of the young people we have talked about so much. We want to keep this place safe and secure. And one of the best ways to do that is to keep on the offensive.

Mr. President, over the last few years, and particularly this last year, we have debated a lot of Iraqi resolutions, and they have all failed except one. One resolution has passed. It is the one I want to talk about. It is the one I did with JOE BIDEN, the Biden-Brownback resolution on devolving power and authority in Iraq. We voted and voted and voted last year. Nothing passed but this one. And because of it, what we were talking about is the model of devolving power and authority, a federal system, in Iraq.

I have met with Iraqis since that period of time, and a number of them have challenged and questioned: OK, is this really the right way to go? We don't want to see the country broken up in three parts.

I say: We are not talking about breaking the country up in three parts.

We have 50 States, and we are one country. We are talking about three or five states or regions there but one country. You devolve power and authority from the center so it is not just one group, a Shiite-dominated central government that is dictating to a Kurdish, Sunni, Shiite country. Let's devolve that power and authority out. That passed. That passed.

Now, what has happened since that has passed on the ground? Well, we are seeing nice progress actually taking place, political progress at the local and provincial levels is happening. We saw recently the Iraqi Parliament pass a legislative package—three bills together. They did something we do here often. You can't get one bill through, you can't get two, but three you can somehow get a coalition enough to pass it through. That is what they did, establishing the 2008 budget, clarifying provincial powers, and then offering amnesty for Sunni political prisoners, all three very important.

That middle one, clarifying provincial powers, is a key one. I talked with one of the respected scholars on this, Michael O'Hanlin, on the phone today. He is one of the authors of the federalism approach in Iraq. We have a military strategy that we are taking advantage of today that is providing political space, and he believes we need to devolve authority and power to the regions. You are seeing that now taking place legislatively by the central body in Iraq, clarifying provincial powers.

As I was talking with Mr. O'Hanlin, and also in my own thinking, we recently mostly talked about regions, and he is saying: Well, whether it is a region or a province, it is devolving of power and authority, and it is happening. And it is a good thing to get that out of the centralized area. What is allowing that to take place is more local governance. It is allowing people, whether they be Sunni or Kurd, or Shiite, or in a mixed area, to be able to solve more of their own problems rather than being dependent upon the central government that may have a bit of ideology or edge that you don't agree with, as happens around this country at times where people don't agree with what happens at the Federal Government, but they are wanting that decision to be made at the State level. That is starting to happen in Iraq. And it is diffusing some of the powder keg.

Now, we are far from solving this, but the political space that has been granted by the military surge in the area is allowing this devolution of power and authority to happen. So we now have clarifying provincial powers taking place. The laws, as I mentioned, are not perfect, but they are giving this power and authority out to the regions. We are now seeing political progress at the local and provincial levels, and that is driving some of the politics at the national level. None of that could happen without security at the national level in Iraq, without U.S. troops there on the ground. Iraqis can gain stability by continuing to decentralize and move more power closer to individual Iraqis.

I believe provincial elections later this year will accelerate the importance of local politics in Iraq, and that is what we want to take place because what we were seeing coming together was Shiite against Sunni, and the Kurds sitting in the north refereeing from time to time but other times staying off to their own and saying: Look, we are just going to sit up here and hope someday we will be able to have a nation and let those two guys fight. But now, instead, you are seeing this going down to Sunni councils and Shiite councils, and in some cases mixed neighborhoods.

You do continue to see an ethnic move in neighborhoods, particularly in Baghdad, and some going more Sunni and others going more Shiite in some regions or some mixed ethnic or other religious communities that exist there and some Christian populations that are there. But you are seeing it start to work because we continue to provide the security umbrella.

Now, let's take the security umbrella off. Let's have the Feingold amendment pass and send the signal to the Iraqis that we are moving out; that we are going to take care of our own areas, you take care of your own areas. What do we think at this most critical moment would happen if you pull that security piece out, the U.S. security piece out? Well, I think you would stop this move toward local and provincial. You invite more Iranian-financed problems into the region, in the hopes that the Shiite can take over and then dominate and possess all of Iraq—Sunni areas and possibly Kurdish areas as well, although they are pretty well fortified amongst themselves. You invite Sadr back in with his militia, where he just recently, for another 6 months, asked his militias to stand down.

I think you invite back into the picture at this key political moment for Iraq a bunch of forces that are going to hurt the long-term future. And so it seems to me this is a bad idea at a particularly bad time for us to pull troops out of Iraq.

Now, I had trouble with the surge at the outset. I really questioned whether it was going to work. But the surge has worked, and this is coming from somebody who was a cynic as to whether this was going to work in that region.

But that, along with the Sunnis deciding, okay, we are going to build up our region here, and these awakening councils that have taken place, along with evolving this political power and authority, and our better counterterrorism strategy. It is working. So why on Earth would we change something we have invested so much in now that is starting to produce the results we want? Why on Earth would we change that at this point in time? That does not seem to make much sense, of why you would do that at this point in time.

I am a strong proponent of continuing to devolve this power and authority in Iraq. I think it is the way forward for them, as it was the way forward for our country when we had 13 original colonies that did not necessarily agree with each other but said, okay, let us have one Federal Government, but each one of us is going to maintain our own power and authority in a number of regions. Then over a period of years, we kind of worked things out. Over 50 years we have divided power and authority to State and local, Federal Governments, and this is going to take time for the Iraqis, but they need the political space our military provides. To pull out now, or to send a signal even of pulling out now, I think would be very harmful to the long-term investment we have made. I think it would send a signal to the region that we are going to allow the Iranian influence to spread. It would also invite much more aggressive actions, even toward us, and the pursuit of us here and other places around the world.

That piece is speculation. We do not know what is going to happen in the future. But it does seem as though we are on a sort of track now that we can look to the future with some bit of optimism, whereas the other route of pulling out would certainly lead to a great deal of pessimism by the Iraqis and toward me about what we are going to be doing in providing the long-term security for the United States when we know that the terrorist objective is to attack and come after us, that you are likely to see a devolution to a terrorist state, or an Iranian-type of satellite state in Iraq if we pull out precipitously, either of which are options that I think would be completely wrong for us to do as a nation and something I cannot support.

For those reasons, I certainly would be voting against the Feingold amendment. I urge my colleagues to do that. I say, let us stick with something that is starting to work. It is not perfect. Let us stick with something on a political strategy that is starting to work. It is not perfect, but we have a model for it ourselves in the United States in our own history. It seems this would be a particularly unwise time to move off of that one bit of resolution that we have agreed upon, on political authority being devolved and to change a strategy on the military at this point in time.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I want to thank you and all my Democratic colleagues for allowing me some time on the floor to discuss the progress in the war. This allows us as Republicans to contrast our position versus the position of retreating and announcing that we are giving up on Iraq.

We have heard a lot of talk here today, and apparently there is too high a pricetag for freedom. Certainly you can make an argument that it is expensive to be in Iraq, just as other wars have been expensive and deadly to our country.

World War II, the importance of that war can never be underestimated, and the price on it could not be estimated. The fact that we need to fight wars to show our strength as a nation has been proven time and time again. I am worried that the Senate is not united in the need to show strength against the war on terror.

Last year at this time, my Democratic colleagues had said that the war in Iraq was lost, and implicitly the war against terror, since the front line today on the battle against terror is in Iraq. It was announced here on the Senate floor that the war was lost, that we were in a hopeless civil war in Iraq. Since then we have had about 40 votes, or different variations of votes to cut funding, to withdraw, to retreat, sending a terrible signal to our troops and our enemies that we lack the resolve that is necessary to win this war. Whether we call it running and retreating or giving up or saying America cannot win, all of those words and ideas emanated from the Senate floor from the majority side in the past year.

Many even voted against the funds to surge the troops that has proven to be such a success over the last several months. Some of the funding as late as the end of last year was held hostage to gross earmarks that were unnecessary in a time of war. How can we talk about the war on terror being so expensive when we held those funds hostage to other things that were certainly not a high priority?

I am afraid my Democratic colleagues, at least many of them—I know this is not true for all of them, but too many clearly do not understand the threat of terrorism in our world today and what that means to our country and our freedom. Too many have forgotten the importance of a strong military and how that results in peace around the world when nations respect the power of the United States of America. But who can respect America any longer, after stating our resolve to stand Iraq up as a free and stable democracy, if in the middle of that challenge we decide to retreat and withdraw?

The very fact that we have talked about it so many times has sent a signal of weakness that has empowered our enemies and likely put more of our forces at risk. I hope this is the last time we do it this year.

Everyone has a right to dislike the war, to say it is too expensive. But our responsibility here in the Senate is much different than the average citizen. When we send a signal that we are not supporting the key mission of our military, we do much to demoralize our troops, and to strengthen the resolve of our enemies.

Again, I hope this is the last time we will do it. My Democratic colleagues cannot have it both ways. They continue to try to say they support the troops, but everything they actually do undermines them, pulls the rug right out from under what they are trying to do. It's a lot of empty rhetoric. But in the last week we have seen from the Democrats on the House side, a key essential part of our intelligence system is being threatened because we will not give the administration the tools to use our technology to intercept messages from terrorists who might be planning to attack us or our interests around the world.

I returned from Iraq a couple of weeks ago. This is my third trip. I saw a marked difference from anything I had ever seen before. The statistics have been talked about here on the floor of the Senate: The monthly attacks have decreased 60 percent since June of last year; civilian deaths are down over 75 percent in the last year; al-Qaida in Iraq remains a threat but their power and ability to do damage has been greatly diminished.

I wish to talk a little bit about the trip. I joined Senator ENSIGN and Senator TOM COBURN on this trip. Once we landed in Baghdad, we took a helicopter to a small community about 30 miles south of Baghdad. This was a community that was controlled and terrorized by al-Qaida up until about 3 months ago. You would not even go down Main Street in an armored vehicle, we were told by our troops there.

Yet we landed at an American outpost there, American soldiers were living in that community a couple of blocks from the Iraqi Army outpost where they were living in the community, and we walked out of our outpost on the main street and talked to the citizens who had opened their markets, talked to the Iraqi soldiers, and talked to the citizens who were helping to patrol the area. In this picture here I am talking with one of the local sheiks, Sheik Ali, who told us that al-Qaida only a few months before had dragged his father in front of him and shot him and killed him.

Next to him is an Iraqi soldier whom we helped to train. They are as sharp as any soldier you would expect to see. This community is well protected. Colonel Ferrell, who is in charge of the outpost, who took us down the main street, was giving us briefings and we were talking to the sheik as well as the Iraqi soldiers. They were proud to tell us what was happening there.

The sheiks and the local tribes are the key to working with the American surge and have freed much of Iraq in the last 6 months. These local leaders have turned against al-Qaida, because al-Qaida has done such damage and such brutality to their families and their communities that they are now talking with us and helping us to defeat al-Qaida in that area there.

I have another photo here. I know it is difficult to see. But we were walking down a street that was empty except for bodies a few months ago. These little markets have opened. As we walked down the street, in this case it was mostly American soldiers walking with us, except for this group—these young men in the green jackets which they called in this community the "Sons of Iraq." Our military pays them to help patrol every day. When I asked the colonel, when all of these citizens came running out to us, why were they not worried about them blowing themselves up and killing all of the soldiers and us who were walking down the street, the colonel responded: Because we know everyone who is here.

A lot of these folks from the markets came out and hugged our soldiers. I tell you, I couldn't have felt better to see our soldiers so appreciated in that area, to see these young men with walkie-talkies. Their job is to patrol, to make sure if any stranger comes to the community, that they notify the Iraqi Army and the American Army so that these people can be checked out.

We saw a number of trucks with mattresses and furniture piled high, of people moving back to this little community—who had moved out months and years before because al-Qaida had run them out. We walked down several blocks. Probably 80 to 100 markets have reopened, and the people were glad to see us. They were cheerful. They feel as if they have their community back.

We have not won this war yet, but we can see everywhere we go that Iraqis are standing up and taking back their country for themselves. And our troops, along with the Iraqi troops whom we helped to train, and the Sons of Iraq are guarding and protecting their community.

I want to talk about one Marine here. This is Major Alston Middleton, who actually went to Porter-Gaud High School in Charleston. He is a Marine working in the base where we are training Iraqi soldiers. Every 3 weeks we are producing 2,500 new Iraqi soldiers who go straight from that camp to the battlefield. They are being trained with the same equipment and arms they will be using when they get there.

He is proud of what he is doing. Everywhere we went, our troops wanted to prove to us that what we were doing was necessary, it was right, it was working, and we could win it. It was important to them that we know it.

When I asked them what do they need that they do not have, the answer I got—more than any other answer—was: Do not forget us. Some of the rhetoric on this floor has sent the signal to our troops that we are forgetting them and do not appreciate what they are doing.

This Marine, away from his family, like all of the other Marines, sailors, soldiers, and airmen we see there, many of them away from their children and spouses for over a year, we know what sacrifices they are making. But I am afraid these Marines are not respected in some parts of this country. I am afraid the Democrats on the Berkeley City Council in California—and some here may say that is an isolated situation, but it is not, because they are taking their signals from what they hear right here on the Senate floor. They called our Marine recruiters unwelcome intruders. They called them thugs. They called them Bush's murderers. When you see the video and what they called our Marines, while our Marines are sweating and bleeding and dying for us and our freedoms.

What the Berkeley city council did was not freedom of speech. The protesters had their freedom of speech for months, but that wasn't good enough for them. They wanted the power of government behind them to support their point of view at the expense of the Marines and all Americans who appreciate our Marines and love what they do. We need to recognize that some of the things that have been said right here are sending a signal to people like the Berkeley city council to show disrespect for people like Major Alston Middleton, who is willing to put his life on the line for us.

I have introduced a bill we call the Semper Fi Act, named after the Marine motto, which means "always faithful." It is just to rattle the cages a little bit of the city council in Berkeley, to tell them: OK, if you want to take exception to our Federal mission there in Berkeley, certainly you don't deserve these secret earmarks we have sent to Berkeley in the last several months. But the Marines are always faithful and always have been. They are faithful to our country, to each other. We need to be faithful to them and all those who are fighting for us.

This discussion on the floor is again trying to have it both ways, that we support our troops, but then we don't. We don't support them when we don't support the very mission we have asked them to give their lives for. We can't have it both ways. We can't keep having this discussion which questions, before the whole world, the very mission we have asked of our soldiers, sailors, Marines, airmen, and Coast Guardsmen and all the civilian support staff we have in Iraq and Afghanistan and throughout the world who are fighting the war on terror. We are going to win the war on terror because of the resolve we have to be free and peaceful as a nation.

I hope we will get the message here that our troops have in Iraq and Afghanistan and around the world, that sometimes you have to fight for the freedom we have here in this country. Now is the time we have to fight. The fact that we have shown resolve in the last year has resulted in clear successes in Iraq that are undeniable. We know we can win this battle, but this battle will not be the last one. The terrorists are going to be here for a generation or more. If they are not in Iraq, they are going to be in Afghanistan or they will be in Africa. They are going to be somewhere, if they are not here, doing their terrorist deeds against the peaceful people of the world. We have to show resolve. Our enemies must know that we will never stop until we root them out and do away with them.

I also want to make one last comment because the folks from South Carolina are in so many ways very involved with the effort in Iraq. In fact, over the last several years the airmen at Charleston Air Force Base flying C-17s carry more of the cargo, supplies, and arms into Iraq than any other base in our country. This picture is one of the crews that flew us out of Afghanistan back to Kuwait on our way home. But we actually had three teams out of Charleston that moved us from Kuwait to Baghdad, out of Baghdad and to Afghanistan and back. They are proud of what they do. They wanted us to know, and me to tell you, that they believe this mission is important and that we can win it. Every day they save lives and deliver freedom.

All they need is our support, not our empty rhetoric, our real support and our belief in them and what they are doing. I came back with that belief and that resolve, that what we are doing is right. If we continue what we are doing, we will win, and we will continue to set the terrorists back on their heels and keep our country safe.

I thank the men and women at Charleston Air Force Base who are making all Americans proud as they serve all over the world on their missions.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, what time remains for our side of the aisle?

The PRESIDING OFFICER. Fifteen and one-half minutes on the Democratic side.

Mr. LAUTENBERG. Mr. President, I rise to talk about Iraq and Senator FEINGOLD's legislation to start bringing our troops home from Iraq. But as I stand here on this floor, I listen to one of our colleagues speak of a group out West who may have said something disrespectful and offensive about our troops and that this group may have learned it here on this floor and I feel I must respond. That is an insult to all of us who are part of this body. It is outrageous to say this group learned that here. No one here disrespects our troops. No one here wants anything but the best for them. We ought not to start off that way, as we discuss the Feingold legislation.

I wish to begin my remarks with President Bush's now infamous declaration almost 5 years ago when he announced "mission accomplished." We sadly remember that day, when the President landed on the aircraft carrier USS *Lincoln* like a conquering hero, standing before a huge banner, which we see here portrayed. We remember watching as President Bush declared that day to be the end. It turned out to be a stunningly casual statement, not unlike another remark the President made when he said, talking about the enemy, "bring them on." I served in Europe during World War II, and I never heard a commander invite more of the enemy to come to fight.

When the President stood there that day, the insinuation was that it was the end of major combat operations, the end of America's casualties, the end of America's role as the major player in Iraq's future. But many of us remember fearing that it was not the end.

Today, as we look at the terrible costs to our troops, to their families, to our priorities here at home, to the war against the terrorists who attacked us, and to America's standing, we realize that day in 2003 was only a beginning. When the President stood on the deck of that carrier, America had lost 139 of our troops in Iraq. As we stand here today, we have lost almost 4,000. To be exact, 3,968 Americans have died in Iraq; 102 of those troops had ties to my home State of New Jersey; 95 percent of the mothers, fathers, sons, and daughters we have lost were killed in action after President Bush said "mission accomplished."

That mission was not accomplished. President Bush's war has left children growing up without parents and parents to grow old with no children. His war has caused nearly 29,000 troops to leave the combat theater with their wounds. Nearly 700 of them lost limbs, and many more have left with wounds to their minds. Our troops are returning home from the Iraqi desert with traumatic brain injuries and post-traumatic stress disorder, making it so difficult for them to return to their families, their jobs, and their lives.

Instead of spending $3 billion each week to wage war on education or childhood disease in America, the President is spending $3 billion a week to wage war in Iraq. Amazingly, I found someone who doesn't know that sad fact—the President's own Director of the Office of Management and Budget, Mr. Nussle. I recently asked him how much we were spending each week in Iraq, in a budget hearing. Director Nussle said he didn't know. Almost everybody in America besides him knows very well—$3 billion each and every week. It is unacceptable. It is an insult to the American people who are funding this war and an insult to our troops who are still fighting it.

The President will claim we are making military progress in Iraq and that the surge is working. But let's tell the American people the truth. America lost 901 mothers and fathers, sisters and brothers in the year 2007 alone; 2007 was the deadliest year for America since the start of the Iraq war.

More than 3,300 members of New Jersey's Army Reserves and National Guard are scheduled to deploy to Iraq this year. Just a couple of weeks ago, I went to Fort Dix, a major military base in New Jersey. I talked to people who already served there on extended tours, and they were weary. They were willing to do their duty. They respected their obligation. But their families were not happy. The people I saw, the spouses, the children were not happy about their wife or husband, or mother or father going away again. Some of them are going to get hurt, and some of them may never come home. As they do their duty with honor and bravery, they count on us to do ours.

Their deployment is a reminder that the President's surge is fundamentally flawed. His solution is built on military strength, when a political and diplomatic solution is what is needed in Iraq. Iraq, not America, needs to accomplish these goals, and we want them to do it. We want them to make it possible for us to start bringing our troops home as soon as possible. They have to do it. It is their responsibility. It is their country, and we want to end our presence there.

The surge is also a distraction from the war President Bush started in response to 9/11 but never finished. That was the war on terror.

When the President spoke to our country after September 11, he said:

> I will never forget this wound to our country or those who inflicted it.

But it appears that he has forgotten. He has forgotten about Osama bin Laden, the man who inflicted those terrible wounds on the victims, their families, and this country. He has forgotten that the war against al-Qaida and the hunt for Osama bin Laden began and continues outside Iraq. And because we have lost our focus, Afghanistan is now spinning back toward violence and chaos.

After the U.S.-led invasion of 2001, the Taliban was down and wounded. Now it seems the Taliban is growing stronger. Over the past 2 years, southern Afghanistan has seen the worst violence since the Taliban was dismantled. Last year was the deadliest year for troops in Afghanistan since 2001. Today, al-Qaida has also found sanctuary in remote areas of Pakistan, and the Afghani-Pakistani border is so porous that terrorists flow through it like wind.

If all of this were not bad enough, just look at what the President's war has done to America's standing and prestige in the world. There used to be a time when people saw America as the moral leader, and Americans were proud of this country's standing in the world. In World War II, for example, we had strength because most of the free world was with us. Now is not one of those times. Now much of the world is against us. More than 70 percent of Iraqis disapprove of American presence in their country, and 67 percent of citizens across the globe believe American forces should leave Iraq within a year. Countries that were our allies when we first invaded Iraq, such as Italy, Poland, Spain, and Denmark, have left us in the desert. And Great Britain, one of America's greatest historical allies, sent its troops from Iraq into Afghanistan.

President Bush, why are we not so wise?

To date, the President has spent more than $526 billion on the war in Iraq. That is more than half a trillion dollars on a war that continues to take American youth, empower our rivals, turn our friends against us, and let our enemies remain on the loose.

If that cost were not unbelievable enough, the President had the audacity to ask the American people to spend even more. He has a pending request of $105 billion for the rest of 2008, and Defense Secretary Robert Gates has estimated that Iraq will cost another $170 billion for 2009. Every dime we spend on Iraq is a dime we cannot spend on our home—on homeland security for our cities, police for our streets, education for our children, and health care for our families. In fact, the President has requested just now a cut of $800 million from a critical homeland security grant program, leaving Americans more exposed to dangers at home.

It is time for us to realize it is never going to be enough money. Former Secretary of Defense Donald Rumsfeld used to say we would stand down when the Iraqis stood up. No one says that anymore.

So let me stand up and make it clear: It is time for the troops to start coming home. They have earned the right to get back to their loved ones, their kids, their spouses, and their country. I hope we will see that day in the not too distant future.

With that, Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, the Senate once again is debating a bill by Senator FEINGOLD, Senator REID, myself, and others to change course in Iraq. And once again, I urge the Senate to act.

This is a war started under false pretenses, waged with incompetent political policymaking that disserved the bravery and sacrifice of our fighting men and women. This is a war that now slogs on—week after week, year after year—with nothing but a "pause" on the horizon, and still no end in sight. The toll of American casualties rolls on, and so does the drain on the Nation's resources, heading inexorably past the hundreds of billions of dollars toward an unfathomable trillion dollars.

The war has sapped our credibility, strained our alliances, and complicated our security challenges.

Meanwhile, Osama bin Laden remains at large and al-Qaida has been given the opportunity to regenerate. The northwestern frontier between Pakistan and Afghanistan is a lawless extremist haven.

A redeployment of American forces along the lines of the Feingold-Reid measure would force the Iraqis to realize that our presence is finite. If they want to step away from the abyss, it will take real reconciliation and the will to get it done.

The Bush administration's failed policy in Iraq has stretched our military to the breaking point, diluted and diverted our efforts to counter al-Qaida and its affiliates in Afghanistan and elsewhere, and roiled the Middle East with instability. The sooner we change course the sooner we can implement a sound, sensible, and sustainable policy that truly advances our security interests.

Mr. FEINGOLD. Mr. President, I am pleased we have had a chance to debate S. 2633, the Feingold-Reid bill requiring the safe redeployment of our troops from Iraq. I am very grateful to the majority leader for allowing this debate and for cosponsoring this legislation. He is a strong opponent of the war, and he understands how it is distracting us from our top national security priority: defeating the global threat presented by al-Qaida and its affiliates.

While the debate on Iraq is refreshing, the Republicans still will not allow us to actually vote on the bill. In fact, if you listened to the other side during this debate, it was apparent they believe leaving large numbers of U.S. troops in Iraq indefinitely for an open-ended military mission is somehow in our country's interest.

The American people must be scratching their heads and thinking: What is it going to take to get those folks in Washington to listen to us? I can assure them—and I can assure my colleagues—we will have more debate and votes on Iraq. Members will have still more opportunities to listen to their constituents, and to listen to the warnings about the global threat from al-Qaida and the intolerable strain on our military. And they will again have to decide whether to keep ignoring those warnings and give the President the green light to continue a war without end in Iraq.

In a few minutes, the Senate will vote in relation to another Feingold-Reid bill, S. 2634, addressing al-Qaida. Before I discuss that bill, I wish to respond to some of the criticisms that have been leveled against the Feingold-Reid Iraq redeployment bill.

I am glad some of my colleagues have apparently taken the time to read the Iraq bill, but I wish some of them had read it a little more carefully, or thought a little harder, before voicing some of their concerns.

Of course, some of the criticisms come from Members who have no interest in stopping or slowing down the war. But I have even heard a few complaints from Members on our side who oppose the war. In fact, some Democrats seem to be trying a lot harder to come up with arguments against this bill, and against Congress acting, than they are trying to end the war. One or two senior Democrats are actually lobbying hard behind the scenes against the Feingold-Reid bill. That is disappointing, to say the least, and it shows us all what we continue to be up against as we try to bring this war to a close.

Let me start by pointing out that the Feingold-Reid bill does not—does not—restrict the Government's ability to go after al-Qaida and its affiliates around the globe. In fact, one of the main purposes of the bill is to ensure we have the full capability to do just that. When it comes to our troops in Iraq, however, we cannot allow this President to use the narrow exceptions in this bill to continue his misguided policies. The language in the bill has been crafted to try to ensure the administration does not—and cannot—continue to maintain a heavy military footprint in Iraq.

Specifically, the first exception in the Feingold-Reid bill allows funding to continue for "targeted operations, limited in duration and scope, against members of AQ and affiliated international terrorist organizations."

This provision allows operations against AQ in Iraq because fighting al-Qaida is central to our national security. But it does not allow the President to continue the current opened-ended mission because it is not in our national security interest to leave our troops on the front lines in the middle of an Iraqi civil war.

The "limited in duration and scope" language prohibits operations without a clearly defined counterterrorism objective, such as the current open-ended mission. And, of course, this provision, like the rest of the bill, only applies to Iraq. It does not affect any other U.S. operations around the world. But if my colleagues are particularly troubled by this "duration and scope" language, I am open to discussing with them any reasonable modifications that do not open new loopholes. And this is no reason to completely block the Senate from even considering the bill. My colleagues are free to try to amend it, if they will only let us take it up.

If my colleagues think we should have U.S. troops conducting operations in Iraq against other organizations that are not affiliated with AQ, then we do, in fact, have a difference of opinion. We need to be clear about our priorities. Our top national security priority is the threat posed by al-Qaida and its affiliates. Pitting our brave men and women in uniform against groups or entities in Iraq that do not pose a direct threat to the United States is a misuse of our resources, and it is exactly that mistake I am trying to fix with this legislation.

Obviously, at all times, U.S. troops in Iraq will be able to defend themselves against any perceived threat, regardless of who it comes from. But when we are talking about planning and conducting operations, those operations would need to be targeted against members of al-Qaida or affiliates. If we cannot figure out who we are launching operations against, and if we cannot figure out how to distinguish between al-Qaida in Iraq and the many other unsavory actors in Iraq who do not directly threaten our interests, then we have a serious intelligence problem which underscores the degree to which this war is distracting us from our top priority.

The Feingold-Reid bill also allows U.S. troops to remain in Iraq to provide "security for personnel and infrastructure of the United States Government." A question has been raised about whether U.S. troops could also provide security for non-U.S. coalition forces under this provision. Of course, the vast majority of foreign troops in Iraq are U.S. troops. We are the ones holding the bag there, and that is a direct result of this administration's decision to rush to war without building a strong, sustainable coalition. So raising concerns about non-Iraqi coalition forces is largely a red herring. However, I respect the contributions of those coalition troops, and I would be open, again, to discussing ways in which we can ensure they are protected without opening up a big loophole to keep a lot more U.S. troops there. Again, technical concerns such as this are no reason to block us from even considering the bill. Frankly, it sounds like an excuse not to deal with the real issue, which is our need to get out of this situation.

The Feingold-Reid bill also permits U.S. troops to be stationed in Iraq to provide "training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the U.S. Armed Forces. . . ."

This does not require any kind of guarantee that ISF troops receiving training have not been involved in sectarian violence or attacks upon the U.S., as some have suggested. It just requires some good-faith effort to make sure we are not assisting some of the very people responsible for destabilizing Iraq and killing Americans. That seems pretty reasonable, doesn't it? Just kind of a good-faith effort to make sure we are not helping people who have already killed Americans. One would think that was reasonable.

This should not be controversial. We have a policy as a government of not supporting militaries around the world that commit undisciplined acts of violence, and this administration ostensibly vets foreign militaries thoroughly under what is known as the "Leahy Law." I do not see why we should make an exception for Iraq, particularly when the GAO and General Jones have issued reports showing that the ISF is compromised by militias. If we continue to arm and train the ISF, we may simply be contributing to ongoing instability in Iraq. At a minimum, then, we need to be careful to ensure we are not giving some of the worst actors in Iraq the tools to perpetuate further violence and bloodshed.

Oh, and by the way, we have already trained over 439,000 ISF personnel. This certainly raises questions about how much more training they need. We need to make sure the President cannot keep tens of thousands of troops in Iraq policing the civil war under the guise of "training."

Indeed, the "training" U.S. military personnel in Iraq are providing is not what is traditionally thought of as training, such as boot camp. Our training is all field training, and there is no bright line between training and joint operations.

Now, some folks here think that is fine. They want U.S. troops to continue being embedded with Iraqi troops, conducting joint operations. The Feingold-Reid bill would not foreclose all joint operations or the equipping of ISF. U.S. troops could continue to conduct joint counterterrorism operations with ISF so long as the operations target al-Qaida or affiliated international terrorist organizations. But U.S. troops could not be embedded with Iraqi Security Forces for "training" purposes. And the U.S. may continue to equip ISF but may not deploy U.S. troops to Iraq solely for this purpose.

Some on our side want U.S. troops to continue providing "logistical support" to Iraqi forces indefinitely. This, again, is a backdoor way to keep substantial numbers of U.S. troops on the front lines, performing basic combat support functions, such as providing air support. Even seemingly run-of-the-mill logistical operations can be extremely dangerous in the chaotic environment in Iraq. That is not in our national security interest, and it is not something we should permit. We need a full redeployment, not a halfhearted half measure.

I hope my colleagues will rethink their opposition to the Feingold-Reid bill. If they do have these kinds of concerns about it, particularly some of the more technical concerns I have addressed, well, let's actually allow the bill to come to the floor and let's have amendments and votes. That is our responsibility as legislators, and we owe it to our constituents and our men and women in uniform to have this debate in the open and on the record.

S. 2634

Mr. President, while we may be done debating Iraq for now, the Senate has another opportunity to support a bill that would help get our national security strategy straight. That bill is S. 2634, which I also introduced with Leader REID, along with Senators BOXER, BROWN, BYRD, CASEY, CLINTON, DODD, HARKIN, LAUTENBERG, LEAHY, MENENDEZ, OBAMA, SCHUMER, and WHITEHOUSE.

Frankly, it is a pretty modest bill. It simply requires the administration to provide Congress with a report outlining a comprehensive, global strategy to defeat al-Qaida and its affiliates, one that ensures we are bringing all of our assets to the table: military, diplomatic, intelligence, and other. The strategy must ensure that U.S. resources and assets are targeted appropriately to meet the regional and country-specific threats that we face and that troop deployments do not overstretch our military. This seems pretty straightforward. Don't we want to make sure we are correctly prioritizing the geographic threats posed by al-Qaida and its affiliates around the world? And don't we need to make sure all of our assets, including military intelligence and diplomatic ones, are properly focused on addressing those threats? Shouldn't we make sure we aren't imposing an impossible burden on our military in the process? It appears, however, that the administration is afraid of what such a strategy would say; namely, that while it is focusing its attention and resources on Iraq, the threat posed by al-Qaida and its affiliates in Pakistan and many places around the world is growing.

The DNI—the Director of National Intelligence—warned this month that al-Qaida:

> has retained or regenerated key elements of its capability, including its top leadership, operational lieutenants, and a de facto safe haven in the Pakistani border area with Afghanistan.

Yes, the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, testified recently that:

> The most likely near-term attack on the United States will come from al-Qaida via its safe havens in Pakistan.

In a recent report led by former NATO Commander GEN James Jones, he called Afghanistan a "strategic stalemate" and warned that "Afghanistan remains a failing State. It could become a failed State."

So while our military and intelligence experts are saying this, the President's Iraq policies have stretched our military to the breaking point. Yesterday, the Senate heard testimony from top Army officials that the Army is under serious strain and must reduce the length of combat tours as soon as possible. Listen to what GEN George Casey, Chief of Staff of the Army, had to say:

> The cumulative effects of the last 6 plus years at war have left our Army out of balance, consumed by the current fight, and unable to do the things we know we need to do to properly sustain our all-volunteer force and restore our flexibility for an uncertain future.

These are the words of GEN George Casey: out of balance, unable to do the things we need to do.

We need to heed these dire warnings and recognize that the President's Iraq policies are unsustainable. The Feingold-Reid bill, S. 2634, would force the administration to confront that reality and to confront the dangerous threat posed by al-Qaida while our troops are bogged down in Iraq.

Unfortunately, the administration has its head stuck in the sands of Iraq. It actually threatened yesterday to veto this commonsense bill. I guess the President doesn't want the American people to know how off track we are. Well, believe me, they actually know. They have been watching over the past few years as this administration has confused the war in Iraq with the fight against al-Qaida. They want a change, and they don't want to wait another year for another President and another Congress to finally act on their concerns.

I hope my colleagues listen to them and listen to our intelligence experts when they warn us about the serious threat posed by al-Qaida in Pakistan, Afghanistan, and elsewhere. If they do, this bill will pass 100 to nothing, and the American people will breathe a sigh of relief that finally their voices are being heard.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, in a few minutes we will have a procedural vote on another proposal by the junior Senator from Wisconsin, a bill that would direct the administration to produce in 60 days a new global strategy for defeating al-Qaida. But first, a word about the first Feingold bill which dictates withdrawal.

Last year's bold decision to launch a counterinsurgency plan under General Petraeus has renewed our hopes for a unified Iraq to govern, defend, and sustain itself as an ally in the war on terror. Our men and women in uniform have protected the Iraqi people, scattered al-Qaida, deterred militias, and helped to create an environment that has led to progress not only at the tactical level but in government and in reconciliation as well. We owe them all a great debt.

In September, General Petraeus outlined his plan for bringing these men and women back after a job well done and for transitioning our mission to one of partnership and overwatch. I might say parenthetically, I was just with General Petraeus's wife a few moments ago, who is at a reception here in the Capitol complex for people from the Fort Campbell area. Earlier in General Petraeus's career, he was the commander of the 101st Division of the storied Screaming Eagles who have been at the tip of the spear in both Afghanistan and Iraq over the last 4 years. General Petraeus has had three different assignments in Iraq. We are all thoroughly familiar with his current assignment, but his wife is a good soldier indeed as well, and I had an opportunity a few moments ago to thank her again not only for his contribution but for her sacrifice as well.

This reduction in forces that General Petraeus's mission has made possible has already begun, and the Iraqi people are prepared for provincial elections in October. Due to the success of the Petraeus plan, Sunnis now serving as Sons of Iraq and defending their own Nation will now have a real stake in those elections. When General Petraeus and Ambassador Crocker return this April, we should listen to their recommendations to ensure that the hard-earned gains of the surge are maintained.

But one thing is already clear from the successes we have recently seen. Congress needs to stop considering this war in fits and starts and through piecemeal debates. We need to understand that our interests in the Persian Gulf and Iraq are long-standing and will not vanish because we have a Presidential election in November. We can't wish the dangers away.

This leads me to the second Feingold measure calling for a new strategy in defeating al-Qaida. We deal with global strategies and long-range plans through the national security strategy, the national military strategy, the Quadrennial Defense Review, and through the annual defense legislation. If the Senator from Wisconsin wanted to know how our global strategy to combat al-Qaida fits into the context of these reports and reviews, he might have asked the administration to produce such a document in the annual Defense Authorization Act. Also, I might suggest that one sure way of strengthening our fight against al-Qaida and other terrorists would be for the Democratic leadership over in the House of Representatives to stop blocking a vote on the bipartisan, Senate-passed FISA bill. We know there is a bipartisan majority in the House of Representatives to pass the same bill that passed the Senate by a large bipartisan majority. A good way to strengthen our efforts against al-Qaida would be to take up and pass that bill.

It would be irresponsible to cut off funds for troops in the field. We will not pass a bill that does so. But we welcome debate on the al-Qaida report because we are ready to provide all of the resources required to defeat al-Qaida, to include quick passage of the Defense appropriations supplemental, full funding of the 2009 Defense Appropriations Act, and passage of a FISA bill that will allow our intelligence community to continue to hunt terrorists.

We must also consider the full cost of our Nation's global commitments and our need to modernize our ground, air, and naval forces. We should also give the administration ample time to complete this study which should serve as a sound guidance for the incoming administration.

So we welcome a debate on how to best hunt al-Qaida and defend the Nation, and if we are to get on this bill, we will be debating amendments that make this report more meaningful.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, some parts of the Iraq war are open for debate, but there is a lot we know for sure. These are the facts: Nearly 4,000 American soldiers have been killed, 30,000 wounded, and the wounds of a third of them are very serious. We have thousands and thousands of amputees, more than 3,000 double amputees, blind, hearing loss, head trauma that will affect them the rest of their lives. I talked this morning about a returning Iraqi soldier who has post-traumatic stress disorder. He cannot work. He is losing his home. These are the facts. We still have 150,000 more troops in Iraq. News from the Pentagon is that there will be 8,000 more troops in Iraq in July than before the surge started.

GEN Colin Powell told us last year the Army is "about broken." General Casey, Chief of Staff of the Army, confirmed what General Powell said. Yesterday, he said:

> The demand for our forces exceeds the sustainable supply.

General Casey basically confirms what General Powell said: The Army is broken.

The day before yesterday, on public broadcasting, there was a good report that dealt with ADM Tim Keating, commander of the Pacific Command, a huge command, and basically the whole report is how hamstrung he is in trying to do his job. He cannot do it anymore because, as indicated in the report, there are not enough resources anymore because they are all being shipped to Iraq and now some to Afghanistan. Those are the facts.

I had visiting me today some people who were so excited—Don Schneider, who used to be president of a bank in Las Vegas and is now chairman of a board of trustees of an organization that is building a performing arts center in Las Vegas. One foundation gave as a start $150 million to the organization. They have raised $420 million. They need $50 million more for this organization. I said to him: $420 million is how much we spend in Iraq in 1 day—1 day. That is what this beautiful performing arts center in Las Vegas costs.

Madam President, $400 million a day, 7 days a week. There are not weekends off. These are taxpayers' dollars we are borrowing. There are no holidays. New Year's, Christmas, Easter—it doesn't matter, we work right through, and another $400 million of taxpayers' money is borrowed. And the number is going up, not down. The world should understand that America has done its share.

I personally dispute the wisdom of going into Iraq. I said, and I have said many times, the worst foreign policy blunder in the history of this country is the invasion of Iraq. But we are there. When is enough going to be enough? How many more days spending $400 million are we going to need in Iraq? When is enough enough? Is 4,000 soldiers enough killed? Is 30,000 wounded? How many blind soldiers do we need?

No one disputes the heroic efforts of our troops, but as I indicated yesterday, my friend—I named my son after him, and he named his son after me. He used to be a model. He joined the military. He is a helicopter pilot. He served a tour of duty in Afghanistan, and he sent me e-mails about what he was doing over there. He came home, and I had dinner with him in Las Vegas. He was being shipped to Iraq. I don't get e-mails from him anymore. I asked his dad why. He said he wants to come home. All of them should come home is what he said. So he is not sending me e-mails anymore. He thinks I might be disappointed in him. I am not disappointed in him. He is a valiant soldier.

How much more do we need to do? When is enough enough? Five years of war, I guess, according to the Republicans, is not enough. We are going to start in a few days the sixth year of this war. When is enough enough?

Back here a number of years ago—it has been 5 years ago now—I met the Iraqi Governing Council. I can remember that meeting as well as if it was yesterday. We were in Senator Frist's office. The head of the delegation from Iraq said: I know people think we have the second largest supply of oil in the world, but that is wrong. We have the largest supply of oil. We have more oil than Saudi Arabia.

Iraq is a wealthy Nation. When is there enough American blood and treasure for Iraq? Can't this wealthy nation take care of itself?

The matter on which we are going to be voting in just a few minutes is not very complicated. This bill is to require a report setting forth the global strategy of the United States to combat and defeat al-Qaida and its affiliates.

> Section 1. Report on United States Global Strategy to Combat al-Qaeda and Its Affiliates.
>
> (a) Report Required—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall join and submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda its affiliates.

That is pretty simple and direct. That is what we are voting on. That is what the legislation is all about. Why would anybody be opposed to this legislation? It is straightforward legislation.

It is clear that my colleagues on the other side of the aisle are not serious about any of this Iraq legislation. They had an opportunity to talk on it. As I said earlier today, it has been a good debate. They believe there still is not enough of American blood and treasure in Iraq. I do. The American people do. Twenty-five percent of Republicans believe we should be coming home from Iraq. This is not some Democratic idea; it is an idea of the American people.

How can they object to this matter on which we are going to vote in a few minutes? How can they not vote overwhelmingly for this legislation? If they had an honest reason to disagree with a report on the fight against terrorism, that would be one thing. That is not what is going on here. This is a stall that has been going on so that we will not have the opportunity to start the debate on a stimulus package dealing with housing.

Of course, we brought up these matters, and if they were allowing us to go forward with these pieces of legislation dealing with Iraq and have amendments like, of course, what has happened—but, no, motions to proceed, 30 hours. We broke the record last year in 1 year of a 2-year filibuster plan. They broke all records, and they are at it again.

Keith Olbermann, an MSNBC anchor, says at the end of every one of his telecasts:

> This is the 1,764th day since President Bush declared "mission accomplished" aboard an aircraft carrier. We all know the

mission has not been accomplished. We all know we're not safer today than we were when we began this misguided war now five years ago. It's time to turn the page and begin to rebuild a moral authority to address the growing challenges we face throughout the world.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Madam President, I thank my majority leader, Senator REID, not only for his statement but also for bringing this matter to the floor. I especially thank Senator FEINGOLD. I have been happy to cosponsor this measure.

I believe, as do many of us today, that the decision to invade Iraq was, in fact, the worst foreign policy decision of our time, maybe beyond that. We will pay a heavy price for it, but we will not pay a price as a nation as great as the price paid by the families who have lost in combat a son or daughter or husband or wife they dearly loved. Those men and women are true heroes.

The PRESIDING OFFICER. The majority's time has expired.

Mr. REID. I thought the vote was at 6:30 p.m.

The PRESIDING OFFICER. The remaining time is under the control of the minority.

Mr. McCONNELL. Madam President, I yield back the remaining time on this side.

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the motion to proceed to S. 2633 is withdrawn.

## REQUIRING A REPORT SETTING FORTH THE GLOBAL STRATEGY OF THE UNITED STATES TO COMBAT AND DEFEAT AL QAEDA AND ITS AFFILIATES—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 576, S. 2634, global strategy report.

Russell D. Feingold, Edward M. Kennedy, Patrick J. Leahy, Robert Menendez, Ron Wyden, Sherrod Brown, Richard Durbin, Bernard Sanders, Patty Murray, Joseph R. Biden, Jr., Frank R. Lautenberg, Christopher J. Dodd, John D. Rockefeller, Amy Klobuchar, Charles E. Schumer, Tom Harkin, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to S. 2634, a bill to require a report setting forth the global strategy of the United States to combat and defeat al-Qaida and its affiliates, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Minnesota (Mr. COLEMAN), the Senator from Texas (Mr. CORNYN), and the Senator from Arizona (Mr. McCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) and the Senator from Texas (Mr. CORNYN) would have voted: "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 3, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—89

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Collins
Conrad
Corker
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—3

Barrasso
Enzi
Hagel

NOT VOTING—8

Bond
Byrd
Clinton
Coleman
Cornyn
Kennedy
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I was scheduled to speak at 6:30. We had a vote at 6:30. It is my understanding that I now have the floor to speak on the bill on which we just voted.

The PRESIDING OFFICER (Mr. CASEY). The Senator is recognized.

Mr. ALLARD. I rise to discuss the war in Iraq and specifically the legislation at hand which directs the President to transition the mission of U.S. forces in Iraq.

The Senate has voted on this same issue on four separate occasions in this session alone. Not one of those times did the measure receive even one-third of the Senate's support. Nonetheless, here we are again debating the policies of the war.

Let me be clear. There is certainly nothing wrong with openly debating those policies. It is our responsibility as Members of this body to discuss thoroughly what is arguably the most important and defining issue of our day. In fact, I find it highly curious there was an attempt to castigate those who voted for this debate and who wanted the full 30 hours to talk about this vital issue. Some in this body seem to have perhaps been a little too clever and tried to summon as much outrage against debating this matter as they were prepared to use in support of debate.

I do question exactly what those in support of this bill hoped to realistically accomplish with this debate and this legislation before us given the gains that have been made through the surge strategy. Last May when the surge was being implemented, only 29 Senators voted for similar legislation. Undoubtedly, much has changed for the better since that point. Violence in Iraq is down 60 percent since the start of the surge and 80 percent in and around Iraq. There has been a 30-percent increase since June in insurgent weapon caches discovered. Economic improvements continue. Oil production is constantly increasing, up 50 percent from this time last year. And oil revenues are nearly double what they were last year. In Baghdad alone, 21 new health clinics opened this year, 1,885 new schools have been built, and another 1,604 have been refurbished throughout Iraq.

Because of reconstruction and rebuilding, electricity demand is up 25 percent. A year ago, it would have been laughable to suggest that Anbar Province be transferred to Iraqi control. But that will happen in May. When this occurs, Anbar will be 10 out of 18 provinces under full Iraqi control.

The city of Ramadi in Anbar was once one of the most dangerous cities in Iraq. It is now one of its safest following the surge. The number of U.S. combat battalions operating in Ramadi has decreased from five to two in less than a year.

An Army combat brigade that has been stationed in Ramadi for over a year is scheduled to leave the area in March and is not scheduled to be replaced. The United States is on pace to transfer control of all Iraqi provinces by the end of the year.

The surge strategy is brilliant in its simplicity: Exert our military forces to quell insurgent violence in order to create an environment suitable for fostering and sustaining a legitimate government capable of governing its citizens. Real political progress will only be reached when Iraqis feel secure, and the results of the surge are proving this to be exactly the case.

Thus far the surge is producing its intended results by eliminating terrorists, interrupting communications between insurgents in many areas in Iraq, and ensuring safety for the people which, in turn, allows far broader, far greater cooperation and association with the United States.

Only with these security improvements do Iraqis have a reasonable chance of finding a political solution. This strategy is convincing many Iraqis to abandon terrorist methods and turn against groups such as al-Qaida.

Our efforts are reuniting torn communities and enabling political process. Obviously, this Nation would have been better served had the surge strategy been implemented earlier. But the ability to criticize strategy is not the same as the ability to strategize.

So I applaud those who did finally implement the surge strategy and congratulate them on their vision. As we know, Iraq must stand up before we can stand down. Again, David Petraeus has stated there cannot be solely a military solution to violence without political action. And he is absolutely correct in his assertion.

In recent weeks, Iraqis have made tremendous political strides under what are still difficult and onerous conditions and as a result increased security in their nation. February 13 saw the Council of Representatives pass three key pieces of legislation: amnesty for Sunni security detainees, a provincial powers law, and a budget.

Debaathification reform was enacted last month as well.

Let's talk about those political accomplishments. The general amnesty law passed by the Shiite-majority Parliament sets the guidelines in providing amnesty for thousands of detainees held in Iraq detention facilities. This helps to remove one of the greatest stumbling blocks to reconciliation between Sunnis and Shiites.

The Iraqi Parliament has also passed the provincial powers law which outlines the balance of authorities between the central and local governments while also specifying that provincial elections be held on October 1 of this year. The Iraqi Parliament approved a $48 billion budget, representing a step toward Iraq using its own resources to provide for security and infrastructure reconstruction. This Sunni-Shia compromise budget allows the Kurds a larger share of the budget, which is 17 percent. Iraqi oil revenues have soared with the rise of global prices, and Iraqi production has increased due to gains in security. The money is now going to the provinces on a regular basis where it will fund urgently needed reconstruction and humanitarian relief. The Iraqi Government is now providing the kind of services that give the Iraqi people a stake in their own success.

Finally, the President's council approved the law of accountability and justice on February 3, 2008. This law could allow thousands of former Ba'ath party officials to return to Government jobs and receive pensions, helping the reconciliation process and stimulating the economy. In addition, even more groundbreaking legislation is slated for consideration in the very near future. These initiatives include a hydrocarbons law to determine the level of control allocated to the central Government as well as an election law that is being drafted currently by the Prime Minister's office. While the job is far from over and much work is still required, these recent accomplishments on the political and economic fronts continue to gather momentum and show important signs of progress and create reasons for optimism. There is much criticism of flaws in the Iraqi Government's processes and outcomes, but any Member of this body who considers throwing stones in that direction should first glance at any newspaper, news show, citizen rally, or public opinion poll, and reflect on who among us is producing perfect and flawless legislation.

Even the media, which has often been one-sided on the war, has for several months now been forced to report that the surge and coalition efforts have been succeeding. Let's look at some of the headlines:

The Washington Post, February 23, 2007, "Sadr Extends Truce in Iraq"; the Los Angeles Times, February 22, 2008, "U.S. Micro-Loan Effort Yields Big Results in Iraqi Province"; the Colorado Springs Gazette, February 18, 2008, "Baghdad Neighborhood is a Model of Progress"; Reuters, February 16 of this year, "Attacks in Baghdad Fall 80 Percent"; Reuters, a February 13 article, "Iraq Lawmakers Pass Key Budget and Amnesty Laws"; Reuters on January 17 of 2008, "Iraqi Forces Could Control All Provinces This Year"; even the New York Times, February 14, 2008, "Making (Some) Progress in Iraq"; the Washington Post on February 10, 2008, "Diary of an Insurgent in Retreat: Al-Qaeda in Iraq Figure Lists Woes"; the AP, February 2, 2008, "Lynch: US Surge Tipped Scales in Iraq"; an AP article on January 21, 2008, "U.N. Envoy Applauds Cut in Iraqi Violence"; the Winston-Salem Journal, February 12, 2008, "Iraq is Much Changed Since Surge Started One Year Ago"; Tacoma News Tribune, February 14, 2008, "Iraq Reaches Benchmark for Healing."

Coalition success is being seen all over Iraq. It is being reported. The only people who seem to refuse to see it or admit we are winning in Iraq are my colleagues on the other side of the aisle who continue time and again to bring this issue to the floor claiming that the surge has not worked and urging immediate troop withdrawal. Certain Members of Congress continue to deny that any progress has been made. Earlier this month the Speaker of the House described the surge as a failure. Opponents long criticized the administration for not sending more troops to Iraq. But when this strategy was installed, it was also attacked as opponents declared that this effort was essentially too little, too late. When the surge began to show great military success, it faded from the floor of this body.

That is why we welcome the chance to spend 30 hours on this topic. It is a shame that now, when both military and political success is being realized, we are only debating whether to retreat. If that is the ground the majority wishes to stand on, so be it.

For a moment let's consider the severity of the issue at hand. We are debating whether to deploy our forces which would essentially concede the country to whatever group eventually gains control that would likely plunge the country into further unrest and chaos. It seems we are acting under the assumption that if we get all of our forces out, we can slam the door behind us and all will be fine. This policy fails to lend any consideration to what would certainly be dire consequences that would ensue as a result of our Nation abandoning Iraq at this critical juncture. To do this would simply be irresponsible and shortsighted. Iraq is the pivotal front in our global war on terror. To intentionally abandon our progress and lose the battle would surely cause irrevocable harm to our efforts to secure our Nation. Osama bin Laden had referred to Iraq as the central front in the war against America and the West. Al-Qaida in Iraq shares this view of the situation. Leaving prematurely would only strengthen al-Qaida and enable terrorists to set up training camps in Iraq and plot further attacks on the United States.

The National Intelligence Council stated:

> If such a rapid withdrawal were to take place, we judge that al Qaeda in Iraq would attempt to use parts of the country—particularly al-Anbar province—to plan increased attacks in and outside Iraq.

By passing this legislation, we would be running away from a war from the floor of the Senate. When has it ever been sound policy for legislators to micromanage a war from Washington? I don't ever recall in our history this tactic being successful in achieving our strategic goals. In fact, let me remind our colleagues, we have seen terrible results from political motives being placed above military necessity. Installing an artificial deadline is not what we need. It is not what is good for the Nation. It is not good for the future of Iraq and the long-term stability of that region. We have heard from our military intelligence professionals who have warned about the possible consequences of hasty withdrawal and the potentially catastrophic results that may ensue. We should also listen to our folks on the ground. I have heard time and time again from our service men and women from all branches of the military who have returned from Iraq that progress is being made, and they are proud of the contributions they are making to this Nation and to the long-term stability of Iraq and the Middle East.

In my lifetime I have witnessed few events that compare to the joy and jubilation that accompany the homecoming of a military unit. When I have seen a brigade return home to Fort Carson or a wing to Peterson Air Force base, there are no words to describe the sheer emotion of seeing families returned to loved ones and friends. However, redeploying our forces at this point is not the proper course of action and not in the best interests of our Nation. Our military does not exist just to come marching home, and our military understands this. They exist to fight our enemies and secure our vital national interests. Removing Saddam Hussein from power was in our national interest. Stability in the Middle East is in our national interest. Securing Iraq from terrorist control is in our national interest. Pandering speeches about bringing the troops home that strive for mere political points and fail to acknowledge strategic realities are not in our national interest.

We still have a job that needs to be completed. We still have work to do. When the time is right, we will redeploy responsibly. The Iraqi Government is making progress. We are beginning to be able to stand down to a greater extent than we have in the past. General Petraeus and Ambassador Crocker will return to Washington and report on the progress in Iraq in April. We owe to it our men and women in harm's way to listen to the experts and make our decisions off of their findings.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am pleased the Senate has voted overwhelmingly to allow some debate of the Feingold-Reid al-Qaida bill, but it is pretty clear to everyone that this body still doesn't fully understand and is not ready to address head on the threat posed by al-Qaida. As was made clear during debate on the Iraq redeployment legislation, too many Members confuse the war in Iraq with the fight against al-Qaida. That is true of the administration too. While it is focused on Iraq, al-Qaida has reconstituted itself along the Afghanistan-Pakistan border. Don't take my word for it. Listen to our intelligence community.

Early this month, the Director of National Intelligence testified before Congress that the central leadership based in the border area of Pakistan is al-Qaida's most dangerous component. A few months ago, the DNI again repeated the intelligence community's assessment that over the last few years "Al Qaeda's central leadership has been able to regenerate the core operational capabilities needed to conduct attacks in the Homeland"—our homeland, Mr. President, the United States of America.

The DNI also testified that al-Qaida "is improving the last key aspect of its ability to attack the U.S.: the identification, training, and positioning of operatives for an attack in the Homeland."

Meanwhile, the Federally Administered Tribal Areas in Pakistan is serving as a staging ground for al-Qaida in support of the Taliban and providing it with a base similar to the one it used to have across the border in Afghanistan. The Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, testified recently that "the most likely near term attack on the United States will come from Al Qaeda via" its safe havens in Pakistan—not in Iraq, in Pakistan. Over the past year, we have seen an unprecedented rise in suicide bombings in Pakistan. The Taliban is gaining ground in Afghanistan. While we may be sending an additional 3,200 marines to Afghanistan in the near future, we have been fighting for far too long there with too few soldiers and too few reconstruction funds.

With the Joint Chiefs of Staff saying in "Iraq we do what we must and in Afghanistan we do what we can," it is no wonder that Afghanistan is teetering on the edge. Let me remind my colleagues that it was from Afghanistan—Afghanistan, not Iraq—that the 9/11 attacks were planned. And it was under the Taliban regime, which is once again gaining ground, that al-Qaida was able to flourish so freely.

Al-Qaida affiliates from Africa to Southeast Asia pose a significant terrorist threat. While we have been so myopically fixated on Iraq, the threat from an al-Qaida affiliate in north Africa has grown and now, according to the DNI's testimony, "represents a significant threat to the United States and European interests in the region." Since its merger with al-Qaida in September 2006, it has expanded its targets to include the United States, the United Nations, and other interests. And it likely got a further boost when al-Qaida leadership announced last November that the Libyan Islamic Fighting Group united with al-Qaida under AQIM's leadership. Its possible reach covers Tunisia, Morocco, Nigeria, Mauritania, Libya, and other countries. Meanwhile, it is using deadly tactics that suggest it is acquiring knowledge from the war in Iraq. That is right. The war in Iraq may be being used as a training ground by forces that wish to do us harm. Another way of saying it is, our troops are being used as a way to train people to give them the skills to launch attacks in other places.

Al-Qaida has affiliates around the world—in Saudi Arabia, the United Arab Emirates, Yemen, Lebanon, where al-Qaida poses a growing threat, the Horn of Africa, and Southeast Asia. We cannot ignore the rest of the world to focus solely on Iraq. Al-Qaida is and will continue to be a global terrorist organization with dangerous affiliates around the world. We are watching al-Qaida strengthen and develop its affiliates around the world while we remain bogged down in Iraq.

We need a robust military presence and an effective reconstruction program in Afghanistan. We need to build strong partnerships where al-Qaida and its affiliates are operating—across north Africa, in Southeast Asia, and along the border between Afghanistan and Pakistan, and we need to address the root causes of the terrorist threat, not just rely on military power to get the job done.

We can start doing that by passing S. 2634. This bill requires the administration to provide Congress with a report outlining a comprehensive global strategy to defeat al-Qaida and its affiliates. The strategy must ensure U.S. resources and assets are targeted appropriately to meet the regional and country-specific threats we face, and that troop deployments do not overstretch our military.

Who could oppose a commonsense bill such as this? Well, as I noted earlier, the administration actually issued a veto threat for this bill. That threat makes the baffling argument that preparing a report on the threat of al-Qaida may somehow "inhibit the President's constitutional authority as Commander in Chief." That is not all. The administration also argues that preparing a plan that prioritizes operations against al-Qaida would tie the hands of commanders.

This is just plain double-talk. We are trying to help our commanders and the rest of our Government to properly dedicate their resources to our most pressing national security concern. This bill does not tell our commanders how to carry out any operations; it merely requires a report. The Congress has a constitutional responsibility, in collaboration with the President, to determine what are our national security priorities. That is what we should be doing. That is what this bill would do. Unless the President has completely abandoned the idea of civilian control of the military, and of the shared responsibilities between the legislative and executive branches, then he should have no objection to my bill.

The administration does say that it "supports the bill's goals and intent, with regard to updating and informing Congress and the American people on the strategy to combat terrorism." I guess that is good news. But then it cites two documents it has already prepared on this topic. One is the September 2006 National Strategy for Combating Terrorism, which sets broad goals but does not include the detail called for in our bill about how limited resources will be allocated to achieve this strategic vision. That 2006 document also does not prioritize the geographic—country and region-specific—threats we face from AQ and its affiliates, which is essential because how else—how else, Mr. President—will we know where to focus our resources?

The other document cited by the administration is the National Implementation Plan. I am a member of both the Senate Intelligence and Foreign Relations Committees, and I am not even allowed to see that document. The administration will not even share it with the full Intelligence Committee. So the idea this document is an acceptable substitute for what is called for in the Feingold-Reid bill is absurd.

The administration suggests our bill limits the President's authority to withhold information. Now, I agree we need to protect classified information, and there is nothing in my bill—nothing—that would prevent the addition of a classified annex. Much of our strategic planning, however, is not classified, consistent with our country's belief in open government and accountability.

The American people deserve to be told, to the extent possible without divulging classified information, what their government is doing to protect them. The President's veto threat is further evidence of his unwillingness to be straight with the American people about the fact that the war in Iraq is actually undermining our national security. The President's current strategy is to prioritize operations in Iraq, even to the detriment of operations in Afghanistan against those who attacked us on 9/11.

Now, that does not make sense. It has to change, and we have to change it today by passing this Feingold-Reid bill, refocusing our attention and resources on al-Qaida.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

### HEALTH CARE REFORM

Mr. BURR. Mr. President, one of the most pressing issues in America today is: What will Congress do to address health care? The American people deserve a 21st century health care system—not just a delivery system of doctors and hospitals but a system that is integrated, one that recognizes society has changed.

This body, several years ago, extended a new benefit to Medicare, where we covered prescription drugs in a health care delivery system that was created in the 1960s, when drugs were not a common treatment for disease. It took us until the 21st century to recognize that if we would enhance the benefit so we could match the disease with some of the breakthroughs, that the outcome was different, that Americans actually got better, that the cost actually went down because we eliminated the number of incidents.

America's health is at risk. When I say America's health is at risk, I am talking about the physical health and the economic health of this country. It is impossible to believe that unless you transform health care so it works for everybody in this country that American business can be competitive in a global marketplace that is not coming, that we are part of today.

Now, Republicans want to propose to this body and to America one main goal. That goal is that we are committed—Republicans are committed—to providing every American with genuine access to quality, affordable health care that protects the sacred doctor-patient relationship. This is what everybody thinks of when they think of a health care plan: health care coverage that recognizes them as an individual and coverage they need to provide security for their family.

Let me restate it. We are committed to providing every American with genuine access to quality, affordable health care that protects the sacred doctor-patient relationship. Nothing else should get between that. It should not be determined based upon an arbitrary third-party reimburser or the Federal Government. The reality is, when we provide every American with this opportunity, we have a system that functions like the marketplace is designed.

How do we get there? No. 1: access and choice. All Americans have a right to choose their doctor, to choose their hospital, and, I believe, to choose the health care plan they want, and, more importantly, they deserve. No Washington, DC, bureaucrat should deny that right.

Americans like choice. We know that. Americans do not like to have one choice. They like multiple choices. As a matter of fact, when you have one, you really do not have a choice. Some politicians want to give America one choice. It is the debate potentially of this next election cycle.

Let me teach America a new word. It is called "universal control." Universal control: when one entity is in charge of the only choice, and now they control how they provide that; they control what it looks like; they control where you get it; they control what the cost is. All of a sudden, this innovative, creative health care system we have had in America—that has not worked for everybody because our target has not been to make sure every American is covered—all of a sudden it totally breaks down.

Well, one health care package, one set of doctors, one set of treatments, one set of prescriptions is not what America is looking for. America is looking for choice. North Carolinians do not want one choice, and they certainly do not want bureaucrats in Washington, DC, defining what their choices are going to be.

A majority of Americans are willing to pay a little bit more to have more choices. I strongly believe doctors and patients—not lawyers and bureaucrats—should have the power to make health care decisions.

The challenge is that Americans believe that is the most important thing. Clearly, access to health care is directly dependent upon cost. Americans must have access and choice, but they also have to have affordable coverage. Republicans believe the best health care in the world is worthless if Americans cannot afford it, and I think we would all agree.

It would drive down costs by giving Americans control over their own health care choices, making sure patients have the information they need to make good decisions, guaranteeing vigorous competition that benefits patients, and holding the entire health care system accountable to the patients' needs.

You see, in many cases we have used Government as the accountability measure. We miss the boat. The accountability measure is making sure patients hold the system, patients hold the doctors, patients hold the hospitals accountable; more importantly, patients hold the insurers accountable.

This belief that a patient cannot negotiate with an insurer—well, quite frankly, these days are over. We need to drive down costs. We need to give Americans control over their own health care choices. We need to make sure patients have the information they need to make good choices—the right choices for them, for their family, for their age, for their illness or their health conditions, and, more importantly, for their income, guaranteeing vigorous competition that benefits patients. The focus here is on patients, holding the entire health care system accountable to patients' needs.

I would suggest if health care could be more like a television—with a television, you have real competition. You have a choice of over the air, you have a choice of basic, you have a choice of cable, you have a choice of cable with premiums, and you have a choice of DirectTV. In fact, with television, you know exactly what comes with each option. You know exactly how much it costs, and you know you get what you pay for. That can be the only reason that on-demand sports has become so popular. It is because when you want to watch a sporting event, and you see exactly what the cost is, you can make a calculation as an individual as to whether that is worth it to you. Americans should have all the competition, the choice, the control, and the information they need when it comes to health care decisions. So affordable coverage.

Let me tell you a story. My oldest son is now 23. Shortly before he became 22, I was notified by the Office of Personnel Management in Washington that in the Federal Government, regardless of where you were in the Federal Government, your children, when they turned the age of 22, even if they were in school—which mine were—had to be dropped from your health insurance.

Now, forget the fact—I can see the Presiding Officer is struggling with this. That does not save any money. You are exactly right. You are taking the healthiest of America, and you are taking them out of the risk pool that helps hold down the risk for us older guys who are more susceptible to disease. But somewhere the Federal Government got this idea that they are going to save money by dropping people when they become 22 years old—the healthiest of the American population.

So I went through the realization that this is actually going to happen. There is no way you can change it. So I called OPM to say: Surely, you have negotiated coverage for our children. I would like something that resembles the plan I had with Blue Cross Blue Shield. They quoted me the exact same plan: $5,400 a year. Twenty-two years old, healthy as a bull, still in college, and all of a sudden, as a parent, I was strapped with the decision that for him to have coverage it was going to cost $5,400. If it was his decision alone, he would have said: No way. Affordability was not met from the standpoint of what he was getting in coverage for what it was costing.

I did not stop there. I picked up the phone. I called the university he was at and found out a local insurer, insurance agent, had negotiated with Blue Cross Blue Shield coverage for kids who fell into this situation where they did not have insurance. I described to him the plan. He quoted me the exact same plan that as a Member of the Senate I had, which, before, my son was covered under, with the same deductible, the same copay, the same limits—the exact same plan. But this was negotiated by an independent insurance agent in Chapel Hill, NC, against the same Blue Cross Blue Shield that the Federal Government, representing 1.3 million employees, negotiated with; and on behalf of my son, he negotiated a cost of $1,500 per year—$1,500 versus $5,400, a fairly significant savings.

We sit here and wonder: What can the American people do with the right information relative to the decisions they have to make as it relates to health care coverage? If it is that difficult to figure out how to have the coverage you need at the cost you can afford, envision how difficult it is for a patient without information to decide what type of chemotherapy they are going to take, when all of a sudden the doctor walks in and says: You have cancer and you are going to die without treatment. This is a difficult thing without the ability to go out and search for the information.

The third item is quality care and prevention. Here is a unique word in health care, "prevention." It is something that probably for decades we should have incorporated into the coverage each of us has. We believe in strengthening health care by providing consistent, dependable quality and promoting the principles of prevention. What is prevention? Let's change our habits. Let's educate ourselves. Let's do the things that keep us healthy. And let's actually pay annually to let somebody go in and see the doctor and make sure there is not a health condition they have that could be prevented, early, without the incidence of an inpatient stay in the hospital.

We will harness the powerful promise of advanced research and modern technology to create innovative new treatments and breakthrough cures, promote wellness, and empower consumers with accurate, comprehensive information on quality health care that is available for them.

Choice, information: I believe strengthening health care by providing consistent, dependable quality and promoting prevention is absolutely essential.

Creating innovative new treatments and breakthrough cures: Let me ask my colleagues, if innovation didn't take place, what would the diabetics do today, those who currently have a diabetic pump that is implanted in their side, that automatically reads their blood sugar 24 hours a day, administers the insulin when they need it. No longer do they go through a finger prick. No longer do they get an inconsistent reading. No longer do they inject themselves later than they need to keep a balance. Why is that important? Because for somebody with diabetes who can constantly maintain their blood sugar at the right level, it means none of the horrors we heard about and saw and that many families lived with before when the management was not as precise. The result was, eventually they began to go blind, eventually began to have a toe, two toes, all their toes, a foot, a leg amputated because of the effects of diabetes. Forget the number of times the person might have been admitted to the hospital to get their blood sugar in balance so they could at least delay the deterioration. Now technology allows a diabetic to insert a pump and to keep a constant read and a constant regulation of their blood sugar. The net result is the system saves a tremendous amount of money. The individual saves a tremendous amount of money. The individual's quality of life is that much better.

For a student who had diabetes, the likelihood was that they would never play organized sports because the demands on an athlete mean they have a blood sugar spike that is incredible, and without the ability to regulate that, it was impossible. Now kids are playing soccer at every age and running around with a pump that is automatically reading their blood sugar.

How about for some of us who are a little bit older and we probably are susceptible—because we haven't done everything we should do regarding healthy habits, we are susceptible to high cholesterol. Where would we be without the pharmaceuticals' breakthrough of cholesterol drugs? I will tell my colleagues where we would be. We would be funding $8,000-plus bypass surgeries at an alarming rate that would bankrupt the system, both public and private. But today we have this little pill we can take. It doesn't take the place of exercise, it doesn't take the place of diet, but it certainly enhances our chances that we are not going to be selected to have bypass surgery, open-heart surgery; that we are not going to have the recovery time, the loss of productivity at work because innovation allowed us now to inject in that quality arena a different outcome based upon innovation.

We want to promote wellness. We want to empower consumers with accurate, comprehensive information. The United States has the best health care system in the world. I will tell my colleagues, North Carolina is a big reason as to why health care is so good. We need to make sure quality stays high while improving the access. Congress needs to foster—not hinder—research and development of treatments and cures.

I just mentioned prevention and wellness. Those words need to be the first thing Americans think about when they think "health care" or when they think "doctors." Prevention and wellness. Doctors should be paid to help people stay healthy instead of just paying them to treat individuals who are sick.

My final thought for this section: Patients should have as much information prior to using doctors and hospitals as they do prior to buying cars. What a novel idea. The Centers for

Medicare and Medicaid Services is starting to provide quality, Web-based information about nursing homes and hospitals. The initiative needs to keep growing so all patients have the ability to research all aspects of health care. That happens in real time at the tips of our fingers. Access and choice, affordable coverage, quality care and prevention.

The fourth piece—and we shouldn't be shocked because this is America—personal ownership and security. But this is something our system has never incorporated. We believe Americans should own and control their health care coverage and should have the freedom and the flexibility to take it with them when they change jobs, just like a 401(k).

Hard-working Americans deserve the peace of mind to know the care they need will be the care they receive and that their financial security will be protected from catastrophic events.

Americans will achieve this security and will receive better care if the health care system is highly personalized and guarantees patient control. What does that mean? With the right information, with the right resources, any American should have the ability to construct a health care plan that meets their age, their health, their income, and have the financial security of knowing they are covered. Some might call this ala carte, the ability to construct something that meets—for those of us who are over a certain age, we have probably already been instructed by our spouses that we have had all the children we are going to have. That is a little tough in this body because we have had some Members who had them at quite a late stage in life. But I fall into that category. I can't buy health insurance coverage that doesn't come with maternity coverage. I pay for it knowing I am never going to use it.

Now, maybe I am helping to subsidize somebody else. But while we are here talking about every American being insured, the reason we are here is because that subsidy is going on today. It goes on in every company. In goes on with everybody who pays out of pocket. It is something that happens to each of us who have health insurance, and it is triggered by somebody who receives a service in health care and either won't or can't pay. So to recover the cost of the delivery of that benefit, hospitals, doctors, every delivery point in health care does what they call cost-shift. They charge that cost of delivering that service over to the people who have coverage or who can pay.

When all of a sudden you have a goal and a commitment that every American is insured, the cost-shift goes away. What is the score on that? It is $200 billion a year. So that is $200 billion that today does not go to the delivery of one ounce of care. It is shifted to people who can pay or who are covered. All of a sudden now we know the answer to why health care increases at double-digit rates of inflation on an annual basis. It is because as the pool of uninsured continues to grow, the amount of cost-shift continues to grow, and the cost-shift is directly dumped on those companies that provide coverage for their employees, for us as individuals if we go to the marketplace and we buy coverage or to us who pay out of pocket when we access health care because it is shifted evenly across the system.

Forget the fact that if we adopt this, if we achieve it, that, one, we have a more manageable system—a system, quite honestly, that incorporates access and choice, affordability, quality and prevention and wellness, personal ownership, and the security of knowing you have coverage. We drive the costs down for every American.

The goal is to continue to have the best health care system in the world, to continue to drive innovation and medical breakthroughs, and to do it in a way that brings the overall cost of health care down. If we can begin to see the trend line on inflation and health care begin to go south, it is amazing what type of an incentive it will be to individuals who now engage in the prevention and wellness section and begin to look at ways that they can control the cost of their health care because it is now theirs, they own it, they have constructed it, they can change it as they need to, and—oh, yes, by the way, to accomplish this, we have to have 50 States that have high-risk pools that take those individuals with preexisting conditions, and we collectively buy their cost of insurance down to an equal amount for those of us who are healthy. A lot of States around the country currently do it. Mine just happened to pass it last year. We are late coming to the game. But the reality is that all 50 States should and will and have to do it if we want the system to work.

There is a way to maintain the highest level of care in the world, the highest commitment to innovation and breakthroughs, to look down the road and know we are going to cure things tomorrow, that today there is only one outcome and it is to live. If we don't change and transform our health care system and begin to promote prevention and wellness and to drive the costs down, the first thing that will leave is innovation, the innovation that treats many of us today in a totally different way, with a multitude of options we never had. If, in fact, we don't begin to change this, the system will reflect one choice, one doctor, one hospital, one delivery port.

I challenge my colleagues today that is universal control, control where one entity—the Federal Government—dictates where we go, who we see, what they are reimbursed for delivering the service, and the outcome will be the lack of innovation, the lack of breakthroughs, and no reason for the American people to make healthy choices and to engage in prevention and wellness.

That is where we are. I hope my colleagues on both sides of the aisle will engage and encourage our leadership to have a healthy debate on health care. I haven't locked in to any prescribed legislation tonight. It is the principles of the Republican Conference that I am here to present and will continue to come back to the Senate floor to present. I encourage my colleagues on both sides of the aisle: let's come to the floor. Bring your legislation. Let's examine it, let's debate it, let's let America see it. Let them be the judge. At the end of the day, it is the American people who will influence where this debate goes, and that is exactly who should influence it. They are the patients of the future health care system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

## MORNING BUSINESS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## 5TH ANNIVERSARY OF NEVADA STATE COLLEGE

Mr. REID. Mr. President, I rise today to commemorate the 5th anniversary of Nevada State College, the newest institution in the Nevada System of Higher Education

Nevada State College was born out of a dire need. In recent years, southern Nevada has been growing at a breakneck pace. In 1990, Clark County's population was just over 740,000 people; today, it is over 2 million. With such tremendous growth came considerable growing pains. Enrollment in Nevada's two universities and four community colleges swelled 16 percent from 1994 to 2000. Clark County was facing both teacher and nursing shortages. Nevada needed another place to train the next generation of nurses, teachers, and business professionals. That place is Nevada State College.

In many ways, Nevada State College is representative of our State. In 2002, Nevada State opened its doors with 177 students; 5 years later, NSC's enrollment has swelled to over 1,900. In true pioneer fashion, Nevada State's students tend to focus on professions that are needed most in the community. NSC's two largest majors, nursing and teaching, are two areas of critical need in Nevada. But Nevada State is more than simply a nursing and teaching college.

Nevada State students also practice civic responsibility. Before they graduate, NSC students are required to take a course called Community Based Learning, CBL, 400. In this course, students work with different organizations to improve their community. For example, Nevada State graduates have worked at their local libraries, volunteered at nonprofits, and tutored public school students in the areas of math, science, and engineering. This service-oriented program has been such a success, it was named to the Presidential Higher Education Community Service Honor Roll for 2007.

Nevada State College has experienced rapid growth in its first 5 years, and I am sure it will continue to grow in both students and stature. Soon, NSC will begin expanding into its 500-acre parcel situated in the beautiful foothills of Henderson. I look forward to the completion of the new campus. Nevada State College is only 5 years old, but it has already made its mark as one of Nevada's shining academic gems.

## IN HONOR OF JOHNNIE ALBERTSON

Mr. REID. Mr. President, I rise today to recognize the life and accomplishments of Ms. Johnnie Albertson. Johnnie, a valued employee of the Small Business Administration for 32 years, succumbed to illnesses resulting from pneumonia. A native North Carolinian, Ms. Albertson was able, through her own perseverance, to overcome poverty and the loss of her parents to establish herself as a champion of equal rights.

Ms. Albertson will be remembered for her dedication to her work with the Small Business Administration. Johnnie was a modern pioneer who overcame gender and class restrictions and went on to hold numerous senior positions at the SBA. She served as the first Associate Administrator for the Small Business Development Center Program and was the first woman to achieve the rank of senior executive within the SBA—the highest rank possible without a congressional appointment.

Through the many programs she initiated at the SBA, Johnnie was instrumental in guaranteeing the rights of minority and female small business owners across the country. Thousands of business owners owe their success, in part, to Ms. Albertson's resolve to ensure equal opportunities for all entrepreneurial Americans.

For her achievements, Ms. Albertson was awarded the SBA's Silver Medal for Meritorious Service and the inaugural SBA Lifetime Achievement Award. She was also the first female to sell advertising space for the Washington Post, New York Times, and the New York Tribune. These awards, coupled with her work in the private sector, forged a path for others to follow.

Johnnie Albertson will be remembered by those closest to her for her enthusiasm for reading, her wonderful sense of humor, and her love of jazz music. Those who benefited personally by knowing Ms. Albertson, along with those who profited by her good works, will forever be indebted to her generosity, devotion, and diligence in promoting equal opportunities for all. Mr. President, I extend my deepest sympathies to the friends and family of Ms. Albertson and express my gratitude for the passion with which she served our country.

## INDIAN HEALTH CARE IMPROVEMENT ACT

Mr. KERRY. Mr. President, I welcome the Senate passage of the Indian Health Care Improvement Act. The bill is a long overdue response to a health crisis for our country's American Indians and would at last strengthen and expand health services to those who need it most and those to whom promises were made but far too few promises have been kept. The last comprehensive reauthorization of IHCIA took place in 1992—and since then, progress has been ground to a halt in the Senate while health disparities for American Indians have dramatically widened.

The situation is dire. Today, American Indians suffer from disproportionately higher rates of diabetes, heart disease, suicide, and several types of cancer than all other groups in the United States: 2.6 times more likely to be diagnosed with diabetes; 630 percent more likely to die from alcoholism; and a life expectancy nearly 6 years shorter than the rest of the U.S. population. The gap between the needs of this community and the resources dedicated to addressing them is stark: fewer mental health professionals available to treat Indians than the rest of the U.S. population; health care expenditures for Indians less than half of what America spends for Federal prisoners.

It goes without saying that we should invest the necessary funds in improving health coverage and care for American Indians, which is why it is so important that the Indian Health Care Improvement Act modernizes Indian health care services and helps ensure at least that money is no longer the biggest impediment to quality health care in Indian Country.

In my home State, the status of Indian health care is particularly daunting: inadequate health facilities, mental health services and assisted living care for the elderly; the percentage of American Indians with poor emotional health is on average 2.1 times higher than the adult Massachusetts population; an obesity rate twice as high as the rate for Massachusetts adults in general. Moreover, the percentage of Mashpee Wampanoag adults with diabetes is nearly two times higher than the rest of the adult population in our State. During the 5 years between 1999 and 2004, American Indian mothers were over three times more likely to smoke during pregnancy than all mothers giving birth in Massachusetts. American Indian students have much higher percentages of smoking, drinking alcohol before age 13, and lifetime cocaine use than all other students in Massachusetts. Also, 1 in 4 American Indian high school students have reported attempting suicide compared to 1 out of 10 for all other students. The Indian health bill is an important step we must take to begin reversing these troubling statistics in Massachusetts and across the Nation.

This bill can mark a new day of at last addressing the health care needs of Indian Country programs to increase the outreach and enrollment of Indians in Medicaid and CHIP and improve the ability for tribes to participate in managed care health plans. The Indian Health Care Improvement Act brings greater access to health care services, improved medical insurance coverage, and education of disease prevention and healthy lifestyles.

The Senate came together across partisan lines to take a step forward with Indian Country, and I look forward to the quick passage of the bill and ultimately to seeing it signed into law by President Bush. This must be the beginning, not the end, of a new compact with Indian Country—and a renewed commitment to making sure that no American's health suffers because they are born on a farm, in a city, or on a reservation.

## RED CROSS MONTH

Ms. COLLINS. Mr. President, I rise to speak on the Red Cross and its campaign to encourage citizen preparedness for disasters.

For 65 years, since the first proclamation by Franklin D. Roosevelt, Presidents of the United States have designated March as Red Cross Month.

I am proud to support this year's proclamation in recognizing this great organization, whose activities include lifesaving courses, blood drives, sheltering families displaced by fire or flood, and responding to major disasters. This January, for example, Red Cross work in my home State of Maine included an urgent blood drive amid ice and snow that had reduced some hospitals' blood supply to a single day. Other Maine Red Cross workers were taking care of a seven-member family in the town of Skowhegan who had lost their home and possessions in a fire.

I know the good works of the Red Cross both as a Maine resident and as a Senator. As ranking member of the Senate Committee on Homeland Security, I have worked closely with emergency management agencies and nonprofit organizations for years. I know the Red Cross has not only saved many lives and comforted millions but has taken steps to improve its structure and capabilities for disaster response.

The record of recent years for terrorism, fires, earthquakes, floods, and other disasters underscores the need for preparedness not only at all levels of government but among individual citizens and families.

I therefore commend the Red Cross for focusing their public-communication efforts this year on the theme of "Be Red Cross Ready." It is a well-chosen theme: Red Cross survey work finds that up to 60 percent of Americans are entirely unprepared for disaster. They have no emergency supplies, no firstaid or CPR training, no rendezvous or communication plans or other precautions.

The catastrophe of Hurricane Katrina reminded us that government and other first responders, no matter how efficient and heroic, cannot appear instantly at every point affected by a disaster. Every citizen should be prepared to serve as a first responder for family and neighbors if official or volunteer responders cannot offer immediate assistance.

Encouraging individual responsibility and preparedness to augment government and private organization efforts can reinforce our national response framework to provide truly comprehensive and all-hazards protection.

For promoting readiness, and for all its good works, the American Red Cross deserves the thanks of all Americans and the recognition of Red Cross Month.

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## NATIONAL PEACE CORPS WEEK

Mrs. FEINSTEIN. Mr. President, as a part of National Peace Corps Week, I wish to join many of my colleagues in celebrating the 47th anniversary of the Peace Corps and honoring the important work of Peace Corps volunteers.

During this week, Peace Corps volunteers from around the world who have served over the years will share their overseas experiences with schools and community groups around the United States.

By giving presentations during Peace Corps Week, former Peace Corps volunteers will help Americans better understand the people and cultures they have experienced, and the many benefits of Peace Corps service.

By making presentations in classrooms, former volunteers will help create greater global awareness among students.

The Peace Corps is one of our most effective and successful foreign aid programs.

Since the establishment of the Peace Corps by President John F. Kennedy in 1961, more than 190,000 U.S. citizens, including 25,000 from my home State of California, have served their country in the cause of peace by living and working in 139 developing countries.

The world has changed since 1961—and the Peace Corps has succeeded in keeping up with these changes.

While education and agriculture are still an important part of what a Peace Corp volunteer does, today's volunteers also work on HIV/AIDS awareness, information technology, and business development.

Many volunteers work in orphanages with HIV-positive children, implement programs for at-risk youth, and create support groups for HIV-positive people.

Business volunteers conduct seminars on subjects like marketing, strategic planning, and tourism development. They work with women and minority groups to strengthen their participation in the economic system.

Agriculture volunteers may find themselves working with farmers to implement techniques to improve soil quality and conserve water—or on the business end conducting production cost-and-price analyses.

The Peace Corps also assists countries in need by supplying Crisis Corps volunteers—former volunteers who return to the field on a short-term basis. In 2005, for the first time in its history, Peace Corps deployed 272 Crisis Corps volunteers domestically to assist in Hurricane Katrina relief efforts along the gulf coast.

Also in 2005, Crisis Corps volunteers were deployed to Sri Lanka and Thailand to assist with rebuilding tsunami devastated areas, and to Guatemala following Hurricane Stan. As part of PEPFAR, Crisis Corps has deployed volunteers to Uganda, Kenya, Namibia and Zambia. Finally, Crisis Corps is working with Peace Corps posts in Central America and the Caribbean to address disaster preparedness in the region.

Today's Peace Corps is more vital than ever, working in emerging and essential areas such as information technology and business development. They have made significant and lasting contributions around the world in agriculture, education, health, HIV/AIDS, and the environment.

Peace Corps volunteers continue to help countless individuals who want to build a better life for themselves, their children, and their communities.

At a time when the United States is seeking to reclaim the respect and admiration of the world and once again be seen as a champion and a leader of democracy, justice, and human rights, Peace Corps volunteers revitalize faith in this country.

They are leaders and diplomats, and they serve as an inspiration not only to their fellow American citizens but to citizens all across the world.

I urge all my colleagues to support the Peace Corps and celebrate National Peace Corps Week.

Mr. SMITH. Mr. President, I rise today to commemorate National Peace Corps Week and to recognize the 47th anniversary of this distinguished organization. Since 1961, the Peace Corps has dispatched over 190,000 volunteers to promote a greater understanding between the United States and the rest of the world.

As part of National Peace Corps Week, returning volunteers will be visiting Washington for several days of events. Many of them will use this opportunity to share their experiences in local classrooms. I heartily applaud these fine men and women for their initiative in seeking to make the world a better place to live and for the positive impact they have had beyond our borders.

Now more than ever, the work of Peace Corps volunteers is an important asset within the diplomatic toolbox of the United States. Their efforts augment official diplomatic acts of our Government and add a personal dimension which could not be duplicated in any other way. When a volunteer travels abroad, they provide others with a glimpse of what it means to be an American and the values we cherish here at home. I encourage all Americans to make the kind of selfless contributions these volunteers provide to the international community. The Peace Corps has proven that individual citizens working together can promote and strengthen the image of the United States.

Peace Corps volunteers inspire us all, and I am proud to say that 213 volunteers from the State of Oregon are currently serving in over 50 developing countries. These Oregonians complement the thousands of others who have served in the Peace Corps, and they brighten our hopes for a better tomorrow. Peace Corps volunteers have shown a level of dedication and accomplishment that is truly extraordinary. I invite all Oregonians, and all Americans, to join me this week in commending their efforts.

Mr. BARRASSO. Mr. President, I wish to acknowledge Peace Corps volunteers during National Peace Corps Week.

Currently, 25 active U.S. Peace Corps volunteers are from Wyoming. They have joined a unique organization of people who have taken the initiative and make the personal commitment to assist those around the world who are less fortunate.

Peace Corps volunteers are the face of America in many countries. They are often on the frontline in the most primitive of environments, working tirelessly with local leaders to build a better future. Their optimism is often contagious as they assist communities in building infrastructure, developing resources, and improving basic health care, education, and business opportunities.

I commend all the men and women of the Peace Corps for their personal sacrifices. It is not easy to leave behind friends and family and the comforts of home. Yet I often hear that the rewards of bringing aid to those suffering from political unrest, natural disasters, disease, and a lack of economic opportunities are well worth it.

The Peace Corps volunteers' reputation as ambassadors of good will demonstrates the ability of individuals to make a difference in the world. Their firsthand knowledge of the challenges people face on a day-to-day basis give those of us in the United States a better understanding of our world. I applaud their efforts and dedication.

I would like to recognize the men and women from Wyoming who are currently serving as U.S. Peace Corps volunteers: Pamela J. Anderson, Jason N. Arnold, Alexandria L. Blute, Katie E. Boysen, Bria M. Chimenti, Joanne A. Cook, Jenna M. Dillon, Heather Dixon, Jeannie M. Freeman, Annie B. Gierhart, Alexis L. Grieve, Daniel J. Healy, Kevin U. Malatesta, Joshuah C. Marshall, Korie C. Merrill, Michael O. Nielsen, Katherine G. Oglietti, Kathleen F. Petersen, Rachel L. Petersen, Michael S. Quinn, Garrett C. Schiche, Brian M. Steen, Dayna C. Wolter, Angela E. Zivkovich, and Aaron R. Zueck.

Mr. ISAKSON. Mr. President, I stand before you today to congratulate the Peace Corps on 47 years of service. The Peace Corps was founded on March 1, 1961, when President John F. Kennedy signed an Executive order establishing the Peace Corps as a new Government agency. Over the years, 190,000 volunteers, including nearly 2,700 Georgians, have served in more than 139 countries around the world. Throughout its history, Peace Corps volunteers have responded to the issues of this world with energy, purpose, and compassion.

From February 25 to March 3, 2008, thousands of former Peace Corps volunteers will share their experiences with schools and community groups across the United States during Peace Corps Week. Through these activities, former Peace Corps volunteers will help our citizens better understand the advantages of becoming a Peace Corps volunteer. They will also have the opportunity to educate about the people and cultures they have encountered during their service. Additionally, by making presentations in classrooms, former volunteers will help create greater global awareness among students.

I also want to take this opportunity to pay tribute to the late U.S. Senator Paul Coverdell of Georgia, who was my good friend and colleague for many years. As the corps' first post-Cold War director, Paul steered the Peace Corps into a new era. I was pleased the President honored Paul posthumously in 2001 by renaming the Peace Corps headquarters in Washington, DC, as the Paul D. Coverdell Peace Corps Headquarters as well as renaming the Peace Corps World Wise Schools program as the Paul D. Coverdell World Wise Schools program. I am proud to support an organization that such a distinguished Georgian was so instrumental in shaping.

I am pleased that the President announced the reopening of a Peace Corps mission in Rwanda during his visit to the country last week. I believe the Peace Corps will make an important contribution to the recovery of that country.

Today, there are 8,079 Peace Corps volunteers and trainees in 68 posts serving 74 countries. Of those volunteers, 160 are from my home State of Georgia. I want to take this opportunity to thank those Georgians and all Americans who have served in the Peace Corps. The Peace Corps is a critical piece of our diplomatic and humanitarian efforts worldwide. I look forward to supporting the Peace Corps as a Member of the Senate.

Mr. CASEY. Mr. President, I wish to commemorate the past 47 years of service of over 190,000 Peace Corps volunteers who have served our Nation and aided developing nations worldwide. This week our Nation celebrates their contributions toward the elimination of global poverty and disease that continues to deprive millions of people the opportunity to fulfill their goals and dreams.

Henry David Thoreau noted that "One is not born into the world to do everything, but to do something." To do something is the foundation of the Peace Corps' mission. In 1961, President John F. Kennedy established the Peace Corps to promote peace and friendship and challenged Americans, young and old, to help their Nation and the world by sharing their talents with those in developing countries. Many Americans have heeded his call to service. Currently, approximately 8,000 volunteers serve in 74 countries to help train and provide skills to those in need and act as American cultural ambassadors to those nations. However, their work does not end there.

I am very proud that 261 Peace Corps volunteers from Pennsylvania are currently serving abroad. These men and women will join the ranks of former Pennsylvanian volunteers who continue to leave their mark on the world such as Christina Luongo from Stroudsburg, PA, who served as a nutrition education volunteer in Bolivia from 2002 to 2005; Abigail Calkins, from Philadelphia, PA, who served as a community development volunteer in Cameroon from 1987 to 1990 and is now working at the University of Pennsylvania researching breast and endometrial cancer; and Betrice Grabish, from North Wales, PA, who served as an English teacher in Uzbekistan from 1992 to 1994.

As we celebrate National Peace Corps Week, I would also like to highlight the vital contributions that a predecessor of mine, Senator Harris Wofford, made toward launching the Peace Corps in 1961. As special assistant to President John F. Kennedy, Senator Wofford helped plan and launch the Peace Corps and later moved with his family to Ethiopia, where he served as the Peace Corps' special representative to Africa and director of its Ethiopia program. Ever since, Senator Wofford has been a leading voice advocating for more Americans to become involved in national service. Committing to serve one's nation is an honor, and I join Senator Wofford in calling on more Americans to make this commitment.

As our world becomes interconnected, more Americans will need to interact with those who live outside our borders. Peace Corps volunteers learn more than 250 languages, which provides them the skills to compete globally as well as assist the U.S. Government in national security areas where critical language skills are essential. Many Peace Corps volunteers go on to serve in Congress, the executive branch, and the Foreign Service. I salute the Peace Corps for its tremendous work and the dedication of its volunteers who have not hesitated to help improve our world. On this week marking the 47th anniversary of the founding of the Peace Corps, I call on everyone to join me in celebrating its historic achievements.

## PRENATALLY AND POSTNATALLY DIAGNOSED CONDITIONS AWARENESS ACT

Mr. BROWNBACK. Mr. President, I am excited and encouraged that the Committee on Health, Education, Labor, and Pension today voted unanimously to pass the Prenatally and Postnatally Diagnosed Conditions Awareness Act. This legislation will help parents receiving the news that their unborn child may be born with a disability by supplying them with current and reliable information about the many services and support networks available. This information will also be made available to parents whose children were diagnosed at birth or up until 12 months of age.

The American College of Obstetricians and Gynecologists now recommends that the screening procedure used to detect Downsyndrome be offered to all pregnant women, not just those over the age of 35, as was recommended in the past. According to the American Journal of Medical Genetics, 80–90 percent of patients who are told that the child they are carrying has Downsyndrome choose to have abortions. The percentage is similarly high for children with other prenatally diagnosable conditions. A recent study by Prenatal Diagnosis actually puts the figure at between 91 to 93 percent.

I believe that one of the main reasons for these disturbingly high figures is that many people in society still believe the outdated stereotypes and misconceptions that continue to exist about people with disabilities. In a study done by Louis Harris and Associates, the vast majority of adults with even the most severe disabilities reported being "very satisfied" or "somewhat satisfied" with their lives. The same study shows that there is virtually no difference between the proportion of Americans with disabilities and those without who are married and who have children. Many people with even the most severe disabilities live independently, have jobs, get married, have children, and pay taxes.

Parent support groups and disability advocacy groups have tried to reach out to parents who have received prenatal diagnoses of various conditions, but they often have difficulty getting practical information about raising a child with a disability and information about available services and resources to new and expecting parents. This bill will help to remediate this situation in five concrete ways.

First, the bill establishes a toll-free resource telephone hotline parents can call after they have been given a prenatal or postnatal diagnosis for their child. The bill also calls for the expansion of the leading information clearinghouse on disability, so that it can more effectively provide parents with accurate, up-to-date information on their child's condition along with available resources and services. The bill also provides for the expansion and development of national and local parent support programs and disability advocacy groups, so that they can more effectively reach out to new parents. A national registry of parents willing to adopt children with these disabilities would also be established under this bill. Finally, this bill will help create awareness and education programs for health care providers who give parents the results of these tests.

It is difficult, sometimes overwhelming, for new and expecting parents to receive the news that their new baby or their unborn child will have a disability. I hope that this bill will provide these parents with the information and support they so desperately need during this critical time. I hope this information will encourage parents that their child can live a meaningful and fulfilling life and that this bill will heighten society's awareness of the capabilities value and worth of people with disabilities.

I would like to thank Senator KENNEDY, Senator ENZI, and all other members of the HELP Committee who have worked so diligently with my office to get this important legislation past the HELP Committee. I am hopeful that this bill will soon receive consideration by the full Senate. The quicker my colleagues and I move to pass this bill, the more people we can help with these critical services and information.

## HONORING OUR ARMED FORCES

### SPECIAL WARFARE OPERATOR CHIEF PETTY OFFICER NATHAN H. HARDY

Mr. GREGG. Mr. President, I rise today to pay a heartfelt tribute to special warfare operator CPO, SEAL, Nathan H. Hardy of Durham, NH. Sadly on February 4, 2008 while supporting Operation Iraqi Freedom, this brave 29-year old patriot gave his life for his team and for our Nation during combat operations in Iraq. Chief Hardy was a member of Naval Special Warfare Tactical Development and Evaluation Squadron THREE, Dam Neck, VA, and was serving our country in his fourth deployment to Iraq.

Nathan, or Nate to family and friends, was a 1997 graduate of Oyster River High School, Durham, NH, where he excelled in soccer and lacrosse. He enlisted in the U.S. Navy on November 4, 1997, received basic training in Great Lakes, IL, Undersea Demolition/SEAL training in Coronado, CA, and attended the Defense Language Institute in Monterey, CA. During his Navy career he served entirely with east coast-based SEAL teams.

Friends say from his youth Nate dreamed of becoming a U.S. Navy SEAL, one of the most challenging, rigorous, and elite fighting organizations in the history of the world. He applied his fierce competitiveness and team spirit to achieve success and served our Nation with deep pride and great courage. He loved what he did, and that was obvious.

The awards and decorations Nate received serve as testimony to his strong character and extraordinary performance. They include two Bronze Star Medals, Purple Heart, two Navy Marine Corps Achievement Medals, Combat Action Ribbon—approval pending—three Good Conduct Medals, two National Defense Service Medals, Armed Forces Expeditionary Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, Kosovo Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, three Sea Service Deployment Medals, NATO Medal, Expert Rifle Medal and the Sharpshooter Pistol Medal.

During our country's difficult Revolutionary War, Thomas Paine wrote "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman." In these turbulent times Chief Hardy stood with the country he loved, served it with distinction and valor, and earned and deserves our love and thanks. Because of his efforts, the liberty of this country is made more secure.

My sympathy, condolences, and prayers go out to Nate's wife Mindi, son Parker, parents Steve and Donna, brother Ben, and to his other family members and many friends who have suffered this most grievous loss. All will sorely miss Nate Hardy—devoted husband, caring father, dedicated son, loyal brother, good friend, outstanding SEAL. Laid to rest at Arlington National Cemetery, Chief Hardy joins his fellow heroes in eternal peace at our military's most sacred place. His sacrifice will live on forever among the many dedicated heroes this Nation has sent abroad to defend freedom. In the words of another son of New Hampshire, Daniel Webster—may his remembrance be as longlasting as the land he honored. God bless Nathan Hardy.

## REMEMBERING JANEZ DRNOVŠEK

Mr. HARKIN. Mr. President, I have come to the floor to pay tribute to a good friend, Janez Drnovšek, who passed away on Saturday. Dr. Drnovšek served as the second Prime Minister of Slovenia from 1992 to 2002, and as President from 2002 to 2007. In these and other capacities, he played a truly historic role in giving birth to a free and independent Slovenia, while avoiding the bloodshed and warfare that engulfed other nations as they seceded from the former Yugoslavia.

Dr. Drnovšek was born on May 17, 1950, in Celje. He graduated from the University of Ljubljana's Faculty of Economics. In 1986, he finished his doctoral studies in economic science at the University of Maribor. In 1994, he received an honorary doctorate from Boston University. In 2004 he was named Protector and Honorary Senator of the European Academy of Sciences and Arts in Salzburg.

But Dr. Drnovšek will be best remembered as a statesman of enormous ability, vision, and courage. A brilliant economist, he unleashed the entrepreneurial spirit of the Slovenian people and played a historic role in establishing his new nation as a robust democracy with one of the most successful economies in Central and Eastern Europe. Today, thanks in large measure to Dr. Drnovšek's leadership, Slovenia is a full member of the European Union and NATO, and a force for stability and democratic reform across the Balkans.

The world looks at Slovenia's success in the nearly 17 years since she declared independence, and it wonders: How could a nation of just 2 million people accomplish so much in so short period of time? As an American, I know the answer. Bear in mind that, when Jefferson wrote the Declaration of Independence, America was also a nation of just 2 million people. Like Slovenians in 1991, Americans in 1776 dared to break away from a much larger and more powerful mother country. Like Slovenians, Americans demanded a democratic course for their new country.

But the most important parallel between our two countries is this: Historians of the American Revolution have marveled that a tiny nation of just 2 million people was blessed with such an extraordinary collection of thinkers and leaders, including Washington, Jefferson, and Franklin. At this crucial crossroads in Slovenia's history, it, too, has been blessed with extraordinary leaders. And Dr. Drnovšek will be remembered as one of the most talented of these Founding Fathers.

On a personal note, I was very fortunate to spend time with President Drnovšek during my trip to Slovenia in August 2005. Clearly, he was an independent thinker and a free spirit. One obituary in the Washington Post on Sunday noted that in his youth and early adulthood, he was a member of the Communist Party, which was the only political force in the former Yugoslavia. But he was never a Communist at heart, and he made a point of going off to ski whenever the party held a congress.

Mr. President, with the passing of Dr. Janez Drnovšek, the world has lost an important leader and a wonderfully decent human being. He was instrumental in founding and nurturing a free, democratic, successful Slovenia. History will not forget him, nor will the citizens of his grateful nation.

## A TRIBUTE TO J. SHANE CREAMER

Mr. SPECTER. Mr. President, I seek recognition today to express my thanks to Shane Creamer, on his extraordinary volunteer service to the Commonwealth of Pennsylvania as the State president for the American Association of Retired Persons, the AARP. I also express deep regret that Mr. Creamer will no longer serve on the Executive Council as the Pennsylvania State president for the AARP as he will be stepping down February 22, 2008. He currently holds the highest volunteer position within the AARP and has since 2002.

In 1951, Shane Creamer graduated from Villanova University and in 1953 graduated from Temple University School of Law. During his time at each institution he served as student body president. Immediately after earning his law degree, Shane spent 2 years in the U.S. Army assigned to the Staff Judge Advocate. Before entering private practice, Creamer spent 11 years with the U.S. Justice Department in Philadelphia, including 8 years as the first assistant U.S. attorney and in 1968 served as the first director of the Pennsylvania Crime Commission. In 1968 he published the first edition of his first book "The Law of Arrest, Search and Seizure," which was used as a training manual for the U.S. Secret Service for a number of years in the 1970s and 1980s. In 1971, he published his second book, "A Citizens Guide to Legal Rights."

From 1971 to 1973 Shane served as the attorney general of the Commonwealth of Pennsylvania, which was followed by a successful career as a trial lawyer specializing in civil and criminal cases with the law firms Carroll, Creamer and Duffy; Sprague, Creamer and Sprague; Montgomery McCracken; and Dilworth, Paxson, LLP. In 1980 he returned to Villanova University as a professor at the law school for 5 years. Shane has also served as chairman of the board of trustees of the Philadelphia Prison System and as a member of the board of Goodwill Industries. He continues his dedication to service as a member of both the board of the Pennsylvania Prison Society and Joint State Government Commission's Advisory Committee on Wrongful Convictions.

As president of AARP Pennsylvania, Shane championed the interests of Pennsylvania's 1,905,000 seniors. Older Pennsylvanians have certainly benefited from Shane's passion and tireless dedication. During his tenure, AARP fought for Medicare Part D drug coverage and won approval of a new State law that ends discrimination against older workers receiving Social Security. The AARP has recently helped strengthen the Pharmaceutical Assistance Contract for the Elderly, PACE, and the PACE Needs Enhancement Tier in Pennsylvania, expanded the property tax and rent rebate program, and improved the State's long-term care system.

Shane Creamer is an outstanding advocate in the fight to protect the interests of older Pennsylvanians and truly a great supporter for the elderly. He will be missed in his capacity as Pennsylvania's AARP president as he goes forward in his future endeavors. I congratulate him on a brilliant tenure and applaud Shane's outstanding service to the people of Pennsylvania. I wish him, his wife Mary-Ellen, and all his family the very best in the years to come.

## ADDITIONAL STATEMENTS

## TRIBUTE TO JUDGE ALLEN SHARP

• Mr. LUGAR. Mr. President, today I pay tribute to a remarkable Hoosier, Judge Allen Sharp, as he assumes Senior Status after 34 years as a judge on the U.S. District Court for the Northern District of Indiana. As he enters this next phase of his career, I know that Judge Sharp will continue to serve the people of our State and Nation.

Upon graduating from the Indiana University School of Law in 1957, Judge Sharp entered private practice in Williamsport, IN, successfully arguing Hopkins v. Cohen before the U.S. Supreme Court in 1968. In 1969 Sharp became a Judge of the Appellate Court of Indiana, serving the people of Indiana in that capacity until he was confirmed as a U.S. District Judge in 1973.

Over the course of nearly three and a half decades on the U.S. District Court for the Northern District of Indiana, including 15 years as chief judge, Judge Sharp has served with distinction. In the performance of his duties, he has presided over civil and criminal jury trials in four different U.S. District Courts and sat by special designation on four U.S. Appeals Courts.

In addition to his exemplary service to our Nation as a member of the Federal judiciary, Judge Sharp also served with the U.S. Air Force Reserve, rising to the rank of Lieutenant Colonel.

Outside of the courtroom, Judge Sharp has also distinguished himself as a scholar, teaching at Butler University, Indiana University South Bend, and Milligan College. He has also authored both books and scholarly articles, several of which focus on historical aspects of the law and government.

I am pleased to join with my colleagues in congratulating Judge Sharp and his family as we celebrate his remarkable service.•

## RECOGNIZING LIVING NUTZ

• Ms. SNOWE. Mr. President, today I recognize a small business from my home State of Maine that has revolutionized the health snack food market. Living Nutz, a company that sells all-natural, organic nuts and seeds in a variety of delicious flavors, provides its customers with delicious treats that are exceedingly nutritious without sacrificing an ounce of taste.

Seth Leaf Pruzansky and Davy Pruzansky, brothers who founded Living Nutz in 2002 in the basement of their house in Bowdoinham, ME, represent the hard work and passionate drive that go into small businesses in Maine and across the Nation. It takes Living Nutz's core group of seven employees about a week to clean, season, and prepare nuts for distribution to retail stores throughout the United States and Canada, as well as for sales through Living Nutz's website. From almonds to walnuts and raisins to pumpkin seeds, Living Nutz offers 19 varieties, including sweet ones like Banana Bread and Cina-Pecan-Bun, and spicy ones like Lemon Tahini Twist and Spicy Onion Garlic. The company is also certified by the Maine Organic Farmers and Gardeners Association, ensuring both the quality and authenticity of its snacks.

Living Nutz employs a time-intensive process to produce several thousand pounds of nuts each week. First, the nuts are soaked overnight in water. Then, the next morning, employees place the nuts in large bowls and add all-natural flavoring. The nuts are finally placed into dehydrators for 5 days before being packaged and shipped. The Pruzansky brothers believe that the soaking method delivers a more desirous product, and one that is easier to digest. They say that these "living nuts" are significantly richer in enzymes and nutrients than nuts that are cooked. In the end, this lengthy procedure yields healthy and taste-filled nuts, as well as repeat customers and devoted fans of the company.

Living Nutz recently played a cameo rolé in the 2008 Screen Actors Guild awards, as the Guild selected the company to contribute 1,500 bags of its mixed nuts for the actors' and attendees' gift bags. What makes this occasion so unique is that the Screen Actors Guild actually approached the Pruzansky brothers with the opportunity, instead of vice versa. As a result of this exposure, the brothers hope to take on new customers and even celebrity clientele, and are seeking to expand by adding new facilities, equipment, and employees.

The Pruzansky brothers and Living Nutz are symbols of Maine's great small business achievements. They have proven beyond a doubt that healthy food can taste great. The brothers' unique spin on healthy food, combined with their great sense of business skills, has made Living Nutz such a successful company. Therefore, I congratulate the company on its success from Maine to Hollywood, and wish everyone at Living Nutz the best for years to come.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 5:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5264. An act to extend the Andean Trade Preference Act, and for other purposes.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 2571. An act to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

H.R. 2082. An act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5242. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, proposed legislation to clarify the authority of the Board to hire non-citizens in its efforts to produce and broadcast programming; to the Committee on Foreign Relations.

EC–5243. A communication from the Director of Selective Service, transmitting, pursuant to law, the report of several violations of the Antideficiency Act; to the Committee on Appropriations.

EC–5244. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a quarterly report relative to the status of significant unresolved issues with the Department of Energy's Design and Construction Projects; to the Committee on Armed Services.

EC–5245. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Mandatory Use of Wide Area WorkFlow" (DFARS Case 2006-D049) received on February 26, 2008; to the Committee on Armed Services.

EC–5246. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Reliability Enhancement and Re-engining Program; to the Committee on Armed Services.

EC–5247. A communication from the Chief, Congressional Action Division, Department of the Air Force, transmitting, pursuant to law, a report relative to a public-private competition that was commenced on August 25, 2005, at Luke Air Force Base; to the Committee on Armed Services.

EC–5248. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5249. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Procurement Unit Cost for the Joint Tactical Radio System Ground Mobile Radio; to the Committee on Armed Services.

EC–5250. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus program; to the Committee on Armed Services.

EC–5251. A communication from the Chief Operating Officer, Resolution Funding Corporation, transmitting, pursuant to law, the Corporation's Statement on the System of Internal Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–5252. A communication from the Chief Operating Officer, Financing Corporation, transmitting, pursuant to law, the Corporation's Statement on the System of Internal Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–5253. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 7476) received on February 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5254. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 5455) received on February 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5255. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (73 FR 4697) received on February 25, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5256. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13288 relative to blocking the property of those who are undermining democratic processes or institutions in Zimbabwe; to the Committee on Banking, Housing, and Urban Affairs.

EC–5257. A communication from the Acting Director, Office of Management, Federal Housing Finance Board, transmitting, pursuant to law, a report relative to its 2008 compensation program; to the Committee on Banking, Housing, and Urban Affairs.

EC–5258. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Leased Commercial Access" (MB Docket No. 07–42) received on February 22, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5259. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "2006 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996" (MB Docket No. 06–121) received on February 22, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5260. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Telephone Number Requirements for IP-Enabled Services Providers; Local Number Portability Porting Interval and Validation Requirements; IP-Enabled Services; Telephone Number Portability; Numbering Resource Optimization" (FCC 07-188) received on February 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5261. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Peach Springs, Arizona" (MB Docket No. 07-164) received on February 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5262. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Cable Horizontal/Vertical Ownership Limits, Implementation of Section 11—Cable TV Consumer Protection and Competition Act of 1992, Implementation of Cable Act Reform, Provisions of the Telecom Act of 1996, Review of Regulations—Attribution of Broadcast and Cable/MDS Interests, Review of Regulations/Policies—Investment in the Broadcast Industry, Reexamination of Cross-Interest Policy" (FCC 07-219) received on February 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5263. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska" (RIN0648-XF44) received on February 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5264. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XF49) received on February 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5265. A communication from the Deputy Chief, National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the boundary for the Wildcat River in New Hampshire; to the Committee on Energy and Natural Resources.

EC–5266. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Blanket Authorization Under FPA Section 203" (Docket No. RM07-21-000) received on February 26, 2008; to the Committee on Energy and Natural Resources.

EC–5267. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Strategic Plan for the period of fiscal year 2008 through fiscal year 2013; to the Committee on Environment and Public Works.

EC–5268. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Health Care Related Taxes" (RIN0938-AO80) received on February 22, 2008; to the Committee on Finance.

EC–5269. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Secondary Payer Amendments" (RIN0938-AN27) received on February 22, 2008; to the Committee on Finance.

EC–5270. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Variable Prepaid Forward Contracts Incorporating Share Lending Arrangements" (LMSB-04-1207-077) received on February 26, 2008; to the Committee on Finance.

EC–5271. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2008 Economic Stimulus Payments: Filing Instructions for Certain Individuals" (Notice 2008-28) received on February 26, 2008; to the Committee on Finance.

EC–5272. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2008 Census Count" (Notice 2008-22) received on February 26, 2008; to the Committee on Finance.

EC–5273. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Performance-Based Compensation Under Internal Revenue Code Section 162(m)" (Rev. Rul. 2008-13) received on February 26, 2008; to the Committee on Finance.

EC–5274. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Rule for Bank Required to Change from the Reserve Method of Accounting on Becoming an S Corporation" (Rev. Proc. 2008-18) received on February 26, 2008; to the Committee on Finance.

EC–5275. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Vacation Homes and Section 1031" (Rev. Proc. 2008-16) received on February 25, 2008; to the Committee on Finance.

EC–5276. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Substitute for Return" (TD 9380) received on February 25, 2008; to the Committee on Finance.

EC–5277. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reissuance Standards for State and Local Bonds" (Notice 2008-27) received on February 26, 2008; to the Committee on Finance.

EC–5278. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data in support of the Integrated Surveillance System for the A400M Military Transport Aircraft; to the Committee on Foreign Relations.

EC–5279. A communication from the Director of National Intelligence, transmitting, a report relative to the Administration's opposition to S. 274; to the Committee on Homeland Security and Governmental Affairs.

EC–5280. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5281. A communication from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the Administration's use of the category rating system; to the Committee on Homeland Security and Governmental Affairs.

EC–5282. A communication from the Director of Human Resources, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the category rating system; to the Committee on Homeland Security and Governmental Affairs.

EC–5283. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Attracting the Next Generation: A Look at Federal Entry-Level New Hires"; to the Committee on Homeland Security and Governmental Affairs.

EC–5284. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Allotments From Federal Employees" (RIN3206-AJ88) received on February 26, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5285. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Career and Career-Conditional Employment and Adverse Actions" (RIN3206-AL30) received on February 26, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5286. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Annual Report for calendar year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5287. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Bureau of Prisons' compliance with the privatization requirements of the Revitalization Act; to the Committee on the Judiciary.

EC–5288. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on the Department's activities during calendar year 2006 relative to prison rape abatement; to the Committee on the Judiciary.

EC–5289. A communication from the Chairman, Commission on Civil Rights, transmitting, pursuant to law, a report relative to a new Strategic Plan that was adopted by the Commission; to the Committee on the Judiciary.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON (for himself and Ms. STABENOW):

S. 2670. A bill to amend the Pittman-Robertson Wildlife Restoration Act to ensure adequate funding for conservation and restoration of wildlife, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MURRAY:

S. 2671. A bill to provide grants to promote financial literacy; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself and Mr. BROWNBACK):

S. 2672. A bill to provide incentives to physicians to practice in rural and medically underserved communities; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mr. REID, Mr. LEAHY, Mr. TESTER, Mrs. MURRAY, Mr. ISAKSON, Mr. DURBIN, Mrs. FEINSTEIN, and Mr. KENNEDY):

S. Res. 462. A resolution designating the first week of April 2008 as "National Asbestos Awareness Week"; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 1223

At the request of Ms. LANDRIEU, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1854

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1854, a bill to amend the Social Security Act and the Public Health Service Act to improve elderly suicide early intervention and prevention strategies, and for other purposes.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2366

At the request of Mr. VITTER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2366, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical verification program.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2401

At the request of Ms. CANTWELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to allow a refund of motor fuel excise taxes for the actual off-highway use of certain mobile machinery vehicles.

S. 2433

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2580

At the request of Mr. BROWN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2623

At the request of Mr. NELSON of Nebraska, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2623, a bill to amend title 37, United States Code, to authorize travel and transportation allowances for mobilized members of the reserve components of the Armed Forces on leave for suspension of training or to meet minimal staffing requirements, and for other purposes.

S. 2625

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2625, a bill to ensure that deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts, be excluded from consideration as annual income when determining eligibility for low-income housing programs.

S. 2636

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2636, a bill to provide needed housing reform.

S. 2640

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2640, a bill to amend title 38, United States Code, to enhance and improve insurance, housing, labor and education, and other benefits for veterans, and for other purposes.

### S.J. RES. 26

At the request of Mrs. DOLE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S.J. Res. 26, a joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product.

### S. RES. 252

At the request of Mr. BOND, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

### S. RES. 439

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 439, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

### S. RES. 455

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. SNOWE), the Senator from Illinois (Mr. OBAMA) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 455, a resolution calling for peace in Darfur.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself and Mr. BROWNBACK):

S. 2672. A bill to provide incentives to physicians to practice in rural and medically underserved communities; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, today I am introducing the Conrad State 30 Improvement Act to extend and expand this program's success in bringing doctors to communities that would otherwise not have access to health care services.

The Conrad State 30 program, which I helped create in 1994, has brought thousands of physicians to underserved communities in all 50 states, across our great country. These doctors are foreign born, but have all received training in the United States. Under the Conrad 30 program, foreign doctors already in the country for medical training are granted a waiver from a visa requirement to return to their home country for 2 years. In exchange for this waiver, the doctors must commit to providing health care to underserved populations in the United States for 3 years.

By 2020, some projections show that the United States may have 200,000 fewer doctors than it needs; that is a staggering statistic, and one that cannot be taken lightly. If this shortfall is allowed to materialize, rural areas, like my State of North Dakota, will undoubtedly be among the hardest hit.

Given the looming deficit of doctors and an increasingly competitive global marketplace, it is vital that we maintain the incentives for qualified foreign physicians to serve patients in this country. The immigration benefits historically provided by the Conrad program, and enhanced in this bill, provide crucial incentives to foreign doctors. And when they do come to our country, it is vital that we make sure that they end up in the places that need them most.

This bill makes the Conrad 30 program permanent, something that I believe is long overdue. It also invites a new group of foreign doctors to take part in the program, a change that could dramatically expand the pool of doctors practicing in rural and underserved areas. Further, the bill creates a mechanism by which the current cap of 30 doctors per state can significantly expand, while protecting the interests of those states that have had difficulty recruiting doctors under the program. The bill also creates an important new incentive for doctors to participate in the program by granting them a green card cap exemption when they have completed their service. Finally, the bill gives increased flexibility to State health authorities to determine the needs of their State in utilizing Conrad waivers.

I strongly believe the Conrad State 30 Improvement Act can be of great benefit to every state in the country and help combat the growing shortage of health care providers in the United States.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 462—DESIGNATING THE FIRST WEEK OF APRIL 2008 AS "NATIONAL ASBESTOS AWARENESS WEEK"

Mr. BAUCUS (for himself, Mr. REID, Mr. LEAHY, Mr. TESTER, Mrs. MURRAY, Mr. ISAKSON, Mr. DURBIN, Mrs. FEINSTEIN, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

### S. RES. 462

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas these fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis;

Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a "National Asbestos Awareness Week" would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the first week of April 2008 as "National Asbestos Awareness Week";

(2) urges the Surgeon General, as a public health issue, to warn and educate people that asbestos exposure may be hazardous to their health; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Surgeon General.

Mr. BAUCUS. Mr. President, I rise to talk about an important resolution I am submitting. It is the asbestos awareness week resolution. This resolution has passed the Senate for 3 years, and I am pleased to submit it again this year.

This is a very deeply personal issue for me. About 8 years ago, I was in Libby, MT, in the living room of Les Skramstad, and there were several people in the room who were suffering from asbestos-related diseases. This was in Libby. Since then, about 200 people have died of asbestos-related diseases.

Les Skramstad, whom I met that day about 8 or 9 years ago, was dying from mesothelioma. He looked at me and said: As a U.S. Senator, I expect you do something to help us in Libby.

I said: You bet.

He looked me straight in the eye, and because he has been around a little bit, he said: Senator, I am going to be watching you to make sure that is not just an idle promise. I will be watching you.

Boy, I got the message loudly and clearly. I decided right then at that moment that I need to do all I can to help make sure that people in Libby, MT, get justice. As I said, over 200 people died since then.

He was an employee of a W.R. Grace mine. W.R. Grace clearly knew it was poisoning people in Libby, MT, in its mine there. It did not admit it. There is a criminal case going on right now against the officers of W.R. Grace claiming that they did know what they were doing.

Asbestos from this mine is called tremolite. It is not the ordinary crystal asbestos. This is tremolite asbestos, which is much more pernicious. It gets more deeply embedded in your lungs, more angles to the dust that gets into your lungs. It is harder to detect. Sometimes the latency period can be from 20 to 30 years.

Les would come home all dusty from the mine, and he would go home and embrace his wife, and his kids would jump into his lap. Guess what. Les is now dead. He died last month from mesothelioma. Les's wife is dying from asbestos-related diseases. Three of his four children are now dying.

It is the dust, the asbestos dust that is in Libby, MT. This stuff was used on playgrounds. It was used on golf courses. It was used for insulation in attics in homes. People have died and are dying. We are doing all we can to address this, and we are trying to get them proper medical care.

There is a clinic called the CARD Clinic in Libby which is doing a really good job in screening people, trying to find out who has it and who doesn't. Again, it is very hard to find. You need special techniques. We had to change the disability laws in America because—not change but point out to the Social Security Administration that this is a different kind of asbestos, it is not ordinary asbestos, and then decide whether to grant disability payments. They were looking at ordinary asbestos. They didn't know about this asbestos. They didn't know about tremolite asbestos. Finally, people in Montana are getting disability benefits because of the asbestos diseases they have.

So I am very proud to submit this resolution. As I said, I have been doing this for several years, and we are making this National Asbestos Recognition Week in April, the first week in April. I believe it is so important to highlight this dread disease so we can stamp out the scourge and, in my view, finally banish asbestos. If we can accomplish that, then in some small way we have vindicated the people of Libby, MT.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 5, 2008, at 3 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose is to receive testimony on the impacts of the capability of the United States to maintain a domestic enrichment capability as a result of the recently initialed amendment between the United States and the Russian Federation on the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Jonathan Epstein (202) 228-3031 or Rosemarie Calabro at (202) 224-5039.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 27, 2008, at 9:30 a.m., in open session, and possibly closed session, to receive testimony on the current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, February 27, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The hearing will focus on the National Aeronautics and Space Administration's fiscal year 2009 budget proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, February 27, 2008, at 9:45 a.m., in room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony to consider two nominations: Stanley C. Suboleski, of Virginia, to be an Assistant Secretary of Energy (Fossil Energy), vice Jeffrey D. Jarrett, resigned; and, J. Gregory Copeland, of Texas, to be General Counsel of the Department of Energy, vice David R. Hill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 27, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Hearing on the President's Proposed EPA Budget for FY 2009."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, February 27, 2008 at 10 a.m. in SD-430.

*Agenda*

S. 579, Breast Cancer and Environmental Research Act of 2007; S. 1810, Prenatally and Postnatally Diagnosed Conditions Awareness Act; S. 999, Stroke Treatment and Ongoing Prevention Act of 2007; S. 1760, Healthy Start Reauthorization Act of 2007; H.R. 20, Melanie Blocker-Stokes Postpartum Depression Research and Care Act; and S. 1042, Consistency, Accuracy, Responsibility, and Excellence in Medical Imaging and Radiation Therapy Act of 2007.

National Board for Education Sciences: Jonathan Baron, Frank Handy, Sally Shaywitz.

National Foundation on the Arts and Humanities: Jamsheed Choksy, Gary Glenn, David Hertz, Marvin Scott, Carol Swain.

National Museum and Library Science Board: Julia Bland, Jan Cellucci, William Hagenah, Mark Herring,

Truman Scholarship Foundation: Javaid Anwar, and Assistant Secretary of Labor ODEP: Neil Romano.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, February 27, 2008, at 10 a.m. in order to conduct a hearing entitled "An Uneasy Relationship: U.S. Reliance on Private Security Firms in Overseas Operations."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, February 27, at 9:30 a.m. in room 485 of the Russell Senate

Office Building in order to conduct a hearing on S. 2232, the Foreign Aid Lessons for Domestic Economic Assistance Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

###### COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "The False Claims Act Correction Act (S. 2041): Strengthening the Government's Most Effective Tool Against Fraud for the 21st Century" on Wednesday, February 27, 2008 at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

*Witness List*

Michael F. Hertz, Deputy Assistant Attorney General, Civil Division, U.S. Department of Justice, Washington, DC.

Panel II: Tina M. Gonter, Jacksonville, FL; The Honorable John E. Clark, Of Counsel, Goode, Casseb, Jones, Riklin, Choate & Watson, P.C., San Antonio, TX; John T. Boese, Partner, Fried, Frank, Harris, Shriver & Jacobson LLP, Washington, DC; and Pamela H. Bucy, Bainbridge Professor of Law, University of Alabama School of Law, Tuscaloosa, AL.

The PRESIDING OFFICER. Without objection, it is so ordered.

###### COMMITTEE ON RULES AND ADMINISTRATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 27, 2008, at 10 a.m., in order to hear testimony on Protecting Voters at Home and at the Polls: Limiting Abusive Robocalls and Vote Caging Practices.

The PRESIDING OFFICER. Without objection, it is so ordered.

###### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled "The President's FY2009 Budget Request for the Small Business Administration on Wednesday, February 27, 2008, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

###### COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, February 27, 2008, in order to conduct an oversight hearing entitled "Review of Veterans' Disability Compensation: Expert Reports on PTSD and other issues." The Committee will meet in room 216 of the Hart Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

###### PERSONNEL SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 27, 2008, at 3 p.m., in open session to receive testimony on active component, reserve component, and civilian personnel programs in review of the defense authorization request for Fiscal Year 2009 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

###### SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 27, 2008, at 2:30 p.m. in order to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

###### SUBCOMMITTEE ON CRIME AND DRUGS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "Supporting the Front Line in the Fight Against Crime: Restoring Federal Funding for State and Local Law Enforcement" on Wednesday, February 27, 2008 at 2 p.m. in the Dirksen Senate Office Building, Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

###### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, February 27, 2008, at 2:30 p.m., in room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding the following legislation:

S. 832, to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value;

S. 2229, to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range;

S. 2379, to authorize the Secretary of the Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, and for other purposes;

S. 2508 and H.R. 903, to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes;

S. 2601 and H.R. 1285, to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes;

H.R. 523, to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district;

H.R. 838, to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

###### SPECIAL COMMITTEE ON AGING

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, February 27, 2008 from 10:30 a.m.–12:30 p.m. In Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING, OFFICER. Without objection, it is so ordered.

## INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007

On Tuesday, February 26, 2008, the Senate passed S. 1200, as amended, as follows:

S. 1200

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Indian Health Care Improvement Act Amendments of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO INDIAN LAWS

Sec. 101. Indian Health Care Improvement Act amended.
Sec. 102. Soboba sanitation facilities.
Sec. 103. Native American Health and Wellness Foundation.
Sec. 104. Modification of term.
Sec. 105. GAO study and report on payments for contract health services.
Sec. 106. GAO study of membership criteria for federally recognized Indian tribes.
Sec. 107. GAO study of tribal justice systems.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

Sec. 201. Expansion of payments under Medicare, Medicaid, and SCHIP for all covered services furnished by Indian Health Programs.

Sec. 202. Increased outreach to Indians under Medicaid and SCHIP and improved cooperation in the provision of items and services to Indians under Social Security Act health benefit programs.
Sec. 203. Additional provisions to increase outreach to, and enrollment of, Indians in SCHIP and Medicaid.
Sec. 204. Premiums and cost sharing protections under Medicaid, eligibility determinations under Medicaid and SCHIP, and protection of certain Indian property from Medicaid estate recovery.
Sec. 205. Nondiscrimination in qualifications for payment for services under Federal health care programs.
Sec. 206. Consultation on Medicaid, SCHIP, and other health care programs funded under the Social Security Act involving Indian Health Programs and Urban Indian Organizations.
Sec. 207. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
Sec. 208. Rules applicable under Medicaid and SCHIP to managed care entities with respect to Indian enrollees and Indian health care providers and Indian managed care entities.
Sec. 209. Annual report on Indians served by Social Security Act health benefit programs.
Sec. 210. Development of recommendations to improve interstate coordination of Medicaid and SCHIP coverage of Indian children and other children who are outside of their State of residency because of educational or other needs.
Sec. 211. Establishment of National Child Welfare Resource Center for Tribes.
Sec. 212. Adjustment to the Medicare Advantage stabilization fund.
Sec. 213. Moratorium on implementation of changes to case management and targeted case management payment requirements under Medicaid.
Sec. 214. Increased civil money penalties and criminal fines for Medicare fraud and abuse.
Sec. 215. Increased sentences for felonies involving Medicare fraud and abuse.

TITLE III—MISCELLANEOUS

Sec. 301. Resolution of apology to Native Peoples of United States.

## TITLE I—AMENDMENTS TO INDIAN LAWS

### SEC. 101. INDIAN HEALTH CARE IMPROVEMENT ACT AMENDED.

The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended to read as follows:

**“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

“(a) SHORT TITLE.—This Act may be cited as the ‘Indian Health Care Improvement Act’.

“(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

“Sec. 1. Short title; table of contents.
“Sec. 2. Findings.
“Sec. 3. Declaration of national Indian health policy.
“Sec. 4. Definitions.

“TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

“Sec. 101. Purpose.
“Sec. 102. Health professions recruitment program for Indians.
“Sec. 103. Health professions preparatory scholarship program for Indians.
“Sec. 104. Indian health professions scholarships.
“Sec. 105. American Indians Into Psychology Program.
“Sec. 106. Scholarship programs for Indian Tribes.
“Sec. 107. Indian Health Service extern programs.
“Sec. 108. Continuing education allowances.
“Sec. 109. Community Health Representative Program.
“Sec. 110. Indian Health Service Loan Repayment Program.
“Sec. 111. Scholarship and Loan Repayment Recovery Fund.
“Sec. 112. Recruitment activities.
“Sec. 113. Indian recruitment and retention program.
“Sec. 114. Advanced training and research.
“Sec. 115. Quentin N. Burdick American Indians Into Nursing Program.
“Sec. 116. Tribal cultural orientation.
“Sec. 117. INMED Program.
“Sec. 118. Health training programs of community colleges.
“Sec. 119. Retention bonus.
“Sec. 120. Nursing residency program.
“Sec. 121. Community Health Aide Program.
“Sec. 122. Tribal Health Program administration.
“Sec. 123. Health professional chronic shortage demonstration programs.
“Sec. 124. National Health Service Corps.
“Sec. 125. Substance abuse counselor educational curricula demonstration programs.
“Sec. 126. Behavioral health training and community education programs.
“Sec. 127. Authorization of appropriations.

“TITLE II—HEALTH SERVICES

“Sec. 201. Indian Health Care Improvement Fund.
“Sec. 202. Catastrophic Health Emergency Fund.
“Sec. 203. Health promotion and disease prevention services.
“Sec. 204. Diabetes prevention, treatment, and control.
“Sec. 205. Shared services for long-term care.
“Sec. 206. Health services research.
“Sec. 207. Mammography and other cancer screening.
“Sec. 208. Patient travel costs.
“Sec. 209. Epidemiology centers.
“Sec. 210. Comprehensive school health education programs.
“Sec. 211. Indian youth program.
“Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.
“Sec. 213. Other authority for provision of services.
“Sec. 214. Indian women's health care.
“Sec. 215. Environmental and nuclear health hazards.
“Sec. 216. Arizona as a contract health service delivery area.
“Sec. 216A. North Dakota and South Dakota as a contract health service delivery area.
“Sec. 217. California contract health services program.
“Sec. 218. California as a contract health service delivery area.
“Sec. 219. Contract health services for the Trenton service area.
“Sec. 220. Programs operated by Indian Tribes and Tribal Organizations.
“Sec. 221. Licensing.
“Sec. 222. Notification of provision of emergency contract health services.
“Sec. 223. Prompt action on payment of claims.
“Sec. 224. Liability for payment.
“Sec. 225. Office of Indian Men's Health.
“Sec. 226. Authorization of appropriations.

“TITLE III—FACILITIES

“Sec. 301. Consultation; construction and renovation of facilities; reports.
“Sec. 302. Sanitation facilities.
“Sec. 303. Preference to Indians and Indian firms.
“Sec. 304. Expenditure of non-Service funds for renovation.
“Sec. 305. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
“Sec. 306. Indian health care delivery demonstration projects.
“Sec. 307. Land transfer.
“Sec. 308. Leases, contracts, and other agreements.
“Sec. 309. Study on loans, loan guarantees, and loan repayment.
“Sec. 310. Tribal leasing.
“Sec. 311. Indian Health Service/tribal facilities joint venture program.
“Sec. 312. Location of facilities.
“Sec. 313. Maintenance and improvement of health care facilities.
“Sec. 314. Tribal management of Federally-owned quarters.
“Sec. 315. Applicability of Buy American Act requirement.
“Sec. 316. Other funding for facilities.
“Sec. 317. Authorization of appropriations.

“TITLE IV—ACCESS TO HEALTH SERVICES

“Sec. 401. Treatment of payments under Social Security Act health benefits programs.
“Sec. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs and other health benefits programs.
“Sec. 403. Reimbursement from certain third parties of costs of health services.
“Sec. 404. Crediting of reimbursements.
“Sec. 405. Purchasing health care coverage.
“Sec. 406. Sharing arrangements with Federal agencies.
“Sec. 407. Eligible Indian veteran services.
“Sec. 408. Payor of last resort.
“Sec. 409. Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.
“Sec. 410. Consultation.
“Sec. 411. State Children's Health Insurance Program (SCHIP).
“Sec. 412. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
“Sec. 413. Premium and cost sharing protections and eligibility determinations under Medicaid and SCHIP and protection of certain Indian property from Medicaid estate recovery.

“Sec. 414. Treatment under Medicaid and SCHIP managed care.
“Sec. 415. Navajo Nation Medicaid Agency feasibility study.
“Sec. 416. General exceptions.
“Sec. 417. Authorization of appropriations.

“TITLE V—HEALTH SERVICES FOR URBAN INDIANS

“Sec. 501. Purpose.
“Sec. 502. Contracts with, and grants to, Urban Indian Organizations.
“Sec. 503. Contracts and grants for the provision of health care and referral services.
“Sec. 504. Contracts and grants for the determination of unmet health care needs.
“Sec. 505. Evaluations; renewals.
“Sec. 506. Other contract and grant requirements.
“Sec. 507. Reports and records.
“Sec. 508. Limitation on contract authority.
“Sec. 509. Facilities.
“Sec. 510. Division of Urban Indian Health.
“Sec. 511. Grants for alcohol and substance abuse-related services.
“Sec. 512. Treatment of certain demonstration projects.
“Sec. 513. Urban NIAAA transferred programs.
“Sec. 514. Conferring with Urban Indian Organizations.
“Sec. 515. Urban youth treatment center demonstration.
“Sec. 516. Grants for diabetes prevention, treatment, and control.
“Sec. 517. Community Health Representatives.
“Sec. 518. Effective date.
“Sec. 519. Eligibility for services.
“Sec. 520. Authorization of appropriations.

“TITLE VI—ORGANIZATIONAL IMPROVEMENTS

“Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.
“Sec. 602. Automated management information system.
“Sec. 603. Authorization of appropriations.

“TITLE VII—BEHAVIORAL HEALTH PROGRAMS

“Sec. 701. Behavioral health prevention and treatment services.
“Sec. 702. Memoranda of agreement with the Department of the Interior.
“Sec. 703. Comprehensive behavioral health prevention and treatment program.
“Sec. 704. Mental health technician program.
“Sec. 705. Licensing requirement for mental health care workers.
“Sec. 706. Indian women treatment programs.
“Sec. 707. Indian youth program.
“Sec. 708. Indian youth telemental health demonstration project.
“Sec. 709. Inpatient and community-based mental health facilities design, construction, and staffing.
“Sec. 710. Training and community education.
“Sec. 711. Behavioral health program.
“Sec. 712. Fetal alcohol spectrum disorders programs.
“Sec. 713. Child sexual abuse and prevention treatment programs.
“Sec. 714. Domestic and sexual violence prevention and treatment.
“Sec. 715. Testimony by service employees in cases of rape and sexual assault.
“Sec. 716. Behavioral health research.
“Sec. 717. Definitions.
“Sec. 718. Authorization of appropriations.

“TITLE VIII—MISCELLANEOUS

“Sec. 801. Reports.
“Sec. 802. Regulations.
“Sec. 803. Plan of implementation.
“Sec. 804. Availability of funds.
“Sec. 805. Limitation relating to abortion.
“Sec. 806. Eligibility of California Indians.
“Sec. 807. Health services for ineligible persons.
“Sec. 808. Reallocation of base resources.
“Sec. 809. Results of demonstration projects.
“Sec. 810. Provision of services in Montana.
“Sec. 811. Tribal employment.
“Sec. 812. Severability provisions.
“Sec. 813. Establishment of National Bipartisan Commission on Indian Health Care.
“Sec. 814. Confidentiality of medical quality assurance records; qualified immunity for participants.
“Sec. 815. Sense of Congress regarding law enforcement and methamphetamine issues in Indian Country.
“Sec. 816. Tribal Health Program option for cost sharing.
“Sec. 817. Testing for sexually transmitted diseases in cases of sexual violence.
“Sec. 818. Study on tobacco-related disease and disproportionate health effects on tribal populations.
“Sec. 819. Appropriations; availability.
“Sec. 820. GAO report on coordination of services.
“Sec. 821. Authorization of appropriations.

**“SEC. 2. FINDINGS.**

“Congress makes the following findings:

“(1) Federal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian people.

“(2) A major national goal of the United States is to provide the resources, processes, and structure that will enable Indian Tribes and tribal members to obtain the quantity and quality of health care services and opportunities that will eradicate the health disparities between Indians and the general population of the United States.

“(3) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services.

“(4) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of preventable illnesses among, and unnecessary and premature deaths of, Indians.

“(5) Despite such services, the unmet health needs of the American Indian people are severe and the health status of the Indians is far below that of the general population of the United States.

**“SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POLICY.**

“Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

“(1) to assure the highest possible health status for Indians and Urban Indians and to provide all resources necessary to effect that policy;

“(2) to raise the health status of Indians and Urban Indians to at least the levels set forth in the goals contained within the Healthy People 2010 or successor objectives;

“(3) to ensure maximum Indian participation in the direction of health care services so as to render the persons administering such services and the services themselves more responsive to the needs and desires of Indian communities;

“(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service Area is raised to at least the level of that of the general population;

“(5) to require that all actions under this Act shall be carried out with active and meaningful consultation with Indian Tribes and Tribal Organizations, and conference with Urban Indian Organizations, to implement this Act and the national policy of Indian self-determination;

“(6) to ensure that the United States and Indian Tribes work in a government-to-government relationship to ensure quality health care for all tribal members; and

“(7) to provide funding for programs and facilities operated by Indian Tribes and Tribal Organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service.

**“SEC. 4. DEFINITIONS.**

“For purposes of this Act:

“(1) The term ‘accredited and accessible’ means on or near a reservation and accredited by a national or regional organization with accrediting authority.

“(2) The term ‘Area Office’ means an administrative entity, including a program office, within the Service through which services and funds are provided to the Service Units within a defined geographic area.

“(3)(A) The term ‘behavioral health’ means the blending of substance (alcohol, drugs, inhalants, and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services.

“(B) The term ‘behavioral health’ includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

“(4) The term ‘California Indians’ means those Indians who are eligible for health services of the Service pursuant to section 806.

“(5) The term ‘community college’ means—

“(A) a tribal college or university, or

“(B) a junior or community college.

“(6) The term ‘contract health service’ means health services provided at the expense of the Service or a Tribal Health Program by public or private medical providers or hospitals, other than the Service Unit or the Tribal Health Program at whose expense the services are provided.

“(7) The term ‘Department’ means, unless otherwise designated, the Department of Health and Human Services.

“(8) The term ‘Director’ means the Director of the Service.

“(9) The term ‘disease prevention’ means the reduction, limitation, and prevention of disease and its complications and reduction in the consequences of disease, including—

“(A) controlling—

“(i) the development of diabetes;

“(ii) high blood pressure;

“(iii) infectious agents;

“(iv) injuries;

“(v) occupational hazards and disabilities;

“(vi) sexually transmittable diseases; and

“(vii) toxic agents; and

“(B) providing—

"(i) fluoridation of water; and

"(ii) immunizations.

"(10) The term 'health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, allied health professions, and any other health profession.

"(11) The term 'health promotion' means—

"(A) fostering social, economic, environmental, and personal factors conducive to health, including raising public awareness about health matters and enabling the people to cope with health problems by increasing their knowledge and providing them with valid information;

"(B) encouraging adequate and appropriate diet, exercise, and sleep;

"(C) promoting education and work in conformity with physical and mental capacity;

"(D) making available safe water and sanitary facilities;

"(E) improving the physical, economic, cultural, psychological, and social environment;

"(F) promoting culturally competent care; and

"(G) providing adequate and appropriate programs, which may include—

"(i) abuse prevention (mental and physical);

"(ii) community health;

"(iii) community safety;

"(iv) consumer health education;

"(v) diet and nutrition;

"(vi) immunization and other prevention of communicable diseases, including HIV/AIDS;

"(vii) environmental health;

"(viii) exercise and physical fitness;

"(ix) avoidance of fetal alcohol spectrum disorders;

"(x) first aid and CPR education;

"(xi) human growth and development;

"(xii) injury prevention and personal safety;

"(xiii) behavioral health;

"(xiv) monitoring of disease indicators between health care provider visits, through appropriate means, including Internet-based health care management systems;

"(xv) personal health and wellness practices;

"(xvi) personal capacity building;

"(xvii) prenatal, pregnancy, and infant care;

"(xviii) psychological well-being;

"(xix) family planning;

"(xx) safe and adequate water;

"(xxi) healthy work environments;

"(xxii) elimination, reduction, and prevention of contaminants that create unhealthy household conditions (including mold and other allergens);

"(xxiii) stress control;

"(xxiv) substance abuse;

"(xxv) sanitary facilities;

"(xxvi) sudden infant death syndrome prevention;

"(xxvii) tobacco use cessation and reduction;

"(xxviii) violence prevention; and

"(xxix) such other activities identified by the Service, a Tribal Health Program, or an Urban Indian Organization, to promote achievement of any of the objectives described in section 3(2).

"(12) The term 'Indian', unless otherwise designated, means any person who is a member of an Indian Tribe or is eligible for health services under section 806, except that, for the purpose of sections 102 and 103, the term also means any individual who—

"(A)(i) irrespective of whether the individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside; or

"(ii) is a descendant, in the first or second degree, of any such member;

"(B) is an Eskimo or Aleut or other Alaska Native;

"(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

"(D) is determined to be an Indian under regulations promulgated by the Secretary.

"(13) The term 'Indian Health Program' means—

"(A) any health program administered directly by the Service;

"(B) any Tribal Health Program; or

"(C) any Indian Tribe or Tribal Organization to which the Secretary provides funding pursuant to section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the 'Buy Indian Act').

"(14) The term 'Indian Tribe' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(15) The term 'junior or community college' has the meaning given the term by section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

"(16) The term 'reservation' means any federally recognized Indian Tribe's reservation, Pueblo, or colony, including former reservations in Oklahoma, Indian allotments, and Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(17) The term 'Secretary', unless otherwise designated, means the Secretary of Health and Human Services.

"(18) The term 'Service' means the Indian Health Service.

"(19) The term 'Service Area' means the geographical area served by each Area Office.

"(20) The term 'Service Unit' means an administrative entity of the Service, or a Tribal Health Program through which services are provided, directly or by contract, to eligible Indians within a defined geographic area.

"(21) The term 'telehealth' has the meaning given the term in section 330K(a) of the Public Health Service Act (42 U.S.C. 254c-16(a)).

"(22) The term 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care services.

"(23) The term 'tribal college or university' has the meaning given the term in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

"(24) The term 'Tribal Health Program' means an Indian Tribe or Tribal Organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(25) The term 'Tribal Organization' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(26) The term 'Urban Center' means any community which has a sufficient Urban Indian population with unmet health needs to warrant assistance under title V of this Act, as determined by the Secretary.

"(27) The term 'Urban Indian' means any individual who resides in an Urban Center and who meets 1 or more of the following criteria:

"(A) Irrespective of whether the individual lives on or near a reservation, the individual is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those tribes, bands, or groups that are recognized by the States in which they reside, or who is a descendant in the first or second degree of any such member.

"(B) The individual is an Eskimo, Aleut, or other Alaska Native.

"(C) The individual is considered by the Secretary of the Interior to be an Indian for any purpose.

"(D) The individual is determined to be an Indian under regulations promulgated by the Secretary.

"(28) The term 'Urban Indian Organization' means a nonprofit corporate body that (A) is situated in an Urban Center; (B) is governed by an Urban Indian-controlled board of directors; (C) provides for the participation of all interested Indian groups and individuals; and (D) is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

## "TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

### "SEC. 101. PURPOSE.

"The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to the Indian Health Programs and Urban Indian Organizations involved in the provision of health services to Indians.

### "SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make grants to public or nonprofit private health or educational entities, Tribal Health Programs, or Urban Indian Organizations to assist such entities in meeting the costs of—

"(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

"(A) to enroll in courses of study in such health professions; or

"(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

"(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

"(3) establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

"(b) GRANTS.—

"(1) APPLICATION.—The Secretary shall not make a grant under this section unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe pursuant to this Act. The Secretary shall give a preference to applications submitted by Tribal Health Programs or Urban Indian Organizations.

"(2) AMOUNT OF GRANTS; PAYMENT.—The amount of a grant under this section shall be determined by the Secretary. Payments pursuant to this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations issued pursuant to this Act. To the extent not otherwise prohibited by law, grants shall be for 3 years, as provided in regulations issued pursuant to this Act.

### "SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.

"(a) SCHOLARSHIPS AUTHORIZED.—The Secretary, acting through the Service, shall provide scholarship grants to Indians who—

"(1) have successfully completed their high school education or high school equivalency; and

"(2) have demonstrated the potential to successfully complete courses of study in the health professions.

"(b) PURPOSES.—Scholarship grants provided pursuant to this section shall be for the following purposes:

"(1) Compensatory preprofessional education of any recipient, such scholarship not to exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued under this Act).

"(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years. An extension of up to 2 years (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued pursuant to this Act) may be approved.

"(c) OTHER CONDITIONS.—Scholarships under this section—

"(1) may cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school;

"(2) shall not be denied solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; and

"(3) shall not be denied solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.

### "SEC. 104. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Secretary, acting through the Service, shall make scholarship grants to Indians who are enrolled full or part time in accredited schools pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Services Act (42 U.S.C. 254l), except as provided in subsection (b) of this section.

"(2) DETERMINATIONS BY SECRETARY.—The Secretary, acting through the Service, shall determine—

"(A) who shall receive scholarship grants under subsection (a); and

"(B) the distribution of the scholarships among health professions on the basis of the relative needs of Indians for additional service in the health professions.

"(3) CERTAIN DELEGATION NOT ALLOWED.—The administration of this section shall be a responsibility of the Director and shall not be delegated in a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(b) ACTIVE DUTY SERVICE OBLIGATION.—

"(1) OBLIGATION MET.—The active duty service obligation under a written contract with the Secretary under this section that an Indian has entered into shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice equal to 1 year for each school year for which the participant receives a scholarship award under this part, or 2 years, whichever is greater, by service in 1 or more of the following:

"(A) In an Indian Health Program.

"(B) In a program assisted under title V of this Act.

"(C) In the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(D) In a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, the health service provided to Indians would not decrease.

"(2) OBLIGATION DEFERRED.—At the request of any individual who has entered into a contract referred to in paragraph (1) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

"(A) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service under this subsection.

"(B) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

"(C) The active duty service obligation will be served in the health profession of that individual in a manner consistent with paragraph (1).

"(D) A recipient of a scholarship under this section may, at the election of the recipient, meet the active duty service obligation described in paragraph (1) by service in a program specified under that paragraph that—

"(i) is located on the reservation of the Indian Tribe in which the recipient is enrolled; or

"(ii) serves the Indian Tribe in which the recipient is enrolled.

"(3) PRIORITY WHEN MAKING ASSIGNMENTS.—Subject to paragraph (2), the Secretary, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in paragraph (1), shall give priority to assigning individuals to service in those programs specified in paragraph (1) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

"(c) PART-TIME STUDENTS.—In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

"(1) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

"(2) the period of obligated service described in subsection (b)(1) shall be equal to the greater of—

"(A) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

"(B) 2 years; and

"(3) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254l(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

"(d) BREACH OF CONTRACT.—

"(1) SPECIFIED BREACHES.—An individual shall be liable to the United States for the amount which has been paid to the individual, or on behalf of the individual, under a contract entered into with the Secretary under this section on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 if that individual—

"(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

"(B) is dismissed from such educational institution for disciplinary reasons;

"(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

"(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

"(2) OTHER BREACHES.—If for any reason not specified in paragraph (1) an individual breaches a written contract by failing either to begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(4) WAIVERS AND SUSPENSIONS.—

"(A) IN GENERAL.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

"(i) it is not possible for the recipient to meet that obligation or make that payment;

"(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

"(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

"(B) FACTORS FOR CONSIDERATION.—Before waiving or suspending an obligation of service or payment under subparagraph (A), the

Secretary shall consult with the affected Area Office, Indian Tribes, or Tribal Organizations, or confer with the affected Urban Indian Organizations, and may take into consideration whether the obligation may be satisfied in a teaching capacity at a tribal college or university nursing program under subsection (b)(1)(D).

"(5) EXTREME HARDSHIP.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

"(6) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

### "SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

"(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants of not more than $300,000 to each of 9 colleges and universities for the purpose of developing and maintaining Indian psychology career recruitment programs as a means of encouraging Indians to enter the behavioral health field. These programs shall be located at various locations throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

"(b) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide a grant authorized under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Psychology Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs authorized under section 117(b), the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115(e), and existing university research and communications networks.

"(c) REGULATIONS.—The Secretary shall issue regulations pursuant to this Act for the competitive awarding of grants provided under this section.

"(d) CONDITIONS OF GRANT.—Applicants under this section shall agree to provide a program which, at a minimum—

"(1) provides outreach and recruitment for health professions to Indian communities including elementary, secondary, and accredited and accessible community colleges that will be served by the program;

"(2) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program;

"(3) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

"(4) provides stipends to undergraduate and graduate students to pursue a career in psychology;

"(5) develops affiliation agreements with tribal colleges and universities, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

"(6) to the maximum extent feasible, uses existing university tutoring, counseling, and student support services; and

"(7) to the maximum extent feasible, employs qualified Indians in the program.

"(e) ACTIVE DUTY SERVICE REQUIREMENT.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (d)(4) that is funded under this section. Such obligation shall be met by service—

"(1) in an Indian Health Program;

"(2) in a program assisted under title V of this Act; or

"(3) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,700,000 for each of fiscal years 2008 through 2017.

### "SEC. 106. SCHOLARSHIP PROGRAMS FOR INDIAN TRIBES.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants to Tribal Health Programs for the purpose of providing scholarships for Indians to serve as health professionals in Indian communities.

"(2) AMOUNT.—Amounts available under paragraph (1) for any fiscal year shall not exceed 5 percent of the amounts available for each fiscal year for Indian Health Scholarships under section 104.

"(3) APPLICATION.—An application for a grant under paragraph (1) shall be in such form and contain such agreements, assurances, and information as consistent with this section.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—A Tribal Health Program receiving a grant under subsection (a) shall provide scholarships to Indians in accordance with the requirements of this section.

"(2) COSTS.—With respect to costs of providing any scholarship pursuant to subsection (a)—

"(A) 80 percent of the costs of the scholarship shall be paid from the funds made available pursuant to subsection (a)(1) provided to the Tribal Health Program; and

"(B) 20 percent of such costs may be paid from any other source of funds.

"(c) COURSE OF STUDY.—A Tribal Health Program shall provide scholarships under this section only to Indians enrolled or accepted for enrollment in a course of study (approved by the Secretary) in 1 of the health professions contemplated by this Act.

"(d) CONTRACT.—

"(1) IN GENERAL.—In providing scholarships under subsection (b), the Secretary and the Tribal Health Program shall enter into a written contract with each recipient of such scholarship.

"(2) REQUIREMENTS.—Such contract shall—

"(A) obligate such recipient to provide service in an Indian Health Program or Urban Indian Organization, in the same Service Area where the Tribal Health Program providing the scholarship is located, for—

"(i) a number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

"(ii) such greater period of time as the recipient and the Tribal Health Program may agree;

"(B) provide that the amount of the scholarship—

"(i) may only be expended for—

"(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

"(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), with such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and not to exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

"(ii) may not exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

"(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

"(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to each health profession.

"(3) SERVICE IN OTHER SERVICE AREAS.—The contract may allow the recipient to serve in another Service Area, provided the Tribal Health Program and Secretary approve and services are not diminished to Indians in the Service Area where the Tribal Health Program providing the scholarship is located.

"(e) BREACH OF CONTRACT.—

"(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary and a Tribal Health Program under subsection (d) shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract if that individual—

"(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level as determined by the educational institution under regulations of the Secretary);

"(B) is dismissed from such educational institution for disciplinary reasons;

"(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

"(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

"(2) OTHER BREACHES.—If for any reason not specified in paragraph (1), an individual breaches a written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(4) INFORMATION.—The Secretary may carry out this subsection on the basis of information received from Tribal Health Programs involved or on the basis of information collected through such other means as the Secretary deems appropriate.

"(f) RELATION TO SOCIAL SECURITY ACT.—The recipient of a scholarship under this section shall agree, in providing health care pursuant to the requirements herein—

"(1) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to a program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX or title XXI of such Act; and

"(2) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX, or the State child health plan under title XXI, of such Act to provide service to individuals entitled to medical assistance or child health assistance, respectively, under the plan.

"(g) CONTINUANCE OF FUNDING.—The Secretary shall make payments under this section to a Tribal Health Program for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the Tribal Health Program has not complied with the requirements of this section.

**"SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.**

"(a) EMPLOYMENT PREFERENCE.—Any individual who receives a scholarship pursuant to section 104 or 106 shall be given preference for employment in the Service, or may be employed by a Tribal Health Program or an Urban Indian Organization, or other agencies of the Department as available, during any nonacademic period of the year.

"(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE OBLIGATION.—Periods of employment pursuant to this subsection shall not be counted in determining fulfillment of the service obligation incurred as a condition of the scholarship.

"(c) TIMING; LENGTH OF EMPLOYMENT.—Any individual enrolled in a program, including a high school program, authorized under section 102(a) may be employed by the Service or by a Tribal Health Program or an Urban Indian Organization during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

"(d) NONAPPLICABILITY OF COMPETITIVE PERSONNEL SYSTEM.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

**"SEC. 108. CONTINUING EDUCATION ALLOWANCES.**

"In order to encourage scholarship and stipend recipients under sections 104, 105, 106, and 115 and health professionals, including community health representatives and emergency medical technicians, to join or continue in an Indian Health Program, in the case of nurses, to obtain training and certification as sexual assault nurse examiners, and to provide their services in the rural and remote areas where a significant portion of Indians reside, the Secretary, acting through the Service, may—

"(1) provide programs or allowances to transition into an Indian Health Program, including licensing, board or certification examination assistance, and technical assistance in fulfilling service obligations under sections 104, 105, 106, and 115; and

"(2) provide programs or allowances to health professionals employed in an Indian Health Program to enable them for a period of time each year prescribed by regulation of the Secretary to take leave of their duty stations for professional consultation, management, leadership, refresher training courses, and, in the case of nurses, additional clinical sexual assault nurse examiner experience to maintain competency or certification.

**"SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.**

"(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall maintain a Community Health Representative Program under which Indian Health Programs—

"(1) provide for the training of Indians as community health representatives; and

"(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

"(b) DUTIES.—The Community Health Representative Program of the Service, shall—

"(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by the Program;

"(2) in order to provide such training, develop and maintain a curriculum that—

"(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

"(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

"(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and develop programs that meet the needs for continuing education;

"(4) maintain a system that provides close supervision of Community Health Representatives;

"(5) maintain a system under which the work of Community Health Representatives is reviewed and evaluated; and

"(6) promote traditional health care practices of the Indian Tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

**"SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.**

"(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish and administer a program to be known as the Service Loan Repayment Program (hereinafter referred to as the 'Loan Repayment Program') in order to ensure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian Health Programs and Urban Indian Organizations.

"(b) ELIGIBLE INDIVIDUALS.—To be eligible to participate in the Loan Repayment Program, an individual must—

"(1)(A) be enrolled—

"(i) in a course of study or program in an accredited educational institution (as determined by the Secretary under section 338B(b)(1)(c)(i) of the Public Health Service Act (42 U.S.C. 254l–1(b)(1)(c)(i))) and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

"(ii) in an approved graduate training program in a health profession; or

"(B) have—

"(i) a degree in a health profession; and

"(ii) a license to practice a health profession;

"(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

"(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

"(C) meet the professional standards for civil service employment in the Service; or

"(D) be employed in an Indian Health Program or Urban Indian Organization without a service obligation; and

"(3) submit to the Secretary an application for a contract described in subsection (e).

"(c) APPLICATION.—

"(1) INFORMATION TO BE INCLUDED WITH FORMS.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Service to enable the individual to make a decision on an informed basis.

"(2) CLEAR LANGUAGE.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

"(3) TIMELY AVAILABILITY OF FORMS.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) PRIORITIES.—

"(1) LIST.—Consistent with subsection (k), the Secretary shall annually—

"(A) identify the positions in each Indian Health Program or Urban Indian Organization for which there is a need or a vacancy; and

"(B) rank those positions in order of priority.

"(2) APPROVALS.—Notwithstanding the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall—

"(A) give first priority to applications made by individual Indians; and

"(B) after making determinations on all applications submitted by individual Indians as required under subparagraph (A), give priority to—

"(i) individuals recruited through the efforts of an Indian Health Program or Urban Indian Organization; and

"(ii) other individuals based on the priority rankings under paragraph (1).

"(e) RECIPIENT CONTRACTS.—

"(1) CONTRACT REQUIRED.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in paragraph (2).

"(2) CONTENTS OF CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

"(A) an agreement under which—

"(i) subject to subparagraph (C), the Secretary agrees—

"(I) to pay loans on behalf of the individual in accordance with the provisions of this section; and

"(II) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a Tribal Health Program or Urban Indian Organization as provided in clause (ii)(III); and

"(ii) subject to subparagraph (C), the individual agrees—

"(I) to accept loan payments on behalf of the individual;

"(II) in the case of an individual described in subsection (b)(1)—

"(aa) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

"(bb) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

"(III) to serve for a time period (hereinafter in this section referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian Health Program or Urban Indian Organization to which the individual may be assigned by the Secretary;

"(B) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under subparagraph (A)(ii)(III);

"(C) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

"(D) a statement of the damages to which the United States is entitled under subsection (l) for the individual's breach of the contract; and

"(E) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

"(f) DEADLINE FOR DECISION ON APPLICATION.—The Secretary shall provide written notice to an individual within 21 days on—

"(1) the Secretary's approving, under subsection (e)(1), of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

"(2) the Secretary's disapproving an individual's participation in such Program.

"(g) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

"(C) reasonable living expenses as determined by the Secretary.

"(2) AMOUNT.—For each year of obligated service that an individual contracts to serve under subsection (e), the Secretary may pay up to $35,000 or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act, whichever is more, on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(A) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

"(B) provides an incentive to serve in Indian Health Programs and Urban Indian Organizations with the greatest shortages of health professionals; and

"(C) provides an incentive with respect to the health professional involved remaining in an Indian Health Program or Urban Indian Organization with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

"(3) TIMING.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(4) REIMBURSEMENTS FOR TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from a payment under paragraph (2) on behalf of an individual, the Secretary—

"(A) in addition to such payments, may make payments to the individual in an amount equal to not less than 20 percent and not more than 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

"(5) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

"(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section shall not be counted against any employment ceiling affecting the Department while those individuals are undergoing academic training.

"(i) RECRUITMENT.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other manpower programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

"(j) APPLICABILITY OF LAW.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

"(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian Health Programs or Urban Indian Organizations pursuant to contracts entered into under this section, shall—

"(1) ensure that the staffing needs of Tribal Health Programs and Urban Indian Organizations receive consideration on an equal basis with programs that are administered directly by the Service; and

"(2) give priority to assigning individuals to Indian Health Programs and Urban Indian Organizations that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

"(l) BREACH OF CONTRACT.—

"(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary under this section and has not received a waiver under subsection (m) shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract if that individual—

"(A) is enrolled in the final year of a course of study and—

"(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

"(ii) voluntarily terminates such enrollment; or

"(iii) is dismissed from such educational institution before completion of such course of study; or

"(B) is enrolled in a graduate training program and fails to complete such training program.

"(2) OTHER BREACHES; FORMULA FOR AMOUNT OWED.—If, for any reason not specified in paragraph (1), an individual breaches his or her written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (e)(2), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula: $A=3Z(t-s/t)$ in which—

"(A) 'A' is the amount the United States is entitled to recover;

"(B) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury;

"(C) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (f); and

"(D) 's' is the number of months of such period served by such individual in accordance with this section.

"(3) DEDUCTIONS IN MEDICARE PAYMENTS.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

"(4) TIME PERIOD FOR REPAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

"(5) RECOVERY OF DELINQUENCY.—

"(A) IN GENERAL.—If damages described in paragraph (4) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

"(i) use collection agencies contracted with by the Administrator of General Services; or

"(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

"(B) REPORT.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

"(m) WAIVER OR SUSPENSION OF OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

"(2) CANCELED UPON DEATH.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

"(3) HARDSHIP WAIVER.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

"(4) BANKRUPTCY.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable.

"(n) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted to Congress under section 801, a report concerning the previous fiscal year which sets forth by Service Area the following:

"(1) A list of the health professional positions maintained by Indian Health Programs and Urban Indian Organizations for which recruitment or retention is difficult.

"(2) The number of Loan Repayment Program applications filed with respect to each type of health profession.

"(3) The number of contracts described in subsection (e) that are entered into with respect to each health profession.

"(4) The amount of loan payments made under this section, in total and by health profession.

"(5) The number of scholarships that are provided under sections 104 and 106 with respect to each health profession.

"(6) The amount of scholarship grants provided under section 104 and 106, in total and by health profession.

"(7) The number of providers of health care that will be needed by Indian Health Programs and Urban Indian Organizations, by location and profession, during the 3 fiscal years beginning after the date the report is filed.

"(8) The measures the Secretary plans to take to fill the health professional positions maintained by Indian Health Programs or Urban Indian Organizations for which recruitment or retention is difficult.

**"SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.**

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the 'LRRF'). The LRRF shall consist of such amounts as may be collected from individuals under section 104(d), section 106(e), and section 110(l) for breach of contract, such funds as may be appropriated to the LRRF, and interest earned on amounts in the LRRF. All amounts collected, appropriated, or earned relative to the LRRF shall remain available until expended.

"(b) USE OF FUNDS.—

"(1) BY SECRETARY.—Amounts in the LRRF may be expended by the Secretary, acting through the Service, to make payments to an Indian Health Program—

"(A) to which a scholarship recipient under section 104 and 106 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to such sections; and

"(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 104, 106, or section 110.

"(2) BY TRIBAL HEALTH PROGRAMS.—A Tribal Health Program receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or recruit and employ, directly or by contract, health professionals to provide health care services.

"(c) INVESTMENT OF FUNDS.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary of Health and Human Services determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

"(d) SALE OF OBLIGATIONS.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

"(e) EFFECTIVE DATE.—This section takes effect on October 1, 2009.

**"SEC. 112. RECRUITMENT ACTIVITIES.**

"(a) REIMBURSEMENT FOR TRAVEL.—The Secretary, acting through the Service, may reimburse health professionals seeking positions with Indian Health Programs or Urban Indian Organizations, including individuals considering entering into a contract under section 110 and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

"(b) RECRUITMENT PERSONNEL.—The Secretary, acting through the Service, shall assign 1 individual in each Area Office to be responsible on a full-time basis for recruitment activities.

**"SEC. 113. INDIAN RECRUITMENT AND RETENTION PROGRAM.**

"(a) IN GENERAL.—The Secretary, acting through the Service, shall fund, on a competitive basis, innovative demonstration projects for a period not to exceed 3 years to enable Tribal Health Programs and Urban Indian Organizations to recruit, place, and retain health professionals to meet their staffing needs.

"(b) ELIGIBLE ENTITIES; APPLICATION.—Any Tribal Health Program or Urban Indian Organization may submit an application for funding of a project pursuant to this section.

**"SEC. 114. ADVANCED TRAINING AND RESEARCH.**

"(a) DEMONSTRATION PROGRAM.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian Health Program or Urban Indian Organization for a substantial period of time to pursue advanced training or research areas of study for which the Secretary determines a need exists.

"(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to at least the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the program after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(c) EQUAL OPPORTUNITY FOR PARTICIPATION.—Health professionals from Tribal Health Programs and Urban Indian Organizations shall be given an equal opportunity to participate in the program under subsection (a).

**"SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.**

"(a) GRANTS AUTHORIZED.—For the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians, the Secretary, acting through the Service, shall provide grants to the following:

"(1) Public or private schools of nursing.

"(2) Tribal colleges or universities.

"(3) Nurse midwife programs and advanced practice nurse programs that are provided by any tribal college or university accredited nursing program, or in the absence of such, any other public or private institutions.

"(b) USE OF GRANTS.—Grants provided under subsection (a) may be used for 1 or more of the following:

"(1) To recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses.

"(2) To provide scholarships to Indians enrolled in such programs that may pay the tuition charged for such program and other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses.

"(3) To provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians.

"(4) To provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses.

"(5) To provide any program that is designed to achieve the purpose described in subsection (a).

"(c) APPLICATIONS.—Each application for a grant under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

"(d) PREFERENCES FOR GRANT RECIPIENTS.—In providing grants under subsection (a), the Secretary shall extend a preference to the following:

"(1) Programs that provide a preference to Indians.

"(2) Programs that train nurse midwives or advanced practice nurses.

"(3) Programs that are interdisciplinary.

"(4) Programs that are conducted in cooperation with a program for gifted and talented Indian students.

"(5) Programs conducted by tribal colleges and universities.

"(e) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to establish and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Nursing Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs established under section 117(b) and the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b).

"(f) ACTIVE DUTY SERVICE OBLIGATION.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded by a grant provided under subsection (a). Such obligation shall be met by service—

"(1) in the Service;

"(2) in a program of an Indian Tribe or Tribal Organization conducted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (including programs under agreements with the Bureau of Indian Affairs);

"(3) in a program assisted under title V of this Act;

"(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health shortage area and addresses the health care needs of a substantial number of Indians; or

"(5) in a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, health services provided to Indians would not decrease.

### "SEC. 116. TRIBAL CULTURAL ORIENTATION.

"(a) CULTURAL EDUCATION OF EMPLOYEES.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian Tribes in each Service Area receive educational instruction in the history and culture of such Indian Tribes and their relationship to the Service.

"(b) PROGRAM.—In carrying out subsection (a), the Secretary shall establish a program which shall, to the extent feasible—

"(1) be developed in consultation with the affected Indian Tribes, Tribal Organizations, and Urban Indian Organizations;

"(2) be carried out through tribal colleges or universities;

"(3) include instruction in American Indian studies; and

"(4) describe the use and place of traditional health care practices of the Indian Tribes in the Service Area.

### "SEC. 117. INMED PROGRAM.

"(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, is authorized to provide grants to colleges and universities for the purpose of maintaining and expanding the Indian health careers recruitment program known as the 'Indians Into Medicine Program' (hereinafter in this section referred to as 'INMED') as a means of encouraging Indians to enter the health professions.

"(b) QUENTIN N. BURDICK GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the 'Quentin N. Burdick Indian Health Programs', unless the Secretary makes a determination, based upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

"(c) REGULATIONS.—The Secretary, pursuant to this Act, shall develop regulations to govern grants pursuant to this section.

"(d) REQUIREMENTS.—Applicants for grants provided under this section shall agree to provide a program which—

"(1) provides outreach and recruitment for health professions to Indian communities including elementary and secondary schools and community colleges located on reservations which will be served by the program;

"(2) incorporates a program advisory board comprised of representatives from the Indian Tribes and Indian communities which will be served by the program;

"(3) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions;

"(4) provides tutoring, counseling, and support to students who are enrolled in a health career program of study at the respective college or university; and

"(5) to the maximum extent feasible, employs qualified Indians in the program.

### "SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.

"(a) GRANTS TO ESTABLISH PROGRAMS.—

"(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such community colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on or near a reservation or in an Indian Health Program.

"(2) AMOUNT OF GRANTS.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $250,000.

"(b) GRANTS FOR MAINTENANCE AND RECRUITING.—

"(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

"(2) REQUIREMENTS.—Grants may only be made under this section to a community college which—

"(A) is accredited;

"(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

"(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

"(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs that train health professionals; and

"(ii) stipulate certifications necessary to approve internship and field placement opportunities at Indian Health Programs;

"(D) has a qualified staff which has the appropriate certifications;

"(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

"(F) agrees to provide for Indian preference for applicants for programs under this section.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

"(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs; and

"(2) providing technical assistance and support to such colleges.

"(d) ADVANCED TRAINING.—

"(1) REQUIRED.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

"(A) has already received a degree or diploma in such health profession; and

"(B) provides clinical services on or near a reservation or for an Indian Health Program.

"(2) MAY BE OFFERED AT ALTERNATE SITE.—Such courses of study may be offered in conjunction with the college or university with which the community college has entered into the agreement required under subsection (b)(2)(C).

"(e) PRIORITY.—Where the requirements of subsection (b) are met, grant award priority shall be provided to tribal colleges and universities in Service Areas where they exist.

### "SEC. 119. RETENTION BONUS.

"(a) BONUS AUTHORIZED.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, an Indian Health Program or Urban Indian Organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

"(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

"(2) the Secretary determines is needed by Indian Health Programs and Urban Indian Organizations;

“(3) has—

“(A) completed 2 years of employment with an Indian Health Program or Urban Indian Organization; or

“(B) completed any service obligations incurred as a requirement of—

“(i) any Federal scholarship program; or

“(ii) any Federal education loan repayment program; and

“(4) enters into an agreement with an Indian Health Program or Urban Indian Organization for continued employment for a period of not less than 1 year.

“(b) RATES.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than $25,000 per annum.

“(c) DEFAULT OF RETENTION AGREEMENT.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

“(d) OTHER RETENTION BONUS.—The Secretary may pay a retention bonus to any health professional employed by a Tribal Health Program if such health professional is serving in a position which the Secretary determines is—

“(1) a position for which recruitment or retention is difficult; and

“(2) necessary for providing health care services to Indians.

### “SEC. 120. NURSING RESIDENCY PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian Health Program or Urban Indian Organization, and have done so for a period of not less than 1 year, to pursue advanced training. Such program shall include a combination of education and work study in an Indian Health Program or Urban Indian Organization leading to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse), a bachelor's degree (in the case of a registered nurse), or advanced degrees or certifications in nursing and public health.

“(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to 1 year for every year that nonprofessional employee (licensed practical nurses, licensed vocational nurses, nursing assistants, and various health care technicals), or 2 years for every year that professional nurse (associate degree and bachelor-prepared registered nurses), participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

### “SEC. 121. COMMUNITY HEALTH AIDE PROGRAM.

“(a) GENERAL PURPOSES OF PROGRAM.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary, acting through the Service, shall develop and operate a Community Health Aide Program in Alaska under which the Service—

“(1) provides for the training of Alaska Natives as health aides or community health practitioners;

“(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

“(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

“(b) SPECIFIC PROGRAM REQUIREMENTS.—The Secretary, acting through the Community Health Aide Program of the Service, shall—

“(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

“(2) in order to provide such training, develop a curriculum that—

“(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

“(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

“(C) promotes the achievement of the health status objectives specified in section 3(2);

“(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

“(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

“(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners;

“(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services; and

“(7) ensure that pulpal therapy (not including pulpotomies on deciduous teeth) or extraction of adult teeth can be performed by a dental health aide therapist only after consultation with a licensed dentist who determines that the procedure is a medical emergency that cannot be resolved with palliative treatment, and further that dental health aide therapists are strictly prohibited from performing all other oral or jaw surgeries, provided that uncomplicated extractions shall not be considered oral surgery under this section.

“(c) PROGRAM REVIEW.—

“(1) NEUTRAL PANEL.—

“(A) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish a neutral panel to carry out the study under paragraph (2).

“(B) MEMBERSHIP.—Members of the neutral panel shall be appointed by the Secretary from among clinicians, economists, community practitioners, oral epidemiologists, and Alaska Natives.

“(2) STUDY.—

“(A) IN GENERAL.—The neutral panel established under paragraph (1) shall conduct a study of the dental health aide therapist services provided by the Community Health Aide Program under this section to ensure that the quality of care provided through those services is adequate and appropriate.

“(B) PARAMETERS OF STUDY.—The Secretary, in consultation with interested parties, including professional dental organizations, shall develop the parameters of the study.

“(C) INCLUSIONS.—The study shall include a determination by the neutral panel with respect to—

“(i) the ability of the dental health aide therapist services under this section to address the dental care needs of Alaska Natives;

“(ii) the quality of care provided through those services, including any training, improvement, or additional oversight required to improve the quality of care; and

“(iii) whether safer and less costly alternatives to the dental health aide therapist services exist.

“(D) CONSULTATION.—In carrying out the study under this paragraph, the neutral panel shall consult with Alaska Tribal Organizations with respect to the adequacy and accuracy of the study.

“(3) REPORT.—The neutral panel shall submit to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under paragraph (2), including a description of—

“(A) any determination of the neutral panel under paragraph (2)(C); and

“(B) any comments received from an Alaska Tribal Organization under paragraph (2)(D).

“(d) NATIONALIZATION OF PROGRAM.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Service, may establish a national Community Health Aide Program in accordance with the program under this section, as the Secretary determines to be appropriate.

“(2) EXCEPTION.—The national Community Health Aide Program under paragraph (1) shall not include dental health aide therapist services.

“(3) REQUIREMENT.—In establishing a national program under paragraph (1), the Secretary shall not reduce the amount of funds provided for the Community Health Aide Program described in subsections (a) and (b).

### “SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.

“The Secretary, acting through the Service, shall, by contract or otherwise, provide training for Indians in the administration and planning of Tribal Health Programs.

### “SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROGRAMS.

“(a) DEMONSTRATION PROGRAMS AUTHORIZED.—The Secretary, acting through the Service, may fund demonstration programs for Tribal Health Programs to address the chronic shortages of health professionals.

“(b) PURPOSES OF PROGRAMS.—The purposes of demonstration programs funded under subsection (a) shall be—

"(1) to provide direct clinical and practical experience at a Service Unit to health profession students and residents from medical schools;

"(2) to improve the quality of health care for Indians by assuring access to qualified health care professionals; and

"(3) to provide academic and scholarly opportunities for health professionals serving Indians by identifying all academic and scholarly resources of the region.

"(c) ADVISORY BOARD.—The demonstration programs established pursuant to subsection (a) shall incorporate a program advisory board composed of representatives from the Indian Tribes and Indian communities in the area which will be served by the program.

### "SEC. 124. NATIONAL HEALTH SERVICE CORPS.

"The Secretary shall not—

"(1) remove a member of the National Health Service Corps from an Indian Health Program or Urban Indian Organization; or

"(2) withdraw funding used to support such member, unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services.

### "SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL CURRICULA DEMONSTRATION PROGRAMS.

"(a) CONTRACTS AND GRANTS.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribal colleges and universities and eligible accredited and accessible community colleges to establish demonstration programs to develop educational curricula for substance abuse counseling.

"(b) USE OF FUNDS.—Funds provided under this section shall be used only for developing and providing educational curriculum for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

"(c) TIME PERIOD OF ASSISTANCE; RENEWAL.—A contract entered into or a grant provided under this section shall be for a period of 3 years. Such contract or grant may be renewed for an additional 2-year period upon the approval of the Secretary.

"(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, after consultation with Indian Tribes and administrators of tribal colleges and universities and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration programs established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

"(e) ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

"(f) REPORT.—Each fiscal year, the Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for that fiscal year, a report on the findings and conclusions derived from the demonstration programs conducted under this section during that fiscal year.

"(g) DEFINITION.—For the purposes of this section, the term 'educational curriculum' means 1 or more of the following:

"(1) Classroom education.

"(2) Clinical work experience.

"(3) Continuing education workshops.

### "SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMUNITY EDUCATION PROGRAMS.

"(a) STUDY; LIST.—The Secretary, acting through the Service, and the Secretary of the Interior, in consultation with Indian Tribes and Tribal Organizations, shall conduct a study and compile a list of the types of staff positions specified in subsection (b) whose qualifications include, or should include, training in the identification, prevention, education, referral, or treatment of mental illness, or dysfunctional and self destructive behavior.

"(b) POSITIONS.—The positions referred to in subsection (a) are—

"(1) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

"(A) elementary and secondary education;

"(B) social services and family and child welfare;

"(C) law enforcement and judicial services; and

"(D) alcohol and substance abuse;

"(2) staff positions within the Service; and

"(3) staff positions similar to those identified in paragraphs (1) and (2) established and maintained by Indian Tribes and Tribal Organizations (without regard to the funding source).

"(c) TRAINING CRITERIA.—

"(1) IN GENERAL.—The appropriate Secretary shall provide training criteria appropriate to each type of position identified in subsection (b)(1) and (b)(2) and ensure that appropriate training has been, or shall be provided to any individual in any such position. With respect to any such individual in a position identified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training to, or provide funds to, an Indian Tribe or Tribal Organization for training of appropriate individuals. In the case of positions funded under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the appropriate Secretary shall ensure that such training costs are included in the contract or compact, as the Secretary determines necessary.

"(2) POSITION SPECIFIC TRAINING CRITERIA.—Position specific training criteria shall be culturally relevant to Indians and Indian Tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

"(d) COMMUNITY EDUCATION ON MENTAL ILLNESS.—The Service shall develop and implement, on request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, or assist the Indian Tribe, Tribal Organization, or Urban Indian Organization to develop and implement, a program of community education on mental illness. In carrying out this subsection, the Service shall, upon request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization to obtain and develop community educational materials on the identification, prevention, referral, and treatment of mental illness and dysfunctional and self-destructive behavior.

"(e) PLAN.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall develop a plan under which the Service will increase the health care staff providing behavioral health services by at least 500 positions within 5 years after the date of enactment of this section, with at least 200 of such positions devoted to child, adolescent, and family services. The plan developed under this subsection shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act').

### "SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

## "TITLE II—HEALTH SERVICES

### "SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

"(a) USE OF FUNDS.—The Secretary, acting through the Service, is authorized to expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), which are appropriated under the authority of this section, for the purposes of—

"(1) eliminating the deficiencies in health status and health resources of all Indian Tribes;

"(2) eliminating backlogs in the provision of health care services to Indians;

"(3) meeting the health needs of Indians in an efficient and equitable manner, including the use of telehealth and telemedicine when appropriate;

"(4) eliminating inequities in funding for both direct care and contract health service programs; and

"(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian Tribes with the highest levels of health status deficiencies and resource deficiencies:

"(A) Clinical care, including inpatient care, outpatient care (including audiology, clinical eye, and vision care), primary care, secondary and tertiary care, and long-term care.

"(B) Preventive health, including mammography and other cancer screening in accordance with section 207.

"(C) Dental care.

"(D) Mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners.

"(E) Emergency medical services.

"(F) Treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol spectrum disorders) among Indians.

"(G) Injury prevention programs, including training.

"(H) Home health care.

"(I) Community health representatives.

"(J) Maintenance and improvement.

"(b) NO OFFSET OR LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act or the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other provision of law.

"(c) ALLOCATION; USE.—

"(1) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to Service Units, Indian Tribes, or Tribal Organizations. The funds allocated to each Indian Tribe, Tribal Organization, or Service Unit under this paragraph shall be used by the Indian Tribe, Tribal Organization, or Service Unit under this paragraph to improve the health status and reduce the resource deficiency of each Indian Tribe served by such Service Unit, Indian Tribe, or Tribal Organization.

"(2) APPORTIONMENT OF ALLOCATED FUNDS.—The apportionment of funds allocated to a Service Unit, Indian Tribe, or Tribal Organization under paragraph (1) among the health service responsibilities described in subsection (a)(5) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian Tribes and Tribal Organizations.

"(d) PROVISIONS RELATING TO HEALTH STATUS AND RESOURCE DEFICIENCIES.—For the purposes of this section, the following definitions apply:

"(1) DEFINITION.—The term 'health status and resource deficiency' means the extent to which—

"(A) the health status objectives set forth in section 3(2) are not being achieved; and

"(B) the Indian Tribe or Tribal Organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

"(2) AVAILABLE RESOURCES.—The health resources available to an Indian Tribe or Tribal Organization include health resources provided by the Service as well as health resources used by the Indian Tribe or Tribal Organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

"(3) PROCESS FOR REVIEW OF DETERMINATIONS.—The Secretary shall establish procedures which allow any Indian Tribe or Tribal Organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such Indian Tribe or Tribal Organization.

"(e) ELIGIBILITY FOR FUNDS.—Tribal Health Programs shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

"(f) REPORT.—By no later than the date that is 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to Congress the current health status and resource deficiency report of the Service for each Service Unit, including newly recognized or acknowledged Indian Tribes. Such report shall set out—

"(1) the methodology then in use by the Service for determining Tribal health status and resource deficiencies, as well as the most recent application of that methodology;

"(2) the extent of the health status and resource deficiency of each Indian Tribe served by the Service or a Tribal Health Program;

"(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian Tribes served by the Service or a Tribal Health Program; and

"(4) an estimate of—

"(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service for the preceding fiscal year which is allocated to each Service Unit, Indian Tribe, or Tribal Organization;

"(B) the number of Indians eligible for health services in each Service Unit or Indian Tribe or Tribal Organization; and

"(C) the number of Indians using the Service resources made available to each Service Unit, Indian Tribe or Tribal Organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

"(g) INCLUSION IN BASE BUDGET.—Funds appropriated under this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

"(h) CLARIFICATION.—Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs, nor are the provisions of this section intended to discourage the Service from undertaking additional efforts to achieve equity among Indian Tribes and Tribal Organizations.

"(i) FUNDING DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the 'Indian Health Care Improvement Fund'.

### "SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

"(a) ESTABLISHMENT.—There is established an Indian Catastrophic Health Emergency Fund (hereafter in this section referred to as the 'CHEF') consisting of—

"(1) the amounts deposited under subsection (f); and

"(2) the amounts appropriated to CHEF under this section.

"(b) ADMINISTRATION.—CHEF shall be administered by the Secretary, acting through the headquarters of the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

"(c) CONDITIONS ON USE OF FUND.—No part of CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), nor shall CHEF funds be allocated, apportioned, or delegated on an Area Office, Service Unit, or other similar basis.

"(d) REGULATIONS.—The Secretary shall promulgate regulations consistent with the provisions of this section to—

"(1) establish a definition of disasters and catastrophic illnesses for which the cost of the treatment provided under contract would qualify for payment from CHEF;

"(2) provide that a Service Unit shall not be eligible for reimbursement for the cost of treatment from CHEF until its cost of treating any victim of such catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

"(A) the 2000 level of $19,000; and

"(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

"(3) establish a procedure for the reimbursement of the portion of the costs that exceeds such threshold cost incurred by—

"(A) Service Units; or

"(B) whenever otherwise authorized by the Service, non-Service facilities or providers;

"(4) establish a procedure for payment from CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

"(5) establish a procedure that will ensure that no payment shall be made from CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

"(e) NO OFFSET OR LIMITATION.—Amounts appropriated to CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other law.

"(f) DEPOSIT OF REIMBURSEMENT FUNDS.—There shall be deposited into CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from CHEF.

### "SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.

"(a) FINDINGS.—Congress finds that health promotion and disease prevention activities—

"(1) improve the health and well-being of Indians; and

"(2) reduce the expenses for health care of Indians.

"(b) PROVISION OF SERVICES.—The Secretary, acting through the Service and Tribal Health Programs, shall provide health promotion and disease prevention services to Indians to achieve the health status objectives set forth in section 3(2).

"(c) EVALUATION.—The Secretary, after obtaining input from the affected Tribal Health Programs, shall submit to the President for inclusion in the report which is required to be submitted to Congress under section 801 an evaluation of—

"(1) the health promotion and disease prevention needs of Indians;

"(2) the health promotion and disease prevention activities which would best meet such needs;

"(3) the internal capacity of the Service and Tribal Health Programs to meet such needs; and

"(4) the resources which would be required to enable the Service and Tribal Health Programs to undertake the health promotion and disease prevention activities necessary to meet such needs.

### "SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

"(a) DETERMINATIONS REGARDING DIABETES.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall determine—

"(1) by Indian Tribe and by Service Unit, the incidence of, and the types of complications resulting from, diabetes among Indians; and

"(2) based on the determinations made pursuant to paragraph (1), the measures (including patient education and effective ongoing monitoring of disease indicators) each Service Unit should take to reduce the incidence of, and prevent, treat, and control the complications resulting from, diabetes among Indian Tribes within that Service Unit.

"(b) DIABETES SCREENING.—To the extent medically indicated and with informed consent, the Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic and establish a cost-effective approach to ensure ongoing monitoring of disease indicators. Such screening and monitoring may be conducted by a Tribal Health Program and may be conducted through appropriate Internet-based health care management programs.

"(c) DIABETES PROJECTS.—The Secretary shall continue to maintain each model diabetes project in existence on the date of enactment of the Indian Health Care Improvement

Act Amendments of 2008, any such other diabetes programs operated by the Service or Tribal Health Programs, and any additional diabetes projects, such as the Medical Vanguard program provided for in title IV of Public Law 108-87, as implemented to serve Indian Tribes. Tribal Health Programs shall receive recurring funding for the diabetes projects that they operate pursuant to this section, both at the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 and for projects which are added and funded thereafter.

“(d) DIALYSIS PROGRAMS.—The Secretary is authorized to provide, through the Service, Indian Tribes, and Tribal Organizations, dialysis programs, including the purchase of dialysis equipment and the provision of necessary staffing.

“(e) OTHER DUTIES OF THE SECRETARY.—

“(1) IN GENERAL.—The Secretary shall, to the extent funding is available—

“(A) in each Area Office, consult with Indian Tribes and Tribal Organizations regarding programs for the prevention, treatment, and control of diabetes;

“(B) establish in each Area Office a registry of patients with diabetes to track the incidence of diabetes and the complications from diabetes in that area; and

“(C) ensure that data collected in each Area Office regarding diabetes and related complications among Indians are disseminated to all other Area Offices, subject to applicable patient privacy laws.

“(2) DIABETES CONTROL OFFICERS.—

“(A) IN GENERAL.—The Secretary may establish and maintain in each Area Office a position of diabetes control officer to coordinate and manage any activity of that Area Office relating to the prevention, treatment, or control of diabetes to assist the Secretary in carrying out a program under this section or section 330C of the Public Health Service Act (42 U.S.C. 254c-3).

“(B) CERTAIN ACTIVITIES.—Any activity carried out by a diabetes control officer under subparagraph (A) that is the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and any funds made available to carry out such an activity, shall not be divisible for purposes of that Act.

### “SEC. 205. SHARED SERVICES FOR LONG-TERM CARE.

“(a) LONG-TERM CARE.—Notwithstanding any other provision of law, the Secretary, acting through the Service, is authorized to provide directly, or enter into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians. Such agreements shall provide for the sharing of staff or other services between the Service or a Tribal Health Program and a long-term care or related facility owned and operated (directly or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal Organization.

“(b) CONTENTS OF AGREEMENTS.—An agreement entered into pursuant to subsection (a)—

“(1) may, at the request of the Indian Tribe or Tribal Organization, delegate to such Indian Tribe or Tribal Organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

“(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the Tribal Health Program be allocated proportionately between the Service and the Indian Tribe or Tribal Organization; and

“(3) may authorize such Indian Tribe or Tribal Organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

“(c) MINIMUM REQUIREMENT.—Any nursing facility provided for under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act.

“(d) OTHER ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

“(e) USE OF EXISTING OR UNDERUSED FACILITIES.—The Secretary shall encourage the use of existing facilities that are underused or allow the use of swing beds for long-term or similar care.

### “SEC. 206. HEALTH SERVICES RESEARCH.

“(a) IN GENERAL.—The Secretary, acting through the Service, shall make funding available for research to further the performance of the health service responsibilities of Indian Health Programs.

“(b) COORDINATION OF RESOURCES AND ACTIVITIES.—The Secretary shall also, to the maximum extent practicable, coordinate departmental research resources and activities to address relevant Indian Health Program research needs.

“(c) AVAILABILITY.—Tribal Health Programs shall be given an equal opportunity to compete for, and receive, research funds under this section.

“(d) USE OF FUNDS.—This funding may be used for both clinical and nonclinical research.

“(e) EVALUATION AND DISSEMINATION.—The Secretary shall periodically—

“(1) evaluate the impact of research conducted under this section; and

“(2) disseminate to Tribal Health Programs information regarding that research as the Secretary determines to be appropriate.

### “SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.

“The Secretary, acting through the Service or Tribal Health Programs, shall provide for screening as follows:

“(1) Screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian women at a frequency appropriate to such women under accepted and appropriate national standards, and under such terms and conditions as are consistent with standards established by the Secretary to ensure the safety and accuracy of screening mammography under part B of title XVIII of such Act.

“(2) Other cancer screening that receives an A or B rating as recommended by the United States Preventive Services Task Force established under section 915(a)(1) of the Public Health Service Act (42 U.S.C. 299b-4(a)(1)). The Secretary shall ensure that screening provided for under this paragraph complies with the recommendations of the Task Force with respect to—

“(A) frequency;

“(B) the population to be served;

“(C) the procedure or technology to be used;

“(D) evidence of effectiveness; and

“(E) other matters that the Secretary determines appropriate.

### “SEC. 208. PATIENT TRAVEL COSTS.

“(a) DEFINITION OF QUALIFIED ESCORT.—In this section, the term ‘qualified escort’ means—

“(1) an adult escort (including a parent, guardian, or other family member) who is required because of the physical or mental condition, or age, of the applicable patient;

“(2) a health professional for the purpose of providing necessary medical care during travel by the applicable patient; or

“(3) other escorts, as the Secretary or applicable Indian Health Program determines to be appropriate.

“(b) PROVISION OF FUNDS.—The Secretary, acting through the Service and Tribal Health Programs, is authorized to provide funds for the following patient travel costs, including qualified escorts, associated with receiving health care services provided (either through direct or contract care or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) under this Act—

“(1) emergency air transportation and nonemergency air transportation where ground transportation is infeasible;

“(2) transportation by private vehicle (where no other means of transportation is available), specially equipped vehicle, and ambulance; and

“(3) transportation by such other means as may be available and required when air or motor vehicle transportation is not available.

### “SEC. 209. EPIDEMIOLOGY CENTERS.

“(a) ESTABLISHMENT OF CENTERS.—The Secretary shall establish an epidemiology center in each Service Area to carry out the functions described in subsection (b). Any new center established after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 may be operated under a grant authorized by subsection (d), but funding under such a grant shall not be divisible.

“(b) FUNCTIONS OF CENTERS.—In consultation with and upon the request of Indian Tribes, Tribal Organizations, and Urban Indian communities, each Service Area epidemiology center established under this section shall, with respect to such Service Area—

“(1) collect data relating to, and monitor progress made toward meeting, each of the health status objectives of the Service, the Indian Tribes, Tribal Organizations, and Urban Indian communities in the Service Area;

“(2) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

“(3) assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

“(4) make recommendations for the targeting of services needed by the populations served;

“(5) make recommendations to improve health care delivery systems for Indians and Urban Indians;

“(6) provide requested technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

“(7) provide disease surveillance and assist Indian Tribes, Tribal Organizations, and Urban Indian communities to promote public health.

“(c) TECHNICAL ASSISTANCE.—The Director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this section.

"(d) GRANTS FOR STUDIES.—

"(1) IN GENERAL.—The Secretary may make grants to Indian Tribes, Tribal Organizations, Indian organizations, and eligible intertribal consortia to conduct epidemiological studies of Indian communities.

"(2) ELIGIBLE INTERTRIBAL CONSORTIA.—An intertribal consortium or Indian organization is eligible to receive a grant under this subsection if—

"(A) the intertribal consortium is incorporated for the primary purpose of improving Indian health; and

"(B) the intertribal consortium is representative of the Indian Tribes or urban Indian communities in which the intertribal consortium is located.

"(3) APPLICATIONS.—An application for a grant under this subsection shall be submitted in such manner and at such time as the Secretary shall prescribe.

"(4) REQUIREMENTS.—An applicant for a grant under this subsection shall—

"(A) demonstrate the technical, administrative, and financial expertise necessary to carry out the functions described in paragraph (5);

"(B) consult and cooperate with providers of related health and social services in order to avoid duplication of existing services; and

"(C) demonstrate cooperation from Indian Tribes or Urban Indian Organizations in the area to be served.

"(5) USE OF FUNDS.—A grant awarded under paragraph (1) may be used—

"(A) to carry out the functions described in subsection (b);

"(B) to provide information to and consult with tribal leaders, urban Indian community leaders, and related health staff on health care and health service management issues; and

"(C) in collaboration with Indian Tribes, Tribal Organizations, and urban Indian communities, to provide the Service with information regarding ways to improve the health status of Indians.

"(e) ACCESS TO INFORMATION.—The Secretary shall grant epidemiology centers operated by a grantee pursuant to a grant awarded under subsection (d) access to use of the data, data sets, monitoring systems, delivery systems, and other protected health information in the possession of the Secretary. Such activities shall be for the purposes of research and for preventing and controlling disease, injury, or disability for purposes of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033), as such activities are described in part 164.512 of title 45, Code of Federal regulations (or a successor regulation).

### "SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

"(a) FUNDING FOR DEVELOPMENT OF PROGRAMS.—In addition to carrying out any other program for health promotion or disease prevention, the Secretary, acting through the Service, is authorized to award grants to Indian Tribes and Tribal Organizations to develop comprehensive school health education programs for children from pre-school through grade 12 in schools for the benefit of Indian and Urban Indian children.

"(b) USE OF GRANT FUNDS.—A grant awarded under this section may be used for purposes which may include, but are not limited to, the following:

"(1) Developing health education materials both for regular school programs and after-school programs.

"(2) Training teachers in comprehensive school health education materials.

"(3) Integrating school-based, community-based, and other public and private health promotion efforts.

"(4) Encouraging healthy, tobacco-free school environments.

"(5) Coordinating school-based health programs with existing services and programs available in the community.

"(6) Developing school programs on nutrition education, personal health, oral health, and fitness.

"(7) Developing behavioral health wellness programs.

"(8) Developing chronic disease prevention programs.

"(9) Developing substance abuse prevention programs.

"(10) Developing injury prevention and safety education programs.

"(11) Developing activities for the prevention and control of communicable diseases.

"(12) Developing community and environmental health education programs that include traditional health care practitioners.

"(13) Violence prevention.

"(14) Such other health issues as are appropriate.

"(c) TECHNICAL ASSISTANCE.—Upon request, the Secretary, acting through the Service, shall provide technical assistance to Indian Tribes and Tribal Organizations in the development of comprehensive health education plans and the dissemination of comprehensive health education materials and information on existing health programs and resources.

"(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review and approval of applications for grants awarded under this section.

"(e) DEVELOPMENT OF PROGRAM FOR BIA-FUNDED SCHOOLS.—

"(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, acting through the Service, and affected Indian Tribes and Tribal Organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools for which support is provided by the Bureau of Indian Affairs.

"(2) REQUIREMENTS FOR PROGRAMS.—Such programs shall include—

"(A) school programs on nutrition education, personal health, oral health, and fitness;

"(B) behavioral health wellness programs;

"(C) chronic disease prevention programs;

"(D) substance abuse prevention programs;

"(E) injury prevention and safety education programs; and

"(F) activities for the prevention and control of communicable diseases.

"(3) DUTIES OF THE SECRETARY.—The Secretary of the Interior shall—

"(A) provide training to teachers in comprehensive school health education materials;

"(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

"(C) encourage healthy, tobacco-free school environments.

### "SEC. 211. INDIAN YOUTH PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Service, is authorized to establish and administer a program to provide grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian preadolescent and adolescent youths.

"(b) USE OF FUNDS.—

"(1) ALLOWABLE USES.—Funds made available under this section may be used to—

"(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

"(B) develop and provide community training and education.

"(2) PROHIBITED USE.—Funds made available under this section may not be used to provide services described in section 707(c).

"(c) DUTIES OF THE SECRETARY.—The Secretary shall—

"(1) disseminate to Indian Tribes and Tribal Organizations information regarding models for the delivery of comprehensive health care services to Indian and Urban Indian adolescents;

"(2) encourage the implementation of such models; and

"(3) at the request of an Indian Tribe or Tribal Organization, provide technical assistance in the implementation of such models.

"(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall establish criteria for the review and approval of applications or proposals under this section.

### "SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.

"(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, and after consultation with the Centers for Disease Control and Prevention, may make grants available to Indian Tribes and Tribal Organizations for the following:

"(1) Projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncytial virus, hanta virus, sexually transmitted diseases, and H. Pylori.

"(2) Public information and education programs for the prevention, control, and elimination of communicable and infectious diseases.

"(3) Education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

"(4) Demonstration projects for the screening, treatment, and prevention of hepatitis C virus (HCV).

"(b) APPLICATION REQUIRED.—The Secretary may provide funding under subsection (a) only if an application or proposal for funding is submitted to the Secretary.

"(c) COORDINATION WITH HEALTH AGENCIES.—Indian Tribes and Tribal Organizations receiving funding under this section are encouraged to coordinate their activities with the Centers for Disease Control and Prevention and State and local health agencies.

"(d) TECHNICAL ASSISTANCE; REPORT.—In carrying out this section, the Secretary—

"(1) may, at the request of an Indian Tribe or Tribal Organization, provide technical assistance; and

"(2) shall prepare and submit a report to Congress biennially on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and Urban Indians.

### "SEC. 213. OTHER AUTHORITY FOR PROVISION OF SERVICES.

"(a) FUNDING AUTHORIZED.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide funding under this Act to meet the objectives set forth in section 3 of this Act through health care-related services and programs not otherwise described in this Act for the following services:

"(1) Hospice care.

"(2) Assisted living services.

"(3) Long-term care services.

"(4) Home- and community-based services.

"(b) ELIGIBILITY.—The following individuals shall be eligible to receive long-term care under this section:

"(1) Individuals who are unable to perform a certain number of activities of daily living without assistance.

"(2) Individuals with a mental impairment, such as dementia, Alzheimer's disease, or another disabling mental illness, who may be able to perform activities of daily living under supervision.

"(3) Such other individuals as an applicable Indian Health Program determines to be appropriate.

"(c) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

"(1) The term 'assisted living services' means any service provided by an assisted living facility (as defined in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b))), except that such an assisted living facility—

"(A) shall not be required to obtain a license; but

"(B) shall meet all applicable standards for licensure.

"(2) The term 'home- and community-based services' means 1 or more of the services specified in paragraphs (1) through (9) of section 1929(a) of the Social Security Act (42 U.S.C. 1396t(a)) (whether provided by the Service or by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq,)) that are or will be provided in accordance with applicable standards.

"(3) The term 'hospice care' means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian Tribe or Tribal Organization determines are necessary and appropriate to provide in furtherance of this care.

"(4) The term 'long-term care services' has the meaning given the term 'qualified long-term care services' in section 7702B(c) of the Internal Revenue Code of 1986.

"(d) AUTHORIZATION OF CONVENIENT CARE SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may also provide funding under this Act to meet the objectives set forth in section 3 of this Act for convenient care services programs pursuant to section 306(c)(2)(A).

### "SEC. 214. INDIAN WOMEN'S HEALTH CARE.

"The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

### "SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.

"(a) STUDIES AND MONITORING.—The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian Tribes and Tribal Organizations, studies and ongoing monitoring programs to determine trends in the health hazards to Indian miners and to Indians on or near reservations and Indian communities as a result of environmental hazards which may result in chronic or life threatening health problems, such as nuclear resource development, petroleum contamination, and contamination of water sources and of the food chain. Such studies shall include—

"(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

"(2) an analysis of the potential effect of ongoing and future environmental resource development on or near reservations and Indian communities, including the cumulative effect over time on health;

"(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal; oil and gas production or transportation on or near reservations or Indian communities; and other development that could affect the health of Indians and their water supply and food chain;

"(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

"(5) the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

"(b) HEALTH CARE PLANS.—Upon completion of such studies, the Secretary and the Service shall take into account the results of such studies and develop health care plans to address the health problems studied under subsection (a). The plans shall include—

"(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

"(2) preventive care and testing for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

"(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

"(c) SUBMISSION OF REPORT AND PLAN TO CONGRESS.—The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008. The health care plan prepared under subsection (b) shall be submitted in a report no later than 1 year after the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

"(d) INTERGOVERNMENTAL TASK FORCE.—

"(1) ESTABLISHMENT; MEMBERS.—There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees):

"(A) The Secretary of Energy.

"(B) The Secretary of the Environmental Protection Agency.

"(C) The Director of the Bureau of Mines.

"(D) The Assistant Secretary for Occupational Safety and Health.

"(E) The Secretary of the Interior.

"(F) The Secretary of Health and Human Services.

"(G) The Director.

"(2) DUTIES.—The Task Force shall—

"(A) identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near a reservation or in an Indian community; and

"(B) enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

"(3) CHAIRMAN; MEETINGS.—The Secretary of Health and Human Services shall be the Chairman of the Task Force. The Task Force shall meet at least twice each year.

"(e) HEALTH SERVICES TO CERTAIN EMPLOYEES.—In the case of any Indian who—

"(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work-related illness or condition;

"(2) is eligible to receive diagnosis and treatment services from an Indian Health Program; and

"(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard, the Indian Health Program shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may be reimbursed for any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such amounts paid to the Indian Health Program from the employer for providing medical care for such illness or condition.

### "SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"(a) IN GENERAL.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2016, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

"(b) MAINTENANCE OF SERVICES.—The Service shall not curtail any health care services provided to Indians residing on reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

### "SEC. 216A. NORTH DAKOTA AND SOUTH DAKOTA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"(a) IN GENERAL.—Beginning in fiscal year 2003, the States of North Dakota and South

Dakota shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of North Dakota and South Dakota.

“(b) LIMITATION.—The Service shall not curtail any health care services provided to Indians residing on any reservation, or in any county that has a common boundary with any reservation, in the State of North Dakota or South Dakota if such curtailment is due to the provision of contract services in such States pursuant to the designation of such States as a contract health service delivery area pursuant to subsection (a).

### “SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PROGRAM.

“(a) FUNDING AUTHORIZED.—The Secretary is authorized to fund a program using the California Rural Indian Health Board (hereafter in this section referred to as the ‘CRIHB’) as a contract care intermediary to improve the accessibility of health services to California Indians.

“(b) REIMBURSEMENT CONTRACT.—The Secretary shall enter into an agreement with the CRIHB to reimburse the CRIHB for costs (including reasonable administrative costs) incurred pursuant to this section, in providing medical treatment under contract to California Indians described in section 806(a) throughout the California contract health services delivery area described in section 218 with respect to high cost contract care cases.

“(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts provided to the CRIHB under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the CRIHB during such fiscal year.

“(d) LIMITATION ON PAYMENT.—No payment may be made for treatment provided hereunder to the extent payment may be made for such treatment under the Indian Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

“(e) ADVISORY BOARD.—There is established an advisory board which shall advise the CRIHB in carrying out this section. The advisory board shall be composed of representatives, selected by the CRIHB, from not less than 8 Tribal Health Programs serving California Indians covered under this section at least ½ of whom of whom are not affiliated with the CRIHB.

### “SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

“The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to California Indians. However, any of the counties listed herein may only be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

### “SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.

“(a) AUTHORIZATION FOR SERVICES.—The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

“(b) NO EXPANSION OF ELIGIBILITY.—Nothing in this section may be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

### “SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

“The Service shall provide funds for health care programs and facilities operated by Tribal Health Programs on the same basis as such funds are provided to programs and facilities operated directly by the Service.

### “SEC. 221. LICENSING.

“Health care professionals employed by a Tribal Health Program shall, if licensed in any State, be exempt from the licensing requirements of the State in which the Tribal Health Program performs the services described in its contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

### “SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY CONTRACT HEALTH SERVICES.

“With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

### “SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.

“(a) DEADLINE FOR RESPONSE.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

“(b) EFFECT OF UNTIMELY RESPONSE.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

“(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

### “SEC. 224. LIABILITY FOR PAYMENT.

“(a) NO PATIENT LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

“(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services not later than 5 business days after receipt of a notification of a claim by a provider of contract care services.

“(c) NO RECOURSE.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 223(b), the provider shall have no further recourse against the patient who received the services.

### “SEC. 225. OFFICE OF INDIAN MEN’S HEALTH.

“(a) ESTABLISHMENT.—The Secretary may establish within the Service an office to be known as the ‘Office of Indian Men’s Health’ (referred to in this section as the ‘Office’).

“(b) DIRECTOR.—

“(1) IN GENERAL.—The Office shall be headed by a director, to be appointed by the Secretary.

“(2) DUTIES.—The director shall coordinate and promote the status of the health of Indian men in the United States.

“(c) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, acting through the director of the Office, shall submit to Congress a report describing—

“(1) any activity carried out by the director as of the date on which the report is prepared; and

“(2) any finding of the director with respect to the health of Indian men.

### “SEC. 226. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

## “TITLE III—FACILITIES

### “SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.

“(a) PREREQUISITES FOR EXPENDITURE OF FUNDS.—Prior to the expenditure of, or the making of any binding commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary, acting through the Service, shall—

“(1) consult with any Indian Tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

“(2) ensure, whenever practicable and applicable, that such facility meets the construction standards of any accrediting body recognized by the Secretary for the purposes of the Medicare, Medicaid, and SCHIP programs under titles XVIII, XIX, and XXI of the Social Security Act by not later than 1 year after the date on which the construction or renovation of such facility is completed.

“(b) CLOSURES AND REDUCTIONS IN HOURS OF SERVICE.—

“(1) EVALUATION REQUIRED.—Notwithstanding any other provision of law, no facility operated by the Service, or any portion of such facility, may be closed or have the hours of service of the facility reduced if the Secretary has not submitted to Congress not less than 1 year, and not more than 2 years, before the date of the proposed closure or reduction in hours of service an evaluation, completed not more than 2 years before the submission, of the impact of the proposed closure or reduction in hours of service that specifies, in addition to other considerations—

“(A) the accessibility of alternative health care resources for the population served by such facility;

“(B) the cost-effectiveness of such closure or reduction in hours of service;

“(C) the quality of health care to be provided to the population served by such facility after such closure or reduction in hours of service;

“(D) the availability of contract health care funds to maintain existing levels of service;

“(E) the views of the Indian Tribes served by such facility concerning such closure or reduction in hours of service;

“(F) the level of use of such facility by all eligible Indians; and

“(G) the distance between such facility and the nearest operating Service hospital.

“(2) EXCEPTION FOR CERTAIN TEMPORARY CLOSURES AND REDUCTIONS.—Paragraph (1) shall not apply to any temporary closure or reduction in hours of service of a facility or any portion of a facility if such closure or reduction in hours of service is necessary for medical, environmental, or construction safety reasons.

“(c) HEALTH CARE FACILITY PRIORITY SYSTEM.—

“(1) IN GENERAL.—

“(A) PRIORITY SYSTEM.—The Secretary, acting through the Service, shall maintain a health care facility priority system, which—

“(i) shall be developed in consultation with Indian Tribes and Tribal Organizations;

“(ii) shall give Indian Tribes' needs the highest priority;

“(iii)(I) may include the lists required in paragraph (2)(B)(ii); and

“(II) shall include the methodology required in paragraph (2)(B)(v); and

“(III) may include such health care facilities, and such renovation or expansion needs of any health care facility, as the Service may identify; and

“(iv) shall provide an opportunity for the nomination of planning, design, and construction projects by the Service, Indian Tribes, and Tribal Organizations for consideration under the priority system at least once every 3 years, or more frequently as the Secretary determines to be appropriate.

“(B) NEEDS OF FACILITIES UNDER ISDEAA AGREEMENTS.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities operated under contracts or compacts in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are fully and equitably integrated into the health care facility priority system.

“(C) CRITERIA FOR EVALUATING NEEDS.—For purposes of this subsection, the Secretary, in evaluating the needs of facilities operated under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the criteria used by the Secretary in evaluating the needs of facilities operated directly by the Service.

“(D) PRIORITY OF CERTAIN PROJECTS PROTECTED.—The priority of any project established under the construction priority system in effect on the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 shall not be affected by any change in the construction priority system taking place after that date if the project—

“(i) was identified in the fiscal year 2008 Service budget justification as—

“(I) 1 of the 10 top-priority inpatient projects;

“(II) 1 of the 10 top-priority outpatient projects;

“(III) 1 of the 10 top-priority staff quarters developments; or

“(IV) 1 of the 10 top-priority Youth Regional Treatment Centers;

“(ii) had completed both Phase I and Phase II of the construction priority system in effect on the date of enactment of such Act; or

“(iii) is not included in clause (i) or (ii) and is selected, as determined by the Secretary—

“(I) on the initiative of the Secretary; or

“(II) pursuant to a request of an Indian Tribe or Tribal Organization.

“(2) REPORT; CONTENTS.—

“(A) INITIAL COMPREHENSIVE REPORT.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) FACILITIES APPROPRIATION ADVISORY BOARD.—The term ‘Facilities Appropriation Advisory Board’ means the advisory board, comprised of 12 members representing Indian tribes and 2 members representing the Service, established at the discretion of the Director—

“(aa) to provide advice and recommendations for policies and procedures of the programs funded pursuant to facilities appropriations; and

“(bb) to address other facilities issues.

“(II) FACILITIES NEEDS ASSESSMENT WORKGROUP.—The term ‘Facilities Needs Assessment Workgroup’ means the workgroup established at the discretion of the Director—

“(aa) to review the health care facilities construction priority system; and

“(bb) to make recommendations to the Facilities Appropriation Advisory Board for revising the priority system.

“(ii) INITIAL REPORT.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the comprehensive, national, ranked list of all health care facilities needs for the Service, Indian Tribes, and Tribal Organizations (including inpatient health care facilities, outpatient health care facilities, specialized health care facilities (such as for long-term care and alcohol and drug abuse treatment), wellness centers, and staff quarters, and the renovation and expansion needs, if any, of such facilities) developed by the Service, Indian Tribes, and Tribal Organizations for the Facilities Needs Assessment Workgroup and the Facilities Appropriation Advisory Board.

“(II) INCLUSIONS.—The initial report shall include—

“(aa) the methodology and criteria used by the Service in determining the needs and establishing the ranking of the facilities needs; and

“(bb) such other information as the Secretary determines to be appropriate.

“(iii) UPDATES OF REPORT.—Beginning in calendar year 2011, the Secretary shall—

“(I) update the report under clause (ii) not less frequently that once every 5 years; and

“(II) include the updated report in the appropriate annual report under subparagraph (B) for submission to Congress under section 801.

“(B) ANNUAL REPORTS.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth the following:

“(i) A description of the health care facility priority system of the Service established under paragraph (1).

“(ii) Health care facilities lists, which may include—

“(I) the 10 top-priority inpatient health care facilities;

“(II) the 10 top-priority outpatient health care facilities;

“(III) the 10 top-priority specialized health care facilities (such as long-term care and alcohol and drug abuse treatment); and

“(IV) the 10 top-priority staff quarters developments associated with health care facilities.

“(iii) The justification for such order of priority.

“(iv) The projected cost of such projects.

“(v) The methodology adopted by the Service in establishing priorities under its health care facility priority system.

“(3) REQUIREMENTS FOR PREPARATION OF REPORTS.—In preparing the report required under paragraph (2), the Secretary shall—

“(A) consult with and obtain information on all health care facilities needs from Indian Tribes and Tribal Organizations; and

“(B) review the total unmet needs of all Indian Tribes and Tribal Organizations for health care facilities (including staff quarters), including needs for renovation and expansion of existing facilities.

“(d) REVIEW OF METHODOLOGY USED FOR HEALTH FACILITIES CONSTRUCTION PRIORITY SYSTEM.—

“(1) IN GENERAL.—Not later than 1 year after the establishment of the priority system under subsection (c)(1)(A), the Comptroller General of the United States shall prepare and finalize a report reviewing the methodologies applied, and the processes followed, by the Service in making each assessment of needs for the list under subsection (c)(2)(A)(ii) and developing the priority system under subsection (c)(1), including a review of—

“(A) the recommendations of the Facilities Appropriation Advisory Board and the Facilities Needs Assessment Workgroup (as those terms are defined in subsection (c)(2)(A)(i)); and

“(B) the relevant criteria used in ranking or prioritizing facilities other than hospitals or clinics.

“(2) SUBMISSION TO CONGRESS.—The Comptroller General of the United States shall submit the report under paragraph (1) to—

“(A) the Committees on Indian Affairs and Appropriations of the Senate;

“(B) the Committees on Natural Resources and Appropriations of the House of Representatives; and

“(C) the Secretary.

“(e) FUNDING CONDITION.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) or sections 504 and 505 of that Act (25 U.S.C. 458aaa-3, 458aaa-4).

“(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian Tribes and Tribal Organizations, and confer with Urban Indian Organizations, in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, that may include—

“(1) the establishment of an area distribution fund in which a portion of health facility construction funding could be devoted to all Service Areas;

“(2) approaches provided for in other provisions of this title; and

“(3) other approaches, as the Secretary determines to be appropriate.

**“SEC. 302. SANITATION FACILITIES.**

“(a) FINDINGS.—Congress finds the following:

“(1) The provision of sanitation facilities is primarily a health consideration and function.

“(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of sanitation facilities.

“(3) The long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing sanitation facilities and other preventive health measures.

“(4) Many Indian homes and Indian communities still lack sanitation facilities.

“(5) It is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with sanitation facilities.

“(b) FACILITIES AND SERVICES.—In furtherance of the findings made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a). Under such authority, the Secretary, acting through the Service, is authorized to provide the following:

“(1) Financial and technical assistance to Indian Tribes, Tribal Organizations, and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the Indian Tribe, Tribal Organization, or Indian community.

“(2) Ongoing technical assistance and training to Indian Tribes, Tribal Organizations, and Indian communities in the management of utility organizations which operate and maintain sanitation facilities.

“(3) Priority funding for operation and maintenance assistance for, and emergency repairs to, sanitation facilities operated by an Indian Tribe, Tribal Organization or Indian community when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

“(c) FUNDING.—Notwithstanding any other provision of law—

“(1) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to the Secretary of Health and Human Services;

“(2) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

“(3) unless specifically authorized when funds are appropriated, the Secretary shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

“(4) the Secretary of Health and Human Services is authorized to accept from any source, including Federal and State agencies, funds for the purpose of providing sanitation facilities and services and place these funds into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

“(5) the Secretary is authorized to establish a program under which the Secretary may, in accordance with this subsection and with paragraphs (2), (3), (4), and (5) of section 330(d) of the Public Health Service Act (42 U.S.C. 254b(d)) related to a loan guarantee program, guarantee the principal and interest on loans made by lenders to Indian Tribes for new projects to construct eligible sanitation facilities to serve Indian homes, but only to the extent that appropriations are provided in advance specifically for such program, and without reducing funds made available for the provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and this Act;

“(6) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

“(7) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned, or appropriated whereby the Department's applicable policies, rules, and regulations shall apply in the implementation of such projects;

“(8) the Secretary of Health and Human Services shall enter into interagency agreements with Federal and State agencies for the purpose of providing financial assistance for sanitation facilities and services under this Act;

“(9) the Secretary of Health and Human Services shall, by regulation, establish standards applicable to the planning, design, and construction of sanitation facilities funded under this Act; and

“(10) the Secretary of Health and Human Services is authorized to accept payments for goods and services furnished by the Service from appropriate public authorities, nonprofit organizations or agencies, or Indian Tribes, as contributions by that authority, organization, agency, or tribe to agreements made under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), and such payments shall be credited to the same or subsequent appropriation account as funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

“(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—The financial and technical capability of an Indian Tribe, Tribal Organization, or Indian community to safely operate, manage, and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

“(e) FINANCIAL ASSISTANCE.—The Secretary is authorized to provide financial assistance to Indian Tribes, Tribal Organizations, and Indian communities for operation, management, and maintenance of their sanitation facilities.

“(f) OPERATION, MANAGEMENT, AND MAINTENANCE OF FACILITIES.—The Indian Tribe has the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating, managing, and maintaining sanitation facilities. If a sanitation facility serving a community that is operated by an Indian Tribe or Tribal Organization is threatened with imminent failure and such operator lacks capacity to maintain the integrity or the health benefits of the sanitation facility, then the Secretary is authorized to assist the Indian Tribe, Tribal Organization, or Indian community in the resolution of the problem on a short-term basis through cooperation with the emergency coordinator or by providing operation, management, and maintenance service.

“(g) ISDEAA PROGRAM FUNDED ON EQUAL BASIS.—Tribal Health Programs shall be eligible (on an equal basis with programs that are administered directly by the Service) for—

“(1) any funds appropriated pursuant to this section; and

“(2) any funds appropriated for the purpose of providing sanitation facilities.

“(h) REPORT.—

“(1) REQUIRED CONTENTS.—The Secretary, in consultation with the Secretary of Housing and Urban Development, Indian Tribes, Tribal Organizations, and tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth—

“(A) the current Indian sanitation facility priority system of the Service;

“(B) the methodology for determining sanitation deficiencies and needs;

“(C) the criteria on which the deficiencies and needs will be evaluated;

“(D) the level of initial and final sanitation deficiency for each type of sanitation facility for each project of each Indian Tribe or Indian community;

“(E) the amount and most effective use of funds, derived from whatever source, necessary to accommodate the sanitation facilities needs of new homes assisted with funds under the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 et seq.), and to reduce the identified sanitation deficiency levels of all Indian Tribes and Indian communities to level I sanitation deficiency as defined in paragraph (3)(A); and

“(F) a 10-year plan to provide sanitation facilities to serve existing Indian homes and Indian communities and new and renovated Indian homes.

“(2) UNIFORM METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for, and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian Tribes and Indian communities.

“(3) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual, Indian Tribe, or Indiàn community sanitation facility to serve Indian homes are determined as follows:

“(A) A level I deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community—

“(i) complies with all applicable water supply, pollution control, and solid waste disposal laws; and

“(ii) deficiencies relate to routine replacement, repair, or maintenance needs.

“(B) A level II deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community substantially or recently complied with all applicable water supply, pollution control, and solid waste laws and any deficiencies relate to—

“(i) small or minor capital improvements needed to bring the facility back into compliance;

“(ii) capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

“(iii) the lack of equipment or training by an Indian Tribe, Tribal Organization, or an Indian community to properly operate and maintain the sanitation facilities.

“(C) A level III deficiency exists if a sanitation facility serving an individual, Indian Tribe or Indian community meets 1 or more of the following conditions—

"(i) water or sewer service in the home is provided by a haul system with holding tanks and interior plumbing;

"(ii) major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies; or

"(iii) there is no access to or no approved or permitted solid waste facility available.

"(D) A level IV deficiency exists—

"(i) if a sanitation facility for an individual home, an Indian Tribe, or an Indian community exists but—

"(I) lacks—

"(aa) a safe water supply system; or

"(bb) a waste disposal system;

"(II) contains no piped water or sewer facilities; or

"(III) has become inoperable due to a major component failure; or

"(ii) if only a washeteria or central facility exists in the community.

"(E) A level V deficiency exists in the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater (including sewage) disposal.

"(i) DEFINITIONS.—For purposes of this section, the following terms apply:

"(1) INDIAN COMMUNITY.—The term 'Indian community' means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

"(2) SANITATION FACILITIES.—The terms 'sanitation facility' and 'sanitation facilities' mean safe and adequate water supply systems, sanitary sewage disposal systems, and sanitary solid waste systems (and all related equipment and support infrastructure).

**"SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.**

"(a) DISCRETIONARY AUTHORITY; COVERED ACTIVITIES.—The Secretary, acting through the Service, may utilize the negotiating authority of section 23 of the Act of June 25, 1910 (25 U.S.C. 47), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of safe water and sanitary waste disposal facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to rules and regulations promulgated by the Secretary, that the project or function to be contracted for will not be satisfactory or that the project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

"(1) ownership and control by Indians;

"(2) equipment;

"(3) bookkeeping and accounting procedures;

"(4) substantive knowledge of the project or function to be contracted for;

"(5) adequately trained personnel; or

"(6) other necessary components of contract performance.

"(b) PAY RATES.—For the purpose of implementing the provisions of this title, the Secretary shall assure that the rates of pay for personnel engaged in the construction or renovation of facilities constructed or renovated in whole or in part by funds made available pursuant to this title are not less than the prevailing local wage rates for similar work as determined in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

**"SEC. 304. EXPENDITURE OF NON-SERVICE FUNDS FOR RENOVATION.**

"(a) IN GENERAL.—Notwithstanding any other provision of law, if the requirements of subsection (c) are met, the Secretary, acting through the Service, is authorized to accept any major expansion, renovation, or modernization by any Indian Tribe or Tribal Organization of any Service facility or of any other Indian health facility operated pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

"(1) any plans or designs for such expansion, renovation, or modernization; and

"(2) any expansion, renovation, or modernization for which funds appropriated under any Federal law were lawfully expended.

"(b) PRIORITY LIST.—

"(1) IN GENERAL.—The Secretary shall maintain a separate priority list to address the needs for increased operating expenses, personnel, or equipment for such facilities. The methodology for establishing priorities shall be developed through regulations. The list of priority facilities will be revised annually in consultation with Indian Tribes and Tribal Organizations.

"(2) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, the priority list maintained pursuant to paragraph (1).

"(c) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation, or modernization if—

"(1) the Indian Tribe or Tribal Organization—

"(A) provides notice to the Secretary of its intent to expand, renovate, or modernize; and

"(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel, or equipment; and

"(2) the expansion, renovation, or modernization—

"(A) is approved by the appropriate area Director for Federal facilities; and

"(B) is administered by the Indian Tribe or Tribal Organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

"(d) ADDITIONAL REQUIREMENT FOR EXPANSION.—In addition to the requirements under subsection (c), for any expansion, the Indian Tribe or Tribal Organization shall provide to the Secretary additional information pursuant to regulations, including additional staffing, equipment, and other costs associated with the expansion.

"(e) CLOSURE OR CONVERSION OF FACILITIES.—If any Service facility which has been expanded, renovated, or modernized by an Indian Tribe or Tribal Organization under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation, or modernization is completed, such Indian Tribe or Tribal Organization shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation, or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation, or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation, or modernization.

**"SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.**

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary, acting through the Service, shall make grants to Indian Tribes and Tribal Organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons pursuant to subsections (b)(2) and (c)(1)(C)). A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

"(2) GRANT AGREEMENT REQUIRED.—A grant under paragraph (1) may only be made available to a Tribal Health Program operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian Tribe or Tribal Organization).

"(b) USE OF GRANT FUNDS.—

"(1) ALLOWABLE USES.—A grant awarded under this section may be used for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

"(A) located apart from a hospital;

"(B) not funded under section 301 or section 306; and

"(C) which, upon completion of such construction or modernization will—

"(i) have a total capacity appropriate to its projected service population;

"(ii) provide annually no fewer than 150 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2); and

"(iii) provide ambulatory care in a Service Area (specified in the contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) with a population of no fewer than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2).

"(2) ADDITIONAL ALLOWABLE USE.—The Secretary may also reserve a portion of the funding provided under this section and use those reserved funds to reduce an outstanding debt incurred by Indian Tribes or Tribal Organizations for the construction, expansion, or modernization of an ambulatory care facility that meets the requirements under paragraph (1). The provisions of this section shall apply, except that such applications for funding under this paragraph shall be considered separately from applications for funding under paragraph (1).

"(3) USE ONLY FOR CERTAIN PORTION OF COSTS.—A grant provided under this section may be used only for the cost of that portion of a construction, expansion, or modernization project that benefits the Service population identified above in subsection (b)(1)(C)(ii) and (iii). The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to an Indian Tribe or Tribal Organization applying for a grant under this section for a health care facility located or to be constructed on an island or when such facility is not located on a road system providing direct access to an inpatient hospital where care is available to the Service population.

“(c) GRANTS.—

“(1) APPLICATION.—No grant may be made under this section unless an application or proposal for the grant has been approved by the Secretary in accordance with applicable regulations and has set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out using a grant received under this section—

“(A) adequate financial support will be available for the provision of services at such facility;

“(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

“(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve noneligible persons on a cost basis.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to Indian Tribes and Tribal Organizations that demonstrate—

“(A) a need for increased ambulatory care services; and

“(B) insufficient capacity to deliver such services.

“(3) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and proposals and to advise the Secretary regarding such applications using the criteria developed pursuant to subsection (a)(1).

“(d) REVERSION OF FACILITIES.—If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be used for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian Tribe or Tribal Organization.

“(e) FUNDING NONRECURRING.—Funding provided under this section shall be nonrecurring and shall not be available for inclusion in any individual Indian Tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or for reallocation or redesign thereunder.

### “SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.

“(a) IN GENERAL.—The Secretary, acting through the Service, is authorized to carry out, or to enter into construction agreements under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations to carry out, a health care delivery demonstration project to test alternative means of delivering health care and services to Indians through facilities.

“(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section, may authorize such construction agreements for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

“(1) waive any leasing prohibition;

“(2) permit carryover of funds appropriated for the provision of health care services;

“(3) permit the use of other available funds;

“(4) permit the use of funds or property donated from any source for project purposes;

“(5) provide for the reversion of donated real or personal property to the donor; and

“(6) permit the use of Service funds to match other funds, including Federal funds.

“(c) HEALTH CARE DEMONSTRATION PROJECTS.—

“(1) GENERAL PROJECTS.—

“(A) CRITERIA.—The Secretary may approve under this section demonstration projects that meet the following criteria:

“(i) There is a need for a new facility or program, such as a program for convenient care services, or the reorientation of an existing facility or program.

“(ii) A significant number of Indians, including Indians with low health status, will be served by the project.

“(iii) The project has the potential to deliver services in an efficient and effective manner.

“(iv) The project is economically viable.

“(v) For projects carried out by an Indian Tribe or Tribal Organization, the Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

“(vi) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services in order to expand the availability of services.

“(B) PRIORITY.—In approving demonstration projects under this paragraph, the Secretary shall give priority to demonstration projects, to the extent the projects meet the criteria described in subparagraph (A), located in any of the following Service Units:

“(i) Cass Lake, Minnesota.

“(ii) Mescalero, New Mexico.

“(iii) Owyhee, Nevada.

“(iv) Schurz, Nevada.

“(v) Ft. Yuma, California.

“(2) CONVENIENT CARE SERVICE PROJECTS.—

“(A) DEFINITION OF CONVENIENT CARE SERVICE.—In this paragraph, the term ‘convenient care service’ means any primary health care service, such as urgent care services, nonemergent care services, prevention services and screenings, and any service authorized by sections 203 or 213(d), that is—

“(i) provided outside the regular hours of operation of a health care facility; or

“(ii) offered at an alternative setting, including through telehealth.

“(B) APPROVAL.—In addition to projects described in paragraph (1), in any fiscal year, the Secretary is authorized to approve not more than 10 applications for health care delivery demonstration projects that—

“(i) include a convenient care services program as an alternative means of delivering health care services to Indians; and

“(ii) meet the criteria described in subparagraph (C).

“(C) CRITERIA.—The Secretary shall approve under subparagraph (B) demonstration projects that meet all of the following criteria:

“(i) The criteria set forth in paragraph (1)(A).

“(ii) There is a lack of access to health care services at existing health care facilities, which may be due to limited hours of operation at those facilities or other factors.

“(iii) The project—

“(I) expands the availability of services; or

“(II) reduces—

“(aa) the burden on Contract Health Services; or

“(bb) the need for emergency room visits.

“(d) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications using the criteria described in paragraphs (1)(A) and (2)(C) of subsection (c).

“(e) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with this section.

“(f) SERVICE TO INELIGIBLE PERSONS.—Subject to section 807, the authority to provide services to persons otherwise ineligible for the health care benefits of the Service, and the authority to extend hospital privileges in Service facilities to non-Service health practitioners as provided in section 807, may be included, subject to the terms of that section, in any demonstration project approved pursuant to this section.

“(g) EQUITABLE TREATMENT.—For purposes of subsection (c), the Secretary, in evaluating facilities operated under any contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

“(h) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities that are the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for health services are fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

### “SEC. 307. LAND TRANSFER.

“Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

### “SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.

“The Secretary, acting through the Service, may enter into leases, contracts, and other agreements with Indian Tribes and Tribal Organizations which hold (1) title to, (2) a leasehold interest in, or (3) a beneficial interest in (when title is held by the United States in trust for the benefit of an Indian Tribe) facilities used or to be used for the administration and delivery of health services by an Indian Health Program. Such leases, contracts, or agreements may include provisions for construction or renovation and provide for compensation to the Indian Tribe or Tribal Organization of rental and other costs consistent with section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(l)) and regulations thereunder.

### “SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND LOAN REPAYMENT.

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, Indian Tribes, and Tribal Organizations, shall carry out a study to determine the feasibility of establishing a loan fund to provide to Indian Tribes and Tribal Organizations direct loans or guarantees for loans for the construction of health care facilities, including—

“(1) inpatient facilities;

“(2) outpatient facilities;

“(3) staff quarters; and

“(4) specialized care facilities, such as behavioral health and elder care facilities.

“(b) DETERMINATIONS.—In carrying out the study under subsection (a), the Secretary shall determine—

“(1) the maximum principal amount of a loan or loan guarantee that should be offered to a recipient from the loan fund;

"(2) the percentage of eligible costs, not to exceed 100 percent, that may be covered by a loan or loan guarantee from the loan fund (including costs relating to planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, and other facility-related costs and capital purchase (but excluding staffing));

"(3) the cumulative total of the principal of direct loans and loan guarantees, respectively, that may be outstanding at any 1 time;

"(4) the maximum term of a loan or loan guarantee that may be made for a facility from the loan fund;

"(5) the maximum percentage of funds from the loan fund that should be allocated for payment of costs associated with planning and applying for a loan or loan guarantee;

"(6) whether acceptance by the Secretary of an assignment of the revenue of an Indian Tribe or Tribal Organization as security for any direct loan or loan guarantee from the loan fund would be appropriate;

"(7) whether, in the planning and design of health facilities under this section, users eligible under section 807(c) may be included in any projection of patient population;

"(8) whether funds of the Service provided through loans or loan guarantees from the loan fund should be eligible for use in matching other Federal funds under other programs;

"(9) the appropriateness of, and best methods for, coordinating the loan fund with the health care priority system of the Service under section 301; and

"(10) any legislative or regulatory changes required to implement recommendations of the Secretary based on results of the study.

"(c) REPORT.—Not later than September 30, 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(1) the manner of consultation made as required by subsection (a); and

"(2) the results of the study, including any recommendations of the Secretary based on results of the study.

### "SEC. 310. TRIBAL LEASING.

"A Tribal Health Program may lease permanent structures for the purpose of providing health care services without obtaining advance approval in appropriation Acts.

### "SEC. 311. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian Tribes and Tribal Organizations to establish joint venture demonstration projects under which an Indian Tribe or Tribal Organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility. An Indian Tribe or Tribal Organization may use tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under a joint venture entered into under this subsection. An Indian Tribe or Tribal Organization shall be eligible to establish a joint venture project if, when it submits a letter of intent, it—

"(1) has begun but not completed the process of acquisition or construction of a health facility to be used in the joint venture project; or

"(2) has not begun the process of acquisition or construction of a health facility for use in the joint venture project.

"(b) REQUIREMENTS.—The Secretary shall make such an arrangement with an Indian Tribe or Tribal Organization only if—

"(1) the Secretary first determines that the Indian Tribe or Tribal Organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the relevant health facility; and

"(2) the Indian Tribe or Tribal Organization meets the need criteria determined using the criteria developed under the health care facility priority system under section 301, unless the Secretary determines, pursuant to regulations, that other criteria will result in a more cost-effective and efficient method of facilitating and completing construction of health care facilities.

"(c) CONTINUED OPERATION.—The Secretary shall negotiate an agreement with the Indian Tribe or Tribal Organization regarding the continued operation of the facility at the end of the initial 10 year no-cost lease period.

"(d) BREACH OF AGREEMENT.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the Indian Tribe or Tribal Organization, or paid to a third party on the Indian Tribe's or Tribal Organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies) and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence does not apply to any funds expended for the delivery of health care services, personnel, or staffing.

"(e) RECOVERY FOR NONUSE.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this subsection shall be entitled to recover from the United States an amount that is proportional to the value of such facility if, at any time within the 10-year term of the agreement, the Service ceases to use the facility or otherwise breaches the agreement.

"(f) DEFINITION.—For the purposes of this section, the term 'health facility' or 'health facilities' includes quarters needed to provide housing for staff of the relevant Tribal Health Program.

### "SEC. 312. LOCATION OF FACILITIES.

"(a) IN GENERAL.—In all matters involving the reorganization or development of Service facilities or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, the Bureau of Indian Affairs and the Service shall give priority to locating such facilities and projects on Indian lands, or lands in Alaska owned by any Alaska Native village, or village or regional corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or any land allotted to any Alaska Native, if requested by the Indian owner and the Indian Tribe with jurisdiction over such lands or other lands owned or leased by the Indian Tribe or Tribal Organization. Top priority shall be given to Indian land owned by 1 or more Indian Tribes.

"(b) DEFINITION.—For purposes of this section, the term 'Indian lands' means—

"(1) all lands within the exterior boundaries of any reservation; and

"(2) any lands title to which is held in trust by the United States for the benefit of any Indian Tribe or individual Indian or held by any Indian Tribe or individual Indian subject to restriction by the United States against alienation.

### "SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

"(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which identifies the backlog of maintenance and repair work required at both Service and tribal health care facilities, including new health care facilities expected to be in operation in the next fiscal year. The report shall also identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

"(b) MAINTENANCE OF NEWLY CONSTRUCTED SPACE.—The Secretary, acting through the Service, is authorized to expend maintenance and improvement funds to support maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian Tribe or Tribal Organization. Supportable space allocation shall be defined through the health care facility priority system under section 301(c).

"(c) REPLACEMENT FACILITIES.—In addition to using maintenance and improvement funds for renovation, modernization, and expansion of facilities, an Indian Tribe or Tribal Organization may use maintenance and improvement funds for construction of a replacement facility if the costs of renovation of such facility would exceed a maximum renovation cost threshold. The maximum renovation cost threshold shall be determined through the negotiated rulemaking process provided for under section 802.

### "SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.

"(a) RENTAL RATES.—

"(1) ESTABLISHMENT.—Notwithstanding any other provision of law, a Tribal Health Program which operates a hospital or other health facility and the federally-owned quarters associated therewith pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall have the authority to establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority.

"(2) OBJECTIVES.—In establishing rental rates pursuant to authority of this subsection, a Tribal Health Program shall endeavor to achieve the following objectives:

"(A) To base such rental rates on the reasonable value of the quarters to the occupants thereof.

"(B) To generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and subject to the discretion of the Tribal Health Program, to supply reserve funds for capital repairs and replacement of the quarters.

"(3) EQUITABLE FUNDING.—Any quarters whose rental rates are established by a Tribal Health Program pursuant to this subsection shall remain eligible for quarters improvement and repair funds to the same extent as all federally-owned quarters used to house personnel in Services-supported programs.

"(4) NOTICE OF RATE CHANGE.—A Tribal Health Program which exercises the authority provided under this subsection shall provide occupants with no less than 60 days notice of any change in rental rates.

"(b) Direct Collection of Rent.—

"(1) In general.—Notwithstanding any other provision of law, and subject to paragraph (2), a Tribal Health Program shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

"(A) The Tribal Health Program shall notify the Secretary and the subject Federal employees of its election to exercise its authority to collect rents directly from such Federal employees.

"(B) Upon receipt of a notice described in subparagraph (A), the Federal employees shall pay rents for occupancy of such quarters directly to the Tribal Health Program and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

"(C) Such rent payments shall be retained by the Tribal Health Program and shall not be made payable to or otherwise be deposited with the United States.

"(D) Such rent payments shall be deposited into a separate account which shall be used by the Tribal Health Program for the maintenance (including capital repairs and replacement) and operation of the quarters and facilities as the Tribal Health Program shall determine.

"(2) Retrocession of authority.—If a Tribal Health Program which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying federally-owned quarters, such retrocession shall become effective on the earlier of—

"(A) the first day of the month that begins no less than 180 days after the Tribal Health Program notifies the Secretary of its desire to retrocede; or

"(B) such other date as may be mutually agreed by the Secretary and the Tribal Health Program.

"(c) Rates in Alaska.—To the extent that a Tribal Health Program, pursuant to authority granted in subsection (a), establishes rental rates for federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

### "SEC. 315. APPLICABILITY OF BUY AMERICAN ACT REQUIREMENT.

"(a) Applicability.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to section 317. Indian Tribes and Tribal Organizations shall be exempt from these requirements.

"(b) Effect of Violation.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to section 317, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

"(c) Definitions.—For purposes of this section, the term 'Buy American Act' means title III of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933 (41 U.S.C. 10a et seq.).

### "SEC. 316. OTHER FUNDING FOR FACILITIES.

"(a) Authority To Accept Funds.—The Secretary is authorized to accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design, and construct health care facilities for Indians and to place such funds into a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Receipt of such funds shall have no effect on the priorities established pursuant to section 301.

"(b) Interagency Agreements.—The Secretary is authorized to enter into interagency agreements with other Federal agencies or State agencies and other entities and to accept funds from such Federal or State agencies or other sources to provide for the planning, design, and construction of health care facilities to be administered by Indian Health Programs in order to carry out the purposes of this Act and the purposes for which the funds were appropriated or for which the funds were otherwise provided.

"(c) Establishment of Standards.—The Secretary, through the Service, shall establish standards by regulation for the planning, design, and construction of health care facilities serving Indians under this Act.

### "SEC. 317. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

## "TITLE IV—ACCESS TO HEALTH SERVICES

### "SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.

"(a) Disregard of Medicare, Medicaid, and SCHIP Payments in Determining Appropriations.—Any payments received by an Indian Health Program or by an Urban Indian Organization under title XVIII, XIX, or XXI of the Social Security Act for services provided to Indians eligible for benefits under such respective titles shall not be considered in determining appropriations for the provision of health care and services to Indians.

"(b) Nonpreferential Treatment.—Nothing in this Act authorizes the Secretary to provide services to an Indian with coverage under title XVIII, XIX, or XXI of the Social Security Act in preference to an Indian without such coverage.

"(c) Use of Funds.—

"(1) Special fund.—

"(A) 100 percent pass-through of payments due to facilities.—Notwithstanding any other provision of law, but subject to paragraph (2), payments to which a facility of the Service is entitled by reason of a provision of the Social Security Act shall be placed in a special fund to be held by the Secretary. In making payments from such fund, the Secretary shall ensure that each Service Unit of the Service receives 100 percent of the amount to which the facilities of the Service, for which such Service Unit makes collections, are entitled by reason of a provision of the Social Security Act.

"(B) Use of funds.—Amounts received by a facility of the Service under subparagraph (A) shall first be used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service operated by or through such facility which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act. Any amounts so received that are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to consultation with the Indian Tribes being served by the Service Unit, be used for reducing the health resource deficiencies (as determined under section 201(d)) of such Indian Tribes.

"(2) Direct payment option.—Paragraph (1) shall not apply to a Tribal Health Program upon the election of such Program under subsection (d) to receive payments directly. No payment may be made out of the special fund described in such paragraph with respect to reimbursement made for services provided by such Program during the period of such election.

"(d) Direct Billing.—

"(1) In general.—Subject to complying with the requirements of paragraph (2), a Tribal Health Program may elect to directly bill for, and receive payment for, health care items and services provided by such Program for which payment is made under title XVIII or XIX of the Social Security Act or from any other third party payor.

"(2) Direct reimbursement.—

"(A) Use of funds.—Each Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be reimbursed directly by that program for items and services furnished without regard to subsection (c)(1), but all amounts so reimbursed shall be used by the Tribal Health Program for the purpose of making any improvements in facilities of the Tribal Health Program that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such items and services under the program under such title and to provide additional health care services, improvements in health care facilities and Tribal Health Programs, any health care related purpose, or otherwise to achieve the objectives provided in section 3 of this Act.

"(B) Audits.—The amounts paid to a Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be subject to all auditing requirements applicable to the program under such title, as well as all auditing requirements applicable to programs administered by an Indian Health Program. Nothing in the preceding sentence shall be construed as limiting the application of auditing requirements applicable to amounts paid under title XVIII, XIX, or XXI of the Social Security Act.

"(C) Identification of source of payments.—Any Tribal Health Program that receives reimbursements or payments under title XVIII, XIX, or XXI of the Social Security Act, shall provide to the Service a list of each provider enrollment number (or other identifier) under which such Program receives such reimbursements or payments.

"(3) Examination and implementation of changes.—

"(A) In general.—The Secretary, acting through the Service and with the assistance of the Administrator of the Centers for Medicare & Medicaid Services, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this subsection, including any agreements with States that may be necessary to provide for direct billing under a program under a title of the Social Security Act.

"(B) Coordination of information.—The Service shall provide the Administrator of the Centers for Medicare & Medicaid Services with copies of the lists submitted to the Service under paragraph (2)(C), enrollment data regarding patients served by the Service (and by Tribal Health Programs, to the extent such data is available to the Service), and such other information as the Administrator may require for purposes of administering title XVIII, XIX, or XXI of the Social Security Act.

“(4) WITHDRAWAL FROM PROGRAM.—A Tribal Health Program that bills directly under the program established under this subsection may withdraw from participation in the same manner and under the same conditions that an Indian Tribe or Tribal Organization may retrocede a contracted program to the Secretary under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this subsection shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

“(5) TERMINATION FOR FAILURE TO COMPLY WITH REQUIREMENTS.—The Secretary may terminate the participation of a Tribal Health Program or in the direct billing program established under this subsection if the Secretary determines that the Program has failed to comply with the requirements of paragraph (2). The Secretary shall provide a Tribal Health Program with notice of a determination that the Program has failed to comply with any such requirement and a reasonable opportunity to correct such noncompliance prior to terminating the Program's participation in the direct billing program established under this subsection.

“(e) RELATED PROVISIONS UNDER THE SOCIAL SECURITY ACT.—For provisions related to subsections (c) and (d), see sections 1880, 1911, and 2107(e)(1)(D) of the Social Security Act.

### “SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERVICE, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS TO FACILITATE OUTREACH, ENROLLMENT, AND COVERAGE OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS AND OTHER HEALTH BENEFITS PROGRAMS.

“(a) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—From funds appropriated to carry out this title in accordance with section 417, the Secretary, acting through the Service, shall make grants to or enter into contracts with Indian Tribes and Tribal Organizations to assist such Tribes and Tribal Organizations in establishing and administering programs on or near reservations and trust lands, including programs to provide outreach and enrollment through video, electronic delivery methods, or telecommunication devices that allow real-time or time-delayed communication between individual Indians and the benefit program, to assist individual Indians—

“(1) to enroll for benefits under a program established under title XVIII, XIX, or XXI of the Social Security Act and other health benefits programs; and

“(2) with respect to such programs for which the charging of premiums and cost sharing is not prohibited under such programs, to pay premiums or cost sharing for coverage for such benefits, which may be based on financial need (as determined by the Indian Tribe or Tribes or Tribal Organizations being served based on a schedule of income levels developed or implemented by such Tribe, Tribes, or Tribal Organizations).

“(b) CONDITIONS.—The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any grant or contract which the Secretary makes with any Indian Tribe or Tribal Organization pursuant to this section. Such conditions shall include requirements that the Indian Tribe or Tribal Organization successfully undertake—

“(1) to determine the population of Indians eligible for the benefits described in subsection (a);

“(2) to educate Indians with respect to the benefits available under the respective programs;

“(3) to provide transportation for such individual Indians to the appropriate offices for enrollment or applications for such benefits; and

“(4) to develop and implement methods of improving the participation of Indians in receiving benefits under such programs.

“(c) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—

“(1) IN GENERAL.—The provisions of subsection (a) shall apply with respect to grants and other funding to Urban Indian Organizations with respect to populations served by such organizations in the same manner they apply to grants and contracts with Indian Tribes and Tribal Organizations with respect to programs on or near reservations.

“(2) REQUIREMENTS.—The Secretary shall include in the grants or contracts made or provided under paragraph (1) requirements that are—

“(A) consistent with the requirements imposed by the Secretary under subsection (b);

“(B) appropriate to Urban Indian Organizations and Urban Indians; and

“(C) necessary to effect the purposes of this section.

“(d) FACILITATING COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall develop and disseminate best practices that will serve to facilitate cooperation with, and agreements between, States and the Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI of the Social Security Act.

“(e) AGREEMENTS RELATING TO IMPROVING ENROLLMENT OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.—For provisions relating to agreements between the Secretary, acting through the Service, and Indian Tribes, Tribal Organizations, and Urban Indian Organizations for the collection, preparation, and submission of applications by Indians for assistance under the Medicaid and State children's health insurance programs established under titles XIX and XXI of the Social Security Act, and benefits under the Medicare program established under title XVIII of such Act, see subsections (a) and (b) of section 1139 of the Social Security Act.

“(f) DEFINITION OF PREMIUMS AND COST SHARING.—In this section:

“(1) PREMIUM.—The term ‘premium’ includes any enrollment fee or similar charge.

“(2) COST SHARING.—The term ‘cost sharing’ includes any deduction, deductible, copayment, coinsurance, or similar charge.

### “SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.

“(a) RIGHT OF RECOVERY.—Except as provided in subsection (f), the United States, an Indian Tribe, or Tribal Organization shall have the right to recover from an insurance company, health maintenance organization, employee benefit plan, third-party tortfeasor, or any other responsible or liable third party (including a political subdivision or local governmental entity of a State) the reasonable charges billed by the Secretary, an Indian Tribe, or Tribal Organization in providing health services through the Service, an Indian Tribe, or Tribal Organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive damages, reimbursement, or indemnification for such charges or expenses if—

“(1) such services had been provided by a nongovernmental provider; and

“(2) such individual had been required to pay such charges or expenses and did pay such charges or expenses.

“(b) LIMITATIONS ON RECOVERIES FROM STATES.—Subsection (a) shall provide a right of recovery against any State, only if the injury, illness, or disability for which health services were provided is covered under—

“(1) workers' compensation laws; or

“(2) a no-fault automobile accident insurance plan or program.

“(c) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract, insurance or health maintenance organization policy, employee benefit plan, self-insurance plan, managed care plan, or other health care plan or program entered into or renewed after the date of the enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States, an Indian Tribe, or Tribal Organization under subsection (a).

“(d) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—No action taken by the United States, an Indian Tribe, or Tribal Organization to enforce the right of recovery provided under this section shall operate to deny to the injured person the recovery for that portion of the person's damage not covered hereunder.

“(e) ENFORCEMENT.—

“(1) IN GENERAL.—The United States, an Indian Tribe, or Tribal Organization may enforce the right of recovery provided under subsection (a) by—

“(A) intervening or joining in any civil action or proceeding brought—

“(i) by the individual for whom health services were provided by the Secretary, an Indian Tribe, or Tribal Organization; or

“(ii) by any representative or heirs of such individual, or

“(B) instituting a civil action, including a civil action for injunctive relief and other relief and including, with respect to a political subdivision or local governmental entity of a State, such an action against an official thereof.

“(2) NOTICE.—All reasonable efforts shall be made to provide notice of action instituted under paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

“(3) RECOVERY FROM TORTFEASORS.—

“(A) IN GENERAL.—In any case in which an Indian Tribe or Tribal Organization that is authorized or required under a compact or contract issued pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to furnish or pay for health services to a person who is injured or suffers a disease on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 under circumstances that establish grounds for a claim of liability against the tortfeasor with respect to the injury or disease, the Indian Tribe or Tribal Organization shall have a right to recover from the tortfeasor (or an insurer of the tortfeasor) the reasonable value of the health services so furnished, paid for, or to be paid for, in accordance with the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), to the same extent and under the same circumstances as the United States may recover under that Act.

“(B) TREATMENT.—The right of an Indian Tribe or Tribal Organization to recover under subparagraph (A) shall be independent of the rights of the injured or diseased person served by the Indian Tribe or Tribal Organization.

“(f) LIMITATION.—Absent specific written authorization by the governing body of an Indian Tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), the United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian Tribe, Tribal Organization, or Urban Indian Organization. Where such authorization is provided, the Service may receive and expend such amounts for the provision of additional health services consistent with such authorization.

“(g) COSTS AND ATTORNEYS' FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded its reasonable attorneys' fees and costs of litigation.

“(h) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—An insurance company, health maintenance organization, self-insurance plan, managed care plan, or other health care plan or program (under the Social Security Act or otherwise) may not deny a claim for benefits submitted by the Service or by an Indian Tribe or Tribal Organization based on the format in which the claim is submitted if such format complies with the format required for submission of claims under title XVIII of the Social Security Act or recognized under section 1175 of such Act.

“(i) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—The previous provisions of this section shall apply to Urban Indian Organizations with respect to populations served by such Organizations in the same manner they apply to Indian Tribes and Tribal Organizations with respect to populations served by such Indian Tribes and Tribal Organizations.

“(j) STATUTE OF LIMITATIONS.—The provisions of section 2415 of title 28, United States Code, shall apply to all actions commenced under this section, and the references therein to the United States are deemed to include Indian Tribes, Tribal Organizations, and Urban Indian Organizations.

“(k) SAVINGS.—Nothing in this section shall be construed to limit any right of recovery available to the United States, an Indian Tribe, or Tribal Organization under the provisions of any applicable, Federal, State, or Tribal law, including medical lien laws.

**“SEC. 404. CREDITING OF REIMBURSEMENTS.**

“(a) USE OF AMOUNTS.—

“(1) RETENTION BY PROGRAM.—Except as provided in section 202(f) (relating to the Catastrophic Health Emergency Fund) and section 807 (relating to health services for ineligible persons), all reimbursements received or recovered under any of the programs described in paragraph (2), including under section 807, by reason of the provision of health services by the Service, by an Indian Tribe or Tribal Organization, or by an Urban Indian Organization, shall be credited to the Service, such Indian Tribe or Tribal Organization, or such Urban Indian Organization, respectively, and may be used as provided in section 401. In the case of such a service provided by or through a Service Unit, such amounts shall be credited to such unit and used for such purposes.

“(2) PROGRAMS COVERED.—The programs referred to in paragraph (1) are the following:

“(A) Titles XVIII, XIX, and XXI of the Social Security Act.

“(B) This Act, including section 807.

“(C) Public Law 87–693.

“(D) Any other provision of law.

“(b) NO OFFSET OF AMOUNTS.—The Service may not offset or limit any amount obligated to any Service Unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

**“SEC. 405. PURCHASING HEALTH CARE COVERAGE.**

“(a) IN GENERAL.—Insofar as amounts are made available under law (including a provision of the Social Security Act, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other law, other than under section 402) to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health benefits for Service beneficiaries, Indian Tribes, Tribal Organizations, and Urban Indian Organizations may use such amounts to purchase health benefits coverage for such beneficiaries in any manner, including through—

“(1) a tribally owned and operated health care plan;

“(2) a State or locally authorized or licensed health care plan;

“(3) a health insurance provider or managed care organization;

“(4) a self-insured plan; or

“(5) a high deductible or health savings account plan.

The purchase of such coverage by an Indian Tribe, Tribal Organization, or Urban Indian Organization may be based on the financial needs of such beneficiaries (as determined by the Indian Tribe or Tribes being served based on a schedule of income levels developed or implemented by such Indian Tribe or Tribes).

“(b) EXPENSES FOR SELF-INSURED PLAN.—In the case of a self-insured plan under subsection (a)(4), the amounts may be used for expenses of operating the plan, including administration and insurance to limit the financial risks to the entity offering the plan.

“(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the use of any amounts not referred to in subsection (a).

**“SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.**

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary may enter into (or expand) arrangements for the sharing of medical facilities and services between the Service, Indian Tribes, and Tribal Organizations and the Department of Veterans Affairs and the Department of Defense.

“(2) CONSULTATION BY SECRETARY REQUIRED.—The Secretary may not finalize any arrangement between the Service and a Department described in paragraph (1) without first consulting with the Indian Tribes which will be significantly affected by the arrangement.

“(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

“(1) the priority access of any Indian to health care services provided through the Service and the eligibility of any Indian to receive health services through the Service;

“(2) the quality of health care services provided to any Indian through the Service;

“(3) the priority access of any veteran to health care services provided by the Department of Veterans Affairs;

“(4) the quality of health care services provided by the Department of Veterans Affairs or the Department of Defense; or

“(5) the eligibility of any Indian who is a veteran to receive health services through the Department of Veterans Affairs.

“(c) REIMBURSEMENT.—The Service, Indian Tribe, or Tribal Organization shall be reimbursed by the Department of Veterans Affairs or the Department of Defense (as the case may be) where services are provided through the Service, an Indian Tribe, or a Tribal Organization to beneficiaries eligible for services from either such Department, notwithstanding any other provision of law.

“(d) CONSTRUCTION.—Nothing in this section may be construed as creating any right of a non-Indian veteran to obtain health services from the Service.

**“SEC. 407. ELIGIBLE INDIAN VETERAN SERVICES.**

“(a) FINDINGS; PURPOSE.—

“(1) FINDINGS.—Congress finds that—

“(A) collaborations between the Secretary and the Secretary of Veterans Affairs regarding the treatment of Indian veterans at facilities of the Service should be encouraged to the maximum extent practicable; and

“(B) increased enrollment for services of the Department of Veterans Affairs by veterans who are members of Indian tribes should be encouraged to the maximum extent practicable.

“(2) PURPOSE.—The purpose of this section is to reaffirm the goals stated in the document entitled ‘Memorandum of Understanding Between the VA/Veterans Health Administration And HHS/Indian Health Service’ and dated February 25, 2003 (relating to cooperation and resource sharing between the Veterans Health Administration and Service).

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE INDIAN VETERAN.—The term ‘eligible Indian veteran’ means an Indian or Alaska Native veteran who receives any medical service that is—

“(A) authorized under the laws administered by the Secretary of Veterans Affairs; and

“(B) administered at a facility of the Service (including a facility operated by an Indian tribe or tribal organization through a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) pursuant to a local memorandum of understanding.

“(2) LOCAL MEMORANDUM OF UNDERSTANDING.—The term ‘local memorandum of understanding’ means a memorandum of understanding between the Secretary (or a designee, including the director of any Area Office of the Service) and the Secretary of Veterans Affairs (or a designee) to implement the document entitled ‘Memorandum of Understanding Between the VA/Veterans Health Administration And HHS/Indian Health Service’ and dated February 25, 2003 (relating to cooperation and resource sharing between the Veterans Health Administration and Indian Health Service).

“(c) ELIGIBLE INDIAN VETERANS' EXPENSES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall provide for veteran-related expenses incurred by eligible Indian veterans as described in subsection (b)(1)(B).

"(2) METHOD OF PAYMENT.—The Secretary shall establish such guidelines as the Secretary determines to be appropriate regarding the method of payments to the Secretary of Veterans Affairs under paragraph (1).

"(d) TRIBAL APPROVAL OF MEMORANDA.—In negotiating a local memorandum of understanding with the Secretary of Veterans Affairs regarding the provision of services to eligible Indian veterans, the Secretary shall consult with each Indian tribe that would be affected by the local memorandum of understanding.

"(e) FUNDING.—

"(1) TREATMENT.—Expenses incurred by the Secretary in carrying out subsection (c)(1) shall not be considered to be Contract Health Service expenses.

"(2) USE OF FUNDS.—Of funds made available to the Secretary in appropriations Acts for the Service (excluding funds made available for facilities, Contract Health Services, or contract support costs), the Secretary shall use such sums as are necessary to carry out this section.

**"SEC. 408. PAYOR OF LAST RESORT.**

"Indian Health Programs and health care programs operated by Urban Indian Organizations shall be the payor of last resort for services provided to persons eligible for services from Indian Health Programs and Urban Indian Organizations, notwithstanding any Federal, State, or local law to the contrary.

**"SEC. 409. NONDISCRIMINATION UNDER FEDERAL HEALTH CARE PROGRAMS IN QUALIFICATIONS FOR REIMBURSEMENT FOR SERVICES.**

"(a) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

"(1) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

"(2) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

"(b) APPLICATION OF EXCLUSION FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—

"(1) EXCLUDED ENTITIES.—No entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment or reimbursement under any such program for health care services furnished to an Indian.

"(2) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension shall be eligible to receive payment or reimbursement under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

"(3) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.

"(c) RELATED PROVISIONS.—For provisions related to nondiscrimination against providers operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, see section 1139(c) of the Social Security Act (42 U.S.C. 1320b–9(c)).

**"SEC. 410. CONSULTATION.**

"For provisions related to consultation with representatives of Indian Health Programs and Urban Indian Organizations with respect to the health care programs established under titles XVIII, XIX, and XXI of the Social Security Act, see section 1139(d) of the Social Security Act (42 U.S.C. 1320b–9(d)).

**"SEC. 411. STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP).**

"For provisions relating to—

"(1) outreach to families of Indian children likely to be eligible for child health assistance under the State children's health insurance program established under title XXI of the Social Security Act, see sections 2105(c)(2)(C) and 1139(a) of such Act (42 U.S.C. 1397ee(c)(2), 1320b–9); and

"(2) ensuring that child health assistance is provided under such program to targeted low-income children who are Indians and that payments are made under such program to Indian Health Programs and Urban Indian Organizations operating in the State that provide such assistance, see sections 2102(b)(3)(D) and 2105(c)(6)(B) of such Act (42 U.S.C. 1397bb(b)(3)(D), 1397ee(c)(6)(B)).

**"SEC. 412. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.**

"For provisions relating to—

"(1) exclusion waiver authority for affected Indian Health Programs under the Social Security Act, see section 1128(k) of the Social Security Act (42 U.S.C. 1320a–7(k)); and

"(2) certain transactions involving Indian Health Programs deemed to be in safe harbors under that Act, see section 1128B(b)(4) of the Social Security Act (42 U.S.C. 1320a–7b(b)(4)).

**"SEC. 413. PREMIUM AND COST SHARING PROTECTIONS AND ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.**

"For provisions relating to—

"(1) premiums or cost sharing protections for Indians furnished items or services directly by Indian Health Programs or through referral under the contract health service under the Medicaid program established under title XIX of the Social Security Act, see sections 1916(j) and 1916A(a)(1) of the Social Security Act (42 U.S.C. 1396o(j), 1396o–1(a)(1));

"(2) rules regarding the treatment of certain property for purposes of determining eligibility under such programs, see sections 1902(e)(13) and 2107(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(13), 1397gg(e)(1)(B)); and

"(3) the protection of certain property from estate recovery provisions under the Medicaid program, see section 1917(b)(3)(B) of such Act (42 U.S.C. 1396p(b)(3)(B)).

**"SEC. 414. TREATMENT UNDER MEDICAID AND SCHIP MANAGED CARE.**

"For provisions relating to the treatment of Indians enrolled in a managed care entity under the Medicaid program under title XIX of the Social Security Act and Indian Health Programs and Urban Indian Organizations that are providers of items or services to such Indian enrollees, see sections 1932(h) and 2107(e)(1)(H) of the Social Security Act (42 U.S.C. 1396u–2(h), 1397gg(e)(1)(H)).

**"SEC. 415. NAVAJO NATION MEDICAID AGENCY FEASIBILITY STUDY.**

"(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act, to provide services to Indians living within the boundaries of the Navajo Nation through an entity established having the same authority and performing the same functions as single-State medicaid agencies responsible for the administration of the State plan under title XIX of the Social Security Act.

"(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider the feasibility of—

"(1) assigning and paying all expenditures for the provision of services and related administration funds, under title XIX of the Social Security Act, to Indians living within the boundaries of the Navajo Nation that are currently paid to or would otherwise be paid to the State of Arizona, New Mexico, or Utah;

"(2) providing assistance to the Navajo Nation in the development and implementation of such entity for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act;

"(3) providing an appropriate level of matching funds for Federal medical assistance with respect to amounts such entity expends for medical assistance for services and related administrative costs; and

"(4) authorizing the Secretary, at the option of the Navajo Nation, to treat the Navajo Nation as a State for the purposes of title XIX of the Social Security Act (relating to the State children's health insurance program) under terms equivalent to those described in paragraphs (2) through (4).

"(c) REPORT.—Not later then 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to the Committee on Indian Affairs and Committee on Finance of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a report that includes—

"(1) the results of the study under this section;

"(2) a summary of any consultation that occurred between the Secretary and the Navajo Nation, other Indian Tribes, the States of Arizona, New Mexico, and Utah, counties which include Navajo Lands, and other interested parties, in conducting this study;

"(3) projected costs or savings associated with establishment of such entity, and any estimated impact on services provided as described in this section in relation to probable costs or savings; and

"(4) legislative actions that would be required to authorize the establishment of such entity if such entity is determined by the Secretary to be feasible.

### "SEC. 416. GENERAL EXCEPTIONS.

"The requirements of this title shall not apply to any excepted benefits described in paragraph (1)(A) or (3) of section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg-91).

### "SEC. 417. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

## "TITLE V—HEALTH SERVICES FOR URBAN INDIANS

### "SEC. 501. PURPOSE.

"The purpose of this title is to establish and maintain programs in Urban Centers to make health services more accessible and available to Urban Indians.

### "SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.

"Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, or make grants to, Urban Indian Organizations to assist such organizations in the establishment and administration, within Urban Centers, of programs which meet the requirements set forth in this title. Subject to section 506, the Secretary, acting through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract into which the Secretary enters with, or in any grant the Secretary makes to, any Urban Indian Organization pursuant to this title.

### "SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.

"(a) REQUIREMENTS FOR GRANTS AND CONTRACTS.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, Urban Indian Organizations for the provision of health care and referral services for Urban Indians. Any such contract or grant shall include requirements that the Urban Indian Organization successfully undertake to—

"(1) estimate the population of Urban Indians residing in the Urban Center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

"(2) estimate the current health status of Urban Indians residing in such Urban Center or centers;

"(3) estimate the current health care needs of Urban Indians residing in such Urban Center or centers;

"(4) provide basic health education, including health promotion and disease prevention education, to Urban Indians;

"(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of Urban Indians; and

"(6) where necessary, provide, or enter into contracts for the provision of, health care services for Urban Indians.

"(b) CRITERIA.—The Secretary, acting through the Service, shall, by regulation, prescribe the criteria for selecting Urban Indian Organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

"(1) the extent of unmet health care needs of Urban Indians in the Urban Center or centers involved;

"(2) the size of the Urban Indian population in the Urban Center or centers involved;

"(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title, or under any current public health service project funded in a manner other than pursuant to this title;

"(4) the capability of an Urban Indian Organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

"(5) the satisfactory performance and successful completion by an Urban Indian Organization of other contracts with the Secretary under this title;

"(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an Urban Center or centers; and

"(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"(c) ACCESS TO HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS.—The Secretary, acting through the Service, shall facilitate access to or provide health promotion and disease prevention services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

"(d) IMMUNIZATION SERVICES.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under this section.

"(2) DEFINITION.—For purposes of this subsection, the term 'immunization services' means services to provide without charge immunizations against vaccine-preventable diseases.

"(e) BEHAVIORAL HEALTH SERVICES.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, behavioral health services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

"(2) ASSESSMENT REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment of the following:

"(A) The behavioral health needs of the Urban Indian population concerned.

"(B) The behavioral health services and other related resources available to that population.

"(C) The barriers to obtaining those services and resources.

"(D) The needs that are unmet by such services and resources.

"(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

"(A) To prepare assessments required under paragraph (2).

"(B) To provide outreach, educational, and referral services to Urban Indians regarding the availability of direct behavioral health services, to educate Urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to Urban Indians.

"(C) To provide outpatient behavioral health services to Urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment.

"(D) To develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

"(f) PREVENTION OF CHILD ABUSE.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to or provide services for Urban Indians through grants to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among Urban Indians.

"(2) EVALUATION REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the Urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

"(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

"(A) To prepare assessments required under paragraph (2).

"(B) For the development of prevention, training, and education programs for Urban Indians, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection.

"(C) To provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to Urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to Urban Indian perpetrators of child abuse (including sexual abuse).

"(4) CONSIDERATIONS WHEN MAKING GRANTS.—In making grants to carry out this subsection, the Secretary shall take into consideration—

"(A) the support for the Urban Indian Organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

"(B) the capability and expertise demonstrated by the Urban Indian Organization to address the complex problem of child sexual abuse in the community; and

"(C) the assessment required under paragraph (2).

"(g) OTHER GRANTS.—The Secretary, acting through the Service, may enter into a contract with or make grants to an Urban Indian Organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to Urban Indians in more than 1 Urban Center.

**"SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.**

"(a) GRANTS AND CONTRACTS AUTHORIZED.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, may enter into contracts with or make grants to Urban Indian Organizations situated in Urban Centers for which contracts have not been entered into or grants have not been made under section 503.

"(b) PURPOSE.—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (c)(1) in order to assist the Secretary in assessing the health status and health care needs of Urban Indians in the Urban Center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the Urban Indian Organization which the Secretary has entered into a contract with, or made a grant to, under this section.

"(c) GRANT AND CONTRACT REQUIREMENTS.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

"(1) the Urban Indian Organization successfully undertakes to—

"(A) document the health care status and unmet health care needs of Urban Indians in the Urban Center involved; and

"(B) with respect to Urban Indians in the Urban Center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

"(2) the Urban Indian Organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

"(d) NO RENEWALS.—The Secretary may not renew any contract entered into or grant made under this section.

**"SEC. 505. EVALUATIONS; RENEWALS.**

"(a) PROCEDURES FOR EVALUATIONS.—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements and compliance with and performance of contracts entered into by Urban Indian Organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

"(b) EVALUATIONS.—The Secretary, acting through the Service, shall evaluate the compliance of each Urban Indian Organization which has entered into a contract or received a grant under section 503 with the terms of such contract or grant. For purposes of this evaluation, the Secretary shall—

"(1) acting through the Service, conduct an annual onsite evaluation of the organization; or

"(2) accept in lieu of such onsite evaluation evidence of the organization's provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the Medicare program under title XVIII of the Social Security Act.

"(c) NONCOMPLIANCE; UNSATISFACTORY PERFORMANCE.—If, as a result of the evaluations conducted under this section, the Secretary determines that an Urban Indian Organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with the organization the areas of noncompliance or unsatisfactory performance and modify the contract or grant to prevent future occurrences of noncompliance or unsatisfactory performance. If the Secretary determines that the noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew the contract or grant with the organization and is authorized to enter into a contract or make a grant under section 503 with another Urban Indian Organization which is situated in the same Urban Center as the Urban Indian Organization whose contract or grant is not renewed under this section.

"(d) CONSIDERATIONS FOR RENEWALS.—In determining whether to renew a contract or grant with an Urban Indian Organization under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the Urban Indian Organization, the reports submitted under section 507, and shall consider the results of the onsite evaluations or accreditations under subsection (b).

**"SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.**

"(a) PROCUREMENT.—Contracts with Urban Indian Organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of sections 1304 and 3131 through 3133 of title 40, United States Code.

"(b) PAYMENTS UNDER CONTRACTS OR GRANTS.—

"(1) IN GENERAL.—Payments under any contracts or grants pursuant to this title, notwithstanding any term or condition of such contract or grant—

"(A) may be made in a single advance payment by the Secretary to the Urban Indian Organization by no later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such a single advance payment; and

"(B) if any portion thereof is unexpended by the Urban Indian Organization during the funding period with respect to which the payments initially apply, shall be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the availability for expenditure of such funds.

"(2) SEMIANNUAL AND QUARTERLY PAYMENTS AND REIMBURSEMENTS.—If the Secretary determines under paragraph (1)(A) that an Urban Indian Organization is not capable of administering an entire single advance payment, on request of the Urban Indian Organization, the payments may be made—

"(A) in semiannual or quarterly payments by not later than 30 days after the date on which the funding period with respect to which the payments apply begins; or

"(B) by way of reimbursement.

"(c) REVISION OR AMENDMENT OF CONTRACTS.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request and consent of an Urban Indian Organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

"(d) FAIR AND UNIFORM SERVICES AND ASSISTANCE.—Contracts with or grants to Urban Indian Organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to Urban Indians of services and assistance under such contracts or grants by such organizations.

**"SEC. 507. REPORTS AND RECORDS.**

"(a) REPORTS.—

"(1) IN GENERAL.—For each fiscal year during which an Urban Indian Organization receives or expends funds pursuant to a contract entered into or a grant received pursuant to this title, such Urban Indian Organization shall submit to the Secretary not more frequently than every 6 months, a report that includes the following:

"(A) In the case of a contract or grant under section 503, recommendations pursuant to section 503(a)(5).

"(B) Information on activities conducted by the organization pursuant to the contract or grant.

"(C) An accounting of the amounts and purpose for which Federal funds were expended.

"(D) A minimum set of data, using uniformly defined elements, as specified by the Secretary after consultation with Urban Indian Organizations.

"(2) HEALTH STATUS AND SERVICES.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, acting through the Service and working with a national membership-based consortium of Urban Indian Organizations, shall submit to Congress a report evaluating—

"(i) the health status of Urban Indians;

"(ii) the services provided to Indians pursuant to this title; and

"(iii) areas of unmet needs in the delivery of health services to Urban Indians, including unmet health care facilities needs.

"(B) CONSULTATION AND CONTRACTS.—In preparing the report under paragraph (1), the Secretary—

"(i) shall confer with Urban Indian Organizations; and

"(ii) may enter into a contract with a national organization representing Urban Indian Organizations to conduct any aspect of the report.

"(b) AUDIT.—The reports and records of the Urban Indian Organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

"(c) COSTS OF AUDITS.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

"(1) a certified public accountant; or

"(2) a certified public accounting firm qualified to conduct Federal compliance audits.

**"SEC. 508. LIMITATION ON CONTRACT AUTHORITY.**

"The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

**"SEC. 509. FACILITIES.**

"(a) GRANTS.—The Secretary, acting through the Service, may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

"(b) Loan Fund Study.—The Secretary, acting through the Service, may carry out a study to determine the feasibility of establishing a loan fund to provide to Urban Indian Organizations direct loans or guarantees for loans for the construction of health care facilities in a manner consistent with section 309, including by submitting a report in accordance with subsection (c) of that section.

### "SEC. 510. DIVISION OF URBAN INDIAN HEALTH.

"There is established within the Service a Division of Urban Indian Health, which shall be responsible for—

"(1) carrying out the provisions of this title;

"(2) providing central oversight of the programs and services authorized under this title; and

"(3) providing technical assistance to Urban Indian Organizations working with a national membership-based consortium of Urban Indian Organizations.

### "SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-RELATED SERVICES.

"(a) Grants Authorized.—The Secretary, acting through the Service, may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school- and community-based education regarding, alcohol and substance abuse, including fetal alcohol spectrum disorders, in Urban Centers to those Urban Indian Organizations with which the Secretary has entered into a contract under this title or under section 201.

"(b) Goals.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) Criteria.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the following:

"(1) The size of the Urban Indian population.

"(2) Capability of the organization to adequately perform the activities required under the grant.

"(3) Satisfactory performance standards for the organization in meeting the goals set forth in such grant. The standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis.

"(4) Identification of the need for services.

"(d) Allocation of Grants.—The Secretary shall develop a methodology for allocating grants made pursuant to this section based on the criteria established pursuant to subsection (c).

"(e) Grants Subject to Criteria.—Any grant received by an Urban Indian Organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

### "SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

"Notwithstanding any other provision of law, the Tulsa Clinic and Oklahoma City Clinic demonstration projects shall—

"(1) be permanent programs within the Service's direct care program;

"(2) continue to be treated as Service Units and Operating Units in the allocation of resources and coordination of care; and

"(3) continue to meet the requirements and definitions of an Urban Indian Organization in this Act, and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

### "SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.

"(a) Grants and Contracts.—The Secretary, through the Division of Urban Indian Health, shall make grants to, or enter into contracts with, Urban Indian Organizations, to take effect not later than September 30, 2010, for the administration of Urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (hereafter in this section referred to as 'NIAAA') and transferred to the Service.

"(b) Use of Funds.—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for Urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

"(c) Eligibility.—Urban Indian Organizations that operate Indian alcohol programs originally funded under the NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

"(d) Report.—The Secretary shall evaluate and report to Congress on the activities of programs funded under this section not less than every 5 years.

### "SEC. 514. CONFERRING WITH URBAN INDIAN ORGANIZATIONS.

"(a) In General.—The Secretary shall ensure that the Service confers or conferences, to the greatest extent practicable, with Urban Indian Organizations.

"(b) Definition of Confer; Conference.—In this section, the terms 'confer' and 'conference' mean an open and free exchange of information and opinions that—

"(1) leads to mutual understanding and comprehension; and

"(2) emphasizes trust, respect, and shared responsibility.

### "SEC. 515. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.

"(a) Construction and Operation.—

"(1) In general.—The Secretary, acting through the Service, through grant or contract, shall fund the construction and operation of at least 1 residential treatment center in each Service Area that meets the eligibility requirements set forth in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to Urban Indian youth in a culturally competent residential setting.

"(2) Treatment.—Each residential treatment center described in paragraph (1) shall be in addition to any facilities constructed under section 707(b).

"(b) Eligibility Requirements.—To be eligible to obtain a facility under subsection (a)(1), a Service Area shall meet the following requirements:

"(1) There is an Urban Indian Organization in the Service Area.

"(2) There reside in the Service Area Urban Indian youth with need for alcohol and substance abuse treatment services in a residential setting.

"(3) There is a significant shortage of culturally competent residential treatment services for Urban Indian youth in the Service Area.

### "SEC. 516. GRANTS FOR DIABETES PREVENTION, TREATMENT, AND CONTROL.

"(a) Grants Authorized.—The Secretary may make grants to those Urban Indian Organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention and treatment of, and control of the complications resulting from, diabetes among Urban Indians.

"(b) Goals.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) Establishment of Criteria.—The Secretary shall establish criteria for the grants made under subsection (a) relating to—

"(1) the size and location of the Urban Indian population to be served;

"(2) the need for prevention of and treatment of, and control of the complications resulting from, diabetes among the Urban Indian population to be served;

"(3) performance standards for the organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

"(4) the capability of the organization to adequately perform the activities required under the grant; and

"(5) the willingness of the organization to collaborate with the registry, if any, established by the Secretary under section 204(e) in the Area Office of the Service in which the organization is located.

"(d) Funds Subject to Criteria.—Any funds received by an Urban Indian Organization under this Act for the prevention, treatment, and control of diabetes among Urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

### "SEC. 517. COMMUNITY HEALTH REPRESENTATIVES.

"The Secretary, acting through the Service, may enter into contracts with, and make grants to, Urban Indian Organizations for the employment of Indians trained as health service providers through the Community Health Representatives Program under section 109 in the provision of health care, health promotion, and disease prevention services to Urban Indians.

### "SEC. 518. EFFECTIVE DATE.

"The amendments made by the Indian Health Care Improvement Act Amendments of 2008 to this title shall take effect beginning on the date of enactment of that Act, regardless of whether the Secretary has promulgated regulations implementing such amendments.

### "SEC. 519. ELIGIBILITY FOR SERVICES.

"Urban Indians shall be eligible for, and the ultimate beneficiaries of, health care or referral services provided pursuant to this title.

### "SEC. 520. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

## "TITLE VI—ORGANIZATIONAL IMPROVEMENTS

### "SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

"(a) Establishment.—

"(1) In general.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian Tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

"(2) DIRECTOR.—The Service shall be administered by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 2008, the term of service of the Director shall be 4 years. A Director may serve more than 1 term.

"(3) INCUMBENT.—The individual serving in the position of Director of the Service on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 shall serve as Director.

"(4) ADVOCACY AND CONSULTATION.—The position of Director is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

"(A) facilitate advocacy for the development of appropriate Indian health policy; and

"(B) promote consultation on matters relating to Indian health.

"(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

"(c) DUTIES.—The Director shall—

"(1) perform all functions that were, on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, carried out by or under the direction of the individual serving as Director of the Service on that day;

"(2) perform all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

"(3) administer all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

"(A) this Act;

"(B) the Act of November 2, 1921 (25 U.S.C. 13);

"(C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);

"(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

"(E) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

"(4) administer all scholarship and loan functions carried out under title I;

"(5) directly advise the Secretary concerning the development of all policy- and budget-related matters affecting Indian health;

"(6) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

"(7) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

"(8) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

"(9) coordinate the activities of the Department concerning matters of Indian health; and

"(10) perform such other functions as the Secretary may designate.

"(d) AUTHORITY.—

"(1) IN GENERAL.—The Secretary, acting through the Director, shall have the authority—

"(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

"(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

"(C) to manage, expend, and obligate all funds appropriated for the Service.

"(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

### "SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish an automated management information system for the Service.

"(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

"(A) a financial management system;

"(B) a patient care information system for each area served by the Service;

"(C) a privacy component that protects the privacy of patient information held by, or on behalf of, the Service;

"(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each Area office of the Service;

"(E) an interface mechanism for patient billing and accounts receivable system; and

"(F) a training component.

"(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide each Tribal Health Program automated management information systems which—

"(1) meet the management information needs of such Tribal Health Program with respect to the treatment by the Tribal Health Program of patients of the Service; and

"(2) meet the management information needs of the Service.

"(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

"(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Director, shall have the authority to enter into contracts, agreements, or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian Health Programs and facilities.

### "SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

## "TITLE VII—BEHAVIORAL HEALTH PROGRAMS

### "SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

"(a) PURPOSES.—The purposes of this section are as follows:

"(1) To authorize and direct the Secretary, acting through the Service, Indian Tribes and Tribal Organizations to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs.

"(2) To provide information, direction, and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services.

"(3) To assist Indian Tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior.

"(4) To provide authority and opportunities for Indian Tribes and Tribal Organizations to develop, implement, and coordinate with community-based programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams.

"(5) To ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access.

"(6) To modify or supplement existing programs and authorities in the areas identified in paragraph (2).

"(b) PLANS.—

"(1) DEVELOPMENT.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall encourage Indian Tribes and Tribal Organizations to develop tribal plans and to participate in developing areawide plans for Indian Behavioral Health Services. The plans shall include, to the extent feasible, the following components:

"(A) An assessment of the scope of alcohol or other substance abuse, mental illness, and dysfunctional and self-destructive behavior, including suicide, child abuse, and family violence, among Indians, including—

"(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; or

"(ii) an estimate of the financial and human cost attributable to such illness or behavior.

"(B) An assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c).

"(C) An estimate of the additional funding needed by the Service, Indian Tribes, and Tribal Organizations to meet their responsibilities under the plans.

"(2) COORDINATION WITH NATIONAL CLEARINGHOUSES AND INFORMATION CENTERS.—The Secretary, acting through the Service, shall coordinate with existing national clearinghouses and information centers to include at the clearinghouses and centers plans and reports on the outcomes of such plans developed by Indian Tribes, Tribal Organizations, and Service Areas relating to behavioral health. The Secretary shall ensure access to these plans and outcomes by any Indian Tribe, Tribal Organization, or the Service.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian Tribes and Tribal Organizations in preparation of plans under this section and in developing standards of care that may be used and adopted locally.

"(c) PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide, to the extent feasible and if funding is available, programs including the following:

“(1) COMPREHENSIVE CARE.—A comprehensive continuum of behavioral health care which provides—

“(A) community-based prevention, intervention, outpatient, and behavioral health aftercare;

“(B) detoxification (social and medical);

“(C) acute hospitalization;

“(D) intensive outpatient/day treatment;

“(E) residential treatment;

“(F) transitional living for those needing a temporary, stable living environment that is supportive of treatment and recovery goals;

“(G) emergency shelter;

“(H) intensive case management;

“(I) diagnostic services; and

“(J) promotion of healthy approaches to risk and safety issues, including injury prevention.

“(2) CHILD CARE.—Behavioral health services for Indians from birth through age 17, including—

“(A) preschool and school age fetal alcohol spectrum disorder services, including assessment and behavioral intervention;

“(B) mental health and substance abuse services (emotional, organic, alcohol, drug, inhalant, and tobacco);

“(C) identification and treatment of co-occurring disorders and comorbidity;

“(D) prevention of alcohol, drug, inhalant, and tobacco use;

“(E) early intervention, treatment, and aftercare; and

“(F) identification and treatment of neglect and physical, mental, and sexual abuse.

“(3) ADULT CARE.—Behavioral health services for Indians from age 18 through 55, including—

“(A) early intervention, treatment, and aftercare;

“(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

“(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

“(D) promotion of healthy approaches for risk-related behavior;

“(E) treatment services for women at risk of a fetal alcohol-exposed pregnancy; and

“(F) sex specific treatment for sexual assault and domestic violence.

“(4) FAMILY CARE.—Behavioral health services for families, including—

“(A) early intervention, treatment, and aftercare for affected families;

“(B) treatment for sexual assault and domestic violence; and

“(C) promotion of healthy approaches relating to parenting, domestic violence, and other abuse issues.

“(5) ELDER CARE.—Behavioral health services for Indians 56 years of age and older, including—

“(A) early intervention, treatment, and aftercare;

“(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

“(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

“(D) promotion of healthy approaches to managing conditions related to aging;

“(E) sex specific treatment for sexual assault, domestic violence, neglect, physical and mental abuse and exploitation; and

“(F) identification and treatment of dementias regardless of cause.

“(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

“(1) ESTABLISHMENT.—The governing body of any Indian Tribe or Tribal Organization may adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat substance abuse, mental illness, or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. This plan should include behavioral health services, social services, intensive outpatient services, and continuing aftercare.

“(2) TECHNICAL ASSISTANCE.—At the request of an Indian Tribe or Tribal Organization, the Bureau of Indian Affairs and the Service shall cooperate with and provide technical assistance to the Indian Tribe or Tribal Organization in the development and implementation of such plan.

“(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian Tribes and Tribal Organizations which adopt a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

“(e) COORDINATION FOR AVAILABILITY OF SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall coordinate behavioral health planning, to the extent feasible, with other Federal agencies and with State agencies, to encourage comprehensive behavioral health services for Indians regardless of their place of residence.

“(f) MENTAL HEALTH CARE NEED ASSESSMENT.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

### “SEC. 702. MEMORANDA OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.

“(a) CONTENTS.—Not later than 12 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, acting through the Service, and the Secretary of the Interior shall develop and enter into a memoranda of agreement, or review and update any existing memoranda of agreement, as required by section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) under which the Secretaries address the following:

“(1) The scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians.

“(2) The existing Federal, tribal, State, local, and private services, resources, and programs available to provide behavioral health services for Indians.

“(3) The unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1).

“(4)(A) The right of Indians, as citizens of the United States and of the States in which they reside, to have access to behavioral health services to which all citizens have access.

“(B) The right of Indians to participate in, and receive the benefit of, such services.

“(C) The actions necessary to protect the exercise of such right.

“(5) The responsibilities of the Bureau of Indian Affairs and the Service, including mental illness identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and Service Unit, Service Area, and headquarters levels to address the problems identified in paragraph (1).

“(6) A strategy for the comprehensive coordination of the behavioral health services provided by the Bureau of Indian Affairs and the Service to meet the problems identified pursuant to paragraph (1), including—

“(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and Indian Tribes and Tribal Organizations (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.)) with behavioral health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually diagnosed individuals requiring behavioral health and substance abuse treatment; and

“(B) ensuring that the Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services.

“(7) Directing appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and Service Unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).

“(8) Providing for an annual review of such agreement by the Secretaries which shall be provided to Congress and Indian Tribes and Tribal Organizations.

“(b) SPECIFIC PROVISIONS REQUIRED.—The memoranda of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

“(1) the determination of the scope of the problem of alcohol and substance abuse among Indians, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

“(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

“(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

“(c) PUBLICATION.—Each memorandum of agreement entered into or renewed (and amendments or modifications thereto) under subsection (a) shall be published in the Federal Register. At the same time as publication in the Federal Register, the Secretary shall provide a copy of such memoranda, amendment, or modification to each Indian Tribe, Tribal Organization, and Urban Indian Organization.

### “SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.

“(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide a program of comprehensive behavioral health, prevention, treatment, and aftercare, which shall include—

"(A) prevention, through educational intervention, in Indian communities;

"(B) acute detoxification, psychiatric hospitalization, residential, and intensive outpatient treatment;

"(C) community-based rehabilitation and aftercare;

"(D) community education and involvement, including extensive training of health care, educational, and community-based personnel;

"(E) specialized residential treatment programs for high-risk populations, including pregnant and postpartum women and their children; and

"(F) diagnostic services.

"(2) TARGET POPULATIONS.—The target population of such programs shall be members of Indian Tribes. Efforts to train and educate key members of the Indian community shall also target employees of health, education, judicial, law enforcement, legal, and social service programs.

"(b) CONTRACT HEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

"(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian Tribes and Tribal Organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

### "SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.

"(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary shall establish and maintain a mental health technician program within the Service which—

"(1) provides for the training of Indians as mental health technicians; and

"(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

"(b) PARAPROFESSIONAL TRAINING.—In carrying out subsection (a), the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide high-standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

"(c) SUPERVISION AND EVALUATION OF TECHNICIANS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall supervise and evaluate the mental health technicians in the training program.

"(d) TRADITIONAL HEALTH CARE PRACTICES.—The Secretary, acting through the Service, shall ensure that the program established pursuant to this subsection involves the use and promotion of the traditional health care practices of the Indian Tribes to be served.

### "SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.

"(a) IN GENERAL.—Subject to the provisions of section 221, and except as provided in subsection (b), any individual employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under this Act is required to be licensed as a psychologist, social worker, or marriage and family therapist, respectively.

"(b) TRAINEES.—An individual may be employed as a trainee in psychology, social work, or marriage and family therapy to provide mental health care services described in subsection (a) if such individual—

"(1) works under the direct supervision of a licensed psychologist, social worker, or marriage and family therapist, respectively;

"(2) is enrolled in or has completed at least 2 years of course work at a post-secondary, accredited education program for psychology, social work, marriage and family therapy, or counseling; and

"(3) meets such other training, supervision, and quality review requirements as the Secretary may establish.

### "SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.

"(a) GRANTS.—The Secretary, consistent with section 701, may make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

"(b) USE OF GRANT FUNDS.—A grant made pursuant to this section may be used to—

"(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol spectrum disorders;

"(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

"(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

"(c) CRITERIA.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review and approval of applications and proposals for funding under this section.

"(d) ALLOCATION OF CERTAIN FUNDS.—Twenty percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations.

### "SEC. 707. INDIAN YOUTH PROGRAM.

"(a) DETOXIFICATION AND REHABILITATION.—The Secretary, acting through the Service, consistent with section 701, shall develop and implement a program for acute detoxification and treatment for Indian youths, including behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian Tribes or Tribal Organizations at the local level under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

"(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an Area Office.

"(B) AREA OFFICE IN CALIFORNIA.—For the purposes of this subsection, the Area Office in California shall be considered to be 2 Area Offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

"(2) FUNDING.—For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

"(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the Indian Tribes to be served by such center.

"(4) SPECIFIC PROVISION OF FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

"(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

"(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

"(B) PROVISION OF SERVICES TO ELIGIBLE YOUTHS.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youths residing in Alaska.

"(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide intermediate behavioral health services to Indian children and adolescents, including—

"(A) pretreatment assistance;

"(B) inpatient, outpatient, and aftercare services;

"(C) emergency care;

"(D) suicide prevention and crisis intervention; and

"(E) prevention and treatment of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence.

"(2) USE OF FUNDS.—Funds provided under this subsection may be used—

"(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

"(B) to hire behavioral health professionals;

"(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided;

"(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

"(E) for intensive home- and community-based services.

"(3) CRITERIA.—The Secretary, acting through the Service, shall, in consultation with Indian Tribes and Tribal Organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

"(d) FEDERALLY-OWNED STRUCTURES.—

"(1) IN GENERAL.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall—

"(A) identify and use, where appropriate, federally-owned structures suitable for local residential or regional behavioral health treatment for Indian youths; and

"(B) establish guidelines for determining the suitability of any such federally-owned structure to be used for local residential or regional behavioral health treatment for Indian youths.

"(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian Tribe or Tribal Organization operating the program.

"(e) REHABILITATION AND AFTERCARE SERVICES.—

"(1) IN GENERAL.—The Secretary, Indian Tribes, or Tribal Organizations, in cooperation with the Secretary of the Interior, shall develop and implement within each Service Unit, community-based rehabilitation and follow-up services for Indian youths who are having significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youths after their return to their home community.

"(2) ADMINISTRATION.—Services under paragraph (1) shall be provided by trained staff within the community who can assist the Indian youths in their continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

"(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youths authorized by this section, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide for the inclusion of family members of such youths in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

"(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youths residing in Indian communities, on or near reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youths.

"(h) INDIAN YOUTH MENTAL HEALTH.—The Secretary, acting through the Service, shall collect data for the report under section 801 with respect to—

"(1) the number of Indian youth who are being provided mental health services through the Service and Tribal Health Programs;

"(2) a description of, and costs associated with, the mental health services provided for Indian youth through the Service and Tribal Health Programs;

"(3) the number of youth referred to the Service or Tribal Health Programs for mental health services;

"(4) the number of Indian youth provided residential treatment for mental health and behavioral problems through the Service and Tribal Health Programs, reported separately for on- and off-reservation facilities; and

"(5) the costs of the services described in paragraph (4).

**"SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.**

"(a) PURPOSE.—The purpose of this section is to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention and treatment of Indian youth, including through—

"(1) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

"(2) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

"(3) training and related support for community leaders, family members and health and education workers who work with Indian youth;

"(4) the development of culturally-relevant educational materials on suicide; and

"(5) data collection and reporting.

"(b) DEFINITIONS.—For the purpose of this section, the following definitions shall apply:

"(1) DEMONSTRATION PROJECT.—The term 'demonstration project' means the Indian youth telemental health demonstration project authorized under subsection (c).

"(2) TELEMENTAL HEALTH.—The term 'telemental health' means the use of electronic information and telecommunications technologies to support long distance mental health care, patient and professional-related education, public health, and health administration.

"(c) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary is authorized to award grants under the demonstration project for the provision of telemental health services to Indian youth who—

"(A) have expressed suicidal ideas;

"(B) have attempted suicide; or

"(C) have mental health conditions that increase or could increase the risk of suicide.

"(2) ELIGIBILITY FOR GRANTS.—Such grants shall be awarded to Indian Tribes and Tribal Organizations that operate 1 or more facilities—

"(A) located in Alaska and part of the Alaska Federal Health Care Access Network;

"(B) reporting active clinical telehealth capabilities; or

"(C) offering school-based telemental health services relating to psychiatry to Indian youth.

"(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

"(4) AWARDING OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian Tribes and Tribal Organizations that—

"(A) serve a particular community or geographic area where there is a demonstrated need to address Indian youth suicide;

"(B) enter in to collaborative partnerships with Indian Health Service or Tribal Health Programs or facilities to provide services under this demonstration project;

"(C) serve an isolated community or geographic area which has limited or no access to behavioral health services; or

"(D) operate a detention facility at which Indian youth are detained.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—An Indian Tribe or Tribal Organization shall use a grant received under subsection (c) for the following purposes:

"(A) To provide telemental health services to Indian youth, including the provision of—

"(i) psychotherapy;

"(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and

"(iii) alcohol and substance abuse treatment.

"(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service, tribal, or urban clinicians and health services providers working with youth being served under this demonstration project.

"(C) To assist, educate and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under this demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among these individuals and with State and local health services providers.

"(D) To develop and distribute culturally appropriate community educational materials on—

"(i) suicide prevention;

"(ii) suicide education;

"(iii) suicide screening;

"(iv) suicide intervention; and

"(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

"(E) For data collection and reporting related to Indian youth suicide prevention efforts.

"(2) TRADITIONAL HEALTH CARE PRACTICES.—In carrying out the purposes described in paragraph (1), an Indian Tribe or Tribal Organization may use and promote the traditional health care practices of the Indian Tribes of the youth to be served.

"(e) APPLICATIONS.—To be eligible to receive a grant under subsection (c), an Indian Tribe or Tribal Organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the project that the Indian Tribe or Tribal Organization will carry out using the funds provided under the grant;

"(2) a description of the manner in which the project funded under the grant would—

"(A) meet the telemental health care needs of the Indian youth population to be served by the project; or

"(B) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

"(3) evidence of support for the project from the local community to be served by the project;

"(4) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

"(5) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the mental health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

"(6) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

"(f) COLLABORATION; REPORTING TO NATIONAL CLEARINGHOUSE.—

"(1) COLLABORATION.—The Secretary, acting through the Service, shall encourage Indian Tribes and Tribal Organizations receiving grants under this section to collaborate to enable comparisons about best practices across projects.

"(2) REPORTING TO NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall also encourage Indian Tribes and Tribal Organizations receiving grants under this section to submit relevant, declassified project information to the national clearinghouse authorized under section 701(b)(2) in order to better facilitate program performance and improve suicide prevention, intervention, and treatment services.

"(g) ANNUAL REPORT.—Each grant recipient shall submit to the Secretary an annual report that—

"(1) describes the number of telemental health services provided; and

"(2) includes any other information that the Secretary may require.

"(h) REPORT TO CONGRESS.—Not later than 270 days after the termination of the demonstration project, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a final report, based on the annual reports provided by grant recipients under subsection (h), that—

"(1) describes the results of the projects funded by grants awarded under this section, including any data available which indicates the number of attempted suicides;

"(2) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth;

"(3) evaluates whether the demonstration project should be—

"(A) expanded to provide more than 5 grants; and

"(B) designated a permanent program; and

"(4) evaluates the benefits of expanding the demonstration project to include Urban Indian Organizations.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2008 through 2011.

### "SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION, AND STAFFING.

"Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems. For the purposes of this subsection, California shall be considered to be 2 Area Offices, 1 office whose location shall be considered to encompass the northern area of the State of California and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California. The Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

### "SEC. 710. TRAINING AND COMMUNITY EDUCATION.

"(a) PROGRAM.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement or assist Indian Tribes and Tribal Organizations to develop and implement, within each Service Unit or tribal program, a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education about behavioral health issues to political leaders, Tribal judges, law enforcement personnel, members of tribal health and education boards, health care providers including traditional practitioners, and other critical members of each tribal community. Such program may also include community-based training to develop local capacity and tribal community provider training for prevention, intervention, treatment, and aftercare.

"(b) INSTRUCTION.—The Secretary, acting through the Service, shall, either directly or through Indian Tribes and Tribal Organizations, provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol spectrum disorders to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

"(c) TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, in consultation with Indian Tribes, Tribal Organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

"(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

"(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

"(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

### "SEC. 711. BEHAVIORAL HEALTH PROGRAM.

"(a) INNOVATIVE PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, consistent with section 701, may plan, develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

"(b) AWARDS; CRITERIA.—The Secretary may award a grant for a project under subsection (a) to an Indian Tribe or Tribal Organization and may consider the following criteria:

"(1) The project will address significant unmet behavioral health needs among Indians.

"(2) The project will serve a significant number of Indians.

"(3) The project has the potential to deliver services in an efficient and effective manner.

"(4) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

"(5) The project may deliver services in a manner consistent with traditional health care practices.

"(6) The project is coordinated with, and avoids duplication of, existing services.

"(c) EQUITABLE TREATMENT.—For purposes of this subsection, the Secretary shall, in evaluating project applications or proposals, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

### "SEC. 712. FETAL ALCOHOL SPECTRUM DISORDERS PROGRAMS.

"(a) PROGRAMS.—

"(1) ESTABLISHMENT.—The Secretary, consistent with section 701, acting through the Service, Indian Tribes, and Tribal Organizations, is authorized to establish and operate fetal alcohol spectrum disorders programs as provided in this section for the purposes of meeting the health status objectives specified in section 3.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—Funding provided pursuant to this section shall be used for the following:

"(i) To develop and provide for Indians community and in-school training, education, and prevention programs relating to fetal alcohol spectrum disorders.

"(ii) To identify and provide behavioral health treatment to high-risk Indian women and high-risk women pregnant with an Indian's child.

"(iii) To identify and provide appropriate psychological services, educational and vocational support, counseling, advocacy, and information to fetal alcohol spectrum disorders-affected Indians and their families or caretakers.

"(iv) To develop and implement counseling and support programs in schools for fetal alcohol spectrum disorders-affected Indian children.

"(v) To develop prevention and intervention models which incorporate practitioners of traditional health care practices, cultural values, and community involvement.

"(vi) To develop, print, and disseminate education and prevention materials on fetal alcohol spectrum disorders.

"(vii) To develop and implement, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol spectrum disorders clinics for use in Indian communities and Urban Centers.

"(B) ADDITIONAL USES.—In addition to any purpose under subparagraph (A), funding provided pursuant to this section may be used for 1 or more of the following:

"(i) Early childhood intervention projects from birth on to mitigate the effects of fetal alcohol spectrum disorders among Indians.

"(ii) Community-based support services for Indians and women pregnant with Indian children.

“(iii) Community-based housing for adult Indians with fetal alcohol spectrum disorders.

“(3) CRITERIA FOR APPLICATIONS.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

“(b) SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall—

“(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol spectrum disorders in Indian communities; and

“(2) provide supportive services, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol spectrum disorders.

“(c) TASK FORCE.—The Secretary shall establish a task force to be known as the Fetal Alcohol Spectrum Disorders Task Force to advise the Secretary in carrying out subsection (b). Such task force shall be composed of representatives from the following:

“(1) The National Institute on Drug Abuse.

“(2) The National Institute on Alcohol and Alcoholism.

“(3) The Office of Substance Abuse Prevention.

“(4) The National Institute of Mental Health.

“(5) The Service.

“(6) The Office of Minority Health of the Department of Health and Human Services.

“(7) The Administration for Native Americans.

“(8) The National Institute of Child Health and Human Development (NICHD).

“(9) The Centers for Disease Control and Prevention.

“(10) The Bureau of Indian Affairs.

“(11) Indian Tribes.

“(12) Tribal Organizations.

“(13) Urban Indian communities.

“(14) Indian fetal alcohol spectrum disorders experts.

“(d) APPLIED RESEARCH PROJECTS.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and Urban Indians affected by fetal alcohol spectrum disorders.

“(e) FUNDING FOR URBAN INDIAN ORGANIZATIONS.—Ten percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations funded under title V.

### “SEC. 713. CHILD SEXUAL ABUSE PREVENTION AND TREATMENT PROGRAMS.

“(a) ESTABLISHMENT.—The Secretary, acting through the Service, and the Secretary of the Interior, Indian Tribes, and Tribal Organizations, shall establish, consistent with section 701, in every Service Area, programs involving treatment for victims of sexual abuse who are Indian children or children in an Indian household.

“(b) USE OF FUNDS.—Funding provided pursuant to this section shall be used for the following:

“(1) To develop and provide community education and prevention programs related to sexual abuse of Indian children or children in an Indian household.

“(2) To identify and provide behavioral health treatment to victims of sexual abuse who are Indian children or children in an Indian household, and to their family members who are affected by sexual abuse.

“(3) To develop prevention and intervention models which incorporate traditional health care practices, cultural values, and community involvement.

“(4) To develop and implement culturally sensitive assessment and diagnostic tools for use in Indian communities and Urban Centers.

“(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household—

“(A) making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated; and

“(B) providing treatment after the perpetrator is released, until it is determined that the perpetrator is not a threat to children.

“(c) COORDINATION.—The programs established under subsection (a) shall be carried out in coordination with programs and services authorized under the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.).

### “SEC. 714. DOMESTIC AND SEXUAL VIOLENCE PREVENTION AND TREATMENT.

“(a) IN GENERAL.—The Secretary, in accordance with section 701, is authorized to establish in each Service Area programs involving the prevention and treatment of—

“(1) Indian victims of domestic violence or sexual abuse; and

“(2) perpetrators of domestic violence or sexual abuse who are Indian or members of an Indian household.

“(b) USE OF FUNDS.—Funds made available to carry out this section shall be used—

“(1) to develop and implement prevention programs and community education programs relating to domestic violence and sexual abuse;

“(2) to provide behavioral health services, including victim support services, and medical treatment (including examinations performed by sexual assault nurse examiners) to Indian victims of domestic violence or sexual abuse;

“(3) to purchase rape kits,

“(4) to develop prevention and intervention models, which may incorporate traditional health care practices; and

“(5) to identify and provide behavioral health treatment to perpetrators who are Indian or members of an Indian household.

“(c) TRAINING AND CERTIFICATION.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall establish appropriate protocols, policies, procedures, standards of practice, and, if not available elsewhere, training curricula and training and certification requirements for services for victims of domestic violence and sexual abuse.

“(2) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the means and extent to which the Secretary has carried out paragraph (1).

“(d) COORDINATION.—

“(1) IN GENERAL.—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, Indian Health Programs, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

“(A) to improve domestic violence or sexual abuse responses;

“(B) to improve forensic examinations and collection;

“(C) to identify problems or obstacles in the prosecution of domestic violence or sexual abuse; and

“(D) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

“(2) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes, with respect to the matters described in paragraph (1), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appropriate.

### “SEC. 715. TESTIMONY BY SERVICE EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

“(a) APPROVAL BY DIRECTOR.—

“(1) IN GENERAL.—The Director shall approve or disapprove, in writing, any request or subpoena for a sexual assault nurse examiner employed by the Service to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the nurse examiner.

“(2) REQUIREMENT.—The Director shall approve a request or subpoena under paragraph (1) if the request or subpoena does not violate the policy of the Department to maintain strict impartiality with respect to private causes of action.

“(3) TREATMENT.—If the Director fails to approve or disapprove a request or subpoena by the date that is 30 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this subsection.

“(b) POLICIES AND PROTOCOL.—The Director, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service.

### “SEC. 716. BEHAVIORAL HEALTH RESEARCH.

“The Secretary, in consultation with appropriate Federal agencies, shall make grants to, or enter into contracts with, Indian Tribes, Tribal Organizations, and Urban Indian Organizations or enter into contracts with, or make grants to appropriate institutions for, the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes, or Tribal Organizations and among Indians in urban areas. Research priorities under this section shall include—

“(1) the multifactorial causes of Indian youth suicide, including—

“(A) protective and risk factors and scientific data that identifies those factors; and

“(B) the effects of loss of cultural identity and the development of scientific data on those effects;

“(2) the interrelationship and interdependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

"(3) the development of models of prevention techniques.

The effect of the interrelationships and interdependencies referred to in paragraph (2) on children, and the development of prevention techniques under paragraph (3) applicable to children, shall be emphasized.

### "SEC. 717. DEFINITIONS.

"For the purpose of this title, the following definitions shall apply:

"(1) ASSESSMENT.—The term 'assessment' means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

"(2) ALCOHOL-RELATED NEURODEVELOPMENTAL DISORDERS OR ARND.—The term 'alcohol-related neurodevelopmental disorders' or 'ARND' means any 1 of a spectrum of effects that—

"(A) may occur when a woman drinks alcohol during pregnancy; and

"(B) involves a central nervous system abnormality that may be structural, neurological, or functional.

"(3) BEHAVIORAL HEALTH AFTERCARE.—The term 'behavioral health aftercare' includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse, or mental health outpatient or outpatient treatment. The purpose is to help prevent or deal with relapse by ensuring that by the time a client or patient is discharged from a level of care, such as outpatient treatment, an aftercare plan has been developed with the client. An aftercare plan may use such resources as a community-based therapeutic group, transitional living facilities, a 12-step sponsor, a local 12-step or other related support group, and other community-based providers.

"(4) DUAL DIAGNOSIS.—The term 'dual diagnosis' means coexisting substance abuse and mental illness conditions or diagnosis. Such clients are sometimes referred to as mentally ill chemical abusers (MICAs).

"(5) FETAL ALCOHOL SPECTRUM DISORDERS.—

"(A) IN GENERAL.—The term 'fetal alcohol spectrum disorders' includes a range of effects that can occur in an individual whose mother drank alcohol during pregnancy, including physical, mental, behavioral, and/or learning disabilities with possible lifelong implications.

"(B) INCLUSIONS.—The term 'fetal alcohol spectrum disorders' may include—

"(i) fetal alcohol syndrome (FAS);

"(ii) fetal alcohol effect (FAE);

"(iii) alcohol-related birth defects; and

"(iv) alcohol-related neurodevelopmental disorders (ARND).

"(6) FETAL ALCOHOL SYNDROME OR FAS.—The term 'fetal alcohol syndrome' or 'FAS' means any 1 of a spectrum of effects that may occur when a woman drinks alcohol during pregnancy, the diagnosis of which involves the confirmed presence of the following 3 criteria:

"(A) Craniofacial abnormalities.

"(B) Growth deficits.

"(C) Central nervous system abnormalities.

"(7) REHABILITATION.—The term 'rehabilitation' means to restore the ability or capacity to engage in usual and customary life activities through education and therapy.

"(8) SUBSTANCE ABUSE.—The term 'substance abuse' includes inhalant abuse.

### "SEC. 718. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out the provisions of this title.

## "TITLE VIII—MISCELLANEOUS

### "SEC. 801. REPORTS.

"For each fiscal year following the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall transmit to Congress a report containing the following:

"(1) A report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and assessments and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians and ensure a health status for Indians, which are at a parity with the health services available to and the health status of the general population.

"(2) A report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to address such impact, including a report on proposed changes in allocation of funding pursuant to section 808.

"(3) A report on the use of health services by Indians—

"(A) on a national and area or other relevant geographical basis;

"(B) by gender and age;

"(C) by source of payment and type of service;

"(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

"(E) provided under contracts.

"(4) A report of contractors to the Secretary on Health Care Educational Loan Repayments every 6 months required by section 110.

"(5) A general audit report of the Secretary on the Health Care Educational Loan Repayment Program as required by section 110(n).

"(6) A report of the findings and conclusions of demonstration programs on development of educational curricula for substance abuse counseling as required in section 125(f).

"(7) A separate statement which specifies the amount of funds requested to carry out the provisions of section 201.

"(8) A report of the evaluations of health promotion and disease prevention as required in section 203(c).

"(9) A biennial report to Congress on infectious diseases as required by section 212.

"(10) A report on environmental and nuclear health hazards as required by section 215.

"(11) An annual report on the status of all health care facilities needs as required by section 301(c)(2)(B) and 301(d).

"(12) Reports on safe water and sanitary waste disposal facilities as required by section 302(h).

"(13) An annual report on the expenditure of non-Service funds for renovation as required by sections 304(b)(2).

"(14) A report identifying the backlog of maintenance and repair required at Service and tribal facilities required by section 313(a).

"(15) A report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII, XIX, and XXI of the Social Security Act.

"(16) A report on any arrangements for the sharing of medical facilities or services, as authorized by section 406.

"(17) A report on evaluation and renewal of Urban Indian programs under section 505.

"(18) A report on the evaluation of programs as required by section 513(d).

"(19) A report on alcohol and substance abuse as required by section 701(f).

"(20) A report on Indian youth mental health services as required by section 707(h).

"(21) A report on the reallocation of base resources if required by section 808.

### "SEC. 802. REGULATIONS.

"(a) DEADLINES.—

"(1) PROCEDURES.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out titles II (except section 202) and VII, the sections of title III for which negotiated rulemaking is specifically required, and section 807. Unless otherwise required, the Secretary may promulgate regulations to carry out titles I, III, IV, and V, and section 202, using the procedures required by chapter V of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

"(2) PROPOSED REGULATIONS.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary no later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 and shall have no less than a 120-day comment period.

"(3) FINAL REGULATIONS.—The Secretary shall publish in the Federal Register final regulations to implement this Act by not later than 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008.

"(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian Tribes, and Tribal Organizations, a majority of whom shall be nominated by and be representatives of Indian Tribes and Tribal Organizations from each Service Area.

"(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

"(d) LACK OF REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

"(e) INCONSISTENT REGULATIONS.—The provisions of this Act shall supersede any conflicting provisions of law in effect on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

### "SEC. 803. PLAN OF IMPLEMENTATION.

"Not later than 9 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall submit to Congress a plan explaining the manner and schedule, by title and section, by which the Secretary will implement the provisions of this Act. This consultation may be conducted jointly with the annual budget consultation pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq).

### "SEC. 804. AVAILABILITY OF FUNDS.

"The funds appropriated pursuant to this Act shall remain available until expended.

### “SEC. 805. LIMITATION RELATING TO ABORTION.

“(a) DEFINITION OF HEALTH BENEFITS COVERAGE.—In this section, the term ‘health benefits coverage’ means a health-related service or group of services provided pursuant to a contract, compact, grant, or other agreement.

“(b) LIMITATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no funds or facilities of the Service may be used—

“(A) to provide any abortion; or

“(B) to provide, or pay any administrative cost of, any health benefits coverage that includes coverage of an abortion.

“(2) EXCEPTIONS.—The limitation described in paragraph (1) shall not apply in any case in which—

“(A) a pregnancy is the result of an act of rape, or an act of incest against a minor; or

“(B) the woman suffers from a physical disorder, physical injury, or physical illness that, as certified by a physician, would place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself.

“(c) TRADITIONAL HEALTH CARE PRACTICES.—Although the Secretary may promote traditional health care practices, consistent with the Service standards for the provision of health care, health promotion, and disease prevention under this Act, the United States is not liable for any provision of traditional health care practices pursuant to this Act that results in damage, injury, or death to a patient. Nothing in this subsection shall be construed to alter any liability or other obligation that the United States may otherwise have under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or this Act.

“(d) FIREARM PROGRAMS.—None of the funds made available to carry out this Act may be used to carry out any antifirearm program, gun buy-back program, or program to discourage or stigmatize the private ownership of firearms for collecting, hunting, or self-defense purposes.

### “SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.

“(a) IN GENERAL.—The following California Indians shall be eligible for health services provided by the Service:

“(1) Any member of a federally recognized Indian Tribe.

“(2) Any descendant of an Indian who was residing in California on June 1, 1852, if such descendant—

“(A) is a member of the Indian community served by a local program of the Service; and

“(B) is regarded as an Indian by the community in which such descendant lives.

“(3) Any Indian who holds trust interests in public domain, national forest, or reservation allotments in California.

“(4) Any Indian in California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

“(b) CLARIFICATION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

### “SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.

“(a) CHILDREN.—Any individual who—

“(1) has not attained 19 years of age;

“(2) is the natural or adopted child, stepchild, foster child, legal ward, or orphan of an eligible Indian; and

“(3) is not otherwise eligible for health services provided by the Service,

shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until 1 year after the date of a determination of competency.

“(b) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but is not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all such spouses or spouses who are married to members of each Indian Tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian Tribe or Tribal Organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

“(c) PROVISION OF SERVICES TO OTHER INDIVIDUALS.—

“(1) IN GENERAL.—The Secretary is authorized to provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the Service Unit and who are not otherwise eligible for such health services if—

“(A) the Indian Tribes served by such Service Unit request such provision of health services to such individuals; and

“(B) the Secretary and the served Indian Tribes have jointly determined that—

“(i) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

“(ii) there is no reasonable alternative health facilities or services, within or without the Service Unit, available to meet the health needs of such individuals.

“(2) ISDEAA PROGRAMS.—In the case of health programs and facilities operated under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the governing body of the Indian Tribe or Tribal Organization providing health services under such contract or compact is authorized to determine whether health services should be provided under such contract to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian Tribe or Tribal Organization shall take into account the considerations described in paragraph (1)(B).

“(3) PAYMENT FOR SERVICES.—

“(A) IN GENERAL.—Persons receiving health services provided by the Service under this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 404 of this Act or any other provision of law, amounts collected under this subsection, including Medicare, Medicaid, or SCHIP reimbursements under titles XVIII, XIX, and XXI of the Social Security Act, shall be credited to the account of the program providing the service and shall be used for the purposes listed in section 401(d)(2) and amounts collected under this subsection shall be available for expenditure within such program.

“(B) INDIGENT PEOPLE.—Health services may be provided by the Secretary through the Service under this subsection to an indigent individual who would not be otherwise eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent individual.

“(4) REVOCATION OF CONSENT FOR SERVICES.—

“(A) SINGLE TRIBE SERVICE AREA.—In the case of a Service Area which serves only 1 Indian Tribe, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian Tribe revokes its concurrence to the provision of such health services.

“(B) MULTITRIBAL SERVICE AREA.—In the case of a multitribal Service Area, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian Tribes in the Service Area revoke their concurrence to the provisions of such health services.

“(d) OTHER SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other provision of law in order to—

“(1) achieve stability in a medical emergency;

“(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

“(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through postpartum; or

“(4) provide care to immediate family members of an eligible individual if such care is directly related to the treatment of the eligible individual.

“(e) HOSPITAL PRIVILEGES FOR PRACTITIONERS.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be extended to non-Service health care practitioners who provide services to individuals described in subsection (a), (b), (c), or (d). Such non-Service health care practitioners may, as part of the privileging process, be designated as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible individuals as a part of the conditions under which such hospital privileges are extended.

“(f) ELIGIBLE INDIAN.—For purposes of this section, the term ‘eligible Indian’ means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

### “SEC. 808. REALLOCATION OF BASE RESOURCES.

“(a) REPORT REQUIRED.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a Service Unit may be implemented only after the Secretary has submitted to Congress, under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

"(b) EXCEPTION.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is at least 5 percent less than the amount appropriated to the Service for the previous fiscal year.

### "SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.

"The Secretary shall provide for the dissemination to Indian Tribes, Tribal Organizations, and Urban Indian Organizations of the findings and results of demonstration projects conducted under this Act.

### "SEC. 810. PROVISION OF SERVICES IN MONTANA.

"(a) CONSISTENT WITH COURT DECISION.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in McNabb for McNabb v. Bowen, 829 F.2d 787 (9th Cir. 1987).

"(b) CLARIFICATION.—The provisions of subsection (a) shall not be construed to be an expression of the sense of Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

### "SEC. 811. TRIBAL EMPLOYMENT.

"For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372), an Indian Tribe or Tribal Organization carrying out a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not be considered an 'employer'.

### "SEC. 812. SEVERABILITY PROVISIONS.

"If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

### "SEC. 813. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON INDIAN HEALTH CARE.

"(a) ESTABLISHMENT.—There is established the National Bipartisan Indian Health Care Commission (the 'Commission').

"(b) DUTIES OF COMMISSION.—The duties of the Commission are the following:

"(1) To establish a study committee composed of those members of the Commission appointed by the Director and at least 4 members of Congress from among the members of the Commission, the duties of which shall be the following:

"(A) To the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Indian needs with regard to the provision of health services, regardless of the location of Indians, including holding hearings and soliciting the views of Indians, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, which may include authorizing and making funds available for feasibility studies of various models for providing and funding health services for all Indian beneficiaries, including those who live outside of a reservation, temporarily or permanently.

"(B) To make legislative recommendations to the Commission regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

"(C) To determine the effect of the enactment of such recommendations on (i) the existing system of delivery of health services for Indians, and (ii) the sovereign status of Indian Tribes.

"(D) Not later than 12 months after the appointment of all members of the Commission, to submit a written report of its findings and recommendations to the full Commission. The report shall include a statement of the minority and majority position of the Committee and shall be disseminated, at a minimum, to every Indian Tribe, Tribal Organization, and Urban Indian Organization for comment to the Commission.

"(E) To report regularly to the full Commission regarding the findings and recommendations developed by the study committee in the course of carrying out its duties under this section.

"(2) To review and analyze the recommendations of the report of the study committee.

"(3) To make legislative recommendations to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

"(4) Not later than 18 months following the date of appointment of all members of the Commission, submit a written report to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

"(c) MEMBERS.—

"(1) APPOINTMENT.—The Commission shall be composed of 25 members, appointed as follows:

"(A) Ten members of Congress, including 3 from the House of Representatives and 2 from the Senate, appointed by their respective majority leaders, and 3 from the House of Representatives and 2 from the Senate, appointed by their respective minority leaders, and who shall be members of the standing committees of Congress that consider legislation affecting health care to Indians.

"(B) Twelve persons chosen by the congressional members of the Commission, 1 from each Service Area as currently designated by the Director to be chosen from among 3 nominees from each Service Area put forward by the Indian Tribes within the area, with due regard being given to the experience and expertise of the nominees in the provision of health care to Indians and to a reasonable representation on the commission of members who are familiar with various health care delivery modes and who represent Indian Tribes of various size populations.

"(C) Three persons appointed by the Director who are knowledgeable about the provision of health care to Indians, at least 1 of whom shall be appointed from among 3 nominees put forward by those programs whose funds are provided in whole or in part by the Service primarily or exclusively for the benefit of Urban Indians.

"(D) All those persons chosen by the congressional members of the Commission and by the Director shall be members of federally recognized Indian Tribes.

"(2) CHAIR; VICE CHAIR.—The Chair and Vice Chair of the Commission shall be selected by the congressional members of the Commission.

"(3) TERMS.—The terms of members of the Commission shall be for the life of the Commission.

"(4) DEADLINE FOR APPOINTMENTS.—Congressional members of the Commission shall be appointed not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, and the remaining members of the Commission shall be appointed not later than 60 days following the appointment of the congressional members.

"(5) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(d) COMPENSATION.—

"(1) CONGRESSIONAL MEMBERS.—Each congressional member of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

"(2) OTHER MEMBERS.—Remaining members of the Commission, while serving on the business of the Commission (including travel time), shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of the Commission. For purpose of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate.

"(e) MEETINGS.—The Commission shall meet at the call of the Chair.

"(f) QUORUM.—A quorum of the Commission shall consist of not less than 15 members, provided that no less than 6 of the members of Congress who are Commission members are present and no less than 9 of the members who are Indians are present.

"(g) EXECUTIVE DIRECTOR; STAFF; FACILITIES.—

"(1) APPOINTMENT; PAY.—The Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay for level V of the Executive Schedule.

"(2) STAFF APPOINTMENT.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

"(3) STAFF PAY.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

"(4) TEMPORARY SERVICES.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(5) FACILITIES.—The Administrator of General Services shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

"(h) HEARINGS.—(1) For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, provided that at least 6 regional hearings are held in different areas of the United States in which large numbers of Indians are present. Such hearings are to be held to solicit the views of Indians regarding the delivery of health care services to them. To constitute a hearing under this subsection, at least 5 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established in this section may count toward the number of regional hearings required by this subsection.

"(2)(A) The Director of the Congressional Budget Office or the Chief Actuary of the Centers for Medicare & Medicaid Services, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

"(B) The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of that Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

"(3) Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(4) Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

"(5) The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

"(6) The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 4, United States Code. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

"(7) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

"(8) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 to carry out the provisions of this section, which sum shall not be deducted from or affect any other appropriation for health care for Indian persons.

"(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

**"SEC. 814. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS; QUALIFIED IMMUNITY FOR PARTICIPANTS.**

"(a) CONFIDENTIALITY OF RECORDS.—Medical quality assurance records created by or for any Indian Health Program or a health program of an Urban Indian Organization as part of a medical quality assurance program are confidential and privileged. Such records may not be disclosed to any person or entity, except as provided in subsection (c).

"(b) PROHIBITION ON DISCLOSURE AND TESTIMONY.—

"(1) IN GENERAL.—No part of any medical quality assurance record described in subsection (a) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (c).

"(2) TESTIMONY.—A person who reviews or creates medical quality assurance records for any Indian Health Program or Urban Indian Organization who participates in any proceeding that reviews or creates such records may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person or body in connection with such records except as provided in this section.

"(c) AUTHORIZED DISCLOSURE AND TESTIMONY.—

"(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record described in subsection (a) may be disclosed, and a person referred to in subsection (b) may give testimony in connection with such a record, only as follows:

"(A) To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to any Indian Health Program or to a health program of an Urban Indian Organization to perform monitoring, required by law, of such program or organization.

"(B) To an administrative or judicial proceeding commenced by a present or former Indian Health Program or Urban Indian Organization provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

"(C) To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization.

"(D) To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization and who has applied for or been granted authority or employment to provide health care services in or on behalf of such program or organization.

"(E) To an officer, employee, or contractor of the Indian Health Program or Urban Indian Organization that created the records or for which the records were created. If that officer, employee, or contractor has a need for such record or testimony to perform official duties.

"(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or testimony be provided for a purpose authorized by law.

"(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of such proceeding.

"(2) IDENTITY OF PARTICIPANTS.—With the exception of the subject of a quality assurance action, the identity of any person receiving health care services from any Indian Health Program or Urban Indian Organization or the identity of any other person associated with such program or organization for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record described in subsection (a) shall be deleted from that record or document before any disclosure of such record is made outside such program or organization.

"(d) DISCLOSURE FOR CERTAIN PURPOSES.—

"(1) IN GENERAL.—Nothing in this section shall be construed as authorizing or requiring the withholding from any person or entity aggregate statistical information regarding the results of any Indian Health Program's or Urban Indian Organization's medical quality assurance programs.

"(2) WITHHOLDING FROM CONGRESS.—Nothing in this section shall be construed as authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the Government Accountability Office if such record pertains to any matter within their respective jurisdictions.

"(e) PROHIBITION ON DISCLOSURE OF RECORD OR TESTIMONY.—A person or entity having possession of or access to a record or testimony described by this section may not disclose the contents of such record or testimony in any manner or for any purpose except as provided in this section.

"(f) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Medical quality assurance records described in subsection (a) may not be made available to any person under section 552 of title 5.

"(g) LIMITATION ON CIVIL LIABILITY.—A person who participates in or provides information to a person or body that reviews or creates medical quality assurance records described in subsection (a) shall not be civilly liable for such participation or for providing such information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

"(h) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

"(i) REGULATIONS.—The Secretary, acting through the Service, is authorized to promulgate regulations pursuant to section 802.

"(j) DEFINITIONS.—In this section:

"(1) The term 'health care provider' means any health care professional, including community health aides and practitioners certified under section 121, who are granted clinical practice privileges or employed to provide health care services in an Indian Health Program or health program of an Urban Indian Organization, who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

"(2) The term 'medical quality assurance program' means any activity carried out before, on, or after the date of enactment of this Act by or for any Indian Health Program or Urban Indian Organization to assess the quality of medical care, including activities conducted by or on behalf of individuals, Indian Health Program or Urban Indian Organization medical or dental treatment review committees, or other review bodies responsible for review of adverse incidents, claims, quality assurance, credentials, infection control, patient safety, patient care assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

"(3) The term 'medical quality assurance record' means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (2) and are produced or compiled by or for an Indian Health Program or Urban Indian Organization as part of a medical quality assurance program.

"(k) RELATIONSHIP TO OTHER LAW.—This section shall continue in force and effect, except as otherwise specifically provided in any Federal law enacted after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008.

### "SEC. 815. SENSE OF CONGRESS REGARDING LAW ENFORCEMENT AND METHAMPHETAMINE ISSUES IN INDIAN COUNTRY.

"It is the sense of Congress that Congress encourages State, local, and Indian tribal law enforcement agencies to enter into memoranda of agreement between and among those agencies for purposes of streamlining law enforcement activities and maximizing the use of limited resources—

"(1) to improve law enforcement services provided to Indian tribal communities; and

"(2) to increase the effectiveness of measures to address problems relating to methamphetamine use in Indian Country (as defined in section 1151 of title 18, United States Code).

### "SEC. 816. TRIBAL HEALTH PROGRAM OPTION FOR COST SHARING.

"(a) IN GENERAL.—Nothing in this Act limits the ability of a Tribal Health Program operating any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a compact with the Service pursuant to title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.) to charge an Indian for services provided by the Tribal Health Program.

"(b) SERVICE.—Nothing in this Act authorizes the Service—

"(1) to charge an Indian for services; or

"(2) to require any Tribal Health Program to charge an Indian for services.

### "SEC. 817. TESTING FOR SEXUALLY TRANSMITTED DISEASES IN CASES OF SEXUAL VIOLENCE.

"The Attorney General shall ensure that, with respect to any Federal criminal action involving a sexual assault, rape, or other incident of sexual violence against an Indian—

"(1)(A) at the request of the victim, a defendant is tested for the human immunodeficiency virus (HIV) and such other sexually transmitted diseases as are requested by the victim not later than 48 hours after the date on which the applicable information or indictment is presented;

"(B) a notification of the test results is provided to the victim or the parent or guardian of the victim and the defendant as soon as practicable after the results are generated; and

"(C) such follow-up tests for HIV and other sexually transmitted diseases are provided as are medically appropriate, with the test results made available in accordance with subparagraph (B); and

"(2) pursuant to section 714(a), HIV and other sexually transmitted disease testing, treatment, and counseling is provided for victims of sexual abuse.

### "SEC. 818. STUDY ON TOBACCO-RELATED DISEASE AND DISPROPORTIONATE HEALTH EFFECTS ON TRIBAL POPULATIONS.

"Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, in consultation with appropriate Federal departments and agencies and acting through the epidemiology centers established under section 209, shall solicit from independent organizations bids to conduct, and shall submit to Congress no later than 5 years after enactment a report describing the results of. a study to determine possible causes for the high prevalence of tobacco use among Indians.

### "SEC. 819. APPROPRIATIONS; AVAILABILITY.

"Any new spending authority (described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (Public Law 93-344; 88 Stat. 317)) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

### "SEC. 820. GAO REPORT ON COORDINATION OF SERVICES.

"(a) STUDY AND EVALUATION.—The Comptroller General of the United States shall conduct a study, and evaluate the effectiveness, of coordination of health care services provided to Indians—

"(1) through Medicare, Medicaid, or SCHIP;

"(2) by the Service; or

"(3) using funds provided by—

"(A) State or local governments; or

"(B) Indian Tribes.

"(b) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Comptroller General shall submit to Congress a report—

"(1) describing the results of the evaluation under subsection (a); and

"(2) containing recommendations of the Comptroller General regarding measures to support and increase coordination of the provision of health care services to Indians as described in subsection (a).

### "SEC. 821. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.".

### SEC. 102. SOBOBA SANITATION FACILITIES.

The Act of December 17, 1970 (84 Stat. 1465), is amended by adding at the end the following:

"SEC. 9. Nothing in this Act shall preclude the Soboba Band of Mission Indians and the Soboba Indian Reservation from being provided with sanitation facilities and services under the authority of section 7 of the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267).".

### SEC. 103. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) IN GENERAL.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

## "TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

### "SEC. 801. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

"(2) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

"(3) FOUNDATION.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

### "SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

"(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

"(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of health care and services to Indians; or

"(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of health care and services to Indians.

"(b) PERPETUAL EXISTENCE.—The Foundation shall have perpetual existence.

"(c) NATURE OF CORPORATION.—The Foundation—

"(1) shall be a charitable and nonprofit federally chartered corporation; and

"(2) shall not be an agency or instrumentality of the United States.

"(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

"(e) DUTIES.—The Foundation shall—

"(1) encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

"(2) undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

"(3) participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

"(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

"(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

"(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

"(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

"(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

"(C) establish the constitution and initial bylaws of the Foundation;

"(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

"(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

"(g) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

"(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

"(3) SELECTION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

"(B) REQUIREMENTS.—

"(i) NUMBER OF MEMBERS.—The Board shall have at least 11 members, who shall have staggered terms.

"(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

"(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

"(II) shall have staggered terms.

"(iii) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

"(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

"(h) OFFICERS.—

"(1) IN GENERAL.—The officers of the Foundation shall be—

"(A) a secretary, elected from among the members of the Board; and

"(B) any other officers provided for in the constitution and bylaws of the Foundation.

"(2) CHIEF OPERATING OFFICER.—The secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation, or the Board may appoint a chief operating officer, who shall serve at the direction of the Board.

"(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

"(i) POWERS.—The Foundation—

"(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

"(2) may adopt and alter a corporate seal;

"(3) may enter into contracts;

"(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

"(5) may sue and be sued; and

"(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

"(j) PRINCIPAL OFFICE.—

"(1) IN GENERAL.—The principal office of the Foundation shall be in the District of Columbia.

"(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

"(k) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

"(l) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

"(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

"(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

"(m) RESTRICTIONS.—

"(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

"(A) the amounts transferred to the Foundation under subsection (o) during the preceding fiscal year; and

"(B) donations received from private sources during the preceding fiscal year.

"(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

"(A) for the first fiscal year described in that paragraph, 20 percent;

"(B) for the following fiscal year, 15 percent; and

"(C) for each fiscal year thereafter, 10 percent.

"(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

"(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

"(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

"(o) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

### "SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

"(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

"(1) may provide personnel, facilities, and other administrative support services to the Foundation;

"(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

"(3) shall require and accept reimbursements from the Foundation for—

"(A) services provided under paragraph (1); and

"(B) funds provided under paragraph (2).

"(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

"(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

"(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

"(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

"(1) are available; and

"(2) are provided on reimbursable cost basis.".

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VII;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking "section 501" and inserting "section 701".

### SEC. 104. MODIFICATION OF TERM.

(a) IN GENERAL.—Except as provided in subsection (b), the Indian Health Care Improvement Act (as amended by section 101) and each provision of the Social Security Act amended by title II are amended (as applicable)—

(1) by striking "Urban Indian Organizations" each place it appears and inserting "urban Indian organizations";

(2) by striking "Urban Indian Organization" each place it appears and inserting "urban Indian organization";

(3) by striking "Urban Indians" each place it appears and inserting "urban Indians";

(4) by striking "Urban Indian" each place it appears and inserting "urban Indian";

(5) by striking "Urban Centers" each place it appears and inserting "urban centers"; and

(6) by striking "Urban Center" each place it appears and inserting "urban center".

(b) EXCEPTION.—The amendments made by subsection (a) shall not apply with respect to—

(1) the matter preceding paragraph (1) of section 510 of the Indian Health Care Improvement Act (as amended by section 101); and

(2) "Urban Indian" the first place it appears in section 513(a) of the Indian Health Care Improvement Act (as amended by section 101).

(c) MODIFICATION OF DEFINITION.—Section 4 of the Indian Health Care Improvement Act (as amended by section 101) is amended by striking paragraph (27) and inserting the following:

"(27) The term 'urban Indian' means any individual who resides in an urban center and who meets 1 or more of the 4 criteria in subparagraphs (A) through (D) of paragraph (12).".

### SEC. 105. GAO STUDY AND REPORT ON PAYMENTS FOR CONTRACT HEALTH SERVICES.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study on the utilization of health care furnished by health care providers under the contract health services program funded by the Indian Health Service and operated by

the Indian Health Service, an Indian Tribe, or a Tribal Organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act).

(2) ANALYSIS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the amounts reimbursed under the contract health services program described in paragraph (1) for health care furnished by entities, individual providers, and suppliers, including a comparison of reimbursement for such health care through other public programs and in the private sector;

(B) barriers to accessing care under such contract health services program, including, but not limited to, barriers relating to travel distances, cultural differences, and public and private sector reluctance to furnish care to patients under such program;

(C) the adequacy of existing Federal funding for health care under such contract health services program; and

(D) any other items determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations regarding—

(1) the appropriate level of Federal funding that should be established for health care under the contract health services program described in subsection (a)(1); and

(2) how to most efficiently utilize such funding.

(c) CONSULTATION.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Comptroller General shall consult with the Indian Health Service, Indian Tribes, and Tribal Organizations.

### SEC. 106. GAO STUDY OF MEMBERSHIP CRITERIA FOR FEDERALLY RECOGNIZED INDIAN TRIBES.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of membership criteria for federally recognized Indian tribes, including—

(1) the number of federally recognized Indian tribes in existence on the date on which the study is conducted;

(2) the number of those Indian tribes that use blood quantum as a criterion for membership in the Indian tribe and the importance assigned to that criterion;

(3) the percentage of members of federally recognized Indian tribes that possesses degrees of Indian blood of—

(A) $\frac{1}{4}$;

(B) $\frac{1}{8}$; and

(C) $\frac{1}{16}$; and

(4) the variance in wait times and rationing of health care services within the Service between federally recognized Indian Tribes that use blood quantum as a criterion for membership and those Indian Tribes that do not use blood quantum as such a criterion.

### SEC. 107. GAO STUDY OF TRIBAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study of the tribal justice systems of Indian tribes located in the States of North Dakota and South Dakota.

(b) INCLUSIONS.—The study under subsection (a) shall include, with respect to the tribal system of each Indian tribe described in subsection (a) and the tribal justice system as a whole—

(1)(A) a description of how the tribal justice systems function, or are supposed to function; and

(B) a description of the components of the tribal justice systems, such as tribal trial courts, courts of appeal, applicable tribal law, judges, qualifications of judges, the selection and removal of judges, turnover of judges, the creation of precedent, the recording of precedent, the jurisdictional authority of the tribal court system, and the separation of powers between the tribal court system, the tribal council, and the head of the tribal government;

(2) a review of the origins of the tribal justice systems, such as the development of the systems pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the "Indian Reorganization Act"), which promoted tribal constitutions and addressed the tribal court system;

(3) an analysis of the weaknesses of the tribal justice systems, including the adequacy of law enforcement personnel and detention facilities, in particular in relation to crime rates; and

(4) an analysis of the measures that tribal officials suggest could be carried out to improve the tribal justice systems, including an analysis of how Federal law could improve and stabilize the tribal court system.

## TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

### SEC. 201. EXPANSION OF PAYMENTS UNDER MEDICARE, MEDICAID, AND SCHIP FOR ALL COVERED SERVICES FURNISHED BY INDIAN HEALTH PROGRAMS.

(a) MEDICAID.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended—

(A) by amending the heading to read as follows:

**"SEC. 1911. INDIAN HEALTH PROGRAMS.";**

and

(B) by amending subsection (a) to read as follows:

"(a) ELIGIBILITY FOR PAYMENT FOR MEDICAL ASSISTANCE.—The Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payment for medical assistance provided under a State plan or under waiver authority with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title and under such plan or waiver authority.".

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—A facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title and under a State plan or waiver authority which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.".

(3) REVISION OF AUTHORITY TO ENTER INTO AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

"(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an agreement with a State for the purpose of reimbursing the State for medical assistance provided by the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization (as so defined), directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization and another health care provider to Indians who are eligible for medical assistance under the State plan or under waiver authority.".

(4) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—Such section is further amended by striking subsection (d) and adding at the end the following new subsections:

"(d) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

"(e) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.

"(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe', 'Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(b) MEDICARE.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1880 of such Act (42 U.S.C. 1395qq) is amended—

(A) by amending the heading to read as follows:

**"SEC. 1880. INDIAN HEALTH PROGRAMS.";**

and

(B) by amending subsection (a) to read as follows:

"(a) ELIGIBILITY FOR PAYMENTS.—Subject to subsection (e), the Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payments under this title with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title.".

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subject to subsection (e), a facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban

Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.".

(3) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—

(A) IN GENERAL.—Such section is further amended by striking subsections (c) and (d) and inserting the following new subsections:

"(c) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

"(d) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.".

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 1880(e) of such Act (42 U.S.C. 1395qq(e)) is amended by inserting "and section 401(c)(1) of the Indian Health Care Improvement Act" after "Subsection (c)".

(4) DEFINITIONS.—Such section is further amended by amending subsection (f) to read as follows:

"(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe', 'Service Unit', 'Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(c) APPLICATION TO SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C), the following new subparagraph:

"(D) Section 1911 (relating to Indian Health Programs, other than subsection (d) of such section).".

### SEC. 202. INCREASED OUTREACH TO INDIANS UNDER MEDICAID AND SCHIP AND IMPROVED COOPERATION IN THE PROVISION OF ITEMS AND SERVICES TO INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9) is amended to read as follows:

### "SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XVIII, XIX, AND XXI.

"(a) AGREEMENTS WITH STATES FOR MEDICAID AND SCHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

"(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

"(2) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

"(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI.

"(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

### SEC. 203. ADDITIONAL PROVISIONS TO INCREASE OUTREACH TO, AND ENROLLMENT OF, INDIANS IN SCHIP AND MEDICAID.

(a) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—The limitation under subparagraph (A) on expenditures for items described in subsection (a)(1)(D) shall not apply in the case of expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).".

(b) ASSURANCE OF PAYMENTS TO INDIAN HEALTH CARE PROVIDERS FOR CHILD HEALTH ASSISTANCE.—Section 2102(b)(3)(D) of such Act (42 U.S.C. 1397bb(b)(3)(D)) is amended by striking "(as defined in section 4(c) of the Indian Health Care Improvement Act, 25 U.S.C. 1603(c))" and inserting ", including how the State will ensure that payments are made to Indian Health Programs and Urban Indian Organizations operating in the State for the provision of such assistance".

(c) INCLUSION OF OTHER INDIAN FINANCED HEALTH CARE PROGRAMS IN EXEMPTION FROM PROHIBITION ON CERTAIN PAYMENTS.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by striking "insurance program, other than an insurance program operated or financed by the Indian Health Service" and inserting "program, other than a health care program operated or financed by the Indian Health Service or by an Indian Tribe, Tribal Organization, or Urban Indian Organization".

(d) SATISFACTION OF MEDICAID DOCUMENTATION REQUIREMENTS.—Section 1903(x)(3)(B) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is amended—

(1) by redesignating clause (v) as clause (vii); and

(2) by inserting after clause (iv), the following new clauses:

"(v) Except as provided in clause (vi), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

"(vi)(I) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of United States citizenship or nationality under the regulations adopted pursuant to subclause (II).

"(II) Not later than 90 days after the date of enactment of this subclause, the Secretary, in consultation with the tribes referred to in subclause (I), shall promulgate interim final regulations specifying the forms of documentation (including tribal documentation, if appropriate) deemed to be satisfactory evidence of the United States citizenship or nationality of a member of any such Indian tribe for purposes of satisfying the requirements of this subsection.

"(III) During the period that begins on the date of enactment of this clause and ends on the effective date of the interim final regulations promulgated under subclause (II), a document issued by a federally recognized Indian tribe referred to in subclause (I) evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood) accompanied by a signed attestation that the individual is a citizen of the United States and a certification by the appropriate officer or agent of the Indian tribe that the membership or other records maintained by the Indian tribe indicate that the individual was born in the United States is deemed to be a document described in this subparagraph for purposes of satisfying the requirements of this subsection.".

(e) DEFINITIONS.—Section 2110(c) of such Act (42 U.S.C. 1397jj(c)) is amended by adding at the end the following new paragraph:

"(9) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE; ETC.—The terms 'Indian', 'Indian Health Program', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

### SEC. 204. PREMIUMS AND COST SHARING PROTECTIONS UNDER MEDICAID, ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP, AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

(a) PREMIUMS AND COST SHARING PROTECTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "and (i)" and inserting ", (i), and (j)"; and

(B) by adding at the end the following new subsection:

"(j) NO PREMIUMS OR COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN HEALTH PROGRAMS OR THROUGH REFERRAL UNDER THE CONTRACT HEALTH SERVICE.—

"(1) NO COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY OR THROUGH INDIAN HEALTH PROGRAMS.—

"(A) NO ENROLLMENT FEES, PREMIUMS, OR COPAYMENTS.—

"(i) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, a Tribal Organization, or an urban Indian organization, or by a health care provider through referral under the contract health service for which payment may be made under this title.

"(ii) EXCEPTION.—Clause (i) shall not apply to an individual only eligible for the programs or services under sections 102 and 103 or title V of the Indian Health Care Improvement Act.

"(B) NO REDUCTION IN AMOUNT OF PAYMENT TO INDIAN HEALTH PROVIDERS.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under the contract health service for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.

"(3) DEFINITIONS.—In this subsection, the terms 'contract health service', 'Indian', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(2) CONFORMING AMENDMENT.—Section 1916A(a)(1) of such Act (42 U.S.C. 1396o–1(a)(1)) is amended by striking "section 1916(g)" and inserting "subsections (g), (i), or (j) of section 1916".

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on October 1, 2009.

(b) TREATMENT OF CERTAIN PROPERTY FOR MEDICAID AND SCHIP ELIGIBILITY.—

(1) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new paragraph:

"(13) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property for purposes of determining the eligibility of an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act) for medical assistance under this title:

"(A) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

"(B) For any federally recognized Tribe not described in subparagraph (A), property located within the most recent boundaries of a prior Federal reservation.

"(C) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

"(D) Ownership interests in or usage rights to items not covered by subparagraphs (A) through (C) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.".

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (E), as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

"(B) Section 1902(e)(13) (relating to disregard of certain property for purposes of making eligibility determinations).".

(c) CONTINUATION OF CURRENT LAW PROTECTIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.".

### **SEC. 205. NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.**

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by section 202, is amended by redesignating subsection (c) as subsection (d), and inserting after subsection (b) the following new subsection:

"(c) NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.—

"(1) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

"(A) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

"(B) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221 of the Indian Health Care Improvement Act, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

"(2) PROHIBITION ON FEDERAL PAYMENTS TO ENTITIES OR INDIVIDUALS EXCLUDED FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS OR WHOSE STATE LICENSES ARE UNDER SUSPENSION OR HAVE BEEN REVOKED.—

"(A) EXCLUDED ENTITIES.—No entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment under any such program for health care services furnished to an Indian.

"(B) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension or has been revoked shall be eligible to receive payment under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

"(C) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.".

### **SEC. 206. CONSULTATION ON MEDICAID, SCHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.**

(a) IN GENERAL.—Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by sections 202 and 205, is amended by redesignating subsection (d) as subsection (e), and inserting after subsection (c) the following new subsection:

"(d) CONSULTATION WITH TRIBAL TECHNICAL ADVISORY GROUP (TTAG).—The Secretary shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group, established in accordance with requirements of the charter dated September 30, 2003, and in such group shall include a representative of the Urban Indian Organizations and the Service. The representative of the Urban Indian Organization shall be deemed to be an elected officer of a tribal government for purposes of applying section 204(b) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534(b)).''.

(b) SOLICITATION OF ADVICE UNDER MEDICAID AND SCHIP.—

(1) MEDICAID STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69), by striking "and" at the end;

(B) in paragraph (70)(B)(iv), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70)(B)(iv), the following new paragraph:

"(71) in the case of any State in which the Indian Health Service operates or funds health care programs, or in which 1 or more Indian Health Programs or Urban Indian Organizations (as such terms are defined in section 4 of the Indian Health Care Improvement Act) provide health care in the State for which medical assistance is available under such title, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

"(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

"(B) may include appointment of an advisory committee and of a designee of such Indian Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.''.

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 204(b)(2), is amended—

(A) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

"(B) Section 1902(a)(71) (relating to the option of certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2009.

### SEC. 207. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

(a) EXCLUSION WAIVER AUTHORITY.—Section 1128 of the Social Security Act (42 U.S.C. 1320a–7) is amended by adding at the end the following new subsection:

"(k) ADDITIONAL EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS.—In addition to the authority granted the Secretary under subsections (c)(3)(B) and (d)(3)(B) to waive an exclusion under subsection (a)(1), (a)(3), (a)(4), or (b), the Secretary may, in the case of an Indian Health Program, waive such an exclusion upon the request of the administrator of an affected Indian Health Program (as defined in section 4 of the Indian Health Care Improvement Act) who determines that the exclusion would impose a hardship on individuals entitled to benefits under or enrolled in a Federal health care program.''.

(b) CERTAIN TRANSACTIONS INVOLVING INDIAN HEALTH CARE PROGRAMS DEEMED TO BE IN SAFE HARBORS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following new paragraph:

"(4) Subject to such conditions as the Secretary may promulgate from time to time as necessary to prevent fraud and abuse, for purposes of paragraphs (1) and (2) and section 1128A(a), the following transfers shall not be treated as remuneration:

"(A) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.—Transfers of anything of value between or among an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that are made for the purpose of providing necessary health care items and services to any patient served by such Program, Tribe, or Organization and that consist of—

"(i) services in connection with the collection, transport, analysis, or interpretation of diagnostic specimens or test data;

"(ii) inventory or supplies;

"(iii) staff; or

"(iv) a waiver of all or part of premiums or cost sharing.

"(B) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR URBAN INDIAN ORGANIZATIONS AND PATIENTS.—Transfers of anything of value between an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization and any patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, including any patient served or eligible for service pursuant to section 807 of the Indian Health Care Improvement Act, but only if such transfers—

"(i) consist of expenditures related to providing transportation for the patient for the provision of necessary health care items or services, provided that the provision of such transportation is not advertised, nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided);

"(ii) consist of expenditures related to providing housing to the patient (including a pregnant patient) and immediate family members or an escort necessary to assuring the timely provision of health care items and services to the patient, provided that the provision of such housing is not advertised nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided); or

"(iii) are for the purpose of paying premiums or cost sharing on behalf of such a patient, provided that the making of such payment is not subject to conditions other than conditions agreed to under a contract for the delivery of contract health services.

"(C) CONTRACT HEALTH SERVICES.—A transfer of anything of value negotiated as part of a contract entered into between an Indian Health Program, Indian Tribe, Tribal Organization, Urban Indian Organization, or the Indian Health Service and a contract care provider for the delivery of contract health services authorized by the Indian Health Service, provided that—

"(i) such a transfer is not tied to volume or value of referrals or other business generated by the parties; and

"(ii) any such transfer is limited to the fair market value of the health care items or services provided or, in the case of a transfer of items or services related to preventative care, the value of the future health care costs reasonably expected to be avoided.

"(D) OTHER TRANSFERS.—Any other transfer of anything of value involving an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, or a patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that the Secretary, in consultation with the Attorney General, determines is appropriate, taking into account the special circumstances of such Indian Health Programs, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, and of patients served by such Programs, Tribes, and Organizations.''.

### SEC. 208. RULES APPLICABLE UNDER MEDICAID AND SCHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES.

(a) IN GENERAL.—Section 1932 of the Social Security Act (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES, INDIAN HEALTH CARE PROVIDERS, AND INDIAN MANAGED CARE ENTITIES.—

"(1) ENROLLEE OPTION TO SELECT AN INDIAN HEALTH CARE PROVIDER AS PRIMARY CARE PROVIDER.—In the case of a non-Indian Medicaid managed care entity that—

"(A) has an Indian enrolled with the entity; and

"(B) has an Indian health care provider that is participating as a primary care provider within the network of the entity,

insofar as the Indian is otherwise eligible to receive services from such Indian health care provider and the Indian health care provider has the capacity to provide primary care services to such Indian, the contract with the entity under section 1903(m) or under section 1905(t)(3) shall require, as a condition of receiving payment under such contract, that the Indian shall be allowed to choose such Indian health care provider as the Indian's primary care provider under the entity.

"(2) ASSURANCE OF PAYMENT TO INDIAN HEALTH CARE PROVIDERS FOR PROVISION OF COVERED SERVICES.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require any such entity that has a significant percentage of Indian enrollees (as determined by the Secretary), as a condition of receiving payment under such contract to satisfy the following requirements:

"(A) DEMONSTRATION OF PARTICIPATING INDIAN HEALTH CARE PROVIDERS OR APPLICATION OF ALTERNATIVE PAYMENT ARRANGEMENTS.—Subject to subparagraph (E), to—

"(i) demonstrate that the number of Indian health care providers that are participating providers with respect to such entity are sufficient to ensure timely access to covered Medicaid managed care services for those enrollees who are eligible to receive services from such providers; or "(ii) agree to pay Indian health care providers who are not participating providers with the entity for covered Medicaid managed care services provided to those enrollees who are eligible to receive services from such providers at a rate equal to the rate negotiated between such entity and the provider involved or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the entity would make for the services if the services were furnished by a participating provider which is not an Indian health care provider.

"(B) PROMPT PAYMENT.—To agree to make prompt payment (in accordance with rules applicable to managed care entities) to Indian health care providers that are participating providers with respect to such entity or, in the case of an entity to which subparagraph (A)(ii) or (E) applies, that the entity is required to pay in accordance with that subparagraph.

"(C) SATISFACTION OF CLAIM REQUIREMENT.—To deem any requirement for the submission of a claim or other documentation for services covered under subparagraph (A) by the enrollee to be satisfied through the submission of a claim or other documentation by an Indian health care provider that is consistent with section 403(h) of the Indian Health Care Improvement Act.

"(D) COMPLIANCE WITH GENERALLY APPLICABLE REQUIREMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), as a condition of payment under subparagraph (A), an Indian health care provider shall comply with the generally applicable requirements of this title, the State plan, and such entity with respect to covered Medicaid managed care services provided by the Indian health care provider to the same extent that non-Indian providers participating with the entity must comply with such requirements.

"(ii) LIMITATIONS ON COMPLIANCE WITH MANAGED CARE ENTITY GENERALLY APPLICABLE REQUIREMENTS.—An Indian health care provider—

"(I) shall not be required to comply with a generally applicable requirement of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) if such compliance would conflict with any other statutory or regulatory requirements applicable to the Indian health care provider; and

"(II) shall only need to comply with those generally applicable requirements of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) that are necessary for the entity's compliance with the State plan, such as those related to care management, quality assurance, and utilization management.

"(E) APPLICATION OF SPECIAL PAYMENT REQUIREMENTS FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—

"(i) FEDERALLY-QUALIFIED HEALTH CENTERS.—

"(I) MANAGED CARE ENTITY PAYMENT REQUIREMENT.—To agree to pay any Indian health care provider that is a Federally-qualified health center but not a participating provider with respect to the entity, for the provision of covered Medicaid managed care services by such provider to an Indian enrollee of the entity at a rate equal to the amount of payment that the entity would pay a Federally-qualified health center that is a participating provider with respect to the entity but is not an Indian health care provider for such services.

"(II) CONTINUED APPLICATION OF STATE REQUIREMENT TO MAKE SUPPLEMENTAL PAYMENT.—Nothing in subclause (I) or subparagraph (A) or (B) shall be construed as waiving the application of section 1902(bb)(5) regarding the State plan requirement to make any supplemental payment due under such section to a Federally-qualified health center for services furnished by such center to an enrollee of a managed care entity (regardless of whether the Federally-qualified health center is or is not a participating provider with the entity).

"(ii) CONTINUED APPLICATION OF ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—If the amount paid by a managed care entity to an Indian health care provider that is not a Federally-qualified health center and that has elected to receive payment under this title as an Indian Health Service provider under the July 11, 1996, Memorandum of Agreement between the Health Care Financing Administration (now the Centers for Medicare & Medicaid Services) and the Indian Health Service for services provided by such provider to an Indian enrollee with the managed care entity is less than the encounter rate that applies to the provision of such services under such memorandum, the State plan shall provide for payment to the Indian health care provider of the difference between the applicable encounter rate under such memorandum and the amount paid by the managed care entity to the provider for such services.

"(F) CONSTRUCTION.—Nothing in this paragraph shall be construed as waiving the application of section 1902(a)(30)(A) (relating to application of standards to assure that payments are consistent with efficiency, economy, and quality of care).

"(3) OFFERING OF MANAGED CARE THROUGH INDIAN MEDICAID MANAGED CARE ENTITIES.—If—

"(A) a State elects to provide services through Medicaid managed care entities under its Medicaid managed care program; and

"(B) an Indian health care provider that is funded in whole or in part by the Indian Health Service, or a consortium composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Indian Health Service, has established an Indian Medicaid managed care entity in the State that meets generally applicable standards required of such an entity under such Medicaid managed care program, the State shall offer to enter into an agreement with the entity to serve as a Medicaid managed care entity with respect to eligible Indians served by such entity under such program.

"(4) SPECIAL RULES FOR INDIAN MANAGED CARE ENTITIES.—The following are special rules regarding the application of a Medicaid managed care program to Indian Medicaid managed care entities:

"(A) ENROLLMENT.—

"(i) LIMITATION TO INDIANS.—An Indian Medicaid managed care entity may restrict enrollment under such program to Indians and to members of specific Tribes in the same manner as Indian Health Programs may restrict the delivery of services to such Indians and tribal members.

"(ii) NO LESS CHOICE OF PLANS.—Under such program the State may not limit the choice of an Indian among Medicaid managed care entities only to Indian Medicaid managed care entities or to be more restrictive than the choice of managed care entities offered to individuals who are not Indians.

"(iii) DEFAULT ENROLLMENT.—

"(I) IN GENERAL.—If such program of a State requires the enrollment of Indians in a Medicaid managed care entity in order to receive benefits, the State, taking into consideration the criteria specified in subsection (a)(4)(D)(ii)(I), shall provide for the enrollment of Indians described in subclause (II) who are not otherwise enrolled with such an entity in an Indian Medicaid managed care entity described in such clause.

"(II) INDIAN DESCRIBED.—An Indian described in this subclause, with respect to an Indian Medicaid managed care entity, is an Indian who, based upon the service area and capacity of the entity, is eligible to be enrolled with the entity consistent with subparagraph (A).

"(iv) EXCEPTION TO STATE LOCK-IN.—A request by an Indian who is enrolled under such program with a non-Indian Medicaid managed care entity to change enrollment with that entity to enrollment with an Indian Medicaid managed care entity shall be considered cause for granting such request under procedures specified by the Secretary.

"(B) FLEXIBILITY IN APPLICATION OF SOLVENCY.—In applying section 1903(m)(1) to an Indian Medicaid managed care entity—

"(i) any reference to a 'State' in subparagraph (A)(ii) of that section shall be deemed to be a reference to the 'Secretary'; and

"(ii) the entity shall be deemed to be a public entity described in subparagraph (C)(ii) of that section.

"(C) EXCEPTIONS TO ADVANCE DIRECTIVES.—The Secretary may modify or waive the requirements of section 1902(w) (relating to provision of written materials on advance directives) insofar as the Secretary finds that the requirements otherwise imposed are not an appropriate or effective way of communicating the information to Indians.

"(D) FLEXIBILITY IN INFORMATION AND MARKETING.—

"(i) MATERIALS.—The Secretary may modify requirements under subsection (a)(5) to ensure that information described in that subsection is provided to enrollees and potential enrollees of Indian Medicaid managed care entities in a culturally appropriate and understandable manner that clearly communicates to such enrollees and potential enrollees their rights, protections, and benefits.

"(ii) DISTRIBUTION OF MARKETING MATERIALS.—The provisions of subsection (d)(2)(B) requiring the distribution of marketing materials to an entire service area shall be deemed satisfied in the case of an Indian Medicaid managed care entity that distributes appropriate materials only to those Indians who are potentially eligible to enroll with the entity in the service area.

"(5) MALPRACTICE INSURANCE.—Insofar as, under a Medicaid managed care program, a health care provider is required to have medical malpractice insurance coverage as a condition of contracting as a provider with a Medicaid managed care entity, an Indian health care provider that is—

"(A) a Federally-qualified health center that is covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

"(B) providing health care services pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.); or

"(C) the Indian Health Service providing health care services that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

are deemed to satisfy such requirement.

"(6) DEFINITIONS.—For purposes of this subsection:

"(A) INDIAN HEALTH CARE PROVIDER.—The term 'Indian health care provider' means an Indian Health Program or an Urban Indian Organization.

"(B) INDIAN; INDIAN HEALTH PROGRAM; SERVICE; TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian Health Program', 'Service', 'Tribe', 'tribal organization', 'Urban Indian Organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

"(C) INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'Indian Medicaid managed care entity' means a managed care entity that is controlled (within the meaning of the last sentence of section 1903(m)(1)(C)) by the Indian Health Service, a Tribe, Tribal Organization, or Urban Indian Organization, or a consortium, which may be composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Service.

"(D) NON-INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'non-Indian Medicaid managed care entity' means a managed care entity that is not an Indian Medicaid managed care entity.

"(E) COVERED MEDICAID MANAGED CARE SERVICES.—The term 'covered Medicaid managed care services' means, with respect to an individual enrolled with a managed care entity, items and services that are within the scope of items and services for which benefits are available with respect to the individual under the contract between the entity and the State involved.

"(F) MEDICAID MANAGED CARE PROGRAM.—The term 'Medicaid managed care program' means a program under sections 1903(m) and 1932 and includes a managed care program operating under a waiver under section 1915(b) or 1115 or otherwise.".

(b) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by section 206(b)(2), is amended by adding at the end the following new subparagraph:

"(H) Subsections (a)(2)(C) and (h) of section 1932.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2009.

### SEC. 209. ANNUAL REPORT ON INDIANS SERVED BY SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by the sections 202, 205, and 206, is amended by redesignating subsection (e) as subsection (f), and inserting after subsection (d) the following new subsection:

"(e) ANNUAL REPORT ON INDIANS SERVED BY HEALTH BENEFIT PROGRAMS FUNDED UNDER THIS ACT.—Beginning January 1, 2008, and annually thereafter, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Indian Health Service, shall submit a report to Congress regarding the enrollment and health status of Indians receiving items or services under health benefit programs funded under this Act during the preceding year. Each such report shall include the following:

"(1) The total number of Indians enrolled in, or receiving items or services under, such programs, disaggregated with respect to each such program.

"(2) The number of Indians described in paragraph (1) that also received health benefits under programs funded by the Indian Health Service.

"(3) General information regarding the health status of the Indians described in paragraph (1), disaggregated with respect to specific diseases or conditions and presented in a manner that is consistent with protections for privacy of individually identifiable health information under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(4) A detailed statement of the status of facilities of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization with respect to such facilities' compliance with the applicable conditions and requirements of titles XVIII, XIX, and XXI, and, in the case of title XIX or XXI, under a State plan under such title or under waiver authority, and of the progress being made by such facilities (under plans submitted under section 1880(b), 1911(b) or otherwise) toward the achievement and maintenance of such compliance.

"(5) Such other information as the Secretary determines is appropriate.".

### SEC. 210. DEVELOPMENT OF RECOMMENDATIONS TO IMPROVE INTERSTATE COORDINATION OF MEDICAID AND SCHIP COVERAGE OF INDIAN CHILDREN AND OTHER CHILDREN WHO ARE OUTSIDE OF THEIR STATE OF RESIDENCY BECAUSE OF EDUCATIONAL OR OTHER NEEDS.

(a) STUDY.—The Secretary shall conduct a study to identify barriers to interstate coordination of enrollment and coverage under the Medicaid program under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act of children who are eligible for medical assistance or child health assistance under such programs and who, because of educational needs, migration of families, emergency evacuations, or otherwise, frequently change their State of residency or otherwise are temporarily present outside of the State of their residency. Such study shall include an examination of the enrollment and coverage coordination issues faced by Indian children who are eligible for medical assistance or child health assistance under such programs in their State of residence and who temporarily reside in an out-of-State boarding school or peripheral dormitory funded by the Bureau of Indian Affairs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with directors of State Medicaid programs under title XIX of the Social Security Act and directors of State Children's Health Insurance Programs under title XXI of such Act, shall submit a report to Congress that contains recommendations for such legislative and administrative actions as the Secretary determines appropriate to address the enrollment and coverage coordination barriers identified through the study required under subsection (a).

### SEC. 211. ESTABLISHMENT OF NATIONAL CHILD WELFARE RESOURCE CENTER FOR TRIBES.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a National Child Welfare Resource Center for Tribes that is—

(1) specifically and exclusively dedicated to meeting the needs of Indian tribes and tribal organizations through the provision of assistance described in subsection (b); and

(2) not part of any existing national child welfare resource center.

(b) ASSISTANCE PROVIDED.—

(1) IN GENERAL.—The National Child Welfare Resource Center for Tribes shall provide information, advice, educational materials, and technical assistance to Indian tribes and tribal organizations with respect to the types of services, administrative functions, data collection, program management, and reporting that are provided for under State plans under parts B and E of title IV of the Social Security Act.

(2) IMPLEMENTATION AUTHORITY.—The Secretary may provide the assistance described in paragraph (1) either directly or through grant or contract with public or private organizations knowledgeable and experienced in the field of Indian tribal affairs and child welfare.

(c) APPROPRIATIONS.—There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury of the United States not otherwise appropriated, $1,000,000 for each of fiscal years 2009 through 2013 to carry out the purposes of this section.

### SEC. 212. ADJUSTMENT TO THE MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by section 110 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "$1,790,000,000" and inserting "$1,657,000,000".

### SEC. 213. MORATORIUM ON IMPLEMENTATION OF CHANGES TO CASE MANAGEMENT AND TARGETED CASE MANAGEMENT PAYMENT REQUIREMENTS UNDER MEDICAID.

(a) MORATORIUM.—

(1) DELAYED IMPLEMENTATION OF DECEMBER 4, 2007, INTERIM FINAL RULE.—The interim final rule published on December 4, 2007, at pages 68,077 through 68,093 of volume 72 of the Federal Register (relating to parts 431, 440, and 441 of title 42 of the Code of Federal Regulations) shall not take effect before April 1, 2009.

(2) CONTINUATION OF 2007 PAYMENT POLICIES AND PRACTICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy or practice, including a Medical Assistance Manual transmittal or issuance of a letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for case management and targeted case management services if such action is more restrictive than the administrative action, policy, or practice that applies to coverage of, or payment for, such services under title XIX of the Social Security Act on December 3, 2007. Any such action taken by the Secretary of Health and Human Services during the period that begins on December 4, 2007, and ends on March 31, 2009, that is based in whole or in part on the interim final rule described in subsection (a) is null and void.

(b) INCLUSION OF MEDICARE PROVIDERS AND SUPPLIERS IN FEDERAL PAYMENT LEVY AND ADMINISTRATIVE OFFSET PROGRAM.—

(1) IN GENERAL.—Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

"(d) INCLUSION OF MEDICARE PROVIDER AND SUPPLIER PAYMENTS IN FEDERAL PAYMENT LEVY PROGRAM.—

"(1) IN GENERAL.—The Centers for Medicare & Medicaid Services shall take all necessary steps to participate in the Federal Payment Levy Program under section 6331(h) of the Internal Revenue Code of 1986 as soon as possible and shall ensure that—

"(A) at least 50 percent of all payments under parts A and B are processed through such program beginning within 1 year after the date of the enactment of this section;

"(B) at least 75 percent of all payments under parts A and B are processed through such program beginning within 2 years after such date; and

"(C) all payments under parts A and B are processed through such program beginning not later than September 30, 2011.

"(2) ASSISTANCE.—The Financial Management Service and the Internal Revenue Service shall provide assistance to the Centers for Medicare & Medicaid Services to ensure that all payments described in paragraph (1) are included in the Federal Payment Levy Program by the deadlines specified in that subsection.".

(2) APPLICATION OF ADMINISTRATIVE OFFSET PROVISIONS TO MEDICARE PROVIDER OR SUPPLIER PAYMENTS.—Section 3716 of title 31, United States Code, is amended—

(A) by inserting "the Department of Health and Human Services," after "United States Postal Service," in subsection (c)(1)(A); and

(B) by adding at the end of subsection (c)(3) the following new subparagraph:

"(D) This section shall apply to payments made after the date which is 90 days after the enactment of this subparagraph (or such earlier date as designated by the Secretary of Health and Human Services) with respect to claims or debts, and to amounts payable, under title XVIII of the Social Security Act.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

### SEC. 214. INCREASED CIVIL MONEY PENALTIES AND CRIMINAL FINES FOR MEDICARE FRAUD AND ABUSE.

(a) INCREASED CIVIL MONEY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended—

(1) in subsection (a), in the flush matter following paragraph (7)—

(A) by striking "$10,000" each place it appears and inserting "$20,000";

(B) by striking "$15,000" and inserting "$30,000"; and

(C) by striking "$50,000" and inserting "$100,000"; and

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking "$2,000" and inserting "$4,000";

(B) in paragraph (2), by striking "$2,000" and inserting "$4,000"; and

(C) in paragraph (3)(A)(i), by striking "$5,000" and inserting "$10,000".

(b) INCREASED CRIMINAL FINES.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended—

(1) in subsection (a), in the flush matter following paragraph (6)—

(A) by striking "$25,000" and inserting "$100,000"; and

(B) by striking "$10,000" and inserting "$20,000";

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(B) in paragraph (2), in the flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000";

(3) in subsection (c), by striking "$25,000" and inserting "$100,000";

(4) in subsection (d), in the second flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(5) in subsection (e), by striking "$2,000" and inserting "$4,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to civil money penalties and fines imposed for actions taken on or after the date of enactment of this Act.

### SEC. 215. INCREASED SENTENCES FOR FELONIES INVOLVING MEDICARE FRAUD AND ABUSE.

(a) FALSE STATEMENTS AND REPRESENTATIONS.—Section 1128B(a) of the Social Security Act (42 U.S.C. 1320a–7b(a)) is amended, in clause (i) of the flush matter following paragraph (6), by striking "not more than 5 years" and inserting "not more than 10 years".

(b) ANTI-KICKBACK.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended—

(1) in paragraph (1), in the flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years"; and

(2) in paragraph (2), in the flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years".

(c) FALSE STATEMENT OR REPRESENTATION WITH RESPECT TO CONDITIONS OR OPERATIONS OF FACILITIES.—Section 1128B(c) of the Social Security Act (42 U.S.C. 1320a–7b(c)) is amended by striking "not more than 5 years" and inserting "not more than 10 years".

(d) EXCESS CHARGES.—Section 1128B(d) of the Social Security Act (42 U.S.C. 1320a–7b(d)) is amended, in the second flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to criminal penalties imposed for actions taken on or after the date of enactment of this Act.

## TITLE III—MISCELLANEOUS

### SEC. 301. RESOLUTION OF APOLOGY TO NATIVE PEOPLES OF UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

(2) for millennia, Native Peoples have honored, protected, and stewarded this land we cherish;

(3) Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;

(4) the arrival of Europeans in North America opened a new chapter in the history of Native Peoples;

(5) while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

(6) the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples in the vicinities of the settlements;

(7) in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, "The utmost good faith shall always be observed toward the Indians";

(8) Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

(9) Native Peoples and non-Native settlers engaged in numerous armed conflicts in which unfortunately, both took innocent lives, including those of women and children;

(10) the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

(11) the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the "Indian Removal Act");

(12) many Native Peoples suffered and perished—

(A) during the execution of the official Federal Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(B) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(C) on numerous Indian reservations;

(13) the Federal Government condemned the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (commonly known as the "General Allotment Act"), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

(14) officials of the Federal Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

(15) the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

(16) despite the wrongs committed against Native Peoples by the United States, Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native Peoples have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

(17) Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official Federal Government positions, and by leadership of their own sovereign Indian tribes;

(18) Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

(19) the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to Native Peoples and their traditions; and

(20) Native Peoples are endowed by their Creator with certain unalienable rights, and among those are life, liberty, and the pursuit of happiness.

(b) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(c) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

## TO AMEND THE FEDERAL RULES OF EVIDENCE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 580, S. 2450.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2450) to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, today I hope we pass a bipartisan bill that will go a long way in reducing the costs of litigating disputes in our civil justice system. This bill creates a new Federal Rule of Evidence regarding electronic disclosure of privileged material that would limit the consequences of inadvertent disclosure. The new rule would provide predictability and uniformity in a discovery process that has been made increasingly difficult with the growing use of e-mail and other electronic media. This legislation contains the full text of Judicial Conference recommendations and is supported by all sectors of the legal community.

I ask unanimous consent to have printed in the RECORD the Judicial Conference's Committee Note to illuminate the purpose of the new Federal Rule of Evidence and how it should be applied.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### EXPLANATORY NOTE ON EVIDENCE RULE 502

This new rule has two major purposes:

(1) It resolves some longstanding disputes in the courts about the effect of certain disclosures of communications or information protected by the attorney-client privilege or as work product—specifically those disputes involving inadvertent disclosure and subject matter waiver.

(2) It responds to the widespread complaint that litigation costs necessary to protect against waiver of attorney-client privilege or work product have become prohibitive due to the concern that any disclosure (however innocent or minimal) will operate as a subject matter waiver of all protected communications or information. This concern is especially troubling in cases involving electronic discovery. See, e.g., Hopson v. City of Baltimore, 232 F.R.D. 228, 244 (D.Md. 2005) (electronic discovery may encompass "millions of documents" and to insist upon "record-by-record pre-production privilege review, on pain of subject matter waiver, would impose upon parties costs of production that bear no proportionality to what is at stake in the litigation").

The rule seeks to provide a predictable, uniform set of standards under which parties can determine the consequences of a disclosure of a communication or information covered by the attorney-client privilege or work-product protection. Parties to litigation need to know, for example, that if they exchange privileged information pursuant to a confidentiality order, the court's order will be enforceable. Moreover, if a federal court's confidentiality order is not enforceable in a state court then the burdensome costs of privilege review and retention are unlikely to be reduced.

The rule makes no attempt to alter federal or state law on whether a communication or information is protected under the attorney-client privilege or work-product immunity as an initial matter. Moreover, while establishing some exceptions to waiver, the rule does not purport to supplant applicable waiver doctrine generally.

The rule governs only certain waivers by disclosure. Other common-law waiver doctrines may result in a finding of waiver even where there is no disclosure of privileged information or work product. See, e.g., Nguyen v. Excel Corp., 197 F.3d 200 (5th Cir. 1999) (reliance on an advice of counsel defense waives the privilege with respect to attorney-client communications pertinent to that defense); Ryers v. Burleson, 100 F.R.D. 436 (D.D.C. 1983) (allegation of lawyer malpractice constituted a waiver of confidential communications under the circumstances). The rule is not intended to displace or modify federal common law concerning waiver of privilege or work product where no disclosure has been made.

Subdivision (a). The rule provides that a voluntary disclosure in a federal proceeding or to a federal office or agency, if a waiver, generally results in a waiver only of the communication or information disclosed; a subject matter waiver (of either privilege or work product) is reserved for those unusual situations in which fairness requires a further disclosure of related, protected information, in order to prevent a selective and misleading presentation of evidence to the disadvantage of the adversary. See, e.g., In re United Mine Workers of America Employee Benefit Plans Litig., 159 F.R.D. 307, 312 (D.D.C. 1994) (waiver of work product limited to materials actually disclosed, because the party did not deliberately disclose documents in an attempt to gain a tactical advantage). Thus, subject matter waiver is limited to situations in which a party intentionally puts protected information into the litigation in a selective, misleading and unfair manner. It follows that an inadvertent disclosure of protected information can never result in a subject matter waiver. See Rule 502(b). The rule rejects the result in In re Sealed Case, 877 F.2d 976 (D.C.Cir. 1989), which held that inadvertent disclosure of documents during discovery automatically constituted a subject matter waiver.

The language concerning subject matter waiver—"ought in fairness"—is taken from Rule 106, because the animating principle is the same. Under both Rules, a party that makes a selective, misleading presentation that is unfair to the adversary opens itself to a more complete and accurate presentation.

To assure protection and predictability, the rule provides that if a disclosure is made at the federal level, the federal rule on subject matter waiver governs subsequent state court determinations on the scope of the waiver by that disclosure.

Subdivision (b). Courts are in conflict over whether an inadvertent disclosure of a communication or information protected as privileged or work product constitutes a waiver. A few courts find that a disclosure must be intentional to be a waiver. Most courts find a waiver only if the disclosing party acted carelessly in disclosing the communication or information and failed to request its return in a timely manner. And a few courts hold that any inadvertent disclosure of a communication or information protected under the attorney-client privilege or as work product constitutes a waiver without regard to the protections taken to avoid such a disclosure. See generally Hopson v. City of Baltimore, 232 F.R.D. 228 (D.Md. 2005), for a discussion of this case law.

The rule opts for the middle ground: inadvertent disclosure of protected communications or information in connection with a federal proceeding or to a federal office or agency does not constitute a waiver if the holder took reasonable steps to prevent disclosure and also promptly took reasonable steps to rectify the error. This position is in accord with the majority view on whether inadvertent disclosure is a waiver.

Cases such as Lois Sportswear, U.S.A., Inc. v. Levi Strauss & Co., 104 F.R.D. 103, 105 (S.D.N.Y. 1985) and Hartford Fire Ins. Co. v. Garvey, 109 F.R.D. 323, 332 (N.D.Cal. 1985), set out a multi-factor test for determining whether inadvertent disclosure is a waiver. The stated factors (none of which is dispositive) are the reasonableness of precautions taken, the time taken to rectify the error, the scope of discovery, the extent of disclosure and the overriding issue of fairness. The rule does not explicitly codify that test, because it is really a set of non-determinative guidelines that vary from case to case. The rule is flexible enough to accommodate any of those listed factors. Other considerations bearing on the reasonableness of a producing party's efforts include the number of documents to be reviewed and the time constraints for production. Depending on the circumstances, a party that uses advanced analytical software applications and linguistic tools in screening for privilege and work product may be found to have taken "reasonable steps" to prevent inadvertent disclosure. The implementation of an efficient system of records management before litigation may also be relevant.

The rule does not require the producing party to engage in a post-production review to determine whether any protected communication or information has been produced by mistake. But the rule does require the producing party to follow up on any obvious indications that a protected communication or information has been produced inadvertently.

The rule applies to inadvertent disclosures made to a federal office or agency, including but not limited to an office or agency that is acting in the course of its regulatory, investigative or enforcement authority. The consequences of waiver, and the concomitant costs of pre-production privilege review, can be as great with respect to disclosures to offices and agencies as they are in litigation.

Subdivision (c). Difficult questions can arise when 1) a disclosure of a communication or information protected by the attorney-client privilege or as work product is made in a state proceeding, 2) the communication or information is offered in a subsequent federal proceeding on the ground that the disclosure waived the privilege or protection, and 3) the state and federal laws are in conflict on the question of waiver. The Committee determined that the proper solution for the federal court is to apply the law that is most protective of privilege and work product. If the state law is more protective (such as where the state law is that an inadvertent disclosure can never be a waiver), the holder of the privilege or protection may well have relied on that law when making the disclosure in the state proceeding. Moreover, applying a more restrictive federal law of waiver could impair the state objective of preserving the privilege or work-product protection for disclosures made in state proceedings. On the other hand, if the federal law is more protective, applying the state law of waiver to determine admissibility in federal court is likely to undermine the federal objective of limiting the costs of production.

The rule does not address the enforceability of a state court confidentiality order in a federal proceeding, as that question is covered both by statutory law and principles of federalism and comity. See 28 U.S.C. 1738 (providing that state judicial proceedings "shall have the same full faith and credit in every court within the United States . . . as they have by law or usage in the courts of such State . . . from which they are taken"). See also Tucker v. Ohtsu Tire & Rubber Co., 191 F.R.D. 495, 499 (D.Md. 2000) (noting that a federal court considering the enforceability of a state confidentiality order is "constrained by principles of comity, courtesy, and . . . federalism"). Thus, a state court order finding no waiver in connection with a disclosure made in a state court proceeding is enforceable under existing law in subsequent federal proceedings.

Subdivision (d). Confidentiality orders are becoming increasingly important in limiting the costs of privilege review and retention, especially in cases involving electronic discovery. But the utility of a confidentiality order in reducing discovery costs is substantially diminished if it provides no protection outside the particular litigation in which the order is entered. Parties are unlikely to be able to reduce the costs of pre-production review for privilege and work product if the consequence of disclosure is that the communications or information could be used by non-parties to the litigation.

There is some dispute on whether a confidentiality order entered in one case is enforceable in other proceedings. See generally Hopson v. City of Baltimore, 232 F.R.D. 228 (D.Md. 2005), for a discussion of this case law. The rule provides that when a confidentiality order governing the consequences of disclosure in that case is entered in a federal proceeding, its terms are enforceable against non-parties in any federal or state proceeding. For example, the court order may provide for return of documents without waiver irrespective of the care taken by the disclosing party; the rule contemplates enforcement of "claw-back" and "quick peek" arrangements as a way to avoid the excessive costs of pre-production review for privilege and work product. See Zubulake v. UBS Warburg LLC, 216 F.R.D. 280, 290 (S.D.N.Y. 2003) (noting that parties may enter into "so-called 'claw-back' agreements that allow the parties to forego privilege review altogether in favor of an agreement to return inadvertently produced privilege documents"). The rule provides a party with a predictable protection from a court order—predictability that is needed to allow the party to plan in advance to limit the prohibitive costs of privilege and work product review and retention.

Under the rule, a confidentiality order is enforceable whether or not it memorializes an agreement among the parties to the litigation. Party agreement should not be a condition of enforceability of a federal court's order.

Under subdivision (d), a federal court may order that disclosure of privileged or protected information "in connection with" a federal proceeding does not result in waiver. But subdivision (d) does not allow the federal court to enter an order determining the waiver effects of a separate disclosure of the same information in other proceedings, state or federal. If a disclosure has been made in a state proceeding (and is not the subject of a state-court order on waiver), then subdivision (d) is inapplicable. Subdivision (c) would govern the federal court's determination whether the state-court disclosure waived the privilege or protection in the federal proceeding.

Subdivision (e). Subdivision (e) codifies the well-established proposition that parties can enter an agreement to limit the effect of waiver by disclosure between or among them. Of course such an agreement can bind only the parties to the agreement. The rule makes clear that if parties want protection against non-parties from a finding of waiver by disclosure, the agreement must be made part of a court order.

Subdivision (f). The protections against waiver provided by Rule 502 must be applicable when protected communications or information disclosed in federal proceedings are subsequently offered in state proceedings. Otherwise the holders of protected communications and information, and their lawyers, could not rely on the protections provided by the Rule, and the goal of limiting costs in discovery would be substantially undermined. Rule 502(f) is intended to resolve any potential tension between the provisions of Rule 502 that apply to state proceedings and the possible limitations on the applicability of the Federal Rules of Evidence otherwise provided by Rules 101 and 1101.

The rule is intended to apply in all federal court proceedings, including court-annexed and court-ordered arbitrations, without regard to any possible limitations of Rules 101 and 1101. This provision is not intended to raise an inference about the applicability of any other rule of evidence in arbitration proceedings more generally.

The costs of discovery can be equally high for state and federal causes of action, and the rule seeks to limit those costs in all federal proceedings, regardless of whether the claim arises under state or federal law. Accordingly, the rule applies to state law causes of action brought in federal court.

Subdivision (g). The rule's coverage is limited to attorney-client privilege and work product. The operation of waiver by disclosure, as applied to other evidentiary privileges, remains a question of federal common law. Nor does the rule purport to apply to the Fifth Amendment privilege against compelled self-incrimination.

The definition of work product "materials" is intended to include both tangible and intangible information. See In re Cendant Corp. Sec. Litig., 343 F.3d 658, 662 (3d Cir. 2003) ("work product protection extends to both tangible and intangible work product").

Mr. LEAHY. Mr. President, I thank Senator SPECTER for joining me in introducing this bill last December, as the first session of this Congress drew to a close. The Judiciary Committee took up and unanimously approved the bill during our first business meeting after returning from the holiday recess. I urge all Senators to join Senator SPECTER and me to pass this proposal and take a positive step toward modernizing and improving the Federal Rules of Evidence.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2450) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2450

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT; LIMITATIONS ON WAIVER.

(a) IN GENERAL.—Article V of the Federal Rules of Evidence is amended by adding at the end the following:

**"Rule 502. Attorney-Client Privilege and Work Product; Limitations on Waiver**

"The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.

"(a) DISCLOSURE MADE IN A FEDERAL PROCEEDING OR TO A FEDERAL OFFICE OR AGENCY; SCOPE OF A WAIVER.—When the disclosure is made in a Federal proceeding or to a Federal office or agency and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information in a Federal or State proceeding only if:

"(1) the waiver is intentional;

"(2) the disclosed and undisclosed communications or information concern the same subject matter; and

"(3) they ought in fairness to be considered together.

"(b) INADVERTENT DISCLOSURE.—When made in a Federal proceeding or to a Federal office or agency, the disclosure does not operate as a waiver in a Federal or State proceeding if:

"(1) the disclosure is inadvertent;

"(2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and

"(3) the holder promptly took reasonable steps to rectify the error, including (if applicable) following Federal Rule of Civil Procedure 26(b)(5)(B).

"(c) Disclosure Made in a State Proceeding.—When the disclosure is made in a State proceeding and is not the subject of a State-court order concerning waiver, the disclosure does not operate as a waiver in a Federal proceeding if the disclosure:

"(1) would not be a waiver under this rule if it had been made in a Federal proceeding; or

"(2) is not a waiver under the law of the State where the disclosure occurred.

"(d) Controlling Effect of a Court Order.—A Federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court—in which event the disclosure is also not a waiver in any other Federal or State proceeding.

"(e) Controlling Effect of a Party Agreement.—An agreement on the effect of disclosure in a Federal proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.

"(f) Controlling Effect of This Rule.—Notwithstanding Rules 101 and 1101, this rule applies to State proceedings and to Federal court-annexed and Federal court-mandated arbitration proceedings, in the circumstances set out in the rule. And notwithstanding Rule 501, this rule applies even if State law provides the rule of decision.

"(g) Definitions.—In this rule:

"(1) 'attorney-client privilege' means the protection that applicable law provides for confidential attorney-client communications; and

"(2) 'work-product protection' means the protection that applicable law provides for tangible material (or its intangible equivalent) prepared in anticipation of litigation or for trial.".

(b) Technical and Conforming Changes.—The table of contents for the Federal Rules of Evidence is amended by inserting after the item relating to rule 501 the following:

"502. Attorney-client privilege and work-product doctrine; limitations on waiver.".

(c) Effective Date.—The amendments made by this Act shall apply in all proceedings commenced after the date of enactment of this Act and, insofar as is just and practicable, in all proceedings pending on such date of enactment.

## ORDERS FOR THURSDAY, FEBRUARY 28, 2008

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, February 28; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then proceed to a period for the transaction of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; further, that the Senate then resume consideration of the motion to proceed to S. 2634 and that all time during any adjournment or morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SALAZAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:46 p.m., adjourned until Thursday, February 28, 2008, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### POSTAL REGULATORY COMMISSION

NANCI E. LANGLEY, OF VIRGINIA, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2012, VICE DAWN A. TISDALE, TERM EXPIRED.

### PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

RONALD D. ROTUNDA, OF VIRGINIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM OF FOUR YEARS EXPIRING JANUARY 29, 2012. (NEW POSITION)

DANIEL W. SUTHERLAND, OF VIRGINIA, TO BE CHAIRMAN OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM OF SIX YEARS EXPIRING JANUARY 29, 2014. (NEW POSITION)

FRANCIS X. TAYLOR, OF MARYLAND, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM OF TWO YEARS EXPIRING JANUARY 29, 2010. (NEW POSITION)

### IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

*To be lieutenant commander*

KIMBERLY J. AVSEC

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

*To be lieutenant commander*

ANTHONY K. PALMER
PATRICK J. ST. JOHN

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1211:

*To be major*

ANDRE G. SARMIENTO

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

RICKEY J. REYNOLDS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

DANIEL E. BATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JEFFREY D. LEWIS
ROBERT J. LOVE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

AUSTIN B. DOSH
CURRAN L. JONES
JOSHUA M. SILL

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be lieutenant colonel*

GERALD B. WHISLER III

*To be major*

LUTHER P. MARTIN
SAMUEL R. WETHERILL

### IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

LLENA C. CALDWELL

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

*To be major*

DEANNA L. REIBER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

CHRISTOPHER D. YAO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624:

*To be lieutenant colonel*

MICHAEL L. MANSI

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

MARC FERRARO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

WENDELL L. KING

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

PAUL C. PERLIK

*To be major*

KEITH MOORE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be colonel*

MARC C. HENDLER

*To be lieutenant colonel*

LEE A. KNOX

*To be major*

THOMAS J. THRASHER
JAMES D. TOWNSEND

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

JAMES H. KELLY
GREGORY PARK

*To be major*

LUIS RAMOS
KRISTINE R. SAUNDERS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

ALLYSON A. PETERSON

*To be major*

AMELIA S. JACKSON
BRIAN E. PREHN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

LARRY W. AKE
PATRICK S. CARSON

THE FOLLOWING NAMED INDIVIDUALS TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

GARY L. GROSS
ANTONIO MARTINEZ-LUENGO
PETER M. TAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

HAROLD L. CAMPBELL, JR.
WILLIAM A. CARROLL
SCOTT E. CLODFELTER
DARWIN F. CONCON
STEVEN W. LAYTON
ROBERT M. MARCHI
BRENDAN J. OSHEA
SANDRA J. RAVELING
RICHARD W. SELLNER
DAVID O. SMITH
KENNETH P. STORZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

MAGDALENA A. ACEVEDO
ALAN APPLE
KENNETH J. BACSO
GREGORY B. BATDORFF
JOHN C. BENSON
JOSHUA A. BERGER
ADAM J. BERLIN
STEVE D. BERLIN
LISA R. BLOOM
JEFFREY T. BRELOSKI
ANN B. CHING
JENNIFER C. CLARK
ELISABETH A. CLAUS
CHRISTOPHER R. CLEMENTS
STEPHEN R. COUTANT
TOBY N. CURTO
LARRY W. DOWNEND, JR.
CHE P. DUNGAN
DANIEL J. EVERETT
ANDREW D. FLOR
MICHAEL C. FRIESS
MICHAEL A. GOBA
DAVID J. GOSCHA
PATRICK D. GREGORY, SR.
PHILLIP B. GRIFFITH
SEAN G. GYSEN
LAKEYSIA R. HARVIN
PATRICIA K. HINSHAW
SARA F. HOLLAND
NATE G. HUMMEL
SCOTT E. HUTMACHER
ROBERT C. INSANI
STEVEN B. JANKO
WILLIAM J. JOHNSON
MICHAEL D. JONES
MICHAEL L. KANABROCKI
MATTHEW J. KEMKES
SUSAN L. KIM
FREDERICK K. KRANZ
KATHERINE A. KRUL
WILLIAM T. KUCHENTHAL
CHANDRA L. LAGRONE
JEREMY M. LARCHICK
SCOTT E. LINGER
HOWARD T. MATTHEWS, JR.
MARVIN J. MCBURROWS
KEVIN P. MCCART
KEVIN A. MCCARTHY
ANDREW M. MCKEE
MICHAEL J. MEKETEN
WENDY N. MELLO
ANDREAS G. MILLER
DOUGLAS W. MOORE
JAMES W. NELSON
ROBERT B. NELSON
JAMES L. OCONNELL
TERESA T. PHELPS
RYAN W. ROSAUER
KAREN L. SHEA
ANDREW J. SLITT
DAVID W. SMITH
ISAAC C. SPRAGG
ALLEN D. STEWART
JAY L. THOMAN
CASEY Z. THOMAS
JACQUELINE TUBBS
KENNETH A. TYNDAL
JOCELYN S. URGESE
MATTHEW C. VINTON
MASON S. WEISS
JACOB G. WOLF
DANIEL A. WOOLVERTON
CORY J. YOUNG

### IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

PATRICK T. GROSSO

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JAMES D. MCCOY

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

WALTER C. MURPHY, JR.

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

DONALD L. BOHANNON

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

CHARLES B. SPENCER

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JOHN G. OLIVER
ROGER W. SCAMBLER

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

MARK F. BIRK
KENNETH L. KELSAY

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

CHRISTOPHER J. AMBS
TODD E. KUNST

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

TIM J. SCHROEDER
JOSEPH G. SINESE

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

RICHARD D. HARDIN
GEORGE M. SEXTON

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

ROY E. LAWRENCE
DANIEL R. WESTPHAL

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

PETER D. CHARBONEAU
STEVEN R. FREDEEN

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

SAL L. LEBLANC
RAUL TORRES
KEVIN R. WILLIAMS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ROBERT F. EMMINGER
ARMAND J. FRAPPIER
MICHAEL G. MARCHAND

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

CHRISTOPHER F. BERGERON
DARREN R. DEMYER
LLOYD E. EDWARDS, JR.
SEAN P. HEICHLINGER
KELLY M. JONES
DAVID A. MCCOVERY
KENNETHE R. MCMILLAN
MARK B. WINDHAM

### IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be commander*

JEFFREY H. NARD

*To be lieutenant commander*

PETER PRESSMAN
ROBERT G. SHEU
TODD A. TRITCH
DANIEL J. TRUEBA, JR.

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be commander*

ANDREW S. LOMAX
NOLAN D. VILLARIN

*To be lieutenant commander*

ERLINA A. HAUN
RUPERT L. HUSSEY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

DAVID R. COUGHLIN
MATTHEW A. MCQUEEN

*To be commander*

JOYCE F. RICHARDSON
STEWART B. WHARTON
WILLIAM A. WIMMER

*To be lieutenant commander*

RONALD W. NEWHOUSE
TIMOTHY S. STYLES

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

MICHAEL D. T. EDWARDS
DOUGLAS W. FENSKE
JENNITH E. HOYT
MICHAEL J. KAUTZ
KEVIN S. LERETTE
KATHLEEN M. LINDENMAYER
STEVEN F. MOMANO
AGUSTIN L. OTERO
NORMAN W. PORTER
ROBERT A. WOOD

*To be commander*

RUSSELL P. ASHFORD
JAMES E. AULL
CRISTOBAL S. BENAVIDES
LAURANCE C. BOYD
TODD A. BROWN
ALEXANDER M. CAVAZOS
ROBERT A. FARLEY
JOHN A. FEDOROWICZ
LAURA R. HATCHER
PATRICK L. LEONHARDT
MICHAEL R. MURRAY
TUAN A. NGUYEN
RENEE R. RICHARDSON
DALE C. SCHULMAN
CHRISTINA L. SIMINGTON
KENNETH R. SMITH

JOSE TORRES, JR.
DOUGLAS B. UPCHURCH III

*To be lieutenant commander*

TED W. BOYD
FELIPE R. DE VEGA
EDWIN D. EXUM
CLAUDIA D. FLORES
JOHN FRIEDENREICH
RICHARD K. GOUGER
DAVID H. GRAY
DAVID R. HARRIS
JOHN R. HENDERSON
CHARLES G. LONGLEY
PAMELA Y. MCKENZIE
ANDREW F. MOORE
KIM H. RIGAZZI
JAMES F. SCARCELLI
JOHN M. SMAHA, JR.
HIRAM J. WEEDON
CHAD D. WEST

# EXTENSIONS OF REMARKS

## HONORING DAVID ALAN CLIZER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David Alan Clizer, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many scout activities. Over the many years David has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending David Alan Clizer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## TRIBUTE TO KENNETH MUSGRAVE, SR.

### HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to the memory of Kenneth Marion Musgrave, Sr., born on October 6, 1923, to a family of 14 children, in Adena, CO. He grew up on a farm southeast of Fort Morgan, CO, attended school in Adena through the 8th grade and completed his high school education in Fort Morgan. Kenneth proudly served his country in World War II and returned to Colorado to raise his family. Stories that have been told through the years prove that Kenneth was always ready and willing to liven any situation with either a practical joke or humor.

After high school, Kenneth joined the Army in December of 1942 and was honorably discharged in November 1945. Kenneth operated a 15-ton truck equipped with a power crane for 31 months with the 456th Service Squadron serving in the United States, England, France, Holland, Belgium, Luxembourg, and Germany. He received the European–African–Middle Eastern Service Medal, Meritorious Service Unit Plaque, World War II Victory Medal, Good Conduct Medal, and the American Service Medal. He was always proud of his service to his country and carried a strong sense of patriotism throughout his entire life and was an active member of the VFW.

During his army career he married Jean Elizabeth Mason on May 22, 1943 and they shared their lives for 49 years before she died in August 1992. After his discharge from the army, Kenneth and Jean farmed in northeastern Colorado for many years, raising six children, Kirby, Marva, William, Susan, Kenneth, Jr., and Robin. He moved his family to the Western Slope in 1967 and began working for the Colorado Department of Highways until he retired in 1988 with over 21 years of service.

Kenneth was a strong family man, maintaining strong ties with his many brothers and sisters, always ready for a visit with his children and grandchildren. His greatest delight was to hold his great-grandchildren. Kenny also enjoyed hunting and playing bingo. As an Odd Fellows member, he called the bingo for the lodge for many years. Kenny will always be remembered for that mischievous look in his eye that always gave him away when he had something up his sleeve.

Kenny's life was a lesson in how to enjoy life, care for others, and make a positive impact on the world. I am proud to honor Kenny, a precious veteran, who is the embodiment of all the values that have molded America into the great Nation it is today.

May God bless his family, may God bless our precious veterans, and may God bless America.

## NUECES COUNTY COMMISSIONER CHUCK CAZALES

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. ORTIZ. Madam Speaker, I rise today to congratulate Nueces County, TX, Commissioner Chuck Cazales on winning the 2008 Walter B. Jones Memorial Award for Excellence in Local Government. This award recognizes those public officials all around the country who promote and protect our vital coastal resources.

The Texas Coastal Bend is a unique area that provides our citizens with a sense of pride. The natural beauty and beaches in Nueces County contribute to the economy of our communities and offer recreational opportunities and tourism.

For 6 years, Commissioner Cazales has served with distinction on the Nueces County Commissioners' Court. Among his priorities is to protect our coastal communities and resources so that future generations may enjoy them. Last year, I was pleased he joined me at a field hearing on beach erosion with the House Natural Resources Subcommittee on Fisheries, Wildlife and Oceans. Commissioner Cazales has always advocated for increased coastal zone management programs and his testimony at the hearing was integral to its success.

The award, named after the late Congressman Walter B. Jones of North Carolina, provides the National Oceanic and Atmospheric Administration with the authority to honor those dedicated to helping the Nation maintain healthy coastal and ocean resources and balance the needs of these resources with human use. I served with both Congressman Jones and his son, Walter Jones, and know their strong dedication to coastal welfare.

This prestigious award is a testament to Commissioner Cazales's service to the Gulf Coast and South Texas. I am confident that he will continue to inspire positive change in the field of coastal management, and can think of no one else more deserving of this award.

## TRIBUTE TO THE PEACE CORPS

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Ms. WOOLSEY. Madam Speaker, National Peace Corps week is a time for us to honor the immeasurable contributions and service of the current 8,079 Peace Corps volunteers. Through mutual respect and understanding, these men and women have committed themselves to improving our country's relationships with the rest of the world, and I rise today to applaud their dedication to communities in the 74 countries in which they have admirably served.

When President John F. Kennedy created the Peace Corps 47 years ago, he set out to provide ordinary men and women with an opportunity to strengthen developing countries devastated by the effects of poverty, disease, and war. Since then, more than 190,000 volunteers have served in 139 countries, and the Peace Corps' long-lasting impact has continued to reverberate throughout the world.

Peace Corps volunteers have mobilized to combat some of the world's most urgent humanitarian crises, including providing crucial assistance to communities in need of post-conflict relief and reconstruction as well as countries overwhelmed by natural disasters. These men and women have helped economically depressed communities develop new business plans, struggling farmers improve their crop production, and families devastated by HIV/AIDS receive the care they need. These volunteers have overcome significant challenges by fostering new bonds of friendship, and they deserve to be commended for their service and passion.

To date, the 6th District of California has produced around 400 Peace Corps volunteers, including the following 33 current volunteers: Libby A. Bersot, who is working in Botswana; Tracey M. Bolch, Gambia; Jamie L. Bowen, Mali; Jennifer M. Busick, Bolivia; Catherine G. Carlton, Zambia; John Cervett w Cervetto, Kyrgyzstan; Joseph P. Deschenes, Albania;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Fionah Dominis, Swaziland; Tameron A. Eaton, Eastern Caribbean; Benjamin S. Fryer, Nicaragua; Jillian D. Geissler, Guatemala; Robyn M. Grahn, Honduras; Emilie J. Greenhalgh Stam, Cameroon; Alexis S. Guild, Guatemala; Donald F. Hesse, Jordan; Jessica D. Holloway, Armenia; Michelle Kong, Guatemala; August L. Konrad, Kenya; Anna F. Kuhn, Tanzania; Abigail M. Lafrenz, Bulgaria; Bridget M. Leddy, Kyrgyzstan; Frank E. Lester, Kenya; Kyle B. Lopez, Bolivia; Alissa P. Mayer, Dominican Republic; Sydney F. McCall, Bolivia; Julia A. Montgomery, Vanuatu; Morgan C. Montgomery, Honduras; Travis W. Pittman, Ghana; Jacob E. Rich, Peru; Richard C. Rystrom, Ukraine; Jessica F. Souza, Cape Verde; Katherine L. Theiss-Nyland, Malawi; Kyla H. Wall-Polin, Bulgaria.

Madam Speaker, the 47th anniversary of the establishment of the Peace Corps is an achievement that we should all commemorate. I rise today to celebrate the leadership and accomplishments of these compassionate men and women who have committed themselves to promoting global peace, diplomacy, and understanding.

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## HONORING REAR ADMIRAL CHARLES C. CURTZE

### HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise today to recognize and honor the life of Rear Admiral Charles Curtze. Born and raised in Pennsylvania's 3rd Congressional District, Admiral Curtze brought his dedication to service and caring personality to the Erie community.

A 1933 graduate of the United States Naval Academy, Admiral Curtze excelled in gymnastics and led the midshipmen to the league championship. He qualified for the 1936 Olympics in Berlin, Germany, but due to his position in the U.S. Navy and growing security concerns regarding Adolf Hitler, the State Department prohibited his attendance. After graduating from the Naval Academy, Admiral Curtze earned a master's degree in naval construction from the Massachusetts Institute of Technology.

One of the most extraordinary accomplishments of his career was his role in saving the only major ship to survive the attack on Pearl Harbor. By guiding the USS *St. Louis* to safety, the ship was able to successfully put out to sea and became the stalwart of the new Pacific fleet during World War II.

During the infancy of the North Atlantic Treaty Organization, Admiral Curtze served as the engineering member of the first U.S. team in London. He later became commander of the San Francisco Naval Shipyard and ultimately deputy chief of the Bureau of Ships in Washington, DC before retiring as a rear admiral in 1965 and returning to Erie.

His passion for sailing began at the early age of 14 when he bought his first sailboat, joined the Erie Yacht Club and began racing. After retiring from his military career, he used his naval architecture skills to design and commission his own yacht, Thule, in 1970 which he sailed until his 90th year.

Admiral Curtze was known as a very generous individual who contributed to several local causes, most notably the Asbury Woods Project. He was an 80-year member of the Erie Yacht Club and a life member of the Erie Historical Society.

The life of Charles Curtze serves as a role model for us all to follow. He embodied the word service in its finest sense through his kindness, hard work and generosity and will greatly be missed by all.

I hope my colleagues will join me in commemorating the life of Charles Curtze.

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## HONORING JORDAN MICHAEL RAISHER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jordan Michael Raisher, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Jordan has been very active with his troop, participating in many Scout activities. Over the many years Jordan has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jordan Michael Raisher for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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## A TRIBUTE TO CORPORAL ALBERT BITTON

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Ms. SCHAKOWSKY. Madam Speaker, I rise to pay tribute to CPL Albert Bitton, who was killed by a roadside bomb while serving in Iraq on February 20, 2008. Corporal Bitton joined the Army in December 2005 and bravely served as a medic in Iraq, where he had been stationed since October.

Corporal Bitton, who grew up in West Rogers Park, was part of the 1st Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division. He joined the Army to serve his country and to prepare himself to become a surgeon. Corporal Bitton was justifiably proud of his Army service. His friends report that he wore his uniform everywhere when he returned to Chicago on leave—even to the bowling alley and park.

Corporal Bitton graduated in 2005 from Ida Crown Jewish Academy, where he was on the school wrestling team and enjoyed painting, drawing, and video games. His friends remember him as a scrawny tough kid with artistic talent. His classmates recall his sweet nature and how genuinely nice he was to everyone.

Friends from as far away as Israel and Alaska have sent condolences to Bitton's wife, Melissa Handelman, his parents, Elie and Silvia, and his sisters, Jackie and Elizabeth. Last Wednesday night in New York, about 40 people who knew Bitton gathered at Yeshiva University for an impromptu memorial. The outpouring of emotion from those touched by Corporal Bitton's death is a testament to the lasting impression this exceptional young man left on those he met throughout his life.

I offer my deepest sympathies to Melissa Handelman, Corporal Bitton's wife; his parents, Elie and Sylvia; and his sisters, Elizabeth and Jackie.

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## HONORING JENNIFER JOY WILSON'S SELECTION AS AGGREGATES MANAGER OF THE YEAR

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. OBERSTAR. Madam Speaker, I rise today to honor a remarkable American, a woman who has previously served this Nation and the citizens of the Commonwealth of Virginia with honor and distinction—Jennifer Joy Wilson, who has worked at the White House Office of Communications for President Gerald Ford, as Assistant Administrator for External Affairs at the Environmental Protection Agency, as Assistant Secretary of Commerce for Oceans and Atmosphere at the National Oceanic and Atmospheric Administration, as staff policy liaison and senior executive assistant for Virginia Governor John Dalton, and as legislative director and executive assistant for U.S. Senator JOHN WARNER.

For the past decade, Ms. Wilson has served first as the head of the National Stone Association, and then, after the merger of two similar groups, as the president and CEO of the National Stone, Sand & Gravel Association, NSSGA. NSSGA is the world's largest mining association by product volume. Its member companies represent more than 90 percent of the crushed stone and 70 percent of the sand and gravel produced annually in the United States and approximately 118,000 working men and women in the aggregates industry. During 2006, a total of about 2.95 billion metric tons of crushed stone, sand and gravel, valued at $21 billion, was produced and sold in the United States.

This year, Ms. Wilson has been given the distinguished honor of being selected as AggMan of the Year by Aggregates Manager magazine, one of the construction aggregates industry's leading trade publications.

During her tenure, the NSSGA led an effort to improve employee safety in the aggregate industry by developing new safety procedures, called Part 46, for the U.S. Mine Safety & Health Administration, MSHA. The joint industry-labor effort produced a proposal "that would apply better to our industry and provide managers and workers with effective means to prevent accidents and fatalities." By all accounts, Part 46 has shown remarkable success in reducing employee injuries.

On February 11, 2003, an alliance between NSSGA and MSHA was announced. Signed at the NSSGA's centennial convention in Orlando, Florida, the agreement calls for the two organizations to work closely together on the promotion of safe working conditions, the development of effective miner training programs, and the expansion of mine safety and health outreach and communication. "For the first time ever, MSHA and an industry association have jointly agreed to adopt safety and health performance goals with objective measures," then MSHA Administrator Dave Lauriski said during that meeting. "This alone is unprecedented . . . NSSGA is again showing its leadership."

On the environmental front, Ms. Wilson led the industry in investing in a study "righting an assumption we just didn't believe was right." Through the efforts of the association and its members, it was determined that the aggregates industry is not a major emitter of PM–10—a particular type of air pollutant. The final regulations reflected the investment by the industry in recognizing that aggregate operations are not a major source of coarse particulate matter."

Considering almost half of all crushed stone, sand and gravel produced in the United States is used for building the Nation's transportation infrastructure, Ms. Wilson has led her members in establishing a strong grassroots presence connecting the industry's workforce with their elected officials while increasing their activity on Capitol Hill. Leveraging the association's resources, Ms. Wilson has also worked closely with industry coalitions to advocate for sound and sensible transportation policies.

While there are many "hard as rock" examples of her leadership, Ms. Wilson also has a passion for the industry and the people she represents. Referring to it as "romancing the stone," Ms. Wilson wants to raise awareness of the public, legislators, and of regulators at all levels to the immeasurably important role aggregates play in maintaining America's high quality of life. This includes her leadership in establishing the Rocks Gallery at the Smithsonian's National Museum of Natural History and creating a permanent endowment to support the gallery, all totaling more than $3.1 million.

Many people have been able to take credit for industry accomplishments, but selection as AggMan of the Year denotes something not everyone can lay claim to—respect of one's peers, including the irony of designating the first woman to win the honor of "AggMan of the Year." For this reason I stand here today to take a moment and congratulate a woman who has done so much for the good people in the aggregates industry.

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## TRIBUTE TO LT. GENERAL RICARDO S. SANCHEZ

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. CUELLAR. Madam Speaker, I rise today to honor LTG Ricardo S. Sanchez on being the recipient of the 2008 Border Texan of the Year.

General Sanchez is a truly deserving recipient of this honor, which was given to him for his extraordinary contributions to the security of our Nation over the past 33 years. He served overseas in service of his country in Operation Desert Shield and Desert Storm as commander of the 2nd Battalion, 69th Armor, 197th (Separate) Infantry Brigade, which then transitioned to the 3rd Brigade, 24th Infantry Division (Mechanized) once redeployed. General Sanchez also has served in the Federal Government as an investigator in the Office of the Inspector General Agency, and in the years following his brigade command tour in 1994, he served as Deputy Chief of Staff, and later as Director of Operations and Director of Strategy, Policy and Plans, with the United States Southern Command in Miami, Florida.

General Sanchez served as commander of the Multi-National Brigade (East), KFOR, in Kosovo in 1999. He also served as commanding general of the 1st Armored Division, which was deployed to Operation Iraqi Freedom in May 2003, and then was nominated to his present rank of lieutenant general in June 2003. He commanded the V Corps and simultaneously became commander of the Combined Joint Task Force 7, responsible for one of the largest combat forces deployed in U.S. military history in Iraq. General Sanchez was the longest-serving corps commander in V Corps history, and he retired on November 1, 2006, after 33 years of service.

His awards include the Defense Distinguished Service Medal, the Distinguished Service Medal with oak leaf cluster, the Defense Superior Service Medal, the Legion of Merit with two oak leaf clusters, the Bronze Star Medal with "V" device and oak leaf cluster, the Joint Service Commendation Medal, the Army Commendation Medal, the National Defense Service Medal with two service stars, the Liberation of Kuwait Medals, and the NATO Medal.

Madam Speaker, I am honored to have had this time to recognize the dedication and commitment of LTG Ricardo Sanchez to the United States of America as the deserving 2008 Border Texan of the Year.

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## IN RECOGNITION OF BLACK HISTORY MONTH

### HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. SARBANES. Madam Speaker, I rise to recognize and honor the many accomplishments and contributions made by African Americans throughout this country's history. Today, I want to speak about the richness of America's cultures and the role that African Americans have played in making our country great. As a nation we are so diverse and when the gifts and talents of each group are shared and blended together, we are so much stronger. For many years in our history, we largely ignored the strength of our diversity instead of seeking to celebrate it.

We now celebrate Black History Month to reflect upon the struggle for civil rights but also to honor the enormous contributions African Americans have made to our country. These contributions cover every aspect of American life—from business and education to the arts and sciences and, importantly, the sacrifices and heroic efforts of those who serve and have served our country to preserve the freedom and democracy that we hold so dear.

The theme for Black History Month this year is: Carter G. Woodson and the Origins of Multiculturalism. This theme embraces the beliefs and teachings of Dr. Woodson, "The Father of Black History" and a pioneer of multiculturalism. Through his research, he fostered a movement to educate Americans about the rich heritage that many had to that point ignored. He stressed the need and importance to recognize and celebrate the gifts and talents Black Americans have shared with this country. In so doing, he taught us also to embrace the diverse cultures living here in the United States.

In 1927 Dr. Woodson stated that ". . . we should emphasize not Negro history, but the Negro in history. What we need is not a history of selected races or nation, but the history of the world, void of national bias, race, hate and religious prejudice . . ."

Dr. Woodson along with other noted scholars, such as W.E.B. DuBois, wanted to make sure all Americans were aware of the contributions made by African Americans. Today, because of their efforts, the many contributions of African Americans such as civil rights leaders Dr. Martin Luther King, Jr., and Rosa Parks, and historical leaders such as Sojourner Truth are put into context of what they have meant for African Americans, but also the Nation as a whole. Many, such as Benjamin Banneker, Frederick Douglass, and Harriett Tubman, have roots in my home State of Maryland and have added to our rich history as a state and a nation.

Finally, while there are many who fit this category, I want to mention two African Americans who are currently making an enormous difference through their work in the Third Congressional District of Maryland: Reggie Brody and Karen Ndour. I think they offer terrific examples of what many others are doing across the Third District and the State of Maryland to make our community and our society a better place to live and work.

Reggie is the chief professional officer of the Boys and Girls Clubs of Annapolis and Anne Arundel County. Highly respected in the Anne Arundel community, he has received various awards including the Organizational Trustee Award and the Community Trustee Award for an extraordinary commitment to his community and his commendable service. He is well known for his stellar communication skills and his unique ability to work with a wide array of community groups and lead them to achieve a common goal.

Karen, an administrator and former attorney, is currently the Principal of the National Academy Foundation High School of Baltimore N.A.F., that opened in 2002 and is located at Baltimore's Digital Harbor. Stressing academic excellence and professionalism, her school has four successful programs that partner with local urban businesses and industry to provide training for young men and women so that they are able to either enter access level positions in their chosen field upon graduation or qualify for the college of their choice.

While teaching law at an East Baltimore High School, Karen was featured in a 2005 article in the Baltimore Sun for implementing the Baltimore City Student Court Project. Karen was approached after teachers and the administration felt the need to lower the suspension rate at the school and help make the young men and women who attended the school accountable for their actions. Much of the discipline was thereby transferred from the "adult" administration to the student court. The approach has seen significant results: fewer children are finding themselves in situations that lead to diminished opportunities for their future success.

Madam Speaker, I am pleased to have this opportunity to speak about the importance of Black History Month and to acknowledge the work that my constituents and others are doing for their communities and for our Nation.

## HONORING KENNETH TUCKER GORMAN

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kenneth Tucker Gorman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Kenneth has been very active with his troop, participating in many Scout activities. Over the many years Kenneth has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kenneth Tucker Gorman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING GULA STOUGH ADAMS

### HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor a business woman from Las Animas, Colorado. Mrs. Gula Stough Adams has poured her heart and soul into a business that has been owned and operated by Mrs. Adams and her family for 70 years.

Gula owns and operates Stough's Flower Shop, and has weathered the economic storms of rural Colorado going back to the days of the Great Depression and WWII.

"It's wonderful work. I wish I were 20 years younger," said Gula, who is 85 and still going strong. Her mother Inez Stough, established the business in 1938. Of course, Gula's personal history goes back a little farther than that. Before her family moved to Las Animas they ranched at Ninaview, Colorado, 35 miles south of Las Animas. "We still have the ranch we homesteaded in 1915," she noted. In those long ago days she attended Pine Hill School, which her family and relatives helped build by bringing in rock and then assembling the one-room school. She reports the structure is still standing, and a memento from it hangs on a wall in her flower shop, the Regulator clock. When the school was reorganized she asked her parents to obtain the clock. She walked over and pointed to four letters in the clock manufacturer's name . . . Gula.

The Depression years were not the happiest of times, but the hard times brought the family into town from the ranch. Gula's mother knew the family had to do something. So Inez thought she would open a flower shop. The original flower shop was downtown, but the rent was too high. So her mother had a small stucco shop built.

"You just think back about the Depression years and you wonder how we ever did it, but we did. During the Depression people were able to survive," Gula noted, adding that people may have managed their money better then than they do now.

Over the last 70 years that she has been in business, Gula remembers when Las Animas was thriving. Though it saddens her to see the current economic state of this rural community, she still carries on in her business despite what some would think to be insurmountable odds. Gula never took an opportunity to pull back from the challenges of running a small business in rural America. She believes in working hard and sound financial management, and it is my firm belief that these two things have contributed to her long and productive life. When other businesses failed around her she worked hard and spent wisely.

During World War II Gula married Pete Jerman, Jr., a B–24 pilot who went down over the Mediterranean, leaving her a widow. Those were sad days for Gula and her family. In 1947, her mother insisted she go to Denver and study at the first floral school to be established in Colorado. Her mother told her she would be more confident in herself if she took the classes.

Back in Las Animas she married again to Mr. Lloyd Adams. They built their current flower shop in 1968 at 702 Grove Avenue in Las Animas, Colorado. This will be her 40th year at this location. Gula loves her business and the community in which she has run her business for 70 years.

Madam Speaker, I am grateful to Mrs. Gula Adams for her dedication and courage. She is an example to all of the small businesses within my district. It is an honor to represent her in Congress, and it is an honor to recognize this small business owner who has been a part of this family business for 70 years. She is a tribute to her trade and a treasure to her community.

## "MR. AMIGO 2007" ANGÉLICA VALE

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. ORTIZ. Madam Speaker, I wish today to commend the 2007 "Mr. Amigo," Angélica Vale, chosen recently by the Mr. Amigo Association of Brownsville, TX, and Matamoros, Tamaulipas, in Mexico. Ms. Vale has achieved popularity on both sides of the border for her television, film, and theater work.

The Mr. Amigo Award began in 1964 as an annual tribute to an outstanding Mexican citizen who has made a lasting contribution during the previous year to international solidarity and goodwill. "Mr. Amigo" acts as an ambassador between our two countries and presides over the annual Charro Days festival.

The Charro Days festival, held in Brownsville and Matamoros, is an opportunity to enjoy the unique border culture of the Rio Grande Valley area. A Lenten event, much like Mardi Gras in New Orleans, the festival was organized in 1937 by the Brownsville Chamber of Commerce to recognize Mexican culture and was named in honor of the charros, "dashing Mexican gentlemen cowboys." The festival includes parades complete with floats, as well as street dances, a rodeo, mariachi and marimba concerts, and ballet folklorico performances by school students.

This year's Charro Days festivities will be held February 28 through March 2 and will include appearances by Ms. Vale. An actress since a child, Ms. Vale has received acclaim for her roles in films and television shows. She recently starred in the Mexican show La Fea Mas Bella, which inspired the popular American show, Ugly Betty. She has also been named one of People En Español's "50 Most Beautiful Women."

This is the second time in the history of the Mr. Amigo Award that a parent and child have received such recognition. Ms. Vale's mother, singer Angélica María, received the award in 1996.

The United States-Mexican border has a unique, blended history of cowboys, bandits, lawmen, farmers, fishermen, oil riggers, soldiers, scientists, entrepreneurs, and teachers. The Charro Days festival reflects that deep sense of shared history and experiences, which is needed now more than ever. It is a time for all of us to not only remember our past, but to celebrate our future.

The Charro Days festival and the Mr. Amigo Award unite sister cities on both sides of the border and send a message that we are neighbors, and friends that trust, understand, and respect each other. We share a language, customs, and experiences unique to our communities, and during Charro Days we take time to celebrate our distinctive culture.

I urge my colleagues to join me in commending Angélica Vale, the 2007 Mr. Amigo, as well as the cities of Brownsville and Matamoros, for their dedication to international goodwill between the United States and Mexico.

## HONORING THE ERIE CHAPTER OF THE PENNSYLVANIA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

### HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. ENGLISH of Pennsylvania. Madam Speaker, today I rise to recognize the accomplishments of the Erie Chapter of the Pennsylvania Institute of Certified Public Accountants. This year, the members of this organization celebrate their 50th anniversary.

After splitting from the Northwest Chapter of the PICPA, 21 founding members held the first meeting of the Erie Chapter on January 31, 1958. From those first 21 CPAs, the chapter has grown to a membership of more than 320, including members working in public accounting, industry, financial services, healthcare, non-profit, government and education.

While the Erie Chapter has the second smallest membership in the State, its members are clearly among the best and the brightest within their industry. In fact, two of the Chapter's members have served as president of the PICPA, while seven others have served as vice president and four have served as State representatives on the national council.

The chapter's contributions to the Erie community go far beyond the professional realm. Chapter members donate thousands of hours to local charitable organizations serving on boards of directors, finance committees, and as volunteer staff, among others. The chapter has promoted participation in community events, including local blood drives, Hooked on Books, and CelebrateErie. Chapter members regularly speak at local schools on financial literacy and career. The chapter sponsors scholarships open to students in accounting at the local colleges and universities and has made significant contributions to the statewide scholarship program administered by the PICPA.

The Erie Chapter is a diverse group of individuals united by their dedication to serving their clients, employers, and community with integrity, promoting financial literacy and advancing the profession by the maintenance of high ethical standards. I hope my colleagues will join me at this time in recognizing the efforts of the Erie Chapter of the PICPA and in congratulating its 50 years of service.

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## TRIBUTE TO THE USCG TRAINING CENTER AT TWO ROCK IN PETALUMA, CALIFORNIA

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Ms. WOOLSEY. Madam Speaker, every day our Nation's first responders work tirelessly to protect and aid victims of disasters across our country. We have an absolute responsibility to make sure our police forces, firefighters, emergency medical service personnel, and public health personnel have the resources they need to effectively confront and overcome threats at the local, State, and national levels.

California's Sixth District is blessed with thousands of dedicated men and women who bravely serve their communities with distinction and honor. I rise today to commend the exemplary leadership of the Fire Department at the United States Coast Guard, USCG, Training Center at Two Rock in Petaluma, California, for their unwavering dedication to improving firefighter health and safety. Fire Chief Alfredo Ramos and the firefighters at the USCG Training Center have reduced fires and firefighter risks throughout the Bay area by providing world-class training to local first responders. We cannot expect local communities to be the first to respond to an emergency unless they are given the resources and training to do so, and the USCG Training Center has been instrumental in this effort.

Madam Speaker, fire departments throughout the country have helped provide our Nation's firefighters, emergency medical technicians and paramedics, and other first responders with the tools they need to do their jobs safely and efficiently. Today, I am proud to recognize the courageous and committed firefighters at the USCG Training Center in Petaluma who have made immeasurable contributions to public safety, and they deserve our deepest thanks.

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## PERSONAL EXPLANATION

### HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. ALLEN. Madam Speaker, on February 25 and 26, 2008, I was unavoidably absent from the House due to a family illness.

If I had been present, I would have voted "yes" on rollcall vote #69, a motion by Mr. COURTNEY of Connecticut to suspend the rules and agree to the passage of H. Res. 978, expressing support for the designation of the week of March 3–7, 2008, as "School Social Work Week" to promote awareness of the vital role of school social workers in schools, and in the community as a whole, in helping students prepare for their future as productive citizens.

I would have voted "yes" on rollcall vote #70, a motion by Mr. COURTNEY of Connecticut to suspend the rules and agree to the passage of H. Res. 930, supporting the goals and ideals of "Career and Technical Education Month."

I would have voted "yes" on rollcall vote #71, a motion by Mr. COURTNEY of Connecticut to suspend the rules and agree to the passage of H. Res. 944, honoring the service and accomplishments of Lieutenant General Russel L. Honoré, United States Army, for his 37 years of service on behalf of the United States.

I would have voted "yes" on rollcall vote #72, on agreeing to the Speaker's approval of the Journal of the last day's proceedings.

I would have voted "yes" on rollcall vote #73, a motion by Mr. HASTINGS of Florida to order the previous question on adoption of H. Res. 974, a resolution providing for the consideration of H.R. 3521 to improve the Operating Fund for public housing of the Department of Housing and Urban Development.

I would have voted "yes" on rollcall vote #74, on agreeing to H. Res. 974, a resolution providing for the consideration of H.R. 3521 to improve the Operating Fund for public housing of the Department of Housing and Urban Development.

I would have voted "yes" on rollcall vote #75, an amendment offered by Mr. SIRES of New Jersey to H.R. 3521. The amendment clarified the intent of an amendment offered by Rep. VELÁZQUEZ and adopted by the Financial Services Committee by ensuring that public housing authorities that apply to HUD for "stop-loss" do not have their applications rejected on the basis that the management and related fees they establish pursuant to this bill are not reasonable as defined by HUD. Additionally, the amendment was a restatement of current law with respect to the ineligibility of illegal immigrants for assistance.

I would have voted "yes" on rollcall vote #76, an amendment offered by Mr. MEEK of Florida to H.R. 3521. The amendment holds HUD responsible, in the case of receivership, for performing the same responsibilities that the local housing agencies have in respect to working with tenant associations before building public housing. Additionally, in the case of receivership, before building new public housing HUD must honor any formal agreements entered into before the commencement of such receivership between the local housing authority and the tenant association.

I would have voted "yes" on rollcall vote #77, a motion by Mr. SIRES of New Jersey to table the motion of Mr. SMITH of Texas to appeal the ruling of the chair that the provisions of the amendment contained in the instructions accompanying the motion to recommit offered by Mr. SMITH were not germane.

I ask unanimous consent that this statement be inserted in the appropriate place in the RECORD.

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## HONORING IOSCO COUNTY CLERK MICHAEL WELSCH ON HIS RETIREMENT

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. STUPAK. Madam Speaker, I rise today to recognize a northern Michigan resident who has been an exemplary leader in his community. Michael Welsch is celebrating his retirement after more than 35 years of service to Iosco County, Michigan. Mr. Welsch served as the Iosco County Clerk from 1988 until his retirement on December 31, 2007. But long before that he was serving his community, State and country.

Enlisting in the U.S. Air Force on August 15, 1966, Mr. Welsch was assigned to parachute rigging for technical schooling, where he graduated with honors. On February 14, 1967 he arrived at Wurtsmith Air Force Base in Oscoda, Michigan and remained there until he was honorably discharged in May 1970. While serving in the Air Force, Mr. Welsch also began working part-time for the Iosco County Sheriff's Department as a dispatcher/turnkey, working four consecutive days on the job, followed by four consecutive days off.

Upon his honorable discharge from the Air Force he began working full-time for the Iosco County Sheriff's Department as the marine officer. He became the first certified SCUBA diver employed by Iosco County. In this capacity, he was responsible for the recovery of 25 bodies. In 1970, Mr. Welsch attended basic police training at Delta College, where he finished first in his class. In late 1971, he left the Iosco County Sheriff's Department to work in the private sector. But his days of public service were far from over.

Just over a year later, in March 1973, he returned to the Sheriff's Department as a road officer. He was later promoted to detective then detective sergeant. It was during this time that he worked as an undercover narcotics officer throughout the state of Michigan. For his undercover work, Mr. Welsch sported long hair, a beard and a Harley-Davidson motorcycle. He also trained his cocker spaniel, Brandy, for drug searches.

In April 1977, Mr. Welsch married Debra Roach. Nearly 5 years later, in January 1982, their first son, Andrew, was born. Two years later, in April 1984, their son Peter was born. Peter's tragic death in 2004 brought shock and grief to the Welsch family, yet he remained active as ever with his work in the community.

In 1979, Mr. Welsch was promoted to undersheriff in Iosco County, a position in which he served until December 1984. In January 1985, he accepted a position with the 81st District Court as the probation officer and was later given the additional duties of court administrator. In addition to working in the court, he also worked nights and weekends at Freel's Market in Tawas City, Michigan.

This experience in law enforcement, the private sector and with the court, prepared Mr. Welsch for his next challenge. He successfully ran in 1988 for the position of Iosco County Clerk, a position in which he served until his retirement at the end of last year. He faced opposition in every election, but always prevailed. The community clearly recognized his selfless dedication to public service.

At the same time Mr. Welsch was preparing to take over the responsibilities of County Clerk, his wife began attending Alpena Community College, where she received her associate's degree in 1990. She then went on to Saginaw Valley State College, and in December 1991 she graduated suma cum laude with a bachelor's degree in accounting. As Debra was furthering her education, Mike worked nights as the janitor of Emanuel Lutheran School, while also taking care of the kids, cooking, cleaning and doing laundry.

Mr. Welsch has received recognition for his professional accomplishments over the years. In 1997 the Northeast Sunrise Chapter of the American Business Women named him Business Associate for the Year and in 2001 the Michigan Association of County Clerks selected him Clerk of the Year.

Serving from 1998–1999, Mr. Welsch was the longest serving president of the Michigan Association of County Clerks. He served from 2005–2007 as the president of the United County Officers Association of Michigan. He is a past chairman of the Statewide Pool board of directors, an arm of the Michigan Municipal Risk Management Authority, an organization for which he currently serves as secretary. He also serves on the board of directors for AuSable Valley Community Health.

Michael Welsch's service to his community, State and country goes beyond elected office, professional accomplishments and time served in the Armed Forces. He has served as chairman of trustees, school board chairman and treasurer at Emanuel Lutheran Church in Tawas City, Michigan. He has been a coach, referee and referee assessor for the Tawas Area Soccer Association. He has been a member of the Tawas Area Kiwanis Club since 1989, of which he served as president from 1994 to 1995 and was awarded a George F. Hixon Fellowship by the club, one of the highest honors the organization bestows.

He has worked as a pyrotechnician for the Tawas Area Fourth of July fireworks for 15 years and was grand marshal in the 2001 Fourth of July parade. He has served as the secretary of the Men's Major Bowling League for 10 years and was Perchville King in 1998.

Madam Speaker, all of us struggle to balance our professional lives with involvement in our local communities. As a public servant and community leader, Michael Welsch exemplifies that balance. I regret that I cannot personally attend his retirement party on March 1 in East Tawas, Michigan.

Madam Speaker, I ask that you and the entire U.S. House of Representatives join me in saluting Mr. Michael Welsch for his years of dedication to his community and in congratulating him on a well deserved retirement.

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## HONORING CONGRESSMAN TOM LANTOS

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. THOMPSON of California. Madam Speaker, I extend my deepest regrets for the passing of Congressman Tom Lantos. His death is an enormous loss to Congress and our Nation. I always deeply admired his unwavering commitment to human rights. In this area, he believed our Nation could reach a higher standard, and we are all better off because of it.

Madam Speaker, I first met Congressman Lantos when I was an aide in California's 19th Assembly District. I had a high regard for him then and am honored that I was able to serve with him in Congress. My sincerest condolences go to his wife Annette, his two daughters, Annette and Katrina, his 17 grandchildren and two great-grandchildren.

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## RECOGNIZING THE 47TH ANNIVERSATY OF THE PEACE CORPS

### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Ms. HIRONO. Madam Speaker, I rise today to celebrate National Peace Corps Week, February 25–March 3, and recognize the 47 years of compassion, hard work, and dedication of our Nation's Peace Corps volunteers.

Following a passionate call to service by President John F. Kennedy, more than 190,000 Americans have volunteered their time, labor, and personal expertise to the aid of 139 developing nations.

Today, more than 8,000 Peace Corp volunteers serve in 68 posts in 74 countries. Ranging from positions in agriculture, business development, information technology, education, health and HIV/AIDS, youth, and to the environment, volunteers promote global progress while building lifelong friendships in their host countries.

I would like to thank the following Peace Corps volunteers from my own district for sacrificing their time in the promotion of our Nation's values: Kristel Balbarino, serving Nicaragua; Kevin Kalhoefer, serving in Cambodia; Elyse Petersen, serving in Niger; Kevin Schmitz, serving in the Dominican Republic; Theodore Yams, serving in Guatemala; and Lisa Wasilewski, serving in Namibia. I also want to recognize and thank the many Peace Corps alumni who reside in Hawaii. I have many friends who are former Peace Corps members. To a person, each has told me that their time of service had a major impact on their lives.

Aloha and mahalo for answering the call for peace in all nations of the world.

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## IN MEMORY OF EUNICE PETTIGREW

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Eunice Pettigrew of Pine Bluff, Arkansas, who passed away February 8, 2008, at the age of 92.

Eunice Pettigrew was a beacon of light and an inspiration to all of those who knew her and were blessed to call her friend. As someone who was determined to make the most out of life, Eunice chose to make her focus one of selfless service, and throughout her life she never stopped giving back to her family and her community. She was well known in Jefferson County for teaching cosmetology at what is now the University of Arkansas at Pine Bluff, and for owning her beauty shop which led her to become only the second African-American inspector of cosmetology in the State of Arkansas.

While her motherly spirit and knack for teaching was apparent in Eunice's daily work, it was also representative of her selfless nature in life. She took great joy in helping others and worked tirelessly to create a strong sense of community in Pine Bluff. She took great pride in serving as PTA president of her children's schools for over 10 years, working tirelessly to ensure the best education for every student. She was also a member of Alpha Kappa Alpha Sorority Inc., and was named to Who's Who in the Southwest by the nationally recognized Who's Who in America publication.

Eunice was passionate about studying her family's genealogy, which she successfully traced back for centuries. It is because of her research and work in this field that I have my most cherished memory of Eunice, dating back 6 years ago. Due to Eunice's work, I had the distinct privilege to read a manuscript into the CONGRESSIONAL RECORD of the House of Representatives based on her grandfather, Isaac Johnson, and his service to our country as a Buffalo Soldier, and I will forever be grateful for that opportunity to commemorate in history her proud family heritage.

I send my deepest condolences to her children, Carol Thomas of Chicago, Illinois; Alonzo Pettigrew, Jr., of Pine Bluff; Paula Patterson of Little Rock; George Pettigrew of Kansas City, Missouri; Robert Pettigrew of Kansas City, Missouri; and her 17 grandchildren and 16 great-grandchildren as well as three generations of nieces and nephews. Eunice Pettigrew will be greatly missed in Pine Bluff, Jefferson County, and throughout the State of Arkansas. I will continue to keep her family in my thoughts and prayers, and I am honored to speak to her wonderful life as a dear friend.

## PERSONAL EXPLANATION

### HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. HAYES. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: February 14, 2008: rollcall vote 60, I would have voted "nay"; rollcall vote 61, I would have voted "yea"; rollcall vote 62, I would have voted "nay"; rollcall vote 63, I would have voted "yea"; rollcall vote 64, I would have voted "yea"; rollcall vote 65, I would have voted "yea"; rollcall vote 66, I would have voted "yea"; rollcall vote 67, I would have voted "yea"; and rollcall vote 68, I would have voted "yea."

## HONORING KYLE EDWARD BOWMAN

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle Edward Bowman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many scout activities. Over the many years Kyle has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle Edward Bowman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Ms. WOOLSEY. Madam Speaker, on February 26, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 72–77. Had I been present I would have voted: rollcall No. 72—"yes"—On Approving the Journal; rollcall No. 73—"yes"—Providing for consideration of the bill, H.R. 3521, to improve the Operating Fund for public housing of the Department of Housing and Urban Development; rollcall No. 74—"yes"—Providing for consideration of the bill, H.R. 3521, to improve the Operating Fund for public housing of the Department of Housing and Urban Development; rollcall No. 75—"yes"—Sires of New Jersey Amendment; rollcall No. 76—"yes"—Meek of Florida Amendment; rollcall No. 77—"yes"—Public Housing Asset Management Improvement Act.

## HONORING NATIONAL PEACE CORPS WEEK AND THE 47TH ANNIVERSARY OF THE PEACE CORPS

### HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. ROYCE. Madam Speaker, I rise to commemorate National Peace Corps Week and the 47th anniversary of the Peace Corps.

While much has changed in the world since the Peace Corps was created in 1961, its goals and ideals of promoting goodwill remain. Volunteers continue to provide invaluable services in 74 countries, serving as educators, technology consultants, environmental specialists, and business advisors.

At a time when extremism is sweeping through much of the globe, more than ever, we need these dedicated individuals.

As the former chairman of the House Subcommittee on Africa, I have had the opportunity to meet with several Peace Corps volunteers around the continent. The commitment these men and women have shown is extremely impressive and is to be commended.

During his trip to Africa last week, the President announced the return of Peace Corps volunteers to Rwanda, and he met with volunteers in Ghana, recognizing their work.

Madam Speaker, I have seen the valuable work the Peace Corps is doing in Africa, and throughout the world. It deserves our recognition and support.

## TRIBUTE TO BILL CROW

### HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. CULBERSON. Madam Speaker, I rise to recognize and honor the dedicated public service of a long time friend and member of my staff, Bill Crow. Bill and his wife Jan have been two of my closest and most trusted advisers since I first ran for State representative back in 1986. While Jan served as my district director during my seven terms in the State legislature and my first two terms in Congress, Bill served as my chief of staff for 3 years and my special projects director for the last 2 years.

Bill and Jan have always been much more than just members of my staff; they are part of my family. Having served as a legislator for over 20 years, I rely heavily on my own instincts to guide many of the most difficult decisions, but I have come to rely just as heavily on the sound advice and good judgment of Bill Crow. Although Bill readily admits, as does any good husband, that his best ideas actually come from Jan.

Bill began his career as a geologist who dabbled in politics, but he is ending his career as a skilled political adviser with a degree in geology. My work schedule keeps me in Washington much more than I would like, but with Bill and Jan serving as my eyes and ears in Houston, I felt like I never missed a beat. Bill is locally renowned as an expert on transportation policy, having spearheaded my work on the Katy Freeway reconstruction and improving access to the Texas Medical Center. He also led the effort to promote and fund the groundbreaking collaborative research being done by the Alliance for Nanohealth, and he assembled a first-rate team of doctors and scientists to serve as my Science Advisory Board, which is vital to my work on the House Appropriations Committee.

Any veteran legislator will tell you that the most valued members of their staff are not the ones who tell them they did a good job, but the ones who tell them how they can do a better job. Bill and Jan were those members of my staff, which is why I still seek them out after any public appearance or speech I have in Houston. Although retirement will allow them to spend more time with their family, I take solace knowing that Bill and Jan will stay active and engaged in local politics and that they will remain a permanent fixture in my family.

## TRIBUTE TO ELLIOTT BROIDY

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. BERMAN. Madam Speaker, my colleague, HENRY WAXMAN, and I rise to pay tribute to Elliott Broidy, recipient of the prestigious

Raoul Wallenberg Award. This Award is give td individuals who exhibit courage, selflessness and success against great odds. Elliott Broidy's civic duty and philanthropy have earned him this great honor. On February 27, 2008, the Raoul Wallenberg Committee and the Gateways Organization will host a special dinner recognizing his outstanding achievements.

Elliott Broidy has helped strengthen the beloved country of his birth, the United States, and his spiritual home, the State of Israel. In 2001, when the Second Intifada threatened Israel's security, Mr. Broidy formed Markstone Capital Partners with the intent of providing a superior return to its investors while strengthening Israel's economic viability. Markstone is Israel's largest private equity fund. To date, the fund has invested nearly half a billion dollars in Israeli companies, creating hundreds of new jobs and helping to build a strong economy for Israel.

In our community, Elliot Broidy has dedicated himself to countless humanitarian causes and foundations, including the Jewish Federation of Los Angeles, Aviva Family and Children's Service, Hebrew Union College and the University of Southern California. He serves as a member of the United States Homeland Security Advisory Council, the Board of Trustees of the John F. Kennedy Center for the Performing Arts in Washington, DC, the Los Angeles Police Foundation and the Board of Governors of Cedars-Sinai Medical Center. For the last 5 years, he has served as a Commissioner of the Los Angeles Fire and Police Pension Fund. He is also a member of the Young Presidents Organization and the Board of Advisors for the USC Marshall School Center for Investment Studies.

Prior to founding Broidy Capital Management, Elliott Broidy had a successful career in money management. He is a Certified Public Accountant and received a B.S. in accounting and finance from the University of Southern California. He lives in Los Angeles with his wife, Robin, and their three children. Throughout the years, Robin has worked alongside her husband in many worthy organizations and causes that have greatly benefited thousands of children and families in Los Angeles.

We ask our colleagues to join us in saluting Elliott Broidy for his longtime service to the State of Israel and to our community.

## HONORING KYLE JOSEPH KRUG

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle Joseph Krug, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many Scout activities. Over the many years Kyle has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle Joseph Krug for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Ms. WOOLSEY. Madam Speaker, on February 25, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 69–71.

Had I been present I would have voted:

Rollcall No. 69—"yes"—Expressing support for the designation of the week of March 3–7, 2008, as "School Social Work Week" to promote awareness of the vital role of school social workers in schools, and in the community as a whole, in helping students prepare for their future as productive citizens.

Rollcall No. 70—"yes"—Supporting the goals and ideals of "Career and Technical Education Month."

Rollcall No. 71—"yes"—Honoring the service and accomplishments of Lieutenant General Russel L. Honore, United States Army, for his 37 years of service on behalf of the United States.

## IN HONOR OF JOHN STEINBECK

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. FARR. Madam Speaker, I rise today to honor one of our most famous writers and native sons, John Steinbeck. On what would have been his 106th birthday, my community celebrates Steinbeck's world-renowned body of work and respected place in American literary history.

Born in Salinas in 1902 and raised in and around Monterey Bay, John Steinbeck established himself as one of America's most widely read writers through works including The Grapes of Wrath, Of Mice and Men, and East of Eden. As an author and journalist, Steinbeck became known for exploring the plight of Americans during the Great Depression and the Dust Bowl of the 1930s, garnering international recognition and admiration for his socially astute and engaging writing over several decades.

Graduating from Salinas High School before attending Stanford University, John Steinbeck began writing from an early age. From his first major success with Tortilla Flat in 1935, Steinbeck's writing over the coming years was deeply entwined with the Monterey Bay region. Set against the backdrops of Soledad, Monterey, and the Salinas Valley, the experiences and struggles of Steinbeck's characters reflected the social and economic challenges of the times. Much of his earliest writing offered a vibrant and realistic insight into the lives of agricultural and migrant workers during some of the most formative periods of the 20th century. During World War Two, Steinbeck worked in Europe as a foreign correspondent for the Herald Tribune of New York.

Steinbeck's profound talent for socially perceptive and captivating writing was continually acknowledged throughout his lifetime. He was honored with numerous awards and prizes, including the Pulitzer Prize for The Grapes of Wrath and the 1962 Nobel Prize for Literature. In 1963 he was also named an Honorary Consultant in American Literature to the Library of Congress.

Madam Speaker, in view of this impressive record of recognition for John Steinbeck as an American literary great, today I too would like to honor him for his lasting contribution to literature and culture in this country.

## HONORING THE POLK COUNTY PUBLIC SCHOOLS 2008 TEACHER OF THE YEAR

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. PUTNAM. Madam Speaker, I rise today to congratulate Danny Whittenton, a history teacher at Lakeland's Kathleen High School in Florida's 12th Congressional District, for being recognized as the Polk County Public Schools 2008 "Teacher of the Year".

Danny Whittenton has devoted his career to teaching American history to three generations of Kathleen High School students. Ensuring that students have the opportunity to learn and experience the importance of history and civic responsibility, he continues to develop innovative teaching methods and is committed to making knowledge accessible to all students.

Polk County Public Schools employ over 12,300 employees, making them the largest employer in Polk County. Over 6,770 are fellow teachers. From those teachers, more than 300 applications were submitted for consideration. Danny was one of eight finalists whose nominee application was reviewed. His leadership, community and school involvement and teaching style earned him the honor of "Teacher of the Year" by a committee of community members, former teachers of the year and school-related employees of the year.

In 2006, Danny retired but it was short-lived as his will to teach was too strong and he returned to the classroom after only 1 month of retirement. Clearly his dedication is unwavering.

Thirty-eight years as an educator taught Danny Whittenton how to truly engage students. Dressing up as historical figures including Davy Crockett and George Washington helps spark his students' interest, and he utilizes game show concepts like History Jeopardy and History Trivial Pursuit as a contemporary way to teach history. His students also take part in the political process; organizing a Get-Out-The-Vote project, corresponding with candidates and even providing transportation to the polls for elderly citizens.

Danny is a leading example of how teachers raise student achievement through an exceptional approach. Principal Cecil McClellan of

Kathleen High School shared that, "Danny is an excellent communicator with peers, parents and students. He possesses the ability to have students on the edge of their seats while engaging them in the learning process."

I would like to extend my congratulations to Danny Whittenton for exemplifying the core qualities of a teacher. His hard work and dedication have persevered through many years of teaching, decades of change, and thousands of students. I commend Danny for his service to three generations of Polk County students and wish him the very best in all of his future endeavors.

## HONORING KYLE WILLIAM DOWNS

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle William Downs, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many Scout activities. Over the many years Kyle has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle William Downs for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## PERSONAL EXPLANATION

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. GRAVES. Madam Speaker, I would like to state for the record my position on the following votes I missed due to personal reasons.

On Tuesday, February 26, 2008 I missed rollcall votes 72, 73, 74, 75, 76, and 77. Had I been present, I would have voted "nay" on rollcall votes 72, 73, 74, 76 and 77, and "aye" on 75.

## TRIBUTE TO ISAAC W. WILLIAMS, SR.

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a dear friend, a dedicated staff member and a tremendous South Carolinian, Isaac W. "Ike" Williams, Sr. Ike passed away February 15, 2008, and this significant loss has been felt deeply by his family, his friends, his community and his State.

Ike was born in the Union Heights neighborhood of Charleston, the son of the late Reverend Willie Williams and Inez Williams Brown. He grew up in a large family with ten brothers and sisters, and attended Charleston County public schools.

In 1967, Ike received a bachelor's degree in professional biology from South Carolina State College. During his senior year at S.C. State, he was a leader in organizing student protests, which ultimately led to the removal and replacement of the president of the university and improved overall conditions at the school. After graduating he was commissioned through the Army ROTC in Army Air Defense in 1967, and served on active duty in the United States and Korea from 1967–1969. He was active as a youth in the N.A.A.C.P. and was president of the South Carolina Conference Youth Division from 1963–1967. Ike also served as chairman of the N.A.A.C.P. National Youth Work Committee from 1966 to 1976.

As a student leader, Ike led efforts in Charleston, Orangeburg and statewide to open public accommodations to African Americans. He actively participated in sit-ins, kneel-ins, walk-ins, and pray-ins, and was subsequently jailed over 17 times. He also organized communities all over South Carolina during voter registration efforts prior to the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act.

In 1969, Ike was hired as Field Director of the South Carolina N.A.A.C.P., a position he held until 1983. He is noted for accomplishing several landmark achievements during this period. He filed reapportionment lawsuits to eliminate multi-member districts in the South Carolina House of Representatives and Senate, organized the first efforts to make Martin Luther King Jr.'s birthday a legal holiday in South Carolina, and he drew public attention to inadequate, low-income housing in South Carolina. Ike also facilitated investigations to end police use of excessive force, as well as mobilized citizens in Bowman and St. Matthews to improve their local educational systems and gain election to their local school boards.

In addition, Ike expanded the fundraising ability of the South Carolina Conference of Branches N.A.A.C.P. by creating the Annual Freedom Fund Dinner, a vehicle that raises several hundred thousand dollars annually. During this time, he also became one of the founders and organizers of the South Carolina United Citizens Party. Ike always credited his civil rights involvement to his sister, Mildred, his father, Mrs. Mary Lee Davis and Reverend I. DeQuincy Newman.

From 1983–1992, Mr. Williams worked as a consultant to many businesses and corporations in South Carolina, and served as an Associate Publisher for the South Carolinian, a monthly news magazine. He also worked as an advertising consultant for the South Carolina Black Media group.

In 1992, Ike and William DeLoach spearheaded my successful campaign to become the first African American elected to the U.S. House of Representatives from South Carolina since post-Reconstruction. He joined my Congressional staff after the campaign and served as District Aide for 15 years.

For his lifetime of service, Ike received numerous awards from the N.A.A.C.P., many social and civic organizations, and was named to Who's Who in America. He was dedicated to community service and served on the I. DeQuincy Newman Foundation at the University of South Carolina. He was Chairman of the E.A.R. Montgomery Foundation, Chairman of the Board of Richland Primary Healthcare Association, and a member of the Advisory Board of the Trio Program at the University of South Carolina.

Ike was a member of First Calvary Missionary Baptist Church in Columbia, South Carolina. He was a Prince Hall Free and Accepted Mason and a member of Alpha Phi Alpha Fraternity, Inc.

Ike leaves a host of friends and relatives to mourn his memory, including his wife the former Evelyn Tobin of Columbia, and three children: Dechancela Evette, Isaac, Jr. and Shelley Nicole.

Madam Speaker, I ask you and my colleagues to join me in celebrating the life of Ike Williams. He was a man of deep faith, who always lived by the admonition in the Book of James that it is not enough to tell those in need to go in faith. Ike was a man that black, white, young, old, weak and strong sought out in their time of need, and he tried to never leave anyone wanting. Although his presence will be sorely missed, his legacy lives on the countless people he touched over the years, and I am thankful to be counted in that number.

## HONORING MATTHEW ALBERT GANDY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew Albert Gandy, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many Scout activities. Over the many years Matthew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew Albert Gandy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## PERSONAL EXPLANATION

### HON. RIC KELLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. KELLER of Florida. Madam Speaker, I have remained in Orlando, Florida with my wife as she prepares to give birth to our second child. If I had been present yesterday, I would have voted in the following manner:

Rollcall 72: "nay"; rollcall 73: "nay"; rollcall 74: "nay"; rollcall 75: "yea"; rollcall 76: "yea"; rollcall 77: "nay."

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## TRIBUTE TO WILLIAM (BILL) DENNISON

### HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. DOOLITTLE. Madam Speaker, today I wish to express my warm thanks, congratulations, and best wishes to William (Bill) Dennison. Mr. Dennison is being recognized by the California Board of Forestry and Fire Protection and will be the recipient of its highest honor, the Francis H. Raymond Award for his 30 years of service and commitment to the California forest industry.

After being raised in rural northern California, Mr. Dennison earned a bachelor of science degree in forestry from the University of California, Berkeley in 1959. Bill's passion for the forest began while working for the Diamond Match Lumber Company in Stirling City, and within a few short years, he became a registered professional forester.

Mr. Dennison's knowledge and leadership in the forest industry set him apart from others and quickly qualified him to take the reins as the vice president and later president of the California Forestry Association (CFA). During his 14 year tenure, Bill represented the industry both in Sacramento and Washington, DC, and was able to navigate CFA through some of the most difficult forest management issues it ever faced.

Throughout his career, Mr. Dennison has distinguished himself as a visionary leader with the ability to educate the public on the value that California forest products provide. Bill was a critical member of the Quincy Library Group, helped organize the National Forest Counties and Schools Coalition and later served as the Executive Director of the Sierra Cascade Logging Conference.

Although Mr. Dennison's accomplishments in the forest industry are legendary, his greatest legacy may be his commitment to advancing forestry education programs and creating a network of forest community organizations known as the Alliance for Environment and Resources that are today the model throughout the country.

Most recently, Mr. Dennison served as the Third District Supervisor for Plumas County. He quickly became a national leader on resource conservation, water quality and rural management issues while serving as Chairman of the Public Lands Steering Committee for the National Association of Counties.

Bill has served on numerous boards and commissions and has received dozens of community and national awards including: The Plaque of Commendation by the National Forest Products Association; Award of Appreciation for Services by the National Forest Counties and Schools Coalition; and my favorite, selected twice with his wife Pat, as the Grand Marshall for the Chester Rotary Club Fourth of July Parade.

It is with deep respect and personal gratitude that I thank Bill Dennison for his service to the forest industry and to the citizens of Northern California.

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## HONORING SAMUEL LEE AYERS

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Samuel Lee Ayers, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop, participating in many Scout activities. Over the many years Samuel has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Samuel Lee Ayers for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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## ANNIVERSARY OF THE PEACE CORPS

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. WILSON of South Carolina. Madam Speaker, March 1, 2008 marks the 47th anniversary of the Peace Corps. It is only fitting that we pause to congratulate this tremendous organization and all of its volunteers for the incredible work they do on behalf of millions of people around the world.

Since 1961, over 190,000 Peace Corps Volunteers have served in 139 countries. As teachers and consultants, they bring a broad range of intellectual acumen to concerns as diverse as business, economic development, health care education, and agricultural improvement. Their dedication speaks to the highest ideals of our Nation; it shows our global neighbors the true face of American compassion and generosity.

Currently, there are 18 citizens of the Second Congressional District of South Carolina volunteering their time in countries around the world ranging from Romania to Jamaica: Coy Beale, Christopher Belser, Erin Curtis, Michael Edmonds, Lee Enzastiga, David Hart, Rebecca Hartz, Karla Hoppmann, Amanda Jackson, Danielle Kuczkowski, Lucy Marcil, Ingrid Martens, Cynthia McDonald, Carol Preston, Crystal Reardon, Alexis Serna, Phillip Shealy, and Erin Swails.

I am grateful for their service and wish to recognize their tremendous efforts. These leaders and their fellow Peace Corps volunteers deserve our utmost respect.

Congratulations to the Peace Corps on its 47th anniversary.

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## TRIBUTE TO DOMINICAN HERITAGE MONTH ON THE 164TH ANNIVERSARY OF THE INDEPENDENCE DAY OF THE DOMINICAN REPUBLIC

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. RANGEL. Madam Speaker, today I join with the hundreds of thousands of Dominican residents of my congressional district and across our Nation to commemorate today, February 27th, the 164th anniversary of the Dominican Republic's Day of Independence. This celebration comes at the tail end of what has been a momentous Dominican Heritage Month.

Dominican Heritage Month gave us the opportunity to acknowledge and applaud the economic, cultural, and social contributions Dominican Americans have made to this great Nation. Dominicans living in our shores have been motivated by the value of hard work and the bonds of family—the same pillars of our society that has built this great Nation for over 230 years.

It also gave us an opportunity to consider the many Dominican achievements, on the island and in the United States. Many of our hemisphere's first institutions were established on the shores of Quisqueya, including the first cathedral and the oldest university.

Since the initial wave of Dominican migration in the 1960's to the most recent arrivals of today, Dominicans have worked hard to contribute to our national identity, educating us all on their culture and traditions and enriching the quality of our shared futures. Their contributions can also be found in every facet of U.S. life—from the many baseball stars in our national pastime, to fashion legend Oscar de la Renta to the thousands of professionals that do battle as soldiers, doctors, lawyers, journalists, educators, and public servants.

This past year, the Dominican community and I shared the loss of our fallen soldier, Cpl. Juan Alcantara, who lost his life tragically on August 6, 2007 in support of Operation Iraqi Freedom. We also shared the grief of Hurricane Noel, the deadliest storm of the 2007 hurricane season, responsible for at least 140 deaths and the displacement of more than 80,000 people in the Dominican Republic.

The Dominican people are known to triumph in the face of tragedy. They first began their campaign for the independence of the Dominican Republic in 1831 under the leadership of Juan Pablo Duarte, who formed a secret society named The Trinity. Thirteen years later, he succeeded in commanding a decisive uprising, which resulted in independence for the Dominican Republic. After the long and hard campaign for freedom had ended, a ceremonial musket shot fired on February 27, 1844 marked the Dominican Republic's first official Independence Day.

Madam Speaker, I ask that you and my distinguished colleagues join me in marking this celebration of not just the independence and triumphs of the Dominican people, but also the invaluable impact that they have had on our Nation and the world.

## HONORING LAURIE SULLIVAN

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. LARSON of Connecticut. Madam Speaker, I rise today to express my sadness over the untimely passing of Laurie D. Sullivan due to breast cancer. Laurie was a successful female entrepreneur in the world of advocacy. More importantly, she is remembered for her love of life, family, friends, colleagues, and politics. I am grateful for our friendship and the laughs that we shared.

Laurie grew up in a union household in Connecticut, where her political roots took hold. She was a Democratic activist during high school and college. She represented Connecticut as a delegate to the Democratic National Convention in 1972, serving as the youngest delegate ever at that time. She received her education at the University of Connecticut School of Law with highest honors. Laurie spent a decade doing legal and government relations work at Aetna's corporate headquarters in Connecticut. During this time, she cultivated strong ties to the Connecticut delegation in Congress.

Laurie built her influence through a long history of Democratic Party activism, in Washington, DC, as well as Connecticut. After moving from Connecticut to Washington, DC, she first co-founded Sullivan & Baldick, and then separated from that firm in 2002 to found Avenue Solutions, a small and successful all-female, all-Democratic firm that specializes in health and financial services lobbying. Avenue Solutions is notable for its individual attention and service given to clients. On behalf of those clients, Laurie played a leading role with Democrats on numerous legislative issues, including healthcare reform, Medicare expansion, legal reform, pension relief, and telecommunications.

Today I rise to pay tribute to Laurie Sullivan's outstanding career and life achievements. Laurie combined her commitment to political and legislative advocacy with a love of life and dedication to her family throughout her courageous battle with cancer. She lived by her words, "It is the quality of life, not the quantity." She will be dearly missed for her candor, devotion, and her ability to step back, take a deep breath and smile.

## HONORING TYLER EVAN ARTHUR

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Evan Arthur, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many Scout activities. Over the many years Tyler has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler Evan Arthur for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING ESSIE MAE REED DURING BLACK HISTORY MONTH

### HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Ms. CASTOR. Madam Speaker, I rise today to honor the life of Essie Mae Reed of Tampa, Florida. Ms. Reed devoted her life to the poor and underprivileged in Tampa. She became their voice.

Born in Savannah, Ms. Reed moved to Tampa as a child. For decades she was the representative for Central Park Village housing project families. Ms. Reed's eagerness to help others stretched beyond her closest neighbors. Her role as Central Park Village's spokeswoman began in 1967 when she created the Tenant's Association to represent the nearly 4,000 families in public housing in Tampa. She served the Association without pay and worked as a housekeeper to make money for her family. She fought for a Boys & Girls Club in the housing complex. She took children to Hillsborough Community College on the weekends for enrichment activities. She publicized the unsanitary conditions and had hot water heaters installed in the apartments so residents could shower in warm water. She ensured children received lunch at school. But her biggest accomplishment was overturning the policy excluding single mothers from being allowed to live in public housing.

In 1971, Ms. Reed ran for Tampa City Council. She was the first black woman ever to run, and when they charged her a substantial qualifying fee, she sued the city to have the fee waived. The federal district court ruled that the fee was unconstitutional because it excluded some candidates on the basis of socioeconomic status.

Madam Speaker, Essie Mae Reed is a Tampa treasure. She stood up for so many that didn't have a voice and improved lives throughout my community. She is an example that people, individuals, are capable of performing enormous feats. Ms. Reed didn't learn to read until she was 40, and she said it best: "People thought we was nobody because of living in the slums, but we could all be something given an opportunity."

## CONGRATULATING THE UNIVERSITY OF NORTH TEXAS, A MEMBER OF THE 2006–2007 PRESIDENT'S HONOR ROLL

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. BURGESS. Madam Speaker, I rise today to congratulate the University of North Texas for being recognized as a member of the President's Honor Roll for the 2006–2007 academic year.

Launched in 2006, the President's Honor Roll recognizes institutions of higher education all across the Nation that support innovative, effective, and exemplary community service programs. Honorees for the award were selected based on a series of factors, including scope and innovation of service projects, percentage of student participation in service activities, incentives for service, and the extent to which the school offers service-learning courses.

In congratulating the winners, U.S. Secretary of Education Margaret Spellings said, "Americans rely on our higher education system to prepare students for citizenship and the workforce. We look to institutions like these to provide leadership in partnering with local schools to shape the civic, democratic and economic future of our country."

The Honor Roll is jointly sponsored by the Corporation for National and Community Service, through its Learn and Serve America program, and the Department of Education, the Department of Housing and Urban Development, USA Freedom Corps, Campus Compact, and the President's Council on Service and Civic Participation.

It is my honor to represent a university that shows such hard work and dedication to their local community. I strongly believe in the philanthropic efforts of those who volunteer and give their time and resources to help others. I extend my sincerest congratulations to the University of North Texas, as well as their fine students, faculty, and staff. It truly is an honor to represent such extraordinary citizens in the 26th District of Texas, and I look forward to the positive impact these students will inevitably have on our Nation's future.

## HONORING PATSY AND FRED PATTERSON FOR THEIR SERVICE TO DENTON, TX, AND TEXAS WOMEN'S UNIVERSITY

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. BURGESS. Madam Speaker, I rise today to honor Patsy and Fred Patterson of Denton, Texas, for their exceptional service to the community of Denton and to Texas Women's University. Mr. and Mrs. Patterson have been awarded the 2008 Texas Women's University Founders Award.

With a more than 50-year history of community activism in Denton, Patsy and Fred Patterson have established themselves as committed leaders in promoting the city, its events and organizations, and its universities.

Mr. and Mrs. Patterson have had leadership roles with several Denton community organizations, including the Denton Chamber of Commerce, the Greater Denton Arts Council, the Denton Community Theatre, the Denton Public School Foundation and the United Way of Denton.

One of my heroes, President Ronald Reagan, often spoke about the importance of community service to everyday life in America. He once said voluntary service is like "a spirit that flows like a deep and mighty river through the history of our Nation." Patsy and Fred Patterson and their tireless work are part of this rich history.

The Texas Women's University Founders Award was first presented in 1998 to honor organizations and individuals who have supported Texas Women's University. Patsy and Fred Patterson are more than deserving of the Texas Women's University Founders Award and I am honored to represent them in the 26th District of Texas. I am proud to recognize these exceptional individuals who have given so much back to their community.

## HONORING CONGRESSMAN TOM LANTOS

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. ENGEL. Madam Speaker, I insert in the CONGRESSIONAL RECORD a statement by former Deputy Secretary of the Treasury Stuart Eizenstat in honor of our late Chairman Tom Lantos.

STATEMENT OF STUART EIZENSTAT

I first met Tom Lantos during the 1976 Jimmy Carter presidential campaign for which I served as policy director, when Tom took a leave of absence from his teaching position in California to volunteer with the campaign. He was a great asset in helping develop our foreign policy, particularly on the Middle East. His brilliance, his intellectual integrity, and honesty made an immediate impression on me.

His Holocaust experience, as a Holocaust survivor, created an indelible link between us. From our first meeting in 1976 throughout his public career, he was a passionate and unwavering supporter of Israel and the need for peace between Israel and its Arab neighbors. He saw Israel as a Jewish State created out of the ashes of the Holocaust and the best guarantor against threats to the Jewish people. During the Clinton Administration, in which I held a number of senior positions including Special Representative of the President and Secretary of State on Holocaust-Era Issues, no Member of Congress was a stronger supporter of my efforts on behalf of the Administration to bring justice to survivors of the Holocaust and to the families of its victims.

Tom was also one of the earliest and strongest supporters in Congress for freedom for Jews in the then Soviet Union.

His Holocaust experience was reflected in a number of additional activities. He was one of the strongest supporters of the United States Holocaust Memorial Museum, which we created with bipartisan support at the end of the Carter Administration. He was personally responsible for naming the street on which the Museum sits as Raoul Wallenberg Place, named after the person who saved his life and his wife Annette's, following the Nazi occupation of their native Hungary in 1944. He never forgot what Raoul Wallenberg had done for them and for thousands of other Jews, and was an indefatigable champion of trying to get the Soviet Union and later Russia to provide an honest accounting of the circumstances around Wallenberg's death.

His Holocaust experience also taught him the importance of human rights around the world. He was the founder and co-chairman of the Congressional Human Rights Caucus, shining a spotlight on human rights violations around the world, most recently in Darfur.

Tom's legacy of support for human rights, his strong opposition to regimes which threaten western values, the numerous actions he took to strengthen U.S.-Israel relations mark Tom Lantos as one of the most influential and important Members of Congress in our generation. He was a dear friend and a great and good man.

## HONORING THE DENTON, TEXAS LEAGUE OF UNITED LATIN AMERICAN CITIZENS COUNCIL #4366

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. BURGESS. Madam Speaker, I rise today to honor the League of United Latin American Citizens Council #4366 in Denton, Texas. This group is being recognized by Texas Women's University as a 2008 Texas Women's University Founders Award recipient.

The Denton LULAC Council #4366 was established in 1981 under the leadership of charter president Frank Devila and 10 other Denton community leaders. Today, members serve on a number of Denton boards and committees, including the Denton Hispanic Chamber of Commerce as well as the committees for the Cinco de Mayo, Cena en el Barrio and Fiesta on the Square celebrations.

For more than five years, the Denton LULAC Council #4366 has partnered with Texas Women's University to award scholarships to deserving Hispanic students in the North Texas area. Since 2002, the organization has awarded scholarships to 13 Hispanic students at Texas Women's University.

Chancellor of Texas Women's University, Ann Stuart, has said that the university is fortunate to have partners such as Denton LULAC join them in their mission of educating the State's future leaders.

The Texas Women's University Founders Award is presented to honor organizations and individuals who have supported Texas Women's University. I am proud to honor the Denton LULAC Council #4366. This group of dedicated and service-oriented individuals is very deserving of this award, and I am proud to represent these citizens in the 26th Congressional District of Texas.

## RECOGNIZING THE ACCOMPLISHMENTS OF THE TEXAS ACADEMY OF MATHEMATICS AND SCIENCE

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. BURGESS. Madam Speaker, I rise today to recognize the bright young students of the Texas Academy of Mathematics and Science team, one of five finalists in the Junior Engineering Technical Society/AbilityOne National Engineering Design Challenge. The team, coached by Scott Grant, consists of students participating in a two-year program through the University of North Texas in Denton, Texas.

At the final competition, which took place in Washington, DC on February 15 and 16, 2008, the five finalist teams were allowed to present their refined prototypes. The Texas Academy of Mathematics and Science team's invention was the "Ergonomic Spool Assembly System," or eSAS, which is a table that combines adjustable height and incline to allow workers in wheelchairs to manufacture spools easily.

The eSAS was one of two second place finishers and received the award for "Outstanding Assistive Technology Design." Second place finishers won $1,500 to go towards their school's sponsoring departments. The team received two other awards for the eSAS, "Best Presentation" and "Best Application of Rehabilitation Engineering Design Principles."

The Texas Academy of Mathematics and Science team was 1 of 250 teams who initially entered the competition in September of 2007. The annual competition offers high school students an opportunity to improve the lives of people with severe disabilities through assistive technology.

The Texas Academy of Mathematics and Science is an early-admission program that provides an accelerated education for bright, motivated Texas high school students who have demonstrated an interest in pursuing careers in mathematics and science. Students in this two-year program complete a rigorous academic curriculum of college coursework at the University of North Texas.

Madam Speaker, I believe these students should be recognized not only for being participants in this prestigious program, but also for their outstanding accomplishments in the Junior Engineering Technical Society/AbilityOne National Engineering Design Challenge. I am proud to represent these talented and accomplished young men and women in the 26th District of Texas, and I look forward to the positive impact these students will have on the North Texas community.

## IN MEMORY OF WAYNE FERGUSON

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 27, 2008*

Mr. BURGESS. Madam Speaker, I rise today to give tribute to Wayne Ferguson, a former mayor, council member and land developer from the 26th Congressional District of Texas, for his lifelong contributions to his community and to his fellow citizens. Mr. Ferguson passed away at the Medical Center of Lewisville on February 25, 2008.

Mr. Ferguson served on the Lewisville City Council and also as Mayor of Lewisville, Texas in the late 1970s and early 1980s. He went on to serve as the board chairman of the Medical Center of Lewisville, working tirelessly to constantly improve the hospital to meet the needs of the growing community. His never-ending devotion to the city of Lewisville led to his service on multiple other boards and committees, including the city's Tourism Committee and various advisory boards for the Lewisville Police Department. He was a strong supporter of the Lewisville Chamber of Commerce, maintaining close personal and professional relationships with many of the city's leaders. Mr. Ferguson was voted Citizen of the Year in 1989.

Mr. Ferguson has been a constant ally and advocate of the Lewisville Economic Development Foundation. He was extremely influential during his career as a land developer, helping to make many of Lewisville's economic developments a reality, including the Vista Ridge Mall and the State Highway 121 bypass. In recent years he has become a strong proponent of restoring and revitalizing the city's Old Town. In 2006, the plaza which hosts the Old Town Farmers Market was renamed Wayne Ferguson Plaza by the Lewisville City Council.

About two years ago, Mr. Ferguson developed cancer in his blood cells. He went into remission for a brief period of time after aggressive treatment, but the cancer returned. In an amazing show of solidarity and support for one of their own, the Lewisville community organized a blood drive for Mr. Ferguson to provide him with much needed blood transfusions to battle the cancer. It is perhaps the most telling testament to his many years of fighting for the best interests of Lewisville. In his time of great need, the city he gave so much to for so many years rose up and gave back to him during his exhausting personal battle.

Described by friends and associates as both the soul of Lewisville and the city's greatest champion, Mr. Ferguson was also a successful rancher and devoted family man. He is survived by his wife, Judy Kay, daughters Amanda Kay Ferguson and Brenna Kay DeVoe, brother Tommy Ferguson, and three granddaughters.

Madam Speaker, I am proud to rise today and honor the memory of such a selfless and honorable individual. Wayne Ferguson was a dedicated public servant, and serves as a role model to all citizens. I extend my sincerest sympathies to his family and friends. He will be deeply missed by many, his service will always be greatly appreciated, and the small Texas community of Lewisville will forever be in his debt.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 28, 2008 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

### FEBRUARY 29

10 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine government-wide intelligence community management reforms, focusing on ensuring effective Congressional oversight and the role of the Government Accountability Office.

SD–342

### MARCH 4

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009 for the United States Central Command and the United States Special Operations Command, and the future years defense program; with the possibility of a closed session in S–407 immediately following the open session.

SD–106

Foreign Relations

To hold hearings to examine Kosovo, focusing on the Balkans region.

SD–419

10 a.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

Disaster Recovery Subcommittee

To hold joint hearings to examine the Federal Emergency Management Agency (FEMA) disaster housing strategy.

SD–342

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the banking industry.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for Transportation Security Administration, Department of Transportation.

SR–253

Energy and Natural Resources

To hold an oversight hearing to examine the Energy Information Administration's revised annual energy outlook.

SD–366

Appropriations

Homeland Security Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Homeland Security.

SD–192

Appropriations

Interior, Environment, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the U.S. Enviromental Protection Agency.

SD–124

2:30 p.m.

Homeland Security and Governmental Affairs

To hold closed hearings to examine National Security Presidential Directive-54 and Homeland Security Presidential Directive-23 (NSPD–54/HSPD–23) and the comprehensive national cyber security initiative.

S–407, Capitol

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 for the military space programs, and the future years defense program.

SR–232A

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold hearings to examine protecting seashores from oil spills, focusing on operational procedures and ship designs.

SR–253

Intelligence

To receive a closed briefing on certain intelligence matters.

SH–219

3 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine enlargement issues facing the North Atlantic Treaty Organization (NATO) prior to the summit in Bucharest, Romania, focusing on democratic development.

B318, Rayburn Building

### MARCH 5

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Air Force, and the future years defense program.

SH–216

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy.

SD–124

Health, Education, Labor, and Pensions

Business meeting to consider S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatal and postnatal diagnosed conditions, S. 999, to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation, S. 1760, to amend the Public Health Service Act with respect to the Healthy Start Initiative, H.R. 20, to provide for research on, and services for individuals with, postpartum depression and psychosis, and S. 1042, to amend the Public Health Service Act to make the provision of technical services for medical imaging

To hold hearings to examine ... examinations and radiation therapy treatments safer, more accurate, and less costly, and any pending nominations.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine census in peril, focusing on getting the 2010 decennial back on track.

SD–342

10 a.m.

Judiciary

To continue oversight hearings to examine the Federal Bureau of Investigation.

SD–106

10:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the rising cost of heating homes, focusing on Low Income Home Energy Assistance Program (LIHEAP).

SD–430

Aging

To hold hearings to examine elderly hunger in America, focusing on the steps needed to prevent this now and in the future.

SD–562

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the state of the United States Postal Service one year after reform.

SD–342

Armed Services

Personnel Subcommittee

To hold hearings to examine the findings and recommendations of the Department of Defense Task Force on Mental Health, the Army's Mental Health Advisory Team reports, and Department of Defense and service-wide improvements in mental health resources, including suicide prevention, for servicemembers and their families.

SR–232A

3 p.m.

Energy and Natural Resources

To hold an oversight hearing to examine the initial amendment between the United States and the Russian Federation on the agreement suspending the antidumping investigation on uranium from the Russian Federation.

SD–366

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Treasury.

SD–138

MARCH 6

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009 for the U.S. Southern and Northern Command, and the future years defense program.

SH–216

10 a.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget request for fiscal year 2009 for the Department of Commerce.

SD–138

Health, Education, Labor, and Pensions

To hold hearings to examine unemployment in the economy, focusing on ways to secure families and build opportunities.

SD–430

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget request for fiscal year 2009 for the Department of Transportation.

SD–192

10:30 a.m.

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the U.S. Coast Guard and conduct oversight.

SR–253

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

MARCH 11

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009 for U.S. Pacific Command and U.S. Forces in Korea, and the future years defense program.

SH–216

10 a.m.

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the U.S. Army Corps of Engineers Civil Works Program, and the implementation of the Water Resources Development Act (WRDA) of 2007 (Public Law 110–114).

SD–406

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2009 to support U.S. basic research.

SR–253

2:30 p.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the Department of Transportation's Cross-Truck pilot program.

SR–253

Judiciary

To hold hearings to examine the nomination of Grace C. Becker, of New York, to be Assistant Attorney General for the Civil Rights Division, Department of Justice.

SD–226

MARCH 12

9:30 a.m.

Armed Services

Readiness and Management Support Subcommittee

To receive a briefing on the current readiness of the armed forces of the United States.

SH–219

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Housing and Urban Development and conduct oversight.

SD–538

2:15 p.m.

Energy and Natural Resources

To hold hearings to examine hardrock mining, focusing on issues relating to abandoned mine lands and uranium mining.

SD–366

2:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine technologies to combat weapons of mass destruction.

SD–106

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs.

SR–232A

MARCH 13

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009 for the United States European Command and the United States Afican Command, and the future years defense program.

SH–216

2 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 for the current readiness of the armed forces, and the future years defense program.

SR–232A

2:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 for the Cooperative Threat Reduction Program and the Proliferation Security Initiative at the Department of Defense, and nuclear nonproliferation programs at the National Security Administration, and the future years defense program.

SR–222

APRIL 8

10 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine the Federal Trade Commission Reauthorization.

SR–253

# HOUSE OF REPRESENTATIVES—*Thursday, February 28, 2008*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You reveal Yourself to people through Your creation and even more so in Your word.

By Your grace, open the minds and hearts of Your people, especially leaders in government, business, and homes, that they may receive and take unto themselves Your good news, which can create peace and reconciliation in them and they in turn may bring peace, hope, and stability to this Nation and thereby to the entire world.

Because You are doing this, to You be all honor, glory, and thanksgiving, now and forever.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

> S. 1200. An act to amend the Indian Health Care Improvement Act to revise and extend that Act.
>
> S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

## PEACE CORPS WEEK

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, President Kennedy, 47 years ago at the establishment of the Peace Corps, said that reactions to the Peace Corps are proof that we have in America "an immense reservoir of such men and women, anxious to sacrifice their energies and time and toil to the cause of world peace and human progress."

What was true in 1961 as it is true today. Peace Corps volunteers are an outstanding group of men and women serving the cause of humanity across the globe.

This year, those words have even more meaning for me as my daughter Anne is serving in the Peace Corps in Mozambique.

During this National Peace Corps Week, I want to commend the service and commitment of the Peace Corps volunteers from my community and express our pride in fellow Oregonians who have chosen to devote 2 years or more of their lives in service to others.

In addition to Anne Blumenauer, I would like to recognize John Bento, serving in Georgia; Amanda Bickle-Eldridge, serving in Nicaragua; Stuart Chidester, serving in Paraguay; Melanie Edwards, serving in Azerbaijan; Ashley Hollenbeck, serving in Morocco; Andrea Lawrence, serving in Bolivia; James Lensen-Callas, serving in Peru; Erik Nelson, serving in Georgia; Sami Oeser, serving in Botswana; Sandra Stevens, serving in Jamaica; Paul Sylvester, serving in Samoa; Normand Tremblay, serving in Cameroon; and Natalie Wilson, serving in Botswana.

They are the foundation for creating a safer and more prosperous world, establishing a better future for people everywhere.

## FISA REAUTHORIZATION

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute.)

Mr. HOEKSTRA. Mr. Speaker, today is day 12, day 12 of diminished capabilities of the U.S. intelligence community to go out and get the information that they need to collect to keep America safe.

Our National Director of Intelligence, the chairman of the Senate Intelligence Committee all have said that with the failure of the House to act on restoring and approving a FISA modernization bill America's capabilities erode each and every day.

So what is the House going to do today? S. 2478, naming a post office; S. 2272, naming a post office. The third bill we'll consider today, naming a post office. The fourth bill, naming a post office. We'll do four other noncontroversial bills.

And then what we will do? Will we take up FISA modernization? No, we will do the same thing we did 2 weeks ago: we will go home.

The schedule for Friday? On Friday, no votes are expected. Our capabilities will diminish for 4 more days.

"House Democrats In a Perilous Game," is what The Republican of Springfield, Massachusetts, said. "The House let a crucial deadline come and go without even taking a vote on this matter."

America's at greater risk because this House continues to fail to act.

## DEMOCRATS FIGHT TO END SUBSIDIES FOR BIG OIL AND INSTEAD SUPPORT RENEWABLE ENERGY

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, yesterday the House eliminated wasteful and unnecessary taxpayer subsidies to some of the largest multinational oil companies and instead invested this money in subsidies for regular individuals and businesses who are investing in clean energy. This legislation will not only help ease the pain at the pump for many Americans, but it will also help us get us on the road toward energy independence.

This bill comes shortly after the big five oil companies reported their latest record profits. Earlier this month, for example, ExxonMobil reported earnings of $40.6 billion in 2007, the largest corporate profit in American history.

Now, why should the big oil companies receive billions of dollars in government welfare? Well, they shouldn't. It's simply a waste of taxpayer dollars at the expense of our very necessary drive towards energy independence.

Mr. Speaker, the House has acted on legislation that will lower energy costs, improve national security by making us more energy independent and ending wasteful taxpayer subsidies for companies that clearly do not need them.

## CONGRESS CHOSE POORLY

(Mr. POE asked and was given permission to address the House for 1 minute.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. POE. Mr. Speaker, if you tax something, you get less of it. If you subsidize it, you get more of it. So in this day of homegrown energy depletion, Congress made the absurd choice of putting more taxes on American oil companies and, instead, chose to subsidize the special interest groups of unproven, undeveloped, and even nonexistent sources of energy.

More taxes means the price of crude oil will rise, not diminish; thus, gasoline prices will rise. This tax will be passed on to us, the consumer. Taxes are always passed on to the consumer.

The tax will not encourage, but lessen, domestic oil production. The tax will encourage oil companies to go to some other country to drill for oil and encourage American refineries to move offshore to areas not hostile.

The tax will make us more dependent on Third World countries like Dictator Chavez for oil.

Congress should lower taxes on U.S. oil companies to encourage domestic production.

So Congress had the choice to encourage domestic oil production by opening up places to drill like ANWR and off the coast, or to tax the black gold and lifeblood of our energy—crude oil. Congress chose poorly.

And that's just the way it is.

## HONORING BRUCE BEYER

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to honor and congratulate Bruce Beyer, a remarkable constituent of mine from Davenport, Iowa, who was recently awarded the Army's Outstanding Individual with Disability Award. I'm proud that Bruce was one of 16 employees honored at the DOD Disability Awards ceremony in December for his contributions to the Army Sustainment Command at Rock Island Arsenal.

Bruce has been in a wheelchair since a bicycle accident in 1982 left him a quadriplegic without the use of his arms. According to his boss, Bruce Angus, who nominated him, Bruce is an inspiration to everyone around him and exemplifies the tenet that the only true disability in life is a bad attitude.

Bruce is active in raising awareness about people with disabilities by training managers through the arsenal's Windmill Program, by serving as a counselor in the Rock Island-Milan School District, and by conducting seminars in assistive technology and advocacy for disabled individuals.

Bruce is a model of perseverance and a source of pride for the First District of Iowa, and I join his family, friends, colleagues and community in congratulating him on receiving this honor, and I'm thanking and commending him for his incredible contributions to the arsenal and the Quad Cities community.

## CONGRATULATING STUDENTS ON RECEIVING OFFERS TO U.S. SERVICE ACADEMIES

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, this year I had the opportunity to nominate several outstanding high school students in the Eighth District for our Service Academies. Five of these students won nominations.

Ms. Morgan Grohol, Central Cabarrus, varsity athletics, National Honor Society, Beta Club, will attend the Air Force Academy.

Mr. Milton Cantos, Concord High School, U.S. Naval Academy, Academic Honors Club, Key Club, varsity soccer.

Mr. Gabriel Whaley lives in Cabarrus County and attends the North Carolina School of Math and Science, National Honor Society, Academics Honor Club, varsity soccer. He will attend the U.S. Military Academy at West Point.

Mr. Andrew Chinlund graduated from Jack Britt High in Cumberland County. National Honor Society, Junior ROTC. He will attend the U.S. Air Force Academy.

Finally, Mr. Derek Graves is a senior at Hoke High School. Student Council, Academic Honors, cross-country. He will attend the U.S. Naval Academy.

These are five hardworking young people. I'd like to commend them for their extraordinary work and dedication and service to their country, and I wish these five students the best of luck in their future. I thank them for choosing to serve their country.

## ON FISA, PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, President Bush is out of new ideas. Instead, all he has left is blatant fearmongering, a strategy that his administration has elevated to an art form.

This time, it's the expiration of his Protect America Act that has the President warning of dire consequences, even though his own administration admits that our intelligence community continues to have every tool it needs. Fortunately, the American people are not buying into the administration's latest scare tactics.

It's pretty difficult for the President to now decry the act's expiration when he threatened to veto a 21-day extension earlier this month. If the law was so critical to national security, you would think that the President and congressional Republicans would have done everything in their power to ensure that it didn't expire.

If Washington Republicans were seriously concerned about the future of the FISA program, you would think they would want a seat at the table as important negotiations continue. Instead, both the administration and Republican leaders have refused to negotiate.

Mr. Speaker, no wonder the scare tactics aren't working.

□ 1015

## SUPPORT PROTECT AMERICA ACT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, when I go home and I talk to my constituents, they understand and appreciate that it is the primary responsibility of Congress to protect our Nation. All Americans believe we should be able to determine what terrorists are saying to terrorists overseas. Playing politics with our Nation's intelligence capabilities only serves to harm our national security. And despite proof of a bipartisan majority of support in the Senate which passed the FISA bill 68-29, House Democrat leadership allowed these protections to expire without a vote. To expire without a vote. Astounding, Mr. Speaker.

We're now 13 days into a unilateral disarmament on the part of our Nation. The ability to obtain the right information at the right time is of critical importance in our struggle against radical terrorists who hide among civilian populations and quietly plot deadly attacks. The Protect America Act moved our intelligence capabilities in the right direction. The Senate understood that in a bipartisan way. The American people understand that. We hope and pray that the Speaker and the Democrat leadership will come to their senses and allow a vote on the Protect America Act.

## OFFICERS SAY IRAQ WAR HAS STRETCHED MILITARY "DANGEROUSLY THIN"

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, 5 years after the start of the war in Iraq, a new authoritative poll shows the growing concern of U.S. military officers about the impact of the war in Iraq on our Nation's security. The poll is based on the opinions of 3,400 present and former military officers. Eighty-eight percent of these officers believe that the demands of the Iraq war have "stretched the U.S. military dangerously thin." Eighty percent of the military officers believe it is unreasonable to expect that the U.S. could respond to any new military threat in another part of the world. And nearly three-quarters of the officers believe civilian leaders set "unreasonable goals for the military in post-Saddam Iraq."

Clearly, the Bush administration is not listening to its own military officers. In fact, before the start of the Iraq war, not one single military officer believed that Iraq had anything to do with the war on terrorism. And yet President Bush is determined to continue this war irregardless of his military's own concerns.

Mr. Speaker, the war in Iraq has undermined our Nation's military strength and our readiness and, therefore, our national security.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

## CAPTAIN JONATHAN D. GRASSBAUGH POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2478) to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2478

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CAPTAIN JONATHAN D. GRASSBAUGH POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, shall be known and designated as the "Captain Jonathan D. Grassbaugh Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Jonathan D. Grassbaugh Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of S. 2478 which names a postal facility in the town of East Hampstead, New Hampshire, after Captain Jonathan D. Grassbaugh.

S. 2478, which was introduced in the Senate by Senator JOHN SUNUNU on December 13, 2007, and passed by the Chamber under unanimous consent on December 19, 2007, has been considered and reported out of the Oversight Committee by voice vote as of January 29, 2008.

Like many of the postal naming measures in which this body has previously considered and passed over the past couple of years, S. 2478 seeks to honor the service and dedication of a heroic American serviceman, the Honorable Captain Jonathan D. Grassbaugh, by naming after him the post office in his hometown of East Hampstead, New Hampshire.

Born and raised in the fine city of East Hampstead, New Hampshire, Captain Grassbaugh is held in high esteem by friends and family alike who recall him as an exceptional student and active community volunteer. After graduating from high school with honors, Captain Grassbaugh attended Johns Hopkins University where he graduated in 2003 with a bachelor's degree in computer science. During his collegiate pursuits at Johns Hopkins, Captain Grassbaugh also served as the battalion commander for the school's ROTC program.

After completing U.S. Army Ranger School in April 2004, Captain Grassbaugh was assigned to the 5th Squadron, 73rd Cavalry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division out of Fort Bragg, North Carolina. Sadly, however, on April 7, 2007, while serving in Iraq, Captain Jonathan Grassbaugh was tragically killed when an improvised explosive device detonated near his unit in Zaganiyah, Iraq.

Mr. Speaker, given Captain Grassbaugh's commitment to his community, his vocation and, of course, his country, I think it only fitting that we pass the underlying measure to designate the post office on Colby Corner in East Hampstead, New Hampshire, as the Captain Jonathan D. Grassbaugh Post Office.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

I rise today to urge passage of this bill designating the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the Captain Jonathan D. Grassbaugh Post Office. Described by his family as "the epitome of an officer and a gentleman," Captain Jonathan Grassbaugh was a truly remarkable young man.

Born into a military family, Captain Grassbaugh moved to New Hampshire at the age of 3. After graduating from Phillips Exeter Academy, he attended Johns Hopkins University where he earned his degree in computer science. During his time at Hopkins, Jonathan rose quickly through the ranks of his Army ROTC class, selected as the cadet battalion commander his senior year. Jonathan's dedication and sense of honor served as a driving force behind the JHU Ranger Challenge team winning brigade competitions 2 years in a row and the battalion being rated third in the nation among 270 ROTC units.

In the words of one of his professors, "In my 9 years of teaching ROTC, Jonathan Grassbaugh was by far one of the most energetic and conscientious young men that I have ever had the honor to teach."

In 2005 during his first tour in Iraq, Captain Grassbaugh served as aide-de-camp to Brigadier General Michael Ferriter, a top adviser to the U.S. military commander in Iraq. Speaking at Jonathan's funeral, Ferriter commented on the young man he grew to know so well: "He made me a better leader and a better man. He was simply as good as it gets. He was the best; a warrior, friend, comrade, loving husband, and caring son."

In June of 2006, Jonathan married his college sweetheart, Jenna, just a few days after her graduation from Hopkins. A few weeks later he was deployed to Iraq as a member of the 73rd Cavalry, 5th Brigade of the 82nd Airborne Division. On April 7, 2007, the 25-year-old Grassbaugh was killed by an IED while conducting a combat logistic patrol in Zaganiyah, Iraq.

A loving husband, dedicated son, and accomplished soldier, Captain Grassbaugh was and will remain a shining example of America's best. Though we will never have the privilege of knowing the limits of his seemingly endless potential, the memory of his spirit, honor, and dedication should live on as an example to others. In the words of the Reverend Frederick Pennett at his funeral, "He laid down his life for us and for his country. There is no greater love than this. Jonathan's story and his memory will go on forever."

I urge that we help preserve the memory of Captain Jonathan Grassbaugh with passage of this bill, and I ask my colleagues to join me in supporting this fitting tribute.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to Representative CAROL SHEA-PORTER from New Hampshire.

Ms. SHEA-PORTER. Mr. Speaker, I rise today in strong support of this bill and in honor of a great son of New Hampshire, Captain Jonathan Grassbaugh. I would like to thank my colleagues in the House for bringing this to the floor and my colleagues in the Senate for passing the original version.

Mr. Speaker, it is a special privilege for me to offer my remarks in support of this legislation and to have an opportunity to share with my colleagues in the House the story of an outstanding young man, a courageous leader, and a brave husband.

Jon was born on August 18, 1981. He and his family moved to Hampstead, New Hampshire, 8 years later and quickly grew roots in their community. His mother, Patricia, is the principal at Hampstead Middle School. Jon attended the elite Phillips Exeter Academy and graduated with honors in 1999. He attended Johns Hopkins University where he was commissioned through their ROTC program and graduated in 2003. That's also where Jon met his wife, Jenna, an Army officer in her own right. Tragically, they had only been married 10 months when an IED took Jon and three of his fellow Rangers on a combat logistics patrol in Diyala province.

When Jon finished school, he continued a strong family tradition of service to our country. His father was also a Ranger who served in Vietnam. Jon's brother is a West Point and Dartmouth graduate and an Army surgeon at Fort Lewis.

For Jon, it was not enough to serve. He excelled, the best of the best. A highly decorated officer, Jon was assigned to 5th Squad, 73rd Cavalry, 3rd BCT of the 82nd Airborne, Fort Bragg. As I said, the best of the best. Among more than a dozen of Jon's medals and honors are the Bronze Star he earned for combat heroism and a Purple Heart.

Jon was killed in action on April 7, 2007. He was only 25 years old. Our thoughts and prayers remain with his wife, Jenna. Jon was laid to rest at Arlington National Cemetery alongside three centuries of America's heroes, hallowed ground befitting a hero. We in New Hampshire are lucky to have had time with him and we have been blessed by the life of this wonderful man.

I urge my colleagues to join me today in continuing to honor his life by voting to memorialize his service, his dedication to his country and to his family, and his willingness to give his country his own life. Join me in passing S. 2478 for Army Ranger Captain Jonathan D. Grassbaugh.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of this resolution and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 2478.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## JOHN "MARTY" THIELS SOUTHPARK STATION

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2272) to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2272

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. JOHN "MARTY" THIELS SOUTHPARK STATION.**

(a) DESIGNATION.—The facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, shall be known and designated as the "John 'Marty' Thiels Southpark Station".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John 'Marty' Thiels Southpark Station".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

☐ 1030

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of S. 2272, which names the postal facility in the town of Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

S. 2272, which was introduced on October 31, 2007, in the Senate by Senator DAVID VITTER of Louisiana and passed by the Chamber under unanimous consent on November 16, 2007, has been considered and reported out of the Oversight Committee by voice vote as of January 29, 2008.

S. 2272 comes to us today from our friends from the State of Louisiana as a way of acknowledging and honoring the work of one of the postal service's own, John Thiels. Affectionately referred to as Marty, Mr. Thiels spent a significant portion of his professional career working for the United States Postal Service. In fact, Thiels served as a letter carrier for nearly 30 years, and 24 years out of those 30 he spent delivering mail to the downtown section of Alexandria, Louisiana.

A devout husband and a loving father of four, Mr. Thiels' life was cut dramatically short when on October 4, 2007, a distraught 64-year-old gunman went on a shooting rampage near the Rapides Parish Courthouse in Alexandria, Louisiana, wounding three and killing two, one of whom was John Thiels, and the other was Camille Giordano, II, a 32-year-old assistant district attorney.

An obvious and heartbreaking misfortune, Mr. Thiels lost his life while doing something that he had done so diligently for so many years, delivering mail. John Marty Thiels will long be remembered by many in the Alexandria, Louisiana, area for his years of service and his virtuous reputation.

Mr. Speaker, let us pay tribute to the life of this gentleman by passing S. 2272 and renaming the Southpark Post Office Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to join my fellow Members of Congress in lamenting the senseless murder of 50-year-old Alexandria, Louisiana, letter carrier, John Marty Thiels, on Thursday, October 4, 2007. Mr. Thiels was a 30-year veteran of the Alexandria post office.

For over 20 years of that time, he faithfully carried mail on the same route in downtown Alexandria and became well known in the community. On the fateful day of Mr. Thiels' death, a local deranged man went on a shooting spree, eventually taking the lives of five people, including Mr. Thiels, before police were able to take control of the situation. When Mr. Thiels' life was taken, he was simply going about his daily routine of delivering mail to a local law office in Alexandria, Louisiana.

This terrible event goes to demonstrate that public servants are not immune from harm. On the contrary, many of them brave unforeseen dangers every single day, including innocent letter carriers such as Mr. Thiels.

The death of Mr. Thiels was a senseless and heartbreaking tragedy for both his family and the community that he served so well for over three decades. Mr. Thiels' family and his community deserve our deepest sympathy and condolences for their loss. The naming of this post office is a fitting tribute to Mr. Thiels and his dedicated service to the postal service.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 2272.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## SGT. JASON HARKINS POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3936) to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3936

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SGT. JASON HARKINS POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, shall be known and designated as the "Sgt. Jason Harkins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sgt. Jason Harkins Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues, particularly the gentleman from Georgia, in the consideration of H.R. 3936, which names a postal facility in Cleveland, Georgia, after a fallen hero, Sergeant Jason Harkins.

Introduced on October 23, 2007, H.R. 3936 is sponsored by Congressman NATHAN DEAL, the Representative from Georgia's Ninth Congressional District and cosponsored by the entire Georgia delegation. Mr. DEAL's measure, H.R. 3936, was reported from the Oversight Committee on January 29, 2008, by voice vote.

This morning's postal-naming bill honoring Sergeant Jason Harkins brings to light the special story of a staunch soldier who, along with five of his comrades from the Army's 4th Brigade, 2nd Infantry Division out of Fort Lewis, Washington, were tragically killed while serving our country nobly in the Baqubah region of Iraq. Sadly, none of the six soldiers killed in one of the deadliest attacks on the Fort Lewis unit lived to see his 30th birthday. Yet, as soldiers, Sergeant Jason Harkins and his fellow servicemen, all of whom had entered active duty service within only the past 6 years, bravely placed their lives on the front line in allegiance and service to this great country of ours.

At the heart of this story is the subject of H.R. 3936, Sergeant Jason R. Harkins. Sergeant Harkins was only 25 years old and serving his second tour of duty in Iraq when he succumbed to wounds sustained from an improvised explosive device that detonated near his vehicle during combat operations.

A native of the northern Georgia town of Clarksville, Sergeant Harkins attended and graduated from the State's public school system before enlisting in the Army Reserve in 1999 and later volunteering for active duty service in December of 2002.

Described as a true God-fearing country boy, Sergeant Harkins proudly served over 3 years in the U.S. Army Reserves and is a recipient of the Bronze Star of Valor and the Purple Heart.

In addition to these honors, Mr. Speaker, let us also pay tribute to the life of Sergeant Harkins and pass H.R. 3936 and designate the Helen Highway Post Office Building in Cleveland, Georgia, in his honor.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Georgia (Mr. DEAL).

Mr. DEAL of Georgia. I thank the gentlelady for yielding.

Mr. Speaker, I have the honor today to rise in support of the memory of Army Sergeant Jason Robert Harkins by dedicating the United States Post Office located in Cleveland, Georgia, as the Sgt. Jason Harkins Post Office Building.

I want to thank Mr. DAVIS and the committee for bringing this bill to the floor. It is, indeed, a sad but true honor to be able to recognize Sergeant Harkins. He was a member of the United States Army 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division of Fort Lewis, Washington.

While serving his second tour of duty in Iraq, 25-year-old Sergeant Harkins was killed by a roadside bomb along with five other members of his platoon during combat operations in Baqubah, Iraq. For his valiant service to our country, Sergeant Harkins' family was presented the Bronze Star award and the Purple Heart.

Born in Fort Campbell, Kentucky, Sergeant Harkins was a 1999 graduate of Habersham Central High School in Georgia, served 3 years in the United States Army Reserves and was currently serving with the Stryker Brigade located at Fort Lewis when the attack occurred.

Sergeant Jason Harkins is survived by his wife, Emily Renee Cook Harkins of Tacoma, Washington, formerly of Gadsden, Alabama; mother and stepfather, Nancy and Allen Fritchey; father and stepmother, Bobby and April Harkins; brothers Matthew and Daniel Harkins; as well as stepsisters Katie, Clara, Nicole, Jennifer and Emily; stepbrother Scott; and several nieces and nephews.

Mr. Speaker, I am proud to rise today to pay tribute to Sergeant Harkins and to join my constituents of Cleveland, Georgia, in naming the Sgt. Jason Harkins Post Office Building. This honor will serve as a lasting reminder of his courage, valor, and the ultimate sacrifice which he paid for our country.

Mr. Speaker, at this time I would like to include for the RECORD a copy of a letter from Mayor Donald Stanley of the City of Cleveland, as well as a letter from the White County Board of Commissioners requesting and supporting this designation.

BOARD OF COMMISSIONERS,
WHITE COUNTY, GEORGIA,
*Cleveland, GA, September 26, 2007.*

Hon. NATHAN DEAL,
*Ninth District Representative,*
*Gainesville, GA.*

DEAR CONGRESSMAN DEAL: As you are aware, recently our community suffered a tremendous loss. Sgt. Jason Harkins lost his life at 25 years of age by a roadside bomb while serving in Iraq. Weeks before his death, Sgt. Harkins went into a danger zone and saved the life of one of his soldiers. A bullet actually struck him in his helmet during the rescue. For this act of valor, his family was presented the Bronze Star Award and Purple Heart.

Jason gave the ultimate price for our community and nation. As a memorial to him, we support the Postmaster Louise S. Nix's request to pursue the act of having our postal facility in Cleveland renamed the Jason Harkins Postal Facility. As we understand it, this would in no way change the addresses of residents, but would show respect and memorialize a White County native who died for his country.

We would appreciate any assistance you could give to this action.

Sincerely,

CHRIS R. NONNEMAKER,
*Chairman.*
JOE CAMPBELL,
*Post 1.*
CRAIG BRYANT,
*Post 2.*

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CITY OF CLEVELAND,
*Cleveland, GA, October 9, 2007.*

Hon. NATHAN DEAL,
*Ninth District Representative,*
*Gainesville, GA.*

DEAR CONGRESSMAN DEAL: As you are aware, recently our community suffered a tremendous loss. Sgt Jason Harkins lost his life while serving in Iraq, by a roadside bomb. Weeks before his death, Sgt Harkins went into a danger zone and saved the life of one of his soldiers. He actually was struck by a bullet in his helmet during the rescue. For this act of valor, his family was presented the Bronze Star Award and Purple Heart.

Jason gave the ultimate price for our community and nation. As a memorial to him, the City of Cleveland would like to ask you to pursue the act of having our postal facility in Cleveland renamed the Jason Harkins Postal Facility, understanding this would in no way change the addresses of residents but would show respect and memorialize a White County native who died for his country. Renaming a postal facility is a fairly common practice for military personnel who have lost their lives. The post office facility in most towns is the only federal building.

Jason entered into service on December 16, 2002. He was killed in action on May 6, 2007. Jason was 25 years old.

Jason attended White County Schools, Cleveland was his address of record, both Jason's mother, Nancy Fritchey, and father, Bobby Harkins, are residents of Cleveland and White County with roots going very deep and strong.

I would appreciate any assistance you could give to this action. If you have any questions, please feel free to contact me.

Sincerely,

DONALD STANLEY,
*Mayor.*

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Ms. FOXX. Mr. Speaker, born in Fort Campbell, Kentucky on September 29, 1981, SGT Jason Harkins was a 1999 graduate of Habersham Central High School. His commitment to military service began at an early age. When he was a young boy, he used to run around with toy guns and swords practicing to become the Army man his father was.

Sergeant Campbell served three years in the U.S. Army Reserve and was currently serving with the Striker Brigade, Second Infantry Division based out of Fort Lewis, Washington. He never wanted to be called a hero because he believed he was just an ordinary person doing extraordinary things. Campbell however, was a hero. He proved he was a hero when he survived a roadside bomb during his first tour in Iraq. He proved he was a hero when he rescued a wounded soldier while they were under fire during his second tour.

And sadly, he proved he was a hero on May 6, 2007, when he and five other men in his platoon were killed when a makeshift bomb exploded near their vehicle. Sergeant Harkins was only 25 years old.

His decorations include the Bronze Star of valor and the Purple Heart.

Sergeant Harkins leaves behind a large family and a wife who will always remember him as a "true country boy" who found the best in every situation and could always make those around him smile.

Let us pay our respects to Sergeant Jason Harkins and remember his commitment to serving this Nation by naming the post office located at 116 Helen Highway in Fort Lewis, Washington, in his honor.

Mr. Speaker, I yield back the balance of my time and urge my colleagues to vote for this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3936.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## JOHN HENRY WOOTEN, SR. POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3803) to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3803

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. JOHN HENRY WOOTEN, SR. POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, shall be known and designated as the "John Henry Wooten, Sr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John Henry Wooten, Sr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend and revise their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3803, which names a postal facility in Goldsboro, North Carolina, after John Henry Wooten, Sr.

H.R. 3803, which was introduced by Representative G.K. BUTTERFIELD of North Carolina on October 10, 2007, was reported from the Oversight Committee on December 12, 2007, by a voice vote.

☐ 1045

This measure has the support of the entire North Carolina congressional delegation. A native of Goldsboro, North Carolina, John Henry Wooten, Sr. was a graduate of the city's Dillard High School where he would later serve as the last principal of the school before it closed after integration. Mr. Wooten's postsecondary educational pursuits took him to North Carolina A&T State University where he earned both his undergraduate and graduate degrees.

Beyond his educational accomplishments, Mr. Wooten also was a World War II veteran having served as surgical technician in the Pacific theater for the 2nd Infantry, 10th Army Division. A loyal servant to his community, Mr. Wooten held seats on the Board of Trustees of North Carolina A&T University, Wayne County Board of County Commissioners, and on President Lyndon B. Johnson's White House Commission for Education.

Mr. Speaker, for the years in which Mr. Wooten gave unselfishly of himself for the betterment of his community and our country, I wholeheartedly agree that he is worthy of the admiration and recognition of having the postal facility on Cashwell Drive in Goldsboro, North Carolina, named in his honor. Therefore, I would urge swift passage of this bill.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to urge passage of this bill designating the Cashwell Drive postal facility in Goldsboro, North Carolina, as the John Henry Wooten, Sr. Post Office Building.

As an educator, public servant, and devoted member of the community, Mr. Wooten selflessly dedicated his life to those around him.

A veteran of World War II, he earned his bachelor's and master's degrees from North Carolina A&T State University. Throughout his distinguished career as an educator, he served as a science teacher, principal, and assistant superintendent. He was also active in his alma mater, serving as a trustee and as the national president of the alumni association. He was one of two North Carolina educators chosen by President Lyndon B. Johnson to serve on the White House Commission for Education.

Beyond his responsibilities as an educator, Mr. Wooten, in 1986, became the first African American chairman of the Wayne County Board of Commissioners, a position he ultimately held for 12 years.

His community lost a tremendous citizen when Mr. Wooten passed away in January. His dedication to family, church and community will never be forgotten. And I urge our colleagues to pass this bill in honor of a deserving human being.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is now my pleasure to yield such time as he may consume to the chief deputy whip and sponsor of this legislation, the gentleman from North Carolina, Representative G.K. BUTTERFIELD.

Mr. BUTTERFIELD. I want to thank the gentleman from Illinois, my friend, DANNY K. DAVIS, for yielding this time to me and thank him for his leadership on this great subcommittee. I also want to thank my friend and colleague, Congresswoman VIRGINIA FOXX, for her leadership and thank her for the kind words that she had to say a few moments ago about Mr. John Henry Wooten.

But Mr. Speaker, today I rise to honor this great American, John Henry Wooten, Sr. by naming the post office at 3100 Cashwell Drive in Goldsboro, North Carolina, as the John Henry Wooten, Sr. Post Office Building. John Wooten was a dedicated civic leader. He was a county commissioner in the County of Wayne. It is a fitting tribute to name this post office in his honor.

John Henry Wooten, Sr. was born and reared in Goldsboro, North Carolina, many years ago. The place that he saw grow from a small farming town to a small city. Mr. Wooten attended Goldsboro public schools, a school system to which he later dedicated his professional life. He received both his bachelor's of science and master's degrees from North Carolina A&T State University in Greensboro, and he was a doctoral candidate at Duke University in Durham, North Carolina.

John Henry Wooten, Sr. served the Goldsboro city school system as a science teacher and as a principal at historic Dillard High School. He was a supervisor of instruction and later an assistant superintendent for the entire school system. As a result of his leadership, the lives of countless students were positively impacted. His accomplished career in education also included teaching at Wayne County Community College. During his entire career as an educator, Mr. Wooten was selected by President Lyndon Baines Johnson to serve on the White House Commission for Education.

John Henry Wooten served on the Wayne County Board of County Commissioners for 12 years. First elected in 1986, he became the commission's first African American chairman. While serving as commissioner, Mr. Wooten was instrumental in helping Wayne County become the great city that it is today.

A lifelong member the First African Missionary Baptist Church in Goldsboro, where incidentally my grandfather was pastor some 90 years ago, he served as chairman of the deacon board, vice chairman of the finance committee, and was also a weekly Sunday school teacher. Additionally, Mr. Wooten served on the board of trustees for North Carolina A&T State University where he served as its secretary and later as vice chairman. He was also president of the university's vast alumni association.

Mr. Wooten was married to Ernestine Whitted who, herself, was the product of a substantial Wayne County family. The Wootens were married many years ago in 1946 and were together for more than 60 years. Together, Mr. Speaker, they raised two children, John Henry, Jr. and Pamela. Mr. And Mrs. Wooten have one granddaughter, Nancy Wooten Coor, and two great granddaughters, Alysse and Abrianne. Sadly, Mr. Wooten passed away in January of 2007 after giving his life to his community.

Mr. Speaker, I would like to thank my colleagues in the North Carolina delegation, including Ms. FOXX, who is managing the time for the minority, for their full and unanimous bipartisan support of this legislation. John Henry Wooten, Sr. was a great man. He was my friend. He was a civic leader. This tribute is long overdue.

I strongly urge my colleagues to vote "aye" on H.R. 3803.

Ms. FOXX. Mr. Speaker, I also urge our colleagues to support this legislation.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, we have no further speakers. I would urge passage of this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3803.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## IRAQ AND AFGHANISTAN FALLEN MILITARY HEROES OF LOUISVILLE MEMORIAL POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4454) to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the service men and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4454

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. IRAQ AND AFGHANISTAN FALLEN MILITARY HEROES OF LOUISVILLE MEMORIAL POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, shall be known and designated as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, now I would like to yield such time as he might consume to the sponsor of this legislation, Representative JOHN YARMUTH from Kentucky.

Mr. YARMUTH. I thank my colleague.

Mr. Speaker, I rise today in honor of the eight American heroes from Louisville, Kentucky, who were taken from us in the prime of their lives these last 5 years.

While they did not serve together, they all shared a special bond of selfless dedication, love of country, and immeasurable courage. Those noble qualities did not originate when they volunteered to serve in the Armed Forces, but their time serving greatly enhanced and magnified those attributes. In his service, each man proved the valor time and time again, readily meeting every challenge that confronted him with loyalty and devotion. Tragically, and long before we were ready to say good-bye, these brave souls made the ultimate sacrifice while fighting for the United States of America, seven in Operation Iraqi Freedom and one in Afghanistan in Operation Enduring Freedom.

Still, for all they shared, these men were also characterized by a wonderful individuality: an incredible athlete and officer, a great dad who would have been a great coach, a third generation warrior called to heaven before he could answer another call to preach the Word of God, a peacekeeper in Bosnia who wanted to come home to Louisville and continue to keep the peace in his hometown, an EMS worker known for empathy, an unflappable National Guardsman, a decorated military officer, and a poet and performer who could light up the stage and brighten your day.

Some of these men were known for their sense of humor, others by a sense of purpose, and with each of them, their fellow servicemembers knew they could be depended upon in the most dire circumstances. The men we honor today saved lives, and every one of them is an American hero.

Some of them spent a short time in the military; others spent half their lives in the service. And all gave their lives for this country, for our history, for our citizens, and most of all, for our future.

We are, each one of us, poorer for their loss but infinitely richer for the time they spent on this planet and the contributions that they made to our community and this Nation.

For the families who lost a son, a husband, a father, and for the many who lost a good friend, this is a wound that time can never fully heal. The grief we all share for their loss is not fleeting and demands a memorial of equal permanence. In recognition of these great heroes, I am proposing legislation to rename the Hikes Point Post Office the Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office in my congressional district, the Third District of Kentucky.

As our friends, neighbors, and I conduct our daily business in our community, this building will stand in testament for the tremendous sacrifice made by eight brave Louisvillians. When their families see the memorial, I hope they are reminded they are not alone in their grief, not alone in their appreciation for the deeds of these men, and not alone in the celebration of the lives of eight extraordinary individuals who gave us everything they had in their short time on Earth.

Sergeant Michael Acklin II, Captain Clayton Lee Adamkavicius, Lance Corporal Robert Lynch, Sergeant Darrin K. Potter, Sergeant First Class Christopher Phelps, Staff Sergeant George S. Rentschler, Petty Officer Third Class Jeffrey L. Wiener, and Sergeant David Neil Wimberg.

Mr. Speaker, I urge all my colleagues to join me in offering these men this honor which will have the same permanence as their positive impact on our country, by renaming the Hikes Point Post Office the Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

I rise today to urge passage of this bill designating the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building."

□ 1100

In the wake of the attacks of September 11, the United States struck back against those forces that wished to destroy not only this Nation, but all people that do not agree with their limited views on freedom, justice, and democracy. Every day across this great Nation, men and women answer the call to duty to combat these forces. Many have paid the ultimate price. Others have been wounded. But their sacrifice came so others may live safe and free. For that, we are eternally grateful.

Since the beginning of this conflict, eight heroic servicepeople from Louisville, Kentucky, have lost their lives in Iraq and Afghanistan. We honor their sacrifice with this postal designation. This also serves to honor those who may lose their lives in service to our country in the future.

These brave citizens of Louisville, like so many other Americans, lost their lives protecting us from those people who fight against the rights and privileges that we as Americans enjoy. I urge that we pass this bill so that their memory and sacrifice will not be forgotten.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Oversight and Government Reform, I join Representative John Yarmuth and his fellow colleagues from the Bluegrass State of Kentucky in considering H.R. 4454, which renames the postal facility at 3050 Hunsinger Lane in Louisville, Kentucky, as the Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building.

As stated in the measure at hand, it was first introduced by Congressman John Yarmuth on December 11, 2007, and is cosponsored by all members of the Kentucky congressional delegation. The measure was referred to the Committee on Oversight and Government Reform, where it was considered and passed by voice vote on January 29, 2008.

H.R. 4454 is intended to remember the lives, service, and legacy of dozens of military men and women from the Louisville, Kentucky, area, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom. By renaming this particular Louisville, Kentucky, post office, H.R. 4454 would set into motion the creation of a living tribute to the sacrifices made by so many of Kentucky's sons and daughters who gave their lives abroad in order to ensure our protection here in the homeland, an honor befitting the thousands of military men and women, past and present, from every State of the Union, that have unselfishly given themselves in service and battle for America.

H.R. 4454 will help to memorialize for generations to come the memory of Louisville, Kentucky's fallen loved ones.

So, Mr. Speaker, I ask that we too pay tribute to the sacrifices made by these great American heroes and sheroes and pass H.R. 4454.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4454, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time. I would urge passage of this legislation, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4454.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## ESTABLISHING THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 67) establishing the Joint Congressional Committee on Inaugural Ceremonies.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 67

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.**

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the "joint committee"), consisting of 3 Senators and 3 Members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States.

**SEC. 2. SUPPORT OF THE JOINT COMMITTEE.**

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of the departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD on this concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Concurrent Resolution 67, which establishes the Joint Congressional Committee on Inaugural Ceremonies during the 110th Congress to begin work on preparations for the Presidential inaugural ceremonies at the Capitol on January 20, 2009.

The joint committee we are creating today expires on January 3, 2009, but will be renewed at the start of the 111th Congress to conclude its work. Congress routinely passes this concurrent resolution every 4 years. The Speaker, majority leader, and minority leader customarily represent the House on the joint committee.

I urge passage of the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. Con. Res. 67, which will establish the Joint Congressional Committee on Inaugural Ceremonies.

As everyone in this Nation knows, we are in the midst of an election year. It is a particularly exciting election year because it is the first time since 1952 that we do not have a presumptive heir apparent, and we have had considerable activity and considerable citizen interest. We are now at the point where the public is in the process of deciding between Senator MCCAIN, Senator CLINTON, or Senator OBAMA; and we will continue to have considerable interest in November. In fact, I can almost guarantee that the public will be tired of the election process come next November.

But then we enter a new phase, a new phase of great excitement, and that is the inauguration of a new President of the United States of America. The inauguration of the President of the United States is not only an event that fills our own citizens with pride, but one that also demonstrates the power of democracy to the world.

As Chief Justice Roberts swears in our 44th President, the inaugural ceremony will once again prove that in a free society, no matter the size of its army or how mighty its leaders, a peaceful transfer of power is possible, a peaceful transfer engendered by the choice of the people.

Since 1901, all inaugural ceremonies at the U.S. Capitol have been organized by the Joint Congressional Committee on Inaugural Ceremonies. This committee was formed to ensure that the activities surrounding President William McKinley's second inauguration were carried out smoothly on the Capitol Grounds, and it has been re-formed every 4 years since.

The current reconstitution of the JCCIC with each Presidential cycle is integral to the success of one of the most powerful and humbling symbols of our Nation's commitment to freedom from tyranny. It is a marvelous occasion, and I am struck by it particularly this week as another great nation, Russia, is going through the presidential election process, almost without campaigns, because the winners have been pre-selected. I am proud to be part of a Nation that does not do that, but that encourages all citizens to consider the candidates and elect a citizen and a President of their choice.

I urge my colleagues to join me in supporting the formation of this important joint committee.

Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 67.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

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## AUTHORIZING USE OF ROTUNDA BY JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 68) authorizing the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 68

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL BY THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES.**

The rotunda of the United States Capitol is authorized to be used on January 20, 2009, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD on this concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Senate Concurrent Resolution 68 authorizes advanced planning for the use of the Capitol rotunda on January 20, 2009, for the proceedings and ceremonies conducted for the inauguration of the President and Vice President of the United States. Congress traditionally passes this measure in the year prior to the event in order to begin security planning and rehearsal for the inaugural, since the rotunda is routinely used for ceremonial purposes during the inauguration and could host the event, itself, depending on the weather at that time.

Senate Concurrent Resolution 68 does not formally authorize use of the rotunda for the inaugural events, themselves, since it will expire on January 3, 2009, like all concurrent resolutions which are not made part of permanent law, and must be renewed in the 111th Congress. However, action today will initiate the period of pre-event planning necessary to bring one of our democracy's most memorable and historic ceremonies to fruition smoothly and safely.

I urge passage of the Senate concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. Con. Res. 68, which will authorize use of the rotunda for the Joint Congressional Committee on Inaugural Ceremonies. Since the swearing in of Thomas Jefferson in March 1801, each inaugural address delivered by the President has been made in our Nation's Capitol. As we prepare for the next President of the United States to arrive in Washington to take the oath of office, the Joint Congressional Committee on Inaugural Ceremonies is charged with ensuring the success of inaugural activities, including securing those facilities necessary to honor this important occasion.

As a symbol of democracy throughout the world, the United States Capitol is a fitting place to acknowledge the peaceful transition of power that will take place on January 20, 2009, and I urge my colleagues to join me in supporting the authorization of use of the rotunda by the committee and by the future President and Vice President of the United States.

Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my colleague has aptly stated, the eyes of the world are on us as we focus on our election in this year of 2008. We know that this planning and preparation for the inaugural ceremonies will move smoothly and very well for all of the world to view.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 68.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 2272, by the yeas and nays;
H.R. 3936, by the yeas and nays;
H.R. 4454, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## JOHN "MARTY" THIELS SOUTHPARK STATION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2272, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 2272.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 28, as follows:

[Roll No. 85]

YEAS—400

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—28

Aderholt
Brown, Corrine
Brown-Waite, Ginny
Burgess
Conaway
Cubin
Doggett
Everett
Gallegly
Gingrey
Hinchey
Honda
Hunter
Jackson-Lee (TX)
Keller
LaHood
Langevin
Lewis (KY)
Lofgren, Zoe
Maloney (NY)
Manzullo
McCollum (MN)
McGovern
Miller, Gary
Peterson (PA)
Rush
Udall (CO)
Woolsey

□ 1139

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SGT. JASON HARKINS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3936, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3936.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 28, as follows:

[Roll No. 86]

YEAS—400

Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—28

Abercrombie
Aderholt
Bilbray
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Conaway
Cubin
Delahunt
Doggett
Everett
Gallegly
Gerlach
Gingrey
Hinchey
Jackson-Lee (TX)
Keller
LaHood
Langevin
Lewis (KY)
Maloney (NY)
Manzullo
Miller, Gary
Peterson (PA)
Rush
Udall (CO)
Woolsey

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1147

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## IRAQ AND AFGHANISTAN FALLEN MILITARY HEROES OF LOUISVILLE MEMORIAL POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4454, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4454.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 24, as follows:

[Roll No. 87]

YEAS—404

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah

Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Aderholt
Brown, Corrine
Brown-Waite, Ginny
Burgess
Carter
Conaway
Cubin
Everett
Gallegly
Gilchrest
Gingrey
Jackson-Lee (TX)
Keller
LaHood
Langevin
Lewis (KY)
Manzullo
Miller, Gary
Peterson (PA)
Rush
Tancredo
Udall (CO)
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1154

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GINGREY. Mr. Speaker, on rollcall No. 85 on S. 2272, I am not recorded because I was absent on the account of the birth of my granddaughter. Had I been present, I would have voted "yea." On rollcall No. 86 on H.R. 3936, had I been present, I would have voted "yea." On rollcall No. 87 on H.R. 4454, had I been present, I would have voted "yea."

## PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 840

Ms. MOORE of Wisconsin. Mr. Speaker, I ask unanimous consent that I may hereafter be considered the first sponsor of H.R. 840, a bill originally introduced by Representative Julia Carson of Indiana, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mr. COHEN). Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

## APPOINTMENT AS MEMBERS TO NATIONAL COMMISSION ON CHILDREN AND DISASTERS

The SPEAKER pro tempore. Pursuant to section 605(a) of the Consolidated Appropriations Act, 2008 (P.L. 110-161), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members on the part of the House to the National Commission on Children and Disasters:

Dr. Irwin Redliner, New York, New York

Mr. Bruce A. Lockwood, Canton, Connecticut

## APPOINTMENT OF MEMBERS TO JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER pro tempore. Pursuant to Senate Concurrent Resolution 67, 110th Congress, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Congressional Committee on Inaugural Ceremonies:

Ms. PELOSI, California
Mr. HOYER, Maryland
Mr. BOEHNER of Ohio

## LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, for information about the schedule for next week.

Mr. HOYER. I thank the Republican Whip.

On Monday, the House will meet in pro forma session at 2 p.m. On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Wednesday and Thursday the House will meet at 10 a.m. On Friday there will be no votes in the House.

We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business tomorrow. We will consider H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007. In addition, we hope to consider legislation regarding the Foreign Intelligence Surveillance Act. There may well be other legislation as well.

Mr. BLUNT. I thank the leader for that information.

On the Foreign Intelligence Surveillance Act, I'm certainly hopeful we can do whatever is necessary to get that bill to the floor. I know that a majority of Members of the House, at least I believe a majority of the Members of the House, based on what I believe to be the case on this side and on the letter sent to the Speaker by Members from your side, a majority would be ready to pass a bill that met the standards of the Senate, in fact, the Senate bill.

I'm wondering if the gentleman has any idea if we would have that legislation or previous House-passed legislation, or what kind of product you think we may be moving toward as it relates to the Foreign Intelligence Surveillance Act.

I would yield.

Mr. HOYER. I thank the gentleman for yielding. As the gentleman knows, this bill was passed in the Senate a little over 2 weeks ago. Since that time we have had an extensive number of meetings, discussions. I'm hopeful, as you know, to have discussions with the whip, with the distinguished Republican whip, my friend, on this issue as well. I think both of us are going to be here tomorrow. We'll take that time perhaps to do that.

□ 1200

As I said, and I've said repeatedly, I think every Member of this House wants to pass legislation which will facilitate the interception of particularly foreign-to-foreign communications which may pose a danger to this country.

All of us are aware of the fact that technological changes have resulted in some questions being raised because of the fact that we have many of the communications coming through the United States. I frankly think, as the gentleman knows, there is really not a great deal of controversy or difference between the two Houses or between our two sides of the aisle on this issue. There's some differences, but they're not major differences. I think they can be addressed.

There are major differences with respect to the second title of the Foreign Intelligence Surveillance Act bill which comes from the Senate which deals with retroactive immunity, which has nothing about prospective security but is obviously important for us to consider. We're also working on that as well, but I will tell the gentleman that we don't have agreement. But, as I said, I'm very hopeful that we will have legislation on the floor next week. I do not expect it to be, as the gentleman asked, the same bill that passed the House.

Mr. BLUNT. Well, I would thank the gentleman for that. I hope we can work to resolve this. I do think the foreign individuals making calls in a foreign country, for that to work the way it needs to work, voluntary compliance is extremely important; and that's why working out this liability issue is, in my view, critical to that foreign-to-foreign, the only area where we say a foreign person in a foreign country, the only area where we don't believe a warrant would be required but that to not have a warrant you have to have voluntary compliance. And the liability issue, I think, continues to endanger future voluntary compliance, and I hope we can work together in that regard to move forward.

I would yield.

Mr. HOYER. I thank my friend for yielding.

As the gentleman knows, both the RESTORE Act, which passed this House, and the Senate bill both are similar in giving prospective immunity to telecoms that voluntarily or pursuant to order cooperate with us in accomplishing that objective. We believe, of course, that FISA was established so that a court review on process would be appropriate to ensure, in fact, that the collection of information is on foreign-to-foreign.

We well understand that, as the DNI has indicated, prospectively you may not know so you need authorization. Our bill provides for that. The Senate bill provides for that. I really don't believe that is a major contention of the bill. That's prospectively.

A major contention is, which we believe has nothing to do with security, on what has been done, and, frankly, I'm not sure we know exactly what has been done. As you know, I've taken the opportunity to be up in the intelligence room, in the secure room, and go through the papers that have been provided. My own view is they're not dispositive of the issue; but irrespective of that, we're working on title II as well, and I look forward to having discussions on that with you as well.

Mr. BLUNT. I do, too. I do think this liability issue is important. We want to continue to have voluntary compliance. We also don't want to put these companies that have voluntarily complied in a situation where the only way to prove that what they did was appropriate is to produce documents that are at this point, we believe, in the national security of the country not producible; but maybe we can work through this.

I hope to see this bill on the floor next week. I think we've had 2 weeks that I and others feel that each day the process gets more cumbersome than the day before because of the way this process builds up, and I look forward to working with you on that.

Mr. HOYER. If I might comment on that, as you know, from our perspective, this is one of the problems. This is a very serious, important bill. It's critical to the defense of our country. I want to see that facilitated. I think every Member on both sides of the aisle wants to see that facilitated, but there are serious issues. There are serious constitutional issues involved here.

That's why FISA was passed in 1978, very frankly, as a result of an administration that intercepted communications here domestically. You will recall that, I know, and a great concern about that. FISA was adopted by the Congress and signed by the President in an attempt to try to ensure that those kinds of things that happened in the early 1970s were not repeated by the intelligence community.

So these are serious issues. Unfortunately, the Senate which had our bill for 2½ months and had spent a lot of time considering a bill long before we passed our bill did not send us a bill until, as I said, about 14 days ago, and we have since that time, notwithstanding the fact we were on break, staff and Members have been working on that. As you know, we have invited the other side of the aisle, ranking members, to participate in that. Some have chosen not to, but we are hopeful that we can move ahead on this, and we hope there is room for positive resolution.

I thank the gentleman for yielding.

Mr. BLUNT. I thank the gentleman for that. I do know that Senator ROCKEFELLER in the other body has said that our intelligence is being downgraded and has made the case that the people that voluntarily complied don't get paid for it. He said, in fact: "What do they get for this? They get $40 billion worth of suits, grief, trashing, but they do it." Then he went on to say: "They don't have to do it, because they do have shareholders to respond to, to answer to."

I believe there is a way to address this issue. We need to find it, and I hope we can.

Last night, we had the Andean trade bill on the floor. This is a bill that allows access to our markets by Andean countries, including the country that we currently have a negotiated agreement with; and that country has changed dramatically since we put the first Andean bill in place 17 years ago. I'm wondering if the gentleman has any sense of where we might be on that outstanding agreement with Colombia. Certainly with the vote we took today they can continue to have the same kind of access to our markets that they've had for the last 17 years.

A trade agreement would give us substantially new access to their markets, and I'd like to hear any sense of when we may get to that bill and have a situation where the President would be encouraged to send a bill up to us so we could get to it.

I would yield.

Mr. HOYER. I thank my friend for yielding.

I've had discussions recently with Secretary Gutierrez, with Ambassador Schwab and others, and Secretary Paulson, who have also discussed this issue with me and I know with you and with many others. This is an issue of importance. We think the discussions are ongoing. Hopefully, they will result in some fruitful resolution. That has not been the case at this point in time.

We did have, as you well know, a very significant interface with the administration last year in which I think a very positive result in terms of workers' rights and environmental concerns were addressed by us and by the administration. Unfortunately, we have not moved forward from that point on the other three agreements that were pending at that time, but I think that we will continue to have those discussions, hopefully positive and hopefully have some result.

Mr. BLUNT. I thank the gentleman. I do think since those discussions began the Colombian Government has made changes in the agreement in those areas, all of which have now been passed by the Colombian legislature, and I look forward to moving forward with that.

## ADJOURNMENT TO MONDAY, MARCH 3, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 2 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, March 4, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## RENEWAL OF FISA

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, it is with disappointment that I rise today. It is disappointment over the fact that this body still has not brought to the floor the Foreign Intelligence Surveillance Act, the Protect America Act.

We have heard the colloquy that has taken place on this floor this afternoon. We know that a bipartisan solution to this was passed in the Senate with 68 votes. We also know looking at our calendar that obviously the issue is not about time. The issue is about having the will to pass this bill.

The Protect America Act has expired. We are now under the old surveillance laws that were written in 1978. The intelligence community has expressed their desire to see this passed because they know that they are having to waste valuable time working on bureaucratic red tape and legal paperwork and dealing with trial lawyers, instead of spying on terrorists who seek to do us harm.

I would encourage the majority to bring forward the Foreign Intelligence Surveillance Act. Let's work to keep America safe.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this body with yet another Sunset Memorial.

It is February 28, 2008, in the land of the free and the home of the brave, and before the sunset today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,820 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Mr. Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Mr. Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

But perhaps tonight, Mr. Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,820 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is February 28, 2008—12,820 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children—this, in the land of the free and the home of the brave.

☐ 1215

## PAYING TRIBUTE TO MICHELLE H. PASCHAL, PRINCIPAL OF STEVENS CREEK ELEMENTARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, today I rise to honor and pay tribute to a faithful and innovative public school educator in my 10th Congressional District of Georgia. Michelle Paschal is the principal of Stevens Creek Elementary School in Columbia County, Georgia. Her school boasts the county's only foreign language department for elementary schools, and that program is extraordinary.

On January 10, I had the opportunity to observe a first grade class under the tutelage of Senora Olga Biancheri. The entire 30-minute session was conducted in Spanish, with the teacher doing her teaching through song and storytelling. I was utterly amazed to see the children comprehending and responding to what the teacher said.

According to Biancheri, upon completing the fifth grade, these students are more conversational than most high school students who have studied Spanish for 2 years in any school system. Many of these children are fluent.

Unfortunately, this remarkable foreign language program has fallen victim to State budget cuts. The 2007–2008 school year is the first year the school received no help from the State. Ms. Paschal kept the program alive by petitioning the Columbia County Board of Education and parent-teacher organizations for funding. She also used half the salary for an enrichment position, about $40,000, to pay for the Spanish teacher. Ms. Paschal and the Stevens Creek Elementary facility are to be commended for their innovative commitment to the students of Columbia County and their academic success.

Mr. Speaker, today I rise, also, to honor and pay tribute to an exceptional public school system in my 10th Congressional District in Georgia.

Like so many school systems in Georgia, over the past two decades the Habersham County schools have been home to a growing number of immigrant students. The State mandates that schools serve these students through a program known as ESOL, or

English to Speakers of Other Languages.

Since the introduction of the first Laotian family to Habersham County schools in 1985, Superintendent Dr. Judy Forbes has been there from the very start, although at that time she served as instructional supervisor over the program.

Today, more than 22 percent of the school system's 6,800 students are enrolled in ESOL. With just 10 teachers serving 15 schools, the Habersham County school system is doing an outstanding job. Many of the kindergarten and first grade students are speaking fluent English by Thanksgiving and by Christmas.

For the sixth through 12th graders, Habersham County has a language intensive Newcomers Academy. Through innovative teaching techniques, including collaborating with North Georgia Technical Institute and the Cornelia-Habersham County Library, ESOL instructors report that students are learning with enthusiasm, and graduation rates are climbing. The message that teachers send to their students is that in the United States children have opportunities, and education will give them the biggest payoff.

These educators' dedication to all of their students, especially those for who English is their second language, is why at the beginning of this calendar year Habersham County schools became one of four Title 1 Distinguished Districts in Georgia.

I applaud their achievement and commend Habersham County and its educators on a job well done.

## THE HOUSE HAS GONE HOME WITHOUT PASSING THE PROTECT AMERICA ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, it is now 12:17 p.m. This House came into session today at 10 a.m., 2 hours and 17 minutes ago. Across this Nation, many folks at work are taking a lunch break, others are probably preparing to go to lunch. Those on the second shift are getting ready to go to work. Those on the night shift are resting or sleeping so they can recover from last night's work and get back and do it again tonight. So, where's the House? Mr. Speaker, the House has gone home. The House has gone home.

Today, we dealt with seven resolutions, seven suspensions, seven bills that I think every person voted for completely, entirely. I don't mean to belittle these resolutions, five of them were to name post offices, United States Post Offices. And although that's not the most important thing we do, we honor individuals when we do so, and the individuals who were honored today were certainly deserving of that honor. Two other resolutions were to determine what the Congress will do with the United States Capitol during next year's Presidential inauguration.

Now, why is this important? Well, it's important because the Protect America Act, the Foreign Intelligence Surveillance Act, has been allowed to expire by this leadership, by the Democrat leadership of this House. Thirteen days now we've been blind, a unilateral disarmament of this Nation in our war on terror. You don't have to believe me, Mr. Speaker. A newspaper in Springfield, Massachusetts, yes, Springfield, Massachusetts, said, "Led by Speaker NANCY PELOSI, the House let a crucial deadline come and go without even taking a vote on the matter. And it didn't have to be this way. Both parties in the Senate cooperated, setting aside their differences to try to keep the citizenry safe. The House should have done the same thing. Only our enemies gain from this kind of political gamesmanship."

Mr. Speaker, many Members on our side of the aisle have come to this well and to the microphones over the last 5 or 6 days that we've been in session and talked about the extreme importance of making certain that the Protect America Act is passed. I was on a radio station this morning in our good State of Georgia, and people on the radio show couldn't believe that the House had let this opportunity, this responsibility go. The folks in my district in the 6th District in Georgia believe that the primary responsibility of every single Member who has the privilege of serving in this House is to protect our Nation.

Many Members of the House travel to Iraq, back and forth to Iraq, some who went just last week and were told by generals in Iraq that not passing the Protect America Act 13 days ago has led to a decrease in their actionable intelligence in Iraq already. Don't let anybody tell you, Mr. Speaker, that this hasn't put America at greater harm in the last 13 days because it has.

Mr. Speaker, it is time for this House to act responsibly. It's time for this Speaker and this Democrat leadership to stand up and make certain that we pass the Protect America Act.

## STATUS OF INTELLIGENCE SURVEILLANCE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. I was not planning to speak, but the previous speaker has done what this administration did a little earlier today and has been doing over the days. We call it fearmongering, trying to stampede this Congress into doing something that is contrary to our oath of office to protect the Constitution of the United States as well as defend our Nation from those who would harm our citizens and our country.

The gentleman's assertion that the intelligence community is not able to intercept communications to protect our country is not true. Anybody who heard his words and was concerned by his representations ought to be disabused of the fact of the accuracy of his assertions. In fact, the administration said that in a letter, a six-page letter, and within hours sent out an e-mail saying, No, we're wrong. Telephone companies are cooperating with us. We are able to intercept communications.

But what he also did not mention is that we passed a bill 2½ months ago, now 3 months ago, which would have provided the full authority the administration needed to continue doing what they needed to do. Without exception. Secondly, what he failed to say is that when the Senate failed to act for those 3 months, it was because the Republican Party in the Senate precluded that bill from moving forward. But he didn't represent that. And then they sent us the bill 2 days before a break was to be scheduled. That was considered, in my opinion, to try to preclude any further discussion on the issue. They believed they could do that by then appealing to the concerns, rightful concerns, of the American public that we continued to do everything necessary to keep them safe. That's the commitment of all 435 Members of this House. It's my commitment. I speak on behalf of my party, as majority leader of my party, with respect to that issue. Every Member wants to ensure.

What he did not tell you, however, was because we only had some 48 hours of session, because we wanted to give it consideration, and because the normal process is to have a conference between the two Houses if there are differences as there are between the two pieces of legislation, we said to all of the Republicans and to all of the Democrats, let us extend by 21 days the Protect America Act so that there is no question.

What the gentleman from Georgia did not tell you is that every Republican person voted against that extension. They voted against the extension, and then when it did not pass, they said, Oh, America is at risk. It is like the child who killed both his parents and said, Have pity on me. I'm an orphan. They refused to pass the very legislation which would have kept the act that they say is necessary in full effect.

The good news is that we have a statute on the books called the Foreign Intelligence Surveillance Act which provides the administration with every authority it needs, but what it requires the administration to do is come to the FISA Court and get approval. There is no backlog in that court. Not a second's backlog in that court. And administration officials have said we would not miss a beat in terms of our interception of communications. Administration officials have said that within minutes approval could be granted, and under the FISA Act, the administration can act and then get approval after the fact. So I'm not sure what the generals were talking about.

What the gentleman from Georgia did not mention as well is that we have been working every day since we left session on trying to reach a compromise so that we could move forward on this bill. We had a meeting this day to do that very thing, a meeting which was bipartisan. We had the administration involved. We are hopeful that we can reach agreement.

So I want to assure the American public that the leadership of this House is going to do everything in our power to ensure that we protect this Nation and our people and to defeat those who fashion themselves to be radical Islamic jihadist terrorists and ensure that they will be stopped, they will be caught, and that we will prevail in this war on terrorism.

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## PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, I believe that this is the 38th time that I've come to the floor to talk to my colleagues and, through the miracle of television, to the American people about a phenomenon that is becoming more and more apparent and more and more important to us.

This phenomenon is what we call peak oil. When I first started talking about this, I wasn't even sure what we were going to call it, the great rollover at that point in time when we've reached our maximum production to produce oil and we're rolling over to slip down the other side of that slope, or peak oil. We decided to call it peak oil, and now that is a pretty well-known terminology around the world.

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When I first started talking about this, oil was $40 a barrel. Now oil is over $100 a barrel. In our Frederick News Post, a local paper, a headline today says: "Oil Spikes Above $102 a Barrel for the First Time." As I left my office, oil was above $101 a barrel and going up. The euro was, I think, $1.51; gold was about $960.

And America doesn't seem to be responding. I asked one of my colleagues why, and he said, well, it's a problem of addiction. We're addicted to oil. The President appropriately said that in one of his State of the Union messages. He said, when you're addicted, what it costs really doesn't matter. If you're addicted to alcohol or cocaine, if it costs you your marriage, your job, your house, meeting the demands of the addiction is the important thing.

The chart that I have here I think shows the problem. The disgruntled citizen is down here saying, "Gee, just why is gas so expensive?" More than $3 a gallon. And there it is, a tiny little supply and a huge demand. It's a matter of supply and demand. In the time that I have been talking about peak oil, when it has risen from $40 a barrel to over $100 a barrel, the production of oil worldwide has remained essentially constant while the demand has been increasing. And when that happens, of course, there will be an increase in price; and we have seen that increase in price.

The next chart kind of places this in a perspective, and what it shows is the enormous importance of energy from fossil fuels, particularly the energy from gas and oil, enormous importance to the economies of the world. In 8,000 years of recorded history, I show here about the last 400 years. If I went back the rest of the 8,000, it would be the same. So near zero you couldn't see the difference. And here we show the beginning of the Industrial Revolution. It began with wood and then coal, and it was stuttering a little with coal, and then we discovered gas and oil, and, wow, it took off. Look at that slope. Incredibly, during the Carter years and up to that time, every decade we used as much oil as we had used in all of previous history.

Mr. Speaker, if you reflect for a moment on what that means, what that means is that when we had pumped half of all the oil that would be pumped in the world, we then would have 10 years left. Now, we have become much more efficient since then, and that was induced by the oil price spike hikes of the 1970s and the world-wide recession that followed that and an attention to efficiency, and your air conditioner and refrigerator are probably three times as efficient as they were back then.

If we had a population graph, you would see the population following this, now nearly 7 billion people in the world, most of us living incredibly well. Each person in our country has a life-style that if it were not for fossil fuels would require the work of 300 faithful people powering the industry and manning your household to permit you to live the quality of life that you're living.

That's the amount of energy that we get from these fossil fuels. One barrel of oil has the energy equivalent of 12 people working all year, 25,000 man hours of effort. When I first saw that, I thought that can't be true. Just 42 gallons of oil and has the energy equivalent of 12 people working all year? And then I thought about my Prius car and how far that gallon of gasoline, still cheaper than water in the grocery store if you buy it in the little bottles, how far that takes my Prius, 47 miles averaging now over the last 15,000, 20,000 miles.

Now, I could pull my Prius 47 miles, but it would take me quite a while with come-a-longs and using the guard rail and trees and so forth to pull my Prius 70 miles. So I thought maybe that is true. And that is true, that each barrel of oil contains the energy equivalent of 12 people working all year. So our use of this fossil fuel energy has produced for us an incredible quality of life.

The next chart is a history of how we got here, and this begins about 51 years ago, a speech given by M. King Hubbert to a group of oil people in San Antonio, Texas, on the 8th day of March, when he predicted in 1956 that we would be peaking in our country in oil production by 1970. Nobody believed that. We were then king of oil, producing more oil than any other country in the world, consuming more, exporting more. But right on schedule, in 1970, we peaked in oil production.

In spite of two things, in spite of finding a good deal more oil in Alaska and a good deal more oil in the Gulf of Mexico, this is the Alaska oil and this yellow is the Gulf of Mexico oil, and in spite of finding considerable oil in those two places, we now are producing about half the oil that we produced in 1970. And that's also in spite of drilling more oil wells than all the rest of the world put together. We have about 530,000 producing oil wells in our country, and that's more than all the rest of the world put together.

The next chart is an interesting one because it again shows what is referred to as Hubbert's Peak; and if you want to know a lot about this, you can do a Google search for Hubbert or Hubbert's Peak and a lot of this information will pop up for you.

The yellow triangles here represent M. King Hubbert's prediction of what oil production would be. The green is the actual production, and the red shows the total production from the United States including Alaska and the Gulf of Mexico, because M. King Hubbert had not included Alaska and the Gulf of Mexico in his analysis. This chart is presented by CERA to convince you that you shouldn't be too concerned about M. King Hubbert's prediction that the world would be peaking about now because he was wrong about the United States, and I think this is a statistician's debate because they're making the point that those green squares are materially different than the yellow triangles.

Now, I've had a course, an advanced course, in statistics; and I might, using the magic of statistical math, prove to myself that there is a meaningful difference there; but, boy, just looking at that, I think that the green curve looks pretty much like the yellow curve, doesn't it? We produced a bit more with Alaska and the Gulf of Mexico, but that was just a blip in sliding down the other side of Hubbert's Peak, and there we are today at about half of the production that we had in 1970.

The next graph shows us the reality of where we are. And if you had only one chart to look at, this would be that chart. It's said that a picture's worth a thousand words, and this is worth more than a thousand words. The little bars here show when we found the oil. And you see we started to find a lot of it in the 1940s and the 1950s; and, boy, did we find it in the 1960s and another peak in the 1980s. And ever since the 1980s, in spite of ever better techniques for finding oil, it's been down, down, down.

The solid line here represents our consumption of oil. It's the same chart that you saw previously. And this shows what happened in the 1970s. And it shows here dramatically the difference in the slope. We were increasing our use of oil at this rate. And you see if we had continued that, by now it would be off the chart, wouldn't it? Just extrapolate from this curve and you're off the chart. But we really learned how to be more efficient in the 1970s; so now the growth rate is about 2 percent a year and much slower than that.

Now, what will the future look like? Ever since 1980 we have been using more oil than we found. And the difference between what we found and what we used is made up from reserves. We're now pumping some of these reserves from the past.

What will future discoveries be like? These forecasters have indicated slowly declining production. It won't be smooth like that, but will probably average about like that because most experts that I know believe that we have probably found about 95 percent of all of the really recoverable oil that we will find in the world unless the prices are very high and we have technologies that are now only conceptual.

So what the future will look like will depend upon how quickly you think we can and ought to use these reserves because the difference between what we use, and, of course, you can't use what's not pumped, but the difference between what we use and what is available to use is this space in here, and that's going to be filled up by the reserves back here. With enhanced recovery and aggressive techniques of pumping live steam down there and sequestering $CO_2$ down there and flooding it with seawater the way they're doing it in Saudi Arabia, we might get it more quickly and we might get a little more of it, but it won't dramatically change what the future looks like.

The next chart is a schematic, which I think shows where we are, and this is again what we've referred to as Hubbert's Peak. And it reflects a 2 percent growth and decline after that. Now, you can make this peak look sharp or flat. Here we have expanded the abscissa and compressed the ordinate so that it's kind of flat. You can make it a really sharp peak if you do the reverse, but that yellow area there represents 35 years because, you see, 2 percent growth, just 2 percent growth, which is so small that our market really doesn't like that, if it's only 2 percent growth, Wall Street doesn't do very well. But 2 percent growth doubles in 35 years. It's four times bigger in 70 years. It's eight times bigger in 105 years. It is 16 times bigger in 140 years.

Now, we've been here a long time, and I hope we're here another 140 years; and if we have only 2 percent growth, we would be using 16 times as much energy in 140 years from now. I will tell you categorically there will not be 16 times as much energy to use so things in the interim will need to change. I think we're about here, and I will present evidence from a number of sources that corroborate that.

And most people are now concentrating on how do we fill the peak. Because with our addiction to these fossil fuels, this is what we would like to use, but we're only going to have this much available; so we have got to somehow fill in that peak. I will tell you that as far as liquid fuels are concerned, I don't think there's a prayer that we can fill in that gap. I think that we will be more than lucky if we can continue with a plateau, that what we can get from oil will be this curve and we can now have some renewables which will fill in to give us a plateau. We can live very comfortably with that. A chart a little later will show that.

The next chart is an interesting one. It's by a major organization, CERA, and they're one of the few entities in the world now that still is kind of in denial on peak oil. Although they say that, undulating plateau versus peak oil, but what they're showing there is a peak. And what they're showing here is that if we don't find much more oil, because we've found roughly 2 trillion barrels of recoverable oil and we've used a trillion barrels of those and that's just 1.92 trillion, and so if we find oil as depicted in that earlier chart we showed, then peaking would occur about here, which is imminent, is it not?

Now, if we find as much more oil as all the recoverable oil that still remains to be pumped, then that moves the peak out to this point. That's my kids. That's not even my grandkids. That's my kids that will have to deal with that. Even if that is true, then there's some unconventional oil, and I have no idea how much of that we can exploit. There are huge reserves in the Canadian tar sands and our oil shales of the West, Utah and Colorado. Heroic attempts are being made to exploit those. We're getting about a million barrels a day. That seems big, but the world is using more than 84 million barrels a day, and I just don't know what the potential will be. It is very uncertain what that potential will be. They are huge potential amounts of energy, but so are there huge potential amounts of energy in the tides. Because it's in the tides doesn't mean it's in the gas tank of your car, and the same thing is relatively true of these alternative sources of unconventional oil. Now, that also includes the heavy sours, and those we are converting and can convert; so there's some of that there too.

The next chart is a very recent one and very informative.

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There are two major entities in the world that track production and use. And, of course, the use and production are essentially the same thing because we have no big reserves of oil in the world. We are kind of using it as we produce it because we are hungry for oil in our economy. One of those is the IEA, the International Energy Agency, and El Baradei, and that is the one that is keeping track of what is going on with the nuclear thing in Iran, and you see them frequently in the news. And the other is our own Energy Information Administration, a part of our Department of Energy. And I would caution you to be kind of suspect on their predictions for the future because they are using what I think, and what a good many think, are highly speculative prognostications by USGS as to how much more oil we are going to find. But they do a very good job of tracking.

And look what they have found. Look what they have found. If you smooth out the ups and downs of the red and the green, the red for IEA and the green for the EIA, we have been essentially plateaued in oil production for the last 30 months. Now, in the same 30 months, that is about the time it took oil to go from $40 a barrel to $102 a barrel. And isn't that what happens when you have a static supply and an increasing demand? If there is inadequate supply for the demand, the price goes up. The little blue line here shows the cost of oil. And it is now above $100 a barrel there, and it shows how dramatically the cost of oil responds to the availability of oil. There are a number of experts.

The next chart shows a quote, a very recent quote from Shell Oil Company, "By the year 2100, the world's energy system will be radically different from today." It will indeed be radically different from today's. The world's current predicament limits our maneuvering room. We are experiencing a step change in the growth rate of our energy demands. And Shell estimates that after 2015, that is just around the corner, supplies of easy-to-access oil and gas will no longer keep up with demand. That is Shell Oil Company saying that we are going to peak out in the very near future in the production of gas and oil. We will not be able to meet the world's demands.

The next chart is a quote from our Secretary of State, Condoleezza Rice, noting the incredible geopolitical consequences. "Yes, we do have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of the State than the way the politics of energy is. I will use the word warping diplomacy around the world. We have simply got to do something now about the warping now of diplomatic effort by the all-out rush for energy supply." In 2006. We are now nearly 2 years later, and I will submit this was a very appropriate warning. We have done little.

The next chart is a really illustrative one, and this chart shows what our world would look like if the size of the country was relative to the amount of oil reserves that it contained. And you see in this chart that Saudi Arabia dominates the landmass of the world. Indeed, 22 percent of all the oil reserves in the world we believe are in Saudi Arabia. And notice how large Iran, Iraq, Kuwait, and the United Arab Emirates, just little dots on the map in the Middle East, and look how large they are in terms of how much oil they have. Venezuela, in our hemisphere, dwarfs the United States.

Here we are with 2 percent of the oil in the world, and the yellow indicates that we use a whole lot. Why, we are the only yellow one in the world, aren't we? We have 2 percent of the oil. We use 25 percent of the world's oil. This is a shocking picture.

The next chart shows the concerns of some of our leading thought people in our country on the implications of this for national security. Jim Woolsey, McFarland, and Boyden Gray and 27 other prominent Americans, several Four Star retired admirals and generals among them, about 3 years ago wrote a letter to the President saying, "Mr. President, the fact that we have only 2 percent of the world's reserves of oil and we consume 25 percent of the world's oil and import almost two-thirds of what we use is a totally unacceptable national security exposure. We really have to do something about that." The President mentioned that in his State of the Union that we were addicted to oil, much of it coming from people, as he said, that don't even like us very much. And we really need to do something about that. Tragically, we have not done much about that.

We represent less than 5 percent of the world's population, one person out of 22 in the world. We use a fourth of the world's oil. That statistic is not lost on the rest of the world, by the way. They note that, that they're paying $8 a gallon for gasoline in France. We are still paying $3 in our country. Note that although we have only 2 percent of the world's oil reserves, we are using 8 percent of the world's oil. What that means, of course, is that we are pumping our oil four times faster than the average in the world. That is understandable since we have more oil wells in our country than all the rest of the world put together.

The next chart really is an illustrative one. It has two bars. And the bar on the right, the top ten oil and gas companies on the basis of oil reserves, and notice that 98 percent of all of the oil reserves, this is among the top ten, 98 percent of all the oil reserves are Middle East. Lukoil, Russia, has only 2 percent. So that is who has the oil.

Now, who pumps the oil? Gee, we think that ExxonMobil, Royal Dutch Shell, and BP and so forth are huge companies. They are huge companies. But look, 78 percent of the top ten producers of oil, again, are these countries in the Middle East that are big giants, produce only 22 percent of the oil.

The next chart is a quote from a speech given 51 years ago the 14th day of this May by Hyman Rickover to a group of physicians in St. Paul, Minnesota. And if you do a Google search for "Rickover energy speech," it will pop up, an enormously prophetic speech. He noted that at that time we were about 100 years into the age of oil, and he had no idea how long the age of oil would last, but this is a quote. "There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy a very long time ago and took eons to grow to their present volume."

In the face of the basic fact that fossil fuel reserves are finite, they are indeed finite. They are not inexhaustible. The exact length of time these reserves will last is important in only one respect: The longer they last, the more time that we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift.

He had no idea how long the age of oil would last. We were then 100 years into it. Now we pretty much know. With some confidence, I can tell you that the age of oil out of 8,000 years of recorded history will occupy about 300 years. As Hyman Rickover noted, this is but a blip in the long history of man. He said, "Fossil fuels resemble capital in the bank. A prudent and responsible parent will use this capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare." I have 10 kids, 16 grandkids, and two great grandkids. I am really concerned about their future relative to energy.

Do you know what we should have done when we found this incredible wealth under the ground, a barrel of which equaled the work output of 12 people working all year? We should have stopped to ask ourselves, what can we do with this to provide the most good for the most people for the longest time? That clearly is not what we did. With no more responsibility than the kids who found the cookie jar or the hog who found the feed room door open, we have just been pigging out.

And incredibly, with all the evidences that we have been going through here and more, that we are either at or very near peak oil, we still want to rush to drill and pump the last little reserves that we know might be out there. If we could pump ANWR and the offshore oil tomorrow, what we would do the day after tomorrow? And that is the plea that Hyman Rickover makes in his speech. There will be a day after tomorrow.

The next chart is an interesting one, and it shows some of the misconceptions that are out there. These are projections by our Energy Information Administration as to what production will be in the future. And we don't have time to go through the interesting transformation from frequency to probability, but somehow from USGS data to EIA charts, we went from a frequency to a P, which is a probability, and there they are making the bizarre statement that a 50 percent probability is greater than a 95 percent probability. And of course that can't be true. And this is the 95 percent probability. This is the 50 percent probability.

And their projection is that world oil production, this is, by the way, a smoothing out that chart we saw before with a lot of discoveries around the 1970s and 1980s and they have just drawn a relatively smooth curve over that. They were projecting that we were going to find more and more, and we were going to follow the green line. But look what has been happening since they made this projection, what you would expect might be happening: 95 percent probable is more than 50 percent, and it has been following the 95 percent probability.

The next chart is an interesting observation from Jean Laherrere, who is an expert in this area. And he is looking at the prognostications that are used to project that green curve that we are going to find more and more, so don't worry about the future. He says that the USGS estimate implies a five-fold increase in discovery rate and reserve addition for which no evidence is presented. Such an improvement in performance is, in fact, utterly implausible, given the great technological achievements of the industry over the past 20 years, computer modeling and 3-D seismic, the worldwide search and the deliberative effort to find the largest remaining prospects. Indeed, it really is quite implausible.

The next chart shows that even if that happened, even if that happened, even if we found as much more oil as all the known recoverable reserves today, it still wouldn't make that much difference. Because here we are, and here is that recession in the 1970s and our slower rate of increase because we are now more efficient. And the red curve indicates that we will find another roughly trillion barrels of oil, as much more oil as all the oil that we now know can be reasonably recovered. And if that happens, it pushes the peak out to 2016. Big deal, 9 years from now. That is the power of compound growth.

When Albert Einstein was asked, after the discovery of nuclear energy, Dr. Einstein, what will be the next big force in the universe? He said that the most powerful force in the universe is the power of compound interest. And you see that here.

And by the way, if we now use heroic efforts with enhanced recovery and we get it out quicker and maybe a little more, then it follows this curve, but then you pretty much fall off a cliff. You can't pump what is not there.

There have been four studies. The next chart is a quote from one of those studies. There have been four studies. The chart just up was a chart from that same study. There have been four studies paid for by your government, and pretty much ignored by your government. The first of these studies was the big study done by SAIC, known as the Hirsch report, published in 2005. And this is SAIC, a big prestigious organization of worldwide respect. He said that the world has never faced a problem like this. World oil peaking is going to happen. World production of conventional oil will reach a maximum and decline thereafter. That happened in our country in 1970.

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The same man who predicted it would happen in our country in 1970 predicted it would be happening in the world about now. If he was right about our country, why shouldn't we have been concerned about the probability he might have been right about the world? The world has never faced a problem like this.

The next chart shows a couple of more quotes from the Hirsch Report. ". . . will present the United States and world with unprecedented risk management problems, but the economic, social and political costs will be unprecedented." There is nothing in history to prepare us for this.

The three other reports, I mentioned that there were four, three other studies, actually, two reports from the Hirsch study, the second one was done by the Corps of Engineers, also in 2005. They said essentially the same thing in different words, that the peaking of oil is either present or imminent, with potentially devastating consequences.

The third one was by the Government Accountability Office in 2007, just last year, and they said essentially the same thing, in different words.

The last one was by the National Petroleum Council, again last year, saying essentially the same thing. "The peaking of oil is either present or imminent with potentially devastating consequences."

I have here I think a couple of more references to this very recent reference. Here is one. This is just out from the Deutsche Bank. There are several quotes in that, and you can pull this up and look at it. The 100 million barrels per day peak oil market, we are now somewhere 84 and 88 million barrels a day. We use about a fourth of that, 21–22 million barrels a day. I am not sure we will ever get to 100. But many people are prognosticating 120–150 million barrels a day. There is little probability that will happen.

Several CEOs are quoted in this of the large oil producing companies, and they are all saying essentially the same thing, that we are probably at peak oil.

Now, what do we do about that? I want to use the remaining time to talk about that.

The next chart is a chart of where we get our energy from today. Well, this was in 2000. That isn't quite today, and there have been some changes since then. But you can see we were getting, according to this chart, 24 percent of our energy from natural gas, 30 percent from petroleum, and from coal we got 23 percent. That adds up to 85 percent of all the energy that we are consuming comes from fossil fuels, and they are finite. They will not last forever.

Only 7 percent of that energy comes from true renewables, of the additional energy, to make up to 100, and 8 percent comes from nuclear electrical power. Now, that is 8 percent of the total energy in our country. That is almost 20 percent of our electricity is produced from nuclear power.

We are very much like the young couple whose grandparents have died and left them a big inheritance, and they now have established a really lavish lifestyle, where 85 percent of the money they are spending comes from their grandparents' inheritance and only 15 percent of it from their income. They look at what they are spending and how old they are and when they will retire, and, "gee, the inheritance is going to run out before we retire, so we really got to do something. Either we got to spend less or make more." And that is precisely where we are.

This 85 percent, because we are reaching the maximum production of oil and gas, we will be tailing off, so there will be the necessity of replacing that. Just as this young couple would have to replace the limited resources in their grandparents' inheritance with more money or spend less money, that is where we are.

Now, these roughly represent the renewables. This was the picture in 2000. It has changed a little. But in terms of the big picture, the dramatic changes since 2000 are really pretty trifling.

At that time, solar represented 1 percent. Solar has been growing 20–25 percent a year. That is really big growth. But 1 percent of 7 percent is .07 percent. So it is five times bigger, 0.35 percent. Still trifling, isn't it? Still way down, kind of in the noise level.

Wood. This is the paper industry and timber industry wisely using what would otherwise be a waste product, waste to energy. You can do several things with your public waste, and burying it is probably the least productive thing you ought to do with it. You can recycle it, and that ought to be done, to the extent that it is rational. Or you can burn it to produce energy.

But be cautious. This is not a solution to our fossil fuel problem, because most of that waste stream represents the profligate use of fossil fuel energy, and in a fossil fuel deficient world, it just won't be there. So for the moment it makes imminently good sense to do that, but recognize that will be a diminishing resource. As the world has less and less fossil fuels, we are learn to live with less and less waste.

Wind. Boy, that one is growing, maybe 40 percent a year. Denmark is the world leader in that. They have now freed themselves from the need of imported oil. Their huge wind machines produce electricity at about 1.5 cents a kilowatt hour. We are doing it for about 2.5 cents a kilowatt hour. That is very competitive. And there is the potential for a lot of growth. Again, in 2000, that was only 1 percent of the 7 percent renewables, which is 0.07 percent. So to get to be a really meaningful percent of our total energy production, we have to have a long time and huge growth there, don't we.

Conventional hydro, you see that is a big part of the renewables. That is truly renewable. As long as the sun shines and the water evaporates and it is carried up to the clouds and it drops on the mountains and flows down to the rivers, we have conventional hydro. That probably can't grow much in our country. But we could grow micro hydro. The big macro hydro, we probably tapped out on it. But the rest of the world has some potential for growth in hydro.

Alcohol fuel, just spend a moment talking about that. This seems like such a great idea. Our farmers are so good at growing these grains, and you can ferment the sugar and corn to make alcohol. The first cars that Henry Ford built ran on alcohol, so we are kind of just going full cycle if we turn back to alcohol.

We produced a fair amount of alcohol, and it doubled the price of corn. So our farmers, recognizing they could make more money growing corn than they could soybeans and wheat, they diverted land from soybeans and wheat at the same time that the world population is growing and the demands for these things are increasing.

So now we have an increase, double the price of corn, and a huge increase in the price of wheat and soybeans. And what that means is that three of the world's staple foods for people, corn, wheat, soybeans and rice, three of those have gone up because of our corn ethanol program. A UN official, noting what we had done and the consequences of this and the world increase in corn, wheat and soybean prices, said what we have done is a crime against humanity.

The National Academy of Sciences, now, this isn't Roscoe Bartlett saying this, I am just repeating the National Academy of Sciences, although we did some back-of-the-envelope computations and came to essentially the same conclusion, the National Academy of Sciences says if we took all of our corn and converted it to ethanol, and discounted it for fossil fuel input, which you really have to do to be fair, you can't be using fossil fuel energy to produce ethanol and pretend you are displacing fossil fuels, that we would in that case displace 2.4 percent of our gasoline.

That is trifling. In fact, it is so trifling that they noted that if you tuned up your car and put air in the tires, you would save as much gas as converting all of our corn to ethanol.

They further said that if we converted all of our soybeans, no soybean oil for your salads, no soybean oil meal for your pigs and chickens and cows, converted all, but you still have the soybean meal left that you could use, but all the oil, convert all the oil to soy diesel, it would displace 2.9 percent of our diesel.

The reality is that these fossil fuels are incredibly rich in quality and quantity of energy. They have been easily exploitable. You put in our big oil fields one unit of energy and you get out 100 units of energy. It is the energy-profit ratio. In many of our wells today, we put in 1 and get out 1.5 or 1.2, but it is still profitable, so we still do it.

Geothermal. Now, that is true geothermal. That is not tying your heat pump to the ground temperature, which we really ought to do. When I got up this morning it was 18 degrees. If you had a heat pump, what you were trying to do to heat your house was to cool that 18 degrees outside. You had to take heat from out there and put it in your house.

Now, if you were tied to the ground, here it is 56 degrees. That looks really warm compared to 18, doesn't it? And the reverse in summer, of course. Your air conditioner in summer is trying to heat up that 102 air outside to cool your house. It would be a whole lot easier to work against a 56 degree ground temperature, wouldn't it? But this is talking about the true geothermal. That is where you are tapping into the heat produced in the molten core of the Earth.

Now, for all practical purposes, that is inexhaustible. It is not, of course, but you are talking in terms of millions and millions of years, so as far as we are concerned, it is inexhaustible. We have some real potential for that. There is not a chimney in Iceland that I saw, because they run everything there on geothermal. We have some places in our country where we can do that, and we can and should.

The next chart is a look at all of the potential substitutes, supplements, for fossil fuels. The first of these are some finite solutions, and that is the tar sands and the oil shales and coal. It is worth just spending a couple of minutes talking about those, because there are potentially huge, huge reserves there.

Conservatively, there are probably 1.5 trillion barrels of oil at both the tar sands and the oil shales, in each of those. There are potentially about 1.5 trillion barrels of oil in both the oil shales and tar sands. That is 3 trillion barrels between the two. And we have about 1 trillion barrels of recoverable oil in the known oil fields in the world. That is a huge amount, and some people will tell you, don't worry about the future, because we have all that oil there and we will get it out.

Well, they are working very heroically in Canada to exploit the tar sands. They have a shovel up there which lifts 100 tons at a time, they dump it into a truck which hauls 400 tons, and they haul it to a cooker that uses natural gas and cooks this really stiff oil so it will flow, and then they add some chemicals to it to keep it flowing when it cools.

They are producing about 1 million barrels a day. But they know what they are doing is not sustainable, because they are going to run out of the water it takes to do it, they are going to run out of the natural gas that they are using, and they are talking about building a nuclear power plant. And this seam, if you think of it as a seam, it is pretty much on top of the ground, but soon it ducks under an overlay and it would be prohibitively expensive to remove the overlay, so they will have to determine how to do it in situ, and they don't know how they can do that in situ. So because it is there doesn't mean it will be in your gas tank. But we really need to work at that.

But with these heroic methods, it is 1 million barrels a day. That is just a little over 1 percent of all the oil we use. So don't become too sanguine about the future because it is there, because there are huge engineering challenges in exploiting it.

The oil shales of our West, and conservatively there is 1.5 trillion barrels there, but to date nobody has found a way to competitively get that out, even with oil near $100 a barrel. There are several companies and consortiums working on some breakthrough technologies that may make exploitation of that possible. But there is still an enormous amount of uncertainty in that, and to bank on that solving your energy problems would be sort of the equivalent of banking on winning the lottery to solve your personal economic problems. It would be real nice if that happened.

☐ 1315

But I wouldn't bet the ranch on it. You ought to have a plan B, so I think we ought to have a plan B here.

Whoa, some people will tell you, no problem about the future, because we have 500 years of coal. That isn't true. There is nobody I know who believes we have 500 years.

But for a long time the figure 250 years was tossed about. That's 250 years at present use rate. There may be a chart later that shows this, but I will just go through the numbers now because they are really simple to understand. That 250 years shrinks to 85 years if there is only 2 percent growth.

Again, that's the power of compound growth. Then if you convert that coal to a gas or liquid and use the energy from coal to do it, which is the only fair thing to do, you have now shrunk to 50 years. If you share it with the world, and if you think about it, you think about it, there is no way you can avoid sharing it with the world. Because if we use oil produced from coal, then the oil we might have bought from the Middle East is available to somebody else.

So the end result is just as if you had sold three-fourths of that oil to the rest of the world, the oil they would get from coal, because they will be buying that three-fourths you didn't use from the countries from which you would have bought it. In that case it lasts 12½ years.

But just recently, the National Academy of Sciences has said that we haven't really looked at coal reserves since the 1970s. And they have looked at coal reserves, and they say it's not 250 years of reserves, it's 100 years of reserves.

So if we use that same dynamic of compound growth, that 100 years shrinks to something probably less than 5 years if you convert it to a gas or liquid, use energy from coal to do that, and share it with the world.

Now, there is a lot of coal out there, and we are fortunate in being one of the major repositories of coal in the world, and you can convert it to a gas or a liquid. Germany did that during World War II. South Africa learned to do it when their trade was restricted with the rest the world. But this is not a panacea. It's there, and we will use it. But we need to use that as a bridge to get the true renewable, nuclear.

Now, nuclear is kind of in a class by itself. There are three basic types of nuclear power plants; two of them we have, one of them is a dream. The two that we have is the light water reactor using fissionable uranium. That's the only one used worldwide to produce electricity. France produces about 75 or 80 percent of their electricity from nuclear. We still produce more electricity with our 20 percent than the total amount they produce because we are so much bigger than them.

By the way, and that uses fissionable uranium, and there is a finite amount of that in the world. It is not infinite. I get wildly divergent estimates of how much remain, but it's not in hundreds of years. It's in decades, not in hundreds of years.

A second type of nuclear energy is the breeder reactor, which, as the name implies, produces more fuel than it uses. That has been used in producing nuclear weapons in our country and other places in the world. It has big problems in transporting weapons, potentially weapons-grade materiel to enrichment and so forth, and of storing away some products that will be hot for a quarter of a million years.

Now, just intuitively, something so energetic that I can't get near it for a quarter of a million years just ought to have enough energy in there to do something useful with it, and they now are working at that, and there are now some exciting new technologies that may permit us to get a whole lot more energy out of these fuels than we were getting in the past. So there is a real opportunity for nuclear to kind of take up the slack, but note that that produces electricity.

Unless you are going to go to electric cars, that doesn't help much in liquid fuels, and the real crisis in the future, the real challenge for the future, is going to be liquid fuels. Now, the only silver bullet that I know of, and, again, this is not liquid fuels, but you can have electric cars, was some challenges in producing batteries and with the raw materials necessary for those and disposing of the batteries and so forth.

Fusion is inexhaustible, if we get to it. That's what the sun is doing. It's a huge nuclear fusion plant. We may get there. We spend about $250 million a year doing that, and we are always about 30 years away from a functioning fusion power plant.

I gladly support the $250 million, but I will tell you that I think the odds of getting there are relatively small. The rewards are so huge that it's worth the investment even if the chance of success is small, so I happily vote for this.

But please have a plan B. If we get there, wonderful. But the probability that we will get there is, I think, quite small, so we really need a plan B. You can't count on that as the future energy source for your kids and your grandkids.

Now, here are the renewables that we have been talking about. Let's see if there are some here. Ocean energy. Lots of potential from energy from the oceans, the ocean waves, the ocean tides. The Moon lifts the whole ocean, three-fourths of the Earth's surface, several feet a day.

I carry two 5-gallon buckets of water, that's heavy. When I think about the huge amount of potential energy in just those tides, it's more than we are using, but it's disbursed, very difficult to capture. There is an old axiom that says, energy, to be effective, must be concentrated when the tides are just so disbursed. Very difficult.

There is ocean thermal gradients. Some places the surface of the ocean is very warm, the deep waters are very cold, and you can, with the principle of the thermocouple, get energy from that divergent temperature difference. So there are a lot of opportunities, potential opportunities from energy from the ocean, and we ought to be exploiting all of those.

Methanol. Methanol is simply an alcohol made from wood rather than grain. Grain alcohol has two carbons, wood alcohol has one carbon, but it burns with roughly the same amount of energy.

A biomass, and a lot of talk about biomass today, and you look out there at all of that wasteland and those trees and that grass, and, gee, if we could just take that and convert it into alcohol. You can do that with some little organisms that we have bioengineered that mimic what the organisms do in the gut of the sheep or the goat or the cow or the cecum of the horse and the guinea pig. They can break down the cellulose molecule into the constituent glucose molecules. Then, of course, you can ferment those glucose molecules. But we have not yet perfected that technology so that it is amenable to huge, large-scale production, but maybe we can get there.

I have a major concern that Hyman Rickover talked about in his great speech, and again, I would urge that that's a very instructive speech. Hyman Rickover, energy speech, Google, search it. It will pop up for you.

He noted in that speech that we shouldn't be competing with food for energy. That's corn ethanol, biodiesel. We should be careful in competing with a humus for fuel, because, you see, the weeds that grow today in that vacant lot, that will grow this summer, are in at least some measure growing because last year's weeds died and are fertilizing them.

I remember back, I was born in 1926, so I lived during the Depression, and I remember farmers in the Depression which said, gee, I have now worn out my third farm. What they did was to go in and mine the farm simply by planting crops that drew from the soil far more energy than he or the plants put into the soil. So soon, the soils were nonproductive and there were few of us in a big country, and he just moved on.

You can't move on today, and so we have to have sustainable agriculture. I don't know the extent to which we can exploit what might be a huge potential from energy from biomass, but I would caution that we really need to look at sustainability.

If you have ever gone to the tropical rain forest that looks to be a hugely rich dynamic, and, gee, if I only could get all of that stuff off of there, I could grow tremendous crops on that soil.

But when they did that, there was bitter disappointment, because what they found was that essentially all of the nutrients in that ecosystem were involved in the growth, death, decay, regrowth. When they took that material off the soils, for what they called laterite soils, they baked like a brick. It would take a very long time by secondary succession to come back to a rain forest. We need to be very careful about sustainability.

I have been a big proponent of what we call ARPA-E, and we voted that. It's not been funded, and the administration is not recommending funding it, and I hope they reconsider.

ARPA-E kind of mimics our DARPA, which has been an enormously successful organization in exploiting leading-edge technologies, and the net out there is their creation. They have been the creator of a lot of really exciting technology, because what they do is to fund leading-edge things that are so far out there and so risky that business rationally can't do it, and probably in terms of fidelity to their stockholders should not be doing it.

We think the future demands very creative approaches to selecting which of these alternatives we invest our limited amount of time and money and energy in.

My wife tells me that I shouldn't be talking about this. She said that don't you remember that in ancient Greece they killed the messenger that brought bad news. I tell her this is really a good news story. It's a good news story in two respects. One is that the sooner we start, the less bumpy the ride will be.

Now, we should have started at least 28 years ago. I say that because by 1980 we knew absolutely that M. King Hubbert was right about the United States. We were already 10 years down the other side of Hubbert's peak. We have now blown 28 years when he should have been doing something, but if we start today, the ride will be smoother than if we start tomorrow.

But even more importantly, I think this challenge is just exhilarating. There is no exhilaration like the exhilaration of meeting and overcoming a huge challenge, and, boy, this is a big one.

A year ago, the holiday season, I was privileged to lead a codel of nine Members to China, and we went there to talk about energy. Incredibly, they began their discussion of energy by talking about post oil. Gee, you know, in our country, we tend to think in terms of the next quarterly report, and the next election. We are kind of dominated by what's called the tyranny of the urgent, which frequently sweeps the important off the table. But in that part of the world they seem to think in terms of generations and centuries. And so with that perspective, they were talking about a post-oil world, and they talked about post oil, and they had a five-point plan.

Number one, conservation. That's where it has got to begin is conservation. That will buy some time and free up some energy because we have run out of time. There is no surplus energy to invest in alternatives. Their oil wouldn't be $100 a barrel.

The second and third points of their five-point program was find alternatives, and as many of those as you can from their own country.

The fourth one will interest you, it's be kind to the environment, and they know that they are big polluters.

The fifth one is international cooperation. They are pleading for international cooperation.

What we need, and I will close with this brief statement, what we need is a program that has a total commitment of World War II, the technology focus of putting a man on the Moon, and the urgency of the Manhattan Project. We are the most creative, innovative society in the world. We are up to the challenge. We need leadership. We can do it.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3609

Mr. SHAYS (during the Special Order of Mr. BARTLETT of Maryland). Mr. Speaker, I ask unanimous consent to withdraw as a cosponsor from H.R. 3609, the Emergency Homeownership and Mortgage Protection Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GINGREY (at the request of Mr. BOEHNER) for today on account of the birth of his granddaughter.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of family reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FARR) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1200. An act to amend the Indian Health Care Improvement Act to revise and extend that Act; to the Committee on Natural Resources and to the Committee on Ways and Means in addition, to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine; to the Committee on the Judiciary.

## ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, March 3, 2008, at 2 p.m.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the second and fourth quarters of 2007 and the first quarter of 2008, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PATRICK ALWINE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 21 AND NOV. 26, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Patrick Alwine | 11/21 | 11/24 | Kuwait | | 1,000.50 | | | | | | 1,000.50 |
| | 11/24 | 11/25 | Turkey | | 357.00 | | | | | | 357.00 |
| | 11/25 | 11/26 | Belgium | | 871.78 | | | | | | 871.78 |
| Committee total | | | | | 2,229.28 | | | | | | 2,229.28 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PATRICK ALWINE, Feb. 6, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JERRY HARTZ, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 31, 2007 AND JAN. 8, 2008.

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Jerry Hartz | 12/31 | 1/2 | New Zealand | | 300.00 | | (3) | | | | 300.00 |
| | 1/2 | 1/4 | Antarctica | | | | (3) | | | | |
| | 1/4 | 1/5 | New Zealand | | 150.00 | | (3) | | | | 150.00 |

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JERRY HARTZ, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 31, 2007 AND JAN. 8, 2008.—Continued

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| | 1/5 | 1/7 | Australia | | 350.00 | | (3) | | | | 350.00 |
| Committee total | | | | | | | | | | | 800.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JERRY HARTZ, Feb. 8, 2008.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, KAY A. KING, PH.D., HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 4 AND JAN. 15, 2008

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Kay A. King, Ph.D | 1/5 | 1/7 | Egypt | | 556.00 | | (3) | | | | 556.00 |
| | 1/7 | 1/9 | Ghana | | 578.00 | | | | | | 578.00 |
| | 1/9 | 1/12 | South Africa | | 972.00 | | | | | | 972.00 |
| | 1/12 | 1/15 | Morocco | | 940.00 | | (3) | | | | 940.00 |
| Committee total | | | | | 3,046.00 | | | | | | 3,046.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

KAY A. KING, PH.D., Feb. 5, 2008.

## (AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CATLIN O'NEILL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 25 AND DEC. 2, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Catlin O'Neill | 11/25 | 11/27 | Italy | Euro | 292.00 | | (3) | | | | 272.00 |
| | 11/27 | 11/28 | Chad | FCFA | 230.00 | | (3) | | | | 230.00 |
| | 11/28 | 11/30 | Ethiopia | ETB | 200.00 | | (3) | | | | 200.00 |
| | 11/30 | 12/1 | Kenya | KES | 268.00 | | (3) | | | | 268.00 |
| | 12/1 | 12/2 | Belgium | Euro | 167.00 | | (3) | | | | 167.00 |
| Committee total | | | | | 1,157.00 | | | | | | 1,157.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CATLIN O'NEILL, Feb. 5, 2008.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CATLIN O'NEILL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 3 AND JAN. 10, 2008

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Catlin O'Neill | 1/3 | 1/10 | New Zealand | | 869.40 | | 11,153.00 | | | | 12,022.40 |
| Committee total | | | | | | | | | | | 12,022.40 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CATLIN O'NEILL, Feb. 5, 2008.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TBILISI, GEORGIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND JAN. 8, 2008

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Lloyd Doggett | | 1/1 | United States | | | | 10,215.68 | | | | 10,215.68 |
| | 1/2 | 1/8 | Georgia | Lari | 2,006.47 | | | | | | 2,006.47 |
| Michael Mucchetti | | 1/8 | United States | | | | 8,039.13 | | | | 8,039.13 |
| | 1/2 | 1/8 | Georgia | Lari | 2,006.47 | | | | | | 2,006.47 |
| Committee total | | | | | 4,012.94 | | 18,254.81 | | | | [3]22,267.75 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] This amount for travel is filed under protest. Despite my repeated requests, the U.S. State Department is not pursuing the refund to which it is entitled on a refundable ticket. If that refund had been properly obtained, this reported amount would and should be lower.

HON. LLOYD DOGGETT, Jan. 7, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO VIETNAM, AUSTRALIA, NEW ZEALAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 2 AND JAN. 11, 2008

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Steny Hoyer | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Roy Blunt | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Ray LaHood | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Jo Ann Emerson | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Bobby Etheridge | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Lynn Westmoreland | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Baron Hill | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Emanuel Cleaver | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. John Lewis | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Debbie Wasserman Schultz | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Madeleine Bordallo | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Kay Granger | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Ben Chandler | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Wilson Livingood | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Mariah Sixkiller | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Simone Litrenta | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Michael Collins | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Stacey Bernards | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Brian Diffell | 1/2 | 1/4 | Vietnam | | 722.00 | | (3) | | | | 722.00 |
| Hon. Steny Hoyer | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Hon. Roy Blunt | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Hon. Ray LaHood | 1/5 | 1/8 | Australia | | 1,613.00 | | (3) | | | | 1,613.00 |
| Hon. Jo Ann Emerson | 1/5 | 1/8 | Australia | | 1,613.00 | | (3) | | | | 1,613.00 |
| Hon. Bobby Etheridge | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Hon. Lynn Westmoreland | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Hon. Baron Hill | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Hon. Emanuel Cleaver | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Hon. John Lewis | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Hon. Debbie Wasserman Schultz | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Hon. Madeleine Bordallo | 1/5 | 1/8 | Australia | | 1,613.00 | | (3) | | | | 1,613.00 |
| Hon. Kay Granger | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Hon. Ben Chandler | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Wilson Livingood | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Mariah Sixkiller | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Simone Litrenta | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Michael Collins | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Stacey Bernards | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Brian Diffell | 1/5 | 1/8 | Australia | | 1,613.00 | | [3] 483.00 | | | | 2,096.00 |
| Hon. Steny Hoyer | 1/8 | 1/10 | New Zealand | | 870.00 | | | | | | 870.00 |
| Hon. Roy Blunt | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Hon. Ray LaHood | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Hon. Jo Ann Emerson | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Hon. Bobby Etheridge | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Hon. Lynn Westmoreland | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Hon. Baron Hill | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Hon. Emanuel Cleaver | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Hon. John Lewis | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Hon. Debbie Wasserman Schultz | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Hon. Madeleine Bordallo | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Hon. Kay Granger | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Hon. Ben Chandler | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Wilson Livingood | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Mariah Sixkiller | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Simone Litrenta | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Michael Collins | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Stacey Bernards | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Brian Diffell | 1/8 | 1/10 | New Zealand | | 870.00 | | (3) | | | | 870.00 |
| Committee total | | | | | 60,895.00 | | 7,728.00 | | | | 68,623.00 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

HON. STENY H. HOYER, Feb. 5, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CHINA, SINGAPORE, AUSTRALIA AND NEW ZEALAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 5 AND JAN. 14, 2008

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. James E. Clyburn | 1/7 | 1/8 | China | | 639.80 | | (3) | | | | 639.80 |
| | 1/8 | 1/9 | Singapore | | 539.00 | | (3) | | | | 539.00 |
| | 1/9 | 1/11 | Australia | | 1,221.65 | | (3) | | | | 1,221.65 |
| | 1/11 | 1/13 | New Zealand | | 700.50 | | (3) | | | | 700.50 |
| Hon. Bennie Thompson | 1/7 | 1/8 | China | | 639.80 | | (3) | | | | 639.80 |
| | 1/8 | 1/9 | Singapore | | 398.00 | | (3) | | | | 398.00 |
| | 1/9 | 1/11 | Australia | | 1,221.65 | | (3) | | | | 1,221.65 |
| | 1/11 | 1/13 | New Zealand | | 700.50 | | (3) | | | | 700.50 |
| Hon. Ed Pastor | 1/7 | 1/8 | China | | 639.80 | | (3) | | | | 639.80 |
| | 1/8 | 1/9 | Singapore | | 398.00 | | (3) | | | | 398.00 |
| | 1/9 | 1/11 | Australia | | 1,221.65 | | (3) | | | | 1,221.65 |
| | 1/11 | 1/13 | New Zealand | | 700.50 | | (3) | | | | 700.50 |
| Hon. Zach Wamp | 1/7 | 1/8 | China | | 639.80 | | (3) | | | | 639.80 |
| | 1/8 | 1/9 | Singapore | | 398.00 | | (3) | | | | 398.00 |
| | 1/9 | 1/11 | Australia | | 1,221.65 | | (3) | | | | 1,221.65 |
| | 1/11 | 1/13 | New Zealand | | 700.50 | | (3) | | | | 700.50 |
| Hon. Henry Brown | 1/7 | 1/8 | China | | 639.80 | | (3) | | | | 639.00 |
| | 1/8 | 1/9 | Singapore | | 398.00 | | (3) | | | | 398.00 |
| | 1/9 | 1/11 | Australia | | 1,221.65 | | (3) | | | | 1,221.65 |
| | 1/11 | 1/13 | New Zealand | | 700.50 | | (3) | | | | 700.50 |
| Hon. G.K. Butterfield | 1/7 | 1/8 | China | | 639.80 | | (3) | | | | 639.80 |
| | 1/8 | 1/9 | Singapore | | 398.00 | | (3) | | | | 398.00 |
| | 1/9 | 1/11 | Australia | | 1,140.33 | | (3) | | | | 1,140.33 |
| | 1/11 | 1/13 | New Zealand | | 700.50 | | (3) | | | | 700.50 |

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CHINA, SINGAPORE, AUSTRALIA AND NEW ZEALAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 5 AND JAN. 14, 2008—Continued

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Sarah Birch | 1/7 | 1/8 | China | | 639.80 | | (3) | | | | 639.80 |
| | 1/8 | 1/9 | Singapore | | 398.00 | | (3) | | | | 398.00 |
| | 1/9 | 1/11 | Australia | | 1,140.33 | | (3) | | | | 1,140.33 |
| | 1/11 | 1/13 | New Zealand | | 700.50 | | (3) | | | | 700.50 |
| Jaime Harrison | 1/7 | 1/8 | China | | 639.80 | | (3) | | | | 639.80 |
| | 1/8 | 1/9 | Singapore | | 398.00 | | (3) | | | | 398.00 |
| | 1/9 | 1/11 | Australia | | 1,140.33 | | (3) | | | | 1,140.33 |
| | 1/11 | 1/13 | New Zealand | | 700.50 | | (3) | | | | 700.50 |
| Helen Hardin | 1/7 | 1/8 | China | | 639.80 | | (3) | | | | 639.80 |
| | 1/8 | 1/9 | Singapore | | 398.00 | | (3) | | | | 398.00 |
| | 1/9 | 1/11 | Australia | | 1,140.33 | | (3) | | | | 1,140.33 |
| | 1/11 | 1/13 | New Zealand | | 700.50 | | (3) | | | | 700.50 |
| Todd Levett | 1/7 | 1/8 | China | | 639.80 | | (3) | | | | 639.80 |
| | 1/8 | 1/9 | Singapore | | 398.00 | | (3) | | | | 398.00 |
| | 1/9 | 1/11 | Australia | | 1,140.33 | | (3) | | | | 1,140.33 |
| | 1/11 | 1/13 | New Zealand | | 700.50 | | (3) | | | | 700.50 |
| Committee total | | | | | 29,333.90 | | | | | | 29,333.90 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. JAMES E. CLYBURN, Feb. 12, 2008.

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## (AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Rick Boucher | 5/25 | 5/28 | Denmark | | 1,275.00 | | (3) | | | | 1,275.00 |
| | 5/28 | 5/31 | Germany | | 1,398.00 | | (3) | | | | 1,398.00 |
| | 5/31 | 6/3 | England | | 1,704.00 | | (3) | | | | 1,704.00 |
| Hon. Marsha Blackburn | 5/25 | 5/28 | Denmark | | 1,275.00 | | (3) | | | | 1,275.00 |
| | 5/28 | 5/31 | Germany | | 1,398.00 | | (3) | | | | 1,398.00 |
| | 5/31 | 6/3 | England | | 1,704.00 | | (3) | | | | 1,704.00 |
| Hon. Fred Upton | 5/25 | 5/28 | Denmark | | 1,275.00 | | (3) | | | | 1,275.00 |
| | 5/28 | 5/31 | Germany | | 1,398.00 | | (3) | | | | 1,398.00 |
| | 5/31 | 5/31 | Belgium | | 364.00 | | (3) | | | | 364.00 |
| | 5/31 | 6/3 | England | | 1,704.00 | | (3) | | | | 1,704.00 |
| Hon. Greg Walden | 5/25 | 5/28 | Denmark | | 1,275.00 | | (3) | | | | 1,275.00 |
| | 5/28 | 5/31 | Germany | | 1,398.00 | | (3) | | | | 1,398.00 |
| | 5/31 | 5/31 | Belgium | | | | (3) | | | | |
| | 5/31 | 6/3 | England | | 1,704.00 | | (3) | | | | 1,704.00 |
| Christopher Treanor | 5/25 | 5/28 | Denmark | | 1,275.00 | | (3) | | | | 1,275.00 |
| | 5/28 | 5/31 | Germany | | 1,398.00 | | (3) | | | | 1,398.00 |
| | 5/31 | 6/3 | England | | 1,704.00 | | (3) | | | | 1,704.00 |
| Laura Vaught | 5/25 | 5/28 | Denmark | | 1,275.00 | | (3) | | | | 1,275.00 |
| | 5/28 | 5/31 | Germany | | 1,398.00 | | (3) | | | | 1,398.00 |
| | 5/31 | 6/3 | England | | 1,704.00 | | (3) | | | | 1,704.00 |
| Clarence Albright | 5/25 | 5/28 | Denmark | | 1,275.00 | | (3) | | | | 1,275.00 |
| | 5/28 | 5/31 | Germany | | 1,398.00 | | (3) | | | | 1,398.00 |
| | 5/31 | 5/31 | Belgium | | | | (3) | | | | |
| | 5/31 | 6/3 | England | | 1,704.00 | | (3) | | | | 1,704.00 |
| Committee total | | | | | 31,003.00 | | | | | | 31,003.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. JOHN D. DINGELL, Chairman, Feb. 7, 2008.

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## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Melissa Bean | 11/3 | 11/3 | Kuwait | | | | (3) | | | | |
| | 11/3 | 11/4 | Iraq | | | | (3) | | | | |
| | 11/4 | 11/5 | Germany | | 348.00 | | (3) | | | | 348.00 |
| Hon. John Campbell | 11/2 | 11/5 | Italy | | 2,425.00 | | (3) | | | | 2,425.00 |
| David Smith | 11/11 | 11/13 | France | | 300.00 | | 825.75 | | | | 1,125.75 |
| Eric Edwards | 11/25 | 11/30 | China | | 697.00 | | 9,998.34 | | | | 10,695.34 |
| Michael Paese | 11/26 | 12/1 | China | | 697.00 | | 10,018.34 | | | | 10,715.34 |
| Ricardo Delfin | 11/26 | 12/1 | China | | 697.00 | | 10,018.34 | | | | 10,715.34 |
| Tallman Johnson | 11/26 | 11/30 | China | | 697.00 | | 10,043.34 | | | | 10,740.34 |
| David Oxner | 11/26 | 12/3 | China | | 697.00 | | 9,181.59 | | | | 9,878.59 |
| Peter Roberson | 11/26 | 11/30 | China | | 697.00 | | 10,018.34 | | | | 10,715.34 |
| Scott Morris | 11/26 | 11/30 | China | | 697.00 | | 10,018.34 | | | | 10,715.34 |
| Hon. Dennis Moore | 11/27 | 11/29 | Greece | | 396.00 | | (3) | | | | 396.00 |
| | 11/29 | 12/1 | Cyprus | | 788.00 | | (3) | | | | 788.00 |
| | 12/1 | 12/2 | France | | 228.00 | | (3) | | | | 228.00 |
| Hon. Michele Bachmann | 12/23 | 12/23 | Ireland | | | | (3) | | | | |
| | 12/23 | 12/24 | Kuwait | | 155.00 | | (3) | | | | 155.00 |
| | 12/24 | 12/25 | Iraq | | | | (3) | | | | |
| | 12/25 | 12/26 | Kuwait | | | | 4,042.15 | | | | 4,042.15 |
| Committee total | | | | | 9,519.00 | | 74,164.53 | | | | 83,683.53 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. BARNEY FRANK, Chairman, Feb. 1, 2008.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Jean Fruci | 11/11 | 11/19 | Spain | | 2,019.00 | | [4] 1,854.33 | | | | 3,873.33 |
| Dan Pearson | 11/12 | 11/18 | Spain | | 1,855.00 | | [4] 1,199.33 | | | | 3,054.33 |
| Tara Rothschild | 11/12 | 11/17 | Spain | | 1,620.00 | | [4] 5,354.24 | | | | 6,974.24 |
| Hon. Laura Richardson | 11/23 | 11/24 | Germany | | 170.00 | | (4) | | | | 170.00 |
| | 11/25 | 11/27 | Oman | | 386.00 | | 5,760.19 | | | | 6,146.19 |
| | 11/27 | 11/29 | UAEA | | 348.00 | | (4) | | | | 348.00 |
| Hon. Brian Baird | 11/30 | 12/2 | Jordan | | 275.00 | | (3) | | | | 275.00 |
| James Turner | 12/16 | 12/22 | India | | 970.00 | | [4] 8,358.98 | | | | 9,328.98 |
| Chris King | 12/6 | 12/16 | Indonesia | | 1,827.00 | | [4] 7,088.70 | | | | 8,915.70 |
| Tara Rothschild | 12/6 | 12/15 | Indonesia | | 1,827.00 | | [4] 7,785.70 | | | | 9,612.70 |
| Bart Forsyth | 12/6 | 12/7 | Singapore | | 254.00 | | [4] 10,172.70 | | | | 10,426.70 |
| | 12/7 | 12/14 | Indonesia | | 1,274.00 | | | | | | 1,274.00 |
| Committee total | | | | | 12,825.00 | | 47,574.17 | | | | 60,399.17 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial air transportation.
[4] Military air transportation.

HON. BART GORDON, Chairman, Feb. 5, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Ted Zegers | 11/26 | 11/29 | Haiti | | 692.00 | | 1,756.20 | | | | 2,448.20 |
| Hon. Jim McDermott | 11/28 | 12/1 | Philippines | | 1,175.00 | | 7,390.70 | | | | 8,565.70 |
| Hon. Earl Pomeroy | 11/30 | 12/1 | Jordan | | 104.00 | | 6,837.13 | | | | 6,941.13 |
| | 12/2 | 12/3 | Iraq | | | | | | | | |
| | 12/3 | 12/3 | Kuwait | | 155.00 | | 3,758.67 | | | | 3,913.67 |
| Hon. Ron Kind | 11/30 | 12/1 | Jordan | | 104.00 | | 6,791.13 | | | | 6,895.13 |
| | 12/2 | 12/3 | Iraq | | | | | | | | |
| | 12/3 | 12/3 | Kuwait | | 155.00 | | 5,375.67 | | | | 5,530.67 |
| Timothy Reif | 12/9 | 12/12 | Switzerland | | 414.00 | | 8,738.57 | | | | 9,152.57 |
| Jennifer McCadney | 12/8 | 12/12 | Switzerland | | 621.00 | | 7,637.90 | | | | 8,258.90 |
| Angela Ellard | 12/8 | 12/12 | Switzerland | | 621.00 | | 9,088.36 | | | | 9,709.36 |
| William Thomas | 12/8 | 12/12 | Switzerland | | 621.00 | | 7,627.36 | | | | 8,248.36 |
| Alexander Perkins | 12/8 | 12/13 | Switzerland | | 828.00 | | 7,627.36 | | | | 8,455.36 |
| Evan Alexander | 12/8 | 12/13 | Switzerland | | 828.00 | | 7,627.36 | | | | 8,455.36 |
| Hon. Phil English | 12/15 | 12/16 | Kuwait | | 278.00 | | | | | | 278.00 |
| | 12/16 | 12/17 | Iraq | | | | | | | | |
| Committee total | | | | | 6,596.00 | | 80,256.41 | | | | 86,852.41 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES B. RANGEL, Chairman, Feb. 28, 2008.

## EXECUTIVE COMMUNICATIONS, ETC.

**Under clause 2 of rule XII, executive communications were taken from the Speaker's table and referred as follows:**

5545. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

5546. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Atwater, CA [Docket No. FAA-2007-28139; Airspace Docket No. 07-AWP-3] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5547. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Castle Airport, Atwater, CA [Docket No. FAA-2006-25671; Airspace Docket No. 07-AWP-3] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5548. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Springfield, CO [Docket No. FAA-2007-27430; Airspace Docket No. 07-ANM-4] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5549. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airways 363; CA [Docket No. FAA-2005-20551; Airspace Docket No. 04-AWP-8] (RIN: 2120-AA66) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5550. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendments to Class E Airspace; Helena, MT [Docket No. FAA-2007-28400; Airspace Docket No. 07-ANM-11] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5551. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mooresville, NC. [Docket No. FAA-2007-28366; Airspace Docket No. 07-ASO-11] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5552. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Poplar Bluff, MO. [Docket No. FAA-2007-28773; Airspace Docket No. 07-ACE-9] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5553. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace, Revision of Class E Airspace; Easton, MD [Docket No. FAA-2007-28601; Airspace Docket No. 07-AEA-02] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5554. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Montrose, PA. [Docket No. FAA-2007-0165; Airspace Docket No. 07-AEA-11] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5555. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Honesdale, PA. [Docket No. FAA-2007-0153; Airspace Docket No. 07-AEA-12] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5556. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; McGrath, AK [Docket No. FAA-2007-29012; Airspace Docket No. 07-AAL-15] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5557. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Soldotna, AK [Docket No. FAA-2007-29100; Airspace Docket No. 07-AAL-16] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5558. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewiston, ME. [Docket No. FAA-2007-0245; Airspace Docket No. 07-ANE-95] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5559. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Skowhegan, ME [Docket No. FAA-2007-0244; Airspace Docket No. 07-ANE-94] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5560. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Farmington, ME [Docket No. FAA-2007-0243; Airspace Docket No. 07-ANE-93] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5561. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Selawik, AK [Docket No. FAA-2007-27998; Airspace Docket No. 07-AAL-05] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5562. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Buckland, AK [Docket No. FAA-2007-29009; Airspace Docket No. 07-AAL-12] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5563. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Chevak, AK [Docket No. FAA-2007-29010; Airspace Docket No. 07-AAL-13] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5564. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class D and E Airspace; Kenai, AK [Docket No. FAA-2007-29011; Airspace Docket No. 07-AAL-14] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5565. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2002-2005, pursuant to Public Law 105-89, section 203(a); to the Committee on Ways and Means.

5566. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Reauthorization of the Temporary Assistance for Needy Families (TANF) Program (RIN: 0970-xxxx) received January 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5567. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting the FY 2007 Annual Report of the Christopher Columbus Fellowship Foundation, pursuant to Public Law 102-281, section 429(b) (106 Stat. 145); jointly to the Committees on Financial Services and Science and Technology.

5568. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report entitled, "2007 Report to Congress on Foreign Direct Investment in the United States from Countries that Boycott Israel or That Do Not Ban U.S.-Designated Foreign Terrorist Organizations," pursuant to Section 7(c) of the Foreign Investment and National Security Act of 2007; jointly to the Committees on Foreign Affairs, Financial Services, and Energy and Commerce.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Mr. BUYER:

H.R. 5509. A bill to amend titles 10 and 38, United States Code, to improve and enhance procedures for the retirement of members of the Armed Forces for disability and to improve and enhance authorities for the rating and compensation of service-connected disabilities in veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of Ohio:

H.R. 5510. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. LAMBORN (for himself and Mr. UDALL of Colorado):

H.R. 5511. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. SPACE (for himself, Mr. GUTIERREZ, and Mr. FRANK of Massachusetts):

H.R. 5512. A bill to authorize the Secretary of the Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes; to the Committee on Financial Services.

By Mrs. BLACKBURN (for herself, Mrs. SCHMIDT, Mr. SHADEGG, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. COBLE, Ms. FALLIN, Mr. SESSIONS, and Mr. MCHENRY):

H.R. 5513. A bill to reduce youth usage of tobacco products, to enhance State efforts to eliminate retail sales of tobacco products to minors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CANNON:

H.R. 5514. A bill to amend title 28, United States Code, to limit Federal court jurisdiction over State laws restricting pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself, Mr. LEWIS of Kentucky, Mr. BRADY of Texas, and Mr. RYAN of Wisconsin):

H.R. 5515. A bill to amend the Social Security Act to prevent unauthorized earnings from being credited toward benefits under title II of such Act and to make improvements in provisions governing totalization agreements, to amend the Social Security Act and the Immigration and Nationality Act to prevent unauthorized employment, and to improve coordination of the provisions of such Acts, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Education and Labor, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. PLATTS):

H.R. 5516. A bill to increase Federal Pell Grants for the children of fallen police officers, firefighters, and other first responders; to the Committee on Education and Labor.

By Mr. POE (for himself, Mr. HINOJOSA, Mr. GONZALEZ, Mr. MCCAUL of Texas, Mr. GOHMERT, Mr. MARCHANT, Mr. SMITH of Texas, Mr. CONAWAY, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Ms. GRANGER, Mr. DOGGETT, Mr. SAM JOHNSON of Texas, Mr. EDWARDS, Mr. CARTER, Mr. ORTIZ, Mr. HENSARLING, Mr. BRADY of Texas, Mr. CULBERSON, Mr. CUELLAR, Mr. REYES, Mr. LAMPSON, Mr. NEUGEBAUER, Mr. THORNBERRY, Mr. AL GREEN of Texas, Mr. PAUL, Mr. BURGESS, Mr. SESSIONS, Mr. BARTON of Texas, Mr. RODRIGUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas):

H.R. 5517. A bill to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office"; to the Committee on Oversight and Government Reform.

By Mr. UDALL of New Mexico:

H.R. 5518. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe; to the Committee on Agriculture.

By Mr. BLUMENAUER (for himself and Mr. OBERSTAR):

H. Con. Res. 305. Concurrent resolution recognizing the importance of bicycling in transportation and recreation; to the Committee on Transportation and Infrastructure.

By Mr. RAHALL (for himself and Mr. MOLLOHAN):

H. Res. 1006. A resolution supporting the goals and ideals of a National Miner's Day to celebrate and honor the contributions of miners and encouraging the people of the United States to participate in local and National activities celebrating and honoring the contributions of miners; to the Committee on Education and Labor.

By Mr. MANZULLO (for himself, Mrs. BIGGERT, Mr. SHIMKUS, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. ROSKAM, Ms. BEAN, Mr. RUSH, Mr. LIPINSKI, Mr. BRALEY of Iowa, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. KIRK, Mr. COSTELLO, Mr. JOHNSON of Illinois, Mr. HARE, Mr. LAMBORN, Mr. WELLER, Ms. MCCOLLUM of Minnesota, Mr. LAHOOD, Ms. SUTTON, Mr. JACKSON of Illinois, and Ms. HARMAN):

H. Res. 1007. A resolution expressing the condolences of the House to those affected by the devastating shooting incident of February 14, 2008, at Northern Illinois University in DeKalb, Illinois; to the Committee on Education and Labor.

By Mr. KIRK (for himself, Mr. ANDREWS, Mr. WILSON of South Carolina, Mr. WEXLER, Mr. WOLF, Mr. CANTOR, and Mr. MCNULTY):

H. Res. 1008. A resolution condemning the persecution of Baha'is in Iran; to the Committee on Foreign Affairs.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. REICHERT, Mr. ROGERS of Alabama, Mr. ETHERIDGE, Mr. RUPPERSBERGER, and Mr. KELLER):

H. Res. 1009. A resolution recognizing school resource officers and their crucial role in keeping America's students, teachers, and administrators safe; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY (for himself and Mr. FEENEY):

H. Res. 1010. A resolution recognizing the importance of manufactured housing in the United States; to the Committee on Financial Services.

By Mr. WOLF (for himself and Mr. PAYNE):

H. Res. 1011. A resolution calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 3 of rule XII,

239. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 24 urging the President of the United States to agree to an economy-wide reduction in its greenhouse gas emissions and to commit the United States to a binding international treaty that would result in a significant and rapid global reduction in atmospheric greenhouse gas concentration; to the Committee on Foreign Affairs.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. SALI.

H.R. 197: Mr. THORNBERRY.

H.R. 211: Mr. MOORE of Kansas.

H.R. 370: Mr. MCCOTTER.

H.R. 706: Ms. WATERS.

H.R. 1014: Mr. CALVERT, Mr. SPACE, and Mr. PASCRELL.

H.R. 1076: Mrs. DRAKE and Mr. GRAVES.

H.R. 1283: Mr. CULBERSON and Mr. HILL.

H.R. 1419: Mr. COHEN and Mr. BURGESS.

H.R. 1422: Mr. SHAYS.

H.R. 1436: Mr. HAYES.

H.R. 1439: Mrs. CHRISTENSEN.

H.R. 1552: Mr. SALI.

H.R. 1554: Mr. SHUSTER.

H.R. 1584: Mr. PETRI and Mr. BUTTERFIELD.

H.R. 1589: Mr. ROHRABACHER.

H.R. 1610: Mr. HASTINGS of Florida, Ms. GIFFORDS, Mr. SALI, and Mr. TOM DAVIS of Virginia.

H.R. 1629: Mr. WALBERG, Mr. MCCOTTER, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1761: Ms. GRANGER.

H.R. 1767: Mr. PLATTS, Mr. SMITH of Nebraska, Mr. BOSWELL, Mr. ROGERS of Alabama, Mr WESTMORELAND, Mr. CONAWAY, and Mr. BOOZMAN.

H.R. 1820: Mr. CROWLEY, Mr. DOYLE, Mr. EMANUEL, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, and Ms. NORTON.

H.R. 1845: Mrs. MYRICK and Mr. HAYES.

H.R. 1850: Mr. RANGEL.

H.R. 1954: Mr. MATHESON.

H.R. 2040: Mr. BOUCHER, Ms. GIFFORDS, Ms. SLAUGHTER, Mr. STUPAK, Mr. KLEIN of Florida, Mr. MCINTYRE, Mr. HOYER, and Mr. JACKSON of Illinois.

H.R. 2060: Mr. EHLERS.

H.R. 2221: Ms. RICHARDSON.

H.R. 2303: Mr. ETHERIDGE, Mrs. BONO MACK, and Mr. COBLE.

H.R. 2370: Mr. BARROW and Mrs. TAUSCHER.

H.R. 2549: Mr. KLEIN of Florida.

H.R. 2577: Ms. GRANGER.

H.R. 2588: Mr. FEENEY.

H.R. 2593: Mr. MCDERMOTT.

H.R. 2677: Mr. BOUCHER.

H.R. 2991: Mr. LAMPSON, Mr. GUTIERREZ, and Mr. MEEKS of New York.

H.R. 3453: Mr. RYAN of Ohio.

H.R. 3457: Mr. GORDON.

H.R. 3563: Mr. GORDON and Mr. ALLEN.

H.R. 3609: Mr. BERMAN, Ms. CORRINE BROWN of Florida, and Ms. SCHWARTZ.

H.R. 3646: Mrs. BONO MACK and Mr. POE.

H.R. 3652: Mr. BRADY of Pennsylvania.

H.R. 3713: Mr. WEXLER.

H.R. 3799: Mr. RUSH and Mr. FILNER.

H.R. 3817: Mr. KAGEN.

H.R. 4088: Mr. TIM MURPHY of Pennsylvania.

H.R. 4105: Mr. WILSON of Ohio.

H.R. 4236: Mr. DONNELLY and Mr. LOEBSACK.

H.R. 4248: Mr. SESTAK, Mr. GERLACH, Mr. HILL, Mr. BRADY of Pennsylvania, and Mr. PLATTS.

H.R. 4251: Ms. JACKSON-LEE of Texas.

H.R. 4264: Ms. CASTOR.

H.R. 4296: Mr. EMANUEL and Mr. GENE GREEN of Texas.

H.R. 4541: Mr. WAMP.

H.R. 4688: Mr. ELLISON and Mr. UDALL of Colorado.

H.R. 4838: Mr. VAN HOLLEN.

H.R. 4897: Mr. PAYNE, Mr. DAVIS of Illinois, and Mr. COHEN.

H.R. 5036: Mr. MATHESON, Mr. JOHNSON of Georgia, and Ms. MATSUI.

H.R. 5086: Mr. GONZALEZ.

H.R. 5110: Mr. ETHERIDGE and Mr. LOEBSACK.

H.R. 5148: Mr. WELDON of Florida, Mr. ENGLISH of Pennsylvania, Mr. MILLER of North Carolina, Mr. MILLER of Florida, Mr. POE, Mr. BARRETT of South Carolina, and Mr. VAN HOLLEN.

H.R. 5222: Mr. LATHAM, Mr. SALI, Mr. PLATTS, Mr. GOODE, Mr. CHABOT, Mr. BARRETT of South Carolina, and Mr. LUCAS.

H.R. 5223: Mr. KAGEN, Mr. SESTAK, Mr. CARNAHAN, and Mr. BOUCHER.

H.R. 5440: Mr. SIMPSON, Mr. KLINE of Minnesota, Mr. FORBES, Mr. FRANKS of Arizona, Mr. ROGERS of Kentucky, and Mr. YOUNG of Florida.

H.R. 5443: Mr. BRADY of Pennsylvania and Mr. BURTON of Indiana.

H.R. 5454: Mr. DELAHUNT, Mr. ROHRABACHER, Mr. YOUNG of Alaska, and Mr. SOUDER.

H.R. 5475: Mr. FARR.

H.R. 5506: Mr. LOBIONDO.

H. Con. Res. 40: Mr. WITTMAN of Virginia.

H. Con. Res. 138: Mr. CLAY.

H. Con. Res. 241: Mr. CLAY.

H. Con. Res. 302: Mr. ALLEN and Mr. BISHOP of Georgia.

H. Res. 18: Mr. ROGERS of Alabama.

H. Res. 105: Mrs. EMERSON and Mr. KIRK.

H. Res. 146: Mr. HIGGINS.

H. Res. 265: Mr. ABERCROMBIE and Mrs. BOYDA of Kansas.

H. Res. 353: Mr. GORDON and Mr. ALLEN.

H. Res. 356: Mr. NEAL of Massachusetts and Mr. PORTER.

H. Res. 543: Mr. STARK.

H. Res. 821: Mrs. MILLER of Michigan.

H. Res. 896: Mr. LEWIS of California and Mr. GRIJALVA.

H. Res. 958: Mr. DAVID DAVIS of Tennessee and Mr. MCCAUL of Texas.

H. Res. 965: Mr. LATTA, Mr. BLUNT, Mr. PLATTS, Mr. MACK, Mr. LINDER, Mr. BURTON of Indiana, Mr. PENCE, and Mr. POE.

H. Res. 968: Mr. CARNAHAN.

H. Res. 973: Mr. FRANK of Massachusetts, Mr. KANJORSKI, Ms. WATERS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. WATT, Mr. CAPUANO, Ms. BEAN, Mr. CLAY, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HODES, Mr. HOLT, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. MITCHELL, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. OLVER, Mr. ORTIZ, Mr. BECERRA, Mr. SHAYS, Mr. SIRES, Ms. SUTTON, and Mrs. JONES of Ohio.

H. Res. 981: Mr. KAGEN, Mr. STARK, Mr. WAXMAN, Ms. NORTON, Ms. MOORE of Wisconsin, Mrs. CHRISTENSEN, Ms. KILPATRICK, Mr. BARROW, Ms. DELAURO, Mr. MEEK of Florida, Mrs. MALONEY of New York, and Mr. WU.

H. Res. 995: Mr. MEEK of Florida, Ms. CASTOR, Mr. MCHENRY, Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Mr. ALEXANDER, Mr. ANDREWS, Mr. GINGREY, Mr. SALI, and Mr. WELLER.

# SENATE—*Thursday, February 28, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. J. Wayne Pratt from the Wooddale & Paradise Valley Charge, Scotrun, PA.

## PRAYER

The guest Chaplain offered the following prayer:

Let us pray:

God, by whatever name we choose to call You, we thank You for this day and all its welcome opportunities to serve You in the conduct of this great Nation. We thank You for this assembled body of dedicated men and women in their quest for peace, justice, equality, and freedom for all.

You rejoice delightedly in our good intentions and honest deliberations and forgive us freely when we fail to see the common good or lose focus in our labors. We pray that You will continue to guide and direct our work, that it may bring glory to You and perhaps be a model for others to follow.

Send Your gracious blessing upon these Senators and all our leaders at every level. Share with them and with us Your gifts of diligence, integrity, and concern for the welfare of others so that injustice, divisiveness, and thoughtless or selfish acts may be vanquished. Help us to create a sense of peace and harmony that will prevail throughout this Nation and beyond its borders.

In all things, O God, we give You thanks. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 28, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, there will be a period of morning business for up to 1 hour, with the majority controlling the first half and the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 2634, a bill to require a report setting forth the global strategy of the United States to combat and defeat al-Qaida and its affiliates.

Mr. President, procedurally, we are in a situation where we have asked to be able to legislate on a piece of legislation dealing with the President and those in his Cabinet sending to us reports on what is happening in the global war on terror. What has happened is what has happened now for more than a year, where the minority is not allowing us to go to that legislation.

We have a situation where we want to move to a piece of legislation. Procedurally, there has been in the Senate for many decades a provision that if we want to move to a piece of legislation and someone objects, the only thing we can do is file cloture on it. We did that. Cloture has been invoked. But now we are leading up to 30 hours. We had 30 hours on the original matter calling for a timeline for changing the course of the war in Iraq, and that was 30 hours we used. Now we are going to do it on this legislation.

It is really too bad we are wasting time rather than getting to the legislation, but that is the way it is. And we, as a very slim majority, have come to accept that.

## IRAQ

Mr. REID. Mr. President, it is another day in Iraq and another $400 million. One only need look at the Washington Post, as I did yesterday, to see what is happening in Iraq. Front page: "Sunni Forces Losing Patience With U.S." And it goes on to say how hundreds and hundreds of these Sunnis, who were helping us, have gone home.

Now, Mr. President, the Sunnis, even before Saddam Hussein, controlled Iraq. They are a minority, but they have controlled Iraq for generations. Now the Shias control Iraq, and the Sunnis, as we all know, are trying to make a comeback. This should cause everyone some concern.

Also, if you look a little bit further in the newspaper, go over to page 12, you will see another story dealing with Iraq. "Iraq Leaders Veto Law on Elections." We have been trying, and in fact it was the purpose of the surge, to bring about some ability in the Iraqis to take over the Government themselves, and they passed 4 pieces of legislation of the 18 that they were supposed to pass. Everyone said at the time they passed they thought basically they were for show. And, obviously, the one calling for elections, which was one of the four, in fact, that has taken place; the Iraqi leaders vetoed the bill on elections. There still could be elections in the fall, but right now they are going to have to do new legislation. So now we are down to 3 out of the 18.

During the month of July, more than one American was being killed per day. We are now at 30 on the 28th day of February. Yesterday, one of my Republican friends, one of the leaders, said the Democrats are in denial. "It's almost as if they are sorry things have gotten better."

Mr. President, all Americans are glad for any American or Iraqi life saved. But unlike the minority, which spent 6 years ignoring the warning signs and following the President's policies in lockstep, Democrats are clear-headed about where this war has been, where it stands today, and what we must do to change course and make our country safer.

Mr. President, last night, I think it was about 7:30 or 8 o'clock, I went back to my office, and there was a man waiting there, one of the Capitol guides. As disabled and wounded Iraqi veterans come through, he brings them by, and if I am in my office, I am always happy to say hello to these wounded veterans. Burt is the tour guide, and my office is just off the Senate floor, so it is fairly easy for them to bring them by.

Last night was a remarkable night. I have met probably 50 of these veterans whom Burt brings around. Last night, a 22-year-old man from Missouri by the name of Matthew McGuire came by. He was there with his girlfriend, his wife to be.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I said: How are you doing?

He said: I'm OK.

He was standing. He was unstable. He had a cane that held him up.

I said: Why don't you sit down, and we will talk a bit.

I said: How long were you in Iraq before you got hurt?

He said: Well, I was there for 6 months.

Five times in that 6-month period, Mr. President, he suffered attacks. Once he was on foot patrol, and he was knocked down by a bomb. One time he was a gunner on a vehicle and was knocked off that. He has all of his limbs. But last month, in January, in one 24-hour period, he had 37 seizures. And I told him about Senator JOHNSON and said: I wish Senator JOHNSON were here.

I talked about Senator JOHNSON being in a coma for the period he was and how much he had improved and that he can now walk on his own and speak 95 percent of how he was able to. I had a picture taken with him; sat and gave them both a hug and kissed her on the cheek. It was really a dramatic night when this young man was telling me that in one 24-hour period he had 37 seizures.

It is one thing to talk about almost 4,000 Americans being killed and 30,000 being wounded, and another when you talk to one of these heroic young men and women. I told him I so appreciated his service to our country and that we are going to do everything we can to make sure the sacrifice he made is not in vain. But these are more than just statistics. These are people. And Matthew McGuire is a person who has been hurt extremely bad. His life will never be the same.

I said: Have you been diagnosed with post-traumatic stress disorder? And he said, yes. But in addition to that, he has brain damage, as indicated by the 37 seizures he had in one 24-hour period. He is only 1 of the 30,000 who have been wounded in a war that is stretching our military to a breaking point.

There is going to be testimony in the Joint Economic Committee today by Nobel Prize winning economist Stiglitz. Mr. Stiglitz has written a book that will come out in about 10 days called "The $3 Trillion War." This is a Nobel Prize winning economist who has had access to Pentagon records, and he has written how this war has cost and will cost at least $3 trillion.

General Powell said last year that the Army is about broken, and that is a quote. The day before yesterday, General Casey, Chief of Staff of the Army, confirmed what Powell said a year ago, when Casey said:

> The demand for our forces exceeds sustainable supply.

Admiral Fallen and Admiral Mullin agree that concerns about our troop commitment to Iraq may limit our ability to address other global challenges. So we have to take seriously the concerns of General Casey, General Powell, Admiral Fallen, Admiral Mullin, and countless other military leaders and foreign policy experts.

It is time that we understand the sacrifices made by our valiant, heroic military have come at a time when they have done what they needed to do, and we have to get them home. Four hundred million dollars a day. I repeat what I have said a couple times in the last 2 days, Mr. President. The Iraqis believe they have the most significant oil reserves in the world. Everybody recognizes they have the second largest oil reserves in the world. They think they have the largest oil reserves in the world. It is a wealthy nation, and they should take care of their own.

I think what we have talked about is that there should be a force left there of American troops to take care of any counterterrorism activities that need to go forth, and we should have limited training of Iraqis. We have trained almost a half million now, 430,000. And, of course, we have to protect whatever assets we have there. It is a situation that calls for a conclusion.

As I said yesterday, when is enough enough? I think this debate has been good. I think we need to have more in-depth discussions on a Federal program that is costing us more than $400 million a day. I think we have spent 2 days on this, and I believe that is not adequate, but we will be back. The President has asked for another, I think, about $120 billion more to the end of this fiscal year for the war in Iraq, and there will be more discussion at that time. I think we will wait until somewhere late in April to take that up. But the time is coming when we will discuss this in more detail.

I appreciate the good nature of the debate. We just disagree. The Republicans think everything is fine; we don't.

It has been a very positive, in my mind, debate. It has been a civilized debate. I think the American people have been served well by this debate we have had the last couple days.

I would say on the schedule, I am working with the Republican leader to find out when he feels it would be appropriate to have a vote. We are waiting for him. I will visit with him later today.

The ACTING PRESIDENT pro tempore. The Republican whip.

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## IRAQ AND FISA

Mr. KYL. Mr. President, for the benefit of our colleagues, I will summarize where we are this morning as well. The majority leader and the Senator from Wisconsin offered a resolution, a piece of legislation, and sought to proceed to consider it. Republicans agreed to that. We voted last night to invoke cloture, which means we agreed to proceed to the consideration of that resolution.

It has to do with developing a strategy to deal with al-Qaida. It is, as the majority leader said, a debate worth having. As a result, Republicans were happy to engage in that debate and we will throughout the day.

After the period of morning business, we are back on the resolution. I would urge my Republican colleagues to let us know, let the leadership staff know, when they wish to be here to speak on the matter so the schedules can be coordinated, that everyone can debate the issue as they see fit, and that the minority and majority leader a little later in the day can get together and decide when we might be able to schedule the next vote based upon everyone's desire to speak. So if our colleagues would let us know when they desire to come and make their presentations, that would be very helpful.

I would like to correct one thing the majority leader said, in saying Republicans think everything in Iraq is "just fine." I know he did not mean to suggest Republicans believe the situation in Iraq is "just fine." Because clearly it is not. If it were, we could bring our troops home today.

Unfortunately, it is not "just fine," although it is steadily improving. And when it gets to the point when it is "just fine," we will be able then to bring the remainder of our troops home. The primary difference between the majority and minority is the majority would like to bring the troops home right now. "Enough is enough," says the majority leader.

The Republicans, on the other hand, believe we have to finish the job. And while great progress has been made as a result of the surge implemented by General Petraeus several months ago, the job is not finished. And until the job is finished, there is a great danger that were we to pull out prematurely, al-Qaida, not totally defeated, would infiltrate right back in, reestablish its presence, begin the terrorism which has taken us so many months now to repress, and that we would have to then come right back in again, all at a greater cost than if we simply see the job through right now.

It is possible every day to have a headline from a newspaper revealing a suicide bomber attack or some other incident similar to that in Iraq. That is the unfortunate reality. Everything is not yet "just fine" in Iraq. But it is also true that because the surge has worked to essentially defeat al-Qaida, it has now resorted to the most reprehensible tactics of all: using women, children, the disabled as suicide bombers to go into places where those people are not suspects and they can blow up innocent people in Iraq.

That is the situation we need to help stop, not turn our back and walk away from. It is also true many Iraqis have now been trained by our forces. That is the good news that will enable us eventually, hopefully sooner rather than later, to withdraw our troops from Iraq. We are withdrawing them now.

We will, by June as I recall, be down to a level that is very close to the level that existed prior to the surge. We will be able to do that because the surge has worked. What happens after that, we will await a report from General Petraeus when he comes back to the Capitol and briefs us on the situation in Iraq.

In the meantime, Ambassador Crocker and others have noted significant progress on the political and diplomatic front as well as the economic front in Iraq. The Parliament there is now engaging in vigorous debate, passing resolutions. I note that one was vetoed yesterday. It kind of reminds me of the process in Washington, where we do not always agree on everything and we have a robust debate about it.

We should not be critical of the Iraqis because they cannot agree always on everything, but we should continue to push them to move forward with alacrity, so the things that need to be done politically to enable us to eventually remove our troops can be done. I know we all, Republicans and Democrats, share that goal.

So the bottom line is, we will continue this debate today. I would conclude with this point: One of the important reasons for having this debate today about a strategy for dealing with al-Qaida is because there is a difference of opinion between the House of Representatives' leadership and the Senate on this issue.

The Senate voted with 68 Senators, Democrats and Republicans, to reinstitute FISA, the law that enables us to gather intelligence on these terrorists abroad. That law had to be reauthorized because it expired 6 months after we first passed it.

So we had to reauthorize it and make one additional change; that is, to make sure the telecommunications companies that are cooperating with us are protected from lawsuits that have been filed against them simply for their participation with the U.S. Government in collecting this foreign intelligence.

Without that liability protection, they are not likely to continue to help us. So we made that change. It was recommended by the Intelligence Committee on a vote of 13 to 2, a very bipartisan recommendation. The Senate then passed it with 68 affirmative votes. It went to the House of Representatives and there it sits. It sits without a law in force today that enables us to begin new intelligence surveillance activities against terrorists abroad.

This represents a deficiency in our intelligence gathering at a time when as both Admiral McConnell, the Director of National Intelligence, and Attorney General Mukasey have noted that we are losing intelligence every day that would help us in the war against these terrorists.

Every day that goes past that we cannot intercept a communication because the law has not been reauthorized is a day of lost intelligence, intelligence we will never get back. The terrorists are not going to make the phone call a second or third time to accommodate us so we can finally collect the intelligence we need, so we can find out who he is calling and what they are planning. We cannot do that.

So phone calls that occurred yesterday or the day before or the day before that, they are gone, they are lost forever. It is critical we reestablish this capability for collecting foreign intelligence on terrorists.

The legislation passed by the Senate will do that. The President says he will sign it into law, and it is critical that the House of Representatives' leadership allow the House of Representatives to vote on it. If they do, it will pass and it can be sent to the President and it will be signed.

The reason, I gather, it has not been brought forth is because the leadership of the House knows it will pass and, for whatever reason, they do not want this Senate-passed bill to become law.

It is critical the Congress fulfill its responsibility to ensure that our intelligence-gathering capabilities continue on. I would urge again that the best strategy for dealing with al-Qaida starts with authorizing the kind of intelligence collection that we understand is critical to understanding al-Qaida's intentions and thus being able to defeat them.

So in developing a strategy for al-Qaida, No. 1, the House of Representatives' leadership should bring this legislation up for a vote, allow those who support it to send it to the President for his signature, and we can get on with this important collection.

I urge my colleagues to come to the floor and let us know when they wish to speak so we can organize the debate today with an eye toward the minority and majority leader being able to get together and work out a time schedule that would be acceptable to all of us.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

## VETERANS CARE

Mrs. MURRAY. Mr. President, our servicemembers in Iraq are fighting under incredibly stressful conditions each and every day. We are on the floor today talking about an Iraq resolution. We are focused on the war or the surge. I wish to talk today about the soldiers themselves who are called on. Many of them, as we know, have come home with terrible injuries that need specialized care. Yet there are too many examples that show today the Bush administration was caught unprepared to take care of these men and women when they have come home.

So as we continue to talk about Iraq, I think it is important we also talk about the toll that this war is taking on our troops and our veterans. I wish to focus today on the need to ensure that our injured servicemembers and veterans can get the care they need and deserve by reminding all of us what happened in the last year and how much we still have to do.

A year ago this month, the Washington Post published a story that uncovered the depth of the problems facing our servicemembers who were being treated at Walter Reed Army Medical Center. The Post reported then that servicemembers were living in rooms with moldy walls and broken ceilings while they waited, waited to get care. The Post found that many of our servicemembers and their families felt trapped at the time in a bureaucratic catch-22 as they fought to get the disability benefits they had earned.

The news of the extent of the squalid conditions was a watershed moment in the care of our military men and women. It focused the attention of the American people on the needs and treatment of our injured servicemembers and veterans. It put a spotlight on the frustrating redtape that was facing servicemembers as they transitioned out of the military and into the VA.

I am very proud that Congress, led by the Democratic majority, moved quickly to investigate the problems, not just at Walter Reed but throughout the military and VA systems to take that action.

Shortly after the Washington Post story ran, the Democratic leaders went to Walter Reed and met with our injured servicemembers. The Veterans' Affairs Committee and the Armed Services Committee joined in a historic partnership to address the problems we saw there and at military and VA facilities across the entire country.

Many of us have continued to go to Walter Reed and other facilities on a regular basis, as we had even before those stories ran. In fact, I was up at Walter Reed a short time ago to tour the mental health ward and learn about what efforts are being made to decrease the stigma attached to mental health care and to help improve care.

As a result of the action we took, our country has made a lot of changes in its care for our servicemembers and our veterans. One of the most significant was the Wounded Warriors Act, which was included in last year's Defense authorization bill.

With the Wounded Warriors Act, we laid out a clear path, directing the Defense Department and the VA to address the shortfalls in the care of our injured servicemembers. So a year after the Walter Reed report, we required the Defense Department and the VA to work together to develop a comprehensive plan to prevent, treat, and diagnose traumatic brain injury and post-traumatic stress syndrome, and we directed the Defense Department to create Centers of Excellence for TBI and PTSD to improve our understanding of these devastating injuries that were impacting our soldiers.

We are addressing the frustrating bureaucracy with which our troops have struggled. We have now directed the VA and the Defense Department to develop a joint electronic health care record. And we are requiring the military and the VA to work together, finally, on disability ratings.

The Defense Department is investing in new technology, more equipment, and state-of-the-art treatment to better care for injured soldiers. Walter Reed and facilities across the entire country are making similar improvements. In fact, in my home State of Washington, Fort Lewis has taken great strides in its treatment of wounded servicemembers who are recovering there. In one example, leaders there are working very hard now to help our servicemembers and, critically, their families understand the benefits available to them.

I am optimistic the action we took is changing the way our military and the VA operates. But as I stand on the floor today, I must tell you we have a lot of work left to be done. Yesterday, the GAO reported to Congress the Army has significantly improved its support for servicemembers at Walter Reed and our military hospitals.

According to the Washington Post this morning, there is an article today: Army officials say they have transformed the way they care for soldiers and their families.

But the GAO also said, as has been reported this morning, there are still shortages of staff and other gaps we have to address. In fact, one-third of warrior transition units are still understaffed. And that, to me, raises concerns about the progress of a streamlined disability ranking system.

We still have a long ways to go to provide our servicemembers with the care they deserve. And some of these changes are actually going to require a cultural transformation within the military. We have to keep our eye on the ball.

I got a personal reminder of this when I reconnected recently with Army retired SPC Rory Dunn. He is an amazing young man who comes from my home State and lives in Renton, WA. Rory was horribly injured when his humvee was hit by a roadside bomb outside Fallujah in 2004. When I first saw Rory, he was in front of me with his entire skull crushed in, his head crushed from ear to ear. He lost an eye. He lost his sense of smell. He lost much of his hearing. He still today, in fact, has shrapnel in his brain. Rory, sitting in front of me, had visibly sacrificed for our country, nearly losing his life several times as he was moved from Fallujah to Germany and finally to Walter Reed. When he got to the United States, he was sent to Walter Reed, and there the Army tried to discharge him before he completely had recovered.

He and his mother have struggled to help make sure he gets the benefits he needs, not just that, the lack of medical care as he progressed. When I saw Rory at one time he was excited. He was being sent to Richmond, VA polytrauma center for treatment. Recently he told me about the horrific experience he had there. I hope much has improved since then, but he told me at the time, even though he could not get out of bed because of the tremendous extent of his injuries, he would wake up in the morning, ring his call bell, which apparently was not plugged in, and wait for a nurse to come and help him with basic restroom needs. No one came for hours. Rory was left there. A soldier who fought for his country in the Iraq war, had done everything his country asked of him, injured horribly, was left to sit in his own waste in a polytrauma center in Virginia.

Thankfully we have come a long way from there. Rory should never have had to go through that.

He was then sent on to Palo Alto for reconstructive surgery. They did an amazing job. In fact, when I first talked to Rory after his injuries, he asked me to pin his Purple Heart on him when he was awarded that. But he wanted to wait until he had his face reconstructed because he wanted the picture to look good. So he had to wait many months before I finally met him in Seattle and was so proud to pin that on his chest as his mother sat and watched with tears running down her face.

That was several years ago. Rory has continued to struggle every single day, a young man, barely out of his teenage years, injured dramatically in the war in Iraq, 4 years later, still struggling to do everything he can to be an American. What is Rory doing with his time? He and his mother, who has now spent 4 years helping Rory recover, are back at Walter Reed and other VA facilities to make sure no soldier goes through what Rory did, advocating for them, making sure they understand what they need, making sure they get the help and support and, importantly, making sure I continue to understand what is happening in the military in our VA system and making sure that no soldier goes through what he did when he came home. Rory told me a few weeks ago: There is much work left to be done. He still talks to soldiers who have been left behind, who are not getting the help they need, who feel like second-class citizens, who feel they are still fighting their Government when they come home.

For me, Rory is the face of this war. I think we have to ensure that the changes we are making to improve the conditions for all of our servicemembers and veterans such as Rory are not a flurry of action while the cameras are rolling. We have to work to ensure that action doesn't drop off once the media has moved on to the next story. I remain firmly convinced that we have to remain vigilant on three specific fronts if we are going to talk about real change for our troops and our veterans. I believe, first, we have to ensure that we cut through the bureaucracy between the military and the VA. It is simply unacceptable that after fighting for our country, our servicemembers have had to return and fight against the Government for the care they deserve. It isn't only from this war. Go back and talk to Vietnam-era, Korean-era veterans who have been fighting for years to get the disability benefits they deserve.

Thanks to the Wounded Warrior Act, we have now started a pilot project to work out ways to make the Defense Department and the VA disability rating systems compatible so our soldiers do not face this, but we do have to remember, this is the first step between bridging the gap between the VA and the Defense Department. It is only a pilot. We have a lot more work we need to do to ensure that those agencies don't do a pilot project and put it on the shelf; that they look at how it is working, what is working, what is not, what are the challenges in front of us, are we making sure that we stay on them every day. Congress has to keep a close watch to make sure this isn't because the cameras were rolling a year ago or today but something that is effective far into the future. We have to work to make sure they meet those goals.

Secondly, we have to focus our attention on treating the new injuries to our servicemembers who are suffering in Iraq and Afghanistan, particularly traumatic brain injury. TBI is a significant wound of this war, but we have only just begun to understand how we treat it. We have to recognize that whenever there is an explosion in Iraq or Afghanistan or wherever we have soldiers on the ground, the effects of that, not just on the soldiers in the vehicle but even those close by and sometimes hundreds of yards away, can have a damaging impact on the brain, called traumatic brain injury. We still don't know all we need to about how to treat TBI, and we still have soldiers coming home every day, every month who have just been diagnosed with TBI or perhaps not diagnosed, and we need to make sure they get the correct diagnosis and treatment.

Congress has authorized millions of new dollars for research, but we have to ensure that we get the results from that research. Then we have to make sure we take action based on what we have learned.

I am extremely disappointed that the President seems to have lost sight of that already. He has proposed to this Congress an 8-percent cut for VA medical and prosthetic research in his fiscal year 2009 budget. That is incredibly shortsighted, and he can be sure—and every Member of this body can be sure—I am going to fight that every step of the way. We need to find out how to better treat TBI, how to diagnosis it, how to deal with PTSD and how to diagnose and treat it effectively. That takes research, and we have to stay on top of it.

Finally, and most difficult, we have to change a military culture in which servicemembers are told that mental illness is an excuse for their pain and which fails to recognize that psychological wounds can be more serious than some of their physical injuries. Congress again has given the military hundreds of millions of dollars to improve its mental health care system. We have pushed through legislation this past year requiring the military and the VA to destigmatize mental health treatment, to increase awareness of the symptoms of post-traumatic stress syndrome, and to do further research on traumatic brain injury. But recent reports show that the Army's suicide prevention efforts need a lot more work. The numbers of suicides have risen since the wars in Iraq and Afghanistan began, and last year as many as 121 soldiers committed suicide. That is a 20-percent increase over the year before.

I was struck by a recent report by the Associated Press which was a stark reminder of how serious this issue is. That article reported on a VA study which found that more than half of the veterans who took their own lives from 2001 to 2005 were members of the National Guard or Reserve, even though the Guard and Reserve have made up less than a third of U.S. forces in Iraq and Afghanistan.

Prolonged deployments are stretching our troops to the breaking point. Earlier this week General Casey acknowledged his concern about the strain on the military. He told the Senate Armed Services Committee that the Army is under so much stress from extended deployments that we must reduce the length of combat tours as soon as possible. Many of our servicemembers have seen their best friends killed. They have seen other untold horrors. Yet somehow we expect them to come back from the battlefield, come back home unaffected by what they have seen, or their experience. We have to ensure that the military takes action to ensure that our troops are getting the psychological care they need. We need to see a change in the culture. That change has to be more than a talking point. Senior military leaders have pledged to do more, but they have to ensure that their words and their programs are being executed in the field. They have to work to break down the stigma that is, unfortunately, associated with seeking mental health treatment. They have to ensure that troops have psychiatrists and psychologists to talk to, and they have to ensure that those who seek help aren't then penalized. We have to find ways to reach out to servicemembers who are discharged and are not seeking care from the VA. This is especially important for our Guard and Reserves who oftentimes, when they come home, don't think of themselves as veterans. They return from the war and go back to their civilian jobs without ever getting help.

In my State of Washington, over 10,200 Guard and Reserve members have now served in Iraq and Afghanistan. Our troops and veterans are heroes who are sacrificing for our Nation. It is time for our Government to wake up and provide them with the care they need.

I voted against going to war in Iraq. But I have said consistently that no matter how anyone feels about the war, we have an obligation as leaders to make sure our men and women who fight for us get the care they deserve. I am proud of the way this Congress, led by the Democratic majority, moved to address the problems facing our returning servicemembers, which clearly wasn't a priority for the Bush administration. Here in Congress, we said: Not on our watch, not anymore.

A year after the Walter Reed story drew attention to the treatment of servicemembers, we have made progress. But we cannot let this issue fade away. After examining the President's VA budget proposal, I have to tell my colleagues, I am disappointed that the administration still doesn't seem to get it. In his State of the Union Address this year, President Bush said he was dedicated to providing for our Nation's veterans. But at a time when thousands of new veterans are entering the VA system with serious medical needs as a result of the wars in Iraq and Afghanistan, the administration is underestimating the cost of medical care and is cutting funding for construction and medical and prosthetic research. At a time when our older veterans are seeking care in record numbers, the President is proposing fees for them and copays that are essentially going to shut the door of the VA to thousands of people who served our country. That is wrong. I am going to be working very hard this year to ensure that those misguided proposals do not become reality.

The same is true as we address the budget for caring for our troops. Our servicemembers risk their lives for our security every single day. They have done everything we have asked. We have to live up to our commitment to them.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, we are advised by the Democratic cloakroom there will not be a member of the majority who will come in to use the remainder of their morning business time, so I ask unanimous consent that I be allowed to speak during the remainder of that time as well as the 30 minutes allotted to the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

## IRAQ

Mr. CORNYN. Mr. President, we are confronted with a piece of legislation introduced by the distinguished Senator from Wisconsin, Mr. FEINGOLD, which calls for setting forth the global strategy of the United States to combat and defeat al-Qaida and its affiliates. The question I guess I would ask is: Where have those who propose a new strategy been? Have they been paying attention to the good news that has been coming out of Iraq and Afghanistan when it comes to our ability and our successes to combat global terrorism and particularly the threat of al-Qaida?

I think the legislation that has been proposed is both misguided and unnecessarily duplicative of the efforts which I will describe here, which are ongoing, and would literally cause us to snatch defeat from the jaws of victory.

On a more basic level, I think this legislation misses the point. Every time I come back to work here in Washington, DC, I almost feel there is a parallel universe operating here in Washington where some have voluntarily suspended their powers of disbelief and ignored the facts that seem to me to be as plain as the nose on your face. But I think in light of the fact that this legislation has been introduced, we need to talk about it and provide the American people with the evidence with which they can make their own decisions about what is happening with regard to the fight against al-Qaida.

This bill would require the administration to set forth a strategy for fighting al-Qaida. I do not know what the proponents think we have been doing since 9/11 but fighting al-Qaida wherever we may find them, but that is what the bill calls for. Of course, the bill also conveniently neglects the various strategies we have in place, including some that are classified which we cannot talk about here on the floor of the Senate, but which the distinguished Senator from Wisconsin as a member of the Intelligence Committee knows—because he is on the Intelligence Committee; he has been briefed in a classified setting about these strategies—he knows we have a number of strategies in place, and this proposal seems to act as if nothing has happened, when that is not the case at all.

I would interject that overall in the operations against al-Qaida, in Iraq in 2007, we have seen the capture of 8,800 terrorists, while an additional 2,400 have been killed. Of those we captured or killed, 52 were senior emirs or commanders, 32 were leaders of improvised explosive device teams, 24 were cell leaders, and 92 were other facilitators. In other words, we have been effective in going after high-value targets in Iraq and literally decapitating the leadership of al-Qaida. That is the reason why al-Qaida is on the run in Iraq and, yes, even in Afghanistan.

But to recapitulate, the various strategies that are already in place would seem to be ignored by this legislation. These include the President's National Strategy for Combating Terrorism, which was revised by the administration in September of 2006, and which outlines in a clear and straightforward fashion the strategic vision for the global war on terror.

Also, there is the President's National Implementation Plan, which was completed in June of 2006. This document is a classified, comprehensive plan, so we are not going to talk about it on the floor in detail. But it provides for the execution of our national counterterrorism strategy, and it provides a detailed breakdown of which executive branch agencies are charged with carrying out the specific tasks and activities as part of that overall strategy.

Now, Congress, as I said, is aware of all these documents. We get classified briefings. Any Member of Congress who cares enough about it can go to room 407 here in the Capitol and gain access to them. Additionally, the Chairman of the Joint Chiefs of Staff is conducting his own review of the al-Qaida strategy, which will be finished later this year. So it is a disingenuous and hollow argument, indeed, to say the administration or this country, the U.S. Government, lacks a coherent plan to neutralize al-Qaida or that the current strategy for combating al-Qaida is not working and it needs to be replaced.

The numbers speak for themselves. I am going to go through these in rather quick order, but I think the numbers speak louder than words.

During the period of May to June 2007, as this chart demonstrates, we have seen 26 al-Qaida in Iraq leaders captured or killed. They include some pretty evil characters, people such as Khalil al-Mashhadani, a senior Iraqi in the al-Qaida-Iraq network. He was a principal intermediary between al-Qaida senior leadership and Abu Ayyub al-Masri. He ordered all Iraqi emirs to wear suicide vests—a trend we are still seeing today—and confirmed in interrogation that al-Qaida lost the al-Anbar safe havens due to coalition operations and tribal engagements by the Awakening Groups, which I will talk about in a minute. He was captured in July and sentenced to death by an Iraqi court this past September.

We have seen since that time, in July and August, senior terrorists captured or killed. It simply is not true to suggest that we are ineffective or not focused on capturing or killing al-Qaida's senior leadership in Iraq or wherever we may find them in Afghanistan or elsewhere.

For example, in August, we were successful in capturing the emir of greater Samarra, the mastermind behind the destruction of the Samarra mosque in February of 2006, generally credited with unleashing the ethnic conflict which nearly led to a civil war in Iraq. He operated the Samarra terrorist network responsible for improvised explosive devices and vehicle bomb attacks. He orchestrated the Kirkuk courthouse bombing in June of 2006 that killed 20 and injured more than 100. This emir of greater Samarra was killed in a targeted raid this past August.

But to remind my colleagues of the kinds of barbaric and evil attacks these al-Qaida leaders have perpetrated on their own people, by and large in Iraq, this individual orchestrated the Kirkuk courthouse bombing in June of 2006. He masterminded a vehicle bomb attack against the Iraqi Army checkpoint in Samarra in 2006, in which 29 Iraqi security forces were killed and another 66 injured.

So that is August of 2007. As you can see, the numbers even go up in September of 2007, with senior terrorists captured or killed. Each one of these pictures on this chart is a different story: the brown squares depicting those who have been captured; the red squares indicate those who have been killed.

Clearly, Iraqi, American, and coalition forces, along with our allies—the Iraqis who have basically turned state's evidence on al-Qaida in Iraq have allowed us the intelligence necessary to capture or kill some of the worst of the worst among al-Qaida in Iraq.

In October of 2007, as you can see, the pace remains a steady one and a strong one in terms of capturing or killing al-Qaida's leadership.

The fact of the matter is, we could put up a new chart for each month until this month and last month. The fact is, we are making enormous progress. So why in the world would this Senate want to change course and grab defeat from the jaws of victory, when it comes to putting al-Qaida on the run?

I have to say on a contentious subject such as this, where it seems as though people have their own version of reality, the best evidence—and one that is undeniable—is the fact we have not had another terrorist attack in the United States since September 11, 2001.

While al-Qaida is on the minds of my colleagues, though, this is a valuable opportunity for us to talk about the fight against al-Qaida as part of the overall global war on terror. Today, al-Qaida and other like-minded radical jihadist groups still pose a very real threat to the safety of America's vital national security interests, both here and abroad.

These Islamic extremists go under a lot of different names: Hezbollah, operating in Lebanon and in parts of Iran and Syria; Hamas; al-Qaida in Iraq; the Taliban—all of which have the common ideology which allows them somehow to celebrate the murder of innocent civilians as part of their twisted goals.

Al-Qaida remains active not only in Iraq but worldwide. This is literally a franchise operation which in an Internet age allows like-minded radicals to communicate with one another, and through the use of relatively cheap explosives and human bombs to basically commit terror all around the world.

It is the existence of this threat that warrants our continued vigilance and sustained efforts to neutralize them, and Congress must continue to support our military in defeating al-Qaida on every front. We have been successful. But it is important to recognize this threat is not only located in Iraq and Afghanistan, but it is a global threat.

Recently, ADM Mike McConnell, the Director of National Intelligence, outlined terror attacks prevented in New Jersey and Illinois—that is right, right here in the United States of America. He also outlined attacks that have been prevented abroad in Denmark, Spain, France, Germany, and the United Kingdom. In the opinion of those who know best—our intelligence professionals—this enemy and this threat is real. This enemy plans to attack us, and it is smart, adaptable, and ruthless.

Somehow, some Members of the Senate have been able to convince themselves against all the evidence that al-Qaida is not present in Iraq and that if we fought al-Qaida in Afghanistan we would be safe here at home. The fact is, it is true the Taliban provided safe havens for al-Qaida in Afghanistan. Al-Qaida has also found a safe haven in Iraq. But due to the great work of our young men and women in the military, due to our intelligence professionals, due to the intelligence we are able to gain from the cooperation of Iraqi citizens through the Awakening Councils, who have simply gotten fed up with the barbaric tactics of al-Qaida—the murder, the rape, the torture of their own people and thus have cooperated now with coalition forces to root out al-Qaida—we do have al-Qaida on the run in Iraq.

But that is a fragile condition, and a trend we must continue, not only through the use of allied and coalition forces but through the rebuilding of the Iraqi police force and military, and encouraging citizens, such as the Awakening Councils, to come forward and provide intelligence.

But the fact of the matter is, if the United States of America does not lead the fight in this global war on terror, more innocent people will die. There is no other country in the world that is capable as we are, that has the vital national security interests that we do, to fight this war.

Again, this parallel universe that some occupy here in Washington, DC, that allowed them somehow to convince themselves that this threat is not real, defies the facts. There are those who propose countless resolutions in the Senate and the Congress to withdraw from Iraq based on a political or arbitrary timetable, which makes no sense. As the Iraq Study Group said, we should leave Iraq as soon as possible and define it not in political terms but in terms of conditions on the ground, and that is once the Iraqis are able to govern and defend themselves.

We know that politicians here in Washington have declared the surge a failure before it even started, but they have had to come to grips with the fact that you are always in jeopardy when you bet against the men and women of the U.S. military and our leadership and under the leadership of people such as GEN David Petraeus and GEN Raymond Odierno.

We have seen the surge of American troops, along with the increased capacity of the Iraqis to defend themselves, meet with enormous success and reverse a trend that was dangerously cascading toward a civil war and ethnic cleansing. But the fact is that despite the repeated efforts by some here in Congress who have declared defeat before this new strategy was even allowed to take hold have now had to deal with the fact that almost without exception, everyone who goes to Iraq comes back with the report that our men and women in uniform are being successful and that the surge is working.

I went with a couple of my colleagues, Senator ISAKSON and Senator COLEMAN, to Iraq in January where we were able to ride, in armored vehicles, admittedly, to forward operating bases that previously had been lost to al-Qaida, where refugees had simply abandoned their shops and their homes given the threat posed to the Iraqi people themselves from this ruthless enemy. The fact is, people are moving back home. Shop owners are opening their shops. We were able to taste some of the bread cooked in a bakery in an area called Ghazaliya outside of Baghdad that previously could not operate. We went to a local department store that previously had to be closed and abandoned literally because of the threat of al-Qaida and looked at some of the wares for sale.

So this debate that continues here in Washington seems to me to be increasingly out of touch with the reality in Iraq and the clear evidence that this new tactic, this counterinsurgency tactic being deployed by General Odierno, General Petraeus, and our men and women in uniform in Iraq is succeeding. It is because of that success that we are able to bring back by this summer roughly 40,000 troops to the loving arms of their families and in answer to the prayers of many Americans who wish to bring them home but bring them home with honor and after they have been successful in accomplishing the goals they set out to do.

Now, because of the evidence of the military effort in Iraq, a combination of our coalition forces and Iraqis and local citizens cooperating to get al-Qaida on the run, there are those who said: Well, OK, the glass is not half full, it is still half empty. Where is the political reconciliation that is necessary for the Iraqis to govern themselves?

While progress on the political front has been slower than any of us might have wished for, we are seeing very positive signs of political reconciliation. The Iraqi Parliament recently met some major milestones for success, and these are very important because these are the evidence of the political reconciliation many of the skeptics have looked for and pointed out as not having been met. So it is important to acknowledge the facts.

First, they passed an accountability and justice law—the first major step in debaathification reform. We know that many of Saddam Hussein's Baath Party members were excluded from the new Iraq, and this is the first major step to allow people who do not have blood on their hands, who weren't part of the leadership of Saddam's Baath Party, responsible for the murder of hundreds of thousands of Iraqis, to allow them to take their first steps back into governing the new Iraq and participating in full civic life.

In addition, just a few short weeks ago the Iraq Parliament passed three other significant pieces of legislation. They set a date for provincial elections, recognizing, as we do here in Washington, that not all wisdom emanates from the Nation's Capital, that they believe in local governance and regional governance, and that is why the provincial elections are so important as well.

The Iraqi Government or Parliament allotted $48 billion for 2008 spending, meaning that because of increased oil revenue, they were able to take on more and more of the financial responsibilities of rebuilding and governing their own country.

Finally, they provided limited amnesty to certain detainees in Iraqi custody—an important, although difficult, step to try to make sure the reconciliation occurs on an individual level so that people need not be permanently cast as outsiders and given nothing but the opportunity to undermine reconstruction and reconciliation but actually be part of the solution rather than part of the problem.

The passage of the provincial powers law is one of the 18 benchmarks for reconciliation in Iraq which were set by the Congress just this last year.

Despite this concrete evidence of improvement and of meeting benchmarks for political reconciliation, there are those here in Congress who have simply ignored those positive steps, not only on the security front but on the political reconciliation front. Unfortunately, it seems as if too often our partisan differences seem to overwhelm facts and common sense and the common interests of all of us in America in an Iraq that is able to govern and to defend itself because our shared goal—which is to bring home our troops—is one that could be met when conditions on the ground permit those troops to come home without squandering the blood and the treasure that have been spent in trying to restore democracy to a country that knew nothing other than the boot heel of a dictator for too many years.

There are so many wonderful stories of success and commitment and patriotism in Iraq, and I would like to just close on this. I see my distinguished colleague from Wyoming on the floor, and I want to defer to him after another few minutes. I want to recognize and honor the great sacrifice by Texans deployed in harm's way in support of the global war on terror.

Some of our troops serving in faraway battlefields since 9/11 have exhibited incredible bravery and heroism in the face of personal danger, and I wish to share one story of one Texan among many who has served in Operation Iraqi Freedom. I wish to tell the story of SGT Omar Hernandez, assigned to Bravo Company, the 1st Cavalry Division out of Fort Hood, TX.

Sergeant Hernandez has been awarded the Silver Star for exceptional bravery and gallantry in action against an enemy. He did this while serving as a team leader on a foot patrol in Baghdad. His patrol consisted of a squad of American soldiers, an interpreter, and eight Iraqi national policemen. Their mission, as is critical to the counterinsurgency strategy in Iraq, was to secure the population, to make them feel safe. They moved from house to house on crowded Baghdad streets interviewing the local population as part of their job.

During the course of one interview, though, Sergeant Hernandez and the Iraqi police accompanying him were moving to security positions on the outside of a home when they were suddenly engaged by several well-aimed bursts of machine gun fire from the south. Sergeant Hernandez immediately identified the enemy's location and returned fire, simultaneously instructing the Iraqi police to follow his lead. A second burst of well-aimed fire erupted from the enemy's position, wounding all three members of the team. Sergeant Hernandez himself sustained a gunshot wound to his right thigh. Both Iraqi police sustained serious injuries, immobilizing both of them.

Not realizing the severity of their wounds, Sergeant Hernandez ordered the Iraqi policemen to follow him to a covered position behind a cement wall. As he continued to engage the enemy, Sergeant Hernandez realized that the Iraqi police were too badly injured to reach cover on their own. Seeing that these Iraqi policemen were stuck in the enemy's direct line of fire, Sergeant Hernandez went above and beyond the call of duty, risking his own life by running under direct fire to pull these Iraqi policemen to safety. Without covering fire, Sergeant Hernandez left his covered position—not once but twice—to move these wounded Iraqi policemen to a safer position. He did all of this despite the danger to himself and having a gunshot wound to his leg. Despite his injuries and despite the continued barrage of enemy fire, Sergeant Hernandez continued to fire on the enemy position. It was only after he was certain that the threat was eliminated that he finally allowed a squad mate to treat his wounds.

Sergeant Hernandez is just one of many brave men and women who wear the uniform of the U.S. military who are serving nobly in Iraq and Afghanistan. While there is no doubt that his courage and strength were extraordinary, in some ways this is a typical sort of story of the bravery of our men and women in uniform. It should be clear that Sergeant Hernandez is representative of the quality and character of our military men and women.

I think this also tells a story of the relationship that exists between our soldiers and Iraq security forces. They fight shoulder to shoulder. They fight and sacrifice together to make their country a better place so that peace and stability might come to Iraq and so that the forces of terror and extremism that wish America and our allies harm will find no sanctuary in that country.

Sergeant Hernandez, thankfully, has now recovered from his wounds and is stationed at Fort Bliss out in El Paso, TX. He has a 17-month-old boy and has been married to his wife Jennifer Kay for 3 years.

Sergeant Hernandez, it is worth noting, was on his third tour in Iraq. These young men and women and their incredible families are our most precious national asset. The tremendous sacrifices they make and have made over these last years ought to leave us with awe-struck silence. Think of what these men and women have invested in this war in terms of their sweat, their blood, tears and effort. What message would we be sending to these brave men and women when we tell them to come home when victory sits on the horizon?

Sergeant Hernandez wouldn't abandon his colleagues in the Iraqi National Police force, but there are some here in Washington—a world away—who want to ask him and all of our troops to abandon the Iraqis and come home before the job is done.

Those who have been clamoring for troop withdrawals for months upon months, regardless of the news from Iraq, all the while extolling the virtues of our military, I think have been telling only half the story. Yet, at the same time, they refuse to pass the critical funding, intelligence capabilities such as the Foreign Intelligence Surveillance Act reauthorization bill which sits over in the House of Representatives and which, because of the failure to act by Speaker PELOSI and the leadership in the House, has left our intelligence authorities deaf to new terrorist targets that, if detected, would likely detour and defeat attacks against American citizens, both here and abroad.

Mr. President, the American people often accuse politicians of saying one thing and doing another. But this is a clear case. Servicemembers such as Sergeant Hernandez deserve not only our words but our unmitigated support.

I think our task is clear and that is to let our men and women in uniform do the job they have volunteered to do and which they are so ably performing. We ought to do nothing to deter or impede or obstruct their success, especially when success appears to be so much more clearly on the horizon than a few short months ago. But as these charts have indicated, we are having tremendous success in taking down al-Qaida—those who celebrate the murder of innocent civilians in pursuit of their own twisted goals. The last thing we need to do is to pass legislation that would literally draw defeat from the jaws of victory.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I will make a few comments about what is going on around here. I am not sure what has gotten into the water around here, but something strange has happened over the last couple days. Well, maybe it is not so strange, or even unusual, and that is unfortunate. What I am talking about is a sort of snowstorm, a whiteout—the people in Wyoming will know what I am talking about—except this whiteout isn't made of snow.

Bear with me while I describe our last vote, the one we did last night. It was cloture on a motion to proceed to a measure that says we should have a plan to fight al-Qaida and that we should basically put that plan out for public comment. That might strike people outside Washington as a little odd, and it should. Doesn't our military already have a plan? Yes, it does. Why would we want to tell al-Qaida how we plan to defeat them? Good questions. Good points.

The fact that the motion to debate the proposal passed overwhelmingly might further leave people scratching their heads. Senators, the majority of whom, I would venture to say, do not want the proposal to become law, voted to waste the Senate's time debating this measure. Why? Is it because debating this will actually help us to defeat al-Qaida? Is it because debating this will make our Nation more secure? No, it would not.

This is all happening at a time when we have an urgent need to work on solutions to the problems just about every one of the American people worry about. Health care is at the top of the list. Congress needs to wrangle with spiraling health care costs. Medicare is going broke. Social Security is following suit a little bit later. There are education measures on the table right now that we need to finish. Our economy begs for positive action. We have a budget problem in Congress. But the Senate came to a decision. On a vote of 89 to 3 last night, this body decided that instead of working on these problems I mentioned, we needed to debate a bill few of us want to ultimately approve. That is wrong. The American people did not elect us to play "gotcha" politics. They want to see action on real problems. They want to see results—positive results.

I voted against debating on this ill-begotten proposal because Congress needs to be doing the work the people sent us here to do.

National defense is of utmost importance to our Nation. Without a strong national defense, we would not have the free country we have. I strongly support our troops. I thank them every day and pray for them and their families every night. I do all in my power to see that they have the support and the resources to do their job. Their lives, and ultimately our way of life, depend on it; it depends on them. But this proposal we are debating now doesn't help them. Our military strategists, our leaders in the field, do not want this legislation.

Of course we need a plan to defeat al-Qaida in every corner of the world where this wretched terrorist group hides. We need to focus on the terrorists and defeat them at every turn. But is it Congress's role to insist on a plan and then share the plan with al-Qaida? That is ultimately what this legislation would do. If Congress forces the administration and our military to write this plan according to Congress's specification, then Congress is going to want to see the plan to ensure it meets Congress's requirements. We all know Congress cannot keep a secret. If you tell the enemy your strategy, then your strategy will not work. This is a bill that is fundamentally flawed at the outset. I voted not to debate the bill. I was one of three, but a bill not worth doing is a bill not worth debating.

Just before September 11, 2001, I was given the opportunity to serve on the Senate Foreign Relations Committee. I was the ranking member of the Subcommittee on International Operations and Antiterrorism. It was during August that I was assigned to that. So in September, since I was the newest person on the committee and the least ranking, a lot of people said: How did he get on that committee? It wasn't important until after September 11, 2001—or at least we didn't place that kind of importance on it. Through that role, I was given the opportunity to work directly with other countries at the United Nations on ways to stop terrorism. I am an accountant, so I was delighted to be a part of the group that said one of the answers was to concentrate on following the money. It made a huge difference and it continues to make a difference. Countries that will never publicly admit to helping in the hunt for terrorists have helped. I know countries peer pressured other countries into helping with the fight against terrorism. Terrorists were caught, they were prosecuted, and some were executed. More sophisticated versions of this plan to fight terrorism are still in operation today. But we should not disclose the plan because that would make them worthless.

The Senate wants additional reports. Why? Congress has already mandated reports on the National Security Strategy of the United States, the National Defense Strategy of the United States, the National Homeland Security Strategy of the United States, the National Military Strategy of the United States, the Quadrennial Defense Review Report, the National Military Strategic Plan for the War on Terror, the National Military Strategy to Combat Weapons of Mass Destruction, the National Strategy for Victory in Iraq. Does that sound like plenty of work for the Pentagon?

I want you to know the Pentagon is already doing what this bill wants us to do. We do need a plan. We have a plan. We cannot make that plan public without allowing the enemy to figure out how to combat every article in it. Why are we having this debate? Well, I know we are having this debate partly to place emphasis on the fact that we need to get the FISA legislation passed. Daily, we are missing opportunities to know what al-Qaida is doing and planning. We were able to do that until about a week ago. Congress could easily approve the FISA bill. It passed out of this body by a significant majority. The House needs to pass it and send it to the President. What does that bill do? One of the things it does is make terrorists almost as accountable as drug dealers. Yes, we have stronger laws in this country for drug dealers and the way to interdict that than we do for terrorists, without having the FISA bill.

What do the American people want Congress to do? They want us to improve their ability to access quality health care. They want us to have the capability under FISA, but they want us to concentrate on those areas that we have specific jurisdiction on, not just checking up on other people to see if they are getting their work done but checking up on ourselves to see if we are getting our work done. I think the economy, which includes health care, is the biggest issue the American people are interested in. Are we debating that? No. We are debating something I think we already have had 36 votes on in various forms, all of which failed. If you try something 36 times and it doesn't work, maybe you ought to move on to something else. I am suggesting health care is one of those issues we ought to be working on and that we could work on and that comes under our jurisdiction and we have direct responsibility for it. Or maybe education. I know the people of America want better education for their kids. They expect us to have as much as possible in place that will expedite that, that will work with the parents, the teachers, the administrators, and the communities to make sure our kids have the best job opportunities in the world. They want them to be able to have jobs and afford a home and have food for their family. They want a retirement system that helps them to be secure when they finish working.

That is why I voted against debating this bill. We are not here to be nonresponsive and nonproductive by taking nonactions. Let's act. Let's sit down together and come to an agreement on what we can do to make health care better for this country. Let's talk about what we can do to improve education in this country and then let's make it happen. Let's spend the Senate's time on real legislation of substance—ones we are supposed to solve and that we have the jurisdiction to solve and ones we have the ability to solve and ones we have the desire to solve. I have been working with people on both sides of the aisle on a number of bills that are solvable—maybe not to perfection, but hardly anything here winds up with perfection. They can be solved with 100 percent agreement across the aisle on the 80 percent of the issues that we agree on. That would be real progress for America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. Morning business has expired.

Without objection, the Senator is recognized.

## FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. GREGG. Mr. President, I rise to speak briefly about one of the issues that has been debated over these 2 days, which is the reauthorization of the Foreign Intelligence Surveillance Act. This bill, which passed the Senate in a bipartisan way, is now sitting in the House. This bill is critical to our national security.

I know there are some who will argue that the bill represents a threat in some way to American civil liberties. From my standpoint, nothing is more important to me than protecting the rights of Americans under the terms of our Constitution.

One of the terms of our Constitution is that the Federal Government has the responsibility to protect the American citizens and America from attacks by enemies. That is what we swear an oath to, by the way, when we take this job, to protect and defend this Nation.

We know for a fact that the forces of Islamic fundamentalists, which are led by fanatical individuals, have committed themselves to attacking our Nation, destroying our culture, and killing Americans. We have already seen their actions take place in the 1990s when they attacked the warship USS *Cole*, when they attacked our Embassies in Africa, and, of course, on 9/11.

We also know for a fact that our best weapon of self-defense in this war is to be on the offense, to find them before they can harm us. That is one of the reasons we are in Iraq and in Afghanistan.

The great advantage we have in this war is the sophistication of our Nation. Obviously, the greatest advantage we have is we have the cause of right on our side—freedom, democracy, and liberty. But the great tactical advantage we have is the sophistication of our Nation and our capacity to use that sophistication in the area of our military and in the area of our intelligence gathering to defeat these people before they attack us. At the essence of this, at the center of this is the ability to gather effective intelligence.

We cannot stop someone who wants to attack us if we wait until they commit the act. This is not like a criminal situation where somebody goes out and robs a bank and then we go and find them. This is a situation where people want to use every weapon at their disposal, and if they get a weapon of mass destruction, they will use it to try to kill hundreds, thousands, tens of thousands of innocent civilians, and Americans specifically, in order to carry out their perverse purpose of promoting what they see as their Islamic faith, as they interpret it.

We cannot be so naive as to believe these people are not out there and intending to pursue these courses of action when they have made it absolutely clear that is what they intend to do, when they have said innumerable times that is what they intend to do, and when they have actually done it by attacking us on 9/11.

To stop them, we have to find them before they can harm us. And the way we find them is we use, in part, our great advantage in the area of tracking them through electronic surveillance. And that is what the FISA bill is all about—giving the legal tools necessary to totally dedicated American citizens who man agencies, such as the National Security Agency, the Defense Department, the CIA, the State Department, and the FBI—to give those individuals who are totally dedicated to finding the people who want to attack us the tools necessary to do that, and to do that in a way that protects Americans' rights and civil liberties. This law does accomplish exactly that. No American can have their calls intercepted or overheard intentionally unless there has been a court review of that decision and a court order approving that action.

This law is directed not at Americans, it is directed at foreigners—not Americans—whose purpose it is to do us harm, and they do not have the same rights as Americans. They should not. Their purpose is to destroy America. Why would we give them American rights? Yet for some reason the House of Representatives refuses to act on this critical issue in the area of giving our people who work for us, who work for the American people, and who are trying to protect America, the tools they need to accomplish that. It makes no sense to me at all.

Some argue the force behind denying this right and these authorities to the people who have responsibility to monitor these foreign activities and foreign individuals, these Islamic fundamentalists who wish to do us harm, the terrorists, the people who wish to limit that right wish to do so because they want to give the trial lawyers more capacity to bring lawsuits against the telephone companies, which are, obviously, an integral part of any electronic monitoring that is going to go on. I think that is unfortunate if that is the case.

We have asked these various groups, these corporations—remember, they are made up of American citizens. An American corporation is nothing more than a group of American citizens who have gotten together. Most of these corporations are pension funds which involve pensions of people who work at day-to-day jobs. Most Americans have some interest in stock through their pension funds, and these stocks are the companies that, basically, we are talking about, the telephone companies, in many instances.

These companies are being asked, and have been enlisted, and have been asked in the past to participate in protecting America. When the Government does something such as that, I think the Government also has a responsibility to say to those companies and their stockholders and their employees, many of whom are Americans, many of whom are working Americans, obviously, the ones who work for them and the stockholders who have pension funds who invest in them, that they should have protection from lawsuits which are basically inappropriately pursued because these companies are doing the bidding of the American Government as we try to protect the American people.

For some reason, the desire to energize those lawsuits has held up the ability to give the tools necessary to our intelligence community to pursue surveillance of very evil people who intend to do us harm.

It would be a great tragedy and a terrible outcome of this situation if America is attacked and that attack could have been thwarted or muted if we had the intelligence which would have been able to be gathered by electronic surveillance which would be made available through the authorities of FISA. It would be a true tragedy. I cannot imagine the recrimination that would occur in this country from the American people were we to be attacked and then discover that the information which might have thwarted that attack was unable to be obtained because the law which gave people the authority to pursue that type of information through electronic surveillance was being held up in the House of Representatives because the trial lawyers want a cause of action against the telephone companies.

It is incomprehensible to me that we have gotten to this point in the process of trying to develop our defense as a nation against people who clearly exist and who have expressed their intent so clearly and who have executed on that intent, as was shown on 9/11.

I cannot imagine that when a bill passes the Senate which has bipartisan support—this is not a partisan issue. It should not be a partisan issue. It has bipartisan support. It came out of the Senate, and it has been worked out between the leaders of the key committees in the Senate in a way that protects American civil liberties—that such a bill which gives the authority to those we ask to protect us, the authority they need to pursue the course of action they see is appropriate in electronic surveillance, that such a bill would be stopped in the House of Representatives out of what appears to be a tangential question of lawsuits—tangential in the sense that nothing is more critical to this whole exercise than protecting Americans from attack.

I join my colleagues who have risen over the last couple of days to express their frustration with the failure of the House of Representatives to act in this area. We need the House to act on the Senate bill, pass it, send it down to the President, and have it signed so that the people who we ask to protect us through electronic surveillance of terrorists who do not have the rights of Americans and who are not American, so that electronic surveillance can continue.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I am sorry that the Senator from New Hampshire, who spoke relative to the Foreign Intelligence Surveillance Act, has left the floor. I was hoping he would be here. That is why I came down. Senator GREGG is a friend of mine, and I certainly wanted to make my remarks in front of him. I hope if he is nearby that he will come back to the floor.

He raised some serious questions about the security of the United States, and we have no greater responsibility under the Constitution than to protect this great Nation. The tragedy of 9/11 is still fresh in our memories, even though it was 6½ years ago. We know that when we work together on a bipartisan basis we can achieve the kind of results the American people expect, not only of the Congress but of our entire Government.

This Foreign Intelligence Surveillance Act has been the source of some frustration. Understand how this started. This is a program where the Government listens to the communications of other people in the hopes that they can intercept information and with that information avoid another tragedy. That is time and money well spent. The best line of defense against terrorism is good intelligence. We want to stop the 9/11 events of the future from ever occurring. So we certainly are all on board for that effort.

Here is the problem: The administration started doing this without the authority of law. There was a provision in the law which said that if this President, or any President, for purposes of national security and gathering of intelligence, wanted to reach out to find this information in the United States, there was a court that was established, a FISA Court, Foreign Intelligence Surveillance Court, and this court would approve surveillance orders in secret, on an expedited basis, using a lower standard than a normal court. That was the standard in the law. It was a standard that was consistent with our Constitution.

If our intelligence agencies want to listen in on the conversation of an American citizen in this country, it is necessary to go for a court order. So, when it comes to the privacy of American people, you have another branch of Government looking at the executive branch of Government, saying: This is fair, this is constitutional, this is legal, you can do this. In the criminal justice process, there is reasonable cause to believe that a crime has been committed. Similarly, in the FISA area—the area of foreign intelligence surveillance—there is a reasonable belief that a suspected terrorist or spy is involved in the communication.

Now, the FISA court was very cooperative with every President. In fact, it overwhelmingly approved requests, and in only a tiny percentage of cases were questions ever raised. If the President, through his agencies, said, I need to listen in on a conversation, this court said, yes, do it, keep America safe, in the overwhelming majority of cases. So it wasn't a novel process. It was one well established in the law, but it was one that this administration avoided.

They started this surveillance program, the so-called warrantless wiretapping program, but didn't follow the existing law. They didn't go to the existing court. They did it on their own, and they did it for years. It wasn't until this program was disclosed to the American people by the New York Times that we had any personal knowledge that it was going on. There may have been a handful of Members of Congress at the highest levels of the Intelligence Committee who knew about it, but most of us did not and weren't given the information.

So the information becomes public that this warrantless wiretapping is going on after 9/11, a program not authorized by law, and it is challenged in court. When the court takes a look at it, the court says, as good as the reason may have been for this program, as good as its purpose may have been, this President, no President, is above the law. You need a law authorizing you to do what you are currently doing. So then the President came to Congress asking for changes in the Foreign Intelligence Surveillance Act so the power of the President over the new technology that is available around the world would be consistent with the law. That is the legislation that is before us, a bill to amend the Foreign Intelligence Surveillance Act.

We talked about changes in the law, and we made changes in the law. We were moving along on, I think, a positive track toward reforming, changing, amending this law to meet the current needs of keeping America safe. But there was one nagging issue out there, and it was the issue of telephone companies. Here is what it was all about.

Telephone companies doing business in America have a responsibility under the law. That responsibility is to protect the identity and the communications of their customers. If I sign up with my BlackBerry or my cell phone with a telephone company, it is with the confidence that the company that is transferring my communication and my conversation is going to protect my privacy unless—unless a court steps in and says, we have reason to believe a crime was committed or that a party to this conversation is a terrorist or a spy. We need to listen in to this conversation. That has been the standard in America. It was the standard facing the telephone companies.

So the President, through his intelligence agencies, during the period when this warrantless wiretapping program was going on—before it was made public; before it was authorized by law—went to the telephone companies and said, we want the conversations of certain people who are your customers. So the question is: Were the telephone companies doing their patriotic duty under the law by turning over this information, or did they go too far? Did the President misrepresent his authority at that time, or did he not?

These are legitimate questions. Some say, well, wouldn't we err on the side of caution and say to the telephone companies: Cooperate. We don't want another 9/11. Well, of course, we would. And you can understand in the heat of the moment, in the emotion after 9/11, why, when these telephone companies were asked to help, they did it.

I have seen the documentation presented to us in closed session. All I can say about it is, it was extremely limited. There was no legal brief given to the telephone companies saying, this is the authority of the President. It was a very scant document with very little information in it. But this program went on way beyond 2001, 2002. It went on for years. And for years the telephone companies were surrendering this private information about their customers and access to their customers' conversations in a questionable situation under the law.

Some people are testing that in court. They want to know if the telephone companies went too far, if they broke the law, if they violated the Constitution. The President's belief, and the belief of many, is they shouldn't be challenged in court. They shouldn't be held accountable in court. They shouldn't have to answer as to whether they lived up to the law. There are others, like myself, who believe neither a President nor a telephone company is above the law.

If a telephone company, I believe, goes into court facing one of these challenges, and faces any jury of Americans and says, immediately after 9/11 we did what we thought would keep America safe, I would put all my money on that telephone company winning that part of the lawsuit. I think the American people would come down on their side. But there are important questions still unresolved as to whether these telephone companies went too far and whether we should be careful in the future not to give any President, this one or any future President, powers beyond the law. That is really what this battle comes down to.

The reason I was hoping the Senator from New Hampshire would stay on the floor is that I wanted to ask him, as I have asked every Republican Senator who has brought up this issue, if they are arguing that somehow or another the current situation—debating this law on foreign intelligence surveillance—is making living in America more dangerous, then they have to answer a very simple question: Why, repeatedly, over the last several weeks, when the Democrats offered to extend the law so it would continue without any missing intelligence in terms of the surveillance efforts being made, why did the Republicans, the President's party, consistently object to extending the law?

They can't have it both ways. They can't argue we are in a more dangerous situation because the law is not in place, and then object to extending the law. This is exactly what they are doing. They cannot have it both ways.

We have tried repeatedly to extend the Protect America Act while we debate what to do with the lawsuits involving telephone companies, and they have said no, let it expire. Then, they have gone public with television ads and speeches on the floor saying, woe is me, it looks like this law is going to expire, but it is because they objected to extending the law.

They are trying to play both sides of this issue politically, and that doesn't work. It is totally inconsistent, illogical, and I don't believe it is the right thing to do for this country. Let's finish this debate between the House and the Senate as to the liability of telephone companies, whether there will be immunity or liability. Let's reach an end point in terms of that debate on a timely basis. But in the meantime, why do the Republicans continue to object to extending this law so that there is no gap in coverage, so that there is no gap in the protection it offers to the people of this country? I think that is an important element that was missed in the earlier statement.

I wish to read, if I can, from what the USA Today recently said in an editorial.

> Bush is pressing the House to accept the Senate bill and refusing to temporarily extend the current law, which recently expired.

According to the USA Today, they say:

> That's irresponsible. The House and Senate need time to negotiate their differences because the House has no telecom immunity provision. Bush's implication that expiration of the law would expose the Nation to terrorist dangers is worse than disingenuous: The eavesdropping authorizations under the law continue for a year. Crucial decisions about civil liberties in an age of terror shouldn't be driven by fear-mongering.

That was from the USA editorial.

I think this President, unfortunately, is manufacturing a crisis. This is the same thing we heard from this President and this administration in the lead-up to our invasion of Iraq. They painted the most frightening picture of Iraq and Saddam Hussein—weapons of mass destruction which could be aimed at our allies in the Middle East, such as Israel, and aimed at the United States; Condoleezza Rice talking about mushroom-shaped clouds and nuclear weapons striking the United States; drawing linkage between Saddam Hussein and 9/11, when no linkage existed. That was the climate of fear this administration created before they asked this Senate to vote on whether we should authorize the invasion of Iraq.

They are trying to create a new climate of fear on the Foreign Intelligence Surveillance Act. That is fundamentally unfair to the American people. I must warn this President, and every President: The American people will only be frightened by red alerts, orange alerts, and all this rhetoric for so long before they turn it off. We don't ever want to reach that point. We want to make certain when we tell the American people a danger exists, it truly does exist.

If any danger exists now from the expiration of the Protect America Act, it is a danger created by the President's party in objecting to our efforts to extend this law. They cannot have it both ways. They cannot object to extending this law and then say to the American people: Be afraid. Be really afraid, because this law hasn't been extended. That is exactly what has happened.

Time and again this administration's allies have pressured Congress to consider controversial proposals immediately before an election. Now we see them raising another security issue in the run-up to an election. This comes from a playbook written by former adviser Karl Rove that the administration has used over and over again. Think about that vote for the authorization of war in the climate of fear the administration created, and then think of the reality of what we found on the ground when we went into Iraq. Despite heroic efforts by our men and women in uniform, despite their successes in deposing Saddam Hussein, despite the expenditure of billions of dollars, we have never, ever uncovered one shred of evidence of weapons of mass destruction that this administration warned us about. Not one shred of evidence of nuclear devices aimed at the United States or any other country, not one shred of evidence linking Saddam Hussein to 9/11. All of the fear generated by this administration before that vote has not been substantiated.

But the invasion of Iraq has been substantiated in another way, in almost 4,000 Americans' lives that have been lost, 25,000 seriously wounded, and at a cost to the United States and our Treasury—record amounts. By the end of this year, it is estimated we will have spent $1 trillion on this war that this President created on a foreign policy decision which I think may be the worst in my lifetime and sadly endangering so many brave, courageous soldiers who serve our country in uniform and risk their lives when called to duty. It is unfortunate.

Yesterday, at the insistence of the Republicans, we ground to a halt the debate on the war policy in Iraq. It means we will have to wait several months. When we return to it, there will be more than 4,000 American casualties in this war, there will be more injured soldiers, and there will be more money spent.

This President is trying to run out the clock. He wants to leave that White House on January 20, 2009, turn the keys over to his successor, and say: Good luck in Iraq—to leave two wars behind and to leave the United States in turmoil in terms of our foreign policy around the world.

Well, it is imperative now that we have the truth on the floor, and the truth is that we have tried to extend this in law despite the objections of Republican Senators. The truth is that we can work out our differences, and we should do so in a bipartisan way. We all have the same goal here: Keep America safe.

We also want to make sure that when it comes to the use of military commissions for the trials of would-be terrorists, we have a commission or at least some form of justice that will stand up to the test of our Constitution.

I do not want a single person released from our detention, wherever they may be, who can endanger the United States. I want them all held responsible for what they have done to endanger us. But the fact is, there has been only one conviction in the 6 years, 6½ years since 9/11. The fact is, what has happened in Guantanamo has been the securing and detention of hundreds of prisoners for years at a time, many of whom have been released without a charge, to return back to their families and back to their countries with a bitter taste in their mouth about justice under this administration.

The American people will take a hard look at this issue in this election, as they should. One would hope the administration would have learned a lesson from what has occurred with the invasion of Iraq and what has occurred every time they have heightened fears before an election campaign.

The American people have the final word. Now the President is claiming our security is at risk because this Protect America Act has expired. But at the same time, his party, the Republican Party, has time and again objected to extending this law. The American people have heard this song before. They are not going to buy it.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## REQUIRING A REPORT SETTING FORTH THE GLOBAL STRATEGY OF THE UNITED STATES TO COMBAT AND DEFEAT AL QAEDA AND ITS AFFILIATES—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2634, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to consider calendar No. 576, S. 2634, a bill requiring a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise to make a number of points on the two Feingold bills which are before us. I will be happy, after I conclude my remarks, if my neighbor from Illinois, the majority whip, wants to come back and discuss some of the points he made. I believe I disagree strongly with them. But I wish to take the time to lay out my views of what is happening in Iraq and in our battle against al-Qaida and why the two measures before us make absolutely no sense.

On the second Feingold bill, he asks for a strategy dealing with al-Qaida. Let me assure you, as the ranking Republican, the vice chairman of the Intelligence Committee, I know one of the most important elements we have in dealing with al-Qaida is to be able to listen in on their electronic communications. That is covered by the Foreign Intelligence Surveillance Act.

On February 16, 2008, after being extended for an additional 15 days—and we agreed, the Republicans agreed, the President agreed to give an additional 15-day extension on the Protect America Act, but it expired. The Protect America Act which I was pleased to sponsor passed in Congress in August 2007 to provide a short-term legislative solution to intelligence gaps that were occurring because of the outdated Foreign Intelligence Surveillance Act, or FISA, which put a 6-month sunset on the PAA to give Congress ample time to work on permanent changes to FISA.

Our Intelligence Committee, in September, immediately answered the call. We went to work, and after many discussions among staff on both sides, members on both sides, visits to NSA, and in close collaboration with the intelligence community, we passed out a bill that was a strong bipartisan bill that would, with a few modifications, ultimately become the bill the Senate passed. The majority leader, however, did not act on this bill until the final days of the session in December. Even though it was passed out in October, on December 17 several Democrats led a filibuster preventing the Senate from considering this vital intelligence legislation.

I find it ironic that the assistant majority leader is now accusing Republicans of taking up postcloture time on S. 2633, the troop withdrawal bill, when it was one of his own members who filibustered even bringing FISA to the floor last December by demanding postcloture time that killed moving to the FISA legislation in 2007. And it aided in jamming us with a deadline of the expiration of the PAA. That was the Senate Democrats, not Republicans, who jammed this body on the FISA deadline.

Again, when Congress returned from its recess in January, the PAA was set to expire in a few short weeks. The majority leader did not take up this important legislation, however, but he went to a debate on the Indian health bill. With the original PAA deadline looming, a short 15-day extension of the PAA was agreed to with the understanding that both House and Senate would be able to act within that time.

Why the majority leader wanted to put the Senate up against this deadline, I have no idea. He claimed the Senate Republicans did that. Well, I can assure you that it is not the Senate Republicans who filibustered moving the bill in December and insisted on bringing up Indian health before FISA in January. Why was that done? We just passed Indian health recently. It was an important bill, but there was no deadline requiring us to bring up that bill before we went to FISA. Unfortunately, once we did get on the FISA bill, more time was wasted trying to come up with a bipartisan agreement on how to handle amendments.

Ultimately, the Senate passed its bill on Tuesday, February 12—5 days before the expiration of the Protect America Act. The Intelligence Committee bill has been available for review by both Houses since its passage in October. As I said, there are a few modifications in the bill passed by the Senate, but the authorities and concepts remained unchanged.

Additionally, Senate and House majority staff were in close coordination during the deliberation of our bill in the Senate. And it happened more than once, when we were trying to move forward on the Senate floor, that Democrats had to pull their staff out of meetings with our House counterparts to talk to us so we could move forward in passing the bill out of the Senate.

After we passed our bill, the House Speaker refused to allow the Senate's bill to come up for a vote, even after she failed to get agreement from her own body to extend the PAA a second time. The House refused to grant an extension. The Speaker spent the remaining period of time before the recess considering censure resolutions against current and former administration officials and debating and listening to the potential steroid abuse by Major League Baseball players. She had been assured by the majority of her colleagues in the House, Republican and Democrat, that they would pass the Senate bill were she to allow it to come up for a vote. Nonetheless, she allowed the Protect America Act to expire on February 16, and the House went home on recess, as we did in the Senate.

We all know the Senate's bill was passed by a strong, bipartisan 68-to-29 vote. As we all know, this bill goes further than ever before in providing a role for the FISA Court in foreign intelligence collection. It requires, for the first time in history, that the Government obtain a court order to target a U.S. person overseas. And let me be clear, this is not even a requirement in criminal matters, but it is for intercepting terrorist communications. We have gone further in protecting civil liberties than ever intended by Congress previously in FISA or other measures, permitting law enforcement authorities to listen in on conversations or intercepted communications of people engaged in criminal activities.

Finally, of the utmost importance, the Senate bill afforded civil liberties to those companies that aided us with the President's terrorist surveillance program following the September 11 terrorist attack. Why is this last point so important? Well, the events of this past week should make it clear that we need the voluntary cooperation of our private partners in order to collect timely intelligence. The PAA did not provide any civil liberty protections for those providers that assisted with the terrorist surveillance program. It did, however, give prospective liability protection to companies that complied with the directives while the PAA was in existence.

Let me address one point that has been brought up on the floor. The President authorized the use of the terrorist surveillance program under his constitutional article II authorities, which have been used consistently by many Presidents throughout history.

I understand—and I was not involved at the time—that the administration talked with the top leaders on the intelligence committees in both bodies, the Senate and the House, on a bipartisan basis, about trying to get the FISA law changed before they instituted collection. It was the advice of those leaders that the President not try to wait until we could amend and change FISA.

It is a good thing they gave that advice because, as we have seen, trying to get a long-term FISA amendment passed has taken an inordinate amount of time since we first were advised of the need to amend FISA last April when one of the courts involved in this issued an order saying that because technology had changed, we could no longer intercept communications of foreign terrorists whose communications, because of modern technology, came through the United States. That is what shut us down, and that is what still continues to bother us today. That still continues to limit us today, with the expiration of the Protect America Act.

Once the PAA expired, the liability protections as well as the Government's ability to compel assistance were thrown into doubt. Providers that were being threatened with hundreds of millions of dollars in damages from frivolous lawsuits because they helped their country after 9/11 began to delay or refuse assistance with directives under the now expired PAA. And who can blame them? These providers have a fiduciary obligation to their shareholders, and if the law becomes uncertain, as it now does with the expiration of the PAA, it becomes harder to satisfy those obligations, especially when they are faced with the ongoing frivolous litigation that was described here a few moments ago.

There is a very real difference between having the authorization to make the collections and being able to collect. Being able to exercise those authorities requires that the intelligence community have the full cooperation of the intelligence community and that the intelligence community have the full cooperation of the private telecom carriers.

Based on the opinions and legal documents I have read, they were required by law, by the Constitution, to participate. Yet having participated, now they are being faced with frivolous lawsuits which will, I am confident, never show any wrongdoing by the telecommunications companies. The purpose of these lawsuits is not to collect intelligence but, rather, to destroy the ability of the intelligence community to collect information by imposing unbearable public costs on the companies, threatening not only their reputations and potentially a very large amount of their shareholder value but also exposing their personnel and facilities here and abroad to retaliation by terrorist groups.

Finally, the lawsuits, which were applauded recently, have the very real potential of providing more information to terrorists on how we collect their electronic communications. The more we tell them about what we do to collect against them, the better off they are in being able to avoid those collections.

The Director of National Intelligence has told us that now, after a lag, the surveillance under existing directives has resumed. That is good news. But what this means for collection tomorrow, next week, or next month is simply unknown, especially if, for example, the need arises to issue a new directive to a new provider, if some new terrorist group, some new target comes up not covered by previous orders. It is this uncertainty due to Congress's inaction that the DNI and the Attorney General have said is their greatest concern. Let me assure you, the providers share this concern. It is only because of the heroic around-the-clock efforts of the men and women of the intelligence community and the Department of Justice that the providers have agreed to cooperate for the time being, but it is only for the time being. We should not be lulled into thinking we have time, certainly not time for another extension of the 15 days after the 6-month sunsetting bill, to get this legislation to the President for signature. Just as easily, any one provider could decide at any one time that it is no longer in its business's best interest to comply with the Government's lawful request for assistance when the legal authority has expired. Losing the cooperation of just one provider could mean losing thousands of pieces of intelligence on a daily basis. Moreover, because we have already lost cooperation for several days, we lost the foreign intelligence information that will likely never be within our ability to recall.

What terrorist communications we have missed or will miss in the future because of this 1-week gap we cannot calculate. We do not know. I for one believe we were elected in Congress to establish the framework for protecting our national security and for encouraging assistance from our citizens to serve their country rather than encouraging or allowing a state of fear to fall upon our citizens and companies that would dare to assist their Government in a time of need.

Is this really the message we want to send? Do we really want to send the message: Don't help your country or you will get sued and your elected officials will condemn you? Isn't that really the main issue and the heart of the message here? I am afraid it is. I deeply regret that is what we are seeing on this floor.

Some in Congress, particularly in the House Democratic leadership, have asserted that even though the PAA has expired, the country is just as safe as we were after the PAA was enacted. They claim the procedures under FISA are more than adequate to allow the intelligence community to do its job. They point out that the certifications already issued under PAA do not expire until at least August. These arguments simply do not carry water. Those who claim we can revert simply to emergency FISA orders demonstrate they really don't understand how the FISA process works. The intelligence gaps that led to the need for PAA were caused not by backlogs in processing FISA warrants but because of the way FISA was being applied to foreign intelligence collection, and seeking emergency authorization is not simply a solution, as though the intelligence community could just tell the Attorney General they are intercepting terrorist communications and then build a case for probable cause. Rather, the intelligence community must first establish probable cause on each target before they go to the Attorney General for emergency authorization.

The problem prior to PAA—and it is the same problem that exists now that the PAA has expired—is that the probable cause standard cannot always be satisfied easily when we are talking about foreign terrorists, foreign terrorists who are not entitled to constitutional protections. Analysts who should be spending their time tracking the terrorists will be forced to expend countless hours, hundreds of hours, to develop enough information to support the FISA probable cause standard. We all understand the merits of a probable cause determination when we are talking about U.S. citizens. That is what the fourth amendment is all about. But when we are talking about foreign terrorists, applying such a standard absolutely makes no sense.

Is the House Democratic leadership really advocating a system that imposes unreasonable burdens on our intelligence analysts at the expense of our ability to track terrorists and affords foreign terrorists the same fourth amendment protections our own citizens have? I would hope not. The people I talk to back home don't think that makes sense. There is a lot of common sense around the country. When you go out and talk to people and you listen to them, you hear that common sense. They say: What are we doing, giving our constitutional rights to foreign terrorists who seek to harm us?

These points were reiterated this past week by the DNI and the Attorney General in their letter to House Intelligence Committee chairman SILVESTRE REYES. The DNI and AG disagreed that FISA could be employed in place of the PAA, pointing out that it was "the very framework that created intelligence gaps in the past."

Further, just because existing authorities will continue in effect at least until August doesn't mean the intelligence community has the flexibility and authorities it needs to address future unknown threats or technologies. Having the authorization doesn't necessarily mean you have the ability, particularly in the situation in which we have placed our vital private sector partners who must cooperate with us.

As the DNI noted this weekend in an interview:

> A new personality, a new phone number, a new location—we now have to put it into the system to be able to collect that information. That's the question, because the private sector partners said nothing new. So we had to negotiate that because what it created was uncertainty, and the position from the private sector point of view, "Am I protected? Does the law allow you to compel me to comply?" And when the act expired last week, that's in question. And that's why we feel that we are less capable of doing our job.

The immediate problem for the intelligence community is how to address this uncertainty so that new threats not covered under current certifications or directives may be pursued. And the DNI has told us this is no longer a hypothetical concern. While I cannot discuss details publicly, any Member may come to the Intelligence Committee's spaces for a classified briefing on this issue.

Simply to sum up on the second Feingold amendment—for the safety of our country, the safety of our troops abroad, the safety of our allies, the House must bring up and pass our bipartisan FISA bill now.

Turning to the first Feingold amendment, that is another one seeking to renew and rejuvenate a measure that we have voted down more than 40 times in this body: that we cut and run, that we declare defeat and retreat from Iraq. I thought it was interesting; this morning I saw a Presidential candidate on the trail stating that al-Qaida was not even in Iraq before we went in to take out Saddam Hussein. If you take time to get informed about what was going on in Iraq, as we have in the Intelligence Committee, you will know there was a very vibrant group, a very vibrant Islamic terrorist group called Ansar al-Islam. Its leader was Abu Musab al-Zarqawi. We got to know him well because he was that vicious villain who beheaded his enemies on television. Innocent citizens, American troops, journalists, he took great delight in lopping off their heads in front of television.

And, yes, his group, Ansar al-Islam, picked up the major franchise. He joined officially what he had been unofficially, and that was an ally of al-Qaida. His group is now called al-Qaida in Iraq. They may have changed the name, but the people were there. The terrorists were there. David Kay went into Iraq after we deposed Saddam Hussein. He was sent there with a group called the Iraqi Survey Group to find out why we got the information wrong. There were wrong things in our intelligence. We made assumptions that weren't correct. But we missed other dangers, such as his ballistic missile program, the fact that he found Iraq to have been a very dangerous place in which terrorist groups were running loose and where Saddam's government had the ability to start a just-in-time inventory production of weapons of mass destruction.

The conclusion of the Iraqi Survey Group, which was discussed with us many times in the Intelligence Committee and was then stated publicly: Iraq was a far more dangerous place ever than we knew. That is what the best intelligence post-fall of Saddam Hussein had to say for those who question why we went in. We didn't get it all right. But we had enough right to make the right decisions. From the intelligence we know now, al-Qaida was not only in Iraq before we went in, it is the primary danger we fight there now, and its leaders have said repeatedly that they want to make their headquarters for their worldwide caliphate in Iraq.

Fortunately, our military leaders have developed a strategy that is working against them: General Petraeus, the surge and, most importantly, the counterinsurgency strategy, COIN, to go in, clear, hold, and build.

We can't just knock out a terrorist activity. We have to go in and make sure al-Qaida doesn't come back. We have to go in with Iraqi security forces to make sure the area can be safe so they don't come in and retaliate against citizens who cooperate with us.

We have been hearing on the floor some very compelling testimony by my colleagues who have recently returned from Iraq about the tremendous progress that has been made there. My last trip to Iraq was in May of 2007. We saw, when our Intelligence Committee was there, the beginning of a turnaround that showed that the COIN strategy of General Petraeus was working. But last night, I had an opportunity for an extensive conversation with a Marine combat platoon commander who went back to Al Anbar province in March of 2007, having left there 1 year previously after spending 13 months there on his first tour in Fallujah.

In March of last year, it was a very difficult situation, and al-Qaida was still hanging on to control in Al Anbar. The Marine platoon commander had left there in February 2006. We were working toward progress, but then al-Qaida bombed the Golden Mosque at Samarra and the ensuing chaos allowed al-Qaida to establish a firm foothold in Al Anbar and served up grave sectarian stress.

Things began to change in the spring with the COIN strategy. American and Iraqi forces were clearing, holding, and building, embedded in the communities they had cleared. As of May of last year, Marine outposts and Iraqi Army outposts were still being bombarded with mortars, threatened by IEDs, and continually harassed by small arms fire, a deadly combination of attacks on them. But when the American troops demonstrated they came in to clear and help Iraqis hold a secure area, things started changing dramatically. Iraqi security forces began working better among themselves and with their forces. There was much greater civilian cooperation, and Iraqi civilians became our most vital source of intelligence. That intelligence, combined with the good work of the Iraqi security forces and Marine action, essentially eliminated most of the kinetic threats, the killing threats.

By the end of July 2007, the Iraqi Army was no longer needed in Al Anbar and moved on to other areas to chase al-Qaida. They turned the security in Al Anbar back to the Iraqi police, backed up by the Marines.

This began a very positive trajectory that continued throughout the time the platoon commander was there. In the last 4 months he was there, he said the 2nd Battalion 6th Marines did not suffer any injuries from hostile kinetic attack—mortars, IEDs, small arms fire. But probably the most important thing was that al-Qaida lost its traction. It was denied the assistance and support of local populations. And for the Iraqis, the most significant thing was the Iraqis were much safer themselves, having less to fear from the terrorists who killed Muslims as freely as they killed Americans.

In my view, that is a military strategy for success. Al-Qaida forces must be driven out wherever they amass to mount attacks against us or our allies or peaceful Iraqis. Iraqis are taking over security with their Army and police. We must continue to train and support them and back them up when al-Qaida amasses forces against them. That is essential.

Al-Qaida will not go away anytime in the near future. But right now the military battle is in Iraq, and we must continue to strengthen the ISF to fight al-Qaida jointly with them and enable the ISF to do the basic job of assuring security and stability in Iraq. Al-Qaida will no doubt try to establish other beachheads, and we will attack them where we find them.

That is our military strategy. That depends upon good intelligence. That depends upon the passage of FISA. Our intelligence strategy is clear. We must have the FISA bill, and it is time for the House to act. It is the only way we can monitor top-level communications of al-Qaida leaders.

Working with our Pakistani allies, we have seen the death recently of Abu Laith al-Libi, the fifth-in-line operational chief of al-Qaida, who became eliminated. Fortunately for us, the operational leaders, the ones who give the orders, are taken out on a regular basis because we can get the information on them and we can work with our allies to take them out.

I would say, parenthetically, we need a clear, hold, and build strategy wherever terrorism threatens. That means before a radical group steps up and takes over a country. That means we must reject protectionist calls from those who would stop American economic ties and development activities, educational exchanges, with Islamic and Third World countries where terrorism seeks to gain a foothold.

What we call smart power is the essential element in maintaining long-term safety and security. The battle against terrorism is 20 percent kinetic. That is what our military does so well, and we are doing it well in Iraq. We need to be aggressive in going after their kinetic threats, against terrorists. We need strong intelligence activities. But 80 percent of the battle is economic development, personal contact, educational exchange, helping those countries know we are with them in partnership to assure their democracy, human rights, and economic opportunity through free markets in their countries. That strategy is working in Iraq, and we need to apply that strategy wherever the danger exists or where it may exist.

What is working in Iraq right now? We have seen the COIN strategy. Attacks by insurgents and rival militias have fallen by 80 percent in Baghdad. Our marines have returned from Al Anbar on success, having routed al-Qaida. Al-Qaida once controlled big chunks of Iraq and is now fighting to maintain its last stronghold in the country in Mosul. According to senior Iraqi military officials, concrete blast walls that divide the capital can soon be removed.

These dramatic security improvements and our COIN strategy have, as intended, created an environment in which Iraqi political leaders can reconcile. Everybody wanted to see them act quicker than this body, Congress, can act. They passed a debaathification law, a provincial election law, an amnesty law, a $50 billion budget. These things are going to go through the political process. One of them was vetoed. But they are making the process work, and that is what we can expect, not that they will move more efficiently and effectively than we do.

Despite all the progress, some on the other side remain unwavering in their commitment to withdrawal. The artificial deadlines, timelines would jeopardize Iraq's very real chances that it will emerge as a secure and stable state.

Are the Democrats so intent on denying President Bush a victory for a war they insist is his that they would deny their own country a now achievable victory—a secure and stable Iraq? Trying to blame the Iraq war on Karl Rove is a political shot that has to be dismissed as nothing more.

The Iraqi Government has its problems, and there is too much sectarianism in the Government and the Iraqi Security Forces. But saying the benchmarks have not been met—and damning the war to failure on that basis—is shortsighted, defeatist, and yesterday's sound bite. We do not need any more sound bites. We do not need any more political campaigning on keeping our country safe. It is time we got serious about assuring our troops they have the support they need and that our intelligence agencies have the ability to use their full capabilities, technical capabilities in partnership with the private companies, to make sure we get the best intelligence available.

No responsible Iraqi official thinks we can leave now, nor do our U.S. commanders, and nor do any responsible world leaders, regardless of whether they felt we were right to go into Iraq in the first place.

If you think our world standing has gone down as a result of Iraq, watch it take a nosedive if we pull out precipitously and irresponsibly, leaving a mess in our wake: Chaos, widespread killing, potential regionwide sectarian wars, and the reestablishment of an al-Qaida safe haven, a caliphate.

The same people who were wrong about the surge a year ago are determined to remain wrong about it now. We must defeat the retreat-and-defeat resolution. We must defeat an effort to establish our al-Qaida fighting strategy in public. We have a strategy. Anybody who wants to learn about it can learn about it. Some of it is classified. We are not going to talk about it publicly. But I join with my colleagues in urging defeat of both the Feingold amendments.

Now, Mr. President, I yield the floor for my colleague from Florida.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Florida.

Mr. MARTINEZ. Mr. President, I thank the Senator from Missouri for his steadfast direction on this very important issue to the national security of our country and for the great work he does in our Intelligence Committee. But I also know he is someone who not only looks at this issue as it relates to the safety of the American people, but he also has had, as you might say, a little skin in the game. He has had his son over there on more than one occasion. So he is someone who speaks not only as a terrific Senator but as a father of someone who has been on the frontlines of this battle.

So I, too, rise in opposition to both Feingold proposals. I believe this is a time when anything other than retreat is the order of the day. It is odd we should come to this point at this point in time. Why, once again, after now repeated and repeated attempts without success to insist on a withdrawal and a retreat and a defeat, do we come back to revisit this very subject?

So I rise in opposition to the Feingold measure. The measure requires that the administration develop a strategy ensuring the deployments do not undermine military readiness or homeland security—which that is what they are about; they are about homeland security—and that Reserve units are not deployed more than once every 4 years and regular units not more than once every 2 years.

The fact of the matter is much of what this Feingold proposal—the current one—suggests or asks is information that the sponsors of this legislation, if they truly just seek to obtain that information, would find in very comprehensive documents that are already available.

There is something called a Quadrennial Defense Review, something else called the National Military Strategy. Also, there is the National Security Strategy. And there are many other documents such as these that are already available. These documents exist so we can have a fuller view of the challenges we face and the assets and plans we have in place to defeat the enemies of America.

I would further suggest that one of the key tools in the fight against al-Qaida is FISA, the Foreign Intelligence Surveillance Act. That is something both the military and nonmilitary intelligence agencies use to track terror suspects. It is probably the single most effective tool we have in making arrests and disrupting terrorist operations.

The Protect America Act, nearly 2 weeks ago—which updated FISA—expired because the Congress failed to act. The Senate acted, the House did not. As a result, we run a serious risk of losing the cooperation of the partners we rely on for gathering intelligence. As the 9/11 Commission and others have pointed out, small gaps in intelligence or the inability to connect the dots can have catastrophic consequences.

Because of the uncertainty this Congress has helped to create, we are running the risk of losing these partners and missing out on information that could be vital to securing this Nation. It is imperative for our intelligence community to have every tool they need to collect intelligence at their disposal.

The core authorities provided by the Protect America Act have helped us to obtain exactly the type of information we need to keep America safe, and it is essential Congress reauthorize the act's core authorities, while also extending liability protection to those companies that assisted our Nation following 9/11.

As a member of the President's Cabinet on the fateful day of September 11, 2001, I can readily recall what this city was like on September 12. We could still see the smoke rising from the Pentagon building—that unbelievable sight of destruction, of death. It was a time when the Nation was assured we were about to be hit again. The decision was made that we needed to act, that we needed to move forward to try to protect our Nation. And thank the Good Lord, until today our Nation has been kept safe. That has not been by accident. That has not been just by fate. It has been because we have been aggressive in intelligence gathering, and we have been aggressive in taking the fight to the enemies of America.

Some in this body have argued the expiration of the Protect America Act has not weakened the intelligence community's ability to conduct surveillance and have cited an Executive order as a legitimate substitute for the act. I do not agree with that. I disagree.

An Executive order is not always as effective, efficient or safe for our intelligence professionals as the conditions accorded to them under the Protect America Act. In fact, this Executive order failed to aid our intelligence community in a particular case prior to 9/11. One of the September 11 hijackers communicated with a known overseas terrorist while living in the

United States. But because that collection was conducted under an Executive order, the intelligence community could not identify the domestic end of the communication and, further, were unable to collect the information that may have given greater insight into the planning of the 9/11 attacks.

In fact, this was cited as one of the central criticisms to the congressional joint inquiry that examined the intelligence failures leading up to the September 11 attacks.

In the absence of the Protect America Act, others have argued employing the outdated provisions of FISA would be sufficient to ensure there is no drop-off in the way we gather foreign and domestic intelligence. Unfortunately, using these particular provisions accorded under the FISA Act—unlike the Protect America Act—would impair our ability to collect information on foreign intelligence targets located overseas.

FISA was designed to govern intelligence surveillance of persons in the United States where the fourth amendment mandates that there must be probable cause before surveillance can begin. While this makes sense when targeting suspects in the United States for surveillance, it doesn't for surveillance of overseas targets and could result in the loss of potentially vital intelligence as our intelligence officials wait for the process to occur. It could also divert the attention of our linguists and analysts away from their core role, which is to protect the Nation from the task of providing detailed facts for FISA Court applications.

It is false to assume Congress's amendments to FISA are sufficient and that there is no longer a need to modernize the act. This past August, Congress amended the Protect America Act on a basis that runs counter to this particular statement. Since its inception in 1978, there have been many advancements to communications that have to be reflected, that have to be updated, and that have to be a part of FISA.

There has been an issue of concern also about Congress's failure to provide liability protection for private sector firms which helped the Federal Government in defending the Nation following the September 11 attacks. This was part of the Senate bill which had strong bipartisan support. Not providing liability protection, some have argued, will have no effect on our intelligence collection capabilities. The fact is that these companies acted in good faith, and they acted in good faith when they were called upon to assist our intelligence professionals in keeping our Nation safe after our Nation was attacked.

I once again want to remind us about September 12. What did we feel like? What were our thoughts at that time? What would we not have done to ensure that America was kept safe from another savage attack? By the way, our enemies are still at it. Nothing has changed in terms of their intentions. What has changed is their capabilities, because we have been on the offense. What has changed is America's ability to defend itself because we have been protecting ourselves.

It was the right thing for these companies at the time to assist their Nation in need, and it was the right thing for us to do to provide them with immunity from the potential barrage of lawsuits they could face. It was the fair and the just thing to do. Private party assistance is necessary and critical to ensure that the intelligence community can collect the information needed to protect our country from attack.

In a report on S. 2248, the Senate Intelligence Committee agreed when stating:

> The Intelligence Committee cannot obtain the intelligence it needs without assistance—

from our telecommunications partners.

Exposing the private sector to potential billion dollar class action lawsuits would set a dangerous precedent after they worked admirably with the folks in our intelligence community to defend our country. If we are unable to count on their support in the future, we cannot continue to pursue terrorists who are still very much interested in attacking us again.

Yesterday, testifying before the Senate Armed Services Committee, Admiral McConnell was very clear. This is necessary. It is essential for Admiral McConnell and for our intelligence community to be able to do their work. We have a solemn obligation to keep to the American people, which is to keep them safe and to remain proactive in identifying threats before they materialize.

Through the benefit of hindsight, we have identified some areas where the bureaucracy has failed the American people, and we must work to fix them by ensuring our intelligence officials have everything they need to stay on the offense in the war against our enemies.

One thing I think we can agree on is that Iraq is the pivotal front on our global war on terror. That is where we are fighting al-Qaida. We fight them there so we don't have to fight them on our soil.

Osama bin Laden has called Iraq the "central front" against the war on America and the West, and al-Qaida in Iraq shares that goal. Our soldiers are on the front lines of this war on terror, and it is our duty to give them everything we can to help them achieve their objectives.

Admiral McConnell yesterday was talking about how this particular act could help in the case of kidnapped soldiers on the front and that this inability would be a tremendous detriment to our ability to keep our soldiers safe on the battlefield.

I understand the bill we are on today and the legislation we considered earlier this week are aimed at pulling United States troops out of Iraq immediately, precipitously, irresponsibly, and signaling defeat. If we are seeking conditions in Iraq today such as those we saw a year ago—presurge—then I could understand why we would be debating this. When we were here a year ago, many of my friends on the other side of the aisle were ready to admit defeat. The distinguished majority announced that the United States had "lost" the war in Iraq, there was no way to win, and that we should pull our troops out as soon as possible. Presidential candidates still continue to insist that an immediate pullout is the only logical answer that a Commander in Chief should take.

A lot has changed since a year ago. In February of 2007, ethnosectarian violence accounted for nearly 800 deaths in Baghdad. So far this month, ethnosectarian-related deaths number below 40, a 95-percent decrease. During the same period in Baghdad, suicide attacks went from 12 a month to 4 this past January, a 66-percent decrease. Attacks have decreased in 17 of 18 provinces in Iraq. IED detonations are down by 45 percent in Baghdad since February of 2007.

This is to say that the war wasn't lost. Admitting defeat was premature, if politically expedient, at the time. We did not lose the war. The surge is effective. Our troops, as we knew they would, did rise to the challenge. By the way, it is not only our troops, it is our commanders. It is General Petraeus. It is the brilliant strategies that have been followed.

No one wants to have our troops in Iraq any longer than necessary. I look forward to the day when young people I know who are paying this country's duty there can come home to their families and to their young children. We are there because our military presence is necessary. It is necessary for our national security.

The troop withdrawal measure, Feingold No. 1, was debated this week and would cut off funds for combat deployments in Iraq in 120 days. Not only would it cut off money for our troops, it would cut off any chance at continuing the political process that has begun to take hold in Iraq.

The atmosphere that the surge has created in Iraq has allowed political progress to take place. Sure, the voices of defeatism would say we have made no political progress. The fact is from time to time we get a little bogged down in the Senate, even after 200 years of meeting together and after 200 years of relative peace and tranquility. But progress is being made politically.

This month, on February 13, the Council of Representatives passed three key pieces of legislation: the amnesty law, the provincial powers law, and a fiscal budget.

The amnesty law: The Government of Iraq's general amnesty law represents a benchmark in facilitating political reconciliation and the rule of law of Iraq. It addresses the scope of eligibility for amnesty for Iraqis in Iraqi detention facilities, whether they have been brought to trial or not. The law exempts from this amnesty those who have committed specific serious crimes such as premeditated murder or kidnapping or those who are subject to the death penalty.

The provincial powers law: Along with the elections law, the provincial powers law provides the establishment of a new provincial election by October of 2008 and defines the authorities of the federal government in relation to the provinces.

The fiscal budget: The $48 billion Iraqi budget would represent a 17-percent increase in spending over last year's budget, with a 23-percent increase in security expenditures. They are beginning to pay for defending their country. Capital funds allocated to the 15 provinces will increase over 50 percent, from $2.1 billion to $3.3 billion, reflecting the improved budget execution performance by the provinces in 2007.

Democrats' proposals for a quick withdrawal of American forces without regard to consequences will leave America less safe and undermine our national interests. Moreover, disclosing to al-Qaida our plan for defeating them is a recipe for defeat of our own troops. General Petraeus tells us that the effective fight against al-Qaida begins in Iraq. General Petraeus says:

> We have an enormous national interest in Iraq, first of all, in helping the Iraqis achieve its objectives, our objectives of a secure, stable Iraq, connected into the region. Not a regional problem, not a base for al-Qaida from which to train and export terror. . . .

And, I would add further, one of the possibilities of a triumphant Iraq, of a triumphant United States in Iraq, of a state that could be a stable democracy in the heart of the region, and what a difference it could make as an example to other nations.

I am still hopeful enough to believe that this can be achieved, and certainly when we look to where we were a year or so ago to where we are today, a lot has changed and a lot has happened.

I see my colleague from Colorado patiently waiting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I personally thank the Senator from Florida for a fine statement. I listened very carefully to what he had to say on FISA, and then his message of hope to the Iraqi people. I have had an opportunity to serve with the Senator from Florida in the Senate and I feel very honored to be able to do that. I also had an opportunity to interact with him when he was a member of the President's Cabinet. He is a leader whom I think has a future and I certainly appreciate his leadership here in the Senate as well as in the President's Cabinet. I thank him for his dedication to our country.

Mr. MARTINEZ. Mr. President, I thank the Senator from Colorado.

Mr. ALLARD. I also want to recognize Senator BOND, the Senator from Missouri. He spoke before Senator MARTINEZ. I thought he gave a very meaningful talk about the importance of FISA, along with Senator MARTINEZ. He has a personal interest in what happens, not only as a Senator from the State of Missouri, but he has a son who serves in Iraq. So he gets a firsthand report, and I know he spends a lot of time studying it. He certainly has become one of the more knowledgeable people in the Senate as far as intelligence matters are concerned. I think it behooves all of us to listen to his presentation and the message he is sending.

I rise today to discuss S. 2634 in light of the current situation regarding the Foreign Intelligence Surveillance Act. The bill we are discussing calls upon the Secretaries of Defense, State, and Homeland Security, along with the Joint Chiefs of Staff and Director of National Intelligence, to jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al-Qaida and its affiliates. I can't imagine that this proposal would have any effect—given, for instance, that the Director of National Intelligence Mike McConnell has been calling for an extension of the Protect America Act, and the House refuses to listen. Director McConnell feels an extension is necessary to combat and defeat terrorists, including all al-Qaida, but that proposal doesn't seem to matter much.

As we all know, the existing authorities provided by the Protect America Act expired nearly 2 weeks ago. On February 16, the House Democratic leadership allowed these provisions to expire without a vote. So for the last 2 weeks, our intelligence community has lost out on opportunities to gather intelligence and to continue to keep our Nation safe.

As a majority of Senators know, the recently passed Senate version of FISA is a solid, workable, bipartisan bill that would greatly enhance the protection of this country. In addition, it would increase civil liberty protections and the protections of the privacy rights of Americans.

The Senate passed FISA modernization with bipartisan support. Since then, the House has failed to take up the provisions. What is most distressing, and quite frankly the most insulting factor in this situation, is that within the same week the House chose not to take up and make permanent essential provisions from the Protect America Act, the House Committee on Oversight and Government Reform found time to conduct a hearing on steroids in professional baseball that amounted to nothing more than a media circus. It is for reasons such as these that Congress has some of the lowest approval ratings in history. To top it off, the House promptly adjourned for a week of recess as the FISA provisions expired. If nothing else, this action—or more correctly inaction—presents the appearance that House leadership is prioritizing media-friendly events above the hard work of keeping our Nation safe and providing our intelligence agencies with the tools they need.

FISA in its current form is not sufficient to fight the war on terror. This issue, as much as any issue brought before Congress, needs to be clarified in a timely fashion. Time is most certainly not on our side, and continued delays in the passage of this bill will simply prolong our existing vulnerabilities.

Director of Intelligence Mike McConnell and Attorney General Michael Mukasey wrote on February 22 that:

> We have lost intelligence information this past week as a direct result of uncertainty created by Congress's failure to act.

Mr. President, is this a comment we simply want to disregard? Are House Democrats under the impression the DNI and Attorney General are bluffing? These claims need to be taken seriously, and political posturing simply will not suffice at this point.

Our intelligence community must act quickly in order to be successful. As lives literally depend on their expeditious decisions, it is not in our best interests to deprive our intelligence community of the ability to collect necessary foreign intelligence information. Having the ability to collect and obtain correct information at the right time is of critical importance to our struggle against radical Islamic terrorists who have grown increasingly brazen in their tactics. Additionally, our enemies have become more adept to changes in technology. The world moves quickly, and we have no choice but to keep up with the changes if we are to keep our country safe. The absence of a legislative framework creates an ambiguous environment that presents our enemies with opportunities to exploit our weakened defenses.

Nearly 2 weeks later, these provisions are still surrounded with uncertainty, as the House has failed to act on the bipartisan legislation put forth by the Senate. The information that has been lost in the last weeks is lost forever. We will never know what happened and, hopefully, we will never learn what we missed during this time the hard way. If we think the enemy is not watching the actions of Congress, we are simply fooling ourselves. Simply put, this is too critical an issue to be playing politics.

We are only hurting ourselves and insulting the men and women of our military and intelligence community who risk their lives every day while gathering and acquiring certain intelligence data, if we are going to waste their efforts by bogging down the collection of critical information. We know full well we must do a better job of connecting the dots in our enemies' communications, and the challenge is only increased with the Internet, cell phones, and other forms of communication. We don't need to unnecessarily place Americans in greater danger. To needlessly fail to detect a terrorist plot is one of the most egregious disservices that our Government could commit. The fact is, we are not on the same playing field as our enemies. As Americans, we have higher standards. We abide by laws and protocols which our enemies do not follow.

Protecting the civil liberties of Americans has always been one of the cornerstones of our democracy. However, a balance must be struck between protecting civil liberties and protecting our citizens from foreign threats. I believe this balance has been struck through the Senate bill. The legislation strikes this necessary balance. In changing times, revision of our surveillance laws needs to occur.

In the time between the court ruling requiring the Government to obtain FISA Court orders for foreign surveillance and passage of the Protect America Act, collection of foreign intelligence information decreased by 66 percent. We cannot ignore that fact. We are not making our Nation safer if our intelligence-gathering capabilities are functioning at one-third of their capacity. As such, Congress addressed these concerns through the Protect America Act. But now we have essentially taken a step back, and that is inexcusable.

As it stands today, there currently exists a legal uncertainty for the telecommunications companies assisting us in this critical task of gathering intelligence. This simply makes it more difficult to collect the vital information needed to keep Americans safe. I cannot emphasize enough how paramount it is to have the assistance of private telecommunications carriers to carry out intelligence gathering.

The Senate bill provides protective immunity to those carriers whose cooperation will be needed in the future. It also provides retroactive immunity to private carriers from civil lawsuits arising out of their alleged cooperation with the National Security Agency in their terrorist surveillance program between September 1, 2001, and January 17, 2007. Also, this immunity does not extend to Government officials or to any criminal proceedings that may arise in the future out of the terrorist surveillance program.

Thus far the House version does not offer immunity to the telecommunications companies. I hate to even allude to the fact that failure to offer this immunity stands to benefit only two groups—terrorists who exploit our system and trial lawyers who file class action suits—but I feel I must.

Mr. President, the U.S. Government owes these patriotic companies and their executives protections based on the good-faith effort they made in working with our intelligence community, assisting in their efforts to discover and thwart attacks against our Nation. The Senate Intelligence committee found and stated in its report that, without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future, resulting in what the committee calls "a possible reduction in intelligence." This is simply unacceptable for the safety of our Nation.

Because the companies stepped up to help their country in a time of war, they have been the subject of over 40 lawsuits, and counting. It doesn't take an accountant to realize these claims and the litigation involved could end up costing hundreds of billions of dollars. These companies could end up in bankruptcy, and the trial lawyers will continue to get richer.

The bottom line is the FISA temporary provisions need to be reauthorized as soon as possible. The temporary provisions expired on February 16, almost 2 weeks ago, and since then leaders in the intelligence community have stated that we have lost important information as a result of Congress's failure to act. It is unacceptable and irresponsible to ignore the needs of our intelligence community at this stage of the legislative process. The House owes it to America to accept the Senate bill or expeditiously work out changes in a conference so we can provide the protection the American people deserve and demand.

I see my colleague from the State of New Mexico is prepared to make his comments. I publicly thank him for his service over the years. He is a great leader. I appreciate what he has done for America.

I yield the floor.

### ENERGY

Mr. DOMENICI. Mr. President, I have come to the floor to speak about our Nation's growing reliance on foreign oil, and to outline many of the ideas that can help reduce that dependence.

Ten years ago, I gave a speech at Harvard University entitled, "A New Nuclear Paradigm." Its purpose was twofold: to shine a light on the substantial benefits of advancing nuclear power, and to outline specific policy initiatives needed for a nuclear renaissance in the United States. At the time, I stated that it was "extraordinarily difficult to conduct a debate on nuclear issues." After all, it appeared that America had given up on nuclear power.

In my speech, I observed that an open discussion of nuclear energy issues produced only "nasty political fallout." A lingering worry lay deep within me that as such critical issues retreated into the halls of the academy, rather than the Halls of Congress, we risked losing an opportunity to have a serious debate. Had that come to pass, the United States would have missed out on the vital contribution that nuclear energy offers to our national security, economic strength, and foreign policy objectives.

My remarks came in the midst of a stretch when nuclear energy was largely dismissed. Between 1978 and 2007, not a single application was filed for a new nuclear plant to be constructed in the United States. Internationally, the story was much different. During that same period of time, more than 250 nuclear reactors were brought on-line around the world. And, as President Carter took our Nation down the short sighted path of a once-through nuclear fuel cycle, Europe and Japan wisely chose to proceed with their reprocessing and plutonium-use programs. The poor decisions made here stood in stark contrast to those made abroad. Nations that chose to pursue nuclear power became more competitive in the global economy, and America's long-standing edge in innovation began to slip.

In the decade since my address at Harvard, we have changed the face of the debate on nuclear energy. We did this by ensuring that it was framed in the context of how to advance nuclear energy, not whether we should. It is now clear to serious thinkers that advancing nuclear power is essential to providing clean, safe, affordable, and reliable electricity. And, it should be equally clear that the advancement of nuclear power is the essential tool in confronting the challenge of global climate change.

The clearest evidence of this shift in thinking came with the passage of the Energy Policy Act of 2005, which included loan guarantees, tax incentives, risk insurance, and an extension of the Price-Anderson Act. All of these policies are important for the development of nuclear power. And to this day, the signing of that important legislation, in my home State of New Mexico, remains a watershed moment in America's nuclear renaissance. In the 30 months that have passed since the bill was signed into law, we have seen the planning stages begin for 33 new nuclear reactors in the United States. I was thrilled to take part in an event last fall celebrating the first operating license application in decades. Since then, six more applications for new nuclear reactors have been filed with the Nuclear Regulatory Commission.

To put the importance of these achievements in their proper perspective, one must appreciate the enormous global benefits of a nuclear renaissance in this country. Consider that today, there are 104 nuclear reactors in service around the Nation. Together, they displace the same amount of carbon dioxide as is emitted by nearly every passenger car on the road in America. A future for nuclear power in this country will truly mean a brighter tomorrow.

The Energy Policy Act of 2005 has already had a positive impact on the advancement of other energy resources as well. The Federal Government has now approved seven new Liquefied Natural Gas terminals, which could bring an additional 15.1 billion cubic feet of natural gas to the U.S. marketplace. As a result of that bill, enough wind-power has been brought on-line to power 2½ million homes. Along with much-needed electricity capacity, this new wind production has generated $16 billion in economic activity, created new green jobs across the country, and displaced 16 billion tons of carbon dioxide.

The Energy Policy Act of 2005 also included the first-ever ethanol mandate, a small but important step toward reducing our dependence on foreign oil. This standard has been so successful that since the bill's passage, 77 new ethanol plants have broken ground across the country. Last December, we voted to substantially expand this standard to continue to revitalize rural America and provide our Nation with home-grown energy.

In the years ahead, the benefits of this act will be even more apparent. Renewable fuel usage will increase. The decline in domestic oil production will slow. And if the 33 nuclear reactors now being planned are built, they will generate enough electricity to power 28 million American homes.

In the following year, 2006, Congress picked up where it left off and passed the Gulf of Mexico Energy Security Act. Staring down a more than two decades-old moratorium that prevented the discovery of our Nation's deep sea resources—we acted. By lifting a ban in the Gulf of Mexico, we allowed for the production of American resources in an area that covers more than 8 million acres.

This bill is already attracting great interest, and investment, in America's ocean energy resources. An estimated 1.26 billion barrels of oil and 5.8 trillion cubic feet of natural gas were made available as a result of the decision to open this area. That is enough natural gas to heat and cool nearly 6 million homes for 15 years.

The 2006 bill is also delivering significant revenues to the Treasury. Last October, the Department of the Interior conducted a lease sale in the central Gulf of Mexico, part of the area covered by the new law. That sale attracted $2.9 billion in high bids, the second highest total in U.S. leasing history.

More important than the resources made available, and the revenues brought in, were changes to the prevailing mindset—that it is acceptable to lock up American resources as both foreign dependence and the costs of essential goods and services continue to rise. We must continue fighting against that type of outdated thinking.

Last December, after 12 full months of debate, Congress again responded to America's energy and environmental challenges by calling for greater efficiencies, a stronger energy supply, and a cleaner environment. With the enactment of the Energy Independence and Security Act of 2007, we will see a 40-percent increase in fuel economy by 2020, a savings of several billion barrels of oil, and 36 billion gallons of biofuels introduced into our fuel mix by 2022. As a result of this new law, energy usage in Federal buildings will be reduced by 30 percent, and 6 billion tons of carbon dioxide will be displaced by 2030.

I begin with these examples to prove that progress on energy policy is not only possible—but that it has, in fact, become something of a pattern. While conventional wisdom holds that Washington has been asleep in meeting our energy challenges, those of us in Congress have agreed on three pieces of landmark, bipartisan energy legislation in the past three years.

Despite this progress, the energy debate should, and must, continue. Today more than ever, policymakers are faced with a daunting task: how to meet America's growing energy needs efficiently, affordably, and responsibly. Congress's recent achievements have been years in the making. They are steps in the right direction. But in many ways, they are overshadowed by the enormity of the challenges that remain.

Americans now spend hundreds of billions of dollars to import oil each year. Over the course of decades, these billions will become trillions. A tremendous amount of American wealth, accumulated over generations, is being transferred to nations that are rich with oil. We are trading our American capital—a resource that can grow and multiply—for Middle East oil, a volatile and finite commodity. Just as oil and gas wells bore into the surface of the Earth, so too has the stable foundation of the American economy been penetrated by those who sell us the energy that we cannot, or will not, produce for ourselves.

Consider our current situation. In 2005, the United States consumed roughly 7.6 billion barrels of oil. More than 60 percent of this supply came from abroad, and it came at a cost of $230 billion. It is too early to calculate how much money we will send overseas this year, but at our current pace, this number could surpass $400 billion.

To put those numbers in perspective, it would cost less—$188 billion—to repair every structurally deficient bridge in America and $230 billion per year is more than enough to provide health care, not only for every American child but for every American. It is eight times more than the United States distributed in Federal foreign aid in 2005, and enough to reduce that year's Federal deficit by nearly three-quarters. In the wake of the devastation wrought by Hurricanes Katrina and Rita, $230 billion would have been enough to completely rebuild the gulf coast. And, $230 billion is well beyond the cost of the economic growth package that the Congress just passed to get our Nation's economy back on track.

With high prices, growing consumption, and decreasing production here at home, the amount of money Americans spend to import oil is set to accelerate dramatically. If oil prices remain high over the next 25 years—and there is little reason to believe that they will not—the Energy Information Administration projects that our reliance on foreign oil will cost as much as $8.5 trillion, even without taking inflation into account. This calculation assumes $89 trillion to be the average price of oil through 2030, a price that we surpassed for much of 2007 and nearly all of this year so far.

Here is one thing we can all agree on: $8.5 trillion is a staggering sum, especially when compared to spending on oil imports for the previous 25-year period. According to the EIA, we spent a total of $1.6 trillion to import oil from 1980 to 2004. This bears repeating: $1.6 trillion over the past 25 years, $8.5 trillion over the next 25 years, more than $10 trillion in half a century. These figures reveal America's dependence on imported oil for what it is—a great and growing burden that will require sustained action to resolve.

The dire consequences of this arrangement are already becoming evident. In the future, they will be felt even more acutely—rippling through our economy, decreasing household income, and siphoning away jobs. Left unchecked, this dependence will threaten our prosperity and our way of life. It has the potential to make us poor.

Unfortunately, these costs are merely the tip of the iceberg. No discussion of oil imports is complete without an examination of the broader implications for our economy, our national security, and our relationship with the rest of the world. The figures I have quoted account only for the transaction price that our refiners and marketers will pay to acquire oil from foreign countries. These costs reflect one, but not all, of the many consequences associated with our reliance on imported oil.

A good place to start is by looking at our economy, a main focus of the Presidential primary races, because oil imports will have a significant impact on its continued vitality. It is testament to the strength of our economy that high oil prices alone have not already thrust our country into a recession. As many experts have noted, our economic energy intensity has improved greatly over the past few decades. Energy consumption has leveled off on a per capita basis, and energy spending as a percentage of GDP dropped significantly between the 1970s and early 21st century.

Many now consider our economy less vulnerable to the price of oil, no matter the cost of each barrel. To be sure, some progress has been made. But the economy is certainly not immune to expensive crude, and we cannot ignore historical precedent, which has established a trend of economic downturn in the wake of high oil prices.

In 2001, the EIA reported that there have been "observable, and dramatic changes in GDP growth as the world oil price has undergone dramatic change. The price shocks of 1973-74, the late 1970s/early 1980s, and early 1990s were all followed by recessions . . ." Our present experience has been a gradual and sustained increase in prices, not a price shock. And yet the lesson here is the same: an economy so dependent on such a volatile commodity can only be so strong. As we continue to export capital in order to import oil, and as oil-exporting nations grow more competitive as a result, it will become increasingly difficult for our country's resilience to endure.

I will mark this, as per my request, and I will continue tomorrow with the second part.

I will stop at this point, yield the floor, and I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### FORECLOSURE PREVENTION ACT OF 2008

Mr. SCHUMER. Mr. President, I have two topics to address, the first on the bill that Senator GRASSLEY and I have on HGH, to keep it out of the hands of people who don't need it, but I will wait a few minutes on that. We are hoping that maybe we can get clearance on the other side of the aisle. I have talked to both of these Senators who have objections, but I will talk about housing first.

We are now on our housing stimulus bill. It is called the Foreclosure Prevention Act of 2008. It was offered by Senator REID, but Senator REID had consulted, of course, with all of the relevant committee chairmen—Senator DODD, chairman of the Banking Committee; I am chairman of the Subcommittee on Housing of the Banking Committee; Senator BAUCUS on the Finance Committee; Senator LEAHY on the Judiciary Committee—and this is a carefully thought-out, modest, balanced package that aims at the bull's eye of our economic crisis, which is housing.

Make no mistake about it, unless we address the housing crisis, we are not going to be able to clear up this economy. In fact, unfortunately, the inverse is true. If we don't address the housing crisis, the likelihood of this economy plummeting into a rather deep recession is large. So there is an urgency to addressing this housing crisis.

The voluntary measures President Bush has supported, that Secretary Paulson—a man I have great respect for—has tried to put together, have not worked. That is a general and broad consensus, that it has not worked at all. The need to do something is greater than ever. Over 2 million people are likely to have their homes foreclosed upon in the next few years. That, of course, damages them greatly, but it also damages the financial institutions that hold the mortgages, estimated at each foreclosure to cost the mortgagor, or mortgagee, the financial institution, over $60,000.

It hurts the people who live around them. Because what has been shown is that if there is a foreclosure within one-tenth mile of your home, your housing value goes down about .8 percent. And it hurts the overall economy, because when people are not in their homes, or even people who are in their homes and who have fully paid their mortgage but they find their housing values declining, they spend less. The housing crisis is directly related to the fact that this Christmas season was the lowest spending Christmas season in about 7 years.

Then we have another problem also emanating from the housing crisis, and that is the credit crunch. We have a severe credit crunch occurring in our country today. All kinds of financial instruments are not being bought and sold. They do not have a market and there is a freeze. People are afraid to move. As a result of this credit crunch, our markets are frozen.

The Port Authority of New York, one of the most stable institutions in this country—it owns the airports, it owns a lot of the bridges—gets a steady, regular stream of income. No one believes it is ever not going to pay its bonds. Yet it had to pay 20 percent on temporary bonds because the markets are so frozen.

I heard from my roommate in that little house we live in, GEORGE MILLER of California, that the East Bay has a similar authority, and the East Bay of San Francisco had to pay about 17 or 18 percent. So this is a nationwide problem.

We have problems with student loans now. I read in today's paper that the Pennsylvania Student Loan Authority is no longer lending. So this is spreading way beyond housing, and it relates to a fear that we have not evaluated credit properly.

We have to do something about it. The package that has been put together and offered by the Democratic majority has five pieces—five easy pieces—that should be acceptable to everybody.

It includes two kinds of tax changes: raising the cap on mortgage revenue bonds, so that States can issue more of these bonds and help homeowners get refinanced; and it also includes what is called the loss carryforward, so home builders and others in the housing area, who are not able to actually go forward because they have losses, carry forward those losses and build homes again.

It also contains another $200 million for mortgage counselors. This is a provision I originated with Senator CASEY and Senator BROWN, because we need someone on the ground to help those about to go in foreclosure to avoid it, particularly those who have the financial means to do it. Over 60 percent of the people who will potentially be foreclosed upon have that ability. We did allocate $180 million in the omnibus bill, with Senator MURRAY's leadership. We went to her, and she was great, and put it right in. But of that 180, 130 has already been spent. It shows you the great need. We always predicted 180 wouldn't be enough. This is another modest amount—200.

The fourth provision is money for CDBG, Community Development Block Grants, to go to the cities so they can buy foreclosed homes, they can buy vacant lots, and prevent the whole neighborhood from going down the drain because of the foreclosure crisis.

And, finally, the bankruptcy provision which my friend and colleague Senator DURBIN has authored, which I support, would say that homeowners, when they go into bankruptcy, can use their primary residence as part of the workout, which now, for some arcane reason, they are not allowed to do.

These are five modest provisions that can do a lot. But, unfortunately, there are some on the other side, including the White House, who are sticking to the status quo. They say, don't do anything. The Government should not be involved. They have ideological handcuffs on. The Government not being involved? That is reminiscent of the 1920s or the 1890s. It sounds like William McKinley or Herbert Hoover. That is no longer the economics the vast majority of Americans live by today. No

Government involvement when someone's house is about to be foreclosed upon?

Earlier this week we saw status quo on the war in Iraq. Now we are beginning to see status quo on the mortgage crisis. The American people are crying out for change on the war in Iraq and on housing. And it is so regrettable that so many of my colleagues on the other side of the aisle, and it is so regrettable that the President, ensconced in the White House, is talking status quo when 75 percent of the people in America want a change in the direction in this country.

We can certainly debate that change. There are different prescriptions for it. But almost no one says status quo except, it seems, the minority in this body, the minority in the other body, and the President: The status quo, do not have the Government be involved, have these voluntary programs which do virtually nothing.

It is not going to work. So I would urge my colleagues to support us in this housing program. Senator REID has said he will allow amendments if we have changes in the housing program. I am not talking about whether we should debate the estate tax or debate Bush's tax cuts but real changes in these programs, modifications or additions. I heard my colleague from Georgia, Senator ISAKSON, who has a proposal for a $5,000 credit for new home buyers. That is something that I would look at seriously. We can come together and have what unfortunately now has become a good, old-fashioned debate on this issue that affects us and come up with a consensus piece of legislation.

So, please, do not block the bill. Do not stand there with your arms crossed and say: Do nothing. There are 2 million homeowners about to go into foreclosure. There are 50 million homeowners whose home values are declining. There are 300 million Americans who see the economy hurdling south, all of them crying out for us to do something.

The one thing on which there is a consensus, and there may be a broad consensus on what to do, that although I think there may be in our bill, but the one thing everyone agrees on is do not just stand there and do nothing. Yet my colleagues across the aisle, when we vote on this housing measure, who will try to block it with another filibuster, they are saying: Do nothing.

I don't think that is wise policy. Frankly, I don't think that is wise politics. I am sort of surprised because when we offered the package, we did it in the best of faith. And Senator REID has offered to allow amendments that are germane amendments to be debated to show that we do not want to say our way or the highway, but we did want to move forward on housing.

To repeat, the need to do something is real. Housing is the bull's eye of our economic problems. We can do things that almost everyone agrees will do some good. To my colleagues on the other side of the aisle, please, please, please, join us. We want to work with you and come up with a package that will turn our economy around, and the housing market and the other markets as well.

I am going to briefly ask to put us into a quorum call so I can discuss with some of the folks on the other side of the aisle whether we can move forward on the HGH bill.

Mr. GRAHAM. Would the Senator yield?

Mr. SCHUMER. I will yield.

Mr. GRAHAM. I would request to be able to speak for 10 minutes and then go into a quorum call, if that is OK.

Mr. SCHUMER. I do not have a problem with that. I will come back to the floor. I ask unanimous consent that the Senator from South Carolina be allowed to speak for 10 minutes, then we will come back and try to handle the HGH bill.

Mr. GRAHAM. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I appreciate the ability to speak. And I wanted to talk about the pending business before the Senate, the bill by Senator FEINGOLD, with 30 hours of debate about whether we should have a requirement for different agencies to report back to the Congress about where al-Qaida exists and how to defeat them and how to deploy our forces to defeat them.

I would argue that you do not have to be a military expert to understand where al-Qaida exists. They exist in all corners of the globe. Their goal is to prey on poverty, to take smart people and convert them to their cause. And how do we beat them? Fight them. Understand what they are up to so we can hit them before they hit us.

And whatever problems we have with coming together over domestic problems and domestic agenda items, it is important that we try to find common ground to deal with the problems facing the country domestically, but surely we can come together to authorize an intelligence tool called FISA to make sure we understand where al-Qaida is, what they are up to, and what their plans are vis-a-vis the United States.

And this body, to its credit, the Senate passed a reauthorization of FISA that I think is a great balance between intelligence needs, tracking an enemy that we are at war with, and making sure that American citizens are protected in terms of their constitutional rights and civil liberties.

This passed 68 to 27 or 28 and went to the House and here we are without a bill. The bill has expired. The FISA legislation that the Congress came up with last year is now expired, and there is a hole in our intelligence-gathering capabilities. So those of us who wanted to find out what the enemy is up to—and I think that is the vast majority of this body—those of us who want to have a balance between civil liberties and being at war with a vicious enemy, we need to push the Congress, particularly our colleagues in the House, to get this FISA legislation reauthorized.

Al-Qaida is in Iraq. They were not there before. That is probably true. They are there now. And the reason they came to Iraq is to make sure we lost. They came to Iraq to make sure this effort of moderation among Muslims in a Muslim country fails. It is their worst nightmare for a Muslim nation such as Iraq to come together and align themselves with the West, coalition forces, adopt democratic principles, allow a mother to have a say about the future of her child, and to live under the rule of law and not the rule of the gun, and to accept religious differences. That is al-Qaida's worst nightmare.

The reason they were not there under Saddam Hussein's regime is he was not the problem to them. You know, dictatorships are very nonthreatening to al-Qaida. Saudi Arabia has been a problem because Saudi Arabia has aligned itself with the West at times and allowed American troops to operate out of Saudi Arabia, such as when Saddam Hussein attacked its neighbor, Kuwait. So al-Qaida has gone after Saudi Arabia.

But they were indifferent to Iraq because Saddam Hussein vowed to destroy the State of Israel, it was an oppressive regime, and pretty much not their problem. Al-Qaida's biggest fear, again, is tolerance, moderation, the rule of law, a role for a woman in society, and the ability to worship God in more than one way. That is why they are in Iraq.

And to say they were not there before Saddam Hussein and think that is a clever answer to our problems and the justification to withdraw misses the point and shows a lack of understanding of why they chose to go to Iraq.

Why do the Taliban fight in Afghanistan? They would like power back. Why are we fighting them? To make sure they do not get power back. So if you really want to defeat al-Qaida and come up with a strategy to make sure they are diminished and defeated, do not leave Iraq before the job is done.

The greatest news of all from the surge is not the stunning political progress that has exceeded all of my expectations, it is not the economic vitality that is coming back to Iraq, not the reductions in casualties, not the reduction in sectarian deaths, the big picture, the big story line from the surge in Iraq is that Muslims aligned themselves with coalition forces to make sure that al-Qaida would be defeated in Iraq.

Sunnis in the Anbar province that were at this time last year very much living in fear of al-Qaida decided to take matters into their own hands, align themselves with us. And due to additional combat power and capability, we were able, along with the Sunni Arabs in Anbar province, to deal al-Qaida a devastating blow.

They have left Anbar for the most part. They are diminished in Anbar, still not completely defeated. And they are moving north. And we are right after them. They are up in the Mosul region. If we are patient and we are persistent and we keep the troop levels we need to keep them, along with the Iraqi security forces that have grown by 100,000 since last year, we will crush them. We will capture or kill them in large numbers as we have done over the past year.

The answer to the question of this legislation by Senator FEINGOLD: What do we do to defeat al-Qaida? We align ourselves with people in the region and throughout the world who will help us fight them. We do not leave them hanging. We do not withdraw because of the politics of the next election. We align ourselves with people who are willing to fight al-Qaida over there so we do not have to fight them here. And we do not withdraw in a way that would allow al-Qaida to get back off the mat, back into the fight. The first thing they would do is go to the moderates who have helped us and try to kill them.

So this whole idea of leaving Iraq because we need to fight al-Qaida is absurd. We need to fight al-Qaida wherever we find al-Qaida. And they are now in Iraq because they know this experiment in democratic principles and moderation that is going on in Iraq is a death blow to their agenda.

So if you want to defeat them, make sure Iraq succeeds. Their biggest nightmare, again, is a tolerant, moderate form of government in the Mideast. Iraq could be an ally to this country for years to come. It could be a place that denies al-Qaida a safe haven, that rejects Iranian expansion. The payoffs of winning in Iraq to our national security interests are enormous.

The question as to whether Iraq is part of a global struggle or a mere side adventure, I would give you some guidance there from Osama bin Laden himself. December 2004:

> I now address my speech to the whole Islamic Nation. Listen and understand. The most important and serious issue today for the world is this Third World War. It is raging in the land of Two Rivers. The world's milestone and pillar is Baghdad, the Capitol of the caliphate.

This is Osama bin Laden telling his would-be followers where to go and what to do. The Third World War he talks about raging is raging in Iraq. That is why he wants us to fail in Iraq because he would like to be able to have a place from which to operate in Iraq to perpetuate his agenda.

He understands very clearly if we are successful in Iraq, if the Iraqi people themselves are successful, it is dealing al-Qaida a great blow. So the good news from the surge is that after having tasted al-Qaida life in Anbar province, the people of Anbar said: No, thank you. They are now taking their fate in their own hands with our help. And the idea of withdrawing from Iraq as some way to better fight al-Qaida is absurd, naive, and dangerous. The way you beat al-Qaida is align yourself with people like we found in Iraq. You help them help themselves, and you make sure that when Iraq is said and done in terms of battle and a greater struggle that we have won and al-Qaida has lost.

To leave prematurely would put this enemy back into the fight. I cannot think of anything more heartening to al-Qaida operatives throughout the world than to hear that the Congress of the United States is going to precipitously withdraw from Iraq, giving them hope where they have none now. They know they cannot win in Baghdad, Mosul, Fallujah, Basra. They understand that. It is very demoralizing to them right now. The only place they are holding out hope is here in Washington. Can they do something spectacular to create a headline throughout the world that would break the will of the American Congress to stand behind the Iraqi people, who are stepping to the plate and making not only Iraq safer but the United States safer? I hope the answer is no.

I hope we will not let terrorists, murderers, some of the worst forces known to mankind in the form of al-Qaida dictate foreign policy in the United States because they are willing to murder and kill the innocent to break our will.

I hope we are smart enough to reauthorize FISA because this hole in our intelligence-gathering capability is incredibly dangerous. Everybody acknowledges that we live in a dangerous time. Well, do something about it, reauthorize FISA now before we pay a heavy price.

As to those who think we can leave Iraq, and it is going to make things better with al-Qaida, I do not think you understand what al-Qaida is after.

I do hope that the Congress will come together and reauthorize FISA in a way to make us safe. I hope we will understand that the outcome in Iraq is not yet guaranteed, but we are on the right path. Let's don't do anything here in Washington because of the next election that will haunt this country for decades. Let's not put every moderate force at risk in the Middle East by pulling the plug in Iraq and undercutting General Petraeus. This man and those who serve with him deserve our respect, our gratitude and, more than anything else, our support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that Senator SCHUMER be recognized for 5 minutes; followed by Senator TESTER for 5 minutes; and then Senator MCCASKILL for 5 minutes; she wanted an opportunity to speak; and then I be given the remaining 15 minutes. That consumes the half hour between now and 2 o'clock.

Mr. SCHUMER. Will my colleague yield?

Mr. DURBIN. I am happy to.

Mr. SCHUMER. I think I might need 7 minutes.

Mr. DURBIN. Senator SCHUMER for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

### HGH

Mr. SCHUMER. Mr. President, I rise in support of a very straightforward bill that will keep the dangerous human growth hormone, now known throughout the Nation as HGH, out of the hands of people who don't need it and toughen penalties on those who sell it illegally.

First, I thank my friend from Iowa, Senator GRASSLEY, for joining me in recognizing the importance of this issue. I also commend the district attorney in Albany, David Soares, for his hard work in uncovering a major multi-State HGH ring last year and helping to bring this issue the recognition it requires.

I was going to come to the floor originally and ask unanimous consent to move the bill because it had been blocked. A hold had been put on by my some of my colleagues on the other side of the aisle. I have now come to an understanding as to whom the people are, the two. Each of them has said they want to work with us to try and get the bill moving by early next week. So I will not ask unanimous consent. I know it doesn't move the clock forward, which I would like to do in hopes that we can come to a negotiation and get this bill passed early next week.

There is widespread support for this legislation, people such as Major League Baseball, the NFL, the U.S. Olympic Committee, the U.S. Anti-Doping Agency, the Partnership for a Drug-Free America. This bill is good for every parent, every coach, and every young athlete who cares about kicking drugs out of sports for good. The widespread growth of human growth hormone in Major League Baseball has put a cloud our national pastime. But if is there is a silver lining in that cloud, it is the opportunity that recent scandals have presented to do something positive about the problem. "Dangerous opportunity," the Chinese say, and that is true in this case. That is what our bill does, change danger into opportunity. Change danger into something good, getting rid of HGH for those who should not have it.

No one disputes that HGH has some important medical uses—adults with AIDS, children with serious kidney disease can benefit from small, carefully administered doses of HGH. But in the wrong hands, HGH can lead to serious problems. Some of the worst side effects include cancer, heart disease, gigantism, impotence, menstrual problems, and arthritis.

As we remember, last year, former Senate majority leader George Mitchell did an excellent report on the use of drugs in professional baseball. One of the main themes was about the widespread abuse of HGH. The report says that because HGH is hard to detect through testing, it is very attractive to athletes. Kids look up to their heroes. They model their behavior after them. They want to be just like them. According to a Columbia University study cited in the report, athletes are second only to parents in the extent to which they are admired by children. So if a sports star says it is OK to illegally take steroids, HGH, or other performance drugs, it is almost certain children will follow. We have to make sure dangerous substances can only get to the small number of people who need them.

That is exactly what the bill Senator GRASSLEY and I have put together does. It adds HGH to the list of schedule III controlled substances, placing it alongside anabolic steroids in the eyes of the law. Congress did a similar thing with andro, another potentially dangerous performance enhancer in 2004. Adding a substance to schedule III creates a formal recognition that even though a drug has some medical use, it may lead to dependence. HGH fits this bill. Right now it is only illegal to distribute HGH to a person where there is no medical need for the person to get it. Adding HGH to schedule III adds in illegal manufacture and possession, along on with other serious crimes to the list. Penalties will be tougher. Someone could face up to 10 years in jail and serious fines for breaking the law. Most importantly, schedule III drugs must be regulated closely. This means that all legitimate manufacturers, distributors, and practitioners would have to register with the DEA. They would have to keep data and records on how they make, sell, and dispose of the drug.

HGH needs to be placed alongside other serious substances like it. One more youngster who starts using HGH and other performance-enhancing drugs is one too many. I welcome a debate with anyone who might want to disagree with that point. I hope we can come to agreement and pass by unanimous consent this important legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Montana.

### 120TH FIGHTER WING, MONTANA AIR NATIONAL GUARD

Mr. TESTER. Mr. President, I rise today to recognize the brave men and women of the 120th Fighter Wing of the Montana Air National Guard. The 175 members of the unit will be deployed to the 332d Air Expeditionary Wing for 60 days, joining 50 of their brothers-in-arms already operating out of Balad Airbase, just north of Baghdad.

These airmen will join nearly 200 or so members of nearby Malmstrom Air Force Base's Red Horse Squadron in Iraq.

All together, nearly 500 airmen and Army Reserve component soldiers based in Montana are now serving in Iraq. Our State is small in population, but our sacrifice is significant.

The 120th Fighter Wing has a storied history in Great Falls, MT—a city chosen for its 300 good flying days a year and outstanding training airspace. During World War II, the 120th was tasked with flying aircraft to the eastern front to fight the Nazis. Over 60 years ago, two A–20 light bombers took off in order to help our allies fend off Operation Barbarossa, the German effort to take over Eastern Europe.

As members of the 332d, they will join with their colleagues from the Wisconsin and Iowa Air Guards to provide close air support missions.

As the pilots of the 120th Fighter Wing will tell you, it takes a core of dedicated maintainers to keep the squadron in the air. Keeping our F–16s flying in the harsh desert environment is a tough task, but the men and women of the 120th are up to the challenge.

It has been reported that the U.S. military conducted five times as many airstrikes in Iraq in 2007 as it did in 2006. This clearly underscores the fact that the Air Force is a vital part of the mission in Iraq.

I have no doubt that the members of the 120th Fighter Wing will be an excellent addition to the forces in Balad during their rotation.

I want each of them to know they have the support of every Montanan. We honor their sacrifice, especially those on their second, third, or even fourth tours. We pray for their safety and take great pride in knowing that the men and women of Montana's Air Guard are serving us proudly.

And when the 120th comes home, it is vitally important that our Nation keep its promise to them by providing all the resources that they need for job training, medical care, mental health counseling, family counseling, or any other services that they need to return successfully to civilian life.

I am fully committed to making sure that every member of the Armed Forces has these resources available to them when they return or if they are currently here.

I wish to address the debate on the Feingold amendment. When I was sitting in the chair, I heard several Members talk about the war in Iraq. We need a change of course in Iraq. We need to get our folks home, make no mistake about it. Things are not glorious in Iraq right now. It is true violence is subsiding some. It is true some of the folks who were shooting at us are now on our side, pushing al-Qaida out of the country. That is a good thing.

The fact is, Iraqis want their country back. We need to join with them as allies, but they need to be the major offensive standing alone in the world. It is no longer a coalition fight. Everybody else has pulled out. We need to support Iraq. We need to continue our war on terror wherever it is in the world. But the fact that we are spending so much resources in Iraq puts our fight on terror around the world at risk.

The debate has been good, but I look forward to changing the course in Iraq so we can start focusing on issues other than Iraq, the issues that revolve around our economy. Kids can't get loans to go to college because economic forces out there have decreased the ability of lending institutions, as well as the fact that people are potentially losing their homes and probably are losing their homes as we speak. There is a lot of big issues, infrastructure, highways, bridges, water systems that are worn out that we need to start addressing. Quite frankly, I am concerned this country cannot afford to address any of those kind of things with our current conditions.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

### HOUSING STIMULUS

Mr. DURBIN. Mr. President, later this afternoon the Senate will have an opportunity to vote on a procedural motion, a cloture motion, to end debate and to move to another issue. The issue we want to move to is the housing stimulus package. We are expecting resistance from the Republican side of the aisle. They don't want to debate the housing issue facing America. That is a serious mistake. I hope enough Republican Senators will step forward and join us to initiate this debate about housing in America. Our economy is in trouble. It is struggling. The first indication we had was in the housing market. We know we passed a stimulus bill recently, a bipartisan bill which the President signed. It is going to be a good bill, I hope, to help families across my State and across the Nation. But we all know intuitively that until the housing market gets well, our economy is not going to get well.

The housing market is very sick today. Last Friday, Moody's Economy.com reported that 1 out of 10 homeowners in America are holding mortgages on homes where their debt is larger than the value of their home;

8.8 million homes in America are so-called underwater, as they say. That is the greatest percentage of homes in such a state since the Great Depression. Goldman Sachs estimates that by the end of 2008, as many as 15 million homes will be in that situation, almost double the number we know today. The Center for Responsible Lending estimates 2 and a quarter million homes may be lost to foreclosure in the next couple of years. Fitch Ratings has recently estimated that for subprime loans originated in the years 2006 and 2007, 50 percent of them could end up in foreclosure.

But the crisis goes beyond the families who have their mortgages foreclosed. Forty million American families who are currently making their mortgage payments, through no fault of their own, will see the value of their homes go down because of this housing crisis. Why? Because the value of your home is based on comparable sales in the neighborhood. When that neighbor 2 blocks over has a distress sale, an auction, because his house is in foreclosure and the house sells for less than fair market value, that is a calculation that affects the value of your home. Make your mortgage payments and still lose value in your home; that is what is happening.

So when we hear from some people that this is a narrow problem for a narrow group of people, trust me, it goes, unfortunately, way beyond. A third of all residences in America will lose value because 2.2 million homes will face foreclosure at rates that we have not seen since the Great Depression.

When the President was asked today in his press conference what should we do about this, he said: Let's sit tight. We just passed one stimulus bill. The checks are going to go out in May or June. Let's wait and see what happens.

It is that kind of bold, innovative attitude that led Herbert Hoover to do nothing in the Great Depression and for the situation to go from bad to worse.

This housing crisis is our wake-up call. If we do not rally on a bipartisan basis and do something about it, the economy is going to get worse. I do not say that with any sense of pride—just disappointment. My home is going to go down in value, too, in Springfield, IL. That is a fact. Though my wife and I make our mortgage payments, we are facing that reality.

So we have to do something about this. In Illinois, the fourth worst hit State in the country, it is estimated that nearly 45,000 homes will be lost to foreclosure and over 2.5 million neighboring homes will see a loss in value. Our State will see $15 billion lost in housing values, and as property values go down, property tax receipts go down. That means that your city, your county, trying to raise money for schools, for police protection, is going to have less money coming in.

We should have seen this coming. I was on this floor sitting back there in the corner as a relatively new Member in 2001 when we considered the bankruptcy bill. I wanted to put in a provision, and here is what it said: If you are a lending institution and you are guilty of predatory practices—those are illegal practices, where you mislead people into debt—you will be limited, if not precluded, from foreclosing on that home because you do not have clean hands because you were guilty of predatory lending. You cannot take over the home of someone if you tricked them out of their money and tricked them out of their home. I lost. I lost by one vote in the year 2001.

Do you know what I said when I offered this amendment in 2005? And I thought this was a stunning statistic. I said: "1 in 12 subprime predatory loans ends in foreclosure. And I said that is "an astonishing statistic"—1 out of 12 subprime loans in 2005 ended up in foreclosure. Do you know what the number is today? One out of two. This is because we did not pass the kinds of laws we needed to pass to keep an eye on this industry, these mortgage bankers who are ripping people off.

Have you ever heard these stories in Colorado, in Alaska? Have you talked to these people? A lot of folks would have you believe they are people who are just smoothies, who think: We are going to make a little investment here, we are going to make this payment, and pretty soon we will have a big home, and we will not have to pay for it. Boy, those aren't the stories I am hearing. The stories I am hearing are of people, by and large elderly people, who are dragged into real estate closings, facing a stack of papers 10 times larger than this. The agent turns the pages and say: Keep signing. We will tell you when it is over. And they walk out the door with the understanding that everything is fine. Then they look at the fine print when things go bad. And what happens? There is a reset on their mortgage. The interest rate just went sky high. The monthly payment just went beyond their means.

That is the reality. There are provisions in some of those subprime mortgages where the interest rate can never go down—never—only go up.

I met a poor lady from Peoria, IL, 2 weeks ago, Carol Thomas, who is 70 years old, a widow, whose husband just died. She bought a single-level home because her husband was so sick he could not climb the stairs anymore in their old home. One of these business advisers came to her and said: Mrs. Thomas, what you ought to do is consolidate your debt. You hear that on TV all the time: Consolidate your debt. This poor lady did not know. She said: Fine. They took all her debts and consolidated them into her new home loan. They took a debt she had—a loan she received from her city for siding on her home that was a zero-percent interest loan—and threw it into the consolidation. She was now paying interest on the zero-percent loan. When did she realize it? When the mortgage reset and her monthly payment went from $500 to $900 a month. Four hundred dollars a month may not be a crisis for a Senator or a Congressman; it was a crisis for Carol Thomas. She was about to lose her home, getting the runaround day after day from the mortgage company: Well, don't make the payment this month. Now you are in default. It is a shame you are in default. Maybe you should have made the payment.

She was beside herself. Well, we got it worked out with a couple phone calls. They finally renegotiated the mortgage. But the problem Mrs. Thomas faced is shared by many others. Do you think Carol Thomas in Peoria, IL, thought she was pulling something over on people? Not at all. She thought she was taking good advice. Unfortunately, the advice was bad.

We met a family here. Senator SHERROD BROWN from Ohio and I had a press conference the other day with the Glicken family from Cleveland, OH. Nice folks. John Glicken came in and had his Cleveland Indians jacket on and told his story. The same thing happened to him.

Well, he decided he would try to take advantage of the Bush administration's plan for saving homes, to save his home. So they said: If you want to make an application for a loan modification under one of these new programs, it will cost you $425 to apply. John did not want to lose his home. He paid the $425. He was turned down. So not only is he facing foreclosure, he is out $425 for nothing.

In Ohio, the Center for Responsible Lending conservatively estimates that 85,000 families are at risk of losing their homes and almost 1.4 million families could lose nearly $3 billion in value in their homes. State after State—Kentucky, Pennsylvania, Iowa, Indiana, Maine, North Carolina—the list goes on and on. In every one of these States, the same stories.

Well, the question is, what are we going to do about it? There is one thing we can do that can make a big difference. We need to change the bankruptcy law. Listen to this: If you are facing bankruptcy but you are not completely out in the cold—you have an income coming in—you go into something called chapter 13. You walk into bankruptcy court, and you say to the judge: I am in trouble. I cannot pay my debts. This is my income. These are my assets. Here are my debts. Is there a possibility we can work out and renegotiate these so I do not lose everything? Chapter 13.

So when you go in there, the judge takes a look at it and says: Well, let's bring in your creditors and sit down and see if we can work out some kind of payment arrangement so you don't lose everything and they don't lose everything through foreclosure.

One of the things they can do is take a look at your mortgages. Do you have a mortgage on a vacation home, a vacation condo, for example? Well, the bankruptcy court can take a look at that mortgage, bring in the creditor, modify the terms of the mortgage—change the length of the mortgage, for example—even change the amount paid on the mortgage, even change the interest rate on the mortgage. You can do that. You own a farm? Let's take the mortgage on the farm. The bankruptcy court can renegotiate the mortgage on the farm. The same thing with a ranch. But, wait a minute, what about your home? The law prohibits the bankruptcy court from modifying the terms of the mortgage on your primary home. All they can do is foreclose. That is it. Does that make any sense? A home is something that virtually everybody brings into that court. It is the most important asset we ever own, and the mortgage cannot be modified in the bankruptcy court for your home.

This provision of law in our housing stimulus package changes that. But we narrow it very strictly. It only applies if you live in the home. This puts the speculators out of business. We do not want the speculators to benefit from this.

Secondly, you have to qualify to get into bankruptcy court. You don't have any income, can't make it in there? You are not going to get into that court. They do a means test now to get you into bankruptcy court.

Third, it has to not only be an existing mortgage—not prospective, not for those 2 years from now, 3 years from now, but right now—but it has to be one of these subprime mortgages.

Then, what can the court do? The court cannot lower this new modified mortgage below the fair market value of the home. This protects the lender. Lenders are very lucky to get a fair market value out of a home that is sold at auction. But they are protected here. And judges can only reduce interest rates to the prime rate plus a reasonable premium for risk.

All of these things taken into consideration give the court the opportunity to modify the mortgage on your home so you can stay there. It is treated just like a vacation home, just like a farm, just like a ranch.

How many people will be affected by this? About a third of the people facing foreclosure. A third of those people will be eligible for this consideration. I think the good news is this: When we pass this bill, pass this change in the law, it is an incentive for these banks and lenders to sit down before you get into bankruptcy and work out terms that you can live with. That is not happening today. These lending institutions just are not doing that. They will if this provision in the law is included.

Now, who would oppose this? Think long and hard about it. It is a hard question, right? No. It is an obvious question. This change in the bankruptcy law is opposed by the Mortgage Bankers Association. Those same wonderful folks who brought us the subprime mortgage crisis oppose this change to allow people to stay in their homes—the same people.

Have you been listening to the Presidential campaign? I have. I have a colleague from Illinois who is involved in it. You know what it is about. It is about whether the special interests control this Chamber or we operate in the public interest.

Well, this will be a classic showdown when we have this cloture vote, and we need 60 votes to move forward on this housing stimulus package. The Mortgage Bankers Association is trying to stop this bill. They do not want this change in the Bankruptcy Code to give people a chance to stay in their homes, even though it has been narrowed and modified to the point where it is really strict. They do not want this. The same people who created this crisis in America by deceiving and misleading people into mortgages which were totally unfair and totally unrealistic do not want those people to have a chance to stay in their homes even if they can make a mortgage payment.

Well, it will be an interesting outcome. Let's see how this turns out. Let's see if the mortgage bankers are going to win or if the people whose homes are on the line will win this debate. It is just that simple, and it is just that straightforward. What a shame it would be—what an absolute shame it would be, if not scandalous—if at the end of the day the Mortgage Bankers Association, which created this mess in America, ends up winning on the Senate floor. If they do, I can understand the cynicism across this country about how this body works. People have a right to be cynical if at the end of the debate we cannot move to this housing stimulus bill. I think it is important we do.

Now, there is a Senator on the other side who wants to offer an amendment to give the mortgage bankers the last word in the bankruptcy court; in other words, that the mortgage bankers have to give permission before the court can modify the mortgage. Well, what is the point if they are going to have the last word? They have the last word right now. They can renegotiate a mortgage if they want to, but they are not doing it. They are not doing it on a voluntary basis. Unless and until those mortgage bankers know this mortgage can be modified, they are not going to sit down and negotiate.

Well, there is a big argument that comes back from the mortgage bankers: Oh, you know what is going to happen here. If you give a portion of these 600,000 people a chance to stay in their homes, we are just going to raise everybody's interest rate across America.

Well, let me tell you something. That is a vacant threat. The Georgetown University Law Center did a survey and study of this proposed change in the Bankruptcy Code and said it would have zero impact on the cost of credit across America—zero. So they can threaten all they want, but do they have any credibility? Does this industry have any credibility when we look at the mess we are in today?

Four years ago, we were dealing with 1 out of 12 subprime mortgages going belly up. And now half of them? When you hear those stories, State after State, family after family, of the way they were deceived into this situation, when our lack of law and lack of regulation led to this circumstance, does that tell you the mortgage bankers were the victims here? No way. It should be in their best interest to avoid foreclosure.

What happens when a property goes into foreclosure in court? Well, the lending institution spends a fortune in legal fees, and then they may end up with the property when it is all over. Then they have to cut the grass and pick up the newspapers and the mail and make sure the place is presentable, and then try to sell it at an auction, if they can. Most of them cannot, incidentally, now. They are lucky if they get a fair market value out of it. But they want to stick to their rights under the law.

The one part of it that I like the best is when the mortgage bankers come out and say this is about the sanctity of the contract. The sanctity of the contract? Sanctity suggests holiness. If you read any of these contracts I have read and hear the terms of the mortgages these people facing foreclosure had to deal with, there is nothing holy about it. It was an unholy attempt to rip these people off, to put them in homes they could not afford under terms they never understood and then let the market work. This is not about the sanctity of any contract. When that bankruptcy court modifies your vacation condo mortgage, your farm mortgage, your ranch mortgage, they are modifying a contract. What happened to the sanctity of the contract there? That basic standard should apply when it comes to a person's home.

When we get to this bill later today, it will be a procedural motion. We need 60 votes. It will be a face-off between the mortgage banking industry, the people who brought us this subprime mess and those on their side with the Herbert Hoover mentality that says: Don't get involved; let it work out; in a year or two, it will all be behind us—and those who think we ought to stand up to allow people to stay in their homes, giving them a chance in court to modify their mortgage terms so they have a fighting chance to stay in their homes. I think that is a basic American value.

I hope my colleagues in the Senate will come down on the side of those families and on the side of bringing this housing crisis to a resolution in a responsible way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

### REPORT ON TRIP TO THE MIDDLE EAST

Mr. STEVENS. Mr. President, in late November, Senator INOUYE and I traveled to the Middle East to assess the security situation there. I want to share some of the insights from our travels, especially as they relate to Iraq. We visited Tunisia, Iraq, and several other countries. We met with senior U.S. State Department, intelligence, and military leaders regarding U.S. policy in Iraq, in the Middle East, and in Europe.

Our first stop was in Tunisia where we met with U.S. Ambassador Robert Godec and his staff regarding political, economic, and social conditions in Tunisia. Tunisia is a moderate Muslim country which has strongly supported women's rights. The Tunisian economy has averaged 5.6 percent growth each year, with an 80-percent level of home ownership. It is a real democracy. The United States has a close working relationship with Tunisia, including strong military-to-military contacts. Tunisia straddles the Middle East, Europe, and Africa, creating a strong interest in regional security issues, particularly concerning Iraq. During our visit, we had many discussions about the situation in Iraq and the possible impacts on the rest of the region.

We have discussed many of these same issues with the Foreign Affairs Secretary of State Saida Chtioui and Minister of Defense Kamel Morjane. Tunisia is interested in strengthening the foreign military financing relationship with the United States. We call that FMF.

Before departing Tunisia, Senator INOUYE and I presented a wreath at the U.S. North Africa American Cemetery and Memorial in Tunis. There are 2,841 American servicemen who are buried in that cemetery. It was established in 1948 and covers 27 acres. It sits near the site of the ancient Carthaginian city destroyed by the Romans in 146 B.C. and lies over part of the Roman city of Carthage. The cemetery is located in the part of Tunis that was liberated from the Germans by the British 1st Army in May of 1943. We last visited that area with Senator Hollings, who is now retired from the Senate. He made the landing there in World War II. Many of the men who were interred there gave their lives in those landings and in the occupation of Morocco and Algeria, and the subsequent fighting which ultimately liberated Tunisia. Some have seen those scenes in the recent movies that were shown of World War II. Others involved there died as a result of accidents or sickness in North Africa or while serving in the Persian Gulf command in Iran. But I want to tell the Senate it is a very impressive sight and it is touching to see how well that cemetery staff takes care of the cemetery. It is a United States military cemetery, and our visit to that cemetery left Senator INOUYE and me very humbled since we were involved in World War II ourselves.

We then traveled to Iraq, where we spent 2 days meeting with senior U.S. and Iraqi Government officials. We arrived at the Baghdad International Airport, formerly known as Saddam International Airport, which is located approximately 16 kilometers west of Baghdad. It has both a civil international terminal and a smaller military ramp. The Baghdad International Airport is served by a class 1 runway of 13,000 feet, and the military side has almost 9,000 feet. The military runway was bombed by coalition aircraft and closed early in Operation Iraqi Freedom. The 1st Expeditionary RED HORSE Group and the 447th Expeditionary Civil Engineering Squadron helped repair the runway, and it is once again operational. It opened to commercial aircraft in 2003. It can handle 7.5 million passengers a year. I tell the Senate that because it is partially back. I think that is what I am trying to tell the Senate. Many things are returning to normal in various parts of Iraq.

Baghdad International Airport has been refurbished as part of a $17.5 million contract to rebuild Iraqi airports in Baghdad, Basra, and Mosul. This project is administered by the U.S. Agency for International Development.

Coalition forces began returning control of Baghdad International in June of 2004 with the turnover of the air traffic control tower and checkpoints. The process was concluded with the exchange of the main gate on August 25, 2004. Our major access to Baghdad is in civilian control of Iraq now.

Upon arriving in Iraq, we traveled to the international zone formerly known as the Green Zone. This area in central Baghdad houses most of the city's diplomatic and Government buildings. Part of this area was Saddam Hussein's family playground, including the Presidential palace, which is now the U.S. Embassy annex, numerous villas for Saddam's family, friends, and former Baath party loyalists, along with an underground bunker which reminds one of Hitler. We were informed it was also the home to Saddam's man-eating lions, which have since been moved to Iraq's national zoo, I am happy to say.

Most of our briefings took place in the Presidential palace, which, as I said, is now part of the American Embassy. We discussed the current situation in Iraq with U.S. Ambassador Ryan Crocker and his key staff.

Let me tell the Senate a little bit about Ambassador Crocker. He is a most impressive individual. He grew up in an Air Force family, attended schools in Morocco, Canada, Turkey, and the United States, and joined the Foreign Service in 1971. Since those early years he has served in a variety of hot spots around the world. His assignments have included Iran, Qatar, Iraq, Egypt, as well as right here in Washington, DC. He also served as U.S. Ambassador in Pakistan, Kuwait, Syria, and Lebanon. This man has an impressive list of senior assignments during which he represented our country, and he is representing us very well now in Iraq.

In January of 2002, Ambassador Crocker reopened the American Embassy in Kabul. In 2003, he served as the first Director of Governance for the Coalition's Provisional Authority in Baghdad. He was subsequently confirmed by this Senate as our Ambassador to Iraq on March 7, 2007. We have here a true Middle Eastern expert representing our Nation in this country.

Ambassador Crocker and General Petraeus are a great team. Their partnership serves our country well.

I was very impressed by that team and by the Department of State officials working throughout Iraq. Whether serving in the Baghdad Embassy or in numerous provisional reconstruction teams that are now known as PRTs that are located throughout the country, they deserve much credit and they deserve our support. I was especially pleased with the progress the PRTs have made over this past year. Their efforts are important to achieving our counterinsurgency strategy by bolstering moderates, promoting reconciliation, fostering economic development, and building provincial capacity.

The PRT initiative is a civilian military interagency effort that serves as the primary interface between U.S. and coalition partners and provisional and local governments throughout Iraq. They are helping Iraq develop transparency and stable provisional governments by promoting increased security, the rule of law, political and economic development, and providing the provincial administration necessary to meet the basic needs of the Iraqi population. Twenty-five PRTs serve all the provinces in Iraq. Ten full-sized teams stretching from Mosul in the north to Basra in the far south serve the majority of Iraqis. Coalition participation includes the British-led PRT in Basra, the Italian-led team in Dakar, and the Korean-led team in Erbil. The PRTs work closely with U.S. and coalition military units to strengthen provisional governments.

Ten of the twenty-five teams are the new "embedded" PRTs, as they are called. These civilian-led teams work hand in glove with the brigade combat teams or the U.S. Marine regiments to support the surge in Anbar Province and in the greater Baghdad area.

Manning of these PRTs is diverse. Personnel represent our Department of State, USAID coalition, and the U.S. Department of Justice, the U.S. Department of Agriculture, the gulf region division of the Army Corps of Engineers, and our contract personnel. The office of Provincial Affairs within the U.S. Embassy in Baghdad provides the policy guidance and support to the overall PRT program. This program is one of the significant things we saw that has taken place in Iraq since the surge, and it has been very successful.

As part of the President's new way forward, PRT personnel doubled from 300 to over 600 team members countrywide by the end of last year. The PRT's financial support comes from a variety of sources, including coalition partners and donor nations, with the majority coming from the United States, of course. Principal programs associated with PRTs include the U.S.-funded community stabilization program, the provincial reconstruction development committee program, the local governance program, the civil society program, and the Inma agribusiness program,—by the way, Inma means growth in Arabic—amounts to progress. Progress has taken place as a result of the surge.

During our visit, it was announced that security conditions had improved enough to allow the drawdown of U.S. combat troops from Diyala Province. This was the first drawdown of combat forces since the surge began in 2007, and these forces will not be replaced. This redeployment without replacement reflects the overall improved security conditions within Iraq, improved capabilities of the Iraqi security forces, and the increased participation of concerned local citizens. Improved economic factors and declining tribal conflicts in the province have made the drawdown possible. I think General Petraeus's ability to reach out to the tribal leaders has contributed greatly to what we have seen in terms of the progress being made in Iraq.

Diyala Province has been plagued by rampant corruption in the past. Leaders placed their ambitions ahead of the needs of the constituency. There was a lack of food, water, electricity, and fuel, and residents viewed Iraqi security forces as sectarian. Tribal conflicts divided the population. We met with some of those forces. Iraqi security forces and the government of Diyala Province worked diligently over the past 18 months to bring stability and services to that province. Acts of violence have dropped in the past year by 50 percent alone. The surge enabled the coalition and Iraqi security forces to dominate the terrain and secure the population, allowing the government to function properly and to shift focus from defense to reconstruction and providing essential services. We saw progress. That is what I am trying to say. We saw with our own eyes the progress that is taking place in Iraq since the surge.

We met with Deputy Prime Minister Barham Salih and his staff and personally stressed the importance of moving forward on the political reconciliation. The national Government must reconcile. We must keep in mind that Iraq's political system, though, is still in its early stages of development. Its leaders are trying to establish a government and resolve fundamental issues in the midst of continuing violence.

Iraqi leaders agree political progress can be improved. However, there have been steps forward during the past several months. While the so-called benchmark legislation has been slow in terms of the national legislature, I believe that actions will flow from the laws that have been passed and those that have already been enacted. Steps are already being taken. We were encouraged by the distribution of oil revenues despite the absence of an agreement on the overall revenue-sharing law.

I don't know if the Senate knows it, but many people went from Alaska to talk about our basic concept in Alaska of our system of a general fund, a basic fund where we put aside 25 percent of all of our oil revenue. That is our security for the future. We tried to convince Iraq to do something like that, and I am pleased to say they are going to do something like that. But they have a different circumstance, of course, since they have so many differences between their provinces. But the concept of working on a national basis to provide for a distribution of oil revenues throughout the provinces is still proceeding.

We received an extensive briefing from General Petraeus and Ambassador Crocker on the impact of the recent military surge and the declining level of violence throughout the country. General Petraeus highlighted the success our soldiers and their Iraqi partners have had in taking control of many sanctuaries from al-Qaida in Iraq and disrupting extremist networks throughout the country. Since the surge of offensives began in June of last year, attacks and civilian deaths, we were told, have decreased by 60 percent. I believe that is progress.

Iraqi security forces are having a greater impact on the battlefield. In the last year, they have added over 100,000 new soldiers and police and increased their capabilities. Senator INOUYE and I met with some of the leaders of the Iraqi Army in Iraq and with heads of the police from some of the areas. I am confident they were moving as quickly to eliminate conflicts between their people, between the Sunnis and Shiites, and between the various tribes. Most important was the new role of tribal leaders in trying to bring about a peaceful situation within Iraq. In 2008, the Iraqis will add 30 additional battalions to compensate for our reduction of about one-quarter of our combat forces by the end of July. In areas of Iraq, the atmosphere resembles the spring of 2003, where many communities were feeling liberated. This time, they are feeling liberated from al-Qaida and the extremist elements that have come in after the defeat of Saddam Hussein.

In many provinces Iraqis are completely in charge. In some areas, in fact, there are no coalition forces there at all.

The rejection of al-Qaida and the military extremists has led to the rise of concerned local citizen groups, more than 75,000 strong, and comprised of both Sunni and Shia volunteers. These groups are helping to secure their communities, provide intelligence on the enemy and report improvised explosive devices, or IEDs, and weapons caches. You should have heard some of the stories we heard about how citizens are coming forward to say where these caches are located and where the weapons are, because they have confidence in their own people, that they are going to be in charge of their own security. This move has saved the lives of countless Iraqi civilians and coalition soldiers.

We discussed the overall security situation throughout the country with LTG Ray Odierno, Commander of the Multinational Corps, and his key staff. This is a photo of the meeting we had with that staff. It was an interesting briefing.

Since our visit, LTG Odierno has redeployed to Fort Hood, where he has reassumed his responsibilities as the Commander of the 3rd Corps. He is a very capable individual who I believe will be assigned to more senior positions, and we will hear a lot from this officer in the future.

We flew to forward operating base Kalsu, south of Baghdad, where we met with the commander of the 4th Brigade Combat Team of the 25th Infantry Division, COL Michael Garrett, and his senior staff. This is a photo the Senator and I had taken with him. Colonel Garret impressed us with his leadership and insights into the complexities of his mission. This 3,600-soldier brigade is home-stationed at Fort Richardson, AK. That also gave us a good reason for visiting with them. We were impressed with what they are doing.

This 4/25th brigade was preparing to rotate back to Alaska. They served in Iraq for 15 months, from September 2006 to December 2007.

Two years ago, there was no 4th Brigade Combat Team, Airborne, in the 25th Infantry Division, or in Alaska. Colonel Garrett and the corps of his paratroopers grew it from a battalion to a robust airborne brigade, and they deployed to Iraq after it had been literally put together in Alaska.

The brigade was headquartered at forward operation base Kalsu, in Al-Hillah Province, but also worked in Babil, Karbala, and Najaf Provinces. I am not sure I like the way my helmet looks in this photo. Senator INOUYE took his off before the photo. It was an interesting meeting under a tent with Army soldiers deployed in the field.

Unfortunately, 53 of the 4/25th made the ultimate sacrifice while valiantly serving America in Iraq. We in Alaska will always remember them. I can tell you that along with all Alaskans we have expressed our love, admiration, and honor for their service and are doing our best to make sure their survivors are well cared for.

The 1st Brigade Combat Team, Stryker, of the 25th Infantry Division also spent 15 months serving in and around Mosul. They returned home to Fort Wainwright, AK, at the end of 2006. By all accounts, they did a tremendous job providing security in that region of Iraq. They were led by COL Mike Shields, a very capable and talented leader.

We also met with senior Iraqi military and police officials from Al-Hillah Province. They agreed the security situation in this province is much improved, with the number of attacks significantly down. The mayor, army, and police leaders had a close working relationship with the Alaskan-based brigade.

Before departing Iraq, we asked to see a Mine-Resistant Ambush-Protected vehicle, an MRAP. I had a photograph taken of it as I left this vehicle. It carries 6 passengers and weighs 16,000 pounds. It is the smaller and lighter version of MRAP variants and is designed for urban operations. This is the new protection for our forces. It is a category 1 vehicle used by our soldiers and marines in Iraq for mounted patrols, reconnaissance, and direct interaction with the civilian population. This is protecting our forces from the threat of IEDs, and this has saved many lives since its deployment. To date, we have fielded 2,317 of these MRAP vehicles in Iraq and Afghanistan. We are in the process of adding 9,000 or more by the end of this year, which I hope will be the end of the war. Anyway, these vehicles are good news and this shows what our country can do in a short period of time. Those other military vehicles did not have the level of protection as MRAPs. This is a survivable vehicle. I think the Senate should be congratulated for moving rapidly to get the money up and get the program up. I congratulate Senators WARNER and LEVIN for their support in this regard.

We have worked together with the Appropriations Committee and Armed Services to make sure these vehicles were supported and delivered in the shortest time in history. They were originally flown directly to Iraq. Now that significant numbers are coming off the production line, they are now going over by ship. These are the most successful vehicles for urban warfare we have ever had. We need them there. I think they will be largely responsible for completing the operations we have to finish in Iraq.

I have taken a little more time than I thought I would. But the reason for my report is that my personal conclusion, from what I saw and heard, was that the surge has worked. There is still work to be done and still support we have to give these people in the field. This is no time to consider a withdrawal from Iraq under the conditions such as the Russians withdrew from Afghanistan. I urge those who have any thought of such a withdrawal, a mandated withdrawal, to look at the history of the Russian withdrawal from Afghanistan. It was one of the most costly in history in terms of the deaths of the Russian soldiers who were trying to get out of that country. They turned around and literally fled from the country under difficult circumstances, where they were ordered out by their political masters without regard to the safety of the people involved. I will not participate in such a withdrawal. If we withdraw, it must be because we have finished the job and the Iraqi military and police forces can take responsibility for their own security.

As Israel has done for so many years, I believe Iraq will come to be able to defend itself. We have to stay the course in order to do that. The people who were lost there deserve for us to finish the job.

### 47TH ANNIVERSARY OF PEACE CORPS

Mr. STEVENS. Mr. President, this week we mark the 47th anniversary of the U.S. Peace Corps and I ask the Senate to recognize the men and women who represent the best of America and volunteer to serve those less fortunate around the world.

Since its inception in 1961, 190,000 volunteers have served in 139 countries. You may be aware our colleague Senator DODD served in the Dominican Republic in 1968.

My good friend and associate in law practice, Jack Roderick, took his family to India to serve as the Peace Corps regional director in 1967 and 1968. Jack tells me that, like many volunteers, he feels he got more out his experience than he could have ever given.

His two daughters were 11 and 13 at the time and they attended Indian schools and learned to speak Hindi. The experience changed their lives.

The 1,000 volunteers Jack worked with in India faced many health risks due to the difficult living conditions. But they were committed to the mission of the Peace Corps and worked with the people of India to improve the country's agricultural production.

Today, 36 Peace Corps volunteers from Alaska are working in countries around the world including Mongolia, Uganda, Ecuador, Romania and Cambodia. They work directly with the people of these countries and help improve education and develop small businesses. They work with small farmers to increase food production and teach environmental conservation practices. They fight malnutrition and help provide safe drinking water. They fight the spread of HIV/AIDS and assist people affected by this disease which is devastating many developing nations.

When these volunteers return home to Alaska they share their unique experiences and perspectives with their communities and help expand our understanding of places which for many of us are just a name on a map.

A member of my staff, Ray Sorensen, spent 2 years in Haiti with the Peace Corps. Since he returned he has enjoyed visiting elementary schools and sharing stories, photos and Haitian music with students. This type of cultural exchange provides students with an understanding not available from their textbooks.

The objective of the Peace Corps is to eventually work itself out of a job. We all hope for the day when there is no need to fight against poverty and disease and all nations enjoy the prosperity with which we are blessed. Until that time, we should support the men and women of our Peace Corps and the good work they do around the world.

I congratulate the Peace Corps on its 47th anniversary and wish it continued success.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business and to take such time as required for myself, Senators HAGEL, WARNER, and LAUTENBERG to discuss the reintroduction of S. 22, the GI bill legislation.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. President, my first day in office in the Senate, I introduced legislation that we had worked on from the time of my election through the interim period, before I was sworn in as a Senator, that would address a true inequity in terms of how we are rewarding military service.

The legislation was designed to provide a level of educational benefits for those who have been serving since 9/11 that would be equal to the service they have given. The way that would be measured would be for us to do the best we could to shape legislation that pretty much mirrored the benefits that those who came back from World War II received.

I am very pleased today to be reintroducing this legislation with refinements that we have been able to gain through 14 months of discussions with all people who work in this area, and to also mention that we have new and very important lead cosponsorship as well. As of today, we will now have 35 sponsors in the Senate for this piece of legislation, plus we will have the full national support of the major veterans organizations, including the Veterans of Foreign Wars, The American Legion, the Iraq and Afghanistan Veterans of America, the Military Officers Association of America, and other veterans groups. I will also point out that the combined veterans organizations, when they made their proposals to the Veterans' Committee about what the veterans budget should look like—the so-called independent budget that is put together every year—included a policy proposal for legislation that has all of these pieces in it.

I am very pleased and excited at where we are right now on this piece of legislation. I am very gratified to have with us on the floor today Senator CHUCK HAGEL who, in October, became the lead cosponsor on the Republican side, and Senator JOHN WARNER, who has agreed to be a lead cosponsor, both of whom I have known for many years. I wish to say a little bit about that and also ask that they join me in discussing where we need to go on this.

I have known Senator CHUCK HAGEL for 30 years. We both came up into Government together, working on veterans issues. We are the only two ground combat veterans from Vietnam to be serving in the Senate. We have worked on many issues over the years and have worked together on, I think, some very important efforts last year in trying to bring some sense into the rotational cycles that have been ongoing with respect to the occupation of Iraq and the war in Afghanistan.

I first was able to serve under Senator JOHN WARNER when I was a 25-year-old marine, my last year in the Marine Corps, when he was Under Secretary of the Navy, and then as Secretary of the Navy. He was instrumental in helping me as I left the Marine Corps, moving on to other parts of my life. I was privileged to follow Senator WARNER—not only into the Marine Corps, but also into the position of Secretary of the Navy during the Reagan administration, and I am very proud to be serving with him as the junior Senator from Virginia.

I think that Senator HAGEL, Senator WARNER, Senator LAUTENBERG, who is a World War II veteran who benefited from the GI bill, are all an indication of the will and the heart of the people who know what it is like to step forward and have to serve their country, when it comes to trying to reach a proper reward for service, and to assist those who have stepped forward to serve our country into the most meaningful future that they can obtain. This bill does that. We have listened to the veterans groups. We have listened to other colleagues about the different pieces of legislation they have. We have incorporated a provision in here at the suggestion of Senator LINCOLN of Arkansas that is a very good provision that will assist those in the National Guard and Reserve to have a meaningful GI bill for their service.

So this is legislation that I believe is ready to go and, as I said, we are reintroducing it today with 35 sponsors. I am very hopeful that our body and the other body can pass this legislation this year. This is the kind of bill where time really matters because educational benefits pursuant to military service are a transitional benefit. They are designed to assist people when they readjust from military life back into civilian life. Those who have been serving since 9/11 have been leaving the military as their enlistment expires, and they need this type of benefit.

I am hopeful, again, that we can move this bill forward swiftly.

I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank my friend and colleague, Senator WEBB, for his generous comments and for his leadership in writing and initially introducing this legislation. I also thank my friend and colleague, Senator WARNER from Virginia. As has been noted by the junior Senator from Virginia, the senior Senator from Virginia has had many years of important experience. He has contributed many years of service in many capacities to this country. When you take the service of the two Senators from Virginia together, it is a remarkable story. I am privileged to join them, as well as over 30 of our colleagues, and a distinguished Senator in his own right and World War II veteran, Senator FRANK LAUTENBERG of New Jersey.

We all share similar experiences in our service to our country, but most of the veterans in the Senate, and I suspect in the House of Representatives, also share the common experience of using the GI bill which was enacted after World War II to educate a generation of Americans who changed the world, who transformed the world.

I put the GI bill in the same universe of importance as the original Homestead Act enacted in the early 1860s which truly transformed this country. I think the original GI bill did much the same.

What Senator WEBB is talking about, what Senator WARNER, Senator LAUTENBERG, and others are committed to is a relevant new GI bill that addresses the challenges of the 21st century. We in this country not only appreciate, but revere, the service of our military, and that is as it should be. These are selfless men and women who have committed themselves to a higher cause than any other cause, and that is the defense of their Nation, defense of their fellow Americans. They ask nothing in return. Each generation of Americans who has fought for this country, who has served in uniform has never expected anything in return because they have considered it a privilege to serve this country in uniform.

But one of the reasons the GI bill was first enacted after World War II was to reinvest in our country, to reinvest using the loyalty, commitment, and resources of Americans to even go further and do even more for this country and society in the world. Education does that. An important foundational element in the history of the country over the last 200 years, as any other, has been public education. It has been public education. It is the tradition of our country, not just to reward service, to acknowledge service, but be smart about that service and reinvest in our society. That is essentially what this is. This is reinvesting in our society. It is assuring that those who have given so much to our country have an opportunity to develop skill sets in education to compete in the most competitive world history has ever known, to go beyond expectations, go beyond what is possible. This is not just a payback or reward.

I wish to make a couple of general comments about the bill that I think not only are appropriate but need to be addressed. I have noted that there have been some who have questioned the need for this bill when we have a current GI bill which was authored by a friend of everyone in this body, a distinguished American who left us last year, the late chairman of the House Veterans' Affairs Committee with whom Senator WEBB worked, Congressman Sonny Montgomery from Mississippi.

On a personal note, it is because of Congressman Montgomery I met my wife who was working for Congressman Montgomery at the time.

In the early 1980s, he took the reality and the need of our time and the relevancy of this bill, the GI bill in law, and made it appropriate to what the circumstances were 25 years ago. We are in a different place in the world today. We are engaged in two wars. We have 190,000 troops in those two wars in Afghanistan and Iraq. We have new pressures, new challenges, and new opportunities. So it is appropriate to readdress this issue that has played such an important role in educating our veterans and investing and reinvesting in this country and in society.

This does not displace or replace any other educational program. Today, the largest grant aid program the Federal Government sponsors is the Pell Grant

Program, an important program. I believe most all of us on the floor of the Senate support that program. I surely do. It is a program based on financial need, and it is appropriate. It is one area in which I happen to believe the Federal Government can play a role, a meaningful role. It gives these Pell grant awardees some options.

Just as what we are addressing today, we need to ensure that these people who have sacrificed for this country are given the same kind of options that other programs in the past have allowed.

Senator LAUTENBERG will talk about that issue. Senator WARNER will talk about that issue. This program needs to be updated and upgraded.

I mention the cost issue because it is an appropriate issue at a time when we are running $400 billion deficits. But I remind everyone here, Mr. President, that we are spending approximately $15 billion a month on war—two wars. We are getting to nearly $1 trillion spent on two wars over the last 7 years. Surely we can find the resources necessary to upgrade and update the requirements for a 21st-century country as it relates to our veterans.

I want to also address one other issue that I have heard from some who say: Senator, if we do this, if we go forward with this program and modernize the GI bill, wouldn't it undermine our recruitment and retention efforts? That is an interesting question, again, a relevant question. You recognize the fact that, first, we have an all-voluntary service, so people have choices. We want the finest, brightest, most capable young men and women we can find, and we have been able to do that over the last 25 years—build the best trained, best educated, best led, best equipped, most motivated force in the history of man. But we are on the edge of ruining that force structure.

Why do I say that? The Chief of Staff appeared before the Senate Armed Services Committee for the last 2 days. In order for the Army to continue to recruit enough manpower to fight in two wars, as well as the other obligations, we have had to define down the standards of the U.S. Army—waiving criminal records, waiving drug records, waiving high school diplomas, and high school equivalence in order to attract enough people.

In addition to that, we have put hundreds of millions of dollars of large incentive bonuses on the table, $40,000 at a time, for reenlistment and for signup bonuses, plus the promise of down payments for houses. So we are already in the marketplace for competing with young men and women to serve this country.

Isn't it far better to invest in education? Isn't it far better to give these young men and women more educational opportunities if they decide or when they decide to leave the service after they have served this country in an honorable way? Isn't that more important in many ways to recycle that commitment and loyalty and talent into a new investment in education that will serve these young men and women far longer than a $40,000 bonus? Far more.

I think just the opposite. I think it enhances recruitment. I think this enhances the quality of our service. I think this helps us get back to defining our standards up. No institution can long survive when it defines its standards down. There will be a consequence for that, and we are seeing that consequence today, as I think General Casey made very clear in his comments before the Senate Armed Services Committee.

In conclusion, I am very proud to be part of this effort. I am, like my colleagues, hopeful the Senate and the House and the administration will act on this bill this year. It is, as Senator WEBB noted, a timely, important, and critical issue for our country and our force structure.

I will continue to do everything I can to be part of that effort and work hard to that end.

Again, I very much appreciate the leadership of Senators WEBB, WARNER, LAUTENBERG, and others who have brought this bill forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am hopeful to join in the debate. I see my colleague from New Jersey. Does he have a pressing matter? I can wait until he completes his remarks, if that will help him.

Mr. LAUTENBERG. Mr. President, this is what happens when we get on the floor of the Senate and longtime friends meet. I defer to the distinguished Senator from Virginia.

Mr. WARNER. I thank my colleague.

Mr. President, I have looked forward to this moment. This is a special day for me in many respects. But, first and foremost, what a privilege it is to stand on this floor with three magnificent combat veterans—my colleague and dear friend of 35 years, JIM WEBB; FRANK LAUTENBERG of New Jersey, and my good friend from Nebraska, CHUCK HAGEL—all of these three gentlemen are combat veterans. Two were awarded the Purple Heart. My military career was far more modest.

I would also like to thank the Senate Veterans' Affairs Committee, particularly its chairman and ranking member Senator AKAKA and Senator BURR for their leadership on behalf of our veterans. I look forward to working with them on this initiative.

And finally I just want to say thank you to all who have been working on this bill, particularly to JIM WEBB, who led the effort, drawing on his experience as a young marine officer in Vietnam; as Assistant Secretary of Defense, explicitly assigned to the affairs of the Reserve and Guard units; and then in a position that we both shared as Secretary of the Navy. All of that experience he draws on to bring forth this bill and to lead this effort. Your career in the Senate, I think, will be marked by many successes, but this will be one of the foundations of that success. I say to my colleague that you will always look back upon this accomplishment with a humble sense of pride knowing that you "led the charge."

I am very optimistic that we will prevail with this legislation. There may be challenges, but we will prevail. We will prevail because it is the right thing to do.

I also want to say thank you to my country that gave me an education, for my modest periods of service in World War II in the Navy and service in the Marines during the Korean war. It was not as valorous as the careers of the sponsors and cosponsors joining in this debate.

Mr. President, I am grateful to have been the recipient of two GI bills and I wouldn't be standing here today—it is as simple as that, had it not been for the GI bill. Three months after I was discharged from the Navy, my father died. He was a very wonderful, successful medical doctor. He had served in World War I in the trenches in France as a medical doctor, caring for the wounded. I mention that only because I am not sure I would have had the means within our family structure to go on and receive higher education without the GI bill.

The original GI Bill of Rights was enacted in 1944, and in successive Congresses they made changes to it. But the key to the bill that the two of us from World War II—Senator LAUTENBERG and myself—is that our group of veterans could go to any college or university of his choice, subject to academic or admission requirements. I want to repeat that. There wasn't a college or university in the United States to which they could not attend, for the GI bill covered the full tuition costs of all institutions of higher education. Today's GI bill, largely through the efforts of Sonny Montgomery, a dear friend whom we all value, simply does not have the financial provisions to enable young men and women of this generation to go to any campus they desire. There are low caps on the amount of tuition the current GI bill will cover. And so we have carefully structured in this bill the opportunity for institutions of higher learning to step up and share in this program.

I would like to briefly outline the sharing provision. Under this legislation, the full basic educational benefit will allow GIs who have honorably served to have the full cost of tuition covered at any public college or university in their home State of residence.

Veterans will also be given a monthly stipend tied to the Department of Defense's geographic rate for housing, and a small stipend for books. For veterans who choose to attend a private college or university—or an out-of-State public college or university—admittedly, this basic benefit might not cover the full costs of tuition. Thus, this bill will provide an educational enhancement for veterans who complete at least 36 months of honorable active duty service. The Federal Government will match—dollar for dollar—any additional financial contributions private and public colleges and universities voluntarily contribute toward their respective tuition costs. We believe that many institutions of higher learning will participate in this concept, thus vastly increasing the educational choices for veterans, commensurate with the choices that World War II veterans received.

Mr. President, we talk a lot about academic freedom. It is one of the most cherished things we have in this country. It is a part of the fundamental system of higher education. With that academic freedom, from campuses all across this country, have come great ideas, great inspiration, and solutions which have helped this Nation structure itself as the strongest and most powerful in the world today. But that academic freedom comes at a price. And much of that price is borne by the young men and women today of the all-volunteer force who go forward, raise their right hand, and assume all the risks associated with military service and preserving our freedom.

Educators should stop to think about that. It is important that institutions of higher learning, when possible, have as a part of a student body, young men and women who have proudly worn the uniform of this generation. And this bill puts forward a financial structure for the sharing of tuition costs. I was privileged to go to two schools in my State: Washington and Lee University and the University of Virginia. One a private institution, the other a public institution. But most of the private institutions today, fortunately because of their extraordinary standing and achievements, have tuition rates which cannot be met by a GI completing honorable service and relying on the current GI bill tuition caps.

This bill enables a voluntary, I repeat voluntary, cost sharing between the U.S. Government and the academic institution. I think we owe no less to the preservation of academic freedom at these schools, that freedom being guarded by the young men and women who seek admission, and who have honorably served this Nation. Therefore, if a GI has the requisite academic credentials for admission—we are not asking that any special exception or deviation should be done by these schools.

These valiant men and women deserve nothing less than our full measure of support and unending gratitude for their service and sacrifice. A GI bill for the 21st century, to provide educational benefits for uniformed personnel who are sacrificing so much to preserve our freedom, is the least we can do.

So in closing, Mr. President, I say thank you. I have so much, individually, to be thankful for. Simply stated, I would not be a U.S. Senator today had it not been for the GI bill of World War II and Korea. I want the same opportunity for the current and future generations of "fighters for our freedom."

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first, I wish to say how proud I am to be on the floor with my three colleagues who are sponsoring this, with Senator WEBB as the lead sponsor on this very important legislation. Senator WARNER and I kind of outrank the others in terms of when it is that we served. I point out that we have two commissioned officers here and we have two noncommissioned officers. Senator HAGEL, I think, outranked me. I was a corporal.

I am so pleased to be here with my colleagues. I got an undeserved credit because it was said I was a combat veteran. Well, I served in the combat theater, and my job was to climb telephone poles while the bombing was going on in Belgium. I would not say there were the same dangers as someone on the line, but people got hurt and worse doing what I was doing. But I want to clear the record because I didn't carry a rifle. I carried a carbine, which is a lot smaller weapon, and, fortunately, I didn't have a chance to fire it. But it wasn't fired at me either.

I look at what we are doing here and think about what it means to those who are serving and what it meant to me in my life. My parents were brought to America when they were infants, but they were people who would be classified as blue-collar people—no education but wanted to work hard. Honesty was constantly preached: Be mindful of your responsibility to others, do whatever you can, work as hard as you can.

When I got out of high school, I got a job loading milk trucks. Because going to war was imminent, I enlisted when I was 18. I served with 16 million other people in uniform at that time.

We used to talk about college around the dinner table, when we had dinner together, and my parents would say you have to get an education. My father took me into the mill he worked in when I was 12 years old. He said: I want you to see what it is like. It was a textile factory in Paterson, NJ, an industrial city. As we walked in the building, he said: Do you hear the noise? The whole building would vibrate. And I said: Yes, Dad. And he took me up to the machine he operated. It was a big old machine with a wheel that converted fibers into fabric. He said: You see how dirty it is here? Yes, Dad. He said: Do you see how dark it is? Yes, Dad. And he took my hand and he rubbed it across the silk fibers he was working on, and it left a film. He said: You see that? That is bad for you.

My father, when he did that with me, was 37 years old. Six years later, he was dead. Cancer that developed occupationally. My grandfather worked in the same place. And not unlike those who worked in the coal mine or some other place, my grandfather was 56 when he died.

So for me, being in the military was a responsibility that I willingly took on. My friends, my neighbors, we all did it. The future was not particularly bright. But then, when all of that was finished, I had a chance to go to a university. And Senator WARNER, with his usual grace, he said that you could go to any school you wanted. I don't know that it wasn't just the recognition that we needed financial help, but I think there might have been a little give also on the standards that you had to meet. I don't know that in today's world we would have fared quite as well. I was lucky enough to go to Columbia University. They welcomed me. And I stood there in amazement when I graduated because none other than GEN Dwight Eisenhower handed me my diploma. He was then the President of Columbia University. I was a little upset that he didn't recognize me. We had both served in Europe. I didn't understand why he didn't say: Hello, FRANK.

It was exciting to be in a university—exciting to know that somehow or other I was not only going to be able to help myself, I was going to be able to help my widowed mother and my kid sister and be something different than still loading milk trucks in Clifton, NJ. I was excited because not only did I learn subjects—statistics and finance and the kinds of things one learns at business school, in particular—but also I learned there was a different way of life; that there was something you could do besides standing with my folks when they had to buy a store because the mills closed. I learned you didn't have to live in cramped quarters and that maybe there was something else out there you could do.

So when I look at what we are talking about today, I am particularly motivated to see that with the leadership of Senator WEBB and with the help of the three of us, that we get this legislation through. We know when there is a debate here and it gets to veterans' support, usually that quiets the troubled waters and we talk to one another, almost civilly at times, and we gather support from one another and are encouraged. We might feel differently about which programs ought to get more funding, but we are all concerned about the medical care, the post-service conditions that come up like post-traumatic stress disorder. And when we read stories about service people who get so distraught that they destroy their lives, that is often a sign of the kind of stress and the kind of trauma that people have been left with after they serve. So when we look at this legislation's opportunity, it is consistent with our need to show our respect and gratitude to the people who serve and who served in a war that is far longer and more vicious than anyone ever dreamed it might be.

Because in previous wars, and the war that Senator WARNER and I served in, it was not the case that your enemy wanted to give their life and thusly would not be frightened off by anything you do. Their principle was to destroy the enemy. In the current war, the enemy is willing to destroy itself to destroy us. So the kind of violence that has been exhibited in this war is different than in any other war. Vietnam was the place where it was learned that people would die for a cause, but it was not like this war where people want to die. So conditions are different.

So here it is, very simply put: There are scholarship assistance programs like the Montgomery bill which provides 38,000 dollars' worth of support for education, for the cost of maintaining one's self, as well as room and board. But the average cost of a public education today is $51,000.

Well, it still is significant when someone graduates college with huge debt, and typically they are relatively young, wanting to start a family, wanting to get going in life. So it is simple math. Many of our veterans just cannot make up the difference and thusly are denied a college education. So this has real consequences.

People with a college degree earn nearly double the salary of those who do not have one. We have got to close the gap between the current cost of college and the amount that the GI bill pays for. Remember, America built something that was called and supported as the "greatest generation." Now, why, with all the technology, with all of the richness this country has, with all of the talent this country has, can we not create another "greatest generation"? We should move on that. There is only one way to get there, and that is to provide the ladder up to that success. You have got to take the first step. The first step is to make sure you get as much education as your mind and your body and your will can handle.

So when we look at what we owe to or can do for these veterans, to me, this is the ideal thing. I would hope that whatever party, however high the seniority is, that we all get together on this one and say: Veterans, we appreciate those of you who served, who left your families, in service. I was at Fort Dix, a major base in the State of New Jersey, for people who were going to deploy or be deployed back in Iraq. Many of them have served months already. These were not people who were living on a base where there was a culture to accompany their families, where there was a clinic, where there were schools, where there were libraries. They were in towns, they were paying their expenses, they have mortgages to deal with.

This is a time to say: We owe you something. We owe you something big. We are going to make it up to you. I encourage all of my colleagues to support this legislation. Join us in giving something back to our veterans that really stands out, that shows a lasting bit of gratitude for the valiant service that all of them have put in to serve their country.

I congratulate my colleagues for their effort, and Senator WEBB for his leadership. And I hope we will see success.

### HONORING OUR ARMED FORCES

### PETTY OFFICER THIRD CLASS JEFFREY L. WIENER

Mr. McCONNELL. Mr. President, I rise to speak for a son of Kentucky who journeyed to Iraq to save the lives of his fighting brethren, only to tragically lose his own. On May 7, 2005, PO3 Jeffrey L. Wiener of Louisville, KY, died in combat operations near a hospital in western Iraq. The hospital corpsman was 32 years old.

"My son was a hero and died doing what he loved, helping people no matter who they were," says Jeffrey's mother, Diana Wiener. An emergency medical technician in civilian life, Petty Officer Third Class Wiener dedicated himself to healing others.

For his bravery in uniform, Petty Officer Third Class Wiener received numerous medals and awards, including the Purple Heart and the Navy and Marine Corps Achievement Medal.

Jeffrey moved to Kentucky later in life, after growing up in Lynbrook, NY. He settled on his life's calling at an early age and began volunteering with the local fire department at 13.

Always helpful, Jeffrey eagerly assisted everyone at the firehouse with any task. What little free time he had left when not volunteering went to the school wrestling team. Jeffrey graduated from Lynbrook High School.

As an adult, Jeffrey worked in New York's Nassau County EMS and served as captain of a volunteer fire department. Jeffrey was committed to his profession as a paramedic and constantly pursued the latest training activities.

Jeffrey eventually settled in Louisville, moving to help his mother raise his younger brother David. He got a job with Jefferson County EMS and made an immediate impact on his new friends and coworkers.

Jeffrey "was always real gung-ho, straightforward, no beating around the bush," says John Cooney, a Louisville paramedic who partnered with Jeffrey. "That was his demeanor."

Jeffrey proved his value in short order when he suggested to his supervisor that the Louisville paramedics use something called a Reeves stretcher, which is more maneuverable in tight quarters than the standard carrying board. Jeffrey was familiar with it from his time in New York.

Jeffrey's supervisor agreed and put him in charge of training everyone on the new device. Major Rockey Johnson, Jeffrey's supervisor, told family and friends gathered at a memorial service for Jeffrey that to this day the Louisville paramedics call the device "the Wiener board."

After the terrorist attacks of September 11, 2001, Jeffrey was moved to serve his country in uniform, and joined the U.S. Navy Reserve in 2002. He then underwent special training to become a hospital corpsman.

The Navy hospital corpsman is a respected and revered position in our Armed Forces, and the most decorated rating in the U.S. Navy. Hospital corpsmen are often attached to Marine units and are trained to handle emergency medical procedures near the front lines of battle. For the man who had been eager to heal since age 13, it was the perfect mission.

Jeffrey was assigned to the II Marine Expeditionary Force and deployed to Iraq. "He took care of his troops," says LT John Rudd, a Navy chaplain who served with Jeffrey.

Jeffrey made friends with his fellow sailors as easily as he had with coworkers in Louisville or New York. One fellow corpsman, who hailed from Lexington, KY, knew Jeffrey but couldn't remember his name. Jeffrey told him to call him "Louie," because he was from Louisville.

Hospital corpsmen are often affectionately called "Doc" by the Marines they serve alongside, and Jeffrey soon earned the nickname "Doc Wiener."

As much as Jeffrey relished the opportunity to serve, he dearly missed his family. Jeffrey married his high school sweetheart, Maria, in 1998, and together they raised two beautiful daughters, Mikayla and Theadora.

Jeffrey's older brother Joshua also served in Iraq and was there when Jeffrey arrived. Today, Joshua is in the Marine Forces Reserve and a fireman in New York City.

Jeffrey's younger brother David is also a marine and currently on his second deployment.

Jeffrey was looking forward to what life would hold for him and Maria when he left active service. He was considering continuing his EMS work, or going to the Department of Homeland

Security. And many in his family believe his true calling was to become a doctor.

Jeffrey was buried in Calverton National Cemetery in Calverton, NY, on May 16, 2005. Many friends from the Navy and the fire departments and EMS departments he had worked in over the years attended. Jeffrey was posthumously promoted to the rating of Hospital Corpsman Second Class.

I know I speak for all of my colleagues when I say our prayers go to the Wiener family for their terrible loss. We are thinking today of his wife Maria; his daughters Mikayla and Theadora; his mother Diana; his father Wayne; his brothers Joshua and David; his sisters Wendi, Jessica, and Delayne; the Barberio family; and many other beloved family members and dear friends.

"Jeffrey's desire to serve in the military was prompted by his desire to be a part of bringing peace," says his mother, Diana.

Mr. President, no one can doubt Jeffrey Wiener's compassion after he chose to dedicate himself from an early age to relieving the suffering of others.

And no one can doubt his bravery after he donned his uniform and volunteered to tend to our fighting forces in Iraq.

This Senate is humbled by PO3 Jeffrey L. Wiener's service and sacrifice. His family and friends are blessed for knowing him in life. And his State and Nation are stronger for his efforts in freedom's cause.

## LOUISVILLE SCULPTOR ED HAMILTON

For more than 30 years, Americans have set aside one month every year to remember in a special way the contributions of African Americans to our national life. Black History Month has its roots in an old February tradition of celebrating the life and work of Frederick Douglass, the great writer and abolitionist. But its expansion over the years has given us an opportunity to recall the many other Black men and women whose personalities enliven our Nation's history but whose stories were often overlooked by those who recorded it.

Today, Black History Month is also an occasion to draw attention to outstanding African Americans of our own day—people like Ed Hamilton, one of America's great artists I and one of Kentucky's favorite sons.

As a boy growing up on Walnut Street in Louisville, Ed learned the value of hard work and the importance of family from his Dad, a businessman and a World War I vet. And from his Mom, he learned to think big. "You can do anything," she always said. And so, roller-skating around the tight-knit neighborhood around the Hamilton family home at Walnut and 7th, Ed would learn to dream.

It is one of the ironies of history that so many great artists and thinkers barely ever left their hometowns. The whole world opened up to Shakespeare in a tiny town in England. Rembrandt saw all of history on the faces of merchants in Amsterdam. The Divine Comedy was written in exile. And for Ed Hamilton, Louisville has always been enough.

Ed and his family have lived in the same house on 43rd Street for decades. And all of his sculptures—from the Amistad memorial in New Haven to the African American Civil War Memorial monument here in Washington—were brought to life in the same Shelby Street studio. "Louisville has been my lifeblood," he says.

Ed's memories of post-war Louisville are vivid—right down to the sharp smell of the stockyards and the sweet smell of hops that floated from the breweries He remembers spending too much time at the Lyric Theater—and being fascinated as a young boy by a bronze statue of Abraham Lincoln at the public library on 4th and York. It was the seed of his life's calling. Next year, more than half a century after Ed gazed at that bronze statue of Lincoln outside the public library, Kentucky will celebrate the bicentennial of Lincoln's birth with a new statue of Lincoln, this one by Ed, at Waterfront Park in Louisville.

Ed's life didn't always follow a straight path. As a kid, his mom wanted him to be a doctor. But a teacher at Parkland Middle School saw his talent as an artist and decided she wasn't going to let him waste it. So she called his Mom at home. "I think Ed's got something," she said, "and I want to help him develop it."

At Shawnee High School, other teachers did the same. Ed developed a love for sculpture—and for a pretty girl named Bernadette—during his time at the Art Center School. They got married. And for the last 40 years, Bernadette has been his confidante and special muse.

Early on in their marriage, Ed taught ceramics and sculpture at Iroquois High School. He enjoyed the work. It was a stable job. But everything changed after a chance encounter in 1973. That's when Ed met Barney Bright, the only man in Louisville who actually earned a living as a sculptor. "Barney invited me into his studio," Ed later recalled, "and my entire life changed."

Channeling the entrepreneurial spirit of his parents, Ed decided to set out on his own. And after a few years of working on abstract pieces and some impressive but minor liturgical art, the big breakthrough came. It was a commission for a bust of Booker T. Washington at Hampton University in Virginia. Ed always told Bernadette they didn't need to move to a big city for his work. If he was good enough, he said, they would come to him. Now they were.

When the Hampton commission came, in the early 1980s, Ed had never been on a plane before. So when it came time to visit the school, he took a Greyhound bus. It stopped in every town and hamlet for 600 miles. When they told him he had the job, he called Bernadette to tell her the good news and to tell her he was coming home in a plane.

Other important commissions followed: a statue of Joe Louis in Detroit; the Amistad Memorial in New Haven; York, the slave who accompanied Lewis and Clark on their western expedition, in Louisville; and then, the Spirit of Freedom monument in Washington, an epic work that teaches thousands of Americans each year about the vital role the slaves played in the Union victory in the Civil War.

The movie "Glory" focused on a single regiment of Black soldiers. The Spirit of Freedom honors all 200,000 of them, including nearly 24,000 from Kentucky alone. This fighting force of former slaves made up about 10 percent of the Union Army. Twenty percent of these brave soldiers and sailors died in battle.

The Spirit of Freedom was 6 years in the making. Ed says he used to dream about it in his sleep. The final product features 3 soldiers and a sailor on one side. On the other side are the grandparents and parents of 3 children, one of whom is on his way to battle. Another child is an infant.

The message of the statue is clear: When the war began, everyone in the family it depicts was a slave. When the war ended, they were free. Some had lived their entire lives in bondage, but their children would not. Black men had helped secure a life of freedom for themselves, their families, and future generations and helped unite a country.

The Spirit of Freedom is a tribute to the soldiers who fought. It's also a special gift to their descendents. One woman, who came from Seattle to see it, sent a letter to the museum's director when she got back home. Here's what she wrote: "I don't know what I expected when I came to see the memorial, but when I came up out of the escalator and this statue rose in front of me my eyes were filled with tears."

Ed has two big binders of letters just like these at home. This one, from a woman in Louisville, is typical: "Dear Ed: How wonderful for you to make history come alive for generations to come. Now you are making history yourself as a sculptor and an African American. It is all wonderfully earned and deserved."

Ed's gotten a lot of awards. In 1996, he was given the Governor's Artists Award in the Arts. In 2000, he was made an honorary doctor of Humane Letters at Spalding University. In 2001, he was inducted into the Gallery of Great Black Kentuckians. In 2004, he was made an honorary doctor of arts at Western Kentucky University.

But he wears his fame lightly. Locals are surprised to see him walking down the aisles at Kroger. And he always answers his own phone. "I don't believe my own press," he says. "This is all fleeting."

Speaking once about the Spirit of Freedom statue, Ed called it an "honor" for him to pay tribute to the thousands of Black men who gave their lives in the service of freedom but who were not allowed to march in the victory parades after the war was over.

In this Black History Month, it is an honor for me to pay tribute to Ed Hamilton on behalf of all Kentuckians and on behalf of the many thousands of people across the country who have been touched by his special gift.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Missouri is recognized.

Mrs. McCASKILL. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes and that following my remarks, the Senator from South Dakota be recognized to speak as in morning business for 20 minutes, and following him, the Senator from Washington be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I have a brief statement I want to make involving a police officer who was killed. I will come back and maybe you could allow me a couple minutes interspersed with all of this.

Mr. DODD. I ask unanimous consent that I be recognized for 15 minutes after the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

### CITIZENSHIP

Mrs. McCASKILL. Madam President, I rise to speak briefly about patriotism and common sense. Every once in a while you open the morning paper and you go, huh? I had one of those moments this morning. In our Constitution, there are certain legal requirements to run for President of the United States. One of those is to be a natural born citizen. The article in the morning paper I read raised legal questions about the definition of "natural born citizen."

Actually, it talked about an ambiguity that could be interpreted in a way that would mean a child of someone in the Active military, stationed somewhere around the world, could have a baby, and that baby could never be President of the United States. In fact, Senator McCAIN was born in the Panama Canal Zone while his father was Active-Duty military in the Navy stationed in the Panama Canal Zone.

Clearly, that is a notion that defies common sense and certainly offends all of our patriotism. I can envision someone actually being misguided and trying to bring some kind of legal action to determine whether Senator McCAIN should run for President. That would be a waste of public time and resources. We should quickly and without fanfare fix this ambiguity and make it clear that any child of anyone serving in the Active military should, in fact, be qualified to run for President.

I will offer legislation I am confident everyone can agree on. How refreshing that notion is. It very simply defines "natural born citizen" to include any child born to a member of our military regardless of where in the world they may be serving. In America, so many parents say to their young children: If you work hard and play by the rules, in America someday you could be President.

Our brave and respected military should never have to spend a minute worrying whether that saying is true for their child. I hope we can quickly, by unanimous consent, pass this into law so there is no question that those children of the men and women who give it all for us can someday grow up to lead this great Nation.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

### MASTER SERGEANT WOODROW WILSON "WOODY" KEEBLE

Mr. THUNE. Madam President, today I rise to honor MSG Woodrow Wilson "Woody" Keeble for earning the Medal of Honor for his heroic service to our country in World War II and the Korean war. Although President Bush won't present the medal to Master Sergeant Keeble's family until next Monday, this is indeed an historic event as he is the first member of the Great Sioux Nation to be awarded this honor.

Master Sergeant Keeble went beyond the call of duty not for a medal, but for the mission he believed in and the country he loved. His legacy is a great source of pride for his family, his fellow South Dakota Sioux, and all Americans. The example he set for the just cause of defending freedom and democracy is truly heroic.

Master Sergeant Keeble was born in Waubay, SD, in 1917 to parents from the Sisseton-Wahpeton Sioux tribe. Master Sergeant Keeble's mother died at a young age, forcing his father to enroll him in the Wahpeton Indian School so he could get an education and three meals a day.

After graduating, Master Sergeant Keeble worked at the school and became well known for his baseball pitching, a skill that would serve him well in combat. In fact, the Chicago White Sox were actively recruiting him to play professional baseball when he was called into action in World War II.

After basic training, Master Sergeant Keeble served with "I" Company of North Dakota's 164th Infantry Regiment. He trained in Louisiana and was soon deployed to Australia to prepare for operations in the Pacific Theater. There, Master Sergeant Keeble's regiment was assigned to the 23rd Infantry Division, better known as the Americal Division.

On October 13, 1942, Master Sergeant Keeble landed on Guadalcanal in support of the First Marine Division, which had suffered heavy losses from the relentless Japanese forces. This was the first offensive operation the U.S. Army had conducted against the enemy in any theater of World War II.

Fighting alongside Marines, Master Sergeant Keeble gained valuable experience in jungle warfare that would later prove valuable in future operations.

The campaign on Guadalcanal saw some of the most brutal combat of the war. Japanese troops adopted the "banzai charge" tactic of attacking in human waves and hand-to-hand combat would sometimes last through the night. During this operation, Master Sergeant Keeble developed expert control of his Browning automatic rifle. He also earned a reputation for bravery as one of the best fighters on the island because his pitching skills came in handy as he used his incredibly strong arm to effectively throw grenades into enemy bunkers. James Fenelon, a member of the Standing Rock Sioux Tribe who fought beside Master Sergeant Keeble once said, "The safest place to be was right next to Woody. I don't know how many rounds he carried, but he had bandoliers on each shoulder. His gun just never stopped—no matter where you were, there were Japanese. He was unbelievable."

Master Sergeant Keeble was awarded his first Bronze Star and Purple Heart at Guadalcanal for his meritorious actions in ground operations against the Japanese. His division fought so valiantly that they received a Navy Presidential Unit Citation for their support of the Marines. After Japan surrendered, the 164th occupied the Yokohama region of Japan.

After the war, Master Sergeant Keeble returned to Wahpeton and resumed work at the Wahpeton Indian School. He married Nattie Abigail Owen-Robertson on November 14, 1947, and settled down to start a family.

However, Master Sergeant Keeble's rest would not be a long one as the 164th was reactivated in 1951 to serve in the Korean war. After training at Camp Rucker, Alabama, several of Master Sergeant Keeble's fellow sergeants were to be selected for deployment to the front lines in Korea. After agreeing to draw straws to decide who would take this unwanted duty, Master Sergeant Keeble volunteered to take a short straw saying, "Somebody has to teach these kids how to fight."

The leadership and bravery Master Sergeant Keeble displayed in volunteering continued through his time in

Korea. He was assigned to George Company, 19th Infantry Regiment, 24th Infantry Division. His strong character, robust leadership, and jungle combat experience brought him several quick promotions to the level of Master Sergeant. The Regimental leadership saw his potential, and placed him in charge of the first platoon.

On October 15, 1951, in a particularly bloody battle near Kumsong, North Korea, all of the officers of G Company were either wounded or killed in combat. Master Sergeant Keeble was among the wounded, but demanded he be released after treatment and volunteered to lead the 1st, 2nd, and 3rd Platoons in assaults against the enemy.

On October 17, Master Sergeant Keeble was again wounded, and again returned to battle after being treated. His actions on the following day, October 18, earned him the Silver Star for continuing to lead his men after being hit by grenade shrapnel. During this battle, Master Sergeant Keeble suffered two bullet wounds to his left arm, a grenade blast near his face that nearly removed his nose, and a badly twisted knee. On October 19, doctors removed 83 pieces of shrapnel from Master Sergeant Keeble's wounds.

The following day, October 20, 1951, would prove to be Master Sergeant Keeble's most heroic. After insisting he be allowed back to combat, Master Sergeant Keeble cemented his place in history. While leading the 1st Platoon up a steep hill during this battle, he saw that machine gun fire from three enemy emplacements had pinned down the entire 2nd Platoon on the same hill. The steep, rocky terrain was of tactical importance and Master Sergeant Keeble took it upon himself to ensure the operation carried on.

Master Sergeant Keeble crawled ahead to the 2nd Platoon. He then continued to advance on the enemy by crawling forward on his own. Although the enemy began to train all of its fire on Master Sergeant Keeble, he continued to hug the ground and advance until he was close to the emplacements. He then activated a grenade and successfully destroyed one of the enemy positions. Continuing his assault, Master Sergeant Keeble moved towards the remaining two machine gun posts and single handedly destroyed both of them with grenades. After removing the last position, he was stunned with an enemy concussion grenade, but pressed on after he recovered. Master Sergeant Keeble then resumed his advance and neutralized the remaining enemy personnel with his rifle.

In all, Master Sergeant Keeble eliminated nine machine gunners and seven riflemen. His heroic determination to press on and endure enemy fire inspired his fellow servicemen to rally and continue advancing on the enemy. By the end of the campaign, Master Sergeant Keeble had received five separate wounds to his chest, both arms, and both legs. Despite all of these injuries, Master Sergeant Keeble only received one Purple Heart, with the Oak Leaf Cluster, bringing his total to two. He was also awarded the Distinguished Service Cross and the Bronze Star First Oak Leaf Cluster.

Although he has been recommended twice for the Medal of Honor, it was never granted. That is why I rise today and honor Master Sergeant Keeble for finally being recognized for his truly remarkable heroism and valor. While he died in 1982 in part due to complications resulting from his war injuries, I am sure he would be proud to know that he has finally been given this honor he earned long ago.

Master Sergeant Keeble stood proudly for his country, his tribe and his family. He was strong, humble, compassionate, and committed to defending freedom. His actions were extraordinary and his bravery overcame the chaos that surrounded him. Master Sergeant Keeble once said, "There were terrible moments that encompassed a lifetime, an endlessness, when terror was so strong in me, that I could feel idiocy replace reason. Yet, I have never left my position, nor have I shirked hazardous duty. Fear did not make a coward out of me."

I am proud that next Monday, President Bush will be presenting this honor posthumously to Master Sergeant Woodrow Wilson "Woody" Keeble. His bravery is undoubtedly deserving of the Medal of Honor he has finally been awarded after a 55-year wait. The legacy he has left is a source of pride for his family, the Great Sioux Nation, and the country he nobly served.

Madam President, I would like to, if I might, shift gears and speak for a moment to some of the debate that has been going on on the Senate floor this week dealing with, primarily, the resolution that has been offered by the Senator from Wisconsin, Mr. FEINGOLD, dealing with the withdrawal from Iraq and also the more recent resolution which has been the subject of debate here today on the Senate floor. But I think it is important that we also, as we debate these issues, acknowledge the good work that has been done by our troops.

Make no mistake about it, we are making progress in Iraq. The Director of the Defense Intelligence Agency, GEN Michael Maples, who was this week here in Washington and testifying in front of the Armed Services Committee, commented that violence across Iraq has declined to its lowest level since April 2005 and violence against coalition troops is at the lowest level since March of 2004. Things are, indeed, trending in the right direction, especially compared to a year ago.

Although these trends are certainly reversible, the fact remains that the security situation in Iraq has improved significantly. The surge has and is working. The surge has worked despite relentless efforts to undermine it by several Members on the other side of the aisle.

At one point last year, we had people saying the surge had not accomplished anything. We heard a Democrat on the floor of the Senate saying that General Petraeus, our commander in Iraq who has so brilliantly led the surge, had been "made the de facto spokesman for what many of us believe to be a failed policy" and that "the reports you provide to us really require the willing suspension of disbelief." Thankfully, they were wrong—utterly wrong. Nevertheless, the other side is continuing their wrongheaded approach by offering legislation again this week that would undo all of the progress our troops have made in Iraq. Once again, the extreme left in this country has demanded a vote on cutting off funds for our troops and near immediate withdrawal from Iraq. The leadership on the other side continues to make obligatory gestures to satisfy that extreme leftwing base.

The Senate voted four times last year on versions of this bill that we debated earlier this week to cut off funds for the troops in Iraq, and on four separate occasions the Senate rejected it. The legislation was defeated by overwhelming bipartisan margins. It never received more than 29 votes. Yet again this week, we went through the exercise of having yet another debate on this issue.

I think it was about a year ago this week, actually, we had a rare Saturday session where Members were called back in to make votes on an Iraq withdrawal resolution, again designed to score political points to undermine progress in Iraq rather than to get anything else done.

I think it is important to note—as we think about how we best combat the terrorist threat we face in this country and how we assist those young men and women who are carrying that fight overseas for us—we find today the House of Representatives has adjourned for the week after having acted on, I think, the naming of five post offices, when the Foreign Intelligence Surveillance Act has still yet to be voted on in the House of Representatives.

The Senate, before we took off for our last recess, voted by a margin of 68 to 29 to pass the terrorist surveillance bill through the Senate. It had broad bipartisan support in the Senate. If it had been taken up on the floor of the House, it would have passed there with broad bipartisan support as well. Yet we have the House today adjourning to go home, having acted on five resolutions to name post offices, without addressing what is one of the most important issues we all need to deal with here; that is, making sure our intelligence community and our law enforcement community and our men and women in uniform have the tools at their disposal to do the job we asked them to do.

It is critical that the intelligence community have that legislation passed so we can close gaps in our intelligence collection. We need that to get a better understanding of international al-Qaida networks and to gain insight into future terrorist plans and to disrupt potential terrorist attacks.

So I would hope cooler heads will prevail around here, that Congress will do the right thing for the protection of the American people, the right thing to aid those who are diligently working day in and day out—those in our intelligence community, those in our law enforcement community, those men and women in uniform who are fighting to keep this country safe—that they have the tools at their disposal to carry out the important responsibility we have given them to protect Americans. Acting on the Foreign Intelligence Surveillance Act and giving our intelligence community, under this terrorist surveillance bill, the authorities it needs to intercept communications that are being conducted by terrorists around the world would be an important place to start. Right now, we have a gap in that intelligence collection because the House has failed to act on this very important piece of legislation. It is irresponsible.

It is important that we put the politics of this matter aside and we deal with the important issues that will keep America safe and ensure future generations of Americans are not subject to terrorist attacks. So I hope my colleagues will get the message, will come back into session, and take care of business, which is to get this important legislation passed, and act with the Senate in a broad bipartisan way to put a bill on the President's desk that he can sign into law that will make sure our intelligence community has the resources and the tools they need.

Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I have been talking often to my distinguished Republican colleague.

### UNANIMOUS-CONSENT AGREEMENT—H.R. 3221

Madam President, I now ask unanimous consent that at 4:45 p.m. today, the motion to proceed to S. 2634 be withdrawn, and the time until then be equally divided and controlled between the leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the leaders controlling the 20 minutes prior to the vote and the majority leader controlling the final 10 minutes; that at 4:45 p.m. the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 3221.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. I thank the Chair.

Reserving the right to object, Madam President, I would ask the majority leader if he would modify his consent request that if cloture is invoked on the motion to proceed and the Senate does indeed proceed to the bill, there then be up to five amendments per side related to housing and economic growth.

Mr. REID. Five amendments per side?

Mr. McCONNELL. Related to housing and economic growth.

Mr. REID. Madam President, I am anxious to try to work something out. We have Republicans who have indicated to me they have amendments to offer. I have Democrats who have come to me and actually given me the language of amendments they want to offer. So it is not as if Republicans are the only ones who want to offer amendments to the housing stimulus package.

So the answer to the question is yes, but I just cannot give carte blanche. I will be as fair and reasonable as I can be. That is pretty wide. It does not require germaneness. It does not require relevancy. All it requires is it be related to housing and something dealing with the economy. If cloture is invoked on this matter, I want to legislate. I think this bill, which I think is so essential to the American people, would be a much better piece of legislation if it were bipartisan in nature. So I don't know if that gives the Republicans enough comfort, but I will try to be fair. I want to try to work this out. I think the number of five is fine. They suggested three. I think five is fine. I am not going to be trying to micromanage what they do, but I think it is something that, in fairness, the Republican leader would want to see what amendments were going to be offered and he would have the ability to say no to that. I think I should have—I have an obligation, a right, to look at what they do.

I will repeat: I can't do any more than say I will try to be as fair as humanly possible. I acknowledge the legislation has some controversy, and that being the case, there should be amendments allowed on it and I will do my best.

Mr. McCONNELL. Consequently, I gather the majority leader is objecting to my request that he modify his consent.

Mr. REID. Yes. I think it was kind of a weak objection to his modification, but it is one.

While the distinguished Republican leader is on the floor, I ask that my request be modified for the vote to occur at 4:55.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I ask unanimous consent to revise the previous consent order for the speakers on our side to be 5 minutes for the Senator from Washington, 5 minutes for the Senator from New York, 5 minutes for the Senator from North Dakota, and 5 minutes for the Senator from Connecticut.

Mr. REID. Madam President, I ask to have the vote at 4:56, because I have a brief statement. A police officer was killed in Nevada, if I could make a brief statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

### TRIBUTE TO TROOPER KARA KELLY-BORGOGNONE

Mr. REID. Madam President, it is with a heavy heart that I rise to honor Nevada State Trooper Kara Kelly-Borgognone.

On Monday night, she was killed responding to a terribly difficult assignment, where there was a suspected bomb at a gas station in Spanish Springs, NV, which is a suburb of Reno-Sparks. While en route to the scene, her patrol car was struck by a driver headed in the wrong direction.

Trooper Borgognone was rushed to Renown Regional Medical Center in critical condition. She succumbed to her injuries and died.

Trooper Kelly-Borgognone gave her life protecting the people of Nevada, just as she did every day. Even in passing, she saved more lives by donating her organs.

In the final hours of her life, her brothers and sisters and the Nevada Highway Patrol stood guard by her side. They cared for and protected their fallen sister, just as they care for and protect us every day.

This is the way it is all over the country—not only in Nevada.

So today, as their solemn vigil—that is the police officers—comes to an end, standing with their fallen sister, we will try in some small way to share the burden of grief for police officers who fall all over America in the line of duty.

Our hearts and prayers are with the trooper's husband Dirk, and their two daughters, Blair and Ashlyn. I hope it is of some comfort for them to know the life of their mother and the life of Dirk's wife is a life that was given in service to the people of the State of Nevada.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

### FORECLOSURE PREVENTION ACT

Mrs. MURRAY. Madam President, I rise this afternoon in support of the Foreclosure Prevention Act because we have to take action now to help so many families in this country who have been hurt in the mortgage and credit crisis.

The bill that we will hopefully vote to move to shortly is going to help provide the resources to keep our families in their homes, help our communities recover from this foreclosure crisis, and help struggling businesses to weather this shaky economy. The bill we will consider going to will provide some commonsense solutions to help address the problems that are at the heart of our country's economic woes. It is an opportunity finally for us to invest in our communities now so we can prevent millions of families from going into foreclosure.

I wish to share with the body quickly a story of a constituent from my home State, a man named Clifford, who lives in Olympia and who let me know about what happened to him, which is happening to so many Americans. He thought he had achieved the American dream by owning a home. His home, he said, represented stability to him. It was his investment in his future. But he, similar to many Americans, lost his job in a factory. The bills started stacking up. The stress wore on him and his family. His wife, who had diabetes, got sick and she had to have surgery. Before he knew it he was several months behind in his mortgage.

Suddenly, all his dreams for a secure future evaporated.

He told me how he struggled to work with his mortgage company and he couldn't catch up. Eventually, he made a phone call to Consumer Counseling Northwest, and through the help of that counseling, he was able to get his payments reduced with his mortgage company, get back on track, and keep his family home.

That is why in this bill we are going to vote on, we have included critical funding for housing counseling that will allow our families across the country to make a phone call—not to their mortgage company to say I can't pay my bill but to a housing counselor who can sit down with them and their family to get their finances back in order so they do not have to go to foreclosure.

We know the housing crisis is impacting millions of families. In fact, experts tell us it may impact as many as 2 million families in this coming year alone. We can help prevent that if we can give these families a place to go, a counselor to help them, and the ability to be able to manage their finances.

Why is it so important? Not just for those families who lose all their wealth and their home if they have to foreclose but for the neighborhood: So their home doesn't become a blight in the neighborhood, losing the value in the rest of the homes; so their community and neighborhood is safe and so we are strengthening the economy.

These and many other provisions we will hear about as my colleagues talk about this bill are critical. We cannot wait for another year. We can't wait and see what happens in June or September or December. We need to act now, and I urge my colleagues in the Senate to vote with us for cloture to move to the housing bill we are proposing today—the Foreclosure Prevention Act—so we can begin the process to help families stay in their homes.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I, too, rise in support of this outstanding bill. The bottom line is, despite what the President said today, most Americans feel we are in an economically difficult times. The President says we are not in recession. The President doesn't think we are going in recession. For most, the debate is not whether we are or will be in recession but how deep it will be.

So the bottom line is very simple: We have to do something about this economy. There is no better way to turn the economy around, to prevent the recession from being long and deep, than dealing with the housing market because housing is at the center of the economic problems we have today. Housing is the bull's-eye at which we should aim if we want to rectify the economy.

The proposal before us is a good one. It has five important measures. They are modest, but they are thoughtful, and they are aimed right at where the problem is.

Now, our colleagues on the other side of the aisle are probably going to block our proposal. They are becoming the "Dr. No" of this Congress. We have a crisis; everyone knows housing is at the heart of the crisis. No one believes the administration's voluntary ideas have worked. Yet we are hearing we shouldn't do anything that is governmental. That makes no sense.

Early this week we heard stay the course on the war in Iraq. Now we hear stay the course in terms of the economy. Don't you hear it? The American people want a change in course, a change in direction. We are trying to present that to them in a nonconfrontational way, in a way we had hoped and thought would be bipartisan. Because when we put this proposal together, we realized there were a couple of provisions—particularly the bankruptcy provision—that others objected to, but the rest of the provisions seemed quite unobjectionable. Yet here we are hearing, for instance, from the administration that we don't need more housing counselors because we have already allocated $180 million. That was our proposal. In fact, I originated it and had good help from Senator BROWN and Senator CASEY and then Senator MURRAY, who helped put it into the omnibus bill. But of that $180 million, $130 million is gone already. It shows you the need. Do we need some more mortgage revenue bonds? Many States are tapped out and cannot help mortgagors, even if they wanted to. Loss carry forwards will help those who build homes move forward for getting out of the housing recession. Yet the administration and most of my colleagues on the other side of the aisle seem to just say no.

My colleague from Georgia has a very interesting proposal that I would certainly entertain. What we ought to be doing on this bill is having a debate, offering amendments relevant to housing—not the future of the country and not whether we should extend the President's tax cuts or the estate tax; that is irrelevant to this bill—but having a debate on provisions such as those in our bill, debate on the provisions such as the ones from the Senator from Georgia and come up with a product that can help move us forward. Instead, all we hear from the minority leader is no, no, no, no.

The economy is in a degree of serious trouble. The housing market is at the core of that trouble. There are 2 million homeowners who will be foreclosed upon, most of whom through no fault of their own. Those foreclosures will help bring the economy further down. Why don't we do something careful, targeted, modest, and not terribly expensive?

The only thing I hear from the President anyway is: Well, Government shouldn't be involved. That is the reasoning of maybe McKinley, maybe Hoover but certainly not Republicans in the post World War II era. All of a sudden, we are having a throwback to these earlier days. Unfortunately, if we adhere to that kind of thinking, the boom and bust cycles that have plagued the American family will continue.

So I urge this administration to change its mind. I urge my colleagues on the other side of the aisle who seek a degree of bipartisanship to reach out to us and work with us. We will modify our provisions, change some, maybe even drop one or two to get a good product. Please don't just say no. Please don't say the only thing we should debate is the same thing we have debated before: whether we should extend the President's tax cuts. We have been there, done that. We have new problems and we need a new direction. This bill begins to provide it. I hope my colleagues will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I wish to acknowledge the kind remarks of Senator SCHUMER with regard to a proposal I have made. For the public's edification and amplification, nobody over here is just saying no, except the majority leader just said no to offering our amendments to the stimulus package we want cloture on. What we are going through right now are some gymnastics and the gymnastics are this. Members on both sides of the aisle want to do something because we do recognize there is a housing problem, because there are ways we can help the American public. But you can't address all those ways if you don't allow all those ideas to be debated as a part of the amendment process on the legislation.

So I appreciate the kind remarks of the Senator regarding my proposal, but a favorable comment doesn't do us any good if you can't offer the amendment on the floor. I don't think I have all the good ideas. I don't think they have all the good ideas. I think, collectively, we probably do have all the good ideas. But this is not about just saying no. This is us saying yes to a process that is open, a process that is debatable, a process where we can reach out and try and help the American people, particularly those who are having great difficulty because of the housing market today.

So I wished to throw that in. My remarks were intended to be about Iraq, which I am going to close with, but I had to respond to the statements the Senator from New York made.

Mr. MARTINEZ. Madam President, would the Senator from Georgia yield for a moment before you go to the Iraq comments?

Mr. ISAKSON. I am happy to yield.

Mr. MARTINEZ. I wished to follow up on the Senator's comments because there are a number of amendments that would be worth considering when we look at the problem we are facing.

First, I heard the Senator from New York. He is wrong to suggest that the President and the Republicans do not understand there is a problem in America. People are being foreclosed on, and there are families sitting at the kitchen table to see how to save that precious piece of the American dream they have—their home. We are trying to help in that regard as well.

The stimulus package we did a few days ago was a bipartisan measure. What we should do now with the housing package is work that as a bipartisan idea as well, coming together as both Republicans and Democrats to make it better. The Senator from Georgia has a terrific idea, one I support and I think would make a lot of sense in the current situation in Florida in the housing market, and there are a number of other ideas. One has to do with whether mortgage brokers—Senator FEINSTEIN and I bipartisanly have come together on this—whether there ought to be a national registry for mortgage brokers. Senator CARPER and I have worked together on a number of things that would improve the housing passage.

We cannot simply say or follow a pattern that seems to be the current pattern in the Senate, which is that it is put forward by the majority, which then forecloses the ability of the minority to have amendments. The minority leader proposed five amendments per side, and that was rejected. This bill will go down if all they want is a symbolic moment for the Senator from New York to tell the Republicans how they are heartless and don't care about the poor and don't understand that America has problems with housing, and then we will go about our business as usual. If they do that, cloture will not be invoked and nothing will be done. Five amendments to a side seems to be a reasonable way of doing it if we want to get something done.

Mr. ISAKSON. Madam President, I thank the Senator from Florida, and I acknowledge that he is a former Secretary of the Department of Housing and Urban Development, who has done tremendous work on the housing issue. I concur with each of his remarks.

I will close with this. When you talk about "just say no," we ought to have been on the stimulus debate when we got back here on Tuesday. For some reason, and because the majority wanted to, we have been debating the Iraq situation while the stimulus and housing sit on the sidelines. I hope we can get through these gymnastics and get to a situation where we can debate good ideas on both sides and not preclude and leave people out. Instead of saying "just say no" to amendments and to a sincere effort, say yes to what this body is all about: deliberation, decisions, and doing what is right for the people of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I would not try to make a deal on behalf of the majority leader, but my guess is that if the other side is agreeable to amendments that deal with housing, we would probably have an agreement. Every time we put something on the floor, we get an abortion amendment or an amendment to provide tax breaks for wealthy people. I would guess that if there are housing amendments, Senator REID will want to visit with Senator MCCONNELL about this.

### STRATEGIC PETROLEUM RESERVE

Mr. President, I want to speak for a moment about what happened today. cnnmoney.com says:

> Pain in the pocketbook within a few weeks. Gas could cost $3.50 a gallon. By spring, the price could hit $4 a gallon.

While there are predictions of $3.50 and $4 a gallon for gasoline, we still have the U.S. Department of Energy putting oil underground in the Strategic Petroleum Reserve. They have been putting 50,000 and 60,000 barrels a day. By the way, in the second half of the year, I have been told that they plan to put as much as 125,000 barrels a day.

When the price of oil is around $100 a barrel, as it was trading at $102 barrels earlier today, it is putting upward pressure on gas prices. Our Government is taking oil from the Gulf of Mexico in the form of oil-in-kind transfers and putting it into a reserve. Instead of putting that oil into the supply pipeline to reduce prices, they are sticking it underground. The Energy Information Administration indicates that, on average, the price of regular gasoline last February was $2.22; in August, $2.78; in February, $3.02; and it is headed north.

Yet, the U.S. Government takes royalty-in-kind oil, and our Department of Energy is sticking it underground in big salt caverns to save it for a rainy day. They are putting it in the SPR, the Strategic Petroleum Reserve.

I support the SPR, but it is about 97 percent full. Why on Earth would we put upward pressure on oil and gas prices to take $100-a-barrel oil and stick it underground? Here is where it is going: Bayou Choctaw, West Hackberry, Big Hill, and Bryan Mound. These are the locations where the Department of Energy is sticking it underground. It makes no sense at this time when prices are so high.

I have introduced bipartisan legislation and intend to try to move it on an appropriations bill, if I must, to stop this. There is no reason to take 50,000 or 60,000 barrels a day out of supply. This especially includes sweet light crude. This is a subset of all oil, sweet light crude, which is even more valuable. We have heard testimony at a hearing before the Energy Committee that indicates that this diversion of light sweet crude could add as much as $10 to a barrel of light sweet crude trading on the market. It is putting upward pressure on prices.

In addition to this, there is unbelievable speculation going on in the futures market. Fidel Gheit, with Oppenheimer & Company, testified:

> There is absolutely no shortage of oil. . . . I am convinced that oil prices should not be a dime over $55 a barrel. Oil speculators include the largest financial institutions in the world. I call it the world's largest gambling hall. It is open 24/7. Unfortunately, it is totally unregulated. This is like a highway with no cops and no speed limit and everybody going 120 miles per hour.

Investment banks are buying their own storage capability to keep the oil off the market. As he says, this is a 24/7 gambling hall. Who pays the price for this unbelievable speculation? It is the American consumer that pays with ever higher prices for oil and gasoline. There are experts who say the price of a barrel of oil is trading at least $30 above where it is justified in being, given all other issues between supply and demand.

In addition to this lack of regulation of hedge funds and other activities in this carnival of greed, there is excess speculation in the futures market. On top of that as I have indicated, our own Government is making it worse by taking oil and sticking it underground. It is not rocket science when oil is where it is and gasoline prices are where they are and headed north.

The President, when asked about that today in the news conference, said, "I have not heard this $4 issue." Well, read the newspapers from time to time. Gas prices are going through the roof. This Government is sticking oil underground and putting upward pressure on prices. There is no justification for doing this. We ought to have a pause, and we ought to say to the Administration that the 50,000, 60,000, or 70,000 barrels a day being put in storage today is impacting prices. It may be 125,000 barrels in the second half of the year if the Administration gets its way. This oil needs to go into the supply stream, and that would put downward pressure on gas and oil prices.

Some say, well, it is a populist issue. You ought to produce more domestically. Here is where we should produce. Some of us were cosponsors of a bill that became law in 2006 to begin that production in what is known as the Lease Sale 181 area of the Gulf of Mexico. I agree with that. The Gulf of Mexico is our greatest resource asset. I think putting this oil in the ground at this point is nuts, and we need to stand up for consumers and for a decent price for oil and gas. We ought not have a government policy that makes things worse.

My understanding is that my 5 minutes is up. I will speak about this subject later.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I wanted to speak a little bit to the situation we find ourselves in. We have been here before. This is "deja vu all over again," to quote Yogi Berra. We were under the same stricture when we were debating the agriculture bill a couple months ago. The Senate, by definition, is an institution that is supposed to work its will on legislation. The legislation doesn't come to the Senate under a closed rule as they have in the House, where the House leadership says this amendment will be offered, and that amendment will be offered, and time will expire and we have to vote. The whole concept of the Senate is that you have an open and free-flowing debate, where people can bring their thoughts to the floor. You don't limit amendments and they can be on about anything. As a practical matter, the Senate then votes after it has fully digested the various ideas that have been put forward.

This approach the Senate has always taken was first defined and most effectively defined, ironically, by George Washington, when he said that the Senate is the saucer into which the hot coffee is poured—the coffee being the House ideas. Now, the majority leader seems to view the Senate as an adjunct of the House, that we should actually be a replication of the House, that the majority leader should have the unilateral right, first, to bring a bill to the floor, which he has done, but once he does that, he should not have the unilateral right to determine what the amendments will be, how many will occur, and how long the debate will be on those amendments.

This is not an autocratic institution. In fact, the Senate is about as far from an autocracy as you can get. Each Senator has the capacity to have a fairly strong impact around here. Each Senator has the right, under the rules of the Senate, to make their case. So the majority leader should not be surprised when he suggests he is going to immediately file cloture on a bill—which is fairly substantive—stimulus II, as it is called—in order to shut off amendments from our side, our side is going to say, no, that is not the way the Senate works. We want to be heard. We want to be able to have the capacity to have our amendments.

The package they are talking about bringing forward may not be a stimulus at all. In fact, it may be the antistimulus package. What they are suggesting is a change in bankruptcy laws that will raise the cost of mortgage insurance—and it is estimated by 1 percentage point—for all Americans who try to get a mortgage after this, if this law were to become effective. It is populist politics, no question about that. You can beat the desk and say we are going to give relief to mortgages by allowing people to go into bankruptcy court and write their mortgages down. But the practical effect of that will be that the market will react and mortgage prices will go up, because people who lend money will have to anticipate that risk. That is what interest rates on mortgages account for—the risk of repayment of that money.

So it is a terrible idea, the practical implications of which will be not to stimulate the housing market but to undermine the housing market. There are initiatives here that might stimulate the economy; some have to do with housing. The Senator from Georgia has a superb idea. But some are tangential to the housing issue but would have a significant impact on our economy. For example, we could begin the process of straightening out our health care system. That would certainly help the economy. We could extend the dividend and capital gains rates. That would have a huge impact on our economy, if people knew they were going to have an extension of the capital gains rates. We could address the issue of employing and attracting to America more smart people to work in America, so they could be individual engines for economic activity, by extending the H-1B program.

There are a lot of good ideas that could stimulate this economy. There is absolutely no reason that the majority leader should try to use his position as majority leader to shut down the opportunity of the minority to bring those ideas and amendments forward. Let's vote on them. I can understand that the majority leader wants to move things along, and he does not want to have his Members make any difficult votes. That is his responsibility, I suppose to some degree, as leader. That is not the way the Senate works. The Senate is designed to be a place where you can put forward challenging ideas, debate them, and then vote on them.

We can deal with this bill in a fairly prompt way, but we cannot deal with it in a prompt way if those of us on our side of the aisle who believe we have some good ideas that maybe the majority leader does not like are not allowed to bring those ideas forward as to how to stimulate this economy.

We went through this exercise on the Agriculture bill, and it did not work. The leadership of the Senate and the majority leader finally decided we better get to the amendment process after 2 weeks of basically trying to shut down the amendment process.

There is no reason to go through this process again. Let's have an open amendment process where we in the minority agree to a certain number of amendments, but we certainly are not going to agree to preclear those amendments with the majority leader because he does not have that authority under the way the Senate works.

Madam President, I will have to oppose cloture on this bill at this time, although I would certainly like to see us get to this bill and do some serious consideration of how we stimulate this economy because I would like to see us extend the capital gains rates, extend the dividend rates, bring more smart people into this country to energize our economy, and address our health care needs to energize our economy. Those are issues I would like to see debated and voted on as we move forward.

Madam President, I yield the floor.

Mr. SESSIONS. Madam President, what is the time agreement?

The PRESIDING OFFICER. There is 11 minute 27 seconds for the minority and 8 minutes 18 seconds for the majority.

Mr. SESSIONS. Madam President, my colleagues desire to do a colloquy. I am pleased to yield to them as long as there is some time left somewhere along the way. I yield the floor, and I ask unanimous consent that I be recognized after this colloquy concludes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. CARPER. Madam President, I understand the time that has been allocated—I think 8 minutes left on our side—is leader time that has been allocated to Senator DODD, the chairman of the Banking Committee. He is not going to be here until after the vote to use that time. Our staff has been good to say that the time might be made available to me. I wish to enter into a colloquy, if I may, with Senator MARTINEZ, who is a former Secretary of HUD in a previous life and a valued member of the Senate Banking Committee.

We are going to have a vote in a few minutes on whether to proceed to a housing recovery package which has a number of positive elements in it. It is one that was largely put together by the Democratic side, but there is a willingness on our side to certainly accept amendments offered by our Republican friends.

As it turns out, the administration's top three priorities, as Senator MARTINEZ knows, in the housing recovery package that we might go to at this time would be GSE regulatory reform for Fannie Mae, Freddie Mac, and the Federal Home Loan Banks, FHA modernization, and it would also include the ability for State housing authorities to issue additional taxes and revenue bonds that can be used for helping refinance homes that are going or have gone into foreclosure. Those are the top three proposals of the administration. The third one is actually in our Democratic proposal on housing recovery. The other two, Chairman DODD and Senator SHELBY met, I am told last night, with the ranking Republican and the chairman on the House side on FHA modernization, and they have made good progress toward a final consensus, maybe a good preconference agreement. On GSE reform, the House has passed by a wide margin legislation to provide for that regulatory reform and also to provide for the creation of an affordable housing fund, something strongly pushed and supported by Senator JACK REED for a number of years.

There is a whole lot, frankly, that we have in common. We are going to vote in a few minutes on a motion to invoke cloture on the motion to proceed to the proposal that was brought to the floor by our Democratic leader. My fear is we are not going to get consent to proceed to the bill, which, on the face of it, is unfortunate because I believe there is a whole lot more agreement here than one might imagine.

I yield to my friend from Florida to add to this discussion and take away whatever he might wish. I actually believe there is more in common by far than there is in disharmony.

Mr. MARTINEZ. Madam President, I appreciate the Senator's efforts to move this process forward. He and I have been committed to the idea that there are problems the American people are facing as it relates to housing that are impacting the overall economy, and we need to act.

I agree with the ideas the Senator has put forward. There are a number of other good ideas out there. Senator FEINSTEIN and myself have cosponsored a bill regarding mortgage brokers. The proposal by Senator ISAKSON from Georgia, while perhaps a modification might be appropriate in terms of the cost of it, I think is a great idea. The idea is that we encourage families, through tax incentives, to buy homes, unoccupied homes, foreclosed homes, to try to lower the inventory of unoccupied homes; to do, frankly, part of what I don't believe is a terrific idea, which is to increase CDBG to deal with neighborhoods where there are foreclosures going on. I think a better idea is to put people in those homes through tax incentives. These are debatable points. They are good ideas that can be commonly shared.

The whole point is, we have to stick with it. This ought to not just be a symbolic act today to say: Oh, gee, we tried to do something on housing, and in a typical way, we each went to our respective corners and could not agree. We have to keep working on this issue. We are not that far apart. The ideas are mutually understood. GSE reform has been on the table a long time, and it has to be done. On FHA modernization, I know that Ranking Member SHELBY, Chairman DODD, and the House Members have been working diligently to get to something on that. We are close on that issue. That could be part of this package. Those things will help create more liquidity in the mortgage market, they will help put Americans back in the housing business.

The news today on the mortgage and housing starts was not good news. I was fortunate when I was at HUD that the news only got better every month. This month's news on housing starts, on the price of homes dropping, issues such as these, is not encouraging. We have to act. We have an obligation to act, not just make a political point.

I yield the floor.

Mr. CARPER. Reclaiming my time, Madam President, I say in conclusion that the American people want us to get things done. They want us to address the mortgage crisis. There is a way to do that that involves some very good Democratic ideas and some very good Republican ideas. Frankly, there are a number of good ideas we share in common, and there is a whole lot more we share than we do not.

At the end of the day, I think Senator ISAKSON's tax credit idea could be accepted in some form to go with some increase in CDBGs, community development block grants. We could do both, maybe not as much of either as was originally proposed but a little of both. Let's see how they work and then, after a year or so, see if there is one or the other that makes more sense to do additionally.

I think what is going to happen today, unfortunately, is we are going to have this vote on a motion to invoke cloture on the motion to proceed on the housing package. It is going to go down. My hope is that as soon as it goes down, if it does, my leader, Senator REID, and the Republican leader, Senator MCCONNELL, will go through a finite list of amendments, maybe five or so on a side. We are not interested in nongermane amendments. We are interested in amendments that speak directly to the housing crisis on our side and the Republican side, and we ought to be able to define that list. Senator ISAKSON's idea is one. Senator MARTINEZ has a couple of good ideas, one he shares with Senator FEINSTEIN. Senator SPECTER has some ideas on bankruptcy provisions that I may not support, but they certainly deserve to be debated and heard. And we have some ideas on our side as well.

My hope is, again, if this goes down today, that it is just a hiccup and not a heart attack, that we are going to come back and actually go to work to develop a consensus package that I know is there. It is literally there within our grasp. We can have not just a Democratic or a Republican win or a win for the administration, but we are going to have a win for the hundreds of thousands of people who are in danger of losing their homes. We can do something about this in the next several days, and we need to. I am going to join hands and arms with my colleagues, Senator MARTINEZ, Senator DODD, Senator SHELBY, and others who care as passionately about this issue as we do, to join our leaders in making sure we do get the job done.

I yield back whatever time I have remaining. I thank my friend from Alabama for his graciousness in yielding time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, what is our time on this side?

The PRESIDING OFFICER. There is 8 minutes 8 seconds remaining. The majority has 3 minutes 40 seconds.

Mr. SESSIONS. Madam President, I understand the pending business has been the legislation by Senator FEINGOLD, Senator REID, and Senator MENENDEZ to require another report within 60 days involving the Secretary of Defense, Secretary of State, Secretary of Homeland Security, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence. All of them are supposed to drop the war on terrorism they are leading and have explained to us repeatedly and in meticulous detail and write another report.

They keep asking for reports. They asked for a report by General Petraeus when we sent him to Iraq last summer. We voted overwhelmingly, a bipartisan vote, to send him. We were worried at the time, I have to admit, about how things were going in Iraq. I remember asking him: General Petraeus, if things don't get better, if you believe we cannot be successful, will you tell us? He said that he would. He also said he believed we could be successful if we utilized the plans and ideas and programs he was going to execute and was executing. He went and he came back and gave us a report in September. GEN Jimmy Jones, a retired Marine general, and 12 other participants went to the region and returned to give us a report, as did the Government Accountability Office.

We heard all those reports, and we sent General Petraeus forward and we said, continue on, because we were beginning by September to see some substantial reduction in violence in the neighborhoods in Iraq. We didn't know if it was permanent, how far it would go, but the trends were beginning, for at least a few weeks prior to his report, to look considerably better.

As a result of all of that, we allowed General Petraeus to continue with the plan as he explained to us because we evaluated that the strategy he was implementing was working. Since then, we continue to see the most miraculous, one must say, reduction in violence—60, 80, 90 percent in some areas in the country, 60 percent nationwide reduction in violence. We have had circumstances where the local people have joined in awakening groups, or citizens groups, and have turned against al-Qaida. Some of the people had been working with al-Qaida, frankly, but they realized this was a violent, vicious, dominating group with whom they had no prospect of ever living peacefully.

General Conway, the Commandant of the Marine Corps, testified this morning before the Armed Services Committee, of which I am a member, and he discussed that issue. The marines met with these local tribal leaders and made an arrangement, and they turned on al-Qaida, attacked them and have killed them, and they have helped us kill them because they do not agree with them anymore and they have learned the true nature of this group.

The violence is dropping, and Shia groups and councils and awakening groups are forming in other areas of the country. In Al Anbar, a mostly Sunni province, remarkable progress toward stability and a decline in violence has been made. So why do we want to ask for another report?

I note that this bill, S. 2634, was dropped in the same day and by the same people who authored the bill to demand a precipitous withdrawal from Iraq. The Iraq Study Group, an independent group, said that such a withdrawal would be a "victory of historic proportions" for al-Qaida.

I want to be frank: The people who are proposing this report, the people who have called for the precipitous withdrawal from Iraq want us out of there and do not care about any of the consequences.

We are a great nation. We committed our military. We committed our Nation. We committed our resources. We committed the lives of our military by more than a three-fourths vote to this enterprise, and in recent months we have had a most dramatic turn for the better. Why now would we want to promote a precipitous withdrawal? Why now would we demand more and more reports that, if read carefully, have no potential to lead to a constructive benefit toward the mission we have undertaken? I don't think it would do anything other than make it more difficult for our military, more difficult for General Petraeus and our Defense Department to be successful.

So I urge my colleagues to oppose this. Let's be mature as a nation. Let's not snatch defeat from the jaws of victory. This matter is not over, don't get me wrong. I don't portend to suggest in any way that these better numbers and downward trends in violence and progress made politically is guaranteed to continue. We are going to have hiccups and problems, I am certain, but it is certainly going in the right direction today.

I would urge us not to destabilize that, not to pass resolutions that can only be interpreted by our allies, by the Iraqis, by our own soldiers, sailors, airmen, and marines that are there in Iraq as an ambivalent attitude toward what they are doing, by placing their very lives at risk for this policy. Why in the world would we want to send such a message?

I think it would be a big mistake, and I ask my colleagues to join with me in opposing this legislation.

I thank the Chair and would ask how much time is left on this side.

The PRESIDING OFFICER. The Senator has 27 seconds remaining.

Mr. SESSIONS. I yield back the remaining time, and, Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, the mortgage foreclosure crisis in Michigan is dire. Nearly 80,000 homes are expected to be lost to foreclosure by 2009. Michigan ranks third in the country in foreclosure rates, and fifth in the country in number of foreclosure filings. Michigan has seen an increase in the number of foreclosure filings of 282 percent since 2005.

My State is not alone in this crisis, nor are homeowners facing foreclosure the only ones being affected. The entire housing industry, and by many accounts our entire economy, is being dragged down by mounting mortgage woes. It is urgent that we move forward on this bill to address these problems and provide immediate help across the Nation. We need to keep families in their homes, and we need to keep this crisis from further weighing down our economy.

Recently, I convened a series of roundtable meetings in a number of Michigan communities. Leaders from local and State government, as well as organizations who are in the trenches working with families facing foreclosure, came together to discuss practical ways to help homeowners and protect our economy from further damage. When I asked for their feedback on this bill, they thought it would help address a number of the problems they highlighted.

Across Michigan, there are communities that would like to rehabilitate abandoned and foreclosed properties so that surrounding property values do not continue to fall. But currently the funds do not exist to do that. This bill provides $4 billion in Federal block grants to areas with the highest foreclosure rates to help rehabilitate abandoned or foreclosed properties and prevent further damage to local housing values.

Across Michigan, foreclosure prevention counselors are overwhelmed, and a lack of funds is tying the hands of local groups trying to help keep families on track. This bill would provide $200 million for this much needed preforeclosure counseling.

There are also many homeowners who are facing the financial pressures of owing more on their mortgages than the current dollar value of their houses, a situation known as being "underwater." There is a critical need for more affordable loans to help these families refinance and stay in their current homes. Most homeowners do not want to uproot their children and leave their community behind, even if the balance of their mortgage is greater than the current market value of their home.

This bill would help address this problem by authorizing States to issue $10 billion in new tax-exempt bonds to help homeowners refinance adjustable rate mortgages. States will have the flexibility to use the proceeds of these bonds to refinance mortgages. This is a key component to turning the current mortgage market around.

Ameliorating our foreclosure crisis will require a team effort among Federal, State, and local governments, community and neighborhood organizations, and lenders, brokers, and borrowers. This bill recognizes that fact. It provides an opportunity to help keep struggling families in their homes. It provides an opportunity to help restore our housing markets so that families can own a home. It provides an opportunity to help keep declining property values stable. We need to take up this bill now, debate it, consider amendments, and then pass it. To not do so would be to sit idly by while a multitude of Americans needlessly suffer.

Mr. McCONNELL. Madam President, momentarily we will be having a procedural vote, a cloture vote on a motion to proceed to what has been styled a housing bill. I will be urging my colleagues to oppose the cloture motion to proceed to the housing bill.

Having said that, it is my hope that at some point during the vote we will be able to negotiate between the majority and the minority a process for fairly considering alternatives, and I have had some discussions with the majority leader to that effect.

In fact, I offered a consent earlier this afternoon that there be up to five amendments per side permitted, if we turn to the bill. It is still my hope that at some point we will negotiate a process by which we can have fair consideration of alternatives.

Now, my colleagues and I just completed a news conference at which we laid out a comprehensive growth plan for America in a variety of different areas that most Republicans believe would advance the economic security of our country. Portions of that proposal might well be offered as an amendment to the underlying bill, were we to be permitted to do that.

It is my hope that the majority leader and I will have further discussions after this vote about a process by which we might be able to turn to the bill that would be fair to both sides. After all, I know there are some bipartisan discussions going on that will improve the bill. Senator CARPER has been in discussion with Senator MARTINEZ and others on both sides of the aisle with suggestions that might have bipartisan support that are not a part of the current proposal upon which we will have the procedural vote shortly.

So until such time as we can get an agreement that is fair to both sides, and gives other Senators who have ideas an opportunity to offer those ideas and have them voted on by the entire Senate, I urge my colleagues to oppose cloture on the motion to proceed to the proposal as it stands right now.

Hopefully, at some time in the near future we will have a chance to amend it, to modify it, to offer new suggestions to it to improve it, and maybe have the same kind of experience we had on the FISA earlier this year where we came together on a bipartisan basis and passed something overwhelmingly.

We had a similar experience at the end of the stimulus package in the Senate. We came together at the end and passed a package overwhelmingly. There is no good reason we cannot have an amalgam of both Democratic and Republican ideas added to this proposal that would strengthen it, make it more bipartisan, make it more likely that it would become law.

So for the short term, I would urge my Members to oppose cloture on the motion to proceed. Hopefully, we will be able to work out some kind of process for handling this in a fair way.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The reason the rules of the Senate are set up as they are is to give Senators the ability to protect themselves.

However, the motion to proceed has been abused. Everything that we have tried to do, everything—we have had to file cloture on a motion to proceed—is unnecessary. I have stated publicly for the press, everyone who would listen to me, that this is a piece of legislation that we should work on.

The Republicans, all Republicans, should understand they lose nothing by moving forward on the motion to proceed. If they find after that that the Democrats are totally unreasonable, then we do not get cloture on the bill. That is the procedure. Why waste all of this time, 30 hours? Why make us go through this process?

If cloture is not invoked, who knows if we will ever get back to the bill again. I will try. We will not go off it right away. I told my distinguished Republican colleague that.

America is facing a foreclosure crisis, a dramatic economic slowdown. Today the Commerce Department declared such. Yet at a press conference the President held today, he said America is not heading toward a recession. Who agrees with that other than the President? Countless economists disagree with that.

The American people know that whatever you call it—a slowdown, a slump, a downturn, or recession—people in every 1 of our 50 States are struggling to make ends meet and looking to us to set things right again.

The housing crisis is the eye of the economic storm. Here are the facts: The number of homes being foreclosed upon across the country rose 57 percent in January, last month. Home prices experienced the steepest drop in 20 years, sagging 9 percent in the final quarter of 2007, and the worst had not come by then.

Foreclosures are expected to exceed 2 million in the coming years. Nationwide, that would wipe out $223 billion in home equity. Some of that is in neighboring homes. This does not include the lost value of homes that undergo the actual foreclosure process.

In Nevada, the numbers are worse: 95 percent increase in foreclosures last month, 61 percent in the Reno/Sparks area. The situation is bad and likely to get worse all over the country. But we have an opportunity today to make a responsible and necessary step to make things better.

My friends on the other side of the aisle are aware of these challenges. I think, and I respectfully say, it is a bad decision for Republicans to follow again the advice of the respected leader to not vote for cloture on a motion to proceed.

I repeat, if we get on the bill and you find that you do not like what is going on, there are 49 of you. Do not vote for cloture on the bill. My friends on the other side of the aisle are aware of all of the challenges we have. They read the same newspapers, attend the same hearings, live and visit the same neighborhoods around the country because all of the neighborhoods are the same, with rare exception.

They recognized the Nation's economic challenges by working with us to pass the Economic Stimulus Act of 2008. It did not have everything in it that I wanted passed. We passed something the President did not want. That is good. It was a bipartisan effort. That plan was a decent first step, but it was only a start, and I said so at the time.

Secretary Paulson, whom I admire, deserves credit, too, for helping to lead the mortgage industry to voluntarily respond. These efforts will help but, once again, they are just a step, a baby step. Less than 3 percent of the homes at risk would avoid foreclosure under the administration's plan; 97-plus percent would not.

This will help a little. I repeat, a baby step. Baby steps will not solve this crisis. A less than 3-percent improvement will not solve the crisis. We need more than baby steps, we need bolder steps. The bill now before us is a bolder step.

It will make a real tangible difference to homeowners, neighborhoods, and our economy. More than 700,000 families will benefit from this bill; 80,000 vacant foreclosed homes will be put back to productive use; 30,000 jobs and a $10 billion boost in economic activity will be created.

This bill could be a real bipartisan accomplishment. It would be a sign to the American people all across this country that we can help. I hope my colleagues will support this cloture motion.

One of my friends who is great at working both sides of the aisle—my friend is a Democrat. He worked with a number of my friends on the other side of the aisle. And he said: Here are some of the amendments they want to offer. ISAKSON wants to offer a piece of legislation which is a tax credit for housing purchases. I like it. I think it would be a nice addition to our bill, would improve the bill.

Appraiser oversight and independence: Senator MARTINEZ, who was formerly the HUD Director and Cabinet officer, thinks there should be appraiser oversight and independence. I like it. That is a good idea. That is something we should debate and see if it should be put on this bill and approved.

I was told that Senator SPECTER wants to make some changes on the home mortgage bankruptcy provision. I do not agree with Senator SPECTER, but that is something that is valid and should be able to be offered on this piece of legislation.

All I am saying to my friends is they are making a big mistake by objecting to our proceeding to this bill. There is no reasonable, rational reason for doing that other than to stall. I think that would be a shame.

I hope there would be an overwhelmingly bipartisan vote on this most important piece of legislation so that we can move forward on it and attempt to work something out on the amendment process. If we do not work anything out, I repeat for the third time in the last 10 minutes, they do not have to give us cloture on the bill. They have nothing to lose. There are 49 of them.

But I think they are sending the wrong message to the American people today, saying this bill we have, which calls for things the President says he wants done: revenue bonds—he called for that in the State of the Union—more money for mortgage counselors. That seems fairly reasonable to everybody. I think that is something we should do. The bankruptcy provision, which I think is such a step forward, the provision that we have dealing with community block grants is important to bring houses that are in foreclosure back to be a productive part of what we are doing.

Everything we have called for in this piece of legislation is reasonable and fair and sound. And we should do it. I would certainly hope that my friends on the other side of the aisle will stop doing what they are doing. I think it sends a terribly bad message to the American people: Republicans do not want to legislate on anything—anything, even the housing crisis.

I cannot imagine what they benefit from doing that other than slowing down the process. It will prevent us from doing something later on in the year. But we are going to continue to work on this legislation. If they defeat cloture, we are going to keep talking about it and talking about it because this is the eye of the storm. This is what is causing most of our problems in the economy.

The PRESIDING OFFICER. If all time is yielded back, under the previous order, the motion to proceed to S. 2634 is withdrawn.

## NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007—MOTION TO PROCEED

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 340, H.R. 3221.

Harry Reid, John D. Rockefeller, IV, Russell D. Feingold, Max Baucus, Charles E. Schumer, Kent Conrad, Patty Murray, Amy Klobuchar, Jeff Bingaman, Richard Durbin, Mark L. Pryor, Carl Levin, Edward M. Kennedy, Patrick J. Leahy, Bernard Sanders, Debbie Stabenow, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to H.R. 3221, a bill for the New Direction for Energy Independence, National Security, and Consumer Protection Act and the Renewable Energy and Energy Conservation Tax Act of 2007, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 48, nays 46, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—46

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Reid
Roberts
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—6

Byrd
Clinton
Coburn
Hutchison
McCain
Obama

The PRESIDING OFFICER (Mrs. MCCASKILL). On this vote, the yeas are 48, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I now enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, I now move to proceed to H.R. 3221, the housing stimulus legislation.

This motion is debatable; is that right, Madam Chair?

The PRESIDING OFFICER. The motion is pending.

Mr. REID. Madam President, everyone here within the sound of my voice should understand a minute ago there was a big victory. The people on Wall Street are high-fiving. They won again. The big banks won again. Mortgage bankers won again.

There are a few losers out there, such as millions of consumers, millions of people whose homes are going into foreclosure or about to go into foreclosure. They lost. But there has been a victory. There has been a victory. Anyone within the sound of my voice who does not understand what took place should understand what took place.

I had one of my Democratic Senators walk over to me and say Well, they are doing that because you filled the tree. That is wrong. It is not true. In fact, it is quite the opposite. I said: What do my friends have to lose by allowing us to proceed to legislate on this most important piece of legislation, housing stimulus? If, in fact, they do not like what happens with the legislating aspect of this—there are 49 of them—they would not give us cloture on the bill. But why not attempt to legislate this?

I indicated I have been told there are Republicans who wish to offer amendments. I, before this vote took place, said I think it is a good idea what they want to offer. One of them was by JOHNNY ISAKSON—a tax credit for housing purchases, a pretty good idea. I may not agree on the $5,000 number; maybe it would be $4,000. But I think it is a pretty good idea he came up with.

I said MEL MARTINEZ, who before coming to the Senate was a member of the President's Cabinet as HUD Secretary, has an idea about appraisal oversight and independence. I think it is a pretty good idea. He should be able to offer that amendment.

I do not agree with what Senator SPECTER wants to do; that is, to change the bankruptcy provision. But he should be able to offer that.

So any guise of not feeling that they are going to be treated fairly is a misdirection. Again, as has happened for such a long time since we took the majority—I recognize we have a slim majority, and it makes it very difficult to legislate, especially on the other side, when virtually everything is stopped.

On the last stimulus package we had, we got something from the House that had a rebate to individuals. We thought that should be changed, so we added, out of the Finance Committee, a lot of good things in that legislation. We added 21.5 million seniors, 250,000 disabled American veterans, and many of the things that are in the housing stimulus package.

It was defeated, and there were editorials written—obviously, my Republican friends pay no attention to them—that said it was the wrong thing to do, that the Republicans stopping our vision of what the stimulus package should be was wrong and not good for the country.

Well, I hope all those editorial writers understand what took place here. This was a very narrow piece of legislation we have been trying to move forward on—very narrow. It had five provisions in it, one of which the President called for in his State of the Union Message—revenue bonds—and the water has been carried over here by Senator JOHN KERRY.

We had a provision in this stimulus package that called for more money for counselors to deal with people who are losing their homes. They are out of money again. I do not think it is too outlandish to have mortgage counselors be able to sit down and talk to people about their homes.

We had a provision in here for CDBG moneys to go back to communities to work on homes that are being foreclosed upon. I think that is a step in the right direction.

We had a provision in this legislation that dealt with having these documents people deal with when they are buying a home more transparent. That came from Senator JACK REED of Rhode Island—a very nice piece of legislation.

Finally, we had in this piece of legislation something that I think is extremely important; that is, a piece of legislation, which makes up part of this, which says that if you have a home that is being foreclosed upon, you should be able to go to bankruptcy and see if you can work something out on that. The bankruptcy judge would be able to work with you.

Right now it is against the law to do that. If you have a primary home, and you want to buy a ranch to go play with on weekends or someplace on the beach, and you decide you run out of money later, you can go in and work with the bankruptcy court to try to refinance and readjust those loans—but not your primary residence. So my friend, Senator DURBIN from Illinois, has been working on this for a long time—it did not come about in the last week or two—saying people who are about to lose their primary residence should be able to have the auspices of the bankruptcy court to try to work something out. It is limited in time and scope—a very good piece of legislation; not a shotgun, a rifle shot.

Georgetown University did a study, and they said DURBIN's provision would not raise the interest rates a fraction of a hundredth of a percent—nothing, it would not affect it at all.

So I am at a loss—well, that is not true because it is obvious why it is being done. The stall is still on. The stall is still on. There is no reason in the world we should not be moving forward to try to work something out on a housing stimulus package. It is simply unfair what my colleagues have done. At the last count, there was one Republican who voted to move forward on this legislation. There could be more, but I saw one.

Mr. McCONNELL. Madam President, I listened with a certain level of incredulity to my good friend the majority leader discussing the vote we had a few moments ago. Of course, this was a measure not crafted by the Banking Committee led by Senator DODD and Senator SHELBY. I am not certain whether Senator DODD was consulted. I am fairly confident Senator SHELBY was not consulted.

We know there is widespread opposition to the so-called cram-down provision, and we know that almost everybody in America, apparently, with the exception of one study at Georgetown that I heard my good friend the majority leader quote, believes it will drive up interest rates for all Americans in order to presumably benefit some Americans. This is the kind of thing that happens when you have a hastily concocted political exercise, which it strikes me we just went through.

Now, the way to legislate in a body such as the Senate is to come up with a fair process for consideration. In fact, I offered it prior to the vote, I say to my good friend the majority leader, that we would go to the measure, take up five amendments on each side, and have a normal legislative process leading to actually making a law rather than trying to create an issue. So we are still very much interested in seeing what we can do in this area.

The majority leader mentioned the Isakson amendment. There is a lot of support on this side of the aisle for the Isakson amendment. I know there are conversations between Senator CARPER and Senator MARTINEZ that could conceivably lead to a bipartisan proposal that would enjoy support on both sides of the aisle. The way to achieve something such as that is through the consultative process that we frequently engage in around here when we are serious about legislating. So I would reiterate to my good friend the majority leader that I am open to any discussions for a unanimous consent agreement that gives both sides an opportunity to have their ideas considered.

We all know the Nation's economy is slowing. We all believe there is an appropriate role for the Government to play in trying to lessen that decline in the economy, and we are happy to try to work on a bipartisan basis to achieve a result, and that opportunity is still before us. Now that the box has been checked on the other side, maybe we can get serious now about trying to do something that will actually make a difference. I stand ready to talk to my good friend the majority leader about that at any time.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The majority leader is recognized.

Mr. REID. Mr. President, I don't know how to say this other than say it the way I feel. It is an insult to me to say I would bring a bill to the floor without talking to my chairmen. One thing I pride myself on is that when I took this job, I gave every one of my ranking members then, now my chairs, the absolute authority to run their committees, and I would not interfere with their committees.

Mr. McCONNELL. Would the majority leader yield?

Mr. REID. No. I want the record to reflect I would never consider putting a piece of legislation on the floor without talking to my chairmen. I talked to Senator DODD, I talked to Senator LEAHY, I talked to Senator BAUCUS about what was going to be in this. So that is so farfetched that it is hard for me to conceive of how my friend could say that.

Mr. McCONNELL. I didn't say it. I did not say it. That is why I was trying to get the majority leader to yield. I said I don't know whether you consulted with your chairmen. I am fairly confident you didn't consult with the ranking member, so my remarks don't need to be corrected since I didn't say it.

Mr. REID. Well, we will get the remarks and let the record speak for itself.

I would also say this: Yes, we have Georgetown, and we have a friend of mine whom I served in the House of Representatives with who is former Secretary of Housing and Urban Development, a Republican, and a card-carrying conservative—Jack Kemp—who thinks what we are doing is very good; in fact, he has written about it. This isn't something we threw together in 5 minutes. Most of this stuff was in the stimulus package they voted down before.

So the economists support what we are doing. It will not increase the bankruptcy provision of my friend, the senior Senator from Illinois; it will not increase the interest rates, this bankruptcy thing. We all know that. This piece of legislation is so important.

When my friend, the Republican leader, said he wanted five amendments—listen to the boundaries of the amendments—having to deal with housing and the economy, well, that is pretty wide-ranging. I told everybody who was within the sound of my voice, if we wanted to offer five amendments to this piece of legislation or any other piece of legislation, the Republican leader, rightfully so, would like to see what that amendment would say. I said the same applies to the Republicans. You can't have it both ways. If, in the process of trying to work something out it doesn't work out right, they have the ultimate big hammer here, and that is cloture. Two steps: One that we haven't used very much, except in the last year since we have gotten the majority, which is a motion to proceed and cloture on that. We didn't get that. It is too bad. But had we been able to do that, we would have gone immediately to legislating on some of the things that I think are important.

I am very troubled about the normal legislative process. We haven't been in the normal legislative process for some time now, and I am anxious to do everything I can to move forward on this piece of legislation. It is obvious that my friends do not want to. I am sorry about that. But anyone who said this has been a hastily concocted political exercise is wrong.

Mr. SCHUMER. Would my colleague from Nevada yield for a question?

Mr. REID. I am happy to yield.

Mr. SCHUMER. Mr. President, I wish to ask my colleague from Nevada: Wouldn't it be true that the ambit the minority leader asked for would allow the other side to automatically have amendments on, say, renewing the President's tax cuts, or undoing what happened with the estate tax, and repealing the entire estate tax; nothing to do with this housing bill? That is my first question.

My second question is: If the minority leader showed the majority leader five amendments that were within the confines of this legislation—ideas such as the Isakson idea or the Martinez idea or others such as that—that he would willingly go along and we would come to the floor and debate the amendments and move the bill forward but that the parameters the minority leader has asked for would allow us to debate the whole—everything but the kitchen sink and bring up all these old saws that we have been through again; isn't that correct?

Mr. REID. I would say to my friend, I indicated I don't like what Senator SPECTER is trying to do with this bill. He has an absolute right to offer that, and he should be able to do that. What he wants to do basically is have a Durbin line—basically strike the provision on bankruptcy. I don't like that. But it is in keeping with what this legislation would be. The parameters I don't like have to do with housing and the economy. Now, try that one on.

Mr. SCHUMER. Mr. President, asking another question, that could mean renew the Bush tax cuts until 2025. That could be within the ambit of what the minority leader asked for; is that correct?

Mr. REID. That is true. I don't know how much more I can telegraph my punches. I said—you were present, Senator DURBIN was present, and Senator MURRAY was present when we met with scores of press people today. They said: Are you going to allow amendments? I said: Yes, happy to have amendments. Talk about telegraphing my punches.

One of my Democratic colleagues—I will mention his name because he would not care—Senator CARPER from Delaware, he said: Here are some amendments they might want to offer. How do you feel about that? Fine. I want to legislate to deal with the housing crisis. We have a housing crisis. I have one in Nevada, you have one in Illinois, you have one in New York, you have a real big one in Michigan, and California has 25 percent of all the foreclosures in the country. Everyplace in America has a problem with that.

We could stimulate the economy. I defy anyone to say that what we are doing would not stimulate the economy.

Mr. SCHUMER. Mr. President, one more question to the leader: Has the minority leader shown the five amendments to us he wishes to offer, or he just sort of wants a carte blanche, more or less?

Mr. REID. I am the one who suggested the amendments that I have heard the Republicans want to offer. The answer is, no, I have not seen a single amendment. I didn't start talking about amendments this morning. When I moved to this piece of legislation, I told the distinguished Republican leader, let's work something out on amendments. The original number of five came from me.

Mr. SCHUMER. Is it a pretty fair assumption that what the minority leader is doing, maybe for himself, maybe for others in his caucus, is he wants an opportunity to get off the housing debate and go on to the old saws we always hear from them on, such as the estate tax, Bush tax cuts, and other things not relevant to this bill? Would that be a reasonable assumption, given the minority leader's actions?

Mr. REID. Yes. I say to my friend, things that have done so much good for our economy—so much good for our economy. We are upside down with red ink on everything.

So the answer is: Yes. We need more tax cuts, we need more money spent on wars around the country, around the world.

I don't know of anybody who thinks the economy is doing very well. Even today we had the President say things are not good, but we are not in a recession. I think the economists would totally disagree.

Mr. DURBIN. Would the majority leader yield for a question?

Mr. REID. I will yield.

Mr. DURBIN. Mr. President, I would like to ask the majority leader to reflect on what has happened this week: the routine motion in the Senate the motion to proceed—in other words, to start considering a measure—we have tried to do that three times this week.

Is it not true that the Republican minority has engineered efforts to stop a vote on changing the policy on the war in Iraq, has stopped a vote on having accountability in a report on the war on terrorism; and through the Chair I would ask, now with this measure has stopped an effort to try to bring some relief to the 2.2 million Americans from States all over who face foreclosure on their mortgages?

I would ask the majority leader, reflecting on what has happened this week, is this not a continuation of what we went through all last year when the Senate Republicans broke the record in the Senate with 62 filibusters?

Mr. REID. In 1 year. They broke a 2-year record in 1 year, and this is ongoing.

This is an extremely perplexing situation in which we find ourselves. For my friend, the distinguished Republican leader, to stand and say that it was incredulous what I had done. Incredulous? I am trying to legislate. I have a piece of legislation out here which has five provisions in it. Everyone knows what those five provisions are. No tricks, no filling the tree, let's work something out on amendments, and that is incredulous?

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before the majority leader leaves and others leave, the majority whip, let me point out that just as these presentations were made, we had a long discussion, we had two caucuses, the Senate Democratic caucuses—not unlike when the Republicans have their conference every week—to talk about the various provisions. In fact, I made the presentation briefly before the caucus 2 weeks ago involving these various ideas. There were a lot of other ideas. There was an exclusive list in terms of what we could do in order to generate a new level of optimism in our economy mostly related to the housing crisis which is the epicenter of this problem.

So I want the record to reflect that as the chairman of the Senate Banking Committee, I know the chairman of the Finance Committee and the chairman of the Judiciary Committee, Senator LEAHY, were all involved in those discussions, as were others who had various other ideas as to whether to include them in a package, other amendments. This obviously was work in progress, but it is important that the record reflect that there was an ongoing conversation about this.

Mr. REID. Will my friend yield for a question?

Mr. DODD. I am happy to yield.

Mr. REID. I think the Senator would acknowledge there were things I wanted to put in this bill and he said it is not the right time to do it. I accepted his jurisdiction of the Banking Committee, and I called him and said, OK—I didn't say Mr. Chairman—I said OK, CHRIS, we will not put them in there. We had full consultation.

I am very proud of my chairs. The three whom I talked about are some of the best legislators this country has ever had. CHRIS DODD is certainly one of those. I feel this Senate and this country are in good hands with Senator DODD as chairman of that committee. I like his ranking member. Senator SHELBY and I served in the House together. He is a fine man. I say to my friend from Connecticut, to his credit—that is the Senator from Connecticut—he said: I don't have this thing or two worked out with DICK SHELBY yet. I think it would be better if we not do it. So I, harping on this—and perhaps it doesn't call for an answer, but I admire and respect the work this Senator does in the Foreign Relations Committee, in the Banking Committee now as chair. He is a top-notch Senator.

Mr. DODD. Mr. President, I thank the leader very much for that, and he is absolutely correct. In fact, he raised an issue, and I said I haven't talked with Senator SHELBY and that is the reason he graciously acquiesced to my desire to keep a certain matter out of the committee proposal until we had an understanding. That is the way this body functions well, so you have to have that kind of relationship. You can make two choices. You can propose things and throw them out there in the hopes that something may happen, but usually they don't because you haven't bothered to consult, or you can do it the other way, which is slower, more deliberate, more frustrating in some ways, but ultimately you produce products people can support.

I wish to point out that in the last year, the Banking Committee marked up some 17 pieces of legislation and had 35 hearings. Of those 17 pieces of legislation, 7 of them have become law. There were only two negative votes cast against all those provisions because RICHARD SHELBY, the Senator from Alabama, the former chairman of the committee, and I worked those matters out in a way so our colleagues, almost unanimously in every case, were able to support us.

I intended to actually speak before the cloture vote and was unable to do so with the time constraints.

I want to express, if I can, over the next few minutes, my concerns about where we are economically in this country, as chairman of the Banking Committee. Today we had, once again, the Chairman of the Federal Reserve Board in front of the Banking Committee. Chairman Bernanke was before the committee reporting, as the law requires, on monetary policy. The conversation was not limited to that, as you might imagine. It covered the housing issues, foreclosure issues, as well as other questions under the jurisdiction of the Federal Reserve Board, as well as matters of concern to both Democrats and Republicans. Several weeks ago, we had Chairman Bernanke, Treasury Secretary Hank Paulson, as well as Christopher Cox, Chairman of the SEC, before the Committee to discuss with us a wide range of issues covering the economy of our Nation.

We have had hearings on a number of issues affecting the very question before us. A lot of this data has already been laid out by others, but it is worth repeating to give a sense of the magnitude of the problem. It is not exaggeration or hyperbole to suggest that we are in perilous times economically. This is not a normal downturn or sort of a problem that might go away in the next 6 or 8 months in the absence of us taking action.

Let me say, I am a great believer in market forces. Almost a year ago, when this problem first emerged, as the new chairman of the Banking Committee, I convened the members of the committee along with the stakeholders involved in the housing crisis in the committee room of the Banking Committee. Senator RICHARD SHELBY, to his credit, was there as we listened to the stakeholders talking about what could be done absent legislation being passed, absent new regulations being formulated, in order to keep people in their homes who are facing foreclosure, and to minimize the problem of a growing number of economic dislocations as a result of this housing crisis.

We were urged back in May, absent any legislation, to let the marketplace work to develop a solution. For this Member, this is the ideal solution, when it can work. I don't believe you have to jump in with bills or regulations if the market can, in fact, provide answers. So we sat back and said, "let the market work."

To some extent, the market did work—it flushed out many of the bad operators. Unfortunately, what has not happened is that the stakeholders have not really done what I thought they were going to do, which is aggressively endeavor to help those people who are in trouble and facing delinquencies or are on the brink of foreclosure to keep people in their homes. This was not about helping investors. It was the owner-occupied homes we were concerned about.

Regrettably, I am here to tell you that a year later the number of people helped out by that request has been minimal. I will share the statistics of how small a number we are talking about. While the Secretary of the Treasury, Hank Paulson, whom I respect, still pursues and persists as he did again today, that this Hope Now Alliance effort may work, this Member is less than optimistic about that having watched the process fail to work for the past year, as the problem got larger. Today, the situation continues to deteriorate, and it is not limited to housing. That is the point I want to make at the outset.

There is a contagion effect that is spreading to other parts of the economy. So while I am disappointed that cloture was not invoked within the last hour, my hope is that the leaders would give us another opportunity in the coming days, before we go into that March recess, the Easter/Passover recess, to actually be able to put something together to present to our colleagues that might enjoy the bipartisan support that this issue deserves. So I appeal to them this evening, in addition to talking about the problem, to give Senators SHELBY, BAUCUS, LEAHY, SPECTER, and GRASSLEY, the ranking Republicans on the respective committees, a chance to pull some things together in the next several days and present that to our colleagues to see if we cannot do something about this issue. I make that plea this evening, and I am prepared to do whatever I can to try to accommodate many various ideas. That is not to suggest that everything will be adopted, but it is worthy of this body's time to address itself to this issue.

The statistics I am about to share with you, I think, make the case more eloquently than anything I could say this evening about the perilous circumstances in which we are operating today. The economy slowed to a crawl at the end of last year. Economic growth was six-tenths of 1 percent. The data that we have received so far this year indicates the problem is going to get worse in 2008. The country lost jobs in January. That is the first time in 4 years that happened. Credit card delinquencies are on the rise as consumers find themselves increasingly unable to tap into the equity of their homes to help pay down their credit cards and other bills.

To put that into perspective, the median income of Americans is around

$48,000 a year, I believe. Consumer debt, revolving debt, on average, is $9,300 and growing. Savings rates are negative. So in addition to the Federal deficit, we should talk about consumer debt in this country, which is growing. People's ability to resolve that growing debt problem has been significantly affected as a result of the loss of value in homes.

Lastly, inflation increased by 4.1 percent last year, the largest increase in 17 years, driven mainly by the rising cost of energy, food, and health care as well. Industrial production is flat, and we have been hemorrhaging jobs in the manufacturing sector. Our national economy is clearly in deep trouble. I don't enjoy saying that. That worries me.

One of the things I admire about Ben Bernanke, Chairman of the Federal Reserve Bank, is that he has been very clear about the problem. While we may not like to hear it, I am sure others would like him to paint a rosy picture about all of this. I think he is doing a good job as Chairman of the Federal Reserve in laying out clearly to the administration and Members of Congress the seriousness of this problem. He is judicious in his choice of words. He doesn't engage in alarmist language. If you listen carefully to what he is saying, it is not substantially different than what I am saying.

We are in perilous times economically, and we need to spend time on these issues in this body. We are charged with that by the American people. This issue demands our attention. I hope we can come back to it in the coming days.

The epicenter of this economic trouble is the housing crisis. In fact, the current housing market is the worst since the Great Depression. That is not hyperbole, Mr. President.

For example, this first chart is titled "Annual Change in Home Value." It indicates what home values have done over the last 8 years, from 2000 to 2008. In 2000, home values increased by almost 5 percent; in 2001, another 7 or 8 percent; and then another 8 percent; and in 2005 in excess of 10 percent; and then the price increases slowed in 2006. Then, for the first time nationally—not regionally—in 2007 we see declining values. In 2008, we expect to see an even deeper decline—in excess of 10 percent.

Mr. President, this is the first time since the Great Depression that home values have declined nationally. All of us are familiar with regional declines. We saw that in the late 1980s. But this is the first time that we have seen an annual drop in home values on a national basis. It is worthwhile to note that. It is a major concern. While many of us have experienced home price drops in our regions or local markets, 2007 was the first year since data has been kept that the U.S. had an annual decline nationwide on housing prices. Case-Shiller data, released earlier this week, showed a 20-percent decline in home prices from the fourth quarter of 2006 to the fourth quarter of 2007, the steepest decline ever recorded.

Mr. President, these words I am using ought to put this in perspective and give some indication of how serious this is. These are the steepest declines ever recorded by this data.

A recent Moody's report forecasts that home values will drop in 2008 by 10 to 15 percent.

In 2007, as a whole, single-family home sales fell 13 percent. New home sales fell in excess of 40 percent—actually, 40.7 percent year over year in December, the weakest performance in 27 years. In January, home sales fell to their lowest levels in 9 years.

The inventory for existing homes for sale jumped by 5.5 percent in January alone and stands at over 4 million units, almost double the number in January of 2005. This is equal to over 10 months of supply. The ongoing glut of unsold homes means that home prices will continue to fall into the future. These are record numbers, in the last number of years.

We have not seen the worst of it, unfortunately. There are over 1 million borrowers with subprime and other exotic mortgages who are over 60 days delinquent. With about 1.8 million subprime ARMs, valued at about $500 billion resetting to higher rates in the next 18 months, there is no doubt that this problem is going to deepen.

As a result, I will put up the second chart of official data. This says "New Homes Entering into Foreclosure." These are important numbers. Already, when I gave you the title of this, you began to see, obviously, what is happening in the fourth quarter of 2007. These numbers begin in the second quarter of 2005. I know it is hard to see. The first number is the second quarter of 2005. The numbers run from then to the fourth quarter of 2007, just ending a few months ago. You can get some idea of the homes entering foreclosure in this country. Again, it is in record numbers.

We are experiencing historic highs in both the rate of new foreclosures and the percentage of all loans in foreclosure, according to the Mortgage Bankers Association.

Mark Zandi, an economist at Moodys.com, estimates that 3 million loans will default between 2007 and mid-2009, of which 2 million will end in foreclosure sale. Over 23 percent of subprime loans are now 60 days or more delinquent in foreclosure. Those are huge numbers.

In January alone, Mr. President, foreclosures were up 57 percent, and bank repossessions were up 90 percent from January 2007, according to RealtyTrac data. There are currently 1.4 million families in foreclosure.

The third chart I want to show you gives you some idea of the magnitude of this in terms of dollars and cents. It is called "Foreclosures: Impacts on Families." At least 2.2 million families are losing their homes. That is a staggering number. We always see every year that there are some foreclosures. Now we are talking about numbers that are unprecedented. The loss in home equity in the neighborhoods is over $165 billion. There will be a net loss of home ownership and wealth especially for African-American and Latinos families. This is a significant problem.

The fourth chart says "Adjustable Rate Mortgages Currently Scheduled to Have Interest Rate Reset." I think everybody knows what I am talking about here the reset under what is called an ARM is an adjustable rate mortgage.

As an aside, ARMs can be a very attractive and valuable product for certain consumers. Frankly, these mortgages were marketed to too many people who, could not handle ARMs. I don't want ARMs to become a bad word, because they can be valuable for certain consumers in certain economic categories. But for many people they are dangerous.

Mr. SALAZAR. Will my friend yield for a unanimous consent request?

Mr. DODD. Certainly.

Mr. SALAZAR. I thank my friend. I was trying to figure out a speaking order because a number of Senators want to speak. I ask my friend about how much longer he expects to go.

Mr. DODD. Another 10 minutes.

Mr. SALAZAR. Mr. President, I ask unanimous consent that following the Senator's remarks, he be followed by Senators ALEXANDER for 5 minutes, WYDEN and SMITH for 10 minutes, followed by Senator CASEY for 5 minutes, and followed by Senator SALAZAR for 10 minutes, and Senator CASEY following Senator SALAZAR for as much time as he may consume.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DODD. Mr. President, what happens under ARMs is that there is a teaser rate, which is very low. You lure people in with the teaser rate—and I am now talking about people who should not be in ARMs.

Then, after the teaser period ends, the rate rises to the much higher fully indexed rate. What happens, of course, at a teaser rate, many people may be more than capable of meeting that obligation. Many mortgage brokers are marketing these products without being honest and forthright about what the fully indexed rate will be, and what the borrower's financial responsibility will be.

It is also important to state that borrowers have a responsibility as well as lenders. But in too many cases, those borrowers were being lured into situations that the brokers fully well knew that the borrowers were never going to be able to meet.

What are we looking at in this chart is the number of loans facing an interest rate reset, which means, when these higher rates kick in. We talk about resets occurring along the way. This chart is specifically designed to describe the reset problem.

Adjustable rate mortgages are currently scheduled to have interest rate resets, and the dollar value of mortgages that will reset is in the billions of dollars, to give some sense of the magnitude of the problem. This problem will last far beyond 2008. As this chart shows, even after the current subprime wave washes over us, we will face serious problems with interest-only and option-ARM resets for the next 4 years. In short, the problem is growing; not going away, but growing.

The crisis affects more than the families who will lose their homes. There will be an increased demand for social services, police, fire, and other services that ameliorate the impact of increases in foreclosed and abandoned property. You don't have to have a Ph.D. in housing to know the negative ripple effects on the community of abandoned and foreclosed properties that are sitting on the market. The value of neighboring homes, even if the neighbor is currently doing everything right, you don't have to be an expert in real estate to know that if your next-door neighbor or people on your street have an abandoned property, that it causes the home that you have taken care of, that you have done everything right by, to decrease in value.

Beyond the obvious impact of the foreclosure problem, there is a domino effect that is growing. Yet State and local governments have fewer resources, as we know, because as we have property foreclosed and not paying taxes, we find again the property taxes which most communities rely on for social services, police, fire, and the like also decline. That is what I want to show on this chart, the foreclosure impact on neighborhoods beyond the individual home.

Property values for each home within one-eighth mile of a foreclosed house dropped by an average of $5,000. This was a study done in Chicago. I see my friend from Tennessee, LAMAR ALEXANDER. I was talking with him about this a day or so ago. If you take a square block, which is roughly one-eighth of a square mile, when one foreclosure occurs in that area, then the property value of every other home on that city block, even though every other home is current in its mortgage obligations, taxes and the rest, the home values decline almost immediately by $5,000. That is the study.

Again, it is bad enough to lose the one property, but what is happening to everyone else in that neighborhood is they are also suffering. That is what this number is designed to show.

The result of that is that somewhere between 44 and 50 million homes adjacent to subprime foreclosed property will lose value if the problem persists, and localities are going to lose—the estimates are somewhere from $4.5 billion and $5 billion in property taxes and other tax revenues as a result of foreclosed properties. The effects go far beyond the individual who is adversely affected by these issues.

Unfortunately, we are seeing the contagion spread beyond the mortgage markets to the capital markets as a whole, both in the United States and globally. Yet as the Federal Reserve chairman acknowledged at a Banking Committee hearing this morning, our country is in a worse position to deal with the fallout of the housing and financial market crisis we are experiencing than we were after the tech bubble burst that put us into the recession of 2001.

Former Federal Reserve Vice Chairman Alan Blinder puts it like this:

> . . . the mortgage foreclosure problem grows and new strains in the financial system keep popping up like a not-very-funny version of whack-a-mole.

That is from a New York Times story of last week.

Many economists call this a negative feedback loop. It works like this: Homeowners, saddled with abusive mortgages that never should have been made and which they cannot afford, are forced into foreclosure at historic rates, forcing new homes to be sold into a marketplace already glutted with unsold homes. The rising supply pushes down home prices further, putting more borrowers under water and at risk, even borrowers with prime mortgages. Homeowners who can afford to pay their mortgages are seeing the equity they have built over the years evaporate before their eyes. According to Martin Feldstein, the chairman of President Reagan's Council of Economic Advisors, every 10-percent fall in home prices cuts household wealth by $2 trillion and household spending by $100 billion.

Let me repeat that. According to Martin Feldstein, every 10-percent fall in home prices—and we are watching that this year already and the estimates are for next year maybe as high as 15 percent—every 10-percent decline cuts household wealth by $2 trillion and household spending by $100 billion.

So if Moody's current estimate is correct that home prices will drop by 10 to 15 percent this year, household spending will fall by $100 billion to $150 billion, and household wealth will fall by $2 trillion to $3 trillion this year alone.

These losses do not stop with families who have lost their home equity. The securities backed by these loans, both subprime and increasingly by other higher quality mortgages, get downgraded, as we know, forcing banks and securities firms who own these securities to set aside billions of dollars against real or potential losses.

These write-downs, as they are called, and increased loss reserves reduce the ability of these institutions to lend any money, whether for mortgages or commercial loans, even to hire quality borrowers. Worse, the uncertainty about what the future might bring and what the subprime mortgage-backed securities might be worth are forcing these banks to hoard their capital against potential future disaster.

As a result, as Paul Ashworth, an economist with Capital Economics, in London said:

> Rather ominously, borrowing costs for even most creditworthy of firms have started to rise.

As we know, homeowners who can still get mortgages have seen these rates rise. Banks are tightening their standards for both credit cards and commercial real estate loans, and home equity loans are being pulled as home prices declined, forcing families to find alternative means of financing their children's education, home repairs, and other activities.

Let me point out, we saw in this morning's newspapers that the Commonwealth of Pennsylvania—I see my good friend BOB CASEY from Pennsylvania—it was pointing out the difficulty that could occur this year with student loans. The State of Michigan last week reported a very similar situation.

So, once again, while we are talking about a housing crisis, we are already getting stories that student loans may not be as available for this year as they have been. This is now going beyond the issue of what happens with someone who gets their property foreclosed. It now could very well reach into the critical issue of student loans which are absolutely essential for middle-income working families so their children have an opportunity for higher education. That is how serious this problem is.

Businesses, universities, and public entities are finding it harder and harder and far more expensive to roll over their existing debt or to get credit at all. For example, we saw recently how the major Wall Street houses, from Morgan Stanley and Goldman Sachs to Citigroup and Merrill Lynch, have refused to commit capital to the auction rate market, a market that was supposed to allow investors to sell their debt each week via auction that sets interest rates. As a result, many auctions are failing, saddling high-quality entities with absurdly high interest rates.

Two weeks ago, for instance, the Port Authority of New York and New Jersey was forced to pay 20-percent interest on its debt because their auction failed. Student loan programs, I mentioned a moment ago, in Michigan and

Pennsylvania have also shut down—shut down, Mr. President.

Since last August, we have seen this negative feedback loop continue its downward spiral despite repeated rate cuts and other actions taken by the Federal Reserve and international central bankers intended to stem this tide. The result is a crisis of confidence that has serious implications for our country. Again, let me quote Professor Feldstein, who served as President Reagan's top economic adviser:

> The principal cause for concern today is the paralysis of the credit markets. The collapse of confidence in credit markets is now preventing that necessary extension of credit. The decline of credit creation includes not only the banks but also the bond markets, hedge funds, insurance companies and mutual funds. Securitization, leveraged buyouts and credit insurance have also atrophied.

The catalyst of this downward economic spiral is the housing crisis, and the face of this housing crisis is the historic increase in foreclosures. Therefore, in my view, any serious effort to address our economic woes must include an effort to take on the foreclosure crisis. We have to begin there. If we do not deal with that issue, then we are flirting around with disaster, in my view, and avoiding the central question. So we must do something to slow the tide of foreclosures overcoming many of our citizens, and we need to give our local officials the tools and resources to cope with the increases in foreclosed properties.

In doing so, we will help break the downward cycle that is pushing our economy toward a recession if we are not already in the middle of one.

By acting, we can bring some certainty where today only uncertainty exists. We can help restore the confidence of consumers and investors that is absolutely indispensable to economic progress in our Nation.

There are some steps we have taken in the housing sphere already. Working closely with my friend, Senator RICHARD SHELBY, the ranking member of the Banking Committee, and the administration, we were able to pass the FHA reform legislation. We have started working with the House to resolve our differences. My hope is that within a few days, Senator SHELBY and I will be able to present to you a package that has been passed by both Houses.

I am committed to work with Senator SHELBY and the administration to pass a government-sponsored enterprise regulatory reform bill so that Fannie Mae, Freddie Mac, and the Federal Home Loan Banks can expand their efforts to help people stay in their homes.

The committee has held extensive oversight hearings on the problems that plague the housing markets, including a hearing on January 31 to look at the foreclosure issue. And there will be more hearings to come.

I do not contend that S. 2636 will solve all the problems. The bill, unfortunately, did not receive the necessary cloture votes. But it is a start, and it will help in a number of ways that were talked about.

I see my colleagues are anxious to speak as well. We heard about the provision on bankruptcy reform, which I support, about some tax provisions that would have made some difference, and I will leave the record to describe what other proposals are included, including the counseling provision that Senator SCHUMER, myself, and others have championed for a long time to help consumers, as well as community development block grants for cities to acquire and rehabilitate foreclosed properties.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, obviously we are not going to get to this bill tonight. My hope would have been that, at this hour, we would have been debating amendments and ideas included in that package. That did not happen. That is no reason for this not to go forward in the future, however.

As I said at the outset of these remarks, I know all of my colleagues care about this issue. This is one of those moments when we have nothing less than the highest obligations to deal with this crisis. We ought to have enough ability to deal with this crisis, with the talent that exists in this Chamber, putting aside the ideological debates that go on here all the time. We will be indicted in the public's mind if we do not step up and address this issue. Ultimately if we do create the opportunity and ability to step in and do what needs to be done to address this situation, the blame will fall right here and the burden will fall on the taxpayers of America. We will be indicted, and should be, if we do not have the wisdom, the ability, the courage, the intestinal fortitude to step up to craft ideas that can make a difference.

My final plea this evening is to the leaders—and I know the majority leader feels as passionately about this as I do—and that is to set aside whatever else we are dealing with for a number of days to give those of us, as he has, and the responsibility of the committees involved to bring together a collection of these ideas to this Chamber and then set aside the necessary time over several days to debate them thoroughly as to how we ought to proceed and to present the American public with a series of notions and proposals that I think could make a difference on this issue.

I do not claim clairvoyance. I do not claim the result would be perfect. But I think the very act of acting has its benefits, putting aside whether we do all the things the American people would like us to do. The idea that the Senate, the Congress of the United States is stepping up to do something for the people who, at this very hour, are hanging by their collective fingernails wondering whether everything they saved and put aside for their lives is going to be lost in the coming days. There are millions and millions of people adversely affected.

It is not just the foreclosures. We are talking about 44 million to 50 million homes being adversely affected because we did not have the intestinal fortitude, wisdom, and desire to step up and make a difference, then we ought to be indicted.

So, Mr. President, I stand ready and prepared, as I know many others do, to sit down and work out a series of proposals to bring up before we depart here in 2 weeks for the Easter and Passover break to get this job done. And that is my offer this evening. I know I speak for Senator SHELBY and for the members of my committee, who care deeply about this issue as well, that we will do anything and everything we have to do to assist in this effort.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I stayed so that I could respond to not just the words but the spirit and the tone of the remarks of the Senator from Connecticut. He and Senator SHELBY, and their committee, are in the best position to help make sure we do our job between now and the upcoming recess, and on behalf of the Republican leader, I wish to say that is our goal.

Looking back just to the end of last year, this Senate was able to take up an energy bill, have a principled debate—including an argument about taxes—and come to a result. And we took a step—increasing fuel efficiency standards for the first time in 30 years—that, according to a top expert at the Oak Ridge National Laboratory, will do more than anything else Congress could do to reduce our dependence on foreign oil.

Then we took up the economic stimulus legislation, and it was a smaller package than almost any of us would have preferred, because we had different points of view, but we agreed on it. We had a vote that kept out $40 billion in additional spending which that side wanted and this side largely didn't, but we came to a result, and the President signed it into law.

We did the same thing on intelligence, with a very difficult issue, liberty versus security, and how do we balance that. We had a Rockefeller-Bond proposal on the Foreign Intelligence Surveillance Act that finally got 68 votes, and we sent it to the House.

That is three straight. Now here comes housing. There is no reason we can't have a result here. I think all that we are saying on this side is that while the Democratic proposal may be a good start, we think it needs a lot of work. We do not, for example, want to put into law a proposal that many feel might turn home mortgages into junk bonds. We have some ideas in addition to those which have been proposed that we would like considered.

There seems to be no reason in the world why the majority leader could not sit down with the Republican leader and say: Let's see if we can agree on a limited number of amendments. And we respect the fact that largely the Democratic side will want to pick its amendments, and we hope you will respect the fact that largely we would like to pick our amendments. Now, there is some negotiation there. It can't all be done out here tonight. But I think the point we would like to make is that there are 49 Republican Senators. We want to be a part of this solution, as we were in energy, as we were in with economic stimulus, as we were with intelligence, and we intend to be with housing as well. And we look to the chairman of the Banking Committee, Senator DODD, and to the ranking member, Senator SHELBY, and to Senators GRASSLEY and BAUCUS on the Finance Committee to help us get to that position early next week.

My colleagues will hear us on this side talking a lot about a pro-growth economic plan that goes beyond just housing—we believe in lower taxes, and we want lower health care costs and lower energy costs, and we want to implement the America COMPETES Act. We want a strong robust economy, and housing is a part of it. So there are some larger issues we might want to take up as part of the housing debate. Just which ones are appropriate ought to be something we could discuss and work out.

So I appreciate the spirit of the Senator's comments. Our spirit is that we have 49 Members on this side of the aisle, and we would like to have our ideas included. We don't like the idea of just sending a bill up and saying: OK, here it is, let's vote it up or down. The majority leader said that really wasn't his intention, so maybe there is a misunderstanding, and maybe that can be cleared up over the weekend and we can get back to doing our job on housing, as we have done with the energy, economic stimulus, and intelligence bills.

So I thank the Senator for his excellent remarks and his spirit, and I look forward to working with him.

Mr. DODD. Mr. President, if the Senator will yield for a minute, I don't want to interrupt, because I know others want to be heard, but I listened very carefully to what the majority leader said earlier, and he did an eloquent job of explaining this himself, but I want the record to reflect this as well.

I think the only concern the majority leader had, and I say this respectfully to my friend from Tennessee, was that he asked what these other amendments might be, which is a very legitimate request—not to suggest he has the right to decide the outcome of them but merely what they would be. That is the job of the majority leader, obviously. To say we have five amendments and you have to wait until we get to them to tell you what they are obviously makes his job very difficult, if not impossible.

Just as the leader laid out what the bill was and what we would be offering, I think, in fairness, in order to move this along—and I don't want to get bogged down in this because this is how we can get lost in the weeds of all of this, but I think, in fairness to the majority leader, he felt as though it was not right to be denied the right to know what the various amendments would be. Not to say he would agree with them—as he said, he doesn't agree with the amendment being offered by Senator SPECTER—but he has the right to offer it, and he would respect that.

So if we are going to do this, it is important for the leaders—and I am not a leader here, but the leaders need to sit down and see how the place operates and how it is going to function.

Mr. ALEXANDER. Mr. President, we have other Senators wanting to speak, and these will be my last comments. I don't disagree with that. I think we all know what needs to happen here. We don't want the majority leader picking all our amendments.

Mr. DODD. Of course not.

Mr. ALEXANDER. And you didn't say you wanted to. So apparently, somehow, it didn't get through as clearly as it might have. Maybe we didn't hear it well or maybe it wasn't said as clearly.

The Republican ideas, some of which we think are very strong, such as the Isakson amendment, for example, which has a lot of appeal, we want to make sure those ideas are included in the debate, and when that right is respected, we think we can have a good bill.

So hopefully the majority leader and the Republican leader will have a chance to discuss that, and the chairman of the Banking Committee and the ranking member will help with that process as well.

Mr. DODD. We hope so. And let me just say for the record, as someone who is familiar with the Isakson proposal, I think it has very meritorious qualities to it, and I think that might enjoy some very strong support.

Mr. President, I again yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

### LEWIS AND CLARK MOUNT HOOD WILDERNESS AREA

Mr. WYDEN. Mr. President, I was prepared to come to the floor tonight and ask unanimous consent that the Senate proceed to take up and pass the Lewis and Clark Mount Hood wilderness legislation, and I am very pleased that my colleague from our State, Senator SMITH, was prepared to join me this evening. We were going to tackle this issue which is so important to the people of our State in a bipartisan fashion.

Oregon's Mount Hood is a cherished State treasure. There is statewide consensus in every corner of Oregon that this protection is essential, and Senator SMITH and I have worked for a great many years trying to move this legislation forward. It has passed the relevant Senate committee, the Energy and Natural Resources Committee, and the two of us had hoped tonight to pass this legislation by unanimous consent.

Regrettably, my colleague has been informed by the Senator from Oklahoma that he would not let us go forward with this legislation tonight. I greatly regret this. The people of our State are waiting. They have been waiting many years for this. They have understood that Senator SMITH and I have tried to approach this not just in a bipartisan way but in the most inclusive way we possibly could, working with environmental concerns, timber concerns, and the concerns of local officials and scientists. We have had scores and scores of citizens' groups involved in this effort.

Our constituents just don't understand how a piece of legislation that has all of this consensus behind it and all of the energy and passion that Oregonians have brought to it, cannot pass tonight and be done quickly so that this legislation could pass the Senate and go to the other body where our colleagues, particularly Congressman BLUMENAUER and Congressman WALDEN, have also put in many hours, in a bipartisan way, to try to get this legislation enacted and sent to the President.

The reality is that the people of our State want this State icon protected and not held hostage. I am very interested in working with our colleague from the State of Oklahoma. I want to try to address any concerns he may have. I am perplexed as to what those are because we can't get any specifics as to what they actually are.

I think that at this time I would like to yield to my colleague from the State of Oregon for his remarks and perhaps just wrap it up briefly afterward. But I think it is unfortunate tonight, when both of Oregon's Senators wanted to pass this much needed legislation, that we couldn't go forward when there is such strong bipartisan support.

Mr. President, with a reservation so I can wrap up briefly, let me yield to my colleague from Oregon, Senator SMITH, for his remarks.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I thank my colleague, Senator WYDEN. Many may wonder why we are down here and talking about this piece of legislation, and it is, in short, because Mount Hood is more than just a mountain in our State, it is the icon of our State. It is a place of remarkable beauty. It is a place where a vast majority of our citizens wish to have the greatest legal protections for its preservation. For this generation and for all time to come, obviously wilderness is the highest form of legal protection for any piece of public land.

In the course of coming to this place, Senator WYDEN and I have had many meetings with constituents, received countless pieces of mail in support, and have appreciated the intensity of feeling about this from a whole range of interests. This bill is the work of compromise. This bill does not shortchange a vital industry of our State, which obviously I am speaking of timber. Timber production is vital to our country. Timber production is vital to the economy and the jobs of thousands of Oregonians.

So we, Senator WYDEN and I, have engaged in a lot of give-and-take. We worked with our colleagues in the House, who have similar legislation. We are anxious to get this to them so that this heartfelt demand from our citizens of Oregon can be realized.

In saying all of this, I don't expect the citizens of Oregon to understand the arcane rules of the Senate. The fact is, they are rules based upon honor and one's word, and it is a fact that Senator COBURN has indicated to me his objection to this piece of legislation. So out of respect for him, out of honoring both the letter and the rules of the Senate, we are not offering this even though we are disappointed that we cannot offer this. We would not do that with him being absent from the Senate, but we do commit to him to continue working on any substantive objection he may have to try to resolve what those may be.

I would note that the Republican side of the Energy and Natural Resources Committee voted unanimously for this piece of legislation. So this is nothing that is extreme. This is something completely unique to Oregon and certainly something within the range of values that Oregonians feel toward the environment. I also note that the Bush administration, as far as I know, is now on board with this piece of legislation. So this has broad support.

It is still a work in progress, obviously, with our House colleagues, but we do not offer it tonight out of respect for our colleague from Oklahoma. We simply want to talk about it, to let the people of Oregon know we are working on it, that we are on the job and anxious to get this to a final result so that Mount Hood, which is definitional of the beauty of our State and the values that we put on the environment, can enjoy the legal protection that comes with a wilderness designation.

Again, we have included the logging community, we have included the recreation community, we have included the environmental community. This is the work of compromise, which is the essential ingredient to getting anything through the Senate.

So we will continue the effort. We will continue to work with our colleague from Oklahoma. And I thank Senator WYDEN for his passion on this issue and the way he and I have worked together to resolve, it seems like 100 different little issues, to try and come to this point of compromise that does satisfy the demands of so large a swath of the people of Oregon and provide this level of protection to an icon which is the beauty of Mount Hood.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I know colleagues are waiting. I am going to wrap up very briefly. I commend my colleague from Oregon for an excellent statement. The fact is, this legislation has been a labor of love for the people of Oregon. They have been involved in scores and scores of meetings in communities all across the State. And all they want to do is protect these scenic areas as Lewis and Clark first saw them.

The fact is, it has taken years longer to pass this legislation through the Senate than it took Lewis and Clark to get to Oregon. And that is why Senator SMITH and I have indicated we hope to get any further concerns that my colleague, the Senator from Oklahoma, or any other Member of the Senate has, because I certainly do not think this is a partisan issue.

When you have legislation like this that seeks to protect almost 126,000 acres and more than 79 miles of wild and scenic rivers on nine free-flowing rivers, including some of the most pristine and treasured areas of our State, all of the people who are going to visit this area, Oregonians and non-Oregonians alike, they are not going to see this as an exercise in partisan politics. They are going to see this as Lewis and Clerk saw this: in effect, protecting the very special parts of Oregon that are a treasure to our State, that are a treasure for the people of the country.

And as Senator SMITH indicated, our doors are open. We want to proceed with this legislation in the Senate just as quickly as we possibly can. Our colleagues in the other body are waiting for it. That is what it is going to take to get the Senate and the other body to work together, and get it sent to the President of the United States. I wish we were getting it done tonight. Senator SMITH has indicated so as well. I do not think there is any reason it did not get done tonight, for all practical purposes. But we are going to continue to work in good faith with all the Members of the Senate, and we hope to be back on this floor very soon to see this critically needed legislation advance and get passed by this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

### TRIBUTE TO MYRON COPE

Mr. CASEY. Mr. President, thank you very much. I rise tonight to speak about a distinguished Pennsylvanian whom we lost this week. I will be speaking a little bit later about housing and the housing crisis in our economy.

I wanted to speak first tonight about a man who is known all across our State and indeed beyond the State but especially in Pittsburgh. I speak of Myron Cope who died this week at the age of 79. He was, in fact, a legendary Pittsburgher and the voice of the Pittsburgh Steelers for an unprecedented 35 years.

He died yesterday at the age of 79 in a nursing home in Pittsburgh where he was being treated for respiratory problems and heart failure.

He is known for so much. He is probably best known for his quirky catch phrases and creating the well-known, world-renowned "terrible towel" of the Pittsburgh Steelers, which so many people know was a symbol that was twirled at Steelers games as a good luck charm and has developed into an international symbol of Pittsburgh Steeler pride.

Steeler's president, Art Rooney, said it best in a story yesterday when he said:

> His memorable voice and unique broadcasting style became synonymous with Steeler football. They say imitation is the greatest form of flattery and no Pittsburgh broadcaster was impersonated more than Myron.

Art Rooney said it well. Not many people know that Myron Cope was an announcer by accident. He spent the first half of his professional career as one of the Nation's most widely read freelance sports writers, writing for Sports Illustrated, the Saturday Evening Post, on subjects and athletes as wide and as diverse as Muhammad Ali, Howard Cossell, and Roberto Clemente, the legendary Pittsburgh Pirate baseball player.

The Associated Press did a story about Myron's passing. And it talked about how he became so popular with the Steelers that they did not try to replace his unique perspective when he retired. Instead they downsized from a three-man announcing team to a two-man booth because of his unique perspective.

I will not try to imitate his voice. Many do; I will not try it because I cannot do it well. But the Associated Press said this about Myron:

> To Cope, an exceptional play rated a "Yoi!" A coach's doublespeak was "garganzola."

That is Myron Cope's language for various things. We could go on and on tonight about all of those terms that he came up with, ways he described winning and losing and the aspects of a football game. But I will leave it to others to try to imitate his voice.

But we are thinking of him tonight and thinking of his family and his legions of fans.

I ask unanimous consent that the Associated Press story by Alan Robinson be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Associated Press, Pittsburgh, Feb. 27, 2008]

### STEELERS' FORMER RADIO ANNOUNCER MYRON COPE DIES

(By Alan Robinson, AP Sports Writer)

Myron Cope, the screechy-voiced announcer whose colorful catch phrases and twirling Terrible Towel became symbols of the Pittsburgh Steelers during an unrivaled 35 seasons in the broadcast booth, has died. He was 79.

Cope died Wednesday morning at a nursing home in Mount Lebanon, a Pittsburgh suburb, Joe Gordon, a former Steelers executive and a longtime friend of Cope's, told The Associated Press. Cope had been treated for respiratory problems and heart failure in recent months, Gordon said.

Cope's tenure from 1970–2004 as the color analyst on the Steelers' radio network is the longest in NFL history for a broadcaster with a single team and led to his induction into the National Radio Hall of Fame in 2005.

Even after retiring, Cope—a sports talk show host for 23 years—continued to appear in numerous radio, TV and print ads, emblematic of a local popularity that sometimes surpassed that of the stars he covered.

Beyond Pittsburgh's three rivers, Cope is best known for pioneering the Terrible Towel, the yellow cloth twirled by fans as a good luck charm at Steelers games since the mid-1970s. The towel is arguably the best-known fan symbol of any major pro sports team, has raised millions of dollars for charity and is displayed at the Pro Football Hall of Fame.

"You were really part of it," Steelers owner Dan Rooney told Cope in 2005. "You were part of the team. The Terrible Towel many times got us over the goal line."

An announcer by accident, Cope spent the first half of his professional career as one of the nation's most widely read freelance sports writers, writing for Sports Illustrated and the Saturday Evening Post on subjects that included Muhammad Ali, Howard Cosell and Roberto Clemente. He was hired by the Steelers at age 40, several years after he began doing TV sports commentary on the whim of a station manager, mostly to help increase attention and attendance as the Steelers moved into Three Rivers Stadium.

Neither the Steelers nor Cope had any idea how much impact he would make on a five-time Super Bowl champion franchise that, within two years of his hiring, would begin a string of home sellouts that continues to this day.

Cope became so popular that the Steelers didn't try to replace his unique perspective and top-of-the-lungs vocal histrionics when he retired, instead downsizing from a three-man announcing team to a two-man booth.

"He doesn't play, he doesn't put on a pair of pads, but he's revered probably as much or more in Pittsburgh than Franco (Harris), all the guys," running back Jerome Bettis said. "Everybody probably remembers Myron more than the greatest players, and that's an incredible compliment."

Cope and a rookie quarterback named Terry Bradshaw made their Steelers debuts on Sept. 20, 1970.

Just as Pirates fans once did with longtime broadcaster Bob Prince, Steelers fans began tuning in to hear what wacky stunt or colorful phrase Cope would come up with next. With a voice beyond imitation—a falsetto shrill that could pierce even the din of a touchdown celebration—Cope was a man of many words, some not in any dictionary.

To Cope, an exceptional play rated a "Yoi!" A coach's doublespeak was "garganzola." The despised rival to the north was always the Cleve Brownies, never the Cleveland Browns.

He gave four-time Super Bowl champion coach Chuck Noll the only nickname that ever stuck, the Emperor Chaz. For years, he laughed off the downriver and often downtrodden Cincinnati Bengals as the Bungles, though never with a malice or nastiness that would create longstanding anger.

Many visiting players who, perhaps upset by what Cope had uttered during a broadcast, could only laugh when confronted by a 5-foot-4 man they often dwarfed by more than a foot.

During the years, it seemed every Steelers player or employee could tell an offbeat or humorous story about Cope.

He once jammed tight end Dave Smith, fully dressed in uniform and pads, into a cab for a hectic ride to the airport after Smith missed the team bus for an interview. He talked a then-retired Frank Sinatra into attending a 1972 practice in San Diego to make him an honorary general in Franco Harris's Italian Army fan club. He took a wintertime river swim in 1977 to celebrate an unexpected win, and was sick for days.

Cope's biggest regret was not being on the air during perhaps the most famous play in NFL history—Franco Harris's famed Immaculate Reception against Oakland in 1972, during the first postseason win in Steelers history.

Cope was on the field to grab guests for his postgame show when Harris, on what seemingly was the last play of the Steelers' season, grabbed the soaring rebound of a tipped Terry Bradshaw pass after it deflected off either the Raiders' Jack Tatum or the Steelers' Frenchy Fuqua and scored a game-winning 60-yard touchdown. As a result, play-by-play man Jack Fleming's voice is the only one heard on what has been countless replays over the years.

"He ran straight to me in the corner, and I'm yelling, 'C'mon Franco, c'mon on!,'" said Cope, who, acting on a fan's advice, tagged the play "The Immaculate Reception" during a TV commentary that night.

Remarkably, Cope worked with only two play-by-play announcers, Fleming and Bill Hillgrove, and two head coaches, Noll and Bill Cowher, during his 35 seasons.

Cope began having health problems shortly before his retirement, and they continued after he left the booth. They included several bouts of pneumonia and bronchitis—he smoked throughout his career—a concussion and a leg problem that took months to properly diagnose. He also said he had a cancerous growth removed from his throat.

"Wherever I go, people sincerely ask me how my health is and almost always, they say 'Myron, you've given me so much joy over the years,'" said Cope, who also found the time to write five sports books, none specifically about the Steelers. "People also tell me it's the end of an era, that there will never be an announcer who lasts this long again with a team."

Among those longtime listeners was a Pittsburgh high school star turned NFL player turned Steelers coach—Bill Cowher.

"My dad would listen to his talk show and I would think, 'Why would you listen to that?'" Cowher said. "Then I found myself listening to that. I (did) my show with him, and he makes ME feel young."

Mr. CASEY. In conclusion, I want to say that Myron Cope was a familiar voice to every Pittsburgher and football fan alike, and his persona will live on in the hearts of Pittsburghers and Steelers fans for generations to come.

It is a sad day and really a sad week for Pittsburgh and for football. He will be dearly missed. And today we honor his legacy. Tomorrow I will be honored to introduce a resolution honoring Myron Cope.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Colorado.

Mr. SALAZAR. Mr. President, I come to the floor of the Senate this evening to express my extreme disappointment that the Senate is not moving forward today to address the housing crisis which is causing so much pain for people all over this country, from the Presiding Officer's wonderful Sunshine State of Florida, to the western shores of California, to most of the States across the country.

We know there is a lot of pain because of the housing crisis that America finds itself in today. To be sure, I am proud of the work that this Chamber did a few weeks ago when we pushed through the economic stimulus package to provide tax rebates and to provide some incentives for businesses to invest in equipment to make sure that we are keeping our economy from going into the ditch.

But let there be no doubt, let there be no doubt anywhere in America today that the housing market is in crisis and American home ownership is becoming a nightmare to the homeowners of America. And so it is, in my view, incumbent upon this Chamber, incumbent upon the President of the United States, incumbent upon us, to try to move forward, to try to ease some of the pain and to make sure that what is the primary cause for us being in the kind of economic instability that we find ourselves in today, is something that we address, and that is the housing crisis that America faces.

On this chart, you will note that the statistics indicate what is happening across America that is bringing so much pain to the people who own homes in all of our States. This morning in one of our Finance Committee meetings where we had a hearing, we heard from the real estate industry, including those who are owners of commercial real estate and those who build our homes across this country. Those who are building our homes, the National Association of Home Builders, their vice president and a witness today at our Finance Committee hearing said what they are seeing in the housing market is the worst they have seen since the Great Depression.

Now, the Great Depression brought not only the economy of the United States, but the economy of the world, basically, to its knees, flat on its face. And it took that "greatest generation" to stand up this economy again.

So they are telling us, these people who build our homes in America, that this is worse than anything that they have seen since that Great Depression. But Moody's, the economic group, in testimony that they provided to one of our committees in the Senate not long ago, talked about how we have not yet reached the trough, the bottom of the housing crisis that we are going into. Yet we have a filibuster underway that is keeping us from moving forward and addressing this housing issue.

I do not get it. I do not understand it. If you look at where we are today in terms of what is projected to be the trough with respect to a number of these metrics that we have on this chart, the first of those is the decline in housing values across America.

What this chart shows is that it is projected that housing values will decline, on average across America, by over 15 percent. Now, when you talk about that kind of decline in home values, it is not just a pain that is affecting those homeowners whose houses are in foreclosure, it is a pain that is being felt by the neighborhood, by the communities, by millions of people who own homes. It is a significant decline in home value.

When you look at home sales projected, home sales will be down to a level of 40 percent across the country. So when we get down to the bottom of the trough in housing starts, there is no end to it. The blue line here shows what happened in the 1980s when we had a similar kind of drop in the housing industry, where housing starts went down to 55, 58 percent in that decline.

The economists now project that it is going to be a 60-percent decline with no end in sight. So we do have a housing crisis on our hands. We have a crisis, a housing crisis on our hands. It is important that this Senate do something about it. So I would appeal to the Republican leader, to our own leadership, that we figure out a way of moving forward.

I believe that the legislation that Senator REID introduced, the 2008 Mortgage Foreclosure Act, was a very good step in the right direction, and we should have had an opportunity to move forward with that legislation and to try to figure out ways of improving upon that legislation.

I am still hopeful that as this day goes on, as Friday goes on, as we come into next week, we will be able to pivot it over to address this very substantive and real issue that is causing so much pain to the people of America.

It is causing pain to the people of my State. When you look at this chart, produced by the Center for Responsible Lending, it tells you what is happening in my State of Colorado.

As to foreclosures which now are rampant across our State, 1 in 376 homes in Colorado is in foreclosure. We have not seen the end of it. By the time the teaser rates, the adjustable rate mortgages adjust themselves over the next 2 years, there is a projection that there will be 49,923 homes in foreclosure in the State of Colorado, 49,000 homes in foreclosure.

So, yes, people who are losing their homes obviously are going to go through a lot of pain. To go from a point where you are a homeowner to a place where you are in the street, obviously, is going to create a hospital of pain to those families that are part of these 50,000 people who are going to be affected by foreclosure.

This is not just a foreclosure issue. Because of what is happening, and every American homeowner is seeing this today, the pain spreads from those foreclosures to other homes in the area, and those people are also going to see significant declines in their values.

The spillover impact in the State of Colorado tells us that 748,652 homes are going to have values that decline because of the foreclosure situation. So this spillover impact is going to affect almost 40 percent of all of the homes in the State of Colorado. So it is a problem that is causing pain to, let's say, 3 million of the people who live in my State. So it is not just a foreclosure problem, but because of the spillover impact that we are going to see.

In my State of Colorado, when we look at the decrease in home values, when you accumulate that number, it is going to be a $3.2 billion impact. This is much more than about just foreclosure. It also is about the pain to homeowners who are seeing the price of their homes decline over time. It goes beyond those who are having their homes foreclosed upon and ending up in the streets. It goes beyond those people with the pride of home ownership who are seeing the values of their homes decline. It also goes to the industries and people who work in the home industry.

This article which came out of the Rocky Mountain News talks about what is happening with construction in the State of Colorado and Metropolitan Denver. The headline says it all, "Metro Home Building Drops 34 Percent in '07 Permits and May Cost Up to 10,000 Jobs." We have hundreds of thousands of people who work in the home construction business, not only in my State but throughout the Nation. Many of those people who work in that industry are finding themselves today unemployed because of the housing crisis, a 34-percent drop in the number of housing starts, so there is lots of effects going on in our State.

My view is that Senator REID did exactly what he should have done as our majority leader. He said we had moved forward, worked closely with the President and the House of Representatives to pass an economic stimulus package which was significantly improved over what the President and the House of Representatives had proposed. He felt, correctly, that we should now pivot from that issue to working on some of the longer term economic issues affecting our Nation. Certainly one of those top priorities should be housing. I believe we also should move on and deal with another aspect of a major national agenda, to make sure we are putting more into developing a new energy future for America. But today the issue is housing. That is what the majority leader attempted to pivot to today with the Foreclosure Prevention Act of 2008. That legislation had probably the support of most of the Members with respect to at least 90 percent of the substance included in the legislation, such as $10 billion over 3 years for mortgage revenue bonds to help families refinance their homes, $10 billion over 3 years. That was a bipartisan amendment that came out of the Finance Committee, sponsored by Senator KERRY and Senator SMITH, a bipartisan amendment where I don't think there would have been people in this Chamber who would have stood up and said no. We could have helped the families of America deal with the housing crisis by providing them the refinancing opportunities with that kind of investment.

There is $200 million for credit counseling. It seems to me that most people have said the best thing to do is to get the homeowner and the financial institutions together, find out for the homeowner what the options are, and then get them to do a modification of their loan so they can stay in their home. That is what this legislation would have provided, $200 million for credit counseling. I don't know who would have disagreed with that concept. This legislation would have allowed $4 billion for community development block grants, CDBG grants, because there are some places in our Nation where the number of foreclosures is affecting those communities in a very negative way. Just as in the Commonwealth of Pennsylvania, my good friend Senator CASEY will know those areas where you can drive down the street, and you can see homes that are in foreclosure, block by block by block. What this investment would have done, $4 billion in community development block grants, is helped those communities, those neighborhoods that are suffering the most.

This legislation also included other provisions that were good for the business community. Through the leadership of Senator CONRAD, an amendment I helped cosponsor in the Finance Committee, we would have included in here a net operating loss carryback provision so that losses from 2007, 2008, and 2009 could be carried back for 5 years. That is an important provision for those who have been involved in the home building industry or those who are in other industries who are suffering the economic tough times we are in today. It would have given those businesses a kind of shot in the arm to create a robustness and a new future for them as they try to weather the difficult times.

In addition, the legislation would have required simplicity and transparency in mortgage documents. It would be a furtherance of truth in disclosure documents so that consumers, in signing up for a loan, would know exactly what it was they were signing up for. Those provisions would have been relatively noncontroversial.

Then what is it that has been raised as a reason to oppose us moving to address the housing crisis here in the Senate? The provision that says we should allow homeowners to modify their loans under very limited conditions with respect to home ownership. There was a sense from some Members on the other side that maybe that was going too far, maybe there were ways in which we could have worked to deal with that issue and some modifications that would address some of their concerns. But as written, as proposed, we tried to put some rails around it. We tried to say that the only ones who could take advantage of that provision were those who were home occupants. You had to be occupying the home before you could avail yourself of those provisions. You had to meet certain strict financial conditions so that there would be a showing of need before you could take advantage of that provision. You would have to be approved by the bankruptcy court. At the end of the day, you would have had a modification of a loan that would probably have been agreed to between the lender and the homeowner, if the homeowner wanted to stay in the home.

I am not an expert in bankruptcy law. It seems to me that under chapter 7 of the Bankruptcy Code, you can discharge almost any debt with certain limitations that are set forth in the code. There are other provisions of the Bankruptcy Code—as I recall, chapter 13—that say you can avail yourself of the bankruptcy court in order to modify your debt. If you want to pay back your debt in some way but you don't have the means, chapter 13 allows you to reorganize your debt by asking the bankruptcy court to allow you to pay your debt over a longer period under other terms that a bankruptcy court might impose with respect to the repayment of the debt. But it is not a debt forgiveness. If you are a homeowner today and you happen to own a vacation home and you have a debt on the vacation home, you can go to the bankruptcy court and modify your loan. If you happen to be a homeowner today and you own a recreational vehicle or some kind of a yacht and you owe a debt against that, you can go to the bankruptcy court and have the court modify your loan under a chapter 13 proceeding. You can do it with respect to any asset. But under the current Bankruptcy Code, you are not allowed to do that with respect to your home. It makes no sense to me in particular because of the kinds of rails and constraints that we put around this legislation as it was crafted.

I hope that we as a Senate, in addressing the pain that homeowners are feeling today, can move forward to provide a solution to help us weather these tough times. That is our duty and our responsibility. We as a Senate need to be judged by a very simple reality: Results matter. Stalling or looking away from a problem and pretending it doesn't exist doesn't work anymore. There needs to be a focus on dealing with the problems the American people are carrying on their backs today. Certainly the housing crisis is one of those burdens they are carrying with significant pain.

I hope the voices of the American public, the voices of those who are in home ownership, will rise so that tomorrow or on Monday we can figure out a way of moving forward to putting together a solution on the housing crisis that is affecting us in America today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I appreciate what the Senator from Colorado outlined for us, a great recitation of the challenges we have in the Senate on this issue of the housing crisis and our economy. It is important to point out where we are today. We are here tonight talking about legislation which did not move forward today for one very simple reason: because the other side of the aisle chose to stop it, as they have done on a number of fronts. I was thinking today about when we reflect upon the housing crisis that grips so many communities and families, a couple of weeks ago we were debating a stimulus package and a similar thing happened. We did get legislation passed and the President did sign it. That was largely a positive development. But what we didn't get done—because, again, the other side stopped us; they blocked, obstructed our ability to put unemployment insurance and food stamp assistance in there, which economists tell us are the best ways to stimulate the economy.

Here we are again on housing, at a time when we had a piece of legislation which would provide some light—in fact, I would argue substantial light—to the darkness that many families face with regard to foreclosure. It would provide some measure of relief to the pain families feel when they lose their home. It would provide some help and assistance with the trauma, the economic trauma that the loss of a house can visit upon a family. That is what we are talking about, doing our best in the Senate to provide some help for families.

We want to do a couple of things with this legislation which we know is the Foreclosure Prevention Act of 2008. Our majority leader, Senator REID, and the members of the Democratic Caucus set it out fairly specifically, a couple of basic things this legislation would have done. First, it would have continued what we started in the end of last year, foreclosure prevention counseling dollars to give money to organizations around the country that are certifiable experts at this, organizations such as La Raza, which the Presiding Officer knows. We know also of the Association of Community Organizations for Reform Now, known by the acronym ACORN. They are headquartered in Philadelphia. These are organizations which understand what a lender has to deal with but, more importantly, deal with borrowers when they are borrowing money, when they are dealing with the difficulty and the complexity of borrowing money. These organizations would have helped even more than they are helping now with $200 million more of counseling money. That is not going to happen because of what the other side did. They blocked that money by blocking this legislation.

One of the best vehicles on housing and on stimulating activity and also providing some measure of relief is to say to our housing finance agencies across the country, organizations at the State level that are expert at this, we are going to allow you to do what you do best, to get money into the system and to allow people to borrow money for the cost of a house. That won't happen now because of what the other side of the aisle did.

Another provision in this bill, as Senator SALAZAR mentioned in detail, was the bankruptcy provision which simply says that if a bankruptcy judge can deal with your second house or with all kinds of matters that come before that judge in bankruptcy, the bankruptcy judge ought to be able to help you restructure your mortgage in bankruptcy so you can dig yourself out of not just a foreclosure problem but can dig yourself out of bankruptcy. The other side said no to that.

Finally, they said no to communities across the country with regard to community development block grant money. They said no to them as well. For billions of dollars which were in this bill, they said no to those communities across the country. It is important to understand what they on the other side said no to today. We have to understand that when we talk about this issue, it is not just a house and a family, as important as that is. We are talking about keeping families in their homes, helping them with their foreclosure problem, their crisis that they could be in the middle of or about to enter into. We are also talking about communities, neighborhoods.

The chairman of the Banking Committee—I know the Presiding Officer is a member of the committee—outlined in detail what happens to a community when one house goes down or a number of houses go down. We know about the details.

What we should do is be very clear about our priorities: keeping people in homes, helping communities, and stimulating the economy, but also to make the record clear about why we are not moving forward. The other side stopped us, as they have done again and again.

Now we have to move forward. Now we have to figure out in a bipartisan way how best we can get some elements of this legislation to continue. We cannot sit back and say: Well, we are having a dispute here and we can just let this die. We cannot.

We have to do everything we can now, as Senator DODD said very well tonight, to move this forward, to make sure we are doing everything possible to keep people in their homes, to stimulate our economy, and to protect and nurture our communities and our neighborhoods. I think we can do that, but we have a long way to go. I hope it is a bipartisan effort. We have to make that hope into a realty.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

## MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## BELATED HAPPY BIRTHDAY TO A SENATE GIANT

• Mr. BYRD. Mr. President, while the Senate was in recess last week, the senior Senator from Massachusetts became a little bit more senior. On February 22, Senator EDWARD KENNEDY celebrated his 76th birthday.

Senator KENNEDY has been a special friend over the years and I thank him for his fellowship.

Everyone who knows us knows that Senator KENNEDY and I could not have come from more different economic and geographic backgrounds—he is the son of a wealthy New England family, while I am the son of the Appalachian coalfields. And people who know us know that over the years, Senator KENNEDY and I have had our political differences—at one point, our political differences compelled us to challenge each other for a Senate leadership position.

But those who know us both well, also know that we have many things in common. We share a love of history, of poetry, and of politics. Foremost, we share a love and understanding of the Senate and the important role it is intended to play in the life of this Republic.

Maybe it was our mutual interests that formed the basis of our friendship. Perhaps it was admiration. I certainly admire Senator KENNEDY's career and accomplishments for his State, as well as his keen intellect and fierce defense of his views and values. Senator KENNEDY is a member of the Massachusetts Senate class that has included giants of the Senate such as John Quincy Adams, Daniel Webster, Charles Sumner, Henry Cabot Lodge, and John F. Kennedy. Senator EDWARD KENNEDY has joined this august company for he, too, is a giant of the Senate.

Senator KENNEDY is one of three Senators in the history of this institution to have cast more than 15,000 votes.

He is the third longest serving Senator in U.S. history.

But, more important than the quantity of his Senate service is the quality of his service. Senator KENNEDY has been one of the most effective national legislators in the history of our Republic. His imprint is on a large stack of progressive legislation written during the past four decades. The Occupational Safety and Health Act, OSHA; the Voting Rights Act; the Age Discrimination Act; the Freedom of Information Act; the Americans with Disabilities Act; health care reform; increases in the Federal minimum wage—these are but a few of Senator KENNEDY's legislative monuments.

As his Senate record demonstrates, Senator KENNEDY is a man of remarkable compassion, who has labored mightily on behalf of his fellow citizens. A child of privilege, educated at Harvard and the University of Virginia, he could have taken an easier path in life. But, instead, Senator KENNEDY has worked tirelessly in the Senate becoming a powerful voice for the protection of our environment, the rights of American workers, and women's equality. Senator KENNEDY is the Senate's Mr. Health Care. He is the Senate's Mr. Civil Rights. He is the Senate's Mr. Human Rights.

What has really impressed me is that neither years of age nor years of political combat have diminished the idealism and energy of this talented, imaginative, and intelligent man. Throughout his career, Senator KENNEDY has believed in a simple premise: that our society's greatness lies in its ability and willingness to provide for its less fortunate members. Whether striving to increase the minimum wage, ensuring that all children have medical insurance, or securing better access to higher education, Senator KENNEDY has shown that he cares deeply for those whose needs exceed their political clout. Unbowed by personal setbacks, or by the terrible sorrows that have fallen upon his family, his spirit continues to soar, and he continues to work as hard as ever to make his dreams a reality.

I, personally, will always appreciate the support that Senator KENNEDY gave me during the years I served as the Senate Democratic leader. When times got tough, as they occasionally do for a Senate leader, I always knew that I could count on his assistance.

As the majority leader of the Senate during the incredibly productive 100th Congress, I worked closely with Senator KENNEDY, and he worked closely with me. His tenure as Chairman of the Senate Committee on Labor and Human Resources during that Congress was extraordinary, both in the sheer volume of legislation that he sponsored and in the dedication that he displayed to improving the education and health of all Americans. Happy birthday to my friend and colleague, Senator TED KENNEDY. Because of you, so many millions of Americans are much better off.•

## NATIONAL PEACE CORPS WEEK

Mr. DURBIN. Mr. President, I rise to take a few minutes, during National Peace Corps Week, to salute the dedication and accomplishments of the hundreds of thousands of Peace Corps volunteers who have served our Nation and the world since President John F. Kennedy had the wisdom and foresight to establish the Peace Corps in 1961.

I want to recognize in particular the 309 current Peace Corps volunteers from Illinois who are today serving in every corner of the globe, as well as the more than 7,000 Illinoisans who have served since the Peace Corps' inception. These men and women come from big cities and small towns, urban centers and rural farming communities. Some are recent college graduates who fit our most common image of a Peace Corps volunteer, while others are older and bring to this new role a lifetime of skills and experience.

Diverse though their backgrounds might be, all Peace Corps volunteers share a common desire to improve the lives of people less fortunate than themselves, and to do so in a direct, hands-on fashion.

Americans are the most generous people in the world. We give from our wallets and we give of our time, donating both of these in large quantities on behalf of the poor, the hungry, and the disenfranchised. Volunteerism and altruism are among the most fundamental aspects of our national character, and all Americans should be proud of our contributions to meeting the world's development challenges.

Yet there is something different, something unique, about those of our fellow citizens who have chosen the Peace Corps path. They move to the other side of the planet, with few to no amenities, and immerse themselves in completely unfamiliar cultures and languages. That type of commitment changes the lives of the local communities in which the volunteers live and work, to be sure. But it also affects profoundly the volunteers themselves, who sacrifice material comforts and proximity to family and friends in exchange for the knowledge that they are having a positive impact.

Sometimes, a Peace Corps volunteer's sacrifice goes far beyond the mere material. This past December, 25-year-old Blythe Ann O'Sullivan of Bloomingdale, IL, died while serving in Suriname. Blythe was a graduate of Bradley University in Peoria and was in her second year volunteering as a small business adviser at the time of her death. I join her family, friends, the Peace Corps community and all the people whose lives Blythe touched, not only in mourning her loss but also in celebrating her memory.

I would also like to honor the many Illinois colleges and universities that turn out Peace Corps volunteers in large numbers. The University of Illinois at Urbana-Champaign ranked 16th in the Nation last year among large colleges and universities in the number of alumni volunteers. Northwestern University ranked 12th among medium-sized schools, and the University of Chicago, I am proud to say, was first in the country among smaller institutions. It is a testament to these universities, their faculties, and most of all their students that so many Illinois alumni choose to join the Peace Corps and serve their country and humanity in this way.

You know, most people hear the words "Peace Corps" and picture young American men and women helping the people of some remote village to dig a latrine or a well, or learn English, or access better health care. And of course, this sort of development work is the principal reason the Peace Corps was founded.

But Peace Corps volunteers also serve an equally important role as goodwill ambassadors. They are often the first Americans their overseas friends and neighbors have ever met, and first impressions count for a lot. Over the past several years, much of the world has questioned U.S. intentions and watched us warily until they've been sure of the real meaning behind our words, the real goals behind our actions. The pure altruism of Peace Corps volunteers, living and working every day with citizens the world over, goes a long way toward reassuring the world that Americans are a good and giving people.

The Peace Corps and its volunteers cannot do this alone. It is important that Congress continue to support the Peace Corps to the greatest possible extent. As a member of the Senate Appropriations subcommittee on the State Department and Foreign Operations, I am proud that Chairman LEAHY was able to increase the Peace Corps' budget by $10 million for fiscal year 2008. And I am certain that together we will be able to continue supporting the Peace Corps to make it even more effective and to honor the dedication and sacrifice of the many thousands of volunteers who have served, are now serving, and will serve in the future.

## WHITE MOUNTAIN NATIONAL FOREST

Mr. GREGG. Mr. President, I wish to speak briefly about an important issue in my State that involves one of our country's great natural treasures, the White Mountain National Forest. Encompassing nearly 800,000 acres and drawing more than 6 million visitors each year, the White Mountain National Forest is not just a place for skiing, hiking, snowmobiling, or timber harvesting it is a source of pride for New Hampshire. And considering its relatively large footprint in our State, how this special place is managed by the U.S. Forest Service matters a lot.

Fortunately, the Forest Service especially Forest Supervisor Tom Wagner has done a great job in overseeing the White Mountain National Forest. Starting in 1997 when the new forest management plan was being developed, the agency made a concerted effort to reach out to the public, welcomed outside comments, and was sensitive to the sometimes competing views of interested parties. This planning process was not an easy task. Forest management is about addressing multiple uses and priorities, and ultimately it should be about compromise. The White Mountain National Forest has long been utilized for a variety of purposes, and any management plan should carefully strike a balance among them while also protecting the forest for future generations.

To come up with a balanced plan, Supervisor Wagner went out of his way to listen to public input and worked closely with government officials, environmental organizations, businesses, and recreation clubs. I met with him during the planning process and was encouraged by his outreach and evenhanded approach.

After years of hard work, Supervisor Wagner and the Forest Service arrived at a forest management plan that achieved general consensus among the major stakeholders and was well received across New Hampshire. I was pleased to support it when the final plan was released in 2005, including working with Senator SUNUNU on legislation implementing its wilderness recommendations. Signed into law in December 2006, this bill designated nearly 35,000 acres of new wilderness in the White Mountain National Forest and was applauded by environmental groups from across the State. I should also note that even our State's logging industry, represented by the New Hampshire Timberland Owners Association, supported the wilderness measure out of the spirit of compromise. Clearly, it was not in their business interest to support more wilderness designation, but they did it anyway since it was part of a balanced management plan that also included limited timber harvesting.

Unfortunately, this balance is now under attack, years after the plan was finalized and other elements have been implemented. A few environmental groups based outside New Hampshire have filed a lawsuit against two timber harvesting projects that were part of the 2005 Forest Management Plan. Encompassing less than 1,200 acres, the projects already have been subject to environmental review, would be very limited in scope, and would be carried out over existing road systems. By delaying these projects, this lawsuit is not only blocking an economic boost for the State and additional revenues for local governments but also blocking the projects' environmental benefits since they would create habitats critical for wildlife management. Well respected environmental groups such as the Society for Protection of New Hampshire Forests, Appalachian Mountain Club, and Audubon Society have come out against this legal challenge, and I support their efforts to maintain the consensus approach underlying the 2005 Forest Management Plan.

The White Mountain National Forest can and should be accessible to a wide variety of users, and we have a carefully crafted plan to accommodate them. It is unfortunate that a few groups who had their chance to provide input during the planning process are resorting to litigation to take apart the 2005 Forest Management Plan. Of course, the Forest Service must follow the law and carry out certain environmental reviews, and I defer to the courts to resolve these legal questions. However, I strongly believe that this lawsuit runs counter to New Hampshire's interests and undermines the good will among our State's major stakeholders which has been critical for advancing sound environmental policies. I therefore hope that this legal challenge is resolved as soon as possible and that we can all support the Forest Service's management of the White Mountain National Forest, including its proposed timber harvesting projects.

## GUN VIOLENCE

Mr. LEVIN. Mr. President, unfortunately, history will record February 2008 as a month in which contained six separate high-profile multiple murders by firearms occurred across the country. These shootings occurred in places normally considered safe, including Northern Illinois University, Louisiana Technical College, and a city council meeting inside Kirkwood City Hall. It appears there are few places where the dangers of gun violence can not reach. However, there are some actions we can take to help change this epidemic of gun violence.

In 1993, President Clinton signed the Brady bill into law. This law requires a waiting period for handgun sales until records are available to instantly check criminal background of prospective gun purchasers. After the National Instant Check System, NICS, became operational in 1998, the Justice Department maintained background check records on approved purchases for 6 months to ensure that felons and other prohibited buyers were not mistakenly approved. Under the Bush administration, however, Attorney General John Ashcroft sought to require the destruction of the records of approved purchasers within 24 hours. In July 2002, the Government Accountability Office, GAO, issued a report on the potential effects of next-day destruction of NICS background check records. They concluded that destroying these records within 24 hours would prevent the government from auditing the NICS system to ensure its accuracy and "would have public safety implications." Despite these GAO warnings, Attorney General Ashcroft decided to implement the 24-hour record destruction provision.

The Brady bill only requires background checks for sales by licensed gun dealers. It does not require them for transfers between unlicensed persons. Approximately 40 percent of all gun sales involve those transfers, such as at gun shows. Only 6 States require background checks on all firearm sales. According to the ATF, almost one-third of trafficked guns are acquired at gun shows and flea markets. These gatherings present the perfect opportunity for unlicensed sellers to offer large numbers of guns for sale with no questions asked. Those who would not pass a background check in a licensed gun store are able to purchase as many guns as they wish at gun shows.

In 1994, President Clinton signed legislation into law that banned the production of certain semiautomatic assault weapons and high-capacity ammunition magazines. Among the banned items was a list of 19 specific weapons as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The 1994 assault weapons ban prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and accept a detachable magazine. In 2004, when the assault weapons ban expired, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and bipartisan support in the Senate. Sadly, the tragedies at both Virginia Tech and Northern Illinois University were inflicted by someone using previously banned high capacity ammunition magazines.

On average, 32 people are murdered in this country by firearms every day. By instituting such simple changes in current law, addressing the gun show loophole and passing a new assault weapons ban, we could help reduce the likelihood of such tragedies occurring.

## 21ST CENTURY COMMUNITY LEARNING CENTERS INITIATIVE

Mr. CARDIN. Mr. President, today I express my support for the 21st Century Community Learning Centers, 21st CCLC, initiative, the only Federal funding source dedicated to supporting successful afterschool programs around the country. This program is critical to our children's and our economy's success.

For many American families, it is necessary for both parents to work outside the home, and these families face true challenges in finding affordable childcare services. This is a problem not only for parents of infants and toddlers too young to go to school, but also for parents of school-age children who would otherwise be left unsupervised in those critical hours between the end of the schoolday and the end of the workday. In Maryland, 25 percent of children in grades K–12 are responsible for taking care of themselves after school. Studies show that millions of children around our Nation are left on their own after school to devastating effects.

Researchers at Johns Hopkins University have concluded that two-thirds of the achievement gap between lower and higher income youth can be explained by unequal access to out-of-school activities, especially during the summer months. This unequal access creates a gap that begins in elementary school and accumulates over the years. It results in unequal placements in college preparatory tracks and increases the chance that children from low-income families will drop out of high school.

The hours between 3 p.m. and 6 p.m. are the peak hours for juvenile crime and experimentation with drugs, alcohol, cigarettes, and sex. Teens who do not participate in afterschool programs are nearly three times more likely to skip classes than teens who do participate. They are also three times more likely to engage in risky and self-destructive behaviors.

Parents who have difficulty securing reliable afterschool care miss an average of 8 days of work per year, and studies have shown that decreased worker productivity related to parental concerns about afterschool care costs businesses up to $300 billion each year.

Recognizing the benefits of quality afterschool activities, Congress created the 21st Century Community Learning Centers initiative, which provides states with grant money to facilitate their efforts to provide children with quality afterschool social, academic, and other enrichment activities. The program's results have been dramatic.

In the 2004–2005 school year, 59 percent of regular attendees attained Federal proficiency levels or better in reading and language arts and 54 percent of regular attendees attained Federal proficiency levels or better in math. Teachers reported that a majority of participating students improved in every category of behavior. The categories with the highest percentages of student improvement were academic performance, completing homework to the teacher's satisfaction, class participation, and turning in homework on time.

A study conducted in Maryland's Anne Arundel County school district revealed that CCLC participants missed fewer days in school and achieved higher proficiency ratings in reading and math. Also, teachers perceived increases in students' overall achievement in school and their confidence in learning. Children attending 23 or more days of Maryland's After School Opportunity Fund Program showed greater gains on such measures as commitment to education and academic performance, and a reduction in delinquency.

According to a 2005 Manhattan Institute study, only one-third of American high school graduates are prepared for college. Our students are falling further behind in math, science, engineering, and other areas critical for success in the 21st century economy. The hours between 3 and 6 p.m. do not need to be peak hours for juvenile crime and dangerous experimentation. The afterschool hours can be and must be a time when our kids learn new skills, develop relationships with caring adults, and prepare for the future.

One program in Marriotsville, MD, is doing just that. In a reversal of roles, tech savvy students at Marriotts Ridge High School offer afterschool instruction in Photoshop, game design, Web design, Microsoft Office, and other programs to members of the community. The principal has raved about walking down his school's halls and seeing his students conduct workshops for individuals ranging from middle-schoolers through senior citizens. How impressive that these students are given the opportunity to master this technology and then develop the confidence and leadership necessary to teach it to others. What a benefit to these students and to that Maryland community!

So I was extremely disappointed, as were many of my colleagues, to see that President Bush's fiscal year 2009 budget proposal cuts funding for 21st Century Community Learning Centers by $300 million next year. If his proposal were enacted, 300,000 students nationwide would lose access to afterschool programs. Maryland alone would lose one-third of its funding, which would translate to a loss of services for 5,000 children.

The President also wants to turn the grant program into a voucher program. Currently, States review programs in a thorough, competitive process and award multi-year funding to the best proposals. These long-term grants allow programs to plan, grow, develop partnerships, and hire quality staff. Parents are able to choose among various programs for their children. By contrast, a voucher program would give the money to parents rather than the States, eliminating the funding stability that is so critical to developing high-quality programs.

The President's proposal is unwise in two respects. In the short term, it would eliminate many parents' access to afterschool care. In the long term, it would undermine the quality of those programs that survive. David Kass, the president of a national nonprofit anticrime organization called Fight Crime: Invest in Kids, has said, "Law enforcement leaders across the country agree: this [proposal] threatens public safety."

Mr. President, I hope that my colleagues will reject the administration's proposal and continue to support the 21st Century Community Learning Centers.

## JOHN SHATTUCK ON RESTORING THE RULE OF LAW IN U.S. FOREIGN POLICY

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend to my colleagues a very thoughtful and informational article in the current issue of the American Prospect by former Assistant Secretary of State and Ambassador to the Czech Republic, John Shattuck, who currently serves as CEO of the Kennedy Library Foundation.

In his article, "Healing Our Self-Inflicted Wounds," Mr. Shattuck makes the point that in the past few years America has seriously wounded itself in the eyes of the wider world by failing to live up to our highest ideals. Our policies have made it more difficult to enlist the support of our traditional allies in accomplishing our foreign policy goals and have emboldened those who do not share our goals to work harder to undermine them.

Mr. Shattuck lays out several key steps for the next President to take to repair the damage done in the past 8 years and restore America's credibility—and strength—in the world. I believe his article will be of interest to all of us in Congress.

And I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The American Prospect, Jan.-Feb. 2008]

### HEALING OUR SELF-INFLICTED WOUNDS—HOW THE NEXT PRESIDENT CAN RESTORE THE RULE OF LAW TO U.S. FOREIGN POLICY—AND REBUILD AMERICAN CREDIBILITY AND POWER

(By John Shattuck)

There's a remarkable paradox in the relationship today between the United States and the rest of the world. Despite economic and military assets unparalleled in history, U.S. global influence and standing have hit rock bottom.

As an economic superpower, the U.S. has a defense budget that accounts for more than 40 percent of global military spending. But this "hard power" does not necessarily translate into real power. National-security failures abound, from the catastrophic events in Iraq to the resurgence of terrorist networks in Afghanistan and Pakistan, from the growing threat of civil war throughout the Middle East to the deepening uncertainties of the Palestinian-Israeli conflict, from the standoff with Iran to the genocide in Darfur.

The next president will have to address these crises by re-establishing America's capacity to lead. Doing so will involve working to regain international credibility and respect by reshaping American foreign policy to direct the use of power within a framework of the rule of law.

#### THE SCALE OF THE PROBLEM

The United States may be strong economically and militarily, but the rest of the world sees it as ineffective and dangerous on the global stage. Less than a decade ago the situation was quite different. A 1999 survey published by the State Department Office of Research showed that large majorities in France (62 percent), Germany (78 percent), Indonesia (75 percent), Turkey (52 percent), among others, held favorable opinions of the U.S.

This positive climate of opinion fostered an outpouring of international support immediately following the September 11 attacks. The U.S. was able to assemble a broad coalition with U.N. approval to respond to the attacks and strike terrorist strongholds in Afghanistan.

Six years later global support for U.S. leadership has evaporated. In poll after poll, international opinion of the U.S. has turned sour. A January 2007 BBC survey found that 52 percent of the people polled in 18 countries around the world had a "mainly negative" view of the U.S., with only 29 percent having a "mainly positive" view. In nearly all the countries that had strong support for the U.S. in 1999 a big downward shift of opinion had occurred by the end of 2006. In France it was down to 39 percent, in Germany down to 37 percent, and in Indonesia down to 30 percent. A separate survey conducted in 2006 by the Pew Research Center revealed extremely hostile attitudes toward the U.S. throughout the Arab and Muslim world: Egypt polled 70 percent negative, Pakistan 73 percent, Jordan 85 percent, and Turkey 88 percent.

A major factor driving this negative global opinion is the way the U.S. has projected its power in the "war on terror." Four years after the Iraq invasion, U.S. military presence in the Middle East was seen by 68 percent of those polled by the BBC "to provoke more conflict than it prevents." Similarly, a poll published in April 2007 by the Chicago Council on Global Affairs showed that in 13 of 15 countries, including Argentina, France, Russia, Indonesia, India, and Australia, a majority of people agreed that "the U.S. cannot be trusted to act responsibly in the world."

The U.S. is now seen internationally to be a major violator of human rights. The BBC poll showed that 67 percent of those surveyed in 18 countries disapproved of the U.S. government's handling of detainees in Guantanamo. A survey conducted in June 2006 by coordinated polling organizations in Germany, Great Britain, Poland, and India found that majorities or pluralities in each country believed that the U.S. has tortured terrorist detainees and disregarded international treaties in its treatment of detainees, and that other governments are wrong to cooperate with the U.S. in the secret "rendition" of prisoners.

These global opinion trends have reduced the capacity of the United States to carry out its foreign policy and protect national security. The perception of a growing gap between the values the U.S. professes and the way it acts—particularly in regard to human rights and the rule of law—has eroded U.S. power and influence around the world.

In his book, Soft Power: The Means to Success in World Politics, Joseph Nye analyzes a nation's "ability to get what [it] wants through attraction rather than coercion." Soft power derives from "the attractiveness of a nation's culture, political ideals, and policies. When [its] policies are seen as legitimate in the eyes of others, [its] soft power is enhanced." Today, American political ideals have lost much of their global attraction because their appeal has been undermined by U.S. policies and actions that lack legitimacy in the eyes of the world. American foreign policy will continue to fail until the U.S. regains the international respect it has lost.

Fortunately, history shows that the capacity to lead can be restored when U.S. values and policies are generally in synch. During the first decade and a half of the Cold War, images of racism and segregation in the United States undercut the ability of the U.S. to project moral leadership. By the mid-1960s, however, the civil-rights movement and the leadership of Presidents Kennedy and Johnson had revived this vital capacity.

Similarly, following the disaster in Vietnam, a number of U.S. foreign-policy successes were achieved through bipartisan presidential leadership. President Ford signed the Helsinki Accords, which led to international recognition for the cause of human rights inside the Soviet bloc. President Carter mobilized democratic governments to press for the release of political prisoners held by repressive governments. President Reagan signed the Convention Against Torture and sent it to the Senate, where it was subsequently ratified. President George H.W. Bush joined with Western European governments to nurture the fledgling democracies of post–Cold War Central and Eastern Europe. President Clinton worked with NATO to end the human-rights catastrophe in Bosnia and prevent genocide in Kosovo. Each of these foreign-policy successes was achieved by linking American interests and values.

Three fundamental principles govern the exercise of soft power through the promotion of human rights and the rule of law. The first is practicing what you preach. The U.S. loses credibility when it charges others with violations it is committing itself. It reduces its ability to lead when it acts precipitously without international authority or the support of other nations. The second is obeying the law. Human rights are defined and protected by the U.S. Constitution and by conventions and treaties that have been ratified and incorporated into U.S. domestic law. The U.S. must adhere to these legal obligations if it is to project itself to other countries as a champion of human rights and the rule of law. The third is supporting international institutions. The U.S. should lead the way in reshaping existing international institutions and creating new ones, not attacking them, acting unilaterally, or turning its back whenever it disagrees with what they do.

The administration of President George W. Bush has repeatedly violated each of these principles. It has opened the U.S. to charges of hypocrisy by criticizing other governments for acting outside the rule of law and committing human-rights abuses it has committed itself. The annual Country Reports on Human Rights Practices issued by the State Department cover official actions such as "torture and other cruel, inhuman or degrading treatment or punishment," "detention without charge," "denial of fair public trial," and "arbitrary interference with privacy, family, home, or correspondence." These are the very practices in which the Bush administration itself has systematically engaged, compelling readers of the State Department Country Reports to conclude that the U.S. does not practice what it preaches. The 2006 report on Egypt, for example, criticizes the fact that Egyptian police and security forces "detained hundreds of individuals without charge," that "abuse of prisoners and detainees by police, security personnel and prison guards remained common," and that "the [Egyptian] Emergency Law empowers the government to place wiretaps—without warrants." These same criticisms apply to the United States.

The Bush administration has diminished a second source of soft power by flaunting basic requirements of international and domestic law. These include the Geneva Conventions, the Convention Against Torture, and the International Convent on Civil and Political Rights, and the Foreign Intelligence Surveillance Act. The result has been the creation of "law-free zones" in which foreign detainees in U.S. custody overseas have been brutally abused, thousands of foreign citizens have been held indefinitely as "unlawful combatants" without being accorded the status of prisoners of war, and repressive regimes around the world have implicitly been given the green light to crack down on political dissidents and religious and ethnic minorities in the name of fighting terrorism.

The administration's history of disregard for the established framework of international law was made clear by a 2002 memorandum, prepared by the then-White House counsel, Alberto Gonzales, proclaiming that "terrorism renders obsolete the Geneva Conventions' strict limitations on the questioning of prisoners." No recent president had questioned the basic rules of international humanitarian law in times of war. The administrations of Lyndon B. Johnson, Richard Nixon, and Gerald Ford during the Vietnam War, and George H.W. Bush during the Gulf War, all adhered to the Geneva requirements. The reasons were spelled out in a 2002 memorandum by then-Secretary of State Colin Powell, challenging the Gonzales memo. Powell warned that the White House interpretation of the Geneva Conventions would "reverse over a century of U.S. policy and practice, undermine the protections of the law of war for our troops, and [provoke] negative international reaction, with immediate adverse consequences for our conduct of foreign policy."

A third source of soft power has been undermined by the Bush administration's attacks on and disengagement from international human-rights institutions. The U.S. has been a world leader in building these institutions since the time when Eleanor Roosevelt chaired the international committee that drafted the Universal Declaration of Human Rights. The current administration has renounced that leadership by refusing to run for a seat on the new U.N. Human Rights Council and by undermining efforts to shape the new International Criminal Court (ICC). Both institutions are flawed, but as a result of the administration's disengagement the U.S. now has no influence over their future development.

### UNDERCUTTING NATIONAL SECURITY

The Bush administration's record on human rights and the rule of law has undercut the capacity of the U.S. to achieve important foreign-policy goals. The erosion of America's soft power has made it more difficult for the U.S. to succeed in preventing or containing threats of terrorism, genocide, and nuclear proliferation. The denigration of American values has made the U.S. ineffective in promoting human rights and democracy. Indeed, the current administration's frequent disregard of the rule of law has jeopardized five frequently stated foreign-policy objectives.

The first is countering the threats posed by Iraq, Iran, and Afghanistan. For more than a decade these countries have topped the United States' list of dangers to international security. Strategies to reduce the violence and terrorism in Iraq and Afghanistan and to prevent Iran from exporting terrorism and acquiring nuclear weapons require a mixture of hard and soft power. But reports of CIA and U.S. military torture and mistreatment of prisoners at Abu Ghraib and other secret prisons in the region may have weakened the ability of the U.S. to counter the deterioration of human-rights conditions in Iraq and Afghanistan. Similarly, State Department criticism of the Iranian regime's political repression has been blunted by the U.S. record of detainee abuse and illegal electronic surveillance. Years after the U.S. military interventions, Iraq and Afghanistan remain major exporters of terrorism and centers of human-rights abuse. Iran is a major terrorist exporter and a human-rights disaster.

A second major stated objective of U.S. foreign policy is preventing genocide. The lesson of Rwanda was that the cost of failing to stop genocide is not only a massive killing of innocent civilians but also an ongoing humanitarian catastrophe and long-term regional instability. Following the Rwanda genocide, a doctrine of humanitarian intervention was developed under U.S. leadership and invoked, with broad international support and authority under the Genocide Convention, to end the genocide in Bosnia in 1995, and then to prevent a genocide in Kosovo in 1999. Today, that doctrine is in shambles, undermined and discredited by the Bush administration's intervention in Iraq. As a result, the U.S. has been unable to mobilize support to stop the ongoing genocide in Darfur and an entire region of Africa has been destabilized.

Addressing the challenges posed by geopolitical rivals such as China, Russia, and Cuba is a third long-standing concern of U.S. foreign policy. The Bush record has made already-complicated interactions with these countries even more difficult. China is leading the way in effectively exploiting the growing global perception that the U.S. is a human-rights violator. For several years the Chinese government has produced and publicized its own report on U.S. human-rights failings in an attempt to counter U.S. criticism of China's record. China's March 2007 report was particularly blunt: "We urge the U.S. government to acknowledge its own human rights problems and stop interfering in other countries' internal affairs under the pretext of human rights." Russian President Vladimir Putin has been similarly direct in rejecting recent U.S. criticism of the Russian government's press censorship, and Cuba has been quick to point to the U.S. record of detainee abuse at Guantanamo whenever Cuban human-rights practices are challenged by the U.S. The Bush administration has provided China, Russia, and Cuba with a convenient excuse for cracking down on dissidents and minorities under the guise of fighting terrorism within their borders.

Creating and managing strategic alliances is a fourth major U.S. foreign-policy objective. The Bush administration's record on human rights and the rule of law has alienated traditional democratic allies and complicated relations with authoritarian countries. The Council of Europe, a parliamentary assembly of elected representatives from across the continent, has condemned European governments for cooperating with the U.S. in running secret detention centers, and has called for Europe to distance itself from the Bush administration's tactics in the "war on terror." Negative European opinion about U.S. human-rights practices has made it politically difficult for European leaders to support U.S. positions on other issues. And by condoning torture, prisoner abuse, secret detention, illegal surveillance, and other violations of human rights, the administration has also undercut its ability to promote reform with authoritarian allies like Egypt, Saudi Arabia, Morocco, and Uzbekistan.

Finally, holding accountable those who commit human-rights crimes has been a bedrock objective of U.S. foreign policy since the Nuremberg trials following World War II. The U.S. has long been at the forefront of efforts to create a system of international justice, most recently in the establishment of the International Criminal Tribunals for the Former Yugoslavia and Rwanda. By opposing the International Criminal Court, the Bush administration has relinquished its leadership on these issues. The indispensability of international justice to U.S. foreign policy is illustrated by the administration's retreat in 2006 from outright opposition to the ICC to reluctant acceptance of the U.N. Security Council's referral of the Darfur genocide case to ICC jurisdiction. But this begrudging exception unfortunately proves the rule.

### REPAIRING THE DAMAGE

The next president must make repairing the damage to American values and moral authority a top priority. Acting within a framework of the rule of law and respect for human rights will be essential to restoring America's international leadership.

The U.S. must strengthen its alliances by demonstrating it adheres to international norms in pursuing its national-security objectives. The next president should immediately announce that the U.S. will close the detention center at Guantanamo and transfer detainees to the U.S. or detainees' home countries. In addition, the president should announce that the U.S. is bound by the Geneva Conventions as a matter of law and policy. Restoring the U.S. policy of providing individualized status hearings to detainees would demonstrate respect for international norms without restricting the government's capacity to conduct lawful interrogations to obtain intelligence information about terrorist activities. Fully applying the Geneva Conventions also would not preclude the U.S. from trying detainees in military commissions.

A second means of underscoring U.S. commitment to address national-security threats within the rule of law would be to provide assistance to other countries for counterterrorism operations that comply with basic human-rights standards. "Fighting terror" has become a convenient excuse for repressive regimes to engage in further repression, often inspiring further terrorism in an increasing cycle of violence. To break this cycle, the U.S. should provide assistance and training to foreign military and law enforcement personnel in methods of fighting terrorism within the rule of law.

The U.S. should take the lead in drafting a comprehensive treaty defining and condemning terrorism within a framework of human rights. Working toward a consensus on this global issue would help counter the claim that differences in cultural values, religious beliefs, political philosophies, or justifiable ends make it impossible to define the crime of terrorism.

The president should make clear that the U.S. is prepared once again to be an active participant in strengthening the system of international law it helped create over the last half century. Important treaties have lingered for years in the Senate and should now be ratified or renegotiated. Some were signed by Republican presidents and once enjoyed bipartisan support, but have been blocked for the last seven years by the current administration and its Senate supporters. The U.S. should also rejoin negotiations on such critical issues as human rights, international justice, climate change, and nonproliferation of weapons of mass destruction. By doing so, the next president would demonstrate that globalization can be made to work within the rule of law.

The U.S. should support those seeking to promote the rule of law, democracy, and human rights in their own countries. Democracy and human-rights activists are the shock troops in the struggle against terrorism, genocide, and nuclear proliferation. But democracy can never be delivered through the barrel of a gun. Assistance to those who are working to build their own democratic societies must be carefully planned and targeted, sustained over time, and based on a thorough understanding of the unique circumstances and profound differences among cultures, religions, and countries. A new U.S. government must work within an international framework, not unilaterally and preemptively, to assist those struggling around the world to bring human rights to their own societies.

Finally, the U.S. should join with other countries, alliances, and international organizations to reassert America's role in working to prevent or stop genocide and crimes against humanity. The president should invoke the doctrine of humanitarian intervention that was applied in Bosnia and Kosovo in the 1990s to address the genocide in Darfur. Extensive diplomatic and economic tools can be used to head off an impending genocide, but international military intervention remains available under international law if all other avenues have been exhausted.

By recommitting the U.S. to a foreign policy conducted within a framework of human rights and the rule of law, the next president can restore America's moral leadership in the world—and by so doing, enhance American power and security.

## FAREWELL TO ALAN HOFFMAN

Mr. BIDEN. Mr. President, I rise today to say farewell and thank you to my chief of staff, Alan Hoffman. As many of you know, I was fortunate enough to have had Alan leading my office from 1998 to 2003, and then had my fortunes upped when Alan made the tremendous personal sacrifice, at my request, to leave California and resume his position in 2006. While I am sorry to see him go, it is certainly understandable that Alan is now returning to the west coast, rejoining his wife in their home in Santa Monica, and taking on a major position in the University of California system.

I am indebted to Alan's invaluable leadership, wise counsel, and unwavering loyalty. The entire Biden family has come to respect and care for Alan. We all recognized right away that Alan is a thoroughly decent human being, and he quickly earned my trust. I never once doubted the judgment Alan exercised as my chief of staff. Never once.

Alan arrived at my office in 1998 having served as an assistant U.S. attorney in Philadelphia after having worked in the White House and the Department of Justice. Actually, the first time I met Alan was supposed to be for a courtesy interview as he was being considered for a high-level position with Attorney General Reno. I was so impressed with his intellect, his temperament, his passion, and his values that I thought, I want this guy to work for me. I felt it was quite the coup when he accepted my offer.

Alan brought the smarts and experience to quickly grasp the salient points of any issue, and a deft hand on how to advance policy initiatives. I have benefited enormously from Alan's excellent sensibilities. He has sharp political sense, a keen sense of timing, a sense of what makes people tick, and a sense of humor. Alan has tremendous awe and respect for the work being done by the United States Senate, and yet, at the same time, he has an underlying sense of humility. Alan never forgets that the work of the Congress is the people's business.

Alan oversaw many proud legislative achievements during his tenure in my office, ranging from improvements to port and rail security, to passage of the Violence Against Women Act of 2000 to championing criminal justice reforms and strengthening the Sarbanes-Oxley Act. He has continued to work, until his last hour on my staff, for policies that further the well-being and security of all Americans. Alan's leadership and unwavering sense of justice have been the catalysts for alliances that have a real chance of remedying the disparity in sentences received by those convicted of crack cocaine, as opposed to powder cocaine, offenses.

Though young when he first arrived in 1998, Alan quickly proved able to manage my diverse staff, ranging from bookish lawyers, to foreign policy specialists to caseworkers in my Delaware office. Alan motivated, challenged, and inspired the staff. He always set the highest example for all who worked with him and has earned their unqualified respect and admiration. And Alan provided the solid leadership and needed guidance to staff when the nation was attacked on September 11, 2001, and again, when the Senate suffered the anthrax attack which forced my Judiciary Committee staff out of their Hart Building offices and landed Senator CARPER's staff in our own conference room.

Alan has unlimited patience to hear all sides of an issue whether from staff, divergent interest groups, or constituents. He understands complexity and yet is always ready with a commonsense and principled recommendation that was easily explainable to both people inside, and more importantly, outside the beltway. Importantly, he is also a trusted and respected ally to so many of my colleagues; they know they can call Alan when I am not reachable and they can always count on him to follow through.

Mr. President, this is one of those moments when saying thank you simply seems inadequate. Alan Hoffman left his then-fiancée, now wife, a high-level position at the RAND Corporation, and a settled life in California to return to my office in 2006. That kind of loyalty, dedication, and sacrifice are rare.

I understand completely that Alan is ready to go home. I wish him and his wife Lizzie all the best. I have no doubt that he will prove to be just as talented and invaluable in his new position. But the fact remains that Alan Hoffman will be deeply missed, and his work and leadership leave an enduring imprint both in Washington and in Delaware.

## ADDITIONAL STATEMENTS

### A TRIBUTE TO SHANE STEWART

• Mr. ALLARD. Mr. President, I wish today to honor the service and sacrifice of CAPT Shane Stewart.

My wife Joan and I were deeply saddened to hear of the tragic death of CAPT Shane Stewart this past Saturday in Weld County, CO, as he was en route to render aid to a sick caller in the town of Ault.

It takes a person of great courage to become a firefighter. It takes a strong, hard-working, and considerate individual, who like in many small communities across America, volunteer their time and effort, at sometimes great risk to themselves, to become a volunteer firefighter. It takes a special someone who is willing to pay the ultimate price in protecting the safety of others.

Captain Stewart was just this person. And unfortunately, Captain Stewart paid the ultimate price on February 23. He was 33 years old. Shane is the first firefighter killed in the line of duty in the Ault-Pierce Fire Protection District.

The Colorado native was born in Sterling and grew up in Greeley. Shane was employed by the Colorado Department of Transportation and concurrently served as a volunteer firefighter when called to duty. Volunteer firefighters are the backbone of many of our small towns and communities. In fact there are a total of 15,000 firefighters in Colorado with 9,450 being volunteers in their respective communities. Shane joined the Ault-Pierce Fire Protection District as a volunteer firefighter in August 2004.

Shane came from a family steeped in firefighting tradition. Shane's father and brother are also volunteers with the 21-member department.

Captain Stewart was a father, brother, and a son. He is survived by his wife Cyndee, sons Blake and Logan, parents Paul and Jeanette, and his brother Sean. Shane was well liked by his peers and was someone you would like to have as a friend and colleague.

The Ault-Pierce Fire Protection District lost a valuable member of its community, as did the State of Colorado. We are all forever grateful for Captain Shane Stewart's service and dedication as a firefighter. His service to all of us is highly commendable, and his contributions will be remembered.

I extend my deepest sympathy to the family of CAPT Shane Stewart. May his bravery and unwavering sense of duty serve as a role model for the future generation of firefighters.•

### HONORING DAVID WILLIAM SUMMERFIELD

• Mr. CARDIN. Mr. President, today I honor the memory of David William Summerfield, a husband, father, soldier, pilot, and a beloved member of the Cumberland community. Dave died on February 21, piloting a small plane from Charleston, WV, to Cumberland. Also lost was his passenger, Rob Kessel of Bel Air, MD.

Dave Summerfield's death has been a blow to the entire community and to all who knew him. A graduate of Allegany High School, Dave dedicated himself to the service of our Nation by joining the U.S. Air Force in 1951. During his distinguished military career, he was awarded the Bronze Star Service Medal, Air Force Meritorious Service Medal, Air Force Commendation Medal, Air Force Outstanding Unit Award with V for Valor, Vietnam Service Medal with four campaign stars, and RVN Honor Medal First Class with Gold Palm.

In 1972, he returned to his childhood home in Rawlings after retiring from the Air Force. There he and his wife, Jessie Marie, raised a family of five children and started an aviation business. His greatest joy in life was his family; his second greatest joy was flying.

Dave was a certified Airline Transport Pilot, ATP, the highest grade of pilot certification that the Federal Aviation Administration, FAA, can bestow. He and Jessie Marie founded Summerfield Aviation, an FAA-approved pilot school, Air Charter and Aerial Photography Service located at the Cumberland Regional Airport. During his 35 years as a pilot, he logged thousands of hours and provided flight instruction to hundreds of students. He was beloved by his students, many of whom joined the search for his plane when they learned it was missing.

He also understood the need to give back to the community. He served as a deacon and was on the board of directors of the Grace Bible Fellowship in Short Gap, WV. He also was a member of the Calvary Baptist Church in Cresaptown. During the last year of his life, he led a Bible study with prisoners at the Federal Correctional Institution in Cumberland.

On a personal note, Dave's youngest son, Robin, is a valuable member of my staff, as my field representative for the western part of Maryland.

Mr. President, on behalf of the citizens of Maryland and members of the U.S. Senate, I wish to extend our sincerest condolences to the family of Dave Summerfield. He was a great American who was an inspiration to all who knew him.•

### HONORING JEFFREY LANE MILLER

• Mrs. DOLE. Mr. President, it is with great pride that I recognize Jeffrey Lane Miller of Hendersonville, NC. Mr. Miller is the founder of HonorAir, an all-volunteer community group, which was organized to honor local World War II veterans by providing them with the opportunity to visit their National World War II Memorial in Washington, DC, at no expense.

The National World War II Memorial, dedicated in 2004, honors the 16 million men and women who served in the Armed Forces of the United States, the more than 400,000 who died, and all who supported the war effort from home. Thousands of WWII veterans pass away every year without having a chance or ability to visit the monument recognizing their service.

Jeff's passion and commitment to America's "greatest generation" has galvanized the Henderson County community. Mr. Miller accomplished what was believed to be the impossible. He organized and obtained funding for chartering commercial aircraft to fly veterans from North Carolina to Washington, DC. His unwavering dedication, with the help of many in the community, has resulted in more than 630 World War II veterans participating in the Hendersonville HonorAir trips. Most of these heroes otherwise would not have been able to visit their monument due to physical or financial limitations.

In partnership with veterans advocates, Jeff created the Honor Flight Network. This network is in the process of honoring the service of World War II veterans from across the United States. As the result of Jeff's inspiration, leadership, and tireless efforts, Honor Flight has been established throughout communities in more than 25 States.

Today I ask that the Senate join with me in recognizing the remarkable public service of Jeff Miller. Jeff has worked so hard to make his dream, of recognizing World War II veterans, into reality. His selfless service has not only had a tremendous impact in his community but throughout our great Nation.•

### 100TH ANNIVERSARY OF THE OZARK-ST. FRANCIS NATIONAL FORESTS

• Mrs. LINCOLN. Mr. President, today I recognize one of the most beloved heritages in my home State of Arkansas, our national forests. Arkansas is blessed with two National Forest Systems, the Ouachita National Forest and the Ozark-St. Francis National Forests. Last year, we recognized the 100th Anniversary of the Ouachita National Forest which stretches from western Arkansas to southeastern Oklahoma. On March 6, 2008, the Ozark-St. Francis National Forests will take their turn and celebrate their centennial anniversary.

For the last 100 years, the Ozark-St. Francis National Forests have protected our Nation's timber resources while also providing Americans with numerous outdoor and recreational opportunities. What is unique is that they are two completely separate and distinct forests but are managed together.

In 1908, President Theodore Roosevelt set aside lands that spanned the Ozark Mountains and named it the Ozark National Forest. His goal was to conserve and safeguard the hardwood timberlands in our State, and it was one of the first efforts in our country's history to protect our Nation's valuable forests.

Today, the Ozark National Forest contains a little more than 1.2 million acres and runs across northern Arkansas to the Oklahoma border. It is a diverse forest that harbors more than 500 different types of trees and other woody plants. Moreover, it is home to the tallest mountain in the State of Arkansas, Mount Magazine, outside Paris, AR, and includes a living underground cave system, Blanchard Spring Caves, near Mountain View, AR.

A little more than 50 years after President Roosevelt created the Ozark National Forest, President Dwight D. Eisenhower issued a proclamation to set aside 22,000 additional acres in Arkansas. Named the St. Francis National Forest, it is one of the smallest forests in the National Forest System. The St. Francis Forest begins in the hilly Crowley's Ridge section of eastern Arkansas and runs along the St. Francis River to the Mississippi River in the delta flatlands.

Each forest has its own unique character, geography, and topography, but together, they form the Ozark-St. Francis National Forests.

The headquarters is located in Russellville, AR, at the Henry R. Koen Forest Service Office Building. The building is named for the man who supervised the Ozark National Forest from 1922–1939. The Henry R. Koen Building is a landmark in and of itself. Built by the Civilian Conservation Corps, a New Deal work relief program during the Great Depression, it was dedicated in 1939. In April 1979, the building was named in Mr. Koen's honor after legislation was introduced in Congress by my predecessor, Senator Dale Bumpers.

As we celebrate this milestone, I also want the forest supervisors in Arkansas to know that I am continuing to fight for them in the U.S. Senate. They oversee some of the largest national forests in the South. Traditionally, our forest management and conservation programs have been highly productive, efficient, and profitable, benefitting taxpayers, local economies, and the region. However, with limited resources, our forest supervisors face considerable challenges in accessing and managing all of the forests.

Earlier this year, I sent a letter with the entire Arkansas Congressional delegation to the Bush administration to express our support for greater resources for our State's national forests. Currently, our forest supervisors are only able to implement one half of their total forest management plan. Furthermore, damage from recent tornadoes has compounded the need for resources to access salvageable timber in the most efficient and timely manner possible.

It is my belief that additional investment in Arkansas's national forests will allow Arkansans to continue enjoying them for another 100 years and beyond.●

## REPORT OF AN AGREEMENT BETWEEN THE UNITED STATES AND THE KINGDOM OF DENMARK ON SOCIAL SECURITY—PM 39

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

*To the Congress of the United States:*

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and the Kingdom of Denmark on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The agreement was signed at Copenhagen on June 13, 2007.

The United States-Denmark Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Denmark Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Attached to this report is the report required by section 233(e)(1) of the Social Security Act, which describes the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement.

I commend to the Congress the United States-Denmark Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 28, 2008.*

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that on today, February 28, 2008, he had signed the following enrolled bills, previously signed by the Speaker of the House:

S. 2571. An act to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

H.R. 2082. An act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

At 1:55 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2272. An act to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

S. 2478. An act to designate the facility of the United States Postal Service located at 59 Colby Comer in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office".

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building".

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building".

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen

Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5351. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 67. Concurrent resolution establishing the Joint Congressional Committee on Inaugural Ceremonies.

S. Con. Res. 68. Concurrent resolution authorizing the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies.

The message further announced that pursuant to section 605(a) of the Consolidated Appropriations Act, 2008 (Public Law 110–161), and the order of the House of January 4, 2007, the Speaker appoints the following members on the part of the House of Representatives to the National Commission on Children and Disasters:

Dr. Irwin Redliner of New York, New York.

Mr. Bruce A. Lockwood of Canton, Connecticut.

The message also announced that pursuant to Senate Concurrent Resolution 67, 110th Congress, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Joint Congressional Committee on Inaugural Ceremonies:

Ms. PELOSI of California.

Mr. HOYER of Maryland.

Mr. BOEHNER of Ohio.

The message further announced that pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Naval Academy to fill the existing vacancy thereon:

Mr. FRELINGHUYSEN of New Jersey.

## ENROLLED BILLS SIGNED

At 5 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5264. An act to extend the Andean Trade Preference Act, and for other purposes.

H.R. 5478. An act to provide for the continued minting and issuance of certain $1 coins in 2008.

The enrolled bills were subsequently signed by the acting President pro tempore (Mr. PRYOR).

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3454. An act to provide for the conveyance of a small parcel of National Forest System land in the George Washington National Forest in Alleghany County, Virginia, that contains the cemetery of the Central Advent Christian Church and an adjoining tract of land located between the cemetery and road boundaries; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4140. An act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building"; to the Committee on Environment and Public Works.

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5351. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 270. Concurrent resolution to make corrections in the enrollment of the bill H.R. 1593; to the Committee on the Judiciary.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5290. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule Designating the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and Removing this Distinct Population Segment from the Federal List of Endangered and Threatened Wildlife" (RIN1018–AU53) received on February 26, 2008; to the Committee on Environment and Public Works.

EC–5291. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Prior Determination Process for Certain Items and Services" (RIN0938–AN10) received on February 22, 2008; to the Committee on Finance.

EC–5292. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to overseas surplus property; to the Committee on Foreign Relations.

EC–5293. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to progress in Iraq for the period of December 12, 2007, through February 13, 2008; to the Committee on Foreign Relations.

EC–5294. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Chafee National Youth In Transition Database" (RIN0970–AC21) received on February 26, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5295. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to employees who were assigned to congressional committees during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5296. A communication from the Associate Deputy Secretary of the Interior, transmitting, pursuant to law, an annual report relative to grants streamlining and standardization; to the Committee on Homeland Security and Governmental Affairs.

EC–5297. A communication from the Secretary of Veterans Affairs, transmitting, proposed legislation detailing the Department's request for funds for fiscal year 2009; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2146. A bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes (Rept. No. 110–266).

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 2160. A bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes (Rept. No. 110–267).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLARD:

S. 2673. A bill to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR:

S. 2674. A bill to amend titles 10 and 38, United States Code, to improve and enhance procedures for the retirement of members of the Armed Forces for disability and to improve and enhance authorities for the rating and compensation of service-connected disabilities in veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWNBACK:

S. 2675. A bill to designate the facility of the United States Postal Service located at

201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 2676. A bill to make technical corrections to the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs .

By Mr. BROWN (for himself, Mrs. CLINTON, and Mr. OBAMA):

S. 2677. A bill to amend the Higher Education Act of 1965 to authorize the Secretary of Education to provide grants to institutions of higher education to establish programs for the provision of services and support to veterans who are students at such institutions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL:

S. 2678. A bill to clarify the law and ensure that children born to United States citizens while serving overseas in the military are eligible to become President; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself and Mr. CARDIN):

S. 2679. A bill to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland; to the Committee on Foreign Relations.

By Mr. SALAZAR:

S. 2680. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ:

S. Res. 463. A resolution congratulating Vivian Stringer on winning 800 games in women's college basketball; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Colorado (Mr. SALAZAR), the Senator from Indiana (Mr. LUGAR) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 186

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 388

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 446

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 799

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1067

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1067, a bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1464, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 1795

At the request of Mr. KENNEDY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1795, a bill to improve access to workers' compensation programs for injured Federal employees.

S. 1809

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1809, a bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, a section 403(b) contract, or a section 457 plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums.

S. 1838

At the request of Mr. CORNYN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1838, a bill to provide for the health care needs of veterans in far South Texas.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2191

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2191, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

S. 2262

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2262, a bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2433

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2444

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2444, a bill to direct the Secretary of Education to provide grants to establish and evaluate sustainability programs, charged with developing and implementing integrated environmental, economic, and social sustainability initiatives, and to direct the Secretary of Education to convene a summit of higher education experts in the area of sustainability.

S. 2460

At the request of Mrs. DOLE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2566

At the request of Mr. ISAKSON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2579

At the request of Mr. INOUYE, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2607

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2607, a bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 2614

At the request of Mr. BARRASSO, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2614, a bill to facilitate the development, demonstration, and implementation of technology for the use in removing carbon dioxide and other greenhouse gases from the atmosphere.

S. 2618

At the request of Ms. KLOBUCHAR, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

At the request of Mr. ISAKSON, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2618, supra.

S. 2636

At the request of Mr. REID, the names of the Senator from Virginia (Mr. WEBB), the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2636, a bill to provide needed housing reform.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2663

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. RES. 449

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 449, a resolution condemning in the strongest possible terms President of Iran Mahmoud Ahmadinejad's statements regarding the State of Israel and the Holocaust and calling for all member States of the United Nations to do the same.

S. RES. 455

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Carolina (Mr. BURR), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Georgia (Mr. ISAKSON) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 455, a resolution calling for peace in Darfur.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD:

S. 2673. A bill to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. ALLARD. Mr. President, today I introduced legislation to designate the U.S. Postal Service facility located at 10799 West Alameda Avenue in Lakewood, CO, as the "Felix Sparks Post Office Building." This facility will bear the name of a great American, Brigadier General Felix Sparks. Sadly, Brigadier General Sparks passed away in September of last year, but this honor will serve as a lasting tribute to his life and service to his country, State, and community.

Brigadier General Felix Sparks led an exemplary life. His long and distinguished military and civilian career took him from the European theater of World War II to the chambers of the Colorado Supreme Court. General Sparks' enduring leadership, honesty and integrity serve as an inspiration to us all. I am honored to take this time to speak about General Sparks and to introduce this necessary piece of legislation.

Growing up in Arizona, the son of a rail worker, BG Sparks joined the U.S. Army during the Great Depression. After serving in Northern Africa, he went on to lead the Colorado-based 157th regiment in Italy, liberating the Nazi concentration camp at Dachau. During his military service, BG Sparks was awarded two Purple Hearts, two Silver Stars, the Legion of Merit, the Combat Infantry Badge, a Commendation Medal, eight battle stars on his European/African Middle Eastern Campaign Medal, and the Croix de Guerre with the Silver Gilt Star.

Although Brigadier General Sparks' passion was practicing law, it paled in comparison when he was called to serve. As a liberator, decorated military officer, District Attorney for Delta, Colorado Supreme Court Justice, Commanding General of the Colorado Army National Guard, State Water Board member and University of Colorado graduate, BG Sparks' sense of duty prevailed.

As a lasting tribute to this incredible man, I cannot think of a more appropriate honor than to have this Lakewood Post Office bear the name of Felix Sparks. A post office is the point in every community that brings all people together, and there is no better way to symbolize the virtues BG

Sparks demonstrated through his public and private life. I encourage the Senate to pass this legislation in recognition of BG Felix Sparks.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2673

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FELIX SPARKS POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, shall be known and designated as the "Felix Sparks Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Felix Sparks Post Office Building".

By Mr. SALAZAR:

S. 2680. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, today I am introducing the Leadville Mine Drainage Tunnel Environmental Improvement Act of 2008. This legislation will direct the Bureau of Reclamation to take action to eliminate the grave environmental threat posed by a collapse of part of the Leadville Mine Drainage Tunnel, or LMDT. Leadville sits at the headwaters of the Arkansas River, and thus the effluent into the river there is of paramount importance to millions of people.

The LMDT is just over 2 miles long, and was constructed during the 1940s and 1950s by the U.S. Department of the Interior's Bureau of Mines to drain flooded mines in the Leadville mining district of Lake County in central Colorado. In 1959, the Bureau of Reclamation took "full custody, accountability, and future responsibility" of the LMDT to obtain water rights and under the condition that the Bureau would not spend its own funds to maintain or repair the Tunnel. In the early 1990s, however, litigation compelled the Bureau to take responsibility for the quality of the water discharged by the Tunnel. The Bureau constructed a water treatment plant, and Congress authorized the Bureau under P.L. 102-575 to treat the water discharged from the LMDT.

In 1995, however, a major collapse of a segment of the tunnel was detected. Since that time, mine water has pooled behind the blockage. Today the Environmental Protection Agency estimates that close to 1 billion gallons of water contaminated with toxic levels of cadmium, zinc, and manganese, has collected. The citizens of Leadville, Lake County, and the area downstream of the LMDT are deeply worried that the building pressure from this voluminous quantity of water will cause the blockage to burst and flood the town, resulting in a public health and environmental disaster. This winter's heavy snowfall has some concerned that spring snowmelt will further balloon the quantity of toxic water and exacerbate the risk. Under intense scrutiny, this week the EPA and the Bureau have partnered to begin pumping some of the water to the treatment plant and I appreciate their response. But these actions are only a small piece of the puzzle in making sure the LMDT never becomes a disaster.

In recent years the Federal Government's implementation of a long-term fix for the mine has been jammed up as badly as the mine tunnel itself. My bill focuses on making sure the long term solution for the LMDT moves forward as expeditiously as possible. My bill gives the Secretary of the Interior and the Bureau of Reclamation clear authority and responsibility to maintain the LMDT in a manner that protects human health and the environment. For many years the Bureau has maintained that it is not responsible for changed conditions within the LMDT. My bill eliminates any ambiguity on this point, and compels the Bureau to act.

Specifically, the legislation directs the Bureau to participate in the long-term remedy for the LMDT that has already been approved by the EPA, the Colorado Department of Public Health and Environment, and has been vetted through public meetings. The bill also authorizes the necessary funds for implementation of the long-term remedy. The long-term solution for the LMDT, specified under the fully approved and vetted EPA superfund Record of Decision, is much more extensive than the pumping and water treatment activity now underway. It will involve construction of a bulkhead in the tunnel to isolate the contaminated pool, backfilling the tunnel, as well as several other actions.

My bill also directs the Secretary of the Interior, in cooperation with the State and the EPA, to conduct a study to determine whether any blockages in the LMDT have affected, or are affecting, water quality and aquatic life in the Arkansas River in the vicinity downstream of the LMDT. We must ensure that the problems with the LMDT blockage do not impact the water quality of the Arkansas River, which is the lifeblood of so many communities. This study will help improve our understanding of the conditions of the headwaters near the LMDT.

For too long the inaction on fixing the LMDT has been a case study in Federal paralysis, with the citizens of Leadville and Lake County caught in the middle. This legislation will establish the conditions and authority necessary to make the long-term fix at the Leadville Mine Drainage Tunnel a reality as soon as possible.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 463—CONGRATULATING VIVIAN STRINGER ON WINNING 800 GAMES IN WOMEN'S COLLEGE BASKETBALL

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 463

Whereas Vivian Stringer has coached women's college basketball for 36 seasons;

Whereas Vivian Stringer has coached the Rutgers University women's college basketball team for the past 13 seasons;

Whereas Vivian Stringer is the first coach in men's or women's college basketball to lead 3 different schools to the Final Four;

Whereas Vivian Stringer was inducted into the Women's Basketball Hall of Fame in 2001;

Whereas Vivian Stringer was named by Sports Illustrated as one of the 101 Most Influential Minorities in Sports in 2003;

Whereas Vivian Stringer was a recipient of the Black Coaches Association's Lifetime Achievement Award in 2004;

Whereas Vivian Stringer helped lead Team USA to a gold medal as an assistant coach for the United States Olympic women's basketball team in the 2004 Olympic Games in Athens, Greece;

Whereas Vivian Stringer was inducted into the New Jersey Sports Hall of Fame and the Sport in Society Hall of Fame in 2005;

Whereas Vivian Stringer has made significant contributions in advancing the popularity of and esteem for women's college basketball;

Whereas Vivian Stringer has been a role model for countless young women not only in the United States, but all over the world;

Whereas Vivian Stringer is only the third women's college basketball coach to win 800 games, joining only 5 men's coaches who reached the same milestone; and

Whereas Vivian Stringer broke the record for African-American coaches in either men's or women's college basketball by becoming the first to win 800 games: Now, therefore, be it

*Resolved*, That the Senate honors Vivian Stringer for the significant accomplishment of winning 800 games in women's college basketball and sends its sincere congratulations for this historic accomplishment.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Senate Committee on Energy and Natural Resources.

The hearing will be held on Thursday, March 13, 2008, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony regarding old-growth forest science, policy and management in the Pacific Northwest region.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov. For further information, please contact Rachel Pasternack at (202) 224-0883 or Kira Finkler at 202-224-5523.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 28, 2008, at 9:30 a.m., in open session, with a possibility of a closed session, to receive testimony on the Department of the Navy in review of the defense authorization request for fiscal year 2009 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 28, 2008, at 10 a.m., in order to conduct a hearing entitled “Semi-annual Monetary Policy Report To Congress.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, February 28, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing. The purpose of this hearing is to review the President's proposed Department of Transportation budget for the 2009 fiscal year.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, February 28, 2008, at 9:30 a.m., in room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding the impact of increased minimum wages on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 28, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to conduct a hearing entitled “The Real Estate Market: Building a Strong Economy.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 28, 2008, at 9:30 a.m. in order to hold a hearing on U.S. policy options in post-election Pakistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, February 28, 2008 at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

*Agenda*

I. Bills: S. 2304, Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007, (DOMENICI, KENNEDY, SPECTER, LEAHY); S. 2449, Sunshine in Litigation Act of 2007, (KOHL, LEAHY, GRAHAM); S. 352, Sunshine in the Courtroom Act of 2007, (GRASSLEY, SCHUMER, LEAHY, SPECTER, GRAHAM, FEINGOLD, CORNYN, DURBIN); S. 2136, Helping Families Save Their Homes in Bankruptcy Act of 2007, (DURBIN, SCHUMER, WHITEHOUSE, BIDEN, FEINSTEIN); and S. 2133, Home Owners “Mortgage and Equity Savings Act”, (SPECTER, COLEMAN).

II. Nominations: Kevin J. O'Connor to be Associate Attorney General, Department of Justice; Gregory G. Katsas to be Assistant Attorney General, Civil Division, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

### JOINT ECONOMIC COMMITTEE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled “War at any cost? The total economic costs of the war beyond the Federal budget” on Thursday, February 28, 2008. The hearing will commence at 9:30 a.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 28, 2008, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Clean Air and Nuclear Safety, be authorized to meet during the session of the Senate on Thursday, February 28, 2008, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, “Nuclear Regulatory Commission Oversight: Security of Our Nation's Nuclear Plants.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Terrorism, Technology and Homeland Security, be authorized to meet during the session of the Senate, in order to conduct a hearing entitled “Weaknesses in the Visa Waiver Program: Are the Needed Safeguards in Place to Protect America?” on Thursday, February 28, 2008, at 2:30 p.m. in room SD-226 of the Dirksen Senate Office Building.

*Witness list*

Paul Rosenzweig, Deputy Assistant Secretary, Office of Policy, U.S. Department of Homeland Security, Washington, DC; Tony Edson, Deputy Assistant Secretary for Visa Services, U.S. Department of State, Washington, DC; Jess Ford, Director, International Affairs and Trade, Government Accountability Office, Washington, DC; Susan Ginsburg, Director of Programs on Mobility and Security, Migration Policy Institute, Washington, DC; and Jessica Vaughan, Senior Policy Analyst, Center for Immigration Studies, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON WATER AND POWER

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, February 28, 2008, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding the following legislation:

S. 177/H.R. 2085, to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes;

S. 1473/H.R. 1855, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project;

S. 1474/H.R. 1139, to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes;

S. 1929, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed;

S. 2370, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes;

H.R. 2381, to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. THUNE. Madam President, I ask unanimous consent that a member of my staff, Jon Abdnor, be granted the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ANDEAN TRADE PREFERENCE EXTENSION ACT

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5264, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 5264) to extend the Andean Trade Preference Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, today, the Senate takes the important step of extending the Andean Trade Preferences Act for 10 months. This follows action in the House yesterday on the same bill. We can now ensure continuation of this important program before it expires tomorrow.

I would have preferred a longer term extension of ATPA. But a 10-month extension is a sound compromise. It is good for America. And it is good for our Andean neighbors.

In recent weeks, we have had a lively debate over the value of this preference program. Opponents point to one-sided benefits. They warn against risky investments.

Proponents say that our Andean preferences complement drug eradication efforts. We say that they create jobs in both developing countries and here at home.

Today, as in the past, I support ATPA. ATPA is an investment in mutual prosperity and regional stability. It is good foreign policy. ATPA is a boon to the developing economies of Peru, Colombia, Bolivia, and Ecuador. It brings economic development where poverty persists. It encourages alternative crops where illegal drugs plague the landscape. It creates jobs where there have long been too few. And it can provide a platform for more comprehensive engagement, such as the free-trade agreements that Peru and Colombia have negotiated with the United States.

The economic benefits of ATPA are mutual. Flower exports from Colombia and Ecuador employ Andean agriculture workers in their countries. And they also create transportation and retail jobs here at home.

The United States sells its cotton to Andean buyers, who make it into fabric and apparel. And that creates jobs for American farmers and skilled Andean labor. It is precisely this mutual prosperity that has earned the Andean Trade Preferences Act the broad support it commands, even from sectors that have traditionally been wary of trade.

But as important, we must recognize that ATPA benefits are neither handouts nor freebies. To benefit from preferences, each ATPA partner must meet strict eligibility criteria. Beneficiaries must afford internationally recognized worker rights. They must protect and enforce intellectual property rights. They must cooperate in counternarcotics efforts. And they must ensure the integrity of U.S. investments by, among other things, honoring contracts with U.S. investors and abiding by investment decisions made by arbitral panels.

These eligibility requirements are not optional. If a country does not comply, it should not receive ATPA benefits. Actions have consequences. The U.S. will notice and take into account actions in ATPA countries that unfairly hurt U.S. interests. Ecuador, in particular, has taken actions in recent years that call into question its intention to abide by the ATPA conditions related to investment. These developments are, at best, discouraging. At worst, they might be disqualifying.

In the next few months, I will work with Senator GRASSLEY and others to closely monitor whether our ATPA beneficiary countries meet these eligibility criteria. And I will work to monitor whether the administration is doing enough to enforce them.

ATPA is good policy. But, as with most policies, hard work can make it better. As in the past, I will continue to work with opponents and supporters to ensure that all of the elements of the program are upheld. I will work to see that not just the trade benefits, but the eligibility requirements as well, are upheld. When everyone is playing by the rules, we will have a comprehensive program that is as good for the United States as it is for Peru, Colombia, Bolivia, and Ecuador.

Mr. GRASSLEY. Mr. President, this week the House passed a 10 month extension of our unilateral trade preferences for Colombia, Peru, Ecuador, and Bolivia, and today it is the Senate's turn to consider the issue. I want to take a moment to explain why I have decided to agree to support this 10 month extension.

As my colleagues know, I have been critical of the operation of these trade preferences for quite some time. Last year, reported developments in Ecuador and Bolivia led me to question the commitment of their respective Governments to upholding the democratic rule of law, honoring contracts and other legal obligations, protecting civic freedoms such as freedom of the press, and fully partnering with us in the fight against traffic in illicit narcotics. In that context, I have questioned why we should renew these particular trade preferences, which we provide in addition to the broad preferences that we give to developing countries under our separate Generalized System of Preferences program.

More generally, I have questioned why we should continue to extend unilateral trade preferences when our farmers and manufacturers deserve to enjoy reciprocal trade benefits. I realize that we advance our national interest by fostering the creation of legitimate economic opportunities in the four Andean beneficiary countries. There need to be viable alternatives in the region if we are going to succeed in the fight against illicit narcotics. And the Andean trade preferences have been a good start. But I continue to question how unilateral trade preferences provide a basis for truly sustainable economic development over the long term.

On the other hand, a permanent, reciprocal, open trading relationship would appropriately address each of those questions. That is what we should be aiming for. Not only would it provide a level playing field for both sides, it would facilitate the establishment of strong long-term economic relationships through mutually beneficial trade and investment. That is one of the reasons why implementation of our trade promotion agreement with Colombia is my top priority on the trade agenda this year.

On balance, I have concluded that this 10 month extension of Andean trade preferences will allow us to accomplish a number of things. It will allow for the smooth entry into force of our trade agreement with Peru. It will avoid economic disruption in Colombia as we strive to implement our trade agreement with that critical ally. And it will extend an opportunity for Ecuador and Bolivia to engage us in a deeper dialogue on the direction they want to see our bilateral economic and political relationships take going forward. But let me be clear. Today's extension should not be interpreted as a sign that Andean trade preferences are a de facto perpetuity. They are not. I intend to continue my oversight of this program in advance of its expiration at the end of the year. Whether this program is again extended, or in what form, or for which countries, remains an open question.

In the meantime, I will continue monitoring a number of important concerns. For example, the Government of Ecuador has indicated that the U.S. lease to the Eloy Alfaro airfield will not be renewed when it expires in 2009. That is, of course, Ecuador's sovereign right. But we should not wait until the lease expires to discuss how our cooperative efforts to combat traffic in illicit narcotics can be augmented in order to offset the loss of this access. I am also concerned about expanded cultivation of coca leaf. Just this past Saturday, the New York Times reported on how the rollback of restrictions on coca growing since President Morales took office in Bolivia has contributed to surging drug use in Argentina and Brazil. We need to focus on cultivation just as much as on eradication in the fight against drugs.

With respect to investment disputes, it is essential that legal obligations be fully honored. That includes honoring arbitral awards once they become final. It also includes honoring contracts and the mutual settlement of claims involving prior disputes. Separately, I am disappointed that we haven't been able to fully resolve some of our differences in agricultural trade. For example, with respect to beef, Colombia and Peru comply with the standards of the World Organization for Animal Health, which sets benchmark standards for the World Trade Organization, by permitting the importation of all U.S. beef. In contrast, Ecuador and Bolivia continue to reject these international standards. Ecuador restricts U.S. beef imports to only boneless beef from cattle under 30 months of age, while Bolivia prohibits imports of all U.S. beef. In addition, Ecuador committed to phase out its agricultural price-band system by 2001 as part of its World Trade Organization accession package, but the Government has yet to do so. Ecuador's price-band inhibits U.S. exports of wheat, rice, barley, corn, soybeans, poultry, pork, and powdered milk to Ecuador. Such failures to live up to existing trade obligations undermine the case some make for an extension of trade preferences. I would also expect all four Andean beneficiary countries to actively support efforts to conclude an ambitious agreement in the Doha Development Round negotiations of the World Trade Organization. Finally, I will continue to assess our respective bilateral relations on a political level, as well as monitor the status of protections extended to civic freedoms such as freedom of the press.

In closing, I want to make clear that I am very much interested in strengthening our relations with each of the four Andean beneficiary countries. But it takes cooperation on all sides to make that happen. Colombia and Peru have certainly demonstrated a reciprocal interest in stronger relations. I hope to see a similar demonstration on the part of Ecuador and Bolivia in the months to come with actions that are commensurate with words. I am also going to call upon the administration to review conditions in Ecuador and Bolivia in order to help me evaluate the concerns that I have identified and determine whether changes are warranted if the program is to be extended beyond the end of this year.

Mr. CRAPO. Mr. President, I rise today regarding the extension of the Andean Trade Preference Act, ATPA. This program, which has been in place for approaching two decades, has broadened economic opportunities in Bolivia, Colombia, Ecuador, and Peru as an alternative to illegal drug production and trafficking. With the current extension of this program expiring tomorrow, it is important that Congress is acting this week to extend the program for an additional 10 months. The extension should allow necessary time for passage of the U.S.-Colombia FTA, implementation of the Peru FTA, and continued commerce for Andean producers and U.S. consumers and importers.

However, this extension does not minimize the continued need for the timely advancement of the U.S.-Colombia Free Trade Agreement, FTA, which would deepen our two nation's important relationship, broaden market opportunities for U.S. producers and companies, and provide longer term certainty for Colombian exporters and workers that short-term ATPA extensions do not provide. We must do all that we can to maintain and improve our Nation's global competitiveness and relations throughout the world, and the U.S.-Colombia FTA is a much needed step in the right direction for providing economic opportunities for Americans through reciprocal trade treatment for U.S. products. For example, the U.S.-Colombia FTA would provide immediate duty-free access for fresh potatoes and almost all processed potatoes. Currently, Colombia's WTO tariff bindings on potatoes and potato products range from 70 to 102 percent and applied tariff rates range from 5 to 20 percent. This is just one example of the areas where the U.S. stands to gain improved access into one of the region's fastest growing markets through this agreement.

Additionally, as with all trade preferences and agreements, the requirements must be fully enforced. The U.S. is providing special trade preferences to these countries through this program, and with that comes a responsibility to comply with the standards and obligations set forth in ATPA. Our ATPA partner countries must treat U.S. investors consistently with current ATPA eligibility.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the third reading and passage of the bill.

The bill (H.R. 5264) was ordered to a third reading, was read the third time, and passed.

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## PROVIDING FOR THE CONTINUED MINTING AND ISSUANCE OF CERTAIN $1 COINS IN 2008

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5478 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 5478) to provide for the continued minting and issuance of certain $1 coins in 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5478) was ordered to a third reading, was read the third time, and passed.

## EXPANDING PASSENGER FACILITY FEE ELIGIBILITY

Mr. CASEY. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 996 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 996) to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 996) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 996

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXPANDED PASSENGER FACILITY FEE ELIGIBILITY FOR NOISE COMPATIBILITY PROJECTS.**

Section 40117(b) of title 49, United States Code, is amended by adding at the end the following:

"(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

"(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility fee imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

"(i) the Secretary determines that the building is adversely affected by airport noise;

"(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

"(iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

"(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

"(v) the project otherwise meets the requirements of this section for authorization of a passenger facility fee.

"(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.".

## STAR PRINT—S. 22

Mr. CASEY. Mr. President, I ask unanimous consent that S. 22 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 81-754, as amended by Public Law 93-536 and Public Law 100-365, appoints the Senator from Maryland, Mr. CARDIN, to the National Historical Publications and Records commission, vice the Senator from Connecticut (Mr. Dodd).

The Chair, on behalf of the Republican leader, pursuant to the provisions of Public Law 110-161, appoints the following individuals to serve as members of the National Commission on Children and Disasters: Ernie Allen of Virginia and Merry Alneta Carlson of Alaska.

The Chair announces, on behalf of the Republican leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, the appointment of the following Senators as members of the Senate National Security Working Group for the 110th Congress: the Senator from Minnesota, Mr. COLEMAN, as cochairman and the Senator from Ohio, Mr. VOINOVICH.

## ORDERS FOR FRIDAY, FEBRUARY 29, 2008

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Friday, February 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to H.R. 3221, the legislative vehicle to be used for the Foreclosure Prevention Act of 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. CASEY. Mr. President, tomorrow the Senate will resume consideration of the motion to proceed to the housing legislation. There will be no rollcall votes during Friday's session of the Senate. The next vote is expected to occur at approximately 5:30 p.m. on Monday.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Friday, February 29, 2008, at 10 a.m.

# EXTENSIONS OF REMARKS

## HONORING THE YOUNG SCIENTISTS FROM CLOUDCROFT MIDDLE AND HIGH SCHOOLS

### HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. PEARCE. Madam Speaker, I rise today to recognize young scientists from the Cloudcroft Middle and High schools in my district who recently competed against over 3,000 students from across New Mexico in the New Mexico Science Olympiad. Each school placed third in the overall team awards. Leading to their third place finishes, these students from Cloudcroft were also recognized in almost all of the 40 different science categories. These categories range from those we are most familiar with like biology and chemistry, to the newer fields in science and technology like robotics and forensic science.

Just like the students before them who competed and raised the bar, these two teams from Cloudcroft have risen to the challenge, and in so doing, push future students to even greater success. As these teams continue to push the envelope and inspire other students, I have full confidence that future teams from Cloudcroft will soon find themselves at the national competition held each year in Washington, DC.

Among the highlights of Cloudcroft's showing at the NM Science Olympiad are the achievements of two seniors, Sean Henry and Ann Birch. These students received highly sought-after scholarships to the New Mexico Institute of Technology. Only 10 of these awards are set aside for top scoring students. I am pleased their talents have been recognized and wish them the best of luck as they continue their education.

New Mexico has a rich history of conducting cutting-edge science research and development, and these students embody the innovative spirit that we associate with science and technology in New Mexico. These talented students will play an increasingly important role in our society. They are the future of science and technology in our State and I am impressed with their accomplishments. On behalf of the people of the Second District of New Mexico, I congratulate these students, their teachers, and families for their tremendous achievement.

## FREEDOM FOR JUAN BERMÚDEZ TORANZO

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Juan Bermúdez Toranzo, a political prisoner in totalitarian Cuba.

Mr. Juan Bermúdez Toranzo is vice president of the Cuban Foundation for Human Rights. On November 21, 2007, Mr. Bermúdez was participating in a peaceful fast at his home in support of the political prisoners kept in repressive and inhumane conditions in Cuba's gulags. That evening 30 police and state security thugs stormed Mr. Bermúdez's home and dragged him into a police car.

According to Amnesty International the arrest of Mr. Bermúdez was part of an increasingly arbitrary crackdown against dissidents because of their involvement in peaceful protests. The unjustified arrests by the totalitarian regime's goons were aimed at discouraging demonstrations against the government, particularly on December 10, International Human Rights Day. International Human Rights Day honors the day of the United Nations General Assembly's adoption and proclamation of the Universal Declaration of Human Rights, the first global declaration of human rights.

Just last month a sham regime court held proceedings in secret, "convicting" Mr. Bermúdez of "revealing state secrets," and sentencing him to 12 years in prison. But the regime hooligans were not content with the 12-year prison sentence. They wanted to send a message to future political dissidents by first putting Mr. Bermúdez in a punishment cell and denying him clothes and water. They also constantly subjected Mr. Bermúdez to psychological torture.

The inhumane conditions in the totalitarian regime's prisons took their toll on Mr. Bermúdez and he allegedly attempted to commit suicide.

This is not the first time Mr. Bermúdez has faced the brutality of the Cuban totalitarian-gangster regime. Last March while leaving the Rosa Parks Independent Library at the U.S. Interests Section, the regime's secret police arrested Mr. Bermúdez. After his release he said that he would continue his opposition to the dictatorship and his work for human rights.

After Mr. Bermúdez's arrest by regime thugs, known as the "National Revolutionary Police Unit," between 15 and 25 human rights activists carried out a sit-in in front of the "National Revolutionary Police Unit," demanding the release of Juan Bermúdez Toranzo. The sit-in included Ms. Nery Castillo, the wife of Mr. Bermúdez Toranzo. Because of her participation she has been subjected to harsh intimidation by regime goons. These goons warned her that if she did not leave the sit-in they would take away her children.

Madam Speaker, it is unconscionable that human beings are locked in a barbarously inhumane gulag because they believe that all men and women have a right to freedom and democracy. My colleagues, we must demand freedom and human rights for all people, including those who live under the darkness of totalitarian tyrannies. We must demand immediate and unconditional freedom for Juan Bermúdez Toranzo and every prisoner of conscience in totalitarian Cuba.

## TRIBUTE TO JOHNNIE L. ALBERTSON

### HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Ms. VELÁZQUEZ. Madam Speaker, I rise today to honor the life and achievements of Johnnie L. Albertson, a 32-year employee of the Small Business Administration who died on December 26, 2007, at the age of 83. She leaves behind a legacy of leadership, especially in her dedication to equal rights and the development of programs to improve the success rate of minority- and female-owned small businesses.

Following a career in business and advertising, Ms. Albertson served at the Small Business Administration from 1973 until her retirement in 2005. She was the first Associate Administrator for the Small Business Development Center program and proved instrumental in the success of the initiative, which assists more than 600,000 small businesses every year. In recognition of her outstanding service, Ms. Albertson was the first recipient of the SBA's Lifetime Achievement Awards, and was honored with the Silver Medal for Meritorious Service for her work developing a national training program for women entrepreneurs.

Johnnie Albertson broke through gender and class barriers at every stage of her life. During World War II, she served in the Women's Air Force Service Pilots corps as a pilot and ferried replacement aircraft across the Pacific. She later became the first female to sell advertising space for three major newspapers: The Washington Post, The New York Times and the New York Herald Tribune. At the Small Business Administration, she rose to become the first female Senior Executive—the highest rank possible for a civil servant without a congressional appointment.

Born in North Carolina, Ms. Albertson was self-educated and a voracious reader. She overcame many difficulties in her life, including the loss of her parents at a young age, to achieve great successes. Beloved by all who met her, she is remembered by her friends and family for her outrageous and irreverent sense of humor, owl glasses, love of jazz music, generosity, and fierce determination.

It is my honor, as chairwoman of the Small Business Committee, to acknowledge Johnnie Albertson's life accomplishments and celebrate her contributions to small business, entrepreneurship, and our nation as a whole. She was an inspiration to many and a friend to all. Her pioneering spirit, courage, and leadership will be missed, but her legacy will endure.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## 100TH ANNIVERSARY OF LARKSPUR, CALIFORNIA

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Ms. WOOLSEY. Madam Speaker, today I rise with great pleasure to celebrate the 100th anniversary of the incorporation of Larkspur, California, one of the most beautiful cities in my district, and one of only three cities whose distinctive character have gained them listing on the National Register of Historic Places. Larkspur received this official recognition because it typifies the smalltown look of turn-of-the-19th century California.

From its origins as part of a Mexican land grant through its logging days to its late 19th century status as a risqué resort, Larkspur became just a small town where the well-off came to escape the freezing San Francisco summers.

Larkspur, like many Marin County towns, evolved after the 1906 San Francisco earthquake. "What really started Larkspur was the earthquake," explains Helen Heitkamp, member of the city's Heritage Preservation Board and a local historian who helped write the book Larkspur Past & Present, A History & Walking Guide. "After the earthquake, the people who had summer cottages came to stay and that started that first big push."

But becoming a city wasn't as easy as it sounds, says Mayor Kathy Hartzell.

"They held their vote in August, 1907 and in February 1908, the county said OK. On March 1, 1908 the city was incorporated." However, one of the town's leading residents, Jean Escalle, brought suit against the city on the grounds there was inadequate notification of the election and the polls closed too early! It wasn't until 1911 that the courts ruled in favor of Larkspur. Escalle, by the way, went on to serve as a city council member, the mayor notes.

Noted for its beautiful setting, the Larkspur of the early 20th century wasn't as pretty as it is today. Clear-cut logging had decimated the forests and denuded the hillsides. In fact, says Heitkamp, "when the city was first formed, you needed a permit to cut trees because the hills were bare and they were trying to grow trees."

At that time, too, the original highway was mapped so that the main street through downtown Larkspur—called Magnolia Avenue—served as the major access road for much of Marin. Its character now, through restrictions by the Historic Register, looks much the same as it did 100 years ago.

A walk along Magnolia Avenue—from Mission Revival-style City Hall to the 1930s Art Deco-style Lark Theater three blocks away—encompasses the history of Larkspur. Along the way is the false-front building where the Silver Peso, the town's only bar, now resides. Built in 1890 as a blacksmith's shop, its walls still show the original double doors where wagons and buggies came in and out. The building next to it—the one that now houses the pool table—was the city's first firehouse. On the corner down the street stands the Blue Rock Inn, built in 1895, whose rooms have since been converted to apartments. On the street level, celebrities can often be seen dining at the sidewalk tables of its French restaurant, the Left Bank Brasserie. Downtown Larkspur, also designated as a State historic site, spans more than a century of architecture.

Preservation efforts begun in the 1970s have not only kept the smalltown character but have controlled new development. Heitkamp notes that these efforts also helped Larkspur maintain its beautiful surroundings. No longer set among tree stumps, the city is now resplendent in oaks, redwoods, madrones and other trees. Larkspur citizen groups have bought up the hills, Heitkamp says, "so that our backdrop for the city has also been preserved."

Of course, a city is more than its architecture, its setting, or its natural environment. Most of all, a city is its people. I am proud to say that the people of Larkspur are as charming, diverse and beautiful as the city itself.

The year-long centennial celebration will kick-off on Saturday, March 1, with a gala birthday party and parade from City Hall to Hall Middle School. The "Meet Me in Larkspur" centennial activities will continue throughout the summer and culminate with the city's famous Rose Bowl Dance, a tradition that made Larkspur a romantic destination for many years.

I am proud to represent the people of Larkspur, Madam Speaker, and I ask that you join me in congratulating them on their accomplishments of the past 100 years and wishing them the best for the next century.

* * *

## IN HONOR OF OFFICER TODD M. MYERS, PUBLIC SAFETY OFFICER MEDAL OF VALOR RECIPIENT

### HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. MURPHY of Connecticut. Madam Speaker, I rise today in recognition of a hero. Heroism is a word we use a lot these days, and in a world beset by such real and mounting dangers, it's understandable that we're always in the market for a guardian angel or two. Still, I believe we could all learn something from the real-life heroism of Officer Todd M. Myers of Simsbury, Connecticut.

On July 29, 2005, Officer Myers was out of uniform and making his way to work when he witnessed a dump truck careen out of control and race down Avon Mountain, scattering cars and bursting into flames. Driven by little else than his impulse to help, Officer Myers plunged himself into the harrowing crash site, cutting a trapped woman from her car while exploding gas tanks left him with first- and second-degree burns. Rescuing several others, Officer Myers stayed at the scene with the injured until proper paramedic care could be administered. No one told him to help, and he certainly was under no obligation to do so as an out-of-uniform officer—but none the less, Officer Myers was compelled to place the welfare of others before his own.

This past December, to honor his courage and selfless sacrifice, the President of the United States will bestow the Public Safety Officer Medal of Valor to Officer Myers—an honor which has been bestowed on only a few of the most heroic Americans. Just as countless men and women risk their lives overseas every day in our military, men and women like Todd Myers carry the equally solemn duty of protecting America here in our towns, neighborhoods, and communities. We are all deeply indebted to Officer Myers and the unsung public safety officers across the country just like him, and I wish to extend my sincere congratulations to him and his family.

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## A TRIBUTE TO THE UNITED STATES PHARMACOPEIAL CONVENTION

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the United States Pharmacopeial Convention on the inauguration of its expanded headquarters in Rockville, Maryland. Since 1820, the U.S. Pharmacopeial Convention has established standards for drugs, both manufactured and compounded, and more recently for foods, including dietary supplements and food ingredients. These standards are developed by hundreds of volunteer experts from all over the Nation and the world.

The U.S. Pharmacopeial Convention plays a vital role in our Nation's efforts to promote public standards and help ensure the integrity of our Nation's food and drug supply. The organization's standards are widely recognized in the United States and around the world because they are authoritative, science-based, and developed through a transparent and credible process with established integrity. For this the U.S. Pharmacopeial Convention's work is recognized truly as the "standard of quality".

Since the 19th century, Congress has continually enacted laws that bring United States consumers the best, the most beneficial and the safest food and drugs in the world. These laws tie the Food and Drug Administration and the United States Pharmacopeial Convention together as premier public health bodies. They support the enterprising spirit of our Nation's citizens who have brought forth an abundance of life-saving drugs.

Recent incidents at home and abroad demonstrate the continued importance of protecting the public and ensuring our drugs and food are safe. The U.S. Pharmacopeial Convention deserves our thanks for its efforts to protect the health of our families. From the medicines that heal our Nation's people to the food that nourishes us, the organization is working to ensure our safety.

Madam Speaker, I ask that you join with me today to honor the U.S. Pharmacopeial Convention and recognize it for its commitment to public health. It is with great pride that I congratulate the U.S. Pharmacopeial Convention for its work over 188 years and encourage its volunteers in continuing their exemplary standards-setting activities in the years to come.

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## RECOGNIZING ANNA NOVIKOVA FOR HER SERVICE AS A CONGRESSIONAL PAGE

### HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Ms. BEAN. Madam Speaker, I rise today to recognize Anna Novikova, a young woman from Illinois' Eighth District who I was proud to sponsor as a Congressional Page for the 2007 fall session.

Anna, who currently lives with her family in Palatine, Illinois, stands as an example of what can be accomplished through a combination of hard work, enthusiasm, and determination.

Born in Russia as the Soviet Union collapsed in 1991, Anna immigrated to America at age 5. Since that time she has taken full advantage of the myriad opportunities available to those of us who are lucky enough to come of age in America. She has excelled academically, mastering the English language at an early age, participating in her primary school's Gifted Child program, and winning the prestigious American Legion Award for writing.

At Palatine High School, she participates in the Foreign Language Honor Society and placed as top sophomore in the Illinois Math League contest. In addition to these intellectual accomplishments, Anna is a talented pianist, a member of her school's choir and newspaper, and a dedicated athlete, running on the varsity cross country and track teams. Appropriately, she was nominated to Palatine High School's A–Team for achieving excellence in Athletics, Activities, Arts and Attitude.

When Anna applied to come to the House of Representatives as a page, she told me that she wanted to do so not only because of the unique opportunity to take part in our democratic process, but also in order to give back to her country. She certainly held up her part of the bargain, serving honorably as a Congressional Page while excelling within the academic curriculum at the Page School.

At the Page Departure Ceremony at the end of her term, Anna received awards that demonstrate two of her most apparent attributes: intelligence and dedication. She was honored for her performance in the classroom—particularly her expertise in economics—with the Ronald Weitzel Award, which is awarded to one page each term who demonstrates excellence in social studies. She was also recognized as having perfect attendance this semester at the Page School.

At the close of her term as a page, Anna said that the firsthand view of Congress has not disillusioned her about our political process. Rather, she feels incredibly lucky to have spent her days on the floor of the House of Representatives, heard our impassioned debates over SCHIP in person, and been present when the Dalai Lama addressed Congress. She came to Washington interested in trade, immigration, and gay rights, and is leaving passionate about the same issues but with more nuanced views on them.

Anna said while she has loved her time as a Congressional Page, she is also excited to return to Illinois to resume her extracurriculars that benefit others, including leading her school's chapter of Students for Obama in an effort to engage her fellow students in the political process. In the future, she plans to work in the public sector either as a diplomat or in some aspect of domestic politics.

Upon completing her term as a Congressional Page, Anna added another impressive accomplishment to her record. Just as importantly, she did so while maintaining something that many Americans often take for granted—optimism, hope, and belief in the potential of our democratic system.

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## IN MEMORY OF WILLIAM F. BUCKLEY, JR.

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. WILSON of South Carolina. Madam Speaker, I rise today to remember a founder of the modern conservative intellectual movement, William F. Buckley, Jr., who passed away yesterday morning.

Mr. Buckley was a man of all trades—author, soldier, musician, activist, editor, television personality, among others. Above all, he was a true patriot who believed in the ideals of limited government and the promotion of individual freedoms. Those goals were embodied in his extraordinary publication, National Review, which brought to light the mainstream conservative values that many Americans cherish and upon which our Nation was founded promoting victory in the Cold War.

Since high school, I have been an avid reader of National Review. I was inspired not only by the commonsense ideas that Mr. Buckley espoused, but just as much by his passion and dedication to those principles. He brought an uncanny wit and intellectual quality to his speeches and writings which endeared him to many—even those who disagreed with him.

Our thoughts and prayers are with the Buckley family during this time. William F. Buckley, Jr., made a positive difference for America.

In conclusion, God bless our troops, and we will never forget September 11.

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## HONORING CALVARY CHRISTIAN SCHOOL

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. WESTMORELAND. Madam Speaker, I rise today to recognize Calvary Christian School in Columbus, Georgia, for their recent "Celebrate America" presentation, and their patriotic commitment to their country.

In a critical time in our Nation's history, with a consistent threat against freedom being declared against the United States of America and our allies, it is vital that the citizens of the United States remember that freedom is not free. Men and women of the United States Armed Forces serve around the world in an attempt to keep the citizens of America free and safe. Our soldiers are willing to pay the ultimate price for the freedom that we enjoy each and every day, and as Americans, we must not ever forget their sacrifice. It is of the utmost necessity that we continue to recognize our freedom and those that continue to ensure that our liberty remains. Too often, we overlook our freedom as a common occurrence.

In early 2008, the faculty, staff, and students of Calvary Christian School demonstrated their patriotism on February 7, 2008, and February 15, 2008, in the presentation of "Celebrate America", which was a time of reflection on all things American, including music, free speech, veteran recognition, active-duty military appreciation, and other displays of nationalism. For this reason, I would like to recognize before the U.S. House of Representatives the commitment of Calvary Christian School, its faculty, staff, and students for their patriotism. I sincerely hope that these actions encourage other schools, organizations, and individuals to follow the example of nationalistic devotion displayed by the school in this presentation.

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## PERSONAL EXPLANATION

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, on Wednesday, February 27, 2008. I was unavoidably detained and thus I missed rollcall votes No. 78 through 84. Had I been present, I would have voted in the following manner:

On rollcall vote No. 78, the motion to consider the resolution, I would have voted "nay." On rollcall vote No. 79, on approving the Journal, I would have voted "nay." On rollcall vote No. 80, on ordering the Previous Question, I would have noted "nay."

On rollcall vote No. 81, on agreeing to the rule for H.R. 5351, Renewable Energy and Energy Conservation Tax Act, I would have voted "nay." On rollcall vote No. 82, on motion to table the appeal of the ruling of the Chair, I would have voted "nay."

On rollcall vote No. 83, on the Motion to Recommit on H.R. 5351, Renewable Energy and Energy Conservation Tax Act, I would have voted "nay." On rollcall vote No. 84, on passage of H.R. 5351, Renewable Energy and Energy Conservation Tax Act, I would have voted "nay."

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## PERSONAL EXPLANATION

### HON. RIC KELLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. KELLER of Florida. Madam Speaker, I have remained in Orlando, Florida with my wife as she prepares to give birth to our second child. If I had been present yesterday, I would have voted in the following manner: rollcall 78: "nay"; rollcall 79: "nay"; rollcall 80: "nay"; rollcall 81: "nay"; rollcall 82: "nay"; rollcall 83 "nay"; and rollcall 84: "nay."

## INTRODUCTION OF THE "NEW EMPLOYEE VERIFICATION ACT"

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. JOHNSON of Texas. Madam Speaker, the lure of employment opportunities in the United States has long been acknowledged as a major reason for immigration—both legal and illegal. Those in Congress know I'm for combating illegal immigration. As the ranking member on the Social Security Subcommittee, I, along with several of my subcommittee colleagues, offer an important new component in the immigration reform debate.

Employers want, need, and deserve a reliable employee verification system, and I want to give it to them. Every day, countless immigrants enter our country seeking the economic opportunities that a job in this country has to offer. Many play by the rules, wait their turn, and obtain the proper permission to work. That is called legal immigration, and I am all for it.

But when it comes to enforcing the law for those who do not play by the rules, it can't be done. That is because enforcement is based upon a failed system that is prone to both error and fraud. The result is an illegal immigrant population that has swelled by some estimates to over 12 million. This is a path our Nation cannot sustain, and the American people have rightly demanded action.

The bill we are introducing today is designed to achieve three important objectives: first, ensure a legal workforce; second, safeguard workers' identity; and finally, protect Social Security.

First, this legislation draws upon lessons learned from the past to help guarantee a legal U.S. workforce for the future. The current failed, paper-based I-9 screening process is replaced with an Electronic Employee Verification System, to be known as EEVS. This system would rely on the use of fewer, more secure identity documents and would be built upon the new hire reporting process already existing in each State. This reporting process is used by 90 percent of employers and was put in place a dozen years ago to track down deadbeat dads.

For Americans, work authorization would be confirmed only through the Social Security Administration. This ensures that there is no "Big Brother" law enforcement agency building new databases on law-abiding citizens. For noncitizens, work authorization would be confirmed through the Department of Homeland Security that has the databases on visa and immigration status.

Second, the legislation would help safeguard workers' identity. A voluntary system would be created using the latest technology to authenticate and protect a worker's identity. Private sector contractors, certified by the Federal Government, would authenticate the identity of employees by utilizing existing background-check and document screening tools and then safeguard the identity through a biometric identifier, such as a fingerprint or eye scan. The private sector provider would then verify work authorization in EEVS.

Think back to December 2006 and the now widely known Swift and Company raids. Nearly 1,300 workers in 6 States were arrested, including many in Cactus, Texas. A Swift and Company human resources official testified before a House panel that Swift had willingly participated in the government's voluntary verification program for Social Security numbers since 1997. This shows the system is broken and must be fixed.

Third, this legislation would protect the Social Security program by preventing wages earned through future unauthorized work from being used to determine benefits. Also the bill would protect the Social Security Administration's primary mission and trust funds by authorizing employment verification only through funds appropriated in advance.

So far, efforts to pass comprehensive immigration reform legislation have failed. Today we offer a new way forward for this Congress to discourage unauthorized workers from entering this country illegally to seek work. Ensuring a legal workforce must be a key component of any immigration bill moving through Congress.

I look forward to working with my colleagues to build on this proposal to achieve a bipartisan solution to immigration reform.

## HONORING BROOKE EDWARDS

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. WESTMORELAND. Madam Speaker, I rise today to recognize an essay written by Brooke Edwards, a fourth grader from Flippen Elementary School in McDonough, Georgia. Her school sponsored a writing contest in which students answered the ever patriotic question, "Why I'm Proud to be an American." It is stories like these that inspire all citizens. I am proud to report to the U.S. House of Representatives that Brooke won first place in the contest, I would like to submit her essay into the CONGRESSIONAL RECORD for all Americans to read.

WHY I'M PROUD TO BE AN AMERICAN

My name is Brooke Edwards and I'm a fourth grader. I go to Flippen Elementary School in McDonough, Georgia. I'm proud to live in Georgia because it is in the United States and I'm proud to be an American. What do I like about America? I like our freedom, military, and our 4th of July.

My first reason why I'm proud to be an American is freedom. I like our freedom because we don't have kings or queens bossing us around. For example, England has a queen. We can vote for our presidents. In America we have a choice that other countries don't have.

My next reason is our military. Brave men and women fight everyday all around the world for our freedom. We wouldn't be free if we didn't have the military. We have men and women who are veterans. They served our country and made me feel proud.

My final reason is our 4th of July. On the 4th of July, we celebrate our freedom and have fun too. We also celebrate our flag on the 4th of July because it stands for America. I love the 4th of July!

There are many reasons I like being an American. I like our freedom, military, and our 4th of July. These are my favorite parts of America.

## WILLIAM BARRETT TRAVIS

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. POE. Madam Speaker, it all started way back in 7th grade, Mrs. Wilson made Texas history come alive and my fascination with Texas legends like Sam Houston, Davy Crockett, James Bowie, and of course my personal favorite, William Barrett Travis, took root. It was this month, 172 years ago, that Travis, a 27-year-old lawyer, penned the most famous letter in Texas history from behind the walls of a besieged, rundown mission in San Antonio.

> "To the people of Texas and all Americans in the world, fellow citizens and compatriots, I am besieged by a thousand or more of the enemy under Santa Anna. I have sustained a continual bombardment and cannon fire for over 24 hours, but I have not lost a man.
>
> The enemy has demanded surrender at its discretion. Otherwise, the fort will be put to the sword. I have answered that demand with a cannon shot. And the flag still waves proudly over the north wall.
>
> I shall never surrender or retreat. I call upon you, in the name of liberty and patriotism and everything dear to the American character, to come to my aid with all dispatch. If this call is neglected, I am determined to sustain myself for as long as possible, die like a soldier who never forgets what is due his honor and that of his country. Victory or death.

As a child, I was so intrigued by this letter. I would always be the first in my class to volunteer to play Travis at any given opportunity, if only just to read his words aloud. To me, he was the ultimate hero. Travis and his rag-tag group of relentless freedom fighters, made up of men from nearly every State in the Union and 13 foreign countries, including Mexico, held off an entire army of several thousand for 13 days. Defeat was not an option. Retreat was never on the table. Victory or death. And the rest is—as they say—Texas history.

History teaches us everything we need to know, if we just look. This letter was written nearly 2 centuries ago and its message still rings true today. It's a story of "liberty and patriotism and everything dear to the American character." Freedom is still worth dying for. And to do so as a soldier, "is what is due his honor and that of his country."

Travis believed these words, believed that the cause for independence was his life. Our freedom fighters today understand these words as well, they know that America is worth fighting for and that defeat is not an option. We must not neglect the call.

Unfortunately, the call for help was not answered in time. Commander Travis and 187 volunteers sacrificed their lives on the altar of freedom after 13 glorious days at the Alamo.

The youngest to die for Texas was 15-year-old William Phillip King. The oldest to die was Gordon C. Jennings. He was 56. Their sacrifice would later be remembered along the banks of the San Jacinto as GEN Sam Houston led the Texans to victory and freedom. But their courage will never be forgotten.

Travis isn't just my favorite Texas war hero, he has intertwined himself throughout my life and even the lives of my children and grandchildren. He is the inspiration behind my profession. I always wanted to be a great lawyer like William Barrett Travis. My grandson, Barrett Houston, is even named after Travis. Inscribed along the bottom of my stationery are his words, "I shall never surrender or retreat," and for as long as I can remember, I end every letter with his famous words, "God and Texas." Because of men like William Barrett Travis, Texas is the great State that it is today. His legacy embodies the passion and loyalty that make Texans stand out around the world.

And that's just the way it is.

DEFENDERS OF THE ALAMO WHO SACRIFICED THEIR LIVES

Alabama: James Buchanan, William Fishbaugh, Galba Fuqua, Issac White.

Arkansas: Issac G. Baker, Jesse G. Thompson, Henry Warnell,

Connecticut: Gordon C. Jennings.

Georgia: Albert (Alfred) Calvin Grimes, William T. Malone, Elice (Eliel) Melton, Manson Shied, William Wells, William Wills

Illinois: Jonathan L. Lindley.

Kentucky: Peter James Bailey III, James Bowie, Daniel William Cloud, Jacob C. Darst, John Davis, William H. Fauntleroy, John E. Gaston, John Harris, William Daniel Jackson, Green B. Jameson, John Benjamin Kellogg, Andrew Kent, Joseph Rutherford, B. Archer M. Thomas, Joseph G. Washington.

Louisiana: Charles Despallier, James W. Garrand, Joseph Kerr, Isaac Ryan.

Maryland: Charles S. Smith.

Massachusetts: John Flanders, William D. Howell, William Linn, Amos Pollard.

Mississippi: M.B. Clark, Isaac Millsaps, Willis A. Moore, George Pagan, Christopher Adams Parker.

Missouri: William Charles M. Baker, George D. Butler, Charles Henry Clark, George Washington Cottle, Jerry C. Day, George W. Tumlinson.

New Hampshire: Robert E. Cochran.

New Jersey: Richard Lucius Stockton.

New York: Robert W. Cunningham, Lewis Dewall, Samuel B. Evans, John Hubbard Forsyth, John Jones, James Tylee.

North Carolina: Micajah Autry, Dolphin Ward Floyd, William Parks, Mial Scurlock, Joshua G. Smith, John W. Thomson, Claiborne Wright.

Ohio: William B. Harrison, Tapely Holland, Robert Musselman, James M. Rose.

Pennsylvania: John J. Ballentine, James Murry Brown, John Cain (Cane), Robert Crossman, David P. Cummings, James Hannum, Samuel Holloway, William Johnson, George C. Kimble (Kimbell), William McDowell, John Purdy Reynolds, John M. Thurston, Hiram James Williamson, John Wilson.

Rhode Island: Albert Martin.

South Carolina: James Butler Bonham, Lemuel Crawford, George Neggan, Edward Nelson, George Nelson, Cleveland Kinloch Simmons, William Barrett Travis.

Tennessee: Joseph Bayliss, John Blair, Samuel C. Blair, Jesse B. Bowman, James (Robert) Campbell, David Crockett, Squire Daymon, William Dearduff, Almeron Dickerson (Dickinson), John Henry Dillard, James L. Ewing, James Girard Garret, Andrew Jackson Harrison, Charles M. Haskell, John M. Hays, William Marshall, Jesse McCoy, Robert McKinney, Thomas R. Miller, William Mills, Andrew M. Nelson, James Waters Robertson, Andrew H. Smith, A. Spain Summerlin, William E. Summers, Edward Taylor, George Taylor, James Taylor, William Taylor, Asa Walker, Jacob Walker.

Texas: Juan Abamillo, Juan Antonio Badillo, Carlos Espalier, Gregorio (Jose Maria Esparza, Antonio Fuentes, Damacio Jimenez, William Phillip King, William Irvine Lewis, William J. Lightfoot, Jose Toribio Losoya, Andres Nava, Richardson Perry.

Vermont: Miles Deforest Andross.

Virginia: Robert Allen, John J. Baugh, William R. Carey, William Garnett, John Camp Goodrich, Patrick Henry Herndon, James Kenny, George Washington Main, Edward F. Mitchasson, Robert B. Moore, James Northcross

Denmark: Charles Zanco.

England: William Blazeby, Daniel Bourne, George Brown, Stephen (or Ireland) Dennison, James R. Dimpkins, James C. Gwynne, William Daniel Hersee, James Nowlan, Marcus L. Sewell, Richard Starr, James E. Stewart, Thomas Waters, Anthony (Avram) Wolfe, son age 12 Wolfe, son age 11 Wolfe.

Ireland: Samuel E. Burns, Andrew Duvalt, Robert Evans, Joseph M. Hawkins, Thomas Jackson, James McGee, Jackson J. Rusk, Burke Trammel, William B. Ward.

Germany: Henry Courtman, Henry Thomas.

Scotland: Richard W. Ballentine, John McGregor, Isaac Robinson, David L. Wilson.

Wales: Lewis Johnson.

Unknown Locale: Robert Brown, Freeman H.K. Day, John E. Garvin, James George, Edward McCafferty, William T. Mitchell, Napoleon B. Mitchell, Thomas H. Roberts, William H. Smith, William Depriest Sutherland, Robert White, John (Last Name Unknown).

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## TRIBUTE TO THE PEACE CORPS 47TH ANNIVERSARY

### HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. GRIJALVA. Madam Speaker, I rise today to recognize the 47th anniversary of the Peace Corps.

Since 1961, when the Peace Corps was created by President John Kennedy in Executive Order 10924 and subsequently authorized by the Congress, 139 host countries have invited 190,000 Peace Corps volunteers into their territories and homes to serve those in need and build mutual understanding, cooperation and respect. Peace Corps volunteers have contributed to improving health, education and basic essential services for an inestimable number of persons in dire need.

I am proud to say that this year, nine Peace Corps Volunteers from the seventh district of Arizona have applied and been chosen to carry on this vital legacy, serving abroad over six continents on this ever-smaller planet.

Of course, the Peace Corps is a uniquely precious legacy of our martyred President, John F. Kennedy. The idea of the Peace Corps is forever linked in American hearts to the spirit of those one-thousand days that were inaugurated with the words, "my fellow Americans: ask not what your country can do for you—ask what you can do for your country."

This message still rings out strong and true in this new century. Love of country still has a powerful and appropriate role in motivating our young people to take up service, and the people of this Nation take proper pride in the noble mission carried out by these young women and men.

I also choose to believe that in this new century, we can also take a broader view of the challenges facing the global community of nations, in the face of global warming and environmental degradation, global health pandemics, and denial to billions of the rights enumerated in the Universal Declaration Human Rights. I choose to believe that we have today a greater capacity to think deeply and act vigorously in response to a new call to service: Ask what you can do for your neighbor, and for your planet.

I offer my deepest respect, gratitude and praise for those many courageous women and men who have answered this clarion call to service, and a special note of recognition to my colleagues, Mr. FARR and Mr. HONDA and their service to this Nation and to humanity.

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## HONORING THE 47TH ANNIVERSARY OF THE PEACE CORPS

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. RAHALL. Madam Speaker, I rise today to recognize the 47th Anniversary of the Peace Corps and in doing so, join many others around the Nation in celebrating National Peace Corps Week. Their mission is to help the people of interested countries in meeting their need for trained men and women while helping to promote a better understanding of Americans on the part of the peoples served, as well as, a better understanding of other peoples on the part of Americans.

Since the establishment of the Peace Corps by President John F. Kennedy in 1961, more than 190,000 U.S. citizens have served their country in the cause of peace by living and working in 139 developing countries. As of September 30, 2007, 8,079 Peace Corps Volunteers are currently at 68 posts serving 74 countries.

I am proud to say that two of those volunteers currently serving their country are from my district in West Virginia. Daniel J. Beck will finish up his 2 year's of service in Guinea this June, while Amelia Dulee-Kinsolving will return from Peru in September.

Peace Corps volunteers have made significant and lasting contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS, youth and the environment.

The 190,000 citizens, who have volunteered to serve their country since 1961, came from all walks of life and represent the best of what the United States has to offer. The work they have done over the past 47 years has played an important role in developing nations and continues to provide opportunities for people of different backgrounds to come together to serve the cause of peace.

## INTRODUCING A RESOLUTION TO ENCOURAGE A NATIONAL TRANSPORTATION SYSTEM CONDUCIVE TO BICYCLING: "THE NATIONAL BIKE BILL"

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. BLUMENAUER. Madam Speaker, today I am introducing a resolution which recognizes that a national transportation system conducive to bicycling produces enriched health, reduced traffic congestion and air pollution, greenhouse gas emission reductions, economic vitality, and an overall improved quality of life which is valuable for the Nation.

Communities across the Nation are seeking to reduce traffic congestion, improve air quality, save energy and enhance neighborhood safety. The Federal Government can assist in those efforts by promoting increased bicycle safety, supporting policies that establish national target levels for bicycle use, increase intermodal travel, provide incentives to State and local government, provide flexibility in Federal transportation law, and encourage partnerships with employers and executive agencies. These changes will benefit all Americans whether they ride their own bikes or benefit from those neighbors who do.

I have witnessed these positive impacts in my hometown of Portland, Oregon, as bike ridership has skyrocketed as modest investments in facilities have improved access and made biking safer. I have no doubt that communities nationwide can reap the benefits of bicycling if the Federal Government provides the right incentives and works with State and local officials on a balanced transportation system.

Ever since I started the Congressional Bike Caucus over 10 years ago, I have seen broad and bipartisan support for bicycling grow with over 170 members from both sides of the aisle standing up for the role bicycles play in our transportation system. I now call on my colleagues to support this legislation that gives bicycling its proper role for our Nation's mobility and health.

## PERSONAL EXPLANATION

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mrs. JONES of Ohio. Madam Speaker, due to events in my district I missed votes held on February 26 and 27. Had I been present the record would reflect the following votes: Tuesday, February 26, H. Res. 974—A resolution providing for consideration of H.R. 3521—"yea"; Wednesday, February 27, H.R. 5351—A bill to provide tax incentives for the production of renewable energy—"yea"; H.R. 5264—A bill to extend certain trade preference programs—"yea".

## CONGRATULATING MURPHEY CANDLER LITTLE LEAGUE

### HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. PRICE of Georgia. Madam Speaker, I rise today to congratulate the Murphey Candler Little League on the celebration of its 50th anniversary. The league has enjoyed enormous success and growth since it was founded, as "Brookhaven Baseball," way back in 1958. But most significantly, Murphey Candler has played a prominent role in the lives of generations of young athletes who learned to love our national pastime on their storied fields.

Currently, over 850 kids play on 71 different teams in 6 separate leagues. Bringing together the entire community, hundreds of parents and family members participate as board members, coaches, managers, scorekeepers, and most importantly, passionate fans. This association of players and parents, rallied around our beloved baseball and a desire to build a fun and positive environment in which to learn, has provided the means for 50 years worth of improvement, growth, and fun.

Instilling the values of determination, teamwork, and fair play, the members and supporters of Murphey Candler Little League have created an enduring source of recreation and community for countless families. I join my colleagues in the United States Congress in offering a sincere congratulation on their 50th anniversary.

## PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Ms. WOOLSEY. Madam Speaker, on February 27, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 78–84.

Had I been present I would have voted:

Rollcall No. 78—"yes"—Providing for the consideration of H.R. 5351, Renewable Energy and Energy Conservation Tax Act. Rollcall No. 79—"yes"—On Approving the Journal. Rollcall No. 80—"yes"—Providing for the consideration of H.R. 5351, Renewable Energy and Energy Conservation Tax Act. Rollcall No. 81—"yes"—Providing for the consideration of H.R. 5351, Renewable Energy and Energy Conservation Tax Act. Rollcall No. 82—"yes"—Renewable Energy and Energy Conservation Tax Act of 2008. Rollcall No. 83—"no"—Renewable Energy and Energy Conservation Tax Act of 2008. Rollcall No. 80—"yes"—Renewable Energy and Energy Conservation Tax Act of 2008.

## INTRODUCTION OF NATIONAL MINER'S DAY RESOLUTION

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. RAHALL. Madam Speaker, an old mining song contains the powerful, but truthful verse:

> A miner's life is like a sailor, aboard a ship to cross the waves,
> Every day his life's in danger, still he ventures, being brave,
> Unlike you or me, a miner goes to work every day, knowing that he is placing his life in grave danger.

A miner goes underground and works with thousands of tons of dirt and rock above him. He works every day knowing that he is surrounded by dangerous, potentially fatal gases. He works in conditions that many of us would never want to have to endure, that many of us cannot even imagine.

I come from a coal mining State, where hardworking, God-fearing miners and their families have helped to forge a proud history and a culture guided by American values.

Every minute a miner is at work, he knows that he is a spark or a slip of a tool away from eternity. He knows that with a spark or slip of a tool, he will not return home that night and never see his family again.

Every minute a miner is at work, he faces gas explosions, equipment failure, roof falls, and fires. Still, as the song says, he "ventures being brave." He must.

Fatality rates in our Nation's coal fields once resembled the casualty lists from the battlefields when our Nation was at war.

December 1907 is remembered in the coal fields as "bloody December." On December 1, a gas explosion killed all 34 men in a mine in Fayette City, Pennsylvania. Five days later, 362 miners perished in the Monongah disaster in West Virginia—the worst industrial accident in American history. Ten days later, an explosion in Yolande, Alabama, killed 57 men. On December 19, Jacobs Creek, Pennsylvania, an explosion killed 239 miners.

Laws, safety inspections, and better, safer equipment, thank God, have helped to reduce the casualty rates among our Nation's miners. But the tragedies in 2006 at Sago and Aracoma in West Virginia reminded Americans that mining is a dangerous profession. That, "every day his life's in danger, still he ventures, being brave."

While facing these enormous dangers, these hard-working, patriotic Americans have continued to produce the raw materials that fueled the Industrial Revolution, the energy that heated our homes, and the resources that ensured our security. Today, miners continue to produce for the betterment of all Americans.

Madam Speaker, I am proud to join my colleague from West Virginia, ALAN MOLLOHAN, in offering this resolution that supports the goals and ideals of a National Miner's Day to celebrate and honor the contributions that miners have made to America throughout our history.

It is a simple, yet very important way a grateful Nation can acknowledge these men and women who have done so much for us, and will continue to do even more throughout our future.

## HONORING THE BALTIMORE CITY COLLEGE HIGH SCHOOL CONCERT CHOIR OF BALTIMORE, MARYLAND

### HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. CUMMINGS. Madam Speaker, today, I congratulate an exceptional high school choir in my district, the Baltimore City College High School Concert Choir of Baltimore, Maryland, which has been chosen to perform at New York City's legendary Carnegie Hall on March 10, 2008.

Baltimore City College High School Concert Choir was selected out of dozens of high school choirs across the country for this performance. The concert will feature 200 students from four states, and is the capstone of Carnegie Hall's yearlong National High School Choral Festival. The concert will be conducted by Dr. Craig Jessop, esteemed Music Director of the Mormon Tabernacle Choir, who has been working with the choirs and their conductors throughout the year. Apart from their world-renowned performances, Carnegie Hall brings innovative music education programs to students across the nation. I am delighted that these young constituents have been given this opportunity.

Led by Linda R. Hall, the Baltimore City College High School Concert Choir performs repertoire drawn from all periods and musical genres and has performed on television, radio, and stages all along the Eastern seaboard and in Canada. The choir has shared the stage with the Baltimore Symphony Orchestra, the Morgan State University Choir, and the Baltimore Choral Arts, and has participated in numerous competitions and adjudications at which they have consistently received superior ratings and numerous awards. The choir has also traveled abroad, performing in Italy, France, and Spain. Choir members adhere to the standards of commitment, consistency, conditioning, cooperation, communication, character, and confidence.

I am honored to have one of the four schools in the nation chosen for the Carnegie Hall National High School Choral Festival residing in the 7th Congressional District of Maryland, which I represent. They should be proud not only of their musical achievement, but their embodiment of the quality musical education the State of Maryland provides. I commend these students and their leaders for their success, and wish them the best of luck on March 10 when they perform at Carnegie Hall.

## HONORING CHIEF I. D. SMITH FOR 16 YEARS OF SERVICE AT THE SEAGOVILLE POLICE DEPARTMENT

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. HENSARLING. Madam Speaker, today I rise to recognize an outstanding citizen and public servant, Chief I. D. Smith, in honor of his retirement from 16 years of service with the Seagoville Police Department.

In 1971, Chief Smith began his law enforcement career as an officer with the West Tawakoni Police Department. Before coming to Seagoville, Chief Smith gained experience serving as a Deputy Chief, Captain, Investigator, and finally Chief for five different police departments.

Chief Smith will be remembered for bringing the police department into the 21st century by improving hiring standards and overseeing the implementation of contemporary law enforcement methods and technology. In addition, he achieved the always difficult, but highly admired, task of providing quality service and protection on a lean budget.

In addition to faithfully serving his community, Chief Smith is a husband to Shirley and proud father and grandfather.

I've been told that Chief Smith plans to spend a lot of time playing golf and fishing in retirement. I hope that he hits all the greens in regulation and that his livewell is always full.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Chief I. D. Smith for his courage in protecting and serving the citizens of Seagoville.

## GREAT LAKES DAY

### HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mrs. MILLER of Michigan. Madam Speaker, I rise to welcome all of the advocates that have come to Washington today for Great Lakes Day. Their goal is to advocate on behalf of the long-term health of our magnificent Great Lakes—a cause that has been a primary advocacy of mine throughout my career in public service.

The people who have come here today on behalf of the Lakes have dedicated themselves to ensuring that America's greatest natural resource is able to be enjoyed for generations to come—a cause near and dear to the heart of every Michiganian—and I commend them for their selfless service.

I am proud to be from the Great Lakes state of Michigan and prouder still that we have been able to do some significant work to improve conditions in these magical waters together.

Last year, Congress finally passed the Water Resources Development Act, or WRDA. WRDA authorized important projects aimed at improving the Lakes, including $20 million to implement the Lake St. Clair/St. Clair River Management Plan and the construction of an electronic barrier to keep Asian carp out of the Lakes.

These are projects that I strongly support because of the benefits they will have on the health of the Great Lakes water.

While these projects are significant, much more needs to be done here in Congress to address the significant challenges facing this vital resource.

The Great Lakes are at historically low water levels which is effecting trade, tourism, and travel for everyone that uses the waters.

We are dealing with numerous invasive species—including phragmites and zebra mussels—which are having a terrible effect on the ecosystem of the lakes and the shoreline.

In fact, a new invasive species is being identified in the Great Lakes nearly every 8 months. This startling fact should prompt us all to act immediately to stop the spread of invasive species and the havoc they cause in our precious waters.

One other issue of concern is the algal blooms which we have recently seen flaring up in and around the Great Lakes. These blooms negatively impact fisheries, boating, tourism, and property values. The blooms may produce toxins which can be fatal to humans in certain cases. They are also causing botulism, which is creating a tremendous number of bird deaths. In the water, these blooms can produce "dead zones," resulting in the demise of aquatic life. Algal blooms are particular problem on the Saginaw Bay, Lake St. Clair and the western shore of Lake Erie.

Since the Great Lakes are a national treasure they deserve the full attention of the United States Congress. The federal government must be a partner with state and local governments, as well as the Lake advocates that have invested their time and talents in improving conditions and the overall outlook of the Great Lakes.

We must work together to protect and preserve them for the future.

I was very energized last week when it was announced that the House would be considering the Coast Guard Re-authorization bill which includes tough new standards for the discharge of ballast water in the Great Lakes which will help reduce the number of invasive species entering the lakes.

I was then very disappointed to see that bill pull from the agenda because of other issues.

This House must pass this ballast water legislation as soon as possible and help to stop invasive species from permanently damaging the fragile ecosystem in what remains wholly one-fifth of the world's surface fresh water supply.

The people of the Great Lakes States are demanding action and the time to act is now.

There is much more that we can do in addition to support the health of the Great Lakes. I will be honored to work closely with my colleagues to ensure that this national treasure is protected and preserved.

So I wish Happy Great Lakes Day to my colleagues, to those who have come to our Nation's Capitol to advocate on their behalf and everyone who shares my commitment to protecting and preserving our magnificent Great Lakes.

## CELBRATING NATIONAL PEACE CORPS WEEK

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. TOWNS. Madam Speaker, I rise today in support of National Peace Corps Week, in honor of the 47th anniversary of the Peace Corps on March 1, 2008.

Since President John F. Kennedy established the Peace Corps in 1961, more than 190,000 Peace Corps volunteers have served their country in 139 developing nations around the globe. Their undying efforts for the cause of peace are commendable and have made a lasting impact on the communities in which they have lived and worked.

Peace Corps volunteers range from recent college graduates to retirees with several decades of work experience, and represent the tremendous diversity of the American people. The issues they address cover HIV/AIDS education and outreach, environmental protection, and improving information technology in developing nations.

Three individuals from my congressional district in Brooklyn are presently serving as Peace Corps volunteers. Kimberly Joyce has been serving in Belize since the summer of 2006; Jame McCray has been serving in Samoa since the summer of 2006; and Caitlin Parish has been serving in Tanzania since the summer of 2007. Their tireless efforts for the greater cause of peace will profoundly affect these communities. I would like to applaud and commend these outstanding Brooklynites for committing themselves to such a worthwhile cause. They are role models for us all.

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## INTRODUCING A BILL TO AMEND THE FEDERAL MEAT INSPECTION ACT AND THE POULTRY PRODUCTS INSPECTION ACT

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. UDALL of New Mexico. Madam Speaker, I rise today to introduce the Unsafe Meat and Poultry Recall Act of 2008, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act, and grant the Secretary of Agriculture the power to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe.

The USDA announcement last week requesting a recall of 143 million pounds of beef from a slaughterhouse that is being investigated for unsafe practices makes clear the importance of bolstering the ability of the USDA to keep citizens safe from tainted meat products. In this instance, like most, the recalled beef had been distributed throughout the country, including to my State of New Mexico where the United States Department of Agriculture's Commodity Foods Program had sent 3,000 cases of the questionable beef to the state's Human Services Department to be distributed to school lunch programs.

It is imperative to the health and welfare of the American public that we bolster the regulation of the meat and poultry industry. The number of people affected annually from ingesting tainted meat and poultry products illuminates this proposition: 5,000 people die from food-borne illnesses each year. Furthermore, nearly 76 million people get sick annually from eating tainted food, of which 325,000 require hospitalization. In 2007 alone, there were 91 major food recalls.

The Jack in the Box E. coli outbreak of 1993 prompted the imposition of a new regulatory system on the meat and poultry industry designed to help eliminate future deadly foodborne illness outbreaks. The Hazard Analysis and Critical Control Point (HACCP) program shifted the responsibility for ensuring meat safety from USDA inspectors to the meat companies themselves and instituted microbial tests for harmful bacteria. Since the implementation of the HACCP regulations, however, controversy has erupted over whether the new rules place too much power in the hands of the meat industry to regulate itself.

Due to the huge political clout of the meatpacking industry, USDA does not have, nor seem to want, the power to issue mandatory recalls of tainted meat and poultry products. Complying with agency recalls, therefore, is at the industry's discretion. The meat industry says that it has never failed to cooperate with a recall request from the USDA, thus mandatory recalls of tainted meat are not needed. However, when USDA asks for a recall, a negotiation process ensues between the agency and the industry. Meanwhile, thousands of people could continue to eat potentially harmful meat. This is not a trivial matter. This is meat that is potentially contaminated and could result in death. From the time that contaminated meat or poultry is identified, there should not be a negotiating period. It should be recalled.

This is a question of accountability. Somebody must be held responsible for the quality and safety of the meat we consume. The government must ensure that the meatpacking industry produces only safe meat products. My bill will facilitate this need by amending the Federal Meat Inspection Act and the Poultry Products Inspection Act. My bill authorizes the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe or tainted from the market. The time has come for this necessary step.

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## HONORING THE 30TH ANNIVERSARY OF THE CONGRESSIONAL MANAGEMENT FOUNDATION

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. HOYER. Madam Speaker, I rise today on behalf of myself and the Republican Leader Mr. BOEHNER to congratulate the Congressional Management Foundation on its 30th anniversary. CMF has had a widespread and positive impact on this institution, and we are proud to applaud its efforts over the decades in applying its motto, "Good government through good management."

Founded in 1977, the Congressional Management Foundation is a non-profit, non-partisan organization dedicated to serving the Members of the House and Senate, as well as the institutional offices of the Congress, through staff management training, office facilitation services, publications on best practices, and technology research.

The idea for CMF was born out of the rapid growth of congressional offices in the late 1960's and early 1970's. Offices no longer were comprised of a single Member with a few support staff. Citizens had come to rely on Congress for a vast array of constituent services and expected rapid responses to questions and opinions on pending legislation.

Tom Bedell came to Washington to work in Congress in the 1970's to work for his father, Congressman Berkley Bedell from Iowa. He saw that, while Members of Congress could be brilliant legislators and great communicators, they were often overwhelmed by the management challenges of running up to four offices and a staff of twenty. Along with Dr. Len Hirsch, an organizational development consultant, Tom founded CMF and they began offering programs on enhancing efficiencies in office budgeting, managing constituent correspondence, and hiring staff.

Working with staff organizations such as the House Chiefs of Staff Association, CMF expanded its programs in the 1980's and 1990's, training hundreds of senior managers on everything from how to perform high quality personnel reviews to how to conduct difficult conversations with their staff and their bosses. With the help of CMF's strategic planning services, scores of Members of Congress have clarified their goals, enhanced their effectiveness at serving constituents and improved staff morale.

CMF strives to help congressional offices get off on the right foot even before the swearing-in ceremony. In 1984, CMF wrote the first edition of Setting Course: A Congressional Management Guide. This book, which is revised for every Congress and distributed within days of the election, is now a staple for freshmen Members and veterans alike. They also produced a companion, Frontline Management: A Guide for Running Congressional District/State Offices. Additionally, for 20 years CMF has been offering an orientation program to introduce new senior staff to the basics of hiring staff, creating a budget and setting up an office while their bosses are struggling to learn the nuances of parliamentary procedure and committee assignments.

CMF was also the first organization to create salary and employment studies for Capitol Hill, providing Members and senior managers with useful benchmarks to aid in the office budgeting process.

In the last few years CMF has been an invaluable resource as Congress has adopted new technology to respond to the dramatic increase in communications and citizen advocacy as a result of the Internet. It partnered with distinguished universities, such as George Washington University, Harvard University, Ohio State University and the University of California-Riverside, to offer guidance on how to design congressional Web sites and be more responsive to constituents online. Their Gold Mouse Awards for superior Web sites have become coveted commodities on Capitol Hill.

Also in the last few years CMF has helped respond to a House request for perhaps one of its most important projects in its 30-year history: helping to design a 10-year information technology roadmap for the House of Representatives.

Thanks in part to CMF, Congress has a more professionalized workforce with better morale and performance. And the American people get a better government when our democratic institutions are more efficient and effective.

We thank all of the current and past supporters, leaders, and staff of the Congressional Management Foundation who believe in the Congress and the people who work here, and who feel that we truly can achieve "good government through good management." We congratulate them on 3 decades of outstanding service to the Congress and the Nation. And we wish them success in the decades to come.

## HONORING MR. PHIL DRAKE OF DRAKE ENTERPRISES FOR YEARS OF SELFLESS SERVICE TO WESTERN NORTH CAROLINA

### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. SHULER. Madam Speaker, I rise today to honor Mr. Phil Drake, a constituent of North Carolina's 11th District and the owner of Drake Enterprises.

Drake Enterprises was founded in Franklin, NC, in 1954 by Mr. Drake's father. At the time, the business focused on helping individuals prepare their taxes. When Phil took over the family business in the 1970s, he shifted the company's focus to the development of tax preparation computer software.

Today, that small business started by one man employs more than 300 people in Western North Carolina and Drake software is used by over 20,000 tax professionals across the Nation. In 2006 alone, Drake software delivered over 6 million Federal returns and 5 million State returns.

But, Phil Drake's success extends far beyond his business savvy and entrepreneurial spirit.

Phil has implemented a set of core principles at Drake Enterprises that are an excellent model for all to follow. Those core principles include: a commitment to follow Biblical principles, motivating and helping employees achieve their maximum potential, and rewarding employees for excellence and loyalty.

Phil has not limited those principles to his business; he has shared them with the community. Whether working to bring high-speed Internet access to the mountains through Balsam West Fiber Net, in his church, or being the drive behind Smoky Mountain Center for the Performing Arts, Phil Drake has been a leader in every sense of the word.

I ask my colleagues to join me in honoring Phil Drake and thanking him for his service to his community and our country.

## TRIBUTE TO MIKE KEATHLEY

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mrs. EMERSON. Madam Speaker, I rise today to pay tribute to Mike Keathley, of Dexter, Missouri, for his noble service to the people of Missouri. Because of Mike's expertise and leadership, Missouri State government works better and more effectively for all citizens.

Mike has always possessed a deep sense of community and true desire to improve the lives of his fellow citizens. As Commissioner of Office of Administration for the State of Missouri, Mike has done more than any other person to improve the State's budget situation and ensure government is delivered more responsibly and effectively to all citizens. I know Mike personally and can attest to the fact that his dedication and steadfast leadership are responsible for making these improvements possible.

Mike has played a crucial role in bettering lives in the private sector as well. He has served admirably on the Board of Directors of numerous companies and associations, including the Dexter Memorial Hospital and his church, the First United Methodist Church of Dexter. I am confident his successes have been closely observed and duplicated throughout our community and State. Mike serves as a tremendous role model for all Missourians, especially those among the younger generation beginning new careers, whether they be in the public sector or private sector.

Madam Speaker, it is a great privilege to honor Mike Keathley for his many achievements and the profound impact he has made on his community, State and Nation. I ask that you join me along with Mike's family, friends and the entire State of Missouri in paying tribute to his remarkable career.

## BIPARTISAN RESOLUTION CONDEMNING IRAN'S PERSECUTION OF BAHA'IS

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. KIRK. Madam Speaker, today, along with my colleague ROB ANDREWS, I am introducing a bipartisan resolution to condemn Iran's continued persecution of its Baha'i minority.

In 2006, Iran's Armed Forces Command Headquarters ordered the Ministry of Information, the Revolutionary Guard, and the Police Force to identify members of the Baha'i Faith in Iran and monitor their activities.

In that same year, we saw the largest roundup of Baha'is since the 1980s. The Iranian Interior Ministry ordered provincial officials to "cautiously and carefully monitor and manage" all Baha'i social activities. The Central Security Office of Iran's Ministry of Science, Research and Technology ordered 81 Iranian universities to expel any student discovered to be a Baha'i.

In 2007, the situation worsened. More than two-thirds of the Baha'is enrolled in universities were expelled once identified as Baha'is. Police entered Baha'i homes and businesses to collect details on family members.

Twenty-five industries were ordered to deny licenses to Baha'is. Employers were pressured to fire Baha'i employees and banks were instructed to refuse loans to Baha'i-owned businesses. Baha'i cemeteries were destroyed.

In November 2007, three Baha'i youths were detained for educating underprivileged children. The following month, the Iranian Parliament published a draft Islamic penal code, requiring the death penalty for all "apostates"—a term applied to Baha'is and any convert away from Islam.

This government-sponsored persecution must end. The world cannot be silent as Iran prepares to ethnically cleanse its Baha'i minority.

I urge my colleagues to join us in cosponsoring this bipartisan resolution condemning Iran's persecution of the Baha'is, calling for the immediate release of three Baha'i youths and calling on Iran to reject a recent draft Islamic penal code requiring the death penalty for all "apostates."

## TRIBUTE TO HAL BRUNO

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. HOYER. Madam Speaker, I rise today to pay tribute to a dear friend of mine, Hal Bruno—an individual that most of you will know best for his 50-year career as a professional journalist whose integrity and trust earned him the respect and approbation of his peers and politicians alike. Today, however, I'd like to recognize another, perhaps lesser known, side of Hal—his more than 30-year commitment to the men and women of the fire service.

Recently, Hal Bruno announced that he was stepping down as Chairman of the National Fallen Firefighters Foundation, the organization established by the Congress to honor our fallen heroes and assist their families and coworkers. It was with deep regret that the board of directors accepted his resignation. Since 1993, Hal has served with distinction on the board of directors, the last seven as chairman. For Hal and his lovely wife, Meg, the Foundation is that ray of light that has guided family members of fallen firefighters through their dark journeys.

When a firefighter falls in the line of duty, Hal likens it to losing a family member. Long after the death, Hal has always been there to provide comfort and assistance to the family members, no matter how long it takes for them to regain their strength and move ahead with their lives. The Foundation and the fire service, itself, are fortunate to have had a leader with such compassion and dedication as my friend, Hal Bruno.

Always humble, Hal has always been one to credit the professional staff of the Foundation for the positive impact the Foundation has made on the people it serves—family members of our fallen heroes. But Hal, through his leadership, inspiration and selfless dedication—set the course of the Foundation in a new direction, resulting in a tremendous growth of the Foundation's programs during his years' as chairman. Those of us involved with the fire service are pleased to hear that he will continue to serve as an active member of the board of directors.

To both Hal and Meg Bruno, I extend my personal thanks and the thanks and gratitude of the Congressional Fire Services Caucus, for their dedication to our first responders, and, especially, the National Fallen Firefighters Foundation. I ask my colleagues to join with me in paying tribute to Hal and congratulating him upon his retirement and a job well done.

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## TRIBUTE TO PAUL COSTELLO

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. PAYNE. Madam Speaker, I would like to ask my colleagues here in the House of Representatives to join me in honoring a very special person, Mr. Paul Costello, for his outstanding work with young men and women from Northern Ireland and the Republic of Ireland.

In organizing the Washington-Ireland Program for Service and Leadership, Paul has used his boundless energy, enthusiasm and passion for peace to bring together students from varying backgrounds to learn about one another as they also gain valuable work experience in our Nation's Capital. Promoting cultural understanding among the next generation has united students to face the challenges of the future together, in keeping with the spirit of the Northern Ireland peace process.

I have been fortunate to host young men and women from the Washington-Ireland Program in my Congressional office during the summer months. I have been impressed with their commitment to positive change as well as their strong desire to develop leadership skills they can put to use when they return home. As a result of Paul Costello's vision and dedication, more than 350 young graduates are now engaged in prestigious and rewarding careers in diverse fields including law, business, politics, communications and education. In addition, all who have come to know him have enjoyed his delightful sense of humor and his talent as a most entertaining storyteller. He founded storywise.com, the Center for Narrative Studies, here in Washington and has shared his insight with audiences nationally and internationally.

On Friday, February 29, friends, supporters and alums from the Washington-Ireland Program will come together to toast Paul Costello for 10 years of remarkable success. I know my colleagues here in Congress join me in expressing appreciation for his service and in wishing him all the best for the future.

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## TRIBUTE TO CORONA CITIZEN OF THE YEAR BECKY GUNNOE

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California, are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Becky Gunnoe is one of these individuals. On January 19, 2008, Becky received the city of Corona's top honor when the Corona Chamber of Commerce named her Citizen of the Year for 2007 at the organization's 93rd annual awards and installation dinner at the Eagle Glen Golf Club.

Becky Gunnoe exemplifies the word "volunteer." For more than 20 years, Becky has touched the lives of many people through her volunteer work in many programs and services in Corona. As a founding member in 1996, Becky was the catalyst for the Trauma Intervention Program (TIP) coming to Corona, including funding, training, and attracting volunteers. TIP is a group of specially trained citizen volunteers who provide "emotional first aid" to victims of traumatic events and their families in the first few hours following a tragedy. The volunteers are called to a crisis scene or to a local hospital by authorized police officers, firefighters or hospital personnel. Now in its 11th successful year, the program has a close working relationship with all the local emergency agencies because of Becky's continued efforts. She is responsible for training not only the volunteers, but also the emergency personnel.

Becky has also served on the Corona Fire Safety Foundation Board, CFSF, for the past 5 years, and currently is its president. She has also been with the Community Police Community Partnership, CPCP, since October 1997 and served as president from 1999 to 2001. A joint fundraiser of these two organizations called the Great Taste has enabled these partnerships between the community and the city to enhance and expand public safety for the benefit of residents.

Becky was one of the first volunteers trained and has been a trainer for the past five years for the City of Corona Fire Department Community Emergency Response Team program, CERT, which supplements city resources in the event of a disaster or other major emergency. CERT volunteers are trained in emergency procedures and are duly registered as disaster service workers in accordance with the California Government Code and the City of Corona Municipal Code. Becky has also been actively involved with the Advisory Board of Alternatives to Domestic Violence, ADV, and the Coalition of Family Preservation for almost 10 years. She has also served on the Riverside County Board of Alternatives to Domestic Violence, ADV, for 2 years and served as president in 2005. In addition to all her community activities, Becky also takes care of her husband, Dr. Charles E. Gunnoe, a former Chamber president and winner of the Citizen of the Year award in 1997.

In light of all Becky Gunnoe has done for the community of Corona, the City of Corona named Becky their Citizen of the Year. Becky's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. She has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she receives this prestigious award.

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## RECOGNIZING VERNA WEBBER

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize Iowan Verna Webber on the celebration of her 105th birthday today.

Verna was born on February 27, 1903 in the Ames, Iowa area. She grew up with seven siblings. Verna married Henry Albert Webber, who was a professor at Iowa State University. They happily had three children, Marjorie, Richard, and Don. Verna currently lives at the Riverside Manor in Ames. She remains in excellent health, and I am told from a good source that she can kick higher than any other resident during morning exercises. Verna spends her days with her daughter, Marjorie, who lives along with her at Riverside, where they can be seen attached at the hip.

There have been many changes that have occurred since Verna was born. We have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of the Soviet Union, communism, and the birth of new democracies. Verna has lived to see the leadership of 18 United States Presidents and 24 Governors of Iowa. And, in her lifetime, the population of the United States has more than tripled.

I am extremely honored to represent Verna in Congress, and I know that my colleagues will join me with warm birthday wishes for continued happiness and health in her future years.

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## TRIBUTE TO ARMY CORPORAL DUNCAN CHARLES CROOKSTON

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Ms. DEGETTE. Madam Speaker, I rise to honor the courageous life and the ultimate sacrifice of Army CPL Duncan Charles Crookston. This exceptional soldier merits our recognition and esteem as his character and devotion to duty decreed that he put the needs of others before his own. Corporal Crookston possessed the virtues that define an honorable life.

Tragically, Corporal Crookston was taken from us as a result of complications arising from severe injuries received in an attack and roadside blast along one of Baghdad's deadliest roads. Three of his comrades were killed and one other was wounded when an explosively formed penetrator blasted through their vehicle. Corporal Crookston died on Friday, January 25, 2008, at Brooke Army Medical Center, Fort Sam Houston in San Antonio, Texas. This fine young man was only 20 years old and while many of us have been blessed to live a longer life, I believe that few of us will have lived one of such consequence in service of our Nation's cause.

Corporal Crookston was the son of Christopher and Lee Crookston. He enlisted in the United States Army after graduating from West High School in Denver, Colorado. He became an airborne infantryman and was assigned to the 1st Infantry Division out of Fort Riley, Kansas. Prior to his deployment to Iraq, he married his high school sweetheart, Meaghun. Comrades in arms noted that he was very intelligent and "able to complete a Rubik's cube in under 56 seconds." He became his unit's resident expert in computers and other electronic devices. He is remembered as someone who "helped everyone out whenever they needed him" . . . (a person who was) "full of life" . . . "a kind guy (who) was very loving and selfless, one in a million . . . (a man) who was willing to give up his life for other people."

I never had the honor of meeting Corporal Crookston but it is clearly evident that he was raised by a good family to be a decent, responsible and honorable person. He loved our country and volunteered to take his place among those who put themselves in harms way because of a singular and abiding devotion to this nation. Corporal Crookston understood his obligations and, in the words of Abraham Lincoln on the battlefield at Gettysburg, he gave "his last full measure of devotion" . . . so that others may live a better life. All Americans are in his debt. His devotion to duty in the war against terrorism and his uncommon valor in the face of mortal danger leave us with a legacy of courage and honor to which very few can aspire. Among other awards including the Army Commendation Medal and the Purple Heart, the United States Army awarded Corporal Crookston the Bronze Star.

Please join me in paying tribute to the life and sacrifice of United States Army CPL Duncan Charles Crookston, a distinguished soldier. His life was exemplary and his contributions are rich in consequence. On behalf of the citizens of the 1st Congressional District of Colorado, I wish to extend our admiration and profound gratitude for this most honorable American. Our thoughts and prayers are with his widow, Meaghan, his parents, Christopher and Lee, and his five brothers.

## RECOGNIZING THE SERVICE OF THOMAS CARNEY

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. MITCHELL. Madam Speaker, I rise today to recognize a gentleman who has quietly spent the last twenty-five years making a difference in our community. Prior to 1983, Thomas Carney would never have described himself as, in his own words, a "bunny hugger". However, while out on a walk that year in our desert community, he came across two desert tortoises that had been badly damaged by heavy equipment on a construction site. One did not survive, but the other one did, due to the care and compassion of Mr. Carney.

This one day occurrence put Mr. Carney on a course in life he could never have imagined—tortoise advocate. He is now a member of the Arizona Chapter of the National Turtle and Tortoise Society. This group is dedicated to the study and conservation of these endangered animals.

I feel that it is important to recognize people like Thomas Carney. He saw a problem and educated himself about how to help these gentle creatures. He is now an advocate for desert tortoises and donates his time to educating others.

Too often, we overlook the little things in life that really make a difference. Mr. Carney, I want to recognize your efforts. I say congratulations and thank you very much for a job well done.

## HONORING THE SERVICE OF THE PEACE CORPS VOLUNTEERS OF THE 26TH DISTRICT OF TEXAS

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. BURGESS. Madam Speaker, I rise today to honor the individuals from the 26th District of Texas who are currently serving with the Peace Corps in countries all across the globe. Elizabeth Bryant, Blake Childs, Genevieve Dozier, Justin Fleury, Philip Hernandez, Kareem Mansour, and Marianne Montalvo are among the 8,079 Peace Corps Volunteers currently serving 74 countries at 68 posts worldwide.

More than 190,000 citizens of all ages and backgrounds have worked for the cause of peace in 139 countries since the organization was founded in 1961 by President John F. Kennedy. Peace Corps Volunteers have made momentous and long-lasting contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS, youth, and the environment.

As we have all seen before, it is possible that a single person can be capable of changing the world. Therefore I know the impact made by these seven individuals is simply unimaginable. Elizabeth, Blake, Genevieve, Justin, Philip, Kareem, and Marianne are currently stationed in 7 different countries for two-year terms. Their commitment to world peace is a trait that is to be commended and their passion for service is something to be both appreciated and emulated.

One of my heroes, President Ronald Reagan, often spoke about the importance of voluntary service. He once said it is like "a spirit that flows like a deep and mighty river through the history of our Nation." These selfless individuals exemplify the character and moral fiber of philanthropy.

The Peace Corps provides an invaluable service to the world and I believe it is important that we recognize that service. The admirable men and women who dedicate their time to serving others truly make this world a better place. It is an honor to represent seven of those individuals in the 26th District of Texas. I am proud that these exemplary citizens, who undoubtedly act as role models to those who wish to follow in their footsteps.

## IN HONOR OF THE RIBBON CUTTING FOR NEW YORK EYE AND EAR INFIRMARY'S EAR INSTITUTE

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mrs. MALONEY of New York. Madam Speaker, I rise to ask my colleagues to join me in celebrating the ribbon cutting for New York Eye and Ear Infirmary's Ear Institute. This spacious new facility, located on the 9th Floor of 380 Second Avenue, will provide hope to thousands of individuals who are suffering from hearing loss.

The Ear Institute is a state-of-the-art facility that brings together ear specialty services from the New York Eye and Ear Infirmary, Beth Israel Medical Center and the Children's Hearing Institute. The $2.7 million renovation encompasses 15,150 square feet and will provide care to approximately 15,000 patients each year. A center of excellence in auditory health care, it includes a Hearing and Learning Center, the Cochlear Implant Center, a Hearing and Balance Disorders Center and a Vestibular Rehabilitation Center. The Institute's physicians will include specialists in otology and neurotology, as well as some of the world's most respected medical researchers in otolaryngology.

Hearing loss is America's number one birth defect and a leading cause of disability affecting 28 million Americans of all ages. Most adults over age 60 lose approximately 1 percent of their hearing annually, making hearing loss one of the most universal problems of aging. Hearing loss leaves people isolated from the community and unable to participate in many activities. Using innovative technology, the Ear Institute can literally transform the quality of people's lives. At the Ear Institute ribbon-cutting, I met profoundly deaf individuals who, thanks to innovative techniques used by the Infirmary's exceptional medical staff, were now able to hear, including children who could hear well enough to participate in mainstream classrooms, adults who who were able to return to their jobs, and seniors who were able to enjoy a better quality of life.

The Ear Institute will build on the excellent programs that the Infirmary has offered for many years. The Infirmary's Cochlear Implant Center is one of the largest in the United States, and participates in numerous national and international research protocols. The Infirmary pioneered innovative procedures that have restored hearing to thousands of profoundly deaf individuals, including infants as young as six months and adults.

The Infirmary also specializes in diagnostic services for people with hearing and balance disorders, and the new Ear Institute is equipped with some of the latest technology for helping diagnose problems, including rotational chair testing, dynamic Platform Posturography, pure tone and speech audiometry, advanced auditory brainstem and middle latency testing.

Founded in 1820, the New York Eye and Ear Infirmary is the oldest specialty hospital in the Western Hemisphere and was the first hospital to provide clinical training to medical students. The Infirmary is currently a teaching hospital affiliated with New York Medical College. With more than 20 residents and fellows graduating each year, it is considered one of the finest training programs for ophthalmologists and otolaryngologists in the world today.

With some of the most advanced diagnostic and treatment facilities available anywhere in the world, the Infirmary is often the first user of innovative technology, such as the first clinical high-resolution ultrasound biomicroscope in the United States. The Infirmary performs more than 23,000 surgical procedures and treats approximately 142,000 people on an outpatient basis each year. Its Eye Trauma Center treats more emergency eye cases than any other facility in New York.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the exceptional achievements of the New York Eye and Ear Infirmary and in celebrating the opening day of its new state-of-the-art Ear Institute.

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## CONGRATULATING SHARON DOYLE ON HER OUTSTANDING COMMUNITY LEADERSHIP AWARD

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Sharon Doyle on receiving Tempe Leadership's Outstanding Community Leadership Award. I am especially pleased to recognize Sharon because she is not only a worthy recipient, but a long-time family friend from my home town, Tempe, Arizona. This award recognizes outstanding leadership achievements and service that contribute to improving the quality of life in Tempe.

Sharon is also a fellow educator, retiring after thirty years as a speech and language pathologist in the Tempe Union High School District. This award represents years of community service which at the present time involves service to sixteen different committees and organizations. Although Sharon is retired, she continues to use her time to serve education-related organizations, proving that her advocacy for young people did not end with her retirement.

She is a graduate of Tempe Leadership Class XVI and is the president of the Tempe High School District Education Foundation, vice-president of the Tempe Impact Education Foundation and is active on the Tempe City Council's Education, Technology and Economic Development Committee.

A community's quality of life is determined by many factors, such as the policies set by city government and the programs available to its citizens. However, I believe that a community rises and falls on the shoulders of its citizens, and the contributions they make to that community. Sharon exemplifies this commitment and raises the bar for everyone around her. I am proud to call Sharon Doyle a friend, and I commend her on her continued service to the young people of our community.

Sharon, congratulations on a job well done. Keep up the good work!

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## IN HONOR OF FIFTY YEARS OF PUBLIC SERVICE BY THE TWIN CITIES NORTH CHAMBER OF COMMERCE

### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mrs. BACHMANN. Madam Speaker, I rise today to pay tribute to the members and leadership of the Twin Cities North Chamber of Commerce. This weekend, the more than 500 corporate citizens of the Twin Cities North area that make up the Chamber, will celebrate their 50th anniversary at their Glitz & Glamour Gala.

The northern suburbs of the Twin Cities are vibrant, growing communities with state-of-the-art health care, high quality education, affordable housing, and an abundance of opportunities for recreational enjoyment. The Twin Cities North Chamber of Commerce is a big part of what makes this region such an attractive place to live, work, and raise a family.

By helping local business and community leaders work together to fill gaps in community needs and grow the local economy, the chamber ensures that the area enjoys all the benefits of a bustling metropolis while maintaining its small-town feel. On a drive through the neighborhoods and business districts of Arden Hills, Blaine, Columbia Heights, Fridley, Little Canada, Mounds View, New Brighton, Roseville, Shoreview, and Spring Lake Park, one truly feels surrounded by the best of all worlds.

I commend the members of the Twin Cities North Chamber of Commerce for their dedication to strengthening their local economy and improving their home communities. And I commend the leadership of the chamber under the guiding hand of Chairman of the Board Doug McNurlin for their dedication to their neighbors and their commitment to the core mission of the chamber of commerce.

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## RECOGNIZING PEACE CORPS VOLUNTEERS FROM MARYLAND'S THIRD DISTRICT

### HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. SARBANES. Madam Speaker, I rise today to recognize Peace Corps volunteers from my district: Jessica Ayd, Laura Burke, Gwyneth Caverly, Christopher Chapman, Erin Dahan, Aaron Degraffenreidt, Colin Doyle, Craig Edmonds, Jennifer Forster, Mark Gormley, John Gudger, Jonathan Katz, Oluseyi Lawoyin, Anne Lilly, Robi Marbury, William Marbury, Martha Moiforay, Anna Moyer, Hannah Stocks, and Sheena Washington.

I'd like to thank them for their terrific work in countries far and wide, and for helping make America's image abroad stronger at a time when we need it most. Additionally, I'd like to congratulate the Peace Corps on its 47th anniversary. Our country has truly been enriched by the experiences of the Peace Corps volunteers.

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## CONGRATULATIONS FOR DR. MARWAN SABBAGH

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. MITCHELL. Madam Speaker, I rise today to recognize Dr. Marwan Sabbagh, a nationally renowned neurologist who has dedicated his career to finding a cure for Alzheimer's disease. As the founder and director of clinical research at Sun Health Research Institute's Cleo Roberts Center for Clinical Research, Dr. Sabbagh is working to develop new tools and treatment options for those who have been diagnosed with this tragic disease.

Dr. Sabbagh and the Sun Health Research Institute are partners in the Arizona Alzheimer's Consortium. This Consortium is a leading model for statewide research centers that build upon the strengths of participating institutions. As a member of the Congressional Task Force on Alzheimer's disease, I am proud of the groundbreaking research and education that is being done in my home state of Arizona.

Later this week, I will join Dr. Sabbagh as he celebrates the release of his latest book, "The Alzheimer's Answer". This book provides readers with the latest facts about the disease, real tips for prevention, and information on current diagnosis and treatment options. As we continue to learn more about the crisis this disease presents, reducing our risk and promoting wellness is more important than ever.

Madam Speaker, in addition to Dr. Sabbagh's work with the Sun Health Research Institute, he is also a scientist in the Department of Neurology at Mayo Clinic Scottsdale and serves as an adjunct professor at Midwestern University and Arizona State University. Through his work at these leading research institutions, Dr. Sabbagh is a leading investigator for several national Alzheimer's treatment trials, including Alzheimer vaccine studies.

Dr. Sabbagh currently resides in Scottsdale with his wife Ida and their two sons, Habib and Elias. The work that Dr. Sabbagh has done, and continues to do, will greatly benefit our nation. I am proud of his accomplishments and congratulate him on his book release.

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## A TRIBUTE TO LOUIS B. BURGELIN

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. GEORGE MILLER of California. Madam Speaker, I rise today and invite my colleagues to join me in honoring Louis B. Burgelin, of Vallejo, California, for his many accomplishments and contributions to our community. Louis has provided remarkable leadership to countless organizations during his lifetime and the good citizens of our community have been the beneficiaries.

Louis Brosnahan Burgelin was born in Vallejo, California, on January 20, 1916, to Otto and Frances Burgelin. One of three children, Lou started his education at St. Vincent's Elementary School at the tender age of 4. During his years at Vallejo High School he studied hard but also spent a good deal of time playing football and tennis and perfecting his ability as a track sprinter. Following his high school graduation in 1932, Lou entered UC Berkeley for 2 years of study before transferring to the Mare Island Naval Shipyard Apprentice School. Lou graduated as a Marine Machinist and began an illustrious career. Quickly rising to management positions, Lou's leadership was instrumental in the success of several of our country's shipyards. At Hunter's Point in San Francisco, Lou served as both Head Progressman, and Labor Relations Superintendent. During his time at Mare Island in Vallejo, he served as Chief Progressman, Workload and Scheduling Manager, as well as the Production Equipment and Construction Manager. At Norfolk Naval Shipyard Lou was the Production Control Manager.

After retiring from the Federal Service in 1972, Lou served for 19 years as the Executive Secretary of the Armed Services Committee of the Vallejo Chamber of Commerce. He participated in the acquisition of more than $200 million in project authorizations for Mare Island. He was also instrumental in maintaining the dredging operations so necessary for shipyard operations.

Over the years, Lou Burgelin has also donated his time and talent to countless professional and community organizations. He is a Charter member of the Naval Civilian Manager's Association and served as both local and national President. He also served as President of the Navy Yard Association of Mare Island and the Council of Naval Employee Groups, representing all of the employees of the West Coast Naval Shipyards. He has been elected National Vice President of the Retirement Federation of Civil Service Employees, the first Chairman of the Combined Federal Campaign for Napa and Solano Counties, the first Chairman of the Vallejo Senior Citizens Council and the President of the Vallejo-Napa United Way. Lou has served as President of the Vallejo Chapter 16 of the National Active and Retired Federal Employees Association (NARFE) and he is a long-standing member of the Vallejo Salvation Army. Among his many civic activities, Lou is an active member of the Vallejo Elks Club having served as Exalted Ruler, a National Officer, and as the Elks National Ritual Judge, has served as Foreman of the Solano Grand Jury and is one of the founders of the Vallejo Naval and Historical Museum.

Lou has received a Public Service Medal from the Navy's Chief of Naval Operations, the prestigious "Others" designation from the Salvation Army, and the Man of the Year award presented by the Vallejo Chamber of Commerce.

And it pleases me to report that Lou Burgelin is still active in the community. He serves on the Vallejo Council of the Navy League, he's Secretary of the Tobacco Fund Advisory Board for Solano County, Tresurer for the Salvation Army, volunteers at St. Vincent's Church, Past Big SIR and Chaplain for Branch 88 and he is National Legislative Chair for Vallejo NARFE. Lou has been happily married to Betty Greenwell Bergelin for almost 69 years. They have three children, three grandchildren and five great-grand children.

Madam Speaker, recognition of Mr. Burgelin's devotion to his family, his community, and his country, it is my honor to recognize him today.

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## TRIBUTE TO RACHEL BASSETTE NOEL

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Ms. DEGETTE. Madam Speaker. I rise to honor the extraordinary life and exceptional accomplishments of Rachel Bassette Noel. This remarkable public servant merits our recognition and esteem as her leadership, service and lifelong devotion to civil liberty and equal opportunity has done much to advance the lives of our people.

Rachel Noel has been celebrated as "a pioneer for equity," "a woman of valor," and "a magnificent rebel." She demanded the dignity due to all people. She sought to unfetter the great potential of our children and she did her part, in no small measure, to tear down the walls of segregation and remove the barriers to equal education. Although many individuals have made notable contributions to our community and state, few have left a legacy of progress as has Rachel Noel.

Rachel Noel was born 1918 in Hampton, Virginia—in the segregated South. Her father, A.W.E. Bassette, was a lawyer and her mother was a teacher. They instilled in her the value and importance of a good education and Rachel Noel went on to graduate with a bachelor's degree from Hampton Institute (now Hampton University) and earned a master's degree in sociology from Fisk University. After World War II, she and her husband, Dr. Edmond F. Noel, moved west and settled in Denver in 1950. As in the segregated South, they encountered discrimination and racial bias in Denver. Dr. Noel practiced medicine in the Five Points community and was the first African American surgeon in Colorado, yet he was denied operating room privileges in every city hospital except the Jewish hospital, General Rose (now Rose Medical Center). Rachel Noel also encountered many closed doors in Denver before taking a job with the Denver Human Rights Commission.

The couple persevered and by the time Rachel Noel won election to the Board of the Denver Public Schools (DPS) in 1965, she was already recognized for her work on behalf of children. She became the first African American to serve on the DPS Board and the first African American woman elected to public office in Colorado. Three years into her term, she introduced the famous Noel Resolution which called for the superintendent to develop a plan to integrate the Denver Public Schools. The resolution was precipitated by the assassination of Dr. Martin Luther King, Jr. Rachel Noel noted that "when King died, rhetoric no longer seemed adequate." Her resolution brought death threats and after much community opposition, it passed in 1970. The United States Supreme Court eventually affirmed the intent of her resolution in its landmark decision of 1973, Keyes v. Denver School District No. 1, calling for mandatory desegregation of Denver's public schools, including busing for racial balance. The Denver Post noted that "the citizenry at large would debate the best means for achieving equality and opportunity for all its students—but that goal itself would never again be called into question." I would simply add that Rachel Noel's endeavors raised the bar. She moved the public policy debate in our community and this country from simply opening segregated schools to achieving a new balance—a new equity—in public education that did not previously exist. But extending the benefits of equal education to those who had been denied it was more than just enforcing laws. It was about redeeming lost futures and creating opportunity so that all young people could make the most of their lives and share in our prosperity.

Rachel Noel joined the faculty of Metropolitan Sate College in 1969. She taught sociology and African American studies and served as chair of the African American Studies Department from 1971 to 1980. In 1976, Governor Richard Lamm appointed Rachel Noel to serve on the University of Colorado Board of Regents and she was subsequently elected statewide in1978 to become the first African American elected to the Board of Regents and serve as chair of the board. She also chaired Mayor Federico Pena's Black Advisory Council; served as a Commissioner of Denver Housing Authority; served on the Advisory Board of the United States Civil Rights Commission; served on Mayor Wellington Webb's Black Advisory Committee; and served as a member of the Chancellor's Advisory Committee for Health Sciences at the University of Colorado at Boulder and Denver. She was also an active member of Shorter Community African Methodist Episcopal Church, the Links and Delta Sigma Theta Sorority.

In 1981, Rachel Noel was honored with the establishment of the Rachel B. Noel Distinguished Professorship to foster multiculturalism, diversity and academic excellence at Metropolitan State College. She was the recipient of numerous accolades and awards including: the Martin Luther King, Jr. Humanitarian Award in 1990; induction into the Colorado Women's Hall of Fame in 1996; the Wiley A. Branton Award from the National Bar Association in 2001; the Anti-Defamation League's Civil Rights Award in 2004; and the Honorary Doctor of Public Service degree from the University of Denver. In 2002, the Denver Public Schools named a middle school in Northeast Denver in her honor, the Rachel B. Noel Middle School.

Rachel Noel was an unrelenting advocate for the causes that elevate the human condition and she served all of us with eminent distinction. She saw great opportunity for progress and seized it. She had the courage to tell us that we were not keeping faith with our nation's ideals and that we needed to move forward. Moreover, she knew that we as Americans have an enormous capacity to do better and that we have a moral obligation to do so. Truly, we are all diminished by the passing of this remarkable person.

Rachel Noel lived a life that is rich in consequence and we are better and stronger due to her labors on our behalf. Our thoughts and prayers are with her daughter Angie, her son Buddy and her entire family. Please join me in paying tribute to the life of Rachel B. Noel, a distinguished public servant and advocate for civil liberty.

## CONGRATULATING FIRE CHIEF JOE FLORENTINO OF LITTLE ELM, TEXAS

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. BURGESS. Madam Speaker, I rise today to congratulate Little Elm, Texas Fire Chief Joe Florentino. Chief Florentino was recently appointed to the position as the first-ever State Coordinator of the Texas Intrastate Fire Mutual Aid System.

Chief Florentino was unanimously selected to fill the post for his work-related qualifications and his leadership abilities by representatives from fourteen fire-related statewide agencies. He originally applied to be one of the 24 regional coordinators, and was surprised by his appointment to State Coordinator. Although he recognizes the challenges that go hand in hand with being the first individual to hold this position, Chief Florentino is optimistic about the road that lies ahead.

The Texas Intrastate Fire Mutual Aid System, as an annex to Texas' emergency management plan, sets guidelines for responding to fire-related catastrophes that require more assistance than an area can provide. Chief Florentino will serve as the point of contact between those areas in need of support and the Texas Intrastate Fire Mutual Aid System. Advocates of the program recognize the fact that Texas is on the forefront of this type of intrastate aid system, and hope that its successful implementation will lead to a similar nationwide system in the future.

I extend my sincerest congratulations to Chief Florentino on this appointment and commend his dedication and desire to help his community and state. It is an honor to represent such a service-oriented citizen in the 26th District of Texas, and I know his commitment will serve as an example to others.

## A STATEMENT HONORING THE TUSKEGEE AIRMEN

### HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. SCOTT of Georgia. Madam Speaker, I rise today to honor one of America's most courageous groups of men who fought during World War II, the Tuskegee Airmen. These brave African American men refused to let discrimination topple their dreams as they fought to defend America during World War II and protect our freedom. They are nationally known for being the first group of black military airmen at a time when people believed all blacks lacked intelligence, skill, courage, and patriotism.

It was not until 1941 when the Tuskegee Airmen were given an opportunity to learn about aviation at Tuskegee Institute in Tuskegee, Alabama, founded by Booker T. Washington. There is no greater story of freedom and American democracy than that of the Tuskegee Airmen, who with bravery and courage fought for the freedom of this country and the world, while at home African Americans were second-class citizens.

Coming out of the Tuskegee Institute as some of the best and brightest of their programs, they went on to fight against all odds. These men were a vital part of the battles against the Luftwaffe in Austria, Hungary, Poland, and Germany. They flew more than 15,000 sorties, escorted bombers in raids against enemies over Europe and North Africa, and destroyed enemy targets and supply lines in Germany. Their efforts and successes in the Air Force directly influenced President Truman's decision to desegregate the U.S. military. Due to their patriotism and valor in World War II, on March 27, 2007, they received one of the highest honors in the United States, the Congressional Gold Medal.

So when anyone talks about the Tuskegee Airmen, it is more than just their flying. It is their extraordinary stand for courage in the face of difficulty. This month I salute the Tuskegee Airmen.

## TRIBUTE TO JACK B. WEIL

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Ms. DEGETTE. Madam Speaker. I rise to honor the extraordinary life of Jack B. Weil. This exceptional citizen merits both our recognition and esteem as his impressive record of civic leadership and invaluable service has improved the lives of many Coloradans.

Sadly, Jack Weil was taken from us by esophageal cancer and he will be greatly missed. His passion for art, politics, business and his capacity for community service were immeasurable. He molded a life of genuine accomplishment and his passing is a great loss to our entire community.

Jack Weil was born November 13, 1928 at Denver's Mercy Hospital. He attended the University of Colorado and ultimately graduated from Tulane University in 1952. He joined the United States Army and was commissioned as a 2nd Lieutenant. After two years of service, he returned to Denver to join the family business, Rockmount Ranch Wear Manufacturing Company, a company founded by his father, the indomitable Jack A. Weil. Jack Weil was a businessman and a gifted artist whose vision and talent for textile designs helped expand the reach of the company beyond the Mississippi River. He created some of Rockmount's most iconic designs, including the shirt John Travolta wore in the movie "Urban Cowboy." Rockmount shirts have been worn by Bob Dylan, President Reagan, Elvis Presley and Robert Redford, among others. Jack Weil was a major force at Rockmount for fifty years and it has grown from one of the original early mercantile businesses in lower downtown Denver to an international company with clothing sold throughout the United States, Canada, Europe, Asia and Australia.

Jack Weil was also a well-known abstract impressionist painter and his son, Steven Weil, noted that "There was nothing straight and narrow about him." He developed his own abstract style and he loved to share the art he created as well as the art he bought. In the 1960's, the Denver Art Museum hung one of Jack Weil's forward looking collages and his most recent exhibition was a twenty-canvas show at the Berkeley Park Art Gallery in northwest Denver last December.

Jack Weil was extremely active in politics and in the community. He was a party leader and held various posts in the Republican Central Committee and was a past secretary of the Colorado Republican Party. But Steven Weil noted that he "could not be cast into the mold of a classic conservative" as he served on the board of Colorado Republicans for Choice. In addition to being a leader in Western wear and equipment industry associations, Jack Weil was also very involved in education serving in various roles, including chair, of the Community College of Denver Foundation. Historic preservation was also an abiding interest and he served on the planning commissions for the Humboldt Island Historic District and Cheeseman Park. He also served on the board of the First Universalist Church and the membership committee of the Denver Athletic Club. In 2002, Jack Weil was the recipient of Tulane University's Alumni Recognition Award.

Please join me in paying tribute to Jack B. Weil, a distinguished citizen. His leadership has been exemplary and his contributions are rich in consequence. On behalf of the citizens of the 1st Congressional District, I wish to express our admiration and gratitude for the life of Jack Weil. Our thoughts are with Jack Weil Sr., Steven Weil, Jane Romberg, Judy Oksner and his three grandchildren.

## HONORING THE LIFE OF ROBERT WALTER DEACON

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### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 2008*

Mr. McCOTTER. Madam Speaker, today I rise to honor Robert Walter Deacon, a beloved coach and community leader, and mourn him upon his passing at age 78.

Robert Deacon was born in Brooklyn, NY, on May, 30 1929. An accomplished athlete, Robert earned nine varsity letters in high school before attending Georgetown University and playing quarterback for their football team. When Georgetown discontinued their football program in 1953, Robert transferred to the University of Vermont where he played football and baseball, eventually earning a place in the school's Sports Hall of Fame for football.

After school, Robert dedicated his life to teaching children the values he cherished including hard work, sportsmanship, and fair play. Mr. Deacon served as a city parks and recreation commissioner and became a fixture of the Livonia baseball fields and basketball courts for decades, where he often found time to heckle opposing players, like me. Robert coached his five sons in little league baseball and basketball from the 1960s through the 1980s. While very competitive, as a coach, Robert always made sure to stress sportsmanship among his players and helped them learn from their mistakes. Following his retirement Robert worked as a field manager for many years on Livonia's Ford Field baseball diamonds and on basketball courts at George N. Bentley High School and then the community recreation center.

Regrettably on February 13, 2008, after a battle with lung cancer, Robert passed away. He will be remembered as a kind supportive man who was devoted to his family, especially his grandchildren. To his wife, Marjorie; his children Bob (Julie), Bill (Christine), Tom (Patricia), Tim (Caroline), and Kevin (Sue); his grandchildren David, Michelle, Andy (Christine), Jimmy, Peter, Hannah, Jackie, Mitchell, Matt, Caileigh, Rachel, Laura, and Charlie; his sisters Dorothy MacNaughton and Eileen Hartke; and to everyone who knew and loved him, he was a dedicated member of his community who will be truly missed.

Madam Speaker, during his lifetime, Robert Walter Deacon enriched the lives of everyone around him by serving as an exemplary role model and teacher. As we bid farewell to this extraordinary individual, I ask my colleagues to join me in mourning his passing and honoring his years of loyal service to our community and country.

# SENATE—*Friday, February 29, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of eternity, You are the first and the last, the beginning and the end, the alpha and the omega. You have given this great land spacious skies, strong leaders, and wonderful freedoms. Help us to be guardians of Your bounty, and use us as instruments of Your providence.

Lead our lawmakers. Help them to surrender to Your wisdom and power. May they be faithful stewards of the abilities You have given them. Lord, carry their heavy burdens and deepen their joy as servants of Your purposes. Give them a glimpse of Your view of their lives.

We ask in the Redeemer's Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JOHN D. ROCKEFELLER IV led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 29, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. ROCKEFELLER thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume the motion to proceed to H.R. 3221, which the clerk will report by title.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent that after my remarks, the senior Senator from Rhode Island, Mr. REED, be allowed to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Mr. President, housing is on the minds of so many Ohioans these days, as it is on people's minds across the country. My State has the unfortunate distinction of leading the Nation in the percentage of property in foreclosure.

Every day, 200 Ohio families lose their homes—200 families every single day. The strides we have made as a Nation in increasing home ownership in the last few years will be reversed if we don't act.

The foreclosure crisis is having a tremendous impact on all of Ohio. No city, no region has been spared. The past few years have seen an explosion of predatory lending. The State of Ohio was slow to respond, while the Federal Government—regulators and Congress and the President—have been even slower to respond. Today, we pay the price.

As late as this summer, President Bush and Secretary Paulson—the Bush administration—indicated the problem was largely contained and it would play itself out. So long as the problem was largely contained to Ohio, Michigan, Indiana, Illinois, and the Presiding Officer's State of West Virginia, the situation was nothing to worry about. But once the problem spread from Main Street, Cleveland, or Main Street, Dayton, to Wall Street, the administration suddenly became a bit concerned. Not overly concerned, mind you. For while it changed its tone a bit, its words have not been accompanied by much action. The budget submitted by President Bush shows, for example, no signs of a housing crisis. Congress appropriated $180 million for housing counseling last September at the urging of Senator SCHUMER, Senator CASEY of Pennsylvania, and me, from the Banking Committee, but the President proposes only about one-third of that for the year ahead and criticizes the Reid proposal for continuing that funding.

As cities see their crime rates go up and their property tax bases shrink and more and more homes and families vandalized, with copper and aluminum being stripped from these homes, the President proposes to cut the community development block grant by more than 20 percent.

I appreciate Secretary Paulson's efforts to get voluntary action by lenders and servicers. That is a good thing, but it is not nearly enough. We have seen a rate of mortgage modifications rise from a measly 1 percent to a meager 3 percent. And I have to say, I am not confident how much progress even those numbers represent.

My office just heard from a struggling homeowner in Ohio whose lender offered to reduce her interest rate from 11 percent to 10 percent. But after penalties and late fees were added to the principal, her monthly payment barely budged.

Earlier this week, a couple from Lyndhurst, OH, joined Senators KLOBUCHAR, SCHUMER, DURBIN, and me in Washington to tell their story. John and Vicki Glicken went through a rough patch when John lost his job, but he found a new one, and they are doing their best to make their payments and stay in their home. They have done everything as citizens and as homeowners that we would ask, but doing so is going to be impossible for them so long as they are stuck with a loan that costs more and more every 6 months.

These families, and millions like them across America, need our help. Instead, they are facing foreclosure on one side and a filibuster on the other. That is unconscionable.

The legislation we are being prevented from considering, with the vote yesterday, when our efforts were blocked, would help hundreds of thousands of families like the Glickens. It would help the tens of thousands of communities from Ironton, across the river from West Virginia, to Steubenville, to Cleveland, to Dayton.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I applaud Majority Leader REID for trying to act on the legislation that would provide vital help to communities and families across the country. Under this bill, which I am proud to cosponsor, housing agencies would have access to lower cost financing; businesses that are struggling would get a boost; cities would be helped by an infusion of community development funds, big cities and smaller cities alike; and families would be able to restructure their debts and get back on their feet.

The administration has made a lot of voluntary efforts to date, and to be sure, every bit helps. But the rate freeze will help only a very small sliver of people, of borrowers, and banks just aren't being responsive enough. They say they have no interest in foreclosing on homes, and that is perhaps true, but they do not seem to have the capacity to work out loans with people who could afford to make payments on a reasonable loan long term. I know lenders want to avoid becoming real estate owners, but they do not have the ability to deal with problems their lax underwriting standards have created, and they are obviously not in the business of rebuilding the communities this crisis has threatened.

That is why I think Senator HARRY REID's legislation is so important. If we can spend $3 billion a week on the war in Iraq, we can find room in our budget to spend $4 billion a year to help communities across America get back on their feet. There are billions, tens of billions of dollars to rebuild Iraq. Yet President Bush says no to $4 billion to rebuild our cities.

The administration has argued this constitutes a bailout for lenders and speculators. In Ohio, we are going to meet these people in the courthouse, all right, but I assure my colleagues it won't be to record the title on some sweetheart deal. Anybody who tries to make the argument that cities, both large and small alike, will use community development funds to bail out lenders and speculators has no clue what is going on in communities such as Springfield and Zanesville and Chillicothe.

As we try to rebuild our communities, we must do everything we can to keep families in their homes. If lenders and their servicers can't keep up with the flood of foreclosures they are facing, it is essential we permit the bankruptcy courts to serve as a backdrop; otherwise, the problem only gets worse.

Consider this, Mr. President: One of the ratings agencies is now predicting a 50-percent default rate for subprime loans made in the fourth quarter of 2006—a 50-percent default rate for securitized subprime loans. That is not lending, that is putting a bet on black at the roulette table with somebody else's home. What happens when that bet goes bad? A family is put out on the street, a neighborhood is hurt, and a town has one more magnet for trouble.

The banks have trouble too. Nationwide, banks are recovering only about 60 cents on the dollar for what they are owed when a home goes into foreclosure. In Ohio, that number is only 35 cents, by one estimate. When lenders recover only 35 cents on the dollar on a foreclosure in my State, I don't think they have anything to fear from an alternative process that may result in avoiding foreclosure. Judges would only step in when voluntary efforts have failed and when a family is on the ropes.

That is why the Reid bill's proposal to permit the modification of the mortgages on primary residences makes so much sense. We know servicers can't keep up with the flood of bad loans, so we need a backstop for the 600,000 or so families that may well end up in bankruptcy. Allowing bankruptcy judges to modify a loan on a primary residence, just as they can do today on a loan for a vacation home or a boat or a family farm or a small business, will not just keep a family in a home, it will keep the bank from a 65-percent loss on that property.

Two years ago, there were a lot of slick promises made about how these loans could be refinanced. Today, we know that is just not the case. So we need to act, and we need to act soon so that 2 years from now we can focus again on expanding home ownership under reasonable terms rather than trying to stop the bleeding.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Rhode Island is recognized.

Mr. REED. Mr. President, let me commend the Senator from Ohio for his very thoughtful and very persuasive remarks about a crisis that is gripping almost every family in this country. We are in an extraordinarily daunting moment in our history, and I was disappointed, to say the least, when our colleagues on the Republican side blocked consideration of the Foreclosure Prevention Act of 2008. Every household in this country is beginning to recognize the specter of decreasing house prices, and for many it is not just a looming potential, it is a reality, and it is forcing them to consider very difficult choices in their own family lives.

We have had a situation over the last 8 years in which the income of working families has been stagnant, and in contrast, prices for items that are essential, such as energy and food and health care, have gone up dramatically. Families across this country have been squeezed by flat incomes and rising prices. But there was one point of hope and confidence, a foundation, at least, for their hopes going forward, and that was the value of their home because it was appreciating. Now that has reversed dramatically, and there are estimates that if nothing is done, if the administration continues to block efforts through their colleagues here in the Senate and the House, we could lose somewhere up to 30 percent of the value of homes throughout the United States, from their peak several years ago to the trough that is anticipated. That would mean the loss of $4 to $6 trillion in household wealth—a staggering figure. It is a figure that, from a macroeconomic standpoint, would have huge ramifications.

But let us step down to the actual effects on a family. What does it mean? Well, it means your senior in high school who was planning on going to a prestigious college is not going there. They are going to find an alternative, maybe a State school or another school, because you were going to pay for that, partially, by taking some money out of your house, which was worth so much. If you didn't have adequate health care, that was the reassurance you had, that if there was a major health care crisis in your family—a child or your spouse—that at least you could go in and quickly get some money. Now that has evaporated. If you are a retiree or about to retire, your plan was pretty simple: You had a home you were going to sell and you were going to use the profits to help you fund your retirement.

This housing crisis is affecting working families across the country. They are now discovering, around the kitchen table, that their plans are being frustrated. We have to do something.

Yesterday, when this Senate failed to at least consider moving to legislation like this, I think it is a telling indication of the detachment from the reality of American lives that the administration and some of their colleagues here have.

Today, in my home State of Rhode Island, an added complexity, unemployment, is beginning to creep up. And "creep" is probably too mild a word. It is 5.67 percent, the worst record of unemployment we have had since the mid-1990s. That is another blow to the working families in this country.

So we must act. One other startling statistic to me is today it has been estimated that 10 percent of the households in America are upside down, not physically but financially. Ten percent of the homes, the mortgage is greater than the value of the home because of declining home prices.

Now, what does that mean? Well, not only have you lost your nest egg, in many cases you now are in a situation of being tempted to just walk away from the home. Why are you making expensive mortgage payments at great sacrifice when the home is not worth it?

These are real problems people across the country are facing. It is no longer a localized problem. It is no longer a certain section of the country is having a bad time, but the rest of the country is doing well. Nationwide, for the first time since the Great Depression, we have seen housing prices decline. That is a phenomenon that has to be dealt with. Ignoring it or suggesting that we are indifferent to that, as I think one can assume from the action of yesterday, is, I think, not only wrong, it is bad policy. It also is bad policy because the sooner we take proactive action, the more effective we will be in lessening the consequence of this crisis on working Americans.

We are going to act eventually. This is not going to go away. The staggering numbers that Senator BROWN pointed to, the estimates that there are so many more interest rate resets and so many more people will be overwhelmed by these alternative mortgages, these subprime mortgages, that is not fiction; that is the projection of the financial analysts. It is going to happen.

We have to move now. If we move now, we move deliberately. We cannot eliminate some of the pain, but we can certainly lessen it. We also have to recognize, too, that we can only help those who are prepared to carry and shoulder the mortgage going forward. But I think if we act, if we act properly, we cannot only make progress, but we can respond to what is becoming an overwhelming cry for relief for American families across this country.

In Rhode Island, for example, we have seen mortgage delinquencies increase from 6,100 in the third quarter of 2005, to 10,300. Again, Rhode Island is the smallest State in the Union. We have 1 million people. So these numbers, when you project them to Ohio, are much larger. But in my State, we are, unfortunately, seeing unprecedented foreclosures.

According to the Joint Economic Committee, the number of subprime foreclosures in Rhode Island will total 5,800 between the third quarter of 2007 and 2009. We are seeing an acceleration and, in fact, we have the dubious distinction of having the highest foreclosure rate in New England. There are other parts of the country that are worse, but we have that unfortunate distinction.

We are going to see the cost of these foreclosures in Rhode Island rise to an estimated level of $670 million from the end of 2007 to 2009. Those are huge figures from a small State like mine. In fact, forecasters are estimating that the foreclosure cost could total nearly $104 billion nationwide. But one of the things about these numbers that the numbers are growing—I have been looking closely at this crisis since last April when I was chairman of the Subcommittee on Securities and Insurance. We had a subcommittee hearing on securitization of subprime mortgages and the experts estimated that the subprime crisis was going to result in $19 billion in losses worldwide; that it was over because the mortgages were no longer being issued; that we were in a situation that would be almost self-correcting if we just let the markets work their will.

Well, that $19 billion in terms of losses to financial institutions is now being estimated to be as high as $600 billion worldwide, and the losses keep growing and growing and growing.

Again, I think another strong rationale for immediate action, not simply letting the market take its course, is we are seeing not only a deterioration in the financing mechanisms in the mortgage market, but this liquidity crisis is spreading over to other financing mechanisms. We have seen financing mechanisms for municipal bonds, for example, literally shutting down. There was a technique where municipalities and hospitals would, on a weekly basis, reset the rate for their bonds in an auction. The auctions have failed. The Port Authority of New York just a few weeks ago went from an interest rate of 4 percent to 20 percent, the default rate.

I have talked to a hospital in my State. I asked them, among many other issues, what is happening with respect to their financing. Their rates are shooting up because their option securities are not working any longer.

This credit crisis, this liquidity crisis, is spreading from mortgages to car loans to securitization of credit card receipts to municipal securities, and it is slowing down the economy.

Now, the President does not think we are going into a recession. But, frankly, most everybody else does think we are going into recession. And we have to act, not only to directly respond to this housing crisis, but also to pull this country back as quickly as we can from this pending recession.

I think one of the most important lines of approach to dealing with this problem is bolstering the housing market. That was one of the major engines that moved our economy for so many years. If we let it deteriorate, if we just shrug our shoulders and say, eventually, it will come back, we not only will see a very poor housing market, we will see a recession. And it will be more severe and more consequential than it ought to be.

Now, the Federal Reserve has cut interest rates dramatically. We, very quickly, in a bipartisan fashion, passed a $168 billion stimulus package that will help. But I do not think it is going to be sufficient unless we make significant efforts to deal with the housing problems that are affecting all Americans today.

The administration proposed a Hope Now Plan, a voluntary effort to deal with foreclosure problems. And, again, as Senator BROWN pointed out today, to date 3 percent of potential foreclosures have been avoided through this voluntary effort. This is not an effective way to deal with the huge problems that threaten the economic well-being of this country and all of the families of America. This administration is great on slogans but poor on strategy and execution. Just a week after I was talking to the Under Secretary of the Treasury about the Hope Now Program, I said: Well, do you have a plan B? This does not seem to be working.

"No, this will work. We will have the metrics in a few weeks." Then the administration announced another program. I think it is called the Lifeline Program. Well, we need something more than slogans. We are going to need something more than hopeful wishes that everyone will get along and coordinate together. We need definite help for the homeowners in our communities.

Embedded in the legislation that Senator REID proposed was that specific kind of help: foreclosure counseling funding, CDBG monies for communities to deal more comprehensively with the problems caused by foreclosures, because one of the consequences of foreclosure is it is not just the individual's home, statistical analysis over many years points out very clearly that the surrounding homes lose value when there is a foreclosure on the block. And if those homes are on the tipping point, guess what. They will tip into foreclosure. I do not think I have to tell anyone in this Chamber, because we have seen it before, that once you have this growing sort of malaise in the community, it spreads block by block by block by block until you have a community-wide problem of not only foreclosures but of despair.

I am taking, I think unfortunately, an example from Senator BROWN's State. But I read a few weeks ago about a community in the Midwest, either Ohio or Pennsylvania, and it was an old ethnic community. In fact, I think the nickname for the community was Slavic Town. There, the foreclosures have been so extensive that literally gangs are going in and ripping off the vinyl siding, the plumbing. They are taking out the copper piping because it has been abandoned, this forlorn community, in the heartland of this great country.

A tragic case was a retired gentleman who was trying to protect his property which he had worked for all of his life. He was killed by some of these marauding gangs. That is here in America. We are just going to sit back and say: Well, the market will adjust someday. No, I think we have to do much more.

Unfortunately, because of the policies of this administration, we are not as well positioned to do what we have to do. Yesterday Chairman Bernanke was before the Banking Committee. In response to a question by Senator DODD, he said: Frankly, we are in a worse position today than 8 years ago to deal with this crisis, the housing crisis. Falling productivity, falling value of the dollar—yesterday, the dollar hit a new low against the Euro, and I think today against other currencies. Surging oil prices—yesterday the price of oil went to $102 a barrel, which is translated automatically at the gas pump into higher gasoline prices, higher heating oil prices.

These are huge, huge, huge problems. Because of decisions made by this administration, we do not have surpluses we had 8 years ago. We are committed to a conflict in Iraq which costs $190 billion a year. And even with a change in policy, there will be, unfortunately, not a dramatic shift in spending in the next several months because it takes time to disengage and to change policies.

So we are seeing economic vulnerabilities because of, I think, the policies of this administration. We have forfeited the strength we had 8 years ago to deal with these issues. We understand, too, from looking across the globe at other countries that if you do not move promptly and aggressively and deal with problems like this, they do not go away, they get worse.

In the 1980s, we had a S&L crisis. It took about 2½ to 3 years for, first, the Reagan administration, then the George Herbert Walker Bush administration to deal with it. In those 2½ years, experts on either side of the aisle pointed out that the cost of remediation went up and up and up. I fear that is the same situation we are going to have today unless we deal promptly and immediately with this housing situation.

Again, I think the vote yesterday to stop consideration of legislation to help deal with this crisis was very short-sighted and unfortunate. Now, as I said before, the legislation we would have considered, the Foreclosure Prevention Act, of which I am a proud cosponsor, deals with, in a very pragmatic way, many of the features of the housing crisis that are of immediate concern: the $200 million foreclosure counseling, and part of that has to be not only setting up the counseling but also outreach. We have to do more of that.

It also allows State housing finance agencies to increase their bonds, raise capital to buy mortgages to essentially take out the current mortgage holders, renegotiate the terms with the borrower, and put them in a mortgage plan they can live with and afford. In fact, the President has called for that, but he is objecting to its inclusion, I presume, in this legislation. Then there is a change in the Bankruptcy Code, which has been carefully tailored so as not to roil the financial markets. It would allow a very limited category of individuals who have these subprime mortgages to go into bankruptcy court and allow the bankruptcy judge to set up a new payment plan. The first criterion he or she would have to look at is the fact that these individuals do, in fact, qualify for bankruptcy protections, that if there is a restructuring of their mortgage loan, they can carry out the terms of that loan.

This is not only giving people a chance who don't have the wherewithal to take up that opportunity. There is also language in the bill that sets the lowest rate charged as the prime rate, plus a premium for risk. So this does not allow a bankruptcy judge to take an 11-percent mortgage and make it a 1-percent mortgage or a zero-percent mortgage. There is a very narrowly tailored exception. As my colleague, Senator BROWN, pointed out, you can do that with a second home. You could do that with a farm, if you are in bankruptcy. I don't see why, in this particular crisis, we cannot extend that same protection to homeowners who have subprime mortgages and need immediate help. I think it would accelerate efforts to not only help these individuals in bankruptcy, but it would send a strong message to the financial community that unless they get engaged with working out these foreclosures and mortgages, there is the alternative of bankruptcy court which, if they think it is so onerous, then they should be even more incentivized to work with borrowers to ensure foreclosure doesn't take place and new mortgage terms are negotiated.

An additional element in this legislation is language I suggested as a way to prevent a reoccurrence in the future of this type of mortgage problem by giving the borrowers, in a timely way before they close on the loan, specific information that is essential. The most specific information is the maximum payment they would pay under the terms of the mortgage. There is a lot of discussion about people who were winking at each other across the table, can't afford the mortgage, but "I will take it if you give it to me." Many people honestly walked in, sat down, and thought they were getting a mortgage of 5 or 6 percent with a payment on a monthly basis of perhaps $1,500 or $2,000. Tough to afford, but it was within their budget. But lo and behold, years later or months later, that initial teaser rate became much higher. That maximum payment should be disclosed. A borrower should be able to look at the piece of paper and say: At some point in this mortgage, I will have to be paying $2,500 a month. That is the type of information people need to know. Frankly, many would say: I can't afford that.

There is a suggestion I have heard so often in the debate that we would be rewarding families and homeowners who were trying to take advantage of a good deal with these subprime mortgages. The impression I have, from talking to people in Rhode Island, is that for many families, going back 2 or 3 years, they found themselves saddled with extraordinary credit card debt at interest rates that could be as high as 15 to 18 percent. Why? If you have a health care problem, where do you go? The first response is to put it on the credit card. If you have to go to an emergency room and you don't have health care insurance, if you have an unexpected expenditure, the first thing you do is to put it on the credit card. So many families were stuck with a huge credit card bill.

Somebody walks in and literally sells them a bill of goods by saying: You have 18 percent interest rates. I can put you in a mortgage for 2 years at 9 percent. Of course, it goes up a little later. The little later was not dwelled upon. So for many families, this was not an irresponsible, irrational act. They were buying time, in other words. They were hoping this would be a bridge to a better future, that they would get a raise at the job so they wouldn't have to depend on their credit cards and, when the reset came up, they would be able to refinance. Little did they know that many of these subprime mortgages were constructed so there was a prepayment penalty exactly at the time the reset took place. So as you tried to get out of it, you discovered you would be paying a huge penalty.

The point I wish to make is we have families who now, for the last almost decade, have been struggling. They have exhausted all their options. The last option was their home. Now that option seems to be evaporating in terms of financial strain and support. What we have to do is respond. I believe that is the nature of Government, to respond to the genuine concerns, the genuine expectations of the people we serve. I defy anyone in this Chamber to go back to their States and talk not just to low-income families but to every family and say: Shouldn't we be doing something dramatic, challenging, visionary, and doing it immediately with respect to housing? The answer would be an overwhelming yes. We should listen to the people of America.

I yield the floor.

Mr. DORGAN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I wish to follow on the comments offered by Senator REED of Rhode Island. This issue of the subprime mortgage scandal is a big one. It is affecting not just people who are losing their homes this week or next month; it is affecting all home values everywhere. We had this unbelievable bubble exist with respect to home values, but the collapse has been precipitous and has hurt a lot of people. It is a circumstance where people have discovered the mortgage interest rate they had not understood fully has been reset, they now have mortgage payments they can't possibly make, and they are discovering their home is gone. There is foreclosure on the mortgage.

I wished to talk a little about what has caused all of this. This has been a trail of greed. When you look at the wreckage of this scandal, you see two trails—a trail of greed and a trail of tears. A trail of greed by some mortgage brokers, not all, some mortgage banks, not all, a good many hedge funds, not all, and speculators. They were all making a lot of money. This was great while the party continued. Then all of a sudden it was discovered that none of this made much sense.

Let me describe what was happening and why it didn't make sense. Zoom Credit. You get up in the morning, brush your teeth and shave and you have a television set there and watch television in the morning and see the advertisements. Here is one, a company called Zoom Credit:

> Credit approval is just seconds away. Get on the fast track at Zoom Credit.

At the speed of light, they will approve you for a car loan, a home loan, and a credit card. Even if your credit is in the tank, Zoom Credit is like money in the bank. It doesn't matter if you are not creditworthy. Come to us, we want to give you a loan.

Millenia Mortgage Corporation:

> Twelve months, no mortgage payment. That's right. We will give you the money to make your first 12 months. And if you call in the next 7 days, we pay it for you. Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months.

What they are not saying is that is all reset at the back end of the loan, which means the homeowner will pay a lot more for that mortgage.

Countrywide is the biggest mortgage company. By the way, Mr. Mozilo, man of the year, was honored by everybody, made a lot of money, made a big old mortgage company bigger. Here is what they say:

> Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Then call us.

That is the kind of business they are soliciting.

Mr. Mozilo did real well, $142 million or so for himself. They all did well. Here is what they did. They put these mortgages out and in some cases they cold called people on the phone. People were in an existing home with an existing mortgage. They said: What are you paying for your mortgage payment? We have a new instrument we wanted to put you in at a 2-percent interest rate. Don't tell them there is an escrow payment, just tell them what the 2 percent payment will be. And don't tell them that 2 percent is going to reset, or quintuple in a couple years and they will not be able to pay it. We want to put you in a new mortgage.

So a whole lot of unsuspecting folks went into these new mortgages. It all seemed too good to be true, and it was. But in the meantime, everybody was making money. There is the old story about in the old days when they were making sausage, they would take meat and sawdust and pack them together in the sausage, packing sawdust into sausage. That is what they did. They put out these subprime loans and the subprime loans were kind of attractive because, even as they were putting people into these new instruments, the brokers were making a fortune. I read that if they could make a $1 million jumbo subprime, they could get as much as a $25,000 payment up front for the broker. That is the broker's fee. So then the mortgage company now has a mortgage that is going to reset at a very high interest rate, and so then they package this up. They slice it and dice it with other mortgages. They package it up similar to sausage. And when they cut it up, they call it securitizing it and they start selling it. They can portray a much higher yield for this piece of sausage because they have these subprime mortgages in there, but nobody knows exactly how much is subprime and how much is real.

Then they sell it to the hedge funds. The hedge fund thinks this is great. They are not making hundreds of millions of dollars. The top guys are making more than $1 billion in a year. They say: What we want to do is buy some of these securitized instruments. So they do.

So the broker makes a lot of money. The mortgage company makes a lot of money. The hedge fund makes a lot of money. There are some people who are buying homes as flippers. They and the brokers were in cahoots. They also were greedy. The notion was, buy this home, get a 2-percent mortgage, you can flip it in 2 years because that housing bubble is going up. You will do nothing but make money. Then you had speculators, hedge funds, mortgage banks, and brokers.

All of a sudden the whole thing wrecked, collapsed. Why? Because it never made any sense. It was a house of cards. You can't be putting a lot of mortgages out there to people who can't afford them, people who can't abide by the terms.

I have described three companies, including the largest company, that said: You have bad credit? Come to us.

I have also, in the Commerce Committee at a hearing, heard testimony about how the brokers' pitch went to borrowers out there who were in a home with a good mortgage, and they persuaded them, I think through terms that were never fully disclosed to the homeowner, to get a new mortgage, a new subprime mortgage. Then when it resets all of a sudden, this family is done. They can't possibly afford to stay in that home.

Here is what the carnage is. This is FedEx Stadium. This is the largest football stadium in the NFL. It holds about 90,000 people, slightly more. Last month in January, we had foreclosures in this country in 1 month that meant about 20,000 more than are seated in this stadium are out of a home, in 1 month. In the next 2 years, it is estimated there will be 60 of these stadiums full of people who will have lost their home. Think of that.

Now, there is a new credo here in this Chamber, apparently, this week. It is not even new, I guess. It is well practiced. It is by the minority: Don't just do something, sit there.

This is an urgent problem, and all week long we have seen the minority decide, in two clotures motions, they would insist on 30 hours postcloture. What did that mean? That meant that starting Tuesday, midday, when I was on the floor with the Indian Health Care Improvement Act—the last thing we did this week was to pass the Indian Health Care Improvement Act on Tuesday—and then the minority insisted on two 30-hour periods, taking us to Friday, so that nothing could get done to try to address this housing issue, to try to address a very serious issue.

By the way, this is not just affecting the people I have described. It is not just affecting the people who would sit in that stadium—120,000 people who are out of a home as of January. It affects every other home and every other homeowner. The folks around that home—in the neighborhood, in the community—their home values are impacted by homes that are now vacant whose upkeep is not guaranteed. There are a whole lot of folks who are affected by this, and this country's economy is affected by it in a very dramatic way.

I know the President yesterday said he was surprised when a reporter talked about projections of $4-a-gallon gasoline. A reporter said: Mr. President, there are projections of $3.50 or $4-a-gallon gasoline. What do you think about that? The President said: Well, I have not heard of those.

We have a lot of problems in this country. Gasoline and oil prices are one; the subprime mortgage scandal another; unbelievable speculation, for example, in the energy markets. Let me describe, for a moment, that issue.

We are doing two things right now that are unbelievably inept and hurt every American. One, the Department of Energy—at a time when oil is $102 a barrel, and the price of gasoline is bouncing up, and there are some people thinking about getting a loan to fill their car with gas—the Department of Energy is sticking oil underground. We have a Strategic Petroleum Reserve. It is 97 percent full.

The Department of Energy is taking oil coming off the Gulf of Mexico—royalty-in-kind payments to the Federal Government—and instead of putting that oil in the supply to put downward pressure on oil and gas, 50,000 to 60,000 barrels of oil a day right now are going underground into our domes to be saved. That is unbelievably inept, in my judgment. Why on Earth, when oil is $100 a barrel, would you take oil that belongs to the American people and put it underground? And they are going to go from 50,000 to 60,000 barrels of oil a day to 125,000 barrels of oil per day in the second half of this year.

I have a piece of legislation to try to shut this down. I am going to do everything I can to stop it. Oil that is coming into the Federal Government ought to be in the supply pipeline to put downward pressure on oil and gas. It is that simple. I do not understand why the American consumer is being burned at the stake here with gas prices and the Department of Energy is carrying the wood. What are they thinking about?

Now, there is another thing that is happening that, in my judgment, needs a full investigation by this Government. Oil is $100 a barrel, gas is $3, $3.50 a gallon, going, perhaps, to $4 a gallon. Who knows? We have had testimony before the Senate Energy Committee by experts who say there is not one bit of justification for oil being more than $55 or $60 a barrel. The supply/demand fundamentals in no way justify current prices of oil.

Here is what is happening. Hedge funds are neck deep in the futures market for oil, speculating on oil futures. Investment banks are neck deep in the oil futures market. In fact, for the first time, some investment banks are actually buying oil storage.

Now, why would an investment bank want oil storage? Buy oil, take it off the market and store it because when prices increase you sell it and you make money. There is a carnival of greed, in my judgement, in the oil futures. This is an unbelievable amount of speculation. Nobody is paying much attention to it. It is not very sexy. I know of very little reporting on it, even.

But you have two things happening to the American consumers in this area of gas prices and the cost of energy that are just unbelievable. One is, we are sticking oil underground when we should not be, to take oil out of the supply. That is the Federal Government doing that. No. 2, we have unregulated hedge funds—and most hedge fund activity, as you know, is not subject to regulation—and an unbelievable amount of speculation by hedge funds, investment banks, and others in oil futures has driven this price well beyond the justification of the price of oil, given the supply-and-demand relationship. That is something we have to deal with. That comes on top of and at the same time we see the wreckage that comes from this housing scandal—the subprime loan scandal.

As I said before, some are content to sit around here and thumb their suspenders and act important and look important and wear their blue suits but do nothing. Is that why one gets elected? Is that why one aspires to public service: to do nothing in a time of urgency?

I think this economy faces great peril for a lot of reasons. We have a trade deficit that is the highest in history. Two billion dollars a day we import more than we export. We have a budget deficit that is way out of control, way off track.

The President says: Well, my budget deficit that I propose is $425 billion for this coming year. No, it is not. He has asked to borrow $700 billion for this coming year—$700 billion. Now, you put that $700 billion with a $700 billion trade deficit and you are talking about borrowing, in 1 year, almost $1.4 trillion—10 percent of the value of our economy.

It is unbelievable to me. This country is off track and we have to fix it. One portion of it is energy. One portion is trade policy. One portion is fiscal policy. Today I was talking about a subprime loan scandal that is affecting housing, and housing is an engine in this country. Housing is a very important economic engine.

That is why we want to pass a stimulus package dealing with housing to try to at least catch and at least deal with—in a responsible, appropriate way; not rewarding speculators, but trying to help homeowners—we want to do that in a way that will begin to shore up and provide some foundation to an economy that is in trouble.

Mr. President, I have said what I have come to say. I think there is a lot to do. It is very important for the Senate to take action. I hope next week will be a better week than this week. We do not need delays. We do not need stalling. What we need is action. We need bipartisan action working on pieces of legislation that will improve this country's economy and reach out to those folks in the trail of tears, in the wreckage of the subprime loan scandal, to say to them: We want to see if we can find a way to help you keep your home. Home ownership is a very important part of American life. The housing industry itself is a very important engine of opportunity for this county's economy. My hope is we can do something important in the next week that will address both of these issues.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand I have up to a half hour to speak at this time.

The ACTING PRESIDENT pro tempore. The Senator can speak as long as he wishes.

Mr. DOMENICI. I thank the Chair.

Mr. President, yesterday I spoke about the work we have done, and the challenges we still face, with regard to energy policy. I return to the floor today to complete my remarks.

I concluded yesterday by putting a pricetag on our dependence on imported oil. Experts estimate that foreign oil will cost us $400 billion just this year. This expense will impact our economy in a number of ways, including our trade balance. In December 2007, imported crude oil accounted for 61 percent of the national trade deficit, or an all-time high of $36 billion. The trade deficit, propelled by high oil prices, has factored into the decline of the dollar.

Yesterday, Fed Chairman Ben Bernanke testified that the cost of energy is being passed through and reflected in the increase in prices of core consumer goods and services. Other experts believe that increasing energy prices and lower economic growth could lead to a return of "stagflation."

Our dependence on foreign oil also has a negative impact on job creation in America. The National Defense Council Foundation concluded that imported oil deprives the U.S. economy of more than 2.2 million jobs per year. Choosing to import oil to meet our energy needs exports more than our money—it also exports jobs. Choosing to produce energy here at home would keep those jobs within our borders, and help countless Americans earn a good living.

The National Defense Council Foundation also identified several more "hidden costs" of oil imports, including oil-related defense expenditures, lost economic activity, reduced domestic investment, lost Government revenues, and the cost of periodic supply disruptions. Together, these total $825 billion per year, nearly four times the amount that America spent directly on acquisition of foreign oil in 2005.

The money we export for oil flows directly into the economies of foreign nations around the world. Oil-producing nations spend these revenues on national defense, education, health care, social programs, infrastructure, financial instruments, and to bolster their own energy security. As these nations use American dollars to pay for investments in their own futures, we are forced to spend money we do not have, and forgo our own priorities.

The fact that many of the major oil-exporting nations are undemocratic only makes matters worse. We import much of our oil from Canada and Mexico. Unfortunately, beyond North America, most of our oil comes from countries such as Saudi Arabia, Venezuela, Nigeria, Iraq, and Algeria. Worldwide, the top oil exporting nations also include Russia and Iran.

Many regimes in oil-rich nations are unstable and unfriendly. Anti-Americanism is prevalent throughout the Middle East. The same Saudi lands that are used to produce 10 million barrels of oil per day also provide a staging ground for the advancement of radical Islam. While the State Department has listed Iran as a sponsor of terrorism since 1984, oil revenues allow that regime to weather heightened sanctions.

Our reliance on foreign oil continues at our own peril. We pay huge sums for oil, but even this premium cannot guarantee the availability of supplies. A recent study identified 24 significant oil supply disruptions between 1950 and 2003. These lasted an average of 6 months, and reduced the world's supply of oil by up to 12 percent. Recent events around the world reveal that our supply of oil is still incredibly vulnerable to disruption.

In Nigeria, conflict over oil wealth reduced that nation's daily output by 25 percent last year. Dozens of workers have been kidnapped there, nearly leading Shell to suspend all of its operations in the Niger Delta region. In Iraq, more than 460 attacks on oil pipelines, facilities, and personnel have occurred in the past 4 years.

Not all supply disruptions will be caused by natural events or manmade strife, because much of the world's oil is controlled by irrational, often unpredictable leaders. Venezuelan President Hugo Chavez recently threatened to stop sending his country's oil to America because of a British court ruling. The simple truth is this: in a world without spare production capacity, every major production loss, no matter where it occurs, can boost oil prices—and even short-term increases heighten the long-term costs to our Nation.

Many foreign leaders are using oil as a diplomatic weapon, and establishing diplomatic ties with growing energy consumers. Such relationships legitimize the regimes in power and allow them to secure regional influence. We have seen the Putin regime use its vast resources as leverage throughout Eastern Europe. But perhaps the best example of this type of petro-influence can be seen in Venezuela. The Chavez regime peddled influence by distributing nearly $5 million in financial assistance per day last year to nations throughout Latin America. Venezuela also used revenue from its oil sales to subsidize bus tickets for Londoners and home heating oil for Americans.

Nearly all of us, and nearly all of our constituents, can agree that America's dependence on foreign oil must end. Before I discuss some solutions to the problems I have outlined, I will provide historical context for them.

Attempting to bolster America's energy security is not new to Washington. In 1973, my first year in Congress, President Nixon gave a major address on energy. He proposed a very aggressive initiative, called 'Project Independence', stating:

> Let us set as our national goal, in the spirit of Apollo with the determination of the Manhattan Project, that by the end of this decade we will have developed the potential to meet our own energy needs without depending on any foreign energy sources.

At the time of that speech, net imports accounted for approximately 28 percent of U.S. crude oil demand. Thirty-five years later, imports account for more than 60 percent. Imports have grown because the gap between domestic supply and demand has been allowed to widen—consumption has steadily increased over the years, while production dwindled.

In 2005, the United States consumed 21 million barrels of crude oil per day, but that same year, domestic production hit a 50-year low. The result established a record for oil imports—13.7 million barrels per day—but not a ceiling on them. According to the EIA, oil usage will rise 30 percent by 2030, even as alternative sources of energy account for a much greater percentage of our energy supply.

These estimates show that, while our goals have been admirable and ambitious, we are heading in the wrong direction. As consumption rises, and domestic production falls, oil imports continue to increase and our hand is weakened diplomatically, militarily, and economically. As we debate catch phrases like "energy independence," "energy security," and "energy freedom"—we miss the point. And that is, we must immediately adopt policies to reverse the course we have been on since before 1973, and the course that our best experts estimate will continue beyond 2030.

Part of the problem is created by the talking points originating in Washington. Although the goal of "Project Independence" was never met, the same rhetoric is still used to define the challenges we face. Invoking the Apollo missions and the Manhattan Project ignores the hard truth that an effective long-term energy policy will not be a race to the finish line. As President Nixon asserted, we will need the spirit and determination of past endeavors. We will need our brightest minds and best science. But this time, we do not seek a one-time goal—to land the first man on the Moon, or to develop the first atom bomb. Instead, we seek a fundamental shift in how our Nation powers its economy. The widening delta between domestic production and consumption will continue to swell unless we change course.

Throughout this debate, we must be straight about these challenges. We must be honest with the American people and honest with ourselves. Given our growing energy needs, and our reliance on foreign oil, we should not promise energy independence within a term of office. In the absence of scientific breakthroughs, the strengthening of our energy security that we seek will take substantial time and effort to achieve. But we can begin to move in that direction today.

There are no easy solutions or quick fixes to our energy challenges. As we debate these issues, we should not propose to overhaul the traditional energy industries without also addressing the likely impacts that such actions will have. And we should not seek to transition away from traditional sources of energy until new technologies are affordable, available, and acceptable to the public.

Those of us in Congress share a common goal—to reduce our dependence on foreign oil—but there are deep divisions over how to achieve it. As a result, the CONGRESSIONAL RECORD is filled with legislation that undermines our ability to move toward this goal. These measures were drafted with good intentions. However, good intentions are not enough, especially when they are not matched with the wisdom and experience necessary to achieve these goals we seek. This Congress is in danger of failing in this regard.

Last year, Congress passed an omnibus appropriations bill in the place of several individual bills. As time dwindled, attention was diverted away from damaging provisions that were inserted in that bill and passed with little notice and no debate. Among these provisions was a moratorium on oil shale regulations, which could delay the commercialization of one of America's most promising resources. Our Nation holds 62 percent of the world's oil shale deposits. This equals nearly five times the proven conventional oil reserves of Saudi Arabia. Just imagine the possibilities if we unleash American ingenuity to access these resources.

Another provision in that bill imposed new fees for domestic oil and gas permits, which will increase the cost of business and ultimately heighten the cost of energy for American consumers. As we have seen our domestic production level off over the past several years, it is irresponsible to adopt policies that accelerate this trend. Yesterday, the House Democrats chose the unwise path of raising taxes on our domestic energy producers by $18 billion. Additionally, some in the majority seek to make it more difficult for our military to purchase unconventional fuels from our allies in Canada. On top of that, some in the majority still seek to undo lease agreements that American companies have to produce energy in the Gulf of Mexico. This makes no sense.

These backward policies prevent us from building on the success of recent energy bills. Legislative efforts to open a small section of the Arctic Coastal Plain have now been thwarted for over 25 years. Much of our Outer Continental Shelf also remains closed for energy leasing. Combined, these areas contain more than 100 billion barrels of oil and 450 trillion cubic feet of natural gas.

Using old fears about energy production, and ignoring new concerns about energy prices, policymakers are locking up our energy potential. It is clear that this approach has failed, and that we need to find a new way to reach smart consensus on energy policy.

For too long, the debate on energy has been dominated by extreme ideologies. Discourse has deviated into an "either/or" approach, where participants are accused of being beholden to either "big oil" or "environmental extremism." In an almost equally divided Senate, and at a time when party control is split between the legislative and executive branches, there is no better time to bridge this divide.

We must take action on an aggressive agenda of both new and old energy ideas. Some of these proposals have been labeled as Republican ideas, and others have been labeled as Democratic ideas. We must recognize that reasonable policies to reduce our dependence on foreign oil are American ideas, not partisan agendas. We must affirm that these policies are worth pursuing, because additional steps can and should be taken to reduce the amount of energy this nation imports.

A strong energy policy will rely upon three types of initiatives: those that increase the responsible production of domestic energy; those that accelerate the research, development, and deployment of renewable and alternative sources of energy; and those that significantly enhance our Nation's ability to conserve energy. There is broad agreement that two of these three areas are critical to America's energy security. I see them outlined in the measures introduced in Congress, and they are built upon in the energy proposals of those running for President.

In modern politics, most people would be satisfied with two out of three. But when we miss a critical piece of the puzzle—the one that matters most in the near-term, and would have the greatest immediate impact—then we can safely say, as I do now, that our efforts will fall short of the goal.

I speak, of course, of the continuing disagreements over domestic production. We must, without delay, produce more energy at home. American energy, produced by our workers, must be used to power our homes, businesses, and vehicles.

Increasing domestic production will not be a stand-alone solution. But with proven reserves of more than 21 billion barrels of oil, and undiscovered reserves of more than 100 billion barrels, it is simply unacceptable that America fail to meet a greater share of our own needs with domestic energy resources.

The good news is that we have the resources, the technology, and the support of most Americans. The bad news is that so far we have been unable to muster the political will—we cannot even build consensus to inventory these areas and gain an accurate assessment of our Nation's energy reserves. To have a fair and informed debate, we must know the extent of our resources. And then we must tap them with the ingenuity, skill, and technology at our disposal.

We must listen to the people of Alaska and open the Arctic Coastal Plain to responsible leasing for the exploration and production of oil and natural gas. ANWR is an emotional subject for many folks, so let's stick to the facts. First, to the critics who say that oil from ANWR will take 10 years to come on-line—you are probably right. But to use this as an argument against development is like refusing to save for your retirement because you are not retiring next year. It will take time and patience to develop the resources of Alaska's North Slope. From experience, we know that starting this process a decade ago would have ensured greater domestic oil production when we needed it most.

In 1995, Congress did pass legislation to open a small portion of the Coastal Plain to oil and gas leasing. But President Clinton vetoed the legislation, and more than a decade later, an estimated 10.4 billion barrels of oil continue to sit under our own soil. The week of that veto, the average price of crude oil was $19 per barrel. This week, the price has risen to about $102 per barrel. I would say that conditions have changed enough to warrant a fresh debate on this topic.

Congress must also open more of the Outer Continental Shelf, as we did in the Gulf of Mexico in 2006. Last year, an amendment that would have allowed leasing off the coast of Virginia was defeated on a near party-line vote. That vote was a step in the wrong direction. Offshore America holds tremendous energy potential, and it is essential that the American energy industry have greater access to explore and produce in this area.

Continuing to restrict the OCS will sacrifice billions of dollars that could be used to develop our Nation's future energy supplies. Opening it would augment our supply of traditional fuels—and dollars that now go overseas to acquire oil could remain within our own economy and could be used to develop alternative sources of energy. The conventional fuels of the 20th century can be used to pioneer those of the 21st century, but we must first find the courage to put ourselves on such a forward-looking and pragmatic path.

Equally important to increased domestic production will be measures to expedite the on-shore permitting process. A good example of why is Alaska's natural gas pipeline. Permitting and activities related to permitting that project may add more than 5 years to its timeline. This is just one example, but it is representative of an increasingly burdensome process. Permitting must be streamlined, not only to prevent energy producers from investing abroad, but also for the sake of growing our energy production.

As I have indicated, our Nation has a great quantity of oil locked up off of our coasts, beneath our permafrost, and within our shale. These areas can provide a stable supply of energy as we transition to alternative fuels. But oil is not the only resource that can be developed at home and depended upon to meet our energy needs. We are also fortunate to have vast reserves of coal: some 270 billion recoverable tons, which would last for 240 years at the current rate of consumption. That coal can be turned into fuels that help meet our transportation, manufacturing, and electric power needs.

Because of the emissions that result when coal is converted to energy, we will need cleaner methods to ensure the protection of our environment. To me, this is an opportunity. Our Nation has a proud heritage of innovation, and there is no reason to believe this strong record will not continue in the future. As our most abundant and affordable fossil resource, we cannot simply cross coal off the list. Any serious effort to strengthen our energy security must include coal.

One of our best prospects is to advance the development of coal-to-liquid fuels. As an alternative to oil, coal-to-liquid fuels have many merits: It will reduce emissions of sulfur dioxide, nitrous oxide, particulate matter, and other pollutants when compared to conventional fuels. Coal-to-liquid fuels have been commercially demonstrated in other countries, can be moved through existing pipelines, and can be used in existing vehicles. Commercialization of this resource will create investment in rural communities, thousands of good-paying jobs, and cheaper energy for American consumers. Despite this potential, two amendments to advance this type of fuel were defeated on party-line votes in the most recent energy debate.

Future generations of automobiles will be powered by the advanced battery. The Government must redouble its efforts to ensure the research, development, and deployment of these technologies. Reliable and rechargeable batteries will be critical to the success of hybrid vehicles, which hold tremendous promise for reducing the amount of oil consumed in the transportation sector.

The policies I speak of are just a few of the options available to us. We should also increase the number of flex-fuel vehicles on the road, and the number of stations that offer blended fuels. We should offer incentives to existing refineries, and encourage the expedited construction of new ones, to reduce the amount of gasoline we import. We continue to lament that while our refinery capacity has improved at existing sites, we have not built a new refinery in 30 years. We must rethink our policies to match the modern challenge we face. Again, these are just a sampling of the policy options available to the Congress as we seek to chart a more responsible path forward.

As a member of the Senate Energy Committee for nearly 30 years, and its chair or ranking member for much of the past decade, I obviously have strong views on the energy policies that will best serve our Nation. But I also recognize that we must work together to find common ground. We did this in the past on energy policy, and we can do it again.

The costs of our dependence on foreign oil are enormous and increasing. The consequences of removing money from our economy, and sending it to often-volatile oil-producing nations, are becoming clear. Few positives will ever be drawn from this arrangement.

When we import oil, we export our jobs and we export our wealth. We strengthen regimes that are intent on undermining our interests, opposed to the spread of democracy, and unwilling to extend some of the most basic freedoms to their own people. When we import oil, we threaten our national security and our economic strength. As we look ahead, we must remember that for today and the foreseeable future, we need oil. We should put our American energy resources to use.

This is my final year in the U.S. Senate. It is a privilege and an honor to serve the people of New Mexico and this country. But it is not just the end of my time in the Senate that approaches; the time to reduce our growing dependence on foreign oil is also upon us.

It is my sincere hope that we will use this year and the future to work together on policies that will move us toward our energy security goals. This will require us to set aside our differences and make difficult decisions. It will require us to come to the table with open minds and positive intentions. In an era defined by its bitter partisanship, this will not be easy. But given the stakes—our national security, our economic strength, and our standing in the world—that is exactly what we must do.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am here today to talk about some very positive things that the Republicans in the Senate hope to do to help those people who are caught in a real crisis. We have the HOME Act that my colleague from New Mexico has discussed, and I want to discuss some specific housing proposals that we believe will help people who are caught in the tremendous crisis of the subprime meltdown and the economic conditions it imposes on them.

Too many families in my State of Missouri and across the Nation, including in West Virginia, the State of the Presiding Officer, are feeling the pain of the housing crisis, and they need our help now.

There are 57,000 people in Missouri who are delinquent on their mortgages, with 20 percent of Missouri subprime borrowers behind on their payments. These families, like many across America, can least afford higher housing costs as they are being hit with heating bills, higher health care costs, and more pain at the gas pump.

I am proud to gather with my Republican colleagues to introduce the Home Ownership, Manufacturing and Economic Growth Act, or HOME Act, of 2008.

The housing relief provisions of the Republican HOME Act will provide help for folks such as Willie Clay of Kansas City, MO, caught up in this subprime mortgage mess. Willie is a former Vietnam war paratrooper who lives mainly on Government disability checks. Willie was recently highlighted in a Kansas City Star article entitled "American Dreams Built on a Shaky Foundation of Subprime Loans."

Willie Clay lives in the Kansas City neighborhood of Ruskin Heights, a modest community of hard-working families and tidy ranch homes, a place where folks of modest means can share in the American dream by owning their own home.

In 2004, Willie refinanced his mortgage for a total of $101,000. As you can see from the size of the loan, Willie was not a rich man. He was like so many other Americans—just looking for a little bit of money to pay off medical bills, his car loan, and some credit card bills.

Willie took out a subprime loan with an adjustable rate. It started out at a fixed 8.2 percent. He had no problem making his payments. But then, last October, the fixed rate interest ended and the new adjustable rate reset at 11.2 percent. It is set to rise again in March to 12.2 percent, and even higher in the coming months.

Willie told the Kansas City Star:

> If the rate goes up again, I can't afford it.

Willie and his wife Ina will have to give up their home and move to an apartment. Willie now admits that he never fully understood how an adjustable rate worked when he agreed to the new loan. "I didn't have the education to understand it," Willie said. "And they didn't explain it to me. I thought if the interest [rate] went down, the payment went down. If the interest rate went up, your payment stayed the same."

Willie was also trapped with a $2,500 prepayment penalty, committing him to the loan for at least 3 years. Willie is not alone. His entire neighborhood is suffering through this crisis. There are more than 500 foreclosures in his ZIP Code alone. On Willie's block, there are already several empty houses.

This is wreaking havoc on the neighborhood, its property values, even its basic fabric, as families struggle to make ends meet.

That is why I believe so strongly that we need to help folks such as Willie Clay and families across the Nation. The Kansas City Star suggested that we require tougher disclosure requirements so that borrowers have no question about the terms of the deal. They believe home buyers should encounter crystal clear disclosure forms, stating the loan amount, interest rate, whether the rate will reset under certain conditions, and any prepayment penalty.

We heard the needs of Willie Clay and thousands of families like his across America. We heard the suggestions of the Kansas City Star and many others with ideas on how to fix this mess, and we propose taking action. This institution must take action.

First, the Republican HOME Act will help families like Willie's suffering now with $10 billion to refinance distressed subprime mortgages. Our proposal would authorize State housing finance agencies to issue $10 billion in tax-exempt bonds and use the proceeds to help homeowners refinance subprime mortgages.

Second, in order to help families avoid foreclosure and help them keep their homes, Republicans will expedite the delivery of $180 million approved by Congress in December to provide counseling and help for families in distress. I was proud to cosponsor that in the appropriations bill with my colleague from Connecticut, Senator DODD.

As I announced earlier this week, the first block of these funds has just gone out, and we will ensure that remaining funds are delivered as quickly as possible.

Third, Republicans support helping neighborhoods like Willie's by providing $15,000 tax credits to purchase over the next year a home in or approaching foreclosure. Senator ISAKSON of Georgia will talk more about that. We support the so-called net operating loss carryback provision to help firms that suffered operating losses lower their tax burdens.

Last, Republicans support protecting families who are applying for new loans. People deserve to know and understand what they are signing before they sign it. Anyone who ever bought a house and confronted the stack of small-type paperwork written in legalese knows what I mean. I used to be a lawyer, and I have been presented with those stacks of documents. They are so overwhelming that, unless you have a half day to spend, you are never going to read them. Even as a lawyer, I will tell you they are not the easiest things to understand.

Our proposal will require a plain English explanation of key loan conditions. Borrowers will see in big type any teaser or introductory rate, their payment, and when it expires. They need to know they are agreeing to an adjustable rate and what that rate will be and how much a new payment will be. I doubt that Willie Clay was ever told his mortgage rate could go up over 12 percent. That is unconscionable. I don't think they ought to be allowed to raise adjustable rates beyond what they disclose in the initial disclosures to the borrowers. They need to be notified of any prepayment penalty, and they will be reminded there is no guarantee they can refinance their loan before the introductory rate expires. These are the very things Willie and thousands of borrowers did not understand when they agreed to their loans. Hopefully, this will protect future families who want to share in the American dream.

In contrast to the Democrats' plan, Republicans will avoid making home ownership more expensive, especially for low-income families through harmful bankruptcy changes that increase the cost of borrowing or encourage costly litigation.

If my colleagues on the other side succeed in using bankruptcy to write down all the mortgages and essentially destroy the basic terms of the contract, guess what will happen. What will happen is that nobody will get a loan at a reasonable rate anymore. Any rates that are offered to homeowners will have to have a risk premium built in, probably 1.5 percent or more. Each quarter of a percent will mean 500,000 families cannot get a loan. So that would mean that if this proposal coming from the other side is implemented, some 6.5 million, at least, families will be denied the opportunity to get a home loan because of the risk built in by a congressionally mandated cramdown of the interest rate terms, breaking the terms of the contracts which have been signed.

Republicans will also oppose plowing billions of dollars into big Government programs that do not help our neediest families now. We will oppose adding more dollars to programs that are still flush with funds they were given in December. We want a responsible, effective, and fiscally conservative package that can be adopted without wreaking havoc on our economy, without destroying our budget, yet helping the people who most need help.

Right now, we are threatened by the position of the majority leader of being shut out from offering any amendments. We want to move forward. We want to move forward on a responsible plan that allows the Republicans to decide what amendments they will offer. We are not going to be told by the majority leader that he is the one who decides what amendments we offer. Where has that ever worked in this Senate, telling a block of Senators, minority Senators, 49 of us, that we cannot offer an amendment unless we get the approval of the majority leader? There is a body on the other side of the Capitol that may be able to do that, but the strength of this body is we do not get crammed down on the amendments we can offer.

I have talked with a number of my colleagues on the other side of the aisle, and they agree that our proposals make sense. We just want to have votes on the proposals we think are effective, fiscally conservative, and will not endanger the homeowners whom we seek to help.

If we can work together—and I believe there is plenty of opportunity for a bipartisan compromise—on housing proposals we will help families like Willie Clay's and neighborhoods such as Ruskin Heights in Kansas City to get through this crisis. I urge my colleagues to support the home proposals we will be offering when we are given an opportunity to offer those amendments.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I referred from the Kansas City Star.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, Dec. 30, 2007]

### AMERICAN DREAMS BUILT ON A SHAKY FOUNDATION OF SUBPRIME LOANS

By Paul Wenske

Willie Clay remembers the day a loan broker showed up and sold him on consolidating his debts by refinancing his south Kansas City home.

The former Vietnam War paratrooper, who lives mainly on government disability checks, jumped at the chance to pay off medical, car and credit-card bills. That was in 2004.

Now he realizes it was "a big mistake." In October, his 8.2 percent interest rate on the new $101,000 home loan shot to 11.2 percent. It is set to rise to 12.2 percent in March—and higher yet in subsequent months.

"If the rate goes up again, I can't afford it," said Clay, who lives in a tidy ranch home in Ruskin Heights with his wife, Ina. "We'll have to move to an apartment."

Welcome to subprime hell, where interest rates are going through the roof and the bottom is falling out of home values.

The ZIP code in which Clay lives has had more than 500 foreclosures—one of the highest rates in the city, according to RealtyTrac, a national firm that tracks foreclosures. On his block, many neighbors' homes are empty. Clay worries his may be next.

Clay, who thought his adjustable rate could go down but would never go up, is another victim of the subprime implosion. He and millions of other low- to moderate-income Americans bought or refinanced homes with creative terms that began with lower "teaser" interest rates designed to rise after several years.

At the time, it seemed like a good deal. Home values were soaring. Lenders seemed to have barrels of money to lend—even to borrowers with less-than-perfect credit—stoking the American dream of homeownership and fueling the torrid housing market from 2004 to 2006.

But housing prices cooled in late 2006, just as adjustable rates started to creep upward. Now many loans are going bad as families find they can't afford their monthly payments and can't get refinanced by lenders who have tightened credit.

Foreclosures are at record highs, with Kansas City's foreclosures up 80 percent just since last year.

Thousands of Americans could lose their homes when at least 2 million subprime-loan interest rates are set to rise again this spring. President Bush recently announced a plan to freeze the rates on as many as 1.2 million of those loans. Some experts estimate the eventual cost to the economy will be more than $223 billion.

For many, the help comes too late.

In metropolitan Kansas City, more than 34,290 adjustable-rate loans are ready to reset, putting more homes at risk, according to an analysis of mortgage data by the Center for Responsible Lending.

"What this foretells is foreclosures will get worse before getting better," said Kelly Edmiston, a senior economist at the Federal Reserve Bank of Kansas City, who has crunched the numbers. "We haven't really seen the peak yet."

#### WHAT WENT WRONG?

Blame is easy to spread around for the subprime mess, said William M. Dana Jr., the president and CEO of Central Bank of Kansas City and the immediate past chairman of the Missouri Bankers Association.

Dana cited lax underwriting standards, borrowers who didn't understand the terms of their loans, and regulators who weren't paying enough attention.

Consumer advocates, however, said borrowers with little experience in home buying got caught up in a frenzy, fed mainly by nontraditional lending institutions and thinly regulated brokers who were more intent on making fat commissions than making quality loans. Big national banks also dove into the market with subprime subsidiaries.

"You had an army of salespeople who were hired to go door to door and sell these things very aggressively," said Michael Duffy, the managing attorney of Legal Aid of Western Missouri, who noted that subprime loans are more complex than conventional loans, yet borrowers often received less loan-disclosure information.

Elma Warrick, the executive director of the Kansas City Home Ownership Center for HomeFree-USA, said: "People were just happy to be told they could get a home. Quite frankly, they didn't know what questions to ask."

Clay acknowledged that he never fully understood how an adjustable rate worked when a Wells Fargo Financial broker sold him on the deal.

"I didn't have the education to understand it," Clay said. "And they didn't explain it to me. I thought if the interest went down, your payment went down. If the interest rate went up, your payment stayed the same."

What's more, Clay's loan included thousands of dollars in added charges and carried a $2,500 prepayment penalty, which tied him to the debt for at least three years.

Steve Carlson, a spokesman for Wells Fargo Financial, a division of Wells Fargo & Co., said that while he could not comment specifically on Clay's case, the company does not make home loans "unless we believe the customer has the ability to repay the loan." Carlson said the bank works with customers to avoid foreclosure and find options "based on the customer's financial ability to repay the debt."

Adjustable-rate loans aren't new, but they had been used primarily by borrowers with good credit who didn't intend to hold on to a house long, because they planned to sell it or move.

In recent years, a new breed of lenders and brokers saw a way to use the subprime market to keep home sales revved up.

Lenders targeted urban neighborhoods where new borrowers were itching for the chance to buy. Because those neighborhoods usually had lower average credit scores, often reflecting riskier credit, lenders felt justified to charge more. And they did.

Nearly 28 percent of the home-purchase loans made in Jackson County from 2004 to 2006 were subprime, federal mortgage records show. That compares with less than 10 percent in more affluent Johnson County.

Teaser rates made the loans appear affordable. "These loans wouldn't have been made without the teaser rate," Edmiston said.

From 2003 to 2004, adjustable-rate mortgages nearly doubled—growing to more than 50 percent of all originations in Kansas City, according to Federal Reserve data.

Loan offers became increasingly creative, offering no money down or interest-only payments that began low, but skyrocketed nearly 200 percent in a few years. TV ads induced consumers to borrow against 125 percent of the value of their home—a recipe for disaster for most cash-strapped borrowers.

Subprime sales even took off in middle-income tracts, according to a study of Kansas City's 5th Congressional District by Compliance Technologies, a Washington firm that provides lending intelligence services to financial institutions.

Critics say that raises questions about whether some borrowers were steered to subprime loans when they might have qualified for cheaper conventional loans.

While most mainstream banks in Kansas City resisted the subprime stampede, newer lenders rushed in. More than 98 percent of the loans that H&R Block's Option One Mortgage Corp. made in Kansas City from 2004 to 2006 were subprime, federal loan figures show. More than 97 percent of NovaStar Mortgage's loans were subprime in that time.

In contrast, only a small percentage of loans sold by established local banks were subprime. None of the nearly 1,000 metro loans that Kansas City mortgage banker James B. Nutter & Co. made was subprime.

Ironically, Clay bought his Ruskin Heights home in 2000 with a conventional 30-year loan from Nutter & Co. It was for $76,000 with a fixed 6.5 percent interest rate.

Company president James Nutter Jr. questioned why Clay was directed into a costlier subprime loan when he refinanced his house in 2004. Nutter said that Clay—even with more debt—probably would have qualified for a cheaper conventional loan from his company or another local lender.

"Especially with him being a veteran," Nutter said, noting that some brokers appeared to steer lower-income borrowers into subprime loans "to make more money."

### WALL STREET CONNECTION

Soaring subprime profits quickly attracted Wall Street investors.

As fast as brokers sold more teaser-rate loans, they quickly bundled them into packages and sold them like securities to investors, who pumped even more money into the subprime market.

The Compliance Technologies study showed that more than half of the subprime loans made in Kansas City's 5th District were securitized and sold off to investors.

"Originators were making loans based on quantity rather than quality," said Kurt Eggert, a law professor at Chapman University in Orange, Calif., who served on the Federal Reserve's consumer advisory counsel. "They made loans even when they didn't make sense from an underwriting standpoint."

Mark Duda, a research affiliate at Harvard University's Joint Center for Housing Studies, said that because brokers were so intent to quickly sell off loans to investors, they had little incentive to make sure the loans were suitable for borrowers.

"They were setting people up to fail," Duda said.

By sheer numbers, more whites got subprime loans—but as a percentage, blacks were more likely to be steered into subprime loans and usually paid more for them.

An analysis by The Kansas City Starof home-purchase loans from 2004 to 2006 in the metro area showed that blacks were placed in subprime loans nearly 50 percent of the time and Hispanics about 32 percent of the time. Whites, however, got subprime loans only 16 percent of the time.

These findings are supported by Compliance Technologies' analysis. Examining a larger pool of both home-purchase and refinance loans in the 5th District, the firm found that last year blacks were placed in subprime home-purchase or refinance loans nearly 66 percent of the time.

That compared with 41 percent for Hispanics and 29 percent for whites.

Blacks also were consistently charged an interest rate that was at least a half a percentage point higher, said Maurice Jourdain-Earl, the managing director of Compliance Technologies—meaning, "all things being equal, their monthly mortgage payments are going to be higher."

U.S. Rep. Emanuel Cleaver, a Democrat who represents the 5th District, contends that brokers knew some minorities were less sophisticated about buying homes.

"This was designed to ensnare Latinos and African-Americans," said Cleaver, a member of the House Financial Services Committee. "These brokers get their money on the front end. So they don't care. They're gone."

### SUBPRIME IMPLOSION

As adjustable interest rates climbed, many subprime borrowers could not make their payments. In some cases, homeowners and real-estate investors also had tapped all the equity from their homes. As prices fell, they owed more than their homes were worth.

When the new homeowners couldn't sell or refinance their homes, they often walked away from them. As the inventory of unsold houses grew, prices plummeted even more.

In 2004 and 2005, homes nationally were appreciating, on average, more than 12 percent a year, according to Federal Reserve data. By 2007, they were losing about 1.5 percent in value each year. Kansas City homes went from appreciating an average of 4.5 percent a year to dipping nearly 1 percent in value.

Wall Street investors now are left holding worthless real-estate securities. Subprime lenders are stuck with billions of dollars in bad loans, which they have had to write off. Many are going broke.

"It's like any Ponzi scheme," said Duffy of Legal Aid. "Artificially high values drive more investments, that drive more artificially high values, that drive more investments, until the values get unrealistically high and the whole scheme collapses. That's what you see now."

Ruben Flores, a Johnson County real-estate investor, worked as a loan officer in NovaStar's loss-mitigation office in May when things started collapsing.

"It was like triage," he recalled.

Flores said that loan officers—each handling portfolios of 200 or more borrowers—worked 70 to 80 hours a week trying to salvage as many souring loans as possible.

But the losses have left once-high-flying NovaStar struggling to stay out of bankruptcy. Option One has shuttered its business and plans to write off $125 million in bad loans. Wells Fargo and other big national banks have cut back or stopped making new subprime loans.

Meanwhile, Congress is grappling with ways to help homeowners clean up the mess and make sure it doesn't happen again—including tougher regulations and penalties.

The good news is that tighter underwriting standards are being restored. The bad news is that foreclosures probably will continue to haunt neighborhoods such as Clay's for at least another year.

Foreclosures, however, ripple throughout communities, lowering home values, decreasing tax revenues, and inviting blight and crime. So even if you didn't have a subprime loan, you probably will feel their pain in 2008.

"Subprime problems have become everyone's problem," said Martin Eakes, the chief executive officer of the Center for Responsible Lending.

A look at where subprime loans and foreclosures are most prevalent in the KC metro area.

### WHAT'S A SUBPRIME LOAN?

Subprime loans are generally defined as those given to borrowers with weak or damaged credit. Lenders charge higher interest rates because the loans are seen as riskier.

### METHODOLOGY FOR THE DATA ANALYSIS/MAPS

The home-loan data used for this analysis comes from the Home Mortgage Disclosure Act database, which is compiled by the Federal Financial Institutions Examination Council. The data include millions of records from all home-loan applications, but for the purposes of this study, much of the information was not considered. The only records that were analyzed were for loans in Kansas or Missouri that were used to purchase a one- to four-family home, which means homes that were not apartment buildings. Refinancing loans, home-improvement loans and loans not secured by a first lien were not considered. Only records from 2004 through 2006 were analyzed because prior to 2004 the Federal Financial Institution Examination Council did not have an indicator for subprime loans. A subprime loan is any loan with an interest rate 3 or more percentage points higher than the Federal Treasury yield on securities, according to the Federal

Financial Institutions Examination Council. The home-mortgage data were joined to the map based on census tract numbers and state and county identifiers. The maps accompanying this story were assembled using census tract shape files obtained from the Missouri Spatial Data Information Service and the Kansas Geospatial Community Commons.

Mr. BOND. Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, in listening to my friend from Missouri who just spoke, I was surprised that this is all being debated now in the context of the fact that yesterday our Republican colleagues stopped us from proceeding to the very measure everyone is now talking about and wanting to make changes and improvements to. There are ideas my friend from Missouri talked about that I think are worthy of discussion and debate. Some we may very well support.

The reality is that we are here today because colleagues on the other side of the aisle stopped us from even proceeding to have a debate. So it seems to me it is a little disingenuous to say we want to be doing all these measures—and we agree there is an incredible sense of urgency about what is happening now to families—yet, at the same time, rather than proceeding to the bill and offering amendments, such as an amendment to remove a provision if there is concern on bankruptcy on which I happen to disagree—I think it is very difficult to explain to people why their vacation home, which I hope to have some day in beautiful northern Michigan, would be covered by bankruptcy provisions, but my home, my primary residence where my children grew up, where I raised my family, would not be protected. So I do not understand that difference. That is a debate worth having. If our colleagues had allowed us to go to the bill, we could have had that discussion, we could have had that debate about whether that provision should be in the bill.

I come to the floor today to urge colleagues—and Senator REID has renewed his motion to go to the bill—we cannot begin to deal with an issue which colleagues are saying on both sides of the aisle is incredibly important, which has a great sense of urgency to it, if we are not allowed to go to the bill.

This reminds me of time after time in the Senate where we as a majority have brought forward urgent issues that affect American families and American communities and asked that they be considered, that we have an opportunity to debate and take action, and we have been blocked time and time again—in fact, a record 72 times now, which is more than the 2-year average of any Senate 2-year session. We now have 72 times that our Republican colleagues have blocked us from being able to proceed to do the American people's business on issues that are incredibly important.

I welcome colleagues to come to the floor next week, to support Senator REID's motion to go to the debate, and to look at a variety of ideas that need to be addressed on this critical issue.

We all know that for a majority of Americans—Mr. President, I know in West Virginia as in Michigan—when folks want to get into the middle class, the first thing they do is go out and buy a home, to have that equity in a home, to be able to save equity in their home—no more renting; they are going to buy a house. I know in Michigan that is step 1 for people who are working very hard to get that home for their family, to be able to save for the future. That is the primary way that people, in fact, in this country do save for their future: build up that equity so they can use it to offset the cost of college for their children, to save for retirement, to use it in a medical emergency, which is happening way too often now in our country.

Equity in the home, knowing that you can invest and have your home, is a basic part of what we all call the American dream in this country, and that is in great jeopardy right now for too many families.

Mr. President, 87,000 people went into foreclosure in this last year just in Michigan, and we have one of the highest foreclosure rates in the country right now. That has happened for a variety of reasons. We talk a lot about the financial mortgage arrangements, ARMs—adjustable rate mortgages—that are coming due and interest rates going up. That is certainly part of it. We also have another piece that is very true in Michigan and my guess is around the country that relates to predatory lending practices.

I have a very large number of great Michiganians who are African American or from other minority communities who could be in a prime-rate mortgage right now but were sold a subprime mortgage. They were put into a much more fragile situation with less accountability.

We know of situations where senior citizens have been followed home from church in Detroit, forming relationships with our seniors where they have been talked into totally refinancing their home. They paid for their house, had no mortgage payment, but were told that if they wanted to refinance, they could get that new furnace they needed, they could fix the roof, or they could pay for those medical bills, and they were placed in a situation through predatory practices that has now jeopardized their ability to even have their home.

Then we have another factor which I believe is the largest factor going on right now, which is the underlying fundamentals in the economy and the fact that too many people are losing their jobs or seeing their incomes go down. Certainly, for us in Michigan, it is different than these ARMs resetting. For us, it is about the fact that families are losing their jobs. Families are going from a middle-income job of $25 an hour to $14 an hour and trying to figure out how they are going to pay the bills and keep a roof over the heads of their family.

I happen to believe the best stimulus is a good-paying job, and that is something also of great urgency on which we need to be spending our time. I am very proud of the fact that as we move forward in the next 2 weeks in the discussion of our values and priorities through the budget for next year, they will be laser focused on jobs and what we can do to help people keep and get the American dream by working hard and having a job and creating opportunities for themselves and their families.

We have in front of us the opportunity to do something immediately to help people. We have a bill that includes a number of provisions. Some of them the President talked about in his State of the Union Address. That is a good idea; we incorporated it.

We are talking about adding to the number of preforeclosure counseling offices. We have heard from lenders, we have heard from families and communities that the most important thing is to help people before they lose their house, before they are 90 days behind, when someone thinks they might be having a problem, or they know in 6 months they are going to be faced with this situation of their payments going up—start now and work with lenders.

We also know that most people—not most but many—do not answer the phone when the lender calls. They are worried about what is going to happen and do not think they have any way out, so they just wait. By helping people with counseling, we can stop a lot of this on the front end and help people refinance. For people trying to do that, it is tougher now because we have this complicated situation going on where they go to a lender, they get their mortgage, and that loan is then sold, and they don't know who owns it. So who do you talk to when you are trying to figure out how to make some accommodation to refinance? So, having counselors will help.

We put money in the budget this year because it was a priority for our majority, adding $200 million to help people on the front end, so they could work their way out of this. That is very important. Also, we allow State housing agencies to issue $10 billion more in refinancing bonds so State and local communities can help refinance homes. That is incredibly important, and something that has been widely supported on both sides of the aisle.

We also have said that community development block grant money should be able to be used to purchase and rehab foreclosed properties, again, to help communities. We have to stop this. We have to stop this where it is. I think we can help create some certainty in the markets by helping families right now and creating also some confidence in the markets going forward. That can be done by using the CDBG dollars for communities to refinance and help families stay in their homes.

Also, in a balanced approach, we have addressed what is happening on the business side for home builders. We agreed to include in our original package in the Senate—with the help of our distinguished Presiding Officer on the Finance Committee, one of our top leaders on the Finance Committee—a tax issue, net operating loss, to allow home builders to go back a couple of years to a better time and address some of their issues so there is not the pressure to sell their inventory, the unsold homes at the moment, and allow them a little breathing time. We have included that in this provision as well to support the industry itself. This is a very balanced package that took the input of the leadership on the Banking Committee and the Finance Committee which looked at proposals that were bipartisan—by the President, by a number of people—that had brought forward something that will help. We don't pretend it is a magic bullet. I wish there were one; I don't think there is. But it is a very reasonable approach that has been put forward.

So here we are. We have this situation where colleagues now on the other side of the aisle, the leader on the other side of the aisle, comes forward with a package and says, this is what we want to do; we need to be able to pass these measures. Yet he has blocked us from even getting to the housing issue, to the bill itself. He has blocked us from getting there.

I have to say, this reminds me of one other issue that is very related, and certainly is critical for me in Michigan, that has also been blocked time and time again, and which was a part of our original stimulus package we did in the Senate, of which I am very proud. I think it was a very good proposal, and I was proud of the work we did. In that proposal, we did something else that is very important right now for middle-class workers and families. We extended unemployment compensation benefits for families. It is viewed as one of the top two ways to stimulate the economy.

If you are unemployed, you are going to take every dollar that comes in the door to pay the mortgage, to keep the lights on, the heat on, pay for food, and do the things you need to do for your family. We know it is stimulative. We also know, from a moral standpoint, it is the right thing to do to help families. That has been blocked as well. I see them related because we now have people who have been unemployed for longer periods of time than they ever wanted to be and who are in these situations. Maybe to keep going they did a home equity loan, and now that is not working and they find themselves in a situation of foreclosure. One of the ways we can help on housing is to give people some stability in their income.

I heard colleagues, when we debated this on the other side of the aisle, saying, well, it is encouraging people not to work. I would love to have the President or the Secretary of the Treasury or colleagues come, if they have not talked to folks in their own State, to Michigan and talk to folks who want desperately to work, and are working at very minimal wage jobs right now to try to keep going.

Nationally, we know there are 7.7 million unemployed people today who are competing for 4 million jobs, which is why I say the best long-term stimulus is a good-paying job. I am glad our budget is going to focus on jobs, but the reality is we want to help stabilize families right now because there are hundreds of thousands of people—millions, actually—in a situation where extending unemployment benefits for 13 weeks, and an additional 13 weeks for high unemployment areas, is exactly what needs to happen. I hope we are going to address that as part of what we are doing here as well.

In 2002, there was an extension of unemployment benefits, and the national unemployment rate is roughly the same right now. It was 5 percent then, and it is nationally 4.9 now. We hear from the Bureau of Labor Statistics and from Goldman Sachs that by the beginning of next year the national rate is going to be 6½ percent—6½ percent nationally. I am in a unique situation because I will take that. Our rate right now is 7.6 percent in Michigan, so I would take 6½ percent. The reality is we are seeing a dramatic rise in unemployment, and more and more families are going to find themselves in a situation of not being able to pay the mortgage, not being able to do what they need to do for their families.

I think this is a fundamental issue for families—for middle-class families. We are talking about people who work and who find themselves in a situation, because of a multitude of issues—where the job is not there anymore—where they need help to continue to keep their family together, and keeping their house is incredibly important. I have 72,000 people in Michigan who are scheduled to lose their unemployment benefits by June. I have over 10,000 people a month who are losing their unemployment benefits, and we don't have the jobs for them. This is incredibly serious.

So I am, one more time, asking my Republican colleagues not to block that when it comes to the floor. It is a very important part of the economic picture for people, and it is time for us to get about the business of fixing the economy, of supporting efforts that are going on in the economy for businesses, for individuals, for families, and for communities. There is a great sense of urgency that we need to have, because that is what families feel every single day. I am hopeful that when Senator REID brings the next motion in front of us to be able to go to a bill to deal with housing, colleagues will have that same sense of urgency and join us in being able to do that.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. If the Senator would withhold her request.

Ms. STABENOW. I will withhold my request for the distinguished Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey may proceed.

Mr. MENENDEZ. Mr. President, I thank my distinguished colleague from Michigan for her attribution, and I rise this morning to echo some of the comments of my colleague and others who have lamented what the Senate did yesterday.

We have a situation across the landscape of this country in which our economy is headed onto the shoals of a recession, with some economists believing that we are there already, and the very essence of that recession, which hurts American families in real terms, stems from the housing crisis that exists in this country. Instead of having responded to the storm clouds of the crisis that were on the horizon a year ago—in the Banking Committee, of which I am privileged to be a member, I said we are going to face a tsunami of foreclosures—the administration said, oh, no, no, no, that is an overexaggeration. Well, unfortunately, we haven't even seen the crest of that tsunami.

The reality is that as the administration hit the snooze button then, instead of responding to the oncoming crisis and limiting its scope, yesterday our colleagues on the other side of the aisle did exactly the same thing, opposing the majority leader's opportunity to make sure we address the housing crisis that exists in this country in a way that not only saves American families from having the American dream become an American nightmare, but also, at the same time, in dealing with the very core underpinnings of where this economy is headed—in a negative direction—and turning it around. That is what yesterday's vote was all about.

Everyone except President Bush and some of his colleagues seems to understand that we are in some very serious economic situations. I saw the President's press conference yesterday. Even as gas prices in some parts of the country are already at $3.60 a gallon, when he was told what it was going to do when it hits $4 a gallon, he said: What $4 a gallon?

Well, I guess if you never have to pay for gas, you are totally disconnected from the realities of average Americans. But, yes, that is where we are headed. He doesn't seem to understand we have a serious economic situation.

But let us get real. It isn't largely those of us in this body who understand what is going on, it is the American people, across the landscape of this country, who are feeling the effects of this downturn firsthand. They are the ones receiving foreclosure notices; they are the ones struggling to balance their checkbooks; and they are the ones reaching out to Congress for help.

Yesterday the majority leader tried to bring up a bill to help those struggling in this economic downturn, and yesterday Republican Members of this Chamber blocked that bill, in essence blocking help for those American homeowners who are on the verge of losing their home. The Foreclosure Prevention Act gets to the heart of our economic crisis—that is, the housing market.

As I and others on the Banking Committee have said, the downward spiral of the housing market is the reason we are facing such a difficult economy. We cannot think we will get the Nation back on track without legislation to address the weaknesses in the housing market. The bill that Republicans blocked would have done one major thing: Keep families in their homes.

Beyond the economy, this goes to the very heart of our families' ability to grow and prosper. Home. Home is where we are brought from the hospital when we are born. It is home we come to. Home is where we are nurtured as we grow. Home is where we get to celebrate, most of the time, our birthdays. Home is where, in fact, we also share moments of sorrow. Home is where we often take care of a sick or dying loved one. Home is the very essence of the American dream.

Beyond what it means to us and our families in the context of the development of our lives, home is also the single foundation of the individual American's economic ability to prosper. It is the single biggest asset most Americans will have in their lifetime. It is the asset they will use very often to borrow in order to educate their child and send them to college. It is the asset they may draw upon if they have a significant illness. It is the asset they will rely upon as they grow older and seek retirement.

When it means so much to us as a society, both in the personal context of what home is and the values that surround it mean, and when it means so much to us individually and collectively as communities and as a nation in terms of our economy, it is unthinkable that we could not get progress on a bill that saves the very essence of that American dream.

Yet that is what happened yesterday in the Senate. The bill that was up provides funding for counseling in order to reach and help families at risk of losing their homes. Many American families are sitting around the kitchen table looking through their mortgage bills and their finances and those bank notices. Many of them have turned to their credit cards to float their personal debt.

They are lost. They do not know where to turn. And these counselors who were part of the bill could help offer them real solutions and options to help in averting a foreclosure. Does not that make sense? It does to me. That is what the bill allows.

The bill also provided funding to allow communities with high foreclosure rates to access an existing program, community development block grants. With these funds communities can purchase foreclosed properties for rehabilitation, rent, or resale.

There are some who have said in this debate: Well, you know, those borrowers, they are responsible for making their own decisions; it has nothing to do with me. Well, for every foreclosed property in a neighborhood, those who have their properties adjacent to or nearby within that neighborhood have a decrease in value. Having a series of foreclosed properties, as we have seen in some parts of the Nation, having communities abandoned does not benefit anyone. It decreases surrounding home values; it attracts crime and vandalism.

The bottom line is that foreclosures destabilize neighborhoods.

The funds in this bill, which the Republicans have not allowed to move forward, allow communities to stop the spiral before it starts. Does that not make sense?

The bill's most controversial piece—there are many others, many others that I think were pretty universal; that is, that should have been supported. But its most controversial piece put in by my friend, Senator DURBIN, his bankruptcy provision would, in essence, change the bankruptcy law to give judges the discretion to modify loan terms for a primary residence, in essence, where you call home.

Right now the law allows for modifying those loan terms for vacation homes, something that is not your primary residence. So you can have a vacation home, a time share; you can have any other second home under existing law. If you have some financial trouble, you can actually get the bankruptcy judge to modify those terms. But when it comes to your core home, your principal residence, the place where you nurture and grow your family, oh, no, you cannot do that.

Does it make sense that we have greater value for a vacation or secondary home and less value for the primary residence of American families? That would be the equivalent of something along the line of: You can get a modification on Camp David, but you could not get any modification at 1600 Pennsylvania Avenue.

Now, of course, in this particular case, that example does create so vividly for people what we are talking about. In either case, the President does not have to pay a mortgage on either of those properties because they are owned by the American people. But my point is here is the primary residence, you cannot get any help. The secondary residence, you can get help. It does not make any sense. The thing is, most Americans do not have a Camp David, and they are asking for help to save their house on Main Street. This makes sense.

Now, the majority leader and Senator DURBIN and others worked out a compromise to make sure this provision that was in the bill was even more narrowly tailored. More narrowly tailored? How so? Under their compromise, the only families who could request a court-ordered change to their mortgage are families who would otherwise lose their homes to foreclosure.

But that was not even all. It went on. It went beyond that and it said: Only those families who can pass a strict means test, their ability to pay in bankruptcy, and therefore can prove they cannot afford their current mortgage are eligible. That was not it. They went beyond that. They said: Only families who are currently struggling with what type of mortgage? Any mortgage? No. Only nontraditional and subprime loans, the very essence of the types of mortgages that have created the crisis in America that were spun out there in a way, attracting people into mortgages without the appropriate credit counseling, that they should have never been attracted into anyhow.

So the universe was further limited, further limited. And furthermore, to give the lenders some additional guarantees, if the families, after the bankruptcy judge made some decision to make an accommodation in that loan, if they sell their home after that mortgage modification, any increase in the home value would go back to whom? To the lender. So lenders would have a chance to recoup the loss in that home value.

Now, let me say, there is going to come a point in time that lenders understand that as values continue to go down and down and down, when they foreclose on a piece of property, they are not even going to get that which they, in fact, loaned against.

Is it not far better to be able to sustain a family in their home and to help that value reestablish itself over time and grow and be able to make the lender more whole than to put that family out on the street? Lenders will come to that conclusion at some point.

So these provisions, each time more and more and more narrower, so we were talking only of a universe of those people who were being hurt, had no financial ability to pay the mortgages that they should have never gotten into, that was offered by the industry to lure them in, lower interest rates, and then reject afterwards, and with the ability to recoup any value going back to the lender, all conditions that do not exist on a secondary residence.

None of the things I talked about are part of the law as it relates to a secondary residence; they are all about only this limited prime universe, and, of course, anyone who got a conventional mortgage, anyone who did not get a subprime mortgage or a nontraditional mortgage, they were totally, under the existing law, going to continue to be under the existing law. So we had a narrow universe.

This provision that was in the bill blocked by Republicans was not added to harm the banking industry, was not added to hurt mortgage brokers, it was added to help homeowners save their home. This provision is only one of the ways we can help a significant number of homeowners without costing the taxpayers a dime.

It would help more than 600,000 families in bad loans keep their homes across the landscape of the country. It would help over 14,000 families in my home State of New Jersey avoid foreclosure. That would be a savings of almost $5 million in home values. But if we do not do anything, if we sit back, we risk losing much more. In New Jersey over the next 2 years, we expect more than 57,000 homes to be lost to foreclosure. That means 57,000 families who will have to hand over their keys to their home, 57,000 families who will be forced to say goodbye to the place where they were nurtured and comforted, the place they lived with the good and bad, the place they came home to every night, the place they call home.

In the words of families who know what it feels like to lose a home, they will feel like they will have lost everything. But this is not even about those homeowners. Foreclosed properties have a ripple effect on surrounding homes and the community at large.

In New Jersey, these 57,000 foreclosed homes could cost a $10,000 decrease in the home prices of over 2 million surrounding homes. And, overall, that loss would be about $19.6 billion in home values. That is just in my home State.

The fact is, no one is immune from the ripple effect of this housing crisis. The potential loss to families and communities in New Jersey and across the Nation is far too great for us to sit this one out. I, personally, cannot stand by while Members of the Chamber play games with my home State and with the American dream of millions of people across the landscape of this country.

Collectively, we have much too much to lose. I do not know if other Members of this Chamber do not watch the news, or they do not get the same memos, but foreclosures are going to happen nationwide if we do not do something. Analysts anticipate that 2 million American families will lose their homes over the next 2 years, and 40 million of their neighbors will see their home values decline due to projected foreclosures.

When those neighbors see their home values decline as a result, their ability to borrow against their home for their kid's college education, to have the buffer in case of a major illness in their family or themselves, their ability to do all those things will be affected.

It is not time to play games and use delay tactics. The more we delay, the more homes we risk losing. Approximately 20,000 families lose their homes every week. Every week, 20,000 families see the American dream slip away. These families are struggling. They are trying to pay their mortgages, but they cannot. Most of them cannot sell or refinance. Many of them have found, in fact, the value of their properties is less than the mortgage amount. They need other options, and they are looking to the Federal Government and those who lured them, the lenders, as the first place for help.

The fact is that help simply is not there. Loan servicers could modify the loans themselves. They do not have to wait for a bankruptcy judge, would not have to wait for the Congress to act. Under existing laws, the loan officers could modify loans to make them more affordable and simply are not doing so in sufficient numbers.

A report by Moody's found that loan servicers have only modified 3.5 percent of mortgages that increased to higher rates. These are opportunities to keep people in their home, and instead of dealing with the higher rates, maybe adjust those rates in a way where they would still get a borrower who can continue to pay, wait for the value of that home to build up. But they would not make as much as in the loan they lured these individuals into. A report by the Center for Responsible Lending estimates that the administration's plan that has been put out there as the solution to this problem, to streamline modifications, is only going to help about 3 percent of homeowners, 3 percent.

As a member of the Banking Committee, I asked the Secretary of the Treasury, Secretary Paulson, when he was before us about 2 weeks ago, and yesterday Chairman Bernanke, the Chairman of the Federal Reserve: Are we willing to say 97 percent of the projected 2 million homes that are going to be lost in America, that is a market correction?

Are we willing to accept that 97 percent of those 2 million homes that will go in foreclosure, that is acceptable as a societal value? You hear a lot about family values here. Well, I do not know of any greater family value than the place we call home and a place to call home.

Are we willing to say we will, in our overall economy, accept a 97-percent foreclosure rate as it relates to the nature of our economy and where it is headed, an economy that is stagnant in terms of growth but rising in terms of consumer costs, on gas—notwithstanding the President's lack of knowledge of it—on energy costs as a whole, on rising food prices, and lowering home values? Are we willing to say that?

Are we willing to say to 97 percent of 2 million families: Well, that is a market correction. Yet we heard the rush to get the Federal Reserve to respond to Wall Street and the concerns of shareholders. How about homeowners? How about homeowners? That is simply not good enough.

Thousands of New Jersey families have already gone into foreclosure. Tens of thousands more are behind on their mortgage payments. How many more are we going to watch have their American dream turn into the American nightmare so many are facing. Let me put a face on these statistics: Charmain Perryman, a resident of Nunellen, NJ, she came home last fall to an eviction notice taped to her front door. Perryman, like so many others, had an adjustable rate mortgage that had reset not once but twice, rising from 7.5 percent to 11 percent. She was on the verge of losing her home. Luckily her story has a happy ending. A community development organization, similar to those we want to help through community development block grant opportunities, is buying her home from the bank and working out a payment schedule so she will be able to stay in her home and make responsible payments.

But there are too many families across the landscape of New Jersey and the country that are not realizing that opportunity. That foreclosure notice taped to their door will soon be replaced by a padlock on their door.

The Foreclosure Prevention Act, of which I am a proud cosponsor, offers real solutions for the American family, neighborhoods, and the entire economy. It would help stop the bleeding in the foreclosure crisis.

I ask Members in the Chamber to think about these families when, hopefully, they have an opportunity to vote again. What happened yesterday was embarrassing. I know some camouflage is being offered that, well, we were not going to be allowed to offer certain types of amendments. The reality is, as the majority leader made clear, all relevant amendments would be allowed. Families who are struggling, at the end of their rope, 20,000 families a week losing their homes, don't want to hear about some amendments that ultimately had nothing to do with the very essence of the housing crisis as the reason they are getting put out of their homes. All we are saying is, come to the table. Offer relevant amendments. Let's have a real discussion about how to help families avoid foreclosure. With 20,000 families losing their homes every week, 10 million on the near horizon; with an economy that is bleeding dramatically and that could go, if we do not stem the hemorrhaging, into a deep recession that would have long-term consequences for us as a Nation, both as individuals, families, communities, and collectively, it is not something with which we can afford to play procedural games.

I look forward to next week having a new opportunity, fresher minds' reflection, and an understanding of the grave consequences before us, and an opportunity to rescue—not to do a Government bailout but to rescue—the opportunity of the American dream being snatched away by the American nightmare.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Louisiana.

### DAMAGE FROM HURRICANES

Ms. LANDRIEU. Madam President, I want to follow up on the remarks of my colleague from New Jersey who has been an extraordinary leader in so many ways, particularly on the housing issue. I thank him and associate myself with many of his remarks.

I rise to speak about the housing situation and to try to bring some comparisons between the difficulties around the country and, in some places, downright despair because of the foreclosure situation and pending bankruptcies. I also want to remind my colleagues that there is still a tremendous need on the Gulf Coast relative to the housing crisis and ask my colleagues not to lose sight of the difficulties that we are still having in Texas, Louisiana, Mississippi, and Florida.

I know it is 2008. The storms of Katrina and Rita and Wilma are long gone in some people's memories but not in ours. These storms in many ways were just like yesterday, not just the hurricanes but the levees that broke and caused unmitigated disaster and despair.

I thought it would be helpful to first examine communities with the highest foreclosure rates, and with the Senator from Michigan in the chair, the first area I want to speak about is in Michigan—Detroit, Livonia, and Dearborn, which I am sure she is familiar with—which happens to be the metropolitan area that has the highest percentage of foreclosures. This chart shows you the top 10 communities in the Nation and the numbers of homeowners facing bankruptcy or foreclosure. The number of homes is both striking and startling. If you think about foreclosure, the damage is not just done to the family losing their home or the individual but to the neighborhood as a whole. If it is so concentrated, as it seems to be in some particular counties, it has dramatic economic effects on the whole community. That is why Democrats—and I know some on the other side are sensitive to this—are trying to fashion a package that recognizes that while we don't want to bail out improper behavior, we most certainly don't want to bail out illegal behavior, we absolutely need a housing bill that recognizes that foreclosure does not just involve a single family, but it impacts an entire community, particularly in Michigan where some of this is probably associated with the downturn in manufacturing jobs. People are not only losing their jobs but losing their homes.

While the causes of our loss were very different, it wasn't due to an economic downturn. It wasn't really due to subprime lending practices. Our problems were due to the levees collapsing when they should have held and the ensuing floods that wiped out hundreds of thousands of homes, which I will get to in a minute. But for purposes of my brief remarks this morning, these are the top 10 areas facing foreclosure problems in the United States, in Michigan, California, and Nevada.

You have heard people say this crisis is limited to places within about seven States. But for comparison, I would like to show the counties and parishes in the Gulf Coast that have the highest rates of housing loss due to the floods. This is an extraordinary comparison. If I could ask the staff to hold up the other chart next to this one so people may see.

We are talking about the mortgage crisis, 4.9 percent in Michigan and 4.9 percent in Stockton, CA. Next to it is the actual numbers. So 41,273 households in the Detroit area are in some part of the foreclosure process; down in Miami, FL, 2.7 percent. That doesn't sound like a big percentage, but it is 25,000 families. That is a lot of families.

But let me show you on the Gulf Coast what has happened to us over the last 2 years. In St. Bernard Parish—this is major and severe damage. This is the percentage of homes that were unlivable, 78.4 percent; in Cameron Parish, which is a small parish in the Southwest, 71.8 percent; in Hancock County, MS, 69.8 percent; in Plaquemines Parish, LA, 57.5 percent; Orleans Parish, 55.9 percent; Harrison County, MS, 34 percent; Jackson County, MS, 34 percent; St. Tammany Parish, 25 percent; Jefferson Parish, 19 percent; and Vermilion Parish, 13 percent. There are no other percentages like this anywhere in the country.

My point is that while I am glad address the foreclosure crisis for the country and am proud to help other regions—and I most certainly understand the disaster associated with foreclosures, particularly if they are not really of your making. You took out the right kind of loan, you put your money down, but you lost your job or your child got into an accident, and because you don't have health insurance, you have to file for bankruptcy, and people are taking your home. And that is the last thing people should be doing. We should be helping pay medical bills and getting people jobs and not taking their homes. I am not here to bail out reckless behavior. But I most certainly think Congress should step up and help middle-class families struggling to keep their homes. But for comparison's sake, I want people to get their eyes on what we are still going through on the Gulf Coast.

We have parishes where 78 percent of the homes are unlivable and people are struggling to keep these homes. What the Federal Government has done has been substantial, but it is not adequate and not enough. While we have sent Community Development Block Grant funding down to many of these families, some of them still haven't seen a penny. Some of them had to deduct their insurance from that. We still don't have tax relief for individuals who took a casualty loss deduction and are now being taxed on their Community Development Block Grants. So people, in addition to not receiving their full complement, not getting their full insurance money, are now being pushed to a higher tax bracket because this Congress has failed yet to give them tax relief that they desperately need.

So as we put this housing relief package together for the Nation, let's think about what can be done in Mississippi, Florida, Texas, and Louisiana, where, in some places, 50 percent of families or more have lost their homes. Some people are back. Some people are struggling. But you might have a neighborhood, let's say, in St. Bernard—I was there last week—where there is one home that is fixed and inhabited. Every other home on that block is vacant. Think about that. This person is happy to be back in their house. But when you ask them what was the value of that house before the storm, it used to be $450,000. Today that is a very interesting question. What is the value of a three-bedroom brick home on a block where every other home is empty? That is how badly people want to live in their neighborhoods and communities. These are not communities necessarily below sea level. Some of these places I describe are above sea level.

If the Senate continues to consider the Foreclosure Prevention Act, I have some specific suggestions as to how we can make the bill more relevant for families struggling on the Gulf Coast. First, we need tax relief for Road Home grant recipients. We need it for the people who have lost their homes. We also need to craft the legislation so that families can use the bonds allocated in the bill to purchase or refinance a home that was destroyed in the 2005 hurricanes. Also, the Community Development Block grant funding formula in the legislation should account for communities that have lost significant numbers of homes in the 2005 hurricanes. Finally, the bill provides a unique opportunity for us to increase home ownership in hurricane-impacted areas.

I wish the Presiding Officer the best in helping one of her communities. But please don't forget us. I don't have Alabama numbers, but the hurricane did hit Alabama. We do have those numbers on another chart. But for those of us on the Gulf Coast, this is critical. And, yes, another hurricane season is starting this spring. Let's get some help to these people and fashion a bill that we can pass that will bring real relief to American homeowners everywhere.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank my colleague for raising some of those issues. Our area was hardest hit in one area I visited not long ago, and just now we are seeing houses come back. It has been sad. I think that it has taken this long to move, going on 3 years, and you wonder why we couldn't make that happen earlier. A lot of money has been spent on interim housing and other things, that had it been spent in a way that goes directly to housing, to building new housing in safe areas and raised up so we wouldn't have a risk in the future, we would have been a lot better off. I know it is hard because I have been there and I have seen how hard it is to move the process in a faster way. I hope in the future we will learn to do it better.

I thank my colleague for raising it.

### BUDGET

Madam President, all of us realize our country faces a fiscal crisis. Unless we take action, we are going to see dramatic damage to our economy in the years to come. With the retirement of the baby boomers, our current spending levels on Social Security, Medicare, and Medicaid in particular are simply unsustainable.

Absent reform, the Social Security trust fund is expected to be exhausted by 2041, the Medicare Part A trust fund will be exhausted in 2019—only 11 years from now—and the cost of these Federal programs will actually exceed the current budget. The resulting deficits will be so large that many predict the Government will not be able to borrow its way out of the problem. So we do need to take some steps now.

Some may think these grim predictions, these projections are not accurate. Maybe things are not as bad as some are projecting. But I do not think anybody can doubt we are moving to a period of time when our ability to fund the entitlement programs, plus our general expenditures, will be beyond our capacity—really beyond our capacity. It becomes more difficult each year we delay in getting there.

Next week we will be marking up, in the Budget Committee, this year's budget. I have served on the Budget Committee for a number of years. Last year, we had a budget, and it was a bit discouraging. We have had discouraging budgets for some years, frankly.

I want to make some remarks to clarify what I think is a problem. Some would say it is partisan, but I think we might as well talk about it because, prior to the last election, our Democratic colleagues vigorously attacked the Republicans for not fixing our fiscal situation. They said: You are in the majority. There was, in truth, much merit to those criticisms. I do not think the Republican majority did a very good job, and people were not happy about it. It was a factor in the last election.

In fact, in the last election, 2006, when my Democratic colleagues were promising to do better—and they achieved a majority in both Houses of Congress—the polling data showed the Democratic Members of Congress were believed to be better able than Republicans to confront this deficit problem we were facing. So it was a factor, I think, in the last election.

I note that over the last several years substantial progress was made about the deficit. We do not need to be too negative here. The deficit fell from $413 billion in 2004 to $162 billion last year. That is more than half—well more than half—that we reduced it. I, frankly, was very hopeful that if we could continue to contain the growth in spending we would see that deficit continue to fall.

But two things have happened that, frankly, make this a difficult year. First, the Congress voted for a $170 billion stimulus package to send everybody checks and other things—$170 billion. Last year, our deficit was just $162 billion. This year we added on top of all of our spending another $170 billion.

Since we were already in deficit, where did we get the money to pay the $170 billion? Nobody disputes it: Every single dollar of the $170 billion proposed is paid for by more debt. It is borrowed. It is going to be a debt we will carry and our grandchildren will carry, frankly. And we will pay interest on it. So this year's budget is going to look bad, and it is going to be difficult because we have another $170 billion, and that is more than the deficit of all of last year.

Secondly, we still have very considerable expenses related to the war on terrorism. That hurts. But that was included in last year's deficit.

The next thing—that is troubling for us all—is the economic slowdown. We tax the American people pretty heavily—frankly, more than I like to see them taxed. We tax upper income people with even higher marginal tax rates than we tax lower income people.

When the economy is doing well—and somebody should do a better study about this, I think, than has been done to date—when the economy is doing well, upper income people tend to do very well. So their business—maybe they own 10 or 12 of this or that outlets in some city. The economy is booming. The CEO, the owner, makes $300,000 a year, and he pays that 35-percent marginal income tax rate to the Federal Government.

Now, if the economy slows down, instead of making $300,000, he makes $100,000. It looks like a lot of money, but it certainly will not benefit the U.S. Treasury nearly as much because the marginal rate on $100,000 will be lower than 35 percent. And he will only be paying on $100,000.

So I say, we have created a tax system that has tied itself to a growing economy, and we are not in a growing economy this year. It looks like the economy is going to slow down, and it is troubling. So we cannot project the same level of revenue to the U.S. Government that we had the last several years, which had been surging. It was 13 percent, 11 percent, 10 percent the last 3 years in growth. So we are facing a difficult issue.

My Democratic colleagues, during this past election, promised to cut spending and do better than those who had been in power. My very fine colleague Senator CONRAD—who I think, if he had more support among his majority colleagues, would be able to do more than he is doing—said these things last year. This is the chairman of the Budget Committee:

> So for those of us who are concerned about spending, sign me up.

On "60 Minutes":

> We need to be tough on spending.
>
> I think most of it is going to have to be on the spending side of the equation, given the magnitude of the baby boom generation.

> I think we should sharply inhibit the growth of spending.

Well, those were some promises that were made last year. They have also promised and made a big to-do about the tax gap.

Now, the debate over the tax gap was simply this: Well, we don't want to promote in our first budget—last year, that was the first Democratic budget—a tax increase, so what we will do is we will use the same current tax rates, and what we will do is collect more and get those people who are cheating. We had reports from the IRS that said that was not going to work. We had experienced Senators, such as Senator GRASSLEY, former chairman of the Finance Committee, who said: That is not going to work. Senator GREGG, former chairman of the Budget Committee, and now ranking Republican on that committee, said: It is not going to work.

Oh, but they used that argument. When the budget was passed, this extra income they projected would be received into the Treasury as a result of enhanced enforcement by the IRS, that that was going to help them, allow them to spend more money and not increase the debt. OK. That was the debate we had last year when we passed a budget: a commitment they would raise more money by collecting from those who are not paying as much as they are supposed to pay. It did not happen. I will talk about that in a minute.

But I want to say this: A budget is a defining document for a political party. It is organized 51–49 with a Democratic majority here. We passed a Budget Act a number of years ago—because we could not pass budgets because of filibusters—to eliminate the filibusters during budget debates. You can pass a budget with a majority vote. So the majority party, as the Republicans could do in the past, was able to pass a budget without support from the other party. Anybody who is in a majority in the Senate ought to be able to pass a budget. It also is a document that says something about the priorities and the direction that the majority wants to see the country go: how they are going to get there. It is a very important, defining document.

Senator GREGG, last year, was very eloquent. He is such an experienced and wise Senator, who watches this carefully. He has studied these issues carefully. He predicted their budget was not going to add up last year when we passed that budget. But they insisted that it would work, as it was passed, and history now can tell us what happened. Looking back, it is clear—even in a period of good economic growth last year—the promises that were made were not kept. They told us they would cut the existing spending or reduce the rate of increase in spending. Yet last year the majority attempted to add $23 billion to President Bush's discretionary spending request, which already reflected a $60 billion increase.

So President Bush's budget had a $60 billion increase in discretionary spending. This excludes Social Security, Medicare, and the military—or the war supplementals. It excludes those entitlement programs. He proposed $60 billion in increases. Our colleagues passed a budget in the Senate that was a $23 billion increase above that.

Contrary to cutting spending, I would suggest my colleagues did not fulfill their promises, but actually proposed a budget that increased spending 50 percent more almost—40 percent-plus more than President Bush proposed. Over a 5-year period, that budget would have hiked nondefense discretionary spending by $205 billion. But we did have somewhat of a battle last year, and as the great omnibus bill came through at the end of the year—that monstrosity—President Bush threatened a veto, and he forced a cut in spending. Republicans in the Congress backed him up on that veto threat, and that was achieved at the end.

It appeared that we had a spending program that was more akin to President Bush's $60 billion increase than to an $83 billion increase as proposed by my Democratic colleagues. But it wasn't all that good, frankly, because, as has been the case for decades, there are other options to get around the budget—gimmicks and devices. By abusing the emergency spending designation last year, the majority party was able to spend an additional $24 billion anyway, by calling it an emergency.

If we have a budget and we agree to commit to that budget and legislation is proposed that goes above that budget, it is subject to a point of order, and you have to have 60 votes at least before you can spend it. But if you can get enough votes, if you can get 60 votes, you can just declare something an emergency, and you can put the money in the emergency spending with 60 votes, and it doesn't count against the budget because you have declared it an emergency. So that is on top of the deficit budget we have.

Also, there were great promises that any new spending programs would be offset. This is the pay-go rule. How do you offset a new spending program? You can cut spending somewhere else or you can increase taxes. That is the only way to do it under pay-go. But our colleagues have often—this pay-go rule that had been so much ballyhooed here by our colleagues—they either ignored it or gimmicked the pay-go rules last year. Such gimmickry resulted in $143 billion in deficit spending.

For example, let's look at the SCHIP reauthorization. I hope my colleagues will just think about this. I take no pleasure in this. I have seen Republicans do this too. But this is really a blatant example. The bill we passed last year increased funding for SCHIP, the insurance for children, increased spending over 5 years by $35 billion. But in fiscal year 2013, that spending level was decreased by 85 percent. Now, I ask my colleagues: Why? Why would we dramatically increase funding for the SCHIP program and then in an outyear—2013—slash it by 85 percent? The reason is they score the cost of it over 5 years. So for 4 years we would have a dramatic increase, and in the fifth year they make a dramatic 85-percent reduction. The question is, Why was that done? So it would fit within the score, the 5-year score. But what is really going to happen? Does anybody in this Senate think that in 2013 we are going to cut the children's insurance program by 85 percent? Of course not. This is a gimmick. It was a gimmick to make it fit within the budget, to appear not to be in violation of the pay-go rule when, in fact, we know we couldn't possibly reduce that program by 85 percent.

Not only does the pay-go rule fail to control spending, it will put us on an almost guaranteed path to large tax increases. Under the Democratic budget that passed last year, any existing tax cut, any existing lower tax rate that expires sometime in the future would be allowed to expire—for our colleagues, to continue those current levels of taxes, to continue them at a lower rate is considered a tax cut. So to extend the dividend cuts, extend the capital gains cuts, extend the lower rates for lower income workers, it amounts to, under their definition, a tax cut. It takes 60 votes under this pay-go rule to pass a tax cut. President Clinton said he opposes these tax cuts that President Bush passed, and I think that represents the majority view of my colleagues, so we are looking at a period of time that we could see additional increases in taxes, and to keep them at the current rate, they will score it as a tax cut. We will either pay for it under this definition by reducing spending or increasing taxes somewhere else. We are not going to reduce spending because we have already seen the majority party has proposed a budget that spends more than President Bush proposed, and he proposed an increase in spending.

It is sort of a perverse little deal. Under this pay-go rule, my colleagues assume that spending will go up each year, so that doesn't have to be offset. It goes up at a certain rate, but they say if you extend the current tax rates, that is a tax cut. It provides an incentive and an advancement of spending and a detriment to tax reductions.

Now, with regard to the tax gap, it would be pretty humorous, frankly, if it weren't so serious. Their proposals on this tax gap, this idea that they are going to raise more taxes by having the

IRS increase collections, was one of the wildest political chimeras this Senate has seen in quite a number of years. As I have indicated, senior Senators such as Senator GRASSLEY and Senator GREGG pointed out how it was not going to work, and they cited the IRS and other things that showed it, but we passed it anyway. We scored the budget on the assumption the money would come in. It was going to raise $300 billion over 5 years, just in enhanced collections. So we assumed we were going to enhance tax collections by $300 billion over the next 5 years last year when we passed this Democratic budget. But we see now, from the best estimates we have for the effort of closing the tax gap, it is not going to raise $300 billion, it will raise $200 million over 5 years, $40 million a year—hardly enough to impact the overall deficit situation we are in at all. The House has recently passed legislation that actually is going to widen the tax gap, unfortunately.

Our colleagues promised to enact middle-class tax relief, but that has not been done. There has been no action to extend the marriage penalty relief we have today, the $1,000-per-child tax credit we have, the 10-percent tax break credit—the 10-percent tax bracket for low-income workers, or any kind of estate tax reform. So we have had that talk, but we haven't passed it, and we are heading to the point where we are going to have a pay-go problem to even extend these current rates, and they are going to score that as a tax cut and demand to know where we are going to get the money from. The capital gains reduction that virtually every economist agrees results in increased revenues to the Government from capital gains taxes will expire in 2010. The 10-percent tax bracket—the low 10-percent tax bracket that didn't previously exist but was created as a result of President Bush's tax cuts would expire, and it would go back to 15 percent for lower income individuals. Setting a dividend rate at 15 percent will end; it will go back to the marginal rate for many people of over 30 percent. Does anybody think that is going to help the stock market to increase—double—the rate for dividend taxes you have to pay? So the best scores we have are that we are heading toward a $900 billion tax increase that will impact directly—and everybody indirectly—116 million taxpayers.

What about entitlements? The majority party talked about doing something about entitlements. I think Senator CONRAD truly believes we should do something about it. He has worked hard at it, but he has never gotten the support on his side of the aisle to ever make a dent in it. We have to think about entitlement spending.

At this point in time, entitlement spending—Social Security, Medicare, Medicaid—exceeds half of our budget, half of what we spend. That number is growing. Some have it up to 100 percent of the current budget level in a number of decades unless something were to change. At least President Bush consistently has offered programs to improve and contain the growth in these programs. He talked about Social Security reform, and the door was slammed shut. My colleagues wouldn't even discuss it. He has talked about Medicare and Medicaid. Nobody would talk about that last year. It was absolutely not a part of last year's budget.

So I think this is irresponsible. If we are heading on a glidepath that takes us to trillions and trillions of dollars in debt, driven overwhelmingly by the 6, 7, 8 percent increases annually in Medicare and Medicaid, why can't we begin to reduce that growth rate and bring it more close to the inflation rate of 2, 3 percent, maybe 4 percent, 5 percent increases each year?

Finally, I thought one of the most effective critiques of the Republican majority leadership in 2006 and the years before was we weren't passing our appropriations bills on time. They had too much pork in them. Stuff was put in them in the dead of night, and we didn't have a chance to read it and do anything about it. That was the valid criticism of the Republican majority.

What happened this past year after our colleagues won the majority, claiming they were going to do better? Did they do better? Well, we have 12 appropriations bills each year. We should enact each one of them individually. They should be brought up on the floor one-by-one. There should be an opportunity to offer amendments, and they should be voted up or down, right? No, that is not the way it goes. This past year, we had the largest omnibus bill in 20 years. The majority sent us, near Christmas, a 1,600-page omnibus package that combined into one bill 11 of the 12 appropriations bills, and then it hit this floor; there was no time to read it. We didn't know what kind of pork or policy had been added to it. We were challenged to vote for it or not. It was $555 billion. That is worse than we have had in terms of an omnibus package in 20 years.

Frankly, the majority leader, Senator REID, has indicated that he may not even bring up the appropriations bills or we may have another great omnibus bill this year, but after the election. Well, the election is in November. The fiscal year starts October 1. It is our responsibility to have the appropriations bills passed before the beginning of the fiscal year, October 1.

It is as if he is throwing in the towel before we even get there. Frankly, as an aside, I truly believe we would do much better if we went to a 2-year budget and 2-year appropriations, as over half of the States have. That would help us in this process because this happens every year, and it is getting worse, it seems, every year.

We will soon have the new budget resolution. It will hit the committee next week. I am a member of the committee. It was a failed and unhealthy budget last year that was moved forward by our Democratic colleagues. I am afraid this one will not be much better.

I noticed that the Democratic Presidential candidates are offering a lot of new proposals. Senator OBAMA, who now leads, has offered 158 of them that would cost at least $312 billion in new annual spending, or $1.4 trillion over 5 years, as we tend to score those things. That doesn't include all of his proposals that are out there.

Madam President, I will conclude by telling the American people and my colleagues that next week we will begin a defining process. Next week, the majority party will offer a budget. Because of the budget rules, with 51 votes, they will be able to pass this budget. So because the Democratic majority has 51 votes, they can pass the budget they want. But we need to examine it because it will tell us and America what their priorities are, what their commitment is, how willing they are to sacrifice and make sure we have fiscal responsibility in this country.

Based on last year's budget, I am afraid it is not going to be any better. Based on the fact that Senator REID says he doesn't expect we will finish the appropriations process until after the November elections, I don't sense any commitment to do better than the Republicans did when they had the majority. Certainly, this year, their performance was worse. This past year, it was worse, and it doesn't look as if it will be better in the future.

I thank the Chair for this opportunity to share my concerns. I hope we can be frank about these matters because the majority party knows it has a very serious responsibility when it submits a budget. We knew it when we had the majority. I sat on the Budget Committee. Senator CONRAD and his colleagues know they have that responsibility. They also know they have the votes to pass this. Therefore, there can be no excuses. There is nowhere to hide. Are you going to do anything about entitlements? Are you going to guarantee tax cuts? Are you going to submit a budget that projects lower spending or one that is filled with gimmicks to hide even more spending increases? It is a big deal. We will be talking about this for some weeks. I hope our colleagues will focus on this.

The PRESIDING OFFICER. The Senator from Utah is recognized.

### FISA MODERNIZATION LEGISLATION

Mr. HATCH. Madam President, during a debate about strategy on how to defeat al-Qaida, goal No. 1 should be figuring out their plans. What are their tactics and targets? How do we do this? We use our technological advantages to get this information. That is what the

FISA modernization bill allows us to do.

The Congress has been working on FISA modernization since April 2007—over 300 days ago. But I guess 300 days is not enough time for a bill of this magnitude, right? But wait, the Constitution of the United States has written in only about 115 days, and that included travel time on horseback for the Founding Fathers. So the entire Constitution of the United States was written in one-third of the time we have spent on FISA modernization.

Congress has plenty of time and has had plenty of time to debate this issue. Given that the executive strategy in this instance is paramount, the next President's decision, whoever that may be, will be critical. Like many people, I have watched many of the Presidential debates. One thing amazes me: Out of at least 32 debates and forums, the candidates have yet to receive one question on FISA, the most important piece of legislation certainly in the last number of years and certainly in this Congress. There has not been not one question on the Foreign Intelligence Surveillance Act and what we are trying to do here. So we are continuing to talk about the most important bill in the entire 110th Congress, which is apparently not important enough to come up during over 50 hours of discussion with our next Commander in Chief.

I did hear an interesting comment during the most recent debate. A decision to utilize military strikes to kill al-Qaida in Pakistan was seemingly supported. That is the irony of this situation. It is OK if we kill terrorists overseas with missiles, but we cannot listen to the phone calls of new terrorists without demonstrating "probable cause." We have to ask what probable cause is and why it exists at all. That will tell us to whom it belongs. Probable cause is a check on Government power rooted in the due process guaranteed by the Constitution. Who may claim such due process protection under the Constitution of the United States? U.S. citizens, not foreign citizens overseas.

We are constantly hearing from the leadership in Congress about the need to "bring people together." Yet, at every turn, they seem to be willing to set aside bipartisanship in favor of the preferred policies—in favor of preferred policies of extreme political organizations. If Democrats really want to change the tone in Washington, they are going to have to, at some point, say no to the more radical elements of their base.

With the current stalemate on FISA modernization legislation, we have seen both political parties blaming each other for the delay. We have heard notions that we are not in danger due to the lapse of the Protect America Act. While our opinions on this issue will remain in bitter disagreement, the solution to these problems is quite easy. In fact, it should take about 15 minutes to solve this problem. Here is the answer, and it is just four words: Let the House vote. That is it. It doesn't take a genius to come up with a solution. All of the disputes will go away, and the bipartisan majority of the House will approve the bill if given a chance to do so. Is this a novel concept? The House of Representatives has been voting on bills since 1789—over 219 years ago. Will we ever be in a situation as complicated as this again, where the solution to every problem is allowing our elected officials to vote?

Back on December 17, on this very floor, I asked one of my Democratic colleagues if he agreed with me that should the FISA bill pass, it would be one of the best examples of bipartisanship in the whole 110th Congress and maybe in the history of this body. He agreed with this notion. Months later, this worthy goal came to fruition in the Senate.

As we all know, the Senate approved a FISA modernization bill by a bipartisan supermajority vote, a veto-proof margin. Senators from both sides of the aisle engaged in lengthy and informative debate and came together to pass a bill that met the goals of modernizing FISA.

This rare demonstration of unity came to a crashing halt on February 14. Rather than allow a bipartisan majority of the House to vote on and pass this bill, the House leadership refused to allow a vote on this bill. The House spent its last legislative day, before their weeklong recess period, debating and voting on a contempt resolution to further a partisan fishing expedition that has led to no credible evidence of wrongdoing. House Democrats had been sitting on these resolutions since July, for over 201 days. Yet they determined that they were so important that they superseded the needs of our intelligence community and the needs of protecting the American public.

So a bipartisan majority of the House was ready and eager to vote on this bill and was prohibited from voting on this bill. While numerous lawmakers stated they would stay in Washington—including me—for as long as it took to get this bill passed, the leadership from the House forced them to go on vacation. So they were prohibited from voting on a bipartisan bill to protect our country but were mandated to take a recess period.

You want to stay and vote on this bill? Too bad. We would rather you take some time off. Go back to your districts and take a break. Don't worry about our intelligence community. They have all the tools they need. That is what the House Members heard. These Representatives did not need to be patronized; they needed to be given a chance to vote.

The Attorney General, the chief law enforcement official of the United States, and the Director of National Intelligence, the person who is responsible for our intelligence in this country, say that the lapse of the Protect America Act caused us to miss information. These officials have more institutional knowledge on this topic than anyone in either body, and they dispute the notions that "the intelligence community has everything it needs." With all due respect to all of us who serve as politicians, I am going to trust in the expertise of the Attorney General and DNI over the assurances of politicians in an election year.

So why doesn't the House leadership allow a vote on this bill? Could it be because they know it will pass, which it would? But we cannot have that. Heaven forbid, democracy would be free to run its course.

So rather than vote on this bill, we are hearing that the House leadership wants to conference this bill. Conferences are about resolving disagreements between the Chambers. But remember, a bipartisan majority from both Chambers has no disagreements on this bill. There are no disagreements to resolve between the majority of the Senate and the House. So a conference is entirely inappropriate in this situation.

I have also heard an argument that the House needs more time to review the immunity provision—the immunity that would protect these companies that patriotically cooperated with us in collecting the information that protected American citizens, which are now being sued in 40 different lawsuits, for hundreds of billions of dollars. I want to make sure everybody is perfectly aware that the immunity provision has been publicly available and unaltered for 133 days. It has not been hidden. It has been available to everybody in Congress. It has been available to the world on the Web site of the Senate Intelligence Committee. It only takes about 3 minutes to read it. It should not take 133 days to analyze it, while putting our American public at risk.

I am also amazed at the false descriptions floating around about the terrorist surveillance program, TSP, which is the program the President described on December 17, 2005, during a radio address. We have all heard the terms: the warrantless wiretapping, domestic spying, or eavesdropping bill. The list goes on. Let's look at what the President actually said during his radio address on December 17, 2005:

> In the weeks following the terrorist attacks on our Nation, I authorized the National Security Agency, consistent with U.S. law and the Constitution, to intercept the international communications of people with known links to al-Qaida and related terrorist organizations. Before we intercept these communications, the Government must have information that establishes a clear link to these terrorist networks.

I don't see anything in this statement about domestic spying. I thought the definition of the word domestic was pretty clear. If the program intercepted communications in which at least one party was overseas, not to mention a member of al-Qaida, then it seems fairly obvious that the calls were not domestic.

Look at this chart. Is this such a hard concept to grasp? The last time I flew overseas, I didn't fly on a domestic flight, I flew on an international flight. And there is a big difference between domestic calls and international calls. My last phone bill showed a big difference between the price of the two. Is it a domestic call when a foreign terrorist calls someone in our country or someone in our country involved in terrorism calls a terrorist in a foreign country?

"Domestic spying" may sound catchy and mysterious, but it is a completely inaccurate way to describe the terrorist surveillance program or the FISA modernization bill. Why don't we describe them as we should: international spying. Isn't that a more accurate description? I guess accurate descriptions take a back seat to terms which incite fear and distrust in our Government.

What about "warrantless wiretapping," doesn't this sound like a bad thing? Perhaps we should read the fourth amendment to the Constitution. Notice that not all searches require a warrant. Every member of the public who is up in the galleries watching us today went through a warrantless search to get into this building. Every time an American comes into the United States at the border, they go through a highly intrusive warrantless search. Every time an American gets on a plane, they go through a warrantless search. Every time an American goes to see a rally or speech from the President of the United States, thus exercising their first amendment rights, they go through a warrantless search. And there is good reason for it.

Remember, foreign citizens overseas receive no protection from the fourth amendment. So "warrantless wiretapping" in this instance is perfectly constitutional. In addition, look at what the Foreign Intelligence Surveillance Court, the highest court to look into this issue, previously said. This is 310 F3rd 717, FISA Court of Review in 2002. It is called In re: Sealed Case:

> The Truong court, as did all the other courts to have decided the issue, held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information. . . .We take for granted that the President does have that authority and, assuming that is so, FISA could not encroach on the President's constitutional power.

That is one of the few formal cases out of the FISA Court.

Given the staggering amount of misinformation in the public, how many people have incorrectly stated that the Government can listen to all of their phone calls, read all of their e-mails, spy on American families overseas, even spy on our own military members overseas? How many of these false representations have been made by my colleagues and by others?

These accusations are completely false and are meant to incite fear of nonpolitical intelligence analysts who serve regardless of whom the President is. Isn't that the real fear mongering? Terrorists killed 3,000 Americans on September 11 and killed hundreds of other people in Madrid, London, Bali, and Kenya. They have sworn to kill more. They have said that "the streets of America shall run red with blood, casualties will be too many to count, and the next wave of attacks may come at any moment."

These terrorists recently called for the President of the United States to be "received not with roses and applause, but with bombs and booby traps" during a recent Presidential trip overseas. So they wish death on all Americans and they threaten the assassination of the President of the United States. Yet if we acknowledge their threats, if we try to prepare for these attacks, we are accused of the politics of fear. But there is no problem when numerous individuals completely misrepresent how our Government protects our country. Nobody is calling these tactics "fear mongering," so is it perfectly acceptable to question the integrity of thousands of Americans who have taken an oath to defend the Constitution of the United States and who have dedicated their lives to preventing our great Nation from suffering these terrorist attacks?

I am sorry to break it to people, but our intelligence analysts have more important things to do than look at someone's eBay transactions and listen to phone calls from the Jones family on their family vacation in Italy. I guess I shouldn't be surprised by these conspiracy theories, given the vocal lunacy expounded by those who think the September 11 attacks were an "inside job."

The FISA modernization bill should be the best example of how meaningful legislation becomes enacted. This bill passed by a veto-proof majority in the Senate. It came out of the Senate Select Committee on Intelligence, on which I serve, 13 to 2. It was bipartisan. It is supported by the intelligence community, and it has the support of the executive branch. Isn't this about as good as it gets? When a bill has support from all these elements, there is no excuse for it being held up.

The House leadership has indicated it intends to unveil a "compromise" FISA bill. Apparently, House Democrats are using an unconventional definition of the word "compromise." What would they call the Senate bill? We went through months of hearings in the Senate Select Committee on Intelligence asking about pros and cons, asked thousand of questions, met with the top people in all fields, were read into the program, went out to the National Security Agency to look at these programs. What do they call the Senate bill?

No one, not the administration or anyone in the Senate, got everything they wanted with the Senate bill. It is a compromise. Is it everything I want? No. Are there things in there I wish we did not put in there? Yes. But it is a compromise, and I voted for it.

All sides had to make concessions before a final solution was reached 13 to 2 in the committee and it was bipartisan, 68 to 29 in the Senate—bipartisan. That is precisely what the compromise is all about. I simply do not follow the logic of rejecting a bipartisan result, which is what we already have, in favor of a more partisan solution and calling it a "compromise." I can only assume that when House Democrats say "compromise," they mean something else—capitulation.

I don't intend to capitulate on this issue. I hope the Representatives in the House who share my view will weigh in with the House leadership and other Democrats who have been holding this up to the detriment of the citizens of the United States of America. I have been to this floor countless times to discuss FISA modernization, and I will continue to do so. I will continue to fight for this cause because it is the right thing to do and especially since so many in both parties have come together to support the Senate bill and would support it in the House if the chance was given.

Madam President, we are still in the month of February. We should be doing our work here in the Senate. We should be working toward legitimate, bipartisan agreements on the issues that matter most to Americans.

That is what our constituents sent us here to do. Of course, in an election year, particularly a Presidential election year, we unfortunately slide into a silly season where very little gets done. Instead of listening to each other and trying to come up with commonsense solutions, there is a temptation to use the Senate as an arena to make one's opponents look bad.

Usually the flowers of that silly season do not bloom until the summer. We are still in the month of February! We need to be getting the work of the American people done. We are in a time of legitimate economic distress.

There are very different ideas about how to deal with this economic slowdown. There is nothing wrong with this difference of opinion. The majority seems to think that the principal way to deal with an economic challenge is to spend money. To be clearer, they think that the answer is to spend taxpayer money. And make no mistake, if there is not enough taxpayer money to go around, the solution to an economic slowdown for the majority is to raise taxes. Conservatives have a slightly different understanding of what it takes to get the economy running again.

When the companies that Americans work for are loathe to invest, it hurts employees. When they don't invest, these companies do not create jobs. And when the economy is weak, it makes it more difficult for an entrepreneurial American to take the risks necessary and obtain the credit to start new businesses that will employ the people in his community.

So conservatives think we should do more to encourage business investment and capital formation. Both sides want to do what they can to get the economy humming. And both sides think there are different ways to accomplish this. Sounds like an opportunity for compromise to me!

But I think that some of my colleagues are more interested in an issue than a solution. We should not elevate politics above solutions. Congress needs to come together. Conservatives believe that their policies will work effectively to help the economy and the families that depend on good jobs and economic growth. We are not asking much.

We are simply asking that our ideas be taken seriously. And we should be. Even in the most liberal of States, Members of this body have many conservative constituents. Is it really too much to ask that those ideas be given an opportunity for debate on the Senate floor? It shouldn't be.

I am not sure, however, that the majority is interested in that debate. Twice this week, Senate minority voted to proceed to bills offered by the majority leader and my colleague from Wisconsin, Senator FEINGOLD. Yet after voting to proceed to those bills, we were accused of blocking debate on the bills we helped to bring to the floor. That really is a classic.

The majority casts 21 votes against proceeding to a bill the majority leader himself wanted to proceed to debate. The minority casts the votes to allow that debate. And then the minority stands accused of delay.

A similar pattern has occurred with this housing bill. The majority rushed a bill to the floor. They bypassed the relevant committees. They bypassed the regular order.

In their haste, they made a small mistake with the legislation. Well, maybe it was not that small. The majority intended to spend $2 billion on counseling for distressed homeowners. They accidentally made this a $200 billion program; $200 billion.

I understand that this is a mistake. But it is a mistake born of a cavalier approach to legislating. We could have had a consensus bill.

Instead, the majority never consulted with the minority as this bill was being put together. In our view, we have a much better plan. It includes titles that would address taxes, capital markets, housing, and tort reform. We would keep taxes low.

We would extend the 2001 and 2003 tax cuts, preventing a looming tax hike, and making sure that working families do not get socked with thousands of dollars in extra taxes when these tax cuts expire in 2010.

We would increase the value of homes and prevent an unfair tax on their sale. We would help to keep jobs at home by encouraging job creation.

We would help prevent foreclosures by providing credit stability.

We would maintain the value and security of neighborhoods by encouraging the speedy sale and renovation of foreclosed homes.

And we would protect small businesses from the threat of excessive and frivolous lawsuits.

And let me tell you, when I talk to businesses, businesses that are subject to incessant litigation, tort reform is at the top of the list of things we have to do. It hurts companies large and small, and we need to do something about it.

I think if we had been invited to the table to discuss this bill, had been a party to the negotiation, or even been allowed to offer amendments, we could have worked something out on this bill.

We could have found common ground. I know that is what the American people want. We have been hearing a lot about common ground these days.

Whenever I turn on the television, I hear someone telling us about the need to change our ways in Washington. I hear about the need to bring people together. Well, we certainly have our opportunities.

But I feel that they are being missed. We do not have to be consumed by partisanship. In 2005 and 2006, Congress accomplished a number of serious policy reforms. We passed bankruptcy reform, class action reform, energy and highway bills, CAFTA and other trade bills, and the most significant reforms of pension laws in 30 years.

And those bills only became law because of debate, negotiation, and compromise. Through amendments, the regular order, and serious debate, the Senate was able to pass consensus legislation. And today? It is not quite the same.

Take it or leave it is not the stuff of statesmanship. It is the stuff of the sandlot. Leadership demands a willingness to listen to both sides. It requires compromise and openness to other ideas. The American people have made their position clear. They are tired of business as usual.

In the coming months, I hope to work with the majority on the issues of importance to the American people. The last week has not been very promising. Nonetheless, my hope is that Congress will be able to accomplish important reforms for the American people even in this election year.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I have spoken twice on energy, once today and once yesterday.

I have come to add a few more thoughts to my previous remarks on energy. I spoke yesterday of the recent Energy bills that Congress has passed, and the growing costs of our dependence on foreign oil. This morning, I urged my colleagues to reach agreement on a comprehensive energy policy that uses our own resources to meet our energy needs.

Of all the issues we have to consider in this Congress, some may wonder why I have focused on energy three times in the past 2 days. The answer is simple: it is February 29. Oil is going for nearly $102 per barrel, and gas prices are up 20 cents in the past 2 weeks alone. The start of the summer driving season is still 3 months away, but consumers are already being squeezed by near-record energy prices. More than that, this should be a story we talk about in both good and bad times, because our dependence is growing great and it is not matched by our policy.

We must rethink our policies to match the modern challenges we face. As I have indicated, our Nation has a great quantity of oil locked up off of our coasts, beneath our permafrost, and within our shale. These areas can provide a stable supply of energy as we transition to alternative fuels. But oil is not the only resource that can be developed at home and depended upon to meet our energy needs. We are also fortunate to have vast reserves of coal: some 270 billion recoverable tons, which would last for 240 years at the current rate of consumption. That coal can be turned into fuels that help meet our transportation, manufacturing, and electric power needs.

Because of the emissions that result when coal is converted to energy, we will need cleaner methods to ensure the protection of our environment. To me, this is an opportunity. Our Nation has a proud heritage of innovation, and there is no reason to believe this strong record will not continue in the future. As our most abundant and affordable fossil resource, we cannot simply cross coal off the list. Any serious effort to strengthen our energy security must include coal.

One of our best prospects is to advance the development of coal-to-liquid fuels. As an alternative to oil, coal-to-liquid fuels have many merits: it will reduce emissions of sulfur dioxide, nitrous oxide, particulate matter, and other pollutants when compared to conventional fuels. Coal-to-liquid fuels have been commercially demonstrated in other countries, can be moved through existing pipelines, and can be used in existing vehicles. Commercialization of this resource will create investment in rural communities, thousands of good-paying jobs, and cheaper energy for American consumers. Despite this potential, two amendments to advance this type of fuel were defeated on party-line votes in the most recent energy debate.

Future generations of automobiles will be powered by the advanced battery. The Government must redouble its efforts to ensure the research, development, and deployment of these technologies. Reliable and rechargeable batteries will be critical to the success of hybrid vehicles, which hold tremendous promise for reducing the amount of oil consumed in the transportation sector.

The policies I have spoken of these past 2 days are just a few of the options available to us. We should also increase the number of flex-fuel vehicles on the road, and the number of stations that offer blended fuels. We should offer incentives to existing refineries, and encourage the expedited construction of new ones, to reduce the amount of gasoline we import. We continue to lament that while our refinery capacity has improved at existing sites, we have not built a new refinery in 30 years. Again, these are just a sampling of the policy options available to the Congress as we seek to chart a more responsible path forward.

As a member of the Senate Energy Committee for nearly 30 years, and its chair or ranking member for much of the past decade, I obviously have strong views on the energy policies that will best serve our Nation. But I also recognize that we must work together to find common ground. We did this in the past on energy policy, and we can do it again.

The costs of our dependence on foreign oil are enormous and increasing. The consequences of removing money from our economy, and sending it to often-volatile oil-producing nations, are becoming clear. Few positives will ever be drawn from this arrangement.

When we import oil, we export our jobs and we export our wealth. We strengthen regimes that are intent on undermining our interests, opposed to the spread of democracy, and unwilling to extend some of the most basic freedoms to their own people. When we import oil, we threaten our national security and our economic strength. As we look ahead, we must remember that for today and the foreseeable future, we need oil. We should put our American energy resources to use.

This is my final year in the Senate. It is a privilege and an honor to serve the people of New Mexico and this country. But it is not just the end of my time in the Senate that approaches; the time to reduce our growing dependence on foreign oil is also upon us.

It is my sincere hope that we will use this year and the future to work together on policies that will move us toward our energy security goals. This will require us to set aside our differences and make difficult decisions. It will require us to come to the table with open minds and positive intentions. In an era defined by its bitter partisanship, this will not be easy. But given the stakes&mdash;our national security, our economic strength, and our standing in the world&mdash;that is exactly what we must do.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, before my distinguished friend leaves the floor, let me say publicly what I have said privately to my friend, the distinguished senior Senator from New Mexico. He has been a great Senator. He and I have worked together on issues that only we know about because of the sensitive nature of what we did, dealing with the nuclear stockpile we have.

As the chairman and ranking member of the Energy and Water Subcommittee on Appropriations, we worked for years as chairman, as ranking member, however the majority in the Senate was, and I think we have done a good job so that our nuclear stockpile is safe and reliable. I hope those who follow us recognize how sensitive and important this is.

We also worked on other issues with our great national laboratories, two of which are located in New Mexico. I think the Senator and I have done some good work to protect basic science which so much of it comes from these laboratories, and, of course, Livermore in California. We have done some of the great experimental work at the Nevada test site.

I personally look forward to working with this wonderful Senator for the next 10 months, but also we will miss him a lot. I hope we are able to pick up another vote, and we will have one soon, on allowing this country to go to more alternative energy. We missed by one the ability to do that. There was some concern about what some of the offsets were.

So I hope my friend, with all the persuasive powers he has among my colleagues on the other side of the aisle, will work to see what we can do to come up with that vote. Even though I am not a big fan of coal, I understand the long-time work this man has done in trying to develop some other way of lessening our dependence on foreign oil.

In short, I express my friendship and appreciation to the Senator from New Mexico. I look forward to the next 10 months and hopefully in the next few weeks of working something out so we can get long-term tax credits for renewable energy which will work in New Mexico and Nevada.

We have great natural resources which are not being used because of the inability of the financial world to invest because they need the incentives for long-term tax credits to do that.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Before we leave, Madam President, I say to the distinguished majority leader that I appreciate his kind, generous remarks.

Mr. REID. Madam President, I would say this: They were not generous enough. This man deserves far more than that. I hope someday, in the next few months, someone asks me in detail, because there should be a historical account of this man's service in the Senate. I want to tell them things that only he and I know that should be known to the public. He is a real dedicated public servant.

Anyway, that is enough of that, but there will be more I will say about Senator DOMENICI at a later time.

Mr. DOMENICI. Madam President, I also want to make a comment regarding something the leader said when he was discussing my speech he heard.

I want to say to the Senator, you caught the end of 2 days of speaking on energy, and you heard: coal. I want you to know I had spoken of many other sources of energy before that. But I thought in recapping what we own, you must include coal in that. That is why you heard it there, not to give it special emphasis beyond which it is entitled.

Mr. REID. I would briefly say, Madam President, I, with Senator DOMENICI, have been involved in producing huge amounts of money for research into clean coal.

Mr. DOMENICI. Right.

Mr. REID. I think we should continue that research. Right now I am totally unsatisfied as to where we are with clean coal technology. But we should spend more money because we have great resources, and maybe someday we can work it out so it will work.

Mr. DOMENICI. I thank the Senator.

### FISA

Mr. REID. Democrats and Republicans are united in our resolve to fight terrorism. Democrats, no less than Republicans, want to provide our intelligence professionals with the tools they need while protecting the privacy of law-abiding Americans.

Both the House and the Senate have passed bills to strengthen the 1978

FISA law, the Foreign Intelligence Surveillance Act. The House passed its bill in November. We passed our bill a couple of weeks ago.

Since Senate passage, the chairmen of the Senate and House Judiciary and Intelligence Committees have been working very hard to resolve differences between the two bills. Democratic staff have been meeting and exchanging ideas and proposed language. But, I am sorry to say, the Republicans have instructed their staffs not to participate in those negotiations. Yesterday, the President held yet another of his increasingly belligerent news conferences demanding the House of Representatives pass the Senate's FISA bill. He does not want to negotiate, he does want any negotiation between the House and the Senate. He has decreed such. He simply wants the House to bend to his will and pass the bill he prefers without changing a single word.

The President said there is a majority in the House that will pass the Senate bill. That may or may not be true. But what we do know for a fact is there was a majority in the House for the bill they passed last November. That is why we need negotiations. We would much prefer it be negotiated on a bipartisan basis, not just being done with Democrats.

A new FISA law that passed with broad bipartisan support of both Houses would be good. A new FISA law that passed with broad bipartisan support in both Houses would provide greater certainty to the intelligence community and make us a stronger nation.

There are some hopeful signs that we can do this. It may be possible. Yesterday, House and Senate Members finally from both sides of the aisle had a productive meeting with the general counsel to the Director of National Intelligence.

I urge President Bush to engage in a more constructive manner in this effort to pass a new FISA bill to allow and encourage bipartisan negotiations. As we move forward, there is no reason not to extend the PATRIOT Act to ensure there are no gaps in our intelligence-gathering capabilities.

Even Admiral McConnell, the Director of National Intelligence, has testified that such an extension would be valuable. But the President threatens to veto an extension and my Republican colleagues continue inexplicably to oppose it. The President asked us to extend it. He is the reason we have not extended it. I urge the President to withdraw his opposition.

I will now ask unanimous consent to take up and pass S. 2664, a bill that would extend the PATRIOT Act for 30 days, and make the extension effective as of February 15 to ensure there are no adverse legal consequences from the President's decision to let the law expire.

### UNANIMOUS CONSENT REQUEST—S. 2664

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 583, S. 2664, which is a 30-day extension of the Protect America Act; further, that the bill be read a third time and passed, and the motion to reconsider be laid on the table and there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, while Democrats and Republicans joined last month to pass the economic stimulus package, we agreed that it was an important first step in addressing our country's economic challenge, but we agreed it was only a first step, that we must do more to help America.

All Americans are struggling. We must do more to help Americans struggling to make ends meet. Yesterday Democrats tried to take that next step. We brought to the floor a genuine effort to help families and neighborhoods weather the growing housing crisis. But Republicans in the Senate blocked our legislation to help struggling American families, as they have done time and again on other important legislation.

Why did they choose obstruction over American families at risk to lose their homes? Senator ALEXANDER, my friend from Tennessee, and a few others, said here on the floor that all Republicans wanted was an opportunity to offer amendments.

Anyone following this debate would know my Republican colleague was given some very bad information or that his or their staffs watched none of the floor debate on this issue.

I have said numerous times, both publicly and privately, that both sides want to offer amendments; that is, Democrats and Republicans, and both sides should have that opportunity. I have said that privately to the Republican leader, and publicly here on the floor, and in many press events.

I told, in fact, Senator McCONNELL more than a week ago that we intended to allow both Democrats and Republicans to offer amendments. I have made that commitment on this issue several times on the floor. My words are available for anyone to review in the CONGRESSIONAL RECORD.

There is only one reason why Republicans were not able to offer amendments. They refused to let us move procedurally to the legislative posture where amendments could be offered. We have here before us the Republican filibuster chart. You will note that we keep changing the numbers because they keep coming; 72 Republican filibusters, 72.

Last year, in less than 1 year, the Republican minority broke all records for a 2-year Congress in the number of filibusters. And we have another on the housing stimulus package.

The Republicans' decision to deny the ability to even take up this bill deprived both sides of the opportunities to offer a single amendment. As I said yesterday, why would you stop us from going to the bill? I have said: You can offer amendments. Then, if you do not like what happens, you still have 49; it only takes 41 of you to stop us from doing anything.

Why would you stop us? They are stopping us because they want to slow things down. That is the whole purpose. They do not want this minority to allow us to do something. I guess the direction is coming directly from Bush and CHENEY.

My colleagues can talk all they want about amendments, but the record betrays the rhetoric. Yesterday's Republican press conference was before that vote. The Republicans held a press conference saying what it is that should be done with the housing problems.

Now, listen to this: As reported in the New York Times and other places, here is their solution, according to a public press conference they held before the vote yesterday to stop us from going forward.

Here is what they want to do: tort reform. That is going to really help the housing crisis, tort reform. The other thing they want to do is lower taxes. That is so Bush-Cheney that we look and we find that is why we are in the trouble we are today. When the President took office, there was a surplus over the next 10 years of $7 trillion. That is gone. As indicated by Nobel Prize winning economist Stiglitz yesterday, the war has and will cost us $3 trillion.

Instead of standing on the side of struggling families and at-risk homeowners, Republicans in the Senate once again chose the side of Bush and CHENEY, big banks, and big business. Republicans want us to continue to help those who contributed to the foreclosure debacle in the first place. Yesterday's prevention of us going forward to legislate was a victory for the people who are causing all the trouble to begin with. Who were the losers? Middle-class Americans, people trying to stay in their homes. The Republican alternative housing plan is almost laughable.

The Presiding Officer is a lawyer. She has been to court a few times to prosecute people, knows what is going on on the civil side. Their solution to the housing crisis is tort reform? How can they say that with a straight face?

That is not me. Read about it. It is in today's press. And more tax cuts. Neither has anything to do with the housing crisis. The Republican housing plan consists of tired programs from a dusty Bush-Cheney playbook. Tort reform and Bush tax policy, neither have anything to do with housing. The housing plan Democrats proposed offers real solutions to the crisis that families and neighborhoods are facing all across the country.

Today I had another conversation with the chairman of the Banking Committee, one of the more senior Members of this body. I said: Senator DODD, if your counterpart, DICK SHELBY, wants to work out anything on this housing stimulus crisis, let's work it out. If there are amendments they want to offer, let's take a look at the amendments. My people want to offer amendments. They want to offer amendments. Let's offer some amendments. But tort reform? Cutting taxes?

The housing plan Democrats propose offers real solutions to the crisis families and neighborhoods are facing all across America—Missouri, Nevada, New Mexico, all over. Our plan helps families keep their homes by increasing preforeclosure counseling funds. Our plan expands refinancing opportunities for homeowners stuck in bad loans. Our program provides funds to help the highest need communities purchase and rehabilitate foreclosed properties. This is a proposal the President talked about in his State of the Union message and on which he is now blocking us. We tried to get this in our previous stimulus package, something the President talked about in his State of the Union Address. No. I guess from the speech back to the White House someone talked him out of it.

Our legislation helps families avoid foreclosure in the future by improving loan disclosures and transparency during the original loan and refinancing process. JACK REED of Rhode Island sponsored that provision. Our legislation amends the Bankruptcy Code to allow home loans on primary residences to be modified, only in certain circumstances with very strict guidelines.

If the Republicans and the President don't like that provision, offer an amendment to take it out. I have said that publicly. If you don't like it, offer an amendment to take it out. Maybe you will get some Democrats to join with you. I think that is a pretty good bet. But, no.

So I say to my Republican colleagues who talk about their desire to help, talk is so cheap. The American public deserves better than tort reform and extending Bush economic policies to handle the foreclosure crisis now facing our country. Republicans have been able to hold on to the status quo and block us from moving America forward because of our razor-thin majority. For 10 months last year, it was 50 to 49 because TIM JOHNSON was sick. He is back. He is at 100 percent. So the majority now is 51 to 49. But that is still pretty narrow. The Republicans have been doing everything they can to maintain the status quo.

In addition to blocking our housing plan, we have had 71 other things that they have blocked. Tax incentives for alternative energy, something as simple as allowing Medicare to negotiate for lower priced drugs, they stopped us from doing that. A better economic stimulus bill, for example, to provide for the extension of unemployment benefits, they stopped us on that. And time after time, they have stopped us from moving forward on changing what is going on in Iraq. A razor-thin majority has allowed Republicans to block legislation with little effort because, remember, we need 60 to get anything done.

But I say to my Republican friends through the Chair to my friend, one of the more senior Members of the Senate, my friend from New Mexico, enjoy it while you can. The American people are seeing what is going on. They are seeing how you are maintaining the status quo. Enjoy it while you can because our majority, come November, is going to grow. So continue to block because it is not going to be there forever. It is not going to be there very long. Neighborhoods and families struggling mightily through the housing crisis can't wait until then.

I urge my Republican colleagues to join us and reconsider, support a housing plan that actually addresses housing—not tort reform, not lowering taxes—and eases the suffering of millions of American families.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, my friend is always looking out for me, and there is other work I have to do. I can't do it unless he is here, so I appreciate that very much.

Mr. DOMENICI. I have to stay here until it is done.

Mr. REID. He has to stay here until it is done. It will be real quick.

I withdraw the pending motion.

The PRESIDING OFFICER. The motion is withdrawn.

## MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO GERALD W. HAYES

Mr. McCONNELL. Madam President, I rise today to honor a man well respected throughout south central Kentucky, Gerald W. Hayes. Mr. Hayes has faithfully served citizens in parts of south central Kentucky through his commitment to the Warren Rural Electric Cooperative Cooperation, RECC, and its members for 40 years.

Hayes was born in humble circumstances in Simpson County under the roof of his grandmother's farmhouse. After 4 years in Butler County, the Hayes family settled in Richardsville, located in Warren County. Mr. Hayes attended Richardsville Elementary School and later, Richardsville High School, where he played point guard on the basketball team.

As a promising young man, Mr. Hayes married his childhood sweetheart, Karen Smith, in December 1966. Two years later, on May 6, 1968, Mr. Hayes began his work for Warren RECC.

He entered as a chainman and quickly exceeded expectations, being promoted to groundman in the same year. By 1969, Mr. Hayes had worked his way up to apprentice lineman and acquired the nickname "Squirrel" for his prodigious ability to climb poles. Mr. Hayes' physical talents were not the only thing that went noticed at Warren RECC. His relentless hard work and dedication earned him a promotion to line frontman just 1 year later.

From here, Mr. Hayes continued to impress. His tenacity and loyalty led to his eventual promotion as successor to Wilmuth Deweese in 1990 as district manager of the Warren RECC Leitchfield office. In 2000, Gerald accepted the position of president and CEO of Warren RECC, taking on the responsibility of leading a company he had already committed to for 32 years.

The Warren RECC mission statement claims "safety, integrity, value, and innovation" as their guiding principles. Mr. Hayes has worked relentlessly to see that these values are upheld and not forgotten. On May 6, 2008, Gerald will honorably retire from his position as CEO, 40 years to the day he began work as a chainman. Mr. Hayes's wife Karen, their four children Laura, Leah, Lisa and Landon, and their seven grandchildren have proudly supported him throughout his career, and are the foremost reason Mr. Hayes has been able to achieve so much.

Warren RECC has been providing quality electrical service to south central Kentucky residents for 70 years thanks to Mr. Hayes' constant and faithful service. He is a truly outstanding Kentuckian, and I ask my colleagues to join me in honoring Mr. Gerald W. Hayes for his 40 years of outstanding and loyal service.

## NATIONAL PEACE CORPS WEEK

Ms. MURKOWSKI. Madam President, on March 1, 2008, the Peace Corps celebrates its 47th year of operation. I congratulate all past and present volunteers and staff members on 47 years of international service and I welcome many more years to come.

Since 1961, the Peace Corps has served as a creative and productive outlet for U.S. citizens to spread some of the very best of our society—our desire to help those less fortunate than ourselves—around the world. The year 2007 was no exception.

I am proud to recognize that the spirit of that movement is still strong in America's youth, and our young at heart. Last year witnessed the highest number of volunteers since 1970, with 8,079 volunteers serving in 74 countries as of September 30th.

The Peace Corps is expanding in breadth as well as numbers, with a new program opening in Cambodia. Also in 2007, Ethiopia welcomed the Peace Corps back after 8 years, making it the 10th nation that is also a focus country for the President's Emergency Plan for AIDS Relief to host volunteers. In fiscal year 2007, over 1 million people affected by the HIV/AIDS epidemic were assisted by Peace Corps volunteers and their activities.

Constantly rotating their personnel, the Peace Corps is well accustomed to adapting to and taking advantage of new ideas, thinking, and technology. In the coming year PeaceWiki will launch, allowing volunteers to share experiences and information with each other. They are even creating an online "role-play" game to teach middle schoolchildren about international service.

Many people mistakenly believe the Peace Corps is only about helping those distantly removed from our daily life here in America. This could not be further from the truth. Peace Corps volunteers return with a sense of accomplishment and the skill sets to that are often desperately needed or in short supply here in the United States. Volunteers have had to learn approximately 250 different languages and dialects, not to mention how to handle different cultures with dexterity and ease. Twenty-two percent of all current volunteers serve in predominantly Muslim countries.

Returned volunteers' paths after service are as varied as their tours. They include Assistant Secretary of State Christopher—Chris—Hill, who served in Cameroon in the 1970s, several of my colleagues in Congress, CEOs and founders of major companies such as Netflix and The Nature Company, authors, journalists, teachers, government employees, and businessmen.

Volunteers often return to service later in life as part of the Peace Corps Response, which sends former Corps members to assist in crisis and natural disasters around the world for brief intervals. Over 200 served in our own country after Hurricanes Katrina and Rita.

Across the globe, 36 intrepid Alaskans currently serve their country as members of the Peace Corps. I would like to take this opportunity to extend a special thank you to them in particular. Whether they are in El Salvador, Ghana, or Kazakhstan, I know they are not only fulfilling the Peace Corps' mandates of providing trained personnel to developing nations and promoting cross-cultural understanding, but they are also learning important life lessons which will be a credit to them in their future endeavors and to our State. I look forward to welcoming them back to Alaska as I do all who choose to serve our Nation abroad.

## POST-9/11 VETERANS EDUCATIONAL ASSISTANCE ACT

Mr. WYDEN. Madam President, this Chamber has recently been consumed by discussion of the wars in Iraq and Afghanistan. Obviously, we don't all agree on this issue. But there are a few things that I think we can agree on.

We can agree that the brave men and women serving their country overseas and at home are doing a superb job. We can agree that we have the finest fighting force the world has ever known. And we can agree that our veterans deserve benefits for the sacrifices they make and the risks they take while serving their country.

For nearly 65 years, one of those benefits has been affordable access to a college education when they return from war. Commonly called the GI bill, this benefit is widely recognized as one of the best pieces of legislation ever passed by Congress. Unfortunately, for many Oregonian citizen soldiers this benefit has remained just out of reach.

Oregon has no large active duty military bases, and most Oregonians who serve their country do so in the National Guard or Reserves. They stay trained and ready, and when our nation needs them they fight bravely. But when the fighting is over, they return to their communities and their jobs. And, all too often, their sacrifice is not rewarded the way it is for members of the active duty force.

An active duty soldiers can collect GI bill benefits even after they leave the military. However, if a member of the Oregon National Guard wants to attend Portland State University after fighting in Iraq for a year, he or she must stay in the Guard, risking another deployment, to collect his or her benefits.

I believe that as a matter of basic fairness, soldiers that share the same foxhole for the same length of time should get the same benefit. Some people say "That's too logical for government." But fortunately, Senators WEBB and WARNER recognizing this basic inequity have written a bill to correct this problem, and generally modernize the GI bill.

I firmly believe education should be both available and affordable to all service men and women, and it for this reason that I am proud to stand today in support of the Post-9/11 Veterans Educational Assistance Act.

Many servicemembers who volunteered to join the armed forces after September 11, 2001, did so with the full knowledge that they would very likely be called to serve in harm's way. Over 600,000 members of the Nation's Guard and Reserve have been called to active duty. Since our nation came under attack, more than half of the Oregon National Guard has deployed overseas. Oregon's deployment rate has ranked among the highest per capita in the Nation. The National Guard has done much more than they have historically been called upon to do, and at great sacrifice. This bill honors all who have served on active duty on or after September 11, 2001, by expanding the educational benefits provided under current law.

The cost of higher education has increased dramatically in recent years. Over the past 5 years, the average cost of tuition has increased 35 percent. Room and board costs have also risen on average over 35 percent. Many of our servicemembers have put their educational plans on hold while at war, and the rising cost of education has outpaced their ability to pay. This has put them at a competitive disadvantage in a nation that has called them to service. This bill would put them back on equal footing. Servicemembers, including activated Guard and Reserve members, who have served on active duty for at least 3 months would be entitled to benefits under this bill.

As with previous GI bills, this bill would secure tuition payments, a monthly stipend to assist with living expenses, and a stipend for books and required educational expenses. This bill would go a step further, however. Instead of recognizing an activated reservist's longest consecutive active service, this bill would recognize cumulative active service. This is a crucial distinction that recognizes the way we employ our forces today. Payments and stipends would be scaled up to 100 percent. The benefits would be protected if a servicemember is deployed or transferred. It would contribute to licensure and certification testing and to some college-level correspondence courses. Finally, this bill would establish a new program in which colleges or universities may voluntarily agree to make up or reduce the difference between tuition costs and what the new benefits would provide. Under this program, the benefit would match a school's additional contribution dollar for dollar, up to 50 percent of the tuition difference.

This bill would not just recognize and reward our service men and women for their sacrifices. It would create a meaningful retention and recruiting tool for our active, Guard and Reserve forces, and it would provide an investment in the future of our Nation by encouraging and contributing to the kinds of education and training that lead to good jobs, good pay, and economic stability. I am proud to cosponsor the Post-9/11 Veterans Educational Assistance Act and encourage its immediate passage so we can begin to repay the debt we owe to those who stand guard and defend our liberty.

## ADDITIONAL STATEMENTS

### REMEMBERING W. LAIRD STABLER, JR.

● Mr. BIDEN. Madam President, today I wish to remember the Honorable W. Laird Stabler, Jr., a devoted public servant and a gentleman in the truest sense of the word. It is clear from the ways in which Delawareans from all political persuasions and all walks of life have mourned his death this week that all that knew him understand this part. He was a decent man, a man who viewed public service as a duty and a trust.

I first met Laird in 1969, when he was the house majority Leader in Dover and I was a young public defender. Despite only having served for 3 years, he had already gained a reputation as a fair and thoughtful man. In 1970, when I first sought public office as a county councilman, the people of Delaware recognized Laird's sterling character and integrity by entrusting him with the office of attorney general. He later served as U.S. attorney for the State of Delaware and, for 20 years, as Delaware's Republican National Committeeman. It seems incredible today that a man who in Delaware was literally synonymous with the Republican Party endeared himself to a generation of Democrats.

No matter where he was in his career, or whom he was representing, every decision Laird made was guided by his two most redeeming qualities: honor and integrity. As the British songwriter, Charles Dibdin, wrote: "If honour gives greatness, [he] was great as a king."

Laird's exceptional sense for others earned him the respect of nearly everyone he knew, from U.S. Presidents to his neighbors. His fierce devotion to his Scottish ancestry and his unending sense of humor were legendary.

Laird was that rare breed of politician who could lead with very few words. For all his commitment and knowledge, Laird led with a calm and steady hand. The universal outpouring of mourning expressed by Delawareans from every corner of the State is a testimony to his quiet dignity and nobility.

As Shakespeare wrote in "Hamlet:" "He was a man, take him for all in all, I shall not look upon his like again."

Knowing Laird Stabler, I am certain he did not judge his life based upon how others viewed him or even his great contributions to the state and country. I believe Laird would prefer to be judged based on those he loved most and those who loved him—his family. For me, it was hard to tell where Laird ended and where Peggy, his beautiful wife, began. At least from my perspective, they seemed to be a matched pair in terms of effortless grace, genuine empathy and devotion to one another. They produced a family that is a genuine reflection of their collective virtues. I know Laird III the best, and he is every bit his family. Their daughter Margaretta and son Ramsay are a genuine reflection of their parents' decency.

As a Delawarean and a Democrat, I feel privileged today to pay tribute to a Delawarean and a Republican whose life reflected what all of us strive to achieve.●

### OIL PRICES

● Mr. LEAHY. Madam President, in April 2004, when American consumers were paying $1.78 per gallon at the pump, I warned that energy experts were "predicting that the price of gas may rise to $2.50 or $3.00 per gallon." The administration did nothing. Last October, when American consumers were paying $2.87 per gallon at the pump, I warned that "oil may be on its way to over $100 a barrel." The administration did nothing.

This week, oil reached a record $102 a barrel, and gas prices averaged $3.13 a gallon. How much will families in Vermont and across America have to pay to heat their homes in this long winter and drive to work before the President takes action? At a news conference yesterday, the President was not even aware that some are predicting that gas prices will hit $3.50 or even $4 a gallon by the spring.

Two facts are painfully clear: Gasoline prices have more than doubled since the President took office, and the President has no plan to protect consumers and our economy.

I have said this before, and I say it again today: The principal cause of the relentless increase in oil prices is not a natural supply issue, but market manipulation by the Organization of Petroleum Exporting Countries, OPEC, an international cartel that limits the supply of oil to keep fuel prices high. In January, the President's best attempt to increase the supply of oil was to tell Saudi King Abdullah that "paying more for gasoline hurts some American families." Indeed it does, and I am pleased the administration acknowledges the effects of rising gas prices on Americans. But Saudi Arabia is a founding member of OPEC, which has every incentive to limit output and keep prices artificially high. The futility of going to an OPEC member and pleading for it to raise output is obvious; the President's request that it increase supply is simply bewildering.

OPEC is scheduled to meet next week to consider output levels. If such a meeting took place in almost any other context, the participants would likely be arrested for an illegal conspiracy in restraint of trade. Yet the President stood in front of the King of the largest participant in the oil cartel and asked for relief, instead of demanding an end to this illegal activity.

If the administration truly acknowledges the impact artificially high oil prices have on our Nation, it should join with me, Senator KOHL, and the 68 other Senators and 345 Members of the House of Representatives who have voted for NOPEC legislation, which would hold accountable certain oil-producing nations for their collusive behavior that has artificially reduced the supply and inflated the price of fuel.

Instead of pleading for help, the next time the President of the United States meets with members of a cartel, the President should explain that entities engaging in anticompetitive conduct that harms American consumers can expect investigation and prosecution.

We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. It is wrong to let members of OPEC off the hook just because their anticompetitive practices come with the seal of approval of national governments.●

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 12. A bill to promote home ownership, manufacturing, and economic growth.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCONNELL (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BOND, Mr. BUNNING, Mr. CORNYN, Mr. CRAIG, Mrs. DOLE, Mr. ENZI, Mr. GRASSLEY, Mr. GREGG, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. ROBERTS, and Mr. HATCH):

S. 12. A bill to promote home ownership, manufacturing, and economic growth; read the first time.

By Mr. INHOFE (for himself, Mr. HARKIN, Mr. DORGAN, Mr. GRASSLEY, Mr. THUNE, and Mr. COBURN):

S. 2681. A bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for Mrs. CLINTON):

S. 2682. A bill to direct United States funding to the United Nations Population Fund for certain purposes; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself and Mr. CARPER):

S. Res. 464. A resolution designating March 1, 2008 as "World Friendship Day"; considered and agreed to.

By Mr. REED (for himself and Ms. COLLINS):

S. Res. 465. A resolution designating March 3, 2008, as "Read Across America Day"; considered and agreed to.

By Mr. CORNYN (for himself, Mr. DEMINT, Mr. LIEBERMAN, Mr. VITTER, Mr. MCCONNELL, Mr. COLEMAN, Mr. MARTINEZ, Mr. HATCH, Mr. ENSIGN, Mrs. HUTCHISON, and Mr. MCCAIN):

S. Res. 466. A resolution honoring the life of William F. Buckley, Jr; considered and agreed to.

By Mr. CASEY (for himself and Mr. SPECTER):

S. Res. 467. A resolution honoring the life of Myron Cope; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

### S. 22

At the request of Mr. WEBB, the names of the Senator from Virginia (Mr. WARNER), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

### S. 573

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

### S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

### S. 1390

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

### S. 1921

At the request of Mr. WEBB, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

### S. 2119

At the request of Mr. JOHNSON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

### S. 2398

At the request of Mr. SANDERS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2398, a bill to phase out the use of private military contractors.

### S. 2433

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

### S. 2577

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2577, a bill to establish background check procedures for gun shows.

### S. 2580

At the request of Mr. BROWN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

### S. 2627

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2627, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

### S. 2678

At the request of Mrs. MCCASKILL, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2678, a bill to clarify the law and ensure that children born to United States citizens while serving overseas in the military are eligible to become President.

### S. RES. 459

At the request of Mr. LUGAR, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 459, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to extend invitations for membership to Albania, Croatia, and Macedonia at the April 2008 Bucharest Summit, and for other purposes.

### S. RES. 463

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Iowa (Mr. HARKIN), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 463, a resolution congratulating Vivian Stringer on winning 800 games in women's college basketball.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BOND, Mr. BUNNING, Mr. CORNYN, Mr. CRAIG, Mrs. DOLE, Mr. ENZI, Mr. GRASSLEY, Mr. GREGG, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. ROBERTS, and Mr. HATCH):

S. 12. A bill to promote home ownership, manufacturing, and economic growth; read the first time.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

### S. 12

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Homeownership, Manufacturing, and Economic Growth Act" or the "HOME Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—KEEPING TAXES LOW

Sec. 100. Amendment to 1986 Code.

Subtitle A—Extension of Expiring Provisions

PART I—INDIVIDUAL TAX PROVISIONS

SUBPART A—PROVISIONS EXPIRING IN 2007

Sec. 101. Nonbusiness energy property.
Sec. 102. Election to include combat pay as earned income for purposes of the earned income credit.
Sec. 103. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 104. Distributions from retirement plans to individuals called to active duty.
Sec. 105. Modification of mortgage revenue bonds for veterans.
Sec. 106. Deduction for State and local sales taxes.
Sec. 107. Archer MSAs.
Sec. 108. Deduction of qualified tuition and related expenses.

Sec. 109. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 110. Stock in RIC for purposes of determining estates of nonresidents not citizens.

SUBPART B—PROVISIONS EXPIRING IN 2008

Sec. 111. Residential energy efficient property.

PART II—BUSINESS TAX PROVISIONS

SUBPART A—PROVISIONS EXPIRING IN 2007

Sec. 121. Research activities.
Sec. 122. Indian employment credit.
Sec. 123. Railroad track maintenance.
Sec. 124. Production of fuel from a nonconventional source at certain facilities.
Sec. 125. Energy efficient appliances.
Sec. 126. 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements.
Sec. 127. Seven-year cost recovery period for motorsports racing track facility.
Sec. 128. Accelerated depreciation for business property on Indian reservation.
Sec. 129. Qualified conservation contributions.
Sec. 130. Enhanced charitable deduction for contributions of food inventory.
Sec. 131. Enhanced charitable deduction for contributions of book inventory.
Sec. 132. Enhanced charitable deduction for corporate contributions of computer equipment for educational purposes.
Sec. 133. Expensing of environmental remediation costs.
Sec. 134. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 135. Special rule for sales or dispositions to implement FERC or State electric restructuring policy.
Sec. 136. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 137. Suspension of taxable income limit with respect to marginal wells.
Sec. 138. Treatment of certain dividends of regulated investment companies.
Sec. 139. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 140. Extension of qualified zone academy bonds.
Sec. 141. Tax incentives for investment in the District of Columbia.
Sec. 142. 0.2 percent FUTA surtax.

SUBPART B—PROVISIONS EXPIRING IN 2008

Sec. 146. Biodiesel and renewable diesel used as fuel.
Sec. 147. Electricity produced from certain renewable resources; production of refined coal and Indian coal.
Sec. 148. New markets tax credit.
Sec. 149. Extension of new energy efficient home credit.
Sec. 150. Extension of mine rescue team training credit.
Sec. 151. Extension of energy credit.
Sec. 152. 5-year NOL carryback for certain electric utility companies.
Sec. 153. Extension of energy efficient commercial buildings deduction.
Sec. 154. Extension of election to expense advanced mine safety equipment.
Sec. 155. Extension and modification of expensing rules for qualified film and television productions.
Sec. 156. Subpart F exception for active financing income.
Sec. 157. Extension of look-thru rule for related controlled foreign corporations.

PART III—EXCISE TAX PROVISIONS

SUBPART A—PROVISIONS EXPIRING IN 2007

Sec. 161. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 162. Parity in the application of certain limits to mental health benefits.
Sec. 163. Extension of economic development credit for American Samoa.

SUBPART B—PROVISIONS EXPIRING IN 2008

Sec. 166. Special rule for qualified methanol or ethanol fuel from coal.
Sec. 167. Biodiesel mixture credit and credit for fuels used for nontaxable purposes.

PART IV—TAX ADMINISTRATION PROVISIONS

SUBPART A—PROVISIONS EXPIRING IN 2007

Sec. 171. Disclosures to facilitate combined employment tax reporting.
Sec. 172. Disclosure of return information to apprise appropriate officials of terrorist activities.
Sec. 173. Disclosure upon request of information relating to terrorist activities.
Sec. 174. Disclosure of return information to carry out income contingent repayment of student loans.
Sec. 175. Authority for undercover operations.

SUBPART B—PROVISIONS EXPIRING IN 2008

Sec. 176. Extension of reporting of interest of exempt organizations in insurance contracts.
Sec. 177. Disclosures relating to certain programs administered by the Department of Veterans Affairs.

Subtitle B—Alternative Minimum Tax Relief

Sec. 181. 2-year extension of increased alternative minimum tax exemption amount.
Sec. 182. Extension of alternative minimum tax relief for nonrefundable personal credits.

Subtitle C—Additional Tax Relief

Sec. 191. Permanent extension of 2001 and 2003 tax relief provisions.
Sec. 192. Maximum corporate income tax rate reduced to 25 percent.
Sec. 193. 3-year carryback of certain credits.
Sec. 194. Election to accelerate AMT and R and D credits in lieu of bonus depreciation.
Sec. 195. Indexing of certain assets for purposes of determining gain or loss.
Sec. 196. Deferral of gain on sale of certain principal residences.
Sec. 197. Amount excluded from sale of principal residence indexed for inflation.
Sec. 198. Repeal of phasein for domestic production activities deduction.

TITLE II—KEEPING AMERICA COMPETITIVE

Sec. 201. Sense of Congress regarding the legislative initiatives required to strengthen and protect the well being of our Nation's capital markets.
Sec. 202. Directing the Securities and Exchange Commission to convene a public hearing on the impact of excessive litigation.
Sec. 203. Directing the Commission to establish formal processes and procedures for cost-benefit analyses of proposed and existing rules and regulations.
Sec. 204. Directing the Commission to define "smaller public company" to provide certainty to issuers.
Sec. 205. Mutual recognition.
Sec. 206. Supporting the Securities and Exchange Commission reform efforts to speed the process of rulemaking for self regulatory organizations.
Sec. 207. Eliminate the exemption from State regulation for certain securities designated by national securities exchanges.
Sec. 208. Directing the Commission to accelerate full conversion of IFRS and United States GAAP.
Sec. 209. Promoting market access for financial services.

TITLE III—PROTECTING HOMEOWNERS

Sec. 301. Subprime refinancing loans through use of qualified mortgage bonds.
Sec. 302. Expeditious distribution of funds already provided for mortgage foreclosure counseling.
Sec. 303. Credit for purchase of homes in or near foreclosure.
Sec. 304. Enhanced mortgage loan disclosures.
Sec. 305. Carryback of certain net operating losses allowed for 5 years; temporary suspension of 90 percent AMT limit.

TITLE IV—REDUCING THE LITIGATION TAX

Sec. 401 Limitation on punitive damages for small businesses.
Sec. 402. Reasonableness review of attorney's fees.
Sec. 403. Partial award of attorney's fees for unreasonable lawsuits.
Sec. 404. Mandatory sanctions for frivolous lawsuits.
Sec. 405. Bar on junk science in the courtroom.

## TITLE I—KEEPING TAXES LOW

### SEC. 100. AMENDMENT TO 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

## Subtitle A—Extension of Expiring Provisions

## PART I—INDIVIDUAL TAX PROVISIONS

### Subpart A—Provisions Expiring in 2007

### SEC. 101. NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 102. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF THE EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428, as amended by the Economic Stimulus Act of 2008, is amended to read as follows:

"(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

### SEC. 103. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2007" and inserting "2007, 2008, or 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 104. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking "December 31, 2007" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

### SEC. 105. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by inserting "and after the date of the enactment of the HOME Act and before January 1, 2010" after "January 1, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

### SEC. 106. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 107. ARCHER MSAS.

(a) IN GENERAL.—Subsection (i) of section 220 (relating to limitation on number of taxpayers having Archer MSAs) is amended—

(1) by striking "2007" each place it appears in paragraphs (2) and (3)(B) and inserting "2009",

(2) by striking "2007" in the heading of paragraph (3)(B) and inserting "2009".

(b) CONFORMING AMENDMENTS.—Subsection (j) of section 220 is amended—

(1) by striking "or 2006" each place it appears in paragraph (2) and inserting "2006, 2007, or 2008",

(2) by striking "OR 2006" in the heading for paragraph (2) and inserting "2006, 2007, OR 2008", and

(3) by striking "and 2006" in paragraph (4) and inserting "2006, 2007, and 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2007.

### SEC. 108. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 109. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

### SEC. 110. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

## Subpart B—Provisions Expiring in 2008

### SEC. 111. RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Subsection (g) of section 25D (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

# PART II—BUSINESS TAX PROVISIONS

## Subpart A—Provisions Expiring in 2007

### SEC. 121. RESEARCH ACTIVITIES.

(a) IN GENERAL.—Section 41(h) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009" in paragraph (1)(B).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2007.

### SEC. 122. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 123. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

### SEC. 124. PRODUCTION OF FUEL FROM A NONCONVENTIONAL SOURCE AT CERTAIN FACILITIES.

(a) IN GENERAL.—Subsection (f)(1)(B) of section 45K (relating to extension for certain facilities) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels produced and sold after December 31, 2007.

### SEC. 125. ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended by striking "calendar year 2006 or 2007" each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting "calendar year 2006, 2007, 2008, or 2009".

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended by inserting "beginning after December 31, 2007" after "for all prior taxable years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

### SEC. 126. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 127. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 128. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 129. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) CONTRIBUTIONS BY CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

### SEC. 130. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

### SEC. 131. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting "of books" after "to any contribution".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

### SEC. 132. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER EQUIPMENT FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

### SEC. 133. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

### SEC. 134. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) In General.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking "first 2 taxable years" and inserting "first 4 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2010".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 135. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY.

(a) In General.—Paragraph (3) of section 451(i) (relating to qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) Effective Date.—The amendment made by this section shall apply to transactions occurring after December 31, 2007.

### SEC. 136. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) In General.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

### SEC. 137. SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL WELLS.

(a) In General.—Subparagraph (H) of section 613A(c)(6) (relating to temporary suspension of taxable income limit with respect to marginal production) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 138. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) Interest-Related Dividends.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Short-Term Capital Gain Dividends.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) Disposition of Investment in United States Real Property.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(d) Effective Date.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

### SEC. 139. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) In General.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

### SEC. 140. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Paragraph (1) of section 1397E(e) is amended by striking "and 2007" and inserting "2007, 2008, and 2009".

(b) Effective Date.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

### SEC. 141. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) Designation of D.C. Enterprise Zone.—Subsection (f) of section 1400 (relating to time for which designation applicable) is amended by striking "December 31, 2007" each place it appears in paragraphs (1) and (2) and inserting "December 31, 2009".

(b) Tax-Exempt D.C. Empowerment Zone Bonds.—Subsection (b) of section 1400A (relating to period of applicability) is amended by inserting ", and after the date of the enactment of the HOME Act and before December 31, 2009" after "December 31, 2007".

(c) Acquisition Date for Eligibility for Zero-Percent Capital Gains Rate for Investment in D.C..—Subsection (b) of section 1400B (relating to D.C. zone asset) is amended by striking "January 1, 2008" each place it appears in paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) and inserting "January 1, 2010".

(d) Tax Credit for First-Time D.C. Homebuyers.—Subsection (i) of section 1400C (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(e) Effective Date.—The amendments made by this section shall apply to transactions after December 31, 2007.

### SEC. 142. 0.2 PERCENT FUTA SURTAX.

(a) In General.—Section 3301 (relating to rate of tax) is amended—

(1) by striking "through 2007" in paragraph (1) and inserting "through 2009", and

(2) by striking "calendar year 2008" in paragraph (2) and inserting "calendar year 2010".

(b) Effective Date.—The amendments made by this section shall apply to wages paid after December 31, 2007.

## Subpart B—Provisions Expiring in 2008

### SEC. 146. BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.

Subsection (g) of section 40A (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

### SEC. 147. ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES; PRODUCTION OF REFINED COAL AND INDIAN COAL.

Section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) and inserting "January 1, 2010".

### SEC. 148. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking "and 2008" and inserting "2008, and 2009".

### SEC. 149. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

### SEC. 150. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

### SEC. 151. EXTENSION OF ENERGY CREDIT.

(a) Solar Energy Property.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2010".

(b) Fuel Cell Property.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) Microturbine Property.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

### SEC. 152. 5-YEAR NOL CARRYBACK FOR CERTAIN ELECTRIC UTILITY COMPANIES.

Subparagraph (I)(i) of section 172(b)(1) (relating to transmission property and pollution control investment) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2010", and

(2) by striking "January 1, 2006" and inserting "January 1, 2007".

### SEC. 153. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

### SEC. 154. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

### SEC. 155. EXTENSION AND MODIFICATION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.

Section 181(f) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

### SEC. 156. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) Exempt Insurance Income.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2010", and

(2) by striking "December 31, 2008" and inserting "December 31, 2009".

(b) Exception to Treatment as Foreign Personal Holding Company Income.—Paragraph (9) of section 954(h) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

### SEC. 157. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

## PART III—EXCISE TAX PROVISIONS

## Subpart A—Provisions Expiring in 2007

### SEC. 161. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) In General.—Paragraph (1) of section 7652(f) is amended by inserting ", and after the date of the enactment of the HOME Act and before January 1, 2010" after "January 1, 2008".

(b) Effective Date.—The amendment made by this section shall apply to distilled spirits brought into the United States after the date of the enactment of this Act.

### SEC. 162. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 (relating to application of section) is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting ", and before the date of the enactment of the HOME Act", and

(3) by adding at the end the following new paragraph:

"(4) after December 31, 2009.".

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by inserting ", and before the date of the enactment of the HOME Act, and after December 31, 2009" after "December 31, 2007".

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by inserting ", and before the date of the enactment of the HOME Act, and after December 31, 2009" after "December 31, 2006".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished on or after the date of the enactment of this Act.

### SEC. 163. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 4 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

## Subpart B—Provisions Expiring in 2008

### SEC. 166. SPECIAL RULE FOR QUALIFIED METHANOL OR ETHANOL FUEL FROM COAL.

Subparagraph (D) of section 4041(b)(2) (relating to termination) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

### SEC. 167. BIODIESEL MIXTURE CREDIT AND CREDIT FOR FUELS USED FOR NONTAXABLE PURPOSES.

(a) BIODIESEL MIXTURES.—Paragraph (6) of section 6426(c) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) BIODIESEL USED FOR NONTAXABLE PURPOSES.—Paragraph (5)(B) of section 6427(e) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

## PART IV—TAX ADMINISTRATION PROVISIONS

## Subpart A—Provisions Expiring in 2007

### SEC. 171. DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.

(a) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

### SEC. 172. DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after the date of the enactment of this Act.

### SEC. 173. DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) IN GENERAL.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after the date of the enactment of this Act.

### SEC. 174. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after the date of the enactment of this Act.

### SEC. 175. AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "January 1, 2008" each place it appears and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to operations conducted after the date of the enactment of this Act.

## Subpart B—Provisions Expiring in 2008

### SEC. 176. EXTENSION OF REPORTING OF INTEREST OF EXEMPT ORGANIZATIONS IN INSURANCE CONTRACTS.

Section 6050V(e) (relating to termination) is amended by striking "the date which is 2 years after the date of the enactment of this section" and inserting "December 31, 2009".

### SEC. 177. DISCLOSURES RELATING TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking "September 30, 2008" and inserting "December 31, 2009".

(b) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting "sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)".

## Subtitle B—Alternative Minimum Tax Relief

### SEC. 181. 2-YEAR EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Section 55(d)(1) is amended—

(1) by striking "$66,250" and all that follows through "2007" in subparagraph (A) and inserting "the joint return amount in the case of taxable years beginning in 2008 and 2009", and

(2) by striking "$44,350" and all that follows through "2007" in subparagraph (B) and inserting "the unmarried individual return amount in the case of taxable years beginning in 2008 and 2009".

(b) JOINT RETURN AMOUNT; UNMARRIED INDIVIDUAL RETURN AMOUNT.—Section 55(d) is amended by adding at the end the following new paragraph:

"(4) JOINT RETURN AMOUNT; UNMARRIED INDIVIDUAL RETURN AMOUNT.—

"(A) JOINT RETURN AMOUNT.—For purposes of paragraph (1)(A), the joint return amount shall be—

"(i) $69,950 for taxable years beginning in 2008, and

"(ii) $73,250 for taxable year beginning in 2009.

"(B) UNMARRIED INDIVIDUAL RETURN AMOUNT.—For purposes of paragraph (1)(B), the unmarried individual return amount shall be—

"(i) $46,200 for taxable years beginning in 2008, and

"(ii) $47,850 for taxable year beginning in 2009.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 182. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking "or 2007" and inserting "2007, 2008, or 2009", and

(2) by striking "2007" in the heading thereof and inserting "2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

## Subtitle C—Additional Tax Relief

### SEC. 191. PERMANENT EXTENSION OF 2001 AND 2003 TAX RELIEF PROVISIONS.

(a) ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to compliance with Congressional Budget Act) is repealed.

(b) JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.—Title III of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

### SEC. 192. MAXIMUM CORPORATE INCOME TAX RATE REDUCED TO 25 PERCENT.

(a) IN GENERAL.—Paragraph (1) of section 11(b) (relating to amount of tax on corporations) is amended to read as follows:

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be the sum of—

"(A) 15 percent of so much of the taxable income as does not exceed $50,000, and

"(B) 25 percent of so much of the taxable income as exceeds $50,000.".

(b) PERSONAL SERVICE CORPORATIONS.—Paragraph (2) of section 11(b) is amended by striking "35 percent" and inserting "25 percent".

(c) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 1445(e) are each amended by striking "35 percent" and inserting "25 percent".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008, except that the amendments made by subsection (c) shall take effect on January 1, 2009.

### SEC. 193. 3-YEAR CARRYBACK OF CERTAIN CREDITS.

(a) GENERAL BUSINESS CREDIT.—Subsection (a) of section 39 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR 2007, 2008, AND 2009.—In the case of an excess described in paragraph (1) arising in a taxable year beginning in 2007, 2008, or 2009—

"(A) paragraph (1)(A) shall be applied by substituting 'each of the 3 taxable years' for "the taxable year',

"(B) paragraphs (2)(A) and (3)(C)(i) shall each be applied by substituting '23 taxable years' for '21 taxable years',

"(C) paragraphs (2)(B) and (3)(C)(ii) shall be applied by substituting '23 taxable years' for '20 taxable years'.".

(b) Foreign Tax Credit.—

(1) In general.—Section 904(c) is amended by adding at the end thereof the following: "In the case of taxable years beginning in 2007, 2008, or 2009, the first sentence of this subsection shall, at the election of the taxpayer, be applied by substituting 'in the third preceding taxable year, the second preceding taxable year, the first preceding taxable year' for 'the first preceding taxable year'.".

(2) Application of special refund rules.—Section 6411 (relating to tentative carryback and refund adjustments) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Application to Foreign Tax Credit Carryback.—Under rules prescribed by the Secretary, in the case of taxable years beginning in 2007, 2008, and 2009, this section shall apply with respect to a foreign tax credit carryback provided in section 904(c) in the same manner as this section applies with respect to net operating loss carrybacks provided in section 172(b), business credit carrybacks provided in section 39, and capital loss carrybacks provided in subsection (a)(1) or (c) of section 1212.".

(c) Effective Date.—The amendments made by this section shall apply to general business credits and foreign tax credits arising in taxable years beginning after December 31, 2006.

### SEC. 194. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) In General.—Section 168(k) is amended by adding at the end the following new paragraph:

"(4) Election to accelerate AMT and R and D credits in lieu of bonus depreciation.—

"(A) In general.—If a corporation elects to have this paragraph apply —

"(i) no additional depreciation shall be allowed under paragraph (1) for any property placed in service during the taxable year, and

"(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

"(B) Limitations to be increased.—The limitations described in this subparagraph are—

"(i) the limitation under section 38(c), and

"(ii) the limitation under section 53(c).

"(C) Bonus depreciation amount.—For purposes of this paragraph—

"(i) In general.—The bonus depreciation amount for any taxable year is an amount equal to the product of the applicable percentage and the excess (if any) of—

"(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

"(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

"(ii) Applicable percentage.—For purposes of clause (i), the applicable percentage shall be—

"(I) 30 percent in the case of the limitation under section 38(c), and

"(II) 20 percent in the case of the limitation under section 53(c).

"(D) Allocation of bonus depreciation amounts.—

"(i) In general.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

"(ii) Business credit limitation.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

"(I) from taxable years beginning before January 1, 2006, and

"(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

"(iii) Alternative minimum tax credit limitation.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.

"(E) Credit refundable.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

"(F) Other rules.—

"(i) Election.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.

"(ii) Deduction allowed in computing minimum tax.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.".

(b) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

### SEC. 195. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

(a) In General.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by redesignating section 1023 as section 1024 and by inserting after section 1022 the following new section:

**"SEC. 1023. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.**

"(a) General Rule.—

"(1) Indexed basis substituted for adjusted basis.—Solely for purposes of determining gain or loss on the sale or other disposition by a taxpayer (other than a corporation) of an indexed asset which has been held for more than 3 years, the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) Exception for depreciation, etc.—The deductions for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(3) Written documentation requirement.—Paragraph (1) shall apply only with respect to indexed assets for which the taxpayer has written documentation of the original purchase price paid or incurred by the taxpayer to acquire such asset.

"(b) Indexed Asset.—

"(1) In general.—For purposes of this section, the term 'indexed asset' means—

"(A) common stock in a C corporation (other than a foreign corporation), or

"(B) tangible property,

which is a capital asset or property used in the trade or business (as defined in section 1231(b)).

"(2) Stock in certain foreign corporations included.—For purposes of this section—

"(A) In general.—The term 'indexed asset' includes common stock in a foreign corporation which is regularly traded on an established securities market.

"(B) Exception.—Subparagraph (A) shall not apply to—

"(i) stock in a passive foreign investment company (as defined in section 1296), and

"(ii) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(C) Treatment of American depository receipts.—An American depository receipt for common stock in a foreign corporation shall be treated as common stock in such corporation.

"(c) Indexed Basis.—For purposes of this section—

"(1) General rule.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, increased by

"(B) the applicable inflation adjustment.

"(2) Applicable inflation adjustment.—The applicable inflation adjustment for any asset is an amount equal to—

"(A) the adjusted basis of the asset, multiplied by

"(B) the percentage (if any) by which—

"(i) the gross domestic product deflator for the last calendar quarter ending before the asset is disposed of, exceeds

"(ii) the gross domestic product deflator for the last calendar quarter ending before the asset was acquired by the taxpayer.

The percentage under subparagraph (B) shall be rounded to the nearest 1/10 of 1 percentage point.

"(3) Gross domestic product deflator.—The gross domestic product deflator for any calendar quarter is the implicit price deflator for the gross domestic product for such quarter (as shown in the last revision thereof released by the Secretary of Commerce before the close of the following calendar quarter).

"(d) Suspension of Holding Period Where Diminished Risk of Loss; Treatment of Short Sales.—

"(1) In general.—If the taxpayer (or a related person) enters into any transaction which substantially reduces the risk of loss from holding any asset, such asset shall not be treated as an indexed asset for the period of such reduced risk.

"(2) Short sales.—

"(A) In general.—In the case of a short sale of an indexed asset with a short sale period in excess of 3 years, for purposes of this title, the amount realized shall be an amount equal to the amount realized (determined without regard to this paragraph) increased by the applicable inflation adjustment. In applying subsection (c)(2) for purposes of the preceding sentence, the date on which the property is sold short shall be treated as the date of acquisition and the closing date for the sale shall be treated as the date of disposition.

"(B) Short sale period.—For purposes of subparagraph (A), the short sale period begins on the day that the property is sold and ends on the closing date for the sale.

"(e) Treatment of Regulated Investment Companies and Real Estate Investment Trusts.—

"(1) Adjustments at entity level.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the adjustment under subsection (a) shall be allowed to any qualified investment entity (including for purposes of determining the earnings and profits of such entity).

"(B) EXCEPTION FOR CORPORATE SHAREHOLDERS.—Under regulations—

"(i) in the case of a distribution by a qualified investment entity (directly or indirectly) to a corporation—

"(I) the determination of whether such distribution is a dividend shall be made without regard to this section, and

"(II) the amount treated as gain by reason of the receipt of any capital gain dividend shall be increased by the percentage by which the entity's net capital gain for the taxable year (determined without regard to this section) exceeds the entity's net capital gain for such year determined with regard to this section, and

"(ii) there shall be other appropriate adjustments (including deemed distributions) so as to ensure that the benefits of this section are not allowed (directly or indirectly) to corporate shareholders of qualified investment entities.

For purposes of the preceding sentence, any amount includible in gross income under section 852(b)(3)(D) shall be treated as a capital gain dividend and an S corporation shall not be treated as a corporation.

"(C) EXCEPTION FOR QUALIFICATION PURPOSES.—This section shall not apply for purposes of sections 851(b) and 856(c).

"(D) EXCEPTION FOR CERTAIN TAXES IMPOSED AT ENTITY LEVEL.—

"(i) TAX ON FAILURE TO DISTRIBUTE ENTIRE GAIN.—If any amount is subject to tax under section 852(b)(3)(A) for any taxable year, the amount on which tax is imposed under such section shall be increased by the percentage determined under subparagraph (B)(i)(II). A similar rule shall apply in the case of any amount subject to tax under paragraph (2) or (3) of section 857(b) to the extent attributable to the excess of the net capital gain over the deduction for dividends paid determined with reference to capital gain dividends only. The first sentence of this clause shall not apply to so much of the amount subject to tax under section 852(b)(3)(A) as is designated by the company under section 852(b)(3)(D).

"(ii) OTHER TAXES.—This section shall not apply for purposes of determining the amount of any tax imposed by paragraph (4), (5), or (6) of section 857(b).

"(2) ADJUSTMENTS TO INTERESTS HELD IN ENTITY.—

"(A) REGULATED INVESTMENT COMPANIES.—Stock in a regulated investment company (within the meaning of section 851) shall be an indexed asset for any calendar quarter in the same ratio as—

"(i) the average of the fair market values of the indexed assets held by such company at the close of each month during such quarter, bears to

"(ii) the average of the fair market values of all assets held by such company at the close of each such month.

"(B) REAL ESTATE INVESTMENT TRUSTS.—Stock in a real estate investment trust (within the meaning of section 856) shall be an indexed asset for any calendar quarter in the same ratio as—

"(i) the fair market value of the indexed assets held by such trust at the close of such quarter, bears to

"(ii) the fair market value of all assets held by such trust at the close of such quarter.

"(C) RATIO OF 80 PERCENT OR MORE.—If the ratio for any calendar quarter determined under subparagraph (A) or (B) would (but for this subparagraph) be 80 percent or more, such ratio for such quarter shall be 100 percent.

"(D) RATIO OF 20 PERCENT OR LESS.—If the ratio for any calendar quarter determined under subparagraph (A) or (B) would (but for this subparagraph) be 20 percent or less, such ratio for such quarter shall be zero.

"(E) LOOK-THRU OF PARTNERSHIPS.—For purposes of this paragraph, a qualified investment entity which holds a partnership interest shall be treated (in lieu of holding a partnership interest) as holding its proportionate share of the assets held by the partnership.

"(3) TREATMENT OF RETURN OF CAPITAL DISTRIBUTIONS.—Except as otherwise provided by the Secretary, a distribution with respect to stock in a qualified investment entity which is not a dividend and which results in a reduction in the adjusted basis of such stock shall be treated as allocable to stock acquired by the taxpayer in the order in which such stock was acquired.

"(4) QUALIFIED INVESTMENT ENTITY.—For purposes of this subsection, the term 'qualified investment entity' means—

"(A) a regulated investment company (within the meaning of section 851), and

"(B) a real estate investment trust (within the meaning of section 856).

"(f) OTHER PASS-THRU ENTITIES.—

"(1) PARTNERSHIPS.—

"(A) IN GENERAL.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(B) SPECIAL RULE IN THE CASE OF SECTION 754 ELECTIONS.—In the case of a transfer of an interest in a partnership with respect to which the election provided in section 754 is in effect—

"(i) the adjustment under section 743(b)(1) shall, with respect to the transferor partner, be treated as a sale of the partnership assets for purposes of applying this section, and

"(ii) with respect to the transferee partner, the partnership's holding period for purposes of this section in such assets shall be treated as beginning on the date of such adjustment.

"(2) S CORPORATIONS.—In the case of an S corporation, the adjustment made under subsection (a) at the corporate level shall be passed through to the shareholders. This section shall not apply for purposes of determining the amount of any tax imposed by section 1374 or 1375.

"(3) COMMON TRUST FUNDS.—In the case of a common trust fund, the adjustment made under subsection (a) at the trust level shall be passed through to the participants.

"(4) INDEXING ADJUSTMENT DISREGARDED IN DETERMINING LOSS ON SALE OF INTEREST IN ENTITY.—Notwithstanding the preceding provisions of this subsection, for purposes of determining the amount of any loss on a sale or exchange of an interest in a partnership, S corporation, or common trust fund, the adjustment made under subsection (a) shall not be taken into account in determining the adjusted basis of such interest.

"(g) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(h) TRANSFERS TO INCREASE INDEXING ADJUSTMENT.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is to secure or increase an adjustment under subsection (a), the Secretary may disallow part or all of such adjustment or increase.

"(i) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT OF IMPROVEMENTS, ETC.—If there is an addition to the adjusted basis of any tangible property or of any stock in a corporation during the taxable year by reason of an improvement to such property or a contribution to capital of such corporation—

"(A) such addition shall never be taken into account under subsection (c)(1)(A) if the aggregate amount thereof during the taxable year with respect to such property or stock is less than $1,000, and

"(B) such addition shall be treated as a separate asset acquired at the close of such taxable year if the aggregate amount thereof during the taxable year with respect to such property or stock is $1,000 or more.

A rule similar to the rule of the preceding sentence shall apply to any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—The applicable inflation adjustment shall be appropriately reduced for periods during which the asset was not an indexed asset.

"(3) TREATMENT OF CERTAIN DISTRIBUTIONS.—A distribution with respect to stock in a corporation which is not a dividend shall be treated as a disposition.

"(4) SECTION CANNOT INCREASE ORDINARY LOSS.—To the extent that (but for this paragraph) this section would create or increase a net ordinary loss to which section 1231(a)(2) applies or an ordinary loss to which any other provision of this title applies, such provision shall not apply. The taxpayer shall be treated as having a long-term capital loss in an amount equal to the amount of the ordinary loss to which the preceding sentence applies.

"(5) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (a)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of chapter 1 is amended by striking the item relating to section 1023 and by inserting after the item relating to section 1022 the following new item:

"Sec. 1023. Indexing of certain assets for purposes of determining gain or loss.

"Sec. 1024. Cross references.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and other dispositions of indexed assets after the date of the enactment of this Act, in taxable years ending after such date.

### SEC. 196. DEFERRAL OF GAIN ON SALE OF CERTAIN PRINCIPAL RESIDENCES.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 of subtitle A (relating to common nontaxable exchanges) is amended by inserting after section 1033 the following new section:

### "SEC. 1034. DEFERRAL OF GAIN ON SALE OF CERTAIN PRINCIPAL RESIDENCES.

"(a) DEFERRAL OF GAIN.—

"(1) IN GENERAL.—In the case of a sale of a principal residence by a taxpayer, the taxpayer's gain (if any) from such sale shall be recognized only to the extent that the taxpayer's adjusted sales price exceeds the taxpayer's cost of purchasing a qualified residence.

"(2) REDUCTION OF BASIS IN QUALIFIED RESIDENCE.—In the case of a nonrecognition of gain on the sale of a principal residence due to the purchase of a qualified residence under paragraph (1), the taxpayer's basis in the qualified residence shall be reduced by the amount of such gain.

"(b) DEFINITIONS.—

"(1) ADJUSTED SALES PRICE.—

"(A) IN GENERAL.—For purposes of this section, the term 'adjusted sales price' means the amount realized, reduced by the aggregate of the expenses for work performed on a principal residence in order to assist in its sale.

"(B) LIMITATION.—The reduction provided in subparagraph (A) applies only to expenses—

"(i) for work performed during the 90-day period ending on the day on which the contract to sell the principal residence is entered into,

"(ii) which are paid on or before the 30th day after the date of the sale of the principal residence, and

"(iii) which are—

"(I) not allowable as deductions in computing taxable income under section 63, and

"(II) not taken into account in computing the amount realized from the sale of the principal residence.

"(2) QUALIFIED RESIDENCE.—For purposes of this section, the term 'qualified residence' means property that is—

"(A) purchased by the taxpayer for use as a principal residence, and

"(B) purchased during the period beginning 2 years before the date of the sale of the taxpayer's previous principal residence and ending 2 years after the date of such sale.

"(c) APPLICATION OF SECTION.—For purposes of this section:

"(1) EXCHANGE OF RESIDENCE FOR PROPERTY.—An exchange by the taxpayer of a principal residence for other property shall be treated as a sale of such residence, and the acquisition of a qualified residence on the exchange of property shall be treated as a purchase of such residence.

"(2) CONSTRUCTION OF RESIDENCE.—A qualified residence any part of which was constructed or reconstructed by the taxpayer shall be treated as purchased by the taxpayer. In determining the taxpayer's cost of purchasing a qualified residence, there shall be included only so much of such cost as is attributable to the acquisition, construction, reconstruction, and improvements made which are properly chargeable to capital account, during the period specified in subsection (b)(2)(B).

"(3) SALE OF NEW RESIDENCE PRIOR TO SALE OF PRINCIPAL RESIDENCE.—If a residence is purchased by the taxpayer before the date of the sale of the taxpayer's principal residence, such purchased residence shall not be a qualified residence under this section if such residence is sold or otherwise disposed of by the taxpayer before the date of the sale of the taxpayer's principal residence.

"(4) MULTIPLE PRINCIPAL RESIDENCES.—If the taxpayer, during the period described in subsection (b)(2)(B), purchases more than 1 residence which is used as the taxpayer's principal residence at some time during the 2 years after the date of the sale of a principal residence for which gain is deferred under this section, only the last of such residences so used by the taxpayer within such 2 years shall be a qualified residence under this section. If a qualified residence is sold in a sale to which subsection (d)(2) applies within 2 years after the sale of the taxpayer's previous principal residence, for purposes of applying the preceding sentence with respect to such principal residence, the qualified residence sold shall be treated as the last residence used during such 2-year period.

"(d) LIMITATION.—

"(1) IN GENERAL.—Subsection (a) shall not apply with respect to the sale of the taxpayer's principal residence if within 2 years before the date of such sale the taxpayer sold at a gain other property used by him as his principal residence, and any part of such gain was deferred by reason of subsection (a).

"(2) SUBSEQUENT SALE CONNECTED WITH NEW PRINCIPAL PLACE OF WORK.—Paragraph (1) shall not apply with respect to the sale of the taxpayer's principal residence if—

"(A) such sale was in connection with the commencement of work by the taxpayer (or the taxpayer's spouse, if such spouse has the same principal residence as the taxpayer) as an employee or as a self-employed individual at a new principal place of work, and

"(B) the taxpayer would satisfy the conditions of section 217(c) if the principal residence so sold were treated as the former residence for purposes of section 217.

"(e) TENANT-STOCKHOLDER IN A COOPERATIVE HOUSING CORPORATION.—For purposes of this section, references to property used by the taxpayer as a principal residence shall include stock held by a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as so defined) if—

"(1) in the case of stock sold, the house or apartment which the taxpayer was entitled to occupy as such stockholder was used by the taxpayer as a principal residence, and

"(2) in the case of stock purchased, the taxpayer used as a principal residence the house or apartment which the taxpayer was entitled to occupy as such stockholder.

"(f) JOINT OWNERSHIP.—In the case of a residence jointly owned and used as a principal residence by 1 or more taxpayers, or by a married couple filing separately, the gain (if any) from the sale of such principal residence which may be deferred under subsection (a) shall be allocated among such taxpayers according to regulations which shall be prescribed by the Secretary.

"(g) MEMBERS OF THE ARMED FORCES.—

"(1) IN GENERAL.—The running of any period of time specified in subsection (b)(2)(B) or (c) (other than the 2 years referred to in subsection (c)(4)) shall be suspended during any time that the taxpayer (or the taxpayer's spouse, if such spouse has the same principal residence as the taxpayer) serves on extended active duty with the Armed Forces of the United States after the date of the sale of the principal residence for which gain is deferred under this section, except that any period of time so suspended shall not extend beyond the date that is 4 years after the date of sale of such principal residence.

"(2) MEMBERS STATIONED OUTSIDE THE UNITED STATES OR REQUIRED TO RESIDE IN GOVERNMENT QUARTERS.—In the case of a taxpayer (or the taxpayer's spouse, if such spouse has the same principal residence as the taxpayer) who, during any period of time the running of which is suspended under paragraph (1)—

"(A) is stationed outside the United States, or

"(B) after returning from a tour of duty outside of the United States and pursuant to a determination by the Secretary of Defense that adequate off-base housing is not available at a remote base site, is required to reside in on-base Government quarters,

any period of time so suspended shall not expire before the day that is 1 year after the last day that such taxpayer or spouse is so stationed or under such requirement, except that any period so suspended shall not extend beyond the date which is 8 years after the date of the sale of the principal residence.

"(h) INDIVIDUAL WHOSE TAX HOME IS OUTSIDE THE UNITED STATES.—The running of any period of time specified in subsection (b)(2)(B) or (c) (other than the 2 years referred to in subsection (c)(4)) shall be suspended during any time that the taxpayer (or the taxpayer's spouse, if such spouse has the same principal residence as the taxpayer) has a tax home (as defined in section 911(d)(3)) outside the United States after the date of the sale of the principal residence for which gain is deferred under this section, except that any period of time so suspended shall not extend beyond the date that is 4 years after the date of sale of such principal residence.

"(i) SPECIAL RULE FOR CONDEMNATION.—In the case of the seizure, requisition, or condemnation of a principal residence, or the sale or exchange of a principal residence under threat or imminence thereof, the taxpayer may elect to have this section apply in lieu of section 1033. If such election is made, such seizure, requisition, or condemnation shall be treated as the sale of the principal residence. Such election shall be made at such time and in such manner as the Secretary shall prescribe.

"(j) STATUTE OF LIMITATIONS.—In the case of any sale of a principal residence that results in gain—

"(1) the statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary shall prescribe) of—

"(A) the taxpayer's cost of purchasing any qualified residence which results in nonrecognition of such gain,

"(B) the taxpayer's intention not to purchase such a qualified residence during the period specified in subsection (b)(2)(B), or

"(C) a failure to make such a purchase within such period, and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(k) APPLICATION OF EXCLUSION ON THE SALE OF A PRINCIPAL RESIDENCE.—In the case of a sale of a principal residence by a taxpayer to which section 121 applies, the amount of the gain on such sale that may be deferred under subsection (a) of this section shall be reduced by the amount of gain on such sale that is excluded from gross income under section 121(a).".

(b) CONFORMING AMENDMENTS.—

(1) COORDINATION WITH SECTION 121.—

(A) Section 121 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new subsection:

"(h) COORDINATION WITH SECTION 1034 DEFERRAL.—For deferral of gain from the sale of a principal residence in the case of a purchase of another qualified residence, see section 1034.".

(B) Subsection (g) of section 121 (relating to residences acquired in rollovers under section 1034) is amended by striking "(as in effect on the day before the date of the enactment of this section)".

(2) EXTENSION OF PERIOD OF LIMITATION.—Section 6503 (relating to suspension of running of period of limitation) is amended—

(A) by redesignating subsection (k) as subsection (l), and

(B) by inserting after subsection (j) the following new subsection:

"(k) EXTENSION OF TIME FOR ASSESSMENT OF TAX LIABILITY ON GAIN FROM THE SALE OF CERTAIN PRINCIPAL RESIDENCES.—The running of any period of limitations for collection of any amount of tax liability on gain from the sale of a principal residence that is deferred under section 1034 shall be suspended for the period of any extension of time specified under section 1034(j).".

(3) REDUCTION IN BASIS.—Subsection (a) of section 1016 (relating to general rule) is amended—

(A) by striking "and" at the end of paragraph (36),

(B) by striking the period at the end of paragraph (37) and inserting ", and", and

(C) by adding at the end the following new paragraph:

"(38) to the extent provided in section 1034(a)(2).".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter O of chapter 1 of subtitle A (relating to common nontaxable exchanges) is amended by inserting after the item relating to section 1033 the following new item:

"Sec. 1034. Deferral of gain on sale of certain principal residences.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales in taxable years beginning after the date of the enactment of this Act.

### SEC. 197. AMOUNT EXCLUDED FROM SALE OF PRINCIPAL RESIDENCE INDEXED FOR INFLATION.

(a) IN GENERAL.—Section 121 is amended by adding at the end the following new subsection:

"(h) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any taxable year beginning after 2008, the $250,000 amount under subsection (b)(1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 121(b)(2) is amended—

(A) by striking "Paragraph (1) shall be applied by substituting '$500,000' for '$250,000' " and inserting "The dollar amount under paragraph (1) shall be twice the dollar amount otherwise in effect under such paragraph", and

(B) by striking "$500,000" in the heading and inserting "INCREASED".

(2) Section 121(b)(4) is amended by striking "paragraph (1) shall be applied by substituting '$500,000' for '$250,000' " and inserting "the dollar amount under paragraph (1) shall be twice the dollar amount otherwise in effect under such paragraph".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales occurring after December 31, 2008.

### SEC. 198. REPEAL OF PHASEIN FOR DOMESTIC PRODUCTION ACTIVITIES DEDUCTION.

(a) IN GENERAL.—Subsection (a) of section 199 (relating to income attributable to domestic production activities) is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction an amount equal to 9 percent of the lesser of—

"(1) the qualified production activities income of the taxpayer for the taxable year, or

"(2) taxable income (determined without regard to this section) for the taxable year.".

(b) CONFORMING AMENDMENTS.—Section 199 is amended by striking "subsection (a)(1)(B)" each place it appears and inserting "subsection (a)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

## TITLE II—KEEPING AMERICA COMPETITIVE

### SEC. 201. SENSE OF CONGRESS REGARDING THE LEGISLATIVE INITIATIVES REQUIRED TO STRENGTHEN AND PROTECT THE WELL BEING OF OUR NATION'S CAPITAL MARKETS.

(a) FINDINGS.—Congress finds the following:

(1) America's capital markets are a foundation of our Nation's economic well being and security.

(2) Healthy capital markets foster investment in the United States economy, helping to sustain and create jobs.

(3) The American economy is fundamentally strong, but a correction in the residential housing market, credit turmoil, and high oil prices are hampering economic growth.

(4) American businesses and investors face ever increasing competition from international competitors and markets.

(5) Economic policies that maintain low tax rates on capital gains and dividends have historically fostered sustained growth in the American economy.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Congress should not pass legislation that would create new or greater uncertainty in the financial markets;

(2) Congress should not pass legislation that would serve to further constrict liquidity in the marketplace;

(3) Congress should not pass legislation that would make credit more expensive and less accessible in the United States than in other world markets;

(4) Congress should not pass legislation that would inhibit or impair capital formation and long-term investments;

(5) Congress should maintain existing tax policy regarding capital formation and long-term investment, except in the case of illegitimate tax shelter activity;

(6) Congress should pass legislation to extend permanently the 2001 and 2003 tax rate cuts, including the 15 percent capital gains and dividend rates, and to simplify and lower corporate tax rates; and

(7) Congress should promote the entrepreneurship and economic development fostered by long-term, private investment.

### SEC. 202. DIRECTING THE SECURITIES AND EXCHANGE COMMISSION TO CONVENE A PUBLIC HEARING ON THE IMPACT OF EXCESSIVE LITIGATION.

(a) FINDINGS.—Congress finds that—

(1) companies listed on United States securities exchanges face the potential of extraordinary litigation costs that companies listed abroad do not;

(2) securities class action settlements in the United States for 2006 totaled $10,600,000,000 (not counting the Enron-related settlements of approximately $7,100,000,000), reflecting an increase of—

(A) 255 percent from 2004;

(B) more than 500 percent from 2000 (not including the $3,100,000,000 Cendant settlement); and

(C) an astonishing 7,000 percent from 1995;

(3) while many such claims are legitimate, the sheer number of cases and the staggering settlement amounts illustrate the growing impact of the tort system on the United States economy; and

(4) by contrast, such private shareholder class action suits do not exist in the United Kingdom and other European Union countries.

(b) PUBLIC HEARING.—Not later than 60 days after the date of enactment of this Act, the Chairman of the Securities and Exchange Commission (in this section referred to as the "Commission") shall convene a public hearing on the impact of excessive litigation on the competitiveness of companies listed on United States securities exchanges.

### SEC. 203. DIRECTING THE COMMISSION TO ESTABLISH FORMAL PROCESSES AND PROCEDURES FOR COST-BENEFIT ANALYSES OF PROPOSED AND EXISTING RULES AND REGULATIONS.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to Congress a study of its existing processes and procedures for conducting cost-benefit analyses of proposed and existing rules and regulations, and shall report to Congress on ways in which the Commission could perform more rigorous and informed cost-benefit analyses of such rules and regulations.

(b) PROPOSED RULE.—

(1) IN GENERAL.—Not later than 180 days after the date of submission to Congress of the report under subsection (a), the Commission shall issue a final rule to establish formal processes and procedures for conducting cost-benefit analyses of proposed and existing rules and regulations.

(2) CERTAIN CONTENT REQUIRED.—At a minimum, processes and procedures proposed by the Commission under this subsection shall include provisions directing the Commission—

(A) to assess all costs and benefits of available regulatory alternatives, including both quantifiable measures (to the extent that such measures can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider;

(B) to design its rules and regulations in the most cost-effective manner to achieve the regulatory objective, considering incentives for innovation, consistency, predictability, the costs of enforcement and compliance, and flexibility;

(C) to assess both the costs and the benefits of the intended rule or regulation and propose or adopt a rule or regulation only upon a reasoned determination that the benefits of the intended rule or regulation justify its costs;

(D) to base its decisions on the best reasonably obtainable economic and other information concerning the need for, and consequences of, the intended rule or regulation;

(E) to tailor its rules and regulations to impose the least possible burden on individuals, businesses of differing sizes, and other entities, consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the cumulative costs; and

(F) to establish a process for reexamining existing rules and regulations, or, at a minimum, those rules and regulations that the Commission, industry participants, or others identify as imposing unjustifiable costs or competitive burdens, that shall be designed to determine whether the rules and regulations are working as intended, whether there are satisfactory alternatives of a less burdensome nature, and whether changes should be made.

(3) PERIODIC REVIEW.—Each rule and regulation of the Commission that is subject to review pursuant to paragraph (2)(F) shall be reviewed not less frequently than 2 years after the date of its issuance in final form, and once every 10 years thereafter.

### SEC. 204. DIRECTING THE COMMISSION TO DEFINE "SMALLER PUBLIC COMPANY" TO PROVIDE CERTAINTY TO ISSUERS.

(a) RULE REVISION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Commission, pursuant to its authority to amend rules of the Public Company Accounting Oversight Board under section 107 of the Sarbanes-Oxley Act of 2002, shall revise Auditing Standard No. 5 of the Oversight Board, as in effect on the date of enactment of this Act, to include a definition of the term "smaller public company".

(b) DEFINITION OF SMALLER PUBLIC COMPANY.—For purposes of the rule revision required under subsection (a), the term "smaller public company" shall mean an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)) that—

(1) has a total market capitalization at the beginning of the relevant reporting period of less than $700,000,000; and

(2) has total revenues for that reporting period of less than $250,000,000.

### SEC. 205. MUTUAL RECOGNITION.

(a) FINDINGS.—Congress finds that—

(1) there is an ongoing and pressing need to update the United States financial regulatory structure to address the increasingly global nature of the financial marketplace;

(2) existing regulations on cross-border activities are outdated, and predate the revolution in communications technology and the accompanying transformations in global markets;

(3) existing regulations on cross-border activities are complex, inefficient, not flexible enough to meet modern market needs, and have the effect of chilling innovation and imposing significant and unnecessary burdens on United States investors;

(4) the Commission has delayed the timetable for Commission action on key elements of reexamining and developing new approaches to cross-border regulation, including much needed reform to Commission rule 240.15a-6 of title 17, Code of Federal Regulations, as in effect on the date of enactment of this Act, and potential recognition of foreign regulatory regimes; and

(5) such delay postpones the regulatory changes needed to eliminate unnecessary inefficiencies from international financial transactions, and poses an increasingly significant risk to the effective modernization and competitiveness of United States capital markets.

(b) MODERNIZATION OF CROSS-BORDER RULES APPLICABLE TO BROKERS AND DEALERS.—

(1) IN GENERAL.—The Commission shall, by rule, exempt any foreign broker or dealer from the registration requirements of the Securities Exchange Act of 1934, and any other regulation applicable to registered or unregistered brokers or dealers, to the extent that the foreign broker or dealer effects transactions in securities with or for, or induces or attempts to induce the purchase or sale of any security by—

(A) a qualified investor, as defined in section 3(a)(54) of the Securities Exchange Act of 1934;

(B) an investor that is a resident outside of the United States; and

(C) any person described in Commission rule 240.15a-6(a)(4) of title 17, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(2) DEFINITION OF FOREIGN BROKER OR DEALER.—As used in this section, the term "Foreign broker or dealer" has the same meaning as in section 240.15a-6(b)(3) of title 17, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(3) REGULATORY AUTHORITY.—The Commission may, upon a finding that such action is necessary to protect United States investors and consistent with this section, require a foreign broker or dealer and its associated persons—

(A) to file documentation to establish that the foreign broker or dealer and its associated persons are not subject to statutory disqualification;

(B) to consent to service of process for any civil action brought by or proceeding before the Commission or a self-regulatory organization; and

(C) to agree to provide any information or documents that the Commission reasonably requests, relating to effecting transactions in securities with or for, or inducing or attempting to induce the purchase or sale of any security by persons described in subparagraphs (A) through (C) of paragraph (1), subject to limitations recognizing potential conflicts with applicable foreign laws or regulations.

(4) LIMITATION ON STATE ACTION.—No State or political subdivision thereof, or any self-regulatory organization, may impose any registration, licensing, qualification, or other legal requirement applicable to a foreign broker or dealer or associated person thereof that is exempt from Commission registration and regulation pursuant to this subsection, except that the State or political subdivision thereof, or such self-regulatory organization, may require the foreign broker or dealer to provide copies of any documents filed with the Commission, as described in this subsection.

(5) TIMING OF REGULATIONS.—Final regulations to carry out this subsection shall be issued by the Commission, and such regulations shall become effective, not later than 180 days after the date of enactment of this Act.

(c) MUTUAL RECOGNITION RULES.—

(1) IN GENERAL.—The Commission shall issue regulations designed to provide for a framework for mutual recognition of foreign regulatory regimes, so that foreign brokers, dealers, and exchanges shall be regulated based on regulation in their home country, and shall not be subject to duplicative regulatory requirements, except to the extent that the Commission finds necessary to protect United States investors.

(2) IMPLEMENTATION.—The Commission shall adopt regulations that provide an expeditious and transparent implementation mechanism for this section, based on objective qualification criteria and fixed timelines, that is designed to enable foreign brokers, dealers, and exchanges to operate in the United States and abroad based on regulation in their home country.

(3) LIMITATION.—The regulations required by this subsection—

(A) shall not require individualized review and approval process for foreign brokers, dealers, and exchanges to be eligible to rely on regulation in their home country, but shall permit such brokers, dealers, and exchanges to make a supplemental showing, on an individual exemptive basis, to demonstrate their qualifications to do business with relevant classes of investors; and

(B) may not create regulatory distinctions that limit trading of portfolios containing both United States and non-United States securities or impose other requirements that are inconsistent with the business objectives of investors.

(4) TIMING.—The Commission shall issue proposed regulations to carry out this subsection not later than 90 days after the date of enactment of this Act, and shall make such regulations effective reasonably promptly thereafter.

(5) EXEMPTION AUTHORITY.—The Commission may, by rule, provide for such exemptions to the provisions of this subsection as the Commission determines appropriate.

### SEC. 206. SUPPORTING THE SECURITIES AND EXCHANGE COMMISSION REFORM EFFORTS TO SPEED THE PROCESS OF RULEMAKING FOR SELF REGULATORY ORGANIZATIONS.

(a) FINDINGS.—Congress finds that—

(1) United States capital markets are evolving quickly, and United States equity exchanges face increasing competition, both domestically and internationally;

(2) the Commission has recognized this transformation in the competitive landscape and announced a project to redesign the rule approval process for exchanges to make it more efficient;

(3) rather than approving rule filings by self regulatory organizations within the 35-day period prescribed under the Securities Exchange Act of 1934, the Commission has routinely requested that exchanges agree to extend deadlines while rules are weighed and considered within the agency, potentially resulting in years before exchange rule filings are finally approved;

(4) this antiquated and overly rigid regulatory model does not recognize the new realities of international competition among exchanges or new competition from innovative products that compete with traditional asset classes; and

(5) competitors to United States equity exchanges operate under different regulatory regimes, which can allow such competitors to adapt to rapidly changing business environments while United States exchanges are frozen in rule approval process review by the Commission for months or years.

(b) RULEMAKING.—The Commission shall promulgate rules under section 19 of the Securities Exchange Act of 1934, to speed the process of rulemaking to enable self-regulatory organizations to respond to competitive inequities and better meet customer needs. Such rules and other actions should be completed not later than 180 days after the date of enactment of this Act, and should predate or be coterminous with any foreign exchange mutual recognition regime established under this Act.

### SEC. 207. ELIMINATE THE EXEMPTION FROM STATE REGULATION FOR CERTAIN SECURITIES DESIGNATED BY NATIONAL SECURITIES EXCHANGES.

Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. 77r(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "or the American Stock Exchange, or listed, or authorized for listing, on the National Market System of the Nasdaq Stock Market (or any successor to such entities)" and inserting ", the American Stock Exchange, or the Nasdaq Stock Market (or any successor to such entities)"; and

(B) by inserting before the semicolon at the end the following: ", except that a security listed, or authorized for listing, on the New York Stock Exchange, the American Stock Exchange, or the Nasdaq Stock Market (or any successor to any such entity) shall not be a covered security if the exchange adopts listing standards pursuant to section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) that designates a tier or segment of such securities as securities that are not covered securities for purposes of this section and such security is listed, or authorized for listing, on such tier or segment"; and

(2) in subparagraph (B), by inserting "covered" after "applicable to".

### SEC. 208. DIRECTING THE COMMISSION TO ACCELERATE FULL CONVERSION OF IFRS AND UNITED STATES GAAP.

(a) Findings.—Congress finds that—

(1) the accounting framework applied in more than 100 countries around the world is the International Financial Reporting Standard (in this section referred to as "IFRS");

(2) a number of additional important United States trading partners, including Canada, Brazil, Chile, India, and South Korea, have announced dates to shift to IFRS; and

(3) the difficulty and expense of reconciling IFRS with generally accepted accounting principles employed in the United States (in this section referred to as "GAAP"), the accounting framework within which companies whose shares are listed on United States exchanges must report their financial information, is among the highest hurdles for foreign companies considering a United States listing, and one of the most compelling incentives for foreign-based businesses to list their shares on exchanges based somewhere other than the United States.

(b) Acceleration of Effort.—The Commission shall—

(1) accelerate efforts to offer to both United States- and foreign-based companies the option of reporting financial information using either IFRS or GAAP; and

(2) accelerate efforts with the Commission's foreign counterparts to achieve full conversion of IFRS and GAAP.

### SEC. 209. PROMOTING MARKET ACCESS FOR FINANCIAL SERVICES.

(a) Findings.—Congress finds that—

(1) there is a need to consistently monitor and increase Government advocacy for United States financial services firms' attempts to gain overseas financial market access;

(2) the presence of foreign financial services firms in the United States and their activities should be documented to find which countries' firms enjoy full market access in the United States, while their home governments deny national treatment to American financial services firms; and

(3) an analysis of the results achieved from the U.S.-China Strategic Economic Dialogue (referred to as "SED") and how such results specifically apply to United States financial services firms, including benchmarks and timeframes for future improvements, should be compiled to assess the efficacy of the negotiations.

(b) Amendments to Financial Reports Act.—The Financial Reports Act of 1988 (22 U.S.C. 5351 et seq.) is amended—

(1) in section 3602—

(A) in the section heading, by striking "**QUADRENNIAL**" and inserting "**ANNUAL**";

(B) by striking "Not less frequently than every 4 years, beginning December 1, 1990" and inserting "Beginning July 1, 2008, and annually thereafter,"; and

(C) by striking "to the Congress" and inserting "to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives"; and

(2) in section 3603—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following:

"(b) Report on SED.—

"(1) In general.—The Secretary shall include in the initial report required under section 3602, a summary of the results of the most recent United States-China Strategic Economic Dialogue (in this subsection referred to as 'SED') and the results of the SED as it relates to promoting market access for financial institutions.

"(2) Progress report.—The reports required under section 3602 shall include a progress report on the implementation of any agreements resulting from the SED, a description of the remaining challenges, if any, in improving market access for financial institutions, and a plan, including benchmarks and time frames, for dealing with the remaining challenges.

"(3) Specific content.—Each report described in this subsection shall specifically address issues regarding—

"(A) foreign investment rules;

"(B) the problems of a dual-share stock market;

"(C) the openness of the derivatives market;

"(D) restrictions on foreign bank branching;

"(E) the ability to offer insurance (including innovative products); and

"(F) regulatory and procedural transparency.".

## TITLE III—PROTECTING HOMEOWNERS

### SEC. 301. SUBPRIME REFINANCING LOANS THROUGH USE OF QUALIFIED MORTGAGE BONDS.

(a) Use of Qualified Mortgage Bonds Proceeds for Subprime Refinancing Loans.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following:

"(12) Special rules for subprime refinancings.—

"(A) In general.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

"(B) Special rules.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

"(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) Qualified subprime loan.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) Termination.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(b) Increased Volume Cap for Certain Bonds.—

(1) In general.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(5) Increase and set aside for housing bonds for 2008.—

"(A) Increase for 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

"(i) the numerator of which is the population of such State (as reported in the most recent decennial census), and

"(ii) the denominator of which is the total population of all States (as reported in the most recent decennial census).

"(B) Set aside.—

"(i) In general.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

"(ii) Qualified purpose.—For purposes of this paragraph, the term 'qualified purpose' means—

"(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

"(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).".

(2) Carryforward of unused limitations.—Subsection (f) of section 146 of such Code is amended by adding at the end the following:

"(6) Special rules for increased volume cap under subsection (d)(5).—

"(A) In general.—No amount which is attributable to the increase under subsection (d)(5) may be used—

"(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

"(ii) to issue any bond after calendar year 2010.

"(B) Ordering rules.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.".

(c) Alternative Minimum Tax.—

(1) In general.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking "shall not include" and all that follows and inserting "shall not include—

"(I) any qualified 501(c)(3) bond (as defined in section 145), or

"(II) any qualified mortgage bond (as defined in section 143(a)) or qualified veteran's mortgage bond (as defined in section 143(b)) issued after the date of the enactment of this subclause and before January 1, 2011.".

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) of the Internal Revenue Code of 1986 is amended by striking "QUALIFIED 501(C)(3) BONDS" and inserting "CERTAIN BOND".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

### SEC. 302. EXPEDITIOUS DISTRIBUTION OF FUNDS ALREADY PROVIDED FOR MORTGAGE FORECLOSURE COUNSELING.

Upon certification by the Neighborhood Reinvestment Corporation under paragraph (4) under the heading "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" of Public Law 110-161 that Housing and Urban Development or Neighborhood Reinvestment Corporation-approved counseling intermediaries and State Housing Finance Agencies have the need for additional portions of the $180,000,000 provided therein for mortgage foreclosure mitigation activities in States and areas with high rates of mortgage foreclosures, defaults, or related activities beyond the initial awards, and the expertise to use such funds effectively, the Neighborhood Reinvestment Corporation shall expeditiously continue to award such funds as need and expertise is shown.

### SEC. 303. CREDIT FOR PURCHASE OF HOMES IN OR NEAR FORECLOSURE.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by inserting after section 25D the following new section:

### "SEC. 25E. CREDIT FOR PURCHASE OF HOMES IN OR NEAR FORECLOSURE.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to so much of the purchase price of the residence as does not exceed $15,000.

"(2) ALLOCATION OF CREDIT AMOUNT.—The amount of the credit allowed under paragraph (1) shall be equally divided among the 3 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

"(b) LIMITATIONS.—

"(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

"(A) after February 29, 2008, and

"(B) before March 1, 2009.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

"(3) ONE-TIME ONLY.—

"(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

"(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

"(c) QUALIFIED PRINCIPAL RESIDENCE.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified principal residence' means an eligible single-family residence that is purchased to be the principal residence of the purchaser.

"(2) ELIGIBLE SINGLE-FAMILY RESIDENCE.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'eligible single-family residence' means a single-family structure that is—

"(i) a new previously unoccupied residence for which a building permit is issued and construction begins on or before September 1, 2007, but only if such residence is purchased by the taxpayer directly from the person to whom such building permit was issued,

"(ii) an owner-occupied residence with respect to which the owner's acquisition indebtedness (as defined in section 163(h)(3)(B), determined without regard to clause (ii) thereof) is in default on or before March 1, 2008, or

"(iii) a residence with respect to which a foreclosure event has taken place and which is owned by the mortgagor or the mortgagor's agent, but only if such residence was occupied as a principal residence by the mortgagee for at least 1 year prior to the foreclosure event.

"(B) CERTIFICATION.—In the case of an eligible single-family residence described in subparagraph (A)(i), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.

"(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 1400C.

"(e) RECAPTURE IN THE CASE OF CERTAIN DISPOSITIONS.—In the event that a taxpayer—

"(1) disposes of the qualified principal residence with respect to which a credit is allowed under subsection (a), or

"(2) fails to occupy such residence as the taxpayer's principal residence,

at any time within 36 months after the date on which the taxpayer purchased such residence, then the remaining portion of the credit allowed under subsection (a) shall be disallowed in the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence, and in any subsequent taxable year in which the remaining portion of the credit would, but for this subsection, have been allowed.

"(f) SPECIAL RULES.—

"(1) JOINT PURCHASE.—

"(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$7,500' for '$15,000' in subsection (a)(1).

"(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $15,000.

"(2) PURCHASE.—In defining the purchase of a qualified principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

"(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Credit for certain home purchases.".

### SEC. 304. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting "(A)" before "In the";

(2) by striking "a residential mortgage transaction, as defined in section 103(w)" and inserting "any extension of credit that is secured by the dwelling of a consumer";

(3) by striking "shall be made in accordance" and all that follows through "extended, or"; and

(4) by striking "If the" and all that follows through the end of the paragraph and inserting the following:

"(B) In the case of an extension of credit that is secured by the dwelling of a consumer, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

"(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

"(ii) be furnished to the borrower not later than 7 business days before the date of consummation of the transaction, and at the time of consummation of the transaction, subject to subparagraph (D).

"(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

"(i) label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes';

"(ii) state the maximum amount of the regular required payments on the loan, based on the maximum interest rate allowed, introduced with the following language in conspicuous type size and format: 'Your payment can go as high as $____________', the blank to be filled in with the maximum possible payment amount;

"(iii) if the loan is an adjustable rate mortgage that includes an initial fixed interest rate—

"(I) state in conspicuous type size and format the following phrase: This loan is an adjustable rate mortgage with an initial fixed interest rate. Your initial fixed interest rate is AAA with a monthly payment of BBB until CCC. After that date, the interest rate on your loan will 'reset' to an adjustable rate and both your interest rate and payment could go higher on that date and in the future. For example, if your initial fixed rate ended today, your new adjustable interest rate would be DDD and your new payment EEE. If interest rates are one percent higher than they are today or at some point in the future, your new payment would be FFF. There is no guarantee you will be able to refinance your loan to a lower interest rate and payment before your initial fixed interest rate ends.;

"(II) the blank AAA in subparagraph (I) to be filled in with the initial fixed interest rate;

"(III) the blank BBB in subparagraph (I) to be filled in with the payment amount under the initial fixed interest rate;

"(IV) the blank CCC in subparagraph (I) to be filled in with the loan reset date;

"(V) the blank DDD in subparagraph (I) to be filled in with the adjustable rate as if the initial rate expired on the date of disclosure under subparagraph (B);

"(VI) the blank EEE in subparagraph (I) to be filled in with the payment under the adjustable rate as if the initial rate expired on the date of disclosure under subparagraph (B); and

"(VII) the blank FFF in subparagraph (I) to be filled in with the payment under the adjustable rate as if index rate on which the adjustable rate was one percent higher than of the date of disclosure under subparagraph (B); and

"(iv) if the loan contains a prepayment penalty—

"(I) state in conspicuous type and format the following phrase: This loan contains a prepayment penalty. If you desire to pay off this loan before GGG, you will pay a penalty of HHH.;

"(II) the blank GGG in subparagraph (I) to be filled in with the date the prepayment penalty expires; and

"(III) the blank HHH in subparagraph (I) to be filled in with the prepayment penalty amount.

"(D) In any case in which the disclosure statement provided 7 business days before the date of consummation of the transaction contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.".

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking "not less than $200 or greater than $2,000" and inserting "$5,000, such amount to be adjusted annually based on the consumer price index, to maintain current value"; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by striking "only for" and inserting "for";

(B) by striking "section 125 or" and inserting "section 122, section 125,";

(C) by inserting "or section 128(b)," after "128(a),"; and

(D) by inserting "or section 128(b)" before the period.

### SEC. 305. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS; TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(H) 5-YEAR CARRYBACK OF CERTAIN LOSSES.—

"(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

"(ii) TAXABLE YEARS ENDING DURING 2006, 2007, 2008, AND 2009.—In the case of a net operating loss for any taxable year ending during 2006, 2007, 2008, or 2009—

"(I) subparagraph (A)(i) shall be applied by substituting '5' for '2',

"(II) subparagraph (E)(ii) shall be applied by substituting '4' for '2', and

"(III) subparagraph (F) shall not apply.".

(b) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(1) IN GENERAL.—Section 56(d) of the of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), the amount described in clause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

"(A) carrybacks of net operating losses from taxable years ending during 2006, 2007, 2008, and 2009, and

"(B) carryovers of net operating losses to taxable years ending during 2006, 2007, 2008, or 2009.".

(2) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting "amount of such" before "deduction described in clause (ii)(I)".

(c) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribes such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by subsection (a) shall apply to net operating losses arising in taxable years ending in 2006, 2007, 2008, or 2009.

(B) ELECTION.—In the case of a net operating loss for a taxable year ending during 2006 or 2007—

(i) any election made under section 172(b)(3) of the Internal Revenue Code of 1986 may (notwithstanding such section) be revoked before November 1, 2008, and

(ii) any election made under section 172(j) of such Code shall (notwithstanding such section) be treated as timely made if made before November 1, 2008.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years ending after December 31, 1995.

## TITLE IV—REDUCING THE LITIGATION TAX

### SEC. 401 LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES.

(a) DEFINITION OF COVERED SMALL BUSINESS.—In this section, the term "covered small business" means any unincorporated business, or any partnership, corporation, association, unit of local government, or organization—

(1) that has fewer than 25 full-time employees as of the date that the relevant civil action is filed; and

(2) the principal place of business of which is in a State other than the State where the relevant civil action is filed.

(b) GENERAL RULE.—Except as provided in subsection (c), in any civil action filed in a Federal or State court against a covered small business, punitive damages—

(1) may be awarded against that covered small business only if the court finds by clear and convincing evidence that conduct of that covered small business was—

(A) carried out with a conscious, flagrant indifference to the rights or safety of others; and

(B) the proximate cause of the harm that is the subject of the civil action; and

(2) shall not be awarded against that covered small business in an amount greater than $250,000.

(c) EXCEPTIONS.—This section shall not apply to a civil action if the court finds by clear and convincing evidence that—

(1) the covered small business acted with specific intent to cause the type of harm that is the subject of the civil action;

(2) the conduct of the covered small business constitute a criminal offense; or

(3) the conduct of the covered small business resulted in serious environmental degradation.

(d) APPLICATION BY THE COURT.—The limitation on punitive damages under this section shall be carried out by the court and shall not be disclosed to the jury, if any.

### SEC. 402. REASONABLENESS REVIEW OF ATTORNEY'S FEES.

(a) IN GENERAL.—In any civil action in a Federal or State court in which the damages awarded to a party exceed $5,000,000, the court shall review the fees paid to any attorney for the prevailing party and ensure that those fees are reasonable in light of the hours of work actually performed by that attorney and the risk of nonpayment of fees assumed by that attorney when that attorney agreed to represent the party.

(b) UNREASONABLE FEES.—If a Federal or State court determines under subsection (a) that the fees paid to an attorney for a prevailing party are not reasonable, the court shall reduce the amount of that attorney's fees.

(c) ASSISTANCE.—A Federal or State court may, as appropriate, retain the services of an independent accounting firm to assist the court in conducting a review under this section.

### SEC. 403. PARTIAL AWARD OF ATTORNEY'S FEES FOR UNREASONABLE LAWSUITS.

(a) IN GENERAL.—In any civil action described in subsection (b), a court shall award to a prevailing party 30 percent of the reasonable attorney's fees that were incurred by that prevailing party in connection with a claim described in subsection (b)(2) after the date on which the party asserting that claim knew or should have known of the facts that would require that claim to be dismissed because there was no genuine issue of material fact.

(b) CIVIL ACTIONS.—A civil action described in this subsection is a civil action—

(1) filed in a Federal court or against a party whose principal residence or place of business is in a State other than the State where the civil action is filed; and

(2) in which the court finds that no genuine issue of material fact exists with regard to a claim that would allow a reasonable juror to find in favor of the party presenting that claim.

### SEC. 404. MANDATORY SANCTIONS FOR FRIVOLOUS LAWSUITS.

(a) IN GENERAL.—If a court of the United States (as that term is defined in section 451 of title 28, United States Code) determines, whether on a motion of a party or on its own motion, that there has been a violation of rule 11 of the Federal Rules of Civil Procedure in any civil action, the court shall impose upon the attorney, law firm, or pro se litigant that violated rule 11, or is responsible for such violation, an appropriate sanction.

(b) Sanctions.—A sanction imposed under this section—

(1) shall include an order to pay any other party to the relevant civil action the reasonable expenses incurred by that party as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation of rule 11 of the Federal Rules of Civil Procedure, including reasonable attorney's fees; and

(2) shall be sufficient to—

(A) deter the repetition of such conduct or comparable conduct by other similarly situated persons; and

(B) compensate any party injured by such conduct.

### SEC. 405. BAR ON JUNK SCIENCE IN THE COURTROOM.

(a) In General.—In any civil action filed in a Federal court or against a party whose principal residence or place of business is in a State other than the State where the civil action is filed, if scientific, technical, or other specialized knowledge will assist the fact finder to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may give testimony relating to that evidence or fact, in the form of an opinion or otherwise, if—

(1) the witness has disclosed, upon the request of the opposing party, those facts or data upon which the testimony of the witness is based or that are material to the testimony of the witness;

(2) the testimony is based upon sufficient facts or data;

(3) the testimony is the product of reliable principles and methods; and

(4) the witness has applied the principles and methods reliably to the facts.

(b) Review.—A trial court's application of subsection (a) shall be subject to de novo review.

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By Mr. INHOFE (for himself, Mr. HARKIN, Mr. DORGAN, Mr. GRASSLEY, Mr. THUNE, and Mr. COBURN):

S. 2681. A bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INHOFE. Mr. President, the legislation I am introducing now will award a Congressional Commemorative Medal to Code Talkers of the Choctaw, Comanche, and other tribes in recognition of their service during World Wars I and II. For five years I have worked to honor these heroes since first introducing the "Code Talkers Recognition Act" in March of 2003. Last year's measure gained passage in the Senate with 79 cosponsors and I look forward to the bill's success this session of Congress as well. Native American Code Talkers deserve nothing less.

Code Talkers from the Choctaw, Comanche and other tribes are true American heroes whose accomplishments have too long been forgotten. This legislation finally recognizes and honors a group of people who made a real difference in the fight for freedom during World Wars I and II. Their service on the front lines helped propel the allied forces to victory and saved countless lives in the process.

I look forward to working in coordination with Congressman Dan Boren in the House of Representatives and all of my colleagues in the U.S. Senate to ensure passage of this legislation and finally pass long-overdue recognition of Native American Code Talkers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2681

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Code Talkers Recognition Act of 2008".

### SEC. 2. PURPOSE.

The purpose of this Act is to require the issuance of medals to express the sense of Congress that—

(1) the service of Native American code talkers to the United States deserves immediate recognition for dedication and valor; and

(2) honoring Native American code talkers is long overdue.

### SEC. 3. FINDINGS.

Congress finds that—

(1) when the United States entered World War I, Native Americans were not accorded the status of citizens of the United States;

(2) without regard to that lack of citizenship, members of Indian tribes and nations enlisted in the Armed Forces to fight on behalf of the United States;

(3) the first reported use of Native American code talkers was on October 17, 1918;

(4)(A) during World War I, Choctaw code talkers were the first code talkers who played a role in United States military operations by transmitting vital communications that helped defeat German forces in Europe;

(B) because the language used by the Choctaw code talkers in the transmission of information was not based on a European language or on a mathematical progression, the Germans were unable to understand any of the transmissions;

(C) this was the first time in modern warfare that such a transmission of messages in a native language was used for the purpose of confusing an enemy;

(5) on December 7, 1941, Japan attacked Pearl Harbor, Hawaii, and Congress declared war the following day;

(6)(A) the Federal Government called on the Comanche Nation to support the military effort during World War II by recruiting and enlisting Comanche men to serve in the Army to develop a secret code based on the Comanche language;

(B) the Army recruited approximately 50 Native Americans for special native language communication assignments; and

(C) the Marines recruited several hundred Navajos for duty in the Pacific region;

(7)(A) during World War II, the United States employed Native American code talkers who developed secret means of communication based on native languages and were critical to winning the war; and

(B) to the frustration of the enemies of the United States, the code developed by the Native American code talkers proved to be unbreakable and was used extensively throughout the European theater;

(8) in 2001, Congress and President Bush honored Navajo code talkers with congressional gold medals for the contributions of the code talkers to the United States Armed Forces as radio operators during World War II;

(9) soldiers from the Assiniboine, Cherokee, Cheyenne, Chippewa/Oneida, Choctaw, Comanche, Cree, Crow, Hopi, Kiowa, Menominee, Meskwaki, Mississauga, Muscogee, Osage, Pawnee, Sac and Fox, Seminole, and Sioux (Lakota and Dakota) Indian tribes and nations also served as code talkers during World War II;

(10) the heroic and dramatic contributions of Native American code talkers were instrumental in driving back Axis forces across the Pacific during World War II; and

(11) Congress should provide to all Native American code talkers the recognition the code talkers deserve for the contributions of the code talkers to United States victories in World War I and World War II.

### SEC. 4. DEFINITIONS.

In this Act:

(1) Code Talker.—The term "code talker" means a Native American who—

(A) served in the Armed Forces during a foreign conflict in which the United States was involved; and

(B) during the term of service of the Native American, participated in communication using a native language.

(2) Recognized Tribe.—The term "recognized tribe" means any of the following Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)):

(A) Assiniboine.
(B) Chippewa and Oneida.
(C) Choctaw.
(D) Comanche.
(E) Cree.
(F) Crow.
(G) Hopi.
(H) Kiowa.
(I) Menominee.
(J) Mississauga.
(K) Muscogee.
(L) Sac and Fox.
(M) Sioux.

(3) Secretary.—The term "Secretary" means the Secretary of the Treasury.

### SEC. 5. CONGRESSIONAL GOLD MEDALS.

(a) Award Authorization.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of gold medals of appropriate design in recognition of the service of Native American code talkers of each recognized tribe.

(b) Design and Striking.—

(1) In General.—The Secretary shall strike the gold medals awarded under subsection (a) with appropriate emblems, devices, and inscriptions, as determined by the Secretary.

(2) Designs of Medals Emblematic of Tribal Affiliation and Participation.—The design of a gold medal under paragraph (1) shall be emblematic of the participation of the code talkers of each recognized tribe.

(3) Treatment.—Each medal struck pursuant to this subsection shall be considered to be a national medal for purposes of chapter 51 of title 31, United States Code.

(c) ACTION BY SMITHSONIAN INSTITUTION.—The Smithsonian Institution—

(1) shall accept and maintain such gold medals, and such silver duplicates of those medals, as recognized tribes elect to send to the Smithsonian Institution;

(2) shall maintain the list developed under section 6(1) of the names of Native American code talkers of each recognized tribe; and

(3) is encouraged to create a standing exhibit for Native American code talkers or Native American veterans.

**SEC. 6. NATIVE AMERICAN CODE TALKERS.**

The Secretary, in consultation with the Secretary of Defense and the recognized tribes, shall—

(1)(A) determine the identity, to the maximum extent practicable, of each Native American code talker of each recognized tribe;

(B) include the name of each Native American code talker identified under subparagraph (A) on a list, to be organized by recognized tribe; and

(C) provide the list, and any updates to the list, to the Smithsonian Institution for maintenance under section 5(c)(2); and

(2) determine whether any Indian tribe that is not a recognized tribe should be eligible to receive a gold medal under this Act.

**SEC. 7. DUPLICATE MEDALS.**

(a) SILVER DUPLICATE MEDALS.—

(1) IN GENERAL.—The Secretary shall strike duplicates in silver of the gold medals struck under section 5(b), to be awarded in accordance with paragraph (2).

(2) ELIGIBILITY FOR AWARD.—

(A) IN GENERAL.—A Native American shall be eligible to be awarded a silver duplicate medal struck under paragraph (1) in recognition of the service of Native American code talkers of the recognized tribe of the Native American, if the Native American served in the Armed Forces as a code talker in any foreign conflict in which the United States was involved during the 20th century.

(B) DEATH OF CODE TALKER.—In the event of the death of a Native American code talker who had not been awarded a silver duplicate medal under this subsection, the Secretary may award a silver duplicate medal to the next of kin or other personal representative of the Native American code talker.

(C) DETERMINATION.—Eligibility for an award under this subsection shall be determined by the Secretary in accordance with section 6.

(b) BRONZE DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the gold medals struck under section 5(b), in accordance with such regulations as the Secretary may prescribe, at a price sufficient to cover—

(1) the costs of striking the bronze duplicates, including labor, materials, dyes, use of machinery, and overhead expenses; and

(2) the costs of striking the silver duplicate and gold medals under subsection (a) and section 5(b), respectively.

**SEC. 8. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.**

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund such amounts as are necessary to pay for the cost of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 7(b) shall be deposited into the United States Mint Public Enterprise Fund.

## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 464—DESIGNATING MARCH 1, 2008 AS "WORLD FRIENDSHIP DAY"

Mr. ISAKSON (for himself and Mr. CARPER) submitted the following resolution; which was considered and agreed to:

S. RES. 464

Whereas it should be the goal of all Americans to promote international understanding and good will;

Whereas personal friendships among individual citizens can foster greater understanding among nations and cultures;

Whereas people all over the world have travelled or opened their homes as hosts in order to promote international understanding;

Whereas nonprofit organizations such as Friendship Force International, which was founded in Atlanta, Georgia, in 1977, have helped to promote such international exchanges;

Whereas, today, there are more than 35,000 members of Friendship Force International in 40 States and 58 foreign countries who are building bridges across the cultural barriers that separate people; and

Whereas, in order to celebrate on an annual basis the cause of peace through international understanding, March 1, 2008 should be recognized as World Friendship Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors those who promote international understanding and good will in the world; and

(2) designates March 1, 2008 as "World Friendship Day", and asks people everywhere to mark and celebrate the day appropriately.

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### SENATE RESOLUTION 465—DESIGNATING MARCH 3, 2008, AS "READ ACROSS AMERICA DAY"

Mr. REED (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 465

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 3 to celebrate reading and the birth of Theodor Geisel, also known as Dr. Seuss: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 3, 2008, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 11th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a Nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

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### SENATE RESOLUTION 466—HONORING THE LIFE OF WILLIAM F. BUCKLEY, JR

Mr. CORNYN (for himself, Mr. DEMINT, Mr. LIEBERMAN, Mr. VITTER, Mr. MCCONNELL, Mr. COLEMAN, Mr. MARTINEZ, Mr. HATCH, Mr. ENSIGN, Mrs. HUTCHISON, and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 466

Whereas William F. Buckley, Jr. was born on November 24, 1925, in New York City, the 6th of 10 children in a devoutly Catholic family;

Whereas William Buckley studied at the University of Mexico before serving his country in the Army and then later graduating with a B.A. with honors (in political science, economics, and history) from Yale University in 1950;

Whereas William Buckley worked briefly for the Central Intelligence Agency;

Whereas, at the young age of 25, William Buckley published his first popular book entitled "God and Man at Yale";

Whereas William Buckley has since gone on to write more than 55 books and edit 5 more, which include "Let Us Talk of Many Things: the Collected Speeches", the novel "Elvis in the Morning", and his literary autobiography, "Miles Gone By";

Whereas he has written more than 4,500,000 words across over 5,600 biweekly newspaper columns, "On the Right";

Whereas William Buckley founded the popular and influential National Review magazine in 1955, a respected journal of conservative thought and opinion;

Whereas William Buckley wrote in the first issue of National Review that in founding the magazine, it "stands athwart history, yelling Stop, at a time when no one is inclined to do so, or to have much patience with those who so urge it";

Whereas William Buckley served as editor of National Review for 35 years from its founding in 1955 until his announced retirement in 1990 and as editor-at-large until his death on February 27, 2008;

Whereas, in 1965, William Buckley ran for Mayor of New York City and received 13.4 percent of the vote on the Conservative Party ticket;

Whereas William Buckley was host of the Emmy-award winning and long-running "Firing Line", a weekly television debate program with such notable guests as Barry Goldwater, Margaret Thatcher, Jimmy Carter, Ronald Reagan, and George H.W. Bush;

Whereas the New York Times noted that "Mr. Buckley's greatest achievement was making conservatism—not just electoral Republicanism, but conservatism as a system of ideas—respectable in liberal post-World War II America. He mobilized the young enthusiasts who helped nominate Barry Goldwater in 1964, and saw his dreams fulfilled when Reagan and the Bushes captured the Oval Office";

Whereas as well-known columnist George Will once said, "before there was Ronald

Reagan there was Barry Goldwater, before there was Goldwater there was National Review, and before there was National Review there was William F. Buckley";

Whereas William Buckley received the Presidential Medal of Freedom in 1991;

Whereas William Buckley has received numerous other diverse awards, including Best Columnist of the Year, 1967, Television Emmy for Outstanding Achievement, 1969, the American Book Award for Best Mystery (paperback) for "Stained Glass", 1980; the Lowell Thomas Travel Journalism Award, 1989, the Adam Smith Award, Hillsdale College, 1996, and the Heritage Foundation's Clare Booth Luce Award, 1999;

Whereas William Buckley spent over 56 years married to the former Patricia Alden Austin Taylor, a devoted homemaker, mother, wife, and philanthropist, before her passing in April 2007;

Whereas William Buckley passed away on February 27, 2008, and is survived by his son, Christopher, of Washington, D.C., his sisters Priscilla L. Buckley, of Sharon, Connecticut, Patricia Buckley Bozell, of Washington, D.C., and Carol Buckley, of Columbia, South Carolina, his brothers James L., of Sharon, and F. Reid, of Camden, South Carolina, a granddaughter, and a grandson;

Whereas William Buckley is recognized as a towering intellect, a man who, in the words of Ronald Reagan, "gave the world something different," and, most of all, a true gentleman who encountered everything he did with grace, dignity, optimism, and good humor: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the life of William F. Buckley, Jr. for his lifetime commitment to balanced journalism, his devotion to the free exchange of ideas, his gentlemanly and well-respected contributions to political discourse, and his extraordinary positive impact on world history;

(2) mourns the loss of William F. Buckley, Jr. and expresses its condolences to his family, his friends, and his colleagues; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of William F. Buckley, Jr.

## SENATE RESOLUTION 467—HONORING THE LIFE OF MYRON COPE

Mr. CASEY (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 467

Whereas Myron Cope was a legendary Pittsburgher and voice of the Pittsburgh Steelers for an unprecedented 35 seasons from 1970 to 2005;

Whereas Myron Cope died the morning of February 27th, 2008, at the age of 79;

Whereas it is the intent of the Senate to recognize and pay tribute to the life of Myron Cope, his service to his community, and his legacy with the Pittsburgh Steelers, the game of football, and the city of Pittsburgh;

Whereas Myron Cope is best known for his quirky catch phrases and for creating the "terrible towel", which is twirled at Steelers games as a good luck charm and has since developed into an international symbol of Pittsburgh Steelers pride;

Whereas Myron Cope coined the phrase "Immaculate Reception", which became a household term to describe the game-winning play in the Steelers' 1972 American Football Conference Divisional playoff victory against the Oakland Raiders, one of the most notable plays in all of National Football League and sports history;

Whereas Myron Cope spent the first half of his professional career as one of the Nation's most widely read freelance sports writers, writing for Sports Illustrated and the Saturday Evening Post;

Whereas Myron Cope became the first professional football broadcaster to be elected to the National Radio Hall of Fame in 2005;

Whereas Myron Cope became so popular that the Steelers did not try to replace him when he retired in 2005, instead downsizing from a 3-man announcing team to 2;

Whereas Myron Cope served his community on the board of directors of the Pittsburgh Chapter of the Autism Society of America and the highly successful Pittsburgh Vintage Grand Prix charity auto races, of which he was a co-founder;

Whereas Myron Cope also served on the Tournament Committee of the Myron Cope/Foge Fazio Golf Tournament for Autistic Children;

Whereas, in 1996, Myron Cope contributed his ownership of "The Terrible Towel" trademarks to Allegheny Valley School, an institution for the profoundly mentally and physically disabled;

Whereas Myron Cope was born in Pittsburgh on January 23, 1929, and lived all but a few months of his life in Pittsburgh; and

Whereas the passing of Myron Cope is a great loss to the city of Pittsburgh and the game of football, and his life should be honored with highest praise and respect for his heart of black and gold: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes Myron Cope as a familiar voice to every Pittsburgher and football fan alike, and his beloved persona which will live on in the hearts of Pittsburghers and Steelers fans for generations to come; and

(2) recognizes the outstanding contributions of Myron Cope to the city of Pittsburgh, the game of football, and the Pittsburgh Steelers.

## AUTHORITY FOR COMMITTEES TO MEET

### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Friday, February 29, 2008, at 10 a.m. in order to conduct a hearing entitled, "Governmentwide Intelligence Community Management Reforms: Ensuring Effective Congressional Oversight and the Role of the Government Accountability Office."

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. HATCH. Madam President, I ask unanimous consent that Jesse Baker, a detailee from the Federal Government, be given floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONSUMER PRODUCT SAFETY COMMISSION REFORM ACT—MOTION TO PROCEED

### CLOTURE MOTION

Mr. REID. I now move to proceed to Calendar No. 582, S. 2663, the Consumer Product Safety Reform Act. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 582, S. 2663, the Consumer Product Safety Commission Reform Act.

Harry Reid, John D. Rockefeller, IV, Russell D. Feingold, Max Baucus, Charles E. Schumer, Kent Conrad, Patty Murray, Amy Klobuchar, Jeff Bingaman, Richard Durbin, Mark Pryor, Edward M. Kennedy, Patrick J. Leahy, Bernard Sanders, Debbie Stabenow, Carl Levin, Byron L. Dorgan.

Mr. REID. I now ask unanimous consent that the cloture vote occur at 5:30 p.m. on Monday, March 3, with the mandatory quorum, as required under rule XXII, waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

## HOUSING CRISIS

Mr. REID. Madam President, let me briefly say to everyone here, if the minority decides they want to do something about the housing crisis, all they have do is work with Senator DODD, with Senator BAUCUS, who are easy to work with, and we will be happy to try to work something out with them. But I repeat, more than a week ago we indicated our willingness to do this. So all the plaintive cries we have heard that we are somehow stopping them from legislating are factually untrue.

## AUTHORIZING THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY TO ACCEPT DIESEL EMISSION REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 585, S. 2146.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2146) to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate; and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2146) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2146

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EPA AUTHORITY TO ACCEPT DIESEL EMISSIONS REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS.**

The Administrator of the Environmental Protection Agency (hereinafter, the "Agency") may accept (notwithstanding sections 3302 and 1301 of title 31, United States Code) diesel emissions reduction Supplemental Environmental Projects if the projects, as part of a settlement of any alleged violations of environmental law—

(1) protect human health or the environment;

(2) are related to the underlying alleged violations;

(3) do not constitute activities that the defendant would otherwise be legally required to perform; and

(4) do not provide funds for the staff of the Agency or for contractors to carry out the Agency's internal operations.

## HONORING THE LIFE OF WILLIAM F. BUCKLEY, JR.

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 466.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 466) honoring the life of William F. Buckley, Jr.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table; that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 466) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 466

Whereas William F. Buckley, Jr. was born on November 24, 1925, in New York City, the 6th of 10 children in a devoutly Catholic family;

Whereas William Buckley studied at the University of Mexico before serving his country in the Army and then later graduating with a B.A. with honors (in political science, economics, and history) from Yale University in 1950;

Whereas William Buckley worked briefly for the Central Intelligence Agency;

Whereas, at the young age of 25, William Buckley published his first popular book entitled "God and Man at Yale";

Whereas William Buckley has since gone on to write more than 55 books and edit 5 more, which include "Let Us Talk of Many Things: the Collected Speeches", the novel "Elvis in the Morning", and his literary autobiography, "Miles Gone By";

Whereas he has written more than 4,500,000 words across over 5,600 biweekly newspaper columns, "On the Right";

Whereas William Buckley founded the popular and influential National Review magazine in 1955, a respected journal of conservative thought and opinion;

Whereas William Buckley wrote in the first issue of National Review that in founding the magazine, it "stands athwart history, yelling Stop, at a time when no one is inclined to do so, or to have much patience with those who so urge it";

Whereas William Buckley served as editor of National Review for 35 years from its founding in 1955 until his announced retirement in 1990 and as editor-at-large until his death on February 27, 2008;

Whereas, in 1965, William Buckley ran for Mayor of New York City and received 13.4 percent of the vote on the Conservative Party ticket;

Whereas William Buckley was host of the Emmy-award winning and long-running "Firing Line", a weekly television debate program with such notable guests as Barry Goldwater, Margaret Thatcher, Jimmy Carter, Ronald Reagan, and George H.W. Bush;

Whereas the New York Times noted that "Mr. Buckley's greatest achievement was making conservatism—not just electoral Republicanism, but conservatism as a system of ideas—respectable in liberal post-World War II America. He mobilized the young enthusiasts who helped nominate Barry Goldwater in 1964, and saw his dreams fulfilled when Reagan and the Bushes captured the Oval Office";

Whereas as well-known columnist George Will once said, "before there was Ronald Reagan there was Barry Goldwater, before there was Goldwater there was National Review, and before there was National Review there was William F. Buckley";

Whereas William Buckley received the Presidential Medal of Freedom in 1991;

Whereas William Buckley has received numerous other diverse awards, including Best Columnist of the Year, 1967, Television Emmy for Outstanding Achievement, 1969, the American Book Award for Best Mystery (paperback) for "Stained Glass", 1980; the Lowell Thomas Travel Journalism Award, 1989, the Adam Smith Award, Hillsdale College, 1996, and the Heritage Foundation's Clare Booth Luce Award, 1999;

Whereas William Buckley spent over 56 years married to the former Patricia Alden Austin Taylor, a devoted homemaker, mother, wife, and philanthropist, before her passing in April 2007;

Whereas William Buckley passed away on February 27, 2008, and is survived by his son, Christopher, of Washington, D.C., his sisters Priscilla L. Buckley, of Sharon, Connecticut, Patricia Buckley Bozell, of Washington, D.C., and Carol Buckley, of Columbia, South Carolina, his brothers James L., of Sharon, and F. Reid, of Camden, South Carolina, a granddaughter, and a grandson;

Whereas William Buckley is recognized as a towering intellect, a man who, in the words of Ronald Reagan, "gave the world something different," and, most of all, a true gentleman who encountered everything he did with grace, dignity, optimism, and good humor: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the life of William F. Buckley, Jr. for his lifetime commitment to balanced journalism, his devotion to the free exchange of ideas, his gentlemanly and well-respected contributions to political discourse, and his extraordinary positive impact on world history;

(2) mourns the loss of William F. Buckley, Jr. and expresses its condolences to his family, his friends, and his colleagues; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of William F. Buckley, Jr.

Mr. REID. Madam President, I think we are all going to miss Mr. Buckley. We have all watched him on TV. He has used words which were not developed in Searchlight, NV, but he had a great knowledge of the English language. He was always such a gentleman, even though many of the things he said were not in keeping with some of the things I believe in. We will all miss him. I think of the many tributes written for him—for example, in today's newspaper there was a wonderful piece written by George Will about William Buckley. So I am happy that we have this resolution honoring his life.

## REMEMBERING HARRIETT WOODS AS A PIONEER IN WOMEN'S POLITICS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 81, S. Res. 96.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 96) expressing the sense of the Senate that Harriett Woods will be remembered as a pioneer in women's politics.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 96) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 96

Whereas Harriett Woods, a native of Cleveland, Ohio, launched a 50-year political career with a neighborhood crusade against rattling potholes;

Whereas Harriett Woods, who died of leukemia at the age of 79 on February 8, 2007, had many firsts, including being the first female editor for her college newspaper at the University of Michigan, the first woman on the Missouri Transportation Commission, and the first woman to win statewide office in the State of Missouri as Lieutenant Governor;

Whereas, from 1991 to 1995, Harriett Woods served as president of the National Women's Political Caucus, a bipartisan grassroots organization whose mission is to increase women's participation in the political process at all levels of government; and

Whereas Harriett Woods was integral to the electoral successes of what became known as the Year of the Woman, when in 1992, female candidates won 19 seats in the House of Representatives and 3 seats in the Senate: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that Harriett Woods will be remembered as a pioneer in women's politics, whose actions and leadership inspired hundreds of women nationwide to participate in the political process and to break gender barriers at every level of government.

Mr. REID. Madam President, I don't want to spend a lot of time on this, but Harriett Woods is somebody I knew, and it brings a lot of thoughts to my mind about what she and I tried to do together.

## DESIGNATING MARCH 1, 2008, AS “WORLD FRIENDSHIP DAY”

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H. Res. 464, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 464) designating March 1, 2008, as “World Friendship Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that Senator CARPER be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 464) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 464

Whereas it should be the goal of all Americans to promote international understanding and good will;

Whereas personal friendships among individual citizens can foster greater understanding among nations and cultures;

Whereas people all over the world have travelled or opened their homes as hosts in order to promote international understanding;

Whereas nonprofit organizations such as Friendship Force International, which was founded in Atlanta, Georgia, in 1977, have helped to promote such international exchanges;

Whereas, today, there are more than 35,000 members of Friendship Force International in 40 States and 58 foreign countries who are building bridges across the cultural barriers that separate people; and

Whereas, in order to celebrate on an annual basis the cause of peace through international understanding, March 1, 2008 should be recognized as World Friendship Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors those who promote international understanding and good will in the world; and

(2) designates March 1, 2008 as “World Friendship Day”, and asks people everywhere to mark and celebrate the day appropriately.

## DESIGNATING MARCH 3, 2008, AS “READ ACROSS AMERICA DAY”

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 465.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 465) designating March 3, 2008, as “Read Across America Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 465) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 465

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 3 to celebrate reading and the birth of Theodor Geisel, also known as Dr. Seuss: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 3, 2008, as “Read Across America Day”;

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 11th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a Nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

## MEASURE READ THE FIRST TIME—S. 12

Mr. REID. Madam President, there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

A bill (S. 12) to promote home ownership, manufacturing, and economic growth.

Mr. REID. Madam President, I now ask for a second reading and, in order to place the bill on the Calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

## ORDERS FOR MONDAY, MARCH 3, 2003

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, March 3; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate proceed to a period of morning business until 3:30, with Senators permitted to speak therein for up to 10 minutes each, and the time equally divided and controlled between the two leaders or their designees; further, I ask that at 3:30 p.m. the Senate resume consideration of the motion to proceed to S. 2663, a bill to reform the Consumer Products Safety Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that we divide that time from 3:30 to 5:30 equally between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. On Monday, following morning business, the Senate will resume the motion to proceed to the Consumer Product Safety legislation.

Today, I filed a cloture motion on the motion to proceed. By consent, the cloture vote will occur at approximately 5:30 p.m. on Monday. This is a bipartisan bill. I hope we are able to proceed to it and that we don't have to go through another 30 hours of wasting our time. It is a bipartisan bill. Senators PRYOR and STEVENS have worked on it for months. We should have done it before Christmas. That is when we were trying to keep kids from sucking on toys from China with lead on them and other such things. Hopefully, we don't have to move through this process again.

## ADJOURNMENT UNTIL 2 P.M., MONDAY, MARCH 3, 2008

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 2:18 p.m., adjourned until Monday, March 3, 2008, at 2 p.m.

# HOUSE OF REPRESENTATIVES—*Monday, March 3, 2008*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. HOOLEY).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*March 3, 2008.*

I hereby appoint the Honorable DARLENE HOOLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, our everlasting hope and the redemption of sinful humanity, show Yourself to us in mighty deeds, that this Nation may live in newfound freedom and choose what is right day after day.

Be a protective cloud over the House of Representatives once again. With justice as a pillar of fire, lead Your people from darkness and insecurity through the open plains of sincerity and truth. Build our unity into strength so we truly become Your people filled with promise, both now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, February 28, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 28, 2008, at 3:17 p.m. and 5:32 p.m., respectively:

That the Senate passed without amendment H.R. 5264.

That the Senate passed without amendment H.R. 5478.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Thursday, February 28, 2008:

H.R. 5264, to extend the Andean Trade Preference Act, and for other purposes.

H.R. 5478, to provide for the continued minting and issuance of certain $1 coins in 2008.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, February 29, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 29, 2008, at 11:30 a.m.:

That the Senate passed S. 2146.

That the Senate passed S. 996.

Appointments:

National Security Working Group

National Commission on Children and Disasters

National Historic Publications and Records Commission

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, February 28, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 28, 2008, at 3:49 p.m. and said to contain a message from the President whereby he submits an agreement with the Kingdom of Denmark concerning Social Security.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## AGREEMENT WITH KINGDOM OF DENMARK ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–97)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and the Kingdom of Denmark on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The agreement was signed at Copenhagen on June 13, 2007.

The United States-Denmark Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Denmark Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Attached to this report is the report required by section 233(e)(1) of the Social Security Act, which describes the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement.

I commend to the Congress the United States-Denmark Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 28, 2008.*

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 996. An act to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects; to the Committee on Transportation and Infrastructure.

S. 2146. An act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes; to the Committee on Energy and Commerce.

## ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5264. An act to extend the Andean Trade Preference Act, and for other purposes.

H.R. 5478. An act to provide for the continued minting and issuance of certain $1 coins in 2008.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced her signature to enrolled bills of the Senate of the following titles:

S. 2272. To designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

S. 2478. To designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office".

## BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on February 28, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 5264. To extend the Andean Trade Preference Act, and for other purposes.

H.R. 5478. To provide for the continued minting and issuance of certain $1 coins in 2008.

Lorraine C. Miller, Clerk of the House, reports that on February 29, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 2082. To authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

## ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debate.

There was no objection.

Accordingly (at 2 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 4, 2008, at 12:30 p.m., for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5569. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Removal of Quarantined Area [Docket No. APHIS-2007-0129] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5570. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Surrey County, England, Because of Foot-and-Mouth Disease [Docket No. APHIS-2007-0124] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5571. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program for FY 2007, pursuant to 37 U.S.C. 323 (h) Public Law 106-398, section 633 (a); to the Committee on Armed Services.

5572. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Daniel P. Leaf, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5573. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

5574. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received January 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5575. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8007] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5576. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7754] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5577. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5578. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5579. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8009] received February 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5580. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research-Disability and Rehabilitation Research Projects and Centers Program-Disability Rehabilitation Research Projects (DRRPs), Rehabilitation Research and Training Centers (RRTCs), and Rehabilitation Engineering Research Centers (RERCs) — received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5581. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Third Annual Report to Congress on Testing for Rapid Detection of Adulteration of Food; to the Committee on Energy and Commerce.

5582. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-12, 2007 Benchmark Survey of Foreign Direct Investment in the United States [Docket No. 070301044-7814-02] (RIN: 0691-AA64) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5583. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Memorandum of Justification for determination on the Major Methamphetamine Precusor Chemical Exporting and Importing Countries, pursuant to Section 490(b)(1)(A) of the Foreign Assistance Act; to the Committee on Foreign Affairs.

5584. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2008 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

5585. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Abolishment of Rock Island, Illinois, as a Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206-AL44) received February 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5586. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Definition of the Municipality of Bayamon, Puerto Rico, to a Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206-AL43) received February 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5587. A letter from the Director, U.S. Office of Personnel Management, Office of Personnel Management, transmitting the Office's final rule — SOLICITATION OF FEDERAL CIVILIAN AND UNIFORMED SERVICE PERSONNEL FOR CONTRIBUTIONS TO PRIVATE VOLUNTARY ORGANIZATIONS — Eligibility and Public Accountability Standards (RIN: 3206-AL47) received February 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5588. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Bering Sea Pollock Total Allowable Catch Amount [Docket No. 070213033-7033-01] (RIN: 0648-XE78) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5589. A letter from the Secretary, Department of Transportation, transmitting the Department's report on obligations and unobligated balances of funds provided for Federal-aid highways and highway safety construction programs for Fiscal Year 2005, pursuant to 23 U.S.C. 104(j); to the Committee on Transportation and Infrastructure.

5590. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Passenger Train Emergency Systems; Emergency Communication, Emergency Egress, and Rescue Access [Docket No. FRA-2006-25273, Notice No. 2] (RIN: 2130-AB72) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5591. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Event Data Recorders [Docket No. NHTSA-2008-0004] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5592. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Confidential Business Information [Docket No. NHTSA-06-26140; Notice 2] (RIN: 2127-AJ95) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5593. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Fuel System Integrity [Docket No. NHTSA 2007-0010] (RIN: 2127-AK03) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5594. A communication from the President of the United States, transmitting an Agreement between the United States of America and Denmark on Social Security, with a principal agreement and an administrative arrangement, both signed at Copenhagen on June 13, 2007, pursuant to 42 U.S.C. 433(e)(1); (H. Doc. No. 110-97); to the Committee on Ways and Means and ordered to be printed.

5595. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2008 Economic Stimulus Payments: Filing Instructions for Certain Individuals Not Otherwise Required to File and Income Tax Return [Notice 2008-28] received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5596. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2008 Calendar Year Resident Population Estimates [Notice 2008-22] received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5597. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 162(m)-Excessive Compensation (Rev. Rul. 2008-13) received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5598. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Voluntary Closing Agreement Program For Tax-Exempt Bonds and Tax Credit Bonds [Notice 2008-31] received February 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5599. A letter from the Social Security Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Suspension of New Claims to the Federal Reviewing Official Review Level [Docket No. SSA-2007-0045] (RIN: 0960-AG53) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5600. A letter from the Secretary, Department of Energy, transmitting the Department's report on Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research Program, pursuant to Public Law 109-58, section 999B; jointly to the Committees on Science and Technology and Natural Resources.

5601. A letter from the Secretary, Department of Commerce, transmitting the Department's report prepared by the Bureau of Economic Analysis pursuant to Section 8001 of the America Competes Act; jointly to the Committees on Science and Technology, Education and Labor, Foreign Affairs, and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:**

*[Omitted from the Record of Feb. 28, 2008]*

Mr. RAHALL: Committee on Natural Resources. H.R. 816. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project; with an amendment (Rept. 110–531). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1143. A bill to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes; with an amendment (Rept. 110–532). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1311. A bill to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; with an amendments (Rept. 110–533). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3473. A bill to provide for a land exchange with City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes; with an amendment (Rept. 110–534). Referred to the Committee of the Whole House on the State of the Union.

*[Submitted on March 3, 2008]*

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5159. A bill to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes; with an amendment (Rept. 110–535). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1922. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; with an amendments (Rept. 110–536 Pt. 1). Ordered to be printed.

### DISCHARGE OF COMMITTEE

**Pursuant to clause 2 of rule XXI, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 1922 referred to the Committee of the Whole House on the State of the Union.**

## TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

**Pursuant to clause 2 of rule XII the following action was taken by the Speaker:**

*[The following action occurred on February 29, 2008]*

H.R. 135. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than April 30, 2008.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Mr. KANJORSKI (for himself and Mr. ROYCE):

H.R. 5519. A bill to advance credit union efforts to promote economic growth, modify credit union regulatory standards and reduce burdens, and for other purposes; to the Committee on Financial Services.

By Mr. COHEN:

H.R. 5520. A bill to extend the temporary suspension of duty on ceiling fans for permanent installation; to the Committee on Ways and Means.

By Mr. KAGEN:

H.R. 5521. A bill to authorize the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin to convey land and interests in land owned by the Tribe; to the Committee on Natural Resources.

By Mr. HULSHOF (for himself, Mr. SKELTON, Mr. GRAVES, Mr. AKIN, Mr. CARNAHAN, Mr. CLEAVER, Mr. CLAY, and Mrs. EMERSON):

H. Res. 1012. A resolution honoring the historical significance of and reaffirming continued Congressional support for commercial navigation on the Missouri River; to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 169: Mr. MICHAUD.

H.R. 211: Mr. LOBIONDO and Ms. NORTON.

H.R. 368: Mr. BUTTERFIELD and Mr. DAVIS of Illinois.

H.R. 406: Mr. CARDOZA, Mr. FRANK of Massachusetts, Mr. BECERRA, Mr. SALAZAR, Ms. SOLIS, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. CALVERT, Ms. VELÁZQUEZ, Mr. RODRIGUEZ, and Ms. ROYBAL-ALLARD.

H.R. 503: Mr. BURGESS.

H.R. 552: Mr. HILL, Mr. THOMPSON of Mississippi, Mr. WALBERG, Mr. LARSON of Connecticut, and Mr. GRIJALVA.

H.R. 1069: Mr. MILLER of North Carolina.

H.R. 1070: Mr. WEINER.

H.R. 1147: Mr. VAN HOLLEN.

H.R. 1174: Mr. FRELINGHUYSEN.

H.R. 1295: Mrs. BACHMANN.

H.R. 1422: Mr. ROTHMAN.

H.R. 1532: Mr. CARNEY and Ms. SLAUGHTER.

H.R. 1539: Mr. LAMBORN.

H.R. 1553: Mr. FRELINGHUYSEN and Mr. INSLEE.

H.R. 1621: Mr. KUHL of New York.

H.R. 1650: Mr. ELLISON.

H.R. 1930: Mr. FEENEY.

H.R. 2091: Mr. WILSON of Ohio and Mr. VAN HOLLEN.

H.R. 2188: Mr. SESTAK and Mr. FATTAH.

H.R. 2189: Mr. OBERSTAR.

H.R. 2234: Mr. JOHNSON of Georgia.

H.R. 2266: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2405: Mr. WEINER, Mr. MEEKS of New York, and Mr. MCCOTTER.

H.R. 2676: Mr. GENE GREEN of Texas.

H.R. 3014: Mr. BOUCHER and Mr. FRANK of Massachusetts.

H.R. 3175: Mr. MCDERMOTT and Mrs. MALONEY of New York.

H.R. 3544: Mr. SHAYS.

H.R. 3646: Mr. CARNAHAN and Mrs. NAPOLITANO.

H.R. 3650: Mr. COSTA, Mr. PORTER, Mr. CANTOR, and Mr. ENGLISH of Pennsylvania.

H.R. 3750: Mr. KAGEN.

H.R. 3819: Mr. FORTENBERRY.

H.R. 3834: Mr. STARK, Mr. CUMMINGS, Mr. JEFFERSON, Ms. SCHAKOWSKY, Mrs. CUBIN, and Mr. FORTUÑO.

H.R. 3842: Ms. ROYBAL-ALLARD.

H.R. 3896: Mr. HINCHEY.

H.R. 3934: Mr. CAMP of Michigan, Mr. RYAN of Wisconsin, and Mr. KLEIN of Florida.

H.R. 3980: Ms. ROYBAL-ALLARD.

H.R. 4054: Mr. SARBANES.

H.R. 4129: Mr. GRIJALVA.

H.R. 4135: Mrs. NAPOLITANO and Mr. PASTOR.

H.R. 4202: Ms. HERSETH SANDLIN.

H.R. 4206: Mr. FRANK of Massachusetts and Mr. BOSWELL.

H.R. 4207: Ms. MATSUI.

H.R. 4318: Mr. HERGER.

H.R. 4450: Mr. GRIJALVA.

H.R. 4460: Mr. WALBERG.

H.R. 4545: Mr. JOHNSON of Georgia.

H.R. 4790: Ms. LEE.

H.R. 4900: Mr. POE, Mr. BLUNT, Mr. ENGLISH of Pennsylvania, Mr. MILLER of Florida, Mr. MACK, Mr. CARNEY, Mr. GINGREY, and Mr. SIMPSON.

H.R. 4959: Ms. SUTTON.

H.R. 5069: Ms. LINDA T. SÁNCHEZ of California.

H.R. 5109: Mr. KINGSTON and Mr. HOEKSTRA.

H.R. 5157: Ms. DELAURO and Mr. SERRANO.

H.R. 5173: Mr. GRIJALVA, Mr. SCOTT of Virginia, Ms. TSONGAS, Ms. CLARKE, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. MOORE of Wisconsin, and Mr. WATT.

H.R. 5176: Mr. PAYNE.

H.R. 5236: Mrs. MUSGRAVE and Mr. FRANK of Massachusetts.

H.R. 5445: Mr. WALBERG, Mr. WELDON of Florida, and Mr. PAUL.

H.R. 5447: Mr. DAVIS of Illinois, Ms. SHEA-PORTER, Ms. CORRINE BROWN of Florida, Mr. RUSH, and Mr. MOORE of Kansas.

H.R. 5472: Mr. LEWIS of Georgia, Mr. BERMAN, Ms. WATSON, Mr. HASTINGS of Florida, Mr. WU, Mr. WILSON of Ohio, Mr. BACA, Mr. ENGEL, Ms. SUTTON, Mr. DELAHUNT, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Mr. SKELTON, Mr. CLEAVER, Mr. SERRANO, Mr. SNYDER, and Mr. CARDOZA.

H.J. Res. 22: Mr. FEENEY.

H. Con. Res. 75: Mr. FARR.

H. Con. Res. 244: Mr. EHLERS, Mr. MEEKS of New York, Ms. PRYCE of Ohio, Mr. WELLER, Mrs. WILSON of New Mexico, Mr. DAVIS of Illinois, Mr. BUTTERFIELD, Mr. BRADY of Texas, Mr. PLATTS, Mr. BLUMENAUER, Mr. LATTA, Mr. TERRY, and Ms. FALLIN.

H. Res. 102: Mr. SARBANES.

H. Res. 123: Mrs. MCCARTHY of New York.

H. Res. 447: Mr. PERLMUTTER.

H. Res. 457: Ms. ROS-LEHTINEN.

H. Res. 672: Mr. STARK.

H. Res. 795: Ms. JACKSON-LEE of Texas, Ms. SUTTON, and Mr. SESTAK.

H. Res. 821: Mr. YOUNG of Alaska.

H. Res. 896: Ms. WATSON, Mr. CARDOZA, Mr. MEEK of Florida, Ms. BALDWIN, and Ms. SOLIS.

H. Res. 924: Mr. BARROW.

H. Res. 935: Mr. MORAN of Virginia and Ms. MATSUI.

H. Res. 936: Mr. MORAN of Virginia and Ms. MATSUI.

H. Res. 939: Mr. SAXTON.

H. Res. 951: Mr. CASTLE, Mr. BILBRAY, Mr. TIM MURPHY of Pennsylvania, Mr. ROGERS of Alabama, Mr. DUNCAN, Mr. RADANOVICH, Mr. ISRAEL, Mrs. CAPITO, Mr. MELANCON, Mr. CAMPBELL of California, Mr. MANZULLO, Mrs. BIGGERT, Mr. CAMP of Michigan, Mr. LARSEN of Washington, Mr. KLEIN of Florida, and Mr. YOUNG of Alaska.

H. Res. 962: Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BUTTERFIELD, Mr. COHEN, Ms. NORTON, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, and Mr. PAYNE.

H. Res. 987: Mr. MARKEY, Mr. PALLONE, Ms. HIRONO, Mr. SPACE, Mr. MCNERNEY, Mr. OLVER, Mr. HALL of New York, Mrs. CAPPS, Mr. KIND, Mr. SALAZAR, Mr. DEFAZIO, Mrs. TAUSCHER, Mrs. DAVIS of California, Mr. MOORE of Kansas, Mr. WATT, Mr. MORAN of Virginia, Mr. HALL of Texas, Ms. HERSETH SANDLIN, Mr. GRIJALVA, and Mr. BARTLETT of Maryland.

H. Res. 1002: Mr. DOGGETT.

H. Res. 1007: Ms. WASSERMAN SCHULTZ, Mr. PETERSON of Minnesota, Mr. HOEKSTRA, Mr. HELLER, Mr. BURTON of Indiana, and Mr. POE.

# SENATE—*Monday, March 3, 2008*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

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### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious Lord, Your love for us is changeless; keep us faithful even when the way is difficult.

Bless and use our Senators for Your honor. Infuse them with reverence and awe for You and Your purposes. Become their fountain of spiritual life and the source of their secret desire. Lift and liberate them from the petty and divisive, and fill them with genuineness and integrity. As You lead them from the false to the true, strengthen their faith in You. Set their hopes on things that are true and right as they serve You according to Your will.

We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 3, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 3:30, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees. Following morning business, the Senate will resume consideration of the motion to proceed to S. 2663, a bill to reform the Consumer Product Safety Commission.

At 5:30 today, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to the product safety bill.

### MEASURE PLACED ON THE CALENDAR—S. 12

Mr. REID. Mr. President, it is my understanding that there is a bill at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

> A bill (S. 12) to promote home ownership, manufacturing, and economic growth.

Mr. REID. I would object to any further proceedings with respect to this legislation at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

The majority leader.

### SCHEDULE

Mr. REID. This weekend, the American people spent another $80-plus million in Iraq. That is $400 million on Saturday, $400 million on Sunday, and $400 million-plus today. The month of February came to a close. Another $12 billion was spent in Iraq, all $12 billion of it borrowed. Yet for the hundreds of billions we have borrowed and spent in Iraq already, the violence continues. This morning brought news of two car bombs in Baghdad killing dozens. A grave was discovered where 14 council volunteers were found dead.

Dealing with housing, Nobel laureate Joseph Stiglitz said this weekend that these billions upon billions spent in Iraq are largely responsible for the economic troubles here at home. Last week, Democrats in Congress attempted to help families impacted by the eye of the economic storm, the housing crisis.

Yet as we watched the Dow tumble—and tumble it did Friday by almost 4 percent, and oil closed above $100; one time it went above $103 a barrel for the first time in history—Republicans blocked our ability to try to move forward on the housing crisis. They could have chosen the side of families at risk to lose their homes to foreclosure and all Americans adversely affected by the housing crisis.

Over the weekend, I ran into a man of great respect. He told me a couple of years ago that he could see a housing crisis looming. He lives in the distinguished Presiding Officer's State; he lives, in fact, in northern Virginia. He mentioned to me that in Fairfax County, there are 5,000 homes in foreclosures now. A year ago there were 200. He said there would be more than that but the clerk of the court is so overwhelmed with work that there are hundreds and hundreds of others waiting to be listed as being foreclosed upon.

My friends on the other side of the aisle could have chosen the side of families at risk. Instead they chose the side of President Bush, the side of big business. As the Republicans block and stall, people continue to suffer. We need to help them, and we in the majority remain ready to do so.

I urge my Republican colleagues to join Democrats in a bipartisan effort to get people the help they need and get our economy working again.

Before I brought this bill up, I extended the olive branch to my distinguished friend, the Republican leader: five amendments on each side. We simply were thwarted every time from moving to the bill. I had minority members come up to me and say: Well, why did you fill the tree?

Those words never came out of my mouth ever as it dealt with the housing matter. I would hope, as I conversed with Senator DODD late Friday evening, that he and my friend, RICHARD SHELBY, the Senator from Alabama, the ranking member on the Housing Committee, can maybe come up with amendments that the Republicans want to offer on this bill.

We believe, in fairness to the American people, it should be related to housing. As we know, the Republicans came out with their own stimulus package: lower taxes, tort reform, things of that nature, that have nothing much to do with housing reform. But we are willing to work with members of the minority to come up with a housing package. We are going to have to do it quite soon, because we are now trying to move to consumer product safety.

If we have some kind of a deal, I am sure we could work out something to move to this bill and spend a few days on it, because next week we have to go to the budget. That is statutory. We

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

need to do that. That bill will be reported out of the committee on Thursday and then we need to move to that probably by Tuesday of next week, complete it.

As I recall, there is 50 hours of statutory time under the Budget Act, and then at the end we will run into the overwhelmingly unpopular vote-athon where people can offer amendments to their heart's content. It takes a lot of time to work our way through that.

We have two of our more experienced Senators, Senators JUDD GREGG and KENT CONRAD, the chairman and ranking member of their committee, and they are going to try to come up with a more condensed version of this to cut down the time significantly and maybe even limit the number of amendments. We have heard that before. But with two men who have so much experience with this legislation, I hope so.

Less than 2 weeks ago, Congress sent the intelligence authorization bill to the President's desk with overwhelming bipartisan support. Our country has been without an intelligence authorization bill for 3 years. That certainly is long enough.

Our bipartisan bill will strengthen intelligence capabilities to fight terrorists more effectively and keep our cities and towns safer. Our bill includes provisions to restore proper congressional oversight to the work of our intelligence community, and it includes another simple yet crucial provision that all intelligence professionals across all agencies of the U.S. Government must adhere to one standard of interrogation. Torture techniques, including sexual humiliation, electric shocks, electric burns, burns generally, with cigarettes, for example, mock execution, deprivation of food and medical care, and, of course, waterboarding are un-American, no ifs, ands, or buts about this.

There is little more precious to America than our moral authority. With moral authority, we have negotiated peace treaties, ended wars, and kept the American people out of harm's way. Our loss of moral authority may be remembered as the most damaging aspect of the Bush years.

Outrage at Abu Ghraib and Guantanamo led the world to question America's commitment to human rights and our moral authority. President Bush has made it clear that America does not torture. Instead, he says we cannot be telling our enemies our interrogation techniques.

I strongly disagree. We should be telling those who seek to harm us that no matter what they do, they will never make us sacrifice the values that lie at our core. There is no gray area when it comes to torture. It is a moral absolute, and our answer must be absolutely not.

When Republicans and Democrats joined together to overwhelmingly pass the torture ban in the intelligence bill, our message was very clear: The damage this President has done to our moral standing in the world is not irreversible. It can be restored. We cannot wait for a new President to begin.

The bill now rests on the President's desk. The decision is in his hands. Will he continue to assert our country's right to do wrong or will he join the overwhelming bipartisan majority of Congress and the American people by signing the torture ban?

Reports indicate we should expect a veto. But as the President makes his decision, perhaps he should listen to what is written in the military interrogation guideline handbook:

> Use of torture by U.S. personnel would bring discredit upon the U.S. and its armed forces while undermining domestic and international support for the war effort. It could also place U.S. and allied personnel in enemy hands at greater risk of abuse.

Every time President Bush has sought to continue his failed strategy in Iraq, he has said that generals on the ground, not politicians, should be making war decisions. He has called upon us often to heed the words of General Petraeus. What has General Petraeus said on the question of torture?

> Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such acts are illegal, history shows that they are also frequently neither useful nor necessary.

We now call upon President Bush to heed the words of General Petraeus, along with dozens and dozens of retired generals, bipartisan military experts, and the will of the American people by signing the torture ban.

As I indicated, we are on the consumer product safety legislation this afternoon. This is an important part of America's agenda, especially based on what happened right before Christmas last year—reforming the Consumer Product Safety Commission to make sure that the toys and other products our families use are safe—not only toys but other products.

Last year, more than 20 million dangerous toys were recalled. We all heard the terrible news of toys tainted with lead paint from overseas reaching our children, or of children having their intestines literally torn apart due to unsafe magnets in toys.

Every parent has a right to know that the toys they give their children will not cause them harm. Yet the Government agency responsible for ensuring toy safety, the Consumer Product Safety Commission, was employing one person, working in a dilapidated facility, to test toys before they were sold across the country.

The $400-plus million a day we are spending in Iraq speaks volumes. The Consumer Product Safety Commission was employing only one person, working in a dilapidated facility to test toys before they were sold to parents all across the country. That is outrageous and the tragic consequences are plain to see. Children died from ingesting toxins found in imported toys.

The Consumer Product Safety Commission estimates that 27,000 deaths and 33 million injuries per year stem from the consumer products under its use and regulation; 27,000 deaths, 33 million injuries each year. We cannot prevent every injury. We can do far better than what we have done.

The Consumer Product Safety Commission Reform Act is bipartisan. It provides comprehensive reforms to restore confidence that the Government is doing its most basic task, helping to ensure that the American people are shielded from avoidable harm.

The bill requires third-party safety testing and a comprehensive ban of lead in children's products. The legislation helps prevent deadly imports from entering our Nation's borders and increases the Commission's resources, staff, and facility.

The legislation helps ensure that information on unsafe products is made available more widely and quickly and that when an unsafe product is recalled it is actually pulled from the shelves and not sold to unsuspecting families.

These provisions will help give parents the confidence to know that children are safe and reduce the risk of injury and death for all Americans. That is why every major consumer advocacy organization in the Nation supports this bill.

I hope my colleagues, my Republican colleagues, will follow suit by quickly agreeing to allow us to move to this bill. It is a shame we haven't been able to do it now and work today on amendments relating to it. We should debate it, do amendments, and move forward as quickly as possible and send it to the President.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## HOUSING CRISIS

Mr. McCONNELL. Mr. President, last week the Senate squandered an opportunity to bring timely help to homeowners rather than propose a bipartisan plan targeted at those most in need. Our friends on the other side proposed a plan that would have helped some by increasing monthly mortgage payments on everyone else who owns a home. They checked the political box, knowing their plan wouldn't have broad bipartisan support. Then we walked away from the problem, leaving it unaddressed. It is my hope this week to bring our friends back to the table so the two parties can work together on addressing a crisis that did not go away over the weekend. America's economy is indeed slowing. A lot of families are struggling, and we need to work together without any more political posturing to help families most in need without harming other families or our long-term economic health.

Last week, Republicans proposed a variety of measures aimed, first of all, at helping those who need it most. The Treasury Department is already working on a number of major lenders to see what can be done by keeping certain mortgages from driving families from their homes. Republicans support these efforts to help families, not bailouts for banks and speculators who are losing money on a bad financial bet.

Many families that are making their payments on time are worried about the value of their properties going down, or of the crime rate going up in places where the foreclosure rate is high. To help them, Republicans are proposing a major tax credit for people who buy foreclosed homes in hard-hit areas, provided they intend to live in them.

State and local housing financing agencies are well-positioned to help families that are on the verge of foreclosure. That is why the Bush administration has proposed that State and local entities issue $10 billion in tax exempt bonds and then use the proceeds to refinance mortgages that are most at risk.

The centerpiece of the Democrat plan to aid struggling homeowners is to let bankruptcy judges refinance the terms of their mortgages. This, as I have indicated and as the Chicago Tribune editorialized over the weekend, might temporarily help some. But it would also lead to higher monthly mortgage payments for everyone else.

In California, where the housing crisis is most acute, mortgages for families that are making their monthly payments on time would potentially go up by nearly $4,000 a year. Homeowners in New York and some other States would potentially see payments go up by nearly $3,000. Homeowners in Oldham County, KY—to bring it home to my State—would see their monthly payments go up $2,100 a year.

It is not fair to penalize those who do make their payments in an effort to help those who can't. This is a principle Republicans are proud to defend.

Republicans believe the best way to ensure the long-term economic well-being of all homeowners and to create new opportunities for future homeowners is to stimulate the economy, help people keep their jobs, and to help workers keep more of what they earn.

That is why, in this economy, the Senate should act quickly to remove any fear that families have about paying the looming AMT tax. We know we will patch the loophole that puts this target on the backs of millions of middle-class taxpayers. Let us reject the political posturing and patch it now, without raising taxes, so families have one less thing to worry about.

In this economy, the Senate should also remove any uncertainty about the future status of tax credits that have helped millions of American families over the last few years.

We should extend the child tax credit which saves 44 million families an average of about $2,500 annually.

We should extend a ban on the marriage penalty so young couples don't get hit with a tax just for wanting to start a family.

We should extend the research and development tax credit, which is one of the most effective tools we have in keeping America at the leading edge of technology and in creating and retaining high-paying, high-quality jobs.

We should extend renewable energy and energy efficiency tax credits, which are a proven incentive for increasing the use of wind, solar, biomass, and other alternative forms of energy and a sure way to lower our dependence on foreign sources of energy. And we should do this too without raising taxes.

Next week, as we debate the budget resolution, we will see very clearly the vision our friends on the other side have for America's economy—a vision of higher taxes, so Washington can spend more of Americans' tax dollars, more regulation, and more litigation.

At a time of economic uncertainty, this approach would be a grave mistake. In the coming weeks, Republicans will offer a different vision based on a strategy for maintaining our Nation's long-term economic strength and competitiveness.

This is a debate we obviously are anxious to have.

Hopefully, as the majority leader indicated, we will have an opportunity to revisit the housing issue with some kind of agreement that is fair to both sides and gives us an opportunity to actually accomplish something in this important area.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, you can't bring back to the table someone who never left. My friend, the distinguished Senator from Kentucky, says he would hope we would come back to the table. We never left.

Procedurally, we have a unique situation here where you have to move to proceed to a piece of legislation. In years past, it was fairly easy, just move toward it, and then you got into a position at that time where you started legislating. If people wanted to offer amendments, they would do that. But since we have gotten into the majority, the Republicans basically have prevented us from doing that.

Our legislation is so concise and direct, so easy to understand. The President has tried to work through the Treasury Department. They have come up with a couple things that deal with less than 3 percent of the people in trouble, less than 3 percent, and it is all voluntary.

Our legislation has five issues. Our plan helps families keep their homes by increasing preforeclosure counseling funds. What does this mean? We, in our last legislation, put $200 million in that legislation to allow people to have counselors. They help a great deal. The reason we did that, in a time of foreclosure, panic around this country, the President cut funds, for example, in Nevada, for these nonprofit counselors, by 70 percent. You should be increasing them. He cut them. That money is gone. Our legislation calls for more money to keep people in their homes so they can have some counseling.

Our legislation expands refinancing opportunities for homeowners stuck in bad loans. President Bush, in his State of the Union Message, called for a proposal to allow a process to go forward where you would have bonds to work on homes that were being foreclosed upon and homes that would soon be foreclosed upon. We support that. That is in our bill.

Our legislation provides funds to help the highest need communities purchase and rehabilitate foreclosed properties, CDBG moneys going to these communities that really need to do something about these homes.

Our legislation helps families avoid foreclosure in the future by improving loan disclosures and transparency during the original loan financing process—something Jack Reed has advocated for some time.

Finally, it amends the Bankruptcy Code to allow home loans on a primary residence to be modified, only in certain circumstances with very strict guidelines.

Those are the five things. If the minority was serious about doing something with this legislation, they could offer amendments. If they don't like the bankruptcy provision, which they profess not to, let them move to strike it, let them move to modify it in some way. If they don't like any of these other four provisions—money for counselors, making it more transparent—let them offer amendments to strike them. I can't advocate strongly enough that if they don't like what we have, they can move to change it.

I have people on my side who would like to improve our bill. We can offer amendments. As I said, we can offer three, five on each side. It seems fair. But sadly, when the press conference was held last week on the Republicans' proposal to take care of the housing crisis, they want to lower taxes and they want to have tort reform.

To talk about our budget expending more taxpayers' dollars, we need only go back and look at how I started my remarks today. Today, we will spend $400 million on the war in Iraq, borrowed money. We don't have enough money under the present standard to have more than one person looking at the consumer safety commission—toys, for example, that come into this country. So we are willing to work. We are willing to legislate. It has been extremely difficult with 72 filibusters so far this Congress. But maybe today will bring a new day. Maybe we can move to the Consumer Product Safety Commission, which is a bipartisan piece of legislation, by the way. I would hope after that we don't have to use up the 30 hours. We can start this afternoon offering amendments on this legislation, doing opening statements. But maybe if we spend a couple days on this legislation, we can spend the rest of the week—if the Republicans finally decide what they want to do on the housing stimulus package—and finish that before we start the budget battle next week.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, the Washington Post just this morning—and I think we can all stipulate the Washington Post is not exactly a mouthpiece for Republicans or conservatism—began their editorial related to the housing issue this way:

> It's much easier to identify well-intentioned housing policy proposals that might make a situation worse than to craft ones that will help. An example is the Democratic plan.

This is the Washington Post this morning taking a look at the proposal my good friend, the majority leader, discussed extolling the virtues of.

Now, look, there is a great opportunity to make matters worse. A good way to avoid that is to continue the discussions we can have not actually out here on the floor but the kind of discussions we have every day about a process for getting some kind of bipartisan approach on this bill.

I noted with interest that my good friend, the majority leader, the other day had his chart up with 72 filibusters on it. He is setting a record of his own, voting to cut off debate the first day a bill or resolution reaches the floor more than any previous majority leader, Republican or Democrat. During the first session of the 110th Congress, Senator REID filed cloture on the same day a bill or resolution was introduced nine times. This is three times more than Majority Leaders Frist, Daschle, Lott, Mitchell, and BYRD ever did in a first session of Congress and nine times more than in the first session of the 109th Congress.

Among these 72 Republican filibusters—and I guess, by the way, the vote this afternoon, which is probably going to be close to unanimous, will also make the list of filibusters and make it 73—includes Democratic filibusters—for example, Senator DODD's filibuster of the FISA bill last year; Democrats' filibuster of the McConnell-Stevens troop funding bill last November; Democrats' filibuster of Judge Leslie Southwick. Cloture motions that were filed by Republicans in an effort to end Democratic obstruction are also included. In fact, on more than half of the 72 Republican filibusters, Senate Democrats either voted to filibuster or voted with Republicans. On five of the filibusters, the vote was unanimous. On four of the filibusters, Democrats nearly unanimously voted against cloture themselves. Half the votes described as filibusters were actually successful votes where cloture was invoked and the bill was actually moved forward.

So if we are going to talk about this kind of thing, we at least need to get our facts right. Everybody is entitled to their own opinion, but they are not entitled to their own sets of facts. Those are the facts related to times in which we have had cloture votes in this 110th Congress.

So, Mr. President, back on the issue of housing, I think the best way forward, obviously—even though the Washington Post this morning is suggesting maybe we should delay for a while and see whether the administration's efforts produce some positive results—I think the best way forward in the Senate, as always, is to sit down and talk about some kind of process for going forward. I think the majority leader and I can do that as we do every day on every issue. I would look forward to having further discussions with him on how we might go forward and maybe come up with a bipartisan housing bill that will actually improve the situation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the 72 filibusters are Republican filibusters, not Democratic holds of any kind, like Southwick, like FISA.

I would say this: Of course, Democrats voted many times with Republicans to invoke cloture on motions to proceed. We had no choice. The purpose of the filibusters on motions to proceed is to slow things down here. Once cloture is invoked, then they wait for 30 hours, and we can try to do something else after that.

Now, I am told—I learned right here today—that it will be near unanimous that people vote to go forward on consumer product safety. Why couldn't we have, Friday, avoided this vote and just moved to the bill today? That is what has ordinarily been done in the past. The reason we hold the record for moving forward on cloture is because we have had so many objections on so many things, such as the motion to proceed, which has caused us to waste huge amounts of time.

Now, as to the merits of the Washington Post and various newspapers, Mr. President, we have newspapers all over the country, including the New York Times, which say we should do something on housing. They even support our provision dealing with changing the Bankruptcy Code to help people who are in such a desperate situation.

So if the Republicans want to do something on the housing crisis, we are ready to work with them. If they want to do something on consumer product safety, why don't we start legislating and by consent move to it right now. We can avoid the vote this afternoon. We do not need the vote this afternoon. We should not have had to file cloture on it in the first place. It is a tremendous delay. We could have legislated on this Friday afternoon, all day Monday morning.

We are willing to work with the minority. I hope there is a new day, that we do not have to go through all these procedural hurdles every time. But we have had no opportunity to legislate the old-fashioned way here because every step of the way has been procedurally blocked. That is why it has been necessary that we file cloture 72 times on Republican filibusters.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 3:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Tennessee.

## ECONOMIC STIMULUS

Mr. CORKER. Mr. President, I rise today to talk about the Colombia Free Trade Agreement. I would like to say, just listening to our two leaders, there are certainly a lot of issues that our country needs to deal with. I would say that this body has lost a great deal of credibility as it relates to stimulus packages by virtue of the one we just passed.

While I know there will be people throughout our country who will be gleefully receiving checks in this election year, which certainly will make them feel good about us for a week or two, I think most of them realize our previous attempts at stimulating the economy did more to stimulate the good will toward us than the economy. I think all of us should be very slow to try to move toward a stimulus package, in that our past efforts, to me, have lacked the kind of credibility necessary in these difficult times.

## COLOMBIA FREE TRADE AGREEMENT

Mr. CORKER. Mr. President, I actually rise today to talk about the Colombia Free Trade Agreement. I had the tremendous opportunity this weekend to travel to Colombia and spend time in Medellin with our Secretary of Commerce, our Secretary of Labor, the head of our SBA, Mr. Steve Preston, and also a bipartisan group of congressional Members.

Mr. President, I know you realize that just this last week, this body passed, on a voice vote, the Andean Trade Preference Agreement, which allows Colombia, along with other South American countries, to actually send goods into this country tariff free. Let me say that one more time. Last week, by voice vote, unanimously, this body agreed to extend the Andean Trade Preference Agreement that was first put in place in 1991 that allows Colombian companies to ship into this country tariff-free products for sale in our country.

The Colombia Free Trade Agreement would actually allow American companies—American companies, which employ Americans—to ship goods into Colombia. It is amazing to me we have not been able to vote on this agreement. I realize this has actually been used as a leverage point, if you will, by some of the major unions in our country to leverage us into maybe doing some other things.

I realize the other body, on the other side of the building, is the body that needs to take up this agreement. But I think most people realize what is taking place at this point in time.

I would like to go back in history and cause the American people to remember that Plan Colombia, where we, as a country, have invested $5.7 billion into the country of Colombia, is something that has been done on a bipartisan basis. This was started under President Clinton with a country that had a very fragile existence due to security, due to narcotics. It was something that was put in place to help our country be more secure. This has been carried through with the Bush administration.

Mr. President, I have to tell you, it has been incredible the progress that has taken place in Colombia, especially since the year 2002, under President Uribe's leadership. During that period of time, the country has become far more secure.

We were in a city that just a decade ago we would not have been able to travel to. Economic growth has continued; 32,000 members of paramilitary groups have actually put down their arms and come back into civil society in this country.

So we are at a point in time where this country has made tremendous strides. This country has made remarkable progress. They focused on human rights. Just in February of last year, they set up special prosecutors to focus on violence as it relates to union officials and have made tremendous progress.

As a matter of fact, today in Colombia, a place where union officials in the past had to worry about their safety, it is actually safer—by virtue of violence against union officials—it is safer to be a union official than it is another member of society: a teacher or someone else.

It makes no sense for any of us in this body to not want the Colombia Free Trade Agreement to come into existence because today they are able to sell products into our country tariff free, but we are not able to sell products into their country. If this trade agreement were to come about, Colombia would actually be held to international labor standards. So, in fact, the plight of labor there would be lessened. As a matter of fact, to have American companies playing a role in Colombia would also be something that would enhance human rights.

Over the weekend, a leader of one of the terrorist groups, FARC, which has wreaked havoc on the citizens there, was killed. It was something that was done certainly to create even more security there. We have seen the reaction today and yesterday of the leader of Venezuela, who has 4,000 to 6,000 troops on the Colombian border—in essence, a threat to that country.

Colombia has been a friend of our country for many years. They had people fighting side by side with us in the Korean war. They have been loyal friends. They have lived up to what we have asked them to do and are making even greater progress in some cases than we ever expected. This is about us honoring our friendships. This is about us honoring our commitments.

I will just say, as it relates to my own State, we have increased trade with Colombia, even under the arrangements that we have now where our companies have to pay tariffs on goods going into their country. In my own State, we would increase tremendously the amount of agricultural exports going into Colombia if this agreement were passed.

In conclusion, we have an ally in South America, an ally that is under immediate threat today but is under continual threat from countries nearby that harbor terrorists who commit terrorist acts against their country.

We have worked with them for years and have invested $5.7 billion or $5.8 billion into that country. Trade, we know, is a stabilizing factor. Right now, I think all of us understand that the leadership of the AFL-CIO and other organizations by virtue of their political relationships have been able to keep this treaty from passing, from being a part of our agreement with Colombia.

I think it is important for all of us to understand the negative impact that is having on our own States. As I mentioned earlier, farmers in my own State would benefit tremendously. Manufacturers of equipment would benefit tremendously. Chemical and pharmaceutical manufacturers would benefit tremendously. The fact is, in 2006, our trade with Colombia in my own State was up 49 percent, even with these tariffs in place.

So I hope the leadership of the body across the Hall will very soon allow the Members of that body to vote their conscience on this particular trade agreement; to not have a vote where they, in essence, direct people to vote against this agreement but allow people to vote for it because this is good for people all across America as it relates to employment. It is good for Colombia in that it shows that they are, in fact, our friend. It is good for our national security.

It is important for us to have in South America allies who think like we think and want to see democracy flourish, who want to see free trade, who want to see relationships with our people.

I think at this critical time, especially with the turmoil that is existing in that part of the world, it is important for us to pass this Colombia Free Trade Agreement.

Mr. President, I thank you for allowing me to express my views today. I hope we, as a body, will have the opportunity to pass this bill in the near future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend my colleague from Tennessee for bringing up this very important issue. We know from what has happened in Colombia in just the last 2 days that it is so important our country help them in every way as they struggle to get rid of the drug trafficking and trade that has plagued their country for so long. Free trade would be an excellent way for our country to help them build their economy and keep their democracy alive and stable.

So I say thank the Senator from Tennessee for talking about that issue, which is very appropriate at this particular time.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 439, the nomination of Mark Filip; that the nomination be confirmed, and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

Mark R. Filip, of Illinois, to be Deputy Attorney General.

Mr. REID. Mr. President, this is Mukasey's chief deputy. We have been trying to get this nomination cleared for quite a long time.

Mr. LEAHY. Mr. President, today we continue the process of rebuilding the integrity and independence of the Justice Department by confirming the nomination of Mark R. Filip to be the new Deputy Attorney General, the number two position at the Department of Justice, who acts as the Attorney General in the absence of the Attorney General.

Regrettably, this important nomination has been stalled for over a month due to the bad faith of the Bush-Cheney administration in failing to process Democratic recommendations to independent boards and commissions, and Senate Republicans' rejection of up-or-down votes on nominations to the Federal Election Commission.

I commend the majority leader for his efforts to resolve this impasse. I also thank him for agreeing with me to allow the Filip nomination to proceed at this time. It is a demonstration of good faith on his part and I thank him. I strongly support the majority leader in his efforts to make progress by calling up Judge Filip's nomination today.

A little more than a year ago, the Judiciary Committee began its oversight efforts for the 110th Congress. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator SPECTER and I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess.

This crisis of leadership has taken a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability that resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department officials—including then-Deputy Attorney General Paul McNulty, whose successor we consider today.

The tired, partisan accusations the President engaged in at the White House recently, in which he used Republican Senators and nominees as political props, are belied by the facts. They are about as accurate as when President Bush ascribed Attorney General Gonzales' resignation to supposed "unfair treatment" and suggested "his good name" was "dragged through the mud for political reasons." The U.S. attorney firing scandal was of the administration's own making. It decimated morale at the Department of Justice. A good way to help restore the Justice Department would be for this administration to acknowledge its wrongdoing.

We need a new Deputy Attorney General. We need someone who understands that the responsibilities and duties of that office are not to act as a validator for the administration, or as the chief defense lawyer for the White House. We are reminded by the examples of Elliot Richardson and William Ruckelshaus from the Watergate era—and more recently the examples of James Comey, Jack Goldsmith, and Alberto Mora—that law enforcement officials must enforce the law without fear or favor to their benefactors at the White House. We have now seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives.

The truth is that it was the President who deferred the critical work of restoring the Department's independence and credibility by delaying this nomination for half a year. This administration knew from at least May 14, 2007, when Mr. MCNULTY announced that he was resigning, and should have known for weeks before, that there was to be a vacancy in the important position of Deputy Attorney General. Yet even after the former Deputy announced his resignation and proceeded to resign months later, the administration failed to work with the Senate to fill this vital position.

The President did not nominate Judge Filip until last December. I announced that the Judiciary Committee would hold a hearing less than 2 weeks later, before Congress adjourned for the year, immediately upon receiving the necessary background materials from the White House. The committee moved as expeditiously as possible and we reported out Judge Filip's nomination at our first executive business meeting of the 2008 session.

What is being ignored by the President and Senate Republicans as they play to a vocal segment of their Republican base is that we have worked hard to make progress and restore the leadership of the Department of Justice. In the last few months, we have confirmed a new Attorney General, and held hearings for the number two and number three positions at the Department of Justice, as well as for several other high-ranking Justice Department spots.

It is vital that we ensure that we have a functioning, independent Justice Department. A month ago, the Judiciary Committee held our first oversight hearing of the new session and the first with new Attorney General Michael Mukasey. We will hold another oversight hearing this week with FBI Director Mueller. These are more steps forward in our efforts to lift the veil of White House secrecy, restore checks and balances to our Government, and begin to repair the damage this administration inflicted on the Department, our Constitution, and fundamental American values.

We continue to press for accountability even as we learn startling new revelations about the extent to which some will go to avoid accountability, undermine oversight, and stonewall the truth. We find shifting answers on issues including the admission that the CIA used waterboarding on detainees in reliance on the advice of the Department of Justice; the destruction of White House e-mails required by law to be preserved; and the CIA's destruction of videotapes of detainee interrogations not shared with the 9/11 Commission, Congress or the courts. The only constant is the demand for immunity and unaccountability among those in the administration. This White House continues to stonewall the legitimate needs for information articulated by the Judiciary Committee and others in the Congress, and contemptuously to refuse to appear when summoned by congressional subpoena.

In spite of the administration's lack of cooperation, the Senate is moving forward with the confirmation of Judge Filip today. In spite of the partisan, political display at the White House last month, staged while a convention of right-wing activists were in town, we are proceeding today.

With Judge Filip's confirmation, we will have confirmed 23 executive nominations, including the confirmations of nine U.S. attorneys, four U.S. marshals, and the top two positions at the Justice Department so far this Congress.

We could be in a position to make even more progress if the Republican members of the Judiciary Committee would work with us in considering the nominations of this Republican President. We have had the nominations of Kevin O'Connor to be Associate Attorney General, the number three position at the Department, and Gregory G. Katsas, to be Assistant Attorney General of the Civil Division, on our agenda since the middle of February. Three weeks ago, I placed the O'Connor and

Katsas nominations on the committee's agenda but Republican members of our committee did not show up to make a quorum at that meeting or at our meeting last week. I adjourned both our February 14 and February 28 meetings for lack of a quorum. At the first meeting, only one Republican Senator was present. At the latter, the ranking member chose to leave. I hope we will be able to act on those nominations this week.

Of course, we could have made even more progress had the White House sent us timely nominations to fill the remaining executive branch vacancies with nominees who will restore the independence of Federal law enforcement. There are now 19 districts across the country with acting or interim U.S. attorneys instead of Senate-confirmed, presidentially appointed U.S. attorneys, and for which the administration has still failed to send the Senate a nomination. For more than a year I have been talking publicly about the need to name U.S. attorneys to fill these vacancies to no avail and urging the President to work with the Senate.

I was disappointed but not surprised to see the administration return to tired political attacks. What better time than right now, when the economy is slipping farther off the tracks, when the President's budget shows record annual triple-digit deficits, when al-Qaida is stronger and more virulent than ever, according to General Hayden and Director McConnell, and with Osama bin Laden still at large, when gas prices and unemployment are rising, and a mortgage crisis grips many parts of the country. I wish the President would put aside his partisan playbook and work with us.

I trust that Mark Filip understands that the duty of the Deputy Attorney General is to uphold the Constitution and the rule of law not to work to circumvent it. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes to serve the ends of a particular administration.

I congratulate Judge Filip and his family on his confirmation.

## LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume legislative session.

The Senator from Texas.

## 172ND ANNIVERSARY OF TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I rise today because it is the 172nd anniversary of Texas Independence Day.

I wish to take a moment to read a letter that is such an important part of the history of Texas. It is the letter of William Barrett Travis from the Alamo. This is a tradition I have continued that was started by my colleague and friend, Senator John Tower, to commemorate Texas Independence Day every year, which is March 2. Now, of course, March 2 was yesterday, which is Sunday, so I always try to do it as close to March 2 as I can, as Senator Tower did when he was serving in this body.

The Texas Declaration of Independence was a document that was signed by, among others, my own great, great grandfather, Charles S. Taylor, as well as his great friend, Thomas Rusk, who became one of the first two Senators from Texas and whose seat I hold today. They both hailed from Nacogdoches, which is the oldest town in Texas. It is the town where my mother grew up and where my great, great grandfather was a delegate to the convention that declared independence from Mexico for the territory that was Texas. It is a historic time for Texas. We celebrate Texas Independence Day every single year because we know fighting for freedom has made a difference in what Texas is. We love our history. We fought for freedom and we were a republic, an independent nation for 10 years. Then, we came into the United States under a treaty as a State.

The defense of the Alamo by 189 courageous men, who were outnumbered 10 to 1, was a key battle in the Texas revolution. The sacrifice of COL William Barrett Travis and his men made possible GEN Sam Houston's ultimate victory at San Jacinto, which secured independence for Texas. That is where Santa Anna, the general in charge of the Mexican Army, formally surrendered and that was end of the fight for Texas independence.

Colonel Travis wrote to his countrymen a letter asking for reinforcements:

> Fellow citizens and compatriots: I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man—the enemy has demanded a surrender at discretion; otherwise, the garrison is to be put to the sword if the fort is taken. I have answered the demands with a cannon shot and our flag still waves proudly from the wall. I shall never surrender or retreat.
>
> Then, I call on you in the name of liberty, of patriotism and of everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to 3,000 or 4,000 in 4 or 5 days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—victory or death.
>
> William Barrett Travis, LT. COL. Commander.

That was the letter he wrote from the Alamo. He did not get reinforcements. Those brave 189 men did, in fact, fight against what is estimated to be 4,000 or 5,000 Mexican soldiers, but they held long enough for GEN Sam Houston to muster his strength and add to his Army. Then, about a month later, in April, the San Jacinto battle did take place against the Mexican Army and Santa Anna surrendered. So it was an important part in Texas history which we value and celebrate very thoroughly every March 2nd. I will continue the tradition of Senator Tower as long as I am in the Senate, and I hope it can continue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

## MORTGAGE CRISIS

Mr. DURBIN. Mr. President, last week we had a debate on the floor of the Senate about three different measures. The frustration was that at the end of the week, nothing happened. Now a lot of people who watch C-SPAN and observe the Senate in session wonder if anything ever happens. It seems as though there are a lot of gaps in activity here—so-called quorum calls—that seem to go on and on and on, and then you switch to another channel. Of course, if you are a Member of the Senate, there is a frustration about this if you came here and believed part of your job is to try to solve problems facing this country.

Early in the week, we tried to start a debate on the policy on the war in Iraq. It was an important debate. It is one we have tried to initiate many times over. Under the way the Senate rules are written, the minority party—the Republican Party—can "filibuster" is what they call it around here, which means stretch out the debate until there is no end in sight, and then you file what is called a cloture motion to close down the debate to get to a vote, but you need 60 votes to close down the debate. So these cloture motions to stop filibusters are brought to the floor, and if you don't have 60 Senators who will say close down the debate and get to a vote, you have to move to something else. The filibuster worked. Last week, three times the Republicans had successful filibusters, stopping us from debating a change in the policy in the war in Iraq to start to bring American soldiers home.

Then, the second vote was a report from the Bush administration on the progress that is being made to capture Osama bin Laden and to stop worldwide terrorism. They filibustered that too. They didn't want the administration to report.

Then came the housing bill to deal with the mortgage crisis around America, and we had six very sound and good ideas to try to deal with it. They filibustered that, too, and they stopped it. What a frustration. At the end of the week, to say we spent all this time—30 hours between each vote, incidentally—and nothing happened. Frankly, if we were being paid on the basis of productivity here, none of us deserve a paycheck for last week because we did nothing. There were a few inspiring speeches on the floor, but nothing happened.

Well, the problem, of course, is the issues we addressed last week are still issues this week and will be for a long time to come. The war in Iraq is still claiming American lives. We are perilously close—sadly close—to 4,000 American soldiers who will have died in a war that has lasted longer than World War II, a war that is going into its sixth year, a war that has cost us 4,000 American lives, 25,000 or more American soldiers seriously injured, and by the end of this President's term, $1 trillion. We are spending $10 billion to $15 billion a month on this war. We have this budget that comes along, but we don't have enough money for medical research at the National Institutes of Health. We don't have enough money to fund No Child Left Behind so that the schools can improve their standards. We don't have money to expand health insurance coverage for uninsured children in America, but we have enough money to spend $10 billion to $15 billion a month indefinitely on this war in Iraq. Is that worth a debate? Is it worth it for Senators on both sides of the issue, both sides of the aisle to stand up and say where they stand and to vote? I think that is why we are here. If it isn't, then I have missed something completely. I am honored to be representing the great State of Illinois, and I don't believe for a minute that my views are the views of everybody in that State. When I cast a vote or make a speech, I go back home and people ultimately make a judgment as to whether I should continue to represent them.

This Senate has now become dysfunctional. This Senate is now wrapped up in filibusters. Last year, the Republican minority in the Senate initiated 62 filibusters—62 filibusters in 1 year. It was an all-time record. The record before that was 62 filibusters in 2 years. They doubled the record number—the rate of the record number of filibusters in the history of the Senate. Why? To avoid a vote; to avoid votes on issues that may be used against you in a campaign. Please.

My good friend, the late Congressman from Oklahoma, Mike Synar, used to say: If you don't want to fight fires, don't be a firefighter. If you don't want to stop crime, don't be a policeman, and if you don't want to vote on tough issues, don't run for Congress. I agree with him. I don't like facing tough votes, but it is a part of the job. You ought to at least have enough confidence in your beliefs to cast that vote and go home and explain it.

But the Republican side of the aisle is now trying to insulate their Members from even casting tough votes. Is it any wonder the national approval rating of Congress is so low after last week, the Republican strategy of filibuster after filibuster after filibuster and at the end of the week nothing happened.

One of the last things we debated is the housing crisis. I wish to tell my colleagues, if you read the newspapers over the weekend and this morning, we are whistling past the graveyard as a nation. Our economy is in serious trouble. I would not use the word "recession" because the recession is, by tight definition, two negative quarters of business growth. We have not had that. I hope we don't. But everyone knows the economy is in trouble. It is obvious from the unemployment statistics. It is obvious in the disparity of income, where some executive of a major company can make more money in 10 minutes than a worker who works all year in a factory. It is obvious in all the jobs we have lost in this country, good-paying factory jobs, now shipped overseas. For those who remain, ask the people working there about the cost of their health insurance. It goes up every year and covers less. Ask them about their pension plan: Oh, it used to be a good one for my dad, but I am in a new group of employees and ours is not so good. That is the reality of the economy today.

But at the heart of our economic problem is the housing crisis: 2.2 million Americans will face foreclosure in the few years—2.2 million subprime mortgagers who put a mortgage on their home and now they can't make the payment when the adjustable rate mortgages change. In the old days, you signed up for a 25- or 30-year mortgage and the interest rate and term of the mortgage and monthly payments were predictable: principal and interest. You knew what you were going to face. Not today. Under subprime mortgages, the mortgage banking industry came in with the most exotic products you could imagine: interest only mortgages, mortgages where you pay a little bit now and it changes later on. It became almost impossible to follow. Sadly, a lot of people signed up for mortgages they didn't understand, or that they were deceived into signing. I don't know if you have ever gone through a real estate closing—I have a few times in my life. I went through a lot of them as a lawyer. You know what they hand you at closing, that stack of papers, they shove it right in front of you and the banker or the realtor, whoever happens to be in the room, says: Well, you need to sign all these forms, you and your wife need to sign them.

What are they?

Oh, Federal forms, Truth in Lending, all of these things; the State requires them, the Federal Government.

So you turn the pages and sign and sign and sign, and then they say: Fine, OK. Thank you very much. You can move into the house next week.

You often wonder—I know I have—has anybody ever read those? Do you know what is in there?

Do you know what happened to a lot of people? They ended up going through closings and signing up for mortgages that were downright unfair. Many of them were deceived into signing up for mortgages which, frankly, I think were predatory, unfair, and a blight on the mortgage banking industry. That is why so many of them are so-called "underwater" now. Companies and banks are writing off so many of these loans because they were luring people into circumstances that weren't possible, and people ended up losing their homes.

What happens when 2.2 million homeowners, out of a population of 300 million people, lose their homes? You think: It doesn't sound like much, 2.2 million. If a person in your neighborhood files for foreclosure or bankruptcy because they are going to lose their home, it affects the value of your home, even if you are paying your mortgage every single month. Do you know why? Because the value of your home is based on the average sales price in the area. If the neighbor's house down the street went up for auction because of a foreclosure and sold below fair market value, it drags your property value down. One out of three homeowners in America now making their mortgage payments dutifully will see the values of their home go down through no fault of their own. The most important asset in your life for most families is diminishing in value because of the mortgage foreclosure crisis.

So what does the administration say we should do about this national economic crisis? Not nearly enough. The most forward-looking proposal from the Bush administration could affect 3 percent of the people facing foreclosure. Three out of one hundred might be helped by their approach. That isn't enough. Until we turn this housing crisis around, this economy will not turn around. I think that gets to the heart of it.

So here is what our bill says. Our bill says we are going to put more mortgage counselors out on the street. If you can't make your mortgage payment, it doesn't do you any good to hide in a cave. Eventually, they are going to catch up with you. Reach out and talk to somebody you can trust. That is what the mortgage counselors are all about.

Senator JACK REED of Rhode Island has a provision which I think is so simplistic and straightforward it makes eminent sense. When you sit down at that real estate closing, there ought to be a cover sheet right in front of you and it ought to say: You are borrowing X number of dollars. You are going to pay X interest rate. That interest rate in 2 years may change to X. Your monthly payment now is X. Your monthly payment then will be Y. There is a penalty or there is no penalty for prepaying your mortgage. Five pieces of information: none of which are that hard to come up with, but at least as a buyer, right there in front of you, are the basics. You know what you are getting into. Senator REED of Rhode Island put that in our package, our housing package.

Well, maybe that would have passed but for one provision. The President announced last week he would veto our housing bill because of a provision I added to it. I wish to take a minute to explain it.

I think it really gets to the heart of this debate. If you listen to the Presidential campaign, it is all about who controls this place and the House of Representatives. Is it a special interest lobbyist out in the hallway, well dressed and well paid, or will it be the voters and the people in this country? That is the fundamental question of this Presidential campaign.

Why is Congress tied up in knots and failing to do anything? Who controls Congress? Whom does Congress answer to? That is the debate going on across America now. Boy, you would not hear much about it in this Chamber. Why? Because the Mortgage Bankers Association came out against my provision and said defeat this bill because of this provision.

Let me tell you what it does. About a third of the people facing foreclosure will end up in bankruptcy court. They will go to chapter 13, which is an effort to try to work it out, where you say: Here is my income, my assets, and my debts; is there any way I can make payments and keep my home and do these things? The court then looks at it and brings in all the creditors and tries to work out a package deal so you can stay in your home, through chapter 13, and get through it.

Now, if you are facing hard times and foreclosure on your vacation condo, the court could sit down and work out the terms of your mortgage—in terms of the length, how much you will pay, and the interest rate you will pay. If you have a farm or ranch, the court can do the same thing and work out the terms to see if maybe it can work, if a package can be put together that lets you keep your properties. But the law specifically prohibits the bankruptcy court from modifying the terms of the mortgage on your home—vacation condo, yes; farm, yes; ranch, yes; but your home, no. Why is that? It is because the law was written 20 years ago that says they cannot touch it.

Well, we change that law. We allow the court, under specific circumstances, to modify your home mortgage. Let me tell you the conditions.

First, it only applies to people currently holding a mortgage, not prospective, and it is not changing the law forever.

Second, it only applies to those with subprime mortgages, the ones with the serious problems.

Third, it only applies to those who can qualify to go into bankruptcy court. Most people cannot get into bankruptcy court because you have to prove that your debts are more than your income.

Fourth, when they modify the mortgage, they cannot go below the fair market value of the property. If the property goes into foreclosure and the bank ends up owning it and they sell it at auction, almost never do they get fair market value for it. We say that the fair market value is the bottom line as to what that mortgage can be modified to. We also say the interest rate will be the prime rate plus a premium for risk. So we look at the interest rate.

We add another provision. Say you bought the home for $500,000 and it is worth $450,000 now. They can work out an agreement in bankruptcy that you can stay in the home and pay the mortgage on $450,000. Then, in 2, 3, or 4 years, as the value goes back up to $500,000, that difference goes to the bank, not to the individual. So they are protected on the upside by that provision and on the downside by fair market value.

The mortgage banking industry opposes this. They won on the floor of the Senate last week. Only one Republican had the courage to vote with us for this change. Every other Republican Senator voted no. So if there is any question about a scorecard, the mortgage bankers who, incidentally, got us into this mess with the subprime mortgages and who, in many instances, deceived people into mortgages that were totally unfair to them and their families, these mortgage bankers prevailed. The housing stimulus package failed.

I hope we can return to this, and I hope we can do it this week. The problem is still there. Sunday, the Chicago Tribune editorialized against my bankruptcy provision and said this is going to raise interest rates across the board; that the industry is going to raise interest rates because if they have to face the prospect of modifying their mortgages, they are going to have to raise interest rates.

So I did a little calculation. If 600,000 people go into bankruptcy, on the upside, and we have about 120 million homeowners in America, that is one-half of 1 percent of those who would be affected by it.

So I don't think their fear-mongering is going to work. Sadly, they carried the day last Friday. We have to try again. There is not another provision in this housing stimulus that will reach as many people—even 600,000—as the provision I have described.

I see that the Senator from Pennsylvania is anxious to speak. I will wrap up in just a minute.

This situation with this provision is very important. When I asked the industry, "Why do you oppose this?" do you know what they tell me? The "sanctity" of the contract. Well, I will tell you, if sanctity means holiness, there is nothing holy about the subprime mortgages I have been told about or about a subprime mortgage that a person signed up for. For example, a poor lady who is retired, age 65, was lured in by some television ad and had papers pushed in front of her at closing. She was told she could save her home if she signed this package. There is nothing holy about what happened to the woman in Peoria, IL, who, after her husband faced a fatal illness, had to get into a one-story home so he didn't have to climb stairs. Some adviser along the way convinced her to consolidate all of her debt into her new home with an adjustable rate mortgage, and her monthly payments doubled to the point where she cannot now stay in there. There is nothing holy about the mortgage that the couple from Cleveland faced, who came to see us last week. They are both hard-working people, and they are about to lose their home outside of Cleveland. They thought they were doing the right thing. In the fine print, it said that the mortgage interest rate can never go down, it can only go up. They didn't know that. This poor man is a maintenance supervisor. Who told him the real terms of the mortgage? The sanctity of the contract. The holiness of the contract.

I will tell you, our job here is to make sure people in America are treated fairly; that big companies, whether they are mortgage banks or corporations, are held to a standard of conduct that recognizes civility, ethics, and moral conduct. What we have seen in this subprime mortgage mess—sure, there has been wrongdoing on both sides, but overwhelmingly a lot of people have been deceived into losing their homes.

The mortgage bankers won the first round last week. Congratulations. Hats off to them. They clearly have sway over the Congress at this moment. But I hope that changes. I hope some people in the Senate will reflect on this and really try to do something about the housing crisis and to get our economy back on its feet.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I had been advised that I would have 30 minutes in morning business. I ask unanimous consent that I be permitted to speak for up to 30 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Before the Senator from Illinois leaves the floor, I had come to the floor to talk about the confirmation of judges, but while the Senator from Illinois is still on the floor and has spoken on a subject he and I have been working on for some time, I would appreciate it if he would wait just a few minutes while I engage him in some dialog and debate and try to deal with the issue on which we have been working.

Mr. DURBIN. I am happy to.

Mr. SPECTER. Mr. President, the Senator from Illinois has proposed legislation that would authorize bankruptcy courts to reduce the principal value of mortgages—so-called "cram down". I have introduced legislation that would authorize bankruptcy courts to reduce the interest rates on variable rate mortgages. I have taken the position I have because I believe giving bankruptcy courts the authority the Senator from Illinois has advocated for would have a serious, disruptive effect, discouraging lenders from loaning money for home mortgages. I am not alone in that view. Congress expressed that view when it expressly barred bankruptcy courts from modifying mortgages. Justice Stevens noted this in Nobleman v. American Savings, when he said the following:

> At first blush, it seems somewhat strange that the Bankruptcy Code should provide less protection to an individual's interest in retaining possession of his or her home than of other assets. The anomaly is, however, explained by the legislative history indicating that favorable treatment of residential mortgages was intended to encourage the flow of capital into the home lending market.

That is to say, in essence, that if bankruptcy courts could modify mortgages, lenders would issue fewer mortgages in the future, a serious disadvantage to Americans who want to buy homes down the road.

It is this concern that led me to introduce legislation that would allow bankruptcy courts to modify mortgages in a very limited way. My bill focuses on the problem by allowing bankruptcy judges to modify interest rates on mortgages where the rate has increased dramatically. The number of these types of mortgages has increased substantially in recent years. In 2001, adjustable rate mortgages accounted for 16 percent of all home loans. By 2006, this share had increased to 45 percent.

The Senator from Illinois has characterized my legislation in somewhat uncomplimentary terms, to put it mildly. He said:

> Specter's language is worse than useless. It's counterproductive. It creates the image of action and response and it does nothing.

Worse than useless. That is very tough talk, but let's examine what the facts are. The facts are that the rate of delinquency and foreclosure on adjustable rate mortgages has been very considerable, in contrast with what has happened on fixed rate mortgages. As payments on adjustable rate mortgages have reset, many homeowners have had their monthly payment increase substantially. On average, a $1,200 monthly mortgage payment has increased by $250 to $300. Among homeowners with subprime adjustable rate mortgages, the percentage that was either 90 days past due or in foreclosure has more than doubled from 6.5 percent in the second quarter of 2006 to 15.6 percent in the third quarter of 2007. The percentage of homeowners with prime adjustable rate mortgages who are either 90 days past due or in foreclosure has more than tripled, from less than 1 percent in the second quarter of 2006 to 3.12 percent in the third quarter of 2007.

Contrast this with delinquencies and foreclosures among homeowners with fixed rate mortgages. The percentage of homeowners with fixed rate mortgages who are either 90 days past due or in foreclosure has increased only slightly from 5.72 percent in the second quarter of 2006 to 6.61 percent in the third quarter of 2007. Similarly, among homeowners with prime fixed rate mortgages, the percentage who are either 90 days past due or in foreclosure has only increased from .63 percent to .83 percent.

The point of all this is that adjustable rate mortgages have created an enormous problem for many homeowners. But that has not occurred where there are fixed rate mortgages. So it hardly seems to me that ARLEN SPECTER's language is "worse than useless."

It hardly seems that my proposal is counterproductive or that it creates the image of action and response but does nothing.

The fact is, it attacks the very core of the serious we face today problem. On one point the Senator from Illinois and I agree—we have a very serious problem. I wish to see this Senate address it. The fact is we could use some constructive work around here. May the RECORD show the Senator from Illinois nods in agreement. So we have quite a few points here that are not totally ARLEN SPECTER useless.

Mr. DURBIN. May I ask the Senator a question through the Chair?

Mr. SPECTER. I don't mind the presumption if the Senator will use his microphone.

Mr. DURBIN. It is not turned on. Now it is turned on. I wish to respond through the Chair and not take anything away from Senator SPECTER's time; that any time I use be taken from me. I will be very brief.

Mr. SPECTER. I will finish in less time than the Senator from Illinois used when he said he was about to finish. I only wish to say that I hope we will take it up in the Judiciary Committee this week and report it out of Committee, which is what ought to be done before it comes to the floor. Then perhaps we will have more time for an extended debate.

I will be glad to hear the response from the Senator from Illinois.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I thank the Senator from Pennsylvania for his effort to cooperate and with me.

First, he is concerned about the impact on interest rates if my bankruptcy provision goes through. Understand, it only applies to a fixed, finite, limited group of adjustable rate mortgagees who are facing foreclosure and going to bankruptcy court. The up-side estimate is 600,000. I think more realistically 400,000, 500,000 would qualify.

To suggest we are changing the policy of mortgages in America and will precipitate higher interest rates for all Americans from this point forward does not apply. We are dealing with a specific emergency, a specific crisis, and a specific response.

I will readily concede with some humility that my remarks were harsh and perhaps strong in relation to the Senator's amendment. But I will tell him why I felt that way and why I reacted that way.

There is one point in his amendment that he has not said on the floor. He gives the bank the last word. The bank makes the decision whether the mortgage is going to be changed. As long as the bank has the last word, nothing is going to happen. There is not a thing that bank cannot already do today in renegotiating the terms of the mortgage, and they are not doing it.

I have said to the Senator from Pennsylvania that I think that is the critical element, the critical difference in our approach. I believe the bankruptcy court should have the last word. The Senator from Pennsylvania believes the mortgage bankers should always have the last word. I don't think that is a reasonable way to approach it.

In terms of the number of adjustable rate mortgages, they are the problem. Six years ago, some estimated that about one out of twelve faced foreclosure. Today the estimate is one out of two. Clearly, the problem needs to be addressed. I tried to narrow my amendment so it addresses those now, it does not have a long tail to it, and does not give the bank the last word.

Mr. SPECTER. Mr. President, the conclusive response to the argument by the Senator from Illinois is that my bill allows the court to reduce the principal on a mortgage—a so-called cram down—if the bank agrees and if it is indicated by the facts. What the Senator from Illinois failed to note is that my bill gives full leeway to bankruptcy courts to adjust interest rates—which the Senator from Illinois has already acknowledged is the real problem.

Under current law, the court does not have the power to reduce the principal on a mortgage. So I added the provision that if the lender were in agreement, and if it makes sense in many cases this option will cost less than foreclosing—then extend the authority to court to make that adjustment.

Mr. President, how much time remains of the 30 minutes?

The ACTING PRESIDENT pro tempore. The Senator has 21½ minutes remaining.

## JUDICIAL CONFIRMATION PROCESS

Mr. SPECTER. Mr. President, I have sought recognition today to comment about the serious problem in the judicial confirmation process where Federal judges are pawns in political partisanship. I wrote to my distinguished colleague Senator LEAHY on February 29, last Friday. I sent him an extensive letter on the subject.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the full text of that letter at the conclusion of my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, during the past 20 years, we have seen a very serious deterioration in the processes in the Senate on the confirmation of Federal judges. Without a broad sweep of historical reference, I believe it has been a very low point in the confirmation of Federal judges since the beginning of the Republic, but in order to say that with absolute certainty, there would have to be a very intense historical survey undertaken.

It is plain that since the last 2 years of President Reagan's administration until the present day, the confirmation process has broken down whenever the White House has been controlled by one party and the Senate controlled by the other party. In the last 2 years of the Reagan administration, the judicial confirmation process broke down. In the 4 years of the administration of President George H. W. Bush, the confirmation process was riveted with partisanship. When Republicans gained control of the Senate starting in January of 1995, during the last 6 years of the administration of President Clinton, the Republican Senate retaliated, and more than retaliated; it exacerbated the problem. Then, when the administration of President George W. Bush came, the Democrats were in control for about a year and a half of that process. Again, the process was stymied. Then it got even worse. Then, even though the Republicans had gained control of the Senate, after the 2002 elections, there were filibusters, which were very destructive to the Senate. Then, there was a very serious challenge to the filibuster rule. The Democrats were filibustering President Bush's nominees and Republicans responded with a so-called constitutional or nuclear option to change the filibuster rule to reduce the number from 60 to 51.

During the course of these battles, with one side raising the ante and the other side raising the ante, exacerbating the controversy, I was willing to cross party lines and support the nominees of President Clinton who were qualified. For example, I crossed party lines to support Judge Marsha Berzon who was confirmed to the Ninth Circuit on March 9, 2000, and Judge Timothy Dyk who was confirmed to the Federal Circuit on May 24, 2000. I supported Judge Richard Paez who was confirmed to the Ninth Circuit on March 9, 2000, and Judge H. Lee Sarokin who was confirmed to the Third Circuit on October 4, 1994. Similarly, I supported President Clinton's nomination of Judge Gerard Lynch who was confirmed to the District Court for the Southern District of New York on May 24, 2000.

I also supported other controversial, nonjudicial confirmations such as Lani Guinier to be Assistant Attorney General for the Civil Rights Division of the Justice Department and the subsequent nomination of Bill Lann Lee for the same position. I was willing to cross party lines and support the nominees of the Democratic President. Now, I believe the Republican caucus is correct. In order to determine which caucus is to prevail, I believe the American people are going to have to be informed as to what is going on. It is a picture, which I submit requires correction.

Comparing the statistics on the confirmation of President Clinton's nominees versus President Bush's nominees shows a significant disparity. In the last 2 years of President Clinton's term, President Clinton was successful in confirming 15 circuit nominees and 57 district court nominees, while President Bush has been successful in confirming only 6 circuit court nominees and 34 district court nominees.

Looking at the total of 8 years, there is, again, a great disparity. In President Clinton's 8 years, 65 circuit judges were confirmed and 305 district judges. During the full two terms up to the present time with President Bush, 57 circuit judges have been confirmed and 237 district court judges have been confirmed.

It is not just a matter of statistics, it is a matter of very substantial impact on the public, a very substantial impact on the courts, and a matter of very significant unfairness to the nominees themselves.

It is impossible with any other statistical analysis to draw any firm conclusions because the years overlap. Senator LEAHY and I have already exchanged extensive, candidly argumentative correspondence, and he has made some points, but a close analysis shows that is not the case. When he cites the confirmations in the year 2007, for example, his figures look good because 13 of the judges were held over from the preceding 109th Congress. So, if those 13 are extracted, it is not the kind of a picture that would show the statistical battle as tilting in his favor. But, I believe it goes much further than the statistics. It goes to what is happening day in and day out in the Federal courts.

There recently was extended publicity given to the *Exxon Valdez* case. The situation first arose in 1989 when 11 million gallons of crude oil were spilled in Alaska. The district court acted on the matter in 1994. The case is just now coming to the Supreme Court of the United States, which heard argument last week. In the interim, some 8,000 plaintiffs have died.

In the text of the letter which I have sent to Senator LEAHY and which will be included in the CONGRESSIONAL RECORD, there are the designations of areas where there are judicial emergencies. "Judicial emergencies" means that there is an insufficient number of judges to handle the backlog of cases in the courts. That means the people who have gone to court to sue for damages in a personal injury case or to sue for defective automobiles or to sue for negligently formulated medicines are delayed. The adage is well established in our lexicon that justice delayed is justice denied. I shall not elaborate in the limited amount of time I have on the many circuits and district courts where they face judicial emergencies because well-qualified judges have not been confirmed. Here again, I can mention only a few. But one nominee, Peter Keisler, whose nomination to the District of Columbia Circuit Court has been pending in Committee for more than 20 months, is a man who graduated magna cum laude from Yale, then graduated from Yale Law School, and was editor of the Yale Law Journal. Editorials in the Los Angeles Times and the Washington Post have called for confirmation of Mr. Keisler, calling him a "moderate conservative" and a "highly qualified nominee" who "certainly warrants confirmation."

Robert Conrad, nominated to the Fourth Circuit, is nominated to fill a judicial emergency and has been pending over 220 days. He is rated unanimously well qualified and graduated magna cum laude from Clemson University. An editorial in the Charlotte Observer stated it is "outrageous" that the Judiciary Committee has not held a hearing on Judge Conrad, calling him a "well-qualified judge who only 3 years ago received unanimous Senate confirmation," and who "was appointed by Democratic Attorney General Janet Reno to head the Justice Department's Campaign Task Force." He is a former prosecutor and distinguished district court judge who was picked by the Attorney General of the opposite party to head a very important campaign finance task force.

Nominee Rod Rosenstein for the Fourth Circuit has been pending for over 100 days. The American Bar Association rated him unanimously well qualified. He graduated from the University of Pennsylvania, summa cum laude and Harvard Law School, cum laude. Two editorials in The Washington Post urged Senate confirmation of Mr. Rosenstein, and one stated:

> "Blocking Mr. Rosenstein's confirmation hearing would elevate ideology and ego above substance and merit, and it would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship."

I think that statement by The Washington Post is as good a characterization as you can find. The conduct of the Senate today is elevating ideology and ego above substance. So I would urge my colleagues on the other side of the aisle to extend their hands across the aisle, as I did on so many occasions during President Clinton's tenure in office. How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes.

Mr. SPECTER. Eight minutes?

The ACTING PRESIDENT pro tempore. There is 7 minutes 58 seconds remaining.

Mr. SPECTER. I thank the Chair. The current presidential race provides the Senate with a unique opportunity to come to grips with the confirmation process of Federal judges and to make some very fundamental commitments and very fundamental changes to our process.

We are in the midst of a Presidential campaign, and I think it is fair to say the outcome is uncertain. It has fluctuated tremendously on both nomination pictures. But, this is a time, with the outcome uncertain, when neither side of the aisle would know who will gain an advantage; we would not know whose ox was being gored. It is a time, starting in the next Congress—if we can't act now, and my fundamental plea is that we act at the present time—we ought not to wait 11 months, until January 20, 2009. This is a unique time to tackle the problem for the future.

On April 1, 2004, I offered S. Res. 327, and I now offer the substance of that resolution again. The whereas clauses of the resolution recited a distressing array of facts similar to what we have at the present time, with filibusters by the Democrats and with the retaliatory prospect of changing the filibuster rule. The resolution called for establishing a timetable for hearings of nominees for district courts and courts of appeal and the Supreme Court to occur within 30 days after the names of such nominees have been submitted to the Senate by the President and then to establish a timetable for action by the full committee within 30 days after the hearings and for reporting out nominees to the full Senate. And then to have a timetable for the full Senate to act within 90 days, with a provision for reasonable extension of times, upon agreement of the chairman of the Judiciary Committee and the ranking member or the majority leader and the minority leader to extend the time.

This resolution would establish procedures which would guarantee that the confirmation of judges would go back to the good old days, where you took a look at the person's academic credentials, you took a look at the person's professional background, you interviewed the individual, you had an FBI background check, and the person didn't have to pass some ideological purity test. Or, the individual did not have to pass a test such as what Judge Southwick was subjected to on this floor for months and months and months.

It was particularly egregious in the case of Judge Southwick. Judge Southwick was a distinguished Mississippi State appellate court judge. He was nominated for the Fifth Circuit, and he had an extraordinary record, more than 10 years on the State court bench—more than 70 opinions. Objections were raised to two lines in two concurring opinions. Judge Southwick left the bench and went to Iraq and served for months in the Judge Advocate General's Corps. He was interviewed by many people of the Senate, and his confirmation hung on a thread until a courageous Senator from the other side of the aisle crossed party lines and led the way to get a few votes from the Democrats.

You don't have to be a profile in courage to support a judge such as Judge Southwick, and you don't have to be a profile in courage to support a nominee such as Rod Rosenstein or Peter Keisler or Robert Conrad or the others who were enumerated in my letter—some 10 circuit court judges and 18 district court judges.

I wish to quote a very respectable authority in my concluding comment. A man who has served in the Senate since he was elected from Vermont in 1974, twice chairman of the Judiciary Committee, and this is what the distinguished Senator from Vermont, Senator LEAHY, had to say on October 5, 2000.

> This year, the Judiciary Committee reported only three nominees to the Court of Appeals all year.

This is the last year of President Clinton's administration.

> We denied a committee vote to two outstanding nominees who succeeded in getting hearings. I hope we can look again and ask ourselves objectively, without any partisanship: Can we not do better on judges?

This is Senator LEAHY. Going on.

> I quoted Governor George Bush—

He was in the campaign process at that time in the 2000 election. Senator LEAHY says:

> I quoted Governor George Bush on the floor a couple of days ago. I said I agreed with him. On nominations he said we should vote them up or down within 60 days. If you don't want the person, vote against them. The Republican Party should have no fear of that. They have the majority in this body. They could vote against them if they want, but have the vote. Either vote for them or vote against them. Don't leave people such as Helene White and Bonnie Campbell, people such as this, just hanging forever without even getting a rollcall vote. That is wrong. It is not a responsible way and besmirches the Senate, this body, that I love so much.

Senator LEAHY, you were right on October 5, 2000, and you are right on March 3, 2008.

I yield the floor.

EXHIBIT 1

WASHINGTON, DC,
*February 29, 2008.*

Hon. PATRICK J. LEAHY,
*Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.*

DEAR PATRICK: I write in the hope that you and I can work out an accommodation on the confirmation of federal judges without our respective caucuses coming to an impasse. Without going into an elaborate history on the confirmation of federal judges, the essence of the situation is that 15 circuit judges and 57 district court judges were confirmed in the last two years of President Clinton's Administration, compared to 6 circuit court and 34 district court judges for President Bush in 2007–2008. That means there must be confirmations or at least up-or-down votes on 9 additional circuit and 23 district court judges to equal President Clinton's record.

President Bush is even farther behind President Clinton in total confirmations when contrasting their entire terms, since President Clinton confirmed 65 circuit court and 305 district court judges while President Bush has so far confirmed only 57 circuit and 237 district court judges. In addition, thus far in the 110th Congress, only 5 of President Bush's circuit court nominees have been granted hearings. By this date in President Clinton's final two years in office, the Committee had held hearings for 10 circuit court nominees. Until the hearing for Ms. Catharina Haynes on February 21, 2008, we had not had a circuit court hearing since September 25, 2007, some 5 months ago.

While there have been many hotly contested issues in the Senate in recent years, the most bitter controversies have involved federal judicial nominations. In 2005, the battle over judges reached a high point, or low point, with the Republican caucus threatening to employ the "nuclear option" to combat the Democrats' filibusters. In my judgment, in the past twenty years, there has been a great deal of blame split evenly between both sides.

As the record shows, I dissented from the Republican caucus's position by casting key votes in favor of several circuit court nominees, including controversial nominees such as Judge Marsha Berzon, who was confirmed to the Ninth Circuit Court of Appeals on March 9, 2000, Judge Timothy Dyk, who was confirmed to the Federal Circuit on May 24, 2000, Judge Richard Paez, who was confirmed to the Ninth Circuit on March 9, 2000, and

Judge H. Lee Sarokin, who was confirmed to the Third Circuit on October 4, 1994. Similarly, I supported President Clinton's nomination of Judge Gerard Lynch, who was confirmed to the District Court for the Southern District of New York by a vote of 63-36 on May 24, 2000. I also supported other controversial non-judicial confirmations such as Lani Guinier to be Assistant Attorney General for the Civil Rights Division of the Justice Department and the subsequent nomination of Bill Lann Lee for the same position.

Now I believe that my caucus is correct in insisting on up-or-down votes on nominees with extraordinary records, including several who are nominated to fill seats deemed judicial emergencies. A listing of these nominees with their superb qualifications proves the point:

CIRCUIT COURT NOMINEES

Nominee: Peter D. Keisler, of MD, to the D.C. Circuit: Pending over 600 days.

Nominated: June 29, 2006 Hearing August 1, 2006; Renominated January 8, 2007.

ABA Rating: Unanimous Well Qualified.

Education: B.A., magna cum laude, Yale University, 1981; J.D., Yale Law School, 1985; Notes/Comments Editor, Yale Law Journal.

Career Highlights: Law Clerk, Judge Robert H. Bork, D.C. Circuit Court of Appeals; Law Clerk, Justice Anthony M. Kennedy, U.S. Supreme Court; Assistant Attorney General, Civil Division, Department of Justice; Acting Attorney General, United States Department of Justice (DOJ).

Editorials in the Los Angeles Times and the Washington Post have called for confirmation of Mr. Keisler calling him a "moderate conservative" and "highly qualified nominee" who "certainly warrants confirmation.

Nominee: Robert Conrad, of NC, to the 4th Circuit (Judicial Emergency); Pending over 220 days.

Nominated: July 17, 2007.

ABA Rating: Unanimous Well Qualified.

Education: B.A., magna cum laude, Clemson University, 1980; J.D., University of Virginia, 1983.

Career Highlights: U.S. Attorney, Western District of N.C.; District Judge, District Court for the Western District of N.C.; Chief Judge, Western District of N.C.

An editorial in The Charlotte Observer stated that it is "outrageous" that the Judiciary Committee has not held a hearing for Judge Conrad, calling him a "well-qualified judge who only three years ago received unanimous Senate confirmation" and who "was appointed by Democratic Attorney General Janet Reno to head the Justice Department's Campaign Finance Task Force."

Nominee: Steve A. Matthews, of SC, to the 4th Circuit; Pending over 170 days.

Nominated: September 6, 2007.

ABA Rating: Substantial Majority Qualified, Minority Not Qualified.

Education: B.A., University of South Carolina, 1977; J.D., Yale Law School, 1980.

Career Highlights: Deputy Assistant Attorney General, Civil Division, DOJ; Deputy Assistant Attorney General, Office of Legal Policy. DOJ; Managing Director, Haynsworth Sinkler Boyd, P.A.

Nominee: Catharina Haynes, of TX, to the 5th Circuit (Judicial Emergency); Pending over 220 days. Nominated: July 17, 2007; Hearing February 21, 2008. ABA Rating: Unanimous Well Qualified. Education: B.S., with highest honors, first in her class, Florida Institute of Technology, 1983; J.D., with distinction, order of the coif, Emory University School of Law. 1986.

Career Highlights: Partner, Baker Botts, LLP; Judge, State of Texas, Dallas County, 191st District Court, Dallas, TX; Partner, Baker Botts, LLP.

Nominee: Rod Rosenstein, of MD, to the 4th Circuit (Judicial Emergency); Pending over 100 days. Nominated: November 15, 2007. ABA Rating: Unanimous Well Qualified. Education: B.S., summa cum laude, University of Pennsylvania, 1986; J.D., cum laude, Harvard Law School, 1989.

Career Highlights: Law Clerk, Judge Douglas Ginsburg, D.C. Circuit; Special Assistant to the Assistant Attorney General, (Criminal Division, DOJ; Associate Independent Counsel, Office of the Independent Counsel; Principal Deputy Assistant Attorney General, Tax Division, DOJ; U.S. Attorney, U.S. Attorney's Office for the District of Maryland.

Two editorials in the Washington Post urged Senate confirmation of Mr. Rosenstein and one stated "blocking Mr. Rosenstein's confirmation hearing . . . would elevate ideology and ego above substance and merit, and it would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship."

Nominee: Stephen Murphy, of MI, to the 6th Circuit (Judicial Emergency); Pending over 1100 days. Nominated: February 17, 2005; Renominated June 28, 2006; Renominated March 19, 2007. ABA Rating: Substantial Majority Well Qualified, Minority Qualified. Education: B.S., Marquette University, 1984; J.D., St. Louis University, 1987.

Career Highlights: Assistant U.S. Attorney, U.S. Attorney's Office for the E.D. of Michigan; Attorney, General Motors; U.S. Attorney, U.S. Attorney's Office for the Eastern District of Michigan.

Nominee: Raymond Kethledge, of MI, to the 6th Circuit (Judicial Emergency); Pending over 600 days.

Nominated: June 28, 2006; Renominated March 19, 2007. ABA Rating: Substantial Majority Well Qualified, Minority Qualified. Education: B.A., University of Michigan, 1989; J.D., University of Michigan Law School, 1993.

Career Highlights: Law Clerk, Justice Anthony M. Kennedy, U.S. Supreme Court; Counsel, Senator Spencer Abraham, U.S. Senate Judiciary Committee; Partner, Bush Seyferth Kethledge & Paige.

Nominee: William Smith, of RI, to the 1st Circuit (Judicial Emergency); Pending over 80 days. Nominated: December 7, 2007. ABA Rating: Substantial Majority Well Qualified, Minority Qualified. Education: B.A., Georgetown University Law Center, 1982.

Career Highlights: Counsel/Partner, Edwards & Angell, LLP; Staff Director, Senator Lincoln Chafee; District Judge, District of Rhode Island.

Nominee: Shalom Stone, of NJ, to the 3rd Circuit (Judicial Emergency); Pending over 220 days. Nominated: July 18, 2007. ABA Rating: Substantial Majority Qualified, Minority Well Qualified. Education: B.A., magna cum laude, Yeshiva College; J.D., cum laude, New York University School of Law. Career Highlights: Associate, Sills, Cummis, Tischman, Epstein & Gross; Member, Walder Hayden & Brogan, P.A.

Nominee: Gene Pratter, of PA, to the 3rd Circuit; Pending over 100 days. Nominated: November 15, 2007. ABA Rating: Unanimous Well Qualified. Education: A.B., Stanford University, 1971; J.D., University of Pennsylvania Law School, 1975.

Career Highlights: Partner, Duane Morris, LLP, District Judge, Eastern District of Pennsylvania.

DISTRICT COURT NOMINEES

Nominee: Thomas A. Farr, of NC, to the Eastern District of North Carolina (Judicial Emergency). Nominated: December 7, 2006. ABA Rating: Unanimous Well Qualified. Education: B.A., summa cum laude, co-salutatorian, Hillsdale College, 1976; J.D., Emory University School of Law, 1979; L.L.M., Georgetown University School of Law, 1982.

Career Highlights: Counsel, U.S. Senate Committee on Labor and Human Resources; Staff Attorney, Office of Personnel Management; Law Clerk, Judge Frank W. Bullock, Jr., U.S. District Court for the M.D. of NC; Adjunct Professor, Campbell University School of Law.

Nominee: James R. Hall, to the Southern District of Georgia (Judicial Emergency).

Nominated: March 19, 2007; Hearing Feb. 12, 2008; Scheduled for markup Feb. 28, 2008.

ABA Rating: Substantial Majority Well Qualified, Minority Qualified.

Education: B.A., Augusta College, 1979; J.D., University of Georgia Law School, 1982.

Career Highlights: Partner, Avrett & Hall; Corporate Vice President & General Counsel, Bankers First Corporation; 22nd District State Senator, Georgia State Senate; Partner, Warrick, Tritt, Stebbins & Hall.

Nominee: Gustavus Adolphus Puryear, of TN, to the Middle District of Tennessee.

Nominated: June 13, 2007; Hearing February 12, 2008.

ABA Rating: Unanimously Qualified.

Education: B.A., with highest honors, Emory University, 1990; J.D., with honors, University of North Carolina School of Law, 1993.

Career Highlights: Law Clerk, Judge Rhesa Hawkins Barksdale, Court of Appeals for the 5th Cir.; Legislative Director, Office of U.S. Senator Bill Frist; Executive VP, General Counsel & Secretary, Corrections Corporation of America.

Nominee: Brian Stacy Miller, of AR, to the Eastern District of Arkansas.

Nominated: October 16, 2007; Hearing February 12, 2008; Markup February 28, 2008.

ABA Rating: Unanimously Well Qualified.

Education: B.S., with honors, University of Central Arkansas, 1992; J.D., Vanderbilt Law School, 1995.

Career Highlights: Deputy Prosecuting Attorney, Arkansas Prosecuting Attorney's Office; Judge, Arkansas Court of Appeals (current).

Nominee: John A. Mendez, of CA, to the Eastern District of California (Judicial Emergency).

Nominated: Sept. 6, 2007; Hearing February 21, 2008.

ABA Rating: Substantial majority Well Qualified, minority Qualified.

Education: B.A., with distinction, Stanford University, 1977; J.D., Harvard Law School, 1980.

Career Highlights: United States Attorney, United States Attorney's Office for the N.D. of CA; Shareholder, Somach, Simmons & Dunn; Judge, Sacramento County Superior Court.

Nominee: Richard H. Honaker, of WY, to the District of Wyoming.

Nominated: June 29, 2006; Hearing February 12, 2008.

ABA Rating: Unanimous Well Qualified.

Education: B.A., Harvard College, cum laude, 1973; J.D., University of Wyoming College of Law, John J. Bugas Scholarship, 1976.

Career Highlights: State Public Defender, State of Wyoming; Member, Wyoming House of Representatives, 1987–1993; Partner, Honaker, Hampton & Newman.

Nominee: Lincoln D. Almond, of RI, to the District of Rhode Island.

Nominated: November 15, 2007.

ABA Rating: Unanimous Well Qualified.

Education: B.S., University of Rhode Island, 1985; J.D., with High Honors, University of Connecticut School of Law, 1988; Notes/Comments Editor, Connecticut Law Review.

Career Highlights: Law Clerk, Judge Peter C. Dorsey, District Court for the District of Connecticut; Partner, Edwards & Angell, LLP; Magistrate Judge, U.S. District Court for the District of Rhode Island.

Nominee: Mark S. Davis, of VA, to the Eastern District of Virginia.

Nominated: November 15, 2007.

ABA Rating: Unanimous Well Qualified.

Education: B.A., University of Virginia, 1984; J.D., Washington and Lee University School of Law, 1988.

Career Highlights: Law Clerk, Judge John A. MacKenzie, U.S. District Court for the E.D. of VA; Partner, McGuire Woods LLP; Partner, Carr & Porter, LLC; State Court Judge, Third Judicial Circuit of Virginia.

Nominee: David J. Novak, of VA, to the Eastern District of Virginia.

Nominated: November 15, 2007.

ABA Rating: Substantial Majority Well Qualified, Minority Qualified.

Education: B.S., magna cum laude, St. Vincent College, 1983; J.D., Villanova University Law School, 1986.

Career Highlights: Assistant District Attorney; Philadelphia District Attorney's Office; Trial Attorney, Criminal Division, DOJ; Assistant U.S. Attorney, U.S. Attorney's Office for the S.D. of Texas; Assistant U.S. Attorney, U.S. Attorney's Office for the E.D. of Virginia.

Nominee: William J. Powell, of WV, to the Northern District of West Virginia.

Nominated: May 24, 2007.

ABA Rating: Substantial Majority Well Qualified, Minority qualified, 1 abstention.

Education: B.A., magna cum laude, Salem College, 1982; J.D., West Virginia College of Law, 1985.

Career Highlights: Assistant United States Attorney, Southern District of WV; Member, Jackson Kelly, PLLC.

Nominee: David R. Dugas, of LA, to the Middle District of Louisiana.

Nominated: March 19, 2007.

ABA Rating: Unanimously Well Qualified.

Education: Cadet, United States Air Force Academy, 1973; J.D., Louisiana State University Law Center, 1978.

Career Highlights: Partner, Caffery, Oubre, Dugas & Campbell, L.L.P.; United States Attorney, Middle District of Louisiana (current); Exec. Director, Hurricane Katrina Fraud Task Force Joint Command Center.

Nominee: Stephen N. Limbaugh Jr., of MO, to the Eastern District of Missouri.

Nominated: December 6, 2007.

ABA Rating: Unanimously Well Qualified.

Education: B.A., Southern Methodist University, 1973; J.D., Southern Methodist University School of Law, 1976; Master of Laws in the Judicial Process, UVA School of Law, 1998.

Career Highlights: Circuit Judge: 32nd Judicial Circuit of Missouri; Supreme Court Judge, Supreme Court of Missouri; Chief Justice, Supreme Court of Missouri.

Nominee: David Gregory Kays, of MO, to the Western District of Missouri.

Nominated: Nov. 15, 2007.

ABA Rating: Substantial Majority Qualified/Minority Not Qualified.

Education: B.S., Southwest Missouri State University, 1985; J.D., University of Arkansas School of Law, 1988.

Career Highlights: Prosecutor, Laclede County Prosecuting Attorney's Office; Associate Circuit Judge, Laclede County Circuit Court; Presiding Circuit Court Judge, Twenty-Sixth Judicial District.

Nominee: James Edward Rogan, of CA, to the Central District of California (Judicial Emergency).

Nominated: January 9, 2007.

ABA Rating: Substantial Majority Well Qualified/Minority Qualified.

Education: B.A., University of California at Berkeley, 1979; J.D., University of California Los Angeles School of Law, 1983.

Career Highlights: Deputy District Attorney, Los Angeles County District Attorney's Office; Judge, Glendale Municipal Court; Member, California State Assembly; Member, United States House of Representatives; Judge, California Superior Court.

Nominee: William T. Lawrence, of IN, to the Southern District of Indiana (Judicial Emergency).

Nominated: February 15, 2008.

ABA Rating: Not yet rated.

Education: B.A., Indiana University, 1970; J.D., Indiana University School of Law-Indianapolis, 1973.

Career Highlights: Public Defender (Part-time), Marion County Superior Court, Criminal Division; Master Commissioner (part-time), Marion County Circuit Court; Judge, Marion County Circuit Court; Magistrate Judge, District Court for the Southern District of Indiana (current).

Nominee: G. Murray Snow, of AZ, to the District of Arizona.

Nominated: Dec. 11, 2007.

ABA Rating: Not yet rated.

Education: B.A., magna cum laude, Brigham Young University, 1984; J.D., magna cum laude, J. Reuben Clark Law School, Brigham Young University, 1987.

Career Highlights: Law Clerk, Judge Stephen H. Anderson, Tenth Circuit Court of Appeals; Member, Meyer, Hendricks, Victor, Osborn & Maledon, P.A.; Judge, Arizona Court of Appeals.

Nominee: Glenn T. Suddaby, of NY, to the Northern District of New York.

Nominated: December 11, 2007.

ABA Rating: Not yet rated.

Education: B.A., State University of New York at Plattsburgh, 1980; J.D., Syracuse University College of Law, 1985.

Career Highlights: Assistant District Attorney, Onondaga County District Attorney's Office; First Chief Assist, District Attorney, Onondaga County Dist. Attorney's Office; United States Attorney, Northern District of New York.

Nominee: Colm Connolly, of DE, to the District of Delaware.

Nominated: February 26, 2008.

ABA Rating: Not yet rated.

Education: B.A., University of Notre Dame; M.Sc., London School of Economics; J.D., Duke University Law School.

Career Highlights: Law Clerk, Judge Walter Stapleton, Third Circuit Court of Appeals; Assistant U.S. Attorney, U.S. Attorney's Office for the District of Delaware; U.S. Attorney, U.S. Attorney's Office for the District of Delaware.

It is my hope that we can work together to ensure that all of these nominees receive timely hearings and prompt votes in the Committee.

In light of my extensive consultation with you in scheduling the hearings for Chief Justice Roberts and Justice Alito, as well as our collaboration on numerous other Committee hearings, I was surprised when you scheduled a hearing for Judge Catharina Haynes on February 21st during the recess. I know you offered to postpone that hearing for a relatively brief period of time, but a formal, written request for a postponement would only have provided more grist for the argument mill on these issues. I was prepared to cancel my previously scheduled work in Pennsylvania to attend the Haynes hearing until Senator John Warner, who was in Washington, agreed to attend.

Given the uncertainty of who the next President will be, now would be a good time to change the confirmation process to guarantee prompt action on nominees with up-or-down votes. I again urge you to work for me to establish a schedule for prompt consideration of all currently pending judicial nominees and ensure they receive up-or-down votes in Committee and on the Senate floor. I have shared this letter with the other Republican members of the Committee.

Sincerely,

ARLEN SPECTER.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, I wish to commend the ranking member of the Judiciary Committee for his comments, which I first watched from my office and then came to the floor.

I can recall, and I believe the Senator from Pennsylvania mentioned this, the Berzon and Paez nominations at the end of the Clinton administration, where there was a lot of discontent on the Republican side of the aisle—strong feeling that these nominees were ideologically unacceptable. I remember then-majority leader in the Senate, Senator Lott, saying: We don't want to set the precedent that the ideological leanings of these nominees will deny them an up-or-down vote.

I, similar to Senator SPECTER and Senator Lott, voted for cloture on those nominations, not to kill them but to move them forward. It was a very important decision on the part of then-Majority Leader Lott to prevent, to the maximum extent possible, the kind of meltdown that seems to have occurred in this Congress to which Senator SPECTER was referring.

At the beginning of this Congress, the majority leader, Senator REID, and I discussed the need for the Senate to have a fair, less-contentious confirmation process. To his credit, I think that is his view and his goal. We have made some progress on circuit court nominations last year. We didn't match President Clinton's number from the first session of his last Congress, but we came close. Now, we had one notable bump along the way and Senator SPECTER referred to that and that was the nomination of Judge Leslie Southwick. But we were able to get him through, thanks to, as Senator SPECTER pointed out, the courageous decision on the part of particularly one Senator on the other side. It was good for the institution that we did that.

Unfortunately, the prospect of turning the page on judicial nominations, a goal which I think all but the hardiest partisans share, has taken a wrong turn. Despite the best efforts of Senator SPECTER and others, progress has all but ground to a halt. There have been no—I repeat, no—judicial confirmations so far this year—not one. There has been only one hearing on a circuit court nominee since September of last year.

Let me say that again. So far this year, the second session of the 110th Congress, not a single judicial confirmation—not one. With regard to circuit court nominees, only one hearing since September of last year.

It is puzzling why progress has almost totally stopped. Some like to blame the President, but as the ranking member, Senator SPECTER, has noted, there are several circuit court nominees who have been pending for hundreds of days who have yet to receive a simple hearing—a hearing—let alone a committee or floor vote. In addition, many of these nominees satisfy most or all the chairman's specific criteria for prompt consideration. They have strong home State support—check the box on that—they fill judicial emergencies, and they have good or outstanding ABA ratings.

All these nominees Senator SPECTER referred to meet all those criteria. So it is puzzling why it is taking so long to move them. I hope the committee is not slow-walking these nominees based upon decade-old grievances, both real and imagined. That might be emotionally satisfying, but it will set a precedent that will serve us ill, regardless of who is in the White House and which party controls the Senate next year.

So I would hope our Democratic colleagues resist the desire by some to drag us into the judicial confirmation brinkmanship and establish a precedent they will regret. I hope they will treat these nominees fairly, before it is too late.

Again, I wish to particularly commend Senator SPECTER, our Republican leader on the Judiciary Committee, for pointing this out. He has excellent credentials to make this point because he made similar arguments when there was a Republican Senate and a Democratic President when he felt Members on our side of the aisle were being dilatory in providing fair consideration.

We know what the standard is. Each of the last three Presidents have ended their tenures in office with the opposite party in control of the Senate. We know that.

We know that the average number of circuit court judges appointed in the last 2 years of each of these three Presidents, when the opposite party controlled the Senate, was 17. We know the low end of that was President Clinton with 15. Right now, we have six. Even meeting the low threshold of President Clinton is a long way away.

Senator SPECTER has pointed out a way to meet that standard by reporting out of committee and confirming people who meet all of the criteria that have been specified by the chairman of the committee.

I commend Senator SPECTER for his comments. I hope they will be heeded by people on both sides of the aisle here in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. Mr. President, what is our status right now on the floor? Are we still in morning business?

The ACTING PRESIDENT pro tempore. We are still in morning business.

Mr. PRYOR. Do we have any time remaining in morning business?

The ACTING PRESIDENT pro tempore. The majority has 6 minutes 52 seconds.

Mr. PRYOR. I ask unanimous consent to yield back that time.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Morning business is closed.

## CPSC REFORM ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2663, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to consider Calendar No. 582, S. 2636, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5:30 p.m. shall be equally divided between the two leaders or their designees.

Mr. PRYOR. Mr. President, this is a historic day for the Senate because we have the opportunity, starting today, to consider the Consumer Product Safety Commission Reauthorization Act.

What I would like to do, if I may, is, when Senator STEVENS of Alaska comes—apparently he has an urgent, pressing need, and he cannot stay for what would have normally been his allotted time. I would like to allow him to use his time—I think it is about 10 minutes or so—to speak, and we will cross that bridge when he walks in.

For most Americans, when they hear the term "CPSC," they think of some sort of alphabet-soup Federal agency. They do not really understand what it does, why it exists, or why it is important.

In fact, I had that same reaction back when I was the attorney general of my State. I was out playing in my front yard with my kids, and my kids had some toys, and they were called Star Wars Lightsabers. They are like flashlights, but they look like a lightsaber. They were out there playing around, and one of my neighbors came up and said: Wait a minute, I think those have been recalled. Well, I did not know whether they had been recalled. She did not know for sure. I asked her, and she said: Well, I think I saw something on television about that, but I am not sure.

Well, one thing led to another. It was very hard for me to figure out whether my children's toys had been recalled. So through a process at the State Attorney General's Office in Arkansas, we established a Web site called childproductsafety.com, which had the goal of making it easier for parents like me and grandparents to go to one Web site and find all the recalled children's products that are out there. All we really did was link to the CPSC Web site. But that gave me my first experience with working with the CPSC, and it was through that process that I began to understand how important they are and why we need a very strong and capable Consumer Product Safety Commission.

To reinforce this, last year I became the chair of the Subcommittee on Consumer Affairs as part of the Commerce Committee. When I looked at all of the various consumer issues—and there are many we can focus on—I decided that the subcommittee's top priority should be to reauthorize the CPSC. The reason I did that is because in 2006 we had seen a record number of recalls. We began working on this, and we realized that because of the changes in the marketplace, because the U.S. marketplace had changed a lot because of imports—and a lot of other changes going on in the marketplace—we realized the Consumer Product Safety Commission had not kept up with the times. So we made a concerted effort to get the Consumer Product Safety Commission reauthorized.

We started that about a year ago, had a few hearings, and then, over the summer of last year, we began to see the toy recalls. I may have it wrong, but I think it was the Chicago Tribune which had the first story. But after that, a series of national news stories came out—television, radio, newspaper, and other media like the Internet and news magazines—to talk about the record number of toy recalls from last year.

In fact, if you look at the Consumer Product Safety Commission, every year they think there are about 28,200 deaths and about 33.6 million injuries from the products the CPSC overseas. They oversee 15,000 types of products. So when you see big numbers such as this, you have to understand that these numbers cover almost every product in the American marketplace, with a few exceptions. There are a few things in the automotive world and a few other things that it does not cover, but by and large, consumer products are covered by the Consumer Product Safety Commission.

We saw this again last year. We saw a record number of recalls. We thought 2006 was a bad year, but 2007 was even worse. What we are seeing now is we are seeing an escalating effect. We are seeing more and more products being recalled all the time.

So let me give a very quick background, again, for a lot of the staffers watching in their offices and for the Senators who have not yet made up their mind on how they are going to approach this Consumer Product Safety Commission legislation and maybe some amendments. Let me give a few minutes of background to talk about why we are here today and what role the CPSC plays and why it is so important to Americans all over this great country.

First, let me say that the CPSC was established in the 1970s. They have done a good job. In fact, I wish to praise the employees at CPSC, because what you have seen in the last few years is a dwindling budget. It has either been flatlined or they have had cuts. You have seen the staff there shrink over time.

Let me give you the CPSC overview that they have on their Web site. It says:

> The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. Deaths, injuries, and property damage from consumer product incidents cost the Nation more than $800 billion annually.

Let me read that again for those folks who are watching in their offices here.

> Deaths, injuries, and property damage from consumer product incidents cost the Nation more than $800 billion annually. The CPSC is committed to protecting consumers and families from products that pose fire, electrical, chemical, or mechanical hazard or could injure children. The CPSC's work to ensure the safety of consumer products, such as toys, cribs, power tools, cigarette lighters, and household chemicals. . . .

Et cetera, et cetera.

The CPSC is a very important agency, and it is one that, unfortunately, Congress and the White House over the last several years have neglected. It is very important that we reauthorize the Consumer Product Safety Commission. It is long overdue and has not been done since 1990 in a major way. There was a little reauthorization in 1992, but this is 18 years in the making. And we have seen a lot of changes in the American marketplace in the last 18 years.

Another thing I would like to mention is the personnel at the CPSC. When the CPSC was in its early days in 1977, they had 900 employees, full-time employees, at the CPSC. Today, they have 420. So this agency is less than half the size it used to be. That is a problem. Again, especially considering the changes in the marketplace, that is a serious problem. But the approach taken in our legislation, S. 2663, is not just to throw money or to throw people at a problem but actually to restructure the agency and retool the agency so it can be smarter and more effective from top to bottom.

One of the problems, one of the challenges we have with the CPSC right now is the matter of a quorum. Back in the old days, back in the 1970s when the CPSC was set up, there were five Commissioners. Somewhere along the line, that got changed to three Commissioners. Today, there are only two Commissioners at the CPSC—only two Commissioners—and they have a statute that says that after a certain time, they cannot function with two Commissioners. So last year, we had to get a provision added to the law to allow them to function with just two Commissioners. This bill contains that same provision, but also I think this bill makes a very important change; that is, it returns the CPSC to the five-member Commission it used to be.

Why is that important? Think about the number of products this Commission oversees. In some ways, I think it is a little bit like the Federal Trade Commission or the Federal Communications Commission or some of these other Commissions that have a lot of jurisdiction. What it is, when you have five members, they are able to generally specialize in various areas. When you talk to Commissioners on those other Commissions, they think that is very important. And when I have talked to former CPSC Commissioners, they think it is doing a great disservice to the country to only have three Commissioners. When you only have three, everyone has to be a generalist and you do not have enough manpower to specialize in everything.

One of the things this bill does is fix that problem. It fixes the immediate quorum problem until the full five Commissioners of the CPSC can be reappointed, but it also fixes the long-term problem of having three Commissioners versus five Commissioners.

The next thing I wanted to mention is there is, in our bill, in section 10, a very important provision that is a major innovation and a major improvement over existing law, and that is third-party certification for children's products. In other words, if this law passes, we are going to set up the situation where children's products will have to be certified by a third party. This is something which has worked in other contexts—that is, generally speaking, most industries. I am not saying every single company, but most like this innovation.

The goal here is to keep these dangerous products off our shores if they are made overseas and certainly keep them off our shelves by preventing any need for recall in the first place. If you have third-party certification, you would hope you would see fewer and fewer recalls over time.

I see my colleague from Alaska has walked in, and as I understand it, he has some constraints on his schedule today. So I will be glad to sit down and hear from him.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. I thank Senator PRYOR very much. I am involved in a series of classified briefings with Senator INOUYE, but I did want to make these comments.

Mr. President, this measure provides greatly needed resources and improved enforcement authority for the Consumer Product Safety Commission. And this bill has come a long way throughout this whole process. I thank Senators PRYOR and INOUYE for allowing me to work so closely with them to negotiate this bill. I consider it to be a solid and fair compromise position.

One of the favorite parts, I believe, of being a Senator is when we have a chance to improve the lives of children. This bill contains several important provisions to improve toy safety. When a child unwraps a gift on his or her birthday, the surprise should be what the toy is, not whether the toy is unsafe. It should not have dangerous substances or unsafe parts. Under this bill, children's products would require certification that they meet all applicable safety standards. Also, the testing and certification process would be strengthened to ensure the integrity of the testing.

Today, toys are not purchased the way they used to be. E-commerce allows Alaskans and many people throughout rural States the opportunity to find many products that are not on the shelves in rural towns. But it can be difficult for a parent to judge a product based on the manufacturer's description or photo of a child's toy. This bill would mandate that all Internet Web sites are labeled so that consumers are informed of any choking hazards or toys that are not suitable for children under 3 years of age.

There is another provision that has been included at my request, that I think is very important to my home state of Alaska, and also to the millions of Americans who use all-terrain vehicles, ATVs, every day for work and recreation. With the popularity of the ATVs, many domestic and foreign manufacturers are producing more of these vehicles in an effort to meet increased consumer demand, and many of the new market entrants are from China or Taiwan. The ATV provision in the bill would require all persons who market and sell ATVs in the United States to meet the same stringent safety requirements that are currently followed by major ATV manufacturers producing in the United States. The provisions also would preserve the authority of the CPSC to establish additional mandatory ATV safety rules through the normal rulemaking process.

I thank my colleague, Senator PRYOR, and our chairman, Senator INOUYE, for working so diligently on this legislation. It has been a privilege to work with them to craft a piece of legislation that will help protect the public from dangerous products and return consumer confidence in the marketplace. I look forward to working with them in the Senate to try to get this bill to conference with the House, so we can send it to the President. This is a needed bill.

I have called the attention of the Senate to the ATV problem several times previously this session. I am happy this provision is included in the bill.

I thank my colleagues.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Arkansas.

Mr. PRYOR. Mr. President, again, I want to give a special thanks to Senator STEVENS because he really has helped make this bill bipartisan and make it possible that we could actually pass this bill, hopefully, this week. So, I say to Senator STEVENS, thank you for all that you have done to make this legislation better.

Let me get back, if I may, to the bill itself. What I am trying to do, a lot of it is for the staff, or folks who are watching in their offices, and people around the country so they can understand what we are trying to accomplish. I want to run through the provisions of this bill. It is rather lengthy, but I will try to give an abbreviated, highlighted reel of what is in this bill.

A few moments ago we talked about third party verification for toys. This toy, the Thomas and Friends Railway Toys, in some ways became almost a poster child for the problem. It had lead. These are toys designed specifically for young children, little toddlers, and little kids. You know how children do. They put things in their mouths or scratch on them or crawl all over them. No telling where they end up. The fact that you see lead in so many toys today is a great concern.

We are trying to fix that. I mentioned one of the major innovations of this legislation is the third party certification. The other thing we want to do is put tracking label information on the toys. We have all been there. As parents we have had dolls or whatever the case may be. We like the doll; the doll is passed down from one child to another, maybe from a grandparent, a neighbor, who knows what it may be. But there is really no identifying information on that doll. So this bill makes sure that as practical as it can be, we are going to put that identifying information on it.

I mentioned the Star Wars lightsabers a few moments ago. You can go on the Internet right now or to a toy store, and there are probably 10 or 20 different varieties of those lightsabers. So if they did a recall, it is important that there is something on there, some batch number or some ID number that parents and grandparents can know and, in fact, daycare can know when those toys should be taken away from their children.

Another major improvement is the corrective action plans. Some people might call these voluntary recalls. Sometimes they do end up in voluntary recalls—not always. But the importance of the corrective action plan is that as it stands today, basically under current law—I believe it is fair to say—it is up to the manufacturer to come up with a plan. Under this bill, if this bill were to pass and become law, that shifts, and it means the Consumer Product Safety Commission lays out the parameters of that action plan. That is a very important shift in responsibility.

Believe it or not, with a lot of these products that come onto our shores today, we have no idea who makes them. Right now it is not clear whether the CPSC even has the authority to ask the question about who actually makes the product, in many cases a toy. This bill fixes that. We also go through a long list of prohibitive acts. Some of those are just clarifications. Sometimes we make it clear in the law that it is unlawful to sell or distribute a product that has been recalled. Right now there is no law on the books that says it is unlawful to do that. It clarifies that. We go through a long list of things that you can't do. For example, you can't take a recall product and dump it on Third World markets. You can't take a recall product and send it over to Dollar Stores. You can't just willy-nilly go out and sell it on the Internet.

We have a list of prohibited acts. These are commonsense acts. These are acts that will save lives if this law is implemented.

We also enhance the penalties over what they are today. Again, the penalty section is a little complicated. Under current law, our fix therefore is a little bit complicated. I don't want to spend a lot of time on it today. But the committee bill actually had a $100 million civil penalty. We have chopped that down now with a bipartisan compromise to $10 million, plus an additional $10 million if there are aggravated circumstances. We doubt that will be triggered very often, but we think it is important for the CPSC to have that added ability to enhance that penalty, to go after the really egregious behavior, maybe repeat offenders, maybe people who are just absolutely thumbing their nose at U.S. law.

Sharing information with Federal, State, local, and foreign governments is very important. Again, we believe the information sharing is good. We have talked about stove piping when it comes to intelligence, when it comes to homeland security, when it comes to DOD. We have talked about the stove piping and how unhelpful that can be. We feel the same way about this type of information. We need to share this information and make it available to State governments, local governments, foreign governments, et cetera.

We also have a financial responsibility provision in this law. Again, this is a big improvement over current law. What we do with financial responsibility is under certain circumstances a company may have to have an escrow where they put certain dollars in or they have proof of insurance or they provide some sort of security. Again, I don't think the CPSC will require that all the time, but we give them that authority because right now they don't have it.

We also are asking the GAO to do a study and get back to Congress about injuries to minority children. There is anecdotal evidence that these defective and unsafe products disproportionately harm minority children. We don't have the facts to know that for sure, but there is some anecdotal evidence to that effect. We want to make sure GAO takes a good look at that and lets us know.

There are a lot of other miscellaneous provisions in here. I will not spend too much time on these, but there is a provision about child resistant portable gasoline containers. We have seen this problem all over the country for a long time. There is not a national standard. Most people are surprised to know that. We want to have one standard that is a good standard, and this bill takes care of that. We want a toy safety standard. There is not even a toy safety standard on the books. There is one in the private sector that industry has agreed to. We want to codify it. We want to make sure we have a strong toy safety standard.

All-terrain vehicles, Senator STEVENS mentioned something he has been working on a long time, and so have I, as part of the Commerce Committee. There is a garage door standard. Right now almost all garage doors—it is not required in most States—have two mechanisms for safety. One is like a laser beam mechanism, and the other is a motor; that if it feels too much pressure, it will stop or go back up. That is not required. We want to make sure on the Federal level all the new garage doors have those two safety mechanisms because we believe that will save lives.

I can go through a lot of other issues with regard to this legislation. Let me cover three of the issues that have been somewhat controversial. I want everybody to hear what I am saying about these controversial issues because we have found common ground. We have found the commonsense solution to some issues that had been very controversial and very negatively received as this bill came out of committee, but we have made major changes to these three areas.

First is the database. The goal is to have more transparency in the system. I will talk about this in the upcoming days. But we are trying to fix a real-life problem that has caused a lot of injuries. That is, there are many examples of when a product is dangerous, and that product is being sold in stores, people are buying it, people are using it, but the CPSC is in negotiations or discussions with the company, that product has been identified as dangerous, but the public doesn't know about it. We are trying to provide the transparency. The public has a right to know. So we have been working on this for a year. We have come up with this database idea. We have put a lot of parameters around it. If it is not true information or not accurate, it can be pulled off, and the companies are able to list an explanation. We don't identify the people, so you would not be able to use this, for example, where trial lawyers could go out and troll around and find new plaintiffs. We have tried to build in safeguards around this to take the objections away. But at the end of the day, if someone has a better idea on how to increase this transparency, we would love to hear about it. So far the best thing we have been able to come up with is this database.

The second controversial provision—and it was very controversial when it came out of committee—is this State attorneys general provision. I am a former State attorney general, so the AG provision is not going to cause me as much heartburn because I have lived through that for 4 years. I know how the State AGs work, and I know how diligent and careful they are. They have to manage their resources as well. But we have done two major things to the provision that came out of the committee.

First, we make sure—and we write it into the statute. We make sure the State attorneys general have to follow what the CPSC does. They can't get out in front of the CPSC. We are not going to have 51 different standards out there. They follow what the CPSC does. We made that very clear in the statute. The second thing is, we limited the State AGs to injunctive relief only.

So the situation that would be the most common would be that the CPSC does a recall, 6 months later in a State, whatever State it may be, they notice these recall products start to end up in the Dollar Store. Well, the CPSC has moved on. They are working on other things now. They don't have the resources or the time to deal with that. But the State might. If it is important enough for a State AG, he can get an injunction and make sure those products come off the shelf. These are products already identified as dangerous. We are not letting the States get out in front of the CPSC on this issue. They are following the CPSC. It is limited only to injunctive relief. We believe we have found the balance there.

The last thing I want to talk about in terms of the controversial parts of this legislation that have changed substantially since we have come out of committee is the whistleblower provision. The goal is to make sure people are not punished for doing the right thing. If an employee finds something his company is doing and he actually tells the CPSC about it and he later gets fired, we want to make sure he has some whistleblower protections such as in other areas of Federal law. We took this provision from a transportation act, the STAA, that the Senate passed not too long ago. So it is based on existing law. We have some statistics on how it should really work. So I want to encourage my colleagues to look at that.

Mr. President, how am I doing on time?

The PRESIDING OFFICER. The Senator has 28 minutes remaining.

Mr. PRYOR. OK. Mr. President, let me speak just for another couple minutes. I see a couple colleagues coming in the Chamber to talk.

There has been a little bit of discussion about the House bill. Again, I want to thank our House colleagues for working hard down the hall here in getting a bipartisan bill. We have a bipartisan bill. But I think there are three fundamental differences between their bill and our bill.

One, our bill has more transparency. I think that is good. I think that is something we, the Senate, should insist on.

Second, our bill has more enforcement. We are able to get these products off shelves quicker and able to make sure they stay off shelves more so than the House bill.

Third, our bill is more comprehensive reform. I have gone through a long list of items on how our bill has a lot of comprehensive reform in it.

I think our bill should stand. I understand there are some people who might be interested in looking at the House bill and some of those provisions, but I think when you lay them down side by side you will see the Senate bill is stronger because it is more transparent, there is more enforcement, and it is more comprehensive.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question?

Mr. PRYOR. Mr. President, I will be glad to yield.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the great Senator from Arkansas for his leadership on this issue and handling the whole package having to do with the Consumer Product Safety Commission. He is the chairman of that subcommittee in the Commerce Committee. He has done an excellent job. He has crafted together all the ideas.

The one little idea this Senator contributed is the requirement of independent testing of the products when they come out of these foreign countries because of the experience we had with China in which they had all these tainted toys that were coming in and hurting our children because they did not have any independent testing. It was like the fox guarding the hen house. You cannot put a fox in there and know that the hens are going to be safe unless you have someone who is independent to see that those items that are coming from another country are, in fact, safe.

I thank the Senator for the leadership he has given us and reaching out and melding a number of these ideas: the increased staff, the increased spending—which the CPSC Acting Chairman even said she did not want, of all things—and the independent testing, the standards. I express my appreciation to the Senator.

Mr. PRYOR. Mr. President, I thank the Senator.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I know the Senator from Minnesota is going to speak next, but I would ask the manager of the bill if he would be willing to enter into a unanimous consent agreement where it would just sequence our statements on this bill so that I would follow the Senator from Minnesota.

Mr. PRYOR. Mr. President, I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, the Consumer Product Safety Commission Reform Act of 2007 represents some of the most sweeping reforms we have seen in consumer product safety laws in 16 years. In fact, the Wall Street Journal called it "the most significant consumer safety legislation in a generation."

I am proud to be a member of the Commerce Committee that passed this legislation under the leadership of Chairman INOUYE, Senator STEVENS, and Consumer Subcommittee Chairman PRYOR, and with the help of Senator BILL NELSON and Senator DURBIN. I thank all the Senators for their help on this bill.

I am pleased this legislation contains two key bills that I drafted. The first bans lead in children's toys, and the second makes it easier for parents to identify toys once they have been recalled.

This bill is not just a matter of implementing consumer safety laws and regulations, it is a matter of protecting consumers from harmful products. This bill is a matter of saving the lives of children. We have seen children who have died from lead paint or choking on toys. It means saving lives like that of a little boy named Jarnelle from Minnesota, who died after swallowing a charm that was 100 percent lead. That is how I got interested in this bill.

This bill is a matter of helping parents to understand toy recall procedures and making it easier to identify toys that are not safe. It is a matter of keeping consumers informed about whether products are safe and where the products are from. It is getting serious about consumer safety.

This is a good bill, a comprehensive bill, and a necessary bill. With the bipartisan help of our Senate colleagues, we can pass a meaningful consumer safety bill that gives the Consumer Product Safety Commission the tools to do their job and also sets clear and unequivocal standards for consumer products in this country.

It is clear that the current system we have in place is broken. It is broken for the most vulnerable consumers: the children in this country. It needs to be fixed.

In 2007, nearly 29 million toys and pieces of children's jewelry were recalled—29 million. They were recalled because they were found to be dangerous and, in some cases, deadly for children.

As a mother and as a former prosecutor and now as a Senator, I find it totally unacceptable that toxic toys are on our shores and in our stores. When I first got involved in this issue last June, my 12-year-old daughter was not that excited because it involved things such as SpongeBob SquarePants. But when the Barbies started to be recalled, she came into the kitchen and said: Mom, this is getting serious.

As we all know, the Consumer Product Safety Commission's last authorization expired in 1992, and its statutes have not been updated since 1990. Not surprisingly, the marketplace has changed greatly in 16 years, and this summer we saw firsthand how ill-equipped the Commission is to deal with the increased number of imports coming into this country from other countries that clearly do not have the same safety standards as our country.

Today, the Commission is a shadow of its former self, although the number of imports has tripled—tripled—in recent years. As the number of recalls is increasing by the millions, the number of Commission staff and inspectors at the Consumer Product Safety Commission has dropped by more than half. So you see a tripling of the imports while you see the Commission staff being cut in half. At the same time, you see an enormous increase in the number of recalls.

Let's look first at the number of staff. Well, it dropped by more than half, falling from a high in 1980 of 978 to 393 today. At the same time, the number of total recalls in 1980 was 681,300. In 2007, the number of toy recalls alone was over 28 million. So you go from 680,000 to 28 million at the same time you cut your staff in half. In total, the Consumer Product Safety Commission has only about 100 field investigators and compliance personnel nationwide.

This legislation we are proposing today more than doubles the Consumer Product Safety Commission's budget authorization by the year 2015.

We now know that this past year the Commission had only one official toy inspector—pictures of his office have been shown in newspapers around this country—one toy inspector to ensure the safety of $22 billion worth of toys. His name is Bob, and he just retired. This bill provides some needed help to increase the CPSC inspection, research, and regulation staff. It puts 50 more staff at U.S. ports of entry in the next 2 years to inspect toys and products coming into the country.

Not only does the bill give necessary funding and staff to the Safety Commission, but it gives the Commission the ability, by giving them more tools, to enforce the laws. I think it is shocking for most parents when they realize we never had a mandatory ban on lead. We never had a Federal mandatory ban on lead. Instead, we have a voluntary guideline for lead. It is this voluntary guideline that is clearly not being followed as it should which led us to the sad situation we are in now.

To me, the focus is simple: We need to get these toxic toys out of our children's hands—not just voluntarily, not just as a guideline, but with the force of law. As millions of toys are being pulled from store shelves for fear of lead contamination, it is time to make crystal clear that lead has no place in children's products. This bill finally gives the Consumer Product Safety Commission the enforcement mechanisms it needs to do its job.

On top of these critical improvements to the Consumer Product Safety Commission, this bill finally sets standards for lead in children's toys and establishes requirements for recalls and the labeling of toys.

As I mentioned at the outset, this past year we saw a record number of recalls of children's toys, totaling 29 million pieces of children's jewelry, toys that were choking hazards or contained deadly amounts of lead paint. This is about little kids swallowing jewelry, but it is also about teenagers chewing on jewelry while they are sitting in class—teenage girls not realizing the jewelry is full of lead.

For months now, news of recalled toys has dominated our headlines—and for parents, this news has been pretty scary.

In November 2007, more than 4 million children's craft toys called Aqua Dots were recalled because they morphed into a dangerous, dangerous date rape drug. Now, I had cases as a prosecutor involving that date rape drug. It is nothing to fool around with. Just to think that you have 4 million children with products, when these kids accidentally put them in their mouth because they are these little Aqua Dots that suddenly became a date rape drug and put these kids into a coma. At least two children slipped into comas after swallowing this dangerous toy.

Another 9 million toys were recalled last year for containing toxic levels of lead. The lead levels in these toys can lead to developmental delays, brain damage, and even death if swallowed.

As if the appalling number of recalls this past year is not bad enough, these recalls have illuminated other problems with pulling toys from the store shelves, the daycare center floor, or the drawer under a child's bed.

Except for my mother-in-law, I have to say I do not know a lot of mothers and grandmothers who keep the packaging that comes with toys. So what happens is, if you get rid of the packaging and there is a recall, you do not really know if the toy is one that should be recalled. It is very hard to tell one Thomas the Train Set from another, one SpongeBob from another, one Barbie doll from another. That is what parents have been struggling with.

So what this bill does—instead of making parents sort through the red caboose and the green car and the blond Barbie and the brunette Barbie—what it does is it puts a requirement in place that says the date stamp, the recall stamp, has to be on the packaging because sometimes you might be selling the toys on the Internet or it might be in a small mom-and-pop grocery store that will not allow for the computer systems we have in our bigger stores, but it also requires that the date stamp be on the actual toys whenever practical. It is not going to go on a pick-up stick, but it sure can go on a Thomas the Train Set.

This legislation also requires, as I said, that it be on the packaging. Again, it is for small retailers and people selling things on eBay. Big major outlets, such as Target, are able to, once they find out that a batch number is on the toy, close down their register so these toys cannot be sold. However, if you are selling on eBay, you want to have that number on the packaging. So that is why our legislation requires that the batch number be not only on the packaging but also the toy itself.

The other piece of this bill I drafted addresses some of the most deadly discoveries of this past year.

As more and more toys are coming in from other countries such as China with lower safety standards, we are seeing deadly amounts of lead surfacing in children's toys. The people in my State know this well.

Two years ago, a 4-year-old boy named Jarnelle Brown went with his mom to buy a pair of tennis shoes. He got this pair of tennis shoes, and with the tennis shoes came a little charm. She did not buy this charm. She did not ask for this charm. It was given free with a pair of tennis shoes. So they bring the shoes home with the charm, and this little boy is playing with it. He swallowed the charm. He did not die from swallowing the charm. He did not die from choking on the charm. He died as the lead in this charm seeped into his system one day after one day. His airway was not blocked. He just swallowed that lead charm, and it went into his stomach. Over a period of days, the lead in this charm went into his system and it went into his bloodstream. Over a period of days, he died. When they tested him, his lead level was three times the accepted level. When they tested that charm, that charm from China was 99 percent lead—a little free charm given to a mom with a pair of shoes.

This little boy's death is made so much more tragic by the fact that it could have been prevented. He should have never been given that charm in the first place. It shouldn't take a child's death to alert us to this problem, but now we know it for a fact, and we cannot now sit here and do nothing.

Parents should have the right to expect that toys are tested and that problems are found before they reach their toy box. The legislation I originally introduced to address this problem, the lead ban, is what is included in this bill and we are considering on the floor today. It basically says any lead in any children's products shall be treated as a hazardous substance. It sets a ceiling for trace levels of lead and empowers the Consumer Product Safety Commission to lower the ceiling even further through rulemaking as science and technology evolve.

This was reached after many discussions with toy manufacturers and retailers to get a sense that there sometimes are trace levels of lead. That is why we included this in here, to be practical, but allowing as science develops for the Consumer Product Safety Commission to go below that trace level. We see similar trace levels in some State legislation throughout the country. Some of it is different for jewelry than it is for toys, but we have yet to see a mandatory threshold for trace levels of lead in the Federal Government.

For 30 years we have been aware of the dangers posed to children by lead. The science is clear. It is an undisputed fact that lead poisons children. It shouldn't have taken us this long to take lead out of their hands and out of their mouths. It is the Consumer Product Safety Commission's job to do that. In recent months, it has become all too obvious that this commission needs much reform and that reform is long overdue.

We have seen too many headlines this year to sit around and think this problem is going to solve itself. As a Senator, I feel it is very important to take this step to protect the safety of our children. When I think about that little 4-year-old boy's parents back in Minnesota and I think about all of those other kids who have been hurt by these toys—they have no control over these toys. They don't know where they came from.

At this moment I say that the time has come to get this bill passed. I thank the retailers from Minnesota, including Target as well as Toys 'R Us. Their CEO testified before the Appropriations Committee and was very positive about moving forward and understood the need to beef up the tools the CPSC has, as well as increasing the resources for that agency. We can beef up this agency that has been languishing for years and that is a shadow of its former self. We can put the rules in place that make it easier for them to do their job. We cannot sit around bemoaning the results anymore; we have to act. We have our opportunity. Our opportunity is this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in support of the Consumer Product Safety Commission Reform Act of 2008. I applaud the leadership of Senators PRYOR, STEVENS, and INOUYE in this effort to strengthen protection for America's consumers, especially our children. It has been a pleasure to work with the sponsors of this bill to strengthen Federal protections against dangerous toys moving through the global supply chain.

We must detect and counter threats to children before, not after, toys reach store shelves so that they don't end up in homes, schools, and daycare centers as, unfortunately, they can now.

The pressing need for this bill was dramatized last year by numerous and significant safety recalls of children's toys. The recalls have involved some significant threats to life and health. For example, last November the Consumer Product Safety Commission recalled 200,000 units of imported jewelry for children: earrings, charms, and bracelets that contained unsafe levels of lead. Earlier in 2007, the Commission recalled millions of other hazardous toys.

The tragic trend continues. CPSC recalls last month included other items that violate lead paint standards or that can burn, poison, or even strangle children.

The Pryor-Stevens bill takes a comprehensive and thoughtful approach to these threats. It authorizes increased staffing and funding for the Commission, toughens penalties for safety violations, bans the resale of recalled products, requires safety certification of children's products, and mandates permanent identification markings on the toys and other products themselves—not just on their packaging—to make safety recalls more effective. The bill also essentially bans lead from children's toys.

The need for these safeguards and resources became evident through an investigation by my staff on the Committee on Homeland Security and Governmental Affairs. In August, I assigned investigators from my staff to examine the toy industry, import concerns, and the Consumer Product Safety Commission itself. The committee's investigators conducted numerous interviews of manufacturers, representatives of retailers, consumer advocacy groups, Federal regulatory agencies, and other experts. They also conducted port visits and visited a manufacturer's testing lab. What we were attempting to do is to build on the expertise the committee has gained through its work on port security which resulted, working in cooperation with the Commerce Committee, in landmark port security legislation in 2006.

The Committee's findings confirmed that our current system had serious weaknesses. These included that the Consumer Product Safety Commission is understaffed and has inadequate resources and authorities for its mission.

We also found that voluntary standards can be useful in quickly addressing safety concerns, but that they lack the full force of law.

We found that the inability to effectively enforce safety standards at our ports limits the ability of Federal agencies to stop hazardous imported products from entering the American marketplace.

The bill before us will remedy these serious weaknesses in our current system, especially in the area of product safety standards. Our investigators found that the current reliance on voluntary safety standards developed by a consensus among the industry, Government, consumer advocates, and other interested parties has both some advantages and some significant limitations. That doesn't mean we should do away with the system of voluntary standards.

On the plus side, the voluntary standards process, overseen by a standards-setting body, allows safety standards to be developed much more quickly and efficiently than in many governmental regulatory processes. This was shown in the collaborative response to the reports of serious injuries after children ingested powerful magnets that had come loose from toys. There were no safety standards for these particularly powerful magnets for toys, but within a relatively quick period of time, the consensus process produced new safety standards.

By contrast, if the Commission were to go through a formal safety regulation, it would have required a detailed notice and comment process that could have taken years to accomplish. It would have taken at least 4 months, and it could have stretched on for years, delaying that protection to our Nation's children. A perfect example of this is the failed effort to formally regulate the lead content standards for children's jewelry. In numerous other cases, the system of voluntary standards, self-reporting, and collaborative recalls has led to safety recalls before injuries could occur. Despite these achievements, the fact is that dangerous toys still arrive at our ports, and far too many of them are making their way to retailers' shelves and then on to the homes of American children.

Under current law, the Customs and Border Protection Agency has only limited authority to seize dangerous products and to prevent them from entering the marketplace. Instead, what happens too often—the standard process and practice—is that these products are simply turned away and that gives unscrupulous importers an opportunity to try to slip their defective products into the marketplace by simply going to another American port. So if they don't succeed at one port and they are turned away, what happens in too many cases is the importer simply tries to ship the defective toys through another port.

Our committee's investigation has also underscored the importance of imposing standards on global supply chains. With nearly three-quarters of toys sold in America being manufactured overseas, promoting toy safety cannot start or stop at our borders. Our investigators heard reports that unethical importers can bring products into the United States and then simply disappear by changing their company's name, address, and other information in order to avoid safety regulations. I also note that they can do this to avoid tariffs, import quotas, and intellectual property laws as well.

Toys from abroad must meet American safety standards. While the Chinese Government has reportedly tightened its own standards, closed a few factories, and signed a new agreement with the Consumer Product Safety Commission on the use of lead point in toys, China has not yet demonstrated that it can adequately enforce this regime. Until then, we must take strong and effective action to prevent Chinese products that violate our safety rules from entering America.

Now, of course, we need better consumer product protections regardless of a product's origin, but I call special attention to imports because of their overwhelming share of our toy market and because of the special challenges posed by the global supply chain. Our committee's investigation led me to offer four recommendations, and I am very pleased that those four recommendations have been included in the bill before us. Again, I thank Senators PRYOR, STEVENS, and INOUYE for adding my proposals to their bill.

First, the language I authored would empower Customs and Border Protection to seize and destroy shipments of products that the Commission believes pose a threat to consumers and violate safety standards. This is so important. It closes a glaring loophole in the current law and would abandon a practice that allows unscrupulous importers to bring their dangerous products in through a different port, depending on the Customs and Border Protection officers catching it a second time. My provision would ensure that the agency has the right to seize and destroy these unsafe toys and other consumer products.

The second provision I authored would establish a database so that potentially unsafe products could be identified by the Commission before they reach our shores. With that information, that cooperation between the Consumer Product Safety Commission and the Customs and Border Protection Agency, we can much more effectively target these shipments for further investigation.

Third, I authored a provision that would require the CPSC to develop a risk assessment tool so we can focus attention on those points in the supply chain where defects and dangers are most likely to occur, be detected, and stopped.

Fourth, I drafted a provision that would place an official from the Consumer Products Safety Commission at the National Targeting Center run by Customs and Border Protection. That will allow real-time information to be shared. We can pool the resources, pool the information we have to identify likely shipments of dangerous products.

Mr. President, neither the Consumer Products Safety Commission, nor any other Federal agency, no matter how good, can guarantee a marketplace free of all risk. But we can and should strengthen the Consumer Products Safety Commission, as this bill would do, and expand its authority and provide it with the resources that are necessary to do a good job.

The commission needs to continue to work closely with importers, retailers, industry associations, and consumer groups to improve product safety.

A safety regime for children's toys will only be effective if everyone takes responsibility. But this should not be a detective game for the parents of America. They should be able to rely on Federal standards, enforcement—tough standards to make sure the toys they are purchasing for their children are indeed safe.

The foundation of this effort must be an effective and efficient system to help prevent defective and dangerous products for children from reaching store shelves in the first place.

The Consumer Products Safety Commission Reform Act adds important protections for America's children. I support the bill, and I am pleased that we are now considering it. I think it is going to make a real difference to the safety of America's children.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed on the consumer products safety legislation.

Mr. SHELBY. Mr. President, I will ask a question. I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, would the time run on the Republican side?

The PRESIDING OFFICER. The understanding is that it will be counted toward Republican time.

Mr. PRYOR. I have no objection to that.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

### NORTHROP GRUMMAN EADS CONTRACT

Mr. SHELBY. Mr. President, last Friday, the U.S. Air Force announced that the Northrop Grumman EADS team won the contract to assemble our military's next generation of air refueling tankers, known as the KC-45.

This decision awarded the largest acquisition program in the history of the Air Force. To have expected controversy not to follow, regardless of the winner, would have been a little foolish.

What is unfortunate is that the uproar from the losing side is based upon mendacity rather than logic and reason. After the announcement, some falsely proclaimed that our military was selling out to a foreign country; that this award would outsource U.S. jobs; that these planes should be made in America.

The facts behind this selection should allay any of my colleagues' fears or concerns. Northrop Grumman EADS capable, advanced multimission tankers will be made in America by American workers. Any assertion that this award outsources jobs to France is simply false. This award does the exact opposite. It insources jobs here. In Mobile, AL, where the tanker will be assembled and modified, 1,500 direct jobs will be created. Throughout Alabama, 5,000 total jobs will be created.

This contract has ramifications well beyond my State's lines. Friday's announcement also means that 25,000 additional jobs at over 230 companies around the United States will be created by the Northrop Grumman EADS tanker win. This will result in a $1 billion annual economic impact on the United States.

It is also important to note that job creation was not a factor that the Air Force considered in making their selection. The objective of the acquisition by the Air Force was clear from the outset: acquire the best new tanker for the U.S. Air Force.

Five factors were used to score the two competing proposals: mission capability, proposal risk, past performance, price, and the Integrated Fleet Air Refueling Assessment.

Mr. President, the Air Force, in a lengthy, full, and open competition determined that the KC-30 was superior to the KC-767 and is the best tanker to meet the Air Force's needs.

The Air Force rated the KC-30 superior in every one of the five categories used to assess the tanker offering.

Mr. President, I believe this illustrates that the Air Force made the right decision, the right selection, not only for the men and women in uniform but for the taxpayer as well. To claim otherwise is simply illogical.

Additionally, charges have been raised that by awarding a contract to a team with a foreign company, our national security may be at risk because the U.S. military would have to rely on foreign suppliers. Nothing could be further from the truth.

The prime contractor of the team that won, Northrop Grumman, is no less an American company than its competitor, Boeing. While Northrop's proposal uses a European-designed airframe, a close scrutiny of the two competing proposals shows that both have a relatively similar amount of foreign content.

Further, this is hardly the first defense program to be awarded to a U.S.-European team. In fact, Boeing itself was part of a team that recently won the Army contract for the Joint Cargo Aircraft, an Italian-built aircraft that will be assembled in Florida at a Boeing facility.

I find it quite ironic that there was no outcry at this award from Boeing supporters, even though it would seem that the Joint Cargo Aircraft Program would likewise "take American tax dollars and build this plane overseas."

The global environment in which we live makes it virtually impossible for any major military product to be 100 percent American made—especially when our goal is to provide the best equipment for our warfighters.

Moreover, U.S. aerospace firms have supplied billions of dollars' worth of equipment built by Americans to foreign countries, and they still do.

As Members of Congress, we are all concerned about U.S. jobs. Yet any assertion that this award "outsources" jobs to France is simply false.

With this new assembly site in Mobile, AL, this contract will bring tens of thousands of jobs into the United States.

According to the Department of Commerce, Northrop Grumman will employ approximately the same number of American workers on the tanker contract that Boeing would have employed had they won.

As John Adams once said: "Facts are stubborn things."

If the U.S. Air Force and Members of Congress wanted the tanker to be a job creation program for Boeing, they should have eschewed a competition and sole-sourced the contract in the first place. But they didn't want that. Instead, the intent was to provide our men and women in uniform with the best refueling aircraft in the world at the best value for the American taxpayer.

In the final analysis, that is precisely what the Air Force did.

I am very proud to know that the KC-45 American tanker will be built by an American company, employing American workers.

This decision is great news for the warfighter, the American worker, and the U.S. taxpayer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama, Mr. SESSIONS, is recognized.

Mr. SESSIONS. Mr. President, I associate myself with the wise comments of Senator SHELBY on this question. I will share a few thoughts about where we are in this process. It was a big, long, fair competition for this new KC-45 tanker aircraft. The Air Force announced it last Friday. They announced they had selected Northrop Grumman as the lead contractor for the new plane. Northrop plans to build it in my hometown of Mobile, AL. We could not be prouder. I, at one point, chaired the Air/Land Subcommittee as we discussed the need for this aircraft. Long before there was any indication that any of it would be built in Alabama, I became convinced that it was a needed plane.

I will say this to my colleagues who seem to be arguing that it is not an American aircraft: The lead contractor is Northrop Grumman, which is a Los Angeles/American company. They partnered with EADS, a European company.

Some have said openly that it is an aircraft that is going to be built in Europe. A lot of people probably have heard that. But the truth is, it is going to be built in the United States, in Mobile. I can show you the spot and the place. Old Brookley Air Force Base. They had as many as 40,000 employees. It was closed in 1965. Indeed, the econmy of the town of Mobile's was impacted, until the last half dozen years when it has taken off strongly. But in these last 35 or more years, it has genuinely been believed not to have kept up with the rest of the country as a result of the closure of that huge base. This will be at that facility.

I suggest and state that in reality what we are talking about is the insourcing into America of an aircraft production center that will bring 2,500 jobs to our area, 5,000 for the State, and, more importantly, even 25,000 jobs nationwide at 230 different companies that will be involved in the building of this tanker.

I just want to say one thing. I think Senator SHELBY talked about it. I want to say one thing in the beginning, as a recovering former lawyer. We had a competition for this aircraft. We had two bidders and, to my knowledge, during the time that this bidding process was going on, no one was saying we should not have competition. No one was saying that because one of the partners was European based—of course, they are our allies fundamentally on most issues of importance in the world, and our partners in the Joint Strike Fighter, one of our top fighter aircraft. But nobody said that disqualified Northrop's bid. Do you follow me?

So we go through months and months of meetings with the Air Force, and with their hard work they developed an objective set of criteria and evaluated the aircraft. Nobody was saying that somehow this Northrop team should not be in the game, should not be allowed to bid because we all know the fact that there was a vigorous competition reduced the bids substantially of both companies because they had to be competitive. If it had been a sole-sourced bid, it would not have been. This was a good thing for us to have had. That is all I am saying.

Now, some have hinted that we ought to have politics enter into this process after 2 years, and the right company didn't win and we ought to somehow overturn that. It is not good sense to me to make that argument. Of course, it would not hold up in a court of law. The Air Force, rated the aircraft objectively, and they made an objective decision. It was not contested before, and I do not think it will be successfully contested now.

The Northrop aircraft won, according to the Air Force officials, because it offered the best value to the Government and the best plane for our war fighters. Sue Payton, Assistant Secretary of the Air Force, said during the announcement on Friday:

> Northrop Grumman clearly provided the best value to the Government when you take a look at it, in accordance with the RFP—

That is request for proposal—

> the five factors that were important to this decision: in mission capability, in proposal risk, in the area of past performance, in cost price, and in something we call an integrated fleet aerial refueling rating.

She said in each of these categories that when you added up all that, the Northrop Grumman aircraft was, as she said, the best value for the Government. Isn't that what we pay her to decide?

I thank the Air Force for going through this process. There were some real questions about whether there would be fair competition for the KC–X. There was some doubt about Northrop's team, whether they would even bid if they were not going to have a fair chance. They were all assured they were going to have a fair and transparent competition, so the Air Force promised to use objective criteria and to communicate continuously with the two bidders. In the words of one official:

> The winner will know why he won and the loser why he lost.

To a degree we have never seen, that I think was followed in this case. John Young, Under Secretary of Defense for Acquisition, Technology, and Logistics, Secretary of Defense Gates' point man for the fairness of the acquisition competition, said yesterday:

> The Air Force did its homework and did it well . . . The Air Force, in my opinion, did an outstanding job.

Now that the Air Force, in the opinion of many, has run a textbook fair competition, the key is for us to get moving on replacing these tankers. Most of our tankers were built before 1957. Can you imagine? It is time to recapitalize that fleet with newer and more modern planes for both the safety of our pilots and the effectiveness of our military. That is why the KC–45s are the No. 1 budget priority of the U.S. Air Force. They have said that for a number of years. This is a big project, but it is critical to the effectiveness of the U.S. Air Force in its ability to protect air power at great distances around the globe.

I know there has been intense debate, and I know how important this process has been. But, again, I say no one was objecting to the competition then, and if you have a competition, shouldn't the one with the best proposal win? The Northrop team clearly provided the best value, said Sue Payton. It carried more fuel for longer distances, and the fuel is in the wings of these aircraft, not in the main area of the aircraft, in the fuselage area. In that area, you can carry soldiers, cargo, and all kinds of equipment that the war fighter might need. It can supplement substantially our existing airlift capability, and Northrop's team aircraft had more cargo capacity, more fuel load ability, could carry more soldiers, and could go longer distances. That is why, when they calculated it up, when they buy these aircraft, they need 19 fewer of the Northrop team's aircraft than needed if they bought the other aircraft, a big savings right there in itself.

We are not saying there is anything wrong with the Boeing aircraft, that it is somehow a defective aircraft. It did not meet the needs of the Air Force as well as the other one did.

The Air Force has run the most open competition in history. It appears it is going to be a model for such competitions in the future.

In the days ahead, not too many days from now, the bidders will be brought in to the Air Force, and they will be given a detailed briefing on exactly why the Air Force reached the decision it did, why one won and the other lost, and if the bidder concludes that a protest is called for, if they find something they think is unfair under the rules of bidding, they have every right to appeal and protest. But no such decision has been made to date. I am hopeful the process was conducted fairly, as it appears to be, and that no protests will occur.

I further note we have a critical need to bring this tanker online. Much more could be said about the importance of the whole replacement process. I will say we had a fair competition, it appears by all accounts. The process went on for months. It was the most open in terms of the bidders were told precisely what weaknesses their planes may have or what other strengths they would like to see in a plane and gave them an opportunity to respond in a way that did not blindside them by saying: Sorry, you lost because of one little problem here, and they never told them what that problem was, as we have had in the past. This whole process was much more open, one on one in a way that I think was filled with integrity and a practical goal. The practical goal was to allow the Air Force to be in a position to pick the best aircraft they could pick for our Defense Department.

I am excited about this, just from our own local interests. I had absolutely no idea how it would come out until the announcement was made. I did ask on several occasions that we have a fair and level playing field. I believe that has occurred. The Air Force has said they clearly believe this is the better aircraft. And if that is their decision, they had no choice honorably to do anything other than make the decision they did.

I yield the floor.

Mr. PRYOR. Mr. President, I suggest the absence of the quorum and ask that it be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. PRYOR. Madam President, we are going to vote in a couple of minutes on the motion to proceed to the CPSC—the Consumer Product Safety Act—and I want to urge my colleagues to vote for this motion and to move to this legislation so that we can consider it over the next couple of days in the Senate.

I think the American public saw the record number of product recalls last year, especially in the toy sector but in all sectors of our economy. The people back home understand how important it is for the Senate to act on this and act in a way that is responsible and balanced and act in a way that is very meaningful.

Again, our legislation as compared to the House bill is more transparent, there is more enforcement, and it is more comprehensive reform. I thank my House colleagues for doing what they have done and also thank my Senate colleagues, especially Senator TED STEVENS and Senator COLLINS. We have several on our side who have all come together to make this a bipartisan bill, and I appreciate the Senate's consideration.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

### CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 582, S. 2663, the Consumer Product Safety Commission Reform Act.
>
> Harry Reid, John D. Rockefeller, IV, Russell D. Feingold, Max Baucus, Charles E. Schumer, Kent Conrad, Patty Murray, Amy Klobuchar, Jeff Bingaman, Richard Durbin, Mark Pryor, Edward M. Kennedy, Patrick J. Leahy, Bernard Sanders, Debbie Stabenow, Carl Levin, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2663, a bill to reform the Consumer Product Safety Commission, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr.

BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Illinois (Mr. OBAMA), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mrs. MURKOWSKI), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 86, nays 1, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—86

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McConnell
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Coburn

NOT VOTING—13

Biden
Byrd
Clinton
Ensign
Enzi
Inhofe
Isakson
McCain
McCaskill
Menendez
Murkowski
Obama
Wicker

The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LAUTENBERG. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. PRYOR. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

## THE BUDGET

Mr. CORNYN. Mr. President, next week we will be marking up and working on the budget for the Federal Government for fiscal year 2009. I wish to take a few minutes to talk a little bit about the budget we passed last year and to highlight a few areas of caution where I hope we will not repeat the mistakes this year in the budget we pass like we did in the budget we passed last year.

First of all, in the fiscal year 2008 budget, the budget anticipated an increase in revenue—which is Washington speak for a tax increase—of $736 billion that would be needed in order to meet the demands of that budget. Of course, we all know whom those tax hikes fall on. It is the middle-class families, the farmers, the entrepreneurs, the people we need in this country to remain productive and remain incentivized to keep our economy and job creation humming.

Considering the economic situation we are in today, the last thing the Federal Government should do is increase taxes and create a wet blanket of deterrence on those very entrepreneurs and people who create the jobs.

One example is, last year you will recall that Congress waited until the last possible moment to pass temporary tax relief, relieving the middle class from the alternative minimum tax—a tax that more and more middle-class families will soon pay. As a matter of fact, I think this is a perfect paradigm for what I have heard here as "tax schemes designed to tax only the wealthy."

You will recall that the alternative minimum tax, as originally conceived, was designed to tax only 155 taxpayers who were not otherwise paying Federal tax. But true to form for Washington, DC, and for, unfortunately, the Federal Government, this tax-the-wealthy scheme this last year affected 6 million taxpayers, and because it is not indexed for inflation, would have affected, if Congress had not acted, 23 million taxpayers—from 155 to 6 million to 23 million. But because Congress waited until the last possible moment to pass a 1-year patch or relief from the alternative minimum tax for the middle class, millions of taxpayers will see a delay in getting their refunds—money that belongs to them, after all, and not to Uncle Sam.

We also saw, unfortunately, in last year's budget an attempt rebuffed; a bipartisan vote that would make it more difficult to pass tax increases. Last year, I offered an amendment that received a strong bipartisan vote that created a 60-vote budget point of order against any legislation that raised income taxes. Even though this amendment found broad bipartisan support here in the light of day, behind closed doors in the conference, this amendment was stripped out of the conference report and summarily buried.

This amendment could have sent a strong message to the taxpayers that their Federal Government was more interested in ending wasteful spending than it was in picking their pockets. Unfortunately, as a result of the summary execution and burial of this amendment behind closed doors in the conference committee, the opposite message was sent: that Congress is more interested in getting their hands on the hard-earned money taxpayers earn and spending it on bigger and bigger Government—obviously, the wrong message and one that a bipartisan group of Senators was unwilling to support in the light of day but, unfortunately, the conference, behind closed doors, was willing to embrace.

American taxpayers got a budget that would have spent $23 billion above the President's request last year. Now, a friend of mine in Texas likes to remind me from time to time how much a billion is because we throw numbers around up here—a million here, a billion there. A billion seconds ago it was 1976. A billion seconds ago it was 1976. We do not even seem to flinch at a budget that Congress passed that exceeded the President's request by $23 billion.

In fact, over the next 5 years, the majority budgeted $205 billion over the President's request. Whatever happened to being good stewards of the taxpayers' money and trying to control Government spending so it does not run amok? Thankfully, we were able to stop this unwarranted expansion, and we were able to remain within the President's top line number for the current fiscal year. At the last minute, we were able to do that in December.

When it comes to entitlement reform—something the majority promised to make a top priority when they took power—they did absolutely nothing to rein in the $66 trillion long-term entitlement crisis we are facing. It is no secret to anybody in this institution that entitlements are quickly eating more and more of the budget and will continue to gobble up more and more of our economic resources.

As a matter of fact, I have in my hand a PowerPoint by the U.S. Government Accountability Office called "Saving Our Future Requires Tough Choices Today," pointing out that in 1966, for example, 67 percent of the budget was discretionary spending. Today, it is 38 percent. That is because of the growth of entitlement spending from 26 percent in 1966 to 53 percent of the budget today. Mandatory spending, together with interest on the debt, amounts to 62 percent of the Federal budget today.

If we do not do anything about it, by the year 2030, this Federal Government will be unable to fund anything else other than Medicaid, Medicare, Social Security, and interest on the debt.

So I believe it is very important for us to avoid this fiscal meltdown—as entitlements kick in for the baby boom generation, and in a way that will make Government unaffordable for our children and our grandchildren.

This story, as bad as it is, is even worse when you consider the fact that $185 billion in Social Security surpluses is spent for general Treasury items today. In other words, we are taking the money wage earners are paying into Social Security that is not currently needed to meet the obligations of Social Security and spending it for other purposes, making it even more likely that when our children and grandchildren come of age, they will not have any social safety net available to them through Social Security or Medicare.

When you look further at this report of the Government Accountability Office, for fiscal year 2006 and 2007 deficits, you see that the deficit increases dramatically. If we do not begin to deal with reining in the entitlement spending crisis in this country, it will get nothing but worse.

But while the news media tends to focus on deficits on an annual basis, the real crisis is the growing fiscal exposure due to long-term commitments, such as future Social Security benefits, future Medicare Part A benefits, future Medicare Part B benefits, future Medicare Part D benefits—our prescription drug provisions we passed a couple years ago. These lead to an ultimate liability for the American taxpayer of $52.7 trillion.

So I talked about a million dollars. I talked about a billion dollars. Now we are talking about trillions of dollars—something that is nearly impossible for the human mind to conceive of, the number is so big.

But let me give you a number you can understand, we can conceive of. Unless we deal with the growing entitlement crisis of Medicare and Social Security, not only will they run out of money, but the burden on each person in this country—the financial burden—will amount to $175,000 a person. So not only will we be unable to pay our young men and women who are working today the Social Security and Medicare benefits they should receive when they come of age, we will also burden them with a $175,000-per-person share of the Federal debt in the process. This is an IOU we will never repay.

Of course, if the Federal budget continues to grow in terms of its requirement of paying entitlements—Medicare, Medicaid, Social Security and interest on the debt—as I said, by 2030 there will be no money for anything else. We would not have the resources for other important priorities, including national defense, securing our borders, immigration enforcement, veterans health care, or education.

Unfortunately, the budget that passed last year allowed the debt to increase by $2.5 trillion over the next 5 years. In other words, the message is consistent: We spend now and the next generations pick up the tab later on. I can only beg my colleagues not to follow the example they set last year. We cannot afford to take more money out of the hands of hard-working Americans in order to grease the gears of bigger and bigger Government. I fear the next budget will only be more of the same. We should not raise taxes on working families and small businesses. We should not wash our hands, as we did last year, of the entitlement tsunami we all know is approaching and threatening to engulf us, and we should not allow the debt to continue to grow so that the $175,000 share per person of the debt will continue to get bigger and bigger.

I know we can do better, and we must do better. As the Budget Committee takes up the 2009 budget tomorrow in the committee and on Thursday when we will actually mark up the budget, and when it comes to the floor next week, I hope all of us will work together to make sure we don't continue to increase taxes and further dampen and soften the economy in a way that hastens a recession rather than avoids it. I hope we will step up and accept the responsibility each of us has to make sure we don't spend money today to impose a financial burden on our children and grandchildren tomorrow. We can do better and we must do better.

## JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I would apologize for the lack of judicial nominations on the Executive Calendar but for the fact that is has been the refusal of Republicans to cooperate this year in reporting out nominations that has lead to the current circumstance. The fact is that we concluded last session by confirming each and every judicial nomination that was reported out of the Judiciary Committee. None were carried over into this new year. And despite my efforts in February, when the Judiciary Committee held two hearings for seven judicial nominees, including a circuit nominee, Republican members of the Judiciary Committee effectively boycotted our business meetings in February and obstructed our ability to report judicial nominations and high-ranking Justice Department nominations. I adjourned both our February 14 and February 28 meetings for lack of a quorum. At the first meeting only one Republican Senator was present. At the latter, the ranking member chose to leave.

Despite the partisan posturing by the President and Senate Republicans, I have continued to move forward and sought to make progress but, I must admit, my patience is wearing thin. Two weeks ago, during the congressional recess, I chaired our third nominations hearing of the year. Included were three judicial nominations, including that of Catharina Haynes of Texas to be a circuit judge on the Fifth Circuit. I knew that this nomination was important to Senator CORNYN. So in spite of her participation at the recent partisan political rally and photo op at the White House, I proceeded with that previously scheduled hearing.

Despite urging the President to work with us, 19 current judicial vacancies—almost half—have no nominee. In addition, several of the judicial nominations we have received do not have the support of their home state Senators. Of the vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for seven of them, more than a third. Of the circuit court vacancies, nearly a third are without a nominee and more than half of the current circuit court nominees do not have the support of both home State Senators.

If this President had worked with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make more progress. Instead, we have lost precious time to provocative and controversial nominations like that of Duncan Getchell and Claude Allen of Virginia. Those nominations were both withdrawn by the President after months of wasted time and effort. I, again, encourage the White House to work with Senators WARNER and WEBB of Virginia to send us consensus nominees for the two Virginia vacancies on the Fourth Circuit.

The Getchell nomination is an example of the President's failure to work with home State Senators to make consensus nominations. President Bush nominated Duncan Getchell to one of

Virginia's Fourth Circuit vacancies over the objections of Senator WARNER and Senator WEBB. They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell. As a result, this nomination, which was opposed by home state Senators from the start, was one that could not move.

The Republican complaints about nominations ring hollow in light of the actual progress we have made. Despite the efforts of the Bush administration to pack the Federal courts and tilt them sharply to the right, the Judiciary Committee and the Senate have worked to approve an overwhelming majority of President Bush's nominations for lifetime appointments to the Federal bench. We have confirmed over 86 percent of President Bush's judicial nominations, compared to less than 75 percent for President Clinton's nominations.

The difference is even more stark when examining nominations to influential circuit courts, to which nearly three quarters of President Bush's nominations have been confirmed, compared to just over half of President Clinton's. That means nearly half of President Clinton's circuit nominations were not confirmed, many of them pocket filibustered with anonymous objections, no hearings, and no consideration. If we stopped now and did not consider another judicial nominee all year, we would better the record Republicans established with President Clinton.

We confirmed 40 judicial nominees last year, including six nominees to the circuit courts. That total was more than were confirmed during any of the three preceding years under Republican leadership and more than were confirmed in 1996, 1997, 1999, and 2000, when a Republican-led Senate was considering President Clinton's nominations. Indeed, in three years that I have chaired the committee, the Senate has confirmed 140 of President Bush's lifetime appointments to our Federal courts. That compares favorably to the total of 158 confirmations during the more than 4 years that Republicans led the committee during this Presidency. If we stopped now and did not consider another judicial nominee, we would compare favorably to how Republicans have treated this President's nominees, and we have already improved upon how they treated President Clinton's nominees.

If the White House and the Senate Republicans were serious about filling vacancies and not just seeking to score partisan political points, the President would not make nominations opposed by home State Senators of both parties. If they were serious about filling vacancies, Republicans would not spend the rest of the Bush Presidency fighting over a handful of controversial nominations rather than work with us to make progress. If they were serious about filling vacancies, Republicans on the committee would attend important business meetings and help us make a quorum to report these nominations to the Senate.

I am surprised that today the ranking member has suggested that judicial nominations were "stymied" when I first became chairman of the Judiciary Committee under this President in 2001. Indeed, during those 17 months, the Senate confirmed 100 judicial nominations. That pace was never duplicated under either of the Republican chairmen that followed me. During the 2 years under Senator SPECTER's chairmanship, the Senate approved 54 confirmations.

I am surprised that the ranking member is suggesting the Senate bypass the committee's process for considering nominations, and is apparently calling for an end to the role of home State Senators. When he was chairman of the Judiciary Committee, Senator SPECTER respected the blue slip, which is the means by which home State Senators approve or disapprove of a nomination before consideration of the nomination proceeds. When he was chairman, he proceeded with hearings on nominations that were controversial and were subsequently withdrawn. That took time away from those nominations on which we might have been able to make progress together.

Requiring the support of home State Senators is a traditional mechanism to encourage the White House to engage in meaningful consultation with the Senate. Many of this President's current nominees do not have the support of the home State Senators. That is why his nomination of Duncan Getchell was finally withdrawn. That is why the nomination of Gene Pratter to the Third Circuit has not been considered. That is also the current situation for both nominees to the Third Circuit, the two current nominees to the Sixth Circuit, a nominee to the Fourth Circuit and the nominee to the First Circuit. Of the 11 circuit court nominations that have been pending before the Senate this year, 8 have not had the support of home State Senators. Indeed, more than half of the 28 nominations listed by Senator SPECTER in his recent letter to me do not currently have blue slips signaling support from home State Senators. He knows that. That information is public.

This process was abused when the Republican-controlled Senate pocket-filibustered President Clinton's nominees with anonymous holds and no public opposition. One of my first acts when I became chairman in 2001, with a Democratic-led Senate considering President Bush's nominees, was to open up the nominations process for the first time, making blue slips public for the first time. We have drawn open the curtains on the process. Republicans, during the Clinton administration, cloaked it in secrecy and, to this day, will not explain their actions. I have not treated this President's nominees in that way. We have considered nominations openly and on the record. We have considered nominations I do not support, something that was never done by a Republican chairman.

Much of the problem remains with this President and his insistence on nominating controversial nominees. I extended another olive branch to him by my letter last November. I have received no response.

I had consulted with the senior Senator from Pennsylvania, and we had earlier exchanged letters. He knows from my January 22 letter what the situation is. As a former chairman he knows. He knows the history of the Thurmond Rule, by which Republicans, then in the minority, insisted that judicial vacancies in the last year of a President's term remain vacant in order to be filled with the nominations of the next President. He understands the dynamics in the last year of a President's term. And no modern President has been as divisive as this President on these issues.

The Republican chairman serving during the end of President Clinton's term noted many times that judicial confirmations slow in a President's last year. I do not intend to return more than 60 nominations to this White House without action, or return 17 circuit court nominations without action. But much depends on the cooperation of the President and Senate Republicans.

It is hard to consider partisan complaints about the pace of judicial nominations when those same voices criticize me for holding hearings on judicial nominations. Damned if I do and damned if I don't. Indeed, when I went out of my way to hold a hearing for judicial nominations during the last recess period, I was roundly criticized by Republicans. It reminded me of the time in 2001 when I previously chaired a recess hearing for another circuit court nominee of this President and I was criticized by a Republican Senator for proceeding expeditiously. It only goes to prove the truth of the saying that around here, when it comes to judicial nominations, no good deed goes unpunished.

The record is that during the 1996 session, the last of President Clinton's first term, the Republican-led Senate confirmed not a single circuit nomination. If we are able to proceed and confirm just one circuit nominee this year, we will better that record.

Republicans returned 17 circuit nominations to President Clinton without action at the end of his presidency. The treatment of President Clinton's nominees contrasted markedly with that accorded by Democrats to the nominations of Presidents Reagan and Bush in the Presidential election years of 1988 and 1992, when nine circuit court nominees were confirmed on average. Regrettably, the Republican Senate reversed that course in its treatment of President Clinton's circuit court nominations, confirming none during the 1996 session and an average of only four in Presidential election years.

The Republican Senate chose to stall consideration of circuit nominees and maintain vacancies during the Clinton administration. In those years, Senator HATCH justified the slow progress by pointing to the judicial vacancy rate. When the vacancy rate stood at 7.2 percent, Senator HATCH declared that "there is and has been no judicial vacancy crisis" and that this was a "rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies." Because of Republican inaction, the vacancy rate continued to rise, reaching nearly 10 percent at the end of President Clinton's term, including 26 circuit vacancies.

By contrast, we have helped cut circuit court vacancies across the country in half, reducing the number to 13 in 2007. In fact, circuit court vacancies reached a high water mark of 32 early in President Bush's first term, with a number of retirements by Republican-appointed judges. Indeed, the current judicial vacancy rate is around 5 percent. That is half of what it was at the end of President Clinton's term, and significantly lower than when Senator HATCH described the vacancy rate as acceptably low. If we applied Senator HATCH's standard, we would have no more hearings or consideration of any of the remaining nominations.

Because of the success of the Republicans at stacking the courts and their success in preventing votes on nominees, the current situation on the circuit courts is that more than 60 percent of active judges were appointed by Republican presidents and more than 35 percent were appointed by this President. If we did not act on another nominee, Republican presidents' influence over the circuit courts is already out of balance.

I would rather see us work with the President on the selection of nominees that the Senate can proceed to confirm than waste precious time fighting about controversial nominees. That is why I have urged the White House to work with Senators WARNER and WEBB to send to the Senate without delay nominees to the Virginia vacancies on the Fourth Circuit. That is why I have urged the White House to work with all Senators from States with vacancies on the Federal bench. We may still be able to make progress, but only with the full cooperation of this President, and Republican Members of this Senate.

## THE POLITICAL CRISIS IN ETHIOPIA

Mr. FEINGOLD. Mr. President, I rise today to discuss the political situation in Ethiopia. The U.S.-Ethiopian partnership is an incredibly important one—perhaps one of the more significant on the continent given not only our longstanding history but also the increasingly strategic nature of our cooperation in recent years. Ethiopia sits on the Horn of Africa—perhaps one of the roughest neighborhoods in the world, with Somalia a failed state and likely safe haven for terrorists, Eritrea an inaccessible authoritarian regime that exacerbates conflicts throughout the region, Sudan a genocidal regime, and now Kenya descending into crisis. By contrast, Ethiopia seems relatively stable with its growing economy and robust poverty reduction programs.

Indeed, one look at the deteriorating situation on the Horn of Africa and it is clear just how essential our relationship with Ethiopia really is. Unfortunately, the Bush administration's approach to strengthening and building bilateral ties with Ethiopia has been shortsighted and narrow. As in other parts of the world, the administration's counterterrorism agenda dominates the relationship, while poor governance and human rights concerns get a pass.

Genuine democratic progress in Ethiopia is essential if we are to have a healthy and positive bilateral relationship. We cannot allow a myopic focus on one element of security to obscure our understanding of what is really occurring in Ethiopia. Rather than place our support in one man, we must invest in Ethiopia's institutions and its people to create a stable, sustainable political system. As we are seeing right now in Kenya, political repression breeds deep-seated resentment, which can have destructive and far-reaching consequences. The United States and the international community cannot support one policy objective at the expense of all others. To do so not only hurts the credibility of America and the viability of our democratic message, but it severely jeopardizes our national security.

I am seriously concerned about the direction Ethiopia is headed—recurring because according to many credible accounts, the political crisis that has been quietly growing and deepening over the past few years may be coming to a head. For years, faced with calls for political or economic reforms, the Ethiopian government has displayed a troubling tendency to react with alarmingly oppressive and disproportionate tactics.

For example, in 2003, we received reports of massacres of civilians in the Gambella region of Ethiopia, which touched off a wave of violence and destruction that has yet to truly loosen its grip on the region. At that time, hundreds of lives were lost, tens of thousands were displaced, and many homes, schools, and businesses throughout the area were destroyed. Credible observers agree that Ethiopian security forces were heavily involved in some of the most serious abuses and more than 5 years later no one has been held accountable and there have been no reparations.

The national elections held in May 2005 were a severe step back for Ethiopia's democratic progress. In advance of the elections, the Ethiopian Government expelled representatives of the three democracy-promotion organizations supported by USAID to assist the Ethiopian election commission, facilitate dialogue among political parties and election authorities, train pollwatchers, and assist civil society in the creation of a code of conduct. This expulsion was the first time in 20 years that a government has rejected such assistance, and the organizations have still not returned to Ethiopia because they do not feel an environment exists where they can truly undertake their objectives.

Despite massive controversy surrounding the polls, it is notable that opposition parties still won an unprecedented number of parliamentary seats. Their pursuit of transparency and democracy was again thwarted, however, when they tried to register their concerns about the election process. In one incident, peaceful demonstrations by opposition members and their supporters in Ethiopia's capital of Addis Ababa were met with disproportionate and lethal force that killed more than 30 people and injured over 100. In another incident, the Ethiopian government arrested thousands of peacefully protesting citizens who took to the streets in support of the opposition.

The systemic nature of this crackdown was revealed in credible reports coming from the Oromia and Amhara regions that federal police were unacceptably threatening, beating and detaining opposition supporters. Indeed, international human rights groups documented that regional authorities were exaggerating their concerns about armed insurgency and "terrorism" to try to justify the torture, imprisonment and sustained harassment of critics and even ordinary citizens.

This tendency to portray political dissent as extremist uprisings has been repeated more recently with regards to what is being characterized by some as a brutal counterinsurgency operation led by Ethiopia's military in the Ogaden, a long-neglected region that borders Somalia. Certainly I recognize the serious security concerns in this region, made worse by the porous borders of the failed state just a stone's throw away.

But it is precisely because Ethiopia is our partner in the fight against al-Qaida, its affiliates and allies, that I am so concerned about what I understand to be a massive military crackdown that does not differentiate between rebel groups and civilians. While I am sure there are few clean hands when it comes to fighting in the Ogaden region, the reports I have received about the Ethiopian government's illicit military tactics and human rights violations are of great concern.

I have been hearing similar reports of egregious human rights abuses being committed in Somalia, about which I am gravely concerned. When I visited Ethiopia just over a year, I urged the Prime Minister not to send his troops into Somalia because I thought it might make instability there worse, not better. Tragically, more than a year later, it seems my worst fears have been realized as tens of thousands of people have fled their homes, humanitarian access is at an all time low, and there are numerous reports of increasing brutality towards civilians caught in the crossfire. In the interest of its own domestic security, Ethiopia is contributing to increased regional instability.

What troubles me most is that the reports of Ethiopia's military coming out of the Ogaden and Mogadishu join a long list of increasingly repressive actions taken by the Ethiopian government. The Bush administration must not turn a blind eye to the aggressive—and recurring—tactics being utilized by one of our key allies to stifle dissent.

I certainly welcome the role the Bush administration has played in helping to secure the release of many—although not all—of the individuals thrown in jail in the aftermath of the 2005 elections. I welcome the Embassy's engagement with opposition members and their efforts to encourage Ethiopian officials to create more political space for alternative views, independent media, and civil society. These are all important steps but they do not go far enough.

The administration's efforts at backroom diplomacy are not working. I understand and respect the value of quiet diplomacy, but sometimes we reach the point where such a strategy is rendered ineffective—when private rhetorical commitments are repeatedly broken by unacceptable public actions. For example, recent reports that the Ethiopian government is jamming our Voice of America radio broadcasts should be condemned in no uncertain terms, not shrugged off.

The Bush administration must live up to its own rhetoric in promoting democracy and human rights by making it clear that we do not—and will not—tolerate the Ethiopian government's abuses and illegal behavior. It must demonstrate that there are consequences for the repressive and often brutal tactics employed by the Ethiopian government, which are moving Ethiopia farther away from—not closer to—the goal of becoming a legitimate democracy and are increasingly a source of regional instability.

I am afraid that the failure of this administration to acknowledge the internal crisis in Ethiopia is emblematic of its narrow-minded agenda, which will have repercussions for years to come if not addressed immediately. Worse yet, without a balanced U.S. policy that addresses both short- and long-term challenges to stability in Ethiopia, we run the risk of contributing to the groundswell of proxy wars rippling across the Horn—whether in Somalia, eastern Sudan, or even the Ogaden region. And those wars, in turn, by contributing to greater insecurity on the Horn and providing opportunities for forces that oppose U.S. interests, pose a direct threat to our own national security as well.

## NATIONAL PEACE CORPS WEEK

Mr. BINGAMAN. Mr. President, I wish to add my voice to those of my colleagues who have stood to salute the Peace Corps.

The Peace Corps is one of our country's most effective international development programs. Since its inception in 1961, the Peace Corps has sent over 190,000 volunteers to 139 developing countries, where they have helped build thousands of schools, health clinics, and small businesses.

Equally as important, the Peace Corps is one of our country's most important public diplomacy programs. The sight of ordinary Americans volunteering to serve the world's most disadvantaged populations cannot help but elevate good will toward our country. Fifty-nine volunteers from my home State of New Mexico are currently serving in countries ranging from Ukraine and Georgia in Europe, to Malawi and Senegal in Africa, to Peru and Honduras in Central America.

Today, I urge the Peace Corps to consider returning to the poorest country in our own hemisphere. That country is Haiti.

According to the U.N. Development Program, over three-quarters of Haitians subsist on less than $2 per day and over half on less than $1 per day. Haiti is one of the poorest of the poor. The security situation in Haiti was precarious for much of the new century—which is why the Peace Corps left. But one year ago, a brighter picture emerged. The international community launched a concerted effort to rid Haiti's slums of violent gangs. President Rene Preval made real efforts to promote political reconciliation in the country. Because of these efforts, we have a genuine window of opportunity to make a difference in Haiti. But this window will not last forever. In the best tradition of the Peace Corps, we Americans should seize this opportunity while we have the chance.

I can think of no better way of honoring the Peace Corps than by calling upon it to consider returning to Haiti.

## IN MEMORY OF WILLIAM F. BUCKLEY, JR.

Mr. DODD. Mr. President, I wish to mark the loss of an outstanding American intellect—and, what's more, a decent and a well-loved man. William F. Buckley, Jr., died last week at the age of 82. He was found at work at his desk, pen in hand—and I don't think he could have imagined a more fitting exit.

Few thinkers were more prolific than Bill Buckley—his total catalogue amounts to more than 50 books and thousands and thousands of columns, not to mention his three decades on the pioneering debate program "Firing Line." Few writers wielded more influence—the entire modern conservative movement honors him as its founder. And few figures in our national life earned such admiration— all the way from Ronald Reagan, who told Buckley, "You didn't just part the Red Sea—you rolled it back, dried it up and left it exposed, for all the world to see," to the many writers, activists, and leaders who counted him as a mentor and inspiration.

He was a good friend of my parents, Thomas and Grace Dodd, and one of Connecticut's best-known native sons. I was especially proud to see him in attendance at the dedication of the Thomas J. Dodd Library in Storrs; like my father, Bill Buckley was a dedicated foe of totalitarianism in all its forms.

In the wake of his death, tributes have risen from left and right and from every point in between. Even those who stood against Bill's staunch conservatism respected his intellectual rigor and integrity. In the inaugural issue of National Review, which Bill launched in 1955 at the age of 30, he wrote this: "Our political economy and our high-energy industry run on large, general principles, on ideas—not by day-to-day guess work, expedients and improvisations. Ideas have to go into exchange to become or remain operative; and the medium of such exchange is the printed word." It was that commitment to ideas, to reasoned and courteous debate, that we appreciated most in Bill and that we will miss most.

His intellectual honesty spared neither himself nor his friends. When he changed his mind—as he did on civil rights, on Vietnam, and on Iraq—he did it publicly and forthrightly. And long after the movement he founded took on a life of its own, Bill continued to hold it to his high standards and to call it to account. In his last years, he wrote: "Conservatives pride themselves on resisting change, which is as it should be. But intelligent deference to tradition and stability can evolve into intellectual sloth and moral fanaticism, as when conservatives simply decline to look up from dogma because the effort to raise their heads and reconsider is too great."

Bill resisted dogma, not because it was often wrong but because it was always lazy. He was too energetic for that. And while he pioneered new thinking, worked to rid the conservative movement of xenophobia, and even staged a quixotic run for mayor of New York City—asked what he would do if elected, he replied: "Demand a recount!"—he developed a one-of-a-kind prose style and public persona. "I am lapidary but not eristic when I use big words," he said. Those are my thoughts exactly.

Bill Buckley lived a full life, devoted to words, to ideas, and to his deeply-held principles. We didn't agree on much. But given his grace, his wit, and his deep erudition, I can think of few people with whom disagreement was so agreeable.

I request unanimous consent that the attached article, "May We Not Lose His Kind," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 29, 2008]

### MAY WE NOT LOSE HIS KIND

(By Peggy Noonan)

He was sui generis, wasn't he? The complete American original, a national treasure, a man whose energy was a kind of optimism, and whose attitude toward life, even when things seemed to others bleak, was summed up in something he said to a friend: "Despair is a mortal sin."

I am not sure conservatives feel despair at Bill Buckley's leaving—he was 82 and had done great work in a lifetime filled with pleasure—but I know they, and many others, are sad, and shaken somehow. On Wednesday, after word came that he had left us, in a television studio where I'd gone to try and speak of some of his greatness, a celebrated liberal academic looked at me stricken, and said he'd just heard the news. "I can't imagine a world without Bill Buckley in it," he said. I said, "Oh, that is exactly it."

It is. What a space he filled.

It is commonplace to say that Bill Buckley brought American conservatism into the mainstream. That's not quite how I see it. To me he came along in the middle of the last century and reminded demoralized American conservatism that it existed. That it was real, that it was in fact a majority political entity, and that it was inherently mainstream. This was after the serious drubbing inflicted by Franklin D. Roosevelt and the New Deal and the rise of modern liberalism. Modern liberalism at that point was a real something, a palpable movement formed by FDR and continued by others. Opposing it was . . . what exactly? Robert Taft? The ghost of Calvin Coolidge? Buckley said in effect, Well, there's something known as American conservatism, though it does not even call itself that. It's been calling itself "voting Republican" or "not liking the New Deal." But it is a very American approach to life, and it has to do with knowing that the government is not your master, that America is good, that freedom is good and must be defended, and communism is very, very bad.

He explained, remoralized, brought together those who saw it as he did, and began the process whereby American conservatism came to know itself again. And he did it primarily through a magazine, which he with no modesty decided was going to be the central and most important organ of resurgent conservatism. National Review would be highly literate, philosophical, witty, of the moment, with an élan, a teasing quality that made you feel you didn't just get a subscription, you joined something. You entered a world of thought.

I thought it beautiful and inspiring that he was open to, eager for, friendships from all sides, that even though he cared passionately about political questions, politics was not all, cannot be all, that people can be liked for their essence, for their humor and good nature and intelligence, for their attitude toward life itself. He and his wife, Pat, were friends with lefties and righties, from National Review to the Paris Review. It was moving too that his interests were so broad, that he could go from an appreciation of the metaphors of Norman Mailer to essays on classical music to an extended debate with his beloved friend the actor David Niven on the best brands of peanut butters. When I saw him last he was in a conversation with the historian Paul Johnson on the relative merits of the work of the artist Raeburn.

His broad-gaugedness, his refusal to be limited, seemed to me a reflection in part of a central conservative tenet, as famously expressed by Samuel Johnson. "How small of all that human hearts endure / That part which laws or kings can cause or cure." When you have it right about laws and kings, and what life is, then your politics become grounded in the facts of life. And once they are grounded, you don't have to hold to them so desperately. You can relax and have fun. Just because you're serious doesn't mean you're grim.

Buckley was a one-man refutation of Hollywood's idea of a conservative. He was rising in the 1950s and early '60s, and Hollywood's idea of a conservative was still Mr. Potter, the nasty old man of "It's a Wonderful Life," who would make a world of grubby Pottersvilles if he could, who cared only about money and the joy of bullying idealists. Bill Buckley's persona, as the first famous conservative of the modern media age, said no to all that. Conservatives are brilliant, capacious, full of delight at the world and full of mischief, too. That's what he was. He upended old clichés.

This was no small thing, changing this template. Ronald Reagan was the other who changed it, by being a sunny man, a happy one. They were friends, admired each other, had two separate and complementary roles. Reagan was in the game of winning votes, of persuading, of leading a political movement that catapulted him to two terms as governor of California, the nation's biggest state, at a time when conservatives were seemingly on the defensive but in retrospect were rising to new heights. He would speak to normal people and persuade them of the efficacy of conservative solutions to pressing problems. Buckley's job was not reaching on-the-ground voters, or reaching voters at all, and his attitude toward his abilities in that area was reflected in his merry answer when asked what he would do if he won the mayoralty of New York. "Demand a recount," he famously replied. His role was speaking to those thirsting for a coherent worldview, for an intellectual and moral attitude grounded in truth. He provided intellectual ballast. Inspired in part by him, voters went on to support Reagan. Both could have existed without the other, but Buckley's work would have been less satisfying, less realized, without Reagan and his presidency, and Reagan's leadership would have been more difficult, and also somehow less satisfying, without Buckley.

I share here a fear. It is not that the conservative movement is ending, that Bill's death is the period on a long chapter. The house he helped build had—has—many mansions. Conservatism will endure if it is rooted in truth, and in the truths of life. It is.

It is rather that with the loss of Bill Buckley we are, as a nation, losing not only a great man. When Jackie Onassis died, a friend of mine who knew her called me and said, with such woe, "Oh, we are losing her kind." He meant the elegant, the cultivated, the refined. I thought of this with Bill's passing, that we are losing his kind—people who were deeply, broadly educated in great universities when they taught deeply and broadly, who held deep views of life and the world and art and all the things that make life more delicious and more meaningful. We have work to do as a culture in bringing up future generations that are so well rounded, so full and so inspiring.

Bill Buckley lived a great American life. His heroism was very American—the individualist at work in the world, the defender of great creeds and great beliefs going forth with spirit, style and joy. May we not lose his kind. For now, "Good night, sweet prince, and flights of angels take thee to thy rest."

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## HONORING MASTER SERGEANT WOODROW WILSON KEEBLE

Mr. JOHNSON. Mr. President, I rise today to pay tribute to Master Sergeant Woodrow Wilson Keeble, a South Dakota hero, who was posthumously awarded the Medal of Honor at a White House ceremony this afternoon.

Master Sergeant Keeble was born in Waubay, SD, and was a member of the Sisseton-Wahpeton Oyate. He served in the Army in both World War II and the Korean war, and was highly decorated for his service having been awarded two Purple Hearts, the Bronze Star, the Silver Star, the Combat Infantryman Badge, and the Distinguished Service Cross.

The action for which Master Sergeant Keeble was awarded the Medal of Honor occurred in October 1951 near Kumsong, North Korea. The accounts of his actions that day are truly worthy of a Hollywood movie. Though wounded and having fought continually for several days in brutally cold weather, Master Sergeant Keeble single-handedly took out three machine gun emplacements which had pinned down U.S. troops. As a result, U.S. troops were able to achieve their objective.

First Sergeant Joe K. Sagami described the action this way:

> He worked his way down about fifty yards from the ridgeline and flanked the enemy's left pillbox; attacking it with grenades and rifle fire eliminating it. He then retreated to about the point where the First Platoon was holding the unit's first line of defense and

> worked down about fifty yards from the ridgeline and proceeded to outflank the enemy's right pillbox with grenades eliminating it. Then without hesitation he lobbed a grenade into the back entrance of the middle pillbox and with additional fire eliminated it. He then ordered his First Platoon forward to eliminate what little resistance was left.

In reading the words of those who fought with Master Sergeant Keeble, which have been collected by researcher Merry Helm, it is clear that everyone loved and respected the man they called Chief. Joseph Marston of George Company said, "What 'Chief' accomplished that day was common knowledge throughout the whole battalion. He was known for his bravery."

When asked about Master Sergeant Keeble, Carl Fetzner, who served in Second Platoon, said:

> Sure I remember him. Nobody could forget him! I had barely gotten to the company when this happened. I didn't know much about what was going on, but I do know SGT Keeble was the finest, most courageous person I ever knew. When we pulled back in reserve—you know when we could go [back from] the lines to clean up, whatever, take a little rest . . . he knew what was going on. He took care of his men, he liked people, and he always did everything he could to help you, especially the new men . . ..

After the Korean war, Master Sergeant Keeble came home and went to work at the Wahpeton Indian School. He enjoyed making copper sculptures and was active in his community. Like so many veterans, he was more concerned about taking care of his family than collecting medals. At the time, few even knew that the members of his own company had submitted a recommendation that he be awarded a Medal of Honor for his brave action in October 1951.

Because the recommendation paperwork had been lost twice, Master Sergeant Keeble did not receive the honor his fellow soldiers knew he deserved. It all might have been forgotten if the men he served with, and later his family and friends, had not kept the issue alive for the next five decades.

Master Sergeant Keeble's case was first brought to my attention in 2002 by his family and members of the Sisseton-Wahpeton Oyate. At that time, I contacted the Secretary of the Army asking that Master Sergeant Keeble's case be reconsidered based on the loss of the original recommendation paperwork. The case was bolstered by original documents and affidavits that had been saved by those who served with Master Sergeant Keeble.

Though it has taken many years of work by many people, countless letters and phone calls, and even legislation passed in May 2007 authorizing the President to act, President Bush recently approved the recommendation and posthumously awarded the Medal of Honor to Master Sergeant Keeble's family this afternoon.

I never had the opportunity to meet Master Sergeant Keeble who died in 1982, but it has been an honor to get to know more about him by working with his family over the past 6 years. I want to thank his family and friends, the Sisseton-Wahpeton Oyate, and all the people of South Dakota who have fought to secure this much-deserved honor for Master Sergeant Keeble. I also want to say a special word about his wife Blossom, who died last year. I wish we could have gotten Master Sergeant Keeble this recognition before Blossom passed away, but thankfully she knew how close we were to getting this done.

At a time when so many young men and women are deployed in dangerous places in defense of our country, it is important that we honor all of those who have served our nation in uniform. While we owe them a debt of gratitude that can never be fully repaid, I am proud that today we have properly thanked a South Dakota hero for his service.

I know I join with my colleagues and all South Dakotans in honoring Master Sergeant Keeble for his service to our nation and congratulating his family on receiving his Medal of Honor.

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(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## NATO SUMMIT

• Mr. OBAMA. Mr. President, from April 2 to 4, 2008, leaders of the North Atlantic Treaty Organization, NATO, will meet at a summit in Bucharest, Romania, to address issues critical to American national security and the future of the Euro-Atlantic community. NATO leaders must seize this opportunity to strengthen transatlantic ties, augment alliance members' contributions to common missions and continue to build the integrated, stable and prosperous Europe that is a vital interest of the United States.

A top priority for the summit must be to reinforce NATO's critical mission in Afghanistan. The contributions there of all the NATO allies alongside more than a dozen other countries bears testimony to how the alliance can contribute to the 21st century missions that are vital to the security of the United States and its allies. NATO's involvement provides capabilities, legitimacy, and coordination in Afghanistan that simply would not be available if NATO did not exist.

Success in Afghanistan is vital to the security of the United States, to all NATO members, and to the people of Afghanistan. NATO's leaders must therefore send an unambiguous message that every country in NATO will do whatever needs to be done to destroy terrorist networks in Afghanistan, to prevent the Taliban from returning to power, and to bring greater security and well-being to the Afghan people. This will require adequate numbers of capable military forces and civilian personnel from NATO members and putting more of an Afghan face on counter insurgency operations by providing more training and resources to the Afghan National Army and police forces, and by embedding more Afghan forces in NATO missions. We must also win long-term public support through assistance programs that make a difference in the lives of the Afghan people, including investments in infrastructure and education; the development of alternative livelihoods for poppy farmers to undermine the Taliban and other drug traffickers; and increased efforts to combat corruption through safeguards on assistance and support for the rule of law.

Success in Afghanistan will also require the removal of restrictions that some allies have placed on their forces in Afghanistan, which hamper the flexibility of commanders on the ground. The mission in Afghanistan—legitimized by a United Nations mandate, supported by the Afghan people, and endorsed by all NATO members after the United States was attacked is central to NATO's future as a collective security organization. Afghanistan presents a test of whether NATO can carry out the crucial missions of the 21st century, and NATO must come together to meet that challenge. Now is the time for all NATO allies to recommit to this common purpose.

The summit must also address the question of the alliance expanding membership. NATO enlargement since the end of the Cold War has helped the countries of Central and Eastern Europe become more stable and democratic. It has also added to NATO military capability by facilitating contributions from new members to critical missions such as Afghanistan.

The three current candidates for NATO membership—Albania, Croatia and the Republic of Macedonia—have each made great strides in consolidating their new democracies. They have reformed their defense establishments, worked to root out corruption, modernized their economies, and contributed to NATO security missions in the Balkans and Afghanistan. Responding to these efforts with NATO membership at the upcoming summit would add to the alliance military capabilities while contributing to stability in the Balkans, a region still suffering from the ethnic tensions left behind by the bloodshed of the 1990s.

Ukraine and Georgia have also been developing their ties with NATO. Their leaders have declared their readiness to advance a NATO Membership Action Plan, MAP, to prepare for the rights and obligations of membership. They are working to consolidate democratic reforms and to undertake new responsibilities in their relationship with the Alliance. I welcome the desire and actions of these countries to seek closer ties with NATO and hope that NATO responds favorably to their request, consistent with its criteria for membership. Whether Ukraine and Georgia ultimately join NATO will be a decision for the members of the alliance and the citizens of those countries, after a period of open and democratic debate. But they should receive our help and encouragement as they continue to develop ties to Atlantic and European institutions.

NATO enlargement is not directed against Russia. Russia has an important role to play in European and global affairs and should see NATO as a partner, not as a threat. But we should oppose any efforts by the Russian government to intimidate its neighbors or control their foreign policies. Russia cannot have a veto over which countries join the alliance. Since the end of the Cold War, Republican and Democratic administrations have supported the independence and sovereignty of all the states of Eastern Europe and the former Soviet Union, and we must continue to do so. President Putin recent threat to point missiles at Ukraine is simply not the way to promote the peaceful 21st century Europe we seek.

NATO stands as an example of how the United States can advance American national security—and the security of the world—through a strong alliance rooted in shared responsibility and shared values. NATO remains a vital asset in America's efforts to anchor democracy and stability in Europe and to defend our interests and values all over the world. The Bucharest summit provides an opportunity to advance these goals and to reinforce a vital alliance. NATO's leaders must seize that opportunity.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 2:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2272. An act to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

S. 2478. An act to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office".

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 12. A bill to promote home ownership, manufacturing, and economic growth.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC-5298. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Safe Harbors for Sections 143 and 25" (Rev. Proc. 2008-17) received on February 25, 2008; to the Committee on Finance.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-286. A resolution adopted by the Council of the County of Hawaii supporting the National Health Insurance Act; to the Committee on Finance.

POM-287. A collection of petitions from citizens across the country relative to establishing a more equitable method of computing cost of living adjustments for Social Security benefits; to the Committee on Finance.

POM-288. A petition from citizens of the State of New York relative to the role of federal courts in prison reform; to the Committee on the Judiciary.

POM-289. A resolution adopted by the Senate of the State of Hawaii urging the creation of an agreement that results in an economy-wide reduction in greenhouse gas emissions; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 24

Whereas, the White House is convening a Major Economies Meeting on Energy Security and Climate Change with seventeen invited countries at the Center for Cultural and Technical Interchange Between East and West, Inc. (East-West Center) on the campus of the University of Hawaii at Manoa on January 30 and 31, 2008, to discuss potential international agreements on global climate change; and

Whereas, for more than half a century, researchers have used atmospheric samples taken at the Mauna Loa Observatory on the island of Hawaii to track a steady annual increase in the concentration of carbon dioxide in the atmosphere and have concluded that concentrations are now higher than they have been in the past eight hundred thousand years; and

Whereas, scientific consensus links the anthropogenic increase in greenhouse gases to global climate change; and

Whereas, the Fourth Assessment Report of the Intergovernmental Panel on Climate Change indicates that global emissions of greenhouse gases need to peak in the next ten to fifteen years and be reduced to levels well below half those in 2000 by the middle of this century in order to stabilize greenhouse gases concentrations in the atmosphere at the lowest levels assessed by the Intergovernmental Panel on Climate change to date in its scenarios; and

Whereas, achieving the lowest levels assessed by the Intergovernmental Panel on Climate Change to date and its corresponding potential damage limitation would require developed countries as a group to reduce emissions in a range of twenty-five to forty per cent below 1990 levels by 2020; and

Whereas, the Intergovernmental Panel on Climate Change and the signatory nations of the United Nations Framework Convention on Climate Change have recognized the special dangers of climate change to island states, territories, and nations; and

Whereas, global climate change is causing rapid melting of ice at both the north and south polar regions, which, in conjunction with thermal expansion due to warmer water temperatures, is leading to a rapid rise in sea level; and

Whereas, University of Hawaii experts have demonstrated that a one meter rise in sea level would inundate much of Hawaii's coastline, including the world renowned Waikiki resort area, the Honolulu International Airport's reef runway, the majority of Hawaii's wastewater treatment facilities, many historic sites, and many populated areas, including lands up to a mile away from the existing shoreline in parts of Honolulu; and

Whereas, global climate change also threatens Hawaii with stronger hurricanes, prolonged drought, shifting weather patterns, warmer temperatures, shifting microclimates, increased spread of invasive species, and saltwater intrusion into its aquifers; and

Whereas, increased atmospheric carbon dioxide concentrations foster greater carbon dioxide uptake by the world's oceans, leading to ocean acidification and the resultant decreases in reef health and decreases in survival of ocean life that rely on calcium carbonate shells; and

Whereas, Hawaii is doing its part to reduce its contribution to global climate change by adopting progressive energy policies that promote the use of clean energy technologies such as wind, solar, wave, and biomass energy; and

Whereas, Act 234, Session Laws of Hawaii 2007, placed a binding statewide cap on Hawaii's greenhouse gas emissions by requiring Hawaii to reduce its non-aviation greenhouse gas emissions to their 1990 levels before 2020: Now, therefore, be it

*Resolved by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008*, That in recognition of Hawaii's overwhelming vulnerability to global climate change, the President of the United States is urged to use the January 30 and 31, 2008, Major Economies Meeting on Energy Security and Climate Change, which is being hosted in Hawaii, to commit to an economy-wide reduction in greenhouse gas emissions in the United States; and be it further

*Resolved*, That the President of the United States is urged to consent to binding and quantified commitments for the United States under the United Nations Framework Convention on Climate Change that would result in the rapid stabilization and decrease in atmospheric greenhouse gas concentrations; and be it further

*Resolved*, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, and the Secretariat of the United Nations Framework Convention on Climate Change.

POM-290. A resolution adopted by the Senate of the State of Michigan urging the Congress to establish stricter standards for the drug approval process; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 134

Whereas, Americans are justifiably concerned about the safety and efficacy of the drugs and medications they take. In recent years, the FDA has received consumer reports of safety concerns and harmful side effects after the use of drugs approved by the FDA. In some cases, the FDA or manufacturer response to these reports has not been timely and consumers continue to risk harm; and

Whereas, The FDA is responsible for protecting public health by assuring the safety, efficacy, and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmetics, and products that emit radiation. Accountability rests with the FDA to require stringent testing and trials before a drug can be approved for marketing; and

Whereas, Incidents of harmful side effects raised concerns that the FDA post-marketing monitoring needs strengthening. Although American drugs are arguably the safest in the world, allegations of detrimental consequences from FDA-approved drugs show that there is room for improvement. Stricter standards for the FDA's investigation and response to consumer reports of harmful side effects should be established to enhance the safety of drugs approved by the FDA and on the market. The FDA must immediately investigate consumer reports of harmful side effects and act quickly to protect the public. In this way, Michigan's tort law and strict FDA standards will ensure that Michigan residents can have confidence in the drugs and medications they take; now, therefore, be it

*Resolved by the Senate*, That we memorialize the United States Congress and United States Food and Drug Administration to establish stricter standards for the drug approval process; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Commissioner of the United States Food and Drug Administration.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 602. A bill to develop the next generation of parental control technology (Rept. No. 110-268).

S. 1578. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes (Rept. No. 110-269).

S. 1889. A bill to amend title 49, United States Code, to improve railroad safety by reducing accidents and to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes (Rept. No. 110-270).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 2683. A bill to amend title 38, United States Code, to modify certain authorities relating to educational assistance benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DODD (for himself, Mr. SCHUMER, Mr. REED, Mr. MENENDEZ, and Mr. BROWN):

S. 2684. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG (for himself and Ms. SNOWE):

S. 2685. A bill to prohibit cigarette manufacturers from making claims or representations based on data derived from the cigarette testing method established by the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself and Mr. CARPER):

S. 2686. A bill to ensure that all users of the transportation system, including pedestrians, bicyclists, and transit users as well as children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on streets and highways; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 2687. A bill to amend title XVIII of the Social Security Act to enhance beneficiary protections under parts C and D of the Medicare program; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself and Mr. STEVENS):

S. Res. 468. A resolution designating April 2008 as "National 9-1-1 Education Month"; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

### S. 22

At the request of Mr. WEBB, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

### S. 315

At the request of Mr. WARNER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 315, a bill to establish a digital and wireless network technology program, and for other purposes.

### S. 727

At the request of Mr. COCHRAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

### S. 1070

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

### S. 1430

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

### S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

### S. 1494

At the request of Mr. DOMENICI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

### S. 1763

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 1763, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1818

At the request of Mr. KERRY, his name was added as a cosponsor of S. 1818, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 2064

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2064, a bill to fund comprehensive programs to ensure an adequate supply of nurses.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2237

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2237, a bill to fight crime.

S. 2291

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2291, a bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes.

S. 2344

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2344, a bill to create a competitive grant program to provide for age-appropriate Internet education for children.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2390

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2390, a bill to promote fire-safe communities, and for other purposes.

S. 2485

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2559

At the request of Mr. DODD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2586

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2586, a bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States.

S. 2614

At the request of Mr. BARRASSO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2614, a bill to facilitate the development, demonstration, and implementation of technology for the use in removing carbon dioxide and other greenhouse gases from the atmosphere.

S. 2654

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2654, a bill to provide for enhanced reimbursement of servicemembers and veterans for certain travel expenses.

S. 2663

At the request of Mr. PRYOR, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2666

At the request of Ms. CANTWELL, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2678

At the request of Mrs. MCCASKILL, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2678, a bill to clarify the law and ensure that children born to United States citizens while serving overseas in the military are eligible to become President.

S. RES. 455

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Wisconsin (Mr. KOHL), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from Indiana (Mr. BAYH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mrs. DOLE), the Senator from Ohio (Mr. BROWN), the Senator from Oregon (Mr. SMITH) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 455, a resolution calling for peace in Darfur.

S. RES. 465

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 465, a resolution designating March 3, 2008, as "Read Across America Day".

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2683. A bill to amend title 38, United States Code, to modify certain authorities relating to educational assistance benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am introducing today the proposed GI Bill Miscellaneous Improvements Act of 2008. This measure would make three minor but important changes in existing law relating to veterans' educational assistance programs.

In 2001, Public Law 107–103 established a program of accelerated payments for individuals enrolled in high-cost programs of educational assistance leading to employment in high technology industry. It is generally agreed that the intent of that legislation was that payments were to be effective with respect to short, non-degree programs of education. For example, Senate Report 107–86 stated:

> Microsoft, Cisco, and other technical training for certification is offered through training centers, private contractors to community colleges, or by the companies themselves. These courses often last just a few weeks or months, and can cost many thousands of dollars . . .
>
> During the Committee's June 28th hearing, Dr. Leo Mackay, Deputy Secretary of the Department of Veterans Affairs, testified

that "providing educational benefits for pursuit of these [technology] courses is fully consonant with MGIB purposes." David Tucker, Senior Associate Legislative Director of the Paralyzed Veterans of America, also testified that, "If the MGIB is to be used not only for recruitment purposes, but also as a means of enabling a veteran to make a smooth transition back to civilian life, then S. 1088 [allowing veterans to use their MGIB benefits in courses leading to certification in technical fields] is a vital means to accomplish these goals."

As enacted, however, the payments are made to individuals pursuing any courses in the high technology sector including associate and degree programs.

The legislation I am introducing would correct this oversight prospectively, while holding harmless those individuals who might be receiving accelerated payments for degree programs at this time.

Public Law 107-103 also expanded the scope of work that could be assigned to individuals participating in VA work study programs. Specifically, it added to acceptable activities certain outreach services programs, activities relating to hospital and domiciliary care to veterans in State homes, and activities relating to the administration of national or state veterans' cemeteries.

As enacted, this expansion of scope was initially made available until December 31, 2006. Public Law 109-461 extended the scope expansion until June 30, 2007. Since legislation extending the scope expansion was stalled in Congress, there was a disruption in the provision of these important activities until Public Law 110-157, enacted on December 26, 2007, extended this expansion until June 30, 2010.

My proposal would make this activity expansion permanent so that the unfortunate disruption that occurred this year will not occur in the future. I note that this provision does not affect the number of VA work study positions that may be made available. It only addresses the type of activities that may be carried out under the program.

Finally, this bill would authorize appropriations for VA payments to State Approving Agencies. Under provisions of chapter 36 of title 38, U.S. Code, VA contracts for the services of State approving agencies—SAAs—for the purpose of approving programs of education at institutions of higher learning, apprenticeship programs, on-job training programs, and other programs. SAAs are also tasked with assisting VA with various outreach activities to inform eligible VA program participants of the educational assistance benefits to which they are entitled.

Since 1988, VA payment for the services of SAAs has been made only out of funds available for readjustment benefits, a mandatory funding account, and has thus been subject to funding caps. Section 3674(a)(4) of title 38, U.S. Code, states as follows: "The total amount made available under this section for any fiscal year may not exceed $13,000,000 or, for fiscal year 2007, $19,000,000." Thus, under existing law, the cap on the amount of funds that could be made available in fiscal years 2008 and beyond would revert to funding levels applied prior to fiscal year 2000—or a reduction of more than 32 percent.

A provision in S. 1315 that would restore the $19 million cap on funding is currently pending in the Senate, and a $19 million funding level was provided for through the appropriations process. However, the measure I am introducing would look beyond this fiscal year and address the needs of the program in the future.

By authorizing appropriations for the SAAs, I believe that the program will be able to justify increases in the current funding level beyond the $19 million level to which they would be restricted for all fiscal years going forward. Further, I believe that the current cap on funding, although to some appearing attractive because it seems to offer some stability by pulling from the mandatory funding readjustment benefits account, actually offers no such stability as VA could at any time determine that $2 million "does not exceed" $19 million.

I am committed to seeking an adequate level of funding for the important activities of the SAAs and believe that this approach would assist in achieving that goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2683

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LIMITATION TO NON-DEGREE PROGRAMS OF ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY.**

(a) LIMITATION.—Section 3014A(b)(1) of title 38, United States Code, is amended by inserting "not leading to an associate or higher degree" after "approved program of education".

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to individuals who first elect to receive accelerated payments of basic educational assistance under section 3014A of title 38, United States Code, on or after that date.

**SEC. 2. REPEAL OF DELIMITING PERIODS FOR EXPANSION OF WORK-STUDY ALLOWANCE OPPORTUNITIES.**

Section 3485(a)(4) of title 38, United States Code, is amended—

(1) in subparagraphs (A) and (C), by striking ", during the period preceding June 30, 2010," each place it appears; and

(2) in subparagraph (F), by striking "During the period preceding June 30, 2010, an activity" and inserting "An activity".

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR AMOUNTS FOR REIMBURSEMENT OF EXPENSES OF STATE AND LOCAL AGENCIES IN THE ADMINISTRATION OF EDUCATIONAL BENEFITS.**

(a) IN GENERAL.—Paragraph (4) of subsection (a) of section 3674 of title 38, United States Code, is amended to read as follows:

"(4) There are authorized to be appropriated to carry out this section amounts as follows:

"(A) For fiscal year 2009, $22,000,000.

"(B) For fiscal year 2010, $24,000,000.

"(C) For fiscal year 2011, $26,000,000.

"(D) For fiscal years after 2011, such sums as may be necessary.".

(b) CONFORMING AMENDMENT.—Paragraph (2)(A) of such subsection is amended by striking "out of amounts available for the payment of readjustment benefits" and inserting "out of amounts appropriated for the purpose of carrying out this section".

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By Mr. DODD (for himself, Mr. SCHUMER, Mr. REED, Mr. MENENDEZ, and Mr. BROWN):

S. 2684. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I come to the floor today to introduce with my colleagues Senators SCHUMER, REED, MENENDEZ and BROWN, the Section 8 Voucher Reform Act of 2008, a bill to improve our Nation's largest initiative to assist low-income families afford housing. Section 8 housing vouchers help 2 million American families—including many children, seniors and people with disabilities—afford safe, decent and stable housing.

The current crisis in the U.S. housing market is having ripple effects throughout our Nation. Families are losing their homes—both homeowners and renters whose properties are being foreclosed upon. Those who can hold onto their homes have seen significant losses in equity, and many owe more on their mortgage than the value of their home. This crisis in the housing sector is causing a significant slowdown in our economy, and housing assistance will need to be strengthened so families have access to safe, affordable housing.

Without housing assistance, many families would lack the stability to find and retain employment, and many children would be unable to adequately perform in school because of multiple moves or health problems resulting from inadequate housing.

Though millions of families are assisted through housing programs, the need for additional housing opportunities is acute. The Joint Center for Housing Studies found that last year the number of severely cost-burdened households, those that pay more than half of their income towards rent, jumped by 1.2 million to a total of 17 million. This is one in seven U.S. households that struggle to afford housing without foregoing other basic needs.

Housing vouchers are a successful way to provide stability for millions of Americans. Through this public-private partnership, vouchers allow low-income, working Americans to live closer to employment and educational opportunities, and nearer to social and familial networks and support.

While housing vouchers are a critical tool, the program needs to be updated so that additional families can benefit, and so that taxpayer dollars are spent more efficiently.

The voucher reform bill that I am introducing today will help attract additional private landlords, reduce administrative burdens, and help more families achieve self-sufficiency.

This bill creates a stable and efficient formula for allocating voucher funds so that families do not lose their housing. Under this formula, housing agencies are encouraged to lower the costs per voucher, helping to create efficiencies in the program and allowing more people to access needed housing opportunities.

The bill encourages employment by allowing voucher holders to keep more of their earnings, while ensuring that they pay fair rents. Systematic funding is provided for Family Self-Sufficiency coordinators so that more families can access this successful program aimed at increasing earnings and saving for homeownership.

The bill authorizes 20,000 additional incremental housing vouchers to help meet the great and growing demand for assistance from low-income working families, seniors, and people with disabilities.

Under this bill, administrative burdens are eased, so that housing agencies spend less time and funding on paperwork, and more time and funding on assisting families in need. To more effectively use program resources, the bill requires unit inspections every 2 years instead of annually. While the bill retains the requirement that tenants pay 30 percent of their income towards rent, it streamlines and standardizes the calculation of income so that housing agencies can rely on standard, as opposed to individualized, income deductions.

This bill will greatly improve the voucher program, and I am pleased to be sponsoring this legislation. It has support from more than 80 local and national groups, including the Lawyers Committee for Civil Rights Under Law, the Paralyzed Veterans of America, and the National Alliance to End Homelessness.

This is a strong and needed bill, and I urge my colleagues to support our efforts to provide additional affordable housing opportunities to low-income families all across our Nation.

Mr. President, I ask unanimous consent that the text of the bill, a list of supporters, and a section-by-section analysis be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

### S. 2684

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Section 8 Voucher Reform Act of 2008".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Inspection of dwelling units.
Sec. 3. Rent reform and income reviews.
Sec. 4. Eligibility for assistance based on assets and income.
Sec. 5. Targeting assistance to low-income working families.
Sec. 6. Voucher renewal funding.
Sec. 7. Administrative fees.
Sec. 8. Homeownership.
Sec. 9. Performance assessments.
Sec. 10. PHA project-based assistance.
Sec. 11. Rent burdens.
Sec. 12. Establishment of fair market rent.
Sec. 13. Screening of applicants.
Sec. 14. Enhanced vouchers.
Sec. 15. Project-based preservation vouchers.
Sec. 16. Demonstration program waiver authority.
Sec. 17. Study to identify obstacles to using vouchers in federally subsidized housing projects.
Sec. 18. Collection of data on tenants in projects receiving tax credits.
Sec. 19. Agency authority for utility payments in certain circumstances.
Sec. 20. Access to HUD programs for persons with limited English proficiency.
Sec. 21. Authorization of appropriations.
Sec. 22. Effective date.

### SEC. 2. INSPECTION OF DWELLING UNITS.

(a) Inspection of Units by PHA's.—Section 8(o)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(8)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) Initial inspection.—

"(i) In general.—For each dwelling unit for which a housing assistance payment contract is established under this subsection, the public housing agency (or other entity pursuant to paragraph (11)) shall inspect the unit before any assistance payment is made to determine whether the dwelling unit meets the housing quality standards under subparagraph (B), except as provided in clause (ii) or (iii) of this subparagraph.

"(ii) Correction of non-life threatening conditions.—In the case of any dwelling unit that is determined, pursuant to an inspection under clause (i), not to meet the housing quality standards under subparagraph (B), assistance payments may be made for the unit notwithstanding subparagraph (C) if failure to meet such standards is a result only of non-life threatening conditions. A public housing agency making assistance payments pursuant to this clause for a dwelling unit shall, 30 days after the beginning of the period for which such payments are made, suspend any assistance payments for the unit if any deficiency resulting in noncompliance with the housing quality standards has not been corrected by such time, and may not resume such payments until each such deficiency has been corrected.

"(iii) Projects receiving certain federal housing subsidies.—In the case of any property that within the previous 12 months has been determined to meet Federal housing quality and safety standards under any Federal housing program inspection standard equivalent to the standards under the program under this subsection, including the program under section 42 of the Internal Revenue Code of 1986 or under subtitle A of title II of the Cranston Gonzalez National Affordable Housing Act, a public housing agency may—

"(I) authorize occupancy before the inspection under clause (i) has been completed; and

"(II) make assistance payments retroactive to the beginning of the lease term after the unit has been determined pursuant to an inspection under clause (i) to meet the housing quality standards under subparagraph (B), provided that such inspection is conducted pursuant to the requirements of subparagraph (C).";

(2) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) Biennial inspections.—

"(i) Requirement.—Each public housing agency providing assistance under this subsection (or other entity, as provided in paragraph (11)) shall make, for each assisted dwelling unit, inspections not less than biennially during the term of the housing assistance payments contract for the unit to determine whether the unit is maintained in accordance with the requirements under subparagraph (A). The agency (or other entity) shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary, the Inspector General for the Department of Housing and Urban Development, and any auditor conducting an audit under section 5(h).

"(ii) Sufficient inspection.—An inspection of a property shall be sufficient to comply with the inspection requirement under clause (i) if—

"(I) the inspection was conducted pursuant to requirements under a Federal, State, or local housing assistance program (including the HOME Investment Partnerships Program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) or the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986); and

"(II) pursuant to such inspection, the property was determined to meet the standards or requirements regarding housing quality or safety applicable to units assisted under such program, and if a non-Federal standard was used, the public housing agency has certified to the Secretary that such standards or requirements provide the same protection to occupants of dwelling units meeting such standards or requirements as, or greater protection than, the housing quality standards under subparagraph (B)."; and

(3) by adding at the end the following new subparagraph:

"(F) Interim inspections.—Upon notification by a family on whose behalf tenant-based assistance is provided under this subsection, that the dwelling unit for which such assistance is provided does not comply with housing quality standards under subparagraph (B), the public housing agency shall inspect the dwelling unit—

"(i) in the case of a life threatening condition, within 24 hours of such notice; and

"(ii) in the case of any non-life threatening condition, within 15 days of such notice.

"(G) Enforcement of housing quality standards.—

"(i) Determination of noncompliance.—A dwelling unit that is covered by a housing assistance payments contract under this subsection shall be considered, for purposes of this subparagraph, to be in noncompliance with the housing quality standards under subparagraph (B) if—

"(I) the public housing agency or an inspector authorized by the State or unit of local government determines upon inspection of the unit that the unit fails to comply with such standards;

"(II) the agency or inspector notifies the owner of the unit in writing of such failure to comply; and

"(III) the failure to comply is not corrected—

"(aa) in the case of any such failure that is a result of a life threatening condition, within 24 hours after receipt of such notice; and

"(bb) in the case of any failure that is a result of a non-life threatening condition, within 30 days after provision of such notice, or such other reasonable period as the public housing agency may establish.

"(ii) ABATEMENT OF ASSISTANCE.—

"(I) IN GENERAL.—A public housing agency providing assistance under this subsection shall abate such assistance with respect to any assisted dwelling unit that is determined to be in noncompliance with the housing quality standards under subparagraph (B). Upon a showing by the owner of the unit that sufficient repairs to the unit have been completed so that the unit complies with such housing quality standards, the public housing agency may recommence payment of such assistance.

"(II) USE OF ABATED ASSISTANCE TO PAY FOR REPAIRS.—The public housing agency may use any assistance amounts abated pursuant to subclause (I) to make repairs or to contract for such repairs for life-threatening conditions, except that a contract to make repairs may not be entered into with the inspector for the dwelling unit.

"(iii) PROTECTION OF TENANTS.—If a public housing agency providing assistance under this subsection abates rental assistance payments under clause (ii), the public housing agency shall—

"(I) notify the tenant—

"(aa) when such abatement begins; and

"(bb) at the start of the abatement period that if the unit is not brought into compliance within 120 days, the tenant will have to move; and

"(II) issue the tenant the necessary forms to allow the tenant to move with their voucher to another housing unit; and

"(III) use funds that otherwise would have gone to pay the rental amount, for the reasonable moving expenses or security deposit costs of the tenant.

"(iv) RIGHT OF THE TENANT TO TERMINATE TENANCY.—During any period that housing assistance payments are abated with respect to any assisted dwelling unit pursuant to this subparagraph, the tenant of such dwelling may terminate his or her tenancy without penalty by notifying the owner of the dwelling unit.

"(v) LIMITATION ON AUTHORITY OF AN OWNER.—An owner of a dwelling unit that is considered to be in noncompliance with the housing quality standards under subparagraph (B) may not terminate the tenancy of a tenant, or refuse to renew a lease for such unit, as a result of an abatement order carried out by a public housing agency under clause (ii).

"(vi) TERMINATION OF LEASE OR ASSISTANCE PAYMENTS CONTRACTS.—If a public housing agency providing assistance under this subsection abates rental assistance payments under clause (ii) and the owner of the unit does not correct the noncompliance within 120 days after the effective date of the determination of noncompliance under clause (i), the public housing agency shall terminate the housing assistance payment contract subject to clause (vii). The termination of the housing assistance payment contract shall terminate the lease agreement.

"(vii) RELOCATION OF TENANTS.—

"(I) 120-DAY PERIOD TO RELOCATE.—The public housing agency shall provide to the individual or family residing in any unit whose lease is terminated under clause (vi) at least 120 days beginning at the start of the abatement period to lease a new residence with tenant-based assistance under this paragraph.

"(II) PREFERENCE IN CASE OF RELOCATION HARDSHIP.—If the individual or family residing in any unit whose lease is terminated under clause (vi) is unable to lease a new residence pursuant to subclause (I), the public housing agency shall provide, at the option of the individual or family—

"(aa) additional search time to such individual or family; or

"(bb) preference for occupancy in a public housing unit owned or operated by the public housing agency.

"(III) PROVISION OF REASONABLE RELOCATION ASSISTANCE.—The public housing agency shall provide reasonable assistance to each individual or family residing in any unit whose lease is terminated under clause (vi) in finding a new residence, including the use of up to 2 months of any assistance abated pursuant to clause (ii) for relocation expenses, including moving expenses and security deposits. The public housing agency may require that an individual or family receiving assistance for a security deposit, remit, to the extent of such assistance, the amount of any security deposit refunded by the owner of the unit for which the lease was terminated.

"(viii) TENANT CAUSED DAMAGES.—If a public housing agency determines that the noncompliance of a dwelling unit was caused by a tenant, member of the tenant's family, or a guest of the tenant, the public housing agency may waive the applicability of this subparagraph.

"(ix) TREATMENT OF CERTAIN ABATEMENT ASSISTANCE.—Assistance amounts abated and used to make repairs or to contract for such repairs for life-threatening conditions pursuant to clause (ii)(II) or used for relocation assistance pursuant to clause (viii)(iv) shall be treated as costs which shall be considered in determining the allocation of renewal funding under subsection (dd)(2).".

(b) LEASING OF UNITS OWNED BY PHA'S.—Section 8(o)(11) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(11)) is amended by striking "the Secretary shall require the unit of general local government or another entity approved by the Secretary," and inserting "the public housing agency shall arrange for a third party".

### SEC. 3. RENT REFORM AND INCOME REVIEWS.

(a) RENT FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting "LOW-INCOME OCCUPANCY REQUIREMENT AND RENTAL PAYMENTS.—" after "(1)"; and

(B) by adding at the end the following new paragraphs:

"(6) REVIEWS OF FAMILY INCOME.—

"(A) FREQUENCY.—Reviews of family income for purposes of this section—

"(i) shall be made in the case of all families, upon the initial provision of housing assistance for the family;

"(ii) shall be made annually thereafter, except as provided in subparagraph (B)(i);

"(iii) shall be made upon the request of the family, at any time the income or deductions (under subsection (b)(5)) of the family change by an amount that is estimated to result in a decrease of $1,000 (or such lower amount as the public housing agency or owner may, at the option of the agency or owner, establish) or more in annual adjusted income;

"(iv) shall be made at any time the income or deductions (under subsection (b)(5)) of the family change by an amount that is estimated to result in an increase of $1,000 or more in annual adjusted income, except that any increase in the earned income of a family shall not be considered for purposes of this clause (except that earned income may be considered if the increase corresponds to previous decreases under clause (iii)), except that a public housing agency or owner may elect not to conduct such review in the last 3 months of a certification period; and

"(v) may be made, in the discretion of the public housing agency, when the income of a family, including earned income, changes in an amount that is less than the amounts specified in clause (iii) or (iv), if the amount so specified for increases is not lower than the amount specified for decreases.

"(B) FIXED-INCOME FAMILIES.—

"(i) SELF CERTIFICATION AND 3-YEAR REVIEW.—In the case of any family described in clause (ii), after the initial review of the family's income pursuant to subparagraph (A)(i), the public housing agency or owner shall not be required to conduct a review of the family's income pursuant to subparagraph (A)(ii) for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, that the income of the family meets the requirements of clause (ii) of this subparagraph, except that the public housing agency or owner shall conduct a review of each such family's income not less than once every 3 years.

"(ii) ELIGIBLE FAMILIES.—A family described in this clause is a family who has an income, as of the most recent review pursuant to subparagraph (A) or clause (i) of this subparagraph, of which 90 percent or more consists of fixed income, as such term is defined in clause (iii).

"(iii) FIXED INCOME.—For purposes of this subparagraph, the term 'fixed income' includes income from—

"(I) the supplemental security income program under title XVI of the Social Security Act, including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act and payments pursuant to an agreement entered into under section 212(b) of Public Law 93-66;

"(II) Social Security payments;

"(III) Federal, State, local and private pension plans; and

"(IV) other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic receipts.

"(C) IN GENERAL.—Reviews of family income for purposes of this section shall be subject to the provisions of section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988.

"(7) CALCULATION OF INCOME.—

"(A) USE OF PRIOR YEAR'S OR ANTICIPATED INCOME.—In determining the income of a family for purposes of paragraph (6)(A)(ii) or

(6)(B)(i), a public housing agency or owner shall use the income of the family as determined by the agency or owner for the preceding year. In determining the income of a family under clauses (i), (iii), (iv), or (v) of paragraph (6)(A) a public housing agency or owner shall use the anticipated income of the family as estimated by the agency or owner for the coming year.

"(B) INFLATIONARY ADJUSTMENT FOR FIXED INCOME FAMILIES.—If, for any year, a public housing agency or owner determines the income for any family described in paragraph (6)(B)(ii), based on a review of the income of the family conducted during a preceding year, such income shall be adjusted by applying an inflationary factor as the Secretary shall, by regulation, establish.

"(C) SAFE HARBOR.—A public housing agency or owner may, to the extent such information is available to the public housing agency or owner, determine the family's income for purposes of this section based on timely income determinations made for purposes of other means-tested Federal public assistance programs (including the program for block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act, a program for Medicaid assistance under a State plan approved under title XIX of the Social Security Act, and the Food Stamp Program as defined in section 3(h) of the Food Stamp Act of 1977). The Secretary shall work with other appropriate Federal agencies to develop procedures to enable public housing agencies and owners to have access to such income determinations made by other Federal programs.

"(D) PHA AND OWNER COMPLIANCE.—A public housing agency or owner may not be considered to fail to comply with this paragraph or paragraph (6) due solely to any de minimis errors made by the agency or owner in calculating family incomes.";

(2) by striking subsections (d) and (e); and

(3) by redesignating subsection (f) as subsection (d).

(b) INCOME.—Section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) is amended—

(1) by striking paragraph (4) and inserting the following new paragraph:

"(4) INCOME.—The term 'income' means, with respect to a family, income received from all sources by each member of the household who is 18 years of age or older or is the head of household or spouse of the head of the household, plus unearned income by or on behalf of each dependent who is less than 18 years of age, as determined in accordance with criteria prescribed by the Secretary, in consultation with the Secretary of Agriculture, subject to the following requirements:

"(A) INCLUDED AMOUNTS.—Such term includes recurring gifts and receipts, actual income from assets, and profit or loss from a business.

"(B) EXCLUDED AMOUNTS.—Such term does not include any—

"(i) imputed return on assets;

"(ii) amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act (42 U.S.C. 1382b(a)(7)); and

"(iii) deferred Veterans Administration disability benefits that are received in a lump sum amount or in prospective monthly amounts.

"(C) EARNED INCOME OF STUDENTS.—Such term does not include earned income of any dependent earned during any period that such dependent is attending school on a full-time basis or any grant-in-aid or scholarship amounts related to such attendance used for the cost of tuition or books.

"(D) EDUCATIONAL SAVINGS ACCOUNTS.—Income shall be determined without regard to any amounts in or from, or any benefits from, any Coverdell Education Savings Account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code.

"(E) OTHER EXCLUSIONS.—Such term shall not include other exclusions from income as are established by the Secretary or any amount required by Federal law to be excluded from consideration as income. The Secretary may not require a public housing agency or owner to maintain records of any amounts excluded from income pursuant to this subparagraph."; and

(2) by striking paragraph (5) and inserting the following new paragraph:

"(5) ADJUSTED INCOME.—The term 'adjusted income' means, with respect to a family, the amount (as determined by the public housing agency or owner) of the income of the members of the family residing in a dwelling unit or the persons on a lease, after any deductions from income as follows:

"(A) ELDERLY AND DISABLED FAMILIES.—$700 in the case of any family that is an elderly family or a disabled family.

"(B) DEPENDENTS.—In the case of any family that includes a member or members who—

"(i) are less than 18 years of age or attending school or vocational training on a full-time basis; or

"(ii) is a person with disabilities who is 18 years of age or older and resides in the household,

$480 for each such member.

"(C) EARNED INCOME DISREGARD.—An amount equal to 10 percent of the lesser of the family's earned income or $9,000.

"(D) CHILD CARE.—The amount, if any, exceeding 5 percent of annual income used to pay for childcare for preschool age children, for before- or after-care for children in school, or for other childcare necessary to enable a member of the family to be employed or further his or her education.

"(E) HEALTH AND MEDICAL EXPENSES.—The amount, if any, by which 10 percent of annual family income is exceeded by the sum of—

"(i) in the case of any elderly or disabled family, any unreimbursed health and medical care expenses; and

"(ii) any unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family to be employed.

"(F) PERMISSIVE DEDUCTIONS.—Such additional deductions as a public housing agency or owner may, at its discretion, establish, except that the Secretary shall establish procedures to ensure that such deductions do not increase Federal expenditures.

The Secretary shall annually adjust the amounts of the deductions under subparagraphs (A) and (B), as such amounts may have been previously adjusted, by applying an inflationary factor as the Secretary shall, by regulation, establish. If the dollar amount of any such deduction determined for any year by applying such inflationary factor is not a multiple of $25, the Secretary shall round such amount to the next lowest multiple of $25, except that in no instance shall the dollar amount of any such deduction be less than the initial amount of the deduction established under subparagraphs (A) and (B). The Secretary shall annually adjust the fixed numerical dollar amount under subparagraph (C) ($9,000 as of the date of enactment of the Section 8 Voucher Reform Act of 2008), as such amount may have been previously adjusted, by applying an inflationary factor as the Secretary shall, by regulation, establish. If such dollar amount determined for any year by applying such inflationary factor is not a multiple of $1,000, the Secretary shall round such amount to the next lowest multiple of $1,000.".

(c) HOUSING CHOICE VOUCHER PROGRAM.—Paragraph (5) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(5)) is amended—

(1) in the paragraph heading, by striking "ANNUAL REVIEW" and inserting "REVIEWS";

(2) in subparagraph (A)—

(A) by striking "the provisions of" and inserting "paragraphs (6) and (7) of section 3(a) and to"; and

(B) by striking "and shall be conducted upon the initial provision of housing assistance for the family and thereafter not less than annually"; and

(3) in subparagraph (B), by striking the second sentence.

(d) ENHANCED VOUCHER PROGRAM.—Section 8(t)(1)(D) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(D)) is amended by striking "income" and inserting "annual adjusted income".

(e) PROJECT-BASED HOUSING.—Paragraph (3) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(3)) is amended by striking the last sentence.

(f) IMPACT ON PUBLIC HOUSING REVENUES.—

(1) INTERACTION WITH ASSET MANAGEMENT RULE.—If a public housing agency determines that the application of the amendments made by this section results in a net reduction in the dwelling rental income of the public housing agency and such reduction in the first quarter of a calendar year is projected to be more than one-half percent of the net dwelling rents received by the public housing agency during the preceding calendar year, the public housing agency may, any time prior to April 15th of each year following the effective date of the amendments made by this section, certify to the Secretary of Housing and Urban Development the anticipated net reduction in annual dwelling rental income and the Secretary, within 45 days of receipt of such statement, shall reimburse the agency from funds appropriated for operating assistance under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)) if such funds are available. Each public housing agency so assisted shall maintain the books, documents, papers, and records supporting the certification submitted to the Secretary and such materials shall be available for review and audit by the Secretary and by the Comptroller General of the United States and their authorized representatives.

(2) HUD REPORTS ON PUBLIC HOUSING REVENUE IMPACT.—For each of fiscal years 2009 and 2010, the Secretary of Housing and Urban Development shall submit a report to Congress identifying and calculating the impact of changes made by the amendments made by this section on the revenues and costs of operating public housing units.

(3) EFFECTIVE DATE.—This subsection shall take effect during the first year that the amendments made by this section are effective.

(g) ACCESS TO INFORMATION.—Section 904(2)(C) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended by striking the period and inserting the following: ", and each applicant or participant, or the authorized representative thereof, shall have the opportunity to examine all information obtained for purposes of verifying the applicant or participant's eligibility for or levels of benefits.".

**SEC. 4. ELIGIBILITY FOR ASSISTANCE BASED ON ASSETS AND INCOME.**

(a) ASSETS.—Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended by inserting after subsection (d) the following new subsection:

"(e) ELIGIBILITY FOR ASSISTANCE BASED ON ASSETS.—

"(1) LIMITATION ON ASSETS.—Subject to paragraph (3) and notwithstanding any other provision of this Act, a dwelling unit assisted under this Act may not be rented and assistance under this Act may not be provided, either initially or at each recertification of family income, to any family—

"(A) whose net family assets exceed $100,000, as such amount is adjusted annually by applying an inflationary factor as the Secretary considers appropriate; or

"(B) who has a present ownership interest in, and a legal right to reside in, real property that is suitable for occupancy as a residence, except that the prohibition under this subparagraph shall not apply to—

"(i) any property for which the family is receiving assistance under this Act;

"(ii) any person that is a victim of domestic violence; or

"(iii) any family that is making a good faith effort to sell such property.

"(2) NET FAMILY ASSETS.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'net family assets' means, for all members of the household, the net cash value of all assets after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment. Such term does not include interests in Indian trust land, equity in real property to which the prohibition under paragraph (1)(B) does not apply, savings accounts in homeownership programs of the Department of Housing and Urban Development, or Family Self-Sufficiency program accounts.

"(B) EXCLUSIONS.—Such term does not include—

"(i) necessary items of personal property, such as furniture and automobiles, as the public housing agency may determine for purposes of the voucher and public housing programs, and as the Secretary shall determine for purposes of other Federal housing programs;

"(ii) the value of any retirement account;

"(iii) any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a member of the family and arising out of law, that resulted in a member of the family being disabled; and

"(iv) the value of any Coverdell Education Savings Account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code.

"(C) TRUST FUNDS.—In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund shall not be considered an asset of a family if the fund continues to be held in trust. Any income distributed from the trust fund shall be considered income for purposes of section 3(b) and any calculations of annual family income, except in the case of medical expenses for a minor.

"(D) SELF-CERTIFICATION.—A public housing agency or owner may determine the net assets of a family, for purposes of this section, based on the amounts reported by the family at the time the agency or owner reviews the family's income.

"(3) COMPLIANCE FOR PUBLIC HOUSING DWELLING UNITS.—When recertifying family income with respect to families residing in public housing dwelling units, a public housing agency may, in the discretion of the agency and only pursuant to a policy that is set forth in the public housing agency plan under section 5A for the agency, choose not to enforce the limitation under paragraph (1).

"(4) AUTHORITY TO DELAY EVICTIONS.—In the case of a family residing in a dwelling unit assisted under this Act who does not comply with the limitation under paragraph (1), the public housing agency or project owner may—

"(A) delay eviction or termination of the family, based on such noncompliance for a period of not more than 6 months; and

"(B) continue to provide assistance to the family if the family rectifies its noncompliance with such limitation during the period of delay described under subparagraph (A).".

(b) INCOME.—The United States Housing Act of 1937 is amended—

(1) in section 3(a)(1) (42 U.S.C. 1437a(a)(1)), by striking the first sentence and inserting the following: "Dwelling units assisted under this Act may be rented, and assistance under this Act may be provided, whether initially or at time of recertification, only to families who are low-income families at the time such initial or continued assistance, respectively, is provided, except that families residing in dwelling units as of the date of the enactment of the Section 8 Voucher Reform Act of 2008 that, under agreements in effect on such date of enactment, may have incomes up to 95 percent of local area median income shall continue to be eligible for assistance at recertification as long as they continue to comply with such income restrictions. Public housing agencies and owners shall determine whether a family receiving assistance under this Act is a low-income family at the time of recertification based on the highest area median income determined by the Secretary for the area since the family began receiving assistance under this Act. When recertifying family income with respect to families residing in public housing dwelling units, a public housing agency may, in the discretion of the agency and only pursuant to a policy that is set forth in the public housing agency plan under section 5A for the agency, choose not to enforce the prohibition under the preceding sentence. When recertifying family income with respect to families residing in dwelling units for which project-based assistance is provided, a project owner may, in the owner's discretion and only pursuant to a policy adopted by such owner, choose not to enforce such prohibition. In the case of a family residing in a dwelling unit assisted under this Act who does not comply with the prohibition under the first sentence of this paragraph or the prohibition in section 8(o)(4), the public housing agency or project owner may delay eviction or termination of the family, based on such noncompliance for a period of not more than 6 months and may continue to provide assistance to the family if the family rectifies its noncompliance with such limitation during this period of delay.";

(2) in section 8(o)(4) (42 U.S.C. 1437f(o)(4)), by striking the matter preceding subparagraph (A) and inserting the following:

"(4) ELIGIBLE FAMILIES.—Assistance under this subsection may be provided, whether initially or at each recertification, only pursuant to subsection (t) to a family eligible for assistance under such subsection or to a family who at the time of such initial or continued assistance, respectively, is a low-income family that is—"; and

(3) in section 8(c)(4) (42 U.S.C. 1437f(c)(4)), by striking "at the time it initially occupied such dwelling unit" and insert "according to the restrictions under section 3(a)(1)".

**SEC. 5. TARGETING ASSISTANCE TO LOW-INCOME WORKING FAMILIES.**

(a) VOUCHERS.—Section 16(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437n(b)(1)) is amended—

(1) by inserting after "do not exceed" the following: "the higher of (A) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (B)"; and

(2) by inserting before the period at the end the following: "; and except that clause (A) of this sentence shall not apply in the case of public housing agencies located in Puerto Rico or any other territory or possession of the United States".

(b) PUBLIC HOUSING.—Section 16(a)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437n(a)(2)(A)) is amended—

(1) by inserting after "do not exceed" the following: "the higher of (i) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (ii)"; and

(2) by inserting before the period at the end the following: "; and except that clause (i) of this sentence shall not apply in the case of public housing agencies located in Puerto Rico or any other territory or possession of the United States".

(c) PROJECT-BASED SECTION 8 ASSISTANCE.—Section 16(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437n(b)(1)) is amended—

(1) by inserting after "do not exceed" the following: "the higher of (A) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (B)"; and

(2) by inserting before the period at the end the following: "; and except that clause (A) of this sentence shall not apply in the case of projects located in Puerto Rico or any other territory or possession of the United States".

**SEC. 6. VOUCHER RENEWAL FUNDING.**

(a) IN GENERAL.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by striking subsection (dd) and inserting the following new subsection:

"(dd) TENANT-BASED VOUCHERS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 2009 through 2013, such sums as may be necessary for tenant-based assistance under subsection (o) for the following purposes:

"(A) To renew all expiring annual contributions contracts for tenant-based rental assistance.

"(B) To provide tenant-based rental assistance for—

"(i) relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134);

"(ii) conversion of section 23 projects to assistance under this section;

"(iii) the family unification program under subsection (x) of this section;

"(iv) relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency;

"(v) enhanced vouchers authorized under subsection (t) of this section;

"(vi) relocation and replacement of public housing units that are demolished or disposed of in connection with the HOPE VI program under section 24;

"(vii) relocation and replacement of vouchers used to preserve public housing developed from sources other than under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g);

"(viii) mandatory conversions of public housing to vouchers, pursuant to sections 33 of the United States Housing Act of 1937 (42 U.S.C. 1437z–5);

"(ix) voluntary conversion of public housing to vouchers pursuant to section 22 of the United States Housing Act of 1937 (42 U.S.C. 1437t);

"(x) vouchers necessary to comply with a consent decree or court order;

"(xi) relocation and replacement of public housing units that are demolished or disposed of pursuant to eminent domain, homeownership programs, in connection with a mixed-finance project under section 35 of the United States Housing Act of 1937 (42 U.S.C. 1437z–7), or otherwise;

"(xii) vouchers to replace dwelling units that cease to receive project-based assistance under subsection (b), (c), (d), (e), or (v) of this section;

"(xiii) vouchers used to preserve public housing developed from sources other than under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g);

"(xiv) tenant protection assistance, including replacement and relocation assistance; and

"(xv) emergency voucher assistance for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

Subject only to the availability of sufficient amounts provided in appropriation Acts, the Secretary shall provide tenant-based rental assistance to replace all dwelling units that cease to be available as assisted housing as a result of clause (i), (ii), (v), (vi), (vii), (viii), (xi), (xii), or (xiii).

"(2) ALLOCATION OF RENEWAL FUNDING AMONG PUBLIC HOUSING AGENCIES.—

"(A) From amounts appropriated for each year pursuant to paragraph (1)(A), the Secretary shall provide renewal funding for each public housing agency—

"(i) based on leasing and cost data from the preceding calendar year, as adjusted by an annual adjustment factor to be established by the Secretary, which shall be established using the smallest geographical areas for which data on changes in rental costs are annually available;

"(ii) by making any adjustments necessary to provide for—

"(I) the first-time renewal of vouchers funded under paragraph (1)(B); and

"(II) any incremental vouchers funded in previous years;

"(iii) by making any adjustments necessary for full-year funding of vouchers moved into or out of the jurisdiction of the public housing agency in the prior calendar year pursuant to the portability procedures under subsection (r)(2); and

"(iv) by making such other adjustments as the Secretary considers appropriate, including adjustments necessary to address changes in voucher utilization rates and voucher costs related to natural and other major disasters.

"(B) LEASING AND COST DATA.—For purposes of subparagraph (A)(i), leasing and cost data shall be calculated annually by using the average for the preceding calendar year. Such leasing and cost data shall be adjusted to include vouchers that were set aside under a commitment to provide project-based assistance under subsection (o)(13) and to exclude amounts funded through advances under paragraph (3). Such leasing and cost data shall not include funds not appropriated for tenant-based assistance under section 8(o), unless the agency's funding was prorated in the prior year and the agency used other funds to maintain vouchers in use.

"(C) OVERLEASING.—For the purpose of determining allocations under subsection (A)(i), the leasing rate calculated for the prior calendar year may exceed an agency's authorized voucher level, except that such calculation shall not include amounts resulting from a leasing rate in excess of 103 percent of an agency's authorized vouchers in the prior year which results from the use of accumulated amounts, as referred to in paragraph (4)(A).

"(D) MOVING TO WORK.—Notwithstanding subparagraphs (A) and (B), each public housing agency participating in any year in the moving to work demonstration under section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437f note) shall be—

"(i) funded pursuant to its agreement under such program, if such agreement includes an alternate to the provisions of this subsection; and

"(ii) subject to any pro rata adjustment made under subparagraph (E)(i).

"(E) PRO RATA ALLOCATION.—

"(i) INSUFFICIENT FUNDS.—To the extent that amounts made available for a fiscal year are not sufficient to provide each public housing agency with the full allocation for the agency determined pursuant to subparagraphs (A) and (D), the Secretary shall reduce such allocation for each agency on a pro rata basis, except that renewal funding of enhanced vouchers under section 8(t) shall not be subject to such proration.

"(ii) EXCESS FUNDS.—To the extent that amounts made available for a fiscal year exceed the amount necessary to provide each housing agency with the full allocation for the agency determined pursuant to subparagraphs (A) and (D), such excess amounts shall be used for the purposes specified in subparagraphs (B) and (C) of paragraph (4).

"(F) PROMPT FUNDING ALLOCATION.—The Secretary shall allocate all funds under this subsection for each year before the latter of (i) February 15, or (ii) the expiration of the 45-day period beginning upon the enactment of the appropriations Act funding such renewals.

"(3) ADVANCES.—

"(A) AUTHORITY.—During the last 3 months of each calendar year, the Secretary shall provide funds out of any appropriations made under paragraph (1) for the fiscal year beginning on October 1 of that calendar year, to any public housing agency, at the request of the agency, in an amount up to 2 percent of the allocation for the agency for such calendar year, subject to subparagraph (C).

"(B) USE.—Amounts advanced under subparagraph (A) may be used to pay for additional voucher costs, including costs related to temporary overleasing.

"(C) USE OF PRIOR YEAR AMOUNTS.—During the last 3 months of a calendar year, if amounts previously provided to a public housing agency for tenant-based assistance for such year or for previous years remain unobligated and available to the agency—

"(i) the agency shall exhaust such amounts to cover any additional voucher costs under subparagraph (B) before amounts advanced under subparagraph (A) may be so used; and

"(ii) the amount that may be advanced under subparagraph (A) to the agency shall be reduced by an amount equal to the total of such previously provided and unobligated amounts.

"(D) REPAYMENT.—Amounts advanced under subparagraph (A) in a calendar year shall be repaid to the Secretary in the subsequent calendar year by reducing the amounts made available for such agency for such subsequent calendar year pursuant to allocation under paragraph (2) by an amount equal to the amount so advanced to the agency.

"(4) OFFSET.—

"(A) IN GENERAL.—The Secretary shall offset, from amounts provided under the annual contributions contract for a public housing agency for a calendar year, all accumulated amounts allocated under paragraph (2) and from previous years that are unused by the agency at the end of each calendar year except—

"(i) with respect to the offset under this subparagraph at the end of 2008, an amount equal to 12.5 percent of the amount allocated to the public housing agency for such year pursuant to paragraph (2)(A);

"(ii) with respect to the offset under this subparagraph at the end of 2009, an amount equal to 7.5 percent of the amount allocated to the public housing agency for such year pursuant to paragraph (2)(A); and

"(iii) with respect to the offset under this subparagraph at the end of each of 2010, 2011, and 2012, an amount equal to 5 percent of such amount allocated to the agency for such year. Notwithstanding any other provision of law, each public housing agency may retain all amounts not authorized to be offset under this subparagraph, and may use such amounts for all authorized purposes. Funds initially allocated prior to the effective date of the Section 8 Voucher Reform Act of 2008 for the purposes specified in paragraph (1)(B) shall not be included in the calculation of accumulated amounts subject to offset under this paragraph.

"(B) REALLOCATION.—Not later than May 1 of each calendar year, the Secretary shall—

"(i) calculate the aggregate savings due to the offset of unused amounts for the preceding year recaptured pursuant to subparagraph (A);

"(ii) set aside such amounts as the Secretary considers likely to be needed to reimburse public housing agencies for increased costs related to portability and family self-sufficiency activities during such year, which amounts shall be made available for allocation upon submission of a request that meets criteria prescribed by the Secretary; and

"(iii) reallocate all remaining amounts among public housing agencies, with priority given based on the extent to which an agency has utilized the amount allocated under paragraph (2) for the agency to serve eligible families, as well as the relative need of communities for additional assistance under this subsection.

"(C) USE.—Amounts reallocated to a public housing agency pursuant to subparagraph (B)(iii) may be used only to increase voucher leasing rates to the level eligible for renewal funding under paragraph (2)(C).".

(b) ABSORPTION OF VOUCHERS FROM OTHER AGENCIES.—

(1) IN GENERAL.—Section 8(r)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(r)(2)) is amended—

(A) by striking "The public housing agency" and inserting "(A) IN GENERAL.—The public housing agency"; and

(B) by adding the end the following:

"(B) ABSORPTION AND PRIORITY.—

"(i) IN GENERAL.—The public housing agency shall—

"(I) absorb any family that moves under this subsection into its program for voucher assistance under this section after the initial month, except that the Secretary may limit the absorption of vouchers in excess of a public housing agency's authorized level if the Secretary makes the determination under subparagraph (C) that there is insufficient funding for such vouchers in the current year; and

"(II) have priority to receive additional funding from the Secretary for the net additional cost of housing assistance provided pursuant to this requirement from amounts made available pursuant to subsection (dd) (4) (B) or otherwise, except that the obligation to absorb vouchers under subclause (I) does not override any provision of a judgement, consent decree, contract with the Secretary pursuant to section 3(b)(6), or any other similar arrangement under which the public housing agency administers voucher assistance under this section without regard to any other applicable limitation on the public housing agency's area of operation.

"(ii) NO DELAY OF VOUCHERS FOR FAMILIES ON WAITING LIST.—The Secretary shall provide the funding required to carry out the activities under clause (i) as needed for a public housing agency to meet its obligation under this subparagraph without delaying issuance of vouchers to families on its waiting list.

"(C) EXCEPTION.—If in any fiscal year, the Secretary does not have sufficient funds available under subsection (dd)(4)(B) or that otherwise may be used for the purposes of this subsection, the Secretary shall suspend the requirement described in subparagraph (B). Such suspension shall take effect no earlier than 60 days after the Secretary provides notice of the suspension by electronic mail to all public housing agencies and to the public by posting of the notice on the website of the Department. The obligation of the Secretary to fund vouchers absorbed under subparagraph (B) shall continue for all vouchers that are leased prior to the effective date of such suspension.".

(2) TRANSITION.—The amendments made by paragraph (1) shall take effect January 1, 2010, provided that in each calendar quarter of 2010 and 2011, a public housing agency shall absorb no more than one-eighth of the vouchers subject to absorption on such effective date of each public housing agency that is providing assistance for the vouchers on such effective date. Public housing agencies may by mutual agreement alter the absorption rate established in the previous sentence.

(3) REPORT TO CONGRESS.—Not later than May 1, 2009, the Secretary of Housing and Urban Development shall provide to Congress an estimate of the net additional cost to the Department of Housing and Urban Development in the first year of implementation of the new requirements added by the amendments made in paragraph (1), and of the savings likely to be available in 2010 and 2011 as a result of the reduction in the permitted level of retained funds under subsection (dd)(4)(A) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(dd)(4)(A)).

(c) VOUCHERS FOR PERSONS WITH DISABILITIES.—The Secretary of Housing and Urban Development shall develop and issue, to public housing agencies that received voucher assistance under section 8(o) for non-elderly disabled families pursuant to appropriations Acts, guidance to ensure that, to the maximum extent practicable, such vouchers continue to be provided upon turnover to qualified non-elderly disabled families.

### SEC. 7. ADMINISTRATIVE FEES.

(a) IN GENERAL.—Section 8(q) of the United States Housing Act of 1937 (42 U.S.C. 1437f(q)) is amended—

(1) in paragraph (1)—

(A) by amending subparagraphs (B) and (C) to read as follows:

"(B) CALCULATION.—The fee under this subsection shall—

"(i) be payable to each public housing agency for each month for which a dwelling unit is covered by an assistance contract;

"(ii) be based on the per unit fee payable to the agency in fiscal year 2003, updated for each subsequent year as specified in subsection (iv), unless the Secretary establishes by rulemaking a revised method of calculating the per unit fee for each agency, which method—

"(I) shall otherwise comply with this subparagraph; and

"(II) may include performance incentives, consistent with subsection (o)(21);

"(iii) include an amount for the cost of issuing vouchers to new participants who lease units in the jurisdiction of the agency or in another jurisdiction under the procedures established in subsection (r);

"(iv) be updated each year using an index of changes in wage data or other objectively measurable data that reflect the costs of administering the program for such assistance, as determined by the Secretary; and

"(v) include an amount for the cost of family self-sufficiency coordinators, as provided in section 23(h)(1).

"(C) PUBLICATION.—The Secretary shall cause to be published in the Federal Register the fee rate for each geographic area."; and

(B) by striking subparagraph (E); and

(2) in paragraph (4), by striking "1999" and inserting "2008".

(b) ADMINISTRATIVE FEES FOR FAMILY SELF-SUFFICIENCY PROGRAM COSTS.—Subsection (h) of section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u(h)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) SECTION 8 FEES.—

"(A) IN GENERAL.—The Secretary shall establish a fee under section 8(q) for the costs incurred in administering the self-sufficiency program under this section to assist families receiving voucher assistance through section 8(o).

"(B) ELIGIBILITY FOR FEE.—The fee shall provide funding for family self-sufficiency coordinators as follows:

"(i) BASE FEE.—A public housing agency serving 25 or more participants in the Family Self-Sufficiency program under this section shall receive a fee equal to the costs of employing 1 full-time family self-sufficiency coordinator. An agency serving fewer than 25 such participants shall receive a prorated fee.

"(ii) ADDITIONAL FEE.—An agency that meets minimum performance standards shall receive an additional fee sufficient to cover the costs of employing a second family self-sufficiency coordinator if the agency has 75 or more participating families, and a third such coordinator if it has 125 or more participating families.

"(iii) PREVIOUSLY FUNDED AGENCIES.—An agency that received funding from the Department of Housing and Urban Development for more than 3 such coordinators in any of fiscal years 1998 through 2008 shall receive funding for the highest number of coordinators funded in a single fiscal year during that period, provided they meet applicable size and performance standards.

"(iv) INITIAL YEAR.—For the first year in which a public housing agency exercises its right to develop a family self-sufficiency program for its residents, it shall be entitled to funding to cover the costs of up to 1 family self-sufficiency coordinator, based on the size specified in its action plan for such program.

"(v) STATE AND REGIONAL AGENCIES.—For purposes of calculating the family self-sufficiency portion of the administrative fee under this subparagraph, each administratively distinct part of a State or regional public housing agency shall be treated as a separate agency.

"(vi) DETERMINATION OF NUMBER OF COORDINATORS.—In determining whether a public housing agency meets a specific threshold for funding pursuant to this paragraph, the number of participants being served by the agency in its family self-sufficiency program shall be considered to be the average number of families enrolled in such agency's program during the course of the most recent fiscal year for which the Department of Housing and Urban Development has data.

"(C) PRORATION.—If insufficient funds are available in any fiscal year to fund all of the coordinators authorized under this section, the first priority shall be given to funding 1 coordinator at each agency with an existing family self-sufficiency program. The remaining funds shall be prorated based on the number of remaining coordinators to which each agency is entitled under this subparagraph.

"(D) RECAPTURE.—Any fees allocated under this subparagraph by the Secretary in a fiscal year that have not been spent by the end of the subsequent fiscal year shall be recaptured by the Secretary and shall be available for providing additional fees pursuant to subparagraph (B)(ii).

"(E) PERFORMANCE STANDARDS.—Within 6 months after the date of the enactment of this paragraph, the Secretary shall publish a proposed rule specifying the performance standards applicable to funding under clauses (ii) and (iii) of subparagraph (B). Such standards shall include requirements applicable to the leveraging of in-kind services and other resources to support the goals of the family self-sufficiency program.

"(F) DATA COLLECTION.—Public housing agencies receiving funding under this paragraph shall collect and report to the Secretary, in such manner as the Secretary shall require, information on the performance of their family self-sufficiency programs.

"(G) EVALUATION.—The Secretary shall conduct a formal and scientific evaluation of the effectiveness of well-run family self-sufficiency programs, using random assignment of participants to the extent practicable. Not later than the expiration of the 4-year period beginning upon the enactment of this paragraph, the Secretary shall submit an interim evaluation report to Congress. Not later than the expiration of the 8-year period beginning upon such enactment, the Secretary shall submit a final evaluation report to

Congress. There is authorized to be appropriated $10,000,000 to carry out the evaluation under this subparagraph.

"(H) INCENTIVES FOR INNOVATION AND HIGH PERFORMANCE.—The Secretary may reserve up to 10 percent of the amounts made available for administrative fees under this paragraph to provide support to or reward family self-sufficiency programs that are particularly innovative or highly successful in achieving the goals of the program.".

(c) REPEAL.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (42 U.S.C. 1437f note; Public Law 104-204; 110 Stat. 2893) is hereby repealed.

**SEC. 8. HOMEOWNERSHIP.**

(a) SECTION 8 HOMEOWNERSHIP DOWNPAYMENT PROGRAM.—Section 8(y)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)(7)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraph:

"(A) IN GENERAL.—Subject to the provisions of this paragraph, in the case of a family on whose behalf rental assistance under section 8(o) has been provided for a period of not less than 12 months prior to the date of receipt of downpayment assistance under this paragraph, a public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the agency, provide a downpayment assistance grant in accordance with subparagraph (B).

"(B) GRANT REQUIREMENTS.—A downpayment assistance grant under this paragraph—

"(i) shall be used by the family only as a contribution toward the downpayment and reasonable and customary closing costs required in connection with the purchase of a home;

"(ii) shall be in the form of a single 1-time grant; and

"(iii) may not exceed $10,000.

"(C) NO EFFECT ON OBTAINING OUTSIDE SOURCES FOR DOWNPAYMENT ASSISTANCE.—This Act may not be construed to prohibit a public housing agency from providing downpayment assistance to families from sources other than a grant provided under this Act, or as determined by the public housing agency.".

(b) USE OF VOUCHERS FOR MANUFACTURED HOUSING.—Section 8(o)(12) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(12)) is amended—

(1) in subparagraph (A), by striking the period at the end of the first sentence and all that follows through "of" in the second sentence and inserting "and rents"; and

(2) in subparagraph (B)—

(A) in clause (i), by striking "the rent" and all that follows and inserting the following: "rent shall mean the sum of the monthly payments made by a family assisted under this paragraph to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes, the monthly amount allowed for tenant-paid utilities, and the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges.";

(B) by striking clause (ii); and

(C) in clause (iii)—

(i) by inserting after the period at the end the following: "If the amount of the monthly assistance payment for a family exceeds the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges, a public housing agency may pay the remainder to the family, lender, or utility company, or may choose to make a single payment to the family for the entire monthly assistance amount."; and

(ii) by redesignating such clause as clause (ii).

**SEC. 9. PERFORMANCE ASSESSMENTS.**

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:

"(21) PERFORMANCE ASSESSMENTS.—

"(A) ESTABLISHMENT.—The Secretary shall, by regulation, establish standards and procedures for assessing the performance of public housing agencies in carrying out the programs for tenant-based rental assistance under this subsection and for homeownership assistance under subsection (y).

"(B) CONTENTS.—The standards and procedures under this paragraph shall provide for assessment of the performance of public housing agencies in the following areas:

"(i) Quality of dwelling units obtained using such assistance.

"(ii) Extent of utilization of assistance amounts provided to the agency and of authorized vouchers, adjusted for vouchers set aside to meet commitments under paragraph (13) and to take into account the time required for additional lease-up efforts resulting from absorption of a significant number or share of an agency's vouchers under subsection (r).

"(iii) Timeliness and accuracy of reporting by the agency to the Secretary.

"(iv) Effectiveness in carrying out policies to achieve deconcentration of poverty.

"(v) Reasonableness of rent burdens, consistent with public housing agency responsibilities under section 8(o)(1)(E)(iii).

"(vi) Accurate calculations of rent, utility allowances, and subsidy payments.

"(vii) Effectiveness in carrying out family self-sufficiency activities.

"(viii) Timeliness of actions related to landlord participation.

"(ix) Compliance with targeting requirements under section 16(b).

"(x) Such other areas as the Secretary considers appropriate.

"(C) BIENNIAL ASSESSMENT.—Not later than 2 years after the date of enactment of this paragraph, and at least every 2 years thereafter, the Secretary, using the standards and procedures established under this paragraph, shall—

"(i) conduct an assessment of the performance of each public housing agency carrying out a program referred to in subparagraph (A);

"(ii) make such assessment available to the public housing agency and to the public via the website of the Department of Housing and Urban Development; and

"(iii) submit a report to Congress regarding the results of each such assessment.

"(D) USE OF ASSESSMENTS TO ASSIST PERFORMANCE.—The Secretary shall, by regulation and based upon the results of the assessments of public housing agencies conducted under this paragraph, establish procedures and mechanisms to assist poorly performing public housing agencies in becoming ably performing public housing agencies.".

**SEC. 10. PHA PROJECT-BASED ASSISTANCE.**

Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) PERCENTAGE LIMITATION.—

"(i) IN GENERAL.—Subject to clause (ii), not more than 25 percent of the funding available for tenant-based assistance under this section that is administered by the agency may be attached to structures pursuant to this paragraph.

"(ii) EXCEPTION.—An agency may attach up to an additional 5 percent of the funding available for tenant-based assistance under this section to structures pursuant to this paragraph for dwelling units that house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).";

(2) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) INCOME MIXING REQUIREMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), not more than the greater of 25 dwelling units or 25 percent of the dwelling units in any project may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph. For purposes of this subparagraph, the term 'project' means a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

"(ii) EXCEPTIONS.—

"(I) CERTAIN HOUSING.—The limitation under clause (i) shall not apply in the case of assistance under a contract for housing consisting of single family properties, or for dwelling units that are specifically made available for households comprised of elderly families, disabled families, and families receiving supportive services only where comprehensive services are provided to special populations such as to individuals who were formerly homeless and other populations with special needs. For purposes of the preceding sentence, the term 'single family properties' means buildings with no more than 4 dwelling units.

"(II) CERTAIN AREAS.—With respect to areas in which fewer than 75 percent of families issued vouchers become participants in the program, the public housing agency has established the payment standard at 110 percent of the fair market rent for all census tracts in the area for the previous 6 months, the public housing agency has requested a higher payment standard, and the public housing agency grants an automatic extension of 90 days (or longer) to families with vouchers who are attempting to find housing, clause (i) shall be applied by substituting '40 percent' for '25 percent'.";

(3) in the first sentence of subparagraph (F), by striking "10 years" and inserting "15 years";

(4) in subparagraph (G)—

(A) by inserting after the period at the end of the first sentence the following: "Such contract may, at the election of the public housing agency and the owner of the structure, specify that such contract shall be extended for renewal terms of up to 15 years each, if the agency makes the determination required by this subparagraph and the owner is in compliance with the terms of the contract."; and

(B) by adding at the end the following: "A public housing agency may agree to enter into such a contract at the time it enters into the initial agreement for a housing assistance payment contract or at any time thereafter that is before the expiration of the housing assistance payment contract.";

(5) in subparagraph (H), by inserting before the period at the end of the first sentence the following: ", except that in the case of a contract unit that has been allocated low-income housing tax credits and for which the

rent limitation pursuant to such section 42 is less than the amount that would otherwise be permitted under this subparagraph, the rent for such unit may, in the sole discretion of a public housing agency, be established at the higher section 8 rent, subject only to paragraph (10)(A)";

(6) in subparagraph (I)(i), by inserting before the semicolon the following: ", except that the contract may provide that the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract covering the unit";

(7) in subparagraph (J)—

(A) by striking the fifth and sixth sentences and inserting the following: "A public housing agency may establish and utilize procedures for maintaining site-based waiting lists under which applicants may apply directly at, or otherwise designate to the public housing agency, the project or projects in which they seek to reside, except that all applicants on the waiting list of an agency for assistance under this subsection shall be permitted to place their names on such separate list. All such procedures shall comply with title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws. The owner or manager of a structure assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list, or a family on a site-based waiting list that complies with the requirements of this subparagraph. A public housing agency shall fully disclose to each applicant each option in the selection of a project in which to reside that is available to the applicant."; and

(B) by inserting after the third sentence the following new sentence: "Any family who resides in a dwelling unit proposed to be assisted under this paragraph, or in a unit to be replaced by a proposed unit to be assisted under this paragraph shall be given an absolute preference for selection for placement in the proposed unit, if the family is otherwise eligible for assistance under this subsection."; and

(8) by adding at the end the following new subparagraphs:

"(L) STRUCTURE OWNED BY AGENCY.—Notwithstanding any other provision of law, as part of an initiative to improve, redevelop, or replace a public housing site, a public housing agency may attach assistance to an existing, newly constructed, or rehabilitated structure in which the public housing agency has an ownership interest, without following a competitive process, provided that the agency includes such action in its public housing agency plan approved under section 5A and the units that will receive such assistance will not receive assistance under section 9. The preceding sentence shall not be construed to limit a public housing agency's ability to attach assistance to structures under applicable law.

"(M) USE IN COOPERATIVE HOUSING AND ELEVATOR BUILDINGS.—A public housing agency may enter into a housing assistance payments contract under this paragraph with respect to—

"(i) dwelling units in cooperative housing; and

"(ii) notwithstanding subsection (c), dwelling units in a high-rise elevator project, including such a project that is occupied by families with children, without review and approval of the contract by the Secretary.

"(N) REVIEWS.—

"(i) SUBSIDY LAYERING.—A subsidy layering review in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) shall not be required for assistance under this subparagraph in the case of a housing assistance payments contract for an existing structure, or if a subsidy layering review has been conducted by the applicable State or local agency.

"(ii) ENVIRONMENTAL REVIEW.—A public housing agency shall not be required to undertake any environmental review before entering into a housing assistance payments contract under this paragraph for an existing structure, except to the extent such a review is otherwise required by law or regulation.

"(O) LEASES AND TENANCY.—Assistance provided under this paragraph shall be subject to the provisions of paragraph (7), except that subparagraph (A) of such paragraph shall not apply.

"(P) ALLOWABLE TRANSFERS.—To promote regional mobility and increase housing and economic opportunities through expanded use of project-based voucher assistance, a public housing agency may transfer a portion of its vouchers and related budget authority to a public housing agency that administers a program under this subsection in another jurisdiction in the same or contiguous metropolitan area or county. The Secretary shall encourage such voluntary agreements and promptly execute the necessary funding and contract modifications.".

**SEC. 11. RENT BURDENS.**

(a) REVIEWS.—Section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) is amended by striking subparagraph (E) and inserting the following new subparagraph:

"(E) REVIEWS.—

"(i) RENT BURDENS.—

"(I) MONITOR AND REPORT.—The Secretary shall monitor rent burdens and submit a report to Congress annually on the percentage of families assisted under this subsection, occupying dwelling units of each size, that pay more than 30 percent of their adjusted incomes for rent and such percentage that pay more than 40 percent of their adjusted incomes for rent. Using information regularly reported by public housing agencies, the Secretary shall provide public housing agencies, on an annual basis, a report with the information described in the first sentence of this clause, and may require a public housing agency to modify a payment standard that results in a significant percentage of families assisted under this subsection, occupying dwelling units of any size, paying more than 30 percent of their adjusted incomes for rent. In implementing the requirements of this clause, the Secretary shall distinguish excessive rent burdens that result solely from the methods of determining a family's rent contribution under section (3)(A)(3) or clauses (ii) or (iii) of paragraph (2)(A) of this subsection.

"(II) PUBLIC AVAILABILITY.—Each public housing agency shall make publicly available the information on rent burdens provided by the Secretary pursuant to subclause (I), and, for agencies located in metropolitan areas, the information on concentration provided by the Secretary pursuant to clause (ii).

"(ii) CONCENTRATION OF POVERTY.—The Secretary shall submit a report to Congress annually on the degree to which families of particular racial and ethnic groups assisted under this subsection in each metropolitan area are clustered in higher poverty areas, and the extent to which greater geographic distribution of such assisted families could be achieved, including by increasing payment standards for particular communities within such metropolitan areas.

"(iii) PUBLIC HOUSING AGENCY RESPONSIBILITIES.—If a public housing agency has a high degree of concentration of families of particular racial and ethnic groups clustered in a higher poverty area or if such agency has more than 5 percent of families residing in units assisted under this subsection who pay more than 40 percent of their adjusted incomes for rent—

"(I) the public housing agency shall adjust its payment standard or explain its reasons for not making such adjustment; and

"(II) the Secretary may not deny the request of the public housing agency to set a payment standard up to 120 percent of the fair market rent to remedy excessive rent burdens or undue concentration of families assisted under this subsection in lower rent, higher poverty sections of a metropolitan area, if the public housing agency—

"(aa) has conducted a thorough review of its payment standards;

"(bb) conducts a thorough review of its rent reasonableness policies and procedures, and properly conducts a review of its rent reasonableness on an ongoing basis;

"(cc) has conducted outreach to landlords in all areas within the service area of the public housing agency;

"(dd) provides search assistance to such families, if undue concentration is the reason for the adjustment of the payment standard;

"(ee) has completed a review of utility allowances and burdens on such families; and

"(ff) the public housing agency has, for the previous 6-month period, had its payment standards set at 110 percent of the fair market rent.".

(b) PUBLIC HOUSING AGENCY PLAN.—Section 5A(d)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(d)(4)) is amended by inserting before the period at the end the following: ", including the report with respect to the agency furnished by the Secretary pursuant to section 8(o)(1)(E) concerning rent burdens and, if applicable, geographic concentration of voucher holders, any changes in rent or other policies the public housing agency is making to address excessive rent burdens or concentration, and if the public housing agency is not adjusting its payment standard, its reasons for not doing so.".

(c) RENT BURDENS FOR PERSONS WITH DISABILITIES.—Subparagraph (D) of section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) is amended by inserting before the period at the end the following: ", except that a public housing agency may establish a payment standard of not more than 120 percent of the fair market rent where necessary as a reasonable accommodation for a person with a disability, without approval of the Secretary. A public housing agency may seek approval of the Secretary to use a payment standard greater than 120 percent of the fair market rent as a reasonable accommodation for a person with a disability".

(d) RENT BURDENS FOR VOUCHER HOLDERS IN LOW-INCOME HOUSING TAX CREDIT UNITS.—Section 8(o)(10)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(10)(A)) is amended by inserting before the period the following: ", except that in a unit receiving tax credits under section 42 of the Internal Revenue Code or assistance under subtitle A of title II of the Cranston-Gonzalez National

Affordable Housing Act for which a housing assistance contract not subject to paragraph (13) is established—

"(i) no comparison with rent for units in the private, unassisted local market shall be required if the rent is at or below the rent for other comparable units receiving such tax credits or assistance in the project that are not occupied by tenant-based voucher holders; and

"(ii) the rent shall not be considered reasonable if it exceeds the higher of (I) the rents charged for other comparable units receiving such tax credits or assistance in the project that are not occupied by tenant-based voucher holders and (II) the payment standard established by the public housing agency for a unit of the particular size.".

### SEC. 12. ESTABLISHMENT OF FAIR MARKET RENT.

(a) In General.—Paragraph (1) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(1)) is amended—

(1) by inserting "(A)" after the paragraph designation;

(2) by striking the seventh, eighth, and ninth sentences; and

(3) by adding at the end the following:

"(B)(i) The Secretary shall endeavor to define market areas for purposes of this paragraph in a manner that results in fair market rentals that are adequate to cover typical rental costs of units suitable for occupancy by persons assisted under this section in as wide a range of communities as is feasible, including communities with low poverty rates.

"(ii) The Secretary at a minimum shall define a separate market area for each—

"(I) metropolitan city, as such term is defined in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)), with more than 40,000 rental dwelling units; and

"(II) county or in the case of a county that includes a metropolitan city specified in subclause (I), for the remainder of that county located outside the boundaries of such metropolitan city.

The requirement under subclause (II) shall not apply to any counties wholly within a metropolitan city specified in subclause (I) or any counties in the following States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, or Vermont.

"(iii) Notwithstanding clause (ii), the Secretary may establish minimum fair market rents within each State to ensure that fair market rents in a State are adequate to cover the cost of standard quality housing in that State.

"(iv) The Secretary shall, at the request of 1 or more public housing agency, establish a separate market area for part or all of the area under the jurisdiction of such agency, if—

"(I) the requested market area contains at least 20,000 rental dwelling units;

"(II) the areas contained in the requested market area are geographically contiguous and share similar housing market characteristics;

"(III) adequate data are available to establish a reliable fair market rental for the requested market area, and for the remainder of the market area in which it is currently located; and

"(IV) establishing the requested market area would raise or lower the fair market rental by 10 percent or more at the time the requested market area is established.

For purposes of subclause (III), data for an area shall be considered adequate if they are sufficient to establish from time to time a reliable benchmark fair market rental based primarily on data from that area, whether or not those data need to be supplemented with data from a larger area for purposes of annual updates.

"(v) The Secretary shall not reduce the fair market rental in a market area as a result of a change in the percentile of the distribution of market rents used to establish the fair market rental.".

(b) Payment Standard.—Subparagraph (B) of section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)(B)) is amended by inserting before the period at the end the following: ", except that no public housing agency shall be required as a result of a reduction in the fair market rental to reduce the payment standard applied to a family continuing to reside in a unit for which the family was receiving assistance under this section at the time the fair market rental was reduced".

### SEC. 13. SCREENING OF APPLICANTS.

Subparagraph (B) of section 8(o)(6) of the United States Housing Act of 1937 (1437f(o)(6)(B)) is amended—

(1) by inserting after the period at the end of the second sentence the following: "A public housing agency's elective screening shall be limited to criteria that are directly related to an applicant's ability to fulfill the obligations of an assisted lease and shall consider mitigating circumstances related to such applicant. The requirements of the prior sentence shall not limit the ability of a public housing agency to deny assistance based on the applicant's criminal background or any other permissible grounds for denial under subtitle F of title V of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13661 et seq., relating to safety and security in public and assisted housing), subject to the procedural requirements of this section. Any applicant or participant determined to be ineligible for admission or continued participation to the program shall be notified of the basis for such determination and provided, within a reasonable time after the determination, an opportunity for an informal hearing on such determination at which mitigating circumstances, including remedial conduct subsequent to the conduct that is the basis of such consideration."; and

(2) by adding at the end the following: "Public housing tenants requesting tenant-based voucher assistance under this subsection to relocate from public housing as a result of the demolition or disposition of public housing shall not be considered new applicants under this paragraph and shall not be subject to elective screening by the public housing agency.".

### SEC. 14. ENHANCED VOUCHERS.

(a) In General.—Section 8(t)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "and shall not require that the family requalify under the selection standards for a public housing agency in order to be eligible for such assistance" after "subsection (o)"; and

(2) by amending subparagraph (B) to read as follows:

"(B)(i) the assisted family may elect to remain in the same project in which the family was residing on the date of the eligibility event for the project regardless of unit and family size standards normally used by the administering public housing agency (except that tenants may be required to move to units of appropriate size if available on the premises), and the owner of the unit shall accept the enhanced voucher and terminate the tenancy only for serious or repeated violation of the terms and conditions of the lease or for violation of applicable law; and

"(ii) if, during any period the family makes such an election and continues to so reside, the rent for the dwelling unit of the family in such project exceeds the applicable payment standard established pursuant to subsection (o) for the unit, the amount of rental assistance provided on behalf of the family shall be determined using a payment standard that is equal to the rent for the dwelling unit (as such rent may be increased from time-to-time), subject to paragraph (10)(A) of subsection (o) and any other reasonable limit prescribed by the Secretary, except that a limit shall not be considered reasonable for purposes of this subparagraph if it adversely affects such assisted families;".

(b) Rulemaking.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations implementing the amendments made by subsection (a).

### SEC. 15. PROJECT-BASED PRESERVATION VOUCHERS.

(a) Enhanced Vouchers.—Section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437(t)(1)) is amended by adding at the end the following new paragraph:

"(5) AUTHORIZATION OF PRESERVATION PROJECT-BASED VOUCHER ASSISTANCE IN LIEU OF ENHANCED VOUCHER ASSISTANCE.—Notwithstanding any other provision of law, preservation project-based voucher assistance may be provided pursuant to subsection (o)(13)(Q) in lieu of enhanced voucher assistance at the request of the owner of the multifamily housing project, subject to the determinations of the public housing agency pursuant to clause (ii) of subsection (o)(13)(Q). Preservation project-based voucher assistance provided pursuant to subsection (o)(13)(Q) in lieu of enhanced voucher assistance shall be subject to the provisions of subsection (o)(13)(Q) and shall not be subject to the provisions of this subsection.".

(b) PHA Project-Based Assistance.—Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended by adding at the end the following new subparagraph:

"(Q) Preservation Project-Based Voucher Assistance.—

"(i) In general.—The Secretary is authorized to provide assistance under this paragraph in lieu of enhanced voucher assistance under subsection (t) to a public housing agency that enters into a contract with an owner of a multifamily housing project upon the occurrence of an eligibility event with respect to the project as defined in subsection (t)(2). All owners of projects for which enhanced voucher assistance would otherwise be provided may request and receive a contract for preservation project-based voucher assistance at the project in lieu of enhanced voucher assistance upon the occurrence of an eligibility event with respect to the project, subject to the determinations of the public housing agency in clause (ii). The contract shall cover all of the units in the project for which enhanced voucher assistance would otherwise be provided under subsection (t).

"(ii) Public housing agency determinations.—Prior to entering into a contract pursuant to this subparagraph, the public housing agency shall have determined that (I) the housing to be assisted hereunder is economically viable, and that (II) there is significant demand for the housing, or the housing will contribute to a concerted community revitalization plan or to the goal of deconcentrating poverty and expanding housing and economic opportunities, or the continued affordability of the housing otherwise is an important asset to the community. The determinations of the public housing agency required in the previous sentence shall be in lieu of meeting the requirements of subparagraph (C).

"(iii) SPECIAL RULES.—Funding provided for preservation project-based voucher assistance pursuant to this subparagraph shall be disregarded for the purpose of calculating the limitation on attaching funding to structures otherwise applicable to public housing agency project-based assistance pursuant to subparagraph (B). Assistance under this subparagraph shall not be subject to the requirements of subparagraph (D).

"(iv) ELIGIBILITY.—Notwithstanding any other provision of law, each family residing in a project on the date of the eligibility event that would otherwise be eligible for enhanced voucher assistance under subsection (t) shall be eligible for preservation project-based voucher assistance under this subparagraph.".

### SEC. 16. DEMONSTRATION PROGRAM WAIVER AUTHORITY.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into such agreements as may be necessary with the Social Security Administration and the Secretary of Health and Human Services to allow for the participation, in any demonstration program described in subsection (c), by the Department of Housing and Urban Development and the use under such program of housing choice vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(b) WAIVER OF INCOME REQUIREMENTS.—The Secretary of Housing and Urban Development may, to the extent necessary to allow rental assistance under section 8(o) of the United States Housing Act of 1937 to be provided on behalf of persons described in subsection (c) who participate in a demonstration program described in such subsection, and to allow such persons to be placed on a waiting list for such assistance, partially or wholly disregard increases in earned income for the purpose of rent calculations under section 3 for such persons.

(c) DEMONSTRATION PROGRAMS.—A demonstration program described in this subsection is a demonstration program of a State that provides for persons with significant disabilities to be employed and continue to receive benefits under programs of the Department of Health and Human Services and the Social Security Administration, including the program of supplemental security income benefits under title XVI of the Social Security Act, disability insurance benefits under title II of such Act, and the State program for medical assistance (Medicaid) under title XIX of such Act.

### SEC. 17. STUDY TO IDENTIFY OBSTACLES TO USING VOUCHERS IN FEDERALLY SUBSIDIZED HOUSING PROJECTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of (1) the housing voucher program authorized under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and (2) other federally subsidized housing programs, to determine whether any statutory, regulatory, or administrative provisions of the housing voucher program or of other federally subsidized housing programs, or policies and practices of housing owners or public housing agencies or other agencies, may have the effect of making occupancy by voucher holders in federally subsidized housing projects more difficult to obtain than occupancy by non-voucher holders. In conducting the study required under this subsection the Comptroller General shall determine if any gaps exist in the statute, regulations, or administration of the housing voucher program or of other federally subsidized housing programs and policies and practices of housing owners or public housing agencies or other agencies that, if addressed, could eliminate or reduce obstacles to voucher holders in seeking occupancy in federally subsidized housing projects. Such study shall include data on the use of housing vouchers in federally subsidized housing projects.

(b) DEFINITION.—As used in this section, the term "federally subsidized housing projects" includes projects assisted pursuant to the HOME investment partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) and those projects receiving the benefit of low-income housing credits under section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42).

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall report to Congress the findings from the study required under subsection (a) and any recommendations for statutory, regulatory, or administrative changes.

### SEC. 18. COLLECTION OF DATA ON TENANTS IN PROJECTS RECEIVING TAX CREDITS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

### "SEC. 36. COLLECTION OF DATA ON TENANTS IN PROJECTS RECEIVING TAX CREDITS.

"(a) IN GENERAL.—State agencies administering credits under section 42 of the Internal Revenue Code shall furnish to the Secretary of Housing and Urban Development, not less than annually, data concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the United States Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits. State agencies shall, to the extent feasible, collect such data through existing reporting processes and in a manner that minimizes burdens on property owners. In the case of a household continuing to reside in the same unit, such data may rely on information provided by the household in a previous year for categories of information that are not subject to change or if information for the current year is not readily available to the owner of the property.

"(b) STANDARDS AND DEFINITIONS.—The Secretary of Housing and Urban Development shall—

"(1) by rule, establish standards and definitions for the data collected under subsection (a);

"(2) provide States with technical assistance in establishing systems to compile and submit such data; and

"(3) in coordination with other Federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs.

"(c) PUBLIC AVAILABILITY OF REPORTS.—The Secretary of Housing and Urban Development shall compile and make publicly available not less than annually the data furnished by State agencies under subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,500,000 for fiscal year 2009 and $900,000 for each of the fiscal years 2010 to 2013 to cover the cost of the activities required under subsections (b) and (c).".

### SEC. 19. AGENCY AUTHORITY FOR UTILITY PAYMENTS IN CERTAIN CIRCUMSTANCES.

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:

"(23) AUTHORITY OF PUBLIC HOUSING AGENCIES TO MAKE DIRECT PAYMENTS FOR UTILITIES WHEN OWNER FAILS TO PAY.—

"(A) IN GENERAL.—If the owner has failed to pay for utilities that are the responsibility of the owner under the lease or applicable law, the public housing agency is authorized to utilize subsidy payments otherwise due the owner to pay for continued utility service to avoid hardship to program participants.

"(B) NOTICE.—Before making utility payments as described in subparagraph (A), the public housing agency shall take reasonable steps to notify the owner that it intends to make payments to a utility provider in lieu of payments to the owner, except prior notification shall not be required in any case in which the unit will be or has been rendered uninhabitable due to the termination or threat of termination of service, in which case the public housing agency shall notify the owner within a reasonable time after making such payment.".

### SEC. 20. ACCESS TO HUD PROGRAMS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY.

(a) HUD RESPONSIBILITIES.—To allow the Department of Housing and Urban Development to better serve persons with limited proficiency in the English language by providing technical assistance to recipients of Federal funds, the Secretary of Housing and Urban Development shall take the following actions:

(1) TASK FORCE.—Within 90 days after the enactment of this Act, convene a task force comprised of appropriate industry groups, recipients of funds from the Department of Housing and Urban Development (in this section referred to as the "Department"), community-based organizations that serve individuals with limited English proficiency, civil rights groups, and stakeholders, which shall identify a list of vital documents, including Department and certain property and other documents, to be competently translated to improve access to federally conducted and federally assisted programs and activities for individuals with limited English proficiency. The task force shall meet not less frequently than twice per year.

(2) TRANSLATIONS.—Within 6 months after identification of documents pursuant to paragraph (1), produce translations of the documents identified in all necessary languages and make such translations available as part of the library of forms available on the website of the Department and as part of the clearinghouse developed pursuant to paragraph (4).

(3) PLAN.—Develop and carry out a plan that includes providing resources of the Department to assist recipients of Federal funds to improve access to programs and activities for individuals with limited English proficiency, which plan shall include the elements described in paragraph (4).

(4) HOUSING INFORMATION RESOURCE CENTER.—Develop and maintain a housing information resource center to facilitate the provision of language services by providers of housing services to individuals with limited English proficiency. Information provided by such center shall be made available in printed form and through the Internet. The resources provided by the center shall include the following:

(A) TRANSLATION OF WRITTEN MATERIALS.—The center may provide, directly or through contract, vital documents from competent translation services for providers of housing services.

(B) TOLL-FREE CUSTOMER SERVICE TELEPHONE NUMBER.—The center shall provide a 24-hour toll-free interpretation service telephone line, by which recipients of funds of the Department and individuals with limited English proficiency may—

(i) obtain information about federally conducted or federally assisted housing programs of the Department;

(ii) obtain assistance with applying for or accessing such housing programs and understanding Federal notices written in English; and

(iii) communicate with housing providers. and learn how to access additional language services.

The toll-free telephone service provided pursuant to this subparagraph shall supplement resources in the community identified by the plan developed pursuant to paragraph (3).

(C) DOCUMENT CLEARINGHOUSE.—The center shall collect and evaluate for accuracy or develop, and make available, templates and documents that are necessary for consumers, relevant industry representatives, and other stakeholders of the Department, to access, make educated decisions, and communicate effectively about their housing, including—

(i) administrative and property documents;

(ii) legally binding documents;

(iii) consumer education and outreach materials;

(iv) documents regarding rights and responsibilities of any party; and

(v) remedies available to consumers.

(D) STUDY OF LANGUAGE ASSISTANCE PROGRAMS.—The center shall conduct a study that evaluates best-practices models for all programs of the Department that promote language assistance and strategies to improve language services for individuals with limited English proficiency. Not later than 18 months after the date of the enactment of this Act, the center shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which shall provide recommendations for implementation, specific to programs of the Department, and information and templates that could be made available to all recipients of grants from the Department.

(E) CULTURAL AND LINGUISTIC COMPETENCE MATERIALS.—The center shall provide information relating to culturally and linguistically competent housing services for populations with limited English proficiency.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

(c) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, and annually thereafter, the Secretary of Housing and Urban Development shall submit a report regarding its compliance with the requirements under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

### SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated the amount necessary for each of fiscal years 2009 through 2013 to provide public housing agencies with incremental tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) sufficient to assist 20,000 incremental dwelling units in each such fiscal year. A preference for allocation of such incremental tenant-based assistance, as part of the competitive process required by section 213(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(d)), is to be given to (1) preserving affordable housing, including State public housing, and other housing that needs operating support in order to remain affordable, and (2) entities that are providing voucher assistance on a regional basis.

### SEC. 22. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act, shall take effect on January 1, 2009.

(b) EXCEPTION.—

(1) RENT REFORMS.—Sections 3, 4, and 12 of this Act, and the amendments made by such sections, shall take effect beginning of the first day of fiscal year 2010, and shall apply to each fiscal year thereafter.

(2) NOTIFICATION REQUIREMENT.—Beginning on the date of enactment of this Act, public housing agencies and owners of dwelling units assisted under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) shall notify tenants as soon as possible of the—

(A) major changes made by the amendments in sections 3 and 4, and how such changes affect the current tenants occupying such units; and

(B) potential effects of such changes on current tenants in general.

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## SUPPORTERS OF THE SECTION 8 VOUCHER REFORM ACT

Action Housing, Inc. (Pittsburgh, PA); American Association of Homes and Services for the Aging; ANCOR (American Network of Community Options and Resources); Anti-Displacement Project; The Arc; California Coalition for Rural Housing; California Housing Partnership Corporation; Cambridge Housing Authority (Mass); Center on Budget and Policy and Priorities; Chicago Community Development Corporation; Chicago Rehab Network; Cleveland Housing Network; Cleveland Tenant Organization; Coalition for Economic Survival (Los Angeles); Coalition on Homelessness & Housing in Ohio; Community Alliance of Tenants (Oregon); Community Capital Corporation (Colorado); Community Economic Development Assistance Corporation (Mass.); Connecticut Coalition to End Homelessness; Connecticut Housing Coalition.

Connecticut Housing Finance Agency; Connecticut Public Housing Resident Network; Consortium for Citizens with Disabilities; Corporation for Supportive Housing; Council for Affordable and Rural Housing; Council of Large Public Housing Authorities; Emily Achtenberg, Housing Policy & Development Consultant; Enterprise Community Partners; Great Lakes Capital Fund; Greater Hartford Legal Aid; Greater New Orleans Fair Housing Action Center; Housing Action Illinois; Housing Alliance of Pennsylvania; Housing and Community Development Network of New Jersey; Housing Assistance Council; Housing Development Corporation of Lancaster County; Housing Preservation Project (Minnesota); Institute of Real Estate Management; Jewish Council for Public Affairs; Lawyers Committee for Civil Rights Under Law.

Local Initiatives Support Corporation; Mercy Housing; Minnesota Housing Partnership; National Affordable Housing Management Association; National Affordable Housing Trust; National Alliance of Community Economic Development Associations; National Alliance to End Homelessness; National Alliance for the Mentally Ill; National Alliance of HUD Tenants; National Apartment Association; National Association of Home Builders; National Association of Realtors; National Church Residences; National Council of State Housing Agencies; National Disability Rights Network; National Fair Housing Alliance; National Housing Conference; National Housing Law Project; National Housing Trust; National Leased Housing Association.

National Low Income Housing Coalition; National Multi Housing Council; New York City Department of Housing Preservation & Development; Ohio Capital Corporation for Housing; Opportunity Finance Network; Organize! Ohio; Paralyzed Veterans of America; Partnership for Strong Communities (CT); Poverty and Race Research Action Council; Preservation of Affordable Housing; Public Housing Authority Directors Association; Religious Action Center for Reform Judaism; Retirement Housing Foundation; Southwestern PA Alliance of HUD Tenants, Pittsburgh, PA; Stewards of Affordable Housing for the Future; The Community Builders; United Cerebral Palsy Disability Policy Collaboration; Volunteers of America.

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## SECTION 8 VOUCHER REFORM ACT OF 2008 (SEVRA)

### *Section 1. Short title*

Short title identifying the bill as the "Section 8 Voucher Reform Act of 2008."

### *Section 2. Inspection of dwelling units*

Makes a number of changes to the inspection requirements for housing units rented to Section 8 voucher holders. Retains the initial inspection requirement, except permits occupancy and payments to be made for up to 30 days if a unit fails inspection as a result only of non-life threatening conditions. In such case, payments must be suspended after 30 days if the deficiencies are not corrected. Also allows a PHA to permit occupancy prior to inspection if another federal program inspection has been made within the preceding 12 months.

Properties will be required to be re-inspected at least every two years instead of annually. Permits use of inspections under a federal, state, or local housing assistance program in lieu of a public housing agency (PHA) voucher inspection. Requires a PHA to conduct an interim inspection within 15 days after a tenant notifies the PHA that a unit is out of compliance and within 24 hours in the case of a life threatening condition.

If a property fails an inspection and the failure is not corrected within 30 days, the PHA is required to abate assistance for up to 120 days, and the PHA may use abated assistance to repair life-threatening conditions. Requires a PHA to terminate its contract with the owner at the end of the abatement period if the unit is not repaired, and to notify the tenant that they have 120 days to find new housing beginning at the start of the abatement period. Requires that PHAs provide reasonable assistance to the displaced tenant, including the use of up to two months of abated assistance for relocation expenses, and if necessary give the tenant additional time to search for a unit or, at the tenant's option, preference for the next available public housing unit.

*Section 3. Rent reform and income reviews*

Recertification. Modifies the annual certification requirement for the Section 8 voucher and project-based assistance programs and for public housing to permit PHAs and owners to recertify fixed-income families every three years. Requires interim recertifications only if annual income increases by $1,000 or more, or at a family's request if its income falls by $1,000 or more.

Simplification. Simplifies the rent calculation process for the Section 8 voucher and project-based assistance programs and for public housing so that there is more reliance on standardized deductions. Raises the standard deduction for elderly and disabled families from $400 to $700 a year, and indexes that amount and the $480 dependent standard deduction for inflation in subsequent years. Allows deduction of unreimbursed child care expenses above 5 percent of annual income and raises the threshold for calculating medical and handicapped assistance expense deductions from counting such expenses over 3 percent to over 10 percent of income. Contains administrative simplification provisions, including relieving PHAs of the responsibility to maintain records of HUD-required income exclusions, creating safe harbor for reliance on other governmental income determinations (eg., Medicaid, TANF), and eliminating the need to calculate any imputed return on assets.

Work and Education Incentives: To help provide incentives for employment and earnings, a family's prior year's income is used to calculate its rent obligation and the first 10% of the first $9,000 of earned income is excluded from the income calculation. Exempts income of minors (except for heads of households or their spouses) and of adult dependents that are full time students, and exempts grant-in-aid or scholarship amounts used for tuition or books.

Impact on Public Housing Revenues. Requires HUD to provide additional public housing operating funds to public housing agencies whose rental income declines by more than one half of a percent as a result of the rent reforms in the bill, subject to the availability of funds. Also requires HUD to submit to Congress, a report identifying and calculating the impact of rent reforms on public housing costs and revenues.

*Section 4. Eligibility for assistance based on assets and income*

To better target assistance, prohibits any family from receiving assistance if they have more than $100,000 in net assets or an ownership in a residence suitable for occupancy. Excludes from this a number of assets including homeownership equity accounts and family self-sufficiency accounts, necessary items of personal property, retirement and education savings account assets, and amounts from certain disability-related lawsuits. Also excludes properties owned by victims of domestic violence and properties owned by families making a good faith effort to sell. Allows flexibility by permitting PHAs to elect not to enforce limits for public housing residents, and PHAs and project-based owners may delay eviction or termination of families not meeting asset restrictions for up to six months.

Extends the 80% of local area median income limitation that applies to initial occupancy to apply on an ongoing basis (determined at periodic recertification). PHAs and owners may elect not to enforce this income limitation for residents of public housing or project-based Section 8 units, and PHAs and owners may delay eviction or termination for up to six months.

*Section 5. Targeting vouchers to low income working families*

To address needs in very-low income areas, allows the higher of 30% of area median income or the national poverty level to be used as the income threshold for extremely-low income families.

*Section 6. Voucher funding renewal*

Authorizes such sums as may be necessary for Fiscal Years 2009 through 2013 for the renewal of expiring Section 8 vouchers, and for new tenant protection, enhanced vouchers, and other special purpose vouchers.

Stabilizes the voucher renewal formula to provide adequate and predictable funding each year. The voucher funding allocation shall be re-calculated each year, based on a PHA's leasing and cost data from the prior calendar year. Such calculation is adjusted for an annual inflation factor as well as the first time renewal of incremental, tenant protection and enhanced vouchers; for vouchers set aside for project-based assistance; for vouchers ported in the prior year; and for such other adjustments as HUD considers appropriate, including adjustments for natural and other major disasters. PHAs are provided incentives to bring down voucher costs by allowing use of vouchers above the authorized level, but overall cost growth is constrained by limiting renewal funding to 103% of their authorized voucher level if reserves were used.

To ensure funds are available when there are market or program income fluctuations, PHAs may retain reserves equal to one eighth (12.5%, or ½ months) of their annual allocation at the end of 2008, 7.5 percent at the end of 2009, and 5% in each succeeding year. To implement the limitation on reserve funds, at the end of each year, HUD is required to reduce a PHA's funding allocation for the following year to offset excess reserves. HUD is required to make available all savings from such offsets to cover increased costs related to portability and family self-sufficiency escrow accounts, and for reallocation to PHAs for increased voucher leasing and to reward good performance. If a PHA has reserves of less than 2%, it can receive an advance of up to 2% in the last three months of a year to cover overages, which it "repays" through an offsetting funding reduction in the next year's funding allocation.

Provides for proration if overall funding is insufficient to meet nationwide costs, except that enhanced vouchers shall be fully funded. HUD is required to allocate all funds by the later of February 15th or 45 days after enactment of the appropriations bill funding renewals.

*Tenant protection vouchers*

Requires HUD to issue tenant protection vouchers, including enhanced vouchers for all public and assisted housing units that are lost (not just those occupied at time of application for such vouchers).

*Portability*

Requires PHAs to absorb ported vouchers from other PHAs starting on January 1, 2010, except that agencies are directed to phase in the absorption of the existing backlog of ported vouchers. Permits HUD to limit absorption in excess of a PHA's authorized level if HUD determines that there is insufficient funding. PHAs that absorb ported vouchers receive priority to be awarded excess funds to cover the resulting costs. If funds are inadequate to cover the costs of absorbed portability vouchers, HUD is directed to suspend the absorption requirement after providing 60 days notice to PHAs and the public.

*Vouchers for people with disabilities*

HUD is required to develop and issue guidance to ensure that incremental vouchers for disabled families will continue to be provided to such families upon voucher turnover.

*Section 7. Administrative fees*

Continues the current practice setting voucher administrative fees based on the number of vouchers in use and retains the Fiscal Year 2003 per unit fee as a baseline (adjusted for inflation) unless HUD establishes a new formula for calculating per unit fees by regulation.

*Family self sufficiency*

To assist in administering the successful Family Self Sufficiency Program (FSS), this section provides that voucher administrative fees will include a fee for FSS, based on the number of families being served, subject to performance standards to be established by the Secretary. Provides for proration if insufficient funds are appropriated to meet all costs under this provision, with a priority for funding at least one coordinator at each eligible agency. In addition, this section authorizes $10 million for an evaluation of the effectiveness of FSS programs.

*Section 8. HOMEOWNERSHIP*

This section continues the voucher homeownership program and permits voucher funds to be used for a down payment for first-time homebuyers, up to $10,000.

Facilitates use of vouchers for the full cost of purchasing manufactured homes sited on leased land, by permitting voucher funds to be used for both the cost of leasing the land plus monthly home purchase costs, including property taxes, insurance, and tenant-paid utilities.

*Section 9 Performance assessments*

The section ensures that PHAs are administering their voucher programs effectively by requiring HUD to assess voucher administration. Under this section, assessment must include the quality of units assisted, utilization of allocated funds and authorized vouchers, timeliness and accuracy of reporting to HUD, reasonableness of rent burdens, accurate rent and utility calculations and subsidy payments, effectiveness in carrying out family self-sufficiency activities, timeliness of actions related to landlord participation, and other factors as the HUD Secretary considers appropriate. Assessments must be conducted biannually, with results provided to Congress and the public as well as to PHAs. HUD must establish by regulation the procedures to be followed to bring poor performing agencies into compliance.

*Section 10. PHA project-based assistance*

To facilitate housing development, this section increases the maximum project-based voucher contract term from 10 to 15 years to be consistent with the underwriting period for the Low Income Housing Tax Credit program and also provides that rents for project-based vouchers shall not be reduced by virtue of being used in conjunction with Low-Income Housing Tax Credits.

This section increases the percentage of vouchers a PHA can project-base from 20% to 25%, with authority to go a further 5% higher to serve homeless people. This section also increases the percentage of vouchers that can be project-based in any project (rather than building) to the greater of 25 dwelling units or 25% of the units in the project, with authority to go up to 40% in areas where vouchers are hard to use. Maintains an exception to this limitation for units specifically made available for elderly and disabled families or populations with special needs receiving comprehensive services, and adds an exception for single family properties with no more than four dwelling units.

Allows a PHA to transfer vouchers and budget authority to other PHAs in the same or adjacent metropolitan areas or counties, to provide project-based assistance that will promote mobility and increase housing and economic opportunities. Directs HUD to encourage such transfers and promptly carry out funding and contract modifications needed to implement them.

### *Section 11. Rent burdens*

Requires HUD to monitor voucher rent burdens and submit an annual report to Congress on the percentage of families nationwide paying more than 30% and 40% of their adjusted income for rent. Requires HUD to submit an annual report to Congress on the degree to which voucher families of particular racial and ethnic groups are clustered in lower-rent, higher poverty areas, and what can be done to achieve greater geographic distribution.

Requires PHAs to make information on local rent burdens and poverty concentrations available to the public. If the percentage of voucher families paying more than 40% of income for rent exceeds 5%, or families of particular racial and ethnic groups are concentrated in higher poverty areas, the PHA must either raise the payment standard or explain why payment standards are not being raised. HUD is required to approve requests to raise payment standards in such circumstances up to 120% of FMR, if the PHA has conducted a thorough review of its payment standards and rent reasonableness procedures and taken a series of other steps to ease rent burdens and expand housing opportunities. As a reasonable accommodation for a person with a disability, a PHA may increase payment standards up to 120% of the FMR without approval from HUD, and HUD may approve requests for payment standards above 120% of the FMR.

### *Section 12. Establishment of fair market rent*

To ensure that Fair Market Rents (FMRs) are accurate, this section requires separate FMRs for each metropolitan city with over 40,000 rental units and each county (except counties that are located entirely within metropolitan cities with over 40,000 rental units or in the New England states).

### *Section 13. Screening of applicants*

This section ensures fair decisions about program eligibility by limiting a PHA's elective screening of applicants to criteria that directly relate to an applicant's ability to fulfill the obligations of the lease, while retaining the ability of a PHA to deny eligibility based on criminal background and reasons relating to safety and security. Applicants and current participants are required to be notified of the basis of any determination of ineligibility, and are to be provided an informal hearing to present mitigating circumstances in such cases.

### *Section 14. Enhanced vouchers*

This section ensures that families can remain in their housing, by providing that families may receive enhanced vouchers in the case of a property prepayment or opt-out even if they reside in oversized units, except that such tenants may be required to move to appropriate sized units and provides that families eligible for enhanced vouchers are not required to requalify under the PHA's selection standards. Directs HUD to issue implementing regulations within six months after the bill is enacted.

### *Section 15. Project-based preservation vouchers*

Authorizes provision of project-based vouchers in lieu of enhanced vouchers (which are provided as continued housing assistance where an owner prepays a HUD-insured mortgage or upon the termination of a Section 8 contract), at the request of a project owner and a determination by the PHA that the building is economically viable and assisted units in the building will be in significant demand or will further community goals. Families otherwise eligible for enhanced vouchers will be eligible for preservation project-based vouchers. Such preservation project-based vouchers are similar to other project-based voucher assistance except they are not counted against the limit on the share of a PHA's voucher assistance that may be project-based, and are exempt from the limit on the share of units in a building that may be assisted with project-based vouchers.

### *Section 16. Demonstration program waiver authority*

HUD is authorized to enter into agreements with the Social Security Administration and the Secretary of Health and Human Services to allow for participation in state demonstration programs designed to permit persons with significant disabilities to be employed and continue to receive a range of federal benefits. HUD is authorized to permit a partial or complete disregard of increases in earned income for persons participating in any such demonstration for the purpose of calculating rent contributions for housing assisted by Section 8 vouchers.

### *Section 17. Study to identify obstacles to using vouchers in federally subsidized housing projects*

Requires GAO to conduct a study on what legislative, regulatory and administrative requirements of federal housing programs (HOME, LIHTC), or practices and policies of PHAs or owners present obstacles to the use of vouchers in federally assisted housing.

### *Section 18. Collection of data on tenants in projects receiving tax credits*

Requires state agencies administering Low-Income Housing Tax Credits to submit annual data to HUD on the characteristics of tenants in each Low-Income Housing Tax Credit project. Instructs state agencies, to the extent feasible, to collect data from owners through existing reporting processes and in a manner that minimizes burdens on property owners and directs HUD to establish standards and definitions for data collection, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs (in coordination with other federal agencies administering housing programs), provide states with technical assistance establishing data systems, and compile and make publicly available data submitted by states. Authorizes appropriations in Fiscal Years 2009 through 2013 to cover costs to HUD related to data collection.

### *Section 19. Agency authority for utility payments in certain circumstances*

In cases where an owner fails to make required utility payments, this section authorizes the PHA to use voucher subsidy payments normally due to the owner to pay for continued utility service. Requires a PHA to take reasonable steps to notify the owner before making direct utility payments instead of payments to the owner, except that no prior notification is required in cases where a utility cutoff rendering the unit uninhabitable has occurred or is threatened.

### *Section 20. Access to HUD programs for persons with limited English proficiency*

To facilitate compliance with the Executive Order requiring program access to people with Limited English Proficiency, this section directs HUD to convene a task force to identify vital documents that need to be translated to improve access to HUD services and make available translations within six months after documents are identified by the task force. Requires HUD to develop and carry out a plan to establish a housing information resource center to provide translations of written materials, provide a toll-free 24 hour interpretation service, and conduct a study of best-practices.

Authorizes appropriations to enable HUD to carry out the requirements of this section, and directs HUD to submit a report regarding its compliance within six months after enactment.

### *Section 21. Authorization of appropriations*

Authorizes appropriations for the amount necessary to provide incremental vouchers for 20,000 families in each year from fiscal year 2009 through 2013, and establishes preferences for receipt of such assistance to preserve affordable housing and for entities that provide voucher assistance on a regional basis.

### *Section 22. Effective date*

Provides that provisions of the bill take effect on January 1, 2009, except for Sections 3, 4, and 13 (relating to rents, income and asset limitations and fair market rents, which will take effect at the start of fiscal year 2010). Requires that PHAs and owners provide current tenants with notification of the major changes in the bill regarding rent policies and income and asset rules for continuing eligibility as soon as possible after enactment.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 468—DESIGNATING APRIL 2008 AS "NATIONAL 9-1-1 EDUCATION MONTH"

**Mrs. CLINTON (for herself and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on the Judiciary:**

S. RES. 468

Whereas 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas, in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a "single number should be established" nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas, in 1968, the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9-1-1 as the emergency code throughout the United States;

Whereas 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106-81; 113 Stat. 1286);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9-1-1 system to be "a high national priority" and part of "our Nation's homeland security and public safety";

Whereas it is important that policy makers at all levels of government understand the importance of 9-1-1, how the system works today, and the steps that are needed to modernize the 9-1-1 system;

Whereas the 9-1-1 system is the connection between the eyes and ears of the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9-1-1 a significant homeland security asset;

Whereas more than 6,000 9-1-1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9-1-1 calls each year in the United States;

Whereas a growing number of 9-1-1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, and deaf-blind, and individuals with speech disabilities, are increasingly communicating with nontraditional text, video, and instant messaging communications services and expect those services to be able to connect directly to 9-1-1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9-1-1 and implementing an enhanced 9-1-1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas numerous other N-1-1 and 800 number services exist for nonemergency situations, including 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, poison control centers, and mental health hotlines, and the public needs to be educated on when to use those services in addition to or instead of 9-1-1;

Whereas international visitors and immigrants make up an increasing percentage of the United States population each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9-1-1 and it is critical to educate those people on the proper use of 9-1-1;

Whereas senior citizens are at high risk for needing to access to 9-1-1 and many senior citizens are learning to use new technology;

Whereas thousands of 9-1-1 calls are made every year by children properly trained in the use of 9-1-1, which saves lives and underscores the critical importance of training children early in life about 9-1-1;

Whereas the 9-1-1 system is often misused, including by the placement of prank and nonemergency calls;

Whereas misuse of the 9-1-1 system results in costly and inefficient use of 9-1-1 and emergency response resources and needs to be reduced;

Whereas parents, teachers, and all other caregivers need to play an active role in 9-1-1 education for children, but will do so only after being first educated themselves;

Whereas there are many avenues for 9-1-1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas children, parents, teachers, and the National Parent Teacher Association contribute importantly to the education of children about the importance of 9-1-1 through targeted outreach efforts to public and private school systems;

Whereas we as a Nation should strive to host at least 1 educational event regarding the proper use of 9-1-1 in every school in the country every year; and

Whereas programs to promote proper use of 9-1-1 during National 9-1-1 Education Month could include—

(1) public awareness events, including conferences and media outreach, training activities for parents, teachers, school administrators, other caregivers and businesses;

(2) educational events in schools and other appropriate venues; and

(3) production and distribution of information about the 9-1-1 system designed to educate people of all ages on the importance and proper use of 9-1-1; and

Whereas the people of the United States deserve the best education regarding the use of 9-1-1: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2008 as "National 9-1-1 Education Month"; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe the month with appropriate ceremonies, training events, and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4087. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table.

SA 4088. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4089. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4090. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4087.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 21 and 22, insert the following:

(c) PROHIBITION ON CERTAIN PRIVATE SPONSORED TRAVEL.—

(1) IN GENERAL.—A Federal agency and any employee of that agency may not accept payment for travel or travel-related expenses from a non-Federal entity if the non-Federal entity has been subject to the jurisdiction of that agency in the 2-year period preceding such travel.

(2) DEFINITION OF SUBJECT TO THE JURISDICTION OF THAT AGENCY.—In this subsection, "subject to the jurisdiction of that agency" means, with respect to a non-Federal entity and a Federal agency, that the non-Federal entity has been subject to an order, investigation, or regulation of the Federal agency.

**SA 4088.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.; which was ordered to lie on the table; as follows:

On page 69, between lines 4 and 5, insert the following:

(3) LEAD CRYSTAL.—The Commission may by rule provide that subsection (a) does not apply to lead crystal if the Commission determines, after notice and a hearing, that the lead content in lead crystal will neither—

(A) result in the absorption of lead into the human body; nor

(B) have an adverse impact on public health and safety.

**SA 4089.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs; and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following new title:

### TITLE ____—OFFICE OF INTERNATIONAL AND DOMESTIC PRODUCT SAFETY

**SEC. __01. SHORT TITLE.**

This title may be cited as the "International and Domestic Product Safety Act".

**SEC. __02. DEFINITIONS.**

In this title:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security.

(2) CONSUMER PRODUCT.—The term "consumer product" means any of the following:

(A) Food, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321), including—

(i) poultry and poultry products, as defined in section 4 of the Poultry Products Inspection Act (21 U.S.C. 453);

(ii) meat and meat food products, as defined in section 1 of the Federal Meat Inspection Act (21 U.S.C. 601); and

(iii) eggs and egg products, as defined in the Egg Products Inspection Act (21 U.S.C. 1033).

(B) A drug, device, cosmetic, dietary supplement, infant formula, and food additive, as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(C) A consumer product, as such term is defined in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052).

(D) A motor vehicle, motor vehicle equipment, and replacement equipment, as such terms are defined in the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30102).

(E) A biological product, as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(F) A pesticide, as such term is defined by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(G) Any other food, consumer product, fishery product, beverage, or tobacco product with respect to which a department or agency that is represented on the Council has jurisdiction.

(3) COUNCIL.—The term "Council" means the Product Safety Coordinating Council established under section __04.

(4) DIRECTOR.—The term "Director" means the Director of the Office of International and Domestic Product Safety established under section __03.

(5) OFFICE.—The term "Office" means the Office of International and Domestic Product Safety established under section __03.

**SEC. __03. OFFICE OF INTERNATIONAL AND DOMESTIC PRODUCT SAFETY; DIRECTOR.**

(a) ESTABLISHMENT OF OFFICE.—There is established in the Department of Commerce an Office of International and Domestic Product Safety.

(b) DIRECTOR.—The Office shall be headed by a Director of International and Domestic Product Safety who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report to the Secretary of Commerce.

(c) DUTIES.—The Director shall be responsible for facilitating the oversight and coordination of international and domestic consumer product safety responsibilities in a manner that protects the health and safety of United States consumers and ensures that consumers and businesses have access to vital consumer product safety information. The Director shall—

(1) establish policies, objectives, and priorities to improve the management, coordination, promotion, and oversight of all departments and agencies that are responsible for international and domestic consumer product safety;

(2) work with consumer groups, industry, and other interested parties to establish the policies, objectives, and priorities described in paragraph (1);

(3) create a "one-stop" Federal website for consumer product safety information;

(4) develop and maintain a centralized user-friendly public database of all consumer product recalls, advisories, alerts, seizures, defect determinations, import bans, and other actions related to products sold (or offered for sale) in the United States, including mandatory and voluntary actions taken by Federal and State departments and agencies, or by businesses;

(5) implement a system for disseminating consumer product recall alerts to consumers and businesses, including retailers, the media, and medical professionals;

(6) promote the development of risk assessment models to assist Federal departments and agencies responsible for the importation and safety of consumer products to better identify and prevent the importation or introduction into commerce of unsafe products;

(7) promote the development of food tracing technology to provide consumers with access to the supply chain history of a consumer product;

(8) develop guidelines to facilitate information sharing relating to the importation and safety of consumer products among Federal departments and agencies, State and local governments, businesses, and United States trading partners;

(9) develop and maintain a public electronic directory of services to assist consumers and businesses in locating consumer product safety information;

(10) develop a framework for engaging United States trading partners in efforts to improve consumer product safety, including cooperation and coordination related to safety standards, testing, certification, audits, and inspections before consumer products are shipped to the United States;

(11) establish an inventory of Memoranda of Understanding negotiated by Federal departments and agencies with foreign governments related to the importation and safety of consumer products, and promote coordination among Federal departments and agencies seeking to negotiate new memoranda; and

(12) develop and implement other activities to ensure that there is a unified effort to protect the health and safety of United States consumers, including—

(A) simplifying consumer-retailer interaction regarding consumer products identified as unsafe;

(B) improving consumer product labeling;

(C) developing comprehensive recordkeeping throughout the production, importation, and distribution of consumer products; and

(D) increasing public access to information regarding—

(i) consumer product safety standards, testing, and certification;

(ii) enforcement of consumer product safety laws, and

(iii) consumer product-related deaths, injuries, and illness.

(d) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Director of International and Domestic Product Safety, Department of Commerce.".

(e) FUNCTION OF THE OFFICE.—The function of the Office of International and Domestic Product Safety is to assist the Director in carrying out the duties of the Director described under this title.

(f) STAFF.—The Director may employ and fix the compensation of such officers and employees as may be necessary to assist the Director in carrying out the duties of the Director. The Director may direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency on a reimbursable or nonreimbursable basis.

**SEC. __04. PRODUCT SAFETY COORDINATING COUNCIL.**

(a) ESTABLISHMENT.—There is established a Product Safety Coordinating Council.

(b) COMPOSITION.—The Council shall consist of the following members or their designees:

(1) The Director, who shall chair the Council.

(2) The Commissioner of U.S. Customs and Border Protection.

(3) The Under Secretary of Commerce for International Trade.

(4) A Deputy United States Trade Representative, as determined by the United States Trade Representative.

(5) The Under Secretary of State for Economic, Energy and Agricultural Affairs.

(6) The Under Secretary of Agriculture for Food Safety.

(7) The Commissioner of Food and Drugs.

(8) The Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(9) The Chairman of the Consumer Product Safety Commission.

(10) The Administrator of the National Highway Traffic Safety Administration.

(11) The Deputy Administrator of the Environmental Protection Agency.

(12) The Administrator of the Alcohol and Tobacco Tax and Trade Bureau.

(13) The Deputy Attorney General.

(14) The Director of the Centers for Disease Control and Prevention.

(15) The Chairman of the Federal Trade Commission.

(16) Such other officers of the United States as the Director determines necessary to carry out the functions of the Council.

(c) DEPARTMENT AND AGENCY RESPONSIBILITIES.—

(1) IN GENERAL.—The department or agency of each member of the Council shall assist the Director in—

(A) developing and implementing a unified effort to protect the health and safety of United States consumers;

(B) ensuring that consumers and businesses have access to vital consumer product safety information; and

(C) carrying out the responsibilities of the Director under this title.

(2) COOPERATION.—Each member of the Council shall seek to ensure that the department or agency the member represents—

(A) provides such assistance, information, and advice as the Director may request;

(B) complies with information sharing policies, procedures, guidelines, and standards established by the Director; and

(C) provides adequate resources to support the activities and operations of the Office.

(d) MEETINGS.—The Director shall convene monthly meetings of the Council.

**SEC. __05. STRATEGIC PLAN.**

(a) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter, the Director shall, after consulting with the members of the Council, submit to the President and to Congress a strategic plan.

(b) CONTENTS OF STRATEGIC PLAN.—The strategic plan submitted under subsection (a) shall contain—

(1) a detailed description of the goals, objectives, and priorities of the Office and the Council;

(2) a description of the methods for achieving the goals, objectives, and priorities;

(3) a description of the performance measures that will be used to monitor results in achieving the goals, objectives, and priorities; and

(4) an estimate of the resources necessary to achieve the goals, objectives, and priorities described in subparagraph (1), and an estimate of the cost of the resources.

**SEC. __06. REPORT ON INTERNATIONAL AND DOMESTIC PRODUCT SAFETY.**

(a) REPORT REQUIRED.—Not later than November 1 of each calendar year, the Director shall submit to the President and to Congress, a written report on the safety of international and domestic consumer products.

(b) CONTENT OF REPORT.—The report submitted under subsection (a) shall contain a detailed description of the implementation of the duties set forth in section _____03(c) of this title.

(c) CONSULTATIONS.—The Director shall consult with the members of the Council with respect to the preparation of the report required under subsection (a). Any comments provided by the members of the Council shall be submitted to the Director not later than October 15 of each calendar year. The Director shall submit the report to Congress after taking into account all comments received.

**SEC. _07. PRIORITY IN INTERNATIONAL TRADE TALKS.**

The President, the Director, and members of the Council shall seek to engage trading partners of the United States in bilateral and multilateral fora regarding improvements in consumer product safety, including cooperation and coordination with respect to—

(1) authorization of preexport audits and inspections;

(2) establishment of safety standards, testing, and certifications; and

(3) public dissemination of information concerning consumer product recalls, advisories, alerts, seizures, defect determinations, import bans, and other related actions.

**SEC. _08. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out the provisions of this title and the activities of the Office.

**SEC. _09. AUTHORIZATION OF INTERAGENCY SUPPORT FOR PRODUCT SAFETY COORDINATION.**

The use of interagency funding and other forms of support is authorized by Congress to carry out the functions and activities of the Office and the functions and activities of the Council.

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**SA 4090.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, line 11, strike "cigarette" and insert "Cigarette".

## PRIVILEGES OF THE FLOOR

Mr. PRYOR. Mr. President, I ask unanimous consent that Melissa Zolkeply, an intern for the Senate Commerce Committee, be granted floor privileges during the consideration of S. 2663.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 67, 110th Congress, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Senator from Nevada, Mr. REID, the Senator from California, Mrs. FEINSTEIN, and the Senator from Utah, Mr. BENNETT.

## ORDERS FOR TUESDAY, MARCH 4, 2008

Mr. INOUYE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, March 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to the consideration of S. 2663, a bill to reform the Consumer Product Safety Commission; further, I ask that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. INOUYE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Tuesday, March 4, 2008, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. STEPHEN R. LORENZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. ALLEN G. PECK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JOHN T. SHERIDAN

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. ROBERT L. CASLEN, JR.

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) RAYMOND E. BERUBE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) RICHARD R. JEFFRIES
REAR ADM. (LH) DAVID J. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. GEORGE W. BALLANCE
CAPT. CHRISTOPHER J. PAUL
CAPT. RUSSELL S. PENNIMAN
CAPT. GARY W. ROSHOLT
CAPT. ROBERT P. WRIGHT
CAPT. MICHAEL J. YURINA

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

FRANK W. ALLARA, JR.
ANN M. BLAKE
GREGORY B. CANNEY
THADDEUS M. CHAMBERLAIN
ROGER W. CHILDRESS
JAMES C. CHOI
CHRISTOPHER CIAMBOTTI
SALVATORE R. CUTINO
ERNEST L. DABREO
HARIS EHLAND
STEPHEN J. EXTERKAMP
VICTORIA K. FARLEY
RICHARD R. FRAZIER
GREGORY R. GATES
THOMAS J. GRIMM
ARNE F. GRUSPE
RICHARD L. JOHNSON
ROBERT E. LANGSTEN
JAMES A. LOE
MICHAEL F. MORRIS
NANCY C. MOTYKA
DAVID W. MURRAY
STEPHEN P. MURRELL
MARK E. MUTH
BRADLEY E. RAUSCH
CRAIG H. RICE
JOHN A. SAFAR
SCOTT R. SCHUBKEGEL
JAY S. TAYLOR
ERNESTO J. TORRES
MAREN D. VAN
JANE S. WALLACE
MARK S. WALLACE
JOHN M. YACCINO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

JOHN R. ANDRUS
TIMOTHY D. BALLARD
ERIKA V. BARGER
MICHAEL T. BASHFORD
LEROY G. BEYER, JR.
MICHAEL L. BLEDSOE
WILLIAM T. BOLEMAN
JONATHAN W. BRIGGS
DIRK C. BRINGHURST
EDWIN K. BURKETT
TODD E. CARTER
DONALD E. CHRISTENSEN
DAVID R. CONDIE
KEVIN P. CONNOLLY
RONALD O. CRANDALL
ROY J. DILEO
GINA R. DORLAC
THOMAS M. DYE
BRUCE M. EDWARDS
ALFRED C. EMMEL
DANIEL J. FEENEY
ROBERT J. FISCHER
JOHN F. FORBES
DAVID R. FOSS
KEVIN J. FRANKLIN
JAMES W. FREESE
ANTHONY T. GHIM
JOSEPH A. GIOVANNINI
THOMAS W. HARRELL
JAMES W. HAYNES
AUGUST S. HEIN
KATHRYN K. HOLDER
PAUL J. HOUGE
JAMES P. ICE
MICHAEL S. JAFFEE
JANE K. KLINGENBERGER
DEREK A. KNIGHT

DAVID L. KUTZ
KENNETH S. LEFFLER
VIKI T. LIN
BLAKE D. LOLLIS
CHRISTOPHER R. MCNULTY
EMILY M. MILLER
MICHAEL G. MILLER
LEONARDO C. PROFENNA
JENNIFER M. RHODE
MATTHEW R. RICKS
DAMIAN M. RISPOLI
STEVEN E. RITTER
SCOTT A. RUSSI
CHUNG M. SIEDLECKI
MARIO A. SILVA
THERESA B. SPARKMAN
RICHARD E. STANDAERT, JR.
NEAL R. TAYLOR
CHRISTOPHER M. THOMPSON
JEFF P. VISTA
JAMES W. WALTER
GERALD S. WELKER
RANDALL C. ZERNZACH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

KATHRYN L. AASEN
JASON T. BLACKHAM
JEFFERY A. CASEY
CHOL H. CHONG
KIMBERLY Y. CHRISTIAN
MICHAEL E. CRABTREE
CARLOS A. DIAZLABOY
HOLLY V. ELLENBERGER
YOUNG J. HONNLEE
NOANA ISSARGRILL
SHERYL L. KANE
BRENT L. KINCAID
JAMES M. KUTNER
JEFFREY K. LADINE
DAVID P. LEE
GIANG K. LOI
STEVEN A. REESE
ZINDELL RICHARDSON
TRISTANNE M. SPOTTSWOOD
KEVIN J. STANGER
MICHAEL R. SUHLER
RICHARD D. TOWNSEND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

ZENEN T. ALPUERTO
MARK A. ANTONACCI
GUY C. ASHER, JR.
ADRIENNE W. ASKEW
CARLOS AYALA
GWEN M. AYERS
KARYN J. AYERS
KERRI L. BADEN
STEPHEN L. BARNES
MICHAEL C. BARROWS
SHERREEN G. BATTS
GREGORY H. BEAN
DEVIN P. BECKSTRAND
JENNIFER L. BEPKO
STEPHEN J. BEPKO
LYNN G. BERRY
HEIDI C. BERTRAM
ALEXANDER B. BLACK
REBECCA S. BLACKWELL
STEPHEN R. BODEN
HENRY A. BOILINI
KURT R. BOLIN
SCOTT G. BOOK
ALOK K. BOSE
JAMIE L. BROUGHTON
JEFFREY S. BUI
GARY J. BUTCHKO
DARREN E. CAMPBELL
MATTHEW A. CARRELL
MATTHEW B. CARROLL
MICHAEL C. CASCIELLO
NAILI A. CHEN
JASON J. CHO
NICHOLAS G. CONGER
JOSEPH A. COOK
JOANN B. COUCH
KIMBERLY A. DALAL
PATRICK J. DANAHER
PAUL A. DICPINIGAITIS
DELLA E. DILLARD
SUSAN A. DOTZLER
SARAH E. DUCHARME
DANIEL H. DUFFY
TIM D. DUFFY
DAVID J. DUVAL
PATRICK T. EITTER
CAROL J. ELNICKY
RONALD W. ENGLAND
CHARLES P. FAY
KENNETH H. FERGUSON
GERALD R. FORTUNA, JR.
LANCE T. FRYE
MATTHEW I. GOLDBLATT
KATHY J. GREEN
JEREMY M. GROLL
MARY L. GUYE
GREGORY J. HAACK
WILLIAM N. HANNAH, JR.
CHRISTOPHER G. HAYES
LAKEISHA R. HENRY
HOWARD HOFFMAN
MARK E. HOGGAN
DAVID C. IVES
JON M. JOHNSON
JOSEPH C. JOHNSONWALL
HYON S. KANG
ERICK G. KENT
JOCELYN A. KILGORE
PETER H. KIM
HEIDI L. KJOS
DAYTON S. KOBAYASHI
KY M. KOBAYASHI
MICAL J. KUPKE
BRENT P. LEEDLE
RALPH R. LIM, JR.
JEREMY D. LLOYD
TERENCE P. LONERGAN
THOMAS R. LOWRY
SALVATORE J. LUCIDO
MARK D. LYMAN
MIKELLE A. MADDOX
MICHAEL J. MCCOLLUM
LAVETA L. MCDOWELL
LISA C. MITCHELL
STEPHEN W. MITCHELL
LAURA M. MOORE
MEREDITH L. MOORE
CHARLES D. MOTSINGER
ANDREW J. MYRTUE
MARK A. NASSIR
GREGG B. NELSON
DZUY T. NGUYEN
DAVID A. NORTON
ANDREW O. OBAMWONYI
TANDY G. OLSEN
DAVID M. OLSON
CRAIG R. PACK
RACHELLE PAULKAGIRI
STEVEN D. PEINE
ANH T. PHAM
VALERIE M. PRUITT
RECHELL G. RODRIGUEZ
CHRISTOPHER S. ROHDE
DANIEL M. ROKE
TIMOTHY M. RUTH
KAREN A. RYANPHILPOTT
MARK W. SANKEY
KIRK D. SCHLAFER
MARK A. SELDES
PATRICK A. SHEA
MICHAEL T. SHOEMAKER
DAVID P. SIMON
JAMES L. SULLIVAN
JACK J. SWANSON
KRISTEN E. TALECK
CARL E. THORNBLADE II
DAI A. TRAN
MARK W. TRUE
MICHAEL W. VANDEKIEFT
KEVIN R. VANVALKENBURG
CHARLES V. VOIGT
SANDRA R. VOLDEN
ALLAN E. WARD
MATTHEW T. WARREN
CATHERINE T. WITKOP
PAUL A. YATES
FARIDA YOOSEFIAN
BRIAN M. YORK
MAURICE E. YOUNG
AARON T. YU
MARK A. YUSPA
DUSTIN ZIEROLD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

LENNY W. ARIAS
AMY R. ASTON
ANGELA M. BACHTELL
JENNIFER R. BEIN
BRODIE L. BOWMAN
MARIEANTONETTE C. BRANCATO
JOHN A. BREWSTER
CASEY M. CAMPBELL
JARED W. CARDON
AURA M. CISNEROS
BENJAMIN R. CLARKE
LINDA K. COATES
SHERDON W. CORDOVA
ANDREW C. DREYER
AIMEE N. DULL
CHRISTINA L. ELLIOTT
JAY FEDOROWICZ
GEOFFREY L. GESSEL
ROEL GONZALEZ
ERIC C. HARDY
JENNIFER A. HASSLEN
CURTIS J. HAYES
PAUL B. HILFER
TYETUS T. HOHNSTEIN
ZACHARY HOUSER
ADAM J. HUHN
NATHAN D. KRIVITZKY
MELISSA S. KRUSE
JUDD G. LANGLEY
KETU P. LINCOLN
PATRICK M. MCDONOUGH
DIONTE R. MONCRIEF
IRIS B. ORTIZGONZALEZ
RUSSELL B. OWENS
DANIEL J. PALAZZOLO
CHRISTOPHER K. PARRIS
BRADLEY J. PIERSON
JAKUB F. PIETROWSKI
JOHN C. PRITCHETT
CHAD R. RAPER
MATTHEW T. RAPER
JAROM J. RAY
MATTHEW M. ROGERS
DAVID A. ROTHAS
RENE SAENZ
CADE A. SALMON
LESLEY J. SALVAGGIO
ERIC M. SCHARF
KYRA Y. SHEA
LANCE A. SMAGALSKI
JESSE W. SMITH
HEIDI R. SOTTEK
ANGELA K. STANTON
OSCAR R. SUAREZSANCHEZ
BRADY M. THOMSON
MICHAEL K. TOWNSEND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

WESLEY M. ABADIE
DAVID A. ALCINDOR
BRIAN T. ALLENBRAND
TASLIM F. ALLIBHAI
DAVID R. ALLTON
MICHAEL ALUKER
MARIA V. ALVAREZ
MICHAEL P. ANGELUCCI
JAVIER L. ARENAS
DAMON B. ARMITAGE
JAMES J. ARNOLD
GREGORY T. AUSTAD
JUSTIN M. BAILEY
KEISHA Y. BAILEY
JOANNE M. BALINTONA
MATTHEW F. BARCHIE
ADRIAN L. BARCUS
DARRELL E. BASKIN
MELINDA B. BATMAN
LAURA M. BAUGH
RICHARD C. BLUNK
KENNETH S. BODE
GINGER K. BOHL
JAMISON W. BOHL
STEPHEN M. BOSKOVICH
MICHAEL D. BOWEN
AARON T. BOYER
DANIEL E. BRADY
PRYOR S. BRENNER
LISA M. BRESLOFF
NATHAN H. BREWER
EDWARD E. BRIDGES II
REBECCA E. BRIZZELL
LEE J. BROCK
JASON P. BROWDER
KRISTEN I. BRUNO
TODD A. BRUNO
BRUCE A. BURKETT
MATTHEW C. CALDWELL
DALE C. CAPENER
CARRIE L. CARLIN
LATISHA N. CARTERBLANKS
SANDRA L. CASTLEOH
KATHERINE M. CEBE
LAURA P. CEBE
VICTOR C. CHANG
CLAYTON W. CHEN
STEVE I. CHEN
ANDREW Y. CHOI
KASI M. CHU
WILLIAM Y. CHU
BETH Z. CLARK
JOHN F. COLEMAN
JEREMY H. CONKLIN
NIKI K. CONLIN
CASEY L. COTANT
JESSICA J. COWDEN
KIMBERLY M. COYNE
JESSICA W. CROWDER
KATIE M. CROWDER
MICHAEL W. CROWDER
SHAWN P. CULLEN
BRYAN C. CURTIS
DEBORAH S. CZARSKI
THOMAS DAHL, JR.
JAMES M. DAHLE
EDDIE D. DAVENPORT
KATHLEEN M. DAVEY
SAMUEL M. DAVIS
ALEXEI O. DECASTRO
KATE B. DEISSEROTH
CHRISTOPHER J. DENNIS
JEFFREY D. DILLON
VISHAL S. DOCTOR
KELLY J. DOERZBACHER
ANGELA J. DOTY
STEVE L. DUFFY
MATTHEW D. EBERLY
HILLARY A. ELINS

JARED C. ELLER
CARLOS A. ENAMORADO
ELIZABETH A. ERICKSON
MICHAEL D. ERLANDSON
MIECHIA A. ESCO
ASHLEY J. FALK
BRYAN A. FARFORD
ROBINSON M. FERRE
AARON M. FIELDS
SCOTT R. FILIPPINO
TERESA L. FINNILA
LUISSA V. FISTEAGKIPRONO
ANNA M. FLINN
JOSEPH P. FORESTER
MICHAEL R. FRAYSER
ROBERT M. FROHM
AMY E. GAMMILL
JAY A. GEARY
ERIC A. GIL
CHRIS K. GOLD
MATTHEW D. GOLDMAN
BRIAN T. GOODMAN
ERIK D. GOODWYN
DAVID K. GORDON II
CLAIRE H. GOULD
ARTHUR J. GREENWOOD
STEPHEN M. HAGBERG
SCOTT I. HAGEDORN
HEATHER A. HALVORSON
PHILIP A. HAM, JR.
MARIE J. HAN
MATTHEW C. HANN
SHANA L. HANSEN
TRACY E. HARDWICK
RUSSELL B. HARRISON
CHAD W. HARSTON
CHANCE J. HENDERSON
DANA J. HESS
KENISHA R. HILL
BRIAN L. HOLT
MARC D. HOPKINS
ANDREW Y. HSING
MATTHEW L. HUDKINS
ALAP R. JANI
MACK A. JENKINS
SCOTT T. JENSEN
SEAN L. JERSEY
BRIAN S. JOHNSTON
COURTNEY A. JUDD
KURTIS A. JUDSON
HOON C. JUNG
ERIC W. KADERBEK
GREGORY C. KAHL
JOHNSON C. KAY
DICKRAN G. KAZANDJIAN
SHANNON R. KENNEDY
NURANI M. KESTER
RONALD J. KHOURY
MARY A. KIEL
JULIANE B. KIM
JEREMY A. KING
MELISSA R. KING
RAYMOND R. KNISLEY
CRAIG D. KOLASCH
GEORGE H. KOTTI III
ANDREW J. KREPPEL
MARK E. KROMER
CHRISTOPHER J. KURZ
CAROLYN S. LACEY
BRADLEY J. LACHEY
DANIEL L. LAMAR
COURTNEY A. LANDRY
TIMOTHY H. LANGAN
JASON G. LANGENFELD
JEFFREY S. LAROCHELLE
MICHAEL J. LATTEIER
GRANT E. LATTIN, JR.
ARTHUR N. LAWRANCE
VU H. LE
MICHAEL J. LEPESKA
DALILA W. LEWIS
DARRON LEWIS
ARNOLD K. LIM
JEN L. LIN
HENRY C. LIU
JOSEPH E. LOTTERHOS, JR.
SETH A. LOTTERMAN
MARCUS C. LUCE
GABRIEL C. LURVEY
BRUCE A. LYNCH
CELESTINE A. MARARAC
JASON C. MASSENGILL
PETER E. MATTHEWS
MELISSA M. MAURO
JONATHAN J. MAYER
SHANNAN E. MCCANN
SHANE N. MCCAULEY
MEGAN E. MCCHESNEY
SHAWN M. MCFARLAND
GERALD B. MCLAUGHLIN
MICHAEL A. MEEKER
RYAN G. MIHATA
JONATHAN S. MILLER
MICHELLE R. MILNER
ARASH K. MOMENI
DERRICK A. MONTGOMERY
MICHAEL W. NASH
BRIAN S. NAYLOR
ADAM J. NEWELL
CHAU H. NGUYEN
PARKER P. NIEMANN
RAQUEL N. NIEVES
CAROLINA D. NISENOFF
RAFAEL NORIEGA
JOHN M. OBERLIN
JAMES B. ODONE
DANIEL J. OSBORNE
LUKE R. PERRIN
ANDREW N. PIKE
ALEXANDER M. PISATURO
BRIAN J. PLASIL
NICHOLAS A. PLAXTON
WILLIAM L. POMEROY III
JOHN M. POPE
JESSICA F. POWERS
RONALD J. QUAM
ERIC T. RABENSTEIN
BRIAN T. RAGEL
ANAND RAO
TEMPLE A. RATCLIFFE
SVEN E. RAYMOND
DARA D. REGN
JENNIFER C. REODICA
GREGORY K. RICHERT
OWEN W. ROBERTS
BLAKE C. RODGERS
BRIAN G. ROGERS
DANIEL A. ROHWEDER
CHRISTOPHER A. ROUSE
GREENE D. ROYSTER IV
GABRIEL J. RULEWICZ
THOMAS L. SALSBURY
DILLON J. SAVARD
MICAH D. SCHMIDT
TODD A. SCHWARTZLOW
JEDD A. SEIGERMAN
KATHRYNE L. SENECHAL
ANAND D. SHAH
ZULFIQAR A. SHAH
FRANK R. SHARF
CHARMAINE K. SHEN
HEATHER M. SILVERS
KRISTIN L. SILVIA
MARVIN H. SINEATH, JR.
MICHELLE T. SIT
TIMOTHY B. SKELTON
ANITA R. SMITH
SHANDA J. SMITH
MATTHEW J. SNYDER
TIMOTHY A. SPENCE
JADE M. SPURGEON
MARK C. STAHL
JENNIFER A. STANGLE
BRIAN C. STAPINSKI
LESLIE E. STAPP
MEGAN B. STEIGELMAN
SHANE C. STEINER
JACOB T. STEPHENSON
CHAD M. STINE
ALLEN E. STOYE, JR.
TIMOTHY J. STRIGENZ
JOSEPH J. STUART
JERRY M. SURIANO
JOHN T. SWICK II
VINCENT C. TANG
JASON L. TAYLOR
MATTHEW TERZELLA
JOHN M. THIESZEN
CAMERON M. THURMAN
MOLLY A. TILLEY
TERRILL L. TOPS
CARLA E. TORRES
ELIZABETH P. TRAN
VINH Q. TRAN
LYNETTE D. TURAY
KEVIN J. TURNEAU
AMBER M. TYLER
JAMES B. TYLER
RYAN P. TYNER
ANNE K. VANHORNE
ERIC W. VAUGHAN
SARAH N. VICK
MARK B. WALL
MATTHEW C. WALLACE
GRAHAM I. WARDEN
DERON T. WARREN
LEZLIE R. WARREN
JOHN K. WEBB
SU C. WEBER
CICELY W. WHITE
CHRISTOPHER J. WILHELM
ALAN J. WILLIAMSON
JERRY S. WILSON
STEPHANIE E. WILSON
KENNETH W. WINKLER
FINBAR F. WOITALLA
LAUREN J. WOLF
MATTHEW J. WOLF
ROCHELLE S. WOLFE
ELY A. WOLIN
JAIMA P. WOODIWISS
VALERIE J. WREDE
KRISTEN M. WYRICK
JOSHUA Y. YOUNG
MARY ZACHARIAHKURIAN
BRIAN W. ZAGOL
SCOTT A. ZAKALUZNY

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

KEITH L. FERGUSON

## CONFIRMATION

Executive nomination confirmed by the Senate March 3, 2008:

### DEPARTMENT OF JUSTICE

MARK R. FILIP, OF ILLINOIS, TO BE DEPUTY ATTORNEY GENERAL.

# EXTENSIONS OF REMARKS

## CELEBRATING THE PEACE CORPS VOLUNTEERS OF PENNSYLVANIA'S 7TH DISTRICT

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. SESTAK. Madam Speaker, since then Senator John F. Kennedy established the Peace Corps in 1961, more than 190,000 U.S. citizens from all walks of life have served their country in the cause of peace by living and working side by side with our friends in 139 developing countries around the world. Our volunteers, representing the rich diversity of the American people, have helped those in need, promoted cross-cultural understanding, and created bonds of friendship that will last a lifetime.

I rise today to honor these brave volunteers and to commemorate this as National Peace Corps Week, marking the 47th Anniversary of the Peace Corps on March 1, 2008.

As of September 2007, 8,079 Peace Corps volunteers are currently at 68 posts serving 74 countries, a 37-year high in program participation. Additionally, the Peace Corps has seen an increase in minority recruitment, with minorities now comprising 17 percent of all volunteers. The volunteers have made significant and lasting global contributions in agriculture, business development, information technology, education, health and HIV/AIDS, youth, and the environment. Returned volunteers often use the skills they acquire abroad to pursue careers in the U.S. Congress, the Executive branch, and the Foreign Service.

I am proud to recognize the 16 volunteers from the 7th District of Pennsylvania who are currently serving their country and the world as Peace Corps volunteers and ask unanimous consent that their names be submitted for the RECORD: Justin M. Berman, Eric B. Geer, Tiffany I. Green, Katharine C. Heaton, Eli R. Heller, Bibi R. Khan, Thomas R. Kuklinski, John C. Langdon, James M. Lasak, Richard J. Liuzzi, John Paul Nicewinter, John F. Reilly, Chrystal L. Smith, Laura M. Urbanski, Maria E. Velez, and Sarah M. Young.

I ask my colleagues to join me in commemorating National Peace Corps Week and to celebrate all our dedicated volunteers' important work. The spirit of service and opportunity they carry with them will help create a safer, brighter future for all.

Thank you to our Peace Corps volunteers.

## PERSONAL EXPLANATION

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. GERLACH. Madam Speaker, on February 28, 2008 I stepped away from the floor and accidentally missed rollcall 86. Had I been present, I would have voted "yea," in strong support of H.R. 3936, the bill to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the Sgt. Jason Harkins Post Office Building.

## PAYING TRIBUTE TO THE LIFE OF DR. M. ELIZABETH CARNEGIE

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to the life of Dr. M. Elizabeth Carnegie, a champion of the cause of Black nurses, who passed away on February 20, 2008.

Born on April 19, 1916 in Baltimore Maryland, Dr. Carnegie received her initial nursing education through a diploma program. However, she went on to obtain her B.A. from West Virginia State College, and M.A. from Syracuse University, and a D.P.A. from New York University.

Some of Dr. Carnegie's major accomplishments include working on the editorial staff of the American Journal of Nursing, including being editor of nursing research during her last 5 years The third edition of her award winning book, the Path We Tread: Blacks in Nursing Worldwide, 1834–1994, has been published by the National League for Nursing, New York, and continues to be a critical source of the history of Blacks in nursing. In addition, she has had six honorary doctoral degrees bestowed upon her and held eight distinguished professorships and two endowed chairs at leading universities throughout the country The M. Elizabeth Carnegie Endowed Chair in Nursing Health Disparities has been established in the Howard University Division of Nursing.

Dr. Carnegie's affiliations include being past national officer of Delta Sigma Theta Sorority: chairperson emerita, American Nurses' Association Minority Fellowship Program Advisory Committee, board member. Nurses' Educational Funds: past president. American Academy of Nursing; member. National Black Nurses' Association: member. American Association for the History of Nursing. and past board member. Sigma Theta Tau International Honor Society of Nursing. Dr. Carnegie was inducted into the Hall of Fame of the American Nurses' Association in June 2000.

Dr. Carnegie has been the recipient of numerous honors and awards, including the ANA Mary Mahoney Award; American Academy of Nursing Legend Award; and the Lillian D. Wald Award, New York Visiting Nurses Service.

Throughout her life, Dr. Carnegie fought against injustice and prejudice in the nursing profession, wherever she found it. She worked vigorously to ensure educational opportunites for Black nurses. When the Florida State Nurses' Association, FSNA, finally admitted blacks, Dr. Carnegie became a member of the board without the full rights of board membership. Her ongoing personality and determination to be heard led the board to grant her full rights within the FSNA. She was not a major figure in Black history, and most people do not know about her contributions, yet she had an indelible impact on the world. Today we pay tribute to the legacy she leaves behind in the field of nursing.

## THE 47TH ANNIVERSARY OF THE PEACE CORPS

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. GINGREY. Madam Speaker, I rise today to honor the 47th anniversary of the Peace Corps, which occurred on Saturday, March 1.

Since its establishment in 1961, more than 190,000 United States citizens have served our Nation in the cause of peace by living and working in 139 developing countries, worldwide. Coming from all walks of life, these public servants have furthered the message of peace and freedom as they developed long-lasting relationships and good-will with nations around the world.

Madam Speaker, I would specifically like to recognize the efforts of individuals of Georgia's 11th District, who are currently serving with the Peace Corps. I want to personally thank David Egetter, who is furthering the message of peace in Honduras, Hannah Garland, who is serving in Micronesia, Wilbert Newhall, serving in Tanzania, Katy Nicholson, serving in Albania, and Davin Stogner, serving in Vanuatu.

Madam Speaker, I hope that all of my colleagues will join me in thanking all of our Nation's eight thousand plus Peace Corps volunteers for their work to advance the ideals upon which our great Nation was founded.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## HONORING THEODORE "TED" SCHWARTZ AND JOHN W. ROWE UPON RECEIVING THE ILLINOIS HOLOCAUST MUSEUM AND EDUCATION CENTER'S 2008 HUMANITARIAN AWARD

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. EMANUEL. Madam Speaker, I rise today to congratulate the recipients of the Illinois Holocaust Museum and Education Center's 2008 Humanitarian Award: Mr. Theodore "Ted" Schwartz, and Mr. John W. Rowe. This award recognizes their civic leadership and outstanding contributions to the Jewish community.

Mr. Rowe is an active leader in his community and deeply involved with Chicago-area civic organizations and educational institutions. Among his roles, he works on behalf of Urban League Chicago, Straight Talk America, the Economic Club of Chicago, and the Chicago Historical Society. Additionally, I am proud to call John a good friend.

John excels professionally as the chairman, president, and CEO of Chicago-based Exelon Corporation, one of the Nation's largest energy companies, with over 17,000 employees. Under Mr. Rowe's direction, Exelon was named the Nation's best utility company in Forbes Magazine's 2005 list of "The Best Managed Companies in America."

Mr. Theodore Schwartz is a lifelong Chicagoan, whose entrepreneurship and determination has led to the creation of hundreds of jobs in the Chicago-area. Mr. Schwartz's company, APAC Customer Services, founded in 1973, has grown into one of the largest, and most successful teleservice companies in the Nation.

Mr. Schwartz's vision and ingenuity led him to become one of the most respected figures in the teleservice industry, and he has been rewarded with several honors, including the Illinois High Tech Entrepreneur Award, induction into the American Teleservices Association Hall of Fame, the Call Center Solutions Hall of Fame, and the University of Illinois Entrepreneur Hall of Fame.

The Illinois Holocaust Museum and Education Center was founded by Holocaust survivors more than 25 years ago in order to preserve the history of the Holocaust, teach new generations about the dangers of hate, and honor the lives of the millions who perished. This award celebrates two men who have helped make the mission of the Center a reality.

Madam Speaker, I am proud to honor Mr. Rowe and Mr. Schwartz upon receiving this award. Their efforts have helped the Illinois Holocaust Museum and Education Center to thrive. Congratulations to John and Ted on receiving the Humanitarian Award, and I wish you both the best of luck in your future endeavors.

## HONORING THE LIFE OF WILLIAM F. BUCKLEY, JR.

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor the life of an American icon, William F. Buckley, Jr.

In many ways, William F. Buckley, Jr., defined the conservative movement in the latter part of the twentieth century. Founding the National Review in 1955, and hosting the political commentary show "Firing Line" from 1966 to 1999, William F. Buckley, Jr., brought conservative thought into the limelight and made it accessible to all of America.

His principles of smaller government, lower taxes, and balanced budgets were the foundation for the Contract with America, the Republican platform in the 1994 elections which brought Republicans into the majority in the House of Representatives for the first time in 40 years. I was a member of the House's freshman class in 1994, thanks in large part to Mr. Buckley's conservative vision.

William F. Buckley graduated from Yale University in 1950, having been editor-in-chief of the Yale Daily News. That year he married Patricia Alden Austin "Pat" Taylor. A year later, Buckley published his first book, "God and Man at Yale," criticizing his alma mater for abandoning its original educational mission. William F. Buckley was also a vociferous defender of Senator Joseph McCarthy, writing "McCarthy and his Enemies" in 1954 to debunk many of the false allegations aimed at Senator McCarthy's outspoken opposition to communism in America.

Many Americans' primary interaction with Mr. Buckley's views came from watching his television show, "Firing Line." Every week, William showed the kind of fair, open-minded, deliberate thinking embodied in conservative thought. He often engaged his guests—from both the right and left spectrums of political thought—in the kind of discourse that is too often missing in modern political discussions.

Buckley's magazine, the National Review, has been an equally successful standard-bearer for conservative thought. His biweekly column, "On the Right," was published in more than 320 newspapers around the country, bringing his ideas to even more households.

William F. Buckley died on February 28, 2008, in the study of his home in Stamford, Connecticut. He will be dearly missed, but his place in history will not soon be forgotten.

## HONORING THE FRANKLIN HIGH SCHOOL CHEERLEADERS

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mrs. BLACKBURN. Madam Speaker, today I rise to congratulate the Franklin High School Varsity Cheerleaders, of Franklin, Tennessee, on their excellent teamwork and recent second place finish at the 2008 UCA National High School Cheerleading Championships in Orlando. Competing against over 80 teams in the Medium Varsity Division, the well-trained team quickly rose to the top tier and garnered a silver medal finish. Additionally, the FHS cheerleaders won the "Smooth Moves Award" for displaying the best partner stunt sequences in their division.

This national recognition has brought well-deserved attention and accolades to these girls, whose hard work and team spirit are evident to all. The Franklin High School cheerleaders can be seen on ESPN this Sunday afternoon, representing with energy and distinction the City of Franklin and the great state of Tennessee. I ask my colleagues to join me in commending the Franklin High School Varsity Cheerleaders for their discipline, perseverance, and athletic excellence.

## A TRIBUTE TO PATRICIA RUTH HILL

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. TOWNS, Madam Speaker, I rise today to pay tribute to Patricia Ruth Hill. Patricia was born in Kane, Pennsylvania, a small city about 60 miles south of Pittsburgh to Mr. Ernest Smith and Mrs. Ruth Collins Smith. She is one of four children with two sisters; Ernestine "Jo" Barham and Creeta "Petie" Owens; and one brother Dr. Ernest H. Smith, Jr.

Patricia is a graduate of Oil City High School's class of 1945 and the Harlem Hospital School of Nursing. Patricia is a retired registered nurse who has been recognized numerous times for her community involvement as the editor of a newsletter, block club captain, and a member of the Ilion avenue Area Block Association.

Patricia is the devoted wife of Arthur Burit Hill, Sr., devoted mother to Arthur Burit Hill, Jr., Ernest Eldred Hill, Victoria Ruth Hill, and Joanne Elaina Hill; as well as devoted grandmother to Drew Timberlake Hill.

Patricia, a two-time cancer survivor enjoys knitting, traveling, and helping to raise her grandson.

Madam Speaker, I would like to recognize this wonderful woman for all that she has accomplished.

Madam Speaker, I urge my colleagues to join me in paying tribute to the Patricia Ruth Hill.

## PERSONAL EXPLANATION

### HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. FLAKE. Madam Speaker, I respectfully request the opportunity to record my position on rollcall votes 43, 44, and 45. I was regrettably absent from the chamber on February 12 during rollcall votes 43, 44, and 45. Had I been present, I would have voted "yea" on rollcall 43, "yea" on rollcall 44, and "yea" on rollcall 45.

## RECOGNIZING CHELSEA BATEMAN

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. COURTNEY. Madam Speaker, I rise today to recognize an exemplary student Ledyard, Connecticut, Chelsea Bateman. On March 3 and 4, 2008. Chelsea will represent Connecticut in this year's Veterans of Foreign Wars, VFW, Voice of Democracy national scholarship competition in Washington, DC.

For over six decades, the VFW has hosted the Voice of Democracy scholarship program for high school students from around the Nation. Every year, this program encourages students to reflect on ideas of patriotism and democracy in their essays. Thousands of students from Connecticut and across the Nation submitted responses to the 2007–2008 theme, "My Role in Honoring America's Veterans", which were evaluated at the local, regional, and State levels. Chelsea's audio essay was selected among thousands of submissions to represent the State of Connecticut at the VFW's Voice of Democracy national scholarship competition in Washington, DC.

Chelsea's response to this year's theme, "My Role in Honoring America's Veterans", explores the significance of common, everyday actions that we all can take to honor our Nation's veterans. She contends that honoring our veterans in national day of celebration is important, but extending our support in simple everyday actions is perhaps the best way that we can display our gratitude.

Chelsea reflects on these ideas, discussing a visit to her WWII veteran grandfather, Pepe, at his retirement home. On the visit, she realized the impact of the smallest encouraging gesture from a nurse and the simple act of the family's visit had on her veteran grandfather. Through expressions of love, encouragement, and general thoughtfulness we are all able to honor America's veterans.

Simple actions can produce profound effects. Chelsea's insights will not only work to honor America's veterans, but will produce a kinder, more thoughtful society. Madam Speaker, I ask that my colleagues to join with me and my constituents in recognizing Chelsea's achievement and fulfilling her ideas on honoring our Nation's veterans.

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## RECOGNIZING THE HISTORIC CONTRIBUTIONS FROM AFRICA

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. RANGEL. Madam Speaker, I rise today to pay special tribute to the historical contributions that Africa has made to civilization. Too often their contributions are overlooked. Rulers and leaders such as Tenhamenin, Sonni Ali, Abram Hannibal, Chaka. Nelson Mandela, Julius Nyerre and Kwame Nkrumah, just to name a few, are often briefly mentioned or forgotten. Africa is a diverse continent, with natural resources, growth opportunity and a strong history, which needs more recognition and support.

In recognition of the importance of Africa, I am pleased that President George Bush has made his second trip to Africa, visiting Benin, Tanzania, Rwanda, Ghana and Liberia to encourage and support these countries' government stability and economic growth potential. During the spring district work period, March 17–26, 2008, I am leading a bipartisan Committee on Ways and Means delegation to South Africa, Lesotho, Uganda, Ghana and Mali to meet with government officials in regard to broadening and deepening trade and economic ties between the United States and sub-Saharan Africa.

As a result of the President's visit to Africa and mine, I hope that Americans will become more aware of the contributions made by Africans and the importance of this great continent so that their contributions to civilization will no longer be ignored or forgotten.

[From the Caribbean News]

STORIES TO BE TOLD AND CHAPTERS TO ENSURE THAT AFRICAN CONTRIBUTION TO HUMAN CIVILIZATION BECOMES COMMON KNOWLEDGE AROUND THE WORLD

(By Tony Best)

Turn back the hands of time.

It's 1066 and the man history later dubbed "William the Conqueror," the illegitimate son of Duke Robert of Normandy, invaded England to claim what he saw was his inheritance and was crowned King on Christmas Day of that year.

At the same time, Tenhamenin, the ruler of the vast Ghana Empire, could place 200,000 warriors on the field of battle in Africa and with precision and military strategy take on all adversaries.

Fast forward to 1488, a period of feudalism in Europe. It was in that year that the rulers of Songhay, the third of the great African empires, conquered Mali and took control of the fabled City of Timbuktu, the site of the University of Sankore, an important international center of learning in the world that attracted prominent scholars, both Black and White. These are but two nuggets of history, long hidden from global public view and scholarly research in the major universities of Europe and North America.

Chances are thousands of students at some of America's historically Black colleges and universities will hear this month much about the empires of Ghana, Mali, Songhay and Kanem that thrived on the African continent between the year 1000 and 16th century, promoting trade, developing seats of learning and fostering the use of precio.

The focus on Black achievement in February brings to center-stage the vital and multi-faceted roles played by peoples of African descent in advancing human development globally. From their ancestral homeland in Africa to North America, the Caribbean, Latin America and other parts of the world, people of color have been instrumental in improving the daily lives of human beings everywhere.

It's a contribution that has been deliberately ignored, downplayed or distorted by many white historians and archeologists. Hence, the value of Black History Month in North America.

Names that run the gamut from Pianky, the military genius and Black King of Nubia who conquered Egypt around 700 BC; Antar, the African-Arabian poet and story teller; Sonni Ali, the 15th century warrior king of Songhay, and Abram Hannibal, the soldier and commander of 18th century Russia to Chaka who led and forged the proud Black nation of South until his assassination in 1828 and Estavancio, Arizona's African "discoverer," dot the page of history.

Their presence and deeds underscore an essential reality: Blacks have been part and parcel of world history, present from exploration and revolution to scientific and other technological achievements.

Along with the Hittites, Blacks from Africa pioneered in the making of iron, fashioned precious stones into historic ornaments, statues and valuable works of art and used oil-bearing plants for both medicinal and dietary purposes.

They developed cereal and transformed a wild plant into cotton, thus opening up the world the art of weaving.

They were among the world's first farmers, producing wheat, groundnuts, yams, watermelons and possibly coffee.

During the heydays of Greek civilization, when Herodotus, the famous historian wrote about the "Black and curly-haired" soldiers in the army of Xerxes around 480 BC and when the Roman Empire was at its heights and Kush was an African province of Rome in the 4th century A.D. Blacks weren't ignored.

In much later times when the Empires of Ghana, Mali, Songhay and Kanem and when Europe was experiencing the "Dark Ages," African states were flourishing with established governmental systems, proud universities and successful commercial activity.

Today. after centuries of colonial and imperial domination, Africa is emerging as a region with immense potential that can be an example to the rest of the world in the decades ahead.

After being brutalized by 19th and 20th century European expansionism, civilization and bigotry, the African continent succeeded in gaining self-rule, beginning with Ghana in 1957. In the decades since then, a mix of the residual and pernicious effects of colonialism and dictatorial rule, derailed many of the dreams of hundreds of millions of people in Africa and stifled progress.

But things have changed. More countries have embraced open government, are abiding by the rule of law, the will of the people and are harnessing their vast human and natural resources for the upliftment of all.

In addition, towering international figures, including Nelson Mandela, a global hero of courage and principle, the late Julius Nyerre, the first President of Tanzania, Kwame Nkrumah. who led the way by becoming the first African in the 20th century to Head an independent nation as colonial rule began to crumble and Jomo Kenyatta of Kenya, have taken their rightful places as leaders who gave direction and purpose to the international community.

Unfortunately though, Kenya suffered a severe setback in December 2007, when a scandalous hijacking of the presidential elections by supporters of the incumbent leader, Mwai Kibaki, triggered a bloodbath that left almost 1,000 dead and hundreds of thousands of Kenyans homeless.

But that is expected to be a temporary setback along the road of progress.

As the story of the exploits of Black people emerges from the bottom draw of history which recorded by Whites, especially Europeans, the accurate picture that surfaces is one not simply of grandeur of days past but of concrete achievement and of a bright future.

## HONORING ROSLYN McCALLISTER BROCK

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in honoring Roslyn McCallister Brock, vice chairman of the National Association for the Advancement of Colored People board of directors and a member of their National Board of Trustees. Roslyn will be the keynote speaker at the Flint Branch-NAACP's 27th annual Freedom Fund dinner on March 1, 2008.

After graduating magna cum laude from Virginia Union University, Roslyn earned her master's degree in health services administration from George Washington University and an MBA from the Kellogg School of Management at Northwestern University. She worked with the health programs at the W.K. Kellogg Foundation for 10 years and is currently the director of system fund development at Bon Secours Health System, Incorporated.

Roslyn McCallister Brock is the youngest person and first woman elected to the vice chair position in the history of the NAACP. After holding several leadership positions with the NAACP, she was elected unanimously to this position in February 2001 at the age of 35.

In addition to this honor, Roslyn has received substantial recognition for her community service. She received the Network Journal's 2004 "40-Under-Forty Achievement Award"; Ebony Magazine's 1989 "Future Leader Award"; the 1987 Good Housekeeping "100 Young Women of Promise" Award. She was recognized in 2003, 2004, and 2005 as a Young Leaders Fellow for the National Committee on U.S.-China Relations. She has been recognized by the nominating committee of Catholic Health Association and as honorary chairperson of the National Black Family Summit. George Washington University has presented her with the Martin Luther King, Jr. Medal for Human Rights and Virginia Union University has named her an outstanding alumna.

Madam Speaker, I ask the House of Representatives to join me in honoring Roslyn McCallister Brock. Her motto is an African proverb: "Care more than others think is wise, Risk more than others think is safe, Dream more than others think is practical and Expect more than others think is possible." She embodies these words every day as she strives to enhance our society and bring about a better life for our most vulnerable citizens.

## OBSERVING THE CONTRIBUTIONS OF AFRICAN AMERICANS AND BLACK HISTORY MONTH

### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. LEWIS of Georgia. Madam Speaker, as we celebrate Black History Month, we should remember that this year is the 40th anniversary of the assassination of Dr. Martin Luther King, Jr., a man of peace, a man of love, a man of nonviolence. We should pause in thanks for the great contributions he made to make our country a better place. What he did in organizing and leading the Montgomery Bus Boycott more than 50 years ago, liberated not just a people but an entire nation.

Dr. King followed in the tradition of a very long and distinguished list of men and women who made unbelievable contributions to America and the world at large. The life works and contributions of these people continue to inspire us and will inspire generations yet to be born. Whether in education, sports, politics, business, medicine, the arts and sciences, one can turn the pages and see these unbelievable individuals' faces as part of our history. These individuals, whether it's Jackie Robinson, Booker T. Washington, George Washington Carver, Ralph Bunche, Rosa Parks, Joe Louis, they are all members of a cadre that must be looked upon as contributors to a better America. At this point, this juncture, we celebrate their lives and their contributions.

## A TRIBUTE TO RUBY N. HOLMES

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to the achievements and celebrate the 80th birthday of Ruby N. Holmes. Born in Laurens, South Carolina in 1928, Ruby was raised in a large share-cropping family. Her father was a minister and her mom a missionary.

Ruby migrated to New York City in the late 1940s after becoming the first of 14 children to graduate college. She attended Allen University in Columbia, South Carolina where she became a member of Alpha Kappa Alpha Sorority, Inc. Ruby then earned a bachelor's degree in education from Pace University and a master's degree in early childhood education from Adelphi University.

Ruby married Martin L. Holmes, now deceased, after settling in Brooklyn and raised a family in the Farragut Houses. When her children were school aged, she began a career as an early childhood educator, working 30 years at the Brevoort Children's Center as a group teacher before her retirement.

Ruby is a member of the Church of the Open Door. She is the former Women's Day chairperson; a trustee; Sunday school teacher; member of the Silver Singers; Open Book Club; the Anna and James Ministry; as well as member and past coordinator of the Senior's Ministry. She is involved in social action in her community and is a former member of the Farragut Community Board.

Ruby is the mother of two daughters Karen and Cheryl Holmes. She is also the grandgodmother to Paul Williams and Schuyler Burke.

Madam Speaker, I would like to recognize Ruby N. Holmes, on her 80th birthday and let her know how much she is appreciated by all of those whose lives she has touched.

Madam Speaker, I urge my colleagues to join me in paying tribute to Ruby N. Holmes.

## RECOGNIZING RICHARD TULISANO

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 3, 2008*

Mr. COURTNEY. Madam Speaker, I rise today to recognize and celebrate the life and political legacy of former Connecticut State representative, Richard Tulisano. Richard passed away on Wednesday, February 20, 2008.

Richard was a giant in Connecticut State politics for over three decades. His political career began in 1976 when he was elected to represent the 29th District in Connecticut's General Assembly. During his tenure, he served as the chairman for the judiciary committee from 1979 to 1985 and 1987 to 1993 and the house majority whip until his retirement in 2001. Following retirement from the General Assembly, he served as chief of staff for House Speaker Moira Lyons, a position he would retain until his passing.

I had the privilege to serve with Richard during my tenure in Connecticut's General Assembly and saw firsthand his fearless defense of individual rights, freedom of speech, and tenacious advocacy for "the little guy." He was known at times for a gruff exterior, but beneath it was a heart of pure gold. He taught me a lot about being a good legislator, but even more important about being a good person.

The outpouring of people and accolades in the wake of his passing was a testament of how revered and admired he was. Also his wife Beverley was as much a part of his wonderful life story. Madam Speaker, I ask my colleagues to join with me and my constituents in celebrating Richard's life and offering condolences to his family.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 4, 2008 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### MARCH 5

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Air Force, and the future years defense program.

SH–216

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy.

SD–124

Foreign Relations

To hold hearings to examine strengthening national security, focusing on smart power and military perspective.

SD–419

Health, Education, Labor, and Pensions

Business meeting to consider S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatal and postnatal diagnosed conditions, S. 999, to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation, S. 1760, to amend the Public Health Service Act with respect to the Healthy Start Initiative, H.R. 20, to provide for research on, and services for individuals with, postpartum depression and psychosis, and S. 1042, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly, and any pending nominations.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine census in peril, focusing on getting the 2010 decennial back on track.

SD–342

10 a.m.

Judiciary

To continue oversight hearings to examine the Federal Bureau of Investigation.

SD–106

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of the Navy.

SD–192

Health, Education, Labor, and Pensions

To hold hearings to examine the rising cost of heating homes, focusing on Low Income Home Energy Assistance Program (LIHEAP).

SD–430

Aging

To hold hearings to examine elderly hunger in America, focusing on the steps needed to prevent this now and in the future.

SD–562

11:15 a.m.

Energy and Natural Resources

Business meeting to consider the nomination of J. Gregory Copeland, of Texas, to be General Counsel of the Department of Energy.

SD–366

2:30 p.m.

Budget

Business meeting to markup the concurrent resolution on the budget for fiscal year 2009.

SD–608

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the state of the United States Postal Service one year after reform.

SD–342

Armed Services

Personnel Subcommittee

To hold hearings to examine the findings and recommendations of the Department of Defense Task Force on Mental Health, the Army's Mental Health Advisory Team reports, and Department of Defense and service-wide improvements in mental health resources, including suicide prevention, for servicemembers and their families.

SR–232A

3 p.m.

Energy and Natural Resources

To hold an oversight hearing to examine the initial amendment between the United States and the Russian Federation on the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation.

SD–366

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Treasury.

SD–138

### MARCH 6

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009 for the U.S. Southern and Northern Command, and the future years defense program.

SH–216

Veterans' Affairs

To hold joint hearings with the House Veterans Affairs Committee to examine a sundry of associations outlook on veterans affairs issues.

345–CHOB

Joint Economic Committee

To hold hearings with the House Committee on Oversight and Government Reform Subcommittee of Federal Workforce, Postal Service, and the District of Columbia to examine investing in the future of the federal workforce, focusing on paid parental leave to improve recruitment and retention.

2154–RHOB

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine reforming the regulation of government sponsored enterprises.

SD–538

Budget

Business meeting to continue markup of the concurrent resolution on the budget for fiscal year 2009.

Room to be announced

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Commerce.

SD–138

Finance

To hold hearings to examine the Administration's 2008 trade agenda.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine unemployment in the economy, focusing on ways to secure families and build opportunities.

SD–430

Indian Affairs

To hold hearings to examine the state of facilities in Indian country jails, schools, and health facilities.

SD–628

Judiciary

Business meeting to consider S. 2304, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, S. 2449, to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, S. 352, to provide for media coverage of Federal court proceedings, S. 2136, to address the treatment of primary mortgages in bankruptcy, S. 2133, to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, S. 2041, to amend the False Claims Act, S. 2533, to enact a safe, fair, and responsible state secrets privilege Act, and the nominations of Kevin J. O'Connor, of Connecticut, to be Associate Attorney General, and Gregory G. Katsas, of Massachusetts, to be an Assistant Attorney General, both of the Department of Justice, Brian Stacy Miller, of to be United States District Judge for the Eastern District of Arkansas, James Randal Hall, to be United States District Judge for the Southern District of Georgia, William Joseph Hawe, to be United States Marshal for the Western District of Washington, Stanley Thomas Anderson, to be United States District Judge for the Western District of Tennessee, and John A. Mendez, to be United States District Judge for the Eastern District of California.

SD–226

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Transportation.

SD–192

10:30 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the U.S. Coast Guard and conduct oversight.
SR–253

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

### MARCH 7

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the current employment situation of 2008.
SD–628

### MARCH 11

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for U.S. Pacific Command and U.S. Forces in Korea, and the future years defense program.
SH–216

Veterans' Affairs
To hold an oversight hearing to examine Veterans Affairs and the Department of Defense cooperation and collaboration, focusing on caring for families of wounded warriors.
SR–418

10 a.m.
Environment and Public Works
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the U.S. Army Corps of Engineers Civil Works Program, and the implementation of the Water Resources Development Act (WRDA) of 2007 (Public Law 110–114).
SD–406

Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2009 to support U.S. basic research.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the Department of Transportation's Cross-Truck pilot program.
SR–253

Judiciary
To hold hearings to examine the nomination of Grace C. Becker, of New York, to be Assistant Attorney General for the Civil Rights Division, Department of Justice.
SD–226

### MARCH 12

9:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
To receive a briefing on the current readiness of the armed forces of the United States.
SH–219

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Housing and Urban Development and conduct oversight.
SD–538

Rules and Administration
To hold hearings to examine issues relative to in-person voter fraud and voter disenfranchisement.
SR–301

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine strategic forces programs in review of the defense authorization request for fiscal year 2009 and the future years defense program.
SR–232A

1:30 p.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine the gross domestic product as a measurement of national strength.
SR–253

2 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009, for the strategic lift programs, and the future years defense program.
SR–222

2:15 p.m.
Energy and Natural Resources
To hold hearings to examine hardrock mining, focusing on issues relating to abandoned mine lands and uranium mining.
SD–366

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine technologies to combat weapons of mass destruction.
SD–106

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs.
SR–232A

### MARCH 13

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for the United States European Command and the United States Afican Command, and the future years defense program.
SH–216

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009 for the current readiness of the armed forces, and the future years defense program.
SR–232A

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009 for the Cooperative Threat Reduction Program and the Proliferation Security Initiative at the Department of Defense, and nuclear nonproliferation programs at the National Security Administration, and the future years defense program.
SR–222

Commerce, Science, and Transportation
Fisheries and Coast Guard Subcommittee
To hold hearings to examine proposed budget request for fiscal year 2009 for the National Oceanic and Atmospheric Administration (NOAA).
SR–253

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine old-growth forest science, focusing on policy and management in the Pacific Northwest region.
SD–366

### APRIL 8

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Federal Trade Commission reauthorization.
SR–253